

## Court Services and Offender Supervision Agency for the District of Columbia

Community Supervision Services – Criminal Diagnostic Investigations, Diagnostics, and Evaluations Branch

#### PRESENTENCE REPORT

#### UNITED STATES V. JOSHUA ELISE SUSE

**Docket No:** 

F -04B-I

**Conviction Date:** 

11/16/2005

**Due Date:** 

01/17/2006

**Sentencing Date:** 

01/27/2006

PDID No:

DCDC No:

FBI No:

SSN:



True name:

See Page 2

Address:

Fort Dupont Terrace SE

Washington, DC 20020.

Aliases:

See Page 2

**PSA:** 

202-

Birth date: Age:

21

Sex:

Male

Race/Ethnicity:

African-American

Height:

5 Ft 11 Inches

Citizenship:

Telephone:

United States

Weight:

180 lbs

Alien No:

None

CASE INFORMATION

Offense, Code, & Penalty:

See Page 2

**Bond Status:** 

No Bond

Plea:

Not Guilty

Judgment: Guilty

**Co-Defendant(s):** 

None

**Sentencing Judge:** 

The Honorable

**Telephone:** 

(202) 879-

CSO:

LaStell Minor-Creighton

**Telephone:** 

(202)

AUSA:

Colleen Covell

**Telephone:** 

(202)

**Defense Counsel:** 

Unknown

**Telephone:** 

<sup>&</sup>quot;In accordance with the U.S. Parole Commission and Reorganization Act, Public Law 94-233, dated March 15, 1976, this report is disclosable to inmates in federal institutions for purposes of parole consideration."

## **ADDITIONAL INFORMATION:**

Offense, Code, & Penalty:

First Degree Murder While Armed, 22-2101, 2104, 4502; maximum statutory penalty LWOR (60 Years); maximum term that can be imposed LWOR, minimum that can be imposed 30 years; supervised release 5 years or = to SOR (10 years or Life).

Possession of a Firearm During a Violent Crime (3 Counts), 22-4504(b); maximum statutory penalty 15 years; maximum term that can be imposed 13 years; minimum that can be imposed 5 years; 3 years supervised release.

Assault With Intent to Kill (2 Counts), 22-401; maximum statutory penalty 30 years; maximum term that can be imposed 30 years; minimum that can be imposed 5 years. Supervised release 5 years or = to SOR (10 years or Life).

Carrying a Pistol Without a License (1 Counts), 22-4504(a); maximum statutory penalty 5 years; maximum term that can be imposed 3 years and/or \$500,000 fine. 3 years supervised release.

Note: The above charges were provided outlined in an e-mail submitted by the AUSA, which vary from the court jacket and CIS. According to AUSA Covell, Count I was dismissed. No supporting documentation was provided to substantiate her claim, but deference was given to Attorney Covell.

\* See Page 11.

#### ALIAS NAMES LISTED:

Joshua Eliase Suse, Sr. Joshua Elise Suse Joshua Elisie Suss James K. Williams James Williams Joshua Elisie Suse Joshua E. Suse

# **CONTACTS:**

11/22/05	Received case assignment for PSI.
11/25/05	Sent ASI referral to CIT.
11/25/05	Sent email to AUSA Covell requesting statement for PSI and victim contact information.
11/29/05	Telephone call to Attorney Carrington, left voicemail message.
11/29/05	Received email from AUSA Covell regarding statement. Sent reply email requesting victim information.
12/01/05	Telephone call from Attorney Carrington, left message indicating he is no longer the attorney and to contact Attorney Critchlow.
12/06/05	Telephone call to Attorney Critchlow, left voicemail message requesting statement for PSI.
12/07/05	Interviewed defendant at Correctional Treatment Facility.
12/07/05	Telephone call to Attorney Critchlow, left voicemail message.
12/13/05	Telephone call to AUSA Covell, left voicemail message requesting police report and victim information.
12/13/05	Telephone call from Attorney Critchlow, left voicemail message.
12/15/05	Telephone call from AUSA Covell, left message regarding inability to provide police report and victim information.
12/16/05	Telephone conversation with Attorney Critchlow regarding withdrawing herself from the case.

## **CONTACTS CONTINUED:**

12/16/05	Telephone call to the U.S. Attorney's Victims Advocate Office regarding the Victim Impact Statement.
12/20/05	Telephone conversation with the defendant's uncle regarding home visit.
12/20/05	Conducted home visit.
12/20/05	Telephone call to defendant's mother at work, left voicemail message.
12/20/05	Visit to DC Superior Court Records Office to locate the police report inside of the court jacket. Court jacket could not be located.
12/20/05	Telephone conversation with Judge secretary regarding the location of the court jacket.
12/20/05	Telephone conversation with Judge so courtroom clerk regarding police report inside of court jacket.
12/20/05	Telephone conversation with ASUA Covell regarding police report and case file being in closed files.
12/20/05	Brief telephone conversation with defendant's mother. Advised that her call would be returned.
12/20/05	Telephone call to the Chief of Major Homicides, left voicemail message.
12/20/05	Telephone conversation with Judge s law clerk. Police report cannot be located in the judge's copy of the court jacket.

## **CONTACTS CONTINUED:**

12/20/05	Telephone conversation with Jennifer Anderson from U.S. Attorney's Major Homicides regarding police report and victim information. Will return call and provide requested information. 202-
12/20/05	Telephone call to defendant's mother at work, left voicemail message.
12/23/05	Visit to DC Superior Court Records Office to locate the police report inside of the court jacket. Court jacket could not be located.
12/23/05	Telephone conversation with Jennifer Anderson from the U.S. Attorney's Major Homicides Office regarding status of police report and victim information. The police report has not yet been received from closed files.

#### THE OFFENSE:

According to the Grand Jury Indictment, the Instant Offenses occurred as follows:

"Joshua Suse, along with other individuals whose identities are known to the grand jury, within the District of Columbia, while armed with a firearm, purposely and with deliberate and premeditated malice, killed the first victim by shooting the first victim on or about July 24, 2004, thereby causing injuries from which the first victim died on or about July 25, 2004.

At the time of the murder set forth in the First Count of this indictment, the following aggravating circumstances existed: the murder was a drive-by shooting. At the time of the murder as set forth in the First Count of this indictment, the following aggravating circumstances existed: the murder victim was especially vulnerable due to age.

On or about July 24, 2004, within the District of Columbia, Joshua Suse, along with other individuals whose identities are known to the grand jury, did possess a firearm, that is a pistol, while committing the crime of First Degree Premeditated Murder as set forth in the first count of this indictment.

On or about July 24, 2004, within the District of Columbia, Joshua Suse, along with other individuals whose identities are known to the grand jury, while armed with a pistol, assaulted the second victim with the intent to kill the second victim."

### THE OFFENSE CONTINUED:

"On or about July 24, 2004, within the District of Columbia, Joshua Suse, along with other individuals whose identities are known to the grand jury, did possess a firearm, that is, a pistol, while committing the crime of assault with the intent to kill as set forth in the third count of this indictment.

On or about July 24, 2004, within the District of Columbia, Joshua Suse, along with other individuals whose identities are known to the grand jury, while armed with a pistol, assaulted the third victim with the intent to kill the third victim.

On or about July 24, 2004, within the District of Columbia, Joshua Suse, along with other individuals whose identities are known to the grand jury, did possess a firearm, that is, a pistol, while committing the crime of assault with intent to kill as set forth in the fifth count of this indictment.

On or about July 24, 2004, within the District of Columbia, Joshua Suse, along with other individuals whose identities are known to the grand jury, did carry, openly or concealed on or about his person, in a place other than his dwelling place, place of business, or on other land possessed by him, a 9mm pistol, without a license issued pursuant to law.

On or about July 24, 2004, within the District of Columbia, Joshua Suse, along with other individuals whose identities are known to the grand jury, did carry, openly or concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a .40 caliber pistol, without a license issued pursuant to law."

### **U.S. ATTORNEY'S STATEMENT:**

Assistant United States Attorney Collen Covell will reserve her comments for sentencing.

### **DEFENDANT'S STATEMENT:**

"That night I was not where the police said I was at. I was actually with a friend of mine and my girlfriend and a couple of her friends. Me and my friend were chilling, playing with them and they were waiting to go to a club. I was with her until about 12:30 that's when they left to go to the club. Thirty minutes to an hour later, I went home."

The defendant further related he believes the police, "Implicated him because of the neighborhood I hang in. There are a lot of people in that neighborhood they don't like, associates of mine. A person had mentioned me and a couple of other people in another crime that was supposed to have happened two weeks before the charge I'm locked up on now. They got names from there."

### **DEFENDANT'S STATEMENT CONTINUED:**

When asked, Defendant Suse related the neighborhood he "hangs in" is Trinidad. The defendant reportedly grew up most of his life in this neighborhood. The defendant's former neighborhood is "beefing" with 21<sup>st</sup> and Maryland. This is also the neighborhood where a boyfriend of one of the victims in the Instant Offense "hangs." When asked about his relationship to the decedent or victims in the Instant Offense, Mr. Suse related he knew both of the victims from school. Defendant Suse stated, "I never did nothing to a female or tried to do anything to a female."

When asked if he has ever owned or carried a gun, the defendant related he has never carried a gun. However, Defendant Suse later admitted to once owning a gun when he was fifteen. The defendant reportedly bought the gun for \$75. Defendant Suse related he bought the gun for no particular reason. He reportedly had the gun for one month before selling it. Mr. Suse related he was "fascinated by guns."

#### **DEFENSE ATTORNEY'S STATEMENT:**

In a conversation with Defense Attorney Claudia Critchlow, she revealed she was withdrawing from this case.

### **VICTIM IMPACT STATEMENT:**

According to Assistant United States Attorney Collen Covell, she could not provide the victim information for the purpose of obtaining an impact statement. Contact was made with the U.S. Attorney's Victim's Advocate Office. According to Ms. Thames, Victim Impact Statements have not been received in this case.

# PRIOR CRIMINAL RECORD:

Washington, D.C.

Juvenile: Social File#:

Date of Offense	Offense	Disposition	Verified	Points	Group #
03/25/00	Unauthorized Use of a Vehicle-Driver	03/25/00 6 month consent decree. 01/19/01 expired unsuccessful	JISRA		
	Receiving Stolen Property-Felony Count B	03/25/00 6 month consent decree. 01/19/01 expired unsuccessful			
	No Permit Count C	03/25/00 6 month consent decree. 01/19/01 expired unsuccessful			
07/18/00	Unauthorized Use of Vehicle-Driver	01/19/01 1 year probation. 08/06/01 Oak Hill. 08/21/01 Youth Shelter House. 09/27/01 1 year probation. 01/16/02 Oak Hill. 03/06/02 3 years commitment to DHS Group Home. 08/21/02 custody order remains outstanding.		.50	M8
	Receiving Stolen Property-Felony Count B	10/18/00 Dismissed- Plea bargin			
08/07/00	Possession of a Prohibited Weapon with Intent-Knife	08/07/00 No Petition			

# PRIOR CRIMINAL RECORD CONTINUED:

Juvenile: Social File#:

Date of Offense	Offense	Disposition	Verified	Points	Group #
04/22/02	Carrying a Dangerous Weapon-Gun J	04/22/02 probable cause found. 06/25/02 case closed. 07/03/02 motion granted.	JISRA		
	Possession of Unregistered Firearm Count B	04/22/02 probable cause found. 06/25/02 case closed. 07/03/02 motion granted.			
	Possession of Unregistered Ammunition Count C	04/22/02 probable cause found. 06/25/02 case closed. 07/03/02 motion granted.			
Total Score	ė				.50

## Adult:

Date of Offense	Offense	Disposition	Verified	Points	Group #
07/14/04	Conspiracy to Commit Robbery F	12/20/05 Dismissed for want of prosecution	DCSC		
	Armed Robbery Count B	12/20/05 Dismissed for want of prosecution			
	Felony Murder While Armed Count C	12/20/05 Dismissed for want of prosecution			
	Possession of a Firearm During a Violent Crime Count D	12/20/05 Dismissed for want of prosecution			

## PRIOR CRIMINAL RECORD CONTINUED:

Date of Offense	Offense	Disposition	Verified	Points	Group #
07/14/04	First Degree Murder While Armed Count E	12/20/05 Dismissed for want of prosecution	DCSC		
	Possession of a Firearm During a Violent Crime Count F	12/20/05 Dismissed for want of prosecution			
	Assault With Intent to Kill While Armed Count G	12/20/05 Dismissed for want of prosecution			
	Possession of a Firearm During a Violent Crime Count H	12/20/05 Dismissed for want of prosecution			
	Assault With Intent to Kill While Armed Count I	12/20/05 Dismissed for want of prosecution			
	Possession of a Firearm During a Violent Crime Count J	12/20/05 Dismissed for want of prosecution			
	Carrying a Pistol Without a License- Outside Home Count K	12/20/05 Dismissed for want of prosecution			
	Carrying a Pistol Without a License- Outside Home Count L	12/20/05 Dismissed for want of prosecution			
	Carrying a Pistol without a License- Outside the Home Count M	12/20/05 Dismissed for want of prosecution			

# PRIOR CRIMINAL RECORD CONTINUED:

Date of Offense	Offense	Disposition	Verified	Points	Group #
07/24/04	First Degree Murder while Armed F 04A	04/20/05 Indicted	DCSC		
	First Degree Murder while Armed Count B	Instant Offense			
	Possession of a Firearm During a Violent Crime Count C	Instant Offense			
	Assault with Intent to Kill while Armed Count D	Instant Offense			
	Possession of a Firearm During a Violent Crime Count E	Instant Offense			
	Assault with Intent to Kill while Armed Count F	Instant Offense			
	Possession of a Firearm During a Violent Crime Count G	Instant Offense			
	Carrying a Pistol without a License- Outside Home Count H	Instant Offense			
Total Score	Carrying a Pistol without a License- Outside Home Count I	*Dismissed: According to AUSA Covell			

#### PROBATION/PAROLE/PRE-DISPOSITION ADJUSTMENT:

As a juvenile, the defendant's first period of supervision occurred in March 2000, after he was sentenced to a six-month Consent Decree for Unauthorized Use of a Vehicle-Driver, Receiving Stolen Property-Felony, and No Permit in case January. According to records, this Consent Decree expired unsuccessful in January 2001.

In January 2001, the defendant was sentenced to oneyear of probation for Unauthorized Use of a Vehicle-Driver in case January. According to records, the defendant served a brief period at Oak Hill awaiting placement in a Youth Shelter House until September 2001 when he was apparently re-sentenced to a one-year period of probation. Records indicate the defendant was again at Oak Hill from January 2002 until March 2002 when he was committed to the Department of Human Services (Group Home) for three years.

While pending sentencing, the defendant was held at the Correctional Treatment Facility. During the interview, Mr. Suse appeared cooperative when answering questions involving his social history. However, the defendant did not appear completely truthful when providing his version of the Instant Offense.

### **EMPLOYMENT HISTORY:**

According to the defendant, he has never held a job. When asked what did he do to earn money, Mr. Suse stated, "When I was fifteen I sold candy to earn money." Defendant further related he would often help his father with detailing cars to earn money. The defendant has also received money from his grandmother, but denies ever selling drugs to earn a living.

When asked about his career goals, Mr. Suse stated, "I never put too much thought into it." When asked if there was anything he was interested in doing, the defendant related he liked working with children, either in a daycare setting or tutoring.

## **SOCIAL HISTORY:**

#### **Sources of Verification**

Joy Suse (defendant's mother)

#### **Family History**

The defendant is the second of three children born to Ms. Joy Suse and Mr. Ronald

The defendant's older brother, Rahji Suse is twenty-six, and his younger brother Jordan Suse is sixteen years old. The defendant's brother Rahji is currently incarcerated in Petersburg, Virginia and is expected to return home in January 2006.

## **SOCIAL HISTORY CONTINUED:**

#### **Family History**

When asked to describe his childhood, the defendant related he had a "pretty good" upbringing, living in an apartment in Northeast, Washington, DC where he denies any drug or alcohol abuse in the home. Although never married, his parents lived together and both worked to maintain a living. The defendant's father was employed as a correctional officer at Lorton and his mother is employed in a hospital. While growing up, the defendant stated, "My parents made me attend school, and I always had food and clothes. They did their best to keep me on track." When asked what went wrong? Mr. Suse stated, "I made wrong choices on my part." When asked at what point did he see himself making mistakes? Mr. Suse stated, "I can't say I saw it while I was doing it. At that time it didn't seem like the wrong thing." When asked of his family's reaction to his criminal involvement, Mr. Suse stated, "They are stressed and depressed."

#### **Education and Training**

The defendant was educated in public schools in the District of Columbia. Defendant Suse attended Miner Elementary, Brown Junior High, and Anacostia Senior High School. Mr. Suse reported last completing the ninth grade before leaving school during his sophomore year after "getting caught up in the wrong stuff." Mr. Suse further related he was "tired of school and just wanted to hang out rather than go to school." Defendant Suse stated, "I would hang out with friends. My parents tried to get me on track, but I was rebellious. I regret it now." While in school, the defendant was reportedly held back in the third grade due to missing most of the school year after sustaining an ankle injury. Defendant Suse related he never took special education classes, but did participate in recreational activities.

When asked, Mr. Suse related his educational goal is to receive his GED.

#### Military

Mr. Suse has not registered with the Selective Service.

#### **Marital Status and Living Arrangements**

## **SOCIAL HISTORY CONTINUED:**

#### **Marital Status and Living Arrangements**

At the time of his arrest, the defendant was living with his parents at the address provided. Mr. Suse has been living in this three-bedroom home for the past seven years. The defendant's younger brother also lives in this home. Both parents are reportedly employed and maintain the household bills. Upon his release from incarceration, the defendant plans to return to his parents' home.

#### **Financial Status**

Mr. Suse does not claim any assets or outstanding debts. Additionally, the defendant is reportedly not court ordered to pay child support.

#### Health

Defendant  $S_{use}$  reported being in "pretty good" physical health. In regards to his mental health, the defendant denies having past problems. However, he admits to seeing a psychiatrist twice after first becoming incarcerated. Since this time, the defendant reports feeling "pretty good" mentally.

#### **Substance Use/Abuse**

The defendant began using marijuana at age fifteen or sixteen. At this age, the defendant was using reportedly not using the drug very much. Mr. Suse related he mostly used the drug on weekends. Eventually, the defendant began using the drug more. By age eighteen, the defendant was using the drug three to four times a week. This lasted until his incarceration in the Instant Offense. Mr. Suse denies using any other illegal drugs. In regards to his alcohol use, the defendant stated, "I really don't drink, maybe once in a blue moon. I would only drink champagne, less than once a month.

## **SOCIAL HISTORY CONTINUED:**

#### Substance Use/Abuse

Mr. Suse has never participated in drug or alcohol treatment. When asked, the defendant related he does not believe he has a substance abuse problem but would participate in treatment if referred.

The defendant only has one urine sample on record, taken July 29, 2004 where he tested negative for all drugs screened. Mr. Suse was referred for an assessment with the Central Intervention Team. Based on his results, the treatment specialist recommends he participate in 36 sessions of out patient treatment followed by community support groups.

NOTE: This treatment recommendation is based solely upon information obtained in the Assessor's clinical interview with the offender, assessment instruments, toxicology reports, and the documented history of substance abuse issues. It is not a sentencing recommendation, but an evaluation of the offender's presenting substance abuse status. The PSI writer can and will use additional sources of information and consider other factors in making a sentencing recommendation. The final sentencing recommendation and treatment plan will encompass all factors derived from the investigative process; thus, the two recommendations may differ.

#### **Other Significant Information**

When asked what has been the cause for his criminal involvement, the defendant stated, "as a juvenile I made a wrong mistake by driving in a stolen car and I knew it was stolen. As an adult with this situation, I continue to plead my innocence. I didn't do anything to be locked up this time."

### **EVALUATIVE SUMMARY:**

The defendant, Joshua Elise Suse is before the Court for sentencing after being convicted of First Degree Murder While Armed, three counts of Possession of a Firearm During a Violent Crime, two counts of Assault With the Intent to Kill, and two counts of Carrying a Pistol Without a License. The Instant Offenses represent the defendant's second arrest and first conviction as an adult. As a juvenile, the defendant had four criminal contacts with two of these contacts developing into periods of supervision. The defendant's juvenile delinquency carried over into adulthood after he became involved with several serious charges, which included First Degree Murder While Armed. These charges that were recently dismissed for want of prosecution, occurred ten days prior to the Instant Offenses.

Mr. Joshua Suse is a single, twenty-one year old father of one child. Born and raised in the District of Columbia, the defendant lived with both parents who were reportedly actively involved with his upbringing. Overall, the defendant described having a normal childhood, which involved the love and support of his parents. Despite his parents' directives, Defendant Suse began to disobey during his teenage years. This led to his juvenile criminal involvement, and inability to complete his high school education. Now as a young adult, the defendant has a ninth grade education and no work history. To his credit, the defendant is beginning to recognize his mistakes and has aspirations of receiving his GED.

Substance abuse does not appear to be a motivating factor in this case. Nonetheless, the defendant does have a history of using marijuana. For the past five to six years, Defendant Suse has been involved with using this drug regularly. Despite his apparent addiction to marijuana, the defendant has never participated in substance abuse treatment.

Defendant Suse is a youthful offender whose criminal involvement was limited to his juvenile delinquency until his involvement with the Instant Offenses. Throughout this Presentence Investigation, the defendant has maintained his innocence and therefore not expressing any remorse for his involvement with the Instant Offenses. While little is known about the decedent and victims in the Instant Offenses, it is clear that the defendant's unprovoked, actions pose a high risk for re-offense and a dangerous threat to the community. Therefore, it is recommended Defendant Suse be sentenced to a significant period of incarceration.

## **INTERVENTION PLAN:**

- 1. Pay full restitution.
- 2. Participate and complete in substance abuse treatment in a confined setting, upon release complete 36 sessions of aftercare and provide documented attendance of community support groups until case expiration.
- 3. Urine surveillance (routine screening for marijuana).
- 4. Participate and complete educational and vocational (apprenticeship/certification) training.
- 5. Obtain GED while incarcerated.
- 6. Complete life skills training while incarcerated and/or through the VOTEE Unit.
- 7. Upon release from incarceration, obtain and maintain verifiable legal employment.
- 8. Subject to DNA testing due to qualifying offenses.

## **RECOMMENDATION:**

BASED ON CSOSA'S SOCIAL AND CRIMINAL INVESTIGATION WE RECOMMEND THE FOLLOWING SENTENCE: \_INCARCERATION\_\_\_\_

# See below for Criminal history score and guideline compliant sentence:

Docket:	Count (s):
F-04	В
Criminal History Score: .50	Master Grid
Group #:1	Column: A
Range: 360 -Life	
(360-720 guideline recommendation)	ange
Priso	n Only

Docket:	Count (s):
F	D
Criminal History Score: .50	Master Grid
Group #: 3	Column: A
Range: 90-180	
Priso	on Only

Docket:	Count (s):
F04	С
Criminal History Score: .50	Master Grid
Group #: 5	Column: A
Range: 60-84 (36-84 guideline rec	ommendation)
Priso	on Only

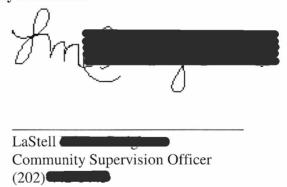
Docket:	Count (s):
F 04	Е
Criminal History Score: .50	Master Grid
Group #: 5	Column: A
Range: 60-84 (36-84 guideline reco	ommendation)
	n Only

Docket:	Count (s):
F -04	F
Criminal History Score: .50	Master Grid
Group #: 3	Column: A
Range: 90-180	
Prison Only	

Docket:	Count (s):
F -04	Н
Criminal History Score: .50	Master Grid
Group #: 8	Column: A
Range: 6-24	
Prison, Short Split	or Probation Permissibl

Docket:	Count (s):
F-04	G
Criminal History Score: .50	Master Grid
Group #: 5	Column: A
Range: 60-84 (36-84 guideline recommendation)	
Prison Only	

Note: AUSA Covell indicated Count B should reflect a range from 360 to Life based on the aggravating circumstances and the 3 PFCV Counts should reflect a range of 60-84 based on the mandatory minimum of 5 years. Respectfully submitted:





Approved by:	
	Sondra Sondra
	Supervisory Community Supervision Officer
	(202)

Report Completed and signed: 1/26/06