

UNIFORM ARREST REPORT-AFFIDAVIT OF COMPLAINT

SPN	Date Arrested 9/18/2023	Time Arrested 3:10 PM	Arrestee # 1	Sector / District A North 2	Warrant Signed By <input checked="" type="checkbox"/> Officer <input type="checkbox"/> Victim <input type="checkbox"/> Both		<input checked="" type="checkbox"/> Original Charge <input type="checkbox"/> Warrant Service
Location Of Arrest 2410 CRESCENT CLUB DR			Location Of Incident (If different from arrest) 2410 CRESCENT CLUB DR			CPD Number	
ARRESTING AGENCY	Arresting Agency Name CHATTANOOGA POLICE DE		Arresting ORI TN 0330100	Arresting Agency ID Num 2	Jail/Arrest Number	Arresting Complaint Number 23-102110	
REPORTING AGENCY	Reporting Agency Name CHATTANOOGA POLICE DE		Reporting ORI TN 0330100	Reporting Agency ID 2	T.B.I. Document#	Reporting Complaint Num	
ARRESTEE	(OfficeOnly) Last Name		First Name	Middle Name	Alias/Maiden/Nickname		
Last name			First Name	Middle Name	Age 43	Sex M	Race W
SMITH, DAVID J					Date Of Birth 10/15/1979	Ethnicity N	Resident Status Resident
Height 505	Weight 145	Hair Red	Eyes Blue	Marks, Scars, Tatoos, Physical Defects		Social Security Number	Driver License/ID Number State TN
Home Address		City HIXSON	State TN	Zip 373433624	Business Name/Address		City State Zip
Home Phone	Place Of Birth		F.B.I. or S.I.D. Number	Business Phone	Type Of Arrest O	Multiple Clearance	Cleared
Armed with: Describe weapon (serial# Make Model Caliber) Code: auto				Armed with: Describe weapon (serial# Make Model Caliber) Code: auto			
Offense		TIBRS	Status	Def Used	Location	Criminal Activity	Bias
							Gang: Activity Type Name
							1.
							2.
#	Suspected Drug Type		Estimated Qty	Measurement		IF MARIJUANA COMPLETE THE FOLLOWING	
1						<input type="checkbox"/> Indoor	<input type="checkbox"/> Outdoor <input type="checkbox"/> Both
2						Num Of Plots Latitude longitude	
3						Receipt Number	
Property Or Evidence Description:							
CODE: C-Complaint V-Victim W-Witness P-Parent G-Guardian ***Obtain information from warrant if available***							
Code	Last Name	First Name	Mid	DOB	Age	Sex	Race
							Home or Business Address
							Phone Number
VEHICLE: YR		Make	Model	Style	Color(s)	License	State Year Type
							TN
VIN		<input type="checkbox"/> Parked and Locked Vehicle can be located at: <input type="checkbox"/> Towed					

CHARGE	DOCKET #	CHARGE	DOCKET #	CHARGE	DOCKET #
ATTEMPT	1924088	ATTEMPT	1924088	AGGRAVATED ASSAULT	1924089
AGGRAVATED ASSAULT	1924089	AGGRAVATED ASSAULT	1924090	AGGRAVATED ASSAULT	1924090
AGGRAVATED BURGLARY (OCCUPI	1924091	AGGRAVATED BURGLARY (OCCUPIE	1924091		

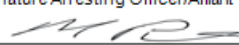
AFFIDAVIT OF COMPLAINT In the General Sessions Court of Hamilton State of Tennessee vs. SMITH, DAVID J

The undersigned affiant, after being duly sworn according to the law, SMITH, DAVID J whose name is otherwise unknown to the affiant, committed the offense of ATTEMPT in the above county at (Location) 2410 CRESCENT CLUB DR on or about 9/18/2023 Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his/her information is believable concerning said facts are as follows:

ON 09/18/2023 AT 14:50 HOURS, OFFICER MATTHEW PUGLISE (62210) RESPONDED TO A SERVING WARRANT AT 2410 CRESCENT CLUB DR. THE DEFENDANT, DAVID SMITH WAS PICKED UP AT 2410 CRESENT CLUB ROAD BY THE CHATTANOOGA FUGITIVE INVESTIGATORS FOR FOUR FELONY WARRANTS AND TRANSPORTED TO THE HAMILTON COUNTY JAIL WITHOUT INCIDENT.

If the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, the defendant is entitled, upon petition by the defendant to the court having jurisdiction over the action, to the removal and destruction of all public records relating to the case without cost to the defendant.

CO-Defendants:

Signature Arresting Officer/Affiant 	Badge/ID 646
Signature Approving Supervisor	Badge/ID
NCIC/TIES Entries/Clear Made By:	Date

Sworn to before me this 9/18/2023

 Judge-Court Of General Sessions
 Vince Dean, Clerk, Criminal Div.
 General Sessions Court

By: Kimberly Cross
 Court Clerk/Deputy Clerk

JUDGMENT

Case dismissed w/o hearing proof. motion of _____ State _____ Defense _____

Case dismissed upon payment of costs. _____

Case dismissed for failure of proof beyond a reasonable doubt. _____

_____ on evidence heard. Defendant's bound over to the Grand Jury. Bond \$ _____

_____ Preliminary hearing waived. Defendant's bound over to the Grand Jury. Bond \$ _____

_____ Guilty _____

_____ On waiver of indictment & trial by jury. & on evidence heard. _____

_____ Offer set reduced to TCA. _____

_____ Per plea agreement _____

_____ Fine \$ _____

_____ Serve: _____ months and _____ days with the following conditions: _____

_____ Self Report Date: _____

_____ Sentence is suspended upon payment of fine & costs for _____ months and _____ days.

_____ Costs Waived _____

_____ Jail Fees Waived _____

_____ Home Co. Probation _____ months _____ days

_____ Level _____

_____ Drug Screens: _____ months _____ days

_____ Public Works: _____ days

_____ House Arrest: _____ months _____ days

_____ Restitution: \$ _____, payable to _____

_____ through Clerk's office _____ through probation

_____ Defendants should serve _____ % of _____ days.

_____ of sentence before being eligible for rehabilitative programs.

_____ Defensive Driving School _____

_____ Diversion TCA 40-35-313 _____

_____ Sentence denied by JBI Date: _____

_____ Partial Payment _____

_____ Judgment recalled Jury Demarcos _____

_____ Appeal Bond Amount: \$ _____

_____ Judge, General Sessions Court _____ Date _____

PROBATION ACTIONS

Probation Revoked Yes No Date: _____

_____ By Hearing _____ By Agreement _____

_____ Date: _____

_____ Defendant's Signature _____

_____ Factual Basis: _____

Further Orders:

_____ Judge Signature _____

_____ Date: _____

_____ Judge Signature _____

_____ Date: _____

_____ Judge Signature _____

_____ Date: _____

_____ Case Notes _____

WAIVER OF PRELIMINARY HEARING

The defendant, after being informed of _____ right to a preliminary hearing by the Court, waived said hearing and is held to the Grand Jury.

_____ Defendant

WAIVER OF INDICTMENT & TRIAL

The defendant, after being fully advised of his/her rights by the Court, waives his/her right to indictment or presentment by the Grand Jury and to trial by jury and requests trial by this Court

_____ Defendant

Objected to by the District Attorney or representative: _____

WAIVER OF COUNSEL

The defendant, after being fully advised of his/her rights to the aid of counsel in every stage of the proceedings, and further having been advised that if necessary, an attorney will be appointed to represent the defendant, hereby waives his/her right to counsel.

_____ Defendant

ENHANCEMENT WAIVER

I understand that my conviction in this case may be used as an enhancement factor in any subsequent charges against me and can increase the punishment of future convictions.

_____ Defendant

10 DAY WAIVER:

_____ Defendant

_____ Attorney for Defendant

_____ Attorney for State

DOCKET NO. 1924088 (1 OF 4)

SMITH, DAVID J
5718 TAGGART DR HIXSON, TN 37343

SPN : 235931

CO-Defendant (1 OF 1)

Complaint# 1318342323 CH

Chg: FIRST DEGREE MURDER
 TIBRSTCA: 3813222 Fel/Mis:
 Arrest Date: 8/18/2023 Off. Date: 8/17/2023
 Officer: BALINGER, KAYLA #993 993
 Arrest Ag: CHATTANOOGA PD
 D.O.B: 12/15/1979 Race: W Sex: M

Under 18: No

On Probation: Yes No Pend. Cases: Yes No

Domestic: Yes No Conditions: Yes No

Handgun Permit: Yes No

Public Defender: Yes No

Bond Amount: \$150,000.00

Bonding Co.: _____

Magistrate: YVES A. G.

_____ New Bond \$ _____ Date: _____

By: _____

Court Date: 8/23/2023 Time: 8:30 AM

Room: 4

Continuances: _____

by State/Defense/Court: _____

by State/Defense/Court: _____

by State/Defense/Court: _____

by State/Defense/Court: _____

Post-judgment Court Date: _____

Post-judgment Court Date: _____

Post-judgment Court Date: _____

District Attorney: _____

Defense Attorney: _____

IN THE GENERAL SESSIONS COURT OF HAMILTON COUNTY

STATE OF TENNESSEE VS. SMITH, DAVID J
5718 TAGGART DR
HIXSON, TN 37343

The undersigned affiant, after being duly sworn according to the law, state that SMITH, DAVID J whose name is otherwise unknown to the affiant, committed the offense of FIRST DEGREE MURDER in the above county on or about 9/17/2023

Further, affiant makes oath that the essential facts constituting said offense, the sources of affiant's information, and the reasons why his / her information is believable concerning said facts are as follows:

On 09/17/2023 at 02:41 hours, Police responded to an Aggravated Assault/DV/Shooting at 5718 Taggart Drive. Once on scene, police located Mr. Trevor Bennett laying in the front yard against a vehicle suffering from a gunshot wound to the head. In addition, Ms. Bennett was on scene attempting to render aid to her brother Mr. Trevor Bennett. At this time, police called for other emergency responders to respond to the scene to render further aid to Mr. Bennett. Once EMS arrived, they immediately transported Mr. Bennett to Erlanger main hospital. At this point, police began speaking with Ms. Bennett about the incident. At this time, Ms. Bennett stated her ex-boyfriend, Mr. David Smith, had been arguing with her inside the home accusing her of sleeping with other men. In addition, Ms. Bennett told police Mr. Smith had been drinking on this night and had been violent with her in the past. Ms. Bennett then stated, after the argument, Mr. Smith walked outside the house and she believed he left. Ms. Bennett then continued her statement and said, several moments later, Mr. Smith returned to the front door with a sword of some kind and, when she opened the door, Mr. Smith grabbed her by the throat. Ms. Bennett stated he then told her if she's not going to be with him, then she's not going to be with anyone. Ms. Bennett then told police she yelled for help and her brother came up the stairs with a gun. Mr. Bennett then told Mr. Smith to take his hands off his sister or he would shoot him. Ms. Bennett then told police Mr. Smith threw her to the ground and began fighting with her brother. It was at this point Ms. Bennett was unsure about the sequence of events that unfolded following her being thrown to the ground, but then stated she heard a gunshot. Several seconds later, Ms. Bennett told police she found her brother had been shot in the head. I, Inv. Balinger #993, responded to 5718 Taggart Dr. Upon arrival patrol led to me to the area the shooting was suspected to have happened at, which was in front of the house just outside the front door area. I observed a long blade which appeared to be a Katana type sword laying on the ground outside the front door. The sheath to the blade was laying on the ground just inside the front door. There were two towels several feet away from the blade that appeared to have blood and human flesh on them. There was also what appeared to be a blood stain in the grass next to the towels. I was then informed that Erlanger staff had placed Mr. Bennett into the ICU awaiting a neurosurgeon to perform surgery on the wound sustained in the head by the gunshot wound. Mr. Bennett also had several lacerations on both of his arms. I had crime scene process the area and collect evidence. I then had Ms. Bennett and her son, Minor 1, transported to the Family Justice Center to conduct official interviews. During the interview with Ms. Bennett, she corroborated what she had reported to patrol with consistency from her original statement. She also stated that the gun her brother had been shot with was a 9mm Nano Berretta hand gun and that the gun was taken by Mr. Smith when he fled the scene. Ms. Bennett stated that when David came to the door she tried to stop him from entering when she saw the blade but he forced his way in when he grabbed her by the throat. She stated even after Trevor came to the door with the gun, David continued to force his way inside. Minor 1 stated that earlier in the evening he had heard Ms. Bennett and Mr. David Smith, Minor 1's father, arguing for several hours after she returned home from work. He stated at one point David came into his room with the title to his vehicle and was making Minor 1 sign it as the buyer of the car from David. Minor 1 then stated that David then dragged the large TV and Xbox (which was his) from the living room into Minor 1's bedroom to give to him, which was all the way at the end of the hallway. He stated David then left the house after arguing a little while longer with Ms. Bennett. He stated he then heard the doorbell ring from his bedroom and heard shouting. He stated he grabbed a pocket knife and ran to the front door where he saw his father fighting with his mother and had the blade in his hand. He stated his uncle, Trevor Bennett, then came up the stairs from the basement with a gun to get David to leave. He stated his mother got knocked aside and her glasses were knocked off her face. He then proceeded to state that Trevor pushed David outside the front door. Minor 1 said he then ran out the front door after he helped his mom for a second. He said when he got outside he saw David on his back, just a few feet away, shoot Trevor in the head who was standing over him. He stated he didn't know how David was able to get the gun from Trevor. Ms. Bennett advised Police that David does not have any relatives in the area or know of where he would go. ABOLO was issued for Mr. Smith's vehicle that he fled the scene in. For the aforementioned reasons, Mr. David Smith is being charged with Attempted 1st Degree Murder, Aggravated Domestic Assault X2, and Aggravated Burglary.

If the defendant's charge is dismissed, a no true bill is returned by a grand jury, the defendant is arrested and released without being charged with an offense, or the court enters a nolle prosequi in the defendant's case, the defendant is entitled, upon petition by the defendant to the court having jurisdiction over the action, to the removal and destruction of all public records relating to the case without cost to the defendant.

Affiant-Name and Address

Sworn to and subscribed before me this

Officer BALINGER, KAYLA

9/17/2023

[Handwritten signature of Kayla Balinger #993]

[Handwritten signature of Ronnie Hill]

Judge -Court of General Sessions

Vince Dean, Clerk, Criminal Division
General Sessions Court

By: _____

Deputy Clerk

ARREST WARRANT

STATE OF TENNESSEE

STATE OF TENNESSEE vs.

HAMILTON COUNTY

DOCKET NO. 1924088

SMITH, DAVID J

Race: W

Sex: M

Address: 5718 TAGGART DR HIXSON, TN 37343

DOB: 10/15/1979

Wgt: 601

SSN: 589460380

Hgt: 65

Eyes: BLU

Hair: RED

DL#: TN 088285841

TO ANY LAWFUL OFFICER OF THE STATE:

Based upon the affidavit of complaint made and sworn to before me by **BALINGER KAYLA #993**

There is probable cause to believe that the offense(s) of **FIRST DEGREE MURDER**

TCA: 39130202

has been committed in Hamilton County, Tennessee, and charging

SMITH, DAVID J

thereof, you are therefore commanded in the name of the state of Tennessee forthwith to arrest and bring the said accused person before the court of General Sessions of Hamilton County, Tennessee, to answer the said charges.

Ronnie Hill

Judge, Court of General Sessions

Issued: 9/17/2023

Vince Dean, Clerk, Criminal Division
Court of General Sessions

Received: _____

Kayla Balinger #993

BY: _____

Authorized Officer **BALINGER KAYLA #993**

Deputy Clerk

SUBPOENA: You are further commanded to summon the following witnesses to personally be and appear at the Courts Building, and testify in behalf of the State of Tennessee, aforesaid, on the _____ day of _____, 20____ at _____.

Name	Address	Phone #
BENNETT, HELEN	5718 TAGGART DR	423-255-9503
BENNETT, TREVOR	5718 TAGGART DR	423-255-9503
SMITH, RIDDIK	5718 TAGGART DR	423-227-3358

Return of Service

I hereby certify and return that on the date below I executed this warrant by the arrest of:

SMITH, DAVID J

() I also executed the within subpoena in full except as to Witness No. _____ and No. _____, the same not found in my County after diligent search.

This 18th Day of September, 2023

Austin Garrett, Sheriff

Complaint No: 23-101604

By: *Matthew Puglise* DS
Authorized Officer **PUGLISE MATTHEW #646**