

STATEMENT OF FACTS

As detailed below, there is probable cause to believe that TYRELL BAILEY violated 18 U.S.C. § 922(g)(1) (possession of a firearm by an individual convicted of a crime punishable by more than one year imprisonment); 18 U.S.C. § 922(k) (possession of a firearm with an obliterated serial number); and D.C. Code § 22-4503.04 (unlawfully discarding a firearm and ammunition).

Gun Recovery on Interstate 295

On August 28, 2024, at approximately 5:30 p.m., members of the Metropolitan Police Department (MPD) Robbery Suppression Unit (RSU) were patrolling the area of the 1600 block of Kenilworth Avenue Northeast and the 4400-4500 blocks of Quarles Street Northeast, Washington, D.C., when they observed a black male, later identified as Tyrell BAILEY, with long black dreads, wearing a white t-shirt, blue shorts, and white shoes. *See* Images 1 and 2.



Images 1 and 2

RSU officers parked, exited their vehicles, and began patrolling the area around 4506 Quarles Street Northeast on foot, when officers observed BAILEY flee unprovoked.¹ *See* Image 3. As

¹ An arrest warrant for Tyrell Bailey was originally signed by D.C. Superior Court Judge Carmen McLean on September 1, 2024 (2024 CRWSLD 003592). Additional review of Body Worn Camera and CCTV footage has allowed your Affiant to provide greater detail surrounding RSU's initial interaction with BAILEY than was initially presented in the affidavit in support of the Superior Court arrest warrant.

BAILEY fled, he exhibited movements and actions that led the officers to believe BAILEY was armed with a weapon. Specifically, BAILEY was holding his waistband in a manner consistent with carrying a concealed firearm.



Image 3 – BAILEY, circled in red, running from RSU Officers, circled in green.

RSU members gave chase as BAILEY ran through the DC Public Housing Complex in the 4400-4500 blocks of Quarles Street Northeast. BAILEY jumped the retaining wall in the 1600 block of Kenilworth Avenue Northeast that borders Interstate 295 and landed in the southbound lane of I-295. See Image 4.



Image 4 – BAILEY, circled in red, jumping down the wall onto I-295

After jumping the wall, officers saw BAILEY perform actions consistent with dropping an object into a storm drain on the shoulder of the southbound lane of I-295. When officers reached the storm drain where they observed BAILEY appear to drop something, they discovered a firearm. *See Image 5.*



Image 5

BAILEY then fled northbound on I-295 in the southbound lanes. He crossed to the northbound side of I-295, flagged down a passing motorcyclist, and fled the area northbound on the back of the motorcycle.²

MPD Investigator Wayne David attempted to recover the firearm from the storm drain. While doing so, the firearm discharged, striking Investigator David, and killing him.

By 7:00 p.m., Department of Forensic Sciences (DFS) Technicians Edward Hanshon and Keith Slaughter responded to the scene. They removed the metal grate covering the storm drain and recovered a Smith and Wesson M+P Shield 40, .40 caliber handgun with an OBLITERATED serial number. *See Images 6-8.*

² As discussed below, the government's evidence indicates that the motorcyclist unintentionally aided in BAILEY's escape from law enforcement.



Image 6 – The Smith & Wesson as it was discovered in the storm drain



Image 7 – Obliterated serial number just below the slide on the handle (in yellow)



Image 8 – Close-up of obliterated serial number

The firearm had a .40 caliber magazine that contained eight (8) rounds of .40 caliber ammunition. The firearm contained one (1) round of .40 caliber ammunition in the chamber. The firearm was taken to DFS where it was swabbed for DNA. After the firearm was swabbed, it was taken to the ATF/MPD NIBIN lab where the firearm was test fired and the cartridge casing entered into NIBIN. The firearm will be examined to determine its serial number. DFS also recovered a white shoe, which is believed to belong to BAILEY. The shoe was recovered from the southbound side of 295, near Quarles Street Northeast where BAILEY was captured by video jumping over the wall. The shoe is consistent with the left shoe that Bailey is seen wearing during his flight from officers. *See Images 9 and 10.*³



Image 9



Image 10

³ Notably, as he was fleeing officers, and before he reached the retaining wall where he lost his left shoe, BAILEY tripped running up a set of stairs. As he did, he appeared to lose his right shoe. When officers responded to recover the right shoe, it was no longer there.

Identification of BAILEY

During the course of the investigation, your affiant reviewed footage from several CCTV cameras in the area where BAILEY first fled from RSU officers. DC Housing Authority CCTV footage showed BAILEY arrive at 4508 Quarles Street Northeast at 4:13 p.m. in a gold Honda. BAILEY exited the gold Honda wearing the same clothing he later was seen wearing at 5:31 p.m., and as depicted in Images 1 and 2, *supra*.

At 5:30:31 p.m., BAILEY exited the building; he appeared to be talking on a cellphone and carried a set of keys in his left hand while exiting the rear of 4508 Quarles Street Northeast. *See* Image 1, *supra*. After BAILEY exited the building, BAILEY headed toward the gold 2001 Honda Accord in which he arrived. Before BAILEY reached the vehicle, video shows him see the RSU officers driving down the street. Officers' BWC shows Bailey—in apparent response—flee from the officers.

Your affiant reviewed RSU officer Body Worn Camera (BWC) footage and saw the tag number of the gold Honda: Virginia tag TJX-4033. A search of police databases revealed the gold Honda was registered to Tyrell BAILEY at 3907 Southern Avenue, Apartment 103, Suitland, Maryland 20746.

MPD officers went to the above address and located the gold Honda parked in the apartment complex parking lot. Detectives spoke with the resident of 3907 Southern Avenue, Apartment 103, who stated she had just moved into the apartment on August 1, 2024, and did not know anyone by the name Tyrell BAILEY. Detectives seized the vehicle as evidence, and it was towed to the Department of Forensic Sciences (DFS) pending a search warrant.

On August 30, 2024, a D.C. Superior Court Search Warrant (2024CSWSLD003578) was issued, and a search of the vehicle was conducted. Police recovered multiple pieces of evidence, including a wallet containing a Maryland Driver's License belonging to Tyrell BAILEY. Also recovered was a receipt from the McDonald's restaurant located at 4301 Nannie Helen Burroughs Avenue Northeast dated August 26, 2024, at 5:32 p.m. Metro Transit Police Detective/ATF-TFO Brandon Twentymon went to the McDonald's and reviewed CCTV footage from the date and time of the transaction, which showed the gold Honda use the drive-thru window. The McDonald's footage also showed an individual consistent in appearance with Tyrell BAILEY driving the gold Honda on that date and time.

On August 29, 2024, Detective David Evans received notification from the Seventh District Detectives Unit that an individual, hereinafter Witness 1 (W1), came to the Seventh District and advised IT was the driver of the motorcycle that was being shown on television.⁴ W1 advised that a family member sent IT a photograph of IT's motorcycle that had been shown on Fox 5 news. W1 stated that upon learning police were looking for IT, IT immediately came to the police station.

⁴ On August 28, 2024, MPD issued a be on the lookout (BOLO) that contained the photos labeled above as Images 1 and 2. The BOLO stated that BAILEY fled on the back of a motorcycle.

W1 advised that on August 28, 2024, IT was driving to Bladensburg, Maryland, to pick up a part for a vehicle. W1 stated IT drove on I-295 until IT reached I-295 and Eastern Avenue and encountered slowing traffic. When W1 reached the underpass for Eastern Avenue, IT saw a male, later determined to be BAILEY, on the side of the road who was screaming. W1 stopped IT's motorcycle, and BAILEY began yelling that he had been robbed and people were trying to kill him. W1 observed BAILEY did not have on shoes, only socks. W1 stated BAILEY jumped on the back of IT's motorcycle, and they sped off. W1 said IT did not see any police in the area. W1 drove to a 7-Eleven store on Kenilworth Avenue, in Maryland, where IT knows police can typically be found. Once they arrived, BAILEY jumped off the back of the motorcycle and asked to use W1's phone to call for help. W1 agreed and BAILEY called two phone numbers. W1 showed your affiant the call log, which showed two outgoing calls a minute apart: one at 5:36 p.m. and another at 5:37 p.m. Neither call was answered. After making the calls, BAILEY then asked if W1 would drive him to Clay Terrace. W1 refused and drove off. W1 observed BAILEY approach a tow truck that was parked on the 7-Eleven parking lot.

W1 stated IT later saw on Instagram that a police officer was killed and that the suspect fled on a motorcycle. W1 did not realize initially that the motorcycle was IT's motorcycle. W1 advised IT's motorcycle was located at a family member's address, in the garage. W1 provided Detective Evans with photographs of IT's motorcycle parked within the garage. W1 stated that BAILEY's height was the same as IT's height or shorter. Detective Evans estimated W1's height to be about 6 feet. BAILEY's height is listed as 5'6" on his driver's license.

Detectives determined that the 7-Eleven where W1 had dropped off BAILEY was located at 4199 Kenilworth Avenue, Bladensburg, Maryland. Detectives went to the 7-Eleven and recovered CCTV footage that verified the information W1 provided. Detectives also located a pole camera belonging to the Bladensburg Maryland Police Department. That CCTV footage was recovered and shows W1 drop off BAILEY, who then went behind the 7-Eleven and out of view of the pole camera.

On August 30, 2024, a Text Tip was received at the MPD Command Information Center. The tip was concerning a series of photographs that had been released to the public by MPD to identify the suspect from Kenilworth Avenue and Quarles Street Northeast. The tipster, hereinafter Witness 2 (W2), stated IT knew BAILEY IT's whole life and was positive that the person shown in the photographs was Tyrell BAILEY.

On August 31, 2024, Detective Evans and Detective Sergeant Manuelle Duvall interviewed W2. W2 explained to detectives that IT is related to BAILEY and has known him IT's entire life. W2 stated that BAILEY had served 10 years in prison and was released within the past two years. W2 advised IT has seen BAILEY within the past year and when IT saw BAILEY, he had long braids. W2 provided the address of 5211 Cloud Place Northeast, as an address that BAILEY lived at with his grandmother. Notably, 5211 Cloud Place Northeast is approximately two blocks away from Clay Terrace.

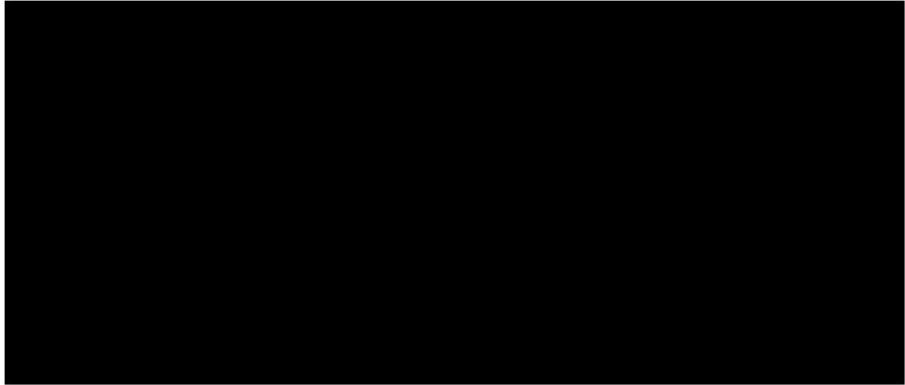
W2 was shown a series of four individual color photographs. The photographs were two (2) still photos, one of which was taken from the video in the rear of 4508 Quarles Street Northeast and the other from camera footage that looks down Shaw Drive Northeast. W2 was also shown one (1)

photograph of Tyrell BAILEY's Maryland drivers' license photo, and one (1) photograph of Tyrell BAILEY obtained from social media.

W2 viewed each photograph individually. W2 stated that IT was 100% certain Tyrell BAILEY was the person in the still photos from the video on Quarles Street and Shaw Drive and in the driver's license photo. W2 stated IT was 90% certain that BAILEY was also the person in the photograph from social media. W2 advised that the person in the social media photo had on sunglasses and that made W2 question ITSELF. W2 then viewed the other photographs again and saw tattoos on the arms and then indicated IT was now 100% certain the picture from social media was Tyrell BAILEY.

BAILEY was previously convicted of an offense punishable by more than one year of imprisonment. Specifically, on May 1, 2017, BAILEY was sentenced on one count of 18 U.S.C. § 1951 (interference with interstate commerce by robbery) and one count of 18 U.S.C. §924(c) (using, carrying, and brandishing a firearm during and in relation to a crime of violence) to 84 months' imprisonment and 36 months' supervised release. As a result, BAILEY was aware that he had been convicted of an offense punishable by more than one year of imprisonment.

No firearms or ammunition are manufactured within Washington, D.C., therefore all of the firearms and ammunition referenced above traveled in or affected interstate commerce.



Subscribed and sworn by telephone pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on September 5, 2024.

HONORABLE MOXILA A. UPADHYAYA
UNITED STATES MAGISTRATE JUDGE