

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

POLICE NO. :	KC20015624
PROSECUTOR NO. :	095460055
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
JOEL A ROSEBERRY)	
3210 E 21st St.)	CASE NO. 2016-CR
Kansas City, MO 64127)	DIVISION
DOB: 04/25/1976)	
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 March 1, 2020, in the County of Jackson, State of Missouri, the defendant knowingly, or with the purpose of causing serious physical injury to Frederick L. Outley, caused the death of Frederick L. Outley 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 1, 2020, in the County of Jackson, State of Missouri, the defendant 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

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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 (575.100-002Y19755006.0)

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 D felony of tampering with physical evidence**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about March 1, 2020, in the County of Jackson, State of Missouri, the defendant concealed a Taurus 9mm handgun with the purpose to impair its availability in investigation of the homicide of Frederick Outley, an official investigation.

The range of punishment for a class A misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed one (1) year; by a fine not to exceed two thousand dollars (\$2,000); 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 up to a maximum of twenty thousand dollars (\$20,000).

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/ Lauren Whiston
Lauren Whiston (#66185)
Assistant Prosecuting Attorney

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415 E. 12th St., 11th Fl
Kansas City, MO 64106
(816) 881-4312
lwhiston2@jacksongov.org

WITNESSES:

1. [REDACTED]
2. [REDACTED]
3. PO Audrey L Crosby, 1125 Locust, Kansas City, MO 64106
4. [REDACTED]
5. DET Timothy M. Fitzgerald, 1125 Locust, Kansas City, MO 64106
6. [REDACTED]
7. DET Daniel W. Frazier, 1125 Locust, Kansas City, MO 64106
8. [REDACTED]
9. [REDACTED]
10. PO Jayden M. McMahon, 1125 Locust, Kansas City, MO 64106
11. [REDACTED], 415 E 12th St, Kansas City, MO 64106
12. PO Sandial A Osman, 1125 Locust, Kansas City, MO 64106
13. DET Angelina M. Sanchez, 1125 Locust, Kansas City, MO 64106
14. PO John W Shipman, 1125 Locust, Kansas City, MO 64106
15. [REDACTED] Kansas City, MO 64106
16. PO Daniel Trainor, 2640 Prospect Ave., Kansas City, MO 64127
17. [REDACTED] 64106

PROBABLE CAUSE STATEMENT FORM

Date: 07-23-2020

CRN: KC20015624

I, Detective Tim Fitzgerald #5492 of the 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 03-01-2020, at 2519 E. 9th St. in
(Date) (Address)

Kansas City, Jackson County Missouri Joel A. Roseberry
(County) (Name of Offender(s))

R/S: B/M DOB: 04-25-1976 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 03-01-2020 at 1624 hours Officers of the Kansas City Missouri Police Department were dispatched to **9th St. and Prospect Ave. Kansas City, Jackson County, Missouri** on a reported shooting. Upon arrival, the Officers located a black male, the victim, lying in the parking lot of the Xpress Mart convenience store located at 2519 E. 9th St. The victim was unresponsive and appeared to be suffering from apparent gunshot wounds. Emergency Medical Services responded to the scene and transported the victim to Truman Medical Center where he died as a result of his gunshot injuries. The victim was then transported to the Jackson County Medical Examiner’s Office where his death was ruled a homicide.

An Officer responding to the shooting was flagged down by a witness who advised he heard several gunshots and then observed a black male walking southbound along the sidewalk of Prospect Ave. with a black handgun in his right hand. The black male threw the handgun into a dumpster located at 10th St. and Prospect Ave. and then walked westbound on 10th St. The black male was wearing an orange reflective shirt and was also carrying a dark colored coat.

Another Officer responding the shooting located an orange reflective shirt lying the grass in the area of 10th St. and Olive St.

An investigation of the crime scene at the Xpress Mart convenience store located at 2519 E. 9th St. revealed a white Chevrolet Cruz, which was determined to belong to victim, parked in the parking lot. There was apparent blood on the exterior rear passenger side corner of the vehicle. There was also apparent blood on the ground next to the passenger side of the victim’s vehicle. There are five spent shell casings in the parking lot. One shell casing is on the north side of the parking lot and it has a head stamp of Hornady 380 Auto. There are three shell casings near the front door of the store and another shell casing in the southeast area of the parking lot. All of those shell casings have the head stamp of RP 9mm Luger.

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An investigation of the area of 10th St. and Prospect Ave. revealed a large dumpster parked on 10th St. on the north side of the street just west of Prospect Ave. A black handgun was visible on top of miscellaneous items in the dumpster. The handgun was removed from the dumpster and it was a Taurus Millennium G2 9mm semi-automatic handgun bearing a serial number of TJS60369. There was a live round in the chamber of the handgun that had a head stamp of RP 9mm Luger. There was a magazine inserted in the handgun which was loaded with twelve live rounds. A computer check of the firearm's serial number revealed the firearm to be stolen out of Kansas City, Missouri.

The orange reflective shirt located in the area of 10th St. and Olive St. was collected and processed for DNA evidence.

The video surveillance footage from the Xpress Mart was obtained and the video surveillance footage was subsequently downloaded and reviewed. The footage showed the following: The victim arrives at the store in a white Chevrolet Cruz. Shortly after arriving, the victim becomes involved in a physical altercation inside the store with a black male, who was later determined to be uninvolved in the homicide. While the victim is inside the store, four individuals walk into the parking lot of the store from the south on Prospect Ave. Three of the individuals are black males and the fourth individual is a black female. One of the black males is wearing an orange reflective shirt and is carrying a dark colored coat. The victim is then escorted out of the store by an employee while the black male who the victim was involved in the physical altercation with stays inside the store. Once the victim exits the store, he becomes involved in a brief verbal argument with the four individuals in the parking lot and the black male that is wearing an orange reflective shirt, the suspect, produces a black handgun and shoots at the victim multiple times as the victim runs away. The suspect walks towards the area where the victim ran to and shoots at the victim additional times. The suspect then walks away from the store and shoots back at the victim again. The suspect continues to walk away from store by walking south along Prospect Ave. where he is no longer visible on camera. At no time on the video surveillance footage was the victim in possession of a firearm or anything that could be deemed a weapon.

The victim's vehicle was towed to the city tow lot and a search of the vehicle was subsequently conducted. The search revealed a spent bullet from the area near the vehicle's headlight assembly. No firearms, ammunition, shell casings, or anything that support the victim owned a firearm or was in possession of a firearm were located inside the vehicle.

The three individuals that were with the suspect at the Xpress Mart were identified and were questioned. However, they all provided varying accounts of what happened at the store and they all stated they did not know the suspect or his identity.

Detectives obtained video surveillance footage from the Emmanuel Church located at 920 Olive St. and the video surveillance footage was subsequently reviewed. The footage showed the suspect walking west on 10th St. from Prospect Ave. to Olive St. Once the suspect reaches the southeast corner of 10th St. and Olive St. he throws a dark colored coat into a sewer drain. The suspect then walks south on Olive St. and takes off an orange reflective shirt and throws it on the ground. The suspect continues to walk south on Olive St. and police vehicle with its emergency equipment activated passes the suspect. Once the police vehicle has passed him, the suspect walks west across Olive St. and out of camera view.

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Detectives responded the intersection of 10th St. and Olive St. and located a black coat just inside the sewer drain on the southeast corner of the intersection.

The in car video from the police vehicle that passed the suspect was viewed as it showed the suspect to be wearing a gray t-shirt and brown pants as he walked south on Olive St. The police vehicle does not pass any other people walking in that area.

Video surveillance footage from the residence located at 1100 Olive St. was obtained and it showed the following: The suspect is walking south on Olive St. when a police vehicle passes him. The suspect then walks west across Olive St. and continues to walk south on Olive St. on the west side of the street. The suspect proceeds to walk in front of the residence at 1104 Olive St. where a gray Jeep Patriot is parked on the street. An unknown white individual is visible in the front passenger seat of the Jeep. The suspect initially walks as if he intends to pass the Jeep as if he is unaware the Jeep is occupied. Once the suspect reaches the front end of the Jeep, the front passenger window of the Jeep appears to roll down. The suspect turns around and walks back to the back passenger door of the Jeep and enters the back passenger seat of the Jeep. When the suspect enters the Jeep, an unknown driver of the Jeep is visible. The Jeep then travels south on Olive St. to 12th St. where it turns and travels east on 12th St. until it is no longer visible on camera.

On 03-09-2020 officers conducted a traffic stop on a gray Jeep Liberty believed to be the Jeep the suspect entered after the shooting. Officers contacted the occupants of the Jeep and the passenger of the Jeep provided an address of 1104 Olive St.

On 03-30-2020 I received a Kansas City Police Crime Laboratory Report which stated the shell casings found at the crime scene at the Xpress Mart were fired in the firearm that was recovered in the dumpster located at 10th St. and Prospect Ave.

On 05-01-2020 I received a Kansas City Crime Laboratory Report that stated a fingerprint of value was developed from the magazine that was inserted into the firearm that was determined to be the murder weapon. That fingerprint was matched to an individual with known fingerprints on file.

On 06-19-2020 I received a CODIS hit indicating the DNA developed from the swab of the orange reflective shirt recovered from 10th St. and Olive St. that the suspect was seen on video surveillance footage taking off after the homicide was matched to the known DNA of **Joel A. Roseberry B/M 04-25-1976**.

An investigation of **Roseberry** revealed a Missouri Department of Revenue photograph and a booking photograph of **Roseberry** that appeared to be the suspect on all of the video surveillance footage gathered during this homicide investigation.

On 07-22-2020 I contacted the occupants of the gray Jeep Liberty that were previously stopped by officers. One of the occupants stated he was inside the gray Jeep Liberty parked in front of his residence at 1104 Olive St. listening to music on the day of the homicide. While he was inside the Jeep, he observed police vehicles driving up Olive St. past him. He then observed his cousin, "Joel", walking down Olive St. away from where the police

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vehicles were driving. At that time, he told "Joel" he would give him a ride and "Joel" got into the Jeep. They drove "Joel" to his grandmother's house and dropped him off. I showed him a photograph of **Roseberry** and he stated that is his cousin "Joel".

On 07-22-2020 I contacted the individual whose fingerprint was matched to a fingerprint developed from the magazine of the murder weapon. That individual stated he had Taurus 9mm handgun earlier in the year. He sold an extra magazine to that handgun to his cousin "Joel" in February of 2020. I showed him a photograph of **Roseberry** and he stated that his cousin "Joel" who sold the magazine to.

On 07-23-2020 **Roseberry** was arrested on an investigative hold for this homicide investigation. **Roseberry** was transported to Police Headquarters where he refused to answer any questions.

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.