FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

February 11, 2015

TO:

File

FROM:

Christine Harvel, Lieutenant

Internal Affairs Unit

IA CASE #2014-167.1 – Deputy-Detentions/Ctsvc Robert Toohey #5896

On 02-011-2015, Deputy-Detentions/Ctsvc Robert Toohey retired from the Sheriff's Department and County Service in lieu of termination.



San Diego County SHERIFF'S DEPARTMENT

NOTICE OF PROPOSED DISCIPLINARY ACTION

TO: Sheriff Bill Gore		DATE: 2/03/2015			
It is recommended that the following disciplinary action be administered to the below named employee:					
EMPLOYEE'S NAME:	Robert Toohey TITLE: Deputy Sheriff-Detent		etentions		
DEPARTMENT POLICY AND /		2.4 Unbecoming Conduct			
OR PROCEDURE SECTION(S)	2.5 Immoral Conduct	2.6 Conformance to Laws			
VIOLATED:		2.14 Use	2.14 Use of Alcohol/Off Duty		
RECOMMENDED DISCIPLINE:	Termination				
SECOND LEVEL SUPERVISOR:	Lt. Hernandez		DATE:	02/03/2015	
LIST PRIOR RELATED OFFENSE(S) WITHIN LAST FIVE YEARS WITH DATE & ACTION					
I have been advised of the above cl	narges and recommended discipline:				
EMPLOYEE'S SIGNATURE:		DATE:			
2 nd LEVEL SUPERVISOR SIGNATI	JRE:	DATE:			
3rd LEVEL SUPERVISOR SIGNATU	JRE:		DATE:		
COMMENTS:					
REVIEWED BY INTERNAL AFFAIRS:			DATE:		
4 th LEVEL SUPERVISOR SIGNATURE:			' DATE:		
COMMENTS:					
ADDITIONAL REVIEW:		DATE:			
ADDITIONAL REVIEW:		DATE:			
ADDITIONAL REVIEW:		DATE:			
INTERNAL AFFAIRS SECTION					
☐ WRITTEN REPRIMAND BY:			DATE:		
☐ NOTICE OF INTENT AND CHARGES:			DATE:		
ORDER SERVED:			DATE:		
CIVIL SERVICE NOTIFIED:			DATE:		
PAYROLL NOTIFIED:			DATE:		
FINAL ACTION TAKEN:			DATE:		



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

February 2, 2015

TO:

Bill Gore, Sheriff

FROM:

Simon Hernandez, Lieutenant

Las Colinas Detention and Reentry Facility

VIA:

Chain of Command

Disciplinary Recommendation and Rationale for Deputy Sheriff-Detentions Robert Toohey Jr., Internal Affairs Case # 2014-167.1

RECOMMENDATION

I have reviewed the investigative report prepared by Sergeant Kimberley Baker and agree with her findings and conclusions. Based on the nature of the conduct and after weighing the factors in aggravation and mitigation, I recommend Deputy Toohey be terminated.

RATIONALE

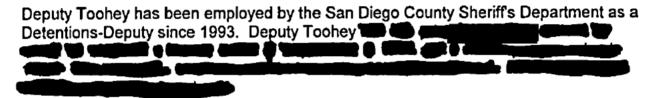
I found Sergeant Baker's investigation to be thorough, fair, and unbiased. There was evidence, along with Deputy Toohey's admission that he committed several violations that are not conducive to the expected behavior and judgment of a Deputy Sheriff. In addition, Deputy Toohey maintains that he made a single "mistake" but in actuality, as discovered during this investigation, he violated numerous rules of conduct to include criminal misconduct. The Departmental Rules of Conduct with regard to these allegations are clear and understandable. The facts in this case are not in dispute.

On January 27, 2015, I met with Deputy Toohey in the Detentions Training Unit conference room at the Las Colinas Detention and Reentry Facility. Also in attendance was Deputy Toohey's representative, Attorney Amy R. Gordon. The purpose of the meeting was to allow Deputy Toohey the opportunity to review the investigative reports and offer any information not covered in the investigation that could impact the findings in the case. Additionally, I allowed Deputy Toohey the opportunity to offer any mitigating information that might impact the recommendation for discipline.

Recommendation and Rationale Detentions-Deputy Robert Toohey Jr. February 2, 2015 Page 2 of 5

Prior to going on record, Deputy Toohey reviewed the full investigative report with his attorney. After reviewing the report, I audio tape recorded our conversation. Deputy Toohey stated that he had no questions and said he read the Internal Affairs investigative reports related to the case. When I asked Deputy Toohey if there was anything not covered in the investigation that he felt was relevant and could have an impact on the findings or recommendation for discipline, Toohey stated "Just my actions were just to try to help, I made a mistake, but I tried to help."

When asked if there was anything he would like to offer on his behalf for mitigation, Deputy Toohey stated that his tenure on the Sheriff's Department should be taken into consideration and that he believes he still is a "valuable employee."



I considered several factors prior to arriving at my recommendation. In reviewing this investigation I found Deputy Toohey to be less than truthful or deceitful in answering some of the investigators questions. During this investigation it was discovered that Deputy Toohey exhibited a pattern of criminal and immoral behavior that not only placed him and others at risk as individuals but also placed the Sheriff's Department at risk. Toohey has been found "sustained" in several Conformance to Law violations to include Penal Code Section 243.4(e)(1) misdemeanor sexual battery.

In addition, Toohey self-admitted that he drove while intoxicated and should have been found sustained for California Vehicle Code 23152(a) Driving under the Influence.

Deputy Toohey also violated the trust and integrity of the Sheriff's Department by sharing privileged information to non-law enforcement individuals. As a Detentions-Deputy Sheriff, Deputy Toohey has access to various law enforcement sensitive material and data bases. The Sheriff's Department has an obligation to the public to ensure its employees treat official business of the Department as confidential.

In addition, Deputy Toohey's pattern of behavior, which would not have been detected, if a complaint was not filed by the accuser, is in direct violation of our Guiding Principles, Mission, Vision, Values, and Goals, which if made public, could stain the reputation of the Sheriff's Department. Deputy Toohey's blatant disregard for the rules of conduct and conformance to law is troubling. He should have reasonably known that this pattern of behavior, possessing and providing marijuana to a minor, driving under the influence, misdemeanor sexual battery, sharing confidential information to non-law enforcement individuals, is not expected nor tolerated behavior of a San Diego County Sheriff's

Recommendation and Rationale Detentions-Deputy Robert Toohey Jr. February 2, 2015 Page 3 of 5

Deputy. Based on the totality of this investigation and the seriousness of these violations major discipline is warranted.

Trust and Integrity are this Department's two main Core Values and goes to the very heart of what the public expects of a Deputy Sheriff. With heightened demands on prosecutors to disclose adverse information about prosecution witnesses and Deputy Toohey's pattern of behavior and non-conformance to law damages Deputy Toohey's credibility within the Courts, with the public and as a Law Enforcement Officer to such a degree; it leaves no other choice than to terminate his employment as a Deputy Sheriff - Detentions.

Simon Hernandez, Lieutenant

Las Colinas Detention and Reentry Facility

Recommendation and Rationale Detentions-Deputy Robert Toohey Jr. February 2, 2015 Page 4 of 5

ENDORSEMENTS

Edna Milloy, Captain Las Colinas Detention and Reentry Facility Comments:		[Date: <u>○</u>] Disapprove
	<u>.</u>		7
John Ingrassia, Commander Detention Operations Area 2 Comments:	Date:		
Rich Miller, Assistant Sheriff Detention Services Bureau	. [] Approve	_] Disapprove
Comments:			

Recommendation and Rationale Detentions-Deputy Robert Toohey Jr. February 2, 2015 Page 5 of 5

ENDORSEMENTS (cont.)

Ed Prendergast, Undersheriff	[] Approve Date:	
Comments:		
Bill Gore, Sheriff	[] Approve Date:	
Comments:		

FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

January 2, 2015

TO: Edna Milloy, Captain-Detentions

Las Colinas Detention & Reentry Facility (S287)

FROM: Christine Harvel, Lieutenant

(

Internal Affairs Unit (O41)

INTERNAL AFFAIRS CASE # 2014-167.1

Please review this investigation and check where appropriate. When all action is completed, please return directly to the Internal Affairs Unit. <u>DO NOT FORWARD THROUGH THE CHAIN OF COMMAND</u>. This will be done by the Internal Affairs Unit. If you have any questions, please call (858) 974-2065.

<u> </u>	I concur with the Internal Affairs conclusions. No further formal action is recommended.
X	I concur with the Internal Affairs conclusions. Discipline recommendation attached.
	I disagree with the Internal Affairs findings. See attached report.
	A procedural change is being written and an approved copy will be sent to Internal Affairs.
Signed	Edna Milloy, Captain-Detentions Date 2/3/15
	Edna Milloy, Captain-Detentions

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs Unit



INTERNAL AFFAIRS CASE 2014-167.1

ACCUSED EMPLOYEE: Robert Toohey Jr., Detentions/Court Svc

Deputy Sheriff

COMPLAINANT: SDSO

INVESTIGATOR: Kimberley Baker, Sergeant

CONFIDENTIAL



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs Unit

CASE NUMBER: 2014 - 167.1

ACCUSED EMPLOYEE: Robert Toohey Jr., Detentions/Ct Svc Deputy Sheriff

COMPLAINANT: SDSD

INVESTIGATOR: Kimberley Baker, Sergeant

TABLE OF CONTENTS

- A. Complaint Form and Attachments
- B. Synopsis, Analysis, Conclusions, and Findings by Sergeant Baker
- C. Witness list and Investigation by Sergeant Baker
- D. Sheriff's crime report, Follow-up report and DA Reject, case #14148298
- E. JIMS printouts from Search Warrant and correlating notes
- F. Copy of fraudulent Sheriff's identification card
- G. Written and typed itemized list of expenses from Search Warrant (Marijuana purchase \$30.00)
- H. Photos from Search Warrant
- I. Letters from Toohey to from Search Warrant

- J. Photos of injuries to and Toohey
- K. Photos from Toohey's personal cell phone
- L. Photos of text messages from cell phone of JIMS photo.
- M. Email From Detective Shands to Sergeant Baker regarding the Toxicology report for
- N. CD-R Containing audio recordings of interviews, Criminal investigation by Detective Shands, Investigation, Synopses/Analysis/Conclusion by Detective Baker.



San Diego County Sheriff's Department Post Office Box 939062 San Diego, California 92193-9062



William D. Gore, Sheriff

COMPLAINT FORM

TO1-4108		1
9012-101	t	1

COMPLAINANT'S NAME		DATE OF BIRTH	HOME PHONE
Department Originated			
COMPLAINANT'S ADDRES	S CHY	ZIP C ODE	BUSINESS PHONE
LOCATION OF INCIDENT	CITY	DATE AND TIME OF INCIDE	N
		September 20, 2014	
NAME(S) OF SHERIFF'S PE	RSONNEL		1 12 2
Deputy Robert Toohey Jr.	# 5896		
BRIFF NARRATIVE OF CO	MPLAINI		• •
On September 21, 2014, a			alleged she was sexually assaulted
on September 20, 2014 by	Deputy Robert Toohey Jr.		
- · · · · · · · · · · · · · · · · · · ·		····	
			· · ·
			
		·	CONTRACTOR OF
			ADDITIONAL SHEETS
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FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

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September 22, 2014

IA# 2014-167.1

John Ingrassia, Commander-Detentions TO:

Deputy-Detentions/Ctsvc Robert Toohey #5896 RE: Las Colinas Detention Facility (S287)

The attached complaint has been assigned to Sergeant Kim Baker of the Internal Affairs Unit for investigation. You will be informed of the results upon completion of the investigation.

Should you wish to be briefed at any time, please feel free to call me at (858) 974-2065.

Thank you.

Christine Harvel, Lieutenant

Internal Affairs Unit

CH:mpa

THE SHERIFF'S CORPORATE DIRECTORY SEARCH RESULT

(Active Employees)

* Home Phone number and Confidential phone number are viewable just by you and Comm Center Supervisors

Enter Partial Names: Last: Go First: Advanced Search

Printer Friendly

GENERAL INFORMATION (To update this information, click on the employee name)

Name: Toohey Jr, Robert L

Title DEP SHERIFF - DETENTIONS/CTSVC

NT User ID: rtoohesh PeopleSoft ID: 016339 ARJIS Number: SH5896

Desk Phone: (619) 258-3181

Cell Phone: Pager No.: Home Phone: Confidential Phone. Other: Radio Unit.

Sheriff's Email: Robert Toohey@sdsheriff org

Dept. Name: Las Colinas Det Facility

Telephone⁻ (619) 258-3181 Fax: (619) -

Other Email: Responsibility:

CURRENT WORK LOCATION

LOCATION INFORMATION		
RENT WORK LOCATION	HR (PeopleSoft) ASSIGNED LOCATION	
Mail Stop: S287 Show Driving Directions Location: Las Colinas Detention & Reentry Faculity Address 451 Riverview Parkway : Santee CA 92071-3093 Felephone: (619) 258-3181	Dept Name: Sdc Women's Det Reentry Facili Mail Drop: S287 Location: LCDRF - Visit/Admin Address: 451 Riverview Pkwy : Santee CA 920715829 Telephone: 619/258-3176	

Sheriff's Home Corporate Directory

The information contained within these pages is intended for employees of the San Diego's Sheriff staff only

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2014-167.1

DATE: December 31, 2014

COMPLAINANT: S.D.S.O. INVESTIGATOR: Sergeant K. Baker

SYNOPSIS, ANALYSIS, CONCLUSIONS, AND FINDINGS

SYNOPSIS

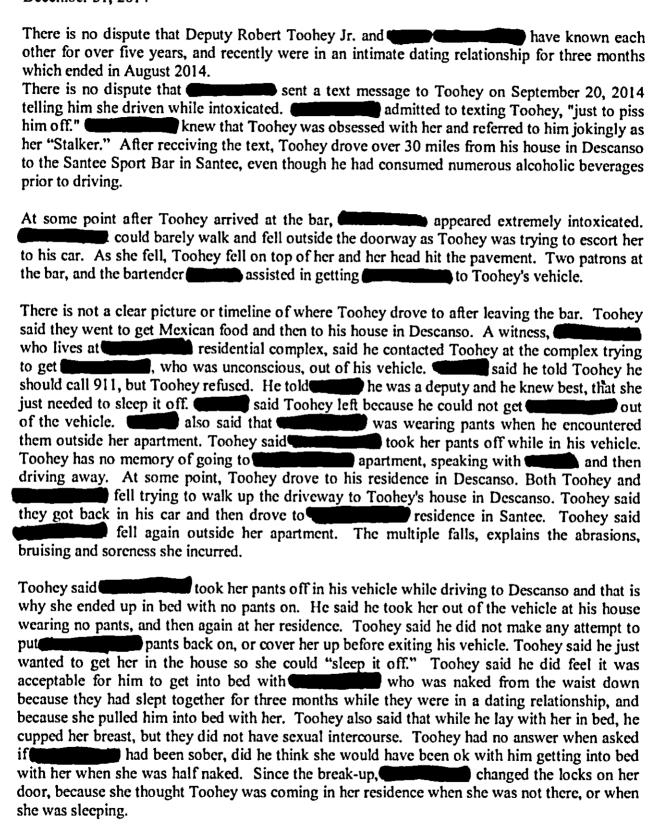
On 09/20/14, after consuming seven alcoholic beverages between 6:30 PM and 10:00 PM, Detentions/CtSvc Deputy Robert Toohey Jr, drove from his residence in Descanso to the Santee Sport Bar in Santee, because he was worried that his former girlfriend was going to drive while intoxicated. At the bar, Toohey and both consumed more alcohol and then left together. "blacked out" from consuming alcohol and drugs, and did not remember anything that happened after meeting Toohey at the bar. She woke up the next day, bruised, sore and with an extremely swollen black eye. (The District Attorney's office declined to file on the case.

During the criminal investigation, a search warrant was obtained for Toohey's residence, vehicle and his cell phone. The following items were found: JIMS printouts, A fraudulent Sheriff's identification card, handcuffs from Descanso Detention Facility, An itemized list showing Toohey purchased marijuana for \$30.00, photos that were taken at Las Colinas Detention Facility of an inmate wearing underwear, feces and bloody clothing in a cell, and of deputies in the hallway.

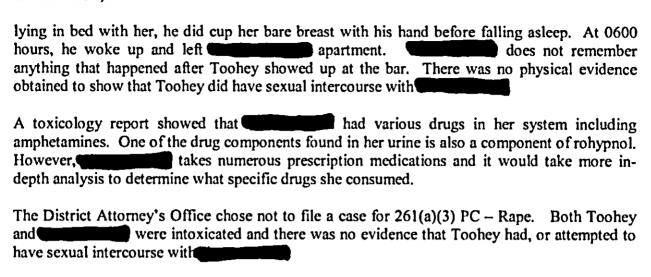
Also obtained during the investigation was a text message on cell phone which contained a JIMS photo of a mutual friend of both and Toohey.

ANALYSIS AND CONCLUSIONS

It is alleged Detentions/CtSvc Deputy Robert Toohey Jr. sexually assaulted his ex-



Toohey said he did not have sexual intercourse with her that evening, and during their relationship, he always refused to have sex with her if she was extremely drunk. He said while



The following Department policies would be applicable to the allegation above:

2.4 UNBECOMING CONDUCT

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.

2.5 IMMORAL CONDUCT

Employee shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standard of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which tends to impair their ability to perform their duties or causes this Department to be brought into disrepute.

Employee shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standard of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which tends to impair their ability to perform their duties or causes this Department to be brought into disrepute.

2.6 CONFORMANCE TO LAW (in part)

Employees shall obey all laws of the United States, of this state, and of local jurisdictions.

The acts of employees giving rise to an indictment, information or complaint, filed against an employee, or a conviction for violating any law, including a conviction

following a plea of nolo contendere, may be cause for disciplinary action, temporary or permanent reassignment (excluding minor traffic).

As it relates to California Penal Code Section §261 (a)(3)

- (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
- (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

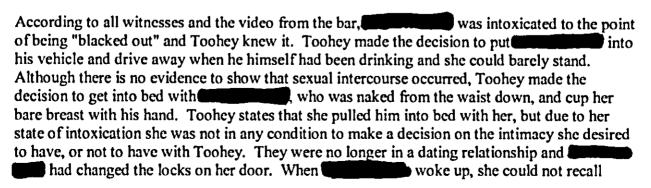
As it relates to California Penal Code Section §243.4 (e)(1)

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

The burden of proof for an administrative case is "preponderance of the evidence" which is defined as "such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth." In weighing the facts of this case, a violation of California Penal Code Section §261 (a)(3) includes two elements. The first element is the act of sexual intercourse, "Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator."

Deputy Robert Toohey Jr. never was the spouse of and there was no evidence to show that sexual intercourse took place.

The second element section (3) has to show that the person is prevented from resisting and the accused should have known, "Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused."



what happened, but she believed Toohey had raped her and became a cooperating victim in the investigation. Toohey's admitted intoxication clearly affected his decision making during this incident. However, with all Toohey does not recall, he clearly remembered getting into bed with her when she was half naked and cupping her bare breast.

Toohey never made an attempt to call her sons, a friend, or paramedics to assist him. According to Toohey, he took out of his vehicle two times, naked from the waist down without even attempting to cover her up. Had Toohey been observed dragging a half-naked female through a residential complex, his ability to perform his duties as a deputy sheriff would have been put into question and reflected very poorly upon the Sheriff's Department. Although the District Attorney's Office declined to file a case against Toohey, the series of poor decisions made by him that evening, is what led to him being investigated for 261(a)(3) PC – Rape.

It is alleged Detentions/CtSvc Deputy Robert Toohey Jr. drove his vehicle, both by himself and with the series in the vehicle, while intoxicated.

There is no dispute that Deputy Robert Toohey Jr. admitted to drinking three beers and four shots of Fireball whiskey between 1830 hours and 2200 hours on September 20, 2014, and then drove his vehicle 30 miles from his residence in Descanso to the Santee Sports Bar in Santee.

Toohey drove to the bar because had sent him a text saying she was going to drive drunk. He went to the bar to stop her from driving. Once at the bar, he ordered two beers. According to the bartender he also ordered whiskey, but Toohey said he does not remember ordering or drinking whiskey, but he may have. Toohey at the bar before she "Blacked out." The bar bill that Toohey paid the next day was for a Bloody Mary that ordered before he got there, the two Blue Moon Beers that he ordered, two single shots of Fireball Whiskey and two double shots of Fireball Whiskey. It is unclear who drank what amount of whiskey at the bar.

Regardless of whether Toohey remembers if he drank any whiskey at the bar, he told Detective Shands that he was "probably drunk" when he drove. He said he felt it was better that he drive than driving drunk. When asked if he thought there were options other than him driving from Descanso to Santee after consuming 7 alcoholic beverages, he said he did not consider other options at the time.

"blacked out" and could not recall the events after Toohey arrived at the bar. Toohey was unable to escort her to his vehicle by himself. She was so intoxicated she could not walk and it appears in the video that he was too intoxicated to safely get her to his vehicle. He and fell to the ground as they exited the door to the bar.

Two patrons at the bar, and the bartender had to assist Toohey in getting into his vehicle. Instead of driving her home, he stated that he went and bought Mexican food at a drive thru restaurant. Toohey said he then drove the 30 miles back to his house in Descanso with the because she did not want to go home. Toohey said while driving to Descanso, took her pants off. Toohey said he thought she was going to urinate in

the back seat of his vehicle because she had done that before. However, he did not ask her if she needed to stop and use the bathroom. He also did not think to seat belt her in before driving. Once at his residence, he did not think to put her pants back on her before taking her out of his vehicle. According to Toohey, he got her out of the vehicle but could not carry her up to his house. They fell again. He put back in his vehicle and drove the 30 miles or so back to her residence in Santee. Toohey said he took her out of his vehicle with no pants on, and propped her up by the door while he went to get her key out of her purse. Toohey said she fell, and he thought she may have hit her eye on the door knob.

A witness, who lives in the same complex as . said he contacted Toohey and in the complex during the early morning hours of September 21. heard yelling and went outside to see what was going on. He said Toohey could out of the vehicle because she was unconscious. was concerned not get for a pulse and told Toohey he should call 911 because she may have and checked alcohol poisoning. Toohey told that he was a deputy and he knew best, she just needed to sleep it off. said that after many attempts of trying to get her out of the vehicle. Toohey gave up and told the was going to take to his house. He tried to close the back door to his vehicle and accidently closed the door on put her leg back in the car, closed the door, got in and drove away. The witness also said that had her pants on. Toohey has no memory of talking to anyone at complex. Toohey said he did not go to apartment, leave and return later.

Toohey said did not have her boots on when they put her in his vehicle at the bar, and that he later found them outside her apartment door. He did not know how they got there. The bartender said did have her boots on when they put her in Toohey's vehicle at the bar. If Toohey had gone to her residence, left and then returned later, this could explain how the boots got left near the front door. However Toohey has no memory of talking to or anyone at the apartment, and no explanation for how the boots were left near the door.

The evening of this incident, Toohey drove over 90 miles after consuming numerous alcoholic beverages. He admitted that he drove drunk, because he did not wanted to drive drunk.

The following Department policies would be applicable to the allegation above:

2.4 UNBECOMING CONDUCT

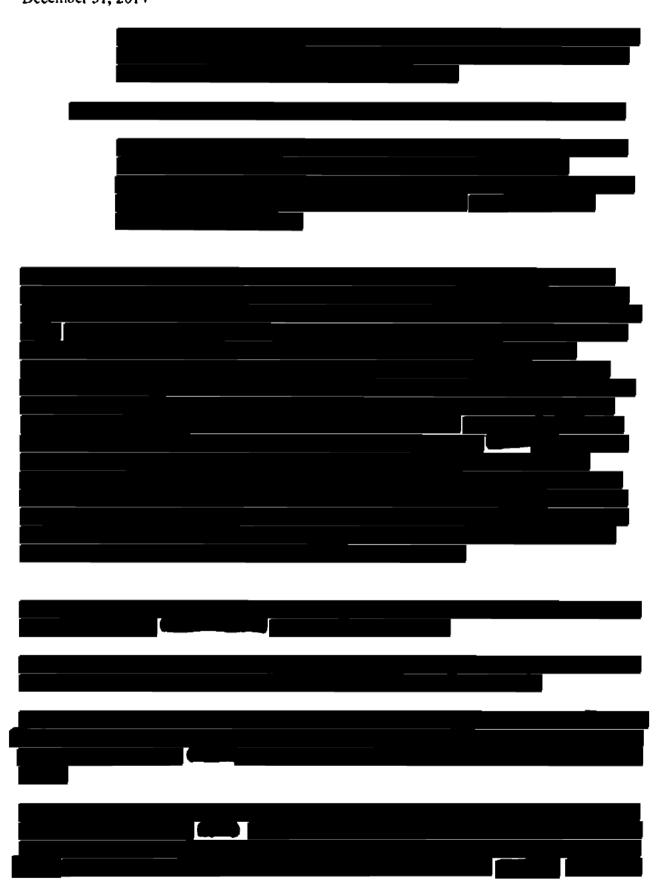
Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.

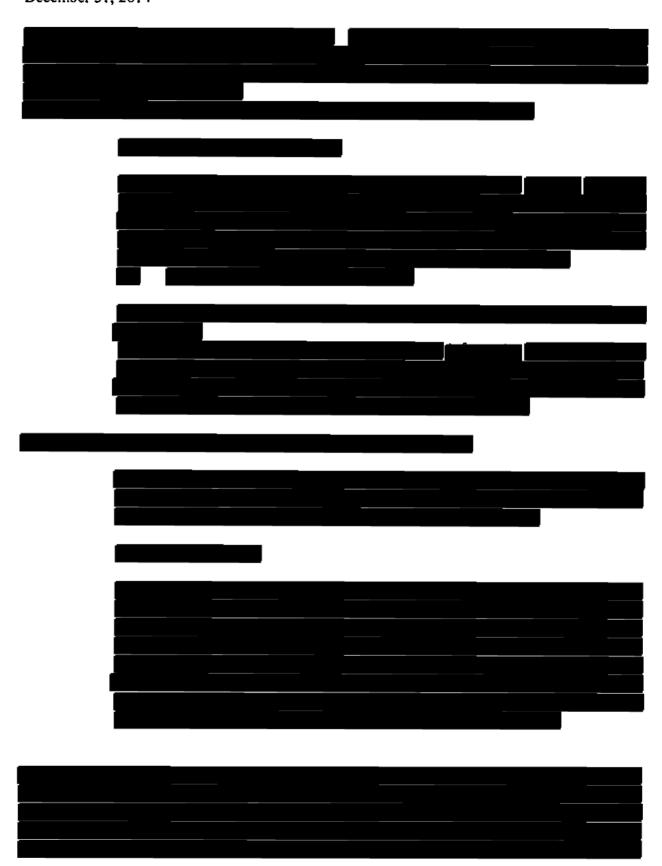
2.14 USE OF ALCOHOL/OFF DUTY

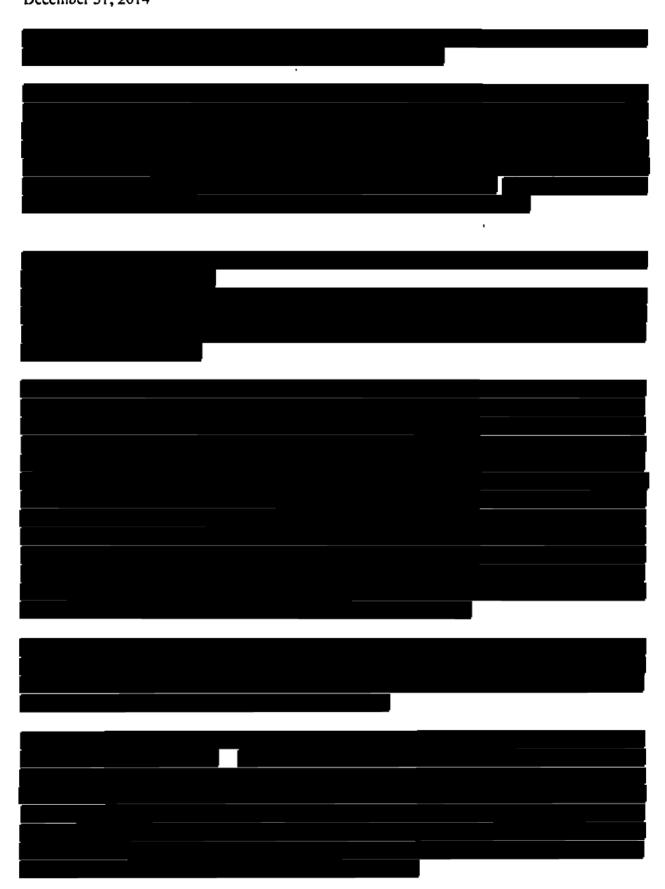
Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in unlawful impairment (such as driving under the influence or being unable to care for their own safety or the safety of others), public intoxication, or obnoxious or offensive behavior in public which would tend to discredit them or this Department, or render the employee unfit to report for their next regular tour of duty. (Reviewed 12-19-2010)

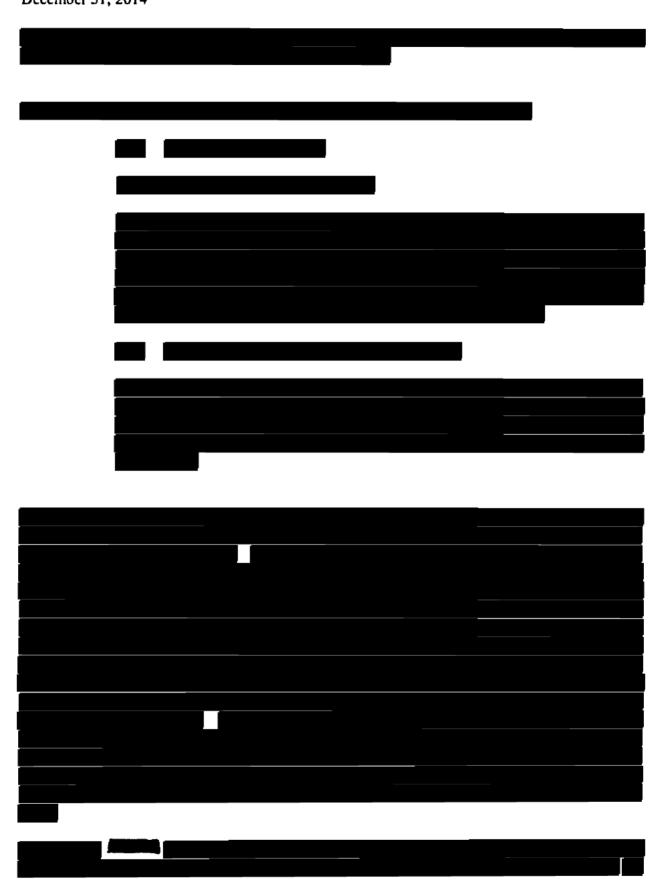
Toohey Jr. could not recall from that evening. He admi beverages and drove knowingly under the influence of alcoholetter for him to drive rather than the yet he failed have other options. He could have called a friend, he could he called one of the sons. According to the bartender extremely intoxicated. Toohey did not recognize that medical attention. Toohey was in no condition to help the land the process of trying to help her, they both fell numerous to bruised, a black eye and was in a lot of pain. Toohey suffered himself, the land and the public in danger by driving whe good decisions and was unable to care for his own safety or the displayed behavior which is unacceptable for a representative of the sound safety or the displayed behavior which is unacceptable for a representative of the sound safety or the displayed behavior which is unacceptable for a representative of the sound safety or the displayed behavior which is unacceptable for a representative of the sound safety or the displayed behavior which is unacceptable for a representative of the sound safety or the sound safety or the sound safety or the sound safety or the	ittedly drank numerous alcoholic ol. Toohey said he thought it was d to put a seatbelt on her. He did have called a taxi, or he could have remark was may have been in need of because he was intoxicated. Toohey ile intoxicated. He failed to make the safety of the sailed to make the sailed to make the sailed to make the sailed the sailed to make the sailed the sa

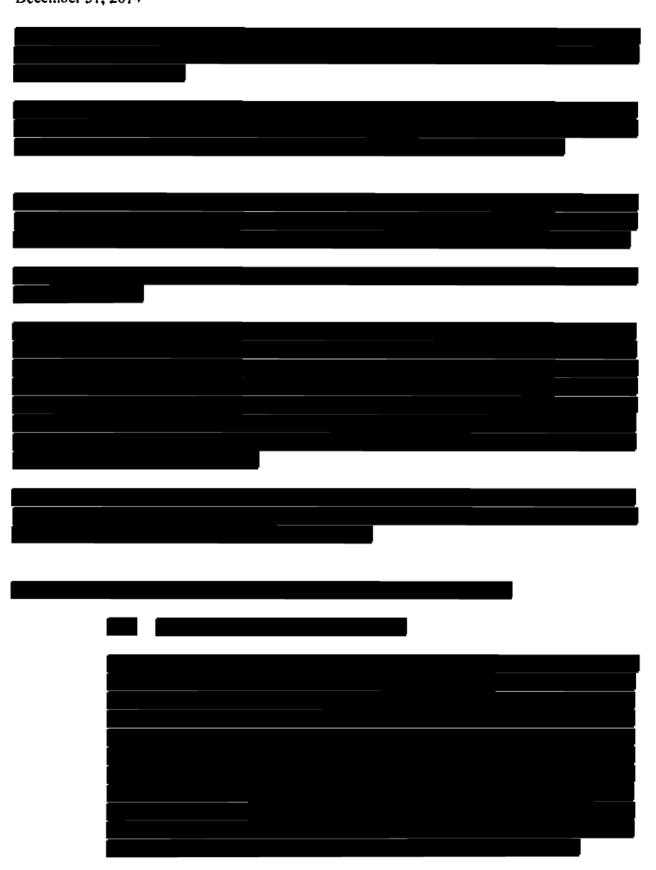














Internal Affairs Case #2014-167.1 Synopsis, Analysis, Conclusions, and Findings December 31, 2014

FINDINGS

This complaint against Detentions/CtSvc Deputy Robert Toohey Jr., that he sexually assaulted his ex-girlfriend, as it relates to Sheriff's Policy and Procedures, Sections:

- 2.4 Unbecoming Conduct
- 2.5 Immoral Conduct

Is SUSTAINED

2.6 Conformance to Law, as it relates to 261(a)(3) PC

Is Not SUSTAINED

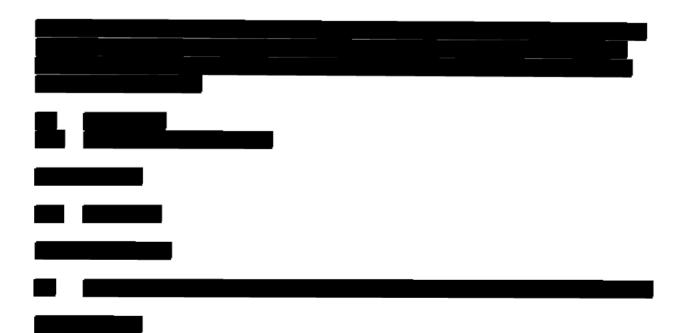
2.6 Conformance to Law, as it relates to 243,4(e)(1) PC

Is SUSTAINED

This complaint against Detentions/CtSvc Deputy Robert Toohey Jr. that he drove his vehicle, both by himself and with the second in the vehicle, while intoxicated, as it relates to Sheriff's Policy and Procedures, Sections:

- 2.4 Unbecoming Conduct
- 2.14 Use of Alcohol/Off Duty

Is SUSTAINED



Submitted by: Kimberley Baker, Sergeant Date 12/31/14

Approved by: Christine Harvel, Lieutenant Date

CH:kgb

WITNESS LIST

INTERNAL AFFAIRS CASE #2014-167.1

NAME	ADDRESS	TELEPHONE
Hilary Gastrich Deputy Sheriff Arjis #5015	8811 Cyamaca St Santee, CA 92071	
Laura Shands, Detective Deputy Sheriff Arjis #1062	9621 Ridghaven Crt San Diego, CA 92123	(858) 974-2317
Robert Roberson III, Det Deputy Sheriff Arjis #4750	9621 Ridgehaven Crt San Diego, CA 92123	(858) 974-2354
Ashley Marcoux DET/CTSVC Dep Sheriff Arjis #3153	451 Riverview Pkwy Santee, CA 92071	
Robby Storton, Lieutenant DET/CTSVC Arjis #4096	446 Alta Rd #5200 San Diego, CA 92158	
Brian Coyne, LT Retired DET/CTSVC Arjis #5067		
Michael McNally Assistant Sheriff Retired Arjis #1374		
(Victim) Interviewed by Det Shands		
(Witness) Interviewed by Det. Shands		
(Witness) Interviewed by Det. Shands		

WITNESS LIST (continued)

INTERNAL AFFAIRS CASE #2014-167.1

(Witness) Interviewed by Det Shands	
(Witness –	
(Witness – Company) Interviewed by Det Shands	
Witness	
Witness Interviewed by Det Roberson	
Witness Interviewed by Det Shands	

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2014-167.1 DATE: December 31, 2014

COMPLAINANT: SDSO INVESTIGATOR: Sergeant K. Baker

INVESTIGATION

On September 26, 2014, Lieutenant Harvel assigned this complaint to me for investigation. I reviewed the complaint form and accompanying documents as part of the investigation. The complaint was Department originated. All the interviews in this investigation were digitally recorded and will be maintained with the Internal Affairs file. The following are "in essence" synopses of the interviews. For exact and complete details of the interviews, refer to the digital recordings. (See Attachment N.)

The complaint was Department originated and alleges on September 20-21, 2014, off-duty Sheriff's Detentions Court Services Deputy Sheriff Robert Toohey Jr., allegedly sexually assaulted his former girlfriend

The initial crime report SDSO Case #14148298, was taken by Deputy Hilary Gastrich. The following is the "Synopsis" from that report: (See Attachment D.)

I contacted the state of a Kaiser Hospital in reference to a possible rape she believes was committed sometime between 9/20/14 at 1800 hours and 9/21/14 at 1300 hours in Santee. Alleges the suspect is her ex-boyfriend, Robert Toohey. The remembers being at the Santee Sports Bar with Robert on the evening of 09/20/14 and does not have any other memory until 9/21/14 at about 1300 hours. Stated she and Robert were drinking, she "blacked out," and Robert took her home. Awoke the next day with bruises on both her knees and her left elbow, and a black right eye. Also complained of soreness in her inner thighs. Stated when she woke up in her bed she had no pants on. The pants and boots she had on the previous night were located in the living room. For the above mentioned reasons, alleges Robert raped her and caused the bruising to her right eye. Also alleges Robert is "stalking" her and sending her several text messages.

San Diego Sheriff's Sexual Assault Detective Laura Shands was notified and conducted the follow-up investigation regarding this incident, Sheriff's Case #14148298. (See Attachment D.) For complete details of the interviews done by Detective Shands, refer to the audio

recordings. (See Attachment N.) The following is Detective Shands synopsis of the investigation:

SYNOPSIS:

On Saturday night, 09-20-14, text her ex-boyfriend, Robert Toohey, that she was at the Santee Sports Bar and wanted someone to buy her a drink. Toohey went to the bar and found there, who had already starting drinking. In approximately one hour, consumed two Bloody Mary drinks and one shot of whiskey. Toohey drank two beers and two shots of whiskey. Shortly thereafter, became extremely intoxicated and had to be carried out of the bar by Toohey and two other customers, during which time Toohey fell down and landed on top of suffered a black eye and several abrasions on her arms and legs. later awoke in her bed the next day, naked from the waist down and did not remember anything past being at the bar. She complained of severe pain and soreness in and around her vagina as if she had had sex. Toohey on the other hand, stated he took her home in his car stopping to get food and a stop at his house which he couldn't get her out of his car. Toohey said fell down several times during the attempts he tried to get her home. Toohey claims removed her own pants while in the back seat of his car. At home, Toohey carried her to her bed and they fell asleep. Toohey denies attempting to or having sex with A witness later stated had her pants on during the time Toohey was trying to get her into her house, and after that failed, Toohey drove away with her.

any male DNA found on her clothing or bed sheets. During the SART exam, the RN located a visible injury, (abrasion), on the outside of vagina that she described as "Blunt force trauma." During the investigation of this case, I was unable to determine if had been sexually assaulted by Toohey. Nor did I find any evidence that Toohey committed a sexual assault against her.

This case is being submitted to the District Attorney's Office, El Cajon Branch, for review. The incident occurred in the City of Santee, in the County of San Diego, State of California.

On November 11, 2014, Detective Shands received a Complaint Request Evaluation from Deputy District Attorney Kerry Conway who rejected the case for prosecution. Conway stated: (See attachment D.)

Due to the lack of physical evidence, lack of recall by the V, and suspect's outright denial that any sex occurred, it cannot be proven that a sex crime was committed.

On 09/22/14, Detective Shands and Detective Roberson interviewed Toohey and obtained a recorded statement. The following is a synopsis of the interview: (See Attachment D for the written report and Attachment N for the recorded interview.)

Toohey stated he has known for about five years. In May 2014 they went to San Felipe together for vacation and started dating. The relationship ended in August 2014, but they remained friends.

On September 20, around 9:00 PM, Toohey received a text message from stating she was going to the bar and hopes someone will buy her a drink. She later sent another text stating she was going to drive drunk because "she didn't give a fuck." Toohey did not want her to drive drunk so he immediately drove from his residence in Descanso to the Santee Sport Bar in Santee.

Toohey told Shands that prior to driving to Santee, he had been at a barbecue at a friends house and consumed three beers and four shots of Fireball whiskey between 06:30 PM and 10:00PM. Toohey also admitted to Detective Shands that he probably drove drunk. Once at the bar, Toohey ordered two more beers. Toohey said he does not remember drinking any whiskey while at the bar but they normally do.

At the bar, Toohey sat with for a while. He said she appeared intoxicated from the time he arrived at the bar. She then was sitting with two male patrons. Toohey said she had already fallen twice and he wanted to get her out of the bar. Toohey said the bartender agreed she should leave. At first one of the male patrons was not allowing Toohey to escort out of the bar. Finally, Toohey tried to escort her out but they fell. The two male patrons helped put into Toohey's vehicle,

Toohey said when they put in his car, she was not wearing her boots. However he said it was weird, because later on when he arrived at her residence, the boots were sitting about ten feet from her door.

Toohey said they went to Santana's for Mexican food and then drove to his house in Descanso because did not want to go home. He said after they left Santana's, took her pants off in the back seat of his vehicle. Toohey said he thought she was going to urinate because she had done it before.

Toohey said at his residence, they attempted to walk up the driveway but fell again. He put back into his vehicle and drove to her residence in Santee. Toohey got out of the vehicle and propped her up against the wall by her door. He went back to the vehicle to get her key out of her purse and she fell again. Toohey thought she may have hit her eye on the

door knob when she fell. However he did not know about her eye injury until later that day when he received a text message with her photo from her son,

Toohey laid down in her bed. She was still naked from the waist down because she had taken her pants off in the vehicle. Toohey said she pulled him into bed with her and Toohey told her "No" meaning they were not going to have sex. Toohey said he laid down next to her, cupped her breast with his hand and they went to sleep until 0:600 AM. Toohey said he told he was going home and she told him she would see him later. Toohey was adamant that they did not have sex.

Toohey is aware that has many health issues. He also said she takes at least ten different types of medication. Toohey was asked if he was concerned that was having health issues that were causing her to fall over. Toohey said in the past, it's always been alcohol.

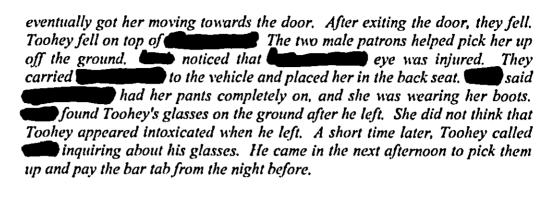
Toohey said he had been in contact with all day explaining to her that they did not have sex. Toohey also showed Detective Shands text messages he had on his phone from son,

Detective Shands reviewed the video at the Santee Sport Bar. (See attachment D for the written report, see Attachment N for the video.) The video showed the arrival of and then later Toohey. Toohey ordered a drink and they sat together. Went over and sat with two male patrons and appeared to be slumped over the bar. Toohey was pulling her by her arm trying to get her up but she was not moving. One of the male patrons tried to stop him. They got into a little tussle and then Toohey again tried to escort out of the bar. They made it out the door and fell over. Toohey fell on top of The video shows the two male patrons carrying to Toohey's vehicle. In the video you can see that the bar has her pants on and her boots on.

Detective Shands interviewed the same of the bartender at the Santee Sport Bar. The following is a synopses of her interview. (See attachment D for the written report, see Attachment N for the recorded interview.)

knows both Toohey and times a week. Said said and all did not appear to be intoxicated when she first arrived and ordered a Bloody Mary. Toohey arrived and ordered two blue Moon beers. After drinking both beers he ordered two Fireball whiskey shots and gave one to About 45 minutes after Toohey arrived.

appeared to be extremely drunk. She said her behavior was strange and unusual even for her. had gone over to sit with two male patrons and became dead weight, slumped over the bar. Toohey



Detective Shands interviewed the victim the state of the interview: (See attachment D for the written report, see Attachment N for the recorded interview.)

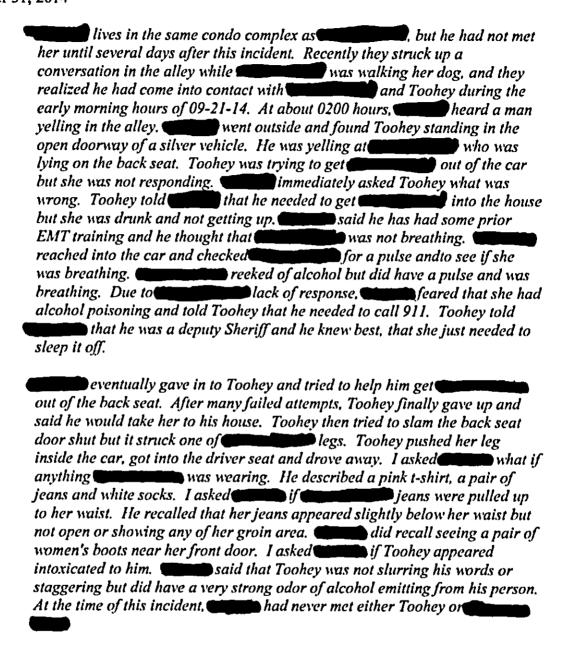
said she has known Toohey for about seven years and dated him for about three months after they took a vacation in San Felipe together. Toohey was sleeping regularly at her residence during the time they were dating. Toohey was helping her deal with medical issues. Toohey was very jealous and accused her of being interested in other men. This caused tension and they broke up, but they remained friends.

said Toohey consumes a lot of alcohol. He mainly drinks Fireball whiskey and carries it in water bottles when he is driving.

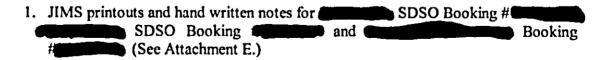
Toohey continually tried to rekindle their relationship. When he was at work, he would text message her all day. believes he was sneaking into her house when she was asleep or not home, because she would find things he left. had the locks changed at her home.

On the evening of the alleged incident, went to the Santee Sport Bar because she likes their Bloody Mary's. While there, she sent a text message to Toohey that she had driven drunk, just to "piss him off." A short time later he arrived at the bar. went over and sat with Toohey who was frantic. He told her, "Don't ever do that to me again!" Toohey looked like he had just rolled out of the bushes. She didn't know if he was drunk or had just woken up. They sat and talked and Toohey began to cry asking why they could not get back together. said that was the last thing she could remember until her son woke her up the next day.

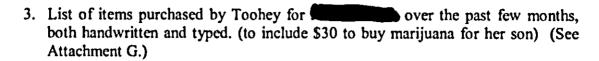
notified Detective Shands that her neighbor, was a possible witness. Detective Shands contacted and obtained a telephone interview. The following is a synopsis of the interview: (See attachment D for the written report, see Attachment N for the recorded interview.)



Detective Shands obtained a search warrant for Toohey's residence in Descanso, his rental car and his cell phone. She provided me with a copy of the following items which were seized as a result of the search warrant at his residence:



2. A fraudulent Sheriff's Identification Card with Sergeant Robby Storton's name and Toohey's picture and information on the back. (See Attachment F.)

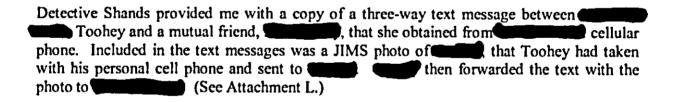


- 4. Photos from the Search Warrant of Toohey's residence to include a photo of waste chains and handcuffs found at his residence. (See Attachment H.)
- 5. Letters from Toohey to (See Attachment I.)

Detective Shands provided me with photos she obtained of injuries and Toohey's injuries. (See attachment J.)

Detective Shands provided me a copy of the following items found on Toohey's personal cellular phone as a result of a search warrant: (See Attachment K.)

- 1. Photos of jail deputies at Las Colinas taken from the surveillance camera.
- 2. Photo of an inmate in her underwear in a cell at Las Colinas.
- 3. Photo of feces and bloody clothing from a cell at Las Colinas.
- 4. Photo of an Occupational Injury Report for Deputy Ashley Marcoux at Las Colinas.



On November 21, 2014, Deputy Shands emailed me the results of the toxicology report for The following is the email she sent: (See attachment M.)

Kim.

Normally every SART includes taking both urine and blood. I thought that happened with but apparently she gave urine but no blood. The nurse packs it up so I don't know what is in the bag submitted. So, they can't test for BAC with urine and they sent the urine out to contracting company to do the drug pane. So no BAC on this one, but...

Her tox panel came back with a significant level of methamphetamines and amphetamines. That was a bit of a shock for me. I will be asking her about that. Negative for GHB and Ketamine, but...

Positive for metabolites of Benzodiazepines, (nordiazepam, oxazepam and temazepam). She had a significant amount of temazepam metabolites in her system which is a compound of "Ristoril", an insomnia and anxiety medication. These metabolites are not from her valium, which she takes occasionally. Rohypnol, a date rape drug, is a Benzodiazpine. The three metabolites in urine could have been produced from Rohypnol, but without more extensive testing we cannot be certain. This certainly explains her change of behavior, consciousness, and inability to remember.

I will be checking with her about all of her drug use to rule out the above.

Detective Laura Shands
San Diego County Sheriff's Department
Central Investigations Division - Sexual Assault Unit
9621 Ridgehaven Court, San Diego, CA 92123
Desk: (858) 974-2317

STATEMENT OF WITNESS - SHERIFF'S LIEUTENANT ROBBY STORTON

On November 21, 2014, at about 1126 hours, I conducted a recorded telephone interview Sheriff's Detention's Court Services Lieutenant Robby Storton. The interview was digitally recorded and Lieutenant Storton was aware of the recording. No one else was present for the interview. A synopsis of the interview is as follows. (See Attachment N for the recorded interview.)

Before going on record, I explained the nature of the interview to Storton and that he was a witness to this investigation. I asked Storton to review the following four Rules of Conduct applicable to Internal Affairs Investigations: Insubordination, Intervention, Departmental Reports and Truthfulness. Storton understood the rules and his obligation to adhere to them.

Storton has been employed with the San Diego County Sheriff's Department for about 20 years. He is currently the Lieutenant assigned to the East Mesa Re-Entry Facility.

Storton knows Toohey. He has worked both with Toohey as a deputy and as his sergeant. Toohey worked under Storton when he was a sergeant at the Descanso Detention facility and at the Las Colinas Detention Facility.

Storton said when he was a sergeant he never lost his Sheriff's Department identification card. He never loaned his identification card to Toohey, nor was there any reason why Toohey would have his identification card.

Internal Affairs Investigation I.A. Case #2014-167.1 December 31, 2014

Storton has never seen the Sheriff's Identification Card that Toohey had in his possession which shows a picture of Toohey with the name "Robby Storton, Sergeant-Detentions" printed on it.

Storton said during the Las Colinas construction project he would loan his card to people to gain access, but he was a lieutenant, not a sergeant during this entire project.

Storton turned his Sheriff Sergeant identification card and badge into personnel when he was promoted to lieutenant. Storton does not know of any reason why Toohey or anyone else would have a Sheriff's identification card with his name on it.

The interview was concluded with an order not to disclose at 1131 hours.

STATEMENT OF ACCUSED - SHERIFF'S DEPUTY ROBERT TOOHEY JR

On November 25, 2014, at about 1336 hours, I interviewed Detentions/Court Services Deputy Sheriff Robert Toohey Jr. at the Internal Affairs Conference Room located at 9621 Ridgehaven Court, San Diego, California. Also present during this interview was Amy Gordon, Deputy Toohey's employee representative and legal counsel, and Sergeant Arthur Ortiz from the Internal Affairs Unit. The following is a synopsis of the interview. (See Attachment N for the full recording.)

I read Deputy Toohey the Miranda Admonishment from my Department Issued Deputy's Notebook. Deputy Toohey answered "Yes" He understood his rights and "No" he was not willing to talk to me. I then read Toohey the Garrity Warning and ordered him to answer my questions fully and truthfully. Toohey said he understood the admonition, and as a result of the order, I obtained the following statement.

Prior to the start of the interview, Toohey was given the opportunity to read the four Rules of Conduct applicable to Internal Affairs Investigations, as it relates to: Insubordination, Intervention, Department Reports and Truthfulness. Toohey indicated he understood the policies, and would adhere to them. Toohey also acknowledged he was aware this interview was being recorded.

Prior to this interview, I afforded Toohey and Gordon the opportunity to review the recorded interview of Toohey, conducted by Sheriff's Detectives Laura Shands and Robert Roberson for the criminal investigation, as well as the Department generated complaint alleging Toohey sexually assaulted

Toohey has been employed with the San Diego County Sheriff's Department for 21 years. He is currently assigned to the Las Colinas Detention Facility and has been there since 2009. Toohey started his career at Las Colinas, he then transferred to San Diego Central Jail. From there, he transferred to the Descanso Detention Facility until it was closed in 2009.

(

Toohey said he and the second were in a relationship together. He has known for seven years. Toohey met her through a mutual friend in Pine Valley. They became friends right away and it was just fun. In April 2014, Toohey and the went on vacation to San Felipe Mexico for a week and hit it off and their relationship changed from just friends to a dating relationship.

As of September 20, 2014, the night of the alleged incident of sexual assault, Toohey and had already broken up. Toohey had removed all of his personal belongings from residence. They were basically still friends, but not intimate because Toohey made promises to her and he said he keeps his promises. Toohey said he did not have a key to her apartment because she had changed the locks.

Toohey was asked if on the evening of September 20, 2014, he met said at the Santee Sport Bar. He said "I guess the answer is yes." He said the only reason he met her there was to prevent her from driving.

Prior to meeting at the Santee Sport Bar, Toohey had gone to a barbeque with friends who live in the community of Guatay, from about 06:30 PM to 10:00 PM. He then returned home. Toohey said the drive from Guatay to his residence is about an 8 minute drive.

After Toohey got home, he checked his phone and saw that he had two text messages from The first text message said that she was going to the bar until someone buys her a drink. The second text message said, "I'm drunk I'm driving because I just don't give a fuck." Toohey said he decided to go to the Santee Sport Bar to stop from driving. Toohey said he had not thought about if there were other options rather than him going to the sport bar to stop her from driving.

Toohey said when he first arrived, was highly intoxicated. She was sitting between two other people. The bartender came over and told him that was really drunk. Saw Toohey and came over to him and sat down. Toohey told her he was not going to let her drive. Somebody in the bar tried to stop him from taking her out of the bar, and told Toohey she could stay.

Toohey said when he first arrived at the bar he ordered a beer. He sat at the bar and she was sitting with other people. When she walked over to him she was staggering. Toohey said he did not remember ordering any Fireball whiskey for him or for her. The next day he paid the bar tab which was for two Bloody Mary's, two single shot fireball whiskeys, two double shot Fireball whiskeys and two blue moon beers. Although he did not remember drinking any Fireball, he believes he could have. Toohey said was notorious for ordering drinks on his tab. Toohey remembers being sad because he had just spent \$1,600.00 two days earlier to get the bar which was not of impound and she had promised him she would not drive her car until she got her license back. Toohey said he and the bar had a conversation at the bar, but he does not recall what they discussed other than her driving

Internal Affairs Investigation I.A. Case #2014-167.1 December 31, 2014

drunk. She knew he was sad but they did not talk about it. Toohey said he could not remember anything she said to him and he does not remember having shots with her.

Toohey said she seemed out of it from the time he got there, but suddenly she got worse. He said she has done this countless times before. "All the times we've been together, she would be like, one minute this and the next minute like off the cliff." Toohey was worried about her. Toohey said went to a baby shower earlier in the day and drank alcohol, then she went home and drank more, and then to the bar. Toohey said he knows she takes prescription drugs but he does not know what medications she takes. She has tried different medications like Xanax, but he does not know if she still takes it. He knows she has been on pain medication but he does not know what type. Her medications have changed too many times for him to keep track of. Toohey said he has seen the latter house before, when she had taken her medication with alcohol.

Toohey agreed that it took two people from the bar to carry was laying down on the place her inside. When they drove away from the bar, was laying down on the back seat in his vehicle. Was did not want to go home so he told her he would take her to his house after they got Mexican food from Santana's in El Cajon. Toohey went through the drive through. Even though she was extremely intoxicated, he thought it might help if she ate something. He does not know if she ate anything, possibly a rolled taco. He said she was now sitting slumped over in the back seat. Was not wearing a seatbelt and Toohey said he did not think to put one on her. He said he just wanted the night to be over.

Toohey said that as they were driving to his residence in Descanso, he had noticed that pants were partially off. He thought she was going to urinate in his car because she had done it before. When they got to his house, he noticed she had taken her pants off completely. He did not think to tell her to put her pants back on and he did not ask her if he needed to stop somewhere so she could urinate. Again, he said he just wanted the night to be over.

She does not wear underwear, and was naked from the waist down. Toohey said when they got to his house he did not think about trying to cover her up, he just wanted to get her in the house so she could lay down and sleep it off. Toohey said while she was half naked in his vehicle, she did not act amorous towards him. He denied having any type of sexual contact with while she was in his car.

Toohey was told there is a witness who said he talked with Toohey after he arrived at residence. Toohey does not recall talking with anyone. He said it could have happened but he does not remember talking with anyone.

RT: Robert Toohey
KB: Kimberley Baker
AG: Amy Gordon
AO: Arthur Ortiz

- KB: Do you remember talking to anybody at her apartment?
- RT: I don't remember it, but I can't say if it did or didn't happen at that point.
- KB: He said that he talked to you for quite a while, he told you he was an EMT, he was concerned that she had alcohol poisoning.
- RT: I don't recall that at all.
- KB: He wanted to call an ambulance
- RT: I do not recall that at all, I
- KB: He said he told you that um, that you know she could have alcohol poisoning and that you told him that you were a deputy sheriff and you would take care of her.
- RT: I have no recollection of talking to anybody regarding that conversation whatsoever.
- KB: He said then you attempted to shut the back door, that you had been trying to pull her out and you couldn't get her out, so then you went to close the door and he said you closed the door on her leg. Then you opened it back up put her in the car closed it and then got in the car and drove away.
- RT: No.
- KB: So you have no memory of that?
- RT: None of that whatsoever! None.
- KB: At any time did you think that you should call for an ambulance?
- RT: No because I have seen her in that situation before and it's not the first time.

Toohey was not concerned that she could have had alcohol poisoning, based on past experiences with her. He wanted to get her some place safe. He was not with her that day and did not know if she had taken any drugs. He did not consider that she may have taken drugs and that she may have needed medical help. He said has been going to the Santee Sport Bar for 25 years so he did not think anyone there would put drugs in her drink. Toohey denied putting any type of drug in her drink.

KB: Is there any chance that you didn't want to take her to the hospital because you were concerned they would test her and find drugs and that she would get in trouble?

RT: No. (pause) If they found drugs, if there were drugs in her system that's on her.

KB: Do you think anyone at the bar put drugs in her drink?

RT: She's been going to that bar for 25 years so I highly doubt it.

KB: Ok and you didn't put any drugs in her drink?

RT: I have never put any drugs in anybody's drink.

Toohey said round trip is about 60 miles from the bar in Santee to his house in Descanso. Toohey said did not talk to him at all during the drive to his house. She talked to him when he got to his house and he was trying to get her out of his car. He said at his house when he got her out of the car they both fell on the steep cement driveway and she said "Ouch! Fuck!" They were both lying on the sidewalk and Toohey said, "This is not going to work I am going to take you home." Toohey said he picked her up escorted her back down and put her in the car and they drove to Santee.

Toohey agreed that at this point it was quite possible that was suffering a "Blackout" from alcohol.

KB: Do you know what it means to be "Blacked out?"

RT: Yes.

KB: What does it mean?

RT: It means you lose faculties as far as what's going on in the surroundings around you.

After arriving at the residence, he parked in her parking spot which is by the back door to her apartment. He estimated it was about 5 feet to her door. He did not feel he needed to try and cover her half naked body before trying to get her in the house. Toohey did not first open the door because he said that normally she never locks her door. However when they got to the door it was locked. He told he had to get her key out of her purse. She said "Ok" and he went to the car. As he walked away, she fell over. Toohey believed that she may have hit her eye on the door knob when she fell. He got the key, opened the door and put her on the couch. He then got her purse and pants out of the car. Toohey then put in her bed and sat down next to her. Toohey said she pulled him towards her and tried to kiss him. He told her "No." was still naked from the waist

Internal Affairs Investigation I.A. Case #2014-167.1 December 31, 2014

down. Toohey lay next to her. He pulled a blanket over her, put his arm around her and cupped her breast. He said they both went to sleep.

- KB: So you were laying with her, she is half naked and you also said in your interview that you cupped her breast and that...
- RT: Yes ma'am.
- KB: ok you were laying behind her
- RT: and we both went to sleep.
- KB: You also said that she wanted to have sex and you told her "No."
- RT: Correct.
- KB: Um, when you got into bed with her, were, did you have clothes on?
- RT: I never took my clothes off.
- KB: So you kept your clothes on and climbed into bed with her?
- RT: The entire time, the entire time. I had on a black t-shirt and a blue pair of swimming trunk shorts.
- KB: Ok so you are cuddling with her, you are cupping her breast, did you get sexual gratification from doing that?
- RT: No.
- KB: So what was your purpose for doing that?
- RT: That's just where my hand landed and we went to sleep.
- KB: If she had not been so intoxicated, do you think she would have invited you into her bed?
- RT: Am I basing this on prior history? The knowledge...
- KB: Basing this on the fact that you were not in a dating relationship any longer, that she changed the locks on her door?
- RT: We have, we have been in a sexual relationship just as friends. The answer is yes.

KB: Ok but have you been in a sexual relationship since you broke up?

RT: No.

KB: So now, she's at the bar, she's very drunk,

RT: Yes Ma'am,

KB: You're saying she's very drunk, she's not really in a state to make decisions.

RT: Therefore I decided not to have sex with her.

KB: But you chose to get in bed with her and cup her breast.

RT: She pulled me onto the bed, I was tired it was three oclock in the morning, I was behind her, we both went to sleep or passed out, however you want to say it.

KB: Regardless though, do you think was coherent enough to make a decision about you staying with her in bed?

RT: I cannot answer that I don't know.

KB: Because of your feelings for her do you think you kind of took advantage of the situation?

RT: No.

KB: Were you maybe hoping she would change her mind?

RT: No I knew based on what I had found out the previous month that I was never going to get back together with her. I mean I still love her but I was never going to get back together with her.

Toohey agreed he stated in his interview with Detective Shands, that he had three beers and four whiskeys at the barbeque between 6:00 PM and 10:00 PM. He had a total of seven drinks, drove from Guatay to Descanso and then from Descanso to Santee. At the Santee Sports Bar he remembers drinking one Blue Moon and ordering a second. Although the bartender said he drank whiskey, he does not recall drinking any whiskey with but he could have. He is not sure who ordered the whiskeys that were on the bar bill.

I read Toohey the following quote from his interview with Detective Shands. Toohey said "I didn't have sex with her and I didn't let her drive drunk. Ya I probably was drunk when I drove, but once again me being stupid or foolish or whatever I took, I said to myself I'd rather me be driving than her."

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- RT: It was a foolish mistake, I, if I, if I could turn back the clock it would never of happened that way, but I can't.
- KB: Was you driving the only option?
- RT: I hadn't thought about it. I didn't I just, like I said I just reacted.
- KB: As deputy sheriffs are we supposed to be making good decisions, is that what we get paid to do?
- RT: I screwed up.
- KB: Could you have called a cab?
- RT: I suppose.
- KB: Or called a friend?
- RT: As far as friends where she lives versus friends where I live, it's two different circles.
- KB: Ok, however umm
- RT: I, like I said I screwed up.
- KB: Driving under the influence of alcohol was not your only option.
- RT: I, in retrospect you are absolutely right. Like I said I screwed up.
- KB: So by doing this did you put your life, life and the public in danger?
- RT: Perhaps. (Pause) I regret it.
- KB: So you would agree that it was not a good decision to drive after consuming that amount of alcohol?
- RT: Looking back, absolutely right.
- KB: Ok, and you are aware that it is a criminal offense as well as a violation of Sheriff's Policy and Procedure to drive while intoxicated?
- RT: Yes Ma'am. I screwed up.

Internal Affairs Investigation I.A. Case #2014-167.1 December 31, 2014

I explained to Toohey that had told Detective Shands that when he took his lunch break from the jail, he would regularly stop by her house and bring her toilet paper and other supplies from the jail. Toohey said "Negative." Toohey would go buy her food, Monster drinks, cigarettes and even toilet paper, but he never brought her any supplies that he obtained from his work.

I showed Toohey a photo of a text message from the cell phone which was a JIMS photo of the color, a mutual friend. I asked Toohey if he took a picture with his personal phone of a JIMS booking photo of his friend, the color, and sent it. He said he did take the photo and sent it to the color, and sent it. Toohey said the color, and sent it to the color, and sent it.

Toohey admitted that he has given other people he knows copies of their arrest photos once or twice. I showed Toohey copies of JIMS printouts for the people was that were found at his house during the search warrant by Detective Shands.

KB: Did you make these copies and take them to your house?

RT: Yes those were at my house.

KB: Did you make these copies at work and take them to your house?

RT: Yes Ma'am.

KB: OK. And are you allowed to make copies of that type of information for personal reasons?

RT: Well, no, no.

KB: Did you copy these for personal reasons?

RT: Um, the first two, somebody asked me who were the two people who got arrested from a bar down the street.

KB: Ok, who asked you that?

RT: The bartender at the bar.

KB: Ok, so was this part of a criminal investigation you were doing?

RT: No Ma'am.

KB: Are you supposed to share that information with people not in law enforcement?

RT: No Ma'am, and I did not share this with anybody. This (referring to the copy of the JIMS printout for whatever, had said that she did not put money on his books and she asked me if I could look up the dates that she did put the money on his books so she could tell him, yes I did put this money on your books.

KB: (I showed Toohey the JIMS printouts for and and So, here is the information that you were looking at?

RT: Yes Ma'am.

KB: And then you shared that information with the bartender?

RT: I told her, she knew both people they were friends of hers.

KB: Ya, and what did you tell them?

RT: That's the two that got arrested.

KB: So you did share this information with the bartender?

RT: Just their names that was it. Poor judgment,

AO: Can I just real quick,

KB: Ya

RT: Yes sir.

AO: I want to reiterate

KB: Ya

AO: The only thing you shared was this paper which was the names,

RT: Yes

AO: Not the JIMS printout,

RT: No, I never showed them

AO: Nothing out of this at all.

RT: Nothing at all out of that.

KB: However, you did print it out and take it to your home

RT: Yes Ma'am. It was in my work bag.

KB: Um, but there was no job related reason for you to look up this information and make copies of it.

RT: No Ma'am,

KB: And you are aware that you're prohibited from looking up JIMS information for personal reasons.

RT: I know we're not allowed to look up criminal histories through ARJIS and SUN.

KB: You're not allowed to look up JIMS information either.

RT: OK

I showed Toohey photos that were obtained through a search warrant of his personal phone. The first photos I showed him were of deputies in the hallway at the jail. The photos appear to have been taken from the surveillance cameras of the hallway at the jail. The photos were date and time stamped. Toohey said he has no memory of taking these photos. The photos were not clear and Toohey said he did not recollect why he would have taken them. Toohey said he has taken videos and photos on his phone for training purposes for deputies. He said the deputies look up to him and they have had use of forces that went bad so he has used them for training to show the deputies what they should have done.

The photos were taken in January and March of 2014 and were still on his phone. Toohey said he was going to make a power point on use of force, so it was easier to keep the photos on his phone, because he worked on it at his house. Toohey said he has never shown any of the photos to anyone who is not in law enforcement.

I showed Toohey a photo obtained from his phone, of a female inmate in her underwear. Toohey said it was not a photo, it was a video. Toohey said he used it for training because he has 20 deputies who look up to him for support. He said when they are working together, they run through scenarios, especially on night shift. He said he showed the video to several deputies and asked them if they thought the use of force was correct. He said the deputies agreed that "No" it was not correct. He would then ask them what their options would be in that situation. Toohey said he does not go around showing the video to the public and his phone is password protected.

I showed Toohey a photo of bloody clothing and feces in a cell at the jail. I asked him why he had this photo on his phone. Toohey said he took it on his phone when they wrote the ISR

(Inmate Status Report) after the incident with this inmate. He said it was still on his phone because he had not yet deleted it. He said he left it on his phone because of laziness.

I showed Toohey a photo obtained from his phone of a personal injury report for Deputy Marcoux. Toohey said that Sergeant Hightower had filled it out incorrectly. Toohey took the photo to show the sergeant that it was incorrect, but the sergeant did not care. He said Marcoux knew he took the picture.

I showed Toohey a photo Detective Shands had taken of waist chains that were found at Toohey's residence during the search warrant. Toohey said the waist chains did not come from Descanso Jail as Detective Shands had thought. Toohey said as a male deputy working at Las Colinas, he gets sent on transportation runs all the time. He said half the time there are no leg or waist chains available so he made a go bag of his own. Toohey said the two pairs of handcuffs that were with the waist chains were from Descanso Jail. He said the handcuffs were given to him. Toohey said when they recently closed Las Colinas, they were told to empty out their lockers. He took his equipment home, but had not taken it to the new jail yet because the lockers were a lot smaller.

I told Toohey that Detective Shands had said the waist chains had been kind of on display at his house. Toohey said they were not displayed, they were in his go-bag. However, a friend of his one night at his house, had taken them out, displayed them, and took a picture of them. Toohey said that was a long time ago. Toohey said he does not own a car, he rents cars so he takes everything out of his car and puts it in his house when he goes home.

I showed Toohey both a hand written, and a typed, itemized list of expenses that was obtained from his residence during the search warrant by Detective Shands. Toohey recognized the lists and said he created both lists. Toohey agreed the lists documented items he had purchased for along with the dollar amount he spent on each item. On the hand written document it says, "Weed \$30." On the typed document it says, "Weed for kid \$30."

KB: So you purchased marijuana for son?

RT: I did not purchase it. It was given, I obtained it for him. Poor choice, I did.

KB: Ok.

RT: I was trying to prevent a melt down.

KB: So you obtained it for him but you put down there thirty dollars.

RT: Because that's how much, the friend of mine that gave it said that's what it would cost.

- KB: So obviously you did purchase it.
- RT: I did not pay my friend for it.
- KB: Last I checked people don't just give people thirty dollars worth of weed.
- RT: I explained the situation, I got it, obtained I, I gave it to him, I regret it, I was trying to stop a meltdown.
- KB: Ok but you are aware that marijuana is illegal?
- RT: I screwed up. I admit it.
- KB: You understand that marijuana is illegal to possess?
- RT: Yes Ma'am
- KB: Uh the person you got the marijuana from, do they know you are a deputy?
- RT: Yes Ma'am
- KB: And they still gave you marijuana?
- RT: Yes Ma'am. I, like I said I was trying to stop a meltdown,
- KB: So that means you are friends with someone who uses marijuana?
- RT: I know a bunch of people that use marijuana. I don't hang at their house and if..
- KB: Well for someone to just give you marijuana, they would have to be a pretty good friend.
- RT: She is a good friend because we have a ten year history.
- KB: Does he smoke marijuana around you?
- RT: I would not let him.
- KB: You realize that by obtaining marijuana whether you purchased it or not,
- RT: I screwed up.

- KB: that you were basically validating criminal behavior.
- RT: Yes Ma'am. I was under the impression that he had a medical marijuana card.
- KB: Regardless,
- RT: I understand. I was just trying to stop a meltdown.
- KB: By doing this did you fail to represent the Sheriff's department in a professional manner?
- RT: No, like I said I screwed up. I feel, in mitigating, in my, I can't defend it, but on a prior occasion when he had the same meltdown when he didn't get it, he destroyed our house, he destroyed his phone, he destroyed furniture, he punched holes in walls and broke his knuckles and then he proceeded to overdose on a 100 pills and tell me that if I call the cops he is going to run into the river and die and that he is not going to let me take him to the hospital.
- KB: Is he your son.
- RT: No, he's her son.
- KB: Does it make it ok, to commit a criminal act...
- RT: No it doesn't
- KB: Because you think it's a better choice?
- RT: I just, I was fearing, it was a very poor choice. I regret doing it and I, ya know I'm kicking myself in the teeth every day since. But based on the prior meltdown, I mean I ended up taking him to the hospital because of a drug overdose on his prescription medication. I just wanted to stop it.
- KB: Well taking an oath as a deputy sheriff, did you take an oath to uphold the law?
- RT: I, I made a big mistake.

I showed Toohey a Sheriff's Identification card that was obtained by Detective Shands at his residence during the search warrant. The card had a photo of Toohey with the name "Robby Storton." Underneath the name it said "Sergeant-Detentions," and on the back of the card was Toohey's personal information. Toohey immediately acknowledged that he recognized the

identification card. Toohey said Storton is a friend of his. Storton is currently a detentions lieutenant on the Sheriff's Department.

Toohey said he worked at the Descanso Detention Facility from 1997 to 2009. While assigned to Descanso, his sergeant and lieutenant asked him if they could create identification cards for their civilian staff. At the time, civilian workers did not have identification cards. Toohey said as a prototype, he created this card as a sample. Toohey does not remember if Storton was there when this occurred. He said Lieutenant Coyne told him this card looked too close to ours, (Sheriff employee identification card) so Toohey created a whole different card just for Descanso. Toohey said he was in charge of creating and producing the identification cards. He said he did this until he gave up this position to Larry Anderson.

Toohey said he used Storton's name with his picture just as a sample. He got the information for how to create the identification card from the internet. He used this information to show how un-secure the Sheriff's website was at the time. Toohey said he took the card he had created to Mike McNally at Data Services and asked him if the card looked real. McNally told him it looked just like the Sheriff's identification cards. Toohey said after that, they tightened security on the Sheriff's website.

Toohey said he had totally forgotten about the identification card until this year when one of his sergeants asked to see all of his equipment for a uniform inspection. He found it in his property and had left it out because he was going to leave it on Storton's desk as a joke. Toohey said he has never shown the fraudulent identification card to anyone in the public. He said he has never represented himself as Robby Storton by showing this card.

I explained to Toohey that just recently Detective Shands was contacted by who complained to her that Toohey was at Don's Cocktails with a mutual friend named and Toohey was telling people that if he gets in trouble that he is going to take her down with him. Toohey said he has not said that at this bar or any bar in Santee. Toohey said he and were at Don's Cocktails recently but he did not say that. Toohey said that people are telling him that he should have the arrested.

I explained to Toohey that seemed and her sons told Detective Shands that frequently in public, Toohey will identify himself as a deputy sheriff to people he does not know. They believe he is doing this to influence those people for personal gain. Said Toohey told the tow company where they picked up her car, that he was a deputy. Toohey said he keeps his driver's license in his flat badge wallet and when he took out his driver's license the person at the tow company saw his Sheriff's identification card. He said he did not show his identification for personal gain. I also explained to Toohey that a deputy said he had seen Toohey go into a bar in Pine Valley in his uniform. Toohey said he has not been to a bar in Pine Valley for over two years and if he does go in a bar, he wears a cover shirt.

I reviewed the following things we discussed during the interview:

KB: Did make you drive to Santee Sport Bar after you had been drinking alcohol, or did you make the decision to do that?

- RT: I made the decision based on the text she sent.
- KB: But she didn't make you do it?
- RT: No Ma'am.
- KB: Did you make the decision to drink more alcohol at the Santee sport Bar and then drive your vehicle with as a passenger?
- RT: Yes Ma'am.
- KB: Do you believe that you were intoxicated at the time you were driving?
- RT: Well, having one beer puts you intoxicated, so yes.
- KB: Did you make the decision to get into bed with and cup her breast while she was extremely intoxicated?
- RT: She pulled me onto the bed.
- KB: But did you choose to stay there? She couldn't force you to stay.
- RT: We passed out. Three hours later I woke up and told her I was going home because I had to work that night.
- KB: But she didn't make you stay?
- RT: Correct.
- KB: Did you make the decision to send a JIMS photo of via text to him and and?
- RT: Yes Ma'am,
- KB: The uh waist chains at your residence, um you say were at your residence because you keep them in your go-bag?
- RT: Yes Ma'am
- KB: Did you make a decision to keep photos of work related incidents on your personal phone for months after the incidents occurred?
- RT: Absentmindedly.
- KB: But you did.

RT: Not intentionally.

KB: But they were there.

RT: Yes, yes Ma'am.

KB: Ok. Did you make the decision to obtain marijuana?

RT: Yes ma'am.

KB: Did you possess and or alter or make a fake Sheriff's identification card?

RT: I created it for facility use, as a sample, 14 years ago.

KB: Ok, but you did, you were in possession of that.

RT: Yes ma'am,

KB: Ok. Have you used your position as a deputy to influence people in the public for personal gain?

RT: No ma'am.

KB: Did you make threats toward to other people in a bar?

RT: No ma'am,

KB: As a deputy sheriff are you expected to display honesty, integrity, loyalty, trust, respect and fairness?

RT: Yes ma'am,

KB: Does this apply to your behavior both on duty and off duty?

RT: It should.

KB: Has your recent behavior reflected poorly on you as a deputy sheriff and the Department as a whole?

RT: I'm embarrassed and mad at myself. Yes ma'am. It's been a bad year.

KB: Is there anything else you would like to say?

RT: I lost my mom this year, I lost my aunt this year, I have no family left, I made poor choices. I screwed up. I regret it. I've learned from it. It's

been an emotional roller coaster for the last 64 days and if I could turn back the clock I would definitely do things different. I love my job, my peers love me. The only reason that I didn't retire when I turned 50, was because I have 20 deputies that look up to me. And that, they call on me every day. They call on me now for advice and on reports and stuff. It's like they are my only family.

The interview was concluded with an order not to disclose at 1434 hours.

FOLLOW-UP WITNESS STATEMENT-LIEUTENANT ROBBY STORTON.

On December 1, 2014, at about 1649 hours, I conducted a follow-up telephone interview with Lieutenant Robby Storton. The interview was not recorded. Storton confirmed that he was the Administrative Sergeant, at Descanso Detention Facility in the early 2002 or 2003. Brian Coyne was his lieutenant and Toohey was the trustee deputy. Storton said Toohey was good at administrative type duties and was regularly given administrative tasks to handle. Storton said they purchased a really good laminating machine so Toohey could make identification cards for visiting workers to wear while on the facility grounds. Making these identification cards were part of Toohey's assigned duties. Storton does not recall the identification cards looking like sworn identification cards and he again said Toohey never showed him a Sheriff's ID with Toohey's picture, and his name on it.

The interview was concluded with an order not to disclose at 1700 hours.

STATEMENT OF WITNESS – SHERIFF'S DEPUTY ASHLEY MARCOUX

On December 1, 2014, I conducted a telephone interview with Deputy Marcoux. The interview was not recorded. I told Deputy Marcoux that a photo of a personal injury report for her was found on Deputy Toohey's phone. Marcoux said she took the photo and sent it to Toohey, to show him how the sergeant had spelled her name incorrectly.

The interview was concluded at about 1228 hours.

STATEMENT OF WITNESS - SHERIFF'S LIEUTENANT BRIAN COYNE (RETIRED)

On December 10, 2014, at about 1729 hours, I conducted a telephone interview with Retired Sheriff's Detentions/Ct Svc Lieutenant Brian Coyne. The interview was digitally recorded and Lieutenant Coyne was aware of the recording. There were no other persons present. A synopsis of this interview is as follows. (See Attachment N for the recorded Interview.)

Before going on record, I explained the nature of the interview to Lieutenant Coyne and that he was a witness to this investigation.

Internal Affairs Investigation I.A. Case #2014-167.1 December 31, 2014

Coyne knows Toohey and has known him for 15 to 20 years. Coyne was the Lieutenant at Descanso Jail from about 2002 to 2004. During that time period, Storton worked there as the Administrative Sergeant and Toohey was a deputy. Coyne vaguely remembered Toohey being tasked with making identification cards for civilian workers. Coyne does remember purchasing a laminating machine for making identification cards, and he does not remember if it was for making civilian workers identification cards, or if it was used for making trustees identification cards, or maybe both.

Coyne has no specific memory of Toohey showing him a fake Sheriff's identification card with Toohey's photo and Robby Storton's name printed on it. I told Coyne that Toohey said he was asked to come up with a prototype for an identification card for civilian employees and that this fake Sheriff's card was the prototype. I told Coyne that Toohey said he showed Coyne the card and Coyne told him the fake card looked too much like a Sheriff's employee identification card, so Toohey made another card. Coyne said that sounds like something he would say, but he could not say Toohey did not do that. Toohey would have done things like that in his role as an administrative deputy.

Coyne said he would never have allowed a card so similar to the Sheriff's identification card to be used. Coyne has no memory of Toohey going to McNally at Data Services regarding the Sheriff's website being un-secure. He has no memory of discussing any of this with Storton or Toohey.

The interview was concluded with an order not to disclose at 1734 hours.

STATEMENT OF WITNESS - ASST. SHERIFF MICHAEL MCNALLY (RETIRED)

On December 10, 2014, at about 1422 hours, I conducted interviewed Retired Assistant Sheriff Michael McNally in the Internal Affairs conference room located at the John F. Duffy Administration Center. The interview was digitally recorded and Assistant Sheriff McNally was aware of the recording. There were no other persons present. A synopsis of this interview is as follows. (See Attachment N for the recorded Interview.)

Before going on record, I explained the nature of the interview to Assistant Sheriff McNally and that he was a witness to this investigation. Prior to the start of this interview, I asked Assistant Sheriff McNally to review the following four Rules of Conduct applicable to Internal Affairs Investigations: Insubordination, Intervention, Departmental Reports and Truthfulness. Assistant Sheriff McNally understood the rules and his obligation to adhere to them.

McNally is currently employed on the Sheriff's Department as a 960 hour re-hire. He is a Temporary Expert Professional working out of the Public Affairs office maintaining their website, doing graphics and strategic planning.

McNally said he knows the name "Toohey" but his memory of Toohey is vague. I showed McNally the Fake Sheriff's identification card which had Toohey's picture and Robby

Internal Affairs Investigation I.A. Case #2014-167.1 December 31, 2014

Storton's name on it. McNally had no memory of Toohey ever coming to him when he was working at Sheriff's Data Services and showing him a fake Sheriff's identification card, for the purpose of pointing out to McNally how un-secure the Sheriff's website was. McNally had no memory of ever seeing this identification card. McNally worked temporarily at Data Services in 1996. Toohey claims he made the card while in Descanso. Toohey was in Descanso from 1997 to 2009, so the time line does not correlate. McNally said it did not make sense because there is no connection between the production of the fake identification card and the security of the Sheriff's website.

McNally said he has a vague memory from some point in his career, when an individual, he does not recall who, showed him a Xerox copy of their identification card that they carried around in a plastic cover on a lanyard. McNally said he thinks that he would have remembered a fake identification card like this, and he would have taken it from the deputy.

The interview was concluded with an order not to disclose at 1429 hours.

Submitted by: <u>Kimberley Baker</u>, Sergeant

Approved by:

12/31/2014

KGB:kgb

11-14-14

East County
East County Branch
District / Division

OFFICE OF THE DISTRICT ATTORNEY COMPLAINT REQUEST EVALUATION

CONFIDENTIAL:

Compiled for District Attorney and Law Enforcement use only

		INFR	ACTION	and L	.aw Enforcement use only.
Agency:	Case No.	s):	CMS No.:		
SD County Sheriffs Depa	rtment - Child	Abusi 14148298	;	996495	}
Investigator SHANDS, L	Beat No.	Badge/ID No. 1062	Arresting Officer SHANDS, L	Badge/ID 1062	No. Business Phone: (619) 956-4042
Defendant Information		DOB	Charge	s Date o	of Offense Booking/Cit. No.
Robert Lee Toohey					
Defendant Evaluation iss	ues			AC	TION TAKEN
Robert Lee Toohey 11. Insufficient evidence	of corpus			Reject	ed - See Remarks

REMARKS:

Detective Shands.

As we discussed, this case cannot be proven and will not be issued at this time. V and suspect had dated briefly earlier this year and remain friends although admittedly suspect wants more. V portrays suspect somewhat jokingly as her stalker. Victim was very drunk at the bar and began texting suspect that she was going to drive home drunk. Suspect came to the bar and had some drinks. By the look of the video, he had been drinking previously. V becomes so drunk she is limp and suspect is trying to take her home. Another patron intervenes but then V is carried out to suspect's car by a group. Suspect falls on V trying to leave. This too is on video. All V knows is that she woke up with no pants on. She does not remember any sex or anything but is sore everywhere (whether this is from falling or otherwise is unknown). She submits to a SART. No male DNA is located but there is evidence of blunt force trauma to the outside of the vagina.

An eyewitness had seen suspect trying to get V out of D's car at her house. He wanted suspect to call an ambulance because V was so passed out. Suspect yelled at the good Samaritan and drove away.

According to suspect, he tried to take V to his house, but she was too drunk and he couldn't get her out of the car. She was so drunk that she took her pants off in the car. So he took her to her house — and she fell and hit her face on a doorknob and got a black eye. He says she fell numerous times and mentioned the fall at the bar earlier as well. Suspect got her into bed and cuddled with her and then left at 6:00 a.m. There is some video at his complex that verifies this general timeline. D either has no recollection of — or left out the part — about the good Samaritan. He says there was no sex or sexual touching (except breast cupping as they were spooning). They are both all scraped up the next day.

Due to the lack of physical evidence, lack of recall by V, and suspect's outright denial that any sex occurred, it cannot be proven that a sex crime was committed.

Please contact me with any questions.

District Attorney Bonnie M. Dumanis

11/11/2014

Kerry Conway

District Attorney	By Deputy District Attorney	Approved By	Date Created
Bonnie M. Dumanis	KERRY M CONWAY		11/11/2014



S Diego County Sheriff's Der ment Follow-Up Report

Case No 14148298

Report No

14148298.2

7 Page 1 of 48

	(
CAD Event No	E1969765
 Primary Victim	

GENERAL CASE INFORMATION Primary Charge 261 (A)(3) - PC - RAPE OF DRUGGED VIC (F) Special Studies Related Cases Location, City State, ZiP Occurred On. 09/20/2014 18:00:00 (Saturday) Beat Call Source (and Between) City of Santee **ADMIN** 09/21/2014 13:00:00 (Sunday) Molives 07 - To satisfy personal need or desire VICTIM/S

Victim #1



Person Code Secured Pri	mise Di	scovered Crime	☐ Repor	ting Par	₩	Law Enforceme	vot Officer		
Мате	<u> </u>				Victim				Interpreter Language
فحديد الكاف المستعددات						dividual		- 1	EN - English
Name Type	Fest		ALIAS / AKA / N Middle	ICKNA	ME / MONIKE	R Last			Suffix
riame type			mings.re						Suna
Victim Of								·	County Residence
261 (A)(3) - PC - RAPE OF	DRUGGED VI	C (F)							R - Resident
Home Address, City, State, ZIP			Res Country	7		Place of B	irth		Undocumented
			US					!	No
Race Sax Date of Birth / Age	Height	Weight	Hair Color	Eye	Color	Face Ha			Complexion
				7					
Employment Status Occup.	stion/Grade	Employer/School	*			Employer	Address, City, St	nie, ZIP	†
			CONTACT	INFOR	MATION				
Туре	· <u>-</u> -				nber/Address				
			_						
T	I District		IDEN.	TIFICAT Stat					
Туре	Number	_		200]	Country	
Туре	Number		 -	Stat	•			Country	
	(1000)				•			000.7	
Attire		Injury		+-1	Extent of Tr	eatment.	Violent Crim	e Circumstances	
ORANGE T-SHIRT, PINK B	RA, NO	M - Appa	rent Minor	r I	03 - Hospital				
UNDERWEAR, JEANS, BO	OTS	Injury		- 1		•			
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED	Туре			Type A	ctivity			Type Assignme	nt
INFORMATION								_	
VICTIM OFFENDER RELATIONSHIPS	Offender					Relationsh			
	S1 - Toohey	/, Kobert Le	e			BG • V	ictim Was	Boyfriend/(Girlfriend
			IBR/UCE	ROFF	ENSE/S				
Offense Description				114	Ivel	Agunst	Completed?	Counts	Using
261 (A)(3) - PC - RAPE OF	DRUGGED VI	C (F)		F		PE	Yes		

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



Diego County Sheriff's Der Follow-Up Report

ment

E1969765 CAD Event No

14148298

Primary Victim.

14148298.2 Report No

Location Type 204 - Single Detached Home	Hate/Bies 88 - None (No Bias)			Domestic Violence Yes
Criminal Activity	Type Security	Gang Related No	Entry	Point of Entry
Weepons/Force 40 - Personal Weapons (Threats, Hands, Fists, Feet, etc.)	Tools		Targets RES11 - Person	
	ARRES	ΓEE/S		

SUSPECT/S (Not Yet Arrested)

Suspect #1



Toohey, Robert Lee								R - Resi		EN - English
					·			A		
Name Ty	pe:		First	:		ALIAS / AKA / N Middle,	ICKNAME / M	ONIKER	Last:	Suffix:
	dress City		, <u> </u>		•	Res Country		Pi	ace of Birth	Undocumented No
Rece	Sex	Date of	Birth / Age	Height	Weight.	Hair Color	Eye Color	Fa	cal Hair	Complexion
W	М	52		6, 0	300 lbs	BRO	BRO	0.	1 - Clean Shaven	
Hair Style S - Str	aight		S - Short		FAT - He	eavy		Teeth		Suspected User NO
	ent Status iployed	l	Occupation/G Correction Deputy		San Die	ployer/School an Diego County Sheriff's epartment			nployer Address, Criy, State, ZIP 100 Cottonwood, Sat	
7						CONTACT	INFORMATIO			
Type MP - N	lobile F	hone					Number/A	ddress		
						IDEN'	TIFICATION			
DLN - Drivers License Number				State Countr			untry			
						SCARS, MARKS,	TATTOOS O			
Type GLASSES - GLASSSES Class / Subclass							Descriptio	n	Image	
black shirt, hawaiian shorts					07 42	ped Actions ' - Had Be ! - Knew \ ' - Inflicte	Victim o	r Victim's Name		

Reporting Officer SH1062 - SHANDS, LAURA	Prinsion / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



S Diego County Sheriff's Der men Follow-Up Report

CAD Event No . E1969765

Case No 14148298

Primary Victim

Report No 14148298.2

. age 3 of 46

		WITNESS	S		
Witness #1					
Person Code Secured Premise Witness Type 01-Arresting Officer		Reporting Party 07-Narc Chemist	Law Enfo	rcement Officer Expert 13-In	vestigator 14-Other
Name.			Person Code		County Residence
		71 14 6 1 4 WA 14 11 CW 14 14 1	THOMPER "		
Name Type First.		ALIAS / AKA / NIČKNAMI Middle		Last	Suffix
Home Address, City, State, ZIP		Res Country	Piec	of Birth	Undocumented
Race Sex. Date of Birth / Age	Height Weight	Hair Color Eye (ial Hair	Complexion
Employment Status Occupation/Gra R - Retired	de Employer/\$ct	CONTACT INFORM		oloyer Address, City, State	ZIP
Type HP - Home Phone			periAddress		
Туре	-	Numi	er/Address	-	
WP - Work Phone		Nymi	per/Address		
MP - Mobile Phone		IDENTIFICATI	ONNC		
DLN - Number	Number	State			Country
Injury		Exter	i of Treatment		
Witness #2				. <u>.</u>	
Person Code Secured Premise	Discovered Chme	Reporting Party		proement Officer	_
Witness Type 01-Arresting Officer Name	06-Other Lay Witness	07-Narc Chemist	X 12-Other Person Code	Expert 13-in	vestigator 14-Other County Residence
[143119]			12 - Other	Expert	R
		ALIAS / AKA / NICKNAM		1	Suffix
Name Type First		Middle		Last	SUIIA
Home Address, City, State, ZIP		Res Country	Piec	ce of Birth	Undocumented
Race Sex. Date of Birth / Age	Height Weight	Hair Color Eye (al Hair	Complexion
Employment Status Cocupation/Gra E - Employed	de Employer/Sch	nool	Emg	oloyer Address, City, State	ZIP
Туре		CONTACT INFORM	AATION per/Address		
WP COMPANY					
Туре	Number	IDENTIFICATI State			Country
injury		Exter	t of Treatment		
Witness #3					
Person Code Secured Premise Witness Type O1-Arresting Officer X		Reporting Party 07-Narc Chemist	Law Enfo	proement Officer Expert 13-in	ivestigator 14-Other
Name.			Person Code 06 - Other	Lay Witness	County Residence
		ALIAS / AKA / NICKNAM			
Name Type First		Middle		Last	Suffix
Home Address City State ZiP		Res Country US	Plac	ce of Birth	No Undocumented
Reporting Officer		Division / Organization	tection Detail SH2829 - MAGANA FRED		
SH1062 - SHANDS, LAURA		SEXUAL ASSAL		SH2829 -	MAGANA, FRED

Diego County Sheriff's Dep ment Follow-Up Report

CAD Event No . E1969765

14148298 Case No

Report No

Primary Victim.

TO THE PROPERTY OF

14148298.2

Raça					T	T	7 - 6	1			
	Sex	Date of B	ITUT / AQ4	Height.	Weight.	Hair Color	Eye Color	Facu	al Hair		Complexion
Employ	ment Status		Occupation	(Grade	Employer/Scho	lol l		Émo	loyer Address, City,	State ZiP	<u> </u>
E-4									,	,	
						CONTACT	INFORMATION				
Туре							Number/Add	7053		-	
MP -						IDENT	TIFICATION				_
Туре				Number		IDENI	State			Country	
DLN	4					•					
Numi	ber		•	l							
Injury							Extent of Tro	ealment.			
<u> </u>							<u> </u>			<u> </u>	
Witne	ss #4										
Person (Secure	1 Premise	Discove	ared Crime	Reporting	g Party) Lew Enfor	cement Officer		
Witness	Tune -			_		=	• • =	_	_		
Code		01-Arre	sting Officer	X 06-Oth	er Lay Witness	07-Narc			Expert	13-Investigator	14-Other
Name.								erson Code	I 14/34		County Residence
			<u> </u>					o - Ouler	Lay Witness	·	
						ALIAS / AKA / NIC	CKNAME / MO				
Name T	ype	·	First			Middle		{ r	.ast.		Suffoc
No 4	dens C:	Cinia Tic				1 870 6		1 5	- 4 B		
Home A	ddress City.	State, ZIP		_		Res Country US		Place	of Birth		Undocumented No
Race	Sex	Date of B	irth / Age	Height	Weight	Hair Color	Eye Color	Face	al Hair		Complexion
								ļ			1
Employn	nent Status		Occupation	Grade	Employer/Scho	ol		Emp	oyer Address, City,	State, ZIP	
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Туре	_					CONTACT	INFORMATION	NA NOTE			
MP-4							Y. A	N AMUNIC			
						IDENT	IFICATION	*~!			
Туре	_		_	Number	_		State			Country	
DLN										ŀ	
Numb	<u>ber</u>						Extent of Tre		· · · · · · · · · · · · · · · · · · ·		
								Description of			
							1		· -		
Witne	ss #5										
							. n.a. [**				
Person (Code	Secured	1 Premise	Discove	red Crime	Reporting	g Party	Law Enfor	cement Officer		
Witness			f Premise	=	red Crime or Lay Witness	Reporting 07-Narc (-		13-Investigator	14-Other
	Type -			=		_ ` `	Chemist	-		13-Investigator	14-Other County Residence
Witness Code	Type -			=		_ ` `	Chemist Pe	12-Other I			
Witness Code	Type -			=	er Lay Witness	07-Narc (Chemist Pe	12-Other I erson Code 6 - Other	Expert		
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Witness Code	Туре		sting Officer	X 06-Oth	er Lay Witness	07-Narc (Chemist Pe	12-Other I rson Code 6 - Other	Expert		
Witness Code Name Name Ty	Туре	01-Arrei	sting Officer	X 06-Oth	er Lay Witness	ALIAS / AKA / NIC	Chemist Pe	12-Other I	Expert Lay Witness		Suffix.
Witness Code Name Name Ty	Type	01-Arrel	sting Officer First	X 06-Othe	or Lay Witness	ALIAS / AKA / NIC	Chemist P4	12-Other I	Lay Witness ast		Suffix. Undocumented
Witness Code Name Name Ty	туре	01-Arrei	sting Officer First	X 06-Oth	er Lay Witness	ALIAS / AKA / NIC	Chemist Pe	12-Other I	Lay Witness		Suffix.
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Name Ty Home Ad Employm Type DLN - Numb	ype doress City Sex ment Status Mobile F	State ZIP	First Coupation/	X 06-Other	er Lay Witness Weight.	ALIAS / AKA / NIC Middle Res Country US Heir Color	CHAMIST POPULATION Eye Color INFORMATION FIGATION State CA	12-Other larson Code 6 - Other NIKER Place Empl	Lay Witness ast of Birth Hair over Address, City,	State, ZIP	Suffix. Undocumented

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

Diego County Sheriff's Der Follow-Up Report

ment

CAD Event No E1

E1969765

Case No 14148298

Primary Victim	

Report No 14148298.2

Page 5 of 46

Witness #6							
Person Code Witness Type	Secured Premise	Discovered Crime	Reportin	Party L	w Enforcement	Officer	
Code Name	01-Arresting Office	r X 06-Other Lay Witness	07-Narc	Chemist 12	Other Expert	13-Investigator	County Residence
					ther Lay \	Witness	
Name Type	TE	rel	ALIAS / AKA / NII	ČKNAME / MONIKER	Last.		Suffac
Home Address, C			Res Country US		Place of Birth	n 	Undocumented NO
Race Say	Date of Birth / Age	Height Weight	Hair Color	Eye Color	Facial Hair	- -	Complexion
Employment Statu	Occupati	on/Grade Employer/S	chool		Employer Ad	Idress City, State, ZIP	
Туре			CONTACT	INFORMATION Number/Address			
MP			IDENT	IFICATION	/_		
Type DLN		Number	IDENT	State	<u>.</u>	Country	
Number							
injury			_	Extent of Treatmen	L .	<u> </u>	
Witness #7	····		-				
Person Code	Secured Premise	Discovered Crime	Reporting	Party La	w Enforcement	Officer	
Witness Type Code Name	01-Arresting Officer	X 06-Other Lay Witness	07-Narc (Chemist 12	-Other Expert	13-Investigator	County Residence
					ther Lay V	Witness	County Nasion Res
Name Type		rst	ALIAS / AKA / NIC	KNAME / MONIKER	Last		Suffix
							
Home Address, Ci			Res Country US		Place of Birth	·	No Undocumented
Race Sek	Date of Birth / Age	Height Weight	Hair Color	Eye Color	Facial Hair		Complexion
Employment Statu	Occupation	on/Grade Employer/Si	chool	•	Employer Ad	dress, City, State ZIP	
Туре			CONTACT	NFORMATION Number/Address			
Туре				Number/Address			
WP -		·	IDENT.	FICATION	<u> </u>		
Type		Number	IDENTI	State		Country	
DLN Number						}	
injury				Extent of Treatment			
Witness #8				<u> </u>			
Person Code	Secured Premise	Discovered Crime	Reporting	Party La	w Enforcement	Officer	
Witness Type Code Name	01-Arresting Officer	X 06-Other Lay Witness	07-Narc 0	Chemist 12	Other Expert	13-Investigator	County Residence
(Figure 1)					ther Lay V	Vitness	R
Name Tune	(Far		ALIAS / AKA / NIC	KNAME / MONIKER	1150		
Name Type		*			Last		Suffix
Home Address Cit			Res Country US		Place of Birth		No Undocumented
Race Sex	part of Birth / Age	Height Weight	Hair Color	Eye Color	Facal Hair		Complexion
					·		
Reporting Officer	141100 1 4110		Family Prot	ection Detail		Reviewed By	NA 5050
	IANDS, LAURA		SEXUAL AS	SAULT UNIT		SH2829 - MAGA	NA, FRED
Report Date 9/24/2014 1:	51:04 PM		Detective Assigned SH1062 - SHANDS, LAURA			Reviewed Date 11/12/2014 08:12	2:13

Diego County Sheriff's Der ment Follow-Up Report

Case No 14148298

6

CAD Event No: E1969765 Primary Victim.

14148298.2 Report No

Employment Statu	•	Occupation/G	rade	Employer/Sc	hool				Employ	er Address, City, State	ZIP	
				L		CONTACT			<u></u>			
MP -		,					Numbe	r/Address	_	_	_	
Туре							Numbe	r/Address				
HP-									_			
Туре			Number			IDENT	State	<u> </u>		 -	Country	
DLN -						•						
Number			Γ				Extent	of Treatmer	.——			
injury							EALGORI	Si limenisti	•			
Witness #9			_									•
	Secure	d Premise	Discove	red Crime		Reporting	Party	Пи	w Enforce	ment Officer		
Witness Type			=	r Lay Witness	n	07-Narc (Chemist	=	Other Ex	pert	westigator	☐ 14-Other
Code Name								Person C	ode			County Residence
						- <u></u>		<u> 06 - C</u>	ther L	ay Witness		
						/AKA/NI	KNAME /	MONIKER				
Name Type		First			M	ddle			Las	it		Suffix
Home Address Ci	y State, ZIP					s Country			Place 0	f Birth		Undocumented
Race Sex	Date of B	with J Ace	Height	Weight	<u> </u>	S or Color	Eye Co	ior	Facali	-lar		No Complexion
	Date 01 0						1,000	Ď	FACIAL	P SQUARE S		Compression
Employment Status)	Occupation/Gr	a0a	Employer/Sci	hool				Employ	er Address City State	ZIP	
		I				CONTACT	INFORMA	TION	L			
Type MP							Number	/Address				<u> </u>
1411						IDENT	FICATION		D			
Type DLN			Number				State				Country	
Number						•		•				
injury	-			<u></u>			Extent	of Treatmen	1	-		
							Ĺ					
Witness #10												
Person Code Witness Type	Secure	d Premise	Discove	red Cnme		Reporting	Party .	La	w Enforce	ment Officer		
Code	01-Але	sting Officer] 06-Othe	r Lay Witness		07-Narc (Chemist		-Other Exp	pert 13-k	vestigator	14-Other
Name								Person C	ode			County Residence
					41.14.0	14124 7502	WALABRE (
Name Type		First				/AKA/NIC	KNAME /	MONIKER	Las			Suffix
Home Address Co	Cinia 710				1	- 6	_			4 P		
Home Address, Cit	y, 51810, 21P				148	S Country			Place o	f Birth		Undocumented No
Race Sex.	Date of B	irth / Age	Height	Weight	Ha	r Color	Eye Col	or	Facall	lair		Complexion
Employment Status		Occupation/Gr	ede	Employer/Sct	hool		L		Freelow	er Address, City, State	ŽIP	<u> </u>
Employment distor		Forensic					1					
E - Employe	ď	Evidence		SD Sheri		egiona	ı Grim(3	5255	Mt. Etna Drive	, San Di	ego, CA 92117
		<u>Technicia</u>	ın		-	CONTACT	NEOBMA.	ION	<u> </u>			
Туре					<u>`</u>		Number	Address				
WP - Work F	hone					IDENT	858 4	67-465	<u> </u>			
Туре			Number			1561111	State	•			Country	
SH - Sheriff	מו		5238				Extent o	f Treatment				
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Reporting Officer				 -	Divisio	n / Organiz	ation			Reviewed By		
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SH1062 - SH	MINDS, L	AURA 				UAL AS				3112023 •	ITIAGAN.	A, FRED
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9/24/2014 1:	51:U4 PM	·			ุอกา	00Z - 3	SHANDS, LAURA 11/12/2014 08:12:1			13		



Diego County Sheriff's Der Follow-Up Report ment

Case No 14148298

CAD Event No: E1969765

Occupation/Grade

Number

14148298.2 Report No

Employer Address, City, State, ZiP

Country

444										
		_								
	Secured	Premise	Disco	vered Crime	Reports	ng Party 🔲	Lawi	Enforcement Officer		
Type 🗀	01-Arres	ting Officer	O6-Ot	her Lay Witness	07-Narc	Chemist 2	12-0	ther Expert	13-Investigator	14-Other
•				_						County Residence
g, Cathy						1	2 - Oth	er Expert		R - Resident
					ALIAS / AKA / N	IICKNAME 7 MÖ	NIKER			
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ores ony, o	uate, £ir						- '	Place of Birth		Undocumented No
Sex	Date of Bu	th / Age	Height	Weight	Hair Color	Eye Color		Facial Hair		Complexion
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Entity #	4									
ode 🔲	Secured	Premise	☐ Discov	ered Crime	Reportir	ng Party] Law E	inforcement Officer		·
				·	Entity Type		Person	Code		County Residence
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-					ALIAS / AKA / N	CKNAME / MON	VIKER	· · ·		
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gens, City 31	and EIF				Res Country		Place of	r Birtr)	Undocumented	Interpreter Language
Dex-	Date of But	h / Age	Height	Vicigida	Hair Color	Eye Color	Facal	lair		Complexion
	g, Cathy pe dress City, 8 F ent Status apployed Nork Pho Sheriff ID Entity # ode	Code Secured Type 01-Arres G, Cathy Pe Idress City, State, ZIP Sex Date of But F ent Status hployed Work Phone Cheriff ID Entity #4 Ode Secured	Secured Premise Type	Code Secured Premise Discortificer Officer Off	Code Secured Premise Discovered Crime Type 01-Arresting Officer 06-Other Lay Writness G, Cathy Date of Birth / Age Height Weight F Date of Birth / Age Height Weight F Date of Birth / Age Employer/Sc F Criminalist SD Sher Nork Phone Cheriff ID Number 4827 Entity #4 Ode Secured Premise Discovered Crime	Discovered Crime Reports	Discovered Crime	Discovered Crime	Discovered Crime	Discovered Crime

CONTACT INFORMATION
Number/Address

IDENTIFICATION State

Extent of Treatment

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

Employment Status

Туре

Туре

Injury



Diego County Sheriff's Dej ...ment Follow-Up Report

Case No 14148298

Page 8 of 46

CAD Event No. E1969765

Primary Victim

14148298.2 Report No

PROPERTY Property Item #1.000 - SART report and photo disk Property Category 9999 - Miscellaneous Status Count Value ES - Evidence (Seized) Manufacturer Model Serial No Model Year OAN Color Calibor Body Style Recovered/ Seized 09/22/2014 Disposition Evidence Tag Alert(s) Drug Type Drug Quantity Search Warrant Notes Property Item #2.000 - Victim's first SART kit Derivative No . Property Category 3321 - SART / Rape kit - Swabs/slides Status ES - Evidence (Seized) Count Manufacturer Model Secret No. Model Year OAN Color Body Style Recovered/ Seized 09/21/2014 Owner Disposition Evidence Tag Alert(s) Drug Type Drug Quantity Search Warrant Lab Service Request Property Notes DNA Check for semen or male DNA Property Item #3.000 - Victim's Physiological samples Derivative No. Property Category 3320 - SART / Rape kit - Fluids Status ES - Evidence (Seized) Count Manufacturer Model Senal No Model Year Color **Body Style** Recovered/ Seized 09/21/2014 Disposition Evidence Tag Alert(s) Drug Type Drug Quantity Search Warrant Notes Lab Service Request

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

Toxicology

Property Notes

Check BAC

Send Out Lab Service Request

Alcohol

Test regular drug screen and additional: Rohypnol, GHB and Ketamine.



Diego County Sheriff's Der Follow-Up Report

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14148298

Page 9 of 45

CAD Event No

Primary Victim

E1969765

14148298.2 Report No

Property Ite	m #4.000 - Victim's Refere	ence Oral Swab Kit 🏢		
Derivative No	Property Category	3393 - Swab - Eviden	ce / Reference	
Status	ES - Evidence (Seized)	Count. 1	Value	
Manufacturer		Model		1
Serial No		Model Year	OAN	
Color		Caliber	•	
Body Style		Recovered/ Seized 09/	21/2014	
Owner		Disposition		
Evidence Tag	·	Alert(s)		
Drug Type		Drug Quantity		
Search Warrant				

Lab Service Request

Notes

Property Notes
Develope DNA profile for victim DNA

Property Item #5.000 - Victim's Bra

Derivative No	D Property Category	1409 - Underwear		
Status	ES - Evidence (Seized)	Count 1	Value	
Manufacturer	•	Model		
Serial No		Model Year	ÖAN	
Color	Pink	Caliber	- :-	
Body Style		Recovered/ Seized 09/2	1/2014	
Owner		Disposition		
Evidence Tag		Alert(s)	- · - · · · · · · · · · · · · · · · · · · ·	
Drug Type		Drug Quantity	·	
Search Warrant				
Notes				
Lab Service Request DNA	Properly Notes Check for semen or mail	DNA		

Property Item #6.000 - Victim's shirt

Derivative No 0	Property Category	1405 - Shirt	-			
Status E	S - Evidence (Seized)	Count. 1	Value			
Manufacturer		Model	•			
Serial No.		Model Year	DAN			
Color p	ink	Caliber				
Body Style		Recovered/ Seized 09/	21/2014			
Owner	•	Disposition.				
Evidence Tag		Alert(s)				
Drug Type		Drug Quantity	· · · · · · · · · · · · · · · · · · ·			
Search Warrant						
Notes		. !				
Lab Service Request DNA	SI Property Notes Check for semen or male DNA					

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Defective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



Sr Diego County Sheriff's Depr ment Follow-Up Report

CAD Event No E1969765 14148298

14148298.2 Report No.

Primary Victim

Property Item #7.000 - Victim's pillowcases from bedroom n Property Category 2412 - Linens Şlatus Value ES - Evidence (Seized) Manufacturer Serial No Model Year Caliber Color Pink / White Recovered/ Seized 09/21/2014 Body Style Disposition Owner Evidence Tag Alert(s) Drug Type Drug Quantity Search Warrant Notes Lab Service Request **Property Notes** Check for semen or male DNA DNA Property Item #8.000 - Victim's jeans Property Calegory 1404 - Pants ิด Status Count Value ES - Evidence (Seized) Model Manufacturer Serial No Model Year Caliber Color Blue Recovered/ Seized Body Style 09/21/2014 Owner Disposition. Evidence Tag Alert(s) Drug Type Drug Quantity Search Warrant Lab Service Request Property Notes DNA Check for semen or male DNA Property Item #9.000 - Victim's bed sheet Property Category 2412 - Linens Derivative No 0 Status Value Count ES - Evidence (Seized) Manufacturer Model Serial No. Model Year OAN Color Caliber Green Recovered/ Seized Body Style 09/21/2014 Date Öwner Évidence Tag Alert(s) Drug Type Drug Quantity Search Warrant

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

Lab Service Request

DNA

Property Notes

Check for semen or male DNA



Sr Diego County Sheriff's Deprenent Follow-Up Report

Eveni No E1969765

Casa No 14148298

98.2

CAD Event No

Primary Victim

Report No 14148298.2

Page 11 of 48

Property item	#10.000 - Victim's Diani	ters from bed		
Derivative No (Property Category	2412 - Blanket		
Status	ES - Evidence (Seized)	Count 2	Value	
Manufacturer		Model		
Serial No .		Model Year	OAN	
Color	Green	Caliber		
Body Style		Recovered/Seized 09/2	21/2014	
Owner		Disposition		
Évidence Tag		Alert(s)		
Drug Type		Drug Quantity		
Search Warrant				
Notes				
Lab Service Request DNA	Property Notes Check for semen or ma	le DNA		

Property Item #11.000 - Victim's follow-up SART Report with photo disk

	The Colored Colored			
Derivative No	O Property Category	9999 - Miscellaneous	1	
Status	ES - Evidence (Seized)	Count 1	Value	
Manufacturer		Model		
Serial No		Model Year	OAN	
Color		Caliber		
Body Style		Recovered/ Seized 09/2 Date	4/2014	
Owner	-	Disposition		
Evidence Tag		Alert(s)		
Drug Type		Drug Quantity		
Search Warrant.				
Notes		*		

Property Item #12.000 - Victim's follow-up SART klt

Derivative No. (Property Category	3321 - SART / Rape k	it - Swabs/slides	
Status	S - Evidence (Seized)	Count 1	Value	
Manufacturer		Model	***	
Serial No.		Model Year	OAN	
Color		Caliber		
Body Style		Recovered/ Seized 09/	24/2014	
Owner		Disposition.		
Evidence Tag		Alert(s)	<u>-</u>	
Drug Type		Drug Quantity		
Search Warrant				
Notes			·	
Leb Service Request	Property Notes Check for semen or male	e DNA		

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



ment

Case No 14148298

Report No. 14148298.2

12

CAD Event No . E1969765
Primary Victim

Property Item #13.000 - Suspect's Ref. Oral Swab Kit

Derivative No 0 Property Category 3393 - Swab - E 3393 - Swab - Evidence / Reference Status Count ES - Evidence (Seized) Model Manufacturer CAN Model Year Serial No. Caliber Recovered Sezed 09/23/2014 Body Style Date Disposition Owner Evidence Tag Alert(s) Drug Quantity Drug Type Search Warrant. Notes

)												
Lab Service Request DNA	Property Notes Develope DNA pt	rofile for s	uspect									
Property Item	14.000 - Suspect											
Derivative No O	Property	Category 3	501 - Au	tomobile/Li	aht Truck	(not	Stolen	or				_
ľ			ecovere		3							
Status E	S - Evidence (Seize			ount 1		slue			┑			
	hevrolet	<u>-, </u>		odel Impata	a .		-		╗			
Serial No			Model '	^{(ear} 2013	OAN				7			
Color S	iver or Aluminum		Ca	iber								
Body Style 4) - Sedan, 4-door,		Recovere	kd/ Serzed 09/	30/2014							
	ıtomobile											
	O: O4 - EAN Holdin	gs, LLC	Dispos						┙			
Evidence Tag				ri(s)					ᅴ			
Drug Type			Drug Qua	ntity					_ -			
Search Warrant.												
Notes												
Lab Service Request DNA	Property Notes Check for vic and	l/or suspe	ct DNA	as requeste	ed					•		
			Additio	nal Vehicle	/ Plate In	forma	ation					
License No	License Type	License Yea		License State	Number	of Plates		ation Expiration		Odometer I	Reading	_
	PC -	2015		CA-	2		Apr	2015	1			
	Regular			California			•					
	Passenger Auto						}					
VIN		•		VIN Clear SVS?	Lic. Clea	SVS?	Engine	Number		Owner's Va	Husbort	
				Yes	Yes		_!					
Vehicle Condition DS - Misc Dent	e or Scratches				Vehicle Item	•						
D3 - Milac Delic	o ociatories			Vehicle Te	res/Wheels							_
Left Front.	Right Front	Left Rear	•	Right Rear		Spere		Hub	Сврв		Special Wheels	
Identifying Marks, Dame	ge, Interior (Describe Color(s)	If Customized,	Eic)								-	
Insurance Camer		Policy h	Number				Vehicle F	ayments Curren	117	7		
Vehicle Security / Anti-T	heft Devices			Towed To / Stored			Drivable Yes			1		
Location Towed / Recov	ered From				Location Sto	ien From	1			<u> </u>		_
Tow Company			ompany Add					Tow Company				
SCL - Sheriff's		5255	Mt. Etn	a Dr, San Di				<u>858 467-4</u>		. Edward		_
Storage Authority / Read					Release to (wher Au	chorized		Agency No	PIOID		
22655.5 (b) CV(Originating Agency	<u> </u>				Org Agency	Case No	umber			ency Date	of Theft	_
CANAGE MANAGES					J. B B							

Reporting Officer SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



14148298

CAD Event No Primary Victim E1969765

14148298.2 Report No

Property Item #15.000 - Handwritten Letter

Derivative No	O Property Cale	1808 - Misc Notes		
Status	ES - Evidence (Seized)	Count. 1	Value	
Manufacturer		Model		
Serial No	<u> </u>	Model Year	OAN	
Color		Caliber		
Body Style		Recovered/ Seized 09/30	/2014	
Owner		Disposition.		
Evidence Tag		Aleri(s)		
Drug Type		Drug Quantity		
Search Warrant	E2014-475			-
Notes				•

Property Item #16,000 - VHS Tape

	11 # 10:000 - 4110 1upc	<u>-</u>		
Derivative No	Property Category	1312 - Video Tape		
Status	ES - Evidence (Seized)	Count. 1	Value	
Manufacturer		Model		
Serial No .		Model Year	OAN	
Color		Caliber		
Body Style	· 	Recovered/ Seized 09/:	30/2014	
Owner		Disposition.		
Evidence Tag		Alert(s)		
Drug Type		Drug Quantity		
search Warrant	E2014-475			
Notes				

Property Item #17.000 - Fake Sheriff's Identification Card

Derivative No	0	Property Category	2501 - Identification	Card Or Document	
Status	ES - Eviden	ce (Seized)	Count 1	Value	
Manufacturer	-		Model	· · · · · · · · · · · · · · · · · · ·	
Serial No			Model Year	OAN	
Color			Caliber	• • • • • • • • • • • • • • • • • • • •	
Body Style			Recovered/ Seized 09/	/30/2014	
Owner	-		Disposition.		
Evidence Tag			Alert(s)		
Drug Type			Drug Quantity		
Search Warrant.	E2014-475	-			
Notes			•		

Property Item #18.000 - Portable battery pack

Derivative No	O Property Category	9999 - Miscellaneous		
Status	ES - Evidence (Seized)	Count 1	Value	
Manufacturer	Motoroia	Model WPS-602-P8	93	
Serial No		Model Year C	DAN	7
Color		Caliber		
Body Style		Recovered/ Seized 09/30/201	4	
Owner		Disposition.		
Evidence Tag		Alert(s)		
Drug Type		Drug Quantity		
Search Warrant	E2014-475			
Notes				

Reporting Officer SH1062 - SHANDS, LAURA	Privision / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



14148298

CAD Event No Primary Victim E1969765

Report No

14148298.2

Property Item #19.000 - Portable battery pack

Derivative No	Property Category	9999 - Miscellaneous		
Status	ES - Evidence (Seized)	Count. 1	Value	
Manufacturer	Motoroia	Model WPS-602	2-P893	
Serial No		Model Year	OAN	
Color		Caliber		
Body Style		Recovered/ Seized 09/30	/2014	
Owner		Disposition.		
Evidence Tag		Alert(s)		
Drug Type		Drug Quantily		
Search Warrant.	E2014-475			
Notes				

Property Item #20,000 - Stack of papers

Derivative No 0	Property Calegory	1899 - Misc Papers	•	
Status E	S - Evidence (Seized)	Count 1	Value	
Manufacturer	- <u>-</u>	Model		
Serial No		Model Year	OAN	
Color		Caliber		
Body Style		Recovered/ Seized 09/3	0/2014	
Owner:		Disposition.		
Evidence Tag		Alert(s)		
Drug Type		Drug Quantity		
earch Warrant E	2014-475			
Notes				

Property Item #21.000 - JIMS/Booking documents

Derivative No 0	Property Calegory	1899 - Misc Papers			
Status ES	Evidence (Seized)	Count 1	Value		
Manufacturer		Model			
Serial No		Model Year	OAN		
Color		Caliber	····		
Body Style		Recovered/ Seized 09/3	30/2014		
Owner		Disposition.			
Evidence Tag		Alert(s)	·		
Drug Type	· · · · · · · · · · · · · · · · · · ·	Drug Quantity			
Search Warrant E20	14-475				_
Notes					_

Property Item #22.000 - One pair of handcuffs

Derivative No	O Property Category	9999 - Miscellaneous			
Status	ES - Evidence (Seized)	Count 1	Value		
Manufacturer	Peerless	Model			
Serial No	077579	Model Year	DAN	"DDF"	
Color	Chrome or Stainless Steel	Caliber			
Body Style		Recovered/ Seized 09/30/	2014		-
Owner		Disposition			
Evidence Tag		Aiort(s)			
Drug Type		Drug Quantity	-		
earch Warrant	E2014-475		· · · · · · · · · · · · · · · · · · ·		
Notes					

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED	
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13	



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CAD Event No - E19

E1969765

Case No 14148298

Report No

14148298.2

1 **3**

Property Item #23.000 - One pair of handcuffs

Derivative No 0	Property Category	9999 - Miscellaneous			
Status ES - E	vidence (Seized)	Count. 1	Value		
Manufacturer Peerle	SS	Model			
Serial No . 07758	7	Model Year	DAN	"DDF"	
Color Chron	e or Stainless Steel	Caliber			
Body Style		Recovered/ Seized 09/3	0/2014		
Owner:		Disposition		<u> </u>	
Evidence Tag		Alert(s)			
Drug Type		Drug Quantity	•		
sarch Warrant. E2014	475				
Notes		1			

Property Item #24.000 - Brass knuckles

Derivative No 0	Property Category	9999 - Miscellaneous		[
Status E	S - Evidence (Seized)	Count. 1	Value		
Manufacturer		Model			
Serial No		Model Year	OAN		
Color		Caliber			
Body Style		Recovered Seized 09/3	0/2014		
Owner		Disposition.			
Evidence Tag		Aiert(s)			
Drug Type		Drug Quantity			
earch Warrant E	2014-475	<u> </u>			
Notes					

Property Item #25.000 - (2) Waist chains, (4) Master key locks

Derivative No . O Property C	etegory 9999 - Miscellaneous	
Status ES - Evidence (Seizeo	Count 6 Value	
Manufacturer	Model	
Serial No	Model Year OAN	
Color	Caliber	
Body Style	Recovered/ Seized 09/30/2014 Date	
Owner	Disposition.	 -
Evidence Tag	Alert(s)	
Drug Type	Drug Quantity	
Search Warrant. E2014-475		
Notes		<u> </u>

Property Item #26,000 - Victim's Cell Phone

Derivative No	O Property C	ategory 1500 - Cellular Phone		
Status	ES - Evidence (Seized	f) Count 1	Value	
Manufacturer	Apple IPhone 4S	Model A1387		
Senal No		Model Year	OAN	
Color		Caliber	_	
Body Style		Recovered/ Seized 09/22	/2014	
Owner		Disposition.		
Evidence Tag		Alen(s)		
Drug Type		Drug Quantity		
earch Warrant			<u> </u>	
Notes		*		

Reporting Officer SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED	
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13	



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CAD Event No

Pomery Victor

E1969765

Case No 14148298

Report No

14148298.2

76

Property Item #27,000 - Suspect's Cell Phone

Derivative No	O Property Category	1500 - Cellular Phone		
Status	ES - Evidence (Seized)	Count 1	Value	
Manufacturer	Motorola Droid Razr HD	Model XT926		
Serial No		Model Year	OAN	
Color		Caliber		
Body Style		Recovered/ Seized 09/30)/2014	
Owner		Disposition.		
Evidence Tag		Alert(\$)	<u> </u>	<u> </u>
Drug Type		Drug Quantity		
Search Warrant	E2014-475			
Notes				

Property Item #28.000 - One packette of case documents

Derivative No.	O Property Category	9999 - Miscellaneou	3			
Status	ES - Evidence (Seized)	Count 1	Value			
Manufacturer		Modei				
Serial No		Model Year	OAN			
Color		Caliber				
Body Style	·-	Recovered/ Seized 11	1/07/2014		•	
Owner		Disposition.				
Evidence Tag		Alert(s)				
Drug Type		Drug Quantity				
Search Warrant.				- -		
Notes	·					
		REPORT	NARRATIVE			

THE VICTIM IN THIS REPORT REQUESTS TO REMAIN CONFIDENTIAL PURSUANT TO CALIFORNIA PENAL CODE 293(a) AND CALIFORNIA GOVERNMENT CODE 6254.

SYNOPSIS:

On Saturday night, 09-20-14 texted her ex-boyfriend, Robert Toohey, that she was at the Santee Sports Bar and wanted someone to buy her a drink. Toohey went to the bar and found there, who had already starting drinking. In approximately one hour consumed two Bloody Mary drinks and one shot of whiskey. Toohey drank two beers and two shots of whiskey. Shortly thereafter. became extremely intoxicated and had to be carried out of the bar by Toohey and two other customers, during which time Toohey fell down and landed on top of eye and several abrasions on her arms and legs. later awoke in her bed the next day, naked from the waist down and did not remember anything past being at the bar. She complained of severe pain and soreness in and around her vagina as if she had had sex. Toohey on the other hand, stated he took her home in his car stopping to get food and a stop at his house which he couldn't get her out of his fell down several times during the attempts he tried to get her home. Toohey car. Toohey said removed her own pants while in the back seat of his car. At carried her to her bed and they fell asleep. Toohey denies attempting to or having sex with had her pants on during the time Toohey was trying to get her into her witness later stated house, and after that failed. Toohey drove away with her.

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

Diego County Sheriff's De

ment

Follow-Up Report

E1969765

14148298

Primary Victim

14148298.2

submitted to a SART exam which later revealed no male DNA nor was there any male DNA found on her clothing or bed sheets. During the SART exam, the RN located a visible injury, (abrasion). vagina that she described as "Blunt force trauma." During the investigation of this case. I was unable to determine if the had been sexually assaulted by Toohey. Nor did I find any evidence that Toohey committed a sexual assault against her.

This case is being submitted to the District Attorney's Office, El Cajon Branch, for review. The incident occurred in the City of Santee, in the County of San Diego, State of California.

ORIGIN:

On 09-21-14 at about 1730 hours, I was called out to investigate a possible rape. The victim, later identified as , was at Kaiser Hospital with deputies H. Gastrich (#5015). and M. Collins (7127).

BACKGROUND:

Victim. lives in a rental condominium in the city of with her two other adult children live in and and is currently son. has known the suspect in this case for over five and (years. They had a three month intimate relationship between March and May 2014. Since that time. and Toohey have remained in contact with each other in a "friends only" relationship.

Suspect Robert Toohey, age 52, lives alone in a rental studio in the community of Descanso. Toohey has been employed by the San Diego County Sheriff's Department as a detentions deputy for the last 21 years. During the investigation of this case, Toohey was placed on administrative leave by the Sheriff's Department.

CASE INVESTIGATION:

After receiving the call-out at 1730 hours from Sergeant Magana, I spoke with Deputy Gastrich by telephone. Deputy Gastrich had taken a brief statement from the victim to complete a crime report. After I was briefed on the case, I called Independent Forensic Services (IFS) and arranged for a SART examination for the victim. At 1855 hours I arrived at IFS on College Avenue in San Diego and met with son and his girlfriend assisted by Deputy Gastrich, was taken immediately into the examination room due to her complaints of pain.

While was being examined by IFS RN, I spoke with and his girlfriend. They gave me the following statements.

STATEMENTS

SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Delective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



CAD Event No

Primary Victim

F1969765

Report No 14148298.2

14148298

(witness): Statement of

At about 1100 hours that morning, received a text from his younger brother asking that he check on their mother. and his girlfriend, drove to his mother's house and found her sleeping in her bed. was wearing a t-shirt and nothing on below the waist. She had fresh abrasions on her knees and elbows. Her right eye was bruised and swollen. When up, she acted confused and could not remember what had happened to her, told she had been at the Santee Sports Bar the night before and did not remember how she got hurt, or how she got complained of severe pain in her shoulder, back and legs.

said he then called the Santee Sports Bar and spoke with the owner. had been at the bar the night before. Said that had a few drinks and was acting like she was high on pills. left the bar with Robert Toohey. said that⊿

said that his mother and Toohey had been in a boyfriend, girlfriend relationship months earlier. During that time, Toohey had stayed at the as a deputy Sheriff because he "flashes his badge all the time." said his mother broke up with has complained to that During that time. Toohey had stayed at the residence on a regular basis. knows Toohey said his mother broke up with Toohey is entering her house while she sleeps and takes pictures of text messages she has exchanged with her friends. On one occasion, which will be and found Toohey had left his house key on the pillow beside her. has expressed her concern to that Toohey is stalking her. was so concerned about Toohey coming into her house without her permission that she had the locks has seen Toohey drive past his mother's house on several occasions when he was not changed. supposed to be there.

said he looked at his mother's cell phone which showed she had sent Toohey a text last night telling him she was at the bar. said he took a picture of black eye and sent it to Toohey. asking him what had happened. Toohey responded to text with a text stating that had hit her head on the doorknob of her house.

condition, and are drove her to Kaiser Hospital on Zion Avenue in San Diego. has "blacked out" from drinking in the past. On the way to Kaiser, admitted that drove by the Santee Sports Bar and saw that vehicle was parked in the parking lot.

End of statement.

showed me the text messages on his cell phone which I took digital photographs of. I later downloaded the photographs to a disk and placed it into evidence. The text messages are as followed:

At 12:14 PM: From phone to # identified as "Officer Thooly"; A picture of face which showed her black eye, and "Who fucking did this?"

At 1:47 PM: From to Toohey; "She remembers."

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

ment

•No 14148298

13

Primary Victim

INO E1969765

Report No 14148298.2

At 6:17 PM: From Toohey to (See Fell and hit her head on the doorknob of her house. You of all people should know I would never lay a hand on her I or any mother female.

At 6:39 PM: From Toohey to Other."

At 6:40 PM: From Toohey to ; "Sorry my glasses got broken helping her last night."

At 7:13 PM: "From Toohey to Tang; "And why is threatening me when I did nothing wrong." I am fucking pissed."

End of text between Toohey and

Statement of (witness):

After received text, and accompanied him to his mother's condo where they found sleeping in her bed. was wearing only a t-shirt and nothing below the waist. She was covered with a blanket. observed blue jeans on the couch in the living room and her boots and purse on the chair by the front door. Was extremely dazed when they woke her up and she could not remember anything besides being at the Santee Sports Bar last night.

said that the not only complained of pain from her obvious injuries, she also complained of pain in vaginal area. Said she called Toohey's phone and spoke to him. Toohey told that had called him drunk from the bar. Questioned Toohey about her black eye. Toohey told that that had fallen down on the asphalt outside the bar. Toohey said he gave home so she would not drive home drunk. Showed me a text message she sent to Toohey using cell phone and his response to that text:

At 7:18 PM: This is the phone to Toohey; "This is the phone to Too

At 7:21 PM: Toohey's phone to ; "I agree. I just didn't want her driving drunk. SSB is pissed because she was falling down in the bar as well."

End of statement.

I took digital photographs of the above text messages and later downloaded them onto a disk which was placed into evidence.

After completed the SART examination, RN days advised me that was in too much pain when she tried to insert the speculum and vaginal photographs and swabs were not taken. We discussed the possibility of a follow-up exam within the next day or two. RN days also advised me of

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

CAD Event No

Primary Victim

E1969765

14148298

14148298.2

positive findings obtained during the exam which included an abrasion at the opening of at the six o'clock position. RN described the abrasion as an injury consistent with "Blunt force trauma." and drove drove to her home in Santee. I followed and met with them at the residence, arriving at about 2210 hours. was physically exhausted and in obvious pain. requested that she be allowed to get some rest and give a statement the following day. I took digital photographs of the couch and chair in the living room where boots and leans were found. had picked up the blue jeans and moved them prior to taking to the hospital that morning. described the position that she found the leans in as, "folded and draped over the couch edge." I also took photographs of bedroom. I collected two pillow cases, one bed sheet and two blankets from bed. I collected one pair of blue jeans from the living room couch. I later placed those items into evidence at the Sheriff's P&E Unit. On 09-22-14 I located Toohey's personal and employee information from the Sheriff's Intranet Portal. employee directory; Robert Lee Toohey Jr., Detentions Deputy Sheriff, Arijs #5896, currently assigned to the Las Colinas Detention and Reentry Facility, 451 Riverview Parkway in Santee. His address was , with a mailing address of Toohev's phone numbers were listed as follows: business 619-258-3181, mobile home • I ran Toohey through SDLaw and determined he had a valid California Driver. and no prior criminal history. license # On 09-22-14 at about 1300 hours, I interviewed at her home in and obtained the following information. Refer to recorded statement for details. This written statement is a summary and not meant to be a substitute for the recorded interview. The audibly recorded interview was later transferred onto a CD as evidence. Statement of (victim): stated she has known Toohey for about seven years. Until March of 2014 they had not dated or been intimate. During a trip to San Filipe Mexico in March 2014, they became attracted to one another and began a dating/intimate relationship. Almost immediately, Toohey began sleeping at her home every night. The had been diagnosed with several medical problems and Toohey helped her out by taking care of her, and driving her to doctor's appointments. During the following three months, they had intercourse about four times. said they argued a lot. Toohey thought was interested in other men and grew suspicious of her activities. She said she caught Toohey looking through her text messages in the middle of the night. This caused tension in the relationship and their arguments grew intense. said that Toohey drank a lot. She claimed that he has his favorite whiskey, Fireball, with him wherever he went, including in water bottles in his vehicle. She has seen a gallon size container of Fireball in his trunk beside his revolver. This frightens the because he drives back and forth from Descanso at 110 mph after drinking his Fireball. said that Toohey even goes as far

Reporting Officer SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

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Follow-Up Report

14148298

E1969765

14148298.2 Report No.

as going back and forth from the bar to his car to drink his Fireball so he does not have to pay the bar told me she did not think he drinks while he is at work.

Sometime in May of 2014, they got into a huge argument while out driving. told Toohev the relationship was over but she wanted to try and remain friends. At some point, car and walked home. When she arrived, she discovered Toohev had removed all of his personal belongings and left, but did not return the house key.

During the following month. Toohey continuously tried to rekindle the relationship. He sent her an enormous amount of text messages every day. He spent his entire work shift texting her. Almost on a daily basis. Toohey bought her cigarettes, Monster drinks and various groceries and left them at her doorstep along with poems and notes to her. Even though they tried to remain "friends," they argued about where she had been and who she had been with. often. Toohev would confront said that Toohey knew things about her and her activities that he should not have known, like who she text with, and what the conversation was about.

said she has a friend, who she had dated years earlier. They text each other or hang out at the bar several times a week. Toohey knows they are friends but suspects they are secretly dating. Toohey is extremely jealous of and he calls her "Fuck Buddy." Both Toohey sneaks around, following them trying to find out if they are intimate with one another. that he has seen Toohev drive by his home (on numerous and later caught what appears to be his car on the surveillance tape. Toohey her "stalker."

suspected Toohey was using his house key and sneaking into her house during the night to look through her phone. During their arguments, Toohey would admit he had seen text messages and confront her about the content. One morning she woke up and found a key on the pillow beside her. Toohev later told her it was a key to his house from him to her. Another time she came home and found a small safe he had brought over. It was something she had mentioned she needed to lock up medications. These unexpected and uninvited visits by Toohey prompted change the house locks around the end of August. Toohey's unending text messages were overwhelming. She felt Toohey was trying to win her back.

This last Saturday, went to a baby shower for her friend, in and neighbor drove them and they stayed for only about one hour. During that hour beers. They left at four thirty. Later that evening, said she made herself a Bloody Mary at her house. She said it tasted terrible so she threw it out and headed for Santee Sports Bar (SSB) where she thinks they make great Bloody Marys. Could not remember when she left for SSB or when she arrived but she knew it was late in the evening. said she called SSB before she arrived to find out if Toohey was there. She wanted to avoid him.

When she arrived at SSB, she ordered and began drinking a one pint Bloody Mary, (two glasses). said she text Toohey that she had driven drunk just to, "piss him off." A short time later Toohey

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Defective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

E1969765

14148298

Primary Victim

14148298.2 Report No.

showed up at the bar. She had not even finished her first glass. said she went over and sat
with Toohey who appeared frantic. He told her, "Don't you ever do that to me again." Toohey looked like
he had just rolled out of the bushes. She didn't know if he had just woke up or he was drunk. They sat
together for a while and remembers Toohey breaking down and crying. He asked her why all
this was going on, and why they could not get back together. said that he was very upset. And
that was the last thing she could recall until she was woken up by her son, the next morning.
had no idea how she got home, why she was naked from the waist down, and how she had
acquired a swollen black eyes and abrasions all over her. could not recall ever falling down
either. After she talked with a few minutes, he called her other son, then he left for a trip to
Mexico.

was suspicious that she had been sexually assaulted because her vagina and surrounding area felt sore. and his girlfriend. arrived a short time later and helped get her to Kaiser on Zion to be seen by a doctor. told me she has "blacked out" in the past when she had been drinking with Toohey. Each time she woke up the next day and could not remember anything. she did not think she had enough to drink to make her black out. She remembers drinking two beers at the baby shower, way earlier in the day, then one and a half glasses of Bloody Maty at the bar. She did not finish her second glass. said she vaquely remembers drinking one shot of Fireball with Toohey. That was pretty much the last thing she could recall from that night.

End of interview.

After discussing with the procedure for a control call to Toohey, the used her cell phone and called Toohey's house and cell phone at about 1439 hours. Both times the calls went to voice mail. left the following on Toohey's house phone; "Hey Robert, you there?" Hello, Hello, you there?" And she left the following message on his cell phone; "Hey, it's me. Give me a call back. Bye."

showed me several long text messages on her cell phone from Toohey on 09-21-14 beginning at 4:57 PM: Your kids have accused me of raping you and beating the shit out of you. No sex! Even though you wanted to. You fell down several times taking me with you twice. My glasses got broke at the bar. Almost got into a fight with some dude who wanted to keep you for himself. I am pretty sure you hit your eye on your door knob when you fell the final time when I went to get your keys from your purse. You took your pants off while laying in back seat of my car. Only reason I came down the hill to get you was because you texted me saying you were gonna drive drunk Cuz you don't give a fuck! detectives will be at my house. Paid your tab last night and picked up my broken glasses. (Break) I need new glasses anyway. (Break) I was going to buy you smokes and monsters but I'm pretty much broke until payday and once again I will be nigga rich and able to help you. (Break) I will try ncall you later when I am not busy. Following those messages were three photos; two were shots of a thumb with an abrasion and one of a large leg with small abrasions. And text: My right leg. (Break) God as my witness we did not have SEX!!!! AND IF YOU FOR ONE GOD DAMN MINUTE YOU THINK THAT I WOULD EVER AND I MEAN EVER DO THAT TO YOU!!!!! THEN DON'T EVER CONTACT ME AGAIN.

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

nent

E1969765

14148298

Report No 14148298.2

ave me her phone for 24 hours to be examined for evidence. I later used my camera and took photos of the above text messages and photos and downloaded them onto a disk and placed the disk into evidence at the Sheriff's P&E Unit.

also gave me a large envelope of various sized pieces of paper and one key that she told me Toohey had left on her door or inside her house on different dates throughout the previous month. I later placed these items into evidence at the Sheriff's P&E Unit.

On 09-22-14 at 1620 hours I contacted friend. by telephone and obtained the following information. During recorded statement (at 01:33:00) this phone interview with was obtained and documented. This written statement is a summary and not meant to be a substitute for the recorded interview. The audibly recorded interview was later transferred onto a CD as evidence.

Statement of (witness):

said he was not at the bar when this incident occurred. He was at the bar, SSB, that evening between 1830 hours and 2000 hours. Later that evening, around 2300 hours, he received a text message from advising him she was at SSB. The first he heard about what had happened was the following day, Sunday afternoon sent him a picture of her face and black eye. forwarded the photo to SSB bartender, and asked her what happened. text him back stating that was a mess" and fell down. text that it took three people to get into Toohey's car. That was all he knew about the incident. advised me that SSB has several video surveillance cameras both in and outside the bar.

End of statement.

On 09-22-14 at about 1640 hours I called SSB owner. and made arrangements to meet with him on 09-23-14 at about 1300 hours to review video surveillance from the night of this incident.

On 09-22-14 at about 1700 hours I contacted Sheriff's Detective M. Dasilveira at the Sheriff's Santee Station. I left cell phone with him to complete a Cellebrite UFED extraction. Detective Dasilveira later advised me that Cellebrite UFED program does not support the brand and model of cell phone and therefore unable to complete an extraction.

On 09-22-14 at about 1800 hours I called SSB bartender, and obtained the following information. This is a summary only.

Statement of

told me she has been working as a bartender at SSB for about ten years. She was working alone on Saturday night, 09-20-14. The has known both and Toohey since they began dating earlier in the year. Both have been coming to the bar a lot lately. That night, came in first (alone) at

Reporting Officer SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

nent

Casa No 14148298

Z4 Page 24 of 46

CAD Event No

E1969765

afternoon. He retrieved his glasses and paid the tab for that night.

Primary Victim

Report No 14148298.2

around 2300 hours. did not appear to be intoxicated and she ordered a one pint container of Bloody Mary which makes two glasses. was hanging out at the bar talking casually with two male customers for about one hour when Toohey entered the bar. Toohey ordered two Blue Moon beers and sat down next to Toohey and Seemed to be having an emotional discussion because both were a bit teary eyed. caught some of their conversation overhearing that was depressed and Toohey was trying to lift her spirits. After Toohey drank the two beers, he ordered two Fireball shots and he gave one to point walked away from Toohey and returned to talking with the two male customers. After Toohey had been there about forty-five minutes, suddenly the appeared to be extremely drunk. as "going from zero to 100 in 45 minutes. behavior was strange and even unusual for her. slumped over and basically became dead weight. the other male customers and Toohey went over to her. Toohey grabbed her arm and tried to pull her towards the door. Seemed to barely move but was still on her feet. At some point one of the male customers told Toohey to leave her alone and they got into a slight argument over her. Toohey eventually got moving in the direction of the exit door but only because he was holding her up, and pulling her. followed behind them as they left. Just after exiting the front door, Toohey fell forward pushing to the ground, and he landed on top of her. saw pavement full force. At that point, Toohey struggled to get up and the two male customers came outside to help. As they lifted up off the ground, saw that she had injured her right eye in the fall. was carried by the two males to Toohey's car and placed in the back seat. was out cold. had seen drunk before but never in this condition. After was in Toohey's car, he drove off with her. ieans were completely on and fastened and she had her boots on when they left. had carried purse outside and gave it to Toohey before he left. After they were gone, noticed Toohey's broken eyeglasses on the ground and she brought them inside the bar. told me that Toohey did not appear intoxicated when he left. A short time later, Toohey called and asked about his glasses. Toohey came in the following

End of statement.

On 09-22-14 at 2025 hours, Detective R. Roberson and I contacted Robert Toohey at the Las Colinas Detention Facility. His supervisor allowed us to talk in a private room within the facility. I spoke with Toohey and obtained the following information. Refer to Toohey's recorded statement for details. This written statement is a summary and not meant to be a substitute for the recorded interview. The audibly recorded interview was later transferred onto a CD as evidence.

Statement of Robert Lee Toohey:

Toohey told me he has known for about five years. Around mid-May of this year, he went to San Felipe with and they became intimate. They had a brief (three month) relationship in which he spend almost every night at her home. On August fifth, they got into an argument and told

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



nent

CAD Event No

E1969765

Case No

14148298

Primary Victim

Report No 14148298.2

him she just wanted to be friends. They have pretty much kept in contact with each other since, but on a protonic level.

Toohey stated that this last Saturday he received a text message from around 9 PM, that said she was going to the bar and hopes someone will buy her drinks. She also text that she was going to drive drunk because "she didn't give a fuck." Toohey said that the had been depressed lately and has a lot of physical problems. Toohey didn't want to drive drunk so he rushed down to the bar where he found her already drinking.

I asked Toohey to tell me what happened beginning with the text messages.

A: Saturday night I was at my friend's house. I went home. She had text me saying she is gonna go to the bar and hopes somebody buys her drinks.

Q: When did she text you?

A: It was nine something. I don't know, it was when I got back to my house. And then she text again at like ten minutes to eleven and said she was going to drive drunk because she didn't give a fuck.

Q: Did that worry you?

A: Well yeah because I believed her. So I hauled ass down to the bar. And sure enough she was plastered at the bar.

Q: When you went into the bar where was she?

A: She was sitting in the middle of the bar straight back from the register. And I sat at the end. Two guys were with her. I don't know, I hadn't seen them before so I didn't know who they were.

Q: Did she look like she was in a conversation with them?

A: Well, No she looked like she was disheveled and out of it. Si I ordered a beer from the bartender and she said that is pretty messed up. I said I know.

Q: told you that right away?

A: She said she is gonna drive drunk and I'm not going to let her. So, I don't know if I went to her or if she came over to me and we started talking. And then I said, "Let's get you out of here."

Q: How long were you guys together before you said that?

A: I couldn't tell you, I don't remember.

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



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14148298.2

rt

AD Event No . E19697

Primary Victim

Case No 14148298

26

Q: Take a guess.

A; Not long, half an hour. I think ten minutes, she says longer, but I don't remember I was distraught.

Q: What did your conversation consist of?

A: I don't remember. I said what are you doing? She said I don't know. That's all I remember. What I did then was I said let's get you out of here. And then some guy got in my face. He said something like he was with her.

Q: The two guys that were with her?

A: Yeah but according to they weren't with her.

Q: So one of the guys got into your face?

A: Yeah but I wasn't going to cause a fight in a bar. I mean, I work for the Sheriff's Department. So I said to her, let's get you out of here. She wanted to go and the guy says, she doesn't have to go, she is with me. She can drink whatever she wants. She can stay. I go well not tonight she can't. So agreed. The bartender agreed. And like I said, you can talk to because had already fallen down twice.

Q: During the time you were with her? That half hour or so?

A: She fell down twice in the bar. I said let's get you out of here. So the two guys and me go to get her out and at one point I remember falling again, my glasses evidently got broke because these are reading glasses.

Q: You fell?

A: Yeah, I ended up, yeah because she pulled towards the door when we were trying to carry her out to the car.

Q: Ok, I'm sorry, I got a little lost.

A: Two guys, we were trying to get her out to the car at that point. The guy conceded, OK fine, he knew he wasn't going to be taking her anywhere. So we get out to the car, she doesn't want to go home she wants to get something to eat. I said 'So let's go to Santana's,' because that's where we go.

Q: So somehow you got her into the car?

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

nent

14148298

E1969765

14148298.2

A: In the back seat of my car, she is in the back seat of my car. So then we go to Santana's. I order food. The next thing I know she has pulled off her pants, and this isn't the first time I had an issue with her doing this, because four or five years ago up in Pine Valley I had to get her a hotel room because she was drunk and she crawled into the back seat of my Silverado and peed all over it. So, that's what I thought was going to happen. But she didn't pee which was a good thing. I mean, it wouldn't have bothered me. So I said, 'Let's take you home.' And she said, 'No, I wanna go to your house.' OK fine. so I drive to Descanso.

Q: Has she gone to your house before?

A: Yeah, she has been to my house. She has a key to my house. So we drove to Descanso and I'm pretty sure my landlord has a camera that..cause, I tried to get her out of my car, it's a steep driveway. we both ended up falling down, because she is just dead weight. I go, this is not going to work, I'm gonna take you home.' So I got her back into the car. I mean, I could show you the cut on my thumb and the thing on my leg but it's no big deal. Got her back in my car, drove back to her house. And at all times her house is locked, so I got her outside the car against the door by her house. She said, 'I'll be fine right here.' I said, 'I gotta get your keys.' So I go to get her keys and she falls again.

Q: Where were her keys at?

A: In her purse in the back seat of my car. She falls again, right by the front door. So, that's the time I think she hit her face on the doorknob. So I get her into the house, now mind you, her pants are still in the back seat of my car. I get her into the house. I take her into the bedroom. I get her on her bed. I go out, grab her clothes, grab her purse, put them on the thing. I go back inside to check on her and she pulls me down on the bed. And then we went to sleep. I said, 'No Because we've had this conversation before, when no is no, yes is yes, right is right and wrong is wrong. So three hours later, six o'clock I wake up, I said, I want, I'm going home.' She says, 'Call me later.' I didn't notice the black eye or anything like that at all. And I've never, ever, laid a hand on her, nor would 1. And she knows that. She absolutely knows that. So then I get home and I go to bed and about six hours later her kids start calling me, and threatening me. And I said, What the fuck are you talking about?'

Q: Did you actually talk to them?

A: Yeah.

Q: Which one?

A: called me. First called. is	
calls and said, 'I need to talk with you right away about	' So I got up. I called her right back, and
she said, 'What the fuck happened to eye?' I g	
blue. I go, she fell down like six times last night	
And so then she goes, 'Well her eye is all black and blu	
And knows I wouldn't lay a hand on her ever 'cau	use I wouldn't. And I don't. I wouldn't lay a hand

Reporting Officer SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

nent

CAD Event No : E1969765

14148298

Primary Victim.

Report No

14148298.2

on the inmates here. I mean I've been doing this job 21 years. So then calls me. He was going to Mexico with his grandfather. And so he tells me straight up, What the fuck happened to my mom? Why were her pants off? I go, 'She took her pants off because she got into the house, they were in my car.' He goes, 'What did you do to my mom?' I go, 'I didn't do anything to your mom.' He says, 'You better not have.' I go, 'I swear to God I did not have sex with your mom.' I mean, the last time we had sex was August first. That's the last time.

Q: Robert, I'm not concerned what told you.

A: I know I'm just telling you the whole story. I'm sad, I'm mad, I'm frustrated. I'm thinking I have invested a lot into her because I believe in her talents. She's got amazing talents.

Q: She seems like a nice woman.

A: And she is just lost right now. And obviously I can't fix that.

Q: Let me get a little clearer picture so I can clear up some of the things you have told me here. When you got to the bar, you said she was at one location at the bar and you went and sat at the other?

A: At the end right inside the entrance.

Q: She was around these two other guys?

A: I don't know if there were two guys but when told me, 'Can you please help get her out of here? There were two guys involved.

tell you that right when you came into the bar?

A: I don't recall when.

Q: So you don't know how long you were there before told that to you?

A: It wasn't long. We weren't there long at all. I mean time wise we weren't there long at all.

Q: What was demeanor when you first made contact with her in the bar?

A: Sad, disheveled, she just seemed lost.

Q: Did she seem like she was....

A: She was extremely intoxicated. Extremely.

Q: You know her better than I do.

Reporting Officer SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date	Delective Assigned	Reviewed Date
9/24/2014 1:51:04 PM	SH1062 - SHANDS, LAURA	11/12/2014 08:12:13



Diego County Sheriff's De:

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Follow-Up Report

E1969765 CAD Event No

1

14148298

14148298.2

A: Well, here is the thing though.

Q: Well at this point, she is extremely intoxicated?

was upset.

Q: Right away? She told you....?

A: She said, is out of it. She's totally out of it.

Q: So when you were there, did any drinks get served to

A: I don't know, I couldn't tell ya.

Q: How about you?

A: I ordered a Blue Moon. I drank that. I had another one and I don't remember drinking any of that one, cause I needed to get her out of there.

Q: So you were dealing with her? During the time you ordered the first beer, did she fall down during the time you were drinking the first beer?

A: I don't remember if it was while I was drinking the first beer or when she got off the bar stool, I don't remember.

Q: OK, are you guys sitting together at this point?

A: No, we weren't sitting together when she fell.

Q: At any time were you sitting together?

A: Yeah I think. When she came down and sat next to me because she said I was crying.

Q: Do you remember crying?

A: I remember crying cause I don't like where she is headed.

Q: You were upset what was going on with her right?

A: Yeah.

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date	Delective Assigned	Reviewed Date
9/24/2014 1:51:04 PM	SH1062 - SHANDS, LAURA	11/12/2014 08:12:13



nent

CAD Event No .

E1969765

Case No 14148298

Primary Victim

Report No 14148298.2

30

Q: So at some point, well, during the time you were sitting or you had her in observation, whether she was sitting down at the end of the bar or next to you, did you see her drinking?

A: Umm...not when she was next to me.

Q: Did you see her drinking at the end of the bar?

A: She was in the middle.

Q: OK, in the middle.

A: Like if you were at the register, she was like, if they had a waitress standing to the right, there's like two bars whatever, if you had a waitress station, she was right there.

Q: OK. Did you see her drinking?

A: She was drinking a Bloody Mary.

Q: OK.

A: But here's the thing...

Q: I'm trying to clear it up in my mind because I get lost sometimes. So, did she, during the time she was sitting with you or in the middle of the bar, did you see her fall down near the bar area?

A: She started to fall off her stool.

Q: Did you help her or did somebody else help her?

A: Somebody helped her,

Q: OK. And you said you drank a Blue Moon? Did you have any shots?

A: I don't remember if we drank a shot or not. I mean, normally when we are there, we drank shots. But I do not remember if we drank a shot or not.

Q: What kind of shots do you guys normally drink?

A: Fireball.

Q: And, at some point or how much time were you there when you decided it was time to take her out of there?

A: I'm gonna guess a half hour. Like I said, I don't know for sure. I don't wear a watch.

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

nent

CAD Event No

E1969765

14148298

Primary Victim

Report No.

14148298.2

Q: When you first went to her to try to get her into the car?

A: It took about 15 minutes of negotiating, between this guy who was in my face and her to try and get her to the car, at least.

Q: Did you, did they have to help you?

A: They carried her. One guy had her arms, almost like a firemen's carry, and the other guy grabbed her feet.

Q: Did you ever try to help her out to the car by yourself?

A: No. Not at that point.

Q: Did you ever trip on her and fall?

A: I told you, I fell at least twice.

Q: OK, well I'm trying to figure out where you fell. Was it in the bar, outside the bar?

A: Well, I said it was outside the doorway of the bar. Like I said I don't remember.

Q: When did you talk to

A: She called the next day. Somebody from the bar called the next day. And left a message and I called back because she had my glasses and they were broke. It looked like somebody had stepped on them. She found them in the parking lot and took them inside.

Q: I want to know what you remember. I don't want to know what I told you.

A: I remember the two guys helping to get her to the car.

Q: You don't remember falling or anything?

A: No, I remember falling. I don't remember if it was right at the doorway of the bar the first time. And the second time I fell was at the driveway at my house...with

Q: OK, well, somehow the three of you managed to get her in the back of your car?

A: Right.

Q: Was she wearing her pants then?

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



nent

CAD Event No

E1969765

ane No 14148298

Primary Victim

Report No 14148298.2

JZ Page 32 of 4

A: She had her pants. What happen was, one guy put her in the left rear side and we tried to get her in and he couldn't. He went around the other side and pulled her. He lifted her legs and put her inside the car. Her pants were still on her but they were like starting cause...she wears her pants tight anyway, they were starting to fall down. But that wasn't my concern.

Q: Was she wearing shoes?

A: Here's the thing, she had her boots originally. They're like red white and blue cowboy boots. But they were not on her. Now, when I got her to her house...

Q: So they weren't on her when you put her in the car?

A: When they helped put her in the car, her boots were not on her. Her feet were barefoot. When I got back to her house, her boots were sitting outside her door. Like about four feet from the door next to the wall.

Q: Who put them there?

A: I don't know.

Q: When you got to her house, after going up to your house, her boots were...

A: Yes.

Q: So you think somebody took them from the bar and brought them home?

A: I don't know. I would have to guess that. I don't know how the boots got there because I remember when we got in the back seat of my car she was barefoot.

Q: OK, so you get in the car and she says she wants to go to your house?

A: Ah huh.

Q: What prompted you to go all the way to Descanso?

A: She said she couldn't go home or didn't want to go home.

Q: Did she say why?

A: No but here's the thing, there were times in the past because if her son is there that she doesn't want me there because it causes conflict with her son.

Reporting Officer SH1062 - SHANDS, LAURA	Projection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13





Primary Victim

E1969765

Report No

14148298 14148298.2

33

Q: Which one?

A: The youngest one, So I didn't ask.

Q: Do you guys not get along?

A: No we don't because that's an entire different story. It's not because I don't care about him, it's because what he is doing to his mom.

Q: OK. So do you think she was asking you...what's your opinion, when she said let's go to your house, what was going on in your mind?

A: That she didn't want to go home.

Q: Because of ?

A: Well, I don't know if it was some other guy, I don't know if it was some other guy, I don't know.

Q: OK, so did you drive straight from the bar to your house?

A: No, we stopped at Santana's and got Mexican food.

Q: Santana's in...?

A: On Broadway in El Cajon.

Q: And did she get out of the car there?

A: No.

Q: And did she have her pants on at Santana's?

A: They were like half way on and then going up the hill.

Q: What do you mean like halfway on?

A: Like if you were drunk in the back seat of a car and your pants were too tight, they were like, coming down below here. (Pointed to his thighs). And she was in the back seat laying down.

Q: Could you see her private parts?

A: At that point in time no.

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



Diego County Sheriff's De

Follow-Up Report

14148298

nent

CAD Event No.:

E1969765

Primary Victors

14148298.2 Report No.

Q: But you could tell her pants were not all the way up?

A: Yeah, and then, by the time I got to my house they were off and I thought she was going to pee. Because like I said, she has done that before. I don't want to embarrass her so I'm gonna try and get her into my house.

Q: You pull up to your house, you get out of the car, and you open up the back door?

A: The right rear door and pull her out.

Q: Did you tell her, 'Hey we are here?'

A: She knew we were there. So we started to walk and she is dead weight again. And like I said it's a dirt...she is out of the car and she is dead weight. I got her like...first it's gravel and dirt and then it goes to cement. It's a steep driveway. My landlord has a camera at the end of the driveway that records all the time. At one point she pulled, we both fell. I landed on my hands, I scraped my leg, I got up and go, 'This is not working, I'm just gonna take you home, I will deal with the kid then.' If that is what it was. I don't know. Because if he is there, there is no way she wants me there because it causes conflict.

Q: So when you are getting her back in the car, what are the condition of her pants, at that point?

A: They were off already.

Q: They were completely off?

A: They were completely off. They stayed off.

Q: Did you tell her to put them back on?

A: No, she was just out of it. So I just said my best option is to get her home. Just get her home and call it a night.

Q: So that is what you decided to do?

A: Yes.

Q: So you got her back in the car?

A: Yes.

Q: Drove all the way back to her place?

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

nent

CAD Event No

E1969765

Case No 14148298

Primary Victim

Report No 14148298.2

33 Prop 35 of 48

A: Yes.

Q: Make any stops?

A: No, straight there.

Q: Didn't have to get gas or anything?

A: Nope.

Q: So you get to her house. Did you park in her spot?

A: Yes. I pulled her out of the car. Because normally she leaves her house unlocked. I go to the front door. I'm holding her at this point. And I lean her against the wall and I go to unlock the door and it's locked. I go, I need to get the keys.' And she goes, 'I'm fine.' And she is still swinging. So I turn around. And no sooner that I turn around and I go to the passenger side to get her purse, she falls down.

Q: OK, so the door is locked? The screen is locked?

A: Yes. Do you want me to show you, I can show you.

Q: No.

A: The door opens to the left, it is a security screen door. She is to the right of it. My car is in the space. She is up against the wall. She has her back to the wall below the window to her house, and I held her there and told her I need to get the keys, because I checked and it was locked. And no sooner that I turn around and she goes, 'Bam.' She falls to the ground.

Q: She falls forward?

A: She falls to the right. She is against the wall. She falls to the right. The door knob would have been her and she went down to the ground. She said, 'Ouch.'

Q: You didn't notice she hurt herself?

A: No, had I noticed, had I noticed she was black and blue, that she had hurt her eye, A, I wouldn't have left at six o'clock, B, I would have treated her then, and then I personally would have taken her to the hospital. I didn't know any of that then.

Q: So, you get her into the house?

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



14148298

CAD Event No :

E1969765

Primary Victim.

14148298.2

A: Well at first I get her on the couch, then I go straight to the bedroom, because I'm basically carrying her because she is dead weight. I get her onto the bed, I go out, I grab her pants, I grab her purse, I throw them on the couch. I go back into the bedroom and sat down and she pulled me towards her. She says, 'Come here.'

Q: She is sitting on the bed?

A: No, she is laying on the bed.

Q: Covered up?

A: No, she is not covered up. So at that point I laid down next to her and she pulled me towards her. I covered her up with a blanket and we both went to sleep.

Q: Did she say anything to you?

A: No, she tried to pull me towards her but I said, 'No, not now l' And we both went to sleep. Like I said, I woke up at six o'clock, I said, I woke up at six o'clock, I said, I me later.' And I went home.

Q: When she pulled you towards her, did she say that she wanted you to leave?

A: No. She didn't want me to leave. She tried to kiss me.

Q: Did she say she wanted to have sex with you?

A: No, she didn't say anything. She just tried kissing me and touching me.

Q: Where was she touching you?

A: First on my shoulder, then on my, right here, (pointed to the middle of his abdomen).

Q: Did she touch your private parts?

A: No. Not that I remember, but like I said, at that point, we both went to sleep.

Q: I'm going to ask you straight up, did you have so much to drink that there is a reason you do not remember?

A: No.

Q: You just can't remember because?

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

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E1969765

Case No

14148298

on No 14148298.2

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A: No, I went to a BBQ. I had been drinking. I'm not going to deny that at all. But, I didn't have sex with her.

Q: That's not my question. I question was, had you had so much to drink that she don't remember? Because you told me you don't remember a couple of times.

A: I don't remember exactly where I fell the first time, but I know where I fell the second time.

Q: But your memory is not because you had too much to drink?

A: I had a lot to drink, I'm not going to deny that.

Q: OK, let's go through that. Let's talk about that. You went to a BBQ that day?

A: Yes.

Q: Where was the BBQ?

A: My friend's house.

Q: Who is your friend?

A: She was celebrating her birthday weekend.

Q: During the time you were at their house, how much did you have to drink?

A: Three Estellas, because I brought a six pack over for her boyfriend. We each had three and then I had four shots of Fireball.

Q: And that was what time to what time?

A: From, I got there about six, six-thirty, till about ten.

Q: Until you started getting text messages?

A: I didn't get those until I got to my house, because there is no cell service in Quatay.

Q: So that is what you had to drink. You left there and you went to your house. You started to get the text messages and you went to the bar?

A: I got the text saying she was going to drive drunk and she didn't give a fuck. I still have the text.

Q: And how much did you have at the bar?

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date	Detective Assigned	Reviewed Date
9/24/2014 1:51:04 PM	SH1062 - SHANDS, LAURA	11/12/2014 08:12:13

ment

CAD Event No.

Primary Victor

E1969765

Case No 14148298

Report No

14148298.2

38 *** 38 of 46

A: I ordered two Blue Moons that I remember.

Q: You don't remember doing any shots or anything?

A: No.

Q: Did you buy any drinks for her?

A: No, but I paid her whole tab the next day.

Q: The next day?

A: Yeah, because they said she still owes a tab from last night.

Q: So when you talked to the next day, was that in person?

A: No, original it was on the phone. Because she left a message on my phone because she had my glasses and they were broke, and she said that still had an open tab. So when I did the food run for the team, I stopped by there, picked up my glasses, and I paid tab.

Q: And how much was it?

A: Forty-three dollars. It was for two Bloody Marys, two double Fireballs, and two single Fireballs.

Q: So it was both of your tabs?

A: Yes.

Q: And when you were back at the house, what time do you think you got to the house? Because remember you left the bar, you went to your place...?

A: I'm going to guess but the time we got into bed it was around, I guess three o'clock. I'm going to guess, I could be totally wrong. I don't wear a watch. And I can't see crap without my glasses.

Q: I have to ask you some personal questions. During the time you were with the first at San Filipe till you decided to leave the house, how many times did you have sex with her?

A: Um...three months, 15 or 20.

Q: OK, and was that consensual every single time?

A: Every single time.

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



Primary Victim

E1969765

14148298

Report Na

14148298.2

Q: Had she ever been drinking? Had both of you been drinking?

A: Oh no, there were times when both of us had been drinking and she couldn't remember and she would say, 'Did you at least get laid?' and I told her no. She asked why and I told her, "Because you were drunk.' First you say yes, then you say no. And to me, no means no. When somebody says no. I don't care what it is. Whether you are with them or not.

Q: Do you know of any medical conditions that

A: She has a bunch.

Q: What is your understanding?

A: The latest one? She now has . She has . She hasl . She takes at least. I've taken her to the doctor. I've taken her to the emergency room.

Q: Were you ever concerned last night when she was falling over that this might not be an alcohol thing. it might be a medical issue?

A: With her, I have no clue. The other times it's happened, like I said I've known her five years, it's always been alcohol.

Q: OK, so have you ever seen her in the same condition she was in Saturday night?

A: Yes.

Q: That bad?

A: Yes, but not to that. I've carried her before. She has fallen down before. It's not the first time it has happened. We went to a dinner one time, it was a celebration of life for a friend of ours in Descanso. It was during the day and she was hammered. We put her in the back seat of her car. We told her to sleep it off for a while. Her kids were there. She decided to get up. She came inside and fell. She split her head open and we took her to the hospital.

Q: When you woke up Sunday morning and decided to leave, why did you leave?

A: Because nobody was there. She was safe. I wasn't going to have sex with her. I was still fully dressed. I said I'm going to go home and told her I would talk to her later. She said, "I'll see you later."

Q: Did you have to work Sunday night? I was just wondering since you only got three hours of sleep.

Reporting Officer	Division / Organization	Reviewed By
SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13



ment

Case No

14148298

4U

CAD Event No .
Primery Victim.

E1969765

Report No

No 14148298.2

A: I worked Sunday night, I went home and went back to sleep. I didn't even watch any football. I went straight to work.

Q: You are laying with this woman. She doesn't have any pants on?

A: I've been laying with her naked for three and a half months.

Q: I'm just asking you. Were you interested in having sex with her?

A: I'm always interested in having sex with her.

Q: So why didn't you?

A: Because she was out of it. Because we had conversations before. She says, when we are together, we need to take care of each other. The next thing you know she is drunk. When she is drunk, I didn't do it. She says, 'Well why didn't you?' I said, 'Because you were drunk. That's why I didn't do it.'

Q: When she has been drinking, can you tell the difference between when she has had a little bit and becomes a little amorous to when she has had a lot to drink and she is just sloppy? You know her. Can you tell the difference?

A: Um...

Q: OK, how do you tell the difference? How do you tell that she is at the point where she is just too drunk and it's not going to be fun?

A: She was a mess. She was a mess more so than not. Therefore I didn't. Like I said, it didn't happen.

Q: When was the last time you did have sex?

A: August first.

Q: The very last time?

A: The last time we had sex. Don't ask me where because I won't tell you.

Q: When you had sex in the past, or does she take birth control pills or did you wear a condom?

A: No and no. She can't have any more kids.

Q: You don't worry about sexually transmitted diseases?

A: I do but I trust her. Maybe I shouldn't. I'll be honest, maybe I shouldn't but I did.

Reporting Officer SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

ment

CAD Event No

E1969765

14148298

14148298.2

Q: Going back to when you are lying in bed with her. She has no pants on. What are you wearing?

A: A blue Hawaiian shirt and a black t-shirt.

Q: Would there be any reason there would have been any kind of fluid exchange between you and her?

A: Nope.

Q: If there is a fluid exchange, how are you going to explain that?

A: I'm not going to explain that because there isn't.

Q: So there would be no way that happened?

A: Nope.

Q: No way that happened?

A: No way in hell that happened. I'm telling you straight up right now there was not a fluid exchange between me and her.

Q: Because you didn't have any kind of sex?

A: No sex. There's no fluid exchange.

Q: Was there any kind of oral sex?

A: Nope.

Q: Was there any kind of touching?

A: There was touching. She touched me here and here (pointed to his chest and abdomen) and I cupped her breast.

Q: Over her clothes?

A: Under her clothes, her shirt was half off. Her shirt was half off and we were like snuggling. I pulled the blanket over her and my hand was right there and we went to sleep.

Q: Like spooning?

Reporting Officer SH1062 - SHANDS, LAURA	Pivision / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

CAD Event No : E1969765

Primary Victim

14148298

Report No. 14148298.2

A: Yeah, that was it, I was almost falling off the bed. It's a small bed in case you haven't seen it. We didn't have sex. I know that for a fact. I'm 100 percent positive.

Reporting Officer	Family Protection Detail	CUOCO MACANA EDED
pavement, pushing face for her. Toohey rolls over onto his back two male customers exit the bar and and barely moving. and carried over to Toohey's vehicle	ck and struggles to upright himse and attempt to get onto he of by the two male customers in lie, a silver	e on the ground as he falls on top of elf. As Toohey gets to his knees, the er feet. She appears almost lifeless, a modified firemen's type of position is placed in the back seat on her
walked throughout the bar talking value about 2317 hours, Toohey entered sat together during the makes be seen slumping over the bar and arm and attempts to pull her away Toohey and preventing Totherefore it is unknown what is beir manages to get her to the front doctors.	with several other customers, she the bar alone and ordered drink ajority of the time they were there she appeared extremely intoxication from the bar. One of the male co cohey from pulling away ng said. After several attempts of or and they exit at about 0046 ho	e. At about 0035 hours, can ated. Toohey goes to her, holds her ustomers nearby tries to step between y. There is no audio on the tape of Toohey pulling at the case, he
Road in Santee. was not pr	resent during this incident but ha ad been captured on the video su	
On 09-23-14 at about 1110 hours I submitted to the Sheriff's Crime La evidence not collected during the f	b. I also arranged to have	re-examined to obtain additional
End of interview.		
I asked Toohey about him providing declined to state where he got it. Shas a medical marijuana card." Ar	Sh <mark>ortly t</mark> hereafter he said, "Why d	ne didn't want to talk about it and did we do this? We were stupid. He
been driving drunk that night (at 39 morning before leaving and did not	and he did not have sex with her. 9:00 on tape). He told me he had	Toohey admitted to me that he had never looked at face that bohey showed me text messages on
didittiave sex. I know that for a is	act. I'm 100 percent positive.	

Reporting Officer SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

ment

CAD Event No: E1969765

Primary Victim.

Case No 14148298

Report No

back. Her jeans appear to be properly pulled up at the waist, and she is wearing her boots.

14148298.2

43

hands purse to Toohey and he drives away.
held up the bars land line, (# Toohey's cell phone, (#
I later downloaded the video and photo of the above onto a disk and placed it into evidence at the Sheriff's P&E Unit.
On 09-23-14 at about 1450 hours, I met with at IFS and returned her cell phone to her. RN performed the follow-up SART exam with
On 09-23-14 at about 1330 hours, Detective R. Roberson (#4750) and Detective L. Hurtado (#4975) contacted Toohey at his residence in Descanso, and his landlord, Detective Roberson documented those contacts in his follow-up report, (See attached). provided a portion of taped surveillance that was captured between the late hours of 09-20-14 and the early morning hours of 09-21-14. Toohey provided his cell phone, allowing it to be downloaded and reviewed. Toohey also voluntarily gave a DNA sample, oral reference. Later that evening, Toohey called and demanded his cell phone be returned to him immediately. Due to the time constraints, we were unable to retrieve information from his cell phone and it was returned to him by Detective Roberson.
On 09-26-14, I completed a search warrant affidavit and search warrant for items within Toohey's residence, his current rental car, and his cell phone. Superior Court Judge Herbert J. Exarhos signed the order (warrant #E2014-475).
On 09-26-14 I called Toohey and made arrangements to meet with him at the Sheriff's Alpine Station on 09-30-14.
On 09-26-14 at about 1500 hours, I was contacted by victim and advised she had located a possible witness, and she gave me his contact information. I called and left a message for him to call me back.
On 09-30-14 at about 1100 hours, I met with Toohey at the Sheriff's Alpine Station. I spoke with Toohey briefly in a private meeting room. Toohey gave his cell phone to me. He told me that he had returned the back to Enterprise Car Rental Center in Santee on 09-29-14. On my request, Detective A. Meleen (#4961) responded to the Enterprise Rental Center and located the vehicle Toohey had returned. Detective Meleen had the Chevy towed by the Sheriff's Property Unit to the Crime Lab to be searched and processed, (See attached follow-up report by Detective Meleen).
After I contacted Toohey and seized his cell phone the following Sheriff's personnel accompanied me to Toohey's residence to conduct a search per the signed warrant; Sergeant Fred Magaña (#2829),

SH1062 - SHANDS, LAURA

Reporting Officer

Report Date

Division / Organization
Family Protection Detail

SEXUAL ASSAULT UNIT
Detective Assigned
SH1062 - SHANDS, LAURA

SH2829 - MAGANA, FRED

11/12/2014 08:12:13

Reviewed Date

ment

CAD Event No : E

Primary Victim

E1969765

Case No 14148298

Report No

14148298.2

44

Detectives Tim Dinger (#2078) and Robert Roberson (#4750). We arrived at 1144 hours, (CAD#E1992205).

Toohey had voluntarily provided his residence keys for us to gain entry and the following items were seized from his residence:

On 09-30-14 at 1500 hours, I completed an extraction on Toohey's cell phone, (a Droid RAZR HD, model #XT926), at RCFL, and downloaded the report to a disk. After review, the disk was entered into evidence at the Sheriff's P&E Unit.

On 09-30-14 at 1650 hours, I contacted Toohey by phone and made arrangements for him to meet with me at the Sheriff's Alpine Station to return his phone back to him, which took place at 1800 hours.

On 10-02-14 I learned from Data Services that several Sheriff's deputies had attempted or did gain access to the original crime report in NetRMS on this case. I spoke with deputies W. Brecheisen (#2564), Y. Nease (#3877), and P. Vail (#0606) individually by phone. Each had a reasonable explanation as to why they had opened and or reviewed the crime report. I do not believe that Toohey had any hand in their actions or that this case was compromised in any way.

On 10-02-14 at 1900 hours I contacted witness	by telephone and obtained the following
information. This written statement is a summary and no	ot meant to be a substitute for the recorded
interview. The audibly recorded interview was later trans	sferred onto a CD as evidence.

Statement of Statement :

told me he lives in the same condo complex as but he had not met her until several
days after this incident. Recently they struck up a conversation in the alley while was walking
her dog and they realized he had the had come into contact with the and Toohey during the
early morning hours of 09-21-14. At about 0200 hours, the heard a man yelling in the alley. This
went on for about 20 minutes. went outside to find out what was happening.
Toohey standing in the open doorway of a silver vehicle and he was yelling at who was lying on
the back seat. Toohey was trying to get out of the car but she was not responding.
immediately asked Toohey what was wrong. Toohey told that he needed to get into the
house but she was drunk and not getting up. told me that he has had some prior EMT training
and he thought that was not breathing. I reached into the car and checked for a
pulse and she was breathing. reeked of alcohol but did have a pulse and was breathing. Due

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	Reviewed By SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

Diego County Sheriff's Do

ment

Follow-Up Report

CAD Event No :
Primary Victim

E1969765

Case No 14148298

Report No

14148298.2

40 45 of 46

lack of response, that she had alcohol poisoning and told Toohey that he needed to call 911. Toohey told that he was a deputy Sheriff and he knew best, that she just needed to sleep it off. It is said he argued with Toohey for over half an hour trying to convince him to call 911 and get medical help but Toohey refused and continued to attempt to pull out of his car.
eventually gave in to Toohey and tried to help him get out of the back seat. After many failed attempts, Toohey finally gave up and said he would take her to his house. Toohey then tried to slam the back seat door shut but it struck one of legs. Toohey pushed her leg inside the car, got into the driver seat and drove away. I asked what if anything was wearing. He described a pink t-shirt, a pair of jeans and white socks. I asked if least jeans were pulled up to her waist. He recalled that her jeans appeared slightly below her waist but not open or showing any of her groin area. If did recall seeing a pair of women's boots near her front door. I asked if Toohey appeared intoxicated to him. Said that Toohey was not slurring his words or staggering but did have a very strong odor of alcohol emitting from his person. At the time of this incident, had never met either Toohey or
End of statement.
On 10-03-14 I received the Laboratory Service Report from Criminalist Cathy Chang. She had completed a vehicle examination on Toohey's Enterprise rental car, a California license The results showed that semen was not detected in the interior of the vehicle. For additional details, see the attached report by Chang. I also completed and faxed to the Sheriff's Property Unit one EVID-3 form, Property Release, and Enterprise Rental Center was advised they could retrieve their vehicle.
On 10-03-14 I entered the license number of Toohey's rental vehicle, () into Vigilant Solutions License Plate Reader system. That license plate had been recorded several times over the last year but not during the days before, during or after this incident.
On 10-14-14 I spoke with Sheriff's Department Criminalist Stephen Lu by telephone and was advised he had been assigned to this case and expected to take two to three weeks to complete the DNA process of

On 10-15-14 at about 1100 hours, I met with San Diego Deputy District Attorney Fiona Khalil at the Hall of Justice to discuss this case. She determined this case should be assigned to the El Cajon office when

On 10-23-14, I contacted Criminalist Stephen Lu for an update on the DNA evidence. Lu advised me that all but the bed sheets had been processed and no semen or male saliva had been detected.

Reporting Officer SH1062 - SHANDS, LAURA	Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Delective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 11/12/2014 08:12:13

the submitted evidence.

completed.

ment

CAD Event No

E1969765

Case No

14148298

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Primary Victir

Report No

14148298.2

On 10-24-14, I met with Deputy District Attorney Kerry Conway. We discussed the case and she reviewed the initial reports. Conway advised she would review the case again after the final lab reports had been submitted.

On 11-04-14 I received Lu's final approved report, (See attached), which indicated no semen or male saliva had been detected on any of the items submitted for processing.

Evidence:

See the Property and Evidence list in NetRMS for complete list of evidence in this case.

Case Disposition:

This case is being submitted to the District Attorney's Office, El Cajon Branch, for review. The incident occurred in the City of Santee, in the County of San Diego, State of California.

Reporting Officer SH1062 - SHANDS, LAURA	Division / Organization Family Protection Detail SEXUAL ASSAULT UNIT	SH2829 - MAGANA, FRED
Report Date 9/24/2014 1:51:04 PM	Defective Assigned SH1062 - SHANDS, LAURA	11/12/2014 08:12:13



CAD Event No

Diego County Sheriff's D. Officer Report

Casa No 14148298

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Report No 34360

Page 1 of 3

			GE	NERAL CA	SE INFO	RMATIO	N			
Special Studies								Related Cases		
Location, City, State, ZIP		_	_					Occurred On	00 014 414	
Jurisdiction			Beat	Cal	I Source		\dashv	9/22/2014 8:15: (and Between)	UU PM (MC	onday)
City of Santee - SANTE	E		513					9/21/2014 1:00:	00 PM	
	·		_ _	INDIV	/IDUAL/S	\$				
Name						Person Coo	de			Interpreter Language
Toohey, Robert Lee				LIAS TAKA I NI	CKNAME /	MONIKER				
Home Address, City, State, ZIP				Res Country				y Residence		Undocumented
Race Sex Date of E	urin / Age	Height	Weight	Hair Color	Eye Cold		Facal	esident		Complexion
W M						. 1.				
Employment Status E - Employed	Deputy	ade (San Diego S					oyer Address, City, Sta Cottonwood A		e. CA 92071
					INFORMAT	TION				
MP - Mobile Phone					Numbe	r/Address				
Type		Number		IDENT	Sinte				Country	
DLN - Drivers License I	Number	Number	L			California	1		Country	i
Attire			Injury			Extent (Of Tree	itment	Viole	nt Come Circumstances
<u> </u>				DEDOOT	114004					
				REPORT	NAKKA	IIAE				
Investigative follow u				``	0	- 0 00 4				
Det. Shands with the										was assigned to assist
up interview, Det. Sh										for a follow er report for further).
up site view, Det. On	anus aiso (wanted to	o attentift a	CONTROLE	u can p	CIMECII	NOD	ert and	(200 110	si report for further).
At about 2015 hours.	Det. Shan	ds and I	arrived at I	as Colina	s Dete	ntion Fa	acilita	v to speak wit	h Rober	t about the case. The on
duty Sgt. Ross escor	ted us thro	ugh the f	acility to a	place whe	ere we	could so	peak	with Robert.	Sat. Ros	ss took us to a
										agreed to talk to us after
Det. Shands told him										
On 9-23-14 at about										DNA mouth swab from
					ndlord's	drivew	ay w	vhich would h	ave show	wn the time Robert and
arrived at the h	nouse on th	ie mornir	ng of 9-21-	14.						
The landlord,	11/2	e not hor	me at that t	ima Dah	art lives					house I was not
							e lat	er Bohert an	herews	the door. It was obvious
that he had just woke	n un Ikne	w he had	d worked th	e previou	s night	Lasker	d Ro	bert if I could	ohtain a	mouth swab from him
										digital recorder to record
the conversation bety										
			-				•			

Robert again said, "I didn't have sex with her. I've known her for over five years. I didn't have sex with her." Robert allowed me to swab the inside of his mouth for a DNA reference sample.

sustained a scratch on his arm from when she fell. He also sustained an abrasion on his left thumb. I took photos of the

Robert explained to me again how he and arrived at the house in his car. He parked at the end of the driveway under a

tree. That is where he parked all the time. He tried to walk her up to his door, but they fell. He said, "we made it to the

Robert showed me some injuries he had sustained from the fall. He had sustained some scratches on his right leg. He

Reporting Officer SH4750 - ROBERSON III, ROBERT	Division / Organization SAU / FPD - Family Protection Detail	Reviewed By SH2585 - TING III, DARWIN
Report Date 9/25/2014 6:20:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 9/29/2014 3:37:38 PM

injuries with my camera.

driveway then I ate shit." He decided to take her home.

CAD Event No

Diego County Sheriff's D Officer Report

14148298

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34360

Report No.

Robert then told us about an incident about a week earlier where had called him on his cell phone from the Santee Sports Bar. She explained to Robert that was there and that she was "falling down drunk". Robert obtained permission from his on duty Sergeant at that time to "help out a friend." He left LCDF and drove to the bar, When he got there, someone else had taken her home. He did not know who had taker her home at that time.

Det. Hurtado and I left the residence. We started to drive away when I forgot to ask Robert for permission to take his cell phone and download it utilizing a Celibrite machine. I called Robert and asked him for permission. Robert told me to go ahead and come back to the residence to get the phone. His only request was to give the phone back to him before his shift later that night.

I activated my Department issued digital recorder prior to arriving at the residence. We arrived at around 1400 hours. I knocked on the door and Robert answered. He handed me his cell phone. Robert then asked me if I wanted to listen to messages from on his house phone. My recorder was already recording.

One message was from the following Sunday afternoon after the incident. The message was time stamped on his house phone at 1:51PM. The message said, "Hello? Hello? Alright call me back." The next message was at 2:16pm "Hey Robert, are Hello? Hello? Wake up? All right, give me a call when you wake up." did not sound accusatory or scared in the message. Det. Hurtado and I left the residence with the cell phone. I later released the cell phone to Det. Shands.

On 9-23-14 at about 1847 hours, I met Robert at the Santee Sheriff Station and released his cell phone back to him. I activated my recorder during that conversation. Robert had just been placed on administrative leave about 30 minutes prior. He did not tell me anything of evidentiary value during the conversation.

On 9-25-14 at about 1030 hours, Det. Hurtado and I arrived back at to obtain a copy of the video house the morning Robert claimed to have come home. surveillance from I allowed us inside his home. He was unable to make a CD copy of the surveillance prior to our arrival. However he allowed Det Hurtado to use a thumb drive to attempt to transfer the files to the thumb drive.

I used my digital camera to record the footage from the Saturday into Sunday. The footage was grainy. The cameras are motion activated. They do not record constantly, advised me that cameras only start recording when something triggers the sensor. If something is not large enough to trigger the sensor or not close enough to trigger the sensor, the camera will not record.

The first video was dated 9-21-14. At 0148 hours, a vehicle pulled into the parking space where Robert claims to always park. I could not make out the exact model of the car or any descriptors. I could not make out any driver's or passengers, if any However, this was consistent with Robert's statement that he arrived home around 2 or 3 am from the Santee Sports bar with inside the car with him. The car is never seen leaving in the video. It is possible that the sensor was not triggered again. The camera then jumps to 0535 hours.

While watching the first video, I recalled Robert stating that he exited his car while carrying . He stated he reached the end of the driveway before falling down again. That was when he decided to take back to the car and take her home to Santee.

The camera jumped to the time of 0535 hours. The vehicle is not seen in the video. Although there is not evidence to support a definitive answer, it is possible that Robert never made it past the driveway as he told us in his interview. If he had been and took her into his house, the camera would have recorded him walking up the driveway.

The camera then jumps to 0626 hours. It appeared to now be daylight in the video. The vehicle shows Robert's vehicle pulling into the parking spot at the end of the driveway. Robert is then seen walking up the driveway past the surveillance camera towards his front door. This was consistent with his statement about leaving house in the morning around 0600 hours.

Reporting Officer SH4750 - ROBERSON III, ROBERT	Division / Organization SAU / FPD - Family Protection Detail	Reviewed By SH2585 - TING III, DARWIN
Report Date 9/25/2014 6:20:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 9/29/2014 3:37:38 PM



CAD Event No

Diego County Sheriff's D Officer Report

Casa No

14148298

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Report No

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The camera then jumps to 244PM, then to 515PM. At that time, Robert is seen on video leaving the property. He walked down the driveway towards his car. It appeared that he was going to work. He was wearing long pants and dark boots. That was also the night that Det. Shands and I arrived at LCDF to interview Robert about the incident. The vehicle left the property.

Det. Hurtado and I left the property. I released all the recordings to Det. Shands. This concluded my involvement with the case at this time.

Reporting Officer SH4750 - ROBERSON III, ROBERT	Division / Organization SAU / FPD - Family Protection Detail	Reviewed By SH2585 - TING III, DARWIN
Report Date 9/25/2014 6:20:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 9/29/2014 3:37:38 PM

San Diego County Sheriff's Department Impound Report

Impound No.: 19825

Impound Date: 10/2/2014 12:07:42 PM

Case No.: 14148298

CAD Event No.: E1992205

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				GE				ION	<u> </u>			·
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8795 Cuyama						Santee, C			4			
Jurisdiction						Beat	<u>'A </u>	٠.	<u>' </u>			· · · · · · · · · · · · · · · · · · ·
City of Sante	e - SANTE	E				501						
Location Stolen From						SZ Slolen From	n					
L												
					STOR	AGE DETA						
Tow Company Name:				_	3100	AGE DETA				<u> </u>		
Sheriff's Crim	ne Lab				<u> </u>							
5255 Mt. Etna	Dr								iego, C			
Storage Authority	C - Vahlala	in on a	ontains evide				Storag) e O	Officer ID			
Release to Owner Auti			lease Authorized By:	nce			5H4	196	<u> 1 - MEL</u>	EEN, AA	RON	
Yes		SI	<u> H1062 - SHAN</u>		LAURA							
Released Date: 9/30/2014			Agency Hold.						Yes	.		. <u> </u>
3/30/2014			140					_	Tes			····
					VEHICLE	INFORMAT	ION					
Property Type.					<u>-</u>			_				
Automobile/L	ight Truck	(not St	tolen or Recor	vere	ed)							
Odometer Reading		Plate Clea	ir in SVS		Plate Numbe	er;				No of Pla	tes.	
	te Type.		A4.				_		Registration E		R)	
VIN Clear in SVS.	gular Pas	senger	Auto						Apr 2015			
Yes								Ι,	engine Numbi	er:		
Year:	Make.						Model.	•				
2013	Chevro	olet					<u>Impal</u>					
Sedan, 4-door	, automob	ite		1	∝ı: İver or Alı	uminum	C	olor	2		Appr	alsed Value.
Condition: Misc Dents or	Cambaha				-							
MISC Dents OF	Scratches	· <u> </u>										
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Vehicle Damage Notes]
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Inventory Notes	<u> </u>	<u> </u>	1 3/30/	201	4 1.00.00	r w			Teci	is, Cilii	e can	

San Diego County Sheriff's Department Impound Report

Impound No.: 19825

Impound Date: 10/2/2014 12:07:42 PM

Case No.: 14148298

CAD Event No.: E1992205

					OTHER EN	ITITIES		-	
Other En	itity #1								
Name [E]				Enuly Type Legal (Busine	Owner -	Person Code			
				ALIAS	/ AKA / NICKN/	AME / MONIKÉR			
Home Addre	na City Sta	ite 7IP)*1	Res Country UNITED ST	ATES	Place of Birth		Undocumented	Interpreter Language
		ete of Birth / Age	Height	Weight	Hair Color	Eye Color	Facal Hair		Complexion
Employment	Status	Occupation/Grade		Employer/School		Employer Address, (City, Stale, ZIP		
					CONTACT INFO				
Injury						Treatment			
		·		R	EPORT NA	RRATIVE			

Origin:

On 9/30/14 I assisted Detective Shands #1062 with the execution of a search warrant.

Deputy's Observations and Actions:

I initially responded with Detective Shands to the Alpine Sheriff's Station, located at 2751 Alpine Boulevard, in the city of Alpine. My responsibility was to take possession of a 2013 Chevrolet Impala, California License Plate and VIN Upon arrival at the Alpine Sheriff's Station, it was determined that the suspect, Robert Toohey, was no longer in possession of the vehicle. Toohey told Detective Shands that he returned the vehicle to Enterprise Rent-a-Car in Santee on 9/29/14.

I drove to the Enterprise Rent-a-Car in Santee, located at 8795 Cuyamaca Street, in the city of Santee. Upon arival, I could see the white Chevrolet impala parked in the back parking lot. I went inside and contacted the manager confirmed with me that the vehicle was returned to this location on 9/29/14 and that no one had driven it since it was returned. Additionally, I was told that the vehicle had not been cleaned. I gave a copy of the search warrant and took possession of the vehicle.

SDSO Property and Evidence Custodian Flavio Alfaro met me at the Enterprise Rent-a-Car and towed the vehicle to the SDSO Regional Crime Lab. Upon arrival at teh crime lab, I was met by Forensic Evidence Technician Laura Anzelone. Anzelone and her partner photographed and processed the vehicle. Upon completion of the processing of the vehicle, I was told that no semen was identified. I then parked the vehicle in a parking stall at the SDSO Regional Crime Lab. I secured the vehicle and called at Enterprise Rent-a-Car and informed him that they could come and pick up the vehicle. The parked that I would take the key for the vehicle to the Enterprise Rent-a-Car at 7993 Balboa Avenue, in the city of San Diego. At approximatley 1530 hours, I dropped off the key to the manager and she said she would call the Santee Enterprise Rent-a-Car to coordinate the pick up of the vehicle.

I later contacted Sheriff's Teletype to have the vehicle entered into the SVS as an impounded vehicle.

Crime/Incident Report

ment

1 Page 1 of 8

CAD Event No

E1969765

Case No 14148298

Primary Victim

Report No 14148298.1

Primary Charge 261 (A)(3) - PC - RAPE OF DRUGGED VIC (F)

Special Studies Related Cases

Location, City, State, ZIP

Jurisdiction.

City of Santee - SANTEE 503 ADMIN 09/21/2014 13:00:00 (Sunday)

Means

WICTIM/S

CENERAL CASE INFORMATION

Related Cases

Cocurred On 09/20/2014 18:00:00 (Saturday)

(and Between) 09/21/2014 13:00:00 (Sunday)

Victim #1



Person Code Secured Pro	emise Disc	overed Crime	Reporting I	Party La	w Enforcement	Officer	
Name				Viaim Ty I + Ind	ividual _{Pe}		Interpreter Language EN - English
		ALIAS	S / AKA / NICKN	AME / MONIKER			
Name Type	Frat		iddle		Last		Suffix
261 (A)(3) - PC - RAPE OF	DRUGGED VIC	(F)					County Residence R - Resident
Home Address, City State, ZIP		Re U	S Country		Place of Birt	h .	Undocumented
Race Sax Date of Birth / Age	Height	Weight Ha	nir Color E	ye Color	Facal Hair		Complexion:
Employment Status Occupa	ntion/Grade	Employer/School			Employer Ad	dress, City, State, ZIP	
			CONTACT INF				
MP - Mobile Phone			<u> </u>	lumber/Address	1		
Type MP - Mobile Phone				umber/Address			
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CI CI						US	
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Altira		iryury		Extent of Treat		Violent Chme Circumsta	noes
		M - Apparen injury	t Minor	03 - Hosp	ital		
LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Туре		Туре	Activity		Type Assig	nment
VICTIM OFFENDER RELATIONSHIPS	Offender S1 - Toohey,	Robert			Relationship BG - Vic	tim Was Boyfrier	nd/Girlfriend

Reporting Officer	Division / Organization	Reviewed By
SH5015 - GASTRICH, HILARY	Santee Station SANTEE PATROL	SH2219 - HALE, DAVID
Report Date 9/22/2014 5:38:16 AM	Defective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 09/22/2014 15:54:18

Diego County Sheriff's D(Crime/Incident Report

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E1969765 14148298 CAD Event No Report No. 14148298.1 Primary Victim

					186	RUCR	OFFE	NSE/S	_				
Offense Description 261 (A)(3) - PC - RAP	E OF DE	RUGGE	O VIC	(F)			F	H	Agai PE		Yes	Counts	Using
Location Type 204				Hate/Bias	one (N	lo Bia	93					Domestic Yes	Violence
Command Activity		T ₃	pe Sec		<u> </u>	0.0	10	ang Relate	М	Entry		Point of 6	Entry
Weepons/Force 40 - Personal Weapo (Threats, Hands, Fist etc.)			iols							Targeta RES11 - Person			
					A	RRE	STE	E/S					
					SUSPE	CT/S C	Not Yel	Arreste	d)				
Suspect #1													·
Toohey, Robert								County R - R					Interpreter Language EN - English
Name Trees	Fin						KNAME	/ MONIKE	R	1.653			
Name Type.		.			Middl			_		Last.			Suffix*
Home Address, City, State, ZIP					Hes C	Country			Pu	ce of Birth	1	<u></u>	Undocumented
Race Sex. Date of B. W_ M 45	irth / Age	6' 0"		Veight 100 lbs	Hair C	olor	Eye Co BRC		Fa	qai Hair			Complexion
Han Style	Hair Length			Build FAT - He	avy			Teeth				Suspe No	cted User
Employment Status E - Employed	Occupation	Grade		Employer/Sci	hool				En	ployer Ad	dress, City, St	ale, ZIP	
Туре					co	NTACT		ATION M/Address	_				
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Ande black shirt, hawaiian	shorts		_		SCARS M	5050 07 42 27	ed Adio - Had - Knev - Inflic	Been I w Viction cted Inj	Orin m o	r Victir	n's Name	•	
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_ 	Premise	☐ D::	COVERE	d Crime		leporting	Party		.aw E	nforcemen	1 Officer		
Nam≄.					Entity Ty	other		Pe	1501	Code			County Residence R - Resident
			_				KNAME .	MONIKE	-				
Name Type	Frs				Middle	•				Last			Suffix
Home Address, City State, ZiP					Res Co US				ace of		Ur	ndocumented	Interpretor Language EN - English
Race Sex Date of Bi	rih / Age Occupation	Height	Ш	Weight	Hair Col	or	Eye Co		oel H		C.t. Chata		Complexion
Emproyment status	- COMPANO			E/ftployer/Scho					φιογι	- AUGUST	, City, State, Z	ur-	
Type MP - Mobile Phone					ÇO!	NTACT		KIAddress					

Reporting Officer	Division / Organization	Reviewed By
SH5015 - GASTRICH, HILARY	Santee Station SANTEE PATROL	SH2219 - HALE, DAVID
Report Date 9/22/2014 5:38:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 09/22/2014 15:54:18



: Diego County Sheriff's D Crime/Incident Report

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14148298 14148298.1

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Page 3 of 6

CAD Event No E1969765

ary Victim Repo

		4DE NE	FICATION			
Type	Number	IDENTI	State		Country	
DLN - Drivers License	Number					
	1		CA		US	
Number						
Injury"			Extent of Tre	atment		
N - None			01 - Non	ie		
Other Entity #2						
Person Code Secured Pre	mise Discovered Crime	Reporting	Party	Law Enforcement Office	er	
Name		Entity Type		Person Code		County Residence
		OT - Other		1		
- <u></u>				·		<u> </u>
		ALIAS / AKA / NIC	KNAME / MON	IKER		
Name Type	First	Middle		Last		Suffix
	J					
Home Address, City State, ZiP		Res Country		Place of Birth	Undocumented	Interpreter Language
		us				EN - English
Race Sex Date of Birth /	Age Height Weight		Eye Color	Facial Hair		Complexion
111	1 1000		2,000.0.			
Employment Status Oc	cupation/Grade Employs	er/\$chool		Employer Address, City.	State 719	
	Employ	81754100		Employer Address, City,	SIBIB, ZIF	
E		2277-12-1		<u> </u>		
Туре		CONTACT	NFORMATION Number/Add			
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MP - Mobile Phone						
		IDENTI	FICATION			
Туре	Number		State		Country	
DLN - Drivers License	i III III III III III III III III III I		CA		US	
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Туре	Number		State		Country	
SSN - SSN	l diameter]	
Injury			Extent of Tre	alment		
			LAIDIN OF THE	ou herry		
Other Entity #3						
Person Code Secured Pre	Truse Discovered Crime	X Reporting	Party 🔲	Law Enforcement Office	•	
Name,		Entity Type		Person Code		County Residence
						ł
		1				<u> </u>
		ALIAS / AKA / NIC	KNAME / MON	IIKĖR		
Name Type	First.	Middle		Lasi		Suffix
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Home Address, City State, ZIP		Res Country		Place of Birth	Undocumented	interpreter Language EN - English
Race Sax Date of Birth / Age	Height. Weight	Hair Color	Eye Color	Facal Hair		Complexion
mployment Status Occupation/Gra	de Employer/S	School		Employer Address, Cri	y, State ZIP	1
		CONTAC	T INFORMATION	v		
^{(ype} NP - Work Phone			Number/Add	kert		
		IDEN	TIFICATION			
Type	Number		State		Country	
njury-			Extent of Tre	agiment		
N - None			01 - Nor	18		
		PR	OPERTY			
			NARRATIV	(E		

Synopsis:

Reporting Officer SH5015 - GASTRICH, HILARY	Division / Organization Santee Station SANTEE PATROL	Reviewed By SH2219 - HALE, DAVID
Report Date 9/22/2014 5:38:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 09/22/2014 15:54:18

Diego County Sheriff's Do Crime/Incident Report

ment

14148298 CAD Event No : E1969765 14148298.1 Primary Victim Report No

committed sometime between 9/20/14 at alleges the suspect is her ex-boyfriend, I Bar with Robert on the evening of 09/20/1300 hours. Stated she and Robert awoke the next day with bruises of	t 1800 hours and 9/21/14 at 1 Robert Toohey. remer /14 and does not have any ot ert were drinking, she "blacke on both her knees and her left er inner thighs. stated the had on the previous night alleges Robert raped her ar	mbers being at the Santee Sports her memory until 9/21/14 at about dout," and Robert took her home. telbow, and a black right eye. when she woke up in her bed she were located in the living room. and caused the bruising to her right
Detective Shands #1062 was notified of consented to a SART exam.	the incident and responded for	or a follow-up investigation.
Robert was not contacted at the time of i	my investigation. There are r	no known witnesses.
Origin:		
On 09/21/14 at approximately 1520 hour Hospital located at 4647 Zion Avenue in	-	•
Background:		
and Robert were in a dating relation three to four weeks ago (08/25/14). The incidents of domestic violence.	y share no children. selieves Robert is "stalking" he	tates there have been no prior r. He has been harassing her
Investigation:		
Upon arrival at Kaiser Hospital, I spoke v	vith the reporting party,	, and took her statement.
Statements:		
Statement of Rep	orting Party):	
stated she is a registered nurse a stated arrived at the Kaiser Emergand to be evaluated for any other injuries the Santee Sports Bar with her ex-boyfricathe next day and noticed his mom's eye a any pants on and believes her ex-boyfricather information.	gency Room to be treated for so. In talking with the sound he took her home. and knees were bruised.	sssigned to treating
Reporting Officer SH5015 - GASTRICH, HILARY	Division / Organization Santee Station SANTEE PATROL	SH2219 - HALE, DAVID
Report Date 9/22/2014 5:38:16 AM	Detective Assigned SH1062 - SHANDS, LAURA	Reviewed Date 09/22/2014 15:54:18

Diego County Sheriff's Do

14148298

CAD Event No : Primary Victim

E1969765

Report No

14148298.1

'ment

SH5015 - GASTRICH, HILARY	Santee Station SANTEE PATROL	SH2219 - HALE, DAVID
could not remember many specific during our contact.	details due to "blacking out."	" She had several crying episodes
nvestigation (cont.)	The state of the s	
Department and is currently assigned to broke up, Robert has been "stalking" which she did not give him permission to on several occasions when he did not had not recognize and Robert would text her been in her house. Specifically stated was not there when she went to be don't the key. Robert has also sent her text had never shown Robert private message through her cell phone on unknown occasions when the cell phone of the	She believes Robert has do. said she believes aid she believes ave permission. has fo asking if she found the items ated she awoke one morning. She then received texts mext messages of screen shots at messages of screen shots are from her cell phones, lead asions. has saved all v	ad Reentry Facility. Since the two is made copies of her house keys the has let himself into her house and items in her house that she did leading her to believe he had to a key on the pillow next to her essages from Robert asking if she from cell phone. It ing her to believe Robert had gone oicemails and text messages on
stated she and Robert were in a dabout three to four weeks ago (08/25/14		
The next thing remembers is her so had no pants or boots on and state on the previous evening were in the living right eye. Complained of soreness Sports Bar and believes Robert drove he because of her injuries, Robert raped he while drinking.	g room. The had bruising of had bruising of had bruising of his in her inner thighs. The home. She believes she "b	ear. The pants and boots she had on both knees, her left elbow, and tated her vehicle was still at Sante blacked out" while drinking and
and exact time. She then left the baby s sometime in the evening hours while it w stated she remembered having one drin	shower, went home briefly, an was still light out; sometime be k and one shot with her ex-bo e to the bar on his own or if s	etween 1800-1900 hours. Extremely friend, Robert Toohey, at the bar the texted him to meet up with her.
Statement of (Victin	m):	
I then contacted S	She gave me the following sta	tement.
Investigation (cont.)		

Diego County Sheriff's De-Crime/Incident Report

14148298

ment

CAD Event No.

Primary Victim

E1969765

Report No 14148298.1

I took photographs of injuries. I put on latex gloves and collected cell phone, bra and shirt that she had been wearing on the night of the incident and placed them into a paper bag as evidence. I was unable to review! cell phone for text messages or voicemails due to the battery being drained. I contacted Sqt. Lawrence #2424 and notified her of the incident. Sqt. Lawrence made all the appropriate notifications. I was then contacted by Detective Shands and briefed her on the incident. consented to the SART exam, Detective Shands requested and I meet her at Independent Forensic Services for the exam. son, drove her to Independent Forensic Services. I met with Detective Shands and turned over all evidence to her. I attached the photographs to my report. I did not contact Robert at the time of this report. On 09/22/14 at about 1030 hours, I went to Santee Sports Bar to obtain the surveillance video. The employee on shift said she could not access the video and would have her supervisor contact me when he came on shift. I observed vehicle still in the parking lot. I took pictures of the vehicle and attached them to this report. Evidence: Turned over to Detective Shands Injuries: Black right eye, bruising to knees and left elbow, pain in inner thighs. I was treated by Dr. | Kaiser Hospital. Property Damage: None Follow-up: To be determined by the Sexual Assault Detective. Related Reports: **PAT-28**

Reporting Officer SH5015 - GASTRICH, HILARY	Division / Organization Santee Station SANTEE PATROL	Reviewed By SH2219 - HALE, DAVID
Report Date 9/22/2014 5:38:16 AM	Detective Assigned SH1062 + SHANDS, LAURA	Reviewed Date 09/22/2014 15:54:18

Follow-up report by Detective Shands

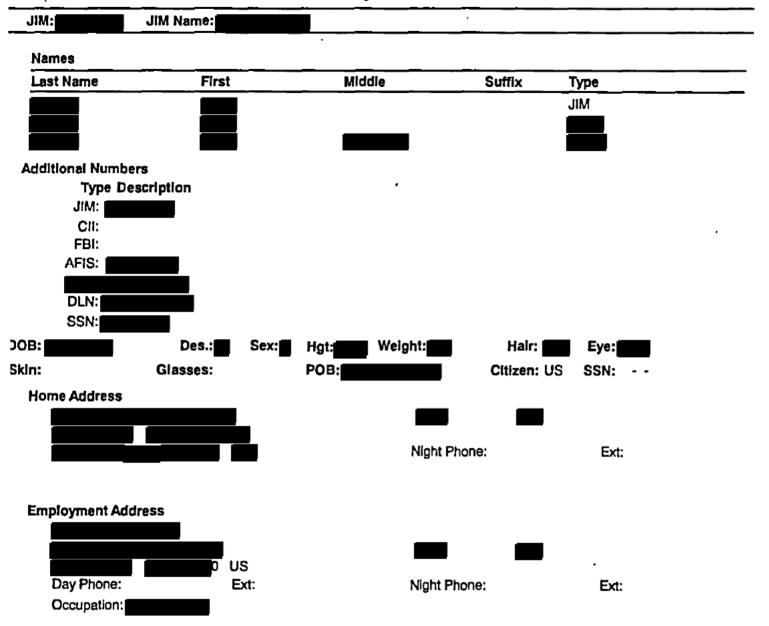


Evidence# 21

412 S& duty Bax She poshid hus he Eell our fee ABC showed up of arrested 2 people

SAN L. 30 SHERIFFS DEPARTMEN.

History of Inmate



ENdence#21

SAN L.. .: O SHERIFFS DEPARTMEN.

History of Inmate

лм:	JIM Name	:						
	<u>_</u>	Bookin	g & Arres	t Summary				_
JIM: Book Dt/Tm:	Book #:		lame(L,F,M, e Dt/Tm:	S):		Releas	e Type:	
Warrants Check:	Initial: C	By: ABOURQSH, E	BOURQUE	Dt/Tm:09-13	-2014 0229	Time 9	Served:	
	Release: C	By: ABOURQSH, E	BOURQUE .	Dt/Tm:09-13	-2014 0230	2 dy		
Arr # Event 1 Notes: 8498: Location of A	2 Arrest:	sting Agency	Aı	Arrest Dt/Tm Hold Agency resting Office	■ M /:	ss Type		
Chg # Charge Co	ode/Codes	Cou	rt Court	Dt/Tm D	ocument#	ROC	Flag B	Amount Type \$0.00
OCN:	War	rant #:	Release	able Status:	Y			
Notes: Disposition Di	/Tm: 09-13-20	014 0230		CL:	M			
		:	Subtotal Arr	# 1:		\$0.	.00	•

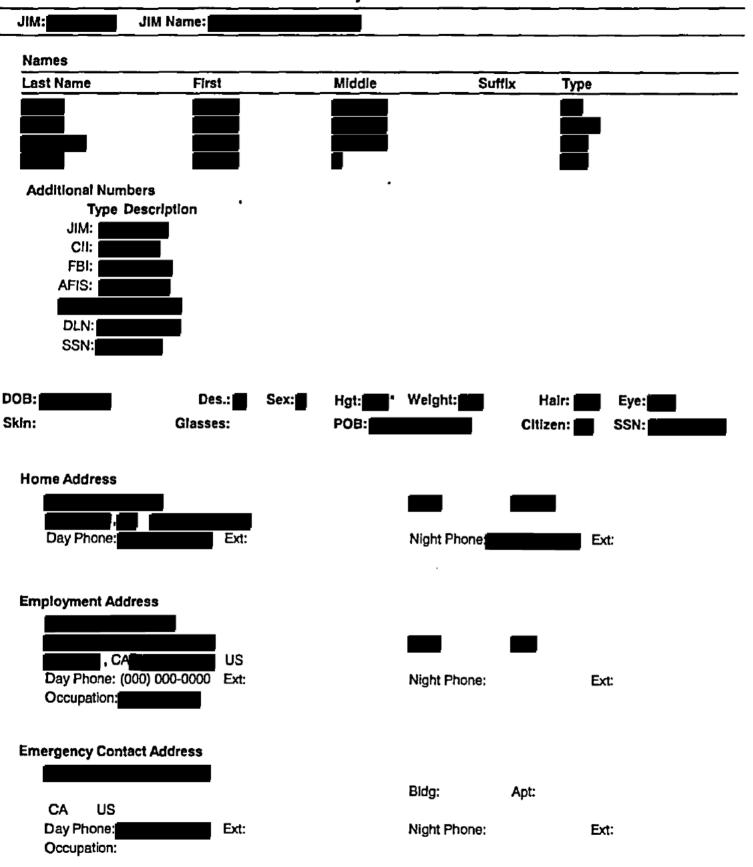
Grand Total

EVIDENCEHAL

\$0.00

SAN L. 30 SHERIFFS DEPARTMENT.

History of Inmate



EVIDENCE #21

SAN L. JO SHERIFFS DEPARTMEL.

History of Inmate

JIM:	JIM Name	e: E	_					<u> </u>
			Booking	& Arrest Summ	ary			
JIM: Book Dt/Tm:	Book #:		Book Na Release	me(L,F,M,S): Dt/Tm:		Rele	ase Typ	e:
Warrants Check	c: Initial: C Release: C	By: By:			09-13-2014 (09-13-2014 (Served	:
Arr# Even	t# Arres	sting Agenc	у	Arrest Hold Ag		Class Ty M AR	•	В
Notes: Location of Arrest Time Serv			_	Arresting O	•			Bond
Chg # Charge Co	de/Codes		Court	Court Dt/Tm	Document	# ROC	Flag B	Amount Type \$0.00
OCN:	Warra	ant #:		Releaseable Statu	s: -	Υ		
Notes: Disposition Dt	/Tm:			CI	.: M			
			Sub	total Arr# 1:		\$0	0.00	

EVIVENCE #21

SAN D 10 SHERIFFS DEPARTMEN :

History of Inmate

JIM:	JIM Name	:					
			Booking	& Arrest Summa	ту		
JIM: Book Dt/Tm:	Book #:			ame(L,F,M,S):		Release Ty	pe: 1 1 1
Warrants Check:	Initial: C elease: C	By: By:		Dt/Tm: Dt/Tm:		Time Served	:
Arr# Event#	Arres	ting Agen	cy	Arrest D	t/Tm Max Cl	ass Type	· D
Location of Arr	est:			Hold Age Arresting Offi	-		
Arrest Time Served:							Bond
Chg # Charge Code/	Codes		Court	Court Dt/Tm	Document #	ROC Flag	Amount Type \$0.00
OCN: Sentence: Yrs:	Warra Mos: .	nt#: Days:.	Hrs:96.	Releaseable Status	: CTS Y		
Adjusted Charge Notes: Disposition Dt/Tm				CL:	M	,	
)							\$0.00
OCN: Sentence: Yrs:.	Warra Mos: .	nt#: Days:.	Hrs:96.	Releaseable Status:	Y		
Adjusted Charge Notes: Disposition Dt/Tm		_		CL:	М		

EVIDENIE #21

SAN [TGO SHERIFFS DEPARTMEN]

History of Inmate

JIM:	JIM Name						
		Boo	king & Arre	st Summa	ary		
JIM: Book Dt/Tm:	Book #:		ok Name(L,F,I lease Dt/Tm:	M,S):		Release Ty	pe:
Warrants Check	: Initial: C	Ву:		Dt/Tm:			ı
	Release: C	Ву:		Dt/Tm:			
Arr# Event	# Arres	sting Agency	 -	Arrest D	t/Tm Max Cla	ass Type	P.
				Hold Age	ncy:		
Notes:			A	rresting Off	icer:		
Location of	Associa						
Arrest Time Servi							
							Bond
Chg # Charge Cod 1)	de/Codes	C	ourt Court	Dt/Tm	Document #	ROC Flag ARR Y	Amount Type
OCN:	Warra	ant #:	Release	able Status	: BOND		
				CL:	•		
Notes: Disposition Dt/	Tm:				_		
)		E	LC			ARR	
OCN:	Warra	int#:	Release	able Status	BOND		
Notes: Disposition Dt/	Tm:			CL:	•		
			Subtotal Arr	# 1:			

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SAN L. JO SHERIFFS DEPARTMEL.

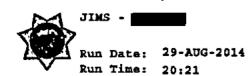
History of Inmate

JIM:	JIM Name	:				_	
		В	ooking 8	Arrest Summ	ary		
JIM: Book Dt/Tm:	Book #:		Book Nam Release D	ne(L,F,M,S):		Release Typ	pe:
Warrants Check:	initial: D Release: C	By: By:		Dt/Tm: Dt/Tm:		Time Served 1 dy	:
Arr # Event # 1 Notes: Location of A Arrest Time Serve	rrest:	ting Agency		Arrest Hold Ag Arresting Of	-	ass Type	L
Chg # Charge Code 1) OCN:	e/Codes Warra	int#:	Court	Court Dt/Tm	Document #	ROC Flag	Amount Type \$0.00
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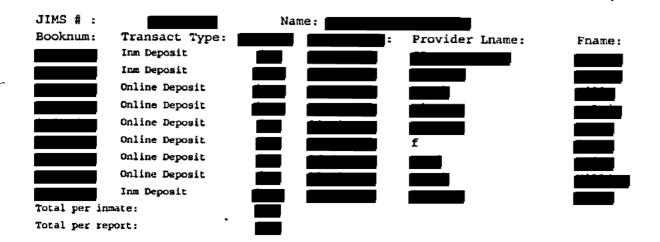


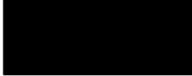
San Diego County Sheriff Money on books JIMS# : 100081844

Page: 1 of 1

Effective Date: 01-JAN-2014 00:00 TO 28-AUG-2014 23:59

Note: This report was designed for investigative purposes only. Due to the fact that provider names are entered into the system in a "free text format" the search results may be incomplete





Mname:

SAN ('GO SHERIFFS DEPARTME

Account Activity

Fac: 1	Account Group: INMATE	Account Type: GEN		
Account #:				
Name(L,F,M,S	5):			
Start Dt/Tm:	Ending	Dt/Tm:		
Transaction #	Transaction Type	Transaction Date	Amount	Running Balance
	_			_
				 .
		-1		
				_
		•	Transaction Total	(\$0.00)
		Tot	al Amount by Tra	nsaction Type
		COM / COMMISSARY INMATE PUI		
		EINDEP / INMAT	E CASH DEPOSIT	
acility: 9		Page 1 of 2	Printe	d 08-29-2014 2028

15F MAIN

Printed By: RTOOHESH, TOOHEY

WIDEW(E # 21

SAN **GO SHERIFFS DEPARTME**

Account Activity

Total Amount by Transaction Type

FINREL / FINAL RELEASE OF INMATE FUNDS

INDEP / INMATE CASH DEPOSIT

NTAKE / INTAKE OF FUNDS FROM PRE-BOOKING PERSONAL PROPERTY SCREEN

MEDPAY / MEDICAL CO-PAY

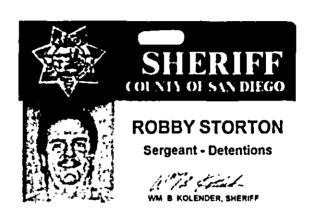


Transaction Total:

(\$0.00)

acility: 9 115F MAIN

Page 2 of 2 08-29-2014 2028 Printed By: RTOOHESH, TOOHEY EVIDENCE # 21



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The	Card IS III	4 Property (of the Sherif	№ Вери/сиол	t and

This card is the property of the Shertiff's Department and must be rendered your termination of employment.

Found please drop in any U.S. Melbox.

II. Box 47,0000 San Diego CA 92142 0000.

DATE	DESCRIPTION	AMOUNT
04/44	AFFVICANTOON	
04/14 04/21	MEXICAN FOOD COSTCO- FLOWERS, CONTAINERS, FIREBALL AND CASH	12.00
04/21	COFFEE	90.00
04/25	99 CENT STORE CRAFT SUPPLIES	6.00
· .	CHEVRON GAS	32.00
-	7-11 SMOKES	11.00
	COTUAS - AND YOU	6.00
04/27	SSB – YOU INSIST ON STOPPING TO SEE	28.00 7.00
04/2/	330 - 100 M3331 OH 310FFMO 10 3EE	7.00
05/07	BUY BIRTH CERTIFICATE TO GO TO SAN FELIPE	28.00
05/08	CIRCLE K GAS	70.00
05/08	CHEVRON GAS	24.00
05/08	PERFUME AT THE BORDER	20.00
05/08	SOUVENIRS IN SAN FELIPE	31.00
05/08	FOR LUNCH YOU ME AND	26.00
05/09	LUNCH AT MEXICAN RESTAURANT	27.00
05/09	CASH TO FOR RIDING QUADS AND EXPENSES	100.00
05/10	LUNCH FOR THE FAMILY	46.00
05/11	GROCERIES AND BEERS	57.00
05/11	DINNER AND DRINKS	74.00
05/11	CASH TO	30.00
05/13	LUNCH	28.00
05/13	PEMEX GAS	80.00
05/13	USA GAS	37.05
05/13	ALBERTSONS FOR DINNER	24.00
05/14	OISHII SUSHI	33.00
05/14	TOLL FEES TO GO TO GBDF FOR YOUR BUDDY	7.00
05/14	SSB YOU AND ME	31.00
•	ALBERTSONS GROCERIES AND MONSTERS	37.00
-		47.00
05/15	BEGAN STAYING AT YOUR HOUSE WHEN RETURN FROM SAN FELIPE	00.00
05/15	ALBERTSONS GROCERIES	30.00
05/15	COSTCO FLOWERS AND GROCERIES	44.00
05/15	LA CARRETTA FOR DINNER PARTY	65.00
05/17	CASH SO YOU CAN BUY FOOD FOR BBQ AT	40.00
05/17	FIREBALL FOR PARTY	24.00 ·
05/19	ALBERTSONS FIREBALL	24.00
05/20	TACO BELL FOR	7.00
05/22	COSTCO FOR GROCERIES AND SHELVES ALSO TO THE EMERGENCY ROOM	189.00
05/22	PANDA EXPRESS	24.00
•	ALBERTSONS	25.00
-	ALBERTSONS	72.00
-	ALBERTSONS	64.00
	YOU GAVE ME CASH TOWARDS GROCERIES	-60.00
	STARBUCKS	6.00
•	ALBERTSONS FOR AND HOUSE WARMING GIFT	38.00
05/24	POKER PARTY WITH THE KIDS	20.00

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DATE	DESCRIPTION	AMOUNT	
05/25	SSB YOU AND ME	9.00-	
05/26	MEDS FOR BACK	20.00	
05/27	ALBERTSONS	57.00	
05/27	BLACK ANGUS DINNER	60.00	
05/28	FLOOR SHAMPOOER	40.00	
05/28	WALMART FOR CLEANING SUPPLIES	28.00	
05/28	BUY LAPTOP AND GAVE TO AND SHE LATER PAID YOU	80.00	
05/29	ALBERTSONS MONSTERS	18.00	
05/29	OISHII SUSHI YOU AND	50.00	
05/31	BOUGHT THE BRAD PAISLEY TICKETS	165.00	
05/31	BOLL WEEVIL AND YOU	70.00	
			/
06/01	CASH FOR YOU TO PAY OR FUCKING	300.00	
06/02	ACE HARDWARE MORE SHELVES TO SUPPORT YOUR CRAFT BUSINESS		
06/04	USA GAS	50.00	
06/04	MIMI'S CAFÉ	34.00	
06/05	7-11 SMOKES	7.00	
06/06	TAKKA SUSHI AND YOU TEXT THE WHOLE TIME SAYING THIS IS LA		
06/07	GARAGE SALE YOUR NEIGHBORS HOUSE	7.00	
06/08	BUFFALO WILD WINGS BIRTHDAY PARTY YOU COORDINATED	120.00	
06/10	HOME DEPOT	23.00	
06/11	CIRCLE K GAS AND SMOKES	27.00	
06/12	CASH TO YOU BECAUSE YOU SPENT ON GROCERIES	100.00	
06/12	JOES CRAB SHACK	110.00	
06/15	TACO BELL	10.00	
06/15	LA PALAPPA FATHERS DAY WITH KIDS	88.00	
06/16	ALBERTSONS FOR YOU AND	23.00	
06/17	B.J.S RESTAURANT WITH MY COWORKERS	77.00	
06/17	ALBERTSONS FIREBALL	24.00	
06/18	ALBERTSONS FOR YOU AND	43.00	
06/18	PADRE PARKING	15.00	
06/18	PADRE EXPENSES AND YOU TEXTING THE WHOLE TIME	32.00	
06/19	MEXICAN FOOD WHILE AT COUNSELOR	10.00	
06/19	SSB YOU AND ME	69.00	์. ๆ
06/19	VILLAGE INN AND YOU LEFT PHONE AT SSB	11.00	~ ;
06/19	JACK IN THE BOX FOR	4.00	•
06/20	HOME DEPOT RAT TRAPS	10.00	
06/20	ARCO FOR SMOKES AND BEERS	14.00	
06/20	ALBERTSONS FOR HE HAVING TYPICAL FUCKING MELTDOWN	22.00	
06/21	JACK IN THE BOX THEN TO E.R. WITH BECAUSE HE OVERDOSED	8.00	-
06/21	HOME DEPOT TO REPAIR DAMAGES CAUSED BY	28.00	
06/22	TOOK SMOKES AT HOSPITAL	12.00	
06/24	WE PICK UP AND GO TO CHINA BUFFET	51.00	
06/25	MOBIL GAS FOR YOU	35.00	
06/25	JACK IN THE BOX FOR	8.00	
06/25	YOU AND ME TO SSB AND YOUR FUCK BUDDY IS THERE	. 125.00	_
06/25	JACK IN THE BOX	7.00	

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DATE	DESCRIPTION	N AMOUNT
06/25 06/28 06/28	SSB JUKEBOX SSB YOU AND ME IN AND OUT	15.00 — 91.00 — 7.00
07/10 07/10 07/10 07/11 07/15 07/16 07/17 07/17 07/17 07/18 07/18 07/19 07/19 07/19 07/19 07/20 07/20 07/20 07/20 07/26 07/26 07/28	STARBUCKS CASH TOWARDS RENT DEL MAR FAIR WITH AND ALBERTSONS GROCERIES CAR WASH FOURRUNNER DEL TACO MICHAELS ALBERTSONS SSB YOU AND ME LA PALAPA CIRCLE K SMOKES SSB YOU AND ME SSB BEFORE BRAD PAISLEY CONCERT CONCERT PARKING HAT AND BEERS BEFORE GETT ALBERTSONS AND DEL TACO JACK IN THE BOX COSTCO GROCERIES RANCHO VIEJO HOME DEPOT BATH LIGHTS ALBERTSONS CHILIS FOR DINNER GAVE 20.00 BUCKS TO PICK UP DRY CLEANING SSB GAVE HER BAG OF CHANGE SSB HOME DEPOT CASH TO BUY SMOKES AT CIRCLE K ALBERTSONS GROCERIES HOME DEPOT TO FIX TOILET PROPANE AND GLAZII SEA WORLD BOLL WEEVIL SSB YOU AND ME AND MUSIC FOR THE JUKEBOX LA PALAPA (I WAS HOME FOR TIME OUT) ALBERTSONS FIREBALL CASH FOR YOU TO GET GAS	50.00 10.00 114.00 17.00 18.00 34.00 32.00 14.00 15.00 58.50 25.00 20.00 39.00 44.00 33.00 28.00 65.00 40.00 43.00
07/30 07/30 07/31 07/31	SSB YOU AND ME BLACK ANGUS WITH THE KIDS AND SSB YOU AND ME HOME DEPOT SANDWICH BAGS FOR LUNCH	120.00
07/31	USA GAS FOURRUNNER SMOKES FOR YOU AND OGGIS PIZZA	30.05 9.00 50.00

DATE	DESCRIPTION	AMOUNT
07/31	CASH BECAUSE YOU ARE BROKE	40.00
08/01	HOME DEPOT	11.00
08/01	ALBERTSONS	44.00
08/01	FLOWERS FOR	10.00
08/01	SOUP PLANTATION	30.00
08/03	SSB YOU AND ME	65.00
08/03	MICHAELS AND YOU WERE DRUNK AND AGAIN BLAME ME	56.00
08/03	THE LIBRARY	32.00
08/03	JACK IN THE BOX	8.00
08/03	SSB AGAIN	33.00
08/03	JACK IN THE BOX YOU AND	16.00
08/03	ALBERTSONS FIREBALL AND GROCERIES	46.00
08/05	YOU ORCHESTRATED BIG FIGHT SAME DAY YOU GOT NIGGER RICH 2600.00	
08/06	CARLS JR FOR YOU AND YOU CHANGE THE LOCKS	9.00
08/11	BOUGHT YOU A SAFE FOR MEDICATIONS	120.00
08/14	MILES FOR	50.00
08/14	COSTCO SALMON AND CREAMER	26.00
08/14	WEED FOR KID	30.00
08/14	SSB MUSIC YOU THERE WITH	15.00
08/17 08/18	YOU AT SSB HAMMERED WITH TRUCK GETS TOWED AND YOU BLAME ME	
08/23	CIRCLE K SMOKES	40.00
08/27	ALBERTSONS MONSTERS	10.00
08/27	ALBERTSONS WATER	5.00 8.00
	CIRCLE K SMOKES	10.00
08/29	BOUGHT HER PIZZA AND WENT SWIMMING	25.00
55,25	·	23.00
09/02	CIRCLE K SMOKES	9.00
09/03	CIRCLE K SMOKES AND MONSTERS	14.00
09/03	SSB YOU ME AND	105.00
09/06	BLAKE SHELTON CONCERT AND NO	
09/07	SANTANAS CIRCLE K SMOKES AND MONSTERS	13.00
09/08 09/10		14.00
09/10	PAID YOU AND FINES CIRCLE K SMOKES AND MONSTERS	935.77
09/12	CIRCLE K SMOKES AND MONSTERS	14.00
09/14	SANTANAS AND SHE IS PASSED OUT ON THE FLOOR DRUNK	14.00 13.00
09/15	GAS TO DRIVE HER ALL OVER TRYING TO GET HER LICENSE	40.00
09/16	ALBERTSONS TOILET PAPER	40.00 7.50
09/16	DEL TACO	7.50 8.00
09/17	EL CAJON PD	150.00
09/17	C & d TOWING	1645.00
	HAPPY CAR WASH	14.99
-	EL REAL LUNCH	14.00
09/20	CIRCLE K MONSTERS	5.00

(

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DATE		DESCRIPTION	•	AMOUNT
APRIL MAY JUNE JULY AUG SEPT	TOTAL SPENT TOTAL SPENT TOTAL SPENT TOTAL SPENT TOTAL SPENT TOTAL SPENT			192.00 2076.05 1701.00 2479.55 659.00 3016.26
SEFI	TOTAL SPENT		Grand total	10123.86

NOW I AM FULLY AWARE THAT I BENEFITED FROM THE MONEY I SPENT AND WHEN YOU ARE DATING THAT'S WHAT PEOPLE DO. I DON'T CARE ABOUT THE MONEY BUT WHAT SUCKS IS THE LIES. YOU TELL SOME OF YOUR FRIENDS I AM GOOD TO YOU AND TAKE VERY GOOD CARE OF YOU THEN YOU TURN RIGHT AROUND AND LIE SAYING ITS MY FAULT YOUR TRUCK GOT TOWED (TICKET WAS FROM LAST FUCKING YEAR)

YOU TELL I STAYED THERE 3 MONTHS AND ONLY GAVE YOU 500.00 WHY WOULD YOU DO THAT.

And you say you want to know what he said the other night. Ok here you go. He said he knows you are still in love with him and obsessed with him but he has told you over and over to fuck off and you just don't get it. He said if you were standing right there with me and him he would tell you to your face to fuck off. He said all you do and all you have ever done is tell lies.

Thanks again for the memories

HE STAYED HERE FOR 3 MONTHS AND ONLY GAVE ME \$500,00 DOLLARS,

MUN ARRAJ, FL THUR ARI 25 FRI ARR 25 SAT ARRAU SUN ARRAT SUN ARRAT	99 & STURE CRAFTS CHEURON CIGS. 7-11 CIGS	28.00 11.00 11.00 11.00 . 6.30 . 6.30
		(193)
WED MAY 8 THUR MAY 8 THUR MAY 8	BIRTH CERT TO GO SANFELIE CIRCE K GAS CHEVRUND GVAS	50.00
\(\frac{1}{\chi}\)	DECEMBE AT BOLDER SOLVENIRS IN S.F. DECEMBER LUNCH THE SUL	31.00 30.05
bus mala	CASH TO MEX. REST	00,00 27,00
May 11 807 ME1 10	CUNCIT HERFAMILY BRUC & BEELS DINNER & DRINK	24.00 24.00
TUES MON 13	PEMER CAS USA CAS	30.05 20.08 20.78 20.78
222 MAY 13 11 11 11 11	AUSENTIONS DNINGR O ISH II SUBILI TO GISDE FOR FUCK SSB ALBERTIAN HUNDTER GROC II FE & GRUC	24.00 33.00 7.00 Tou 31.00 37.06 47.00

•	(
May 14 RETURN	I FROM SAN FELIPE \$ ST	WINDLED BLOOM
THUE 1201 15 -	ALBERTSONS	20,00
	-057 CO FLOWERS I GROW	44,00
	DINNER LA CARRETTA	φ5. ∞
	2211 20 EHR CAN BUY ROOD	40,00
•	FOR BRO AT YOUR	D4.00
Pi ran how	ALBEROLON F.B.	24.00
• • • • • • • • • • • • • • • • • • •	TACO BELL	7.00
	TO E.R. WITH	
7 "	COSTCO GROC. SHEWES	189.00
(1	PANDA EXPRES	24.00
11	ALBERTIONS	32.00
FE1 HM123	<i>'\</i>	J 3' 00
<i>"</i>	ALBERTRONS	64.00
\\	SHE CHOICE HE FOR FROM	(60.00)
	STROBUCKS	6.00
"	ALBERTEON TO	38.00
	PORER PARTY KIDS	20,06
3m mei 32	SSB	oo.p.
HON MAY 26	MEDS FOR SHAPE BACK	20,00
TUE MAGU27	ALBERTOONS	57,00
tv ,	BLACK RUGUS DINNER	(00, 00
WED MAY 28	FLOOR SHAMPOOR	40.00
" " " " " " " " " " " " " " " " " " "	WALMART CLEANERS	28.00
11	BLUE LAPTOP (00.08
THUR HUAY 29	AUBERTSON MONETERS	18.00 (3)
11	SNEMI RENA	50 00 (5)
\$44, MANI 31	BOUGHT TICKETS	165,00
11	BUL INSCIII LES CONVINIO	~ 70 co

SUN JUNE 1 CASH TO PAY 00 00 (300,00)
February JUNE 2 ACE SHELVES 54.000
1180 800
MIMIS CAFE "ILL GIVE IT, 34.00
· , COSTO GLOC,
THUR TURE 5 7-11 SMOKER HER 7.00
CO. TIME & TAXKA SUSHI & SHE TEXTING 40,00
SAT JUET GARAGE SAE MEIGHBOLS 7.00
SING THIS BINGUL. BIRTHDA PAPTY 120,00
LYE ZONE 10 HOWE DEDAL 53'00
This II climate to
THUR TINE 13 CASH TO (100,00)
JOES CRAB SHACK 110,00
SIN JUHE 15 TACO BELL 10.00
" LA PALAPA FATHER DAY 88.06
MUN JUNG IN ALBERTANN HERE
TUES JUNE 17 SHE MET AT BJ:S WITERM 77.00
F.B. ALBERTSON 24.00
WED JUE 18 AUGUSTON HELE THE 43,00
(3.00)
SHE TEXTAIN TO (PRICE LESS)
2017OK REN 8 CIUS 39'00
THUR JUNE 19 TOOK TO BOOTOR
10,00
01,00
VILLAGE IND SHE COSTAGNE 11.00
FRI JUNE DEROI RATTRAPS 10.00
DICKS TOWING & TURTURES HOR. 11 ARCO THE BEER & CIGIS 14,00
ALREAT SON (STELLA) 22.00

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Sat JUNE OF POPO TO FIX DANABLES	-
SUN JUNE 23 TUSKI CIGS HOSP.	
THE JUNE 24 SKK UP & GO CHINA BU	·
WEO JUNE DE MINSIL GAS	32.00
1' 21TO 31TO	8.00
11 SSB THERE	125.00
2175	7,00
see misi	15.00
T AN AN THE MOUNTAIN	
- 200 200	9100
SAL 2012 33 SEB IN	700
77/4 7 04/	(1797)
THUR JULY 3 STARBUCKS	5.00
" CASH RENT	(50000
DEL MAR FAIR	140.00
FRI JULY 4 ALBERTSONS. GLOC.	123,00
SAT JULY: CAR WASH YRUMPER	10.00
DEL TACO	00.3
SINI JULY V MICHARES.	7.00
" ALBERTSONS.	43.00
SZB MI	24,00
THEN ILETT	5 . 1, 5
TUES JULY 8 LAPALAPA	40.00
CIRCLE K SMOKE	900
SSB	112.00
THIR JUY ID BR. CONCERT 533	20,00
CONEERL BK & HAT	78.00
- KICKED OUT BEERS -	26.00
DIRELTIMO 8 DEI MOM	50.00

	1	
	11. TB	0001 00,111
	stro groc.	17.00
?	UNOHO VIEZO	18,00
TING TUNIN FO	ME DERUT BATH . UGHTI	34.00
2110	La ALBERTALA DE	32.00
$''$ $\subset \mathcal{H}_{\mathcal{H}}$	LI'S DINHER	101.5 C401
FAT JULY 13 RAVE	452 20- TO PICK DRY CLBA	18.00
\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	B	
_	WE HER CHANGE : NET	(58.35)
52. Jin 19 59		9 8. 2.2
1.1~	10 C 0 C 0 C C C C C C C C C C C C C C C	33.00
" DAS	of to But smoker cirrex	(30.00)
" ALE	ERTSON GRX.	39,00
C 11 The 2 H	WE DEBOT DEPORTER BYK	VH.00
2m 2m 30 H	* TONET & MINDON GLAZE	
	awallo tox free	33.35
	U WEEVIL	38.78
TUE JULY 22	SSB & HUCIC.	6500
_	ナンハイモー	
(2)() - () -	LA PALIFICA	40.00
	ALBERTING (. B.	43,00
hon 20m 33	CASH FOR GAS	(40.0g)
•	SSB	120.00
1250 Will 30	BLACK ANDUS KIDS.	184.00
	SSB THE STATE OF T	46.00 6
THUR JULY 31	HOME DEPOT	40.00 %
• •	SONDMICH BOOK MINCH	30' 00 J
11	USA GAS YRW	30.08
lı	Swore?	900
\ 1	00818 BIRRA. 14	とかりつ

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FRI AUG 1	Home DEPOT	eo.11	
• • • • •	ALBERTSONS	44.00	
	FLOWERS FOR	10,00	
	SOUS PLANTATIONS	06.0E	
SVN AV=3	55B	00.80	
2010 210012	MICHAELS DRUNK	56.00	
	THE LIBRARY	3200	
	J,178	8.00	
	SSB AGAM	33.00	
	7.173 HER 8	16.00	
		46.00	
	ALBERTSON'S GROW	c . \=	
TUES AUG 5	BIG FIGHT & I WALK FIHE	9.00	
WED AVE C	CARLS 5K	(.00	
	SHE CHARGING " MCKS"	1-	
MUN AUG 11	BOUGHT HER A SAFE	130.00	
THUR AND IL	Miles for	20.00	
THOU HOUSE	CUSTCO SQLUIN	2600	
	a GROC.	J 65 -	
	MEEU (1994)	30.06	í
	SSB 500 music HERS	5.00	
	SSB MUSIC	10.00	•
	\		
SUN AUG 17			
81 LCM	TRUCK TOWED		
SQT AUG 23	CIRCLE K CIGS	1000	
MEU YOUR SI	SALE IS IIS ENOUGH	TRR 5.00	
MPI	ALBERTON MONSTERS PUR FUR Y		
THIR AUN ?	_	(1)	
FRI AUG S		113.136 (5)	
•	Swaming.	38.33%	
•			

TUES SERT 2 SMOKES CIRCLE K WED SERT 3 " MONSTERS " SSB NE HER 8	9,00 80.11 105.60
SHT SERT 6 BLAKE SHELTON CONCER SUP. SERT 7 SANTANAS MON SERT 8 · CIKLCE K SMOKE MOUS. WED SERT 10 PAID HER FINES FRI SERT 12 CIKCLER SIMUKE MONTH SUN SERT 14	13.00 14,00 735.77
TOOK OFF WORK TO GET HER LICENSE DROVE ALL OVER CA'A SII ALBERTSON'S T.P. DEL TACO 1383.37 AND SERT OFF WORK TO GET TRUCK (BACK)	40.00 7.50 8.00

RECAP

T PAID FUR ENTIRE SAN FELIPE TEND STARTED STANING THERE MAY - 14th SHE GOT BIGICHECK AUG 4ª2600-TIGHT & KICKEN OUT AUG 6A = 21/2 MONTH

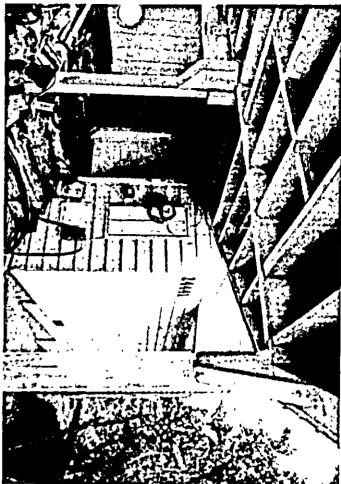
TELLS I I STAVED THERE THREE MUNDS & ONLY GAVE HER \$500,00

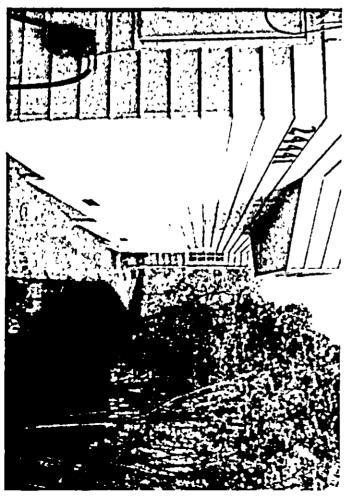
WHILE WITH FER I PAID FOR EVERYTHING I THAT DRITING (CHIE)

THIS DOES NOT INCLUDE ANY OF THE MONEY SHE HAS MADE SELLING MY MOTHERS POSSESSIONS OR THE BOXES OF CLOTHES GIVEN TO HER CAMBLY

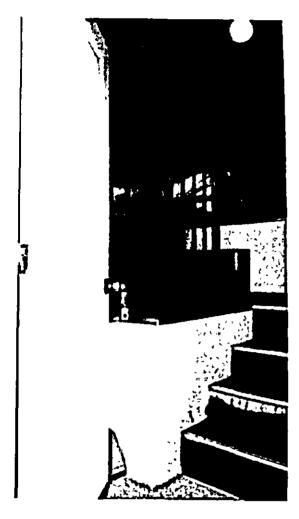
CX 241 C	IVEN TO	HE:N	GRAND T	SJATO
JUNB BI	-coE		UDB	193-
EI FUND	100-		Level	9028'a
JULY 3	200		2715	1797,00
MM 18	14-		احارث	2469.50
JUS1 19	53.50	Chan	BUD	629,00
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JULY 28	40.00	70 S	4 (~1)	8,458,77
JUW 31_	40.00		+ TRUCK	01 1 00 1 11
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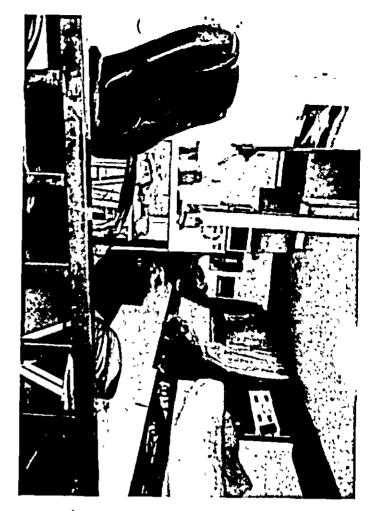




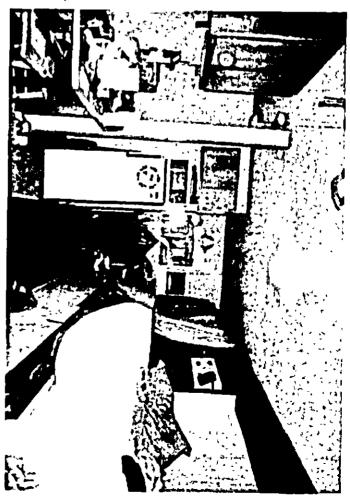


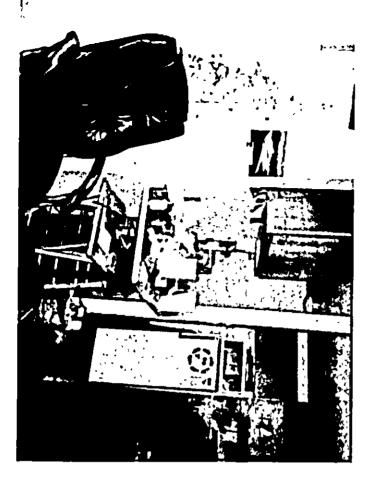




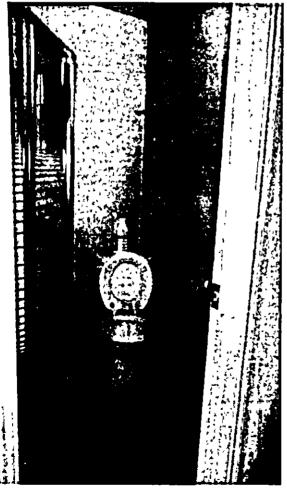










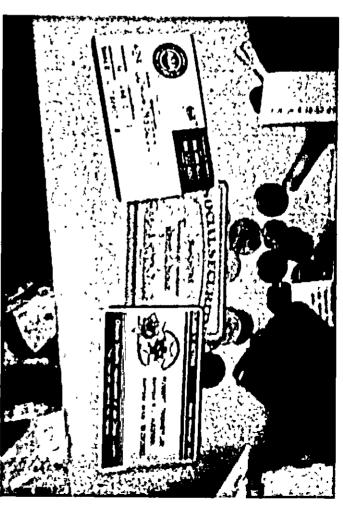


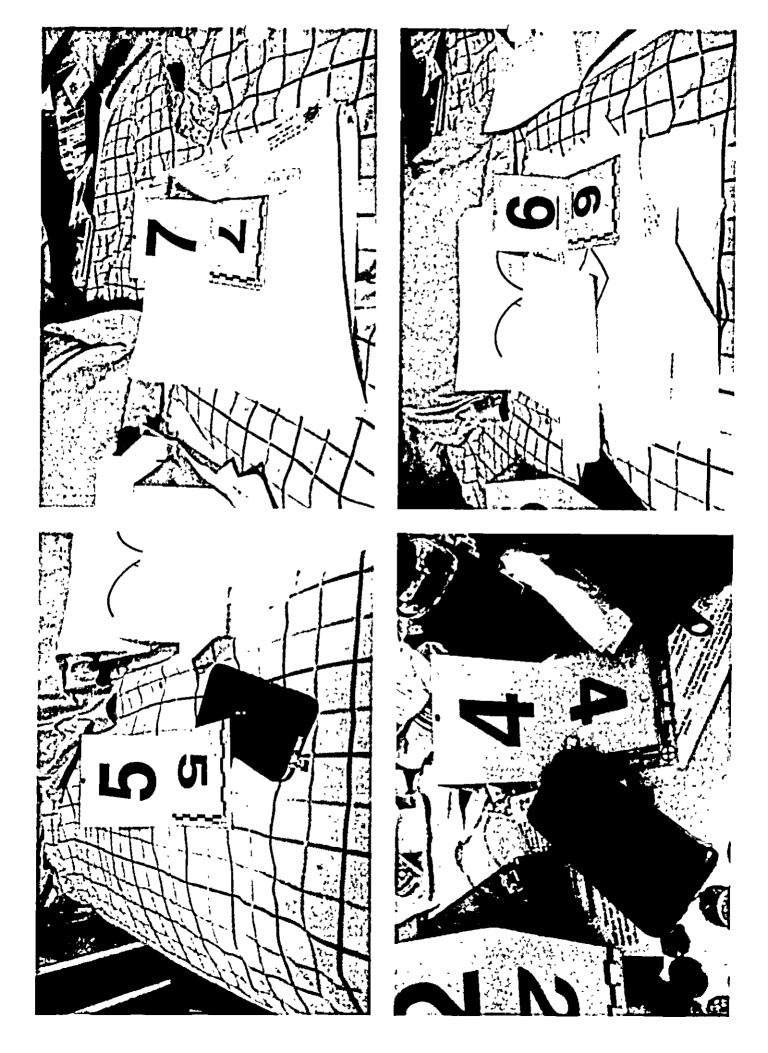


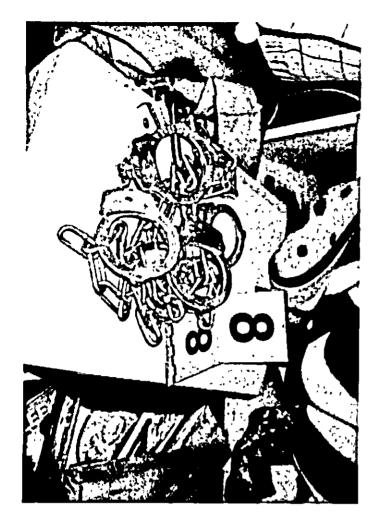


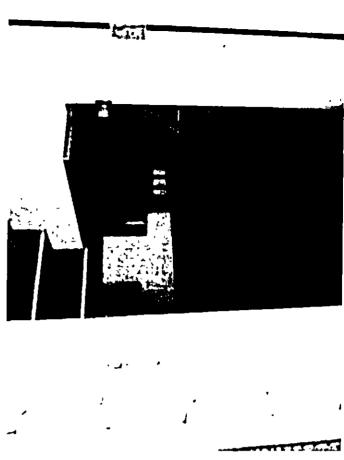




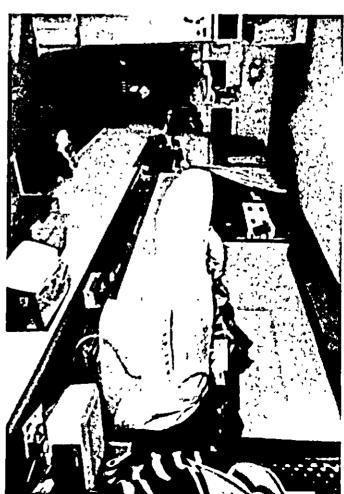


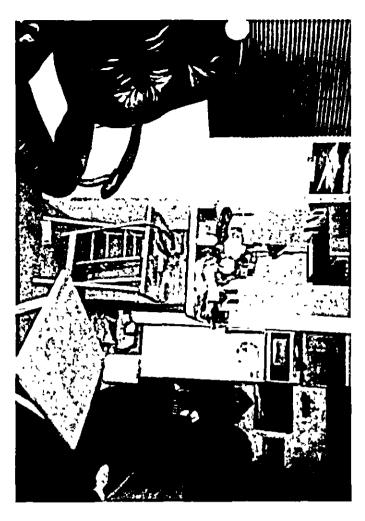






















TO CKC SLIE GO tell cell you friends cond family letro thank I SKOREWED You ouse THE TRUTH.

I at least deserte

Congratiblions you

got what you wanted

at my expense I treated

you better then any man

you better then any man

you have ever been with.

and you kicked me to

the curb "I Tove THAINAM"

Everything happens for a

READON = I AM FUCKING STUPID"

Dear

Sat 12-13-14 7PM

It is totally obvious that you have other interests and desires, and they don't include me. I will take you on the 17th and pay the \$1600.00 to get your truck back for you like I promised. Please let me know when it is convenient for you. In exchange I want to know if you would consider giving me a key to the pool, because I want to get back to a regular exercise routine and swimming is what motivates me. (Besides you that is)! Nice to see you smile. It just really sucks that it is with some other guy.

TOXD

- MINE WOULD BE YOU

What's your all-time high, your good as it gets?
Your hands down best ever make-up sex?
What's your guilty pleasure, your old gold tooth?
Well if you ask me, mine would be you

What's your worst hangover, your best night yet?
Your 90 proof, your Marlboro Red?
The best damn thing you lucked into
That's easy girl, mine would be you

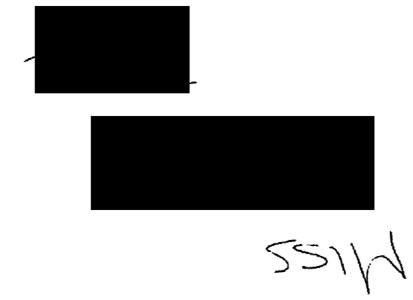
Mine would be you
Sun keeps shinin', back road fiyin'
Singing like crazy fools
Makin' up our own words
Laughin' 'til it hurts
Baby, If I had to choose
My best day ever
My finest hour, my wildest dream come true
Mine would be you

What's your double dare, your go all in?
The craziest thing you ever did?
Plain as your name in this tattoo
Look on my arm, mine would be you

Mine would be you
Sun keeps shinin', back road flyin'
Singing like crazy fools
Makin' up our own words
Laughin' 'til it hurts
Baby, if I had to choose
My best day ever
My finest hour, my wildest dream come true
Mine would be you

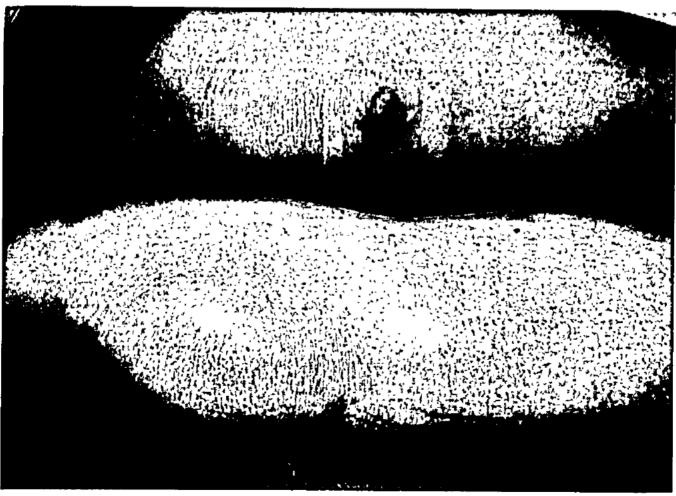
What's the greatest chapter in your book?
Are there pages where it hurts to look?
What's the one regret you can't work through?
You got it baby, mine would be you
Yeah you got it baby, mine would be you

Mine would be you
Taillights fadin'
Daylight breakin'
Standin' there like a fool
When I should've been runnin'
Yellin' out somethin'
To make you wanna hold onto
The best love ever
Girl, can you tell me
The one thing you'd rather die than lose?
Cause mine would be you
Mine would be you, you



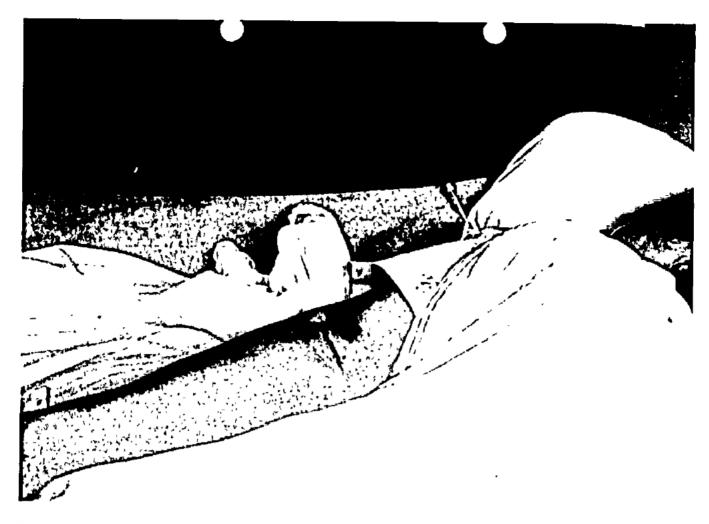


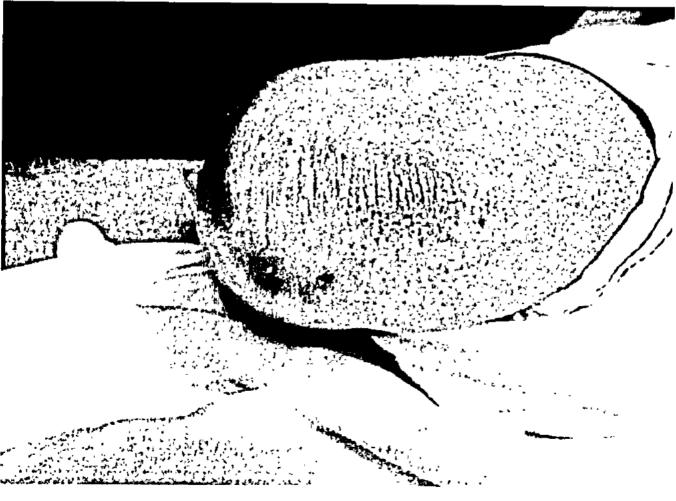


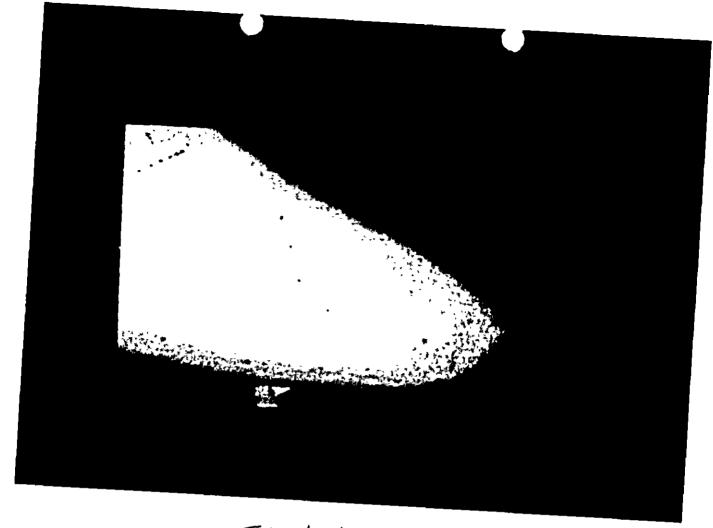




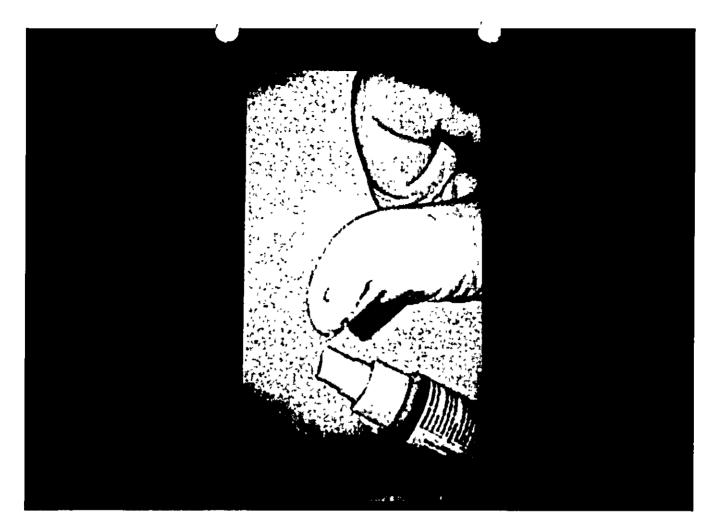


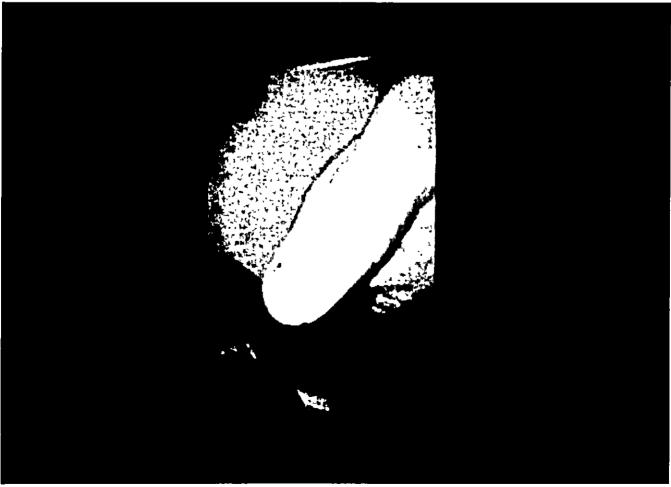


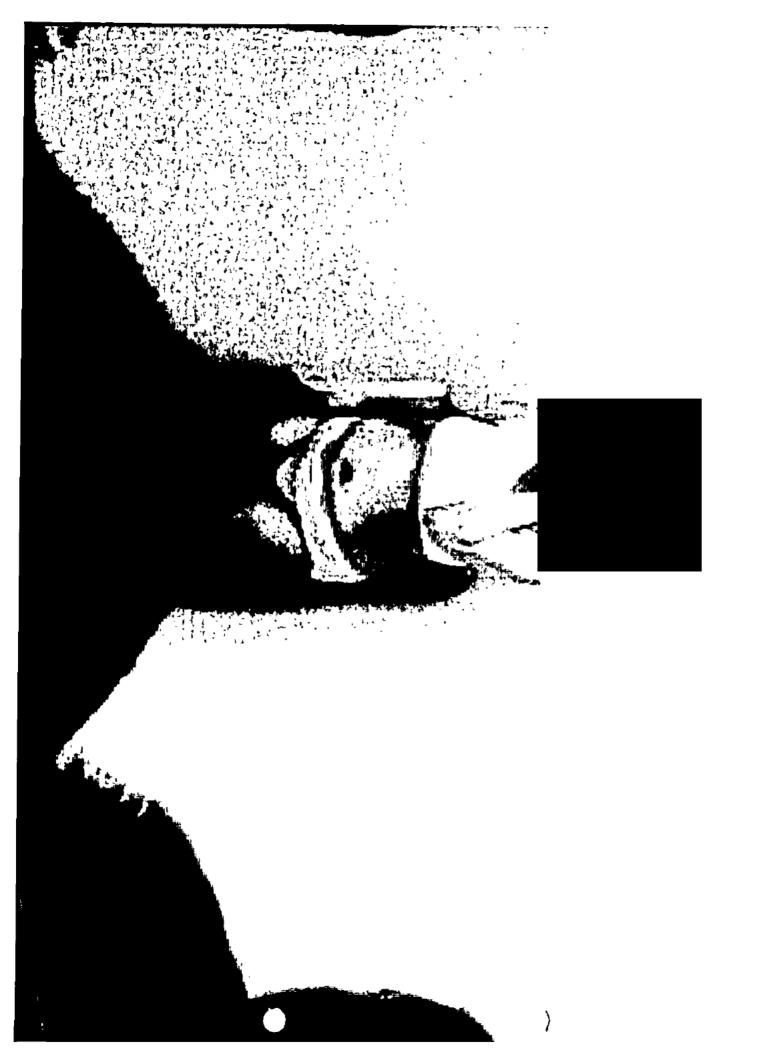




TOOHEY

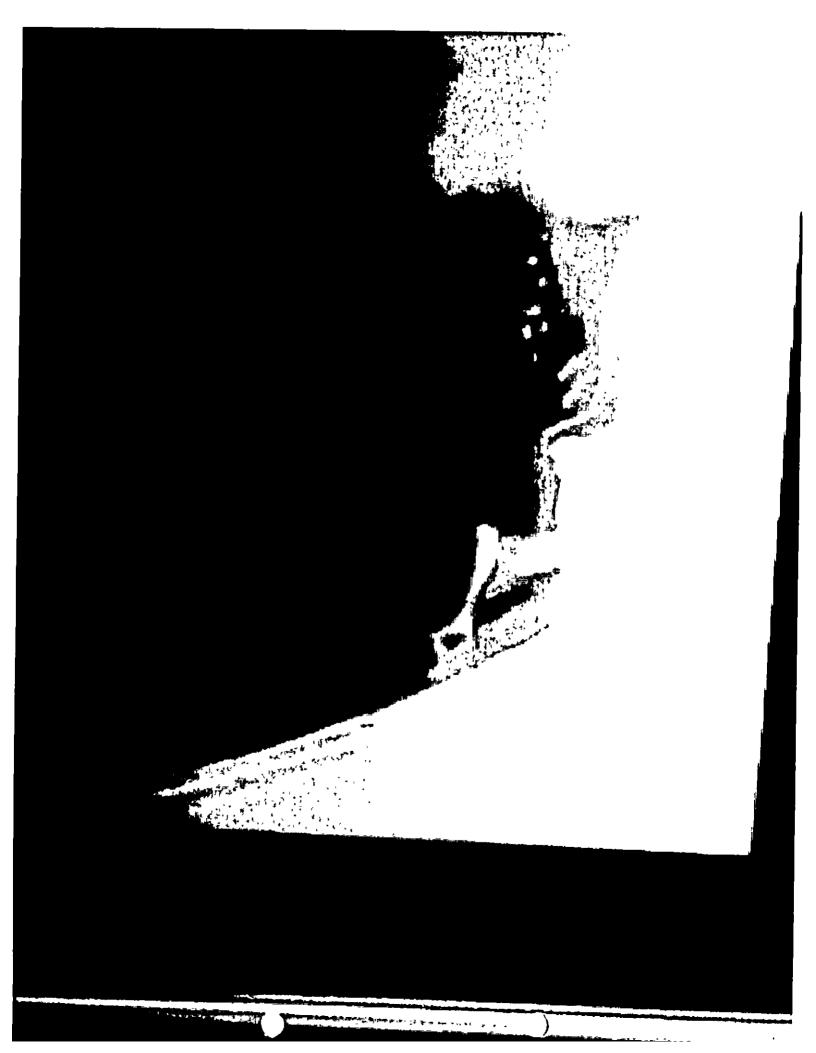




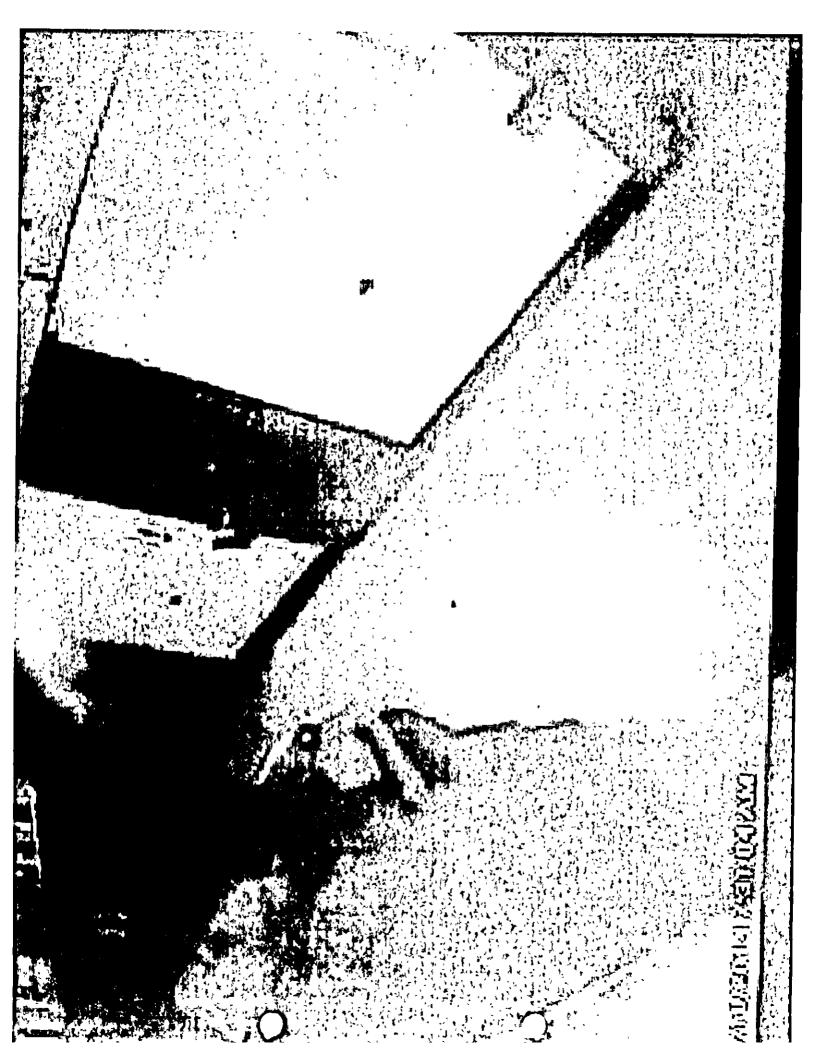












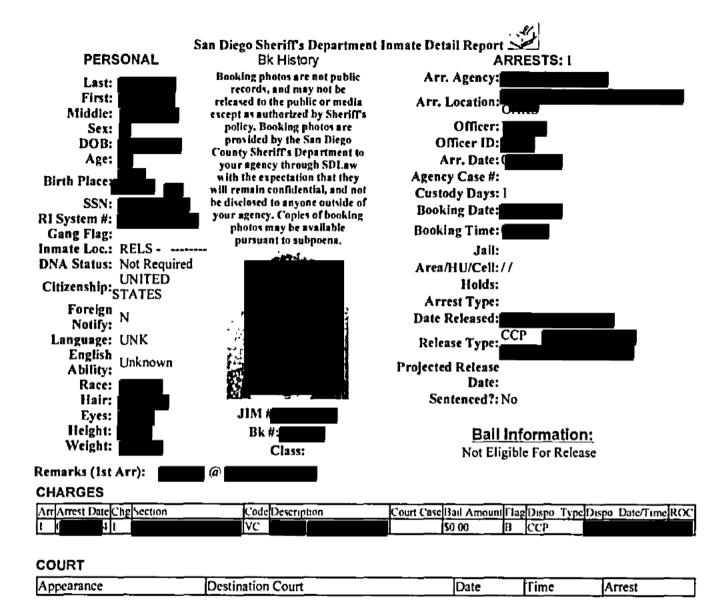




San Diego County SHERIFF'S DEPARTMENT

REPORT OF OCCUPATIONAL INJURY

·	Date of Birth:
9000 Cottonwood Ave Santee CA S	the same of the sa
Occupation: Deputy Sheriff	Social Security #
e employed (SHERIFF) LCDF	County Hire Date:
12.5 Work days / week: 7 da	Total weekly hours: 42.5
919-258-3181 Gross v	rages per hour: 19.87
cident or exposure occurred: 9000 Co	ottonwood Ave Santee CA 92071
San Diego Wa	s this on employer's premises? No Yes
	s this on employers premient or material the employee in the employee and

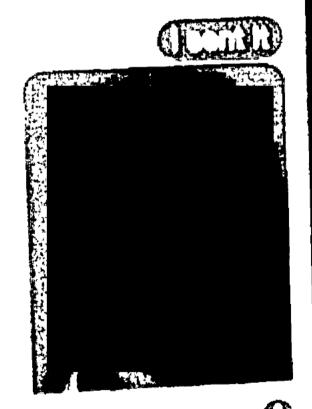


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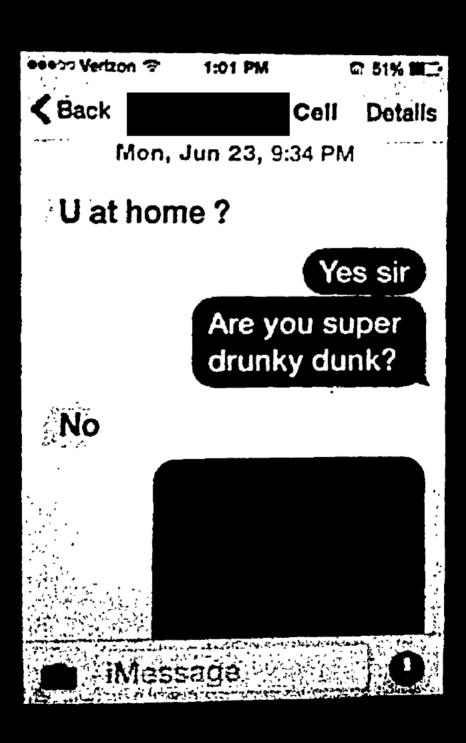
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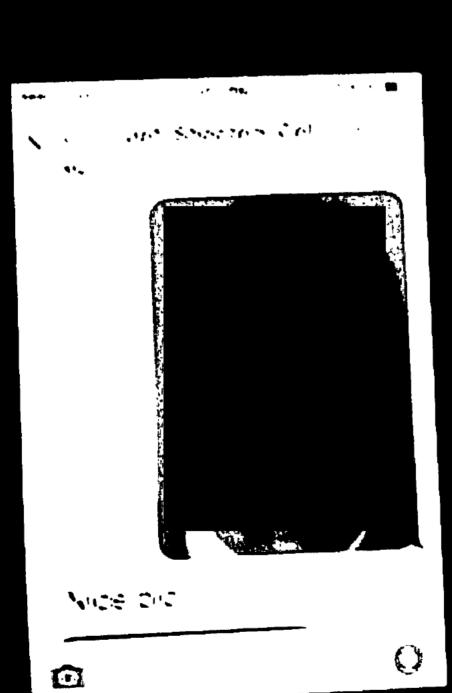
Call 190 mg

Partie get my pictorst.



(e)





Baker, Kimberley

From:

Shands, Laura

Sent:

Friday, November 21, 2014 1:51 PM

To:

Baker, Kimberley

Subject:

results

Kim.

Normally every SART includes taking both urine and blood. I thought that happened with but apparently she gave urine but no blood. The nurse packs it up so I don't know what is in the bag submitted. So, they can't test for BAC with urine and they sent the urine out to contracting company to do the drug pane. So no BAC on this one, but...

Her tox panel came back with a significant level of methamphetamines and amphetamines. That was a bit of a shock for me. I will be asking her about that. Negative for GHB and Ketamine, but...

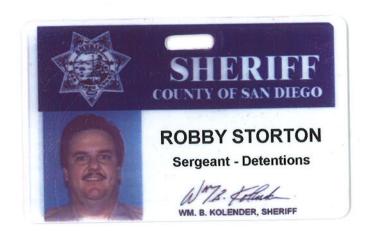
Positive for metabolites of Benzodiazepines, (nordiazepam, oxazepam and temazepam). She had a significant amount of temazepam metabolites in her system which is a compound of "Ristoril", an insomnia and anxiety medication. These metabolites are not from her valium, which she takes occasionally. Rohypnol, a date rape drug, is a Benzodiazpine. The three metabolites in urine could have been produced from Rohypnol, but without more extensive testing we cannot be certain. This certainly explains her change of behavior, consciousness, and inability to remember.

I will be checking with her about all of her drug use to rule out the above.

Detective Laura Shands
San Diego County Sheriff's Department
Central Investigations Division - Sexual Assault Unit
9621 Ridgehaven Court, San Diego, CA 92123
Desk: (858) 974-2317

COED

· And of how me cin the time. Please small NO #5 Take Care Sweet



Sex	M	_ Height	5-11	Weight	233
Hair_	BRN	_ Eyes	BRN	D,O.B	
ccw	Authorized	YES		Expires	N/A

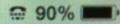
card is the property of the Sheriff's Department and must be rendered upon termination of employment. If Found, please drop in any U.S. Mailbox. P. O. Box 429000. San Diego. CA. 92142-9000.













Messages Robert Toohey

Contact

Today 4:57 PM

Your kids have accused me of raping you and beating the shit out of you. No sex! Even though you wanted to. You fell down several times taking me with you twice. My glasses got broke at the bar. Almost got in a fight with some dude who wanted to



lext Message

Send



Messages Robert Toohey

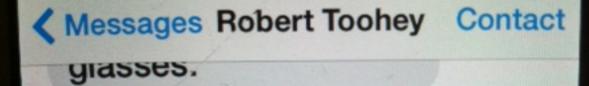
Contact

you twice. My glasses got broke at the bar. Almost got in a fight with some dude who wanted to keep you for himself. I am pretty sure you hit your eye on your door knob when you fell the final time when I went to get your keys from your purse. You took your pants off while laying in back seat of my Only roaco

Messages Robert Tooney

purse. You took your pants off while laying in back seat of my car. Only reason I came down the hill to get you was because you texted me saying you were gonna drive drunk Cuz you don't give a says detectives will be at my house paid your tab last night and picked up my broken





I need new glasses anyway

I was going to buy
you smokes and
monsters but I'm
pretty much broke
until payday and
once again I will be
nigga rich and able to
help you

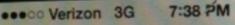
I will try ncall u later when I am not busy.

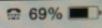


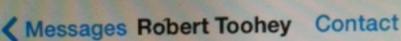
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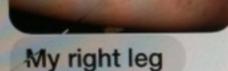
I need new glasses anyway

I was going to buy you smokes and monsters but I'm pretty much broke until payday and









God as my witness
we did not have
SEX!!!! AND IF YOU
FOR ONE GOD
DAMN MINUTE YOU
THINK THAT I
WOULD EVER AND I
MEAN EVER DO
THAT TO YOU!!!!!
THEN DONT EVER



Text Message

CONTACT ME AGAIN

Send