

Superior Court of the District of Columbia
CRIMINAL DIVISION

13 CRW 201

USW NO.:

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

| | | | | | | | | | | | |
|---|---|------------------------|---------------------|-----------------------------------|-----------------------|-----------------------|--|-------------------------------------|-------------------------|--|---|
| DEFENDANT'S NAME: Hilton, Dwayne | | | | NICKNAME: : Wayne-Wayne | | ALIASES: | | CCN: 173-453 | PDID: 612-766 | | |
| SEX: Male | RACE: Black | DOB: 5-15-91 | HGT: 6'1" | WGT: 180 | EYES: Brown | HAIR: Black | COMPL: Medium | SCARS, MARKS, TATOOS | | | |
| DEFENDANT'S HOME ADDRESS: 16th Street, Northeast (LNA) | | | | | | | TELEPHONE NUMBER: Unknown | | | | |
| DEFENDANT'S BUSINESS ADDRESS: Unknown | | | | | | | TELEPHONE NUMBER: Unknown | | | | |
| COMPLAINANT'S NAME: Briscoe, Mico | | | | | | | TELEPHONE NUMBER: N/A | | | | |
| LOCATION OF OFFENSE: 1200 Mt. Olivet Road, Northeast, Washington, D.C. | | | | | | | DATE OF OFFENSE: November 26, 2011 | TIME OF OFFENSE: 0041 Hrs | | | |
| <p>CAUTION AND MEDICAL CONDITIONS (CMC) Select a valid CMC code below for wanted person when using the caution indicator.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> 00 = Armed and Dangerous <input checked="" type="checkbox"/> 05 = Violent Tendencies <input type="checkbox"/> 10 = Martial Arts Expert <input type="checkbox"/> 15 = Explosive Expertise <input type="checkbox"/> 20 = Known to abuse drugs <input type="checkbox"/> 25 = Escape Risk <input type="checkbox"/> 30 = Sexually Violent Predator <input type="checkbox"/> 50 = Heart Condition </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> 55 = Alcoholic <input type="checkbox"/> 60 = Allergies <input type="checkbox"/> 65 = Epilepsy <input type="checkbox"/> 70 = Suicidal <input type="checkbox"/> 80 = Medication Required <input type="checkbox"/> 85 = Hemophiliac <input type="checkbox"/> 90 = Diabetic <input type="checkbox"/> 01 = Other </td> </tr> </table> | | | | | | | | | | <input checked="" type="checkbox"/> 00 = Armed and Dangerous <input checked="" type="checkbox"/> 05 = Violent Tendencies <input type="checkbox"/> 10 = Martial Arts Expert <input type="checkbox"/> 15 = Explosive Expertise <input type="checkbox"/> 20 = Known to abuse drugs <input type="checkbox"/> 25 = Escape Risk <input type="checkbox"/> 30 = Sexually Violent Predator <input type="checkbox"/> 50 = Heart Condition | <input type="checkbox"/> 55 = Alcoholic <input type="checkbox"/> 60 = Allergies <input type="checkbox"/> 65 = Epilepsy <input type="checkbox"/> 70 = Suicidal <input type="checkbox"/> 80 = Medication Required <input type="checkbox"/> 85 = Hemophiliac <input type="checkbox"/> 90 = Diabetic <input type="checkbox"/> 01 = Other |
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| <p>GIVE BRIEF DESCRIPTION OF WHAT HAPPENED:</p> <p>On Saturday, November 26, 2011, at 12:41 a.m., units from the Fifth District responded to the 1200 block of Simms Place, NE, to investigate the sound of gunshots. Also, a 911 caller stated two people were shot at the location. The first unit on the scene located two gunshot victims in the rear of [REDACTED] Simms Place, NE. The first victim was suffering from a gunshot wound to the upper torso. The second victim was suffering from a gunshot wound to the arm. DCFEMS responded to the scene and transported both victims to hospitals. The first victim (the decedent) was transported to Medstar. At 0330 hours, the first victim succumbed to his injuries and was pronounced dead by Dr. Shiflett. His remains were transported to the Office of the Chief Medical Examiner pending an autopsy. The decedent was subsequently identified as Mico Briscoe. The second victim was transported to Howard University Hospital, treated and released.</p> <p>The preliminary investigation revealed that the decedent and the second victim were shot in front of the Circle 7 Express convenience store located at [REDACTED] Mt. Olivet Road, NE, and they ran to the rear of [REDACTED] Simms Place, NE, where they were located by officers. The 1200 block of Simms Place, NE, is in the rear of the Circle 7 Express.</p> <p>During the initial on scene investigation, technicians of the Metropolitan Police Department Forensic Science Division recovered several expended cartridge casings in the parking lot of the Circle 7 Express convenience store. Technicians recovered from the parking lot nineteen (19) 9mm expended cartridge casings, multiple fragments, and multiple bullets. MPD Firearms Examination Section analyzed the firearms evidence collected from the scene of the shooting and confirmed the presence of two different firearms.</p> <p>On Saturday, November 26, 2012, Dr. Joseph Pestaner of the District of Columbia Medical Examiner's Office performed an autopsy on the decedent, Mico Briscoe. Dr. Pestaner advised that the decedent sustained two gunshot wounds. Dr. Pestaner ruled the cause of death to be gunshot wounds to the body and the manner of death to be a homicide.</p> <p>1) Your affiant along with other detectives interviewed all the surviving victims of the shooting. There were a total of four</p> | | | | | | | | | | | |

surviving victims who were with the decedent at the time of the shooting. The second victim (referred to above) sustained a gunshot to the arm, Victim #3 sustained a graze wound to the shoulder, Victim #4 had three (3) bullets that entered and exited his jacket, none taking effect, and Victim #5 did not sustain any injuries. The surviving victims provided formal statements and they reported that they did not know or see who was responsible for the shooting. The surviving victims reported that there were no incidents prior to the shooting and that the shooting was unprovoked. The decedent and the surviving victims were raised in the Trinidad neighborhood; however, they did not claim any crew affiliations.

2) Your affiant reviewed all the video footage from all the cameras in the area of the shooting. Footage captured from a combination of cameras revealed a tan/gold four door sedan (hereinafter referred to as "Suspect Vehicle") circling the 1200 block of Mt. Olivet Road, NE. The Suspect Vehicle appeared to be conducting surveillance on the decedent and the surviving victims.

3) Video footage from the Northeast Market and the MPD CCTV camera located at the intersection of Mt. Olivet Rd and Montello, NE, captures the decedent and the surviving victims walking through the parking lot of the Northeast Market which is located at ■■■ Mt. Olivet Rd, NE. Two African-American male suspects were observed in the distance near the intersection of Mt. Olivet Road and West Virginia Ave, NE. The decedent and the surviving victims do not appear to be aware that the two suspects were in pursuit of them. The two suspects walk into the parking lot of the Northeast Market and then begin to run in the direction of the decedent and the surviving victims. The CCTV camera recorded the time of this to be almost 12:38 a.m. Suspect #1 appears to pull down something over his face. Suspect #1 appears to be holding something in his right hand which your affiant believes to be consistent with the size of a handgun. Suspect #2 is wearing something on his head and has dreadlocks past his shoulder. Suspect #2 appears to be holding something his left hand.

4) Video footage from the Circle 7 (which is next door to the Northeast Market) captures the decedent and the surviving victims being shot at in front of the Circle 7. The suspects are not captured by this footage. Victim #5 is observed entering the Circle Seven and taking cover. The decedent and three of the surviving victims (Victims #2-4) are observed ducking then running eastbound on Mt. Olivet Road, NE, and out of sight of the camera.

5) Video footage from Kovack's Liquor (which is next door to the Circle 7) captures the Suspect Vehicle traveling eastbound in the right lane in the 1200 block of Mt. Olivet Road, NE., and making a right hand turn into the parking lot of Kovack's Liquor. The Suspect Vehicle goes to the rear of the parking lot where another camera captures it making a U-turn. The Suspect Vehicle is observed with a sticker affixed to the driver's side front windshield which is consistent with the placement of a District of Columbia Inspection Sticker. Additionally, the Suspect Vehicle is observed with a sticker affixed to the rear driver's side vent window. The Suspect Vehicle drives up to the entrance of the parking lot and stops. The front of the Suspect Vehicle is facing Mt. Olivet Road. The Suspect Vehicle appears to be waiting for someone. A few seconds later the two suspects are observed running away from the direction of the shooting to the awaiting Suspect Vehicle. This camera recorded the time of the first frame showing the first person running to the car to be just seconds after 12:40 a.m. Suspect #1 enters the front passenger side and Suspect #2 (wearing longer coat seen at N.E. Market video) enters the rear driver's side of the awaiting Suspect Vehicle. The Suspect Vehicle immediately exits the parking lot onto Mt. Olivet Road, traveling eastbound towards Bladensburg Road, NE.

6) During the course of the investigation into this homicide, witnesses were located and formally interviewed by your affiant and other detectives of the Criminal Investigation Division, Homicide Branch. One such witness, hereinafter referred to as W-1, advised that IT was driving westbound in the 1200 block of Mt. Olivet Road, NE, when IT heard gunshots.

7) W-1 observed an older model, four door gold sedan idling in the parking lot of Kovak's Liquors. W-1 then observed the two people IT believed to be the shooters running to and entering the awaiting gold sedan. W-1 stated that the gold sedan made a right hand turn out of the parking and traveled eastbound on Mt. Olivet Road, NE, in the direction of Bladensburg Road, NE.

8) W-1 described the shooters that entered the gold car as very small (maybe about 5 feet tall) and skinny. However, as discussed below, your affiant has reason to believe that the car seen picking up the suspects is a 2001 Mitsubishi Galant. Your affiant's research on this vehicle indicates that it has a height of 56 inches (4 feet, 8 inches). The Kovak's Liquors footage clearly shows that both suspects entering the vehicle are significantly taller than the vehicle. The men entering the

vehicle also appear to be wearing the same jackets/coats as the suspects seen in the N.E. Market video are wearing.

9) Members of the Metropolitan Police Department's Intelligence Division reported to your affiant that the "Trinidad Crew" has been in an ongoing "beef" (conflict) with members of the "E Street Bangaz." Your affiant is aware that the decedent and the surviving victims are loosely affiliated with the "Trinidad Crew". The "Trinidad Crew" and "E Street Bangaz" have an extensive history of assaults with deadly weapons (ADW Gun), assaults with intent to kill (AWIK), and homicides. According to the Intelligence Division, the "E Street Bangaz" operate in the 1600 block E Street, Northeast, known as the Rosedale neighborhood. *YOUR AFFIANT IS AWARE THAT THE BEEF WAS ON-GOING IN 2011 BETWEEN THE TRINIDAD CREW & E STREET BANGAZ.*

10) On Saturday, November 26, 2011, your affiant showed an MPD Officer (hereinafter "Officer 1") a portion of the original video footage of the suspects captured by the Northeast Market surveillance cameras to ascertain if he could identify the suspects. Officer 1 was brought in after indicating he knew of members of the E Street Bangaz and specifically, an E Street Bangaz with long dreads. Upon viewing the video footage, he identified Suspect #2 as Dwayne Hilton, aka Wayne-Wayne. Officer 1 could not identify Suspect #1. Officer 1 indicated that he had known Dwayne Hilton, aka Wayne-Wayne, for approximately eight (8) years and had seen him on an almost daily basis. Officer 1 identified Dwayne Hilton, aka Wayne-Wayne, by his physical appearance, hair style (shoulder length dreads), the way he walked and ran (bowlegged, with a stiff upper body), and his apparent left handedness. Officer 1 later reported that he's watched Hilton participate in football when he was younger, more recently watched him play basketball, and knows that Hilton is left handed.

11) Officer has worked in the Fifth District his entire career and has knowledge of the crews operating in the Fifth District specifically the "E Street Bangaz". Officer 1 has known that "E Street Bangaz" and the Trinidad Crew have been and are currently "beefing" with one another. Additionally, Officer 1 is aware that the Hilton's crew affiliation is with the "E Street Bangaz".

12) Your affiant presented Officer 1 with a single color Metropolitan Police Department identification photograph of Dwayne Hilton, a/k/a Wayne-Wayne (PDID: 612-766), for confirmation purposes. Officer 1 confirmed that Dwayne Hilton, aka Wayne-Wayne (hereinafter referred as Defendant Hilton) is the person depicted in the video footage.

13) Within two weeks of the murder and again on December 19, 2012, another MPD Officer (hereinafter "Officer 2") was brought in to view the video footage of the suspects captured by the Northeast Market surveillance cameras to ascertain if he could identify the suspects. Each time upon viewing the video footage, he identified Suspect #2 as Dwayne Hilton, aka Wayne-Wayne. Officer 2 indicated that he identified Dwayne Hilton by his body build/size, hair style (shoulder length dreads), the way he ran (bowlegged, stiff upper body), and his apparent left handedness (suspect appears to be holding something in his left hand as he ran). Officer 2 had been a patrol officer in the area where Mr. Hilton grow up, has known him for more than five years, had seen him hundreds of times and had watched him participate in football when he (Hilton) was younger, more recently had watched him play basketball, and knows that Hilton is left handed.

14) On Thursday, December 22, 2011, your affiant responded to the FBI Forensic Video and Audio Unit located in Quantico, Virginia, to pick up enhanced video from Kovak's Liquor. The FBI determined that the Suspect Vehicle captured by Kovak's Liquors cameras is consistent with a 1999-2003 Mitsubishi Galant four door sedan with a moon roof.

15) On Sunday, January 29, 2012, First District officers observed a 2001 gold Mitsubishi Galant with a moon roof with District registration BG4566. The vehicle was parked in the rear of [REDACTED] 20th Street, NE. The vehicle was not occupied. A WALES check was conducted on the District registration BG4566 and it revealed the registered owner at the time (hereinafter "W-2"). Officers reported that W-2 has a son (hereinafter "Suspect 3") who lives with IT at the vehicle's registered address at the time. Officer 1 reported that he has observed Suspect 3 driving the 2001 gold Mitsubishi Galant. According to Officer 1, Suspect 3 is a validated member of "E Street Bangaz" and hangs with fellow crew member Defendant Hilton. W-2 is the mother of Suspect 3.

16) On Friday, September 7, 2012, your affiant met W-2. After being advised of the identity of the interviewing detectives, and the purpose of the interview, W-2 confirmed that IT once owned a gold Mitsubishi Galant with District tag BG4566, but on June 13, 2012, IT donated the Mitsubishi Galant to a charity associated with veterans. The vehicle was exclusively operated by IT's son, Suspect 3, with a few exceptions when IT's brother drove it.

17) Your affiant advised W-2 that we were investigating a shooting that occurred on November 26, 2011, in the 1200 block of Mt. Olivet Road, Northeast, just after midnight. Your affiant told W-2 that we had obtained video footage of IT's vehicle leaving the area moments after the shooting. W-2 initially stated that IT's son was incarcerated at the time of the shooting. W-2 corrected itself and stated that Suspect 3 was arrested in December of 2011 and remained incarcerated. She stated that Suspect 3 was incarcerated in Upper Marlboro, Maryland.

18) On Thursday, September 13, 2012, a Superior Court for the District of Columbia grand jury subpoena was issued to the Custodian of Records of the Prince George's County Correctional Center compelling them to provide all jail house phone calls and visitor logs from September 6 through September 13, 2012 relating to Suspect 3.

19) On Monday, October 1, 2012, the Prince George's County Correctional Center complied with the subpoena and provided your affiant a CD containing all of the jail house calls from September 6 through September 13, 2012, pertaining to Suspect 3.

20) Your affiant reviewed a portion of Suspect 3's jail house calls for September 7, 2012, which correlated with the interview of W-2. Below is a brief synopsis of some of the relevant recorded jail house calls placed by Suspect 3:

JAIL HOUSE CALLS RELATING TO THE SHOOTING

Call Party: ██████████

Start Call Date/Time: 09-07-2012 12:36:02

End Call Date/Time: 09-07-2012 12:57:55

21) Suspect 3 places a collect call from the Prince George's County Detention Center to his home number ██████████. W-2 provided IT's home phone number as ██████████. An unknown male informs him that two detectives from D.C. came to the house looking for his (Suspect 3's) mother. Suspect 3 asks "they come today?" The unknown male confirms that the detectives did come today. Suspect 3's response is "mannnn what the fuck". After a brief conversation, Suspect 3 inquires if the detectives left a card (business card). The unknown male misinterprets the reference to the business card to a car. It triggers laughter from the unknown male. The unknown male tells Suspect 3 that it doesn't relate to the car. Suspect 3 is relieved to know that it doesn't relate to the car.

Call Party: ██████████

Start Call Date/Time: 09-07-2012 12:59:51

End Call Date/Time: 09-07-2012 13:21:45

22) Suspect 3 places a collect call from the Prince George's County Detention Center to his grandmother's home number, ██████████. His grandmother answers the phone and tells him that he needs to talk with his mother. His grandmother places a three-way call to his mother's work telephone number. His mother proceeds to tell him about two detectives that came to her house and to her job inquiring about her vehicle (Mitsubishi Galant). His mother tells him that the detectives have evidence that the Mitsubishi Galant was captured by surveillance video on November 26, 2011, the day after Thanksgiving, at the time of a shooting in the Trinidad neighborhood. Suspect 3 asks his mother "and what they talking about". His mother tells him that detectives inquired about him and others. He asks his mother "they know it's your car or they trying to say it's your car". She confirms that the police assured her that it's her car. Suspect 3 appears to be concerned and his mother tells him that she will keep him posted. His mother tells him "you need to think about it did you do anything? Suspect 3 replies "no". His mother tells him "You better be correct because they have pictures". His mother and his grandmother continue to inquire about the incident. His grandmother is under the impression that he was incarcerated at the time of the shooting, however, Suspect 3 confirms to them that he was home for Thanksgiving. The grandmother says that she is very upset with the situation and tells him that she hopes that he wasn't captured by surveillance video. His mother hangs up the phone and he continues to converse with his grandmother.

Call Party: ██████████

Start Call Date/Time: 09-07-2012 13:22:44

End Call Date/Time: 09-07-2012 13:44:37

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23) Suspect 3 places a collect call from the Prince George's County Detention Center to his home number, [REDACTED]. A male answered the phone later identified in the phone call as "Wayne" (believed to be Defendant Hilton). In what appears to be a reference to his car being involved in the shooting, Suspect 3 says "man you know it's about that". Defendant Hilton replies to Suspect 3, "nah ahh" (slang for "no way") in disbelief. Defendant Hilton again replies "nah ahh". Suspect 3 assures him that he's telling the truth and he states "man, on Scooby". Your affiant knows Michael Jenkins, aka Scooby, to be a victim of a homicide in 2006 the District of Columbia and a close friend to Suspect 3 and Defendant Hilton. Defendant Hilton asks "what they say, You?" Suspect 3 replies "nah, they talking about uhh" and there is a pause. Defendant Hilton says "the whip" (slang for a car). Suspect 3 replies "yeah". Suspect 3 tells Defendant Hilton that the police have photographs of the car tags. Defendant Hilton attempts to reassure Suspect 3 that the police do not have photographs of the tags, but rather the car. Defendant Hilton then changes the conversation

24) Suspect 3 asks Defendant Hilton to place a three-way call to Suspect 3's child's mother. She answers the phone and she hears another male's voice. She asks Suspect 3 "who's that?" and he replies "Wayne" (Defendant Hilton). Suspect 3 tells her "man this shit is crazy man" and she asks "what's wrong?" Suspect 3 replies "the shit" and he proceeds to tell her that the police have photographs of the tags. She asks "what car, the Mitsubishi?" Suspect 3 replies "yeah". She replies "oh wow, she going to cut all our asses off" (referring to Suspect 3's mother). Suspect 3 replies, "but I want to know man, man, man" then he catches himself and he changes the conversation.

25) On Monday, October 1, 2012, your affiant located the current registered owner (hereinafter referred as W-3) of the 2001 Mitsubishi Galant once owned by W-2 and driven by Suspect 3. W-3 brought the vehicle to the Homicide Branch to be inspected and photographed by investigators. Your affiant questioned W-3 about the condition of the vehicle. W-3 reported that IT had not made any changes to the vehicle since IT purchased it. The Mitsubishi Galant is the same color (gold) as described by W-1, has a moon roof, has a sticker affixed to the driver's side front windshield, and has a similar sticker affixed to the rear driver's side vent window as on the Suspect Vehicle that is seen in video footage making a U-turn in the parking lot of Kovak's Liquors and waiting for the shooting suspects. It is your affiant's belief that the Suspect Vehicle and the Mitsubishi Galant formerly owned by W-2 and regularly driven by Suspect 3 are one and the same.

26) Your affiant has established that there is probable cause to believe that Defendant Hilton is one of the shooters and a member of a violent crew known as the "E Street Bangaz". Your affiant has established that the E Street Bangaz" and the Trinidad Crew have been and are currently "beefing" with one another.

Based on the facts set forth in this affidavit, your affiant believes that probable cause has been established that Defendant Dwayne Hilton was responsible for the shooting death of the decedent Mico Briscoe. It is therefore respectfully requested that a District of Columbia Superior Court Judge issue an arrest warrant charging the Defendant Dwayne Hilton, aka Wayne-Wayne, with First Degree Murder While Armed.

AFFIANT'S SIGNATURE:

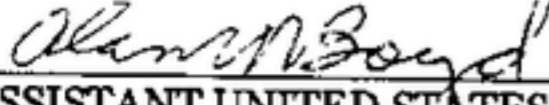
x 

TO: WARRANT CLERK

PLEASE ISSUE A WARRANT FOR:

Dwayne Hilton aka Wayne-Wayne

Charge With: First Degree Murder While Armed

 1/17/13

ASSISTANT UNITED STATES ATTORNEY

NOTE Approved

SUBSCRIBED AND SWORN BEFORE ME THIS

17th DAY OF January 2013

(JUDGE) DEPUTY CLERK) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA