

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: 1/1/2016

FILE NO.: To be added by law enforcement agency

(Crime)

C: ASSAULT WITH DEADLY WEAPON,
245PC

ACTION: ACTIVE/

V: (Victim) John Doe

D: (Date)

(Location)

L: PV Drive and Spoiled Brat Lane

(Suspect)

S: UNKNOWN

(First paragraph establishes statute of limitations and jurisdiction, i.e. time and place)

Par 1. On 1/1/2015 at about 1000 hours I was riding a bicycle in a group of cyclists. The group consisted of: me, Wanker McGee, Wobbles Henderson, Head Down Phred, and several others. The group was travelling west on Palos Verdes Drive North approaching Rolling Hills Road. The group was riding single file in the bicycle lane at about 25 mph. V/ John Doe was the first rider in the group. I was about 3 riders back, about 60 feet behind V/ John Doe.

Par 2. About 400 feet from the intersection of PV Drive North and Rolling Hills Road, the single lane of west bound PV Drive North opens so that on the right side of the lane there is a right hand turn lane. This lane is divided from the standard lane with a series of white dashed lines. For a cyclist to continue northwest on PV Drive North, the cyclist must drive on the line between these two lanes. As V/John Doe was doing so, he passed a line of vehicles on his left (in the non-turn lane of PV Drive North). These vehicles were travelling at about 15 mph. Due to the speed of the traffic, and the speed of V/John Doe he was lawfully overtaking the slower vehicles, as pursuant to 21202(a)(1)VC. One of the vehicles he passed was a large, white, construction truck. The truck had a flat bed, with raised sides. It was hauling construction materials, including a heated tar container. (This paragraph establishes lawful behavior by Victim)

Par 3. About 5 seconds after passing the truck, I heard the truck's engine rev, and it accelerated rapidly. I thought to myself, "This truck is going to try to pass me to get into the right turn lane... Why doesn't he just get into the turn lane now?" I thought this because the truck had plenty of room to enter the turn lane.

Paragraphs 3-7 establish intent. You must establish intent to prove felony assault with a deadly weapon. This means the person intended to commit a battery but something prevented him from doing so. In common parlance, he tried to hit you and failed. You must explain how you knew he was trying to hit you and what caused him to fail.

Par. 4 The truck then accelerated to at least 40mph. [redacted] was now riding on the solid white line that divides the normal lane from the right turn lane. As the truck pulled next to V/JohnDoe [redacted] it swerved towards him, crossing the lane divide by several feet. V/John Doe [redacted] was able to veer into the right turn lane to avoid being struck by the swerving truck. Fortunately for V/John Doe [redacted], there were no vehicles in the turn lane, nor were any vehicles approaching him from behind in the turn lane. If there had been, he would have been struck by them. (Suspect clearly intended to hit him but Doe avoided it by veering.)

Par. 5 Had V/Doe [redacted] not swerved, he would have been hit by the white truck.

Par. 6 There were no obstacles in the road in the path of the truck, nor did any vehicles swerve from either turn lane, causing the truck to swerve. It was clear that the truck had purposely swerved to collide with V/Doe [redacted] resulting in a 245PC with a vehicle. See People v. Golde, 163 Cal.App.4th 101, People v. Russell 129 Cal.App.4th 776, and People v. Wright 100 Cal.App.4th 703. Lays out the facts so that there was no other reason to explain the driver's behavior other than his intent to hit V/Doe.

Par. 7 Immediately after swerving at V/Doe [redacted], the truck corrected back into its own lane and sped off, west towards Crenshaw. V/Doe [redacted] gave chase on his bicycle. I followed V/Doe [redacted] as I feared that the driver of the vehicle might try to attack him again should V/Doe [redacted] catch up to him.

Par. 8 V/Doe [redacted] was able to catch the truck at about PV Drive North and Crenshaw Blvd. He began yelling at the driver of the vehicle. As I caught up to the truck and V/Doe [redacted] the driver of the truck was rolling the passenger side window down. The driver was a male, white, about 35 years old, shaved head and a thick build. He had multiple tattoos on his neck, arms, and hands. I could hear the driver yelling, "You need to drive in the bicycle lane! Fuck you!"

Par. 9 Witness McGee's [redacted] bicycle was equipped with a Garmin Virb video camera. The camera was activated during parts of the bicycle ride. He provided me with a disk containing files VIRB0128.mp4 and VIRB0129.mp4. (Evidence and witness information)

Par. 10 VIRB0128.mp4 is a 12 minute and 3 second file. It depicts the descent down PV Drive East to PV Drive North, and part of the climb up PV Drive North towards Rolling Hills Road. The file ends about 2 minutes before the incident. (Brief description of evidence)

Par. 11 VIRB0129.mp4 is a 2 minute and 15 second file. It begins very shortly after the incident.

Par. 12 At 1:03 in the video, there is a green VW Jetta, Cal lic: 6UIY271, which is directly behind the suspect vehicle. Due to the nature of the one lane road, it is likely that the driver of this vehicle saw the entire incident.

At 1:06 in the video, V/Doe can be seen leaning against the suspect vehicle. He appears to be talking with the driver. The plate of the vehicle is visible. It is California commercial,

At 1:08 the passenger side of the truck is visible. It shows a DOT number: 12345 and the company name: Cage 'N Rage, Inc. An internet search (www.cagenrage.com) shows that Cage 'N Rage is located at 1234 Douchebag Lane, Buena Park, CA 90621. An additional phone number is (714) 111-1111. The logo of the trucks in the video is the same as that on the suspect vehicle.

Investigation continuing.

BY:

APPROVED BY:

ASSIGNED:

