

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT

POLICE NO. :	20-016294
PROSECUTOR NO. :	095458057
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
SOMOAN L. HARTER)	
1329 Highland Ave., Apt. 11)	CASE NO. 2016-CR
Kansas City, MO 64106)	DIVISION
DOB: 09/11/2002)	
Race/Sex: /M)	
██████████)	
)	DEFENDANT.

COMPLAINT
WARRANT REQUESTED

Count I. Murder 2nd Degree (565.021-001Y19840904.0)

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 March 4, 2020, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, with the purpose of causing serious physical injury to Deandre C. Magice, caused the death of Deandre C. Magice 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 (571.015-001Y19755213.0)

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

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571.015.1, RSMo, in that on or about March 4, 2020, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, committed the felony of murder in the second degree charged in Count 1, 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. Tampering With Physical Evidence In Felony Prosecution (575.100-001Y20175006.)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 575.100, RSMo, committed the **class E felony of tampering with physical evidence**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about March 4, 2020, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, concealed a 9 mm handgun with the purpose to impair its availability in the investigation into the murder of Deandre Magice, an official investigation, and thereby impaired and obstructed the prosecution Samoan Harter and/or Kyu Jackson for the crime of murder in the second degree, a felony.

The range of punishment for a class E 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 four (4) 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 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.

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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/ Kristiane N. Bryant
Kristiane N. Bryant (#69524)
Assistant Prosecuting Attorney
415 E. 12th St.
Floor 7M
Kansas City, MO 64106
(816) 881-3597
KNBryant@jacksongov.org

WITNESSES:

1. DET Scott M. Emery, 1125 Locust, Kansas City, MO 64106
2. DET Thomas M. Hammond, 1125 Locust, Kansas City, MO 64106
3. DET Mary J Kincheloe, 1125 Locust, Kansas City, MO 64106
4. Deandre C. Magice, 3240 Park Ave., Kansas City, MO 64106
5. [REDACTED]
6. Keith Martin, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
7. DET Scott P. Mullen, 1125 Locust, Kansas City, MO 64106
8. DET Jacquelynn R. Mutschler, 1125 Locust, Kansas City, MO 64106
9. DET Hobart D. Price, 1125 Locust, Kansas City, MO 64106
10. DET Bradley N. Thomas, 1125 Locust, Kansas City, MO 64106
11. DET Daniel G. Thomas, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 03/06/2020

CRN: KC20016294

I, Det. Jacquelynn Mutschler #5594
(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 03/04/2020, at 10th and Brooklyn in
(Date) (Address)

Kansas City, Jackson Missouri Somoan Harter B/M 09/11/2002
(County) (Name of Offender(s))

5'9, 145 lbs, black, brown, [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 03/04/2020 at 0156 hours, Officers of the Kansas City Missouri Police Department were dispatched to 10th Street and Brooklyn Ave, Kansas City, Jackson County, Missouri in regard to a sound of shots call. While en-route, the call was updated to a shooting. Upon arrival, Officers observed the victim lying mid-block between 10th Street and 11th Street on Brooklyn Ave. The victim suffered apparent gunshot wounds and was pronounced deceased by KCFD EMS personnel.

Witness 1 was identified and stated he observed two black males with their hoods up walking back and forth on Brooklyn Ave between 10th Street and 11th Street. Witness 1 became uneasy with their behavior so he stated he went inside. Within minutes of being inside, witness 1 advised he heard three gunshots. Witness 1 further described the suspects he had seen as black males, 18-23 years old, both dark skin, and both wearing red hoodies and jeans. Witness 1 advised witness 2 told him he observed the suspects run south bound on Brooklyn Ave after the shots were heard.

Witness 2 stated he observed two black males walking south on Brooklyn from 10th Street. Witness 2 described suspect 1 as a tall black male, wearing a red hooded sweatshirt pulled tight around his face and suspect 2 was described as a short black male wearing a dark multi-colored hooded sweatshirt pulled tight around his face. Witness 2 advised he heard three sounds of shots, but he did not witness the shooting.

Video surveillance was located and revealed two individuals matching the suspect description provided by witness 1 and witness 2. The suspects were observed exiting the front door of 1120 Euclid Ave and are seen walking east bound on 12th Street. Once in the light, suspect 1 was observed to be wearing a red hoodie with the hood pulled up, red sweatpants, and white shoes. Suspect 2 was observed to be wearing a dark multi-colored black and red hoodie with a light colored logo on his left chest with the hood pulled up, and dark colored jeans. They are observed walking north bound on Garfield and then east bound on 10th Street towards Brooklyn Ave. They are then observed walking south on Brooklyn Ave out of camera view. Approximately forty-five minutes

PROBABLE CAUSE STATEMENT FORM

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later, we observed the victim walking west bound on 10th Street towards Brooklyn Ave. The victim turned south bound onto Brooklyn Ave and then two individuals are observed coming out of the dark from the northeast corner of 10th Street and Brooklyn Ave running in the direction of the victim. After the homicide, the suspects were observed on surveillance video running south on Brooklyn Ave and then west on 11th Street running toward Euclid Ave where they are no longer captured on camera.

On 03-06-2020, at approximately 1720 hours, a Search Warrant was executed on the residence at 1120 Euclid. Five people were located in the residence: SH, DS, JJ as well as **Somoan Harter** and Kyu Jackson. Based off information gathered, **Harter** and Jackson were transported to 1125 Locust, Police Headquarters. During the search of the residence, a black SCCY model CPX-1, 9mm handgun, bearing the serial number 047875, was located inside 1120 Euclid Ave, Kansas City, Jackson County, Missouri in the northwest second story bedroom labeled "Somoan". During interviews, family members living in the residence identified the bedroom to be **Harter's**. Inside the nightstand in **Harter's** bedroom, there were three 9mm shell casings. There were also four red hoodies and one maroon and black hoodie located inside the residence.

Harter was read aloud the Miranda Waiver. **Harter** was shown a photograph captured from surveillance video in which **Harter** identified himself in the photograph walking with Jackson. **Harter** advised Jackson was carrying a black handgun when they encountered the victim. **Harter** said Jackson asked the victim what block he was from to which the victim said, "33." **Harter** said he and Jackson kept walking but then Jackson suggested he and **Harter** go back. As they approached the victim, Jackson yelled, "Hey," but the victim did not respond. **Harter** said he then heard several gunshots. **Harter** and Jackson ran to his residence, calmed down and placed the firearm on the dresser in his room.

Jackson was read aloud the Miranda Waiver. Jackson was interviewed and acknowledged himself and **Harter** in the still photograph captured from surveillance video. Jackson denied having a verbal altercation with the victim, denied being at the shooting scene and denied committing the homicide. Jackson denied any knowledge of the firearm located inside the residence of 1120 Euclid. Jackson was presented with the information **Harter** had provided during his interview, but Jackson continued to deny any involvement in the crime. Jackson advised he had never handled the firearm or shot the firearm.

On 03/07/2020, I received a report from Technical Leader-Firearms Lalli indicating that three shell casings recovered from the homicide scene located at 10th Street and Brooklyn Ave, Kansas City, Jackson County, Missouri, were fired from the SCCY firearm that was recovered from 1120 Euclid Ave, Kansas City, Jackson County, Missouri.

After reviewing the evidence in this case, it was learned that **Harter** and Jackson were affiliated with a group of violence. **Harter** stated he was affiliated with 12th Street who he advised is a rival of 33rd Street. Jackson was observed on his facebook page holding a firearm while standing underneath a 12th Street Terrace and Woodland Street sign. Jackson stated in his interview he has been involved in several robberies in the past. **Harter** was arrested for hindering an investigation related to a first degree robbery last month. Due to their actions, both **Harter** and Jackson are deemed to be a danger to the community.

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Printed Name Det Jacquelyn Mutschler #5594 Signature Det Jacquelyn Mutschler #5594

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

POLICE NO. :	20-016294
PROSECUTOR NO. :	095458058
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
KYU JACKSON)	
1120 Euclid)	CASE NO. 2016-CR
Kansas City, MO 64127)	DIVISION
DOB: 01/18/2002)	
Race/Sex: B/M)	
██████████)	
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COMPLAINT
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Count I. Murder 2nd Degree (565.021-001Y19840904.0)

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 March 4, 2020, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, with the purpose of causing serious physical injury to Deandre Magice, caused the death of Deandre Magice 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 (571.015-001Y19755213.0)

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 March 4, 2020, in the County of Jackson, State of

State vs. Kyu Jackson

Missouri, the defendant, acting alone or purposefully in concert with others, committed the felony of murder in the second degree charged in Count 1, 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.

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JEAN PETERS BAKER

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State vs. Kyu Jackson

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PROBABLE CAUSE STATEMENT FORM

CRN KC20016294

Printed Name Det. Jacquelyn Mutschler #5594 Signature Det. Jacquelyn Mutschler #5594

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

Judge

Circuit Court of _____ County, State of Missouri.