

2008CEW 4026

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

DCTN: _____
Lockup No: _____
Case No: _____

COMPLAINT

District of Columbia ss:

Defendant's Name: Dylan Ward 105033
(First) (MI) (Last) (PDID) (CCNO)

Address: _____

Between on or about August 2, 2006 and on or about August 3, 2006, Dylan Ward did obstruct justice by corruptly, or by threats of force, in any way obstructing or impeding the due administration of justice in an official proceeding, that is, the investigation of the death and homicide of Robert Wone being then conducted by the Metropolitan Police Department of the District of Columbia, in violation of 22 D.C. Code Section 722(a)(6).

Co-Defendants:

A TRUE COPY
TEST. 10-27-08
Clerk Superior Court of the
District of Columbia
By: JAW
Deputy Clerk

Subscribed and sworn to before me this 27 day of October, 2008
Affiant's Name: _____
[Signature]
(Judge) (Deputy Clerk)

WARRANT

To The United States Marshal or any other authorized federal officer or the Chief of Police of the District of Columbia:

WHEREAS the foregoing complaint and affidavit supporting the allegations thereof have been submitted, and there appearing probable cause and reasonable grounds for the issuance of an arrest warrant for Dylan Ward

YOU ARE THEREFORE COMMANDED TO BRING THE DEFENDANT BEFORE SAID COURT OR OTHER PERSON ENUMERATED IN 18 U.S.C. 3041 forthwith to answer said charge.

Issued 10/27/08
[Signature]
Judge - Superior Court of the District of Columbia

Rule 105:

Judge

| | | | |
|------------------------------|-----------------|-------------|-------------------|
| Sex: Male | DOB: 05/24/1970 | CCN: 105033 | PDID: |
| Papering Officer: Bryan Waid | | | Badge No.: D2-391 |

OFFICER MUST EXECUTE RETURN

| | |
|-----------------|--|
| Officer's Name: | Date / Time: |
| AUSA Signature: | Fel. I <input type="checkbox"/> AFTC <input type="checkbox"/> Fel. II <input type="checkbox"/> |

Superior Court of the District of Columbia
CRIMINAL DIVISION

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

USW NO.: 680064026

| | | | | | | | | | |
|---|-----------------------|-------------------------|---------------------|--------------------|-----------------------|------------------------|--------------------------|-----------------------------|---------------------|
| DEFENDANT'S NAME: Dylan Ward | | | | NICKNAME: | | ALIASES: | | CCN: 06-105033 | PDID: N/A |
| SEX: Male | RACE: White | DOB: 05/24/70 | HGT: 5'8" | WGT: 150 | EYES: Brown | HAIR: Blonde | COMPL: | SCARS, MARKS, TATOOS | |
| DEFENDANT'S HOME ADDRESS: 550 NE 94 th Street, Miami Shores, Florida | | | | | | | TELEPHONE NUMBER: | | |
| DEFENDANT'S BUSINESS ADDRESS: | | | | | | | TELEPHONE NUMBER: | | |

| | | | | | | | | | |
|--|--|--|--|---|--|--|--|--|--|
| COMPLAINANT'S NAME: Detective Bryan K. Waid on behalf of Robert Wone | | | | TELEPHONE NUMBER: 202-645-9600 | | | | | |
| LOCATION OF OFFENSE: 1509 Swann St. NW, Washington DC | | | | DATE OF OFFENSE: August 2, 2006 | | | TIME OF OFFENSE: Approximately 2349 hrs. | | |

CAUTION AND MEDICAL CONDITIONS (CMC)
Select a valid CMC code below for wanted person when using the caution indicator.

| | |
|---|---|
| <input type="checkbox"/> 00 = Armed and Dangerous | <input type="checkbox"/> 55 = Alcoholic |
| <input type="checkbox"/> 05 = Violent Tendencies | <input type="checkbox"/> 60 = Allergies |
| <input type="checkbox"/> 10 = Martial Arts Expert | <input type="checkbox"/> 65 = Epilepsy |
| <input type="checkbox"/> 15 = Explosive Expertise | <input type="checkbox"/> 70 = Suicidal |
| <input type="checkbox"/> 20 = Known to abuse drugs | <input type="checkbox"/> 80 = Medication Required |
| <input type="checkbox"/> 25 = Escape Risk | <input type="checkbox"/> 85 = Hemophiliac |
| <input type="checkbox"/> 30 = Sexually Violent Predator | <input type="checkbox"/> 90 = Diabetic |
| <input type="checkbox"/> 50 = Heart Condition | <input type="checkbox"/> 01 = Other |

GIVE BRIEF DESCRIPTION OF WHAT HAPPENED:

In the late evening hours of August 2, 2006, Robert Wone was murdered inside a residence located at 1509 Swann Street, N.W. The known occupants of the residence present at the time of the murder were Joe Price, Victor Zaborsky, and Dylan Ward.

THE CALL TO 9-1-1

At 11:49 p.m. on August 2, 2006, Zaborsky called 9-1-1 and reported that an "intruder" had stabbed a guest in their home. Emergency personnel were immediately dispatched to the location. When asked by the 9-1-1 operator whether they needed police, fire, or ambulance, Zaborsky requested only an ambulance. Within the first 90 seconds of the call, Zaborsky related to the 9-1-1 operator: "we heard . . . we think it was somebody, an intruder in the house, we heard a chime, the door." Zaborsky's comments to the 9-1-1 operator suggest that he had talked with the other residents in the house before placing the call in that he represented things that "we" saw and "we" heard, allegedly before discovering Mr. Wone had been attacked. The operator then told Zaborsky to "get a dry cloth, apply pressure to that area where he was stabbed, even if the towel is saturated with blood, just get another towel and put it on top of that, never lift the first towel off the area, hold it on, once it gets filled up with blood just put another towel on top of that and just apply pressure until the paramedics arrive." Zaborsky responded, "my partner is holding it [a towel] on there . . . he is applying pressure." The operator further instructed, "just keep applying pressure, you need to hold it there until the paramedics get there." During the 9-1-1 call, Zaborsky asked the operator, "what time is it," to which the operator responded, "2354, 11:54 [p.m.]." Without prompting, Zaborsky then volunteered that "the person had one of our knives." Approximately 5 minutes and 40 seconds into the call, Zaborsky indicated that emergency personnel have arrived on the scene.

ASH
 10/27/06

THE OBSERVATIONS OF PARAMEDICS

Once on the scene, the two emergency medical service ("EMS") workers (hereinafter referred to as W-1 and W-2) observed that Mr. Wone was dead and had been dead for some period of time. More specifically, W-1 approached the house and observed a white male (Zaborsky) standing on the front steps to 1509 Swann Street, wearing a bathrobe and speaking on a cell phone. W-1 asked Zaborsky, "what's going on?" Zaborsky did not respond directly to W-1, however, W-1 overheard Zaborsky say something about a stabbing on the second floor. W-1 then entered 1509 Swann Street, a three-story townhouse, through the front door.

W-1, an EMS worker for more than ten years, went up to the second floor, followed by W-2, and saw a second individual (Ward) in a bathrobe emerge from a small hallway area adjoining a bathroom. As Ward approached, W-1 confronted Ward and directly asked him, "what's going on?" Ward looked at W-1, but did not reply. Instead Ward walked past W-1 and directly into his bedroom on the second floor. W-1 proceeded toward the front of the house on the second floor and observed a third male (Price) wearing only a pair of underwear, seated on the edge of a pull-out couch/bed in a room at the front of the house overlooking the street. Price had his back to the door and was not applying pressure to Mr. Wone's wounds or touching Mr. Wone in any way. W-1 again asked, "what's going on?" Price replied, "I heard a scream," and said nothing more. Price then got up from the bed and, keeping his back to W-1, moved sideways away from the bed.

The behavior exhibited by Zaborsky, Ward, and Price alarmed W-1. Specifically, as a paramedic for more than ten years, W-1 had responded to hundreds of scenes involving victims who had been shot, stabbed, or otherwise injured by violent conduct. Generally, in W-1's experience, inhabitants of the home will be yelling about what happened and trying to direct him, as a medical professional, to the location of the victim. At this scene, however, the observed conduct of Zaborsky, Ward, and Price "made the hair on the back of [W-1's] neck stand up." Indeed, W-1 was so concerned with the odd behavior that he visually checked Price's hands for weapons upon entering the guest room. Additionally, instead of directly attending to Mr. Wone on the left side of the bed -- the side closest to the door -- W-1 deliberately moved around to the other side of the bed so that he could continue to observe Price while he attended to Mr. Wone.

Similarly, W-2, an EMS worker for more than 15 years, immediately recognized that things were "very wrong" regarding the scene. She saw a large hole in the victim's chest, big enough to "fit your finger into," but there was no blood whatsoever on the victim, on the floor, or anywhere in the room. W-2 also noticed that there were absolutely no signs of disarray in the house or the room. Indeed, according to W-2, it appeared as if the body had been stabbed, "showered, redressed, and placed in the bed."

Upon examining Mr. Wone, W-1 immediately noticed three apparent stab wounds to Mr. Wone's chest. Upon checking for signs of life, W-1 found no pulse in Mr. Wone's wrist, no pulse in his femoral artery in his groin, and no pulse in the carotid artery in his neck. Mr. Wone's pupils were fixed and dilated, and there was no respiration whatsoever. Moreover, no blood was coming from the three wounds in Mr. Wone's chest. The paramedics immediately placed Mr. Wone on an EKG monitor, which indicated that he was "a systole," meaning he was completely "flat line," with no heart activity whatsoever. W-1 recalls seeing little-to-no blood on Mr. Wone's chest, as if someone had cleaned up the area surrounding the wounds. More specifically, W-1 saw a very light film of blood with striation marks as if someone had taken a towel and wiped it down Mr. Wone's chest. Based on a complete lack of any signs of life, Mr. Wone was dead and appeared to have been dead for some period of time. Paramedics then transported Mr. Wone to the hospital, where he was officially pronounced dead at 12:25 a.m. on August 3, 2006, just 36 minutes after Zaborsky placed the call to 9-1-1.

THE SCENE

As the paramedics attended to Mr. Wone, Metropolitan Police Department ("MPD") officers arrived on the scene and entered the house. The home is a high-end, nicely appointed and furnished row house, valued well in excess of \$1,000,000. Inside, the home presented as extremely neat and orderly, openly displaying expensive electronics equipment and other valuables throughout the house. On the first floor (the entry level) alone, there was a flat screen television mounted in the kitchen, which is located at the back of the house. Notably, Mr. Wone was found lying in a second floor home office that also served as a guestroom (hereinafter "guestroom") in that it had a couch that pulled out into a bed. This guestroom is located on the front of the house, overlooking Swann Street, and is situated furthest from the stairs that run from the first floor to the second floor of the residence. Mr. Wone was found lying flat on his back, on the pull out couch that had been made up as a bed, with his head on the pillow and his arms down at his sides. Mr. Wone was clad in a grey, "William and Mary" t-shirt, gym shorts, and underwear, with his other clothing folded neatly and placed on a table located at the foot of the bed. Subsequent examinations of Mr. Wone's t-shirt revealed three cuts in the shirt, generally corresponding to the location of the three stab wounds to his torso. Moreover, it was later determined that Mr. Wone had in his mouth a night guard designed to keep him from grinding his teeth while he slept. According to his widow, Katherine Wone, one of the last things Mr. Wone did each evening before going to sleep was place his night guard in his mouth. Significantly, nothing in the room was disturbed or out of place; there was no indication that the room had been ransacked or searched for valuables. Mr. Wone's wallet, Movado watch, and Blackberry were located on table at the foot of the bed within plain sight of anyone who entered the room. A bloody knife was also found on a night stand next to the bed (see Exhibits A and B). That knife appeared to have come from a knife set in the kitchen of the residence.

From the position of Mr. Wone in the bed, and the lack of any signs of a disturbance in the room, it was apparent that no violent struggle of any kind had occurred. Indeed, notwithstanding the fact that the victim was stabbed three times, including once in the heart, the only visible blood consisted of two relatively small areas of blood on the bed (see Exhibits C and D). Moreover, the bed itself had the sheet and comforter folded down at a 45-degree angle, and the pillow was in place at the head of the bed with a single indentation as if Mr. Wone's head had been resting motionless on the pillow throughout the incident. Other than the two relatively small, well-defined, spots of blood on the sheets, the room and the bed were remarkably neat and free of disorder.

A blood pattern/blood spatter expert examined the photographs of the scene and concluded that the blood stains and patterns on the bed are entirely inconsistent with a violent stabbing having been perpetrated against an individual lying on the bed depicted in Exhibits C and D.

THE TOWEL AND THE BLOODY KNIFE

On the floor near the bed in which Mr. Wone was found, evidence technicians discovered a large, white, cotton towel (see Exhibit E). There was relatively little blood on the towel (see Exhibits F and G). Indeed, there were only a few small stains and one slightly larger patterned area of dried blood (later confirmed through DNA testing to be Mr. Wone's blood). The patterned area of dried blood measured approximately two-and-one-half by three inches (Exhibit F - "front" of towel). This pattern was examined by the blood pattern/blood spatter expert and determined to be inconsistent with having been used to apply pressure to Mr. Wone's wounds as claimed by Zaborsky to the 9-1-1 operator and by Price, Zaborsky and Ward in their statements to the police (as will be related below). Rather, according to the blood pattern expert, the blood pattern on the towel was consistent with the pattern one would expect to see if someone held the towel in one hand and a bloody knife in the other, placed the knife on the towel, folded the towel over the blade of the knife, and swiped the blood from the towel onto the knife. Indeed, there are areas on the "back" side of the towel (see Exhibit G) which are consistent with blood having been absorbed through the towel where one's fingers were applying pressure to the

knife that was making contact with the "front" side of the towel. Further, an absence of blood along the cutting edge of the knife blade is inconsistent with the knife having been used to stab an individual three times.

Moreover, an examination of the knife recovered from the nightstand shows that there was blood on the entire length of the blade. Indeed, blood can be seen five-one-half inches up from the tip of the knife at the very top of the blade (see exhibits H and I). Given that the wounds to Mr. Wone's torso are only 4 to 5 inches in depth, as will be described below, blood should not have been deposited on the blade five-and-one-half inches up from the tip.

Additionally, the knife recovered from the night stand was examined by a trace evidence expert. A significant number (more than 10) of white cotton fibers, consistent with the white, cotton towel recovered from the guestroom floor, were found in the blood on the knife blade. This finding suggests that the bloody towel came into contact with the knife blade. In contrast, while the knife used to stab Mr. Wone appears to have passed through his t-shirt in three places, no fibers from/consistent with the t-shirt were found in the blood on the knife.

THE KNIFE MISSING FROM WARD'S ROOM

In Ward's bedroom, tucked away in a cabinet, the police recovered a cutlery set box. The box was designed to contain three items: a large carving knife, a large fork, and a smaller knife. The large knife and fork were present in the box; the smaller knife was missing (see Exhibit J). A duplicate knife was obtained from the manufacturer and its blade measures approximately four-and-one-half in length. The knife missing from Ward's cutlery set has never been recovered. Accordingly, the missing knife is more consistent with the depth of the stab wounds to Mr. Wone's torso than is the knife that was found on the nightstand in the guestroom.

NO FORCED ENTRY/NOTHING STOLEN

An examination of the residence revealed that there were absolutely no signs of forced entry. The residence had locks on the front and rear doors as well as a seven-foot security fence and locked security gate encircling a small back yard area (see Exhibit K). The residence also had a separate rear entrance that leads directly to the basement apartment (see Exhibit L). That entrance is also located within the secured back yard area. Finally, there is a roof top entrance that leads to a roof top patio. Every entrance was examined, and there were no signs of forced entry into the residence. Additionally, nothing was disturbed within residence, and there was no property missing from the residence.

THE AUTOPSY

On August 3, 2006, Deputy Medical Examiner Lois Goslinoski of the Office of the Chief Medical Examiner for the District of Columbia performed the autopsy on the body of Robert Wone. Dr. Goslinoski found three remarkably clean, symmetrical, uniform stab wounds to Mr. Wone's torso. Importantly, there were no defects in the stab wounds: no drag marks, abrasions, fish-tailing, or the like. Indeed, the wounds were determined to be "perfect, slit-like defects." Each wound was inflicted at exactly the same angle: with the sharp edge oriented at 10 o'clock and the blunt edge oriented at 4 o'clock. According to Dr. Goslinoski, the wounds appear to have been "methodically" inflicted. Additionally, Dr. Goslinoski found a single petechial hemorrhage in the right sclera (white of the eye) and a single petechial hemorrhage in the left lower conjunctiva (inner surface of the eyelid and exposed surface of the eyeball). Such findings are consistent with some type of asphyxial event (e.g., an attempt to suffocate someone by placing a pillow over their face). However, there was no indication of any injuries indicative of manual strangulation: the hyoid bone was intact, and there were no ligature marks or bruising to the exterior or interior neck regions).

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It appeared that the same size knife was used to inflict each of the three stab wounds to Mr. Wone's torso. The first stab wound was located at the central upper chest, 15 inches below the top of the head, with the slit-like defect measuring seven-eighths of an inch in length. The wound path extends through the chest wall with perforations of the bone of the sternum where it meets the cartilage of the right third rib, continues with a perforation of the front of the pericardial sac and penetration into the heart at the aortic root, proximal left anterior descending coronary artery and the left atrial appendage. The wound is 4 to 5 inches in depth. The direction of the wound is front to back, right to left, and slightly downward. The second stab wound is located at the right side of the chest, 17 inches below the top of the head and two and one-half inches to the right of the vertical midline of the body. The slit-like defect measures fifteen-sixteenths of an inch in length. The wound path extends through the chest wall with perforations of the skin and underlying muscle at the level of the right fourth intercostal space. The wound path continues with perforations of the middle lobe and the lower lobe of the right lung at the hilum. The wound is 4 to 5 inches in depth. The direction of the wound is front to back, right to left, and slightly downward. The third wound is located twenty and three-fourths inches from the top of the head at the central epigastric region of the abdomen. The slit-like defect measures thirteen-sixteenths of an inch in length. The wound path extends through the abdominal wall with perforations of the skin, subcutaneous tissue and underlying central membranous portion of the diaphragm at the level of the lower end of the sternum. The wound path continues with perforations of the small intestine, the pancreas and a single perforation of the inferior vena cava. The wound is 4 to 5 inches in depth. The direction of the wound is front to back, right to left, and slightly downward. According to Dr. Goslinoski, the stab wounds damaged major vascular areas and organ and have resulted in a large quantity of blood flowing out of Mr. Wone's body, far in excess of the relatively small spots of blood found on the guestroom bed.

Dr. Goslinoski also examined the bloody knife that was recovered from the night stand next to the bed in which Mr. Wone was found. As related above, the blade of the knife measured five-and-one-half inches in length. The depth of each stab wound to Mr. Wone, however, measured only 4 to 5 inches. Dr. Goslinoski, having handled approximately 80 to 90 stabbing autopsies, concluded that it is unlikely that a knife with a five-and-one-half inch long blade would inflict wounds that were uniformly 4 to 5 inches in depth.

Dr. Goslinoski also observed several needle puncture marks to Mr. Wone's body. There were multiple needle puncture marks on the left side of his neck, three needle puncture marks present in the center of his chest, two needle punctures to the upper portion of his right foot, and one needle puncture mark on the back of his left hand. A review of the medical records, coupled with information provided during interviews with the EMS workers and the medical personnel who attempted to revive Mr. Wone at George Washington University Hospital Emergency Room, indicate that these needle puncture marks were not caused by any medical treatment or intervention. Moreover, according to Dr. Goslinoski, the needle puncture marks were caused pre-mortem and therefore inflicted even before Mr. Wone was found without a pulse by W-1 and W-2, the first medically-trained professionals to attend to Mr. Wone on the scene. Moreover, according to Katherine Wone, her husband had no medical appointments of any kind in the weeks leading up to August 2, 2008, nor did he have any needle puncture marks on his body of which she was aware.

According to Dr. Goslinoski, none of the knife wounds would have killed or even rendered Mr. Wone unconscious immediately. Indeed, unless otherwise incapacitated (e.g., by being injected with some type of incapacitating or paralytic drug), Mr. Wone would have reacted instinctively to protect himself and/or physically fend off his attacker. Significantly, there were no defensive wounds whatsoever on Mr. Wone's hands or forearms. Indeed, there were no cuts, abrasions, lacerations, bruises, or similar markings of any kind indicative of a physical struggle or of Mr. Wone having acted to defend himself from his attacker. Moreover, there was little to no blood on his hands, indicating that he did not even clutch his hands to his chest at the time of or immediately after the attack, as would be a natural human response if one were conscious/not incapacitated. Dr. Goslinoski also found a significant amount of internal bleeding as a result of the stab wounds. Notably, blood

Wone, 5/12/08
Katherine Wone

had filled Mr. Wone's intestine a distance of two feet down from his duodenum (where the stomach attaches to the intestine). This finding indicates that Mr. Wone was alive for a considerable period of time after he was stabbed, as his digestive system continued to operate, forcing blood into his intestine (in other words, he was digesting his own blood). Dr. Goslinoski concluded that Mr. Wone was alive for a considerable period of time after the stab wounds were inflicted. Dr. Goslinoski ruled the cause of death to be stab wounds of torso and ruled the manner of death a homicide.

It should also be noted that standard toxicology tests were performed on samples taken from Mr. Wone's body. Those tests screened for only the following drugs: ethanol, acetone, methanol, isopropanol, amphetamines, barbiturates, benzodiazepines, cocaine metabolites, methadone, methamphetamines, opiates, phencyclidine, propoxyphene, as well as gamma-hydroxybutyrate, and carbon monoxide, all of which were negative. However, there are various incapacitating or paralytic drugs for which no tests were run as there was no early indication -- in light of the statements that Price, Zaborsky and Ward gave to the police -- that Mr. Wone may have been injected with any such drugs while at the Swann Street residence.

Dr. Goslinoski also collected samples from the decedent using a standard sex-kit protocol. The following items, among others, were collected from the body of Mr. Wone: two swabs taken from the area of his thighs/external genitalia, two perianal (the exterior of the anus) swabs, two anorectal (the interior of the rectum/anal canal) swabs, and two swabs taken from the mouth/lip area. The swabs were examined by an FBI analyst with the FBI's DNA lab. Semen was detected on all swabs with the exception of the two swabs taken from the lip area. DNA tests revealed that there was no DNA foreign to Mr. Wone on any of the swabs. Accordingly, all semen found on the thighs/external genital swabs, on the perianal swabs, the anorectal swabs, was Mr. Wone's. Dr. Goslinoski opined that, taking all evidence and circumstances into consideration, this finding is suggestive of Mr. Wone having been sexually assaulted.

In summary, according to Dr. Goslinoski, the medical evidence firmly establishes that Mr. Wone was alive, but incapacitated, at the time the stab wounds were inflicted. Indeed, even if he were merely restrained -- as opposed to entirely incapacitated/immobilized -- he would likely have indications of defensive wounds, blood on his hands, defects to the three slit-like wounds to his torso, etc. Moreover, the wounds and internal bleeding would have produced such extreme pain that it would have been virtually impossible for Mr. Wone to have refrained from moving his body while in the bed or attempting to get out of the bed to seek help, unless he was otherwise physically incapacitated. As already set forth above, however, the bed in which the paramedics found Mr. Wone was alarmingly undisturbed. Indeed, the top sheet and comforter were folded down in a straight line at a 45-degree angle to the bed itself. There was one neat, regular indentation in the pillow indicative of a head being placed on the pillow and never moving. Moreover, one of the blood spots appears essentially circular in shape with the outer edge forming a perfect, unbroken line traveling from the sheet, up to the pillow case, and back on to the sheet, again indicating that there was no movement of the body whatsoever as the blood drained onto the bed. Additionally, there were only two modest spots of blood on the bed which is inconsistent with the quantity of blood that would have flowed from Mr. Wone's body given the nature of the injuries.

DELAYED REPORTING

Upon arriving on the scene, several MPD officers noticed that Price, Zaborsky, and Ward were together in the living room, all wearing crisp, white robes and appearing as if they had just showered. Moreover, Joe Price appeared to want to do the talking for all three of the residents. The three individuals were separated and transported separately to the Violent Crime Branch of MPD to be interviewed. As part of its investigation, the police interviewed several witnesses.

The police interviewed W-3, an occupant of a home adjacent to 1509 Swann Street. W-3 related that on the night of the murder It was in a room that shares a wall with the guestroom in which Mr. Wone was found.

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While the 11:00 p.m. news was being broadcast, W-3 heard a single scream come from the area of the guest room of 1509 Swann Street. At the time of the scream, W-2 recalled that Maureen Bunion, the news anchor for the 11:00 p.m. Channel 9 News, was on television. Accordingly, W-3 heard the scream between 11:00 and no later than 11:30 p.m. (the 11:00 p.m. news broadcast is 30 minutes in length). Significantly, Zaborsky did not place the 9-1-1 call until 11:49 p.m.

The police interviewed W-4, a female tenant who lived in a basement apartment within the residence at 1509 Swann Street. W-4 indicated that she was not present at the residence at any time on the night of August 2 or the early morning hours of August 3, 2006. W-4 indicated that she had told Price that she would be out for the evening. Moreover, when W-4 left the residence at about 6:00 p.m., she turned on the home alarm system. She then called Price and told him that she had set the alarm and that she would likely be spending the night at a friend's house. Price told W-4 that it was fine to leave the alarm on.

W-4 also indicated that Price called her at 5:50 a.m. on the morning of August 3, 2006, and stated, "[W-4], where are you? Are you still at Tom and John's house? I'm okay, Victor's okay, Dylan's okay. Don't go back to the house. I don't have time to explain." Price then abruptly ended the call. Later that morning, W-4 traveled to the police station and met with Price and Zaborsky. W-4 asked Price if he thought she should speak with the detectives given that she lived at 1509 Swann Street. Price said that he had given the police her information and if they wanted to speak with her they would contact her. W-4, Price, and Zaborsky, together with other individuals, then traveled to a Cosi eatery in the Capitol Hill neighborhood. While there, Ward called Price and asked to be picked up. Price left and returned to the Cosi shortly thereafter. Upon his arrival, he told W-4 that Ward was too upset to get out of the car and did not want to enter the eatery. In the days following the murder, W-4 inquired of Ward why the police were still in the house. Ward indicated that there were drugs in the house. (It should be noted that Ecstasy pills were recovered from inside 1509 Swann Street. Additionally, during subsequent processing of the house, a police dog trained to detect illegal drugs (cocaine, marijuana, and opiates) was taken through the house. The dog alerted on two locations -- a cabinet in Ward's bedroom and a dresser in Price and Zaborsky's bedroom -- indicating the presence or prior presence of one of the above-listed drugs. However, as noted above, the only illegal drug recovered from the residence was Ecstasy). Ward also told W-4 that the police were taking a close look at him because he was alone in his bedroom asleep and didn't hear anything.

PRICE, ZABORSKY, AND WARD

After being transported to the Violent Crimes Branch (Homicide Section) of the Metropolitan Police Department in the early morning hours of August 3, 2006, each of the three residents of 1509 Swann Street was interviewed separately. All three related similar accounts of what had happened leading up the death Robert Wone, as will be described below.

By way of background and all according to multiple witnesses, both Price and Mr. Wone were William and Mary University graduates. The two had met and become friendly with one another during their time at William and Mary. Indeed, the two men had developed a close friendship. In the years since graduating William and Mary, the two men stayed in fairly close contact and socialized together on occasion. Mr. Wone had recently started a new job as General Counsel for Radio Free Asia located at 2025 M Street, N.W., Washington, D.C. Mr. Wone intended to stay at work late on the evening of August 2, 2006, so that he could meet the night shift workers at Radio Free Asia. Accordingly, he had arranged to spend the night at Price's Swann Street home, which was not far from Mr. Wone's new place of employment. Mr. Wone had never before spent the night at Price's home. Mr. Wone had previously informed his wife that he would be spending the night at Joe Price's house. According to Price, Zaborsky and Ward, Robert Wone was exclusively heterosexual and none of three had any sexual relationship with Mr. Wone.

According to the statements given to the police on August 3, 2006, by Price, Zaborsky and Ward, Mr. Wone arrived at the Swann Street residence about 10:30 p.m. on August 2. Mr. Wone, Price, and Ward shared a glass of water in the kitchen, and then they all retired for the night. Mr. Wone took a shower and went to sleep on the pull-out couch located in Price's second-floor office that also served as a guestroom. Ward was asleep in his second-floor bedroom, and Price and Zaborsky went to bed in their third-floor bedroom.

According to Price and Zaborsky, sometime after falling asleep, they were awakened by a security chime that would ring any time any door of the residence was opened. According to the residents, the security system was not engaged at the time. According to Price, he didn't pay any attention to the chime as he thought it might just be the basement apartment tenant arriving home. According to Price and Zaborsky, they then heard a series of three "grunts" that alerted their suspicion. They then left their bedroom, went to the second floor of the residence, directly to the room in which Mr. Wone was located, and reportedly saw Mr. Wone lying in the bed having been stabbed. Price and Zaborsky also indicated that it was at that time that they saw Ward emerge from his second-floor bedroom for the first time. The three occupants all reported: seeing no one else in the residence at the time; hearing no one running down the uncarpeted, wooden hallway or the stairs from the second-floor guestroom to the first floor or otherwise fleeing the house; seeing nothing out of order in the residence or anything missing from the residence; and not hearing a second door chime what would have sounded had someone opened a door to leave the residence after the murder. In their interviews, the three uniformly maintained that the killer must have been an unknown and unseen intruder into the residence.

ZABORSKY'S STATEMENT

According to Zaborsky, he had come home early from a business trip and learned that Mr. Wone would be spending the night at their home. He indicated that he did not see Mr. Wone when he arrived as he was already in bed at the time. Zaborsky said that he and Price were asleep in bed on the third floor when he heard what he described alternately as "a kind of low scream" or "low breathy grunts." He said that he and Price jumped out of bed and, as they got to their bedroom door, they heard "another kind of low scream while we were at the . . . at our doorway." According to Zaborsky, he and Price ran downstairs and saw Mr. Wone injured in the bed in the guestroom. Zaborsky indicated that after the screams/grunts, he did not hear anyone running down the wooden steps to the first floor, admitting that, if someone had run down the steps he would have expected to hear it.

Zaborsky said he became hysterical, and Price told him to go upstairs and call 9-1-1, which he did. The 9-1-1 operator told Zaborsky to get a towel and apply pressure to the wound. According to Zaborsky, he "grabbed a towel and . . . Joe [Price] was already applying pressure to the wound. I gave him another towel." According to Zaborsky, Price was asking, "what time is it?" Zaborsky asked the 9-1-1 operator for the time, and "she said it was 11:43." However, the 9-1-1 recording clearly establishes that when Zaborsky asked the 9-1-1 operator for the time, she indicated it was 11:54.

Zaborsky indicated that when he and Price discovered the body, he [Zaborsky] was screaming, but he did not see Ward in the area. Rather, Zaborsky claimed that he first saw Ward when Zaborsky "came down the second time when I was on the phone" with the 9-1-1 operator. Zaborsky also indicated that as he was on the first floor waiting for the police to arrive, Ward "came down, halfway down the stairs, and he said, 'Is the back door open?'"

WARD'S STATEMENT

Ward said that Mr. Wone was Price's college friend who had never before spent the night at their home. During the interview, Ward seemed intent on offering an implausible reason for why the back door inadvertently had been left open/unlocked allowing an intruder access to the house. Indeed, at one point during the interview,

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Ward was asked what happened after Mr. Wone arrived, to which he replied:

“Nothing. We talked about his wife. We talked about our friend Lisa. We talked briefly about his job. Joe talked about the shower breaking. We talked about it being so hot in his room. It was just chitchat. And then Joe went outside for a second because he saw a spider or something on the light. And we – you know, refilled Joe’s water and took Robert upstairs, showed him the bed. He said he wanted to shower, we showed him the shower, and that’s when I went to bed. I went in my room, I was reading for like five minutes or so, and then I took my sleeping pill and went to bed.”

Ward also indicated that he had gone into his room, closed his door, and began “reading my article.” He said he heard Mr. Wone take a shower, then go into his room and heard his [Mr. Wone’s] door close and “heard the latch.” Ward indicated that at some point after he went to sleep, he heard some kind of noise that did not completely rouse him from his sleep. He said he then heard a commotion. Ward said he “listened to the commotion for a minute,” put on his robe, and then exited his bedroom. Ward further claimed that, upon emerging from his bedroom he saw Zaborsky on the phone speaking with the 9-1-1 operator and Price wearing only his underwear, sitting on the bed next to Mr. Wone. He also claimed to see a square [towel] being pressed on Robert’s chest . . . like to staunch [the bleeding] or something.” Ward said that it appeared that Mr. Wone was lying on top of the covers rather than under the covers. Ward said he did not see a knife, but indicated that Price told him that he [Price] moved the knife. Ward indicated that he could not say whether Price or Zaborsky killed Mr. Wone as he [Ward] claimed that he did not emerge from his bedroom until well after the stabbing occurred.

PRICE’S STATEMENT

Price said that he and Zaborsky had gone to bed and sometime thereafter he heard the door chime. However, he indicated that the chime did not concern him as he thought it might have been the basement tenant returning to the house. Shortly thereafter, he claimed to have heard a grunting noise. Price said that Zaborsky was in bed next to him at the time. Price and Zaborsky then went downstairs to the guestroom and saw Mr. Wone injured, laying on the pull-out couch. According to Price, he told Zaborsky to go upstairs and call 9-1-1 (even though there was a phone in the guestroom). According to Price, when he arrived at the guest room he found Robert Wone laying in bed already having been stabbed. He said that he recalled that the knife was laying on Robert’s stomach. Price claimed that he picked up the knife and placed it on the night stand. (It should be noted that immediately after his interview with the detectives, Price told a friend, W-5, that he actually pulled the knife out of Mr. Wone’s chest before placing it on the night stand). Price said he then raised Mr. Wone’s shirt, and noticed a stab wound to his stomach and “a lot of blood on his chest.”

Notwithstanding the fact that Ward’s bedroom was located on the same level of the house as the guestroom, Price claimed that only after he found Mr. Wone injured, did he first see Ward emerge from his (Ward’s) bedroom: “He [Ward] was in his [Ward’s] room. I saw him, you know, in this time frame come out of his room. He - - you know, I don’t think he heard the chime.” Accordingly, even if one were to accept the accounts of Price and Zaborsky, neither of them can account for Ward’s whereabouts while Ward and Wone were alone on the second floor of the residence at the same time that Price and Zaborsky claimed to be asleep together on the third floor.

Nevertheless, Price claimed “there’s no way on the face of the earth Ward could even punch somebody,” asserting, “I know Victor and Dylan better than I know my mom. There is no chance on the face of the earth that anybody did anything to Robert.” In attempting to convince the detectives that neither Ward nor Zaborsky could have harmed Robert Wone, Price stated, “they couldn’t even spank a child that was being bad” Price also told detectives that Ward takes “Lexapro and Wellbutrin” for “depression,” but added that Ward is “fine,” because “everybody I know takes depression [medication].”

According to Price, upon finding Robert, he checked for a pulse, lifted up Robert's shirt, and saw "blood everywhere." When asked how the blood got on the towel, Price claimed: "I took the towel and applied it to Robert's chest." "I put the towel on Robert . . . I just held the towel on him and, you know, Victor talked to 911." Price also said "there was a lot of blood on the bed." According to Price, as he attended to Robert, "Dylan came out of his room, and he looked like he was putting on his robe. It looked like he had no fucking clue. What happened. Didn't hear anything." Price further offered that because Ward's "room is right under the air-conditioning system for the house . . . [it] hums . . . very loud. (It should be noted that detectives have been in Ward's room while the central air conditioning system was running and the noise emanating from the compressor that is on the roof above Ward's bedroom is almost imperceptible). So, you know, it wouldn't surprise me that [Ward] wouldn't hear, frankly." Price added that he was "sure he said [to Ward] something like 'What the fuck happened, what's going on?'" However, Price did not indicate that there was any reply from Ward.

Price also stated that, "from the minute we found Robert, until the minute the, you know, ambulance people were there, I was kneeling next to him." Price also said the police might find his fingerprints and/or DNA on the knife because he (Price) picked it up. Price volunteered that the police might not find the "real killer's" DNA on the knife because the "real killer" might have been "wearing a glove."

When Price was asked about the front and back doors, he insisted that the front door was locked but suggested that the back door inadvertently had been left unlocked, stating, "it is completely plausible that the [back] door was unlocked." However, he did not suggest that the external rear security gate that is part of the seven-foot security fence had also been left open. Moreover, Price acknowledged that after the incident, the security gate was not open or ajar. Price stated that he "saw the gate was closed," indicating also that once open, the gate would not swing closed automatically but rather had to be pushed closed manually. When Price was suggesting that an intruder must have run out the back door and scaled the security fence after the incident, he stated that, "my best guess is it was sometime between 11:10 and 11:43 [p.m.]."

At one point during the interview, Price demanded to see Ward and Zaborsky: "I want to see them both [Ward and Zaborsky] . . . if you guys are going to charge me, charge me of that . . . I have not seen them all night, and I want to see them now . . . Well, I want to talk to them because if you guys are going to charge us . . . then you charge us."

During a break in the interview, Price is overheard talking on his cell phone with his brother Michael Price, asking, "did Dylan come out?" Toward the end of the interview, Price stated: "I need to go and I would like to see Dylan. You know, we've been here a long time." Upon being told that he could not see Ward at that moment, Price said, "Well, I sure would like to go. His attorney's trying to reach him, you know, we're done. I don't know if he's being told what his rights are, but I suspect not." At the very end of the interview, Price was told he was "certainly free to go," to which Price replied, "What's the story with Dylan? I mean - - I'm going to get his attorney to come down here."

THE RELATIONSHIP

Further investigation, including interviews with several witnesses familiar with Price, Zaborsky and Ward, revealed that the three occupants of the Swann Street residence - Price, Zaborsky, and Ward - were involved in a three-way relationship. Price and Zaborsky shared the master bedroom and were in a committed personal, intimate relationship. Ward had a bedroom of his own on the second floor of the residence and was in a personal, intimate relationship with Price. This relationship included a dominant-submissive sexual relationship with Ward in the dominant role and Price in the submissive role, as related by witnesses and as captured in multiple photographs of Price recovered from his computer. Zaborsky said that he, Price, and Ward were all in a relationship together as a "family." According to Zaborsky, "Dylan's been with us for about four years."

However, Zaborsky indicated that Ward does "not really . . . share an equal part in the relationship," but said "we're trying to develop it in that way." Zaborsky speculated that Ward could not have killed Mr. Wone because Ward is "one of the nicest, sweetest people I've ever met." By all accounts and evidence, Price, Zaborsky and Ward have a very close relationship and clearly have motive to preserve and protect the interests of one another.

The investigation revealed that Robert Wone was heterosexual, happily married, and had no sexual or intimate relationship with any of the three residents of 1509 Swann Street.

OTHER EVIDENCE FROM THE SCENE

The police recovered a number of items from Ward's bedroom, including: racks, shackles, metal and leather collars, wrist/ankle restraints, mouth gags, black spandex hoods, assorted clamps and clips, black clothes pins, an enema kit, metal penis rings, penis vices, assorted metal chains with locks, studded penis bindings, dildos, butt plugs, nipple suction devices, a electrical current/shock device, a device designed to force the wearer to drink another's urine, etc. (see Exhibits M1 – M6, filed under seal, depicting only a portion of the items recovered from Ward's bedroom). Police also recovered various books relating to inflicting pain on others for purposes of sexual gratification, inflicting electric shocks on others for pleasure and pain, enslaving others for sexual gratification, manuals concerning sadomasochistic practices, books dedicated to bondage practices, and the like. Many of these books contained passages highlighted by the reader.

Also recovered from the floor of Ward's bedroom was a New Yorker magazine that was opened to an article entitled, "Late Works, Writers Confronting the End," and begins: "Last words, recorded and treasured in the days when the deathbed was in the home, have fallen from fashion, perhaps because most people spend their final hours in the hospital, too drugged to make any sense." Accompanying the article is a full-page drawing of William Shakespeare lying dead in bed: his body is shown positioned similar to the way Mr. Wone's body was positioned when it was found. As related above, Ward told police that he was in bed reading his article just before the murder. Ward also informed the police that, among other occupations, he was a writer, a massage therapist, and a direct marketing consultant.

After the scene was processed and items of evidence removed there from, a number of specially trained police dogs were brought to the Swann Street residence. A "cadaver dog" trained to detect human blood and human remains was taken through the house. The dog alerted – indicating the presence of human blood or human remains – in two locations. The first location was the lint trap of a dryer located just outside the bathroom by Ward's bedroom on the second floor. The second location was a drain situated within the secured courtyard area in the back of the residence, at the bottom of a set of stairs leading down to the rear entrance into the basement apartment of the residence (see Exhibit L). Upon inspection, the drain cover was ajar as if it had been removed and not completely re-fastened in place. Additionally, there was a hose located in that same area that was uncoiled as if it had been used recently and had not been recoiled after its use. These facts are consistent (though not exclusively so) with the following inferential circumstances: an individual could have gone to the stairwell in the enclosed backyard area, used the hose to wash off and down the drain any blood that was on his person and clothing, then placed the wet clothing in to the clothes dryer resulting in any remaining blood being cycled through the lint trap of the dryer.

THE "INTRUDER" THEORY

As indicated above, Price, Zaborsky, and Ward each told the police that an intruder must have murdered Mr. Wone. However, none of the evidence the government has obtained through its investigation to date supports such an "intruder" theory.

Price and Zaborsky conceded that their home on Swann Street had never before been burglarized or even

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entered by an intruder. If an “intruder” had scaled the security fence in the rear of the house and happened upon the inadvertently unlocked back door, the “intruder” would have entered the house in the kitchen area. A search of the scene disclosed that there was a flat screen television set mounted under a kitchen cabinet that would have been readily visible to any “intruder.” There was also a cordless phone on the kitchen counter and other items of value that could have been taken quickly and easily by an “intruder.” Had the “intruder” decided to forgo these items, he would have then had to travel through the dining room, where the “intruder” would have seen a laptop computer on the floor leaning against a couch in the adjacent, open living room area.

Under the “intruder” theory, notwithstanding the easily accessible items of value on the first floor, the “intruder” instead took a knife from a butcher block in the kitchen and proceeded to travel the length of the house, approximately 44 feet, from the back door to the bottom of the staircase leading up to the second floor. The “intruder” then climbed 16 wooden, uncarpeted stairs, without being heard by any of the residents of the house, before reaching the landing on the second floor. Once at that location, the “intruder” would have been directly in front of Ward’s closed bedroom door. Then, rather than enter that room, the “intruder” would have to have turned 180 degrees and traveled another 21 feet to yet another closed door – the guestroom door behind which Mr. Wone slept. The “intruder” then opened the guestroom door and saw, directly inside that door, Mr. Wone asleep on the pull-out couch. Undaunted, the “intruder” then would have entered the room, traveling all the way around to the other side of the bed, and then, given that the sharp edges of Mr. Wone’s wounds are at the 10:00 position with the blunt edges positioned at 4:00, stabbed Mr. Wone three times in the chest (assuming that the “intruder” was holding the knife in a closed fist, pointing downward, with the sharp edge facing inward and the blunt edge facing outward, as would be expected if one were stabbing downward directly into a person lying in bed). Of course, all of this would have to have occurred without Mr. Wone attempting to defend himself or reacting or moving in any way whatsoever, with no blood spatter on the bed or anywhere in the room, and with very little blood even escaping the victim’s body notwithstanding three stab wounds to the torso including one to the heart. The “intruder” would then have left the knife either in or on Mr. Wone’s chest, depending upon which version of Price’s story one credits, and forgone grabbing Mr. Wone’s wallet, Blackberry, and wristwatch, all of which he would have moved past twice while in the room. The “intruder” would have then fled the 21 feet on hardwood floors to the top of the staircase, fled down the 16 wooden stairs, fled the 44 feet to the rear entrance, exited the back door, and once again scaled the security fence without being seen or heard by anyone—including Price, Zaborsky, and Ward. It is not surprising that Price, Zaborsky, and Ward all ultimately acknowledged to the detectives that the “intruder” theory was implausible and made absolutely no sense.

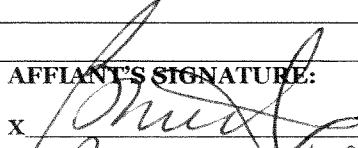
CONCLUSION

The evidence demonstrates that Robert Wone was restrained, incapacitated, sexually assaulted, and murdered inside 1509 Swann Street, N.W., on the evening of August 2, 2006. Moreover, there exists overwhelming evidence, far in excess of probable cause, that all three -- Price, Zaborsky, and Ward -- obstructed justice by altering and orchestrating the crime scene, planting evidence, delaying the reporting of the murder to the authorities, and lying to the police about the true circumstances of the murder when interviewed by the authorities in the immediate aftermath of the homicide. Specifically, there is abundant evidence that the three residents of 1509 Swann Street delayed their call to the authorities for an extended period of time, as evidenced by, among other things, a gap in time from as little as 19 minutes or as many as 49 minutes between time the scream was heard by W3 and the time Zaborsky placed the call to 9-1-1. Indeed, the evidence suggests that the scream came not from Mr. Wone, who was already incapacitated at the time he was stabbed, but rather from Zaborsky, who admitted to the police that he screamed upon seeing Robert’s body. The significant delay in reporting is further demonstrated by the fact that Mr. Wone actively digested his own blood for a significant period of time after he had been stabbed. The forensic pathologist opined that the three stab wounds were inflicted while the victim was incapacitated. There were petechial hemorrhages in the victim’s eyes consistent with an asphyxia event. Additionally, there were multiple pre-mortem needle puncture marks to Mr. Wone’s body that were not the product of any legitimate medical treatment or intervention, suggesting that he had been

Handwritten note:
Ward's story is the most plausible

drugged by injection, allowing for a sexual assault to take place. The fact that Mr. Wone's semen was found on and around his genitals, on his anus, and in his rectum is consistent with a sexual assault of some kind, especially in light of the assertions of Price, Zaborsky and Ward that Mr. Wone was heterosexual and had showered right before going to bed in the guestroom. Moreover, there were many items and devices recovered from Ward's bedroom designed to be inserted into one's anal cavity. The size of the knife found on the night stand in the guestroom is inconsistent with the nature of the wounds. However, the knife missing from Ward's cutlery set is more consistent with the depth of the wounds to Mr. Wone's torso. According to the blood pattern expert, the blood pattern on the knife is inconsistent with having been used during the stabbing but consistent with the blood having been placed or wiped onto the blade using a towel. The knife was found to have multiple white, cotton fibers consistent with the white towel recovered from the floor of the guestroom, inferentially demonstrating that the towel was used to place blood on the knife, and transferring towel fiber to the knife during that process. Conversely, there were no gray T-shirt fibers found on the knife as one would expect given the three apparent cuts to Mr. Wone's T-shirt consistent with the locations of the stab wounds to this torso. Contrary to what each of the three residents told the police -- that being that the towel was used to put pressure on Mr. Wone's wounds -- the towel itself had a blood pattern inconsistent with having been placed on Mr. Wone's wounds. Rather, according to the blood pattern expert, the blood pattern on the towel was consistent with having been used to place blood on the planted knife. There were only two modest spots of blood on the bed which is inconsistent with the quantity of blood that would have flowed from Mr. Wone's body given the nature of the injuries, according to Dr. Goslinoski. Importantly, there were no other bloody towels or bloody areas anywhere in the residence accounting for the alarming lack of blood on the scene and on the body. The absence of any significant quantity of blood from the bed, and the crisp and near pristine condition of the bed in which Mr. Wone was discovered by paramedics is entirely inconsistent with a violent stabbing having been perpetrated in that bed. The cadaver dog alert on the rear stairwell drain and the lint filter of the clothes dryer suggest that bloody clothing or items were cleaned off in the backyard stairwell and then placed in the clothes dryer to dry. Finally, there was not one shred of non-fanciful evidence that there was any intruder present inside 1509 Swann Street at around the time Robert Wone was killed. For all of these reasons, your Affiant respectfully requests that a warrant issue for the arrest of Dylan Ward for obstruction of justice.

AFFIANT'S SIGNATURE:

x 
B. WAID # D2-1396

TO: WARRANT CLERK

PLEASE ISSUE A WARRANT FOR:

Dylan Ward

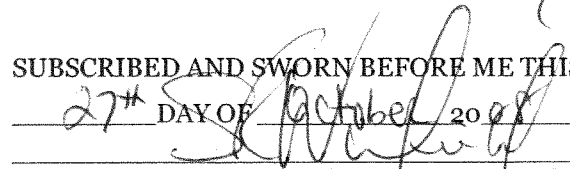
Charge With: Obstruction of Justice

 Glenn L. Kirschner
ASSISTANT UNITED STATES ATTORNEY

10/27/08 NCIC Approved

SUBSCRIBED AND SWORN BEFORE ME THIS _____

27th DAY OF October 2008


(JUDGE) DEPUTY CLERK) SUPERIOR COURT OF THE DISTRICT OF COLUMBIA