

2013 CRW 2734

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

COMPLAINT

DCTN: 413024050
Lockup No: 64
Case No: _____

District of Columbia ss:

Defendant's Name: Donald Dubosé 587534
(First) (MI) (Last) (PDID) (CCNO)
Also Known As: _____
(First) (Middle) (Last)
Address: No Fixed Address

Donald Dubose, within the District of Columbia, 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 Michael Smith by shooting him on or about May 12, 2012, thereby causing injuries from which Michael Smith died on or about May 12, 2012. (Second Degree Murder, in violation of 22 D.C. Code, Section 2103 (2001 ed.))

Co-Defendants:

Det. Joshua Branson D2-1376
Affiant's Name
Subscribed and sworn to before me this 21 day of June, 2013
Bernard M. Mitchell
(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 June 24, 2013 Bernard M. Mitchell
Judge - Superior Court of the District of Columbia

Title 16: ☐

Rule 105: ☐ Judge: _____

| | | | |
|----------------------------------|-----------------|------|-------------------|
| Sex: Male | DOB: 01/23/1989 | CCN: | PDID: 587534 |
| Papering Officer: Joshua Branson | | | Badge No.: D21376 |

OFFICER MUST EXECUTE RETURN

| | |
|--------------------------------------|---|
| Officer's Name: <u>Gary R. Bille</u> | Date / Time: <u>June 21, 2013</u> <u>8/15/13 @ 12:34</u> |
| AUSA Signature: <u>Gary R. Bille</u> | Fel. I <input checked="" type="checkbox"/> AFTC <input type="checkbox"/> Fel. II <input type="checkbox"/> |

Superior Court of the District of Columbia
CRIMINAL DIVISION

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

USW NO.:

L. M. G. 6/19/12

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|------------------|-------------|-------------|----------------|--------------|----------------------------------|--------------------------|-----------------|---|---|--|---|---|--|---|--|--|---|---|---|---|--|---|-------------------------------------|
| DEFENDANT'S NAME: Dubose, Donald | | | | NICKNAME: | | ALIASES: | | CCN: 12-064833 | PDID: 587534 | | | | | | | | | | | | | | | | |
| SEX: M | RACE: Black | DOB: 01/23/89 | HGT: 511 | WGT: 250 | EYES: Brown | HAIR: Brn | COMPL: Medium | SCARS, MARKS, TATOOS | | | | | | | | | | | | | | | | | |
| DEFENDANT'S HOME ADDRESS: No Fixed | | | | | | | TELEPHONE NUMBER: | | | | | | | | | | | | | | | | | | |
| DEFENDANT'S BUSINESS ADDRESS: | | | | | | | TELEPHONE NUMBER: | | | | | | | | | | | | | | | | | | |
| COMPLAINANT'S NAME: Smith, Michael | | | | | | | TELEPHONE NUMBER: | | | | | | | | | | | | | | | | | | |
| LOCATION OF OFFENSE: S/O 1187 Stevens Rd, SE, WDC | | | | | | | DATE OF OFFENSE: May 12, 2012 | TIME OF OFFENSE: 0535 | | | | | | | | | | | | | | | | | |
| CAUTION AND MEDICAL CONDITIONS (CMC) Select a valid CMC code below for wanted person when using the caution indicator. | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%;"><tr><td><input type="checkbox"/> 00 = Armed and Dangerous</td><td><input type="checkbox"/> 55 = Alcoholic</td></tr><tr><td><input type="checkbox"/> 05 = Violent Tendencies</td><td><input type="checkbox"/> 60 = Allergies</td></tr><tr><td><input type="checkbox"/> 10 = Martial Arts Expert</td><td><input type="checkbox"/> 65 = Epilepsy</td></tr><tr><td><input type="checkbox"/> 15 = Explosive Expertise</td><td><input type="checkbox"/> 70 = Suicidal</td></tr><tr><td><input type="checkbox"/> 20 = Known to abuse drugs</td><td><input type="checkbox"/> 80 = Medication Required</td></tr><tr><td><input type="checkbox"/> 25 = Escape Risk</td><td><input type="checkbox"/> 85 = Hemophiliac</td></tr><tr><td><input type="checkbox"/> 30 = Sexually Violent Predator</td><td><input type="checkbox"/> 90 = Diabetic</td></tr><tr><td><input type="checkbox"/> 50 = Heart Condition</td><td><input type="checkbox"/> 01 = Other</td></tr></table> | | | | | | | | | | <input type="checkbox"/> 00 = Armed and Dangerous | <input type="checkbox"/> 55 = Alcoholic | <input type="checkbox"/> 05 = Violent Tendencies | <input type="checkbox"/> 60 = Allergies | <input type="checkbox"/> 10 = Martial Arts Expert | <input type="checkbox"/> 65 = Epilepsy | <input type="checkbox"/> 15 = Explosive Expertise | <input type="checkbox"/> 70 = Suicidal | <input type="checkbox"/> 20 = Known to abuse drugs | <input type="checkbox"/> 80 = Medication Required | <input type="checkbox"/> 25 = Escape Risk | <input type="checkbox"/> 85 = Hemophiliac | <input type="checkbox"/> 30 = Sexually Violent Predator | <input type="checkbox"/> 90 = Diabetic | <input type="checkbox"/> 50 = Heart Condition | <input type="checkbox"/> 01 = Other |
| <input type="checkbox"/> 00 = Armed and Dangerous | <input type="checkbox"/> 55 = Alcoholic | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 05 = Violent Tendencies | <input type="checkbox"/> 60 = Allergies | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 10 = Martial Arts Expert | <input type="checkbox"/> 65 = Epilepsy | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 15 = Explosive Expertise | <input type="checkbox"/> 70 = Suicidal | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 20 = Known to abuse drugs | <input type="checkbox"/> 80 = Medication Required | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 25 = Escape Risk | <input type="checkbox"/> 85 = Hemophiliac | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 30 = Sexually Violent Predator | <input type="checkbox"/> 90 = Diabetic | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> 50 = Heart Condition | <input type="checkbox"/> 01 = Other | | | | | | | | | | | | | | | | | | | | | | | | |
| GIVE BRIEF DESCRIPTION OF WHAT HAPPENED: | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>On Saturday, May 12, 2012, at approximately 0538 hours, members of the Metropolitan Police Department's Seventh District received a radio run for the report of a shooting at Firth Sterling and Stevens Road, Southeast, which is in the Barry Farms Housing Project. Upon the officers' arrival, they found a surviving victim (hereinafter referred to as W1) in the 1100 block of Stevens Road, Southeast, suffering from a gunshot wound to the arm. W1 directed the units to a silver 1999 Mercedes Benz which had crashed into the side of a home on Stevens Road. The decedent, later identified as Michael Smith, was discovered unconscious and not breathing, seated in the front passenger seat of the vehicle suffering from an apparent gunshot wound to the head.</p> <p>Members of the District of Columbia Fire Department (DCFD) EMS responded to the scene and determined that death was apparent and the decedent was left on the scene. Members of The Office of the Chief Medical Examiner (OCME) for the District of Columbia responded to the scene and transported the decedent's remains to the OCME pending an autopsy. The decedent was subsequently pronounced dead at 0916 by Medicolegal Investigator (MLI) Mary Beth Petrasek.</p> <p>During the on-scene investigation, investigators noted that the Mercedes Benz the decedent was in had at least two (2) bullet holes and one (1) strike mark. Also, five (5) 9mm cartridge casings were recovered by evidence technicians from the street along the side of 1187 Stevens Road, Southeast.</p> <p>Upon review of the firearms evidence recovered by evidence technicians it was revealed that two firearms were used. This indicates that there were most likely two shooters.</p> <p>On Sunday, May 13, 2012, Dr. Pestaner of the OCME performed an autopsy on the remains of the decedent. At the conclusion of the autopsy, Dr. Pestaner ruled that the cause of death was from gunshot wounds to the</p> | | | | | | | | | | | | | | | | | | | | | | | | | |

Sent to District Attorney 6/12/12

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decendent's head and the manner of the death was ruled a homicide.

During the subsequent investigation into the murder of the decedent, W1 was interviewed and reported that IT and the decedent were driving to the decedent's home located in the Barry Farms Housing Project when IT noticed what IT thought to be the decedent's uncle who was following them, but when IT asked the decedent about the vehicle, the decedent said it was not his uncle's car. (It should be noted that the person IT refers to as the uncle is actually the decedent's cousin.) W1 said IT first noticed the vehicle behind them when they were exiting the 3rd Street tunnel. W1 said that when they reached Stevens Road, Southeast, IT noticed that the vehicle was still behind them so IT pulled to the side of the road near 1187 Stevens Road to see if the vehicle would drive past them. W1 said that when they pulled to the side of the road the vehicle pulled next to them and an individual wearing a white t-shirt and armed with a gun began shooting at them. W1 said IT attempted to drive off, but crashed into the side of 1200 Stevens Road, Southeast.

W1 reported that the only description that IT could provide was that the shooter, who was on the passenger side of the vehicle, was wearing a white t-shirt and was armed with a black gun. W1 also said that there were four people in the vehicle. W-1 said that IT thought the suspect vehicle was blue Mercury and had Maryland license plates. During the interview with W1, IT was adamant that the vehicle IT observed behind them in the 3rd Street tunnel was the same vehicle that shot at them on Stevens Road.

As a result of the interview with W1, investigators began to review video footage from the various CCTV, Red Light, License Plate Reader (LPR), and DDOT cameras that were on the route that the victims took. During the review of the LPR that is located in the southbound lanes of the 3rd Street tunnel, investigators observed the victims' vehicle passing the LPR at approximately 5:29am. Traveling right behind the victims' vehicle is a 2010 black Ford Fusion bearing Maryland license plate of 5CFR89 passing the LPR also at 5:29am.

It should be noted that only three other vehicles pass by the LPR after the victims' vehicle at 5:29am, however, none of them are similar to the vehicle that W1 described the suspect's being in other than the black Ford Fusion.

Investigators reviewed the traffic footage of the Red Light camera located at the intersection of 3rd Street and New York Avenue, Northwest. At approximately 5:28am, the victims' vehicle is observed making a right turn onto New York Avenue heading towards the 3rd Street tunnel where they would enter the tunnel. Traveling behind the victims' vehicle in the next lane is the black Ford Fusion. As the Ford Fusion makes the right turn onto New York Avenue, there appears to be an individual seated in the right rear passenger seat wearing something white or light colored.

Investigators reviewed traffic footage of both the DDOT and Red Light cameras located at the intersection of South Capitol and I Street, Southwest. At approximately 5:32am the victims' vehicle is observed driving through the intersection of South Capitol and I Street, Southwest, and what appears to be the same black Ford Fusion driving right behind them.

Investigators then reviewed the video footage from the CCTV camera that is located in the 1100 block of Stevens Road, Southeast. Upon viewing the footage, at approximately 5:33am, the victims' car is observed crashing into the side of a home and what appears to be the black Ford Fusion driving on Stevens Road directly behind the victims' vehicle. There are no other vehicles observed driving in the block when the shooting occurs.

There are notable factors about the Ford Fusion that should be pointed out. First, the Ford Fusion has a license plate light that is illuminated. Second, the brake light is directly above the license plate, and third, the Ford Fusion has triangle shaped rear lights that distinguish it from the other vehicles observed on the video footage.

It should be noted that in the months following the murder of the decedent, W1 was killed in an unrelated matter

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due to a self inflicted gunshot wound.

During the investigation, investigators interviewed the decedent's cousin. The decedent's cousin reported that IT drives a black 2008 Mercury Sable. The 2010 black Ford Fusion that was traveling behind the victims' vehicle closely resembles the decedent's cousin's 2008 black Mercury Sable.

A records check revealed that the 2010 Ford Fusion bearing Maryland 5CFR89 is registered to an individual hereinafter referred to as W2. During an interview with W2, IT reported that IT owns the 2010 Ford Fusion, however, another individual, hereinafter referred to as W3, operates the vehicle on a daily basis.

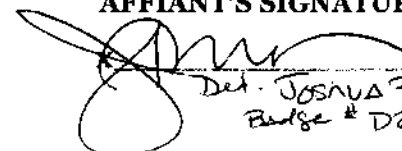
During an interview with W3, IT reported that IT does operate the 2010 Ford Fusion, however, IT's boyfriend, Donald Dubose, was using IT's vehicle during the early morning hours of Saturday, May 12, 2012. W3 went on to report that Donald Dubose got the vehicle from IT on Friday, May 11, 2012, between 10:30 and 11pm. According to W3, Donald Dubose was going to a club to celebrate a friend's birthday. W3 stated that IT woke up the following morning, Saturday, May 12, 2012, between 7 and 7:30am. W3 said that when IT woke up, Donald Dubose was in bed and the vehicle was parked. W3 said IT did not know when Donald Dubose got to IT's house that morning. W3 said that IT does not know who Donald Dubose was with or what club he was going to.

W3 was interviewed another time, and during the second interview with W3, IT reported that a few days after IT's initial interview with investigators on May 18, 2012, IT spoke with Donald Dubose. During that conversation Donald Dubose told IT that he was in the "Barry Farms" neighborhood with two friends and his friends shot at another car. Donald Dubose told W3 that he was driving and one of his friends was seated in the front passenger seat and his other friend was seated in the right rear passenger seat. Donald Dubose also told W3 that after shooting at the victims, who were seated inside another vehicle, the victims started to drive off and hit the car he was in, which law enforcement knows is W3's black Ford Fusion bearing Maryland registration of 5CFR89.

Investigators entered the name of Donald Dubose into the Columbo Criminal Database and discovered that there is a Donald Dubose with a date of birth (DOB) January 23, 1989, and a police department identification (PDID) number of 587534. An arrest photograph of Donald Dubose was shown to W3 for confirmation. Upon viewing the photograph, W3 confirmed that that is the person that IT loaned the 2010 Ford Fusion to on Friday night, May 11, 2012.

Based on the facts set forth in this affidavit, your affiant believes probable cause exists and respectfully requests that a Judge of the District of Columbia Superior Court issue a warrant for the arrest of Donald Dubose.

AFFIANT'S SIGNATURE:


Det. Joshua Branson
Badge # D2-1376

TO: WARRANT CLERK

PLEASE ISSUE A WARRANT FOR:

Donald Dubose

Charge With: Second Degree Murder 41A

Jerry R. Pugh
ASSISTANT UNITED STATES ATTORNEY

SUBSCRIBED AND SWORN BEFORE ME THIS

21st DAY OF JUNE 20 13

James M. Mettelle
(JUDGE) DEPUTY CLERK, SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA

NCIC Agent

6/18/13