

AFFIDAVIT
PROSECUTION WITNESS: VIC (VICTORIA) ESTRADA

1 My name is Vic (Victoria) Estrada. I am currently employed by the Sheriff's Department. I am a
2 sheriff's deputy and detective.

3 I am single with no children. At this time in my life I have little time for socializing. My work is my life
4 and between my on duty hours and the extra off duty assignments I pick up, there is little time for
5 the dating scene.

6 I have been employed with the Sheriff's Department since 2005 and was promoted to detective in
7 January 2008. Many people think I got the job as detective because of my father, but I am the
8 hardest working deputy out there. I have always scored the highest on all my performance
9 evaluations and any test required by the department. My father Rick may be a Captain, but I earned
this job.

10 I have always wanted to follow in my Dad's footsteps with the Department. I wanted to go in right
11 after high school, but you have to be 21. My Dad told me to use that time to get an education
12 because you can do more with the department if you have a degree. So I went to Long Bay College
13 and majored in criminal justice. I graduated with a 4.0 in 3 years and started the academy a month
14 after I turned 21. I was born to be a deputy.

15 I have always prided myself on my work. In every case I have worked there has been a conviction. I
16 know my stuff.

17 I remember all of my investigations and I will never forget the arrest of Pat Smith. The Investigation
18 started on August 20, 2008. I did a complete investigation and made my arrest on September 21,
19 2008.

20 Initially some uniforms were called to the Super King because of a shoplifter. I was on my way to
21 the station and heard the radio call saying security needed assistance because the shoplifter was
22 on the run.

23 After I arrived at the station I had a call to go to the Super King. I thought the shoplifter must have
24 injured the security guard and I was ready to do my best work. You know security guards should
25 be treated like law enforcement. I worked that job in college.

26 When I arrived at the scene I saw Frank Howe face down on the parking lot and Pat Smith was
27 standing proudly over him. I knew it was Pat because my Dad had spoken of him/her before. I did not
28 know anything about him/her really, just that my Dad had said some bad stuff about his/her family.
29 This of course had nothing to do with my investigation.

30 The first thing I did at the scene was to get the spectators to move back. They were crowding around
31 the body, not to mention the damage they were doing to my crime scene. I spoke to the paramedics
32 who confirmed that Frank was dead when they arrived. The paramedics indicated they did not move
33 the body. Of course, I didn't touch the body either. There were no visible signs of injury on him at that
34 time.

35 I then began looking for witnesses in the crowd. I interviewed several people, but most people showed

36 up afterwards. Some witnesses told me they saw Frank running out and Pat Smith was trying to catch
37 him. Other witnesses said Frank looked like he was in a hurry, but was definitely not running. Some
38 witnesses stated they thought Frank was caught stealing again. They could not believe that Pat had
39 attacked Frank for such a small amount of merchandise. They heard Frank say, "leave me alone and
40 let me give you the stuff back," but Pat just yelled, "You're gonna be sorry!"

41 One of the main witnesses that day was Terry Walker, the Super King manager. After I spoke to
42 him/her at the scene I was sure that Pat was just doing his/her job. Terry let me know that he/she had
43 seen it all and that Pat was just trying to stop Frank. Terry heard Pat yell for Frank to stop and Terry
44 also stated that Pat just barely pushed Frank and Frank fell. Plus, like I said, there weren't any marks
45 on Frank at the time.

46 I thought this was going to be an open and shut case. But like I said I always do my job, so I did not
47 stop until I had dotted all my I's and crossed all my T's.

48 One of the things I did at the scene was make a diagram of the area. When I went back to the store
49 to finish the investigation I knew what Terry said could not be true. There is no way Terry could have
50 seen anything around those carpet cleaners. Moreover, the physical assault happened outside,
51 and none of the witnesses said they saw Terry outside the store when it happened. I also heard
52 from some of the Super King employees that Terry was worried the store would be sued and he/she
53 would do anything to protect the store. Terry was telling the employees to make sure they all told
54 me he/she saw the whole thing.

55 The other main witness, Chris Dunn, had a much better view of the crime. I know that Pat used
56 unreasonable force from Chris' statement. Plus the Office of the State Medical Examiner let me know
57 that the day of the incident there would not have been marks on Frank immediately after the assault.

58 When I interviewed Terry about what I learned from Chris, Terry tried to convince me that Chris was
59 unreliable. Terry informed me that he/she fired Chris from Super King after being told by several
60 employees that Chris was a thief. Terry said Chris would say anything to get Super King in trouble.

61 Also I learned in my investigation that Pat is quite the athlete. Pat was a karate champ in high school.
62 Pat's high school friend told me Pat was deadly with his/her blows. I also heard that Pat once hit a
63 horse with a karate blow and it broke the horse's leg.

64 Finally, as part of my investigation, I did a criminal background check on Pat. I found that Pat was
65 adjudicated as a juvenile delinquent for smoking marijuana when he/she was 17 years old. You know
66 how it is --- once a criminal, always a criminal. I forwarded a copy of the Delinquency Petition and the
67 Disposition Entry for Pat to the Prosecutor's office.

68 I did not do a criminal background check of Frank Howe because there was no need to. After all,
69 Frank's dead and not on trial here. Pat's defense counsel showed me copies of documents they said
70 they obtained from a private investigator. The documents are District Court records with respect to
71 prior shoplifting charges against Frank. Pat's defense counsel asked me to confirm the accuracy and
72 authenticity of the documents, which I did.

73 For these reasons I arrested Pat – like I said, I always get the criminal.

SIGNED

Vic (Victoria) Estrada