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243(e)	(1) PC-	- Misd	. Domestic Vic	olence			ON OR FROM			Sat
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BRAIDED C	WAVY/CURLY	GOATEE	D POT BELLY	FRECKL		RIFLE		DESCRI	PTION				
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SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	09-360-0056	
REPORT TYPE NARRATIVE SUPPLEMENTAL 243(e)(1) PC	VICTIM LAST, First, Mid	
SUSPECT LAST, First, Mid	SUSPECT ADDRESS	CITY/ZIP
PROPERTY (and/o ITEM# QNTY ITEM TYPE BRAND MODEL	r NARRATIVE) # SIZE COLOR MARKS ETC.	SERIAL# VALUE

SYNOPSIS: On 12-26-09 at approximately 0050 hours, the crime of misdemeanor domestic violence occurred at a sin San Jose. The suspect and victim were in a verbal argument. The argument escalated and became physical. The suspect choked the victim's throat with one hand and covered her mouth with the other to prevent her from screaming. The victim sustained a complaint of pain to her lip and neck. The victim was treated and released at the scene by SFJD and AMR. The suspect and victim were married and cohabitants at the time of the incident. The suspect was taken into custody without incident and booked into Santa Clara County Jail.

NARRATIVE: On 12-26-09 at approximately 0109 hours, I was dispatched to the 3000 block of Florence Ave. in San Jose to investigate a report of a female calling for help. Upon my arrival, a neighbor flagged me down and said she heard screaming coming from the residence at but did not see anything. Ofc. Newton (#4026) and I contacted the residents at e. Ofc. Newton contacted the suspect inside the residence. I contacted the victim (later identified as (V)

The victim appeared visibly shaken, nervous, afraid, fearful, and was crying.

PHYSICAL INJURIES TO (V) The victim did not sustain any visible injuries. She had a complaint of pain to her lower lip and neck area. AMR responded to the scene, treated, and released the victim at the scene.

STATEMENT OF (V) The victim and suspect were cohabitants and married for approximately 3 years and 10 months at the time of the incident. On 12-26-09 at approximately 0050 hours, the suspect and victim began arguing on their front porch about the suspect cheating on the victim. The argument escalated and became physical. (V) told the suspect that if he touched her, she would call the police. The suspect then grabbed the victim by her throat with one hand and covered her mouth with the other hand. The victim stated she was scared for her life because she could not breathe. (V) stated the fight occurred in their backyard behind the fence and lasted for approximately 6-7 minutes. (V) also stated that the suspect had become violent with her approximately 5 times in the past. Those incidents were unreported.

I digitally recorded the victim's statement using my department-issued digital recorder. I uploaded the recording to the DCS system. For further details regarding the victim's statement, refer to the digital recording on the DCS system.

NARRATIVE CONTINUED: The suspect did not sustain any injuries. I issued a domestic violence card to the victim and explained the card to her. The victim declined an EPRO.

PHYSICAL EVIDENCE: Ofc. Newton took 5 digital photos of the victim and booked the memory card into evidence at Central Supply.

R. Dote #4006

DAYS OFF/SHIFT SSM/3

SUPERVISOR 3352

5/6

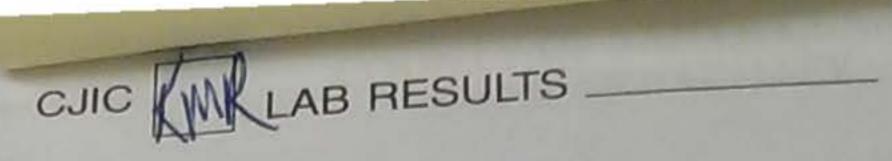
COUPPED DRY	09-360-0056	
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243(e)(1) PC	Tran, Lananh	
CUSPECT LAST, FRUIL AND	3001 Florence Ave.	SJ/95127
TERM TYPE BRANC MODEL	W SIZE COLOR MARKS ETC.	BERIAL # VALUE

NARRATIVE CONTINUED: Ofc. Newton (#4026) took the suspect into custody without incident. Ofc. Newton read the suspect his Miranda rights from his department issued Miranda card. The suspect did not want to give a statement. Ofc. Newton transported and booked the suspect into Santa Clara County Jail.

CASE NUMBER AS-3/-D-ADSI	IESTIC VIOLENCE SUPPLEMENTAL BOOKING I
The following must be read to the victim: "CAN WE FORWARD THIS POLICE REPORT TO OUR V THEM CONTACT YOU TO EXPLAIN THE RESOURCES A YOU?"	(LAST) (FIRST)
VICTIM CONSENTS TO PHONE BLOCK FROM COUNTY	JAIL? YES ☑ NO □
VICTIM	SUSPECT
□ Angry □ Irrational □ Minor Cut □ Apologetic □ Nervous □ Laceration □ Crying □ Threatening □ Fracture □ Fearful □ Hysterical □ Strangulation □ Calm □ Afraid □ Complaining of Pa □ Bruises □ Abrasion □ Concussion □ Under the influence (alcohol/drugs)	☐ Bruises ☐ Abrasion ☐ Concussion ☐ Under the influence (alcohol/drugs) ☐ Other – explain
DESCRIBE ALL CONDITIONS OBSERV	VED: PHYSICAL, EMOTIONAL AND CRIME SCENE
Mark all that apply: ☑ Spouse ☐ Former Spouse ☐ Dating ☐ Formerly Dat ☐ Same Sex ☐ Emancipated Length of relationship 3 Years 10 Months Prior history of domestic violence? ☑ Yes Prior history of violence documented? ☐ Yes Number of prior incidents: 5 Case Number(s): ►/A Investigating Agencies: ☐ Victim	TWEEN VICTIM AND SUSPECT See
REST	RAINING ORDER
Type: Emergency	
/itnesses present during domestic violence? /itness information listed on Form 200-2? /itnesses' statements(s) taken? /itnesses' statements(s) taken?	S M No Number present
PORTING OFFICER: BADG	ENO. DATE
.DOTE # 400	SHIFTIDAYS

Evidence collected from
Describe all photographs Photo(s) of victim's injuries IN Yes I No Photo(s) of suspect's injuries IN No
Photo(s) of scene Weapons used during incident Yes No Photo(s) of children Type of weapon used: Yes No Photo(s) of children Type of weapon used: Yes No Photo(s) of children Type of weapon used:
Weapon seized Yes No Firearms seized for safety MEDICAL TREATMENT
Paramedics Hospital Refused Medical Aid
Demondies at scene: 10 Yes No
Name(s), ID#(s): T€VHISON → P21567 Paramedics at scene: □ Yes □ No Station Number:
Names:
Hospital;
Attending Physician(s)/Nurse(s):
Work Address/Telephone Number
VICTIM GIVEN:
Domestic Violence Information Card SJPD Case Number Family Violence Unit Phone Number 277-3700
VICTIM WILL BE AT TEMPORARY ADDRESS?
Address: Telephone Number:
STRANGULATION INVESTIGATION
The formation of the fo
In the second se
The second of th
5. What did suspect say during strangulation? DOES NOT PECALL
6. Did victim defecate or urinate during strangulation? Yes No
7 Have there been prior strangulation attempts? ☑ Yes □ No When? ∑ЧЬҮ ३८००००
8 Was emergency medical attention summoned? Si Yes Di No
9 Does victim still have any of the following: Difficulty breathing Throat/Neck pain Vomiting
□ Difficulty Swallowing □ Hoarse/Raspy voice □ Broken blood vessels in eyes or face
The above symptoms could indicate the existence of a life-threatening medical condition
* Draw location of visible injuries or complaints of pain: CEMPLAINT OF PAIN TO LAWFL LIP
(Victim/Suspect (Circle)

Te.



JUDGE'S NOTES

002					
THE PEOPLE OF THE S	TATE OF C	ALIFORNIA, V	S.		
TUAN VAN N			DEFENDANT		
AKA			AGENCY		
DOB 04/19/1976		6289	O4313 STATEMENT OF COSTS FILED		
COMPLAINT FILED 01/19/2010	VIOLATION 12/2	0 DATE			
AMOUNT OF COSTS CJAF: \$129.75	WARRANT DATE:	ISSUED	TO:		
WARRANT BAIL	JUD				
WARRANT RECALLED		DATE	COMPLAINT FILED:		
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02/09/2010	BB 005085		\$10,000			
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SUPERIOR COURT OF CALIFORN COUNTY OF SANTA CLARA SAN JOSE FACILITY

Plaintiff.

FILED

JAN 1 9 2010

MISDEMEANOR COMPLAINT

DA NO: 100101468

C1066700

09076289 TN BAIL 2/9/2010

DOMESTIC VIOLENCE

VS.

TUAN VAN NGUYEN (4/19/1976), 3001 FLORENCE AVENUE, SAN JOSE, CA 95127 Defendant(s)

The undersigned is informed and believes that:

THE PEOPLE OF THE STATE OF CALIFORNIA,

COUNT 1

On or about December 26, 2009, in the County of Santa Clara, State of California, the crime of BATTERY ON SPOUSE, COHABITANT, PARENT OF CHILD, FORMER SPOUSE, FIANCE, FIANCEE OR DATING RELATIONSHIP, in violation of PENAL CODE SECTION 242-243(e), a Misdemeanor, was committed by TUAN VAN NGUYEN who did willfully and unlawfully use force and violence against a spouse, Lananh Tran.

DISCOVERY REQUEST

Pursuant to Penal Code sections 1054 through 1054.7, the People request that, within 15 days, the defendant and/or his/her attorney disclose: (A) The names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial; (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

EVIDENCE CODE SECTION 1109 NOTICE

Notice is given that the People will offer evidence of other acts of domestic violence within the meaning of Evidence Code section 1109 contained within the affidavit of probable cause and the attached reports. In compliance with Penal Consection 1054.7, the People will disclos any additional evidence that may become known or acquired during the pendency of this action.

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the pretrial restraint of defendant TUAN VAN NGUYEN, for the above-listed crimes.

Complainant therefore requests that the defendant(s) be dealt with according to law. I certify under penalty of perjury that the above is true and correct. Executed on January 15, 2010, in SANTA CLARA County, California.

Dote 4006)

SJPD (408) 277-3700 093600056 FV SOUSA/ D294/ MISDEMEANOR/ kl