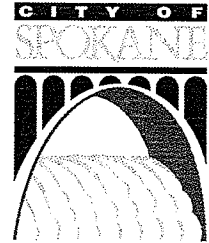




## SPOKANE POLICE DEPARTMENT



### SCOTT A. STEPHENS INTERIM CHIEF of POLICE

- 10. Credit card number, debit card number, electronic check number, card expiration date or bank/other financial account number. RCW 42.56.230(5)
- 11. Record contains medical information protected under RCW 70.02.005 and HIPPA (45 CFR 164.502).
- 12. Reports and records of autopsies and postmortems are confidential, protected under RCW 68.50.105.
- 13. Attached is our response to your "any and all" request. In an effort to serve you efficiently and expeditiously, we have not pursued a clarification of your request. If this response is not what you had intended, please contact us immediately. We will then need you to more accurately and precisely describe the records you are requesting.
- 14. Other:

If you believe that the information furnished has been incorrectly redacted, you may file a written appeal with the Chief of Police within five (5) business days from the date of this letter. Please include your name and address, a copy of the redacted document and a copy of this letter together with a brief statement identifying the basis of the appeal. Please mail or deliver your appeal to:

Chief of Police  
1100 W Mallon Ave  
Spokane, WA 99260-0001

Theresa Giannetto  
Police Records Specialist

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER	INCIDENT NUMBER <b>11-364413</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Wed 11/23/2011</b>	TIME <b>11:50</b>
			INCIDENT XREF <b>11-364414</b>	
INCIDENT CLASSIFICATION #1 <b>WPN-UNLAW POSS</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3	ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>11/23/2011</b>	REPORT TIME <b>18:17</b>
PRIMARY CHARGE				UCR/NIBRS CODE
<b>NARRATIVE</b>				

On 11-23-2011, at 1506 hrs, Officer S. Kennedy and I were requested by Lt. Dan Torok to investigate a possible reckless driving incident that had occurred earlier in the day. Lt. Torok requested that we interview the witnesses and possible suspects, as there were conflicting reports as to what had happened.

At 1518 hrs, we arrived at [REDACTED] Adams St to interview an independent witness, Donna Jasper. Donna had called 911 at 1149 hrs to report a reckless driver.

Donna told us that she was traveling south on Monroe across the Monroe St bridge when she noticed a green, Chevy Lumina, WA license number [REDACTED] driving "horribly aggressive like nothing I've ever seen." She said that between Main and Fourth Ave, the Lumina swerved in and around traffic, almost hitting multiple vehicles. She saw the Lumina barely miss a green pickup truck. She said the Lumina was going approximately sixty miles an hour and was extremely aggressive. Donna said she wanted to report the driver of the Lumina, so she sped up to approximately forty miles an hour to get the license plate number. She said she was originally intending to get on the freeway but instead continued past the on ramp and continued to follow the Lumina. At the stop light at Fourth Ave and Monroe St, she observed the driver of the Lumina on his cell phone. She followed the Lumina south on Monroe to 29th Ave, as it was still driving erratically. She said the Lumina then turned eastbound on 29th Ave and she was unable to follow.

At 1625 hrs, we arrived at 1318 W. College Ave to interview a possible victim of the reckless driving, Matt Shea. Matt had called 911 at 1155 hrs to report a reckless driver.

Matt told us that he had been driving southbound on Monroe St across the Monroe St Bridge and didn't believe he had cut anyone off. As he went through the light at Monroe/Main, a green Chevy Lumina cut across all lanes of travel from west to east and traveled straight towards Matt's front bumper. Matt said that his wife had her car window shot out while driving on the freeway approximately one year ago and he thought it was possible someone may be targeting him personally because of his occupation. Matt said that as an Iraq war veteran, he had to use "evasive techniques" to keep from hitting the Lumina and other traffic. He said the Lumina was driving very aggressively and compared it to "Baghdad driving." Matt said that he then followed the Lumina and

ID NO./NAME OF REPORTING OFFICER <b>#250360 - Gobble, Nathanael G</b>		DISTRIBUTION
APPROVAL <b>#326 - Anderson, Jon</b>	DATE/TIME <b>11/24/2011 01:12</b>	

# SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION <b>WPN-UNLAW POSS</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>11-364413</b>
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pointed his finger at the driver and mouthed the words "I'm reporting you." He said that after he did that, the Lumina increased speed and continued to drive erratically. Matt continued to follow the Lumina up the South Hill on Monroe St to 14th Ave. At 14th Ave, Matt turned eastbound on 14th and the Lumina continued south on Monroe.

Officer Kennedy asked Matt if he had a concealed weapons permit and he said that he used to but it had expired. Matt said that he did own guns and admitted to carrying a handgun in his glove box most of the time. Matt said that he did have the gun with him at the time of the reckless driving incident and had taken it out of the glove box and set it on the seat while he was following the Lumina. He said that after the Lumina had almost hit his truck, he pulled the gun out of the glove box after the other driver was well down the road. Matt said that, as he was retrieving the gun, it may have risen above window level. When Officer Kennedy asked Matt if someone could have seen the gun, Matt said "Yeah, I guess so."

Matt also asked what the law was regarding carrying a concealed pistol and we showed him the statute, 9.41.050. Officer Kennedy advised Matt that carrying a loaded handgun inside a vehicle without a concealed weapons permit is illegal and that he had been in violation of this law.

Matt denied ever pointing the gun at anyone and made it clear that, as a former military officer, "I would never point a gun at someone unless I was willing to shoot them."

At 1705 hrs, we arrived at [REDACTED] 51st Ave, [REDACTED] to interview Leroy Norris. Leroy had called 911 at 1150 hrs and reported that someone in a green Ford Ranger had pointed a gun at him.

Leroy told us that he had been driving in the left lane, south across the Monroe St Bridge. As he approached the stop light at Main/Monroe where the street widens to four lanes, a green Ford Ranger sped up and cut him off. Leroy honked his horn at the driver of the Ford Ranger. Leroy admitted to then cutting in front of the truck and the driver then raised his middle finger at Leroy. Leroy said that the truck then pulled behind him and he could see the driver pointing his finger at him. As Leroy described the driver pointing his finger, he simulated a gun with his index finger and thumb. Leroy told us that when he saw the driver of the truck pointing his finger at him, Leroy raised his middle finger at the driver of the truck. Leroy also said that when the driver of the truck was pointing his finger at him, he did not appear to be saying anything.

Leroy said that the driver of the truck pulled into the lane directly to the east of Leroy and reached behind the passenger seat of his truck. Leroy saw the driver pull what he believed to be a gun, out from behind the seat. Leroy described it as a "black, semi-automatic" handgun. When Leroy saw the gun, he accelerated and began swerving around cars to get away from the green Ford Ranger. Leroy said that he feared for his life and his only goal once he saw the gun, was to get as far away as possible. Leroy said that he broke the law in his attempts to get away because he was scared.

# SUPPLEMENTAL REPORT CONTINUED

**Spokane Police/Spokane County Sheriff**

Page 3

INCIDENT CLASSIFICATION <b>WPN-UNLAW POSS</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>11-364413</b>
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Leroy also said that between Fourth Ave and Fifth Ave, he slammed on his brakes as the Ford Ranger was following him, in an attempt to cause a collision and potentially disable the truck. Leroy did not believe that the driver of the truck pointed the gun at him at any time. Leroy observed the Ford Ranger follow him to 14th Ave, where he saw the Ranger turn eastbound on 14th.

See Officer Kennedy's report for additional information.

N. Gobble #250360

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>11-364413</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Wed 11/23/2011</b>	TIME <b>11:49</b>	INCIDENT XREF <b>11-364414</b>
INCIDENT CLASSIFICATION #1 <b>WELFARE CHECK</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2		ATTEMPTED <input type="checkbox"/>
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4		ATTEMPTED <input type="checkbox"/>
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>11/23/2011</b>	REPORT TIME <b>19:00</b>
PRIMARY CHARGE					UCR/NIBRS CODE
<b>NARRATIVE</b>					

At approximately 1446 hours I received a phone call from Sgt. Eric Olsen. He had been contacted by WSP Captain Otis about a road rage incident. Sgt. Olsen briefed me on the incident involving State Representative Matt Shea. He told me that Shea had been involved in a road rage incident and called the police. However, he had also notified WSP Staff on the West side of the State. WSP Staff then notified WSP Captain Otis, which in turned notified Sgt. Olsen.

There were two incident numbers generated from the original call. 11-364413 was the report of a road rage incident reported by Donna Jasper.

11-364414 was a person with a weapon call reported by "Leroy". "Leroy" reported that a male pointed a handgun at him. As a supplemental to that call was Matt Shea reporting that a male had cut him off in a vehicle.

The calls appeared to be related and I surmised by looking at the CAD calls that Donna had called about Leroy's driving. Leroy then called and indicated that Shea had pointed a gun at him. Shea then called and said that Leroy had cut him off.

I contacted Ofc. Kennedy by phone and advised her of the incident numbers and instructed her to contact the involved parties to determine what had occurred.

I called the WSP Office and asked for Capt. Otis to call me. At 1511 hours I received a phone call on my department issued cell phone from Capt. Otis. He told me that Shea had called Captain Jason Berry on the West Side to report the incident. Captain Berry told him that he would need to call SPD to report the incident. (The CAD call would reflect that Shea did call) Shea apparently called Captain Berry again after he was not contacted by SPD. At that point in time Captain Otis was called and then he called Sgt. Olsen.

The CAD call concerning the road rage showed that radio had broadcast the information South by MDT. This is standard on these types of calls. If there is a unit in the area they then would look for the suspect vehicle. If contact is made with the suspect vehicle then a call would be placed to the complainant to gather more information. If the suspect vehicle was not located the complainant would not normally be called back.

However, if a complainant of a road rage called and demanded law enforcement contact, even if the other car had not been stopped by law enforcement, we would respond and contact the complainant. I perceived the call to Capt. Berry about Shea not be contacted by the SPD, and the subsequent phone calls between WSP and SPD as a demand for contact.

I recontacted Ofc. Kennedy and informed her of how the information was received. I told her to contact Jasper and Shea and if there was probable cause for reckless driving to complete a summons.

At approximately 1645 hours Ofc. Kennedy and Ofc. Gobble contacted me in my office. They briefed me on their investigation. I was advised that Shea had admitted to having a handgun in his car, but denied pointing it at anyone. However, it appeared that the CAD entry from "Leroy" was corroborated, at least in part, by Shea

ID NO./NAME OF REPORTING OFFICER <b>#242 - Torok, Dan</b>		DISTRIBUTION	
APPROVAL <b>#242 - Torok, Dan</b>	DATE/TIME <b>11/23/2011 19:40</b>		

# SUPPLEMENTAL REPORT CONTINUED

Spokane Police/Spokane County Sheriff

Page 2

INCIDENT CLASSIFICATION <b>WELFARE CHECK</b>	ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>11-364413</b>
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himself.

At approximately 1715 hours I contacted the Duty Staff Officer, Major Meidl. I briefed him on the incident and that it appeared that there was going to be probable cause to arrest Shea. I advised him that Matt Shea was a State Representative.

Major Meidl and I discussed the course of action if there was probable cause to arrest Shea. I requested that we proceed in the same manner as had been discussed with Ofc. Kennedy regarding Leroy. If there was probable cause then submit an affidavit requesting a summons on the misdemeanor charge. Major Meidl concurred and told me that he would advise Chief Kirkpatrick.

Ofc. Kennedy called me and advised that after she had interviewed Leroy and that she had probable cause to arrest Shea for the weapons violation, but did not have probable cause to arrest Leroy for reckless driving. She was advised to complete her report and affidavit.

At 1806 hours Major Meidl advised me that Chief Kirkpatrick had been advised of the incident. I told Major Meidl that I was going to call Shea and advised him as to what was going to occur. In addition I was going to explain to him that the pistol is evidence and request that he relinquish control of it to us. However, like any other misdemeanor weapon violation, I was not going to seek a search warrant if he decided that he did not want to turn over the weapon.

At 1835 hours I called Matt Shea at [REDACTED] I left a voicemail asking him to call me so I explain the results of the investigation as well as explain the next step in the investigation.

I advised Ofc. Kennedy that I had left a voicemail for Shea. If he returns my call and decides to turn over the weapon that I would let her know so that she could retrieve it.

I contacted Ofc. Kennedy and inquired if Leroy had told her why he was driving so fast S/B on Monroe. She said that he was frightened that Shea was going to shoot him.

Based on Leroy's perception and other circumstances surrounding the call it appeared that RCW 9.41.270, weapons apparently capable of producing bodily harm, was violated. I instructed her to also include that charge in the affidavit for the prosecutor's review.

At approximately 1910 hours I called Major Meidl's home phone and cell phone. I left him a voicemail on both lines informing him of the second charge that was going to be included in the affidavit.

Lt. Dan Torok #242  
3<sup>rd</sup> Patrol

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER	INCIDENT NUMBER <b>11-364413</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Wed 11/23/2011</b>	TIME <b>11:49</b>
INCIDENT CLASSIFICATION #1 <b>WPN-UNLAW POSS</b>			ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2
INCIDENT CLASSIFICATION #3			ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>11/24/2011</b>	REPORT TIME <b>09:35</b>
PRIMARY CHARGE				UCR/NIBRS CODE
<b>NARRATIVE</b>				

On 11-23-11 at approximately 1430 hours I received a phone call from WSP Capt. Otis reference a road rage incident. As I am the Spokane Police Department Traffic Sergeant, Capt. Otis and I have had numerous interactions about various traffic concerns. Capt. Otis told me that State Representative Shea had been involved in a road rage incident today in Spokane on the Monroe St. Bridge and had called the police. Capt. Otis said that Shea had not heard back from the police and wanted the incident to be investigated, so he called WSP officials on the west side of the state requesting something be done. WSP staff then notified Capt. Otis.

Since the incident occurred in Spokane and had been reported to local authorities, I told Capt. Otis I would check into the incident. At this time I was on my way home and no longer in uniform. I called our dispatch center and spoke with Radio Supervisor, Tanya Hauenstein. She did a search for and found the incident in CAD. Hauenstein told me there were at two apparently related calls in the same area: a "Reckless Driver / Road Rage" incident, and a "Person with a Weapon" incident. The initial complainant in the weapon incident alleged another subject pointed a hand gun at him. It appeared this other subject may have been Matt Shea.

I then called SPD Shift Commander, Lt. Torok. I briefed him on the situation and gave him the incident numbers, and he told me that he would take care of it.

Sgt. E. Olsen #255  
Spokane Police Traffic Unit

ID NO./NAME OF REPORTING OFFICER <b>#255 - Olsen, Eric</b>		DISTRIBUTION	
APPROVAL <b>#208 - Huddle, Kevin</b>	DATE/TIME <b>11/24/2011 11:23</b>		

FILED  
DEC 20 2011

SPOKANE MUNICIPAL COURT

IN THE MUNICIPAL COURT OF SPOKANE  
COUNTY OF SPOKANE  
STATE OF WASHINGTON

CITY OF SPOKANE,  
Plaintiff,  
vs.  
MATTHEW T SHEA  
Defendant.

No: P11011266  
COMPLAINT

Police Report: 1100364413

COMES NOW, the Plaintiff, City of Spokane, and charges the above-named defendant, MATTHEW T SHEA, with the following crime(s): CARRYING FIREARMS -- PISTOL IN VEHICLE, which the plaintiff alleges to have been committed as follows:

COUNT 1:

That the Defendant, MATTHEW T SHEA, DOB [REDACTED] in the City of Spokane, Washington, on or about 11/23/2011, in the vicinity of DOWNTOWN SPOKANE ON MONROE FROM MAIN-14TH, did knowingly carry or place a loaded pistol in a vehicle without a license to carry a concealed pistol and the defendant was within the vehicle at all times that the pistol was there; contrary to Spokane Municipal Code Section 10.11.042, Ordinance Number C34041 Section 1.

I certify under penalties of perjury that I have reasonable grounds to and do believe that the above person committed the above offense(s) contrary to law.

DATED this 20<sup>th</sup> day of December, 2011.



Mary Muramatsu, WSBA 37751  
Assistant City Prosecutor

COMPLAINT - 1

Mary F. Muramatsu  
City Prosecutor  
909 W. Mallon  
Spokane, Washington 99201  
(509) 835-5988 Telephone  
(509) 835-5927 Facsimile

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FILED

DEC 27 2011

SPOKANE MUNICIPAL COURT

FILED

DEC 20 2011

SPOKANE MUNICIPAL COURT

IN THE MUNICIPAL COURT OF SPOKANE  
COUNTY OF SPOKANE  
STATE OF WASHINGTON

CITY OF SPOKANE,  
Plaintiff,

vs.

MATTHEW T SHEA  
Defendant.

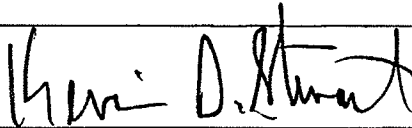
No: P11011266

**DETERMINATION OF  
PROBABLE CAUSE**

Police Report: 1100364413

NOW ON THIS 20 day of December, 2011, the Court reviewed the foregoing  
Prosecutor Complaint including all police reports and statements of probable cause and other  
supporting documentation attached hereto, and makes the following ruling with respect to the  
establishment of probable cause:

- The Court finds that probable cause EXISTS to support the each of the charges in the above complaint.
- The Court finds that probable cause DOES NOT EXIST to support the complaint for the following reasons:

  
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JUDGE/COMMISSIONER

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DEC 27 2011

SPOKANE MUNICIPAL COURT

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DEC 20 2011

SPOKANEMUNICIPALCOURT

IN THE MUNICIPAL COURT OF SPOKANE  
COUNTY OF SPOKANE  
STATE OF WASHINGTON

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<p>CITY OF SPOKANE, Plaintiff, vs. MATTHEW T SHEA, Defendant.</p>	<p>No: P11011266  SUMMONS</p>
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TO THE ABOVE-NAMED DEFENDANT, MATTHEW T SHEA, you are hereby notified, summoned and required to appear before the above-entitled Court on **January 17, 2012 at 1:30 PM, in the Annex - Courtroom C, Superior Court Annex Building**, to answer the attached Complaint and be dealt with according to law. Failure to appear as commanded may result in the issuance of a warrant for your arrest.

If this date is inconvenient you may request a continuance of this case at the Clerk's Office which is located on the First floor of the Public Safety Building, West 1100 Mallon, and is open Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding holidays.

Given under my hand at Spokane, Washington, this 20 day of December, 2011.



JUDGE/COMMISSIONER

DOB: [REDACTED]	Race: White or Caucasian
Ht: 6'03"	Wt: 190
Hair: BLN	Eyes: BLU
IDENT #:	LIC #:
FBI #:	SID #:

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STATE OF WASHINGTON )  
 ) ss.  
City of Spokane )

**FILED**

DEC 27 2011

SPOKANE MUNICIPAL COURT

RETURN OF SERVICE

I hereby certify that I served a copy of the foregoing Summons with Complaint attached on the above-named defendant by depositing the same in an official depository of the United States Postal Service in a sealed envelope, postage prepaid, addressed as follows:

MATTHEW T SHEA  
[REDACTED] ELLIOTT RD  
MEAD, WA 99021-7721

On this 27<sup>th</sup> day of Dec, 2011.

*Lmm*  
CLERK

# INCIDENT REPORT

## Spokane Police/Spokane County Sheriff

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER		INCIDENT NUMBER <b>11-364413</b>	
INCIDENT TYPE <b>Gun Involved, Information</b>		INCIDENT CLASSIFICATION #1 <b>WPN-UNLAW POSS</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2 <input type="checkbox"/>
		INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4 <input type="checkbox"/>
		RESPONDING TO (Officer Assault)		ASSIGNMENT (Officer Assault)	
REPORTED ON <b>Wed 11/23/2011 11:49</b>	DATE/TIME	OCCURRED ON <b>Wed 11/23/2011 11:49</b>	DATE/TIME	OCCURRED TO <b>Wed 11/23/2011 11:55</b>	DISTRICT
DISPATCH TIME	ARRIVED TIME	CLEARED TIME		REPORT DATE <b>11/23/2011</b>	REPORT TIME <b>18:12</b>
PRIMARY CHARGE					EST. TOTAL PROPERTY LOSS
LOCATION OF INCIDENT <b>downtown spokane, Spokane, WA 99201</b>					LOCATION NAME (IF APPLICABLE)
SOLVABILITY FACTORS <b>Suspect Can Be Located, Suspect Named</b>					
RELATED INCIDENT NUMBERS					INCIDENT XREF
ADDITIONAL REPORTING OFFICERS <b>RO Gobble</b>					
<b>SUSPECTS</b> <small>(Institutional - OW - Owner of Property - M - Missing - MIR - Person Mentioned - O - Other - PC - Person - C - Victim - PE - Person - D - Driver - V - Victim - W - Witness - A - Arrested Person - C - Complainant - GV - Complainant's Victim - CON - Contact - G - Legal Guardian - V - Victim - Individual - P - Passenger - RW - Runaway - S - Suspect - RC - Registered Owner - VB - Victim's Business)</small>					
CODE <b>S-1</b>	NAME: LAST, FIRST, MIDDLE <b>Shea, Matthew T</b>			SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
				DATE OF BIRTH/AGE <b>37</b>	
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY, STATE ZIP <b>Elliott Road, Mead, WA 99021</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL ADDRESS <b>4th, Spokane, WA 99216</b>					ADDRESS TYPE <b>Home</b>
ADDITIONAL PHONES					
<b>VICTIM/WITNESSES/OTHERS</b> <small>(Institutional - OW - Owner of Property - M - Missing - MIR - Person Mentioned - O - Other - PC - Person - C - Victim - PE - Person - D - Driver - V - Victim - W - Witness - A - Arrested Person - C - Complainant - GV - Complainant's Victim - CON - Contact - G - Legal Guardian - V - Victim - Individual - P - Passenger - RW - Runaway - S - Suspect - RC - Registered Owner - VB - Victim's Business)</small>					
CODE <b>W-1</b>	NAME: LAST, FIRST, MIDDLE <b>Jasper, Donna A</b>			SEX <b>F</b>	RACE/ETHNICITY <b>W-White</b>
				DATE OF BIRTH/AGE <b>45</b>	
HEIGHT	WEIGHT	BUILD	HAIR	EYES	DESCRIPTORS
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP <b>Adams Street, Spokane, WA 99205</b>			RESIDENTIAL STATUS	PHONE
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS				OCCUPATION	EMPLOYER PHONE
ADDITIONAL PHONES					

ID NO./NAME OF REPORTING OFFICER <b>#616 - Kennedy, Stephanie</b>		DISTRIBUTION
APPROVAL <b>#326 - Anderson, Jon</b>	DATE/TIME <b>11/24/2011 01:16</b>	

**INCIDENT REPORT CONTINUED**  
**Spokane Police/Spokane County Sheriff**

INCIDENT CLASSIFICATION <b>WPN-UNLAW POSS</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT NUMBER <b>11-364413</b>	
CODE <b>V-1</b>	NAME: LAST, FIRST, MIDDLE <b>Norris, Leroy W</b>		SEX <b>M</b>	RACE/ETHNICITY <b>W-White</b>
HEIGHT	WEIGHT	BUILD	HAIR	DATE OF BIRTH/AGE [REDACTED] <b>50</b>
CONFIDENTIALITY <input type="checkbox"/>	ADDRESS: STREET, CITY STATE ZIP [REDACTED] <b>53rd Avenue</b> [REDACTED] <b>Spokane, WA 99223</b>		RESIDENTIAL STATUS	PHONE [REDACTED]
PLACE OF EMPLOYMENT/SCHOOL/ADDRESS		OCCUPATION		EMPLOYER PHONE
ADDITIONAL ADDRESSES [REDACTED] <b>51st</b> [REDACTED] <b>Spokane, WA 99223</b>			ADDRESS TYPE <b>Home</b>	
ADDITIONAL PHONES [REDACTED]				
<b>NARRATIVE</b>				

On 11-23-11 at approx. 1500 hrs, I was contacted by Lt. Torok to investigate a General Broadcast which was entered earlier today at approx. 1149 hrs.

The General Broadcast was indicating a road rage type of situation, which ended up in one of the drivers displaying a handgun.

I first spoke to witness Donna Jasper. I contacted Donna at her home [REDACTED] Adams at 1518 hrs.

Donna told me she was s/b on Monroe from the Monroe St. Bridge, approaching the intersection at Main. She noticed a green Chevy Lumina driving aggressively. When the light turned green, the Chevy Lumina started driving in and out of traffic. Donna said the Lumina was on the far west side of Monroe and darted to the far east lanes of traffic. Donna heard horn honking and the Lumina continue to swerve in and out of traffic.

At approx. Sprague/Monroe, Donna said the Lumina became, "horribly aggressive like nothing I've ever seen". She referred to it as, "Mario Cart Days". The Lumina would slow then speed up, slow then speed up again. Donna said the driver never ran any red lights or stop signs, but was driving at a high rate of speed.

Donna said, she was attempting to get on the freeway just south of 3rd, but decided to follow the Lumina to get the license plate, [REDACTED]. While waiting at 4th/Monroe, she did see the w/m driver on the cell phone. When the light turned, the Lumina sped away then slowed one more time, then took off at what she guesses was approx. 60 mph.

Donna said, the Lumina continued to 29th then turned e/b on 29th where she lost sight of the vehicle.

I asked Donna if anyone was following the Lumina, she told me not that she knew of, as she was the closest to the Lumina as it sped away. Donna did however mention the Lumina almost hitting a

# INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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INCIDENT CLASSIFICATION

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green pickup in the area of Monroe/Riverside. I asked Donna if she saw anything that led up to the Lumina driving, "horribly aggressive". Donna told me no, but does recall horns being honked toward the beginning of the incident.

Donna believed the driving to be unprovoked.

At 1540 hrs I called Matt Shea, I left a message and at 1618 hrs he returned my phone call. At 1625 hrs, I responded to [REDACTED] W. College, Matt's work place to take his statement about what occurred. It appeared at this time, Matt was the victim of the road rage situation and I wanted to get his witness statement.

Matt told me approx. 1 year ago, his wife was driving on the freeway and had the back passenger window shot out. Matt indicated he thought the car being shot at was a retaliation offense due to what he does for a living. He told me that was his first thought about today's incident.

Matt told me he was south on Monroe in his PU. Matt said, "I may have cut someone off, but I'm not sure", at the Y portion of Monroe/Main.

This statement was odd, because I didn't ask that question.

Matt heard a horn being honked from the Lumina, but really didn't pay much attention. As they continued south the Lumina went to the far right lanes of travel. All of a sudden the Lumina came across all four lanes of travel and made a, "beeline", straight for his PU. Matt thought he was being targeted again because of what he does for a living.

Matt said he had to take severe evasive maneuvers to avoid a collision and doesn't know how he missed other vehicles. Matt pointed his finger at the Lumina driver and mouthed at him, "I'm reporting you". Matt did believe the driver understood what he was saying.

At this point they are still south and the Lumina slowed to 2 to 3 miles per hour. The Lumina continued to slow then speed up until 4th/Monroe. Matt said the Lumina slammed on its brakes then took off s/b at a high rate of speed. Matt got the license plate of [REDACTED] Matt followed the Lumina to 14th, where he lost sight of it s/b.

Still thinking Matt is the victim, I asked him if he has any weapons for his and his wife's safety. Matt told me he was in the Military and collects guns, but let his concealed weapons permit expire years ago.

I asked Matt if he had any guns on him, he said, "no". I asked Matt if he had a gun in his truck, he said, "yes". I asked him if he got the gun out during this incident, he told me, "yes, but not until he was way in front of me, and I only put it on the seat". When Matt said, "way in front of me", he was

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Spokane Police/Spokane County Sheriff

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indicating up the Monroe St. Hill south of the hospital.

I asked him how he got his handgun out during the incident, he said from the glove box. I asked him if there was any way someone could have seen the gun from him doing this. Matt said, "yeah, I guess so". Matt then showed me physically the action that took place as he pulled the gun from the glove box. Matt leaned forward and diagonal as if reaching in the glove box, which is consistent with his statement. When he showed me the action of placing it on the seat he showed me a half circular motion which would have placed his hand above the door, which would exhibit and or display the gun to whomever was looking in the cab of his pu.

Matt asked me if I wanted to see his gun, and in fact, indicating it was in his truck at that particular time. At this time, I didn't feel the need to examine the gun, due to the fact Matt appeared truthful and willing to cooperate, and was honest about having the gun in his truck during the incident and pulling it out during the incident.

Matt then asked me about the concealed gun carry law. I looked it up in the current 2011 Pocket Guide to Washington Criminal Laws on page 14, 9.41.050. I read it, then let Matt read it for himself. After, we verbally discussed having a loaded hand gun in his vehicle, with no concealed weapon's permit and how Matt was in violation of this law. Matt never once disputed the violation. He became fearful in the face and had a hard time talking after discussing the violation. His mouth became very dry, (cotton mouth), as we discussed it further. It was obvious he was nervous, and when he shook my hand after the interview his hand was clammy with sweat, which confirmed my impression of him being nervous/fearful.

I told Matt I still needed to talk to the driver of the Lumina then would pass this information onto Lt. Torok. I also wrote down Lt. Torok and my name and # for him.

At 1705 hrs, I contacted the driver of the Lumina, Leroy Norris at his home [REDACTED] 51st #B109.

Leroy told me his statement of what occurred. He told me he was s/b Monroe crossing the bridge at Main. A green pu cut him off which he had to, "slam on the brakes", to avoid the collision. Leroy told me he honked his horn at the pu. Leroy said there was some aggressive lane changes between the both of them, and the pu driver, (Matt) flipped him off.

As they continued south, Matt was now behind Leroy and as Leroy looked in his rear view mirror he saw Matt pointed his finger at him as if it was a gun. Leroy said, Matt moved his thumb as if it was a hammer on a gun, while pointing his index finger at him.

Leroy said, "I was mad", and, "I flipped him off right back". Matt then pulled along side Leroy and reached behind the front passenger seat. Leroy said he made a large swooping motion over the top of the seat, which is when he saw the gun.

# INCIDENT REPORT CONTINUED

Spokane Police/Spokane County Sheriff

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Leroy told me he knew it was a gun and immediately identified it as being so. Leroy described the gun as being a, "black semi-automatic". Leroy then told me he has been around guns most of his life.

Leroy told me, "I freaked out". He explained to me how he thought people around him would think he was crazy, but they didn't see what he saw. Leroy told me he was driving, "crazy". After he saw the gun, he just wanted to get away. He told me he was slowing then speeding up with traffic in an attempt to get away from and maneuver around Matt. When Leroy got to approx. 4th Ave, he called police to report what was happening.

Leroy told me he was not only afraid, but was afraid for his life. Leroy went on to say, "the only thing I could think of was to speed up then slam on my brakes to get the guy to rear end me so I could take his car out of commission. I would have taken off, I hate to hit and run someone, but I was going to call right after where I knew it was safe".

Leroy said he was not driving erratically after, but was speeding as he usually does. Leroy continued south as he watched Matt turn east onto 14th.

After interviewing everyone involved it would appear Donna's statement and Leroy's statement are fairly consistent, taking away the fact Donna didn't see what lead up to the incident, but did hear as horns were being honked between Matt and Leroy.

Donna states that Leroy was on the phone around 4th, which is consistent with Leroy calling us. Leroy's statement to 911 and to me were also consistent with no change.

Leroy said the only reason he was driving this aggressive and erratic was to get away from the guy who was chasing him with a gun.

At this point if Matt was so afraid he was being targeted or attacked, my questions rise when he continued to follow the Lumina at a high rate of speed up to 14th and Monroe, after getting the Lumina's plate at 4th/Monroe.

At this time, PC does not exist for Leroy's reckless driving as it shows he was attempting to get away to a place in which he felt safe.

At this time, PC does exist for Matt Unlawfully Carrying a Firearm. That statute clearly reads; A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol, and the pistol is on the licensee's person. The licensee is within the vehicle at all times that the pistol is there, or the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside of the vehicle.

**INCIDENT REPORT CONTINUED**  
**Spokane Police/Spokane County Sheriff**

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There is also PC for Weapons apparently capable of producing bodily harm-Unlawful Carrying or Handling due to the fact that, it shall be unlawful for any person to carry, exhibit, display, or draw a firearm that warrants alarm for the safety of other persons, which is clearly shown by Leroy's thought process and his desire to get away quickly and safely.

It should be noted Lt. Torok was updated and advised of the situation throughout the investigation. A PC Affidavit will be completed and attached to this report.

See Reserve Officer N. Gobble's report for more information.

# SUPPLEMENTAL REPORT

**Spokane Police/Spokane County Sheriff**

AGENCY NAME/SUBSTATION <b>SPD</b>		EVIDENCE NUMBER	INCIDENT NUMBER <b>11-364413</b>	
REPORT PURPOSE			REPORTED ON DATE <b>Wed 11/23/2011</b>	TIME <b>11:49</b>
INCIDENT CLASSIFICATION #1 <b>WPN-UNLAW POSS</b>		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #2	
INCIDENT CLASSIFICATION #3		ATTEMPTED <input type="checkbox"/>	INCIDENT CLASSIFICATION #4	
DISPATCH TIME	ARRIVED TIME	CLEARED TIME	REPORT DATE <b>11/25/2011</b>	REPORT TIME <b>14:27</b>
PRIMARY CHARGE				UCR/NIBRS CODE
<b>NARRATIVE</b>				

As previously reported I had left a voicemail for Shea on 11-23-11. On 11-24-11 at 1019 hours I received a phone call from [REDACTED] the caller identified himself as Matt Shea.

Shea acknowledged receiving my message late on 11-23-11, but was unsure if I would still be working so he waited to call back today.

I told Shea that I just wanted to touch bases with him and explain what was going to happen. I explained to him that Ofc. Kennedy had developed probable cause to refer charges to the prosecutor's office on him. The charges stemmed from the carrying of the firearm in the vehicle and also the unlawful carrying or handling of weapons apparently capable of producing bodily harm. I knew that Ofc. Kennedy had reviewed with Shea the particular section that he was in violation of. I told him the second charge falls under RCW 9.41.270. I asked him if he was familiar with it and he responded something to the effect of, "apparently not enough."

Shea seemed surprised that the charges were on him. He asked what about the guy that had tried to hit his vehicle.

I told him that the other driver admitted to getting into a road rage type issue with him downtown. He admitted to flipping him off. However, he said that he did not start driving recklessly until he saw Shea with the gun. The other driver said he was trying to get away from him.

I confirmed that Shea did not have a CPL. He said that he thinks that it expired. I did say that at least part of this could have been avoided if that license was current.

Shea told me that what I was telling him now was different then what Ofc. Kennedy had told him the previous night. I told Shea that I did not have the report in fronting of me and really could not debate the merits of the case.

Shea responded that he was not trying to debate the case. Shea was very courteous and respectful during our conversation.

Shea did inquire as to what the other witness saw. I told him that she reported the man was driving recklessly S/B on Monroe from downtown. I told him that this was apparently after the gun was seen.

I knew that Shea was a lawyer and asked him if he practiced civil or criminal law. I wanted to know how much detail that I would need to provide to him in regards to the referral of charges and the process.

Shea told me that he mostly practiced civil law.

I explained that his case had been referred to the City Prosecutor's Office with an affidavit requesting two charges. I further explained that it would be up to the prosecutor's office to

ID NO./NAME OF REPORTING OFFICER <b>#242 - Torok, Dan</b>		DISTRIBUTION
APPROVAL <b>#242 - Torok, Dan</b>	DATE/TIME <b>11/25/2011 14:49</b>	

# SUPPLEMENTAL REPORT CONTINUED

*Spokane Police/Spokane County Sheriff*

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determine if they were going to pursue the charges.

I speculated that it would be either Mary Muramatsu or Michael Reinken that would review the case. I encouraged him to touch base with one of them in order to determine if the case was going to be pursued. I did provide him phone numbers to both prosecutors.

Our conversation lasted just a little less than 7 minutes.

Lt. Dan Torok #242

3rd Patrol

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SPOKANE POLICE RECORDS

2011 NOV 25 PM 10 42

**SPOKANE POLICE DEPARTMENT  
CHARGING REQUEST AND WITNESS LIST  
Municipal Court City of Spokane**

DATE: 11-23-2011

REPORT NUMBER: 11-364413

CHARGES REQUESTED: Count 1-Unlawful Carry of Firearms  
Count 2-Weapons Apparently Capable of Producing  
Bodily Harm-Unlawful Carrying or Handling

DEFENDANT(S): Shea, Matthew T  
DOB: [REDACTED]

STATUS: Misd. Summons Request

VICTIM(S): Norris, Leroy W DOB: [REDACTED]  
DATE/TIME OF CRIME: 11-23-2011 11:49 hrs  
LOCATION OF CRIME: Downtown Spokane on Monroe from Main-14th  
INVESTIGATOR: S. Kennedy #616

APPROVED BY: *S. Kennedy*

WITNESSES	ADDRESS	PHONE #
Donna Jasper	[REDACTED] Adams	[REDACTED]
Leroy Norris	[REDACTED] 51 <sup>st</sup> #B109	[REDACTED]
S. Kennedy #616	1100 W. Mallon	2428400ext20616

EVIDENCE CONSISTS OF: Statements

SUBMITTED TO PROSECUTORS OFFICE

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**STATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON  
COUNTY OF SPOKANE

REPORTNUMBER: 11-364413

DEFENDANT(S): Shea, Matthew T DOB: [REDACTED]

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The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because:

**Witness Jasper can testify to the following:**

On 11-23-11 at approx. 1149hrs, driving in the downtown area, specifically Monroe/Main. She noticed a green Chevy Lumina driving aggressively. When the light turned green, the Chevy Lumina started driving in and out of traffic. Seeing the Lumina on the far west side of Monroe and then "darting" to the far east lanes of traffic. She heard horns honking then witnessed the Lumina still swerving in and out of traffic.

At approx. Monroe at Sprague the Lumina became, "horribly aggressive". The Lumina would speed up then slow down over and over. She was originally going to get on the interstate but decided to follow the Lumina to get the license plate number [REDACTED]

When she got to Monroe at 4<sup>th</sup> she was directly behind the Lumina and saw the w/m driver on his cell phone. When the light turned green the Lumina took off then slowed quickly then sped off at approx. 60mph. She followed the Lumina to 29<sup>th</sup>, where she lost sight of it.

**Victim Norris can testify to the following:**

On 11-23-11 at approx. 1150 hrs he was south on Monroe at approx. Main when a green pick-up cut him off, which forced him to slam on his brakes to avoid a collision. He honked his horn at the driver of the pick up. Admitting to aggressive lane changes with the pick-up, when the driver of the pick-up (the defendant), flipped him off. Continuing south the green pick-up was now behind him, when he saw the defendant pointing his hand like it was a gun at him, through the rear view mirror. Seeing the defendant fold his thumb down as if it was the hammer of a gun pointing his index finger at him.

Self admitting the anger which stemmed for this action, he flipped the defendant off. The defendant then pulled along side him and reached behind the passenger seat of his pick-up. The defendant made a large swooping motion over the top of the seat, at which time he saw what he believes to be a "black semi-automatic handgun".

He was certain what he saw was a handgun. At this point he "freaked out" and tried to get away from the defendant. He said he knew he was driving "crazy", but had reason to believe his life was in danger and wanted to get away from the defendant. He said he was in and out of traffic slowing and speeding up to avoid the defendant and maneuver around him.

He not only was afraid for his personal safety, but was afraid for his life as he thought he was going to be shot. The only thing he could think of was to slam on his brakes for force a collision with the defendant to make his pickup unable to drive so he could get away.

At approximately Monroe at 4<sup>th</sup>, he called police to report the incident and to advise the defendant had a gun. He finally lost the defendant on Monroe at 14<sup>th</sup>.

**Officer S. Kennedy can testify to the following:**

On 11-23-11 at approx. 1500hrs, being contacted to complete an investigation reference a road rage situation.

Contacting witness, Jasper and victim, Norris for statements.

Contacting the defendant for his statement. It should be noted at this time the defendant was wanting police contact to report the Lumina's behavior. The defendant told me he thought he was being targeted due to his work. On Monroe at Main, he may or may not have cut someone off, (the Lumina). The Lumina honked the horn at him. As they continued south the Lumina went to the far right lanes then made a "beeline" for the front of his car. The defendant had to swerve and take evasive action to avoid a collision, again he thought he was being targeted. The defendant pointed at the w/m driver of the Lumina and mouthed, "I'm reporting you". They continued south and now

between Sprague and 4<sup>th</sup> on Monroe. The defendant admitted to pulling his handgun out of his glove box, and admitted the driver of the Lumina could have seen the gun.

The defendant said the Lumina slowed and sped up over and over. At 4<sup>th</sup> the Lumina took off as he chased the vehicle to get the license plate number ( [REDACTED] )

[REDACTED] The Lumina then slammed on the brakes again up the Monroe St. Hill then took off at a high rate of speed. The defendant stopped chasing the Lumina at 14<sup>th</sup> on Monroe and turned off.

The defendant admitted calling 911 to also report what was happening.

During our conversation, the defendant admitted to letting his concealed weapons permit expire several years ago.

The defendant seemed to be concerned and asked me about the concealed gun carry law. I let the defendant read straight from my current 2011 Pocket Guide to Washington Criminal Laws on page 14. RCW 9.41.050. We verbally discussed the law, and discussed having a loaded hand gun in his vehicle, with no concealed weapons permit, was a violation of the law. The defendant never once disputed the violation and became very nervous and fearful in the face. His mouth became very dry (Cotton Mouth) as we continued to discuss the violation. It was obvious to me he was extremely nervous as when the defendant shook my hand at the end of our contact it was clammy and sweaty. Not the same as our initial hand shake up first contact.

At this time the defendant is in violation of, RCW 9.41.050, the Carrying of Firearms law by the following (in pertinent summary): A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and the pistol is on the licensee's person, the licensee is within the vehicle at all time the pistol is there, or the licensee is away from the vehicle and the pistol is locked within the vehicle and is concealed from view from outside the vehicle.

At this time the defendant is also in violation of, RCW 9.41.270, Weapons Apparently Capable of Producing Bodily Harm-Unlawful Carrying or Handling by the following (in pertinent summary): It shall be unlawful for any person to carry, exhibit, display, or draw any firearm or any other weapon apparently capable of producing bodily harm in a manner under circumstances and at a time and place that warrants alarm for the safety of other persons. This is clearly shown by the victim's belief it was an emergent necessity to avoid and maneuver around the defendant, and attempt to get away from the defendant, in the manner in which he did.

PC does exist for: Count 1-Unlawful Carry of Firearms  
Count 2-Weapons Apparently Capable of Producing  
Bodily Harm-Unlawful Carrying or Handling

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A.72.085)

DATE: 11/25/11 PLACE: SPOKANE, WASHINGTON SIGNATURE: [Signature]