

DEFENDANT: TYSHAWN
PLOWDEN
DOB: 08/19/1987 AGE: 22
ADDRESS: 239 Van Buren
Brooklyn, NY 11221

ARRAIGNMENT DATE: 11/10/09
SA CASE NO.: 2009RD20073A
ASSIGNED PROSECUTOR: Kevin R. Klamm
POLICE DEPT.: VSP-Rockingham
INVESTIGATING OFFICER: Francis LaBombard III
ADVOCATE: Dyanne Lertola
INCIDENT NO.: 09C105426

FILED

NOV 10 2009

Rutland District Court

STATE OF VERMONT
RUTLAND COUNTY, SS

STATE OF VERMONT

DISTRICT COURT OF VERMONT

V

UNIT II, RUTLAND CIRCUIT

TYSHAWN PLOWDEN

DOCKET NO. *1663-11-09 Rdor*

INFORMATION BY STATE'S ATTORNEY

By the authority of the State of Vermont, the State's Attorney for Rutland County, upon the oath of office charges:

COUNT 1 OF 1

CHARGE CODE: 13V1024A2/LE, CHARGE NAME: Assault-Agg With Weapon Le Officer, OFFENSE CLASS: F

TYSHAWN PLOWDEN, in this Territorial Unit, in the County of Rutland, at Rutland, on or about November 9, 2009, attempted to cause bodily injury with a deadly weapon to a law enforcement officer, performing a lawful duty, in violation of 13 V.S.A. §1024(a)(2) and 13 V.S.A. §1028(1).

Penalty: imprisoned not more than 16 years or fined not more than \$10,000.00 or both.

Against the peace and dignity of the State.

DATED: November 10, 2009

Dyanne F. KRR
State's Attorney (Deputy)

This information has been presented to me and I have found probable cause.

DATED: *11/10/09*

[Signature]
District Court Judge

Conditions Req.: d(\$100,000.00), 1, 2, 3, 6, 11(8PM-6AM at _____)13, 14(Earl Post, Desmond Feurtado, Kim Morris, Doreen Siliski), 15, 17(14, 15, 31), 31, 34



Vermont State Police

Vermont State Police
Case # 09C105426

State of Vermont
Rutland County, S.S

AFFIDAVIT of PROBABLE CAUSE

Now comes, Detective Trooper Francis J. LaBombard III, affiant being duly sworn and on oath, deposes and says he has probable cause to believe that **Tyshawn Plowden DOB: 08-19-87** has committed the offense of **Aggravated Assault**, a violation of Title 13 Vermont Statutes Annotated 1024.

On November 09, 2009 at approximately 10:01 hours, I was requested by Detective Lieutenant Timothy Oliver to respond to Rutland City Police Department to assist with an investigation. I responded to the Rutland City Police Department and met with Lieutenant Oliver. I was advised an investigation was being conducted into a shooting that occurred as a result of a motor vehicle stop. This incident occurred on November 8, 2009 at 2158 hours. This incident involved a Rutland City Police Officer Earl Post, and a subject later identified as, Tyshawn Plowden DOB: 08-19-87.

Detective Sgt. Hagen and I were able to interview Officer Earl Post at the Rutland State Police Barracks. Post was advised that the interview would be audio/video recorded to document any statements made. The following is a synopsis of the interview.

Rutland City Police Department received a complaint of a suspicious vehicle. Officer Andrew Todd located the vehicle in the area of the original complaint on Granger St. He requested a Vermont registration check on the vehicle. Todd was advised the vehicle registration, Vermont ENP 454 was not assigned to the vehicle and initiated a vehicle stop for, Plates Not Assigned, a violation of Title 23 Vermont Statutes Annotated 513. The stop was conducted on Granger Street at the intersection of Park Street in Rutland City, Rutland County.

During the course of the stop, Todd requested the operator, Doreen Siliski DOB: [REDACTED] 60 to exit the vehicle. Also present in the vehicle sitting in the front passenger seat was Kim Morris DOB: [REDACTED] 56. Desmond Feurtado DOB: [REDACTED] -88 and a subject who was later identified as Tyshawn Plowden were sitting in the back seats.

While Todd was speaking with Siliski outside of the vehicle, Officer Post arrived to assist. Post approached the rear passenger side of the vehicle to monitor the passengers. Post stated that he observed Feurtado making several furtive movements. When Feurtado leaned back, Plowden leaned forward and Post observed the grip of a hand gun tucked into Plowden's waistband on his right hip. Post advised this handgun had a black grip and thought it was a semi-automatic.

Post alerted Officer Todd that one of the occupants was in possession of a hand gun and drew his duty weapon. Todd and Post then ordered Plowden to exit the vehicle. Plowden initially complied and exited the vehicle on the driver's side. Post ordered Plowden to put his hands up. When Plowden exited the vehicle he and took off running.

Post and his K-9 pursued after Plowden on foot along the sidewalk of Park Place. Post ordered Plowden twice to stop or he would deploy his K-9. Plowden continued running and Post lost site of him as Plowden ran around the corner of a residence. Post's K-9 was deployed at that point and caught up to Plowden. Post stated he was approximately ten to fifteen yards from Plowden when he observed his K-9 lunging at Plowden. Post stated that Plowden turned his body to the left while running and fired a single shot towards him. Post was able to identify the direction of the shot based on the orange muzzle flash from the hand gun. At that point, Post fired a single shot at Plowden and attempted to gain cover. Plowden continued running and entered the wood line. Post lost site of him at this point. Plowden fired his hand gun in a thickly settled residential area. Post told me that he was in fear for his life at the time that Plowden fired the handgun at him.

Once Plowden entered the woods, Post waited for Officer Prouty to arrive in order to assist him with a K-9 track in the woods. Prouty arrived at approximately 22:13 hours. During the track, Post located a black vest, which he identified as the vest worn by Plowden at the time of the stop.

Once the K-9 track was completed, Officer Post returned to the area where the foot pursuit occurred. Post was able to locate Plowden's hat, and pocket knife that he dropped when fleeing from the vehicle stop in the area of 81 Park Street. Officer Post collected the items, but did not provide an exact time when they were collected. These items were later seized and logged into evidence by Rutland City Police Department.

Further investigation by Rutland City Police Department revealed that Plowden was staying at an apartment located at 149 Granger Street, Apartment 35 in Rutland City.

On November 09, 2009 at approximately 10:46 hours, Plowden was located and taken into custody by Rutland City Police Dept. This residence is a short distance from where Plowden was last seen fleeing on foot. At that time, Plowden identified himself to the Rutland City Police Officers as Tyshawn Plowden DOB: 08-19-87 and provided his current address in New York. Plowden was fingerprinted while in custody and his prints were forwarded to the Vermont Forensic Lab. for identification. The prints confirmed Plowden's identity

Officer Todd and Officer Post identified Plowden as the individual who had fled from them during the previous evening's shooting incident. This identification was made while Plowden was in custody at the Rutland City Police Department on November 09, 2009.

On November 09, 2009 at 13:27 hours, Detective Sgt. Michael O'Neil and I met with Plowden at the Rutland City Police Department. Plowden was advised that the interview would be audio/video recorded to document any statements made. Plowden was read Miranda warnings and acknowledged he understood them. Plowden declined to provide any statements at that time.

On November 09, 2009 at 17:30 hours, Detective Sgt. Michael O'Neil met with Desmond Feurtado at his residence located at 141 Grove St. in Rutland City. Detective Sgt. O'Neil asked Feurtado if he would recognize his friend, Plowden, if he saw him in a photo. Feurtado indicated that he would be able to recognize him. Feurtado told Detective Sgt. O'Neil that he has known Plowden for a couple of weeks. He said they are not close friends but he would recognize him. Feurtado was shown a booking photo of Plowden taken that day at Rutland City Police Department. Feurtado was able to positively identify Plowden as the person that was in the motor vehicle when they were stopped by Officer Todd the previous night. He did not know why Plowden ran and denied having knowledge of Plowden possessing a handgun. Attached and incorporated by reference to this affidavit is a copy of Feurtado's sworn written statement identifying Plowden.

On November 09, 2009 at approximately 16:45 hours, the Vermont State Police Crime Scene Search Team located .45 Caliber Taurus PT945 handgun bearing serial # N0C53020. This handgun was located in the area off of Park St. where Plowden was last seen fleeing on foot under a shallow area of water.

The handgun was found with an empty brass casing jammed in the chamber with the slide locked. This would be consistent with the fact that the spent casing that should have been ejected was not in the area where Plowden fired a single shot. This would also be consistent with a handgun being fired and malfunctioning.

Detective Sgt. Helaine Gaiotti observed the handgun when it was located. Detective Sgt. Gaiotti advised me that the handgun appeared to be recently discarded, based on the fact it was not weathered, rusted or corroded. The handgun frame and grip was black and contained a loaded magazine. The brass casing jammed in the gun was in pristine condition and showed no sign of weathering. This also indicates that the handgun was recently discarded.


Based on the aforementioned facts, I have probable cause to believe that Tyshawn Plowden has committed the offense of Aggravated Assault when he fired a shot at Officer Post with a .45 Caliber handgun. Plowden was lodged at the Marble Valley Correctional Center for lack of \$200,000.00 bail.

Subscribed and sworn to before me on

This 10 day of November 2009



Notary Public



Affiant

11-10-09

Date