



**OFFENDER 1 ARRESTED**

Last Name	First Name	Nickname	Race/Ethnicity	Sex	DOB	Age Estimated/Age	Height	Weight
COLE	BYRON		BLACK	MALE	██████/1971	N/A / N/A	5'11	220
Home Address				SSN	SID	Driver's License		
17███ N DORGENOIS ST, NEW ORLEANS, LA 70119						██████████		
Arrest Location		Dist/Zone/Sub		Arrest Date/Time		Arrest Credit		
1733 N DORGENOIS ST		1C02		8/27/2018 6:25 PM		01		
Sobriety	Injury	Treated	Rights Form		Transported By	Unit		
UNKNOWN	NONE				O'DELL/VITRANO	1184		
Arrest Type	Resident Status	Juvenile Disposition						
ON VIEW								
English Proficiency		Language Access			Language			
Injured While In Custody			Injured While In Custody - Injury Type			Died While In Custody		
NO						NO		
Arrestee Armed At Time Of Arrest			Arrestee Armed - Weapon Type					

**CHARGES**

Charge	Victim No.	Relationship
LA R.S. 14 37.4 AGGRAVATED ASSAULT WITH A FIREARM: Aggravated assault with a firearm	1	ACQUAINTANCE
LA R.S. 14 37.4 AGGRAVATED ASSAULT WITH A FIREARM: Aggravated Assault with a firearm	2	ACQUAINTANCE

**OFFENDER DESCRIPTORS**

<u>01 Build</u>	<u>02 Oddities</u>	<u>03 Scars</u>	<u>04 Tattoos</u>	<u>05 Apparel</u>
<u>06 Speech</u>	<u>07 Accent</u>	<u>08 Facial Odd.</u>	<u>09 Eyes</u>	<u>10 Nose</u>
<u>11 Teeth</u>	<u>12 Hair Color</u>	<u>13 Hair Style</u>	<u>14 Facial Hair</u>	<u>15 Complexion</u>
<u>Additional Description</u>				

**MODUS OPERANDI**

<u>16 Criminal Activity</u>	<u>17 Motive</u>	<u>18 Targets</u>	<u>Gang Information</u>
10 Other (Describe)	02 Argument	05 Person	
<u>19 Method of Entry</u>	<u>20 Point of Entry/Exit</u>	<u>21 Security Used</u>	<u>Security Defeated</u>
<u>22 Residential</u>	<u>23 Outdoor Area</u>	<u>24 Comm. Establishment</u>	<u>25 Public Access Area</u>
	01 Street/Road/Alley		
<u>26 Movable</u>	<u>27 Structure Type</u>	<u>28 Structure Status</u>	
<u>29 Off. Approach</u>	<u>30 Impersonated</u>	<u>31 Weapon</u>	<u>32 Firearm Features</u>
01 Loitered In Area		01 Handgun	01 Semi-Automatic
<u>33 Property Crimes</u>	<u>34 Person Crimes</u>	<u>Sex Crime Specific</u>	
	01 Threatened w/ Weapon		
<u>Bias Motivation</u>			
<u>Additional Descriptions</u>			
16 - AGGRAVATED ASSAULT			

### WEAPONS

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Type	Make	Model	Caliber	Serial	NCIC	NCIC Contact	Pawnshop	Pawn Contact	Additional Info
PISTOL	SMITH & WESSON (SW)	SW40	40 CAL	PAU4179	NOT STOLEN	CALVIN	NO RECORD	CALVIN	

### EVIDENCE

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Loss Type	Type	Qty	Narc Weight	Narc Type	Description	Brand	Serial No.	Value
CONFISCATED / SEIZED	FIREARM	1.00			(12) R.P. .40 CAL LIVE ROUNDS, (3) WIN .40 CAL LIVE ROUNDS			
CONFISCATED / SEIZED	OTHER PROPERTY	1.00			BLACK HOLSTER			
NONE	OTHER PROPERTY	1.00			DVD CONTAINING VIDEO FILE			

LAW  
ENFORCEMENT  
USE ONLY

**NARRATIVE**

ON SEPTEMBER 5TH, 2018 AT APPROXIMATELY 6:25 PM SERGEANT EVAN COX ARRESTED BYRON COLE (AFRICAN AMERICAN MALE, DATE OF BIRTH [REDACTED] 1971) FOR A VIOLATION OF LOUISIANA REVISED STATUTES, MORE SPECIFICALLY 14:37.4, AGGRAVATED ASSAULT WITH A FIREARM. THE FACTS AND CIRCUMSTANCES SURROUNDING HIS ARREST FOLLOWS.

ON AUGUST 26, 2018 AT APPROXIMATELY 6:00 PM, A PHYSICAL ALTERCATION OCCURRED BETWEEN TWO AFRICAN AMERICAN MALES IN THE 1700 BLOCK OF NORTH DORGENOIS STREET. DURING THE PHYSICAL ALTERCATION ONE OF THE MALES STABBED THE OTHER WITH A LARGE KNIFE, ULTIMATELY RESULTING IN THE OTHER SUBJECT'S DEMISE. THROUGH THE SUBSEQUENT INVESTIGATION, DETECTIVES LEARNED THE HOMICIDE STEMMED FROM AN INCIDENT WHICH OCCURRED INSIDE THE MANCHU FOOD STORE, 1782 NORTH DORGENOIS STREET.

AFTER THE HOMICIDE, MEMBERS OF THE NEIGHBORHOOD BECAME INCENSED WITH THE MANCHU FOOD STORE AND ITS OWNER'S. THOSE INDIVIDUALS DECRIED THE TREATMENT OF NEIGHBORHOOD RESIDENTS, MOSTLY AFRICAN-AMERICAN, BY THE STORE OWNERS WHO APPEAR TO BE OF UNKNOWN ASIAN DESCENT. THE ALLEGED MISTREATMENT PRIOR TO THE HOMICIDE BROUGHT COMMUNITY MEMBERS TOGETHER TO PROTEST THE BUSINESS AND CONTINUED MISTREATMENT.

SERGEANT EVAN COX, 1180, OF THE FIRST DISTRICT GENERAL ASSIGNMENT UNIT WAS MADE AWARE OF THE ONGOING UNREST AT THE LOCATION AND ATTENDED THE LOCATION. SERGEANT COX WAS PRESENT AT THE LOCATION FOR PUBLIC SAFETY REASONS, TO MONITOR THE ONGOING PROTEST AT THE LOCATION, AND ENSURE THE SAFETY OF STORE OWNERS AND PROTESTERS ALIKE. UPON HIS ARRIVAL, HE OBSERVED MULTIPLE INDIVIDUALS GATHERED IN FRONT OF MANCHU FOOD STORE WITH HANDMADE SIGNS, CHANTING FOR THE STORE TO CLOSE AND PLEADING WITH WOULD BE CUSTOMERS TO TAKE THEIR BUSINESS ELSEWHERE. SGT. COX CONTACTED THE MEMBERS OF THE FIRST DISTRICT GENERAL ASSIGNMENT UNIT AND DIRECTED THEM TO ATTEND HIS LOCATION TO ASSIST WITH MONITORING AND CONTROLLING THE SITUATION.

BEFORE THEIR ARRIVAL, SGT. COX OBSERVED A MARKED POLICE UNIT, MANNED BY OFFICER BRYAN BISSELL, AT ST. BERNARD AVE. PREPARING TO MAKE A WESTBOUND TURN ONTO NORTH DORGENOIS STREET. AS THE UNIT ENTERED THE INTERSECTION OF THE PROTEST, OFFICER BISSELL SLOWED THE VEHICLE. FROM SGT. COX'S PERSPECTIVE IT APPEARED THE VEHICLE WAS SLOWING TO BEGIN INTERACTING WITH THE INDIVIDUALS. THE POSITION OF THE NEW ORLEANS POLICE DEPARTMENT FOR PROTEST SITUATIONS IS A BALANCE BETWEEN ALLOWING THE CITIZENS OF NEW ORLEANS TO EXERCISE THEIR CONSTITUTIONAL RIGHTS TO ASSEMBLE AND PROTEST WHILE ALSO PROTECTING THOSE NOT INVOLVED. THE MAINTENANCE OF GENERAL PEACE AND ORDER IS THE OVERALL GOAL, WHILE ADDITIONALLY ATTEMPTING TO DEESCALATE ENCOUNTERS WITH PROTEST PARTICIPANTS, SHOULD AN ENCOUNTER BE PRESENTED OR WARRANTED. SGT. COX WAS AWARE OF THIS DELICATE BALANCE, AND WITH HIS TEAM RESPONDING TO ASSIST HIM SHORTLY, SGT. COX ATTEMPTED TO INSTRUCT OFFICER BISSELL TO CONTINUE DOWN THE ROAD AND NOT ENGAGE THE CROWD. AS COX WAS RADIOING BISSELL TO CONTINUE, HE OBSERVED A SUBJECT WHO WOULD LATER BE IDENTIFIED AS BYRON COLE (A/S), WALKING NORTHBOUND ON O'REILLY STREET TOWARD THE INTERSECTION OF NORTH DORGENOIS, AND INTO THE 1700 BLOCK OF NORTH DORGENOIS.

SHORTLY BEFORE THE MARKED UNIT'S ARRIVAL AT THE LOCATION, SGT. COX OBSERVED MR. COLE ATTIRED IN A TIE-DYED SHIRT AND GRAY SHORTS ON THE SIDEWALK AREA IN FRONT THE MANCHU FOOD STORE. MR. COLE APPEARED TO CONVERSE WITH SEVERAL OTHER PROTEST PARTICIPANTS. SGT. COX OBSERVED MR. COLE HAD A BLACK STRAP AROUND HIS WAIST AREA THAT SUPPORTED A BLACK PISTOL HOLSTER, WHICH HELD A PISTOL WITH A TAN/GRAY COLORED GRIP. SGT. COX WAS AWARE OF CITY OF NEW ORLEANS MUNICIPAL STATUTE 54-342 "ILLEGAL POSSESSION OF WEAPONS AT DEMONSTRATIONS". THE MUNICIPAL ORDINANCE STATES "IT SHALL BE UNLAWFUL FOR ANY PERSON, OTHER THAN A LAW ENFORCEMENT OFFICER, TO HAVE IN HIS POSSESSION OR TO HAVE IN ANY VEHICLE ANY WEAPON WHILE PARTICIPATING IN OR ATTENDING, A DEMONSTRATION BEING HELD AT A PUBLIC PLACE". THE ORDINANCE DEFINES DEMONSTRATION AS "TWO OR MORE PERSONS ASSEMBLED TOGETHER FOR THE PURPOSE OF PICKETING, SPEECHMAKING, MARCHING, HOLDING VIGILS OR OTHER SUCH FORM OF CONDUCT". THE ORDINANCE ADDITIONALLY DEFINED A WEAPON AS "ANY PISTOL, RIFLE, OR SHOTGUN", "LOADED OR UNLOADED", "CUSTOMARILY USED OR INTENDED FOR PROBABLE USE AS A DANGEROUS WEAPON". IT WAS THE INTENTION OF SGT. COX TO APPROACH MR. COLE AND INFORM HIM OF THE MUNICIPAL ORDINANCE, AND INSTRUCT HIM TO SECURE THE WEAPON IN A LOCATION AWAY FROM THE DEMONSTRATION (SEE CITY OF NEW ORLEANS MUNICIPAL ORDINANCE 54-342 ATTACHED AS A DOCUMENT). UNFORTUNATELY BEFORE BEING ABLE TO DO SO THE POLICE VEHICLE OPERATED BY OFFICER BISSELL ARRIVED, SETTING THE FOLLOWING EVENT INTO MOTION.

AS BYRON COLE ENTERED THE INTERSECTION HEADING FOR OFFICER BISSELL, A GROUP OF THE PROTESTORS, ONE ACTIVELY "LIVE STREAMING" THE INTERACTION, FOLLOWED. THE POLICE VEHICLE STOPPED IN THE 1700 BLOCK OF NORTH DORGENOIS, SERGEANT COX WAS STANDING ON THE DOWNTOWN/LAKE CORNER OF THE INTERSECTION. WHAT TRANSPIRED ON THE RIVERSIDE OF THE POLICE VEHICLE WAS BLOCKED FROM HIS VIEW. IN THE INTEREST OF REMOVING THE POLICE VEHICLE FROM THE IMMEDIATE AREA OF THE DEMONSTRATION, SGT. COX ATTENDED THE POLICE VEHICLE AND INSTRUCTED OFFICER BISSELL TO DEPART THE LOCATION. ALMOST IMMEDIATELY AFTER OFFICER BISSELL DEPARTED, A VISIBLY UPSET FEMALE, LATER IDENTIFIED AS [REDACTED] AFRICAN-AMERICAN FEMALE, DATE OF BIRTH [REDACTED] (1974) APPROACHED SERGEANT COX AND CLAIMED BYRON COLE PULLED OUT A GUN ON THE CROWD, AND THE OFFICER ON SCENE DID NOTHING ABOUT IT. COX APOLOGIZED TO [REDACTED] AND EXPLAINED HE WAS UNAWARE THE INCIDENT HAD OCCURRED BASED ON THE POSITIONING OF THE VEHICLE. SGT. COX FURTHER EXPLAINED TO [REDACTED] HE HAD ORDERED OFFICER BISSELL TO DEPART THE SCENE, NOT A CASE OF INACTION BY THE OFFICER. SGT. COX ADVISED [REDACTED] HE WOULD GLADLY LISTEN TO [REDACTED] ALLEGATIONS AGAINST MR. COLE, AND IF A CRIMINAL VIOLATION HAD OCCURRED, TAKE THE APPROPRIATE ACTION. WHILE [REDACTED] WAS PREPARING TO SHOW THE VIDEO TO SGT. COX, ANOTHER INDIVIDUAL WHO IDENTIFIED HIMSELF AS [REDACTED] (AFRICAN-AMERICAN MALE, DATE OF BIRTH [REDACTED] (1962) ATTENDED COX AND MADE A SIMILAR ALLEGATION AGAINST MR. COLE. [REDACTED] AND [REDACTED] BOTH AGREED THEY FELT THREATENED BY MR. COLE'S ACTIONS, AND WISHED TO PRESS CHARGES.

[REDACTED] SHOWED SGT. COX A VIDEO SHE RECORDED TO HER FACEBOOK PROFILE. THE VIDEO, FILMED ONLY MINUTES PRIOR,

SHOWED MR. COLE IN THE BLOCK IN FRONT OF THE MANCHU FOOD STORE. [REDACTED] IS ANNOUNCING TO FOLLOWERS OF THE VIDEO MR. COLE JUST "COCKED" HIS FIREARM. THE VIDEO STARTS AFTER THIS ALLEGED ACT AND DOES NOT CAPTURE THAT PORTION OF THE ALLEGATION. WHILE ON SCENE SGT. COX WAS NOT PROVIDED ANY ADDITIONAL VIDEOS TO CORROBORATE THIS CLAIM. AS THE VIDEO CONTINUES, MR. COLE IS OBSERVED, FIREARM ON HIS SIDE IN AN "OPEN CARRY" MANNER, APPROACHING THE MARKED POLICE UNIT. MULTIPLE INDIVIDUALS ASSOCIATED WITH THE PROTEST CAN BE HEARD YELLING IN THE BACKGROUND, BUT NOT ALL OF THE AUDIO IS DISTINCT ENOUGH TO DETERMINE EXACTLY WHAT IS BEING SAID. [REDACTED] IS OBSERVED IN A RED SHIRT WITH THE NUMBER "19" AND BLACK PANTS. AS MR. COLE APPROACHES THE POLICE VEHICLE, [REDACTED] IS OBSERVED WALKING IN THE SAME DIRECTION. AS THE MARKED POLICE VEHICLE STOPS, MR. COLE IS OBSERVED AT THE WINDOW OF THE POLICE VEHICLE SPEAKING WITH OFFICER BISSELL, POINTING HIS FINGER IN THE DIRECTION OF [REDACTED]. AN UNKNOWN AFRICAN-AMERICAN MALE, ATTIRED IN A BLACK T-SHIRT AND BLUE JEANS, POSITIONS HIMSELF IN FRONT OF [REDACTED], CREATING A BARRIER BETWEEN HER AND MR. COLE. [REDACTED] APPROACHES OFFICER BISSELL IN AN ATTEMPT TO EXPLAIN THE SITUATION, AND BYRON COLE RESPONDS BY BACKING UP IN AN UPTOWN DIRECTION ON NORTH DORGENOIS. WHILE BACKING UP MR. COLE REMOVES THE FIREARM FROM ITS HOLSTER AND BEGINS YELLING "GET BACK OFF ME", "GET THE FUCK OFF ME". HE THEN POINTS THE FIREARM IN THE DIRECTION OF THE CROWD, INCLUDING [REDACTED] AND [REDACTED] WHO ARE STANDING IN FRONT OF MR. COLE, AND THE FIREARM. FROM THE POSITION OF [REDACTED] AND [REDACTED], MR. COLE APPEARS TO BE POINTING THE FIREARM AT THEM. ALTHOUGH MR. COLE HAS THE PISTOL SLIGHTLY CANTED TOWARD THE GROUND, [REDACTED] AND [REDACTED] WERE BOTH SHOCKED BY HIS ACTIONS, AND FEARED MR. COLE POSED A PHYSICAL SAFETY THREAT TO THEM.

AFTER POINTING HIS FIREARM IN THE DIRECTION OF [REDACTED] AND [REDACTED], A NOISE IS HEARD AND THE PHONE FALLS TO THE GROUND. [REDACTED] INFORMED SGT. COX THE MALE WHO HAD PREVIOUSLY POSITIONED HIMSELF IN FRONT OF HER DURING THE FILMING HAD STRUCK HER IN THE FACE, CAUSING HER TO DROP THE PHONE. WHILE INVESTIGATING THE INCIDENT THE MALE WAS IDENTIFIED AS TYRONE FOUNTAIN (AFRICAN AMERICAN MALE, DATE OF BIRTH [REDACTED]/1978).

BY THE TIME COX HAD REVIEWED THE VIDEO, BYRON COLE HAD FLED THE LOCATION ON FOOT, AND [REDACTED] ADVISED SGT. COX HE BELIEVED MR. COLE LIKELY RETURNED TO HIS RESIDENCE AT 1733 NORTH DORGENOIS. SGT. COX PROVIDED [REDACTED] HIS DEPARTMENTAL E-MAIL ADDRESS SO SHE COULD PROVIDE HIM THE RECORDED VIDEO AS EVIDENCE. COX INFORMED [REDACTED] HE WOULD RETURN TO HIS OFFICE WHERE HE COULD REVIEW THE VIDEO IN A CALMER SETTING TO DETERMINE IF MR. COLE HAD COMMITTED A CRIMINAL VIOLATION. BOTH [REDACTED] AND [REDACTED] AGREED WITH SGT. COX'S PLAN, AND [REDACTED] ONLY ADDITIONAL REQUEST TO SGT. COX WAS TO BE NOTIFIED WHEN AND WHAT DECISION HAD BEEN MADE. ALTHOUGH SGT. COX WISHED TO THOROUGHLY REVIEW THE VIDEO, AT THE SCENE HE BELIEVED PROBABLE CAUSE EXISTED FOR MR. COLE'S ARREST FOR AGGRAVATED ASSAULT WITH A FIREARM, AND ILLEGAL CARRYING OF A WEAPON AT A DEMONSTRATION. [REDACTED] AND [REDACTED] ACTIVELY VOICED THEIR DESIRE TO PRESS CHARGES ON MR. COLE FOR HIS ACTIONS OF POINTING A FIREARM AT THEM.

IN ADDITION TO NEEDING THE OPPORTUNITY TO ANALYZE THE VIDEO FURTHER, SGT. COX BELIEVED ATTEMPTING TO INTERVENE AND PREMATURELY DETAIN BYRON COLE WOULD ONLY EXACERBATE AN ALREADY TENSE SITUATION. MR. COLE LIVED ONLY HOUSES AWAY FROM THE LOCATION OF THE PROTEST, AND SHOULD OFFICERS BEGIN AN ATTEMPT TO DETAIN HIM, THE CROWD WOULD LIKELY FOLLOW. GIVEN HIS OPEN HOSTILITY TOWARDS MEMBERS OF THE PROTEST, COMBINED WITH BEING OPENLY ARMED, SGT. COX REASONABLY BELIEVED SHOULD ENFORCEMENT ACTION INVOLVING MR. COLE BE WARRANTED, IT WOULD BE MORE EFFECTIVE AND SAFER TO BOTH OFFICERS AND THE GENERAL PUBLIC AT A TIME AFTER THE CROWD HAD DISPERSED. SGT. COX AND MEMBERS OF THE FIRST DISTRICT GENERAL ASSIGNMENT UNIT REMAINED AT THE INTERSECTION OF O'REILLY AND NORTH DORGENOIS TO PROVIDE SECURITY AND CONTINUE MONITORING THE PROTEST. AT APPROXIMATELY 6:08 PM, STILL AT THE LOCATION [REDACTED] APPROACHED SGT. COX AND POINTED IN THE DIRECTION OF BYRON COLE'S HOUSE. [REDACTED] POINTED OUT A WHITE FORD CROWN VICTORIA WITH FLASHING BLUE LIGHTS. [REDACTED] BELIEVED MR. COLE HAD REQUESTED THE ASSISTANCE OF A MEMBER OF THE POLICE DEPARTMENT FOR PERSONAL PROTECTION. [REDACTED] BELIEVED IT WAS AN ATTEMPT FOR COLE TO AVOID REPERCUSSIONS FOR HIS ACTIONS. SGT. COX ATTENDED THE LOCATION AND MET WITH CONSTABLE JOHN RAY. SGT. COX INQUIRED INTO CONSTABLE RAY'S PRESENCE AT THE LOCATION AND WAS INFORMED HE WAS ON A PAID OFF-DUTY SECURITY ASSIGNMENT FOR A MOVIE COMPANY WHICH PLANNED TO FILM AT 1733 NORTH DORGENOIS STREET IN THE MORNING. BYRON COLE'S RESIDENCE WAS A RAISED BASEMENT CRAFTSMAN STYLE HOME. THE UPPER PORCH WAS SURROUNDED BY WHAT APPEARED TO BE METAL BURGLAR BARS, AND A METAL DOOR OF THE SAME STYLE. WHILE SPEAKING WITH CONSTABLE RAY, SGT. COX OBSERVED MR. COLE EXIT THE FRONT DOOR OF THE RESIDENCE. AFTER OBSERVING SGT. COX, HE ATTENDED THE BURGLAR BAR DOOR AND AFFIXED A PADLOCK TO THE DOOR, SECURING IT TO THE OTHER METAL BARS. FROM THE STREET, SGT. COX WAS STILL CLEARLY ABLE TO OBSERVE THE FIREARM ON MR. COLE'S HIP.

AFTER OBSERVING MR. COLE SECURE THE METAL BARS OF THE RESIDENCE WITH A PADLOCK, SGT. COX WAS UNSURE WHAT HE MIGHT BE PLANNING. SGT. COX REQUESTED THE ASSISTANCE OF HIS OFFICERS, AND WAS IN THE PROCESS OF POSITIONING THEM IN A POSITION TO CREATE A LOOSE PERIMETER OF THE HOUSE AND BLOCK IN CASE BYRON COLE ATTEMPTED TO FLEE THE LOCATION. AT APPROXIMATELY 6:25 PM, WHILE POSITIONING THE UNITS, SGT. COX OBSERVED MR. COLE EXIT A FIRST FLOOR DOOR OF THE RESIDENCE AND ATTEND A PICKUP TRUCK IN THE DRIVEWAY. FEARING THAT BYRON COLE WAS ATTEMPTING TO LEAVE THE LOCATION, SGT. COX CALLED OUT TO COLE AND BEGAN A VERBAL DIALOG WITH HIM. SGT. COX WAS SUCCESSFUL IN HAVING MR. COLE COME TO HIM. OFFICER FRANK VITRANO AND CODY O'DELL WERE ABLE TO PLACE MR. COLE INTO HANDCUFFS AND DISARM HIM.

OFFICER VITRANO REMOVED A SMITH AND WESSON SW40 .40 CALIBER HANDGUN (SERIAL PAU4179) FROM COLE'S SIDE AND RENDERED THE WEAPON SAFE. THE FIREARM CONTAINED FOURTEEN (14) LIVE ROUNDS, WITH ONE LIVE .40 CALIBER ROUND CHAMBERED AND READY TO FIRE.

MR. COLE WAS INFORMED OF HIS MIRANDA RIGHTS FROM A CARD BY OFFICER WILTZ, WHICH MR. COLE STATED HE UNDERSTOOD. MR. COLE WAS TRANSPORTED TO THE FIRST DISTRICT STATION. MR. COLE WAS ADVISED HE WAS BEING DETAINED FOR AN INCIDENT THAT OCCURRED EARLIER IN THE AFTERNOON. AT THE TIME OF DETENTION, SGT. COX BELIEVED PROBABLE CAUSE EXISTED FOR HIS ARREST FOR AN AGGRAVATED ASSAULT WITH A FIREARM. BY DETAINING MR. COLE AT THE TIME HE EXITED HIS RESIDENCE, OFFICERS PREVENTED THE POTENTIALLY ADVERSARIAL INTERACTION WITH COLE INSIDE HIS RESIDENCE. SGT. COX REASONABLY BELIEVED PROBABLE CAUSE FOR MR. COLE'S ARREST EXISTED. SGT. COX'S DECISION TO TRANSPORT MR. COLE TO THE STATION WAS TO REMOVE

HIM FROM THE IMMEDIATE AREA OF THE DEMONSTRATORS AND TO PROVIDE SGT. COX THE OPPORTUNITY TO DETERMINE WHAT THE APPROPRIATE CHARGE FOR MR. COLE SHOULD BE.

SGT. COX ATTENDED THE FIRST DISTRICT STATION TO REVIEW THE VIDEO PROVIDED BY [REDACTED]. BASED ON HIS OBSERVATIONS OF MR. COLE'S ACTIONS, HE BELIEVED MR. COLE VIOLATED LOUISIANA REVISED STATUTES SECTION 37.4 RELATIVE TO AGGRAVATED ASSAULT WITH A FIREARM. REFERENCING THE LOUISIANA REVISED STATUTES MORE SPECIFICALLY, SECTION 36, ASSAULT DEFINED, THE LEGISLATURE DEFINES ASSAULT AS "AN ATTEMPT TO COMMIT A BATTERY, OR THE INTENTIONAL PLACING OF ANOTHER IN REASONABLE APPREHENSION OF RECEIVING A BATTERY". DURING SGT. COX'S INTERVIEW OF BOTH [REDACTED] AND [REDACTED], BOTH INDIVIDUALS STATED WHEN MR. COLE REMOVED HIS FIREARM AND POINTED IT IN THEIR DIRECTION THEY WERE PLACED IN FEAR OF RECEIVING HARM FROM THE FIREARM. SGT. COX BELIEVED THE COMBINATION OF MR. COLE'S ACTIONS, PRODUCING THE FIREARM AND POINTING IT IN THE DIRECTION OF THE CROWD, AND THE STATEMENTS GIVEN BY [REDACTED] AND [REDACTED], A REASONABLE PERSON WOULD LIKELY BE PLACED IN A GREAT AMOUNT OF APPREHENSION THEY WERE ABOUT TO RECEIVE BODILY HARM IN THAT CIRCUMSTANCE.

WHILE REVIEWING THE RECORDED VIDEO, SGT. COX LEARNED THAT OFFICER BISSELL HAD RESPONDED TO A CALL FOR SERVICE AT BYRON COLE'S RESIDENCE EARLIER IN THE AFTERNOON AT APPROXIMATELY 3:07 PM. COLE REPORTED HE WAS RECEIVING DEATH THREATS ON HIS PHONE. FURTHER, COLE INFORMED OFFICER BISSELL HE AND A FEMALE, WHO HE WISHED NOT TO IDENTIFY, ENGAGED IN A VERBAL ALTERCATION EARLIER. SGT. COX WAS ABLE TO DETERMINE THE FEMALE WAS [REDACTED]. DURING THEIR INTERACTION, COLE ASKED OFFICER BISSELL ABOUT LOUISIANA GUN LAWS. AFTER LEARNING LOUISIANA WAS AN "OPEN CARRY" STATE, COLE ARMED HIMSELF. AFTER ARMING HIMSELF WITH A HANDGUN, HE RETURNED TO THE AREA OF THE MANCHU FOOD STORE.

FROM THE VIDEO SOURCE COX REVIEWED, IT DID NOT APPEAR COLE WAS IN IMMEDIATE DANGER OF BEING THE VICTIM OF ANY PHYSICAL HARM, AND THEREFORE REMOVING AND INVOLVING A FIREARM INTO A VERBAL DISAGREEMENT WAS CONTRARY TO THE SELF-DEFENSE STATUTES. THE LOUISIANA LEGISLATURE STATES NO PERSON SHOULD HAVE A DUTY TO RETREAT BEFORE USING FORCE OR VIOLENCE, BUT INDICATES FORCE CAN BE USED TO COMBAT FORCE (LOUISIANA REVISED STATUTES 14:19, USE OF FORCE OR VIOLENCE IN DEFENSE). THE VIDEO INDICATES NO IMMEDIATE THREAT, OR FORCE IMPLIED OR PHYSICAL TO COLE, AND COLE'S PRODUCTION OF THE FIREARM WAS A CLEAR ESCALATION IN FORCE DURING WHAT APPEARED TO BE A VERBAL ALTERCATION. FURTHER, MR. COLE CLAIMED HE WAS IN FEAR OF BODILY HARM AT APPROXIMATELY 3:07 PM. INSTEAD OF STAYING AT HIS RESIDENCE HE CLEARLY CHOSE TO REINSERT HIMSELF INTO THE EVENT AT THE MANCHU FOOD STORE, AND RETURNED TO THE LOCATION, NOW ARMED. APPROXIMATELY AN HOUR HAD TRANSPIRED BETWEEN COLE'S CALL TO POLICE AND HIM WITHDRAWING HIS FIREARM. DURING THAT TIME, COLE WAS OBSERVED BY SGT. COX IN AND OUT OF THE CROWD GATHERED IN FRONT THE MANCHU FOOD STORE. DESPITE HIS CLAIMS OF "BEING THREATENED" MR. COLE RETURNED TO THE SCENE, AND REMAINED FOR QUITE SOME TIME MINGLING IN THE SAME CROWD HE ALLEGED BEING FEARFUL OF.

ALTHOUGH THE LOUISIANA REVISED STATUTES DO NOT REQUIRE A SUBJECT TO FLEE BEFORE UTILIZING FORCE, MR. COLE RETURNED TO AN ALLEGED "HOSTILE" ENVIRONMENT AND REMAINED. HIS "SELF-DEFENSE" APPEARED TO BE THE RESULT OF A PERSONALLY MANUFACTURED SITUATION. HAD THIS EVENT OCCURRED ON MR. COLE'S PROPERTY, THE SITUATION WOULD BE ANALYZED DIFFERENTLY. FINALLY, IN THE VIDEO OF THE INCIDENT, AND PREVIOUSLY STATED, NO ONE APPEARS TO BE THREATENING MR. COLE WITH BODILY HARM OR EVEN IN IMMEDIATE STRIKING DISTANCE. THE ANALYSIS OF THE RECORDED INCIDENT, AND SUBSEQUENT DECISION TO ARREST, IS NOT CONSIDERING A DUTY BY MR. COLE TO RETREAT TO AVOID HARM BEFORE UTILIZING SELF-DEFENSE. HOWEVER, FROM THE RECORDED INCIDENT THERE APPEARS TO BE NO THREAT FOR WHICH MR. COLE WOULD NEED TO DEFEND HIMSELF. MR. COLE AND [REDACTED] APPEAR TO HAVE AN ONGOING VERBAL FEUD, BUT THAT ALONE DID NOT JUSTIFY MR. COLE'S ACTIONS CAPTURED ON VIDEO BY [REDACTED]. CONSIDERING THE TOTALITY OF THE CIRCUMSTANCES, SGT. COX HAD STRONG REASON TO BELIEVE BYRON COLE HAD COMMITTED AN AGGRAVATED ASSAULT WITH A FIREARM AGAINST [REDACTED] AND [REDACTED].

WHILE AT THE FIRST DISTRICT STATION, SERGEANT COX SHOWED THE VIDEO TO DISTRICT INVESTIGATIONS LIEUTENANT OCTAVIO BALDASSARO, UNIT 1100. AFTER REVIEWING THE VIDEO EVIDENCE, LT. BALDASSARO AGREED WITH SGT. COX'S ANALYSIS OF THE EVENTS AND AGREED BYRON COLE SHOULD BE CHARGED WITH AN AGGRAVATED ASSAULT.

SGT. COX MET WITH BYRON COLE AT APPROXIMATELY 8:55 PM AND INFORMED HIM THAT HE WAS UNDER ARREST. SGT. COX ADVISED MR. COLE HE WOULD GLADLY TAKE A STATEMENT IF HE WISHED TO PROVIDE HIS SIDE OF THE STORY. MR. COLE REQUESTED HIS ATTORNEY'S PRESENCE. SGT. COX INFORMED MR. COLE THAT WOULD HAVE TO HAPPEN AT A LATER TIME. MR. COLE CONTINUED TO SPEAK WITH SGT. COX. COX ATTEMPTED TO EXPLAIN THE EVIDENCE HE REVIEWED WHICH LED HIM TO HIS DECISION. MR. COLE CLAIMED HE HAD "BEEN THREATENED" ALL DAY, ALLUDING TO NEEDING TO DEFEND HIMSELF IN HIS DECISION TO REMOVE HIS FIREARM. SGT. COX ASKED MR. COLE IF HE WAS AFRAID FOR HIS SAFETY, WHY WOULD HE CONTINUE RETURNING TO THE INTERSECTION AND ENGAGING THE CROWD. MR. COLE CLAIMED THE PROTEST WAS "HIS EVENT". MR. COLE CLAIMED HE HAD WITNESSES AND EVIDENCE, BUT WAS UNABLE TO PROVIDE THE EVIDENCE TO SGT. COX AT THAT TIME. MR. COLE INFORMED SGT. COX HE WAS AN INVESTIGATOR FOR A LAW FIRM, AND HE DID NOT UNDERSTAND WHY HE COULD NOT "STAND HIS GROUND". MR. COLE CLAIMED HE WAS ADVISED BY OFFICER BISSELL HE COULD CARRY HIS FIREARM. SGT. COX ATTEMPTED TO EXPLAIN ALTHOUGH LOUISIANA STATE LAW ALLOWS A PERSON TO CARRY A FIREARM, THE CITY OF NEW ORLEANS PROHIBITS FIREARMS AT DEMONSTRATIONS. WHETHER OFFICER BISSELL'S INFORMATION TO MR. COLE WAS UNCLEAR OR PURPOSEFULLY MISCONSTRUED IS UNCLEAR, BUT THE DECISION WAS MADE BY SGT. COX TO NOT CHARGE BYRON COLE WITH A VIOLATION OF THE CITY ORDINANCE. HE WAS INFORMED THE CITY ORDINANCE PROHIBITS FIREARMS AT DEMONSTRATIONS.

OFFICERS DERRICK WILLIAMS AND THOMAS WILTZ ACCOMPANIED SGT. COX TO THE FIRST DISTRICT STATION AFTER DETAINING BYRON COLE. BOTH WERE PRESENT AND OBSERVED THE VIDEO OF THE INCIDENT. THE TWO OFFICERS RETURNED TO THE AREA OF ST. BERNARD AND NORTH DORGENOIS AND LOCATED TYRONE FOUNTAIN AT THE LOCATION. MR. FOUNTAIN WAS THE PREVIOUSLY UNKNOWN AFRICAN-AMERICAN MALE ATTIRED IN A BLACK T-SHIRT AND BLUE JEANS WHO COMMITTED A BATTERY ON [REDACTED]. OFFICER WILLIAMS AND WILTZ PREPARED A SUMMONS FOR A VIOLATION OF THE CITY OF NEW ORLEANS MUNICIPAL VIOLATION 17271 54-96 RELATIVE TO BATTERY. A COPY OF THE MUNICIPAL SUMMONS IS ATTACHED. SEE NOPD I-05714-18 FOR ADDITIONAL INFORMATION.

OFFICER WILTZ RELOCATED TO CENTRAL EVIDENCE AND PROPERTY WHERE HE LOGGED THE FIREARM, THE AMMUNITION, AND THE

HOLSTER RECOVERED FROM MR. COLE'S PERSON ONTO THE BOOKS AS EVIDENCE.

UPON COMPLETION OF BOOKING PAPERWORK COLE WAS TRANSPORTED TO THE ORLEANS JUSTICE CENTER WHERE HE WAS RELEASED INTO THE CUSTODY OF ON-DUTY ORLEANS PARISH SHERIFF'S DEPUTIES TO BE BOOKED ACCORDINGLY.

SERGEANT COX CREATED A COMPACT DISC CONTAINING THE VIDEO RECORDED BY [REDACTED]. THE DISC WAS LOGGED INTO EVIDENCE AT CENTRAL EVIDENCE AND PROPERTY.  
ON SCENE OFFICERS WERE EQUIPPED WITH FUNCTIONING BODY CAMERAS.

THIS CONCLUDES THE INVESTIGATIVE REPORT OF THE EVENTS LEADING TO THE ARREST OF BYRON COLE. THE INCIDENT IS CONSIDERED CLOSED AND CLEARED BY ARREST. HOWEVER, SHOULD ADDITIONAL INFORMATION OR EVIDENCE BECOME AVAILABLE, IT WILL BE DOCUMENTED AND SUBMITTED VIA ADDITIONAL SUPPLEMENTAL REPORT.

\*\*\*\*\*ATTACHMENTS\*\*\*\*\*

NEW ORLEANS POLICE DEPARTMENT - CENTRAL EVIDENCE AND PROPERTY RECEIPT - FIREARM  
NEW ORLEANS POLICE DEPARTMENT - CONFISCATED FIREARMS REPORT  
NEW ORLEANS POLICE DEPARTMENT - CENTRAL EVIDENCE AND PROPERTY RECEIPT - CDROM  
CITY OF NEW ORLEANS - COPY OF MUNICIPAL ORDINANCE SECTION 54-342 ILLEGAL  
POSSESSION OF WEAPONS AT DEMONSTRATIONS.

LAW  
ENFORCEMENT  
USE ONLY

**NEW ORLEANS POLICE DEPARTMENT  
GIST SHEET I-05724-18**

I, **COX, EVAN 226**, EMPLOYED BY THE NEW ORLEANS POLICE DEPARTMENT, AFTER BEING SWORN STATE:

ARRESTED SUBJECT:	RESIDING AT:
COLE, BYRON BLACK, MALE /1971	17 N DORGENOIS ST NEW ORLEANS, LA 70119

...WAS ARRESTED AND CHARGED AS STATED BELOW.

SWORN TO AND SUBSCRIBED BEFORE ME THIS **5 OF SEPTEMBER, 2018**, IN NEW ORLEANS, LOUISIANA.

COX, EVAN 226

Affiant

JOSEPH D. DAVIS

Supervisor

**GIST**

ON SEPTEMBER 5TH, 2018 AT APPROXIMATELY 6:25 PM SERGEANT EVAN COX ARRESTED BYRON COLE (AFRICAN AMERICAN MALE, DATE OF BIRTH [REDACTED] 1971) FOR A VIOLATION OF THE LOUISIANA REVISED STATUTES, MORE SPECIFICALLY 14:37.4, AGGRAVATED ASSAULT WITH A FIREARM. THE FACTS AND CIRCUMSTANCES SURROUNDING HIS ARREST FOLLOWS.

ON SEPTEMBER 5TH, 2018 AT APPROXIMATELY 4:00 PM, A FIRST DISTRICT MARKED UNIT ATTENDED THE INTERSECTION OF NORTH DORGENOIS AND O'REILLY STREET, IN AN ATTEMPT TO MEET WITH SERGEANT EVAN COX TO INFORM HIM OF AN ONGOING DISTURBANCE AT THE LOCATION. AT THE INTERSECTION IS THE MANCHU FOOD STORE, THE SCENE OF A HOMICIDE BY STABBING ON AUGUST 26, 2018. MEMBERS OF THE COMMUNITY JOINED FORCES TO PROTEST THE FOOD STORE AND PERCEIVED MISTREATMENT OF COMMUNITY MEMBERS BY OWNERS OF THE STORE.

SERGEANT EVAN COX WAS PRESENT AT THE LOCATION FOR PUBLIC SAFETY REASONS TO MONITOR THE CONTINUED PROTESTS AT THE LOCATION AND ENSURE THE SAFETY OF STORE OWNERS AND PROTESTERS. AS THE PLATOON OFFICER ARRIVED ON SCENE, A SUBJECT IDENTIFIED AS BYRON COLE (A/S), WALKS NORTHBOUND ON O'REILLY STREET TOWARD THE INTERSECTION OF NORTH DORGENOIS, AND INTO THE 1700 BLOCK OF NORTH DORGENOIS. A GROUP OF PROTESTORS, ONE ACTIVELY LIVE STREAMING THE INTERACTION, APPROACHED THE MARKED POLICE VEHICLE AT THE LOCATION YELLING NUMEROUS STATEMENTS ALLEGING A BATTERY HAD OCCURRED PRIOR TO HIS ARRIVAL. ONE OF THE KNOWN VICTIMS ATTENDS THE DRIVER SIDE WINDOW OF THE POLICE VEHICLE TO SPEAK WITH THE UNIFORMED OFFICER. COLE, WEARING A STRAP AROUND HIS WAIST SUPPORTING A PISTOL HOLSTER WHICH CONTAINED A SEMI-AUTOMATIC FIREARM, ENTERS THE STREET AND WHILE BACKING UP IN AN UPTOWN DIRECTION ON NORTH DORGENOIS REMOVES THE FIREARM AND BEGINS YELLING "GET BACK OFF ME", "GET THE FUCK OFF ME" AND POINTS THE FIREARM IN THE DIRECTION OF THE CROWD ALTHOUGH SLIGHTLY CANTED TOWARD THE GROUND. UNAWARE WHAT HAD TRANSPIRED, SERGEANT COX INSTRUCTED THE MARKED UNIT DEPART THE AREA, AND HIS UNITS WOULD ATTEMPT TO MAINTAIN PEACE AT THE DISTURBANCE.

AFTER THE MARKED UNIT DEPARTED COX WAS APPROACHED BY THE INDIVIDUALS WHO INFORMED HIM COLE HAD REMOVED HIS FIREARM AND DISPLAYED IT IN THEIR DIRECTION, PLACING THEM IN FEAR FOR THEIR SAFETY. COX WAS PROVIDED A COPY OF THE VIDEO, CAPTURED BY ONE OF THE VICTIMS, WHICH CLEARLY SHOWS COLE REMOVING THE FIREARM FROM THE HOLSTER AND DIRECTING IN THE DIRECTION OF THE PROTESTORS. ALTHOUGH THE PROTESTORS APPEARED TO BE ANGRY WITH COLE, FROM THE VANTAGE POINT OF THE VIDEO NO ONE APPEARS TO BE IN IMMEDIATE PHYSICAL STRIKING DISTANCE OF COLE. ADDITIONALLY, INDIVIDUALS APPEAR TO BE APPROACHING THE POLICE VEHICLE, NOT COLE, AND HE IS ACTIVELY BACKING AWAY FROM THE GROUP AS HE REMOVES THE FIREARM AND ULTIMATELY POINTS THE FIREARM IN THEIR DIRECTION. BOTH VICTIMS INFORMED SERGEANT COX THEY FEARED FOR THEIR SAFETY, AND INFORMED COX THEY WISHED TO PRESS CHARGES FOR COLE POINTING A FIREARM IN THEIR DIRECTION WHEN NO PHYSICAL VIOLENCE HAD BEEN THREATENED OR ATTEMPTED IMMEDIATELY BEFORE HIS ACTIONS.

FROM THE VIDEO SOURCE COX REVIEWED, IT DID NOT APPEAR COLE WAS IN IMMEDIATE DANGER OF BEING THE VICTIM OF ANY PHYSICAL HARM, AND THEREFORE REMOVING AND INVOLVING A FIREARM INTO A VERBAL DISAGREEMENT WAS CONTRARY TO THE SELF-DEFENSE STATUTES. THE LOUISIANA LEGISLATURE STATES NO PERSON SHOULD HAVE A DUTY TO RETREAT BEFORE USING FORCE OR VIOLENCE, BUT INDICATES FORCE CAN BE USED TO COMBAT FORCE. THE VIDEO INDICATES NO IMMEDIATE THREAT OR FORCE TO COLE, AND COLE'S PRODUCTION OF THE FIREARM WAS A CLEAR ESCALATION IN FORCE.

AT APPROXIMATELY 6:25 PM, SERGEANT COX OBSERVED COLE EXIT HIS RESIDENCE AT 1733 NORTH DORGENOIS, STILL ARMED WITH A PISTOL, AND WITH THE ASSISTANCE OF FIRST DISTRICT GENERAL ASSIGNMENT PERSONNEL WAS ABLE TO APPREHEND COLE AND TAKE POSSESSION OF THE FIREARM. A SMITH AND WESSON .40 CALIBER SEMI-AUTOMATIC HANDGUN WAS REMOVED FROM HIS HOLSTER. THE FIREARM WAS FOUND TO BE LOADED WITH A LIVE ROUND AND FOURTEEN (14) ADDITIONAL LIVE ROUNDS IN THE MAGAZINE.

COLE WAS INFORMED OF HIS RIGHTS PER MIRANDA, AND UPON COMPLETION OF BOOKING PAPERWORK, WAS TRANSPORTED TO THE ORLEANS JUSTICE CENTER TO BE RELEASED INTO THE CUSTODY OF ON-DUTY DEPUTIES TO BE BOOKED ACCORDINGLY.

**JUVENILE CUSTODIAL RELEASE FORM**



Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Address: \_\_\_\_\_ Date/Time: \_\_\_\_\_

I HERBY TAKE CUSTODY OF THE ABOVE NAMED CHILD AND WHEN NOTIFIED PROMISE TO BRING HIM/HER TO COURT, PROBATION DEPARTMENT, OR THE JUVENILE DIVISION.

\_\_\_\_\_  
Released By (Print)

\_\_\_\_\_  
Custodian Signature

LAW  
ENFORCEMENT  
USE ONLY

**ATTACHED DOCUMENTS LIST**

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Document 1 - Summons

Document 2 - Summons -Rear

Document 3 - CE & P Receipt - #

Document 4 - Other - Confiscated Firearm

Document 5 - Other - Municipal Ordinance 54-342

**LAW  
ENFORCEMENT  
USE ONLY**

LAW ENFORCEMENT ONLY

STATE OF LOUISIANA AFFIDAVIT PARISH OF ORLEANS

ITEM NO. I-05724-18 MUNICIPAL COURT SECTION 100

CAR NO. 1182 DISTRICT 1 ZONE C ARREST CREDIT 01

NEW ORLEANS, LOUISIANA PERSONALLY GAVE AND APPEARED BEFORE ME, THE UNDERSIGNED AUTHORITY, AT (LOCATION WHERE SWORN) POLICE OFFICER DERRICK WILLIAMS BADGE NO. 1465

WHO, FIRST BEING DULY SWORN, DID DEPOSE AND SAY THAT HE HAS REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE THAT ON WED THE 05 DAY

OF SEP 2018 AT OR ABOUT 4:00 P. M. DEFENDANT

WHO GAVE HIS NAME ABOVE AND HIS BIRTHDATE 1/40 AND HIS

RACE [REDACTED] AND HIS ADDRESS [REDACTED] EMPLOYM [REDACTED]

DID AT SAINT BERNARD AVE K.O. DERRICK 8

LOCATED IN THE CITY OF NEW ORLEANS, PARISH OF ORLEANS, STATE OF LOUISIANA, THEN AND THERE WANTONLY AND UNLAWFULLY VIOLATE

STATUTE # 12996 SEC 1411 BATTERY

(1) (2) (3) (4)

ALL AGAINST THE PEACE AND DIGNITY OF SAME

SWORN TO AND SUBSCRIBED BEFORE ME ON THE YEAR 2018

ARE HEREBY NOTIFIED AND SUMMONED BY THE AUTHORITY VESTED IN THE UNDERSIGNED POLICE OFFICER TO PERSONALLY APPEAR BEFORE SECTION 100 OF THE MUNICIPAL COURT OF NEW ORLEANS, LA., 727 SOUTH BOULEVARD ST. ON THE DAY OF SEP 2018 AT 11:00 A.M. TO BE ARRAIGNED WITHOUT FAIL; OTHERWISE A WARRANT FOR YOUR ARREST MAY BE ISSUED ACCORDING TO LAW, PARTICULARLY LA. C. CH. 1465

DERRICK WILLIAMS POLICE OFFICER BADGE NO. 1465

I ACKNOWLEDGE RECEIPT OF THE ABOVE SUMMONS: ACCUSED: Derrick Williams

COURT COPY

USE BLACK BALL POINT PEN - PRINT AND PRESS HARD

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LAW ENFORCEMENT USE ONLY

IN THE MUNICIPAL COURT  
Parish of Orleans CITY OF NEW ORLEANS State of La.  
Case No. 20210000000000000000 Section CITY OF NEW ORLEANS  
VERSUS

Charge: 52-96 BATTERY  
City Witnesses: Name Address

Defense Witnesses:

OFFICER'S INCIDENT THE VICTIM STATED THAT WHILE FILMING A RED TEST AT THE LOCATIONS WHEN SHE WAS STRUCK IN THE FACE WITH A PLOSTED FIRST BY SUBJECT EDWINIAN. THE VICTIM STATED THAT SHE DIDN'T LOSE CONSCIOUSNESS DURING THIS INCIDENT  
Special Pleadings and Continuances:

Date \_\_\_\_\_ Judge \_\_\_\_\_  
(THIS IS THE BACK SIDE OF THE FIRST COURT COPY OR PAGE ONE)

RECORD ROOM

I ACKNOWLEDGE RECEIPT OF THE ABOVE SUMMONS.

SUMMONS  
THEREFORE, YOU, THE ACCUSED, ARE HEREBY NOTIFIED AND SUMMONED BY THE AUTHORITY VESTED IN THE UNDERSIGNED POLICE OFFICER TO PERSONALLY APPEAR BEFORE SECTION 10 OF THE MUNICIPAL COURT OF NEW ORLEANS, LA., 727 SOUTH BROAD ST., ON THE DAY OF SEPTEMBER 13, 2021 AT 10:00 AM. TO BE ARRAIGNED WITHOUT FAIL; OTHERWISE A WARRANT FOR YOUR ARREST MAY BE SOUGHT ALL ACCORDING TO LAW, PARTICULARLY LA. C. CR. P. ART. 211.

9/5/2018

**New Orleans Police Department  
Department Item Report**  
Item Number: 10572418  
Related #'s:

**Item Information**

Inv. Officer: 00844 - Thomas Wiltz  
 Division: First District  
 Offense Date/Time: 09/05/2018  
 Offense Location: O'REILLY & NORTH DORGENOIS  
 Offense Type: 14:37 - Aggravated Assault  
 Expiration Date: 09/05/2018  
 Jurisdiction:  
 Court Date:  
 Disposition:  
 Disposition Date:  
 Comments: FIREARM VARIFIED BY OFFICER C BRANCH / 6377  
 15 LIVE ROUNDS

**Names**

Name Type: Accused  
 Name: COLE, BYRON, S  
 Address: 17 NORTH DORGENOIS  
 Additional Name Information:  
 Sex: M Race: B DOB: [REDACTED] /1971 Home Phone#: [REDACTED]  
 ID#: [REDACTED] SSN#: [REDACTED]

**Exhibits**

Exhibit Numbers: 001  
 Container #: [REDACTED] Process: Hold for investigative purposes  
 Status/Location: Item Submitted Into Property - Central Evidence Receiving Intake - INTAKE  
 Collection Date/Time: 09/05/2018 - 17:05Hrs Collection Purpose: Evidence  
 Collected By: 00844 - Thomas Wiltz  
 Collection Location: O'REILLY & NORTH DORGENOIS  
 Packaging/Quantity/Item Type: One sealed paper bag with - 18 - Handgun  
 Detail Description: SMITH & WESSON, PISTOL, MODEL SW40 V, 40 CALIBER, 15 SHOT CAPACITY, 3" BBL, GRAY / CHROME, SERIAL #  
 PAU4179, USA, SPRINGFIELD, MA, (01) BLACK HOLSTER, (01) MAGAZINE, (12) R.P. S&W 40 CALIBER LIVE ROUNDS, (03) WIN S&W 40  
 CALIBER LIVE ROUNDS  
 Owner: BYRON COLE  
 Serial #: PAU4179  
 Gun Make: SW - Smith & Wesson  
 Weapon Type: P - PISTOL  
 Caliber: 40  
 Color: COM - STAINLESS STEEL OR  
 CHROME  
 Entered By: Lisa Garay  
 Notes:  
 Weapon Category: 1 -  
 SEMI-AUTO(autoloading)  
 Barrel Length: 3

**Lab Submissions**

Submitting Officer Signature

Date

Supervisor Signature

9/12/2018

# New Orleans Police Department Department Item Report

Item Number: 10572418  
Related #'s:

### Item Information

Inv. Officer: 00844 - Thomas Wiltz  
 Division: First District  
 Offense Date/Time: 09/05/2018  
 Offense Location: O'REILLY & NORTH DORGENOIS  
 Offense Type: 14:37 Aggravated Assault  
 Expiration Date: 09/05/2018  
 Jurisdiction:  
 Court Date:  
 Disposition:  
 Disposition Date:  
 Comments: FIREARM VARIFIED BY OFFICER C BRANQH / 6377  
 15 LIVE ROUNDS  
 TEST FIRED 9/6/18 - RS  
 2ND OFF.-FRANK VITRANO-1519, INTAKE MCOOPER 9/12/18

### Names


Name Type: Accused  
 Name: COLE BYRON, S  
 Address: 1519 NORTH DORGENOIS  
 Additional Name Information:  
 Sex: M  
 Race: B  
 DOB: [REDACTED] 1971  
 Home Phone#: [REDACTED]  
 ID#: [REDACTED]  
 SSN#: [REDACTED]

### Exhibits

Exhibit Number: 002  
 Container #: [REDACTED]  
 Status/Location: Item Submitted Into Property - Central Evidence Receiving Intake - INTAKE  
 Collection Date/Time: 09/12/2018 - 23:00HRS  
 Collected By: 1519 - Frank Vitrano  
 Collection Location: 501 N. RAMPART ST. NOLA  
 Packaging/Quantity/Exhibit Type: One sealed envelope with - 1 - DVD recording  
 Detail Description: (1) DVD CONTAINING VIDEO  
 Owner: There is no owner associated with this item  
 May Contain DNA : -  
 Entered By: Marlene Cooper  
 Notes:  
 Process: Hold for investigative purposes  
 Collection Purpose: Evidence  
 Color : -

### Lab Submissions

  
 Submitting Officer Signature

  
 Date

Supervisor Signature

**NEW ORLEANS POLICE DEPARTMENT  
CONFISCATED FIREARMS REPORT  
PART I - Investigating Officer's Information**

Item # 1-05724-18 Officer's Name: T. O'RIELLY Dis/Div. 1ST / 64  
 Date/Time/Location of Occurrence: 9/15/18 3:00 PM O'RIELLY NO RECORDS  
 The below information is only needed if a response from ATF is desired.  
 Phone #: \_\_\_\_\_ FAX #: \_\_\_\_\_ Priority:  Urgent  Routine  Informational  
 CHECK ONE BOX

**PART II - DESCRIPTION OF FIREARM**

Manufacturer: Smith & Wesson Type:  Revolver  Pistol  Rifle  Shotgun Model: SW 40V  
 Caliber: 40 Shot Capacity: 15 Barrel Length: 3 inches Finish: blued  
 Serial Number: PAU 4179 Country of Origin (Made in/or not USA) USA  
 City/State Importer: Springfield, MA Other Information: \_\_\_\_\_

**PART III - NOPD CRIME CODES (Check One)**

Assault/Battery  Found Property  Robbery/Hijack  Burglary  Kidnap/Abduction  Sex Crimes  
 Murder  Narcotics  Felon in Possession  Juvenile Involved:  Yes  No

**PART IV - WEAPON CONFISCATED FROM**

Check One:  Victim  Witness  Accused  Owner  Scene  
 Name: BROWN Address: [REDACTED] OLN#: [REDACTED]  
 Race: B Sex: M Age: 1971 S/S #: [REDACTED]

**PART V - ASSOCIATE INFORMATION (Person with Arrested Suspect)**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ OLN#: \_\_\_\_\_  
 Race: \_\_\_\_\_ Sex: \_\_\_\_\_ DOB: \_\_\_\_\_ S/S #: \_\_\_\_\_

**PART VI - NCIC CHECK**

Person Contacted: NCIC CAVIN  
 Check One:  Stolen  Not Stolen  
 If Stolen, Item #: \_\_\_\_\_ Date/Time: 9-13-18 5:00 PM  
 Victim Name: \_\_\_\_\_ Address: \_\_\_\_\_

**PART VII - NOPD PAWNSHOP CHECK**

Person Contacted:  No Record  Record  
 Check One:  No Record  Record  
 If Stolen, Item #: \_\_\_\_\_ Date / Time: \_\_\_\_\_  
 Victim: \_\_\_\_\_ Address: \_\_\_\_\_  
 Registered Owner: \_\_\_\_\_ Address: \_\_\_\_\_  
 Pawned by: \_\_\_\_\_ Address: \_\_\_\_\_  
 Pawnshop: \_\_\_\_\_ Date / Time: \_\_\_\_\_

Form 42 (Revised 11/99)

CP 9-15-18

**Sec. 54-342. - Illegal possession of weapons at demonstrations.**

- (a) It shall be unlawful for any person, other than a law enforcement officer, to have in his possession or to have in any vehicle any weapon while participating in or attending a demonstration being held at a public place.
- (b) It shall be unlawful for any person, other than a law enforcement officer, to have in his possession or to have in any vehicle at a point within 1,000 feet of a demonstration at a public place any weapon after having first been advised by a law enforcement officer that a demonstration was taking place at a public place and after having been ordered by such officer to remove himself from the proscribed area until such time as he no longer is in possession of any weapon. This section shall not apply to any person in possession of any weapon in his private dwelling or place of business.
- (c) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) *Demonstration* shall mean two or more persons assembled together for the purpose of picketing, speechmaking, marching, holding vigils, or other such form of conduct, which has the effect, intent or propensity to draw a crowd or onlookers.
  - (2) *Law enforcement officer* shall mean any duly appointed and acting federal, state, or local peace officer and any military or militia personnel called out or directed by constituted authority to keep the law and order provided that the law enforcement officer is on duty and present to actively police and control the demonstration and who is assigned this duty by his department or agency.
  - (3) *Weapons* shall mean any pistol, rifle, shotgun or other firearms of any kind whether loaded or unloaded, air rifle, air pistol, knife, hatchet, ax, slingshot, blackjack, metal knuckles, mace, iron buckle, baseball bat, ax handle, chains, crowbar, hammer or other club or bludgeon or any other instrumentality, customarily used or intended for probable use as a dangerous weapon.



Sec. 54-342. - Illegal possession of weapons at demonstrations. | Code of Ordinances | Ne... Page 2 of 2  
(Code 1956, § 42-56.1)

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[https://library.municode.com/la/new\\_orleans/codes/code\\_of\\_ordinances?nodeId=PTICO\\_C...](https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTICO_C...) 9/5/2018