

*Santa Clara County Office of the Sheriff*  
*Case #15-239-0032J*  
**Sgt. Marc Carrasco**

**STATEMENT OF FACTS**

I, Sgt. Marc Carrasco, offer the following declaration as a synopsis of the official reports, documents, and continuing investigation of the above-numbered case. I am currently assigned the murder investigation of Michael Tyree. From reviewing official police reports and documents generated by the Santa Clara County Office of the Sheriff, and from the investigation completed, I believe the following to be true.

On Wednesday August 26, 2015 at approximately 7:30 p.m., Santa Clara County Jail inmate in Main Jail Pod 6B Michael Tyree went to obtain his evening medications at the nightly "pill call." Instead of taking his medication, Inmate Tyree put the medication in his pocket and walked away. The medications nurse told Department of Corrections (DOC) Officer Jerah Lubrin that Inmate Tyree put the medications in his pocket. DOC Officer Lubrin then confronted Inmate Tyree and told him to go back to the window. Inmate Tyree called Nurse Marilyn a liar and a rapist. Once back at the window, Inmate Tyree took the pills from his pocket and ate them.

Shortly after 9 p.m., inmates in Pod 6B were permitted to leave their cells for time in the common areas of the Pod, referred to as "program time." Officer Lubrin was present in the Pod during this time. Nothing remarkable about Inmate Tyree occurred during program time, and he participated with other inmates in the exchange of old clothing for new clothing that was being done by the jail trustees of the Pod near the day room of the Pod.

At approximately 10:10 p.m., all inmates were back in their cells and locked in, with the two jail trustees also in their cells and locked in by approximately 10:15 p.m.

At approximately 10:38 p.m., Officer Lubrin and Officer Michael Farris entered Pod 6B to conduct cell searches to obtain any extra clothing that inmates may have hidden in their cells. At 10:48 p.m., Officer Rafael Rodriguez joined them.

When Officers Lubrin, Farris and Rodriguez arrived at Cell 48, they confronted Inmate Juan Villa about a dispute he had with another inmate during program time. The Officers hit Inmate Villa in the head, and twisted his arms leaving visible marks on them. The Officers then left his cell, and proceeded to search the cells on the lower level of the Pod, starting with Cell 47.

When the Officers got to Inmate Tyree's cell, Cell 39, Officers Lubrin and Farris entered the cell, while Officer Rodriguez stood inside the door, with the door open. Inmate Tyree was heard to say words to the effect of: Do I have to get up? Inmate Tyree was then ordered by Officer Farris to get up.

Inmate Tyree's distinctive voice could be heard screaming, "I'm sorry. I'm sorry. Stop." Screaming could be heard throughout the Pod for several minutes and was accompanied by the sounds of thumping, wall banging and what sounded like blows to a person's body. At some point during this screaming period, Officer Rodriguez closed the door so that it was open a small amount.

The officers inflicted injuries on Inmate Tyree above his eye, near his chin and on his cheek. There were also numerous other injuries including a contusion above the left ear, and injuries to his upper arms, legs, back, and both hips. The most significant injury was inflicted on

Inmate Tyree's lower left back. That injury caused severe damage to Inmate Tyree's spleen and liver. The internal bleeding from this injury caused Inmate Tyree to die within minutes to no more than one hour.

The Officers then left Inmate Tyree's cell continuing their cell searches. They did not call for medical assistance for Inmate Tyree.

At approximately 11:09 p.m., Officers Lubrin, Farris and Rodriguez left Pod 6B, leaving no one in the Pod except for the inmates in their cells. From 11:09 p.m. until 12:07 a.m. no one entered the Pod or had access to Inmate Tyree's cell.

At approximately 12:07 a.m., Officer Lubrin returned to the Pod to do welfare checks. At 12:12 a.m., Officer Lubrin radioed that there was a "man down," meaning an inmate down.

Inmate Tyree was pronounced dead at 12:35 a.m. on August 27, 2015.

I declare that the foregoing is true and correct to the best of my knowledge under penalty of perjury of the laws of the State of California.

Date: September 8, 2015

Sgt. Marc Carrasco  
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