


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

POLICE NO. :	KC20025264
PROSECUTOR NO. :	095458741
OCN:	HU001707

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
PRENTISS D. BURKS)	
3827 East 59th Street)	CASE NO. 2016-CR
Kansas City, MO 64130)	DIVISION
DOB: 07/07/1977)	
Race/Sex: B/M)	
)	
)	DEFENDANT.

COMPLAINT
WARRANT REQUESTED

Count I. Unlawful Use Of Weapon - Subsection 9 - Shoot At/from Motor Vehicle, At Person, Motor Vehicle Or Building (571.030-020Y20145299.0)

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 April 14, 2020, at 12700 East 59th Street, in the County of Jackson, State of Missouri, the defendant knowingly discharged a firearm from a tow truck, a motor vehicle.

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.

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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 April 14, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of unlawful use of a weapon charged in Count I, 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.

Count III. Assault - 2nd Degree (565.052-001Y20171399.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.052, RSMo, committed the **class D felony of assault in the second degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about April 14, 2020, in the County of Jackson, State of Missouri, the defendant recklessly caused serious physical injury to ■■■ by shooting at a motor vehicle that was being operated by ■■■

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 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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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 April 14, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of assault 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 assault 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. Prentiss D. Burks

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Jordan L. Logan
Jordan L. Logan (#63975)
Assistant Prosecuting Attorney
415 East 12th Street
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Kansas City, MO 64106
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JLLogan@jacksongov.org

WITNESSES:

1. PO David A. Adair, 1125 Locust, Kansas City, MO 64106
2. [REDACTED] Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
3. PO Mark A. Diviak,
4. [REDACTED] Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO
64106
5. [REDACTED], 415 E 12th St, Floor 11, Kansas City, MO
64106
6. PO Corey T. Sanders, 1125 Locust, Kansas City, MO 64106
7. PO Adison D. Waterman, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 04/15/2020

CRN: KC20025264

I, Det. David Adair #5590, 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 04/14/2020, at 12700 E. 59th Street in
(Date) (Address)

Kansas City, Jackson Missouri Prentiss D. Burks
(County) (Name of Offender(s))

B/M 07-07-1977 committed one or more criminal offense(s).
(Description of Identity)

Aggravated Assault

The facts supporting this belief are as follows:

On 04/14/2020 at 2037 hours, Officers were dispatched to 12700 E. 59th Terrace, Kansas City, Jackson County, Missouri, on a sound of shots. While en-route officers discovered the correct address to be 12700 E. 59th Street, Upon their arrival, they located [redacted] suffering from apparent gunshots wounds to his legs. [redacted] was transported to a local hospital with life-threatening injuries. Prentiss D. Burks was taken into custody at that time.

[redacted] was transported to police headquarters, where he provided a formal statement to detectives. [redacted] stated he was assisting Burks with towing the victim's vehicle from the area of 63rd and Woodson Road Raytown, Missouri. During the encounter, [redacted] entered his vehicle and fled the scene. Burks entered his tow truck and began pursuing [redacted] followed both cars during the pursuit in his own tow truck. The pursuit lasted approximately two miles before [redacted] observed Burks fire a volley of shots at [redacted] in his fleeing vehicle. [redacted] and Burks vehicles collided near the intersection of E. 59th Street and Norfleet Road before all three vehicles came to rest in front of 12603 E. 59th Street. [redacted] exited his vehicle and advised he was shot.

Detectives observed several spent shell casings at the scene in the area of 59th and Norfleet Road, and a separate group of spent shell casings were located approximately 50 yards to the west of the aforementioned intersection. Vehicle components were also observed in the roadway consistent with a vehicle collision. It should be noted that Burks was armed with a handgun of the same caliber as the spent shell casings at the time of his arrest.

The witness [redacted] was contacted, and he stated he was in the area of 59th and Norfleet when he heard several gunshots outside. When he came out to investigate, he observed a tow truck ramming another tow truck, and both vehicles come to a stop [redacted] walked to the scene, and one of the drivers informed him, "I was just popping off rounds, trying to shoot out the tires."

The victim [redacted] was contacted at the hospital [redacted] stated he exited a store and observed two tow trucks attempting to tow his vehicle. [redacted] confronted the tow operators who informed him they were requested by Raytown Police to tow his vehicle. [redacted] jumped into his vehicle and sped off while the two tow trucks pursued him. As [redacted] was attempting to get away, he heard several gunshots. As [redacted] was making a turn, one of the tow

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trucks pulled alongside his vehicle, struck it, and the driver of the tow truck fired several rounds into ■■■s vehicle, striking him in the leg.

Detectives contacted **Burks** at headquarters, where he was read his Miranda rights and advised he would speak to the detectives. **Burks** was presented with two consent to searches, one for a Buccal swab of his DNA, and the other for consent to search his vehicle. **Burks** invoked his right to an attorney, and the interview was ceased.

Printed Name Det. David Adair #5590 Signature /S/ Detective Adair #5590

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

Judge

Circuit Court of _____ County, State of Missouri.