Case: 1:23-mj-00263
Assigned To : Upadhyaya, Moxila A.
Assign. Date : 9/26/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

On Sunday, September 10, 2023, at approximately 1:04 AM, members of the Fifth District Crime Suppression Team ("CST") were working the evening tour of duty, operating marked police vehicles, and wearing full police uniforms with Body Worn Cameras ("BWC"). Officer Anderson was watching live video camera footage of a parking lot in the rear of an apartment building, located at 1901 I Street, Northeast, Washington, D.C. 20002.

As Officer Anderson watched the camera footage, he saw an individual, who was wearing a grey jacket and black pants, pull an object from the middle of his body. Officer Anderson recognized the object that the individual pulled from his person as the slide of a semi-automatic pistol. Officer Anderson then saw the individual extend his left arm and point the pistol in front of himself. This individual then lifted his jacket and placed the pistol in his front right waistband area.

Officer Anderson and other CST members then traveled to the rear of the apartment building and exited their vehicle so that they could enter the fenced-in rear parking lot in the back of the apartment building. As officers entered the parking lot, they saw multiple people run through the rear door of the building. As people ran from the building, Officer Anderson saw DeAngelo McNeil ("hereinafter Defendant-McNeil"), DOB: 12/05/1986, someone he knew from numerous previous law enforcement encounters and arrests, attempt to scale the fence that was to the left of the apartment building. However, Defendant-McNeil fell back and landed in the exterior stairwell landing of 1901 I Street. Defendant-McNeil made his way inside of 1901 I Street and was detained by Officer Anderson. After being initially detained, Defendant-McNeil was ultimately released because officers did not find anything on his person after conducting a pat down.

Officer Anderson later reviewed the video camera footage and saw that just before officers arrived on scene at approximately 1:15:42 AM, an individual wearing a black hooded sweatshirt with white lettering on the front, a baseball hat and blue jeans stood up from a set of stairs in the rear of 1901 I Street. This individual, whose build and clothing was similar to Defendant-McNeil's, walked over to a nearby trash can with an orange lid and briefly lifted the orange lid. The individual then turned around and ran towards the side of 1901 I Street.

Officers canvassed the rear of 1901 I Street, looked inside the trash can with an orange lid and found a black Glock model 27 .40 caliber semi-automatic pistol bearing serial number

RZD599. The pistol had one (1) round of ammunition in the chamber and a magazine that contained twelve (12) rounds of .40 caliber ammunition. The magazine had a maximum capacity of fifteen (15) rounds. District of Columbia Department of Forensic Science Technician Williams 'CSU25' responded to the scene and recovered the pistol. The weapon appeared fully functional, designed to expel a projectile by the action of an explosion, was capable of being fired by a single hand and had a barrel length less than twelve inches.

On Thursday, September 21, 2023, at approximately 5:53 PM, members of the Fifth District CST saw Defendant-McNeil near 1919 I Street, Northeast, Washington, D.C. 20002 and arrested him. During Defendant-McNeil's arrest, Officer Amengual recovered a set of vehicle keys from the defendant's hand. A search incident to the defendant's arrest revealed the following:

- A Certificate of Title issued by the state of Louisiana for a blue Honda Accord bearing VIN: 1HGCT2B01GA003539
- A clear twist from his front right pants pocket containing:
  - (12) blue zips containing white rock like substance
  - (26) clear zips containing white rock like substance
  - (1) yellow zip containing white rock like substance
  - (6) plastic twists each containing white rock like substance.
- $545.25 dollars U.S. currency from his front left pants pocket
- Digital scale with white powder residue from his left pants pocket

The total weight of the substance including packaging weighed approximately 19.5 grams. A small portion of the substance was later field-tested by Officer Amengual. The field test yielded a positive color reaction for the presence of Cocaine base and Fentanyl. The quantity of narcotics, the packaging, the presence of the money and scale is consistent with distribution and not mere possession.

During a search for Defendant-McNeil's car, Officers Z. Salavatov, J. Blasting, and D. Greenberg found a blue Honda Accord bearing Virginia license plates USH1721 and VIN: 1HGCT2B01GA003539. The vehicle was parked in front of 2017 I Street, Northeast, approximately half a block away from where officers arrested Defendant-McNeil. The VIN of the

vehicle matched the VIN on the Title found on Defendant-McNeil's person. Additionally, the keys recovered from Defendant-McNeil's hand unlocked the vehicle.

Based on the proximity of the vehicle to Defendant-McNeil and the substances seized from his person incident to his arrest, there was probable cause to believe that there was additional evidence of Possession with the Intent to Distribute a Controlled Substance inside the vehicle. Officers have learned from previous experience that people who possess and sell narcotics often use vehicles to stash the substances, money, and/or weapons.

A search of the vehicle was conducted during which the listed items were located and seized from the car's locked glovebox:

- $4960.00 dollars U.S. currency
- Glock model 30 .45 caliber semi-automatic pistol bearing serial number BUFT395

District of Columbia Department of Forensic Science Technician Patton 'CSU66' responded to the location of the car and recovered the pistol. The pistol was loaded with one (1) round in the chamber and twelve (12) rounds of ammunition in the magazine, which had a maximum capacity of thirteen (13) rounds. The weapon appeared fully functional, designed to expel a projectile by the action of an explosion, capable of being fired by a single hand, and had a barrel length less than twelve inches.

There are no firearms or ammunition manufacturers in Washington, D.C. Therefore, the Glock model 27 .40 caliber semi-automatic pistol and thirteen rounds of ammunition recovered on September 10 and the Glock model 30 .45 caliber semi-automatic pistol and the thirteen rounds of ammunition officers recovered on September 21 must have travelled across state lines.

Officers photographed paperwork in the glovebox that included a State Farm Insurance card (policy number 031 7992-D04-09) which indicated DeAngelo W. McNeil as an insured party. The insurance for the 2016 Honda Accord "Touring" 2D VIN: 1HGCT2B01GA003539 was effective September 20, 2023, and expired April 4, 2024.

On September 22, 2023, Defendant-McNeil was charged with Unlawful Possession of a Firearm (Prior Conviction) and Possession with Intent to Distribute a Controlled Substance in D.C.

Superior Court, where he is preventatively detained under 23 D.C. Code 1322(b) pending a preliminary hearing.

Defendant-McNeil had previously been convicted of two felonies, including D.C. Superior Court Case 2017 CF2 016998, for Unlawful Possession of a Firearm and Possession with Intent to Distribute a Controlled Substance (Cocaine) and Calvert County, MD case 08K04000677, for Second Degree Burglary, Theft, and Conspiracy to Commit Second Degree Burglary in 2005. In the Maryland case, he was sentenced to ten years of incarceration, and as such was aware of the fact that he had been previously convicted of a crime punishable by more than a year. These convictions made Defendant-McNeil ineligible to have a concealed pistol carry permit in the District of Columbia.

Based on the foregoing, your affiant submits that there is probable cause to believe that the defendant violated 18 U.S.C. § 922(g).

#3798

Officer Joshua Anderson
Metropolitan Police Department
Phone: (814) 331-9791

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 26th day of September, 2023.

M. A. Upadhyaya

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE