LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

X FELONY / MISDEMEANOR	AGENCY NAME: LASD - INTERNAL CRIMINAL	DA CASE NO. 43568020	DATE 07/14/2023
	AGENCY FILE NO. (DR OR URN): 920-00011-2003-441	DA OFFICE CODE: J.S.I.D. #20-0226R	VICTIM ASSISTANCE REFERRAL: ☐ YES – NOTIFY VWAP ☒ NO

SUSP NO.	SUSPECT	CHARGES: CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)): ROBLEDO, BRAULIO	PC	211	01/02/2020	B
	DOB:	SEX (M/F): [redacted]	BOOKING NO.:	VIP -- Yes X No	
	___ Gang Member Name of Gang:			___ Victim Gang Member Name of Gang:	
	Victim Name:			Victim DOB:	
2	NAME (LAST, FIRST MIDDLE)):				
	DOB:	SEX (M/F):	BOOKING NO.:	VIP -- Yes -- No	
	___ Gang Member Name of Gang:			___ Victim Gang Member Name of Gang:	
	Victim Name:			Victim DOB:	
3	NAME (LAST, FIRST MIDDLE)):				
	DOB:	SEX (M/F):	BOOKING NO.:	VIP -- Yes -- No	
	___ Gang Member Name of Gang:			___ Victim Gang Member Name of Gang:	
	Victim Name:			Victim DOB:	

Comments

SEE ATTACHED.

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
SAEED TEYMOURI/map		249495	

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): SGT. ALFREDO SALAZAR JR FILING OFFICER (SIGNATURE): mailed 7/18/23 SERIAL #: 451507

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)			
A. Lack of Corpus	D. Victim Unavailable/Declines To Testify	H. Other (indicate the reason in Comments section)	L. Prosecutor Prefiling Deferral
B. Lack of Sufficient Evidence	E. Witness Unavailable/Declines to Testify	I. Referred to Non-California Jurisdiction	DISTRICT ATTORNEY'S REASON CODES
C. Inadmissible Search/Seizure	F. Combined with Other Counts/Cases	J. Deferred for Revocation of Parole	M. Probation Violation filed in lieu of
	G. Interest of Justice	K. Further Investigation	N. Referred to City Attorney for Misdemeanor Consideration

LASD-000024 RELEASE DATE: 7/29/2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Department (LASD) Deputy Braulio Robledo, Serial #503648, committed the crime of Robbery in violation of Penal Code § 211. We are unable to prove the corpus delicti of the crime because the alleged Victim is uncooperative. Therefore, this Office is unable to initiate criminal proceedings against Robledo.

The following analysis is based upon documents submitted by the LASD through Sergeant Alfred Salazar, Internal Criminal Investigations Bureau.

STATEMENT OF FACTS

On January 2, 2020 at approximately 3:00 a.m., V1 left the Commerce Casino in his car and was immediately pulled over for an expired registration at the intersection of Telegraph Road and Washington Boulevard. V1 stated that he was pulled out of his vehicle by an unknown deputy, patted down for weapons, and placed in the back of a black and white police SUV.[1] The deputy searched V1 vehicle then let him go with a warning for the vehicle violation.

Imelda T. is an employee at the Commerce Casino and is familiar with V1. On January 2, 2020, Imelda T. ended her shift and as she headed home she observed a traffic stop take place on Telegraph Road, across the street from the casino. As she drove past the vehicle being pulled over, she immediately recognized V1 as the driver. She did not see the deputy, nor did she remember if the patrol vehicle was a sedan or an SUV. Imelda T. then called her co-worker V1, who is friends with V1, and informed her that V1 had just been pulled over.

Kami P. told investigators that she had worked at the Commerce Casino for over five years and came to know V1 through his play at the casino. Kami P. considered V1 a personal friend. Kami P. stated on January 2, 2020 she received a phone call from Imelda T. at approximately 3:11 a.m., advising her that V1 had been contacted by law enforcement after leaving the Commerce Casino. Kami P. told investigators that she spoke to V1 by telephone immediately after his contact with law enforcement. V1 informed Kami P. that he was pulled over, taken out of his vehicle, and searched. Kami P. told investigators that V1 sounded angry and he told her he was shaken up, scared, and felt violated.

Kami P. recalled that V1 told her earlier that evening, while he was still playing poker at the casino, that he had poker chips in his backpack. She told V1 that he should check his backpack to make sure the poker chips were still there. V1 then advised her over the phone that he was missing $500 in poker chips. Kami P. urged V1 to file a police report.

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[1] V1 described the deputy as a male Hispanic, mid 30s, approximately 5'9" in height, weighing approximately 180 to 200 pounds.

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At about 5:01 a.m., V1 called the East Los Angeles Sheriff Station and spoke to Sergeant Initial to report this incident. V1 asked Initial for the name of the deputy who conducted the traffic stop. Initial informed V1 that he would look into the matter.

Initial sent a Mobile Digital Computer (MDC) message to units assigned to patrol the city of Commerce inquiring if any of the deputies contacted V1 [2] There were three deputies assigned to the area: Braulio Robledo, Israel Martinez, and Eric Chinarian. Martinez and Chinarian both responded to the message indicating they had not contacted V1 Robledo did not respond to the message.

Initial conducted a Unit Details check of the three deputies and discovered Robledo conducted a license plate check of V1 vehicle through California DMV database at 3:01 a.m.[3]

At approximately 6:00 a.m., Initial contacted Robledo in the Watch Sergeant's Office and asked him if he conducted a traffic stop of Michael D.'s vehicle. Robledo denied conducting a traffic stop of V1 s vehicle, denied contacting V1, and denied stopping any vehicles near the area of Telegraph Road and Washington Boulevard, in the City of Commerce.

At approximately 9:00 a.m., Sergeant Escobedo responded to the Chevron gas station located across the street from the Commerce Casino and reviewed surveillance footage. The surveillance footage revealed that on January 2, 2020 at 3:01 a.m., an SUV-type patrol vehicle initiated a traffic stop of a black sedan. The conclusion of the traffic stop is not observed on the surveillance footage as both cars continued driving past the surveillance camera's viewing angle.

[2] The MDC is a fully functioning computer capable of processing a variety of applications, such as automated report writing, mapping systems, suspect photos, automated fingerprint identification, live video from surveillance cameras, automated license plate recognition systems, crime analysis, and other law enforcement tools. The MDC is also paired with the LASD Computer Aided Dispatch (CAD) system, which enables complaint/desk personnel to dispatch calls for service and type information to patrol units.
[3] The Unit Details is a document chronologically listing the activities of each patrol unit logged on for that shift as it occurred via the Mobil Digital Terminal. The captured activity includes, but is not limited to: calls for service, times of arrival and completion of calls, database inquiries such as wanted persons or vehicles, and requests for report and booking numbers.

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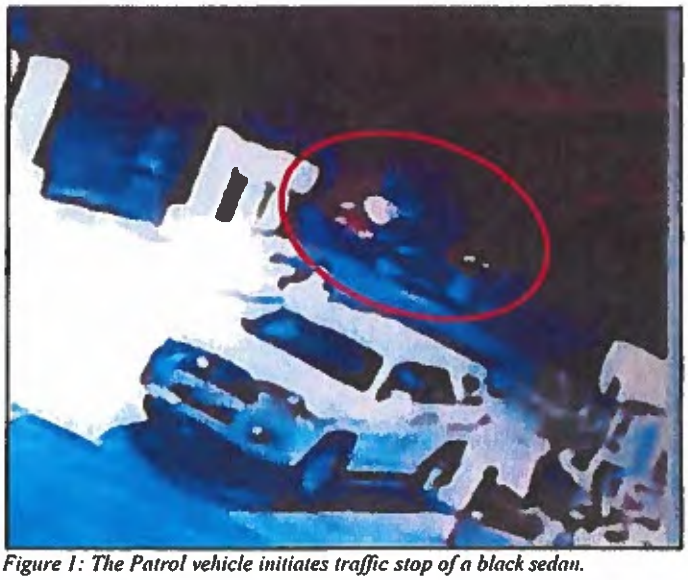


Figure 1: The Patrol vehicle initiates traffic stop of a black sedan.

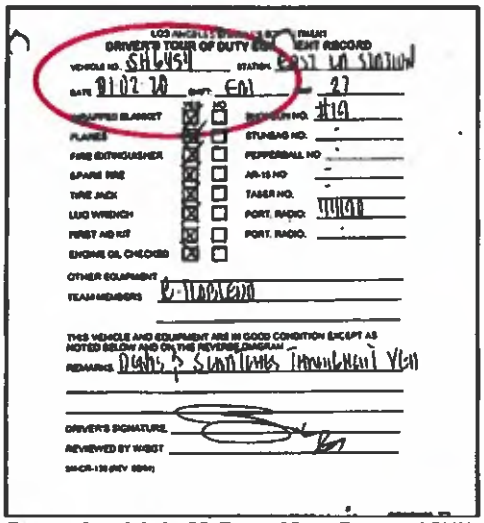
Escobedo also located a video surveillance camera outside of the Central Basin Municipal Water District, located across the street from the Commerce Casino. The surveillance footage captured an SUV-type patrol vehicle conduct a traffic stop on Telegraph Road on January 2, 2020 at approximately 3:01 a.m.



Figure 2: The police vehicle appears to pull over a vehicle.

It is hard to discern what is happening on the footage due to the red and blue flashing police lights that blind the camera footage as the lights rotate. Nevertheless, the video appears to show a deputy pull over a vehicle and remove the occupant from the driver's side door.

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Figures 5 and 6: LASD Tour of Duty Form and SUV reflecting the same vehicle number.

The forensic data obtained from the vehicle's MDT showed the vehicle traveled east on Telegraph Road, approached Washington Boulevard, and came to a stop at 3:02 a.m. The police vehicle was stopped on the street until it began moving again at 3:10 a.m.

[redacted] Interviews

On January 7, 2020, at approximately 7:13 p.m., Escobedo and Lieutenant Geoffrey Chadwick interviewed [redacted] at the LASD East Los Angeles station.

[redacted] stated he was a professional poker player. On January 1, 2020, at approximately 12:29 p.m. he arrived at the Commerce Casino and played at the "No Limit Hold'Em" poker section. He remained at that section of the casino until he cashed out his chips at the cashier's office. [redacted] stated he did not drink any alcoholic beverages during this period of time.

[redacted] stated that he triple counted the amount of chips he had in his possession at an empty poker table prior to cashing out. [redacted] assured the investigators that the Commerce Casino security cameras captured this. [redacted] stated that he used a poker income tracker application on his cell phone to track his loses and earnings while he played at the Casino. [redacted] showed the investigators the application.

Escobedo noted that the application showed that [redacted] stopped gambling on January 2, 2020 at 2:51 a.m. and that [redacted] cashed out in the amount of $2,636.

noting any damage or missing items, and provide a statement of the vehicle's general condition. The completed form is submitted to the watch sergeant.

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Figure 7: Screenshot of Michael D.'s poker tracker application.

[redacted] explained that he only cashed out a portion of his poker chips. Prior to exiting the casino, he placed $1,036 in U.S. Currency and fifteen $100 white poker chips inside a small black pouch.[5] He then closed the zipper and placed the pouch inside his black backpack. [redacted] exited the casino and entered his vehicle, a black 2009 Lexus IS 250, that was parked in the casino parking lot. [redacted] placed his backpack on the front passenger seat of his vehicle and drove away.

[redacted] exited the Commerce Casino parking lot by turning left onto eastbound Washington Boulevard. Within seconds a black and white patrol vehicle pulled him over in front of a Chevron gas station. [redacted] merged into the number one lane and stopped his vehicle directly in front of an unknown building located at the corner of Telegraph Road and Washington Boulevard.

[redacted] stated a Hispanic deputy, 5'09" or 5'10", weighing about 180 to 190 pounds with spiked brown hair, exited the black and white SUV and approached [redacted]'s vehicle. The deputy advised [redacted] that he was stopped for expired registration.[6] [redacted] retrieved his driver's license from his wallet and handed it to the deputy. The deputy removed [redacted] from the vehicle, placed his hands behind his back, and escorted him to the front hood of the patrol vehicle. The deputy conducted a pat down search of his person. Either [redacted] or the deputy removed the contents of [redacted] pocket—a cell phone, a wallet, and two casino chips valued at $1 each—and placed them on the hood of the patrol vehicle. The deputy then placed [redacted] in the back of the patrol vehicle. [redacted] was not handcuffed.

[redacted] stated he was placed in the back of the vehicle via the back-passenger patrol door and the deputy closed the door. The deputy then entered the front driver's side door

[5] [redacted] reiterated multiple times that he placed 15 white $100 poker chips in his backpack.
[6] [redacted] registration expired on December 12, 2019.

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The deputy then directs the single occupant of the vehicle to the back passenger door of the patrol vehicle where the deputy conducts a pat down search of the driver. The deputy then places the driver in the back seat of the police vehicle and closes the door. The deputy then appears to open both front doors of the civilian vehicle and appears to search the vehicle.



Figure 3: The video appears to show someone place another person in the back of an SUV patrol vehicle.



Figure 4: The video appears to show someone open the front passenger door and search the vehicle.

Escobedo determined that the only SUV-type patrol vehicle assigned to the City of Commerce at the time of the incident was assigned to Robledo. Prior to his shift, Robeldo completed and signed a Driver's Tour of Duty Equipment Record form which reflected the SUV vehicle number SH6454.[4]

[4] The Driver's Tour of Duty Equipment Report form contains the deputy's name, employee number, assigned vehicle number, mileage, and any special equipment assigned to the deputy. Using this form, every patrol deputy is required to inventory and inspect his assigned vehicle prior to the start of a shift,

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of [V1]'s vehicle. Although [V1]'s vehicle had tinted windows, [V1] was able to see illumination from a flashlight come from the inside of his vehicle. The deputy then exited the driver's side door, walked around the vehicle, and entered the front passenger side door. [V1] estimated that the deputy searched the inside of his vehicle for approximately two to three minutes. [V1] did not give the deputy permission to search his vehicle.

The deputy completed the search and entered the passenger side of the patrol vehicle and swiped [V1] driver's license through the card reader in the police vehicle. [V1] stated he saw a green font on the computer screen appear with his name and address on it. The deputy then recited [V1]'s address and asked him to confirm the information. [V1] acknowledged that he still resided at that address. The deputy stated he was going to let Michael D. off with a warning and advised [V1] that his vehicle could be towed if he did not pay the registration within the next three months. [V1] acknowledged this information and he was then released without a citation.

[V1] entered his vehicle and drove home. Once he arrived home, he took the items out of his backpack and noticed that five $100 white commerce casino poker chips were missing. He added that chips were the "only thing that's missing. No cash." [V1] returned to his vehicle to search for the chips, however, he did not find them.

[V1] immediately drove back to the Commerce Casino and inquired if they had video surveillance which would depict that he had 15 white poker chips in his possession when he left the casino. The casino personnel advised [V1] that the situation was now a law enforcement issue and they would not let [V1] see any of the footage.

Commerce Casino Surveillance Footage

At approximately 2:40 a.m., casino surveillance video shows [V1] leave a poker table with his chips and backpack.



Figure 8: [V1] stops playing poker and leaves the table.

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[redacted] walks to an empty poker table and proceeds to count his money and poker chips.

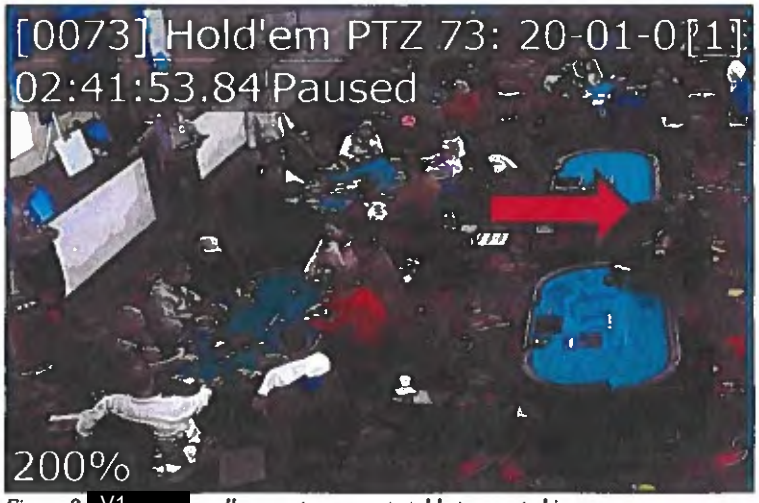


Figure 9: [redacted] walks over to an empty table to county his money.

After counting his money, [redacted] places some chips and money in a small black bag and places the bag in the backpack. The rest of the chips he kept in a chip tray. At approximately 2:54 a.m., [redacted] walks to a cashier window and hands the chips in the tray to the cashier. The cashier spreads out the chips and pays $834 to [redacted] which [redacted] places in his left outside pocket of his sweatshirt.



Figure 10: [redacted] cashed out the remaining chips he did not place in his backpack.

[redacted] exits the north casino doors and walks through the parking lot.

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Figure 11: V1 walked out of the Casino into the parking lot

V1 . enters his vehicle and drives on Tubeway Avenue to the intersection of Telegraph Road. V1 then turns left (eastbound) onto Telegraph Road.

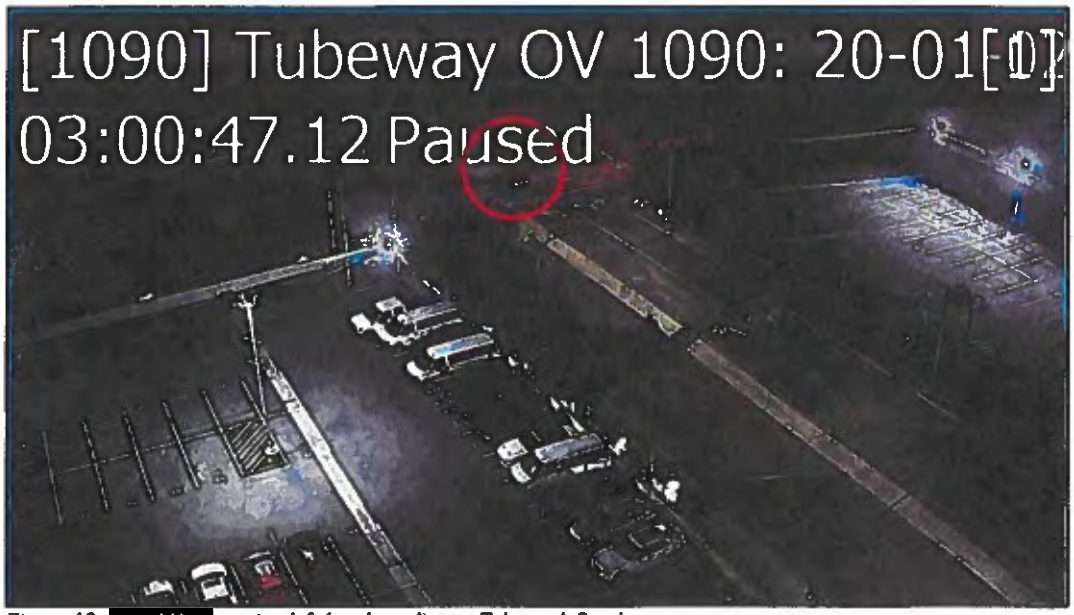


Figure 12: V1 turning left (eastbound) onto Telegraph Road.

A few seconds after V1 turns left, an LASD SUV is seen driving eastbound on Telegraph Road behind V1 's vehicle.

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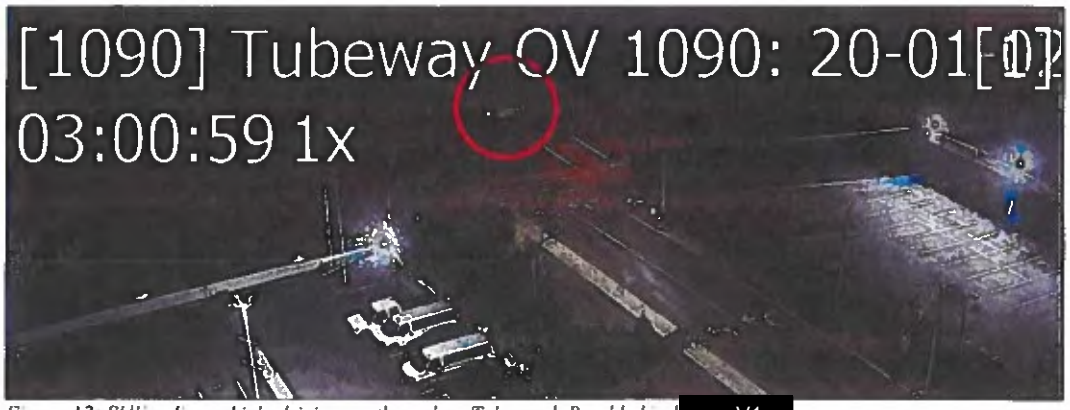


Figure 13: SUV police vehicle driving eastbound on Telegraph Road behind [redacted] V1

[redacted] V1 approaches a stop light at the northbound on/off ramp for the 5 freeway. The police SUV stops behind [redacted] V1 's vehicle in the adjacent lane.



Figure 14: The police SUV is behind [redacted] V1 ***'s vehicle.***

The light turns green and both vehicles drive through the intersection. At 3:01 a.m., the light bar on the SUV begins to flash red/yellow/blue as the SUV approaches [redacted] V1 's vehicle.



Figure 15: The police SUV overhead lights turned on.

At approximately 4:29 a.m., [redacted] V1 walks into the Commerce Casino security office.

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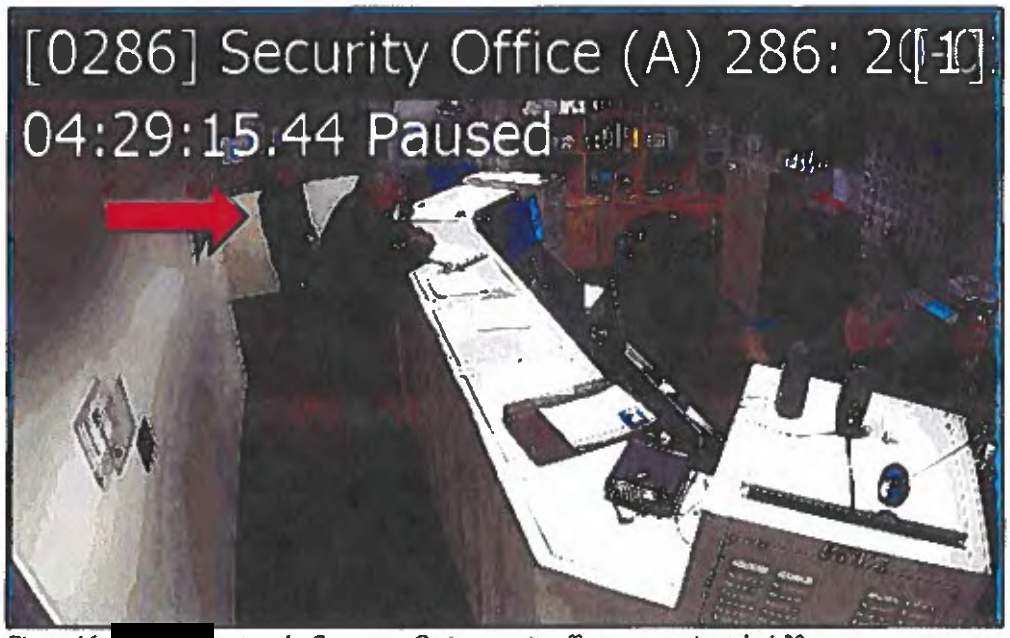


Figure 16: [redacted] enters the Commerce Casino security office at approximately 4:29 a.m.

Commerce Casino Report

Steven C., an employee of the Commerce Casino Surveillance Department, authored a report in this case. Steven C. noted that patron [redacted] entered the security office at the Commerce Casino on January 2, 2020 at approximately 4:29 a.m. [redacted] described how an unknown police deputy pulled him over after he left the casino. [redacted] stated he was released and went home. When [redacted] arrived home, he noticed $500 in $100 chips was missing from his backpack. [redacted] was advised that this incident occurred off casino property and that [redacted] should file a police report. [redacted] came back to the casino around 4:50 a.m. and advised security personnel that he had called LASD and filed a police report.

[redacted]. further explained that before the theft, prior to leaving the casino, [redacted] went to an empty table to count his money. Prior to counting his money, [redacted] removed additional chips and cash he had stored in his backpack. [redacted]. then proceeded to count the total amount of money in his possession. The total he counted was derived from three sources: the chips he was gambling with that were outside his backpack, the chips that were stored in his backpack, and the cash that was stored in his backpack.

The Commerce security personnel advised [redacted] that no review of the surveillance footage would take place until such a review was requested by law enforcement.

At approximately 10:10 p.m., LASD requested that Commerce Casino conduct a review of the surveillance videos to see if they support [redacted] s claims.

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Security Review of [redacted] V1 Counting his Money

The security footage shows that on January 2, 2020, at approximately 2:40 a.m., [redacted] V1 left Table 35, seat 2, with his rack of chips and his backpack. [redacted] V1 walked over to an empty Table 5 and began to count his chips and cash.

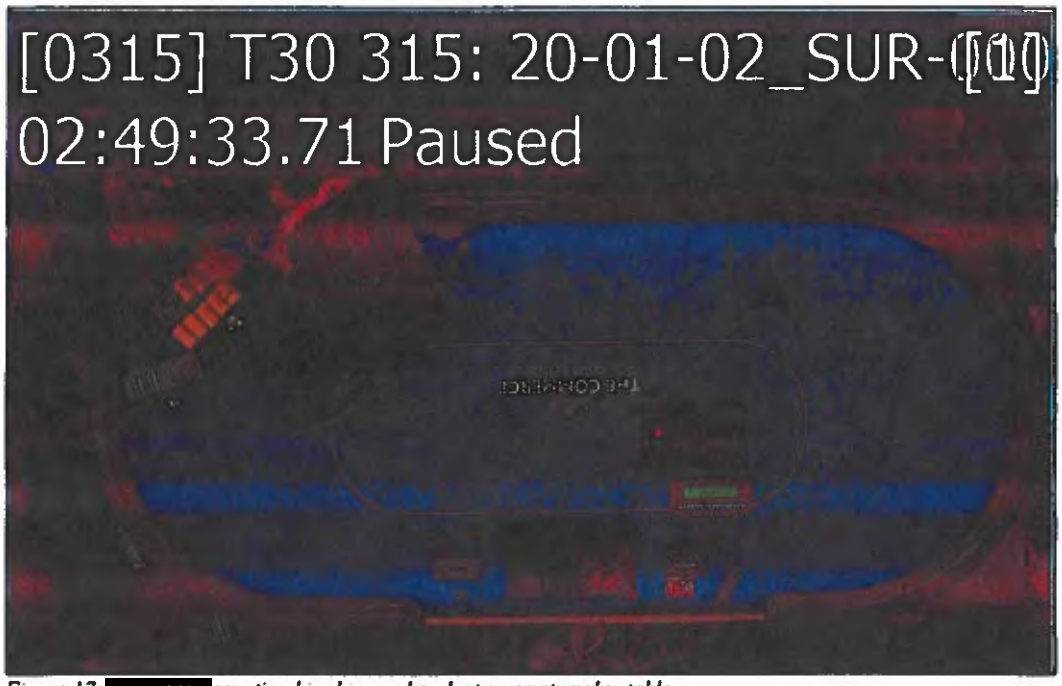


Figure 17. [redacted] V1 *counting his chips and cash at an empty poker table.*

The security personnel calculated the chips from [redacted] V1 chip rack as follows: $795 in five-dollar chips, $100 in a single one hundred dollar chip, and $41 in single-dollar chips.

[redacted] V1 then removed five $100 bills in cash and $1200 in twelve one hundred dollar chips from a small black bag that he retrieved from inside the backpack. [redacted] V1 took the single $100 chip from the chip rack and added it to the twelve one hundred dollar chips he removed from the bag. [redacted] V1 then put the thirteen one hundred dollar chips and the five $100 bills back in the small black bag. [redacted] V1 then put the small bag back in the backpack.

The total value of cash and chips located inside of his backpack at this time was $1,800.

The total value of the chips [redacted] V1 had left on the chip rack was $836.

Surveillance video shows that [redacted] V1 walked over to the cashier and produced all the chips from the rack, excluding two $1 chips. In exchange, the cashier handed [redacted] V1 $834 in cash. [redacted] V1 folded the cash and placed it in his left outside pocket of his sweatshirt.

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Based on the Commerce security personnel's review of the surveillance footage, the total amount of chips and cash in his possession when V1 exited the casino was $2,636—the exact amount V1 had listed in his poker tracker application.

V1 's Refusal to Cooperate

On February 18, 2020, Salazar left V1 a voicemail requesting a call back.

On February 20, 2020, a certified letter was mailed to V1 requesting V1 to contact Salazar.

On February 26, 2020, Salazar left V1 a second voicemail asking for a return call. Shortly thereafter, Salazar received an email from V1. The email stated that V1 was no longer desirous of prosecution and did not want to participate in any future interviews. He specified that he declined any further participation in the case due to fear of "deputy gangs," better known as "Los Banditos." V1 stated he "would be putting his life in danger" if he cooperated.

On March 5, 2020, Salazar sent V1 an email requesting that he participate in an interview and asking if he would review a series of photographs to see if he could identify the deputy. V1 responded to the email reiterating his position to not be involved "period."

On July 1, 2021, the reviewing Deputy District Attorney (DDA) and District Attorney Investigator (DAI) Adam B. door knocked V1 's listed residence in Whittier. They spoke to V1 's parents and informed the parents that the District Attorney's Office is currently reviewing this case and requesting to interview V1 The DDA and DAI both left their business cards with their cell phone numbers. The handling DDA later left a voicemail for V1 requesting a call back. V1 never called either the DDA or DAI.

On July 12, 2021, the reviewing DDA sent an email to V1 requesting a call back. V1 never called or emailed the DDA in response.

On July 22, 2021, the DAI emailed the DDA and advised that V1 had not called him back. Additionally, the DAI indicated that he would continue to utilize department resources to try and locate V1 whose current residence was unknown.

On August 1, 2021, V1 emailed the DAI back and reiterated, "I am not interested in investigating the case."

On August 10, 2021, the DAI informed the DDA that he had a possible address for V1 in San Diego. However, when the DAI called the number associated with that address, he was informed that V1 did not reside there.

On September 9, 2021, the DAI updated the DDA that he was unable to locate the current address for V1

On October 5, 2021, the DDA emailed Salazar inquiring if Salazar can again attempt to locate V1

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On October 19, 2021, Salazar emailed the DDA back stating that he was unable to locate a current address for [redacted V1]

On January 6, 2022, the DAI emailed the DDA and informed him that there was still no known residential address for [redacted V1], that [redacted V1] was not returning any phone calls, and that "we were pretty much out of options with this case."[7]

LEGAL ANALYSIS

The Law

A defendant in a criminal case is presumed to be innocent. This presumption requires that the People prove a defendant guilty beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves the jury with an abiding conviction that the charge is true. CALCRIM No. 220.

In evaluating a witness's testimony, jurors may consider anything that reasonably tends to prove or disprove the truth or accuracy of that testimony. Among the factors that jurors may consider are:

1. How well was the witness able to remember and describe what happened?
2. Did other evidence prove or disprove any fact about which the witness testified?
3. Did the witness make a statement in the past that is consistent or inconsistent with his or her testimony?

CALCRIM No. 105.

The testimony of only one witness can prove any fact. Before you conclude that the testimony of one witness proves a fact, you should carefully review all the evidence. CALCRIM No. 301.

All of the following elements must be proven before Robledo may be found guilty of robbery:

1. Robeldo took property that was not his own;
2. The property was in the possession of [redacted V1];
3. The property was taken from [redacted V1] or his immediate presence;
4. The property was taken against [redacted V1]'s will.;
5. Robledo used force or fear to take the property or to prevent [redacted V1] from resisting; and
6. When Robledo used force or fear, he intended to deprive [redacted V1] of his property permanently.

CALCRIM No. 1600.

[7] On March 9, 2023, the DAI texted [redacted V1] to make one final attempt to contact him. As of March 22, 2023, [redacted V1] did not respond.

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With the current state of the evidence, there is insufficient evidence to prove beyond a reasonable doubt that Robledo stole from [redacted].

The only evidence that a theft occurred comes from [redacted]'s statements. [redacted] confirmed at his house, away from any cameras or other witnesses, that he was a victim of theft. He based his conclusion on the total amount of white chips he believed he had when he left the casino compared to how many white chips he had when he arrived home.

Although the law allows a single witness to prove a fact, jurors are specifically directed to "carefully review all the evidence" prior to concluding a fact is proven by a single witness. Additionally, jurors are directed to look at whether "other evidence proves or disproves any fact about which the witness testified to" in evaluating the accuracy of a witness's testimony.

[redacted] stated multiple times that he placed 15 white poker chips in his bag. He stated that he triple counted his money and that the Commerce Casino surveillance cameras would corroborate this fact. Armed with this knowledge, [redacted] stated he knew the deputy took five white poker chips since he only had ten left over when he arrived home.

[redacted], however, was wrong. The casino surveillance appears to show that [redacted] had 13 white chips, not 15, when he left the Commerce Casino. Thus, Robledo may not have taken five white poker chips if [redacted] still had ten in his possession after the traffic stop. Therefore, [redacted] may have been wrong about how many $100 white chips were missing after the traffic stop. Further, [redacted] specifically stated that no cash was taken. Since [redacted] had an app tracker that counted the amount of money with which he walked away from the casino, it is possible that [redacted] was confused as to the source of the missing $500. It is possible that [redacted] thought he had 15 white chips, when in fact he had 13. It is possible that the additional two white chips [redacted] believe he had were actually accounted for in cash and that Robledo actually stole a combination of chips and cash totaling $500. On the other hand, it is also possible that [redacted] simply miscounted the amount of cash and chips he had when he returned home, similar to his miscalculation of the number of white chips in his possession when he left the casino, and that, in fact, no money was stolen during the police encounter.

As such, a follow up interview with [redacted] is necessary to determine if he can sufficiently explain his error in calculations. As noted in detail above, the LASD and the District Attorney's Office have made many attempts to locate [redacted] [redacted]'s whereabouts remain unknown. Further, there is no indication that even if located, [redacted] will cooperate with law enforcement, as evidenced by [redacted]'s clear refusals in past email communications to participate with law enforcement interviews.

Based on [redacted].'s potential error in what was missing after the traffic stop, his subsequent refusals to cooperate with law enforcement, his unknown location, and his

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status as the sole witness who can testify to the theft, the People cannot prove beyond a reasonable doubt that Robledo stole from [redacted].

CONCLUSION

Given the Victim's lack of cooperation and availability, there is insufficient evidence for the People to prove beyond a reasonable doubt that Robledo committed a robbery.

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