

Sheriff



Larry Ashley, Okaloosa County Sheriff

1250 Eglin Parkway • Shalimar, Florida 32579-1234
Phone: (850) 651-7410 • Email: sheriff@sheriff-okaloosa.org

February 1, 2015

FWB MAN CHARGED AFTER FIRING GUN AT HIS BROTHER



The Okaloosa County Sheriff's Office charged a Fort Walton Beach man with aggravated assault with a deadly weapon after he shot at his brother last night outside a home on Tanager Drive.

25-year old Ernest Lee Powell of 816 Tanager Drive is also charged with aggravated child abuse, possession of a weapon by a convicted felon, possession of marijuana, and tampering with evidence.

Investigators say Powell and his brother got into a verbal argument over feeding a child at the home. The argument turned physical.

Powell bit his brother on the head and then went out to his car and got a .9 mm handgun out and shot one round from inside the car towards the victim in the front yard. The bullet hit the trailer.

Two children were in the car's back seat at the time and deputies say four others were playing near the front door. Deputies made a traffic stop on a car Powell was rising in two minutes later at a convenience store on North Beal Parkway. They saw Powell get out of the passenger side door and throw a gun over a fence. They also found 13 grams of marijuana next to the vehicle. The two children in the car say they saw Powell fire the gun at the victim.

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The Okaloosa County Sheriff's Office is accredited by the Commission for Florida Law Enforcement Accreditation.

"The Okaloosa County Sheriff's Office provides equal access and equal opportunity in employment and services and does not discriminate"

IN THE CIRCUIT/COUNTY COURT IN THE FIRST JUDICIAL CIRCUIT IN AND FOR OKALOOSA COUNTY, FLORIDA

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OKALOOSA CO SHERIFF'S OFFICE

ARREST REPORT
 REPORT NO: OCSO15ARR000900

Jail Booking No	Offense No OCSO15OFF001127	Other No OCSO15CAD018882	OBTS 4601101358
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[SUSPECT]

<u>Last</u> POWELL	<u>First</u> ERNEST	<u>Middle</u> LEE	<u>Title</u> J	<u>Race</u> B	<u>Sex</u> M	<u>DOB</u> 6/27/1989	<u>Age</u> 25	<u>Hgt</u> 6'00"	<u>Wgt</u> 180
<u>Eyes</u> BRO	<u>Hair</u> BLK	<u>MNI Number</u> OCSO14MNI016901	<u>SSN</u> [REDACTED]	<u>ID No</u> [REDACTED]	<u>St</u> FL	<u>Type</u> O	<u>OCA/Agency ID</u> 205605		

Birth Location: City: DETROIT County: State: MI Nation: U.S.A. Citizenship: US
 Address

816 TANAGER DR Apt/Lot: 17 FORT WALTON BEACH FL 32547

Occupations (Current/Last Known is Listed First)

Business: UNEMPLOYED, Job Title: STOCKER, Entered: 1/31/2015

Business: UNEMPLOYED, Job Title: COOK, Entered: 3/10/2014

Business: , Job Title: UNEMPLOYED, Entered: 2/20/2008

Suite:

Business: OKALOOSA ACADEMY, Job Title: STUDENT, Entered: 10/17/2005

81 ROBERTS BD Suite: FORT WALTON BEACH FL 32547

Business: OKALOOSA ACADEMY, Job Title: STUDENT, Entered: 10/16/2005

Suite:

Business: CHOCTAW HIGH SCHOOL, Job Title: STUDENT, Entered: 7/23/2004

Suite:

Business: CHOCTAW HIGH SCHOOL, Job Title: STUDENT, Entered: 6/24/2004

110 NW RACETRACK RD Suite: FORT WALTON BEACH FL 32548

Aliases (Last, First Middle Title DOB)

- FATS,
- POWELL, FAT
- POWELL, ERNEST LEE
- POWELL, ERNEST LEE 6/27/1989
- POWELL, EARNEST LEE 6/27/1989

Street Names

- WILLIE
- PHAT
- FAT

[INCIDENT INFORMATION]

Occurred Date Range:	1/31/2015 18:22 to 1/31/2015 18:22	Lat / Long	30.46511 / -86.62962			
No.	Di	Street	Apt/Lot City	ST	Zip	(GEO)
816		TANAGER DR	17 FORT WALTON BEAC	FL	32547	2 - 15 - PG40 - K-37

[CHARGES]

784.021.1a Domestic Violence Related
 AGGRAV ASSLT - WEAPON
 W DEADLY WEAPON WITHOUT INTENT TO KILL

<u>Counts</u>	<u>Level</u>	<u>Degree</u>	<u>GOC</u>	<u>UCR</u>	<u>NCIC</u>	<u>AON</u>	<u>Bond Amount</u>
1	Felony	Third	Principal	130A		1315	

790.23.1a
 POSSESS OF WEAPON
 OR AMMO BY CONVICTED FLA FELON

<u>Counts</u>	<u>Level</u>	<u>Degree</u>	<u>GOC</u>	<u>UCR</u>	<u>NCIC</u>	<u>AON</u>	<u>Bond Amount</u>
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REPORT NO: **OCSO15ARR000900**

1	Felony	Second	Principal	9000		5212	
				Domestic Violence Related			
827.03.2a							
CRUELTY TOWARD CHILD							
AGGRAVATE CHILD ABUSE							
<u>Counts</u>	<u>Level</u>	<u>Degree</u>	<u>GOC</u>	<u>UCR</u>	<u>NCIC</u>	<u>AON</u>	<u>Bond Amount</u>
1	Felony	First	Principal	130A		3802	
893.13.6b							
MARIJUANA-POSSESS							
MARIJUANA-POSSESS NOT MORE THAN 20 GRAMS							
<u>Counts</u>	<u>Level</u>	<u>Degree</u>	<u>GOC</u>	<u>UCR</u>	<u>NCIC</u>	<u>AON</u>	<u>Bond Amount</u>
1	Misdemeanor	First	Principal	350A		3562	
918.13.							
EVIDENCE-DESTROYING							
TAMPER WITH OR FABRICATE PHYSICAL							
<u>Counts</u>	<u>Level</u>	<u>Degree</u>	<u>GOC</u>	<u>UCR</u>	<u>NCIC</u>	<u>AON</u>	<u>Bond Amount</u>
1	Felony	Third	Principal	9000		4804	

[STATEMENT OF PROBABLE CAUSE / NARRATIVE]

On January 31, 2015, the defendant, Earnest Lee Powell did commit the offense of DOMV-aggravated assault with a deadly weapon located at 816 Tanager Road, Fort Walton Beach, Florida. Powell and the victim, Sherman Cain are biological brothers.

Powell and the victim were involved in a verbal dispute inside the aforementioned location. The dispute turned physical when Powell attempted to strike the victim in the head with a closed fist. The victim grabbed Powell and held him down on the couch to prevent Powell from striking him. Powell then bit the victim on the right side of his head, which caused the victims hair to be pulled from his scalp in two different locations. This allowed Powell to get up off the couch and walked outside the residence.

As Powell exited the residence he told the victim he was going to retrieve his firearm. Powell then entered a maroon 2003 Chevy SUV bearing Florida tag 8684PL that was parked directly in front of the residence with two minor children located in the back seat. Powell retrieved a 9 mm Glock automatic hand gun and shot one round from inside the vehicle, towards the victim placing him in fear for his life. The victim had fled into the house where four minor children were playing near the front door. Powell then fled the scene in the vehicle.

This occurred in front of two witnesses whom were standing directly across the street, in front of their residence.

Approximately two minutes later, Deputies conducted a traffic stop on the vehicle at the Tom Thumb store located at 1096 N. Beal Parkway, Fort Walton Beach, Florida. Deputies observed Powell exit the front passenger's side of the vehicle and throw the firearm over a fence into a retention pond. This was an attempt to hide the firearm from law enforcement.

On the ground next to the front passenger's side of the vehicle, Powell's cell phone was located sitting next to approximately 13 grams of marijuana. Powell spontaneously stated the marijuana belonged to him.

The two minor children located inside the SUV stated to deputies that Powell fired the firearm at the victim.

A check of Powell's criminal history revealed he was convicted of a felony charge in Okaloosa County on May 29, 2008.

Based on my investigation which consisted of interviews with the victim, witnesses, gathering of physical

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evidence and my personal observation, I have reason to believe and do believe Earnest Lee Powell did violate the provisions of Florida State Statute 784.021 .1b, aggravated assault with a deadly weapon to wit by firing a missile towards the victim with the intent to cause harm, Florida State Statute 827.03.2a, aggravated child abuse to wit by firing a deadly missile into a residence where children were located, Florida States Statute 918.13.1a, tampering/ destroying evidence to wit by throwing the firearm over a fence to conceal from law enforcement, Florida State Statute 893.13.6b, Possession of marijuana (less than 20 grams), and Florida State Statute 790.23.1a, Possession of a firearm by a convicted felon. This incident occurred in Okaloosa County where I am a Sworn Law Enforcement Officer.

I hereby swear (or affirm) that the facts established on this affidavit are true and correct to the best of my knowledge and belief.

Signature (Arresting Officer) _____ NEWMAN, JUAN C _____ 246 _____ ID/SSN

Subscribed and sworn to (or affirmed) before me this 1 day of February A.D., 2015 by _____ who is personally known to me or has produced _____ as identification.

Signature _____ Notary Public _____ LEO _____ CO

Commission No: _____ My Commission Expires _____

[PHYSICAL EVIDENCE] [NO PHYSICAL EVIDENCE LISTED]

[ARREST INFORMATION]

Table with columns: Arrested (1/31/2015 18:32), Residency (Within jurisdiction), Injured (None), Extent of Injury (N/A), Resist (No), Arrested Prior (Yes), Arrest Jurisdiction (Within jurisdiction), Alcohol (Unknown), Drugs (Yes), No. (816), Di (TANAGER DR), A/L (17), City (FORT WALTON BEA), ST (FL), Zip (32547), Lat / Long (30.46511 / -86.62962), Arresting Officer (246 NEWMAN, JUAN C), Reporting Officer (246 NEWMAN, JUAN C), Unit (OCSCO/FSV/SOUTH/AC/C-SHIFT), Original Offense Jurisdiction (OCSCO)

Bond Set by LEO at Time of Arrest & Booking: \$0.00
() None
() ROR
() Cash
() Pro

Bond Set by Judge () None () ROR/Sign
() Cash () PTR
() Any

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() Pro

() PtIQ

()Purge

()SC

Return Court: CIRCUIT COURT: FELONY Date: 3/3/2015 Time: 15:30
Instructions: OKALOOSA COUNTY COURTHOUSE ANNEX EXT

[DISPOSITION]

<u>Disposition Type</u>	<u>Release Type</u>	<u>Other Desc</u>
<u>Release Date</u>	<u>Release Time</u>	<u>Release Officer</u>
<u>Released To</u>	<u>Printed</u>	<u>Printed By</u>
	No	

<u>Court DispositionType</u>	<u>Court Disposition Description</u>
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[ADDITIONAL PERSONS]

COURT DISPOSITION: _____

(right index)

No Bill / Petition Issue Warrant Prosecution Approved

Signature of Assistant State Attorney _____ Date _____

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