

County/District Court

THE PEOPLE OF THE STATE OF COLORADO
City and County of Denver, Colorado

Offense Case No: 2023-596963



**AFFIDAVIT AND APPLICATION FOR ARREST WARRANT
AND THE ARREST WARRANT FOR THE PERSON(S) OF:**

**Todd Lynn Washington / 08-20-1983 / Black Male / 5'05" / 190lbs / Black Hair /
Brown Eyes / [REDACTED]**

- For C.R.S. 18-3-102; Murder in the First Degree (F1)**
- C.R.S. 18-3-102; Murder in the First Degree (F1)**
- C.R.S. 18-3-102; 18-2-101 – Criminal Attempt to Commit Murder in the First Degree (F2)**
- C.R.S. 18-3-102; 18-2-101 – Criminal Attempt to Commit Murder in the First Degree (F2)**
- C.R.S. 18-3-102; 18-2-101 – Criminal Attempt to Commit Murder in the First Degree (F2)**



DMV Photo of Washington Taken 02/12/2021



**Camera Footage of Washington approaching Nissan SUV
Prior to shooting – wearing a tan/brown vest**

I, Detective Steven Seidel (13082), the Affiant, state under oath that the facts known to the Affiant which establish probable cause to believe that a criminal offense was committed, and that the offense was committed by the above named person(s), are the following:

Through the investigation, Your Affiant has learned the following information:

Investigation Details:

Sunday, November 5, 2023,

On **November 5, 2023**, at approximately **3:06 a.m.**, Denver Combined Communications (Dispatch) received a call of a shot spotter notification of twelve rounds being fired at 5510 East 33rd Avenue, which is in the city of Denver, state of Colorado.

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At approximately **3:09 a.m.**, Dispatch received a call of a shooting at 5514 East 33rd Avenue. Multiple callers reported two people were shot at the location. Upon officers' arrivals, three victims were discovered on scene with multiple gunshot wounds. The victims were transported to Denver Health Medical Center.

While officers investigated the shooting, additional victims with gunshot wounds self-transported to Rose Hospital, Swedish Hospital and Denver Health Medical Center. All victims reported being shot at 5514 East 33rd Avenue.

Detective Josh CATLETT #13078, with the FAST (Firearms Assault Shoot Team) Unit, spoke with one of the victims, subsequently identified as [REDACTED] who was being treated at Denver Health Medical Center. [REDACTED] related that he had been inside the club when a fight broke out inside the club. [REDACTED] then heard gun shots and he sustained a graze wound to his left hip while he was inside the club.

One of victims transported from the scene via ambulance was taken to Denver Health Medical Center. The victim, subsequently identified as Michael DAVID, dob: [REDACTED], was pronounced deceased shortly after arriving at Denver Health Medical Center. Mr. DAVID was pronounced by Doctor CAMPION at **5:01 a.m.**

Altogether, there were a total of seven victims that have been identified as being victims of the shooting. The seven victims were identified as:

- Michael DAVID, dob: [REDACTED] (Denver Health Medical Center, pronounced deceased on **November 5, 2023, at 5:01 a.m.** by Doctor CAMPION).
- Joshua BATTS, dob: [REDACTED] (Denver Health Medical Center, pronounced deceased on **November 5, 2023, at 3:22 p.m.** by Doctor CENTENO).
- [REDACTED], dob: [REDACTED] (Denver Health Medical Center, graze wound to the hip/buttocks).
- Todd WASHINGTON, dob: 08/20/1983 (Denver Health Medical Center, gunshot wound to the chest).
- [REDACTED] University Hospital, gunshot wound to the chest).
- [REDACTED] (Rose Medical Center, graze wound to the right arm/torso).
- Shon MCPHERSON, dob: 07/01/1991 (Swedish Medical Center, gunshot wound to the chest).

Due to the multiple victims receiving medical treatment for their injuries, the majority of them were unable to provide statements on **November 5, 2023, regarding the shooting incident** from early that day. There was however one victim [REDACTED], who sustained a gunshot wound to her arm, who was able to provide a statement. She agreed to be transported and interviewed at DPD Headquarters after being treated. In her recorded interview, she was able to identify the sound of gunfire that appeared to be just outside of the club (5514 E. 33rd Avenue) where the gun shots took place, verifying that a gun was in fact discharged, and that she was in fact shot.

FAST Detectives arrived at the scene at approximately **5:00 a.m.** FAST Detectives approached the scene and learned from the patrol officers that the location is known to them as a Hells Lovers Motorcycle Club clubhouse. When surveying the scene, Detectives observed approximately eight fired

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cartridge casings on the ground in the parking lot and near the west entrance door of 5514 East 33rd Avenue. 5514 East 33rd Avenue had been struck three times by gunfire creating bullet defects that appeared similar to a hole. This led Detectives to believe that possible fired bullets may have entered 5514 East 33rd Avenue and may be recoverable. Additionally, several vehicles in the parking lot to the north of, but adjacent to the business were struck by gunfire. A red Toyota Rav 4 bearing Colorado license plate [REDACTED] was parked in the parking lot near the main (east) doors of 5514 East 33rd Avenue facing south towards the location. There was a bullet defect on the hood of the vehicle. Further examination of the bullet defect indicated that the bullet that struck the car was fired from the direction of the main (east) door of 5514 East 33rd Avenue, and that the shot may have come from inside the business, or just outside of it. Detectives also observed multiple video cameras attached to the north wall of the business. These cameras were white in color and had wires coming out of them that led into 5514 East 33rd Avenue, indicating that they were likely hardwired to a digital video recorder or similar device inside.

The officers that responded to the shooting contacted occupants of the business and inquired about the cameras. The occupants of the business refused to let officers view the footage from the cameras and they refused officers entry into the business.

FAST Detective Robert KRELLE #13036 authored and secured a search warrant for 5514 East 33rd Avenue for Detectives to enter the location and process the location for any evidence relevant to the investigation. Upon the execution of the search warrant, the Metro/SWAT team was utilized to make the scene safe to be searched as the officers on scene learned the multiple subjects were still inside the location and may be armed. Members of the Metro/SWAT team completed a search of the location and in doing so, they located a storage shed attached to the location. The shed was attached to the south wall of the location near a rear access door. Members of the Metro/SWAT team opened the shed door to ensure that nobody was hiding inside or in need of aid. Upon doing so, they observed an AR-15 style rifle that had what appeared to be a large capacity magazine inserted into it and a metal bucket that contained numerous handguns. Detective KRELLE also viewed the shed through its open door without entering the shed. Detective KRELLE observed a black AR-15 style rifle with a green handle and green accessories. Detective KRELLE also observed two black semi-automatic handguns in holsters, a gray semi-automatic handgun in a holster and a gray revolver inside a metal bucket that was sitting on top of a several propane tanks. The shed was a wooden shed that was natural wood color with gray, white and black paint on the bottom of one side. The shed has a wooden door that opens outward. Based on that information, Detective KRELLE authored a refresh to the original warrant to process the shed that was attached to the south side of 5514 East 33rd Avenue.

During the time that FAST was authoring and executing the search warrant for the property of 5514 East 33rd Avenue, along with additional Homicide Detectives and the Crime Lab, your Affiant (Detective Steven SEIDEL #13082), who was assigned as the lead investigator on the case, responded to Denver Police Headquarters and conducted multiple interviews with witnesses/victims who were at 5514 East 33rd Avenue when the incident occurred.

Your Affiant learned the following details from one witness, [REDACTED] regarding the incident:

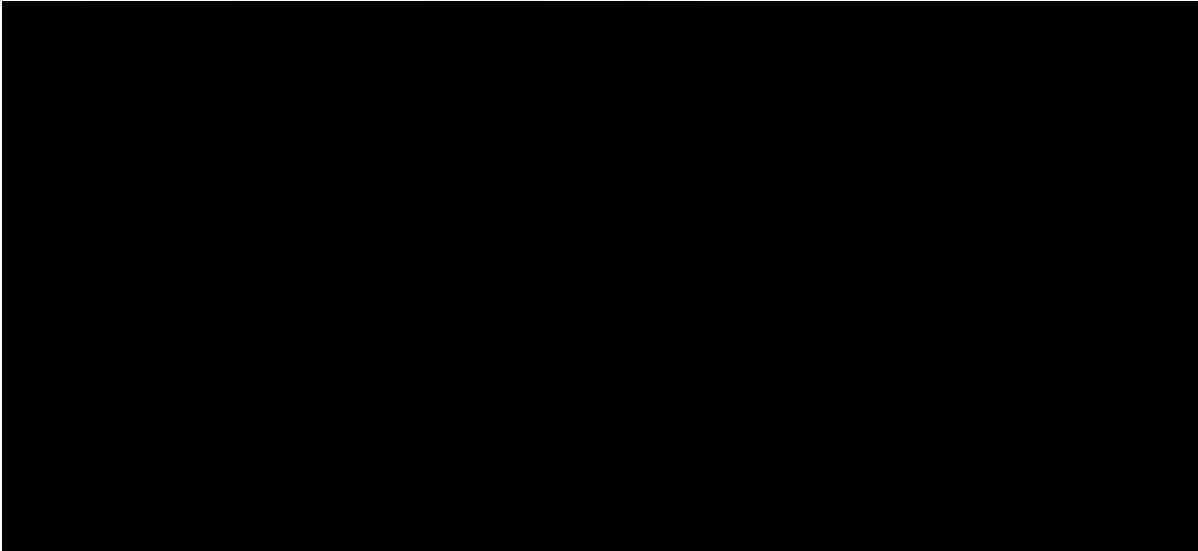
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██████████ told your Affiant that she went to the after-hours club located at 5514 East 33rd Avenue and met the daughter of her fiancée, ██████████ at the location. Shortly after arriving at the location, ██████████ got into an altercation with one of the security guards who was removing ██████████ from the property, along with some of ██████████ friends. After being removed from the property, ██████████ remained on the street of E. 33rd Avenue and contacted her dad, Todd WASHINGTON dob: 08/20/1983). According to ██████████ was upset when she called WASHINGTON and expressed her anger about one of the security guards allegedly putting his hands on her. Moments later, WASHINGTON arrived at the location. Shortly after arriving, that is when the shooting occurred at the front of 5514 East 33rd Avenue. According to ██████████ she only saw one person shooting and described him as a tall, skinny white male with a possible "goatee" who was one of the security guards. After the shooting, ██████████ left the location and then learned that WASHINGTON had been shot and transported to the hospital.

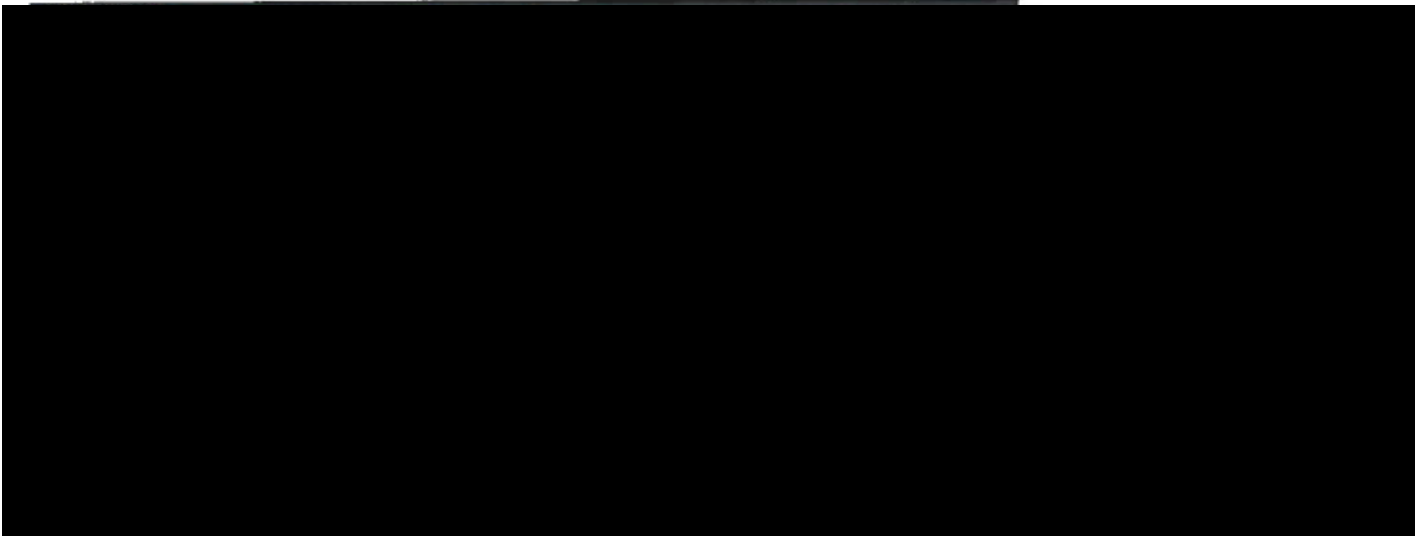
After conducting interviews with several involved parties, your Affiant responded to the crime scene and learned that there were two separate caliber casings on scene, both 9mm and .40 mm, indicating that there were multiple firearms used in the assault. During the processing of the scene, there was a total of 10 spent cartridge casings recovered in the parking lot and from the sidewalk of 5514 East 33rd Avenue.

During the course of the investigation, your Affiant obtained and reviewed video surveillance from the DVR system from 5514 E. 33rd Ave. (which was taken during the search warrant of the business), the Holly Food Market located at 5538 E. 33rd Ave, as well as surveillance from a City and County of Denver H.A.L.O. camera that was located at E. 33rd Ave / N. Hudson St. It should be noted that the video timestamp of the surveillance from the Market place is inaccurate and is slightly ahead (fast) of the real time by approximately 50 seconds to one minute.

While reviewing the video from the Holly Market, at approximately 3:01 a.m. the headlights of the silver SUV turn on and there appears to be a disturbance close to the front door of the motorcycle club. Several black females can be seen arguing and walking away from the club to the center of the parking lot with several club members, identified by their motorcycle jackets. It appears that the club members are escorting the females away from the club and the females are upset. The club members walk back toward the front door of the club and the females walk towards 33rd Ave.

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After being removed from the club, [REDACTED] appears to be on the phone calling WASHINGTON which is consistent with a witness statement provided by [REDACTED]. At approximately **3:03:16 a.m.**, WASHINGTON is seen entering the parking lot of the location from the 3200 block of Hudson St.



Shortly after the disturbance, at approximately **3:04:10 a.m. – 03:04:55 a.m.**, your Affiant observed two involved males who appear to walk through the parking lot and by the front of the business, 5514 E. 33rd Ave. The males do not stop to talk to anyone in front of the business and continue to walk towards the east side of the business and then back into the parking lot. Based on the video surveillance available, your Affiant was able to positively identify one of the males as, Shon MCPHERSON (dob: 07/01/1991). Your Affiant was able to recognize MCPHERSON due to your Affiant conducting an interview with MCPHERSON on **November 5, 2023**, later in the day after the incident. The interview was conducted at Swedish Medical Center where MCPHERSON was being treated as a gunshot wound victim as a result of the shooting. The following photos are taken from the surveillance and are MCPHERSON along with the unknown male driver of the Chevy sedan.

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Driver of Chevy sedan

McPherson



McPherson and unknown male driver of Chevy Impala appear to be scouting location.

Simultaneously, Todd WASHINGTON approaches the silver/grey Nissan SUV as MCHPERSON, and the other unknown male appear to be scouting the location.

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Washington approaching Silver/grey Nissan as McPherson and unknown male driver walk by location.



Washington with silver/grey Nissan, McPherson and unknown male Chevy driver walking location about to approach Nissan.

As your Affiant continued to observe the video from the Holly Food Market, at approximately **03:05:00 a.m. -3:05:30 a.m.**, your Affiant watched MCPHERSON and the unknown male that he was with approach a silver/grey Nissan SUV in the parking lot and have a brief interaction with the occupants of the vehicle.

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McPherson and Unknown Male conversing briefly with occupants of silver/grey Nissan SUV.

After the brief interaction, your Affiant then was able to see MCPHERSON respond to the black Chevy sedan that he had arrived in at approximately 2:23 a.m. MCPHERSON spent approximately 20 seconds on the passenger side of the Chevy sedan before he began to walk back across the parking lot towards the front of the business of 5514 E. 33rd Avenue. At this time, MCPHERSON appears to be holding something on his right side as he approaches the building. This movement was captured on the Market camera at approximately 03:06:01 as well as being captured on the H.A.L.O. camera system at 03:04:50 a.m. – 03:05:10 a.m. Simultaneously, the unknown male that was walking with MCPHERSON gets into the driver's seat of the black Chevy sedan and repositions the vehicle to waiting by the front door of 5514 E. 33rd Ave, facing eastbound with the passenger side of the vehicle facing the front doors of the building.



McPherson Chevy backing out

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While this is going on, the silver/grey Nissan SUV exits the parking lot and repositions itself onto E. 33rd Avenue, facing eastbound.



Black Chevy sedan and silver/grey Nissan SUV position themselves to flee the area.

As the vehicles are repositioning, MCPHERSON approaches the corner of the business of 5514 E. 33rd Avenue and appears to wait for a male from the silver/grey Nissan SUV to join him. Based on the Market camera, at approximately 03:07:26 a.m. an unknown male from the silver/grey Nissan SUV gets out of the vehicle and runs southbound towards the front of 5514 E. 33rd Ave. to join MCPHERSON and Todd WASHINGTON at the front of the building.



McPherson and Washington confronting security. Extended magazine visible from Washington's firearm.



Extended Magazine to Washington's firearm.

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Shortly after the third male arrives from the Nissan SUV to join WASHINGTON and MCPHERSON, one member of the club house (possibly ██████████) exits the club and approaches the confrontation. The individual appears to also be holding a firearm along with MCPHERSON and WASHINGTON who both have a firearm in their possession and visible based on video surveillance. At that moment, WASHINGTON raises his firearm and is the first to begin pointing it in the direction of an individual.



Washington raising his firearm to point it at the security guards just prior to McPherson firing the first shot.

Based on WASHINGTON’s actions, MCPHERSON joins the action and raises his arm as he begins to run towards the Chevy sedan while simultaneously firing the first shot towards the security guards. This occurs at approximately 03:07:45 a.m., the camera from the Market captures MCPHERSON raise his right arm and immediately after the motion, the first muzzle flash is captured on camera coming from the location where MCPHERSON is standing. MCPHERSON appears to fire approximately 2 shots before other individuals are able to return fire.



First muzzle flash fired by McPherson.
Todd Washington wearing brown in front of security guards.

Based on the footage from the DVR recovered from 5514 E. 33rd Ave. as well as the footage from the Market, it appears that WASHINGTON shoots his firearm immediately after MCPHERSON. WASHINGTON is therefore believed to be the second shot firing in the direction of the security guards.

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Washington firing his
weapon immediately
after McPherson.

During the shooting incident, Todd WASHINGTON was struck by gunfire and fell on the ground between two vehicles. WASHINGTON was transported from the scene by ambulance to Denver Health Medical Center and received treatment for his wounds.

With the facts of the case, and the fact that WASHINGTON is called by his daughter [REDACTED] after an altercation occurs, and the fact that WASHINGTON appears to approach a silver Nissan SUV along with MCPHERSON and the unknown driver of the black Chevy sedan, it is apparent that WASHINGTON and the other individuals devised a plan to re-engage the staff of the club and confront them. During the confrontation, WASHINGTON and MCPHERSON were clearly armed and displaying the firearms. Furthermore, WASHINGTON is the first one seen on video raising his firearm and pointing it towards an individual. Immediately after this action, MCPHERSON and WASHINGTON both fire their weapons prior to the staff of the club being able to return fire. As a result of the actions of both WASHINGTON and MCPHERSON, two individuals lost their lives, Michael DAVID, dob: [REDACTED] and Joshua BATTS, dob: [REDACTED]. In addition to DAVID and BATTS being struck, there were three individuals inside of the business that were also struck by gunfire which would have been in the direction that WASHINGTON and MCPHERSON were shooting. Those individuals are, [REDACTED]

Based on these facts, your Affiant believes that the actions of Mr. Todd WASHINTON rise to the level of probable cause and your Affiant respectfully requests that a probable cause arrest warrant be issued for:

Todd Lynn Washington / 08-20-1983 / Black Male / 5'05" / 190lbs / Black Hair / Brown Eyes / FBI# 426448NB4 / SID# 1266537 / SSN# 521-41-8194 / OLN CO # 95-297-0420

For C.R.S. 18-3-102; Murder in the First Degree (F1)

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I affirm this information to be true and correct

e/s Detective Steven Seidel #13082

Signature of Affiant

Subscribed under oath before me on

11/9/20 181
Date Time

[Signature]
Judge or Notary Public

My commission expires: _____

ARREST WARRANT

To all Sheriffs, Peace Officers and Police Officers with the said State:

You are hereby commanded to take the person of the defendant and bring him without unnecessary delay before a Judge of the County Court to be dealt with according to law.

Bail fixed at \$ 1st appeal [Signature]
Signature of Judge

Date 11/9/20 Bar
Printed name of Judge

I HEREBY CERTIFY that I executed the above warrant on (date) _____ by taking _____

_____ (name of person arrested) into custody and placing said person in the _____ Jail for safekeeping until further order of the court.

Signature of Arresting Officer