


**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

POLICE NO. :	18-085990
PROSECUTOR NO. :	095449001
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
GENE A BIRDSONG)	
3101 S. 9th Street)	CASE NO. 1816-CR
Kansas City, KS 66103)	DIVISION
DOB: 01/09/1976)	
Race/Sex: W/M)	
)	
)	DEFENDANT.

COMPLAINT

Count I. Murder 1st Degree (565.020-001Y19840903.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.020, RSMo, committed the **Class A Felony of Murder in the First Degree** punishable upon conviction under Section 565.020, RSMo, in that on or about on or about November 6, 2018, in the County of Jackson, State of Missouri, the defendant after deliberation, knowingly caused the death of Tabitha D. Birdsong by stabbing her.

The range of punishment for a Murder in the First degree is death or imprisonment in the custody of the Missouri Department of Corrections for life without eligibility of probation or parole, or release except by act of the governor. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense shall be sentenced to a term of life without eligibility for probation or parole as provided in section 565.034, life imprisonment with eligibility for parole, or not less than thirty years and not to exceed forty years imprisonment.

Count II. Armed Criminal Action (571.015-001Y19755213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.015, RSMo, committed the **Felony of Armed Criminal Action**, punishable upon conviction under Section 571.015.1, RSMo, in that on or about November 6, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of Murder in the First Degree charged in Count One, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Murder in the First Degree by, with and through, the knowing use, assistance, and aid of a deadly weapon.

State vs. Gene A Birdsong

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years.

The facts that form the basis for this information and belief are contained in the attached statement(s) of facts, made a part hereof and submitted as a basis upon which this court may find the existence of probable cause.

Wherefore, the Prosecuting Attorney prays that an arrest warrant be issued as provided by law.

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Jordan R. Bergus
Jordan R. Bergus (#64729)
Assistant Prosecuting Attorney
415 East 12th Street
11th Floor
Kansas City, MO 64106
(816) 881-3319
jbergus@jacksongov.org

WITNESSES:

1. [REDACTED]
64106
2. Tabitha D Birdsong, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
3. DET Bonita Y. Cannon, 1125 Locust, Kansas City, MO 64106
4. PO Nathan B. Getman, 1125 Locust, Kansas City, MO 64106
5. [REDACTED]
[REDACTED]
7. DET Mary J Kincheloe, 1125 Locust, Kansas City, MO 64106
8. [REDACTED]
[REDACTED]
- [REDACTED] g Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
11. DET James H. Price, 1125 Locust, Kansas City, MO 64106
12. DET Timothy R. Taylor, 1125 Locust, Kansas City, MO 64106
13. DET Nathan S. VanVickle, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 11-08-2018

CRN: 18-085990

I, Detective Ryan Taylor, #5585 Kansas City Missouri Police Department
(Name and identify law enforcement officer, or person having information as probable cause.)

knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

I have probable cause to believe that on 11-06-2018, at Bellevue and Madison Road in
(Date) (Address)

Kansas City, Jackson Missouri Gene A. Birdsong
(County) (Name of Offender(s))

W/M 01-09-1976 / [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

- Murder

The facts supporting this belief are as follows:

On 11-06-2018 at 0722 hours officers of the Kansas City Missouri Police Department were dispatched to the area of Roanoke and Madison in regard to a reported dead body.

Upon their arrival they located a female with obvious head injuries and no apparent signs of life. The KCPD Homicide Unit responded to the scene to investigate. While processing the crime scene, detectives discovered an Order of Protection in the victim's back pocket naming the victim as the petitioner and the respondent as Gene Birdsong, W/M, 01-09-1976.

The Jackson County Medical Examiner ruled the victim's death a Homicide.

During the course of the investigation, it was revealed that family and friends witnessed the victim and Birdsong together prior to the victim being found. They also described a history of a physically abusive relationship between the victim and Birdsong.

Witness #1 stated he observed the victim and Birdsong between 1430 and 1530 hours at 3409 Genesee. Both told him they had just returned from Colorado. Witness #1 identified both the victim and Birdsong from a photograph. Witness #1 further stated Birdsong was wearing a black leather jacket during the time they were at 3409 Genesee.

Witness #2 stated he had known both the victim and Birdsong for several years. He stated in the late afternoon of 11-05-2018 the victim and Birdsong were knocking on the front door of his residence but he did not let them in. Witness #2 recognized the voices as the victim and Birdsong. Later on 11-05-2018 he received a telephone call from the victim at approximately 2130 hours. Witness stated during the telephone call with the victim he could hear Birdsong in the background.

Witness #3 stated on 11-06-2018 at approximately 0600 hours he was at his residence, when Birdsong arrived. He stated Birdsong was wearing khaki pants with apparent blood on them, a black leather coat. Birdsong has his

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right hand wrapped in a piece of cloth. Witness #3 stated Birdsong was acting erratic, uttering, "They tried to kill me."

Witness #4 stated she was outside of her residence when Birdsong arrived, wearing "blood soaked" pants. Witness #4 stated Birdsong told her that he was trying to get some of his belongings from a male and female, the male then cut him with a knife. Witness #4 stated Birdsong told her he slept in the woods before getting a ride to witness #3 and #4's address.


Witness #5 stated he was contacted by Birdsong on 11-06-2018 at 1400 hours, who requested witness #5 to pick him up at witness #4's house. Witness #5 stated he arrived at the residence at approximately 1500 hours. Birdsong requested witness #5 to take him to a pharmacy to get medical supplies. Witness #5 stated Birdsong told him that he sustained cuts from a knife and that it was self-defense. Witness #5 drove Birdsong to CVS, went inside and purchased medication and bandages. Witness #5 stated he dropped Birdsong off at witness #5's house at approximately 1545 hours. While driving back home, witness #5 received a message from a friend who advised that Birdsong was wanted by police in connection to the victim's death. Witness #5 contacted the KCK Police Department and advised of Birdsong's location.

On 11-06-2018 at 2237 hours Birdsong was taken into custody by KCK Police for a city warrant. At the time of his arrest officers observed Birdsong to have and several lacerations on his right hand.

On 11-07-2018 at 0036 hours Birdsong was advised of his Miranda Rights via the Miranda Waiver. Birdsong agreed to speak with detectives, however was unable to sign the Miranda Waiver due to the injury to his right hand. Birdsong stated that "it was self-defense" and "saved all the clothing." Detectives asked Birdsong for consent to search the room where he was arrested at witness #4's house. Birdsong gave consent, but again was unable to sign the Consent to Search form. When detectives attempted to ask clarifying questions and for a detailed story about the events that led to his self-defense claim, Birdsong requested a lawyer present.

Detectives searched Birdsong's room at witness #4's house and found a pair of khaki pants with large amount of apparent blood as well as a black leather jacket with apparent blood on it, and a sock with apparent blood on it.

Printed Name Det. Ryan Taylor, #5585

Signature 

The Court finds probable cause and directs the issuance of a warrant this _____ day of _____.

Judge

Circuit Court of _____ County, State of Missouri.