

KWPDP

Monroe County Adult Arrest Form

☐ ARREST
☐ WARRANT
☐ COMPLAINT AFFIDAVIT

ARREST #

OBTS #

Filing Agency KWPDP		Case # 0116001188		Doc. Control #		State ID #		FBI #	
Defendant's Last Name DAVID				First DEREK		Middle MICHAEL		Suf	
Race W		Eth NH		Sex M		Hgt 6'02"		Eyes HAZEL	
Hair BROWN		Wgt 300		Comp LIGHT		Age 33		DOB 05/03/1982	
Facial Hair GOTEE		Build HVV		Marital St MRRD		Hand Use RH		Glasses No	
Speech LOUD		Parole/Probation		Language Spoken ENGLISH		Birthplace LA		Scars, Marks, TT	
Permanent Address 17243 E STARFISH LN KEY WEST, FL 33040-				Home Phone:		Local Address:			
Email Address				Cell Phone:		Place of Employment		Occupation	
Arrest Location 1604 N ROOSEVELT BV KEY WEST, FL 33040-				Area/ Zone <input type="checkbox"/>		Work Phone:		Arresting Officer DARNELL II E SEALEY 2940	
Violation Location CHARLES ST & TELEGRAPH LN KEY WEST, FL 33040-				Area/ Zone <input type="checkbox"/>		Date/Time of Violation 03/21/2016 01:25		Date/Time Arrested 03/21/2016 16:00	
DL # D130-173-82-163-0		State FL		Breathalyzer By		Reading		Miranda Advisement Invoked 5th	
By Whom SEALEY, DARNELL II E.		Indication Of:		Y		N		UK	
Domestic Violence No		Weapon Seized FIREARM		Officer Injured No		Caution		Alcohol Influence: <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Drug Influence: <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		Drug Type: U,U,U		Type: N-N/A A-Amphetamine E-Heroin		B-Barbiturate C-Cocaine H-Hallucinogen M-Marijuana O-Opium		P-Paraphernalia/ Equipment S-Synthetic	
U-Unknown Z-Other		Activity: UNKNOWN, UNKNOWN, UNKNOWN		Activity: N-N/A T-Traffic P-Possess S-Sell		B-Buy A-Smuggle D-Deliver		E-Use M-Manufacture/ Produce/ Cultivate	
K-Dispense/ Distribute Z-Other									

Defendant Vehicle Make:	Type:	Year:	Color:	Vehicle Registration State:
VIN#:	Tag #:	Vehicle Tag Expiration:		
Vehicle Status:	Other Identifiers or Remarks:			

CODEFENDANT ADDRESS PHONE # RACE SEX DOB

Count	Offenses Charged	Statute	Warrant #	Court Date and Time	Citation #
3/F	AGGRAV BATTERY COMMIT AGGRAVATED BATTERY-784.045(2)	GRAV BATTERY CO			
1/F	AGGRAV ASSLT - WEAPON W DEADLY WEAPON WITHOUT INTENT TO KILL-784.045(2)	GRAV ASSLT - WEAI			
1/F	WEAPON OFFENSE USE DISPLAY ETC FIREARM DURING FELONY-790.07(2)	APON OFFENSE US			

Before me this date personally appeared **DARNELL II E SEALEY 2940** who being first duly sworn deposes and says that on the **21st day of March, 2016** at **CHARLES ST & TELEGRAPH LN KEY WEST, FL 33040-** the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows

[NARR]: On 03/21/2016, at approximately 0125 hours, the Key West Police Department Criminal Investigations Unit responded to the intersection of Charles Street and Telegraph Lane reference numerous 911 calls stating there was an active shooter on Duval Street. According to the initial information, three victims sustained gunshot wounds and the suspect was attempting to flee the area on foot.

The reporting party, David Lee Smith, followed the suspect and pointed responding officers towards the direction of Fitzpatrick Street. Officers

I swear the above statement is correct and true to the best of my knowledge and belief.

DARNELL II E SEALEY 2940

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

KEY WEST POLICE DEPARTMENT

DIVISION / UNIT

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 21st day of March, (year) 2016, who is personally

known to me or who has produced (ID Type) Police as identification and who DID take an oath.

Pet. John M. Smith 3025

LAW ENFORCEMENT OFFICER / CORRECTIONS OFFICER PER STATE STATUTE #

SIXTEENTH JUDICIAL COURT

MONROE County

State of FLORIDA

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Monroe County Adult Arrest Form Continuation

KWPD

OBTS # _____

ARREST

LAST NAME	FIRSTNAME	MIDDLE NAME	SUF.	HGT	WGT	RC	SEX	DOB	Case #	Arresting Officer
DAVID	DEREK	MICHAEL		6'02"	300	W	M	05/03/1982	0116001188	DARNELL II E SEALEY 294

responded to the area and located the suspect at Keno Plaza. The suspect was identified as Derek Michael David. I later made contact with Smith who said he followed David from Charles Street to Keno Plaza. Smith said he stayed on scene until the first officer arrived and David was taken into custody. Smith positively identified the suspect in custody, David, as the suspect who was shooting on Charles Street. During a search of David's person, Officer Bouvier located a black Ruger LCP .380 handgun (serial number 377-69660) in David's right front pocket. The handgun was secured by Officer Gaufilett. David was detained and later transported to the Key West Police Department (KWPD) for further investigation.

Upon arrival at the aforementioned location, I, Detective Sealey, walked through the scene with Detective Mitchell. While walking through the scene, Detective Mitchell said he located four spent cartridges and two live rounds. The spent cartridges and the live rounds appeared to be .380 caliber; the same caliber as the firearm found in David's possession. The above mentioned rounds were later collected as evidence and turned into the Key West Police Department Property Section as evidence.

Detective Mitchell later provided me with a copy of the surveillance video obtained from Rick's Bar. I responded to KWPD to review the surveillance video and interview David.

Upon arrival at the KWPD, Detective Dean and I watched the above mentioned surveillance video from Rick's Bar. The following is a brief synopsis of the incident. The surveillance video shows David, a large build white male weighing 300 lbs, grabbing a small petite female. The female, later identified as Jodie Marie David, was considerably smaller than David and weighed approximately 100 lbs. David and Jodie appeared to be in an argument and surveillance video captures David grabbing Jodie by the arm and pushing her on the ground. The altercation between David and Jodie last approximately one minute and David is seen pulling Jodie by the arm as they walk towards the intersection of Telegraph Lane and Charles Street.

As David and Jodie got closer to the above mentioned location, an unidentified male suspect is seen intervening in the altercation and tries to separate David and Jodie. David takes a fighting stance and takes several swings at the unidentified male. Moments later, a second unidentified male gets involved in the altercation and punches David in the back of the head. The altercation between David and the two unidentified males moves to the intersection of Telegraph Lane and Charles and two bystanders, later identified as Trent Alexander Pauls and Brendon Boudreau, ran to the aforementioned location to watch the fight.

Moments later, the two unidentified males, Pauls, and Boudreau are seen walking eastbound from Telegraph Lane on Charles Street. David is seen standing at the above mentioned location and proceeds to walk eastbound on Charles Street towards Duval Street. The surveillance video captures David removing what appears to be a small black handgun from his side and point it up in the air as he's walking towards the above mentioned subjects. David lowers the firearm, charges the firearm by pulling the slide to the rear, and proceeds to walk towards the above mentioned subjects with his arm extended and the gun pointed towards the subjects.

David fired four rounds from the above mentioned firearm and shot three bystanders. The bystanders were later identified as Brendon Boudreau, Ryan Reid Ogden, and Scott P McBride. Boudreau sustained a single gunshot wound with an entry wound to his right thigh and exit wound through his inner thigh. Ogden sustained a single gunshot wound to the outside of the left arm and round traveled through his arm and into his abdomen. McBride sustained a single gunshot wound to his right thigh just above knee and the round traveled from the outside thigh and exited through the back of his knee. None of the gunshot victims were involved in the altercation with David and Jodie; they were either walking on standing on the street when they were shot.

After the shooting, David is seen walking westbound on Charles Street towards Telegraph Lane when a white male, later identified as Kenneth Scott, walks out of Smoking Tuna, 4 Charles Street, and comes in contact with him. Scott stops in the doorway and David points the gun at him. Scott immediately starts walking backwards into the bar and David continues to walk towards Telegraph Lane. Scott was later interviewed by Detective Peters and told her that he was screamed "Don't" three times as he was walking backwards and tried to hide his body behind the gate to avoid being shot. Scott later wrote a sworn witness statement reference this incident.

After reviewing the video, Detective Dean and I made contact with David and attempted to conduct an interview with him. David immediately

I swear the above statement is correct and true to the best of my knowledge and belief.

DARNELL II E SEALEY 2940

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

KEY WEST POLICE DEPARTMENT

DIVISION / UNIT

STATE OF FLORIDA

COUNTY OF MONROE

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LAW ENFORCEMENT OFFICER / CORRECTIONS OFFICER PER STATE STATUTE # _____

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LAST NAME	FIRST NAME	MIDDLE NAME	SUF.	HGT	WGT	RC	SEX	DOB	Case #	Arresting Officer
DAVID	DEREK	MICHAEL		6'02"	300	W	M	05/03/1982	0116001188	DARNELL II E SEALEY 294

invoked his 5th amendment rights and said he did not want to speak with me without an attorney present. I took photographs of David, his clothing, and injuries to his hands. I later uploaded the photographs into the KWPD COBAN system as evidence. I later collected David's clothing and turned it into the KWPD Property Section as evidence.

Detective Dean and I attempted to conduct an interview with Jodie reference the above mentioned incident. I read Jodie her Miranda Rights and Jodie said she understood her rights but refused to speak with me without an attorney present.

Boudreau and McBride were interviewed by Detectives del Valle and Peters. None of the injured victims know David. McBride said they were standing on the street when he was shot. Boudreau said he saw David walking towards him with the gun pointed towards him and he was trying to run away when he was shot. Pauls was interviewed about the above mentioned incident by Detective Peters. Pauls statement corroborates the depiction of the surveillance video. Pauls described the shooter as a white male with a long goatee, brown hair, and possibly 6'03 inches tall. Pauls said once the shooting started, he ran away and does not remember seeing anyone else again.

There is probable cause to believe that Derek Michael David did commit the act of aggravated battery with a deadly weapon by intentionally firing a firearm, Ruger LCP .380 handgun, four times and shooting three victims, Brendon Boudreau, Ryan Reid Ogden, and Scott P McBride. Each victim sustained great bodily harm and were immediately transported to Lower Keys Medical Center. Ogden and Boudreau were later transported to Ryder Trauma Center due to the severity of their injury.

There is probable cause to be that Derek Michael David did intentionally and unlawfully threaten by action to do violence and/or harm to the victim Kenneth Scott. David is seen on surveillance video pointing a firearm, Ruger LCP .380 handgun, at Scott. At the time of the threat, David appeared to have the ability to carry out the threat. The act of David created in the mind of Scott a well-founded fear that violence was above to take place. The aggravated assault was made with a fully-formed, conscious intent to commit an aggravated assault upon Scott.

There is probable cause to be that Derek Michael David did intentionally and unlawfully us a firearm, Ruger LCP .380 handgun, during the commission of an aggravated battery with a weapon. David did commit the act of aggravated battery with deadly weapon by shooting a firearm four times resulting in three victims, Brendon Boudreau, Ryan Reid Ogden, and Scott P McBride being shot. Each victim sustained great bodily harm and were immediately transported to Lower Keys Medical Center. Ogden and Boudreau were later transported to Ryder Trauma Center due to the severity of their injury. David did carry the firearm in a manner which concealed from the ordinary sight of another person.

I swear the above statement is correct and true to the best of my knowledge and belief.

DARNELL II E SEALEY 2940

OFFICER/ELECTRONIC SIGNATURE

APPROVING SUPERVISOR

KEY WEST POLICE DEPARTMENT

DIVISION / UNIT

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COUNTY OF MONROE

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Det. Stephen Mitchell 3073

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