

POLICE NO. :	KC19064864
PROSECUTOR NO. :	095454531
OCN:	

COMPLAINT
WARRANT REQUESTED

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 August 27, 2019, in the County of Jackson, State of Missouri, the defendant after deliberation, knowingly caused the death of Samuel B Cummins by shooting him.

The range of punishment for a Murder in the First degree is 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.

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 August 27, 2019, in the County of Jackson,

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State of Missouri, the defendant committed the felony of Murder in the First Degree, charged in Count I, 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/ Katherine Baker Nelson

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WITNESSES:

1. DET Chason C. Crowell, 1125 Locust, Kansas City, MO 64106

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2. Samuel B Cummins, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
3. DET Timothy M. Fitzgerald, 1125 Locust, Kansas City, MO 64106
4. DET Daniel W. Frazier, 1125 Locust, Kansas City, MO 64106
5. DET Kristofer R. Oldham, 1125 Locust, Kansas City, MO 64106
6. DET Angelina M. Sanchez,
7. DET Ethan Skinner,

PROBABLE CAUSE STATEMENT FORM

Date: 08-27-2019

CRN: KC19064864

I, Detective Tim Fitzgerald #5492 of the 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 08-27-2019, at 7540 Washington Street #202 in
(Date) (Address)

Kansas City, Jackson Missouri Isiah J. Ferguson
(County) (Name of Offender(s))

R/S: B/M DOB: 02-14-1996 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 08-27-2019 at 0058 hours, Officers of the Kansas City Missouri Police Department were dispatched to **7540 Washington Street, Kansas City, Jackson County, Missouri** on a reported shooting. Upon arrival, the reporting party directed officers to apartment #202 where they observed the victim, Samuel B. **Cummins** W/M 10-15-1998, inside his apartment suffering from apparent gunshot wounds. Emergency Medical Services responded to the scene and pronounced **Cummins** deceased.

The reporting party stated that he heard a loud noise from the area of the victim's apartment. He responded and after not finding where the noise had come from, he returned to the office to view the video surveillance. While watching the surveillance, he observed the suspect walk to the door of the victim's apartment and knock. Once the victim opened the door, the suspect pointed what appeared to be a handgun at the victim and muzzle flash was observed. The suspect then was seen to close the victim's apartment door and walk to his apartment, 7540 Washington #203. The reporting party then responded to the victim's apartment where he opened the door and found the victim deceased.

An investigation of the crime scene revealed the victim lying just inside his apartment doorway naked and suffering from multiple apparent gunshot wounds to his torso and head. Nine 9mm spent shell casings were found lying on the floor of the apartment near the victim. A search of the victim's apartment revealed no weapons.

None of the apartment residence witnessed the incident; however, several described hearing loud noises or gunshots.

Officers were informed that the homicide was captured on video surveillance and the suspect, Isiah J. **Ferguson** B/M 02-14-1996, was believed to be inside his own apartment (#203). The apartment complex,

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which is a ReStart housing service for transitioning young adults, was evacuated and an Operation 100 was conducted. **Ferguson** exited his apartment and was taken into custody without incident.

On 08-27-2019 at approximately 0459 hours, **Ferguson** was read his Miranda Rights and agreed to speak with detectives. **Ferguson** stated the following: He has lived at the ReStart facility for about two or three years. **Ferguson** doesn't socialize much with **Cummins**; however, **Ferguson** has been having "suspicions" about him. **Ferguson** stated there was an incident where **Cummins** got close to him but never touched him. **Cummins** also came to **Ferguson's** apartment a few months ago and told him he was being too loud.

This morning, **Ferguson** knocked on **Cummins** door. **Cummins** cracked open the door and told **Ferguson** he was naked. **Ferguson** instructed **Cummins** to step to the side. When **Cummins** did so, **Ferguson** stated he shot **Cummins** approximately ten times. When asked what his suspicious of **Cummins** were, **Ferguson** stated "get him before he get me."

Ferguson stated he was wearing a black hoodie with a white T-shirt underneath, and black sweatpants when he shot **Ferguson**. He advised the clothes he was wearing during the interview were the clothes he had on at the time of the shooting, with the exception of the sweatshirt. **Ferguson** stated the black sweatshirt was inside a clothes hamper in his closet. **Ferguson** stated he shot **Cummins** with a gray and black handgun and that he put the handgun and ammunition in a different hamper inside his apartment.

Ferguson stated he never touched **Cummins** after he shot him and that the two of them have never had any type of physical contact in the past. **Ferguson** admitted to being diagnosed with Schizophrenia when he was 20 years old and that he takes medication for it. **Ferguson** stated he had different emotions after the shooting. At times he felt he was wrong and other times he felt "glad." **Ferguson** also felt disturbed and would take back what he did if he could.

A review of the video surveillance footage from the apartment complex revealed **Ferguson** walking around the apartment complex in a white t-shirt in the hour before the shooting. However, he never contacted **Cummins** in that hour. Just prior to the shooting, **Ferguson** returns to his apartment and when he comes back out, he is wearing a black hooded sweatshirt with the hood over his head. He walks to **Cummins'** apartment and knocks on the door. **Cummins'** door slightly opens and it appears **Cummins** and **Ferguson** has a brief conversation. The door opens further and **Ferguson's** right arm extends inside the apartment as if he is pointing a handgun. However, muzzle flashes were unable to be observed on the footage. **Ferguson** enters **Cummins'** apartment briefly and then exits, closing the door behind him. **Ferguson** walks directly back to his own apartment and closes the door. Minutes later, **Ferguson** exits his apartment and he is no longer wearing the black hooded sweatshirt. He leaves the apartment complex, wearing just a white t-shirt, and returns to his apartment holding a cup as if he went and bought a drink. **Ferguson** then exits his apartment again, this time wearing the black hooded sweatshirt, and returns to **Cummins'** apartment. **Ferguson** enters **Cummins'** apartment without knocking and is inside **Cummins'** briefly before returning to his own apartment.

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A search warrant was obtained for **Ferguson**'s apartment and a search revealed a silver and black 9mm handgun hidden under some clothes in a hamper in the closet. The head stamps on the live rounds in the handgun were the same head stamps as the spent shell casings found lying next to the victim. A black hooded sweatshirt that matches the hooded sweatshirt seen on the video surveillance footage was also found in the same closet.

I believe that the defendant poses a danger to the community or to any other person due to violent nature of the above offense which was unprovoked by the victim.

Printed Name Detective Tim Fitzgerald #5492 Signature /S/ Detective Tim Fitzgerald 5492

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

Judge

Circuit Court of _____ County, State of Missouri.