

SANTA CLARA POLICE DEPT

18-10404

Supplement No
0002



601 EL CAMINO REAL

Reported Date
11/01/2018

Nature of Call

Officer
ALEX TORKE

(408) 615-4700

Administrative Information

Agency SANTA CLARA POLICE DEPT	Report No 18-10404	Supplement No 0002	Reported Date 11/01/2018	Reported Time 20:23
Officer T0651/ALEX TORKE	Assignment PATROL SUPERVISOR		Entered by T0651	
Assignment PATROL SUPERVISOR	RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer L8358	Approval Date 11/02/2018
Approval Time 08:23:53				

VICTIM 1:

Involvement	Invl No	Type	Name	SCID
VICTIM	1	Individual	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Narrative

On 11/1/18, I was working a detail at Levi's Stadium as a standby investigator when I became aware of a video posted to Instagram by the user "Leosis510" that showed a fight that had just occurred at the stadium.

In the video, a heavysset Hispanic male adult, bald with a beard, and wearing a 49er t-shirt, could be seen repeatedly punching another fan. The victim fell to the ground, and the suspect continued punching him in the area of his chest and face, although the victim is on the ground in front of a seat in the video and therefore not visible. Based on the video, the suspect appears to punch the victim at least five times, including at least four while the victim appeared to be on his back on the ground and unable to defend himself. Another subject pulled the suspect away from the victim, and the victim stood up. When he stood up, the victim was bleeding profusely from the nose, and upon further review, his nose appears to be disfigured. The suspect then leaves the scene. The video continues, and the victim cleans his face, which is covered in blood. The victim appears to have a one inch laceration to the right side of his nose, and his nose appears to be shifted unnaturally to his right.

At about the time that I was reviewing the video, I heard officers broadcast that they were detaining two male subjects that they were told were in a fight, and one of the males had a bloody nose. I was able to contact the officers, and determined that the suspect I saw assaulting the victim in the video was in fact one of the males detained.

I responded to the THF, where I found the male suspect who I saw assaulting the victim in the video. I attempted to interview the suspect regarding the assault, however he demanded an attorney after I read him his Miranda rights, so I ended my interview.

I subsequently learned that the victim in the assault declined to speak with officers at the scene and had left. The victim did provide officers with his identifying information, and I was able to review a driver license photo, and his nose does not appear to be disfigured. Based upon the video evidence depicting the suspect repeatedly punching the victim in the face and the injuries to the victim apparent in the video, I knew probable cause existed to arrest the suspect for felony battery. I instructed Ofc. Busmire to book the subject for the violation of 243(d) PC.

Report Officer T0651/ALEX TORKE	Printed At 11/02/2018 08:34	Page 1 of 2
------------------------------------	--------------------------------	-------------

18-10404

Supplement No
0002

SANTA CLARA POLICE DEPT

Narrative

NFI