

FILED

MAY 21 2009

THOMAS R. FALLOQUIST  
SPOKANE COUNTY CLERK

STATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTS

09101946-1

STATE OF WASHINGTON)  
COUNTY OF SPOKANE)

REPORT NUMBER: 09-100376

DEFENDANT: Taylor, Derick D., BM, 2/04/80

The undersigned, a law enforcement officer, competent to testify, states as follows:  
That he/she believes a crime was committed by the above named  
defendant/defendants in the City and County of Spokane, State of Washington,  
because:

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On 3/30/09 at approximately 0137 hours, 911 received a call of trouble unknown where male voices were heard yelling and another male claiming "that was all he had." This call then went silent at 0138 hours. Upon call back the voice mail for a male named Brandon was reached. At 0140 hours a second call was received from a female at 4113 E. 16<sup>th</sup> advising that someone had just broken into her house and shots had been fired. This caller advised that two black males had broken into the home and that her boyfriend had armed himself and shots had been fired. This female complainant then advised that the intruders had left the home and that she and her roommates were okay. They were advised to remain in the home and that officers were en route.

BRANDON BENSON WILL TESTIFY:

On 3/30/09 he resided at 4113 E. 16<sup>th</sup> with his friends, Taylor Robinson and Shelsey Carpenter. At approximately 0137 hours, he heard noise outside of his bedroom at which time he phoned 911 using his cell phone. At approximately that same time, two black males entered his room and attacked him in his bed. He was pistol whipped by one of the males with a silver handgun and also struck in the face by the second male as they pulled him from his bed. These males then repeatedly yelled at him "Where's the money? Where's the weed?" Benson told them he only had \$2 and no drugs and at that time directed them to take his TV or whatever other items they wanted.

Benson was then led from his room and up the stairway to the main level of the residence by these two males as one of them kept the gun at the back of his head.

Once into the living room, the one male kept the gun at his head and kept yelling at him while the second black male seemed to be searching the residence and looking for items. As they stood in the living room, Benson's roommate, Taylor Robertson, opened his bedroom door which led into the living room. Robertson had armed himself and shots were then fired. Benson hurtled the couch in the living room and ran into Robertson's bedroom as the black male who had been holding the gun on him fell to the ground. Once in the bedroom, Benson remained there with Robertson's roommate Shelsey Carpenter as she called 911.

**TAYLOR ROBERTSON WILL TESTIFY:**

On 3/30/09 at approximately 0137 hours, he resided at 4113 E. 16<sup>th</sup> with his girlfriend, Shelsey Carpenter and friend, Brandon Benson. He was asleep with Carpenter in their room when he heard loud yelling and swearing coming from the living area outside of their room. He recognized one of the voices as being his roommate Benson and believed a home invasion was occurring. At this point he woke Carpenter and told her to hide in the bathroom as he retrieved his 9 mm. handgun from underneath the bed. He went to the door leading to the living room and opened it slightly. From this vantage point he could see his roommate Benson facing the north wall of the living room with a black male behind him holding a silver gun to his head. Robertson tried to open the door a little more and in doing so it made a squeaking sound which was evidently heard by the armed black male who then turned toward Robertson pointing his gun at Robertson. At this point, Robertson believed he was about to be shot and then fired his gun four or five times in the direction of the armed black male.

As Robertson fired his gun, he also observed that there was a second black male in the home who then ran toward the front door. Robertson ran after this male immediately and as he was doing so heard popping noises that he thought was gunfire. He then went into a spare bedroom near the front door where he waited for a couple of minutes. When he exited that room, he saw that both intruders were gone and he went to his bedroom where he joined Carpenter and Benson as they waited for police.

Robertson observed that the initial black male he had seen was armed with a handgun, lost his shoes as he fell to the floor after Robertson had shot at him. He also claimed that he had never seen either of these males before.

**SHELSEY CARPENTER CAN TESTIFY:**

On 3/30/09 at approximately 0137 hours she resided at 4113 E. 16<sup>th</sup> with her boyfriend, Taylor Robertson and their friend, Brandon Benson. During that night, she was awakened by Robertson at which time she then could hear yelling coming from the living room area outside of their bedroom. Robertson directed her to hide in the bathroom as he retrieved his handgun and moved toward the bedroom door. Carpenter heard gunshots and then was contacted by Benson who ran into her room. She called 911 and waited in the bedroom for a short time until they were joined by Robertson. All three remained in the bedroom until the Spokane City Police arrived.

**SPD OFCS. MEYER, POTTER, PRIM, GORMAN & CPL. VIGESAA WILL TESTIFY:**

They are police officers employed by the City of Spokane who along with other officers responded to the complaint of shots fired at 4113 E. 16<sup>th</sup> on 3/30/09 at approximately 0140 hours. Upon arrival to the scene, a perimeter was set and the three occupants of the residence were removed from the home. They were identified as victims Benson, Robertson and Carpenter and at that time were all placed in separate patrol vehicles. Officers entered the residence to clear it and look for possible suspects and at that time observed casings on the living room floor and a semiautomatic handgun on a bed in a bedroom on the main floor. Officers then set a perimeter and started a track with Officer Gorman and his K9 from the front of the residence where the intruders had exited. This track led them to the backyard of the residence to the east, 4117 E. 16<sup>th</sup>, where a wounded suspect was located under the deck behind that residence. That suspect was identified as Thomas A. Butler, BM, 5/04/83, and was taken into custody by Officer Meyer and others. It was immediately observed that Butler had suffered what appeared to be multiple gunshot wounds to his abdomen. He was treated at the scene and then transported via ambulance to Deaconess Medical Center with Officer Meyer accompanying him.

Officers Prim and Potter contacted the three victims from the home and obtained initial statements from them. They were each placed in separate patrol vehicles where they waited until detectives arrived. Officer Prim specifically spoke with Benson and Robertson while Officer Potter spoke with victim Carpenter. Cpl. Vigesaa was on scene and took photographs.

**SPD DETECTIVES M. HILL AND J. MILLER WILL TESTIFY:**

They are detectives for the Spokane City Police Dept. assigned to the Major Crimes Unit. On the morning of 3/30/09 at approximately 0200 hours, they were called at home and advised of this incident. Both arrived on scene with Sgt. Faddis. At that time, they were all briefed by Patrol Officers on what had occurred and told that one suspect had been contacted but that he had been transported to Deaconess Medical Center as he had what appeared to be possible life-threatening gunshot wounds. They were also advised that the three victim residents of 4113 E. 16<sup>th</sup> were in patrol vehicles and had not gone back into the home since being removed by officers. Victims Robertson and Carpenter were contacted by Detective Miller who obtained signed search consent cards from each for the residence and both also agreed to go to the Major Crimes Office for interviews. Victim Benson was contacted by Detective Hill and also signed a search consent card for the residence and agreed to go to the Major Crimes Office for an interview.

Detective Miller then went to the Major Crimes Office to conduct the interviews with these three victims as Detective Hill began processing the crime scene at 4113 E. 16<sup>th</sup>. At the Major Crimes Office, Detective Miller did individually interview all three victims. Their statements at this time were consistent with what they had told the initial responding officers. During the interview, it was obvious that victim Benson had been

significantly injured during the assault he had received from the suspects. He claimed that he had been pistol whipped and his injuries did reflect that. Bruising was apparent around his left eye and left cheek with an open cut also present that was bleeding. Forensic Supervisor Johnson later responded to the Major Crimes Office and photographed those injuries.

At the completion of the interviews, victims Robertson and Carpenter left the office with Robertson's parents who had responded. Victim Benson accompanied Detective Miller back to 4113 E. 16<sup>th</sup> where he retrieved some clothing and showed detectives where incidents had occurred in the residence. He was then taken to an apartment at 53<sup>rd</sup> and Regal by Detective Miller.

Detective Miller returned to 4113 E. 16<sup>th</sup> and assisted Detective Hill in the processing of the crime scene. At that time, Forensic Unit Supervisor Johnson and Forensic Specialist Rowles were also present and assisted in the scene processing. Before anything was removed, the scene was videotaped and photographed. Multiple items of evidentiary value had been identified by Detective Hill and were marked with placards, photographed and collected. These items included a 9 mm. handgun that had been found on the bed in the bedroom on the main floor. 9 mm. casings were also retrieved along with .380 caliber casings and bullets found on the floor of the living room. Items of property that included an xBox 360 which had been moved by the suspects were identified and collected for later processing.

Also present in the residence were what appeared to be fresh gunshot holes in the bedroom wall on the main floor as well as a gunshot hole in the living room. These areas of damage were photographed and the dry wall was removed in the bedroom and two spent bullets were retrieved.

Forensic Specialist Rowles and Forensic Unit Supervisor Johnson also photographed the exterior of the residence as well as the deck of the home to the east, 4117 E. 16<sup>th</sup>. Suspect Butler had been found under that deck and then the area where he had been lying, a silver .380 caliber semiautomatic handgun was found by forensic personnel. It was photographed and then collected by Detective Hill.

Detectives Hill and Miller cleared the scene on 16<sup>th</sup> at approximately 1030 hours and took evidence seized to the property facility so that it could be logged in as evidence. At approximately 1130 hours, while working on the seized property, Detective Miller received a phone call from police radio advising that a female named Alexis McDuffie had phoned requesting information on her brother Thomas Butler whom she said had been shot and was in a Spokane hospital. To this point, no names had been released from the police dept. regarding persons involved in this incident and specifically the name of the person taken to Deaconess Medical Center had not been released.

I later phoned McDuffie and inquired how she had known that her brother was hurt and in the hospital. She informed me that she had learned this from her sister, Cassandra, and gave me Cassandra's phone number. I then phoned Cassandra and learned from her that she had received a phone call from a female named Jazman who she knew to be her brother Thomas's

girlfriend. Jazman was hysterical and told Cassandra that Thomas had been shot in the stomach and was in the hospital. She did not tell Cassandra where she had obtained this information.

Detective Burbridge then was able to locate a female named Jazman Quarles in our data system. That information listed her address as 2206 N. Houk Rd. #3. During my phone conversation with Cassandra Butler, I had also spoken briefly with her father Greg Butler. He advised me that he knew that his son's girlfriend was named Jazman but that he didn't know her exact address. He thought it was on Houk behind the 7-11 on N. Pines. The address Detective Burbridge found Jazman Quarles was, in fact, an apartment on Houk behind a 7-11 store on N. Pines.

Detective Hill and Sgt. Peterson went to the address on N. Houk where they contacted Jazman Quarles. They inquired from her where she had learned that Thomas Butler had been shot. She claimed that she had a phone conversation with a female known to her as Keamia who had told her that Butler had been shot. Detective Hill was shown Quarles cell phone which showed that she had received a phone call from the number 218-8202 at 0400 hours on 3/30/08. She did not answer the phone at that time but that number was listed in her phone log as a missed call. Later that morning, she then had a phone conversation with Keamia at that phone number informing her that Butler had been shot. Quarles knows that Butler associates with a male named Derick who is also known as Rick, who is associated with Keamia. Quarles also told Detective Hill she had last seen Thomas Butler on Sunday evening, 3/29/09. At that time he had told her that he was going to meet with his friend Rick and that they were going to get some weed.

Using the information obtained from Quarles, Detective Burbridge located Derick D. Taylor in our data system as an associate of Thomas Butler. Using that information I then prepared a photomontage with Taylor positioned in photograph #4 in that montage. I then recontacted victim Benson at my office on 3/31/09 at 1130 hours. I first read the disclaimer on that montage to Benson and then had him view it asking him if anyone of the persons depicted looked familiar to him. After approximately 10 seconds, Benson pointed to photograph #4, Taylor, stating he was pretty certain that was one of the black males who had broken into his home on 3/30/09. I had also shown him another montage with suspect Butler depicted in position #3. He had also been read the disclaimer prior to looking at that montage and had identified photograph #3, Butler, as one of the two suspects. When he viewed the second montage depicting Taylor, he actually said he was more sure that this person was involved than he was of the person in the first montage.

Based on this identification of Taylor, I advised that probable cause did exist to arrest him regarding this incident. Both the gang unit and patrol were advised and Taylor was then located at approximately 1700 hours on 3/31/09 at 1314 N. Cochran where he was taken into custody. At that time, he was with Keamia Powell and both were transported to the Major Crimes Office. Taylor was advised he was under arrest and Powell voluntarily came to the office for a statement. Taylor was advised of his Constitutional Rights which he waived and agreed to answer questions. He denied any involvement in this home invasion claiming he was with a female, Jennifer Salinas, all night Sunday. Attempts to contact Salinas at that time were unsuccessful. Powell was also questioned and confronted with the belief that she had called Jazman Quarles and told her that Butler had been shot. She denied ever making that phone call but admitted that her phone number is 218-8202. When confronted with the fact that that number was on Quarles phone log she had no answer.

Taylor was then booked into the Spokane County/City Jail on the above listed charges.

On 4/01/09, Detectives Hill and Miller were able to contact Jennifer Salinas at 1207 E. Illinois at approximately 1500 hours. At that time we did identify ourselves to her and advised her that we needed to talk to her regarding her boyfriend, Derick Taylor, and specifically about statements he had made regarding being with her all night on Sunday, 3/29/09 to 3/30/09. Salinas stated that she and Taylor have a child together and that she is currently pregnant with his second child. On Sunday, 3/29/09, she claimed that she had gone to her mother's residence at 407 E. Rich at approximately 1700 hours for a birthday party for her sister. She then returned home at about 1830 hours and Taylor was there when she arrived. She claimed that Taylor remained home until approximately 2200 hours when he left the house to go to the bar with what she believes was his friend LD. She claimed she didn't actually ever see LD but that he and Taylor are good friends and LD would come by and pick him up. Jennifer went to bed some time around midnight and claims that she called Taylor at about 10 minutes after midnight at which time he said he would be home in a little while.

Salinas claims that she then fell asleep and some time later Taylor returned home. She initially said she thought it was about 30 minutes after she had called him but it may have been later. Salinas stated that when Taylor returned home he was intoxicated and he told her that he had gone with a friend to a residence to get some weed. He claimed they had been allowed into the residence but that his friend then pulled out a gun and tried to rob the guy in the house and hit him with the gun. He then told Salinas that he was in the bathroom of the home blowing his nose when he heard gunshots and ran from the home. He told Salinas that he ran down the street, was able to flag someone down and got a ride home.

At approximately 7:00 a.m. on 3/30/09, Salinas then got up and was getting ready for work at which time she had the TV on it was showing news of a home invasion which had occurred during the night. At that time she pointed to the TV and asked Taylor if that was a house he had been at and that after a pause, Taylor told her "Yes that was the house." She then went to work and Taylor took care of her children for the day. She returned home at approximately 1300 hours at which time Taylor then left the residence. She did not see him again until learning he had been arrested.

At this time I now request criminal charges of first degree burglary, first degree robbery, two counts of first degree assault and unlawful imprisonment be charged against defendant Derick D. Taylor. All documentation is forward to the Spokane County Prosecutor's Office for their review.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A.72.085)

DATE 4/2/09 PLACE Spokane, WA SIGNATURE

