



**WALNUT CREEK PD
GENERAL OFFENSE HARDCOPY**

GO# 2012-42811 CLOSED

01-000 PC 187 HOMICIDE

General Offense Information

Operational status: **CLOSED**
Reported on: **Dec-27-2012 (Thu.) 313**
Occurred on: **Dec-27-2012 (Thu.) 313**
Approved on: **Jan-29-2013 (Tue.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Report submitted by: **P376 - LEONARD, GREG**
Org unit: **PERSONS UNIT**
Address: **1450 CREEKSIDE DR** Apartment: **60**
Place: **in DIABLO POINT APARTMENTS**
Municipality: **WALNUT CREEK**
District: **1** Beat: **1** Grid: **405**
Felony/Misdemeanor: **FELONY**
Family violence: **No**

Offenses (Completed/Attempted)

Offense: # **1** **01-000 PC 187 HOMICIDE - COMPLETED**
Location: **RESIDENCE/HOME**
Offender suspected of using: **NOT APPLICABLE**
Weapon type: **HANDGUN**
Bias: **NONE (no bias)**
Offense: # **2** **04-009 ADW AGGRAVATED ASSAULT - COMPLETED**
Location: **RESIDENCE/HOME**
Offender suspected of using: **NOT APPLICABLE**
Weapon type: **OTHER, KNIFE/CUTTING INSTRUMENT**
Bias: **NONE (no bias)**
Offense: # **3** **04-003 PC 245 ASSAULT-AGG POLICE OFC - COMPLETED**
Location: **RESIDENCE/HOME**
Offender suspected of using: **NOT APPLICABLE**
Weapon type: **KNIFE/CUTTING INSTRUMENT**
Bias: **NONE (no bias)**



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Related Attachment(s) - OTHER DOCUMENT

Attachment Description: **MEDICAL DISCLOSURE AUTHORIZATION**

Reference Number:

12-42811



3ROI

Please read the information on the reverse side before completing this authorization

I hereby authorize the use or disclosure of my health information as follows:

Name and address of persons/organizations authorized to disclose the information:

- John Muir Health Walnut Creek
1601 Ygnacio Valley Road, Walnut Creek CA 94598
- John Muir Health Concord
2540 East Street, Concord CA 94520
- Sierra SurgiCenter
1601 Ygnacio Valley Road, Walnut Creek, CA 94598
- Other Walnut Creek Urgent Care
120 LA CASA VIA, W.C.

1. I authorize the following persons/organizations to receive my health information (include address):
Walnut Creek Police Dept. and Contra Costa County DA.
1600 N. Main St., Walnut Creek CA

2. This authorization applies to:
 Only the following records or type of health information or specific dates of treatment
Treatment concerning assault of [REDACTED]
on or about 12/27/12.

All health information pertaining to any medical history, mental or physical condition and treatment received. Includes information related to drug, alcohol and/or psychiatric conditions or conditions pertaining to sexually transmitted diseases, including AIDS. HIV test result information will NOT be released unless specifically requested.

List specific dates of treatment needed for use/disclosure: 12/28/12 and 1/3/13 and
Exclusions: any further appts.

3. The receiver may use the medical information for the following purposes only:
Criminal Investigation - WCPD 12-42811

California law prohibits the receiver from making further disclosure of my health information unless the receiver obtains another authorization from me or unless such disclosure is specifically required or permitted by law.

4. This authorization expires: (date) _____ . If blank, authorization will expire 1 year from date of signature.

Signature: Patient Legal Representative Spouse Financially Responsible Party

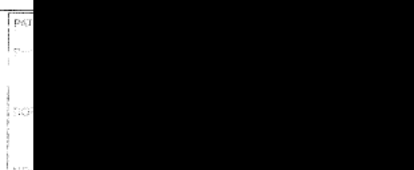
1/3/13 1:30 [Signature] 530 632 2893
DATE TIME SIGNATURE PAYMENT PHONE

RELS-36 (6/16/06)



AUTHORIZATION FOR USE/
DISCLOSURE OF PHI

WHITE - CHART YELLOW - PATIENT





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Related Attachment(s) - OTHER DOCUMENT

Attachment Description: CONSENT TO SEARCH [REDACTED]

Reference Number: [REDACTED]



12-42811

CONSENT TO SEARCH

I, [REDACTED], having been informed of my constitutional right not to have a search made of the premises and/or vehicle hereafter described without a search warrant and of my absolute right to refuse to consent to such a search, knowing that if any incriminating material is found it can be used against me in Court, do hereby authorize Greg Leonard and other WCPD officers, as well as Contra Costa County District Attorney officers of the Walnut Creek Police Department to conduct a complete search of my premises and/or Vehicle described as N/A

The above named agents are authorized by me to take from my premises and/or vehicle any letters, papers, materials or other property which they may desire.

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

Signature [Signature] Date 12-27-12
Location Walnut Creek

WITNESSES:

- Name Greg Leonard Title Detective
Date 12-27-12 Location Walnut Creek Police Dept.
- Name Darryl Holcombe Title Sr Inspector
Date 12-27-12 Location Walnut Creek Police Dept

WCPD 405 06/03



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Related Attachment(s) - CORONER'S FINDINGS/REPORT

Attachment Description: BANTA, ANTHONY

Reference Number:

Received: Aug 14 2013 09:31am
From: CONTRA COSTA CO CORONER 925 313 2886 08/14/2013 08:32 #266 P.001/031



Coroner's Office
Contra Costa County
1960 Muir Road, 1st Floor
Martinez, CA 94553
(925) 313-2850 ext. 5
(925) 646-4839 Fax

Date: _____ Number of Pages including cover page: _____

Company: Walnut Creek Police Department

Department: Records Unit

Fax Number (Including Area Code): _____

From: Irma Andrade Email: _____

Telephone Number: 925-313-2855

Additional Information

Attached is a copy of our Coroner's report for your records.



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Received: Aug 14 2013 09:32am
From: CONTRA COSTA CO CORONER 925 313 2886 08/14/2013 08:33 #268 P.002/031



CONTRA COSTA COUNTY
OFFICE OF THE SHERIFF - CORONER
CORONER'S REPORT



CLASSIFICATION: Accident/Gunshot CASE: 12-4035
DECEDENT: BANTA ANTHONY AGUSTIN
Last First Middle
DATE REPORTED: 12/27/2012 TIME REPORTED: 0858 HOURS
DATE OF DEATH: 12/27/2012 TIME OF DEATH: 0328 est HOURS
AKA: Other I.D.: CDL #
DOB: AGE: 22 YEARS (UNDER 1 YEAR: 0 MONTHS 0 DAYS)
SEX: Male RACE: Caucasian EST HGT: 505 EST WGT: 128.5
HAIR: Brown EYES: Hazel SOCIAL SEC#:
USUAL ADDRESS: 1450 Creekside Drive #60
CITY STATE ZIP: Walnut Creek, CA 94596 PHONE#:
IDENTIFIED BY: Deputy Hoffman DATE: 12/27/2012 TIME: 0930 HOURS
ADDRESS and PHONE#: 1960 Muir Road Martinez, CA 94553

OTHER INVESTIGATING AGENCY: Walnut Creek PD
AGENCY FILE#: 12-42811 ASSIGNED OFFICER: Detective Leonard

NEXT OF KIN

Anthony Banta Sr. Father
NAME OF LEGAL NEXT OF KIN RELATIONSHIP TO DECEASED DOB
ADDRESS:
RESIDENCE PHONE #: OTHER PHONE#:
Mother
AUTHORIZED ALTERNATE NEXT OF KIN RELATIONSHIP TO DECEASED DOB
ADDRESS:
RESIDENCE PHONE #: OTHER PHONE#:
LEGAL NOK NOTIFIED BY: Detective Keagh AGENCY: Walnut Creek PD
NOTIFIED DATE: 12/27/2012 TIME: 0927 HOURS HOW: In Person

REPORTED BY DEPUTY CORONER: K. Hoffman



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Received: Aug 14 2013 09:32am
From: CONTRA COSTA CO CORONER 925 313 2886 08/14/2013 08:33 #268 P.003/031

DECEDENT: BANTA, ANTHONY AGUSTIN CASE #: 12-4035

FUNERAL HOME

F. D. O. C.: Ullrey Memorial Chapel
ADDRESS, PHONE: 817 Almond St., Yuba City, CA 95991

PLACE OF DEATH

LOCATION: Usual Residence
(f.e., Residence/Hospital - ER or IP/ Public or Private Roadway, etc.,)

ADDRESS: 1450 Creekside Drive #60

CITY and STATE: Walnut Creek, CA 94596 CORONER'S SEAL? No

PRONOUNCED AND / OR DETERMINED BY: Paramedic Gabrielle Harrel, AMR #146

REPORTED BY: PHONE #:

DECEASED DISCOVERED BY: PHONE #:

ADDRESS:

BODY REMOVED TO: County Morgue ORDERED BY: Hoffman

MEDICAL HISTORY

REGULAR PHYSICIAN: PHONE #:

ADDRESS:

DATE LAST SEEN: MEDICAL NUMBER:

MEDICAL HISTORY:



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Related Attachment(s) - LAB RESULTS (BREATH/BLOOD ETC)

Attachment Description: OFFICER'S GUNS

Reference Number:

[REDACTED]



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Related Attachment(s) - EVIDENCE REQUEST AND CHECKOUT

Attachment Description: CHECK OUT FORM

Reference Number:



CASE NUMBER 12-42811
DATE OF REQUEST 9/7/16
DATE & TIME NEEDED 9/7/16 0900
DATE COMPLETED 090716 P349 dj

**WALNUT CREEK POLICE DEPARTMENT
EVIDENCE REQUEST AND CHECKOUT**

PROPERTY ITEM NUMBERS 60238-3-4

REQUESTING:

	ORIGINAL	COPIES	QUANTITY	NEEDED FOR:
<input type="checkbox"/> PHOTOS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/> COURT
<input type="checkbox"/> VIDEO	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input checked="" type="checkbox"/> REVIEW
<input checked="" type="checkbox"/> AUDIO	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>1</u>	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> DOCUMENT(S)	<input type="checkbox"/>	<input type="checkbox"/>	_____	
<input type="checkbox"/> OTHER _____	<input type="checkbox"/>	<input type="checkbox"/>	_____	

OFFICER: (PRINT) Blatz P# 514
SIGNATURE [Signature]
RECEIVED BY _____ DATE _____

WHEN EVIDENCE IS GIVEN TO COURT OR OTHER AGENCY

ITEMS _____

REASON _____

GIVEN TO: (PRINT) _____

SIGNATURE _____

AGENCY _____ PHONE _____

DISTRIBUTION: **WHITE** - WCPD EVIDENCE CLERK **YELLOW** - REMAINS WITH EVIDENCE

WCPD-1000 MAR2015

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[Redacted text block containing multiple paragraphs of information, all obscured by black bars.]



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WALNUT CREEK PD
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GO# 2012-42811 CLOSED

01-000 PC 187 HOMICIDE

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Related Text Page(s)

Document: INVESTIGATION
Author: P376 - LEONARD, GREG
Related date/time: Dec-27-2012 (Thu.)

DISPOSITION:

Pending DA review / Assigned to DET. LEONARD.

CASE SYNOPSIS:

An adult male subject physically attacked his roommate, inside the roommate's bedroom, which is within their joint apt. The roommate is able to force the the male out of the apt. The male subject then gains access to the apt. by breaking out a window at the front of the apt. The male then attempts to enter the roommate's now locked bedroom door by striking it with his body, unsuccessfully. The roommate and the roommate's girlfriend summon police via phone.

Police arrive and enter the apt. through the broken glass window. Police contact the male, as he stands at the top of the stairs in the apt. The subject brandishes a large knife at the four responding officers. Officers give verbal commands to the subject, to drop the knife. The subject does not respond to the officers' commands. The male subject then advances towards the officers at the bottom of the stairwell, while brandishing the knife. All four officers react to the subject's advance by firing their duty pistols at the subject. In addition, one officer deploys his electronic control device in attempt to stop the subject's advance, unsuccessfully.

The subject sustained gunshot wounds by officers. The subject died from the wounds he suffered.

SCENE DESCRIPTION:

The incident occurred in an individual apt., within an apt. complex. The apt. is a two-story apt., with two bedrooms upstairs.

NOTE: FOR FURTHER SCENE DESCRIPTION, SEE CCCSO CRIME LAB REPORT.

PHYSICAL DESCRIPTION/INJURIES:

ANTHONY BANTA sustained fatal gunshot wounds.

NOTE: FOR FURTHER PHYSICAL DESCRIPTION/INJURIES DESCRIPTION, SEE CCCSO CRIME LAB REPORT AND CCCSO CORONER REPORT.



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INVESTIGATION:

DECEMBER 27, 2012

At 0313 hours, WCPD dispatch received a call concerning a disturbance in progress at 1450 Creekside Dr. #60, where there was a report of a male inside the apt. with a knife and a female locked in the closet. WCPD officers were dispatched to the scene. While enroute to the scene, WCPD Dispatch updated the officers with new information concerning the call.

OFC. CONNORS (Z2), OFC. GRIFFITH (Z5), OFC. EZARD (Z4) and SGT. SUGRUE (S40) responded to the scene. OFC. BLATZ (Z1) responded to the scene after the event had transpired (SEE WCPD DISPATCH CAD PRINTOUT FOR OFFICER DISPATCH AND ARRIVAL TIMES).

In essence, during the incident, a subject later identified as ANTHONY BANTA, presented a knife towards officers and then advanced upon them. All four officers fired upon BANTA with their duty pistols and one officer deployed his electronic control device at BANTA. BANTA was fatally shot.

(SEE BELOW NARRATIVE; AND ADDITIONAL OFFICERS' REPORTS FOR INVOLVED OFFICER STATEMENTS; INVOLVED PARTY(S) STATEMENTS; AND ADDITIONAL STATEMENTS FROM PERSONS INTERVIEWED)

At approx. 0333 hours, I received a phone call from SGT. MCLAUGHLIN concerning this investigation, while off-duty. SGT. MCLAUGHLIN advised there was an officer involved shooting and requested my assistance.

At approx. 0445 hours, I responded to WCPD. I determined LT. GORSKI was on scene at 1450 Creekside Dr., #60 (SEE LT. GORSKI'S REPORT).

LT. GORSKI responded to WCPD, where he briefed me on this investigation.

CCDDA INSP. HOLCOMB and I were directed to speak with [REDACTED], one of BANTA's roommates. We contacted [REDACTED] in WCPD's line-up room. We identified ourselves to [REDACTED]. We then asked him brief questions about his living arrangement. We determined that ANTHONY BANTA, [REDACTED] and [REDACTED] all live together at 1450 Creekside Dr., #60 and that all three are on the lease. We determined no one else lives at the residence. We asked [REDACTED] for consent to enter and search his apt. [REDACTED] gave us verbal, then written consent to search his apt. I later determined INSP. HOLCOMB contacted [REDACTED] and obtained verbal consent to search the apt. as well.

I then attended a briefing with WCPD investigators and supervisors, CCDDA



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investigators and CCCDDA BARRY GROVE.

I responded to the scene, 1450 Creekside Drive, #60, along with other investigators. I entered the residence and surveyed the scene.

Criminalists from the CCCSO CRIME LAB responded to the scene and collected evidence (SEE CCCSO CRIME LAB REPORT).

CCCSO Deputies were posted at perimeter and started a crime scene log. The log was later transferred to OFC. WOODS, who maintained the log until the scene was released. SGT. HOPKINS later provided the log to me, which I later booked into Evidence.

I responded to the Marriott Hotel, where I met up with CCCDDA investigators. Involved WCPD officers; CONNORS, GRIFFITH, EZARD and BLATZ, along with SGT. SUGRUE were being sequestered at the hotel.

CCCSO INSP. HENDERSHOT and I contacted and interviewed OFC. BLATZ (SEE INSP. HENDERSHOT'S REPORT). I recorded our interview with BLATZ, later booking the recording (CD) into Evidence.

We briefed CCCDDA GROVE and other investigators on our interview with BLATZ.

CCCSO INSP. HENDERSHOT and I contacted and interviewed OFC. CONNORS, in the presence of her legal representation, ROCKY LUCIA (SEE INSP. HENDERSHOT'S REPORT). I recorded our interview with CONNORS, later booking the recording (CD) into Evidence.

We briefed CCCDDA GROVE and other investigators on our interview with CONNORS.

CCCSO INSP. HENDERSHOT and I contacted and interviewed OFC. EZARD, in the presence of his legal representation, ROCKY LUCIA. I advised EZARD this was a criminal investigation, not an administrative investigation; and that he was not required to provide a statement. OFC. EZARD stated he understood and agreed to provide a statement.

INSP. HENDERSHOT and I asked OFC. EZARD questions about his background and about this investigation. He told us the following (paraphrased and organized):

EZARD is currently a police officer with the Walnut Creek Police Dept. and has been since November 2011.



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EZARD attended the San Jose Police Academy in January 2008, graduating in June/July 2008. EZARD was a police officer with the San Jose Police Dept. after he graduated from the police academy for approx. 3 and 1/2 years. EZARD left San Jose Police Dept. and accepted a police officer position with the Walnut Creek Police Dept.

During the police academy, EZARD received training on the use of force. During his employment with the San Jose Police Dept., EZARD received training on the use of force. During his employment with the Walnut Creek Police Dept., EZARD received training on the use of force.

EZARD is currently working graveyard shift, Sunday night through Wednesday night, from 9:30 pm until 7:30 am the next day.

This past week, EZARD started his shift late Christmas day, starting work at 12:00 midnight, so he could spend time with family on the holiday. EZARD worked all of his other shifts this past week.

EZARD woke up at 5:00 pm yesterday (Wednesday).

EZARD started his shift that ended this morning, last night at 9:30 pm. EZARD started his shift by getting his patrol gear out of the bag room and placing it in a patrol vehicle. EZARD got dressed by placing his duty uniform on. His uniform is a blue wool shirt with long sleeves, a pair of blue wool pants, black leather boots and a duty belt. EZARD wore a black turtle neck shirt and bullet proof vest under his uniform shirt. His uniform shirt has two WCPD patches, a silver badge and name tag on it. EZARD's duty belt holds the following: Two ammunition magazines in a holder, a baton ring, a keeper, a taser, a radio, two pair of handcuffs in a case, a keeper, a .40 caliber Glock 22 pistol and pepper spray. His pistol was loaded to capacity, which was 15 rounds in the magazine and one round in the chamber. EZARD's other two magazines were loaded with 15 rounds each. EZARD's uniform is authorized and recognized by the WCPD as a "class A" duty uniform, minus the tie and hat.

Prior to coming into work his last shift, EZARD did not use alcohol, illegal drugs or over the counter drugs. EZARD is not sick or injured, other than getting over bronchitis.

Last night line-up started at 9:30 pm. Line-up lasted about 30 minutes. Once line-up was done, EZARD got into his patrol vehicle and logged onto his computer. He checked his emails then went into service. EZARD made some traffic stops and responded to calls for service prior to the incident, but nothing noteworthy. Directly prior to the incident, EZARD



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ate, he had a hamburger.

Just prior to this call, EZARD was in his patrol vehicle parked in the parking lot at 2741 N. Main St., next to OFC. GRIFFITH's and OFC. CONNORS' patrol vehicles.

EZARD was dispatched to this call, with GRIFFITH and CONNORS. It was irregular to be dispatched to a call with two other officers, as usually only two officers are dispatched to a call. All three acknowledged they were dispatched to the call.

Dispatch advised that they received a call transfer from another dispatch center, for an incident on Creekside Dr. The call was a male with a knife, with someone being barricaded in a bedroom. While in enroute to the call, dispatch provided updated information that it was female caller and that there was a male in the room. SGT. SUGRUE asked dispatch if the male in the room with the female, was the male with the knife. Dispatch responded, advising the male and female were in the room together barricaded, with another male outside of the room with a knife.

EZARD responded to the call, "code 3", but without using his siren. EZARD arrived on scene as the third or fourth unit. Once EZARD arrived, he parked on Creekside Dr. and turned on his hazard lights. SGT. SUGRUE arrived prior to EZARD, pulling into a driveway. EZARD pulled in behind SGT. SUGRUE's vehicle, but on the street. EZARD put on his hazard lights and exited his patrol vehicle.

EZARD saw SGT. SUGRUE run into the apt. complex. EZARD locked his patrol vehicle and when he turned around, he lost sight of SGT. SUGRUE. EZARD started running towards the apt. complex, when he saw an open door. The door was on the front row of the apt. complex, to the left. The apt. complex was divided into two sections, with the front section being divided from the rear section by a lawn area and by about 50 feet. EZARD didn't know if SGT. SUGRUE ran into the open door or not. EZARD heard people running towards the back of the complex. Then, the open door slammed shut. EZARD didn't know if they (officers) were in foot pursuit with someone.

EZARD then started hearing loud banging sounds and a loud thump, as if someone was kicking a door. EZARD heard a male's voice, who he thought to be SGT. SUGRUE. The voice was saying, "Open the door. Open the door." It sounded like someone was kicking a door.

EZARD ran under a stairwell, towards the back of the apt. complex. The



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other officers were already in the apt. EZARD noticed a glass window with separate window panes, to the left of the entry door. The window was five foot tall, maybe taller. The bottom four feet of the window were kicked in. It looked like the window entered into a kitchen. EZARD, who had his gun drawn, ran toward the back of the apt. EZARD heard a female officer's voice, who EZARD believed to be OFC. GRIFFITH saying, "Drop the knife, drop the knife." SGT. SUGRUE was also yelling, but EZARD did not know what he was yelling.

When EZARD entered the window, it put him into a small kitchen. The kitchen was well lit. There were counters to his left and right. EZARD could hear them (officers) yelling, which was coming from EZARD's right. EZARD was at the left side of the apt. at that point. As he went into the kitchen, EZARD made an immediate right.

EZARD heard a female's voice, who he believed to be OFC. GRIFFITH continuing to yell, "Drop the knife or we are going to shoot you. Drop the knife. We are going to shoot you". They were continuously yelling. EZARD turned the corner and saw all three officers with their guns drawn, pointing up the stairs. It was a very steep stairwell with no banister. EZARD came up behind the other officers. The other officers, unknown who was in what position, where standing at the bottom of the stairs with one officer in the middle of the stairs and the other two officers to the first officer's left. The officers were giving commands to someone. EZARD went behind the other officers. It was a very tight area, so EZARD had to squeeze in behind them.

EZARD looked up and saw a male at the top of the stairwell, pacing back and forth. The male was an adult, in his early 20s, wearing a gray t-shirt, blue jeans, with brown disheveled hair. The kitchen was well lit, with the top of the stairs being a little darker. There was enough light at the bottom of stairs for the subject at the top of the stairs to see that EZARD and the other officers were wearing police uniforms. There was a light on the subject, which EZARD doesn't know if it was a light from a pistol or flashlight, but he could see the subject pacing back and forth. EZARD could see the subject so well that he could see the whites of the subject's eyes. It was darker at the top of the stairs, but EZARD could see everything about the subject.

The subject was just staring at the officers. He had a gray butcher knife, with about a 10 inch blade in his right hand and he was pacing back and forth on the stairwell. They kept giving him commands, "Drop the knife, drop the knife". EZARD said he was going to his taser because it was almost a standoff, as EZARD and the other officers weren't



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advancing on the subject and the subject wasn't advancing on the officers.

EZARD wasn't sure where the male and female were upstairs, nor did he know if the subject had already stabbed them. The subject kept pacing back and forth in a three foot section at the top of the stairs, so EZARD said he was going to "tase" him. EZARD holstered his pistol and then drew his taser with his left hand. EZARD pointed the taser up and turned the switch to "on". Turning the switch to on gets the taser ready to be used and turns on a red laser. EZARD tried to shine the laser on the subject at the top of the stairs but at that point, the subject lunged from the top of the stairs down towards the officers. The subject was yelling or screaming something, unknown what. It was the "craziest thing" EZARD has ever seen. EZARD believed the subject was trying to kill someone, as he jumped into a crowd of officers who had guns, while holding a knife. Based on the subject's behavior, EZARD thought that the subject was under the influence of drugs or mentally disturbed.

The subject jumped from the top of the stairwell with the knife in his right hand, into all four of the officers at the bottom of the stairs. EZARD was behind the other three officers. The other three officers started firing as the subject was in mid-air. EZARD discharged his taser "out of reaction", as that is what he had in his hand. EZARD did not know if he hit the subject with his taser, as it didn't appear to stop the subject. The subject was over the officers' heads in mid-air, which was such a position of disadvantage for the officers being at the bottom of the stairwell.

The subject came into the crowd of officers, knocking someone into EZARD. Or, someone lunged back as EZARD was thrown backwards into the alley way behind him, where there was a door. The taser was knocked out of EZARD's hand. While EZARD was thrown into the door, the other three officers ran down the alley or hallway, and the suspect landed right next to EZARD. The subject landed on his knees or on the balls of his feet, as if in a crouched position. As the suspect hit the ground, he looked back up at EZARD, with "the biggest eyes" EZARD has ever seen. He stared right at EZARD. EZARD didn't know if the subject had stabbed the other officers or how many officers the subject had stabbed, as the officers had ran. It looked like the subject had jumped into the crowd with the knife and stabbed someone. EZARD was off balance and leaning against the door. EZARD was no longer holding the taser and his pistol was in his holster. EZARD lunged left and drew out his pistol. EZARD tried to get into the kitchen.



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The subject stared EZARD right in the face, while the subject was only three or four feet at the most from the end of EZARD's extended arm. The subject just stared EZARD in the face, with a look like he was going to kill EZARD. The subject looked EZARD "right in the eyes" and lunged up. His shoulders lifted up and the subject brought his chest up. The subject brought the knife up in his right hand. EZARD thought the subject was going to kill him. The subject was "driving" right towards EZARD. The only thing EZARD could do to save his life was to fire his pistol. EZARD thinks he shot two rounds at the subject. The subject dropped and stopped moving. EZARD held his pistol on the subject as he wasn't sure if the subject was going to lunge at EZARD again. In addition, EZARD wasn't sure how many of the other officers were injured, hurt or bleeding out, as they ran away. EZARD asked if the others were okay and to check each other. The others said they were okay and started checking each other.

EZARD saw in the corner of his eye that SGT. SUGRUE still had his gun pointed at the subject. SGT. SUGRUE started coming back down the hallway towards the subject. EZARD told the other officers that he had the subject covered and to make sure no one was stabbed or shot. SGT. SUGRUE also covered the subject with his gun. They looked at the subject. It looked like the subject was dead, as he wasn't moving. EZARD and SGT. SUGRUE moved up on the subject. EZARD holstered his pistol and put gloves on. EZARD told SGT. SUGRUE he was going to check the subject's pulse. Just prior to that, someone had advised Dispatch that there were shots fired and that they needed "fire" and AMR. SGT. SUGRUE still had his gun out. The subject was not moving. EZARD checked the subject's pulse on the left side of his neck, as the subject was slumped on his right side, for about 30-40 seconds. EZARD didn't feel a pulse at all.

I asked ROCKY LUCIA if he had anything to add or if he had any questions for EZARD. LUCIA said he did not.

We ended our interview with OFC. EZARD.

I recorded our interview with EZARD, later booking the recording (CD) into Evidence.

We briefed CCCDDA GROVE and other investigators on our interview with OFC. EZARD.

CCCDA INSP. CONATY and SGT. REESE contacted and interviewed SGT. SUGRUE and OFC. GRIFFITH (SEE INSP. CONATY and SGT. REESE'S REPORTS).



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CCFDA INSP. HOLCOMB and DET. MOORHOUSE interviewed [REDACTED]; [REDACTED] girlfriend, [REDACTED]; BANTA's employment supervisor; and BANTA's family members (SEE DET. MOORHOUSE'S AND INSP. HOLCOMB'S REPORTS).

CCFDA INSP. SOLZMAN and DET. KEAGY notified BANTA's family of BANTA's passing (SEE DET. KEAGY'S REPORT).

DET. MANGINI, DET. HURLBUT and CCCDA investigators contacted and interviewed subjects who live in the apartment complex where the incident occurred (SEE DET. MANGINI'S AND DET. HURLBUT'S REPORTS).

I attended another briefing with WCPD investigators and supervisors, CCCDDA investigators and CCCDDA BARRY GROVE.

DECEMBER 28, 2012

DET. WALLACE obtained the incoming dispatch call recordings from CHP (SEE DET. WALLACE'S REPORT).

I attended ANTHONY BANTA's autopsy, which was performed by DR. OGAN at the CCCSO Coroner's Office, in Martinez. During which, DR. OGAN advised (paraphrased) BANTA suffered six gunshot wounds, at least one of which was a fatal wound. DR. OGAN advised (paraphrased) BANTA's injuries were consistent with investigators' accounts of what transpired (SEE CCCSO CORONER'S REPORT, WHICH IS FORTHCOMING AND WHICH WILL INCLUDE DR. OGAN'S AUTOPSY REPORT).

Criminalists from the CCCSO CRIME LAB also attended the autopsy and collected evidence (SEE CCCSO CRIME LAB REPORT).

WCPD Dispatch Lead T. KAST provided me with the incoming dispatch call recordings, as well as the dispatch/officer radio traffic. I listened to the recordings. I later booked the CD into Evidence.

I received and listened to the recording of the incoming dispatch call to CFD; as well as the recording of the transfer call from CFD to WCPD, from CFD. I later booked the CD into Evidence.

I received and listened to the recording of the incoming dispatch calls to CHP; as well as the call transfers from CHP to CFD and from CHP to WCPD. The original call recordings were booked into Evidence by DET. WALLACE.

DECEMBER 31, 2012



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I determined WCPD Investigators, CCCDA Investigators, CCCDDA GROVE and CCCSO Crime Lab personnel responded back to the scene, 1450 Creekside Dr., #60, for further evaluation (SEE CCCSO CRIME LAB REPORT).

JANUARY 2, 2013

I spoke to CCCSO Crime Lab Criminalist, DARYL CHAN. CHAN was present during BANTA's autopsy and collected evidence. I requested CHAN to have all of the recovered bullets, from BANTA's body and from the scene, be processed for ballistic information. CHAN advised he would submit the request. In addition, I inquired with CHAN about BANTA's cell phone and wallet. CHAN advised BANTA's cell phone was given to CCCDA INSP. HOLCOMB the day of the incident; and that a wallet was located in BANTA's bedroom, but it is unknown if it was recovered.

After review of INSP. HENDERSHOT's and my interview with OFC. CONNORS, I determined follow-up questions needed to be asked of OFC. CONNORS. I consulted with LT. GORSKI, SGT. MCLAUGHLIN and SGT. REESE, who agreed that follow-up questions needed to be asked of OFC. CONNORS.

I contacted INSP. HENDERSHOT and advised I wanted to ask OFC. CONNORS follow-up questions. INSP. HENDERSHOT agreed and advised he did not need to be present during the interview.

I contacted ROCKY LUCIA, OFC. CONNORS' legal representation. I told LUCIA that I had follow-up questions for OFC. CONNORS. LUCIA advised I could interview OFC. CONNORS at his office on 1/03/13.

JANUARY 3, 2013

I responded to the office of Rains Lucia Stern, PC, in Pleasant Hill. I contacted ROCKY LUCIA, who brought me into a conference room with OFC. CONNORS.

I explained to OFC. CONNORS what I wanted to ask of her. I then asked CONNORS questions about this investigation. She told me the following (paraphrased and organized):

After the shooting, OFC. EZARD checked the pulse of the male subject (BANTA). CONNORS then told other officers she was going to check upstairs for additional occupants. CONNORS went upstairs and noticed a closed door. CONNORS could not open the door easily and she had to knock. There was a lot of damage on the outside of the door. A male subject, later identified as [REDACTED] let CONNORS in the room.



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There was a female [REDACTED] crouched down in the closet. CONNORS told the female she could come out. CONNORS asked the two subjects if they were alright, with them responding that they were alright, but concerned for the roommate (BANTA).

CONNORS asked them briefly what happened. [REDACTED] said, "That was not my roommat. I don't know who that was. He was not in his right mind." CONNORS clarified with [REDACTED] that BANTA was not in his right mind. [REDACTED] said, "That's right, that's not him."

CONNORS asked [REDACTED] about the damage to the door. [REDACTED] looked at the door and stated the damage was not there prior to tonight.

CONNORS told the two subjects to stay in the room and to not come out. CONNORS walked downstairs and told the other officers there were people upstairs and that she told them to stay up there.

As more officers arrived, they (CONNORS AND OTHERS) were conducting scene security. OFC. GRIFFITH and OFC. BLATZ (believed to be) put up crime scene tape. CONNORS watched the apt. to make sure no one went in.

Someone asked CONNORS to have the two subjects upstairs to come down. CONNORS went upstairs and had the two come down individually. CONNORS had [REDACTED] put a sweatshirt over his face, as [REDACTED] had to come down the same stairs the incident occurred on and CONNORS didn't want [REDACTED] to see anything. CONNORS brought the female [REDACTED] downstairs as well. CONNORS believed she brought the female [REDACTED] down first, then [REDACTED]

CONNORS stood with [REDACTED] and the female [REDACTED] outside. CONNORS noted that LT. GORSKI arrived and took over the scene. CONNORS then took [REDACTED] to the station (WCPD).

Both [REDACTED] and the female [REDACTED] were highly emotional and extremely scared. A few moments into it, they got more emotional. [REDACTED] told CONNORS, "He attacked me. That wasn't him, that wasn't him." [REDACTED] was very concerned for his roommate. The female [REDACTED] did not make a statement about what had happened. [REDACTED] and the female [REDACTED] were very panicked, scared and emotional.

CONNORS beleives [REDACTED] and the female's [REDACTED] reactions were appropriate for what had transpired. They seemed shocked, in disbelief, distraught, confused, scared, and concerned about (BANTA'S) welfare, which was very much "in-line" with what they (WCPD OFFICERS) were dispatched to, and what had transpired.



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I asked ROCKY LUCIA and OFC. CONNORS if they had anything to add. Both said they did not. I concluded my interview.

I recorded (audio only) my interview with CONNORS, later booking the recording (CD) into Evidence.

██████████ responded to WCPD, along with his father ██████████. ██████████ requested information/resources on the Victim's Assistance Program, which I provided to him. In addition, I provided ██████████ with an update on the process of this investigation.

██████████ went on to tell me that he sought medical attention at the Walnut Creek Urgent Care, located on La Casa Via, for injuries he sustained during this incident. I asked ██████████ to sign a medical records release form, so I may obtain his medical records. ██████████ agreed and signed the form. I gave ██████████ a copy of the form and asked that he give the form to the Walnut Creek Urgent Care, upon his next visit. ██████████ said he would.

My conversation with ██████████ ended.

I faxed a copy of the signed medical records release form to the Walnut Creek Urgent Care, requesting ██████████ records.



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Follow Up Report # 1

Follow Up Report # 1

Assignment Information

Assigned to: **P416 - GERSTNER, KIM** Rank: **DETECTIVE**
Capacity: **SUPPLEMENT** Org unit: **PERSONS UNIT**
Assigned on: **Dec-27-2012 (Thu.) 854** by: **P416 - GERSTNER, KIM**
Report due on: **Jan-26-2013 (Sat.)**

Submission Information

Submitted on: **Jan-03-2013 (Thu.) 1621**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Jan-23-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P416 - GERSTNER, KIM**
Related date/time: **Dec-27-2012 (Thu.)**

EVIDENCE :

Item 66221-1
GSR kit for Ofc. Connors.

Item 66221-2
GSR kit for Ofc. Griffith.

Item 66221-3
GSR kit for Sgt. Sugrue.

Item 66221-4
GSR kit for Ofc. Ezard.

Item 66221-5
Ofc. Griffith's department issued iPhone.

Item 66221-6
Gloves given to me by Sgt. Sugrue who told me that he was wearing the gloves during the shooting.



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Item 66221-7
2 magazines belonging to Ofc. Griffith.

Item 66221-8
Uniform belonging to Ofc. Griffith.

Item 66221-9
2 magazines belonging to Ofc. Connors.

Item 66221-10
Uniform shirt belonging to Ofc. Connors.

Item 66221-11
2 magazines belonging to Ofc. Ezard.

Item 66221-12
Uniform belonging to Ofc. Ezard.

Item 66221-13
2 magazines belonging to Sgt. Sugrue.

Item 66221-14
Uniform belonging to Sgt. Sugrue.

Item 66223-1
Photos of officers which were downloaded onto a disc.

SUPPLEMENTAL REPORT:

On 12/27/2012 at about 0340 hours, I was called by Sgt. McLaughlin while I was at home. I was advised that there was an officer involved shooting and was told to go to the police department. I arrived at the police department shortly thereafter.

Upon arrival I was asked by Captain Schultz to test for Gun Shot Residue (GSR) on the Walnut Creek Police Officers involved in the shooting using GSR kits. The officers involved are: H. Connors, A. Griffith, G. Ezard and Sgt. Sugrue.

I located Ofc. H. Connors alone in an office in the police department. I used the GSR kit on her at about 0420 hours and sealed the vials in the bag provided. She advised me that she had put latex gloves on after the shooting. She told me she had not washed her hands. I then took photos of Ofc. Connors using my department issued camera. Ofc. Connors pointed to 2



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holes in the pocket of her uniform pants on her left side which is at about her thigh level. She then pulled out black latex gloves from the pocket and pointed to the holes in the gloves. I took photos of the holes in the uniform and the holes in the gloves. I took overall photos of her in her uniform.

I went to another office where I found Ofc. A. Griffith alone. I used the GSR kit on her at about 0435 hours and sealed the vials in the bag provided. Ofc. Griffith told me that she put on latex gloves after the shooting. She told me that she had not washed her hands. I then took photos of Ofc. Griffith using my department issued camera. Ofc. Griffith advised me that she had used her department issued iPhone to take photos of the scene. I took her phone as evidence.

I took Ofc. Griffith and Ofc. Connors into the ladies changing room and had them put their duty belts, intact, into one paper bag, their boots into another paper bag and their duty uniforms in another paper bag.

I went to a conference room where I found Sgt. Sugrue who was with Reserve Officer Boucher. I used the GSR kit on Sgt. Sugrue at about 0520 hours. He told me that he had been wearing latex gloves at the time of the shooting. He provided me with a bag containing latex gloves that he told me he had been wearing at the time of the shooting. He told me he had not washed his hands. I took photos of him using my department issued camera. I asked Reserve Officer Boucher to go into the men's changing room with Sgt. Sugrue and have Sgt. Sugrue put his boots into one bag, his duty belt into another bag and his uniform into another bag. Reserve Officer Boucher did this and gave me the paper bags.

I went into another office where I found Ofc. G. Ezard. Ofc. Ezard was with Ofc. S. Blatz. I used the GSR kit on Ofc. Ezard at about 0540 hours. He told me he had not washed his hands. I took photos of him using my department issued camera. Ofc. Ezard told me that he did not have his department issued Electronic Stunning Device ("taser") on his duty belt as it was still at the scene. Ofc. Ezard also advised me that he had Field Interview Cards (FI Cards) in his uniform shirt pocket of the interviews he had done on scene after the shooting. I told him to leave the FI Cards in the shirt pocket. I then asked Reserve Officer Lesser to take Ofc. Ezard into the men's changing room and have Ofc. Ezard put his boots into one paper bag, his duty belt into another paper bag and his uniform into another paper bag. Reserve Officer Lesser did this and gave me the paper bags.

I was asked by Lt. B. Hill to take photos of Ofc. S. Blatz so I did.



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I met with Contra Costa Crime lab criminalist Alex Taflya. Taflya photographed some of the items I had collected. He then took the following items:

The guns belonging to Ofc. Connors, Ofc. Griffith, Ofc. Ezard and Sgt. Sugrue.

Ofc. Connors' uniform pants and the gloves that were in her pants pocket.

As I was in the process of gathering the evidence to be booked, Lt. J. Hill advised me that he did not want me to book the officers boots, vests, or duty belts into evidence, he only wanted the uniforms and the magazines from the officers booked into evidence.

I booked the items listed under the category "Evidence".

On 01/03/2013 I was asked by Lt. Cashion to go through the police officers uniforms and take out all items from the pockets of the pants and shirts. I was given the evidence bags containing the officers uniforms by the property clerk.

From Ofc. Griffith's pants and shirts I took the following:

- Black latex gloves
- Receipt from 7-Eleven
- Band aid
- Business cards
- Notebook
- DAR card
- DAR pen light
- Pen
- Handcuff key

From Ofc. Ezard's pants and shirts I took the following:

- Pen
- Handcuff key
- DUI cards - blank
- Miscellaneous notes
- FI cards - blank
- FI cards completed
- ALCOTEST card
- Miranda card
- DAR card
- Business cards

Sgt. Sugrue did not have anything in his pants or shirts.



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From Ofc. Connors' shirt (her uniform pants were taken by the Contra Costa Crime Lab) I took the following:

Pen
Chap stick
DAR pen light
FOB
Notebook
DAR card
WCPD booklet
KTVU Channel 2 business card
Leather card holder containing miscellaneous items

I placed each of the officers items into separate evidence bags and gave the bags to Lt. Cashion. I then re-booked the uniforms back into evidence.

This concludes my involvement in this case.



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Follow Up Report # 2

Follow Up Report # 2

Assignment Information

Assigned to: **P368 - MANGINI, TONY** Rank: **DETECTIVE**
Capacity: **INVESTIGATE / Follow Up** Org unit: **PROPERTY UNIT**
Assigned on: **Dec-27-2012 (Thu.) 1321** by: **P368 - MANGINI, TONY**
Report due on: **Dec-27-2012 (Thu.)**

Submission Information

Submitted on: **Dec-28-2012 (Fri.) 1308**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Jan-23-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P368 - MANGINI, TONY**
Subject: **Interviews at Creekside Drive**
Related date/time: **Dec-27-2012 (Thu.) 1321**

EVIDENCE

- Two audio disks (in one protective sleeve) of interviews on Creekside Drive.

INVESTIGATION

On 12/27/12, around 0336 hours, I received a call-out from Sgt. McLaughlin. He advised that there had been an officer involved shooting, and he ordered me to respond. I did.

I arrived at the PD around 0400 hours. I checked in w/ Sgt. Cashion. He told me to stand by for further instructions.

Around 0410 hours, Capt. Schultz directed me to keep an involved party in this matter, [REDACTED] company. She was seated in the upstairs break room. I kept her company. She was watching TV. We made small talk. She talked about her job at Bloomingdales in SFO. We talked about various TV shows that we liked. I mentioned a small business owner that I knew, and I spoke of his achievements. At one point she stated that she was grateful that



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the police were so nearby. She mentioned that she called, and the police arrived on scene very soon after. A little later she started to cry. I offered her water and tissues. She declined the water, but accepted some tissues.

Shortly thereafter, Officer Clemente arrived to relieve me. My duration of contact w/ [REDACTED] was around 45 minutes. At no point did I discuss any specifics of this matter w/ her.

Sgt. McLaughlin had arrived at the station. He received his direction, and he then directed me to respond to 1450 Creekside Drive to receive further instruction.

I arrived on scene (near apt 60) around 0519 hours. At no time did I enter the apartment. Lt. Gorski directed me to pair up w/ Inspector Hernandez from the CCCDA's office and canvass the nearby apartment buildings for witnesses. We were to interview any witnesses we contacted.

I used my department issued iPhone to record interviews from witnesses that had any significant information.

Inspector Hernandez and I went to the following apartments w/ the following results:

**0529 hours / Apt. [REDACTED]

**WITNESS: [REDACTED]

(We were directed to go to this apartment first. Lt. Edwards told us that the resident there had been on scene earlier, and Lt. Edwards believed that he would have some significant information.)

[REDACTED] told me the following (organized - recorded):

Around 0310 [REDACTED] was in his bedroom upstairs. His window was open for fresh air. He heard a loud scream. [REDACTED] put his clothes on and went downstairs. [REDACTED] heard another loud scream and the sound of breaking glass. [REDACTED] exited his apartment to investigate.

As [REDACTED] exited the front door, he turned right and walked between the carport's row of parked cars and his building (the 1440 building). As he made his way deeper into the complex, he looked to his left and saw that there was a police car already on scene. At first he heard a male voice talking. The voice sounded under control, but he couldn't make out what was being said. It was coming from the general area of the 1450 building.



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Then [REDACTED] heard someone yell "get on the ground".

[REDACTED] then heard five or six gun shots, then a pause, then a short burst of three.

After things calmed down a little, [REDACTED] started walking toward the 1450 building. Another Officer arrived on scene, and [REDACTED] pointed him toward the 1450 building. [REDACTED] did not get that officer's name.

In a very short amount of time, reporters showed up. [REDACTED] was not interested in being on the news. The officer that [REDACTED] had directed toward the scene told him he could stand closer to the scene / apartment, away from the news cameras. He then asked if [REDACTED] could "hang out" to give a statement. [REDACTED] agreed to wait around.

While in the general area, [REDACTED] saw two subjects (who were not officers) exit the scene / apartment: a WFA, blonde, shoulder length hair and a tan male w/ short dark hair.

[REDACTED] did not know the tenants who resided in the scene / apartment. He didn't know the number on the door, but he estimated that it was about four units in from the parking lot in between the 1440 and 1450 buildings. [REDACTED] did not see inside the scene / apartment, but he did see that the window to the left of the door was broken. [REDACTED] described the shutter-style glass panes.)

[REDACTED] saw AMR / paramedics respond w/ a gurney, but then they left the area w/ no one on the gurney. [REDACTED] saw the fire engine respond as well.

[REDACTED] heard one officer ask the neighbors both to the right and the left of the scene / apartment if they were okay. [REDACTED] heard the neighbors to the right say that they were okay. He did not hear the response from the neighbors on the left.

[REDACTED] did not see any officers performing first aid of any type on anyone. He felt that all the officers were behaving appropriately and professionally. [REDACTED] thought the the short male officer w/ short hair appeared calm and in control. There was a short female officer who was a little heavy-set that seemed shaken up.

[REDACTED] not see any other building tenants exit their apartments to see what was going on. He felt that this was odd and bizarre.

0600 hours / Apt. [REDACTED]



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Knocked several times - no answer.

0603 hours / Apt. [REDACTED]

WITNESS: [REDACTED]

[REDACTED] wife was interviewed by Inspector Hernandez. See his report for the details of her statement. They were interviewed separately, though they were w/in earshot of each other. The interviews occurred simultaneously.

[REDACTED] told me the following (organized - recorded):

[REDACTED] was sleeping pretty hard last night, because he had been working all day prior at his Chinese restaurant. Around 3:30 AM, [REDACTED] was wakened by some gun shots; about four of them but he was not sure. [REDACTED] asked his wife what happened. She said that she did not know.

[REDACTED] heard someone say "Police Officer" outside. [REDACTED] wife started to go down stairs to look, but [REDACTED] told her that was not safe, and he told her to return. She did.

Neither [REDACTED] nor his wife ever looked outside their apartment. Neither one phoned the police regarding this incident.

Nothing further.

**0615 hours / Apt. [REDACTED]*

Knocked several times - no answer.

**0616 hours / Apt. [REDACTED]

Knocked several times - no answer.

**0618 hours / Apt. [REDACTED]

Knocked several times - no answer.

**0619 hours / Apt. [REDACTED]

INTERVIEWED PERSON: [REDACTED]

[REDACTED] did not hear or see anything related to this event. He said that he was sleeping between the time of 0300 - 0330 hours. The first he knew that there was police activity at his apartment complex, was when he looked



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out of his front door about 1/2 prior to our knocking on his door. [REDACTED] saw the police car w/ the lights on. He did not know why the police were here.

[REDACTED] lives in his apartment w/ his brother, [REDACTED]. [REDACTED] had already left for work. He usually leaves around 0445 - 0450 hours.

**0624 hours / Apt. [REDACTED]

INTERVIEWED PERSON: [REDACTED]

[REDACTED] was Spanish speaking only. Inspector Hernandez interviewed him. See Inspector Hernandez' report for the details of [REDACTED] statement.

**0626 hours / Apt. [REDACTED]

INTERVIEWED PERSON: [REDACTED]

[REDACTED] told me the following (organized):

[REDACTED] was the landscaper / grounds keeper for the 1440 / 1450 Creekside complex. He was wakened around 0300 hours by gun shots. There was more than one, but he couldn't be sure how many exactly.

He looked outside of his front door and saw police cars in the driveway. He did not see any police officers. He did not hear any screaming or voices. [REDACTED] went back to sleep after the occurrence.

[REDACTED] lives in apartment [REDACTED] w/ his wife, but she slept through the whole thing.

Nothing further.

**0635 hours / Apt. [REDACTED]

Knocked several times - no answer.

**0640 hours / Apt. [REDACTED]

[REDACTED] told me the follow (organized / recorded):

[REDACTED] was wakened around 0230 or 0300 by a "huge crash". He initially thought that it was a car accident. (Later, after [REDACTED] had witnessed the



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whole incident, he assumed that the crash he heard was the window to apartment 60 breaking.) [REDACTED] jumped out of bed to look out the front of his apartment (which faces Creekside Dr.). [REDACTED] saw "six" police officers running from the area IFO his apartment to the green belt area behind his apartment. (NOTE: That area is in between the front of apt. 60 [the scene / apartment] and the back, fenced-in porch area of [REDACTED] apartment).

[REDACTED] went to the back porch area to look. He saw officers attempt to kick the door open unsuccessfully. Then he watched them enter the tall narrow window next to the door to enter the apartment (at first he said the officers broke the window, but later he said that it was already broken, so it must have been an easier way to enter).

[REDACTED] heard shouting, "[REDACTED] stop it. You don't want to do this. Stop it." [REDACTED] also heard someone yelling "Get down." more than two times. The voices (whom he assumed were police officers) were shouting for about thirty seconds. Then he heard six to ten shots fired. Then his girlfriend and him got down on the floor of the apartment for safety.

After things had calmed down for about one-half hour, [REDACTED] and his girlfriend went back to bed.

[REDACTED] did not see any civilians exit the apartment.

[REDACTED] saw the fire truck arrive, but he did not see any fire fighters. [REDACTED] saw AMR arrive on the scene. [REDACTED] saw the paramedics rush to the scene.

[REDACTED] did not see anyone performing first aid on anyone.

[REDACTED] does not know the subjects who live in the scene / apartment.

[REDACTED] felt the police officers behaved appropriately during their time on scene.

[REDACTED] told me the following (organized / recorded):

[REDACTED] woke up the same time that [REDACTED] woke up. She did not hear the crash; her boyfriend woke her up. [REDACTED] heard people shouting "Arthur, don't do this." several times, over and over.

She looked out the front window and saw the police car. Then she went to the back window to watch "a crowd of people" run to the scene. [REDACTED] could



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not see the scene / apartment because she's too short to see over the porch wall. [REDACTED] heard a lady saying "police" over and over again - around four times. [REDACTED] originally thought that someone was saying call the police, but later she thought about it and realized that the police were already on scene.)

[REDACTED] heard about five gun shots. Then she got down on the floor. She started crying because she was scared. She didn't know what was going on, and she was imagining that there was a gun battle going on, not necessarily w/ police involved.

[REDACTED] saw the ambulance arrive, but she did not see the fire truck. She did not see anyone performing first-aid.

[REDACTED] did not know the subjects that lived in the scene / apartment. She has never heard conflict come from that specific apartment in the past.

[REDACTED] felt that all the police officers behaved professionally. [REDACTED] didn't really know what they were doing. She was still in shock.

**0704 hours / Apt. [REDACTED]

[REDACTED] : [REDACTED]
[REDACTED]

[REDACTED] told me the following (organized - recorded):

[REDACTED] went to bed around 0200 or 0230 hours. Around 0300 hours, he was wakened by his wife. He heard some screaming and running and some commotion. Shortly thereafter, [REDACTED] heard a "pop-pop-pop", then about a five or ten second pause, then another "pop-pop-pop". [REDACTED] then heard more commotion and yelling, and perhaps a car drive into the area or someone near the bushes outside of his apartment.

[REDACTED] believed the "pops" were gun fire, but he told his wife that it was just fire crackers.

After a short time, all was quiet again, so he went back to sleep.

Nothing further.

[REDACTED] told me the following (organized - recorded):

Around 0300 hours, [REDACTED] heard a woman screaming which sounded close by. [REDACTED] said that yelling, screaming and arguing then continued for



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█ did not see or hear anything occur. He was sleeping during the time frame of the incident.

**0823 hours / apt. █

Knocked several times - no answer. According to █, the residents of this unit are EMT's and often not home.

**0824 hours / apt. █

Knocked several times - no answer. According to █ the residents of this unit leave very early for work.

**0830 hours / apt. █

INTERVIEWED PERSON: █

█ did not witness anything. He slept through the incident. His parents were gone to work, but he believed that they did not witness anything either.

I gave █ my card w/ my contact number. I asked him to direct his parents to phone me if they did in fact witness anything. I never received a phone call from them.

**0831 hours / apt. █*

CONTACTED PERSON: █

█ slept through the entire incident. She did not know what occurred. She went for a jog and asked an officer in front of the complex what was going on, but he did not give her any explanation.

**0835 hours / apt. █*

CONTACTED PERSON: █

█ her 13 y.o sister and her parents all slept through the incident. They learned of the incident on the morning news. █ parents were both at work.

I gave █ my card. I directed her to tell her parents to phone me if they did in fact witness anything. I have not heard from them.



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**0837 hours / apt. [REDACTED]*

INTERVIEWED PERSON: [REDACTED]

INTERVIEWED PERSON: [REDACTED]

CONTACTED PERSON: [REDACTED]

[REDACTED] heard "something in the middle of the night". She was not sure of the time. She thought is sounded like a large vehicle going over a bump. She never looked out to see what made the noise.

[REDACTED] daughter, gave a similar statement. She awoke in the middle of the night to the sound of a bumping noise. It sounded like a large, over-sized tires going over speed bumps. She never looked out to see what was going on.

[REDACTED] husband, slept through the night.

***0842 hours / apt. [REDACTED]*

Knocked several times - no answer.

**0843 hours / apt. [REDACTED]

Knocked several times - no answer.

**0844 hours / apt. [REDACTED]

Knocked several times - no answer.

**0845 hours / apt. [REDACTED]

WITNESS: [REDACTED]

CONTACTED PERSON: [REDACTED]

[REDACTED] told me the following (organized - recorded):

Around 0330 or 0340 hours, [REDACTED] was watching movies in his room upstairs. He heard what he thought were fireworks, around 5 to 7 explosions. [REDACTED] did not think much of this, since where he comes from in the Ukraine, fireworks are common, especially around new years. However, then he heard sirens. [REDACTED] looked out of his window, and he saw that two police cars were already outside, parked in the complex's drive way.



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██████ then saw another police officer arrive. He could not see if it was a male or female police officer. The officer ran into the complex, near the 1450 building.

Later ██████ saw an ambulance and a fire truck arrive.

██████ did not see anyone get hurt or receive first aid. He saw a woman get into an ambulance and talk to someone, but she appeared fine.

██████ saw a civilian female and a civilian male each get into a separate police car. They were not in handcuffs. They police drove them from the scene. He did not get a good look at the civilians.

Around 0415 hours, ██████ exited his apartment to talk to a news reporter. He asked the reporter what had happened, but the reporter did not give him any information.

██████ watched the police tape off the scene.

Nothing further.

██████ slept through the night and did not hear or see anything.

**0859 hours / apt ██████*

Knocked several times - no answer.



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Follow Up Report # 3

Follow Up Report # 3

Assignment Information

Assigned to: **P464 - WALLACE, LIZ** Rank:
Capacity: **SUPPLEMENT** Org unit: **PROPERTY UNIT**
Assigned on: **Dec-27-2012 (Thu.) 1526** by: **P464 - WALLACE, LIZ**
Report due on: **Dec-27-2012 (Thu.)**

Submission Information

Submitted on: **Dec-27-2012 (Thu.) 1526**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Jan-23-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P464 - WALLACE, LIZ**
Related date/time: **Dec-27-2012 (Thu.)**

SUPPLEMENT - SEARCH OF ANTHONY BANTA'S BEDROOM:

On 12/27/2012 at approximately 1330 hours, Detective Hurlbut and I went to 1450 Creekside Drive #60 to conduct a more thorough search of Anthony Banta's bedroom.

In his bedroom we located the following items which were photographed, collected and logged into evidence:

Fireworks - Six, 8 oz. Sky Rockets, four Scorpion Sky Rockets, eight boxes of Morning Glory sparklers, located in the lower right corner of Banta's bedroom closet.

Black, Mead, notebook, found underneath Banta's bed.

Yellow, pad of paper with writing, found on Banta's mattress.

Black, tin box, found on top of Banta's dresser inside his closet. Inside the tin contained several personal notes and cards.

Small, black, Mead, note pad, found on Banta's bed frame.



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Follow Up Report # 3

Small glass jar containing marijuana found inside the top drawer of Banta's closet dresser. I later weighed the marijuana which had a net weight of approximately 6.4 grams.

Small, zip lock baggie, containing a small amount of marijuana found inside the top TV stand drawer. I later weighed the baggie of marijuana which had a gross weight of approximately 1.5 grams.

One, burnt orange pill, with "I-2" imprinted on one side of the pill. The pill was found on the floor behind the side Banta's bed near the baseboard. The pill appears to be 200mg of Ibuprofen based on its color, shape and markings.

Sutter County Sheriff's Department business card with a case number of "09002257" handwritten on the back. The card was found on the floor between the wall and TV stand. I called Sutter Co. Sheriff's Office and learned the case was a fraud investigation where someone (unknown suspect) made fraudulent purchases using Banta's bank account or credit card information.

After Detective Hurlbut and I left the apartment, Sgt. Hopkins handed me a black, Nautica, jacket which was inside a brown paper evidence bag. She asked me to take the jacket to the station and log it into evidence. She told me the jacket had been hit with a bullet which came from the downstairs closet of the next door neighbors in apartment #59.

Detective Hurlbut and I returned to the police station and logged the above items into evidence.

SUPPLEMENT - CHP CAD RECORDS & DISPATCH TAPE:

On 12/28/2012 at approximately 0815 hours, Detective Sgt. McLaughlin told me the CHP dispatch recording was ready and asked me to pick it up. I called CHP's Golden Gate Communication Dispatch Center located in Vallejo and was told I could pick it up from their Dispatch Supervisor after 0930 hours.

At approximately 0945 hours, I arrived at CHP's Dispatch Center and picked up the recording from Public Safety Dispatch Supervisor Caroline Lawrence. The recording was on CD along with digital copies of their CAD records. I returned to Walnut Creek PD and logged the original CHP recording and CHP CAD records into evidence.



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Follow Up Report # 4

Follow Up Report # 4

Assignment Information

Assigned to: **P433 - MOORHOUSE, SCOTT** Rank: **DETECTIVE**
Capacity: **INTERVIEW WITNESS(ES)** Org unit: **PROPERTY UNIT**
Assigned on: **Dec-27-2012 (Thu.) 1538** by: **P433 - MOORHOUSE, SCOTT**
Report due on: **Jan-01-2013 (Tue.)**

Submission Information

Submitted on: **Jan-02-2013 (Wed.) 725**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Jan-23-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P433 - MOORHOUSE, SCOTT**
Related date/time: **Jan-02-2013 (Wed.) 718**

On 12-27-12 at about 0430 hours, I was off-duty and received a phone call from Detective Sgt McLaughlin. Sgt McLaughlin advised me there had been an officer-involved shooting and requested my response to WCPD.

After arriving to WCPD, I was briefed on the incident and assigned to be partnered with CCCDA Senior Inspector D Holcombe. Inspector Holcombe and I were tasked with conducting witness interviews of [REDACTED], [REDACTED] and [REDACTED]

At about 0625 hours, Inspector Holcombe and I interviewed [REDACTED] in the 2nd floor interview room at WCPD. This interview was audio/video recorded. I later down loaded the recording of the interview onto DVD and booked a copy into WCPD evidence. See Inspector Holcombe's report for details of the interview.

At about 0705 hours, Inspector Holcombe and I interviewed Sara Walt in the 2nd floor interview room at WCPD. This interview was audio/video recorded. I later down loaded the recording of the interview onto DVD and booked a copy into WCPD evidence. See Inspector Holcombe's report for details of the interview.



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Follow Up Report # 4

At about 1115 hours, Inspector Holcombe and I interviewed [REDACTED] in the 2nd floor interview room at WCPD. This interview was audio/video recorded. I later down loaded the recording of the interview onto DVD and booked a copy into WCPD evidence. See Inspector Holcombe's report for details of the interview.

At about 1300 hours, Inspector Holcombe and I conducted a search of Banta's Volvo (Ca# [REDACTED]), which was parked on the street in the area of 1480 Creekside Drive. Inspector Holcombe had the keys to the Volvo, which he located in Banta's apartment. The search of Banta's Volvo was negative for any evidence or contraband. I took digital photos of the Volvo using my department issued iPhone. I later down loaded the photos onto a CD and booked them into WCPD evidence.



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Follow Up Report # 5

Follow Up Report # 5

Assignment Information

Assigned to: **P412 - KEAGY, TAMMY** Rank: **DETECTIVE**
Capacity: **INVESTIGATE / Follow Up** Org unit: **PERSONS UNIT**
Assigned on: **Dec-28-2012 (Fri.) 1407** by: **P412 - KEAGY, TAMMY**
Report due on: **Dec-28-2012 (Fri.)**

Submission Information

Submitted on: **Dec-28-2012 (Fri.) 1407**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Jan-23-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P412 - KEAGY, TAMMY**
Related date/time: **Dec-28-2012 (Fri.)**

On 12/27/12, at 0456 hours, I was contacted by Detective Mangini regarding an officer involved shooting.

On 12/27/12, at 0608 hours, I arrived at WCPD and attended a briefing regarding the incident. In the briefing, I learned that Anthony Banta (DOB [REDACTED]) was killed in the altercation involving WCPD officers. CCC DA Inspector Eric Solzman and I were asked to contact Banta's family and notify them of his death.

On 12/27/12, Inspector Solzman and I drove to [REDACTED] in [REDACTED]. When we arrived, I knocked at the door and a male answered. Both Inspector Solzman and I identified ourselves. I asked the male if it was the Banta address and he said yes. I asked if he was [REDACTED] and he said yes. I verified that he was Anthony Banta's father. [REDACTED] allowed us in and we spoke to [REDACTED] and his wife [REDACTED]. Refer to Inspector Solzman's narrative for details regarding the death notification and interview.

On 12/27/12, we learned that [REDACTED] was Anthony Banta's biological mother. Inspector Solzman and I drove to [REDACTED] house at [REDACTED] and attempted to contact [REDACTED]. No one was home, so



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I left my business card.

While at the [REDACTED] residence, I received a voice message from [REDACTED] requesting the CCCSO Coroner's office telephone number. I called [REDACTED] back. After providing [REDACTED] the number, I asked her the best way to contact [REDACTED]. [REDACTED] said they already spoke with [REDACTED] and she was aware of the situation. [REDACTED] believed [REDACTED] was traveling to Walnut Creek.

I called [REDACTED] cell phone and a male answered. He identified himself as [REDACTED] ([REDACTED] husband and Anthony's stepfather). He said they were enroute to Walnut Creek. He said [REDACTED] was upset and could not speak to me on the phone. I advised [REDACTED] to go to WCPD and provided him the address.

When Inspector Solzman and I returned back to WCPD, I was asked to contact the American Medical Response (AMR) team that responded to the scene and interview crew. I contacted AMR and was advised that the team who responded to the scene was not back on duty until 1700 hours.

On 12/27/12, at 1700 hours, I went to the AMR building at 5151 Port Chicago Highway in Concord. I met with the employees who responded to the scene. The unit that responded to 1450 Creekside Drive for the incident was unit #146. That unit consisted of 2 employees and 1 intern. I interviewed each subject separately with their supervisor (Willow) in the room.

John Walton [REDACTED] was the first employee I interviewed. He said he was an Emergency Medical Technician with American Medical Response. Walton told me the following (paraphrased):

On 12/27/12, sometime around 0300 hours, they were dispatched to an officer involved shooting at 1450 Creekside Drive in Walnut Creek. He was working unit #146 with Gabrielle Harrel and Intern Sarah Snapp.

Originally the unit was told to stage, but as they were rolling in they were cleared to enter. He remembered a WCPD officer waved them in the lot. AMR Unit #146 arrived prior to CFD. Unit #146 kept CFD on scene because of the circumstances regarding the shooting.

When they got on the scene, they were directed to an apartment (Walton did not recall the apartment number). When they walked in the apartment, Walton noticed a male on the floor at the bottom of the stairs with blood around him. Officers on scene said he had been shot. They checked the male's vital signs and the subject did not have any. They put the monitor



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on the subject and ran a strip, but there wasn't any electrical activity from the heart. Gabrielle Harrel pronounced the subject deceased. Walton said he was the one who cut the subject's shirt to check vitals.

They cleared CFD, but AMR was notified by officers on scene not to leave. Walton didn't see anything that stood out as unusual (other than a dead body on the ground). It was mentioned by someone on the scene that it was a robbery or burglary. When the subject came downstairs they opened fire. Walton never saw or spoke with the residents because they remained upstairs. There was a male who wasn't an officer standing in front of the place, but Walton did not know who he was. Walton assumed he was a neighbor. No one else appeared injured.

I spoke with Intern Sarah Snapp. She told me the following (paraphrased):

She is an intern for AMR and teamed with Gabrielle and John (Unit #146). Earlier this morning, they responded to Creekside Drive in Walnut Creek for a "police involved shooting."

When they arrived, they went inside the apartment. The police officers said the guy had broken in and they needed to check him out. The male was lying "limp less" on the floor near the stairs. They put the leads on him and Snapp checked the subject for a pulse. Snapp said the subject did not have vital signs and that he was dead.

The officers said the subject had a knife and was running down the stairs at them and that is why they shot him. CFD arrived after AMR pronounced the subject deceased. CFD never entered the apartment.

I spoke with Gabrielle Harrel. She told me the following (paraphrased):

She said she was working early this morning and remembered responding to Creekside Drive in Walnut Creek regarding an officer involved shooting. They found the patient at the bottom of the stairs. When they got there they checked the patient and the patient was deceased. They knew he was deceased because he did not have a pulse and the EKG monitor (two leads) showed nothing.

Harrel said they went on scene at 0325 hours, and she pronounced the subject deceased at 0328 hours.

No one on scene really talked to them about what happened and nothing seemed noticeably odd. She knew it was a crime scene, so they tried not to disturb it. She remembered walking in, checking the patient, then



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walking out. She remembered officers and other males around, but she didn't know who was involved. She remembered passing a busted out window. CFD stayed outside and never entered.

Although she didn't have a lot of interaction with the officers on scene, she remembered they told her the subject came downstairs with a knife and they shot him.

This concludes my involvement in the investigation.



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Follow Up Report # 6

Follow Up Report # 6

Assignment Information

Assigned to: **P369 - GORSKI, STEVE** Rank:
Capacity: **INVESTIGATE / Follow Up** Org unit: **PERSONS UNIT**
Assigned on: **Dec-31-2012 (Mon.) 926** by: **P369 - GORSKI, STEVE**
Report due on: **Dec-31-2012 (Mon.)**

Submission Information

Submitted on: **Jan-29-2013 (Tue.) 1117**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Jan-30-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P369 - GORSKI, STEVE**
Related date/time: **Dec-31-2012 (Mon.) 927**

On 12/27/12 at 0325 hours, I was notified of an officer involved shooting. I responded to the scene at 1450 Creekside Drive and arrived at approximately 0345 hours. I contacted Sergeant Sugrue who was standing in front of apartment 60. Officers Connors, Griffith and Ezard were nearby along with two civilians that had been inside apartment 60 during the shooting. The civilians were later identified as [REDACTED] and [REDACTED]. An uninvolved neighbor named [REDACTED] was also standing nearby. The officers and civilians were all in the same general courtyard area of the apartment complex but no one was communicating with each other.

Sergeant Sugrue briefly explained what had occurred and that other than Officer Blatz his entire patrol team was involved in the incident. There were no injuries other than the suspect who had already been pronounced dead by AMR. Neighboring apartments had also been checked to assure no one was unintentionally struck by gunfire.

There was no mutual aid or other WCPD resources on scene at this point and the civilians all appeared cold and shaken up. I instructed Sergeant Sugrue to go to his vehicle and work on call-outs and a mutual aid request through the Sheriff's Office (to handle initial scene security and street coverage).



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Follow Up Report # 6

I asked Officers Connors and Griffith to drive [REDACTED] to WCPD. I made it clear they should each take one person and wait in different rooms. I instructed them not to allow [REDACTED] to discuss the incident. I also ordered Officers Connors and Griffith to not discuss the incident with other officers. I explained that they would be relieved shortly. They said they understood.

I stayed at apartment 60 for a few minutes until Lt. Edwards arrived on scene. A Lieutenant and several Deputies from the Sheriff's Office arrived 10-15 minutes later. I asked the CCCSO Lieutenant to have a Deputy maintain a perimeter in front of apartment 60 and start a crime scene log.

Lt. Edwards arranged for Officer Ezard to return to the police station. Chief Bryden arrived on scene and drove Sergeant Sugrue to WCPD at approximately 0420 hours.

Several DA Investigators and WCPD Detectives Mangini and Hurlbut arrived on scene. Detectives Mangini and Hurlbut were partnered with DA Investigators to immediately canvas the area for witnesses before residents of the apartment complex left for work.

Lt. Jay Hill and several additional Deputies arrived and maintained scene control until they were later relieved by WCPD Reserve Officers. CCCSO Deputies also handled service calls for approximately two hours.

I returned to WCPD at approximately 0500 hours to help coordinate the investigation.



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Follow Up Report # 7

Follow Up Report # 7

Assignment Information

Assigned to: **P474 - HURLBUT, MICHAEL (OFFICER) (Former Employee)** Rank:
Capacity: **SUPPLEMENT** Org unit: **PERSONS UNIT**
Assigned on: **Jan-01-2013 (Tue.) 644** by: **P474 - HURLBUT, MICHAEL (OFFICER) (Former Employee)**
Report due on: **Jan-01-2013 (Tue.)**

Submission Information

Submitted on: **Jan-01-2013 (Tue.) 644**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Jan-23-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P474 - HURLBUT, MICHAEL (OFFICER) (Former Employee)**
Related date/time: **Jan-01-2013 (Tue.) 1003**

DISPOSITION:

Pending final disposition from Det. Leonard.

INVESTIGATION:

On 12/27/12, at approximately 0430 hours, I was tasked with canvassing the apartment complex at 1450 Creekside Dr. to locate possible witnesses of the disturbance or officer-involved shooting that had occurred at apartment #60. Upon my arrival at the scene, I was paired with Contra Costa County District Attorney Investigator Robert Pamplona. The following is a paraphrased account of my contacts at the various apartments:

█ - I contacted resident █ who stated she was woken up by approximately five or six gunshots before 0328 hours. She knew it was around then because she texted a friend at that time that she had just heard gunshots near her apartment complex. She woke her mom, █ but then went back to sleep. █ left for work shortly thereafter but woke both █ and her sister █ to notify them that the police were on the street outside. █ did not see or hear anything further. █ was contacted, but she did not see or hear



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anything. I called [REDACTED] at [REDACTED] and she told me she heard two pops which woke her up. She did not see anything and she did not investigate further.

[REDACTED] - I contacted [REDACTED] who appeared disoriented and unclear of what we were asking her. She described getting a call from San Francisco PD at approximately 2345 hours the night before to go to their station for a drug test. She stated she returned home around 0130 hours but did not see or hear anything.

[REDACTED] - I contacted resident [REDACTED] who did not hear or see anything during the course of the night.

[REDACTED] - I contacted resident [REDACTED] and her husband [REDACTED]. They did not see or hear anything and were notified of the situation by a friend in a separate apartment.

[REDACTED] - I contacted [REDACTED] who stated he had not heard anything the night before because he sleeps with earplugs in. He was awoken by the police lights flashing outside his apartment, but did not investigate any further what was going on.

[REDACTED] - I contacted [REDACTED] who stated she heard some yelling and then approximately six pops in the middle of the night. She could not specify what time. It was approximately three minutes in her estimation from hearing the yelling to the last of the pops. She did not see or hear anything else or investigate further.

[REDACTED] - No answer.

[REDACTED] - No answer.

[REDACTED] - I contacted [REDACTED] who stated they did not see or hear anything during the course of the night.

[REDACTED] - I contacted [REDACTED] who stated he did not see or hear anything during the course of the night.

[REDACTED] - I contacted [REDACTED] who did not see or hear anything during the course of the night.

[REDACTED] - I contacted [REDACTED] their son [REDACTED] and daughter [REDACTED] who stated they did not see or hear anything during the course of the night.



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█ - I contacted █ who stated she got home that morning around 0430 hours and were not present at the time of the incident. Her roommate █ was with her that night and did not see or hear anything either.

█ - No answer.

█ - No answer.

█ - I contacted █ who stated she possibly could have heard shouting, but she could have been dreaming and she didn't wake up or investigate the noise any further.

█ - I contacted █ who stated she didn't hear anything during the course of the night.

█ - No answer.

█ - No answer.

█ - I contacted █ who stated she did not hear or see anything during the course of the night.

█ - I contacted █ who stated they did not see or hear anything during the course of the night.

█ - No answer.

█ - No answer.

█ - I contacted █ who stated he did not see or hear anything during the course of the night.

█ - No answer.

█ - No answer.

█ - No answer.

█ - No answer.

█ - I contacted █ who stated she went to bed at approximately 0230 hours and heard a noise later on, but could not describe the noise,



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nor did she get up to investigate it.

■ - No answer.

■ - No answer.

■ - I contacted ■ and her husband, ■
■ (by phone) but neither saw or heard anything during the course
of the night.

See CCC DA Investigator Pamplona's supplemental report for further.



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Follow Up Report # 8

Follow Up Report # 8

Assignment Information

Assigned to: **P407 - REESE, TRACIE** Rank: **SERGEANT/SUPERVISOR**
Capacity: **INVESTIGATE / Follow Up** Org unit: **PROPERTY UNIT**
Assigned on: **Jan-03-2013 (Thu.) 813** by: **P407 - REESE, TRACIE**
Report due on: **Feb-02-2013 (Sat.)**

Submission Information

Submitted on: **Feb-07-2013 (Thu.) 1648**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Feb-28-2013 (Thu.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P407 - REESE, TRACIE**
Related date/time: **Jan-03-2013 (Thu.) 813**

On 12/27/12, I received a phone call from Lieutenant Gorski regarding an officer-involved shooting. I responded to WCPD, where I was briefed on the incident.

I went to 1480 Creekside Drive #60, along with other investigators, and surveyed the scene.

I responded to the Marriott Hotel, where I met with CCCDA Investigators and DA Grove. Inspector Conaty and I interviewed Sergeant Sugrue and Officer Griffith. Both interviews occurred in the San Diego conference room on the third floor at the Marriott Hotel, in Walnut Creek.

At approximately 1241 hours, Inspector Conaty and I interviewed Officer Griffith. Also present in this interview was Officer Griffith's legal representative, Attorney Joseph Lucia. Prior to speaking with Officer Griffith, Inspector Conaty and I explained to Officer Griffith that this was a criminal homicide investigation and that she was not compelled to participate in the interview and was free to leave at anytime. Officer Griffith said she understood and wished to speak with us.

Officer Griffith told us the following through a series of questions



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(organized and summarized):

She has been a police officer for approximately 11 years. She attended the Butte police academy in 2001. During the police academy she received instruction on police tactics and how to respond to incidents involving deadly force. In 2002, she was hired by the Susanville Police Department where she worked until 2008. In 2008, she left Susanville PD because she was hired by the Walnut Creek Police Department. She has since received numerous hours of training on firearms and police tactics. She is currently assigned to a graveyard shift that works Sunday through Wednesday night from 2130 hours to 0730 hours.

On 12/27/12 she woke up at approximately 1800 hours, ate dinner and then watched television with her fiancé. She left for work at 2030 hours. Nothing remarkable occurred at home prior to leaving for work or on her drive to work. She neither consumed alcohol, nor any medication prior to work. At approximately 2105 hours, she arrived at work and put on her police uniform; which she described as the department approved BDU (Police Utility Uniform), that has a silver cloth badge, two cloth patches on her arms (WCPD uniforms have Walnut Creek Police patches on both arms), and her name across her uniform. She put on her duty belt, which consisted of her duty weapon, two fully loaded magazines, a small flashlight, a baton, pepper spray, two pairs of handcuffs, two keys and a Taser. Her department issued duty weapon is a .40 caliber Glock (model 22) pistol. She is right handed and carries her weapon fully loaded, which she stated is 15 rounds in the magazine and one in the chamber. At 2130 hours she attended briefing and was in her patrol car by 2200 hours. During her shift she responded to a vandalism call and spent time writing police reports. Nothing out of the ordinary occurred before being dispatched to this incident.

Just prior to this call, she was eating in her patrol car while parked in the parking lot of 2741 N. Main Street. Officer Connors and Ezard were also parked in this parking lot at the time of the call.

The call was dispatched as a suspicious circumstance in progress at 1450 Creekside Drive. Dispatch advised they received a call from the fire department regarding a man in an apartment with a knife. Dispatch had no further information. While en route to the call, the dispatcher advised she was able to speak with someone inside of the apartment. The caller said they were inside of a bedroom and then the dispatcher heard a struggle.

When Griffith was almost on scene the dispatcher advised the line went



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dead and that the dispatcher lost contact with the caller. She arrived at 1450 Creekside Drive at the same time as Officer Ezard. When she arrived, she noticed two patrol cars were already on scene, one of which was Sergeant Sugrue's patrol car. As she exited her patrol car she heard a woman screaming. She could not make out what the woman was screaming, but it sounded like she needed help. She and Officer Ezard ran towards the woman's voice, which led them to the exterior of the apartment (#60).

As she approached the apartment, she heard Officer Connors yell repeatedly, "drop the knife, drop the knife, put the knife down" over and over. Officer Connors' voice was coming from inside of the apartment. She then noticed a large kitchen window, next to the front door that was almost completely broken out. She didn't know if the subject with the knife broke the window or if the officers broke the window to get inside of the apartment. She and Officer Ezard decided to enter through the window, instead of the front door because the window appeared to be the quickest way inside. Officer Ezard entered the window first and then she followed. After she walked through the broken window, she rounded a corner that led to a small hallway. She immediately saw Officer Connors and Sergeant Sugrue at the bottom of a staircase, with their backs against a wall, and their handguns drawn (She was familiar with the layout of the apartment and knew the bedrooms were upstairs). Officer Connors was on the right side (as you look up the stairs) and Sugrue was to the left of Connors. She heard Officer Connors yell, "drop the knife, drop the knife." She ran from the kitchen to the staircase and while doing so she drew her duty weapon. She heard Sergeant Sugrue say, "someone get the Taser, I'm not sure if this thing is real." She heard Officer Ezard say he had his Taser, however, she did not actually see Officer Ezard with his Taser. Officer Connors said, "I think it's real, I think it's real." Officer Connors continued to tell the subject to "drop the knife" over and over, which seemed like "forever." Griffith then said, "Then the shooting started." She saw Officer Connors and Sergeant Sugrue were backed into the corner at the bottom of the staircase. Then all she heard was the "thundering sound" of a guy running down the stairs. The noise sounded like "elephants" running down the stairs. She looked up the staircase; however, due to an obstructed view she only saw the subject's feet and legs "flying" at Sergeant Sugrue and Officer Connors. Based on her training she knows that even if someone is shot that does not necessarily mean the threat is going to immediately go down. She fired her duty weapon at the subject in an attempt to stop him before he got to Connors and Sugrue. She didn't know if "he was going to kill them or what." After she fired her weapon they all retreated towards the living room and the kitchen. She and Connors retreated to



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the living room and Sugrue and Ezard retreated to the kitchen. She heard, who she thought was Sergeant Sugrue yell, something to the effect of "stop moving" or "don't get up." She looked over and saw the subject was on his side and was using his elbows to either crawl or get up. She said the subject, "just wouldn't stop." She believes it was Sergeant Sugrue who "had to" shoot one more round at the subject. After the final shot, she saw that the subject had a hole in his head and was bleeding everywhere.

She looked around and saw that some of their rounds went through the apartment wall towards the adjacent apartment. She went next door and checked the welfare of the neighbors. The resident told her they were upstairs at the time of the shooting and were fine. The only statement that they provided was that before they heard gun shots they heard screaming, yelling and glass breaking. They told her they were scared during the incident. They provided nothing further. (Griffith did not specify the apartment number to this unit)

She returned to the apartment and saw Officer Ezard checking the subject for a pulse. She heard Officer Ezard say, "there's no pulse, there's no pulse." She then took out her department issued iPhone and took pictures of the scene. She later gave her iPhone to Detective Gerstner.

At the end of Griffith's initial statement I asked Griffith to clarify where she was in relation to the subject when she first fired her weapon. Griffith told me the following:

When she shot her firearm the officers were positioned in the following manner: They were all at the bottom of the staircase and looking up the stairs. Connors was closest to the wall in the corner, Sergeant Sugrue was to Connors' left, Ezard was to Sugrue's left, and then she was to the left of Ezard. The four officers were standing very close together and all were looking up the staircase. From her perspective she could not see the subject at the top of the staircase. Even though she could not see the subject, she was confident the subject had a knife in his hand due to the commands Officer Connors gave the subject, as well what dispatch had advised them at the time of the call. Officer Connors was very loud and clear as she told the subject to drop the knife, "over and over."

Her best recollection as to the initial sequence of events was the sound of "elephants running" down the staircase and then she heard 2-3 shots fired from the other officers. The sound of the subject running down the staircase and the first shots were very close together. The first time



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she saw the subject he was upright and running down the stairs. At first she could only see his legs and feet. She thought Sugrue and Connors must have missed when they shot their firearms at the subject and/or he had on body armor since he was still able to run down the staircase towards them. When she saw his shins and thighs she shot 3-4 quick rounds from her firearm at the subject. She believes the subject was approximately three quarters of the way down the staircase and/or approximately 5-10 feet from her when she fired her weapon at him. She never saw the subject with a knife in his hand.

After she shot her firearm she was pushed towards the kitchen because everyone was retreating away from the subject. At that time she lost sight of the subject. She next saw the subject when he was at the bottom of the stairs. She was standing between the kitchen and the living room and had an unobstructed view of the subject. She heard Sergeant Sugrue give commands to the effect of, "stay down, stay down, stop moving" as the subject used his upper body and elbows to crawl or get up. She said, "one round then went off."

She did not shoot her firearm after the subject was at the bottom of the staircase.

At the time of the incident, she had a flashlight mounted on her gun, which was on. She also remembered the area being well lit, with a hallway and kitchen light on.

She also heard the Taser deployed one time, right around the same time as the initial gun fire. She heard a "clicking" noise which she recognized as the Taser not working. She also recalled seeing the deployed Taser wires on the floor. She does not recall hearing the subject ever say anything. She did not give commands to the subject because she did not want to talk over Officer Connors because she wanted the subject to hear Officer Connors clearly.

Inspector Conaty asked Officer Griffith about her training on edge weapons and how she felt during the incident. Officer Griffith stated that it has been engrained in her that if a subject is within 21 feet of you with an edged weapon, "they got you." She knew the subject was closer than 21 feet during the incident. She advised not only did the subject have time, but he also had gravity and sheer force. She said it only took a jump for him to close the distance and that, "it went so fast." She said there was nothing else they could have done. She knew there was a struggle upstairs and was scared that the subject would turn back towards the two victims. She knew they had to get up the stairs quickly.



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Inspector Conaty asked Officer Griffith if she was scared. Officer Griffith said, "I was absolutely petrified." Officer Griffith said, "I have had close calls, but nothing like this."

She advised she was not injured during the incident.

Officer Griffith said she has never had contact with the subject before, nor has she ever been to that specific apartment.

Officer Griffith said she gave one of the victims a ride to the station. The only thing the victim said to her is that the subject was her roommate. She told the victim they shouldn't talk about the incident. (Officer Griffith did not state the name of the person she transported)

I asked Griffith and J.Lucia if they had anything to add or had any questions. Both said they did not.

I later placed the recording of the interview that Inspector Conaty provided me into WCPD evidence.

See Inspector Conaty's report for Sergeant Sugrue's statement.



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Follow Up Report # 9

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Assignment Information

Assigned to: **P474 - HURLBUT, MICHAEL (OFFICER) (Former Employee)** Rank:

Capacity: **SUPPLEMENT** Org unit: **PERSONS UNIT**

Assigned on: **Jan-04-2013 (Fri.) 1105** by: **P474 - HURLBUT, MICHAEL (OFFICER) (Former Employee)**

Report due on: **Jan-04-2013 (Fri.)**

Submission Information

Submitted on: **Jan-04-2013 (Fri.) 1105**

Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Approved on: **Jan-23-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**



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Follow Up Report # 10

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Assignment Information

Assigned to: **P474 - HURLBUT, MICHAEL (OFFICER) (Former Employee)** Rank:

Capacity: **SUPPLEMENT** Org unit: **PERSONS UNIT**

Assigned on: **Jan-04-2013 (Fri.) 1106** by: **P474 - HURLBUT, MICHAEL (OFFICER) (Former Employee)**

Report due on: **Jan-04-2013 (Fri.)**

Submission Information

Submitted on: **Jan-04-2013 (Fri.) 1106**

Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Approved on: **Jan-23-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**

Author: **P474 - HURLBUT, MICHAEL (OFFICER) (Former Employee)**

Related date/time: **Jan-04-2013 (Fri.) 1106**

INVESTIGATION:

On 12/27/12, during a search of BANTA's room at 1450 Creekside Dr. #60, a small amount of fireworks were seized. I placed them in the vault to be destroyed by the Walnut Creek PD Bomb Team at a later time and date.

Nothing further.



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Follow Up Report # 11

Follow Up Report # 11

Assignment Information

Assigned to: **P343 - JEHA, BILL (Retired)** Rank: **DETECTIVE**
Capacity: **LEAD INVESTIGATOR (FOR INVEST DIVISION ONLY)** Org unit: **PERSONS UNIT**
Assigned on: **Jan-06-2013 (Sun.) 1440** by: **P376 - LEONARD, GREG**
Report due on: **Feb-05-2013 (Tue.)**

Submission Information

Submitted on: **Feb-20-2013 (Wed.) 1659**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Feb-28-2013 (Thu.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Follow Up Conclusion
Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P343 - JEHA, BILL (Retired)**
Related date/time: **Jan-09-2013 (Wed.)**

INVESTIGATION:

On 1/7/13 I conducted follow up investigation on this case. I received a copy of the Cellebrite records from BANTA's cell phone, which had an extraction date of 12/27/12. I reviewed the records and it revealed the following:

- Calendar
- Missed Calls-36
- Incoming calls-20
- Outgoing calls- 48
- Chats-38
- iMessages-36 w/2 deleted messages
- Contacts -89
- Notes- 29
- MMS messages- 58 w/4 deleted
- Searched Items-7
- SMS messages- Inbox-70 w/2 deleted, Sent-25
- Voice mail- 41 w/2 deleted
- Images- 14



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BANTA made his last outgoing phone call on 12/23/12 to [REDACTED], who was later identified ([REDACTED]) as a possible girlfriend. The night prior to his death, BANTA's last call received was on 12/24/12 from his mother. BANTA's last three text messages were to and from [REDACTED] dated 12/27/12. The first was from BANTA at 9:04 am, "[REDACTED] are you awake?" The second also from BANTA, at 9:11 am, "I just want you to know you are a beautiful person. I hope you had sweet dreams."

The last was from [REDACTED], at 11:35 am, "Hey :) I'll text you when I'm awake. I promise". The report time is UTC (Universal Coordinated Time) which is 7 hours ahead of Pacific time. So the actual time of the texts were 1:04 am, 1:11 am, and 3:00am PST (Dispatch call was 3:13am).

In addition to [REDACTED] and his mother, BANTA had received and sent text to another subject, [REDACTED] at ([REDACTED]) on 12/26/12 at 1930 hours PST. [REDACTED] had not been identified as of this date. I called the number and left a message.

On 1/8/13 I received a call from Forensic manager GILL, of the CCC Crime Lab, who gave an initial report on some evidentiary items sent in on this case. GILL stated that the plant material which consisted of a leafy bundle tied at one (found on BANTA's dresser) tested negative for any cannabinoids (i.e. Salvia, Spice), but contained eucalyptmol (eucalyptus).

The ashes submitted from the ashtray in BANTA's bedroom was determined to be incense. GILL said other plant material found in the bedroom tested positive for marijuana. GILL told me she recommend the toxicology on BANTA's blood be sent for an expanded post mortem screen, to detect other cannabinoids in the blood. I sent GILL a fax for that request.

[REDACTED] interview]

On 1/10/13 at 1410 hours I spoke to [REDACTED] by phone. [REDACTED] identified herself with biographical data and said that during the month of December, she had a short relationship with BANTA. [REDACTED] told me the following (paraphrased, see Evidence CD recording):

[REDACTED] stated she met BANTA on a dating web site on December 13th. They had several chats and decided to get together. They met in person, first on December 14th where BANTA came to her apartment and they "hung out." [REDACTED] stated BANTA spent the night but they did not have sex. They spent most of the time talking about themselves. BANTA told [REDACTED] he used marijuana but nothing "heavier" and was into Yoga and meditation. [REDACTED] thought BANTA was a "calm, well mannered guy" and she was interested in



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getting to know him better. They hung out the entire next day playing video games and watching movies. She last saw him on the 17th, where they were at her apartment for a couple of hours.

█████ said BANTA told her about his last relationship and that he was happy about ending the relationship because his girlfriend was "controlling." BANTA also told █████ he was looking forward to taking art classes. █████ said BANTA was excited about starting a relationship with her. BANTA told █████ he loved his roommates and was excited for her to meet them.

█████ never told her that anything was bothering him or that he had trouble with the police. █████ said the way BANTA spoke about his life, she thought he would not put himself in jeopardy of being arrested, let alone put him in position to be killed.

█████ said she left for Florida on the 19th and she and BANTA texted every day including the night of his death. █████ said they never called each other because they were too busy, so they just text. The texts were short and consisted of pleasantries like "how ya doing, thinking about you."

I asked █████ about the texts BANTA sent her the night he died. I read the texts to █████ and she said she thought those texts were unusual for BANTA. █████ told me the "█████ are you awake?" text was strange because he never called her "█████" and he never asked her if she was awake. regarding the last text BANTA sent █████ "I just want you to know you are a beautiful person. I hope you had sweet dreams!" █████ said she thought BANTA was maybe saying goodbye. █████ stated she was asleep when she got BANTA's texts and usually would not reply. But she was a little concerned about the texts so she felt the need to text BANTA back (Hey I'll text you when I'm awake. I promise").

█████ said she texted BANTA several times when she woke up on the 27th but did not get a reply. She checked his Facebook account and saw that it was gone. █████ said she contacted BANTA's ex girlfriend █████ @ █████ to find out BANTA was deceased.

[█████ interview]

On 1/14/13 I was able to identify █████ from his phone number. █████ had an address in Walnut Creek █████ I went to that address and contacted the leasing agent who confirmed █████ lived there. I left another phone message for █████

On 1/23/13 at 1633 hours I contacted █████ at his apartment. █████ agreed



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to talk to me and told me he met BANTA through BANTA's old girlfriend [REDACTED], in 2008, in Yuba City. They didn't become close friends until they both moved from Yuba City to Walnut Creek in 2011, where they were roommates. [REDACTED] said he and BANTA consistently hung out.

They lived together until August of 2012 then BANTA moved into his co-worker's house ([REDACTED] [REDACTED] described BANTA as mostly "laid back" and quiet. When they hung out together, they would talk about life, in general. [REDACTED] said during the time he has known BANTA, BANTA had no bad experiences with the police and as far as he knew, had never been arrested.

I asked [REDACTED] about BANTA using drugs and he said he knew BANTA used marijuana on a regular basis and had recently used "molly" or ecstasy. [REDACTED] said BANTA went to a music event with one of his co-workers around December 1st, 2012 and BANTA told [REDACTED] he used "molly." [REDACTED] said BANTA usually tells him everything and said he had a good experience from the ecstasy, stating, "it made him feel like he was on a different plane that he hasn't been on before mentally" [REDACTED] said a few days after the music event, he could tell something was a little different about BANTA. [REDACTED] said BANTA seemed to have a little more drive or motivation and their talks were more "existential." They were more about trying to find out what BANTA's life was about and why he was here and what choices he made to bring him to this point. [REDACTED] said he thought that a book (The Mind of the Soul) he and BANTA were reading, was also contributing to his different behavior.

[REDACTED] said BANTA's behavior was not like depression but more motivated. The last time [REDACTED] saw BANTA was on Christmas Eve and he was in good spirits and was heading up to Yuba City. [REDACTED] said he recalled BANTA texting him after Christmas in regard to BANTA having a gift for him (a wallet). [REDACTED] said he never was able to meet up with BANTA to get the wallet.

I asked [REDACTED] about BANTA's car and that there was information that [REDACTED] was the beneficiary of an insurance policy on the car. [REDACTED] said BANTA had been saving his money for a car for awhile. In October of 2012, BANTA contacted [REDACTED] and asked him to go with him to buy a car.

I asked why he picked [REDACTED] to go with him and he said, "because I was his closet friend." They drove to a San Rafael dealership and purchased the car. When BANTA went to get the loan, the credit union representative told BANTA to name a beneficiary in case anything happened to him. BANTA immediately pointed to [REDACTED] and said "I want him." [REDACTED] said he thought that was odd, because he thought he would give it to his dad. [REDACTED] said



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he didn't make a big deal because he didn't think anything would happen to BANTA.

I asked [REDACTED] since he was a close friend, what did he think happened the night BANTA died. [REDACTED] said he believed it had to do with the ecstasy he had taken when he went to the music event, early that month. He had done some research on "molly" and found that there were some lasting effects, which may have put BANTA in a horrible state of mind that he could not control. I asked [REDACTED] if he was aware of any medical or mental issues BANTA was going through and he said he did not know of any. [REDACTED] felt BANTA's behavior that night had to be chemically induced.

[REDACTED] interview]

On 1/24/13, I contacted another person ([REDACTED] identified as G Town in BANTA's phone records, who had made drug references in his texts. [REDACTED] told me he was G Town in BANTA's phone and said he and BANTA grew up together in Yuba City. [REDACTED] told me he was one of BANTA's good friends, since middle school. [REDACTED] said he lived in Portland Oregon and last saw BANTA in June of 2012. I asked [REDACTED] if BANTA was into using drugs and he said BANTA used marijuana but that was all he knew of.

I asked [REDACTED] about his texts to BANTA in August of 2012, in regard to "Vicodin pills." (A schedule III narcotic). [REDACTED] said he recalled the text conversation and he was asking BANTA how much Vicodin pills would sell for, because [REDACTED] had some and he needed money. I asked [REDACTED] why he asked BANTA and [REDACTED] said he didn't know anything about drugs. BANTA used to live with some roommates who were "into crazy shit" meaning drugs and thought BANTA might know (which BANTA did, giving [REDACTED] a price of 3 pills for \$10.00). [REDACTED] stated he never knew BANTA to use any "hard drugs" like Vicodin.

I asked [REDACTED] when was the last time he spoke to BANTA and he said he usually spoke to him approx every 2 weeks. He thought it was early December when he spoke to BANTA last. [REDACTED] said BANTA was in good spirits during that last conversation and nothing was mentioned about anything bothering him.

[REDACTED] second interview]

On 1/24/13 at 1622 hours I contacted [REDACTED] at WCPD for a follow-up interview. I told [REDACTED] I wanted to clarify some issues that were revealed from BANTA's phone records that involved some texts from [REDACTED] I told [REDACTED] I had read his earlier statement with DA Investigator



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Holcombe regarding BANTA's drug use and if he could tell me if he knew more about what BANTA was using. [REDACTED] said to his knowledge and knowing BANTA for so long, he had first hand knowledge that he smoked marijuana on a regular daily basis and had recently used ecstasy.

[REDACTED] said in December 2012, BANTA told him he went to Santa Cruz with his old roommates (didn't know the names) and said he used ecstasy and didn't get home until 5:00 in the morning. BANTA didn't give [REDACTED] any details of who he got it from or how much he took. BANTA told him it was his first time and he enjoyed the high and had a good time and it was a good experiment.

I asked [REDACTED] about any other drugs and he asked me if I was referring to his texts about the mushrooms (psilocybin) and I said yes. [REDACTED] said he was asking BANTA if he wanted to go view a meteor shower and there would be mushrooms there. [REDACTED] said the person that was supplying the mushrooms did not come and BANTA didn't go with [REDACTED] to see the meteor shower. I asked [REDACTED] if he ever did mushrooms with BANTA and he said "no."

I asked [REDACTED] about the burned material found in BANTA's room and he said it was incense. He and BANTA enjoyed burning incense, since they lived in Yuba City. [REDACTED] stated his favorite was called Nag Champa, but he did not know what BANTA's favorite was, but knew BANTA liked to burn big bundles of sage. BANTA would constantly burn the bundles of sage and was into "aura and spiritual energy and that's why he would burn the sage."

I asked [REDACTED] about the girl BANTA met online and [REDACTED] said he was unaware of any girlfriend BANTA had. I then read the texts BANTA had with a person named [REDACTED] regarding the ecstasy. [REDACTED] said he did not know [REDACTED], but the text conversation sounded similar to the conversation he and BANTA had after BANTA admitted to using ecstasy at the Santa Cruz party.

I asked [REDACTED] if he saw any behavioral changes with BANTA since he used the ecstasy and [REDACTED] said he was told BANTA had some behavior issues with some co-workers at the salon. [REDACTED] said BANTA's old girlfriend told him BANTA was rude to customers and coworkers, which was unusual. Other than that, [REDACTED] did not notice any behavioral changes in BANTA.

[REDACTED] interview]

On 1/25/13 I and spoke on the phone with [REDACTED] and she stated she was BANTA's co-worker at the Amour Salon. [REDACTED] said she was probably the



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closet to BANTA as any other salon co-worker. [REDACTED] said she knew BANTA for a couple years, from work and he had moved into her house for approx. three months. [REDACTED] said during the time she never saw BANTA use any other drugs other than marijuana.

I asked [REDACTED] about a text BANTA sent her regarding "picking up some goodies" and if that referred to obtaining drugs. [REDACTED] said it did not refer to drugs, but she is a baker and she bakes all the time and BANTA would enjoy coming over and eating her baked goods.

I asked [REDACTED] if she had noticed anything bothering BANTA in the last month before his death and she said she did not. I asked her about a recent incident BANTA had at the salon and she did not know of any incident. I told her that several of BANTA's friends said he had displayed a bad attitude toward his co-workers. [REDACTED] said she knew that BANTA was letting his clients take advantage of him and he had finally stood up to some of them, which caused a scene, because it was so unusual for BANTA. I asked [REDACTED] if she would check with other co-workers if they were aware of any recent incidents involving BANTA. [REDACTED] said she would check and have them contact me. I asked [REDACTED] if she had a [REDACTED] working at the salon and she said she did. I asked [REDACTED] if I could speak with [REDACTED] at the salon and [REDACTED] said she would ask her.

[REDACTED] interview]

On 1/25/13 I received a message from [REDACTED] who said she was unavailable to meet me today. On 1/28/12 at 1123 hours, I called [REDACTED] and spoke to her. [REDACTED] told me again, she was unable to meet me for an interview. I told her it was very important that I speak with her because she may have some significant information on BANTA. [REDACTED] reluctantly agreed to speak to me on the phone. It appeared [REDACTED] was concerned that I was speaking to her about BANTA. I asked her what her relationship was to BANTA and she said they were friends and co-workers. She had been a friend with him since July 2012. [REDACTED] said she wasn't a close friend, but they would go to social functions together.

I asked [REDACTED] if she knew if BANTA used drugs and she said "I believe he smoked marijuana." I asked her about any other drugs and she said not that she knew of. I then asked [REDACTED] about a text conversation she had with BANTA regarding ecstasy (molly). [REDACTED] admitted to the conversation and told me the following:

She and her boyfriend were going to a "spiritual music festival" in Santa Cruz on 12/1/13. She asked BANTA if he would like to come and they were



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going to take ecstasy (the text from [REDACTED] to BANTA read " I will have my friends molly {ecstasy} & mary jane {marijuana} available.") BANTA agreed to go and texted "Cool I'm excited, sounds like a good time."

[REDACTED] said she asked BANTA what kind of ecstasy he wanted. I then read [REDACTED] the texts she sent to BANTA :

"So picking up goodies for tomorrow. You have some options. There's stamped candy for \$10 each or there's Molly for \$90 per gram. Molly don't come in capsules so you can do with it what you want?. I know that's a huge price difference but it is what it is. Let me know what you would want before noon tomorrow.

I then read BANTA's response :

Stamped candy can't say I've heard of that? But sounds interesting prolly gonna skip on the molly though."

[REDACTED] then sent:

That's just pressed stamped I think they are called yellow Mickey Mouse or green transformer or something lol, Idk. I'm prolly just gonna smoke anyway.

I then read her next text to BANTA :

"Well the stamped ones are usually mixed with other substances, which makes the roll tweaky & you come down harder sometimes. Molly is just a great high with very little to no come down. Very clean, pure MDMA, so that's why it's more expensive."

[REDACTED] confirmed what I read was what she texted BANTA, but said he never got any from her. I asked [REDACTED] who had the ecstasy and she said "some friend's of mine." [REDACTED] did not want to identify who the friends were. I asked [REDACTED] to tell me about the music festival and she said they left on Saturday and got to the festival at around 2200 hours. They stayed until 0500 hours. [REDACTED] said she did not see anyone give BANTA any ecstasy, but she wasn't with him the entire time. [REDACTED] doubted that BANTA took anything because he didn't act like it. They all drove home in the morning.

I told [REDACTED] I knew BANTA had taken ecstasy that trip because two of his closest friends said BANTA told them he did. [REDACTED] said if BANTA took ecstasy, it did not come from her. I asked her about her friends giving BANTA ecstasy and she said "he could have got some from them, but I didn't notice him as being high."

I told [REDACTED] I needed her to be honest with me and that she was not in trouble. [REDACTED] again said she didn't give BANTA any ecstasy. I asked [REDACTED] to ask her boyfriend if he may have given BANTA the "molly." [REDACTED] said she would and call me back.

I did not receive any response from [REDACTED]

On 2/19/13 I spoke with CCC Crime Lab manager GILL in regard to the



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expanded toxicology results. GILL confirmed the results from BANTA's blood was positive for ethanol/alcohol, caffeine and marijuana (see NMS lab report for details). No other drug metabolites were found in BANTA's blood. GILL stated the acute blood load would show recent usage of a substance however, urinary analysis would show longer term substance use. GILL stated the Coroner would have BANTA's urine samples. I called the Coroner's office and they informed me they had sent BANTA's urine sample for and expanded analysis and had not received the results.



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Follow Up Report # 12

Follow Up Report # 12

Assignment Information

Assigned to: **P433 - MOORHOUSE, SCOTT** Rank: **DETECTIVE**
Capacity: **SUPPLEMENT** Org unit: **PROPERTY UNIT**
Assigned on: **Jan-07-2013 (Mon.) 1145** by: **P433 - MOORHOUSE, SCOTT**
Report due on: **Jan-08-2013 (Tue.)**

Submission Information

Submitted on: **Jan-07-2013 (Mon.) 1149**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Jan-23-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P433 - MOORHOUSE, SCOTT**
Related date/time: **Jan-07-2013 (Mon.) 1145**

On 1-7-12 at approximately 1100 hours, DA Inspector Holcombe came to WCPD and gave me Banta's iPhone, which Holcombe had downloaded using CellBrite. Holcombe provided me with a CD containing the cell phone report from Banta's iPhone. Holcombe also gave me a CD containing the audio recordings of the interviews of [REDACTED].

I booked these items into WCPD evidence.

Nothing further.



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Follow Up Report # 13

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Assignment Information

Assigned to: **P344 - HILL, JAY** Rank:
Capacity: **SUPPLEMENT** Org unit: **PATROL TEAM 5**
Assigned on: **Dec-29-2012 (Sat.) 826** by: **P344 - HILL, JAY**
Report due on: **Jan-09-2013 (Wed.)**

Submission Information

Submitted on: **Jan-04-2013 (Fri.) 1942**
Approved on: **Jan-05-2013 (Sat.)** by: **P395 - DONLEAVY, JOE (Former Employee)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P344 - HILL, JAY**
Related date/time: **Dec-29-2012 (Sat.) 2135**

On 12/27/12 I was called in to work to assist with this investigation. At approximately 1100 hours, I received a call from Detective Moorhouse asking me if I could photograph the victims from this case, [REDACTED] and [REDACTED]

At approximately 1200 hours, I contacted [REDACTED] and [REDACTED] in the 2nd floor PD break room and asked them if I could take a few photographs to document their injuries (or lack thereof). Both agreed.

I escorted them separately across the hall to Lt. Gorski's office to take their photographs. I first photographed [REDACTED] I took a full frontal photograph, then additional photos of his hands (both sides) arms, neck and face. I did not note any visible injuries to [REDACTED]

I then brought [REDACTED] in to Lt. Gorski's office and took similar photos of her. I did not note any visible injuries on [REDACTED] but her neck was red and blotchy. [REDACTED] said she gets that way when nervous but the redness on her neck was not an injury.

I booked the photos onto a compact disc and later booked it into evidence.



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Follow Up Report # 14

Follow Up Report # 14

Assignment Information

Assigned to: **P416 - GERSTNER, KIM** Rank: **DETECTIVE**
Capacity: **SUPPLEMENT** Org unit: **PERSONS UNIT**
Assigned on: **Feb-07-2013 (Thu.) 1356** by: **P416 - GERSTNER, KIM**
Report due on: **Mar-09-2013 (Sat.)**

Submission Information

Submitted on: **Feb-07-2013 (Thu.) 1402**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Feb-07-2013 (Thu.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P416 - GERSTNER, KIM**
Related date/time: **Feb-07-2013 (Thu.)**

SUPPLEMENTAL INVESTIGATION:

On 02/07/2013 I was asked by Sgt. McLaughlin to do the following:

Retrieve Ofc. Griffith's work cell phone from evidence.
Download the photos pertaining to this case onto a disc.
Book the disc into evidence.
Erase the photos from the cell phone.
Return the cell phone to Ofc. Griffith.

I did the above as requested.



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Follow Up Report # 15

Follow Up Report # 15

Assignment Information

Assigned to: **P343 - JEHA, BILL (Retired)** Rank: **DETECTIVE**
Capacity: **INVESTIGATE / Follow Up** Org unit: **PERSONS UNIT**
Assigned on: **May-09-2013 (Thu.) 1319** by: **P343 - JEHA, BILL (Retired)**
Report due on: **May-09-2013 (Thu.)**

Submission Information

Submitted on: **May-09-2013 (Thu.) 1349**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **May-15-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P343 - JEHA, BILL (Retired)**
Related date/time: **May-09-2013 (Thu.) 1321**

Investigation Follow up by Detective Jeha

INVESTIGATION:

On 5/9/13, it came to my attention that there were outstanding parking tickets from a vehicle previously registered to BANTA. Two parking citations had been issued to a 02 maroon Infinity, Ca license plate [REDACTED], on 1/9/13 and 2/6/13. DMV records had release of liability of the Infinity to DANTA, (not BANTA) Anthony at 1450 Creekside Dr, which was BANTA's address. There was a transfer date of 9/01/12.

I contacted the last listed owner, [REDACTED] and he told me he purchased the Infinity in March of 2013 from a person in Martinez [REDACTED]. I spoke to [REDACTED] and he told me he purchased the car in Vallejo, from a person named [REDACTED] who was selling it for his girlfriend ([REDACTED] [REDACTED] said he purchased the vehicle in late August of 2012. I asked [REDACTED] what [REDACTED] looked like and he described a person that did not match BANTA. [REDACTED] admitted that he had the Infinity when the parking cites were issued.

It is my conclusion that BANTA had sold the Infinity sometime during the summer of 2012 and did not have anything to do with at the time of his death.



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Follow Up Report # 16

Follow Up Report # 16

Assignment Information

Assigned to: **P404 - JOWER, BRUCE** Rank:
Capacity: **SUPPLEMENT** Org unit: **PATROL TEAM 2**
Assigned on: **Jul-24-2013 (Wed.) 1343** by: **P404 - JOWER, BRUCE**
Report due on: **Jul-27-2013 (Sat.)**

Submission Information

Submitted on: **Jul-24-2013 (Wed.) 2320**
Approved on: **Jul-25-2013 (Thu.)** by: **P369 - GORSKI, STEVE**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P404 - JOWER, BRUCE**
Related date/time: **Jul-24-2013 (Wed.) 2246**

On 07/24/13 at 1435 hours, I received from WCPD Property Clerk Shamekia Riley TASER/CEW #X00-306564 to download. This CEW belonged to Officer Guy Ezard at the time of this OIS on 12/27/12 at approximately 0321 hours.

On 07/24/13 at 1448 hours, I downloaded this CEW and generated a TASER/CEW Download report for X00-306564. At the time of this download, I noticed that the CEW time was 16 minutes 32 seconds slower than the time on the WCPD desktop (report writing) computer. I reset the time on this CEW to match the computer time.

On this download report, Sequence #0095 shows that TASER/CEW X00-306564 was deployed on 12/27/12 @ 03:04:39 hours local time for a duration of 5 seconds at a temperature of 23 degrees with a battery life of 20%. The true time of this deployment should be 12/27/12 @ 03:21:11 hours (03:04:39 + 00:16:32).

On 07/24/13 at 1455 hours, I returned this CEW back to Shamekia Riley to be submitted back into WCPD evidence. I forwarded this download report to Records Clerk Jodi Piazza to be added to this case.

This ends my involvement in this investigation.



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Follow Up Report # 17

Follow Up Report # 17

Assignment Information

Assigned to: **P458 - WATSON, MICHAEL** Rank: **DETECTIVE**
Capacity: **INVESTIGATE / Follow Up** Org unit: **PERSONS UNIT**
Assigned on: **Jul-30-2013 (Tue.) 940** by: **P458 - WATSON, MICHAEL**
Report due on: **Jul-30-2013 (Tue.)**

Submission Information

Submitted on: **Jul-30-2013 (Tue.) 940**
Checked by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**
Approved on: **Jul-31-2013 (Wed.)** by: **P239 - MCLAUGHLIN, MIKE (SGT) (Retired)**

Follow Up Conclusion

Follow Up concluded: **Yes**

Narrative Text Report # 1

Document: **INVESTIGATION**
Author: **P458 - WATSON, MICHAEL**
Related date/time: **Jul-30-2013 (Tue.)**

On or around 1-22-13, Detective Jeha requested I conduct an examination of Anthony Banta's laptop computer to attempt to determine what could have led to his actions toward his roommate and officers on 12-27-2012. The computer is a silver and black Gateway Model No: W350I. As printed on an affixed decal, Model T-6330u, S/No: [REDACTED]

I used Encase v 6.19.3 and Internet Evidence Finder v 6.0.0.0428 to examine the image of the computer.

I found no information that could help further this investigation. The internet usage and computer usage that I was able to see did not reveal any potential leads into Banta's actions on 12-27-2012.

As I was unable to locate any information of significance, I did not create a forensic report.

No further action taken.