

5-6-10

Oceanside Police Department
3855 Mission Ave.
Oceanside, CA 92054 Complaint # 10006794

CC:

Hall of Justice
District Attorney's Office
330 W. Broadway
San Diego, CA 92101
Att: District Attorney Bonnie M. Dumanis

Department Of Justice
110 West A Street, Suite 1100
San Diego, CA 92101
Att: Gary W. Schons, Senior Assistant Attorney General

Federal Bureau Of Investigation
9797 Aero Drive
San Diego, CA 92123
Att: Special Agent In Charge Keith Slotter

Att: Criminal Investigations & Internal Affairs

Subject: Obstruction Of Justice, Evidence Tampering, Falsification Of Police Reports, And Conspiracy by Oceanside Police, San Diego District Attorneys, And The Attorney General's Office To Tamper With Evidence, Obstruct Justice, and Criminally Prosecute Innocent Citizens.

Suspects:

Officer Jon Dominique ID#1340, Oceanside Police Department
DDA Daniel Rodriguez, San Diego County District Attorney's Office
DDA Elizibeth Silva, San Diego County District Attorney's Office
John Doe's 1 thru 20

Witnesses:

Criminal Defense Attorney David Boertje – Shields Attorney - 858-361-4275

Victim:

Michael Shields

Attached Documentation:

Oceanside Police Department Report #09003345

Audio Tape Transcript Titled "Shields Interview 2-25-09" (Audio Tape Hidden, Existence Denied, & Evidence Omitted, Until Trial Started March 2010)

Civil Damages Claim Form CIV-050 From Rios Against Shields Case #37-2009-00061917-CU-PA-NC

E-mail from Michael Shields to Woodrow Higdon dated 3-25-10.

Supporting Documentation

Previous criminal complaints and records supplied to the Oceanside Police Dept., the San Diego County District Attorney, and the Attorney General of California.

Complaint:

Officer Dominique of the Oceanside Police Department was dispatched to a traffic accident scene at 1758 hours on 2-25-09. According to Officer Dominique's felony report, and a transcript of the hidden audio statement, Dominique did a totally negligent and incompetent investigation at the scene, and arrested the victim Shields on a false Felony Assault With A Deadly Weapon Charge. Officer Dominique then transported Shields to OPD where Shields provided the recorded audio statement referenced above.

As Officer Dominique issued the Maranda warning and recorded Shields's statement at the police station, it became evident to Dominique that he had arrested the wrong person, on a felony crime that did not exist. The only obvious criminal and vehicle code violations that existed at that point in time were committed by the so called victim, and aggressor Martin Rios, with the help of his friend, the so called independent witness Trevor Hudson. Officer Dominique was then faced with two choices:

1. He could report to his superiors that he had been negligent in his field investigation, and made a false felony arrest of the victim, which was not supported by the evidence, and would not be good for Officer Dominique's career with the OPD.
2. Or, he could hide the audio tape statement, falsify his felony police report, and allow an innocent man to be prosecuted.

Officer Dominique chose to hide the audio tape, omit all references from the police report that an audio statement had been taken, and limit the information placed in the report. Officer Dominique omitted extensive critical information that would clear an innocent man of a felony charge. This was proven to be the case when a jury finally heard the hidden audio tape, and immediately came back with a not guilty verdict.

For a year, following the arrest of Michael Shields, the Oceanside Police and District Attorney's Rodriguez and Silva of the San Diego County District Attorney's Office denied that the audio tape statement ever existed. Shields, was prosecuted and the audio tape statement was hidden up to March 15, 2010 when the trial started, and Officer Dominique would have to take the witness stand and answer questions about the missing audio tape statement. This was done in the hope that Shields would be among the 90% plus of criminal cases that would result in a plea bargain to a reduced sentence before the trial started. This would give the police and district attorneys legal cover, even if the audio tape was eventually discovered. However, Mr. Shields refused to accept a plea bargain, forcing a trial, and the disclosure of the hidden audio tape statement, before Officer Dominique would have to take the witness stand under oath.

Supporting Facts From The Police Report & Audio Tape Transcript:

Shields stated he was driving east on Bernard Drive, and only spotted Rios at the last minute, riding a bicycle, "swerving in and out of lanes and not letting people pass". Shields also stated he hit his brakes, slowed down, and was eventually able to pass Rios along the right side of Bernard Drive. Shields then continued east bound to College and turned right.

1. At this point in time, according to statements, the only violations of the law that might exist, if any, is Rios, an adult male, is riding a bicycle erratically, across multiple lanes, and obstructing traffic.
2. Shields hit his brakes, slowed down, passed Riso on the right and left the area east bound on Bernard Drive and then south on College Blvd.
3. Rios then pursued Shields eastbound on Bernard. Rios is the aggressor from the start.
4. No one was injured on Bernard Drive, no criminal statutes violated, but Rios was mad at Shields for the close proximity of Shields's car to Rios bicycle. The time is approaching 6 PM in the evening, the sun is very low in the sky and the shadows are long on roadways. All available evidence indicates the possible erratic operation of a bicycle by Rios, in low light conditions almost resulted in a traffic collision, which was only avoided by Shields hitting his brakes, slowing down, and moving to right to get around Rios, who Shields only spotted at the last minute. This is what Shields stated in the recorded statement, which was hidden and the information omitted by Officer Dominique.

Shields turned right on College and proceeded south toward Vista Way where he began slowing and moved into the #2 left turn lane to go east on Vista Way. Shields states that suddenly he is aware of Rios riding up along the left side of his vehicle, only because Riso is hitting his car, kicking his car, screaming, and spitting at the driver side window as he passes. As Rios's kicks at the car, Shields is hitting his brake, and the front bicycle wheel ends up impacting the left front wheel and bumper of Shields's vehicle. This is in the audio statement and supported by physical evidence at the scene.

1. Rios is the aggressor throughout this incident. Rios pursued Shields for at least approximately 2/10 of a mile, around a corner from the Bernard Dr. area, down College Blvd. to Vista Way, and into the left turn lane, because Rios was mad at Shields, and that is called "Road Rage".
2. Rios is physically attacking Shield's vehicle and attempting to assault and spit in Shield's face for some perceived insult, that occurred back on Bernard Drive.
3. The only reason that Rios's injuries were not more serious, is because Shields was driving slow, even slower than Rios on his bicycle, and Shields hit his brakes as the two vehicles came together, just as he told Officer Dominique, and Dominique omitted this information from the report while hiding the audio tape.
4. As Rios was moving faster than Shields's vehicle, close enough to hit and kick the car, while spitting at the driver side window, bike control by Rios was definitely an issue. Evidence indicates Rios was not in full control of his bicycle, which is not surprising under the circumstances, and Shields startled by the sudden assault was hitting his brakes, just trying to protect his vehicle and get away from an out of control Rios. There was no felony Assault With A Deadly Weapon, the so called independent witness Hudson, was tainted and unreliable as discussed below, and Officer Dominique hid the audio tape, and falsified his report to cover up a false felony arrest.

Upon exiting his vehicle, Shields is then confronted by the so called independent witness Hudson, threatening Shields with, "we'll fuck you up, we'll fuck you up". Hudson also refers to the so called victim Rios as "Marten", his first name.

1. Officer Dominique omits the information that the so called independent witness Hudson, is anything but independent. Hudson is on a first name basis with the so called victim Rios, and Hudson is even threatening Shields at the accident scene with, "we'll fuck you, we'll fuck you up".
2. This information was clearly provided in the recorded oral statement that was hidden by Officer Dominique and the DA's office. Shields later stated that this information was also given to Officer Dominique while being transported to the OPD station.

3. Shields also stated that Rios was demanding \$300.00 cash damages from Shields, at the scene, on threat of calling the police. When the cash payment was rejected and Shields requested that everyone remain calm and wait for the police, Rios made the call according to Shields. That call was reportedly a 911 call, which never made it into Dominique's OPD report, and disappeared along the way, just like the audio tape statement.

Standard operating procedures for any police officer or police department, taking an audio tape statement from a felony criminal suspect includes, but is not limited to the following:

1. Upon completion of an audio tape statement, with a Miranda advisal, the tape is logged in as evidence and referenced in the police report. This was not done by Officer Dominique.
2. The tape is given to a stenographer to be transcribed into a written transcript that is attached to the report. This is done so the officer can easily reference discrepancies between the suspects statements made in the field, and those made in the audio statement. This was not done by Officer Dominique.
3. If the felony arrest is the result of a 911 call, a copy of the 911 audio call tape is obtained, logged as evidence, and referenced in the report for any and all pertinent information, just like the audio tape statement. This was not done by Officer Dominique.
4. A felony report is always reviewed by a supervisor and signed off by the supervisor in the provided area on the criminal report, to assure completeness, and accuracy for future prosecution. This was not done.

Mr. Michael Shields is falsely charged and prosecuted for a crime he did not commit, while audio tape evidence is hidden, and the police report is falsified to cover up the existence of the audio statement, the false arrest, and the evidence tampering of hiding the audio statement.

False Insurance Claim By Rios

Mr. Rios, with a false felony complaint in place against Shields, then files a \$7,400,000 dollar law suit against Mr. Shields and his insurance company (copy attached).

1. Mr. Rios claims that the property damage to his bicycle and clothing is \$100,000.
2. Mr. Rios refused medical assistance and transport to the hospital, but claims \$50,000 in current medical cost, and an additional \$250,000 in future medical cost.
3. Mr. Rios claimed he's lost \$2,000,000 in earning to the date of the filing, and expects to lose another \$2,000,000 in future earnings.

I have never seen a \$100,000 bicycle, but it appears that Mr. Rios was looking for a big payday. Sounds like a really good case of a false police report and insurance fraud, with the assistance of Officer Dominique, the OPD, and the District Attorney's Office.

District Attorney's Office Obstruction

The District Attorney's Office assigns DDA Daniel Rodriguez as prosecuting attorney. According to Mr. David Boertje, Shields's defense council, all requests for a copy of the audio statement results in a denial of its existence, and a statement that the 911 audio tape is also missing.

Shields advised that in approximately January of 2010, DDA Rodriguez is removed from the Shields prosecution, and suspended from the District Attorney's office. This occurs under allegations that Rodriguez was caught withholding audio tape evidence that could clear the suspects, in a different felony criminal case, involving rape and kidnapping in the Vista / San Marcos area.

Witness: Criminal Defense Attorney David Rawson 760-716-9267

A follow up with Mr. Levikow of the DA's office results in the notice that DDA Rodriguez no longer works for the DA's office, and there has been no arrest or criminal investigation of Rodriguez, and there is no further comment under the premise that it is an employee personnel matter.

DDA Rodriguez is later replaced by DDA Elizabeth Silva, who, according to Mr. Boertje also denies the existence of any audio tape statement from Mr. Shields, taken by the Oceanside Police Department. This denial continues until the day trial starts, and DDA Silva is faced with a defendant Shields, who continues to proclaim his innocence, and he will not take a plea bargain. DDA Silva is faced with putting Officer Dominique on the stand under oath, and suddenly the audio tape statement is miraculously found. However, DDA Silva, is now arguing before the court that the audio tape should be suppressed as it is hearsay evidence. The Judge strongly disagreed, and the audio tape went to the jury resulting in a not guilty verdict, and is direct evidence of the importance of the evidence tape hidden by Officer Dominique and the DA's office.

The last question is whether or not Officer Dominique is one of the other police officers, described by Officer Damon Smith, as being involved in the extensive 8 year long felony evidence tampering with other audio evidence tapes. Complaints on the Damon Smith evidence tampering are currently being obstructed and buried by the Oceanside Police Department, the San Diego County District Attorney's office, and the San Diego Attorney General's office.

Also, the Smith investigation supervisor ADA Laura Gunn, that suppressed hard credible evidence on the involvement of other Oceanside Police Officers in the Damon Smith audio evidence tape tampering investigation, also no longer works for the DA's office according to DDA Damon Mosler, head of Special Operations. Officer Damon Smith has been protected from arrest and prosecution to keep his mouth shut about the identity of other police officers. There has been no arrest, no investigation in the DA's office of ADA Laura Gunn, and no comment as it is also regarded as an employee personnel matter. This is the same ADA Laura Gunn that I filed a felony criminal complaint against, with DDA Damon Mosler, and the OPD in November 2009, on which there has been no follow up of any kind.

Woodrow L. Higdon

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Cc: Law Office Of Hugo Anderson