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and CARLIN WILLIAMS

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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA, FRESNO

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13 ROSALINDA GARCIA, individually and as)
a successor in interest to Decedent Antonio)
14 Garcia, Jr.; and the ESTATE OF ANTONIO)
GARCIA, JR.)

15 Plaintiffs,

16 vs.

17 COUNTY OF FRESNO, FRESNO)
18 COUNTY SHERIFF RICHARD PIERCE, in)
his individual capacity; ERIC)
19 BROUGHTON, an individual; CARLIN)
WILLIAMS, an individual and DOES 1-50)
20 inclusive,)

21 Defendants.

CASE NO. CV 05-0794 OWW-SMS

)
) **STIPULATION AND ORDER REGARDING**
) **THE RELEASE OF EVIDENCE FROM THE**
) **FRESNO COUNTY SHERIFF'S**
) **DEPARTMENT PROPERTY ROOM**

) **Honorable Oliver W. Wanger**

) **Local Rule 83-143**
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23 Pursuant to the Order For Settlement rendered by this Court on March 15, 2006, (Court
24 Docket No. 29) Defense Counsel has contacted the Fresno County Sheriff's Department's
25 Property Room to inquire as to the procedure for releasing evidence to the Plaintiff. The Fresno
26 County Sheriff's Department requires a Court Order specifying which items of evidence can be
27 released and which items can be destroyed.

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1 IT IS HEREBY STIPULATED by and between the parties and their attorneys of record
2 that pursuant to the Fresno County Sheriff's Department's requirement, the following items of
3 evidence may be distributed as follows (Refer to Attachment A, Fresno County Sheriff's
4 Department Evidence report number 04-6598, prepared by Teresa Cruz and Leo Lopez):

5 **ITEMS TO BE RELEASED**

6 <u>Item Number</u>	<u>Description of Property</u>
7 8 - 9	Two Pieces of a Pair of Glasses
8 10	Door Lock
9 23	Pocket Knife
10 24	Black Pants and Black Belt
11 25	Black Tee Shirt
12 26	Boxer Shorts
13 27	Pair of Black Boots
14 28	Pair of White Socks
15 29	Gun Holster
16 30	Belt Buckle
17 31	Miscellaneous Items from Left and Right Pockets with the Exception of a
18	Glass Pipe
19 32	Change from Right Front Pocket
20 34	2 Collectors Silver Dollars
21 35	Jar of Liquid
22 38	Blue Thermal Lunchbox
23 39	Sword and Sheath
24 42	Two Radio Scanners
25 43	Black Pouch
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ITEMS TO BE DESTROYED

<u>Item Number</u>	<u>Description of Property</u>
1	Revolver (H&R Inc Model Number 826 22 WMRF; Serial Number AY090315)
2	Deformed Bullet
3	Swab of Blood
4 - 7	Expended Shell Casings
11	Bullet Fragments
12 - 13	Expended Shell Casings
14	Six Bullets Removed from Decedent's Revolver
31	Glass Pipe with the Exception of the Other Miscellaneous Items Which Can Be Released
33	White Powdery Substance
36	Baggie with White Crystal Substance
37	Large and Small Baggies with Green Leafy Substance
40	Two Glass Pipes
41	Large Water Pipe
44	Two Boxes of .22 Ammunition
45 - 46	Swab of Blood
47	Broken Glass Pipe
48	Small Pipe
49 - 50	Bullet Fragments and Bullet Jacket Fragments

MISCELLANEOUS

<u>Item Number</u>	<u>Description of Property</u>
15 - 22	Deputies' Handguns, Magazines and Ammunition Will Be Released Pursuant to Fresno Sheriff's Department's Policies and Procedures

The parties further agree that should Plaintiff not want any of the items that are hereby authorized for release, such items can be destroyed. In addition, any items not picked up by

1 Plaintiff within sixty (60) days of signing this Order may also be destroyed.

2 Further, Plaintiff agrees to file a dismissal of her lawsuit within ten days after the Court
3 signs this Order.

4 DATED: May 15, 2006

WEAKLEY, RATLIFF, ARENDT & McGUIRE, LLP

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By: /s/ Erica M. Camarena
Erica M. Camarena
Attorney for Defendants
COUNTY OF FRESNO,
SHERIFF RICHARD PIERCE, ERIC
BROUGHTON, and CARLIN WILLIAMS

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DATED: May 15, 2006

JUAN M. FALCON & ASSOCIATES, A Professional Corporation

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By: /s/ Juan M. Falcon
Juan M. Falcon
Attorney for Plaintiffs, ROSALINDA
GARCIA and The ESTATE OF ANTONIO
GARCIA, JR.

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ORDER

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IT IS SO ORDERED.

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Dated: May 18, 2006
emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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