

# WARRANT OF ARREST

IN THE SUPERIOR COURT  
IN THE  
CITY AND COUNTY OF SAN FRANCISCO  
STATE OF CALIFORNIA

(2001311)

The People of the State of California to any peace officer of this State:

COMPLAINT upon oath having this day been laid before me that the offense of MISDEMEANOR, to-wit:

Violating Sec. 273.5(a), 273a(b), 136.1(b)(1) PENAL CODE  
accusing ROSS MIRKARIMI

thereof, you are therefore commanded forthwith to arrest the above named defendant and bring same before the Superior Court in the City and County of San Francisco of California, at the Hall of Justice, San Francisco, California.

The defendant is to be admitted to bail in the sum of \$35,000.00

This warrant may be served day or night.

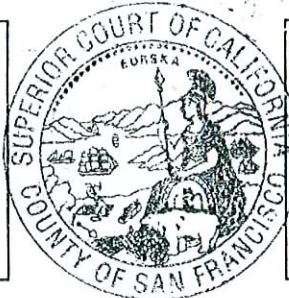
Witness my hand and the seal of said court

JANUARY 13, 2012, 20

*Richard A. Kramer*  
Judge of the Superior Court in the City and County of San Francisco  
RICHARD A. KRAMER

WHEN BAIL DEPOSITED INSTRUCT DEFENDANT  
APPEAR 9:30 A.M., ROOM 201 HALL OF JUSTICE,  
SAN FRANCISCO, ON

....., 20.....  
(Within 10 days after admittance to bail.)



RETURN THIS WARRANT WITH  
BAIL DEPOSIT TO CLERK SUPERIOR COURT, ROOM 201 HALL OF  
JUSTICE, SAN FRANCISCO.

SUPERIOR COURT  
City and County of San Francisco

**Name of Complainant**

INSPECTOR DANIELE

**WARRANT**

THE PEOPLE

vs.

ROSS MIRKARIMI

STATE OF CALIFORNIA  
City and County of San Francisco  
To the Honorable Superior Court of  
the City and County of  
San Francisco.

I, the undersigned Police Officer, do hereby make this my  
return to this warrant, and do hereby certify that I have  
executed and served this warrant by arresting the within  
named defendant this ..... day  
of....., A.D. **20**  
who at the time of arrest declares h.....  
true name to be.....  
.....  
and I do herewith bring said defendant before the Honor-  
able the Superior Court as commanded in this warrant.

1/13/12  
Zelmu  
CS#1

.....  
Police Officer  
of the City and County of San Francisco.

Assigned to Dept.....

GEORGE GASCÓN, SB#182345  
District Attorney  
San Francisco District Attorney's Office  
850 Bryant Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103  
Telephone: (415) 553-1752

FILED AND ENTERED  
COUNTY  
COURT

2012 JAN 17 AM 9:50

CLERK OF THE COURT  
BY: mmms D17  
DEPUTY CLERK

M19

ATTORNEYS FOR THE PEOPLE

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

THE PEOPLE OF THE STATE OF CALIFORNIA  
Plaintiff,

v.

ROSS MIRKARIMI  
Defendant.

DOMESTIC VIOLENCE  
MISDEMEANOR COMPLAINT  
ARREST WARRANT

CASE NUMBER:

12001311

The Undersigned, being sworn says, on information and belief, that:

COUNT: I ✓

The said defendant, ROSS MIRKARIMI, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2011, commit the crime of DOMESTIC VIOLENCE, to wit: Violating Section **273.5(a)** of the Penal Code, a Misdemeanor, in that the said defendant did willfully and unlawfully inflict a corporal injury resulting in a traumatic condition upon ELIANA L, who was a spouse, former spouse, cohabitant, former cohabitant, or parent of defendant's child.

COUNT: II ✓

The said defendant, ROSS MIRKARIMI, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2011, commit the crime of ABUSING OR ENDANGERING THE HEALTH OF A CHILD, to wit: Violating Section **273a(b)** of the California Penal Code, a Misdemeanor, in that the said defendant was the person having the care and custody of THEO M, a child of 2 years, who, under circumstances and conditions other than those likely to produce great bodily harm and death, did willfully and unlawfully cause and permit the person and health of such child to be endangered.

DAW # 48084M1



COUNT: III

The said defendant, ROSS MIRKARIMI, did in the City and County of San Francisco, State of California, between the 31st day of December, 2011 through the 4th day of January, 2012, both days inclusive, commit the crime of DISSUADING A WITNESS FROM REPORTING A CRIME, to wit: Violating Section **136.1(b)(1)** of the Penal Code, a Misdemeanor, in that the said defendant did willfully and unlawfully attempt to prevent and dissuade ELIANA L, a victim and a witness of a crime, from making a report of such victimization to a peace officer, state and local law enforcement officer, probation, parole, and correctional officer, prosecuting agency, and judge.

Pursuant to Penal Code sections 1054 through 1054.7, the People request that, within fifteen (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.

MARSY'S LAW

Information contained in the reports being distributed as discovery in this case may contain confidential information protected by Marsy's Law and the amendments to the California Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be free from intimidation, harassment, and abuse. It is unlawful for defendant(s), defense counsel, and any other person acting on behalf of the defendant(s) to use any information contained in the reports to locate or harass any victim(s) or the victim(s)'s family or to disclose any information that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor violation of California Penal Code § 1054.2(a)(3) to disclose the address and telephone number of a victim or witness to a defendant, defendant's family member or anyone else. Note exceptions in California Penal Code § 1054.2(a)(2).

**AFFIDAVIT ATTACHED HERETO AND INCORPORATED HEREIN SETS FORTH THE UNDERLYING FACTS ESTABLISHING PROBABLE CAUSE FOR THE ARREST OF THE DEFENDANT NAMED IN THIS COMPLAINT.**

I state, declare, verify and certify under the penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on January 13, 2012.

/jj

INSPECTOR DANIELE

2 INSPECTOR PIERRE MARTINEZ  
TD. [Signature]

**AN AFFIDAVIT IN SUPPORT OF**  
**ISSUANCE OF WARRANT OF ARREST**

The undersigned hereby declares, upon information and belief: **That he is an Inspector of Police assigned to the San Francisco Police Department [Domestic Violence Response Unit].** That a complaint charging ROSS MIRKARIMI, defendant, with **136.1 ( b ) (1) P.C. Misdemeanor, 273.5 P.C. Misdemeanor and 273 a (b) P.C. Misdemeanor of the California Penal Code** has been issued and is filed here with the Clerk of the Court. That said defendant committed said offenses in the manner and means set forth and described in the following Affidavit here in the City and County of San Francisco.

My name is Richard Daniele, I am an Inspector with the San Francisco Police Department. I am currently assigned to the Domestic Violence Response Unit. I have been assigned to this investigative unit for five years. I have been a police officer in the same city for over thirty years. I have been assigned to the Patrol Division, and currently assigned to the Bureau of Investigations for thirteen years. I have investigated numerous cases involving domestic violence.

On January 4, 2012 Inspector Keane # 948 was working office duty at the San Francisco Police Department Special Victims Unit - Domestic Violence division. A female caller called the Special Victims Unit - Domestic Violence Division to inquire about general domestic violence issues. Upon further inquiry, Inspector Keane # 948 discovered that the alleged victim of domestic violence was Eliana Lopez, the wife of Ross Mirkarimi, and the alleged suspected was Ross Mirkarimi. The female caller (reportee) is a neighbor of Ross and Eliana Mirkarimi. The reportee told Inspector Keane #948 that she recently spoke to the victim and the victim told her that on December 31, 2011 she was a victim a domestic violence and that she sustained a bruise to her upper right arm when Ross Mirkarimi grabbed the victim. The reportee told Inspector Keane #948 that she had video taped the victims injury. I was contacted about this case and started an investigation.

Inspector Becker # 564 and I went to reportees address to meet with the reportee. When we arrived, we rang the doorbell and a few moments later the



front door opened and the victim walked outside. The reportee was standing in her doorway. The victim started to walk down a flight of stairs to the residence. Inspector Becker # 564 called the victim by her first name Eliana and identified himself and me as Police Inspectors and asked to talk to her. The victim looked at us and pointed to the reportee. The victim told us to talk to the reportee because she is the one who called the police.

At this time, Inspector Becker # 564 and I went into the reportee's residence and interviewed the reportee. The reportee stated, on the morning of January 1, 2012, the victim came over to her residence and showed her a large bruise on her right arm by her bicep. The victim was crying and told the reportee that Ross Mirkarimi, her husband, grabbed her right arm causing a bruise.

The reportee explained to us that she video taped the victim's injury. The reportee also said she had been conversing with the victim through text messages and e-mails. The reportee told us we could not have the video tape or the text messages unless we obtained a court order.

A search warrant was obtained and served on the reportee. We took custody of her video camera and her cell phone for this investigation. A receipt was left with the reportee for her video camera and cell phone. The reportee sent the e-mails to Inspector Becker # 564 for this investigation.

Inspector Becker # 564 and I met with the Forensic Video Unit. We reviewed the video and it showed the victim crying and pointing to her right arm pointing out a bruise on the area of her right bicep. The victim stated "This happened yesterday. Two times in 2011 and this is the second time this is happening. I told Ross I want to work on the marriage, we need help, I been telling him we need help and I'm going to use this just in case he wants to take Theo away from me because he did said that he is very powerful and can do it".

I contacted the victim on January 5, 2012 by telephone. The victim told me she was very well and doing fine but declined an interview and asked me to speak to her attorney, Cheryl Wallace. I contacted Ms Wallace by telephone, I left a message for Ms. Wallace. Ms. Wallace phoned me back and told me she wasn't going to let the victim talk to me.

I applied for an emergency protective order with Judge Cheng who declined my request at this time.

I attempted to interview Ross Mirkarimi about this incident on four different occasions through his attorney Robert Waggener. On January 6, 2012, I was told I could not interview Ross Mirkarimi per Robert Waggener.

On January 11, 2012, ADA Roland and DAI Kloss conducted a follow up interview with the reportee. I reviewed the transcript of that interview. In this interview the reportee stated that within a minute of the victim entering the house on 01/01/12, she immediately broke down into tears and gave a free flowing narrative of the domestic violence assault on December 31, 2011.

During this interview it was stated by the reportee that the victim told her on December 31, 2011, she, her son and Ross Mirkarimi were traveling to a restaurant for lunch. While driving to the restaurant the victim asked Ross Mirkarimi if it would be okay after the Inauguration if she went to visit her family in Venezuela. The victim stated Ross Mirkarimi started to scream "fuck you, fuck you, you are trying to take Theo away from me". The victim stated Ross Mirkarimi turned the car around and said he wasn't taking them to eat. The victim stated Ross Mirkarimi stated something to the effect that she didn't deserve to eat. The reportee asked the victim if this was done in front of Theo. The victim stated Theo was sitting in the backseat while Ross Mirkarimi telling her that she was trying to take Theo away from him and said "fuck you".

The reportee stated the victim told her that she, Theo, and Ross Mirkarimi arrived home and went inside. The fight continued and became louder and Ross Mirkarimi continued to be verbally abusive and physically abusive. The victim told reportee that the incident involved "pushing, pulling and grabbing" by Ross Mirkarimi. The victim told reportee that their son was present during this altercation and victim was telling Ross Mirkarimi, "look what this is doing to our son, look what you are doing to our son, please stop."

The victim then ran out of the house and into the street screaming "do you want me to call Police." The victim also stated Theo was also outside screaming and crying and this is when Ross Mirkarimi said "no, no, no, no, no, no, no, no, uh, sorry, sorry, please come back in the house, please come back in the house".



While the victim was talking to the reportee, the victim's phone rang. The victim said it was her husband. The victim then told the reportee that she left while Ross Mirkarimi was in the shower, that he did not know she was at the reportee's house. The victim told reportee that Ross Mirkarimi didn't want her to leave the house and told the victim not to tell anybody. The victim told Ross Mirkarimi "I'm going to tell people and I'm going to leave the house and then he looked scared."

On January 12, 2012, DAI Irvine and DAI Kloss were conducting a neighborhood canvass and made contact with another neighbor (witness). I reviewed the Report of Interview/Investigation that was prepared by DAI Kloss and DAI Irvine. The Report indicates that the witness told DAI that on January 4, 2012, she saw the victim. The victim told the witness about a fight on 12/31/11 between the victim and Ross Mirkarimi. The victim told the witness that this was the second time that Ross Mirkarimi had been physically abusive in the last year, with the last time occurring in March. The witness said that she can sometimes hear "mumbling" and "fighting" from the victim's residence but nothing that caused her to worry or fear for the victim or the son's safety. The witness recalled at least once the past year hearing Ross Mirkarimi yell, "get the fuck out!"

The witness said that during the conversation, Ross Mirkarimi came home and saw them talking. Ross Mirkarimi told the victim to come in when she done. The witness said that the victim told her that Ross Mirkarimi was scared that the victim was going to talk and tell what happened. The witness said that the victim told her she wasn't sure what to do and that Ross Mirkarimi had told the victim that he was a powerful man.

The victim showed the witness a bruise on the inside of the victim's upper right arm. It was brown in color and was "pretty big". It appeared to the witness to be a hand mark or finger marks. The witness did not see any other injuries or marks on the victim.

The witness said that the victim described what happened on December 31, 2011 as Ross Mirkarimi "going ballistic"; that he started yelling while they were in the car going to lunch. The victim further told the witness that they returned home and went inside. At some point, the victim locked Ross Mirkarimi outside and the victim said she was going to call the police. At some point, Ross Mirkarimi grabbed the victim's arm and that's how the



bruise happened. The witness said that the victim told her that she was hoping the witness would hear her on the date of the incident.

The witness said that the victim told her that the son saw what happened and that the son told the victim "Daddy made boo-boo on mommy's arm." At that point, the victim again pointed to the inside of her arm.

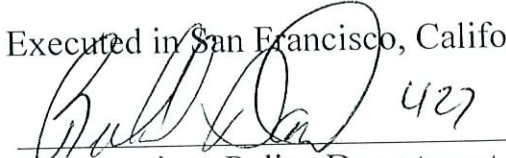
That said Affidavit was prepared in the ordinary course of business and pursuant to the sworn duty of the officer subscribing same, and he declares believes the contents there of to be true.

The undersigned further states and declares, that as part of this application for an arrest warrant, he has disclosed and provided to the Office of the District Attorney and the court reviewing this declaration all known material facts, whether favorable or unfavorable, including all information which may be exculpatory as part of the declaration in support of issuance of this arrest warrant.

Based on the foregoing declaration, I believe that there is probable cause to believed that Ross Mirkarimi has committed the following act **136.1 ( b ) (1) P.C. Misdemeanor, 273.5 P.C. Misdemeanor and 273 a (b) P.C. Misdemeanor of the California Penal Code** which is a violation, in San Francisco described above and request that an arrest warrant be issued, commanding the immediate arrest of Ross Mirkarimi.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Francisco, California, on January 13 2012.

  
San Francisco Police Department  
Inspector Richard Daniele # 427