IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI <u>AT KANSAS CITY</u>

POLIC	CE NO.:	KC2003	35754
PROSECUTO	OR NO.:	095459	624
	OCN:		
STATE OF MISSOURI,)
	PLAIN	NTIFF,)
vs.)
)
ELIJAH A. MARSHALL)
2009 E. 81st Street) CASE NO. 2016-CR
Kansas City, MO 64130) DIVISION
DOB: 09/29/1978)
Race/Sex: B/M)
)
	DEFENI	DANT.)
		T 4 TS 17	T

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 June 1, 2020, in the County of Jackson, State of Missouri, the defendant with the purpose of causing serious physical injury to Ivory R Harris caused the death of Ivory R Harris 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.

State vs. Elijah A. Marshall

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 June 1, 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.

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. Elijah A. Marshall

JEAN PETERS BAKER

Prosecuting Attorney Jackson County, Missouri by,

/s/ Joseph R. Van Amburg
Joseph R. Van Amburg (#64207)
Assistant Prosecuting Attorney
415 E. 12th St.
11th Floor

Kansas City, MO 64106 (816) 881-3825

JRVanAmburg@jacksongov.org

WITNESSES:

- 4. Ivory R Harris, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
- 5. DET Heather D. Leslie, 1125 Locust, Kansas City, MO 64106
- 6. DET Sean P. Martin, 1125 Locust, Kansas City, MO 64106
- 7. DET James H. Price, 1125 Locust, Kansas City, MO 64106
- 8. DET Timothy R Taylor, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date:			CRN:	20-035/54	
I Dat Pyon Toylor #5595 VCDD	(Tamidile				
I, Det. Ryan Taylor, #5585 - KCPD I	Homiciae	:: C	1.11		
(Name and identity law emorcement officer	, or person na	ving information a	s probable cause.)		
knowing that false statements on this for	m are punis	shable by law, s	ate that the facts c	ontained herein are t	rue.
I have probable cause to believe that on		20 , at ate)	2116 E 13 th Stree (A	et ddress)	_ in
Kansas City, Jackson	Missouri	Elijah A. Mars			
(County)			(Name of Offend	ier(s))	
В/М 09-29-1978		co	mmitted one or mo	ore criminal offense(s	s).
Homicide					
Armed Criminal Action					

The facts supporting this belief are as follows:

Date: 06-03-2020

On 06-01-2020 at approximately 1358 hours, Officers of the Kansas City, Missouri Police Department were dispatched to 2116 E 13th Street in regard to a shooting. Upon arrival officers located the victim lying in the back common area of the complex deceased from multiple gunshot wounds. The Jackson County Medical Examiner's Office declared the death a homicide.

While processing the crime scene detectives located four Hornady 9mm shell casings around the victim as well as two 45 auto casings were located by the victim. Additionally, eleven 45 auto casings were located on a second level common area above the victim. A grey Ford Escape was located in the parking lot of the crime scene with multiple bullet holes. On the rear window of that vehicle a smear of a red substance was located. The smear of the red substance tested positive for the presence of blood. Crime scene collected a swab of the smear.

Witness #1 was contacted by detectives and stated that the victim was his father. Witness #1 stated that the suspect started coming around the apartments recently. The suspect would go and visit an individual who lived in an apartment in the complex and use narcotics (PCP). Witness #1 stated the victim had told him approximately two weeks prior to the homicide the victim said something to the suspect about smoking PCP around the complex, and asked him not to do so. When the victim confronted the suspect about his drug usage at the apartments the suspect started to come towards the victim. The victim pulled up his shirt and motioned as if he had a firearm in his waist band and stated "I'm letting you know." Witness #1 went on to explain that the day prior to the homicide he was going to have a BBQ outside the victim's apartment complex until he observed the suspect outside the complex again. Witness #1 canceled the BBQ due to the suspect's presence. While upstairs in the apartment Witness #1's mother came up and urged him to leave because the suspect was talking about "getting his gun and taking care of this nigga." Witness #1 stated on the day of the homicide he returned to the apartment complex and observed the suspect outside of the apartment complex. While inside the apartment he observed the victim pull up to the parking lot in his truck. Witness #1 looked out the window and observed the suspect on the ground level but couldn't see the victim. Witness #1 then walked away and then heard gun shots. Witness #1 ran outside and observed the suspect running away. Witness #1 yelled at the suspect and asked "did

PROBABLE CAUSE STATEMENT FORM

CRN	20-	03	57	54
CILIA	20-	CO.	21	2

you just kill my dad?" the suspect then stated "He shouldn't have pulled a gun on me." Witness #1 observed the suspect holding a gun in his left hand. While the suspect was running off Witness #1 heard more gun shots. Witness #1 stated that there were people outside to the left of where he was standing. Witness #1 then observed the suspect running away south on Brooklyn.

Detectives contacted Witness #2 who stated on the day of the homicide he had seen the victim at a store just prior and had a conversation. The victim told Witness #2 that he was heading back to the apartments. Witness #2 stated that he finished putting air in his tires and started to drive on Brooklyn when he heard the sound of shots. Witness #2 stopped his vehicle and looked up the street. Witness #2 observed the suspect shooting towards the building, and then running south on Brooklyn and then east down 13th Street and observed him running south down an alley. Witness #2 stated that he circled the block and looked for the suspect but could not find him.

Detectives received an anonymous tip that an individual had been going around the apartments for several weeks and he and the victim would argue with each other. The victim would make him leave because he did not belong. The tip further stated that two or three weeks prior to the homicide on a weekend, possibly a Sunday night, in the evening the police were called in regard to the male involved in a disturbance. The tip stated that the police came and checked the party then, let him go. The individual who provided the tip believed that the male the police checked on was involved in the homicide.

Detectives checked for calls for service in the area in the time frame provided in the tip and found a disturbance call for service on 05-17-2020, a Sunday, at 1921 hours. When officers arrived at the apartments on the call for service they located the disturbing party who identified himself as MARSHALL, Elijah.

With the information provided in the tip, a lineup was created containing a photograph of MARSHALL and 5 other males in likeness and appearance.

Witness #1 was contacted and shown the lineup containing MARSHALL. Witness #1 identified MARSHALL as the individual who shot the victim.

Detectives contacted Witness #3 who stated she is the mother of Witness #1 and was at the apartment complex where the homicide occurred the day prior. Witness #3 stated that she was standing on the steps that lead to the parking lot, facing an apartment door of an older individual and his son, who were talking with the suspect. Witness #3 heard the suspect say "That mother fucker, he don't know who he fucking with, I'm going to fuck that mother fucker up, I'm going to get my gun." "I'm going to go get my gun and I'm going to shoot that mother fucker, that old mother fucker don't know." Witness #3 stated that she had been told by the victim that he (the victim) had asked the suspect to not use drugs on the property. Witness #3 was shown a line up containing a photograph of MARSHALL and 5 other males in likeness and appearance. Witness #3 identified MARSHALL as the individual who was making threats the day prior to the homicide.

The swab of the 9mm shell casings were analyzed by the KCPD Crime Lab, and it was determined that the victim's DNA was present on those casings.

On 06-18-2020 at approximately 0115 hours, MARSHALL was taken into custody.

PROBABLE CAUSE STATEMENT FORM

CRN 20-035754	
---------------	--

Detectives advised MARSHALL of his Miranda Waiver and Warning to which MARSHALL agreed to speak with detectives. MARSHALL denied committing the homicide and denied being in the area. MARSHALL then stated that on the day of the incident he was sitting on the stairs of the apartment complex, using the phone. MARSHALL stated that the victim pulled up in his truck and started to question if he (MARSHALL) was a resident and what business he had at the complex. MARSHALL stated that he tried to explain that he was tired and wanted to rest. MARSHALL stated that the victim went to his apartment and retrieved a gun. MARSHALL stated that he then left the apartments and went to the gas station on Brooklyn and attempted to get the clerk to help him. MARSHALL stated that the victim followed him to the gas station and was pointing a gun at him. MARSHALL observed an unknown group of people walking so he decided to walk with them. MARSHALL stated that he then got on the bus a left the area.

Contact was made with Witness #4, who stated that that MARSHALL had been "bragging" about committing a homicide approximately a week or two prior. MARSHALL told Witness #4 that the homicide involved a struggle with the victim followed by the shooting. Witness #4 stated that MARSHALL had to phone somebody after the shooting to confirm that the victim had died of the shooting.

Printed Name	Det. Ryan Taylor, #5585	Signature	tym	Jahn, #5585
The Court finds	s probable cause and directs the issuance	of a warrant this	day of _	
	Jud	ge	_	
	Circuit Court of	County Str	ate of Missou	ri