

# INCIDENT REPORT City of Costa Mesa Police Department

DR #  
07-15165

Incident Type Municode violation	Code Section 12-20(a)(9)	Incident Code CMMC	Date/Time Reported 9-16-07 / 1854	Assoc. DR/Cite CMZ 2052588
Occurred: Date/Date 9-16-07 / 1854 / SUN	Time/Time /	Day/Day /	Location 1040 W. Paularino Ave. (Paularino Park)	Area/RD 3 / 21

**Involvement:** VIC = Victim WIT = Witness INF = Informant. CON = Contact INV = Investigative Lead SUS = Suspect ARR = Arrestee

Involv VIC	Name (Last, First, Middle) or Firm Name City of Costa Mesa - Park Services	Sex	Race	DOB/Age	Juv. <input type="checkbox"/>	Hgt.	Wgt.	Hair	Eyes
Residence or Firm Address			City/State/Zip		Residence Phone (714) 327-7490		Business Phone ( )		

Driver's License/State	Social Security #	Vict. Requests 293 PC <input type="checkbox"/>	Miscellaneous Jim Ortiz
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SUS <input type="checkbox"/>	Build	Hair Length/Style	Facial Hair/Skin	Scars/Marks/Tattoos & Location	Other Identifiers (i.e., Glasses, Jewelry)
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Involv ARR	Name (Last, First, Middle) or Firm Name Esparza, Rafael NMN	Sex M	Race H	DOB/Age	Juv. <input type="checkbox"/>	Hgt. 507	Wgt. 185	Hair BRN	Eyes BRN
Residence or Firm Address			City/State/Zip Long Beach, CA 90804		Residence Phone ( ) unk		Business Phone ( )		

Driver's License/State	Social Security #	Vict. Requests 293 PC <input type="checkbox"/>	Miscellaneous
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SUS <input type="checkbox"/>	Build	Hair Length/Style	Facial Hair/Skin	Scars/Marks/Tattoos & Location	Other Identifiers (i.e., Glasses, Jewelry)
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Involv	Name (Last, First, Middle) or Firm Name	Sex	Race	DOB/Age	Juv. <input type="checkbox"/>	Hgt.	Wgt.	Hair	Eyes
Residence or Firm Address			City/State/Zip		Residence Phone ( )		Business Phone ( )		

Driver's License/State	Social Security #	Vict. Requests 293 PC <input type="checkbox"/>	Miscellaneous
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SUS <input type="checkbox"/>	Build	Hair Length/Style	Facial Hair/Skin	Scars/Marks/Tattoos & Location	Other Identifiers (i.e., Glasses, Jewelry)
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**Brief Synopsis of Incident**  
Arrestee, Esparza, arrested and cited for scraping his name and his girlfriend's name on a city park tree.

Property Loss and/or Damage City tree	Value: Unknown
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Structural Type/Veh. park	Tool/Weapon Used pocket knife	Method of Entry n/a	Point of Entry n/a	Vic. Activity n/a	Sus. Activity vandalism
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Weapon Features n/a	Caliber/Length/Color	Other Descriptors/How Suspect Used Weapon/Tool
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Vehicle Sus <input type="checkbox"/> Vic <input type="checkbox"/> Inv <input type="checkbox"/>	License n/a	State	Veh. Yr.	Make	Model	Style	Color	Misc. Descriptors
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Vehicle Sus <input type="checkbox"/> Vic <input type="checkbox"/> Inv <input type="checkbox"/>	License n/a	State	Veh. Yr.	Make	Model	Style	Color	Misc. Descriptors
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CSI: Performed  No  Yes By Nassar 563      Photos  No  Yes      Fingerprints  No  Yes      Evidence  No  Yes

SPECIAL NOTATIONS	Victim Confidentiality <input type="checkbox"/>	Domestic Violence <input type="checkbox"/>	Force Incident <input type="checkbox"/>	Route: Investigation <input type="checkbox"/>	Traffic <input type="checkbox"/>
	Hate Crime <input type="checkbox"/>	Gang Involvement <input type="checkbox"/>	Pursuit Incident <input type="checkbox"/>	Other	

Reporting Officer Nassar	ID # 563	Supervisor JOL	Date/Time 9-18-07/0115	ID # 958	Clerk TH	Case Status: Act <input type="checkbox"/> Inact <input type="checkbox"/>	Detective Assigned
Class		Stat					

ARREST

CRIME

TRAFFIC

MISC

SUPPL

CSI

Page No.

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CITY OF COSTA MESA POLICE DEPARTMENT  
CONTINUATION REPORT

DR No.

07-15165

On 9-16-07, at approximately 1854 hours, while working uniform patrol, I was dispatched to 1040 W. Paularino Ave. (Paularino Park) reference a male subject vandalizing a tree. On the way to the location, CMPD Communications informed me the male subject, later identified with his California Driver's License as, Rafael NMN Esparza, was wearing black pants, a grey tank top, and white shoes. CMPD Communications further informed me the reporting party was an anonymous male caller. I arrived at the location and located Esparza. Esparza was wearing black pants, a grey tank top, and white shoes, and was standing next to a tree. The tree Esparza was standing next to had a red paint marking measuring 1'x2' about 4' above ground level.

I approached Esparza and asked him if he had any knives or weapons on his person. He told me he had a knife in his right front pocket. I asked Esparza if I could search him. He said "yes." I searched Esparza and located a pocket knife in his right front pocket of his pants and a black wallet containing his California Driver's license in his right rear pocket. I asked Esparza if he had vandalized the tree he was standing next to by spray painting the red markings on the tree and he told me the following:

Esparza said he did not spray paint the tree with the red markings. Esparza continued by spontaneously telling me he used the pocket knife that I had found in his front right pocket to scrape his name, "Rafael", his girlfriend's name, "Aurora," and the date, "9/16/07" on the tree. I asked Esparza to point to the location on the tree where he scraped the above stated markings. Esparza pointed directly above the red colored graffiti marking on the tree. Esparza said he did not vandalize the tree any further.

I was unable to contact the reporting party since he wished to remain anonymous. I photographed the damage to the tree and the pocket knife. I issued Esparza a citation for CMMC 12-20(a)(9) (CMZ 052588), defacing city park trees.

On 9-17-07, at approximately 1545 hours, I called Costa Mesa Park Services and left a message for "Jim Ortiz" advising him of the damage done to the tree. The value of the loss is undetermined at this time.

Copies to: <input type="checkbox"/> INVEST. <input type="checkbox"/> TRAFFIC  <input type="checkbox"/> OTHER	Reporting Officer G. Nassar	Ser. No. #563	Typist
	Supervisor Approving <i>[Signature]</i>	Ser. No. 458	Clerk

COSTA MESA POLICE DEPARTMENT  
NOTICE TO APPEAR

CMZ 052588

Traffic  MISDEMEANOR  Nontraffic

Date of Violation: 9/16/07 Time: 8:54 PM Day of the week: (S) M T W T F S Case No.: 0745165  
 Name (First, Middle, Last): RAFAEL (NMN) ESPARZA  
 Owner's Responsibility (Veh. Code, § 40001)

Address: [REDACTED]

City: LONG BEACH CA State: CA ZIP Code: 90804  Juvenile (Phone No.)

Driver Lic. No.: [REDACTED] State: CA Class: C Commercial:  Yes  No Age: [REDACTED] Birth Date: [REDACTED]

Sex: M Hair: BRN Eyes: BRN Height: 507 Weight: 185 Race: H Birth No.: 708

Veh. Lic. No.: N/A State: CA  COMMERCIAL VEHICLE (Veh. Code, § 15210(b))

Yr. of Veh.: N/A Make: N/A Model: N/A Body Style: N/A Color: N/A  HAZARDOUS MATERIAL (Veh. Code, § 353)

Evidence of Financial Responsibility: N/A

Registered Owner or Lessee: N/A  Same as Driver

Address: N/A  Same as Driver

City: N/A State: CA ZIP Code: [REDACTED]

Correctable Violation (Veh. Code, § 40610)	Booking Required	Misdemeanor or Infraction (Circle)
Yes No Code and Section Description		
<input checked="" type="checkbox"/> <input type="checkbox"/> CPC 622 - DAMAGE TO PAINTS/TREE	<input type="checkbox"/>	M I
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	M I
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	M I
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	M I

Speed Approx. P.F./Max. Spd. Veh. Lmt. Sale Radar Cont. Form Issued

Location of Violation(s) at: 1040 W. PAULARINO AVE. (PAULARINO PARK) Accident

Road Conditions: N/A Wet Dry Hvy. Med. Lt. Traffic: N/A Hvy. Med. Lt. Weather: N/A Clr. Fog Rain Cldy.

Violations not committed in my presence, declared on information and belief.  
 I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Arresting or Citing Officer: NASSAR Serial No.: 563 To: [REDACTED]  
 Date: [REDACTED] Name of Arresting Officer, if different from Citing Officer: [REDACTED] Serial No.: [REDACTED] Dates Off: [REDACTED]

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.  
 X Signature: [REDACTED]

WHEN: ON OR BEFORE 10/17/07 AT 8:15 AM.  
 WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.  
 WHERE:  Harbor Justice Center, Newport Beach Facility  
 4601 Jamboree Rd., Newport Beach, CA 92660-2595 (949) 476-4699  
 Juvenile Court, 341 The City Drive South, Orange, CA 92668-3209 (714) 935-7000  
 Central Justice Center, 700 Civic Center Drive West, Santa Ana 92709 (714) 834-3575  
 To be Notified  
 Your Parents/Guardian will be contacted by the Police Dept. or the Orange County Probation Dept.

CMZ 052588



CMZ052588

Notice to Appear form approved by the Judicial Council of California. Rev. 07-05 (Veh. Code, § 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) SEE REVERSE COURT COPY TR-130

COSTA MESA POLICE DEPARTMENT  
Date: 09/18/07 Time: 01:42

I N C I D E N T R E C A L L

PAGE: 000001  
Requested By: HINRICHS,TROY

Incident	Time	Type	Pri	Dispo	Address	Location	Beat	Team/Dist	Area	Bldg Apt	Callers Name	Callers Address	Callers Phone	P-unit	Close	Date/	Operator
PD070916080624	18:54	594	7	RTFAR	1040 W PAULARINO AV	PAULARINO PARK	0321	3	3		ANNON,MALE			PD/331	07/09/16	PDC091	19:44

Date	Time	Operator
07/09/16	18:54	LD
07/09/16	18:54	CORM
07/09/16	18:55	LD
07/09/16	18:55	DIEBALL,CLINTEN
07/09/16	18:55	DIEBALL,CLINTEN
07/09/16	18:55	LD
07/09/16	18:55	NASSAR,GREG
07/09/16	18:55	NASSAR,GREG
07/09/16	18:56	LD
07/09/16	18:56	LD
07/09/16	18:57	CORM
07/09/16	18:57	CORM
07/09/16	18:59	CORM
07/09/16	18:59	CORM
07/09/16	19:01	CORM
07/09/16	19:01	DIEBALL,CLINTEN
07/09/16	19:01	DIEBALL,CLINTEN
07/09/16	19:01	LD
07/09/16	19:01	LD
07/09/16	19:01	CORM

07/09/16 18:54 Incident Initiated By: LD  
07/09/16 18:54 MALE HISP 18 YO BLK HAT BACKWARDS GRY TANK TOP BLK PANTS WHI TENNIS SHOES  
07/09/16 18:54 ,,SUBJ IS DOING GRAFFITI ON A TREE,,  
07/09/16 18:54 Original Location : PAULARINO PARK  
07/09/16 18:54 Units Recommended PD/331 PD/324C  
07/09/16 18:55 LOC INFO REVIEWED: D  
07/09/16 18:55 Stat PD/331 Loc: PAULARINO PARK  
07/09/16 18:55 Officer 1 Name: NASSAR,GREG Officer 2 Name:  
07/09/16 18:55 Stat PD/324C Loc: PAULARINO PARK  
07/09/16 18:55 Officer 1 Name: DIEBALL,CLINTEN Officer 2 Name:  
07/09/16 18:55 Primary Unit CHANGED To: PD/331  
07/09/16 18:55 THE TREE IS THE LARGE TREE IS NEARST PAULARINO Odo:  
07/09/16 18:55 Unit PD/324C Mileage Entered Odo:  
07/09/16 18:55 Stat PD/324C ER Loc: PAULARINO PARK  
07/09/16 18:55 Caller Name CHANGED To: ANNON,MALE  
07/09/16 18:55 Unit PD/331 Mileage Entered Odo:  
07/09/16 18:55 Stat PD/331 ER Loc: PAULARINO PARK  
07/09/16 18:56 THERE ARE 4 OTHER SUBJS WITH THE MALE,,SUBJ DESCRIBED IS THE ONLY ONE  
07/09/16 18:56 DOING THE GRAFFITI  
07/09/16 18:57 Stat PD/331 OS Loc: PAULARINO PARK  
07/09/16 18:57 Officer 1 Name: NASSAR,GREG Officer 2 Name:  
07/09/16 18:59 Stat PD/527M OS Loc: PAULARINO PARK  
07/09/16 18:59 Officer 1 Name: RIECKHOF,ALLEN Officer 2 Name:  
07/09/16 19:01 Unit PD/324C Mileage Entered Odo:  
07/09/16 19:01 Stat PD/324C OS Loc: PAULARINO PARK  
07/09/16 19:01 RP RECONT'D ADVING THAT THE OFFICERS HAVE THE CORRECT SUBJ,BUT REFUSED TO  
07/09/16 19:01 MEET W/OFFICERS OR GIVE A PHONE NUMBER FOR A STATEMENT  
07/09/16 19:01 Stat PD/527M C4 Loc: PAULARINO PARK

07/09/16 19:01	Officer 1 Name: RIECKHOF, ALLEN	Officer 2 Name:	CORM
07/09/16 19:01	Stat PD/331	Loc: PAULARINO PARK	CORM
07/09/16 19:01	Officer 1 Name: NASSAR, GREG	Officer 2 Name:	CORM
07/09/16 19:01	Stat PD/324C	Loc: PAULARINO PARK	CORM
07/09/16 19:01	Officer 1 Name: DIEBALL, CLINTEN	Officer 2 Name:	CORM
07/09/16 19:02	QN.527M.ESPARZA, RAFAEL.M.10231969.B4393332		CORM
07/09/16 19:02	Officer 1 Name: RIECKHOF, ALLEN	Officer 2 Name:	CORM
07/09/16 19:10	Report Num: Fmt-01 LPD070916015165 - ADDED TO EVENT	By: PD/331	NASSAR, GREG
07/09/16 19:16	Stat PD/527M		CORM
07/09/16 19:16	Officer 1 Name: RIECKHOF, ALLEN	Officer 2 Name:	CORM
07/09/16 19:22	Unit PD/324C	Odo: .	DIEBALL, CLINTEN
07/09/16 19:22	Stat PD/324C		DIEBALL, CLINTEN
07/09/16 19:29	Unit PD/331	Odo: .	NASSAR, GREG
07/09/16 19:29	Stat PD/331	Loc: T19 BO UNIT	NASSAR, GREG

COSTA MESA POLICE DEPARTMENT  
Date: 09/18/07 Time: 01:42

PAGE: 000002  
Requested By: HINRICHS, TROY

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address Location	Beat	Team/dist	Area	Bldg Apt	Callers Name	Callers Address	Callers Phone	P-unit	Operator	Date/ Time	Close
07/09/16	19:44	Stat	PD/331	IN												CORM
07/09/16	19:44	Officer 1 Name:	NASSAR, GREG													CORM
07/09/16	19:44	Disposition	CHANGED													CORM

Officer 2 Name:  
To: RTFAR

==== Vehicle / Subject Information ====

NO VEHICLE OR SUBJECT RECORDS FOR EVENT LPD070916080624.