

Case: 1:23-mj-00193
Assigned To : Upadhyaya, Moxila A.
Assign. Date : 8/2/2023
Description: Complaint W/ Arrest Warrant

STATEMENT OF FACTS

On Tuesday, August 1, 2023 at approximately 5:28 a.m. (EST), Officer E.D. with the Fifth District of the Metropolitan Police Department (“MPD”) were dispatched to 1709 Benning Road Northeast, Washington D.C. in response to sounds of gunshots. Officer E.D. was wearing a full police uniform and driving a marked MPD cruiser.

As explained by Officer E.D., upon arriving to the scene, Officer E.D. spotted an individual, later identified to be Saave Evans (hereinafter the “Defendant”) on the walkway at the side of 1711 Benning Road Northeast, which can be described as a three story apartment building. Officer E.D. heard the Defendant state “I know what you are here for” and then something along the lines of “come and get it.” The Defendant then proceeded to fire shots at Officer E.D. Officer E.D. returned fire and the Defendant retreated into 1711 Benning Road Northeast. (The same sequence of events can be seen on Officer E.D.’s body worn camera (“BWC”) footage. Although the specific words being yelled by the Defendant before he begins shooting at the officer are not discernible in the recording, Officer E.D.’s BWC shows the officer walking up to the area and having something yelled at him from the courtyard where the Defendant is located. Officer E.D. then yells “Hey, let me see your hands.” The Defendant then begins shooting multiple times at the officer. Officer E.D. then ducks behind a grey/silver vehicle, yells “shots fired” over the radio, and returns fire. Officer E.D. then continues to duck behind a vehicle as multiple shots can be heard being fired. Officer E.D. returned fire again and indicated that there would be a barricade over the radio.)

Additional officers with the Fifth District responded to assist and entered 1711 Benning Road Northeast. Officers located the Defendant on the third floor landing of the apartment building. The Defendant was placed under arrest. Officers also recovered a firearm near the Defendant on the same third floor landing, as shown in the BWC still below with a red circle around the firearm.



The firearm was a black Springfield XD 9x19 pistol with serial number XD226954. The firearm was equipped with a sixteen (16) round magazine. Both the firearm and magazine had no ammunition in it when it was recovered. Law enforcement subsequently determined the firearm was stolen on March 9, 2023 from the state of Texas.

There are no firearm or ammunition manufacturers in the District of Columbia and therefore, the firearm and ammunition in this case traveled in interstate commerce. A criminal history check of the defendant revealed that he was previously convicted on January 13, 2006 of Receiving Stolen Goods (Felony), and three counts of Assaulting a Police Officer With a Dangerous Weapon in D.C. Superior Court Case Number 2005 FEL 003797. The Defendant was also convicted on May 17, 2019 of Unlawful Possession of a Firearm (Prior Conviction) in D.C. Superior Court Case Number 2016 CF1 020268. In both prior cases, the Defendant was sentenced to a period of time greater than one year of imprisonment. 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.

Law enforcement subsequently recovered surveillance footage, including interior and exterior footage from 1711 Benning Road Northeast. Exterior footage shows the Defendant exiting the building of 1711 Benning Road Northeast with a dog, wearing a black shirt, a black and white scarf, jeans, and black shoes with white soles. The Defendant proceeds to shoot a firearm in the air, as shown in the still below.



The Defendant then exits the view of the surveillance camera and returns shortly thereafter wearing a white tank top and holding his black shirt and scarf in his hand, as circled in red in still shot below. By that point, Officer E.D.'s marked MPD cruiser had already pulled up and parked on the street nearby, as circled in yellow in the still shot below.



The Defendant then spots Officer E.D., and proceed to fire multiple times at Officer E.D., as shown below. (The Defendant is indicated with a red arrow and Officer E.D. is standing to the right of a silver/grey colored vehicle and indicated with a yellow arrow.)



Officer E.D. can be seen ducking down behind a vehicle as the Defendant runs into 1711 Benning Road Northeast. Interior surveillance footage, which captures the steps leading into 1711 Benning Road Northeast, then shows the Defendant continuing to fire upon Officer E.D. while outside of the building, as indicated in the still shot below.



The Defendant then retreats upstairs. Footage then shows MPD Officers entering the building and exiting with the Defendant.

The Defendant verbally identified himself to the transport officer as Saeve Evans with a date of birth of 05/20/1986. The Defendant was then taken to the hospital for an injured finger and because he claimed that his back hurt and leg was sore. (The Defendant also later indicated that he fell in the hallway and appeared to some of the officers as having potentially have suffered a concussion. Officers also observed that the Defendant appeared to possibly be under the influence of some unknown substance.)

Once he was back at the station, Detectives interviewed the Defendant. The Defendant appeared dazed and confused. The Defendant did not know where he was. He did not know he was under arrest. He did not know what day it was and who the president was. Detectives asked him if he had taken any medication or drugs. The Defendant stated that he did not take any. The Defendant then stated that his name was Sabee Holloway and that his date of birth was 5/20/1986. He claimed that he lived at a house on the 1700 block of Rosedale Street NE. He had no emergency contact to give detectives. The Defendant then requested a lawyer and Detectives ended the interview.

OFC. STEVEN R. PRADE, BADGE 5241
METROPOLITAN POLICE DEPARTMENT

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 2nd day of August, 2023.

MOXILA A. UPADHYAYA
U.S. MAGISTRATE JUDGE