

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

DCTN: U14020484

COMPLAINT

Lockup No: 23

Case No:

District of Columbia ss:

Defendant's Name: Manuel Garcia 683455 14090111
 (First) (MI) (Last) (PDID) (CCNO)

Also Known As: Manuel Antonio Garcia
 (First) (Middle) (Last)

Address: [REDACTED] WASHINGTON DC

Manuel Garcia, within the District of Columbia, while armed with a handgun, and with the intent to kill another and to inflict serious bodily injury on another and with a conscious disregard of an extreme risk of death or serious bodily injury to another, caused the death of Luis Avila-Melendez by shooting him with handgun on or about June 21, 2014, thereby causing injuries from which Luis Avila-Melendez died on or about June 21, 2014. (Second Degree Murder While Armed, in violation of 22 D.C. Code, Sections 2103, 4502 (2001 ed.))

Co-Defendants:

[Handwritten Signature]

Affiant's Name

Subscribed and sworn to before me this 3 day of July, 2014
[Handwritten Signature]
 (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

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 _____ Judge - Superior Court of the District of Columbia

Title 16: Rule 105: Judge: _____

Sex: Male	DOB: 11/03/1994	CCN: 14090111	PDID: 683455
Papering Officer: <u>BARTON TRAVIS</u> OFFICER MUST EXECUTE RETURN			Badge No.: <u>D21452</u>
Officer's Name: <u>BARTON, TRAVIS</u>			Date / Time: July 3, 2014
AUSA Signature: <i>[Handwritten Signature]</i> <u>Sharon Donovan</u>			Fel. I <input checked="" type="checkbox"/> AFTC <input type="checkbox"/> Fel. II <input type="checkbox"/>

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION
UNITED STATES VS. MANUEL GARCIA**

1. On Saturday, June 21, 2014, at approximately 0223 hours, members of the Metropolitan Police Department's Third District responded to 16th and Fuller Street Northwest Washington, DC for the sounds of gunshots as well as Mozart and Columbia Road, Northwest for a man down. Upon the unit's arrival, members located the decedent later identified as Luis Melendez-Avila, lying unconscious, next to 1640 Columbia Road, Northwest, suffering from an apparent gunshot wound. Mr. Melendez was transported to an area hospital by members of the District of Columbia Fire Department. All lifesaving efforts failed, and Mr. Melendez was pronounced dead at 0252 hours by Dr. Bowyer. The remains of the decedent were transported to the Office of the Chief Medical Examiner for the District of Columbia pending an autopsy.

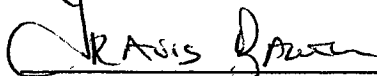
2. Six 9mm shell casings were recovered near the intersection of Fuller Street, Northwest and Mozart Street. No shell casings of another caliber were found near these shell casings or anywhere else on the crime scene. No gun or other weapon was found on or near the decedent's person. No shell casings were found on or near the decedent's person.

3. On Saturday, June 21, 2014, Dr. Lois Goslinoski of the Washington D.C. Medical Examiner's Office performed the autopsy of the decedent. Dr. Goslinoski determined that the decedent's cause of death was a single gunshot wound to the torso and the manner was ruled homicide.

4. On June 24, 2014 members of the Homicide Branch interviewed W1. W1 reported IT heard approximately five (5) to six (6) gunshots, at which time IT looked out the window and observed a Hispanic male, 5'5 to 5'7, medium build, wearing black shorts and white shirt running in the 2500 block of Mozart Place, Northwest towards Euclid Street Northwest. W-1 previously called 911 on June 21, 2014 and described the Hispanic male as wearing a black shirt. The remainder of W1's description from June 21, 2014, is consistent with IT's June 24, 2014, description. W1 reported IT also observed a Hispanic female standing in the 2500 block of Mozart Place, Northwest, in front of the school (Cooke Elementary). The Hispanic female also started to run south on Mozart Place, Northwest with the Hispanic male subject. IT last observed both subjects running in the 2500 block of Mozart Place Northwest, towards Euclid Street, Northwest.

The events and acts described above occurred primarily in the District of Columbia and were committed as described by defendant(s) listed in the case caption.

Subscribed and sworn before me this 3 day of July, 2014


Police Officer

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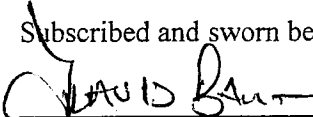

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5. On June 25, 2014 your affiant observed video footage from various video cameras located in the area. HD Cooke Elementary school is located at 2525 17th Street Northwest (front of school) and also carries an address of 2525 Mozart Place Northwest (rear of school) and has numerous cameras located on the property. A review of the video reflects the following:

- a. On June 21, 2014 at 0214 hours video footage captures a male wearing a black shirt with "BOSS" on the front and camouflage shorts, later identified as the defendant, Manuel Garcia, and female (W-2) wearing a white and black striped, long-sleeved shirt were observed walking southbound in the 2500 block of 17th Street, Northwest, Washington, DC.
- b. At 0215 hours the defendant and W-2 are observed passing the decedent and a male, hereinafter referred to as W-3, who appear to be walking together.
- c. At 0216 hours the decedent and W-3 are observed standing in front of the school facing in the direction of where the defendant and W-2 walked. The defendant is seen coming back into camera view and going in the direction of where the decedent and W-3 were located.
- d. Based on the video there, there appears to be communication between the three males. W-2 is observed coming back into camera view at which point the defendant began walking away from the decedent and W-3. Before walking out of view, the defendant appears to raise his arm with a black gun in his hand and points it in the direction of the decedent and W-3.
- e. At 0219 hours the decedent and W-3 are observed walking north in the 2500 block of 17th Street, Northwest toward Columbia Road. The defendant and W-2 are observed on a sidewalk on school grounds walking east from 17th Street, Northwest toward Mozart Place, Northwest. Moments before the defendant leaves camera view, he is observed pulling a handgun from his right side and getting into a combat stance before he goes around the corner.

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- f. At 0220 hours the defendant and W-2 are observed in the 2500 block of Mozart Place, Northwest, walking Northbound toward Fuller Street Northwest.

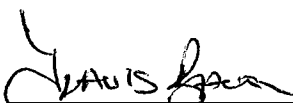
6. Scottish Rite Center for Childhood Language Disorders located at 1630 Columbia Road Northwest, has a camera that captures portions of Mozart Place, Northwest to Columbia Road, Northwest, and a portion of Mozart Place, Northwest toward Fuller Street, Northwest. The time on these cameras were checked and revealed that the time on the video recording is 2:37 minutes faster than the actual time. The below events are in actual time. A review of the video reflects the following:

- a. At 0221 hours the decedent and W-3 are observed at Columbia Road toward Mozart Place Northwest.
- b. At 0222 hours the decedent and W-3 are observed walking south in the 2600 block of Mozart Place, Northwest, toward Fuller Street, Northwest. The decedent was on the west sidewalk and W-3 was on the east sidewalk. W-3 has what appears to be a belt in his left hand.
- c. Both the decedent and W-3 begin running south on Mozart Street, Northwest, toward Fuller Street, Northwest. Both the decedent and W-3 go out of camera view and then reappear on the camera running in the opposite direction, back northbound on Mozart Place, Northwest.
- d. At 0223 hours the decedent falls to the ground where he was found. W-3 walks over to the decedent and then walks away on Columbia Road, Northwest toward 16th Street, Northwest. It does not appear that W-3 has any weapon in his hand other than a belt.

7. A camera from HD Cooke Elementary School Camera shows that at 0222 hours a female, believed to be W-2, runs on the west sidewalk from Fuller Street and stops in front of the school. A male, believed to be the defendant, is then seen running toward the female and they run together toward Euclid Street, Northwest.

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8. The Ritz Apartment building is located at 1631 Euclid Street, Northwest, Washington, DC. There are numerous cameras located inside and outside the building. The time on these cameras were checked and revealed that the time on the video recording is 3:08 minutes slower than the actual time. The below events are in actual time. A review of the video from this locations shows the following:

- a. At 0223 hours the defendant and W-2 are running and enter the building from the dumpster area and proceed toward the lobby.
- b. At 0224 hours the defendant and W-2 are in the lobby and get on the elevator. The defendant is on his cellular telephone.
- c. At 0225 hours the defendant and W-2 get off the elevator on the fifth floor.

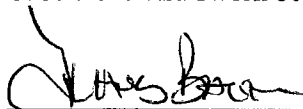
9. Your affiant has spoken with W-6, who has seen the defendant and W-2 numerous times. W-6 identified the male from the Ritz surveillance video that is seen with W-2 and is wearing the "BOSS" shirt as the defendant. W-6 identified the female as W-2. W-6 indicated that W-2 lives in the building. W-6 stated that the defendant and W-2 have a child in common. The defendant is known to stay at W-2's apartment.

10. On July 2, 2014, a Detective of the Metropolitan Police Department interviewed W-2. W-2 stated as follows:

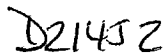
- a. W-2 identified the defendant, Manuel Garcia, as the person with whom she has a child in common. Initially, W-2 said that the defendant had not been to her apartment for a month or two. W-2 said that she did not believe the defendant was there a week prior to July 2. W-2 also said that she was aware a death had occurred near her house because her father saw it on the news. W-2 said she heard the shots.

The events and acts described above occurred primarily in the District of Columbia and were committed as described by defendant(s) listed in the case caption.

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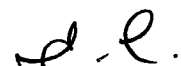
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b. W-2 then said that she and the defendant went out on the night of the shooting and were close to her home when they heard gunshots. W-2 stated that this happened around 2:00 or 3:00 a.m. W-2 stated that she and the defendant covered their heads. W-2 initially stated that she did not recall what she was wearing but that it might have been a pink romper. When shown a black and white striped shirt recovered during the search of W-2's home on July 2, W-2 said she might have been wearing that shirt. W-2 said she did not recall what the defendant was wearing that night, but she believed he was wearing shorts and that they may have been black. W-2 said that she was not sure whether D owns a gun, and not sure whether D had a gun that night.

c. W-2 then said that when she and the defendant were going home that night they came into contact with two males in front of HD Cooke Elementary School. W-2 said that it seemed the two males were arguing. W-2 said that she and the defendant walked by the two men and the two men tried to speak to them in Spanish. W-2 said that she could not understand what the men were saying because she was not fluent enough. W-2 said that she walked by the two males and then looked back and the males whistled at them. W-2 then said that they heard gunshots and ran inside.

d. W-2 then said that the defendant walked up to one or both of the two men to see what was wrong, but that the defendant could not understand what they were saying. W-2 stated that she was doing something else at that time and did not know what the defendant was doing. When she looked back, the defendant was walking towards W-2.

e. W-2 then said that when the defendant went up to the males and one of the males had a belt wrapped around his hand. W-2 stated that the males kept threatening her and the defendant. W-2 stated that the defendant was just talking to the men. W-2 said that the man without the belt had his arms up like he was trying to fight. W-2 said that the second male kept touching his waist like he had a gun or something. W-2 said that this male did not say that he had a gun. W-2 said at that point W-2 started doing something else and then told the defendant to come back.

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f. W-2 stated that she and the defendant felt threatened and scared. She said the men said something in Spanish to the defendant, called him stupid and said they were going to do something to the defendant.

g. W-2 said that after this confrontation, she and the defendant went through the park and saw the two males again. W-2 said that the two males were moving quickly toward them. W-2 said that one of the males said he would put a gun to her head or our heads. W-2 said that the men were running down the sidewalk together and then separated. W-2 said that she hid behind the defendant and heard shots but was not sure who fired the shots.

h. W-2 said that when the males were threatening her and the defendant, the defendant showed them the gun to scare them. W-2 said that when the two men were following them, they were scared and the defendant fired the gun. W-2 said that she was not sure how many times the defendant fired, but estimated four times. W-2 said that she was not sure what happened to the gun after the shooting but thought the defendant left her house with the gun.

i. W-2 initially said she did not tell anyone what happened and then said she told W-4 and W-5, with whom she is related. When interviewed by MPD, W-4 denied any knowledge of the shooting. When interviewed by MPD, W-5 stated that when IT got home that morning around 4:00 or 5:00 a.m. IT was intoxicated. When IT got home, W-2 was crying. The defendant was also present. W-5 stated that W-2 said that something had occurred and that she was in trouble. W-5 stated that IT did not want to hear about it.

11. A search of W-2's apartment that she shares with at least 4 other people uncovered a firearm. The firearm was recovered in a closet in W-2's bedroom. The firearm had the markings 9mm/380. In an interview with MPD, W-5 stated that IT had a firearm in the closet in W-2's room. W-5 does not have a specific sleeping area.

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12. On July 2, 2014, when speaking to members of the Metropolitan Police Department, W-2 identified the defendant as Manuel Garcia, [REDACTED]. W-2 also identified Manuel Garcia from a still photograph made from the surveillance footage from the Ritz. W-2 also identified herself in that same footage.

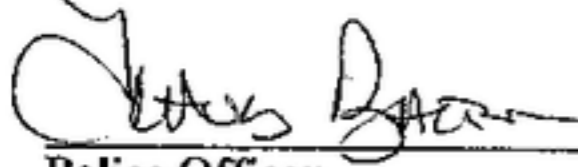
13. On July 2, 2014, in a sworn statement, W-2 stated that she was not intoxicated on the night of the shooting during the events that occurred on June 21, 2014. On July 3, 2014, W-2 stated that she and the defendant smoked two blunts of marijuana approximately one hour prior to the shooting. W-2 stated that she was very intoxicated (8/10) and that as a result she could not be sure if what she said happened that night was accurate.

14. A search of [REDACTED], the defendant's apartment, on July 3, 2014, uncovered a black T-shirt with the word "BOSS" on the front, several rounds of .380 ammunition, and marijuana.

Based on the facts set forth in this affidavit, your affiant believes probable cause exists to charge the defendant, Manuel Garcia, with Second Degree Murder While Armed.

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