

1072

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

USP080172

DCTN: \_\_\_\_\_

LKUP# 64 \_\_\_\_\_

Case #: \_\_\_\_\_

COMPLAINT

District of Columbia ss:

Defendant's Name: Banita M. Jacks 594986 08003857  
(First) (MI) (Last) (PDID) (CCNO)

Address: 4249 6th Street. S.E.. Washington, D.C.

Between in or about May, 2007 and January 9, 2008, Banita M. Jacks, within the District of Columbia, while armed with a knife, purposely and with deliberate and premeditated malice, killed Brittany Jacks by stabbing her with a knife, thereby causing injuries from which Brittany Jacks died between in or about May, 2007 and on or about January 9, 2008. (First Degree Murder While Armed (Premeditated) in violation of 22 D.C. Code Sections 2101 and 4502 (2001 ed.))

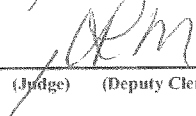
Banita M. Jacks, within the District of Columbia, in perpetrating and attempting to perpetrate the crime of First Degree Cruelty to Children, killed Tatianna Jacks by intentionally, knowingly, and recklessly engaging in conduct which created a grave risk of bodily injury to Tatianna Jacks, a child under 13 years of age, thereby causing injuries from with Tatianna Jacks died between in or about May, 2007 and January 9, 2008. (First Degree Murder-Felony Murder, in violation of 22 D.C. Code Section 2101 (2001 ed.))



Affiant's Name

Subscribed and sworn to before me this 10<sup>th</sup> day of

January 10, 2008



(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 \_\_\_\_\_

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 \_\_\_\_\_


Judge - Superior Court of the District of Columbia

Rule 105: [ ] \_\_\_\_\_

Judge

Sex: Female	DOB: 12/27/1974	CCN: 08003857	PDID: 594986
Papering Officer: Mitchell A. Credle			Badge No.: D2-118

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"/>

2062

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION  
COMPLAINT

DCTN: USP080172  
LKUP# 64  
Case #: \_\_\_\_\_

District of Columbia ss:

Defendant's Name: Banita M. Jacks 594986 08003857  
(First) (MI) (Last) (PDID) (CCNO)

Address: 4249 6th Street. S.E.. Washington, D.C.

Banita M. Jacks, within the District of Columbia, in perpetrating and attempting to perpetrate the crime of First Degree Cruelty to Children, killed N'Kiah Fogle by intentionally, knowingly, and recklessly engaging in conduct which created a grave risk of bodily injury to N'Kiah Fogle, a child under 18 years of age, thereby causing injuries from with N'Kiah Fogle died between in or about May, 2007 and January 9, 2008. (First Degree Murder-Felony Murder, in violation of 22 D.C. Code Section 2101 (2001 ed.))

Banita M. Jacks, within the District of Columbia, in perpetrating and attempting to perpetrate the crime of First Degree Cruelty to Children, killed Aja Fogle by intentionally, knowingly, and recklessly engaging in conduct which created a grave risk of bodily injury to Aja Fogle, a child under 18 years of age, thereby causing injuries from with Aja Fogle died between in or about May, 2007 and January 9, 2008. (First Degree Murder-Felony Murder, in violation of 22 D.C. Code Section 2101 (2001 ed.))

[Signature]  
Affiant's Name

Subscribed and sworn to before me this 10<sup>th</sup> day of

January 10, 2008

[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 \_\_\_\_\_

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 \_\_\_\_\_  
Judge - Superior Court of the District of Columbia

Rule 105: | | \_\_\_\_\_  
Judge

Sex: Female	DOB: 12/27/1974	CCN: 08003857	PDID: 594986
Papering Officer: Mitchell A. Credle			Badge No.: D2-118

OFFICER MUST EXECUTE RETURN

Officer's Name:	Date / Time:
AUSA Signature: <u>[Signature]</u>	Fel. I <input checked="" type="checkbox"/> AFTC <input type="checkbox"/> Fel. II <input type="checkbox"/>

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Criminal Division - Felony Branch

UNITED STATES OF AMERICA :

v. :

Lock Up. #64

BANITA JACKS :

GERSTEIN

On Wednesday, January 9, 2008, members of the Seventh District patrol section received a radio directive to respond to 4249 6<sup>th</sup> Street, S.E., Washington, D.C., to assist members of the U.S. Marshals Service (USMS). Once on the scene, officers were approached by Deputy Marshal Ruark. Deputy Ruark reported that on January 9, 2008, at approximately 10:00 a.m., members of the U.S. Marshals Service responded to 4249 6<sup>th</sup> Street, S.E., Washington, D.C., to execute a D.C. Superior Court Ordered Writ of Restitution (Eviction). Deputy Ruark entered the premises. Once inside, the defendant, Banita Jacks, demanded to see the Writ. The Deputies showed her the Writ and then told the defendant to get dressed and wait outside, as she was about to be evicted. As the Deputies attempted to walk up the stairs to the second story of the house to secure the dwelling, the defendant ran to the top of the stairs and sat on the top step, attempting to block the path of Deputy Ruark. Deputy Ruark reached the top stair and was able to squeeze by the defendant. He then began a protective sweep of the second floor. As Deputy Ruark stepped around the defendant, he observed a bedroom directly behind where the defendant was sitting. Inside that bedroom, Deputy Ruark observed what appeared to be the bodies of three children lying face down on the floor. Deputy Ruark then yelled to the other Deputies to secure the defendant. Deputy Ruark continued his sweep and opened the door to another bedroom and observed another body that appeared to be a deceased female laying on the floor. Once the defendant was secured for her safety and the premises was secured, Deputy Ruark contacted the USMS Communication Division, who in turn, contacted the Metropolitan Police Department (MPDC) dispatcher to make notifications.

Subscribed and sworn to before me this

day of

2008



Detective Darryl Richmond

DI-17  
Badge

Major Case  
District



Deputy Clerk



Members of the MPDC Major Case Squad and Special Victims Unit responded to the scene. A search warrant was executed on the premises, at which time Investigator Cherre Jamison of the Office of the Chief Medical Examiner for the District of Columbia examined each body and pronounced the four victims dead.

Found inside of the rear bedroom were the bodies of three young African-American females who were in an advanced state of decomposition. The bodies were clad in white t-shirts. The bedroom was completely unfurnished and the bodies were visible from the second floor hallway landing. This bedroom was carpeted and there was no gap between the carpet and the bottom of the bedroom door when the door was closed.

The bedroom to the left of the aforementioned room was also unfurnished. Found lying on the floor of this bedroom was the significantly decomposed body of an African-American female. The body rested on a hardwood floor. Around the body was a dried liquid that was dark maroon in color. The body was naked, but there was a white t-shirt partially covering the body and another t-shirt next to the head. Also recovered approximately six inches from her body was what appeared to be a metal steak knife. A shirt with duct tape attached to it was also recovered outside of this room, at the bottom of the bedroom door, filling a gap between the floor outside of this room and the bottom of the bedroom door, when the door was closed. This item was also attached to the bottom of the door with duct tape. A roll of duct tape was recovered from the kitchen of the house. But for the victim's remains, the two t-shirts, and the knife, nothing else was in this room.

Bonita Jacks was transported to the Major Case Squad where she was advised of her rights. She waived her rights and was interviewed. She then said that the four bodies which were found in her house were her four children. She said that the children began dying in their sleep one at a time, all within a seven to ten day period. She said that as the first three younger children died, she placed them side by side in the room in which they died. She identified the first child who died as her youngest daughter, Aja Fogle. She identified the second child who died as N'Kiah Fogle. She identified the third child who died as Tatianna. Banita Jacks stated that the last child to die was her oldest child, Brittany Jacks. She claimed Brittany also died in her sleep. Banita Jacks said that all of these deaths occurred sometime before the electricity in her house was disconnected. The investigation revealed that PEPCO interrupted electrical service to the defendant's house on September 5, 2007. Banita Jacks also stated that she never made any attempts to call 911 or the fire department to remove the bodies because she didn't trust either agency and because she thought if she notified emergency personnel that would cause her more problems. She said that she had not fed her children food for a substantial period of time prior to their deaths and that no one had been inside of her house, aside from her and her children, from May of 2007 until January 9, 2008.

Subscribed and sworn to before me this                      day of                      2008

                      DI-17                      Major Case  
Detective Darryl Richmond                      Badge                      District                        
Deputy Clerk

The investigation revealed that Banita Jacks had four children, Brittany Jacks (age 17), Tatianna Jacks (age 11), N'Kiah Fogle (age 6) and Aja Fogle (age 5). Social security records for each child were recovered from the premises. Interviews with witnesses, including the defendant's family members, also confirmed the names and ages of each child. Thus far, no witnesses reported seeing any of the children alive after May of 2007.

Chief Medical Examiner, Dr. Marie Pierre-Louis of the Office of the Chief Medical Examiner for the District of Columbia, performed autopsies on the remains of each decedent. She said that due to the totality of circumstances, including the way the bodies were found, the number of decedents found, and the ages of the decedents which suggest that these are not natural deaths, she concluded that the manner of each death is homicide. Dr. Pierre-Louis stated that due to the advanced stages of decomposition, her examinations were not yet completed and that further tests and consultations were ongoing. Preliminary findings with respect to the cause of death for Brittany Jacks include three perforations which are consistent with stab wounds. Preliminary findings with respect to the cause of death for Aja Fogle include blunt force impact to the back of the head and apparent ligature evidence on the neck. Preliminary findings with respect to the cause of death for Tatianna Jacks and N'Kiah Fogle include apparent ligature evidence on the necks of each decedent which is somewhat more defined than that noted on Aja Fogle's neck.

Witness #1 reported that from May of 2006 through March of 2007, it saw the defendant treat Brittany Jacks differently than the defendant's other children. According to Witness #1, the defendant periodically withheld food from Brittany Jacks while feeding her other children. Witness #1 said that the defendant treated Brittany Jacks more harshly than the other children. Witness #1 also said that in July of 2006, the defendant drove Brittany Jacks to the defendant's mother's home in Waldorf, Maryland, and left her there, on the porch, unattended, with no money and no food, having made no arrangements for anyone to take care of the child. Witness #1 added that when the defendant left the child at the grandmother's home in Waldorf, the grandmother was out of town and no one was even home. Thus, the child remained on the porch and unattended for more than ten hours.

During the interview, the defendant denied killing her children, and maintained that the children were possessed by demons.

Based upon the foregoing, your affiant submits that there is probable cause to believe that the defendant committed First Degree Premeditated Murder While Armed of Brittany Jacks, and First Degree Felony Murder (First Degree Cruelty to Children) of Tatianna Jacks, N'kiah Fogle and Aja Fogle

Subscribed and sworn to before me this


day of

2008

  
\_\_\_\_\_  
Detective Darryl Richmond

D1-17  
Badge

Major Case  
District

  
\_\_\_\_\_  
Deputy Clerk