

13:03 06/18

Detail Incident Report

Incident #: 090530020

Initial Case Narrative by B. A. Perez #6323 on 05/30/09 at 0719 hrs.
Total Dictation Time = 30:45 mins.
Total Narrative Dictation Time = 28:55 mins.

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On 05/30/09 at approximately 0049 hours, I responded to a call in reference to a shooting at 36 South Mesquite Road, which is located in Arivaca. While en route, information was dispatched that someone shot the reportee's husband and 10 year old daughter in the head. The reportee was identified as [REDACTED].

Information continued to be dispatched that the suspects were coming back in the house and that they were shooting weapons. The call taker heard five more shots, two more shots and then nothing was heard. The information continued that there were more shots being fired and there was a female saying [REDACTED] closer to the phone. More shots continued, which sounded like a handgun on the phone and saying that she was shot in the leg and there was an unknown description. The reportee continued to explain that she has a handgun and that she was in the kitchen.

There was also information dispatched about a black Suburban and white Ford truck. There was a description dispatched that there was a tall Caucasian male and a short Caucasian female, along with a six foot tall Hispanic male, all wearing camouflage clothing.

One of the suspects stated [REDACTED] stated she thought they were putting something in the house as well. The suspects left a sawed off shotgun behind, but the reportee did not touch it. [REDACTED] also thought that she missed the suspects and does not think they were injured. [REDACTED] also said she heard a door shut when the suspects left and nothing after that.

The suspects first came in speaking English, telling [REDACTED] and her husband that they had no right to ask questions. [REDACTED] husband asked why they had tape on their guns and one of the males shot the husband. [REDACTED] believed there were four to five male subjects and one female subject total; it was unknown what the others were wearing. Also, [REDACTED] thinks that her husband and daughter are dead.

While I was en route to the address, I passed through the Border Patrol checkpoint on Arivaca Road. As I passed through the checkpoint, I informed one of the Border Patrol agents that there was a shooting in Arivaca and I asked if any available units could respond with me.

At that time, I heard one of the agents tell a couple of units to follow the deputy. At that moment, I sped off from the checkpoint to the incident location.

It took me approximately 24 minutes from the time I notified Communications that I would be responding to the call, until the time I arrived on scene at approximately 0113 hours.

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During most of the travel to the residence, I did not see the Border Patrol units behind me. As I got closer to the residence at approximately the corner of Universal Ranch Road and Arivaca Road, I saw two Border Patrol agents parked off to the shoulder.

As my vehicle approached the Border Patrol agents, they flashed their code equipment lights to me, signaling that they would be following me. I then sped past them and the two Border Patrol agents in their vehicles followed me to the residence at 36 South Mesquite Road.

Upon my arrival to the area, there were no address signs towards the front of the residences in the area. I initially pulled up to the address of 36 South Mesquite Road looking for an address. I saw numbers on the residence but they were too far to read and I mistook the address of 36 as being 34 South Mesquite Road.

I then continued down the road for approximately one minute, until the road stopped and turned into another road going eastbound.

At that time, I figured out that I had passed the residence, so I turned around with Border Patrol still right behind me.

At this time, I responded back to the residence, which I had previously thought to be 34 South Mesquite Road, and pulled up in front of that residence. There was a gate leading to the driveway, which was locked with a chain and padlock. I jumped over that gate and ran towards the house.

As I got closer to the house, I could clearly read the address on the house itself saying 36.

At that time, several Border Patrol agents exited the two vehicles that had been following me and entered the property as well.

NOTE: On my way to the residence, as I was traveling Arivaca Road, I made sure to keep an eye out for any suspicious vehicles that might be parked off to the shoulders. I also took special interest in any kind of vehicles that were traveling eastbound on Arivaca Road, which there were no vehicles traveling eastbound that had past me, other than Border Patrol vehicles. I did this and kept the usage of my code equipment down to a minimum as to not tip off any vehicles that might be fleeing from the residence.

As I approached the house on foot, I withdrew my department issued handgun and approached the front door of the residence. I could see that the lights were on inside of the residence and there were two doors at the residence. There was a heavy screen door and a regular front door; both doors were open. The screen door was open approximately one foot, facing outwards, and the house door was open approximately one foot, facing towards the inside of the house, giving small visibility inside of the house.

I approached the front door and stood off to the right of the front door. I announced myself as being with the Sheriff's Department very loudly. I did

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this approximately three times, yelling that I was with the Sheriff's Department and for anyone in the house to come to the front door with their hands up in the air.

After the third time of announcing this very loudly, I entered the residence, pushing open the front door very hard. As I did this, there was a large cat scratching post that was positioned behind the front door, making it so that the front door did not open all the way.

As I continued to push against the door to open it all the way, a rifle that had been leaning up from behind the door fell down and approximately five live rounds, which were attached to the rifle, came out of the case and rolled on the floor. There were no rounds fired from that weapon.

As I took a couple of steps into the front door of the residence, I immediately noticed a male lying on the couch. As I focused in on the male, I could see that the male was not moving and he was covered in blood on his left side and he was only wearing his underwear. I immediately noticed that the male was dead; his eyes were stuck open and his hands were positioned in a certain manner. The male was sitting on the couch and there was a large hole, approximately four feet in the wall next to him to the left.

As I scanned the room, clearing the room, I noticed to the right of the room on a couch was a small girl. I noticed that I did not hear the girl scream or make any noises as well. As I focused my eyes onto the small girl, who was approximately nine or 10 years old, I noticed that she had a bullet hole in her left cheek and blood all around on her face and neck. The girl did not move and I immediately presumed she was dead.

During this time, as I entered the residence to clear it, there was a Border Patrol agent who followed me into the residence. There also were several other Border Patrol agents who started trickling in as I was clearing the living room area of the residence.

I took cover behind a wall and motioned for one of the Border Patrol agents to stand by as I heard a voice coming from the kitchen area, which was just behind a wall of the couch where the dead male was up against.

As I went towards the kitchen area, I could see some bare feet and bare legs sticking out from the kitchen area. There was a woman's voice who started screaming "help me."

As I came into contact with the woman, she was lying on the floor dressed in what looked like to be some kind of boxer shorts and a T-shirt. The woman had a large patch of blood on her right shoulder and she was holding the telephone in her right hand. Her left hand was on the floor sprawled out above her head and there was a black and silver handgun, which looked to be a .40 caliber handgun, next to her hand. The woman looked at me and immediately stated, "there's the gun" and looked up, motioning to the handgun that was approximately five inches from her hand at that point.

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I then stepped towards the handgun and kicked it approximately one foot from her reach. I then had the woman put her hand down towards her body, not giving her any kind of access to the weapon. The woman started screaming that she was in such pain. She also informed the 911 Dispatcher, who she was on the phone with, that deputies were here.

At that time, the female hung up the phone and I asked her if there was anyone in the house. She stated no, but she thinks that her family was dead. I informed her that I medical help was just around the corner and would be here in a second.

I then asked one of the Border Patrol agents to follow me and assist me in clearing the rest of the residence.

At that time, the Border Patrol agent entered into the master bedroom, which was the first room from the area where we were at. I provided cover while the Border Patrol agent went through the bedroom and its closets to make sure it was clear.

Upon him stating that the bedroom was clear, I then moved across the small hallway into the bathroom, where it was cleared. The Border Patrol agent and I then entered into the kid's rooms and cleared those as well.

Upon completion of that, I attempted to make contact with Communications and inform them that I was okay and to have the ambulance move in; however, I noticed that my handheld radio was not getting out.

At that time, I returned back to the kitchen area, where I had one Border Patrol agent stand by with the victim who was lying on the floor with a gunshot wound. I asked another Border Patrol agent to make sure that no one walked into the living room area, where the young child and husband were lying there dead on the couches.

I then asked the rest of the Border Patrol agents, who were inside, which were approximately two or three, to exit the house and check the yard and surrounding areas for any suspects or suspicious activity. I also asked the two Border Patrol agents who remained in the residence to preserve the scene security and not allow anyone to walk over the scene.

At that time, I ran out to my patrol vehicle, where I got out over the radio and advised Communications that I was okay and that they could clear the air, which was being held for me. I also asked Communications to start the ambulance. I also informed them that there were two dead bodies inside and asked them to start the Homicide Unit.

I then returned to the kitchen area of the residence, where I asked the victim, who was later identified as [REDACTED], for information about the incident. I asked [REDACTED] if she knew anything about who these people were who came into her house. She stated no, that she was sleeping and woke up to all of the noise and gunfire.

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As I was with [REDACTED], I noticed that there was an AK-47 machine gun on the kitchen counter as well. I asked [REDACTED] if she knew if that gun was hers and she stated she did not know if the gun was hers. [REDACTED] began asking about her family, asking if they were dead or okay and where they were. I informed [REDACTED] that her family was still inside the residence.

At that time, I asked [REDACTED] where she was shot at and she motioned to her right hip and also stated in her shoulder collar bone area and back area. [REDACTED] stated that she was hit three times.

At approximately this time, paramedics arrived on scene and I guided them into where [REDACTED] was. Once again, keeping the paramedics in a direct path from the front door to the kitchen, as my concern was securing the scene and not letting the living room area be contaminated.

As I looked around the residence, I saw several spots of blood and trails of blood on the carpet. There were also several spent shells of ammunition or bullets on the floor.

Shortly after the medical attention arrived on scene, they notified me that they would be air lifting [REDACTED] out of the area. I stood by as the members of the medical team assessed [REDACTED] condition and put her onto a stretcher and took her out.

During this time, Sergeant R. T. Harkins #1194 arrived on scene and I explained to him exactly what was going on.

As I was speaking with [REDACTED] when she was in the kitchen, she informed me that she had no idea what vehicle the suspects left in. She stated she never saw them in any kind of vehicle. [REDACTED] stated that the vehicle description she gave earlier, being a black Suburban and white Ford pickup, were actually the two vehicles that she owns and were at the residence. Those two vehicles were parked in the carport at the residence. [REDACTED] also informed me that the suspects left approximately 10 to 15 minutes prior to my arrival.

NOTE: Later on as I looked at the radio log history, I noticed that [REDACTED] stated at approximately 0107 hours, that the suspects were leaving or had left. My initial arrival, when I passed the house the first time, was approximately five minutes later at approximately 0112 hours, so the suspects were probably gone five minutes before my arrival to the scene.

After I gave all the information I had to Sergeant Harkins, Deputy J. V. Castillo #6863 arrived on scene. I had Deputy Castillo get a pad of paper out and get the name of everyone who was inside of the residence.

Deputy Castillo stood by the door and the name and information of everyone who entered the residence.

After [REDACTED] had been taken from the residence and air lifted out to University Medical Center (UMC), I had everyone else exit the residence.

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At this point, Sergeant Harkins took over the scene. I stood by in front of the residence. 5184

Also during this time, I advised Deputy Castillo and Deputy C. L. Childress #6864 to search the area for any other children, as I was advised by one of the paramedics, who was also a neighbor in the area, that there was another little girl at the residence who not there at the time, as well as a grandfather that she often sees at the residence. I informed Sergeant Harkins of this information as well.

During this time, there were several deputies who arrived on scene, as well as canine handlers and detectives who conducted their respective investigations. There were a couple of animals inside or around the residence, which Pima County Animal Control came and removed from the residence.

At approximately 0630 hours, I cleared from the residence and left the scene security to Deputy Childress and Deputy Castillo. Sergeant Harkins was on scene, as well as the Homicide Unit and Identification Unit.

This concludes my involvement.

NFI

Transcribed by #6737 on Sat May 30 12:58:32 MST 2009

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SUPPLEMENTAL NARRATIVE:
