

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America
v.

Tony Cushingberry-Mays

Case No.

1:20-mj-00401

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 27, 2020 in the county of Marion in the Southern District of Indiana, the defendant(s) violated:

Table with 2 columns: Code Section and Offense Description. Rows include 18 U.S.C. § 1111 (Murder in the second degree), 18 U.S.C. § 111(a)(1) and (b) (Assaulting, Resisting or Impeding Certain Officers or Employees), and 18 U.S.C. § 924(c)(1)(A)(iii) (Discharging a Firearm during and in Relation to a Crime of Violence).

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Handwritten signature of Joseph J. De St. Jean

Complainant's signature

Joseph J. De St. Jean, Postal Inspector

Printed name and title

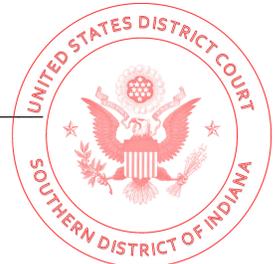
Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by telephone (reliable electronic means)

Date: April 29, 2020

City and state: Indianapolis, IN

Handwritten signature of Tim A. Baker

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND
ARREST WARRANT

I, Joseph J. De St Jean, Postal Inspector, United States Postal Inspection Service, having been duly sworn under oath, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Postal Inspector with the United States Postal Inspection Service (“USPIS”) currently assigned to the Indianapolis Domicile. I am presently assigned to investigate complex financial fraud and violent criminal matters that involve the use of the U.S. Mail. I have been a Postal Inspector with the USPIS for 12 years. Prior to becoming a Postal Inspector, I was a Gary Indiana Police Officer for two and a half years. During my tenure as a Postal Inspector, I have conducted and participated in numerous investigations of criminal activity, including, but not limited to, the investigation of narcotics, mail theft, wire and mail fraud, bank/access device fraud, money laundering, identity theft, violent crime, and child pornography violations. During the investigation of these cases, I have executed or participated in the execution of numerous search warrants, arrest warrants, and seized evidence of varying violations of both state and federal law.

2. This Affidavit is submitted in support of a criminal complaint charging **Tony Dashaun Cushingberry-Mays (CUSHINGBERRY-MAYS)** (DOB XX/XX/1999) with Murder, in violation of Title 18, United States Code, Section 1111, Discharging a Firearm During and In Relation to a Crime of Violence, in violation of Title 18, United States Code, Section 924(c), and Assault on an Employee of the United States, in violation of Title 18, United States Code, Section 111.

3. The information contained herein was obtained from my personal involvement in this investigation and information obtained from various sources, including other agents, law

enforcement officers, and witnesses. Wherever I assert a fact in this affidavit, I either have firsthand knowledge of that fact or have discussed the matter with one of the above-listed individuals or reviewed materials in support of the fact. In addition, I have only included the facts that I believe are sufficient to establish probable cause for the violations listed herein. I therefore have not included each and every fact known to me regarding this investigation.

4. On April 27, 2020, at approximately 3:57 p.m., Indianapolis Metropolitan Police Department (IMPD) officers were dispatched to 422 North Denny Street, Indianapolis, IN 46201, in reference to a person shot. Officers arrived to the scene and located a United States Postal Service (USPS) employee, later identified as Angela Summers, shot and laying on the front porch of 422 North Denny Street, Indianapolis, IN 46201. Ms. Summers was working as a letter carrier and was delivering mail on her route at the time she was shot.

5. Angela Summers was transported to Eskenazi Hospital in critical condition. Soon after, IMPD Detective Eric Amos and IMPD Detective Dustin Keedy responded to the scene. At approximately 4:15 p.m., members of the United States Postal Inspection Service (USPIS) responded to the scene and met with IMPD detectives.

6. On April 27, 2020, at approximately 5:31 p.m., Angela Summers was declared deceased by Dr. Michelle Loughlin. Coroner 16 Amber Jaynes responded to Eskenazi Hospital and transported the body to the Marion County Coroner's Office (MCCO). Later, a positive identification of Angela Summers was made. It was determined by the MCCO that Angela Summers died from a gunshot wound to the chest, and the manner of her death was homicide.

7. Detectives learned through interviews that Angela Summers had a confrontation with a black male on the porch located at 422 North Denny Street, Indianapolis, IN 46201. A witness described the male suspect as 6'0 to 6'3" in height, thin to medium build, wearing a black

and red long-sleeved shirt, black pants, and a dark colored mask that covered half his face. The witness added that the confrontation escalated and the mail carrier pepper sprayed the male. As a result, the male shot her, striking her once in the chest. The witness heard the occupants standing on the front porch of 426 North Denny Street, Indianapolis, IN 46201, repeatedly screaming, "Tony, no." The witness stated the male fled in the direction of 426 North Denny Street, Indianapolis, IN 46201.

8. The USPIS confirmed with USPS management that the occupants of 426 North Denny Street, Indianapolis, IN 46201, have had several issues with their dog. This resulted in a mail hold being placed on the residence. More specifically, on or about April 13, 2020, the USPS Linwood Indianapolis Post Office sent a letter to the Cushingberry residence informing them that they would have to retrieve their mail from the post office due to concerns with their dog. On April 27, 2020, the USPIS confirmed that the mail was still being held at the Linwood Indianapolis Post Office.

9. IMPD officers received consent to do a protective sweep of 426 North Denny Street, Indianapolis, IN 46201. The officers did not locate a male fitting the witness' description inside the residence. Two occupants identified as Acacia Cushingberry and Tiffany Reed were located inside the house. Acacia Cushingberry stated she owned the residence at 426 North Denny Street, Indianapolis, IN 46201. Tiffany Reed stated she was a friend of Acacia Cushingberry. Both Acacia Cushingberry and Tiffany Reed stated they were at 426 North Denny Street, Indianapolis, IN 46201, at the time of the shooting. Acacia Cushingberry further stated that she was yelling at her children during the time of the incident.

10. Research on Acacia Cushingberry revealed CUSHINGBERRY-MAYS is her son. Further research revealed CUSHINGBERRY-MAYS matched the physical characteristics

provided by the witness when describing the male who shot Angela Summers. At the time law enforcement responded to the report of Ms. Summers being shot, they observed a blue 2007 Nissan Altima bearing Indiana license plate BED258 parked in front of 426 North Denny Street, Indianapolis, IN 46201. A records check of the license plate revealed the Nissan Altima was registered to CUSHINGBERRY-MAYS.

11. On April 27, 2020, IMPD Officers obtained a residential search warrant for 426 North Denny Street, Indianapolis, IN 46201. Law enforcement found, among other things, a safe located in the upstairs bedroom that contained multiple boxes of ammunition (including the same caliber and brand of fired cartridge casing located near the porch of 422 North Denny Street, Indianapolis, IN 46201). Additionally, the safe contained the title to the 2007 Nissan that is owned by CUSHINGBERRY-MAYS. Furthermore, a purple Crown Royal bag was located in a box in the bedroom. Inside the bag were multiple fired cartridge casings, with a social security card for CUSHINGBERRY-MAYS also contained within the box.

12. On or about April 28, 2020, Postal Inspectors spoke with a witness who stated that on the day of the incident, she heard individuals arguing on her front porch and then heard a gunshot. After, the witness opened her front door and observed a mail carrier slumped over on her front outer door. The witness attempted to calm down the letter carrier and called 911. The witness's mother went out the back door of the residence and came around to the front of the house. The witness observed individuals standing outside a brick duplex (across the street from the witness's residence) telling her mother "over there, over there" while pointing to the house directly next door to the witness's residence. The witness described the house as a two-story white house, with a railing in front and a grill (This description matches 426 N. Denny Street, Indianapolis, IN).

13. On April 28, 2020, CUSHINGBERRY-MAYS was detained outside a residence located on Burningbush Drive in Indianapolis, IN. CUSHINGBERRY-MAYS was transported to an interview room at the IMPD Homicide office. Postal Inspector De St Jean and Detective Keedy asked CUSHINGBERRY-MAYS if he would like to provide a statement at approximately 7:05 pm. He requested his attorney and the interview ended. His attorney was brought to speak with CUSHINGBERRY-MAYS. They were given time alone to speak together. After that, CUSHINGBERRY-MAYS said he wanted to provide a statement to law enforcement.

14. On April 28, 2020, at approximately 9:11 pm, CUSHINGBERRY-MAYS provided a statement to law enforcement officers in the company of his attorney. CUSHINGBERRY-MAYS stated he shot the letter carrier. He stated the letter carrier was not delivering the mail because she was having a problem with the dog at his residence of 426 North Denny Street, Indianapolis, IN. CUSHINGBERRY-MAYS was on the porch as the letter carrier approached his residence of 426 North Denny Street, Indianapolis, IN. The letter carrier walked past his residence, did not deliver their mail, and proceeded to the next residence (422 North Denny Street, Indianapolis, IN) to deliver mail.

15. CUSHINGBERRY-MAYS stated he approached the letter carrier as she was delivering mail at 422 North Denny Street, Indianapolis, IN and asked for their mail. He asked for their mail several times and the letter carrier did not respond to him. He said he stepped onto the porch steps of 422 North Denny Street, Indianapolis, IN. He was approximately six feet away from the letter carrier. He said the letter carrier turned around, grabbed her mace spray, and sprayed CUSHINGBERRY-MAYS. CUSHINGBERRY-MAYS then pulled his handgun from the right side of his waistband (no holster), pointed his handgun at the letter carrier, and fired one shot at the letter carrier. He acknowledged the mace was not deadly, but led to discomfort from

his asthma. CUSHINGBERRY-MAYS stated he then fled the scene and went to the residence of his aunt Taylor Hawkings near 21st St in Indianapolis, IN. CUSHINGBERRY-MAYS further stated that he placed the handgun in the garage of his mother's residence (426 North Denny Street, Indianapolis, IN).

16. CUSHINGBERRY-MAYS stated that he never spoke to the letter carrier before the shooting incident. He stated he did not mean to kill the letter carrier, but wanted to scare her. He stated his mother Acacia Cushingberry and cousin Tiffany Reed witnessed the incident. He stated he wore a black scarf/mask with a multicolored top.

CONCLUSION

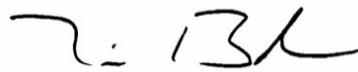
17. Based on the facts set forth in this affidavit, I respectfully submit that probable cause exists to believe that, on April 27, 2020, in the Southern District of Indiana, **Tony Dashaun CUSHINGBERRY-MAYS** committed the offenses of Murder, in violation of Title 18, United States Code, Section 1111, Discharging a Firearm During and In Relation to a Crime of Violence, in violation of Title 18, United States Code, Section 924(c), and Assault on an Employee of the United States, in violation of Title 18, United States Code, Section 111.



Postal Inspector Joseph J. De St Jean
U.S. Postal Inspection Service

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by reliable electronic means; specifically, by telephone.

Date: 4/29/2020



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

