

Ledezma OID Fact Sheet
CPRC Meeting Date: July 24, 2013
Version 1

Date Occurred: January 7, 2012
Time of Occurrence: 1616 Hours
Decedent: David Hernandez Ledezma
Location: 10745 Cypress Avenue, Riverside

Officer(s) Involved: Officer Jeff Putnam #1450, Unit Designator C426, Unit 3931
Officer Ramon Espinosa #1691, Unit Designator C426, Unit 3931
Officer Paul Miranda #1501, Unit Designator C438, Unit 3925

Officer Witness(s): None

Civilian Witnesses: RPD Explorer Martin Martinez
Yvette Ledezma (daughter of David Ledezma)
Rebecca Martinez (wife of David Ledezma)
Anthony Margadonna (family friend to David Ledezma)
Yvonne De La Cruz (niece of David Ledezma)
Yolanda Serna (unknown relationship)

Suspect's Injuries: Sustained four (4) gunshot wounds. Ledezma was transported to Riverside Community Hospital where he died of his injuries at 1814 hours. The autopsy was performed on January 11, 2012. He sustained one (1) gunshot wound to his chest, which grazed his liver, one (1) gunshot wound to the right knee that broke his leg, one (1) gunshot wound to the upper right leg, and one (1) gunshot wound above the left knee.

The fact sheet is numbered and designed to point you to important factual information located in the criminal casebook that will help guide you in your review process. It is not designed to take the place of a cover-to-cover review. It is up to you to review the "Fact Sheet" data before or after a cover-to-cover review. The endnotes will direct you to a specific "Tab," page, paragraph and / or "line number" on reports that have each line of the narrative numbered.

1. CAD printout of call activities. Officers were dispatched in regard to a domestic violence call. Information to officers from the caller was that her uncle, David Ledezma, had just "242'd" (physically battered) her aunt, Rebecca Ledezma. The male is "594" (vandalizing) the aunt's vehicle. The aunt refused medical attention, but was still bleeding from the nose. The suspect was located to the back of the house. He had been drinking, no weapons were seen, and it was unknown if drugs were involved. Additional details were provided to dispatch from personnel at the scene.¹
2. Officer G. Leone's response to the scene. He saw officers Miranda, Putnam, and Espinosa in the rear yard of the residence. A group of people were yelling at the officers

Ledezma OID Fact Sheet
CPRC Meeting Date: July 24, 2013
Version 1

and a male adult was lying on his stomach on the ground. A brief statement was obtained from Witness Margadonna who claimed he was a family friend. Margadonna initially tried to flee from the scene. Claimed he saw what happened.²

3. Officer K. Corbett responded to the scene and canvassed the neighborhood. He interviewed Vanessa and Ariel Ramirez, two neighbor witnesses who were together in the same home when the incident occurred. Both heard gunshots, looked outside, and saw the three officers and several residents from the Ledezma home in the back yard. They reported seeing the officer(s) with guns and family members concerned and screaming.³
4. Officer J. Mutuku canvassed the neighborhood for witnesses and interviewed Yolanda Serna and Desiree Rodriguez who reside in the same home.

Serna was cordial friends with Ledezma and claimed that he (Ledezma) and his significant other regularly drank heavily and argued loudly. Serna saw Ledezma throw, at full force, an approximately 2' - 3' long metal pole directly at the officers standing in front of him. Ledezma then picked up a second unknown item and she heard approximately six gunshots.

Rodriguez heard loud arguing between Ledezma and his significant other. She saw approximately five (5) uniformed officers enter the yard with guns drawn. Rodriguez saw Ledezma pick up an approximately 2' - 3' long metal pole and throw it full force directly at the officers. She then heard gunshots.⁴

5. RPD Officer S. Hunt (#1680) arrived on scene and conducted an initial interview with Ledezma's daughter, Yvette. Yvette said Ledezma and Rebecca returned home from a benefit car wash. Rebecca had learned that Ledezma had cheated on her and the two were arguing. Ledezma then physically assaulted Rebecca who wanted the police called. When the officers arrived, Yvette followed the officers into the rear yard. Upon contact with Ledezma, he (Ledezma) put a knife to his throat and threatened to kill himself. The officers ordered Ledezma to drop the weapon, but he refused. Ledezma then picked up a "stick" and walked toward the officers. All three officers 'tased' Ledezma. Yvette then became upset during the interview and said she was not going to testify against her father. The interview then ceased.⁵
6. RPD Officer E. Meier (#1317) arrived on the scene and conducted an initial interview with Witness De La Cruz who is the family member that phoned police. De La Cruz was at home when Ledezma and Rebecca arrived home. Ledezma parked their vehicle in the rear area of the home. Rebecca got out of the vehicle and approached De La Cruz and asked her to call the police because Ledezma beat her up. De La Cruz saw that Rebecca had a bloody nose. De La Cruz remained on the phone with the dispatchers and while doing so could hear breaking glass in the backyard. She said Ledezma was breaking things. Officers arrived and walked up the driveway. Ledezma then said

Ledezma OID Fact Sheet
CPRC Meeting Date: July 24, 2013
Version 1

something like, "Come in my yard motherfuckers." Ledezma was holding a switchblade knife in his hand. Officers repeatedly told him to drop the knife, but he was not cooperative. Ledezma stepped toward officers with the knife in his hand. The officers' commands then got louder and more intense, but Ledezma did not stop. De La Cruz heard a Taser and about 15 gunshots. She turned away, then saw Ledezma on the ground. De La Cruz said there was a history of domestic violence between Ledezma and Rebecca. She also said Ledezma was dying from liver failure and didn't care about anything.⁶

7. Sergeant K. Banks, a field supervisor, arrived at the scene and made contact with the involved officers. He obtained a public safety statement from the officers to obtain the number of gunshots fired, direction, and suspect(s) information. He learned that approximately 17 shots were fired between the three officers. The involved officers pointed out metal pipes and a Taser weapon that were used in the altercation. Sgt. Banks ensured that these items of evidence were marked and protected at the scene.⁷
8. Officer J. Miller arrived on the scene to assist. He located and identified Rebecca Ledezma as the spouse of suspect David Ledezma. She told Officer Miller she was involved in a physical and verbal altercation with the husband, David, and that she had asked her nieces to call the police. She did not witness the shooting.⁸
9. RPD Officer Disla (#1499) arrived on the scene and was assigned the crime scene log. The log identifies all persons who entered the crime scene, the assignment they had, the time they entered, and the time they left.⁹
10. RPD Officer C. Reeves (#1523) arrived on the scene and was directed by the scene supervisor, Sgt. Banks, to remain standing watch over a knife that was lying on the ground near Ledezma until his (Ledezma's) body was removed and the crime scene secured by crime scene tape.¹⁰
11. Detective B. Jones (#1227) arrived on the scene, formed an arrest team, secured inner perimeter crime scene and marking of evidence.¹¹
12. Detective Arangure (#1564) and fellow detectives Adcox, Leone, and Jones, were the first assisting officers that arrived on the scene. They saw the involved officers standing in the rear yard with their guns drawn and pointed at a subject who was lying on the ground (Ledezma). Four (4) adults were screaming at the officers and trying to go to Ledezma's aid. They assisted in the arrest and handcuffing of Ledezma, along with placing evidence markers on the side of each shell casing, a Taser, a knife, and pipes. These items were located on the ground near where Ledezma was found lying on the ground.¹²

Ledezma OID Fact Sheet
CPRC Meeting Date: July 24, 2013
Version 1

13. Officer R. Railsback arrived on the scene to assist and was immediately directed to protect evidence items until they could be secured within the taped off crime scene. Evidence items included a white pipe, a black pipe, and a Taser gun.¹³
14. RPD Officer Blaszak (#1405) arrived on scene and secured the crime scene with crime scene tape.¹⁴
15. RPD Officer Zach Fishell responded to 6116 Stover Avenue, a neighboring residence. A stray bullet, fired by one of the officers, had entered the kitchen through a window and was found embedded in the oven. Officer Fishell retrieved the bullet and booked it into evidence.¹⁵
16. RPD Officer Schmitz arrived on the scene and was instructed to ride in the ambulance with Ledezma. He activated his digital recorder during transportation. He observed Ledezma being moved into Operating Room #6 for surgery. He was then told by an RN that Ledezma had succumbed to his injuries. Officer Schmitz described the gunshot wounds as related to him by the RN. Ledezma was pronounced deceased by Dr. Peter Wawro. Officer Schmitz turned Ledezma's personal belongings over to Riverside County Deputy Coroner Mendoza.¹⁶
17. RPD Detective Rick Cobb conducted a tape-recorded interview with Officer Miranda, one of the three officers who fired their weapons. He described the call, his observations, contact with Ledezma, and the activities that led him to fire his weapon at Ledezma. Officer Miranda said another officer fired a Taser at Ledezma that was not successful. He described the two pipes that Ledezma threw at him that caused him to fear for his life.¹⁷
18. RPD Detective Rick Cobb's interview of Officer Putnam. Officer Putnam described his observations of the incident and what caused him to fire his weapon at Ledezma. Officer Putnam saw Ledezma with a knife held to his own throat, threatening to kill himself. Ledezma then picked up a an approximately 2' long white pipe and threw it very hard at him and the other officers as though he were throwing a "tomahawk." Officer Putnam retrieved his Taser and fired it at Ledezma. It did not work and seemed to anger Ledezma more. Ledezma picked up another pipe that was larger and thicker than the first. With this pipe in hand. Ledezma took one to two steps toward Putnam and the other officers. Fearing for his life, Putnam dropped the Taser and retrieved his sidearm and fired it at Ledezma. When he fired his weapon, he (Putnam) tripped over a pile of dirt and continued to fire at Ledezma while lying on the ground.¹⁸
19. Detective Rick Cobb's interview of Officer Ramon Espinoza. Officer Espinoza described his observations of the incident that led to him firing his weapon at Ledezma. Officer Espinoza saw Ledezma with a knife to his own throat, threatening to commit suicide. He saw Ledezma pick up a 2' - 3' long metal pipe that looked solid and like a tire iron. Ledezma threw the pipe full force directly at him and the other officers from a distance of

Ledezma OID Fact Sheet
CPRC Meeting Date: July 24, 2013
Version 1

approximately 21'. Espinoza said he had to dodge the pipe so that it would not strike him. He saw Officer Putnam deploy his Taser at Ledezma, but it did not strike him (Ledezma) with both prongs so it did not work. Ledezma picked up another white or grey 2' -3' long pipe that looked like the first pipe. Ledezma lifted the pipe over his head and took one to two steps toward him and the other officers. Espinoza feared for his life since he felt the pipe could seriously injure or kill him. Espinoza fired his weapon at Ledezma four (4) to five (5) times until he (Ledezma) fell to the ground. Espinoza said there was no cover between him, Ledezma, and the other two officers.¹⁹

20. Detective Rick Wheeler's interview with Yvette Ledezma (daughter of decedent), Rebecca Ledezma (wife of decedent), and RPD Police Explorer Martin Martinez who was on a ride-along with Officer X. Each of these interviews contains the personal observations of each witness.

Yvette Ledezma saw what she described as a "white stick" that was picked up by Ledezma. She saw him wave it around and strike it against a metal shed. She did not see him throw it at officers. She saw the officers fire their weapons at Ledezma. Yvette provided Det. Wheeler with photos that she took with her cell phone during the incident. She also drew a diagram of what she felt was important. These were later booked into evidence.

Rebecca Ledezma described her observations. She claims she did not see the shooting, but only heard the shots.

Explorer Martinez saw part of the shooting, but had his attention diverted by excited family members who were yelling at the officers.²⁰

21. Detective Sanfilippo's interview with Yvonne De La Cruz, the niece and Godchild of Rebecca Ledezma. Yvonne mentioned the on-going domestic violence between David and Rebecca. She claimed that Ledezma learned a year ago that he was dying from a liver problem and that he had not been the same since. Yvonne saw the initial contact between the officers and Ledezma. She saw him place a knife to his own throat. Yvonne turned away when she saw Ledezma do this. She saw an officer fire a Taser at Ledezma. She could see the officers but not Ledezma because her view was partially obstructed by a metal shed. She also saw the officers fire their weapons, but could not see what Ledezma was doing.²¹
22. RPD Police Photographer T. Ellis submitted a photo log of the various photos taken. These include the body of Ledezma at the hospital, the injuries to Rebecca Ledezma, the three officers involved, and the Police Explorer. T. Ellis also charted the firearms used by each officer in the shooting.²²

Ledezma OID Fact Sheet
CPRC Meeting Date: July 24, 2013
Version 1

23. Detective Lowe's crime scene investigation. He described crime scene, searched for and identified evidence, oversaw crime scene photography, sketch, measurements of evidence, and collection.²³
24. Forensic Technician S. Lane's crime scene investigation. She located, identified, and collected evidence, measured items of evidence, photographed items, and provided a crime scene diagram.²⁴
25. Detective Sanfilippo was present when ID Tech Lane charted the firearms of each officer. She described each officer's firearm, make, model, serial number, and the number of live rounds found in the firearm and magazines.²⁵
26. Detective Rick Cobb's interview with Witness Anthony Margadonna, Ledezma's nephew. Margadonna was initially reluctant to be interviewed since he was angry with officers because one of them took his cell phone away. Once he got his cell phone back he wanted to be interviewed. Margadonna said he was five feet (5') behind officers when they shot Ledezma. Margadonna claimed that Ledezma did not have a knife and was shot with a Taser when he (Ledezma) had a stick in his hand. When Ledezma was hit by the Taser, it knocked the stick out of his hand. The officers then shot Ledezma with their handguns. Margadonna said that Ledezma never threw anything at the officers and did not step toward the officers. Margadonna said that Ledezma was at the rear of his own vehicle when he was shot. This is contrary to the evidence that established that Ledezma was shot while standing by the front of his vehicle.²⁶
27. RPD Officer Mendonca responded to the scene to assist and interviewed an independent witness. The witness saw officers approach Ledezma who was holding a knife. Officers ordered him to drop the knife 10-15 times. Ledezma threw the knife to the side and picked up a 2' long pipe. Officers ordered him to drop it numerous times. He saw an officer "Tase" Ledezma, but it did not work. Ledezma then threw the pipe at the officers. He then heard gunshots and left.²⁷
28. Detective Rick Cobb conducted a follow-up interview with the witness interviewed in #27 above. The first interview by Officer Mendonca was not tape recorded. Det. Cobb tape-recorded the follow-up interview where the witness statement is slightly different.²⁸
29. Detective Rick Wheeler attended the autopsy of Ledezma that was performed by Dr. Fajardo. Det. Wheeler provided details of the procedure that included the fatal injury that resulted in Ledezma's death.²⁹
30. Detective Rick Cobb was given a piece of white PVC pipe from CPRC Investigator Mike Bumcrot. Mr. Bumcrot obtained it from a Ledezma family member who claimed it was evidence left behind by officers and the pipe that the family believed was thrown by Ledezma. Det. Cobb documented receiving the PVC pipe and noted that a similar pipe

Ledezma OID Fact Sheet
CPRC Meeting Date: July 24, 2013
Version 1

was photographed at the scene, but it was determined not to be a piece of evidence or the item thrown or used by Ledezma.³⁰

31. Detective Rick Cobb requested that shooting officers Miranda and Espinosa look at two items of evidence seized at the scene. Item #1, booked into evidence as RL20, was a white metal jack handle. Item #2, booked into evidence as RL22, was a black metal jack handle. Both officers looked at the items and had no further statements to add to their initial interviews.³¹
32. Detective Rick Cobb submitted the handguns used by Officers Putnam, Miranda, and Espinoza to the California Department of Justice, Bureau of Forensic Services. The purpose of this is to obtain an independent examination of the firearms used by each officer as well as bullet fragments that were retrieved as evidence. A report by the examiner from the Department of Justice is attached under Tab 32.³²
33. Crime scene photographs.³³

¹ Official CAD printout – Tab 77, P.2-15

² Memorandum by Officer G. Leone – Tab 3, p.2, 2nd and 4th para

³ Supplemental Report, Officer Corbett - Tab 5, p1 3rd para and p.2 1st para; p.2 3rd para

⁴ Supplemental Report, Officer Mutuku - Tab 6, p.1 and 2.

⁵ Supplemental Report, Officer Hunt - Tab 12, p.2, para 2-3

⁶ Supplemental Report, Officer Meier – Tab 16, p.2, para 3-5

⁷ Supplemental Report, Sgt. K. Banks – Tab 19, p.1, para.1, p.2 para 1

⁸ Supplemental report, Officer Miller – Tab 21, p.2, 1st para.

⁹ Supplemental Report, Officer Disla – Tab 22, p.2 para. 1, p. 3-5 (log entries)

¹⁰ Supplemental Report, Officer Reeves – Tab 22, p.2

¹¹ Supplemental Report, Det. Jones – Tab 33, p.2, para 2, lines 8-28

¹² Supplemental Report, Det. Arangure – Tab 34, p.2, para 2, lines 6-29.

¹³ Supplemental Report, Officer Railsback – Tab 35, p.1, 1st para narrative

¹⁴ Supplemental Report, Officer Blaszak – Tab 37, p.1, para1 narr

¹⁵ Supplemental Report, Officer Fishell – Tab 40, p.1 narr and continued onto top of p.2

¹⁶ Supplemental Report, Officer v. Schmitz – Tab 50, p.2 & 3 narratives

¹⁷ Supplemental Report, Det. Cobb – Tab 51, p.2 & 3 narratives

¹⁸ Supplemental Report, Det. Cobb – Tab 52, p.2 & 3 narrative

¹⁹ Supplemental Report, Det. Cobb – Tab 53, p.2 & 3 narrative

²⁰ Supplemental Report, Det. Wheeler – Tab 54, p.2-11 narratives

²¹ Supplemental Report, Det. Sanfilippo – Tab 55, p.1-3 narratives and p. 4 drawing

²² Supplemental Report, Forensic Photographer T. Ellis – Tab 57, p.1-10

²³ Supplemental Report, Det. Lowe – Tab 58, p. 1-12

²⁴ Supplemental Report, Forensic Tech Lane – Tab 59, p. 1-20

²⁵ Supplemental Report, Det. Sanfilippo – Tab 60, p.1 narrative

²⁶ Supplemental Report, Det. Cobb – Tab 61, p2 & 3 narrative

²⁷ Supplemental Report, Officer Mendonca – Tab 62, p.1, narrative

²⁸ Supplemental Report, Det. Cobb – Tab 63, p.2, para 1-5

²⁹ Supplemental Report, Det. Wheeler – Tab 64, p.2 lines 1-42

³⁰ Supplemental Report, Det. Cobb – Tab 68, p.2 para 1-5

³¹ Supplemental Report, Det. Cobb - Tab 70, p.2, para 1-5

³² Department of Justice Forensic Exam Report, Sr. Criminalist Brian Reinarz – Tab 75, p. 1-4

³³ Crime scene photographs, photos of officers and their firearms and aerial photos of the scene - Tab 78