



DISTRICT COURT OF MARYLAND FOR Montgomery County

Located at 191 East Jefferson St, Rockville, Maryland 20850

Case No. 0D00386708

STATE OF MARYLAND VS. KABONGO, ETIENNE K

7844 MINERAL SPRINGS DRIVE
GAITHERSBURG, MD, 20877
SID: 0003022308 LID:

PH = 8/31/18

INITIAL APPEARANCE REPORT

(Md. Rules 4-213, 4-213.1, 4-216 and 4-216.1)

Advice

I hereby certify that when the above named Defendant was brought before me for initial appearance, I:

ADVISED Defendant has appeared without an attorney and has a right to an attorney at the initial appearance, of the importance of having an attorney and, if indigent, the Public Defender will provide representation if the proceeding is before a judge or, a court-appointed attorney will provide representation if the proceeding is before a commissioner.

ADVISED Defendant has the right to waive the right to be represented by an attorney at the initial appearance and the waiver is only applicable to the initial appearance and not to any other hearing or proceeding.

ADVISED Defendant has an absolute right to hire a private attorney at Defendant's expense to defend against these charges. If the Defendant does not have the money to hire a private attorney, the Defendant is advised to apply right away to a District Court commissioner for representation by the Public Defender. A District Court commissioner makes the determination of whether the Defendant is financially eligible for the services of the Public Defender. After receipt of the Final Qualification, all further questions should be directed to the Public Defender's Office.

ADVISED Defendant any representation by a court-appointed attorney is provisional, limited to the initial appearance, and will terminate automatically upon conclusion of the hearing.

INFORMED Defendant of each offense charged and of the allowable penalties, including any mandatory or enhanced penalties, if any.

READ to Defendant, the Notice of Advice of Right to Counsel.

ADVISED Defendant that if Defendant appears for trial without counsel, the Court could determine that the Defendant waived counsel and the Defendant may have to proceed to trial unrepresented by counsel.

INFORMED Defendant of Affidavit for Indigent, the Defendant completed the requested affidavit and the commissioner determined with the criteria set forth in Code, Criminal Procedure Article §16-210 (b) and (c) whether the Defendant qualifies for a court-appointed attorney.

INFORMED Defendant that this preliminary determination is for the purpose of representation at the initial appearance only.

DETERMINED DEFENDANT IS INDIGENT.

ADVISED Defendant has the right to be represented by an attorney at the initial appearance and, if no other attorney has entered an appearance you shall be represented by the court-appointed attorney, unless the Defendant waives the right to be represented by an attorney at the initial appearance.

ADVISED Defendant if denied pretrial release or for any reason remains in custody after commissioner has determined conditions of release, Defendant shall be presented immediately to the District Court if the Court is then in session, or if not, at the next session of the Court, unless another attorney has entered an appearance or Defendant waives right to attorney for purpose of review before a judge, the Public Defender shall provide representation to an eligible Defendant at the review hearing.

ENTRY OF APPEARANCE: Defendant was represented at initial appearance by court-appointed Attorney.

APPEARANCE: COURT-APPOINTED ATTORNEY/PUBLIC DEFENDER

Received:

Attorney's Name: PAUL FORE

Physically Present.



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ADVISED defendant of provisional representation by court-appointed attorney shall be limited to the initial appearance before the judicial officer and shall terminate automatically upon the conclusion of this proceeding.

STATE'S ATTORNEY'S APPEARANCE:

State Attorney was physically present.

State's Attorney's Name: ANDREW STEWART

ADVISED Defendant that the charge is a felony that is not within the jurisdiction of the District Court; the Defendant has a right to have a preliminary hearing by a request made now or within 10 days; and failure to make a timely request will result in a waiver of this hearing.

Defendant requests preliminary hearing. It is scheduled for 08/31/2018 at 10:00 AM in Room 513, at 191 East Jefferson St, Rockville, Maryland 20850.

On the basis of information available to and developed by me I HAVE DETERMINED:

Defendant ordered held without bond.

Reasonable likelihood Defendant poses a danger to the safety of the alleged victim, another persons, or community.

The Defendant is to be HELD WITHOUT BOND.

Notice

I INFORMED THE DEFENDANT:

- 1. that a condition of ANY release is that Defendant appear for hearing and/or trial as directed by the Court.
2. that a warrant will be issued for the Defendant's arrest for any violation of condition(s) of release; that if the recognizance or bail bond is forfeited and the Defendant fails to surrender within 30 days following the forfeiture, on a felony charge the penalty imposed may be up to 5 years in jail and/or a fine up to \$5,000, or on a misdemeanor charge the penalty imposed may be up to 1 year in jail and/or a fine up to \$1,000; that the Defendant may be charged with contempt of Court.
3. to notify the Court in writing of any change of address or telephone number.

Date: 08/05/2018 Time: 9:07 PM

Commissioner: [Signature] ID: 6653

Receipt

I have [] read [X] had read to me the offense(s) for which I am charged, the conditions of release, the penalty for violation of the conditions of release, the Notice of Advice of Right to Counsel. I acknowledge receipt of a copy of this form.

My Bail Review date is 08/06/2018 at 01:00 pm in room 513, at 191 East Jefferson St, Rockville, Maryland 20850.

I have been informed that the Trial/Hearing date is 08/31/2018 at 10:00 AM in Room 513, at 191 East Jefferson St, Rockville, Maryland 20850.

I agree to any conditions of release and agree to appear as directed.

8/5/18 Date

[Signature] Signature of Custodian

X [Signature] Signature of Defendant



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Case No. 0D00386708

STATE OF MARYLAND VS. KABONGO, ETIENNE K

7844 MINERAL SPRINGS DRIVE
GAITHERSBURG, MD 20877-0000

CC#: 180037972 Tracking No: 181001514584
Phone(H): 301-963-0932 Phone(W):

Charge | Statute | Arrest
RAPE SECOND DEGREE | CR 3 304 |
SEX OFFENSE THIRD DEGREE | CR 3 307 |

Charge | Statute | Arrest
SEX ABUSE MINOR | CR 3 602 (B)(1) |

Date: 08/02/2018



ARREST WARRANT

Warrant Control No. D180419444

STATE OF MARYLAND, Montgomery County
TO ANY PEACE OFFICER:

An Order of the Court was entered on 08/02/2018, ordering the arrest of KABONGO, ETIENNE K to be brought before this Court for an Initial Appearance.

YOU ARE ORDERED to immediately arrest the above named person who resides or may be located at: 7844 MINERAL SPRINGS DRIVE, GAITHERSBURG, MD 20877.

IF THE DEFENDANT IS NOT IN CUSTODY FOR ANOTHER OFFENSE,
Initial appearance is to be held in county in which Warrant was issued.

YOU ARE FURTHER DIRECTED:

to immediately take this person before a judicial officer of the District Court; or if the Warrant so specifies, before a judicial officer of the circuit court. An appearance by video satisfies the requirements of this directive.

IF THE DEFENDANT IS IN CUSTODY FOR ANOTHER OFFENSE, this Warrant is to be lodged as a detainer for the continued detention of the Defendant for the offense charged in the charging document. When the Defendant is served with a copy of the charging document and Warrant, the Defendant shall be taken before a judicial officer of the District Court; or if the Warrant so specifies, before a judicial officer of the Circuit Court.

Date: 08/02/2018 Time: 5:35 PM

Handwritten signature of A. Moscicki

A. MOSCICKI ID: 6637
COMMISSIONER 6637

DESCRIPTION: Driver's License # K-152-236-460-967 Race: I Sex: M Ht: 5' 7" Wt: 190 Hair: Eyes: HZL
DOB: 12/21/1955 FBI # SID # SSN
Complexion Tattoos, Marks, Scars Other

Given to Law Enforcement Agency: MONTGOMERY COUNTY POLICE-MCPD HEADQUARTERS

RETURN OF SERVICE

I certify that at M on at

I executed this Arrest Warrant by arresting the person named above and delivered a copy of the Arrest Warrant to him/her.

I left a copy of the Warrant and Charging Document as a detainer for the continued detention of the person named above at:

Detention Facility
Address

Signature of Peace Officer Title Agency Sub-Agency ID Number



DISTRICT COURT OF MARYLAND FOR Montgomery County

Located at 191 East Jefferson St, Rockville, Maryland 20850



Case No. 0D00386708

STATE OF MARYLAND

VS.

KABONGO, ETIENNE K

COMPLAINANT:

Officer: DET WILLIAMS

Agency/Subagency: MCP HQ15

Officer ID: 2384

7844 MINERAL SPRINGS DRIVE
GAITHERSBURG, MD 20877

CC#: ~~180037972~~

SID:

LID:

DL#: K-152-236-460-967

Race: 1 Sex: M

Ht: 5' 7"

Wt: 190

Hair:

Eyes: HZL

DOB: 12/21/1955

Phone(H): 301-963-0932

Phone(W):

STATEMENT OF CHARGES

UPON THE FACTS CONTAINED IN THE APPLICATION OF Officer: DET WILLIAMS IT IS FORMALLY CHARGED THAT KABONGO, ETIENNE K at the dates, times and locations specified below:

NUM	CHG/CIT	STATUTE	PENALTY	DESCRIPTION OF THE CHARGE
001	2 1103	CR 3 304	20 Y	RAPE SECOND DEGREE On or About 07/31/2018 11511 YATES STREET, SILVER SPRING MONTGOMERY COUNTY MD ...did unlawfully commit a rape in the second degree upon VICTIM A DOB 11/30/2005, in violation of CR 3-304 of the Annotated Code of Maryland. Against the Peace, Government, and Dignity of the State.
002	1 0322	CR 3 602 ((b)(1))	25 Y	SEX ABUSE MINOR On or About 07/31/2018 11511 YATES STREET, SILVER SPRING MONTGOMERY COUNTY MD ... did cause sexual abuse to VICTIM A DOB 11/30/2005 , a minor, the defendant having temporary responsibility for the supervision of said child Against the Peace, Government, and Dignity of the State.
003	3 3600	CR 3 307	10 Y	SEX OFFENSE THIRD DEGREE On or About 07/31/2018 11511 YATES STREET, SILVER SPRING MONTGOMERY COUNTY MD did unlawfully commit a sexual offense in the third degree upon VICTIM A DOB 11/30/2005 in violation of CR 3-307 of the Annotated Code of Maryland. Against the Peace, Government, and Dignity of the State.

3022308
6/36/16 LFH

Judicial Officer:

6637

CA



DISTRICT COURT OF MARYLAND FOR Montgomery County - Rockville

(City/County)

LOCATED AT (COURT ADDRESS)
191 East Jefferson Street
Rockville, MD 20850

DC Case : 0D00386708



RELATED CASES:

COMPLAINANT

DEFENDANT

Detective D. Williams
Printed Name
7300 Calhoun Place Suite 300
Address
Rockville, MD 20855
City, State, Zip
MCPD, SVID, 2384
Agency, sub-agency, and I.D. #

240-773-5400
Telephone
(Officer Only)

Etienne K. Kabongo
Printed Name
7844 Mineral Springs Drive
Address
Gaithersburg, MD 20877
City, State, Zip
301-963-0932
Telephone
CC# 18-0037972

DEFENDANT'S DESCRIPTION: Driver's License # K-152-236-460-967 Sex M Race B Ht. 5'07 Wt. 190
Hair None Eyes Hazel Complexion Dark Other DOB 12/21/1955 ID

APPLICATION FOR STATEMENT OF CHARGES

Page 1 of 3

I, the undersigned, apply for statement of charges and a summons or warrant which may lead to the arrest of the
above named Defendant because on or about 07/31/2018 at 11511 Yates Street, Silver Spring,
Montgomery County, Maryland 20902, the above named Defendant

(Concise statement of facts showing that there is probable cause to believe that a crime has been committed and that the Defendant has committed it):

SEE CONTINUATION

(Continued on attached 2 pages) (DC-CR-001A)

I solemnly affirm under the penalties of perjury that the contents of this Application are true to the best of my knowledge,
information, and belief.

8-2-18
Date

[Signature]

Officer's Signature

D. Williams
Printed Name

I have read or had read to me and I understand the Notice on the back of this form.

8-2-18
Date

[Signature]

Applicant's Signature

D. Williams
Printed Name

Subscribed and sworn to before me this 2nd day of August 2018
Time: 5:19 AM PM Judge/Commissioner A. Moscicki

I understand that a charging document will be issued and that I must appear for trial at [Time], when notified by the Clerk, at the court location shown at the top of this form.

Applicant's Signature

[] Applicant requests reasonable protection for safety of the alleged victim or the victim's family

(Describe)

[] I have advised applicant of shielding right. [] Applicant declines shielding.

[] I declined to issue a charging document because of lack of probable cause.

Date

Commissioner

I.D. No.

Printed Name

Tr.# 181001514584



DISTRICT COURT OF MARYLAND FOR Montgomery County

(City/County)

LOCATED AT (COURT ADDRESS)
191 East Jefferson Street
Rockville, MD 20850



DC Case : 0D00386708

DEFENDANT'S NAME (LAST, FIRST, M.I.)
Kabongo, Etienne K.

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 2 of 3

On July 31st, 2018, Montgomery County Police Department, Special Victims Investigations Division received a report of a sexual assault.

The writer, a duly sworn Montgomery County Police Detective currently assigned to the Special Victims Investigations Division Child Abuse and Sexual Assault Unit and Montgomery County Child Welfare Services began an investigation into the allegation of sexual assault involving a 12-year-old female victim (DOB: 11/30/2005) with special needs and the defendant, later identified as Etienne K. Kabongo (DOB 12/21/1955). The 12-year-old female victim is known to the writer and referred to as Victim A from this point forward.

The sexual assault occurred on July 31, 2018 at approximately 1230 hours on a Montgomery County Public Schools school bus that was in the area of Yates Road in Silver Spring, Montgomery County, Maryland. The sexual assault was captured via the surveillance camera inside the school bus.

On August 02, 2018, the writer reviewed the surveillance video from the school bus. Etienne K. Kabongo, a Montgomery County Public Schools school bus driver, is the bus driver that transports Victim A home after her summer program for people with special needs. In the surveillance video, after the bus attendant leaves the bus to drop off a student, Etienne K. Kabongo is observed walking past Victim A and interacting with another student in the back of the school bus. Etienne K. Kabongo then walked back to the front of the school bus where Victim A was seated by herself. Etienne K. Kabongo is observed brushing his open hand against Victim A's vagina over top of her clothing as he is walking past her. Etienne K. Kabongo then sat next to Victim on the seat and is observed placing his right hand between Victim A's legs and moved it around. Etienne K. Kabongo is observed looking out of the school bus windows while he right hand remained between Victim A's legs, moving around. Victim A began to scream and appears to cry while she moved backwards away from Etienne K. Kabongo . Etienne K. Kabongo partially stood up in the aisle. Etienne K. Kabongo faced Victim A and went back to the driver's seat of the school bus.

On August 2nd, 2018, Victim A was forensically interviewed by a Montgomery County social worker and disclosed that her bus driver touched her private part under her shorts. Victim A stated that it hurt and she cried. Victim A indicated that the private part she was referring to is her vagina and Victim A pointed to it. Victim A further stated that her bus driver touched the inside of her private part with his finger, and that his finger went inside of her private part.

Victim A then drew a picture of her and her bus driver and in this picture, Victim A's drawing of herself has tears coming from her eyes and she stated that she was crying.

08/02/2018

Date

Applicant's Signature

D. Williams

Printed Name

Tr.# 181001514584



DISTRICT COURT OF MARYLAND FOR Montgomery County

(City/County)

LOCATED AT (COURT ADDRESS)

191 East Jefferson Street
Rockville, MD 20850



DC Case : **0D00386708**

DEFENDANT'S NAME (LAST, FIRST, M.I.)

Kabongo, Etienne K.

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 3 of 3

Based on all the facts and circumstances, of which occurred in Montgomery County, Maryland, the writer believes sufficient probable cause exists to charge Etienne K. Kabongo in violation of the following Annotated Code of Maryland:

- CR 3-304: Second Degree Rape
- CR 3-307: Third Degree Sexual Offense
- CR 3-602: Sex Abuse of a Minor

All events occurred in Montgomery County, Maryland.

08/02/2018

Date

Applicant's Signature

D. Williams

Printed Name

Tr.# 181001514584