



PRESS RELEASE

Pursuant to Cal Govt. Code Sect 6254(f)
San Jose Police Department
Press Information Office
201 W. Mission Street, San Jose, CA 95110
Ph (408) 277-5339 Fax (408) 286-0923

TYPE OF CRIME: ADW On A Peace Officer/Officer-Involved-Shooting

CASE NUMBER: 04-270-0519

LOCATION: S. Winchester Blvd./Payne Ave.

DATE: 9-26-04 **TIME:** 1:15PM

VICTIM: San Jose Police Officer (9-year veteran)

SUSPECT: Deceased-Withheld (Pending Notification) **AGE:** 40

ADDRESS: San Jose Resident

DETAILS:

On 9-26-04 at about 1:10PM, a San Jose Police Officer walked into the Starbucks Coffee Shop at 1335 S. Winchester Blvd. to get a cup of coffee. The clerk in the shop pointed out a male outside that she said had been smoking on the premises today, even though he had been previously warned not to. She asked the officer to get to suspect to stop smoking on the premises. The officer went outside to contact the suspect.

The officer reported that the suspect immediately became extremely agitated and confrontational. The officer (and witnesses) stated that the suspect picked up a metal chair and raised it over his head to throw at him. The officer drew his taser and ordered the suspect to drop the chair. When the suspect refused, the officer fired the taser striking the suspect. It appears that the taser stunned the suspect momentarily but was not fully effective.

Witnesses reported that the suspect then threw the chair at the officer and then charged at him and began punching him repeatedly in the head and upper body. The officer said that he tased the suspect again but it had a minimal effect on the suspect. The officer continued backing away from the suspect and drew his firearm as the suspect continued to hit him. The officer fired several shots at the suspect and the suspect fell to the pavement. Paramedics were called to the scene. The suspect was transported to Santa Clara Valley Medical Center where he was pronounced dead.

Homicide Detectives and Crime Scene Investigators were called to the scene. Patrol officers canvassed the shopping center and nearby neighborhoods looking for potential witnesses.

This incident will be investigated by the San Jose Police Dept. Homicide Unit and monitored by the Santa Clara County District Attorney's Office. Teresa Guerrero-Daley, the Independent Police Auditor also responded to the scene.

Anyone with any information on this case is urged to call Detective Sgt. Terry Simpson or Detective Manny Ramirez of the San Jose Police Dept. Homicide Unit at 408-277-5283. Persons wishing to remain anonymous may call Crime Stoppers at 408-947-STOP.

BY: Sgt. S. Dixon #2650

DATE: 9-26-04

TIME: 11:59PM

AUTHORIZED BY: Lt. Mike Sterner

DATE: 9-26-04

TIME: 11:59PM

PRESS OFFICER BRIEFED BY UNIT COMMANDER (CIRCLE) **YES** NO