

This document is generated to make the larger, more detailed report entitled Exhibits 1-5 Color Scans easier and faster to understand. Referenced larger document, through the use of diagrams, broke the Original Incident Report and its Supplement down into understandable fragments. Otherwise, The Original Incident Report 2018-0000-133 7485 is not understandable and thus begs the question how the case was ever advanced first to The County Attorney's Office where it was promptly declined and sent back to PHX PD Property Crimes Division. Letter from Chief Jerri Williams (Included in presentation) confirms our claim that deliberately or otherwise, Walmart, Inc. employee's unfounded shoplifting charges placed defendants in jeopardy of being charged with a Class 4 Felony per ARS §13-1804-I. Had they been wrongly convicted this would have destroyed their ability to ever earn a decent living and provide for their two little boys.

Our focus rests solely on the 06/07/2018 charge subject case. The other two charges were not prosecuted by The City of Phoenix Prosecutor's Office. This dropping of charges should come as no surprise to the finder of fact intent upon getting to the bottom of this matter. Reason being Walmart could not present one piece of evidence that even remotely suggested these charges were anything but fraudulent. Of course, the preceding indictment begs the question: why then, was the third incident charged when there was no credible evidence to support it either? Had City Prosecutor actually read and understood the astoundingly flawed Original Incident Report, would this office have taken the case to trial?

Please direct your attention to Page 1. of 3. Simplified Incident Report. Top-left find: FOLLOW THIS NUMBER. See \$88.74. Then find: FOLLOW THIS DATE. See: 06/07/2018. After finding subject date, follow downward slanting arrow to 05/07/2018. Reading the paragraph we learn John is seen selecting THREE cases of beer, not two as later claimed, and loading beer into the cart. Though not specifically stated we must assume this \$88.74 must be the dollar amount of good removed on 06/07/2018 since no other date is mentioned. Now, please go to Page 2. of 3. top-left and find **Figure #1**.

Figure #1 ↓ examined.

\$88.74 (inside oval) appears for the second time. First, please follow diagonal line to the left and take note of the merchandise items called out. This is the last time these items will be referenced by Walmart. Why this is so defendants don't know, the Jury will have to ask Walmart for the answer. Now, please follow downward line to paragraph for the third time this \$88.7 appears. But please note now this \$88.74 now represents the dollar value of ALL goods removed between 04/28/2018 and 06/07/2018 where before, on page 1. of 3., it represented just the beer. We are reminded there was also a 5/28/2018 charge between the two subject charge dates. But now, we must try to figure out what Walmart claims was stolen and its dollar value since two of the three claimed incidents were not charged. Finder of fact need not anticipate a sensible answer is forthcoming, it is not. Please read on.

Now finder of fact will please go to Page 3. of 3 and middle of page find: **Figure #2**. This is the fourth time this dollar figure has appeared and third time its identify has changed. It is now claimed to represent the merchandise removed (the beer) on 06/07/2018. Now, to the last of the mysteries. Directing your attention to the last two incidents above 06/07/2018 nowhere will we find what was taken on either of these two dates in any piece of evidence.

defendants have seen. The total of all merchandise taken, in direct contradiction to what is stated in top paragraph, page 2. of 3. (\$88.74.) is now \$213.74.

At this point the trail goes cold. Defendants have no information informing how and why the totally indecipherable incident report details were abandoned and the beer theft charge alone was pursued by City Prosecutor's Office. From trial transcript, we do know the final charge of shoplifting charge was for two cases of Bud light valued at exactly \$41.96. No doubt, there is a bridging document or incident report change that abandoned the preceding nonsensical claims. Again, we know this must be so simply because, at trial, Walmart had somehow settled on two cases of Bud Light as the merchandise actually shoplifted. This was the only merchandise called out at trial. But what may we ask happened to the merchandise Claudia was supposedly seen stuffing into a shopping bag in liquor aisle video? And those mysterious black chairs? And aloe vera?

Should finder of fact have trouble understanding the preceding breakdown of Original Incident Report do not feel alone. An experienced criminal defense attorney who also holds an accounting degree, could not make any sense of it either and called it "typical Phoenix Police garbage."



Incident Report

FOLLOW THIS NUMBER

Incident Number 20180001337485	CFS Incident # 201801337485
Report Type Incident Supplement	Page 6 of 6
Date Time Occurred 04/28/2018 12:00	Date Time Reported 07/07/2018 12:32

Charge	Charge Code
SHOPLIFTING-REMOVAL OF GOODS	CLASS 1 MISDEMEANOR
Counts PCN #	Offense Date / Time
1 N/A	05/28/2018 00:00
Property Value	Incident #
100.00	20180001337485
Victim	Warrant #
WALMART	
Charge	Charge Code
SHOPLIFTING-REMOVAL OF GOODS	CLASS 1 MISDEMEANOR
Counts PCN #	Offense Date / Time
1 88.74	06/07/2018 00:00
Property Value	Incident #
157	20180001337485
Victim	Warrant #
WALMART	

FOLLOW THIS DATE

Statement of Probable Cause

BETWEEN 4/28/18 AND 6/7/2018, CLAUDIA SOBARZO AND JOHN KECK REMOVED MERCHANDISE BY PASSING ALL POINTS OF SALE FAILING TO PAY FOR THE ITEMS WHILE AT WAL-MART LOCATED AT 4747 EAST CACTUS ROAD

ON 4/28/18, CLAUDIA ENTERS THE STORE WITH A MALE, JOHN KECK POSSIBLY HER HUSBAND, SELECT A CART AND PROCEED TO THE GROCERY AISLE THEY SELECT BEER AND SODA AND PLACE THE ITEMS IN THE CART THEY PROCEED TO THE SELF CHECK OUT AREA. FAIL TO SCAN SOME OF THE ITEMS IN THE CART, THEY THEN PASS ALL POINTS OF SALE AND EXIT THE STORE

ON 5/28/2018 AT 1547 HOURS, CLAUDIA AND JOHN ENTER THE STORE WITH A CART SELECTED FROM THE PARKING LOT CLAUDIA PLACES CANVASS SHOPPING BAGS IN THE CART THEY BOTH SELECT NUMEROUS ITEMS AND PLACE THEM IN THE CART JOHN DISTRACTS ANOTHER CUSTOMER AND CLAUDIA PLACES THE ITEMS IN THE CANVASS BAGS THEY PROCEED TO THE EXIT PASS ALL POINTS OF SALE FAILING TO PAY FOR ANY OF THE ITEMS IN THE CANVASS BAGS AND EXIT THE STORE

ON 6/7/2018 CLAUDIA JOHN AND A CHILD ARE SEEN ON THE LIQUOR AISLE JOHN SELECTS THREE CASES OF BUD LIGHT CANS AND PLACES THEM IN THE CART JOHN AND CLAUDIA REPOSITION THE CHILD IN THE CART TO SIT ON THE BEER AND CLAUDIA PLACES HER LARGE PURSE ON TOP OF THE BEER IN AN ATTEMPT TO CONCEAL THE BEER THEY PASS ALL POINTS OF SALE FAILING TO PAY FOR ANY OF THE ITEMS IN THE CART, THEY ARE CONTACTED BY AN ASSISTANT MANAGER KORY CIESIELSKI AND IDENTIFIES HIMSELF AS LOSS PREVENTION CLAUDIA AND JOHN REFUSE TO STOP AND PUSH THE CART TO A DARK COLORED NISSAN TITAN, LOAD THE STOLEN ITEMS AND LEAVE THE PARKING LOT QUICKLY

GO TO PAGE 2 OF 3 FIGURE 1

Narrative Information

I WAS ASSIGNED THIS CASE TO CONDUCT FOLLOW-UP AFTER REVIEWING THE REPORT AND CONDUCTING FOLLOW-UP, I SUBMIT THIS CASE AND REQUEST AP-1 CLAUDIA SOBRAZO DOB 5/30/1977 AND JOHN KECK, DOB 12/25/1987, BE CHARGED WITH THREE COUNTS OF SHOPLIFTING, ARS 13-1805A C1M, FOR THE APPROXIMATE TOTAL VALUE OF \$213.74 FOR THE FOLLOWING REASONS

- *ELEMENTS OF A CRIME ARE MET
- *VICTIM DESIRES PROSECUTION
- *AP-1 CLAUDIA AND AP-2 JOHN POSITIVELY IDENTIFIED BY ARIZONA MVD
- *VICTIMS POSITIVELY IDENTIFIED CLAUDIA AND JOHN BOTH ARE KNOWN TO THE WITNESSES

ON 11/15/2018 I SPOKE TO W-1 [REDACTED] WHO SAID HE NEVER GOT A REAL LOOK AT THE MALE SUSPECT, HE WAS FOCUS ON THE PERSON WHO DID THE CONCEALING OF THE MERCHANDISE AND THAT PERSON WAS AP-1 CLAUDIA SOBARZO AFTER REVIEWING THE VIDEO OF THE INCIDENTS AND VIEWING THE MVD PHOTOGRAPH OF AP-2 JOHN KECK, THE MALE SUBJECT IS THE SAME PERSON STILL PHOTOS FROM THE VIDEO HAVE BEEN ATTACHED

Public Narrative

PAGE 1 OF 3

This is amazing. The Walmart security person in The Shopping Cart Footage is looking directly at John across the shopping cart!?



Incident Report

201800001337485	201801337485
Report Type Incident Report	Page 8 of 9
Date / Time Occurred 04/28/2018 12:00 to 06/07/2018 12:00	Date / Time Reported 07/30/2018 12:32

Location Towed From	Location Towed To	Reason for Removal
Wounded By	Mileage	Tow Operator
		Tow Truck Operator Signature
Boat Information		
Propulsion	Length	Engine Power
		Hull Mat
		Hull Shape

PROPERTY	Property # P181500994	Quantity 1	Category PROPERTY	Action STOLEN	Value \$88.74
Property Type OTHER	Owner Victim: WAL MART	FIGURE # 1 → ? NP			
Brand / Make	Model / Branch	Color	Ser # / Acct # / BHN #		
NIC Number	QAN / Draft #	UCR Code OTHER	Date Recovered		
Secondary Action	Secondary Value	Additional Description 3 CASES BUD LIGHT CANS, 2 BLK CHAIR, 2 ALOE VERA 1 SWISSPERS			
Associated Offenses					
SHOPLIFTING-REMOVAL OF GOODS <input checked="" type="checkbox"/> Associated With Property					

Barcode # 51000508743	Category ITEM	Action EVIDENCE
Description DVD OF INCIDENT		
Property Type DIGITAL MEDIA STORAGE DEVICE(S)	Qty/Unit 1	Unit of Measure EACH
Color	Serial Number	Owner Applied Number
Value Per Unit	Total Value	Registration Number
		Registration State
Year	NICIC Type	
NICIC Code		NICIC Number
Comment		

Impounded Site DESERT HORIZON PRECINCT	Impounded By TOMASI BRODI N
Summary 26 - 0	

Narrative Information
 BETWEEN 04-28-18 AN 06-07-18, CLAUDIA SOBARZO AND HER SIGNIFICANT OTHER JOHN KECK HAVE REMOVED GOODS BY PASSING ALL POINTS OF SALE FAILING TO PAY FOR THE ITEMS, APPROXIMATELY \$88.74, LEAVING WAL MART IN A DARK COLORED NISSAN TITAN PICK UP TRUCK FROM EAST CACTUS ROAD. 3rd

ON 07-30-18 AT APPROXIMATELY 1247 HOURS, I WAS DISPATCHED TO A THEFT CALL AT EAST CACTUS ROAD. UPON MY ARRIVAL, I SPOKE TO LOSS PREVENTION [REDACTED] AND SHE RELATED THE FOLLOWING INFORMATION.

[REDACTED] BEGAN REVIEWING VIDEO SURVEILLANCE AFTER SHE WAS NOTIFIED BY HER SUPERVISOR THAT ANOTHER EMPLOYEE FROM A DIFFERENT STORE WAS SHOPLIFTING AT THIS STORE.

ON 04-28-18, CLAUDIA ENTERS THE STORE WITH A MALE, JOHN KECK POSSIBLY HER HUSBAND, SELECT A CART AND PROCEED TO THE GROCERY AISLE. THEY SELECT BEER AND SODA AND PLACE THE ITEMS IN THE CART. THEY PROCEED TO THE SELF CHECK OUT AREA. FAIL TO SCAN ANY OF THE ITEMS SELECTED IN THE CART, PASS POINTS OF SALE AND EXIT THE STORE.



PHOENIX POLICE DEPARTMENT (0723)
Incident Report

Incident Number 201800001337485	CPS Incident # 201801337485
Report Type Incident Supplement	Page 3 of 6
Date / Time Occurred 04/28/2018 12:00 to 06/07/2018 12:00	Date / Time Reported 07/30/2018 12:32

Arrest Address			
Street Address			
City	State	Zip	Country Code
Arresting Officer	Subject	Complainant	Transported Date/Time
Weapon 1	Automatic Weapon	Weapon 2	
Automatic Weapon 2	Munition Clearance	License Classification	Cart Number
Warrant Number	Warrant Signed By	Date of Arrest	

Associated Charges				
Charge	Charge Code	Property Value	Incident #	Offense Date / Time
SHOPLIFTING-REMOVAL OF GOODS Counts PCN # 1	CLASS 1 MISDEMEANOR	25.00 N/A	201800001337485	04/28/2018 00:00
Victim WAL-MART				
SHOPLIFTING-REMOVAL OF GOODS Counts PCN # 1	CLASS 1 MISDEMEANOR	100.00 N/A	201800001337485	05/28/2018 00:00
Victim WAL-MART				
SHOPLIFTING-REMOVAL OF GOODS Counts PCN # 1	CLASS 1 MISDEMEANOR	88.74	201800001337485	06/07/2018 00:00
Victim WAL-MART				

FIGURE 2.

BETWEEN 4/28/18 AND 6/7/2018 CLAUDIA SOBARZO AND JOHN KECK REMOVED MERCHANDISE BY PASSING ALL POINTS OF SALE FAILING TO PAY FOR THE ITEMS WHILE AT WAL-MART LOCATED AT 4747 EAST CACTUS ROAD

ON 4/28/18 CLAUDIA ENTERS THE STORE WITH A MALE JOHN KECK POSSIBLY HER HUSBAND, SELECT A CART AND PROCEED TO THE GROCERY AISLE. THEY SELECT BEER AND SODA AND PLACE THE ITEMS IN THE CART. THEY PROCEED TO THE SELF CHECK OUT AREA. FAIL TO SCAN SOME OF THE ITEMS IN THE CART. THEY THEN PASS ALL POINTS OF SALE AND EXIT THE STORE

ON 5/28/2018 AT 1547 HOURS, CLAUDIA AND JOHN ENTER THE STORE WITH A CART SELECTED FROM THE PARKING LOT. CLAUDIA PLACES CANVASS SHOPPING BAGS IN THE CART. THEY BOTH SELECT NUMEROUS ITEMS AND PLACE THEM IN THE CART. JOHN DISTRACTS ANOTHER CUSTOMER AND CLAUDIA PLACES THE ITEMS IN THE CANVASS BAGS. THEY PROCEED TO THE EXIT. PASS ALL POINTS OF SALE FAILING TO PAY FOR ANY OF THE ITEMS IN THE CANVASS BAGS AND EXIT THE STORE

ON 6/7/2018 CLAUDIA, JOHN AND A CHILD ARE SEEN ON THE LIQUOR AISLE. JOHN SELECTS THREE CASES OF BUD LIGHT CANS, PLACES THEM IN THE CART. JOHN AND CLAUDIA REPOSITION THE CHILD IN THE CART TO SIT ON THE BEER AND CLAUDIA PLACES HER LARGE PURSE ON TOP OF THE BEER IN AN ATTEMPT TO CONCEAL THE BEER. THEY PASS ALL POINTS OF SALE FAILING TO PAY FOR ANY OF THE ITEMS IN THE CART. THEY ARE CONTACTED BY AN ASSISTANT MANAGER [REDACTED] WHO IDENTIFIES HIMSELF AS LOSS PREVENTION. CLAUDIA AND JOHN REFUSE TO STOP AND PUSH THE CART TO A DARK COLORED NISSAN TITAN. LOAD THE STOLEN ITEMS AND LEAVE THE PARKING LOT QUICKLY

PAGE 3. OF 3.

SUSPECT	<input checked="" type="checkbox"/> Known	<input type="checkbox"/> Unknown	<input checked="" type="checkbox"/> Arrested
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Walmart security camera footage Shopping Cart Footage clearly shows defendants stopping and interacting with Walmart security personnel.