

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI**  
**AT INDEPENDENCE**

<b>POLICE NO. :</b>	16-010085
<b>PROSECUTOR NO. :</b>	095440218

<b>STATE OF MISSOURI,</b>	)	
	)	<b>PLAINTIFF,</b>
<b>vs.</b>	)	
<b>WILLIAM LUTH</b>	)	
<b>3001 NW Vesper Dr,</b>	)	<b>CASE NO. 1816-CR</b>
<b>Grain Valley, MO - 64029</b>	)	<b>DIVISION</b>
<b>DOB: 02/08/1992</b>	)	
<b>Race/Sex: W/M;</b>	)	
<b>SSN: XXX-XX-XXXX</b>	)	
	)	<b>DEFENDANT.</b>

**COMPLAINT**

**Count I. Rape Or Attempted Rape 1st Degree - Serious Physical Injury/displays  
Deadly Weapon Or Dangerous Instruments/subjects Victim To Sexual Intercourse  
With More Than One Person (566.030-002Y20131103.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.030, RSMo, committed the felony of rape in the first degree, punishable upon conviction under Section 566.030, RSMo, and subject to lifetime supervision under Section 217.735, RSMo, in that on or about February 9, 2016, in the County of Jackson, State of Missouri, the defendant knowingly had sexual intercourse with [REDACTED] by the use of forcible compulsion.

The range of punishment for the unclassified felony of rape in the first degree is imprisonment in the custody of the Missouri Department of Corrections for life or for a term of years not less than five years. An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

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.

**State vs. William Luth**

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/ Erin Hunt*  
Erin Hunt (#59061)  
Assistant Prosecuting Attorney  
321 W. Lexington  
Independence, MO - 64050  
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**WITNESSES:**

PO Kirsten Baker , 223 N. Memorial Drive, Independence, MO - 64050

DET Christopher Burris , 223 N. Memorial Drive, Independence, MO - 64050

SGT Terry Dorman , 223 N. Memorial Drive, Independence, MO - 64050

  
PO Jeffery Pagel , 223 N. Memorial Drive, Independence, MO - 64050

## PROBABLE CAUSE STATEMENT

Date: 12/15/2016

Report #: 2016-10085

I, Jeff Pagel, a Detective with the Independence, Missouri, Police Department, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that on 02/09/2016, at 0100 hours, **William D. Luth**, (Race- White, Sex- Male, DOB- **02/08/1992**, Address-3001 Vesper Dr Blue Springs Missouri, SSN- [REDACTED]) committed one or more criminal offenses in Jackson County, Missouri.

2. The facts supporting this belief are as follows:

On 2-9-2016 at approximately 0421 hours, the victim herein referred to as [REDACTED], reported to the Independence Police Department that she had been raped by multiple suspects at her residence of 17007 E. 24 Hwy, Apt 12, Independence, Jackson County, Missouri. [REDACTED] informed the reporting police officer, Sgt. T. Dorman, that she was awoken at 0100 hours by a male subject standing in her bedroom. [REDACTED] advised the male subject placed his hand over her face and told her to "Shut up and turn over". [REDACTED] then stated the male subject began raping by placing his penis in her vagina. She further advised that when this was taking place, her 2.5 YOA daughter, [REDACTED] was present and laying on her bed. [REDACTED] advised that she tried to struggle and scream, but the male subject holding her stated that if she tried to struggle or scream, he would hit her daughter. [REDACTED] stated that the male subject raping her yelled for another male he referred to as "Josh," and told that male to "Come hit this." [REDACTED] advised the second male said no, but eventually came into the bedroom and raped her as well. [REDACTED] was also interviewed at the police station by Det. Pagel.

In reports to Sgt. Dorman and a formal interview with Det. Pagel, [REDACTED] described this incident as lasting nearly 3 hours, and believed as many as four subjects entered into her room and raped her both vaginally and anally. [REDACTED] advised that during the assault her face was covered with her pajama pants, and she was unable to get a good look at the suspects. She described the first male she observed in her room as early 20's w/m standing in her doorway. She stated the second male she observed was a tall, thin, black male. [REDACTED] Stated that on one occasion, she attempted to grab her daughter and run out of the room. She advised that both men had their pants down around their ankles, and she thought it would be possible to escape. [REDACTED] stated that as she tried to run from the room, one of the males grabbed her and punched her in the ribs and back of the head. [REDACTED] stated that she then just laid there in her bed and sobbed while the two men took turns penetrating her. [REDACTED] advised that one of the male subjects then got on his phone and made reference to going to the car. She stated she thought the incident was over, but the other male then started having sex with her again. [REDACTED] advised she felt someone lay down on the bed next to her, and determined this was a different male than the other two. She stated he was "fat and hairy". [REDACTED] advised the males then made her crawl on top of the third guy and have sex with him. [REDACTED] stated that while having sex with the third guy, she stated the males then tried to "double penetrate her, and "fist" her. She advised that throughout the incident, her daughter [REDACTED] would begin to stir and the males would allow her to calm [REDACTED] down. [REDACTED] stated that she didn't think it would be productive to fight the suspects; therefore, she pretended to enjoy it. She stated she wanted them to think she wouldn't call the police or complete a rape kit. [REDACTED] advised that at

one point, the males tried to place their penis in her mouth. She stated her mouth was dry, and that she needed a drink of water. [REDACTED] advised that one of the males then went and grabbed a glass of water. She advised that the males continued to take turns raping her, and that one of them pulled her pants covering her face up to her nose, and ejaculated on her face.

[REDACTED] stated that after approximately 2.5 hours, she could hear the males buckling up their pants, and she could tell they were done. She advised that she was lying on her bed, "Spread Eagle", and she could see a light through the pants. She stated she thought the suspects were taking pictures of her. [REDACTED] stated that just before they left, one of the suspects, maybe Josh, told her it was his birthday. She advised one of the males then continued by saying, "No, it really is Josh's birthday." [REDACTED] stated she then said, "Congratulations, Happy Birthday. Can I go to bed?" She advised they told her she could, and then said "Have a good night or whatever." She stated the suspects then left the apartment and she eventually was able to contact police.

After the incident [REDACTED] was transported to Centerpoint Hospital where she consented to a SANE examination. Evidence samples were collected from [REDACTED] body, and later submitted to Missouri State Highway Patrol Crime Lab. As a result of the evidence collected, MSHP was able to positively identify a sperm fraction from a vaginal swab. A DNA profile was completed and then entered into the Combined DNA Index System (CODIS). On 10/10/16, I was contacted by Jason Wyckoff with MSHP lab who advised a positive DNA match had been made with a DNA profile obtained from a sperm fraction of a vaginal swab provided by Johnson County Sheriff's in reference to an unrelated rape offense. Mr. Wyckoff stated the two cases appeared to have the same suspect based off the DNA profile.

At this time, I contacted Det. Kris Rutherford of the Johnson County Sheriff's Department (JCSD) and briefed him on the case involving [REDACTED]. On 10/10/16, JCSD released a media statement in reference to their case. After a tip, they were able to provide the name of the Defendant and Mr. Brady Newman-Caddell as possible suspects. Later in the evening, both the Defendant and Mr. Newman-Caddell were taken into custody and placed on an investigative hold for JCSD. While in custody, Det. Burris and I interviewed Mr. Newman-Caddell first.

Mr. Newman-Caddell advised he lived at the apartment complex of 17007 E. 24 Hwy, Apt 12 on the date of the Rape, 2-9-16. He stated that while at his residence on the night of 2-8-16 he was with his friend, the Defendant. He advised that the Defendant walked upstairs to [REDACTED]'s apartment and pushed the door open. Mr. Newman-Caddell then stated that the Defendant came back down to his apartment and told him "Let's go." Mr. Newman-Caddell advised that he and the Defendant then went upstairs to [REDACTED] apartment and raped her. He stated the Defendant was the first to enter her bedroom and have sex with her. He advised the Defendant assaulted [REDACTED], and stated that the Defendant "Choked her and placed his hands over her mouth." Mr. Newman-Caddell said the Defendant told him he wanted to get wild since it was his birthday. Mr. Newman-Caddell stated the Defendant then proceeded to have sex with [REDACTED]. He advised that while the Defendant was having sex with [REDACTED] he was in the living room masturbating. Mr. Newman-Caddell stated when he eventually entered [REDACTED]'s bedroom, the Defendant was standing there naked, and [REDACTED] was naked on her bed. Mr. Newman-Caddell advised [REDACTED] daughter, [REDACTED] was also in the bed. Mr. Newman-Caddell stated he attempted to have sex with [REDACTED], but could not maintain an erection. He stated he only penetrated her vagina 1/2 inch. Mr.

Newman-Caddell stated he ejaculated in the bedroom after [REDACTED] gave him a "Hand Job." He advised that the Defendant also anally penetrated [REDACTED]. He further stated that no other people were involved in the rape of [REDACTED]. He advised that after the rape, he and The Defendant left the apartment.

The following morning, Det. Burris and I attempted to interview the Defendant. He was escorted from detention to the investigations unit, room 327, which was equipped with audio and video recording devices. The Defendant requested to speak with his attorney and called him in our presence. He then invoked his right to counsel and declined a statement.

At the time of the Defendants arrest, his phone was recovered as evidence by Johnson County Sheriff's Department. After the Defendant was implemented in the forcible rape of [REDACTED] by Mr. Newman-Caddell, Det. Freeman of the Independence Police Department applied for and obtained a search warrant for the phone number 618-975-7657. The above phone number was identified as the Defendants phone number by his wife, Jonnie Luth, during the time frame of the reported rape of [REDACTED]. The warrant request included phone transactions such as calls and text message reports along with geographical cell site location of the phone as it moved from location to location within the same service area. The warrant was granted by the honorable Judge Rigby and served to AT&T which was the service provider for the phone number.

On the morning of 2-9-16, the data recovered from the search warrant of the Defendants geographical phone location records indicate his phone was pinging off of a nearby tower of the location of the reported rape during the reported time frame of 0100-0400 hours.

Jeff Pagel

Print Name

Signature

