

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

POLICE NO. :	KC20005712
PROSECUTOR NO. :	095457241
OCN:	HU001513

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
MALIK SHERMAN)	
8152 Troost, Apt. 56)	CASE NO. 2016-CR
Kansas City, MO 64131)	DIVISION
DOB: 03/13/1996)	
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 January 23, 2020, in the County of Jackson, State of Missouri, the defendant, alone or in concert with another, knowingly or with the purpose of causing serious physical injury to Andre D Tolan caused the death of Andre D Tolan by shooting him, and the defendant is further given notice that should the state submit murder in the second degree – felony under Section 565.021.1(2), it will be based on the death of Andre D Tolan as the result of the perpetration of the class D felony of kidnapping in the second degree under Section 565.120, 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.

State vs. Malik Sherman

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 January 23, 2020, 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. Kidnapping - 2nd Degree (565.120-002Y20171099.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.120, RSMo, committed the **class D felony of kidnapping in the second degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about January 23, 2020, in the County of Jackson, State of Missouri, the defendant, alone or in concert with another, knowingly restrained Andre D Tolan unlawfully and without consent as a the result of forcible compulsion, so as to interfere substantially with Andre D Tolan's liberty and exposed Andre D Tolan to a substantial risk of serious physical injury.

The range of punishment for a class D felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained

State vs. Malik Sherman

through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.

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 January 23, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of kidnapping in the second degree, charged in Count III, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of kidnapping 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.

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/ Jamie K. Hunt
Jamie K. Hunt (#50401)

State vs. Malik Sherman

Assistant Prosecuting Attorney
415 E. 12th Street
Kansas City, MO 64106
(816) 881-4622
jhunt@jacksongov.org

WITNESSES:

1. [REDACTED] Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
2. CST Allison Bennett, 1125 Locust, Kansas City, MO 64106
3. DET Alane M. Booth, 1125 Locust, Kansas City, MO 64106
4. [REDACTED], 415 E 12th St, Floor 11, Kansas City, MO 64106
5. [REDACTED] 415 E 12th St, Floor 11, Kansas City, MO 64106
6. DET Donna M. Drake, 5301 E. 27th Street, Kansas City, MO 64127
7. DET Rodney E. Haney, 1125 Locust, Kansas City, MO 64106
8. DET Ian D. Hobbs, 1200 E. Linwood, Kansas City, MO 64106
9. PO Rajdeep S. Khakh, 1125 Locust, Kansas City, MO 64106
10. DET Darin K. Penrod, 1125 Locust, Kansas City, MO 64106
11. Andre D Tolan, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
12. DET Jeremy D. Wells, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 01-24-2020

CRN: 20-005712

I, Det. Jeremy D. Wells #5015 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 01-23-2020, at 7654 Monroe Ave in
(Date) (Address)

Kansas City, Jackson Missouri Malik Sherman
(County) (Name of Offender(s))

B/M, 03-13-1996 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 1/23/20 at approximately 1802 hours, members of the Kansas City Missouri Police Department were dispatched to 7654 Monroe Av, Kansas City, Jackson County, Missouri, 64132, East Hills Village Apartment complex, in regard to a shooting. Upon arrival, officers observed a deceased b/m with apparent gunshot trauma, face down on the ground in front of the entry breezeway of the building labeled 7654 Monroe Ave. The victim was identified as Andre Tolan, b/m, 12/3/97. The death is being investigated as a homicide. Officers also observed three black males within the immediate area of the deceased victim, who had come from the entry breezeway of the same building, 7654 Monroe Ave. One was armed with a .40 caliber handgun. All three black males were detained without incident. The males identified themselves to officers as Malik Sherman, b/m, 3/13/96, Micheal Sherman, b/m, 6/11/92 (brother of Malik), and the third male, an associate of the Sherman brothers who will be referred to as (T) throughout this document. The males advised the officers they were visiting a female who resided in Apartment 63 associated with the building 7654 Monroe Av., but had no involvement in the death of the male.

A subsequent examination of the victim by the Jackson County Medical Examiner’s Office revealed the victim’s injuries to be a gunshot wound to the head/neck with a wound path of back to front, and a gunshot wound to the abdomen, with a wound path of right to left, and back to front. The victim also had multiple abrasions to the face.

Watchtower surveillance video which captured activity of vehicles and pedestrian traffic of the parking lot and walkway in front of 7654 Monroe was viewed via the leasing manager associated to East Hills Village Apartments. The color video depicted the victim arriving with two black males similar in appearance to Malik and Micheal Sherman’s appearance when they were detained by law enforcement. The three of them arrived in a black four door Chevrolet Malibu. The victim appeared to be escorted from the vehicle to the entry breezeway of 7653 Monroe Av by Malik and Micheal Sherman. Malik appeared to be in possession of a firearm with a long barrel and Micheal appeared to have a hold of the victim’s left arm as the victim was escorted to the breezeway of 7654 Monroe Av. A few minutes later, the victim is observed on video descending the landing of the breezeway and abruptly collapsing onto the ground face down, the position he was discovered by law

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enforcement. Micheal then entered the view of the camera from the breezeway immediately following the victim, then Micheal retreated back to the area of the breezeway out of view within the interior of the breezeway, where there is access to related apartments to include Apt. 63.

The video then showed (T) exited the breezeway and being contacted by the law enforcement as they arrived on scene, followed by Malik and Micheal, who were also detained.

Investigators located four spent shell casings near the victim's body associated in the area of the ground level breezeway of 7654 Monroe Ave building. Two of the spent casings were .40 caliber and two casings with "LC19" indicated on the head stamp. Investigators made contact with two adult females within the apartment labeled 63 of 7654 Monroe Av., who advised investigators Malik and Micheal had responded to the apartment after the gunfire was heard and apparently stored a .40 caliber handgun and a .223 rifle in a bedroom of the apartment before leaving and being detained by law enforcement. One of the females, the lawful tenant of apartment 63, provided consent for investigators to search her apartment (63). A Glock 23 .40 caliber handgun which contained no live ammunition, and a Delton INC DTI 15, .556 caliber rifle, which contained live ammunition with the head stamp of "LC19" were recovered from a bedroom of 7654 Monroe #63. The black Chevrolet Malibu, which the victim, Malik Sherman, and Micheal Sherman arrived in, was observed to have numerous spent casings in plain view within the area of the back seat and a shattered rear windshield. A lanyard with the apparent keys associated to the Chevrolet Malibu appear to be dropped by Malik Sherman near the entry of the breezeway of 7654 Monroe Av. as police detained him at the scene as indicated by the surveillance video. The two adult females associated to Apt. 63 responded voluntarily to police headquarters for formal statements and the three males were detained and transported to police headquarters for formal statements.

The lawful female tenant of Apt. 63 advised detectives she arrived home at approximately the time frame of 1700 hours on 1/23/20, and observed "T" and her female cousin in the apartment. She later heard a "ruckus" followed by gunshots, then knocking at her apartment door. She answered the door, and Malik was at her door with Micheal. She observed Micheal in possession of a large black gun, and they both entered the apartment. Micheal was screaming and yelling, visibly upset. Micheal punched a wall, and the renter then retreated to a back bedroom with her children. She heard more arguing and then shouted they needed to leave. The female tenant then heard them leave (Micheal, Malik, "T," and her female cousin). The renter then followed them out and as she got to the landing of the breezeway, she observed a deceased person on the ground. She called 911. She stated after detectives arrived, she gave Consent for them to search her apartment. She was subsequently advised guns were located in the bedroom where her children sleep.

The renter's female cousin, who was determined to have had an intimate relationship with Malik Sherman stated she got home to the apartment around 1700 hours on 1/23/20. Sometime after she had returned to the apartment, she heard 2-3 gunshots, then a knock at the apartment door. Although she didn't observe Micheal and Malik enter, she became aware they were in the apartment. She observed a handgun in Micheal's right pocket. Micheal was agitated, and then Micheal, Malik, and "T" went to a bedroom and closed the door for several minutes. She and Malik exited the apartment and she then observed the deceased victim lying on the ground in front of the apartment building.

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Micheal Sherman was interviewed by investigators after he was read the Miranda Waiver form and advised he understood his rights. Micheal admitted both he and his brother Malik fired upon the victim while in the breezeway of 7654 Monroe Av. Micheal admitted to firing his .40 caliber handgun twice at the victim but ran out of ammunition. Micheal stated Malik discharged an AR Rifle at the victim. Prior to shooting the victim, Micheal stated he and Malik and the victim had been traveling in the black Chevrolet Malibu, driven by Malik, earlier that evening in the area of 68th St. to attempt a narcotics transaction involving marijuana. As they arrived in the area of 68th St., they were approached by a male with a firearm, and Micheal believed the male fired towards their vehicle, and believed they were going to be robbed. Micheal stated he fired his .40 caliber handgun from inside the vehicle outward towards the male, although he didn't recall who fired first. They then drove directly to the East Hill Village Apartment Complex, 7654 Monroe Av. Micheal believed the victim played a role in the set-up of the potential robbery. Micheal stated he considered just beating up the victim, but considered potential retaliation if they let him go.

Malik Sherman was interviewed by investigators after he was read the Miranda Waiver form and advised he understood his rights. Malik stated he had driven the victim and Micheal in the black Chevrolet Malibu to the area of 68th St. to conduct a drug transaction with marijuana. Malik stated he had a bad feeling about it when they arrived in the area, and then saw a male approach with a gun and realized they were about to get robbed. Malik stated Micheal shot towards the male from the rear seat of the Malibu, and then Malik drove the victim and Micheal directly to the East Hills Village Apartments, 7654 Monroe Av. Malik identified himself as escorting the victim from the Malibu while holding his AR Rifle at his side, and Micheal on the surveillance video as escorting the victim from the Malibu towards 7654 Monroe Av by holding the victim's arm as they all three walked towards the building. Malik confirmed he fired his AR Rifle at the victim after Micheal fired his .40 caliber handgun after the victim attempted to grab Micheal's handgun.

"T" was also interviewed and he stated he was asleep on the couch at 7654 Monroe Ave #63 on 7/23/20 when he was awakened by gunfire followed by a knock at the apartment door and someone yelling for him. He opened the door and observed Malik with an AR rifle and Micheal with a Glock handgun enter the apartment. They were visibly upset and appeared "hyped up." Micheal and Malik then retreated to a bedroom within the apartment and they were shouting at "T" to hurry up and get dressed. "T" grabbed his .40 caliber handgun, which he'd had possession of for several days, and the three of them exited the apartment. "T" then observed a deceased male on the ground in front of the apartment building. "T" stated he was stopped by police after he exited the breezeway. "T" stated as the three of them were detained in police custody within the complex, Malik told him someone tried to rob them and they shot him, and they believed they shot him in self-defense. "T" stated his .40 caliber handgun recovered by police when he was detained was not used in the shooting and not the same handgun he observed to be possessed by Micheal.

In addition to apparent spent handgun cartridge casings being observed in the rear seat of the Chevrolet Malibu and the rear windshield being shattered, additional apparent bullet damage was observed in the trunk lid of the Malibu which appeared to be exiting the vehicle. A spent casing was observed in plain view on the rear deck area of the back seat by the shattered windshield. The casing was recovered prior to the Malibu being towed so it wouldn't be lost during transport, and was determined to be a .40 caliber casing. A call for service related to sounds of shots was discovered through 911 calls for service to have been entered on 1/23/20 at 1748 hours from

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the 2200 block of E 67th Terr., Kansas City, Jackson County, Missouri. Officers responded but found no shell casings and no apparent victim.

Printed Name /s/ Det. Jeremy D. Wells #5015 Signature _____


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

Judge

Circuit Court of _____ County, State of Missouri.

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

POLICE NO. :	KC20005712
PROSECUTOR NO. :	095457240
OCN:	HR008582

STATE OF MISSOURI,)	
	PLAINTIFF,)
vs.)	
)	
MICHEAL D SHERMAN)	
7312 Indiana Ave.)	CASE NO. 2016-CR
Kansas City, MO 64132)	DIVISION
DOB: 06/11/1992)	
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 January 23, 2020, in the County of Jackson, State of Missouri, the defendant, alone or in concert with another, knowingly or with the purpose of causing serious physical injury to Andre D Tolan caused the death of Andre D Tolan by shooting him, and the defendant is further given notice that should the state submit murder in the second degree – felony under Section 565.021.1(2), it will be based on the death of Andre D Tolan as the result of the perpetration of the class D felony of kidnapping in the second degree under Section 565.120, 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.

State vs. Micheal D Sherman

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 January 23, 2020, 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. Kidnapping - 2nd Degree (565.120-002Y20171099.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.120, RSMo, committed the **class D felony of kidnapping in the second degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about January 23, 2020, in the County of Jackson, State of Missouri, the defendant, alone or in concert with another, knowingly restrained Andre D Tolan unlawfully and without consent as a the result of forcible compulsion, so as to interfere substantially with Andre D Tolan's liberty and exposed Andre D Tolan to a substantial risk of serious physical injury.

The range of punishment for a class D felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained

State vs. Micheal D Sherman

through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.

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 January 23, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of kidnapping in the second degree, charged in Count III, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of kidnapping 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.

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.

State vs. Micheal D Sherman

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Jamie K. Hunt
Jamie K. Hunt (#50401)
Assistant Prosecuting Attorney
415 E. 12th Street
Kansas City, MO 64106
(816) 881-4622
jhunt@jacksongov.org

WITNESSES:

1. [REDACTED], Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
2. CST Allison Bennett, 1125 Locust, Kansas City, MO 64106
3. DET Alane M. Booth, 1125 Locust, Kansas City, MO 64106
4. [REDACTED] Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
5. [REDACTED] Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
6. DET Donna M. Drake, 5301 E. 27th Street, Kansas City, MO 64127
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8. DET Ian D. Hobbs, 1200 E. Linwood, Kansas City, MO 64106
9. PO Rajdeep S. Khakh, 1125 Locust, Kansas City, MO 64106
10. DET Darin K. Penrod, 1125 Locust, Kansas City, MO 64106
11. Andre D Tolan, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
12. DET Jeremy D. Wells, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 01-24-2020

CRN: 20-005712

I, Det. Jeremy D. Wells #5015 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 01-23-2020, at 7654 Monroe Ave in
(Date) (Address)

Kansas City, Jackson Missouri Micheal Sherman
(County) (Name of Offender(s))

B/M, 06-11-1992 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 1/23/20 at approximately 1802 hours, members of the Kansas City Missouri Police Department were dispatched to 7654 Monroe Av, Kansas City, Jackson County, Missouri, 64132, East Hills Village Apartment complex, in regard to a shooting. Upon arrival, officers observed a deceased b/m with apparent gunshot trauma, face down on the ground in front of the entry breezeway of the building labeled 7654 Monroe Ave. The victim was identified as Andre Tolan, b/m, 12/3/97. The death is being investigated as a homicide. Officers also observed three black males within the immediate area of the deceased victim, who had come from the entry breezeway of the same building, 7654 Monroe Ave. One was armed with a .40 caliber handgun. All three black males were detained without incident. The males identified themselves to officers as Malik Sherman, b/m, 3/13/96, Micheal Sherman, b/m, 6/11/92 (brother of Malik), and the third male, an associate of the Sherman brothers who will be referred to as (T) throughout this document. The males advised the officers they were visiting a female who resided in Apartment 63 associated with the building 7654 Monroe Av., but had no involvement in the death of the male.

A subsequent examination of the victim by the Jackson County Medical Examiner’s Office revealed the victim’s injuries to be a gunshot wound to the head/neck with a wound path of back to front, and a gunshot wound to the abdomen, with a wound path of right to left, and back to front. The victim also had multiple abrasions to the face.

Watchtower surveillance video which captured activity of vehicles and pedestrian traffic of the parking lot and walkway in front of 7654 Monroe was viewed via the leasing manager associated to East Hills Village Apartments. The color video depicted the victim arriving with two black males similar in appearance to Malik and Micheal Sherman’s appearance when they were detained by law enforcement. The three of them arrived in a black four door Chevrolet Malibu. The victim appeared to be escorted from the vehicle to the entry breezeway of 7653 Monroe Av by Malik and Micheal Sherman. Malik appeared to be in possession of a firearm with a long barrel and Micheal appeared to have a hold of the victim’s left arm as the victim was escorted to the breezeway

PROBABLE CAUSE STATEMENT FORM

CRN 20-005712

of 7654 Monroe Av. A few minutes later, the victim is observed on video descending the landing of the breezeway and abruptly collapsing onto the ground face down, the position he was discovered by law enforcement. Micheal then entered the view of the camera from the breezeway immediately following the victim, then Micheal retreated back to the area of the breezeway out of view within the interior of the breezeway, where there is access to related apartments to include Apt. 63.

The video then showed (T) exited the breezeway and being contacted by the law enforcement as they arrived on scene, followed by Malik and Micheal, who were also detained.

Investigators located four spent shell casings near the victim's body associated in the area of the ground level breezeway of 7654 Monroe Ave building. Two of the spent casings were .40 caliber and two casings with "LC19" indicated on the head stamp. Investigators made contact with two adult females within the apartment labeled 63 of 7654 Monroe Av., who advised investigators Malik and Micheal had responded to the apartment after the gunfire was heard and apparently stored a .40 caliber handgun and a .223 rifle in a bedroom of the apartment before leaving and being detained by law enforcement. One of the females, the lawful tenant of apartment 63, provided consent for investigators to search her apartment (63). A Glock 23 .40 caliber handgun which contained no live ammunition, and a Delton INC DTI 15, .556 caliber rifle, which contained live ammunition with the head stamp of "LC19" were recovered from a bedroom of 7654 Monroe #63. The black Chevrolet Malibu, which the victim, Malik Sherman, and Micheal Sherman arrived in, was observed to have numerous spent casings in plain view within the area of the back seat and a shattered rear windshield. A lanyard with the apparent keys associated to the Chevrolet Malibu appear to be dropped by Malik Sherman near the entry of the breezeway of 7654 Monroe Av. as police detained him at the scene as indicated by the surveillance video. The two adult females associated to Apt. 63 responded voluntarily to police headquarters for formal statements and the three males were detained and transported to police headquarters for formal statements.

The lawful female tenant of Apt. 63 advised detectives she arrived home at approximately the time frame of 1700 hours on 1/23/20, and observed "T" and her female cousin in the apartment. She later heard a "ruckus" followed by gunshots, then knocking at her apartment door. She answered the door, and Malik was at her door with Micheal. She observed Micheal in possession of a large black gun, and they both entered the apartment. Micheal was screaming and yelling, visibly upset. Micheal punched a wall, and the renter then retreated to a back bedroom with her children. She heard more arguing and then shouted they needed to leave. The female tenant then heard them leave (Micheal, Malik, "T," and her female cousin). The renter then followed them out and as she got to the landing of the breezeway, she observed a deceased person on the ground. She called 911. She stated after detectives arrived, she gave Consent for them to search her apartment. She was subsequently advised guns were located in the bedroom where her children sleep.

The renter's female cousin, who was determined to have had an intimate relationship with Malik Sherman stated she got home to the apartment around 1700 hours on 1/23/20. Sometime after she had returned to the apartment, she heard 2-3 gunshots, then a knock at the apartment door. Although she didn't observe Micheal and Malik enter, she became aware they were in the apartment. She observed a handgun in Micheal's right pocket. Micheal was agitated, and then Micheal, Malik, and "T" went to a bedroom and closed the door for several minutes. She and Malik exited the apartment and she then observed the deceased victim lying on the ground in front of the apartment building.

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Micheal Sherman was interviewed by investigators after he was read the Miranda Waiver form and advised he understood his rights. Micheal admitted both he and his brother Malik fired upon the victim while in the breezeway of 7654 Monroe Av. Micheal admitted to firing his .40 caliber handgun twice at the victim but ran out of ammunition. Micheal stated Malik discharged an AR Rifle at the victim. Prior to shooting the victim, Micheal stated he and Malik and the victim had been traveling in the black Chevrolet Malibu, driven by Malik, earlier that evening in the area of 68th St. to attempt a narcotics transaction involving marijuana. As they arrived in the area of 68th St., they were approached by a male with a firearm, and Micheal believed the male fired towards their vehicle, and believed they were going to be robbed. Micheal stated he fired his .40 caliber handgun from inside the vehicle outward towards the male, although he didn't recall who fired first. They then drove directly to the East Hill Village Apartment Complex, 7654 Monroe Av. Micheal believed the victim played a role in the set-up of the potential robbery. Micheal stated he considered just beating up the victim, but considered potential retaliation if they let him go.

Malik Sherman was interviewed by investigators after he was read the Miranda Waiver form and advised he understood his rights. Malik stated he had driven the victim and Micheal in the black Chevrolet Malibu to the area of 68th St. to conduct a drug transaction with marijuana. Malik stated he had a bad feeling about it when they arrived in the area, and then saw a male approach with a gun and realized they were about to get robbed. Malik stated Micheal shot towards the male from the rear seat of the Malibu, and then Malik drove the victim and Micheal directly to the East Hills Village Apartments, 7654 Monroe Av. Malik identified himself as escorting the victim from the Malibu while holding his AR Rifle at his side, and Micheal on the surveillance video as escorting the victim from the Malibu towards 7654 Monroe Av by holding the victim's arm as they all three walked towards the building. Malik confirmed he fired his AR Rifle at the victim after Micheal fired his .40 caliber handgun after the victim attempted to grab Micheal's handgun.

"T" was also interviewed and he stated he was asleep on the couch at 7654 Monroe Ave #63 on 7/23/20 when he was awakened by gunfire followed by a knock at the apartment door and someone yelling for him. He opened the door and observed Malik with an AR rifle and Micheal with a Glock handgun enter the apartment. They were visibly upset and appeared "hyped up." Micheal and Malik then retreated to a bedroom within the apartment and they were shouting at "T" to hurry up and get dressed. "T" grabbed his .40 caliber handgun, which he'd had possession of for several days, and the three of them exited the apartment. "T" then observed a deceased male on the ground in front of the apartment building. "T" stated he was stopped by police after he exited the breezeway. "T" stated as the three of them were detained in police custody within the complex, Malik told him someone tried to rob them and they shot him, and they believed they shot him in self-defense. "T" stated his .40 caliber handgun recovered by police when he was detained was not used in the shooting and not the same handgun he observed to be possessed by Micheal.

In addition to apparent spent handgun cartridge casings being observed in the rear seat of the Chevrolet Malibu and the rear windshield being shattered, additional apparent bullet damage was observed in the trunk lid of the Malibu which appeared to be exiting the vehicle. A spent casing was observed in plain view on the rear deck area of the back seat by the shattered windshield. The casing was recovered prior to the Malibu being towed so it wouldn't be lost during transport, and was determined to be a .40 caliber casing. A call for service related to sounds of shots was discovered through 911 calls for service to have been entered on 1/23/20 at 1748

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hours from the 2200 block of E 67th Terr., Kansas City, Jackson County, Missouri. Officers responded but found no shell casings and no apparent victim.

Printed Name /s/ Det. Jeremy D. Wells #5015 Signature _____

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

Judge

Circuit Court of _____ County, State of Missouri.