



Trent James
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November 30, 2022

SUMMARY OF EXPERIENCE:

Private Investigative Experience:

I am currently a Licensed Private Investigator in the State of California (License #188702), as well as Texas (License #A24113901). I have over a decade of Private Investigative experience, ranging from covert surveillance, background and asset research, missing persons, workers compensation investigations, homicide investigations, asset recovery, GPS asset monitoring and litigation support.

Law Enforcement Experience:

Probation Officer with the Mendocino County Probation Department:

Supervised and disciplined criminal offenders who were completing a Probation Program as one of the conditions of their sentencing, recommended rehabilitation programs, conducted drug tests and monitored the location of Probationers.

Deputy with the Mendocino County Sheriff's Office:

Patrolled assigned area and watched for suspicious activity, arrested people for suspected crimes, including burglary, theft, drugs, larceny, homicide sexual crimes, solved emergency and routine incidents, conducted preliminary and follow up investigations, gathered and bagged evidence, searched for missing persons and worked as a Solo Resident Deputy and K9 Handler.

Police Sergeant with the Willits Police Department:

Supervised and guided subordinate staff in the performance of their duties, assisted with shift briefings and trainings, prepared and reviewed reports, enforced strict adherence to policies and procedure, conducted inspections of personnel and equipment.

Coroner's Investigations:

I have been the sole investigator, or assisted in the investigation of over 100 Coroner Cases, ranging from suicides, traffic collisions, accidental deaths, homicides and SID cases.

Education:

Bachelor's degree in Criminal Justice from Sonoma State University, Rohnert Park, CA

CASE:

I was contracted by Mrs. Amy Sherlock ("Amy") to conduct an investigation into the death of her husband Michael Sherlock, AKA "Biker". Specifically to analyze all the information Amy has provided me and to provide an expert opinion that the cause of Bikers death may be undetermined. Additionally looking for contradictions that occurred between the San Diego Police Department's Crime Scene Report ("PD Report") (**See Exhibit A**) and the Medical Examiners Reports ("ME Report") (**See Exhibit B**) and what motives may have existed that would have benefited certain individuals from Biker's death.

CORONERS INVESTIGATION:

San Diego Police Department Crime Scene Report

Upon my review of the PD Report for the Coroner's Investigation relating to this case, I observed numerous areas where articulation was lacking, or completely absent in regards to information that would have been crucial to this investigation. The following is a list of actions that should have been performed as well as my comments to the PD Report in order to have a better understanding of the incident.

The Investigating Officer(s) failed to utilize a Gun Shot Residue (GSR) kit on either hand of the decedent. This is fairly standard practice on scene when there is a death that resulted from a gun shot wound regardless of whether foul play is suspected or not. This is a crucial piece of Coroner's Evidence when investigating a suicide due to the chance there is additional information developed later on which may change the cause of death from a suicide to instead being labeled undetermined or a potential or actual homicide.

The Investigating Officer(s) fail to provide a detailed description of the scene itself, as well as key pieces of information pertaining to the decedent's person. There is no mention of the tide, in relation to the decedent's person, in terms of how far away the ocean is, or if the sand/rocks around the decedent were damp, as well as his clothing. If the tide had been near to decedent's person earlier that morning, or the night prior, it could help eliminate the possibility of someone else taking the shell casing from the round and the reason why the Officer(s) were unable to locate it.

There is no mention of any blood on the numerous surrounding rocks on both sides of the decedent, or whether or not the blood was still wet or dried. There are rocks to the left and right of the decedent's person, which appear to have fresh blood on them. Additionally, there is a rock affixed to the rock wall, located above the decedent's head, with what appears to be a circular spot of blood. Based on the photograph it appears to be approximately the size of a United States Quarter and appears to be located approximately 12" directly above the decedent's head. Also, the same photograph, there appears to be 2 additional blood spots located approximately 1-3 inches to the left (if you're facing the rock) of the circular blood mark and another blood spot located approximately 1-3 inches to the right (if you're facing the rock) of the circular blood mark.

Based on the position of the decedent in the photograph's, this would make it extremely unlikely for the blood to come from the decedent's person, unless he had been in a standing position prior to his death especially since there was no exit wound from the 9mm round fired into the decedent's mouth. The circular mark is consistent with one that could be made from the depression on the occipital area of the decedent's head, or possibly the contusion on the right portion of his forehead. There isn't articulation on whether or not an exit wound from the round was searched for.

The articulation of the location of the decedent's left and right hands and arms in the report is extremely lacking. Both in positioning and in physical appearance. There is no mention in the PD Report of the multiple small cuts on the outer portion of the decedent's right hand, specifically the tops of his right middle, right ring and right pinky fingers, the blood splatter on the inner portion of his right thumb, the small cuts on the bottom of his right palm near where the palm meets the wrist, or the smeared blood in the same area of the palm. Also, there is no mention of the small amount of blood splatter on the outer portion of the decedent's left thumb and the outer area of the left index finger.

There is also no mention of the hat located next to the decedent's head, or if it was wet or dry, or if it had blood on it. No mention was made of the ants and sea roaches on decedent as had been stated in the ME Report. No mention was made of what appears to be sand/dirt and debris all over the front portion of the decedent's sweat shirt and how it got there. The blood splatter, or lack thereof, on the firearm is not mentioned either.

Most importantly there isn't any mention of the very obvious contusion on the front portion of the decedent's right forehead area, just above the right eyebrow. This wound, based upon my training and experience, appears to be fresh and to have occurred very near the time of death. There is also no mention of the 1/16" round abrasion on the decedent's chin, or the "large depression on the occipital area of the head." None of these head injuries would be consistent with a self inflicted gun shot wound. The injury on the decedent's right leg is not looked for or documented in the SD Report.

There is a failure to properly articulate rigor mortis (stiffening of the joints and muscles of a body shortly after death), or lividity (pooling of blood) on the decedent. The only mention of rigor mortis in the PD Report is "stiff extremities" but provides no specifics into which

extremities those might be, or the relativity of the stiffness which is important in determining the time of death. There is no mention of lividity, at all, which is important in detecting not only the time of death but confirming the body was in the same position after death had occurred.

The Officer(s) did not ask Amy if the decedent had any injuries on his person, prior to leaving their residence on 12/2/15 at approximately 2000 hours. Specifically, the multiple injuries to his head, right hand and right leg. Also, if there had been any motive or reason to suspect foul play. Additionally, there was never any questioning in regard to the firearm itself and if Amy saw the decedent with it prior to him leaving the residence. In Amy's Statement to the Officer(s) she indicated the decedent had left without providing her with his destination.

Medical Examiners Report

I discovered similar issues in the ME Report as I did with the PD Report in terms of the lack of articulation with the scene, decedent and lack of detailed photographs. There is no articulation as to whether or not the ocean tide may have up near the decedent at some point, or if his clothing was wet. As previously stated, this may have been the reason for not being able to find the shell casing (if it was taken by someone else), if it was in fact searched for, which is also not indicated. Just that it was "not found."

On page 3/3 of the ME Report, it is stated; "there were a few small blood droplets north of the body." This statement does not properly indicate where the blood droplets were located. The statement is referring to previously mentioned blood marks on the rock approximately 12" above the decedent's head, there should be a point of reference. There should have been measurements taken at the scene of the exact distance of the blood marks on the rock(s) to the decedent's head and this measurement should have been photographed. Again, these blood marks are not likely, or even possible, unless the decedent had been in a standing position prior to death.

There is no mention of blood on the nearby rocks located on either side of the decedent's body. There is no mention if the blood wet or dry or the the distance to the decedent's person. There is no mention of the injuries and blood seen on the decedent's right hand which are completely evident in the photographs. Rigor mortis and lividity were not mentioned either which is standard as part of a coroner's investigation. There is also no mention of the dirt, sand and debris covering the front of the decedent's sweatshirt which is consistent with him lying face down at some point.

There was mention of rust on the "weapon and magazine" (referring to the pistol on scene), but there is no mention as to where on the pistol it was located. In the photographs there appears to be rust on front left portion of the slide of the pistol as well as the top portion of the slide near the barrel. There also appears to be rust around the base of the magazine, front portion of the grip, left portion of the slide and on the top portion of the backstrap. In a closeup photograph of the tip of the barrel there is clearly small pieces of gravel lodged into the steel tip of the barrel as well as what appears to be scrape marks. Those gravel and scrape marks are not consistent with the pistols upward pointing position when the decedent was discovered. It would have taken much greater force for gravel to be embedded into the steel and for the steel to have been scratched. There was also no mention of blood found on any part of the firearm.

The ME Report stated there was a "cartridge in the magazine", however in the PD Report it stated a "round was in the chamber." The photograph's don't show the exact location of the remaining live 9mm round. The photograph's show the slide in a locked position, an empty magazine and live 9mm round in the hand of one of the Investigator's. For evidentiary purposes the round should have been photographed prior to it being removed from either the magazine or the chamber.

If the round was in the chamber the slide should have been retracted slightly, as to expose the round without it ejecting and then photographed. However, since neither of those things were done and the Reports are conflicting in the exact location of the round, we do not know where it was actually located. This is also important, because when someone becomes deceased after utilizing a firearm to end their life, their hand(s) would immediately become limp following their death. Based on this fact it makes it extremely unlikely the secondary round from the magazine would be automatically loaded into the chamber of the pistol, since there would be absolutely no support (or extremely limited) on the grip of the gun to sustain the necessary force to facilitate that action.

In the interview between the ME and decedent's brother-in-law and business partner, Stephen Lake ("Lake"), I am unable to determine, based on how the interview is written, if the ME spoke to Amy regarding the events leading up to the decedent's death, or if the ME obtained all of the information from Lake who alludes to how the decedent "had been overwhelmed." Lake's statement, as contained within the ME Report, was that Amy had told him the decedent had gone to the beach when he left his (decedent's) residence on the evening of 12/2/12. The ME did not appear to ask Amy any questions pertaining to the mental health of the decedent or if the decedent had any injuries on him relative to the condition he was found in when she last saw him on 12/2/15. The only question she was asked is if the decedent "worked on engines." Amy has provided her comments (**See Exhibit C**) to the ME Report with highlights and in her sworn Affidavit (**See Exhibit D**).

The ME Report, written by Investigator, Ms. Sandra Joseph ("Joseph"), states she obtained information from the decedent's primary care physician regarding his medical history, but none of that documented information is attached to the ME Report. Investigator Joseph also states that the decedent's medical history indicated he had trouble sleeping and was prescribed Trazadone, suffered from depression and had taken Wellbutrin for several years. Ms. Joseph does not indicate anywhere in the ME Report when the decedent last filled a prescription for Wellbutrin or if he had been currently taking it. There was also no mention of any attempt to obtain leftover medication at the decedent's residence to take for destruction, which is common practice.

As with the PD Report, the articulation in the Autopsy portion of the ME Report is also severely lacking. The fresh injuries to the decedent's head, right hand and right leg are barely mentioned, and there is no indication if any of these wounds were sustained pre or post mortem, or their likely cause. There is no mention if any of the head wounds the decedent sustained could have cause injury to the brain. The photograph's of the injury to the decedent's right forehead area are lacking as well. There should have been multiple photograph's taken to properly document the injury, especially after the wound had been cleaned. There are no photograph's taken of the injury to the leg.

Investigator Joseph had placed paper bags over both of the decedent's hands at the scene of the incident. It's indicated during the Autopsy that the bags were removed from the hands and discarded due to "lack of evidentiary value." If bags are being placed on the hands of a suspected suicide, then a GSR should be administered and traces of gun powder searched for. There is no mention if this was done or not at the Autopsy, or how exactly there was a "lack of evidentiary value."

On 11/21/22 I spoke with Amy Sherlock regarding this case. Her statements to me confirmed some of what the PD Report had stated, regarding Biker having some financial stressors as well as potential stress from his current business. Amy confirmed she had no knowledge of Biker taking a firearm with him the night of the incident and at no point did Biker inform her where he was going. Biker made no mention to her of his intention to take his life, or any major indications that he would potentially do so.

Additionally, Amy confirmed neither the Officer(s) or Investigator Joseph asked any questions regarding the obvious head, hand and leg injuries. The only question that was asked by Investigator Joseph was if Biker "had worked on engines?" Other than that there was no additional investigation into what might have caused the injuries or if Biker had them prior to leaving the residence on 12/2/15. In her written comments to the ME Report and her statements to me, Amy is certain that Biker did not have those injuries when she last saw him.

POTENTIAL MOTIVE:

Amy stated Biker had told her he had informed his business partner, Bradford Harcourt ("Harcourt") that he was "broke" and did not have additional funds to put into the business. To that point, Amy received a Formal Meet and Confer Letter dated June 7, 2022 from Lake's attorney Andrew Hall (**See Exhibit E**) stating, among other things, that Lake had provided Biker with a \$289,560.68 two-week-bridge-loan ("bridge loan") via unknown means, to purchase a building for the new business. In that letter it states that Biker did not pay Lake back and that upon Biker's death, Lake applied that unpaid loan as full consideration to transfer the City of San Diego Cannabis License Conditional Use Permit ("CUP") which had been in Biker's name, directly to Harcourt. In her written comments to the Meet and Confer Letter (**See Exhibit F**) and during our interview Amy told me that Lake had told her that Biker had signed the Certificate of Cancellation of the LLC ("Cancellation") earlier on 12/2/15, the day of his death which had allowed him to do this (**See Exhibit G**). Upon further investigation, it was found that the Cancellation was filed with the Secretary of State on 12/21/15 or approximately 3 weeks after Biker's death.

When Amy saw the Cancellation document she was positive that Biker's signature had been forged. To prove that she engaged the services of a Forensic Document Analyst to review a series of documents Biker had signed to determine if the Cancellation signature Biker had, per Lake, purportedly made, was his or not. The report, generated by Mr. Manny Gonzales of Alliance Forensic Sciences, LLC ("AFS Report") (See Exhibit H) concluded that the signature was "more likely than not" not the decedent's signature.

Amy stated that it was during her own recent investigation of the CUP transfer after Biker's death she was able to find, through a Freedom of Information Act ("FOIA") request with the City of San Diego, that Lake had lied to her on the CUP transfer into Harcourt's name. As can be seen by the City of San Diego Development Services Department ("DSD"), upon Biker's death, transferred the CUP into Amy's name, (See Exhibit I) without her knowledge or consent and then subsequently, again without her knowledge or consent, transferred that CUP into Harcourt's name.

Amy advised me that Lake had been lying and omitting information when he spoke with her and what she now has come to learn is that Lake and Harcourt benefited financially from the decedent's death. To convince Amy and her family that Biker died of a suicide, Lake went so far as to bring a Dr. Cooper to the family home just days after his death. Lake had advertised Dr. Cooper as being an authority in Chronic Traumatic Encephalopathy (CTE). Amy has since come to find out that Dr. Cooper is a personal friend of Lake's, is a child psychologist and has no known CTE training or the professional credentials to support such a determination.

Amy stated that Biker might have had issues which caused him to be stressed out, just prior to his death, however she asserts that he was not the type of person who would take his own life because of it. Amy stated that any issues Biker had been facing were not so significant that they would not have able to handle them, especially any financial issues. When considering the sum total of the information Amy now has available to her, she told me that she believes Biker was may have been the victim of foul play due to all the suspicious circumstances surrounding his death.

COMMENTS:

There are a lot of questions raised with this investigation and its determination that the decedent's cause of death was a suicide. Some suicide cases are very cut and dry where they automatically tell a story of what occurred. Michael "Biker" Sherlock's death is not one of those cases.

Every agency differs on how they conduct crime scene and coroner investigations, however based on my experience there are certain steps and procedures that must be followed in order to obtain as near as complete understanding as possible of what transpired. The fact that the PD Report and ME Report missed coverage of essential elements by hardly mentioning, or not mentioning them at all, is incredibly problematic for the purposes of a complete investigation. Most notably there having been no mention of the non-lethal injuries and whether the were pre or post mortem. The follow up to that determination would have been an interview of Amy Sherlock, (NOK) regarding those injuries which would be basic standard practice for any type of death.

The investigation done at the scene was sub-par to say the least. There were no measurement taken at the scene of the death, or any sort of articulation as to where any of the blood was specifically located in relation to the decedent. This is an absolute necessity in order to determine if that blood was generated as a result of a wound from the decedent and where the decedent was discovered. Also there is the complete lack of explanation as to why there is (what appears to be) fresh blood marks on the rocks at approximately 12" above the decedent's head. This blood spot above the head indicates the decedent may have possibly been in a standing position when he died.

The photographs, or lack thereof, do not give a full and complete picture of the scene and the decedent's position in relation to potential crucial evidence. Standard protocol for coroner investigation is to do complete and thorough body observations at the scene prior to the decedent being transferred off scene. This would include the removal of clothing, or at least moving clothing in order to see all parts of the body to see if there is any additional trauma or injuries. This is done to assist in ruling out foul play, which should have been an initial consideration based upon the decedent's numerous non-lethal injuries.

Another area that shows a lack of normal crime scene protocols would be the injury to the decedent's right leg. This was not mentioned until the autopsy and was never photographed. Another omission would be the absence of any statements regarding rigor mortis and lividity, two critical components of any death scene investigation as it can assist in determining time of death as well as original body position. The PD Report only states there was "stiffness in the extremities" which is vague. There is no mention of lividity or the sand and dirt spread across the front portion of the decedent's sweatshirt in either report.

There are contradictions between the PD and the ME Reports. Where the ME Report states "there was a cartridge in the pistol's magazine" (not in the chamber) and the PD Report states the exact opposite "there was a live round in the chamber" (not in the magazine) are completely at odds with each other. It's worth noting that standard police procedure would be to slightly pull the slide back in order to see if there is a live round inside of the firearm and then photograph it. The round was never photographed in either the chamber or the magazine. The only photograph(s) of the live round from the firearm was taken while either one of the SDPD officer(s) or the ME Investigator held that round in their hand.

I found the position of the pistol to be unusual. However if the decedent had committed suicide it is theoretically possible for the pistol to fall to rest in the position it was located. This would have depended on factors such as the positioning of the decedent's hand(s) while holding the pistol, tightness of the decedent's arms and hands and how far the barrel was positioned inside his mouth. I will state that the recoil on a 9mm firearm is not as substantial as a larger caliber firearm. Therefore the natural trajectory for the firearm to go backwards (away from the decedent) after being fired, might not be as exaggerated as one would normally expect.

To allay her suspicions, Amy hired Dr. Michael Iliescu, MD to perform an independent forensic analysis of the ME Report. That report (Iliescu Report) relied on Dr. Iliescu's full review of all the crime scene photos, and the ME Report and concludes that the cause of death should be considered undetermined. That report, (**See Exhibit J**) with redacted images, is contained herein.

CONCLUSIONS:

On the surface this appears to be a suicide. However, due to the numerous issues, inconsistencies, contradictions, lack of evidence, lack of documentation, lack of investigation and lack of articulation from the PD and ME Reports, I am unable to determine whether or not this is, without a doubt a suicide. Because of all these issues, any sort of actual scene reconstruction would be almost impossible. Coupled with the amount of time that has gone by, my inability to analyze the scene in person at the time of the incident, as well as conduct any further investigation, or interviews, with potential knowledgeable parties. Also what we do know about forgery of the decedent's signature for purposes of his canceling his LLC and loan that he had not paid back to Lake, indicate a potential motive for the death. Based upon the totality of the circumstances, my training and experience, it is my opinion that this death should be labeled as "suspicious" or "undetermined" and not ruled, as a matter of fact; suicide.

Date: November 22, 2022

Trent James: 

Attachments: Exhibits A-J

EXHIBIT A

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

| |
|---------------------------------------|
| INCIDENT NUMBER 15120003616 |
| CASE NUMBER 15052054 |

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| PAGE 1 of 8 |
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|---------------------|
| CRIME REPORT |
|---------------------|

| | | | | | |
|---|----------------|--|---|------------------------------|--|
| BEAT 124 | RELATED RPT #S | DATE 12/03/2015 - 12/03/2015 | DAY OF WEEK Thursday - Thursday | TIME 00:01 - 06:34 | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| CODE SECTION AND DESCRIPTION ZZ / 921000 / SUICIDE ACTUAL | | | | | |
| LOCATION OF INCIDENT (OR ADDRESS) 400 SEA RIDGE DR | | | CITY SAN DIEGO | | |

VICTIM / WITNESS

| | | | | | | | | | |
|--------------------------------------|-----------------|---|--|-------------------------------------|----------------------|--------------------------|--|------------------------|-----|
| W | RP | W TYPE 06 | NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Hodgson, Tad Hughes | | | | | | |
| RESIDENCE ADDRESS | | | | | | CITY SAN DIEGO | STATE CA | ZIP 92037 | |
| RACE W | SEX M | DATE OF BIRTH 02/24/1957 | VICTIM INJURED Y | EXTENT OF TREATMENT DEATH | INTERPRETER REQUIRED | LANGUAGE | VICTIM RELATION TO SUSPECT UNK | V/W ASSIST N | |
| CONTACT | | | | | | | | | |
| ID | | | | | | | | | |
| STATUS UNEMP | | EMPLOYER (RANK IF MILITARY) Retired Retired | | BUSINESS ADDRESS | | CITY | | STATE | ZIP |
| ADDITIONAL INFORMATION N/A | | | | | | | | | |

VICTIM / WITNESS

| | | | | | | | | | |
|--------------------------------------|-----------------|---|---|-------------------------------------|----------------------|--------------------------|----------------------------|------------------------|-----|
| V | | W TYPE 06 | NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Sherlock, Michael De Carlo | | | | | | |
| RESIDENCE ADDRESS | | | | | | CITY SAN DIEGO | STATE CA | ZIP 92037 | |
| 5439 WESTKNOLL DR | | | | | | | | | |
| RACE W | SEX M | DATE OF BIRTH 01/25/1968 | VICTIM INJURED Y | EXTENT OF TREATMENT DEATH | INTERPRETER REQUIRED | LANGUAGE | VICTIM RELATION TO SUSPECT | V/W ASSIST N | |
| ID DL B3811759 CA | | | | | | | | | |
| STATUS UNEMP | | EMPLOYER (RANK IF MILITARY) N/A N/A | | BUSINESS ADDRESS | | CITY | | STATE | ZIP |
| ADDITIONAL INFORMATION N/A | | | | | | | | | |

VICTIM / WITNESS

| | | | | | | | | | |
|--------------------------------------|-----------------|------------------------------------|--|-------------------------------------|----------------------|--------------------------|--|------------------------|-----|
| W | | W TYPE 06 | NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Lake, Steve | | | | | | |
| RESIDENCE ADDRESS | | | | | | CITY ENCINITAS | STATE CA | ZIP 92024 | |
| | | | | | | | | | |
| RACE W | SEX M | DATE OF BIRTH 09/20/1968 | VICTIM INJURED Y | EXTENT OF TREATMENT DEATH | INTERPRETER REQUIRED | LANGUAGE | VICTIM RELATION TO SUSPECT RELAT | V/W ASSIST N | |
| CONTACT | | | | | | | | | |
| ID | | | | | | | | | |
| STATUS EMP | | EMPLOYER (RANK IF MILITARY) | | BUSINESS ADDRESS | | CITY | | STATE | ZIP |
| ADDITIONAL INFORMATION N/A | | | | | | | | | |

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

| | | | | | |
|--|-----------------------|-----------------------|-----------------------|------------------------------------|----------------------|
| REPORTING OFFICER ERIC ARMSTRONG | I.D. # 7324 | DIVISION N1 | AGENCY SDPD | DATE OF REPORT 12/3/2015 | TIME 07:34 |
|--|-----------------------|-----------------------|-----------------------|------------------------------------|----------------------|

(Revised 09/2013 Electronic)

INCIDENT NUMBER

15120003616

CONTINUED FROM
CRIME REPORTSAN DIEGO REGIONAL
CRIME/INCIDENT REPORTPAGE
2 of 8CASE NUMBER
15052054

VICTIM / WITNESS

| | | | | | | | | | |
|--|-----------------------------|-----------------------------|---|------------------------------|-------------------------|----------|-------------------------------|---------|----------------|
| W | | W TYPE 06 | NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION) Sherlock, Amy J | | | | | | |
| RESIDENCE ADDRESS 5439 WESTKNOLL DR | | CITY SAN DIEGO | | | STATE CA | | ZIP 92037 | | |
| RACE W | SEX F | DATE OF BIRTH 05/30/1973 | VICTIM INJURED Y | EXTENT OF TREATMENT DEATH | INTERPRETER REQUIRED | LANGUAGE | VICTIM RELATION TO WIFE | SUSPECT | VW ASSIST N |
| CONTACT CELL PHONE (619)871-5403 | | | | | | | | | |
| ID DL A6458933 CA | | | | | | | | | |
| STATUS EMP | EMPLOYER (RANK IF MILITARY) | | | BUSINESS ADDRESS | | | CITY | STATE | ZIP |
| ADDITIONAL INFORMATION N/A | | | | | | | | | |

M.O. INFORMATION

| | | | | | | |
|--|------------------------------|------------------------------|--|------------------|-------------------------------------|--|
| TOTAL # OF WITNESSES AT CRIME 3 | | PLACE OF ATTACK 6. Other: | | | SURROUNDING AREA 8. Marine/Water | |
| W | SPECIFY GUN | | | HOW USED FIRE | | |
| TYPE OF STRUCTURE NON-RESIDENTIAL 0. N/A | | | | | | |
| TARGET(S) 5. Person | | | | | | |
| POINT OF ENTRY 0. N/A | | | | | | |
| SECURITY USED 0. N/A | | | | | | |
| TYPE LOCK ATTACKED 0. N/A | | | | | | |
| SUSPECT ACTIONS 13. Fired Weapon | | | | | | |
| VICTIM INJURED Y | EXTENT OF TREATMENT Death | | | SIC No | | |

EVIDENCE

| | | | |
|---|--|-------------|---------------|
| EVIDENCE OBTAINED | | TAG NUMBERS | |
| 3. WEAPON/TOOLS | | 10559525 | |
| 3. WEAPON/TOOLS | | 10559533 | |
| See Evidence Collection Section for Details | | | WITNESS CHECK |

OFFICER ASSAULT (OAK)

| | | |
|--------------|---|--------------------------------|
| VEHICLE TYPE | NUMBER OFFICERS WITH PERSONAL INJURY | ACTIVITY WHEN ASSAULT OCCURRED |
| | NUMBER OFFICERS WITHOUT PERSONAL INJURY | |

ARSON

| | | | | |
|---------------|-------------|--------------------|-------------------|-----------|
| ARSON TYPE | DESCRIPTION | CONTENT LOSS \$ | STRUCT LOSS \$ | ABANDONED |
|---------------|-------------|--------------------|-------------------|-----------|

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

| | | | | | |
|-------------------------------------|----------------|----------------|----------------|-----------------------------|---------------|
| REPORTING OFFICER ERIC ARMSTRONG | I.D. # 7324 | DIVISION N1 | AGENCY SDPD | DATE OF REPORT 12/3/2015 | TIME 07:34 |
|-------------------------------------|----------------|----------------|----------------|-----------------------------|---------------|

(Revised 09/2013 Electronic)

ARMOROUS-012-Sherlock

Exhibit A

INCIDENT NUMBER
15120003616
CASE NUMBER
15052054

CONTINUED FROM
CRIME REPORT

**SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT**

PAGE
3 of 8

EVIDENCE COLLECTION

Officer's Investigation
I conducted the following attempts to locate, collect, and preserve evidence from the crime scene at

400 SEA RIDGE DR **SAN DIEGO** **CA** **92037**

LATENT PRINTS:
I made attempts to lift latent prints: **N**
If NO, explain:

OTHER PHYSICAL EVIDENCE:
I made attempts to locate other physical evidence at the scene: **Y**
I recovered evidence listed in the spaces below (include photographs also):

| | |
|--|---|
| Item Description 9MM SIG SAUER HANDGUN How Marked | By Whom ARMSTRONG,ERIC 7324 Disposition IMPOUNDED Tag Number 10559525 |
| Location Found 400 SEA RIDGE RD | |

| | |
|--|---|
| Item Description (1) 9MM ROUND, (1) 15 ROUND MAGAZINE. How Marked | By Whom ARMSTRONG,ERIC 7324 Disposition IMPOUNDED Tag Number 10559533 |
| Location Found 400 SEA RIDGE DR | |

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| | | | | | |
|--|-----------------------|-----------------------|-----------------------|------------------------------------|----------------------|
| REPORTING OFFICER ERIC ARMSTRONG | I.D. # 7324 | DIVISION N1 | AGENCY SDPD | DATE OF REPORT 12/3/2015 | TIME 07:34 |
|--|-----------------------|-----------------------|-----------------------|------------------------------------|----------------------|

(Revised 09/2013 Electronic)

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SAN DIEGO POLICE DEPARTMENT
SUPPLEMENTAL DEATH REPORT

Category: (Select one)

TRAUMATIC



Means
Of
Death:
Traumatic
Only

Check all that apply

- Gunshot
- Cutting
- Jumped
- Poison
- Other:
- Hanging
- Train/Vehicle
- Alcohol/Drug Related
- Apparently self-inflicted

Clothing Worn: Black jacket, red t-shirt, grey pants, black shoes.

Marks, scars, tattoos: Approximately 12" scar on center abdomen. Dried blood coming from the nose and mouth. Dried blood on the inside of the mouth.
(Indicate location & describe)

Regular Physician: Dr. Howard Williams (Hillcrest)

Treating Physician: N/A

Death pronounced by: Dan McClain #123883

Date/Time Pronounced: 12/2/15 0645am

Med. Examiner Investigator: Sandra Joseph #22

Hospital? No

Evidence Taken: Yes Disposition: PD Property Tag#: 10559525
 Valuables Taken: No Disposition: N/A Property Tag#:
 Photos Taken: Yes Number taken: 30 Digital Disposition: PD

Medical Examiner Waiver # 15-02760

Approved By: A/Sgt. J. Clark #5496

Scene Description: (Scene Description: Describe surrounding scene in detail:)

The scene was "False Point", located at 400 Sea Ridge Dr. "False Point" is the coast line at the bottom of a rock cliff, accessible by a walking path from Sea Ridge Dr. The coast line is covered in rocks and jagged cliff edges.

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

| | |
|----------------|--------------------------------|
| | INCIDENT NUMBER 15120003616 |
| PAGE 5 of 8 | CASE NUMBER 15052054 |

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Location & State of Body: (Describe in detail. Include wounds, marks, lividity or level of decomposition.)

Sherlock was found at the bottom of a staircase at the location. Sherlock was sitting North West of the staircase, on the coast line. Sherlock's feet were straight in front of him and his back was resting against the rock cliff. Sherlock's right hand was touching the ground beside him and his left hand was resting in his lap. Sherlock had dried blood on his face that originated from his nose and mouth. Sherlock also had dried blood inside his mouth. Both of Sherlock's eyes were open and his mouth was slightly open as well. Sherlock's extremities were stiff, and his person was pale.

History & Background: (Describe events leading to death. Include mental and physical history.)

Sherlock had no known physical health issues. Sherlock suffered from insomnia and depression. It was reported Sherlock had been "disorientated" for the last few days. Sherlock was depressed about money issues his family was having.

Evidence / Property: (Explain where found and why taken.)

I took photos of the scene as well as Sherlock's body. I recovered a black 9mm Sig Sauer handgun from the scene. The handgun was located beside of Sherlock's left hip. The barrel of the handgun was pointing upward, and resting against Sherlock's leg. The stock of the handgun was touching the ground. I later impounded the photos at the Northern Division Substation and the handgun at the Headquarters Property Room. Please see evidence collection below for barcode numbers.

| <u>Item #</u> | <u>Description</u> | <u>Barcode #</u> | <u>Impound Location</u> |
|---------------|--------------------|------------------|-------------------------|
| 1 | Sig Sauer Handgun | 10559525 | Headquarters |
| 2 | Ammo, Magazine | 10559533 | Headquarters |
| 3 | Photo CD/DVD | | Northern |

Investigation: (Describe events and statements to support your findings.)

On 12/3/15, at 0638 hours, Officer Vollmar (#6063) and I volunteered for a radio call regarding a report of death at the corner of Linda Way and Sea Ridge Dr. It was reported a handgun was discovered beside the body at the scene. While we were enroute to the location, Medic 9 and Engine 21 arrived on scene. Dan McClain (#123883) announced, at 0645 hours, the person found at the location was deceased by an apparent self inflicted wound.

We arrived on scene at 0655 hours, and made contact with Officer Brown (#7085) who informed me of the situation. I walked down the staircase, at the location, and walked North West along the shore line. A short distance away from the foot of the staircase, I saw the body of a white male sitting against the rock cliff side.

| | | | | | |
|-------------------------------------|----------------|----------------|----------------|-----------------------------|---------------|
| REPORTING OFFICER ERIC ARMSTRONG | I.D. # 7324 | DIVISION N1 | AGENCY SDPD | DATE OF REPORT 12/3/2015 | TIME 07:34 |
|-------------------------------------|----------------|----------------|----------------|-----------------------------|---------------|

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CONTINUED FROM
CRIME REPORT

I certify that the information requested will be used solely for those limited purposes stated and will not be used to harass, degrade or humiliate any person. The requesting agency or person hereby agrees to indemnify and hold harmless the San Diego Police Department and the City of San Diego for any liability arising out of the improper use of the information provided

SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

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|--------------------------------|
| INCIDENT NUMBER 15120003616 |
| CASE NUMBER 15052054 |

PAGE
6 of 8

There was dried blood coming from the mouth and nose of the body. I also discovered a black handgun sitting beside the left hip of the body.

I contacted the Medical Examiner's office and informed them of the situation. They medical examiner stated they would be sending out an investigator to the scene.

I took photos of the scene and the location of the body. I also took photos of the handgun, and the location it was found. I later impounded the photos at the Northern Division Substation. See my evidence collection for barcode numbers.

While waiting for the Medical Examiner Investigator, Steve Lake arrived at the scene. Lake stated he was looking for his missing brother-in-law and that his vehicle was parked a short distance away. Through a description and name given by Lake, I confirmed the body was Lake's brother-in-law. I collected a statement from Lake. Please see Lake's statement below. After speaking with Lake, Tad Hodges arrived on scene and stated he was the original reporting party to the incident. I then collected Hodges statement. Please see Hodges statement below.

Medical Examiner Investigator Sandra Joseph #22 arrived on scene. Joseph completed her investigation and stated the Medical Examiner's Office would be taking the body. During the investigation, a wallet was discovered in the front right pants pocket. Inside the wallet, I found a California Driver's License for a "Michael Sherlock." I identified the body was Michael Sherlock from the California Driver's License.

Joseph stated she would not be collecting the black firearm as evidence. I collected the firearm at the scene. I identified the firearm as a 9mm Sig Sauer handgun (SN# B246247). I later confirmed the firearm was registered to Michael Sherlock. When I discovered the firearm, the safety was in an off position and there was a black magazine inserted into the stock of the gun. There was a single round inside the chamber of the firearm, and the magazine was empty. A shell casing was not discovered at the scene. I later impounded the firearm, ammo, and magazine at the Headquarters Property Room. See my evidence collection for barcode numbers.

Joseph provided me Medical Examiner Wavier #WV15-02760 for Sherlock's death. Officer Vollmar and I left the scene, with Joseph, and went to the residence of Michael Sherlock. Sherlock's residence was located at 5439 Westknoll Dr. At the residence, I made contact with Sherlock's wife, Amy Sherlock. Joseph spoke with Amy Sherlock and I collected a statement from her. Please see Amy Sherlock's statement below.

Crisis Interventionist Joby Bakken (#V-906) arrived and began speaking with the family of Michael Sherlock.

| | | | | | |
|-------------------------------------|---------------|----------------|----------------|-----------------------------|---------------|
| REPORTING OFFICER ERIC ARMSTRONG | I.D.# 7324 | DIVISION N1 | AGENCY SDPD | DATE OF REPORT 12/3/2015 | TIME 07:34 |
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SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT

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Witness Statement(s):

Statement of Steve Lake (Witness):

I spoke to Steve Lake in person at the scene. Steve Lake essentially told me the following:

Lake is the brother-in-law of Sherlock and lives in Encinitas, CA. On 12/3/15, at 0630 hours, Lake received a call from Sherlock's wife, Amy Sherlock, stating Sherlock left his residence the night before, on 12/2/15, and had not returned. After speaking with Amy, Lake left his residence to search for Sherlock. Lake knew Sherlock frequently visited the shoreline at 400 Sea Ridge Dr. He first searched a park on the shore line, just north of 400 Sea Ridge Dr. Lake then drove down the coast and found Sherlock's vehicle (#6MGP752) parked at the location.

Statement of Amy Sherlock (Witness):

I spoke to Amy Sherlock in person at her residence.

Amy Sherlock essentially told me the following:

Amy Sherlock is married to Michael Sherlock and they have two children together. For the past few weeks, Sherlock has been depressed and suffering from insomnia. Amy Sherlock was attempting to get Michael Sherlock on medication for depression but had been unable. Sherlock lost a skateboarding business around 2 years ago and lost a major business deal about 2 weeks ago. Amy reported that recently Sherlock had made statements about needing to sell their house and cars to pay for bills.

On 12/2/15, at 2000 hours, Michael Sherlock became very upset over their residence's sink breaking and a flat tire that occurred on Amy's work vehicle. Sherlock stated he needed some time to "clear his mind" and left the residence. Amy did not want him to leave, but was unable to convince Sherlock to stay. At 2230 hours, Sherlock had not returned to the residence and Amy went to asleep. Amy was not worried about Sherlock since only a few hours had passed. On 12/3/15, at 0615 hours, Amy woke up to discover Sherlock had not returned to the residence. Amy became worried, and went online to the "NBC San Diego" website. On the website, Amy read about a "suspicious death" at "Bird Rock" in La Jolla, CA. Amy knew Sherlock frequently visited this area. At 0630 hours, Amy called her brother-in-law, Steve Lake, to inform him of the situation. Lake stated he would drive around to look for Sherlock.

SAN DIEGO REGIONAL
CRIME/INCIDENT REPORT

Statement of Tad Hodgson (Reporting Party/Witness):

I spoke to Tad Hodgson in person at the scene.

Tad Hodgson essentially told me the following:

On 12/3/15, at 0640 hours, Hodgson was heading to the coast line, at 400 Sea Ridge Dr, to see what the surf would be like for the day. Hodgson made his way down the staircase, at the location, towards the coast line. When Hodgson reached the bottom of the staircase, he saw a pair of legs sticking out from the cliff side. The legs were located North West of where he was standing. Hodgson initially did not think anything of this because frequently people sleep at this location. When Hodgson saw no movement from the pair of legs, he approached them. When Hodgson got closer, he discovered a white male, approximately 30-40 years old, wearing a black jacket and grey pants. Hodgson could see a black handgun lying on the ground, beside the left hip of the body. Hodgson also saw dried blood coming from the body's nose and mouth. Hodgson immediately left the scene to call the police. Hodgson did not have a cell phone on him, so he went back up the staircase at the location. At the top of the staircase, Hodgson made contact with another person, who called in the incident for him.

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|-------------------------------------|----------------|----------------|----------------|-----------------------------|---------------|
| REPORTING OFFICER ERIC ARMSTRONG | I.D. # 7324 | DIVISION N1 | AGENCY SDPD | DATE OF REPORT 12/3/2015 | TIME 07:34 |
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EXHIBIT B



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER

OFFICE OF THE MEDICAL EXAMINER
5570 OVERLAND AVE., SUITE 101, SAN DIEGO, CALIFORNIA 92123-1206
TEL: (858) 694-2895 FAX: (858) 495-5956

INVESTIGATIVE REPORT

1/5/2016

| | | | | | | |
|--------------|---|---|---|---|---|--------------------------------|
| CALL INFO | NAME OF DECEASED (LAST, FIRST MIDDLE) SHERLOCK, Michael De Carlo | | | AKA | HIO <input type="checkbox"/> | CASE NUMBER 15-02760 |
| | INVESTIGATOR Sandra Joseph | REPORTED BY Officer Armstrong ID | REPORTING AGENCY San Diego County Medical Examiner | | PREVIOUS WAIVE # | |
| | CALL DATE AND TIME 12/03/2015 0703 | | ARRIVAL DATE AND TIME 12/03/2015 0810 | | RETURN DATE AND TIME 12/03/2015 1300 | |
| DECEDENT | DATE AND TIME OF DEATH 12/03/2015 0634 | DATE OF BIRTH 01/25/1968 | AGE 47 Years | GENDER Male | RACE White | |
| | RESIDENCE (STREET, CITY, STATE, ZIP) 5439 Westknoll Drive San Diego, CA 92109 | | | COUNTY | LAST SEEN ALIVE 12/2/2015 2000 | |
| | COUNTRY OF RESIDENCE USA | OCCUPATION Self-employed | | PAID AUTOPSY <input type="checkbox"/> | | |
| DEATH | LOCATION OF DEATH Found, Tourmaline Surfing Park | | | TYPE OF PLACE Other | | |
| | ADDRESS (STREET, CITY, STATE, ZIP) N 32 48 20 W 117 15 47 La Jolla, CA 92037 | | | | | |
| | SUMMARY <p>The decedent was a 47 year old, married, White male who resided in San Diego with his wife and two minor children. The decedent was last seen by his wife on the evening of 12/3/2015 when he was upset and said he was going to the beach. On the morning of 12/3/2015, a surfer at Tourmaline Surfing Park saw the decedent seated on the rocky beach against the cliff. As he approached, he saw blood on his face and a gun at his left hip. The surfer called 9-1-1. San Diego Police Department and San Diego Fire Department engine 21 responded to the scene and death was confirmed without intervention.</p> <p>Medical Examiner's jurisdiction invoked according to the California Government Code 27491: Death due to known or suspected suicide.</p> | | | | | |
| INCIDENT | LOCATION OF INCIDENT Beach | | | INCIDENT PLACE TYPE AT WORK <input type="checkbox"/> AT RESIDENCE <input type="checkbox"/> | | |
| | ADDRESS (STREET, CITY, STATE, ZIP) N 32 48 20 W 117 15 47 La Jolla, CA 92037 | | | COUNTY San Diego | | |
| | DATE AND TIME OF INCIDENT 12/03/2015 Unk | INVESTIGATING AGENCY San Diego Police | OFFICER Officer Armstrong | BADGE # 7324 | REPORT # | |
| | DECEDENT WAS | BELTED | HELMETED <input type="checkbox"/> Yes <input type="checkbox"/> No | POSITION | ON PRIVATE PROPERTY <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | VEHICLE | | | LICENSE NUMBER | STATE | |
| NOTIFICATION | IDENTIFIED BY Sandra Joseph | | METHOD Personal Effects | DATE AND TIME 12/03/2015 0810 | | |
| | FUNERAL HOME Bayview Cremation & Burial | | PROPERTY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | PUBLIC ADMINISTRATOR <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | TYPE OF EXAM Autopsy | |
| | NAME OF NOK OR OTHER Amy Sherlock | RELATIONSHIP Wife | DATE NOTIFIED 12/3/2015 | NOTIFIED BY Other | | |
| | NAME OF NOK OR OTHER Steve Lake | RELATIONSHIP Brother in law | DATE NOTIFIED 12/3/2015 | NOTIFIED BY Law Informant | | |
| | | | | | | |

San Diego Medical Examiner
5570 Overland Avenue, Suite#101
San Diego, CA 92123-1206
(858) 694-2895

Case Number : 15-02760
Investigator : Sandra Joseph
Date of Death : 12/03/2015
Date Today : 01/05/2016

INVESTIGATIVE NARRATIVE

Decedent: Michael De Carlo Sherlock

Antemortem Events:

On 12/3/2015 at 0812 hours, I obtained the following information from San Diego Police Officer Armstrong ID 7324 at the scene. On the morning of 12/3/2015, a surfer at Tourmaline Surfing Park, just south of Bird Rock was walking along the rocky beach to see surf conditions. As he rounded a small point, he saw the decedent seated against the cliff wearing street clothes. He walked closer as the tide was up and saw the decedent had blood around his face and a gun at his left hip. The surfer went up the beach access steps to the intersection Sea Ridge Drive and Linda Way and flagged down Tad Hodgson, who had just arrived to surf. Tad Hodgson used his cell phone to call 9-1-1. Officer Armstrong and San Diego Fire Department Engine #21 responded to the scene. Paramedic McCain confirmed death without intervention due to obvious fatal head trauma.

On 12/3/2015, I obtained the following information from the decedent's brother in law, Steve Lake at the decedent's home on. Steve stated he had spoken with the decedent on 12/2/2015 and "he was in a funk". Steve told the decedent he was coming over and they spent several hours together. During that time, the decedent had presented Steve with a list of problems. Steve said they were all little things but the decedent appeared to be overwhelmed. They talked about tackling the problems one by one until they were gone. The decedent never made any suicidal threats or appeared to be in any distress. When Steve left the decedent appeared better. On the morning of 12/3/2015, Steve's sister, Amy Sherlock, the decedent's wife called him and said the decedent had left around 2000 hours to go to the beach and he had not come home. Amy heard reports of a death at the beach and she asked Steve to go see if it was the decedent. This particular stretch of beach was sentimental to Amy and it was a known location to the decedent. Steve went to the location and saw the decedent's Ford Flex. He spoke with police and was advised of the death.

Past Medical, Surgical, and Social History:

On 12/3/2015, I obtained the following information from the decedent's wife, Amy Sherlock, at her home in San Diego. He had become increasingly depressed over business losses. The decedent saw his primary care physician, Dr. Howard Williams of Scripps and was prescribed Ambien. They were trying to get him psychiatric help but no appointments were available until February 2016. The decedent did not smoke cigarettes or drink alcohol. He did smoke marijuana but had quit a few months ago. The decedent never made any threats or expressed any suicidal ideation. The decedent was in a BMX bicycle accident several years ago and his spleen was removed.

I obtained the following information from the office of Dr. Howard Williams, MD, the decedent's primary care physician. The decedent was seen on 3/9/2015 for an annual physical and to establish as a patient. History given was variety of injuries related to being a skateboarder, BMX rider and stuntman. The decedent had previous carpal tunnel surgery of both wrists, knee surgery and removal of his spleen three years previously. The decedent had a complaint of chronic back pain but was not on any medications at that time. On 11/12/2015, the decedent was seen for trouble sleeping and anxiety. He had lost his job and was sleeping poorly. His wife reported he snored very loudly and she had witnessed episodes of sleep apnea. The decedent stated he had a history of depression and took Wellbutrin for several years. He was diagnosed with sleep disturbance, obstructive sleep apnea, depression and back pain. He was started on Trazodone 50 mg tablets to be taken at bedtime.

Scene Description:

On 12/3/2015 at 0815 hours, I arrived at the scene. At the time of my arrival, the tide was going out and it was daylight. The area of the beach was comprised of large rocks overlying coarse sand. Some rocks were smooth and some were broken and had sharp edges. There were homes situated on the cliffs above the beach. There is a stairway leading from Sea Ridge Drive down to the beach which is frequented by surfers. There were seagulls on the beach and small crustaceans in proximity to the body. The decedent was seated with his back against the cliff at GPS Coordinates N 32 48

20 W 117 15 47. There were a few small droplets of blood spatter north of the body. A Sig Sauer 9mm semiautomatic handgun, serial number B246247 was against the decedent's left hip. The backstrap (back of the grip) was on the rocks and the magazine was partially ejected. There was one PMC 9mm Luger cartridge in magazine. There was rust on the weapon and the magazine. No casing was found during a search of the scene. The decedent's cell phone, wallet and keys were found in his pants pockets. The decedent's gray Ford Flex, California License Plate 6MP752 was parked on Linda Way. The vehicle was locked. The front seat appeared to be situated for someone of his reported height on the driver license of 5'10". The interior of the vehicle was very clean and neat. There was a crumpled white t-shirt in the rear of the vehicle and another shirt on a hanger. There was no blood inside the vehicle. There were no stains on the white t-shirt. The decedent's cell phone was fingerprint and password locked, however the notifications showed numerous missed phone calls and messages. The scene did not appear staged.

Body Description:

On 12/3/2015 at approximately 0825 hours, I viewed the body. The decedent was seated on the rocks with his legs extended straight in front of his body. His head was turned slightly to the right (North). His left hand was on his lap and his right hand was across rocks. There were a few small blood droplets North of the body. The decedent was wearing gray sweatpants, black hoodie zippered closed, red t-shirt and black lace shoes. There was a black ball cap was partially on and behind left shoulder. There were numerous ants and sea roaches on the body. There was drying blood from the right side of his mouth. There was small blood spatter around his mouth and drying blood from his right nostril. There was a large blood clot in his mouth. There was a contusion on his right forehead. I palpated a possible defect in his mouth but could not view it due to clotted blood. There was crepitus of his head and a large depression on the occipital area of his head. There was no defect visible on the scalp. At 0845 hours, clean white paper protective bags were placed over his hands.

On 12/3/2015 at 0920 hours, 92M Transport personnel E. Arenas and Y. Andre placed the decedent in a clean, white pouch and blue tamper evident seal 4141517 was affixed to the pouch for transport to the Medical Examiner's Office.

Special Requests:

There were no special requests.

Identification:

I identified the decedent from his California Driver License #B3811759.

Antemortem Specimens:


Not applicable.

Public Administrator:

A referral to the Public Administrator was not requested.

Other Important Factors:

There were no other important factors.

Signed: 
Sandra Joseph
Medical Examiner Investigator

Date Signed: 1/3/2016

Approved by: 



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER

JONATHAN R. LUCAS, M.D.
CHIEF DEPUTY MEDICAL EXAMINER

OFFICE OF THE MEDICAL EXAMINER

5570 OVERLAND AVE., SUITE 101, SAN DIEGO, CALIFORNIA 92123-1206

TEL: (858) 694-2895 FAX: (858) 495-5956

AUTOPSY REPORT

| | | | |
|-------------------------|---|-------------|----------|
| Name: | MICHAEL DE CARLO SHERLOCK | ME#: | 15-2760 |
| Place of death: | Tourmaline Surfing Park N 32 48 20 W 117 15 47 | Age: | 47 Years |
| Date of death: | Found, December 3, 2015; 0634 Hours | Sex: | Male |
| Date of autopsy: | December 4, 2015; 0915 Hours | | |

CAUSE OF DEATH: PENETRATING INTRAORAL GUNSHOT WOUND

MANNER OF DEATH: SUICIDE

AUTOPSY SUMMARY:

- I. Penetrating intraoral gunshot wound:
 - A. Entrance: oral cavity/posterior pharynx.
 - B. Injury to: oral cavity, posterior pharynx, brainstem/upper cervical spinal cord, base of skull, and structures of posterior neck.
 - C. Exit: none.
 - D. Recovered: partially deformed copper-colored jacketed bullet recovered from tissue of posterior aspect of neck.
 - E. Wound pathway: the wound pathway directed front-to-back and upward with no significant right/left deviation.
 - F. Associated injuries: hemorrhage along wound path, subarachnoid hemorrhage greater at base and right side of brain, subdural hemorrhage (approximately 20 ml), linear fractures of anterior cranial fossae and right and left sides of posterior cranial fossa, contusions of inferior temporal lobes of brain, hemoaspiration, fine oral stretch marks on right and left aspects of skin of lips, and multiple contusions and abrasions of lower lip.

- II. Other injuries:
 - A. Abrasions and contusions of forehead, chin, posterior aspect of right hand, and right leg.

- III. No evidence of significant natural disease identified.
- IV. Other findings:
 - A. Extensive peritoneal adhesions and absent spleen status post remote splenectomy.
- V. Toxicological testing not contributory.

OPINION: According to the investigative information, the decedent was a 47-year-old White male who lived in San Diego with his wife and two minor children. The decedent was last seen alive on December 2nd around 2000 hours, when he was upset and said he was going to the beach. On the morning of December 3rd, a surfer at Tourmaline Surfing Park saw the decedent seated on a rocky portion of the beach against a cliff. As he approached he saw the decedent had blood on his face and a gun at his left hip. The surfer called 911. San Diego Police Department and San Diego Fire Department Engine 21 responded to the scene and death was confirmed without intervention. The decedent's brother stated that the decedent was "in a funk." The brother told the decedent he was coming over to his residence and they spent several hours together. During that time, the decedent presented to his brother a list of problems that Steve thought were all little things, but the decedent apparently appeared overwhelmed. They talked about tackling the problems one by one until they were gone. The decedent never made suicidal threats or appeared to be in any distress. When his brother left, the decedent appeared better.

At the scene, the brother located the decedent's vehicle close by. The decedent had a primary care physician and was prescribed Ambien at some point because he was becoming increasingly depressed over business losses. The family was trying to get him psychiatric help, but no appointments were available until February of 2016. The decedent reportedly did not smoke cigarettes or drink alcohol. He did smoke marijuana. He never made any threats or expressed suicidal ideation. Per the decedent's wife, the decedent had remote surgery and his spleen was removed after a BMX accident. According to medical records review, the decedent had a history of sleep disturbance, obstructive sleep apnea, depression, and back pain.

The autopsy documented a well-developed, well-nourished male appearing the stated age of 47 years. There was an intraoral gunshot wound that injured the tongue, posterior pharynx, brainstem/upper cervical spinal cord, base of skull, and soft tissues of posterior aspect of the neck. No exit wound was identified. A partially deformed copper-colored jacketed bullet was recovered from the soft tissue of the posterior neck at autopsy. The wound pathway was directed front-to-back and upward with no significant right/left deviation. There was evidence of close range discharge of a firearm (soot surrounding tongue injury). There were other minor injuries to include scattered abrasions. There was

no evidence of significant natural disease. There was evidence of a remote splenectomy. Toxicological testing detected no ethanol or common drugs of abuse in the blood.

Based on the autopsy findings and the circumstances surrounding the death, as currently understood, the cause of death is **penetrating intraoral gunshot wound**, and the manner of death is **suicide**.

ROBERT STABLEY, M.D.
Deputy Medical Examiner

Date signed:

The autopsy was performed at the Office of the San Diego County Medical Examiner on December 4, 2015 beginning at 0915 hours.

IDENTIFICATION: The body is identified by two Medical Examiner's identification bands on the right ankle bearing the decedent's name and case number.

WITNESSES: Assisting with the autopsy is Forensic Autopsy Specialist Stephen Hannum. There are no outside observers.

CLOTHING AND PERSONAL EFFECTS: A brown paper bag containing clothing accompanies the body at autopsy. In addition, a black, long-sleeved, zipper down the middle sweatshirt and a short-sleeved, red T-shirt are on the body. There are no obvious defects on the shirt or the sweatshirt. White paper bags cover the hands and are secured with tape; they are removed and discarded due to lack of evidentiary value.

EVIDENCE OF MEDICAL INTERVENTION: There is no evidence of medical intervention identified at autopsy.

EXTERNAL EXAMINATION

Injuries are fully described in the "Evidence of Injury" section below. The body is that of a well-developed, well-nourished male. The body weighs 187 pounds, is approximately 67 inches in length, and appears compatible with the reported age of 47 years. The body is well preserved, cold, and has not been embalmed.

The head is injured. The scalp hair is brown with streaks of gray and approximately 2-1/2 inches long. The face is clean shaven. The irides are green. The corneas are cloudy. The conjunctivae and sclerae are unremarkable. No petechial hemorrhages are seen. The external auditory canals, external nares, and oral cavity contain blood. The ears and earlobes are unremarkable. The nasal skeleton and maxilla are palpably intact. The lips and oral mucous membranes are injured. The teeth are natural. Examination of the neck reveals no gross evidence of injury.

The chest is symmetrical. The breasts are those of an adult male with no palpable masses. The abdomen is flat and soft. A vertical midline surgical scar extends from the epigastrium to approximately 3 inches inferior to the umbilicus. No other obvious surgical scars are seen. The back is symmetrical and unremarkable.

The extremities are symmetric and normally formed without track marks, ventral wrist scars, edema, deformities, or amputations. The fingernails and toenails are intact. There is blood on both hands. No obvious soot or gunshot residue is identified.

The genitalia are those of an adult male with bilaterally descended testes palpated within the scrotum.

SCARS AND OTHER IDENTIFYING MARKS: Scattered incidental scars are on the body.

TATTOOS: None.

POSTMORTEM CHANGES: The body is cold. Rigor is moderate in all extremities and in the jaw. Lividity is unfixated on the posterior surface of the body except in areas exposed to pressure.

EVIDENCE OF INJURY

PENETRATING INTRAORAL GUNSHOT WOUND:

In the oral cavity located midline is an entrance gunshot wound located approximately 9 inches below the top of the head. No obvious clot surrounds the wound. There is injury to the oral mucosa, tongue (1-3/4 x 1-1/2 inch stellate injury with soot surrounding the wound), soft palate to include uvula, posterior pharynx, clivus of base of skull, brainstem/upper spinal cord (transected), and soft tissue of posterior aspect of neck. No exit wound is identified. A partially deformed copper-colored jacketed bullet is recovered from the soft tissue of the posterior aspect of the neck. The bullet pathway is directed front-to-back and upward with no significant right/left deviation. Associated with this gunshot wound is hemorrhage along the wound path, subarachnoid hemorrhage greater at the base and right side of the brain, subdural hemorrhage (approximately 20 ml), linear fractures of the anterior cranial fossae and right and left sides of the posterior cranial fossa, contusions of the inferior temporal lobes of the brain, hemoaspiration, fine oral stretch marks on right and left aspects of skin of lips, and multiple contusions and abrasions of the lower lip.

MINOR INJURIES:

A 1 x 1 inch red abrasion is on the right forehead, just above the lateral aspect of the right eyebrow. A 1/16 inch round abrasion is on the chin region. Multiple abrasions are on the posterior aspect of the right hand and digits of the right hand. A 1 x 1 inch faint red-pink contusion is on the anterolateral aspect of the distal right leg.

INTERNAL EXAMINATION

ABDOMINAL WALL: The subcutaneous fat layer measures up to 3.0 cm thick.

BODY CAVITIES: There are extensive adhesions in the peritoneal cavity. The pleural and pericardial cavities are free of adhesions. All body cavities contain normal amounts

of serous fluid. All body organs are present in their normal anatomical position, with the exception of the spleen, which is surgically absent. The diaphragm is intact.

CARDIOVASCULAR SYSTEM: The 420 gram heart has a normal shape and is contained in an intact pericardial sac. The epicardial surface is smooth with minimal fat investment. The coronary arteries arise normally with widely patent ostia and are present in a normal distribution, with a right-dominant pattern. Cross sections of the coronary arteries demonstrate up to 25% eccentric luminal narrowing of the mid left anterior descending coronary artery with partially calcified atherosclerotic plaques. The myocardium is homogenous, red-brown, and firm. The valve leaflets are thin and mobile. The walls of the left ventricle, interventricular septum, and right ventricle are 1.5 cm, 1.4 cm, and 0.2 cm thick, respectively. The endocardium of the heart is smooth and glistening. The aorta gives rise to three intact and patent arch vessels and contains minimal atherosclerosis. The renal and mesenteric vessels are unremarkable. The pulmonary arteries are normally developed, patent and without thrombus or embolus.

RESPIRATORY SYSTEM: The upper airway is clear of debris and foreign material. The mucosal surfaces are smooth, yellow-tan and unremarkable. The pleural surfaces are smooth, glistening and unremarkable bilaterally. The right lung weighs 810 grams. The left lung weighs 720 grams. The pulmonary parenchyma is congested and edematous, exuding moderate amounts of blood and frothy fluid and exhibits an aspiration pattern. A small amount of anthracotic pigment is seen. No focal lesions are noted.

HEPATOBIILIARY SYSTEM: The 1740 gram liver has an intact smooth capsule covering a congested, tan-brown parenchyma with no focal lesions noted. The gallbladder contains approximately 40 ml of green-brown, mucoid bile; the mucosa is velvety and unremarkable. The extrahepatic biliary tree is patent without evidence of calculi.

LYMPHORETICULAR SYSTEM: The spleen is not identified status post remote surgical resection. Lymph nodes in the hilar, periaortic and iliac regions are not enlarged.

GASTROINTESTINAL SYSTEM: The esophagus is lined by gray-white, smooth mucosa. The gastric mucosa is arranged in the usual rugal folds and the lumen contains 175 ml of dark red, opaque fluid with partially-digested food particles. No pills, pill fragments, or capsules are present. The small bowel and colon are unremarkable. The pancreas has a normal pink-tan lobulated appearance. The appendix is grossly unremarkable.

GENITOURINARY SYSTEM: The right kidney weighs 170 grams; the left 190 grams. The renal capsules are smooth and thin, semi-transparent and strip with ease from the

underlying red-brown cortical surfaces. The cortices are sharply delineated from the medullary pyramids, which are red-purple to tan and unremarkable. The calyces, pelvis and ureters are unremarkable. White bladder mucosa overlies an intact bladder wall. The bladder contains less than 5 ml of cloudy, yellow urine. The prostate gland and seminal vesicles are without note. The testes are palpably unremarkable.

ENDOCRINE SYSTEM: The pituitary gland is grossly unremarkable. The thyroid gland is symmetric and red-brown, without cystic or nodular change. The right and left adrenal glands are intact with bright yellow cortices and red-brown medullae; no masses or areas of hemorrhage are identified.

NECK: See "Evidence of Injury." The anterior strap muscles of the neck are homogenous and red-brown, without hemorrhage. The thyroid cartilage and hyoid bone are intact. The larynx is lined by intact white mucosa. Incision and dissection of the posterior neck demonstrates deep paracervical muscle injury, hemorrhage, and a partially deformed copper-colored jacketed bullet that is recovered at autopsy.

MUSCULOSKELETAL SYSTEM: See "Evidence of Injury." No non-traumatic abnormalities of muscle or bone are identified.

HEAD AND CENTRAL NERVOUS SYSTEM: See "Evidence of Injury." The scalp is atraumatic. The galeal, subgaleal soft tissues of the scalp, and temporal muscles are free of injury. The dura mater and falx cerebri are intact. There is no epidural hemorrhage present. The leptomeninges are thin and delicate. The cerebral hemispheres have an unremarkable pattern of gyri and sulci. The blood vessels at the base of the brain are without significant atherosclerosis. The brain weighs 1470 grams. Coronal sections through the cerebral hemispheres reveal no non-traumatic lesions. The ventricles of the brain are of normal size and contain clear cerebrospinal fluid. Transverse sections through the brainstem, cerebellum, and upper spinal cord reveal no non-traumatic lesions. The tongue is injured.

SPECIMENS RETAINED

TOXICOLOGY: The following specimens are submitted for toxicology: central and peripheral blood, vitreous humor, liver, and gastric contents.

HISTOLOGY: Portions of tissues and major organs are retained in formalin. No sections are submitted for microscopic examination.

PHOTOGRAPHS: Digital identification photographs and photographs of injuries and projectile are taken.

RADIOGRAPHS: X-rays of the head and neck are taken and reveal a metallic object in the posterior aspect of the neck, which is recovered at autopsy and determined to be a partially deformed projectile.

RS:lcb

D: 12/4/15 T: 12/15/15

Rev. 12/28/15 lcb



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER

JONATHAN R. LUCAS, M.D.
CHIEF DEPUTY MEDICAL EXAMINER

OFFICE OF THE MEDICAL EXAMINER
5570 OVERLAND AVE., Ste #101, SAN DIEGO, CALIFORNIA 92123-1206
TEL: (858) 694-2895 FAX: (858) 495-5956

TOXICOLOGY REPORT

Name: **SHERLOCK, Michael De Carlo**
Medical Examiner Number: **15-02760**
Date of Death: **12/03/2015**
Time of Death: **06:34**
Pathologist: **Robert Stabley, M.D.**
Specimens Received: **Central Blood, Gastric, Liver, Peripheral Blood 1, Peripheral Blood 2, Vitreous**
Date Specimens Received: **12/07/2015**

| <u>Test Name (Method of Analysis)</u> | <u>Specimen Tested</u> | <u>Result</u> |
|--|------------------------|---------------|
| <u>Alcohol Analysis (GC/FID-Headspace)</u> | Peripheral Blood 2 | |
| Alcohol (Ethanol) | | Not Detected |
| Acetone, Methanol, Isopropanol | | Not Detected |
| <u>Drugs of Abuse Screen (ELISA)</u> | Central Blood | |
| Cocaine metabolites | | Not Detected |
| Amphetamines | | Not Detected |
| Opiates | | Not Detected |
| Benzodiazepines | | Not Detected |
| Fentanyl | | Not Detected |
| Cannabinoids | | Not Detected |
| Phencyclidine (PCP) | | Not Detected |
| Oxycodone | | Not Detected |
| Methadone | | Not Detected |
| Zolpidem | | Not Detected |
| Carisoprodol | | Not Detected |
| Buprenorphine | | Not Detected |

Unless otherwise requested, all specimens will be destroyed six (6) months after the closure of the case by the Medical Examiner
End Results

Approved and Signed: _____
12/14/2015 Iain M. McIntyre, Ph.D.
Forensic Toxicology Laboratory Manager
(All Inquiries/Correspondence)

Reviewed: _____
Amber Trochta
Toxicologist II

EXHIBIT C

Statement Regarding the Reported Events Surrounding Michael “Biker” Sherlock's Death

By Amy Sherlock, Widow

June 17, 2022

It's been nearly 7 years since my husband left me and our boys with what the medical examiner ruled as a suicide. This is not an easy topic for me to revisit. It brings back memories and emotions that renew the pain we suffered when we found out he was gone. To those who might question why it is I'm revisiting these issues now, I can tell you that I had not seen the ME report until February 2020 when I hired counsel to bring a civil action against parties that had taken advantage of the fact that I was not informed of what Biker had been doing in establishing a licensed cannabis business in San Diego.

The reason I am just now focusing on the irregularities and inaccuracies in the final 01/05/16 ME Report is because I believe it is my duty to bring this information to my lawyers and those who are interested in investigating for criminal prosecution. In the following comments, I will address specific elements of the ME Report which I take exception to or have raised questions for me.

ANTEMORTEM EVENTS

See Page 2 Para 2; [In the June 7, 2022, Blake Law Letter \(BLL\)](#) Stephen Lake said “they were all little things but the decedent appeared to be overwhelmed.” [In my replies to the BLL](#) I stated:

- The “little things” that Lake is referring to is his opinion that Biker’s alleged signing of the dissolution of his business (I have proved this signature to be a forgery) and everything that he’d worked on for the past two years was worthless. This is absurd when one considers how valuable these CUP licenses and Biker had successfully acquired two of these licenses.

PAST MEDICAL, SURGICAL AND SOCIAL HISTORY

See Page 2, Para 3: “He had become increasingly depressed over business losses.” *Amy Sherlock*

- Biker had businesses of his own since 1994. I met him in 1996. While there were ups and downs in these businesses, Biker never stressed over them. He was a happy go lucky guy. The significance of the stresses he faced during the CUP acquisitions were abnormal. It was elevated beyond any of the normal stresses I have seen him in the 20 years I had known and loved him.
- In my 12/03/15 interview with Sarah Joseph, San Diego County Medical Examiner Investigator, the day of his death, I told Ms. Joseph that the only stress that Biker seemed to be facing were those stresses that were associated with his ownership of the two CUPS he had just acquired. The ME took this information and nowhere in the report is it even alluded to. To be clear, the Biker that died that day was stressed but there is no doubt in my mind that those stresses were CUP related.
- Of note Ms. Joseph only refers to me and my comments to her were in this “He had become increasingly depressed over business losses” quote. On the other hand, Ms. Joseph gave LAKE over a paragraph in the ME Report to describe what he believed Biker was stressed over which would have led to his taking his life.

See Page 2, Para4: "The decedent stated he had a history of depression and took Wellbutrin for several years" (Dr. Howard Williams, Biker's primary care physician, is purported to have made this statement.)

- While Biker may have been prescribed Wellbutrin he was not one to take anti-depressants and definitely had not been taking them for years. He preferred to work these stresses out on his own. It is for that reason; I can categorically state that the Biker I'd known for over 20 years, was stressed but not to the point that those stresses would have led to him taking his own life. I believe that if one were to look into the Wellbutrin prescription that Dr. Williams wrote, it's unlikely it was ever even filled.

SCENE DESCRIPTION

See Page 3, Para 1: "There were a few small droplets of blood spatter north of the body. A Sig Sauer 9mm semiautomatic handgun, serial number B246247 was against the decedent's left hip. The backstrap (back of the grip) was on the rocks and the magazine was partially ejected. There was one PMC 9mm Luger cartridge in the magazine."

- I am no forensics expert but how does the gun end up on his left hip when Biker was right-handed? If he had made the one shot that led to his death he would have used his right hand as I had seen him shoot in the past during target practice at the shooting range. In stabilizing the gun while being fired he assumed the normal right-hand grip with the left-hand palm face up to stabilize the gun while being fired. If that were the case wouldn't there have powder residue on both hands. The ME Report doesn't test for gun powder on either hand.
- Assuming Biker would have killed himself, it would have most likely been by him holding that gun in his right hand. When fired the gun would be propelled backwards and to the right. To find the gun "beside his left hip" strains credibility. Ms. Joseph never asked me what hand Biker used nor is that information anywhere in her report.
- Back strap was on the rocks (facing which way?) I am of the opinion this was a staged scene.
- "...The magazine was found partially ejected. There was one PMC 9mm Luger cartridge in magazine." This is just not true. The PD Crime Scene Report identifies the magazine as an extended version which accounts for part of it being exposed below the hand grip. Had Ms. Joseph removed the magazine she would have realized it had been fully clipped in. When she goes on to state there was a 9mm round found in that magazine it directly contradicts the PD Crime Scene Report which states the magazine as having no bullets in the magazine. Either Ms. Joseph has lied or is incompetent. Neither of which speaks well for her professional aptitude when considering the importance of what this means in a crime scene, potential homicide, investigation.

- No Casing was found during a search of the scene. Why? Where would it go?

BODY DESCRIPTION

See Page 3, Para 2: "The decedent was seated on the rocks with his legs extended straight in front of his body."

- This is odd to me because Biker had terrible lower back pain and it was painful for him to sit this way. He would've sat with his legs crossed "Indian style" like he always did.

"There was a contusion on his right forehead"

- They are not attributing the contusion to the bullet wound. Ms. Joseph did not ask me if those wounds were there when he left the house to which I would have replied that none of these injuries were on Biker when he left. When he got to the beach I believe there may have been a fight. Again, I got ONE sentence in this report!!! Obviously, there was no interest in Ms. Joseph's actually investigating these highly pertinent issues.

"At 0845 hours, clean white paper protective bags were placed over his hands"

- In subsequent pages. The lack of Gun Shot Residue (GSR) is observed. They obviously were looking for this evidence but then decided not to test for it. Hmmm who made that call? What were they afraid of NOT finding? If I say that no GSR evidence was observed, and I was going to rule that death a suicide I would have damn sure tested for GSR.

AUTOPSY SUMMARY

See Page 4, Para E; "Wound pathway: the wound pathway directed front-to-back and upward with no significant right/left deviation."

- It seems highly unlikely that a person committing suicide with a single shot from his own hand would be able to accomplish this with such precision given that there was no "significant" deviation in the bullet path. To put the gun at that perfect trajectory is uncomfortable and not likely when considering the way these types of wounds would track. It is far more likely that the murderer delivered an upward angle shot that while standing in front of Biker gave them the opportunity to do so. Also based on the way Biker was found he would have been sitting Indian style with legs crossed not with his legs "directly out in front of him." Biker suffered from lower back pain. He only would sit cross legged. After brawling with these people and who once executed, positioned Biker in the easiest fashion which would be with his legs straight out. You can't put the corpse in a cross-legged position. I believe Biker fought for his life that night. These cowards, intent on stealing Biker's dreams of owning a licensed dispensary, had lured him to his death. A death based on the evidence was most certainly not a suicide.

OTHER INJURIES

See Page 4, Letter A: "Abrasions and contusions of forehead, chin, posterior aspect of right hand, and right leg."

OPINION

See Page 5, Para 1: "Gun at left hip"

- Biker was right-handed. Based on where the gun was found it did not have a much if any recoil and appears to have fallen straight down after the shot. How is it then that gun ends up on his left hip? I find this suspicious.

"During that time, the decedent presented to his brother a list of problems that Steve thought were all little things, but the decedent apparently appeared overwhelmed."

- See antemortem events as restated here with qualifying objections.

"The wound pathway was directed front-to-back and upward with no significant right/left deviation. There was evidence of close-range discharge of a firearm (soot surrounding tongue injury). There were other minor injuries to include scattered abrasions."

- See Autopsy Summary and Other Injuries as restated here with qualifying objections.

CLOTHING AND PERSONAL EFFECTS

See Page 7, Para 4: "White paper bags cover the hands and are secured with tape; **they are removed and discarded due to lack of evidentiary value.**" (Emphasis added)

- Why was there "lack of evidentiary value" when just a few paragraphs later (Page 7 Para 9) it is states "no obvious soot or gunshot residue is identified?"
- How is it not evidence of foul play when a supposed suicide by intraoral gunshot wound and there's not obvious gunshot residue on the hands. This should have been suspicious to the investigators and a test for GSR should've been performed. Why wasn't it?

MINOR INJURIES

See Page 8, Para 6; "A 1 x 1 inch red abrasion is on the right forehead, just above the lateral aspect of the right eyebrow. A 1/16 inch round abrasion is on the chin region. Multiple abrasions are on the posterior aspect of the right hand and digits of the right hand. A 1 x 1 inch faint red-pink contusion is on the anterolateral aspect of the distal right leg."

- As previously stated, Biker did not have a 1x1 inch abrasion above his eyebrow when he left home at 9:00 pm. This injury could not have been caused by a self-inflicted gunshot wound and appears to me to be a blunt force blow to his forehead.
- A 1/16 inch round abrasion on his chin. Again, not caused by a self-inflicted gunshot wound and it wasn't there when he left home.
- Multiple abrasions on the posterior aspect of the right hand and digits. Cuts on his knuckles. They absolutely were not there when he left home. These are defensive wounds. He fought for his life.
- A 1x1 inch red-pink contusion on the anterolateral aspect of the distal right leg. Biker didn't exercise, skateboard or do anything that day that could have explained this injury.

- What is so disturbing and suspicious is that the police, medical examiner and/or coroner did not ask me about these injuries. In fact, since LAKE proposed that Biker may have suffered from a CTE related condition. Now that I have analyzed the ME Report I looked for any evidence that CTE injuries were diagnosed in the autopsy. This confuses me now because days of Biker's I began placing calls to Dr. Robert Stabley, Deputy Medical Examiner, to offer Biker's brain up to CTE research. Since the ME still had Biker's body I thought this might be a way of having Biker give something back to the world if CTE was a condition that led to his "suicide." It took several calls before I was able to reach him. I recall offering Dr. Stabley for this purpose and his response was: "that they had looked but there was no evidence of it."

Years later I spoke with Ms. Lisa McHale of the CTE Foundation who had been trying for years to contact me about what was being widely reported as a suicide brought on by CTE. When I finally spoke with her in 2019, I was still of the belief that Biker's death was a suicide. What I did come to learn after speaking with her is that the San Diego County Coroners office knows the procedures that are involved in a brain donation in a possible CTE related suicide. I was adamant that something good come from Biker's death. In our conversation, Dr. Stabley was not having any of it. He was dismissive of my wishes to see the CTE Foundation have his brain for research. Biker was a HOME-TOWN HERO! I knew why Lisa wanted to examine Biker's brain! He had notoriety! This condition affects a growing number of athletes who take their lives because they suffered from this condition. I now have two ways to consider this; 1) is that Biker did not suffer from CTE which means he was not under a suicidal risk based on having CTE. 2) is that Dr. Stabley did not want any additional forensic work occurring on Biker. Work that may have led to a reopening of the original ME Report. I now believe that both of these conditions are the case. Biker did not have CTE. He did not commit suicide and my wishes to donate his brain to science was purposefully ignored.

- The Medical Examiner Investigator, Ms. Sarah Joseph asked me, "**Does he work on engines?**" I replied yes because he did occasionally. Now that I have the information contained in the ME Report, I realize Ms. Joseph was looking for me to give her a reason to explain these injuries. Had she done what was required of her and actually investigated these issues, she should have asked, "He had cuts and bruises on his face and right hand. Did he have these when you last saw him? Do you know how he would have gotten these injuries? Had she done that, I absolutely would've questioned the suicide and insisted on a murder investigation. It is terrifying that the lack of even a rudimentary investigation didn't take place. By these people simply not doing their job, they put me and my boys in harms way. Those that killed Biker, would have no problem coming after me and my family should they feel threatened that I would demand to know who was behind Biker's murder.

Conclusion: What really upsets me about how Biker's death, his business dealings with his so-called partners and the various professionals who determined his cause of death would be that collectively they deceived me. Even in my grief, I asked the right questions that would have led to the facts surrounding his death. In response I was lied to. As his widow I should have been intimately involved in the financial affairs that Biker had prior to his death. Again, I was deceived because, short of killing me, I was not considered to be the impediment that Biker was when it came to owning those CUP's.

There are a number of issues that give rise to what must be a question of how Biker died and the events that surrounded his death. In addition to the evidence and opinions I have presented here, I am left with some questions that go to how Biker's autopsy, specifically his brain, could have ruled out CTE when there only two places in the world that specialize in identifying CTE in a postmortem situation. Dr. Stabley knew what the procedure required if CTE was suspected. It required following my wishes to have Biker's brain given to research. That did not happen! Either he incompetent or in on the conspiracy. I do not believe for one second that an ME will go around the "order" that requires the report to be ruled a suicide. They just have to be smart enough to not get caught.

The long and short of it is I am NOT a crime scene or forensic pathologist expert. I am a layperson who has identified these issues and thought to memorialize here while I seek out independent expert review and analysis of what I believe should have been documented and investigated by the police and the Medical Examiner's office. I will rely on my expert findings once I have them.

Lastly, I now have a transcript which was made by a Mr. Phil Zamora, an individual who worked at the Balboa Ave. cannabis dispensary in which Biker was the licensee and who states that, among other things, he has first hand knowledge that Biker's death was not a suicide. It was murder. When I read this transcript and realize how he describes these criminals handle those who get in the way of their cannabis monopolies, I am left with the agony that I now know Biker had to be enduring once he found out who his so-called partners really were. My heart breaks for him.

When I consider all the evidence I have poured over and that has contributed to this statement, I come to the realization that all the criminals surrounding Biker's death are not only the ones who pulled the trigger. There are many of them who are respected professionals and family members who in their blind greed cost me my husband and my sons, a father. For us , this will never be over!

Attachment: Medical Examiner Report with my corresponding highlights.

Verification of Pleading (Code Civ. Proc., § 446)
Declaration under Penalty of Perjury Form (Code Civ. Proc., §§ 446, 2015.5)

I, Amy Sherlock have read the foregoing documents and the statement contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and to those matters, I believe to be true. Executed electronically on June 17, 2022, at San Diego County, California. I declare under penalty of perjury that the foregoing is true and correct.

 /s/
Amy Sherlock



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER

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5570 OVERLAND AVE., SUITE 101, SAN DIEGO, CALIFORNIA 92123-1206
TEL: (858) 694-2895 FAX: (858) 495-5956

INVESTIGATIVE REPORT

1/5/2016

| | | | | | | |
|--------------|---|--|---|---|---|--------------------------------|
| CALL INFO | NAME OF DECEASED (LAST, FIRST MIDDLE) SHERLOCK, Michael De Carlo | | | AKA | HIO <input type="checkbox"/> | CASE NUMBER 15-02760 |
| | INVESTIGATOR Sandra Joseph | REPORTED BY Officer Armstrong ID | REPORTING AGENCY San Diego County Medical Examiner | | PREVIOUS WAIVE # | |
| | CALL DATE AND TIME 12/03/2015 0703 | | ARRIVAL DATE AND TIME 12/03/2015 0810 | | RETURN DATE AND TIME 12/03/2015 1300 | |
| DECEDENT | DATE AND TIME OF DEATH 12/03/2015 0634 | DATE OF BIRTH 01/25/1968 | AGE 47 Years | GENDER Male | RACE White | |
| | RESIDENCE (STREET, CITY, STATE, ZIP) 5439 Westknoll Drive San Diego, CA 92109 | | | COUNTY | LAST SEEN ALIVE 12/2/2015 2000 | |
| | COUNTRY OF RESIDENCE USA | OCCUPATION Self-employed | | PAID AUTOPSY <input type="checkbox"/> | | |
| DEATH | LOCATION OF DEATH Found, Tourmaline Surfing Park | | | TYPE OF PLACE Other | | |
| | ADDRESS (STREET, CITY, STATE, ZIP) N 32 48 20 W 117 15 47 La Jolla, CA 92037 | | | | | |
| | SUMMARY <p>The decedent was a 47 year old, married, White male who resided in San Diego with his wife and two minor children. The decedent was last seen by his wife on the evening of 12/3/2015 when he was upset and said he was going to the beach. On the morning of 12/3/2015, a surfer at Tourmaline Surfing Park saw the decedent seated on the rocky beach against the cliff. As he approached, he saw blood on his face and a gun at his left hip. The surfer called 9-1-1. San Diego Police Department and San Diego Fire Department engine 21 responded to the scene and death was confirmed without intervention.</p> <p>Medical Examiner's jurisdiction invoked according to the California Government Code 27491: Death due to known or suspected suicide.</p> | | | | | |
| INCIDENT | LOCATION OF INCIDENT Beach | | | INCIDENT PLACE TYPE AT WORK <input type="checkbox"/> AT RESIDENCE <input type="checkbox"/> | | |
| | ADDRESS (STREET, CITY, STATE, ZIP) N 32 48 20 W 117 15 47 La Jolla, CA 92037 | | | COUNTY San Diego | | |
| | DATE AND TIME OF INCIDENT 12/03/2015 Unk | INVESTIGATING AGENCY San Diego Police | OFFICER Officer Armstrong | BADGE # 7324 | REPORT # | |
| | DECEDENT WAS | BELTED <input type="checkbox"/> Yes <input type="checkbox"/> No | HELMETED <input type="checkbox"/> Yes <input type="checkbox"/> No | POSITION | ON PRIVATE PROPERTY <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | VEHICLE | | | LICENSE NUMBER | STATE | |
| NOTIFICATION | IDENTIFIED BY Sandra Joseph | | METHOD Personal Effects | DATE AND TIME 12/03/2015 0810 | | |
| | FUNERAL HOME Bayview Cremation & Burial | | PROPERTY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | PUBLIC ADMINISTRATOR <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | TYPE OF EXAM Autopsy | |
| | NAME OF NOK OR OTHER Amy Sherlock | RELATIONSHIP Wife | DATE NOTIFIED 12/3/2015 | NOTIFIED BY Other | | |
| | NAME OF NOK OR OTHER Steve Lake | RELATIONSHIP Brother in law | DATE NOTIFIED 12/3/2015 | NOTIFIED BY Law Informant | | |
| | | | | | | |

San Diego Medical Examiner
5570 Overland Avenue, Suite#101
San Diego, CA 92123-1206
(858) 694-2895

Case Number : 15-02760
Investigator : Sandra Joseph
Date of Death : 12/03/2015
Date Today : 01/05/2016

INVESTIGATIVE NARRATIVE

Decedent: Michael De Carlo Sherlock

Antemortem Events:

On 12/3/2015 at 0812 hours, I obtained the following information from San Diego Police Officer Armstrong ID 7324 at the scene. On the morning of 12/3/2015, a surfer at Tourmaline Surfing Park, just south of Bird Rock was walking along the rocky beach to see surf conditions. As he rounded a small point, he saw the decedent seated against the cliff wearing street clothes. He walked closer as the tide was up and saw the decedent had blood around his face and a gun at his left hip. The surfer went up the beach access steps to the intersection Sea Ridge Drive and Linda Way and flagged down Tad Hodgson, who had just arrived to surf. Tad Hodgson used his cell phone to call 9-1-1. Officer Armstrong and San Diego Fire Department Engine #21 responded to the scene. Paramedic McCain confirmed death without intervention due to obvious fatal head trauma.

On 12/3/2015, I obtained the following information from the decedent's brother in law, Steve Lake at the decedent's home on. Steve stated he had spoken with the decedent on 12/2/2015 and "he was in a funk". Steve told the decedent he was coming over and they spent several hours together. During that time, the decedent had presented Steve with a list of problems. Steve said they were all little things but the decedent appeared to be overwhelmed. They talked about tackling the problems one by one until they were gone. The decedent never made any suicidal threats or appeared to be in any distress. When Steve left the decedent appeared better. On the morning of 12/3/2015, Steve's sister, Amy Sherlock, the decedent's wife called him and said the decedent had left around 2000 hours to go to the beach and he had not come home. Amy heard reports of a death at the beach and she asked Steve to go see if it was the decedent. This particular stretch of beach was sentimental to Amy and it was a known location to the decedent. Steve went to the location and saw the decedent's Ford Flex. He spoke with police and was advised of the death.

Past Medical, Surgical, and Social History:

On 12/3/2015, I obtained the following information from the decedent's wife, Amy Sherlock, at her home in San Diego. He had become increasingly depressed over business losses. The decedent saw his primary care physician, Dr. Howard Williams of Scripps and was prescribed Ambien. They were trying to get him psychiatric help but no appointments were available until February 2016. The decedent did not smoke cigarettes or drink alcohol. He did smoke marijuana but had quit a few months ago. The decedent never made any threats or expressed any suicidal ideation. The decedent was in a BMX bicycle accident several years ago and his spleen was removed.

I obtained the following information from the office of Dr. Howard Williams, MD, the decedent's primary care physician. The decedent was seen on 3/9/2015 for an annual physical and to establish as a patient. History given was variety of injuries related to being a skateboarder, BMX rider and stuntman. The decedent had previous carpal tunnel surgery of both wrists, knee surgery and removal of his spleen three years previously. The decedent had a complaint of chronic back pain but was not on any medications at that time. On 11/12/2015, the decedent was seen for trouble sleeping and anxiety. He had lost his job and was sleeping poorly. His wife reported he snored very loudly and she had witnessed episodes of sleep apnea. The decedent stated he had a history of depression and took Wellbutrin for several years. He was diagnosed with sleep disturbance, obstructive sleep apnea, depression and back pain. He was started on Trazodone 50 mg tablets to be taken at bedtime.

Scene Description:

On 12/3/2015 at 0815 hours, I arrived at the scene. At the time of my arrival, the tide was going out and it was daylight. The area of the beach was comprised of large rocks overlying coarse sand. Some rocks were smooth and some were broken and had sharp edges. There were homes situated on the cliffs above the beach. There is a stairway leading from Sea Ridge Drive down to the beach which is frequented by surfers. There were seagulls on the beach and small crustaceans in proximity to the body. The decedent was seated with his back against the cliff at GPS Coordinates N 32 48

20 W 117 15 47. There were a few small droplets of blood spatter north of the body. A Sig Sauer 9mm semiautomatic handgun, serial number B246247 was against the decedent's left hip. The backstrap (back of the grip) was on the rocks and the magazine was partially ejected. There was one PMC 9mm Luger cartridge in magazine. There was rust on the weapon and the magazine. No casing was found during a search of the scene. The decedent's cell phone, wallet and keys were found in his pants pockets. The decedent's gray Ford Flex, California License Plate 6MP752 was parked on Linda Way. The vehicle was locked. The front seat appeared to be situated for someone of his reported height on the driver license of 5'10". The interior of the vehicle was very clean and neat. There was a crumpled white t-shirt in the rear of the vehicle and another shirt on a hanger. There was no blood inside the vehicle. There were no stains on the white t-shirt. The decedent's cell phone was fingerprint and password locked, however the notifications showed numerous missed phone calls and messages. The scene did not appear staged.

Body Description:

On 12/3/2015 at approximately 0825 hours, I viewed the body. The decedent was seated on the rocks with his legs extended straight in front of his body. His head was turned slightly to the right (North). His left hand was on his lap and his right hand was across rocks. There were a few small blood droplets North of the body. The decedent was wearing gray sweatpants, black hoodie zippered closed, red t-shirt and black lace shoes. There was a black ball cap was partially on and behind left shoulder. There were numerous ants and sea roaches on the body. There was drying blood from the right side of his mouth. There was small blood spatter around his mouth and drying blood from his right nostril. There was a large blood clot in his mouth. There was a contusion on his right forehead. I palpated a possible defect in his mouth but could not view it due to clotted blood. There was crepitus of his head and a large depression on the occipital area of his head. There was no defect visible on the scalp. At 0845 hours, clean white paper protective bags were placed over his hands.

On 12/3/2015 at 0920 hours, 92M Transport personnel E. Arenas and Y. Andre placed the decedent in a clean, white pouch and blue tamper evident seal 4141517 was affixed to the pouch for transport to the Medical Examiner's Office.

Special Requests:

There were no special requests.

Identification:

I identified the decedent from his California Driver License #B3811759.

Antemortem Specimens:


Not applicable.

Public Administrator:

A referral to the Public Administrator was not requested.

Other Important Factors:

There were no other important factors.

Signed: 
Sandra Joseph
Medical Examiner Investigator

Date Signed: 1/3/2016

Approved by: 



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER

JONATHAN R. LUCAS, M.D.
CHIEF DEPUTY MEDICAL EXAMINER

OFFICE OF THE MEDICAL EXAMINER

5570 OVERLAND AVE., SUITE 101, SAN DIEGO, CALIFORNIA 92123-1206

TEL: (858) 694-2895 FAX: (858) 495-5956

AUTOPSY REPORT

Name: MICHAEL DE CARLO SHERLOCK **ME#:** 15-2760
Place of death: Tourmaline Surfing Park **Age:** 47 Years
N 32 48 20 W 117 15 47 **Sex:** Male
Date of death: Found,
December 3, 2015; 0634 Hours
Date of autopsy: December 4, 2015; 0915 Hours

CAUSE OF DEATH: PENETRATING INTRAORAL GUNSHOT WOUND

MANNER OF DEATH: SUICIDE

AUTOPSY SUMMARY:

- I. Penetrating intraoral gunshot wound:
 - A. Entrance: oral cavity/posterior pharynx.
 - B. Injury to: oral cavity, posterior pharynx, brainstem/upper cervical spinal cord, base of skull, and structures of posterior neck.
 - C. Exit: none.
 - D. Recovered: partially deformed copper-colored jacketed bullet recovered from tissue of posterior aspect of neck.
 - E. Wound pathway: the wound pathway directed front-to-back and upward with no significant right/left deviation.
 - F. Associated injuries: hemorrhage along wound path, subarachnoid hemorrhage greater at base and right side of brain, subdural hemorrhage (approximately 20 ml), linear fractures of anterior cranial fossae and right and left sides of posterior cranial fossa, contusions of inferior temporal lobes of brain, hemoaspiration, fine oral stretch marks on right and left aspects of skin of lips, and multiple contusions and abrasions of lower lip.
- II. Other injuries:
 - A. Abrasions and contusions of forehead, chin, posterior aspect of right hand, and right leg.

- III. No evidence of significant natural disease identified.
- IV. Other findings:
 - A. Extensive peritoneal adhesions and absent spleen status post remote splenectomy.
- V. Toxicological testing not contributory.

OPINION: According to the investigative information, the decedent was a 47-year-old White male who lived in San Diego with his wife and two minor children. The decedent was last seen alive on December 2nd around 2000 hours, when he was upset and said he was going to the beach. On the morning of December 3rd, a surfer at Tourmaline Surfing Park saw the decedent seated on a rocky portion of the beach against a cliff. As he approached he saw the decedent had blood on his face and a **gun at his left hip**. The surfer called 911. San Diego Police Department and San Diego Fire Department Engine 21 responded to the scene and death was confirmed without intervention. The decedent's brother stated that the decedent was "in a funk." The brother told the decedent he was coming over to his residence and they spent several hours together. **During that time, the decedent presented to his brother a list of problems that Steve thought were all little things, but the decedent apparently appeared overwhelmed.** They talked about tackling the problems one by one until they were gone. The decedent never made suicidal threats or appeared to be in any distress. When his brother left, the decedent appeared better.

At the scene, the brother located the decedent's vehicle close by. The decedent had a primary care physician and was prescribed Ambien at some point because he was becoming increasingly depressed over business losses. The family was trying to get him psychiatric help, but no appointments were available until February of 2016. The decedent reportedly did not smoke cigarettes or drink alcohol. He did smoke marijuana. He never made any threats or expressed suicidal ideation. Per the decedent's wife, the decedent had remote surgery and his spleen was removed after a BMX accident. According to medical records review, the decedent had a history of sleep disturbance, obstructive sleep apnea, depression, and **back pain**.

The autopsy documented a well-developed, well-nourished male appearing the stated age of 47 years. There was an intraoral gunshot wound that injured the tongue, posterior pharynx, brainstem/upper cervical spinal cord, base of skull, and soft tissues of posterior aspect of the neck. No exit wound was identified. A partially deformed copper-colored jacketed bullet was recovered from the soft tissue of the posterior neck at autopsy. The wound pathway was directed front-to-back and upward with no significant right/left deviation. There was evidence of close range discharge of a firearm (soot surrounding tongue injury). **There were other minor injuries to include scattered abrasions.** There was

no evidence of significant natural disease. There was evidence of a remote splenectomy. Toxicological testing detected no ethanol or common drugs of abuse in the blood.

Based on the autopsy findings and the circumstances surrounding the death, as currently understood, the cause of death is **penetrating intraoral gunshot wound**, and the manner of death is **suicide**.

ROBERT STABLEY, M.D.
Deputy Medical Examiner

Date signed:

The autopsy was performed at the Office of the San Diego County Medical Examiner on December 4, 2015 beginning at 0915 hours.

IDENTIFICATION: The body is identified by two Medical Examiner's identification bands on the right ankle bearing the decedent's name and case number.

WITNESSES: Assisting with the autopsy is Forensic Autopsy Specialist Stephen Hannum. There are no outside observers.

CLOTHING AND PERSONAL EFFECTS: A brown paper bag containing clothing accompanies the body at autopsy. In addition, a black, long-sleeved, zipper down the middle sweatshirt and a short-sleeved, red T-shirt are on the body. There are no obvious defects on the shirt or the sweatshirt. **White paper bags cover the hands and are secured with tape; they are removed and discarded due to lack of evidentiary value.**

EVIDENCE OF MEDICAL INTERVENTION: There is no evidence of medical intervention identified at autopsy.

EXTERNAL EXAMINATION

Injuries are fully described in the "Evidence of Injury" section below. The body is that of a well-developed, well-nourished male. The body weighs 187 pounds, is approximately 67 inches in length, and appears compatible with the reported age of 47 years. The body is well preserved, cold, and has not been embalmed.

The head is injured. The scalp hair is brown with streaks of gray and approximately 2-1/2 inches long. The face is clean shaven. The irides are green. The corneas are cloudy. The conjunctivae and sclerae are unremarkable. No petechial hemorrhages are seen. The external auditory canals, external nares, and oral cavity contain blood. The ears and earlobes are unremarkable. The nasal skeleton and maxilla are palpably intact. The lips and oral mucous membranes are injured. The teeth are natural. Examination of the neck reveals no gross evidence of injury.

The chest is symmetrical. The breasts are those of an adult male with no palpable masses. The abdomen is flat and soft. A vertical midline surgical scar extends from the epigastrium to approximately 3 inches inferior to the umbilicus. No other obvious surgical scars are seen. The back is symmetrical and unremarkable.

The extremities are symmetric and normally formed without track marks, ventral wrist scars, edema, deformities, or amputations. The fingernails and toenails are intact. There is blood on both hands. **No obvious soot or gunshot residue is identified.**

The genitalia are those of an adult male with bilaterally descended testes palpated within the scrotum.

SCARS AND OTHER IDENTIFYING MARKS: Scattered incidental scars are on the body.

TATTOOS: None.

POSTMORTEM CHANGES: The body is cold. Rigor is moderate in all extremities and in the jaw. Lividity is unfixed on the posterior surface of the body except in areas exposed to pressure.

EVIDENCE OF INJURY

PENETRATING INTRAORAL GUNSHOT WOUND:

In the oral cavity located midline is an entrance gunshot wound located approximately 9 inches below the top of the head. No obvious sore surrounds the wound. There is injury to the oral mucosa, tongue (1-3/4 x 1-1/2 inch stellate injury with soot surrounding the wound), soft palate to include uvula, posterior pharynx, clivus of base of skull, brainstem/upper spinal cord (transected), and soft tissue of posterior aspect of neck. No exit wound is identified. A partially deformed copper-colored jacketed bullet is recovered from the soft tissue of the posterior aspect of the neck. The bullet pathway is directed front-to-back and upward with no significant right/left deviation. Associated with this gunshot wound is hemorrhage along the wound path, subarachnoid hemorrhage greater at the base and right side of the brain, subdural hemorrhage (approximately 20 ml), linear fractures of the anterior cranial fossae and right and left sides of the posterior cranial fossa, contusions of the inferior temporal lobes of the brain, hemoaspiration, fine oral stretch marks on right and left aspects of skin of lips, and multiple contusions and abrasions of the lower lip.

MINOR INJURIES:

A 1 x 1 inch red abrasion is on the right forehead, just above the lateral aspect of the right eyebrow. A 1/16 inch round abrasion is on the chin region. Multiple abrasions are on the posterior aspect of the right hand and digits of the right hand. A 1 x 1 inch faint red-pink contusion is on the anterolateral aspect of the distal right leg.

INTERNAL EXAMINATION

ABDOMINAL WALL: The subcutaneous fat layer measures up to 3.0 cm thick.

BODY CAVITIES: There are extensive adhesions in the peritoneal cavity. The pleural and pericardial cavities are free of adhesions. All body cavities contain normal amounts

of serous fluid. All body organs are present in their normal anatomical position, with the exception of the spleen, which is surgically absent. The diaphragm is intact.

CARDIOVASCULAR SYSTEM: The 420 gram heart has a normal shape and is contained in an intact pericardial sac. The epicardial surface is smooth with minimal fat investment. The coronary arteries arise normally with widely patent ostia and are present in a normal distribution, with a right-dominant pattern. Cross sections of the coronary arteries demonstrate up to 25% eccentric luminal narrowing of the mid left anterior descending coronary artery with partially calcified atherosclerotic plaques. The myocardium is homogenous, red-brown, and firm. The valve leaflets are thin and mobile. The walls of the left ventricle, interventricular septum, and right ventricle are 1.5 cm, 1.4 cm, and 0.2 cm thick, respectively. The endocardium of the heart is smooth and glistening. The aorta gives rise to three intact and patent arch vessels and contains minimal atherosclerosis. The renal and mesenteric vessels are unremarkable. The pulmonary arteries are normally developed, patent and without thrombus or embolus.

RESPIRATORY SYSTEM: The upper airway is clear of debris and foreign material. The mucosal surfaces are smooth, yellow-tan and unremarkable. The pleural surfaces are smooth, glistening and unremarkable bilaterally. The right lung weighs 810 grams. The left lung weighs 720 grams. The pulmonary parenchyma is congested and edematous, exuding moderate amounts of blood and frothy fluid and exhibits an aspiration pattern. A small amount of anthracotic pigment is seen. No focal lesions are noted.

HEPATOBIILIARY SYSTEM: The 1740 gram liver has an intact smooth capsule covering a congested, tan-brown parenchyma with no focal lesions noted. The gallbladder contains approximately 40 ml of green-brown, mucoid bile; the mucosa is velvety and unremarkable. The extrahepatic biliary tree is patent without evidence of calculi.

LYMPHORETICULAR SYSTEM: The spleen is not identified status post remote surgical resection. Lymph nodes in the hilar, periaortic and iliac regions are not enlarged.

GASTROINTESTINAL SYSTEM: The esophagus is lined by gray-white, smooth mucosa. The gastric mucosa is arranged in the usual rugal folds and the lumen contains 175 ml of dark red, opaque fluid with partially-digested food particles. No pills, pill fragments, or capsules are present. The small bowel and colon are unremarkable. The pancreas has a normal pink-tan lobulated appearance. The appendix is grossly unremarkable.

GENITOURINARY SYSTEM: The right kidney weighs 170 grams; the left 190 grams. The renal capsules are smooth and thin, semi-transparent and strip with ease from the

underlying red-brown cortical surfaces. The cortices are sharply delineated from the medullary pyramids, which are red-purple to tan and unremarkable. The calyces, pelvis and ureters are unremarkable. White bladder mucosa overlies an intact bladder wall. The bladder contains less than 5 ml of cloudy, yellow urine. The prostate gland and seminal vesicles are without note. The testes are palpably unremarkable.

ENDOCRINE SYSTEM: The pituitary gland is grossly unremarkable. The thyroid gland is symmetric and red-brown, without cystic or nodular change. The right and left adrenal glands are intact with bright yellow cortices and red-brown medullae; no masses or areas of hemorrhage are identified.

NECK: See "Evidence of Injury." The anterior strap muscles of the neck are homogenous and red-brown, without hemorrhage. The thyroid cartilage and hyoid bone are intact. The larynx is lined by intact white mucosa. Incision and dissection of the posterior neck demonstrates deep paracervical muscle injury, hemorrhage, and a partially deformed copper-colored jacketed bullet that is recovered at autopsy.

MUSCULOSKELETAL SYSTEM: See "Evidence of Injury." No non-traumatic abnormalities of muscle or bone are identified.

HEAD AND CENTRAL NERVOUS SYSTEM: See "Evidence of Injury." The scalp is atraumatic. The galeal, subgaleal soft tissues of the scalp, and temporal muscles are free of injury. The dura mater and falx cerebri are intact. There is no epidural hemorrhage present. The leptomeninges are thin and delicate. The cerebral hemispheres have an unremarkable pattern of gyri and sulci. The blood vessels at the base of the brain are without significant atherosclerosis. The brain weighs 1470 grams. Coronal sections through the cerebral hemispheres reveal no non-traumatic lesions. The ventricles of the brain are of normal size and contain clear cerebrospinal fluid. Transverse sections through the brainstem, cerebellum, and upper spinal cord reveal no non-traumatic lesions. The tongue is injured.

SPECIMENS RETAINED

TOXICOLOGY: The following specimens are submitted for toxicology: central and peripheral blood, vitreous humor, liver, and gastric contents.

HISTOLOGY: Portions of tissues and major organs are retained in formalin. No sections are submitted for microscopic examination.

PHOTOGRAPHS: Digital identification photographs and photographs of injuries and projectile are taken.

RADIOGRAPHS: X-rays of the head and neck are taken and reveal a metallic object in the posterior aspect of the neck, which is recovered at autopsy and determined to be a partially deformed projectile.

RS:lcb

D: 12/4/15 T: 12/15/15

Rev. 12/28/15 lcb



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER

JONATHAN R. LUCAS, M.D.
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5570 OVERLAND AVE., Ste #101, SAN DIEGO, CALIFORNIA 92123-1206
TEL: (858) 694-2895 FAX: (858) 495-5956

TOXICOLOGY REPORT

Name: **SHERLOCK, Michael De Carlo**
Medical Examiner Number: **15-02760**
Date of Death: **12/03/2015**
Time of Death: **06:34**
Pathologist: **Robert Stabley, M.D.**
Specimens Received: **Central Blood, Gastric, Liver, Peripheral Blood 1, Peripheral Blood 2, Vitreous**
Date Specimens Received: **12/07/2015**

| <u>Test Name (Method of Analysis)</u> | <u>Specimen Tested</u> | <u>Result</u> |
|--|------------------------|---------------|
| <u>Alcohol Analysis (GC/FID-Headspace)</u> | Peripheral Blood 2 | |
| Alcohol (Ethanol) | | Not Detected |
| Acetone, Methanol, Isopropanol | | Not Detected |
| <u>Drugs of Abuse Screen (ELISA)</u> | Central Blood | |
| Cocaine metabolites | | Not Detected |
| Amphetamines | | Not Detected |
| Opiates | | Not Detected |
| Benzodiazepines | | Not Detected |
| Fentanyl | | Not Detected |
| Cannabinoids | | Not Detected |
| Phencyclidine (PCP) | | Not Detected |
| Oxycodone | | Not Detected |
| Methadone | | Not Detected |
| Zolpidem | | Not Detected |
| Carisoprodol | | Not Detected |
| Buprenorphine | | Not Detected |

Unless otherwise requested, all specimens will be destroyed six (6) months after the closure of the case by the Medical Examiner
End Results

Approved and Signed: _____
12/14/2015
Iain M. McIntyre, Ph.D.
Forensic Toxicology Laboratory Manager
(All Inquiries/Correspondence)

Reviewed: _____
Amber Trochta
Toxicologist II

EXHIBIT D

1 ANDREW FLORES
California State Bar Number 272958
2 Law Office of Andrew Flores
945 4th Avenue, Suite 412
3 San Diego, CA 92101
4 Telephone: 619.256.1556
5 Facsimile: 619.274.8253
Andrew@FloresLegal.Pro

6
7 Plaintiff *In Propria Persona*
and Attorney for Plaintiffs
8 Amy Sherlock and Minors T.S.
and S.S.
9

10
11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 ANDREW FLORES, an individual, AMY
14 SHERLOCK, on her own behalf and on behalf
15 of her minor children, T.S. and S.S.,

16 Plaintiffs,

17 vs.

18 GINA M. AUSTIN, an individual. AUSTIN
19 LEGAL GROUP APC, a California
Corporation; LAWRENCE (AKA LARRY)
20 GERACI, an individual; TAX &
FINANCIAL CENTER, INC., a California
21 Corporation; REBECCA BERRY, an
individual; JESSICA MCELFRISH, an
22 individual; SALAM RAZUKI, an individual.
NINUS MALAN, an individual;
23 MICHAEL ROBERT WEINSTEIN, an
individual; SCOTT TOOTHACRE, an
24 individual; ELYSSA KULAS, an individual;
FERRIS & BRITTON APC, a California
25 Corporation; DAVID DEMIAN, an
individual, ADAM C. WITT, an individual,
26 RISHI S. BHATT, an individual, FINCH,
THORTON, and BAIRD, a Limited Liability
27 Partnership, JAMES D. CROSBY, an
individual; ABHAY SCHWEITZER, an
28 individual and dba TECHNE; JAMES (AKA

Case No.: 20-CV-000656-JO-DEB

AFFIDAVIT OF AMY
SHERLOCK IN SUPPORT OF EX
PARTE APPLICATION FOR
ORDER SHORTENING TIME ON
(1) MOTION TO VACATE
ORDER (2) OR,
ALTERNATIVELY, A STAY OF
ACTION

Complaint Filed: April 3, 2020

Judge: Jinsook Ohta
Dept: 4th Floor

JIM) BARTELL, an individual; BARTELL & ASSOCIATES, a California Corporation; NATALIE TRANG-MY NGUYEN, an individual, AARON MAGAGNA, an individual; A-M INDUSTRIES, INC., a California Corporation; BRADFORD HARCOURT, an individual; ALAN CLAYBON, and individual; DOUGLAS A. PETTIT, an individual, JULIA DALZELL, an individual, MICHAEL TRAVIS PHELPS, an individual; THE CITY OF SAN DIEGO, a municipality; 2018FMO, LLC, a California Limited Liability Company; FIROUZEH TIRANDAZI, an individual; and DOES 1 through 50, inclusive,

Defendants.

I, Amy Sherlock, attest as follows:

1. I am an individual over the age of 18 years, reside in Texas, and am a plaintiff in this matter.

2. The facts contained in this declaration are true and correct of my own personal knowledge, except those facts which are stated upon information and belief; and, as to those facts, I believe them to be true. If called upon to do so, I could and would competently testify as to the truth of the facts stated herein.

3. The facts set forth herein are limited to those required to support the ex parte application in the matter captioned above (the "Application").

4. Michael "Biker" Sherlock was my husband, a professional athlete, and an entrepreneur with interests in various businesses, including in the cannabis sector.

5. Biker passed away on December 3, 2015 without a will.

6. The narrative that the world believes is that Biker took his life because he was "broke" and suffering from chronic traumatic encephalopathy (CTE). This narrative is the exclusive result of Stephen Lake's actions (my brother-in-law and Biker's business partner).

7. The day after Biker passed away he told officer Sandra Joseph of the San Diego Police Department (SDPD) that him and Biker had talked about "little things"

1 but that Biker “appeared to be overwhelmed.”

2 8. However, he told me that Biker was depressed and had severe financial
3 problems.

4 9. Within two or three days after Biker passed away, Lake took to my home
5 Dr. Mark Cooper.

6 10. Dr. Cooper spoke with me, my children, and Biker’s family.

7 11. Dr. Cooper concluded at the end of that conversation that Biker was
8 suffering from CTE without ever having met or examined Biker.

9 12. Lake told me that Dr. Cooper is a friend and professional colleague of his.

10 13. I later discovered that Dr. Cooper is a child psychologist with no known
11 specialty in neurology or CTE.

12 14. Subsequently, I called the called the coroner about Biker and sought to
13 have his brain donated for CTE research.

14 15. The coroner told me that Biker did not have CTE.

15 16. In January 2020, I was contacted by attorney Andrew Flores who
16 informed me of a form filed with the State of California (the “Dissolution Form”) that
17 was purportedly executed by Biker that dissolved Leading Edge Real Estate (LERE)
18 submitted to the State three weeks *after* Biker passed away.

19 17. As I came to find out, Biker and defendant Bradford Harcourt (Biker’s
20 business partner) owned LERE.

21 18. LERE owned 8863 Balboa Ave, Suite E, San Diego, CA 92123 (the
22 “Balboa Property”) at which a cannabis conditional use permit (CUP) was issued to
23 Biker (the “Balboa CUP”).

24 19. The signature on the Dissolution Form was not Biker’s. I know my
25 husband’s signature.

26 20. Subsequently a forensic handwriting expert concluded that the signature
27 on the Dissolution Form was most “likely forged”.

28 21. I then started investigating the Balboa CUP and how it was transferred

1 from Biker to Harcourt, as I then believed that was the sequence of transfer of
2 ownership.

3 22. In February 2020, I, along my attorney Andrew Flores went to the City of
4 San Diego's Development Services Department (DSD) and Mayor Kevin Faulconer's
5 office to request documents regarding the Balboa CUP issued at the Balboa Property.

6 23. My requests for information were denied at DSD and at the Mayor's
7 office.

8 24. Specifically, when I arrived at the DSD office, we met with Michelle
9 Sokolowski.

10 25. Ms. Sokolowski said she could not help us and provided me with the
11 contact information for the City Attorney.

12 26. On or about September 20, 2022, I was researching online into the facts
13 and circumstances regarding the transfer of Biker's interest the Balboa CUP.

14 27. My research led me to Freedom of Information Act (FOIA) requests by a
15 third parties that were available online at the City of San Diego's website "OpenDSD."

16 28. I read through each request (17) and every document provided for the
17 Balboa Property available.

18 29. One of the links provided something that was very shocking to me and I
19 did not know prior to this date; the Balboa CUP that had been issued to my husband
20 was, upon his death, not only transferred to me without my knowledge or consent, but
21 that I somehow passed a background check that I never underwent pursuant to an
22 application that I never submitted.

23 30. Without my knowledge, I was named the "sole permit" holder for the
24 "8863 Balboa MMCC Permit" issued at the Balboa Property (the "DSD Sherlock
25 Approval"). (Attached hereto as Exhibit A is a true and correct copy of the DSD
26 Sherlock Approval.)

27 31. Based on Lake's admissions to me and a complaint filed by my husband's
28 business partner, Bradford Harcourt, it is my belief that the Balboa CUP was

1 transferred to my name via forged documents and then again, without my knowledge
2 or consent, to Harcourt.

3 32. I subsequently made FOIA requests and demands of the San Diego Police
4 Department that I be provided copies of *my* alleged application pursuant to which the
5 DSD Sherlock Approval was undertaken.

6 33. I was initially denied this information and I thereafter repeatedly
7 demanded the alleged application submitted by me stating that I had not submitted any
8 such application and that I was never aware that the Balboa CUP had been issued in
9 my name.

10 34. On October 10, 2022, I received a message from Travis Cleveland, a
11 Development Project Manager in the Cannabis Business Division of the City of San
12 Diego regarding my City of San Diego FOIA requests 22-5095 and 22-5096.

13 35. The email states, among other things, that the records “are incomplete.”
14 That the records for the Balboa CUP were “not consistently retained.” Further, that
15 there has been “100% staff turnover over the time period” of the records I have
16 requested. (Attached hereto as Exhibit B is a copy of that email from Cleveland.)

17 36. In short, the evidence that the documents submitted were forged and who
18 at the City was responsible for processing an application from my husband after he had
19 passed away to me and then to Harcourt were not available.

20 37. I believe that the City is covering up evidence of corruption at the DSD
21 office (not just based on the facts set forth above).

22 38. Additionally, among the DSD records provided online pursuant to FOIA
23 requests, I found an email chain from on and around January 18, 2017, between
24 attorney Gina Austin, DSD employee Firouzeh Tirandazi, and Salam Razuki and Ninus
25 Malan. (A copy of that email chain is attached hereto as Exhibit C.)

26 39. That document has now been deleted from the City’s website *after* I
27 requested it pursuant to my own FOIA request stating it was evidence of fraud and I
28 have been told that it is not available.

1 40. As this case has progressed, I have continued to learn things about the
2 facts and circumstances surrounding my husband's death which now leave me with a
3 fervent belief that he was murdered.

4 41. I believe that Lake had a role in my husband's murder along with Harcourt
5 and Razuki. They, and defendant Ninus Malan, were among the parties who acquired
6 Biker's assets after his death.

7 42. Lake admitted to me that the he was responsible for the transfer of Biker's
8 ownership interests in two cannabis dispensaries.

9 43. Lake admitted this after I confronted him 2020 that I was aware that the
10 Dissolution Form had been forged after Biker passed away regarding the Balboa CUP.

11 44. However, in 2015, after Biker passed, Lake had assured me that Biker no
12 longer had an interest in the Balboa CUP.

13 45. When I confronted Lake, he initially alleged that he did so to help me.
14 However, when I asked about the proceeds from the sale and operations of the two
15 businesses, Lake told me that I should be happy with Biker's life insurance policy and
16 that I would not be getting anything because Biker's contributions to the acquisition of
17 the dispensaries were "worthless."

18 46. After Lake told me that, I have reached my current belief that Lake
19 brought Dr. Cooper to my home and had him "diagnose" Biker based on conversations
20 with his family and parents to provide a fabricated reason for Biker's death and to
21 support the belief that he committed suicide.

22 47. Lake furthered this narrative before over 500 of Biker's family and friends
23 at Biker's funeral by stating that Biker himself believed something was wrong with
24 himself. Specifically, Lake said that Biker had appointments with medical specialists
25 and had scheduled a "brain scan."

26 48. These statements are not true. I would have known had Biker made an
27 appointment for a "brain scan" as I handled all his medical appointments.
28

1 49. To be completely honest, I have avoided looking at much of the things
2 surrounding Biker's death as it has been very painful to deal with and I have been
3 preoccupied with taking care of our two sons T.S. and S.S.

4 50. I did not review the autopsy report for Biker until February 2020, an
5 absolutely horrific experience.

6 51. The autopsy report contained so many suspicious facts that it only
7 furthered my belief Biker's death was not a suicide. The current conclusion in the
8 Coroner's report is that Biker died by a self-inflicted gunshot wound, however no
9 gunshot residue was found on either of his hands, no shell casing was ever found, the
10 magazine of the firearm was partially dislodged, and although he was right-handed the
11 gun was found near his left hip. In addition to this was the fact that the report stated:
12 "A 1 x1 inch red abrasion on the right forehead just above the lateral aspect of the right
13 eyebrow. A 1/16-inch round abrasion is on the chin region. Multiple abrasions are on
14 the posterior aspect of the right hand and the digit of the right hand. A 1 x 1 inch faint
15 red-pink contusion is on the anterolateral aspect of the distal right leg." (A copy of that
16 portion of the Coroner's Report is attached as Exhibit D.)

17 While I am no doctor I can say, without reservation that Biker did not leave our
18 home that night with those injuries. It now appears obvious to me that Biker was in
19 some kind of physical altercation, clearly in a desperate fight for his life.

20 52. Further, another fact to believe Biker did not commit suicide is an
21 interview by an investigative reporter with Phil Zamora, an employee of Salam Razuki.

22 53. Zamora, in his interview, stated his belief that Razuki had something to
23 do with Biker's death.

24 54. Prior to knowing about the DSD Sherlock Approval of my alleged
25 application for the Balboa CUP, Zamora's allegation was not credible because the
26 Balboa CUP and the Balboa Property were transferred to Razuki and Malan after I
27 believed they had been acquired by Lake and Harcourt.
28

1 55. However, it is my understanding that Harcourt filed a complaint against,
2 among others, Razuki and Malan alleging they defrauded him of the Balboa CUP and
3 that they were in negotiations in March 2016, when the Balboa CUP was still in my
4 name.

5 56. Therefore, because both Harcourt/Lake and Razuki/Malan were working
6 together at the same time regarding the Balboa CUP while it was in my name, Zamora's
7 belief is now significantly credible and more than plausible.

8 57. Lake recently has also alleged that there was a bridge loan by Biker that
9 was due and, consequently, *implied* that Biker signed away over \$10,000,000 in assets
10 to Harcourt hours before he passed away.

11 58. If this was true, why did he not tell the SDPD or the investigators about
12 Biker signing away over \$10,000,000 in assets until I brought suit?

13 59. It contradicts Lake's statement to Officer Joseph the day after Biker
14 passed away that he and Biker had discussed "little things."

15 60. My belief is that it is a lie. A belief supported by the fact that DSD
16 approved the background check for me for the Balboa CUP.

17 61. Lake could easily have forged the documents needed to transfer the
18 Biker's assets from his name to my name and then to Harcourt.

19 62. I trusted Lake, he is my brother-in-law. But I do know him to be consumed
20 by his pursuit of money and while I do not believe that he would personally have
21 murdered Biker, I do believe he is capable of allowing it to happen if it means his
22 acquisition of millions of dollars. Especially if Biker would not go along with any plans
23 that Lake would have wanted Biker to do.

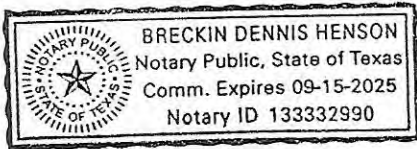
24 63. I have spoken to law enforcement about my suspicions. However, I cannot
25 rely on them for justice and will seek out the truth, however long it takes. I just ask that
26 this Court can do everything in its power to afford me the opportunity to do so.
27
28

1 I declare under penalty of perjury under the laws of the States of California and
2 Texas that the foregoing is true and correct, and that this affidavit was executed on
3 October 11, 2022.

4 Amy Sherlock
Amy Sherlock

8 State of TX County of Denton
9 The foregoing instrument was acknowledged before me
10 this 12th day of October, 2022,
11 by Amy Sherlock
Breckin Henson Notary Public
12 My Commission Expires 9-15-2025

I acknowledge that
there are 30 pages
[Signature]



16 [Signature]

EXHIBIT-A

OpenDSD Approval Search Invoice Search Maps

Approval #1675894 - Special Permit



Approval Information

| | |
|-------------------------|--|
| Status | Issued |
| Issued | 03/17/2016 |
| Issued by | Gutierrez, Edith |
| Permit Holder | Amy Sherlock |
| Net Change DU | |
| Valuation | \$0.00 |
| Sq. Footage | |
| First Inspection | |
| Complete Date | |
| Scope | Background Checks |
| Job | |
| Map | |
| Address | 8863 BALBOA AV |
| APN | 369-150-13-23 |
| BC Codes | |
| Project | |
| Project ID | 467983 |
| Account | |
| Admin Hold | No |
| Project Name | 8863 Balboa MMCC Permit |
| Project Contact | Gutierrez, Edith (619)446-5000 dstprojectinfo@sandiego.gov |
| Project Scope | Backgrounds |

Fees

| Type | Category | Quantity | Type Unit | Status |
|---|----------|----------|-----------|--------|
| There are no Fees associated with this approval | | | | |

- Exceptions >
- Inspections >
- Issues >
- Dependent Approvals >
- Dependent Packages >

Data TimeStamp: 09/20/2022 13:18:32

EXHIBIT-B

From: Cleveland, Travis
Sent: Monday, October 10, 2022 12:03 PM
To: Amy Sherlock
Cc: sandiego_22-5096-requester-notes@inbound.nextrequest.com
Subject: RE: RE: [External Message Added] City of San Diego public records request #22-5095

Hi Amy,

I discussed with Public Records staff that we acknowledge that the background check records are incomplete. I apologize if that information didn't make it to you. I assumed that it would, but I did not confirm. The fault there is mine,

Background check forms (DS-192s) and Annual Operating Permits (DS-191s) have not been consistently retained once the process was completed. I don't know why this is; I only know that it is the case. There has been 100% staff turnover over the time period you are interested in, so there is no one available for me to ask the reason for this. I have spent a few hours attempting to locate additional information for you.

The only records I was able to locate were the ones I have already sent to you. Additional records do not exist. I would provide them if I could.

Moving forward, forms will be retained electronically. Unfortunately, this doesn't help us with your current request.

Your original PRA request was for background check forms, and I note that your second request to the PRA staff was for an "ownership declaration". Other staff responded to that request, but I note that only the most recent ownership disclosure was sent. I will attach the statement for the original CUP to that email.

It seems like you are trying to compile some sort of project timeline or history. I want to help you in any way I can. If you can disclose the underlying reason for your request to me, I may be able to offer you additional assistance in locating information. Please let me know. If a phone call would be easier, you can reach me at the number below. I assure you that I am happy to help and will freely provide you anything we have. I am happy to directly share information on anything cannabis-related; you do not need to make a formal Public Records Act request. I will treat any informal request as if it is a formal one (because it is!), and I can offer you faster service directly. If you aren't satisfied with my answers you can follow up with a PRA request at any time.

Thanks!

Respectfully,

Travis Cleveland

Development Project Manager

Cannabis Business Division
City of San Diego
Development Services Department

☎ : 619-446-5407 (desk)

☎ : 619-647-5539 (cell)

SanDiego.gov/DSD



When emailing about a Cannabis Outlet or Cannabis Production Facility, please include the address in your inquiry.

Need to request a second opinion on an interpretation, or contact my supervisor for further assistance?

Supervisor Name and Title: Lara Gates, Deputy Director

Phone: 619-446-5107

Email: LNGates@sandiego.gov

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From: Amy Sherlock <amyjoshlock@gmail.com>

Sent: Monday, October 10, 2022 9:56 AM

To: Cleveland, Travis <TCleveland@sandiego.gov>; sandiego_22-5095-requester-notes@inbound.nextrequest.com

Subject: [EXTERNAL] RE: [External Message Added] City of San Diego public records request #22-5095

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Thank you for your response, however incomplete it is. The permit for the address was issued in my name in March 2016. Please provide the DS 192 form for myself, AMY SHERLOCK, AND for all the people listed at this address that you've provided. Please reopen my request since the information requested is public record and the City of San Diego has refused to provide it.

Sent from [Mail](#) for Windows

From: [City of San Diego Public Records](#)

Sent: Monday, October 10, 2022 7:50 AM

To: amyjoshlock@gmail.com

Subject: [External Message Added] City of San Diego public records request #22-5095

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City of San Diego Public Records

A message was sent to you regarding record request #22-5095:

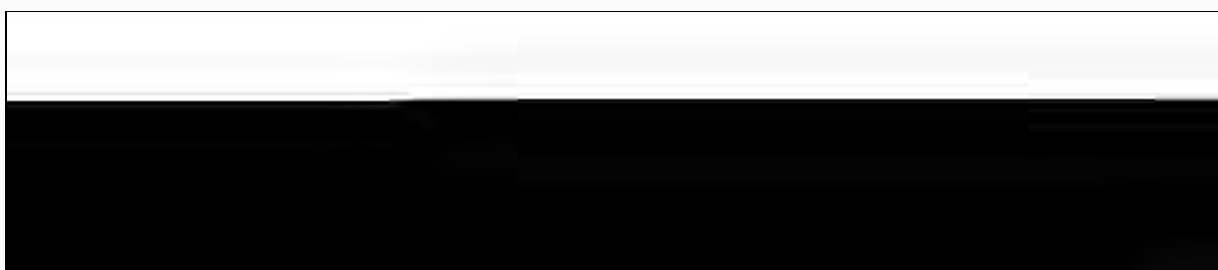
Good morning,
Attached please find additional records that are responsive to your Public Records Act request #22-5095. The Development Services Department has provided the following contact information in the event that you have additional questions.

Travis Cleveland - TCleveland@sandiego.gov

Kind regards.

View Request 22-5095

<https://sandiego.nextrequest.com/requests/22-5095>



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▪

From: Cleveland, Travis
Sent: Monday, October 10, 2022 12:03 PM
To: Amy Sherlock
Cc: sandiego_22-5096-requester-notes@inbound.nextrequest.com
Subject: RE: RE: [External Message Added] City of San Diego public records request #22-5096

Hi Amy,

If you are looking for an ownership disclosure statement, those are documents received at the time of CUP application. They disclose who had ownership of the property and related financial interests at the time of application.

You were sent the most recent one, I have attached the original from 2015.

If you are looking for anything else, please see my response to the other email chain. It may be that multiple Public Records Act requests are not the most efficient way for us to help you. I think we need to know more about the reason you are looking for all this information to help you better. I am happy to collaborate with you if you like.

Respectfully,

Travis Cleveland

Development Project Manager
Cannabis Business Division
City of San Diego
Development Services Department

☎ : 619-446-5407 (desk)

☎ : 619-647-5539 (cell)

SanDiego.gov/DSD



When emailing about a Cannabis Outlet or Cannabis Production Facility, please include the address in your inquiry.

Need to request a second opinion on an interpretation, or contact my supervisor for further assistance?

Supervisor Name and Title: Lara Gates, Deputy Director

Phone: 619-446-5107

Email: LN Gates@san diego.gov

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From: Amy Sherlock <amyjoshersherlock@gmail.com>
Sent: Monday, October 10, 2022 10:33 AM
To: Cleveland, Travis <TCleveland@sandiego.gov>; sandiego_22-5096-requester-notes@inbound.nextrequest.com
Subject: [EXTERNAL] RE: [External Message Added] City of San Diego public records request #22-5096

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Thank you for your response. t's missing the requested information. There has to be an Ownership Declaration for Ninus Malan. He owned and operated this dispensary for a couple years. That's public knowledge and you've sent me his approval for the permit. Please reopen this request because 'm demanding the DS 31 for Ninus Malan at the 63 Balboa Ave, #E. Thank you.

Sent from [Mail](#) for Windows

From: [City of San Diego Public Records](#)
Sent: Monday, October 10, 2022 7:51 AM
To: amyjoshersherlock@gmail.com
Subject: [External Message Added] City of San Diego public records request #22-5096

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City of San Diego Public Records

A message was sent to you regarding record request #22-509 :

Good morning,

Attached please find additional records that are responsive to your Public Records Act request #22-5096. The Development Services Department has provided the following contact information in the event that you have additional questions.

Travis Cleveland - TCleveland@sandiego.gov

Kind regards.

[View Request 22-509](#)

<https://sandiego.nextrequest.com/requests/22-5096>

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EXHIBIT-C

From: [Jim Bartell](#)
To: [Gonsalves, Ann](#); [Ahmadi, Afsaneh](#)
Cc: [Mohajerani, Ehsan](#)
Subject: Balboa MMCC (project # 550727)
Date: Monday, June 12, 2017 3:54:42 PM
Attachments: [image001.jpg](#)

Afsaneh,
Are you, Ann and Ehsan available this week to meet on the Balboa unit B parking issue.
Thank you.
Jim

Jim Bartell
President

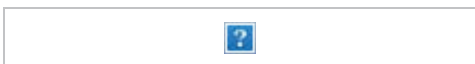


5333 Mission Center Road, Suite 115
San Diego, California 92108
Phone (619) 704-0180 | Fax (619) 704-0185
Mobile (619) 787-0333

BartellAssociates.com

From: [Jeremy Wysocki](#)
To: salamrazuki@yahoo.com; ninusmalan@yahoo.com
Cc: rennybowden@gmail.com; bradford@equitycapital.us; "Michael Hayford"; reokeith@gmail.com; [Tirandazi, Firouzeh](#); [Daly, Tim](#); [Nima Darouian](#)
Subject: Conditional Use Permit No. 296130 and 8863 Balboa Ave.
Date: Tuesday, March 07, 2017 2:15:33 PM
Attachments: [image002.jpg](#)
[Demand Letter \(8863 Balboa Ave.\) \(3-7-2017\) \(02253020xA9B4D\).pdf](#)

Good afternoon. My law firm is legal counsel to San Diego Patients Consumer Cooperative, Inc. Please see the attached letter regarding our Client's rights and interests in connection with Conditional Use Permit No. 1296130 and 8863 Balboa Ave., Unit E, San Diego, CA 92123. Let me know if you have any questions or comments. My contact information is listed below.



Jeremy S. Wysocki

Partner

Messner Reeves LLP

1430 Wynkoop Street | Suite 300

Denver CO 80202

303 623 1800 main | 303 405 4193 direct | 303 396 8200 cell

303 623 0552 fax

jwysocki@messner.com

messner.com

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From: [Austin, Gina](#)
To: [Tirandazi, Firouzeh](#)
Subject: FW: Fwd: Balboa MMCC
Date: Thursday, January 19, 2017 3:58:43 PM
Attachments: [medical marijuana permit - Balboa Ave.pdf](#)

Here you go.

Gina

Gina M. Austin

AUSTIN LEGAL GROUP, APC | 3990 Old Town Ave., Ste A112, San Diego, CA 92110 |
Ofc: 619-924-9600 | Cell 619-368-4800 | Fax 619-881-0045

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From: Ninus Malan [mailto:ninusmalan@yahoo.com]
Sent: Thursday, January 19, 2017 3:40 PM
To: Austin, Gina
Cc: FTirandazi@sandiego.gov
Subject: Re: Fwd: Balboa MMCC

See attached. Thank you for everything.

Ninus Malan
American Lending and Holdings LLC
Razuki Investments LLC
Lemon Grove Plaza LP
7977 Broadway
Lemon Grove CA, 91945
Main(619)750-2024
Fax (619)869-7717
NinusMalan@Yahoo.com

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From: "Austin, Gina" <gaustin@austinlegalgroup.com>
To: Ninus Malan <ninusmalan@yahoo.com>
Sent: Wednesday, January 18, 2017 5:43 PM
Subject: Fwd: Balboa MMCC

Fyi. Call me with any questions

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Tirandazi, Firouzeh" <FTirandazi@sandiego.gov>
Date: 1/18/17 2:22 PM (GMT-08:00)
To: "Austin, Gina" <gaustin@austinlegalgroup.com>
Subject: RE: Balboa MMCC

Good afternoon,

Ninus Malan has passed background. Are there any other responsible persons affiliated with this MMCC? If so, they will also need to go through the background process.

Please have Mr. Malan complete and sign the attached MMCC Permit required pursuant to Chapter 4, Article 2, Division 15 of the SDMC and email back for processing.

Thank you.

Firouzeh Tirandazi
Development Project Manager
City of San Diego
Development Services Department

(619)446-5325
sandiego.gov

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-----Original Message-----

From: Austin, Gina [<mailto:gaustin@austinlegallgroup.com>]
Sent: Tuesday, January 10, 2017 3:36 PM
To: Tirandazi, Firouzeh <FTirandazi@sandiego.gov>
Subject: RE: Balboa MMCC

Good afternoon,

I understand my client sent the stamped articles last week. Can you send the proper forms for him to get the background check?

Thanks
Gina

-----Original Message-----

From: Austin, Gina
Sent: Thursday, January 5, 2017 1:52 PM
To: Tirandazi, Firouzeh (FTirandazi@sandiego.gov)
Subject: Balboa MMCC

Good afternoon,

I have attached the articles of incorporation of the new collective that will be operating out of Balboa as well as the deed showing the new ownership.

Please forward the appropriate forms to me for the background check for Mr. Malan and we will get this moving quickly.

Gina

Gina M. Austin
AUSTIN LEGAL GROUP, APC | 3990 Old Town Ave., Ste A112, San Diego, CA

92110 |

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Version: 2016.0.7996 / Virus Database: 4749/13789 - Release Date: 01/17/17

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Version: 2016.0.7996 / Virus Database: 4749/13794 - Release Date: 01/18/17

EXHIBIT-D



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER

OFFICE OF THE MEDICAL EXAMINER
5570 OVERLAND AVE., SUITE 101, SAN DIEGO, CALIFORNIA 92123-1206
TEL: (858) 694-2895 FAX: (858) 495-5956

INVESTIGATIVE REPORT

1/5/2016

| | | | | | | | | |
|--------------|--|--|--|---|---|---|-------------------------|---|
| CALL INFO | NAME OF DECEASED (LAST, FIRST MIDDLE) SHERLOCK, Michael De Carlo | | AKA | | HIO <input type="checkbox"/> | CASE NUMBER 15-02760 | | |
| | INVESTIGATOR Sandra Joseph | | REPORTED BY Officer Armstrong ID | | REPORTING AGENCY San Diego County Medical Examiner | | PREVIOUS WAIVE # | |
| | CALL DATE AND TIME 12/03/2015 0703 | | ARRIVAL DATE AND TIME 12/03/2015 0810 | | RETURN DATE AND TIME 12/03/2015 1300 | | | |
| DECEDENT | DATE AND TIME OF DEATH 12/03/2015 0634 | | DATE OF BIRTH 01/25/1968 | AGE 47 Years | GENDER Male | RACE White | | |
| | RESIDENCE (STREET, CITY, STATE, ZIP) 5439 Westknoll Drive San Diego, CA 92109 | | | | COUNTY | LAST SEEN ALIVE 12/2/2015 2000 | | |
| | COUNTRY OF RESIDENCE USA | | OCCUPATION Self-employed | | | PAID AUTOPSY <input type="checkbox"/> | | |
| DEATH | LOCATION OF DEATH Found, Tourmaline Surfing Park | | | TYPE OF PLACE Other | | | | |
| | ADDRESS (STREET, CITY, STATE, ZIP) N 32 48 20 W 117 15 47 La Jolla, CA 92037 | | | | | | | |
| | SUMMARY The decedent was a 47 year old, married, White male who resided in San Diego with his wife and two minor children. The decedent was last seen by his wife on the evening of 12/3/2015 when he was upset and said he was going to the beach. On the morning of 12/3/2015, a surfer at Tourmaline Surfing Park saw the decedent seated on the rocky beach against the cliff. As he approached, he saw blood on his face and a gun at his left hip. The surfer called 9-1-1. San Diego Police Department and San Diego Fire Department engine 21 responded to the scene and death was confirmed without intervention. Medical Examiner's jurisdiction invoked according to the California Government Code 27491: Death due to known or suspected suicide. | | | | | | | |
| INCIDENT | LOCATION OF INCIDENT Beach | | | INCIDENT PLACE TYPE AT WORK <input type="checkbox"/> AT RESIDENCE <input type="checkbox"/> | | | | |
| | ADDRESS (STREET, CITY, STATE, ZIP) N 32 48 20 W 117 15 47 La Jolla, CA 92037 | | | COUNTY San Diego | | | | |
| | DATE AND TIME OF INCIDENT 12/03/2015 Unk | | INVESTIGATING AGENCY San Diego Police | | OFFICER Officer Armstrong | BADGE # 7324 | REPORT # | |
| | DECEDENT WAS | | BELTED | HELMETED <input type="checkbox"/> Yes <input type="checkbox"/> No | | POSITION | | ON PRIVATE PROPERTY <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | VEHICLE | | | | LICENSE NUMBER | | STATE | |
| NOTIFICATION | IDENTIFIED BY Sandra Joseph | | | METHOD Personal Effects | | DATE AND TIME 12/03/2015 0810 | | |
| | FUNERAL HOME Bayview Cremation & Burial | | | PROPERTY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | PUBLIC ADMINISTRATOR <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | TYPE OF EXAM Autopsy | |
| | NAME OF NOK OR OTHER Amy Sherlock | | RELATIONSHIP Wife | DATE NOTIFIED 12/3/2015 | | NOTIFIED BY Other | | |
| | NAME OF NOK OR OTHER Steve Lake | | RELATIONSHIP Brother in law | DATE NOTIFIED 12/3/2015 | | NOTIFIED BY Law Informant | | |
| | | | | | | | | |

AUTOPSY REPORT

-5-

MICHAEL SHERLOCK 15-2760

The genitalia are those of an adult male with bilaterally descended testes palpated within the scrotum.

SCARS AND OTHER IDENTIFYING MARKS: Scattered incidental scars are on the body.

TATTOOS: None.

POSTMORTEM CHANGES: The body is cold. Rigor is moderate in all extremities and in the jaw. Lividity is unfixated on the posterior surface of the body except in areas exposed to pressure.

EVIDENCE OF INJURY

PENETRATING INTRAORAL GUNSHOT WOUND:

In the oral cavity located midline is an entrance gunshot wound located approximately 9 inches below the top of the head. No obvious clot surrounds the wound. There is injury to the oral mucosa, tongue (1-3/4 x 1-1/2 inch stellate injury with soot surrounding the wound), soft palate to include uvula, posterior pharynx, clivus of base of skull, brainstem/upper spinal cord (transected), and soft tissue of posterior aspect of neck. No exit wound is identified. A partially deformed copper-colored jacketed bullet is recovered from the soft tissue of the posterior aspect of the neck. The bullet pathway is directed front-to-back and upward with no significant right/left deviation. Associated with this gunshot wound is hemorrhage along the wound path, subarachnoid hemorrhage greater at the base and right side of the brain, subdural hemorrhage (approximately 20 ml), linear fractures of the anterior cranial fossae and right and left sides of the posterior cranial fossa, contusions of the inferior temporal lobes of the brain, hemoaspiration, fine oral stretch marks on right and left aspects of skin of lips, and multiple contusions and abrasions of the lower lip.

MINOR INJURIES:

A 1 x 1 inch red abrasion is on the right forehead, just above the lateral aspect of the right eyebrow. A 1/16 inch round abrasion is on the chin region. Multiple abrasions are on the posterior aspect of the right hand and digits of the right hand. A 1 x 1 inch faint red-pink contusion is on the anterolateral aspect of the distal right leg.

INTERNAL EXAMINATION

ABDOMINAL WALL: The subcutaneous fat layer measures up to 3.0 cm thick.

BODY CAVITIES: There are extensive adhesions in the peritoneal cavity. The pleural and pericardial cavities are free of adhesions. All body cavities contain normal amounts

EXHIBIT E



June 7, 2022

Sent via Email Only to:

Andrew Flores, Esq.
LAW OFFICE OF ANDREW FLORES
andrew@floreslegal.pro

RE: *Amy Sherlock, et al. // Gina M. Austin, et al.*
San Diego Superior Court Case Number 37-2021-0050889-CU-AT-CTL

Dear Mr. Flores,

This office represents Defendant STEPHEN LAKE (“Lake”) in the above-referenced action. We have reviewed the First Amended Complaint (“FAC”) filed by Plaintiffs AMY SHERLOCK (“SHERLOCK”), T.S., S.S., and ANDREW FLORES (“FLORES”). Please consider this correspondence as our formal attempt to meet and confer pursuant to Code of Civil Procedure § 430.41 regarding deficiencies in the FAC against LAKE.

While we are aware that for purposes of a demurrer the allegations in the FAC must be regarded as true, we believe it is important to correct a number of misrepresentations made in the FAC.

Statement of Facts

LAKE and SHERLOCK’s husband, Michael “Biker” Sherlock (“BIKER”), were long-time friends and companions, in addition to being brothers-in-law. LAKE viewed BIKER as family. BIKER’s business, Dregs skateboards, was hit hard by the recession and he began experiencing financial issues. This created stress on BIKER on many levels – on him personally, on his relationship with his parents, and on his relationship with SHERLOCK. At the same time, LAKE observed BIKER becoming increasingly depressed and anxious. His prior abundance of confidence shrunk, he began having fainting spells and seizures, and became generally confused, all of which contributed to his inability to find meaningful employment. LAKE believed, however, that BIKER was an entrepreneur at heart and, more importantly, was his friend and brother, so LAKE encouraged BIKER to “think big” and to look for what the next big opportunity might be.

As such, LAKE, on multiple occasions, offered financial assistance to BIKER to fund various business ventures, including BIKER’s foray into the San Diego medical marijuana market. Notably, and contrary to the allegations in the FAC, LAKE and BIKER were never “partners.”

The Ramona Property

In July 2014, BIKER approached LAKE about a property he was looking at in Ramona – 1210 Olive Street, Ramona, CA 92065 (“Ramona Property”). At the time BIKER was unemployed



and struggling to find a job, which created stress on BIKER personally and on his relationship with SHERLOCK. While LAKE initially balked at becoming involved in the Ramona Property, the foregoing coupled with the fact that BIKER was family eventually overrode his reservations. LAKE eventually purchased the Ramona Property, *as his sole and separate property*, on or about January 8, 2015. The Ramona Property remains to this day in LAKE's name and has not been transferred out of LAKE's name since he acquired ownership.

One of the reasons for LAKE's reconsideration of his purchase of the Ramona Property was due to the involvement of Renny Bowden ("Bowden"), who was part of a group also interested in the Ramona Property. Bowden and LAKE have a longstanding relationship and LAKE found Bowden's potential involvement as such an unlikely coincidence that it made LAKE feel more comfortable with his decision to move forward with the purchase. Because neither Bowden nor BIKER had the capital to purchase the Ramona Property and the prior owner was not interested in leasing the property, BIKER and Bowden approached LAKE with the idea that LAKE would purchase the Ramona Property, build it out, and then lease the property back to them as part of a larger business they intended to pursue.

After closing, LAKE considered how to proceed as this was all new to him. His discomfort with the industry and lack of knowledge thereof fueled his decision to proceed as a landlord. At some point thereafter, Bowden sought and received the Conditional Use Permit ("CUP") for the Ramona Property, which was issued in the name of Bowden. BIKER never had an interest in the Ramon Property nor, to the best of LAKE's knowledge, did BIKER ever have an interest in the Ramona CUP.

The Balboa Property

Prior to April 24, 2015, David Chadwick ("Chadwick") formed Leading Edge Real Estate, LLC ("LERE"), for which he served as CEO. At some point unknown to LAKE, Chadwick, BIKER, BIKER's partner, Brad Harcourt ("Harcourt"), all partnered up to pursue the purchase of 8863 Balboa Avenue, Unit E, San Diego, CA 92123 ("Balboa Property"). On or about June 30, 2015, Chadwick resigned as CEO of LERE, at which point BIKER, on information and belief, was appointed as CEO.

Chadwick's resignation occurred after several events pertinent to this dispute. On June 9, 2015, LAKE made a \$289,560.68 loan to BIKER as a two-week bridge loan. The loan was memorialized via a promissory note. The loan was to be used to purchase 8863 Balboa Avenue, Unit E, San Diego, CA 92123 ("Balboa Property"). Notably, LAKE and BIKER had a clear, direct conversation of the importance of the loan being paid back in a timely manner; BIKER agreed and pledged that if the loan were not timely paid back, the Balboa Property would be deeded to LAKE as payment with the intent that LAKE would sell the Balboa Property to recoup his investment. BIKER was adamant in pledging the Balboa Property as collateral for LAKE's loan.

There were immediate problems with the Balboa Property. One such problem had to do with the HOA at the premises, which had recently amended its governing documents to prohibit the operation of any marijuana dispensaries. On June 16, 2015, BIKER, Chadwick, and Harcourt



received a legal opinion advising that any attempts to overturn this amendment would be very unlikely. Thus, BIKER and the others were unable to legally use the Balboa Property for its intended use.

On September 9, 2015, the promissory note went into default. LAKE discussed the default with both BIKER and Harcourt and made it clear that they needed to make good on the terms of the note and security agreement. LAKE conveyed to both that he had no desire to be a part of the business and simply wanted the loan proceeds repaid. BIKER and Harcourt pledged to follow through as they agreed. Given these reassurances, LAKE allowed BIKER and HARCOURT more time to procure financing to pay off the LAKE bridge loan.

By October 26, 2015, BIKER and Harcourt still had not procured financing. LAKE, BIKER, and Harcourt all went to lunch to discuss solutions. Their primary solution was to transfer the Balboa Property over to LAKE's company, High Sierra Equity LLC ("High Sierra") in an effort to payoff the defaulted loan. After some thought, LAKE agreed to the proposal.

On December 2, 2015, LAKE gave BIKER a call to check in on him, which is something he did regularly during that time due to some changes that LAKE observed in BIKER's demeanor and behavior. After a few minutes on the call, LAKE realized that BIKER was having a tough morning and cancelled his meetings so he could be with BIKER. When LAKE arrived at the house, Harcourt was there with BIKER. The two were reviewing paperwork and signing documents. LAKE subsequently learned that one of the documents was the LERE cancellation. LAKE did not witness BIKER signing the cancellation but knows for certain that it was the intent of BIKER and Harcourt, in furtherance of the October 26 proposal, to cancel LERE and transfer the Balboa Property to High Sierra. On December 3, 2015, BIKER took his own life.

Events Subsequent to BIKER's Passing

On or about December 4, 2015, while LAKE was assisting SHERLOCK and her family with dealing with BIKER's passing, he came across a \$1M life insurance policy that SHERLOCK believed had lapsed. Nevertheless, LAKE provided the policy to his resources in the insurance industry, who discovered that the premium had recently been paid and SHERLOCK was the beneficiary of the policy.

On December 13, 2015, LAKE reached out to SHERLOCK to see if they could get together to discuss some of BIKER's business loose ends. The two met on December 14, 2015. It was during this conversation that LAKE explained to SHERLOCK, for the first time, that he had loaned BIKER \$285,000 to save the Balboa Property and that BIKER was unable to pay him back, which resulted in BIKER defaulting and LAKE taking the property back as collateral. SHERLOCK expressed her happiness that LAKE was protected and that the Balboa Property remained in the family.

In or around August 2016, the Balboa Property went into escrow for \$375,000. LAKE and SHERLOCK discussed the sale and SHERLOCK reiterated how happy she was that LAKE and his family would be getting their money back. SHERLOCK was undoubtedly aware that the



Balboa Property, along with the Balboa CUP, were being sold in an effort to allow LAKE to recoup his investment. On September 19, 2016, the Balboa Property closed and funds were received.

Significantly, SHERLOCK was not only made aware of the decision to sell the Balboa Property but was involved in the decision-making process. SHERLOCK was involved in the decision not to litigate with the HOA at the Balboa Property. SHERLOCK was involved in the decision not to risk any more money and to “turn the chapter” on the Balboa Property. And SHERLOCK was informed of the details pertaining to the sale of the Balboa Property.

LAKE is certainly sympathetic to the turmoil that SHERLOCK has faced over the years and remains deeply concerned about her well-being. However, it is unfortunate that SHERLOCK has opted to ignore years of history and familial relations in favor of her outlandish and unfounded conspiracy theories that are apparently based on untenable and untrue facts.

Standard on Demurrer

A demurrer tests the sufficiency of the allegations contained within the complaint. *Pacifica Homeowners' Assn. v. Wesley Palms Retirement Community* (1986) 178 Cal.App.3d 1147, 1151. It is well settled law that the presumptions are always against the pleader, and all doubts are to be resolved against him/her, for it is to be presumed that he/she stated his case as favorably as possible. *Curci v. Palo Verde Irrigation Dist.* (1945) 69 Cal.App.2d 583, 585. As will be discussed in more detail below, even if the Court assumes the “facts” alleged in the Complaint as true, SHANNON has failed to state facts against CONSTRUCTION sufficient to maintain *any* cause of action against it.

Moreover, the *absence* of fact is also fatal to SHERLOCK’s claims. “If a fact necessary to the pleader's cause of action is not alleged, it must be taken as having no existence.” (*Ibid*). The court may sustain a demurrer without leave to amend following repeated attempts if it concludes that the defect is caused by an absence of facts, rather than a lack of skill in stating them. *Loeffler v. Wright* (1910) 13 Cal.App. 224, 232; *Banerian v. O'Malley* (1974) 42 Cal.App.3d 604, 616. The burden is on the plaintiff to show in what manner she can amend her complaint, and how the amendment would change the legal effect of her pleading. *Goodman v. Kennedy* (1976) 18 Cal 3d. 335

The FAC Is Subject To Demurrer

SHERLOCK asserts causes of action against LAKE for 1) Violation of the Cartwright Act, 2) Conversion, 3) Civil Conspiracy (apparently, two counts), 4) Declaratory Relief, and 5) Unfair Competition. None of the claims can be maintained against LAKE and each are subject to demur.

Violation of the Cartwright Act

SHERLOCK cannot maintain a cause of action against LAKE for violation of the Cartwright Act because 1) she lacks standing to assert the claim and 2) the claim is not sufficiently pled.



A plaintiff suing under the Cartwright Act must be within the “target area” of the antitrust violation to have standing; i.e., they must have suffered direct injury as a result of the anticompetitive conduct. *Cellular Plus, Inc. v. Sup. Ct. (U.S. West Cellular)* (1993) 14 Cal.App.4th 1224, 1232; *Vinci Waste Mgmt., Inc.* (1995) 36 Cal.App. 4th 1811, 1815. An “antitrust injury” is the “type of injury the antitrust laws were intended to prevent, and which flows from the invidious conduct which renders defendants’ act unlawful.” *Kolling v. Dow Jones & Co.* (1982) 137 Cal.App.3d 709, 723. Courts interpreting the Cartwright Act’s antitrust standing requirement have consistently followed the “market participant rule,” requiring the plaintiff to “show an injury within the area of the economy that is endangered by a breakdown of competitive conditions.” *In re Napster, Inc. Copyright Litig.* (N.D. Cal.2005) 354 F.Supp.2d 1113, 1125-26 (citing *MGM Studios, Inc. v. Grokster, Ltd.* (C.D.Cal. 2003) 269 F.Supp.2d 1213, 1224; *Kolling v. Dow Jones & Company, Inc.* (1982) 137 Cal.App.3d 709, 724. “Any person who is injured in his or her *business or property* by reason of anything forbidden or declared unlawful by this chapter....” *Bus & Prof Code* § 16750.

SHERLOCK lacks standing to bring a claim. First and foremost, SHERLOCK is not a “market participant”. The FAC is unclear as to what “market” SHERLOCK claims to have participated in but assuming *arguendo* that she is referring to the medical marijuana industry, there is no showing of an injury in that area. Put simply, SHERLOCK, a private individual with no ties to the medical marijuana industry, is not within the “target area” of the alleged antitrust violation.

Standing issues aside, even if SHERLOCK were able to overcome this threshold issue, her cause of action is not sufficiently pled. To state a cause of action for conspiracy, a complaint must allege (1) the formation and operation of the conspiracy, (2) the wrongful act or acts done pursuant thereto, and (3) the damage resulting from such act or acts. *Chicago Title Ins. Co. v. Great Western Financial Corp.* (1968) 69 Cal.2d 305, 316. It is incumbent on the complaining party to allege and prove that the party’s business or property has been injured by the very fact of the existence and prosecution of the unlawful trust or combination; that is, to establish an actual injury attributable to something the statutory provisions were designed to prevent. *Kaiser Cement Corp. v. Fischbach and Moore, Inc.* (9th Cir. 1986) 793 F.2d 1100.

A high degree of particularity is required in the pleading of violations prescribed by the statutory provisions governing combinations in restraint of trade. *DeCambre v. Rady Children’s Hospital-San Diego* (2015) 235 Cal.App.4th 1; *Motors, Inc. v. Times Mirror Co.* (1980) 102 Cal.App.3d 735, 742. The complaint must allege a purpose to restrain trade and a nexus to the injury traceable to actions in furtherance of that purpose. *Id.* “General allegations of the existence and purpose of the conspiracy are insufficient, and the appellants must allege specific overt acts in furtherance thereof.” *Id.* at p. 318. Plaintiff must allege certain facts in addition to the elements of an alleged unlawful act so that the defendant can understand the nature of the alleged wrong and so that discovery is not merely a blind fishing expedition for some unknown wrongful acts. *Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26.

Other than owning the land that the CUPs flowed from, the FAC is utterly devoid of any facts tying LAKE to the alleged conspiracy. There are no allegations that LAKE was even involved



in the medical marijuana industry – because he was not – let alone that he conspired with these other defendants to prevent competition within the industry. Nor is there any allegation or indication that SHERLOCK, herself, was engaged in the industry or was even contemplating entering the industry. SHERLOCK has also failed to adequately allege damage to business or property. Again, there is no allegation that SHERLOCK had a business within the cannabis industry.

Moreover, SHERLOCK cannot allege damage to property. As it relates to LAKE, the facts and pleadings clearly establish that LAKE purchased the Ramona Property, which he owns to this day, and that LERE purchased the Balboa Property. (*FAC* ¶¶ 67, 70). There are no allegations that BIKER ever had any interest in either property. In addition, the CUPs are not, and were not, the “property” of BIKER or SHERLOCK. A conditional use permit is a *property* right that runs with the *land*, not to the *individual permittee*. *Imperial v. McDougal* (1977) 19 Cal.3d 505; *Malibu Mountains Recreation v. Los Angeles* (1998) 67 Cal.App.4th 359, 368; *Anza Parking Corp. v. City of Burlingame* (1987) 195 Cal.App.3d 855, 858. Without a showing of injury to business or property, SHERLOCK cannot maintain her first cause of action against LAKE.

Conversion

SHERLOCK’s conversion cause of action is similarly flawed as it is premised on the conversion of property by LAKE that SHERLOCK never owned. The “Sherlock Property” allegedly converted is defined to include BIKER’s “interest in the Partnership Agreement, LERE, and the Balboa and Ramona CUPs.” (*FAC* ¶ 71). “Conversion is the wrongful exercise of dominion over the property of another. The elements of a conversion claim are: (1) the plaintiff’s ownership or right to possession of the property; (2) the defendant’s conversion by a wrongful act or disposition of property rights; and (3) damages.” *Lee v. Hanley* (2015) 61 Cal.4h 1225, 1240. To prove a cause of action for conversion, the plaintiff must show the defendant acted intentionally to wrongfully dispose of the property of another.” *Duke v. Superior Court* (2017) 18 Cal.App.5th 490, 508. It is generally acknowledged that conversion is a tort that may be committed only with relation to personal property and not real property. *Munger v. Moore* (1970) 11 Cal.App.3d 1, 7.

As it relates to the Balboa Property and Ramona Property, neither can be the subject of a conversion cause of action as each is real property. That notwithstanding, there has been no showing of any interest held by BIKER in either property. LAKE purchased the property as his sole and separate property and currently owns the property as such; thus, it is unclear how LAKE could convert his own property. The Balboa Property was purchased by LERE, not BIKER, and was sold with SHERLOCK’s consent in an effort to repay LAKE’s loan. Similarly, SHERLOCK cannot maintain a claim for conversion of the CUPs. As referenced above, a conditional use permit is a *property* right that runs with the *land*, not to the *individual permittee*. *Imperial v. McDougal* (1977) 19 Cal.3d 505; *Malibu Mountains Recreation v. Los Angeles* (1998) 67 Cal.App.4th 359, 368; *Anza Parking Corp. v. City of Burlingame* (1987) 195 Cal.App.3d 855, 858. In other words, both CUPs belonged to the *land*, not to BIKER or any other individual. Put another way, SHERLOCK has failed to meet the first prong of her conversion claim – her ownership or right to possession of any of the property allegedly converted.



As it relates to the alleged conversion of BIKER's interest in LERE, the FAC alleges that LERE was formed by BIKER and Harcourt. (FAC § 69). Moreover, the FAC goes on to allege that LERE was later dissolved. (FAC § 78). There is no allegation that LAKE ever had an interest in LERE, that he was responsible for the dissolution of LERE, or that he ever received any benefit from the dissolution of LERE. Likewise, it is unclear what SHERLOCK is referring to when she references the "Partnership Agreement" (see FAC ¶ 71). The term is not defined anywhere in the FAC and there is no specificity as to what this alleged partnership entailed.

Conspiracy (Counts I and II)

SHERLOCK's Third and Seventh Causes of Action both allege a "civil conspiracy" against LAKE. Though not entirely clear, both causes of action are seemingly based on SHERLOCK's faulty conversion claim.

For there to be a conspiracy, there must be an unlawful agreement, an overt act committed in furtherance of the conspiracy, and damage from that act. *Applied Equipment Corp. v. Litton Saudi Arabia Ltd.* (1994) 7 Cal.4th 503. Conspiracy is not itself a substantive basis for liability. *Favila v. Katten Muchin Rosenman LLP* (2010) 188 Cal.App.4th 189. Civil conspiracy is not an independent tort under California law. *Pavicich v. Santucci* (2000) 85 Cal.App.4th 382; *Everest Investors 8 v. Whitehall Real Estate Limited Partnership XI* (2002) 100 Cal.App.4th 1102. There is no separate tort of civil conspiracy, and there is no civil action for conspiracy to commit a recognized tort unless the wrongful act itself is committed and damage results therefrom. *Richard B. LeVine, Inc. v. Higashi* (2005) 131 Cal.App.4th 566; *Mehrtash v. Mehrtash* (2001) 93 Cal.App.4th 75. When a plaintiff asserts the existence of a civil conspiracy among the defendants to commit the tortious acts, the source of any substantive liability arises out of an independent duty running to the plaintiff and its breach; tort liability cannot arise vicariously out participate in the conspiracy itself. *Ferris v. Gatke Corp* (2003) 107 Cal.App.4th 1211.

Here, there can be no conspiracy by LAKE to commit conversion since there was no conversion by LAKE. A conspiracy cause of action cannot survive on its own and without adequately pleading the existence of any underlying tort, i.e., conversion, SHERLOCK cannot maintain either of her conspiracy causes of action against LAKE.

Unfair Competition

Though SHERLOCK asserts a cause of action pursuant to § 17200 of the California Business and Professions Code ("UCL"), it is unclear how these allegations relate to LAKE. Indeed, LAKE is not specifically referenced anywhere in the cause of action. In construing the FAC in a light most favorable to SHERLOCK, LAKE will assume that the unfair competition relates to the Cartwright Act violations found in SHERLOCK's first cause of action.

California's unfair competition law permits civil recovery for "any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising. *Cal. Bus. & Prof. Code* § 17200. A private person may assert a UCL claim only if she (1) has suffered injury in fact and (2) has lost money or property as a result of the unfair competition. *Hall v. Time*,



Inc. (2008) 158 Cal.App.4th 847, 852. The second prong of this standing test “imposes a causation requirement. The phrase ‘as a result of’ in its plain and ordinary sense means ‘caused by’ and requires a showing of a causal connection or reliance on the alleged misrepresentation.” *Id.*

As with her claims related to the alleged Cartwright Action violation, there is nothing in the FAC that gives any indication that SHERLOCK was a market participant, or even attempted to become a market participant, in the San Diego cannabis market. There is no ascertainable injury in fact nor has SHERLOCK lost money or property, as more fully discussed above, by way of the facts alleged in the FAC. Moreover, SHERLOCK’s failure to plead a Cartwright Act violation bars her from asserting a UCL claim on the same grounds.

Declaratory Relief

As it relates to LAKE, SHERLOCK asserts a cause of action for declaratory relief seeking a judicial determination that the transfers of BIKER’s interests in LERE and the Balboa CUP are void. For the reasons discussed above, BIKER did not have an interest in the Balboa CUP and there is nothing in the FAC that alleges that LAKE either had an interest in LERE or was otherwise involved in the dissolution of LERE. Thus, the cause of action is merely repetitive of SHERLOCK’s other prior claims.

Demand for Immediate Dismissal

SHERLOCK’s factual recitation is grossly inaccurate, as one would expect from a party who had no involvement with either the Ramona Property or Balboa Property. Her characterizations of LAKE are borderline defamatory. And, given the documentation that LAKE has of his various discussions with SHERLOCK, it is apparent that SHERLOCK has not a shred of evidence to support any of these specious allegations or causes of action.

LAKE demands that, as to him, the FAC be dismissed in its entirety. In exchange, LAKE is willing to waive all attorney’s fees and costs incurred in the case to date and would agree to a full, mutual release of the parties claims against each other, including any potential crossclaims that LAKE may have against SHERLOCK and BIKER’s estate.

Please advise no later than **5:00 PM** on **June 14, 2022** whether SHERLOCK intends to dismiss or amend her complaint.

Sincerely,

BLAKE LAW FIRM

A handwritten signature in black ink, appearing to read 'A. Hall', written over a white background.

ANDREW E. HALL, ESQ.

EXHIBIT F

Amy Sherlock's Response to the June 7, 2022, [Blake Law Letter \(BLL\)](#)

June 17, 2022

1. In general, the point that the BLL doesn't respond to anywhere, but is in my state complaint, [SHERLOCK et al v LAKE et al](#) is that their client, Stephen Lake (LAKE) *lied to the police*. **In the police report** LAKE states that Biker was concerned about "small things." ([See Pg 2, Para 2](#)) I don't think anyone would agree that, according to LAKE'S in the BLL, that Biker signing away his company and giving up everything he'd worked on for two years constituted "small things" as had been stated in the police report.

The LAKE statements in the BLL completely mischaracterize the dissolution paper and the historical reenactment of these CUP transfer documents by Biker (and now Biker's partner Bradford Harcourt) "intent." ([See Page 3, Para 4](#)) In reality, it wasn't until my 03/05/20 meeting with LAKE where he first told me he had witnessed Biker signing the CUP transfer documents on the day he died. This is simply not true! Had LAKE mentioned the signing of these documents to the police, or to me, I would have been suspicious and investigated the "deal" because anyone who signed papers then commits suicide or was murdered, is obviously going to raise some questions. I knew when I met LAKE on 03/05/20 that the CUP transfer documents were not Biker's signature. It had been forged. LAKE took this meeting in an attempt to pacify me. In reality Harcourt already knew, as a result of the following emails, that the forensic analysis proved Biker's signature was forged. It was in my attorney Andrew [Flores emails to Harcourt counsel Claybon](#) which first makes Harcourt aware that I was not accepting the narrative they were putting forth and of course he went on and shared that information with LAKE.

Had LAKE told me the truth as to whatever they were up to back then, I would have absolutely investigated Biker's death in much greater detail as to this supposed "document signing" and everything else they were up to. ***It DID NOT HAPPEN!*** LAKE'S lies kept me from knowing the truth and a follow up murder investigation. Most importantly, Biker's children, his parents, sisters, family and friends were denied the truth by LAKE! Subsequently, and at least up until now, Biker's fans may never know the truth and with this much time having elapsed, it makes it that much harder for us to clear Biker's name surrounding the actual events that took place prior to his death.

2. [See Page 2, Para 2](#) "Unlikely coincidence." I find this suspicious. LAKE states that Biker and Renny Bowden (LAKE'S college roommate and another straw person) were already working together when LAKE was approached to buy the Ramona property? This astronomically unlikely these two would have met without LAKE's introduction. I believe LAKE brought Bowden in so the two of them could out vote Biker. As can be seen by the [2017 County of San Diego Sherriff's Department Medical Marijuana Collective Operations Certificate](#) for the Ramona Collective it's also now clear that Bradford Harcourt who is also listed on the operations certificate has an interest in the second Biker CUP. I'm truly suspicious as to why LAKE doesn't say how Bowden and Harcourt came to be part of the Ramona Collective. His description of the events leading up to his involvement in the RE is highly suspect.

3. [See Page 2, Para 3](#) "Biker never had an interest in the Ramona property nor, to the best of LAKE'S knowledge, did Biker ever have an interest in the Ramona CUP." This is completely false. The Ramona CUP was in Biker's name when he died and the [2015 Ramona CUP application](#), which bears Biker's contact information as well as what appears to be his signature also bears LAKES name, is proof of it! I would be interested to see who actually paid the \$11,115.00 check as shown having been paid?

On page 3 it just above Biker's signature Applicant Signature appears to be Renny Bowden who would have known he was the actual applicant in January 13, 2015 when this document was signed.

In and around 2017, on two different occasions I visited the Ramona dispensary with LAKE where I was introduced to Mr. Eulenthias Duane Alexander and the dispensary manager whose name I don't recall but I would recognize him if I saw him. **It was during those visits that Lake was introducing, and recognizing me, as one of the CUP/Dispensary owners.**

In the BLL, LAKE states Biker never had an interest in the Ramona property or, to the best of his knowledge, the Ramona CUP ([See Page 2, Para 3](#)) This is contradicted by the [2015 Ramona CUP Application](#) and the following chain of events:

During two off site conversations, one in January 2020 at a coffee shop and another which occurred on March 5, 2020, in front of my house, **LAKE, for the first time admitted to me having taken Biker's name off the CUP and then without my knowledge**, put the CUP in Bowden's name for tax and "headache." I'm not sure what LAKE meant by the CUP being a headache. Perhaps his headache was trying to defraud me with the CUP transfer. In any event I would be curious to find out if the Ramona CUP was ever put into Bowden's name and what financial consideration was part of that transaction.

LAKE never ONCE mentioned the Ramona CUP transfer in the first meeting of January 2020. The CUP transfer had purportedly occurred years earlier. What LAKE was relying on during this first offsite meeting is that I would not have been aware of this information. LAKE relied on my ignorance and his assertions that would have denied me any equity consideration as part of the CUP transfer which, had Biker been alive would have been his.

When LAKE confirmed what my research had already discovered I was furious with him and asked him what percentage I would be getting moving forward because he left me in a terrible place for negotiating any aspect of this transaction. LAKE told me I would be getting nothing because Biker's work was "worthless." I was dumbfounded and pissed beyond measure! LAKE would have me believe, 4 years after Biker's death, that Biker did all this work, put his name on the CUPs to see them approved but that his life's work was worth nothing! According to LAKE, Biker did all this sweat equity work just to help other people get rich. Of course, this is absurd! Even sweat equity requires a return on that investment and per LAKE there was to be none! (*See Amy Sherlock's Verification Statement below*)

4. [See Page 2, Para 5](#) I never knew about the personal "two-week Lake Bridge Loan" (LBL) in the amount of \$289,560.68. I have no record whatsoever of that money ever being paid to Biker, seen a fully executed promissory note, a check Biker would have negotiated or title for what was being purchased.

Biker's secretary at the time was Stephanie Hess. They were extremely close. Like in a brother-sister type of relationship. After Biker's death I spoke with Hess on numerous occasions about how he had purportedly committed suicide. Hess was skeptical of the suicide determination. In fact, she had scheduled meetings between Biker and his partners to discuss CUP related issues for the following day. Per her beliefs at the time, she so reason to believe that Biker was suicidal. She also never mentioned the LBL that per LAKE, Biker alone was in default on. Indeed, my last correspondence with Hess occurred in June 2020 when I saw her as I was in the process of leaving San Diego to move Texas. We met as she was there was a 1-hour meeting to wish me goodbye. During that meeting I told Hess that I was leaving California because I had come to suspect, based on the ME Report, that Biker was murdered, and I was leaving San Diego for my safety. She was shocked by this revelation. The information I was giving her came straight from the ME Report and has been detailed in my Statement re the ME/Crime Scene Reports.

In the five years after Bikers death and before I left for Texas, Hess could have allayed my suspicions of there being a personal LBL that would have caused Biker the type of stress that may led to a suicide. It's not until LAKE offers this scenario, for the first time, in the BLL that it is presented as the rationale for his purported actions the night of his death. If Biker was personally responsible for the LBL than there should have been documentation between LERE and Biker that would have memorialized any consideration between them. This too is information I have never seen In furtherance of other possible LBL scenarios in whereby it was not a personal loan to Biker then the deed should have been between LAKE and LERE. LAKE held onto the Balboa property for another year, until Harcourt could put the CUP in his name and negotiate a deal with Milan and Razuki which helped them start a licensed business that, had it been left in Biker's name, I would have provided me an interest in that dispensary or at least some consideration from the sale.

5. [See Page 3, Para 1](#) "received a legal opinion advising that any attempt to overturn the recent amendment would be very unlikely" Who's opinion was this? I would not be surprised if it turned out to be the Bartell attorney Gina Austin, who also represents Milan and Razuki and who ultimately ended up with the property and the CUP. We need a copy of that opinion or at least the name of the attorney who they say gave Biker that opinion. I don't believe it! Why would Biker, LERE, Harcourt and perhaps LAKE accept that legal conclusion!? What they are being told is that they went into a deal to occupy that property for the purposes of operating a licensed dispensary. The Property Owner, Maria Sandoval SIGNED OFF on page 29 of the [DSD Ownership Disclosure Statements](#). How was this not legally contestable? And after Bikers death there now exists a dispensary! And, on April 5, 2021 I try to [MOTION TO INTERVENE](#) in [SDPCC INC v RAZUKI INVESTMENTS](#) to assert as one of my causes of action that [FRAUD](#) was committed.

On 04/05/21 [Opposition](#) was filed to my MOTION TO INTERVENE.

On 05/14/21, upon hearing oral arguments the [MOTION TO INTERVENE was DENIED](#) with Judge Sturgeon stating my claim was untimely and to allow me to intervene would only complicate the case.

On 07/13/21 a [Notice of Appeal](#) was filed by Flores regarding the DENIAL decision.

On 01/26/22 the District Court of Appeal [dismissed my appeal](#) because no brief had been filed.

The rationale I was given for dismissing the appeal was that the appeal would drag out for months but a new state court case, [SHERLOCK ET AL v LAKE ET AL](#) filed on 12/22/21, would put the matter in a different court whereby we would have an expedited schedule and would also, among other things, be naming LAKE as a co-defendant.

On 03/29/22 a [MINUTE ORDER](#) was issued which puts the SDPCC INC v RAZUKI INVESTMENTS trial on calendar for March 17, 2023.

6. [See Page 3, Para 2](#) If the loan was to Biker, why is Harcourt involved? Sounds like they're both responsible for the loan in this paragraph.

7. [See Page 3, Para 2](#) "loan goes into default." I find it difficult to believe that neither Harcourt nor Biker could find financing for \$289K. Harcourt is a high-net-worth individual who drives a car that's worth nearly half of that and has significant family resources. Why was the CUP dependent on

the LBL, when considering Lake's belief of Biker's miserable financial condition, was an absolute certainty would not meet the terms of the LBL should that note even exist? Why was Biker shouldering all the responsibility? I want to see the unforged LBL note signed by Biker! Also, contrary to LAKE's description in the LBL I was not "happy that LAKE and his family would be getting their money back." This is a complete fabrication as I was unaware any of these transactions were going on. I have no idea if this LBL loan was ever made or paid back if it was. If the loan it should have defaulted and with Biker's death, which means I should have stepped in, not Harcourt and paid LAKE the \$289K and that ultimately, in September 2016, when LAKE received the \$375K from LERE that LERE should have gotten a portion of those proceeds. Instead I was were ripped off by these scoundrels.

8. [See Page 3, Para 4](#) "Lake observed Biker's demeanor and behavior." A few days after Biker passed, LAKE brought who he introduced as [a CTE expert, Dr. Mark Cooper](#) to my house as a "favor" to LAKE to spend the entire time trying to convince me and Biker's immediate family (Ann, Margaret, Mary, Marjorie, Tony and Pat Sherlock) of CTE and suicide.

Looking back, if I knew what I know now, my answers to affirming his acting strangely would've been likely the same but for a different reason. **Biker knew he was in danger!** That's why on December 2, 2015, at 9:00PM when he left the house, he would have taken his gun! It was for defense against people who he knew were criminals and as the CI statement further confirms! Anyone would be acting strangely if in the same situation. Dr. Cooper is a child psychologist specializing in ADHD. It was critical to LAKE'S plan to ensure that I/we all believed he had committed suicide.

On or around 12/06/15 one of the aforementioned family members, Ms. Margaret Sherlock (Biker's sister) was witness to Dr. Cooper's attempts to convince the family that Biker's death was a suicide. As a family and for and all in attendance, it was strange that LAKE took it upon himself to bring Dr. Cooper to this family gathering in which we were all trying to make sense of what had happened. Margaret is an attorney. Margaret, who was very close to Biker, did not for one second believe that Biker took his own life. She, as well as the rest of us, was not accepting the COOPER/LAKE narrative that suggested Biker suffered from CTE. In hindsight why this excuse was being offered the family then appears to be nothing more than an attempt to mollify our family to what was being described as a very troubled mentally ill person. Had they known that LAKE was at the heart, the very core of Biker's financial issues the family would have collectively seen these two to the curb.

9. [See Amy Sherlock Statement and Michael Sherlock ME Report](#) in which I detail the contradictions which exist to the suicide determination are as follows:

9.1 Biker was right-handed, and the gun was found near his left hip. Any simple forensic analysis of the gun location that considers the weight of the gun, the angle that the gun was at when fired and the recoil which would have pushed the gun away from the body would be relevant to determining the actual cause of death.

9.2 "There was no obvious gunshot residue listed on either hand." This may be because **they didn't perform this test!!**

9.3 "The magazine was partially ejected." This too is an abnormality.

9.4 There were abrasions on his right knuckles that I was not aware of. I would have noticed these cuts had they been there when Biker was at dinner earlier. In fact the ME who visited me the day after his death 12/03/15 asked me if Biker "worked on engines?" I told her he did work on engines but was unaware that she was trying to come up with a reason for these cuts. It wasn't until I

read the ME report in February 2020 that I came to understand that the ME Report's explanation of cuts on his knuckles was an attempt to fit those wounds into something other than a fight for his life. **I am 100% certain that Biker did not have these fresh cuts which the ME determined had come from his "working on engines."**

9.5 **"The casing was never found."** How in the hell can that be? At best this is an example of shoddy crime scene protocols at worst it is a conspiracy to hide evidence. Keep in mind that if you don't find a casing it would be even more important to have taken that test! Not taking is hiding the fact that no GSR was found because Biker did not pull the trigger that night!

10. [See Page 3, Para 5](#) The entire paragraph is just to score hero points as in LAKE coming to my rescue. It was my policy for Biker. It was current (sorry for the confusion LAKE, my husband had just died) and LAKE's "industry resources" were his stepfather calling in to make the claim on my behalf. The call was a few minutes and did not require any "industry-resources" help to initiate and pay me the death benefits I was due.

11. [See Page 3, Para 5](#) The entire paragraph is completely false. Biker's funeral was December 12, 2015. There is absolutely no possibility that this conversation took place on December 13 or 14th. LAKE is a smart businessman. Why would he have this meeting with his sister-in-law the day after his funeral and have absolutely no business documentation be available for that meeting. IF LAKE had wanted to tell me what was going on with the business, why wait two weeks? The body was already cremated. Notice that in these supposed business meetings that he doesn't tell me about the dissolution papers being signed or Biker's intent. Only gives me the alleged information to make it look like Biker look like he had failed as a businessman, a father and a husband.

12. [See Page 3, Para 7](#) This entire paragraph is another complete fabrication. LAKE offers no proof or witnesses to the sale of the property for \$375K. If I was aware of anything, then why wasn't I invited to the grand opening? Asked to follow on social media? Asked to tell my friends? Given a friends and family discount? Sent an email? There's nothing provided because LAKE's intent was to keep me uninformed. Paragraph 8 "sold for \$375k" so an \$86k profit. "September 19 the Balboa property closed." This was 10 months later and after Harcourt had transferred the CUP to his name. Had Lake been just out to recoup his investment, he would've just sold it immediately.

Of note, it is at this point in the BLL that LAKE states "Sherlock was undoubtedly aware that the Balboa property along with the Balboa CUP were being sold in an effort to allow LAKE to recoup his investment." Per LAKE, this transfer occurred on September 19, 2016. I will repeat; I was not aware of the transfer and the fact that LAKE even states this presumes, that I had an interest in the sale of the CUP and property. Had I not an interest, why would LAKE care what I knew and when?

13. [See Page 4, Para 2](#) The only part of this statement that I would agree with is where LAKE states: "Sherlock was involved in the decision not to litigate the HOA." This too is a LAKE contradiction if I do not have a successive interest, why am I being apprised of and even involved in the decision-making process of the CUP and the property if I do not have a beneficiary interest?

As has been previously stated ([See Page 2, Para 6](#)) where the decision to "walk away from Balboa" was based in large degree to an attorney haven given the legal opinion that LAKE, HARCOURT and BIKER could not prevail in any litigation challenging the CUP allowing the operation of a licensed cannabis business at Balboa. I would add that to simply "walk away" after the amount of time and money was spent on a project that was not disallowed by the HOA and then purportedly the HOA amends their policy to disallow a licensed CUP is a financial strike against the property owner as well as

Biker and his partners. It is hard to believe that they received competent, unbiased legal advice to cut their losses as it were and simply “walk away.”

The only information LAKE gave me was the day or so after Biker died. When I asked, “What about Balboa?” LAKE responded, “Biker blew it. Balboa isn’t happening. We’re all walking away licking our wounds.” The problem with this statement is they weren’t “walking away.” This to me, and everyone else meant the building would be sold and LAKE and Harcourt would not be pursuing a retail dispensary because according to them, it couldn’t happen at that location. I didn’t know then what I know now and that was LERE owned the building. It meant my involvement in the sale should have been mandatory. But Lake lied to me, and I trusted him. I felt it was safe for me to believe this was true because the CUP was in Biker’s name. They’d need me to help transfer it OR the nagging feeling I had that they’d have to forge Biker’s signature. A forged signature document [canceling the LLC](#) was filed with the Secretary of State 18 days after his death seemed brazen and stupid. I didn’t want to believe that my friends and family would engage in this when it meant stealing from the widow of who had been their business partner and successfully acquired the CUP licenses they would be divvying up without consideration of their deceased partner or his family. In 2020 a [forensic analysis \(Page 8\) of Biker’s signature](#) on the CUP transfer was done and much to my dismay concluded that Biker’s signature had been more likely than not, forged.

In hindsight, I naively believed the San Diego Development Services Department (DSD) was looking out for corrupt CUP transfers such as this. I knew that the DSD case manager, Ms. Edith Gutierrez had established a personal relationship with Biker, meaning that she acted like she had Biker’s back in “pushing things through for them” to the extent she would’ve given Biker or even me the heads up if Harcourt transferred the CUP after Biker died. While I believed that since Bartell introduced Gutierrez to Biker, Biker came to believe that the Bartell/DSD/Gutierrez connection was one that provided special handling of the CUP application. To Biker this represented the value in having Bartell representing him to protect his and his family’s interests through the CUP acquisition or any transfer that were to take place after it had been acquired.

At the [04/22/15 DSD Planning Commission Hearing for the 8863-E Balboa CUP](#) it can be seen that Gutierrez lobbied for the CUP to be approved in Biker’s name and it was continued to June 17, 2015.

At the [06/17/15 DSD Planning Commission Appeal Hearing for the 8863-E Balboa CUP](#) the CUP was approved on a 5-1-1 vote.

At the [06/25/15 Planning Commission Hearing](#) Edith Gutierrez represented DSD staff. The 8863-E hearing was rescheduled to 07/09/15

At the [07/09/15 Planning Commission Hearing](#) the minutes show that DSD staff was represented by Edith Gutierrez. Speaker slips in favor of Biker being awarded the CUP were most notably Jim Bartell, Abhay Schweitzer, Bradford Harcourt, Michael Sherlock and Stephanie Hess. The most notable opposition at this hearing came from Judi Strang (perennial opposition amongst CUP applicants) and attorney David Demian many of whom are named defendants in my federal complaint: [SHERLOCK ET AL v THE CITY OF SAN DIEGO](#) and the related [COTTON v CITY OF SAN DIEGO ET AL](#) case.

14. [See Page 4, Para 3](#) The only “turmoil” I face in life has to do with LAKE and the lies he spun to defraud me and my family. While recounting these events I am forced to relive Biker’s death all over again. On top of that I have lost my family over all this. Nobody speaks to me. And if that isn’t enough, I’m forced to find vindication through a judiciary that seems completely uninterested in hearing the facts of my case. **My “turmoil” then, as it continues to this day, is 100% LAKE’S fault for being a lying, corrupt, contemptible, criminal bastard!!!**

15. [See Page 5, Para 2](#) I'm not a lawyer but the "Market Participant" arguments being made here seem ridiculous to me. Biker was on the CUP for both Balboa and Ramona when he died. According to LAKE, Biker was the purchaser of the Balboa property at one point. As a widow, I should have inherited Biker's assets.

Conclusions: Losing a husband is a harrowing experience. Having his death ruled a suicide is even worse when the evidence does not support that cause of death. In the 7 years since Biker's death, I have come across information that corroborates what it is I knew to be suspicious events surrounding Biker's death. As has been depicted herein, there were substantial financial interests that would have been of benefit to those who would maintain a licensed CUP in Biker's absence. Additionally, there is now "insider" audio testimony who in a 2017 interview with the [Chris Williams Canna-Chronicle](#) reporter Cara Anderson, interviews Mr. Phil Zamora who was/is familiar with the inner workings of Bartell and his crew in acquiring these CUPS in San Diego by use of proxy applicants such as Biker [where Phil states that Biker's death was not a suicide](#). In this audio interview Mr. Zamora lays forth the mechanics of what these people do with proxy licensee applicants who describes what happens once the proxy acquires the license and the proxy doesn't hand it over to the criminals.

The evidence of criminal wrongdoing is overwhelming. It takes demanding that justice be served, and criminals be prosecuted. As it relates to Biker's death and his memory, I will never give up on seeing that justice is done.

**Verification of Pleading (Code Civ. Proc., § 446)
Declaration under Penalty of Perjury Form (Code Civ. Proc., §§ 446, 2015.5)**

I, Amy Sherlock have read the foregoing Reply and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe it to be true. Executed electronically on June 16, 2022, at San Diego County, California. I declare (or certify) under penalty of perjury that the foregoing is true and correct.

_____/s/
Amy Sherlock

EXHIBIT G

LLC-4/7

**Certificate of Cancellation
of a Limited Liability Company (LLC)**

To cancel the Articles of Organization of a California LLC, or the Certificate of Registration of a registered foreign LLC, you can fill out this form, and submit for filing.

- There is no filing fee, however, a non-refundable \$15 service fee must be included, if you drop off the completed form.
- To file this form, the status of your LLC must be active on the records of the California Secretary of State. To check the status of the LLC, go to kepler.sos.ca.gov.

Important! California LLCs only: This form must be filed after or together with a Certificate of Dissolution (Form LLC-3). However, if the vote to dissolve was made by all of the members and that fact is noted in Item 4 below, Form LLC-3 is not required.

Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs. It is recommended for proof of submittal that if this form is mailed, it be sent by Certified Mail with Return Receipt Requested.

FILED *KW*
Secretary of State
State of California

DEC 21 2015 *go*

LLC



This Space For Office Use Only

For questions about this form, go to www.sos.ca.gov/business-programs/business-entities/filing-tips.

① **LLC's Exact Name in CA** (on file with CA Secretary of State)
Leading Edge Real Estate, LLC

② **LLC File No.** (issued by CA Secretary of State)
201511910148

Tax Liability (The following statement should not be altered. For information about final tax returns, go to <https://www.ftb.ca.gov> or call the California Franchise Tax Board at (800) 852-5711 (from within the U.S.) or (916) 845-6500 (from outside the U.S.).)

- ③ All final returns required under the California Revenue and Taxation Code have been or will be filed with the California Franchise Tax Board.

Dissolution (California LLCs ONLY: Check the box if the vote to dissolve was made by the vote of all the members.)

- ④ The dissolution was made by the vote of all of the members.

Additional Information (If any, list any other information the persons filing this form determine to include.)

⑤ _____

Cancellation (The following statement should not be altered.)

- ⑥ Upon the effective date of this Certificate of Cancellation, this LLC's Articles of Organization (CA LLCs) or Certificate of Registration (registered foreign LLCs) will be cancelled and its powers, rights and privileges will cease in California.

Read and sign below: For California LLCs: This form must be signed by a majority of the managers, unless the LLC has had no members for 90 consecutive days, in which case the form must be signed by the person(s) authorized to wind up the LLC's affairs. For registered foreign LLCs: This form must be signed by a person authorized to so do under the laws of the foreign jurisdiction. If the signing person is a trust or another entity, go to www.sos.ca.gov/business-programs/business-entities/filing-tips for more information. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are part of this document.

Michael Sherlock
Sign here

[Signature]
Sign here

Michael Sherlock
Print your name here

Manager
Your business title

Bradford Harcourt
Print your name here

Manager
Your business title

Make check money order payable to: Secretary of State

To get a copy of the filed document, include a separate request and payment for copy fees when the document is submitted. Copy fees are \$1 for the first page and \$.50 for each additional page. For certified copies, there is an additional \$5 certification fee, per copy.

By Mail

Secretary of State
Business Entities, P.O. Box 944228
Sacramento, CA 94244-2280

Drop-Off

Secretary of State
1500 11th Street, 3rd Floor
Sacramento, CA 95814

EXHIBIT H

Alliance Forensic Sciences, LLC

www.allianceforensicservices.com

Curriculum Vitae

MANNY GONZALES, B.S., F.C.L.S., C.P.I.

*Forensic Document Analyst
Certified Fingerprint Roller¹*



The logo for Alpha Phi Sigma National Criminal Justice Honor Society. It features the text "Alpha Phi Sigma" in a large, yellow, gothic-style font on a dark blue rectangular background. Below it, in a smaller, yellow, sans-serif font, is the text "National Criminal Justice Honor Society".

SUMMARY OF EXPERIENCE

Mr. Gonzales, a retired Combat-Wounded U. S. Marine Corps Reserve Officer and former California Department of Consumer Affairs Certified Forensic Sciences Instructor, has more than 35 years of professional experience involving most aspects of forensic document examination. He is a former San Diego Police Dept. forensic document examiner and, for the past 27 plus years, a private forensic document examiner, consultant and testifying expert. Mr. Gonzales received his apprenticeship in questioned documents, beginning in 1979, at the Riverside County Sheriff's Department while employed as a Fraud Investigator (California Peace Officer) by the County of Riverside. While employed as a Special Investigator by the State Bar of California, Mr. Gonzales was also a non-compensated Deputy County Clerk in several California Counties. Mr. Gonzales also completed formal questioned documents training provided by the U. S. Secret Service and FBI at the FBI Academy, Quantico, VA.

In criminal matters, Mr. Gonzales has been retained on such crimes ranging from theft, prescription forgery to murder. In civil litigation, he has been retained on behalf of plaintiffs and defendants in matters ranging from suspected forged promissory notes of a few thousand dollars to suspected forged documents with values in the millions of dollars. His cases, both criminal and civil, have included high profile or highly publicized figures or incidents. Mr. Gonzales has lectured extensively on the subject of questioned documents on a local and international level. He is regarded as an excellent expert witness by those who have retained him to provide expert witness testimony and is respected by his peers.

¹ Certified by the California Department of Justice, pursuant to California Penal Code Section 11102.1, to roll & process Livescan & manual hard cards (Form FD-258). The certification process involved a criminal background investigation (State & Federal).

SUMMARY OF EXPERIENCE (continued)

In addition to the San Diego Police Department, Mr. Gonzales was also found qualified for the positions of Forensic Document Examiner by the California Department of Justice (DOJ) and Las Vegas Metropolitan Police Department. DOJ selection process also included a performance evaluation.

FORMAL EDUCATION

Bachelor of Science degree in Criminal Justice (Cum Laude)

AREAS OF EXPERTISE & SERVICES OFFERED:

- ❖ Criminal Defense & Prosecution
- ❖ Family Law
- ❖ Insurance Fraud
- ❖ Development & Decipherment of Indented Writings
- ❖ Photocopier Classification & Identification
- ❖ Typewriting Classification & Identification
- ❖ Signature & Handwriting Identification
- ❖ Document Dating & Anachronism
- ❖ Detection of Altered Documents
- ❖ Computer-Generated Documents
- ❖ Decipherment of Obliterations/Over writings
- ❖ Photocopy Manipulations
- ❖ Ink & Paper Analyses
- ❖ Counterfeit Detection
- ❖ Expert Witness Testimony
- ❖ Consulting
- ❖ Latent Fingerprint Development/Processing & Analysis

VENUES WHERE EXPERT WITNESS TESTIMONY HAS BEEN PROVIDED

- ❖ Municipal Courts: San Diego, San Bernardino, Riverside & Beverly Hills, CA;
- ❖ Superior Courts: San Diego, San Bernardino, Los Angeles, Kern, Riverside, Imperial, Orange Counties & Mohave County, Arizona;
- ❖ Military Courts-Martial: 11th Naval District, San Diego;
- ❖ Federal Courts: San Diego and Orange Counties;
- ❖ Arbitrations: San Diego and Marin Counties;
- ❖ Student Honor Hearing: UCSD, San Diego;
- ❖ Depositions: San Diego, Los Angeles and Orange Counties;
- ❖ Administrative Law Hearings: San Diego;
- ❖ Clark County District Court, Las Vegas, NV;
- ❖ Jewish Rabbinical Court: Los Angeles;
- ❖ Special Master Hearing: San Diego;
- ❖ State Bar Court: Los Angeles;
- ❖ DMV Hearings: San Diego;
- ❖ NASD Hearing: San Diego;
- ❖ US Naval Board of Inquiry Hearing: San Diego.

Mailing Address: 243 South Escondido Blvd., #304, Escondido, CA 92025-4116
Email: docexam1@aol.com (800) 738-7096

***TESTIFIED ON BEHALF OF (continued):**

- ❖ State Bar Court, Division of Trial Counsel, State Bar of California
- ❖ San Diego County Alternate Public Defender's Office
- ❖ County of San Bernardino Public Defender's Office
- ❖ County of San Diego Office of the District Attorney
- ❖ San Diego County Public Defender's Office
- ❖ California Attorney General's Office
- ❖ Federal Defenders of San Diego, Inc.
- ❖ Beverly Hills Police Department
- ❖ San Diego Police Department
- ❖ U. S. Attorney's Office, U. S. Department of Justice
- ❖ Clark County, Nevada, District Attorney's Office
- ❖ Kern County District Attorney's Office
- ❖ Private Civil Attorneys for Defendants and Plaintiffs
- ❖ Private Criminal Defense Attorneys

**Initially qualified as an expert in questioned documents in 1980. Since then, I have testified on almost 190 occasions. In criminal matters, testimony has been provided on behalf of both the prosecution and defense.*

TEACHING & OTHER CONSULTING EXPERIENCE

- ❖ 1989-1994/2004: U. S. Department of Justice (ICITAP), Washington, D. C.
Former chief consultant and instructor of questioned documents courses. Presented formal questioned document and expert witness testimony classes to law enforcement and intelligence agents throughout Central and South America and Caribbean.
- ❖ 1988-1995: Grossmont College, El Cajon, California, Forensic Technology Program.
Adjunct faculty and chief instructor. Taught, "Examination of Questioned Documents semester course.

EXAMINED DOCUMENTS & RENDERED CONCLUSIONS ON BEHALF OF:

- ❖ Bossier Parish District Attorney's Office, Benton, Louisiana
- ❖ San Diego County Office of the Alternate Public Defender
- ❖ San Bernardino County Office of the Public Defender
- ❖ Riverside County Office of the Public Defender
- ❖ U. S. Immigration and Naturalization Service
- ❖ San Diego County Public Defenders' Office
- ❖ Clark County, Nevada, District Attorney's Office
- ❖ City of San Diego City Attorney's Office
- ❖ U. S. Postal Service Human Resources
- ❖ County Counsel, County of San Diego
- ❖ Naval Criminal Investigative Services
- ❖ California Attorney General's Office
- ❖ Federal Defenders of San Diego, Inc.
- ❖ Drug Enforcement Administration

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Email: docexam1@aol.com (800) 738-7096

EXAMINED DOCUMENTS & RENDERED CONCLUSIONS ON BEHALF OF
(continued):

- ❖ Beverly Hills Police Department
- ❖ Federal Bureau of Investigation
- ❖ U. S. Postal Inspection Service
- ❖ San Diego Police Department
- ❖ Internal Revenue Service
- ❖ Federal Grand Jury
- ❖ Numerous private law firms, insurance carriers, corporations and private concerns

HIGHLIGHTS OF SPECIALIZED FORMAL QUESTIONED DOCUMENTS &
FINGERPRINT DEVELOPMENT TRAINING

- ❖ 1971: Golden West College, Huntington Beach, CA, *Examination of Questioned Documents* course;
- ❖ 1980: Golden West College, Huntington Beach, CA, *Examination of Questioned Documents* course;
- ❖ 1980: Institute of Applied Science. Included the Identification of Handwriting and Typewriting, Syracuse, NY, *Scientific Crime Detection (emphasis on fingerprint sciences)*;
- ❖ 1980: U. S. Secret Service, Department of the Treasury, Washington, D.C., *Questioned Documents Course*;
- ❖ 1986: Federal Bureau of Investigation, Department of Justice, FBI Academy, Quantico, Virginia, *Fundamentals of Document Examination for Laboratory Personnel (Graduated with "A" Grade through the University of Virginia.)*;
- ❖ International Association for Identification (*Questioned Document Section*)
- ❖ Evidence Photographers' International Council School of Evidence Photography & Imaging (EPIC);
- ❖ Latent Fingerprint Development & Evidence Processing (*emphasis on latent fingerprint processing & crime scene processing*) (Sirchie & Glendale, AZ, Police Dept);
- ❖ Forensic Sciences (National University);
- ❖ Crime Scene Processing (*Palomar College, San Marcos, CA*);
- ❖ Latent Fingerprint Processing (*Lewis Consulting & Law Enforcement Training*).

HIGHLIGHTS OF CONTINUING PROFESSIONAL EDUCATION

- ❖ Los Angeles County Sheriff's Department, Forensic Digital Imaging
- ❖ Southwestern Association of Forensic Document Examiners, Inc. (SWAFDE)
- ❖ American Board of Forensic Document Examiners (ABFDE)
- ❖ American Society of Questioned Document Examiners (ASQDE)
- ❖ American Academy of Forensic Sciences (Questioned Document Section) (AAFS)
- ❖ Rochester Institute of Technology
- ❖ California Department of Justice

Mailing Address: 243 South Escondido Blvd., #304, Escondido, CA 92025-4116
Email: docexam1@aol.com (800) 738-7096

PROFESSIONAL EMPLOYMENT (continued)

- ❖ *Alliance Forensic Sciences, LLC, Escondido, CA*
- ❖ *Alliance Forensic Services (Principal), Document Examiner, Escondido, CA*
- ❖ *Associated Documents Examiner (Principal), Document Examiner, San Diego, CA*
- ❖ *San Diego Police Department, Police Document Examiner, Forensic Sciences Unit, San Diego, CA*
- ❖ *Auditor-Controller's Office, Document Examiner, County of Los Angeles, CA*
- ❖ *State Bar of California, Staff Special Investigator & Document Examiner, Los Angeles, CA*
- ❖ *County of Riverside, CA, Fraud Investigator (California Peace Officer) and Document Examiner).*

PROFESSIONAL AFFILIATIONS

- ❖ International Association for Identification (Questioned Document Section & Questioned Document Section Committee Member)
- ❖ American Academy of Forensic Sciences (Questioned Document Section)
- ❖ Southwestern Association of Forensic Document Examiners, Inc. (Charter Member and former Board of Directors)
- ❖ San Diego County Investigators Association (Past President)
- ❖ Association of Certified Fraud Examiners
- ❖ CID Agents Association (USMC associate member)
- ❖ National Criminal Justice Honor Society (For Academic Achievement)

LICENSES & CERTIFICATIONS

- ❖ 1970: *Private Investigator's License*: Issued by the Department of Consumer Affairs
- ❖ 1993: *Certified Fraud Examiner (CFE) (former)* designation: Awarded by the Association of Certified Fraud Examiners
- ❖ 1998: *Certified Professional Investigator (CPI)* designation: Awarded by the California Association of Licensed Investigators, Inc.
- ❖ 2000: *Professional Certificate in Criminal Justice* from National University, San Diego, CA. Included the formal presentation of a research paper related to the forensic examination of photocopies to peers and faculty of National University
- ❖ 2004: *Certified Instructor*: Former California Department of Consumer Affairs: was Certified to teach "Forensic Sciences and Technology" and "Security Services Administration & Management" (Certificate No. COAFS-04-372516)
- ❖ 2004: *Fraud Claim Law Specialist (FCLS)*: A comprehensive course of study in insurance fraud law and defense investigation resulting in the FCLS professional designation conferred by American Educational Institute, Inc.
- ❖ Certified Fingerprint Roller by California Department of Justice.

HIGHLIGHTS OF SCIENTIFIC EQUIPMENT EMPLOYED

- ❖ Video Spectral Comparator 4 Plus (Non-destructive ink and paper analyses & decipherment of obliterations via infrared, transmitted light and ultraviolet sources);
- ❖ Spectral Luminescence & Reflectance Magnifier (Portable capabilities of VSC-4);
- ❖ Magnetic-Optical Magnifier (Detects Magnetic Properties in Inks and Toners);
- ❖ Transmitted light tables (With infrared & UV) (Portable and Laboratory Versions);
- ❖ Electrostatic Detection Device (EDD) (Development of Invisible Indentations on Documents);
- ❖ Spectro Plate Reader (Measures Lines Per Inch & Angles of Halftone Images²);
- ❖ Digital Micrometer (Measures Paper Thickness);
- ❖ Digital (6MP & 12MP) cameras with copy stands;
- ❖ Stereoscopic & digital zoom microscopes;
- ❖ X-Rite Eye-One Spectrophotometer (Measures Color Values of Paper);
- ❖ Bodelin ProScope Digital Microscope (with accessories);
- ❖ Fingerprint development powders & chemicals for latent print processing;
- ❖ Forensic Alternate Light Sources (visualization of latent prints);
- ❖ Digital Cameras with macros lenses;

PROFICIENCY TESTING

Mr. Gonzales has participated in voluntary proficiency testing for questioned document examiners administered by a third party, one of which also administers forensic testing in other disciplines to major law enforcement agencies.

ACADEMIC & MILITARY HONORS

- ❖ Graduated *Cum Laude* with a Bachelor of Science Degree in Criminal Justice from National University, San Diego, CA;
- ❖ *Award of Recognition*: Recognized by PI Magazine as one of the Nation's Leading Private Investigators because of contributions made to the private investigation field as a forensic document examiner;
- ❖ Certificate of Achievement for Outstanding Performance as a Teacher: Awarded by Grossmont Community College, El Cajon, CA
- ❖ *Purple Heart Medal*: Awarded for "wounds received in action" against communist guerrilla forces while serving in the former Republic of South Vietnam with U.S. Marines³;
- ❖ *U. S. Army Achievement Medal*: Earned for meritorious service while serving as a Marine Liaison Officer for the U. S. Army Oregon National Guard

MILITARY EXPERIENCE

- ❖ Criminal Investigator (trainee), Sergeant, USMC (during the Vietnam War)
- ❖ Criminal Investigations Officer/Military Police Officer, Chief Warrant Officer 4 (Ret), USMCR. As an Officer of Marines, Mr. Gonzales provided training for members of the Criminal Investigation Division (CID) and military policemen in questioned documents and investigations and examined documents for the CID.

Jan 27, 2020

Mailing Address: 243 South Escondido Blvd., #304, Escondido, CA 92025-4116
Email: docexam1@aol.com (800) 738-7096



ALLIANCE FORENSIC SCIENCES, LLC

243 South Escondido Blvd., # 304, Escondido, CA 92025-4115

Phone: (800) 738-7096 Fax: (760) 888-0349

Email: docexam1@aol.com

Web Site: www.allianceforensicservices.com

Forensic Examiner of Questioned Documents

Certified Forensic Voice Stress Analyst

Member:

Southwestern Association of Forensic Document Examiners, Inc.

American Academy of Forensic Sciences, Inc.

International Association for Identification, Inc.

International Association of Voice Stress Analysts, Inc.

National Criminal Justice Honor Society

Manny Gonzales, B.S.

DeeDee Spangler, B.S., M.S.

February 21, 2020

Andrew Flores, Esq.
945 4th Avenue
Suite 412
San Diego, CA 92101

Sent Via Email
Andrew@floreslegal.pro

Re: Michael D "Biker Sherlock Forensic Signature Analysis

QUESTIONED DOCUMENT REPORT

QUESTIONED DOCUMENT SUBMITTED FOR ANALYSIS

Q1: One (1) C Company (LLC) Certificate of Cancellation of a Limited Liability, LLC File No. 201511910148, file date December 21, 2015. STANDARDS FOR COMPARISON

MICHAEL D. "BIKER" SHERLOCK STANDARDS FOR COMPARISON

K1-1: Attachment 10 dated April 23, 2014;

K1-2: One (1) Articles of Incorporation, file date April 22, 2014;

K1-3: One (1) IRS Form 8879-S (2013) dated September 15 (sic);

K1-4: One (1) tax-related form dated September 15, 2014;

K1-5: One (1) original Agreement bearing three (3) repetitions of the signature Michael D. Sherlock (date not visible);

MICHAEL D. “BIKER” SHERLOCK STANDARDS FOR COMPARISON (continued)

- K1-6:** One (1) original Agreement with three (3) repetitions of the Michael D. Sherlock (no date visible);
- K1-7:** One (1) original Agreement, page 2, with three (3) signatures;
- K1-8:** One (1) copy of a 1-page Agreement, page 2 (date not visible);
- K1-9:** One (1) State of California, Secretary of State dated July 8, 2014;
- K1-10:** One (1) partial reproduction of authorization and license dated October 2, 2000;
- K1-11:** One (1) Certificate of Live Birth, San Diego County (date not visible);
- K1-12:** One (1) color photo titled “Authentic Autograph (date not visible);
- K1-13:** One (1) color photo titled “Fleer, Biker Sherlock (date not visible);
- K1-14:** One (1) original, page 2, with Fax TTI at the top which reads “Precision (date not visible);
- K1-15:** One (1) original, page 2, Agreement (3 signatures) (date not visible);
- K1-16:** One (1) original Agreement, page 2 (date not visible);
- K1-17:** One (1) original, page 2, Agreement, with three (3) signatures;
- K1-18:** One (1) original, page 2, Agreement (date not visible) (3 signatures);
- K1-19:** One (1) original Agreement, page 2 (date not visible);
- K1-20:** One (1) original Agreement, page 2, three (3) signatures (date not visible);
- K1-21:** One (1) original, page 2, Agreement (3 signatures) (date not visible).

PURPOSE OF ANALYSES

You requested that I conduct a forensic comparison of the **Q1** “signature” with Sherlock’s Standards (**K**).

RESULTS OF ANALYSES & DISCUSSION

It is my considered expert opinion that the writer of the Sherlock Standards (**K1**) *probably did not* (more likely than not) write the questioned (**Q1**) “signature.” This conclusion is based upon a number of fundamental differences which cannot be reconciled with the current Standards (**K1**).

METHODOLOGY

I followed the suggested methodology used by many qualified forensic document examiners (FDEs). Such involves a side-by-side comparison (or similar arrangement) of the questioned (Q) and standard (K) signatures that are cropped, copied and pasted on an electronic worksheet (such as PowerPoint). Then, I manually search and evaluate the similarities and differences between the two (2) categories of signatures. Generally, the first feature that I search and evaluate is what is called “line quality.” Line quality is the combination of penmanship skills or manual dexterity, speed, pen pressure patterns, movement of the writing instrument, and is one of the most important features in the evaluation of signatures. Poor “line quality,” for example, is embodied in those signatures which demonstrate inferior penmanship skills, hesitations of the pen, unnecessary patching (of the strokes), blunt beginning and ending strokes, rough or tremulous strokes, etc. Line quality evaluation was very limited because of the degraded copies.

Additional features that I search and evaluate in all questioned signatures, besides those above, are spacing between letters and given and surnames, lateral and vertical sizes of the signatures, style of writing,¹ spelling, size-height relationships, overall and individual slants between letters, slovenly appearances, punctuation and baseline adherence and overall appearances.

Features that carry a significant amount of weight for or against identification (individualization) are those that deviate significantly from copybook forms or those that are found infrequently in the random population.

SCIENTIFIC WORKING GROUP FOR FORENSIC DOCUMENT EXAMINATION

This matter was examined within the parameters of the Scientific Working Group for Forensic Document Examination (www.swgdoc.com). The foregoing organization is composed of private examiners and government examiners from local, state and federal agencies throughout the United States and sets guidelines of questioned documents examination.

RECOMMENDATIONS/COMMENTS

For the possibility of a more productive result, I highly recommend locating the original questioned document (Q1) and submitting it for analyses.

Alliance Forensic Sciences, LLC



Manny Gonzales, B.S., C.P.I., F.C.L.S.
Forensic Document Analyst

- Exhibits:
- (A) Questioned Document Report
 - (B) Manny Gonzales' CV
 - (C) Handwriting Terminology
 - (D) Limitations of Examining Photocopies
 - (E) SWGDOC Levels of Confidence
 - (F) Standards & Questioned Documents

LLC-4/7

**Certificate of Cancellation
of a Limited Liability Company (LLC)**

To cancel the Articles of Organization of a California LLC, or the Certificate of Registration of a registered foreign LLC, you can fill out this form, and submit for filing.

- There is no filing fee, however, a non-refundable \$15 service fee must be included, if you drop off the completed form.
- To file this form, the status of your LLC must be active on the records of the California Secretary of State. To check the status of the LLC, go to kepler.sos.ca.gov.

Important! California LLCs only: This form must be filed after or together with a Certificate of Dissolution (Form LLC-3). However, if the vote to dissolve was made by all of the members and that fact is noted in Item 4 below, Form LLC-3 is not required.

Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs. It is recommended for proof of submittal that if this form is mailed, it be sent by Certified Mail with Return Receipt Requested.

FILED *ICW*
**Secretary of State
State of California**
DEC 21 2015 *gpo*

ICC
Q1
C
This Space For Office Use Only

For questions about this form, go to www.sos.ca.gov/business-programs/business-entities/filing-tips.

① **LLC's Exact Name in CA** (on file with CA Secretary of State)
Leading Edge Real Estate, LLC

② **LLC File No.** (issued by CA Secretary of State)
201511910148

Tax Liability (The following statement should not be altered. For information about final tax returns, go to <https://www.ftb.ca.gov> or call the California Franchise Tax Board at (800) 852-5711 (from within the U.S.) or (916) 845-6500 (from outside the U.S.).)

③ All final returns required under the California Revenue and Taxation Code have been or will be filed with the California Franchise Tax Board.

Dissolution (California LLCs ONLY: Check the box if the vote to dissolve was made by the vote of all the members.)

④ The dissolution was made by the vote of all of the members.

Additional Information (If any, list any other information the persons filing this form determine to include.)

⑤ _____

Cancellation (The following statement should not be altered.)

⑥ Upon the effective date of this Certificate of Cancellation, this LLC's Articles of Organization (CA LLCs) or Certificate of Registration (registered foreign LLCs) will be cancelled and its powers, rights and privileges will cease in California.

Read and sign below: For California LLCs: This form must be signed by a majority of the managers, unless the LLC has had no members for 90 consecutive days, in which case the form must be signed by the person(s) authorized to wind up the LLC's affairs. For registered foreign LLCs: This form must be signed by a person authorized to so do under the laws of the foreign jurisdiction. If the signing person is a trust or another entity, go to www.sos.ca.gov/business-programs/business-entities/filing-tips for more information. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are part of this document.

Michael Sherlock
Sign here
[Signature]
Sign here

Michael Sherlock
Print your name here

Manager
Your business title

Bradford Harcourt
Print your name here

Manager
Your business title

Make check/money order payable to: **Secretary of State**

To get a copy of the filed document, include a separate request and payment for copy fees when the document is submitted. Copy fees are \$1 for the first page and \$.50 for each additional page. For certified copies, there is an additional \$5 certification fee, per copy.

By Mail
Secretary of State
Business Entities, P.O. Box 944228
Sacramento, CA 94244-2280

Drop-Off
Secretary of State
1500 11th Street, 3rd Floor
Sacramento, CA 95814

Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, **THE PROTECTIONS OF WHICH ARE HEREBY WAIVED** by the Parties, but the language of which is nevertheless set forth below:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Interpretation. This Agreement shall be interpreted under California law and shall be construed as if all Parties contributed equally to its preparation.

Successors and Assigns. This Agreement, including but not limited to the release provisions set forth above, shall be binding upon, shall inure to the benefit of, the respective successors and assigns of the Parties.

Integration; No Oral Modification. This Agreement represents the complete and final agreement of the Parties as to the subject matter herein, and supersedes and merges any and all prior and contemporaneous negotiations, promises, and agreements. This Agreement may not be modified or amended orally, but may only be modified by a writing signed by both Parties.

Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

DRIVE MARKETING

By: Dan Kerr
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba
B.S. ENTERPRISES, INC., a California
corporation)

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

DREGS SKATEBOARDS

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

K1-5
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Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, THE PROTECTIONS OF WHICH ARE HEREBY WAIVED by the Parties, but the language of which is nevertheless set forth below:

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Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

SLIDE DISTRIBUTION

By:

Michael D. Sherlock
MICHAEL D. SHERLOCK

By:

[Signature]
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba
B.S. ENTERPRISES, INC., a California
corporation)

By:

Michael D. Sherlock
MICHAEL D. SHERLOCK

KI-6

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DREGS SKATEBOARDS

By:

Michael D. Sherlock
MICHAEL D. SHERLOCK

Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, THE PROTECTIONS OF WHICH ARE HEREBY WAIVED by the Parties, but the language of which is nevertheless set forth below:

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Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

PRECISION SPORTS, INC

By: [Signature]
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba B.S. ENTERPRISES, INC., a California corporation)

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

DREGS SKATEBOARDS

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

K1-141
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Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, THE PROTECTIONS OF WHICH ARE HEREBY WAIVED by the Parties, but the language of which is nevertheless set forth below:

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Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

By: *Michael D. Sherlock*
MICHAEL D. SHERLOCK

SONOMA DESIGN APPAREL

By: *[Signature]*
EDWARD D. BRASCIANO
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba B.S. ENTERPRISES, INC., a California corporation)

By: *Michael D. Sherlock*
MICHAEL D. SHERLOCK

KI-15
0

DREGS SKATEBOARDS

By: *Michael D. Sherlock*
MICHAEL D. SHERLOCK

Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, THE PROTECTIONS OF WHICH ARE HEREBY WAIVED by the Parties, but the language of which is nevertheless set forth below:

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Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

TUM YETO, INC.

By: Tara Winter
Tara Winter - Controller
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba
B.S. ENTERPRISES, INC., a California
corporation)

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

DREGS SKATEBOARDS

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

KI-16
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beginning of time to the date of this Agreement, which CREDITOR has or might have against DEBTOR.

Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, THE PROTECTIONS OF WHICH ARE HEREBY WAIVED by the Parties, but the language of which is nevertheless set forth below:

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Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

CHARLES WATSON

By: *Michael D. Sherlock*
MICHAEL D. SHERLOCK

By: *[Signature]*
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba B.S. ENTERPRISES, INC., a California corporation)

By: *Michael D. Sherlock*
MICHAEL D. SHERLOCK

DREGS SKATEBOARDS

By: *Michael D. Sherlock*
MICHAEL D. SHERLOCK

KI-7
of 10

Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, THE PROTECTIONS OF WHICH ARE HEREBY WAIVED by the Parties, but the language of which is nevertheless set forth below:

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Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

H STREET

By: 
MICHAEL D. SHERLOCK

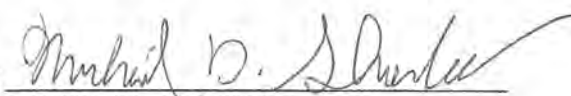
By: 
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba
B.S. ENTERPRISES, INC., a California
corporation)

By: 
MICHAEL D. SHERLOCK

K1-17
/0

DREGS SKATEBOARDS

By: 
MICHAEL D. SHERLOCK

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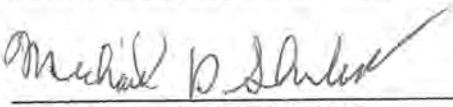
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Successors and Assigns. This Agreement, including but not limited to the release provisions set forth above, shall be binding upon, shall inure to the benefit of, the respective successors and assigns of the Parties.

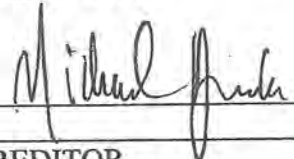
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Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

By: 
MICHAEL D. SHERLOCK

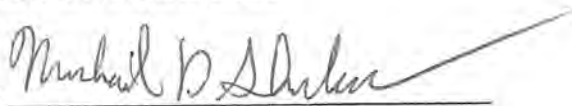
CONCRETE WAVE

By: 
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba
B.S. ENTERPRISES, INC., a California
corporation)

By: 
MICHAEL D. SHERLOCK

DREGS SKATEBOARDS

By: 
MICHAEL D. SHERLOCK



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Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

WATSON LAMINATES

By: *Michael D. Sherlock*
MICHAEL D. SHERLOCK

By: *[Signature]*
Controller
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba B.S. ENTERPRISES, INC., a California corporation)

By: *Michael D. Sherlock*
MICHAEL D. SHERLOCK

KI-19
0

DREGS SKATEBOARDS

By: *Michael D. Sherlock*
MICHAEL D. SHERLOCK

Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, THE PROTECTIONS OF WHICH ARE HEREBY WAIVED by the Parties, but the language of which is nevertheless set forth below:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Interpretation. This Agreement shall be interpreted under California law and shall be construed as if all Parties contributed equally to its preparation.

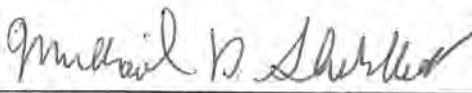
Successors and Assigns. This Agreement, including but not limited to the release provisions set forth above, shall be binding upon, shall inure to the benefit of, the respective successors and assigns of the Parties.

Integration; No Oral Modification. This Agreement represents the complete and final agreement of the Parties as to the subject matter herein, and supersedes and merges any and all prior and contemporaneous negotiations, promises, and agreements. This Agreement may not be modified or amended orally, but may only be modified by a writing signed by both Parties.

Executed as of the date first set forth above.

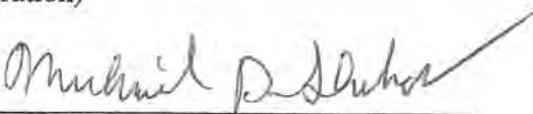
MICHAEL D. SHERLOCK, individually

OSIRIS

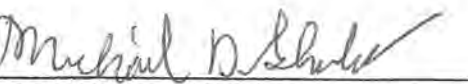
By: 
MICHAEL D. SHERLOCK

By: Melissa Morrow AIR
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba
B.S. ENTERPRISES, INC., a California
corporation)

By: 
MICHAEL D. SHERLOCK

DREGS SKATEBOARDS

By: 
MICHAEL D. SHERLOCK

KI-21
0

Project Title: 8863 BARBOA STE E MMLL

Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation (checked) Limited Liability (or) General () What State? CA Corporate Identification No. 8667892
Partnership () CALIFORNIA CONSUMER COOPERATIVE

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached Yes () No (X)

Corporate/Partnership Name (type or print): UNITED PATIENTS CONSUMER COOP.

Owner () Tenant/Lessee (X)

Street Address: 5666 LA JOLLA BLVD. # 15

City/State/Zip: SAN DIEGO, CA 92037

Phone No: (619) 851-5403 Fax No:

Name of Corporate Officer/Partner (type or print): MICHAEL D. SHERLOCK

Title (type or print): AUTHORIZED SIGNER/PARTNER

Signature: Michael D. Sherlock Date: 4/23/14

Corporate/Partnership Name (type or print):

Owner () Tenant/Lessee ()

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner () Tenant/Lessee ()

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner () Tenant/Lessee ()

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner () Tenant/Lessee ()

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner () Tenant/Lessee ()

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: Date:

K1-1

3667892

8

FILED
Secretary of State
State of California

APR 22 2014

1 CC

**ARTICLES OF INCORPORATION OF
UNITED PATIENTS CONSUMER COOPERATIVE**

ARTICLE 1. The name of the Corporation is the UNITED PATIENTS CONSUMER COOPERATIVE.

ARTICLE 2. This Corporation is a cooperative corporation organized under the California Consumer Cooperative Corporation Law. The purpose of this Corporation is to engage in any lawful act or activity for which a corporation may be organized under such law.

ARTICLE 3. The name and address in the State of California of this Corporations' initial agent for service of process is David J. Eichorn, 5666 La Jolla Blvd., Suite 15, La Jolla, CA 92037.

The initial street and mailing address of this Corporation is 8863 Balboa Ave., Suite E, San Diego, CA 92123.

ARTICLE 4. The voting rights of each member of the Corporation are equal, and each member is entitled to vote. The proprietary interests of each member of the Corporation are unequal, and the rules by which the proprietary interests are determined shall be prescribed in the Bylaws of the Corporation.


INCORPORATOR


INCORPORATOR

K1-2
C

IRS e-file Signature Authorization for Form 1120S

Do not send to the IRS. Keep for your records.
Information about Form 8879-S and its instructions is at www.irs.gov/form8879s.

2013

Department of the Treasury
Internal Revenue Service

For calendar year 2013, or tax year beginning _____, 2013, ending _____.

Name of corporation

Employer identification number

BIKER SHERLOCK ENTERPRISES, INC.

51-0397136

Part I Tax Return Information (Whole dollars only)

| | | | |
|---|---|---|-------|
| 1 | Gross receipts or sales less returns and allowances (Form 1120S, line 1c) | 1 | |
| 2 | Gross profit (Form 1120S, line 3) | 2 | |
| 3 | Ordinary business income (loss) (Form 1120S, line 21) | 3 | -5,00 |
| 4 | Net rental real estate income (loss) (Form 1120S, Schedule K, line 2) | 4 | |
| 5 | Income (loss) reconciliation (Form 1120S, Schedule K, line 18) | 5 | -5,00 |

Part II Declaration and Signature Authorization of Officer (Be sure to get a copy of the corporation's return)

Under penalties of perjury, I declare that I am an officer of the above corporation and that I have examined a copy of the corporation's 2013 electronic income tax return and accompanying schedules and statements and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that the amounts in Part I above are the amounts shown on the copy of the corporation's electronic income tax return. I consent to allow my electronic return originator (ERO), transmitter, or intermediate service provider to send the corporation's return to the IRS and to receive from the IRS (a) an acknowledgement of receipt or reason for rejection of the transmission, (b) the reason for any delay in processing the return or refund, and (c) the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of the corporation's federal taxes owed on this return, and the financial institution to debit the entry to this account. To revoke a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537 no later than 2 business days prior to the payment (settlement date). I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I have selected a personal identification number (PIN) as my signature for the corporation's electronic income tax return and, if applicable, the corporation's consent to electronic funds withdrawal.

Officer's PIN: check one box only

I authorize EXACTAX BUSINESS SOLUTIONS to enter my PIN 10023 as my signature on the corporation's 2013 electronically filed income tax return.
ERO firm name do not enter all zeros

As an officer of the corporation, I will enter my PIN as my signature on the corporation's 2013 electronically filed income tax return.

Officer's signature ▶ Michael P. Sherlock Date ▶ Sept 15 Title ▶ PRESIDENT

Part III Certification and Authentication

ERO's EFIN/PIN. Enter your six-digit EFIN followed by your five-digit self-selected PIN. 33975513970
do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2013 electronically filed income tax return for the corporation indicated above. I confirm that I am submitting this return in accordance with the requirements of Pub 3112, IRS e-file Application and Participation, and Pub 4163, Modernized e-File (MeF) Information for Authorized IRS e-file Providers for Business Returns.

ERO's signature ▶ SABRINA HARVEY Date ▶ _____

**ERO Must Retain This Form - See Instructions
Do Not Submit This Form to the IRS Unless Requested To Do So**

K1-3
C

- b Returns and allowances **1 b**
- c Balance. Subtract line 1b from line 1a.....
- 2 Cost of goods sold (attach Form 1125-A).....
- 3 Gross profit. Subtract line 2 from line 1c.....
- 4 Net gain (loss) from Form 4797, line 17 (attach Form 4797).....
- 5 Other income (loss) (see instrs — att statement).....
- 6 **Total income (loss).** Add lines 3 through 5.....
- 7 Compensation of officers (see instructions - attach Form 1125-E).....
- 8 Salaries and wages (less employment credits).....
- 9 Repairs and maintenance.....
- 10 Bad debts.....
- 11 Rents.....
- 12 Taxes and licenses.....
- 13 Interest.....
- 14 Depreciation not claimed on Form 1125-A or elsewhere on return (attach Form 4562).....
- 15 Depletion (**Do not deduct oil and gas depletion.**).....
- 16 Advertising.....
- 17 Pension, profit-sharing, etc, plans.....
- 18 Employee benefit programs.....
- 19 Other deductions (attach statement)..... **SEE STATEMENT**
- 20 **Total deductions.** Add lines 7 through 19.....
- 21 **Ordinary business income (loss).** Subtract line 20 from line 6.....

K1-4
C

| | | |
|---|-----|------------|
| 22a Excess net passive income or LIFO recapture tax (see instructions)..... | 22a | |
| b Tax from Schedule D (Form 1120S)..... | 22b | |
| c Add lines 22a and 22b (see instructions for additional taxes)..... | | |
| 23a 2013 estimated tax payments and 2012 overpayment credited to 2013..... | 23a | |
| b Tax deposited with Form 7004..... | 23b | |
| c Credit for federal tax paid on fuels (attach Form 4136)..... | 23c | |
| d Add lines 23a through 23c..... | | |
| 24 Estimated tax penalty (see instructions). Check if Form 2220 is attached..... | | |
| 25 Amount owed. If line 23d is smaller than the total of lines 22c and 24, enter amount owed..... | | |
| 26 Overpayment. If line 23d is larger than the total of lines 22c and 24, enter amount overpaid..... | | |
| 27 Enter amount from line 26 Credited to 2014 estimated tax ▶ | | Ref |

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Michael P. Shum Sept 15 **PRESIDENT**
 Signature of officer Date Title

| | | |
|--|---|------------------------|
| Print/Type preparer's name SABRINA HARVEY | Preparer's signature SABRINA HARVEY | Date 9/15/14 |
| Firm's name ▶ EXACTAX BUSINESS SOLUTIONS | | |
| Firm's address ▶ 16052 BEACH BLVD, SUITE 166 HUNTINGTON BEACH, CA 92647 | | |

For Paperwork Reduction Act Notice, see separate instructions. SPSA0105L 06/28/13

which is nevertheless set forth below:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Interpretation. This Agreement shall be interpreted under California law and shall be construed as if all Parties contributed equally to its preparation.

Successors and Assigns. This Agreement, including but not limited to the release provisions set forth above, shall be binding upon, shall inure to the benefit of, the respective successors and assigns of the Parties.

Integration; No Oral Modification. This Agreement represents the complete and final agreement of the Parties as to the subject matter herein, and supersedes and merges any and all prior and contemporaneous negotiations, promises, and agreements. This Agreement may not be modified or amended orally, but may only be modified by a writing signed by both Parties.

Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

DRIVE MARKETING

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

By: Don Kerr
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba
B.S. ENTERPRISES, INC., a California
corporation)

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

KI-5
C

DREGS SKATEBOARDS

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, THE PROTECTIONS OF WHICH ARE HEREBY WAIVED by the Parties, but the language of which is nevertheless set forth below:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Interpretation. This Agreement shall be interpreted under California law and shall be construed as if all Parties contributed equally to its preparation.

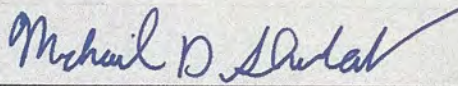
Successors and Assigns. This Agreement, including but not limited to the release provisions set forth above, shall be binding upon, shall inure to the benefit of, the respective successors and assigns of the Parties.

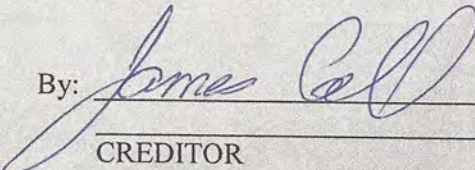
Integration; No Oral Modification. This Agreement represents the complete and final agreement of the Parties as to the subject matter herein, and supersedes and merges any and all prior and contemporaneous negotiations, promises, and agreements. This Agreement may not be modified or amended orally, but may only be modified by a writing signed by both Parties.

Executed as of the date first set forth above.

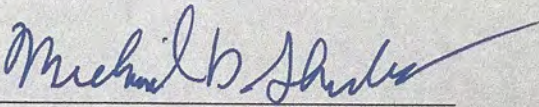
MICHAEL D. SHERLOCK, individually

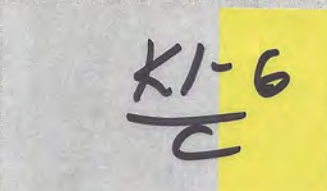
SLIDE DISTRIBUTION

By: 
MICHAEL D. SHERLOCK

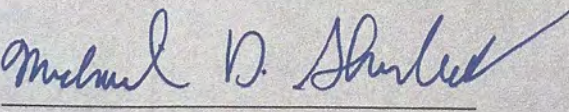
By: 
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba
B.S. ENTERPRISES, INC., a California
corporation)

By: 
MICHAEL D. SHERLOCK



DREGS SKATEBOARDS

By: 
MICHAEL D. SHERLOCK

beginning of time to the date of this Agreement, which CREDITOR has or might have against DEBTOR.

Waiver of Civil Code Section 1542. The foregoing general release shall remain effective even in the event of, and notwithstanding, the future discovery of facts which are now unknown or unanticipated, and are given notwithstanding California Civil Code section 1542, THE PROTECTIONS OF WHICH ARE HEREBY WAIVED by the Parties, but the language of which is nevertheless set forth below:

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Executed as of the date first set forth above.

MICHAEL D. SHERLOCK, individually

CHARLES WATSON

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

By: [Signature]
CREDITOR

BIKER SHERLOCK ENTERPRISES, INC. (dba B.S. ENTERPRISES, INC., a California corporation)

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

DREGS SKATEBOARDS

By: Michael D. Sherlock
MICHAEL D. SHERLOCK

R1-7
E

18. **Counterparts.** This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original instrument, but all such counterparts together shall constitute one and the same instrument.

19. **Assignment.** Adrenalina shall be permitted to assign its rights and obligations under this Agreement without the express written consent of MDS

20. **Pronouns.** Whenever the context may require, any pronoun used herein shall include the corresponding masculine, feminine or neuter forms and the singular form of pronouns or nouns shall include the plural and vice versa.

21. **Joint Drafting Responsibility.** This Agreement is the result of the joint efforts and negotiations of the parties hereto, with each party being represented or having the opportunity to be represented by legal counsel of its own choice. No single party is the author or drafter of this Agreement or any of the provisions of it. Each of the parties assumes joint responsibility for the form and composition of all of the contents of this Agreement and each party agrees that this Agreement shall be interpreted as though each of the parties participated equally in the composition of it and each and every provision and part of it. The parties agree that the rule of judicial interpretation to the effect that any ambiguity or uncertainty contained in an agreement is to be construed against the party who drafted the Agreement shall not be applied in the event of any disagreement of dispute arising out of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

WITNESSES

ADRENALINA, INC.

MDS PRODUCTION, INC.

Michael D. Shuff

[Handwritten signature]

K1-8
C



State of California Secretary of State

N

KI-9
2

Statement of Information

97 DV

(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions. IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

FILED
Secretary of State
State of California
JUL 23 2014

1. CORPORATE NAME

UNITED PATIENTS CONSUMER COOPERATIVE

2. CALIFORNIA CORPORATE NUMBER

3667892

21/20/pc

This Space for Filing Use Only

Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY

8863 Balboa Ave., Suite E

CITY
San Diego

STATE ZIP CODE
CA 92123

4. MAILING ADDRESS OF THE CORPORATION

8863 Balboa Ave., Suite E

CITY
San Diego

STATE ZIP CODE
CA 92123

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

| 5. CHIEF EXECUTIVE OFFICER/ | ADDRESS | CITY | STATE | ZIP CODE |
|-----------------------------|-------------------------------|-----------|-------|----------|
| Michael D. Sherlock | 5666 La Jolla Blvd., Suite 15 | La Jolla | CA | 92037 |
| 6. SECRETARY | ADDRESS | CITY | STATE | ZIP CODE |
| Shannon Snyder | 8863 Balboa Ave. Suite E | San Diego | CA | 92123 |
| 7. CHIEF FINANCIAL OFFICER/ | ADDRESS | CITY | STATE | ZIP CODE |
| Richard P. Melograno | 8863 Balboa Ave., Suite E | San Diego | CA | 92123 |

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS

Michael D. Sherlock

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

5666 La Jolla Blvd., Suite 15

CITY
La Jolla

STATE ZIP CODE
CA 92037

Common Interest Developments

10. Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 5500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 8760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

7/8/14
DATE

Michael D. Sherlock

TYPE/PRINT NAME OF PERSON COMPLETING FORM

Pres.

TITLE

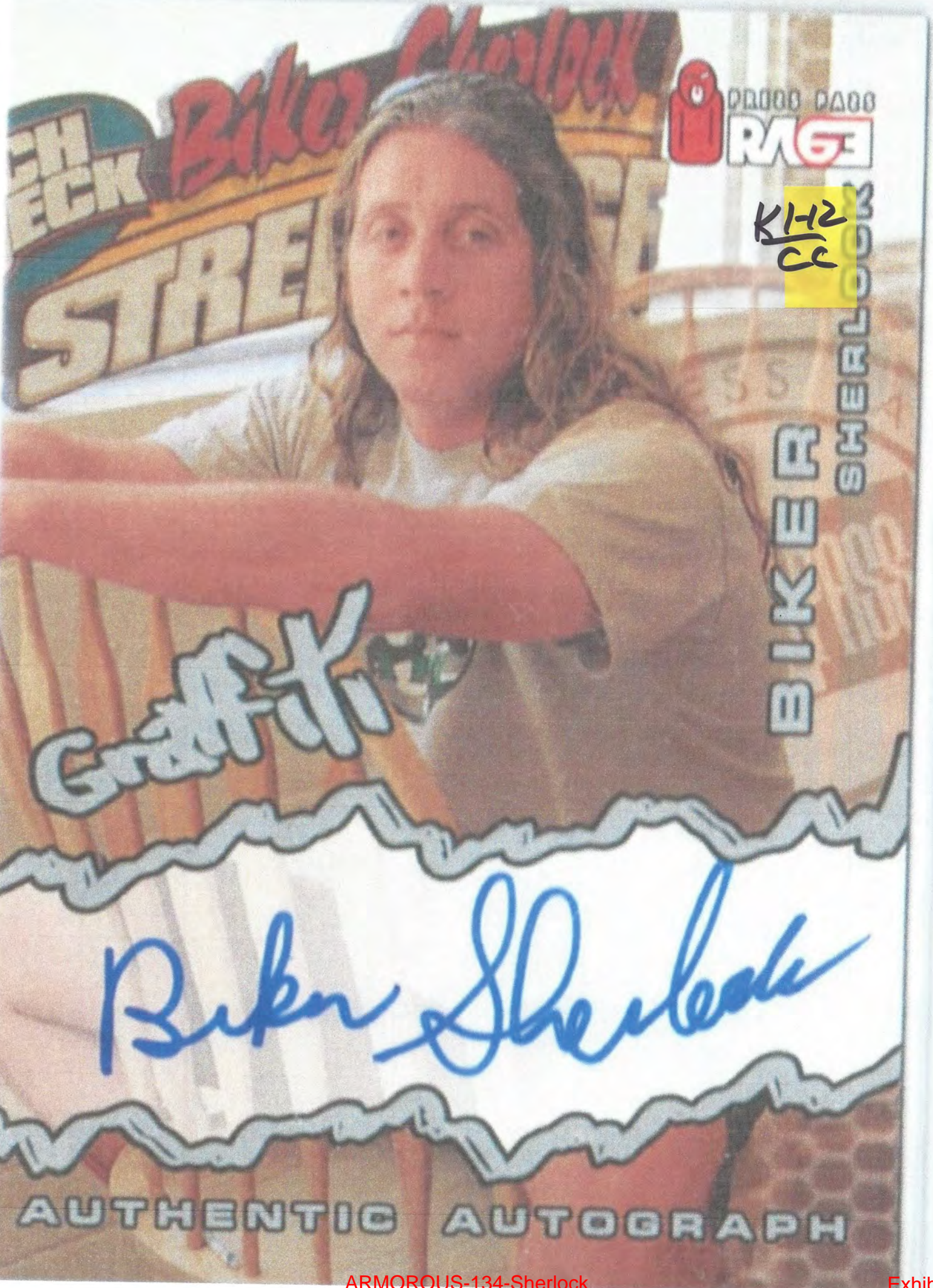
SIGNATURE

| | | | | | |
|---|---|--------------|--|---|---|
| DATA | DIEGO CA 92109 | | UU | <input type="checkbox"/> DEATH <input type="checkbox"/> D | |
| | 8A. USUAL OCCUPATION BUSINESS OWNER | | 8B. USUAL KIND OF BUSINESS OR INDUSTRY SKATEBOARDS | | |
| | 10A. FULL NAME OF FATHER MICHAEL JOHN SHERLOCK | | 10B. STATE OF BIRTH NJ | 11A. FULL NAME OF MOTHER ANNA DE | |
| BRIDE PERSONAL DATA | 12A. NAME OF BRIDE--FIRST (GIVEN) AMY | | 12B. MIDDLE JO | | 12C. CURRENT LAST (FAMILY) KENTNER |
| | 14A. RESIDENCE--STREET AND NUMBER 5163 FOOTHILL BLVD | | 14B. CITY SAN DIEGO | | 14C. ZIP CODE 92109 |
| | 16. MAILING ADDRESS-- IF DIFFERENT 5163 FOOTHILL BLVD SAN DIEGO CA 92109 | | 17. NUMBER OF PREVIOUS MARRIAGES 00 | | 18A. LAST MARRIAGE <input type="checkbox"/> DEATH <input type="checkbox"/> D |
| | 19A. USUAL OCCUPATION EVENT COORDINATOR | | 19B. USUAL KIND OF BUSINESS OR INDUSTRY K1-10 SKATEBOARD EVENTS | | |
| of 2 | 21A. FULL NAME OF FATHER GEORGE KENTNER | | 21B. STATE OF BIRTH CA | | 22A. FULL NAME OF MOTHER JANICE |
| | WE, THE UNDERSIGNED, AN UNMARRIED MAN AND UNMARRIED WOMAN, STATE THAT THE FOREGOING INFORMATION IS TRUE TO THE BEST OF OUR BELIEF, THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR TO THE ISSUANCE OF A LICENSE IS KNOWN TO US. | | | | |
| LICENSE TO MARRY | 23. SIGNATURE OF GROOM <i>Michael Sherlock</i> | | 24. SIGNATURE OF BRIDE <i>Anna De</i> | | |
| | AUTHORIZATION AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED BY THE LAWS OF THE STATE OF CALIFORNIA TO SOLEMNIZE THE MARRIAGE OF THE ABOVE NAMED PERSONS. REQUIRED CONSENT OF BOTH PARTIES IS HEREBY GIVEN. | | | | |
| | 25A. ISSUE DATE MONTH, DAY, YEAR 10/02/2000 | | 25B. LICENSE EXPIRES AFTER MONTH, DAY, YEAR 12/31/2000 | | 25C. LICENSE NUMBER 4200037 018 |
| WITNESS(ES) REQUIRED | 26A. SIGNATURE OF WITNESS <i>Kelly Lake</i> | | 26B. ADDRESS--STREET AND NUMBER 6429 Peinado Way | | |
| | 27A. SIGNATURE OF WITNESS <i>Robert Samuel</i> | | 27B. ADDRESS--STREET AND NUMBER 4862 Lambert St | | |
| CERTIFICATION PERSON SOLEMNIZING MARRIAGE | 28. I HEREBY CERTIFY THAT THE ABOVE-NAMED BRIDE AND GROOM WERE JOINED BY ME IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA | | | | 29A. SIGNATURE OF REGISTRAR <i>Gregory J. Smith</i> |
| | ON | October 10 7 | | 2000 | 29C. NAME OF REGISTRAR (TYPE OR PRINT) CAND |
| AT | La Jolla, San Diego | | 29E. MAILING ADDRESS 46700 | | |
| LOCAL REGISTRAR (MARRIAGES COUNTY RECORDER) | 30A. SIGNATURE OF LOCAL REGISTRAR GREGORY J. SMITH, Recorder/County Clerk | | 30B. SIGNATURE OF DEPUTY (IF APPLICABLE) <i>Anna De</i> | | |

CERTIFICATE OF LIVE BIRTH
STATE OF CALIFORNIA
USE BLACK INK ONLY

| | | | |
|---|---|---|-----------------------------------|
| NUMBER | | 1B. MIDDLE DE CARLO | 1C. LAST SHERI |
| 3A. THIS BIRTH, SINGLE, TWIN, ETC. SINGLE | | 3B. IF MULTIPLE, THIS CHILD 1ST, 2ND, ETC. - | 4A. DATE OF BIRTH 03/14 |
| 5A. HOSPITAL OR FACILITY BIRCH HOSPITAL | | 5B. STREET ADDRESS - STREET AND NUMBER, OR LOCATION 3003 HEALTH CENTER DR | |
| | | 5D. COUNTY SAN DIEGO | |
| FIRST DE CARLO | 6B. MIDDLE DE CARLO | 6C. LAST SHERLOCK | |
| FIRST JO | 9B. MIDDLE JO | 9C. LAST - BIRTH NAME KENTNER | |
| 11. STATE AND COUNTY OF BIRTH | 12A. PARENT OR OTHER INFORMANT - SIGNATURE <i>Mikhail DeCarlo Sherlock</i> | | |
| 12. PLACE OF BIRTH | 13A. ATTENDANT/CERTIFIER - SIGNATURE AND DEGREE OR TITLE <i>Judith Hooper Reed</i> | | |
| 14. HOME ADDRESS OF ATTENDANT 4060 FOURTH AVE. #510 SAN DIEGO | | | |
| 15B. STATE FILE NO. - STATE USE ONLY | 16. LOCAL REGISTRAR - SIGNATURE WILMA J. WOOTEN, MD | | |

KI-11
C



0000 0000

RAGE

K1-12
CC

BIKER

SHERLOCK

Graft

Biker Sherlock

AUTHENTIC AUTOGRAPH

*Exhibit
Sherlock*

FLIEER
BLIKER
SHERLOCK
SAN DIEGO, CA
Adventure



K1-13
9/9

SWGDOC Standard Terminology for Expressing Conclusions of Forensic Document Examiners

1. Scope

1.1 This terminology is intended to assist forensic document examiners in expressing conclusions or opinions based on their examinations.

1.2 The terms in this terminology are based on the report of a committee of the Questioned Document Section of the American Academy of Forensic Science that was adopted as the recommended guidelines in reports and testimony by the Questioned Document Section of the American Academy of Forensic Science and the American Board of Forensic Document Examiners.¹

2. Referenced Documents

2.1 Standards

SWGDOC Standard for Scope of Work of Forensic Document Examiners

3. Significance and Use

3.1 Document examiners begin examinations from a point of neutrality. There are an infinite number of gradations of opinion toward an identification or toward an elimination. It is in those cases wherein the opinion is less than definite that careful attention is especially needed in the choice of language used to convey the weight of the evidence.

3.2 Common sense dictates that we must limit the terminology we use in expressing our degrees of confidence in the evidence to terms that are readily understandable to those who use our services (including investigators, attorneys, judges, and jury members), as well as to other document examiners. The expressions used to differentiate the gradations of opinions should not be considered as strongly defined “categories”. These expressions should be guidelines without sharply defined boundaries.

3.3 When a forensic document examiner chooses to use one of the terms defined below, the listener or reader can assume that this is what the examiner intended the term to mean. To avoid the possibility of misinterpretation of a term where the expert is not present to explain the guidelines in this standard, the appropriate definition(s) could be quoted in or appended to reports.

3.4 The examples are given both in the first person and in third person since both methods of reporting are used by document examiners and since both forms meet the main purpose of the standard, that is, to suggest terminology that is readily understandable. These examples should not be regarded as the only ways to utilize probability statements in reports and testimony. In following any guidelines, the examiner should always bear in mind that sometimes the examination will lead into paths that cannot be anticipated and that no guidelines can cover exactly.

3.5 Although the material that follows deals with handwriting, forensic document examiners may apply this terminology to other examinations within the scope of their work, as described in SWGDOC Standard for Scope of Work of Forensic Document Examiners, and it may be used by forensic examiners in other areas, as appropriate.

3.6 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

4. Terminology

4.1 Recommended Terms:

identification (definite conclusion of identity)—this is the highest degree of confidence expressed by document examiners in handwriting comparisons. The examiner has no reservations whatever, and although prohibited from using the word “fact,” the examiner is certain, based on evidence contained in the handwriting, that the writer of the known material actually wrote the writing in question.

Examples—It has been concluded that John Doe wrote the questioned material, or it is my opinion [or conclusion] that John Doe of the known material wrote the questioned material.

strong probability (highly probable, very probable)—the evidence is very persuasive, yet some critical feature or quality is missing so that an *identification* is not in order; however, the examiner is virtually certain that the questioned and known writings were written by the same individual.

Examples—There is *strong probability* that the John Doe of the known material wrote the questioned material, or it is my opinion (or conclusion or determination) that the John Doe of the known material *very probably* wrote the questioned material.

DISCUSSION—Some examiners doubt the desirability of differentiating between strong probability and probable, and certainly they may eliminate this terminology. But those examiners who are trying to encompass the entire “gray scale” of degrees of confidence may wish to use this or a similar term.

¹ McAlexander T.V., Beck, J., and Dick, R., “The Standardization of Handwriting Opinion Terminology,” *Journal of Forensic Science*, Vol 36, No. 2, March 1991, pp. 311–319.

probable—the evidence contained in the handwriting points rather strongly toward the questioned and known writings having been written by the same individual; however, it falls short of the “virtually certain” degree of confidence.

Examples—It has been concluded that the John Doe of the known material probably wrote the questioned material, or it is my opinion (or conclusion or determination) that the John Doe of the known material *probably* wrote the questioned material.

indications (evidence to suggest)—a body of writing has few features which are of significance for handwriting comparison purposes, but those features are in agreement with another body of writing.

Examples—There is evidence which *indicates* (or *suggests*) that the John Doe of the known material may have written the questioned material but the evidence falls far short of that necessary to support a definite conclusion.

DISCUSSION—This is a very weak opinion, and a report may be misinterpreted to be an identification by some readers if the report simply states, “The evidence *indicates* that the John Doe of the known material wrote the questioned material.” There should always be additional limiting words or phrases (such as “may have” or “but the evidence is far from conclusive”) when this opinion is reported, to ensure that the reader understands that the opinion is weak. Some examiners doubt the desirability of reporting an opinion this vague, and certainly they cannot be criticized if they eliminate this terminology. But those examiners who are trying to encompass the entire “gray scale” of degrees of confidence may wish to use this or a similar term.

no conclusion (totally inconclusive, indeterminable)—This is the zero point of the confidence scale. It is used when there are significantly limiting factors, such as disguise in the questioned and/or known writing or a lack of comparable writing, and the examiner does not have even a leaning one way or another. *Examples*—*No conclusion* could be reached as to whether or not the John Doe of the known material wrote the questioned material, or I could not determine whether or not the John Doe of the known material wrote the questioned material.

indications did not—this carries the same weight as the indications term that is, it is a very weak opinion.

Examples—There is very little significant evidence present in the comparable portions of the questioned and known writings, but that evidence suggests that the John Doe of the known material did not write the questioned material, or I found indications that the John Doe of the known material did *not* write the questioned material but the evidence is far from conclusive.

See Discussion after indications.

probably did not—the evidence points rather strongly against the questioned and known writings having been written by the same individual, but, as in the probable range above, the evidence is not quite up to the “virtually certain” range.

Examples—It has been concluded that the John Doe of the known material probably did not write the questioned material, or it is my opinion (or conclusion or determination) that the John Doe of the known material probably did not write the questioned material.

DISCUSSION—Some examiners prefer to state this opinion: “It is unlikely that the John Doe of the known material wrote the questioned material.” There is no strong objection to this, as “unlikely” is merely the Anglo-Saxon equivalent of “improbable”.

strong probability did not—this carries the same weight as strong probability on the identification side of the scale; that is, the examiner is virtually certain that the questioned and known writings were not written by the same individual.

Examples—There is strong probability that the John Doe of the known material did not write the questioned material, or in my opinion (or conclusion or determination) it is highly probable that the John Doe of the known material did not write the questioned material.

DISCUSSION—Certainly those examiners who choose to use “unlikely” in place of “probably did not” may wish to use “highly unlikely” here.

elimination—this, like the *definite conclusion of identity*, is the highest degree of confidence expressed by the document examiner in handwriting comparisons. By using this expression the examiner denotes no doubt in his opinion that the questioned and known writings were not written by the same individual.

Examples—It has been concluded that the John Doe of the known material did not write the questioned material, or it is my opinion (or conclusion or determination) that the John Doe of the known material did not write the questioned material.

DISCUSSION—This is often a very difficult determination to make in handwriting examinations, especially when only requested exemplars are available, and extreme care should be used in arriving at this conclusion.

4.1.1 When the opinion is less than definite, there is usually a necessity for additional comments, consisting of such things as reasons for qualification (if the available evidence allows that determination), suggestions for remedies (if any are known), and any other comments that will shed more light on the report. The report should stand alone with no extra explanations necessary.

4.2 *Deprecated and Discouraged Expressions:*

4.2.1 Several expressions occasionally used by document examiners are troublesome because they may be misinterpreted to imply bias, lack of clarity, or fallaciousness and their use is deprecated. Some of the terms are so

blatantly inane (such as “make/no make”) that they will not be discussed. The use of others is discouraged because they are incomplete or misused. These expressions include:

possible/could have—these terms have no place in expert opinions on handwriting because the examiner’s task is to decide to what degree of certainty it can be said that a handwriting sample is by a specific person. If the evidence is so limited or unclear that no definite or qualified opinion can be expressed, then the proper answer is *no conclusion*. To say that the suspect “could have written the material in question” says nothing about probability and is therefore meaningless to the reader or to the court. The examiner should be clear on the different meanings of “possible” and “probable,” although they are often used interchangeably in everyday speech.

consistent with—there are times when this expression is perfectly appropriate, such as when “evidence consistent with disguise is present” or “evidence consistent with a simulation or tracing is present, but “the known writing is consistent with the questioned writing” has no intelligible meaning.

could not be identified/cannot identify—these terms are objectionable not only because they are ambiguous but also because they are biased; they imply that the examiner’s task is only to identify the suspect, not to decide whether or not the suspect is the writer. If one of these terms is used, it should always be followed by “or eliminate[d]”.

similarities were noted/differences as well as similarities— these expressions are meaningless without an explanation as to the extent and significance of the similarities or differences between the known and questioned material. These terms should never be substituted for gradations of opinions.

cannot be associated/cannot be connected—these terms are too vague and may be interpreted as reflecting bias as they have no counterpart suggesting that the writer cannot be eliminated either.

no identification—this expression could be understood to mean anything from a strong probability that the suspect wrote the questioned writing; to a complete elimination. It is not only confusing but also grammatically incorrect when used informally in sentences such as. “I no identified the writer” or “I made a no ident in this case.”

inconclusive—this is commonly used synonymously with no conclusion when the examiner is at the zero point on the scale of confidence. A potential problem is that some people understand this term to mean something short of definite (or conclusive), that is, any degree of probability, and the examiner should be aware of this ambiguity.

positive identification—This phrase is inappropriate because it seems to suggest that some identifications are more positive than others.

[strong] reason to believe—there are too many definitions of *believe* and *belief* that lack certitude. It is more appropriate to testify to our conclusion (or determination or expert opinion) than to our belief, so why use that term in a report?

qualified identification—An *identification* is not qualified. However, opinions may be qualified when the evidence falls short of an *identification* or *elimination*.

Levels of Confidence
Their Interpretations as used by the Forensic Document Examiner

| | Item # | Document Examiners' Conclusions | AFS Interpretation | Explanation |
|----------------|--------|---------------------------------|---|---|
| Identification | 1 | IDENTIFICATION | "Beyond a Reasonable Doubt" | The Known Writer Wrote the Questioned Writing. Examiner has NO RESERVATIONS. |
| | 2 | Highly Probable | "Clear and Convincing Evidence" | Virtually Certain - However, some critical feature(s) is missing for an ID. |
| | 3 | Probable | "More Likely Than Not" or "Preponderance of the Evidence" | Comparative Evidence with Unexplainable Differences. It is "likely" that the known writer wrote the questioned handwriting. |
| | 4 | Indications or Suggestions | Significantly lower than "Preponderance of the Evidence" Standard | Weak "leaning" - Productivity Limited by Quality and/or Quantity of Comparable Evidence. Writing has few features which are significant for comparison purposes, but those features are in agreement with questioned writing. The evidence is FAR FROM CONCLUSIVE. |
| | 5 | No Conclusion | Inconclusive | Evidence has Limited and/or Non-Existing Comparative/Probative Value. |
| Elimination | 6 | Indications or Suggestions | Significantly lower than "Preponderance of the Evidence" Standard | Weak "leaning" - Productivity Limited by Quality and/or Quantity of Comparable Evidence. Writing may have few features which are significant for comparison purposes, but those features tend to negate the writer's responsibility. The evidence is FAR FROM CONCLUSIVE. |
| | 7 | Probable | "More Likely Than Not" or "Preponderance of the Evidence" | Comparative Evidence with Significant Differences. It is "unlikely" that the known writer wrote the questioned handwriting. |
| | 8 | Highly Probable | "Clear and Convincing Evidence" | Virtually Certain - However, some critical feature(s) is missing for an Elimination. |
| | 9 | ELIMINATION | "Beyond a Reasonable Doubt" | The Known Writer DID NOT Write the Questioned Writing. The Examiner has NO RESERVATIONS. |

Reference: SWGDOC.org – Scientific Working Group for Document Examiners

EXHIBIT I

OpenDSD Approval Search Invoice Search Maps

Approval #1675894 - Special Permit



Approval Information

| | |
|-------------------------|--|
| Status | Issued |
| Issued | 03/17/2016 |
| Issued by | Gutierrez, Edith |
| Permit Holder | Amy Sherlock |
| Net Change DU | |
| Valuation | \$0.00 |
| Sq. Footage | |
| First Inspection | |
| Complete Date | |
| Scope | Background Checks |
| Job | |
| Map | |
| Address | 8863 BALBOA AV |
| APN | 369-150-13-23 |
| BC Codes | |
| Project | |
| Project ID | 467983 |
| Account | |
| Admin Hold | No |
| Project Name | 8863 Balboa MMCC Permit |
| Project Contact | Gutierrez, Edith (619)446-5000 dsdprojectinfo@sandiego.gov |
| Project Scope | Backgrounds |

Fees

| Type | Category | Quantity | Type Unit | Status |
|---|----------|----------|-----------|--------|
| There are no Fees associated with this approval | | | | |

- Exceptions >
- Inspections >
- Issues >
- Dependent Approvals >
- Dependent Packages >

Data Timestamp: 09/20/2022 13:16:32

EXHIBIT J



Michael Iliescu, MD
2276 W Periwinkle Way
Chandler, AZ 85248
Ph: (480) 452-3559
Fax: (480) 361-9764

November 17, 2022

Statement Regarding the Medical Examiner's Report of Michael Sherlock

By Michael Iliescu, MD

My professional background is in forensic pathology and pathology of trauma. My academic experience includes eight years of teaching in the areas of forensic pathology and the pathology of trauma. I have performed more than 2,500 autopsies throughout my eleven-year career in forensic pathology and have testified in criminal cases in County, State and Federal courts in Arizona and Florida. Furthermore, I functioned as a full-time medical examiner in Arizona for approximately 4 years and in Washington State for one year. I co-authored a chapter of pathology of trauma in the textbook *Forensic Biomechanics* second edition. For additional references I have attached my CV to this report.

I was asked by Mrs. Amy Sherlock to review the police reports, investigative notes, scene and autopsy photographs, autopsy report (15-2760), toxicology report regarding the death of her husband Michael "Biker" Sherlock. I also reviewed Mrs. Sherlock's statement regarding the event. My findings are strictly addressing forensic pathology findings and their interpretation.

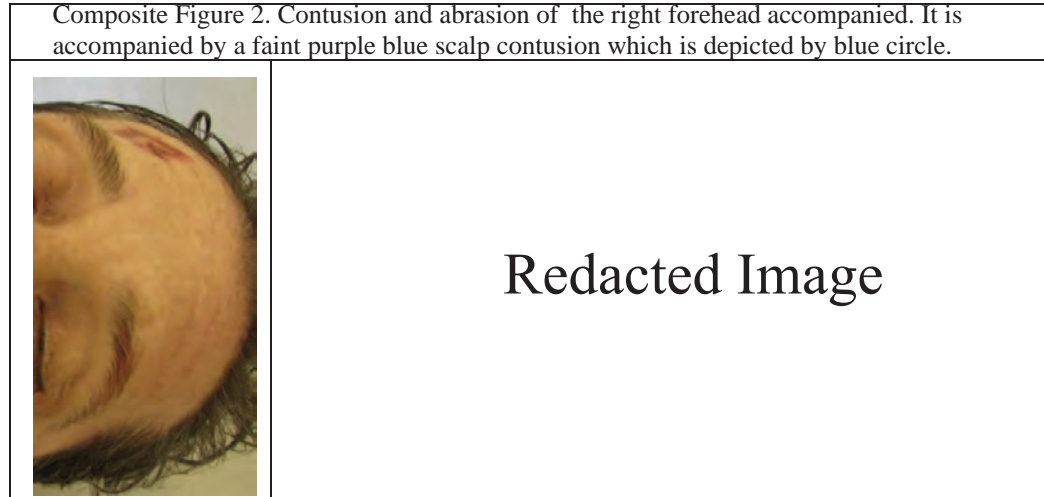
Facts of the case

Michael “Biker” Sherlock was found deceased on with an intraoral penetrating gunshot wound (See Figure1 below). The manner of death was ruled as suicide by the San Diego County Medical Examiner.

Figure 1. Location of the body and position resting against the rocky cliff, at less than 45 degrees angle.

Redacted Image

The autopsy revealed an abrasion and contusion of Biker’s right forehead (See Page 21, MINOR INJURIES; “A 1 x 1 inch red abrasion is on the right forehead, just above the lateral aspect of the right eyebrow”). Composite Figure 2 below shows the squared, almost rectangular nature of the contusion which was associated with a sample scalp contusion marked with a blue circle in composite Figure 2. Both images are cropped. No histology section was taken from the contusion abrasion of Biker’s right forehead in order to determine the age of this injury. No macro photography of this lesion was taken by the medical examiner. This represents a breach of the standard National Association of Medical Examiner’s (NAME) protocol.



The presence of blood in connection to this deep abrasion/contusion injury makes it obvious that this injury is fresh. The bleeding coming from this wound is documented in Figure 3 below. This proves that an impact with a squared or rectangular blunt object with Biker's head occurred during the events that surrounded his death. As per Mrs. Sherlock's statement, Michael Sherlock did not have that injury when he left his residence the day of the incident. This is a suspicious injury which may require further analysis by the medical examiner. The intraoral gunshot wound's path involved the tongue, fractured bones at the base of the skull, including occipital bone and resulted in devastating injuries of the inferior temporal lobes and vital structures at the base of the brain, including the brainstem and upper cervical spine.

Figure 3. Abrasion and contusion of Biker's right forehead. The presence of blood in connection to this injury makes it obvious that this injury is fresh. This image is cropped.

Redacted Image

Mr. Sherlock's right digits 3-5 show small abrasions, as depicted in figure 4 below. The best explanation for these injuries is insect (ants and see roaches) activity. I cannot exclude other pre-mortem modalities of trauma as the cause of these punctate abrasions.

Figure 4. Punctate abrasions of the right hand, digits 3, 4 and 5. This is a cropped image.



Figure 5 below showing the location of the semiautomatic pistol involved in this incident. The weapon found at the scene is a Sig Sauer 9mm semiautomatic. The handgun was located by Biker's left hip. The weapon shows the extended round magazine protruding from the gun.

Figure 5. The location of the gun next to Biker's left hip.



The exposed area of the extended magazine is covered with small blood spatter which is also seen on the magazine's bottom (see Composite Figure 6 and Figure 7 below).

Composite Figure 6. Fine blood spatter covering the exposed areas of the magazine.



The handgun showed blood spatter on the extended magazine, the top of the grip and only few specks of blood on the slide.

Figure 7. Magnification of the exposed blood-spattered magazine.



The scene also showed multiple projectile blood spatter over the rocks to the right of Mr. Sherlock and on the right arm and shoulder of his hoodie. Figure 8 below shows many blood spatter staining the rocks located to the right of Biker's body.

Figure 8. Multiple blood spatter at the scene to the right (North) of the body.



Projectile blood spatter is also documented on Biker's hoodie, right shoulder (see figure 9 below). This is evidence of projectile blood spatter predominantly toward the right side of the body.

Figure 9. Projectile blood spatter on clothing, right shoulder.

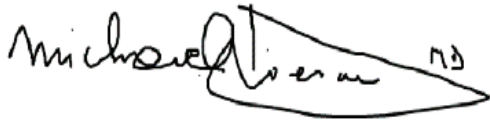
Redacted Image

Conclusion

The scenario surrounding Mr. Sherlock death is convoluted and unfortunately there are flaws in the investigation. From the forensic pathology aspect, the evidence is not conclusive as being a suicide due to coexistence of blunt force trauma to the forehead and the intraoral penetrating gunshot wound. The contusion abrasion of the right aspect of forehead occurred immediately prior to Mr. Sherlock's death. The injury was not well documented by the medical examiner and no histological sections from the scalp contusion were submitted for microscopy. As a matter of fact, no microscopy at all was performed in this case, which does not follow the **NAME** protocols.

It is my professional opinion, that at a minimum, the Medical Examiner should call the manner of death undetermined because there is physical evidence, not accounted for, that militates against a finding of Mr. Sherlock having committed suicide.

Michael Iliescu, MD

A handwritten signature in black ink that reads "Michael Iliescu MD". The signature is written in a cursive style with a large, sweeping flourish at the end.

ATTACHMENTS: San Diego MEO autopsy report, the investigative report, the toxicology report and CV.



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER

OFFICE OF THE MEDICAL EXAMINER
5570 OVERLAND AVE., SUITE 101, SAN DIEGO, CALIFORNIA 92123-1206
TEL: (858) 694-2895 FAX: (858) 495-5956

1/5/2016

INVESTIGATIVE REPORT

| | | | | | | |
|---------------------|---|---|--|--|--|--|
| CALL INFO | NAME OF DECEASED (LAST, FIRST MIDDLE) SHERLOCK, Michael De Carlo | | AKA | HIO | CASE NUMBER 15-02760 | |
| | INVESTIGATOR Sandra Joseph | REPORTED BY Officer Armstrong ID | REPORTING AGENCY San Diego County Medical Examiner | | PREVIOUS WAIVE # | |
| | CALL DATE AND TIME 12/03/2015 0703 | ARRIVAL DATE AND TIME 12/03/2015 0810 | | RETURN DATE AND TIME 12/03/2015 1300 | | |
| DECEDENT | DATE AND TIME OF DEATH 12/03/2015 0634 | DATE OF BIRTH 01/25/1968 | AGE 47 Years | GENDER Male | RACE White | |
| | RESIDENCE (STREET, CITY, STATE, ZIP) 5439 Westknoll Drive San Diego, CA 92109 | | | COUNTY | LAST SEEN ALIVE 12/2/2015 2000 | |
| | COUNTRY OF RESIDENCE USA | OCCUPATION Self-employed | | PAID AUTOPSY | | |
| DEATH | LOCATION OF DEATH Found, Tourmaline Surfing Park | | TYPE OF PLACE Other | | | |
| | ADDRESS (STREET, CITY, STATE, ZIP) N 32 48 20 W 117 15 47 La Jolla, CA 92037 | | | | | |
| | SUMMARY <p>The decedent was a 47 year old, married, White male who resided in San Diego with his wife and two minor children. The decedent was last seen by his wife on the evening of 12/3/2015 when he was upset and said he was going to the beach. On the morning of 12/3/2015, a surfer at Tourmaline Surfing Park saw the decedent seated on the rocky beach against the cliff. As he approached, he saw blood on his face and a gun at his left hip. The surfer called 9-1-1. San Diego Police Department and San Diego Fire Department engine 21 responded to the scene and death was confirmed without intervention.</p> <p>Medical Examiner's jurisdiction invoked according to the California Government Code 27491: Death due to known or suspected suicide.</p> | | | | | |
| INCIDENT | LOCATION OF INCIDENT Beach | INCIDENT PLACE TYPE | | AT WORK | AT RESIDENCE | |
| | ADDRESS (STREET, CITY, STATE, ZIP) N 32 48 20 W 117 15 47 La Jolla, CA 92037 | | COUNTY San Diego | | | |
| | DATE AND TIME OF INCIDENT 12/03/2015 Unk | INVESTIGATING AGENCY San Diego Police | OFFICER Officer Armstrong | BADGE # 7324 | REPORT # | |
| | DECEDENT WAS | BELTED | HELMETED | POSITION | ON PRIVATE PROPERTY | |
| | | Yes | No | | Yes No | |
| VEHICLE | LICENSE NUMBER | | | STATE | | |
| NOTIFICATION | IDENTIFIED BY Sandra Joseph | | METHOD Personal Effects | DATE AND TIME 12/03/2015 0810 | | |
| | FUNERAL HOME Bayview Cremation & Burial | | PROPERTY Yes No | PUBLIC ADMINISTRATOR Yes No | TYPE OF EXAM Autopsy | |
| | NAME OF NOK OR OTHER Amy Sherlock | RELATIONSHIP Wife | DATE NOTIFIED 12/3/2015 | NOTIFIED BY Other | | |
| | NAME OF NOK OR OTHER Steve Lake | RELATIONSHIP Brother in law | DATE NOTIFIED 12/3/2015 | NOTIFIED BY Law Informant | | |
| | | | | | | |

San Diego Medical Examiner
5570 Overland Avenue, Suite#101
San Diego, CA 92123-1206
(858) 694-2895

Case Number : 15-02760
Investigator : Sandra Joseph
Date of Death : 12/03/2015
Date Today : 01/05/2016

INVESTIGATIVE NARRATIVE

Decedent: Michael De Carlo Sherlock

Antemortem Events:

On 12/3/2015 at 0812 hours, I obtained the following information from San Diego Police Officer Armstrong ID 7324 at the scene. On the morning of 12/3/2015, a surfer at Tourmaline Surfing Park, just south of Bird Rock was walking along the rocky beach to see surf conditions. As he rounded a small point, he saw the decedent seated against the cliff wearing street clothes. He walked closer as the tide was up and saw the decedent had blood around his face and a gun at his left hip. The surfer went up the beach access steps to the intersection Sea Ridge Drive and Linda Way and flagged down Tad Hodgson, who had just arrived to surf. Tad Hodgson used his cell phone to call 9-1-1. Officer Armstrong and San Diego Fire Department Engine #21 responded to the scene. Paramedic McCain confirmed death without intervention due to obvious fatal head trauma.

On 12/3/2015, I obtained the following information from the decedent's brother in law, Steve Lake at the decedent's home on. Steve stated he had spoken with the decedent on 12/2/2015 and "he was in a funk". Steve told the decedent he was coming over and they spent several hours together. During that time, the decedent had presented Steve with a list of problems. Steve said they were all little things but the decedent appeared to be overwhelmed. They talked about tackling the problems one by one until they were gone. The decedent never made any suicidal threats or appeared to be in any distress. When Steve left the decedent appeared better. On the morning of 12/3/2015, Steve's sister, Amy Sherlock, the decedent's wife called him and said the decedent had left around 2000 hours to go to the beach and he had not come home. Amy heard reports of a death at the beach and she asked Steve to go see if it was the decedent. This particular stretch of beach was sentimental to Amy and it was a known location to the decedent. Steve went to the location and saw the decedent's Ford Flex. He spoke with police and was advised of the death.

Past Medical, Surgical, and Social History:

On 12/3/2015, I obtained the following information from the decedent's wife, Amy Sherlock, at her home in San Diego. He had become increasingly depressed over business losses. The decedent saw his primary care physician, Dr. Howard Williams of Scripps and was prescribed Ambien. They were trying to get him psychiatric help but no appointments were available until February 2016. The decedent did not smoke cigarettes or drink alcohol. He did smoke marijuana but had quit a few months ago. The decedent never made any threats or expressed any suicidal ideation. The decedent was in a BMX bicycle accident several years ago and his spleen was removed.

I obtained the following information from the office of Dr. Howard Williams, MD, the decedent's primary care physician. The decedent was seen on 3/9/2015 for an annual physical and to establish as a patient. History given was variety of injuries related to being a skateboarder, BMX rider and stuntman. The decedent had previous carpal tunnel surgery of both wrists, knee surgery and removal of his spleen three years previously. The decedent had a complaint of chronic back pain but was not on any medications at that time. On 11/12/2015, the decedent was seen for trouble sleeping and anxiety. He had lost his job and was sleeping poorly. His wife reported he snored very loudly and she had witnessed episodes of sleep apnea. The decedent stated he had a history of depression and took Wellbutrin for several years. He was diagnosed with sleep disturbance, obstructive sleep apnea, depression and back pain. He was started on Trazodone 50 mg tablets to be taken at bedtime.

Scene Description:

On 12/3/2015 at 0815 hours, I arrived at the scene. At the time of my arrival, the tide was going out and it was daylight. The area of the beach was comprised of large rocks overlying coarse sand. Some rocks were smooth and some were broken and had sharp edges. There were homes situated on the cliffs above the beach. There is a stairway leading from Sea Ridge Drive down to the beach which is frequented by surfers. There were seagulls on the beach and small crustaceans in proximity to the body. The decedent was seated with his back against the cliff at GPS Coordinates N 32 48

20 W 117 15 47. There were a few small droplets of blood spatter north of the body. A Sig Sauer 9mm semiautomatic handgun, serial number B246247 was against the decedent's left hip. The backstrap (back of the grip) was on the rocks and the magazine was partially ejected. There was one PMC 9mm Luger cartridge in magazine. There was rust on the weapon and the magazine. No casing was found during a search of the scene. The decedent's cell phone, wallet and keys were found in his pants pockets. The decedent's gray Ford Flex, California License Plate 6MP752 was parked on Linda Way. The vehicle was locked. The front seat appeared to be situated for someone of his reported height on the driver license of 5'10". The interior of the vehicle was very clean and neat. There was a crumpled white t-shirt in the rear of the vehicle and another shirt on a hanger. There was no blood inside the vehicle. There were no stains on the white t-shirt. The decedent's cell phone was fingerprint and password locked, however the notifications showed numerous missed phone calls and messages. The scene did not appear staged.

Body Description:

On 12/3/2015 at approximately 0825 hours, I viewed the body. The decedent was seated on the rocks with his legs extended straight in front of his body. His head was turned slightly to the right (North). His left hand was on his lap and his right hand was across rocks. There were a few small blood droplets North of the body. The decedent was wearing gray sweatpants, black hoodie zippered closed, red t-shirt and black lace shoes. There was a black ball cap was partially on and behind left shoulder. There were numerous ants and sea roaches on the body. There was drying blood from the right side of his mouth. There was small blood spatter around his mouth and drying blood from his right nostril. There was a large blood clot in his mouth. There was a contusion on his right forehead. I palpated a possible defect in his mouth but could not view it due to clotted blood. There was crepitus of his head and a large depression on the occipital area of his head. There was no defect visible on the scalp. At 0845 hours, clean white paper protective bags were placed over his hands.

On 12/3/2015 at 0920 hours, 92M Transport personnel E. Arenas and Y. Andre placed the decedent in a clean, white pouch and blue tamper evident seal 4141517 was affixed to the pouch for transport to the Medical Examiner's Office.

Special Requests:

There were no special requests.

Identification:

I identified the decedent from his California Driver License #B3811759.

Antemortem Specimens:

Not applicable.

Public Administrator:

A referral to the Public Administrator was not requested.

Other Important Factors:

There were no other important factors.

Signed: 
 Sandra Joseph
 Medical Examiner Investigator

Date Signed: 1/3/2016

Approved by: 



County of San Diego

GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINER

JONATHAN R. LUCAS, M.D.
CHIEF DEPUTY MEDICAL EXAMINER

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AUTOPSY REPORT

| | | | |
|------------------------|---|-------------|----------|
| Name: | MICHAEL DE CARLO SHERLOCK | ME#: | 15-2760 |
| Place of death: | Tourmaline Surfing Park N 32 48 20 W 117 15 47 | Age: | 47 Years |
| Date of death: | Found, December 3, 2015; 0634 Hours | Sex: | Male |

Date of autopsy: December 4, 2015; 0915 Hours

CAUSE OF DEATH: PENETRATING INTRAORAL GUNSHOT WOUND

MANNER OF DEATH: SUICIDE

AUTOPSY SUMMARY:

- I. Penetrating intraoral gunshot wound:
 - A. Entrance: oral cavity/posterior pharynx.
 - B. Injury to: oral cavity, posterior pharynx, brainstem/upper cervical spinal cord, base of skull, and structures of posterior neck.
 - C. Exit: none.
 - D. Recovered: partially deformed copper-colored jacketed bullet recovered from tissue of posterior aspect of neck.
 - E. Wound pathway: the wound pathway directed front-to-back and upward with no significant right/left deviation.
 - F. Associated injuries: hemorrhage along wound path, subarachnoid hemorrhage greater at base and right side of brain, subdural hemorrhage (approximately 20 ml), linear fractures of anterior cranial fossae and right and left sides of posterior cranial fossa, contusions of inferior temporal lobes of brain, hemoaspiration, fine oral stretch marks on right and left aspects of skin of lips, and multiple contusions and abrasions of lower lip.

- II. Other injuries:
 - A. Abrasions and contusions of forehead, chin, posterior aspect of right hand, and right leg.

- III. No evidence of significant natural disease identified.
- IV. Other findings:
 - A. Extensive peritoneal adhesions and absent spleen status post remote splenectomy.
- V. Toxicological testing not contributory.

OPINION: According to the investigative information, the decedent was a 47-year-old White male who lived in San Diego with his wife and two minor children. The decedent was last seen alive on December 2nd around 2000 hours, when he was upset and said he was going to the beach. On the morning of December 3rd, a surfer at Tourmaline Surfing Park saw the decedent seated on a rocky portion of the beach against a cliff. As he approached he saw the decedent had blood on his face and a gun at his left hip. The surfer called 911. San Diego Police Department and San Diego Fire Department Engine 21 responded to the scene and death was confirmed without intervention. The decedent's brother stated that the decedent was "in a funk." The brother told the decedent he was coming over to his residence and they spent several hours together. During that time, the decedent presented to his brother a list of problems that Steve thought were all little things, but the decedent apparently appeared overwhelmed. They talked about tackling the problems one by one until they were gone. The decedent never made suicidal threats or appeared to be in any distress. When his brother left, the decedent appeared better.

At the scene, the brother located the decedent's vehicle close by. The decedent had a primary care physician and was prescribed Ambien at some point because he was becoming increasingly depressed over business losses. The family was trying to get him psychiatric help, but no appointments were available until February of 2016. The decedent reportedly did not smoke cigarettes or drink alcohol. He did smoke marijuana. He never made any threats or expressed suicidal ideation. Per the decedent's wife, the decedent had remote surgery and his spleen was removed after a BMX accident. According to medical records review, the decedent had a history of sleep disturbance, obstructive sleep apnea, depression, and back pain.

The autopsy documented a well-developed, well-nourished male appearing the stated age of 47 years. There was an intraoral gunshot wound that injured the tongue, posterior pharynx, brainstem/upper cervical spinal cord, base of skull, and soft tissues of posterior aspect of the neck. No exit wound was identified. A partially deformed copper-colored jacketed bullet was recovered from the soft tissue of the posterior neck at autopsy. The wound pathway was directed front-to-back and upward with no significant right/left deviation. There was evidence of close range discharge of a firearm (soot surrounding tongue injury). There were other minor injuries to include scattered abrasions. There was

no evidence of significant natural disease. There was evidence of a remote splenectomy. Toxicological testing detected no ethanol or common drugs of abuse in the blood.

Based on the autopsy findings and the circumstances surrounding the death, as currently understood, the cause of death is **penetrating intraoral gunshot wound**, and the manner of death is **suicide**.

ROBERT STABLEY, M.D.
Deputy Medical Examiner

Date signed:

The autopsy was performed at the Office of the San Diego County Medical Examiner on December 4, 2015 beginning at 0915 hours.

IDENTIFICATION: The body is identified by two Medical Examiner's identification bands on the right ankle bearing the decedent's name and case number.

WITNESSES: Assisting with the autopsy is Forensic Autopsy Specialist Stephen Hannum. There are no outside observers.

CLOTHING AND PERSONAL EFFECTS: A brown paper bag containing clothing accompanies the body at autopsy. In addition, a black, long-sleeved, zipper down the middle sweatshirt and a short-sleeved, red T-shirt are on the body. There are no obvious defects on the shirt or the sweatshirt. White paper bags cover the hands and are secured with tape; they are removed and discarded due to lack of evidentiary value.

EVIDENCE OF MEDICAL INTERVENTION: There is no evidence of medical intervention identified at autopsy.

EXTERNAL EXAMINATION

Injuries are fully described in the "Evidence of Injury" section below. The body is that of a well-developed, well-nourished male. The body weighs 187 pounds, is approximately 67 inches in length, and appears compatible with the reported age of 47 years. The body is well preserved, cold, and has not been embalmed.

The head is injured. The scalp hair is brown with streaks of gray and approximately 21/2 inches long. The face is clean shaven. The irides are green. The corneas are cloudy. The conjunctivae and sclerae are unremarkable. No petechial hemorrhages are seen. The external auditory canals, external nares, and oral cavity contain blood. The ears and earlobes are unremarkable. The nasal skeleton and maxilla are palpably intact. The lips and oral mucous membranes are injured. The teeth are natural. Examination of the neck reveals no gross evidence of injury.

The chest is symmetrical. The breasts are those of an adult male with no palpable masses. The abdomen is flat and soft. A vertical midline surgical scar extends from the epigastrium to approximately 3 inches inferior to the umbilicus. No other obvious surgical scars are seen. The back is symmetrical and unremarkable.

The extremities are symmetric and normally formed without track marks, ventral wrist scars, edema, deformities, or amputations. The fingernails and toenails are intact. There is blood on both hands. No obvious soot or gunshot residue is identified.

The genitalia are those of an adult male with bilaterally descended testes palpated within the scrotum.

SCARS AND OTHER IDENTIFYING MARKS: Scattered incidental scars are on the body.

TATTOOS: None.

POSTMORTEM CHANGES: The body is cold. Rigor is moderate in all extremities and in the jaw. Lividity is unfixated on the posterior surface of the body except in areas exposed to pressure.

EVIDENCE OF INJURY

PENETRATING INTRAORAL GUNSHOT WOUND:

In the oral cavity located midline is an entrance gunshot wound located approximately 9 inches below the top of the head. No obvious soot surrounds the wound. There is injury to the oral mucosa, tongue (1-3/4 x 1-1/2 inch stellate injury with soot surrounding the wound), soft palate to include uvula, posterior pharynx, clivus of base of skull, brainstem/upper spinal cord (transected), and soft tissue of posterior aspect of neck. No exit wound is identified. A partially deformed copper-colored jacketed bullet is recovered from the soft tissue of the posterior aspect of the neck. The bullet pathway is directed front-to-back and upward with no significant right/left deviation. Associated with this gunshot wound is hemorrhage along the wound path, subarachnoid hemorrhage greater at the base and right side of the brain, subdural hemorrhage (approximately 20 ml), linear fractures of the anterior cranial fossae and right and left sides of the posterior cranial fossa, contusions of the inferior temporal lobes of the brain, hemoaspiration, fine oral stretch marks on right and left aspects of skin of lips, and multiple contusions and abrasions of the lower lip.

MINOR INJURIES:

A 1 x 1 inch red abrasion is on the right forehead, just above the lateral aspect of the right eyebrow. A 1/16 inch round abrasion is on the chin region. Multiple abrasions are on the posterior aspect of the right hand and digits of the right hand. A 1 x 1 inch faint red-pink contusion is on the anterolateral aspect of the distal right leg.

INTERNAL EXAMINATION

ABDOMINAL WALL: The subcutaneous fat layer measures up to 3.0 cm thick.

BODY CAVITIES: There are extensive adhesions in the peritoneal cavity. The pleural and pericardial cavities are free of adhesions. All body cavities contain normal amounts

of serous fluid. All body organs are present in their normal anatomical position, with the exception of the spleen, which is surgically absent. The diaphragm is intact.

CARDIOVASCULAR SYSTEM: The 420 gram heart has a normal shape and is contained in an intact pericardial sac. The epicardial surface is smooth with minimal fat investment. The coronary arteries arise normally with widely patent ostia and are present in a normal distribution, with a right-dominant pattern. Cross sections of the coronary arteries demonstrate up to 25% eccentric luminal narrowing of the mid left anterior descending coronary artery with partially calcified atherosclerotic plaques. The myocardium is homogenous, red-brown, and firm. The valve leaflets are thin and mobile. The walls of the left ventricle, interventricular septum, and right ventricle are 1.5 cm, 1.4 cm, and 0.2 cm thick, respectively. The endocardium of the heart is smooth and glistening. The aorta gives rise to three intact and patent arch vessels and contains minimal atherosclerosis. The renal and mesenteric vessels are unremarkable. The pulmonary arteries are normally developed, patent and without thrombus or embolus.

RESPIRATORY SYSTEM: The upper airway is clear of debris and foreign material. The mucosal surfaces are smooth, yellow-tan and unremarkable. The pleural surfaces are smooth, glistening and unremarkable bilaterally. The right lung weighs 810 grams. The left lung weighs 720 grams. The pulmonary parenchyma is congested and edematous, exuding moderate amounts of blood and frothy fluid and exhibits an aspiration pattern. A small amount of anthracotic pigment is seen. No focal lesions are noted.

HEPATOBIILIARY SYSTEM: The 1740 gram liver has an intact smooth capsule covering a congested, tan-brown parenchyma with no focal lesions noted. The gallbladder contains approximately 40 ml of green-brown, mucoid bile; the mucosa is velvety and unremarkable. The extrahepatic biliary tree is patent without evidence of calculi.

LYMPHORETICULAR SYSTEM: The spleen is not identified status post remote surgical resection. Lymph nodes in the hilar, periaortic and iliac regions are not enlarged.

GASTROINTESTINAL SYSTEM: The esophagus is lined by gray-white, smooth mucosa. The gastric mucosa is arranged in the usual rugal folds and the lumen contains 175 ml of dark red, opaque fluid with partially-digested food particles. No pills, pill fragments, or capsules are present. The small bowel and colon are unremarkable. The pancreas has a normal pink-tan lobulated appearance. The appendix is grossly unremarkable.

GENITOURINARY SYSTEM: The right kidney weighs 170 grams; the left 190 grams. The renal capsules are smooth and thin, semi-transparent and strip with ease from the

underlying red-brown cortical surfaces. The cortices are sharply delineated from the medullary pyramids, which are red-purple to tan and unremarkable. The calyces, pelves and ureters are unremarkable. White bladder mucosa overlies an intact bladder wall. The bladder contains less than 5 ml of cloudy, yellow urine. The prostate gland and seminal vesicles are without note. The testes are palpably unremarkable.

ENDOCRINE SYSTEM: The pituitary gland is grossly unremarkable. The thyroid gland is symmetric and red-brown, without cystic or nodular change. The right and left adrenal glands are intact with bright yellow cortices and red-brown medullae; no masses or areas of hemorrhage are identified.

NECK: See "Evidence of Injury." The anterior strap muscles of the neck are homogenous and red-brown, without hemorrhage. The thyroid cartilage and hyoid bone are intact. The larynx is lined by intact white mucosa. Incision and dissection of the posterior neck demonstrates deep paracervical muscle injury, hemorrhage, and a partially deformed copper-colored jacketed bullet that is recovered at autopsy.

MUSCULOSKELETAL SYSTEM: See "Evidence of Injury." No non-traumatic abnormalities of muscle or bone are identified.

HEAD AND CENTRAL NERVOUS SYSTEM: See "Evidence of Injury." The scalp is atraumatic. The galeal, subgaleal soft tissues of the scalp, and temporal muscles are free of injury. The dura mater and falx cerebri are intact. There is no epidural hemorrhage present. The leptomeninges are thin and delicate. The cerebral hemispheres have an unremarkable pattern of gyri and sulci. The blood vessels at the base of the brain are without significant atherosclerosis. The brain weighs 1470 grams. Coronal sections through the cerebral hemispheres reveal no non-traumatic lesions. The ventricles of the brain are of normal size and contain clear cerebrospinal fluid. Transverse sections through the brainstem, cerebellum, and upper spinal cord reveal no non-traumatic lesions. The tongue is injured.

SPECIMENS RETAINED

TOXICOLOGY: The following specimens are submitted for toxicology: central and peripheral blood, vitreous humor, liver, and gastric contents.

HISTOLOGY: Portions of tissues and major organs are retained in formalin. No sections are submitted for microscopic examination.

PHOTOGRAPHS: Digital identification photographs and photographs of injuries and projectile are taken.

RADIOGRAPHS: X-rays of the head and neck are taken and reveal a metallic object in the posterior aspect of the neck, which is recovered at autopsy and determined to be a partially deformed projectile.

RS:lcb

D: 12/4/15 T: 12/15/15

Rev. 12/28/15 lcb



County of San Diego

GLENN N. WAGNER, D.O.
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TOXICOLOGY REPORT

Name: **SHERLOCK, Michael De Carlo**
 Medical Examiner Number: **15-02760**
 Date of Death: **12/03/2015**
 Time of Death: **06:34**
 Pathologist: **Robert Stabley, M.D.**
 Specimens Received: **Central Blood, Gastric, Liver, Peripheral Blood 1, Peripheral Blood 2, Vitreous**
 Date Specimens Received: **12/07/2015**

| <u>Test Name (Method of Analysis)</u> | <u>Specimen Tested</u> | <u>Result</u> |
|--|------------------------|---------------|
| <u>Alcohol Analysis (GC/FID-Headspace)</u> | Peripheral Blood 2 | |
| Alcohol (Ethanol) | | Not Detected |
| Acetone, Methanol, Isopropanol | | Not Detected |
| <u>Drugs of Abuse Screen (ELISA)</u> | Central Blood | |
| Cocaine metabolites | | Not Detected |
| Amphetamines | | Not Detected |
| Opiates | | Not Detected |
| Benzodiazepines | | Not Detected |
| Fentanyl | | Not Detected |
| Cannabinoids | | Not Detected |
| Phencyclidine (PCP) | | Not Detected |
| Oxycodone | | Not Detected |
| Methadone | | Not Detected |
| Zolpidem | | Not Detected |
| Carisoprodol | | Not Detected |
| Buprenorphine | | Not Detected |

Unless otherwise requested, all specimens will be destroyed six (6) months after the closure of the case by the Medical Examiner
 End Results

Approved and Signed: _____ Reviewed: _____
 12/14/2015 Iain M. McIntyre, Ph.D. Amber Trochta
 Forensic Toxicology Laboratory Manager Toxicologist II
 (All Inquiries/Correspondence)

Michael Ilescu, MD

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EIN 201028327

EDUCATION

- 1999-2000 **Broward County Medical Examiner's Office**
Fellowship in Forensic Pathology
- 1995-1999 **Winthrop University Hospital, NY**
AP/CP resident
- 1977-1986 **Medical Institute of Timisoara, Romania**
Doctor of Medicine, Specialty Family Practitioner

HONORS AND AWARDS

- 1977-1983 **Timis Scholar-Tuition Scholarship**
Timis State Higher Education Coordinating Board. Award recognizing academic achievement and leadership activities of two university students per legislative district

EMPLOYMENT HISTORY

- 2003-Present **Autopsy & Forensic Services, Inc.**
Owner/forensic consultant
- 2005-Present **Hannon Biomechanics Analysis**
Forensic consultant
- 2007-2008 **King County Medical Examiner's Office**
Assistant medical examiner
- 2001-2003 **Coconino County Medical Examiner's Office**
Medical Examiner
- 2000-2002 **Maricopa County Medical Examiner's Office**
Medical Examiner
- 1983-1991 **Family Practitioner**
Romania

TEACHING EXPERIENCE

- 2013-2020 **Adjunct Faculty**
University of Science, Arts and Technology, Montserrat
- 2011-Present **Faculty and Chairperson of Western Medical Sciences Department**
Phoenix Institute of Herbal Medicine and Acupuncture
- 2007 **Advisory board member, forensic section**
University of Washington Extension. Forensics Program

| | |
|--------------|--|
| 2007 | Faculty - Department of Basic Medical Sciences American Medical College of Homeopathy |
| 2006-Present | Chief Medical Officer US DHHS, Disaster mortuary operational response team 9 (DMORT-9) |
| 2005-2019 | Adjunct Faculty Scottsdale Community College – Administration of Justice Department |
| 2003-2004 | Adjunct Faculty Northern Arizona University – Administration of Justice Department |
| 2004 | Adjunct Faculty Coconino Community College – Administration of Justice Department |
| 1990-1991 | Assistant Professor Medical University of Timisoara, Romania – Biochemistry Department |

PRESENTATIONS AND PUBLICATIONS

Michael Iliescu, MD, Ashley Tessarolo, Kelsey Nelson, and Michelle Iliescu (2017) Technique of interpretation of point of impact injuries by using helmet deconstruction, Journal of Forensic Sciences and Criminal Investigations- December, Volume 6(5)

Hannon, Patrick and Iliescu, Michael (2014) The role of forensic biomechanics/medicine in physical child abuse, Journal of Forensic Biomechanics- March, Volume 5(1)

Book published as a contributor: Hannon, Patrick and Knapp, Kerry, (2006; 2008) Forensic Biomechanics, 2nd edition, published in 2020, Chapter 10, Lawyers and Judges Publishing Co., Tucson, Arizona

Michael Iliescu, MD and other speakers. “Management of Mass Disasters”; “Death Investigation Techniques in Child Abuse”, Alaska Peace Officers Association annual conference, 2011 Anchorage Police Chapter

Michael Iliescu, MD and other speakers: The Sixth International Congress of Forensic Sciences, key note speaker (Forensic Autopsy), May 2010, Puerto Vallarta, Mexico

Michael Iliescu, MD and other speakers. “Basic Forensic Pathology; Death Investigation Techniques”, Alaska police association annual conference, 2009 Kenai Police Department

Michael Iliescu, MD and other speakers. “NTSB mass fatality incident management.” Organized and presented at NDMS, DMORT-9 annual training, 2007

Mary Dudley, MD and Michael Iliescu, MD. “Forensic Medical Investigation, Comprehensive Review.” Phoenix, Kansas City and Atlantic City, 2006 and 2007.

Michael Iliescu, MD. “Katrina Mission, how identification of the victims was made.” Seminar organized and presented at Scottsdale Community College, 2006

Michael Iliescu, MD and Patrick Hannon, PhD. “Biomechanics of motorcycle accidents.” Southwestern Association of Traffic Accident Investigators Symposium, 2006

Michael Iliescu, MD. "Role of the medical examiner in death investigation." Chandler Citizens Police Academy, 2005 and 2006

Michael Iliescu, MD. "Death Investigation." Organized and presented for Arizona Funeral Home Directors Association, 2004 and 2005

Michael Iliescu, MD. "Role of the medical examiner in death investigation." Flagstaff Citizens Police Academy, 2002 and 2003

Michael Iliescu, MD. "Death Investigation Methodology." Seminar organized and presented for Coconino County Law Enforcement Agencies, 2002

Michael Iliescu, MD. "Death Investigation Methodology." Seminar organized and presented for National Park Services and Coconino County Sherriff's Office, 2002

Michael Iliescu, MD. "Death investigation", seminar presented by Washington state association of coroners and medical examiners, 2008.

MEMBERSHIPS/LICENSES

2000 **Medical license in Arizona**

Medical Licenses

Arizona