2016-CR04974

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

POI	LICE NO.:	KC200	40952
PROSECU'	TOR NO.:	095460	509
	OCN:		
STATE OF MISSOURI,)
	PLAIN	TIFF,)
vs.		<u> </u>	
SHABAZZ L. FRENCHER		<u> </u>))
2105 E. 77th Terrace		<u> </u>	CASE NO. 2016-CR
Kansas City, MO 64132		<u> </u>	DIVISION
DOB: 01/19/1998		<u> </u>)
Race/Sex: B/F		<u> </u>)
		()
	DEFEND	ANT.)

COMPLAINT WARRANT REQUESTED

Count I. Dwi - Death Of Another Not A Passenger (577.010-033Y20175401.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.010, committed the **class B felony of driving while intoxicated – resulting in death**, punishable upon conviction under Sections 558.011 and 577.010, RSMo, in that on or about June 21, 2020, 43rd and Main St. in the County of Jackson, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol, and acted with criminal negligence by driving at speeds in excess of 90 MPH and as a result caused death to Zahara Kathawalla and Zahara Kathawalla was not a passenger in the vehicle operated by the defendant.

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.

OR IN THE ALTERNATIVE

Count I. Involuntary Manslaughter 1st Degree (565.024-001Y19840909.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.024, RSMo,

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committed the class C felony of involuntary manslaughter in the first degree, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about June 21, 2020, in the County of Jackson, State of Missouri, the defendant recklessly caused the death of Zahara Kathawalla by striking her with a vehicle.

The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years and not to exceed ten (10) years; 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.

Count II. Leaving Scene Of Accident - Accident Resulting In Death (577.060-006Y20175401.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.060, RSMo, committed the **class D felony of leaving the scene of an accident,** punishable upon conviction sunder sections 558.002 and 558.001, RSMo, in that on or about June 21, 2020, in the county of Jackson, State of Missouri, the defendant was the operator of a vehicle involved in an accident resulting in death to Zahara Kathawalla and, having knowledge of that accident, left the place of the accident without providing her name, residence, registration, and or license information to a law enforcement officer.

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 to exceed seven (7) years; or by a fine not to exceed five thousand dollars (\$5,000); 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.

Count III. Driving While Revoked/Suspended - 1st Offense (302.321-003Y20175405.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 302.321, RSMo, committed the class D misdemeanro of driving while license was revoked, punishable upon conviction under Sections 302.321, 558.011, and 558.002, RSMo, in that on or about June 21, 2020, in the county of Jackson, State of Missouri, the defendant operated a motor vehicle on a highway, 43rd and Main St., during a time when the defendant's operator's license was revoked under the laws of this state, and knew or was aware that the defendant's operator's license was revoked.

The range of punishment for a class D misdemeanor is a fine not to exceed five hundred dollars (\$500.00).

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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/ Caitlin Brock

Caitlin Brock (#67964)
Assistant Prosecuting Attorney
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WITNESSES:

- 1. Kaitlyn A Asbridge, Jackson County Prosecuting Attorney's Office
- 2. DET Gary L. Burgess, 1125 Locust, Kansas City, MO 64106
- 3. PO Marc A. Catron, 1125 Locust, Kansas City, MO 64106
- 4. Nakyeya Coleman, Jackson County Prosecuting Attorney's Office
- 5. Jacob Williams, Jackson County Prosecuting Attorney's Office





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PROBABLE CAUSE STATEMENT FORM

Date: 08/17/2	2020				CRN: 20-040952	
I, Det. Gary B		orcement offic	eer, or person having	information as pro	shable cause)	
	lse statements	on this form ar		, state that the facts	s contained herein are true.	in
Thave probable	cause to believ	e that on	(Date)	40 561	(Address)	
Kansas City,	Jackson	Missouri,	Shabazz I	Frencher	B/F, (01/19/1998)	
committed one	(County)	al offense(s).	(Name of	Offender(s)	(Description of Identity)	

Vehicular Manslaughter/Leaving the Scene of Fatality/DWR

The facts supporting this belief are as follows:

On 06/21/2020 at approximately 0224 hours, Kansas City Missouri Police Officers responded to 43rd Street and Main Street, Kansas City, Jackson County, Missouri in regard to a fatality hit and run crash. Officers determined a dark four-door vehicle, possibly a Ford, was racing another vehicle described as a dark colored Dodge southbound on Main. The vehicles were traveling at a high rate of speed and as they drove through the intersection at 43rd and Main, the Ford struck a female pedestrian as she was crossing Main, west to east, just to the south of the intersection. The pedestrian, identified as **Zahara Kathawalla** (w/f, 02/27/1993), was pronounced dead at the scene from the injuries she sustained in the crash. After the Ford struck Ms. Kathawalla, it continued to travel at a high rate of speed southbound on Main Street and rear-ended a gray Jeep Renegade at the intersection of Ward Parkway and Brookside Boulevard. (CRN#KC20-040978) The Ford then continued southbound on Brookside Boulevard.

Jacob Williams, who was walking with Kathawalla, stated they were walking eastbound on 43th Street across Main. Traffic was clear in both directions and as they began to cross Main he heard vehicles' engines revving, then saw two vehicles approaching from the north at a high rate of speed. Kathawalla was behind him and after he yelled to warn her of the approaching vehicles, she ran back to the west. One of the vehicles struck Kathawalla and sent her airborne and both vehicles continued south on Main. Williams ran to check on Kathawalla and she appeared to be deceased.

A witness, Kaitlyn Asbridge, stated she was at 41st and Main traveling southbound when she observed a dark four door Dodge and a dark four door vehicle, possibly a Ford, pass her at a high rate of speed; it appeared the two vehicles were racing. As the two vehicles drove through the intersection of 43rd and Main the witness observed the Ford swerve and she thought it struck a light pole, then continued traveling south on Main. When the witness arrived at the scene, she realized the Ford struck a pedestrian.

Video footage from numerous traffic surveillance cameras along Broadway Boulevard and Main Street showed a dark four-door vehicle, possibly a Ford, and a dark colored Dodge Magnum with a gray stripe on the back, traveling at high rates of speed; the two vehicles appeared to be racing. The camera located at 43rd and Main showed the Ford strike Ms. Kathawalla then continue to travel south on Main without stopping. The video camera located at Emanuel Cleaver and Main showed the Ford drive southbound on Main through the intersection without stopping for a red traffic signal.

On 06/21/2020 at approximately 0854 hours, officers responded to Huntington Road and Central Street, Kansas City, Jackson County, Missouri in regard to an abandoned auto. The officers observed a black, 2018 Ford Focus without any license plates and a VIN of 1FADP3E25JL230163. The Ford had major front-end damage as well as a shattered and caved windshield that contained a red substance that appeared to be blood. The Ford was towed to the Kansas City Tow Lot.

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On 06/21/2020 at approximately 2040 hours, a Kansas City Missouri Detective was notified that a black female walked into a police facility and claimed to be the driver involved in the hit and run crash and 43rd and Main. The detective contacted the female and identified her as Shabazz L Frencher (b/f, 01/19/1998). The detective escorted Frencher to an interview room and advised her of Miranda Rights, which she advised she understood and signed the Miranda Waiver. Frencher stated on 06/20/2020, she was hanging out with some friends and family at her cousin's apartment, The Charter Landing, located at 6001 Blue Hills Road. At approximately 2300 hours, they left the apartment and headed to Westport. Frencher stated her cousin's friend Jazmyn, whom she met for the first time that night, drove her vehicle, a black Ford Focus, and she rode with her. They arrived at Westport and she stated she became intoxicated after she drank a bottle of Duce and five "Blue Mother Fucker" shots. After approximately an hour, Jazmyn gave Frencher the keys to her Ford Focus and she left the area with her friend Nakyeya. Frencher drove the Ford and Nakyeya sat in the front passenger seat. A Dodge Magnum with a gray stripe on the back pulled up beside them and Nakyeya hung out the passenger window and was talking to a black male, who was hanging out the front passenger window of the Dodge. One of the occupants of the Dodge asked if they wanted to race. Nakyeya was flirting with them but Frencher didn't want to race because she was drunk and wanted to go home. Frencher drove north on Broadway at approximately 50 MPH and the Dodge was beside her. Frencher headed east on Linwood to Main, then south on Main. The Dodge continued to try and get her to race and as they headed south on Main. As they approached the green traffic light 43rd Street, Frencher was in the #3 lane and as she approached the intersection, she saw a male and female crossing Main Street. Frencher stated she was at the stop line when she saw the female in her lane and she slammed on the brakes, but the car didn't stop, so she reapplied the brakes. Frencher still couldn't stop in time and she struck the female pedestrian. After she struck the female, glass from the windshield hit her and she continued to travel south on Main Street. Frencher drove the Ford back over to 6001 Blue Hills Road and parked it, but her cousin and Jazmyn demanded she move it and park it at a different location. Frencher ripped the temporary tag off the back of the Ford and threw it in a dumpster. Frencher drove the Ford westbound across 59th Street and parked it in a neighborhood with "the good houses", then walked to a gas station at 59th and Troost, where her cousin and Jazmyn picked her up.

Kansas City Missouri Detectives recovered surveillance camera footage from 5901 Troost. The video showed Frencher being picked up by a silver four-door vehicle occupied by two black females on 06/21/2020 at 0528 hours.

On 06/22/2020 at approximately 1045 hours, Kansas City Missouri Detectives contacted Nakyeya Coleman and obtained a video statement. Coleman stated on 06/20/2020 she was hanging out with Frencher and others at an apartment before they all went to Westport. After they arrived in Westport, Coleman got in the front passenger seat of a black Ford Focus, which belonged to a female named Jazmyn, but Frencher was driving. While they were driving, a black vehicle got behind them and the black male passenger asked if there was a "wheeler", which means a good driver, in the car. Coleman hung out the passenger window and told the male she had a "wheeler" in the car, but they were not going to race them because there was too much traffic. Frencher then started to race the black vehicle and she stated "I am the wheeler". Frencher raced the black vehicle through a couple traffic lights and drove over 60 MPH and once the black vehicle moved into the oncoming lanes of traffic to pass cars, Frencher quit racing. As they traveled south through the green light at 43rd and Main, Coleman saw a female in the roadway and she yelled "STOP". Frencher tried to stop the car but was unable to stop before they hit the female. Coleman saw the female hit the windshield and she thought they were traveling approximately 60 MPH at the time of impact. Frencher kept traveling south on Main then struck the rear of a southbound vehicle soon after they struck the female. Coleman kept telling Frencher to turn around so they could check on the female, but Frencher refused to stop and drove the Ford back to the apartment complex they all met. After they got to the apartment complex, Coleman got out and walked to 5110 Woodland. Coleman did not know what Frencher did after they got back, but later that morning talked to her on the phone and Frencher told her she was going to turn herself in. Coleman stated Frencher was intoxicated while she drove the Ford.

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PROBABLE CAUSE STATEMENT FORM

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On 06/23/2020 at approximately 1035 hours, Kansas City Missouri Detectives contacted Jazmyn Henrion, the owner of the black 2018 Ford Focus, and obtained a statement. Henrion stated on 06/20/2020 at approximately 2200 hours, she was hanging out with Frencher, who she has known for approximately two years. They were in an apartment with approximately ten other females and they were getting ready to head to Westport. Henrion stated she was drunk, so Frencher drove the Ford to Westport and she rode in the front passenger seat. When they arrived at Westport, Henrion got out of the Ford to talk to a friend and she told Frencher to park in the nearby parking lot. After Henrion got out, one of Frencher's friends got into the backseat of the Ford and they drove away. Approximately an hour later, Frencher called Henrion and told her she wrecked her vehicle. Frencher would not give her the details of the crash, but told her she was not sure if she hit or "tapped" someone. Frencher told her to come back to the apartment where they met earlier. When Henrion arrived at the apartment, she saw her Ford parked in the lot and saw that it was heavily damaged, but did not go near it. At approximately 0355 hours, Henrion attempted to report her Ford stolen, but since she didn't have enough of the vehicle's information, was unsuccessful.

Members of the Accident Investigation Unit determined **Frencher** was driving 96 MPH in a 35 MPH zone three seconds prior to hitting Ms. Kathawalla and the brake was applied. Frencher swerved from the #2 lane to the #3 lane and struck Ms. Kathawalla while traveling 67 MPH.

A computer inquiry revealed Frencher to have a SUSPENDED Missouri operator's license.

Printed Name	Det. Gary Burgess #4441	Signature	let. Long ling
The Court finds	s probable cause and directs the issue	ance of a warrant this	day of
		Judge	
	Circuit Court of	Co	ounty, State of Missouri.