

# ORIGINAL

CASE NO. 17-011538

SHERIFF-CORONER DEPARTMENT, ORANGE COUNTY  
SANTA ANA, CALIFORNIA

CASE CLEARED REPORT

CRIMINAL ☒NON-CRIMINAL ☐

agl

SANDRA HUTCHENS, SHERIFF-CORONER

OFFENSE <u>CPC 135</u> <u>CPC 69 x 2, 243(c)(2) x 2, HTS 113(b)(4)</u>		GRID <u>952 B6</u>	WHERE COMMITTED <u>[REDACTED] SJC</u>
VICTIM AND/OR INFORMANT			DATE OF OFFENSE <u>3/24/17</u>
HOW CLEARED	(EXPLAIN BELOW)		
ARREST <input checked="" type="checkbox"/> (LIST BELOW)	UNFOUNDED <input type="checkbox"/>	EXCEPTIONAL CLEARANCE <input type="checkbox"/>	OTHER <input type="checkbox"/> (EXPLAIN BELOW)
PERSONS ARRESTED 1. <u>Erik Villegas 22yrs, 2987026</u>		2. 3. 4. 5. 6.	
NAME AGE BOOKING #		NAME AGE BOOKING #	
CASE NUMBERS OF CONNECTED CASES		VICTIM NOTIFIED OF CLEARANCE? HOW WHEN	
AMOUNT REPORTED STOLEN	ACTUAL AMOUNT STOLEN, IF NECESSARY	TOTAL AMOUNT RECOVERED	
TELETYPES AND/OR APBS CANCELLED?		OTHER NOTICES CANCELLED	
PROPERTY DISPOSITION: <input type="checkbox"/> RELEASED TO OWNER <input type="checkbox"/> FOR CIVIL SALE OR DESTRUCTION			
<input type="checkbox"/> RETAIN - REASON _____ EXT. TIME TO BE HELD _____			

INVESTIGATION PROGRESS AND STATUS. IF ALL OR NO PROPERTY RECOVERED, SO STATE. IF PARTIAL RECOVERY MADE, LIST PROPERTY RECOVERED. DESCRIBE AND USE VALUE AS ON ORIGINAL REPORT. OTHER REMARKS.

ADULT SUSPECTS: (NOT IN CUSTODY)

Suspects listed below have not ☐  
previously been noted under this DR #.

1. ☒ THE SUSPECT WAS ARRESTED AND DISTRICT ATTORNEY \_\_\_\_\_ ISSUED A COMPLAINT FOR \_\_\_\_\_.
2. ☐ DISTRICT ATTORNEY'S OFFICE ISSUED COMPLAINT FOR \_\_\_\_\_  
A WARRANT HAS BEEN ISSUED. NOTIFICATION MADE BY ☐ LETTER ☐ TELEPHONE ☐ OTHER \_\_\_\_\_
3. ☐ DISTRICT ATTORNEY \_\_\_\_\_ REFUSED TO ISSUE A COMPLAINT BECAUSE \_\_\_\_\_.
4. ☐ VICTIM WAS CONTACTED AND HE/SHE WOULD NOT COOPERATE IN THE PROSECUTION OF THIS MATTER.
5. ☐ INVESTIGATION REVEALS INSUFFICIENT FACTS TO SUPPORT ELEMENTS OF THIS OFFENSE.
6. ☒ THIS CASE IS CONSIDERED CLEARED BY ARREST AS A COPY OF THE LETTER TO THE SUSPECT HAS BEEN FORWARDED TO \_\_\_\_\_  
SUPERIOR COURT FOR HANDLING.
7. ☐ JUVENILE SUSPECT(S) (LISTED ON NEXT PAGE)

INVESTIGATING OFFICER <u>Dep. [REDACTED]</u>	REPORT BY <u>I. A. Galdamez</u>	DATE OF REPORT <u>3/27/17</u>	APPROVED BY <u>Sgt. C. Lang #3170</u>
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1. Copies To:

In Custody

**ORIGINAL**

2. Case No. 17-011538

SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA

2a. Citation No.

Priority: ☒ Yes ☐ No

SANDRA HUTCHENS, SHERIFF-CORONER

INITIAL CRIME REPORT

3. OFFENSE CPC 69 - Resisting with Force and/or Violence				4. DATE-TIME COMMITTED March 24, 2017/1855 Hours																																							
5. WHERE COMMITTED [REDACTED] SJC CA 92675				6. GRID 952B6		7. DATE-TIME REPORTED																																					
8. INFORMANT [REDACTED]				9. ADDRESS-PHONE 11 Journey, Aliso Viejo CA 92656 (949)425-1800																																							
10. VICTIM Deputy G. Dorado #8377				11. ADDRESS-PHONE 11 Journey, Aliso Viejo CA 92656 (949)425-1800																																							
12. BUSINESS ADDRESS-PHONE				13. CONTACT TIME-ADDRESS Anytime - See box 11																																							
14. FIRM NAME OF VICTIM State of California				15. BUSINESS ADDRESS-PHONE																																							
16. VICTIM'S OCCUPATION Peace Officer				17. TYPE OF PREMISES OR LOCATION WHERE OFFENSE WAS COMMITTED Public alley																																							
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	21. WHERE WERE OCCUPANTS AT TIME OF OFFENSE?				25. FORCE OR METHOD USED Suspect punched, kicked and resisted victims.																																						
	26. APPARENT MOTIVE -- TYPE PROPERTY TAKEN To resist and injure arresting deputies while trying to destroy evidence. - NA				27. TOTAL VALUE STOLEN \$																																						
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(2) [REDACTED]				R [REDACTED]																																							
				B [REDACTED]																																							
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**ORIGINAL**

2. Case No. 17-011538A

SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA

2a. Citation No.

Priority: ☒ Yes ☐ No

SANDRA HUTCHENS, SHERIFF-CORONER

INITIAL CRIME REPORT

3. OFFENSE CPC 69 - Resisting with Force and/or Violence				4. DATE-TIME COMMITTED March 24, 2017/1855 Hours				
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8. INFORMANT [REDACTED]				9. ADDRESS-PHONE 11 Journey, Aliso Viejo CA 92656 (949)425-1800				
10. VICTIM [REDACTED] DOB				11. ADDRESS-PHONE 11 Journey, Aliso Viejo CA 92656 (949)425-1800				
12. BUSINESS ADDRESS-PHONE				13. CONTACT TIME-ADDRESS Anytime - See box 11				
14. FIRM NAME OF VICTIM State of California				15. BUSINESS ADDRESS-PHONE				
16. VICTIM'S OCCUPATION Peace Officer				17. TYPE OF PREMISES OR LOCATION WHERE OFFENSE WAS COMMITTED Public alley				
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	20. METHOD USED				24. EXACT WORDS USED BY SUSPECT "Get the fuck off of me."			
	21. WHERE WERE OCCUPANTS AT TIME OF OFFENSE?				25. FORCE OR METHOD USED Suspect punched, kicked and resisted victims.			
	26. APPARENT MOTIVE - TYPE PROPERTY TAKEN To resist and injure arresting deputies while trying to destroy evidence. - NA				27. TOTAL VALUE STOLEN \$			
	28. UNIQUE OR UNUSUAL ACTIONS BY SUSPECT(S) Suspect punched arresting deputies in the face and resisted arrest while destroying evidence.							
	29. VEHICLE USED BY SUSPECT(S) YEAR, MAKE, BODY TYPE, COLOR, LIC. NO., AND ANY OTHER IDENTIFYING MARKS NA							
30. WITNESSES R/B RESIDENCE/BUSINESS ADDRESS-PHONE				R [REDACTED]				
(1) [REDACTED]				B [REDACTED]				
(2) [REDACTED]				R [REDACTED]				
				B [REDACTED]				
(3)				R [REDACTED]				
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						35. APPROVED Sgt. C. Lang #3170		

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**ORIGINAL**

2. Case No. 17-011538B

**SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA**

2a. Citation No.

Priority: ☒ Yes ☐ No**SANDRA HUTCHENS, SHERIFF-CORONER****INITIAL CRIME REPORT**

3. OFFENSE CPC 243(C)(2) - Assault and Battery on P/O				4. DATE-TIME COMMITTED March 24, 2017/1855 Hours																																							
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2. Case No. 17-011538C

SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA

2a. Citation No.

Priority: ☒ Yes ☐ No

SANDRA HUTCHENS, SHERIFF-CORONER

INITIAL CRIME REPORT

3. OFFENSE CPC 243(C)(2) - Assault and Battery on P/O				4. DATE-TIME COMMITTED March 24, 2017/1855 Hours				
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**ORIGINAL**SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA

2. Case No. 17-011538D

2a. Citation No.

Priority: ☒ Yes ☐ No

SANDRA HUTCHENS, SHERIFF-CORONER

INITIAL CRIME REPORT

3. OFFENSE HS 11364(A) - Possession of Drug Paraphernalia				4. DATE-TIME COMMITTED March 24, 2017/1855 Hours																																							
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2. Case No. 17-011538E

SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA

2a. Citation No.

Priority: ☒ Yes ☐ No

SANDRA HUTCHENS, SHERIFF-CORONER

INITIAL CRIME REPORT

3. OFFENSE CPC 135 - Destruction of Evidence				4. DATE-TIME COMMITTED March 24, 2017/1855 Hours																																							
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	26. APPARENT MOTIVE -- TYPE PROPERTY TAKEN			27. TOTAL VALUE STOLEN \$																																							
	28. UNIQUE OR UNUSUAL ACTIONS BY SUSPECT(S)																																										
	29. VEHICLE USED BY SUSPECT(S) YEAR, MAKE, BODY TYPE, COLOR, LIC. NO., AND ANY OTHER IDENTIFYING MARKS NA																																										
30. WITNESSES R/B RESIDENCE/BUSINESS ADDRESS-PHONE				R																																							
(1) [REDACTED]				B [REDACTED]		[REDACTED]																																					
(2) Deputy G. Dorado #8377				R																																							
				B 11 Journey, Aliso Viejo CA 92656		(949)425-1800																																					
(3)				R																																							
				B																																							
31. SUSPECT(S) (IF ARRESTED, NAME, ADDRESS, AND BOOKING NUMBER)						BKG. NBR. 2987026																																					
(1) Erik Manuel Villegas [REDACTED] M/H, [REDACTED] 6'0", 220, Black, Brown						BKG. NBR.																																					
(2)						BKG. NBR.																																					
(3)						BKG. NBR.																																					
<table border="1"> <thead> <tr> <th>NAME</th> <th>ADDRESS</th> <th>SEX</th> <th>RACE</th> <th>DOB</th> <th>HT.</th> <th>WT.</th> <th>HAIR</th> <th>EYES</th> </tr> </thead> <tbody> <tr> <td colspan="9">32. DETAILS OF OFFENSE: EVIDENCE COLLECTED, DESCRIPTION AND VALUE OF PROPERTY TAKEN, LIST ADDITIONAL WITNESSES AND SUSPECTS</td> </tr> <tr> <th>QUAN.</th> <th>ARTICLE</th> <th>BRAND</th> <th>SERIAL NO.</th> <th>MODEL NO.</th> <th>MISC. DESCRIPTION</th> <th colspan="3">VALUE</th> </tr> <tr> <td colspan="9" style="text-align: center;">*****SEE NARRATIVE*****</td> </tr> </tbody> </table>								NAME	ADDRESS	SEX	RACE	DOB	HT.	WT.	HAIR	EYES	32. DETAILS OF OFFENSE: EVIDENCE COLLECTED, DESCRIPTION AND VALUE OF PROPERTY TAKEN, LIST ADDITIONAL WITNESSES AND SUSPECTS									QUAN.	ARTICLE	BRAND	SERIAL NO.	MODEL NO.	MISC. DESCRIPTION	VALUE			*****SEE NARRATIVE*****								
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33. INVESTIGATING OFFICERS REPORT BY Dep. [REDACTED]				34. DATE OF REPORT 3/25/17		35. APPROVED Sgt. C. Lang #3170																																					

**SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA****SANDRA HUTCHENS, SHERIFF-CORONER**

REPORT CONTINUATION

**Evidence Collected:**

1. (1) Used methamphetamine pipe.
2. Torn plastic packaging.
3. (1) Compact disc containing (3) audio recordings.

**Injuries to Eric Villegas:**

1. Broken nose
2. Complaint of pain to stomach, chest and head.

**Injuries to** [REDACTED]

1. Pain and swelling to right and left hands.
2. Small lacerations to left hand.
3. Scrapes to right and knee shin area.

**Injuries to Deputy Dorado:**

1. Scrapes to left and right knees.
2. Abrasions to right elbow.
3. Swelling to the right hand.

**Narrative:**

On March 24, 2017, Deputies Dorado #8377 and [REDACTED] were working as members of the Orange County Sheriff's Department South Gang Enforcement Team. They were driving a marked black and white Orange County Sheriff's Department Ford Explorer complete with a, "Code 3" package and they were wearing green ballistic vests with "SHERIFF" clearly marked on them in yellow with a yellow cloth badge. They were also wearing black Orange County Sheriff's Department shirts with yellow writing on the sleeves stating, "ORANGE COUNTY SHERIFF." In addition, Deputies Dorado and [REDACTED] also had their metal Orange County Sheriff's Department badges attached to their drop down holsters on their right thighs. All of the Orange County Sheriff's Department insignia was in plain sight and easily visible.

33. INVESTIGATING OFFICERS	REPORT BY Dep. [REDACTED]	DATE OF REPORT 3/25/17	APPROVED <b>Sgt. C. Lang #3170</b>
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REPORT CONTINUATION

I spoke with Deputy Dorado about the incident and he told me the following: At about 1855 hours, Deputies Dorado and [REDACTED] were patrol checking the East alley behind [REDACTED] in the city of San Juan Capistrano, County of Orange, State of California. Deputy Dorado saw a subject who he recognized from previous contacts as, Varrio Viejo gang member and probationer, Erik Manuel Villegas [REDACTED] standing in the alley. Deputy Dorado knew Villegas previously failed to report to probation and he knew he was wanted by probation. Deputies [REDACTED] and Dorado drove closer to Villegas and asked to speak with him. Villegas placed his hands behind his back & initially complied with [REDACTED] directive. As Deputy [REDACTED] placed his hands on Villegas, Villegas immediately tried to run down the alley. Deputy [REDACTED] prevented Villegas from running and Villegas turned around and swung at Deputy [REDACTED] hitting him in the face. Deputies [REDACTED] and Dorado took Villegas to the ground and Villegas swung at both of them as they told him to stop. Villegas reached for his abdomen attempting to retrieve an unknown object. Fearing Villegas was reaching for a weapon, Deputy Dorado punched Villegas 8-10 times in the face. Villegas continued to resist their attempt to arrest him and refused to obey their commands for him to stop. Villegas produced a plastic wrapper and meth pipe from his abdominal area and threw the pipe on the ground causing it to break. Villegas stood up and threw the wrapper in the air. Villegas swung at Deputies [REDACTED] and Dorado as they moved to the middle of the alley. Deputies [REDACTED] and Dorado took Villegas to the ground again and continued to violently resist their attempt to arrest him. Villegas stood up once again and continued to fight them. Deputies [REDACTED] and Dorado took Villegas to the ground a third time and were able to pin him on his back as they waited for more deputies to arrive. Deputies arrived and they were able to handcuff Villegas. As a result of the altercation, Deputies [REDACTED] and Dorado suffered injuries to their hands which required treatment at a hospital. Deputy [REDACTED] Deputy Dorado and Villegas were all transported and treated at Mission Hospital.

**Interview with** [REDACTED]

I spoke with [REDACTED] who was present during the incident. [REDACTED] speaks primarily Spanish and Deputy Ruvalcaba #8480 is proficient in English and Spanish. Deputy Ruvalcaba translated from English to Spanish and from Spanish to English. I recorded this interview with my digital audio recorder. I asked [REDACTED] what happened and he told me the following: Deputies [REDACTED] and Dorado arrived in a marked OCSD police car and walked up to the suspect who was later identified as Erik Manuel Villegas [REDACTED]

33. INVESTIGATING OFFICERS	REPORT BY Dep. [REDACTED]	DATE OF REPORT 3/25/17	APPROVED <b>Sgt. C. Lang #3170</b>
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As soon as they attempted to detain him, Villegas tried to run away. Deputies [REDACTED] and Dorado tried to grab Villegas but he continued to resist them and fell to the ground. While on the ground, Deputies [REDACTED] and Dorado tried to place Villegas's hands behind his back, but they were unable to do so. [REDACTED] stated Villegas was using all of his force so that the Deputies could not arrest and hand cuff him. [REDACTED] said Villegas tried to escape the entire time. I asked [REDACTED] if the Deputies were yelling any commands and he said they were giving commands but he could not understand them due to a language barrier. I concluded the interview with [REDACTED]

**Interview with [REDACTED]**

I spoke with [REDACTED] who was present during the incident. [REDACTED] speaks primarily Spanish and Deputy Ruvalcaba #8480 is proficient in English and Spanish. Deputy Ruvalcaba translated from English to Spanish and from Spanish to English. I recorded this interview with my digital audio recorder. [REDACTED] was very apprehensive to speak with me reference the incident but eventually spoke with me. [REDACTED] stated the Deputies tried to "Get" the "Kid" and the "Kid" tried to run. [REDACTED] later identified the "Kid" as Villegas. [REDACTED] could not provide very much information, but he did state the Deputies were wearing their green vests but he did not see anything else. I concluded the interview with [REDACTED]

**Interview with Erik Villegas:**

I spoke with Villegas at Mission Hospital. Villegas was being treated for a broken nose and complaint of pain to the stomach, chest and head he stated he received from the incident. I recorded this interview with my digital audio recorder. I read Villegas his Miranda Rights from my department issued Miranda Advisement card. Villegas replied with, "Yes" to each of the questions I asked him and agreed to speak with me. I asked Villegas what happened and he told me the following: Villegas said he saw the cop car coming and he saw Deputy [REDACTED] and Deputy Dorado get out of the car. Villegas knows Deputy [REDACTED] and Deputy Dorado from their prior contacts with him. Villegas initially complied and placed his hands behind his back as instructed by Deputy Larson. As soon as they got close enough to him, he tried to run away due to him thinking he had a warrant for violating the terms of his parole. I asked Villegas why he waited until they were close to him and

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REPORT CONTINUATION

he stated their guard would be down. Villegas could not remember if they were wearing their vests but recognized the black and white marked police car they were driving.

Villegas continuously stated he was trying to get away the entire incident. Villegas stated as soon as they got out of the car, they said his name and told him to come to them. Villegas said he was in possession of a methamphetamine pipe and that he tried to get rid of it by throwing it but he does not think he was able to get rid of it. Eventually after Deputy Dorado and Deputy [REDACTED] were unable to control him, they went to the ground. While they were on the ground, he continued to try and escape and resist arrest. Villegas stated several times that he just did not want to go to jail.

While they were all on the ground and Villegas was resisting, he felt punches while he continued to struggle. I asked Villegas if he heard any commands while he was getting punched and he stated could not recall. I asked Villegas if he tripped and fell or if he was taken to the ground and he stated he could not recall. I asked Villegas if he tried to get up and escape multiple times during the incident and he said he did. I asked Villegas if Deputy [REDACTED] and Deputy Dorado were trying to place his hands behind his back and he said he did not recall Villegas did recall them being on his stomach and him asking them to get off of him. Villegas also recalled Deputy [REDACTED] and Deputy Dorado saying, "Why were they taking so long. Where is everybody at? I think I called it in to Los Rios." After a while, they tried to hold Villegas's arms and he eventually gave up after more black and white units showed up. Villegas again stated he did not want to go to jail and did not recall how long the incident lasted. Villegas spontaneously stated he did not hit anyone in the face and that he did not even take a swing at Deputy Dorado or [REDACTED] Villegas stated he knows better than to hit a cop.

I asked Villegas if any of his actions could have been mistaken as a swing or punch and he stated he did not know. I confirmed that the methamphetamine pipe that was located at the scene was his and went over the incident with him again. I asked Villegas if he heard any commands to stop and he said he heard commands but did not know what they were. I asked Villegas if he cooperated at any time during the incident and he said he did at the end when the other Deputies arrived. Villegas also stated he did not try and kick anyone either. I told Villegas I found it hard to believe he did not use his arms or his legs to resist. I asked Villegas multiple times how he was trying to get away without his arms, hands or legs and he stated I was trying to manipulate his words. Villegas said I should talk to the other people at the scene and that I should put on the record that he did not hit anyone.

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REPORT CONTINUATION

I asked Villegas again how he was able to resist without using his arms or legs. Villegas then stated he did use his arms and his legs but he did not use them against any Deputies on scene. He was trying to use them to escape only. Deputy Cordova was present with me in the interview and asked Villegas when he last used methamphetamine. Villegas stated he used methamphetamine two hours prior to being contacted by Deputies [REDACTED] and Dorado.

**Conclusion:**

Based on the above evidence and statements, Villegas was arrested for CPC 69, CPC 243(C) (2), CPC 135 and HS 11364(A). Villegas was also arrested for a probation violation. Villegas was transported to Orange County Jail and all evidence was booked at the Aliso Viejo substation.

33. INVESTIGATING OFFICERS	REPORT BY Dep. [REDACTED]	DATE OF REPORT 3/25/17	APPROVED <i>Sgt. C. Lang #3170</i>
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**ORIGINAL****SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA**

2. CASE NO. 17-011538

PRIORITY: ☒ Yes  
☒ No

- 3.
- ☐
- INITIAL NON-CRIMINAL
- 
- 4.
- ☐
- INITIAL-CRIMINAL
- 
- 5.
- ☒
- FOLLOW-UP CRIMINAL
- 
- 6.
- ☐
- CONTINUATION REPORT NO.

**FOLLOW-UP REPORT****SANDRA HUTCHENS, SHERIFF-CORONER**

7. OFFENSE CPC 69- Resisting with Force and or Violence		8. LOCATION OF OCCURRENCE [REDACTED] SJC, CA, 92675	
9. VICTIM/INFORMANT Deputy [REDACTED] Deputy G. Dorado #8377		10. DATE AND TIME OF OCCURRENCE March 24, 2017 at about 1850 hrs	11. GRID 952B6

## 12. DETAILS OF OFFENSE:

**Narrative:**

On Friday, March 24, 2017 I was working as a member of the South Gang Enforcement Team. I was wearing a black Orange County Sheriff's Department Gang Enforcement Team long sleeve shirt. Silk screened on the shoulders is "Orange County Sheriff". I was also wearing a green outer vest with a gold star on the left chest area. On the right chest area is a patch which reads "SHERIFF". On the back in about four inch lettering is "SHERIFF." I was driving a marked black and white Sheriff's patrol vehicle.

**Initial Observation of Erik Manuel Villegas** [REDACTED]

At about 1800 hours, Deputy Dorado and I were working gang suppression in the City of San Juan Capistrano. While driving in the area of [REDACTED] Deputy Dorado saw known Varrio Viejo gang member Erik Manuel Villegas [REDACTED] Deputy Dorado told me Villegas Probation Officer requested he be arrested for not reporting. I drove around the alley and attempted to locate Villegas, but he had already fled the area. Deputy Dorado and I patrol checked the area and were unable to locate Villegas.

**Initial Contact with Erik Manuel Villegas** [REDACTED]

At about 1850 hours, Deputy Dorado and I drove towards the area of [REDACTED] While driving north in the alley towards this location, I saw Villegas standing outside the garage area speaking with two other male subjects. I parked my vehicle and exited and approached Villegas. Villegas turned around and looked at me and it appeared as if he was looking for a place to flee. Deputy Dorado approached the other side to prevent him from fleeing north.

While I was approaching Villegas I said, "Hey, What's up Erik." Villegas said, "What's up [REDACTED]" Villegas approached me and I asked him if he had anything illegal on his person. Villegas told me he did not. I told Villegas to turn around in order to conduct a search for drugs or weapons on his person pursuant to his probation terms. Villegas continued walking towards me and when he got about two feet away and turned

INVESTIGATING OFFICERS	REPORT BY Deputy [REDACTED]	DATE OF REPORT 3/25/17	APPROVED Sgt. C. Lang #3170
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REPORT CONTINUATION

around. Villegas placed his hands behind his back. I attempted to grab Villegas' hands at which time he turned around. Villegas attempted to run past me a violation of CPC 148(a) (1) - Resisting, Delaying, Obstructing a Police Officer.

When Villegas attempted to run past me, I grabbed the back of his shirt. Villegas continued to run at which time I pulled him to the ground. While on the ground, I saw Villegas swing his right hand and struck in the face approximately three times. Villegas was actively resisting me and attempting to stand up. Villegas attempted to reach into his waistband area several times. Fearing Villegas had a weapon, I punched Villegas in the face about five times. Villegas continued to resist and failed to comply with my commands. Deputy Dorado arrived and attempted to grab Villegas' hands. Villegas continued to resist and stood up. I punched Villegas another four times in the face to prevent him from standing up and assaulting me again. Villegas began to reach towards his waistband again and refused to remove his hands from underneath him. Fearing Villegas was reaching for a weapon, I wrapped my arm around his chest and pulled him to the ground. I saw Villegas was holding a glass pipe with a bulbous end with burn marks. It appeared as if Villegas removed this piped from his waistband. Based on my training and experience, I identified the glass pipe as a methamphetamine pipe. Villegas threw the glass pipe on the ground causing it to break. Villegas and I fell to the ground at which time he attempted to stand up and reach inside his waistband again. I was able to maintain control of Villegas and I saw him remove a white plastic baggie which contained a white crystalline substance. Villegas dropped the plastic baggie on the ground. Based on my training and experience, I estimated the baggie contained about three grams of methamphetamine. Villegas was able to grab the baggie off the ground and he threw it across the alley way.

I radioed via my Pac-Set radio requesting assistance due to us fighting with Villegas. Throughout the confrontation with Villegas, I was telling him to stop fighting with us. I told Villegas several times, "Stop resisting Erik."

Villegas continued to struggle with us and attempted to punch me about three other times. In order to prevent Villegas from assaulting me again, I took Villegas to the ground again. At this time, Deputy Dorado was able to control his Villegas' right hand. Villegas attempted to stand up at which time I was able to overpower him. Villegas continued to struggle and refused to comply at which time I attempted to pin him on the ground. While we were struggling on the ground it caused Deputy Dorado about five feet across the alley way. Villegas

INVESTIGATING OFFICERS	REPORT BY Deputy [REDACTED]	DATE OF REPORT 3/25/17	APPROVED Sgt. C. Lang #3170
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**SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA**

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**REPORT CONTINUATION**

was still on his back and refusing to place his hands behind his back and roll over. I was able to place my body weight onto Villegas' chest and wrapped my arms around his shoulder and underneath his armpit. I placed my knee on Villegas's left arm preventing him from getting off the ground. Villegas attempted to stand up several times, but was unable to. Deputy Dorado and I held onto Villegas until deputies assigned to San Juan Capistrano Police Services arrived to assist.

**Injuries and Treatment at Mission Hospital**

Orange County Fire Authority Engine #7 responded to treat Villegas for his injuries. Villegas was triaged at the scene as having a possible broken nose and contusions to his face. Villegas was transported to Mission Hospital by Deputy Murray and Deputy Parrish for further medical treatment.

Due to the altercation, my right and left hand began to swell. I had an open cut on my right index finger related to the assault. Villegas was bleeding from the mouth and nose area. During the altercation, I had Villegas's blood on my hands near the open cut. Orange County Fire Engine #7 treated myself and Deputy Dorado at the scene. They recommended we go to Mission Hospital to be treated for blood exposure and a possible broken hand. I was treated at Mission Hospital for a possibly broken hand and blood exposure. The X-ray was negative and the doctor determined I had no fractures or breaks in my hands.

**Arrest of Erik Manuel Villegas** [REDACTED]

Based on the above listed circumstances, Villegas was arrested and transported to the Intake and Release Center in Santa Ana. For further details refer to Deputy [REDACTED] initial crime report reference this DR number.

INVESTIGATING OFFICERS	REPORT BY Deputy [REDACTED]	DATE OF REPORT 3/25/17	APPROVED <b>Sgt. C. Lang #3170</b>
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PRIORITY: ☒ Yes  
☐ No

3. ☐ INITIAL NON-CRIMINAL  
4. ☐ INITIAL-CRIMINAL  
5. ☒ FOLLOW-UP CRIMINAL  
6. ☐ CONTINUATION REPORT NO.

**SANDRA HUTCHENS, SHERIFF-CORONER**

**FOLLOW-UP REPORT**

7. OFFENSE CPC 69-Resist Executive Officer	8. LOCATION OF OCCURRENCE [REDACTED] SJC, CA 92675	
9. VICTIM/INFORMANT A/ O Dep. G. Dorado #8377	10. DATE AND TIME OF OCCURRENCE Friday, 3-24-17 / About 1850 Hrs	11. GRID 952B6

12. DETAILS OF OFFENSE:

**Evidence Collected:**

One glass pipe with white and brown burnt residue  
Two torn plastic wrappers

**Narrative:**

On Friday, March 24<sup>th</sup>, 2017, Deputy [REDACTED] and I were working as members of the Orange County Sheriff's Department South Gang Enforcement Team (SGET). We were wearing green, external ballistic vests with the letters, "SHERIFF" clearly displayed on the front and back of the vests and we were driving a marked, black and white patrol vehicle. We were patrolling the housing community commonly known as, "The Villas" in the City of San Juan Capistrano. The Villas is a known and documented territory claimed by the Varrio Viejo criminal street gang.

At approximately 1850 hours, we were driving in the east alley behind [REDACTED] I saw a subject who I recognized from previous contacts as, Erik Manuel Villegas [REDACTED] standing in the alley with two other males. I knew from previous contacts that Villegas is a documented Varrio Viejo gang member and I knew he is on formal probation with search and seizure as well as gang terms. Furthermore, I knew Villegas failed to report to probation and knew he was wanted by the probation department.

As we drove closer, I could see Villegas was surprised by our presence and he paced back and forth between the alley and an open garage. Deputy [REDACTED] and I drove closer to Villegas and we exited our patrol vehicle. Deputy [REDACTED] asked to speak with Villegas and Villegas complied with Deputy [REDACTED] directions. Villegas admitted he was on probation and placed his hands behind his back. As Deputy [REDACTED] placed his hands on Villegas' wrists, Villegas immediately pulled away and attempted to run southbound in the alley. Deputy [REDACTED] was able to maintain a hold of Villegas and prevented him from running away. Villegas tried to break free from Deputy [REDACTED] and turned around to face him. Villegas threw a punch and hit Deputy [REDACTED] on the left side of his face. Deputy [REDACTED] and I grabbed Villegas' upper body and we took him to the ground next to the garages. Villegas landed on his back and began to throw punches at us as we told him to stop fighting with us. Villegas thrashed around violently as I attempted to control his arms. Villegas refused to obey our commands to stop and began reaching for his abdominal area. Fearing Villegas may be reaching for a weapon, I punched Villegas in the face approximately 8 to 10 times with my right fist in an effort to get him to stop. Villegas produced a glass pipe and a plastic wrapper from his abdominal area. Villegas threw the pipe on the ground causing it to break. Villegas was able to stand and threw the plastic wrapper in the air.

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SHERIFF'S DEPARTMENT  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA

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REPORT CONTINUATION

Villegas continued to throw punches at Deputy [REDACTED] and I as all three of us moved towards the center of the alley. Deputy [REDACTED] and I once again took Villegas to the ground and he continued to violently resist our attempt to arrest him. Deputy [REDACTED] requested emergency assistance from deputies using his pac-set radio. Villegas stood up again and continued to fight us. We yelled "Erick, Stop" numerous times, but Villegas continued to resist us even after suffering a bloody nose.

Deputy [REDACTED] and I took Villegas to the ground for the third time and Villegas continued to try and get up. I maintained control of Villegas' right arm to prevent him from further swinging at Deputy [REDACTED]. Villegas was able to drag me across the alley. Deputy [REDACTED] and I were able to pin Villegas with his back against the ground as we waited for additional deputies to arrive. I maintained control of Villegas' right arm and Villegas tried to free himself by attempting to kick me. I was able to place my knee on Villegas' stomach and kept him pinned to the ground.

Additional deputies arrived on scene and I was able to handcuff Villegas. I conducted a search of Villegas incident to arrest and I did not locate any contraband on his person. Villegas was escorted off the ground and he was placed in the back of a patrol vehicle without further incident.

I conducted a search of the area and saw the broken glass pipe that Villegas had produced earlier. Based on my training and experience, I recognized the pipe as narcotics paraphernalia used for smoking methamphetamine. I continued to walk the alley and I located two torn pieces of plastic wrapper next to the garage doors where we initially took Villegas to the ground. Based on my training and experience, I recognized the plastic wrappers as narcotics packaging. Deputies searched the area for the remaining portion of the plastic wrappers and narcotics but we were unable to locate any additional contraband.

I collected the pipe and wrapper at the scene in order to book it into evidence.

As a result of the altercation, I suffered scrapes on my left and right knees, abrasions to my right elbow and swelling of my right hand.

Orange County Fire Authority (OCFA) Engine and Medics 7 responded to the scene. OCFA staff provided treatment to Deputy [REDACTED] and me for our injuries and for Villegas' broken nose. Villegas was transported to Mission Hospital in Mission Viejo for further medical treatment by Deputies M. Parrish #3355 and B. Murray #5116. Deputy [REDACTED] and I went to Mission Hospital for treatment of our injuries and X-rays of our hands.

Sergeant Lang was informed of this incident and he responded to the scene. For more information, please refer to reports by Deputies, [REDACTED] and [REDACTED]

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Medical Temp. No: 1350053ORANGE COUNTY JAIL 89811  
Santa Ana, California☐ EXPEDITE BOOKING  
☐ MEDICAL BOOKING  
☐ NORMAL BOOKING

## FOR JAIL USE ONLY

PLEASE PRINT OR TYPE

## PRE-BOOKING RECORD

BOOKING NUMBER <u>2987026</u>	RECEIVING OFFICER <u>[Signature]</u>	DATE <u>3-25-17/042</u>	SUPPLEMENTAL WARRANTS <u>YES</u>	HOW MANY <u>(1)</u>
BKG STATUS <input checked="" type="checkbox"/> STREET BOOKING <u>(F)</u>	<input type="checkbox"/> WARRANT	<input type="checkbox"/> COURT ORDER	<input type="checkbox"/> OTHER (SPECIFY)	
<input type="checkbox"/> COMMITMENT				

## TO BE COMPLETED BY ARRESTING OR TRANSPORTING OFFICER

PLEASE FILL IN ALL OF THE BOXES BELOW THIS LINE PRIOR TO SUBMITTING TO THE RECEIVING GUARD STATION

ARRESTING AGENCY <u>OCSD</u>	OCSD AREA OR CONTRACT CITY <u>SGT</u>	AGENCY CASE <u>17-011530</u>	DATE & TIME ARRESTED <u>3-24-17 / 1900</u>
NAME: LAST <u>VILLEGAS</u>	FIRST <u>ERIK</u>	MIDDLE <u>MANUEL</u>	
BIRTHDATE [REDACTED]	SEX <u>M</u>	RACE <u>H</u>	HEIGHT <u>6-0</u>
WEIGHT <u>220</u>	HAIR <u>BLK</u>	EYES <u>BRN</u>	STATE & COUNTRY OF BIRTH <u>CA - USA</u>
CITIZENSHIP <u>USA</u>			
AKA			DRIVER'S LICENSE NO. & STATE [REDACTED]

JURISDICTION <u>HJC</u>	WARRANT OR CASE NUMBER <u>17-011530</u>	BAIL <u>20,000</u>
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CHARGE 1 <u>CPC 109</u>	CHARGE 4 <u>(CPC 2455(a)(4))</u>
CHARGE 2 <u>CPC 2431(a)(2)</u>	CHARGE 5 <u>HES 11364(a)</u>
CHARGE 3 <u>CPC 2431(a)(3) 135</u>	CHARGE 6

DNA	<input type="checkbox"/> DNA COLLECTED BY OFFICER	<input checked="" type="checkbox"/> PREVIOUSLY COLLECTED	<input type="checkbox"/> NOT COLLECTED (EXPLAIN BELOW)
	EXPLAIN WHY DNA WAS NOT COLLECTED <u>N/A</u>		

OCCUPATION <u>CONSTRUCTION</u>	MARITAL STATUS <u>SINGLE</u>	SOCIAL SECURITY NUMBER [REDACTED]	TELEPHONE NO. [REDACTED]
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SCARS, MARKS, TATTOOS, AMPS  
ABDM / LT SHL / LT ARM / RT LEG

ADDRESS [REDACTED]	CITY <u>MISSION Viejo</u>	STATE <u>CA</u>	ZIP <u>92694</u>
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NEXT OF KIN: NAME [REDACTED]	RELATIONSHIP [REDACTED]	TELEPHONE NO. [REDACTED]
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ADDRESS [REDACTED]	CITY [REDACTED]	STATE [REDACTED]	ZIP [REDACTED]
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ARRESTEE EMPLOYER NAME <u>N/A</u>	BUSINESS ADDRESS <u>N/A</u>
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OFFICER'S ADDITIONAL INFORMATION - CHECK BOS IF YOU BELIEVE THE ARRESTEE WILL REQUIRE MEDICAL ATTENTION OR SPECIAL MANAGEMENT.  
☐ MEDICAL (ILL OR INJURED) ☐ MENTAL ☐ INTOXICATED ☐ PROTECTIVE CUSTODY ☐ HIGH SECURITY

EXPLAIN

ARRESTING OFFICER <u>DEP. G. NORRAN</u>	ID # <u>8337</u>	MANDATORY FOREIGN CONSULAR NOTIFICATION MADE PER CPC 834c <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
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## PERMISSION TO USE TELEPHONE AFTER ARREST (Pursuant to Penal code Section 851.5)

I have been given the opportunity to make three (3) FREE telephone calls within the LOCAL DIALING area, or at MY OWN EXPENSE IF OUTSIDE the Local dialing area. If I am a custodial parent with responsibility for a minor child, I have been given the opportunity to make two (2) additional FREE telephone calls within the local dialing area, or at MY OWN EXPENSE IF OUTSIDE the local dialing area, for the purpose of arranging for the care of my minor child(ren) in my absence.

## RECORD OF TELEPHONE CALLS:

Telephone calls DESIRED 1 Telephone calls COMPLETED 1☐ CUSTODIAL PARENT Telephone calls DESIRED 1 CUSTODIAL PARENT Telephone calls COMPLETED 1Location IRC / AS Date 3/25/17 Time 0050Witnessing Officer [Signature] ID # 5116 Agency OCSD SGTSIGNATURE H/c

1. COPIES TO: Records

2. CASE NO. 17-011538

**SHERIFF'S DEPARTMENT**  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA

Priority ☐ Yes  
☒ No

3. ☐ INITIAL NON-CRIMINAL  
4. ☐ INITIAL CRIMINAL  
5. ☒ FOLLOW-UP CRIMINAL  
6. ☐ CONTINUATION REPORT NO.  
6. ☐ CONTINUATION REPORT NO.

**SANDRA HUTCHENS, SHERIFF-CORONER**

**FOLLOW-UP REPORT**

<b>7. OFFENSE</b> Information Only	<b>8. LOCATION OF OCCURRENCE</b> [REDACTED] San Juan Capistrano, CA	
<b>9. VICTIM/INFORMANT</b> SERGEANT Craig Lang #3170	<b>10. DATE AND TIME OF OCCURRENCE</b> 2017-03-24T19:00:00	<b>11. GRID</b>

12. DETAILS OF OFFENSE:

**Supervisor's Summary:**

All interviews were recorded with a department issued digital recorder. Villegas' injuries were also photographed. The recordings and pictures were placed onto a disk. The disk was later booked into Sheriff's Evidence.

During the review of this Use of Force, I realized I made a mistake in my interview with Villegas. In the interview, I stated the case number for this incident was 17-011638. The case number is actually 17-011538.

**Witness Statement(s):**

Deputy [REDACTED] and Deputy Ruvalcaba (San Juan Police Services) looked for witnesses in the area immediately after the incident. They found two witnesses. They interviewed [REDACTED] and [REDACTED] in the alleyway near [REDACTED]. I was present during the interviews. Deputy [REDACTED] documented the interviews in his report.

**Subject(s) Interview:**

At about 2053 hours, I spoke with Erik Villegas inside a room at the Mission Viejo Hospital. Villegas complained of pain to his face, nose, both knees, and lower back. Villegas claimed he was not injured prior to the incident. Villegas stated he was treated immediately after the incident by Orange County Fire Authority (OCFA). Villegas was cleared by the fire department but he still wanted to be treated a hospital. OCFA stated Villegas could be transported to the hospital via patrol car. San Juan Police Services transported Villegas to the hospital. At the hospital, he was examined and treated.

I asked Villegas about his recent drug use. Villegas admitted he used methamphetamine throughout the day. He admitted to smoking methamphetamine two hours prior to the altercation and that he still felt the effects of the drugs.

During the interview, Villegas spontaneously said, "I didn't hit him." He was referring to Deputy [REDACTED].

INVESTIGATING OFFICERS	REPORT BY	DATE OF REPORT	APPROVED
Craig Lang	Craig Lang SERGEANT	1/8/2019	Tracy Morris Captain

1. COPIES TO: Records

2. CASE NO. 17-011538

**SHERIFF'S DEPARTMENT**  
ORANGE COUNTY  
SANTA ANA, CALIFORNIA

**SANDRA HUTCHENS, SHERIFF-CORONER**

**REPORT CONTINUATION**

Villegas was later interviewed by Deputy [REDACTED] For more details, see his report.

INVESTIGATING OFFICERS	REPORT BY	DATE OF REPORT	APPROVED
Craig Lang	Craig Lang SERGEANT	1/8/2019	Tracy Morris Captain