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IN THE **THIRD** PRECINCT JUSTICE COURT
COUNTY OF YUMA, STATE OF ARIZONA

STATE OF ARIZONA,
Plaintiff,
vs.
STEVEN LEE ANDERSON,
Defendant.

Number: **J1403MS200900009**

CERTIFICATION

I hereby certify that I have placed in the box of **MARC VICTOR**, Attorney for Defendant in the above entitled and numbered action, the disclosure materials required by Rule 15.1, Arizona Rules of Criminal Procedure, consisting of:

Page 53 to 56. **DR# 2009-020080**

Dated this **June 2, 2009**.

S.L.
ST



ARIZONA DEPARTMENT OF PUBLIC SAFETY
CONTINUATION/SUPPLEMENTAL REPORT

DR NUMBER
2009-020080

CONTINUATION REPORT SUPPLEMENTAL REPORT

ADDITIONAL INFORMATION

This is a supplemental report for Officer Jones #2819 completed by Officer Mitchell #3473, for an arrest that occurred on 04-14-2009 at approximately 2300 hours on Interstate 8 at mile post 79.

Narrative:

On 04-14-2009 at approximately 2231 hours I was working in the Gila Bend area. I received a report of Officer Jones requesting a Sheriff's Office Deputy to respond and assist him at the Border Patrol check point located at mile post 79 on Interstate 8 east bound. The Deputy had a 45 minute estimated time of arrival. I advised my communications dispatcher that I could be in route with an arrival time of approximately 25-30 minutes. Officer Jones said he would like me to be in route.

I arrived at the check point at approximately 2300 hours. As I turned through the depressed median, I could see an emergency vehicle had all east bound traffic stopped west of the check point. I stopped behind Officer Jones' vehicle. Officer Jones was standing to the left front corner of his vehicle, along with approximately five Border Patrol Agents. I observed a small red Hyundai stopped in the #2 east bound lane in front of Jones' vehicle. A white male was seated in the driver's seat of the Hyundai. All of the windows were rolled up and covered with what appeared to be "legal" window tint.

Officer Jones informed me that the Border Patrol Canine had two "alerts" to the vehicle and Border Patrol asked to "secondary" the vehicle. The driver refused to cooperate and began to video tape the Agents. Officer Jones told me the subject refused to move his vehicle off of the roadway or exit the vehicle for over an hour. He then told me he had notified his "acting" supervisor, M. Duran #3635, who in turn contacted Lieutenant Anderson #4451. Officer Jones told me he had authorization to break out a window and use OC spray. I said chemical spray may agitate the driver and not incapacitate his movements; allowing him to put his vehicle in gear, endangering others, by use it as a "ram". I suggested using an ECW or Electronic Control Weapon. This will prevent the escalation of the resistance by the driver, not allowing him to place the vehicle into drive or accessing a weapon that is not in view. It will allow the driver to be taken into custody, in a safer manner than utilizing a canine or impact weapon.

I discussed the plan with Officer Jones and the Border Patrol Agents. I first wanted to speak with the driver and confirm he understood the situation and see if he would exit the vehicle, so we would not have to employ other "alternative force" actions. If that failed, I would go to the passenger's side window and use a glass hammer to make a hole in the window. I would then deploy the ECW to the center of mass of the driver to override the driver's voluntary motor responses. The Agents and Officer Jones would then break the driver's side window to open the door and gain control of the driver. Two of the Agents advised they were Emergency Medical Technicians and they would be standing by for assistance.

I approached the driver's side of the vehicle and tapped on the glass with my hand. The driver was on a cellular phone and did not respond. I could see the driver was wearing a blue shirt with a Maltese Cross insignia on the left chest area. On the top was the word "Security" and although it resembled a Fire Department's shirt, it was not. The vehicle had a lot of different items visible. Several empty and full water bottles were noticed, a pizza box, clothing, a laptop computer and some papers and books along with a back pack were all visible in different parts of the vehicle. I again tapped on the window and asked to speak with the him. I identified myself as Officer Mitchell with the Department of Public Safety and asked him to roll down the window. He would not roll down the window and took out a small video camera and pointed it at me. The driver began to speak, but I was unable to hear him. I asked him to roll down his window again and he rolled it down approximately 1/4 inch. I asked the driver if he would exit the vehicle. He said "no". I then asked the driver if he recognized me as a Police Officer. He said "yes". I then asked him if he had any medical reason for not exiting the vehicle. He said "no". I told him, "I am a Police Officer and I am ordering you out of your vehicle". The driver said "you are telling me there is a law, that requires me to do what you tell me to?" and I told him, yes there was. The driver asked if he was under arrest and I told him "yes, you are under arrest." The driver asked what the charges were. I told him, at this point, he was blocking a public thoroughfare and was asked to move his vehicle and refused; in addition, he was refusing to obey the directions to exit his vehicle. The driver asked why he was originally stopped by Border Patrol. I told him Border Patrol said a canine alerted twice to his vehicle. The driver said he did not believe that and told me Border Patrol was lying. I explained to the driver, I would have to take their word and he was required to get out of the vehicle. I

DISCLOSURES MADE

JUN 2 - '09

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ARIZONA DEPARTMENT OF PUBLIC SAFETY
CONTINUATION/SUPPLEMENTAL REPORT

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ADDITIONAL INFORMATION

also told the driver he was going to come out of the vehicle one way or another and told him I would like him to exit the car so I could handcuff him. He began to argue with me about the Border Patrol canine. As I walked to the passenger's side of the vehicle, the driver said he wanted the canine brought back out to the vehicle.

I asked Jones and the Agents if they were ready and they said yes. I tapped on the window with a glass hammer to get the driver's attention and to give him one more chance to change his mind about the events. I hit the side window in the center and it broke inwards, the driver covered his eyes with his hands. I then forced my ECW into the small hole and deployed the unit for five seconds. I could not see through the tint and shattered window. I could hear the driver scream and the Agents attempted to break out the driver's side window and take custody of the driver. An Agent yelled to "do it again", as they still seemed to struggle, trying to get control of the driver. I pulled the trigger again until an Agent told me to stop. This second deployment was approximately 10 seconds and was stopped when the Agents advised they had the driver in custody. I quickly detached the cartridge and shut off the unit.

The driver had some small lacerations to the left side of his face and was bleeding. Several Agents took the driver to their office and administered first aid.

Officer Jones began to take photographs of the scene and vehicle. He went into the office to interview the driver and to take custody of him for the charges.

I notified my immediate supervisor, Sergeant Dallas Luttrell, #4900, of the events and told him Officer Jones informed me the Lieutenant had already been advised.

Border Patrol removed the vehicle from the roadway to a secondary location in the right-of-way area. The agents conducted a probable cause search of the vehicle. Locating some ammunition, electrical parts and a small bag of fireworks. No narcotics were located in the vehicle.

I was asked by Officer Jones to complete a Vehicle Removal Report. Listing a lap-top computer, clothes, electrical fire alarm equipment along with assorted tools. Several bottles of water and computer disks were also noted.

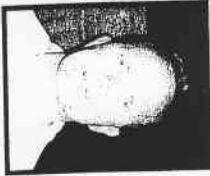
I completed the inventory and had the vehicle towed from the scene.

Pete's Body Shop with an address of 28589 Arizona Avenue of Wellton, Arizona, arrived to remove the vehicle. A copy of the Vehicle Removal Report was given to the tow company.

The driver was later identified as Steven Lee Anderson of Tempe, Az.

<input type="checkbox"/> PENDING CLOSED BY: <input checked="" type="checkbox"/> ARREST <input type="checkbox"/> OTHER	OFFICER NAME	BADGE NO.	LOCATION CODE	SUPERVISOR NAME	DATE
	J. S. Mitchell	3473	23040600	D. Luttrell #4900	04/17/2009

Yuma County Sheriff's Office



Gary L. Spoonamore
Border Patrol Canine Handler
Sr. Patrol Agent
ID. # CC-95

A handwritten signature in cursive script, appearing to read "Ralph E. Oden".

Ralph E. Oden, Sheriff



State of Arizona
Yuma County Sheriff's Office

Gary L. Spoonamore		Eyes	Exp Date
Date of Birth	Height	Weight	Hair
1/23/1969	510	185	RED
		BLU	

This identification card certifies that the person named above is a cross-certified Federal Peace Officer per A.R.S. 13-3875 and may exercise all law enforcement powers of an Arizona Peace Officer.