

FILED

JAN 15 2016

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

No. 16-1-00122-4

v.

INFORMATION

TATE, KENNY JERMAIN,

Defendant.

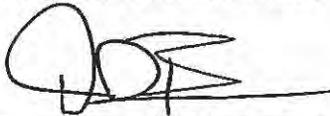
Aliases:

Other co-defendants in this case:

Comes now MARK K. ROE, Prosecuting Attorney for the County of Snohomish, State of Washington, and by this, his Information, in the name and by the authority of the State of Washington, charges and accuses the above-named defendant(s) with the following crime(s) committed in the State of Washington:

FIRST DEGREE MURDER (DEADLY WEAPON) (SEXUAL MOTIVATION), committed as follows: That the defendant, on or about the 2nd day of December, 2015, with a premeditated intent to cause the death of Daniel Dubeau, did cause the death of another person, to-wit: Daniel Dubeau, said death occurring on or about the 2nd day of December, 2015; proscribed by RCW 9A.32.030(1)(a); and that at the time of the commission of the crime, the defendant or an accomplice was armed with a deadly weapon other than a firearm, to wit: a belt, as provided and defined in RCW 9.94A.533(4) and RCW 9.94A.825; and the crime was aggravated by the following circumstance: One of defendant's purposes for committing this crime was his or her sexual gratification, as provided and defined by RCW 9.94A.030(47), RCW 9.94A.535(3)(f) and RCW 9.94A.835, a felony.

MARK K. ROE
PROSECUTING ATTORNEY



MATTHEW D. BALDOCK, #30892
Deputy Prosecuting Attorney

DATED this 14 day of January, 2016, at the Snohomish County Prosecuting Attorney's Office.

Address: 6904 BEVERLY LN EVERETT WA 98203
HT: 511 DOB: 04/10/1975 SID: WA28215007
WT: 235 SEX: M FBI: 133236VB8
EYES: Brown RACE: Black DOC:
HAIR: Black DOL: [REDACTED] DOL STATE: WA
ORIGINATING AGENCY: EVERETT POLICE DEPARTMENT AGENCY CASE#: 15313056

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SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

v.

TATE, KENNY JERMAIN,

Defendant.

No. 16-1-00122-4

AFFIDAVIT OF PROBABLE CAUSE

Aliases:

Other co-defendants in this case:

AFFIDAVIT BY CERTIFICATION:

The undersigned certifies that I am a Deputy Prosecuting Attorney for Snohomish County, Washington, and make this affidavit in that capacity; that criminal charges have been filed against the above-named defendant in this cause, and that I believe probable cause exists for the arrest of the defendant on the charges because of the following facts and circumstances:

At about 9:30 a.m. on December 2, 2015, Everett police officers and fire personnel were dispatched to a residence in the 6900 block of Beverly Lane in Everett, Snohomish County, Washington for a reported death. Officers learned that the residence is a transitional housing location where several adult men lived. When the officers and medics arrived on scene they were directed to a bedroom where they found an adult male lying face down on the floor, naked from the waist down. The male was obviously deceased and his body was cold to the touch. The male was wearing a thick jacket that was pulled up so that it was partially covering his head. Officers noted that the room was quite small. There was a twin mattress on the floor and officers observed that part of the mattress was resting on the deceased male's right leg. Officers also saw what they recognized as drug paraphernalia on a cabinet and on a small desk in the room.

The officers exited the house and spoke to the person who initially called 911, Ki'Mani Teal. Mr. Teal told the officers that he owned the residence and that his step-brother, Kenny J. Tate (dob 4/10/75) had recently moved to the area from California and was given a job as the house manager. Teal explained that earlier that morning he had called Tate several times but Tate did not answer so he decided to come to the residence to make sure everything was okay. When he arrived, he found the deceased male lying on the floor in Tate's room. Teal said he knew immediately that the deceased male was not Tate because he could see that the deceased male was white and Tate is black.

In speaking with some of the other residents gathered outside, officers learned that two of their housemates were unaccounted for: Kenny Tate and 30-year-old Daniel Dubeau (dob 6/02/85). Dubeau's roommate told officers that Dubeau left their room at approximately 2:00 a.m. that morning but never returned. Teal told the officers that one of the residents told him that Tate left the house at about 6:00 a.m. that morning after borrowing some money for gas and saying something about going to Everett.

Everett Police Detective Barrows arrived at the residence shortly before 11:00 a.m. While he was waiting for the Medical Examiner to arrive, he took photographs of the room where the deceased male was found. Detective Barrows noticed that on the floor just in front of the deceased male's head was a cloth or an article of clothing that had what appeared to be blood on it. He also saw a small drop of blood on the side of the mattress next to the male's head. On the small desk Detective Barrows saw a notepad with some writing and a picture drawn on it. There were four sentences written on the pad but Detective Barrows was unable to discern their meaning. He noted the initials "D.D." were written on the notepad and speculated that it might be referring to Daniel Dubeau. Detective Barrows also saw that there was a video surveillance system in the room with a monitor that displayed images from several cameras set up throughout the residence.

When an investigator from the Medical Examiner's Office arrived, she and Detective Barrows began to process the room for evidence. The investigator lifted the jacket from the deceased male's head and saw additional blood staining on the carpet around the male's nose and mouth. In order to better examine the body, Detective Barrows decided that they needed to move the mattress. When he removed the comforter from on top of the mattress he saw two empty containers of petroleum jelly. He also noticed what appeared to be a blood stain on the pillow.

Once the bed was processed for evidence and moved out of the way, the investigator and Detective Barrows were able to more closely examine the body. They noticed dried blood across the male's cheek that appeared to have come from his nose. The investigator examined the back of the male's head and did not see any obvious signs of trauma. But when the investigator pulled the jacket down from around the male's shoulders, he discovered a black leather belt wrapped twice around the male's neck. When the investigator rolled the body over, Detective Barrows could see that it was Daniel Dubeau (by comparing the man's appearance to the photograph on Dubeau's driver's license).

Just before 2:00 a.m. on December 3, 2015, Kenny Tate called 911 and said that he was at the police department in Everett to turn himself in. He told the dispatcher that he had "violently beaten" and "raped" another male at a residence in the 6900 block of Beverly Lane approximately 24 hours earlier. When the dispatcher asked if he was going to be combative with officers when they contacted him Tate replied, "Oh no, no . . . This was all intentional."

Everett Police Officer Keith contacted Tate at the police department. Tate identified himself to the officer and confirmed that he was the house manager at the clean and sober house on Beverly Lane. He told the officer that he assaulted another male at the residence in the early morning hours of December 2nd. Tate told Officer Keith that he was willing to speak with detectives about what had happened and that he wanted to cooperate because he knew that it was "all over" for him. Officer Keith took Tate into custody and transported him to the Everett Police Department North Precinct where he was met by Detectives Barrows and Brenneman. When Detective Barrows asked Tate why he was there, Tate said, "I'm turning myself over to the authorities for the crimes I have committed." Tate went on to describe, in graphic detail, how he had sexually assaulted and murdered Dubeau.

Tate told the detectives that he had been attracted to Dubeau since Dubeau had first moved into the residence, but he described Dubeau as "slow" and told the detectives that he was the kind of person who would take things from people without giving them anything in return. Tate said that on December 1, 2015, he purchased methamphetamine and shared some with Dubeau. Tate told the detectives that he had decided that because Dubeau hadn't paid him for the drugs, he was going to have sex with him whether Dubeau wanted him to or not. Tate said that Dubeau went outside to smoke a cigarette at approximately 2:00 a.m. on December 2, 2015. When he came back inside, Dubeau came to Tate's room. (Tate told the detectives that he assumed Dubeau was coming to ask for more methamphetamine.)

When Dubeau entered the room, Tate asked him for oral sex. Dubeau refused so Tate grabbed his crotch. Tate told the detectives that when Dubeau tried to push him away, he grabbed him by the throat and began strangling him. As Dubeau continued to struggle, Tate reached for his belt which was hanging on the wall, twisted it around Dubeau's neck, and pulled it tight. Tate said that he pulled belt tight for 10-15 minutes and then punched Dubeau in the face repeatedly until Dubeau stopped struggling and his body went limp.

Tate went on to tell the detectives that after he subdued Dubeau he rolled him over onto his back, removed Dubeau's pants and underwear, and began performing oral sex on him. Tate said that after a while, he turned Dubeau over and had anal sex with him. Tate told the detectives that he was having difficulty maintaining an erection because of the drugs he had ingested earlier, so he eventually watched pornography on his phone and masturbated until he was able to ejaculate on the floor near Dubeau's body.

Tate said that eventually he began to worry that the other residents at the house may soon be waking up so he took a dollar bill, some change, and a lighter from Dubeau's pocket, covered his body with a comforter, and left the room, shutting and locking the door behind him. (Tate told the detectives that he covered Dubeau's body with the comforter to add to the "drama"). Tate borrowed some money from another resident and then drove to a drug house in the Lynnwood/Bothell area where he spent the next day smoking crack cocaine before he turned himself in to the police. Tate mentioned that while he was driving to the drug house, he was looking for someone else to kill because it had been so "easy."

The detectives asked Tate about the note they found in his room. He said that he wrote the note before Dubeau came to his room to outline his plan to sexually assault Dubeau and to explain why Dubeau deserved it. The note included phrases like, "I'm taking something from him, PERIOD" and, "He needs to be taught a lesson again."

Tate told the detectives that he had no regrets about killing Dubeau and said that he was doing Dubeau a favor because according to Tate, Dubeau was "slow."

Criminal History and Request for Bail/Conditions of Release

Based upon a review of databases maintained by state and federal agencies, the Prosecutor's understanding of the defendant's criminal history is set forth in the attached Appendix A, which is incorporated by reference herein. Additionally, Tate did tell detectives that he committed forcible sexual assaults against two men in California, but in each case he was able to convince the victim not to report the incident to the police.

Given the serious nature of the allegations against the defendant, and given his lack of ties to Snohomish County, the State requests the Court set bail in the amount of \$1,000,000 pending trial in this case.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

MARK K. ROE
Prosecuting Attorney



MATTHEW D. BALDOCK, #30892
Deputy Prosecuting Attorney

DATED this 14th day of January, 2016, at the Snohomish County Prosecuting Attorney's Office.