



ORANGE COUNTY
SHERIFF'S DEPARTMENT
CALIFORNIA

DR #. 19-012737

INITIAL CRIME REPORT

ORIGINAL

Reporting Area: North GET

EVENT SUMMARY

OFFENSES

Statute Code	Degree	Statute Description
415 (1) PC	Misdemeanor	Fight/challenge Fight Public Place
148 (A)(1) PC	Misdemeanor	Obstruct/resist/etc Public/peace Officer/emergency
69 PC	Felony	Obstruct/resist Executive Officer

Date Occurred: Wednesday, 4/3/2019 22:25

Date Reported: Wednesday, 4/3/2019 22:30

AOA: Orange County Probation

Incident Location: 1410 N. Acacia St., Anaheim CA 92805

Evidence Collected? ☐ Suspect Arrested? ☒

Brief Description of Incident: Suspect challenged Deputies to fight and resisted arrest

Total loss: \$0.00

VICTIM(S)

STATE OF CALIFORNIA

SUSPECT(S)

MEDINAGUTIERREZ, JUAN CARLOS DOB: [REDACTED]

CRIMES AGAINST PEOPLE/PROPERTY

Offense: 415 (1) PC	Attempted/Committed: Committed
Offense: 148 (A)(1) PC	Attempted/Committed: Committed
Premise: Miscellaneous	Offense Location Type: Business Parking Lot
Offense: 69 PC	Attempted/Committed: Committed
Premise: Miscellaneous	Offense Location Type: Business Parking Lot

SUSPECT(S)

Name: MEDINAGUTIERREZ, JUAN CARLOS

DOB: [REDACTED]

AGE: [REDACTED]

Address: [REDACTED] Anaheim CA 92805

Related To: 148 (A)(1) PC 415 (1) PC 69 PC F

Sex	Race	Ethnicity	Height	Weight	Hair	Eyes
M	Hispanic	Hispanic	5'07"	170	Black	Brown

Cell Phone: Home Phone: Other Phone:

Email Address	License Number	License State	License Class
	[REDACTED]	CA	

VICTIM

Business/Organization Name: State Of California

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Related To: 148 (A)(1) PC 415 (1) PC 69 PC F

NARRATIVE

On Wednesday April 3, 2019, DPO J. Villarreal and I were working our assigned positions on the Orange County Sheriff's Department North Gang Enforcement Team (NGET). During this shift we were wearing civilian clothing and working in a modified undercover capacity for various surveillance operations throughout the shift. At about 2225 hours, we completed a surveillance operation in the City of Anaheim and were meeting other members of NGET to debrief the operation in a parking lot just south of 1410 N. Acacia Street (Anaheim, CA). This parking lot is just outside a neighborhood known to be claimed by the East Side Anaheim criminal street gang. I, along with other members of NGET have contacted members of this gang in the area before.

Upon parking in the Parking lot, DPO Villarreal exited our unmarked county issued surveillance vehicle and walked towards the trunk of the car. I remained seated in the driver's seat of our vehicle and began hearing DPO Villarreal yelling at someone. I heard DPO Villarreal yell, "Get out of here" and "Back up" several times. Not knowing who he was yelling at or what was happening, I exited the vehicle and immediately saw a male Hispanic subject, later identified as Juan Carlos MedinaGutierrez, standing about five feet from the trunk of our vehicle. Juan was holding a black backpack and had his right hand inside the backpack in manner which appeared as if he had a firearm inside the backpack and was pointing it in the direction of DPO Villarreal. I immediately grabbed my department issued badge from my back pocket, held it about eye level and displayed it to Juan as I identified myself as a deputy sheriff. Juan was focused on DPO Villarreal and repeatedly yelled, "Where you from fool, This is my hood mother fucker, you get the fuck out of here!" I could also hear DPO Villarreal identifying himself by yelling, "Sheriff's Department" and giving Juan commands to drop the backpack. Juan appeared to be heavily intoxicated and was paying no attention to DPO Villarreal's commands.

With my department issued firearm drawn and pointed at Juan, I gave him several orders to drop the backpack and show his hands. Juan disobeyed every command we gave him and began yelling the same phrases at me. After about thirty seconds of Juan refusing to comply with our commands, he abruptly dropped the backpack and showed us his hands. We moved into position to handcuff Juan and just as we were about to place the handcuffs on Juan, he pulled away and broke free of our grasp. We immediately tackled Juan to the ground and began giving him commands to stop resisting and to place his hands behind his back. Juan began screaming and violently resisted by pulling and pushing his body away from us. Juan also tucked his hands under his body and kicked his feet in the direction of my upper back.

Juan continued to violently resist for about two minutes, despite DPO Villarreal and I giving him several commands to stop resisting. I punched Juan about four or five times directly in the face and used my body weight by kneeling on his back to try and overcome his resistance. Juan continued to resist but despite his resistance we were able to place handcuffs on him. Even with handcuffs on, Juan still tried to kick and pull away from DPO Villarreal and I until it appeared he finally tired out. At this point I was able to run back to my vehicle and radio to the rest of NGET for assistance. The rest of NGET arrived and assisted in detaining Juan without further incident.

Anaheim Fire engine 5 responded to the scene and evaluated Juan for injuries to his face. Paramedic M. Berg determined Juan needed further medical attention and requested he be transported via ambulance to Anaheim Regional Medical Center (ARMC). Juan arrived at ARMC and was seen and treated by Emergency Room Dr. T. Pero.

A search of Juan's backpack revealed nothing illegal or suspicious. A full 24 ounce can of Budweiser beer fell

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out of Juan's backpack when he dropped it, furthering my suspicion he had been drinking prior and was intoxicated at the time we came in contact with him.

While at the hospital, I read Juan his Miranda rights from my department issued Miranda card. Juan said "Yes" to all four questions and agreed to speak with me about the incident. The following is a synopsis of my audio recorded interview with Juan.

Juan told me he had been drinking Miller High Life beer earlier in the day (4-3-19) and even though it was only a 32oz. beer he was feeling the effects of the alcohol when our incident took place. Juan said he doesn't drink beer to often, which is why the alcohol affects him more. Juan also said he had recently used methamphetamine and admitted he would test positive for methamphetamine in his system. Juan said he was in the area of 1410 N. Acacia because he was looking for spiritual people who assault children in the neighborhood he resides in. Juan's neighborhood is about 50 yards to the south of where our contact took place. Juan said he was looking into a random parked and locked vehicle that did not belong to him when he noticed DPO Villarreal exit our vehicle. Juan denied casing or trying to break into that vehicle, and stated he was checking to see if there were any of the spiritual people seated in the vehicle. Juan admitted walking towards DPO Villarreal with his right hand in the backpack, simulating a firearm being pointed in the direction of DPO Villarreal. Juan said he did this because he thought we were some of the spiritual people he spoke of. Juan said he remembered asking DPO Villarreal where he was from and told him he was in his hood and to get out. Juan denied being a member of the gang that claims this area as its territory but said it is the neighborhood he lives in. Juan admitted seeing my badge and hearing me identify myself as a Deputy Sheriff but refused to obey our commands because he still believed we were the spiritual people. Juan said he dropped the backpack after a while but then refused to be handcuffed because he thought since we were the spiritual people we were going to kidnap him. Juan admitted pulling away from our grasp and resisting arrest while we wrestled on the ground. Juan said he remembered me giving him several commands to stop resisting and place his hands behind his back but again he refused because he did not believe we were real police. Juan admitted pulling and pushing away from DPO Villarreal and I during the fight. Juan initially denied trying to kick me but when later asked why he kicked the medical staff at the hospital he said he would've never kicked the medical staff and even though he doesn't remember trying to kick me, he believes he would have tried to kick me before he ever kicked the medical staff. Juan ended our conversation by asking me if he would have just complied, would it have gone a lot different for him. I told him he would have still been arrested but he may not of sustained the injuries he received.

During the incident, I sustained bruising and swelling to my left bicep. Photos of my injuries, Juan's injuries and recorded interviews were placed on a compact disc and booked into the sheriff's evidence locker.

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Reporting Officer	Avalos, P. 07204	<input type="checkbox"/>	4/4/2019
Approving Officer		<input type="checkbox"/>	4/4/2019



SUPPLEMENT

ORIGINAL

Reporting Area: North GET

ADDITIONAL INFORMATION

OFFENSES

Statute Code	Degree	Statute Description
241/243 PC	Felony	Assault/battery On Peace Officer/emergency Personn

ADDITIONAL VICTIM(S)

VICTIM 1

CRIMES AGAINST PEOPLE/PROPERTY

Offense: 241/243 PC	Attempted/Committed
Premise: Miscellaneous	Offense Location Type: Hospital/clinic/care Facility
Occupied/Unoccupied:	Weapons Used: Personal Weapon (hands, feet, teeth, etc.)

ADDITIONAL VICTIM(S)

Name: VICTIM 1

Force or method used	How Assaulted
Injuries	Kicked
None	Describe Injuries

NARRATIVE

On Wednesday, April 3, 2019, I was working my assigned position as a member of the Orange County Sheriff's Department Gang Enforcement Team. I was wearing my Department Issued Green Load bearing vest. This vest has Sheriff Insignias on the front and back that identify me as a Deputy Sheriff.

At approximately 2230 hours, Deputy Avalos arrested Juan MedinaGutierrez for CPC 148(a)(1)-Resist/Delay, Obstruct Peace Officer and CPC 415-Disturbing the Peace/Public Place. Juan was confrontational and combative towards Deputy Avalos and Deputy Probation Officer J. Villarreal during the in-field arrest. (For further details, see Deputy Avalos initial crime report, same DR#). Upon my arrival, I also noticed Juan continued being combative and uncooperative. Juan would kick his feet towards me and attempted to get up several times, despite being handcuffed. Juan had to be held down several times. Juan was seen and transported to Anaheim Regional Hospital by Fire Engine 5.

In the emergency room at the hospital, Juan continued being uncooperative and combative with the medical staff. Juan would yell at the top of his lungs and would ask for "Jesus." He would also fling his arms and feet back and forth and had to be physically restrained by medical staff. At one point, Juan yelled at medical staff he wanted water. Registered Nurse *Victim #1* advised Juan he could not give him water for medical reasons and as *Victim #1* walked passed Juan's bed, Juan kicked *Victim #1* on the left side of his upper body. For the medical staff and my safety, I restrained and held down Juan's leg so he could not kick other medical staff. Juan was quickly sedated by medical staff.

I spoke with *Victim #1* who did not request to be seen by medical staff. *Victim #1* stated he did not sustain any injuries from Juan's kick. I did notice some redness to *Victim #1*'s left arm. I asked *Victim #1* if he desired prosecution and he said, "Yes." (See Deputy Avalos' initial crime report for further details).

SUPPLEMENT

ORIGINAL

Reporting Area: North GET

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Supplementing Officer		<input type="checkbox"/>	4/4/2019
Approving Officer		<input type="checkbox"/>	4/4/2019



SUPPLEMENT

Reporting Area: North GET

NARRATIVE

On April 4, 2019, at about 1200 hours, Deputy [REDACTED] and I assisted the North Gang Enforcement Team. We took custody of Juan Carlos Medina [REDACTED] at Anaheim Regional Medical Center while he received treatment for his injuries. I spoke to Nurse Tim Kim who stated Medina had the following injuries: Left sixth and seventh rib non-displaced fracture, and a right eye contusion with a non-displaced fracture.

Medina was discharged from the hospital and transported to Orange County Jail by Deputy [REDACTED] without further incident.

INVOLVEMENT TYPE	OFFICER NAME	BODY WORN CAMERA	DATE
Supplementing Officer	Torres, J. 08647	<input type="checkbox"/>	4/5/2019
Approving Officer	[REDACTED]	<input type="checkbox"/>	4/8/2019

1. COPIES TO: Records

ORIGINAL

2. CASE NO. 19-012737

**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.

DON BARNES, SHERIFF-CORONER

FOLLOW-UP REPORT

7. OFFENSE Use of Force		8. LOCATION OF OCCURRENCE 1410 S. Acacia Fullerton, CA	
9. VICTIM/INFORMANT INF: SERGEANT [REDACTED]		10. DATE AND TIME OF OCCURRENCE 2019-04-03T22:30:00	11. GRID

12. DETAILS OF OFFENSE:

On 4/3/2019, a use of force incident occurred.

Witness Statement(s):

I did not interview any witnesses.

Subject(s) Interview:

On April 4, 2019, at about 1541 hours, I spoke to Medinagutierrez, Juan Carlos [REDACTED], who was at the Anaheim Regional Medical Center. Deputies J. Torres and [REDACTED] were present during the interview. Medinagutierrez was examined by the medical staff at the hospital and treated for two fractured ribs and a right eye contusion, with a non-displaced fracture. I told Medinagutierrez I was there to conduct a use of force interview with him. Medinagutierrez said there was miscommunication between him and the Deputies. He admitted they identified themselves as Law Enforcement and admitted seeing their badges. At this point I asked Medinagutierrez if he remembered his Miranda rights that were read to him earlier by Deputy Avalos and he said he did. I asked Medinagutierrez if there was any reason why he did not comply with Deputies and why he fought with them. Medinagutierrez said he felt threatened by them. I told Medinagutierrez I was present when he continued to resist and continued trying to escape while he was handcuffed. I asked him if there was reason for that. Medinagutierrez said he wasn't sure if they were really Deputies and thought they were joking. Medinagutierrez admitted being under the influence of Alcohol and said he smoked methamphetamine the day before. I concluded the interview with Medinagutierrez at about 1545 hours.

Additional Information:

My interview of Medinagutierrez, Juan Carlos [REDACTED], was recorded on a digital audio recorder and later booked into evidence.

INVESTIGATING OFFICERS [REDACTED]	REPORT BY [REDACTED] SERGEANT	DATE OF REPORT 4/15/2019	APPROVED James Hoffman Lieutenant
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ORIGINAL

DR# 19-012737

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, NORTH JUSTICE CENTER
DECLARATION IN SUPPORT OF ARREST WARRANT MADE UNDER 2015.5 CCP

The undersigned hereby declares, upon information and belief:

That (s)he is currently employed as a Peace Officer / {Deputy} for the County of Orange, California, and has been so employed through this investigation.

That pursuant to his/her employment, (s)he has been assigned to investigate allegations that Juan Carlos Medinagutierrez, [REDACTED] did violate:

148 (A)(1) PC 415 (1) PC 69 PC

That pursuant to this assignment, your affiant has contacted witnesses, obtained their statements, and received reports and statements prepared by others known to your affiant to the law enforcement officers, all of which are included in a report consisting of _____ pages, which is attached hereto and incorporated by reference as fully set forth.

I declare under penalty of perjury that the foregoing facts and attached reports are true and correct.

Dated: 4/4/2019
Orange County California



Affiant: AVALOS #7204

Defendant's Address: [REDACTED] Anaheim CA 92805

Description of Defendant

Sex	DOB	Age	Race	Height	Weight	Hair	Eyes
M	[REDACTED]	[REDACTED]	H	5'07"	170	Black	Brown

Distinguishing Features: