

COMMONWEALTH OF MASSACHUSETTS**NORFOLK, ss.****NORFOLK SUPERIOR COURT
DOCKET NO. 2182CR0320**

COMMONWEALTH**v.****MYLES KING**

COMMONWEALTH'S STATEMENT OF CASE

Now comes the Commonwealth in the above-captioned matter and respectfully indicates that the following is a brief narration of the allegations in the above-captioned matter. The following is not intended to serve as a Bill of Particulars nor does it represent all of the facts known to the Commonwealth.

On July 10, 2021, at approximately 6:07 p.m., The Milton Police Department received several 911 calls for a male party that was shot in the area of 36 Belvoir Road. Officers John Binda, Henry Colligan, and Timothy Doyle were dispatched to the scene and arrived within minutes of the calls. The Milton officers arrived and located the victim, Marquis Simmons, laying on the grass between the street and the sidewalk. Officers observed a single gunshot wound to Mr. Simmons' upper left chest/shoulder region. Officers Binda and Doyle began to cordone off the area while Officer Colligan began to render first aid to the victim. Officer Colligan additionally observed ballistics evidence in the form of spent shell casings and a projectile approximately five feet from Mr. Simmons' feet.

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While rendering aid to Mr. Simmons, Officer Colligan heard Mr. Simmons stating that he could not breathe and the officer informed him that the ambulance was on the way. With the assistance of Lieutenant Brian Cherry, the officer rolled Mr. Simmons onto his left side, checking his back for either an exit wound or a secondary gunshot wound, of which he observed neither. The officer asked Mr. Simmons if he knew whom had shot him and Mr. Simmons stated, "Mizzie...Mizzie Cash." The officer asked him further if he had been fighting with anyone and Mr. Simmons replied no, and then faded in and out of consciousness. Detectives later interviewed Mr. Simmons' mother, Ms. Staci Atkins-Gamble, whom had been home at the time of the shooting. The victim's residence was located within feet of where he had been shot. Ms. Atkins-Gamble stated that she had been within the home when her attention was drawn outside by the responding Milton cruisers. She made her way outside and observed her son's moped scooter parked on the side of Belvoir Road and her son lying on the ground, bleeding. She stated that she had heard the Milton officer ask her son whom had done this, saw him lean in toward her son but could not hear what her son said to the officer. Ms. Atkins-Gamble then stated that she heard her son say, "He said he was gonna do it, he said he was gonna do it." She then observed her son to lose consciousness shortly thereafter.

Members of the Milton Fire Department and Fallon Ambulance arrived on scene and took over patient care for Mr. Simmons. Mr. Simmons was treated on scene by Firefighter Nancy Monroe and Fallon paramedics, Ryan Mitchell and Zachary Miller. Neither of these responding medical personnel received any coherent response to their medical questions they posed to Mr. Simmons during their treatment of him on scene or during transport. They emergently transported Mr. Simmons to the Boston Medical

Center. Mr. Simmons was barely able to communicate with any of the medical personnel and began to seize in the ambulance during transport, never regaining consciousness. Once he arrived at the Boston Medical Center, Mr. Simmons underwent emergency surgery, succumbing to his injuries and was pronounced deceased at the hospital at approximately 10:15 p.m. Trooper Matthew Dunne had responded to the Boston Medical Center and spoke with Dr. Alex Sheng just prior to Mr. Simmons going in for surgery. The doctor informed the trooper that the projectile had struck a major artery and resulted in a collapsed lung.

On July 11, 2021, Trooper Kevin Nichol attended the autopsy of Mr. Simmons at the Office of the Chief Medical Examiner in Boston. The autopsy was conducted by Dr. Annand Shah. Dr. Shah advised the trooper that Mr. Simmons sustained a single gunshot wound to the front of the left shoulder. The doctor stated that there was evidence of stippling around the area of the gunshot wound, indicative of a close contact gunshot wound. The doctor indicated that the projectile went through the top of Mr. Simmons' left lung into his chest cavity and grazed the right lung. As the projectile transected the chest cavity, it severed Mr. Simmons' spinal cord. Dr. Shah removed the projectile from behind Mr. Simmons' right scapula. Both this projectile and the ballistics evidence on scene were of a 9mm caliber.

Officers of the Milton Police Department were familiar with a local rap artist, the defendant, Myles King, a resident of Decker Street, who had previously been identified by said stage name/alias, Mizzie Cash. In addition, investigators identified the defendant as Mizzie Cash through his Instagram handle, "Mizziecash617," and a YouTube rap

video in which the defendant can be observed wearing a necklace that read “Mizzy.”

Decker Street is located three streets south of the scene on Belvoir Road.

Detectives Mark Cimildoro and Louis Bullard, and Lieutenant Michale Collins, of the Milton Police responded to the scene on Belvoir Road; as well as Troopers Michael Proctor and Brian Tully, of the Massachusetts State Police Detective Unit. They interviewed several witnesses there. One said witness, Mr. Finesse Carter, indicated to the detectives that he was in the area of 26 Belvoir Road, walking groceries into his cousin’s home. Mr. Carter stated that as he exited the vehicle, he heard two pops, turned in the direction of the sounds and observed two black males, in their early twenties running down Belvoir Road. He first observed the two males within about a car length from the victim turn back to look in the victim’s direction, and then make a right turn onto Blue Hills Parkway. He stated that both males were wearing face masks, one dressed in a red track style suit and the other in a darker track suit he believed to be either green or blue. The witness described one of the males to have a short style haircut. The witness stated that he observed the victim lying on the side of the street wearing a blue shirt and shorts and that the victim had asked him to go ring the doorbell; at what was subsequently determined to be Mr. Simmons home. Mr. Carter stated that he called 911 and took off his shirt to apply pressure to the victim’s wound. Mr. Carter reported that he did not hear any yelling or arguing prior to the shooting. Mr. Carter stated that he was approximately three houses away from where the shooting took place.

Detective Cimildoro and Trooper Kevin Nichol spoke with a neighbor of the victim, Ms. Monica Veal. Ms. Veal had been one of the initial 911 callers following the shooting. She stated that she had been in her kitchen, in the rear of her home, with her

back door open when she heard two loud, bold bangs. She walked to her front door and stated that she observed a skinny black male, in his late teens or early twenties, approximately 5'7"-5'8" tall, wearing a full zip gray hoodie with "KLEIN" in large black letters across the shoulders running past her home on the sidewalk heading in the direction of Oak Street. She stated that she lost sight of him when he reached the fence on the left side of her property that abuts the Tucker School. Ms. Veal further stated that it appeared as though the male was putting his hands down the front of his pants as he ran. She stated that she saw his face when he turned back. She followed his gaze and observed an older model black Mercedes sedan with a Maine license plate pull out of Belvoir Road at a high rate of speed. She stated that the vehicle sped onto Blue Hills Parkway, taking a right from Belvoir Road and heading southbound, cut off several vehicles heading southbound and began to weave in and out of traffic, losing sight of the vehicle also in the area of Oak Street.

Detective Cimildoro was able to retrieve surveillance video from the Tucker Elementary School, located at 187 Blue Hills Parkway. From the footage, the detectives observed at approximately 6:06 p.m., a black male wearing charcoal gray pants, a gray sweatshirt with a red undershirt, and dark colored footwear, running through the front parking lot of the Tucker School. He enters the frame from the area in front of 171 Blue Hills Parkway. In the footage, it appeared to the detective that the male was holding something either inside or under the right side of his sweatshirt. Also at approximately 6:06 p.m., the detective further observed a black Mercedes sedan with significant window tint operating at a high rate of speed southbound on Blue Hills Parkway, drive past the school. Lastly, at approximately 6:07 p.m., the same male is observed on the footage

from the camera affixed to the left rear corner of the school running down Oak Street toward Blue Hill Avenue.

Detective Cimildoro and Trooper Proctor also interviewed a resident of 76 Decker Street, Ms. Kristen Lacasse. She stated that she has been a neighbor of defendant King and known him since he was a child. She indicated that on the evening of July 10, she had been sitting in her living room that looks out onto Decker Street at approximately 6:00 p.m. and observed a dark colored sedan with a silver grill pull up very fast and then stop abruptly in front of her driveway. She observed a slender male exit the passenger side of the vehicle wearing dark colored pants, but lost sight of him halfway across the street heading toward defendant King's residence. Ms. Lacasse stated that less than five minutes later she observed a female wearing short jean shorts, and black tights, carrying a dark colored trash bag with both hands come across the front of the dark colored sedan and enter the passenger's side area and then take off quickly in the direction of Route 138 in Milton. She also indicated that she has seen an older model dark color Mercedes sedan with heavy tint and a Maine license plate attached to it parked out front of the defendant's residence on several occasions.

Oak Street runs parallel to Belvoir Road between Blue Hills Parkway and Blue Hill Avenue. In addition to the aforementioned video from the Tucker School, investigators also retrieved video from a residence on Oak Street, depicting the same black male as he runs past 71 Oak Street, ending as the male crosses in front of 67 Oak Street. Further resident video depicts the same male emerging from a wooded area of Oak Street, now no longer wearing the gray sweatshirt, rather wearing the red undershirt visible underneath the sweatshirt from the Tucker School video. On July 12 and 13, 2021,

officers of the Milton Police spoke with the residents of both 65 and 67 Oak Street and obtained permission from them to search in and around their property.

On July 13, the officers located several items of interest. Sgt. Clifford-Murphy discovered a black cloth bonnet style cap that was laying on the front right corner of the property belonging to 61/59 Oak Street. Shortly after this article was located, a second article was located by Officer Chris Donovan, of the Quincy Police Department, along with his K-9 partner. This second article was a gray zip up style sweatshirt with the word KLEIN embroidered on the back, and was located in a clearing behind the fenced in yards of 67 and 61/59 Oak Street. Detective Gerard Dhooge, of the Milton Police, located a large pile of cinder blocks, rocks, tree branches, paint cans, and trash bags in the rear southwest corner of the backyard of 65 Oak Street. He then noticed a black item on the ground resting between the fence and two full trash bags. He recognized the item as a firearm. The firearm was removed and discovered to be a Glock 26 9mm pistol, with one round in the chamber and an extended magazine which contained 23 rounds. The magazine was capable of holding 30 rounds. In addition, the firearm had a laser sight attached to it.

Detective Louis Bullard, of the Milton Police, was notified of the shooting at approximately 6:15 p.m., on July 10, and proceeded to the station. Upon his arrival there, he was informed that defendant King may be a possible suspect in the shooting. He proceeded to the scene on Belvoir Road at approximately 6:32 p.m., stopping at defendant King's residence on Decker Street on his way there. At said residence, he observed a black female standing to the rear of a black sedan, in front of the rear license plate. He observed the female to be bent over at the waist with her hands around the

registration plate, noting that the plate appeared to be consistent with a MA passenger registration plate. He stopped at the end of the driveway and observed the female to stop what she was doing, stand up and turn around. The detective then left and proceeded to the scene where he learned from other officers there of a suspect vehicle identified as a black Mercedes sedan with a Maine registration plate. Detective Bullard, Lt. Cherry and Lt. Collins then proceeded to the defendant's residence, however, both the female and the black sedan were no longer present. Detective Bullard then knocked on the rear siding and the defendant's mother, Ms. Ericka Lawson, then exited from the rear door of the home. The detective informed her of his reason for being at her home and inquired as to the black sedan that was recently within her driveway. Ms. Lawson indicated that she had just returned home and that the vehicle in question was her son's girlfriend's car. She further stated that the girlfriend's name was Bryanna but did know her last name. Detective Bullard later determined her name to be Bryanna Gardener and confirmed through her RMV photo that she was the female he had observed behind the black sedan in the home's driveway.

On July 27, 2021, Trooper Proctor received Call Detail Records from T-Mobile, in response to a search warrant issued previously for said information for the cellular phone information of defendant King. From those records, Mr. King's phone was in contact following the shooting with a cellular phone number associated with defendant Bryanna Gardener, on several occasions throughout that evening of July 10, 2021.

In the days and weeks following the shooting, investigators retrieved security camera video from various businesses in the area of Washington Street and Columbus Avenue in Roxbury, MA. Detectives had learned from defendant King's mother, Ericka

Lawson, that she last saw defendant King at her barber shop, Lawson Brothers Barber Shop, located at 1979 Columbus Avenue, Roxbury. Ms. Lawson stated that King was at her barber shop at approximately 5:30 p.m. on July 10, 2021, where she gave him a haircut. A black Mercedes with Maine registration: 124603 attached to the rear of the vehicle, dark window tint and dark/stained front rims was observed in the weeks prior to the shooting parked in front of Mr. King and Ms. Lawson's residence on Decker Street. The Mercedes was observed from surveillance video at the barber shop prior to the shooting. The vehicle was observed from Boston City cameras at approximately 4:32 p.m. on July 10, turning onto Columbus Avenue from Washington Street, and then taking a right turn onto Weld Avenue, and parking. The barber shop is located on the corner of Columbus Avenue and Weld Avenue. A black male, wearing a gray sweatshirt and dark colored pants is then observed walking from Weld Avenue and entering the barber shop's front door at approximately 4:35 p.m. From the same video, at approximately 5:14 p.m., the black male in the gray sweatshirt and dark pants exits the barber shop, accompanied by a black male wearing a red athletic jump suit with white stripes and the two turn right down Weld Avenue. From video from a homeless shelter on School Street, the detectives observed the black Mercedes turning onto School Street from Weld Avenue at approximately 5:16 p.m.; and then from a 10 Eleven store camera, the same black Mercedes coming to a stop at a red light, before turning right onto Washington Street from School Street.

In the days and weeks following the shooting, investigators also retrieved security camera footage from various businesses along Blue Hill Avenue in Mattapan and residential cameras in Milton. Detectives had interviewed Mr. Darien Waller, a friend of

Mr. Simmons, and learned that Mr. Simmons had been at Mr. Waller's residence in Mattapan on July 10. Mr. Waller indicated that Mr. Simmons had left his residence on his moped to go home shortly before 6:00 p.m. Detectives traced Mr. Simmons' travels on said moped from Mr. Waller's home through Mattapan into Milton. From video from a residence at 105 Blue Hill Avenue in Milton, the detectives observed the black Mercedes with dark front wheel rim traveling northbound on Blue Hill Avenue and turning right onto Belvoir Road at approximately 6:02:40 p.m. Approximately 20 seconds later, they observed from this same video, Mr. Simmons turning left on his moped onto Belvoir Road from Blue Hill Avenue.

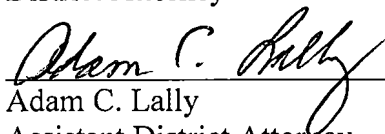
On September 7, 2021, Sgt. Murphy and Trooper Proctor conducted an interview with Mr. Dion Knight, whom resides on Victory Road in Dorchester, MA. Defendant King and Mr. Knight were in contact via cellular phone in the hours following the shooting of Mr. Simmons. Mr. Knight confirmed his phone number from Mr. King's Call Detail Records. Mr. King's Call Detail Records also indicated that his cellular phone was connecting to a cellular tower in the area of Victory Road, Dorchester, MA, at approximately 7:00 p.m. on July 10. Investigators additionally looked at defendant King's Call Detail Records and CSLI data, which indicated his cellular phone's presence in the path of the Mercedes as it traveled from Roxbury to Belvoir Road, in the area of Belvoir Road at the time of the shooting; throughout the path of the male running from the scene of the shooting to Oak Street where the firearm and sweatshirt were recovered; and in the direction of Mr. Knight's residence from Decker Street.

Mr. Knight indicated that Mr. King is his uncle, and that he and his mother, Mr. King's sister, had recently moved to that Victory Road address in early July, 2021. He

stated that he had received a call at approximately 7:03 p.m., on July 10, from Mr. King, asking him for his new address and directions. Mr. Knight stated that Mr. King arrived later that evening at his home, Mr. Knight let him into the home and returned to his room to play video games. At some point, Mr. Knight stated he went back out to his living room and observed an unknown to him female party sitting on the couch next to Mr. King. Mr. Knight stated that Mr. King then used Mr. Knight's cellular phone to make a call. Mr. Knight indicated that Mr. King and the female were at his residence for a few hours that evening and then left while he continued to play video games in his bedroom.

Respectfully Submitted,
For the Commonwealth

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