APPENDIX

FILED

APR 23 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL JAMES HOFFMAN, Applicant, v. EDWARD CODAY, Respondent.	No. 26-294 ORDER

Before: LEE, DESAI, and JOHNSTONE, Circuit Judges.

The applicant's motion to grant access to evidence to review 67 DVDs is denied. The applicant's motion to acquire postconviction relief evidence from the public defender is denied.

The application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition in the district court raises claims that were presented in a § 2254 petition filed in the United States District Court for the District of Arizona, Case No. 2:16-cv-03598-SPL, decided on December 4, 2017. These claims are dismissed. *See* 28 U.S.C. § 2244(b)(1); *Chades v. Hill*, 976 F.3d 1055, 1056 (9th Cir. 2020) (stating that this court may not authorize a claim barred by § 2244(b)(1)).

The application also raises claims that were presented in a previous application in Case No. 24-7639, which this court denied on March 20, 2025. The

court therefore does not entertain these claims.

With respect to all remaining claims, the application is denied. The applicant has not made a prima facie showing under 28 U.S.C. § 2244(b)(2) that:

> (A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or
>
> (B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

Docket Entry No. 1 was provisionally filed under seal because it contains confidential information. The clerk will maintain under seal Docket Entry No. 1 in accordance with Ninth Circuit Rule 27-13.

Any other pending motions or requests are denied as moot. No further filings will be entertained in this case.

DENIED.

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE

ARIZONA COURT OF APPEALS

DIVISION ONE

STATE OF ARIZONA, *Appellee,*

v.

MICHAEL JAMES HOFFMAN, *Appellant.*

No. 1 CA-CR 14-0199
FILED 1-28-2016

Appeal from the Superior Court in Maricopa County
No. CR2012-007254-001
The Honorable Warren J. Granville, Judge

AFFIRMED

COUNSEL

Arizona Attorney General's Office, Phoenix
By Andrew S. Reilly
Counsel for Appellee

Maricopa County Public Defender's Office, Phoenix
By Terry J. Reid
Counsel for Appellant

APPENDIX A

MEMORANDUM DECISION

Presiding Judge Kenton D. Jones delivered the decision of the Court, in which Judge Peter B. Swann and Judge Samuel A. Thumma joined.

J O N E S, Judge:

¶1 Michael Hoffman appeals his convictions and sentences for seven counts of sexual assault, four counts of kidnapping, one count of sexual abuse, one count of attempted sexual assault, and one count of public sexual indecency. After searching the entire record, Hoffman's defense counsel has identified no arguable non-frivolous question of law. Therefore, in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297 (1969), defense counsel asks this Court to search the record for fundamental error. Hoffman filed a supplemental brief *in propria persona*. After reviewing the record, we find no error. Accordingly, Hoffman's convictions and sentences are affirmed.

FACTS[1] AND PROCEDURAL HISTORY

¶2 In May 2012, Hoffman was indicted on seven counts of sexual assault, four counts of kidnapping, two counts of sexual abuse, one count of attempted sexual assault, and one count of public sexual indecency based upon events occurring between October 2004 and September 2011.[2] At trial,

[1] We view the facts in the light most favorable to sustaining the jury's verdict, with all reasonable inferences resolved against the defendant. *State v. Harm*, 236 Ariz. 402, 404 n.2, ¶ 2 (App. 2015) (quoting *State v. Valencia*, 186 Ariz. 493, 495 (App. 1996)).

[2] Count one alleged sexual assault of C.P., count two alleged attempted sexual assault of C.P., count three alleged kidnapping of C.P., count four alleged public sexual indecency, counts five and six alleged sexual abuse of K.P., counts seven through nine alleged sexual assault of K.P., counts ten and eleven alleged kidnapping of K.P. and B.T. respectively, count twelve alleged sexual assault of B.T., count thirteen alleged kidnapping of J.S., and counts fourteen and fifteen alleged sexual assault of J.S.

the four victims – J.S., K.P., B.T., and C.P. – testified Hoffman forced them into his vehicle and assaulted them sexually.

¶3 J.S. testified that in October 2004, as a fifteen-year-old, she was walking to her friend's house when a man she later identified as Hoffman pulled his truck in front of her and asked her for directions. Hoffman took her backpack, put it in the truck, and as J.S. was reaching for it, forced her into the truck. Hoffman drove the truck into a neighborhood, parked in a driveway, and began asking J.S. to perform sexual acts on him.

¶4 J.S. testified she asked Hoffman to let her go but was in fear of losing her life and complied with his requests, which included touching and kissing his penis, performing oral sex on her, and vaginal intercourse. Hoffman eventually dropped J.S. off at her friend's house whereupon J.S. attempted to get Hoffman's license plate number and called the police. An investigating police officer checked the license plate number J.S. reported and found it matched a van registered in Tucson not meeting the description J.S. gave of the vehicle. A nurse completed a sexual assault kit which was submitted for DNA testing. The DNA recovered from J.S. was entered into the Combined DNA Index System (CODIS).

¶5 K.P. testified she was at a bus stop in September 2009 when a man she later identified as Hoffman stopped the truck he was driving and told her to get in, and she declined. Two days later, Hoffman again saw her at a bus stop and told her to get in his truck. When she refused, Hoffman exited the truck, grabbed the items K.P. was carrying, and threw them in the truck. K.P. tried to get the items out of the truck when Hoffman got into the driver's seat, but he grabbed K.P.'s arm and accelerated the truck which caused the door to shut while K.P. was attempting to retrieve her things.

¶6 K.P. testified she struggled to "fight him off" but was unsuccessful. Hoffman touched her breasts and genitals and forced her to perform oral sex on him. He eventually dropped K.P. off at a Circle K, where K.P. wrote down his license plate number. She called the police who matched the license plate number with a truck registered to Hoffman. DNA recovered from K.P. was entered into CODIS.

¶7 B.T. testified she was walking to her cousin's house in December 2010 when a man stopped his vehicle near her and offered her a ride. The man forced her into the backseat of the car, and, as she struggled to get out, he hit her in the face with his elbow. After driving for a time, the man got into the backseat and pulled B.T.'s pants down, digitally penetrated her vagina, put his mouth on her genitals, and put his penis in

her vagina. The man let her out of the truck, and B.T. made her way to her cousin's house and called 911. A forensic nurse testified to performing a sexual assault examination on B.T., and the recovered DNA was again entered into CODIS.

¶8 C.P. testified she was at a bus stop in September 2011 when a man who identified himself as Mike and who she later identified as Hoffman stopped and offered her a ride. She had met Hoffman previously and thought he lived in the neighborhood so she accepted the ride. Shortly after C.P. got into Hoffman's truck, he gave C.P. his phone number. While in the truck, C.P.'s son called, and she became emotional because she had not spoken to him for weeks. Hoffman began trying to console her by putting his arm around her, and C.P. immediately pushed him away and asked to be let out of the truck. Hoffman did not stop the truck, and C.P. began struggling with the door to get out but was unable to open it.

¶9 Hoffman forced C.P.'s face into his lap and his exposed penis touched C.P.'s lips. He drove to the back of a Kmart store and started grabbing C.P.'s hair and punching her in the back. While C.P. protested, Hoffman digitally penetrated her vagina and masturbated into a yellow cloth. He let C.P. go at the Kmart, and she immediately called 911. She gave the responding police officer Hoffman's license plate number and his phone number.

¶10 C.P. was taken to an advocacy center for a sexual assault examination, and the nurse conducting the examination testified to finding bruising on C.P.'s back, scratches on her arm, bruising on her labia, a contusion in the vagina, abrasions on her inner thighs, and two injuries to the cervix. The police detective who investigated K.P.'s case was also assigned to C.P.'s case and testified that he recognized Hoffman's name when different combinations of the license plate number provided by C.P. matched with Hoffman's truck. The detective also matched Hoffman to the phone number C.P. was given. The detective put together a photo lineup, and C.P. identified Hoffman as her attacker.

¶11 A DNA sample from Hoffman was entered into CODIS, which matched with DNA evidence recovered in the cases involving B.T., K.P., and J.S. Additionally, individuals from the Department of Public Safety crime laboratory testified that DNA found on all four women was separately analyzed and found to match the DNA sample Hoffman provided.

¶12 Hoffman testified that he and his wife had not been intimate for ten years or more so he sought the services of prostitutes for intimacy. He claimed the four women were prostitutes, and, although they disagreed about money, he never sexually assaulted the women.

¶13 The jury acquitted Hoffman of one count of sexual abuse as to K.P. but found him guilty on all remaining counts. The trial court classified the offenses as non-dangerous and non-repetitive and sentenced Hoffman to the presumptive term of imprisonment on all counts. *See* Ariz. Rev. Stat. (A.R.S.) § 13-702(A), (D).[3] He also ordered the sentences on counts one, three, and seven through fifteen run consecutively for a total of sixty-nine years' imprisonment with credit for 896 days of pre-sentence incarceration. He timely appealed, and we have jurisdiction pursuant to A.R.S. §§ 12-120.21(A)(1), 13-4031, and -4033(A)(1).

DISCUSSION

¶14 Within his supplemental brief, Hoffman argues the trial transcripts inaccurately reflect what occurred during his testimony, and that an accurate transcript would reveal misconduct by the State. His argument is unavailing. The trial was transcribed and certified by authorized court reporters pursuant to Arizona Rule of Criminal Procedure 31.8(b). "A strong implication attaches to . . . transcripts of testimony that they are accurate and truthful." *State v. Hill*, 88 Ariz. 33, 39 (1960). Because no audio or video of the trial was made part of the record, we must assume that the transcript accurately reflects what transpired during the trial. *Cf. State v. Hudgens*, 102 Ariz. 1, 5 (1967) (assuming proceedings at trial were accurately reflected within the transcript where basis for alleged error was not apparent from review of the record).

¶15 Furthermore, even if the transcripts were inaccurate, Hoffman has not shown how the State's conduct was improper, or that it would have impermissibly tainted the proceeding. *See State v. Hughes*, 193 Ariz. 72, 79 (1998) ("To prevail on a claim of prosecutorial misconduct, a defendant must demonstrate that the prosecutor's misconduct 'so infected the trial with unfairness as to make the resulting conviction a denial of due process.'") (quoting *Donnelly v. DeChristoforo*, 416 U.S. 637, 643 (1974)).

¶16 Having reviewed the entire record for reversible error, we find none. *See Leon*, 104 Ariz. at 300 ("An exhaustive search of the record

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[3] Absent material changes from the relevant date, we cite a statute's current version.

has failed to produce any prejudicial error."). Hoffman was convicted and sentenced for committing sexual assault, attempted sexual assault, kidnapping, public sexual indecency, and sexual abuse. A person commits sexual assault by "intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person." A.R.S. § 13-1406(A). A person attempts an offense by "acting with the kind of culpability otherwise required for commission of an offense [and] [i]ntentionally do[ing] or omit[ting] to do anything which, under the circumstances as such person believes them to be, is any step in a course of conduct planned to culminate in commission of an offense." A.R.S. § 13-1001(A)(2). A person commits public sexual indecency by "intentionally or knowingly engaging in . . . [a]n act of sexual contact, . . . oral sexual contact, . . . [or] sexual intercourse" while "another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act." A.R.S. § 13-1403(A). A person commits sexual abuse by "intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person." A.R.S. § 13-1404(A). Finally, as relevant here, a person commits kidnapping by "knowingly restraining another person with the intent to . . . [i]nflict death, physical injury or a sexual offense on the victim . . . or . . . [p]lace the victim . . . in reasonable apprehension of imminent physical injury to the victim." A.R.S. § 13-1304(A)(3)-(4). Sufficient evidence was presented upon which the jury could determine beyond a reasonable doubt that Hoffman committed the crimes for which he was convicted and sentenced.

¶17 All proceedings were conducted in compliance with the Arizona Rules of Criminal Procedure, and so far as the record reveals, Hoffman was represented by counsel at all stages of the proceedings and was present at all critical stages. His presence was properly waived by counsel when a jury question was presented during deliberations. *See State v. Rose*, 231 Ariz. 500, 504, ¶¶ 9-10 (2013) (holding a court may rely on counsel's waiver of a defendant's right to be present absent "exceptional circumstances that would render ineffective his attorney's waiver").

¶18 The jury was properly comprised of twelve jurors, and the record shows no evidence of jury misconduct. *See* Ariz. Const. art. 2, § 23; A.R.S. § 21-102(A); Ariz. R. Crim. P. 18.1(a). At sentencing, Hoffman was given an opportunity to speak, and the trial court stated on the record the evidence and materials it considered and the factors it found in imposing sentence. Additionally, the sentence imposed was within the statutory limits. *See* A.R.S. § 13-702(A), (D).

CONCLUSION

¶19 Hoffman's convictions and sentences are affirmed. Defense counsel's obligations pertaining to Hoffman's representation in this appeal are at an end. Defense counsel need do no more than inform Hoffman of the outcome of this appeal and his future options, unless, upon review, counsel finds an issue appropriate for submission to our supreme court by petition for review. *State v. Shattuck*, 140 Ariz. 582, 584-85 (1984).

¶20 Hoffman has thirty days from the date of this decision to proceed, if he wishes, with an *in propria persona* petition for review. *See* Ariz. R. Crim. P. 31.19(a). Upon the Court's own motion, we also grant Hoffman thirty days from the date of this decision to file an *in propria persona* motion for reconsideration.



Ruth A. Willingham · Clerk of the Court
FILED: ama

SUPREME COURT OF ARIZONA

MICHAEL J HOFFMAN,	)	Arizona Supreme Court
	)	No. M-16-0004
Petitioner,	)	
	)	Maricopa County
v.	)	Superior Court
	)	No. CR2012-007254-001
STATE OF ARIZONA,	)	
	)	**FILED 5/19/2016**
Respondent.	)	
	)	
	)	**O R D E R**

Michael Hoffman has filed a petition asserting that the transcripts of his trial have been altered and are inaccurate. Mr. Hoffman raised this issue in his appeal, and has raised the issue in his petition for review pending before this Court, case number CR-16-0079-PR. Therefore,

IT IS ORDERED that the petition in this matter is dismissed.

DATED this _____ day of May, 2016.

_____/s/_____
Robert M. Brutinel
Duty Justice

TO:
Michael James Hoffman, ADOC 289019, Arizona State Prison, CACF- Geo Unit

APPENDIX B

SCOTT BALES
CHIEF JUSTICE

JANET JOHNSON
CLERK OF THE COURT

Supreme Court

STATE OF ARIZONA
ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007-3231

TELEPHONE: (602) 452-3396

July 12, 2016

RE: STATE OF ARIZONA v MICHAEL JAMES HOFFMAN
Arizona Supreme Court No. CR-16-0079-PR
Court of Appeals, Division One No. 1 CA-CR 14-0199
Maricopa County Superior Court No. CR2012-007254-001

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on July 12, 2016, in regard to the above-referenced cause:

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

A panel composed of Chief Justice Bales, Justice Timmer, and Justice Bolick participated in the determination of this matter.

Janet Johnson, Clerk

TO:
Joseph T Maziarz
Andrew Reilly
Michael James Hoffman, ADOC 289019, Arizona State Prison, CACF- Geo Unit
Ruth Willingham

tel

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Michael James Hoffman,

Petitioner,

v.

Charles L Ryan, et al.,

Respondents.

NO. CV-16-03598-PHX-SPL

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came for consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED adopting the Report and Recommendation of the Magistrate Judge as the order of this Court. Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U. S. C. § 2254 is denied and this action is hereby dismissed with prejudice.

Brian D. Karth
District Court Executive/Clerk of Court

December 4, 2017

By s/ Linda Patton
Deputy Clerk

APPENDIX D

ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Letter Response

For distribution: Copy of corresponding Inmate Letter must be attached to this response.

Inmate Name *(Last, First M.I.)*	ADC Number
Hoffman, Michael J	289019

Institution/Unit

ASP-GEO/ Central Arizona Correctional Facility 4D 08

From	Location
Deputy Warden Brewer	Administration

I am in receipt of your letter requesting to view DVD's sent to you from your attorney. Please advise your attorney to send hard copy transcripts as we are unable to accommodate your request.

End of Response

Staff Signature	Date
	04/15/2016

Distribution: Original - Master Record File
Copy - Inmate

916-2
5/14/12

APPENDIX U

MARK BRNOVICH
ATTORNEY GENERAL
(FIRM STATE BAR NO. 14000)

ANDREW S. REILLY
ASSISTANT ATTORNEY GENERAL
CAPITAL LITIGATION SECTION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007-2997
TELEPHONE: (602) 542-4686
CADocket@azag.gov
(STATE BAR NUMBER 029138)

ATTORNEYS FOR RESPONDENTS

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Michael James Hoffman,

Petitioner,

-vs-

Charles L. Ryan, et al.,

Respondents.

CV 16-03598-PHX-SPL (JFM)

RESPONSE TO PETITIONER'S MOTION TO ALLOW PETITIONER ACCESS TO EACH DVD IN HIS TRIAL FILE

On April 29, 2017, Petitioner, Michael James Hoffman, filed a "Motion to Allow Petitioner Access to Each DVD in his Trial File." (Document ["Doc."] 17.) In the motion, Hoffman states that he possesses a number of DVDs that may have evidentiary value, but he does not have access to equipment to view the DVDs. (*Id.*) On May 30, 2017, this Court ordered Respondents to file a response to Hoffman's motion. (Doc. 21.)

Respondents contacted a representative from the Arizona Department of Corrections, who confirmed that Hoffman submitted a request to view DVDs. The representative further confirmed that Deputy Warden Brewer promptly responded to the request. Deputy Warden Brewer informed Hoffman that she was unable to accommodate his request because the facility does not have any DVD players. Deputy Warden Brewer, however, advised Hoffman that he could request, receive, and retain any document that may be on the DVDs from his attorney.

APPENDIX V

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 20 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MICHAEL JAMES HOFFMAN, Applicant, v. EDWARD CODAY, Respondent.	No. 24-7639 ORDER

Before: CANBY, R. NELSON, and FORREST, Circuit Judges.

The motion to proceed in forma pauperis is denied as unnecessary. *See* 9th Cir. R. 22-3(a).

The application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition in the district court, as supplemented, raises claims that were presented in a § 2254 petition filed in the United States District Court for the District of Arizona, Case No. 2:16-cv-03598-SPL, decided on December 4, 2017. These claims are dismissed. *See* 28 U.S.C. § 2244(b)(1); *Chades v. Hill*, 976 F.3d 1055, 1056 (9th Cir. 2020) (stating that this court may not authorize a claim barred by § 2244(b)(1)); *Gimenez v. Ochoa*, 821 F.3d 1136, 1141 (9th Cir. 2016) ("A claim in a successive petition is barred when its basic thrust or gravamen is the same as a claim that's already been raised, even if it's supported by new factual allegations or legal arguments." (internal quotation marks omitted)).

APPENDIX X

With respect to all remaining claims, the application, as supplemented, is denied. The applicant has not made a prima facie showing under 28 U.S.C. § 2244(b)(2) that:

> (A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or
>
> (B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

Any remaining motions are denied as moot. No further filings will be entertained in this case.

DENIED.

ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Letter Box 960

Requests are limited to one page and one issue. NO ATTACHMENTS PERMITTED. Please print all information.

INMATE NAME (Last, First M.I.) (Please print)	ADC NUMBER	INSTITUTION/UNIT	DATE (mm/dd/yyyy)
Hoffman, Michael J.	289019	ASP-GEO-CACRF	03/14/2025

TO	LOCATION
Deputy Warden Dennis	

State briefly but completely the problem on which you desire assistance. Provide as many details as possible.

At Ms. Hancock's convenience, I would like to view my legal DVDs.
According to the paperwork, there were 67 DVDs in Mail and Property.
May I please have permission to view them?

Thank you.

You will be contacted for an appointment to review your Materials. B. Dennis 3/17/25

INMATE SIGNATURE	DATE (mm/dd/yyyy)
Michael Hoffman	03/14/2025

Have you addressed this with Department staff? ☑ Yes ☐ No

If yes, give the staff member's name and the date you addressed with them:

CPO Cantrell and Ms. Hancock (Staff Member's Name) (Please print) — 03/13/2025 (Date addressed)

Note: Using profanity, insulting, obscene, or abusive language and/or addressing staff with inappropriate names or making inappropriate remarks in this written correspondence (or verbal communication to staff concerning this correspondence), will not be tolerated and may result in no response to the correspondence and/or discipline pursuant to Department Order 803, Inmate Disciplinary Procedure.

Distribution: Original - Master File
Copy - Inmate

APPENDIX Y

STATE BAR OF ARIZONA

Assistant's Direct Line: (602)340-7247

July 15, 2015

Michael James Hoffman - #289019
Central Arizona Correctional Facility
289019/5C5OU/Box #960
P.O. Box 9600
Florence, Arizona 85132

Re: File No: 14-3372
Respondent: Janelle A. McEachern

Dear Mr. Hoffman:

I am in receipt of your letter dated July 11, 2015. The information below explains our diversion program and the impact of said program on pending claims of lawyer misconduct:

Diversion shifts the emphasis in cases involving minor acts of misconduct away from disciplinary sanctions and toward rehabilitation. It is designed to address minor acts of ethical impropriety that typically can be linked to poor law office management, chemical dependency, or other behavioral health problems. Current diversion programs include the use of the following programs: Law Office Management Assistance Program, Member Assistance Program, Ethics Enhancement Program and Trust Account Ethics Enhancement Program. Diversion is not available in cases which would warrant a suspension or disbarment or where the attorney has acted dishonestly or in breach of a fiduciary duty.

Diversion is considered in cases where, assuming allegations of ethical violation against the respondent lawyer are true, the sanction would be a reprimand or less, although some ethical violations warranting an admonition or reprimand may not, under all circumstances, be diversion eligible.

Diversion matters are confidential. Successful completion of diversion results in the underlying matter being dismissed. Thus, an attorney who successfully completes diversion will have no record of discipline arising from the underlying complaint. Records of dismissed charges and those resulting in diversion are maintained for a period of three years from the date of disposition and are thereafter expunged pursuant to Rule 71, Ariz. R. Sup. Ct.

Sincerely,

Bradley F. Perry
Staff Bar Counsel

BFP/sab

APPENDIX 2

14-77179

4201 N. 24th Street • Suite 100 • Phoenix, AZ 85016-6266
PH: 602.252.4804 • FAX: 602.271.4930 • WEBSITE: www.azbar.org

THE HOUSE AND SHE STATED THAT IT DIDN'T LOOK LIKE ANYBODY WAS HOME.

JENNIFER STATED THAT SHE STARTED TELLING THE SUSPECT THAT SHE HAD "TO GO". THE SUSPECT JUST TOLD HER WE'LL GO IN A LITTLE BIT.

JENNIFER THEN STATED, "HE JUST STARTED MAKING ME TAKE OFF MY CLOTHES".

JENNIFER WENT ON TO STATE AT FIRST THE SUSPECT ASKED HER TO KISS HIM. I ASKED IF SHE DID. JENNIFER STATED "NO". THE SUSPECT THEN ASKED IF SHE WAS SCARED. JENNIFER STATED SHE JUST SHRUGGED HER SHOULDERS. I ASKED JENNIFER IF SHE WAS SCARED. JENNIFER STATED, "YES".

JENNIFER STATED THE SUSPECT THEN TOOK HIS WALLET AND CHANGE OUT OF HIS PANTS POCKETS. THE SUSPECT THEN TOOK OUT A KNIFE. JENNIFER STATED HE DIDN'T THREATEN HER WITH IT BUT SHE WAS STILL SCARED.
JENNIFER STATED THE SUSPECT THEN ASKED HER TO KISS HIS STOMACH. SHE KISSED HIS STOMACH AND HE PULLED DOWN HIS PANTS. THE SUSPECT THEN ASKED JENNIFER TO KISS HIS LEGS. JENNIFER STATED THE SUSPECT THEN ASKED HER TO HOLD HIS "STUFF". I CONFIRMED WITH JENNIFER THAT BY STUFF SHE MEANT HIS PENIS AND TESTICLES. JENNIFER STATED, "YES".

JENNIFER STATED THE SUSPECT THEN LAID HER DOWN ON THE SEAT. HE TOOK OFF HER "PANTS", HE PULLED DOWN HER "BOXERS" AND HE STARTED KISSING HER ON THE MOUTH. JENNIFER STATED THAT SHE TOLD THE SUSPECT THAT SHE COULDN'T BREATHE.

JENNIFER STATED THE SUSPECT THEN STARTED KISSING "MY PRIVATE AREA". I CONFIRMED WITH JENNIFER THAT SHE MEANT VAGINA. JENNIFER STATED, "YES". JENNIFER STATED THE SUSPECT TOOK A CONDOM OUT OF THE GLOVE BOX AND THEN HE HAD "SEX" WITH HER. I ASKED JENNIFER IF THE SUSPECT HAD PENETRATED HER WITH HIS PENIS. JENNIFER STATED, "YES".

I ASKED JENNIFER ABOUT HOW MUCH TIME HE SPENT AT THE FRONT OF THE HOUSE. JENNIFER STATED ABOUT TEN MINUTES. JENNIFER STATED IT WAS ABOUT 1:13 PM WHEN THE SUSPECT PICKED HER UP.

I ASKED JENNIFER WHAT THE SUSPECT HAD DONE WITH THE CONDOM. JENNIFER STATED THAT HE PUT IT IN A BLUE WAL-MART BAG.

AFTERWARDS THE SUSPECT THEN DROVE JENNIFER BACK TO THE APARTMENTS AND HE DROPPED HER OFF.

I ASKED JENNIFER IF SHE COULD RECOGNIZE THE SUSPECT. JENNIFER STATED, "YES". I ASKED JENNIFER ABOUT IF SHE HAD DONE THIS CAUSE SHE WAS AFRAID THE SUSPECT WAS GOING TO HURT HER. JENNIFER STATED, "YES". I ASKED JENNIFER IF SHE COULD RECOGNIZE THE TRUCK. JENNIFER STATED,

BEATING THE WITNESS?

APPENDIX J1

Report No: 04 135583 **Type:** OR **Date/Time:** 10/25/2004 1525 **Ofcr#:** 06826 PALOMINO,MICHAEL

THE LICENSE PLATE 917-MLV RETURNS TO A 94' GMC 12VN. R/O ALEXANDRA AND ALLEN GRANT OF 3419 S. WHISTLER. TUCSON AZ

WHILE AT THE ADVOCACY CENTER I AUTHORED THIS REPORT.

END OF NARRATIVE

6826

Victims Assistance: CALLED TO SCENE
Prints Attemped : NO **Prints Obtained :** NO **C.S.T.** N
Supervisor Approving Report : TURITTO,JOSEPH A #8683

CRIMINAL OFFENSE(S)

Offense 1:	SEXUAL ASSAULT	**Code:**	13-1406.A
		Victim:	V1 V2 **Suspect:** S1
Offense 2:	KIDNAPPING/REASONABLE APPREHENSION	**Code:**	13-1304.A.4
		Victim:	V1 **Suspect:** S1

STATISTICAL INFORMATION

RELATIONSHIP OF VICTIM TO SUSPECT:
V1 to S1 STRANGER

LOCATION TYPE:
OFFENSE 1 DRIVEWAY
OFFENSE 1 STREET
OFFENSE 1 VEHICLE TRUCK

INSTRUMENT EMPLOYED: no knife!
VEHICLE
VOICE
HANDS/FEET
OTHER (DESCRIBE) CONDOM
OTHER (DESCRIBE) PENIS

TYPE OF VICTIM(S):
V1 INDIVIDUAL

APPENDIX J2

Report No: 04 135583 Type: IS Date/Time: 10/28/2004 1530 Ofcr#: 08134 JOHNSTON,WILLIAM

PATROL OFFICER THE LOCATION OF THIS HOME. JENNIFER SAID THAT AFTER THEY GOT TO THIS HOME THE SUBJECT DID NOT SEEM AS NERVOUS AS HE WAS WHEN HE HAD HER GET IN THE TRUCK. SHE SAID THAT WHEN HE PARKED HE LEFT THE TRUCK RUNNING AND HAD THE WINDOWS ROLLED UP AND THE AIR CONDITIONING ON. SHE SAID THAT HE THEN REMOVED SEVERAL ITEMS FROM HIS PANTS POCKETS. SHE SAID THAT ONE OF THE ITEMS WAS A METAL FOLDING KNIFE THAT HE LAID DOWN IN THE DASHBOARD WITH A WALLET AND OTHER MISCELLANEOUS ITEMS. JENNIFER SAID THAT SHE WAS NOW VERY FEARFUL OF THIS SUBJECT AND SAID THAT SHE DID NOT KNOW WHAT HE WAS CAPABLE OF DOING. SHE SAID THAT SHE TOLD THE SUBJECT THAT SHE HAD TO GO SEVERAL TIMES AND SAID THAT SOMEONE WAS WAITING FOR HE R TO SHOW UP BACK AT THE APARTMENT COMPLEX TO BABY-SIT. SHE SAID THAT THE SUBJECT SAID THAT THEY WOULD NOT BE LONG.

JENNIFER SAID THAT AT THIS POINT THE SUBJECT LIFTED UP HIS SHIRT AND TOLD HER TO KISS HIM ON THE CHEEK AND SHE DID THINKING THAT MAYBE HE WOULD LET HER GO. SHE SAID THAT AFTER HE HAD HER DO THIS HE THEN TOLD HER TO "KISS MY TUMMY" SHE SAID THAT'S HE TOLD HIM AGAIN THAT SHE HAD TO GO AND THE SUBJECT TOLD HER AGAIN TO KISS HIS "TUMMY". SHE SAID THAT SHE DID WHAT HE TOLD HER TO DO. THE NEXT THING THE GUY DID WAS REMOVE HIS PENIS FROM HIS PANTS AND TOLD HER TO PERFORM ORAL SEX ON HIM AND SHE DID OUT OF FEAR OF WHAT WAS GOING TO HAPPEN TO HER. SHE SAID THAT THE SUBJECT EJACULATED IN HER MOUTH. AFTER HE EJACULATED IN HER MOUTH SHE STOPPED AND HE REACHED OVER AND RECLINED HER PASSENGER SEAT. SHE SAID THAT AFTER THE SEAT WAS RECLINED HE HAD HER REMOVE HER PANTS WHILE HE REMOVED A CONDOM FROM THE GLOVE COMPARTMENT. THE GUY PUT THE CONDOM ON HIS PENIS AND THEN CLIMBED ON TOP OF HER IN THE PASSENGER SEAT AND HAD SEX WITH HER AGAINST HER WILL. JENNIFER SAID THAT SHE KEPT TELLING THE SUBJECT THAT SHE HAD TO GO AND TO STOP BUT HE HAD SEX WITH HER AGAINST HER WILL.

naked

JENNIFER SAID THAT THE SUBJECT EJACULATED AGAIN AND THAT WHEN HE WAS DONE HE REMOVED THE CONDOM FROM HIS PENIS AND PLACED IT INTO A WAL-MART BAG THAT WAS UNDER THE DRIVER'S SEAT OF THE TRUCK. JENNIFER SAID THAT HE PLACED THE USED CONDOM AND THE WRAPPER IN THE BAG AND TIED THE TOP CLOSED. JENNIFER SAID THAT SHE PULLED HER PANTS BACK UP AND HE DID TO

JENNIFER SAID THAT THE GUY THEN DROVE HER BACK TO THE APARTMENT COMPLEX WHERE SHE FIRST TOLD HIM TO GO AND DROPPED HER OFF. BEFORE SHE GOT OUT OF THE TRUCK SHE ASKED ABOUT THE MODELING THAT THE GUY HAD PREVIOUSLY TAKED ABOUT. SHE WROTE DOWN TWO NUMBERS HE GAVE HER. SHE TOLD ME THAT SHE ASKED ABOUT THIS BECAUSE SHE WAS HOPPING THAT THIS WOULD HELP POLICE WHEN SHE REPORTED THE INCIDENT. AS THE SUBJECT WAS LEAVING JENNIFER LOOKED BACK AND OBTAINED THE LICENSE PLATE NUMBER THAT SHE HAD GIVEN THE PATROL OFFICER SHE SAID THAT SHE WAS SO UP SET THAT SHE TRIED TO MAKE TO THE UPSTAIRS APARTMENT OF HER FRIENDS APARTMENT BUT THAT SHE JUST SAT ON THE STEPS AND CRIED. SHE SAID THAT HER FRIEND CAME OUT AND AFTER FINDING OUT WHAT HAPPENED THEY CALLED THE POLICE.

cheek video

DA PET

ARIZONA DEPARTMENT OF PUBLIC SAFETY

SCIENTIFIC EXAMINATION REPORT

AGENCY Glendale Police Department

DR NO. 2004708357

FILE NO. 04135583

OFFICER JOHNSTON, #8134

DATE June 27, 2005

NAME(S)

EXAMINATION REQUESTED:

Serology

RESULTS:

No semen was detected on Items #6.2A, #6.8, #6.9A, #6.12A and #6.12B. No spermatozoa were detected on Items #6.2B, #6.9B and #6.10A.

Portions of Items #6.4A, #6.4B, #6.4C, #6.4D and #7 have been retained in laboratory frozen storage.

DNA analysis may be performed on this case for inclusion in the Combined DNA Index System (CODIS). To request this analysis, please contact the DNA Supervising Criminalist at 602-223-2394.

APPENDIX J4

Cody J Buller

CUSTODY OF EVIDENCE

RECEIVED D.P.S. Property

DISPOSITION D.P.S. Property

CODY J BULLER, #6266
Criminalist
Central Regional Crime Laboratory
(602) 223-2394

Accredited by the ASCLD Laboratory Accreditation Board

Any notes, photographs, charts, or graphs generated during the examination are retained in the laboratory.

JENNIFER LYNN SCHWARTZ WHEN SHE WAS 15 YEARS OLD IN 2004.

I WAS ABLE TO LOCATE JENNIFER SCHWARTZ AND WENT TO [redacted] TO MEET WITH HER AND DISCUSS HER CASE WITH HER. JENNIFER WHEN I SPOKE WITH HER WAS 22 YEARS OLD AND IN THE MILITARY. BEFORE SPEAKING WITH HER ON THE MILITARY BASE IN [redacted] I INFORMED HER I WOULD BE RECORDING OUR CONVERSATION AND ASKED FOR HER PERMISSION TO DO SO. SHE AGREED AND SIGNED A CONSENT TO RECORD THE INTERVIEW. THIS DOCUMENT WAS PLACED INTO RECORDS IN THE GLENDALE POLICE DEPARTMENT AS A SUPPORTING DOCUMENT. FOLLOWING IS AN ABBREVIATED ACCOUNT OF MY INTERVIEW WITH JENNIFER. FOR AN EXACT ACCOUNT PLEASE REFER TO THE ACTUAL RECORDING A COPY OF WHICH WAS LOGGED INTO EVIDENCE IN THE PROPERTY ROOM OF THE GLENDALE POLICE MAIN STATION.

AS WE BEGAN THE INTERVIEW AND INTRODUCED MYSELF TO HER AND ASKED HER TO TELL ME WHAT IT WAS SHE COULD RECALL ABOUT WHAT HAPPENED. JENNIFER SAID SHE DITCHED SCHOOL AND WAS WALKING TO HER FRIEND "RICKY'S" HOUSE. SHE SAID THE SUSPECT DROVE UP AND ASKED FOR DIRECTIONS. THE SUSPECT ASKED HER IF SHE HAD A PHONE HE COULD CALL WITH OR A PEN TO WRITE DOWN DIRECTIONS AND SHE SET HER BAG DOWN TO GET SOMETHING OUT OF IT. THE SUSPECT GRABBED HER BAG AND SHE REACHED IN TO GET IT BACK FROM HIM. SHE SAID HE GRABBED HER AND WENT ON TO SAY SHE REMEMBERED HE KEPT HOLDING HER DOWN IN THE FRONT OF HIS TRUCK. WHEN SHE SAID THIS JENNIFER REACHED OUT WITH HER RIGHT HAND ANGLED DOWN AND AWAY FROM HER TO INDICATE THE MANNER IN WHICH THE SUSPECT HELD HER DOWN. SHE TOLD ME SHE WAS "KINDA" ABLE TO TELL WHERE THEY WERE GOING. SHE WAS ABLE TO SEE THINGS THEY WERE PASSING. SHE SAID SHE WAS STRUGGLING AND THE SUSPECT WAS TRYING TO HOLD HER DOWN.

NO MENTION OF A KNIFE

SHE SAID THE SUSPECT PULLED OVER BY SOME HOUSES AND PARKED IN FRONT OF ONE. JENNIFER SAID "AND THAT'S WHERE HE RAPED ME." SHE SAID AFTER THAT SHE GOT OUT OF THE CAR AND HE DROVE AWAY. JENNIFER WENT TO HER FRIENDS HOUSE.

GOT OUT OF THE CAR AT THE HOUSE

SHE TOLD ME SHE REMEMBERS SHE GOT THE LICENSE PLATE NUMBER OF THE VEHICLE. SHE WAS NOT EXACTLY SURE THE COLOR OF THE VEHICLE AND TOLD ME IT HAD A SMALL CAB.

I REMINDED HER SHE HAD SAID HE GRABBED HER BAG AND SHE TOLD ME THAT WAS CORRECT. I ASKED HER WHAT HE DID WITH IT. SHE TOLD ME HE PUT IT ON THE FLOOR INSIDE THE VEHICLE. JENNIFER SAID HE WAS YELLING AT HER. SHE COULD NOT RECALL WHAT HE WAS SAYING TO HER.

At trial she was on the floor

YELLING AT HER NOW

I ASKED HER IF EVER ASKED HER TO DO ANYTHING WEIRD. SHE SAID HE

FORCED HER TO SUCK HIS PENIS.

WHEN ASKED IF HE THREATENED HER IN ANY WAY SHE SAID "YEAH". SHE SAID SHE RECALLED ~~HE HAD A KNIFE OUT~~. SHE DESCRIBED THE KNIFE AS BEING ~~SHARP AT THE END~~. USING HER FINGERS SHE SHOWED ME SHE ESTIMATED IT TO BE APPROXIMATELY ~~5" TO 7" LONG~~.

DLG prompted JG

I ASKED HER IF SHE THOUGHT SHE WOULD BE ABLE TO RECOGNIZE HIM IF SHE SAW HIM AGAIN AND SHE SAID SHE BELIEVED SO.

ON 3/28/2012 I CREATED A SIX-PHOTOGRAPH BLACK-AND-WHITE LINEUP. USING THE "CRIME CAPTURE" SYSTEM WITHIN THE GLENDALE POLICE DEPARTMENT I GENERATED THE LINEUP. THE COMPUTER PROGRAM COMBINED THE SELECTED PHOTOGRAPHS AND RANDOMLY GENERATES THE PLACEMENT ORDER. THE PHOTOGRAPHS ON THE LINEUP WERE ACCESSED THROUGH MOTOR VEHICLE DIVISION RECORDS AND BOOKING PHOTOS WITHIN MARICOPA COUNTY. THE LINEUP WAS ASSIGNED AN INTERNAL TRACKING NUMBER OF 61336. A KNOWN PHOTOGRAPH OF MICHAEL HOFFMAN WAS RANDOMLY ASSIGNED POSITION 3 ON THE LINEUP.

ON 3/30/2012 I CONTACTED THE VICTIM JENNIFER SCHWARTZ FOR THE PURPOSE OF HAVING HER VIEW THE CREATED PHOTOGRAPHIC LINEUP. I HAD JENNIFER READ A "PHOTOGRAPHIC LINEUP ADMONITION" FORM CREATED BY THE GLENDALE POLICE DEPARTMENT. JENNIFER SIGNED HER NAME ON THE LINE PROVIDED ACKNOWLEDGING THAT SHE UNDERSTOOD THE INSTRUCTIONS LISTED ON THAT FORM.

I THEN PLACED LINEUP NUMBER 61336 FACE DOWN IN FRONT OF JENNIFER. SHE TURNED THE LINEUP OVER AND VIEWED ALL SIX PHOTOS BUT DID NOT IDENTIFY ANYONE DISPLAYED IN THE PHOTOGRAPHIC LINEUP AS THE PERSON RESPONSIBLE FOR THE COMMISSION OF THIS CRIME. I DID NOT HAVE JENNIFER MAKE ANY MARKINGS ON THE LINEUP.

I ASKED HER HOW OLD SHE WAS ON THE DAY THIS HAPPENED. SHE TOLD ME SHE WAS 15 YEARS OLD. I ASKED HER TO TELL ME WHAT HAPPENED ON THAT DAY WHEN SHE WAS WALKING. SHE SAID HE PULLED UP INTO THE ENTRANCE OF THE DEALERSHIP. SHE SAID HE WAS BLOCKING HER WALKWAY.

I REMINDED HER SHE HAD MENTIONED HE GRABBED HER AND SHE SAID THAT WAS CORRECT. I TOLD HER SHE HAD SAID SHE WAS STILL ABLE TO SEE STREETS. SHE SAID SHE COULD SEE THE PALM TREES GOING BY. JENNIFER SAID WHEN HE GRABBED HER HE PULLED HER COMPLETELY INTO THE VEHICLE AND WAS HOLDING HER DOWN. SHE STRETCHED OUT HER RIGHT ARM TO SHOW ME THE MANNER IN WHICH THE SUSPECT WAS HOLDING HER DOWN. SHE SAID SHE WAS TRYING TO GET HIM OFF HER BUT HE WAS STRONGER THAN SHE WAS. SHE DESCRIBED HE HAD A HOLD OF HER AND WAS PRESSING AGAINST →

where's the knife? Not that strong

DEPARTMENT OF THE ARMY
HEADQUARTERS, 4TH BRIGADE COMBAT TEAM
[redacted]

REPLY TO ATTENTION OF:

AFDR-BFA

Date 26 Sep 12

MEMORANDUM FOR Commander, United States Army Garrison, [redacted]
ATIN: IMSE-POL-HRM (Transition Point), [redacted]

SUBJECT: Separation Under AR 635-200, Chapter 14-12b, Pattern of Misconduct

1. After careful consideration of all matters, I direct PVT Jennifer L. Schwartz, 601-08-4801, C Company, 94th Brigade Support Battalion, 4th Brigade Combat Team, [redacted] be ~~(granted)~~ (denied) a rehabilitative transfer.

2. I direct that the recommendation for separation under the provision of AR 635-200, Chapter 14, Paragraph 12b, due to a Pattern of Misconduct, pertaining to PFC Schwartz be:

(✓) Approved.

( ) Approved, but be suspended, for ____ months (not to exceed 12 months).

( ) Disapproved.

3. IAW AR 635-200, Paragraph 1-35b(8)(i), Soldier is ineligible to be transferred to the IRR.

4. I direct that this Soldier's service be characterized as **General, under Honorable** Conditions.

5. The unit commander will ensure that this Soldier is escorted by a responsible Soldier in the rank of SGT or above throughout his outprocessing.

6. This Soldier will report to Transition Point for separation processing and will clear this installation within ten duty days of this action.

MARIO A. DIAZ
COL, IN
Commanding

APPENDIX J7

KERAANN STATED SHE KISSED THE SUBJECT ON THE RIGHT SIDE OF HIS FACE ON HIS RIGHT CHEEK, THINKING HE WOULD ALLOW HER TO GET OUT OF THE VEHICLE AFTER SHE KISSED HIM ON THE CHEEK. AFTER KERA KISSED MICHAEL ON THE RIGHT SIDE OF THE FACE ON HIS CHEEK, HE AGAIN STARTED THE VEHICLE AND BEGAN TO DRIVE EASTBOUND ON GLENDALE AVENUE TOWARDS 35 AVENUE.

pg 17. SAID WENT ON NORTHERN

KERA STATED WHILE EN ROUTE, THE SUBJECT LICKED HIS FINGERS AND STARTED TO PLAY WITH HER BREASTS. SHE STATED HE GRABBED HER BREASTS SEVERAL TIMES AND FONDLED HER NIPPLES AS HE DROVE DOWN THE STREET IN HER VEHICLE. KERA STATED SHE REPEATEDLY TRIED TO STOP THE SUBJECT FROM TOUCHING HER, BUT HE HELD ONTO HER TIGHTLY AS HE WAS GROPING HER BREASTS.

FONDLED WHILE DRIVING? 3 HANDS?

KERA STATED THAT THE SUBJECT THEN TOOK HIS RIGHT HAND AND PUT IT DOWN THE FRONT OF HER PANTS AND BEGAN TO INSERT HIS FINGERS INTO HER VAGINA. KERA STATED SHE REPEATEDLY ASKED THE SUBJECT TO STOP AND EXPLAINED SHE WAS TRYING TO GET AWAY FROM THE SUBJECT THE ENTIRE TIME.

KERA STATED THEY SOON ARRIVED IN THE AREA OF 35 AVENUE AND DUNLAP AT THE CIRCLE K ON THE SOUTHEAST CORNER OF 35 AVENUE AND DUNLAP. ONCE AT THAT LOCATION, THE SUBJECT TOLD HER TO KISS HIS STOMACH. KERA STATED SHE DID NOT WANT TO, BUT RELUCTANTLY BENT OVER AND KISSED HIS STOMACH, HOPING SHE WOULD BE ALLOWED TO GET OUT OF THE VEHICLE.

ONCE SHE WENT DOWN TO KISS HIS STOMACH, THE SUBJECT TOLD HER TO "KISS MY DICK," AND FORCED KERAANN TO KISS THE HEAD OF HIS PENIS. KERA STATED THE SUBJECT THEN STATED "JACK ME OFF," AND FORCED KERA TO PERFORM MASTURBATION ON HIM UNTIL HE EJACULATED. I ASKED KERA IF (S1) MICHAEL DID EJACULATE AND SHE STATED YES AND STATED IT GOT ALL OVER HER RIGHT HAND. I ASKED KERA IF SHE HAD WASHED HER HANDS SINCE THE INCIDENT AND SHE STATED NO.

KERA STATED THAT AFTER SHE HAD PERFORMED THESE ACTS ON (S1) MICHAEL, HE THEN RELEASED HER AND GAVE HER FOUR DOLLARS IN CASH, WHICH SHE STATED WAS TO BUY HER MORE TOBACCO. KERA STATED SHE WENT TO THE CIRCLE K, BOUGHT TOBACCO, AND THEN WALKED HOME WHERE SHE CALLED THE POLICE.

$4

I ASKED KERA IF SHE HAD CHANGED HER CLOTHING SINCE SHE HAD BEEN DROPPED OFF AND SHE STATED NO. I ASKED HER IF SHE HAD WASHED HER HANDS OR FACE OR BRUSHED HER TEETH AND SHE STATED NO. I ASKED KERA IF SHE DESIRED PROSECUTION AGAINST THE SUBJECT. SHE ADVISED SHE WOULD BE ABLE TO IDENTIFY HIM AS WELL AS THE VEHICLE. SHE STATED AS THE VEHICLE DROVE OFF, SHE WAS ABLE TO OBTAIN THE LICENSE PLATE ARIZONA 713MVL AS IT DROVE AWAY.

HIS PANTS DOWN TO ABOUT HIS KNEES. SHE TOLD HIM THAT SHE DID NOT WANT TO "DO THIS". HE ASKED FOR HER HAND AND SHE TOLD HIM NO. HE GRABBED HER HAND AND PUT HER HAND ON HIS PENIS. HE THEN TOLD HER TO PULL ON IT AND SHE AGAIN TOLD HIM NO. MICHAEL TOLD HER TO JACK HIM OFF. SHE TOLD HIM NO. HE SAID HE WASN'T GOING TO MOVE THE TRUCK AND SHE TOLD HIM THAT SHE COULD WALK FROM THERE BECAUSE SHE KNEW WHERE SHE WAS. how she knows where.

MICHAEL TOLD HER TO PULL ON HIS PENIS. SHE STARTED PULLING HIS PENIS AND STARTED CRYING. SHE SAID THAT SHE FELT ASHAMED OF WHAT SHE WENT THROUGH. THEY ENDED UP ON 39TH AVENUE AND BUTLER. HE PULLED INTO THE DRIVEWAY OF THE HOUSE SHE HAD MENTIONED EARLIER. HE TOLD HER TO KISS HIS STOMACH AND SHE SAID NO. MICHAEL TOLD HER SHE WAS NOT GETTING OUT OF THE TRUCK UNTIL SHE KISSED HIS STOMACH. SHE SAID THAT SHE TOLD HIM OKAY BUT THAT WOULD BE IT. HE AGREED TO THAT. HE THEN TOLD HER THAT INSTEAD OF KISSING HIS STOMACH, TO KISS THE TIP OF HIS PENIS. KERA SAID NO. HE THEN PUSHED HER HEAD DOWN AND SHE KISSED THE TIP OF HIS PENIS BUT THEN PULLED BACK AWAY. HE THEN TOLD HER TO JACK HIM OFF. SHE TOLD HIM NO. HE SAID HE DID NOT WANT HER TO LEAVE UNTIL SHE MADE HIM JACULATE. SHE SAID THAT WHILE SHE WAS DOING WHAT HE TOLD HER TO DO, SHE STARTED CRYING. SHE SAID SHE FELT REALLY ASHAMED. I ASKED HER WHICH HAND SHE USED TO MASTURBATE MICHAEL AND SHE TOLD ME THAT SHE USED HER RIGHT HAND. I ASKED HER IF ANY OF THE EJACULATION GOT ON HER HAND AND SHE SAID YES BUT HE MADE HER WIPE IT OFF. SHE SAID SHE DID NOT WASH HER HANDS JUST IN CASE SOMEBODY NEEDED TO DO SOMETHING AND SHE DID NOT TAKE A SHOWER. SHE TOLD ME THAT SHE FEELS REALLY DISGUSTED.

KERA SAID THAT SHE HAS NEVER SEEN THE GUY BEFORE AND DOES NOT REMEMBER HAVING SEX WITH HIM. I ASKED HER HOW HE KNEW ABOUT HER DAUGHTER AND HER BEING PREGNANT AND SHE SAID THAT SHE DID NOT KNOW. ? dont remember.

I ASKED HER IF ANYTHING LIKE THIS IS EVER HAPPENED TO HER BEFORE. SHE TOLD ME THAT SHE WAS RAPED WHEN SHE WAS 18. I ASKED HER IF SHE REPORTED AND SHE SAID YES. SHE REPORTED IT TO THE PHOENIX POLICE DEPARTMENT. I ASKED HER IF SHE HAS EVER ENGAGED IN ANY TYPE OF PROSTITUTION AND SHE TOLD ME NO. I ASKED HER IF SHE HAS EVER TRADED ANY TYPE OF SEXUAL ACTS FOR ANY MONEY OR FAVORS. SHE KEPT SHAKING HER HEAD NO. I ASKED HER IF THAT WAS THE

PADLO - MH INVESTIGATION

SOMETIME OVER THE WEEKEND BETWEEN 10/17 AND 10/21, MICHAEL CALLED AND LEFT A MESSAGE ON MY DESK PHONE. I CALLED BACK ON 10-21-2009 AND LEFT A MESSAGE FOR HIM TO CALL ME BACK SO WE COULD SET UP AN APPOINTMENT TO TALK.

part of the perjury

NO RETURN CALL FROM HIM

ON 10-28-2009 I WENT TO MICHAEL HOFFMANS HOME AGAIN AND KNOCKED ON THE DOOR. I GOT NO RESPONSE AND LEFT A BUSINESS CARD ON THE DOOR ASKING HIM TO CALL ME AS SOON AS POSSIBLE.

I returned this call too.

wrong, left last night.

ON 10-29-2009 I CALLED THE PHONE NUMBER ~~THAT MICHAEL~~ HOFFMAN HAD LEFT ON MY VOICEMAIL THE PREVIOUS WEEK. THAT NUMBER WAS (623) 261-1737. IT WENT TO VOICEMAIL SO I LEFT MICHAEL A MESSAGE IDENTIFYING WHO I WAS AND ASKED HIM TO CALL ME. I THEN LEFT MY DESK NUMBER FOR HIM.

ON 11-17-2009 I WENT TO MICHAEL'S EMPLOYMENT US WEST COLLECTIONS LOCATED AT 3031 W. NORTHERN. I WAS ABLE TO CONTACT HIM AND WE WALKED OUTSIDE TO TALK. I ASKED HIM IF HE KNEW WHY I WANTED TO SPEAK WITH HIM AND HE SAID NO. I ASKED HIM IF HE KNEW A GIRL NAMED KERA ANN AND HE TOLD ME NO. I WAS GETTING READY TO ASK HIM IF HE REMEMBERED WHERE HE WAS AT THE DATE AND TIME OF THE INCIDENT AND HE SAID THAT ON THE ADVICE OF HIS LAWYER HE WAS NOT GOING TO ANSWER ANY OTHER QUESTIONS. I TOLD HIM THAT WAS OKAY AND IF HE WANTED TO COME IN AND SPEAK WITH HIS LAWYER PRESENT TO CALL ME AND LET ME KNOW. I INFORMED HIM THAT I WAS NOT GOING TO ASK ANYMORE QUESTIONS OF THE INCIDNET BUT ASKED HIM IF HE OWNED A 2004 FORD TRUCK. HE SAID YES. I THEN CONCLUDED MY CONTACT WITH MICHAEL.

ON 12-2-2009 I WAS GRANTED A SEARCH WARRANT TO OBTAIN DNA FROM S1 MICHAEL JAMES HOFFMAN. THAT SEARCH WARRANT NUMBER IS SW2009692217 ISSUED OUT OF THE ARROWHEAD JUSTICE COURT.

ON 12-3-2009 AT APPROXIMATELY 0915 HOURS I WENT BACK TO JAMES' PLACE OF EMPLOYMENT. WE WALKED OUTSIDE AND I GAVE HIM A COPY OF THE SEARCH WARRANT THAT I HAD BEEN GRANTED AND TOLD HIM IT GAVE ME PERMISSION TO OBTAIN HIS DNA BY BUCCAL SWABS.
MICHAELS ASKED ME WHAT THIS WAS ALL ABOUT. I REMINDED HIM THAT WHEN I HAD COME TO SPEAK WITH HIM BEFORE HE TOLD ME THAT HE HAD NOTHING FURTHER TO SAY ON THE ADVICE OF HIS LAWYER. I TOLD HIM THAT BECAUSE THAT WAS HIS

BIG!

APPENDIX K3

ARIZONA DEPARTMENT OF PUBLIC SAFETY

SCIENTIFIC EXAMINATION REPORT

DR NO. 2009751036

AGENCY Glendale Police Department
Glendale, AZ 85301

FILE NO. 0998465

OFFICER GONZALEZ, #10659

DATE February 23, 2010

NAME(S) HOFFMAN, MICHAEL JAMES

ITEMS:

#1.	Sex Crime Evidence Kit from KeraAnn Paolo
#1.1.	Two possible hairs
#1.3.	Known buccal swab envelope - Received, not analyzed
#1.4A.	Two left cheek swabs
#1.4B.	Two right breast swabs
#1.4C.	Two left breast swabs
#1.5A.	Two circumoral swabs
#1.5B.	Two swabs from right hand palm and fingers
#1.5C.	Two anterior leg swabs
#1.8.	Four external genital swabs
#1.9A.	Four vaginal swabs
#1.9B.	One vaginal smear
#1.12.	Underwear bag - Received, not analyzed
#1.13.	Underwear bag - Received, not analyzed
#2.	Blood sample from KeraAnn Paolo
#5.	One pair of jeans
#7.	One green shirt

KATHLEEN PRESS, #6926
Criminalist
Central Regional Crime Laboratory
P. O. Box 6638
Phoenix, AZ 85005
(602) 223-2394

CUSTODY OF EVIDENCE

RECEIVED D.P.S. Property

DISPOSITION D.P.S. Property

Accredited by the ASCLD Laboratory Accreditation Board

Any notes, photographs, charts, or graphs generated during the examination are retained in the laboratory.

APPENDIX K4

ARIZONA DEPARTMENT OF PUBLIC SAFETY

SCIENTIFIC EXAMINATION REPORT

AGENCY Glendale Police Department
Glendale, AZ 85301

DR NO. 2009751036

FILE NO. 0998465

OFFICER GONZALEZ, #10659

DATE February 23, 2010

NAME(S) HOFFMAN, MICHAEL JAMES

#9. Two buccal swabs from Michael Hoffman

EXAMINATION REQUESTED:

Serology

RESULTS / INTERPRETATIONS:

Semen was detected on Items #1.5B, #1.8 and #1.9A. Spermatozoa were detected on Item #1.9B. No semen was detected on Items #1.5A, #1.5C, #5 and #9.

Portions of Items #1.4A, #1.4B, #1.4C, #1.5A, #1.5B, #1.8, #1.9A, #2 and #9 have been retained in laboratory frozen storage.

Further information may be obtained from the above item(s) by DNA analysis. To request this analysis, please contact the DNA Supervising Criminalist at 602-223-2394. The following standard will be needed:

1. Blood or buccal sample from the consensual sex partner

APPENDIX K5

KATHLEEN PRESS, #6926
Criminalist
Central Regional Crime Laboratory
P. O. Box 6638
Phoenix, AZ 85005
(602) 223-2394

CUSTODY OF EVIDENCE

RECEIVED D.P.S. Property

DISPOSITION D.P.S. Property

Accredited by the ASCLD Laboratory Accreditation Board

Any notes, photographs, charts, or graphs generated during the examination are retained in the laboratory.

HOME: APT/SUITE:
ZIP CODE:
RES.NAME: PHONE:
CAN ID SUSPECT(S): YES SUSPECT(S): SP1
WILL TESTIFY: YES MISC.

VICTIM REQUESTS NOTIFICATION

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000000
DATE: 000000 SEARCH WARRANT INVOLVED:

0001 PKG 001 CODE:EI V 01
ITEM: PCLOTHE BRAND: MODEL: COLOR: BLK
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: 1 BLACK COLORED POLYESTER BLOUSE AND 1 BLACK POLYESTER SKIRT WORN BY V1 AT THE TIME OF INCIDENT

**** NARRATIVE ****

SERIAL NUMBER: 7963

ON 9/22/06 AT APPROXIMATELY 2030 HOURS, V1 KERA ANN PAOLO WAS SEXUALLY ASSAULTED AT APPROXIMATELY 3500 W. EVA STREET, IN THE CANAL AREA JUST WEST, BY SP1, AN UNKNOWN BLACK MALE AFTER INVESTIGATION REVEALED THAT HE FORCED HER TO THE GROUND AND THEN PERFORMED SEXUAL INTERCOURSE WITHOUT HER CONSENT.

ON 9/22/06 AT APPROXIMATELY 2250 HOURS, I WAS DISPATCHED TO THUNDERBIRD SAMARITAN HOSPITAL, AT 5555 W. THUNDERBIRD, IN REFERENCE TO A RADIO CALL OF A SEXUAL ASSAULT.

UPON ARRIVAL TO THE EMERGENCY ROOM, I WAS ESCORTED TO ROOM #16 WHERE I MADE CONTACT WITH V1 KERA ANN, WHO TOLD ME THAT AT APPROXIMATELY 2030 HOURS, SHE WAS SITTING ON THE BUS STOP, WHICH IS LOCATED ON THE NORTHEAST CORNER OF 35TH AVE. AND DUNLAP, WHEN SHE WAS APPROACHED BY SP1 WHO SHE DESCRIBED TO ME AS A BLACK MALE, APPROXIMATELY 45 YEARS OLD, WEIGHING 160-170 POUNDS, APPROXIMATELY 5'8"-5'9", HAD HAZEL EYES. SHE DESCRIBED HIS CLOTHING AS BEING AN ORANGE BEANIE, DARK BLUE JACKET, DARK PANTS, AND ALSO TOLD ME THAT HE WAS CLEAN SHAVEN AND WAS RIDING A BLUE AND WHITE MOUNTAIN BIKE.

KERA ANN TOLD ME THAT SP1 HAD APPROACHED HER AT THE BUS STOP AND ASKED HER "DO YOU WANT TO GO SMOKE A BOWL?" KERA THEN REPLIED "NO, I NEED TO GO HOME." KERA ANN SAID THE SUBJECT THEN GRABBED HER BY HER LEFT ARM AND TOLD HER TO SHUT UP AND BEGAN TO DRAG HER ACROSS THE STREET ON THE WEST SIDE OF 35TH AVE. KERA ANN SAID THAT SHE WAS TOO SCARED TO FIGHT BACK OR TO SCREAM, AND SAID THAT SHE HAD JUST GIVEN UP AND WAS DOING WHATEVER HE WANTED HER TO DO BECAUSE SHE DID NOT KNOW WHAT TO DO AND SHE WAS SCARED.

KERA SAID THAT HE MADE HER WALK ACROSS THE STREET WITH HIM WHILE HE HAD

CONTACT WITH CHRISTINA SHE APPEARED TO BE CALM AS SHE BEGAN EXPLAINING THAT EARLIER THIS EVENING A MALE SUBJECT WHO SHE KNEW BY THE FIRST NAME OF "MIKE" HAD PICKED HER UP FROM THE BUS STOP LOCATED ON THE NORTHEAST CORNER OF 67TH AVENUE AND BETHANY HOME ROAD. SHE STATED MIKE WAS DRIVING A NEWER MODEL FORD PICKUP TRUCK THAT WAS SILVER IN COLOR. SHE SAID WHEN MIKE PULLED UP TO THE BUS STOP, HE ASKED HER IF SHE WANTED A RIDE ADVISING THAT SHE ACCEPTED THE OFFER AND GOT INTO THE VEHICLE. SHE STATED THAT AS THEY BEGAN DRIVING AWAY, MIKE HAD PROVIDED HER HIS CELL PHONE NUMBER IN CASE SHE NEEDED A RIDE BACK FROM THE KMART. DURING THEIR CONVERSATION, SHE STATED MIKE HAD ALSO REQUESTED HER TO TEXT HIM ON HIS CELL PHONE SO HE HAD HER CELL PHONE NUMBER. SHE ADVISED THAT SHE THEN SENT MIKE A TEXT MESSAGE TO HIS CELL PHONE THAT SHE ALLOWED ME TO VIEW WHICH WAS SENT AT 1837 HOURS THAT READ,"HEY THIS IS CHRISSY".

CELL #

CHRISTINA STATED THAT SHE TOLD MIKE THAT SHE WANTED TO GO TO THE KMART STORE LOCATED AT 67TH AVENUE AND BELL. SHE ADVISED THAT AS THEY WERE TRAVELING NORTHBOUND ON NORTH 67TH AVENUE SHE RECEIVED A PHONE CALL ON HER CELL PHONE FROM ONE OF HER KIDS. CHRISTINA STATED AFTER HER PHONE CONVERSATION, SHE BEGAN TO CRY BECAUSE SHE WAS UPSET THAT SHE HAD NOT BEEN ABLE TO SEE ANY OF HER KIDS NOTING THAT TWO OF THEM WERE CURRENTLY IN CUSTODY AND CANYON STATE AND THE OTHER TWO WERE IN FOSTER HOMES. SHE CONTINUED TO STATE THAT AS SHE WAS CRYING, MIKE EXTENDED HIS RIGHT ARM GRABBING HER RIGHT ARM AND BEGAN TO PULL HER TOWARDS HIM. SHE STATED MIKE HAD TOLD HER THAT HE WANTED TO GIVE HER A HUG SO SHE WOULD FEEL BETTER. CHRISTINA DESCRIBED THAT MIKE BEGAN TO PULL HER CLOSER TO HIS LAP. SHE STATED SHE THEN BEGAN PULLING AWAY FROM MIKE WHEN HE THEN BEGAN TO SQUEEZE HER RIGHT ARM HARDER ATTEMPTING TO FORCE HER DOWN INTO HIS LAP. SHE STATED THAT MIKE HAD THEN USED HIS RIGHT HAND TO GRAB THE BACK OF HER HAIR NOTING THAT HER HAIR WAS TIED IN A PONYTAIL AT THIS TIME AND STARTED FORCING HER FACE INTO HIS LAP. CHRISTINA STATED SHE TOLD MIKE SEVERAL TIMES TO STOP. SHE SAID MIKE REFUSED HER REQUESTS TO STOP AS HE CONTINUED TO FORCE HER FACE INTO HIS LAP AREA WHILE STATING,"COME ON BABY, YOU KNOW YOU WANT TO." CHRISTINA ADVISED THAT AS MIKE WAS FORCING HER HEAD INTO HIS LAP SHE REMEMBERED THE VEHICLE COMING TO A STOP WHERE SHE DESCRIBED THAT MIKE HAD THEN PULLED DOWN THE FRONT OF HIS PANTS EXPOSING HIS PENIS. SHE STATED MIKE HAD THEN PROCEED TO FORCE HER TO MAKE CONTACT WITH HIS PENIS BY PUSHING HER HEAD DOWN INTO HIS LAP WITH HIS RIGHT HAND CAUSING HER LIPS TO MAKE DIRECT CONTACT WITH HIS PENIS. CHRISTINA STATED SHE NEVER PERFORMED ORAL SEX NOR DID SHE OPEN HER MOUTH TO INSERT MIKE'S PENIS INTO HER MOUTH. SHE ADVISED THAT SHE CONTINUED TO PULL AWAY WHERE MIKE EVENTUALLY RELEASED HIS GRASP FROM THE BACK OF HER HEAD. CHRISTINA STATED THAT SHE THEN TOLD MIKE TO STOP THE VEHICLE AND LET HER OUT. SHE ADVISED MIKE HAD LOCKED THE PASSENGER DOOR TO THE TRUCK THAT PREVENTED HER FROM EXITING THE TRUCK AT THAT TIME. SHE SAID THAT MIKE HAD TOLD HER THAT HE STILL WANTED TO TAKE HER TO THE KMART STORE.

WHILE DRIVING

TOLD DLG WAS ALREADY DOWN...

TO AVOID AN ORAL SWAB!

DEAL OF STRESS AND EMOTIONS DUE TO THIS.

CHRISTINA SAID THE SUSPECT TOLD HER "LET ME GIVE YOU A HUG. MAYBE THAT WILL MAKE YOU FEEL BETTER." HE THEN PUTS HIS ARM AROUND HER AND TRIES TO PULL HER CLOSER. CHRISTINA SAID SHE DID NOT LET HIM AND WHEN THAT HAPPENED HE GRABBED HER ARM AND TRIED TO PULL HER CLOSER. SHE TOLD ME HE GRABBED HER RIGHT ARM. SHE SAID IT WAS NOT JUST A TOUCH, SHE DESCRIBED THAT HE GRABBED HER ARM, SQUEEZED IT AND TRIED TO FORCE HER OVER TO HIM. SHE SAID WHEN THAT DID NOT WORK, HE RELEASED HER ARM AND THEN GRABBED HER BY THE BACK OF HER HAIR AND TRIED TO FORCE HER HEAD DOWN INTO HIS LAP. I ASKED HER IF SHE NOTICED ANYTHING ABOUT HIS CLOTHING AND SHE TOLD ME SHE ONLY NOTICED THE COLOR AT THAT TIME.

I ASKED HER TO TELL ME THE VERY NEXT THING THAT HAPPENS. SHE SAID THEY CAME TO A STOP LIGHT BUT SHE WAS NOT SURE WHICH ONE IT WAS. SHE COULD NOT SEE BECAUSE HE WAS STILL HOLDING HER BY THE BACK OF HER HAIR AND WAS FORCING HER HEAD DOWN. AS THEY STOPPED SHE SAID THE SUSPECT BEGAN PULLING DOWN HIS UNDERWEAR. HIS PANTS WERE ALREADY UNBUTTONED AND UNZIPPED. SHE NOTICED HIS PANTS WERE UNDONE WHEN HE FIRST FORCED HER HEAD DOWN INTO HIS LAP. CHRISTINA NEVER SAW THE SUSPECT UNBUTTON OR UNZIP HIS PANTS. SHE DID NOT NOTICE IT WHEN SHE GOT INTO THE VEHICLE EITHER. CHRISTINA SAID WHEN SHE GOT INTO THE VEHICLE THE SUSPECT HAD HIS SHIRT UN-TUCKED AND OVER THE FRONT OF HIS PANTS. SHE SAID SHE DID NOT THINK ANYTHING OF IT WHEN SHE GOT INTO THE SUSPECTS VEHICLE BECAUSE IT IS A NORMAL THING TO DO. SHE AGAIN SAID IT WAS NOT UNTIL THE SUSPECT WAS FORCING HER HEAD DOWN AND LIFTED HIS SHIRT THAT SHE NOTICED HIS PANTS WERE UNBUTTONED AND UNZIPPED.

earlier they were already down

I ASKED CHRISTINA WHAT IT WAS SHE SAW WHEN HE PULLED DOWN HIS UNDERWEAR. SHE SAID SHE SAW HIS PENIS. SHE TOLD ME IT WASN'T HARD BUT HE HAD PULLED HIS UNDERWEAR FAR ENOUGH DOWN SO THAT SHE COULD SEE IT. THE SUSPECT BEGAN TELLING HER "LICK MY BALLS" AND "JUST SUCK IT, YOU KNOW YOU LIKE IT, YOU KNOW YOU WANT TO." CHRISTINA WAS TRYING TO PULL AWAY AND THE SUSPECT WAS PUSHING HER DOWN MORE. CHRISTINA SAID HE FINALLY PUSHED HER DOWN SO HARD THAT HER FACE TOUCHED HIS PENIS BUT HER MOUTH WAS CLOSED. SHE SAID HIS PENIS TOUCHED HER MOUTH AND THE SIDE OF HER NOSE. I ASKED HER WHAT SHE WAS THINKING WHEN SHE SAW HIS PENIS. SHE SAID SHE WAS WONDERING IF HE WAS GOING TO KILL HER AND WONDERED WHAT HE WAS GOING TO DO WITH HER. SHE SAID SHE WONDERED BECAUSE IF HE WAS DOING THIS AND WAS BEING THIS ROUGH SHE THOUGHT HE WAS GOING TO TAKE HER SOMEWHERE AND RAPE HER AND KILL HER AND SHE WOULD NEVER GET TO SEE HER KIDS AGAIN. I ASKED HER HOW SHE WAS FEELING. SHE SAID "HORRIBLE. TERRIBLE, I DON'T KNOW WHAT I DID." I ASKED HER

NOT HARD

(A)

LEFT THIGH. I ASKED HER IF THIS WAS THE SECOND TIME HE HAD INSERTED HIS FINGERS INSIDE OF HER AND SHE SHOOK HER HEAD IN A MANNER COMMONLY USED TO INDICATE YES.

AFTER HE DID THAT HE STOPPED AND PULLED OUT HIS HAND. SHE SAID HIS HAND WAS COVERED IN BLOOD. HE REACHED BACK BEHIND THE SEAT AND GRABBED A RAG AND WIPED OFF HIS HAND. SHE SAID HE BEGAN TO "JACK OFF WITH THE BLOODY RAG." SHE SAID HE FINISHED AND STUCK IT UNDERNEATH THE FRONT OF THE SEAT. HE PULLED UP HIS PANTS AND DROVE AROUND TO THE SIDE OF THE BUILDING WHERE THE GARDEN CENTER IS. HE LET HER OUT AND TOLD HER HE WOULD BE BACK IN FIFTEEN OT TWENTY MINUTES. HE TOLD HER HE WOULD PICK HER UP AND TAKE HER AND WOULD "FUCK THE SHIT" OUT OF HER.

I ASKED HER TO CLARIFY WHAT SHE MEANT WHEN SHE SAYS HE WAS "JACKING OFF". SHE SAID "HE WAS MASTURBATING. HE WAS MAKING HIMSELF COME." I ASKED HER IF SHE KNEW IF HE EJACULATED AND SHE SAID "YES". I ASKED HER IF HE EJACULATED INTO THE RAG AND SHE AGAIN SAID YES. I ASKED HER IF HE WAS SAYING ANYTHING WHEN HE WAS DOING THIS. HE WAS TELLING HER "YOU KNOW YOU WANNA COME SIT ON IT." "YOU KNOW YOU LIKE IT." "LOOK AT IT, WATCH IT. YOU KNOW YOU LIKE IT." I ASKED HER IF SHE RESPONDED TO HIM. SHE SAID SHE TOLD HIM SHE DID NOT LIKE IT AND DID NOT WANT TO WATCH IT. SHE WAS TELLING HIM THAT SHE JUST WANTED TO GO.

I REMINDED HER SHE HAD SAID SHE SAW HIS FINGERS WERE BLOODY. I ASKED HER WHEN SHE SAW THAT. SHE SAID IT WAS WHEN HE HAD PULLED BEHIND THE KMART AND HAD PUSHED HER OVER. WHEN HE WAS DONE HE PULLED HIS HAND OUT AND IT WAS BLOODY. I ASKED HER WHERE THE BLOOD CAME FROM. SHE SAID "I'M GUESSING FROM ME." I ASKED HER IF SHE WAS MENSTRUATING AND SHE SAID NO. I ASKED HER IF SHE HAD BEEN BLEEDING FROM HER VAGINA PRIOR TO THIS AND SHE SAID NO. I ASKED HER IF SHE HAD ANY TYPE OF ANAL OR VAGINAL INJURY THAT WAS BLEEDING AND SHE SAID NO. I ASKED HER IF SHE SAW IF THE SUSPECT HAD BLOOD ON HIS HANDS BEFORE HE GOT IN THE TRUCK AND SHE SAID HE DID NOT.

I ASKED CHRISTINA IF SHE WAS OKAY OR WANTED ANY OF THIS CONTACT AND SHE SAID NO. I ASKED HER IF SHE EVER LET HIM KNOW THIS WAS NOT WHAT SHE WANTED. SHE REPLIED "FROM THE SECOND HE STARTED I TOLD HIM TO STOP. THAT I DIDN'T WANT IT. THAT I'M MARRIED." SHE WAS TELLING HIM SHE DIDN'T DO THINGS LIKE THAT WITH ANYONE BUT HER HUSBAND.

OR PHILIP SELLERS?

I ASKED HER IF SHE HAS TOLD ANYONE ELSE ABOUT WHAT HAPPENED. SHE SAID SHE TOLD HER BROTHER IN LAWS GIRLFRIEND. SHE HAD SENT HER A

Report No: 11 086534 Type: SU Date/Time: 08/15/2013 1311 Ofcr#: 10659 GONZALEZ,LAWRENCE

WAS AUTHORED ON JULY 14, 2013 AND INDICATES IT IS IN REFERENCE TO GLENDALE POLICE DEPARTMENT REPORT NUMBER 11-86534. IT ALSO INDICATES IT IS IN REFERENCE TO MICHAEL HOFFMAN. IT ALSO HAD A DPS DR NUMBER OF 201-271-0414.

THIS REPORT INDICATES IT IS IN REFERENCE TO ITEMS #102.3 TWO BUCCAL SWABS FROM CHRISTINA POSTGATE. IT INDICATES A DNA EXAMINATION WAS REQUESTED.

THE RESULTS ARE AS FOLLOWS. IN REFERENCE TO ITEM #102.3 IT STATES THIS ITEM WAS ANALYZED USING THE AMPFISTER IDENTIFILER PLUS PCR AMPLIFICATION KIT.

IT SAYS THE DNA PROFILE FROM THE SPERM FRACTION OF ITEM #102.3(BUCCAL SWABS FROM CHRISTINA POSTGATE) IS A MIXTURE CONSISTENT WITH THE COMBINED DNA PROFILES FROM ITEM #521 (CHRISTINA POSTGATE)*AND ITEM #10 (MICHAEL HOFFMAN)**13 LOCI. IT IS 170 TRILLION TIMES MORE LIKELY TO OBSERVE THIS MIXED DNA PROFILE OF ITEM #521 (CHRISTINA POSTGATE)*AND ITEM #10 (MICHAEL HOFFMAN)**ARE THE CONTRIBUTORS THEN IF ITEM #521 (CHRISTINA POSTGATE)*AND A RANDOM, UNRELATED CAUCASIAN ARE THE CONTRIBUTORS, 21 QUADRILLION TIMES MORE LIKELY TO OBSERVE THIS MIXED DNA PROFILE IF ITEM #521 (CHRISTINA POSTGATE)*AND ITEM #10 (MICHAEL HOFFMAN)**ARE THE CONTRIBUTORS THEN IF ITEM #521 (CHRISTINA POSTGATE)*AND A RANDOM, UNRELATED AFRICAN-AMERICAN ARE THE CONTRIBUTORS AND 4.0 QUADRILLION TIMES MORE LIKELY TO OBSERVE THIS MIXED DNA PROFILE IF ITEM #521 (CHRISTINA POSTGATE)*AND ITEM #10 (MICHAEL HOFFMAN)**ARE THE CONTRIBUTORS THEN IF ITEM #521 (CHRISTINA POSTGATE)*AND A RANDOM, UNRELATED HISPANIC ARE THE CONTRIBUTORS (1 TRILLION=1,000,000,000,000; 1 QUADRILLION=1,000,000,000,000,000). ITEM #10 (MICHAEL HOFFMAN)**CANNOT BE EXCLUDED FROM THE MIXTURE AT THE REMAINING 2LOCI.

ME, HER AND UNRELATED CAUCASION

*SEE DPS REPORT DATED APRIL 26, 2013.
**SEE DPS DR #200-470-8357, REPORT DATED APRIL 5, 2012.
A COPY OF THIS REPORT WAS PLACED INTO THE RECORDS DIVISION OF THE GLENDALE POLICE DEPARTMENT. THESE FINDINGS WERE FORWARDED TO THE MARICOPA COUNTY ATTORNEY'S OFFICE ON 8/15/2013.

THIS CONCLUDES MY INVOLVEMENT IN THIS MATTER AT THIS TIME.

Victims Assistance:
Prints Attemped : **Prints Obtained :** **C.S.T.**
Supervisor Approving Report : REED,KELLIE #8350

- CRIMINAL JUSTICE COPY - DISSEMINATION TO NON-CJ AGENCIES IS PROHIBITED -

APPENDIX C4

GLENDALE POLICE DEPARTMENT
OFFENSE REPORT

Report No: 11 047267 Type: OR Date/Time: 05/11/2011 1813 Ofcr#: 14091 WAITE,SCOTT

POSTGATE - ASSAULT ON HUSBAND

VICTIM(S) INFORMATION

Victim 4 :
POSTGATE,ROBERT

Alias:
A/S#:

Home Ph:
Cell Ph:
Other Ph:

Email:

Race: W
Sex : M
Age : 16

Height :
Weight :
Max Age:

Hair :
Eyes :
SSN :

DOB:
POB:
DL# :

SUSPECT(S) INFORMATION

Suspect 2 :
POSTGATE,CHRISTINA

Alias:
A/S#:

Home Ph:
Cell Ph:
Other Ph:

Race: W
Sex : F
Age : 32

Height : 506
Weight : 125
Max Age:

Hair : BRO
Eyes : BRO
SSN :

DOB:
POB: UNITED STATES
DL# :

Suspect Other Alias Information
Name

D.O.B. S.S.N.

Suspect Other Scars Marks & Tattoos
Scars Marks & Tattoos

Detailed Description

SUSPECT(S) INFORMATION

Suspect 1 :
POSTGATE,ROBERT

Alias:
A/S#:

Home Ph:
Cell Ph:
Other Ph:

Race: W
Sex : M
Age : 31

Height : 508
Weight : 290
Max Age:

Hair : BRO
Eyes : BRO
SSN :

DOB:
POB: ARIZONA
DL# :

Suspect Other Alias Information
Name

D.O.B. S.S.N.

Suspect Other Scars Marks & Tattoos
Scars Marks & Tattoos
TATTOO LEFT SHOULDER
TATTOO LEFT FOREARM

Detailed Description
CROSS
"CHRISTINA"

SYNOPSIS

ON 5/11/11 AT 1800-1813 HOURS, AT
S1 AND S2 COMMITTED ASSAULT BY PUNCHING AND PUSHING EACH OTHER.

VICTIMS RIGHTS FORM WAS PROVIDED.

NARRATIVE

11-47267

- CRIMINAL JUSTICE COPY - DISSEMINATION TO NON-CJ AGENCIES IS PROHIBITED -

AS I WAS FOLLOWING THE AMBULANCE OUT OF THE COMPLEX, ROBERT'S FATHER DID ARRIVE WITH ANOTHER FEMALE TO TAKE GUARDIANSHIP OVER THE CHILDREN. I ADVISED HIM OF THE SITUATION AND THAT THE PARTIES WERE BEING TAKEN TO THE HOSPITAL.

AFTER LEAVING THE SCENE I WENT TO MARYVALE HOSPITAL AND IN BED #11 FOUND ROBERT BEING GIVEN MEDICAL AID BY THE HOSPITAL STAFF. I STOOD BY AS THEY ADMINISTERED MEDICAL AID.

AT 2030 HOURS I DID READ HIM HIS MIRANDA RIGHTS VERBATIM FROM MY AGENCY ISSUED CARD. HIS VERBAL RESPONSE TO UNDERSTANDING HIS RIGHTS WAS "YES SIR".

I ASKED ROBERT WHAT HAPPENED AND HE STATED THAT HE HAD AN ARGUMENT WITH CHRISTIAN BECAUSE CHRISTIAN WAS GRINDING CLAY INTO THE FLOOR. HE SAID THAT HE NEVER TOUCHED HIM AND ONLY WENT UP AND YELLED AT HIM.

HE SAID THAT IS WHEN CHRISTINA WOKE UP AND STARTED GOING CRAZY. HE SAID THAT SHE WAS CLAWING AT HIM, PUNCHING HIM AND HEAD BUTTING HIM. HE DID STATE THAT HE GRABBED HER HANDS TO TRY TO GET HER TO STOP BUT THAT IS ALL SHE DID. HE STATED THAT IS WHY HE HAD THE MARKS AROUND HIS HEAD AND FACE AREA AND HE DID STATE THAT HE DID NOT DESIRE PROSECUTION.

I ASKED HIM IF AT ANY TIME HE TURNED ON ROBERT JR AND HE STATED THAT HE NEVER TIRED TO PUNCH HIM OR HIT HIM AND NEVER TRIED TO DO ANYTHING TO HIM.

I ASKED IF HE PUSHED CHRISTINA INTO THE WALL AT ALL AND HE STATED HE NEVER DID THAT. WHEN I TOLD HIM ABOUT THE BROKEN PICTURE FRAME HE STATED THAT HE DID NOT KNOW HOW THAT HAPPENED.

HE WAS AGAIN ADAMANT THAT HE NEVER HIT CHRISTINA OR THE CHILDREN AND HE ONLY GRABBED CHRISTINA'S HANDS TO STOP HER FROM HITTING HIM.

AT THAT TIME I AGAIN ADVISED HIM THAT HE AFTER BEING RELEASED FROM THE HOSPITAL WOULD BE BOOKED FOR ASSAULT, A VIOLATION OF 13-1203A1 A CLASS ONE MISDEMEANOR, ASSAULT A VIOLATION OF ARS 13-1203A2 A CLASS TWO MISDEMEANOR AND ASSAULT A VIOLATION FO ARS 13-1203A3 A CLASS THREE MISDEMEANOR.

I ALSO ADVISED HIM THAT CHARGES WOULD BE SUBMITTED ON CHRISTINA FOR ASSAULT A VIOLATION OF ARS 13-1203A1 A CLASS ONE MISDEMEANOR.

- CRIMINAL JUSTICE COPY - DISSEMINATION TO NON-CJ AGENCIES IS PROHIBITED -

ROBERT CAME UP AND STARTED ARGUING WITH CHRISTIAN. HE STATED THAT ROBERT THEN BECAME PHYSICAL AND PUNCHED CHRISTIAN IN THE BACK OF THE HEAD.

I ASKED HIM HOW MANY TIMES HE HIT HIM AND HE STATED IT WAS APPROXIMATELY THREE TO FOUR TIMES WITH A CLOSED FIST. HE STATED THAT WAS WHEN CHRISTINA GOT UP AND CONFRONTED ROBERT AND TOLD HIM TO STOP. HE THEN STATED THAT ROBERT GOT PHYSICAL WITH HER, GRABBED HER BY THE ARMS AND PUSHED HER INTO THE WALL.

HE SHOWED ME ON THE EAST WALL OF THE LIVING ROOM WHERE THE TV WAS THAT ONE OF THE PICTURES HAD FALLEN DOWN AND BROKEN AND THAT IS WHERE HE PUSHED HER INTO.

ROBERT JR SAID THAT HE THEN GOT INVOLVED AND TRIED TO BREAK THEM UP AND THAT IS WHEN ROBERT TURNED ON HIM AND STARTED TRYING TO HIT HIM. HE SAID THAT HE NEVER CONNECTED WITH ANY PUNCHES BUT HE DID ATTEMPT TO HIT HIM.

ROBERT JR SAID THAT THAT IS WHEN CHRISTINA GRABBED HIM FROM BEHIND AND THAT ROBERT TURNED ON HER AND STARTED HITTING HER AGAIN AND THAT IS WHEN SHE DEFENDED HERSELF. ROBERT JR WAS VERY ADAMANT AS WELL AS CHRISTIAN WAS THAT EVERYTHING THAT CHRISTINA DID WAS IN SELF DEFENSE IN ORDER TO PROTECT THE CHILDREN AND THAT SHE ONLY BIT HIM TO TRY TO PROTECT HERSELF.

I ASKED ROBERT JR IF HE DESIRED ANY TYPE OF PROSECUTION AND HE STATED "NO".

IT SHOULD BE NOTED THAT ALL MY INTERVIEWS WITH THEM WERE RECORDED AND DOWNLOADED INTO THE DIMS SYSTEM UNDER THIS REPORT NUMBER.

AFTER TAKING ALL THEIR STATEMENTS I CONTACTED OFFICER SCHILLING WHO ADVISED ME THAT HE HAD GOTTEN A STATEMENT FROM ROBERT AND THAT ROBERT HAD MULTIPLE CUTS TO HIS HEAD AND FACE AREA AS WELL AS A BITE MARK ON HIS LEFT SHOULDER.

I COULD SEE ON THE BACK OF HIS NECK AND HEAD AREA THAT HE DID HAVE SCRATCHES AS WELL AS ON THE INSIDE OF BOTH OF HIS EARS. I ALSO SAW THE BITE MARK ON HIS LEFT SHOULDER.

PLEASE REFER TO OFFICER SCHILLING'S SUPPLEMENT REPORT FOR HIS DEALINGS ON SCENE. OFFICER SCHILLING DID TAKE DIGITAL PHOTOGRAPHS OF THE SCENE AND THE INJURIES AND THOSE PICTURES WERE DOWNLOADED INTO THE DIMS SYSTEM UNDER THIS REPORT NUMBER.

- CRIMINAL JUSTICE COPY - DISSEMINATION TO NON-CJ AGENCIES IS PROHIBITED -

APPENDIX G

Call for Service: 10001906561 (Click for Call Unit Activity)

Remarks	Entered By	
	A4200 13:52:28	COMP SAYS SHE WAS 261'D AN HR AGO. OCC'D NR ROSE LA AND 35TH AV. SAYS B/M GOT OUT OF UNK VEH. B/M, LATE 30'S, BLK PNTS BLU SHI. SHAVED. LET HER GO 30 AGO. WAS ALONE. NO INFO ON THE VEH OTHER THAN GRY 4DR. NO WPNS. LET HER OFF AT 39TH AV/MARYLAND. VEH LS NB ON 39TH AV
	A4200 13:53:04	DID NOT TAKE ANYTHING FROM HER. NEVER SEEN HIM B4. DECLINING MEDICS.
	A4051 13:54:15	90X ADVSD
	A4200 13:55:13	HAS BITE MARKS. KEEPS SAYING NO MEDICS.
	A4200 13:55:21	NO WPNS INVOLVED.
	A4775 14:14:15	DUPLICATE: PH10-1906683: REF#1906561. ETA
	A4495 14:20:20	DUPLICATE: PH10-1906709: ADVISED CALL HOLDING, COMP ASKING FOR FIRE NOW AS WELL
	A4495 14:20:20	DUPLICATE: PH10-1906709: CALLER:398-3284 SPRINT PCS 866-7811 N 43RD AVE S, (H) (602)573-0430
	A4495 14:22:26	FIRE 17
	A4029 14:35:30	FIRE ADVD OF ETA
	A4029 14:38:23	FIRE TRANSPORTING PATIENT TO PHX BAPTIST,RESCUE 26

APPENDIX B1

000252

PHOENIX POLICE DEPARTMENT REPORT

ORIGINAL PAGE NUMBER: 1 DR NUMBER: 2010 01906561

REPORT DATE: 20101229 TIME: 2218

TYPE OF REPORT: SEXUAL ASSAULT OFFENSE: 261

PROSECUTION DESIRED: YES

LOCATION: 003500 W ROSE LANE BEAT: 0914 GRID: CB20

DATE/TIME OF OCCURRENCE: WED 122910 1330 / WED 122910 1400

REPORTING OFFICER[S]: NATHAN BROOKS 8334 UNIT: 91F
MATTHEW MARTINEZ 8338

PREMISES: STREET/ROADWAY/ALLEY VEHICLE

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

PARTY-CREW: NO

PHOTOGRAPHS TAKEN: YES BY: A5332

**** SUSPECT INFORMATION ****

SUSPECT-01:

NAME: UNKNOWN,

SPEAKING: ENGLISH

SUSPECTED OF USING: NOT APPLICABLE

RACE: B SEX: M AGE: 30-35 DOB: HT: 510 WT: 200
HAIR: BLD EYES: SSN:
LEVEL OF FORCE : NO CONTACT WITH PERSON

CLOTHING DESC & MISC:
NAVY BLUE HOODIE SWEATSHIRT, BLACK JEANS
GOATEE

HAIR LENGTH: BALD/SHAVED

FACIAL HAIR: GOATEE

**** VICTIM INFORMATION ****

VICTIM -01:

NAME: TALLABAS, BLASA

SPEAKING: ENGLISH

BLASA - RESPONDING OFFICER

APPENDIX B2

STATE OF ARIZONA
SEXUAL ASSAULT EXAMINATION REPORT

Agency Name: Phoenix
Agency Report #: 10 1906561
Medical Record #: [redacted]
Patient Name: Tallabas, Tasa A
Date of Birth: 03/11/84 Date of Exam: 12/29/10

AUTHORIZATION I authorize, *Karla Cole RN* (Name of Examiner)
to perform a medical forensic examination, provide treatment, collect evidence, and photograph injuries. I also give permission to release of copies of the complete report to law enforcement for purposes of continuing an investigation.

1/1 [signature] _____
Date Signature of Patient, Parent, or Guardian Signature of Witness

If patient is child, who accompanied child for exam? -/-
Name Relationship/Title/Agency

HISTORY AND PHYSICAL EXAMINATION Exam beginning time: *1713*

A. Medical History

Spoken language if other than English: - Translators Name: -
Past Medical History/Surgeries: *Denies*
Current Medications: *Denies*
Medication Allergies: *Denies*
Last Tetanus: *Current* Hepatitis B Vaccination series? ☐ Yes ☐ No ☒ Unknown
Date of last menses (mm/dd/yy): *12/7/10* ☐ Menstruating at time of exam (Collect tampon or pad as evidence.)
Does patient use ☐ tampons? ☒ pads? ☐ other?

B. Assault History As stated by: ☒ Patient ☐ Guardian ☐ Other (Name):
Description Of Assault: Date of Assault: *12/29/10* Time of Assault: *12-1300*

I was walking and like he got out of the car and he said come here, come here. I kept walking giving him attitude walking away. Then I was getting pushed into the car and then when he shut the door I tried to open the doors, but they must have the child lock. I tried jumping over the seat, then he was in the car. I started hitting at him-he drived away-tried with elbows to hit me-to keep me in the back of the car. He pulled over grabbed my hair(patient holding onto back of her head), he pulled me back, pulled down my pants, then he started on top of me-put his thing in me (patient states that the thing is a penis and that he stuck it in her vagina). Then that happened-he put his hand over my mouth and face when he was done he got in the drivers side-pushed me back and drove and pushed me out of the car.

Did the penis penetrate:	☒ Vulva	☐ Anus	☐ Not Known	☐ No	
Was there digital penetration?	☒ Vulva	☒ Anus	☐ Not Known	☐ No	
Was penetration attempted, but unsuccessful?	☐ Vulva	☒ Anus	☐ Not Known	☐ No	
Was there oral – genital/anal contact?	☐ Fellatio	☒ Cunnilingus	☐ Anilingus	☐ Not Known	☐ No
Was there use of foreign object?	☒ No	☐ Not Known	☐ Yes Describe:		
Did the assailant(s) ejaculate?	☐ No	☒ Not Known	☐ Yes Where:		
Did the assailant(s) wear a condom?	☒ No	☐ Not Known	☐ Yes		
Did the assailant(s) lick/kiss/suck/bite you?	☐ No	☐ Not Known	☒ Yes Where: *right side of neck*		
Any form of contraception/lubricant used?	☒ No	☐ Not Known	☐ Yes Describe:		
Identifying features of assailant(s) genitalia? (Marks, sores, tattoos, piercing, size, shaved, circumcised?)	☐ No	☒ Not Known	☐ Yes Describe:		
Was there any use of force?	☐ No	☒ Yes	Describe: *see above description.*		
Was there any use of threats?	☒ No	☐ Yes	Describe:		
Was there any use of intimidation?	☐ No	☒ Yes	Describe: *strength and size*		
Was a weapon used?	☒ No	☐ Yes	Describe:		

Number of assailant(s): *1* Sex of assailant(s): *male* Ethnicity of assailant(s): *black*
Does patient know assailant(s)? ☒ No ☐ Yes If yes, how?

Examiner's Signature: [signature] Title: *RN , SANE-A*

Distribution: White - Crime Lab Yellow - Law Enforcement Pink - Hospital/facility

APPENDIX B3

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT PAGE NUMBER: 1 DR NUMBER: 2010 01906561 3

REPORT DATE: 20101230 TIME: 1040

TYPE OF REPORT: SEXUAL ASSAULT OFFENSE: 261

LOCATION: 003500 W ROSE LANE BEAT: 0914 GRID: CB20

DATE/TIME OF OCCURRENCE: WED 122910 1330 / WED 122910 1400

REPORTING OFFICER[S]: ROBERT FURNEAUX 7838 UNIT: C25

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

REPORT STATUS AT PRESENT: PENDING

**** NARRATIVE ****

SERIAL NUMBER: 7838

ON 12/29/2010 I MET WITH V1 BLASA TALLABAS WHILE SHE WAS WAITING FOR THE FORENSIC NURSE EXAMINER AT 2120 N. CENTRAL AVENUE. I INTRODUCED MYSELF TO V1 BLASA AS THE DETECTIVE WHO WOULD BE RESPONSIBLE FOR THIS CASE.

V1 BLASA TOLD ME THAT SHE WAS CONSENTING TO THE FORENSIC NURSE EXAMINATION AND WOULD MEET WITH ME ON 12/30/2010 AT 0900 HOURS TO BE COMPREHENSIVELY INTERVIEWED. I PROVIDED MY BUSINESS CARD TO V1 BLASA AND REQUESTED SHE CONTACT ME IF SHE IS UNABLE TO MAKE THE SCHEDULED INTERVIEW..

ON 12/30/2010 AT APPROXIMATELY 0830 HOURS, I CALLED THE TELEPHONE NUMBER THAT V1 BLASA HAD PROVIDED TO ME AS HER CONTACT NUMBER. THERE WAS NO ANSWER AND I LEFT A VOICEMAIL REQUESTING THAT V1 BLASA CONTACT ME TO CONFIRM THAT SHE WOULD MAKE THE SCHEDULED INTERVIEW. I RECEIVED NO RETURN CALL FROM V1 BLASA.

V1 BLASA FAILED TO SHOW FOR THE SCHEDULED INTERVIEW.

THIS CASE WILL BE PENDING THE VICTIM'S COOPERATION WITH A COMPREHENSIVE INTERVIEW TO DETERMINE THE DETAILS OF WHAT IS REPORTED TO HAVE OCCURRED.

- PENDED -

VICTIM RECEIVED RIGHTS INFORMATION: NO MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 7838 DR FINALIZED BY : 7838

END OF REPORT DR NO: 2010 01906561 003

BLASA - DETECTIVE REPORTS (BT)

APPENDIX B4

006186

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT PAGE NUMBER: 1 DR NUMBER: 2010 01906561 15

REPORT DATE: 20120403 TIME: 1048

TYPE OF REPORT: SEXUAL ASSAULT OFFENSE: 261

LOCATION: 003500 W ROSE LANE BEAT: 0914 GRID: CB20

DATE/TIME OF OCCURRENCE: WED 122910 1330 / WED 122910 1400

REPORTING OFFICER[S]: ROBERT FURNEAUX 7838 UNIT: C25

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

**** NARRATIVE ****

SERIAL NUMBER: 7838

ON 04/02/2012 I RAN A RECORDS CHECK ON V1 BLASA TALLABAS AND SAW THAT SHE WAS IN THE CUSTODY OF THE MARICOPA COUNTY SHERIFF'S OFFICE RELATED TO OUTSTANDING MISDEMEANOR WARRANTS (RELATED TO CR200900531001).

ON 04/02/2012 I WENT TO THE ESTRELLA JAIL (MCSO) WHERE I CONTACTED V1 BLASA. I IDENTIFIED MYSELF AS THE DETECTIVE RESPONSIBLE FOR THIS CASE AND ASKED IF SHE STILL DESIRED PROSECUTION FOR THE EVENTS DOCUMENTED IN THIS REPORT. SHE TOLD ME SHE DID.

I ASKED V1 BLASA IF SHE WOULD BE WILLING TO MEET WITH ME TO BE COMPREHENSIVELY INTERVIEWED AFTER SHE IS RELEASED FROM JAIL. V1 BLASA SAID SHE WOULD BE RELEASED ON 04/11/2012, AND WILL MEET WITH ME ON 04/12/2012 AT 1300 HOURS.

why come back on 04/05?

DURING THE SHORT TIME I MET WITH V1 BLASA AT THE ESTRELLA JAIL SHE TOLD ME THE FOLLOWING:

HER REASON FOR NOT MEETING WITH ME PREVIOUSLY WAS BECAUSE SHE WAS AFRAID SHE WOULD BE ARRESTED FOR HER OUTSTANDING MISDEMEANOR WARRANT(S).

SHE HAD TURNED HERSELF IN ON THE WARRANTS BECAUSE SHE WANTED TO ASSIST WITH THIS INVESTIGATION WITHOUT WORRY OF BEING ARRESTED AT AN INCONVENIENT TIME.

really?

SHE DOES NOT KNOW ANYBODY NAMED, "MICHAEL HOFFMAN."

THE ONLY PERSON SHE HAD CONSENSUAL SEX WITH DURING THE WEEKS PRECEDING THIS INCIDENT IS HER BOYFRIEND "ERIC PADILLA."

*****

ON 04/05/2012 AT APPROXIMATELY 1600 HOURS, I RETURNED TO THE ESTRELLA JAIL WHERE I MET WITH V1 BLASA.

I ASKED V1 BLASA TO DESCRIBE THE PERSON WHO SEXUALLY ASSAULTED HER AS DOCUMENTED IN THIS REPORT.

Continued.

APPENDIX B5

000215

9

V1 BLASA TOLD ME THAT HE WAS, "ALL A BLUR," AND THAT THE SUSPECT WAS WEARING, "SOMETHING," ON HIS FACE. SHE COULD NOT DESCRIBE EXACTLY WHAT IT WAS THAT THE SUSPECT HAD ON HIS FACE.

SHE SAID THAT THE SUSPECT WAS A WHITE MALE, OR POSSIBLY A, "HALF BREED."

I ASKED IF SHE KNEW HOW OLD THE SUSPECT WAS AND SHE TOLD ME, "NO."

I ASKED IF SHE REMEMBERED THE SUSPECT'S HAIR AND SHE TOLD ME THAT SHE THOUGHT HE WAS BALD ON THE TOP OF HIS HEAD.

I ASKED IF SHE REMEMBERED ANY SCARS, MARKS OR TATTOOS, AND SHE TOLD ME SHE DID NOT REMEMBER.

V1 BLASA CONSIDERED THE SUSPECT TO BE APPROXIMATELY 5'8" TALL AND HEAVYSET. SHE THEN CLARIFIED THAT SHE CONSIDERS EVERYONE TO BE HEAVYSET BECAUSE OF HOW SMALL SHE IS.

I TOLD V1 BLASA THAT THE ORIGINAL OFFICER HAD PUT IN HIS REPORT THAT SHE DESCRIBED THE SUSPECT AS BEING BLACK (AFRICAN AMERICAN) MALE. SHE TOLD ME THAT THE INCIDENT WAS, "A BLUR," AND THAT SHE MAY HAVE DESCRIBED HIM AS BEING BLACK, BUT THAT SHE ALSO REMEMBERS HIM HAVING SOMETHING THAT COVERED HIS ARMS AND HANDS.

V1 BLASA SAID THAT SHE NOW REMEMBERS THE SUSPECT AS BEING A WHITE MALE, AND POSSIBLY A "HALF BREED," BUT IS NOT SURE. SHE SAID THAT IT WAS SO LONG AGO THAT SHE DOES NOT REMEMBER.

I ASKED IF THERE IS ANYTHING DESCRIPTIVE ABOUT THE SUSPECT AND SHE TOLD ME, "NO," AS SHE STARTED TO CRY.

V1 BLASA AGAIN CONFIRMED THAT SHE WOULD MEET WITH ME ON 04/12/2012 AT 1300 HOURS (FAMILY INVESTIGATIONS BUREAU) TO BE COMPREHENSIVELY INTERVIEWED.

MY INTERVIEW WITH V1 BLASA ON 04/05/2012 WAS AUDIO RECORDED AND ARCHIVED TO THE PHOENIX POLICE FORENSIC IMAGING UNIT.

VICTIM RECEIVED RIGHTS INFORMATION: NO MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 7838 DR FINALIZED BY : 7838

END OF REPORT DR NO: 2010 01906561 015

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT PAGE NUMBER: 1 DR NUMBER: 2010 01906561 16

REPORT DATE: 20120412 TIME: 1504

TYPE OF REPORT: SEXUAL ASSAULT OFFENSE: 261

LOCATION: 003500 W ROSE LANE BEAT: 0914 GRID: CB20

DATE/TIME OF OCCURRENCE: WED 122910 1330 / WED 122910 1400

REPORTING OFFICER[S]: ROBERT FURNEAUX 7838 UNIT: C25

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

**** NARRATIVE ****

SERIAL NUMBER: 7838

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INTERVIEW OF V1 BLASA TALLABAS 04/12/2012 APPROX. 1030 HOURS

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ON 04/12/2012 AT APPROXIMATELY 1030 HOURS, V1 BLASA TALLABAS MET WITH ME AT THE FAMILY INVESTIGATIONS BUREAU (2120 N. CENTRAL AVENUE) TO BE COMPREHENSIVELY INTERVIEWED.

MY INTERVIEW WITH V1 BLASA WAS CONDUCTED IN INTERVIEW ROOM #2 (FIB) AND WAS AUDIO/VIDEO RECORDED. THE FOLLOWING IS A SUMMARY OF MY INTERVIEW WITH V1 BLASA AND NOT VERBATIM. FOR A COMPLETE REVIEW REFER TO THE RECORDING.

I FIRST CONFIRMED V1 BLASA'S PERSONAL IDENTIFYING INFORMATION.

V1 BLASA HAS BEEN DATING HER BOYFRIEND ERIC PADILLA (623-206-0718) FOR APPROXIMATELY TWO YEARS. THEY DO NOT RESIDE TOGETHER.

I ASKED IF SHE REMEMBERS THE DATE THAT THIS REPORTED INCIDENT OCCURRED, AND V1 BLASA TOLD ME SHE REMEMBERS IT WAS DECEMBER 29TH, BECAUSE IT WAS THE DAY BEFORE HER EX-BOYFRIEND'S (RICKY PEREZ 12/30/1982) BIRTHDAY.

I ASKED V1 BLASA TO TELL ME ABOUT EVERYTHING THAT HAPPENED THAT DAY, FROM BEGINNING TO END.

V1 BLASA SAID THAT THE DAY BEFORE, SHE HAD ARRANGED TO MEET WITH HER COUSIN. ON 12/29/2010, SHE WOKE UP IN THE MORNING AND GOT HERSELF READY FOR THE DAY. SHE THEN LEFT ERIC'S HOUSE (AREA OF 35TH AVENUE/MISSOURI) AND LOCKED THE DOOR BEHIND HER.

V1 RECALLS THAT IT WAS RAINING "REALLY HARD" ON THE DAY WHEN THIS INCIDENT OCCURRED.

SHE WALKED NORTHBOUND ON 35TH AVENUE TOWARDS HER COUSIN'S HOUSE (AREA OF 35TH AVENUE/GLENDALE AVENUE [IDENTIFIED IN THE ORIGINAL REPORT AS 3802 W. CACTUS WREN DRIVE]). V1 BLASA DID NOT KNOW THE EXACT TIME WHEN SHE LEFT TO WALK TO HER COUSIN'S HOUSE, BUT ESTIMATED IT WAS THE MIDDLE PART OF THE

APPENDIX B7

000217

BLASA - JEROME, ANDRE

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT PAGE NUMBER: 1 DR NUMBER: 2010 01906561 33

REPORT DATE: 20130723 TIME: 1115

TYPE OF REPORT: SEXUAL ASSAULT OFFENSE: 261

LOCATION: 003500 W ROSE LANE BEAT: 0914 GRID: CB20

DATE/TIME OF OCCURRENCE: WED 122910 1330 / WED 122910 1400

REPORTING OFFICER[S]: ROBERT FURNEAUX 7838 UNIT: C25

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

**** WITNESS INFORMATION ****

WITNESS -02:

NAME: TIPTON, ANDRAE JEROME

SPEAKING: ENGLISH

RACE: B SEX: M AGE: 31 DOB: 102381 HT: 510 WT: 160
HAIR: BRO EYES: BRO SSN: [redacted]
DR. LICENSE & STATE: [redacted]
HOME: 001707 W SUNNYSLOPE LANE APT/SUITE:
PHOENIX AZ ZIP CODE: 85021
MORE PHONE:CELLULAR: (602)442-4139
BUS.NAME: DISH NETWORK PHONE: ( ) - EXT.

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000000
DATE: 000000 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:CI W 02
ITEM: PSWBDNA BRAND: MODEL: COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: BUCCAL (ORAL) SWABS COLLECTED FROM ANDRAE TIPTON (DOB 10/23/1981) BY COURT ORDER SW2013-006815

0002 PKG 000 CODE:CI LE01
ITEM: JDOCUME BRAND: MODEL: COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: COPY OF COURT ORDER SW2013-006815

**** NARRATIVE ****

SERIAL NUMBER: 7838

V1 BLASA TALLABAS TOLD ME THAT SHE HAD CONSENSUAL SEX WITH ANOTHER MAN NAMED W2 ANDRAE TIPTON DURING THE FEW DAYS PRECEDING THIS REPORTED INCIDENT. SHE SAID THAT HER REASON FOR NOT TELLING ME ABOUT IT WAS

Continued.

APPENDIX B8

ANDRE DNA (3)

Phoenix Police Department
Laboratory Services Bureau
621 West Washington Phoenix, Arizona

REPORT ON THE EXAMINATION OF PHYSICAL EVIDENCE

Examination Requested: **DNA Analysis**

DR Number: 201001906561
Offense Type: Sexual Assault
Department: Phoenix PD
LSB Report # 201001906561 0014

Report Date: 09/12/2013
Page: Page 1 of 3
Approved By: A5504
PACE Request Supplement: 34

CASE NAMES

HOFFMAN, MICHAEL (S) Padilla, Eric (C) TALLABAS, BLASA (V)

Tipton, Andrae (C)

INVOICE-ITEM

Item # 4251776-0001.01

IMPOUNDING OFFICER'S INVOICE DESCRIPTION

Buccal swabs from Andrae Tipton

RESULTS & CONCLUSIONS

The major component from the mixed STR DNA profile obtained from the sperm fraction of the white staining from crotch of underwear (item 3976664-0001.12A04) matches the DNA profile from Andrae Tipton (item 4251776-0001.01).

Andrae Tipton cannot be excluded as a possible contributor to the mixed STR DNA profile from the sperm fraction of the vaginal swabs (item 3976664-0001.09A).

Andrae Tipton cannot be excluded as a possible contributor to the mixed STR DNA profile from the right side of neck swabs (item 3976664-0001.04A).

Andrae Tipton cannot be excluded as a possible contributor to the mixed STR DNA profile from the sperm fraction of the external genital swabs (item 3976664-0001.08A).

Andrae Tipton is excluded as a possible contributor to the mixed STR DNA profile from the non-sperm fraction of the white staining from front of underwear (item 3976664-0001.12A03).

The DNA profiles from the white staining from crotch of underwear, vaginal swabs, right side of neck swabs, external genital swabs, and white staining from front of underwear are from LSB Report # 201001906561 0005, dated 11/28/2011.

The following DNA profile will no longer be searched in the Combined DNA Index System (CODIS): the inferred DNA profile from the unidentified male source #2 from the major component of the sperm fraction of the white staining from the crotch of the underwear. This profile has been deemed ineligible because the CODIS hit was determined to be from the consensual sex partner.

The developed profile from this request does not qualify for entry into the DNA database.

NOTES:

Samples analyzed for deoxyribonucleic acid (DNA) for this report were evaluated using the polymerase chain reaction (PCR) and the Applied Biosystems AmpFISTR® Identifiler® Plus and/or Yfiler® kits.

Identifiler Plus targets amelogenin and the following autosomal Short Tandem Repeat (STR) loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and FGA. These results are denoted by "STR DNA profile" in the above results & conclusions.

Yfiler targets the following STR loci on the Y-chromosome: DYS456, DYS389I, DYS390, DYS389II, DYS458, DYS19, DYS385a/b, DYS393, DYS391, DYS439, DYS635, DYS392, Y GATA H4, DYS437, DYS438, and DYS448. These

APPENDIX B9

Eric Hines, Forensic Scientist III - A4881

Accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board since 2001

001253

aka 1289 DUPE

Q. Do you remember what you told him?
A. No.
Q. Do you remember telling him that the suspect is a black male?
A. I -- yes.
Q. That he's 30 to 35 years old?
A. Yes.
Q. That he's 5, 10?
A. Yes --
Q. 200 pounds?
A. Yes.
Q. Okay. That he had a goatee on his face?
A. Yes.
Q. And he was bald and shaved?
A. Yes.
Q. Okay. Do you remember speaking with Detective Furneaux?
A. Yes.
Q. Do you remember telling him that it was all kind of a blur and that he possibly could have been a half breed?
A. Yes.
Q. Okay. And what do you mean by half breed?
A. Like half black, half white, half black, half something. But I was just guessing because I

APPENDIX B10

couldn't see anything.

Q. And do you remember telling Detective Furneaux that he was wearing pantyhose?

A. Yes.

Q. Okay. But you didn't tell that to the first officer?

A. No.

Q. Do you remember telling Detective Furneaux that he came up from behind you and he was just black sleeves and everything and so you just thought he was black?

A. Yes.

Q. Okay. But obviously you had seen his face if you were able to describe a goatee, correct?

A. I didn't see no face.

Q. You didn't see his face?

A. No.

Q. Okay. But you told the first officer there was a goatee?

A. Because they wanted a description and I couldn't give one, so -- I was scared. I couldn't think straight.

Q. So you were just kind of making up details?

A. Yeah.

Q. Okay. You said that you were walking down