

PROBABLE CAUSE AFFIDAVIT

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

Juvenile **N**

OBTS Number _____

Agency OR# Number **FLO 500300** Agency Name **BOYNTON BEACH POLICE DEPARTMENT** Agency Report Number **34 - 10 - 01776**

Charge Type: 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other _____

Special Notes: _____

Name (Last, First, Middle) **PASIU S. DIEUNY** Alias _____ Race **B** Sex **M** Date of Birth **01/01/1991**

Charge Description **First Degree Murder FSS 782.04(1)(a)(1)** Charge Description **Carrying a Concealed Firearm FSS 790.01(2)**

Victim's Name (Last, First, Middle) **Lineau, Benton** Race **B** Sex **M** Date of Birth **05/28/1986**

Local Address (Street, Apt. Number) **3200 East Atlantic Drive** (City) **Boynton Beach, Florida** (State) _____ (zip) _____ Phone _____ Address Source **verbal**

Business Address (Name, Street) _____ (City) _____ (State) _____ (Zip) _____ Phone _____ Occupation **unk**

The undersigned certifies and swears that *he/she* has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody _____

committed the below acts in my presence. was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

confessed to **Det Montoya** admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.

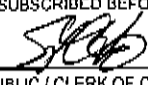
On the **11** day of **January** 20 **10** at **2229** A.M. P.M. (Specifically include facts constituting cause for arrest.)

On Monday January 11, 2010 at approximately 2229 hours Boynton Beach Police units responded to the area of 2022 NE 3rd Street Boynton Beach, FL in reference to shots fired. Another 911 call indicated a vehicle had crashed into the residence at 2123 NE 3rd St Boynton Beach, FL. BBPD arrived and located a tan 1999 Lincoln Navigator (FL Tag V648NF) that had crashed into the residence at 2123 NE 3rd St. The vehicle was occupied by the sole occupant and driver, a black male later identified as (victim) Benton Lineau DOB 05/28/1986, who appeared to have suffered gunshot wounds. Victim later was pronounced dead at Delray Medical Center. Palm Beach Medical Examiner confirmed victim's cause of death was from the gunshot wounds.

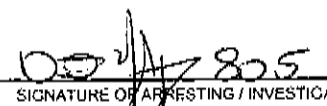
A few minutes after this incident Bethesda Medical Hospital contacted police in reference to a subject being brought into the emergency room with gunshot wounds. The subject later identified as (defendant) black male Dieuny Pasius DOB 01/01/1991 was transferred to Delray Trauma due to the severity of his injuries. Video surveillance at Bethesda hospital shows a beige Toyota Corolla arriving at the emergency and dropping off defendant. A witness at the crime scene identified a beige Toyota Corolla flee the area after the shots are heard. While processing the crime scene at 2022 NE 3rd St, which is a vacant home, a small bag of suspect crack cocaine (10.0 grams total package weight) was located near the bushes in front of the home. Within only inches of the crack cocaine _____ also found on the ground. No other narcotics were found in the area, on the victim, or inside the Lincoln Navigator that had been occupied by victim.

On 01/13/2010, I met with the defendant at Delray Medical hospital, where he agreed to a voluntary audio taped interview. He could not be interviewed prior to this time due to his medical treatment. Defendant admitted to being at the scene and involved in a shooting with the victim. Defendant alleges he contacted victim earlier in the evening with the intention to purchase 'crip' (marijuana) from him where they agreed to meet later that night. Defendant denied he had any intention to rob the victim. Defendant indicated he was at 2022 NE 3rd St where he was waiting for the victim to arrive. Victim exited his vehicle upon arrival and approached the front of the home where Defendant stood. Victim reportedly confronted and accused the defendant about his home being robbed of narcotics and firearms. Victim at this time reportedly fires several gunshots that struck the defendant in the left leg and abdominal area. The defendant returned fire _____ as the victim ran from the scene.

SWORN AND SUBSCRIBED BEFORE ME


 NOTARY PUBLIC / CLERK OF COURT / POLICE OFFICER

01/14/2010
 DATE


 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

Detective Juan Montoya
 NAME OF OFFICER (PLEASE PRINT)

01/14/2010
 DATE

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1 OF **2**

Agency ORI Number: FLO 500300 Agency Name: BOYNTON BEACH POLICE DEPARTMENT Agency Report Number: 34-10-01776
 Charge Type: 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other

Name (Last, First, Middle): PASIU S, DIEUNY Alias: Race: B Sex: M Date of Birth: 01/01/1991

Charge Description: First Degree Murder FSS 782.04(1)(a)(1) Carrying a Concealed Firearm FSS 790.01(2)

Victim's Name (Last, First, Middle): Lineau, Benton Race: B Sex: M Date of Birth: 05/28/1986
 Local Address (Street, Apt. Number): 3200 East Atlantic Drive Boynton Beach, Florida (City) (State) (zip) Phone: - Address Source:
 Business Address (Name, Street): (City) (State) (Zip) Phone: - Occupation:

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody...
 committed the below acts in my presence. was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
 confessed to Det Montoya admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.


On the 11 day of January 20 10 at 2229 A.M. P.M. (Specifically include facts constituting cause for arrest.)
 The defendant then contacted his friend, black male Mulot Ena DOB 06/13/1988, who arrived in the beige Toyota Corolla along with other individuals and transported the defendant to Bethesda hospital.

Evidence recovered from the scenes disputes the defendant's claim that he simply wanted to purchase marijuana from the victim. No marijuana was found on the victim, at the crime scene or inside his vehicle. However crack cocaine was found in close proximity to _____ that the defendant admitted using during this incident. It should be noted that during the interview with the defendant, he openly admits that the revolver was deep and concealed in his pants pocket.

Based on the above, I find probable cause to charge DIEUNY PASIUS with the following crimes. FIRST DEGREE MURDER WITH A FIREARM (premeditated) PASIUS did unlawfully from a premeditated design to effect the death of a human being, kill and murder Benton Lineau, a human being, by gunshots, and during the commission or attempt to commit any offense listed in Florida Statute 775.087(2)(a)(1), DIEUNY PASIUS actually possessed a firearm or destructive device as those terms are defined in section 790.001, Florida Statutes, and further during the course of committing or attempting to commit any offense listed in Florida Statute 775.087(2)(a)(1), DIEUNY PASIUS discharged a firearm or destructive device as defined in section 790.001, Florida Statutes, and, as the result of the discharge, death or great bodily harm was inflicted upon Benton Lineau, contrary to Florida Statutes 775.087(1), 775.087(2)(a)1, 775.087(2)(a)2, 775.087(2)(a)3, 782.04(1)(a)1 and 782.04(1)(a)2. CARRYING A CONCEALED FIREARM, PASIUS did knowingly carry a .38 caliber revolver, a firearm, concealed on or about his person, contrary to Florida Statute 790.01(2).

SWORN AND SUBSCRIBED BEFORE ME

 NOTARY PUBLIC / CLERK OF COURT / POLICE OFFICER
 01/14/2010
 DATE


 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
 Detective Juan Montoya
 NAME OF OFFICER (PLEASE PRINT)
 01/14/2010
 DATE