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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

6 Plaintiff Joseph Ciampi, in pro se

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 (SAN JOSE DIVISION)

11 JOSEPH CIAMPI

Case No. C 09-02655 LHK (PSG)

12
13 Plaintiff,

**PLAINTIFF'S REPLY VIA
DECLARATION TO DEFENDANTS'
RESPONSE VIA DECLARATION TO
PLAINTIFF'S MOTION FOR
APPROPRIATE ACTION REGARDING
THE VIOLATIONS OF LAW AND RULES
COMMITTED BY STEVEN A. SHERMAN**

14
15 v.

JUDGE: The Honorable Judge Koh

16 CITY OF PALO ALTO, a government
17 entity; LYNNE JOHNSON, an individual;
18 CHIEF DENNIS BURNS, an individual;
19 OFFICER KELLY BURGER, an
20 individual; OFFICER MANUEL
21 TEMORES, an individual; OFFICER
22 APRIL WAGNER, an individual;
23 AGENT DAN RYAN; SERGEANT
24 NATASHA POWERS, an individual.

**DATE: June 30, 2011
TIME: 1:30 p.m.**

25 Defendants.

- 26 1. I Joseph Ciampi Declare as follows:
27 2. I am the Plaintiff in the above titled action. I live in Palo Alto, California.
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1 3. The facts stated herein are of my own personal knowledge unless otherwise stated
2 based upon Defendants' exhibits, evidence and statements.

3 4. From hereafter I will refer to myself as "I," "me," "my," "Plaintiff," "Plaintiff
4 Ciampi," and "Ciampi."

5 5. I now respond to Defendants' response to Plaintiff's request for appropriate action
6 re violations of law and rules committed by Steven Sherman.

7 Court Document 156 is a Declaration made under penalty of perjury by attorney Steven Sherman
8 submitted to the court to give an account of Plaintiff's allegations.

9 **FIRST ACCUSATION - TASER SERIAL NUMBER:**

10 6. Pg. 3 lines 7 through 10 of DEFENDANTS' RESPONSE VIA DECLARATION
11 TO PLAINTIFF'S MOTION FOR APPROPRIATE ACTION REGARDING THE
12 VIOLATIONS OF LAW AND RULES COMMITTED BY STEVEN A. SHERMAN, Court
13 Doc. 156, Mr. Sherman contends that a flash from the camera caused a reflection on the metal of
14 the label. Since Plaintiff cannot empirically refute that contention, Plaintiff stipulates to the
15 possibility of Mr. Sherman's contention. However the photograph did capture the serial number
16 clearly on October 28, 2010.

17 7. Lines 11 through 12 of pg. 3 of Court Doc. 156, Mr Sherman states that the angle
18 of the photograph taken on December 17, 2010 was different than the one on October 28, 2010.
19 Additionally, Mr. Sherman states that there is no documentation as to the order of which the
20 photographs were taken.

21 8. This can be quickly and simply resolved for on December 17, 2010 Court
22 Videographer Kevin McMahon, (97 E ST. James Street, Suite, 101 San Jose, CA 95112, 408-
23 298-6686), who was retained by Mr. Sherman, documented the entire inspection from beginning
24 to end on approximately 6 DVD's, see Exhibit 622 from the 0:01 mark to the 2:00 minute mark.
25 In fact Mr. McMahon videotaped Plaintiff videotaping the taser camera serial number. In
26 addition Mr. McMahon videotaped the serial number of the taser camera onto Mr. McMahon's
27 own video camera as documented by Mr. McMahon documenting Def. Temores' taser camera
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1 serial number at the 27:00 minute mark of Exhibit 622. It took Mr. McMahon a few seconds to
2 focus in, but like much of the evidence Mr. McMahon documented that day he obtain a clear
3 image of the taser camera serial number. All that Mr. Sherman has to do in order to document
4 the correct date of photographs is to provide the court with the videos they have of the December
5 17, 2010 inspection documenting the missing taser camera serial number.

6 9. The image of the taser camera serial number obtained on December 17, 2010 was
7 not obtained by taking a single photograph nor was a flash used as asserted by Mr. Sherman, it is
8 a still-frame taken from a short video and therefore no flash was used to obtain the image, see
9 Exhibit 631, Mr. Sherman has this documentation on the videos provided to him by Mr.
10 McMahon. Plaintiff provides the two short videos documenting the taser camera serial number
11 from the December 17, 2010 inspection for Mr. Sherman makes no distinction between a
12 photograph and a still-frame taken from a video.

13 10. The question is, since Mr. Sherman has placed much weight on the correct dates
14 of the photographs of the taser camera serial number, why doesn't Mr. Sherman provide the
15 court the videos Mr. Sherman had made for himself by Mr. McMahon in order to clarify which
16 photograph/video still-image was obtained on December 17, 2010?

17 11. Mr. Sherman does not provide any reasonable explanation as to how the serial
18 number disappeared between the two inspection dates. Mr. Sherman does not explain why he
19 was placing a "sticker" on the serial number and removing it. How many times did Mr. Sherman
20 place the sticker on the serial number and remove it in order to cause the serial number to fade
21 during the morning of December 17, 2010? Mr. Sherman has officered to bring in the taser
22 camera to the court for inspection.

23 12. Mr. Sherman fails to explain why he was placing a sticker on the taser camera and
24 removing it? Is he trying to hide something?

25 13. In order to obtain the truth, the court could order Mr. Sherman to provide Mr.
26 McMahons's video documentation of the inspection. In order to obtain the truth, the court could
27 order Mr. Sherman to bring in the taser camera and the stickers Mr. Sherman was applying and
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1 removing so that he can demonstrate for the court how the sticker removed the ink from the taser
2 camera. Since taser camera V07-065373 has already been affected by the process, the court
3 could also order Mr. Sherman and the Defendants to provide an additional taser camera that has
4 an intact serial number in order to document whether or not a sticker will remove the ink from a
5 taser camera serial label.

6 14. Its good to know that Mr. Sherman and the Defendants no longer object to
7 referencing the still-frames from videos as photographs as Mr. Sherman and Defendants did in
8 their Reply To Plt. Opp. To Mot. For Summ. Judg..., Court Doc. 141. Its good to know that Mr.
9 Sherman and the Defendants no longer object to a lay person, Mr. Sherman, pointing to specific
10 images and objects within photographs and drawing a conclusion as admissible evidence as Mr.
11 Sherman and Defs. did in Court Doc. 141. Plaintiff will bring both issues up in Plaintiff's
12 reconsideration and or appeal.

13 **SECOND ACCUSATION - MAV WRITING "DATE OF LAST MODIFICATION:**

14 15. From line 12 of pg. 4 through line 19 of pg. 6 of Court Doc. 156 Mr. Sherman
15 attempts to address Plaintiff's Second Accusation.

16 16. Plaintiff completely understands ad nauseam that when Defendants make a new
17 video of the video the date of modification changes, but that is not what Plaintiff is alleging.
18 Plaintiff specifically requested a copy of the videos that contained the original date of
19 modification of March 15, 2008 which Defendants claimed that they provided to plaintiff when
20 in fact they did not. To emphasize the deception, Mr. Sherman actually had "3/15/08 last
21 modification" written onto the DVD, as documented in Exhibit 52-2 of Court Doc. 55 when that
22 act was not and has not been performed on any of the other DVD's provided to Plaintiff. Why
23 would Mr. Sherman deliberately authorize someone to write the date of last modification of
24 "3/15/08 last modification" onto the DVD when he knew that the actual date of last modification
25 of the video on the DVD was September 3, 2010? Exhibit 52-4 of Court Doc. 55; lines 25
26 through 28 of pg. 4 and lines 1 through 4 of pg. 5 of Court Doc. 156. Additionally the DVD
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1 provided does not contain all of the memory sufficient for it to play the video as all the other
2 videos provided by Mr. Sherman have, see Exhibit 52-3 of Court Doc. 55.

3 **THIRD ACCUSATION - MAVS WITH WATERMARK:**

4 17. From line 12 to line 13 of pg. 7 of Court Doc. 156 Mr. Sherman states in his
5 Declaration under penalty of perjury that, "*I have never contended that the watermark itself is*
6 *proprietary.*" From lines 17 through 19 of pg. 2 of Court Doc. 65 Mr. Sherman states, "At this
7 time, plaintiff's request to receive actual 'original MAV recordings containing the digital
8 watermark' infringes on Kustom Signal's proprietary software and MAV system created for
9 police use."

10 18. The blatant contradiction in Mr. Sherman's own statements cannot be presented
11 any clearer.

12 19. From lines 15 through 22 of Court Doc. 156 Mr. Sherman states that the copies of
13 MAV recordings that contain the watermark are not playable, "As noted above, a watermarked
14 copy of the recordings cannot be made that would allow an individual to view the recordings on
15 a computer or DVD player," lines 15 & 16 of pg. 7 of Court Doc. 156.

16 20. From lines 23 through 26 of pg. 7 of Court Doc. 156 Mr. Sherman states in his
17 Declaration that Plaintiff has been provided copies of the videos that contain the watermark.

18 21. The copies of the videos that Plaintiff has been provided by Brian Furtado are
19 capable of being played on a computer using "Windows Media Player" and "VLC media
20 player." VLC is a media player that can be downloaded from the website,
21 <http://www.videolan.org/vlc/>.

22 22. Since Plaintiff is able to play the recordings that Mr. Sherman contends that
23 Plaintiff should not be able to play, obviously Mr. Sherman and the Defendants are blatantly
24 lying about the ability to play the "watermarked" MAV recordings or Mr. Sherman and the
25 Defendants have not provided Plaintiff copies of the recordings that contain the watermark.
26 Plaintiff provides the court a copy of Defendant ^{Burgess} ~~Temores~~' MAV recording that has the original
27 MPEG file and March 15, 2008 date of last modification that Brian Furtado gave to Plaintiff on
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1 May 3, 2011, Exhibit 630. When Mr. Furtado gave the "watermarked" MAV recordings he
2 refused to run them through the verification program in order to one, document that the
3 watermark was actually on the recordings, and two to verify that the watermark had not been
4 tampered with, as such Plaintiff does not know if Defendants have actually provided the MAV
5 recordings containing the watermark.

6 **FOURTH ACCUSATION -TASER GUN ACTIVATION DATA:**

7 23. Mr. Sherman has spun an elaborate web regarding the taser gun activation data so
8 please bear with Plaintiff as he goes through the tedious task of unwinding the deception laid
9 down.

10 24. In order to establish some of the basic false statements that Mr. Sherman has
11 made it is necessary to establish some very basic facts.

12 25. FACT ONE: The taser gun Data Port retains the last 1,500 hundred firings as
13 documented from Exhibit 522-2 of Court Doc. 133-6.

14 26. FACT TWO: The data retained on the taser gun Data Port cannot be erased as
15 documented from Exhibit 522-3 of Court Doc. 133-6.

16 27. FACT THREE: The data downloaded is secured into .x26 data files that are more
17 secure than a word document as documented from Exhibit 522-4 of Court Doc. 133-6.

18 28. FACT FOUR: Defendant Powers stated during February 6, 2007 Taser Task
19 Force Meeting that the downloaded taser gun activation data is put into a PDF file so that the
20 data cannot be altered, Exhibit 620-4.

21 29. FACT FIVE: The taser gun activation data is recorded and downloaded in a
22 chronological sequential order as documented from Exhibit 522-4 of Court Doc. 133-6.

23 30. A) Lines 7 & 8 of pg. 9 of Court Doc. 156 Steven Sherman states, "*The Taser*
24 *Weapon Summary is a download that goes back to the last recordable date.*"

25 31. Lines 14 through 16 of pg. 9 of Court Doc. 156 Steven Sherman states, "*On*
26 *December 17, 2010, Plaintiff appeared at the police department for an inspection. The taser*
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1 *guns/cameras in question were downloaded and he was provided reports on each. These*
2 *downloads were for the year 2008, only.*"

3 32. From the 10:00 minute mark to the 11:00 minute mark of Exhibit 622 Mr.
4 Sherman and Palo Alto Police Detective Christine Jolin confirm that ALL of the firing data is
5 going to be downloaded from Defendant Burger's taser gun's Data Port. From the 11:50 mark to
6 the 12:00 minute mark of Exhibit 622 all of the data retained on Defendant Burger's taser gun's
7 Data Port is documented as being downloaded. From the 23:50 to 24:00 minute mark of Exhibit
8 622 documents that all the data retained on Defendant Burger's taser gun was downloaded. All
9 of the data retained on Defendants Burger's and Temores' taser guns' Data Ports being
10 downloaded is also documented on Exhibits 623-2 through 623-5 and Exhibits 175 & 177 of
11 Court Doc. 109. From the 19:30 mark to the 20:00 mark of Exhibit 622 Plaintiff verbally
12 documents a total of 89 firing records, (taser activations), retained on Def. Burger's taser gun's
13 Data Port. From the 33:30 mark through the 33:50 mark of Exhibit 622 105 firing records, (taser
14 activations) were found retained on Def. Temores' taser gun's Data Port.

15 33. From the 44:30 mark to the 45:15 mark of Exhibit 622 it is verified that the entire
16 video history log from Def. Temoes' taser camera had been downloaded to the computer during
17 the December 17, 2010 inspection and that this video history log was to be provided to Plaintiff.
18 This video history log contains videos for 2007, not just 2008 as Mr. Sherman has falsely stated.

19 34. Mr. McMahon documented the taser camera downloads on his camera as such
20 Mr. Sherman could provide the court the videos documenting that Defendants Temores and
21 Burger's taser cameras history logs containing the videos from 2007 were downloaded and
22 printed out. Additionally, Plaintiff provides the court with copies of the downloads that include
23 the year 2007 as Exhibits 625-2 and 626-2.

24 35. Mr. Sherman's statement that only the year 2008 taser videos were downloaded is
25 a false statement.

26 36. If there was any data on the taser gun data ports retained from 2007 it would have
27 been downloaded on December 17, 2010. Since the data was not download on December 17,
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1 2010 the data of the 2007 activations are missing from the taser gun Data Ports and or the data of
2 the 2007 activations on the activation reports provided to the court by Mr. Sherman have been
3 deliberately added to the reports to mislead the court and Plaintiff. Either way, Mr. Sherman
4 submitted falsified taser gun activation reports as Exhibits 10 and 11 from court document 125,
5 Mr. Sherman's Declaration in Support for Summary Judgment and now apparently again as Mr.
6 Sherman's Exhibit "1" of Court Doc 156-1. Mr. Sherman has knowingly made a false statement
7 of fact under penalty of perjury.

8 37. B) Lines 16 through 18 of pg. 9 of Court Doc. 156 Mr. Sherman states, "*It is*
9 *important to note that the downloads stop on approximately August 28, 2010, the date Chief*
10 *Burns became aware of Plaintiff's allegations and took the weapons out of service.*"

11 38. The taser guns and taserr cameras were taken into custody and secured into
12 evidence by Defendant Burns on August 29, 2008, not August 28, 2010, Exhibit 621-2. Once
13 returned from the Santa Clara County Crime Lab on December 4, 2008 the taser guns and taser
14 cameras ostensibly remained secured in evidence up to August 20, 2010 when Lt. Sandra Brown
15 examined them, Exhibits 621-3 through 621-6. These photographs were taken on October 19,
16 2010, so the question is why is there no documentation of the taser guns and taser cameras being
17 removed to be downloaded on August 31, 2010 and September 13, 2010? It appears as if
18 someone removed the taser guns and cameras without documenting it onto the property report
19 form, "Palo Alto Police Department Property Procedure 610.5, Exhibit 501-4 of Court Doc. 133-
20 1.

21 39. C) Lines 19 through 21 of pg. 9 of Court Document 156 Mr. Sherman states,
22 "Attached hereto as Exhibit 1 are charts prepared by defense counsel wherein the data *from the*
23 *previously provided weapon summary report is integrated with the downloads of December 17,*
24 *2010. There is one for Officer Burger and one for Officer Temores."*

25 40. Sherman's Exhibit 1 contains data from two different Downloads, December 17,
26 2010 and September 13, 2010. The previous provided weapon summary report that Mr.
27 Sherman provided to the court as Exhibits 10 and 11 of Court Doc. 125 have a Download dates
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1 of August 31, 2010, not September 13, 2010. The Downloads that Mr. Sherman are using in
2 Exhibit 1 are not the same as that he entered into evidence as Exhibits 10 and 11 of Court Doc.
3 125 or that of Defendant Burns' Exhibits 4 and 6 of his Production Set 2 Response.

4 41. On pgs. 2 & 16 of Exhibit 1 of Court Doc. 156-1 in the legend Mr. Sherman
5 states, that the 9/13/10 Document Report is that of the Taser Weapon Summaries Provided in
6 Chief Burn's Production Response as Exhibits 4 and 6. Just one problem with that statement, the
7 Weapon Summaries provided to Plaintiff as Chief Burn's Response have Download Dates of
8 August 31, 2010, not September 13, 2010, Exhibits 624-5 & 6. Additionally, the Weapon
9 summaries sent to Plaintiff as Exhibits 4 and 6 were sent to Plaintiff on September 3, 2010,
10 Exhibits 624-2 through 624-4.

11 42. As documented from the 8:40 mark through the 24:00 minute mark of Exhibit
12 622, the data retained on a taser gun is downloaded and printed out without any external input.
13 The only way to place inaccurate information onto a weapon summary printout is to deliberately
14 change the information. As such Mr. Sherman has no excuse to justify the mistake of placing the
15 wrong download date within his Exhibit number 1 of Court Doc. 156-1.

16 43. D) Lines 22 through 25 of pg. 9 of Court Doc. 156 Mr. Sherman states, "*It is*
17 *quite obvious that when the data from the September 13, 2010, weapon summary is matched up*
18 *with the same sequence from the December 17, 2010, download, the information is identical. The*
19 *only difference is that the December download utilizes military time whereas the summary uses*
20 *Pacific Time.*"

21 44. According to the August 31, 2010 Weapon Summary Log Defendant Temores'
22 Taser gun discharged electricity on January 1, 2008 at 1:24pm, January 2, 2008 at 1:05pm,
23 January 3, 2008 at 1:11pm and January 4, 2008 at 108pm. None of these activations are
24 documented in the December 17, 2010 taser gun download. None of these activation are
25 documented in Mr. Sherman's Exhibit 1 of Court Doc. 156-1. See Exhibit 627-2.

26 45. According to the August 31, 2010 Weapon Summary Log Defendant Burger's
27 Taser gun discharged electricity for the 53 time on January 1, 2008 at 1:17pm and discharged
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1 electricity for the 54th time on January 2, 2008 at 12:58pm. Neither of these activation is
2 documented on the December 17, 2010 weapon summary log of Def. Burger's taser gun.
3 Neither one of these activations is documented on Mr. Sherman's Exhibit 1 of Court document
4 156-1. See Exhibit 627-3.

5 46. Additionally since, Mr. Sherman and the Defendants have pointed to objects and
6 images within still-frames of video footage and entered their observations about those objects as
7 evidence to the court in addition to making assertions concerning taser gun activation data and
8 entering those assertions as well to the court, Defendants and Mr. Sherman who are laymen,
9 cannot object to Plaintiff entering his own observations and assertions to the court regarding he
10 same. Therefore Plaintiff enters Exhibits 627-2 through 627-4 which verify that the weapon
11 summary logs have been falsified and that taser camera footage is missing.

12 47. E) Lines 26 through 28 of pg. 9 of Court Doc. 156 Mr. Sherman states, "*It is*
13 *irrefutable that all information contained in the December 17, 2010, download is contained in*
14 *the Weapon Summary Report provided to both Plaintiff and the Court. Plaintiff's allegation of*
15 *misconduct is again misplaced.*"

16 48. It is clear that Mr. Sherman has once again submitted falsified Weapon Summary
17 Logs to the court. Not only are the Logs missing activation data, but once again they are not in
18 chronological order contradicting the taser gun Data Port manual, See Exhibit 522-2 through 16
19 of Court Doc. 133-6.

20 **To Summarize:**

21 49. Mr. Sherman has submitted taser gun Weapon Summary Logs as (Exh. 1),
22 claiming them to be identical to the ones he submitted to the court as (Exhs. 10 & 11; ct. doc.
23 125) when they are not. Mr. Sherman has stated that only the 2008 taser guns' and taser
24 cameras' Logs were downloaded on December 17, 2010, this is a false statement.

25 50. Plaintiff has proved that the 2007 taser camera video logs were downloaded and
26 all of the activation data retained on taser guns' Data Ports were downloaded which would have
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1 included any activations from 2007. No taser gun activations from 2007 were presently retained
2 on the taser gun data ports on December 17, 2010.

3 51. Contrary to Mr. Sherman's assertion, Plaintiff has proven that taser gun activation
4 data is missing from the December 17, 2008 taser gun weapon summary logs when compared to
5 Mr. Sherman's and Def. Burns' taser gun weapon summary logs.

6 52. With the aid of the Defendants, Mr. Sherman has once again submitted falsified
7 taser gun Weapon Summary Logs, (activation data) to the court in order to cover up his and Def.
8 Burns' previously submitted falsified Weapon Summary Logs.

9 53. Mr. Sherman has verified that still images from videos are technically
10 photographs. Mr. Sherman has identified objects in those photographs and compared those
11 objects in one photograph to that of another photograph. Mr. Sherman has entered weapon
12 summary logs, (reports) identifying specific data within those reports and providing his opinion
13 as to the accuracy of the data within those reports.

14 54. Plaintiff Ciampi provided the court with the identical evidence as Mr. Sherman
15 has in Plaintiff's Opposition to Defs. Mot. for Summ. Judg. and drawing and submitting
16 conclusions just as Mr. Sherman has.

17 55. Mr. Sherman considers himself a layman. Mr. Sherman objected to Plaintiff
18 providing the exact same evidence to the court and drawing conclusion on that evidence which
19 Mr. Sherman himself has submitted to the court and concluded because citing that Plaintiff is a
20 layman.

21 56. The court rejected Plaintiff's evidence agreeing with Mr. Sherman's objections.
22 Mr. Sherman has completely contradicted himself when it comes to the expertise necessary to
23 submit evidence to the court and draw conclusions on that evidence. Plaintiff respectfully
24 requests that the court disregard Defendants' and Mr. Sherman's objections cited in Court Doc.
25 141 and reassess the merits of the facts cited in Plaintiff's Opposition to Summary Judgment.

26 **FIFTH ACCUSATION – IMMUNITY:**
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1 57. Plaintiff rescinds this allegation due to the courts ruling on Motion for Summary
2 Judgment, Court Doc. 155.

3 **SIXTH ACCUSATION - POCK MARKS:**

4 58. Mr. Sherman has failed to address his false statement. It is irrelevant as to
5 whether Mr. Ciampi has acknowledged the existence of a skin condition or not that results in
6 sores and scarring. The fact is Plaintiff has never used the term and would never use the term
7 "pock-marks," or the even the correct spelling of "pockmarks" which Mr. Sherman fails to do
8 revealing his lack of understanding of the subject matter. Mr. Sherman has not produced any
9 documentation or record in which Plaintiff has "stated" that the sores and or scars on his skin are
10 pockmarks, as such when Mr. Sherman states that Plaintiff "stated" that he has pockmarks, that
11 is a false statement made by Mr. Sherman.

12 59. From line 24 through 26 of pg. 10 of Court Doc.156 Mr. Sherman cites the 1988
13 edition of Webster's New World Dictionary, Third College Edition 1988, to obtain the definition
14 of what a pockmark is in which Mr. Sherman states, "*pock mark*" as "*1) a scar or pit in the skin*
15 *left by a pustule, as of small pox. 2) any pit or mark suggestive of this,*" as such Mr. Sherman has
16 verified that pockmarks are not the result of drug use and therefore Defendants cannot use the
17 sores on Plaintiff Ciampi's skin as a justification to detain Plaintiff for being under the influence
18 of drugs.

19 60. In light of this new acknowledgement by the Defendants and their attorney
20 submitted one day after the court's ruling on the Motion for Summary Judgment, Plaintiff
21 requests that the court remove this portion of their argument and reconsider Plaintiff's
22 Opposition to Defs.' Mot. for Summ. Judg. regarding the 4th Amendment violation.

23 61. It should be noted that Plaintiff provided the court Plaintiff's medical records
24 documenting Plts.' skin condition over several years as Exhibit 60 of Court Doc. 55. Plaintiff
25 released these and more medical records from the medical facility directly to Mr. Sherman and
26 the Defendants due to their subpoena request. Medical doctors, experts referr to Plaintiff's skin
27 condition as, excoriations, folliculitis, prurigo nodules, hypopigmented macules, and scars on
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1 chest, upper back and arms. Not once do the experts refer to Plaintiff's skin conditon as the
2 result of drug use and not once do the experts describe Plaintiff's skin condition by calling it,
3 "pockmarks."
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5 62. Lines 8 through 10 of pg. 11 of Court Doc. 156 Mr. Sherman states, "*The hostility*
6 *in Plaintiff's response was so unexpected by Officer Temores that he immediately tried to assess*
7 *whether something else could be fueling the anger.*"

8 63. Plaintiff's righteous indignation was the result of being repeatedly berated by Def.
9 Wagner that Plaintiff was violating a non-existent ordinance even though Plaintiff knew he was
10 not and informed the Defs. Wagner and Temores that there was no ordinance but refused to
11 listen to Plaintiff or even verify Plaintiff's assertion but instead informed Plaintiff that they were
12 going to tow Plaintiff's vehicle for violating the non-existent ordinance prior to Plaintiff exiting
13 the vehicle which is empirically verified by Defendants' own falsified recordings and statements
14 and therefore is not disputable fact, as such Defs. Temores and Wagner knew full well the cause
15 of Plaintiff's reaction which was not the result of drug use.

16 64. If you step on a sleeping dog's tail and get bit, you cannot turn around and say
17 that you don't know why you got bit or blame the dog for being bit because there is something
18 wrong with the dog which is exactly what the Defendants argue in their Motion for Summ. Judg.
19 Given this axiom, the court should deny Defs.' justification that Plaintiff was upset as a result of
20 drug use

21 **SEVENTH ACCUSATION - CAL PENAL CODES 834 & 834(a):**

22 65. According to Mr. Sherman's logic, (pgs. 12, 13 & 14 of Court Doc. 156), if a
23 peace officer is torturing a citizen with electricity, just because the peace officer has arrested the
24 citizen lawfully or unlawfully, the citizen has to endure the electrical torture even to the point of
25 death. According to Mr. Sherman, whenever a peace officer decides to detain a citizen, the
26 peace officer can beat that citizen to death with his fists and the citizen who is being beaten to
27 death cannot resist and only seek a redress, "through the orderly judicial process," from the
28 grave. Lines 11 through 17 of pg. 14 of Court Doc. 156.

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66. According Mr. Sherman if the person in the video at this link, http://www.youtube.com/watch?v=n_7WdTMsxIw, were to be perpetually tasered by the officer he would not be able to defend himself, he would have to allow the officer to shock him indefinitely remaining motionless even to the point of death.

Contrary to Mr. Sherman's assertion it is he who is mistaken, California Penal Codes § 692 & § 693 state:

PC § 692. Lawful resistance to the commission of a public offense may be made:

1. By the party about to be injured;
2. By other parties.

PC § 693. Resistance sufficient to prevent the offense may be made by the party about to be injured:

1. To prevent an offense against his person, or his family, or some member thereof.
2. To prevent an illegal attempt by force to take or injure property in his lawful possession.

67. Coupled with the United States 14th Amendment which guarantees all citizens equal protection of the law, no citizen has to sit motionless while a fellow citizen wearing a badge beats the citizen without the badge to death.

68. Additionally, ARTICLE 1 SECTION 1 OF the California Constitution states: *"All people are by nature free and independent and have inalienable rights. Among these are enjoying and **defending life and liberty**, acquiring, possessing, and **protecting property**, and pursuing and **obtaining safety, happiness, and privacy.**"*

69. If a citizen allows a peace officer to beat him to death the damage is irreparable and denies the citizen the ability to seek restitution through the judicial process for the citizen no longer exists. As such Mr. Sherman's case law is an illogical and merit-less foundation.

"Injustice fights with two weapons, force and fraud..

A common form of injustice is chicanery, that is,

1 *an over-subtle, in fact a fraudulent construction of the law."*

2 *Cicero - On Moral Duties*

3 *"Government is instituted to protect property of every sort;*
4 *as well that which lies in the various rights of individuals,*
5 *as that which the term particularly expresses.*

6 *This being the end of government,*
7 *that alone is a just government which impartially secures to*
8 *every man whatever is his own."* James Madison

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10 70. *"The house of representatives can make no law which will not have its full*
11 *operation on themselves and their friends, as well as the great mass of society. This has always*
12 *been deemed one of the strongest bonds by which human policy can connect the rulers and the*
13 *people together. It creates between them that communion of interest, and sympathy of*
14 *sentiments, of which few governments have furnished examples; but without which every*
15 *government*
16 *degenerates into tyranny."* James Madison

17 71. As is clearly laid out by one of America's founding fathers, the inalienable rights,
18 the laws and or immunities apply to all citizens equally whether the citizen be a Congressman, a
19 peace officer or a street sweeper.

20 **EIGHT - 911 CALL FOR SERVICE:**

21 72. Plaintiff finds Mr. Sherman's explanation lacking credibility. When an electronic
22 file is being copied from one medium, (storage/memory device) to that of another it takes time
23 for the file to transfer. It is believed by Plaintiff based upon extensive experience, (as the court
24 can attest to), when transferring an electronic file if the specific electronic file is not completely
25 transferred from one memory device to that of another before the transfer process completes
26 none of the information will be transferred. As such, either the complete file with all of the
27 information is transferred, in this case the audio recording, or absolutely none of the information,
28 in this case none of the audio recording is transferred. Given Mr. Sherman's explanation to the

1 court there should not have been any audio on the recording that was submitted to the court.
2
3 And given Plaintiff's experience, the only explanation as to why the court would have received
4 only an incomplete recording of the "911 call" would be by the deliberate act of making a shorter
5 recording and then saving it to a memory device and then providing this knew shorter recording
6 to the court.

7 **NINE - CONSPIRACY:**

8 73. Instead of focusing on the facts, which have now revealed that Mr. Sherman has
9 submitted two new falsified taser gun Weapon Summary Logs with the aid of the Defendants to
10 cover up his and Def. Burns' former falsified taser gun Weapon Summary Logs submitted to the
11 court Mr. Sherman focuses on information entirely irrelevant to the case at hand to deflect the
12 attention off of himself and onto Plaintiff. Plaintiff so adamantly objects to the Mr. Sherman's
13 statements and information Plaintiff will not address Mr. Sherman's false allegations.

14 74. Plaintiff will state the following by way of analogy. There is a person who has an
15 enormous amount of wealth and who also possesses life saving medicines, yet this person refuses
16 to provide those life saving medicines to a few people who need it simply because they cannot
17 afford it even though doing so would cause virtually no financial loss to the wealthy person. The
18 wealthy person simply refuses to provide life saving medicine because he has no concern for his
19 fellow man whom he thinks is of less value than himself. This wealthy person happens to be
20 subjected to public scrutiny due to employment status. Should the wealthy person's immorality
21 not be exposed? Doesn't good investigative journalism, (The First Amendment), expose the
22 immorality and corruption of public officials.

23 75. Mr. Sherman is only presenting one side of the facts, and when all the facts are
24 revealed it conveys a much different picture. Mr. Sherman is at is best presenting factually
25 wrong and mis-information in order to get those fallacies to stick in the minds of the
26 unperceiving; for instance how many times has Mr. Sherman falsely stated in his briefs that
27 Plaintiff was parked in front of the reporting party's house (on Ramoana St.), compared to the
28

1 number of times when he accurately stated that Plaintiff was parked next to a six foot tall
2 residential fence and seven to eight foot tall privacy hedge (on Lincoln Ave.)?

3
4 76. I'm certain that Mr. Sherman takes pride in being an adherent to the Joseph
5 Goebbels' philosophy in applying the tactic of, "If you tell a lie big enough and keep repeating it,
6 people will eventually come to believe it."

7
8 77. As far as people like the wealthy person denying life saving medicine to a dying
9 patient, instead of debating the merits of his position when confronted by open criticism, he
10 utilizes his position of power to cower from public scrutiny and squash those who desire an open
11 debate.

12
13 78. There is a saying, "*Everyone who does evil hates the light, and will not come into
14 the light for fear that their deeds will be exposed. But whoever lives by the truth comes into the
15 light, so that it may be seen plainly that what they have done has been done in the sight of God*"

16
17 79. Elsewhere it is said, "*For there is nothing hidden that will not be disclosed, and
18 nothing concealed that will not be known or brought out into the open*"

19
20 80. Actually I take Mr. Sherman's criticism as a compliment for attempting to do
21 everything to reveal truth and very telling of Mr. Sherman's character. During the October 20,
22 2011 Deposition, Mr. Sherman stated, "Personally I think the military is a great opportunity for a
23 lot of people. I wish my son would go into the military, except not right now, because -we're in a
24 war, so—but before it was—it was better." Appx. pg. 31` Lines 20 through 23 of the Deposition
25 transcript.

26
27 81. **BELOW FROM THE OCTOBER 20, 2010 DEPOSITION TRANSCRIPT:**

28
(Pages Approximate)

From Page 200

Sherman: I'm going to really make it obnoxious for you. "Assuming God came down, and God
said, "These videos have not been altered," okay, the MAV video. Would then it seem
reasonable to you that the taser videos have not been altered?"

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Ciampi: That's –it's still speculative. I can't – you know, it's a hypothetical question, you know.

Sherman: It is.

Ciampi: Yea.

Sherman: But assuming those facts.

Ciampi: I can't answer that question, because it's not what happened.

Sherman: And I appreciate that, and I understand that. I guess my question is better asked, since everything seems to flow –

Ciampi: Unbelievably so yes.

Sherman: Unbelievably so from your perspective. But from my perspective, since everything seems to flow, if – and I'm not saying it is, I'm – hypothetically, if the MAV videos have not been altered, and God comes down himself and says, "These videos have not been altered," would it stand to reason that the MAV videos – that the taser videos also have not been altered."

From Page 201

Ciampi: God saw everything, and – he's not going to say that.

Sherman: But if he did, would that make sense?

Ciampi: He wouldn't. He wouldn't if.

Sherman: But hypothetically if he did.

Ciampi: He wouldn't hypothetically.

Sherman: All I'm trying to – let me – let me try it this way. Will you –

Ciampi: I'm not going to go there. I mean, because it is what it is, and –

Sherman: I agree with that statement.

From Page 202

Ciampi: So reasoning would deduce that to that they would also remove the same footage from the MAV that they removed from the taser video.

1 Sherman: Okay. Let me ask it your way. If God came down and said, “oh, these taser
2 videos have not been altered” –

3 Ciampi: He wouldn’t do that.

4 Sherman: I know. Hypothetically speaking. Hypothetically speaking, not facts, not your
5 beliefs, not your –

6 Ciampi: But this is supposed to be about facts.

7 Sherman: Well, but I’m also entitled to ask you hypothetical questions without – and if you
8 can’t answer them, then please, then you can’t answer them, and you, you know –

9 Ciampi: Okay.

10 **From Page 203**

11 Sherman: I don’t want you. But assuming – it’s sort of like when I made the representation
12 to you about, you know, a judge most likely ordering you to answer the question about school
13 and basic stuff, that is just – you know, it’s me saying trust me on this one. But that was reality.

14 Sherman: What I’m now asking you about is not what you believe to be reality, so it’s a
15 made-up question. It’s a – it’s a what if, what if, what if type question. That’s why it starts off
16 with “hypothetically speaking.” It’s not reality as far as you’re concerned, but hypothetically
17 speaking, made-up question. If the MAV – I’m sorry. I want to do it your way.

18 Sherman: If the taser videos have not been altered, would it also not seem unreasonable that
19 the MAV videos have not been altered, because they all have to be altered, right?

20 Ciampi: Well, they all are. Excuse me. They all are altered, yes.

21 Sherman: According to you they have to be, otherwise one – they would not match, correct?
22 They would not flow.

23 Ciampi: Correct.

24 Sherman: Okay. I’ll be happy with that answer, because I think that’s all we’re going to be
25 able to get,

26 **From Page 204**

1 Sherman: Because you – God is not going to come down, and you’re not going to believe
2 God even if he did.

3 Ciampi: Oh, I believe God, yeah. He saw everything.

4 Sherman: Okay. Good.

5 Ciampi: One day we will all see that recording.

6 Sherman: Probably.

7 **END OF TRANSCRIPT**

8 **TENTH ACCUSATION- Harper v. City of Los Angeles Verdict v. Appeal:**

9 82. Plaintiff reiterates statements made on pgs. 2 & 3 of Court Doc 153 related to
10 accusation number 10.

11 **ELEVENTH ACCUSATION - Failure to argue Harper v. City of Los:**

12 83. Plaintiff reiterates statements made on pgs. 3 of Court Doc 153 related to
13 accusation number 11.

14 **TWELFTH - Temores’ MAV Recording exchanged with DA’s Merged Version:**

15 84. Plaintiff reiterates statements made on pgs. 3 through 5 of Court Doc. 153 related
16 to accusation number 12. Additionally Plaintiff will bring his copy of Defendant Temores’
17 MAV recording, Exhibit 4 of Court Doc. 125 to the June 30, 2011 hearing for verification by the
18 court.

19 **THIRTEENTH ACCUSATION – COURT ORDERED DEADLINE TO PROVIDE MAV**

20 85. ¶ 6. of Boggs’ Declaration, Court Doc. 157, “*Plaintiff misleads this Court by*
21 *referencing a printout for over two years ago (9/25/2008) where Ms. Hoang “[e]xported*
22 *Temores’ MAV recording that recorded the March 15, 2008 incident from the MAV server.”*
23 *([Supplemental] Plaintiff’s Requesting Appropriate Action, page 6, lines 3-7).”*

24 86. The printout documenting the Video History was generated on October 19, 2010
25 not two years ago.

1
2 87. ¶ 8. Boggs' Declaration, Court Doc. 157 Ms. Boggs states, "*Plaintiff Ciampi*
3 *further alleges, within subsection A, that on October 28, 2010, Brian Furtado allegedly stated*
4 *“that the hand writing on the labels was not his and could be Dacia Tavares or Terri Hoang*
5 *who created the MAV recordings...” does not exclude the fact that the copies being ordered by*
6 *the court were to be ones in the same format that were sent to Warren Page.* The only person
7 able to know what was sent to Warren Page, since he had the interaction with Mr. Page, and
8 able to ensure that the download was in compliance with the Court's order, was Mr. Furtado."

9 88. ¶ 15. Boggs' Declaration, Court Doc. 157 Ms. Boggs states, "*It appears that*
10 *Plaintiff Ciampi is mixing apples and oranges when he inquires as to who is capable of making*
11 *MAV recordings when Mr. Furtado is out of the office. The MAV recordings used to be within a*
12 *system that required the MAV recorder to be taken out of the vehicle and downloaded. The*
13 *current system allows for the daily MAV recordings to be downloaded straight into the server.*
14 *That is completely separate from making a “copy” of that recording to be utilized by a court or*
15 *in a court proceeding such as litigation. Or in this case where an order required that the*
16 *downloaded information be in the same format as what was previously received by Warren*
17 *Page.”*

18 89. Ms. Boggs is correct in that the PAPD has a new system, an Ethernet cable, to
19 load the MAV recordings from patrol cars onto the MAV server than they did when the March
20 15, 2008 incident occurred for then they used removable hard drives. However Ms. Boggs is
21 incorrect with regards to a new process by which to export a MAV recording from the MAV
22 server to a DVD.

23 90. It is really straight forward. Plaintiff witnessed Mr. Brian Furtado export the
24 MAV recordings from the MAV server to the computer's hard drive. The MAV Server,
25 "Digital Eyewitness Media Manager or (DEMM)," retains and manages the MAV recordings.
26 When a copy of a MAV recording is needed, the recording must be exported from the MAV
27 server to the computer's hard drive and or possibly directly to a DVD which is what Terri Hoang
28 is documented as doing in Plaintiff's Exhibit 608-2 of Court Doc. 153. There is no difference in

1 the system between 9/25/2008 and 10/19/2010 when the Video History Log was printed out.
 2 This initial exported copy of a MAV recording to the computer's hard drive has the original
 3 MPEG files and the watermark and the original "date of last modification." This is or should be
 4 what Mr. Warren Page at Kustom signals received.

5 91. Nothing else has to be done to the MAV recording with the exception of
 6 transferring the video file to a DVD which Palo Alto Police Detective Christine Jolin
 7 demonstrates the ability to perform such a task, see Exhibit 622. A person would have to be
 8 completely ignorant and devoid of logical reasoning to believe that Mr. Furtado is the only
 9 person is the entire Palo Alto Palo Department capable of creating the DVD's for Plaintiff.

10 92. To demonstrate the simplicity of making a copy Plaintiff provides the court
 11 Exhibit 631 which is a copy of Def. ~~Fernandes~~^{Bussard's} MAV recording created on the original MPEG file
 12 provided to Plaintiff by Brian Furtado May 3, 2011 which contains the original date of last
 13 modification and ostensibly the watermark. Plaintiff took the PAPD issued DVD, (call it the
 14 MAV server), and exported the MPEG video file to computer's hard drive. The Plaintiff
 15 exported the video file from the computer hard drive to a DVD which is Exhibit ~~631~~⁶³⁰.

16 93. Mr. Furtado could have called in from wherever he was at on vacation and
 17 instructed Christine Jolin on how to create a MAV recording. In fact, Plaintiff knows that if Mr.
 18 Furtado were to provide Plaintiff accurate instructions over the phone from wherever he was at
 19 on vacation, Plaintiff could have made the copies of the MAV recordings containing the MPEG
 20 files and watermark in less than an hour.

21 94. Ms. Boggs, Mr. Sherman and the Defendants fail to explain the obvious, who
 22 created the MAV recordings for the court while Mr. Furtado was away on vacation? It takes
 23 more steps and more knowledge to create a copy of a MAV recording in the playable format that
 24 does not contain a watermark than it does to create one that does have a watermark.

25 95. Who is going to create the MAV recordings for the court if Mr. Furtado suddenly
 26 became incapacitated due to a lengthy illness and could not even instruct someone on how to
 27 make the recordings?
 28

1 96. It is true that Brian Furtado has been the liaison in sending the MAV recordings to
2 Warren Page at Kustom Signals, however that is not a justification to refuse to comply with a
3 Court Ordered deadline when other Department Personnel have the ability to produce the MAV
4 recording ordered by the Court. It is blatantly apparent that the Defendants and their attorney's
5 do not want anyone other than Brian Furtado to create the MAV recordings, but why? Are they
6 hiding something?

7 **SUMMARY:**

8 97. Plaintiff has established that Defendants and their attorney have altered taser gun
9 weapon summary reports. Plaintiff has also established that video footage from Def. Burger's
10 taser video is missing. Given this development, it is clear that Defendants have unlawfully
11 obstructed Plaintiff's right to pursue and obtain the true facts and Discovery related to the matter
12 before the court. The Defendants' and their attorneys' actions have had the direct effect in
13 misleading the court and subsequent decision of the court regarding the Motion for Summary
14 Judgment. Therefore in the interest of justice the court should vacate its May 11, 2011 Order for
15 Summary Judgment.

16 98. Two days after the court made its ruling on Summary Judgment Defendants and
17 Mr. Sherman acknowledge that still-frames from a video are essentially a photograph.
18 Two days after the court made its ruling on Summary Judgment, Defendants and Mr. Sherman,
19 enter into evidence their observations of images on photographs. Two days after the court made
20 its ruling on Summ Judg. Defs. enter into evidence taser download data and make specific
21 analysis and observations of the data in doing so. Defendants and Mr. Sherman are laymen when
22 it comes to this data according to their legal logic which prompted them to object to Plaintiff's
23 evidence denying Plaintiff the opportunity present the the evidence to the triar of facts. Given
24 that Defendants' and Mr. Sherman no longer object to the evidence the literally two days after
25 the court made its ruling without using Plaintiff's evidence, the court has a duty to correct the
26 contradiction of the Defendants and Mr. Sherman by re-evaluating the Motion for Summary
27 Judgment utilizing Plaintiff's evidence.
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99. Two days after the court made it's ruling Defendants acknowledge that pockmarks are not caused by drug use. Defendants are contradicting their articulable facts that they presented to the court to justify detaining Plaintiff. Therefore the court should re-evaluate the court's decision on Summary Judgment in light of the knew evidence.

100. Attached hereto as Exhibit "620" is a true and correct of the web minutes from the February 6, 2007 City of Palo Alto Taser Task Force meeting.

101. Attached hereto as Exhibit "621-2" is a true and correct copy of an internal Palo Alto Police Continuation report documenting the securing of taser gun, taser cameras and a computer CPU into evidence.

102. Attached hereto as Exhibits "621-3 through 621-6" are true and correct photographs of the evidence boxes containing Defendants' Temores' and Burger's taser guns and taser cameras.

103. Attached hereto as Exhibit "622" is a video that captured approximately one hour of the December 17, 2010 inspection in the Palo Alto Police Department. (Use Quick Time Player or VLC Media Player to play)

104. Attached hereto as Exhibit "623" are true and correct copies of photographs and printouts of the Defendants Temores' and ~~Wagner's~~^{BURGER'S} weapon summary logs.

105. Attached hereto as Exhibit "624" is a true and correct copy of response by Defendant Burns to a Discovery request and Defendants Temores' and Burger's weapon summary logs.

106. Attached hereto as Exhibit "625" is a true and correct copy of a portion Defendant Burger's taser camera video history log.

107. Attached hereto as Exhibit "626" is a true and correct copy of a portion Defendant Temores' taser camera video history log.

108. Attached hereto as Exhibits "627-2 and 627-3" is a true and correct analysis of Defendants' Temores' and Burger's taser guns' weapon summary logs.

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109. Attached hereto as Exhibits "627-4 and 627-5" is a true and correct analysis of Defendant Burger's taser gun's Data Port, weapon summary logs and taser camera video footage.

110. Attached hereto as Exhibit "630" is a copy of Defendant ~~Temoros~~^{Burger's} MAV video containing the MPEG file and original date of modification and ostensibly the watermark.

111. Attached hereto as Exhibit "631" is a short video that recorded the Defendant Burger's taser camera serial number V07-065373 on December 17, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of May 2011, in Palo Alto, California.



Declarant

EXHIBIT 620

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http://www.cityofpaloalto.org/civica | Search Google

Ask Y! WEB SEARCH

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http://www.cityofpaloal... Page Safety

1 / 9 45% Comment



City of Palo Alto Taser Task Force

Art Center, Meeting Room
1313 Newell Road
Palo Alto, CA 94303
February 6, 2007

Members Present

Michael Gennaco, Chair	Linda Lenoir
Jay Boyarsky	Donald Mendoza
Dennis Burns	Daryl Savage
Enoch Choi	Janet Wells
Gary Goodman	Josh Zweback
Jack Hamilton	

Introduction

Chair Michael Gennaco called the meeting to order at 6:05 p.m. and introduced task force members Dr. Enoch Choi (who participated by phone on January 29th) and Janet Wells (who was absent on January 29th).

Janet Wells is the past president of the NAACP and is very active in the community.

Review / Acceptance of Minutes from Last Meeting

Mr. Gennaco reminded everyone that the minutes are not verbatim, only a sense of the topic. Members were asked if there were any amendments to the minutes of January 29th.

Mr. Mendoza thought that members of the public were able to speak for five minutes rather than the three minutes noted and that the three minutes applied to future meetings. Mr. Gennaco clarified that since the meeting had run late and there were 15 speakers, the time limit was reduced to three minutes but not strictly enforced.

Dr. Choi corrected that he is an eight-year resident of Palo Alto, not nine.

620-2

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6 / 9 45% Comment

Sergeant Powers spoke about the Department's current use of force policy and that it requires all uses of force be documented. Mr. Boyarsky asked about Palo Alto only having eight uses of force incidents and that that doesn't make sense in

Taser Task Force Meeting Minutes
February 8, 2007

Page 3 of 8

that he knows in reading police reports that force on officers has occurred more than eight times. He also asked if we only have eight incidents then why does the Police Department need another tool. Sergeant Powers responded that force is often used any time an arrest is made and officers are required to document the force used in a crime report. Supervisors must document use of force in a separate report when there is a complaint of pain, visible injury, if OC, pepper ball, SageCo, ASP or carotid restraint are used and if a canine bite during apprehension occurs. Sergeant Powers said the "eight" refers to these scenarios and do not include taking someone to the ground or all arrests. Mr. Boyarsky asked if the Police Department might see an increase in uses of force with tasers and Chief Johnson responded there is the potential of an increase, but studies show that when officers show the taser, the suspect will usually comply. She also said that the tasers do not change the ability to go hands-on, but they are one more tool available to the officers.

Sergeant Powers explained that use of force reports are reviewed by a board in order to identify training needs or when they reveal a conflict in policy.

Sergeant Powers said tasers are not a traditional pain compliance tool, which means tools whereby the application of pain achieves compliance. She also spoke about the effects of the tasers and possible side effects. Sergeant Powers provided a list of Santa Clara and San Mateo County agencies who do and do not have tasers (included in PowerPoint handout).

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Comment

Sergeant Powers displayed the taser model with a camera. A cycle can be terminated and information is downloaded when used. Ms. Savage asked that if a cycle is five seconds can it be stopped before the five seconds and Sergeant Powers responded yes. Sergeant Powers explained that tasers work on muscle mass - the more muscle, the more effective it is. She said that 50,000 volts does not go through the body and only 1,200 volts goes through the muscle and it is not additive per application. The taser camera has both video and audio capabilities. The benefits of the taser camera are accountability, video evidence, factual reference for report writing, assist in investigation of officer-based complaints, corroborate officers' statements and identify training and policy issues. Mr Goodman asked if the taser would still work if the hand is covering the camera and Sergeant Powers responded yes. Sergeant Powers said the downloaded information is put into PDF format so it can't be altered and there will be a quarterly audit of each taser unit. Ms. Savage asked to whom the reports will go to and Chief Johnson responded that reports would be provided to the Council and HRC.


Due to the time, questions will be held until the next meeting

Discussion Re Proposed Operational Plan / Timetable to Accomplish Goals

EXHIBIT 621

REPORT TYPE/CLASSIFICATION Case Type Battery on a Peace Officer	SUPPLEMENTAL REPORT PALO ALTO POLICE CONTINUATION	CASE NUMBER Case Number 08-1777
---	---	---

1
 2 **REPORT:** On 28 August 08, I spoke with DDA D. Medved who advised that the defense
 3 attorney in this case alleged that the digital video from the TASERS had been altered. On 29
 4 August 08, I obtained the TASERS and TASER Cameras from Officer Ternores (serial number
 5 XOO-292417) and Officer Burger (serial number XOO-292463). Also on 29 August 2008, I
 6 contacted the City of Palo Alto's Information Technology Division and requested that the CPU
 7 that stores our TASER digital video downloads be copied and that I receive the original CPU.
 8 Later that day, David Chu from IT disconnected the CPU (HP, serial number 2UB4240551) and
 9 transferred it to me. These items remained in my office under lock and key until 12 September
 10 2008 when I completed evidence sheets documenting these items and presented them to PAPD
 11 Evidence Technician Brad Herran over the counter. I requested that the items be delivered to
 12 Mr. John Bourke at the Santa Clara County Crime Lab.
 13
 14
 15 **RECOMMENDATIONS:** None
 16

OFFICER'S NAME Officer's name D. Burns	DIAGRAM	DATE 9/12	OFFICER'S SIGNATURE 	REVISIONS 41	DATE 9/12	PAGE 2
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241

SANTA CLARA COUNTY CRIME LABORATORY
 1887 Barger Drive • Santa Clara • San Jose, CA 95128 • (408) 942-1200

Santa Clara County Crime Lab



EVIDENCE SUBMISSION LABEL

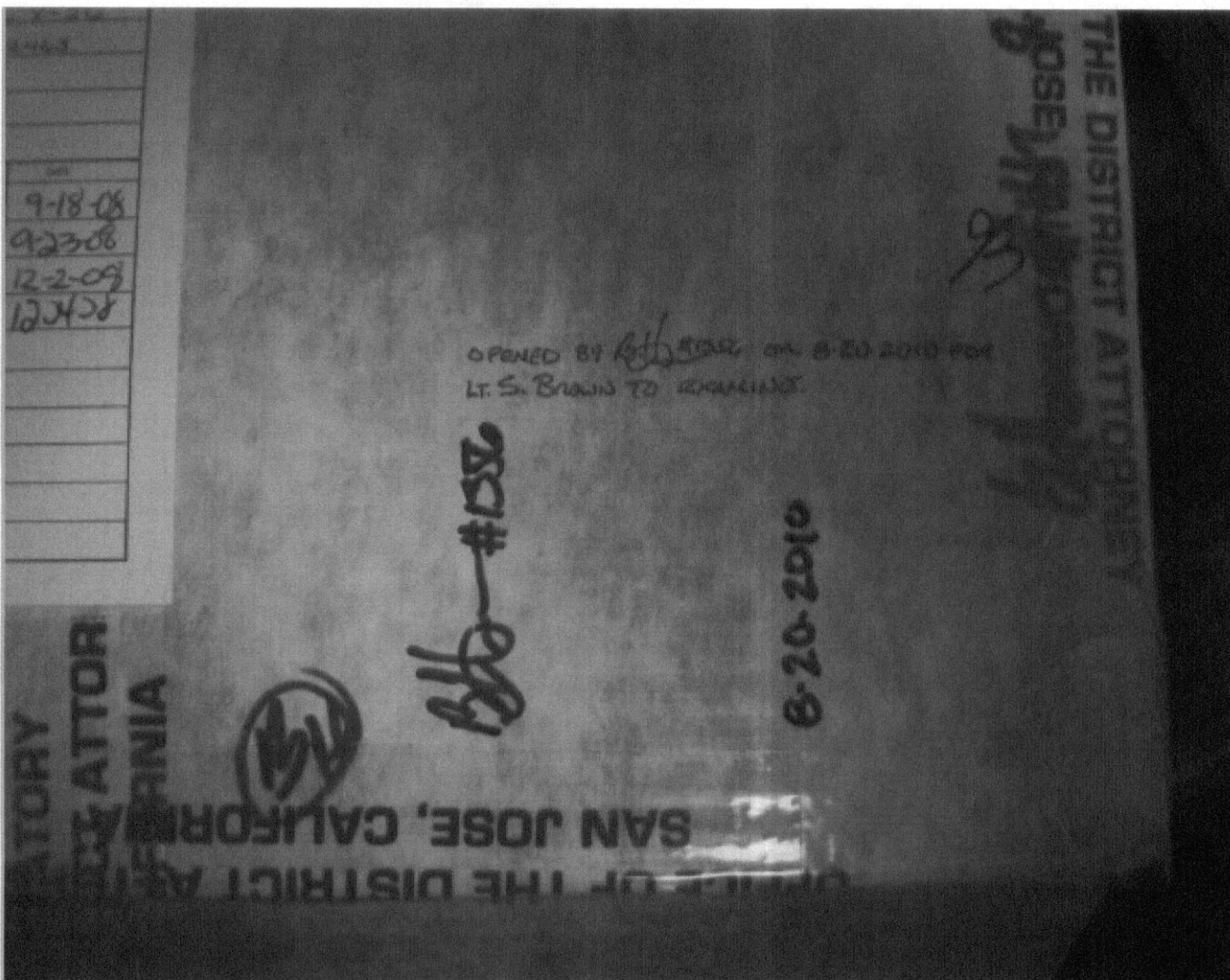
REQUESTING AGENCY AND CASE NUMBER PAPD 08-1777	RECEIPT DATE 11/19/07	LABORATORY NUMBER 1701017
VICTIM(S) STATE OF CALIFORNIA	OFFENSE DATE 11/19/07	OFFENSE CODE 1701017
SUSPECT(S) JOSEPH ANTHONY GARVE	OFFENSE NUMBER 2076	RECEIVING OFFICER'S NAME DENNIS BOUVKE

DESCRIPTION OF ENVELOPE CONTENTS

ONE TAPE SEALED WHITE CORRUGATED BOX
 CONTAINING ONE TAPES WITH MODEL X-26
 TASER WITH CAMERA, S/N: 20X-233463.
 PAPD EVIDENCE ITEM # 102.

CHAIN OF CUSTODY (DO NOT REMOVE)

AGENCY RECEIVED FROM	AGENCY DELIVERED TO	DATE
 J. Bouvke	 J. Bouvke	9-18-08
 E. O. Jones	 J. Bouvke	9-22-08
 E. O. Jones	 J. Bouvke	12-2-08
	 J. Bouvke	12-11-08

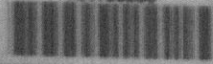


SANTA CLARA COUNTY CRIME LABORATORY
 1557 Berger Drive • Suite B-2 • San Jose, CA 95112 • (408) 918-2999

EVIDENCE SUBMISSION LABEL M081017

REQUESTING AGENCY AND CASE NUMBER PAPD 08-1777	ACCIDENT DATE 3-15-2008	JUNILE <input type="checkbox"/>
STATE OF CALIFORNIA	SUBMISSION DATE 9-18-08	
SUSPECT JOSEPH ANTHONY CAMPI	OFFICE 243 R	REQUESTOR DENNIS BURNS

Santa Clara County Crime Lab
AA108286

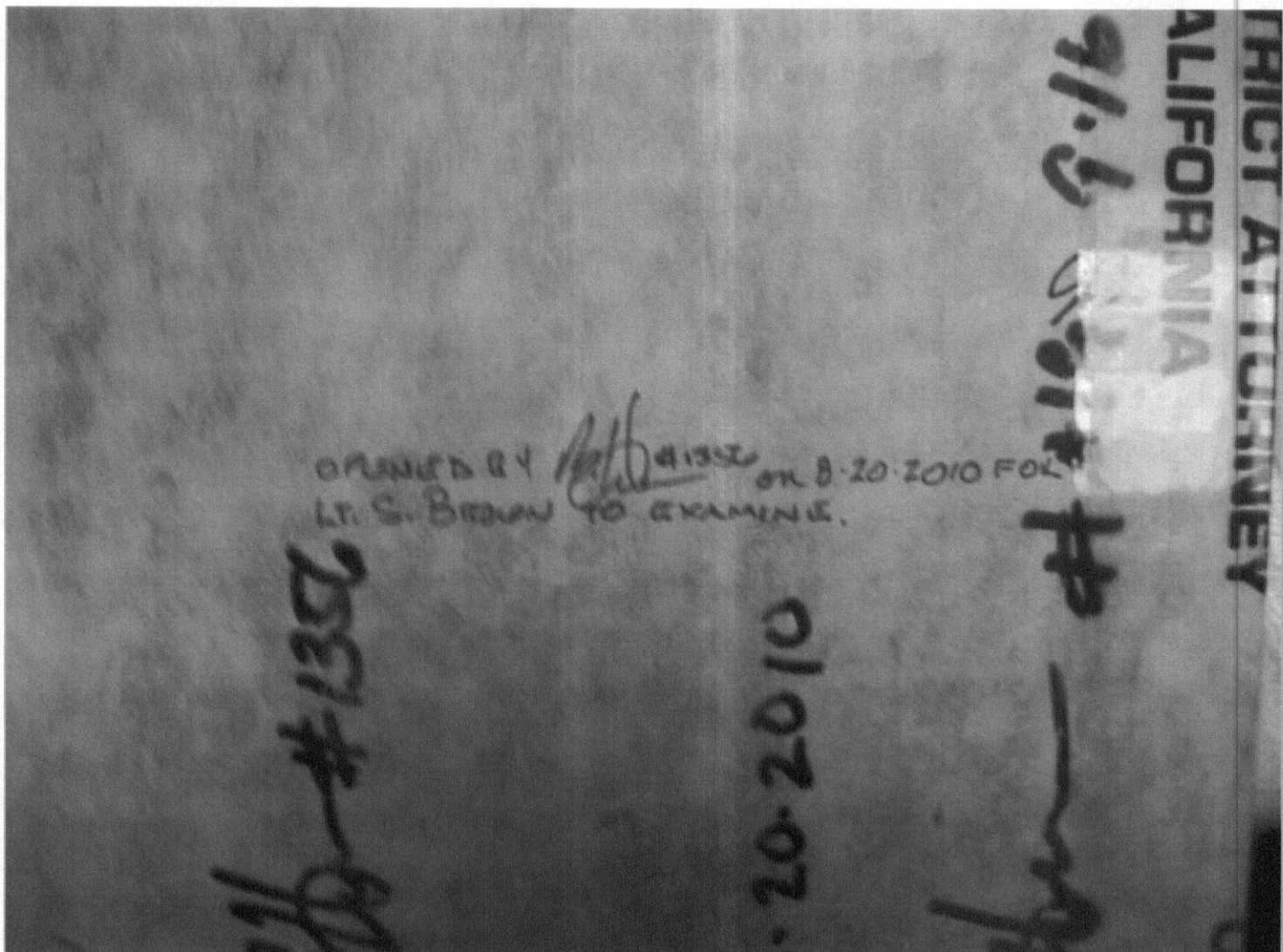


DESCRIPTION OF EVIDENCE CONTENTS

**ONE TAPE SEALED WHITE CARDBOARD BOX
 CONTAINING ONE TASER INTL. MODEL X-26
 TASER WITH CAMERA, S/N: X00-292417.
 PAPD EVIDENCE ITEM # 103.**

CHAIN OF CUSTODY FROM LOGS

EVIDENCE RECEIVED FROM	EVIDENCE DELIVERED TO	DATE
32	Am/EI	9-18-08
EI/Am	J Bourke	9-23-08
J Bourke	EO J Bourke	12-2-08
Am	Am 2419	12-18-08



Exhibits
622 & 630 & 631

EXHIBIT 623

X26 DATAPORT DOWNLOAD

Total Number of X26 [REDACTED] **Model #** [REDACTED]

Date of Download [12/17/10 13:31:29 (Local)]

Local Times Calculated for Pacific Standard Time (PST)

Date Range Downloaded All Data

Current PC Time (Local) [12/17/10 13:31:44]

Current X26 Time (Local) [12/17/10 13:27:23]

Time Difference [04 Hours 04 Minutes 21 Seconds]

RECORDED FIRING DATA

			[deg]	[deg C]	[%]
0003	03/21/08 14 35 44	03/21/08 07 35 44	2	24	74
0004	03/21/08 14 35 46	03/21/08 07 35 46	2	24	74
0005	03/22/08 14 32 35	03/22/08 07 32 35	2	26	74

TIME CHANGE RECORD

X26 DATAPORT DOWNLOAD

Total Number of X26 [REDACTED] **Model #** [REDACTED]

Date of Download [12/17/10 13:31:29 (Local)]

Local Times Calculated for Pacific Standard Time (PST)

Date Range Downloaded All Data

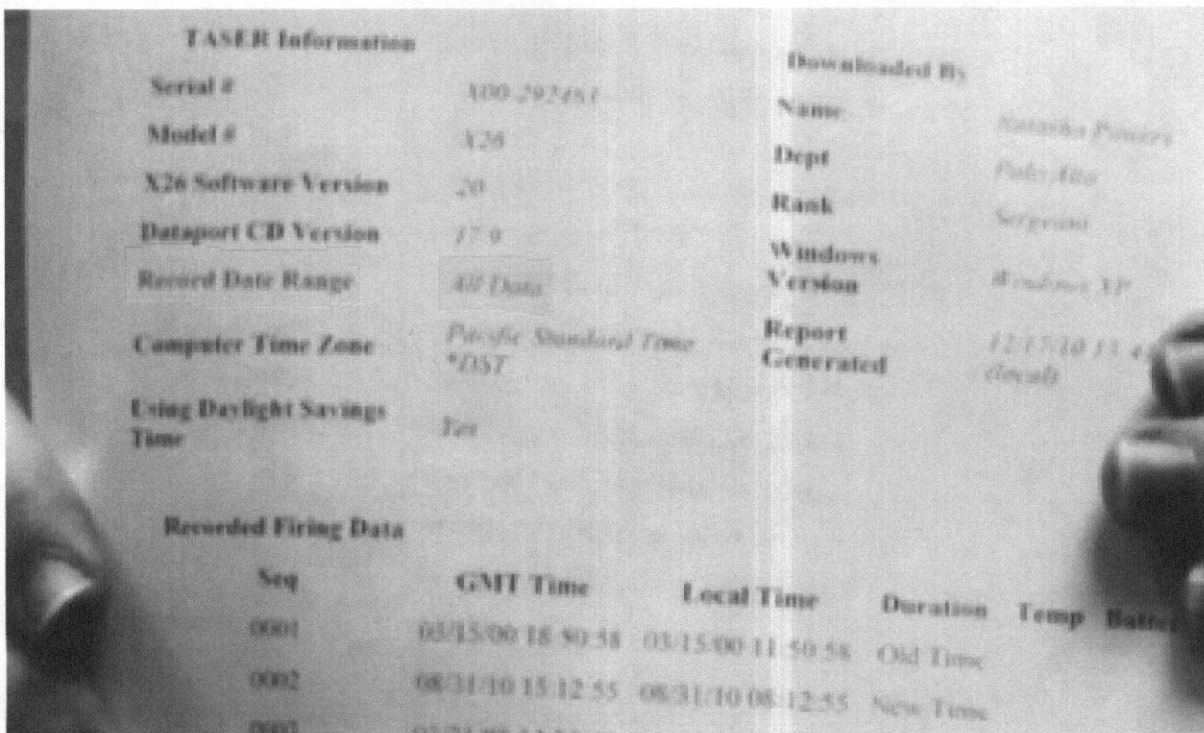
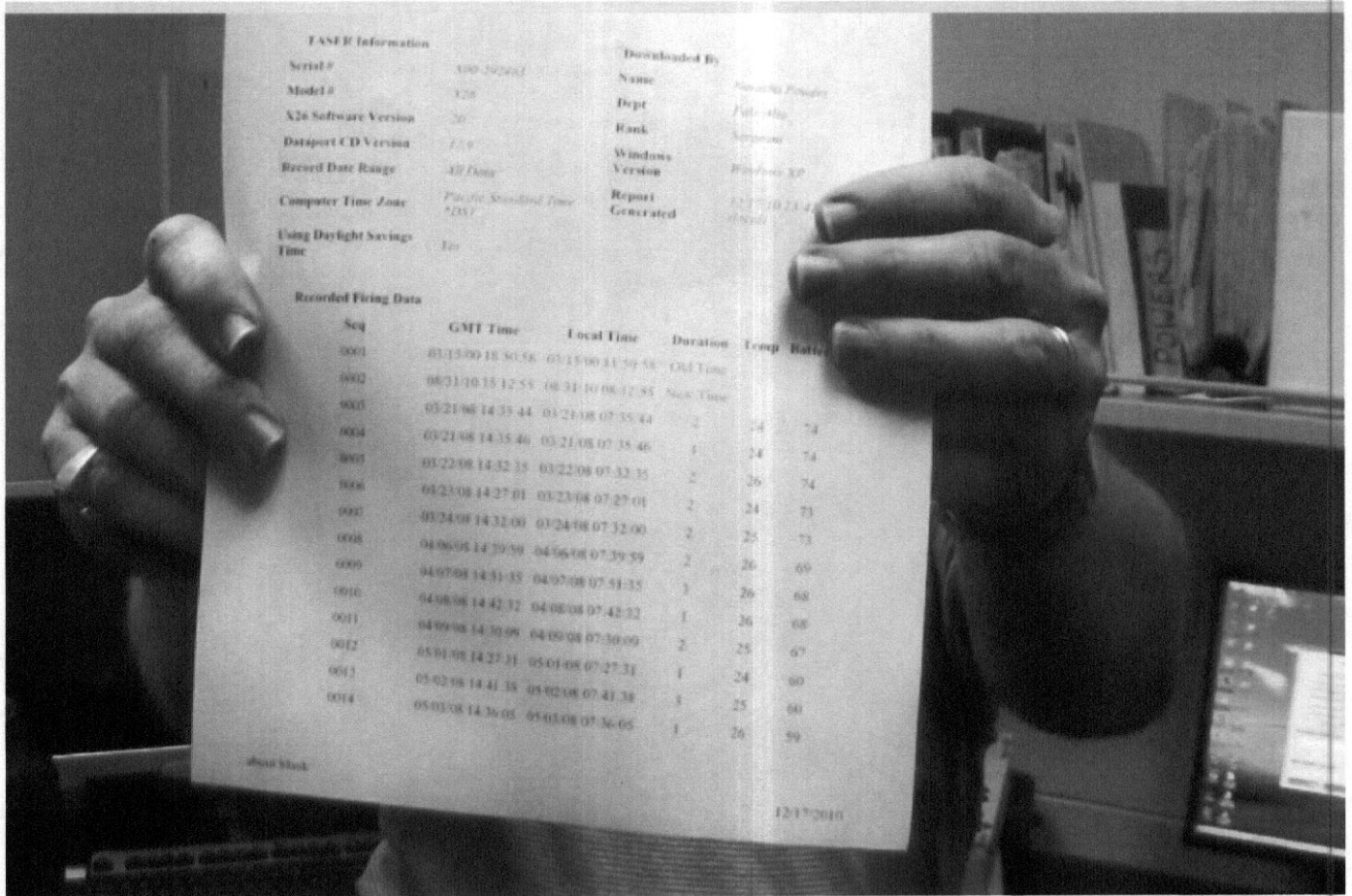
Current PC Time (Local) [12/17/10 13:31:44]

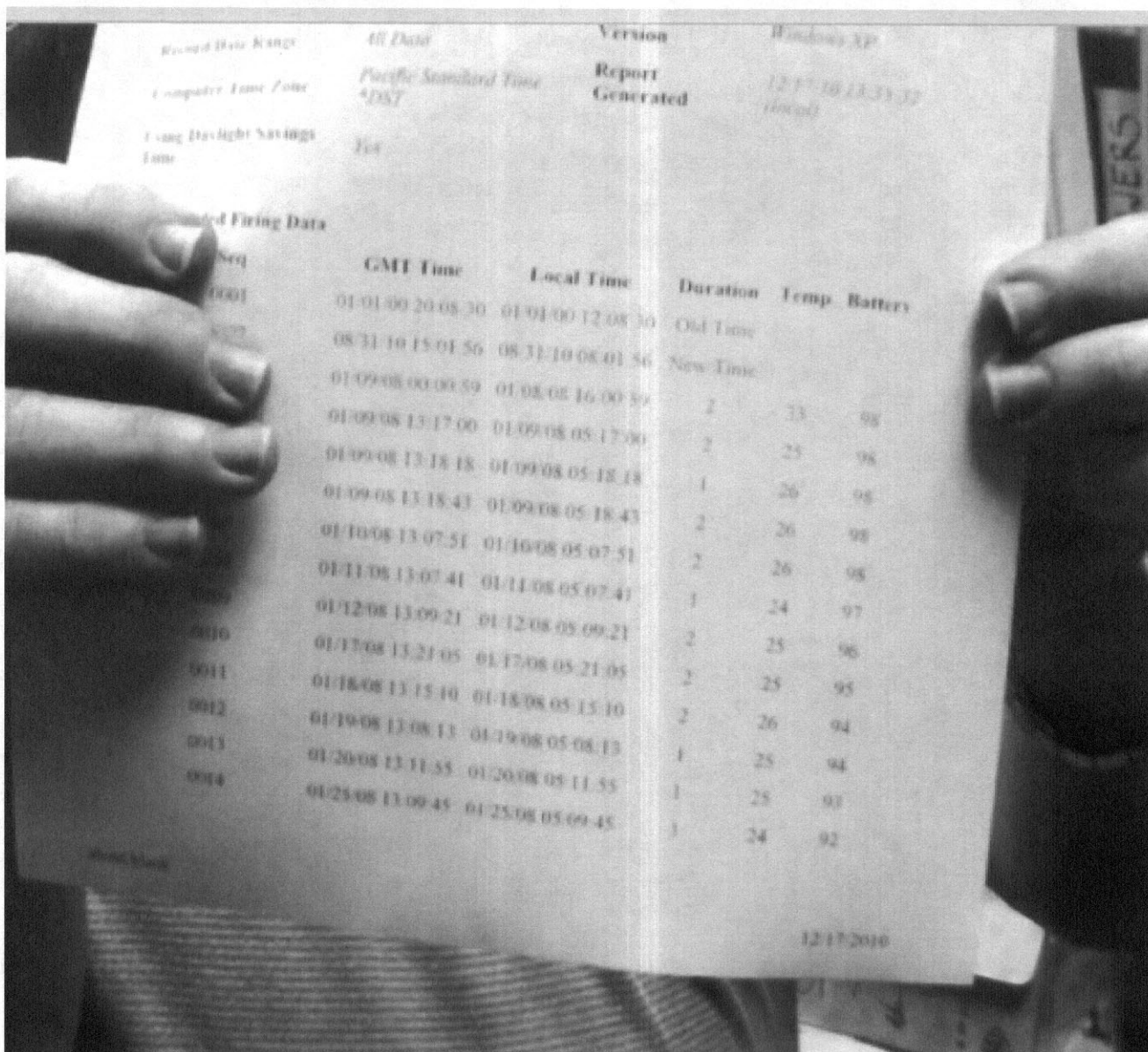
Current X26 Time (Local) [12/17/10 13:27:23]

Time Difference [04 Hours 04 Minutes 21 Seconds]

RECORDED FIRING DATA

0006	03/22/08 14 32 35	03/22/08 07 32 35	2	26	74
0007	03/22/08 14 32 36	03/22/08 07 32 36	2	26	74
0008	04/01/08 14 51 35	04/01/08 07 51 35	2	26	74
0009	04/01/08 14 51 36	04/01/08 07 51 36	2	26	74





Photograph taken from the 36:48 mark of Exhibit 622 documenting that all of the taser firings retained on Defendant Temores' taser gun's Data Port were downloaded on December 17, 2010.



TASER Information		Downloaded By	
Serial #	X00-292467	Name	Natasha Powers
Model #	X26	Dept	Palo Alto
X26 Software Version	20	Rank	Sergeant
Dataport CD Version	17.9	Windows Version	Windows XP
Record Date Range	All Data	Report Generated	12/17/10 13:41:33 (local)
Computer Time Zone	Pacific Standard Time *DST		
Using Daylight Savings Time	Yes		

Recorded Firing Data

Seq	GMT Time	Local Time	Duration	Temp	Battery
0001	03/15/00 18:50:58	03/15/00 12:50:58	Old Time		
0002	08/31/10 15:12:55	08/31/10 08:12:55	New Time		
0003	03/21/08 14:35:44	03/21/08 07:35:44	2	24	74
0004	03/21/08 14:35:46	03/21/08 07:35:46	1	24	74
0005	03/22/08 14:32:35	03/22/08 07:32:35	2	26	74
0006	03/23/08 14:27:01	03/23/08 07:27:01	2	24	73
0007	03/24/08 14:32:00	03/24/08 07:32:00	2	25	73
0008	04/06/08 14:39:59	04/06/08 07:39:59	2	26	69
0009	04/07/08 14:51:35	04/07/08 07:51:35	3	26	68
0010	04/08/08 14:42:32	04/08/08 07:42:32	1	26	68
0011	04/09/08 14:30:09	04/09/08 07:30:09	2	25	67
0012	05/01/08 14:27:31	05/01/08 07:27:31	1	24	60
0013	05/02/08 14:41:38	05/02/08 07:41:38	3	25	60
0014	05/03/08 14:36:05	05/03/08 07:36:05	1	26	59

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12/17/2010



PROTECT LIFE

TASER Information		Downloaded By	
Serial #	<i>X00-292417</i>	Name	<i>Natasha Powers</i>
Model #	<i>X26</i>	Dept	<i>Palo Alto</i>
X26 Software Version	<i>20</i>	Rank	<i>Sergeant</i>
Dataport CD Version	<i>17.9</i>	Windows Version	<i>Windows XP</i>
Record Date Range	<i>All Data</i>	Report Generated	<i>12/17/10 13:55:32 (local)</i>
Computer Time Zone	<i>Pacific Standard Time *DST</i>		
Using Daylight Savings Time	<i>Yes</i>		

Recorded Firing Data

Seq	GMT Time	Local Time	Duration	Temp	Battery
0001	01/01/00 20:08:30	01/01/00 12:08:30	Old Time		
0002	08/31/10 15:01:56	08/31/10 08:01:56	New Time		
0003	01/09/08 00:00:59	01/08/08 16:00:59	2	33	98
0004	01/09/08 13:17:00	01/09/08 05:17:00	2	25	98
0005	01/09/08 13:18:18	01/09/08 05:18:18	1	26	98
0006	01/09/08 13:18:43	01/09/08 05:18:43	2	26	98
0007	01/10/08 13:07:51	01/10/08 05:07:51	2	26	98
0008	01/11/08 13:07:41	01/11/08 05:07:41	1	24	97
0009	01/12/08 13:09:21	01/12/08 05:09:21	2	25	96
0010	01/17/08 13:21:05	01/17/08 05:21:05	2	25	95
0011	01/18/08 13:15:10	01/18/08 05:15:10	2	26	94
0012	01/19/08 13:08:13	01/19/08 05:08:13	1	25	94
0013	01/20/08 13:11:55	01/20/08 05:11:55	1	25	93
0014	01/25/08 13:09:45	01/25/08 05:09:45	3	24	92

about:blank

12/17/2010

EXHIBIT 624

1 Steven A. Sherman, Esq. Bar No. 113621
2 FERGUSON, PRAET & SHERMAN
3 A Professional Corporation
4 1631 East 18th Street
5 Santa Ana, California 92705-7101
6 (714) 953-5300 Telephone
7 (714) 953-1143 Facsimile
8 Saberman@law4cops.com

9 Attorneys for Defendants

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 JOSEPH CIAMPI,
13 Plaintiff,

14 v.

15 CITY OF PALO ALTO, a government entity;
16 LYNNE JOHNSON, an individual; CHIEF
17 DENNIS BURNS, an individual; OFFICER
18 KELLY BURGER, an individual; OFFICER
19 MANUEL TEMORES, an individual; OFFICER
20 APRIL WAGNER, an individual; AGENT DAN
21 RYAN; SERGEANT NATASHA POWERS,
22 individual.

23 Defendants.

NO. C09-02655 JF (PVT)

DEFENDANT DENNIS BURNS'
RESPONSE TO PLAINTIFF
REQUEST FOR PRODUCTION
OF DOCUMENTS, SET TWO

AND

DEFENDANTS' AMENDED
RESPONSE TO PLAINTIFF'S
REQUEST FOR PRODUCTION,
SET TWO, REQUESTS 1-16, 35

24 PROPOUNDING PARTY: Plaintiff, Joseph Ciampi, Pro Per

25 RESPONDING PARTY: Defendant, Dennis Burns

26 SET NUMBER: Two

27 TO PLAINTIFF AND ALL INTERESTED PARTIES:

28 Defendant, City of Palo Alto, responds to:

a) Plaintiff's Request for Production of Documents and Inspection of Tangible
Things, Set 2; and

///

///

09-002

1 **REQUEST FOR PRODUCTION NO 9**

2 Please produce and provide the secure "x26" DATA FILES, containing the
3 activation data of Defendants Temores' and Burger's taser guns' Data Ports from the
4 March 15, 2008, incident.

5 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO 9**

6 Objection. This discovery request is compound and vague and ambiguous as to
7 the phrases "secure x26 DATA FILES," "activation data," and "Data Ports" which are
8 undefined and require speculation as to their meaning and interpretation. Further, the
9 request is argumentative, lacks foundation, and requires assumptions to ascertain its
10 meaning. Further, this request is overbroad to the extent it seeks information within the
11 possession, custody and control of third parties which is equally available to the
12 requesting party. The request is also compound.

13 Furthermore, other than the reference to the model of the taser gun "x26," the
14 request is duplicative of Requests for Production 8 and 9, above.

15 However and without waiving said objection, Defendant refers Plaintiff to
16 Exhibits "4" and "6" which contain the PDF download history for the taser guns of both
17 Officer Temores and Officer Burger.

18 **REQUEST FOR PRODUCTION NO 10**

19 Please produce and provide the secure "x26" DATA FILES, containing the
20 activation data of Defendants Temores' and Burger's taser guns' Data Ports from March
21 14, 2008 through March 16, 2008 in order to clear up any disputes about the number of
22 times electricity was discharged.

23 **AMENDED RESPONSE TO REQUEST FOR PRODUCTION NO 10**

24 Objection. This discovery request is compound and vague and ambiguous as to
25 the phrases "secure x26 DATA FILES," "activation data," and "Data Ports" which are
26 undefined and require speculation as to their meaning and interpretation. Further, the
27 request is argumentative, lacks foundation, and requires assumptions to ascertain its
28 meaning. The request is also compound.

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However and without waiving said objection, Defendant states Sean Smith; the original dispatch done by Lisa Sandoval; Melissa Kirkland and Klem Keys also were on the radio traffic call.

DATED: September 3, 2010

FERGUSON, PRAET & SHERMAN
A Professional Corporation

By:


Steven A. Sherman,
Attorneys for Defendants



PROTECT LIFE

Weapon Summary

Weapon Serial	X00-292417	TSModel
Firing Count	144	
Time Remaining	3	
Video Recording Count	179	
Owner Name	Sergeant Malasha Powers	
Department	Palo Alto Police Department / SPD	
First Recording Date	11/7/2007 6:10:20 AM	
Last Recording Date	8/31/2010 8:02:25 AM	
First Download Date	11/7/2007 6:01:04 AM	
Last Download Date of Video Record	8/31/2010 8:00:47 AM	

Firings

Sequence	GMT Time	Local Time	Duration	Temp (C)	Rate Remaining
3	6/27/2007 9:12:00 PM	6/27/2007 1:12:00 PM	00:00:05	29 °C	999
4	1/9/2008 12:00:59 AM	1/9/2008 4:00:59 PM	00:00:02	33 °C	999
5	6/27/2007 9:12:16 PM	6/27/2007 1:12:16 PM	00:00:05	29 °C	999
6	1/9/2008 1:17:00 PM	1/9/2008 5:17:00 AM	00:00:02	35 °C	999
7	6/27/2007 9:12:22 PM	6/27/2007 1:12:22 PM	00:00:05	29 °C	999
8	1/9/2008 1:18:18 PM	1/9/2008 5:18:18 AM	00:00:01	36 °C	999
9	9/18/2007 3:48:50 PM	9/18/2007 8:48:50 AM	00:00:05	31 °C	999
10	1/9/2008 1:18:43 PM	1/9/2008 5:18:43 AM	00:00:02	36 °C	999
11	9/18/2007 1:45:07 PM	9/18/2007 6:45:07 AM	00:00:05	32 °C	999
12	1/10/2008 1:07:51 PM	1/10/2008 5:07:51 AM	00:00:02	36 °C	999
13	9/18/2007 4:50:19 PM	9/18/2007 9:50:19 AM	00:00:05	34 °C	999
14	1/11/2008 1:37:41 PM	1/11/2008 5:37:41 AM	00:00:01	34 °C	999
15	9/18/2007 5:58:19 PM	9/18/2007 10:58:19 AM	00:00:05	33 °C	999
16	1/11/2008 1:38:21 PM	1/11/2008 5:38:21 AM	00:00:01	29 °C	999
17	9/18/2007 5:58:44 PM	9/18/2007 10:58:44 AM	00:00:05	31 °C	999
18	1/11/2008 1:21:05 PM	1/11/2008 5:21:05 AM	00:00:02	25 °C	999
19	9/18/2007 7:06:43 PM	9/18/2007 2:06:43 PM	00:00:04	31 °C	999
20	1/10/2008 1:15:10 PM	1/10/2008 5:15:10 AM	00:00:02	26 °C	999



TASER

PROTECT LIFE

Weapon Summary

Weapon Serial	X00 392463	Quinn
Firing Count	141	
Time charge count	3	
Video Incident Count	135	
Downloaded By	Sergeant Malisha Powers	
Department	Palo Alto Police Department / F52	
First download date of firing record	11/6/2007 4:07:43 PM	
Last download date of firing record	8/31/2010 8:13:22 AM	
First download date of video record	11/6/2007 3:11:03 PM	
Last download date of video record	8/31/2010 8:12:10 AM	

Firings

Sequence	GMT Time	Local Time	Duration	Temp (C)	Batt Remaining
1	6/27/2007 8:52:34 PM	6/27/2007 11:52:34 AM	00:00:03	26 °C	89%
2	6/27/2007 2:35:44 PM	6/27/2007 7:35:44 AM	00:00:03	24 °C	74%
3	6/27/2007 8:52:43 PM	6/27/2007 11:52:43 AM	00:00:03	26 °C	89%
4	6/27/2007 2:35:16 PM	6/27/2007 7:35:16 AM	00:00:01	24 °C	74%
5	6/27/2007 6:52:50 PM	6/27/2007 11:52:50 AM	00:00:15	29 °C	80%
6	6/27/2007 3:32:35 PM	6/27/2007 7:32:35 AM	00:10:02	26 °C	74%
7	6/15/2007 5:19:38 AM	6/14/2007 12:19:38 PM	00:00:03	27 °C	83%
8	6/27/2007 3:27:01 PM	6/27/2007 7:27:01 AM	00:00:02	24 °C	71%
9	6/15/2007 5:19:52 AM	6/14/2007 12:19:52 PM	00:00:01	26 °C	83%
10	6/24/2007 7:12:00 PM	6/24/2007 7:12:00 AM	00:00:02	25 °C	73%
11	6/15/2007 5:20:50 AM	6/14/2007 12:20:50 PM	00:00:01	26 °C	83%
12	6/6/2007 2:19:57 PM	6/6/2007 7:19:57 AM	00:00:02	26 °C	69%
13	6/15/2007 4:08:37 AM	6/14/2007 11:08:37 PM	00:00:03	25 °C	87%
14	6/7/2007 2:51:35 PM	6/7/2007 7:51:35 AM	00:00:01	26 °C	68%
15	6/15/2007 5:21:43 AM	6/14/2007 11:01:43 PM	00:00:02	26 °C	87%
16	6/8/2007 2:47:52 PM	6/8/2007 7:47:52 AM	00:00:01	26 °C	68%
17	6/15/2007 5:11:14 AM	6/14/2007 11:11:14 PM	00:00:01	26 °C	87%
18	6/9/2007 2:10:02 PM	6/9/2007 7:10:02 AM	00:00:02	25 °C	67%

EXHIBIT 625

12/17/2010 Inspection

BWUSER'S
TASER CAMERA V06-015542 Video History Log

TASER CAM Download Wizard

File Selection
Select which incidents to download from the TASER CAM.

Select incidents to download and click Next to continue.

Color: All Incidents Select: All Incidents

View Selection

TASER Serial	CAM Serial	Incident Start Time (GMT)	Incident Start Time (Local)	Approximate Duration	Popularity	Downloadable
X00-292463	V06-015542	11/4/2008 1:01:02 PM	11/4/2008 5:01:02 AM	00:00:02	Yes	
X00-292463	V06-015542	11/3/2008 1:04:29 PM	11/3/2008 5:04:29 AM	00:00:02	Yes	
X00-292463	V06-015542	12/2/2008 12:56:17 PM	12/2/2008 4:56:17 AM	00:00:05	Yes	
X00-292463	V06-015542	11/1/2008 1:17:23 PM	11/1/2008 5:17:23 AM	00:00:02	Yes	
X00-292463	V06-015542	12/27/2007 1:05:52 PM	12/27/2007 5:05:52 AM	00:00:02	Yes	
X00-292463	V06-015542	12/26/2007 1:06:15 PM	12/26/2007 5:06:15 AM	00:00:02	Yes	
X00-292463	V06-015542	12/24/2007 1:14:41 PM	12/24/2007 5:14:41 AM	00:00:02	Yes	
X00-292463	V06-015542	12/19/2007 12:54:36 PM	12/19/2007 4:54:36 AM	00:00:02	Yes	
X00-292463	V06-015542	12/17/2007 1:03:07 PM	12/17/2007 5:03:07 AM	00:00:02	Yes	
X00-292463	V06-015542	12/16/2007 12:57:50 PM	12/16/2007 4:57:50 AM	00:00:02	Yes	
X00-292463	V06-015542	12/10/2007 12:56:41 PM	12/10/2007 4:56:41 AM	00:00:02	Yes	
X00-292463	V06-015542	12/9/2007 1:09:29 PM	12/9/2007 5:09:29 AM	00:00:02	Yes	
X00-292463	V06-015542	12/8/2007 1:05:04 PM	12/8/2007 5:05:04 AM	00:00:02	Yes	
X00-292463	V06-015542	12/7/2007 1:06:02 PM	12/7/2007 5:06:02 AM	00:00:02	Yes	
X00-292463	V06-015542	12/2/2007 1:01:35 PM	12/2/2007 5:01:35 AM	00:00:02	Yes	
X00-292463	V06-015542	12/1/2007 1:06:02 PM	12/1/2007 5:06:02 AM	00:00:02	Yes	
X00-292463	V06-015542	11/30/2007 1:09:48 PM	11/30/2007 5:09:48 AM	00:00:03	Yes	
X00-292463	V06-015542	11/30/2007 12:39:49 PM	11/30/2007 4:39:49 AM	00:00:03	Yes	
X00-292463	V06-015542	11/25/2007 1:05:05 PM	11/25/2007 5:05:05 AM	00:00:01	Yes	
X00-292463	V06-015542	11/24/2007 1:02:34 PM	11/24/2007 5:02:34 AM	00:00:02	Yes	
X00-292463	V06-015542	11/23/2007 1:11:16 PM	11/23/2007 5:11:16 AM	00:00:02	Yes	
X00-292463	V06-015542	11/22/2007 2:01:20 PM	11/22/2007 6:01:20 AM	00:00:02	Yes	
X00-292463	V06-015542	11/16/2007 1:04:40 PM	11/16/2007 5:04:40 AM	00:00:01	Yes	
X00-292463	V06-015542	11/16/2007 1:01:33 PM	11/16/2007 5:01:33 AM	00:00:02	Yes	
X00-292463	V06-015542	11/7/2007 12:02:20 AM	11/6/2007 4:02:20 PM	00:00:02	Yes	
X00-292463	V06-015542	11/6/2007 10:41:28 PM	11/6/2007 2:41:28 PM	00:00:01	Yes	
X00-292463	V06-015542	11/6/2007 9:12:31 PM	11/6/2007 1:12:31 PM	00:00:02	Yes	
X00-292463	V06-015542	11/6/2007 7:46:49 PM	11/6/2007 11:46:49 AM	00:00:07	Yes	
X00-292463	V06-015542	11/6/2007 6:11:59 PM	11/6/2007 10:11:59 AM	00:00:02	Yes	
X00-292463	V06-015542	11/6/2007 1:03:54 PM	11/6/2007 5:03:54 AM	00:00:25	Yes	
X00-292463	V06-015542	11/1/2007 6:14:22 PM	11/1/2007 10:14:22 AM	00:19:40	Yes	
X00-292463	V06-015542	11/1/2007 4:06:07 PM	11/1/2007 8:06:07 AM	00:19:40	Yes	
X00-292463	V06-015542	10/31/2007 12:13:06 PM	10/31/2007 5:13:06 AM	00:00:02	Yes	
X00-292463	V06-015542	10/30/2007 12:04:10 PM	10/30/2007 5:04:10 AM	00:00:03	Yes	
X00-292463	V06-015542	10/29/2007 12:03:51 PM	10/29/2007 5:03:51 AM	00:00:02	Yes	
X00-292463	V06-015542	10/24/2007 12:11:55 PM	10/24/2007 5:11:55 AM	00:00:10	Yes	
X00-292463	V06-015542	10/23/2007 12:04:25 PM	10/23/2007 5:04:25 AM	00:00:01	Yes	
X00-292463	V06-015542	10/22/2007 11:59:07 AM	10/22/2007 4:59:07 AM	00:00:02	Yes	
X00-292463	V06-015542	10/21/2007 12:02:59 PM	10/21/2007 5:02:59 AM	00:00:02	Yes	
X00-292463	V06-015542	10/19/2007 12:05:17 PM	10/19/2007 5:05:17 AM	00:00:02	Yes	
X00-292463	V06-015542	10/17/2007 12:01:58 PM	10/17/2007 5:01:58 AM	00:00:02	Yes	
X00-292463	V06-015542	10/16/2007 12:03:05 PM	10/16/2007 5:03:05 AM	00:00:01	Yes	
X00-292463	V06-015542	10/5/2007 12:13:18 PM	10/5/2007 5:13:18 AM	00:00:02	Yes	
X00-292463	V06-015542	9/19/2007 12:11:37 PM	9/19/2007 5:11:37 AM	00:00:02	Yes	
X00-292463	V06-015542	9/18/2007 7:35:20 PM	9/18/2007 12:35:20 AM	00:00:11	Yes	
X00-292463	V06-015542	9/18/2007 7:33:50 PM	9/18/2007 12:33:50 AM	00:00:11	Yes	
X00-292463	V06-015542	9/18/2007 4:46:35 PM	9/18/2007 9:46:35 AM	00:00:11	Yes	
X00-292463	V06-015542	9/18/2007 3:50:11 PM	9/18/2007 8:50:11 AM	00:00:40	Yes	

TASER CAM Version 2.4 TASER CAM Download

625-2

EXHIBIT 626

12/17/2010 Inspection

TEMORES' TASER CAMERA V06-015530 Video History Log

TASER CAM Download Wizard

File Selection
Select which incidents to download from the TASER CAM

Select incidents to download and click Next to continue.

Select All Incidents Select None Incidents

File Selected

TASER Serial	CAM Serial	Incident Start Time (GMT)	Incident Start Time (Local)	Approximate Duration	Previously Downloaded
X00-292417	V06-015530	11/17/2007 1:31:17 PM	11/17/2007 5:31:17 AM	00:00:01	Yes
X00-292417	V06-015530	11/16/2007 1:09:41 PM	11/16/2007 5:09:41 AM	00:00:20	Yes
X00-292417	V06-015530	11/15/2007 1:06:50 PM	11/15/2007 5:06:50 AM	00:00:01	Yes
X00-292417	V06-015530	11/14/2007 1:46:47 PM	11/14/2007 5:46:47 AM	00:00:01	Yes
X00-292417	V06-015530	11/9/2007 1:00:40 PM	11/9/2007 5:00:40 AM	00:00:02	Yes
X00-292417	V06-015530	11/8/2007 1:05:40 PM	11/8/2007 5:05:40 AM	00:00:05	Yes
X00-292417	V06-015530	11/7/2007 3:09:01 PM	11/7/2007 7:09:01 AM	00:00:02	Yes
X00-292417	V06-015530	11/6/2007 1:06:50 PM	11/6/2007 5:06:50 AM	00:00:05	Yes
X00-292417	V06-015530	11/2/2007 2:46:26 PM	11/2/2007 7:46:26 AM	00:00:01	Yes
X00-292417	V06-015530	10/31/2007 12:17:44 PM	10/31/2007 5:17:44 AM	00:00:03	Yes
X00-292417	V06-015530	10/30/2007 12:06:52 PM	10/30/2007 5:06:52 AM	00:00:02	Yes
X00-292417	V06-015530	10/29/2007 12:00:30 PM	10/29/2007 5:00:30 AM	00:00:02	Yes
X00-292417	V06-015530	10/28/2007 12:16:23 PM	10/28/2007 5:16:23 AM	00:00:03	Yes
X00-292417	V06-015530	10/22/2007 1:00:23 PM	10/22/2007 5:00:23 AM	00:00:03	Yes
X00-292417	V06-015530	10/21/2007 12:07:19 PM	10/21/2007 5:07:19 AM	00:00:02	Yes
X00-292417	V06-015530	10/18/2007 12:05:46 PM	10/18/2007 5:05:46 AM	00:00:02	Yes
X00-292417	V06-015530	10/14/2007 12:06:07 PM	10/14/2007 5:06:07 AM	00:00:04	Yes
X00-292417	V06-015530	10/13/2007 12:11:21 PM	10/13/2007 5:11:21 AM	00:00:02	Yes
X00-292417	V06-015530	10/9/2007 12:10:07 PM	10/9/2007 5:10:07 AM	00:00:02	Yes
X00-292417	V06-015530	10/7/2007 12:05:14 PM	10/7/2007 5:05:14 AM	00:00:02	Yes
X00-292417	V06-015530	10/6/2007 12:08:58 PM	10/6/2007 5:08:58 AM	00:00:04	Yes
X00-292417	V06-015530	10/5/2007 12:16:19 PM	10/5/2007 5:16:19 AM	00:00:10	Yes
X00-292417	V06-015530	9/30/2007 5:35:33 PM	9/30/2007 10:35:33 AM	00:00:01	Yes
X00-292417	V06-015530	9/30/2007 12:06:24 PM	9/30/2007 5:06:24 AM	00:00:02	Yes
X00-292417	V06-015530	9/29/2007 12:19:48 PM	9/29/2007 5:19:48 AM	00:00:01	Yes
X00-292417	V06-015530	9/28/2007 12:11:02 PM	9/28/2007 5:11:02 AM	00:00:10	Yes
X00-292417	V06-015530	9/27/2007 12:11:02 PM	9/27/2007 5:11:02 AM	00:00:21	Yes
X00-292417	V06-015530	9/27/2007 11:59:06 AM	9/27/2007 5:09:06 AM	00:00:10	Yes
X00-292417	V06-015530	9/26/2007 11:16:41 PM	9/26/2007 4:16:41 PM	00:00:01	Yes
X00-292417	V06-015530	9/26/2007 10:47:03 PM	9/26/2007 3:47:03 PM	00:00:30	Yes
X00-292417	V06-015530	9/26/2007 10:43:02 PM	9/26/2007 3:43:02 PM	00:00:20	Yes
X00-292417	V06-015530	9/26/2007 9:50:53 PM	9/26/2007 2:50:53 PM	00:00:13	Yes
X00-292417	V06-015530	9/26/2007 9:42:20 PM	9/26/2007 2:42:20 PM	00:00:10	Yes
X00-292417	V06-015530	9/26/2007 9:31:12 PM	9/26/2007 2:31:12 PM	00:00:10	Yes
X00-292417	V06-015530	9/26/2007 9:27:43 PM	9/26/2007 2:27:43 PM	00:01:00	Yes
X00-292417	V06-015530	9/26/2007 9:19:25 PM	9/26/2007 2:19:25 PM	00:00:53	Yes
X00-292417	V06-015530	9/26/2007 8:46:16 PM	9/26/2007 1:46:16 PM	00:00:01	Yes
X00-292417	V06-015530	9/26/2007 8:42:21 PM	9/26/2007 1:42:21 PM	00:00:37	Yes
X00-292417	V06-015530	9/26/2007 5:07:21 PM	9/26/2007 10:07:21 AM	00:00:51	Yes
X00-292417	V06-015530	9/26/2007 4:22:36 PM	9/26/2007 9:22:36 AM	00:00:03	Yes
X00-292417	V06-015530	9/26/2007 3:30:32 PM	9/26/2007 8:30:32 AM	00:00:10	Yes
X00-292417	V06-015530	9/18/2007 2:06:21 PM	9/18/2007 7:06:21 AM	00:00:10	Yes
X00-292417	V06-015530	9/18/2007 1:47:57 PM	9/18/2007 6:47:57 AM	00:00:20	Yes
X00-292417	V06-015530	9/18/2007 1:43:14 PM	9/18/2007 6:43:14 AM	00:00:01	Yes
X00-292417	V06-015530	9/18/2007 12:14:41 AM	9/18/2007 5:14:41 AM	00:00:10	Yes
X00-292417	V06-015530	9/18/2007 9:05:00 PM	9/18/2007 2:05:00 PM	00:00:01	Yes
X00-292417	V06-015530	9/18/2007 5:58:22 PM	9/18/2007 10:58:22 AM	00:00:12	Yes
X00-292417	V06-015530	9/18/2007 3:50:05 PM	9/18/2007 8:50:05 AM	00:00:10	Yes
X00-292417	V06-015530	9/18/2007 3:53:20 PM	9/18/2007 8:53:20 AM	00:01:10	Yes

Next > Cancel

Taskbar: C:\Program Files\TASER... TASER CAM v6.0.0.2 TASER CAM Download...

1626-2

EXHIBIT 627

TEMORES' WEAPON SUMMARIES

**September 13, 2010
Weapon Summary Log**

Print out of Mr. Sherman's Exh. 1
from Court Document 156-1,
Sherman's Declaration

9/13/10	69	6/10/2008 12:16:29 p.m.
12/17/10	0069	06/10/08 12:16:29
9/13/10	70	6/11/2008 12:17:09 p.m.
12/17/10	0070	06/11/08 12:17:09
9/13/10	71	6/12/2008 12:14:19 p.m.
12/17/10	0071	06/12/08 12:14:19
9/13/10	72	6/17/2008 12:13:06 p.m.
12/17/10	0072	06/17/08 12:13:06
9/13/10	73	6/18/2008 12:24:09 p.m.
12/17/10	0073	06/18/08 12:24:09
9/13/10	74	6/19/2008 12:20:09 p.m.
12/17/10	0074	06/19/08 12:20:09

**August 31, 2010
Weapon Summary Log**

Print out from Exh. 10 of
Sherman's Decl. of Court
Doc. 125
&
Def. Burns' Exh. 6 of Disc.
Resp. Set 2, Exh. 179 of
Court Doc. 109

(See Exh. 567-3 of Court Doc. 133)

69	12/25/2007 1:23:18 PM
69	6/10/2008 12:16:29 PM
70	12/26/2007 1:32:09 PM
70	6/13/2008 12:17:09 PM
71	1/1/2008 1:24:23 PM
71	6/12/2008 12:14:19 PM
72	1/2/2008 1:05:29 PM
72	6/17/2008 12:13:06 PM
73	1/3/2008 1:11:42 PM
73	6/18/2008 12:24:09 PM
74	1/4/2008 1:04:17 PM
74	6/19/2008 12:20:09 PM

**December 17, 2010
Weapon Summary Log**

Print out From Exh. 177 of
Court Doc. 109

(See Exh. 567-3 of Court Doc. 133)

0069	06/10/08 12:16:29
0070	06/11/08 12:17:09
0071	06/12/08 12:14:19
0072	06/17/08 12:13:06
0073	06/18/08 12:24:09
0074	06/19/08 12:20:09

CONCLUSION: Attorney Steven Sherman submitted taser gun activation data to the court as a Declaration, Exh. 1 of Court Doc. 156-1, which is missing the taser gun activation data, (1/1/2008, 1/2/2008, 1/3/2008 & 1/4/2008), which Mr. Sherman submitted to the court as a Declaration, Exh. 10 of Court Doc. 125. to cover up the fact that the December 17, 2008 direct download is missing the same dates of activation.

BURGER'S WEAPON SUMMARIES

September 13, 2010
Weapon Summary Log

Print out of Mr. Sherman's Exh. 1
from Court Document 156-1,
Sherman's Declaration

9/13/10	52	8/14/2008	2:24:04 pm	3
12/17/10	0052	08/14/08	14:24:04	3
9/13/10	53	8/15/2008	2:32:19 pm	3
12/17/10	0053	08/15/08	14:32:19	3
9/13/10	54	8/28/2008	2:22:13 pm	8
12/17/10	0054	08/28/08	14:22:13	8

9/13/10	55	1/1/2008	1:04:10 pm	
12/17/10	0055	01/01/08	13:04:10	
9/13/10	56	1/2/2008	1:01:02 pm	
12/17/10	0056	01/02/08	13:01:02	
9/13/10	57	1/9/2008	1:02:55 pm	
12/17/10	0057	01/09/08	13:02:55	

August 31, 2010
Weapon Summary Log

Print out from Exh. 11 of
Sherman's Decl. of Court
Doc. 125
&
Def. Burns' Exh. 4 of Disc.
Resp. Set 2, Exh. 178 of
Court Doc. 109

(See Exh. 567-3 of Court Doc. 133)

52	12/27/2007	1:05:52 PM
52	8/14/2008	2:24:04 PM
53	1/1/2008	1:17:24 PM
53	8/15/2008	2:32:19 PM
54	1/2/2008	12:59:18 PM
54	8/28/2008	2:22:13 PM
55	1/3/2008	1:04:30 PM
56	1/4/2008	1:01:02 PM
57	1/9/2008	1:02:55 PM

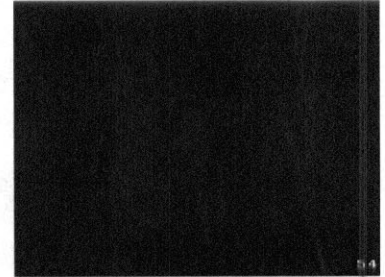
December 17, 2010
Weapon Summary Log

Print out From Exh. 175 of
Court Doc. 109

(See Exh. 567-3 of Court Doc. 133)

0052	08/14/08	14:24:04
0053	08/15/08	14:32:19
0054	08/28/08	14:22:13
0055	01/03/08	13:04:30
0056	01/04/08	13:01:02
0057	01/09/08	15:02:55

CONCLUSION: Attorney Steven Sherman submitted taser gun activation data to the court as a Declaration, Exh. 1 of Court Doc. 156-1, which is missing the taser gun activation data, (1/1/2008 & 1/2/2008), which Mr. Sherman submitted to the court as a Declaration, Exh. 11 of Court Doc. 125. to cover up the fact that the December 17, 2008 direct download is missing the same dates of activation.



Defendant Burger's taser gun is heard discharging electricity from the 52 mark to the 54 mark of Def. Burger's taser video..

Defendant Burger's taser gun's weapon summary log, Exhibits, 11 of Court Doc. 125 & 178 of Court Doc. 109 States that Burger's taser gun stopped discharging electricity at 10:04:55

0090	03/15/08 14:45:10	03/15/08 07:45:10	2	25	72
0091	03/15/08 17:04:55	03/15/08 10:04:55	2	23	72

IMAGE "A"

Photograph of Defendant Temores' taser video

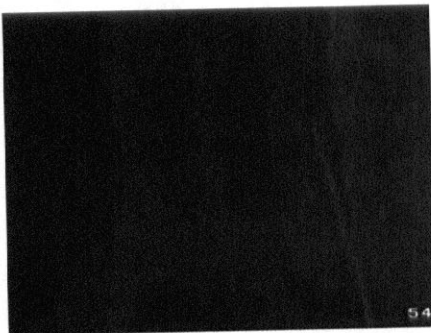


Based upon the electrically charged and illuminated taser wire Def. Burger's taser gun was discharging electricity approximately 8 Seconds after his own taser gun's weapon summary states that his taser gun stopped discharging electricity.

CONCLUSION: Burger's taser gun's weapon summary has been falsified.

Four Seconds after Burger fired his taser gun and two seconds after his taser gun stopped discharging electricity, Burger's electrically charged taser wire is seen illuminated on Ciampi's back.

A taser camera records at all times when the taser gun's safety is in the armed position. The 10:10:33 mark of Temores' MAV recording corresponds to the 17:04:56 mark of Burger's taser recording.



Burger's taser camera stops recording from the :54 mark to the :02 mark



Conclusion: Burger's taser camera is missing video footage and Burger's taser gun's weapon summary log is missing activation data.

627-5

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

I, Joseph Ciampi, live in the aforesaid County, State of California; I am over the age of 18 years. My address is: P.O. Box 1681 Palo Alto, CA 94302.

On May 16, 2011 I served **PLAINTIFF'S REPLY VIA DECLARATION TO DEFENDANTS' RESPONSE VIA DECLARATION TO PLAINTIFF'S MOTION FOR APPROPRIATE ACTION REGARDING THE VIOLATIONS OF LAW AND RULES COMMITTED BY STEVEN A. SHERMAN** on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope/package, addressed as follows:

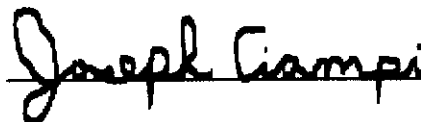
Steven A. Sherman, Esq. Bar No. 113621
FERGUSAN, PRAET & SHERMAN
A Professional Corporation
1631 East 18th Street
Santa Ana, California 92705-7101
(714) 953-5300 Telephone
(714) 953-1143 Facsimile
Ssherman@law4cops.com

Attorney for Defendants

I placed such envelope/package for deposit, sealed, with postage thereon fully paid and the correspondence to be deposited in the United States mail at Palo Alto, California on the same day.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 16, 2011, at Palo Alto, California.



Joseph Ciampi in pro se