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

POLI	CE NO.:	18-0877	788
PROSECUT	OR NO.:	095454	605
	OCN:		
STATE OF MISSOURI,)
STATE OF MISSOCKI,	PLAIN	TIFF,)
vs.)
)
MARQUAND R. SIMMONS)
Unknown) CASE NO. 1916-CR
Kansas City, MO 64106) DIVISION
DOB: 12/26/1982)
Race/Sex: B/M)
)
	DEFENI	DANT.)
	COMDI	I A INT	r

COMPLAINT WARRANT REQUESTED

Count I. Accessory Murder 2nd Degree - Felony Murder - During Perpetration/attempted Perpetration/flight From Perpetration Of A Felony, A Person Dies (565.021-003Y19840999.2)

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 November 12, 2018, in the County of Jackson, State of Missouri, Damar L. West was killed by being shot as a result of the perpetration of the class B felony of Attempted Robbery in the First Degree under Sections 570.023 and 562.012 RSMo, committed by the defendant, either acting alone or purposefully in concert with others on or about November 12, 2018, in the County of Jackson, State of Missouri.

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.

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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 November 12, 2018, in the County of Jackson, State of Missouri, the defendant, either acting alone or purposefully in concert with others, committed the felony of Murder in the Second Degree charged in Count I, all allegations of which are incorporated herein by reference, and the defendant, either acting alone or purposefully in concert with others, committed the foregoing felony of Murder in the Second 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.

Count VII. Accessory Attempted Robbery - 1st Degree (570.023-001Y20171299.1)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Sections 562.012 and 570.023, RSMo, committed the **class B felony of attempted robbery in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about November 12, 2018, in the County of Jackson, State of Missouri, the defendant, either acting alone or purposefully in concert with others, demanded marijuana in the possession of Damar L. West, and in the course thereof another participant in the offense was armed with a deadly weapon, and such conduct was a substantial step toward the commission of robbery in the first degree and was done for the purpose of committing such robbery.

State vs. Marquand R. Simmons

The range of punishment for a class B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years imprisonment.

Count VIII. 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 November 12, 2018, in the County of Jackson, State of Missouri, the defendant, either acting alone or purposefully in concert with others, committed the felony of Accessory to Attempted Robbery in the First Degree, charged in Count III, all allegations of which are incorporated herein by reference, and the defendant, acting alone or purposefully in concert with others, committed the foregoing felony of Accessory to Attempted Robbery 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.

State vs. Marquand R. Simmons

JEAN PETERS BAKER

Prosecuting Attorney Jackson County, Missouri by,

/s/ Katherine Baker Nelson

Katherine Baker Nelson (#62733) Assistant Prosecuting Attorney 415 E. 12th Street, 11th Floor Kansas City, MO 64106 (816) 881-3560 kjbaker@jacksongov.org

WITNESSES:

DET Timothy M. Fitzgerald, 1125 Locust, Kansas City, MO 64106
 DET Timothy M. Fitzgerald, 1125 Locust, Kansas City, MO 64106

5. DET K. Oldham, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date:			CRN:	18-87788	
I, _Detective Tim Fitzgerald #5492 of th					
(Name and identify law enforcement officer	, or person ha	ving information	as probable cause.)		
knowing that false statements on this for	m are punis	shable by law, s	state that the facts	contained hereir	are true.
I have probable cause to believe that on	11-12-201	8 , a	t 705 E. 30 Stree	t	in
		ate)		Address)	
Kansas City, Jackson County	Missouri	Marquand R.	Simmons		
(County)			(Name of Offe	nder(s))	
R/S: B/M DOB: 12-26-1982		C	ommitted one or n	nore criminal of	fense(s).
(Description of Identity	()				

The facts supporting this belief are as follows:

On 11-12-2018 at 2252 hours Officers from the Kansas City Missouri Police Department were dispatched to 705 E. 30th St, Kansas City, Jackson County, Missouri on reported shooting. Upon arrival officers found a black ale deceased on a back deck of the apartment building suffering from apparent gunshot wounds. The victim was transported the Jackson County Medical Examiner's Office were his death was ruled a homicide.

A witness was contacted who stated that on 11-12-2018 at approximately 2200 hours she met up with the victim at a friend's house in the area of 55 St. and College Ave. At that time, an older black male in a silver Cadillac picked her and the victim up. This older black male often buys marijuana from the victim and also drives the victim around. The older black male drove them to an apartment in the area of 9th St. and Benton Blvd. When they arrived, four unknown black males were hanging around their vehicle and she felt as though they were going to rob her and the victim. Therefore, they left the area and drove to at least two different convenience stores on Independence Ave. They then drove to the apartment building where the homicide occurred. She and the victim got out of the silver Cadillac and walked up the back stairs of the apartment building. At that time, two black males ran up the stairs behind them, demanded their belongings, and shot the victim. The suspects then fled the scene in an unknown direction. The witness stated she believes the black males at 9th St. and Benton Blvd. followed them to the scene of the homicide and were involved in the homicide. Furthermore, the witness stated the victim had approximately one thousand dollars in cash on his person at the time he was shot.

An investigation of the crime scene revealed the victim to be lying on the second story of the back deck of the apartment building. He was suffering from an apparent gunshot wound to his neck. He was in possession of a large amount of illegal narcotics but only in possession of thirty one dollars in cash. A Glock handgun was located under a door mat next to the victim. The handgun was covered in apparent blood and is loaded. Two 7.62 rifle shell casings were located but no handgun shell casings were located.

city camera located at Independence Ave. and Bales Ave. was viewed and it showed a silver Cadillac with a sunroof traveling east on Independence Ave. before turning into the parking lot of the convenience store located on the northeast corner of Independence Ave. and Bales Ave. A black SUV is traveling two vehicles behind the

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silver Cadillac and parks on the west side of Bales Ave. next to the convenience store and turns its headlights off. During this time, the silver Cadillac is parked in the parking lot of the convenience store while at least one of its occupants is inside the convenience store. After approximately three minutes, the silver Cadillac leaves the convenience store parking lot and travels east on Independence Ave. At that time, the black SUV turns its headlights on and travels east on Independence Ave. behind the silver Cadillac. Additional city cameras located at 12th Ter. and Jackson Ave. and Truman Rd. and Jackson Ave. also show the black SUV following the silver Cadillac.

A camera attached to a business located at 3031 Holmes St., which is just south of the crime scene, was viewed. It showed a silver Cadillac traveling north on Holmes St. at 2248 hours of 11-12-2018. The silver Cadillac puts its right blinker on as if it was going to turn in front of or pull over next to the apartment building where the homicide occurred. At 2250 hours a black SUV is seen traveling southbound on Holmes St., which is a one way northbound street, at a high rate of speed. This black SUV matches the characteristics of the black SUV that was earlier seen following the silver Cadillac.

A search of an automated license plate reader in the area where the black SUV was following the silver Cadillac revealed the black SUV to have an Illinois license plate of AB42585. A computer search of that license plate responded back to a black 2018 Nissan Murano registered to Hertz Rent A Car. Contact was made with Hertz	;
Rent A Car who advised that rented the vehicle on 11-09-2018.	
stop order was issued for the black Nissan Murano and on 11-15-2018 at approximately 0200 hours officers observed it being driven in the area of the Kansas City International airport. The vehicle took off at a high rate of speed and a vehicle pursuit was initiated. The pursuit spanned several areas of the city, to include the wrong direction on highways, with speeds reaching over 120 miles per hour. However, the vehicle was lost by the officers. During the pursuit, exited the vehicle and was contacted by police officers. Stated the vehicle was being driven by However, computer searches of the name did not reveal any results.	
On 11-15-2018 returned the black Nissan Murano to Hertz Rent A Car while detectives were there interviewing an employee. was contacted by Detectives and she agreed to accompany them to Police Headquarters for questioning. Stated she rented the black Nissan Murano on 11-09-2018. Her boyfriend, Marquand Simmons, was the one driving the black Nissan Murano earlier on 11-15-2018 when the police were chasing it and he let her out of the vehicle. Furthermore, Simmons drove the black Nissan Murano on 11-12-2018 when he dropped her off at work at approximately 0900 hours. Simmons picked her up from work on 11-13-2018 at approximately 0200 hours and he was again driving the black Nissan Murano. Both times, Simmons was the only occupant of the vehicle. advised Simmons is the only person other than herself who has access to black Nissan Murano. was shown a photograph of Marquand R. Simmons B/M 12-26-1982 and she positively identified him as Marquand Simmons.	

On 11-16-2018 **Simmons** responded to Police Headquarters and provided a voluntary statement. **Simmons** admitted that he was the one driving the black Nissan Murano on 11-15-2019 when it ran from officers.

However, **Simmons** denied having any involvement in the homicide. He stated that on the night of the homicide

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ne loaned the black Nissan Murano to three black males by the nicknames of the homicide, he was at residence in the area of 36 St. and Cleveland Ave.
On 11-20-2018 I obtained Simmons ' cell phone records which showed thirteen phone calls between the victim and Simmons on the night of the homicide. Specifically, Simmons called the victim nine minutes before the nomicide was reported. The next call in the phone records is eight minutes after the homicide and is to an exgirlfriend of Simmons . Furthermore, a preliminary map of Simmons cell phone records revealed his cell phone was utilizing a cell phone tower that would cover the scene of the homicide nine minutes before the homicide and eight minutes after the homicide. That tower would not cover the area of 36 St. and Cleveland Ave.
On 12-19-2018 Simmons responded to Police Headquarters and provided another statement. Initially Simmons continued to deny any involvement in the homicide and stated he loaned his cell phone to when confronted with his cell phone records, Simmons stated he was driving the black Nissan Murano and e with him but was using his cell phone to call the victim. They went to buy marijuana from the victim. He heard gunshots and got back in the vehicle and the drove off. When confronted with the video surveillance footage that showed he was following the victim prior to the homicide, Simmons admitted to following the victim but only because told him to. He realized intended to rob the victim but he did not say anything because he was too scared and continued to follow the victim. When they got to the apartment building, and got out of the vehicle to meet the victim. He had a "draco" (assault rifle) with him when he got out of the vehicle. He saw the victim run away and then he heard gunshots.
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