

PROBABLE CAUSE STATEMENT FORM

Date: 7/9/2018

CRN: 18-49479

I, Det. Alane Booth #4105 (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 6/29/2018, at or near 5304 E 24th St. in (Date) (Address)

Kansas City, JACKSON Missouri Markell Shalon Lenard Pinkins (County) (Name of Offender(s))

b/m, 5'6", 140 lbs, dob 9/21/1995 committed one or more criminal offense(s). (Description of Identity)

The facts supporting this belief are as follows:

On 6/29/18 at approximately 2254 hours, members of the Kansas City Missouri Police Department were dispatched to the area of 24th and Hardesty Av, Kansas City, Jackson County, Missouri in regard to a shooting. Upon arrival, officers observed a b/m with apparent gunshot wound (s) lying handcuffed on the pavement/roadway (24th St) next to a four door Toyota Corolla, just east of 5304 E 24th St., the Yum Yum Bar & Grill. The victim, later confirmed to be Kevin Thomas, b/m, 1/19/73, was transported to an area hospital by EMS. Thomas was later pronounced deceased. Five spent shell casings were recovered from the street on the driver's side of the Victim's 2000 Toyota Corolla four door and on the passenger side of the vehicle and to the northwest of the vehicle. The Victim's Toyota was at the scene and observed stopped in the roadway on 24th St. in a northwesterly direction. The spent shell casings were noted to be two 9 MM and three .40 caliber. The death was ruled a homicide by the Jackson County Medical Examiner's Office and the cause of death was documented as multiple gunshot wounds. The Medical Examiner's Provisional Anatomic Diagnosis report indicated the course of the bullets as "medium to large caliber bullets: right to left and left to right. All bullets were front to back." The entrances were documented as "both arms and both left and right aspects of the chest." The Toyota had three apparent bullet holes in the front right passenger side of the windshield. Both front driver's side and passenger windows were down on the Toyota. No apparent bullet damage was observed on the driver's side of the vehicle.

The preliminary investigation revealed prior to being shot, the Victim made a westbound turn onto 24th St. from the Jubilee Market and gas station at 2410 Hardesty Av. when he struck an unoccupied legally parked white Mercury Sable four door. The Mercury was parked facing eastbound on the south curb of 24th St. The Mercury sustained minor superficial apparent horizontal marks to the front left bumper.

Several uniformed armed "Force One" private security guards were assigned as security for Yum Yum Bar & Grill and were present upon KCPD's arrival to the scene. One identified himself as Markell Pinkins, b/m, 9/21/95, and stated he believed he fired three times with his 9MM handgun and provided his firearm to be inspected at the scene, another guard identified himself as C.J. and initially stated he pointed his firearm at the victim but did not fire. When a detective at the scene approached to document his appearance and the condition of his firearm, it was noted C.J. was wearing a duty belt with an empty holster and two empty magazine pouches.

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C.J. advised the detective he was unarmed on that evening because he had not passed the licensing portion of the requirements and was only armed with pepper spray and handcuffs. A third armed uniformed Force One guard identified himself as A.N. and provided his 9MM handgun to be inspected. His firearm appeared to be loaded and his two magazines were full.

A.N. drove himself to 1125 Locust and provided a statement to investigating detectives. A.N. stated he and the other Force One security guards were hired as private security for the Yum Yum bar. A.N. was working the back door of the bar (north side) and heard a radio call from his supervisor Pinkins to respond to the front of the night club (24th St.). A.N. stated as he exited the front of the club he observed Pinkins standing by a tan in color vehicle with his weapon out and pointed at the driver of the vehicle. A.N. stated there was another security officer present with Pinkins but he didn't know his name. A.N. stated both were armed. A.N. stated he heard Pinkins and the other guard giving commands to the driver (victim) to exit the vehicle. A.N. stated he was not sure if the victim attempted to drive forward or his foot came off the brake, but stated the victim's vehicle started to roll forward towards the security officers and both security officers fired into the vehicle. A.N. stated he did not discharge his own firearm. A.N. stated he was not certain which of the officers fired first. A.N. stated he could not hear what the driver of the vehicle was saying, because the security guards were yelling at him. A.N. reiterated he was not sure what happened to make the vehicle move forward. A.N. later stated in the interview he wasn't sure if the unknown guard was armed or not. A.N. stated the security guards removed the victim from his vehicle after he was shot and placed him on the ground. A.N. stated the vehicle began to roll forward so he entered the vehicle and placed the vehicle in park. A.N. also stated there was an employee of the Yum Yum club standing near the vehicle at the time of the incident as well.

A Witness who identified himself as being on the immediate passenger side of the victim's vehicle at the time of the shooting stated the Force One armed uniformed private security guards were assigned to work at the Yum Yum Bar & Grill. The Witness stated the guards apparently left their front door post at Yum Yum and ran across the street to the Victim's vehicle and he observed the guards already had their guns drawn when he came outside of the club. He didn't know why they had their guns drawn. The Witness said as he approached the victim's vehicle stopped in the street, a front right passenger exited the victim's vehicle and announced the driver (victim) was drunk. The Witness recognized the driver and called him by name and stated he appeared "glazy" and he asked him to turn the car off, but still didn't know why the guards had their guns drawn. The Witness stated the passenger side window was down and the victim was looking at him. The Witness stated he kept hearing the guards, with their guns drawn, repeatedly say, "Turn the car off. Get out of the car." The Witness believed the car was running or idling because the lights were on. The victim's hands were visible to him and he didn't observe the victim to have a weapon nor was the victim verbally threatening the guards. The Witness stated the only thing the victim said prior to the guards firing was "I'm going that way." The car moved forward, but not fast, and only moved forward "not even a foot" when the guards fired 4-6 shots. The Witness stated the guards who fired were positioned on the front left driver's side and the other was on the front right passenger's side.

Another Witness positioned south and west of the incident in a business lot observed two men run from Yum Yum Bar and Grill towards where the victim was in his car. The Witness did not know why they ran towards the victim. The Witness heard them yelling for the victim to get out of his car which he thought went on for several minutes. The Witness stated it appeared the victim's foot came off the brake and the vehicle coasted forward. He described the males as black males; one heavy set, and the other as slender. The Witness stated the heavysset male

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fired three times into the vehicle. The Witness stated it did not appear the victim tried to strike him with the vehicle. After the shots were fired the vehicle began to roll forward. The heavysset male removed the victim from the vehicle and began life saving measures.

Pinkins who is short, with a slender build, advised officers at the scene he fired his 9 MM handgun at the victim. The other guard, heavysset, identified himself at the scene as C.J., had initially stated he was armed, pointed his firearm at the victim, but didn't fire, but then told a detective at the scene he was unarmed. Both aforementioned guards were transported voluntarily to 1125 Locust St for formal interviews. Both were read the Miranda Waiver Rights and agreed to speak with detectives individually.

Pinkins stated during his formal statement he was working the front door of Yum Yum Bar and Grill with C.J. and he heard a boom and then observed a vehicle which apparently left the Jubilee parking lot onto 24th St. and had struck a parked car on the street. Both he and C.J. then left the front door of the bar and went to make contact with the driver of the striking vehicle to get his information for the accident. Pinkins described he was positioned on the driver's side front corner of the driver's vehicle and was "wedged between" the driver's vehicle and the parked car. Pinkins described C.J.'s position as on the passenger side of the vehicle. Pinkins stated both he and C.J. gave the driver verbal commands to get out of the vehicle and to put the vehicle in park. He described the driver (victim) backed up the vehicle then revved the engine twice and the second time he and C.J. drew their weapons pointing them at the victim who was still in the vehicle. Pinkins stated they called for the Witness to come out of the bar as they believed the Witness knew the driver, but he was also unsuccessful in getting the victim to put the vehicle in park. Pinkins said the Witness was communicating with the victim through the open passenger window. Pinkins stated the victim revved the engine a third time and had no exit route to move and discharged his weapon "center mass" at the driver through the open driver's side window. He stated C.J. also discharged his weapon at the victim from the passenger side of the vehicle. After Pinkins discharged his weapon the victim did not move and he directed C.J. to come to the driver's side and to begin first aid and handcuff the victim. Pinkins identified photos of C.J. and the other guard (A.N.) When Pinkins was asked about his legal authority to approach the driver on a public street, he confirmed he had none.

During the formal statement, C.J. told the investigator he was NOT armed and did NOT shoot the victim. C.J.'s duty belt with an empty holster and empty magazine pouches was on the floor of the interview room during the interview. C.J. stated he was not commissioned to carry a firearm in Missouri which is why he did not have a firearm as he was on duty as a private security guard for Force One, hired to work at the Yum Yum Bar & Grill the night of the shooting on 6/29/18. C.J. stated he and the other security guard, PINKINS, were at the front entrance of Yum Yum Bar & Grill on the north sidewalk of 24th St. when he and PINKINS became aware of a vehicle striking a parked unoccupied vehicle on 24th St. just east of the bar's entrance. Both of them responded immediately to the vehicle stopped in the street. C.J. stated PINKINS was on the driver's side of the vehicle, near the driver's door, and he was standing at the front passenger side area near the front bumper. C.J. drew a diagram to this effect as well. C.J. stated they gave commands for the driver to exit the vehicle but the driver was not complying. C.J. stated the front right passenger turned the vehicle's ignition off, then exited the vehicle and left the area of the vehicle. C.J. stated the victim then turned the vehicle back on and the vehicle then came towards him and the other security guard fired at the victim. C.J. stated he then came around the vehicle to the driver's side, removed the victim, and handcuffed him.

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After C.J. was asked additional questions about his security status and his actions at the scene, he was advised the other guard said he did in fact fire his weapon. With some forethought, C.J. then admitted he shot the victim but stated it was self-defense because the victim drove towards him. C.J. stated he shot through the front right windshield, but the other security guard fired first. C.J. stated he thought he fired twice, but then he saw the front right windshield had three holes, and then realized he had fired three times. He stated he was scared to admit he had fired his weapon because he's not licensed to carry a firearm in a security capacity in Missouri. I asked C.J. about his training and job description, and specifically if he had authority regarding the accident on a city street. C.J. confirmed he had none.

I then asked C.J. where his firearm was since he was driven to 1125 Locust by KCPD unarmed with an empty holster. He stated a fourth uniformed Force One Security guard who responded after the shooting had it. C.J. stated he gave his loaded .40 caliber handgun and two loaded magazines to the Force One guard (L.D.) in the alley near Yum Yum bar with the intent to have him hide it. C.J. did not know the guard's last name, but stated his number is in his cell phone. C.J. signed a Consent to Search for his cell phone. L.D.'s number was obtained and L.D.'s information was provided to another detective to attempt to contact L.D. and obtain the missing gun and magazines.

The assisting detective responded to L.D.'s address listed on his DOR and asked for L.D. A person at the residence advised L.D. was not home. The detective then called the cell phone number for L.D. He answered the phone, then confirmed he was actually at home, and then agreed to come outside. While on the phone L.D. was asked where the Glock 22 .40 caliber handgun and magazines were located. While on the phone he advised the gun and magazines were at Yum Yum bar. After responding outside, L.D. was placed under arrest to be interviewed by detectives. He then made utterances about how he doesn't like the police. L.D. was placed in a patrol wagon. The detective responded to the Yum Yum Bar and had to call a manager to respond to the business. A Consent to Search was obtained and the detective located the loaded .40 caliber handgun and loaded magazines well hidden behind the bar and underneath the floor. The firearm and three magazines with live ammunition were recovered. The location of their recovery was photographed. It should be noted L.D. had several contacts with detectives and CSI personnel at the scene of the shooting and offered no information about knowledge of or whereabouts of a firearm involved in the shooting. L.D. had confirmed while at the scene, he arrived on scene after the shooting, and assisted with maintaining the perimeter of the scene with his security vehicle and then took a position at the front entrance of the bar. L.D. refused to provide a statement when he was transported to 1125 Locust St. for a formal interview.

Video surveillance obtained during the course of the investigation did not support aggressive movement of the victim's vehicle prior to guards discharging their firearms. PINKINS's positioning was confirmed to be nearest the driver's side near the driver's door, not in front of the vehicle.

Information was obtained regarding the Security Guard's status to be able to carry a firearm as a part of their professional duties. C.J. was indicated as being "revoked" in 2006 for impersonating an officer and making a false police report.

Printed Name Det. Alane Booth #4105 Signature /s/ Det. Alane Booth #4105

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

Judge

Circuit Court of _____ County, State of Missouri.