


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

POLICE NO. :	KC20078916
PROSECUTOR NO. :	095461977
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
JAMES GREGORY)	
12400 East 40th Street South)	CASE NO. 2016-CR
Independence, MO 64055)	DIVISION
DOB: 10/27/1992)	
Race/Sex: B/M)	
)	
)	DEFENDANT.

**COMPLAINT
WARRANT REQUESTED**

Count I. Murder 2nd Degree (565.021-001Y20200903.0)

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 November 16, 2020, in the County of Jackson, State of Missouri, the defendant knowingly caused the death of Michelle P Capell by shooting her.

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 (571.015-001Y20205213.0)

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 16, 2020, in the County of

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Jackson, State of Missouri, the defendant committed the felony of murder in the second degree charged in Count One, 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 571.015.1, 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. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.2, RSMo. as a second offense is imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen 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 five calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.3, 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 punishment imposed pursuant to Section 571.015, RSMo shall be in addition to and consecutive 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. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim (565.050-001Y20201304.0)

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 A felony assault in the first degree**, punishable upon conviction under Sections 558.011, RSMo, in that on or about November 16, 2020, in the County of Jackson, State of Missouri, the defendant attempted to cause serious physical injury to Jimmy J. Wynee by shooting Jimmy J. Wynee.

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.

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Count IV. Armed Criminal Action (571.015-001Y20205213.0)

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 16, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first degree charged in Count Three, 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 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 range of punishment for the offense of Armed Criminal Action in violation of section 571.015.2, RSMo. as a second offense is imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen 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 five calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.3, 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 punishment imposed pursuant to Section 571.015, RSMo shall be in addition to and consecutive 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 V. Unlawful Use Of Weapon - Subsection 9 - Shoot At/From Motor Vehicle, At Person, Motor Vehicle Or Building, Resulting In Death Or Injury (571.030-015Y20205213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.030, RSMo, committed the **class A felony of unlawful use of a weapon**, punishable upon conviction under Sections 558.011 and 571.030.9, RSMo, in that on or about November 16, 2020, in

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the County of Jackson, State of Missouri, the defendant, knowingly shot a firearm from a Nissan Altima, a motor vehicle, and as a result of the above described conduct, Michelle P. Capell suffered injury or death.

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 VI. Armed Criminal Action (571.015-001Y20205213.0)

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 16, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of unlawful use of a weapon charged in Count Five, all allegations of which are incorporated herein by reference, 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. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.2, RSMo. as a second offense is imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen 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 five calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.3, 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 punishment imposed pursuant to Section 571.015, RSMo shall be in addition to and consecutive 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.

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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/ Jeannette Wolpink
Jeannette Wolpink (#54970)
Assistant Prosecuting Attorney
415 East 12th Street, FL 7M
Kansas City, MO 64106
(816) 881-1776
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WITNESSES:

1. DET Bonita Y. Cannon, 1125 Locust, Kansas City, MO 64106
2. Michelle P Capell, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
3. DET Sean P. Martin, 1125 Locust, Kansas City, MO 64106
4. PO Jacob I. Ramsey, 1125 Locust, Kansas City, MO 64106
5. DET Steffan I. Roetheli, 1125 Locust, Kansas City, MO 64106
6. [REDACTED], MO 64106
7. DET Ilinca E. Rusnac, 1125 Locust, Kansas City, MO 64106
8. DET Timothy R Taylor, 1125 Locust, Kansas City, MO 64106
9. DET Nathan S. VanVickle, 1125 Locust, Kansas City, MO 64106
10. [REDACTED] City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 11/18/2020

CRN: KC20078916

I, Detective Steffan Roetheli
(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 11/16/2020, at 3401 Independence Ave in
(Date) (Address)

Kansas City, Jackson County Missouri James Gregory
(County) (Name of Offender(s))

B/M 10-27-1992, [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 11-16-2020 at approximately 2313 hours, Officers of the Kansas City, Missouri Police Department were dispatched to Independence Avenue and Indiana Avenue on a reported shooting.

Upon arrival, Officers located a male gunshot victim who was transported to a local hospital where he was admitted for his injuries. Officers also located a female gunshot victim deceased on the sidewalk with an apparent gunshot wound to the head.

The male victim stated he was standing on the sidewalk talking to the female victim when a dark color, possibly Lexus 4-door, vehicle drove by them going west bound on Independence Avenue and began shooting at them. The vehicle then turned on Indiana and went southbound. He stated the driver/shooter was an unknown black male. While reviewing city cameras at Independence Avenue and Bales, detectives observed a dark color 4-door sedan, with dark window tint traveling west bound on Independence Avenue at 23:09:57, and appears to have its headlights and taillights off, but its fog lights on. As the vehicle drove west past the victims, it appears that the male victim, who was wearing dark clothes falls, and then the vehicle turns and goes south on Indiana Avenue.

Additional videos such as LPR's were utilized along Independence Avenue, and at 23:07:19, a dark color Nissan Altima 4-door, with dark window tint, Missouri License GB3J1R is captured traveling west bound on Independence Avenue at Ewing Avenue. What appears to be the same dark colored Nissan Altima, with dark window tint is captured on the Independence Avenue and Hardesty License Plate Reader Camera at 23:08:12, but was unable to provide a license plate number.

Detectives then viewed the city camera at Independence Avenue and Hardesty (separate from the license plate reader at the same location), and observed the dark color Nissan 4-door, with dark window tint at 23:08:09 west bound on Independence Avenue and it appeared to be traveling at a high rate of speed.

Detectives were able to recover video from the business located at 3401 Independence Avenue where the shooting occurred and observed the dark color 4-door, with dark window tint, occupied by an unknown subject who was wearing a red top. As the vehicle drives past the victim's detectives could see what appeared to be muzzle flash from inside the vehicle on the driver's side, and then the vehicle turned on Indiana and traveled south bound at 23:10:10 hours. The time on the video was verified as the correct time.

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Detectives were able to locate the Nissan at the DOR address of the registered owner at 12400 E. 40th Street South, Independence, Jackson County, Missouri. The vehicle was located on 11-17-2020 at approximately 0715 hours, detectives maintained surveillance on the vehicle until a warrant was obtained for the vehicle.

The vehicle was towed to the city tow lot per the search warrant. During this time undercover detectives, who were doing surveillance on the Nissan, observed a male exit the registered owners residence and get into a red Ford Ranger bearing Missouri license plate OVB263 with an expiration date of 2020.

Detectives followed the truck to the area of the Plaza as other detectives were with [REDACTED] the fiancé of James Gregory. [REDACTED] is the owner of the gray Nissan with Missouri License GB3J1R. She informed detectives Gregory returned her vehicle to their apartment parking lot in the early morning hours and left in his red truck that morning. She stated they argued as to why he took her vehicle when he has his own vehicle. [REDACTED] further stated during the time he was in her vehicle, she called him between 11pm and Midnight. She stated she asked him where he was, to which he told her he was getting something to drink, at the liquor store at 9th and Prospect (Speedy's Liquor 2519 E. 9th Street).

During detective's presence, [REDACTED] called Gregory on the telephone. At some point during their conversation, [REDACTED] told Gregory to put his phone down. [REDACTED] then informed detectives, she heard Gregory being taken into custody.

[REDACTED] later contacted detectives and stated Gregory originally left their residence in his red truck. When he returned he was upset. She stated he told her he had a verbal argument with an unknown male and female at a gas station. [REDACTED] stated she assumed he went to the gas station near their apartment. She stated she told him to let the issue go as she went to lay down. [REDACTED] stated she later realized Gregory left their residence again, however taking her vehicle. She stated his truck was parked outside. She contacted him via cell phone; however, he refused to return her vehicle. He did not return the vehicle until sometime after 0200 hours.

Gregory was transported to Police Headquarters, 1125 Locust. He was advised of his Miranda Rights to which he stated he understood. Gregory has denied any involvement in this incident. He stated he had been driving his fiancé's gray Nissan on 11/16/2020 to 11/17/2020. Later in the interview, he requested an attorney.

Detectives also responded to Speedy Liquors and were given verbal consent to review their video surveillance. Upon doing so detectives observed a black male entering the business at approximately 2325 hours, wearing what appears to be the same clothing (a red shirt with yellow lettering, blue jeans and white tennis shoes) as Gregory was wearing when he was taken into custody.

The 2018 gray Nissan Altima was searched pursuant to the obtained search warrant. During the search, three spent 9mm shell casings were recovered from the vehicle. One shell casing was recovered from the area of the front driver floorboard, one from the front passenger floorboard and one from under the front passenger seat.

On 11/18/2020 the Kansas City, Missouri Crime laboratory generated a report stating there was gunshot residue on the shirt of James Gregory. The shirt had been collected from Gregory on the previous day.

Printed Name Det. Steffan Roetheli #4876 Signature /s/ Det. Steffan Roetheli #4876

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

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Judge

Circuit Court of _____ County, State of Missouri.