

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

<b>POLICE NO. :</b>	2021-000986
<b>PROSECUTOR NO. :</b>	095463168
<b>OCN:</b>	EO007628

<b>STATE OF MISSOURI,</b>	)	
	)	<b>PLAINTIFF,</b>
<b>vs.</b>	)	
	)	
<b>ZAYLEN Z SMITH</b>	)	
<b>11805 Holiday Dr., Apt 10</b>	)	<b>CASE NO. 2116-CR</b>
<b>Kansas City, MO 64134</b>	)	<b>DIVISION</b>
<b>DOB: 10/31/1999</b>	)	
<b>Race/Sex: B/M</b>	)	
	)	
	)	<b>DEFENDANT.</b>

**COMPLAINT**  
**WARRANT REQUESTED**

**Count II. Murder 2nd Degree (565.021-001Y20200999.0)**

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 February 26, 2021, in the County of Jackson, State of Missouri, the defendant, either acting alone or purposefully in concert with another, knowingly caused the death of Gregory B Marchand 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 III. 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

**State vs. Zaylen Z Smith**

571.015.1 RSMo, in that on or about February 26, 2021, in the County of 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.

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/ Alison Schenkelberg*  
Alison Schenkelberg (#69325)  
Assistant Prosecuting Attorney  
321 W. Lexington  
Independence, MO 64050

**State vs. Zaylen Z Smith**

(816) 881-3582  
AESchenkelberg@jacksongov.org

**WITNESSES:**

1. PO Patrick Beanland, 1100 SW Smith, Blue Springs, MO 64015
2. [REDACTED]
4. DET Jason Floyd, 1100 SW Smith, Blue Springs, MO 64015
5. PO Will Gibson, 1100 SW Smith, Blue Springs, MO 64015
6. PO Mark Grote, 1100 SW Smith, Blue Springs, MO 64015
7. PO Troy Hofstetter, 1100 SW Smith, Blue Springs, MO 64015
8. SGT Keegan Hughes, 1100 SW Smith, Blue Springs, MO 64015
9. DET Kenneth Keating, 1100 SW Smith, Blue Springs, MO 64015
10. DET Kevin Lange, 1100 SW Smith, Blue Springs, MO 64015
11. PO Alex McIntyre, 1100 SW Smith, Blue Springs, MO 64015
12. PO David Ostendorf, 1100 SW Smith, Blue Springs, MO 64015
13. [REDACTED]
14. PO Ashley Zeih, 1100 SW Smith, Blue Springs, MO 64015

# STATEMENT OF PROBABLE CAUSE

CRN 2021-000986

Date: 02-27-2021

I, Detective Jason Floyd, a detective with the Blue Springs, Missouri Police Department, upon my oath, and under penalties of perjury, state as follows:

1.) I have probable cause to believe that on February 26th, 2021, at 710 NW 7 Highway, Blue Springs, Jackson County, Missouri, MR. ZAYLEN Z. SMITH, B/M, DOB 10-31-1999, [REDACTED], residing at 11805 Holiday Drive, Apartment 10, Kansas City, MO 64134 committed one or more criminal offense(s).

2.) The facts supporting this belief are as follows:

On 02-26-2021 at 1449 hours **Blue Springs Police Officers David Ostendorf, Patrick Beanland, Troy Hofstetter, Jennifer Donato, Michael Vieyera, Ashley Zeih, Will Gibson, Sergeant Kenneth Keating, and Lieutenant Joe Fanara** were dispatched to the rear of Rent-A-Center at 710 NW 7 Highway, Blue Springs, Jackson County, MO on a report of a Hispanic male that had been shot in a vehicle.

Officer Ostendorf was the first officer to arrive on scene at 1453 hours and was waved down by bystanders to an alleyway behind Rent-A-Center. Officer Ostendorf located what was identified as a white 2018 Chevrolet Trax with the driver's door open and a Hispanic male slumped in the driver's seat with his head tilted back slightly. Officer Ostendorf asked the bystanders if they had heard or seen anything and several parties began to speak but Officer Ostendorf advised the conversation was dominated by [REDACTED], an employee at Jimmy John's, the business located on the opposite side of the alleyway from Rent-A-Center. Ms. [REDACTED] advised she had seen a black male with dreads who was about 6'02" tall who drives a white Jeep Grand Cherokee in the area. Ms [REDACTED] advised that the subject had been an employee of Jimmy Johns but had just been fired. Officer Ostendorf immediately recognized the subject and vehicle description from a prior incident at Jimmy Johns that occurred in December 2020.

Officer Ostendorf assessed the victim, later identified as **Mr. Gregory Marchand**. Officer Ostendorf observed Mr. Marchand to be wearing blue jeans, a black t shirt, and a black jacket. Mr. Marchand was leaning against the B pillar of the vehicle and his eyes were partially opened with no facial movements. Mr. Marchand was unresponsive. Officer Ostendorf observed that Mr. Marchand had what appeared to be thick liquid, consistent with blood, on his right side inside of his jacket. Officer Ostendorf located what appeared to be a gunshot wound on Mr. Marchand's right side, but no blood was currently flowing from the wound.

CJCFPD personnel arrived on scene, assessed Mr. Marchand and in the process cut off his shirt and jacket which were placed in a pile near the front driver's side tire of the Chevrolet Trax. Mr. Marchand was transported to Centerpoint Hospital in Independence, MO where he died from his injuries.

Officer Ostendorf provided dispatch with the information on the white Jeep Grand Cherokee, which from a previous report, was known to be a white 2001 Jeep Grand Cherokee with MO license TC8R6F, as well as possible suspect information as being **Mr. Donavan M. Jordan**. Dispatch then provided the vehicle and suspect description to surrounding agencies.

A search warrant to search the 2018 Chevrolet Trax was applied for and received. The vehicle was held secure at the scene and KCPD's Crime Lab responded to process the vehicle for evidence. An initial check for perishable evidence located a single 9mm shell casing on the floormat in front of the driver's seat. The

vehicle was then towed to the KCPD tow lot where it was secured and stored inside until being further processed by KCPD Crime Lab on 02-27-2021.

While on scene Rent-A-Center, **Blue Springs Police Detective Sergeant Keegan Hughes** received a phone call from a KCPD Officer at about 1634 hours advising that a drive by of 11350 Blue Ridge Blvd, Mr. Jordan's listed address, did not locate the vehicle. While on the phone, the KCPD Officer advised that Mr. Jordan's Jeep Grand Cherokee had just pulled up and he hung up the phone. It was later learned that KCPD Officers attempted to conduct a car stop on the Jeep Grand Cherokee, but the vehicle fled. At some point during the ensuing pursuit with KCPD, a passenger exited the Jeep Grand Cherokee and was taken into custody. That passenger was identified as **Mr. Zaylen Z. Smith**. Mr. Smith was transported to St. Joseph Medical Center and **Blue Springs Police Detectives Carol Yeager and Kate Tipton** responded to St. Joseph Medical Center to contact Mr. Smith.

The KCPD vehicle pursuit ended with the Jeep Grand Cherokee crashing in the area of Richmond and Blue Ridge Blvd in Kansas City and Mr. Jordan fleeing from the vehicle on foot with a backpack before being caught and taken into custody by KCPD officers without further incident. **Blue Springs Police Officer Coby Jacobsen** responded to the scene of the crash, took custody of Mr. Jordan, his backpack, and confirmed the vehicle information of the Jeep Grand Cherokee. KCPD then had the Jeep Grand Cherokee towed to their tow lot to be held indoors and secure for processing. A search warrant was applied for and obtained to search the Jeep Grand Cherokee, which was done at the same time as the 2018 Chevrolet Trax on 02-27-2021.

Officer Jacobsen transported Mr. Jordan to the Blue Springs Police Department where he was booked into the detention facility. At St. Joseph Medical Center, Detective's Yeager and Tipton seized Mr. Smith's clothing which included a red hooded sweatshirt, some black pants with a strip of reflective rhinestones running down outside seam area of each leg, and a pair of black Nike shoes with silver-colored tabs on the laces at the base of the shoe tongue/lace area. It should be noted that in the CCTV footage, Mr. Smith is wearing shoes with the silver tabs in the same location. **Blue Springs Police Officer Alex McIntyre** responded to St. Joseph Medical Center and transported Mr. Smith to the Blue Springs Detention facility after he was released from the hospital and he was booked into the jail.

On 08-26-2021 at about 2037 hours I contacted Mr. Jordan in the jail, had him placed into restraints and escorted him to Interview Room D where **Blue Springs Police Detective Kevin Lange** was already waiting. While walking to the interview room Mr. Jordan asked me if he was being recorded and I told him he was. I obtained basic information on Mr. Jordan, and told him that I wanted to talk with him about his arrest, but needed to first provide him with his rights. I then read Mr. Jordan his Miranda Rights from the Blue Springs Police Department Miranda Warning form. I had Mr. Jordan read the line on the form which stated, "Can you read/write the English language?" Mr. Jordan was able to read the sentence aloud. After I read him the warning form, I provided Mr. Jordan with the opportunity to review the form and a pen to sign it with. Mr. Jordan check the yes box indicating he would speak to me and signed the form. I then signed the form at 2045 hours.

I asked Mr. Jordan if he was told why he was brought here and he said 1<sup>st</sup> degree murder. I asked Mr. Jordan to tell me what happened and he told me that he knew he didn't kill anyone. Mr. Jordan advised that he had went to Jimmy John's to buy some "tree" meaning marijuana. Mr. Jordan said that it went wrong. Detective Lange asked Mr. Jordan to explain what he meant and Mr. Jordan said that he probably caused it, but didn't mean to cause it, and went on to explain that before going to buy the marijuana he said (to the people he was with) "I'm about to go pick up some tree and this dude he don't play around he got a whole bunch of bud on him" and a whole bunch of money and that he didn't play around. Mr. Jordan said he was paying him (Mr. Marchand) and he thought he got hit (shot). I asked Mr. Jordan who he was meeting and he said "Greg."

Mr. Jordan explained that he was meeting Mr. Marchand to buy a QP, which he elaborated was a quarter pound. He also said it was about 3 zips, which he said was about 28 grams. Mr. Marchand said it was about \$500.00. Mr. Jordan said that he did not know the names of the people he was with. Mr. Jordan went on to explain that he did not know the shooting was going to happen, that it was not planned, and he would not have brought them to Jimmy Johns if he knew it was going to happen. Mr. Jordan told us that when he they got to the area he went into Jimmy John's to get a drink and he (Mr. Smith) went in to use the bathroom but then Mr. Smith left. Mr. Jordan said he did not know where the other people he was with went while he was in Jimmy Johns. Mr. Jordan said he went out the back door of Jimmy Johns where he went and contacted Mr. Merchand at his open driver's window. Mr. Jordan further explained that he and Mr. Merchand had messaged around 11 or 12 that morning and agreed to meet at Jimmy John's around 1400 hours. Through the interview Mr. Merchand advised that as he was paying Mr. Merchand \$150.00 in cash and he handed it to Mr. Merchand through the open driver's door window. Mr. Jordan said that as he was putting away his wallet the passenger door of the White Chevrolet Trax opened and the gun was shot. Mr. Jordan said that he was shocked and thought he had been shot, and once he realized he was ok he took off running to the car. Mr. Jordan had the marijuana he had purchased from Mr. Merchand with him as he ran to the car. Based on Mr. Jordan's statements and video footage, it was learned that Mr. Jordan, Mr. Smith, and a third subject who was driving, arrived in the area and left the area in a Blue Dodge Avenger. That Avenger was parked behind A's barbershop at 728 NW 7 Highway, a business to the north of Rent-A-Center in the same strip shopping center. Mr. Smith then ran to the car and the Blue Avenger left the area.

Further questioning revealed that after the gun was fired, Mr. Smith reached into the car and took the cash out of Mr. Merchand's hands before returning to the Blue Avenger. Mr. Jordan told us that he did not know the names of the people he was with (meaning the driver and Mr. Smith). Mr. Jordan said that he thought his (Mr. Smith's) name started with a Z and that he had only met him the day before at a gas station when he sold him some marijuana. Mr. Jordan said that Mr. Smith was from Mississippi.

During the interview we discussed the weapon that was used to shoot Mr. Merchand and if Mr. Jordan had ever touched it. Mr. Jordan acknowledged that he may have touched the gun at some point because he liked guns but was certain that he had never fired it. Mr. Jordan said that he liked guns but didn't really know anything about them and did not know what kind of gun Mr. Smith had or used. Mr. Merchand agreed to provide a buccal swab to be used to compare against evidence and signed the consent form providing that permission. I obtained two buccal swabs from Mr. Jordan to be placed into property as evidence.

A chronological summary of the events as described by Mr. Jordan are that he drove to a barbershop near his apartment in his Jeep Grand Cherokee and met the driver of the Blue Dodge Avenger who is a barber at the Barber Shop, as well as Mr. Smith. The three of them drove to Jimmy Johns in Blue Springs. After going inside Jimmy Johns for a few minutes Mr. Jordan met Mr. Merchand and paid him \$150.00 in cash received marijuana. Just after the transaction, the passenger door of the Chevrolet Trax was opened by Mr. Smith, Mr. Smith shot Mr. Merchand and took the cash. Mr. Jordan and Mr. Smith ran to the Dodge Avenger that was parked down the alley, and returned to the Barber Shop in Kansas City. The driver of the Avenger returned to work in the shop. Mr. Jordan then drove Mr. Smith to Mr. Smith's apartment, where Mr. Smith went inside and changed his shirt while Mr. Jordan waited in the Jeep. Mr. Jordan then drove, with Mr. Smith in the Jeep, to his own apartment with the intention of using the bathroom before returning to the Barber Shop. Upon arriving to his apartment, Mr. Jordan saw KCPD police cars and thought they were there to apprehend him on outstanding domestic violence warrants and fled the scene in his Jeep until he crashed, ran on foot, and was taken into custody.

At the conclusion of the interview, I returned Mr. Jordan to his jail cell.

On 02-27-2021 at about 2253 hours I contacted Mr. Smith in his jail cell, had him placed in restraints, and escorted him to interview room D where Detective Lange was already waiting. I obtained basic information from Mr. Smith. I then read Mr. Smith his Miranda Rights from the Blue Springs Police Department Miranda Warning form. I had Mr. Smith read the line that said "Can you read/write the English language:" and Mr. Smith was able to read it aloud. After providing Mr. Smith with the opportunity to review the form, he checked the box indicating he would speak with us and signed the form. It should be noted that Mr. Smith signed the form with his left hand. During the initial interview Mr. Smith told us that he had just moved to the Kansas City area from Mississippi in the last week. He said that he had only met him (Mr. Jordan) but did not even know his name the prior day at the gas station. Mr. Smith denied that he was anywhere in Blue Springs on 02-26-2021 and when shown still images from the video footage showing a subject, identified as him based on clothing and Mr. Jordan's statements, he said that it was not him. Mr. Smith said that he did not own any Chiefs clothing, did not like the Chiefs, and only like the Ravens. It should be noted in the image, Mr. Smith is carrying a firearm, which from the image appears to be a Glock model, in his left hand. When shown the image, Mr. Smith did point to the gun and say, "That's a Glock 19."

During the interview, I discussed DNA evidence with Mr. Smith and asked if he would be willing to provide a buccal swab sample to use to compare with evidence from the scene. Mr. Smith said that he would consent and signed a written consent form. I obtained two buccal swab samples from Mr. Smith's mouth which were placed into property as evidence.

In further discussion with Mr. Smith and if his DNA would be in the car or on any guns, Mr. Smith said that it would because he had been in the victim's car the night before. Mr. Smith said that the Mexican guy (presumably referring to Mr. Merchand), "**Malik**" and Mr. Jordan had been at Longview Lake the prior evening shooting guns so they had all traded guns and touched each other's guns. Mr. Smith also said that he was wearing the same clothes that he had worn the day before so there would be gunshot residue on them.

At the conclusion of the interview, I asked Mr. Smith if we had missed anything and he said no. I advised him if he thought of anything he could alert the jail staff and they would contact me to speak with him again.

On 02-27-2021 at 1125 hours **Blue Springs Police Detectives Mark Grote and Rob Olson** went to 11805 Holiday Drive Apt 10 and contacted the renter, **Ms. Ebony Smith**, who Mr. Smith identified as his aunt and where he had been staying on the couch for about the last week. After identifying themselves and the reason for their contact, Ms. Smith advised Detectives Grote and Olson that Mr. Smith kept all of his stuff in what would commonly be referred to as a coat closet in the main living area. Ms. Smith granted Detectives Olson and Grote permission to search for Mr. Smith's red hooded Chiefs sweatshirt that was observed on the CCTV from the scene. The detectives located, in the furnace and water heater closet, a plastic shopping bag that was tied up, and inside the bag they located the red Chiefs sweatshirt and a pair of pants with a red stripe consistent with what was observed on the CCTV video footage.

Upon learning the new information, I contacted Mr. Smith again in his jail cell, had him placed in shackles, and escorted him back to interview room D where Detective Lange was already waiting. I read Mr. Smith his Miranda Rights again from the Miranda Form and Mr. Smith signed the form and agreed to speak with me at 1208 hours on 02-27-2021. I asked Mr. Smith if there was anything that he had thought of from the prior interview that he left out and he said no. I then told Mr. Smith that Detectives had located his Chiefs Hoody and pants in the closet. Mr. Smith then admitted that he had been in the area of Jimmy Johns. Mr. Smith said that he had met Mr. Jordan at the gas station, and then he and Mr. Jordan went to the Barber Shop that is in the area of the gas station and their apartments. Mr. Smith said that Mr. Jordan asked for a ride to work at Jimmy Johns in Blue Springs because his Jeep was having problems, but then said that he

would actually drive part of the way. Mr. Smith said that Mr. Jordan drove to Blue Springs and then parked his Jeep on a deadend road near the lakes (possibly Blue Springs Lake) and then rode to Jimmy Johns in the Blue Avenger. Mr. Jordan and Mr. Smith went into Jimmy Johns where Mr. Smith used the bathroom before leaving out of the back door and returning to the Blue Dodge. Mr. Smith said that Mr. Jordan then returned to the Blue Car and left his gun in the car before going to contact Mr. Merchand. Mr. Smith decided to take Mr. Jordan his gun while he was contacting Mr. Merchand at the White Chevrolet and upon getting closer to the Chevrolet, he saw that Mr. Jordan had his gun drawn and pointed at Mr. Merchand and he heard they were arguing so he squatted down because he was afraid of being shot. I asked Mr. Smith how Mr. Jordan was pointing a gun at Mr. Merchand, if he (Mr. Smith) had Mr. Jordan's gun and was in the process of bringing it to him. Mr. Smith then said that Mr. Jordan had two guns. Mr. Smith said that he was carrying a Glock 17. Mr. Smith said that he then stood up and was talking to Mr. Merchand through the open passenger side window about purchasing \$40 worth of marijuana, while Mr. Jordan was pointing the gun at Mr. Merchand. Mr. Smith then said that Mr. Jordan moved from the open driver's window, opened the rear driver's side door, climbed in the back seat, reached between the seats, and shot Mr. Merchand in the chest with his right hand. Mr. Smith said that Mr. Donovan then ran to the Blue Dodge. Mr. Smith said that he was shocked at first, and he began talking to Mr. Merchand. Mr. Smith said that Mr. Merchand was gasping and said two times to take the weed they had agreed on for \$40.00. Mr. Smith said that Mr. Merchand was holding on to the weed he had agreed to buy, so he reached in and took the weed from Mr. Merchand's hand, and then put \$40 in Mr. Merchand's hands. Mr. Smith then ran back to the car.

Mr. Smith said that they took the Blue Avenger back to Mr. Jordan's Jeep. Mr. Smith said that he then got in the Jeep with Mr. Jordan and went to his apartment. Mr. Jordan left and Mr. Smith said he changed clothes and put his clothes in a bag in the closet because they had blood on them. About 30 minutes later Mr. Smith decided to walk to the gas station to buy a cigar and while on his way Mr. Jordan waved him down in his Jeep and invited him to come home with him to smoke, but upon arriving at Mr. Jordan's apartment the police were there and the pursuit began.

Mr. Smith said that he asked Mr. Jordan to let him out because he didn't want to get shot and eventually got out and hit the pavement and waited to be arrested.

It should be noted that the police pursuit began at Mr. Jordan's apartments in the area of 11350 Blue Ridge Blvd in Kansas City and ended in the area of Richmond and Blue Ridge Blvd. The pursuit was captured on news footage and depicts the white Jeep Grand Cherokee traveling at a high rate of speed and passing cars on the wrong side of the road. Mr. Smith was arrested by KCPD Officer Lyman. Mr. Jordan was arrested by KCPD Officer Hash, KCPD Officer Mogilnicki, and KCPD Officer Hurd. The associated report number was KC21012937.

It should be noted that during the arrest, KCPD Officers located, in the Jeep Grand Cherokee, a Gen 4 Glock 19 with serial number ZRC812 that had been reported stolen.

**Detective Jason Floyd #1784**  
Blue Springs, Missouri Police Department

/s/ *Det. J. Floyd #1784*  
Signature

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

<b>POLICE NO. :</b>	2021-000986
<b>PROSECUTOR NO. :</b>	095463167
<b>OCN:</b>	EO007627

<b>STATE OF MISSOURI,</b>	)	
	)	<b>PLAINTIFF,</b>
<b>vs.</b>	)	
	)	
<b>DONOVAN M JORDAN</b>	)	
<b>11350 Blue Ridge Blvd, Apt 4</b>	)	<b>CASE NO. 2116-CR</b>
<b>Kansas City, MO 64134</b>	)	<b>DIVISION</b>
<b>DOB: 05/27/1999</b>	)	
<b>Race/Sex: B/M</b>	)	
	)	
	)	
	)	<b>DEFENDANT.</b>

**COMPLAINT**  
**WARRANT REQUESTED**

**Count I. Unlawful Possession Of A Firearm (571.070-001Y20205299.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.070, RSMo, committed the **class D felony of unlawful possession of a concealable firearm**, punishable under Sections 558.011 and 558.002, RSMo, in that on or about February 26, 2021, in the County of Jackson, State of Missouri, the defendant knowingly possessed a black 9mm Glock model 19, a firearm, and on October 4, 2017, the defendant was convicted of the felony of Fleeing in case 17CR01753 in the County of Johnson, State of Missouri.

The range punishment for a class D felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; 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 IV. Resisting Arrest/Detention/Stop By Fleeing - Creating A Substantial Risk Of Serious Injury/Death To Any Person (575.150-002Y20204899.0)**

**State vs. Donovan M Jordan**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 575.150, RSMo, committed the **class E felony of resisting a lawful stop**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about on or about February 26, 2021, in the County of Jackson, State of Missouri, Officers Housh, Mogilnicki and Hurd, law enforcement officers, were attempting to make a lawful stop of a vehicle being operated by defendant, and the defendant knew or reasonably should have known that the officers were making a lawful stop, and, for the purpose of preventing the officers from effecting the stop, resisted the stop of defendant by fleeing from the officers and defendant fled in such a manner that created a substantial risk of serious physical injury or death to other persons in that defendant drove in excess rates of speeds and passing cars on the wrong side of the road.

The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; 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.

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/ Alison Schenkelberg*

Alison Schenkelberg (#69325)  
Assistant Prosecuting Attorney  
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**WITNESSES:**

1. PO Patrick Beanland, 1100 SW Smith, Blue Springs, MO 64015
2. Joy C Chance, Pros. Atty, 321 W. Lexington Ave, Independence, MO 64050
3. Amanda M Courtney, Pros. Atty, 321 W. Lexington Ave, Independence, MO 64050
4. DET Jason Floyd, 1100 SW Smith, Blue Springs, MO 64015
5. PO Will Gibson, 1100 SW Smith, Blue Springs, MO 64015

**State vs. Donovan M Jordan**

6. PO Troy Hofstetter, 1100 SW Smith, Blue Springs, MO 64015
7. SGT Keegan Hughes, 1100 SW Smith, Blue Springs, MO 64015
8. DET Kenneth Keating, 1100 SW Smith, Blue Springs, MO 64015
9. DET Kevin Lange, 1100 SW Smith, Blue Springs, MO 64015
10. PO Alex McIntyre, 1100 SW Smith, Blue Springs, MO 64015
11. PO David Ostendorf, 1100 SW Smith, Blue Springs, MO 64015
12. [REDACTED] Ave, Independence, MO 64050
13. PO Ashley Zeih, 1100 SW Smith, Blue Springs, MO 64015

# STATEMENT OF PROBABLE CAUSE

CRN 2021-000986

Date: 02-27-2021

I, Detective Jason Floyd, a detective with the Blue Springs, Missouri Police Department, upon my oath, and under penalties of perjury, state as follows:

1.) I have probable cause to believe that on February 26th, 2021, at 710 NW 7 Highway, Blue Springs, Jackson County, Missouri, MR. DONAVAN M. JORDAN, B/M, DOB 05-27-1999, [REDACTED] residing at 11350 Blue Ridge Blvd Apt 4, Kansas City, MO 64134 committed one or more criminal offense(s).

2.) The facts supporting this belief are as follows:

On 02-26-2021 at 1449 hours **Blue Springs Police Officers David Ostendorf, Patrick Beanland, Troy Hofstetter, Jennifer Donato, Michael Vieyera, Ashley Zeih, Will Gibson, Sergeant Kenneth Keating, and Lieutenant Joe Fanara** were dispatched to the rear of Rent-A-Center at 710 NW 7 Highway, Blue Springs, Jackson County, MO on a report of a Hispanic male that had been shot in a vehicle.

Officer Ostendorf was the first officer to arrive on scene at 1453 hours and was waved down by bystanders to an alleyway behind Rent-A-Center. Officer Ostendorf located what was identified as a white 2018 Chevrolet Trax with the driver's door open and a Hispanic male slumped in the driver's seat with his head tilted back slightly. Officer Ostendorf asked the bystanders if they had heard or seen anything and several parties began to speak but Officer Ostendorf advised the conversation was dominated by [REDACTED] an employee at Jimmy John's, the business located on the opposite side of the alleyway from Rent-A-Center. [REDACTED] advised she had seen a black male with dreads who was about 6'02" tall who drives a white Jeep Grand Cherokee in the area. [REDACTED] advised that the subject had been an employee of Jimmy Johns but had just been fired. Officer Ostendorf immediately recognized the subject and vehicle description from a prior incident at Jimmy Johns that occurred in December 2020.

Officer Ostendorf assessed the victim, later identified as **Mr. Gregory Marchand**. Officer Ostendorf observed Mr. Marchand to be wearing blue jeans, a black t shirt, and a black jacket. Mr. Marchand was leaning against the B pillar of the vehicle and his eyes were partially opened with no facial movements. Mr. Marchand was unresponsive. Officer Ostendorf observed that Mr. Marchand had what appeared to be thick liquid, consistent with blood, on his right side inside of his jacket. Officer Ostendorf located what appeared to be a gunshot wound on Mr. Marchand's right side, but no blood was currently flowing from the wound.

CJCFPD personnel arrived on scene, assessed Mr. Marchand and in the process cut off his shirt and jacket which were placed in a pile near the front driver's side tire of the Chevrolet Trax. Mr. Marchand was transported to Centerpoint Hospital in Independence, MO where he died from his injuries.

Officer Ostendorf provided dispatch with the information on the white Jeep Grand Cherokee, which from a previous report, was known to be a white 2001 Jeep Grand Cherokee with MO license TC8R6F, as well as possible suspect information as being **Mr. Donovan M. Jordan**. Dispatch then provided the vehicle and suspect description to surrounding agencies.

A search warrant to search the 2018 Chevrolet Trax was applied for and received. The vehicle was held secure at the scene and KCPD's Crime Lab responded to process the vehicle for evidence. An initial check for perishable evidence located a single 9mm shell casing on the floormat in front of the driver's seat. The

vehicle was then towed to the KCPD tow lot where it was secured and stored inside until being further processed by KCPD Crime Lab on 02-27-2021.

While on scene Rent-A-Center, **Blue Springs Police Detective Sergeant Keegan Hughes** received a phone call from a KCPD Officer at about 1634 hours advising that a drive by of 11350 Blue Ridge Blvd, Mr. Jordan's listed address, did not locate the vehicle. While on the phone, the KCPD Officer advised that Mr. Jordan's Jeep Grand Cherokee had just pulled up and he hung up the phone. It was later learned that KCPD Officers attempted to conduct a car stop on the Jeep Grand Cherokee, but the vehicle fled. At some point during the ensuing pursuit with KCPD, a passenger exited the Jeep Grand Cherokee and was taken into custody. That passenger was identified as **Mr. Zaylen Z. Smith**. Mr. Smith was transported to St. Joseph Medical Center and **Blue Springs Police Detectives Carol Yeager and Kate Tipton** responded to St. Joseph Medical Center to contact Mr. Smith.

The KCPD vehicle pursuit ended with the Jeep Grand Cherokee crashing in the area of Richmond and Blue Ridge Blvd in Kansas City and Mr. Jordan fleeing from the vehicle on foot with a backpack before being caught and taken into custody by KCPD officers without further incident. **Blue Springs Police Officer Coby Jacobsen** responded to the scene of the crash, took custody of Mr. Jordan, his backpack, and confirmed the vehicle information of the Jeep Grand Cherokee. KCPD then had the Jeep Grand Cherokee towed to their tow lot to be held indoors and secure for processing. A search warrant was applied for and obtained to search the Jeep Grand Cherokee, which was done at the same time as the 2018 Chevrolet Trax on 02-27-2021.

Officer Jacobsen transported Mr. Jordan to the Blue Springs Police Department where he was booked into the detention facility. At St. Joseph Medical Center, Detective's Yeager and Tipton seized Mr. Smith's clothing which included a red hooded sweatshirt, some black pants with a strip of reflective rhinestones running down outside seam area of each leg, and a pair of black Nike shoes with silver-colored tabs on the laces at the base of the shoe tongue/lace area. It should be noted that in the CCTV footage, Mr. Smith is wearing shoes with the silver tabs in the same location. **Blue Springs Police Officer Alex McIntyre** responded to St. Joseph Medical Center and transported Mr. Smith to the Blue Springs Detention facility after he was released from the hospital and he was booked into the jail.

On 08-26-2021 at about 2037 hours I contacted Mr. Jordan in the jail, had him placed into restraints and escorted him to Interview Room D where **Blue Springs Police Detective Kevin Lange** was already waiting. While walking to the interview room Mr. Jordan asked me if he was being recorded and I told him he was. I obtained basic information on Mr. Jordan, and told him that I wanted to talk with him about his arrest, but needed to first provide him with his rights. I then read Mr. Jordan his Miranda Rights from the Blue Springs Police Department Miranda Warning form. I had Mr. Jordan read the line on the form which stated, "Can you read/write the English language?" Mr. Jordan was able to read the sentence aloud. After I read him the warning form, I provided Mr. Jordan with the opportunity to review the form and a pen to sign it with. Mr. Jordan check the yes box indicating he would speak to me and signed the form. I then signed the form at 2045 hours.

I asked Mr. Jordan if he was told why he was brought here and he said 1<sup>st</sup> degree murder. I asked Mr. Jordan to tell me what happened and he told me that he knew he didn't kill anyone. Mr. Jordan advised that he had went to Jimmy John's to buy some "tree" meaning marijuana. Mr. Jordan said that it went wrong. Detective Lange asked Mr. Jordan to explain what he meant and Mr. Jordan said that he probably caused it, but didn't mean to cause it, and went on to explain that before going to buy the marijuana he said (to the people he was with) "I'm about to go pick up some tree and this dude he don't play around he got a whole bunch of bud on him" and a whole bunch of money and that he didn't play around. Mr. Jordan said he was paying him (Mr. Marchand) and he thought he got hit (shot). I asked Mr. Jordan who he was meeting and he said "Greg."

Mr. Jordan explained that he was meeting Mr. Marchand to buy a QP, which he elaborated was a quarter pound. He also said it was about 3 zips, which he said was about 28 grams. Mr. Marchand said it was about \$500.00. Mr. Jordan said that he did not know the names of the people he was with. Mr. Jordan went on to explain that he did not know the shooting was going to happen, that it was not planned, and he would not have brought them to Jimmy Johns if he knew it was going to happen. Mr. Jordan told us that when he they got to the area he went into Jimmy John's to get a drink and he (Mr. Smith) went in to use the bathroom but then Mr. Smith left. Mr. Jordan said he did not know where the other people he was with went while he was in Jimmy Johns. Mr. Jordan said he went out the back door of Jimmy Johns where he went and contacted Mr. Merchand at his open driver's window. Mr. Jordan further explained that he and Mr. Merchand had messaged around 11 or 12 that morning and agreed to meet at Jimmy John's around 1400 hours. Through the interview Mr. Merchand advised that as he was paying Mr. Merchand \$150.00 in cash and he handed it to Mr. Merchand through the open driver's door window. Mr. Jordan said that as he was putting away his wallet the passenger door of the White Chevrolet Trax opened and the gun was shot. Mr. Jordan said that he was shocked and thought he had been shot, and once he realized he was ok he took off running to the car. Mr. Jordan had the marijuana he had purchased from Mr. Merchand with him as he ran to the car. Based on Mr. Jordan's statements and video footage, it was learned that Mr. Jordan, Mr. Smith, and a third subject who was driving, arrived in the area and left the area in a Blue Dodge Avenger. That Avenger was parked behind A's barbershop at 728 NW 7 Highway, a business to the north of Rent-A-Center in the same strip shopping center. Mr. Smith then ran to the car and the Blue Avenger left the area.

Further questioning revealed that after the gun was fired, Mr. Smith reached into the car and took the cash out of Mr. Merchand's hands before returning to the Blue Avenger. Mr. Jordan told us that he did not know the names of the people he was with (meaning the driver and Mr. Smith). Mr. Jordan said that he thought his (Mr. Smith's) name started with a Z and that he had only met him the day before at a gas station when he sold him some marijuana. Mr. Jordan said that Mr. Smith was from Mississippi.

During the interview we discussed the weapon that was used to shoot Mr. Merchand and if Mr. Jordan had ever touched it. Mr. Jordan acknowledged that he may have touched the gun at some point because he liked guns but was certain that he had never fired it. Mr. Jordan said that he liked guns but didn't really know anything about them and did not know what kind of gun Mr. Smith had or used. Mr. Merchand agreed to provide a buccal swab to be used to compare against evidence and signed the consent form providing that permission. I obtained two buccal swabs from Mr. Jordan to be placed into property as evidence.

A chronological summary of the events as described by Mr. Jordan are that he drove to a barbershop near his apartment in his Jeep Grand Cherokee and met the driver of the Blue Dodge Avenger who is a barber at the Barber Shop, as well as Mr. Smith. The three of them drove to Jimmy Johns in Blue Springs. After going inside Jimmy Johns for a few minutes Mr. Jordan met Mr. Merchand and paid him \$150.00 in cash received marijuana. Just after the transaction, the passenger door of the Chevrolet Trax was opened by Mr. Smith, Mr. Smith shot Mr. Merchand and took the cash. Mr. Jordan and Mr. Smith ran to the Dodge Avenger that was parked down the alley, and returned to the Barber Shop in Kansas City. The driver of the Avenger returned to work in the shop. Mr. Jordan then drove Mr. Smith to Mr. Smith's apartment, where Mr. Smith went inside and changed his shirt while Mr. Jordan waited in the Jeep. Mr. Jordan then drove, with Mr. Smith in the Jeep, to his own apartment with the intention of using the bathroom before returning to the Barber Shop. Upon arriving to his apartment, Mr. Jordan saw KCPD police cars and thought they were there to apprehend him on outstanding domestic violence warrants and fled the scene in his Jeep until he crashed, ran on foot, and was taken into custody.

At the conclusion of the interview, I returned Mr. Jordan to his jail cell.

On 02-27-2021 at about 2253 hours I contacted Mr. Smith in his jail cell, had him placed in restraints, and escorted him to interview room D where Detective Lange was already waiting. I obtained basic information from Mr. Smith. I then read Mr. Smith his Miranda Rights from the Blue Springs Police Department Miranda Warning form. I had Mr. Smith read the line that said "Can you read/write the English language:" and Mr. Smith was able to read it aloud. After providing Mr. Smith with the opportunity to review the form, he checked the box indicating he would speak with us and signed the form. It should be noted that Mr. Smith signed the form with his left hand. During the initial interview Mr. Smith told us that he had just moved to the Kansas City area from Mississippi in the last week. He said that he had only met him (Mr. Jordan) but did not even know his name the prior day at the gas station. Mr. Smith denied that he was anywhere in Blue Springs on 02-26-2021 and when shown still images from the video footage showing a subject, identified as him based on clothing and Mr. Jordan's statements, he said that it was not him. Mr. Smith said that he did not own any Chiefs clothing, did not like the Chiefs, and only like the Ravens. It should be noted in the image, Mr. Smith is carrying a firearm, which from the image appears to be a Glock model, in his left hand. When shown the image, Mr. Smith did point to the gun and say, "That's a Glock 19."

During the interview, I discussed DNA evidence with Mr. Smith and asked if he would be willing to provide a buccal swab sample to use to compare with evidence from the scene. Mr. Smith said that he would consent and signed a written consent form. I obtained two buccal swab samples from Mr. Smith's mouth which were placed into property as evidence.

In further discussion with Mr. Smith and if his DNA would be in the car or on any guns, Mr. Smith said that it would because he had been in the victim's car the night before. Mr. Smith said that the Mexican guy (presumably referring to Mr. Merchand), "**Malik**" and Mr. Jordan had been at Longview Lake the prior evening shooting guns so they had all traded guns and touched each other's guns. Mr. Smith also said that he was wearing the same clothes that he had worn the day before so there would be gunshot residue on them.

At the conclusion of the interview, I asked Mr. Smith if we had missed anything and he said no. I advised him if he thought of anything he could alert the jail staff and they would contact me to speak with him again.

On 02-27-2021 at 1125 hours **Blue Springs Police Detectives Mark Grote and Rob Olson** went to 11805 Holiday Drive Apt 10 and contacted the renter, **Ms. Ebony Smith**, who Mr. Smith identified as his aunt and where he had been staying on the couch for about the last week. After identifying themselves and the reason for their contact, Ms. Smith advised Detectives Grote and Olson that Mr. Smith kept all of his stuff in what would commonly be referred to as a coat closet in the main living area. Ms. Smith granted Detectives Olson and Grote permission to search for Mr. Smith's red hooded Chiefs sweatshirt that was observed on the CCTV from the scene. The detectives located, in the furnace and water heater closet, a plastic shopping bag that was tied up, and inside the bag they located the red Chiefs sweatshirt and a pair of pants with a red stripe consistent with what was observed on the CCTV video footage.

Upon learning the new information, I contacted Mr. Smith again in his jail cell, had him placed in shackles, and escorted him back to interview room D where Detective Lange was already waiting. I read Mr. Smith his Miranda Rights again from the Miranda Form and Mr. Smith signed the form and agreed to speak with me at 1208 hours on 02-27-2021. I asked Mr. Smith if there was anything that he had thought of from the prior interview that he left out and he said no. I then told Mr. Smith that Detectives had located his Chiefs Hoody and pants in the closet. Mr. Smith then admitted that he had been in the area of Jimmy Johns. Mr. Smith said that he had met Mr. Jordan at the gas station, and then he and Mr. Jordan went to the Barber Shop that is in the area of the gas station and their apartments. Mr. Smith said that Mr. Jordan asked for a ride to work at Jimmy Johns in Blue Springs because his Jeep was having problems, but then said that he

would actually drive part of the way. Mr. Smith said that Mr. Jordan drove to Blue Springs and then parked his Jeep on a deadend road near the lakes (possibly Blue Springs Lake) and then rode to Jimmy Johns in the Blue Avenger. Mr. Jordan and Mr. Smith went into Jimmy Johns where Mr. Smith used the bathroom before leaving out of the back door and returning to the Blue Dodge. Mr. Smith said that Mr. Jordan then returned to the Blue Car and left his gun in the car before going to contact Mr. Merchand. Mr. Smith decided to take Mr. Jordan his gun while he was contacting Mr. Merchand at the White Chevrolet and upon getting closer to the Chevrolet, he saw that Mr. Jordan had his gun drawn and pointed at Mr. Merchand and he heard they were arguing so he squatted down because he was afraid of being shot. I asked Mr. Smith how Mr. Jordan was pointing a gun at Mr. Merchand, if he (Mr. Smith) had Mr. Jordan's gun and was in the process of bringing it to him. Mr. Smith then said that Mr. Jordan had two guns. Mr. Smith said that he was carrying a Glock 17. Mr. Smith said that he then stood up and was talking to Mr. Merchand through the open passenger side window about purchasing \$40 worth of marijuana, while Mr. Jordan was pointing the gun at Mr. Merchand. Mr. Smith then said that Mr. Jordan moved from the open driver's window, opened the rear driver's side door, climbed in the back seat, reached between the seats, and shot Mr. Merchand in the chest with his right hand. Mr. Smith said that Mr. Donovan then ran to the Blue Dodge. Mr. Smith said that he was shocked at first, and he began talking to Mr. Merchand. Mr. Smith said that Mr. Merchand was gasping and said two times to take the weed they had agreed on for \$40.00. Mr. Smith said that Mr. Merchand was holding on to the weed he had agreed to buy, so he reached in and took the weed from Mr. Merchand's hand, and then put \$40 in Mr. Merchand's hands. Mr. Smith then ran back to the car.

Mr. Smith said that they took the Blue Avenger back to Mr. Jordan's Jeep. Mr. Smith said that he then got in the Jeep with Mr. Jordan and went to his apartment. Mr. Jordan left and Mr. Smith said he changed clothes and put his clothes in a bag in the closet because they had blood on them. About 30 minutes later Mr. Smith decided to walk to the gas station to buy a cigar and while on his way Mr. Jordan waved him down in his Jeep and invited him to come home with him to smoke, but upon arriving at Mr. Jordan's apartment the police were there and the pursuit began.

Mr. Smith said that he asked Mr. Jordan to let him out because he didn't want to get shot and eventually got out and hit the pavement and waited to be arrested.

It should be noted that the police pursuit began at Mr. Jordan's apartments in the area of 11350 Blue Ridge Blvd in Kansas City and ended in the area of Richmond and Blue Ridge Blvd. The pursuit was captured on news footage and depicts the white Jeep Grand Cherokee traveling at a high rate of speed and passing cars on the wrong side of the road. Mr. Smith was arrested by KCPD Officer Lyman. Mr. Jordan was arrested by KCPD Officer Hash, KCPD Officer Mogilnicki, and KCPD Officer Hurd. The associated report number was KC21012937.

It should be noted that during the arrest, KCPD Officers located, in the Jeep Grand Cherokee, a Gen 4 Glock 19 with serial number ZRC812 that had been reported stolen.

Mr. Jordan has a prior felony conviction in case 17CR01753 for fleeing where he plead guilty on 10-04-2017. Defendant also has a prior arrest for Resisting Arrest on 09-30-2019 with MSHP, fleeing in Lenexa, KS on 07-07-2017 with case 17-22762, possession of controlled substances, fleeing on 10-26-2010 in Olathe, KS with case 19013233, fleeing on 01-17-2017 in Olathe, KS with case 20000074.

**Detective Jason Floyd #1784**  
Blue Springs, Missouri Police Department

/s/ *Det. J. Floyd #1784*  
Signature