

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

|                         |           |
|-------------------------|-----------|
| <b>POLICE NO. :</b>     | 19-001528 |
| <b>PROSECUTOR NO. :</b> | 095453086 |
| <b>OCN:</b>             | HS010153  |

|                                                                                                  |   |                         |
|--------------------------------------------------------------------------------------------------|---|-------------------------|
| <b>STATE OF MISSOURI,</b>                                                                        | ) |                         |
|                                                                                                  | ) |                         |
| <b>PLAINTIFF,</b>                                                                                | ) |                         |
| <b>vs.</b>                                                                                       | ) |                         |
|                                                                                                  | ) |                         |
| <b>JOSHUA B. GASTON</b>                                                                          | ) |                         |
| <b>6632 E. Truman Rd.</b>                                                                        | ) | <b>CASE NO. 1916-CR</b> |
| <b>Kansas City, MO 64127</b>                                                                     | ) | <b>DIVISION</b>         |
| <b>DOB: 07/03/2001</b>                                                                           | ) |                         |
| <b>Race/Sex: B/M</b>                                                                             | ) |                         |
| <div style="background-color: black; width: 200px; height: 1.2em; display: inline-block;"></div> | ) |                         |
| <b>DEFENDANT.</b>                                                                                | ) |                         |

**COMPLAINT**

**Count I. Murder 2nd Degree (565.021-001Y19840903.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.021, RSMo, committed the **class A felony of murder in the second degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about January 6, 2019, in the County of Jackson, State of Missouri, the defendant with the purpose of causing serious physical injury to Arkests Grant, caused the death of Arkests Grant by shooting him.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment.

**Count II. Armed Criminal Action (571.015-001Y19755299.0)**

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 January 6, 2019, in the County of Jackson, State of Missouri, the defendant committed the felony of murder in the first degree charged in

**State vs. Joshua B. Gaston**

Count 1, 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.

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 range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a third offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten (10) calendar years. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

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/ Kristiane N. Bryant

Kristiane N. Bryant (#69524)  
Assistant Prosecuting Attorney  
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**WITNESSES:**

1. DET Leland W. Blank, 1125 Locust, Kansas City, MO 64106
2. DET Chason C. Crowell, 1125 Locust, Kansas City, MO 64106
3. [REDACTED] Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106

**State vs. Joshua B. Gaston**

4. PO Deangelo Dotson, 1125 Locust, Kansas City, MO 64106
5. DET Timothy M. Fitzgerald, 1125 Locust, Kansas City, MO 64106
6. DET Daniel W. Frazier, 1125 Locust, Kansas City, MO 64106
7. Arkests Grant, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
8. [REDACTED]
9. DET Kristofer R. Oldham, 1125 Locust, Kansas City, MO 64106

## PROBABLE CAUSE STATEMENT FORM

04-23-2019

CRN: 19-1528

I, Detective K. Oldham # 5166

(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 01-06-2019, at 3917 Wabash Av in  
(Date) (Address)

Kansas City, Jackson Missouri Gaston, Joshua  
(County) (Name of Offender(s))

B/M, 07-03-2001 committed one or more criminal offense(s).  
(Description of Identity)

The facts supporting this belief are as follows:

On 01-06-2019 at 1948 hours officers of the Kansas City Missouri Police Department were dispatched to 3917 Wabash Ave. Kansas City, Jackson County, Missouri on a shooting. Upon arrival they discovered the victim deceased from apparent gunshots.

A family member stated the victim was selling marijuana at the time he was shot and killed. Family members advised the victim was supposed to meet a female in front of his residence at the time of the homicide. However, witness statements revealed they observed a black male, approximately seventeen to eighteen years of age approach the victim on foot. The witness heard gun shots and observed the same black male run past her, south bound on Wabash Av.

An investigation of the crime scene revealed the victim to have sustained several gunshot wounds. Seven spent shell casings were located at the scene. In addition, several individual bags of apparent marijuana were found in the victim's pocket. A cell phone belonging to the victim was found by a family member, lying next to the victim. The phone was turned over to detectives for investigation. The cell phone was transported to The Heart of America Regional Computer Forensic Laboratory (RCFL) for further inspection.

Members of (RCFL) were able to gain access to the victim's phone and download its contents onto a DVD. Upon review of the DVD detectives observed Facebook messages from the victim's Facebook page, "Kez Chasnchicken", to the page of "JD.....". The results of the Facebook account of "JD....." revealed the user to be a Juvenile who for the purpose of this statement of probable cause will now be referred to as "JD". In the messages the two appear to be setting up a drug transaction. "JD....." advises her sister is also trying to "get a zip." In my experience as a police officer it is common for individuals involved in drug sales and purchases to refer to an ounce of any type of illegal drug as a "zip". The victim provides his location as 39th and Wabash Av.

During the conversation, "JD....." states, "She said you not outside". The victim replies, "Here I come, I'm in the blue house". Approximately twenty six minutes prior to the homicide "JD....." sends a message which states, "Idk in bout to call her". Twenty five minutes prior to the homicide "JD...." states, "She said she outside". Eight minutes prior to the homicide "JD....." messages, "She said she 5 min away if you not outside fuck it". The victim states, "I'm the only mf outside like wyd". Three minutes prior to the homicide, "JD....." replies "Who you talking to".

A warrant was obtained through the Jackson County courts for the Facebook page of "JD.....". On 01-18-2019, the results of the warrant were received. The email of "JD"@gmail.com was associated with the Facebook

## PROBABLE CAUSE STATEMENT FORM

CRN 19-1528

account. A DOR photo of "JD" appears to match the individual associated with the Facebook page of "JD....." On 12-30-2018, "JD....." is having a conversation with "John Grits" in which he appears to be setting her up with another Facebook user with a screen name of "Josh Gassin." On 01-06-2019, at approximately 12:18 am "Josh Gassin" sends a message to "JD....." which says, "Cal me." On 01-06-2019, at approximately 0200 hrs, "JD....." shared a post which reads, "Josh Gassin that's my only nigga."

In the "friends" portion of "Josh Gassin's" Facebook page are several individuals with the last name of Gaston. A check of a Police Data base revealed a record of Joshua B. Gaston B/M, 07-03-2001. A DOR photo of Gaston appears to match the individual associated with the Facebook page of "Josh Gassin." Furthermore the Facebook ID for Josh Gassin includes the name Joshua Gaston.

On 04-02-2019, Detectives met with an individual who received third party information that Josh Gaston was responsible for killing the victim and that his Facebook page name was "Josh Gassin" at the time of the homicide. She stated that she had seen a post on "Josh Gassin's" Facebook page which stated "Body for a body" talking about the victim. She stated she heard that Gaston had left Kansas City after killing the victim. They advised that they heard that Joshua Gaston had set the victim up with the help of an unknown female.

It should be noted the Facebook page of "Josh Gassin" is active and on 01-31-2019, "Josh Gassin" shared a post which he initially posted on June 7th of 2017 which read, "Getting robbed. Killed. Set up. Snitched on. All dat cum with this shit if you aint ready for the pressure (then a 100 emoji)".

On 04-16-2019, Detectives located "JD" and she was transported to Police Headquarters, advised of her Miranda rights and agreed to speak with Detectives. "JD" admitted to setting up a drug transaction with the victim via Facebook however she denied taking part in any plan to rob or kill the victim. When asked about Joshua Gaston, "JD" initially denied knowing any "Josh" but when she was shown a Facebook post between herself and "Josh Gassin" she admitted he was someone she knew however she would not provide his last name. "JD" was held on a twenty four hour investigative hold and ultimately released.

On 04-19-2019, "JD" responded to Police Headquarters with her mother and wanted to speak to detectives. She advised that the victim sent her a private message stating "Gas for sale." She took a screen shot of the message and sent it to "Josh Gassin" who she positively identified as Joshua Gaston B/M, 07-03-2001. Gaston asked her to send a string of messages to the victim claiming that her sister was going to meet him (the victim) to purchase marijuana. She provided updates to Gaston as to the victim's whereabouts. She advised that when she last spoke to Gaston he advised that he was in the area of the victim and to tell the victim to come outside. "JD" complied. She stated she did not know what Gaston's intentions were. She later saw that someone was killed near E 39<sup>th</sup> St. Later that same evening she was contacted by Gaston and asked him if he was "Cool." Gaston replied, "How could I be cool after what I just did."

A search warrant was obtained for "JD's" cell phone. Detectives observed several text messages from phone number 816-226-5806. On 01-06-2019 a message reads, "Listen, ik them folks gone cum try to fwy do not fw them don't say natta or you fucked." On 01-08-2019, a message from the same number reads, "Get off yo fb, And yo messenger, Delete our messages." Another message from this number reads, "Im not jus gone be on no

## PROBABLE CAUSE STATEMENT FORM

CRN 19-1528

dumb shit but im fonkn w niggas so wen we bump heads it gotta go down.” “JD” was questioned about these messages and advised they were all from Joshua Gaston after the time of the murder.

On 04-22-2019, Detectives received a report from the Kansas City Police Crime Laboratory which revealed that genetic information taken from the spent shell casings from the initial crime scene was matched through CODIS to Joshua Gaston B/M, 07-03-2001.

On 06-04-2019, at approximately 0300 hrs, Gaston was arrested after being released from Children’s Mercy Hospital following an unrelated incident. Gaston was transported to the East Patrol Division detention unit, where detectives made contact with Gaston on the same date. At approximately 0840 hours, Gaston was advised of and waived his Miranda Rights and agreed to speak with detectives. Gaston stated that “JD” had arranged for Gaston to meet with the victim in order for Gaston to purchase marijuana from the victim. Gaston stated that he walked on foot to meet the victim in the area of E 39 Street/Wabash Avenue to purchase marijuana. Gaston stated that, as he went to get his money from his pocket to pay the victim, a third unknown black male began to approach him. Gaston stated that he could see the man reaching for a black-handled handgun which was under the man’s left armpit. Simultaneously, Gaston stated that the victim moved behind Gaston and “grabbed” him. At that time, Gaston broke contact with the victim, pushing him away and retrieving his own black- and silver-in-color 9mm handgun from his front hooded sweatshirt pocket. Gaston then turned and fired his handgun at the victim several times. Gaston then looked toward the unknown man who had been approaching with a gun and saw that party to be running southbound from the area. Gaston stated that he then ran northbound from the area and hid for several hours before walking home. Gaston stated that he later disposed of his handgun in Brush Creek. Gaston confessed that at the time of the homicide, he had the Facebook user name of “Josh Gassin”.

Printed Name Det K. Oldham # 5166 Signature /S/ Det. K. Oldham # 5166

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

\_\_\_\_\_  
Judge

Circuit Court of \_\_\_\_\_ County, State of Missouri.