

REQUESTING AGENCY CASE NO.
P18135608

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
RIVERSIDE LABORATORY
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RIVERSIDE, CA 92509
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BFS CASE NUMBER
RI-18-002179-0002

ATTN: K. BELER
RIVERSIDE POLICE DEPARTMENT
10540 MAGNOLIA AVE
RIVERSIDE, CA 92505

PHYSICAL EVIDENCE EXAMINATION REPORT

Agency Only

SUSPECT: ARTHUR C. LEVARIO

OFFENSE: ASSAULT, FELONY

VICTIM: NONE LISTED

OFFENSE DATE: 07/20/2018

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.

Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures. The Department of Justice Laboratory is accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB).

At the direction of the submitting agency, only the agency identified in the mailing address of this report will be allowed access to this case. The submitting agency should notify the lab when the prosecutor's office or others should be included.

SUMMARY:

Item CM07: The HI-POINT, Model JCP, semi-automatic pistol, serial number X7183128, chambered for 40 S&W functioned as designed during examination and test firing. The submitted magazine (Item CM07-B) and three (3) laboratory 40 S&W cartridges were used to test fire the pistol.

EVIDENCE:

The following evidence was submitted to the laboratory by C. Sanchez with the Riverside Police Department on May 1, 2019:

Item CM07: HI-POINT, Model JCP, semi-automatic pistol, serial number X7183128, chambered for 40 S&W

Item CM07-A: One fired cartridge case identified as "chamber-fired cartridge case" and one cartridge identified as "chamber live"

Item CM07-B: One empty magazine marked "40" and five (5) cartridges

Item SM014: "Fired cartridge case from suspect vehicle/passenger floor". The package also contains a piece of apparent glass.

Item SM015: "Fired cartridge case from suspect vehicle/trunk"

EXAMINATION:

Item CM07 consists of one unloaded **HI-POINT, Model JCP, semi-automatic pistol, serial number X7183128, chambered for 40 S&W**. The barrel has seven left conventional rifling. The trigger pull was approximately 12.5 pounds. This pistol was test fired with the magazine from **Item CM07-B** and three (3) laboratory 40 S&W cartridges. The test fired components (consisting of three fired bullets and three fired cartridge cases) were retained as **Item CM07TF**. Material with the visual appearance of blood was seen on the bottom front portion of the frame of this pistol. A portion of this material was collected as **Item CM07_VAB**. Silicone casts were made of the barrel, breech face and firing pin and were retained as **Item CM07CASTS**.

Item CM07-A consists of the following:

One fired cartridge case with a "WIN 40 S&W" headstamp (this cartridge case was inside of an envelope marked "chamber fired cartridge case"). This cartridge case is visually similar to those found on "WINCHESTER 165 GR. Full Metal Jacket Target/Range" ammunition in the laboratory's ammunition collection. No further examinations were performed on this fired cartridge case.

One cartridge with a "WIN 40 S&W" headstamp and a full metal jacketed-truncated cone bullet (this cartridge was inside an envelope marked "Chamber Live 1023"). This cartridge is visually similar to "WINCHESTER brand 165 GR. Full Metal Jacket Target/Range" ammunition in the laboratory's ammunition collection and to the five cartridges in **Item CM07-B**. No further examinations were performed on this cartridge.

Item CM07-B consists of the following:

Five (5) cartridges with "WIN 40 S&W" headstamps and full metal jacketed-truncated cone bullets. These cartridges were inside an envelope marked "cartridges from magazine" and are visually similar to "WINCHESTER brand 165 GR. Full Metal Jacket Target/Range" ammunition in the laboratory's ammunition collection and to the cartridge included in **Item CM07-A**. No further examinations were performed on these cartridges.

One empty magazine marked "40". This magazine fits **Item CM07** and has the capacity to hold ten (10) 40 S&W cartridges. There is material present on the base of this magazine which has the visual appearance of blood. A portion of this material was collected as **Item CM07-B_MAG_VAB**. This magazine was used to examine and test fire **Item CM07**.

Item SM014 consists of the following:

One fired cartridge case with a "WIN 40 S&W" headstamp. This cartridge case was inside of an envelope marked "fired cartridge case (40 S&W) from rear passenger side" and is visually similar to the cartridge cases on "WINCHESTER 165 GR. Full Metal Jacket Target/Range" ammunition in the laboratory's ammunition collection and to the cartridge cases in **Items CM07-A, CM07-B and SM015**. No further examinations were performed on this fired cartridge case.

One small piece of apparent blue/green glass. No further examinations were performed on this glass.

Item SM015 consists of one fired cartridge case with a "WIN 40 S&W" headstamp. This cartridge case was inside of an envelope marked "fired cartridge case (40 S&W) from trunk by placard 15" and is visually similar to the cartridge cases on "WINCHESTER 165 GR. Full Metal Jacket Target/Range" ammunition in the laboratory's ammunition collection and to the cartridge cases in **Items CM07-A, CM07-B and SM014**. No further examinations were performed on this fired cartridge case.

DISPOSITION:

Items CM07, CM07TF, CM07CASTS, CM07_VAB, CM07-A, CM07-B, CM07-B_MAG_VAB, SM014 and SM015 will be returned to the appropriate agency in the normal course of business.

EXAMINED BY:

Daniel J. Gregonis
Daniel J. Gregonis
Senior Criminalist

Technical Reviewer:

D.S.

Date: 06/11/2019

Administrative Reviewer:

W

Date: 06/25/2019

Date of Report: 06/25/2019

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