

**STATEMENT OF FACTS**

On Friday, January 1, 2021, at approximately 12:08 a.m., members of the Metropolitan Police Department's (MPD) Sixth District were on patrol in the rear alleyway of the 100 block of 36th Street Northeast, Washington, D.C. While officers traveled the alleyway beside 146 36th Street Northeast, Officer Sterling observed an individual later identified as the defendant, Winston Kelly, step out of the passenger side of a vehicle and fire one round of ammunition into the air from a handgun in his right hand. Officer Sterling activated the emergency equipment on the police scout car and stepped out of the scout car. The defendant then fled on foot northbound on 36th Street Northeast. Officers Sterling and Johnson pursued the defendant on foot shouting at the defendant to "Stop!" When the defendant reached the corner of 35th Street and Blaine Street Northeast, the defendant fell down onto the street. As Officers Sterling and Johnson approached the defendant, Officer Johnson observed the defendant slide an object into the sewer and heard the sound of metal scraping. Based on the officer's knowledge and experience, this sound was consistent with a handgun sliding on the street.

Officers removed the manhole cover to the sewer that the defendant was observed sliding the object in and observed that the sewer was full of water. With the assistance of Officer Rowley, Officer Sterling recovered a black in color firearm from the sewer.

The firearm that was recovered was determined to be a black in color Glock 23, .40 caliber semi-automatic pistol with serial number TSM548. When it was recovered, it was loaded with a total of nineteen (19) rounds – one (1) round in the chamber and eighteen (18) in a large capacity magazine. A Washington Area Law Enforcement System (WALES) and the National Crime Information Center (NCIC) check on serial number "TSM548" revealed that the firearm was reported stolen out of Fairfax, Virginia. There are no firearm or ammunition manufacturers in the District of Columbia. Therefore, the firearm and ammunition in this case would have traveled in interstate commerce.

A criminal history check of the defendant through the National Crime Information Center (NCIC) confirmed that the defendant has a prior felony conviction for Malicious Wounding in the Superior Court for the District of Columbia, case number 2010-CF3-023720. The defendant was sentenced to thirty (30) months of incarceration for this offense. Therefore, the defendant was aware at the time of his arrest in this case that he had a prior conviction for a crime punishable by more than one year.

  
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OFFICER JASON STERLING  
METROPOLITAN POLICE DEPARTMENT

*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 1<sup>st</sup> day of January, 2021.*

  
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G. MICHAEL HARVEY  
U.S. MAGISTRATE JUDGE

Case: 1:21-mj-00001  
Assigned to: Judge G. Michael Harvey  
Assigned Date: 1/1/2021  
Description: COMPLAINT W/ARREST WARRANT