

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
COMPLAINT OF COLUMBIA
CRIMINAL DIVISION

DCTN: _____
LKUP# _____
Case #: 2013CRW 003445

District of Columbia ss:

Defendant's Name: Erik Postell
(First) (MI) (Last)

2013 OCT 11 PM 2 14

FILED

Also Known As: E
(First) (Middle) (Last)

Address: 23rd Street, S.E., Washington, D.C.

Erik Postell, within the District of Columbia, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Paul A. Tanoh-Danzo, by shooting him with a firearm on or about March 21, 2013, thereby causing injuries from which Paul A. Tanoh-Danzo died on or about March 21, 2013. (First Degree Murder While Armed (Premeditated), in violation of 22 D.C. Code, Sections 2101, 4502 (2001 ed.))

Erik Postell
Affiant's Name

Subscribed and sworn to before me this 10th day of October, 2013
Christina M. (NASH)
(Judge) (Deputy Clerk)

WARRANT

To The United States Marshal or any other authorized federal officer or the Chief of Police of the District of Columbia:

WHEREAS the foregoing complaint and affidavit supporting the allegations thereof have been submitted, and there appearing probable cause and reasonable grounds for the issuance of an arrest warrant for ERIK POSTELL

YOU ARE THEREFORE COMMANDED TO BRING THE DEFENDANT BEFORE SAID COURT OR OTHER PERSON ENUMERATED IN 18 U.S.C.3041 forthwith to answer said charge.

Issued 10/10/13
Christina M. (NASH)
Judge - Superior Court of the District of Columbia

10/10/13 1600

Title 16: _____ Rule 105: _____ Judge

Sex: male	DOB: 10-29-1988	CCN: 13-036-456	PDID: 556568
Papering Officer: <u>Shields, RAY</u>			Badge No.: <u>D2-1356</u>

OFFICER MUST EXECUTE RETURN

Officer's Name:	Date / Time:
AUSA Signature:	Fel. I <input checked="" type="checkbox"/> AFTC <input type="checkbox"/> Fel. II <input type="checkbox"/>

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Superior Court of the District of Columbia

CRIMINAL DIVISION

2013 Cew 003465
USW NO.:

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

DEFENDANT'S NAME: Postell, Erik				NICKNAME: E		ALIASES:		CCN: 13-036456	PDID: 556568
SEX: M	RACE: B	DOB: 10-29-88	HGT: 5'10	WGT: 171	EYES: BRN	HAIR: BLK	COMPL: MEDIUM	SCARS, MARKS, TATOOS VARIOUS TATOOS: "ERIK" ON ARM	
DEFENDANT'S HOME ADDRESS: ██████ 23 RD St. SE, WASHINGTON D.C						TELEPHONE NUMBER:			
DEFENDANT'S BUSINESS ADDRESS:						TELEPHONE NUMBER:			
COMPLAINANT'S NAME: PAUL A. TANOH-DANZO						TELEPHONE NUMBER:			
LOCATION OF OFFENSE: F/O 1050 17 TH Street, NW WASHINGTON D.C						DATE OF OFFENSE: 03-21-2013		TIME OF OFFENSE: 0239 HOURS.	
CAUTION AND MEDICAL CONDITIONS (CMC) Select a valid CMC code below for wanted person when using the caution indicator.									
___ X 00 = Armed and Dangerous ___ X 05 = Violent Tendencies ___ 10 = Martial Arts Expert ___ 15 = Explosive Expertise ___ 20 = Known to abuse drugs ___ 25 = Escape Risk ___ 30 = Sexually Violent Predator ___ 50 = Heart Condition					___ 55 = Alcoholic ___ 60 = Allergies ___ 85 = Epilepsy ___ 70 = Suicidal ___ 80 = Medication Required ___ 85 = Hemophiliac ___ 90 = Diabetic ___ 01 = Other				
GIVE BRIEF DESCRIPTION OF WHAT HAPPENED:									
On Thursday, March 21, 2013, at approximately 0239 hours, members of the Second District received a radio run for the report of a shooting in the 1000 block of 17 th Street Northwest, Washington D.C. Upon their arrival, officers located Mr. Paul A. Tanoh Danzo seated in the driver seat of a 2002 green two door BMW, suffering from multiple gunshot wounds to the body and head. The vehicle was parked in front of 1050 17 th Street, Northwest, Washington D.C. Mr. Danzo was transported to George Washington University Hospital Center and admitted in critical condition. All life saving efforts failed and the decedent was pronounced dead at 0319 hours. The remains of the decedent were transported to the Office of the Chief Medical Examiner pending autopsy.									
Members of the Washington, D.C. Metropolitan Police Department's Forensic Science Services Division responded to the scene of the shooting and processed it. Recovered from the 1000 block of 17 th Street were multiple items of firearms ballistic evidence, including .45 caliber cartridge casings, Winchester brand. Recovered on the east side of the 1100 block of 15 th Street Northwest, Washington D.C was a .45 caliber semi-automatic pistol, Taurus brand, with an expended .45 caliber cartridge case, Winchester brand protruding from the ejection port of the pistol. The weapon had first been observed by a citizen who had called 911 to report its location.									
On Thursday, March 21, 2013, an autopsy was conducted on the decedent by Dr. Chen of the Washington D.C Medical Examiner Office. Dr. Chen advised that the cause of death was multiple gunshot wounds, and the manor of death was Homicide. Recovered during the autopsy were multiple .45 caliber bullets.									
Subsequent ballistics examination concluded that the recovered pistol was the firearm used in the shooting.									
During the preliminary investigation, a witness was located and interviewed. The witness hereinafter will be referred to as W-1. W-1 stated that IT was standing approximately 15 to 20 feet away from the shooting at the time it occurred. IT stated that IT observed a black BMW, heard gunshots, then observed a black male standing									

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on the driver side of a car shooting into it. After the shooting, W-1 observed the shooter walk swiftly to a waiting black seven series BMW and enter the front passenger side of the vehicle. The black BMW fled the scene, south on 17th Street towards K Street Northwest, Washington D.C.

Your affiant interviewed several uninvolved eyewitnesses to this shooting. None described the shooter as being shorter than 5'5" or taller than 5'11. Defendant Erik Postell has a criminal record and identifying information in a law enforcement data base accessed by your affiant states his height as 5'10." None of the eyewitnesses referred to above could identify the shooter by face.

A witness, hereinafter referred to as W-2 was parked in the 1700 block of L Street Northwest, Washington D.C. at the time of the shooting. W-2 heard approximately four (4) gunshots coming from the direction of 17th Street. Upon hearing the gunshots W-2 observed a black male turn and rush towards a black BMW 745I, late model (2004 – 2006) with 22-inch chrome rims and tinted windows. The black BMW fled the scene at a high rate of speed towards K Street Northwest, Washington D.C. W-2 stated that IT previously noticed the black BMW parked at the entrance of the Colonial Parking Garage, Blake Building, shortly before the shooting.

A Uniformed Secret Service officer was patrolling in the area of 17th and L Street Northwest on the night of the homicide. The officer heard approximately five (5) gunshots in the area of 17th and L Streets. A citizen caught the officer's attention and pointed into the 1000 block of 17th Street Northwest, Washington D.C. The officer activated his marked patrol car emergency lights, at which time the officer observed a black BMW sedan fleeing from the 1000 block of 17th Street. The officer pursued the BMW from the 1000 block of 17th Street. The BMW traveled south in the 1000 block of 17th Street, made a left turn onto K Street Northwest and traveled east on K Street. The black BMW then made a left turn from K Street onto 15th Street Northwest and traveled north on 15th Street Northwest, through the block in which the pistol used in the shooting was later recovered. The officer pursued the black BMW to 15th Street and Florida Avenue Northwest, at which time the Uniformed Secret Service Officer lost sight of the BMW in the area of 15th and Florida Avenue and W Street Northwest.

Surveillance video footage from relevant locations of the night of the homicide was recovered by the Metropolitan Police Department Electronic Surveillance Unit. The video footage includes camera views of various locations (1) inside and outside the Colonial Parking Garage that is located adjacent to an establishment known as Balletto, address 1708 L Street Northwest; and (2) inside and outside the Balletto establishment. The relevance of the video footage is that it captures the activities of defendant Erik Postell, a subject identified as Michael Alexander Smith (PDID 518-507), and others in the defendant's company; the interaction between defendant Erik Postell and decedent Paul A. Tanoh-Danzoh inside and in front of Balletto; and (3) the activities of defendant Erik Postell, Michael Smith, and others in the defendant's company, and the decedent Paul A. Tanoh-Danzoh, after they all left the Balletto establishment, leading up to the time when defendant Erik Postell shot the decedent while he was sitting unarmed in his car and then fled in a black BMW being operated by Michael Smith.

- 1) Surveillance video shows that on March 20, 2013 at approximately 2340 hours (according to the time stamp on the video) a black BMW with tinted windows and large chrome rims arriving at the garage. Two subjects exit the BMW. One subject is shown wearing dark color jeans, a baseball hat, and a grey hoodie pulled up over his baseball hat on his head; he exits from the passenger side of the BMW. As explained below, this subject has been identified as defendant Erik Postell. A black male with shoulder dreadlocks, wearing dark clothing and a dark color knit cap on his head exits from the driver side of the vehicle. This subject has been identified as Michael Smith. No other subjects exit the black BMW. Both subjects walk towards the front of 1708 L Street Northwest, which is the entrance to Balletto. The two subjects from the BMW, meet two other male subjects in front of the Balletto. All four subjects enter Balletto at approximately 2345 hours. Surveillance video shows that all four subjects sat together at a table inside the club and received bottle service throughout the night, until the club closed.
- 2) Surveillance video shows, on March 21, 2013 at 0230 hours the decedent Paul A. Tanoh-Danzoh and the male subject wearing dark color jeans and baseball hat with a grey hoodie, subsequently identified

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as defendant Erik Postell, involved in an apparent verbal altercation inside Balletto. Club security is shown stepping between the decedent and the male subject to separate the two. The decedent turns to walk away and the male subject wearing dark color jeans and baseball hat with a grey hoodie pushes the decedent in the back with his hand; the decedent turns around and strikes the male subject with a closed fist in the face, causing the male subject to fall backwards. The decedent exits the club and shortly after the male subject wearing dark color jeans and baseball hat with a grey hoodie runs after him. Once in front of the club in the 1700 block of L Street Northwest, the decedent and the male subject wearing dark color jeans and baseball hat with a grey hoodie are separated again by people exiting the club.

- 3) Surveillance video shows, at approximately 0233 hours, the male subject wearing dark color jeans and baseball hat with a grey hoodie, subsequently identified as defendant Erik Postell, entering the Colonial parking garage where the black BMW was parked. The black male with shoulder length dreadlocks who was the driver of the BMW, subsequently identified as Michael Smith, is shown entering the garage shortly afterwards. Both subjects walk back out of the parking garage towards the 1700 block of L Street at approximately 0234 hours. The male subject wearing dark color jeans and baseball hat with a grey hoodie then walks around the area of the intersection of 17th and L Streets, in the direction in which the decedent was shown walking when they were separated. The male subject wearing dark color jeans and baseball hat with a grey hoodie is then seen walking with the driver of the black BMW in the 1700 block of L Street. They are observed walking back towards the Colonial parking garage. The male subject wearing dark color jeans and baseball hat with a grey hoodie appears on the video to be very upset.
- 4) Surveillance video shows, at approximately 0237 hours, the black male with shoulder length dreadlocks who was the driver of the BMW, subsequently identified as Michael Smith, walking into Colonial Parking Garage and handing a valet employee a ticket. The valet employee runs into the parking garage to retrieve the black BMW. At approximately 0238 hours the parking garage valet employee is observed driving the same black BMW in which the subjects arrived out the lower part of the garage. The valet employee parks the black BMW at the entrance of the garage.
- 5) Surveillance video shows, at approximately 0243 hours, the decedent walking to his vehicle, which was parked in the 1700 block of L St. Northwest in front of Balletto. At 0244 hours the black BMW is observed leaving the garage and slowly driving past the club towards the intersection of 17th and L Streets Northwest. The decedent then enters his vehicle at approximately 0245 hours.
- 6) Surveillance video shows, at approximately 0246 hours, the male subject, subsequently identified as defendant Erik Postell, who was previously wearing just dark color jeans and baseball hat with a grey hoodie, now is wearing a dark-colored jacket over the grey hoodie with the hoodie portion covering his head, in an apparent effort to change his appearance. The jacket appears to be the jacket worn earlier by the black male with shoulder length dreadlocks who was the driver of the BMW, subsequently identified as Michael Smith. The male subject with the dark-colored jacket over the grey hoodie is observed walking past the front of the club towards the parking garage. As the male subject with the dark-colored jacket over the grey hoodie is walking past the decedent's vehicle, he looks towards the decedent's vehicle. At approximately 02:46:28 hours the male subject with the dark-colored jacket over the grey hoodie walks past the decedent's vehicle towards the intersection of 17th and L Streets. The male subject with the dark-colored jacket over the grey hoodie continues to look towards the decedent's vehicle as he walks back towards the intersection. At approximately 02:46:44 hours, the decedent pulls out of the parking space and drives towards the intersection.
- 7) While the shooting of the decedent occurred just out of the range of surveillance cameras in the vicinity, surveillance video does show, at approximately 0247 hours on the video, people reacting to the sound of gunshots by ducking and looking towards the 1000 block of 17th Street. Based on the accounts of eyewitnesses and other information, your affiant knows that the shooting of decedent Paul A. Tanoh-Danzoh occurred in the 1000 block of 17th St. Northwest at the time when the surveillance

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video captures the reactions described above.

Your affiant has viewed all of the surveillance video described above and has also viewed decedent Paul A. Tanoh-Danzoh both in death and in photographs and can confirm that he was the same subject who was involved in an altercation with the male subject subsequently identified as defendant Erik Postell approximately 17 minutes before the shooting.

On May 29, 2013, Michael Smith was charged with being an accessory after the fact to the fatal shooting of the decedent, for driving the shooter away from the scene immediately after the shooting. Based on his viewing of all the surveillance video described above and his viewing of the person of Michael Smith, your affiant can confirm that his appearance matches the appearance of the black male with shoulder length dreadlocks who was shown to be the driver of the BMW.

On September 18, 2013, Michael Smith was indicted for murder and other charges in connection with the fatal shooting of the decedent, and the Court thereafter found there was substantial probability that Michael Smith had committed the murder in that he had aided and abetted the shooter.

During the course of the investigation, defendant Erik Postell was developed as a suspect in the shooting of the decedent. As stated above, your affiant has viewed all of the described surveillance video and has also viewed an August 24, 2010 arrest photo of defendant Erik Postell and can confirm that he is the same subject who is observed on the video: (1) arriving at the garage wearing dark color jeans, a baseball hat, and a grey hoodie, in a black BMW being operated by the male subject subsequently identified as Michael Smith who has since been indicted for murder and drove the shooter of the decedent from the scene in the same black BMW; (2) later being involved in a verbal and physical altercation with the decedent; and (3) 16 minutes after that altercation wearing a jacket, that appears to have been worn just a short time before by Michael Smith, and then walking towards and then past the decedent's vehicle.

Your affiant notes that prior to defendant Erik Postell being developed as a suspect, an MPD officer who knows Michael Smith viewed the surveillance video and advised that the male wearing dark color jeans, a baseball hat, and a grey hoodie could be a subject, identified herein as "D.P.," whom the detective believed may have been an occasional associate of Michael Smith. As to this matter, your affiant notes the following:

- 1) The subject referred to herein as "D.P." has a criminal record and identifying information in a data base accessed by your affiant has listed him within as 6'2";
- 2) Based on your affiant's viewing of the surveillance videos described above, his personal viewing of the appearances of various subjects who are captured in the videos standing beside each other, including Michael Smith, and his assessment of the relative heights of those subjects, he submits that the subject who became involved in the verbal and physical altercation with the decedent just 16 minutes before the shooting and then changed his appearance before the shooting was significantly smaller than 6'2" in height;
- 3) As stated above, uninvolved eyewitnesses have described the shooter as being no shorter than 5'5" or taller than 5'11, and defendant Erik Postell has a criminal record and identifying information in a data base accessed by your affiant has listed him within as 5'10", within the described height range for the shooter; and
- 4) Your affiant is aware of no information developed in the investigation to date that would indicate or suggest that the subject referred to herein as "D.P." was in the vicinity of the area of the shooting at any time relevant to this case.

Finally, after defendant Erik Postell was developed as a suspect, the same MPD officer was shown a photo of

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the defendant. The officer advised he recognized the defendant, having seen him on multiple occasions, but did not know him as someone who associated with Michael Smith. The officer then again viewed the surveillance video showing the male subject in the grey hoodie. The officer advised that the male subject wearing dark color jeans, a baseball hat, and a grey hoodie resembles D.P., but more closely resembles defendant Erik Postell.

Based on the facts and circumstances involved in this crime, your affiant believes that probable cause exists for a District Of Columbia Superior Court Judge to issue an arrest warrant for the defendant Postell, Erik, Date of Birth 10/29/1988, with PDID # 556568, for the offense of first degree murder while armed.

AFFIANT'S SIGNATURE:

x *[Signature]*

TO: WARRANT CLERK

PLEASE ISSUE A WARRANT FOR:

Postell, Erik

Charge/With: *5 count 1st degree murder w/*

[Signature]
ASSISTANT UNITED STATES ATTORNEY
10/10/13

Form CD(17)-1050

1600

SUBSCRIBED AND SWORN BEFORE ME THIS 10th DAY OF October 20 13

[Signature] (NASH)
(JUDGE) DEPUTY CLERK) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Revision Date: 11-29-06