

1 MICHAEL P. JUDGE, PUBLIC DEFENDER
 2 OF LOS ANGELES COUNTY, CALIFORNIA
 3 ROBERTO LONGORIA, Deputy Public Defender
 4 California State Bar Number:158855
 5 320 West Temple Street, Suite 590
 6 Los Angeles, Ca 90012
 7 Telephone: (213) 974-2875
 8
 9 Attorneys for Petitioner

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 13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 14 FOR THE COUNTY OF LOS ANGELES

16 In re DELBERT CARRILLO 17 on Habeas Corpus. 18 19	} } } }	Sup. Ct. Case No. BA169722 <u>PETITION FOR WRIT</u> <u>OF HABEAS CORPUS</u>
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 21 TO THE HONORABLE LARRY P. FIDLER, JUDGE PRESIDING IN
 22 DEPARTMENT 100 OF THE SUPERIOR COURT OF THE STATE OF
 23 CALIFORNIA FOR THE COUNTY OF LOS ANGELES:
 24

25 Petitioner respectfully alleges as follows:

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 27 I

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 29 Petitioner is illegally held in the constructive custody of THE CALIFORNIA
 30 DEPARTMENT OF CORRECTION (CDC) DIRECTOR.

31
 32 II

33 Petitioner was a defendant in a criminal action, case number BA169722. Petitioner
 34 was arrested and charged with the following felony violations allegedly occurring on or

1 about June 9, 1998.

2 **Count I-** a violation of Health and Safety Code Section 11352 (a), unlawful
3 transportation of a controlled substance, to wit: cocaine base. It was further alleged that
4 defendant was ineligible for probation pursuant to Penal Code Section 1203.073(b)(6), to wit:
5 transporting cocaine.

6

7 **Count II:** a violation Health and Safety Code Section 11351.5, Possession for sale of
8 cocaine base. It was also alleged pursuant to Penal Code Section 667.5(b) that defendant had
9 suffered two prior convictions in which he served prison custody time under the following
10 cases:

11 Case Number BA140171 & BA145358- alleging that defendant was convicted of 11350
12 (a) of the Health and Safety Code on June 19, 1997, out of the Los Angeles Superior Court.
13 It was also further alleged that he was subject to Health and Safety Code Section 11370 (a)
14 and (c), for the above-mentioned prior convictions.

15

16 On June 11, 1998 the Los Angeles County District Attorney's Office filed a **felony**
17 **complaint** alleging the aforementioned charges. (Attached as "Exhibit B") Defendant was
18 arraigned and the matter was continued for consideration of an early disposition to the date
19 of June 15, 1998, in Division 50, of the Los Angeles Municipal Court.

20

21 On June 15, 1998, Petitioner entered into a plea agreement. (See Attached "Exhibit
22 D") Petitioner pled guilty to the amended complaint, alleging a violation of Health and
23 Safety Code Section 11351. Petitioner was sentenced to a two year state prison term, with
24 the understanding that this sentence would run concurrent with any other sentence being
25 served at any penal institution. Petitioner had an outstanding parole violation.

26

27 Petitioner remains on parole in this case.

28

29 The version of this case as reported by former Los Angeles Police Officer Ethan
30 Cohan, serial number #30614 and former Los Angeles Police Officer Edward Brehm, serial
31 number # 30982 is as follows:

32

33 On June 9, 1998 at approximately 2100 hours, Los Angeles Police Officers' Ethan
34 Cohan and Edward Brehm were working Rampart Crash Detail.

1 "At approximately 2130 hours we, Officers Cohan and Brehm met defendant at 3400
2 Wilshire boulevard. He arrived at the location in a white 4-door Chevrolet impala taxi cab.
3 As we began to speak with defendant we noticed a large bulge in his front shirt pocket.
4 Knowing defendant to be on active parole and having a criminal history, we asked him what
5 he had in his pocket (to ensure that it was not a weapon or narcotics). The defendant's
6 expression went from that of being calm to nervous, and he hesitantly reached into his pocket
7 and removed a clear plastic baggy containing approximately nine white paper bindles, the
8 type routinely used to package rock cocaine, and stated "its rocks." we recovered the bag and
9 found it to contain nine paper bindles, each one, containing approximately ten off-white
10 wafers resembling rock cocaine."

11
12 Defendant was placed under arrest for 11351.5 of the Health and Safety Code.
13 Additionally, after being advised of, and waiving his Miranda Rights defendant gave a
14 written statement stating that he did not believe it would be a problem to possess the cocaine
15 in our presence. (Attached is a copy of Los Angeles Police report submitted by Officers'
16 Cohan and Brehm, "Exhibit C").

17 III

18 The illegality of petitioner's confinement consists of the following:

19
20 Petitioner is currently on active parole based upon the conviction arising out of this
21 case.

22 The attached Memorandum of Points and Authorities is incorporated by reference
23 herein.

24 IV

25
26 Petitioner adamantly denies the account given by former L.A.P.D. Officers' Ethan
27 Cohan and Edward Brehm as reported in their police report. Petitioner alleges that both of
28 these officers were engaged in blatant criminal activity while employed as Rampart
29 C.R.A.S.H Officers. Such activity included, but was not limited to, threatening petitioner
30 with physical violence, planting evidence and falsifying police reports. Petitioner's
31 declaration summarizing what happened on the date of his arrest is attached as "Exhibit A."
32 and portions of that declaration has been filed under seal.

33 Petitioner has been informed that on July 2, 1999 at a Board of Rights Hearing,
34 L.A.P.D. Officer Ethan Cohan, serial number 30614, had the following allegations sustained

1 against him:

2 1) On February 26, 1998 he failed to obtain proper medical treatment for an ill or
3 injured suspect who was in departmental custody.

4 2) On February 26, 1998, he failed to notify a supervisor after becoming aware that
5 misconduct had occurred.

6 3) On September 3, and September 4, 1998, he made false and misleading statements
7 to detectives who were conducting an official investigation.

8

9 Officer Ethan Cohan was relieved of duty on March 28, 1999.

10

11 Additionally, petitioner has been informed that Officer Edward Bréhm has recently
12 resigned from the Los Angeles Police Department.

13

14 Furthermore, Petitioner has been informed by the Los Angeles County District
15 Attorney's Office that the Grand Jury has commenced a criminal investigation into possible
16 criminal conduct on behalf of these officers. Petitioner is informed that such criminal conduct
17 has been corroborated by former L.A.P.D. Officer Rafael Perez who is now cooperating with
18 the D.A.'s Office in exposing the ever-growing corruption which flourished within the Los
19 Angeles Police Department.

19

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V

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22 Petitioner has no other adequate or speedy remedy at law.

23

24 Habeas corpus lies to challenge a conviction where a defendant is in the constructive
25 custody of the court as a convicted felon, where that conviction was based on a plea where
26 false physical evidence was a material factor directly related to the plea of guilty. In this
27 case, petitioner's plea was the direct result of false physical evidence that was planted on
28 petitioner by these officers. Such evidence was, without a doubt, material to petitioner's
29 guilty plea.

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3 VI

4 False physical evidence, believed by petitioner to be factual, probative, and material
5 on the issue of guilt, was known by petitioner at the time of entering his plea of guilty, and
6 was a material factor directly related to the entry of that plea.

7 Specifically, petitioner alleges that former Los Angeles Police Department Officers
8 Cohan and Brehm framed him on this case and coerced him into writing out and signing an
9 false admission of guilt. Petitioner alleges that but for the unlawful threats of violence by
10 these officers he would not have pled guilty to these charges.

11
12 VII

13
14 Copies of the following documents are being lodged with this court at the time of the
15 filing of this petition, and are incorporated by reference herein:

- 16 Exhibit A: Petitioner's declaration filed under seal
17 Exhibit B: Copy of felony complaint BA169722, People v. Delbert Carrillo.
18 Exhibit C: Copy of the police report in this case.
19 Exhibit D: Petitioner's declaration Copy of felony plea and sentencing transcript.
20

21 Judicial notice of the following exhibits is also requested:

22 Exhibit E: Copy of the Writ Of Habeas Corpus Petition filed by the Los Angeles
23 County District Attorney's Office, in the matter of In re George
24 Kenneth Alfaro, case number BA159394 (relief granted.)

25
26 Exhibit F: Copy of the Writ of Habeas Corpus Petition filed by the Los Angeles County
27 District Attorney's Office, in the matter of In Re Juan Torrecillas, case
28 number BA148066.

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30 Exhibit G: Copy of the Writ of Habeas Corpus Petition filed by the Los Angeles County
31 District Attorney's Office, in the matter of In Re Daniel Tapia, case number
32 FJ14197.
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VIII

No other petition for writ of habeas corpus, or for any other extraordinary relief, has been filed on petitioner's behalf.

IX

Petitioner will suffer irreparable harm if he is subjected to continued constructive unlawful confinement as a convicted felon.

WHEREFORE, petitioner respectfully prays

- 1) That this court relieve petitioner of his constructive custody as a convicted felon forthwith.
- 2) That this court dismiss the action in the above-entitled case and relieve petitioner from all disabilities and penalties.
- 3) For such other and further relief as this court deems just and proper.

MICHAEL P. JUDGE, PUBLIC DEFENDER
OF LOS ANGELES COUNTY, CALIFORNIA

By Roberto Longoria

ROBERTO LONGORIA
Deputy Public Defender

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VERIFICATION

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.

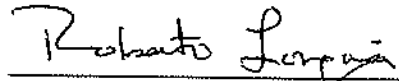
I, the undersigned, declare under penalty of perjury as follows:

I am an attorney at law, duly licensed to practice in all the courts of California, and I am employed as a deputy public defender for the County of Los Angeles.

In this capacity, I represent petitioner in the foregoing petition for writ of habeas corpus, and I make this verification as his attorney acting on his behalf in that the allegations made therein are more within my knowledge than petitioner's.

I have read the foregoing petition and know of my own personal knowledge that the matters alleged therein are true, based on the exhibits attached hereto and materials requested to be judicially noticed.

Executed this 8th day of September, 2000, at Los Angeles, California.



ROBERTO LONGORIA
Deputy Public Defender

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POINTS AND AUTHORITIES

HABEAS CORPUS RELIEF LIES WHERE FALSE PHYSICAL EVIDENCE RESULTED IN A PLEA

Penal Code section 1473 provides, in relevant part:

“(a) Every person unlawfully imprisoned or restrained of his liberty, under any pretense whatever, may prosecute a writ of habeas corpus, to inquire into the cause of such imprisonment or restraint.

“(b) A writ of habeas corpus may be prosecuted for, but not limited to, the following reasons:

“(1) False evidence that is substantially material or probative on the issue of guilt or punishment was introduced against a person at any hearing or trial relating to his incarceration; or

“(2) False physical evidence, believed by a person to be factual, probative, or material on the issue of guilt, which was known by the person at the time of entering a plea of guilty, which was a material factor directly related to the plea of guilty by the person.

“(c) Any allegation that the prosecution knew or should have known of the false nature of the evidence referred to in subdivision (b) is immaterial to the prosecution of a writ of habeas corpus brought pursuant to subdivision (b).

Thus, where, as here, a defendant pleads guilty in reliance on false physical evidence believed by the defendant to be probative or material on guilt, and which was a material factor directly related to the plea of guilty, habeas corpus relief lies.

In this case, the false physical evidence consisted of : (1) the nine white bindles containing ten off-white rock like objects resembling cocaine and (2) the false police report written by these officers and which was relied upon by Los Angeles County District Attorney’s Office in filing criminal charges against petitioner.

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These facts establish that there was false physical evidence in this case, that the defendant relied on that false physical evidence in pleading guilty, and that the false physical evidence was a material factor directly related to that plea, because petitioner was ,harassed intimidated, threatened and coerced into admitting guilt for a crime he did not commit.

Respectfully submitted,
MICHAEL P. JUDGE, PUBLIC DEFENDER
OF LOS ANGELES COUNTY, CALIFORNIA

By Roberto Longoria
ROBERTO LONGORIA
Deputy Public Defender
Attorneys for Petitioner

“Exhibit A”

Declaration of Delbert Carrillo

I, am the defendant in case number BA 169722.

I, declare the following:

I was wrongly convicted of the crime of being in possession of cocaine for purposes of sale, in violation of Health and Safety code section 11351.5. I pled guilty to the charge because former Los Angeles Police Officers' Ethan Cohan and Edward Brehm threatened [REDACTED]

This is what really happened on the date of my arrest:

On June 9, 1998 I was a passenger in a superstar taxicab at approximately 8 or 9 p.m. It was dark outside and I don't recall where exactly I was going. While riding as a passenger in the rear of the taxi I recall seeing Officers' Cohan and Brehm driving a white Nissan, two door vehicle. I remember they were wearing large flannel shirts on top of their uniforms. Once we made eye contact they pulled the taxi over, pulled me out of the car at 6th street and Alexandria. Officer Cohan was driving the car while Brehm was seated in the passenger seat. After ordering me out of the taxi but prior to placing me in their car, they patted me down. No drugs or weapons were recovered during this search. As officer Brehm placed handcuffs on me, Officer Cohan said "What's up Cartoon?" I responded by saying "What, I haven't done anything." Officer Brehm then placed me in the rear seat of their vehicle and drove off.

After driving for sometime they pulled into the parking lot located next to the Ambassador Hotel on Catalina. They slowly drove towards the rear of the parking lot. Officer Cohan stated [REDACTED]

[REDACTED] There was a moment of silence that scared me. Then Officer Cohan got out of the car and walked to the rear of the Nissan and opened the trunk. I couldn't see what he was doing. Officer Brehm continued to talk to me about how I could help him get guns. He indicated that If I helped them, he would let me go. I stated, "What do you mean let me go? You have to let me go, I haven't done anything." Officer Brehm then said, "You know the parole board wouldn't look kindly on your absconding, and hanging out in the gang area and having drugs on you." That's

when I responded, "What do you mean, have drugs on me? I don't have any drugs on me." Officer Brehm replied " Yeah, you do." "Who do you think everybody's going to believe?" I remained quiet because that's when it hit me, he's right. Who would believe me over these police officers? Minutes later, Officer Cohan walked back from the trunk area, opened the driver door, looked in and said " get out!"

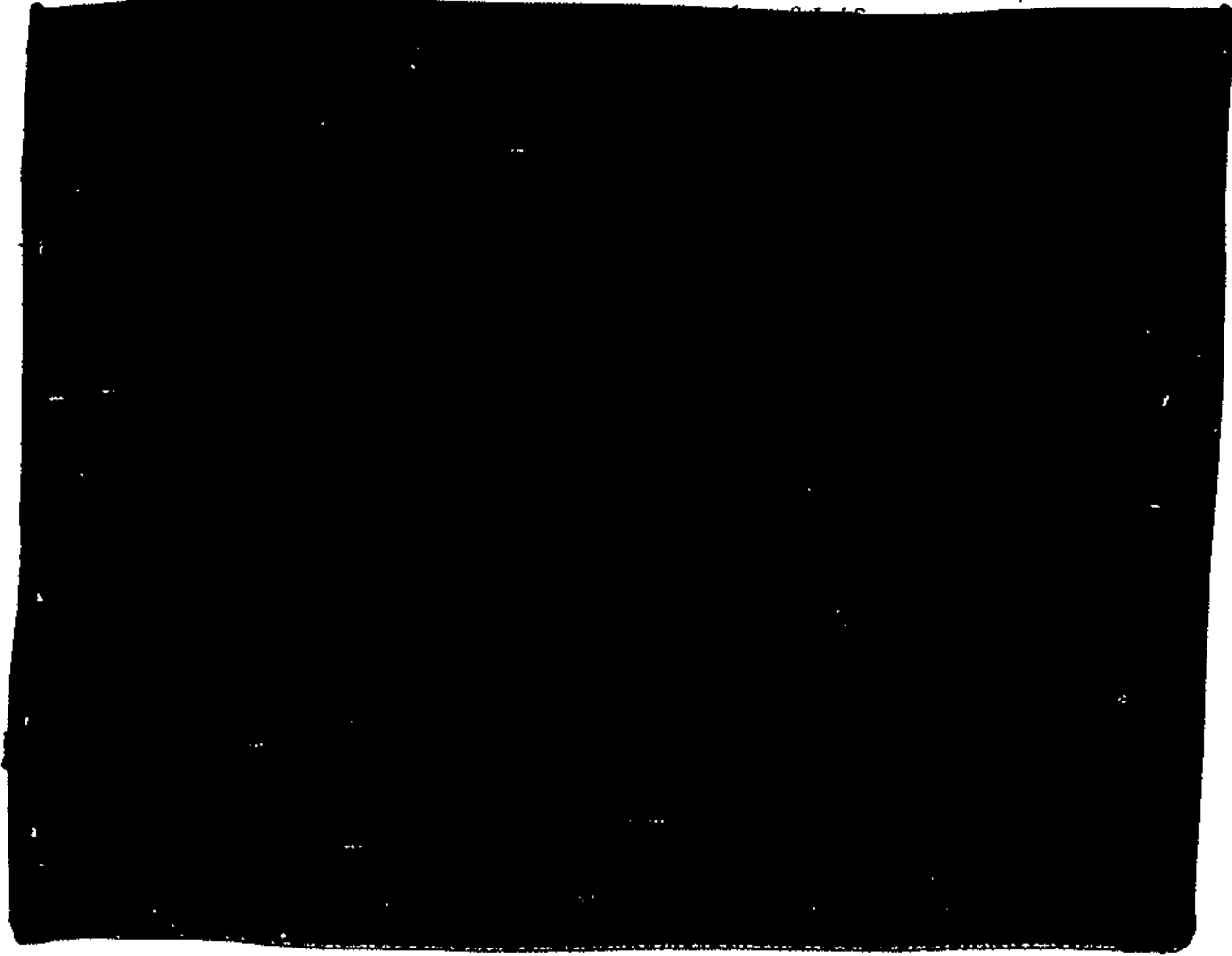
[REDACTED]

That's when I remember Officer Brehm leaned over to Officer Cohan and whispered something into Cohan's ear. Officer Cohan then went back to the trunk [REDACTED]

[REDACTED]

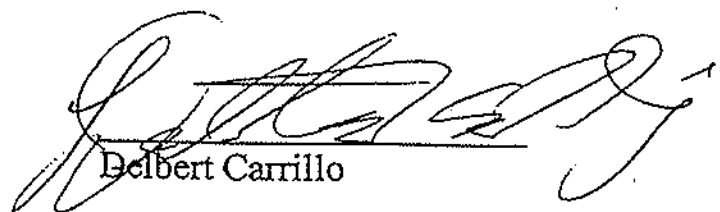
They took me out of the white Nissan and put me in a grey colored Crown Victoria and drove me to Parker Center. That's when I realized what I was being arrested for. I was in the parking lot for over forty-five minutes before they drove me to the Rampart parking lot. The Officers forced me to sign a statement in which I admitted being in possession of the drugs they planted on me.

[REDACTED]



I declare the above to be true and correct under penalty of perjury.

Executed on August 22, 2000, at Los Angeles, California.


Delbert Carrillo

“Exhibit B”

MUNICIPAL COURT OF LOS ANGELES JUDICIAL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
v.
01 DELBERT CARRILLO (9/7/1976)
Defendant(s).

CASE NO. BA169722

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about June 9, 1998, in the County of Los Angeles, the crime of SALE/TRANSPORTATION/OFFER TO SELL CONTROLLED SUBSTANCE, in violation of HEALTH & SAFETY CODE SECTION 11352(a), a Felony, was committed by DELBERT CARRILLO, who did unlawfully transport, import into the State of California, sell, furnish, administer, and give away, and offer to transport, import into the State of California, sell, furnish, administer, and give away, and attempt to import into the State of California and transport a controlled substance, to wit, COCAINE BASE.

"NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594."

It is further alleged that the defendant is ineligible for probation pursuant to Penal Code Section 1203.073(b)(6), to wit: transporting cocaine base.

* * * * *

COUNT 2

On or about June 9, 1998, in the County of Los Angeles, the crime of POSSESSION FOR SALE OF COCAINE BASE, in violation of HEALTH & SAFETY CODE SECTION 11351.5, a Felony, was committed by DELBERT CARRILLO, who did unlawfully possess for sale and purchase for purposes of sale cocaine base.

"NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594."

It is further alleged as to count(s) 1 and 2 pursuant to Penal Code section 667.5(b) that the defendant(s), DELBERT CARRILLO, has suffered the following prior conviction(s):

<u>Case No.</u>	<u>Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
BA140171	HS11350	06/19/1997	LOS ANGELES	CA	SUPERIOR
BA145358	HS11350	06/19/1997	LOS ANGELES	CA	SUPERIOR

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the defendant(s) did not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

It is further alleged as to count(s) 1 and 2 pursuant to Health and Safety Code sections 11370(a) and (c) that the defendant(s), DELBERT CARRILLO, was previously convicted of the following offense(s), to wit:

<u>Case No.</u>	<u>Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
BA140171	HS11350	06/19/1997	LOS ANGELES	CA	SUPERIOR
BA145358	HS11350	06/19/1997	LOS ANGELES	CA	SUPERIOR

* * * * *

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA169722, CONSISTS OF 2 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on June 11, 1998.

DECLARANT AND COMPLAINANT

.....
GIL GARCETTI, DISTRICT ATTORNEY

BY: 

JOHN A. PERLSTEIN, DEPUTY

AGENCY: LAPD - RAMPART I/O: COHAN ID NO.: 30614 PHONE : 485-4068
 AREA
DR NO.: 980221082 OPERATOR: LML PRELIM. TIME EST.: 30 MINUTE(S)

<u>DEFENDANT</u>	<u>CI NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY RTN DATE</u>
CARRILLO, DELBERT	010055255	9/7/1976	5685520	\$65,000	6/11/1998

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense

counsel provide discovery to the People as required by Penal Code Section 1054.3.

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

<u>DELBERT CARRILLO</u>				
<u>Count</u>	<u>Charge</u>	<u>Charge</u>	<u>Special</u>	<u>Alleg.</u>
<u>No.</u>	<u>Charge</u>	<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
1	HS 11352(a)	3-4-5	PC 1203.073(b)(6)	PSP
2	HS 11351.5	3-4-5	PC 667.5(b) HS 11370(a)	+1 yr. per prior MSP

I order that the defendant(s) be held to answer therefor and be admitted to bail in the sum of:

DELBERT CARRILLO _____ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

DELBERT CARRILLO _____ in Dept _____

at: _____ A.M.

Date: _____

Committing Magistrate

“Exhibit C”

ARREST REPORT

BOOKING NO. 5485530 U.O. 4202 DR. LIC. NO. NONE STATE MT

ARRESTEE'S LAST NAME CARRILLO DELBERT

ADDRESS 1727 OBISPO. CITY LONG BEACH STATE CA

SEX M DESCENT H HAIR BLK EYES BRO HEIGHT 600 WEIGHT 160 BIRTHDATE 090776 AGE 21

VEH. LIC. NO. STATE R.D. 0251 AKA: LAST MONIKER CARTOON OR NICKNAME

BIRTHPLACE LOS ANGELES CA PROB. INV. UNIT US 57 JUV. DETAINED AT AD. CHG N

DIVISION AND DETAIL ARRESTING DATE ARRESTED TIME ARR. TIME BKG. 4202 CRSH 060998 2145 2252

LOCATION OF ARREST ALEXANDRIA WILSHIRE BAIL 20000 TOTAL BAIL 20000

CHARGE & CODE F 11351.5(H/S POSS COKE 4 SALE) DEFINITION WARRANT NO. *

19TH ST GANG MEMBER - TINY WINGS MONIKER: CARTOON CLIQUE

OR 980221082 LA 24197770

01151987 CH 10055255

MAIN FBI 232615WA1

AC: CWS WARR AJIS FILE

19TH ST GANG MEMBER

ADMONITION OF RIGHTS (WHEN APPLICABLE)

THE FOLLOWING STATEMENT WAS READ TO THE ARRESTEE: "YOU HAVE THE RIGHT TO REMAIN SILENT. ANYTHING YOU SAY WILL BE USED AGAINST YOU IN A COURT OF LAW. YOU HAVE THE RIGHT TO SPEAK WITH AN ATTORNEY AND TO HAVE THE ATTORNEY PRESENT DURING QUESTIONING. IF YOU SO DESIRE AND CANNOT AFFORD ONE, AN ATTORNEY WILL BE APPOINTED FOR YOU WITHOUT CHARGE BEFORE QUESTIONING." THIS ADMONITION WAS READ TO THE ARRESTEE BY

COHAN 30614

ADDITIONAL CHARGES (ON ADDL. WARMS LIST NO., COURT, AND BAIL, INCL. P.A.)

ARRAIGN. DATE TIME COURT LOCATION CRIME COMMITTED SOCIAL SECURITY NO. 569778510

EMPLOYER / SCHOOL SAA R.D. 0251 RESIDENCE PHONE NO. 562-9849006

OCCUPATION / GRADE PHY. ODD TT*18*LT HAND, TT*XV3*RT HAND

CLOTHING WORN GRN SHIRT, GRY PANTS EXACT LOCATION / DISPOSITION ARRESTEE'S VEHICLE HOLD FOR:

LIST CONNECTING APTS BY TYPE & IDENTIFYING NOS VEHICLE USED (YEAR, MAKE, MODEL, TYPE, COLOR, STIC. NO., ID MARKS) PASSENGERS M F

COMPLAINTS / EVID OF ILLNESS / INJ. BY WHOM TREATED DRIVING VEH. (DIRECTIONS & NAME OF STREET) AT OR BETWEEN STREETS RETAINED DEPOSITED

INVOLED PERSONS Code: V: victim W: witness P/A: ARRESTING PRIVATE PERS. TO: TRUE OWNER R: PERSON RPTG. 459-S PERSON SECURING D - PERSON DISCOVERING

NAME	V & W/S	SEX	DESC.	D.O.B.	ADDRESS	CITY	ZIP	PHONE	DAY	X

COMBINED CRIME REPORT

DATE AND TIME CRIME OCCURRED TYPE PROPERTY TOTAL EST. DAMAGE TYPE PREMISES

459 / BPV ONLY-POINT AND METHOD OF ENTRY WEAPON / FORCE / INSTRUMENT USED TPV / BPV ONLY-VICT'S. VEH. (YR., MAKE, TYPE, LIC.)

COMBINED EVID. RPT.

USE THIS SECTION IN LIEU OF PROPERTY REPORT IF ONLY ONE ARRESTEE, NO GUN, AND NO MORE THAN 3 ITEMS OF EVID.

LOC. EVID. BKG. 19.10 GIVEN? Y N Preliminary Drug Test SUPV. / INV. OFCR. TESTING SER. NO. WITNESS OFCR. SER. NO.

ITEM	QUAN	ARTICLE	SERIAL NO. / TYPE TEST OF DRUG	BRAND / DRUG WEIGHT UNITS	MODEL NO. / DRUG TEST RESULT	MISC.
1	90	NARC	COCAINE	9.34g	-	MISC. PLASTIC BAG CONT. 9 WHIT BUNDLES CONT. APPROX 10 OFF WHIT SLEEPS RESEMBLING PAK COCAINE.

APPROVAL / REPORTING OFFICERS

SUPERVISOR APPROVING REPORT DATE & TIME REPRODUCED DIV. 76 JT

RAP SHEET ATTACHED YES NO

REPORTING OFFICER(S) COHAN 30614 2 BREHM 31982 CRSH 25

JUVENILE DISPO. Petition Request: DETAINED RELEASED NON-BOOK NON-BOOK & WARR.

FINAL CHARGE, IF DIFFERENT THAN ORIGINAL (SECTION, CODE & DEFINITION)

IF REFERRED, AGENCY & PERSON ACCEPTING REFERRAL

PROPERTY BOOKED? Y N IF YES, 10.6 COMPLETED? Y N

INVEST. OFCR. SER. NO. DIV.

SUPERVISOR APPROVING SER. NO.

JUV. COORD. REVIEWING SER. NO.

DATE / TIME DISPO. REPROD. DIV. / CLERK

DEFT: CARRILLO, DELBERT 9-7-76 **DEFT IS A SELF ADMITTED 18TH STREET GANG MEMBER FROM THE TINY WINOS CLIQUE.**

NARCOTICS EXPERTISE: BOTH MY PARTNER AND I HAVE HAD TRAINING IN NARCOTICS, SPECIFICALLY COCAINE, BOTH IN THE ACADEMY AND IN SERVICE. THIS TRAINING HAS INCLUDED THE CHARACTERISTICS, METHODS OF PRODUCTION, METHODS OF TRANSPORTATION, SALES, PACKAGING, USE, AND THE WAY IT IS CONCEALED BY DEALERS AND ON THE STREET. WE HAVE ALSO SPOKEN WITH HUNDREDS OF COCAINE USERS AND DEALERS AND HAVE BEEN INVOLVED IN OVER 150 NARCOTICS ARRESTS AND INVESTIGATIONS. WE HAVE BOTH TESTIFIED IN MUNICIPAL AND SUPERIOR COURT AS COURT QUALIFIED NARCOTICS EXPERTS.

SOURCE OF ACTIVITY: ON 6-9-98, AT APPROX 2100 HOURS MY PARTNER, OFCR BREHM #30982, AND I, OFCR COHAN #30614 WERE WORKING UNIT 2-CRASH-25, DRIVING A DUAL PURPOSE POLICE VEHICLE WEARING FULL POLICE UNIFORM. WE WERE CONTACTED BY THE DEFT WHO STATED THAT HE WANTED TO MEET WITH US TO DISCUSS A MATTER.

OBSERVATIONS: AT APPROX 2130 HOURS MY PARTNER AND I MET THE DEFT AT 3400 WILSHIRE BLVD. HE ARRIVED AT THE LOCATION IN A WHITE 4-DOOR CHEVROLET IMPALA TAXI CAB (UNKNOWN LICENSE). AS WE BEGAN TO SPEAK WITH THE DEFT WE NOTICED A LARGE BULGE IN HIS FRONT SHIRT POCKET. KNOWING THE DEFT TO BE ON ACTIVE PAROLE AND HAVE A CRIMINAL HISTORY, WE ASKED HIM WHAT HE HAD IN HIS POCKET (TO INSURE IT WAS NOT A WEAPON OR NARCOTICS).

THE DEFTS EXPRESSION WENT FROM THAT OF BEING CALM TO NERVOUS, AND HE HESITANTLY REACHED INTO HIS POCKET AND REMOVED A CLEAR PLASTIC BAGGY CONTAINING APPROXIMATELY 9 WHITE PAPER BINDLES, THE TYPE ROUTINELY USED TO PACKAGE ROCK COCAINE, AND STATED "ITS ROCKS" (STREET VERNACULAR KNOWN TO MY PARTNER AND I AS ROCK COCAINE.)

BASED ON OUR TRAINING AND EXPERIENCE MY PARTNER AND I ALSO FORMED THE OPINION THAT THE BINDLES CONTAINED ROCK COCAINE.

WE RECOVERED THE BAG AND FOUND IT TO CONTAIN (9) PAPER BINDLES EACH ONE CONTAINING APPROXIMATELY (10) OFF WHITE WAFERS RESEMBLING ROCK COCAINE.

ARREST: BASED ON OUR TRAINING AND EXPERIENCE, THE AMOUNT OF NARCOTICS, THE MEANS IN WHICH IT WAS PACKAGED, AND THE LACK OF PARAPHERNALIA FOR PERSONAL USE WE FORMED THE OPINION THE DEFT POSSESSED THE COCAINE FOR THE PURPOSE OF SALES. THE DEFT WAS PLACED UNDER ARREST FOR 11351.5 HS.

BOOKING: DEFT WAS BOOKED ON ABOVE CHARGE BY APPROVAL OF SGT TORSNEY #25383, RAMPART CRASH OIC AND TRANSPORTED TO PAB.

EVIDENCE: ALL EVID BOOKED AT PROPERTY DIVISION.

ADDITIONAL: AFTER BEING ADVISED OF AND WAIVING HIS MIRANDA RIGHTS DEFT GAVE A WRITTEN STATEMENT STATING HE DID NOT BELIEVE IT WOULD BE A PROBLEM TO POSSESS THE COCAINE IN OUR PRESENCE. SEE ATTACHED STATEMENT FOR ADDITIONAL.

OFFICERS REQUEST ADDITIONAL FILING FOR TRANSPORTATION OF CONTROLLED SUBSTANCE (ROCK COCAINE).

OFFICERS CONTACTED STATE PAROLE AND A PAROLE HOLD WAS PLACED.

STATEMENT FORM

Tape No.		DR No.	
Wit. No.			
Name <u>CARRILLO DELBERT</u>		Date/Time of Interview <u>6/7/98 2:30</u>	Location of Interview <u>Lansdale DEPT</u>
Resid. Add. <u>1727 38.5th AVENUE</u>		City <u>Lansdale</u>	Zip Code / Phone
Bus. Add.		City	Zip Code / Phone
Sex <u>M</u>	Desc. <u>White</u>	Hair <u>Blk</u>	Eyes <u>Blu</u>
Hgt. <u>6'</u>	Wgt. <u>160</u>	DOB <u>9-7-76</u>	Age <u>21</u>
Drivers Lic. No./Other ID			State
Interviewing Officer(s) <u>Cohan / BREHM</u>		Serial No(s) <u>30982 / 30614</u>	Division <u>Lansdale</u>
Other Person(s) Present			

Statements: Use third person. Include who, what, where, when, why and how.

I DELBERT CARRILLO CONTACTED OFFICER COHAN AND BREHM TO DISCUSS A MATTER AT THE TIME I HAD COCAINE IN MY POSSESSION. AND BECAUSE I KNEW THEM I THOUGHT IT WOULD NOT BE A PROBLEM OFFICERS THEN OVERED IT IN MY SHIRT POCKET. DEC.

I MAKE THIS STATEMENT FREELY.

Delbert Carrillo

Staple Optional Photo Here

CITY ATTORNEY DISCLOSURE STATEMENT

OFFICERS – FORM TO BE COMPLETED ON ALL FELONY AND MISDEMEANOR ARRESTS

DETECTIVES – FORM TO BE FILED WITH CITY ATTORNEY ONLY

Los Angeles Police Department

TYPE OF REPORT <p style="text-align: center; font-size: 1.2em; margin: 0;"><i>ARREST</i></p>	BOOKING NO. <p style="text-align: center; font-size: 1.2em; margin: 0;"><i>5685520</i></p>	DR NO. <p style="text-align: center; font-size: 1.2em; margin: 0;"><i>980221082</i></p>
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1. All currently existing reports (except personnel investigations) connected to this investigation, including crime, property, arrest, schematic, refusal, follow-up, etc., including those of other suspects, are cross-referenced in this report.
2. The names, assignments, serial numbers, and work phone numbers of all officers who saw, heard or otherwise perceived (1) any events leading to or involving the commission of the crime; (2) any arrest and/or search made in connection with the crime; (3) any statement of a suspect or witness; (4) any test performed at the scene (e.g., FST, scientific); (5) any intoxication or impairment of a suspect or witness; and/or (6) any facts necessary for probable cause for a warrant, search or detention, are listed in the report. Also listed in the report are the names, business and/or home addresses, business and/or home phone numbers of all civilian witnesses (except confidential informants) who provided information (whether incriminating or exonerating) as to any of the above listed categories.
3. All known oral statements made by any suspect or witness concerning the offense are included in a referenced report.
4. Copies of all original officer notes relating to statements of suspects or witnesses are attached.
5. All items of evidence seized, photographs (except booking), audio and video tape recordings (except Communications Division records) are mentioned in one of the referenced reports.
6. If any of the above items have been lost or destroyed, this fact is mentioned in a referenced report.
7. Any known fact which might indicate innocence of this crime or which might be substantial material evidence favorable to any suspect or which might damage the believability of a prosecution witness is mentioned in a referenced report.

All of the above statements are true.

SIGNATURE	SERIAL #	DIVISION OF ASSIGNMENT	DATE
<i>[Signature]</i>	<i>B</i>	<i>21</i>	<i>6/19/98</i>
<i>[Signature]</i>	<i>E</i>	<i>10225</i>	<i>6/19/98</i>

BOOKING RECOMMENDATION

No Carbon Required

SEE DISTRIBUTION AT BOTTOM FOR NUMBER OF COPIES REQUIRED.	DATE & TIME OF ARREST 6-9-98	TIME OF INTERVIEW
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ARRESTEE'S NAME (Last, First, Middle)
CARILLO, DELBERT

ARRESTING OFFICER(S) BREITH #30982	CITY COTHRUN	SERIAL NO(S) 30614	DIVISION RAMP	DETAIL ZCRZ5
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ACTION ADVISED:
 Booking Charge: **11351.5 HRS (LOSS OF COCAINE FOR SALE)**
(As appears on AJIS Charge Table)
 Advise arrestee of immediate cash bailout right (if two or fewer warrants for parking offense or traffic infraction).
 Release without booking Phone calls made Phone calls refused by arrestee

BASIC CHARGE: \$ **20,000.00**
 ADD'L CHARGES: \$ _____
 ENHANCEMENTS: \$ _____
 TOTAL BAIL: \$ **20,000.00**

1. EVIDENCE TO BE BOOKED	2. SUGGESTIONS FOR CONTENTS OF REPORTS.	3. VISITATION RESTRICTION	RESPONSIBLE INVEST. UNIT
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3056 P.C PAROLE HOLD PLACED **CDL# K058509**

PAROLE/PROBATION AGENT:	PHONE NO. 916-445-6713	TIME TELEPHONIC HOLD PLACED: 2300 HRS
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REASON FOR SEARCH: List the specific facts and circumstances that qualify as reasonable suspicion to believe that this arrestee is concealing a weapon or contraband.

FEL NARLO SUSP

TYPE OF SEARCH AUTHORIZED:
 STRIP PHYSICAL BODY CAVITY*
 VISUAL BODY CAVITY *Note: Search warrant required.

WARRANT NO. _____

OBTAIN THIS AUTHORIZATION PRIOR TO SEARCH

DATE & TIME OF SEARCH 6-9-98 2330	LOCATION SEARCH CONDUCTED PAB	SEARCHING EMPLOYEE SERIAL NO. DIV. SEX BREITH #30982 2 M	SEARCHING EMPLOYEE SERIAL NO. DIV. SEX
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RESULTS OF SEARCH (List items and location removed from):
NEG RESULTS

APPROVING SUPERVISOR 	SERIAL NO. 25383	DIVISION RAMP	RAP SHEET REVIEWED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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WISDEMEANOR ARRESTEES: Circle reason for booking below.

CONDITIONS FOR NON-ELIGIBILITY FOR RELEASE

- The person arrested is so intoxicated that he or she could be a danger to himself or herself or others.
- The person arrested requires medical examination or medical care or is otherwise unable to care for his or her own safety.
- The person is arrested for one or more of the offenses listed in Section 40302 or 40303 of the Vehicle Code. (EXCEPTION - DUI ARRESTEES MAY BE RELEASED AFTER BOOKING, IF OTHERWISE ELIGIBLE.)
- There are one or more outstanding felony arrest warrants for the person.
- The person has one or more outstanding misdemeanor arrest warrants ineligible for release under Section 827.1 of the Penal Code (Manual Section 4/216.67).
- The person cannot provide satisfactory evidence of personal identification.
- The prosecution of the offense or offenses for which the person is arrested or the prosecution of any other offense or offenses would be jeopardized by immediate release of the person arrested.
- There is a reasonable likelihood that the offense or offenses will continue or resume, or that the safety of persons or property will be imminently endangered by release of the person arrested.
- The person arrested demands to be taken before a magistrate or refused to sign the notice to appear.
- There is reason to believe that the person arrested would not appear at the time/place specified in the notice.

OFFICER MAKING O.R. DETERMINATION YES NO MISD. WARRANT # _____ OR REASON # _____

DATE: 6/11/98 11351.5 H S DATE/TIME OF OCCURRENCE: 6-9-98 @ 2252 NAME OF OCCURRENCE: RAMPART

ANALYSIS REQUESTED

EVIDENCE BOOKED TO: CARRILLO, DELBERT ARRESTEE VICTIM OTHER LOCATION EVID. BOOKED: ECU

OFFICER REQUESTING SERIAL NO. DIVISION PHONE NO. EXT. CORONER NO.

--- SID USE ONLY ---

I, the undersigned, am prepared to testify that I am a CRIMINALIST, employed by the Los Angeles Police Department; that I did on the 11TH day of JUNE, 19 98 obtain from the Narcotics Storage Locker evidence consisting of:

ITEM # 1- CLEAR PLASTIC BAG; (9) WHITE PAPER TISSUE BINDLES CONTAINING OFF WHITE SOLIDS GROSS 9.52 GRAMS NET ~ 5.05 GRAMS

That I did make an examination and analysis of this evidence and in my opinion:

ITEM # 1- CONTAINS COCAINE IN THE FORM OF COCAINE BASE.

DATE ANALYSIS COMPLETE: 6/11/98 DISPOSITION OF EVIDENCE: TO NARCOTICS STORAGE

TECHNICAL AND ADMINISTRATIVE REVIEW BY: [Signature] ANALYST Signature and Serial No: [Signature] J. VILLEGAS, G8613

“Exhibit D”