



OFFICE OF THE

DISTRICT ATTORNEY

ORANGE COUNTY, CALIFORNIA

TONY RACKAUCKAS, DISTRICT ATTORNEY

CHARLES MIDDLETON
CHIEF ASSISTANT D.A.

CLAUDIA SILBAR
SENIOR ASSISTANT D.A.
FELONY OPERATIONS 1

BRUCE PATTERSON
SENIOR ASSISTANT D.A.
FELONY OPERATIONS 2

JAN STURLA
SENIOR ASSISTANT D.A.
FAMILY SUPPORT

BRYAN BROWN
SENIOR ASSISTANT D.A.
MISDEMEANOR OPERATIONS

DONALD BLANKENSHIP
CHIEF
BUREAU OF INVESTIGATION

LISA BOHAN - JOHNSTON
DIRECTOR
ADMINISTRATIVE SERVICES

November 14, 2000

Sheriff Michael Corona
Orange County Sheriff's Department
550 N. Flower
Santa Ana, CA 92701

RE: Deputy Guy Pepe/Orange County Sheriff's Department/Officer-Involved
Shooting /Fatal/Wayne Tom Eamello/Orange County Sheriff's Department DR #00-170538

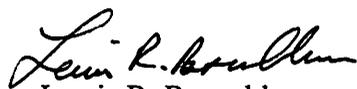
Dear Sheriff Corona:

At approximately 1214 hours on August 14, 2000, on-duty Orange County Sheriff's Deputy Guy Pepe was involved in the fatal shooting of Wayne Tom Eamello in the area of Cerritos Avenue and Peppertree Lane in the city of Stanton. At your request, the Orange County District Attorney's Office Bureau of Investigations has conducted an independent criminal investigation and forwarded their findings to our office's Homicide Unit for review.

We have reviewed materials consisting of: investigative interviews with the involved individuals, law enforcement and medical personnel who responded to the scene. Also read and considered were other miscellaneous reports, including: transcripts of interviews, initial and follow-up Orange County Sheriff's Department crime reports under DR #00-170538, crime scene logs, and dispatch print-outs, criminal history information of the decedent, coroner's reports and autopsy records under case #00-05085 HR, incident scene and autopsy photographs, and Orange County Sheriff's Department crime scene, laboratory, identification bureau, forensic and toxicological reports under FR #00-49417.

After a thorough review of all the facts and the applicable law in this case, we have concluded that the evidence does not support a finding of criminal culpability on the part of Deputy Pepe. His shooting of Wayne Tom Eamello was reasonable under the totality of the circumstances that existed at that time. Thank you for your cooperation in this matter.

Sincerely,


Lewis R. Rosenblum
Assistant District Attorney

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

WEB PAGE: www.oc.ca.gov/da

MAIN OFFICE
401 CIVIC CENTER DR. W.
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3600

NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92631
(714) 773-4460

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 590-7261

SOUTH OFFICE
30143 CROWN VALLEY PKWY.
LAGUNA NIGUEL, CA 92677
(949) 249-5026

HARBOR OFFICE
4601 JAMBOREE BLVD.
NEWPORT BEACH, 92663
(949) 476-4850

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

CENTRAL OFFICE
700 CIVIL CENTER DR. W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3600

RE: EAMELLO, WAYNE TOM S.A. #00-273
(OFFICER INVOLVED SHOOTING/FATAL/ORANGE COUNTY
SHERIFF'S DEPARTMENT)

SUBJECT: INDEX OF EXHIBITS AND WITNESSES

BY: JAIME JOYCE, INVESTIGATOR
ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

I. EXHIBITS

DISTRICT ATTORNEY'S OFFICE LETTER

PREFACE

COMPLAINT

INVESTIGATIVE SUMMARY

SUPPLEMENTAL REPORTS

TRANSCRIPT OF: DEPUTY GUY PEPE

INTERVIEW OF: DEPUTY DONNA STUBBS

INTERVIEW OF: DEPUTY CATHY IRONS

INTERVIEW OF: DEPUTY JOSE PELAYO

INTERVIEW OF: DR. JURGEN HAASE

INTERVIEW OF: GREG BRADSHAW

INTERVIEW OF: MICHAEL BLAWN

INTERVIEW OF: [REDACTED]

ORANGE COUNTY SHERIFF'S DEPARTMENT REPORTS

BUENA PARK POLICE DEPARTMENT REPORTS

ANAHEIM POLICE DEPARTMENT REPORTS

STATE PAROLE RECORDS

ORANGE COUNTY FIRE AUTHORITY REPORTS

HOSPITAL REPORTS

FORENSIC REPORTS

IDENTIFICATION REPORTS

TOXICOLOGICAL REPORTS

AUTOPSY REPORTS

NEWS ARTICLES

PHOTOGRAPHS

DMV PHOTOGRAPH/DRIVING RECORD

CRIMINAL HISTORY/BACKGROUND

ORANGE COUNTY JAIL MEDICAL RECORDS

II. WITNESSES

1. Deputy GUY PEPE #1715
Orange County Sheriff's Department
550 North Flower Street
Santa Ana, CA 92702
(714) 647-7000
PEPE shot EAMELLO.

2. Deputy DONNA STUBBS #1954
Orange County Sheriff's Department
West Operations Division
11100 Cedar Street
Stanton, CA 90680
(714) 891-2481
STUBBS was one of the first deputies to arrive to the incident scene. PEPE told STUBBS he had shot EAMELLO four times. She saw EAMELLO holding a knife in his hand.

3. Deputy CATHY IRONS #1351
Orange County Sheriff's Department
North Operations Division
550 North Flower Street
Santa Ana, CA 92702
(714) 647-7000
IRONS was one of the first deputies to arrive to the incident scene. She saw EAMELLO holding a knife in his hand.

4. Deputy JOSE PELAYO #1244
Orange County Sheriff's Department
550 North Flower Street
Santa Ana, CA 92702
(714) 647-7000
PELAYO took Polaroid photographs of the scene. PELAYO rode with EAMELLO to the hospital.

5. Doctor JURGEN HAASE
West Anaheim Medical Center-Emergency Room
3033 West Orange Avenue
Anaheim, CA 92804
(714) 827-3000
HAASE pronounced EAMELLO dead on 8-14-00 at 1304 hours.

6. Paramedic GREG BRADSHAW
Orange County Fire Authority
7871 Pacific Street
Stanton, CA 90680
(714) 827-0533
BRADSHAW treated EAMELLO at the incident scene.

7. Paramedic MICHAEL BLAWN
Orange County Fire Authority
7871 Pacific Street
Stanton, CA 90680
(714) 827-0533
BLAWN treated EAMELLO at the incident scene.

8. [REDACTED] DOB: [REDACTED]
[REDACTED]
Stanton, CA 90680
[REDACTED]
[REDACTED]
[REDACTED] is EAMELLO'S father. He knew EAMELLO was in prison and abused drugs.

9. [REDACTED] DOB: [REDACTED]
[REDACTED]
Anaheim, CA 92802
[REDACTED]
[REDACTED] is EAMELLO'S mother. She knew EAMELLO was in prison.
EAMELLO had trouble getting along with people.

10. [REDACTED] DOB: [REDACTED]
[REDACTED]
Anaheim, CA 92802
[REDACTED]
[REDACTED] is EAMELLO'S sister. She saw EAMELLO leave their home between 1100-1130 hours on 8-14-00. [REDACTED] knew EAMELLO liked to carry knives for protection and he abused drugs.

11. [REDACTED] DOB: [REDACTED]
Anaheim, CA 92802
[REDACTED]
[REDACTED] is EAMELLO'S stepbrother. He knew EAMELLO possessed weapons in the past and abused drugs. [REDACTED] believed EAMELLO had been [REDACTED]

12. [REDACTED]
Santa Ana, CA 92701
[REDACTED]
[REDACTED] is EAMELLO'S stepbrother. He believed EAMELLO [REDACTED] and he was in [REDACTED] in prison. Recently, EAMELLO had not been [REDACTED]

13. [REDACTED] DOB: [REDACTED]
Stanton, CA 90680
[REDACTED]
[REDACTED] saw PEPE chasing EAMELLO over a block wall. She heard three gunshots approximately twenty-five seconds later.

14. [REDACTED] DOB: [REDACTED]
Avoca, Wisconsin 53506
[REDACTED]
[REDACTED] was visiting [REDACTED] [REDACTED] saw PEPE jump over a block wall. She heard three gunshots approximately one minute later.

15. [REDACTED] DOB: [REDACTED]
Stanton, CA 90680
[REDACTED]
After PEPE shot EAMELLO in front of her open front door of her residence, [REDACTED] called "911." [REDACTED] immediately looked outside after she heard the gunshots and she saw EAMELLO lying on his back with a knife in his hand.

16. [REDACTED] DOB: [REDACTED]
Stanton, CA 90680
[REDACTED]
[REDACTED] looked out his front door after the shooting. He saw PEPE pointing his gun at EAMELLO. Later, [REDACTED] saw EAMELLO lying on his back with a knife in his hand. [REDACTED] took eight photographs of the incident scene.

17.

[REDACTED]

DOB: [REDACTED]

Stanton, CA 90680

[REDACTED]

[REDACTED] looked out her front door after the shooting. She saw PEPE standing nearby EAMELLO, as he was lying on the ground. [REDACTED] did not notice a gun in PEPE'S hand or a knife in EAMELLO'S hand.

18.

[REDACTED]

DOB: [REDACTED]

Long Beach, CA 90802

[REDACTED]

[REDACTED] was visiting [REDACTED] and [REDACTED]. She looked outside the front door after the shooting, but she could not see clearly. Later, [REDACTED] saw EAMELLO with a knife in his right hand.

19.

[REDACTED]

DOB: [REDACTED]

Stanton, CA 90680

[REDACTED]

[REDACTED] heard shouting and gunshots nearby her residence.

20. Officer RICHARD PINO #749

Buena Park Police Department

6650 Beach Boulevard

Buena Park, CA 90622

[REDACTED]

PINO was one of the first officers to arrive to the incident scene. He saw EAMELLO holding a knife in his right hand.

21. Parole Agent GREG ADAMS

California Department of Corrections

Orange I Parole Unit

1400 North Burton Place

Anaheim, CA 92806

[REDACTED]

ADAMS was EAMELLO'S parole agent since his release from prison.

RE: EAMELLO, WAYNE TOM S.A. #00-273
(OFFICER INVOLVED SHOOTING/FATAL/ORANGE COUNTY SHERIFF'S
DEPARTMENT)

SUBJECT: AUDIO/VIDEO TAPE LOG

BY: JAIME JOYCE, INVESTIGATOR
ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

<u>TAPE NUMBER</u>	<u>INTERVIEW OF</u>	<u>INTERVIEW BY</u>	<u>DATE/TIME</u>
V-1	DEPUTY CATHY IRONS	UNIT TAPE #7014	8-14-00
A-1	DISPATCH TAPE/RED	OCSO	8-14-00
A-2	911 CALL/ [REDACTED]	OCSO	8-14-00/1214
A-3	DEPUTY GUY PEPE	JOYCE/GLASGOW	8-15-00/1021-1143
A-4	DEPUTY CATHY IRONS	"	8-14-00/1642-1720
A-5	DEPUTY DONNA STUBBS	"	8-14-00/1538-1629
A-6	T/C KRISTEN KNOWLES	JOYCE	9-7-00/1454-1534
A-7	T/C ARCHIE BALDRIDGE	JOYCE	8-30-00/1332-1355
A-8	CANVAS #1	MCLAUGHLIN/SCHULTZ	8-14-00/1602
A-9	CANVAS #2	"	8-14-00/1726
A-10	CANVAS #3	MCLAUGHLIN	8-22-00/1800-1856
A-11	CANVAS #4	"	8-23-00/0812-0831
A-12	CANVAS #5	"	8-29-00/1511
A-13	[REDACTED]	MCLAUGHLIN/SCHULTZ	8-14-00/1741-1801
A-14	[REDACTED]	"	8-14-00/1452-1513
A-15	[REDACTED]	MCLAUGHLIN	8-31-00/1503-1506
A-16	[REDACTED]	MCLAUGHLIN/SCHULTZ	8-14-00/1706-1712
A-17	[REDACTED]	"	8-14-00/1646-1700
A-18	[REDACTED]	"	8-14-00/1538-1555
A-19	[REDACTED]	"	8-14-00/1515-1534
A-20	[REDACTED]	MCLAUGHLIN	8-21-00/1915-1929
A-21	[REDACTED]	"	8-28-00/1042-1102
A-22	DR. JURGEN HAASE	KELSEY/STACK	8-14-00/1450-1456
A-23	MIKE BLAWN	KELSEY/MONA	8-14-00/1642-1653
A-24	GREG BRADSHAW	"	8-14-00/1626-1636
A-25	CANVAS #1	MONA/SCHULL	8-14-00/1755
A-26	CANVAS #2	"	8-23-00/0715

A-27	DEPUTY JOSE PELAYO	MONA/KELSEY	8-14-00/1615
A-28	[REDACTED]	CRAIG	8-15-00/0915-1010
A-29	[REDACTED]	MANLEY	8-14-00
A-30	CANVAS #1	MANLEY	8-14-00
A-31	CANVAS #2	"	8-15-00
A-32	[REDACTED]	"	8-16-00
A-33	[REDACTED]	"	9-29-00
A-34	[REDACTED]	"	9-29-00
A-35	DISPATCH TAPE #2	OCSD	8-14-00

RE: EAMELLO, WAYNE TOM S.A. #00-273
(OFFICER INVOLVED SHOOTING/FATAL/
ORANGE COUNTY SHERIFF'S DEPARTMENT)

SUBJECT: PREFACE

BY: JOE LOPEZ, SUPERVISING INVESTIGATOR
ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

DATE AND TIME OF OCCURRENCE: MONDAY AUGUST 14, 2000, 1210 HOURS

LOCATION OF OCCURRENCE: NEAR [REDACTED] STANTON

TYPE OF INVESTIGATION: JOINT

ASSISTING AGENCIES: ORANGE COUNTY SHERIFF'S DEPARTMENT
(CASE) 00-170538
ORANGE COUNTY SHERIFF/CORONER DEPARTMENT
(LABORATORY) FR# 00-49417
(CORONER) CR# 00-05085HR

On Monday, August 14, 2000, at 1234 hours, I was paged by Sergeant BOB BLACKBURN, Orange County Sheriff's Department. BLACKBURN told me he was requesting the Orange County District Attorney's Office, Officer Involved Incident Investigation Team, respond to conduct an investigation of an officer involved shooting that occurred between the intersection of Peppertree Lane and Cerritos Avenue and nearby railroad tracks. BLACKBURN told me an Orange County Sheriff's Deputy was involved in a foot pursuit of a subject with a knife. The subject was later shot by the deputy.

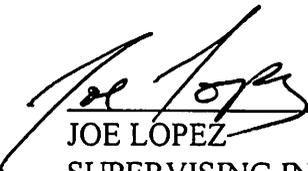
I then contacted District Attorney's Investigators, JAIME JOYCE, RICK CHRISTENSEN, TIM CRAIG, CRAIG KELSEY, JEFF McLAUGHLIN, MIKE MANLEY, and CAROL MONA. I requested they respond to the incident scene.

I responded to the incident scene and arrived at 1322 hours. When all investigative

personnel were present, Deputy Sheriff DONNA STUBBS and ALBERT SEVILLA conducted a two part briefing on the known circumstances surrounding the shooting. After the briefing the following assignments were made:

1. J. JOYCE/P. GLASGOW(O.C.S.D.)- Case Investigators
2. R. CHRISTENSEN/M. MANLEY/Y. SHULL(O.C.S.D.) -Scene Investigators/
Witness Interviews
3. C. KELSEY/C. MONA/D. STACK-(O.C.S.D.) -Hospital/Witness
Interviews
4. J. McLAUGHLIN/M. SCHULTZ(O.C.S.D.) -Witness Interviews
5. T. CRAIG -Witness Interviews

Riverside County Sheriff Coroner's Department Chief Forensic Pathologist Doctor JOSEPH COHEN was contracted to perform the autopsy. Refer to the package reports, documents and photographs for details of this investigation.



JOE LOPEZ
SUPERVISING INVESTIGATOR
DATE OF REPORT: AUGUST 15, 2000