INF062821

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Indio)

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,

v.

Richard C. Heverly Defendant

NO. F-283-630-08

DECLARATION IN SUPPORT OF ARREST WARRANT

FILED SAA
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
AUG 18 2008
By C. Nelson Deputy

AUG 18 2008

STATE OF CALIFORNIA }
} SS
COUNTY OF RIVERSIDE }

I, **Officer C. Hamilton #17092**, declare that I am a Peace Officer employed by the California Highway Patrol and that I have investigated the reported crime(s) of:

Penal Code sections 245 (b), 149, 422, 236 – all committed with the use of a semi-automatic firearm

I declare that I, on information and belief, allege the following to be true:

On 08/10/2008, at approximately 1824 hours, Roger Gilstrap, while driving his tow truck, noticed a big rig on fire on the I-10 near Eagle Mountain. He pulled his tow truck into the right lane to block traffic approximately 250 feet behind the rig as flames were emitting from the big rig onto the right lane of the freeway. Gilstrap was on the cell phone with California Highway Patrol dispatch advising of the situation. While on the phone, a red Dodge truck pulled next to him and a man flashed a law enforcement badge at him while stating, "This entitles me to do whatever the [redacted] I want." The man, later identified as off-duty San Bernardino County Sheriff deputy Richard Heverly, then approached him while Gilstrap was still on the phone with CHP dispatch. Heverly stated, "Deputy Sheriff, get off the [redacted] phone!" Heverly grabbed the phone from Gilstrap disconnecting the call.

Heverly proceeded to pull Gilstrap from the tow truck, and improperly handcuffed Gilstrap's right hand causing bruising and injury to Gilstrap's wrist. Heverly then drove the barrel of his 380 caliber semi-automatic firearm into Gilstrap's ear, leaned in toward Gilstrap and stated, "I have a gun in your ear and I will kill you." Heverly pressed down and twisted the barrel of the pistol into Gilstrap's ear, causing bruising and lacerations to the inside of his ear and the surrounding area. Gilstrap feared for his life because he knew that Heverly had the ability to carry out the threat and assumed that he would.

Heverly proceeded to handcuff Gilstrap's left hand. While both of Gilstrap's hands were cuffed, Heverly took hold of Gilstrap's fingers, and lead him to the rear of the tow truck. He proceeded to lead Gilstrap around the bed of the tow truck and to the passenger side of the truck. After Gilstrap was placed in handcuffs, Heverly maintained control of Mr. Gilstrap for approximately 3-5 minutes and did not allow him to leave on his own accord.

Other than initially telling Gilstrap to get off the phone, Heverly never issued any commands to Gilstrap. At no time did Heverly issue any "lawful" commands, nor did he explain the reason for handcuffing him.

WHEREFORE, the declarant prays that an arrest warrant be issued for the arrest of:
NAME: Richard Charles Heverly / DOB: 11/[redacted]/1966 / DESCRIPTION: 6-01, 210, BRN, BRN
ADDRESS: [redacted] La Verne, CA 91750

I declare under penalty of perjury that the foregoing is true.
Executed at Indio, California, on this 15th day of August, 2008

CHP Officer C. Hamilton #17092, DECLARANT

WARRANT ORDERED ISSUED. BAIL SET AT: $ 150,000 —

☐ **DECLARATION/AFFIDAVIT IN SUPPORT OF ARREST INSUFFICIENT. REFERRED BACK TO AGENCY.**

BY JUDGE _____ **DATE** 8/15/08