

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SAN MATEO

3
4
5 THE PEOPLE OF THE STATE OF
6 CALIFORNIA,

CERTIFIED TRANSCRIPT

7 PLAINTIFF,

CASE NO.

26-NF-001236-A;

8 VS.

26-NF-001236-B;

9 ARTHUR GUTIERREZ JR.; JAMES
10 WILLIAM JACOBS,

11 DEFENDANTS.
-----/

12
13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

14 PRELIMINARY HEARING

15 BEFORE THE HON. RENEE C. REYNA, JUDGE

16 DEPARTMENT 16

17 MARCH 3, 2026; MARCH 4, 2026

18
19
20
21
22
23
24
25 REPORTED BY: RHIANNON SMITH, CSR NO. 13265
26 OFFICIAL COURT REPORTER

A P P E A R A N C E S:

FOR THE PEOPLE: STEPHEN M. WAGSTAFFE, DISTRICT ATTORNEY
BY: HEATHER FINLAYSON, DEPUTY D.A.
HALL OF JUSTICE AND RECORDS
500 COUNTY CENTER
REDWOOD CITY, CA 94063

FOR THE DEFENDANT
GUTIERREZ: LAUREN POTTER, ESQUIRE
605 MIDDLEFIELD ROAD
REDWOOD CITY, CALIFORNIA 94063

FOR THE DEFENDANT
JACOBS: JAI GOHEL, ESQUIRE
605 MIDDLEFIELD ROAD
REDWOOD CITY, CALIFORNIA 94063

	<u>S E S S I O N S</u>	<u>PAGE</u>
1		
2		
3	March 3, 2026	
3	MORNING SESSION	7
4	March 3, 2026	
4	AFTERNOON SESSION	83
5		
6	March 4, 2026	
6	MORNING SESSION	164
7		
8		
9	---oOo---	
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		

WITNESS INDEX

FOR THE PLAINTIFF: PAGE

MANZANO, SILVINO

DIRECT EXAMINATION BY MS. FINLAYSON 12

CROSS-EXAMINATION BY MR. GOHEL 30

CROSS-EXAMINATION BY MS. POTTER 43

REDIRECT EXAMINATION BY MS. FINLAYSON 53

RECROSS-EXAMINATION BY MR. GOHEL 57

RECROSS-EXAMINATION BY MS. POTTER 58

FURTHER REDIRECT EXAMINATION BY
MS. FINLAYSON 60

FURTHER RECROSS-EXAMINATION BY MR. GOHEL 60

CALLEJA, PATRICK

DIRECT EXAMINATION BY MS. FINLAYSON 63

CROSS-EXAMINATION BY MR. GOHEL 75

CROSS-EXAMINATION BY MS. POTTER 83

REDIRECT EXAMINATION BY MS. FINLAYSON 95

CROSS-EXAMINATION BY MS. POTTER 96

COOPER, FLOYD

DIRECT EXAMINATION BY MS. FINLAYSON 100

CROSS-EXAMINATION BY MR. GOHEL 106

CROSS-EXAMINATION BY MS. POTTER 111

McKENNA, ANTHONY

DIRECT EXAMINATION BY MS. FINLAYSON 116

McKENNA, ANTHONY

CROSS-EXAMINATION BY MR. GOHEL 165

CROSS-EXAMINATION BY MS. POTTER 174

REDIRECT EXAMINATION BY MS. FINLAYSON 182

RECROSS-EXAMINATION BY MS. POTTER 183

PETRINI, THOMAS

DIRECT EXAMINATION BY MS. FINLAYSON 184

CROSS-EXAMINATION BY MR. GOHEL 190

CROSS-EXAMINATION BY MS. POTTER 192

EXHIBIT INDEX

FOR THE PLAINTIFF:

ID

EVD

1	USB containing 4 video clips	127	133
1A1	Transcript for file A on Exhibit 1	133	
1B1	Transcript for video B on Exhibit 1	135	
1C1	Transcript for file C on Exhibit 1	136	
2	Photo of katana sword	121	195
3	Photo of battering ram	189	195
4	Photo of knife	189	195
5			195
7	Photo of tan firearm next to stillframe photo from body cam footage	141	195
9	Photo of firearm next to stillframe photo from body cam	143	195
10	Photo of two firearms	141	195
11	Copy of lease agreement	148	195

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT INDEX

<u>FOR THE DEFENDANT:</u>		<u>ID</u>	<u>EVD</u>
A	Stillframe photo from video	93	196

P R O C E E D I N G S

March 3, 2026

MORNING SESSION

--000--

THE COURT: Good morning, everybody. I'm Judge Reyna, department 16. And we're here in the codefendant matter of the People of Arthur -- People versus Arthur Gutierrez and James Jacobs, case numbers 26-NF-001236-A and 26-NF-001236-B.

If I could have counsel please state your appearances for the record.

MS. FINLAYSON: Heather Finlayson for the People.

MS. POTTER: Good morning, Your Honor. Lauren Potter with Mr. Gutierrez. He is present out of custody.

MR. GOHEL: Good morning, Your Honor. Jai Gohel for Mr. Jacobs. He is present out of custody.

THE COURT: All right. Thank you, folks. And I know it was sent here to me today for an all-day preliminary hearing. And everyone is prepared to go forward; is that right?

MS. POTTER: Yes.

MR. GOHEL: Yes, Your Honor. There is one thing. So my client asked me to submit this form,

1 MC-410 disability accommodation request. I do see that
2 the Court issued or denied the motion. But I think -- I
3 am not totally clear, but I think my client wants to
4 make a motion as to what the Court suggested, so I am
5 not really sure what --

6 THE DEFENDANT: I --

7 THE COURT: Well, hold on one moment. So
8 you filed -- it's a confidential ADA request, but you
9 are putting it on the record, correct?

10 THE DEFENDANT: I feel as though if based
11 on -- on my understanding --

12 THE COURT: It's untimely, first of all,
13 sir, so it's denied. I don't know what kind of relief
14 you are expecting from this Court today. What was
15 articulated, as indicated in the denial, was, one, it's
16 untimely; and two, you need to talk with your counsel
17 about strategy and anything else. That is not in the
18 Court's purview at this time.

19 So I don't know what you're speaking of,
20 Mr. Gohel, when you are saying he wishes to make a
21 motion at this time.

22 MR. GOHEL: I'm not sure then, Your Honor.

23 THE COURT: Well, then let's go ahead and
24 proceed because it's untimely. And if during this
25 proceeding, things come up -- and I should just note for
26 the record, this was sent to me, I don't know, 20

1 minutes ago. We were waiting for some time, so during
2 this time, you folks should have been able to talk as a
3 client and attorney to prepare, okay. So I can give you
4 a few more minutes if you want, but this is an all-day
5 setting, and I don't want to waste any more court time
6 unless you believe you might need it to talk with your
7 client, sir, for a few minutes before we begin.

8 MR. GOHEL: Just give me one second.

9 THE COURT: Let's go on record then. So we
10 are going to go forward. Folks are ready. You handed
11 me a -- did you show this to the other counsel?

12 MS. FINLAYSON: You know, I'm not sure. But
13 I have an extra copy.

14 THE COURT: All right. And this is just a
15 helpful charging documentation breakdown, correct?

16 MS. FINLAYSON: Correct.

17 THE COURT: Thank you for that. So let me
18 just ask, I know this is time not waived. Let me ask
19 the People -- well, first, let me ask, are there any
20 preliminary motions before we begin by either side?

21 MR. GOHEL: Motion to exclude witnesses,
22 Your Honor.

23 MS. POTTER: I would join in that, Your
24 Honor.

25 THE COURT: And how many witnesses,
26 Ms. Finlayson, do you anticipate?

1 MS. FINLAYSON: First, the People would ask
2 that Corporal Anthony McKenna be designated as our
3 investigating officer.

4 In terms of witnesses, the People will be
5 calling three civilian witnesses, and at least somewhere
6 between two to four police officers.

7 THE COURT: Okay. So with respect to the
8 preliminary motions, I'll first grant the request to
9 designate Corporal McKenna as the investigating officer.

10 And secondly I'll grant the defense
11 counsels' motion to exclude any nontestifying witnesses
12 during this hearing, okay -- or exclude testifying
13 witnesses, excuse me, during this hearing while other
14 witnesses are testifying.

15 All right. And anything else preliminarily
16 before we begin then?

17 MS. FINLAYSON: Not from the People.

18 MS. POTTER: No, Your Honor.

19 THE COURT: Mr. Gohel?

20 MR. GOHEL: No, Your Honor.

21 THE COURT: We're prepared to go forward
22 then. Go ahead and call your first witness,
23 Ms. Finlayson.

24 MS. FINLAYSON: The People call Silvino
25 Manzano.

26 THE COURT: Good morning, Mr. Manzano. I am

1 Judge Reyna. I'll just have you remain standing for a
2 moment. My clerk is going to swear you in and then I'll
3 give you a few instructions, okay.

4 Silvino Manzano,
5 who was called as a witness on behalf of the People, was
6 sworn, examined, and testified as follows:

7 THE CLERK: Thank you. You may be seated.
8 Can you please state and spell your first and last name
9 for the record.

10 THE WITNESS: Silvino Manzano Junior,
11 S-i-l-v-i-n-o M-a-n-z-a-n-o.

12 THE COURT: Okay. And just a few comments
13 before we begin, sir. First, please be mindful we do
14 have a court reporter. She is sitting right in front of
15 you and reporting everything we say, so it's important
16 to try to speak at a good pace.

17 Also, please try not to speak over anyone.
18 Let the attorney ask their question before you start
19 answering.

20 Also, if there is any time you don't
21 understand a question, just say you don't understand and
22 try to answer only the question you're asked.

23 THE WITNESS: Okay.

24 THE COURT: Lastly, if you can make sure to
25 speak into the microphone, okay.

26 Go ahead, Ms. Finlayson.

DIRECT EXAMINATION

BY MS. FINLAYSON:

Q. I am going to ask you some questions about something that happened on January 6th, 2026. But before I get into that, can you tell me where were you living on that date?

A. 260 Allen Drive in San Bruno.

Q. Is that located in San Mateo County?

A. Yes.

Q. And about how long have you been residing at this address?

A. Off and on for 48 years.

Q. And can you tell me, what was your relation to the property; who in your family owned it?

A. My mom and dad owned it.

Q. And when you say you had been living there off and on for 48 years leading up to January 6, about how long had you continually been in the home?

A. I moved back in to take care of my father. I was living there for about ten years.

Q. And throughout that 48-year time period, did you continue to use the home as your mailing address?

A. Yes.

Q. And as to the layout of the home, can you describe -- is this a single-family dwelling?

A. Yes. It's single-family, three-bedroom,

1 two-bath, and it has a small unit downstairs with
2 another bathroom.

3 Q. And during November of 2025, did your mom bring
4 anything to your attention about the property?

5 A. She told me she was -- she sold it basically and
6 that I had 12 days to move out.

7 Q. And what happened next in that regard, focusing
8 on November 25?

9 A. So the real estate agent came to tell me actually
10 that I had 12 days to move out because the new owners
11 were taking possession of the home, and that they would
12 be coming in on the -- 12 days from then and that I had
13 to be out of there. I told them that, you know, I -- I
14 didn't know I was going to have to move until just then
15 and it's going to take me a little bit longer than that
16 to move 48 years of my stuff out of the house and find a
17 place to move into. And so, basically, he just walked
18 away at that point.

19 Q. And when you say the real estate agent told you,
20 was this someone you recognize to be your mother's real
21 estate agent?

22 A. Yes. Yeah.

23 Q. After your conversation with that agent in
24 November 2025, did you receive any notices to vacate the
25 property?

26 A. Nothing.

1 Q. And so it would be accurate to say you heard from
2 no one else or the individual who bought your mother's
3 home?

4 A. No. I didn't hear from them until the day they
5 showed up 12 days later.

6 Q. And so 12 days later, still in November 2025,
7 correct?

8 A. Correct.

9 Q. Can you describe what happened on that date?

10 A. They showed up with the police, and they wanted
11 to try to get me out right then. And I said, "No, I'm
12 not. You know, there is a process for this. I'm not
13 going to just leave my stuff and leave. I am going to
14 continue to pack my things and I am going to find a
15 place to move into, and I'll move at that point."

16 Q. And when you say "they," to your understanding
17 who are you referring to?

18 A. Well, at that point I found out he was one of the
19 owners. It was an investment partnership that bought
20 the house that -- to do a remodel and flip it. So
21 they -- he introduced himself to me as Jerry, and his
22 last name is Tran.

23 Q. And what happened after you initially met with
24 Jerry Tran?

25 A. Well, that day then he offered that he would help
26 me move and help me -- and help with first and last

1 month when I found a place and all that to get me out of
2 there. And then he asked if he could go into the house
3 to get some appliances they wanted to remove and
4 replace, to my understanding, and then so I said sure.
5 And he went in the house and they went ahead and they
6 destroyed both bathrooms and the kitchen at that point.

7 Q. And did -- did you notice if anything else had
8 been disturbed in the home?

9 A. Not really -- I mean, they -- yeah, I mean, they
10 demolished the bathroom and the kitchen, and they took
11 the doors off the hinges for all the rooms, and he shut
12 the power off. And also, they were trying to demolish
13 the last bathroom downstairs in the unit, and I stopped
14 them at that point and they -- I mean, I had to argue
15 with them for a while but they stopped.

16 Q. And what happened next?

17 A. I was -- you know, I spoke -- well, I had to get
18 an electrician to come in and turn the power back on
19 because they had damaged some wiring. And then I just
20 was trying to figure out what I was going to do, where I
21 was going to go, and how I was going to move out of
22 there. At that point, I mean, I didn't want to be in
23 their way. I mean, they bought the house. I needed to
24 move my stuff and find a place to go to so I was doing
25 that, and they were helping me a little bit.

26 And then on so -- pretty much that's what we were

1 doing until Thanksgiving night, which is when I went to
2 my mother's for Thanksgiving in Roseville. And when I
3 was gone, I received a text message from Jerry asking if
4 he could enter the house, which I didn't respond to
5 because it was Thanksgiving. I was in the middle of
6 dinner at the time. And then a couple hours later, I
7 get a message from an unknown number that said they were
8 the new tenants of the house and I was not to go over
9 there; that I needed to -- that they would let me know
10 when I could come pick up my stuff.

11 So I headed -- I eventually got back there and
12 all my stuff had been thrown in the front driveway of
13 the house and out the bedroom window -- the master
14 bedroom window in the back yard. The toolboxes were out
15 there but they were empty, and most of my stuff -- the
16 valuable stuff was not out there, and it was not in the
17 house later when I entered the house, because they left
18 the windows wide open. There was nothing there. The
19 house had been boarded up, but, I mean, they stole,
20 like, over \$40,000 of my property.

21 Q. And so jumping forward to January 26 of 2026, do
22 you recall what you were doing in the early morning
23 hours around 3:00 a.m.?

24 A. I was in bed.

25 Q. And were you asleep or awake?

26 A. I was awake -- I mean, I was laying in bed

1 sleeping at first, but I was awakened to this bashing
2 sound, and at the time I didn't know what it was. I
3 thought -- I did have people there that had been helping
4 me to move and stuff, and I thought maybe they were
5 making noise. So I was going to get up to say something
6 to them when I heard a noise downstairs, and one of my
7 friends came running up the stairs and told me there is
8 people breaking into the house with guns and other
9 weapons.

10 Q. I am going to break it down step by step. To
11 your knowledge, besides you, who else was present in
12 your home on January 6?

13 A. My friend Pat and another friend of mine, Floyd,
14 and George.

15 Q. And was there also a female?

16 A. There was a female, Shawna.

17 THE COURT: Her name was Shawna?

18 THE WITNESS: Shawna, yes.

19 BY MS. FINLAYSON:

20 Q. And where is your bedroom located within the
21 house?

22 A. It's in the back of the house next to the master
23 bedroom.

24 Q. On the upper floor?

25 A. Upper floor, yes. All the bedrooms are on the
26 upper floor.

1 Q. And with regards to those people you listed, your
2 friends who had been helping you prepare to move your
3 belongings, where had they been staying in the home?

4 A. Mostly in the living room.

5 Q. And so around 3:00 a.m., you were startled by a
6 loud sound. Can you walk me through what happened next
7 after you went downstairs to see what was happening?

8 A. Well, I didn't go downstairs at that point. I
9 just left -- I exited my room and was walking down the
10 hallway towards the garage door, and that's when Pat, I
11 encountered him, and he told me what was going on. And
12 right behind him were a bunch of people entering the
13 house and wearing tactical gear and had swords and
14 handguns and --

15 Q. And when you say "tactical gear," did it appear
16 they were wearing tactical vests?

17 A. That type of equipment, yeah. And they were
18 wearing -- they had their faces partially concealed,
19 most of them.

20 Q. And do you recall -- what was going through your
21 mind at the time?

22 A. I didn't know what was going on. I didn't know
23 if this was something official, if there was
24 something -- you know, I had no idea what was going on
25 until I saw the swords, and that's when I realized it
26 was not anything like that.

1 Q. And about how many individual suspects did you
2 see initially inside the home?

3 A. In the -- that came up the stairs to the upper
4 part of the house, probably seven or eight.

5 Q. And can you describe -- do you recall about how
6 many firearms you saw?

7 A. I saw -- I saw about three firearms. One of them
8 was aimed right at me.

9 Q. And with regards to the gun that was aimed right
10 at you, was it pointed at your upper body?

11 A. Yeah, right at my face and my upper body, yeah.

12 Q. And what, if anything, was the person holding the
13 gun saying to you?

14 A. He was telling me that I was going to be -- that,
15 you know, we had to go; that we had to leave; that they
16 were taking over the house basically.

17 Q. And while this was going on, could you see what
18 the other suspects with swords or the firearms were
19 doing?

20 A. They were just kind of milling around the house
21 and telling -- just repeating the same thing, you know.

22 Q. What was going through your mind as you had a gun
23 pointed at you?

24 A. I didn't know what to think. I mean, I never
25 seen anybody come in a house with swords. I mean, I
26 just -- I don't know. I was in disbelief.

1 Q. Did you fear for your life?

2 A. Sure. I mean, this guy doesn't have any
3 training, so if he just pulls the trigger on accident or
4 whatever, I didn't know what they were doing or who they
5 were.

6 Q. And would it be accurate to say you feared for
7 the safety of --

8 A. Of course.

9 Q. -- of your other friends inside the home?

10 A. Sure. I didn't even know what happened except
11 for Pat. I didn't know where the other two were or
12 Shawna; apparently she went out the front door. I
13 didn't notice. I had no idea what was going on with
14 them.

15 Q. And while a gun was pointed at you, were you
16 given any commands to get down on the ground or move to
17 a different room?

18 MR. GOHEL: Objection. Leading.

19 THE COURT: Sustained. Rephrase.

20 BY MS. FINLAYSON:

21 Q. While the firearm was pointed at you, what, if
22 anything, did the suspects tell you?

23 A. That they -- to leave the house; that I had to
24 get out, pretty much. I mean, it happened pretty
25 quickly, but at that point when I realized that it
26 was -- these guys were not anybody that -- you know,

1 they weren't law enforcement or anything like that --

2 MR. GOHEL: Objection. Nonresponsive.

3 THE COURT: Sustained. Next question.

4 And just, sir, I know testifying can be
5 nerve-racking and some people tend to speak fast just
6 naturally, I'll just ask if you can please be very
7 conscious to try to slow down a little bit.

8 Also, if you can please wait until the
9 attorney finishes asking her question before you answer,
10 okay.

11 THE WITNESS: Okay.

12 THE COURT: All right. Go ahead and ask
13 your next question.

14 BY MS. FINLAYSON:

15 Q. And after the suspects came into the home, were
16 you given any orders to move to a different room?

17 MR. GOHEL: Objection. Leading.

18 THE COURT: Sustained.

19 BY MS. FINLAYSON:

20 Q. Did the suspects give you any orders to comply
21 with their requests?

22 A. Just like I said, to leave the house.

23 Q. And did you feel like you were able to freely
24 leave the house with a firearm drawn at you?

25 A. I mean, I wasn't going to leave. I told them,
26 "I'm not going to leave," and I took my -- well, that's

1 what I said, "I'm not going to leave," basically.

2 Q. And at any point, did the suspects block your
3 ability to enter or exit a given room?

4 A. They were moving -- when I tried to move, they
5 moved over and try to, you know, get in my way.

6 Q. And so would it be accurate to say that due to
7 their actions, you felt -- well, let me rephrase that.

8 While this was going on, could you hear what was
9 happening with Pat and your other friend?

10 A. It was just chaos. I could hear them talking
11 also.

12 Q. And what happened next?

13 A. That's when I said, "I'm going to call the
14 police." You guys are -- you know, you're invading my
15 home, basically, and I took out my phone and I dialed
16 911.

17 Q. And how did they respond to that?

18 A. Well, they started talking -- they were just
19 doing the same thing, pretty much standing in my way and
20 all that. And then I was talking to the 911 operator
21 and started telling her what was happening. That's when
22 this guy right here turned to the other one and said,
23 "Okay, the police is coming. We have to think of what
24 we got to do. We got to start hiding stuff."

25 Q. And when you say "this one here," the person who
26 said that the night of, do you see that person seated in

1 court today?

2 A. Yeah. He is sitting right there next to the
3 lawyer.

4 Q. And can you describe an article of clothing
5 unique to him that --

6 A. He was wearing a trench coat and he had a sword.

7 Q. And with regards to how he -- what he is wearing
8 in court today, can you describe an article of clothing
9 that he is wearing right now?

10 A. No.

11 Q. Do you see him seated to the left of an attorney
12 with a red tie?

13 A. Yes, I do.

14 Q. And as to that --

15 A. You mean -- yeah, he is wearing a green shirt.

16 Q. Thank you.

17 MS. FINLAYSON: May the record reflect the
18 witness has identified the defendant Jacobs?

19 THE COURT: All right. It will.

20 BY MS. FINLAYSON:

21 Q. And can you state for the record one more time
22 exactly what you heard the defendant Mr. Jacobs say?

23 A. He told the people he was with that they -- the
24 police was coming, they needed to start thinking about
25 what they had to do and they had to start hiding stuff.

26 Q. And you indicated that you observed him in

1 possession of a sword?

2 A. Yes.

3 Q. Can you describe the appearance of that sword?

4 A. It was a samurai -- or actually not samurai
5 sword. It was a straight-bladed sword. It was like a
6 ninja sword or something like that.

7 Q. About how big was it?

8 A. I would say it was at least -- well, anywhere
9 from 18 to 24 inches.

10 Q. And how was he holding it?

11 A. He had it in a scabbard that was on his back.

12 Q. Did you observe anyone else in possession of
13 swords?

14 A. There was more than one sword, yes. I don't
15 recall who else had swords, but yeah.

16 Q. And do you recall if any other suspects in
17 possession of the swords brandished or --

18 A. Yeah, there was some swords that were out of
19 their scabbards, and they had them in their hands, yeah.

20 Q. And when these individuals were holding the sword
21 in their hand, did they have the pointed tip of the
22 blade pointed at you or your friends in the home?

23 A. I mean, it was -- they were pointing it away from
24 them, but I don't know if -- I don't recall if they
25 exactly pointed one of the swords at me or not. I just
26 remember the handgun.

1 Q. And as to the gun, during the duration of your
2 interaction with the suspects after they entered your
3 home, was -- were the firearms continuously drawn or
4 pointed throughout the encounter?

5 MS. POTTER: Object, Your Honor. It
6 misstates the testimony. Firearms.

7 THE COURT: Sustained.

8 MS. FINLAYSON: The witness indicated he saw
9 multiple suspects in possession of firearms.

10 THE COURT: If you can clarify and re-ask --
11 clarify your question, please.

12 BY MS. FINLAYSON:

13 Q. And you indicated earlier that you observed
14 multiple suspects in possession of a firearm during the
15 invasion; would that be accurate?

16 A. Yes.

17 Q. And as the encounter progressed or transpired,
18 can you describe how the suspects held the gun
19 throughout the remainder of the incident?

20 MR. GOHEL: Object. Compound.

21 THE COURT: Overruled.

22 Do you understand the question?

23 THE WITNESS: Yes.

24 THE COURT: Okay. Can you describe how the
25 guns were held?

26 THE WITNESS: Like this. Pointed like this.

1 And they, you know, sighting through the top of the
2 pistol.

3 BY MS. FINLAYSON:

4 Q. And as they held the guns in that position, where
5 were they located in relation to you in the home?

6 A. Directly across from me by about, maybe, three
7 feet away.

8 Q. And where inside the -- where inside the
9 residence at that point were you located?

10 A. Right at the top of the stairs coming up from the
11 garage in the living room.

12 Q. And would it be -- did you remain in that
13 location throughout the duration of the invasion?

14 A. Right up to the point where he directed everybody
15 to start hiding their -- I don't know what he was
16 referring to; I assume their weapons. That's when I
17 started moving around because they then -- that's when
18 the guy stopped aiming the gun at me.

19 Q. And after you heard him say to hide the weapons,
20 what did you observe the other suspects do at that
21 point?

22 A. They, like, looked at each other and then started
23 kind of looking around, and then they decided to go out
24 the front door.

25 Q. And what happened next?

26 A. That's when I heard commotion going on

1 downstairs, and I walked -- I went down the stairs. I
2 was still talking to 911. I went down my stairs to my
3 garage and that's when I encountered -- there was, like,
4 three or four other guys down there, and two of my
5 friends were down there as well. And one guy with long
6 gray hair, he looked at me and he said -- he pointed at
7 me and said, "Oh, you're the one causing all this
8 trouble." And he reached over and tried to grab me, and
9 I went up the stairs. He tried to grab me by my ankle
10 and I just, you know, pulled my foot out of his hand and
11 I continued to go up the stairs. He didn't follow me
12 upstairs. He stayed -- he just went halfway up the
13 stairs. Then I went outside to the front porch, and I
14 waited for 911 to show up.

15 Q. And when you initially went downstairs and saw
16 your friends and the additional suspects, were those
17 suspects downstairs in possession of any weapons?

18 A. They had weapons. They had swords also. I
19 didn't notice a gun downstairs at the time. I think
20 they had all come upstairs but there could have been.

21 Q. And would it be -- would it be accurate to say at
22 this point during the incident were you still fearful
23 for your safety?

24 A. Of course. I didn't know what to expect.

25 Q. And what happened next?

26 A. I just waited on the front porch for the police

1 to show up, and I witnessed the guys that were in my
2 house running or walking up the street up the hill and
3 kind of just, like, up there. They weren't trying to --
4 there was a white van parked in front of the house.

5 Q. And did you meet with officers after they arrived
6 on scene?

7 A. Eventually they asked us to come outside, and we
8 all went outside across the street.

9 Q. And jumping forward, after officers left the
10 morning of January 6, did you have an opportunity to
11 search through the residence for any items left behind?

12 A. We did. One of my friends found a knife on top
13 of the dryer under some clothes, and at that point, we
14 started looking for other things. We found the
15 battering ram that they used to come in the side gate
16 and discovered the side gate had been bashed. And
17 pretty much that's all we found really.

18 Q. And focusing on the damage to the property from
19 the forced entry, when you say the side gate had been
20 bashed, can you describe in more detail what new damage
21 there was?

22 A. Well, they destroyed the side gate. I mean, it
23 was a pretty well-built gate and it was anchored into
24 the concrete facade of the house, and the brick facade
25 had been broken away, and that's how the gate opened.
26 But they were beating on it for quite a while so...

1 Q. With regards to the battering ram that you found,
2 can you describe the appearance of this, about how big
3 was it and --

4 A. It was made out of four-inch-diameter cast iron
5 pipe, and it had a chain that had been welded as a
6 handle.

7 Q. And would you characterize it as a heavy object?

8 A. Yeah. Pretty heavy, yeah.

9 Q. And with regards to the knife, finally, that you
10 located, about what was the size of that blade?

11 A. It was a diving knife. It was in a sheath, and
12 it was maybe about four or five inches, the blade.

13 Q. And where was that discovered?

14 A. That was on top of the dryer under some laundry.

15 Q. And the next day after the incident about one day
16 later, did you again have an opportunity to speak with
17 officers about what happened the morning of the 6th?

18 A. They came by that night and knocked on the door.
19 I was asleep, but they told me about it in the morning.
20 They left -- nobody answered the door because everybody
21 didn't know what to expect, you know, because of what
22 happened the night before. But the next day, they came
23 by and knocked, and I answered the door and spoke to
24 them.

25 Q. And at some point, did you or your friends turn
26 over to officers those items you found; the battering

1 ram, the knife?

2 A. At that time, yes, we did.

3 Q. And would -- after January 6, did you have any
4 interactions or communications with the owner of the
5 property, Jerry Tran?

6 A. No, I haven't -- since the Thanksgiving night
7 incident, he hasn't communicated with me since then.
8 Nobody has really.

9 Q. And just to confirm, as of January 6, 2026, would
10 it be accurate to say you had received no formal
11 eviction paperwork from Jerry Tran?

12 A. From anybody, no.

13 MS. FINLAYSON: Okay. Nothing further.

14 THE COURT: All right. We'll do
15 cross-examination. I usually start with the A defendant
16 unless you folks want to proceed differently.

17 Go ahead, Mr. Jacobs' counsel, Mr. Gohel.

18 MR. GOHEL: Thank you.

19 CROSS-EXAMINATION

20 BY MR. GOHEL:

21 Q. Sir, just going back to the timeline. You -- 260
22 Allen Drive, that was, at least for a good part of your
23 life, was owned by your parents?

24 A. Right. Since I was five years old.

25 Q. Since you were five years old. Okay. And
26 you're, like, around 53 now?

1 A. 51.

2 Q. So you lived there 46 years, something like that,
3 correct?

4 A. About that, yeah.

5 Q. Okay. And you said in your testimony that you
6 kind of lived there off and on?

7 A. I mean, I moved away a few times and then -- but
8 that was my mailing address the whole time.

9 Q. So you have that as a mailing address, but there
10 were periods of time that you moved; is that fair to
11 say?

12 A. Of course.

13 Q. And was that after, like, you were 18 years old?

14 A. Probably after -- yeah, I mean, after, like, I
15 was maybe 20, 22, I moved away.

16 Q. All right. Leading up towards the end of 2025
17 last year, how long had you been residing at 260 Allen
18 in San Bruno?

19 A. Ten years.

20 Q. Ten years. So you have been there ten years.
21 And it sounds like it was early November 2025 that your
22 mother told you she had sold the house, right?

23 A. Correct.

24 Q. And your mother wasn't living with you at 260
25 Allen?

26 A. She was living there.

1 Q. She was living there?

2 A. Yes.

3 Q. Okay. All right. Did she tell you that -- so
4 she is living there, and she tells you "We're selling
5 the house," and did you have a discussion with her about
6 that, like what you were going to do?

7 A. She has been selling the house for a long time
8 and she has never been serious about it or done it, so I
9 didn't think anything different of it.

10 Q. I see. Other times prior to November 2025, she
11 talked about selling the house but never did it?

12 A. For a long time, yes.

13 Q. When was it that you realized that this time it
14 was for real?

15 A. When the real estate agent came and told me she
16 had sold it.

17 Q. And can you tell me -- I know it was November
18 2025, when was that approximately; do you know the date?

19 A. It was probably about mid -- right in the middle
20 of November, I would think.

21 Q. Okay. And so they told you you had 12 days --
22 this agent, that's your mother's agent, correct?

23 A. Right.

24 Q. And do you know what that agent's name is?

25 A. I believe it's -- you know, I can't recall right
26 now but he had been -- I seen him by the house a few

1 times trying to -- when my dad was still alive talking
2 to my dad about it, trying to sell the house for him.
3 My dad told him he didn't want to sell it, and I can't
4 recall his name right now.

5 Q. So -- but that person informed you that you
6 needed to move out within 12 days; is that correct?

7 A. That's what he said, yes.

8 Q. Okay. And did your mother also tell you that you
9 needed to move out or --

10 A. Yes. At that time she told me.

11 Q. And because you lived there for so long, you just
12 felt that wasn't reasonable, right?

13 A. No, it was impossible. Plus I had no preparation
14 to move. I mean, I didn't have a place, and I had no
15 money saved up to do that.

16 Q. All right. You said that at some point the
17 police showed up?

18 A. They showed up when the owners showed up, the new
19 owners, Jerry.

20 Q. So it's Jerry that showed up. Because you're
21 referring to "they," the investors, it was Jerry and
22 some other people, correct?

23 A. Which I did not know, yes, who they were.

24 Q. And these are not the same people who came to
25 your house on January 6, correct?

26 A. No.

1 Q. So when you are saying the people came in
2 November with the police, it didn't involve either of
3 these two defendants, correct?

4 A. No.

5 Q. And then Jerry offered to help you move out; is
6 that fair?

7 A. That's what he offered to do, yes.

8 Q. And then he said he wanted to take out some of
9 the appliances?

10 A. Right.

11 Q. Did he give you a timeframe by which he wanted
12 you to move out?

13 A. As soon as possible. He wanted me out right
14 then.

15 Q. All right. And so did you start packing up your
16 things?

17 A. Eventually, yes. I mean...

18 Q. Did Jerry ever provide -- Jerry or some of the
19 investors in 260 Allen that had bought the house from
20 your mother, did they provide you with a storage
21 container?

22 A. They did, yes.

23 Q. So they provide you a storage container, and you
24 put a lot of your possessions in there, correct?

25 A. Correct.

26 Q. Okay. Did it get filled up?

1 A. Pretty much.

2 Q. Okay. You needed another storage container; is
3 that fair?

4 A. Yeah, I needed -- there was a lot more than that
5 stuff there.

6 Q. So then did you ever give a timeframe by which
7 you would move out?

8 A. I told them I would move out when I find a place
9 where I could move to, and that's what I was trying to
10 do, was to find a place.

11 Q. But my question was: Did you give them a
12 timeframe; like, 30 days?

13 A. No, I never told them any timeframe of when I
14 find a spot. I mean, I'm looking for one.

15 Q. Had you started looking for another place to
16 live?

17 A. Of course.

18 Q. Had you signed any leases or anything like that?

19 A. No.

20 Q. And then did you tell Jerry that you needed
21 another storage container for your stuff?

22 A. I told him that, and he told me, well, "Can you
23 just buy one and I'll reimburse you."

24 Q. And did he pay for the first storage container
25 you filled up?

26 A. Somebody did, yeah.

1 Q. You didn't pay for it?

2 A. No.

3 Q. Now going to Thanksgiving night. That's probably
4 about 12 days or so after you were told by the agent
5 that you needed to move out in 12 days, correct,
6 approximately that timeframe?

7 A. Probably a little longer than that, I would
8 think, yeah.

9 Q. So you're at your mother's house. It sounds like
10 she moved to Roseville, which is north of Sacramento,
11 right?

12 A. Right.

13 Q. And you were there for Thanksgiving and Jerry
14 called you; is that fair?

15 A. Right.

16 Q. That's the last time you have heard from him
17 until this day?

18 A. Correct.

19 Q. And he said that he needed to go into the house?

20 A. Actually, I heard from him a couple other times
21 after that within a day of that happening.

22 Q. So still in November 2025?

23 A. Right.

24 Q. So Jerry asked that he needed to get access to
25 the house; is that fair?

26 A. He asked me if he could come to the house, right.

1 Q. And then it was -- was it that same day or
2 another?

3 A. No, that same day.

4 Q. Hold on. Sorry.

5 A. Sorry.

6 Q. It's a little tricky, but you have to let me
7 finish.

8 A. Okay. Sorry.

9 Q. They -- was it the same day that the people
10 saying that they were the new tenants -- or a person
11 saying they were the new tenants, was that the same day
12 on Thanksgiving?

13 A. A few hours after Jerry.

14 Q. And they said basically you needed to get out,
15 right?

16 A. No. They said they had took possession of the
17 house; that they were the new tenants and I was not to
18 go over there; that they would tell me when I could come
19 pick up my stuff.

20 Q. Do you know who that particular person was?

21 A. No, never.

22 Q. Did you recognize the voice of the person who was
23 the new tenant?

24 A. No.

25 Q. Okay. Did the new tenant tell you what their
26 name was at that time?

1 A. No. And I never heard of his voice. It was a
2 text message that he sent.

3 Q. Okay. And you didn't know whose phone number
4 that was?

5 A. No.

6 Q. Okay. At some point you went back to 260 Allen?

7 A. Yes.

8 Q. And you saw that a lot of your items had been
9 taken out of the house, correct?

10 A. Right.

11 Q. And you weren't there when the items were taken
12 out of your house, correct?

13 A. No, I was not there.

14 Q. Okay. And you said a bunch of your property -- I
15 think you gave a figure \$40,000 of your property was
16 missing; is that fair?

17 A. Yes.

18 Q. You don't know who specifically took those items;
19 do you?

20 A. Well, I know he was one of them that was there.
21 I have the video of him.

22 Q. But my question is: Do you know who took your
23 property?

24 A. No.

25 Q. Okay. So you may have seen a video of somebody
26 there that you recognize, but do you know if that's the

1 person who took your property?

2 A. No. They knocked my surveillance camera off the
3 side of my house at that point.

4 Q. When you say "they," do you know --

5 A. Him. He did.

6 Q. You saw him knock it off?

7 A. Oh, yeah. I have a nice video of it.

8 Q. Do you know who took the property?

9 A. No, I don't know who took the property at that
10 point.

11 Q. Okay. Now, you continued to live -- go back and
12 live there, correct?

13 A. I went back in the house, yes.

14 Q. Weren't the doors boarded up?

15 A. The door was not boarded up. The window was wide
16 open where my pile of my stuff had been thrown out in
17 the backyard.

18 Q. Was anything on the house boarded up?

19 A. The windows were boarded, yeah.

20 Q. So they had boarded the windows?

21 A. Right.

22 Q. And so did you remove the boards?

23 A. No, I didn't have to. The one window to the
24 master bedroom was wide open and had no boards on it.

25 Q. And so is that how you gained entry into the
26 house?

1 A. Right.

2 Q. So you crawled in the window of the house?

3 A. I walked through it, yes.

4 Q. That your mother didn't own anymore, right?

5 A. Correct.

6 Q. That you had been told to leave, correct?

7 A. No.

8 MS. FINLAYSON: Objection. Asked and
9 answered.

10 THE COURT: Sustained. You can move on.

11 BY MR. GOHEL:

12 Q. So the night of -- so that was -- you continued
13 to stay in the house when you went back after
14 Thanksgiving, so was it the day of Thanksgiving -- the
15 night of Thanksgiving?

16 A. Right. The day after that.

17 Q. So you -- did you -- you gained access through
18 the window and then did you live there all the way until
19 January 6 of 2026?

20 A. Yeah.

21 Q. And when you were in Roseville, no one else was
22 at the house, correct?

23 A. No. Everybody was at their family's.

24 Q. So on Thanksgiving night or shortly thereafter,
25 did all these other people, Pat, Floyd, George, and
26 Shawna, all move back into 260 Allen?

1 A. They weren't there at that time. It was just
2 Pat. And Floyd was there too, I believe.

3 Q. Okay. So you were told to leave, but now there
4 is more people living there than at the time you were
5 told to leave back in November, correct?

6 A. Well, yeah. I mean, I needed to do that because
7 there was -- there was no way I could -- I mean, how
8 could I leave the house and they would just break in
9 again and, you know, I mean, he could have just given me
10 a notice to, you know, to move out or whatever.

11 Q. What I am saying is there were more people living
12 in the house on January 6 of 2026 than there were when
13 you were told by your mother's agent that you needed to
14 move out, correct?

15 A. Oh, yes. Yeah.

16 Q. So you actually increased the number of people
17 living there?

18 A. They weren't really living there. They were just
19 helping me move. They would go back to their own
20 places.

21 Q. I thought you said they stayed --

22 A. That was after.

23 Q. Let me finish my question and we'll do one at a
24 time.

25 You said that they were living in the living
26 room, correct; those people, Pat, Floyd, George, and

1 Shawna?

2 A. After Thanksgiving, yes.

3 Q. Okay. So they were living there, correct?

4 A. After Thanksgiving.

5 Q. Right. So on the night of January 6, you were
6 upstairs in your bedroom when you heard the commotion,
7 correct; is that fair?

8 A. That's fair.

9 Q. At some point you saw somebody with a firearm,
10 correct?

11 A. Yes.

12 Q. And you told that person that you were going to
13 call the police; you were going to call 911, correct?

14 A. Right.

15 Q. And you told them you weren't going anywhere,
16 correct?

17 A. Right.

18 Q. And you didn't go anywhere; did you?

19 A. No.

20 Q. Okay. And you basically until -- up until the
21 time that you went downstairs to see what was going on
22 downstairs, when the guy had the gun or the people had
23 swords, you stayed in place, correct?

24 A. I had no choice.

25 Q. Right. You stayed right there, correct; is that
26 true?

1 A. That's right, yes.

2 Q. You didn't move, correct?

3 A. No, not much.

4 Q. Okay.

5 MR. GOHEL: One second, Your Honor.

6 That's all I have. Thank you, Your Honor.

7 THE COURT: All right. Ms. Potter?

8 MS. POTTER: Yes.

9 CROSS-EXAMINATION

10 BY MS. POTTER:

11 Q. Good morning, sir.

12 Firstly, can I ask -- I just want to clarify. I
13 am getting myself a little confused about the timeline,
14 so I apologize if you are repeating yourself, but I am
15 just trying to ask some clarifying questions. So your
16 mother was living in the home with you up until November
17 of 2025, correct?

18 A. Right.

19 Q. When was the first time that you had ever heard
20 of her wanting to sell the house?

21 A. Like I said, she has been wanting to sell the
22 house or saying she wants to sell it for a while.

23 Q. Was a while, you mean, a year?

24 A. Oh, no, longer than that. A long time.

25 Q. And then you said that you had seen this real
26 estate agent coming to the house a few times and

1 speaking with your father?

2 A. Right.

3 Q. Had you seen the real estate agent in the month
4 or two prior to November of 2025?

5 A. Not any more than, you know, I have seen in the
6 past.

7 Q. Okay. And when you say not any more than you had
8 seen him in the past, would you see him once a month?
9 Twice a month?

10 A. No. Maybe -- maybe about -- maybe once every
11 couple months.

12 Q. Okay. To your knowledge, what date was the house
13 actually sold?

14 A. I am not 100 percent sure when they closed
15 escrow, but I believe it was mid November.

16 Q. Okay. Mid November is when they informed you you
17 would have 12 days to get out?

18 A. Yeah. Somewhere around there, yeah.

19 Q. Okay. And then you indicated that there was a
20 time period where after the 12 days were up from when
21 you were informed by the real estate agent that you were
22 allowed access into the house?

23 A. The first day after the 12 days, the first day
24 they showed up.

25 Q. Do you happen to know what date that was?

26 A. I don't know the exact date. I wasn't keeping

1 track of that.

2 Q. So in relationship to Thanksgiving, was it a week
3 before Thanksgiving? Two weeks before Thanksgiving?
4 When was that day?

5 A. Probably a week, maybe a week and a half.

6 Q. And this is the date, just so we're clear and
7 both on the same page, in which you allowed Jerry to
8 have access to the house and there was some demolition
9 done?

10 A. He had access to the house the first day that he
11 came to the house on the day the 12 days after I found
12 out it had been sold.

13 Q. What's the -- what day was the demolition that
14 occurred that you referenced earlier today?

15 A. That day. The first day they showed up.

16 Q. So we're on the same page. So then what date, if
17 you recall, did your mother actually leave the
18 residence?

19 A. The day before that.

20 Q. And how many times were you told in November and
21 after that you needed to vacate the property?

22 A. It was an understanding that I was doing that. I
23 mean, there was -- it really was getting to the point
24 where what they did to the house, it was really not very
25 livable, I mean, at the time. And I was -- you know, I
26 had to -- I wanted to leave, you know.

1 Q. So they do those modifications in mid November of
2 2025, correct?

3 A. Right.

4 Q. And you continued to live there until today?

5 A. Right.

6 Q. Okay. Now, you mentioned that this gentleman,
7 Mr. Tran, there was some sort of understanding that he
8 would help you with first and last month's rent at a
9 place and things of that nature, correct?

10 A. Well, that's what he said, but it wasn't exactly
11 what they were doing.

12 Q. Okay. What effort did you take -- have you taken
13 so far to find a new residence?

14 A. I mean --

15 MS. FINLAYSON: Objection. Relevance.

16 THE COURT: Overruled. Just a little bit on
17 this.

18 You can answer.

19 THE WITNESS: I was looking for a place. It
20 was difficult to find one.

21 BY MS. POTTER:

22 Q. How many applications have you filled out for a
23 new apartment or house?

24 MS. FINLAYSON: Objection. Relevance.

25 THE COURT: All right. What is the
26 relevance?

1 MS. POTTER: This was gone into at great
2 length on direct or allowed latitude on
3 cross-examination. I think it's relevant to his
4 occupancy and credibility.

5 THE COURT: All right. I'll allow a little
6 bit on it.

7 You can answer. How many applications have
8 you filled out?

9 THE WITNESS: I haven't filled out any
10 applications. Just looking for a spot that I could
11 afford.

12 BY MS. POTTER:

13 Q. Now, was Mr. Calleja, this gentleman Patrick,
14 your friend, was he living there while your mother was
15 living there?

16 A. No.

17 Q. Who was living there before your mother moved out
18 in November of 2025?

19 A. Just me.

20 Q. Okay. And when did Patrick move in?

21 A. When I needed help, you know, gathering and
22 packing my stuff.

23 Q. And so you were asked a little bit about, sort
24 of, a mobile pod that you could move your things into,
25 correct?

26 A. Right.

1 Q. Did you end up moving your things back into the
2 house from that pod?

3 A. No.

4 Q. Is the pod still out in front of the house or --

5 A. No.

6 Q. Where is the pod?

7 A. It got transported to my mom's new house, and I
8 stored my stuff there.

9 Q. Okay. And have you asked Jerry or anyone else
10 for any further assistance in moving out of the
11 residence?

12 A. Well, they weren't giving me any more assistance.
13 They -- and I don't believe they were really going to
14 help me move into a place either.

15 Q. Okay. So this incident that happens on
16 Thanksgiving, you said that there were approximately
17 \$40,000 worth of tools taken?

18 A. Oh, yeah.

19 Q. Did you file a report with the police?

20 A. I have an incident report.

21 Q. When did you make that call?

22 A. Immediately after I noticed that my stuff was
23 missing.

24 Q. Okay. And immediately after, you indicated that
25 that was when you came home the day after Thanksgiving?

26 A. Either the day after or -- yeah, about that time,

1 yeah.

2 Q. Okay. Did you return to the residence the day
3 after Thanksgiving?

4 A. I did, yes.

5 Q. And that's when you found it in the condition you
6 described earlier?

7 A. Right.

8 Q. Now, you indicated that you were sleeping in
9 these early hours of January 6 of 2026, earlier this
10 year, correct?

11 A. Right.

12 Q. Did you hear the banging outside?

13 A. I don't know how long it was going on for, but
14 eventually that's what woke me up.

15 Q. Okay. And then the next thing that you hear is
16 your friend Pat telling you that someone is coming in?

17 A. Well, I heard a commotion downstairs before that.
18 And then I heard him running up the stairs as I was
19 going down the hallway, and we met at the door from the
20 garage, and that's when he started telling me what was
21 going on.

22 Q. So you met Patrick as he is coming up the stairs,
23 correct?

24 A. Right. He made it to the top, and I was coming
25 down the hallway.

26 Q. Okay. And at this point is Shawna up in the

1 living room too?

2 A. I don't recall where Shawna was at the time. I
3 was concentrating on what was going on.

4 Q. Okay. Do you remember hearing Shawna shouting
5 something about "Don't come up the stairs or you'll get
6 shot in the face"?

7 A. No.

8 Q. Okay. You didn't hear that at all?

9 A. No.

10 Q. Okay. Now, at this point you're standing at the
11 top of the stairs with Mr. Calleja, correct?

12 A. Yes.

13 Q. And Mr. -- how long were you standing at the top
14 of the stairs with Mr. Calleja before these other people
15 start to come up the stairs?

16 A. Pretty much on his heels.

17 Q. Okay. And it's accurate to say what you told the
18 police at the time was that you saw one person pointing
19 a firearm, correct?

20 A. Right at me.

21 Q. Okay. And that was the first person that came up
22 the stairs?

23 A. The stairs, yes.

24 Q. Okay. And once again, you don't know where
25 Shawna was at this time?

26 A. No.

1 Q. Okay. You almost immediately tell the suspects
2 that are standing in your house that you're going to
3 call the police, correct?

4 A. No, not immediately. They were telling me, you
5 know, what to do first and what they were doing and that
6 they wanted me out.

7 Q. They were saying things, like, "We're taking over
8 the house," and "We're the new tenants," correct?

9 A. No, they didn't say, "We're the new tenants."
10 They just said something to the effect of "You're
11 leaving the house. We're taking over."

12 Q. Did they use the word eviction?

13 A. No.

14 Q. So you had no idea who these people were?

15 A. No.

16 Q. Okay. Even though you had seen and had this
17 interaction that occurred, you had seen people in your
18 residence and knew they were connected with Jerry from
19 the incident that happened in November 2025?

20 A. That's one of the actual last times I talked to
21 Jerry, was the day I went to get my stuff that was
22 outside of the house, and he did not say anything other
23 than he did say, I believe, that he had -- that my
24 stuff -- I told him about the stuff that was missing
25 that wasn't out here. And he said, "We are waiting for
26 you to move the stuff in the driveway and then they'll

1 put out more of your stuff." And that's the last time I
2 talked to him.

3 Q. Okay. So when you are making that phone call to
4 the police, you announce -- you said, you told him right
5 away, "I'm calling the cops right now," correct?

6 A. I took my phone out of my pocket and told them
7 I'm calling the police, yes.

8 Q. No one stopped you?

9 A. No.

10 Q. In fact, people said, "Call the police. Go
11 ahead."

12 A. No, nobody said that.

13 Q. Okay. Now, just to be clear --

14 A. At least not that I remember them saying.

15 Q. Okay. Fair enough. The person, once again, who
16 aimed the firearm at you, that was the first person that
17 came up the stairs, correct?

18 A. I think so. Behind Pat, yes. A bunch of people
19 came to the stairs -- up the stairs immediately after
20 that.

21 Q. That was the only person who you saw who pointed
22 a firearm at you, correct?

23 A. At me, yes.

24 Q. Okay.

25 MS. POTTER: If I could have just one
26 moment, Your Honor.

1 THE COURT: Okay.

2 BY MS. POTTER:

3 Q. At a certain point you indicated that you left
4 the residence and waited on the front porch for the
5 police to arrive, correct?

6 A. Right.

7 MS. POTTER: That's all I have.

8 THE COURT: All right. Any redirect,
9 Ms. Finlayson?

10 MS. FINLAYSON: Just very briefly.

11 REDIRECT EXAMINATION

12 BY MS. FINLAYSON:

13 Q. Earlier on cross-examination, you testified a
14 little bit about the Thanksgiving incident where you
15 returned to your residence and noticed that around
16 \$40,000 worth of tools were missing?

17 A. Tools and other items.

18 Q. And I believe you made a comment indicating that
19 you had seen the defendant Mr. Jacobs on the property
20 around that time?

21 A. Not Jacobs. I saw this guy over here. He is on
22 a video that I have knocking my surveillance camera off
23 the wall of my house.

24 Q. And as to the individual you just pointed to, is
25 he seated to the right of counsel, Ms. Potter, and
26 wearing a black coat with a dark gray --

1 A. Yes.

2 Q. -- hooded sweatshirt?

3 A. Yes.

4 MS. FINLAYSON: May the record reflect that
5 the witness has identified the defendant Mr. Gutierrez?

6 THE COURT: It will.

7 BY MS. FINLAYSON:

8 Q. And with regards to your observations of
9 Mr. Gutierrez, would it be accurate to say that the
10 extent of it involved your observations of video
11 surveillance footage from the residence corresponding
12 with the timeframe of the break-in?

13 A. Yes, it was -- what happened was they knocked my
14 surveillance camera off the wall. He's on there doing
15 that and also unloading material into my house. And
16 then they left the camera on the driveway, and a friend
17 of mine had came and stopped by to visit me, saw it, and
18 he picked it up and put it in his vehicle. And the
19 footage was on the SD card that was on the camera.

20 Q. And when you reviewed that footage, did you
21 observe anyone else in the video besides --

22 A. There were two other people -- one or two other
23 people with him that were going in and out of frame, but
24 I don't know who they were.

25 Q. And then jumping forward a little bit to what
26 happened after Thanksgiving, you testified something to

1 the effect that after Thanksgiving, Pat, Floyd, and
2 Shawna started staying at the home to help you?

3 A. Shawna was only there for a couple nights. She
4 didn't stay there. Pat and Floyd, they were trying to
5 help me at that point. I needed people there because I
6 work, and I was afraid that if I left the house
7 unattended that they would break back in and take the
8 rest of my stuff.

9 Q. And when Pat and Floyd started staying there,
10 would they sleep and stay at the residence every night
11 between Thanksgiving and January 6?

12 A. Not every night.

13 Q. How about a majority of the nights?

14 A. Probably majority, yeah.

15 Q. And did both Pat and Floyd keep personal
16 belongings stored inside the home?

17 A. Like, they have their clothing and stuff like
18 that.

19 Q. And then finally, counsel also asked you some
20 questions about what happened after you came out of your
21 bedroom, and I believe you walked towards the top of the
22 stairs where you saw an individual with a firearm
23 pointed at you?

24 A. Right.

25 Q. And you stated something to the effect of you had
26 no choice in terms of --

1 A. Well, I mean, I was trying to move, and they
2 would move in front of me. And the guy with the firearm
3 was basically keeping me positioned right where I was.

4 Q. And where were you trying to move to?

5 A. I was trying to look around to see what was going
6 on. There were people behind me and all around the
7 kitchen and dining room. There was a lot of people that
8 came up the stairs, like, seven, eight people, and I
9 didn't know any of them, and I was kind of curious as to
10 what they were doing.

11 Q. So at that point in going through your mind, did
12 you feel like you could not -- like you were not free --

13 A. Of course.

14 Q. -- to leave to go into other rooms?

15 A. Right. No, definitely.

16 Q. What was happening?

17 A. I stayed right there.

18 Q. And on a last note, at the time of the January 6
19 invasion, did you also have a dog that was staying with
20 you?

21 A. I had my dog. He is in a kennel in the room that
22 I was occupying.

23 Q. And what was he doing that you observed?

24 A. He was just barking, going crazy.

25 Q. And was he running loose in the house?

26 A. No.

1 MS. FINLAYSON: Okay. Nothing further.

2 THE COURT: All right. Any cross on that?

3 MR. GOHEL: Just very briefly.

4 RECROSS-EXAMINATION

5 BY MR. GOHEL:

6 Q. This video surveillance that you had that was on
7 the disk that your friend found, did you -- you took a
8 look at that video, correct?

9 A. Excuse me?

10 Q. You watched the video?

11 A. Yes.

12 Q. You put it in a machine and you watched it,
13 right?

14 A. Right.

15 Q. Did you provide that to the police?

16 A. I tried to give it to them the first time when I
17 made the complaint when they came in on Thanksgiving,
18 and they told me that was not necessary. They said it
19 was a civil matter, basically.

20 Q. You still have that?

21 A. Yes.

22 Q. The disk?

23 A. Uh-huh.

24 Q. So you haven't turned it over to the police yet?

25 A. No.

26 MR. GOHEL: That's all I have. Thank you.

1 THE COURT: Ms. Potter?

2 MS. POTTER: Very briefly.

3 RECROSS-EXAMINATION

4 BY MS. POTTER:

5 Q. Sir, after Thanksgiving you were informed that
6 Mr. Gutierrez, who you identified as sitting next to me,
7 was the new lease holder for the residence?

8 A. I don't believe they gave me a name of anybody
9 who was a lease holder or anything like that.

10 Q. But you were informed there was a new lease
11 holder?

12 A. That's what they texted me, yes, but not by Jerry
13 or any of the owners or anybody that I know that owned
14 the place.

15 Q. So you were informed by a text message that there
16 was a new --

17 A. Right.

18 Q. -- occupant of the house?

19 A. Uh-huh.

20 Q. And that they had taken over tenancy, correct?

21 A. Right.

22 Q. And you moved your things back into the home
23 after that point?

24 A. I didn't move my things back in the home. A lot
25 of my things were still in the home and I just didn't
26 move them out.

1 Q. Okay. I think you testified earlier that things
2 were removed from the home and put outside?

3 A. Yeah. A lot of my stuff was put outside, yeah.

4 Q. And you were given a certain amount of time to
5 come pick up your things; you were informed where they
6 would be that you could pick them up, correct?

7 A. I was told I could come and pick up my things. I
8 wasn't told where they would be.

9 Q. You were told that you could come pick them up.
10 What did you assume that that meant?

11 A. That I could go in the house and move my stuff
12 out myself.

13 Q. And instead of doing that you moved your things
14 back in the home and --

15 A. All the stuff --

16 THE COURT: Hold on one second. Let her
17 finish her question, okay.

18 BY MS. POTTER:

19 Q. Instead of doing that, you moved your things back
20 in the home and made no efforts to find a new place to
21 live, correct?

22 A. No. The stuff that was outside, most of it I
23 loaded into a truck that I rented and moved it to
24 storage as well. The stuff that was inside was -- I
25 mean, a lot of stuff was still left inside but
26 nothing -- well, maybe some of my personal items but

1 nothing that was -- the majority of the stuff that was
2 moved outside was either destroyed or garbage or what
3 was good, I took and removed from there.

4 MS. POTTER: Okay. Nothing further.

5 THE COURT: All right. May I release the
6 witness?

7 MS. FINLAYSON: Your Honor, I have one
8 follow-up question, but I realize it's slightly outside
9 the scope of some of the questions that have been asked
10 on cross-exam. I don't know if the Court would allow
11 me --

12 THE COURT: The Court will allow it, but I
13 will allow other counsel to follow up if need be.

14 MS. FINLAYSON: Thank you.

15 FURTHER REDIRECT EXAMINATION

16 BY MS. FINLAYSON:

17 Q. Just very briefly. During the months leading up
18 to January 6 while you were living at the home, were you
19 paying for the electrical or utilities?

20 A. I am paying the electrical, and the gas, and the
21 water.

22 Q. And do you pay that on a monthly basis?

23 A. Yes.

24 MS. FINLAYSON: Nothing further.

25 THE COURT: Anything on that?

26 FURTHER RECROSS-EXAMINATION

1 BY MR. GOHEL:

2 Q. Do you pay any rent?

3 A. No. I was paying rent and then -- but since they
4 destroyed the house, I mean, on the first day --

5 Q. My question --

6 A. -- and they never asked for any.

7 Q. So after you were informed that you needed to
8 leave back in November -- middle of November 2025, have
9 you paid rent to Mr. Tran?

10 A. No.

11 Q. Have you paid rent to anyone?

12 A. No.

13 Q. You are still living there currently?

14 A. Yes.

15 Q. And you are not paying rent, correct?

16 A. Well, if they come back in and fix the kitchen
17 and bathrooms I'd pay them rent.

18 Q. What was the rent you paid prior to that?

19 MS. FINLAYSON: Objection. Relevance.

20 THE COURT: Okay. Last -- that's it on that
21 question. Anything more -- you said \$1,000?

22 THE WITNESS: \$1,000, yes.

23 THE COURT: Ms. Potter, anything with
24 respect to that?

25 MS. POTTER: Nothing.

26 THE COURT: Okay. I'll go ahead and release

1 the witness.

2 MS. FINLAYSON: Yes.

3 THE COURT: All right. You're excused, sir.
4 You are free to leave. Thank you.

5 THE WITNESS: Thank you.

6 THE COURT: We're going to take a ten-minute
7 break, folks. I know we started around 10:20, so let's
8 come back at 11:30, okay, and then we'll go until noon.

9 (Morning recess.)

10 THE COURT: All right. Ms. Finlayson, are
11 you ready to call your next witness?

12 MS. FINLAYSON: Yes. The People call
13 Patrick Calleja.

14 THE COURT: Sir, if you just want to make
15 your way to this witness stand and remain standing,
16 okay.

17 Hi. I'm Judge Reyna. Please remain
18 standing for the moment. My clerk is going to swear you
19 in. Please listen to her.

20 Patrick Calleja,
21 who was called as a witness on behalf of the People, was
22 sworn, examined, and testified as follows:

23 THE CLERK: Thank you. You may be seated.
24 Please state and spell your first and last name for the
25 record.

26 THE WITNESS: Patrick, common spelling,

1 P-a-t-r-i-c-k, Calleja, C-a-l-l-e-j-a.

2 THE COURT: All right. So before we begin,
3 sir, I am just going to give you a few warnings, so to
4 speak.

5 First, there is a microphone in front of
6 you; make sure you speak into that.

7 Second, please know we do have a court
8 reporter right in front of you. She is reporting
9 everything we say. It's really important to try to
10 speak slower than normal, okay. Also, really important
11 not to interrupt anyone. So let the attorney finish
12 asking their question before you respond; understand?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Also please try to answer only
15 the question you're asked. And if at any time you don't
16 understand a question, just say you don't understand.

17 Lastly, if there is any objection, stop
18 speaking. Let me rule on the objection, and then I will
19 let you know whether you should answer the question.

20 Okay. All right. Go ahead, Ms. Finlayson.

21 DIRECT EXAMINATION

22 BY MS. FINLAYSON:

23 Q. I am going to ask you some questions about
24 something that happened during the early morning hours
25 of January 6, 2026. But before I get into those, can
26 you tell me, around that date, where had you been

1 staying?

2 A. I had been actually staying helping Silvino
3 basically pack up, essentially, his house and probably
4 from the beginning of October, actually.

5 Q. And --

6 A. I have known Sal for about ten years. So, you
7 know, we work together on a lot of projects.

8 Q. And was this at Silvino's home on 260 Allen Drive
9 in San Bruno?

10 A. Yes, it was.

11 Q. And when you say you had been staying there since
12 around October 2025 or so, can you just provide more
13 information; would you stay there each night?

14 A. Yeah. Yeah. I came -- I live up north in
15 Mendocino County, and Sal told me that he was -- you
16 know, he was in a little bit of trouble because, you
17 know, he has to pack up his whole shop, not just his --
18 because he runs a business out of there too,
19 essentially. So, you know, he had a lot of work so he
20 needed the help. So I wasn't doing very much at the
21 time, so I came down to help.

22 Q. And when you were -- when you were staying at the
23 home, was there a certain location in the home that you
24 primarily slept in or kept your belongings?

25 A. Mostly in the back room downstairs.

26 Q. And were you present at the home on January 6,

1 2026, around 3:00 a.m.?

2 A. Yes.

3 Q. And what were you doing around that time?

4 A. I was just finishing up some -- just cleaning up,
5 doing a little bit of laundry and, you know, just trying
6 to reorganize the garage a little bit.

7 Q. And so were you located on the lower downstairs
8 level of the home?

9 A. Yes, I was.

10 Q. To your knowledge, who else was in the home on
11 that date and time?

12 A. Myself, Sal, George, Floyd and Shawna.

13 Q. And besides you and Silvino, had any of those
14 other individuals also been staying at the home
15 regularly?

16 A. Yeah. At that point, Floyd and George were
17 living there now.

18 Q. And where would Floyd and George stay in the
19 home?

20 A. George tended to stay downstairs for the most
21 part. Floyd was upstairs in the -- I guess call it the
22 second bedroom.

23 Q. And as to George and Floyd, had they also been
24 staying at the home during that same timeframe you had
25 since around October through January?

26 A. No. They probably came on later. George is a

1 little bit of a special case. He's sort of
2 schizophrenic so sometimes he would, you know, follow me
3 around. So he actually had stayed prior to that but not
4 at any length of time I think. It wasn't -- that
5 probably didn't happen until after mid November, I
6 think.

7 Floyd came on to help me out because we had some
8 sort of extensive projects, you know, especially in the
9 back. And it was a horrendous cleanup job after the
10 break-in around Thanksgiving.

11 Q. And you indicated on the 6th you were doing
12 laundry. Where were the others -- where were your
13 friends located inside the home?

14 A. George was in the back room. Floyd was -- I
15 think he was around the laundry area. And Sal was
16 upstairs just doing some paperwork, I think, in the back
17 room or in his -- in the master bedroom. Shawna was
18 upstairs in the living room, I think, yeah.

19 Q. Around 3:00 a.m. did anything catch your
20 attention?

21 A. Initially I didn't hear. I guess there was some
22 banging before. I figured later it was in -- they
23 battered down the gate on the side of the house. I
24 didn't hear that, but thereafter they passed the first
25 back door and went down to the lower section and then
26 entered through the -- what is the downstairs in-law

1 unit, I guess, through that back door. George had had
2 it open for just a little bit of air, and he at that
3 point yelled out to me, "Pat, your friends are here."
4 And I was a little bit puzzled because I -- you know,
5 the gates are barred up, so I didn't know what he was
6 talking about. And when I got up from the front of the
7 garage and then walked to the back room because there is
8 a door on the inside, and I see these, you know, people
9 pouring in with full tactical gear and masks and guns
10 and everything. So I very quickly turned around and
11 walked up the stairs and yelled out to Sal and told him
12 what was going on and tried to hold the door, and they
13 kind of beat their way in.

14 Q. And just to break it down step by step, when you
15 first saw the group entering through the lower level,
16 about how many individuals would you say you saw?

17 A. Initially I saw three and then four, five, and
18 they kept pouring in. About the time there was about
19 six or seven, I turned around and just went upstairs.

20 Q. And when they first came in initially, do you
21 recall hearing them say anything?

22 A. "You need to leave right now."

23 Q. And you said that you saw some of them were
24 holding weapons, like firearms?

25 A. Yes.

26 Q. Do you recall about how many guns you think you

1 saw?

2 A. I'm fairly sure I saw three initially downstairs,
3 yeah.

4 Q. And the individuals who entered, did you see how
5 they were holding the guns when they first entered
6 through the rear level?

7 A. I saw one gentleman holding a gun for sure. I
8 think the second one, I'm not sure if he had it in a
9 holster or just had it up on his side. And I am not
10 sure about the third one but I saw it.

11 There was also Tasers. Another guy was with a
12 sledgehammer. One guy had a katana, a samurai sword.

13 Q. And the suspects with the firearms, did it appear
14 they were pointing the firearms at you or your friends?

15 A. Yes. I think one of them was pointing a gun at
16 George. At that point they weren't exactly pointing it
17 at me yet. It wasn't until I went upstairs, you know,
18 and then as I was trying to hold the door, they beat
19 their way in. And the first gentleman came through and
20 drew down on me with a large caliber semiautomatic
21 pistol.

22 Q. And so when you say they beat the door in, were
23 you on one side of the door trying to hold it --

24 A. Yeah, I was trying to hold it and keep them away
25 and then they just pushed their way in.

26 Q. And after they pushed their way in, can you

1 describe exactly what happened next? Did one of them
2 immediately draw a firearm?

3 A. Yeah. One of the first gentleman came through
4 and had again a large caliber semiautomatic pistol with
5 a laser sight and drew down on me roughly five feet away
6 from me.

7 Q. And what was going through your mind emotionally
8 as this was happening and the gun was drawn on you?

9 A. I knew I needed to stay as calm as possible, but
10 I mean it was -- you know, I was a little bit panicked,
11 but I just tried to stay as calm as possible.

12 Q. And did you fear for your safety?

13 A. Yes.

14 Q. And did you fear for the safety of your friends
15 and the home?

16 A. Yes.

17 Q. Did you initially know or recognize the group
18 that entered the home?

19 A. No, I don't think I -- I didn't -- no. Not
20 initially, no. Later on upon a little bit of
21 reflection, it appeared to be one of the guys that was
22 caught on camera during the break-in on Thanksgiving.

23 Q. And after one of the suspects pushed their way
24 through the door and drew a firearm at you, did the
25 person holding a firearm say anything to you?

26 A. Yeah. He said, "You need to stay right there.

1 Don't move," basically something to that effect.

2 Q. And do you feel -- did you stay standing in that
3 same position?

4 A. Yes.

5 Q. And were you fearful that if you moved from that
6 location that you could be harmed?

7 A. Yes.

8 Q. And what happened next? Did you hear what, if
9 anything, the suspects who entered were saying to one
10 another at this point during the encounter?

11 A. I know there was some chatter amongst themselves.
12 I don't recall exactly what it was, because I was still
13 a little bit, you know, focused on the problem in front
14 of me. The gentleman that came in after one of them
15 had -- was a gentleman with a katana, and then another
16 guy came in brandishing another weapon, and they
17 proceeded to go through the back rooms and clear out the
18 bedrooms because we were in the front living room at
19 that point, and as they -- as those gentlemen were going
20 through the back bedrooms, then Shawna opened up the
21 front door and took off.

22 Q. And at that point in the living room area, who
23 was there; you, Silvino, and Shawna, before she took
24 off?

25 A. Right.

26 Q. And where were George and Floyd at that point?

1 A. They were still downstairs.

2 Q. And while you were in the living room after they
3 told you "Don't move," were you concerned about what was
4 happening with George and Floyd downstairs?

5 A. Yeah, especially George because I don't know
6 sometimes -- I have dealt with schizophrenia a lot in my
7 life, so I don't know how they react sometimes, and I
8 was afraid for his safety.

9 Q. And would it be accurate to say you felt
10 prevented from going downstairs to make sure George --

11 A. Yes.

12 Q. -- and Floyd were okay?

13 A. Yes.

14 Q. And after Shawna ran out of the house, what do
15 you remember the suspects doing next?

16 A. At one point there seemed to be some chatter in
17 the back bedroom. I guess they were confronting Sal at
18 that time, and so he took his attention away from me.
19 And then I took the opportunity to -- I walked
20 downstairs to find my phone, and then I walked to the
21 front of the garage and called 911.

22 Q. And did you hear anything being said by the
23 suspects at that point going forward?

24 MR. GOHEL: Object. Calls for hearsay to
25 the degree that it's not one of the defendants.

26 THE COURT: Any comment?

1 MS. FINLAYSON: Not being offered for the
2 truth of the matter, just to explain.

3 THE COURT: Overruled.

4 You can answer.

5 THE WITNESS: What was the question again
6 now?

7 BY MS. FINLAYSON:

8 Q. Do you recall what, if anything, the suspect said
9 or did next at that point?

10 A. I did hear some chatter amongst themselves, and
11 then one thing I did is as I walked to the front of the
12 garage to call, I grabbed a hammer. I didn't know what
13 I could do with a hammer, but I just felt a little bit
14 more, you know. And as I called 911, they started
15 screaming right away that "He's got an axe, he's got an
16 axe." And so -- but yeah, I just figured just stay on
17 the phone and try to stay calm. And they didn't seem to
18 bother me too much or they didn't want to directly
19 confront me at that point, I guess, is what I'm saying.

20 Q. And at any point throughout the invasion, were
21 you able to see the faces of any of the suspects?

22 A. There were two gentlemen actually, and I am not
23 sure if I heard right that they were maybe father and
24 son, but I could be wrong about that. Two gentlemen
25 without masks. Everybody else had masks.

26 Q. After you grabbed the hammer, at that point could

1 you see what George or Floyd were doing down below?

2 A. No. I still couldn't because George -- I don't
3 know where Floyd was. I know George was still in the
4 back room, and he was being held -- basically, he was --
5 there was, like -- call it caught back there, and they
6 made him stay there. So I don't know if anything had
7 happened to him or what was going on.

8 Q. And after you grabbed the hammer, at some point
9 did police officers respond to the scene thereafter?

10 A. It wasn't until shortly -- I was on the phone
11 with dispatch for, maybe -- I don't know, maybe another
12 five, six minutes total. It's hard to estimate time at
13 that -- you know, in that type of stress, but after I
14 got off the phone, then I -- because they had sort of
15 wandered away from me at that point, and so then I
16 wandered back upstairs to kind of see what was going on.
17 And it seemed like a little bit of a circus at that
18 point because they were talking about getting rid of
19 their -- it seemed like they were getting rid of their
20 weapons, and the house started to thin out a little bit
21 because I guess people were leaving. Initially, I
22 guess -- and I didn't see this, but I think it was three
23 men with guns --

24 MR. GOHEL: I am going to object.
25 Speculation. Foundation.

26 THE COURT: All right. Sustained.

1 Next question.

2 BY MS. FINLAYSON:

3 Q. At some point after officers arrived, did you
4 speak with them and provide a statement about what you
5 had observed?

6 A. Yes. It wasn't until a little bit of time later
7 because at first when we were upstairs myself and Sal
8 stayed on the porch, you know, but I guess they were a
9 little bit -- they wanted to clear the house out first a
10 specific way. So they told us to come out and they sort
11 of put us off to the side except -- actually, the four
12 of us, including Shawna, but George was still
13 downstairs. I hadn't seen him at that point. He didn't
14 come out until later. Actually, one of the last ones.

15 Q. And --

16 A. Sorry. I forgot. At that point, then we started
17 to give a statement.

18 Q. And you indicated earlier that one of the
19 firearms you saw pointed at you had a laser sight on it?

20 A. Yes.

21 Q. And do you have familiarity or experience with
22 firearms?

23 A. Yes.

24 Q. And from your experience as to the gun, could you
25 tell if it appeared to be loaded with a magazine
26 inserted?

1 A. It did.

2 MS. POTTER: I am going to object to
3 foundation, Your Honor.

4 THE COURT: Sustained.

5 BY MS. FINLAYSON:

6 Q. In looking at the gun pointed at you, did you see
7 a magazine inserted?

8 A. Yes.

9 Q. And after officers left, did you and your friends
10 look inside the home to see what might have been left
11 behind?

12 A. We didn't initially. Actually, it wasn't until
13 probably later that day I started to find knives and
14 that sort of things. And then the following day I found
15 a battering ram in the backyard. Yeah.

16 MS. FINLAYSON: Nothing further.

17 THE COURT: All right. Mr. Gohel?

18 MR. GOHEL: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. GOHEL:

21 Q. Sir, so when was it that you first started living
22 or staying overnight at 260 Allen?

23 A. Beginning of October.

24 Q. Beginning of October 2025?

25 A. Yes.

26 Q. And the reason that you went there was what? Why

1 did you --

2 A. Well, helping Sal get packed up and move.

3 Q. So that was back in October?

4 A. Yes.

5 Q. He told you he had to move out back in October of
6 2025?

7 A. Yeah.

8 Q. Because that's the reason that you went there,
9 right?

10 A. That's correct.

11 Q. And I am assuming he had a lot of stuff because
12 he works in the trades, correct?

13 A. Yes.

14 Q. Okay. And then at some point in November --
15 well, in October, did Sal tell you that his mother had
16 sold the house?

17 A. Yes.

18 Q. Okay. And that's why he needed to move out?

19 A. Yes.

20 Q. And he needed help from you, correct?

21 A. Yes.

22 Q. Did you bring any of your stuff with you?

23 A. Yes.

24 Q. Besides -- well, personal items and clothing?

25 A. Yes. Some of my tools and gear, yeah.

26 Q. Were you planning to do some work down in the Bay

1 Area?

2 A. Yeah.

3 Q. And before that, you said you were in Mendocino?

4 A. Yeah.

5 Q. Okay. Were you staying every night from October
6 until this incident at 260 Allen in San Bruno?

7 A. For the most part, yeah.

8 Q. So you were essentially living there even though
9 it was a short period of time you were living there?

10 A. Yes.

11 Q. Okay. And at some point between October when you
12 first got there to January 6, did you help -- you call
13 him Sal, is it Silvino Manzano?

14 A. Yes.

15 Q. Did you help him actually move stuff out of the
16 house?

17 A. Yes. We were -- actually, right around
18 Thanksgiving, we were 90 percent packed up. We were
19 ready to go.

20 Q. And he was putting most of the things in a pod
21 that the new owner had provided, correct?

22 A. The pod, actually, that was some weeks before.
23 And he -- after that, then he -- actually, there was a
24 car that he had towed up; Jerry, I think his name.
25 So -- and that was roughly a week before Thanksgiving.
26 And then in the meantime just bins stacked in the garage

1 ready to just load, that kind of thing.

2 Q. Okay. And at some point while you're helping him
3 move, I mean, that was, like, three months, two and a
4 half, three months --

5 A. Yes.

6 Q. -- to pack up?

7 By the time that this incident occurred January 6
8 of 2026, was he -- practically all of his stuff was out
9 of the house?

10 A. Well, most of the -- he lost a lot of stuff
11 during the break-in on Thanksgiving. So it literally
12 took him out of commission. He couldn't go to work.
13 You know, we're tradesman so it was kind of a severe.

14 Q. Did Sal tell you that there was a new tenant that
15 was wanting to move in?

16 A. He told me somebody invaded his house. He
17 doesn't know what's going on at the time, and then he --
18 I believe he went to San Bruno PD and approached them,
19 and they said well, it was a civil matter, you know. So
20 he didn't feel like he really had a leg to stand on, so
21 I came down about a half-day later behind him so -- and
22 just found everything outside. Just, it was chaos.

23 Q. Okay. Let me go to the incident. When you first
24 heard the noises or commotion, you were at the bottom of
25 the stairs; is that right?

26 A. I was toward the front of the garage.

1 Q. Okay. The garage. And then you see these people
2 and then you run upstairs, correct?

3 A. Yes.

4 Q. You thought your phone was up there, correct?

5 A. Yeah.

6 Q. Because you were planning on calling 911?

7 A. Yes.

8 Q. Okay. But then when you got upstairs, you
9 realized your phone was actually still downstairs,
10 correct?

11 A. Right.

12 Q. And then did you go -- once you -- did you find
13 your phone downstairs?

14 A. Later, yeah.

15 Q. Okay. Because then where did you call 911 from,
16 downstairs or upstairs?

17 A. I walked towards -- I found my phone on top of a
18 car and then walked to the front of the garage and
19 called from there.

20 Q. And you're at the top of the stairs, though, at
21 some point?

22 A. Yes.

23 Q. When you see one person point a gun at you,
24 correct?

25 A. Yes.

26 Q. And you only saw one person point a gun at you,

1 correct?

2 A. Yeah.

3 Q. Okay. That's the one with the laser sight,
4 correct?

5 A. Correct.

6 Q. And that person told you, "Don't move," something
7 to that effect, correct?

8 A. Right.

9 Q. He didn't tell you to go anywhere. He didn't
10 tell you to move. He just told you "Don't move,"
11 correct? Is that yes?

12 A. Yes.

13 Q. And at least at that moment, you followed his
14 instructions?

15 A. Right.

16 Q. Okay. At some point this person with the gun,
17 his attention was drawn toward Sal; is that correct?

18 A. Yes.

19 Q. It's the -- and did he point the gun at Sal?

20 A. I don't know. Sal was in the back bedroom, so I
21 didn't see.

22 Q. Was Sal awake when this commotion started? Was
23 he asleep in his bedroom or was he --

24 A. He was awake. He was just doing some work,
25 paperwork or something.

26 Q. In his bedroom?

1 A. In his bedroom.

2 Q. Okay. And when -- at some point you used that
3 opportunity of this person to get away; is that fair?

4 A. Yes.

5 Q. And at some point you grabbed a hammer, correct?

6 A. Yes.

7 Q. And you heard someone say, "He's got an axe," and
8 you thought that was referring to you, correct?

9 A. I know that was referring to me.

10 Q. Did you ever use the hammer on anyone?

11 A. No.

12 Q. Did you hit anyone?

13 A. No.

14 MR. GOHEL: That's all I have. Thank you.

15 THE COURT: It's noon. I don't know how
16 long your --

17 MS. POTTER: I have a little bit so if you
18 want to --

19 THE COURT: Maybe we should take a break for
20 lunch.

21 Okay. So we'll come back at 1:30 p.m.

22 So, sir, you need to come back at 1:30 --

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: -- and continue testifying.

25 Please do not discuss your testimony with any other

26 witnesses while you're on the stand. Okay. Thank you.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

(Lunch recess.)

1 P R O C E E D I N G S

2 March 3, 2026

3 AFTERNOON SESSION

4 --000--

5
6 THE COURT: All right. Back on the record.
7 And all parties and counsel are present. And we have
8 witness Patrick Calleja back on the stand.

9 So I'll just remind you, sir, you are still
10 under oath.

11 And we'll go ahead -- I think we finished
12 with Ms. Potter starting her cross-examination.

13 CROSS-EXAMINATION

14 BY MS. POTTER:

15 Q. Good afternoon, sir.

16 A. Good afternoon.

17 Q. So just so I can kind of get the timeline
18 correct, and I apologize if you have already answered
19 these questions, but you found out sometime in October
20 that Mr. Manzano was going to be, essentially, evicted
21 from his home, correct?

22 A. Yes.

23 Q. Or that his mother was going to sell the
24 residence?

25 A. Right.

26 Q. Now, you said that you both work in the trades.

1 What trades are those?

2 A. Both auto mechanic and actually restoring cars
3 and also construction.

4 Q. Okay. And did Mr. Manzano primarily, as far as
5 you know, work as an auto mechanic or in construction?

6 A. I wouldn't say he leans either way really, just
7 various projects, you know. I couldn't put a percentage
8 on it really.

9 Q. Okay. Now, have you -- since you have kind of
10 moved into the residence in San Bruno, have you
11 maintained your home in Mendocino?

12 A. Actually at the moment, my mother passed away
13 about a year and a half ago and sort of doing some
14 modification on my mother's property.

15 Q. I'm sorry to hear that. And so as it sits right
16 now, the property in San Bruno, is that your only
17 residence?

18 A. Yes.

19 Q. Okay. Now, you indicated that Mr. -- as far as
20 you were aware and as you were helping him, Mr. Manzano
21 was 90 percent done with moving and had packed up
22 everything in November of 2025, correct?

23 A. Yes.

24 Q. Okay. Have you seen him doing any unpacking
25 since you have now stayed there through today's date?

26 A. Like, I'm not sure what you mean by "unpacking."

1 Q. I can clarify. Has he brought his personal items
2 back into the house?

3 A. He has brought some but not many really.

4 Q. Okay. You indicated that you have got extensive
5 projects that you have been helping him out with in the
6 back of the house; is that correct?

7 A. Yeah.

8 Q. Okay. Does that mean that you are conducting
9 construction projects in the home?

10 A. Not construction. Just basically clean -- a lot
11 of cleanup.

12 Q. Okay. Is it your understanding from Mr. Manzano
13 that the property owners are asking him to clean up the
14 property?

15 A. No, just -- when -- when the house was ransacked
16 on Thanksgiving, they literally just -- you know, boxes
17 emptied out. They threw things out the window. You
18 know, it was just a mess, you know. Then it started to
19 rain on a lot of that stuff. And at one point I
20 remember walking into the backyard and, you know, he has
21 got some pictures of his great-grandparents, and they
22 had all gotten ruined because they were just tossed out
23 in the rain.

24 Q. Okay. And as far as you're aware, though, from
25 Mr. Manzano, the former property owner, his mother, had
26 taken all of her belongings out of the house and had

1 moved out completely, correct?

2 A. Yes.

3 Q. Okay. Now, this November incident that you have
4 been referencing, that that occurred on Thanksgiving of
5 2025?

6 A. Yes.

7 Q. Okay. And Thanksgiving of 2025, when did you
8 return to the house?

9 A. Let me back up. Initially Sal left for his
10 mother's the day before Thanksgiving, like midmorning.
11 I didn't leave until the evening, and then the house was
12 basically empty for a day. It's my understanding they
13 came in on Thanksgiving or late that night. We saw them
14 on -- he had a security camera that one of the gentleman
15 took a pole and knocked off the front of the house and
16 basically continued from there. It's my understanding
17 they were there for about a day and a half.

18 Q. I'm asking when you returned to the property.
19 Sorry.

20 A. Oh, I didn't return until a day and a half after
21 Thanksgiving.

22 Q. So that would have been presumably you're
23 saying -- so Thanksgiving is Thursday, you would have
24 returned on Saturday?

25 A. Saturday, uh-huh.

26 Q. Okay. Now, Mr. Manzano, as far as you were

1 aware, had been asked to vacate the premises multiple
2 times, correct?

3 A. Yes.

4 Q. Including after Thanksgiving of 2025?

5 A. Sorry.

6 Q. He was asked -- he was asked to leave the
7 property even after Thanksgiving of 2025?

8 A. As far as I know, there was no further
9 correspondence between Jerry, who was acting as, I
10 guess, the speaker of the conglomerate that purchased
11 the property after Thanksgiving, no.

12 Q. Okay. Now I want to go -- we can jump forward to
13 the early hours of January 6th of 2026. So you were not
14 asleep at that time? This is approximately 2:00 a.m.,
15 correct?

16 A. Yes.

17 Q. What were you working on downstairs?

18 A. Just cleaning up the garage and, you know, just
19 going through some garbage, getting rid of some things,
20 just cleaning up. We were trying to clean up the garage
21 to basically do some maintenance on a vehicle or
22 something.

23 Q. Okay. And at this point in January of 2026, what
24 percentage of Mr. Manzano's property is packed up and
25 ready to move?

26 A. Literally, I would say actually everything was in

1 shambles. It was -- I mean, I have some pictures to
2 show. I mean, it was a nightmare to actually start to
3 pack up again because everything had been tossed out.
4 You know, boxes just dumped out, you know.

5 Q. So you -- and so you have from two days after, so
6 the Saturday after Thanksgiving to January 6th of 2026,
7 how much -- how much of Mr. Manzano's things were you
8 able to repack during that time?

9 A. Hardly anything. I mean, it was just a
10 nightmare.

11 Q. Okay. So this -- you were downstairs, is what
12 you testified to, and you're working with Floyd Cooper;
13 is that correct?

14 A. Yes.

15 Q. And you're just cleaning out the garage?

16 A. Just getting rid of some garbage and just
17 clearing some space to do some maintenance on a vehicle.

18 Q. And this is at two o'clock in the morning?

19 A. Yes.

20 Q. Okay. Now, when you -- when you get called
21 toward the back by your friend George, you -- what's the
22 first thing that you saw?

23 A. When I approached the room as I looked in the
24 door and towards the back of the door to the outside of
25 the house, there were about three or four gentlemen, and
26 immediately they told me I need to get my stuff and

1 leave.

2 Q. Okay.

3 A. Sorry. I take that back. I need to leave,
4 period.

5 Q. Just you need to leave. You, at a certain point
6 during this interaction, become aware that they are --
7 that it is involving someone who is trying to take
8 occupancy of the home, correct?

9 A. Yeah.

10 Q. And you had been made aware after Thanksgiving of
11 2026 that someone was trying to take occupancy and had a
12 lease, correct?

13 A. At that time, no, I didn't know.

14 Q. And I'm talking about after Thanksgiving of
15 2026 -- sorry -- after Thanksgiving of 2025?

16 A. No, I didn't know anything about it, no.

17 Q. When is the first time you heard about this?

18 A. I guess probably sometime after that. I'm not
19 sure exactly when.

20 Q. Sometime between Thanksgiving and January 6th?

21 A. Yeah. I should clarify. There was mention of a
22 few things, but I didn't quite understand what was
23 exactly going on. It wasn't stated clearly until later.

24 Q. Were you providing Mr. Manzano with any rent?

25 A. No.

26 Q. Okay. And you said that other people started to

1 move in as well. You said George was your friend that
2 you asked to come stay there?

3 A. Yeah.

4 Q. Did you run that by Mr. Manzano?

5 A. Yeah.

6 Q. And then there was another woman named Shawna,
7 correct?

8 A. Yes.

9 Q. And how long was Shawna there?

10 A. Just a couple days. She -- yeah.

11 Q. Was -- to your knowledge, when these people first
12 entered the home, Shawna was upstairs in the living
13 room?

14 A. Yes.

15 Q. Okay. Now, as you went upstairs, Shawna was
16 there -- you saw Shawna as you walked up the stairs and
17 into the second level of the home, correct?

18 A. Yes.

19 Q. And was Shawna with you helping you try to shut
20 the door and keep these people out?

21 A. She was right behind me. She didn't understand
22 what was going on at first.

23 Q. Okay. And you heard Shawna at a certain point
24 yell out something to the effect of "Don't come up here
25 or you'll get shot in the face," correct?

26 A. I -- I don't recall that.

1 MS. FINLAYSON: Objection. Assumes facts
2 not in evidence.

3 THE COURT: Sustained.

4 BY MS. POTTER:

5 Q. Did you hear Shawna yelling anything about -- to
6 these subjects?

7 A. I do remember her asking, I think, what was going
8 on.

9 Q. Okay. And is -- oh, go ahead.

10 A. That's it.

11 Q. Was one of the things she yelled at these
12 subjects, "Don't come up here or you'll get shot in the
13 face"?

14 A. I don't recall that, no.

15 Q. Okay. At a certain point, she just leaves and
16 goes out the front door?

17 A. Yes.

18 Q. Okay. Was that when the people -- these subjects
19 had already entered into the second level?

20 A. Yes. Initially I think, yeah, they were there.

21 Q. Okay. Now, you said that no one -- you were able
22 at some point to just walk downstairs, correct?

23 A. That's correct.

24 Q. And no one stopped you from walking downstairs?

25 A. No.

26 Q. That's where you were able to retrieve your phone

1 and make the phone call to 911?

2 A. Yes.

3 Q. Okay. Now, I do have to ask you, you said you
4 saw multiple subjects with different types of weapons,
5 and I know it was a lot to take in --

6 A. Yes.

7 Q. -- but I want to clarify here. You said you saw
8 one person holding a gun that you knew was holding a gun
9 because it was pointed at you, correct?

10 A. Yeah, that's correct.

11 Q. Okay. And then you saw another subject holding
12 what you believed to be a gun on either a holster or on
13 the side, correct?

14 A. Initially, yeah.

15 Q. And that was not pointed at you?

16 A. No.

17 Q. Okay. And you said a third person who might have
18 had a gun but you weren't sure, correct?

19 A. I should clarify. I saw at least three firearms.
20 I was just assuming that there was probably more.

21 Q. Okay.

22 A. There was one -- possibly a fourth one but what
23 might have been a Taser, not necessarily a firearm.
24 Yeah.

25 Q. And I just want to be clear, there was one person
26 who pointed the firearm at you, and that was the person

1 who came up the stairs at the -- almost at the very
2 beginning of this trail of people behind him?

3 A. That is correct.

4 (Defendant's Exhibit A was marked for
5 identification.)

6 Q. Okay. I am going to show you what has been
7 previously been marked as Defense A, which is a
8 photograph, and it's been shown to both counsel.

9 Sir, do you recognize what this photo depicts?

10 A. Yes.

11 Q. And there is -- I'll just -- I have to describe
12 it for the court reporter's benefit and for the record.
13 It's two still frames of photographs that appear to be
14 pretty much identical, correct, two side by side?

15 A. Appear to be.

16 Q. And there is a -- can you just describe what it
17 shows?

18 A. It shows a gentleman dressed in all black in
19 tactical gear. I see glasses but he is not wearing a
20 mask.

21 Q. And this is the gentleman that you saw, and I
22 will point you -- there are two red circles that are
23 basically indicating where a firearm was located,
24 correct?

25 A. Yes.

26 Q. And this is what you saw and observed on

1 January 6th in the morning, correct?

2 A. I don't remember -- specifically recall that
3 still frame myself, but something similar to that
4 effect, yeah.

5 Q. And this is the person who you saw who held a gun
6 up toward you?

7 MS. FINLAYSON: Objection. Assumes facts
8 not in evidence.

9 THE COURT: Sustained. Rephrase your
10 question.

11 BY MS. POTTER:

12 Q. Is this the person that -- is this the same
13 person that you saw on January 6 of 2025?

14 A. I don't believe so. The person that had a gun on
15 me had a mask.

16 Q. Okay. And just so we're clear, this all occurs
17 on the second level of the home?

18 A. Yes.

19 Q. Okay. Mr. Calleja, I saw you outside, you were
20 talking with both Floyd Cooper and Mr. Manzano, correct?

21 A. Yes.

22 Q. Outside the courtroom here today. Did you guys
23 arrive together?

24 A. Yes.

25 Q. And have you talked to each other about this
26 case?

1 A. Not directly specifics. I was instructed not to.

2 Q. Thank you for that. I'll clarify.

3 Have you talked to them about this case since
4 January 6th of 2026?

5 A. Yes.

6 Q. Okay. And you continue to live together in this
7 house in San Bruno?

8 A. Yes.

9 MS. POTTER: Okay. Thank you. I have
10 nothing further.

11 THE COURT: All right. Redirect,
12 Ms. Finlayson.

13 MS. FINLAYSON: Just very briefly.

14 REDIRECT EXAMINATION

15 BY MS. FINLAYSON:

16 Q. Earlier you testified that when you were holding
17 the door closed and then someone forcefully pushed it
18 open, and you saw a firearm pointed at you, correct?

19 A. Yes.

20 Q. And I believe you said something to the effect
21 earlier of as this was happening you felt you were
22 unable to move from that location where you were
23 standing, correct?

24 A. For some time, yes.

25 Q. And then you indicated earlier that at some
26 point, you ran downstairs to retrieve your cell phone?

1 A. Yes.

2 Q. And what had changed by that point?

3 A. There was some type of disturbance in one of the
4 back bedrooms where Sal was being engaged, I guess, and
5 the gentleman that was -- had a firearm drawn at me
6 turned and went back into the back bedroom. I then went
7 downstairs.

8 MS. FINLAYSON: Okay. Nothing further.

9 THE COURT: Any follow-up on that?

10 MR. GOHEL: No, Your Honor.

11 THE COURT: By Ms. Potter?

12 MS. POTTER: Very briefly.

13 CROSS-EXAMINATION

14 BY MS. POTTER:

15 Q. So I just want to clarify, Mr. Calleja. You were
16 holding this door closed trying to keep people out?

17 A. Yeah.

18 Q. And it gets pushed in, and that is the time
19 period in which you see someone pointing a firearm at
20 you?

21 A. Yes. After that, yeah.

22 Q. That person continues to hold a firearm toward
23 you for how long?

24 A. Probably three, four minutes, in which time some
25 other gentleman came up behind him and started to clear
26 the back bedrooms.

1 Q. Okay. And as that person clears the back
2 bedrooms -- or excuse me -- at a certain point, the
3 person who is holding a firearm at you continuously from
4 the first, kind of, push in to the second floor through
5 that door all the way through and then leaves and goes
6 to the back bedroom, correct?

7 A. Yes.

8 Q. And that's the point at which you can go
9 downstairs?

10 A. Yes.

11 MS. POTTER: Okay. I have nothing further.

12 THE COURT: All right. Anything else?

13 MS. FINLAYSON: No.

14 MS. POTTER: No, Your Honor.

15 THE COURT: Sorry. I am just going to ask a
16 few questions just so I understand the layout of the
17 house. So the main entrance of this house is the
18 front -- is the lower floor, does it --

19 THE WITNESS: Sorry.

20 THE COURT: Can you describe it?

21 THE WITNESS: The main entrance of the house
22 is upstairs, and there are two back doors, and it's on a
23 split level because it's on a hill. So the upper level
24 would be the sliding door that I don't think was even
25 opened. The lower door for the tenants where the tenant
26 was, that was the door that happened to be open for some

1 air.

2 THE COURT: So you were at the bottom level
3 of the home, there is -- I think it was described as a
4 three-bedroom, two-bathroom home, and then on the bottom
5 there is an extra bathroom and living space.

6 THE WITNESS: Call it, like, an in-law unit,
7 yeah.

8 THE COURT: An in-law unit. Okay. So when
9 you were saying you were holding the door shut, which
10 door?

11 THE WITNESS: It's the door from the
12 staircase going from downstairs to upstairs in the
13 middle of the house.

14 THE COURT: Okay. From the in-law or -- I'm
15 just trying to --

16 THE WITNESS: From the in-law garage unit.

17 THE COURT: Okay. From the in-law garage
18 unit. So they enter from where? From the outside
19 trying to get --

20 THE WITNESS: Initially into the house, they
21 entered through the lower back door where the tenant
22 unit is. Through there, there is another door that goes
23 into the garage and a staircase that goes upstairs.

24 THE COURT: Okay. I think I understand
25 visually now what happened.

26 Any follow-up on the Court's questions?

1 MS. FINLAYSON: No.

2 MR. GOHEL: No, Your Honor.

3 MS. POTTER: No, Your Honor.

4 THE COURT: Is it all right if I excuse the
5 witness then?

6 MS. FINLAYSON: Yes.

7 THE COURT: All right. You are excused,
8 Mr. Calleja. Thank you for coming in. Thank you.

9 MS. FINLAYSON: The People call Floyd
10 Cooper.

11 THE COURT: Okay. Hi, Mr. Cooper. Sir, I'm
12 Judge Reyna. If you can please make your way up to the
13 stand. And when you get there, if you can just remain
14 standing. My clerk, she is going to swear you in.

15 Floyd Cooper,
16 who was called as a witness on behalf of the People, was
17 sworn, examined, and testified as follows:

18 THE CLERK: Thank you. You may be seated.

19 THE COURT: You can sit right up here, sir.
20 Actually, the other chair in front of that microphone.

21 THE CLERK: Please state and spell your
22 first and last name for the record.

23 THE WITNESS: F-l-o-y-d.

24 THE COURT: And your last name.

25 THE WITNESS: Cooper, C-o-o-p-e-r.

26 THE COURT: So I am just going to give you a

1 few warnings about testifying, okay. First, if you can
2 please make sure you speak into the microphone that's in
3 front of you.

4 Second, please be mindful. We have a court
5 reporter. She is sitting in front of you. She reports
6 everything we say. So it's really important to try to
7 speak at a good pace, slower than you normally
8 ordinarily would.

9 Additionally, it's important that you not
10 interrupt or speak over anybody. So make sure -- you
11 are going to be asked some questions. Make sure the
12 attorney finishes their question before you answer.
13 Also, if at any time you don't understand a question,
14 just say you don't understand. Try, please, to answer
15 only the question you are asked.

16 And if at any time there is any objection,
17 please stop talking. Let me rule on the objection, and
18 I will tell you whether you should answer that question
19 or not.

20 Okay. All right. Go ahead, Ms. Finlayson.

21 DIRECT EXAMINATION

22 BY MS. FINLAYSON:

23 Q. I'm going to ask you a couple questions about
24 something that happened on January 6, 2026, during the
25 early morning hours. On that day and time, had you been
26 staying at a home on 260 Allen Drive in San Bruno?

1 A. Yes.

2 Q. And about how long had you been staying at the
3 home?

4 A. Almost a month.

5 Q. And during that month, would you sleep at the
6 house every night?

7 A. Yeah.

8 Q. And who else was also staying at the home during
9 the month?

10 A. Sal, and Pat, and George. I don't know their
11 last names but...

12 Q. And was there a certain area in the house where
13 you would sleep or keep your belongings?

14 A. Yeah.

15 Q. And where was that?

16 A. The first room on the left upstairs.

17 Q. And on January 6 around 3:00 a.m., where inside
18 the house were you located?

19 A. I was sitting on top of the washing machine
20 waiting for my clothes to dry.

21 Q. And is the washing machine located on the lower
22 level of the home?

23 A. Yes.

24 Q. And was anyone else down on that lower level with
25 you?

26 A. Pat was. Then George was in the room behind the

1 garage.

2 Q. And was Silvino also in the house upstairs?

3 A. Yes.

4 Q. And was there another woman named Shawna also
5 upstairs?

6 A. I believe so.

7 Q. And so while you were down on the first floor by
8 the laundry machine, did anything catch your attention
9 just before 3:00 a.m.?

10 A. Yeah. I asked Pat about a van that was sitting
11 out in front of the house about at 11 o'clock. And he
12 said he didn't know whose it was.

13 Q. And then after 11 o'clock as we get into the
14 early morning hours, did you hear anything while you
15 were near the laundry room?

16 A. No. I was trying to finish my laundry, and I
17 didn't hear nothing. I was standing down by the washer
18 the whole time.

19 Q. And what do you remember happened next that
20 morning?

21 A. A bunch of commotion coming down the stairs, and
22 there was a bunch of people with tactical gear on and
23 pointing a gun, a Taser at me.

24 Q. And about how many people would you say did you
25 see in tactical gear?

26 A. Like, six or seven.

1 Q. And you said that you saw one of them pointing a
2 firearm?

3 A. Yeah. The first guy that came down the stairs
4 into where the laundry or the garage area where the
5 laundry was.

6 Q. And did that person point the firearm directly at
7 you?

8 A. And -- yeah, but he passed by towards Pat and
9 he -- Pat was, what are you doing, and his attention was
10 on him. And then the guy behind him had a Taser and he
11 pointed it at me and told me to stay put.

12 Q. And as this was happening, did you fear for your
13 safety?

14 A. Yeah.

15 Q. And after the guy with the Taser told you to stay
16 put, do you remember what happened next?

17 A. He tried to ask me to get on the ground, and I
18 said, "I'm not getting on the ground. It's dirty."

19 Q. And then what happened?

20 A. Another guy came down behind him and said that
21 "You gotta go." And he told me to go upstairs and leave
22 and so I did. I went upstairs, and then Sal was on the
23 phone and walking past the door to the stairs, and I
24 said, "What's going on? What do I do?" And he said,
25 "Stay." So I stayed in my room.

26 Q. And when they told you to go upstairs, were any

1 of the suspects pointing a weapon at you as they said
2 that?

3 A. Not directly at me, but they made sure they
4 contacted -- like, full view of me as I was going up the
5 stairs.

6 Q. And did you go up the stairs -- did you go up the
7 stairs because you were afraid of disobeying their
8 order?

9 MR. GOHEL: Objection. Leading.

10 THE COURT: Sustained as asked.

11 BY MS. FINLAYSON:

12 Q. How come -- why did you go up the stairs?

13 A. To get -- because I was told to leave.

14 Q. And after you went upstairs, could you see what
15 was happening with Patrick or George?

16 A. Pat was arguing with the guy that had the gun,
17 the first guy that came down the stairs. And George was
18 yelling at several guys in the room back there. I
19 couldn't see what was going on, but he was yelling at
20 them, "I'm not doing shit." He's -- pretty much stood
21 his ground.

22 Q. And aside from the one gun that you saw, do you
23 remember if you saw a second gun or other guns?

24 A. There was somebody upstairs at the front door
25 that had a gun that looked to be, like, a smaller
26 caliber than the first gun.

1 Q. And when you went upstairs, would it be
2 accurate -- when you went upstairs, then you then enter
3 the living room area?

4 A. No. It's -- you come upstairs and the kitchen
5 is, like, to your left. And then the living room is
6 right to your right in front of you, and then there is a
7 hallway to the right of the door.

8 Q. And when you went up the stairs, did you see --
9 did it appear that the suspects who had entered the home
10 were all upstairs with you?

11 A. There is, like, four or five up there, and there
12 was, like, four or five downstairs.

13 Q. And after you went upstairs, did -- do you recall
14 if any of the suspects told you to stay located where
15 you were standing, if that makes sense?

16 A. Yeah. When Sal -- I asked Sal what to do, he
17 said, "Stay here," the other guy was, like, "Where you
18 going?" To my room.

19 Q. And how did he respond?

20 A. He told me to stay put, stay where I could see
21 you.

22 Q. And did you stay put?

23 A. No. I went to my room.

24 Q. And then after you went into your room, did you
25 hear the suspects say anything?

26 A. They all panicked after Sal said he was -- the

1 cops are on the phone right now, and they all panicked,
2 and there was a lot of commotion. And then a couple of
3 the people ran out the front door, and there was
4 somebody downstairs saying -- I couldn't make out what
5 they were saying but there was a lot of commotion.

6 Q. And just finally, did you recognize or know any
7 of the suspects that entered?

8 A. What do you mean?

9 Q. Did you recognize any of them, or did they appear
10 to be strangers?

11 A. They were strangers to me.

12 MS. FINLAYSON: All right. Nothing further.

13 THE COURT: All right. Mr. Gohel?

14 MR. GOHEL: Thank you.

15 CROSS-EXAMINATION

16 BY MR. GOHEL:

17 Q. Sir, so you -- on that night, January 6 of 2026,
18 you were in your, like, boxers or underwear because you
19 were washing your clothes, right?

20 A. Yeah.

21 Q. Okay. And you're sitting on the -- like, on the
22 top of the washing machine, and you are just waiting for
23 the dryer to finish up so you can put your clean clothes
24 on, right?

25 A. Correct.

26 Q. And somebody comes down with a firearm down the

1 stairs, correct?

2 A. Correct.

3 Q. And at some point he turns his attention towards
4 you, correct?

5 A. Correct.

6 Q. Yes? You have to say yes or --

7 A. Yes.

8 Q. Thank you. And he told you to get down on the
9 ground, correct?

10 A. No, not the guy with the firearm. It was the guy
11 with the Taser.

12 Q. Okay. And what did the Taser look like? Did it
13 look like, kind of like a gun, or did it look like one
14 of those prong things?

15 A. It was square on the end. It was, like, one that
16 shot the prongs out of you.

17 Q. And where did this person have it?

18 A. In his hands. Like, he was pointing it at, like,
19 right at my chest.

20 Q. So it was, like, right up on your chest?

21 A. Yeah.

22 Q. That person told you to get down on the ground,
23 correct?

24 A. Yeah.

25 Q. And that's the ground right there in front of
26 you, correct, like, right -- you just have to hop off

1 the washing machine and --

2 A. Correct.

3 Q. And you told him, "Fuck you. I'm not getting on
4 the ground, it's dirty," correct?

5 A. Correct.

6 Q. You were in your boxers and you were doing your
7 laundry, correct?

8 A. Correct.

9 Q. And then he told you, "Well, it's time to go.
10 You gotta leave. You gotta get out of the house,"
11 correct?

12 MS. FINLAYSON: Objection. Assumes facts
13 not in evidence.

14 THE COURT: Overruled.

15 Is that correct?

16 THE WITNESS: Yes.

17 BY MR. GOHEL:

18 Q. And what you said to him was, "Okay. My clothes
19 are upstairs, what I have. Am I allowed to go get it?"
20 And he said, yeah, and he let you go upstairs, correct?

21 A. Yeah. That was the third guy that came down the
22 stairs that said that.

23 Q. Well, what I'm asking is -- well, you gave a
24 statement to the police, did you not, that was recorded
25 on body cam?

26 A. Yeah.

1 Q. And you told the truth, correct?

2 A. To the best I could, yeah.

3 Q. And your memory was better -- I think this
4 interview was on January 7th of 2026, so just the very
5 day not even 24 hours after this incident, correct?

6 A. Yeah.

7 Q. So your memory was better then of what happened,
8 correct?

9 A. Correct.

10 Q. And what you told the police officer was one of
11 these people told you, "Well, it's time to go. You got
12 to leave. You got to get out of the house." And you
13 said, "Okay. My clothes are upstairs, what I have. Am
14 I allowed to get it? And he said yeah, and he let you
15 go upstairs, correct?

16 A. Correct.

17 Q. Because what you testified to here in court today
18 was he made you go upstairs, but in fact, you asked if
19 you could go upstairs to your room and get your clothes,
20 correct? That's what you told the police not even 24
21 hours after the incident; isn't it?

22 A. Yes.

23 Q. Okay. So it was your decision to go upstairs and
24 get your clothes, and then you just basically kind of
25 stood out of the way, hung out in your room until things
26 had calmed down, correct?

1 A. Correct.

2 Q. All right. You asked -- I guess before you went
3 to your room, you asked Sal, you know, "Is everything
4 okay? Should you leave? And he told you, "Just stay.
5 You can stay," correct?

6 A. Correct.

7 Q. And that's what you did; you went to your room
8 and nobody bothered you again until after things had
9 calmed down, correct?

10 A. Correct.

11 MR. GOHEL: That's all have. Thank you --
12 hold on a sec.

13 Just one sec, Your Honor.

14 BY MR. GOHEL:

15 Q. You had said -- you testified that you mentioned
16 to one of your friends, I think it was about the white
17 van, who did you mention that to?

18 A. Pat downstairs.

19 Q. Okay. Was that earlier in the evening or was
20 that right around the time that this all happened?

21 A. No, that was earlier in the evening.

22 Q. Like, a couple hours, few hours earlier?

23 A. Yeah.

24 MR. GOHEL: Okay. All right. That's all I
25 have. Thank you.

26 THE COURT: All right. Ms. Potter?

1 MS. POTTER: Yes.

2 CROSS-EXAMINATION

3 BY MS. POTTER:

4 Q. Mr. Cooper, you testified that you had been
5 living at that residence for almost a month at the point
6 of January 6th of 2026?

7 A. Correct.

8 Q. Were you there around the time of Thanksgiving of
9 2025?

10 A. It was the end of Thanksgiving -- like, it was --
11 I came over and helped out with loading up the last of
12 the U-Haul truck, and that was right after, I think,
13 Thanksgiving or right on Thanksgiving.

14 Q. The last U-Haul truck, what do you mean by that?

15 A. The stuff he had loaded up to take up to his
16 mom's.

17 Q. Okay. Now, was it your understanding that he was
18 pretty much fully packed and ready to leave at that
19 point?

20 A. Pretty close.

21 Q. Okay. Now, I just want to be clear here. You
22 started staying in a bedroom on the second level,
23 correct?

24 A. Eventually I moved into the bedroom. I wasn't
25 staying there every night at the beginning.

26 Q. Okay. You -- at the point of January 6 of 2026,

1 you were staying in that -- in a bedroom on the second
2 level?

3 A. Yeah, just started.

4 Q. Okay. Were you paying rent?

5 A. Yes, I was. I paid -- I gave Sal some money.

6 Q. Okay. So you're paying -- how much do you pay
7 Sal per month?

8 A. Is that -- do I have to answer that?

9 THE COURT: Yeah, it was a question. Go
10 ahead and answer it.

11 THE WITNESS: Just a couple hundred bucks,
12 and I help out with food.

13 BY MS. POTTER:

14 Q. Thank you. And so I just want to be clear about
15 what you saw. You said there was a guy -- a gentleman
16 who came in who had a gun, a firearm, correct; that was
17 the only firearm that you saw?

18 A. No. There was a guy at the front door when I
19 went upstairs that had one.

20 Q. Okay. Do you remember talking to a female
21 officer on January 7th of 2026?

22 A. Yeah.

23 Q. And that would have been, as Mr. Gohel just asked
24 you just about, a day after this incident, correct?

25 A. Correct.

26 Q. Did you -- would you agree with me that your

1 memory was more fresh at that point than it is now now
2 that we are over a month or two later -- a month later
3 we'll say?

4 A. Yes. But I was also in shock still. I have
5 anxiety and depression and stuff that I'm going through
6 also.

7 Q. Okay. So the anxiety and depression, is that
8 stuff that can impact your ability to remember things?

9 A. Yes.

10 Q. Okay.

11 A. I submitted a letter for today.

12 Q. And who did you submit that to?

13 A. The D.A.

14 Q. Okay. Thank you for letting us know that.

15 Do you remember telling the officer that you saw
16 just one person with a gun and it was the person that
17 you saw downstairs?

18 A. I can't remember all of it right now. I'm
19 getting --

20 THE COURT: Sorry. Sir, do you need some
21 water or --

22 THE WITNESS: No. I'm --

23 THE COURT: Take a breath. Do you need a
24 short break, or if you don't know the answer to a
25 question, just say you're not sure.

26 THE WITNESS: I'm unsure.

1 BY MS. POTTER:

2 Q. Okay. Do you remember telling the officer that
3 you were 100 percent certain that it was a Black guy
4 with a gun?

5 A. Yes.

6 MS. POTTER: Okay. And I have nothing
7 further.

8 THE COURT: All right. Any redirect,
9 Ms. Finlayson?

10 MS. FINLAYSON: No.

11 THE COURT: Okay. Is it all right if I
12 excuse the witness, or does anyone have any follow-up
13 before I excuse him?

14 MR. GOHEL: Your Honor, I think there is an
15 issue that apparently a letter or statement from the
16 witness that has not been provided to us, unless I'm
17 wrong.

18 THE COURT: I don't know about that.
19 Ms. Finlayson?

20 MS. FINLAYSON: Yes, Your Honor. Walking
21 into court, the witness provided me with a letter, I
22 believe, from a therapist asking that he be excused from
23 testifying today.

24 THE COURT: Okay.

25 MS. FINLAYSON: Which I just --

26 THE COURT: Someone walked in.

1 MS. FINLAYSON: It just happened.

2 THE COURT: Okay. Hold on. All right.

3 MR. GOHEL: I accept that representation. I
4 didn't know what was in the letter.

5 THE COURT: So I assume you will be
6 discussing it with counsel.

7 MS. FINLAYSON: Yes.

8 THE COURT: Okay. You haven't reviewed it
9 then.

10 MS. FINLAYSON: Not in depth.

11 THE COURT: Okay. All right. Anything else
12 by counsel before I excuse the witness?

13 MR. GOHEL: No, Your Honor.

14 MS. POTTER: No.

15 THE COURT: Okay. All right. Thank you,
16 sir, for coming in. You are excused. You may leave.

17 All right. Your next witness,
18 Ms. Finlayson.

19 MS. FINLAYSON: The People call Corporal
20 Anthony McKenna.

21 THE COURT: Okay.

22 Anthony McKenna,
23 who was called as a witness on behalf of the People, was
24 sworn, examined, and testified as follows:

25 THE CLERK: Thank you. You may be seated.
26 State and spell your first and last name for the record.

1 THE WITNESS: My first name is Anthony,
2 A-n-t-h-o-n-y; last name is McKenna, M-c-K-e-n-n-a.

3 THE COURT: All right. Go ahead.

4 DIRECT EXAMINATION

5 BY MS. FINLAYSON:

6 Q. What is your occupation and by whom are you
7 employed?

8 A. I am a full-time paid peace officer for the city
9 of San Bruno within San Mateo County.

10 Q. How many years have you been a sworn peace
11 officer in the state of California?

12 A. Over ten years.

13 Q. Were you on duty January 6, 2026, at
14 approximately 2:27 a.m.?

15 A. I was.

16 Q. Did you respond to a reported armed invasion at
17 260 Allen Drive in San Bruno?

18 A. Yes.

19 Q. And upon -- or through the course of your
20 investigation, did you have an opportunity to examine
21 the layout and interior of the property?

22 A. Yes.

23 Q. And can you describe quickly the layout, how the
24 home is situated?

25 A. Like previously testified, it's a three-bedroom,
26 two-bed -- sorry -- three-bedroom, two-bathroom home in

1 the hills of San Bruno. It's on a slope so the garage
2 portion is located lower than the living quarters of the
3 house, which are on an elevated level. The elevated
4 level has the front door to the residence.

5 You enter the residence, the kitchen is off to
6 the right, and the living room is off to the left. A
7 hallway that goes down the center with adjacent bedrooms
8 and then a staircase that leads down to where the
9 two-car garage is located. And then beyond the two-car
10 garage is, I believe, what they described as an in-law
11 unit.

12 Q. And as to the location of the residence, can you
13 describe the neighboring community? Is this in general
14 a residential area of San Bruno?

15 A. Yes. It's primarily a residential area of San
16 Bruno that's off of Skyline Boulevard.

17 Q. And when you arrived to the scene, given the
18 nighttime conditions associated with the response, can
19 you describe lighting conditions outside the home?

20 A. Because it was a primarily residential
21 neighborhood, there was little to no street lighting,
22 and it's not a very well-lit area to begin with.

23 Q. And during your initial arrival at the home, was
24 it brought to your attention -- or did you observe any
25 individuals in close proximity of the home?

26 A. Based on the nature of the call, we waited for

1 additional officers from a neighboring agency. Myself
2 and another officer approached from one end of the
3 street while the additional officers approached from the
4 other. As we came down the hill, we received
5 information that a group of what they believed to be
6 armed subjects were fleeing up the hill, indicating
7 going toward us. And then as we were coming down the
8 hill, we located about four individuals on the sidewalk
9 going in the direction of up the hill where we were
10 coming from.

11 Q. And about how many blocks away from 260 Allen
12 Drive were they located?

13 A. They were located maybe six or seven houses up
14 the street.

15 Q. And as to those four individuals, did you
16 identify them through the course of your investigation
17 as James Jacobs, Van Fredricks, Micheaux Lucas, and
18 Terry Roy?

19 A. Yes.

20 Q. And as to Mr. Jacobs, do you see him presently
21 seated in court today?

22 A. I do.

23 Q. Can you point to where he is seated and describe
24 an article of clothing he is wearing?

25 A. He is seated to the left of the first defense
26 counsel wearing a green button-down shirt.

1 MS. FINLAYSON: May the record reflect the
2 witness has identified Mr. Jacobs?

3 THE COURT: It will.

4 BY MS. FINLAYSON:

5 Q. What, if anything, did you observe about how
6 Mr. Jacobs and the three other subjects were dressed?

7 A. They were all dressed in mostly, if not all,
8 black clothing. The defendant Mr. Jacobs was dressed in
9 a long black trench coat that was leather. Other
10 individuals that we contacted had exterior or what I
11 believe to be bulletproof vests similar to the one that
12 I'm wearing with no insignias or markings.

13 Q. And after you arrived at the home, did you come
14 into contact with any individuals who indicated they had
15 been staying inside the house?

16 A. I did.

17 Q. And who were those individuals?

18 A. The three individuals that testified here today,
19 including Mr. Silvino.

20 Q. And besides Mr. -- besides Silvino, Patrick, and
21 Floyd, as to the fourth individual, did you learn that
22 person's identity was Shawna McAlister?

23 A. Correct.

24 Q. At some point, did officers conduct a protective
25 sweep of the interior of the home?

26 A. We did.

1 Q. And did you learn that another individual, an
2 occupant, had been found inside the residence?

3 A. Yes.

4 Q. And was that person identified as George
5 Georgiou?

6 A. Correct.

7 Q. And just sidestepping for one moment, while you
8 were on scene, did you locate a vehicle that had been
9 parked in front of the residence?

10 A. Yes.

11 Q. And what kind of vehicle was that?

12 A. It was a white van or cargo van that the people
13 from inside the residence had stated belonged to the
14 defendant and his organization.

15 Q. And did you have an opportunity to confirm
16 whether that van was, in fact, associated with
17 Mr. Jacobs and his organization?

18 A. I did.

19 Q. And how so?

20 A. We conducted a registration check of the vehicle
21 and ultimately conducted a protective sweep of that
22 vehicle as well, and it belonged to one of the
23 individuals that came with Mr. Jacobs that day.

24 Q. And during your protective sweep of the van,
25 what, if anything, did you locate inside?

26 A. A large sword or katana was located inside.

1 (Plaintiff's Exhibit 2 was marked for
2 identification.)

3 MS. FINLAYSON: Your Honor, may I approach
4 the witness?

5 THE COURT: Yes, you may.

6 BY MS. FINLAYSON:

7 Q. And I have handed you what has been marked as
8 People's Exhibit 2. Do you recognize People's Exhibit 2
9 to be a fair and accurate depiction of a photograph of a
10 katana that you located inside the van?

11 A. Yes.

12 Q. And in looking at People's Exhibit 2, can you
13 describe the approximate size or dimensions of the
14 weapon as it appeared on the 6th?

15 A. For comparison it's held up next to my body, and
16 the blade of the sword itself is pretty much the length
17 of my legs.

18 Q. And so did you then take steps to speak with
19 Silvino about exactly what happened prior to you
20 arriving on scene?

21 A. I did.

22 Q. And did he -- what, if anything, in general did
23 he tell you?

24 A. He stated that approximately seven to eight
25 individuals had forced entry into what he identified as
26 his residence and held them at both gunpoint and

1 swordpoint. There was some sort of civil issue that was
2 going on, and Silvino stated that he was the lawful
3 property owner and had rights to the residence and
4 couldn't provide any sort of paperwork to dispute one
5 way or the other how that was.

6 Q. And in speaking with Silvino, did you advise him
7 that you had located or detained those other subjects
8 about five blocks away from his home?

9 A. Yes. Five houses away, yes.

10 Q. And at some point did -- did you ask Mr. Silvino
11 if, with regards to the individuals he saw holding
12 firearms during the invasion, did he recognize those two
13 individuals as being present in that initial group?

14 A. They were not.

15 Q. And so what did you do next in your investigation
16 on scene?

17 A. At that point we identified all the individuals
18 that came with the defendant and learned that they were
19 part of an organization called ASAP Squatter Removal,
20 which was a company that I learned was owned by the
21 defendant Mr. Jacobs.

22 Q. And so I'll circle back to talking about the
23 company, but going back to your contact with Mr. Jacobs
24 on scene, did you ask Mr. Jacobs any questions about
25 what happened prior to you arriving on scene?

26 A. I did.

1 Q. And what did he tell you?

2 A. He stated that his organization was hired by the
3 lawful property owner to evict the squatters or the
4 current occupants of 260 Allen Drive, and that he was
5 attempting to allow a new tenant to move in and had a
6 lease agreement for that individual.

7 Q. And with regards to the owner of the property,
8 did Mr. Jacobs indicate that individual was someone
9 named Jerry Tran?

10 A. Correct.

11 Q. And did Mr. Jacobs also indicate that the person
12 leasing the property was someone named Arthur Gutierrez?

13 A. Correct.

14 Q. And just skipping ahead for a moment, but through
15 the course of your investigation, did you have an
16 opportunity to contact and speak with Mr. Gutierrez in
17 person?

18 A. I did.

19 Q. Do you see Mr. Gutierrez presently seated in
20 court today?

21 A. I do.

22 Q. Can you please point to where he is seated and
23 describe an article of clothing he is wearing?

24 A. He is seated to the left of the second counsel
25 wearing a black coat in the jury box.

26 MS. FINLAYSON: May the record reflect the

1 witness has identified Mr. Gutierrez as the defendant?

2 THE COURT: It will.

3 BY MS. FINLAYSON:

4 Q. And what, if anything else, did Mr. Jacobs tell
5 you about the nature of his company on the scene?

6 A. He stated that he was recently in the news
7 regarding his company for removing squatters from
8 residences similar to what we had encountered at 260
9 Allen Drive.

10 Q. And did Mr. Jacobs indicate whether he used any
11 means or weapons to evict squatters in the course of his
12 work?

13 A. He stated that he used a sword or a katana
14 similar to the one that we located. I believe that
15 night I had asked him if any firearms were involved,
16 which he stated there was not and believed that the
17 drill that an individual was carrying as part of his
18 group may have been mistaken for a firearm.

19 Q. And so you indicated earlier that while
20 responding to the scene, you initially located
21 Mr. Jacobs and three other individuals associated with
22 his company a couple blocks away, and would it be
23 accurate to say that after officers sweep the residence,
24 you located inside two or three additional employees
25 also that you determined to be ASAP personnel?

26 A. Correct.

1 Q. And were those individuals identified as Damon
2 Murga and Christian Murga?

3 A. Correct.

4 Q. At some point with regards to Damon Murga, did
5 anything come to your attention while conducting a
6 routine records check?

7 A. It did.

8 Q. And what was that?

9 A. He had a felony warrant for his arrest, I
10 believe, out of San Bernardino County for -- I believe
11 it was possession of a stolen vehicle.

12 Q. After speaking with -- while you were on scene
13 interviewing witnesses, were there other officers who
14 were also conducting interviews of the multiple
15 occupants who had been in the house?

16 A. Yes.

17 Q. At the conclusion of the interviews and witness
18 gathering, what happened next on the early morning of
19 January 6th?

20 A. We believed that based on the totality of the
21 statements, we had no supporting evidence on scene that
22 there were any firearms involved, and that it appeared
23 to be an ongoing civil dispute between the occupants of
24 260 Allen Drive and the now-hired ASAP Squatter Removal
25 company. We ultimately released the defendants, both of
26 them, and the rest of the individuals, with the

1 exception of Mr. Murga for his outstanding warrant, and
2 allowed the occupants of 260 Allen Drive to go back into
3 the residence, and ultimately took a report to document
4 the incident.

5 Q. And during the days or weeks after January 6, did
6 you take any further steps to learn more about
7 Mr. Jacobs and his company, ASAP Squatter Removal?

8 A. I did.

9 Q. And can you generally describe what steps those
10 were?

11 A. The first step was he had mentioned that he was
12 recently in the news, so we were able to locate the news
13 article which was aired on KRON4, I believe, on
14 January 1st of 2026.

15 And in addition to that, we also located a
16 YouTube page where it appeared that the individuals from
17 ASAP Squatter Removal, including the defendant
18 Mr. Jacobs, uploaded, for lack of a better term, body
19 camera footage of their squatter removal business in
20 action.

21 Q. And with regards to that KRON4 segment that you
22 reviewed on the internet, can you generally describe
23 what you witnessed in reviewing that footage?

24 A. The footage depicted Mr. Jacobs being interviewed
25 by KRON4 speaking about his company, ASAP Squatter
26 Removal. They talked about various different things.

1 He used a training katana on a public street to show how
2 he clears residents or how he gets squatters out. He
3 called it a, quote, breach and clear by forcing entry
4 into a residence once they established that there is
5 somebody that is living there or is a squatter, and then
6 clearing -- maneuvering the sword or the katana clearing
7 each individual room, ultimately getting the squatters
8 or the people inside the residence out. He talked about
9 his insurance policy. He talked about the attorney that
10 he had on retainer. And in addition to that, that they
11 also used firearms to include some sort of long gun and
12 a shotgun on various different types of jobs that they
13 have.

14 (Plaintiff's Exhibit 1 was marked for
15 identification.)

16 MS. FINLAYSON: And, Your Honor, at this
17 time the People would seek to introduce into evidence a
18 video file contained in People's Exhibit 1, a USB. This
19 specific video file of the KRON4 news segment is labeled
20 as file D on the USB, which in total contains four
21 separate video clips. I just need a moment to connect
22 my computer to the HDMI cord.

23 THE COURT: You're asking to admit it or
24 just show it?

25 MS. FINLAYSON: Both. To show it first and
26 eventually admit it.

1 THE COURT: And just so that I'm clear, you
2 said Exhibit 1 has how many files on it.

3 MS. FINLAYSON: There is four files.

4 THE COURT: All from the KRON4 newscast or
5 are they other --

6 MS. FINLAYSON: No, there is others. There
7 is one file relating to the KRON4 newscast and three
8 additional separate files that capture body-worn camera
9 recordings worn by Mr. Jacobs during the January 6th
10 home invasion.

11 THE COURT: Okay. Well, any comments by the
12 defense? You both have seen the these exhibits?

13 MR. GOHEL: Yes, Your Honor.

14 MS. POTTER: I have no objection for
15 purposes of preliminary hearing.

16 THE COURT: Okay.

17 MR. GOHEL: Likewise, Your Honor.

18 THE COURT: All right. So we'll go ahead
19 and display it.

20 Let me ask, are there any words -- well, I
21 guess it's a KRON video.

22 MS. FINLAYSON: There are words. This is
23 the only file I was unable to make a transcript, but
24 it's a short recording, about two minutes or less.

25 THE COURT: And there is a stipulation by
26 all parties to waive reporter's transcript.

1 MS. POTTER: This is the KRON video?

2 MS. FINLAYSON: Yes.

3 MR. GOHEL: Yes, Your Honor.

4 THE COURT: Typically we would ask for a
5 transcript, but you were saying it's a short two-minute
6 video and nobody objects, right?

7 MS. POTTER: That's correct.

8 THE COURT: Okay.

9 BY MS. FINLAYSON:

10 Q. And just briefly pausing this exhibit.

11 In looking at the screen, does this appear to be
12 a fair and accurate depiction of the KRON4 news
13 statement you reviewed during the course of your
14 investigation?

15 A. Yes.

16 MS. FINLAYSON: Okay. Your Honor, at this
17 time the People will play file D of People's 1.

18 THE COURT: All right. Go ahead.

19 (Playing video D.)

20 BY MS. FINLAYSON:

21 Q. And so from there, you testified earlier that you
22 were able to locate through YouTube what appeared to be
23 body-worn camera recordings associated with the
24 January 6 home invasion at 260 Allen Drive, correct?

25 A. Yes.

26 Q. And so in reviewing these recordings, how many

1 files were there?

2 A. There were originally three separate files
3 uploaded to YouTube, but we were only able to obtain
4 two. And of those two, we had to split one of those
5 files into two separate files due to the length and the
6 size of the video.

7 Q. And with regards to the location of where these
8 YouTube files were posted, did you initially access
9 these files through the company's website, or were they
10 located or uploaded directly to YouTube?

11 A. They were uploaded directly to YouTube on a
12 YouTube page that had the same logo, ASAP Squatter
13 Removal.

14 Q. And so starting with the very first file, did you
15 review a video that was labeled something to the effect
16 of "Job training" or "New Blood"?

17 A. Correct.

18 Q. And can you briefly describe for the Court what
19 you observed in reviewing this first YouTube video?

20 A. We were able to identify that it was one and the
21 same from the January 6th incident based on the location
22 that the video was filmed and the timestamp that was
23 indicated on YouTube. It was filmed in the parking lot
24 of the Lunardi's, which is just off San Bruno Avenue and
25 Glenview, which is less than a three-minute drive away
26 from 260 Allen in the city of San Bruno.

1 The video depicts a body-worn camera similar to
2 how I would wear mine. And you could hear the defendant
3 Mr. Jacobs speaking but never see his face, indicating
4 that to me that he was the one wearing the body camera.
5 It was then him and a group of about eight other
6 individuals standing underneath the awning of the
7 Lunardi's going over how they were going to remove the
8 squatters from 260 Allen Drive.

9 Q. And with regards to those eight other people
10 captured at different points in the video, were you able
11 to see their faces at any given time?

12 A. Yes.

13 Q. And did you observe whether Mr. Gutierrez was one
14 of those individuals in the footage?

15 A. Yes.

16 Q. And in general in reviewing the video, did you
17 hear Mr. Jacobs discuss with the group certain tactics
18 or strategies to employing weapons while entering the
19 home?

20 A. Yes.

21 Q. And what did he say in that regard?

22 A. With respect to that, one of the specific phrases
23 that he had mentioned was having the gunners up front,
24 allowing the people armed with firearms to sort of lead
25 the way through the residence to protect other
26 individuals that were not armed.

1 Q. And in reviewing this footage, one final note
2 before we play the recording, did it appear that all the
3 individuals were also dressed in black seemingly
4 tactical gear while meeting at Lunardi's prior to the
5 incident?

6 A. Correct.

7 Q. And with regards to the tactical gear or those
8 bulletproof vests worn by some of the subjects, did you
9 observe whether any appeared to depict or be equipped
10 with, like, a silver star?

11 A. There was one individual that was not armed but
12 did have some sort of badge or insignia that we later
13 determined was a security guard badge and not associated
14 with law enforcement.

15 Q. All right. And prior to court today, did you
16 have an opportunity to review with me the YouTube file
17 associated with the "New Training, New Blood," this
18 YouTube recording we're talking about?

19 A. Yes.

20 Q. And did that appear to be a fair and accurate
21 depiction of the recording as it existed when you first
22 reviewed it?

23 A. Yes.

24 Q. And shortly after you initially reviewed the
25 footage during the course of your investigation, did you
26 observe whether it disappeared from the internet?

1 A. Yes. So we were watching both videos
2 simultaneously, and another member of my team attempted
3 to pull up the third video realizing that the link or
4 that the video was then gone and no longer uploaded to
5 YouTube. We realized that the videos as fast as they
6 were being uploaded were being taken down. So we were
7 able to screen record the two videos that we had
8 remaining up, which were the ones that you have in
9 evidence.

10 MS. FINLAYSON: And, Your Honor, at this
11 time the People will be playing a recording from
12 People's Exhibit 1 labeled "File A- Job Training." I
13 have a transcript corresponding with the recording which
14 has been marked as People's Exhibit 1A1. And provided
15 to defense.

16 (Plaintiff's Exhibit 1A1 was marked for
17 identification.)

18 THE COURT: Okay. And for purposes of
19 preliminary hearing, all parties, I think if I
20 understood correctly, stipulate to the recordings in
21 Exhibit 1; is that right?

22 MR. GOHEL: Yes, for prelim, Your Honor.

23 MS. POTTER: Yes. Thank you.

24 THE COURT: All right. Thank you. So we'll
25 view Exhibit 1. It's admitted.

26 (Plaintiff's Exhibit 1 was received

1 in evidence.)

2 THE COURT: Go ahead. And again, waiving
3 reporting transcribing all evidence in Exhibit 1?

4 MR. GOHEL: Yes.

5 MS. POTTER: Yes.

6 THE COURT: All right.

7 (Playing video A.)

8 BY MS. FINLAYSON:

9 Q. And so going back to your investigation into ASAP
10 squatters, this was the first of a few YouTube videos
11 you reviewed of body-worn camera which appears to be
12 worn by Jacobs during the invasion. As to the next
13 video that you reviewed, was that labeled as "Breach and
14 Clear"?

15 A. It was.

16 Q. And is this the one that you and other officers
17 split into two separate recordings?

18 A. Correct.

19 Q. And starting with the first, part one of "Breach
20 and Clear," prior to court, did you have an opportunity
21 to review part 1 with me?

22 A. Yes.

23 Q. And did it appear to be a fair and accurate
24 representation of the file that you reviewed while it
25 was available through the internet?

26 A. Yes.

1 MS. FINLAYSON: And, Your Honor, at this
2 time the People are seeking to introduce into evidence
3 People's Exhibit 1, file B, and the corresponding
4 transcript which has been labeled as People's
5 Exhibit 1B1.

6 (Plaintiff's Exhibit 1B1 was marked for
7 identification.)

8 THE COURT: Okay. And just for that
9 evidence, how long is this particular video?

10 MS. FINLAYSON: The next two are a little
11 longer, probably 12 minutes to 18.

12 THE COURT: Perhaps we should take our
13 20-minute break at this time. But again, as to
14 Exhibit 1, all A through D, I don't believe there was
15 any objection for purposes of the preliminary hearing?

16 MR. GOHEL: Correct, Your Honor.

17 MS. POTTER: That's right.

18 THE COURT: All right. So why don't we do
19 this, I'll take the 20-minute break now and we'll come
20 back in order to play the video.

21 Okay. So we'll be back at 3:20.

22 (Afternoon recess.)

23 THE COURT: All right. It should be
24 reflected all parties and counsel are present. And we
25 have Corporal McKenna on the stand.

26 And you are still under oath.

1 Go ahead and continue, Ms. Finlayson.

2 MS. FINLAYSON: And so, Your Honor, at this
3 time, the People will be seeking to introduce People's
4 Exhibit file B labeled People's 1B1.

5 THE COURT: Go ahead and play the video.
6 Again, you had already waived all reporting of these
7 videos in Exhibit 1. Go ahead.

8 (Playing video B.)

9 BY MS. FINLAYSON:

10 Q. Finally with regards to that final YouTube
11 recording, "Breach and Clear, Part 2," same thing; prior
12 to court, did you have an opportunity to review a short
13 clip from a USB of "Breach and Clear, Part 2"?

14 A. Yes.

15 Q. And did it appear to be fair and accurate -- a
16 fair and accurate depiction of events as you observed
17 them when reviewing the video through the internet?

18 A. Yes.

19 MS. FINLAYSON: And, Your Honor, at this
20 time the People seek to introduce People's Exhibit 1,
21 file C labeled "Breach and Clear, Part 2," which
22 corresponds to the transcript marked 1C1.

23 (Plaintiff's Exhibit 1C1 was marked for
24 identification.)

25 THE COURT: All right. Just for guidance,
26 how long is this video?

1 MS. FINLAYSON: 17 minutes.

2 THE COURT: 17 minutes. Okay. All right.
3 You previously already waived reporting, so we'll go
4 ahead and play this at this time.

5 (Playing video C.)

6 BY MS. FINLAYSON:

7 Q. After you reviewed these videos, at any point did
8 you examine or locate a website associated with ASAP
9 squatters?

10 A. I did.

11 Q. And in looking at the website in general, what
12 did you note?

13 A. It was more description on who they were looking
14 for, as far as people to employ, which for -- to
15 basically employ people to do exactly what we just
16 watched on the video. They also listed that all of this
17 is at your own risk. They kind of outline that in the
18 job description, along with some of the things that need
19 to be done and some of the issues that have come up, I
20 guess, on prior squatter removal incidents.

21 Q. And after examining the website, watching the
22 videos, did you take steps to recontact Mr. Jacobs?

23 A. I did.

24 Q. And did you speak with him by phone or in person?

25 A. At first over the phone.

26 Q. And what, if anything, did you ask Mr. Jacobs

1 when you spoke with him by phone?

2 A. To keep the integrity of the investigation, I
3 didn't want to allow him to know that I viewed the
4 videos that were uploaded and then removed from the
5 YouTube page, so I went over his statement again to
6 determine if there was anything additional that he could
7 provide me to the events that occurred that night and
8 then took it as far as to ask if he was the victim of
9 any sort of crime and then again asked for a copy of the
10 lease agreement.

11 Q. And what, if anything -- did Mr. Jacobs provide
12 you any information about the tenant he identified or
13 Mr. Gutierrez?

14 A. He did. Defendant Mr. Jacobs provided me a phone
15 number for the defendant Mr. Gutierrez along with an
16 additional defendant who is not present in court today.

17 Q. And as to Mr. Gutierrez, what did -- what, if
18 anything, did Mr. Jacobs tell you was Mr. Gutierrez's
19 role with regards to the 260 Allen Drive property?

20 A. That Mr. Gutierrez was the one that was depicted
21 on the lease and would be ultimately the one that was
22 going to move into the property, for lack of a better
23 term. And I believe the quote that was used was "squat
24 on the squatters."

25 Q. And through your conversation with Mr. Jacobs,
26 did it appear that Mr. Gutierrez had acted in a similar

1 employment or working relationship capacity with ASAP on
2 prior occasions?

3 A. Yes. That was based on the other YouTube videos
4 that were uploaded, which were for months or I think
5 even a year prior, where they are filmed together doing
6 squatter removals in San Francisco and I believe it was
7 Oakland.

8 Q. And so with regards to questions asked of
9 Mr. Jacobs involving the two gunners, just to confirm
10 for the record, did he confirm one of those individuals
11 was Mr. Gutierrez?

12 A. He did.

13 Q. And as to the second gunner, did he identify this
14 person as Angelmike Regalado?

15 A. Yes.

16 Q. Did you ask Mr. Jacobs if he had observed whether
17 the firearms had been directly pointed at any occupants
18 during the incident?

19 A. I did ask him, and he stated that they did not or
20 would not do that. That was not in line with their
21 squatter removal business.

22 Q. With regards to Angelmike Regalado, did you
23 conduct a records check of this person?

24 A. I did.

25 Q. And what, if anything, did you observe?

26 A. I learned that he was recently off of CDCR parole

1 for the state of California for an assault with a deadly
2 weapon charge that he was convicted of.

3 Q. And pursuant to that felony conviction, was he
4 prohibited from possessing or owning a firearm?

5 A. Yes. And he had other felony convictions
6 throughout his criminal history.

7 Q. And so moving on to Mr. Gutierrez, what, if any,
8 steps did you take to contact him after speaking again
9 with Mr. Jacobs?

10 A. I contacted Mr. Gutierrez by phone, and I
11 requested that he come in for a follow-up interview
12 since he was not interviewed or located on scene that
13 night at 260 Allen Drive.

14 Q. And shortly after that, did you also attempt to
15 speak with Angelmike by phone?

16 A. I was able to contact him by phone as well.

17 Q. And what, if anything, did he tell you?

18 A. I asked him if he was one of the individuals with
19 a firearm. He stated that he was not and that he could
20 not possess any weapons and was currently living at a
21 sober living facility in the city of Oakland.

22 Q. And going back to Mr. Gutierrez, on January -- I
23 believe was it January 7, 2026, did he respond to the
24 station for follow-up?

25 A. He did.

26 Q. And can you describe where in the station did you

1 speak with Mr. Gutierrez?

2 A. I first met him in the lobby of the police
3 department.

4 Q. And what, if anything, did you ask him?

5 A. I first asked him about the firearms that were
6 used during the incident. I knew that he was attempting
7 to move into the location and asked if he had the
8 firearms with him, which he stated he did; that they
9 were in the trunk of his car.

10 Q. And did you ask him for permission to examine the
11 firearms?

12 A. I did.

13 Q. And what, if anything, did you observe after you
14 approached the trunk?

15 A. He opened the trunk and opened the box that
16 contained what ended up being two firearms. One was
17 black in color and one was tan in color. And I
18 immediately noticed that the second firearm, the tan
19 one, appeared to be the same firearm that was observed
20 in the video being held by who was later identified as
21 Angelmike.

22 MS. FINLAYSON: Your Honor, may I approach
23 the witness?

24 THE COURT: Yes.

25 (Plaintiff's Exhibits 7 and 10 were marked
26 for identification.)

1 BY MS. FINLAYSON:

2 Q. I have handed you what has been marked as
3 People's Exhibit 7 [sic]. Do you recognize People's
4 Exhibit 7 to be a photograph of the two firearms in a
5 case that you observed in Mr. Gutierrez's trunk?

6 A. Sorry, Counsel.

7 Q. People's Exhibit --

8 A. 10.

9 Q. Yes.

10 A. People's Exhibit 10 is an accurate photo of what
11 was observed in Mr. Gutierrez's trunk.

12 Q. And what was the make or model of this firearm?

13 A. The --

14 Q. If you recall.

15 A. The one that was black in color is a Walther,
16 W-a-l-t-h-e-r. And then the other firearm, I'm not sure
17 of the make. I would have to refer to my report.

18 Q. I have also handed you what has been marked as
19 People's Exhibit 7. Do you recognize People's Exhibit 7
20 and what do you recognize it to be?

21 A. It's the -- a still image or an up-close photo of
22 the tan firearm. That's a Canik firearm, C-a-n-i-k.
23 And then on the left-hand side of the photograph is a
24 still image from a body cam of the defendant Mr. Jacobs
25 and the tan firearm being held by who was later
26 identified as defendant Angelmike.

1 Q. And did you create that photo montage comparison
2 using a still image of Mr. Regalado taken from "Breach
3 and Clear, Part 2"?

4 A. I did.

5 Q. With regards to the black firearm that is
6 depicted in People's 10, did you recognize that from
7 your review of "Breach and Clear, Part 2" as well?

8 A. I did.

9 MS. FINLAYSON: Your Honor, may I approach?

10 THE COURT: Of course. No need to ask.

11 MS. FINLAYSON: Thanks.

12 (Plaintiff's Exhibit 9 was marked for
13 identification.)

14 BY MS. FINLAYSON:

15 Q. I have handed you what has been marked as
16 People's Exhibit 9. Do you recognize People's 9?

17 A. I do.

18 Q. And what do you recognize it to be?

19 A. It's the firearm that was determined to be the
20 one I previously located in the trunk of Mr. Gutierrez
21 and then still images of what I believe to be the same
22 firearm from the "Breach and Clear" video that was
23 reported by Mr. Jacobs.

24 Q. And the individual who is holding the black
25 firearm as captured in the still frame from "Breach and
26 Clear 2," was he wearing a face mask throughout the

1 encounter?

2 A. He was.

3 Q. And I'll circle back to this, but through the
4 course of your investigation in interviewing
5 Mr. Gutierrez and Mr. Jacobs, did you determine that the
6 identity of that masked individual was, in fact,
7 Mr. Gutierrez?

8 A. Correct.

9 Q. Going now to your conversation with Mr. Gutierrez
10 in the lobby on January 7, did you confer with
11 Mr. Gutierrez that he had been present with ASAP and
12 Mr. Jacobs during the invasion on January 6th?

13 A. Yes.

14 Q. And what did he tell you about the nature of his
15 relationship with Mr. Jacobs?

16 A. He described himself as Mr. Jacobs's right-hand
17 man.

18 Q. And what, if anything, did Mr. Gutierrez tell you
19 about this supposed lease regarding the 260 Allen Drive
20 property?

21 A. He stated that he was the one that was going to
22 move into the property pursuant to the lease and would
23 be paid -- I believe he said \$5,000 to reside there for
24 a month; and again using the same quote of "squatting on
25 the squatters."

26 Q. And did Mr. Gutierrez make any statements about

1 the incident that Silvino testified to around the
2 timeframe of Thanksgiving 2025?

3 A. He did.

4 Q. What did he tell you?

5 A. He stated on that date that they had arrived to
6 the property. They had taken Mr. Silvino's belongings
7 out of the property, put it in the driveway, and then
8 boarded up the residence.

9 Q. And what, if anything, did you ask Mr. Gutierrez
10 about the events leading up to the January 6th invasion?

11 A. I asked him if the firearm that was located in
12 his trunk was the firearm that he used during that
13 incident. He stated it was. He stated that he didn't
14 have a California guard card or any sort of CCW license
15 to carry in the state of California or within San Mateo
16 County. Additionally, he stated that during the
17 invasion that the firearm was unloaded and that he never
18 removed it from a holster.

19 Q. And did his statement in that regard hold any
20 significance to you?

21 A. It did.

22 Q. And what is that?

23 A. It was later proven to be untrue based on the
24 review of the video.

25 Q. And did you ask Mr. Gutierrez why he had left the
26 scene by the time officers had arrived?

1 A. He provided a statement saying that he needed to
2 retrieve the lease because he left his phone in the car.
3 Due to the fact that I didn't want him to know that I
4 had reviewed the video at this point, I didn't provide
5 him the knowledge that I knew about the discarding of
6 the firearms, along with the additional information that
7 I had.

8 Q. And did Mr. Gutierrez also confirm that he, with
9 ASAP personnel, specifically entered the home through
10 the rear sliding door?

11 A. Correct.

12 Q. Did you ask Mr. Gutierrez if he supplied
13 Mr. Regalado with a firearm?

14 A. He stated he did.

15 Q. And did you ask -- what, if anything, did
16 Mr. Gutierrez say about the nature of any prior contact
17 with Jerry Tran, the owner of the LLC for the property?

18 A. I believe he stated that they had never actually
19 met in person. And that everything was done through,
20 like, a third party, but I don't recall specifically.

21 Q. What, if anything, did he say about who
22 orchestrates, organizes, develops a game plan for
23 executing the squatter removal such as the one on the
24 6th?

25 A. It was Mr. Jacobs.

26 Q. Jumping forward to January 19th, 2026. Did

1 another officer, Corporal Anisko with the same
2 department, bring to your attention that Mr. Gutierrez
3 had contacted the station for assistance?

4 A. Yes.

5 Q. And what was that?

6 A. I was notified that Mr. Gutierrez was seeking a
7 civil standby by our department to be able to move into
8 the residence at 260 Allen Drive pursuant to the lease
9 agreement, as previously stated.

10 Q. Did you thereafter that same day meet with
11 Mr. Gutierrez at the station -- did you meet with him in
12 person at the station?

13 A. I did.

14 Q. And what, if anything, did you ask him about the
15 nature of his call and Corporal Anisko?

16 A. I learned that oftentimes they will, as they were
17 going to do in this situation, move into a residence
18 with the firearms, as previously depicted, in an attempt
19 to get anybody that is a convicted felon inside of the
20 residence ultimately arrested and removed from the
21 residence.

22 Q. And in this situation, did he indicate to you if
23 he believed one of the occupants in the home was a
24 prohibited person?

25 A. Yes. He believed that there were prohibited
26 people inside of the residence, and I believe he stated

1 that someone was on parole.

2 Q. Did you -- did Mr. Gutierrez say whether he or
3 ASAP had completed any eviction paperwork post-dating or
4 leading up to the January 6 incident?

5 A. They stated they did not.

6 Q. And then finally, did Mr. Gutierrez provide you
7 with a copy of the lease agreement?

8 A. He did.

9 (Plaintiff's Exhibit 11 was marked for
10 identification.)

11 Q. And just very briefly, I'm handing you People's
12 Exhibit 11. Do you recognize that to be a copy of the
13 lease agreement that Mr. Gutierrez provided you on
14 January 19?

15 A. Yes.

16 Q. And in general, what did you observe or what do
17 you observe in reviewing the copy of that agreement?

18 A. Inconsistencies with the dates and just kind of
19 looks like a general lease agreement for the state of
20 California.

21 Q. And does that agreement identify Jerry Tran as --
22 through his LLC, Jae Holdings, Inc.?

23 A. Yes.

24 Q. And also identified as Arthur Gutierrez Junior as
25 the alleged tenant of the lease?

26 A. Correct.

1 Q. And when you say inconsistencies in the dates,
2 what do you mean?

3 A. There was a date that was listed as far as being
4 made on 11-17, and then there was another date during
5 the lease term that depicted 6-3 of '25, which, based on
6 my investigation, was well before any purchase of the
7 residence. And then the dates that it was signed went
8 back to being in late November, specifically
9 November 24th of 2025.

10 Q. And then again, did you quickly obtain another
11 statement from Mr. Gutierrez about exactly what happened
12 before January 6th?

13 A. I did.

14 Q. And how, if at all, did his statement add to or
15 vary from the initial one he provided you with earlier?

16 MR. GOHEL: I am going to object. That's
17 argumentative.

18 MS. FINLAYSON: Okay. I can get --

19 THE COURT: All right. Sustained. Go ahead
20 and ask another question.

21 BY MS. FINLAYSON:

22 Q. And so on this date in meeting with Mr. Gutierrez
23 at the station, what, if anything, did he tell you about
24 the events leading up to January 6th?

25 A. With what specifically? I'm sorry.

26 Q. Did he provide additional information about

1 whether he and Mr. Jacobs had conducted surveillance of
2 the property?

3 A. They did.

4 Q. And did you ask Mr. Gutierrez if -- what, if any,
5 steps the company had taken to lawfully obtain or file
6 eviction paperwork for the property at issue?

7 MS. POTTER: I am going to object to
8 "lawfully" as argumentative and calling for a legal
9 conclusion.

10 THE COURT: Sustained.

11 BY MS. FINLAYSON:

12 Q. Did Mr. Gutierrez indicate whether the companies
13 at issue had obtained or filed any paperwork pursuant to
14 California Civil Code of Procedure relating to an
15 eviction for 260 Allen Drive of San Bruno?

16 MS. POTTER: I am going to object to that as
17 requiring multiple levels of hearsay.

18 THE COURT: Well, yes. Sustained. You can
19 re-ask.

20 MS. FINLAYSON: But I also feel as though
21 Mr. Gutierrez's statement in this regard based on
22 alleged notice or information conveyed by others was one
23 factor that he and other ASAP employees considered when
24 conducting the home invasion on January 6. It may be
25 relevant not to prove the truth of the matter asserted
26 but their alleged knowledge prior to entering the

1 property.

2 THE COURT: So can you just restate your
3 question.

4 MS. FINLAYSON: Sure.

5 BY MS. FINLAYSON:

6 Q. What, if anything, did Mr. Gutierrez tell you as
7 to what's his understanding of what steps had been taken
8 by his company to evict the tenants at the residence?

9 A. In my conversation with Mr. Gutierrez, as I
10 previously spoke to him before, I told him to go through
11 the court process and to obtain a civil eviction and to
12 contact the San Mateo County Sheriff's Office civil
13 bureau. On the night in question, I had spoken to him
14 and asked if any of that had been done, which he stated
15 it had not been done up until that point. I then asked
16 him -- we discussed the unique situation of Mr. Silvino
17 being at the residence and that he was not necessarily a
18 squatter but more of what Mr. Gutierrez described as a
19 holdover tenant.

20 Q. And did you ask Mr. Gutierrez if he acting -- or
21 in prior jobs with ASAP had encountered a squatter
22 situation similar to that of Mr. Manzano, Silvino?

23 A. He stated they had not.

24 Q. And at that point, what did you do next in your
25 investigation?

26 A. I asked Mr. Gutierrez to come into the interview

1 room with me at the police department.

2 Q. And at that point, did you place Mr. Gutierrez
3 under arrest?

4 A. I did.

5 Q. And after placing him under arrest, did you
6 obtain another statement from him?

7 A. I did.

8 Q. And prior to doing so, did you advise him of his
9 Miranda rights?

10 A. I did.

11 MS. POTTER: Stipulated for purposes of
12 preliminary hearing.

13 MS. FINLAYSON: And so stipulated by the
14 People.

15 THE COURT: All right.

16 BY MS. FINLAYSON:

17 Q. And after advising Mr. Gutierrez of his Miranda
18 rights, did he represent to you that he understood the
19 admonition?

20 A. He did.

21 Q. How did he do so?

22 A. He stated he understood.

23 Q. At that point then, did you advise Mr. Gutierrez
24 that you and other officers had reviewed the YouTube
25 body-worn camera recordings from January 6th?

26 A. I did.

1 Q. And can you explain a little bit about what, if
2 anything, Mr. Gutierrez said during the ensuing
3 discussion?

4 A. Mr. Gutierrez acknowledged the misstatements that
5 he had made previously in comparison to the video
6 evidence that was shown to him or confronted to him. I
7 then questioned Mr. Gutierrez on who asked him to bring
8 the firearms to this specific job, which he identified
9 as Mr. Jacobs asking him to bring the firearms. And
10 then we discussed the castle doctrine, which is what he
11 stated Mr. Jacobs operates under or believes to operate
12 under when doing squatter evictions.

13 Q. Did you ask Mr. Gutierrez if he -- if he knew of
14 a reason why Mr. Jacobs did not carry a firearm and
15 instead resorted to swords?

16 A. I did. Because in Mr. Gutierrez's words, he
17 stated that Mr. Jacobs believed that the firearms laws
18 in California could get messy.

19 Q. And after -- as to the January 6th incident, did
20 Mr. Gutierrez say what, if anything, Mr. Jacobs said to
21 him after he arrived on scene with the two firearms that
22 you had seen in his trunk?

23 A. Mr. Gutierrez was asked by Mr. Jacobs if the
24 second firearm in Mr. Gutierrez's possession could be
25 used by Angel during the eviction or the invasion of 260
26 Allen Drive.

1 Q. And did Mr. Gutierrez say how he responded to
2 Mr. Jacobs?

3 A. He provided the firearm to Angel and said that he
4 had no reason to believe that there would be anything
5 wrong with that.

6 Q. And did Mr. Gutierrez describe for you how he and
7 Mr. Regalado, Angelmike, utilized the firearms while
8 breaching and clearing Allen Drive?

9 A. He stated on behalf of himself that the firearm
10 was loaded with a magazine inserted into the well and
11 that he, at various points, did pull the firearm out to
12 utilize the light on the firearm and then kept it at a
13 low ready, which means the firearm was out of the
14 holster but at his side.

15 Q. And did you ask him if -- well, through the
16 breaching and clearing process, if at any point he
17 observed any of the occupants in possession of a weapon?

18 A. He stated that he observed someone in possession
19 of an -- I believe he said a hammer. And additionally
20 he stated that he heard a female say that they were
21 going to get shot in reference to the female being the
22 occupant of 260 Allen and that individual shooting the
23 members of ASAP squatters.

24 Q. And then just a few more questions relating to
25 the post-Miranda statement. Did Mr. Gutierrez provide
26 any additional information as to why he fled the

1 property shortly before officers arrived on the scene?

2 A. He eventually stated fear of being detained with
3 the rest of the ASAP Squatter Removal and to place the
4 firearm back inside of his vehicle.

5 Q. And finally, did he say anything to you about
6 what emotions or thoughts he was feeling prior to the
7 start of the breaching and clearing on Allen Drive?

8 A. He stated that he didn't feel right about the
9 entire thing.

10 Q. And did he say anything about the point at which
11 he realized the job had gone wrong?

12 A. I believe he said once they had entered the
13 residence and the situation that unfolded inside of the
14 residence.

15 Q. And so following the subsequent meeting with
16 Mr. Gutierrez at the station on, I believe it was
17 January 19th, did -- at that time, did Mr. Gutierrez
18 tell you that the two firearms you had earlier examined
19 were still present in his trunk of his vehicle located
20 at a nearby Big 5?

21 A. Yes.

22 Q. And at that point, did you or another officer
23 take steps to seize the firearms in to evidence?

24 A. We did.

25 Q. And while you did so, can you describe, were
26 there any other ammunition or firearm parts or

1 accessories located with the firearm while stored in the
2 trunk?

3 A. I believe each -- the firearms were both in a
4 pelican case, each having two magazines loaded with
5 ammunition.

6 Q. And following Mr. Gutierrez's arrest, did you
7 then take steps that same day to locate Mr. Jacobs?

8 A. Yes.

9 Q. And what, if anything, occurred in this regard?

10 A. I ultimately contacted Mr. Jacobs by phone and
11 requested that he come to the police department. He
12 stated he was unable and gave me an address in San
13 Francisco where I could meet him.

14 Q. And did you, in fact, meet up with Mr. Jacobs at
15 that location in San Francisco?

16 A. I did.

17 Q. At that point, did you place him under arrest?

18 A. I did.

19 Q. And did you transport him to the San Bruno
20 station for questioning?

21 A. Yes.

22 Q. Did you thereafter take a statement from
23 Mr. Jacobs about the events that occurred on
24 January 6th?

25 A. I did.

26 Q. Prior to doing so, did you advise Mr. Jacobs of

1 his Miranda rights?

2 A. Yes.

3 MR. GOHEL: Stipulate for prelim.

4 MS. FINLAYSON: The parties so stipulate for
5 preliminary hearing only that Corporal McKenna properly
6 advised the defendant of his Miranda rights.

7 THE COURT: All right. The Court accepts
8 the stipulation. Go ahead.

9 BY MS. FINLAYSON:

10 Q. Did Mr. Jacobs represent to you that he
11 understood the admonition?

12 A. Yes.

13 Q. And how did he do so?

14 A. He stated he understood.

15 Q. And can you describe what, if anything, did
16 Mr. Jacobs tell you about the underlying incident?

17 A. It was very brief, but he told me that all the
18 individuals involved were independent contractors of
19 ASAP Squatter Removal and that he was not some, quote,
20 criminal mastermind that devised the whole plan as far
21 as the execution of the raid on the residence at 260
22 Allen.

23 Q. And so now segueing to a different individual.
24 Through your -- can the Court go past 4:30?

25 THE COURT: Let me just check in. How much
26 longer do you have for him on direct? Because if we are

1 going to have to continue tomorrow, then I need to let
2 our staff know and see how much longer we should go
3 today.

4 MS. FINLAYSON: Sure. For my direct, I only
5 have a few more questions, not many.

6 THE COURT: Okay. And did you have
7 additional witnesses? I think you said two or three
8 officers.

9 MS. FINLAYSON: One other.

10 THE COURT: One other. Why don't we finish
11 the direct, and then when you are done, you said a few
12 more questions; we'll see whether or not we need to stop
13 there.

14 MS. FINLAYSON: Okay.

15 MS. POTTER: Can I inquire with
16 Ms. Finlayson about which witness she is going to be
17 calling for tomorrow?

18 THE COURT: Go ahead.

19 BY MS. FINLAYSON:

20 Q. Through your investigation, did you directly
21 speak with Jerry Tran of Jae Holdings, Inc.?

22 A. Yes.

23 Q. Did he confirm to you that he was the owner of
24 this LLC?

25 A. Yes.

26 Q. And did he also confirm to you that he had hired

1 ASAP Squatter Removal to remove the occupants at 260
2 Allen Drive?

3 A. Yes.

4 Q. Did you ask Mr. Tran if he had initiated any
5 legal eviction proceedings?

6 A. He stated he had not.

7 Q. And did you ask Mr. Tran if he was aware of the
8 location of the courthouse in San Mateo County?

9 A. I did -- sorry.

10 Q. No.

11 A. I did. And he was unaware.

12 Q. And what, if anything else, did Mr. Tran tell you
13 about 260 Allen Drive?

14 A. He stated that he was just trying to get the
15 occupants out and allow the -- Mr. Gutierrez to move in.

16 Q. And then finally on the last note, did you also
17 at some point reach out to the San Mateo County
18 sheriff's department civil bureau -- the civil bureau
19 division?

20 A. Yes.

21 Q. Who did you speak with?

22 A. I spoke with the on-duty sergeant.

23 Q. And to your knowledge, what, if anything, are the
24 duties and responsibilities of the civil division?

25 A. All civil evictions within the county of San
26 Mateo.

1 Q. And so in speaking with the sergeant, did you ask
2 him if they had any record of paperwork pertaining to an
3 eviction associated with 260 Allen Drive?

4 A. He stated that he reviewed their records and they
5 did not.

6 Q. And finally, did he indicate to you what the
7 sheriff's office charges to evict a squatter or
8 trespasser from a given property?

9 A. Yes.

10 Q. What was that amount?

11 A. He stated that the state of California only
12 allows the sheriff's office to charge \$250 per removal.

13 MS. FINLAYSON: Nothing further.

14 THE COURT: Okay. So it's a little past
15 4:30 and I imagine you folks have cross-examination for
16 Corporal McKenna.

17 MS. POTTER: That's correct.

18 THE COURT: All right. And then you only
19 have one witness you say tomorrow?

20 MS. FINLAYSON: I have -- that's correct,
21 Your Honor. I believe Ms. Potter may want to --

22 MS. POTTER: If she is still here, I was
23 going to have one of the other officers ordered back,
24 but she might have already left, in which case that's
25 fine.

26 THE COURT: Do you want to check and see

1 outside? Maybe we can check real quick to see if we
2 need to order her back.

3 So it appears she is here, so let me just
4 check before I make the order to come back. So we
5 have -- in your case-in-chief you have one more witness
6 you intend to call or are you also going --

7 MS. FINLAYSON: Correct, one more witness.
8 I intend to call Officer Thomas Petrini.

9 MS. POTTER: And then this is also Officer
10 Nieblas, and I would intend to call her affirmatively
11 for Mr. Gutierrez tomorrow.

12 THE COURT: And I am sorry. I didn't catch
13 the last name.

14 MS. POTTER: Nieblas.

15 THE COURT: All right. So I think we're
16 available at 9 a.m. tomorrow.

17 MR. GOHEL: Yes.

18 THE COURT: I think so. Let me just check
19 on time estimates real quick. How much longer -- I know
20 we have cross-examination of the corporal and then how
21 long on your witnesses do you --

22 MS. FINLAYSON: For his testimony, it will
23 be short. No exhibits or videos. Probably about 15
24 minutes.

25 THE COURT: On direct?

26 MS. FINLAYSON: Yeah.

1 THE COURT: And then do you have an estimate
2 for Officer Nieblas?

3 MS. POTTER: I think very short. I think
4 the rest of the witnesses are going to be pretty short
5 for both of us.

6 THE COURT: Okay. So maybe, what, 45
7 minutes to an hour? An hour just in case.

8 MS. POTTER: Including Corporal McKenna,
9 yeah, I think an hour would be safe.

10 THE COURT: Longer than an hour?

11 MR. GOHEL: Is that the total?

12 THE COURT: Right. Two hours?

13 MR. GOHEL: No.

14 MS. POTTER: I don't think so. I would say
15 I think we can get through this quickly with the other
16 two officers. I only have probably 15 minutes with
17 Corporal McKenna.

18 THE COURT: Okay. I'm going to say an hour.
19 Okay. Just -- so let me just make sure that 9:00 -- I
20 think nine o'clock should be all right. Give me one
21 moment before I let you folks leave, okay.

22 All right. So I am going to order that
23 officer -- both officers be back tomorrow at 9:00 a.m.,
24 okay.

25 And, Corporal, you as well, and we'll
26 continue with cross-examination.

1 I'll just remind witnesses to not speak to
2 other witnesses pending this preliminary hearing.

3 Okay. All right. Thank you, folks. We'll
4 see you at 9:00 a.m.

5 (Whereupon, the Court was in recess.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1 P R O C E E D I N G S

2 March 4, 2026

3 MORNING SESSION

4 --000--

5
6 THE COURT: Welcome back, everybody. I'm
7 Judge Reyna here on the continued preliminary hearing in
8 the codefendant matter in the People versus Arthur
9 Gutierrez, 26-NF-001236-A, and People versus James
10 Jacobs, the B side.

11 All right. Everybody ready to go? Great.
12 I'll ask --

13 THE DEFENDANT: I could use a break, ten
14 minutes, if that's okay.

15 THE COURT: So you were already ten minutes
16 late, I'm told. So it's 9:10, and we said it's going to
17 start at 9:00. And I should note that I do realize the
18 elevators are slow; there are two out; but I'm not
19 trying to blame anyone.

20 Mr. Gohel, are you prepared to go forward?

21 MR. GOHEL: I am, yes, Your Honor.

22 THE COURT: We'll go ahead and go forward.
23 Corporal McKenna is retaking the stand.

24 So I'll remind you, you are still under
25 oath.

26 And I should note for the record, all

1 counsel and all defendants are present.

2 I believe we left off completing the direct
3 examination of Corporal McKenna starting with the
4 cross-examination, Mr. Gohel.

5 MR. GOHEL: Thank you, Your Honor.

6 Anthony McKenna,
7 who was called as a witness on behalf of the People, was
8 previously sworn, examined, and testified as follows:

9 CROSS-EXAMINATION

10 BY MR. GOHEL:

11 Q. I just have a few questions, sir.

12 With respect to the lease agreement, I wasn't
13 totally clear. You said -- what was your interpretation
14 of the lease that was problematic or seemed to be
15 inconsistent?

16 A. If I could obtain a copy, I could show you,
17 Counsel.

18 MR. GOHEL: Your Honor, may I approach the
19 witness?

20 THE COURT: Yes, you may.

21 MR. GOHEL: I am going to show you what's
22 been admitted; right, admitted?

23 MS. FINLAYSON: Yes, introduced.

24 THE COURT: It was introduced. It was not
25 admitted.

26 MR. GOHEL: I see.

1 BY MR. GOHEL:

2 Q. Exhibit 11. Take a look at that.

3 A. So in the top paragraph it states that -- I am
4 going to read this verbatim. It says that the agreement
5 was made on 11-17 of '25 is between -- and it addressed
6 the landlord name, landlord address, and the tenant
7 name, which is the defendant Arthur Gutierrez Junior.

8 And then if you go down three paragraphs to the
9 lease term, in bold it says, "This lease shall be
10 considered a month-to-month lease. The tenant shall be
11 permitted to occupy the premise on a month-to-month
12 basis starting on 6-3 of 2025 and ending upon a notice
13 of zero days from either party in accordance with
14 California law."

15 Then if you go to page 5, the signing of the
16 agreement by what appears to be all parties was on 11-24
17 of '25. My interpretation of this was that it was kind
18 of a copy and paste of a lease agreement in the state of
19 California.

20 Q. I understand, yeah. And it looks kind of -- it's
21 not a form -- like an official form that you sometimes
22 see that is done by, I think, the Association of
23 Realtors, but it appears to be like a Word document?

24 A. Correct. And that --

25 Q. -- format --

26 A. That's just my interpretation by the dates that

1 were incorrect and then the font sizes that are
2 different or varied throughout the document itself.

3 Q. Okay. Thank you.

4 Another area that I want to talk to you about was
5 we have seen the video of the breach and clear or the
6 two different videos. We have also seen the prep --
7 what is it? The video that's earlier that night where
8 there is a group of individuals, including my client,
9 and there is a body-worn, I call it like a prep or
10 briefing meeting. And you also looked at the website
11 for ASAP, correct?

12 A. Correct.

13 Q. Okay. And you went through -- I think you even
14 did, like, a video of you going through the different
15 portions; I think that was you, correct?

16 A. That was not me. That was another officer, but
17 yes, that was done.

18 Q. And then there is also -- what other -- what
19 other things did you review related to ASAP, the
20 organization; the KRON segment that was aired, you saw
21 that, correct?

22 A. Correct.

23 Q. Anything else you reviewed with respect to them?
24 Did you look at any -- I don't know if there is
25 corporate document s or, you know, publicly filed
26 corporate documents, anything like that?

1 A. No, I have not. The documents that you mention
2 are the extent of what I have looked at as far as this
3 investigation goes right now.

4 Q. And it would be, at least in your experience, and
5 maybe in common experience, that, you know, some of
6 these things, like the website, at least in part, is
7 sort of marketing, right? They are sort of showing you
8 what they do and how they do it and also -- I don't know
9 if there is prices and things on there; was there
10 anything like that?

11 A. Not that I could find. The pricing that I
12 learned of was from the KRON4 news segment at the very
13 end where they stated that they charge approximately
14 \$10,000. And then the \$5,000 value was from the
15 defendant Mr. Gutierrez as far as moving in pursuant to
16 the lease.

17 Q. All right. Now, with respect to the materials
18 that you reviewed, obviously we see the breach and clear
19 actual -- I think it's the second portion where there is
20 at least one firearm that appears to be drawn on someone
21 or pointed at someone, correct?

22 A. Correct.

23 Q. From maybe multiple people, correct, by Mr. --
24 well, Angel Regalado, correct?

25 A. Correct.

26 Q. It's true that at least in terms of pointing at

1 anyone on the video of the breach and clear, there is no
2 one else that's point -- actually pointing the gun,
3 appears to be pointing the gun -- I know what witnesses
4 said, but it's not apparent on video; is that fair?

5 A. Yes.

6 Q. And is there anything on the website or the --
7 these items I talked about that you reviewed that
8 specifically shows that ASAP, as part of their
9 process -- I understand that there is people that are
10 gunners that have guns on them, but is there anything
11 that you saw that specifically states that, you know,
12 the way you get people to move or the way we clear is we
13 pull guns on people and point them at them; there is
14 nothing specific like that, correct?

15 A. Correct.

16 Q. Okay. And I think you testified that
17 Mr. Gutierrez had stated that the -- that particular
18 breach and clear -- I'm just going to use the
19 terminology they use. I know it's been called an
20 invasion, but this breach and clear operation that
21 occurred on January 6 of 2026, Mr. Gutierrez said that
22 he wasn't happy about -- I think paraphrasing -- but he
23 wasn't happy about how it went down, and it wasn't --
24 you know, it wasn't -- in essence, it wasn't a good
25 operation; he didn't feel good about the way it
26 happened, correct?

1 A. Yes.

2 Q. Suggesting that other operations go better than
3 this; is that fair? At least that he has been involved
4 in?

5 MS. FINLAYSON: Objection. Speculation.

6 THE COURT: Sustained.

7 BY MR. GOHEL:

8 Q. Did he say he had done other breach and clears
9 with ASAP with Mr. Jacobs?

10 A. He did.

11 Q. And do you have any information -- going to Angel
12 Regalado, did you have the opportunity to talk to --
13 there was a gentleman who was involved. He is an
14 African-American gentleman with a leather coat that at
15 one point pulls my client aside and they talk a little
16 bit about it just shorty before the breach and clear; do
17 you remember that?

18 A. Yes.

19 Q. What's that person's name?

20 A. I don't recall his name.

21 Q. Did you ever have a chance to talk to him?

22 A. Briefly, yes.

23 Q. Did -- in terms of -- do you know whether or not
24 it was a he/him -- Van is name -- do you remember Van?

25 A. Yes.

26 Q. Did he tell you that he was the person -- well,

1 let me withdraw that. Sorry, Your Honor.

2 It is true, is it not, that Mr. Jacobs used
3 independent contractors to do this work?

4 MS. FINLAYSON: Objection to the use of the
5 phrase "independent contractors."

6 THE COURT: Sustained. You have to have
7 foundation for that. Go ahead.

8 BY MR. GOHEL:

9 Q. Do you know what an independent contractor versus
10 an employee is? I'm not asking for a legal opinion, but
11 there is a difference between a W-2 employee and
12 independent contractor?

13 A. Yes.

14 Q. And, for example, you're a W-2 employee for the
15 city of San Bruno, correct?

16 A. Correct.

17 Q. I'm just asking in the course of your
18 investigation, did you determine whether or not -- and
19 it's either yes or no -- whether or not these
20 individuals that work with Mr. Jacobs were independent
21 contractors versus employees -- W-2 employees?

22 MS. FINLAYSON: Objection. Assumes facts
23 not in evidence.

24 THE COURT: Overruled.

25 You can answer if you know.

26 THE WITNESS: It's more than a yes-or-no

1 question, though.

2 BY MR. GOHEL:

3 Q. That's fine. Go ahead.

4 A. So through the course of the investigation,
5 Mr. Jacobs had said they were independent contractors;
6 that was what was located on the website. But as far as
7 asking individuals themselves if they were independent
8 contractors or they identified themselves as independent
9 contractors, I did not. But they did mention that
10 individuals came from specific jobs, like, for example,
11 that night.

12 Q. Okay. So that goes to my question about
13 Mr. Regalado. You know, you made a determination that
14 he was a convicted felon at the time of this incident,
15 correct?

16 A. Yes.

17 Q. And you had to -- I mean, you have resources that
18 you can do that, right, you can -- you have access to
19 law enforcement databases that -- and rap sheets, things
20 like that, correct?

21 A. Yes.

22 Q. And I know this is a silly question, but it's not
23 like he has a big CF on his forehead that identified him
24 as a convicted felon. That's a silly question but
25 that's correct?

26 A. There was not a large CF on his forehead.

1 Q. So you don't have any information that my client
2 or Mr. Gutierrez actually knew that this individual,
3 Angel Regalado, was a convicted felon, correct?

4 A. Correct.

5 Q. Okay. And generally with respect to Mr. Jacobs,
6 you talked a lot about his interviews, was he
7 essentially cooperative; he wasn't resisting or anything
8 like that, correct?

9 A. Correct.

10 Q. The -- Mr. -- I believe it's in your report.
11 Mr. Jacobs provided phone numbers for some of the
12 individuals involved that were working with ASAP that
13 night, including Angel Regalado, correct?

14 A. Correct. And Mr. Gutierrez.

15 Q. And Mr. Gutierrez. Okay. This is a good
16 question. Do you know how Angel was brought to -- well,
17 did you have any information that Angel had ever done
18 any previous ASAP squatter removals?

19 A. I did not have any information.

20 Q. Do you know how it was that he came back -- how
21 was he recruited to do this; do you have any information
22 about that?

23 A. I am not sure. I believe that someone had
24 mentioned that it might have been through the individual
25 that your client mentioned, Van. But I know that he
26 left with the defendant Mr. Gutierrez.

1 MR. GOHEL: Okay. All right. That's all
2 the questions I have. Thank you.

3 THE COURT: All right. Ms. Potter?

4 MS. POTTER: Yes.

5 CROSS-EXAMINATION

6 BY MS. POTTER:

7 Q. Good morning.

8 A. Good morning.

9 Q. So I want to just be clear here. On the actual
10 date of this incident, January 6th, at approximately
11 2:30, you contacted six total people from ASAP Squatter
12 Removal?

13 A. I believe so, yes.

14 Q. So is it your -- in the course of your
15 investigation, it is your understanding that there were
16 eight total people involved in this operation, but at
17 the scene when you and fellow officers arrived, they
18 contacted only six, correct?

19 A. Sorry. I believe there was actually seven.

20 Q. Okay.

21 A. There was two males, the father and son that were
22 associated with the van, and the seventh person that I
23 am indicating was a girlfriend that they had brought who
24 was seated near the dad.

25 Q. And she was, essentially, this girlfriend of -- I
26 believe it would have been Christian Murga; is that

1 correct?

2 A. Is that the son?

3 Q. Yes, I believe so.

4 A. Then yes.

5 Q. So I apologize. That's -- Damon Murga is the
6 son. So she is the girlfriend of the son of these two
7 individuals who come out later in the investigation?

8 A. Yes.

9 Q. Okay. And you have no information, though, that
10 she was involved in the operation at all other than
11 being at the scene when you were conducting your
12 investigation?

13 A. That's correct.

14 Q. Did you have -- did you yourself have contact
15 with each of these six individuals?

16 A. I did not.

17 Q. Okay. How many of them did you personally
18 contact or view on the scene?

19 A. I viewed all of them at some point, but
20 unfortunately due to the large number of occupants
21 inside of the residence, the large number of ASAP
22 Squatter Removal and the limited number of officers that
23 we had, for lack of a better term, it was kind of hectic
24 trying to keep track of everybody that was involved.

25 Q. It's fair to say, though, all six people who were
26 associated with ASAP who were a part of the operation

1 were searched and detained for some amount of time,
2 correct?

3 A. Yes.

4 Q. You didn't see anyone else on scene with a
5 holster or a firearm, correct?

6 A. That's correct.

7 Q. Okay. And that's part of the reason you released
8 everyone, was because you weren't able to confirm there
9 was a firearm used in this operation?

10 A. That's correct.

11 Q. Okay. It was only subsequent when you're
12 reviewing the video that you make the determination that
13 firearms were used in this operation?

14 A. Yes.

15 Q. Okay. I am going to ask -- so, Corporal, you and
16 fellow officers went through the video of the breach and
17 clear and sort of went through -- I think you told
18 Mr. Gutierrez you went through this, sort of, with a
19 fine-tooth comb; is that accurate?

20 A. We tried our best, yes.

21 Q. And you took a number of screenshots to, sort of,
22 identify the two subjects who you believed were using
23 firearms in this operation, correct?

24 A. Yes.

25 Q. And I'm going to show you two exhibits. I'll
26 first show you People's 9. Is this a -- is this

1 something you created or that a fellow officer created?

2 A. I created it.

3 Q. And can you describe what People's 9 is?

4 A. People's 9 is two images. The left image is an
5 individual wearing a tan jacket, an external vest or
6 plate carrier, with a ski mask or just showing his eyes.
7 And then in the frame or in the light, you can see the
8 front part of a firearm with distinct grooves and either
9 a laser or a light on the bottom circled in red.

10 And then the second image is what appears to be
11 the same individual as I previously described wearing
12 blue jeans, the tan jacket, the exterior vest, and in
13 his right hand -- appears to be holding the same firearm
14 in his right hand at his right side out of a holster.

15 Q. Okay. And this is someone that you identified --
16 the subject in People's 9 is the same person in these
17 two images, correct?

18 A. Yes.

19 Q. And this is based on your view of the body-worn
20 camera?

21 A. Correct.

22 Q. And just to be clear, the first image you were
23 describing is on the left-hand side of the exhibit, and
24 the second image you were describing is on the
25 right-hand side?

26 A. Yes.

1 Q. Okay. And then I am also going to show you
2 Defense A.

3 Is this another document that you created?

4 A. Yes.

5 Q. And can you describe what that is?

6 A. This is, again, two images side by side frames
7 apart, seconds apart in the video, depicting a male who
8 I identified as the other defendant, Mr. Regalado,
9 wearing a black hoodie, dark-colored pants, glasses.
10 And then in the frame you can see what appears to be a
11 firearm being pointed with an optic on the top.

12 Q. Okay. And just so we're clear, the image in
13 People's 9, the two images, those are the only images
14 that you were able to obtain in the surveillance footage
15 that show actions taken by who you referred to as
16 suspect 2, who you later identified as Mr. Gutierrez, in
17 the entirety of the body-worn camera, correct?

18 A. Correct.

19 Q. Okay. And you have described what exhibit --
20 Defense Exhibit A shows, but I want to talk about the
21 context of when these screenshots were taken in the
22 course of the body-worn camera. These are -- the still
23 images in Defense Exhibit A show Mr. Regalado holding
24 the firearm and pointing it in the direction where
25 Mr. Calleja is standing on the second floor, correct?

26 A. Yes.

1 Q. And based on your review of the body-worn camera,
2 you could tell that Mr. Regalado was one of the first
3 subjects up the stairs, you can say as it was described
4 yesterday, and who went into that second floor of the
5 residence, correct?

6 A. That's what it appeared to be, yes.

7 Q. And you did not see at any point in time the
8 person depicted in People's 9, Mr. Gutierrez, pointing a
9 firearm at anyone specifically, correct?

10 A. Just based on the review of the body-worn camera?

11 Q. Yes.

12 A. Correct.

13 Q. Okay. Now, you did speak with Mr. Gutierrez on a
14 few different occasions, correct?

15 A. Yes.

16 Q. And specifically on this January 19th interview,
17 he indicated to you that he did not know that
18 Mr. Regalado was a convicted felon; is that correct?

19 A. Yes.

20 Q. And he also told you that this is the first night
21 that he had ever met him?

22 A. That's correct.

23 Q. And that was only as a participant in this
24 operation?

25 A. Correct.

26 Q. Okay. Now, you described to him -- you finally

1 had told him on January 19th that you actually had seen
2 this body-worn camera and that you had information about
3 what actually occurred in the residence, correct?

4 A. Yes.

5 Q. And you told him that you could see Angel holding
6 two people at gunpoint; do you remember telling
7 Mr. Gutierrez that?

8 A. Yes.

9 Q. And that was an accurate statement based on your
10 review of the body-worn camera?

11 A. Correct.

12 Q. And he said that he hadn't seen himself that
13 Angel was doing that, but he did know that he had a
14 firearm with him that night, correct?

15 A. Correct.

16 Q. Okay. Now, you also told him that you could see
17 that he had his weapon out of the holster, correct?

18 A. Yes.

19 Q. And he told you that was because he had heard a
20 threat made by a female up at the top of the stairs; is
21 that correct?

22 A. Yes.

23 Q. And at the time you told Mr. Gutierrez that you
24 had not heard that statement and that you did not -- you
25 did not believe that there was a threat that was made?

26 A. Correct.

1 Q. And was that a ruse or was that just you had not
2 actually heard that based on your review of the
3 body-worn camera at the time?

4 A. I did not hear it based on my review at the time
5 of the body-worn camera.

6 Q. Okay. And now, though, you have heard that there
7 was a female subject who yelled something about being
8 shot in the face from the top of the stairs?

9 A. I did, based on the review that was played in
10 court.

11 Q. Okay. And Mr. Gutierrez in his statement told
12 you that he did not clear any rooms; is that a statement
13 that you remember him making on January 19th of 2026?

14 A. Yes.

15 Q. And then he also indicated to you that he didn't
16 know that any of the -- any of these things that were
17 done -- let me take a step back.

18 He didn't know -- what Mr. Gutierrez told you on
19 the 19th was he didn't know that the actions undertaken
20 by ASAP were illegal?

21 A. Correct.

22 Q. And you took that to mean that the operations, if
23 they had occurred normally the way Mr. Gutierrez was
24 used to them occurring, he did not realize that they
25 were unlawful?

26 A. Correct.

1 MS. POTTER: If I could have one second,
2 Your Honor.

3 THE COURT: Okay.

4 MS. POTTER: I think that is all I have.

5 THE COURT: All right. Any redirect,
6 Ms. Finlayson?

7 MS. FINLAYSON: Just very briefly.

8 REDIRECT EXAMINATION

9 BY MS. FINLAYSON:

10 Q. Both attorneys asked you a series of questions
11 based on your review of the body-worn camera throughout
12 the breach and clear, and you testified yesterday that
13 it appeared, based on your review, that the footage from
14 the camera was captured from only one person, correct?

15 A. Correct.

16 Q. And that there were around six ASAP employees
17 involved total with the breach and clear inside the
18 home?

19 A. Yes.

20 Q. And so would it be accurate to say that those six
21 individuals all were not always captured in the
22 recording based on the reference frame of the camera?

23 A. That's correct. I actually asked the defendant
24 Mr. Gutierrez for a copy of his, because he said that he
25 was wearing one that night as well and depicted
26 different -- a different viewpoint, if you will.

1 Q. And did Mr. Gutierrez ever provide you with a
2 copy of that recording?

3 A. I have not been provided one, no.

4 MS. FINLAYSON: Nothing further.

5 THE COURT: All right. Any cross on that?

6 MR. GOHEL: No, Your Honor.

7 MS. POTTER: Very briefly.

8 RECROSS-EXAMINATION

9 BY MS. POTTER:

10 Q. Corporal, Mr. Gutierrez informed you about the
11 body-worn camera on January 19th of 2026, correct?

12 A. Yes.

13 Q. And he told you, "I have this and I know what
14 mine shows," correct?

15 A. Yes.

16 Q. In fact, he was very adamant because you told him
17 that you did not hear any threat made by any of the
18 occupants of 260 Allen Drive, correct?

19 A. Yes.

20 Q. And that was also the night in which
21 Mr. Gutierrez was arrested and taken to the county jail,
22 correct?

23 A. Yes.

24 Q. And you just have not had contact with him
25 subsequent to his arrest prior to being in court for
26 these proceedings, correct?

1 A. Yes.

2 MS. POTTER: Okay. Nothing further.

3 THE COURT: Okay. May I release the
4 witness?

5 MS. FINLAYSON: Yes.

6 THE COURT: You may take a seat.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: Your next witness,
9 Ms. Finlayson.

10 MS. FINLAYSON: The People call Officer
11 Thomas Petrini.

12 Thomas Petrini,
13 who was called as a witness on behalf of the People, was
14 sworn, examined, and testified as follows:

15 THE CLERK: Thank you. You may be seated.
16 Please state and spell your first and last name for the
17 record.

18 THE WITNESS: Good morning. First name is
19 Thomas, T-h-o-m-a-s; last name Petrini, P-e-t-r-i-n-i.

20 THE COURT: Go ahead.

21 DIRECT EXAMINATION

22 BY MS. FINLAYSON:

23 Q. What is your occupation, and by whom are you
24 employed?

25 A. I am currently a police officer for the city of
26 San Bruno.

1 Q. How many years have you been a sworn peace
2 officer in the state of California?

3 A. Just about seven.

4 Q. Were you on duty January 6, 2025, just before
5 3:00 a.m.?

6 A. Yes, ma'am.

7 Q. Did you respond to 260 Allen Drive in San Bruno
8 on report of an armed invasion?

9 A. Yes, ma'am.

10 Q. Upon arriving, what did you do next?

11 A. I located multiple individuals and assisted in
12 detaining them.

13 Q. And during the course of your investigation, did
14 you identify certain individuals on scene as having been
15 residing inside the home?

16 A. Sorry. Just to clarify, as residing inside the
17 home as residents?

18 Q. Yes.

19 A. Yes, ma'am.

20 Q. And as to those individuals, did you speak with
21 someone named George Georgiou?

22 A. Yes, ma'am.

23 Q. And what, if anything, did you ask him?

24 A. I asked him what had occurred that evening prior
25 to police arrival.

26 Q. And what did George tell you?

1 A. George told me he was inside of the residence.
2 He heard what sounded like loud banging or knocking, at
3 which point he called out to a friend and told him that
4 his friends were there, in a joking manner. Moments
5 later, the unknown subjects breached the back door and
6 began passing the bedroom he was in.

7 Q. And what, if anything else, did George tell you?

8 A. As they were passing his bedroom, he felt they
9 didn't really see him because he was laying down on what
10 he described as, like, a bed. Eventually one of the
11 subjects that passed noticed him, stopped, and told him
12 not to move.

13 Q. And -- well, let me clarify. With regards to the
14 statement from George that you're describing, was this
15 information he provided on the initial night of
16 January 6th?

17 A. No. He provided this statement the next night
18 when I spoke to him again.

19 Q. And so the following day on January 7, did you
20 respond back to 260 Allen Drive to re-interview the
21 persons who had been in the home the night of the 6th?

22 A. Yes, ma'am.

23 Q. And so going back to George's statement from
24 where you left off, what else did he tell you?

25 A. He said a couple moments later, he was then
26 contacted by two other subjects who he was then -- he

1 spent a few moments in the garage with them just prior
2 to police contact.

3 Q. What happened next?

4 A. While he was in the garage with these two
5 subjects, they told him that he needed to leave.

6 Q. And did George indicate that those two suspects
7 had also told him not to move?

8 A. I believe so, but if I could refer to my report
9 just for that clarification.

10 Q. If it would refresh your recollection. Please
11 look up when your memory has been refreshed.

12 A. Yes, ma'am. They did tell him not to move as
13 well.

14 Q. And so they told George not to move and then also
15 told him that he had to leave the home?

16 A. Yes, ma'am.

17 Q. What did George say happened next at that point?

18 A. At that point, the police -- sorry. He explained
19 how to open the garage door to the two males and then
20 police contacted them all.

21 Q. And did you ask George any questions about
22 whether he feared for his safety or what he was thinking
23 throughout the incident?

24 A. I did ask if he was in fear. He felt as though
25 he was.

26 Q. And just to confirm, although I believe you just

1 touched on it, did George tell you that he saw at least
2 two individuals holding a gun upon entering the home?

3 A. Yes, ma'am.

4 Q. While you were speaking with George, is it
5 accurate that the primary resident, Silvino Manzano, was
6 also at the home?

7 A. Yes, ma'am.

8 Q. And was there also a second individual, Patrick
9 Calleja?

10 A. Yes, ma'am.

11 Q. Did they bring to your attention whether they
12 located anything in the home after officers arrived on
13 scene during the morning of January 6?

14 A. They did, but they didn't indicate that to us
15 until the 7th during the re-interview.

16 Q. That's what I am referring to. On the 7th after
17 you talked with George, did Pat and Silvino tell you
18 that they had located items in their home left behind by
19 the suspects from the morning of the 6th?

20 A. Yes, ma'am.

21 Q. And did they turn over to you the items they
22 indicated they found?

23 A. They did, ma'am.

24 Q. And as to those items, was one what appeared to
25 be a battering ram?

26 A. Yes, ma'am, a very crude makeshift battering ram.

1 (Plaintiff's Exhibit 3 was marked for
2 identification.)

3 Q. And I have handed you a copy of People's
4 Exhibit 3. Do you recognize that to be a fair
5 representation of the battering ram you recovered on
6 scene?

7 A. Yes, ma'am.

8 Q. And in looking at the exhibit, as well as your
9 observation of the battering ram, can you describe the
10 approximate size and appearance?

11 A. Yeah. It appeared to be a crudely welded -- or
12 two iron pipes crudely welded together with a chain
13 welded to it as well. I would have estimated it to be
14 approximately 36 inches in length, maybe 15 inches in
15 diameter.

16 Q. And what was the approximate weight in holding
17 it, would you say?

18 A. Give or take 30 pounds. About the weight of a
19 small child.

20 (Plaintiff's Exhibit 4 was marked for
21 identification.)

22 Q. And I have also handed you another exhibit, which
23 I believe has been marked People's Exhibit 4.

24 A. Yes, ma'am.

25 Q. Did the occupants of the Allen Drive home also
26 tell you they located a knife that was left behind in

1 the home?

2 A. They did, ma'am.

3 Q. And in looking at the knife as well -- well, do
4 you recognize People's Exhibit 4 to be a photograph of a
5 knife they turned over?

6 A. Yes, ma'am.

7 Q. And can you describe the appearance of the knife
8 as depicted in People's 4?

9 A. Yes, ma'am. It appears to be what's commonly
10 known as a diver's knife.

11 Q. What does that mean?

12 A. An object typically used by divers when they are
13 hunting for seafood while diving.

14 Q. Is it a fixed-blade knife?

15 A. Yes, ma'am.

16 Q. What was the approximate length of the knife and
17 the blade specifically?

18 A. The blade itself, approximately eight inches.

19 Q. And is the blade sharpened on both sides or only
20 one?

21 A. It's sharpened on one with a serrated edge on the
22 other.

23 MS. FINLAYSON: Okay. Nothing further.

24 THE COURT: All right. Mr. Gohel.

25 MR. GOHEL: Thank you.

26 CROSS-EXAMINATION

1 BY MR. GOHEL:

2 Q. Did you kind of walk around the residence at 260
3 Allen?

4 A. Good morning to you too, sir.

5 Yes, I did, sir.

6 Q. Did you have some familiarity with the layout?

7 A. Somewhat, yes.

8 Q. Did you have a chance to see the video of the
9 breach and clear?

10 A. Briefly.

11 Q. Okay. That's fine. George at least, did he tell
12 you initially he was in this sort of in-law unit down
13 below?

14 A. Yes, sir.

15 Q. And did he tell you that -- I know he told you
16 that he was told that he had to leave, did he tell you
17 that one individual told him, you know, "You got 15
18 minutes to pack up your stuff and go"?

19 A. He didn't indicate a timeframe.

20 Q. He didn't. Okay. So he never told you that they
21 said leave or at least one person said leave, but
22 another person or the same person had said, "You have,
23 like, 15 minutes to pack up your stuff"?

24 A. Not to me, no.

25 MR. GOHEL: Okay. That's all I have. Thank
26 you.

1 THE WITNESS: Thank you, sir.

2 THE COURT: All right. Ms. Potter?

3 MS. POTTER: Thank you.

4 CROSS-EXAMINATION

5 BY MS. POTTER:

6 Q. Good morning.

7 A. Good morning.

8 Q. I just want to be clear about what George told
9 you about the two people he saw holding firearms. He
10 stated that he did, in fact, see two people at least who
11 he believed were holding firearms, correct?

12 A. Yes, ma'am.

13 Q. And he could identify one as being silver and a
14 large caliber; is that correct?

15 A. Something along those lines, yes, ma'am.

16 Q. And he couldn't describe the other firearm that
17 he saw, correct?

18 A. If I remember correctly, he could not.

19 Q. Okay. He also said that none of those firearms
20 were intentionally pointed at him at any point in time,
21 correct?

22 A. That is correct, ma'am.

23 MS. POTTER: That's all I have.

24 THE WITNESS: Thank you ma'am.

25 THE COURT: Any redirect, Ms. Finlayson?

26 MS. FINLAYSON: No.

1 THE COURT: All right. I am going to
2 release the witness then.

3 All right. Thank you, Officer, for coming
4 in. You're released.

5 Do you have any other witnesses,
6 Ms. Finlayson, to call?

7 MS. FINLAYSON: No.

8 THE COURT: Any other evidence to present to
9 the Court?

10 MS. FINLAYSON: Yes, Your Honor. The People
11 would be asking to move into evidence the exhibits that
12 were introduced during the hearing which include -- I
13 believe, People's Exhibit 1 has already been moved into
14 evidence and --

15 THE COURT: Exhibit 1 had exhibits A through
16 D. That was already admitted with USB video.

17 MS. FINLAYSON: Yes. As well as People's
18 Exhibit 2.

19 THE COURT: I should also note with
20 Exhibit 1, there are the attending transcripts that were
21 admitted.

22 And People's Exhibit 2, what was that again?

23 MS. FINLAYSON: That was the photo of the
24 katana located in the van on the morning of January 6.

25 THE COURT: Okay.

26 MS. FINLAYSON: People's Exhibit 3 is a

1 photograph of the battering ram recovered on the 7th.

2 People's 4 is a photograph of the
3 fixed-blade diver's knife.

4 People's Exhibit 5, which consists of two
5 images of Angelmike Regalado taken from "Breach and
6 Clear," the YouTube file.

7 People's Exhibit 7, which consists of two
8 images, one of the tan firearms recovered from
9 Mr. Gutierrez's vehicle; the other a still image of
10 Mr. Regalado taken from the "Breach and Clear" video.

11 People's Exhibit 10 is an image of the --
12 taken of the vehicle, Mr. Gutierrez's trunk, which
13 contained a box loaded with the two firearms he
14 indicated were used during the breach and clear.

15 People's Exhibit 9 consists of two images --
16 two still images from the "Breach and Clear" video; the
17 one on the left capturing an individual in black holding
18 a firearm; the one on the right capturing an individual
19 identified as Mr. Gutierrez also holding a firearm at a
20 different point during the clear.

21 People's Exhibit 11 is a copy of the lease
22 agreement Corporal McKenna was provided.

23 And I believe that should be it. People's 8
24 and 6 I do not believe were introduced.

25 THE COURT: All right. And no objection by
26 defense counsel?

1 MR. GOHEL: Not for prelim, Your Honor.

2 MS. POTTER: No, Your Honor.

3 THE COURT: All right. So exhibits, again,
4 1, 2, 3, 4, 5, 7, 9, 10, and 11 will be admitted.

5 (Plaintiff's Exhibits 2 through 5, 7, and 9
6 through 11 were received in evidence.)

7 MS. FINLAYSON: Thank you.

8 THE COURT: All right. Turning then to the
9 defense case.

10 Mr. Gohel, do you have any witnesses to call
11 at this time?

12 MR. GOHEL: No, Your Honor.

13 THE COURT: All right. Ms. Potter?

14 MS. POTTER: No witnesses at this time. I
15 would just ask that Defense Exhibit A be admitted.

16 THE COURT: All right. Can you please
17 remind me what Defense Exhibit A was?

18 MS. POTTER: Yes. This is the two still
19 frame photos of Mr. Regalado with the firearm that were
20 discussed with the corporal this morning from the video.

21 THE COURT: That's right.

22 MS. POTTER: And it might be duplicative of
23 one of the People's exhibits, but I would like it to be
24 admitted just because it was referenced during the
25 preliminary hearing.

26 THE COURT: No objection, Ms. Finlayson and

1 Mr. Gohel?

2 MS. FINLAYSON: No.

3 MR. GOHEL: No.

4 THE COURT: Defense A will be admitted.

5 (Defendant's Exhibit A was received
6 in evidence.)

7 THE COURT: I know yesterday you indicated
8 to calling an officer, but at this time you are not; is
9 that correct?

10 MS. POTTER: No.

11 THE COURT: All right. And with that, then
12 there is no further evidence to be shown to the Court by
13 any party, correct?

14 MS. FINLAYSON: Correct.

15 THE COURT: All right. If you could just
16 hand the Court the exhibits to my bailiff to bring them
17 up. We also have the USB video as well. That was
18 admitted.

19 All right. With that, then we can go ahead
20 and proceed with argument.

21 Ms. Finlayson, do you want to go first?

22 MS. FINLAYSON: No, I'll defer my argument
23 until after.

24 THE COURT: All right. So Mr. Gohel?

25 MR. GOHEL: Yes, Your Honor.

26 So maybe if I could start with the Counts 4

1 and 5 in the Complaint, which is the kidnapping charge.

2 So I believe that the Court should not issue
3 a holding order on kidnapping. There has been no
4 evidence of the critical and required element of
5 asportation. And I think all three -- sorry -- the two
6 victims -- the two alleged victims of these are Silvino,
7 who testified, and Patrick Calleja, who -- sorry --
8 Silvino Manzano and Patrick Calleja. Those are the two
9 individuals that are victims in the kidnapping. Neither
10 of those two individuals said that they were ever moved
11 at any point, so I believe that there literally was no
12 asportation under force or fear.

13 I think there is a different issue as to
14 Count 6 to 9 with respect to the false imprisonment,
15 which doesn't require asportation, and the case law is
16 pretty clear far more movement under much more violent
17 circumstances have been found not to be asportation.

18 In the Supreme Court case *People versus*
19 *Martinez* -- and this is in the bench notes of CALCRIM
20 1215. In that case in -- the citation is 20 Cal.4th 225
21 at 237. There, the individual -- the victim in that
22 case, during a violent encounter where a person broke
23 into the home, dragged a woman across a kitchen, across
24 the living room to a bedroom, and then dragged her
25 outside for 75 feet outside looking for her husband and
26 under severe duress and literally being dragged by the

1 perpetrator. That was found not to be asportation
2 because it was considered to be incidental to the
3 underlying felony.

4 So here, we have no evidence, in fact, you
5 know, much of my cross-examination of those two
6 individuals, and Mr. Cooper who is not a victim, focused
7 on the fact that they stayed in place. They were told
8 to stay in place; that they were not moved under force
9 or fear, so there is not even any evidence that there
10 was any asportation at all, let alone incidental
11 asportation, which is still not sufficient for a holding
12 order on kidnapping. So I do think it's clear, even at
13 the low burden that is required for a holding order,
14 there just simply isn't any evidence of a kidnapping
15 under these circumstances, so I am requesting that the
16 Court not hold on Counts 4 and 5.

17 With respect to -- and I'll just go to
18 Count 1, the burglary, I don't believe that there is --
19 that it has been shown that there was an intent by my
20 client, or Mr. Gutierrez, but by my client to commit a
21 felony when entering the residence. Now, as
22 ill-advised -- or maybe ill-advised or not as this
23 particular process as it unfolded that might have been,
24 it doesn't appear there is any evidence that my client
25 intended that a felony be committed inside. There is no
26 evidence that he told people to pull guns on people and,

1 you know, pull out the guns. He knew that they were
2 armed. In fact, they were called gunners, but it's
3 pretty clear from the briefing and the evidence that's
4 been presented in the -- I call it the preoperation
5 video briefing that we saw and the -- that there was not
6 any direction to pull guns on people and make them move.
7 It appears that there was anticipation of there being
8 potential violence that is directed at them when they do
9 this operation, understandably, and that these were used
10 for defensive purposes. And I do -- I do understand
11 that one individual very clearly, which it's not really
12 refutable, did pull out a gun and point it in the
13 direction of people; that's Mr. Regalado. But it
14 appears that that may have been conduct that was not
15 sanctioned by my client. And obviously my client was
16 not armed in any way.

17 So as it goes to Counts 2 and 3, if the
18 underlying felony for the burglary is an assault with a
19 firearm, he obviously didn't have a firearm so it would
20 have to be some sort of aiding and abetting theory, but
21 I don't believe there was an intent to commit a felony
22 when they went inside. I don't believe there was intent
23 to commit a kidnapping. A kidnapping did not occur. I
24 don't even think that there was an intent to commit a
25 false imprisonment because there doesn't appear to be
26 any direction that was given by my client to say, when

1 you get in there, don't let anyone leave. It was the
2 opposite. Breach and clear, it's like you're clearing
3 each particular area of the house for threats and you're
4 moving in the new tenant who in this case was
5 Mr. Gutierrez. I understand that this is an extremely
6 unusual manner to do that, and it's extrajudicial, but I
7 don't believe that there is sufficient evidence, even at
8 the preliminary hearing stage, to show an intent to
9 commit a felony on Count 1.

10 And then again, just on Counts 2 and 3,
11 those are the other -- I'll submit on Count 6 to 9 on
12 the false imprisonment, but Counts 2 and 3, I just,
13 again, under an aiding and abetting theory, it doesn't
14 appear it was anticipated that anybody would point a gun
15 at anybody. It doesn't appear that Mr. Gutierrez, who
16 has experience with Mr. Jacobs doing these before who
17 felt this operation had gone wrongly, there is no
18 objective evidence that a gun was pointed -- that he
19 ever pointed a gun at anyone in the video. It looks
20 like it's at sort of a low ready or position which is
21 not a 245(b). And I would submit that it wasn't
22 anticipated and Mr. Regalado pulled out a gun and
23 pointed at someone, but that wasn't something that my
24 client aided and abetted in having the same intention of
25 him, which was to pull guns on people. None of the
26 previous materials, none of the marketing materials,

1 none of the website, while it talks about the use of
2 guns and gunners, it seems to be in a defensive posture.
3 So based on that, I am asking for a no holding order on
4 Counts 1 through 5. Submitted.

5 THE COURT: All right. Ms. Potter?

6 MS. POTTER: So I'll join in Mr. Gohel's
7 comments as to the kidnapping, and I will just add a few
8 points, which is, according to Mr. Manzano, nobody
9 stopped him from calling the police. I think both
10 Mr. Calleja and Mr. Manzano's demeanors are very
11 apparent on the breach and clear video that the Court
12 has access to. They waited -- they both testified, I
13 believe, that they waited for the police outside. No
14 one was moving them from room to room or doing any --
15 again, they were not moved any substantial distance, as
16 Mr. Gohel indicated in his argument. And I think their
17 demeanor on that video also speaks to the totality of
18 circumstances that this just was not a kidnapping.

19 I also agree that I don't think that there
20 was sufficient evidence as to my client,
21 Mr. Gutierrez's, intent in entering the house to commit
22 any underlying felony that would be required for a
23 residential burglary in Count 1. We simply know what
24 their intention was, which was again, as was indicated
25 in the KRON video, Mr. Jacobs's comments is breach,
26 enter the dwelling, clear any threats; not clearing the

1 property and installing someone to the new tenant, which
2 again, was going to be Mr. Gutierrez. So there was no
3 underlying intention to commit any felony or there is no
4 sufficient evidence of any intention to commit a felony
5 at the time that they crossed the threshold which would
6 be required for a 460(a).

7 Additionally, there was sort of, as
8 Mr. Gohel also alluded to, no objective evidence that
9 Mr. Gutierrez ever pointed a firearm at anyone. What we
10 had was people were very confused about how many guns
11 there were and what was going on in the chaotic
12 situation. But what we do have, the objective evidence
13 of the breach and clear video shows that Mr. Gutierrez
14 had his weapon at the low ready. And that was also, as
15 he indicated to Corporate McKenna when he was
16 interviewed on January 19th, that he did that and pulled
17 his weapon out of the holster when he heard the threat
18 that was made that is on the video, "Don't come up here,
19 we'll shoot your head off." And so given those
20 circumstances as well, there is no -- I don't think
21 there is sufficient evidence that Mr. Gutierrez is
22 guilty of a 245(b).

23 I'll submit on the 236s. I think there is
24 separate arguments, but for purposes of preliminary
25 hearing, submitted.

26 THE COURT: All right. Ms. Finlayson?

1 MS. FINLAYSON: With regards to the
2 kidnapping charge, I'll submit that matter to the Court.
3 The People's initial theory for purposes of charging was
4 based upon the evidence captured in the body-worn camera
5 YouTube recordings where the suspects, multiple, who
6 were armed were yelling "Move, move, move" while moving
7 up the stairs, and multiple of the victim occupants were
8 seen somewhat huddled in the living room.

9 But with regards to the 460(a) argument
10 raised by both attorneys, there is ample evidence for
11 purposes of preliminary hearing that both defendants
12 entered the home with intent to commit a felony. The
13 recordings capture Jacobs as an aider and abettor
14 running this company, a vigilante self-eviction squatter
15 removal. He, based on his attorney's questions, which
16 indicate he was unaware that one of his personnel is a
17 convicted felon, but that's also part of the problem.
18 This is an individual who across multiple recordings in
19 a KRON4 news admitted that they use AR-15s and I believe
20 N60s to go about forcefully evicting individuals from
21 abandoned buildings.

22 But this case also isn't a typical -- what
23 one would imagine a squatter removal would entail. This
24 involves someone, Silvino, who was residing in his
25 family's home. He had been connected to the residence
26 for over 40 years living there for 10; still had

1 personal belongings, possessions in the home. And based
2 on the testimony from multiple victims, including Pat
3 and Floyd, they had also been residing in the home
4 since -- I believe at least November 2025 to assist
5 Silvino in packing his belongings.

6 So the facts of this case are unique in that
7 this could have been an incredibly dangerous and violent
8 situation. You have Mr. Jacobs, again, on camera
9 repeatedly referencing guns, gunners, bring the guns.
10 Mr. Gutierrez forgot the battering ram in the car. Did
11 you bring a Sawzall? Repeated references throughout
12 where multiple individuals are looking to Mr. Jacobs for
13 guidance on how to forcefully enter this home at
14 3:00 a.m.

15 It is reasonably foreseeable where
16 Mr. Gutierrez, Mr. Jacobs, other people associated to
17 ASAP make multiple references to "We're getting this job
18 done. We're getting them out. We gotta move Art in."
19 And so circumstantially, based on their statements,
20 their behavior, the surveillance they conducted,
21 multiple individuals are not just with loaded firearms,
22 which we know from Mr. Gutierrez's statement, but also
23 dressed in tactical vests, two guns equipped with -- two
24 firearms equipped with optics. Floyd indicated one
25 individual was armed with a Taser.

26 At least Silvino and Pat indicated that with

1 firearms pointed at them, they felt like they were also
2 not -- they were afraid to move. They were afraid for
3 their safety. And so while the defendants breached and
4 cleared the home, one could also assume and infer from
5 that that breaching from clearing, you are minimizing
6 security threats. That involves or entails keeping an
7 eye on all parties -- all persons present in a home to
8 control their move. While they go through, again,
9 vigilantes with no training with guns at 3:00 a.m.
10 clearing a residence that they also had no lawful right
11 to be present in.

12 On just a final note with regards to
13 testimony from Corporal McKenna, he spoke to a sergeant
14 at San Mateo County's civil division, which is
15 responsible for assisting in evicting tenants or
16 squatters from a property. And in this case Jerry Tran,
17 the owner of the property of the LLC, both he admitted,
18 and the sergeant with the civil division confirmed, that
19 no steps had been taken by the new owner to properly and
20 legally go about evicting Silvino and the other
21 individuals from the home. There is numerous case law
22 that -- primarily in a civil context through the Civil
23 Code of Procedure that strongly disfavors forceful
24 self-evictions and forceful entry, instead requiring
25 that landlords, not tenants, but landlords and owners of
26 a property use legal channels through pursuing an

1 unlawful detainer, obtaining a writ of possession, then
2 providing both to the sheriff's office, who assist in
3 handling the physical removal, the physical eviction of
4 individuals from a residence. And here, that was not
5 done.

6 And so just in conclusion, with regards to
7 the 460(a), it's the People's theory the parties entered
8 with intent to commit assault with a firearm, false
9 imprisonment, and that for purposes of preliminary
10 hearing, there is sufficient evidence to hold both to
11 answer on those charges.

12 THE COURT: All right. Can you just go over
13 Counts 2 and 3, the assault with the firearms as to the
14 semiautomatic; can you just touch on that, the arguments
15 that both counsel made; Ms. Potter indicating that
16 Mr. Gutierrez didn't hold it up, the gun, that it was
17 Regalado; with Mr. Gohel's comments that there was no
18 actual firearm held by his client and that it can only
19 be done through an aider and abettor theory, can you
20 touch on those arguments?

21 MS. FINLAYSON: Sure. I'll start with
22 Mr. Jacobs.

23 The People's theory is as an aider and
24 abettor, he is the principal who is orchestrating and
25 coordinating this entire operation. He repeatedly
26 directs Mr. Gutierrez, bring the guns. According to

1 Mr. Gutierrez, Mr. Jacobs told him to give a firearm to
2 Mr. Regalado. Mr. Jacobs makes statements indicating
3 that they are there -- their goal is to evict these
4 occupants from the home. He is armed with a samurai
5 sword and a katana. There is at least another
6 unidentified individual with another katana; someone
7 with a Taser; two individuals with firearms. Again,
8 Mr. Jacobs is captured on the news making statements
9 that they breach and clear using guns.

10 And going back to the statements of the
11 victims who testified, Silvino -- well, we heard
12 testimony both in court and through Prop 115 that at
13 least two of the suspects entered the home pointing
14 firearms at the occupants. Pat specifically, I believe,
15 testified that one individual was holding a gun pointed
16 on one level, and there was another individual holding a
17 gun by the front door pointed at the occupants.

18 And so with regards to Mr. Jacobs, based on
19 his statements about how he goes about conducting these
20 operations, coupled with his statements captured in the
21 YouTube recordings planning, orchestrating, direct ing
22 people how to use the guns repeatedly, coupled also
23 circumstantially with the use of other weapons that to
24 him as principal, it was reasonably foreseeable that the
25 guns would be used and pointed at individuals, according
26 to him for breaching and clearing, but for purposes here

1 that constitutes an assault. It's 3:00 a.m. The guns
2 are loaded. Jacobs told them to bring them, and as an
3 aider and abettor there is probable cause to hold
4 Jacobs -- Mr. Jacobs liable as to the assault charge.

5 In a similar argument with regards to
6 Mr. Gutierrez, most of counsel's questioning was based
7 on -- I'll use the phrase the objective evidence
8 presented in court with regards to the body-worn camera,
9 which through Corporal McKenna we know that at this time
10 it appeared Mr. Jacobs was wearing the camera. All the
11 files are from only one viewpoint or one -- from that of
12 Mr. Jacobs, and there are events transpiring or multiple
13 ASAP personnel or occupants from the home who are
14 offering -- so there is events that we are not
15 necessarily seeing based only on that recording alone,
16 but we know from the testimony of Silvino and
17 particularly, Pat -- that both individuals were pointing
18 the firearms and issuing orders at the occupants, who
19 were caught off guard, not to move, and then also
20 eventually, you need to get out of the house.

21 THE COURT: Okay. Thank you, folks. I am
22 going to deem the matter submitted.

23 All right. So listen, I should note
24 starting off, as was referenced by a few of you, the
25 standard is sufficient cause at a probable -- excuse
26 me -- at a preliminary hearing. It's sufficient cause

1 to the probable cause, which is that such a state of
2 facts would lead a person of ordinary caution or
3 prudence to believe and consciously entertain a strong
4 suspicion of the guilt of the accused. And I always
5 remind that case law and court has held that this is an
6 exceeding low standard at the preliminary hearing.

7 With that said, I am going to first start
8 off with the kidnapping counts. That was submitted to
9 by the People, and I heard arguments by both counsel.
10 So in reviewing the CALCRIM for the elements of
11 kidnapping, hearing the testimony by the three alleged
12 victims in this case, and counsel -- excuse me -- and
13 law enforcement, I do agree that even for purposes of
14 the low standard of a preliminary hearing, there was not
15 sufficient evidence with respect to the asportation
16 element. If anything, you know, they were told to not
17 move, and then they were allowed to move. It seemed to
18 the Court that all -- at least Mr. Silvino had
19 indicated, as well as Mr. Calleja, and I think the video
20 supported this so I don't think there is, even for the
21 exceedingly low standard for preliminary hearing,
22 sufficient evidence to hold the defendants to answer on
23 Counts 4 and 5, which are the kidnapping counts, a
24 violation of Penal Code section 207(a).

25 However, the Court does find sufficient
26 evidence to hold the defendant to answer to all

1 remaining counts. First, with respect to the burglary
2 count, I do believe that there was sufficient evidence
3 of intent to commit a felony. Even if they believed
4 that they were doing something within the parameters of
5 the law, that doesn't mean it to be true. And again,
6 for the purposes of a preliminary hearing, I think there
7 is substantial -- or sufficient evidence, rather, that
8 there was an intent to commit a felony. They knew they
9 were going to use firearms.

10 Just taking a few notes from the "Breach and
11 Clear" videos that were taken, in the Court's view,
12 there was some bragging about the using of firearms.
13 There was a clear plan. There was talk about having
14 gunners in the front. There was some conversation about
15 "F'ing homeless people; risking their lives; they're
16 going to handle that shit," which this Court took to
17 indicate that they were ready to use the guns. They
18 did, however, indicate there is other times where
19 Mr. Jacobs, in particular, voiced -- talked about being
20 overkill but that they were packing heat.

21 And additionally, once the cops are being
22 called, there was clear comments throughout the video
23 saying, "Hide the guns." They denied pointing the guns
24 at folks. So I think all of this is certainly both
25 direct and circumstantial evidence that there was
26 intent, for purposes of a preliminary hearing, to commit

1 a felony knowing that violence could ensue.

2 And so the Court finds there is sufficient
3 evidence, specifically, to hold you both to answer to
4 Count 1, that on or about January 6, 2026, in the county
5 of San Mateo, state of California, that you committed
6 the crime of first-degree burglary with a person present
7 in violation of Penal Code section 460(a), a felony.

8 Also finding sufficient evidence as to the
9 special allegations of the use of the firearm with
10 respect to Mr. Gutierrez. That's Enhancement 1, the
11 Penal Code section 12022.5(a), as well as Enhancement 2
12 as to Mr. Gutierrez armed with a firearm. That's in
13 violation of Penal Code section 12022(a)(1).

14 And further finding Enhancement 3,
15 sufficient evidence as to Mr. Jacobs, that he was aware
16 that a principal was armed with a firearm during the
17 commission of the offense, and that's in violation of
18 Penal Code section 12022(d).

19 I'll elaborate on that with respect to
20 holding orders as to Counts 2 and 3. This is the crimes
21 of the assault with the semiautomatic firearm. I'll
22 just make some comments with respect to that.

23 I think sufficient evidence was presented
24 that Mr. Gutierrez had two guns that he brought. Also
25 that these guns were brought at the direction and
26 request of Mr. Jacobs; that they were -- at least one of

1 the guns was supplied to codefendant Regalado, who is
2 not here. And that at least Regalado was the one who
3 pointed the guns directly at the victims. There was
4 perhaps conflicting evidence or at least not 100 percent
5 confirming evidence of whether or not Mr. Gutierrez
6 actually pointed guns at anyone that night. It's
7 unclear after all the evidence was presented. I think
8 circumstantially there might be some evidence that he
9 could have, but at the end of the day, under an aider
10 and abettor theory as to both, and the fact that
11 Mr. Gutierrez was in fact in possession of a gun, and
12 the force with which they entered, the Court does find
13 sufficient probable cause to hold both of you to answer
14 to Count 2, that on or about January 6, 2026, in the
15 county of San Mateo, state of California, you committed
16 the crime of assault with a semiautomatic firearm, which
17 is a violation of Penal Code section 245(b), a felony,
18 and that's as to Silvino Manzano.

19 Further finding sufficient cause to hold to
20 answer to Enhancement 1 as charged with respect to
21 Count 2 for Mr. Gutierrez. That is that he personally
22 used a firearm, a violation of Penal Code section
23 12022.5(a).

24 Further for the same reasons holding both to
25 answer to Count 3 that on or about the same date and
26 time in the county of San Mateo, the crime of assault

1 with a semiautomatic firearm in violation of Penal Code
2 section 245(b), a felony, and that was as to assault on
3 Patrick Calleja.

4 Further finding the enhancement with
5 sufficient cause as to Mr. Gutierrez with respect to
6 Count 3 that he personally used a firearm in violation
7 of Penal Code section 12022.5(a).

8 Again, the Court is not holding to answer to
9 Count 4, the kidnapping charge or the attending
10 enhancements as to Count 4 or Count 5, another
11 kidnapping charge and the attending enhancements.

12 However, the Court does find sufficient
13 evidence as to the false imprisonment counts in Count 6
14 through 9, and specifically holding you to answer --
15 both of you to answer to Count 6, the same date and
16 time, the false imprisonment by violence in violation of
17 Penal Code section 236, a felony; that's as to Michael
18 Calleja.

19 Further holding you to answer to the
20 enhancements alleged under that count, Enhancement 1,
21 Penal Code 12022.5(a) as to Mr. Gutierrez and that he
22 personally used a firearm.

23 Enhancement 2 as to Mr. Gutierrez pursuant
24 to Penal Code section 12022(a)(1) in that he -- a
25 principal used a firearm.

26 Enhancements 3 and 4, that's as to

1 Mr. Jacobs. Enhancement 3 is the 12022(d), that he knew
2 a principal was personally armed with a firearm.

3 And as to Enhancement 4 in violation of
4 12022(b)(1) that there was a personal use of a deadly
5 and dangerous weapon, a handgun.

6 Further holding to answer, again, Count 7,
7 8, and 9. They are all violations of Penal Code
8 sections 236, the false imprisonment by violence on the
9 same date and time.

10 Count 7 is as to Silvino Manzano.

11 Count 8 is as to George Georgiou.

12 And Count 9 is as to Floyd Cooper.

13 Furthering holding to answer all the
14 enhancements charged in the same ones I had read with
15 respect to Count 6 as to Counts 7, and 8, and 9.

16 All right. So that's the holding order for
17 you folks. We'll put this over for arraignment on the
18 information. It will be on --

19 THE CLERK: March 18th at 8:30.

20 THE COURT: All right. So, Mr. Jacobs,
21 Mr. Gutierrez, you folks are both ordered to be present
22 on March 18 at 8:30. That's going to be in courtroom 2A
23 in front of Judge Jackson. You both will remain out on
24 posted bond of \$50,000 each.

25 Is it all right for both sides if I return
26 the exhibits to each side?

1 MS. POTTER: Yes, please.

2 MR. GOHEL: Yes.

3 MS. FINLAYSON: Yes, Your Honor.

4 THE COURT: All right. Thank you, folks.

5 (Whereupon, the matter was concluded.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SAN MATEO

3
4 THE PEOPLE OF THE STATE OF
5 CALIFORNIA,

6 PLAINTIFF,

7 VS.

REPORTER'S CERTIFICATE

8 ARTHUR GUTIERREZ; JAMES JACOBS

9 DEFENDANTS.

10 _____/

11 STATE OF CALIFORNIA)
12) SS
13 COUNTY OF SAN MATEO)

14 I, RHIANNON SMITH, Certified Shorthand Reporter
15 and Official Reporter of the Superior Court of the State
16 of California, County of San Mateo, do hereby certify
17 that the foregoing, pages 1 through 216, comprise a
18 full, true, and computer-aided transcript of the
19 proceedings held in the matter of the above-entitled
20 cause.

21 Dated in Redwood City, California, this 16th day of
22 March, 2026.

23 
24 _____

25 RHIANNON SMITH, CSR #13265
26 OFFICIAL REPORTER, SUPERIOR COURT