

OCEANSIDE POLICE DEPARTMENT

09003345

Case Number

OFFICER'S REPORT NARRATIVE

Offense: PC 245(a)(1) Assault with a Deadly Weapon

Date of offense: 02-25-09

Location: College Boulevard / Vista Way

Beat./Dist.: 06/027

Victim: Rios, Martin

Suspect: Shields, Michael

ORIGIN:

On 02-25-09 at approximately 1758 hours, I responded to a radio call of a traffic accident involving a vehicle and a bicycle rider at College Boulevard and Vista Way. Officer Fulien and Officer Munoz also responded.

OFFICERS OBSERVATIONS AND ACTIONS:

Upon arrival I observed three males standing in front of a red Jeep which was stopped in between the number 1 and number 2 left turn lane from College Boulevard to Vista Way. I observed a bicycle on the ground in front of the vehicle which appeared to have been run over. Upon walking up to the scene I was approached by a male, later identified by California driver's license as Trevor Hudson (witness), who stated "That guy in the Jeep intentionally ran him over." I contacted Martin Rios (victim), identified by California identification card, and took his statement. Rios was holding his right shoulder and told me he thought it was dislocated. OFD arrived on scene but Rios declined medical attention and stated he would go to the hospital on his own.

I contacted the driver of the vehicle Michael Shields III (suspect), identified by his California driver's license, and took his statement. I returned to Hudson and took his full statement. All parties stated that Rios and Shields were in an argument prior to the incident and Rios had spit on Shields vehicle before Rios was run over. After taking all parties statements, I observed the

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OFFICER'S REPORT NARRATIVE

09003345
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Offense: PC 245(a)(1) Assault with a Deadly Weapon

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Victim: Rios, Martin

Suspect: Shields, Michael

1 damage to the front of Shield's vehicle and the marks on the road and center divider. The damage
2 and marks were consistent with Rios' and Hudson's statement that Shields had intentionally run
3 Rios over with his vehicle.

4 Based on the evidence at the scene coupled with Hudson's and Rios' statements, I
5 determined that Shields had used his vehicle as a weapon and intentionally run over Rios. I placed
6 Shields under arrest at the scene for PC 245(a)(1)- Assault with a deadly weapon. FET Medford
7 responded and took photographs of the scene and collected evidence. Shields vehicle was towed
8 from the scene by S&R Towing per CVC22651(h)(1)- driver arrested.

9 I transported Shields to OPD for processing. While at OPD I admonished Shields of his
10 rights per Miranda. Shields answered "Yes" and "Yes" and provided me with a full statement.
11 Shields was later transported to VDF by Rancho Santa Fe.

12 I later responded to TCMC and took photographs of Rios' injuries which FET Calderwood
13 later booked into OPD.

14
15 **STATEMENTS:**

16 **Statement of Martin Rios (Victim):**

17 Rios essentially stated the following: He was riding his bike eastbound on Barnard Drive
18 approaching College Boulevard. He stated that he was slightly in the road, outside of the bike lane.

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Beat/Dist.: 06/027

Victim: Rios, Martin

Suspect: Shields, Michael

1 Rios said shields passed him and almost hit him with his car. Shields turned southbound on College
2 Boulevard. Rios also turned southbound and caught up to Shields just before the light at Vista Way.
3 Rios was upset about Shields almost hitting him so he pulled up next to the driver side of his car and
4 spit on it. Rios stated that Shields cursed at him from inside the vehicle, turned the wheel in his
5 direction, punched the gas, and ran him over. Rios was dragged across two lanes and over the center
6 divider. Rios was able get out from under the vehicle and call the police. Rios desired prosecution
7 against Shields for intentionally running him over for his vehicle.

8
9 **Statement of Michael Shields (Suspect):**

10 Shields essentially stated the following on scene pre-Miranda: He was traveling eastbound
11 on Barnard Drive. Rios was riding his bike in the center of the road. Shields past him and turned
12 south on College Boulevard. Shields approached the light at Vista Way. Rios rode his bike next to
13 Shields driver side and began to spit on and hit his car while still riding straight. Shields attempted
14 to turn and accelerate past Rios and accidentally ran him over.

15 Shields essentially stated the following post Miranda: He was traveling eastbound on
16 Barnard Drive. Rios was riding his bike in the center of the road swerving back and forth so vehicle
17 could not pass him. Shields eventually passed Rios on the right side and turned southbound on
18 College Boulevard. Shields stated that he was slightly close to Rios when he passed him. When

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Date of offense: 02-25-09

Location: College Boulevard / Vista Way

Beat:/Dist.: 06/027

Victim: Rios, Martin

Suspect: Shields, Michael

1 Shields passed Rios, Rios threw his hands in the air. Shields approached Vista Way and got in the
2 number two turn lane to turn eastbound on Vista Way. Shields was traveling slowly due to the
3 traffic. Rios rode his bike up next to Shield's driver door and began to curse at shields. Rios spit on
4 Shield's vehicle and attempted to kick it while still riding his bike, Shields attempted to turn and
5 accelerate away from Rios when he kicked at his vehicle causing Rios to fall and get run over.
6 Shields exited his vehicle and was immediately approached by Hudson and Rios who began to curse
7 at him. Shields heard Hudson say "Martin are you alright." Shields told them it was not intentional
8 and told them to wait till police arrived.

9

10 Statement of Trevor Hudson (Witness):

11 Hudson essentially stated the following: He was riding his motorcycle eastbound on Barnard
12 Drive behind Rios and Shields. He saw Rios riding his bike in the street. He saw Shields swerve at
13 Rios as he passed him and almost hit him. Shields turned southbound on College Boulevard and
14 Rios chased after him on his bike. Rios pulled up parallel to Shields and they began to argue back
15 and forth. Hudson saw Shields turn the steering wheel towards Rios, accelerate his vehicle, and run
16 Rios over dragging him across two lanes and over the curb. Hudson pulled his bike in front of
17 Shields vehicle and confronted Shields. Hudson asked Shields why he had run Rios over and

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Date of offense: 02-25-09

Location: College Boulevard / Vista Way

Beat:/Dist.: 06/027

Victim: Rios, Martin

Suspect: Shields, Michael

1 Shields stated "He spit on my vehicle." Hudson stated that he had no doubt that Shields had
2 intentionally run Rios over with his vehicle.

3 **EVIDENCE:**

4 Photographs were taken of Rios' injuries and the scene. Rios' bike was collected and
5 booked into OPD by FET Medford (See FET Medford's Report for details).

7 **INJURIES:**

8 Rios had a complaint of pain to his right shoulder and an 8 inch by 4 inch scrape on the
9 outside of his left thigh.

10

11 **WITNESS:**

12 See Crime report and attached list.

13

14 **PROPERTY LOSS / DAMAGE:**

15 Rios' bike sustained damage to the frame and rear wheel. Shields vehicle sustained minor
16 damage to the front end (See photographs for further).

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OCEANSIDE POLICE DEPARTMENT - CRIME/INVESTIGATION REPORT

<input checked="" type="checkbox"/> VICTIM IDENTIFICATION <input checked="" type="checkbox"/> ADDITIONAL PROPERLY LISTED IN NAME		<input checked="" type="checkbox"/> RELATED OFFENSES LISTED IN NAME <input checked="" type="checkbox"/> RELATED CASE NUMBER		PAGE 3 OF 9		CASE NUMBER 09003345			
CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) P0245(AXI) A.D.W				MONTH 02	DAY 25	YEAR 2009	DAY OF WEEK WED	TIME 1756	
LOCATION OF INCIDENT (OR ADDRESS) COLLEGE BL VISTA WY OSIDE				CITY OC	STATE CA	ZIP 92056	DISTRICT 06	DISTRICT 027	
VICTIM NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) 06 RIOS, MARTIN, ERNESTO		RESIDENCE ADDRESS 3227 CARR DR		CITY OC	STATE CA	ZIP 92056	RELATION TO VICTIM / SUSPECT <input checked="" type="checkbox"/> R <input checked="" type="checkbox"/> A <input checked="" type="checkbox"/> S <input checked="" type="checkbox"/> R <input checked="" type="checkbox"/> T		
RESIDENCE PHONE 7602955766		RACE CODES ON BACK PAGE HAM	SEX M	DATE OF BIRTH 9/28/1986	ID TYPE CID	ID NUMBER B7659305	INTERPRETER REQUIRED <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N		
STATUS <input checked="" type="checkbox"/> U		BUSINESS OR MILITARY ADDRESS 1 E MISSION HILLS CT SM CA 92069		CITY SM	STATE CA	ZIP 92069	DAYS OFF	WORK HRS	
BUSINESS PHONE		ADDITIONAL INFORMATION (VICTIM VEHICLE INFO IF APPLICABLE)						<input checked="" type="checkbox"/> V <input checked="" type="checkbox"/> W	
VICTIM NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) 06 HUDSON, TREVOR		RESIDENCE ADDRESS 429 ESCONDIDO AV		CITY VISTA	STATE CA	ZIP 92084	RELATION TO VICTIM / SUSPECT <input checked="" type="checkbox"/> R <input checked="" type="checkbox"/> A <input checked="" type="checkbox"/> S <input checked="" type="checkbox"/> R <input checked="" type="checkbox"/> T		
RESIDENCE PHONE 7606135259		RACE W	SEX M	DATE OF BIRTH 9/26/1966	ID TYPE COL	ID NUMBER DB029339	INTERPRETER REQUIRED <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N		
STATUS <input checked="" type="checkbox"/> E		BUSINESS OR MILITARY ADDRESS 1 E MISSION HILLS CT SM CA 92069		CITY SM	STATE CA	ZIP 92069	DAYS OFF	WORK HRS	
BUSINESS PHONE 7602902700		ADDITIONAL INFORMATION (VICTIM VEHICLE INFO IF APPLICABLE)						<input checked="" type="checkbox"/> V <input checked="" type="checkbox"/> W	
TOTAL # OF WITNESSES 3		WITNESS TYPE 12	ARRESTING OFFICER 13	OTHER LAY WITNESS 13	NARC CHEMIST 16	STATUS 6	EMPLOYED 11	STUDENT 1	
PLACE OF ATTACK: <input checked="" type="checkbox"/> STRUCTURE <input type="checkbox"/> VEHICLE <input checked="" type="checkbox"/> STREET/ALLEY <input type="checkbox"/> LOT/PARK/YARD <input type="checkbox"/> VESSELS <input type="checkbox"/> OTHER		DESCRIPTION OF SURROUNDING AREA: <input type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> INDUSTRIAL/MFG <input type="checkbox"/> RECREATIONAL <input type="checkbox"/> INSTITUTIONAL <input type="checkbox"/> OPEN SPACE <input type="checkbox"/> SCHOOL <input type="checkbox"/> MARINA/WATER <input type="checkbox"/> OTHER							
FORCE TOOL WEAPON SPECIFY VEHICLE		HOW USED: ASSAULT VICTIM							
TYPE OF STRUCTURE <input checked="" type="checkbox"/> ON-RESIDENTIAL		TARGET(S) <input checked="" type="checkbox"/> CAR/RED/BLACK		POINT OF ENTRY <input checked="" type="checkbox"/> N/A		SECURITY USED <input checked="" type="checkbox"/> N/A		SUSPECT ACTIONS <input checked="" type="checkbox"/> HIDE OUT TECHNIQUE	
<input type="checkbox"/> BUSINESS OFFICE <input type="checkbox"/> COMMERCIAL VEHICLE <input type="checkbox"/> CONVENIENCE <input type="checkbox"/> DEPT <input type="checkbox"/> DRUG/MEDICAL <input type="checkbox"/> ENTERTAIN/RECREATION <input type="checkbox"/> FAST FOOD <input type="checkbox"/> FINANCE COMPANY <input type="checkbox"/> GAS/STAY STAY <input type="checkbox"/> HOTEL/MOTEL <input type="checkbox"/> JEWELRY/COM/P/W <input type="checkbox"/> LIQUOR <input type="checkbox"/> MFG/CONSTRUCTION <input type="checkbox"/> PUBLIC BLDG <input type="checkbox"/> RESTAURANT/BAR <input type="checkbox"/> RETAIL GOODS <input type="checkbox"/> SCHOOL <input type="checkbox"/> SERVICES <input type="checkbox"/> SUPERMARKET <input type="checkbox"/> WHOLESALE		<input type="checkbox"/> CAR/RED/BLACK <input type="checkbox"/> COM-OP MACH <input type="checkbox"/> DISPLAY ITEMS <input type="checkbox"/> OFFICE <input type="checkbox"/> PERSON <input type="checkbox"/> SAFE/BOX <input type="checkbox"/> STORAGE AREA		<input type="checkbox"/> N/A <input type="checkbox"/> UNKNOWN <input type="checkbox"/> FRONT <input type="checkbox"/> GARAGE <input type="checkbox"/> REAR <input type="checkbox"/> SIDE <input type="checkbox"/> GROUND LEVEL <input type="checkbox"/> UPPER LEVEL <input type="checkbox"/> DOOR <input type="checkbox"/> CURT/WH <input type="checkbox"/> ROOF/LOBBY <input type="checkbox"/> ELEVATOR <input type="checkbox"/> WALL <input type="checkbox"/> WINDOW <input type="checkbox"/> N/A <input type="checkbox"/> ALARM <input type="checkbox"/> BARS/GRATE <input type="checkbox"/> DOG <input type="checkbox"/> EXT LIGHTS <input type="checkbox"/> GUARD <input type="checkbox"/> INT LIGHTS <input type="checkbox"/> LOCKED DOORS <input type="checkbox"/> LOCKED WINDOWS <input type="checkbox"/> NEIGHBOR WATCH <input type="checkbox"/> ON NATION ID <input type="checkbox"/> PHOTO/CAMERA <input type="checkbox"/> MALL <input type="checkbox"/> SECURITY FENCE <input type="checkbox"/> YEAPON		<input type="checkbox"/> UNKNOWN <input type="checkbox"/> AT/SHANK ON PREMISES <input type="checkbox"/> BOUND VICTIM <input type="checkbox"/> GASED AREA <input type="checkbox"/> CHASE/AGRE <input type="checkbox"/> CHILD NEGLECT <input type="checkbox"/> CONCEALED GOODS <input type="checkbox"/> DEFEATED SECURITY <input type="checkbox"/> OFFERED <input type="checkbox"/> DEMANDS CASH <input type="checkbox"/> DEMANDS JEWELRY <input type="checkbox"/> DISABLED PHONE <input type="checkbox"/> FIRED WEAPON <input type="checkbox"/> FORGONE/STRIKED <input type="checkbox"/> FORCED ENTRY <input type="checkbox"/> FORCED VICTIM TO LAY ON FLOOR <input type="checkbox"/> FORCED VICTIM TO DRIVE <input type="checkbox"/> (FRAD/FALS PRETENSE) <input type="checkbox"/> GANG RELATED <input type="checkbox"/> HID/CONCEALED OWN FACE/WORN MASK		<input type="checkbox"/> TOOK ONLY TV/STEREO/CAMERA <input type="checkbox"/> TOOK PROPERTY FROM PERSON <input type="checkbox"/> TOOK PROPERTY FROM VEHICLE <input type="checkbox"/> TOOK VEHICLE P/BAGGAGE <input type="checkbox"/> TOOK VICTIM'S VEHICLE <input type="checkbox"/> USED DEMAND NOTE <input type="checkbox"/> USED LEFT HAND <input type="checkbox"/> USED MACHETE <input type="checkbox"/> USED PHONE <input type="checkbox"/> USED NIGHT HAND <input type="checkbox"/> USED STOLEN VEHICLE <input type="checkbox"/> USED THREATS <input type="checkbox"/> USED VICTIM'S TOOL <input type="checkbox"/> VANDALIZED <input type="checkbox"/> VEHICLE NEEDED TO REMOVE PROPERTY <input checked="" type="checkbox"/> USED VEHICLE <input type="checkbox"/> PRETENDED TO BE	
TYPE LOCK ATTACKED <input checked="" type="checkbox"/> N/A <input type="checkbox"/> ALARM <input type="checkbox"/> DISPLAY <input type="checkbox"/> DEADBOLT <input type="checkbox"/> PADLOCK		<input type="checkbox"/> ALARM <input type="checkbox"/> SPINNING/SLASH <input type="checkbox"/> SLIDE LATCH/CHAIN <input type="checkbox"/> VEHICLE LOCK <input type="checkbox"/> WINDOW LATCH		MISCELLANEOUS DESCRIPTION USED VEHICLE		VALUE			
ITEM NO. 1 ARTICLE NAME PROPERTY		STEAL REC'D		IDENTIFICATION NUMBER		BRAND MAKE/TYPE/MANUFACTURER		MAKE/MAKE AND MODEL NUMBER	
VICTIM INJURED <input checked="" type="checkbox"/> YES		EXTENT OF TREATMENT <input checked="" type="checkbox"/> TREATED		HOSPITALS <input checked="" type="checkbox"/> YES		SURVIVAL <input checked="" type="checkbox"/> YES		SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	
REPORTING OFFICER DOMINIQUE		DIVISION 1340 F/O		APPROVED BY		OFFENSES APPLIED		INVENTORY	
DATE AND TIME OF REPORT 2 25 09 1840		CASE STATUS		PRIORITY		SOLVABILITY		AGENCY OPD	
DATE AND TIME OF REPORT 2 25 09 1840		CASE STATUS		PRIORITY		SOLVABILITY		AGENCY OPD	

2009 FEB 26 A 3:10

SAN DIEGO REGIONAL ARREST/JUVENILE CONTACT REPORT

REPORT	ARREST REPORT		AGENCY NUMBER 09008345			
	JUVENILE CONTACT	WARRANT <input type="checkbox"/> LOCAL <input type="checkbox"/> OUT	AGENCY OPD	ARJIS ASSISTED? <input checked="" type="checkbox"/>	PAGE 1 OF 9	SOSD BOOKING NUMBER 09715500A
	NOTIFY WARRANT	ARREST DATE 2/25/09	TIME 1840	BEAT/DISTRICT 06/027	RELATED REPORTS (TYPE, NUMBER)	EXPIRATION NUMBER
ARRESTEE - CRIME	CHARGE(S) PC245(a)(1) ADW					ADULT RELEASES OR <input type="checkbox"/> 849PC 81 <input type="checkbox"/> 82 <input type="checkbox"/>
	PERSON ARRESTED (L.F.M.) SHIELDS III, MICHAEL, EDWARDS			RACE A- OTHER ASIAN B- BLACK C- CHINESE D- CAMBODIAN E- FILIPINO F- HAWAIIAN G- JAPANESE H- KOREAN I- LAOTIAN J- OTHER	HT. 510	WT. 165
	NICKNAME		RACE W	SEX M	AGE 30	D.O.B. 4/29/78
	MILITARY YES <input type="checkbox"/>		OCCUPATION/RANK REALTOR	EMPLOYER/SCHOOL SELF	ADDRESS 3670 VILLAGE DR #18	CITY CBAD
	EMERGENCY CONTACT/NEXT OF KIN (L.F.M.)		ADDRESS		CITY	HOME PHONE
	IS SUBJECT A SUSPECTED USER OF NARCOTICS/DRUGS? <input type="checkbox"/>		INTERPRETER REQUIRED? <input type="checkbox"/>		LANGUAGE ENGLISH	SUBJECT'S RELATIONSHIP TO VICTIM(S): <input type="checkbox"/>
	LOCATION OF ARREST COLLEGE BL / VISTA WY OC		LOCATION OF OFFENSE COLLEGE BL / VISTA WY OC		OFFENSE DATE 2/25/09	OFFENSE TIME 1756
	CITIZEN ARRESTED? <input type="checkbox"/>	ARRESTING OFFICER DOMINIQUE	I.D. 1340	ADMONISHED BY DOMINIQUE	DO YOU UNDERSTAND EACH OF THESE RIGHTS THAT I HAVE EXPLAINED TO YOU? "YES"	
	HAVING IN MIND AND UNDERSTANDING YOUR RIGHTS AS I HAVE TOLD YOU, ARE YOU WILLING TO TALK WITH US? "YES"					STATEMENT YES <input type="checkbox"/>
	ARRESTEE DESCRIPTION	HAIR LENGTH/TYPE 5 3	HAIR STYLE 8	FACIAL HAIR 7	COMPLEXION 4	SPEECH 5
IDENTIFICATION NUMBERS DRIVER'S LICENSE NO. STATE D3485888 CA SOCIAL SECURITY NO. 162286815 FBI NO. OTHER NO. TYPE						
FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, MANNERISMS, ETC.) TTI NONE						
CLOTHING DESCRIPTION COAT STRIPED BUTTON UP SHIRT, BLACK SLACKS						
SUSPECT VEHICLE		YEAR 08	MAKE JEEP	MODEL LIBERTY	COLOR/COLOR RED	BODY TYPE SUV
ADDITIONAL VEHICLE IDENTIFIERS (CHROME, DAMAGE, ETC.)			VIN NUMBER	DISPOSITION OF VEHICLE TOWED BY 57R		
REGISTERED OWNER (L.F.M.) ROYDS, HEATHER			ADDRESS SAME AS ARRESTEE			
PROPERTY TAG NOS. 03345		DISPOSITION OF EVIDENCE BOOKED INTO OPD				
#1 NAME (L.F.M.)		ADDRESS	CITY	PHONE	RACE SEX AGE D.O.B.	
#2 NAME (L.F.M.)		ADDRESS	CITY	PHONE	RACE SEX AGE D.O.B.	
VIC. WIT. NAME (L.F.M.) RIOS, MARTIN, ERNESTO		RES. ADDRESS 3227 CARR DE OC 92056		CITY	HOME PHONE 7602955766	
BUS. ADDRESS		CITY		BUS. PHONE	RACE SEX D.O.B. Am 9/20/68	
REPORTING OFFICER DOMINIQUE	I.D. 1340	DIVISION F/D	REPORT DATE 2/25/09	TIME 1840	REPORT APPROVED RJA	
					BOOKING APPROVED JJA	

ARJIS-B (REV. 7-91)

MR 2/26/09 2TUN/19/1VAO.

NOTICE TO ATTORNEY AND/OR DEFENDANT ACTING AS OWN ATTORNEY

Police Officer Personnel Files: The San Diego County District Attorney's Office does not inspect police officer personnel files. Any defense request for disclosure of information contained within police officer personnel files must be made through the Pitchess process pursuant to Evidence Code 1043 et. seq.

Witness Information: The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code Section 1054.2, which reads as follows:

1054.2. (a) (1) Except as provided in paragraph (2), no attorney may disclose or permit to be disclosed to a defendant, members of the defendant's family, or anyone else, the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1, unless specifically permitted to do so by the court after a hearing and a showing of good cause.

(2) Notwithstanding paragraph (1), an attorney may disclose or permit to be disclosed the address or telephone number of a victim or witness to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a defendant's case if that disclosure is required for that preparation. Persons provided this information by an attorney shall be informed by the attorney that further dissemination of the information, except as provided by this section, is prohibited.

(3) Willful violation of this subdivision by an attorney, persons employed by the attorney, or persons appointed by the court is a misdemeanor.

(b) If the defendant is acting as his or her own attorney, the court shall endeavor to protect the address and telephone number of a victim or witness by providing for contact only through a private investigator licensed by the Department of Consumer Affairs and appointed by the court or by imposing other reasonable restrictions, absent a showing of good cause as determined by the court

THIS NOTICE APPLIES TO DISCOVERY OF WHATEVER NATURE, WHETHER ORIGINAL DISCOVERY OR ADDITIONAL DISCOVERY WHICH MAY BE ACQUIRED IN RELATION TO THIS CASE

(10/1/07)

CHARGES**COUNT 1 - ASSAULT WITH DEADLY WEAPON/FORCE LIKELY TO CAUSE GBI**

On or about February 25, 2009, MICHAEL EDWARDS SHIELDS did unlawfully commit an assault upon MARTIN RIOS with a deadly weapon and instrument and by means of force likely to produce great bodily injury, in violation of PENAL CODE SECTION 245(a)(1).

And it is further alleged that in the commission and attempted commission of the above offense, the said defendant, MICHAEL EDWARDS SHIELDS, personally used a deadly weapon, to wit: a vehicle, within the meaning of PENAL CODE SECTION 1192.7(c)(23).

NOTICE: Any defendant named on this complaint who is on criminal probation in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the preliminary hearing. Defenses to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

Pursuant to PENAL CODE SECTION 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by PENAL CODE SECTION 1054.3.

The People reserve the right to amend the accusatory pleading to further allege any and all facts in aggravation in light of *Cunningham v. California* (2007).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CN258579, CONSISTS OF 1 COUNT.

Executed at Vista, County of San Diego, State of California, on March 2, 2009.

COMPLAINANT

INFORMATION

BONNIE M. DUMANIS
District Attorney
County of San Diego
State of California
by:

Date

Deputy District Attorney

2009 FEB 26 A 1:03

CASE NUMBER
09003345

Oceanside Police Department Field Evidence Technician Report

Offense: PC 245 Assault with a Deadly Weapon	Date: 02-25-2009	Time: 1811
Location of Incident: South Bound College Blvd/North of Vista Way, Oceanside		
Where Performed: Same	Requested by: Officer Fullen	
Victim:	Suspect:	

IN CUSTODY: YES NO

Latent Prints: YES NO Elimination Prints: YES NO

DNA: YES NO Digital Photos: YES NO

DISPOSITION OF EVIDENCE

- ALL EVIDENCE WAS PLACED INTO EVIDENCE AT OPD
- DIGITAL PHOTOS WERE PLACED INTO EVIDENCE AT OPD PER POLICY
- DIGITAL PHOTOS WERE PLACED ON THE COMPUTER NETWORK PER POLICY

NARRATIVE

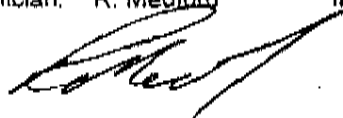
On 02-25-2009 at 1811 hours, I responded to a radio call for an FET at a scene of a traffic accident involving a vehicle and a bicyclist. When I arrived Officers Fullen and Munoz were on scene. Officer Fullen told me the accident was being investigated as a PC 245, assault with a deadly weapon.

Officer Fullen walked me through the scene and pointed out the suspect vehicle, a red colored 2008 Jeep Liberty with California license plate 6DZA062. The vehicle had come to a stop in the two left turn lanes of north bound College to east bound Vista Way. On the center median in front of the Jeep was a damaged bicycle. I observed the bicycle had a bent and broken front and rear tires and the frame had been damaged.

Field Evidence Technician: R. Medford

ID Number: 853

Approved by:



CASE NUMBER 09003345

Officer Fullen also pointed out a smearing on the left side of the front bumper. I inspected the smearing and observed what appeared to be a latent hand smear on the hood of the car. The smearing had no visible minutia to lift. I observed that the front license plate had been bent.

I took digital photographs of the scene. I first took overall north bound photographs of the north bound lanes of College Blvd showing the roadway and the left turn pocket. I then took additional overall photographs and I walked into the scene showing the relation of the car with the bicycle.

I took an identification photograph of the rear license plate on the car. I then took overall exterior and interior photographs of the car. I also took overall photographs of the front license plate and of the latent hand smear on top of the car.

I then took overall and close up photographs of the areas marked by Officer Fullen on the roadway and the center median. I then took overall and close up photographs of the "HARD" bicycle. I also took an identification photograph of the bicycle ID number X24W8D0208. I also took an orientation photograph of the street sign and the intersection of Vista Way and College Blvd.

I asked Officer Fullen about the whereabouts of the victim. He stated the victim was transported to Tri-City Hospital and only had a complaint of pain. No photographs of the Victim were taken who had left the scene.

Field Evidence Technician: R. Medford

ID Number: 853

Approved by:

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When I returned to OPD I placed one CD-ROM with digital photographs and the damaged bicycle into OPD evidence.

Field Evidence Technician: R. Medford

ID Number: 853

Approved by:

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	OCEANSIDE POLICE DEPARTMENT PROPERTY & EVIDENCE	CASE#: 09003345 Incident Type: PC 245 Page 1 of 1 Location occurred: College Blvd/Vista Way
	Submitted by: Medford, Robert	

SUSPECT(S)		
NAME:	DOB:	JUVENILE []
NAME:	DOB:	JUVENILE []
NAME:	DOB:	JUVENILE []
NAME:	DOB:	JUVENILE []

VICTIM/OWNER/FINDER:			
TYPE:	NAME:	DOB:	PHONE:
JUVENILE []	ADDRESS:	CITY:	ZIP:
TYPE:	NAME:	DOB:	PHONE:
JUVENILE []	ADDRESS:	CITY:	ZIP:
TYPE:	NAME:	DOB:	PHONE:
JUVENILE []	ADDRESS:	CITY:	ZIP:
TYPE:	NAME:	DOB:	PHONE:
JUVENILE []	ADDRESS:	CITY:	ZIP:

BARCODE	ITEM#	CATEGORY	DESCRIPTION	SERIAL#	CURRENCY AMT
00092624	001	CD & DVD	One CD-ROM with digital photographs		
	HOLD AS	DATE SEIZED	LOCATION SEIZED	OFFICER INSTRUCTIONS	
	Evidence	02/25/2009	College Blvd/Vista Way		

BARCODE	ITEM#	CATEGORY	DESCRIPTION	SERIAL#	CURRENCY AMT
00092625	002	Bicycle	One "HARD" bicycle	X24W8D0208	
	HOLD AS	DATE SEIZED	LOCATION SEIZED	OFFICER INSTRUCTIONS	
	Evidence	02/25/2009	College Blvd/Vista Way		

Mail 3/1/09 (4)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
NORTH COUNTY DIVISION**

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

MICHAEL EDWARDS SHIELDS,
*dob 04/29/78, Booking No. 09715560A
aka Michael Edwards Shields III;*
Defendant

CT No. CN258579

DA No. OBF306

COMPLAINT-FELONY

INFORMATION

Date: _____

PC296 DNA TEST STATUS SUMMARY

Defendant	DNA Testing Requirements
SHIELDS, MICHAEL EDWARDS	DNA sample has been previously provided

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	PC245(a)(1) SHIELDS, MICHAEL EDWARDS	Felony	2-3-4	PC1192.7(c)(23)	Serious

PC1054.3

INFORMAL REQUEST FOR DISCOVERY

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):