

Birthday bash at Market Street 7-Eleven

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check on things, Singh said. Dhingra told him to give the pennies back to the woman. He did, he said. She took them and left.

"She talk shit," Singh said. He couldn't recall the words. He denied coming around the counter, pulling out \$5 and paying someone to beat her.

"I am working," he said. "There's a big line. I can't leave the cash register. And I don't know anybody out there (outside)." Later that afternoon he ran around the counter to open the door for a regular customer in a wheelchair.

Smart says she was so beat up and exhausted that she didn't call Southern Station until Monday. She called from the same Market Street pay phone, she said,

and police arrived in a few minutes to take her statement. The officers went inside the 7-Eleven, but Kaur, the manager, and Singh, the clerk, weren't there. A clerk called Kaur and the police told her not to erase the security videotape. Kaur said she would be there after 4 p.m. But the police didn't come back, she said.

Smart got a copy of the police report. In it, Officer Aaron Ballonado said Smart had "insisted" on making a police report. He concluded: "I do not believe the event that occurred on June 10, 2006 is entirely accurate. Based upon our examination of Smarts eye area, there were no signs of laceration, bruising or redness which would corroborate Smarts information."

The report was sloppy, Smart said. Aside from faulty punctuation, she counted seven errors. The incident time was 40 minutes ear-

lier than stated, and her name, Sidnie Grace Smart, was misspelled Sidney Grae Smart. Her phone number and address were wrong, too. She said the report didn't mention the clerk's involvement in the alleged \$5 hit, either. But clearly it did. "Jessie told the unknown black male 'to beat her up,'" the report said.

That Monday she said she also called 7-Eleven customer service to complain. Through a circuitous routing, during which she took copious notes, she ended up leaving information for Jack Dyal, an investigator, she said.

A couple of days later, she said Dyal called her and said the owner, Darminder Dhingra, had showed him the Sunday tape — 1:30 a.m. to 3:30 a.m. — and he saw nothing alarming.

The incident occurred on a Saturday about 8:20 p.m. and the 911 call was at 8:28 p.m. Why Dhingra, who wasn't there that night, showed him a tape of hours after the incident Dyal didn't know, Smart said Dyal told her.

Dyal is a field inspector who visits 7-Eleven store No. 33393 every Wednesday afternoon to check supplies and equipment, Kaur said, and confirmed that Dhingra showed him the film.

Reached by phone in the East Bay, Dhingra said he wasn't supposed to talk to the media. He said to call 7-Eleven headquarters and gave an 800 number. Asked about the tape that Jack Dyal saw, he repeated, "Call that number."

Dyal did not return phone calls.

The 7-Eleven store, traced by its phone number (415-618-0207), has no complaint record with the San Francisco Better Business Bureau.

Smart planned to see Oakland lawyer, Andrew Wolff. He scheduled her a late afternoon appointment on Friday, July 7. She took BART over but said she walked the wrong way out of the station, missed the appointment and had to reschedule for July 11. She showed up with her paperwork and notes, plus the photos she said she took of herself in the mirror after the attack. They show nothing definitive on her face but do show a bad bruise on the inside of her right upper arm. "He must have really grabbed me hard there," Smart said. Wolff, she said, interested in the case ■



PHOTO BY LENNY LIMJOCO

7-Eleven No. 33393 has an unblemished record with the Better Business Bureau, but one Tenderloin resident had an ugly run-in with a clerk on her 55th birthday.

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