

SAE #3 Capital murder

For Use When:	Charging and seeking arrest warrant for felony offense when peace officer is affiant for complaint
Offense Charged:	Capital murder
Options Included:	Arrest warrant with return
Form used:	Complaint: #1; Arrest warrant and return: #3

CAUTION:

Always read thoroughly and carefully every word of any affidavit and requested warrant submitted to a magistrate. Use of a form inapplicable to the specific circumstances of the case may invalidate results of the investigation and possibly expose affiant and others to criminal penalties and civil liabilities.

READ IT BEFORE YOU SUBMIT IT!

THE STATE OF TEXAS

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DOCKET # 0134-14-CR

COUNTY OF NUECES

COURT: Municipal Court of Corpus Christi, Texas

COMPLAINT

{Article 15.04 & 15.05, Texas Code of Criminal Procedure}

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS AND ACCUSATIONS:

My name is James Z. McCarty and I am commissioned as a peace officer by the Corpus Christi Police Department. I hereby state upon my oath that I have reason to believe and do believe that heretofore, and before the making and filing of this Complaint, that

Abba Cadabra Hussein

on or about the 25th day of April, 2018, in Nueces County, Texas, did then and there intentionally cause the death of an individual, Richard James, by cutting and stabbing the said Richard James with a knife while in the course of committing and attempting to commit robbery, against the laws of the State.

My probable cause for said belief and accusation is as follows: Early this morning, April 26, 2018, at approximately 2:00 a.m., the Corpus Christi Police Department received a telephone call asking for police assistance at 345 Sky Haven Drive in said City. The caller, a female, said she

believed someone had been hurt or even killed by a man who was at that address. She said the individual whom she assumed to be the victim was not there, but the suspect was there. She said the suspect, whom she called "Abba," had come into the house with blood all over his clothes after leaving a few hours earlier with two men, neither of whom was with him when he returned.

Officers responded to the call by going to the address given by the caller. Upon arrival, they approached the front door and knocked; a woman later identified as Vicki Russo came to the door, quickly stepped outside, and closed the door behind her. She advised the officers that she was the individual who had called earlier and then related the reasons for her concern. She said that "Abba" was inside the house asleep on the sofa and she did not want him to hear her talking to the police.

She said that she lived at 345 Sky Haven Drive with Ritchie James and that they had lived there together for about six months. She said Abba Hussein was an old boyfriend of hers when she lived in California, and that he was there from California to visit her; he had been there for the past three days. She said she had neither seen nor heard of any problems between Hussein and James. Around 10:30 p.m. the evening before, Abba had left with Ritchie and another man she called "Mike." They had left in Mike's car and were supposed to be on the way to the airport, from which Abba was going to return to California. Then, around 1:30 a.m., Abba had returned in Mike's car without Ritchie or Mike.

She said when she asked Abba what happened, he told her that "they jumped" him and that they wouldn't do it again. When she asked what that meant, he had said she didn't need to know and that he didn't want to talk about it any more. He had taken off a bloody shirt and replaced it with one of Ritchie's; she had the bloody shirt in her hand when she came to the door and gave it to the officers.

With her consent, the officers entered the house at 345 Sky Haven Drive, woke up Abba Hussein, and told him to come outside so they could talk to him. He did as the officers directed but would not answer their questions. He would only say, "If you are going to arrest me, go ahead. Otherwise, I want to get some sleep."

While at the house, one of the officers asked the dispatcher to check the registration information on the vehicle Vicki Russo identified as "Mike's car." When the dispatcher called back, she advised the officer in charge at the scene to contact her via telephone immediately. The officer, Sgt. Roland Z. Chavez, did so and was then advised that the vehicle was registered in the name of Michael J. Becker of Corpus Christi. The dispatcher further advised Sgt. Chavez that Becker had just been airlifted from a remote location near a county road in Nueces County to the Memorial Hospital in critical condition due to multiple stab wounds. Before he was removed from the scene, he told officers that he had been stabbed "by a guy called Abba" and that Ritchie James was also injured nearby. Officers searched the scene and found James dead, also apparently from multiple stab wounds.

Sgt. Chavez contacted me at my residence to ask for advice. He knew that probable cause existed to arrest Abba Hussein for Aggravated Assault and for Murder, but he was concerned that we might still need a warrant. He outlined the facts and the basis for his problem and I agreed with him that a warrant would be advisable, especially if evidence of the offenses resulted from the

arrest. We decided to have the officers leave the scene with the exception of one patrol unit. Hussein was advised he could return to the house and “get some sleep” as he requested. Sgt. Chavez pulled Vicki Russo aside and out of the hearing of Hussein, advised her that we would take her to the Police Department and take a statement from her.

When Russo was escorted to one of the patrol units, Hussein asked what was going on and he was advised that Russo was required to come to the station and be interviewed. He objected and was given the option of remaining at the house or being taken to the station also where he could remain while Russo was interviewed. He said he wanted to come along and was taken in another patrol unit without the opportunity to communicate with Russo. As this Complaint is being prepared, Hussein is under observation in an interview room but contact with him is limited to bringing him refreshments. He has been advised that he is not in custody.

I dressed for duty and came to the Police Department to take charge of the case and start an investigation. I was again briefed by Sgt. Chavez who told me all that had occurred when the officers were at 345 Sky Haven Drive. I then contacted Deputy Sheriff Van Elliott who was the officer in charge when Michael Becker was found on the remote county road. He confirmed hearing Becker tell of the assault and homicide, and that Hussein had taken the car keys from Becker’s pocket and drove off in Becker’s vehicle, leaving Becker and James to die in a pasture.

The non-consensual taking of Becker’s car, coupled with the death of James, combine to constitute the elements of Capital Murder. As of the time of the preparation of this Complaint, Becker was in critical condition and should he die, an additional count of Capital Murder will be alleged for causing multiple deaths in a single criminal transaction. While preparing this Complaint, I confirmed the identity of Abba Cadabra Hussein with his driver’s license issued by the State of California.

Therefore, I believe that probable cause exists to believe that Abba Cadabra Hussein has committed the felony offense of Capital Murder. Accordingly, I ask for issuance of a warrant authorizing arrest and seizure of Abba Cadabra Hussein for said offense and that he be dealt with as the law provides.

/s/ James Z. McCarty
Complainant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT/COMPLAINANT ON THIS
THE 26th DAY OF APRIL, 2018.

/s/ John Z. Barrow
Judge, Municipal Court
City of Corpus Christi
Nueces County, Texas

WARRANT OF ARREST

THE STATE OF TEXAS

To any Peace Officer of the State of Texas, Greeting:

You are hereby commanded to arrest

Abba Cadabra Hussein

if to be found in your County and bring him/her before me, Judge of the Municipal Court of Corpus Christi, Nueces County, Texas, at my office at 1300 Garrett Avenue in the City of Corpus Christi in said County, immediately, then and there to answer the State of Texas for an offense against the laws of said State, to-wit:

Capital Murder

of which offense he/she is accused by the written Complaint under oath or affirmation of James McCarty, filed before me. Said Complaint is attached hereto and made a part hereof.

Herein fail not, but of this writ make due return, showing how you have executed the same.

Witness my official signature, this 26th day of April, 2018.

/s/ John Z. Barrow
Judge, Municipal Court, Magistrate
City of Corpus Christi
Nueces County Texas

OFFICER'S RETURN

Came to hand the 26th day of April, 2018, at 8:10 o'clock A.M., and executed on the 26th day of April, 2014, at 8:35 o'clock A.M., by arresting the within named Abba Cadabra Hussein at the Corpus Christi Police Department in Nueces County, Texas.

I actually and necessarily traveled -0- miles in the service of this writ, in addition to any other mileage I may have traveled in the service of other process in this cause during the same trip.

/s/ James Z. McCarty,
Nueces County, Texas
By n/a, Deputy