

17-8-00730-31  
ADPC 6  
Affidavit of Probable Cause  
1902782



FILED

2017 OCT -9 PM 4: 27

SONYA KRASKI  
COUNTY CLERK  
SNOHOMISH CO. WASH

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SNOHOMISH  
JUVENILE DIVISION

STATE OF WASHINGTON,  
Plaintiff,

v.

DOB: [REDACTED]/2004

Respondent.

No. 17-8-00730-31

AFFIDAVIT OF PROBABLE CAUSE

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 respondent in this cause, and that I believe probable cause exists for the arrest of the respondent on the charges because of the following facts and circumstances (this information is not based upon any independent or personal knowledge of these events, unless specifically noted):

On October 4<sup>th</sup>, 2017, just after 5:00 pm, Everett Police responded to the Walden Pond Apartments, located at 9900 12<sup>th</sup> Ave. W. in Everett, Washington, for a report of a male with a possible gunshot wound. Officers located D.S. (DOB [REDACTED]/02) lying behind building C. He had a single gunshot wound to the chest. CPR was being administered and he was transported to the hospital, but was pronounced dead shortly thereafter.

Walden Pond Apartments are linked by a trail to Explorer Middle School, which was holding an 8<sup>th</sup> grade football game at the time of the shooting. Officers contacted a number of students at the scene of the shooting. Multiple students identified the respondent, [REDACTED], as a suspect who had been seen with a silver and brown handgun that day. He was reported to have separately threatened other students as well as D.S. earlier that day.

[REDACTED] (DOB [REDACTED]/05) and [REDACTED] told officers that the respondent has been "repping" with the Southside Locals (SSL) gang, and was going to be officially "jumped in" by the gang the following day. SSL is a "set" gang connected to DSM. [REDACTED] told detectives that the

respondent had previously told her, "If you hear I'm in jail, don't be surprised. I'm gonna shoot people." [REDACTED] said that the respondent wanted to be known as "lil' shooter." [sic]

D.S. was known to be a member of Wetback Pride (WBP, also known as Doble), a rival gang of SSL and DSM.

The respondent had spent much of the day prior to the shooting with [REDACTED] (DOB [REDACTED]/05). According to the respondent's grandparents, he had run away prior to the day of the shooting. The respondent and [REDACTED] had slept in a park. Shortly after they woke, [REDACTED] reported that as a lady walked toward them, the respondent took a gun out of his waistband and removed the safety. When he realized it was a lady, the respondent put the gun back in his waistband. [REDACTED] described the gun as being silver with "9MM" on the side. [REDACTED] said that the respondent had stolen the gun one or two days earlier from a kid they'd been hanging out with at Horizon Elementary School on Casino Road. Per [REDACTED], the respondent had asked to borrow the gun and never given it back. Also according to [REDACTED], the respondent wanted the gun to shoot up the house of a named "enemy." [REDACTED] also reported that at some point since he'd had the gun, the respondent had pointed the gun at [REDACTED]'s head, telling him that he needed to get rid of his fears and not to be scared. [REDACTED] said the respondent had been acting tough and hard just because he'd gotten a gun.

Officers contacted [REDACTED] (DOB [REDACTED]/04). Earlier on the day of the shooting, he also encountered the respondent with his gun at Walden Pond Apartments. The respondent approached [REDACTED], pointed the gun at him, and told him he liked his shoes and wanted them. [REDACTED] did not give the respondent his shoes, and ran away.

D.S., [REDACTED] (DOB [REDACTED]/03), and [REDACTED] (DOB [REDACTED]/03) had been watching the football game at Explorer Middle School on October 4<sup>th</sup>. At some point during the game, they moved to a bench by the shortcut to Walden Pond Apartments. The respondent approached with [REDACTED] (DOB [REDACTED]/04) and two unidentified males. The respondent asked D.S. why he was wearing blue shoes, because "Doble" is supposed to wear black. The respondent and D.S. argued, and [REDACTED] reports that D.S. said, "Fuck SSL." The respondent pulled out a gun and pointed it at D.S. while saying, "What's up?" D.S. told him to shoot. [REDACTED] and [REDACTED] diffused the situation. The respondent told D.S. something to the effect of, "You're lucky your girl is right there." The respondent, the unknown males, and [REDACTED] walked away.

[REDACTED], [REDACTED], and D.S. returned to the football game. D.S. left them at the game at approximately 4:00 to go meet a friend at Walden Pond Apartments.

[REDACTED] returned to the football game at approximately 4:30 pm. She was overheard saying, [REDACTED] is being dumb. He's mad at [D.S.] and said he's going to shoot [D.S.] at by an adult witness. [REDACTED] then left the game again. She returned at approximately 5:00 pm, saying [REDACTED] shot [D.S.]!"

After D.S. left Explorer, D.S., the respondent, and two unidentified males met up behind Building C at the Walden Pond Apartments. The respondent fired a single shot, which hit D.S. in the chest. The respondent fled the scene on foot. He discarded his clothing as he ran.

[REDACTED] knows the respondent from hanging out at Walden Pond Apartments. He heard the gunshot and ran toward it. As he did so, the respondent ran past him in the opposite direction. [REDACTED] was the first to find D.S. and called 911. He also reported seeing the respondent earlier with the silver colored gun and was told it had two bullets.



After the shooting, the respondent ran to [REDACTED]'s house. He wasn't wearing shoes, pants, and other clothing. The respondent told [REDACTED] that he shot someone and needed help. [REDACTED] had already seen news reports and told the respondent that the person died and told the respondent to leave.

[REDACTED] reported coming home the evening of October 4<sup>th</sup> and saw the respondent standing in the parking lot of 8219 5<sup>th</sup> Ave. W without shoes. [REDACTED] did not know the respondent, but offered him a pair of Jiu Jitsu pants, a hoodie, and slippers. [REDACTED] heard the respondent talking to a neighbor kid about having shot someone. [REDACTED] noted he was talking about it like it was nothing. [REDACTED] was still with the respondent when police located and arrested the respondent.

Post-Miranda, the respondent agreed to an interview with detectives. He admitted to the shooting. He claimed that he got the gun from a 12 year old friend to protect himself. He said there were two bullets in the gun. He both admitted and denied "repping" for the gang SSL, and also admitted that he had his "rag" (blue bandana) wrapped around the gun.

After he shot D.S., the respondent said D.S. was calling out to his "homie" for help. The respondent said he wanted to help him, but got scared and walk away. While initially denying that he knew D.S., the respondent later correctly identified D.S. by first name and said he was "annoying" because he was always trying to "run up" on him.

He led detectives to the firearm, which was described as a Taurus 9MM silver and brown semi-automatic handgun. It was wrapped in the respondent's blue bandana. The handgun's hammer was back, no safety was on, and there was a live cartridge in the chamber. The magazine was empty.

After the respondent's arrest, a number of juveniles came forward to report incidents involving the respondent and the silver and brown handgun.

[REDACTED] (DOB [REDACTED]/04) reported that on September 29, 2017, he was with [REDACTED] when they saw the respondent and [REDACTED]. The respondent had a chrome pistol and pointed it at [REDACTED]'s head. He told [REDACTED] that he would get him "mean-mugging."

[REDACTED] (DOB [REDACTED]/05) reported that the respondent was in a gang, specifically DSM. Within the two weeks preceding the shooting, [REDACTED] reported being beat up by respondent's friend [REDACTED] for talking to [REDACTED]. [REDACTED] said he was then "jumped" by the respondent, who punched him, kicked him, and knocked him down. The respondent then threatened to kill [REDACTED], who accurately described the respondent's gun. According to [REDACTED], the respondent told people he got the gun for "protection, kill, murder, anything."

On October 3<sup>rd</sup>, 2017, multiple witnesses report that the respondent pointed a gun at [REDACTED] (DOB [REDACTED]/04), [REDACTED], [REDACTED] (DOB [REDACTED]/03), [REDACTED] (DOB [REDACTED]/03), and [REDACTED] (DOB [REDACTED]/04) each report they were on the shortcut trail between Explorer Middle School and Walden Pond when the respondent pointed a silver gun at [REDACTED]'s head or chest, telling him, "Run your shit." [REDACTED] was respondent's friend; he asked, "What did I do?" Respondent lowered the gun and said, "Just kidding." [REDACTED] asked if the gun was real, and the respondent said it was. He pulled out the magazine and showed them the bullets inside.


Also on October 3<sup>rd</sup>, 2017, [REDACTED] (DOB [REDACTED]/03) was playing soccer on the basketball courts of the Cascade Apartments. He saw the respondent and an unknown kid approach, and they

asked if he goes to Explorer Middle. [REDACTED] said he did. The respondent pulled a gray gun with some reddish brown on it out of his waistband and pointed it at [REDACTED] and his friend. [REDACTED]'s friend ran away, as did the respondent and the other kid he was with as [REDACTED] stood there.

[REDACTED] (DOB [REDACTED]/04) reported that he used to be friends with the respondent, but [REDACTED] broke off the friendship because [REDACTED] left DSM. [REDACTED] and [REDACTED] fought because [REDACTED] and the respondent thought he is in "Doble" [Wetback Pride]. [REDACTED] reported that [REDACTED] and the respondent were knocking really loud on his door and wanted him to come downstairs. [REDACTED] said he could tell the respondent had a gun based on how he had his hands in his pockets holding something. [REDACTED] did not go out or see the actual gun, nor did he specify the date.

Medical Examiner Dr. Lacy found the cause of death to be a gunshot wound to the abdomen and the manner of death a homicide.

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

 37103  
CHERYL T JOHNSON, WSBA #: 37811  
Deputy Prosecuting Attorney

DATED the 9th day of October, 2017 at Everett, Washington.