

**FOUR PROBES WERE FIRED DURING THE
MARCH 15, 2008 INCIDENT.**

Officer Temores, Sgt. Powers as well as the Palo Alto Police superiors have asserted that Temores never fired probes from his taser gun.

1. Officer Burger confirms that four taser probes were fire during the incident with the paramedics and Sgt. Powers.
2. Officer Wagner states to the Dispatch that Ciampi was tased twice.
3. Temores testified that Ciampi had a puncture wound to his left arm.
4. The medics at the scene confirm that Ciampi had two puncture wounds, one to his left arm and one somewhere down low on Ciampi's body.
5. Officer Burger stated at the scene that Ciampi was bleeding from the back.
6. There is photographic evidence of a puncture wound to Ciampi's left arm and to Ciampi's buttocks.
7. Officer Burger states at the scene the taser probe in the fence would not have come from his taser gun because he fired at a different angle.
8. Sgt. Powers collects two taser probes with wires attached at the scene and secures into property.
9. The taser probes in property are not attached to wires.
10. Officer Temores is seen removing a taser cartridge and or probes from the scene prior to photographs being taken.
11. Officer Burger is seen holding a third taser probe that is never documented in the police reports and secured into evidence.
12. Police Chief Dennis Burns has stated that Temores' taser cartridge was not secured into evidence and has has been destroyed.

The evidence is that Temores did fire probes from his taser gun. Temores fired probes from his taser gun and this act was not captured on Temores' MAV and Taser camera videos, thus the video footage has been removed. Additionally, Temores' taser gun activation report and data port state that he only discharged electricity one time, thus his activation report has been falsified and his taser gun data port has been tampered with.

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

10 PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 v.
14

15 JOSEPH ANTHONY CIAMPI,

16
17 Defendant.
18

) No. BB833050

) TRANSCRIPT OF BURGER
MAV RECORDING

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C-Ciampi
P-Powers

W-Wagner
H-Honniker

T-Temores
M-Medic

B-Burger
?-Unknown

10:09:50

December 4, 2008 Preliminary Examination Transcript.

27 A. No.

28 MR. BEAUVAIS: Your Honor, at this time, I'd like

HEATHER J. BAUTISTA, CSR, RPR, CRR

101

1 to play the audio of the incident from this officer's MAV
2 unit.

3 THE COURT: Do you have a transcript?

4 MR. BEAUVAIS: I do.

5 THE COURT: And is it a CD or --

6 MR. BEAUVAIS: It's on a CD. It does have video,
7 but it's very boring because the camera is focused down the
8 street.

9 THE COURT: That's fine. So you would like the CD
10 marked as defense next in order?

11 MR. BEAUVAIS: I'd like to ask that we play it
12 first and then mark it.

13 THE COURT: That is fine. And, Counsel, do you
14 stipulate that the playing of the CD need not be
15 transcribed?

16 MR. BEAUVAIS: Yes, Your Honor.

17 MR. ALCALA: So stipulated.

18 If it's okay with the Court, I'm going to share
19 this with the officer as it's played because there's only
20 one copy.

17 C: They've arrested me for nothing.

18 W: Subject in custody tased twice.

19 C: This is totally bull-shit.

20 W: I'm o.k, you guys o.k.

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Wagner asserts that Ciampi was tased twice.

17 B: Does he have any probes in him?

18 T: Ya I think he's got one ---

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Temores' states that he believes Ciampi has a probe lodged in Ciampi's body.

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17 B: Manny got another taser on him in the bushes over here.

18 P: You and Manny both hit him with a taser?

19 B: I shot him first and it wasn't effective and he came at me.

20 P: O.k.

21 B: And then Manny did so there is two taser discharges.

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Burger confirms with Sgt. Powers that Temores fires taser probes from his taser gun.

2
3 P: E.R. the medic van is going to take him
4 H/? You o.k. killer?
5 B: I'm good to go sarge.
6 10:25:54
7 M: Forearm one of the probes.
8 M: Puncture wounds a little bleeding but we cannot find the other one though.
9 C: You gonna 5150 me now, why don't you 5150 me now
10 M: Just be cool. Just relax.

11 12

The medics determine in the presence of Ofc. Burger that Ciampi has puncture "wounds" plural meaning that Ciampi has more than one puncture wound from the probes. Ofc. Burger does not inform the medics that they are wrong.

19 10:27:32
20 M: His left arm bleeding.
21 M: O.k. and down below that is a little puncture wound.
22 M: So someone hit him in the left arm and where else.?
23 M: Down here.
24 M: O.k.
25 10:27:35
26 M: So how many of those things do they shoot out, one?
27 B: I got him once.
28

13

The medics determine determine that Ciampi has a puncture wound to his left arm and somewhere else on Ciampi's body indicating somewhere lower than Ciampi's arm. Ofc. Burger records this on his microphone yet does not state anything to the contrary to the medics, and therefore accepts the medics' findings.

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M: And that shoots one little dart?

B: 2 darts.

M: 2 darts per shot.

B: And then someone else got him.

M: So four darts total, o.k.

M: Do they usually come out?

B: A lot of times when we are rolling round, ya.

M: Are they hooked?

B: Kind of like a little barb?

10:27:57

M: So there were four darts total that were fired.

M: We got two of them,

M: They're not sure where they are?

M: One in the arm that came out.

M: And Three others we don't know if they

?: Disconnect sharply

M: So four darts total.

M: O.K.

The medics verify with Ofc. Burger that FOUR (4) taser probes were fired during the incident.

Ofc. Burger records this onto his MAV recording and does not dispute the number of taser probes that were fired.

14 B: We got an officer going with you.

15 M: Ya coming in the ambulance.

16 M: Only 2 probes hit him.

17 M: 3 shots two probes.

18 M: Each shot 2 probes

19 M: The second time he hit him again.

20 M: So there are only 2 total.

21 M: No one knows where one fell off.

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The medics verify with Ofc. Burger who is recording the medics on his MAV system that TWO (2) probes hit Ciampi. Ofc. Burger's microphone is attached to his body, so Ofc. Burger hears all of this, yet does not make any indications that the medics a incorrect.







PRELIMINARY EXAMINATION TRANSCRIPT

On December 4, 2008 Temores testified that one probe embedded into Ciampi's arm.

12 | cheek and then went over the fence?

13 | A. I'm not sure if it grazed his cheek. I believe one
14 | dart was embedded in his forearm, and the other was embedded
15 | in the fence directly behind him. Therefore, it only had a
16 | partial effect on the defendant.



24 (Wagner calling in Ciampi's identification)
25 B: He's bleeding from the back here. But that's about it.
26
27 10:17:02 (Sgt. Powers exits her vehicle.)

Ofc. Burger makes the comment that Ciampi is bleeding from the back within minutes of Ciampi being shot with the taser probes and not Ciampi's arm.



Ciampi's shorts are bloody which are not seen in the photo, however the blood seeped onto Ciampi's shirt's tail as Ciampi sat on the sidewalk.

