

FILED

18 MAR 16 PM 2:32

KING COUNTY
SUPERIOR COURT CLERK
E-FILED

CASE NUMBER: 18-1-01854-1 KNT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
)	Plaintiff,
v.)	No. 18-1-01854-1 KNT
)	
DARION D PORTER,)	INFORMATION
)	
)	Defendant.

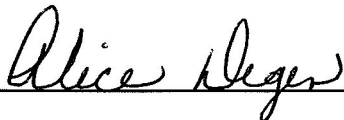
I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse DARION D PORTER of the following crime[s]: **Drive-By Shooting**, committed as follows:

Count 1 Drive-By Shooting

That the defendant DARION D PORTER in King County, Washington, on or about March 1, 2018, did recklessly discharge a firearm in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge was from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or firearm to the scene of the discharge;

Contrary to RCW 9A.36.045, and against the peace and dignity of the State of Washington.

DANIEL T. SATTERBERG
Prosecuting Attorney
By:



Alice A. Degen, WSBA #29091
Senior Deputy Prosecuting Attorney

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
Maleng Regional Justice Center
401 4th Avenue North, Suite 2A
Kent, WA 98032-4429
(206) 205-7400 FAX (206) 205-7475

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2 CAUSE NO. 18-1-01854-1 KNT

3 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
4 CONDITIONS OF RELEASE

5 The State incorporates by reference the Certification for Determination of Probable
6 Cause prepared by Detective Gerald Gee of the Kent Police Department for case number
7 180003384.

8 BAIL REQUEST

9 The State requests bail set in the amount of \$200,000.00.

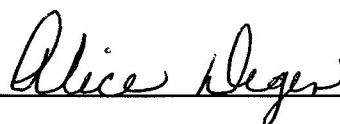
10 Pursuant to CrR 2.2(b)(2), the State seeks a warrant in lieu of a summons because the
11 defendant is will commit a violent offense, and is in custody.

12 At the preliminary appearance hearing on March 14, 2018, King County District Court
13 Judge Meyer found probable cause and set bail at \$200,000. The State had requested \$250,000.

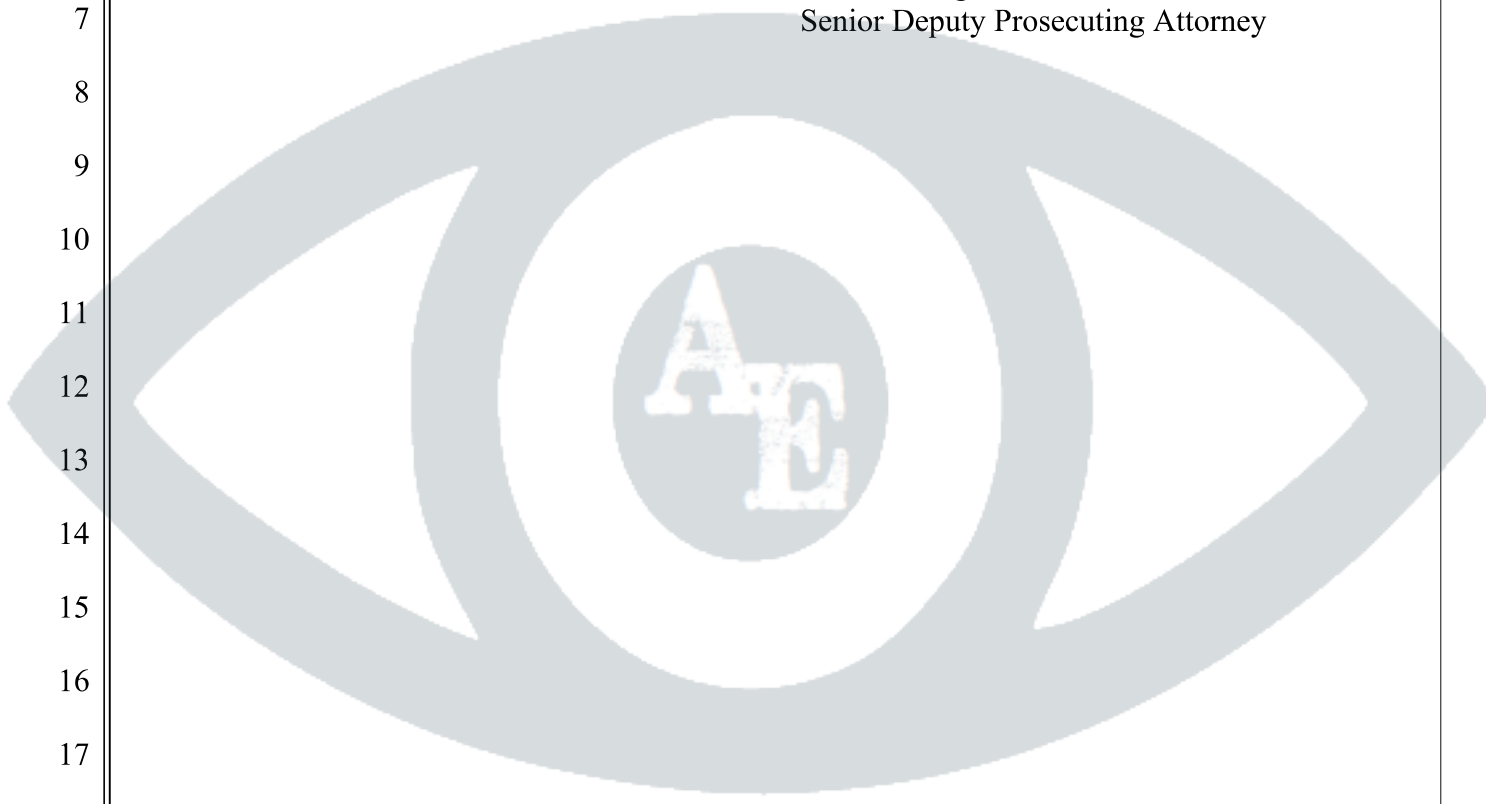
14
15 The defendant has no reportable criminal history; however, the facts of this case indicate
16 that the defendant shot six bullets into a vehicle with two individuals inside in a residential
17 neighborhood in which, at least, one person was outside standing in his yard. This was
18 extremely dangerous to multiple people and the defendant should not remain at large while this
19 case is pending. Additionally, when the defendant was arrested at his high school, he had the
20 firearm, a 45 caliber handgun, with him in his backpack. He brought a firearm to a high school.
21 Further, he apparently pointed the loaded gun at one of the witnesses in this case. He should
22 have no contact with the victim or witnesses in this case.
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Signed and dated by me this 16th day of March, 2018.



Alice A. Degen, WSBA #29091
Senior Deputy Prosecuting Attorney



CAUSE NO.

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That Gerald D. Gee is a Detective with the **Kent Police Department** and has reviewed the investigation conducted in **Kent Police Department Case Number: 18-3384**

There is probable cause to believe that: Darion D. Porter DOB 12-04-98 committed the crime(s) of: **Drive by Shooting / RCW 9A.36.045 Possessing Dangerous Weapons on School Facilities/ RCW 9.41.280 and Concealed Weapons Violation / RCW 9.41.050**

This belief is predicated on the following facts and circumstances: On 03-01-18 at approximately 2029 hours Kent Police Officers were dispatched to the area of 132nd Avenue SE and SE 256th Street on an illegal discharge of a firearm. Multiple callers called 911 and reported hearing multiple gunshots. One of the reporting party's reported to the 911 operator that occupants in one car were shooting at another car.

Officers arrived in the area and were unable to contact a victim or a suspect. Officer Bratlien spoke with a witness, identified as Sam Gonzalez. Sam stated that he only heard the shots but his neighbor is the one who witnessed one car shooting at another car. The neighbor was identified as Abbas Zaidi. Abbas stated that he was standing in his yard, smoking a cigarette when he saw a silver vehicle drive eastbound on SE255th Street. The vehicle then turned around in the Cul De Sac and began driving 132nd Avenue SE. There was another vehicle that pulled in and attempted to block the silver vehicle from going onto 132nd Avenue SE. The silver vehicle braked and then drove around the other vehicle. As the silver vehicle drove around the other vehicle Abbas heard 5-6 shots. The silver vehicle drove onto 132nd Avenue and continued northbound on 132nd Avenue. A short time later the other vehicle left. Officers canvassed the area and located six 45 caliber bullet casings.

On 03-06-18 at 1830 hours Jessica Avila-Delacruz arrived at the Kent Police Department with her 20 year old son, Jesus Juarez-Delacruz. Jessica reported that she noticed multiple bullet holes in Jesus's vehicle. When asked what happened to his car, Jesus told her that it was "over a girl".

Officer Waldo interviewed Jesus and obtained a recorded statement. During the statement Jesus stated that he and a female by the name of K [redacted] had been seeing each other for three months. Jesus admitted that he and K [redacted] were involved sexually but nothing else. Jesus admitted that he was also involved in a relationship with another female by the name of Amy Ortiz.

Jesus told Officer Waldo that on 03-01-18 Amy contacted him and advised him that K [redacted] was planning on "setting him up" to shoot him. The plan was to do it at the Wilson Playfields in Kent (13028 SE 251st Street). This information was learned on Facebook messaging between K [redacted] and Amy.

Later that evening K [redacted] went over to Jesus's house but he was not home. However Jesus's father and stepmother were home. Jesus's father called him and told him that K [redacted] was there and he told him to come home. A short time later Jesus arrived home and contacted K [redacted]. K [redacted] asked him to walk to the Wilson Play Fields to talk. Knowing that he was being set up, Jesus had his friend "Irvin" follow him in Jesus's car.

When Jesus and K[REDACTED] arrived at the park, he noticed a green Cadillac parked near the entrance of the park. K[REDACTED] asked Jesus to walk over to the Cadillac with her. At that point Irvin arrived in Jesus's car. At that point Jesus had an uneasy feeling about the Cadillac so he got into the passenger side of his own car. Irvin and Jesus then drove away. Jesus said the Cadillac followed them into a neighborhood which was located nearby the park. The Cadillac followed them into the neighborhood and attempted to block them in. Three males exited the Cadillac and began walking towards Jesus's vehicle. Jesus said when they drove past the males; they started shooting at Jesus's vehicle, hitting the vehicle multiple times. Neither Jesus nor Irvin were hit. Jesus stated that his mother made an attempt to report the shooting, on 03-05-18, however Jesus did not want to be a victim at that time. Jesus has since decided that he wants to cooperate in the investigation.

Officer Waldo also spoke with Amy Ortiz. Amy stated that she and Jesus have been involved in a dating relationship and have a child in common. In January of 2018 Amy learned that Jesus had been sleeping with K[REDACTED]. At one point K[REDACTED] had been sending Amy photos of her and Jesus together via Facebook Messenger. Amy believes K[REDACTED] was sending the photos in an attempt to split-up Amy and Jesus.

On the morning of 03-01-18 K[REDACTED] had contacted Amy on Facebook messenger and said she was planning on "setting him up". K[REDACTED] also stated that she had plans on shooting him. Amy wanted to keep the dialogue going so she played along with K[REDACTED] and asked her questions on how she was going to do it. Amy provided Officer Waldo with screen shots of the conversation between her and K[REDACTED]. Upon learning the information Amy told Jesus of the plan.

The case was referred to Detective Gee. Upon receiving the case Detective Gee called and spoke with Jesus's mother, Jessica Avila-Delacruz. Jessica told Detective Gee when she learned of the bullet holes to Jesus's vehicle she told him that he needed to make a report. Jessica said she told her brother, Ivan Delacruz, of the incident. Ivan later sent K[REDACTED] a text message ordering her to provide him with the name of the shooter. K[REDACTED] eventually told Ivan that the shooter's name was "Darion". K[REDACTED] also provided Darion's Facebook profile to Ivan which showed a photo of "Darion". The Facebook profile was provided to Officer Waldo and attached to the case referral.

On 03-08-18 at 1500 hours K[REDACTED] arrived at the Kent Police Department with her parents and older sister to provide a statement to Detective Gee. During the statement K[REDACTED] told Detective Gee that she had met Jesus Delacruz in the beginning of January of 2018, when she was 15 years old and he was 19 years old. Shortly after meeting Jesus, K[REDACTED] stated that they became sexually involved. During that time K[REDACTED] received a Facebook message from a female by the name of Lena. Lena told K[REDACTED] to leave Jesus alone because she was his girlfriend. At that point K[REDACTED] stopped talking to Jesus.

K[REDACTED] said she had missed her menstrual cycle and believed she was pregnant by Jesus. On 03-01-18 K[REDACTED] was at school (Auburn High School) and called Jesus and talked to him about missing her menstrual cycle. Jesus told her that he couldn't be the father of the child because he was in Arizona at the time she would have become pregnant. K[REDACTED] said her friend "Darion", who is also a student at Auburn High School, was with her at the she was talking to Jesus over the phone. After the phone call, Darion spoke with K[REDACTED] and told her that Jesus needs to take responsibility. K[REDACTED] told Darion that she needs to talk to Jesus in person so Darion offered to give her a ride to Jesus's house later that day.

Later that day Darion picked up Kenia at her house and went to Mount Baker Middle School. K[REDACTED] said the car that Darion arrived in was a green Cadillac. Also in the vehicle were a person by the name of "Ralph" and an unknown person who was in the driver's seat. They then drove to Mount Baker Middle School in Auburn to talk. During the conversation K[REDACTED] told Darion that she and Jesus had sex and he also hit her in the past. Darion told her that no guy should lay a hand on a female. Darion also told her

that it was rape that Jesus was committing because she was 15 years old and Jesus was 19 years old. K [redacted] said Darion offered to "beat up" Jesus for her, but K [redacted] asked him not to because Jesus has a child. Darion told K [redacted] that the worst thing they would do is just "beat him up". K [redacted] then asked Darion if she could talk to Jesus before they beat him up. Darion then offered to give K [redacted] a ride to Jesus's house so she could talk to him. Darion told her if anything physical happened to her then they would beat-up Jesus.

They then drove over to Jesus's house. K [redacted] said they were going to drop her off at Jesus's house and Darion and the two males were going to wait at the Wilson Playfield in the car. K [redacted] was unaware that Darion had a gun. On the way over to Jesus's house K [redacted] was in the backseat with Darion. At one point during the car ride to Jesus's house, Darion pulled out a gun. K [redacted] asked him what he was doing with the gun. K [redacted] was concerned that Darion was going to use the gun so she expressed her concerns. To prove that he was not going to use the gun, Darion took the bullets out and put the bullets in a bag. He then put the gun away.

When they arrived at Jesus's house, K [redacted] got out and Darion and the other two males went to the Wilson Playfield parking lot and parked. K [redacted] knocked on the door and spoke with Jesus's father and stepmother. K [redacted] learned Jesus was not home and was allowed in the house by his stepmother. Jesus's father called Jesus and told him to come home to talk to K [redacted].

A short time later Jesus arrived at the house on foot. K [redacted] asked Jesus to walk with her to the park so they could talk. Jesus reluctantly went with Kenia. When they arrived at the park, K [redacted] noticed that Jesus's vehicle pulled up. The vehicle was driven by somebody else. K [redacted] also stated that the Cadillac was also parked in the parking lot, near the entrance. K [redacted] said Jesus got into the passenger seat of his vehicle and began closing the door. K [redacted] tried to talk to Jesus but he shut the car door. K [redacted] then went to the Cadillac. K [redacted] said she got into the front passenger seat and Darion was in the rear seat with Ralph. The unknown male was still in the driver's seat.

They then took off and noticed that the driver was following Jesus's vehicle. K [redacted] said they followed Jesus's vehicle into a neighborhood. Jesus's vehicle turned around in an attempt to leave the neighborhood. The driver of the Cadillac swerved in front of Jesus's vehicle in an attempt to block him in. Jesus's vehicle drove around the Cadillac and drove out of the neighborhood. As Jesus's vehicle was driving away, K [redacted] watched as Darion stuck his arm out of the rear window. She noticed that Darion was holding a gun and watched as he fired multiple shots at Jesus's vehicle. They then drove off in the Cadillac. As they were driving around, the driver of the Cadillac told K [redacted] to not tell anyone as to what happened. As K [redacted] turned around to yell at Darion, Darion pointed the gun at her forehead and told her to not say anything. K [redacted] stated that she later looked in the mirror and noticed a round mark of gun powder residue on her forehead. Later that evening K [redacted] was dropped off at home.

On 03-13-18 Detective Gee responded to Auburn High School and contacted School Security Officer Angelo Herrera and showed Officer Herrera the Facebook profile of "Darion" and asked if he recognized the person in the photo. Officer Herrera examined the photo and immediately stated that the person in the photo is Darion Porter, a student at Auburn High School. Officer Herrera provided Detective Gee with Darion's School profile. Attached with the profile is a photo of Darion D. Porter DOB 12-04-89. The photo of Darion Porter matched to the person in the Facebook profile.

Detective Gee later checked Darion in DOL and learned that he has a current Washington State ID card. Detective Gee contacted Washington State DOL, via e-mail, and requested a photo of Darion, to be later shown to K [redacted].

On 03-14-18 Detective Gee contacted K [redacted] and showed a DOL photo to her. Detective Gee asked K [redacted] if she recognized the person in the photo. K [redacted] examined the photo and immediately stated "that's Darion", the same person who shot at Jesus's vehicle.

On 03-14-18 at approximately 1330 hours Detective Gee, Detective Kelly, Officer Makings and Officer Donovan responded to Auburn High School to arrest Darion Porter for the drive by shooting. Darion was contacted at the school. After a brief struggle with the arresting officers, Darion was placed in handcuffs. At the time of the arrest Darion had on a backpack. Detective Gee searched the backpack, incident to arrest. While searching the backpack Detective Gee located a Sig Sauer 45 caliber handgun wrapped in a yellow T-Shirt. Inside the gun was a magazine loaded with multiple bullets. WACIC check on the guns serial number returned as stolen out of King County (Case #06-148055).

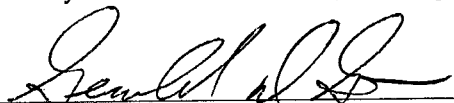
Darion was advised of Miranda and interviewed. The interview was video and audio recorded. Darion stated that he understood his rights and agreed to speak with the Detectives. Darion admitted that he knows K [redacted] and they attend the same school. Darion heard that her boyfriend, Jesus had been physically abusing her. K [redacted] asked Darion to beat him up. Darion told the Detectives that the plan was to drop off K [redacted] at Jesus's house and then she was to walk with Jesus to the Wilson Playfields. Darion and two males would wait in a Cadillac, at the Wilson Playfields for K [redacted] and Jesus to arrive. Once at the park Darion would fight Jesus.

When Jesus and K [redacted] arrived at the Wilson Playfields, Darion challenged Jesus to a fight. At that point a silver vehicle pulled up and Jesus got into the front passenger seat. Darion and K [redacted] got into the Cadillac and chased Jesus into a neighborhood. Darion said they tried blocking Jesus's vehicle from leaving. Darion said Jesus stuck his arm out of the passenger window and pointed a gun at them. Jesus's vehicle then drove around them. At that point Darion pointed a gun at Jesus's vehicle and fired 4 shots. Darion admitted that the gun that I found in his backpack was the same gun that he fired at Jesus's vehicle.

Darion admitted that he obtained the gun approximately 2 weeks ago when he and some friends were involved in a fight with another group of subjects. During the fight somebody dropped a gun so Darion picked it up and ran.

Based on the above facts and circumstances it is requested that Darion Porter be charged with the crime of Drive by Shooting, Possession of a Dangerous Weapon on a School Facility and Concealed Weapons Violation

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 16th day of March 2018 at Kent, Washington.


Gerald D. Gee 45855

Certification for Determination
Of Probable Cause

Redacted per GR 31
Dantash SIDPA
3/16/18

AGENCY: Kent PD	WA0170700	CASE NUMBER 18-3384	FILE NUMBER	PCN NUMBER	SUPERFORM
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ARREST INFORMATION		ACCOMPLICES
DATE & TIME OF VIOLATION 3/1/2018 8:30 PM	CRIMINAL TRAFFIC CITATION ATTACHED? <input type="checkbox"/> YES <input type="checkbox"/> NO	
DATE OF ARREST/TIME 3/14/2018 1:40 PM	ARREST LOCATION Auburn High School	

SUSPECT INFORMATION	
NAME (LAST, FIRST, MIDDLE/JR, SR, 1st, 2nd) PORTER, DARION D	DOB 12/4/1998
ALIAS, NICKNAMES	
ARMED/DANGEROUS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IDENTITY IN DOUBT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CITIZENSHIP	

PHYSICAL DETAILS							
SEX M	HEIGHT 511	WEIGHT 185	SKIN TONE	RACE B	EYE BRO	HAIR BLK	SCARS, MARKS, TATTOOS, DEFORMITIES
IDENTIFICATION DETAILS		STATE ID # WA28426009		DRIVER'S LICENSE #		STATE	SSN
CCN	PRIOR BA # 0	AFIS #	FBI #	RESIDENCE		EMPLOYMENT / SCHOOL	
LAST KNOWN ADDRESS 3618 I ST SE UNIT: 10-A AUBURN, WA 98002				EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER)			
RESIDENCE PHONE				BUSINESS PHONE		OCCUPATION	
EMERGENCY CONTACT							
PERSON TO BE CONTACTED IN CASE OF EMERGENCY			RELATIONSHIP	Address		PHONE	

CHARGE INFORMATION		RCW / ORD#	COURT / CAUSE #	CITATION #
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE	F - DRIVE-BY SHOOTING	9A.36.045	KING COUNTY SUPERIOR COURT /	
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE	M - POSSESSING DANGEROUS WEAPON ON SCHOOL FACILITY	9.41.280	KING COUNTY SUPERIOR /	
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE	M - CONCEALED WEAPONS VIOLATION	9.41.050	KING COUNTY SUPERIOR /	
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE				

WARRANT / OTHER				
WARRANT DATE	WARRANT NUMBER	OFFENSE	AMOUNT OF BAIL	WARRANT TYPE
ORIGINATING POLICE AGENCY		ISSUING AGENCY	WARRANT RELEASED TO: (SERIAL # / UNIT / DATE / TIME)	

PROPERTY INFORMATION	
LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL	
LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)	
LIST ITEMS ENTERED INTO SAFEKEEPING	
TOTAL CASH OF ARRESTEE \$0.00	WAS CASH TAKEN INTO EVIDENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT: \$0.00
SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL #	

OFFICER INFORMATION		
ARRESTING OFFICER / SERIAL # Gee, Gerald 45855	TRANSPORTING OFFICER / SERIAL # Makings, J	SUPERVISOR SIGNATURE / SERIAL #
SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) Gee, Gerald		CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL#/PHONE) GEE, G D 45855 2538565925

COURT FILE	
SUPERIOR COURT FILING INFO <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE <input type="checkbox"/> OUT ON BOND	COURT CAUSE (STAMP OR WRITE)
COURT/DIST. CT.NO.	SUP. CT. DATE
DIST. CT. BOND \$	

EXTRADITE	
PERSON APPROVING EXTRADITION	SEAKING-LOCAL ONLY WACIC-STATE WIDE <input type="checkbox"/>
	NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>
	NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>
	NCIC-WILL EXTRADITE FROM FROM ALL 50 STATES <input type="checkbox"/>
E N T R Y	CCN 1960862
	WAC
	NCIC
DOE	TOE
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C L E A R A N C E	DOC
	TOC
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