



State of Connecticut  
 Department of Emergency Services and Public Protection  
 Division of State Police



**CRIMINAL INFORMATION SUMMARY**

DATE	TIME	INVESTIGATING TROOPER	BADGE #	CFS NO.	TROOP
04/16/2019	08:19	DETECTIVE CHRISTOPHER MEIER	0796	1900182722	TROOP I

LOCATION OF INCIDENT (STREET NAME AND CITY/TOWN ONLY):  
 Argyle St New Haven 06511

Other Agency Involved:  Record of Arrest:  Under Investigation:  Arrest Warrant Attached:

**ARRESTEE SECTION**

(DO NOT IDENTIFY ANY JUVENILE/CHILD BY NAME OR ADDRESS- IF JUVENILE/CHILD, WRITE "JUVENILE/CHILD" IN THE NAME FIELD & "AGE" IN DOB FIELD)

NAME	Eaton, Devin
D.O.B.	1/9/1990
SEX	M
RACE	B
ADDRESS	2900 Dixwell Ave Hamden CT 06518
AGE ARREST	29
AGE INCIDENT	29
ARREST DATE	10/21/2019
COURT	NEW HAVEN (23)
COURT ADDR	121 Elm Street, New Haven, CT 06510
COURT DATE	10/28/2019
INJURED	NO
AMBULANCE	NO
HOSPITAL	



CHARGES	CNTS	BOND TYPE	BOND AMOUNT
1 53a-59(a)(3) Assault 1st Deg-ex Ind To Life	1		\$100,000
2 53a-63 Reckless Endangerment 1st Deg	2	Surety	\$

**BOND WILL BE: PRESENTED AT COURT**

**TOTAL: \$100,000**

**SUMMARY OF INCIDENT:** An arrest warrant shall be attached when applicable excluding Juvenile/Child warrants.

On 10/21/2019 at 0854 hours, the Connecticut State Police Central District Major Crime Squad (CDMCS) arrested Devin Eaton (01/09/1990) as the result of an incident that occurred on 04/16/2019 in New Haven.

Eaton was arrested by warrant and charged with the following:

Assault 1st Degree

Reckless Endangerment 1st Degree (2 counts)

He was released after posting \$100,000 court set bond and is scheduled for arraignment on 10/28/2019 at GA #23 in New Haven. Copy of arrest warrant attached.

SUPERVISOR'S APPROVAL REQUIRED: INITIALS: /SGT CHRISTOPHER J FONGEMIE/ ID #: 0131 DATE: 10/21/2019

THIS INFORMATION IS BEING RELEASED TO THE PUBLIC IN COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT.

FOR ADDITIONAL INFORMATION ON MAJOR CRIMES OR ARRESTS, CONTACT THE DIVISION OF STATE POLICE PUBLIC INFORMATION OFFICE @

PHONE: 860-685-8230 FAX: 860-685 8301

**INFORMATION**

JD-CR-71 Rev. 3-11

STATE OF CONNECTICUT  
**SUPERIOR COURT**

Disposition date

Police Case number  
**CFS1900182722**

Agency name  
**CT State Police - Central District Major Crime Squad**

Agency number

**Title, Allegation and Counts**

State of Connecticut vs. (Name of accused)  
**Eaton, Devin C.**

Residence (Town) of accused  
**Hamden**

Docket number

Address  
**2900 Dixwell Avenue**

Date of birth  
**01/09/1990**

**The undersigned Prosecuting Authority of the Superior Court of the State of Connecticut charges that:**

To be held at (Town)  
**New Haven**

Geographical area number  
**23**

Court date

Count One — Did commit the offense of:  
**Assault in the First Degree**

Continued to

Purpose

Reason

At (Town)  
**New Haven**

On or about (Date)  
**4/16/2019**

In violation of General Statute number  
**53a-59(a)(3)**

Count Two — Did commit the offense of:  
**Reckless Endangerment in the First Degree**

At (Town)  
**New Haven**

On or about (Date)  
**4/16/2019**

In violation of General Statute number  
**53a-63**

Count Three — Did commit the offense of:  
**Reckless Endangerment in the First Degree**

At (Town)  
**New Haven**

On or about (Date)  
**4/16/2019**

In violation of General Statute number  
**53a-63**

See other sheet for additional counts

Date  
**10-17-19**

Signed (Prosecuting Authority)  
*[Signature]*

**Court Action**

Defendant advised of rights before plea

Bond

Surety

10 % Election (Date)

Cash  CT  JY

(Judge) (Date)

Attorney  Public defender Guardian

Bond change

Seized property inventory number

Count	Plea date	Plea	Plea withdrawn		Verdict finding	Fine	Remit	Additional disposition
			Date	New plea				
1						\$	\$	
2						\$	\$	
3						\$	\$	

Date	Other Court Action	Judge

Receipt number

Cost  IMP  NCI

Bond information  Bond forfeited  Forfeiture vacated  Forfeiture vacated and bond reinstated

Application fee - receipt number if paid

Circle one **W I Q**

Program fee - receipt number if paid

Circle one **W I Q**

Probation fee - receipt number if paid

Circle one **W I Q**

Prosecutor on original disposition

Reporter/monitor on original disposition

Signed (Clerk)

Signed (Judge)



**ARREST WARRANT APPLICATION**

JD-CR-64b Rev. 3-11  
C.G.S. § 54-2a  
Pr. Bk. Sec. 36-1, 36-2, 36-3

**STATE OF CONNECTICUT  
SUPERIOR COURT**  
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For Court Use Only	
Supporting Affidavits sealed	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

Police Case number <b>CFS1900182722</b>	Agency name <b>CT State Police - Central District Major Crime Squad</b>	Agency number
Name (Last, First, Middle Initial) <b>Eaton, Devin C.</b>	Residence (Town) of accused <b>Hamden</b>	Court to be held at (Town) <b>New Haven</b>
		Geographical Area number <b>23</b>

**Application For Arrest Warrant**

To: A Judge of the Superior Court

The undersigned hereby applies for a warrant for the arrest of the above-named accused on the basis of the facts set forth in the:  Affidavit Below.  Affidavit(s) Attached.

Date <b>10-17-19</b>	Signed (Prosecuting authority) <i>[Signature]</i>	Type/print name of prosecuting authority <b>Patrick J. Griffin</b>
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**Affidavit**

The undersigned affiant, being duly sworn, deposes and says:

1. That the Affiant, Sergeant Ralph Soda is a regular sworn member of the Connecticut State Police and has been a member of the department since June 2001. Affiant Soda is currently assigned to the Central District Major Crime Squad and at all times mentioned hereinafter, Affiant Soda was acting in his official capacity as a member of said department. That the facts and circumstances contained herein are related from personal knowledge and/or observations relayed to Affiant Soda by other persons with personal knowledge of the facts and circumstances contained herein, and/or information learned by Affiant Soda from reading reports or writings furnished or made available to your Affiant by fellow police officers.
2. That on 4/16/2019 at approximately 5:16 a.m., the Connecticut State Police, Central District Major Crime Squad (hereinafter referred to as CDMCS) was requested by the New Haven State's Attorney's Office to assist in the investigation of an officer involved shooting that occurred on Argyle Street near its intersection with Dixwell Avenue in New Haven. In this incident, a female was struck by police gunfire and transported to Yale New Haven Hospital for her injuries. CDMCS investigators responded to the scene and conducted the subsequent investigation.
3. That on 4/16/2019 at approximately 4:20 a.m., the Hamden Police Department (HPD) received a 911 call from the clerk at the Go On Gas Station/White Stone Mini-Mart, located at 144 Arch Street in Hamden. The clerk reported that, outside of the gas station, an African American male customer with dreadlocks, driving a red car with license plate AK63322, and having a female passenger, pulled a gun on the newspaper delivery man, asking him for money. The clerk also said that the African American male was harassing a second customer. The clerk reiterated the suspect and vehicle information and provided the direction of travel when the suspect left the gas station.
4. That HPD Officers Devin Eaton and Keron Bryce were dispatched to a "Signal 27 at the Go On Gas 144 Arch Street, with possibly 128 used." (Note that HPD Radio Signals indicate that a Signal 27 is a

(This is page 1 of a 12 page Affidavit.)

Date <b>10/17/19</b>	Signed (Affiant) <i>[Signature]</i>
Jurat Subscribed and sworn to before me on (Date) <b>10/17/2019</b>	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public) <i>[Signature]</i>

**Finding**

The foregoing Application for an arrest warrant, and affidavit(s) attached to said Application, having been submitted to and considered by the undersigned, the undersigned finds from said affidavit(s) that there is probable cause to believe that an offense has been committed and that the accused committed it and, therefore, that probable cause exists for the issuance of a warrant for the arrest of the above-named accused.

Date and Signature <b>New Haven</b>	Signed at (City or town)	On (Date) <b>10/17/19</b>	Signed (Judge/Judge Trial Referee) <i>[Signature]</i>	Name of Judge/Judge Trial Referee <b>[Signature]</b>
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**ARREST WARRANT APPLICATION**

JD-CR-64a Rev. 3-11  
 C.G.S. § 54-2a  
 Pr. Bk. Sec. 36-1, 36-2, 36-3

**STATE OF CONNECTICUT  
 SUPERIOR COURT**

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Name (Last, First, Middle Initial) <b>Eaton, Devin C.</b>	Residence (Town) of accused <b>Hamden</b>	Court to be held at (Town) <b>New Haven</b>	Geographical Area number <b>23</b>
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**Affidavit - Continued**

Street Robbery and a Signal 128 is Weapon Involved - Firearm). Dispatch provided officers with the vehicle description, registration plate, and suspect description. Dispatch also informed officers that there was a female in the vehicle, which reportedly fled the gas station in the direction of Dixwell Avenue. Officer Bryce determined that the stated registration came back to a 1999 red, two-door, Honda Civic registered in West Haven.

5. That on 4/16/2019 at 4:24 a.m., HPD dispatch notified the New Haven Police Department (NHPD) via the "Hotline" that they "just had a street robbery happen in our town, was heading in your direction on Dixwell Avenue, with a gun used in a street robbery. . . ." HPD dispatch correctly relayed the suspect description, vehicle description, and the fact that there was a female passenger in the car. (Note that the "Hotline" broadcasts police radio transmissions which can be heard by dispatchers in surrounding towns). Immediately thereafter, NHPD dispatch notified their officers, via radio, of the Hamden street robbery with a gun. They further provided their officers with the descriptive information. The only incorrect information broadcast to NHPD officers was the license plate number, which the dispatcher reported as AK63233 (the correct license plate was AK63322). The affiant notes that NHPD radio broadcasts can be heard by Yale University Police Department (YPD) officers, if they are monitoring the NHPD channel. At approximately 4:27 a.m., YPD dispatch notified their officers, via radio, of the information broadcasted by NHPD dispatch. Shortly thereafter at approximately 4:32 a.m., HPD Officer Eaton and YPD Officer Terrance Pollock encountered the stated red Honda Civic on Argyle Street, near its intersection with Dixwell Avenue, in New Haven. The red Honda Civic was occupied by operator Paul Witherspoon and front-seat passenger Stephanie Washington.

6. That CDMCS investigators determined that video surveillance footage was available from the Believe-in-Me Empowerment Corporation (BIMEC), which is housed in the commercial building at 423 Dixwell Avenue, on the northeast corner of the intersection of Dixwell Avenue and Argyle Street. Upon reviewing that footage, CDMCS investigators learned that Officer Pollock's marked YPD cruiser was stopped with its lights off on the shoulder of Dixwell Avenue, slightly north of its intersection with Argyle Street, facing north. Officer Eaton, driving a marked HPD cruiser south on Dixwell Avenue, passed Officer Pollock and Argyle Street. A short distance after passing Argyle Street, Officer Eaton's vehicle slowed and performed a U-turn. Simultaneously, Officer Pollock performed a U-turn and stopped in the southbound lane on Dixwell Avenue, at its intersection with Argyle Street. At this time, the red Honda Civic had backed out of a driveway on Argyle St. and started traveling slowly forward, westbound on Argyle Street, toward its intersection with Dixwell Avenue. Having completed his U-turn, Officer Eaton began to travel north on Dixwell Avenue before turning right (east) onto Argyle Street. Officer Pollock began a left turn toward Argyle Street, with his cruiser now facing the red Honda Civic on Argyle Street. Officer Pollock came to a brief stop before continuing to move slowly forward and stopping. Once on Argyle Street, Officer Eaton slowly passed the red Honda Civic and pulled toward the driver's side rear of the vehicle. Officer Eaton stopped his cruiser, opened his door, exited, and drew his service weapon. The driver's door of the Honda opened and Paul Witherspoon started to exit the vehicle while

(This is page 2 of a 12 page Affidavit.)

Date	10/17/19	Signed (Affiant)	<i>[Signature]</i>
Jurat	Subscribed and sworn to before me on (Date) 10/17/2019	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	<i>[Signature]</i>
Reviewed (Prosecutorial Official)	<i>[Signature]</i>	Date	10/17/19
Reviewed (Judge/Judge Trial Referee)	<i>[Signature]</i>	Date	10/17/19

**ARREST WARRANT APPLICATION**

JD-CR-64a Rev. 3-11  
 C.G.S. § 54-2a  
 Pr. Bk. Sec. 36-1, 36-2, 36-3

**STATE OF CONNECTICUT  
 SUPERIOR COURT**

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**Affidavit - Continued**

raising his hands. Officer Eaton, from a position near the rear quarter panel of the red Honda Civic, fired toward Witherspoon. Witherspoon retreated back into the vehicle. While still firing, Officer Eaton moved to the rear and then to the passenger's side of the red Honda Civic, where he continuously fired several shots at the passenger's door. Officer Pollock exited his cruiser and fired one shot toward the red Honda Civic as Officer Eaton shot into the passenger's door. Officer Pollock did not put his vehicle's transmission in park and the cruiser rolled forward and struck the front end of the red Honda Civic. Officer Pollock fired a second shot in the direction of the red Honda Civic as his cruiser rolled away. Officer Pollock then retreated across Dixwell Avenue as he fired his third and final shot in the direction of the red Honda Civic. In total, Officer Eaton fired thirteen (13) shots in the direction of the red Honda Civic and Officer Pollock fired three (3) shots.

7. That the Go On Gas store clerk was transported to the scene of the shooting by Hamden officers, where he positively identified Witherspoon as the individual involved in the incident with the newspaper delivery person. The clerk also identified the red Honda Civic that Witherspoon was operating.

8. That Stephanie Washington suffered multiple injuries in this incident, including a gunshot wound to the left upper thigh/glute area, which traveled left to right, fracturing her pelvis and spine, with bullet fragments exiting her right flank through two exit wounds. Washington was transported via ambulance to Yale New Haven Hospital, where she was treated for serious injuries that required abdominal surgery. Washington remained at Yale New Haven Hospital until being discharged on 4/20/2019.

9. That Paul Witherspoon did not sustain any injuries and was transported to the HPD to be interviewed.

10. That Officer Pollock sustained a gunshot "graze" wound to his right calf, subsequently determined by investigators to be the result of friendly fire. He was transported to Yale New Haven Hospital by YPD personnel where he was treated and released on the same day.

11. That CDMCS investigators determined that, at the time of this incident, Officer Pollock was carrying Speer .40 caliber ammunition. Two (2) of Officer Pollock's expended shell casings were located and seized from Dixwell Avenue and one (1) was located and seized from Argyle Street, beside the driver's door of Officer Pollock's cruiser, in front of the red Honda Civic. The Forensic Science Laboratory confirmed those three (3) shell casings were fired from Officer Pollock's weapon.

12. That CDMCS investigators determined that, at the time of this incident, Officer Eaton was carrying Winchester .40 caliber ammunition. All thirteen (13) of Officer Eaton's expended shell casings were located and seized from the north sidewalk and side of Argyle Street, either adjacent to, or in the vicinity of the red Honda Civic. The Forensic Science Laboratory confirmed those thirteen (13) shell casings were fired from Officer Eaton's weapon.

(This is page 3 of a 12 page Affidavit.)

Date	10/17/19	Signed (Affiant)	Sgt. Soda # 217
Jurat	Subscribed and sworn to before me on (Date) 10/17/2019	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	[Signature]
Reviewed (Prosecutorial Official)	Date	Reviewed (Judge/Judge Trial Referee)	Date
[Signature]	10-17-19	[Signature]	10/17/19

**ARREST WARRANT APPLICATION**

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**Affidavit - Continued**

13. That while on scene, CDMCS investigators observed numerous suspected bullet strikes on the red Honda Civic; specifically on the interior of the driver's door, rear window, exterior of the passenger side door, and windshield. There was also at least one bullet strike on the front bumper area of the Yale University Police cruiser, one bullet strike in the rear window of the same cruiser, and one bullet strike on the front license plate of an unoccupied Mitsubishi Lancer parked on Argyle Street, behind the red Honda Civic.

14. That other than those belonging to the officers, CDMCS investigators did not locate any additional firearms at the scene. Specifically, that no firearm was visible in plain view inside the red Honda Civic.

15. That CDMCS investigators processed the scene and seized the following additional items of evidence: police officer body-worn camera footage; both officers' department issued Glock 22, .40 caliber semi-automatic handguns; an Apple iPhone with a cracked screen and an ID/credit card sleeve attached to the back, located on the pavement behind the rear driver's side tire of the red Honda Civic; a bullet projectile from the engine compartment of the Mitsubishi Lancer; video surveillance from BIMEC; Watch Guard DVR 2-035607 hard drive from Officer Pollock's YPD cruiser's dashboard camera; two bullet projectiles from Officer Pollock's cruiser - one from the rear interior roof and one from the engine compartment; and the red Honda Civic.

16. That on September 27, 2019, Paul Witherspoon stated to members of the New Haven State's Attorney's Office that, on the morning of the shooting, he owned a gray iPhone 6 with a cracked screen and an ID / credit card sleeve attached to the back. Later, on October 16, 2019, Witherspoon was shown two (2) photographs (front and back) of the seized Apple iPhone and positively identified the phone as belonging to him. Attempts to unlock the phone utilizing passcodes provided by Witherspoon have been unsuccessful to date.

17. That CDMCS investigators obtained a search and seizure warrant for the red Honda Civic. Investigators conducted a thorough and systematic search of the Honda and no firearm was located. The detached manual window crank lever from the driver's side door was located in the glove box. Investigators identified eleven (11) bullet strikes, determined trajectory where possible, and seized thirteen (13) items of evidence, to include expended bullets and bullet fragments. Of the eleven (11) bullet strikes, eight (8) were to the passenger's side door/window of the red Honda Civic, of which, four (4) penetrated the passenger compartment of the vehicle. Based on Officer Eaton's position as verified on video, Officer Eaton was the only person who fired from the passenger's side of the red Honda Civic.

18. That the projectiles seized during the course of this investigation were analyzed by forensic examiners; however, the weapons from which they were fired cannot be determined.

(This is page 4 of a 12 page Affidavit.)

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Reviewed (Prosecutorial Official)	Date	Reviewed (Judge/Judge Trial Referee)	Date	10/17/19
[Signature]	10-17-19	[Signature]	10/17/19	

**ARREST WARRANT APPLICATION**

JD-CR-64a Rev. 3-11  
C.G.S. § 54-2a  
Pr. Bk. Sec. 36-1, 36-2, 36-3

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**Affidavit - Continued**

19. That CDMCS investigators located one (1) bullet strike in the windshield of the red Honda Civic and investigators were able to determine trajectory. That projectile struck the front windshield and traveled from the front of the vehicle to the back; more specifically, it passed through the passenger's side of the windshield and struck the plastic on the passenger's side of the C pillar, falling into the trunk. Investigator's concluded that this round was fired by Officer Pollock and can be eliminated as having struck and injured Washington.

20. That the stated BIMEC surveillance footage was sent to the Forensic Science Laboratory for enhancement and analysis. Because no single BIMEC video captured the actions of Officers Eaton and Pollock simultaneously, the "side door" and "front sidewalk" videos were put on a single split screen video by the lab, allowing synchronized playback. The enhanced videos confirm investigators' observations, as detailed in paragraph 6 of this affidavit. Additionally, video confirms that Officer Pollock's cruiser was struck by gunfire from Officer Eaton before he exited his cruiser. In fact, Officer Pollock did not exit his cruiser or begin firing his weapon until Officer Eaton had fired his weapon eight (8) times. By this time, Officer Eaton was on the passenger's side of the red Honda Civic and still firing his weapon.

21. That the Forensic Science Laboratory analyzed the BIMEC videos for timeline documentation of firearm discharge, based upon recoil, muzzle flash, and/or bullet damage, which is documented in a report dated 5/31/2019. This affiant has reviewed the video evidence and lab report and identifies the following shot sequence: Officer Eaton fires eight (8) shots; Officer Pollock fires one (1) shot; Officer Eaton fires two (2) shots; Officer Pollock fires one (1) shot; Officer Eaton fires three (3) shots; Officer Pollock fires one (1) shot. Of note, Officer Eaton's last two (2) shots were fired with his arm extended behind him, as he fled on Argyle Street seeking cover.

22. That on 4/16/2019, Paul Witherspoon provided CDMCS investigators with an audio visual statement at the HPD, which is summarized as follows:

Witherspoon related that he backed out of a driveway and began driving on Argyle Street toward Dixwell Avenue when he observed two police cars coming toward him from Dixwell Avenue. He knew something was going to happen because one of the police cars did not have its headlights on; he never tried to run and just stopped his car.

One of the police vehicles, with its strobe lights on, pulled alongside and to the rear of the driver's side of the red Honda Civic. The other police vehicle struck the front of his vehicle and stopped directly in front of his car. He did not know what was happening or why he was being stopped. The incident at the gas station, which he characterized as a dispute, did not even cross his mind because the stuff that he described happens every day. The police officer who was driving the vehicle that stopped alongside the driver's side of the red Honda Civic got out of his vehicle and ordered him to get out of

(This is page 5 of a 12 page Affidavit.)

Date <i>10/17/19</i>	Signed (Affiant) <i>Sgt. [Signature]</i>
Jurat Subscribed and sworn to before me on (Date) <i>10/17/2019</i>	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public) <i>[Signature]</i>
Reviewed (Prosecutorial Official) <i>[Signature]</i>	Date <i>10-17-19</i>
Reviewed (Judge/Judge Trial Referee) <i>[Signature]</i>	Date <i>10/17/19</i>



**ARREST WARRANT APPLICATION**

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**Affidavit - Continued**

his car. The officer told him to let him see his hands.

That because his window does not open, he pushed open the door with his left arm and then reached out the door with both arms and hands extended. He then swung both legs out of the door and attempted to stand up to get out of the car. He never reached for anything nor did he have anything in his hands.

Witherspoon stated that he has watched many movies in his life, and knew that if he even "scratched [his] dick" he would have been shot so he kept his hands extended out. As he was getting out of the car, he looked to his rear and saw the police officer standing there and the barrel of his gun was pointed straight at him. The police officer then opened fire at him. He then jumped back into his car, by leaning backwards onto the emergency parking brake. His legs were still hanging out of the corner of the door. He stated that he tried to put his arms around Stephanie to keep her safe. There were bullets coming into his car from the rear of his car and from the front of his car. The police officer was also shooting at them from the passenger's side of his Honda Civic.

Witherspoon inquired as to why the officer was shooting at him from the passenger's side of his vehicle. He stated he never did anything to provoke the police to shoot at him. He was following the orders from the police officer. Stephanie never did anything to provoke the shooting either. He has no idea how many bullets the police officers fired at him but it was a lot. He does not know how he and Stephanie survived the shooting.

23. That on 5/09/2019, Stephanie Washington provided CDMCS investigators with a sworn, written, and signed statement, which stated, in part, the following:

". . . We pulled onto Argyle Street toward Dixwell, and as we were driving, I saw a white police car pull up in front of us with no lights on. Paul stopped the car and I watched the purple police car pass the white car, then pass my car, and stop behind my car. I know the purple car is a Hamden Police car because of the color.

I could see the police officer get out of the Hamden car and was in the street before Paul opened his door. I was still playing music through the car at the time but we could hear each other talk. When Paul opened his door and put his hands up, the officer pulled out his pistol and started shooting with no hesitation. When the police officer started firing, Paul ducked back into the car. He landed low in the seat so that his back was down near the crack where the seat and back portion of the driver seat meet.

Paul was not responsive because I was saying stuff to him and touching him, but he wasn't responding. I thought that he might have been shot and was dead. I was trying to take cover from the

(This is page 6 of a 12 page Affidavit.)

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Reviewed (Prosecutorial Official)	Date	Reviewed (Judge/Judge Trial Referee)	Date	
[Signature]	10-17-19	[Signature]	10/17/19	

**ARREST WARRANT APPLICATION**

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**STATE OF CONNECTICUT  
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**Affidavit - Continued**

gunshots, so I was leaning in between the driver and passenger seats, towards the back seat. It was like being in a nightmare. I thought I was going to die.

As the gunfire was going on, I started to feel a tingling, burning pain and numbness in my legs, looked down and saw blood and glass, and I remember thinking that I was shot. I also remember hearing the glass break on the car, starting with Paul's window, then the back window, and then my window.

While I was ducking toward the back of the car, I felt something hit the front of my car. I picked up my head, partially sat up, looked forward and felt a fast burning sensation on the right side of my forehead. The reason I picked up my head was because the police car hit my car. I did not see any police officers in front of me, just the white police car. I immediately put my head back down . . .”

24. That on 4/24/2019, YPD Officer Terrance Pollock provided CDMCS investigators with a sworn, written, and signed statement which states, in part, the following:

“ . . . As I noticed the Hamden cruiser pull up alongside the red car, I remember thinking it now made sense to me why the Hamden cruiser passed me on Dixwell Avenue and made the abrupt U-turn. I remember thinking to myself that the Hamden officer must have seen the red Honda Civic on Argyle Street, as he passed on Dixwell Avenue. I did not notice the red Honda Civic on Argyle Street while I was previously parked on Dixwell Avenue.

The next thing I noticed was the Hamden cruiser came to a complete stop, at a slight angle to my left, in a northeastern direction, alongside the red car. Immediately I noticed the Hamden officer jump out of the driver's side of his cruiser and began approaching the driver's door of the red car. I did not hear the Hamden officer say anything because I was still seated inside my cruiser and the windows were closed.

I then noticed the operator of the red car opened the driver's door and appeared to be getting out of the red car. As this was happening, I saw the Hamden officer stopped moving forward toward the driver's door, and then quickly jump back away from the red car and quickly to his right (toward the passenger-side of the vehicle). At that moment, I heard a series of gunshots and believed that the Hamden officer and the suspect were exchanging gunfire.

As I was seated in my cruiser, I heard what I thought were bullets striking the front of my cruiser. Seeing how the Hamden officer reacted, hearing the shots being fired, and believing the suspect was firing into my cruiser, I immediately thought that both the Hamden officer and I were being shot at by the operator of the red car. I was in fear for my life and thought I could be killed. I remember thinking I needed to get out of my cruiser immediately to return fire to defend myself and get myself into a safer

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Date	10/17/19		Signed (Affiant)	<i>[Signature]</i>	
Jurat	Subscribed and sworn to before me on (Date) 10/17/2019		Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public) <i>[Signature]</i>		
Reviewed (Prosecutorial Official)	Date	10-17-19	Reviewed (Judge/Judge Trial Referee)	Date 10/17/19	

**ARREST WARRANT APPLICATION**

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C.G.S. § 54-2a  
Pr. Bk. Sec. 36-1, 36-2, 36-3

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SUPERIOR COURT**

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Name (Last, First, Middle Initial) <b>Eaton, Devin C.</b>	Residence (Town) of accused <b>Hamden</b>	Court to be held at (Town) <b>New Haven</b>	Geographical Area number <b>23</b>
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**Affidavit - Continued**

location.

Fearing for my life, I immediately opened the driver's door of my cruiser using my left hand, exited my cruiser, and drew my issued department duty weapon (a black Glock 22, .40 Caliber) with my right hand. I immediately discharged my duty weapon to eliminate the imminent threat of deadly force against the Hamden officer and me. I discharged my firearm in the direction of the operator of the red Honda Civic. To the best of my recollection, I believe I fired two times. As I was shooting, my cruiser began moving toward the red vehicle. I was in such fear for my safety and realized I needed to get out of my cruiser so quickly that I forgot to place my cruiser in park before I exited.

As I continued to back up and retreat from the gunfire, I could hear additional gunshots coming from the general area of the Honda Civic. Because my cruiser was slowly moving forward, I immediately began retreating and discharged my duty weapon a third time in the direction of the operator. I then crossed Dixwell Avenue in order to gain cover from the additional gunfire. As I retreated, I continued to hear gunfire coming from the area of the red car. . .”

25. That on 5/08/2019, HPD Officer Devin Eaton provided CDMCS investigators with a sworn, written, and signed statement which states, in part, the following:

“ . . . As I turned right onto Argyle Street I saw the vehicle traveling very slowly on Argyle Street towards Dixwell Avenue. As I was traveling past the vehicle, I saw that it was being operated by a black male with dreadlocks and that there was a black female sitting in the front passenger seat. I could also see that the vehicle was a red colored Honda Civic, but at this point I was not certain this was the vehicle involved in the robbery because I could not see the vehicle's registration. I did not want to notify dispatch until I knew that I had the correct vehicle.

I did not have my patrol vehicle's overhead emergency lights or siren activated but the vehicle appeared to come to a stop as I was traveling past it. I don't know why the vehicle came to a stop, but I thought that the operator was either going to engage me in pursuit, get out and try to run, or get out and shoot me. I stopped my patrol vehicle in the area of the rear of the red Honda to verify that the Honda's registration matched the registration that was given to me by dispatch. Now that I realized this was the vehicle from the robbery, I felt I needed to immediately get out of my car to maintain a visual on the operator, to control the situation and to ensure he wasn't going to shoot me. At this time the driver's door of my patrol vehicle was approximately 10 to 12 feet away from the driver's side door of the Honda.

I opened my driver's side door. Based on the fact that the operator was reported to be in possession of a firearm, I unholstered my service weapon and exited my patrol vehicle. After I exited the vehicle

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<i>[Signature]</i>	10-17-19	<i>[Signature]</i>	10/17/19

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**Affidavit - Continued**

with my service weapon pointed in the direction of the operator, I ordered him to show me his hands.

I couldn't tell whether the window of the Honda was open or closed but I thought the operator would put his hands either up or through the window. It was my intention to get closer to the Honda's driver's side door so that I could more clearly see into the vehicle and see if the operator was holding a weapon.

Immediately after I exited my patrol vehicle and ordered the operator to show me his hands, I saw the driver's door of the Honda unexpectedly swing open. The operator then began to suddenly exit the vehicle. As he was doing so, I could see that he was not holding anything in his left hand but as he began to turn towards me, I saw the operator begin to raise his right arm up and it appeared that he was holding an object in his right hand, which I believed to be a gun.

I was alone, had not yet radioed for back-up, believed that the operator was in possession of a firearm and based on his close proximity to me and his sudden and aggressive actions when exiting his vehicle, I was afraid that the operator was about to shoot me and cause me serious bodily injury or death. I then discharged my duty weapon and began to move towards the rear of the Honda for cover. I saw the operator dive back into the driver side of the car, and I heard the sound of gunshots as I was moving around to the rear of the Honda and perceived the gunshots to be coming from the operator. When I got to the passenger side of the vehicle I discharged my duty weapon at the robbery suspect again. I could not see the passenger. I then lost sight of the operator, so I stopped firing and moved to a position of cover and concealment on Argyle Street away from the Honda. I do not recall specifically how many times I discharged my duty weapon, however, all of the shots were fired within several seconds.

Once I was in a secure location, I notified dispatch of my location, that shots had been fired and that it involved the vehicle from the robbery. This was the first time that I saw another police vehicle that appeared to be stopped in front of the Honda. I could not identify which department the vehicle was associated with but I recall seeing a uniformed police officer running across Dixwell Avenue away from the police vehicle. Believing I was in the other officer's line of fire in the event that he did fire, and so I could get a better view of the scene, I moved to another location behind a parked vehicle on Argyle Street and waited for back-up officers to arrive . . ."

26. That investigators reviewed all body-worn camera recordings seized. It was determined that the power on Officer Eaton's body camera was "on," but he did not activate the camera until after the shooting occurred. Nonetheless, the body camera system constantly buffers and stores thirty (30) seconds of muted video. Therefore, after the camera was activated, the video included the thirty (30) second buffered video that was captured prior to activation, which included this incident in its entirety.

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Date	10/17/19	Signed (Affiant)	Sgt. Lopez #217
Jurat	Subscribed and sworn to before me on (Date) 10/22/2019	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public)	[Signature]
Reviewed (Prosecutorial Official)	Date	Reviewed (Judge/Judge Trial Referee)	Date
[Signature]	10/17/19	[Signature]	10/17/19

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**Affidavit - Continued**

Immediately following the shooting, as additional officers arrived on scene, Officer Eaton can be heard on body-worn camera explaining to them that "I got outta my car, I said show me your fuckin' hands. He got outta the car, I saw a 128 (gun)." When a fellow officer asked where he (Witherspoon) put the 128, Officer Eaton replied, "I don't know, I saw it."

27. That on body-worn camera, Officer Eaton is heard telling fellow officers two (2) different times that he ordered Witherspoon out of the car. At approximately 4:38:18 a.m., an HPD Sergeant asked Officer Eaton "What exactly happened?" In response, Officer Eaton stated, "...I saw them parking . . . nose in. I turned around, I turned around, went to swing on this street. He was pulling out. Stopped my car, got out, told him to 'get out, show me your hands.' He opened his car door, I saw him point something at me and then I shot." Later, at 4:41:31 a.m., Officer Eaton stated, "...I pulled up, I got out of my car, I said 'show me your hands, get the fuck out of the car,' he kicks open the door, I saw something, I saw it."

28. That Officer Eaton's body-worn camera footage was also submitted to the Forensic Science Laboratory for enhancement and analysis. The analyst's report dated 5/31/2019 indicated the following: "Driver pushes open driver's door; Reflection from wrist watch on driver's left wrist; Driver partially exiting vehicle with both hands in view and open. Police officer's firearm discharges; Driver's arm drops and wrist watch is visible on left wrist." In a supplemental report from the Forensic Science Laboratory dated 10/03/2019, the analyst further noted that, due to the poor quality of the video, it cannot be determined if an object is present in either hand.

29. That, Officer Pollock was wearing a body-worn camera; however, it was powered off and did not capture the shooting. The YPD cruiser driven by Officer Pollock was equipped with a dashboard camera; however, it was also powered off and did not capture the shooting. The HPD cruiser driven by Officer Eaton was not equipped with a dashboard camera.

30. That investigators conducted a neighborhood canvass, which did not locate any additional witnesses to this incident. Further, that the only video located that captured the incident was the video seized from BIMEC and police body-worn camera footage.

31. That the CDMCS investigation has determined that Officers Eaton and Pollock were the only individuals who discharged firearms during this incident, as a firearm was not located in Witherspoon's possession, was not recovered on scene and was not located in the red Honda Civic during the execution of the search and seizure warrant to process the vehicle.

32. That the evidence establishes that Officer Eaton fired eight (8) shots at the passenger's side door/window of the red Honda Civic, four (4) of which penetrated the interior compartment of the vehicle in the area where Washington was seated. In her statement to CDMCS investigators, Washington stated

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**Affidavit - Continued**

that after she heard gunshots, she "leaned between the driver and passenger seats, toward the backseat, trying to take cover from the gunshots." In this position, Washington's left thigh/glute area was exposed to projectiles that penetrated the interior compartment of the red Honda Civic from outside the passenger's side door. Therefore, investigators conclude that the injuries sustained by Washington were caused by a projectile fired from Officer Eaton's firearm.

33. That the CDMCS investigation was able to identify the trajectory of all three (3) shots fired by Officer Pollock. The trajectory of Officer Pollock's three (3) shots establishes that only one shot struck the red Honda Civic. That projectile struck the front windshield and traveled from the front of the vehicle to the back; more specifically, it passed through the passenger's side of the windshield and struck the plastic on the passenger's side of the C pillar, falling into the trunk. Therefore, investigators have eliminated this round as having struck and injured Washington.

34. That the trajectory of Officer Pollock's three (3) shots establishes that his calf injury was not self-inflicted and, therefore, caused by a projectile fired from Officer Eaton's firearm.

35. That Officer Eaton's own statements captured on body camera indicate that he ordered Paul Witherspoon out of the car and to show his hands, to which Witherspoon complied. Officer Eaton maintains in his written statement that he believed Witherspoon was holding a gun in his right hand. While the scene video quality may preclude a definitive determination as to whether Witherspoon is holding anything in either hand, there is no evidence that Witherspoon had a gun. Further, there is no evidence to conclude that Witherspoon pointed anything at Officer Eaton as he (Witherspoon) was attempting to exit his vehicle, as ordered to do by Officer Eaton.

36. That based on the findings of this investigation, the affiant believes probable cause exists that on 4/16/2019, Devin Eaton (DOB 1/09/1990), under circumstances evincing an extreme indifference to human life, recklessly engaged in conduct which created a risk of death to another person, and thereby caused serious physical injury to Stephanie Washington, in violation of Connecticut General Statutes 53a-59(a)(3), Assault in the First Degree.

37. Further, that based on the findings of this investigation, the affiant believes probable cause exists that on 4/16/2019, Devin Eaton, with extreme indifference to human life, recklessly engaged in conduct which created a risk of serious physical injury to Paul Witherspoon and Officer Terrance Pollock, in violation of Connecticut General Statutes 53a-63, Reckless Endangerment in the First Degree (two counts).

38. Therefore, based upon the facts and circumstances stated herein, the affiant respectfully requests an Arrest Warrant be issued.

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Date <i>10/17/19</i>		Signed (Affiant) <i>Det. [Signature] # 217</i>	
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**Affidavit - Continued**

That this Arrest Warrant Application has not been presented to any other Judge or Court

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10/17/2019	[Signature]	[Signature]	
Reviewed (Prosecutorial Official)	Date	Reviewed (Judge/Judge Trial Referee)	Date
[Signature]	10-17-19	[Signature]	10/17/19