

## PROBABLE CAUSE

TPD Case #: 16-14555

**TO:** First Appearance Magistrate

**DEFENDANT:** Dajuan O Barnes, Spin # 186902

**CHARGES:** 1)

### SUMMARY OF OFFENSES AND PROBABLE CAUSE AFFIDAVIT:

At approximately 1946 hours on May 6, 2016, Officer Amison was dispatched to [REDACTED] in reference to a request to assist EMS.

The dispatch notes advised that a 10 month old child was conscious and breathing but not completely alert. [REDACTED]

Upon arrival, she observed EMS and TFD on scene. The residence is located at [REDACTED] on the southeast side of the complex. Upon entering the unit she observed EMS and TFD working on the child. The child was a black male lying supine on the couch on the west wall with his head facing south. CPR was in progress. The child appeared lifeless and still. Almost immediately the decision was made to rush the infant to the hospital.

She then made contact with a black female, who identified herself as the mother of the child, identified later as [REDACTED] advised the child, identified as [REDACTED], has been sick recently and running a fever. She stated she gave him Motrin earlier in the day but he was not getting better. [REDACTED] advised she left the residence to get more Motrin from the store approximately 1 hour before our arrival. [REDACTED] quickly left with a friend to follow the ambulance to the hospital. [REDACTED] was visibly upset and crying.

An adult black male was also inside of the residence, later identified as defendant DaJaun Octavious Derae Barnes. Barnes came out of one of the back bedrooms. He stated he was with the child when the incident happened and that he called 911.

Officer Amison asked Barnes to speak with her and tell her what happened. Barnes advised he is [REDACTED] live-in boyfriend, he stated they have been together approximately 1 year. He stated they met approximately April of last year (2015) and he moved in to this residence in May of 2015. Barnes is not the biological Father to infant [REDACTED]. Barnes stated he was watching the child while [REDACTED] ran to the store to get some more medicine, he stated [REDACTED] was not gone long.

Barnes advised he was sitting on the couch on the east wall in the living room when he saw the child begin to throw up. Barnes stated the child was on another couch on the western wall so he got up and went to the child and bent down to pick him up. Barnes informed the Officer that he put the child in a burping position on his left shoulder and patted his back. That is when the child threw up some more all over Barnes shoulder. Barnes told her he then laid the child back down on the couch he placed the child on his right side with his back against the couch. Barnes stated he called [REDACTED] and advised her that the child was not acting right and was throwing up.

He stated he became concerned about the way the child was acting, therefore he called 911. Barnes stated he was instructed by the 911 operator to place his mouth over the child's nose and mouth and to give rescue breathes, however when the Officer asked Barnes later if the child was breathing when he placed him on the couch he stated he began giving the child "mouth to mouth" prior to calling 911. Barnes stated "yellow stuff" was coming out of the child's mouth and nose. Officer Amison asked Barnes if the child had fallen or had been dropped prior to this incident. He denied however any involvement in the child's death. Barnes stated a "couple of days ago" the child fell out of the bed but later stated he did not "completely fall out of the bed". Barnes advised the child has been sick for approximately 1 week prior to this incident. He stated the child has been vomiting the last couple of days and the child was not able to hold anything down including water.

Nothing appeared out of the ordinary in the bedrooms, the bathroom in the master bathroom smelled very strong of cleaning solution, possibly Clorox. There was water in the bottom of the tub so she asked Barnes if someone had recently taken a shower in the bathroom and he advised not that he was aware of. However moments later Barnes stated it is possible [REDACTED] took a shower before leaving. Barnes advised the child had not had a bath in days. Barnes described the child's behavior prior to the incident as "normal". He stated the child was crawling after the other children and appeared to be fine. He stated he sat the child on the couch when the other children went to go play outside and he sat across from him. The couch cushion where the child was laying was soaking wet to the touch, as well as the child's shirt which was left on the couch. The blanket which Barnes advised was under the child was covered with several spots of yellow liquid, which appeared to be stomach bile and was frothy appearing.

Barnes appeared to be calm and sitting watching television, the movie Dracula, in between speaking with officers. Barnes received a phone call and answered it stating, "I gotta little something going on over here, let me hit you up later." Barnes did not ask her how the child was after the ambulance left or at any other time while she was on scene. Barnes did not want to go to the hospital he said the child was dead and there was nothing he could do. Barnes called [REDACTED] and was told she wanted him to come to the hospital so he was given a ride by Officer C. Woods when Investigator Daws was done speaking to him.

Barnes stated that [REDACTED] has several other children but they were not in the apartment when the child started choking. They were at the playground playing and that is where

they were while she was speaking to Barnes. Barnes advised the children who were at the playground [REDACTED]

[REDACTED] do not share a child together however [REDACTED] is currently 7 months pregnant with Barnes' child.

While waiting for the investigator Barnes received a phone call from [REDACTED] advising him that [REDACTED] was deceased. According to Ofc. Woods, Barnes' demeanor did not change and he did not appear surprised by the news.

Inv. Daws responded to the scene and spoke briefly to Barnes.

This Investigator was called to the scene on 05/06/2016 at approximately 2000 hours, as the on-call violent crimes investigator.

I briefly spoke to Dajuan Barnes and he explained that the infant [REDACTED] was sitting on the couch, sitting up and seemed to be tired. He stated that the infant suddenly began throwing up and he crossed the room to help him. He stated the infant threw up on his shirt and he placed him on the blanket. (Bile covered the blanket and was observed and collected by FS Wilder)

Barnes then explained that he immediately called "911". (It was determined later that he called the baby's paternal Mother prior to calling "911") [REDACTED] [REDACTED] was at Wal-Mart attempting to cash a pay check, this was observed via Wal-mart video and demonstrates that she answered her phone at 21:33 hours. This was also confirmed the next day by the Mother who responded for a formal voluntary interview at TPD.

The Medical Examiner was contacted and ME Clark returned my call shortly thereafter. ME Clark retained the body as evidence and scheduled an autopsy for 05/07/2016 at 11:30 AM. This Investigator responded along with FS Wilder to observe the evidence of the autopsy. X-rays were taken prior to and were observed as evidence before the external examination of the infant [REDACTED].

The external examination revealed fingernail type scars and that were not normal in such quantity according to Dr Clark for an infant of this age. He explained that there were more than the norm and he documented this during his examination.

We then began examining the chest and stomach cavity along with internal organs of the infant. There was a great deal of blood in the stomach area next to the intestines and this was very alarming to Dr Clark who immediately began searching for the origin. After removing the intestines, it revealed that the cause of death was a broken spinal cord as well as a severed aorta artery.

Dr Clark explained to me that this would be an extremely hard blow to the body of the infant, and he had never witnessed this type of severity in his career as a Medical Examiner. He demonstrated that the baby was slammed against another object (3" or

less in width) in a face up or downward motion so forcefully that it broke the baby's back and caused the baby to bleed to death (he stated within seconds or minutes of the injury. This injury was documented with photographs by both the ME and FS Wilder. He stated that there was no other explanation than a homicide.

This Investigator summoned both the Mother [REDACTED] and the subject who had sole responsibility (Dajuan Barnes) during the Mother's absence to TPD for a formal voluntary interview. This was a voluntary interview by both parties. Both responded and were interviewed in Interview room 2 by Investigator Nick Roberts and myself. These interviews were informal at first and voluntary.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

For all of the Probable Cause listed above, I am respectfully requesting the above charge on Dajuan Barnes.

**SIGNATURE:** \_\_\_\_\_ Inv. Steve Daws #309  
Tallahassee Police Department

Notarization: Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2016.

**NOTARY/ASA:** \_\_\_\_\_

My commission expires: LAW ENFORCEMENT OFFICER

**ORDER: THIS CAUSE coming before me as a First Appearance Magistrate, and having reviewed the preceding Affidavits, find:**

\_\_\_\_\_ Probable cause sufficient;

\_\_\_\_\_ Probable cause not sufficient and unless corrected within seventy-two hours, the defendant shall be released on his own recognizance.

**Bond Amount Requested** \_\_\_\_\_

\_\_\_\_\_  
**JUDGE SIGNATURE**