

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION**

**UNITED STATES OF AMERICA** : **Criminal Case No. 2019 CF1 15540**  
: **Honorable Marisa Demeo**  
v. : **Sentencing: October 8, 2021**  
**VAUGHN KOSH** :  
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**MEMORANDUM IN AID OF SENTENCING**

The United States, by its counsel, the United States Attorney for the District of Columbia, respectfully submits this memorandum in aid of sentencing of the defendant, Vaughn Kosh. The defendant pled guilty to one count of Second-Degree Murder While Armed (Alayna Howard), one count of Aggravated Assault While Armed (Dawnella Howard), one count of Assault with a Dangerous Weapon (JH, a 12-year-old), and one count of Simple Assault (Artimas Gross). The defendant and the government agreed to a Rule 11(c)(1)(C) disposition of a range of 15-20 years of incarceration. The government respectfully requests for this Court to accept this plea and sentence the defendant to a total of 20 years (240 months) of incarceration for the charges of Second-Degree Murder While Armed, Aggravated Assault While Armed, Assault with a Dangerous Weapon, and Simple Assault in accordance with the plea agreement.

**I. NATURE OF THE OFFENSES**

On December 7, 2019, at approximately 5:14am, Mr. Artimas Gross, Victim-1, arrived at 1716 Capitol Avenue, NE, Washington, D.C. After entering the building, Victim-1 proceeded to apartment #4 and encountered defendant Vaughn Kosh. The two had a brief verbal interaction, during which defendant Kosh states Victim-1 spit on him. As Victim-1 entered apartment #4, defendant Kosh pushed the door open and began to assault him. During the assault, a firearm fell

to the floor. Defendant Kosh picked it up and fired a shot at Victim-1, who was able to get out of the apartment and located Metropolitan Police Officers arriving at the scene.

While rendering aid to Victim-1, officers heard gunshots coming from 1716 Capitol Avenue, NE. Meanwhile in apartment #4, the defendant had stepped out momentarily and returned into apartment #4. Inside apartment #4 were Ms. Dawnella Howard, Victim-2, who was sitting in her wheelchair in the living room, and Ms. Alayna Howard (Decedent) who was an amputee, and her 12-year-old child, who were in the bedroom. Defendant Kosh entered the living room and shot Victim-2 in the face and neck, then went to the bedroom where the Decedent was screaming "Please don't get my baby! Don't get my baby!" Defendant Kosh shot the Decedent in the head. The child who was nearby pleaded with defendant Kosh, "Please don't get me!" to which the child and Victim-2 heard defendant Kosh say, "If I wanted to get you, I would like I did your mom!"

Shortly thereafter, officers located Decedent who was unconscious and not breathing. After finding no signs of life, officers pronounced her dead at 6:00am. The autopsy confirmed that she died of a gunshot wound to the head and neck, and the manner of death was ruled a homicide.

Victim-2 was transferred to a hospital to be treated for her injuries. She had four gunshot wounds in total: two in her left cheek, one in the right side of her neck, and another in the back of her neck. She has suffered permanent damage to her face and neck, lost several teeth, and suffered from severe mental distress anytime someone entered her hospital room or woke her from sleep.

When officers entered the building at 1716 Capitol Avenue, NE, they saw the front door to apartment #4 had been forced open. The locking mechanisms from the door were on the ground with shards of wood. The front door showed fresh damage and was missing its locking

mechanisms. Also discovered inside the apartment was a projectile in the living room, and three cartridge casings located in the hallway near the kitchen and bedroom.

Victim-1 was shown a photo of defendant Kosh on December 7, 2019 at 7:27am, and identified Kosh immediately, saying "That's the neighbor."

Detectives obtained a search warrant for apartment #3 at 1716 Capitol Avenue, NE, and recovered: (1) an Armi Galesi 635 (.25) caliber handgun that was stuffed between cushions of an ottoman, (2) handwritten notes describing animosity and listing threats directed towards victims, (3) two live .25 caliber rounds from the toilet, (4) a composition notebook, (5) a loose dreadlock (as dreadlocks were found in both apartments), and (6) defendant Kosh's cell phone.

After being taken into custody, defendant Kosh waived his *Miranda* rights, stating he would answer questions, depending on what they were. He proceeded to explain that he had been in an ongoing dispute with the decedent and Victim-1, claiming that they hired locksmiths to break into his apartment. He also claimed the two victims and the decedent did not keep their apartment clean, causing odor and infestation issues. He also stated that he got into an altercation with Victim-1 two years prior, where he cut Victim-1 with a knife.

The defendant stated he got into a tussle with Victim-1 inside the decedent's apartment. When asked how he gained entry to the apartment, the defendant declined answering that question. The defendant stated that he tussled with Victim-1 in the kitchen and back into the back room of the apartment.

Victim-1 fled the scene, and the defendant went into the decedent's bedroom where he found the decedent and the decedent's son. The defendant stated he fired a round at the decedent while she was seated on the side of the bed. The defendant stated the decedent was the cause of

the problems, and that was the reason he shot at the decedent.

The defendant stated he then left the apartment and set the handgun on the floor in the hallway between the two apartments. Detectives confronted the defendant with the two live rounds found in the toilet in his apartment. The defendant stated he observed the bullets on the floor in the decedent's apartment and picked them up. The defendant stated that the bullets were hot, so he tossed them in the toilet. Detectives also confronted the defendant with the timeline of officer's arrival. The defendant finally admitted he hid the handgun inside the cushion of his foot stool or ottoman. The defendant apologized and stated he felt remorse about the shooting, but he also stated that the decedent and the victims had pushed him too far and too long. The defendant acted on intentionally, on purpose, and not by mistake or accident. The defendant has no legal justification.

## **II. CRIMINAL HISTORY and OPPORTUNITIES AFFORDED**

The defendant stands before the Court with .50 points but has had a much longer criminal history than his points indicate, that dates back to 1990, in multiple counties. The PSR notes that "Mr. Kosh is no stranger to the criminal justice system, amassing arrests in the District of Columbia, Maryland, and Virginia." PSR at 23. The opportunities afforded to the defendant did not make an impact and, instead, his criminal history continued and escalated in seriousness.

In 1990 he was charged with Driving Without a License and received a suspension after failing to appear. In 1993, the defendant was convicted of Destruction of Private Property in Alexandria, VA. In July 1996 he was found guilty of Telephone: Call/Repeat Abuse and was sentenced to sixty days in jail where 15 days were suspended and with credit for time served and ultimately was given the opportunity of unsupervised probation. Additionally, he had a couple of offenses where he had the opportunity to be placed on the stet docket in 1993 and 1996.

A protection order was granted against the defendant, which appears to be temporary on March 6, 1995, and then extended on March 13, 1995.

In August 1997 defendant Kosh was sentenced to fifteen to forty-five months for the Unauthorized Use of an Automobile and had been granted the opportunity of being in the community and under probation. About three years into his probation it was revoked to incarceration. That same year, he was charged and later convicted for Unlawful Possession of a Firearm by a Convicted Felon and sentenced to twenty-four months incarceration, followed by three years of supervised release. In April 2005, his supervised release was revoked and defendant Kosh was resentenced to eighteen months in jail and one year of supervised release.

A Temporary Protection Order was issued to petitioner T.S. in April 2008, which was continuously extended until a Civil Protection Order was granted for almost a year until it was vacated. Within a couple of years, another several Temporary Protective Orders were granted against the defendant until the yearlong protection order was granted in January 2013.

In March 2009, he was convicted of Simple Assault in a domestic violence matter and sentenced to 180 days and had the opportunity of all of the time being suspended and being in the community for supervised probation. Again, his probation was revoked and resentenced to jail for 60 days.

In the same year, the defendant picked up two counts of Attempted Threats charge also in a domestic violence matter. This time he was sentenced to 180 days in jail but had to serve 20 days in jail up front followed by 180 months of supervised probation.

In 2017, the defendant was initially charged with Assault with a Dangerous Weapon against one of the victims, Artimas Gross, in the instant proceeding. Although it was initially

dismissed a couple of months after, this charged was ultimately indicted with the rest of the offenses relating to the murder of Alayna Howard. About two years after the initial assault with a dangerous weapon against Mr. Gross, the defendant continued having issues against Mr. Gross which led to the fateful morning where he killed Alayna Howard in front of her young child and shot two others, including the decedent's immobile mother.

### III. DEFENDANT'S CHARACTERISTICS

The defendant has seemed to suffer from mental health issues for a long time. Likely due to his disability the defendant was unemployed at the time of the instant offense, and stated he last had a job over two decades ago. *See* PSR at 19.

Although he has fathered nine children over the years, he does not appear to have positive relationships with his family, he is the father of nine children and "admitted that he did not have consistent contact with his children." *Id.* at 20. He was ordered to pay child support for at least two of his children but reported that he is unsure of the amount he owes. *Id.*

During the course of this case pending, the defendant was at St. Elizabeth's for over a year and in competency restoration. Over the course of almost the past two years he has repeatedly stated in different statements his contempt for multiple victims in this case and for what he believed they were doing to him.

While defendant Kosh pled guilty in the Instant Offense, he "minimized his role in the crime, blaming the victim in all aspects of the events that led up to this heinous crime." *Id.* at 24. The Report goes on to note that he fails to take responsibility for his actions and blames the victims for the decedent's death. *Id.*

### IV. VICTIM IMPACT STATEMENTS

In accordance with 23 D.C. Code Section 1904(b), two written victim impact statements have been submitted for review by the Court by Exhibits A. The government expects more to be presented at the time of sentencing.

#### **V. GOVERNMENT'S RECOMMENDATION**

It is clear the defendant needs help with mental health services and the government requests that while incarcerated this be addressed. Although this may have contributed to the defendant's life, he has been deemed competent in understanding his actions. Additionally, he took deliberate steps to hide his actions and then minimize or omit his role when speaking to the police.

Defendant Kosh has a long criminal history, that escalated in seriousness, and the instant offense is particularly disturbing. The government's recommendation considers the nature of the offense, the defendant's criminal history, victims' wishes, active steps taken by the defendant to harm an entire family, including a twelve-year-old boy, actions taken by the defendant after the offenses demonstrating his guilt, his mental health struggles, and the fact that he blames the victims for the harm he imposed on them.

Due to the defendant's actions, a boy's last image of his mother was when she was pleading for his life and hers, a grandmother was trying to recover when the pandemic hit and was never able to return to her family when she passed, and a boyfriend will have to live with pain of having lost his girlfriend and never got to say goodbye, and a family will forever be impacted by the pain brought to their loved ones. The government requests that the Court accept the plea and sentence the defendant accordingly to a total of 20 years of incarceration followed by 5 years of supervised release.

Respectfully submitted,

CHANNING D. PHILLIPS  
ACTING UNITED STATES ATTORNEY

*M. Trigoso*

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MONICA TRIGOSO  
ASSISTANT UNITED STATES ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing government's Memorandum in Aid of Sentencing is to be served upon counsel for the defendant, Elizabeth Weller, Esquire, via electronic mail this 4<sup>th</sup> day of October 2021.

*M. Trigoso*

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MONICA TRIGOSO  
ASSISTANT UNITED STATES ATTORNEY



**EXHIBIT A**

VICTIM IMPACT STATEMENT

8/20/2021

I will never forget the phone call on December 7<sup>th</sup> at approximately 5 A.M. My sister called me "I just got shot" It was hard to understand her because she was shot both in the face and neck. My sister was shot by a neighbor that she didn't even know very well other than the guy who lived across the hall. Vaughn Kosh, took a mother's life.

She was the proud mother of a son at that time. All she talked about was being able to move before the Holiday's. To give her son and mother a safe place to live. Kosh, has changed not only [REDACTED]'s life but mine as well. I thought I would be retiring and enjoying myself. God had another plan for me, a caretaker of a preteen with special needs.

I spent majority of my time when I was trying to grieve the loss of my niece looking to get everything changed over to Maryland Social Security. It took me a month before he could return to school, I also needed paperwork from the courts, Medicaid, counseling because V. Kosh pointed a gun at [REDACTED]. I also needed to get the child support payments taken out of Alayna's name. I couldn't do anything until I got a court order to have custody.

So many things have changed in my life, financially. My nephew will be taken care of with love and support not only by me but my daughter and her husband. They both opened their doors for [REDACTED] and I. I do miss both my sister Dawnella and Alayna who were taken from us much to soon. My sister spent the last year of her life alone in hospitals and rehabilitation centers. My sister got to a point where she stopped speaking and because of the Pandemic the family was not able to see her and tell her how much we loved her. My sister never got better and passed away alone. Anger feels my heart because this didn't have to happened. They will be missed but never forgotten and I refuse to let Kosh win so I pray for him and I hope that he will get the maximum sentencing.

Diane Howard Preston

*Diane H. Preston*

## VICTIM IMPACT STATEMENT

8/20/2021

On December 7, 2019 my life was forever changed. I woke up to the sound of a text notification. My mother texted me that she was leaving because there had been an incident. I ran to her room where she explained that my Aunt Dawnella called her from her apartment and said she had been shot in the neck. She said someone came into her apartment that she shared with my cousin Alayna. She said that he also shot Alayna and she did not know if she was alive or dead. She said no one was telling her anything. She also said that her grandson (Alayna's son [REDACTED]) ran out of the apartment, and she didn't know where he was. She asked my mother to please go get him and make sure he was ok.

My mother, a close friend who was staying at the house and I got dressed and jumped in the car to head to the police station (District 5). We explained we were the family of the shooting victims, and we were there to pick up [REDACTED]. At that time, they said he was with Detectives. I won't go into the long details of how we finally located him but after going through the proper protocol we met the social worker and went through the process of taking him home. I believe by then we had already learned that my cousin Alayna had not survived. I still can remember the concern on his face asking when he could go see his mother. He started to get warm, so I suggested he take his coat off since we were inside the Child and Family Services building. After [REDACTED] took the coat off my heart dropped. I looked across to my friend and her eyes were wide open staring back at me. His shirt had blood all over it. There were other people in the lobby, so I told him to walk to the bathroom and alerted the social worker.

On the way to my house [REDACTED] kept saying what happened. The things he witnessed. It was like hearing a child talk about a movie, but he was just reliving his Saturday morning. What he didn't know at the time was that would be his last memory with his mother. His last morning waking up in his home. I am tearing up as I type this because I get so angry that Vaughn Kosh ripped a piece of [REDACTED]'s childhood, family, innocence, and trust in humanity on that day. Vaughn Kosh gets to stand trial to determine his fate while he stole [REDACTED]'s mother. The decision he made that day is something that he can't take back. We don't get a "do-over".

My mother who lives in my house has the heart of a saint. I also have a husband that is one of the most giving people I know. They both at different times came to me and said he has nowhere to go I think he should stay here. I have to say I knew it was the best thing and the right thing to do I just was so nervous because of the trauma he went through and how it would mentally affect him. How he would deal with that trauma and how it might affect my children. I know family is important and God would want me to open my home to my family when they need it. So, without hesitation I said lets do what we have to do so that he can live here. My mother, Diane Preston, months shy of retirement did what she had to do to get guardianship of [REDACTED].

This road has been a bumpy one. [REDACTED] is still trying to adapt to the way we run our household. I am trying to be more understanding that it isn't going to happen overnight. Every household is run differently, and he has learn how things are done here. He has had a few times were

his anger got the best of him and we gave him space to clear his head. I don't know if this is his normal personality, or a result of the trauma Vaughn Kosh caused.

Financially it has been a challenge. He is a teenage boy who likes to eat. No one will go hungry in my household, so I say eat when you are hungry, but I have to grocery shop a lot. Not to mention I have two boys who eat just as much. It is also another growing child who needs new clothes constantly. We make it work but it's just another way my life changed due to Vaughn Kosh's negligence.

After the incident my Aunt Dawnella went to the hospital. She was transferred to different rehabilitation homes and back to the hospital a few times. She never recovered from the incident. We watched her deteriorate over time. The last time I was able to visit her she had a bad cold and an infection. Everything shut down due to Covid shortly after that visit. My family never got to visit her alive after that. She stopped talking and we weren't able to hear her voice. We would ask for the staff to call so she could hear our voice that rarely happened. Then she passed away during the Summer of 2020. Another piece of my heart Vaughn Kosh ripped away.

I hope he is never free to walk this earth outside of a prison or mental facility again. He is a hazard to society. No one willing to take three lives like that should be allowed another chance to mess up another family. The memories and visions of the story [REDACTED] told me of December 7<sup>th</sup> will forever be in my head.

Shate Jackson

*Shate Jackson*