

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

POLICE NO. :	KC19097524
PROSECUTOR NO. :	095456884
OCN:	

STATE OF MISSOURI,

PLAINTIFF,)

VS.

JOSEPH A KANE

6919 Prospect Ave

Kansas City, MO 64132

DOB: 01/30/1983

Race/Sex: B/M

DEFENDANT.)

COMPLAINT
WARRANT REQUESTED

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 December 24, 2019, in the County of Jackson, State of Missouri, the defendant knowingly or with the purpose of causing serious physical injury to Carter O. McCollum caused the death of Carter O. McCollum by shooting him, and the defendant is further given notice that should the state submit murder in the second degree under Section 565.021.1(2), it will be based on the death of Carter O. McCollum as a result of the perpetration of the class B felony of unlawful use of a weapon under Section 571.030.9, committed by defendant.

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 (571.015-001Y19755213.0)

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 December 24, 2019, in the County of Jackson, State of Missouri, the defendant 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 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 III. Unlawful Use Of Weapon - Subsection 9 - Shoot At/from Motor Vehicle, At Person, Motor Vehicle Or Building (571.030-020Y20145213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.030, RSMo, committed the **class B Felony of unlawful use of a weapon**, punishable upon conviction under Sections 558.011 and 571.030.9, RSMo, in that on or about December 24, 2019, at East 69th Terr. and Olive Street, in the County of Jackson, State of Missouri, the defendant, knowingly shot a firearm at a grey 2009 Toyota Prius.

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. Pursuant to Section 571.030.9, RSMo, for the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony; for any violation by a prior offender as defined in Section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release for a term of ten (10) years; and for any violation by a persistent offender as defined in Section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release.

Count IV. 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 December 24, 2019, in the County of Jackson, State

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of Missouri, the defendant committed the felony of Unlawful Use of a Weapon charged in Count III, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Unlawful Use of a Weapon 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 statement(s) of facts filed contemporaneously herewith, 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/ Paul M. Conklin III
Paul M. Conklin III (#66958)
Assistant Prosecuting Attorney
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WITNESSES:

1. DET Chason C. Crowell, 1125 Locust, Kansas City, MO 64106
2. DET Timothy M. Fitzgerald, 1125 Locust, Kansas City, MO 64106
3. Carter O. McCollum, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
4. PO Parker Rauschelbach, 1125 Locust, Kansas City, MO 64106
5. [REDACTED]

PROBABLE CAUSE STATEMENT FORM

Date: 01-06-2020

CRN: KC19097524

I, Detective Tim Fitzgerald #5492, Homicide Unit, 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 12-24-2019, at 69 Ter. and Olive St. in
(Date) (Address)

Kansas City, Jackson County Missouri Joseph A. Kane
(County) (Name of Offender(s))

R/S: B/M DOB: 01-30-1983 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 12-24-2019 at 2334 hours Officers of the Kansas City Missouri Police Department were dispatched to **72 St. and Wabash Ave. Kansas City, Jackson County, Missouri** on a reported shooting. Upon arrival, they located the victim, a white male, lying on the street next to a dark colored Toyota Prius suffering from apparent gunshot wounds. The victim was transported to the Jackson County Medical Examiner's Office where his death was ruled a homicide.

A witness was contacted who stated she was the girlfriend of the victim and the shooting occurred at the intersection of 69 Ter. and Olive St. She advised that she was with the victim when they met with the suspect who is a black male who goes by the nickname "Movie" or "Kane" to complete a narcotics, specifically opioids, transaction. The victim arranged the meet up with the suspect on his cell phone through text messages and voice calls. She was driving her Prius and the victim was in the front passenger seat when they drove to the Texas Tom restaurant located at 6950 Prospect Ave. to meet the suspect. She and the victim arrived at Texas Toms before the suspect and they waited for the suspect. While they were waiting, she observed the suspect exit the residence located at 6919 Prospect Ave. and walk to Texas Toms to meet her and the victim. The suspect got in the Prius through the back driver side door and sat in the back driver side seat. At that time, the three of them drove to the intersection of 69 Ter. and Olive St. to complete the narcotics transaction. Before they could complete the transaction, the suspect became agitated, moved over to the back passenger seat of the Prius, and got out of the Prius. The suspect then began shooting into the Prius several times before she was able to drive away and call the police. She eventually stopped at the intersection of 72 St. and Wabash Ave. and waited for the police.

An investigation of the crime scene located at 72 St. and Wabash Ave. revealed the victim lying on his back next to the passenger side of the Prius. A black Apple iPhone was lying next to the victim. A bullet hole was observed through the rear passenger corner pillar of the Prius and the rear passenger window of the Prius was shattered. Apparent bullet holes were observed in the back rest of the front passenger seat of the Prius. An

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investigation of the crime scene located at 69 Ter. and Olive St. revealed five spent .45 caliber shell casings and shattered glass.

The black Apple iPhone was determined to belong to the victim and was transported to Police Headquarters where a search of the cell phone was conducted. The search revealed the victim had an incoming call from the phone number 816-269-3836 at 2255 hours. The victim then had two outgoing text messages to that phone number at 2258 hours that stated "if I got the oxy how many you want? They're \$10 a pop" and "5 min". The victim had outgoing calls to that phone number at 2259 hours and then again at 2329 hours, which is the victim's last communication on his cell phone. There was not a name attached to the phone number 816-269-3836 in the cell phone.

Based on the communication the victim had with the phone number 816-269-3836 just prior to the shooting, detectives believed the user of that phone number is the suspect. Detectives obtained a trap and trace court order for the phone number 816-269-3836 in order to locate the cell phone and the suspect. The court order was served to Sprint and the results were received. The results showed that the cell phone was currently turned off and therefore unable to be tracked. However, the results showed that the phone number was in fact in communication with the victim's cell phone number just prior to the homicide.

A preliminary analysis of the phone records revealed the following: The phone number received a phone call from the victim on 12-24-2019 at 2329 hours. At that time, the cell phone was located within a concentrated area that contained the address of 6919 Prospect Ave. The phone number had a missed a phone call at 2333 hours when the cell phone was located within a concentrated area that contained the scene of the shooting at 69 Ter. and Olive St. The phone number placed an outgoing call at 2336 hours in which the cell phone was located back within a concentrated area that contained 6919 Prospect Ave.

Based on this information, it was determined the user of the cell phone was at 6919 Prospect Ave. just prior to the homicide, moved to the scene of the homicide at the time the homicide occurred, and then returned to 6919 Prospect Ave. right after the homicide, which corroborates the witness' statement.

A search of the contacts section of the victim's cell phone revealed three different contacts with the name "Movie" listed as part of the contact name. One of the contacts has a phone number of 816-315-5932 associated with it. A search of that phone number through prior police reports revealed **Joseph A. Kane B/M 01-30-1983** to be associated with that phone number. A Kansas Department of Revenue photograph of **Kane** was obtained and **Kane** resembled the identifiers described by the witness.

A photo lineup consisting of the Kanas Department of Revenue of **Kane** was shown to the witness and she positively identified **Kane** as the person she and the victim met at Texas Toms and who subsequently shot and killed the victim.

Further investigation of the cell phone records from the phone number 816-269-3836, which detectives believe was used by the suspect on the night of the homicide, revealed the phone number placed three outgoing phone calls the phone number 913-216-5678 on 12-24-2019 at 2249 hours, 2250 hours, and 2251 hours, which is four minutes prior the suspect's phone number's communication with the victim begins. Contact was made with the

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owner of the cell phone number 913-216-5678 who stated she and **Kane** have four children together. However, the owner refused to supply detectives with the phone number she has for **Kane**. She stated the last time she saw **Kane** was on 12-24-2019 when they had lunch together but again refused to acknowledge any phone communication with **Kane**.

The resident of 6919 Prospect Ave. was contacted and shown the Kansas Department of Revenue photo of **Kane**. He stated the person in the photo is his cousin who he allows to stay his residence at 6919 Prospect Ave. He stated he last saw **Kane** on the morning of 12-23-2019 at his residence at 6919 Prospect Ave. However, he was not home on the night of 12-24-2019 so he did not know if **Kane** was at his residence that night.

On 01-06-2020 information was received that **Kane** was staying at the La Quinta Inn hotel located at 10610 Marty St. Overland Park, Kansas and was associated with a Hyundai Accent bearing a Texas license plate of LWV0890. Detectives responded to the hotel and observed the Hyundai Accent parked in the parking lot of the hotel. Surveillance on the vehicle was initiated and at approximately 1045 hours, Detectives observed **Kane** exit the hotel with a black suit case and place it in the trunk of the vehicle. At that time, **Kane** was taken into police custody and placed on an investigative hold.

Detectives contacted **Kane** at the Overland Park Police Department holding facility. However, **Kane** refused to come out of his holding cell and requested a lawyer.

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.