

State vs. Steven G. Abernathy

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 571.015.1, RSMo. is imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years.

Count III. Assault 1st Degree Or Attempt (565.050-002Y20201304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class B felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about November 13, 2020, in the County of Jackson, State of Missouri, the defendant shot at ■■■, and such conduct was a substantial step toward the commission of the offense of assault in the first degree of ■■■, and was done for the purpose of committing such assault.

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 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.

Count IV. Armed Criminal Action (571.015-001Y20205299.0)

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 on or about November 13, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first 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 first 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 571.015.1, RSMo. is imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less

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than five years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years.

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/ Michael J. Hunt
Michael J. Hunt (#34818)
Assistant Prosecuting Attorney
321 W. Lexington
Independence, MO 64050
(816) 881-3856
mhunt@jacksongov.org

WITNESSES:

1. DET Christopher Burris, 223 N. Memorial Drive, Independence, MO 64050
 2. [REDACTED]
 3. [REDACTED]
 4. PO Douglas Miller, 223 N. Memorial Drive, Independence, MO 64050
 5. DET Steven Schmidli, 223 N. Memorial Drive, Independence, MO 64050
- [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

PROBABLE CAUSE STATEMENT

Date: 11-16-2020

Report #: 2020-75041

I, Steve Schmidli, a Detective with the Independence, Missouri Police Department, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that on 11-13-2020 at 1953 hours, Steven G. Abernathy Jr. (Race - B, Sex - M, DOB: 9-27-87, ██████████ Address: 703 E. 10th St., Kansas City MO 64106) Committed one or more criminal offenses in Jackson County, Missouri.

2. The facts supporting this believe are as follows:

That on 11-13-2020 at 1953 hrs., the Defendant, Steven G. Abernathy Jr. knowingly and repeatedly shot at a vehicle that was occupied by two adults and two children, ages 9 and 1. The 9 year old was struck by the gunfire in the lower back. This shooting offense started at V's Italiano Ristorante located at 10819 E. 40 Hwy in Independence, Jackson County MO and continued onto eastbound U.S. 40 Hwy just east of Sterling Ave.

On 11-13-2020 at 1953 hrs., Officers with the Independence MO Police Department were dispatched to 40 Hwy and Sterling in reference to a shooting. While en route to the scene, officers learned that a shooting victim was at the Walmart located at 11601 E. 40 Hwy in Kansas City MO.

Upon arrival, officers located the child victim, ██████ (dob: 7-30-2011) with a gunshot wound to her lower back. The child victim was being treated by paramedics with the Kansas City MO Fire Department. The victim's mother was identified as ██████. (dob: 2-15-91) and told officers that the incident started at the Quik Trip located at 11101 E. 40 Hwy in Independence MO. She advised that she had arrived at the business with her boyfriend, ██████ (dob: 5-15-95) and her two children, ██████ and ██████s one year old child (dob: 7-9-2019). She advised that they were in ██████'s car. While at the business, they observed two acquaintances at the business identified as Hope Williams and Ronald Wessley. She stated that as they left the business, Mr. Wessley began to follow them westbound on 40 Hwy from the Quik Trip. She advised that as they pulled into the entrance of their apartment complex which is located beside the V's Italiano Ristorante at 10819 E. 40 Hwy in Independence MO. At which time, the occupants inside Mr. Wessley's SUV started repeatedly shooting at their car. She stated that ██████ fled the area, driving through the restaurant parking lot and then back eastbound on 40 Hwy towards Walmart. ██████ was transported to Children's Mercy Hospital in Kansas City MO in serious condition for emergency treatment of her injury. ██████. would be diagnosed with injuries to her colon and a fractured pelvis.

Assisting officers located the crime scene and found numerous 9mm and .40 caliber shell casings along 40 Hwy and in the restaurant parking lot. Detectives and Crime Scene personnel responded to assist on the investigation. During the crime scene investigation, detectives obtained surveillance video from the Quik Trip and V's Italiano Ristorante. The surveillance video was reviewed and the suspect SUV was identified as a black Dodge Durango. Subsequent investigation revealed that the suspect vehicle license was RE6-K8K MO which was registered to Hope Williams and Ronald Wessley of Kansas City MO. The suspect SUV was occupied by four total individuals, one black female and three black males. Prior to the offense, all four individuals are captured on surveillance video either inside or outside the Quik Trip. One of the black male subjects was observed on video wearing a tan Carhartt style jacket. The black male subject wearing the tan jacket is observed entering the driver's side rear passenger seat of the suspect SUV. Surveillance video from Quik Trip showed the suspect SUV following the victim's vehicle out of the parking lot and westbound on 40 Hwy.

Detectives responded to the V's Italiano Ristorante and obtained exterior surveillance video from the restaurant. The surveillance video was reviewed which captured the suspect SUV chasing the victim's vehicle through the restaurant parking lot. From the exterior surveillance video, a black male subject

wearing a light colored jacket is observed leaning out the driver's side rear passenger seat window of the suspect SUV and firing multiple gunshots at the victim's vehicle. The suspect SUV is seen chasing the victim's vehicle back eastbound on 40 hwy.

Det. Steve Schmidli responded to Children's Mercy to check on the health status of the child victim. The child victim had suffered a gunshot wound to her lower back but was in stable condition and was expected to survive the injury. Detectives contacted [REDACTED] for a formal statement. [REDACTED] stated that the incident started at the Quik Trip located at 11101 E. 40 Hwy in Independence MO. She advised that she had arrived at the business with her boyfriend [REDACTED] and her two children, [REDACTED], and [REDACTED]'s one year old child (dob: 7-9-2019). She advised that they were in [REDACTED]'s gray 4-door Acura. While at the business, they observed two acquaintances at the business identified as Hope Williams and Ronald Wessley. She told officers that there is an ongoing feud between Mr. Wessley and them in regards to an attempted robbery that occurred in her KCMO apartment complex back in June 2019. [REDACTED] stated that Mr. Wessley attempted to rob them at gunpoint and [REDACTED] reportedly shot Mr. Wessley in self defense. She advised that the Kansas City MO Police Department investigated the offense but no charges ever came from the investigation.

[REDACTED] stated that Mr. Wessley was driving a dark colored SUV and was parked at the gas pumps with Ms. Williams and another male subject wearing a tan jacket. She stated that as they left the business, Mr. Wessley began to follow them westbound on 40 Hwy from the Quik Trip. She advised that as they pulled into the entrance of their apartment complex which is located beside the V's Italiano Ristorante at 10819 E. 40 Hwy in Independence MO. At which time, the occupants inside Mr. Wessley's SUV started repeatedly shooting at their car. She stated that [REDACTED] fled the area, driving through the restaurant parking lot and then back eastbound on 40 Hwy. B.F. stated that the occupants of Mr. Wessley's SUV continued to shoot at them as they were eastbound on 40 Hwy, east of Sterling Ave. She advised that they fled to the Walmart for help as [REDACTED] had been shot. She stated that [REDACTED] dropped them off at the business and left the area. [REDACTED] advised that [REDACTED] was the only person shot during the incident. [REDACTED] denied that [REDACTED] or anyone in their car was shooting back at the suspect SUV. [REDACTED] could not identify whom was the shooter in the suspect SUV.

While at the hospital, [REDACTED] arrived on scene. Detectives contacted [REDACTED] and escorted him to the Independence MO Police Department for a formal statement. Det. Wyckoff interviewed [REDACTED], who confirmed a similar story as [REDACTED]. [REDACTED] acknowledged that there were issues between them and Mr. Wessley from an incident that occurred in 2019 at [REDACTED]'s residence in Kansas City MO. [REDACTED] quietly denied that he was responsible for shooting Mr. Wessley in 2019 incident. [REDACTED] denied being armed with a handgun and that him or [REDACTED] were shooting back at the suspect SUV. J.T. could not identify whom was the shooter in the suspect SUV. [REDACTED] stated that he drove to Walmart because he knew police usually worked at the business. He admitted that he dropped off [REDACTED] and the two children and fled the area because he was afraid the suspects were still in the area. He admitted that he abandoned his car in Kansas City MO. [REDACTED] assisted the investigation by escorting detectives to an apartment complex located at 3921 S. Willow in Kansas City MO in an effort to locate his car and preserve any evidence related the crime. The vehicle was located and described as a gray 2004 Acura TL (VIN #19UUA66284A050222) which had multiple bullet holes about the exterior of the car, a shattered rear window and two flat rear tires. Computer checks on the VIN revealed the vehicle was reported as stolen out of Kansas City KS on 10-16-2020. The vehicle was protected for evidence purposes and towed for processing.

On 11-14-2020, "Person of Interest" Advisories were issued on Hope Williams and Ronald Wessley in regards to the shooting. A press release was issued to local media in an effort to locate Ms. Williams and Mr. Wessley along with the two unidentified black male subjects that were occupying the suspect SUV during the offense. The media release contained photos of Ms. Williams and Mr. Wessley and surveillance footage from inside the Quik Trip of the two unidentified black males, one of whom was wearing a tan Carhartt style jacket.

Later on that same day, Det. Schmidli was contacted by FBI S.A. Brian Newbury. S.A. Newbury advised that Hope Williams had contacted him in regards to the offense after seeing the media reports and wanted to speak with the Independence MO Police. S.A. Newbury facilitated the interview with Ms. Williams whom

responded to IPD Headquarters for a formal statement. Mr. Wessley also responded to IPD Headquarters with Ms. Williams and agreed to provide the investigation with a formal statement.

Det. Schmidli interviewed Ms. Williams. After being advised of her rights, Ms. Williams confirmed that she was at the Quik Trip with her boyfriend, Mr. Wessley and that the black Dodge Durango belonged to her. She confirmed that two other black males were with them that evening and identified the subject in the tan Carhartt style jacket as her "uncle", Steven Abernathy. Ms. Williams identified the sole shooter in the offense as Mr. Abernathy. She advised that Mr. Wessley drove them to the Quik Trip for gas. While at the business they encountered [REDACTED] and [REDACTED]. Ms. Williams stated that there are issues between [REDACTED] and them. Ms. Williams stated that in 2019, [REDACTED] shot Mr. Wessley four times in the head during an incident in Kansas City MO. She stated that the Kansas City MO Police Department investigated the offense but no charges ever came from the investigation. Ms. Williams claimed that [REDACTED] has been harassing them and when they observed them in at Quik Trip, they became concerned that [REDACTED] might attempt to harm them. Ms. Williams acknowledged that they followed [REDACTED]'s car into the restaurant parking lot. She stated that Mr. Abernathy whom was seated in the driver's side rear passenger seat took her Glock 9mm handgun from underneath her front passenger seat and immediately opened fire on [REDACTED]'s vehicle. She acknowledged that Mr. Wessley followed them eastbound on 40 Hwy as Mr. Abernathy continued to fire at [REDACTED] car. She advised that they fled into Kansas City MO after the offense. Ms. Williams advised that she never saw anyone from [REDACTED]'s car shooting back at them.

Det. Doug Miller interviewed Mr. Wessley. After being advised of his rights, Mr. Wessley confirmed that he was at the Quik Trip with Ms. Williams and that he was driving the black Dodge Durango during the incident. He confirmed that two other black males were with them that evening and identified one of the subjects as Ms. Williams' "uncle" but only knew him by his moniker of "Chilly". Mr. Wessley identified the sole shooter in the offense as Ms. Williams' uncle. He advised that he drove them to the Quik Trip for gas. While at the business they encountered [REDACTED] and [REDACTED]. Mr. Wessley stated that there are issues between [REDACTED] and them. He stated that in 2019, [REDACTED] shot him four times in the head during an incident in Kansas City MO. Mr. Wessley stated that he was concerned that [REDACTED] might attempt to harm them as they were at the Quik Trip. He stated that Ms. Williams' uncle was seated in the driver's side rear passenger seat and told him "if that bitch ass nigga is gonna shoot at us then I'll take care of this tonight!". He stated that Ms. Williams' uncle pressured him into following [REDACTED] out of the Quik Trip parking lot and told him "chase him or its your ass!". Mr. Wessley admitted that he followed [REDACTED]'s car westbound on 40 Hwy and into the restaurant parking lot when he Ms. Williams' uncle started repeatedly shooting at [REDACTED]'s car as he pursued them. Mr. Wessley advised that he never saw anyone from [REDACTED]'s car shooting back at them. Mr. Wessley was shown a photo of Steven Abernathy Jr. and positively identified him as the shooter.

A "Person of Interest" Advisory was issued on Steven Abernathy Jr. in regards to the shooting. On 11-15-2020, Mr. Abernathy turned himself into the Kansas City MO Police Department and was transported to the IPD Detention Unit on an investigative hold. Several TIPS Hotline leads were also received which identified Mr. Abernathy as being involved in the shooting.

Det. Schmidli interviewed Mr. Abernathy and informed him of the Warning of Rights at which time, the Defendant refused to signed to form or provide a formal statement to police. The interview was terminated and the Defendant was escorted back to detention. Mr. Abernathy is a convicted felon and has served time in a federal penitentiary for drugs and firearms violations. Mr. Abernathy is listed on his criminal history as known to be armed.

Det. Steve Schmidli #842

/s/ Steve Schmidli

Print Name

Signature