

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

<b>POLICE NO. :</b>	21-025280
<b>PROSECUTOR NO. :</b>	095464142
<b>OCN:</b>	QO005572

<b>STATE OF MISSOURI,</b>	)	
	)	<b>PLAINTIFF,</b>
<b>vs.</b>	)	
	)	
<b>ANDRE D MAYS JR</b>	)	
<b>1520 E 42nd St</b>	)	<b>CASE NO. 2116-CR</b>
<b>Kansas City, MO 64110</b>	)	<b>DIVISION</b>
<b>DOB: 11/08/2001</b>	)	
<b>Race/Sex: B/M</b>	)	
	)	
	)	<b>DEFENDANT.</b>

**COMPLAINT**  
**WARRANT REQUESTED**

**Count I. Murder 2nd Degree - Felony Murder - During Perpetration/Attempted  
Perpetration/Flight From Perpetration Of A Felony, A Person Dies (565.021-  
003Y20200999.0)**

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 April 28, 2021, in the County of Jackson, State of Missouri, Elijah Lockhart was killed by being shot as a result of the attempted perpetration of the class B felony of Robbery in the First Degree under Section 570.023, RSMo committed by the defendant on or about April 28, 2021, in the County of Jackson, State of Missouri.

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. Robbery - 1st Degree (570.023-001Y20201207.1)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 570.023, RSMo, committed the **class B felony of attempted robbery in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about April 28, 2021, in the County of Jackson, State of Missouri, the defendant tried to forcibly steal marijuana and U.S. Currency in the possession of [REDACTED] and in the course thereof another participant in the crime was armed with a deadly weapon, and such conduct was a substantial step toward the commission of Robbery in the First Degree and was done for the purpose of committing such Robbery in the First Degree.

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 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 571.015.1, RSMo, in that on or about April 28, 2021, in the County of Jackson, State of Missouri, the defendant committed the felony of Attempted Robbery in the First Degree charged in Count 2, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Attempted Robbery 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 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.

**State vs. Andre D Mays Jr**

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. [REDACTED] ing Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
2. DET Steven Breshears, 223 N. Memorial Drive, Independence, MO 64050
3. PO Brendan Buchanan, 223 N. Memorial Drive, Independence, MO 64050
4. DET Christopher Burris, 223 N. Memorial Drive, Independence, MO 64050
5. DET Steven Schmidli, 223 N. Memorial Drive, Independence, MO 64050
6. [REDACTED] ting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
7. PO Josko Wrabec, 223 N. Memorial Drive, Independence, MO 64050

## PROBABLE CAUSE STATEMENT

Date: 4-29-2021

Report #: 2021-25280

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 4-28-2021 at 0152 hours, Andre D. Mays Jr. (Race - B, Sex - M, DOB: 11-08-2001, [REDACTED] Last Known Address: 1520 42<sup>nd</sup> St, Kansas City MO 64110) Committed one or more criminal offenses in Jackson County, Missouri.

2. The facts supporting this believe are as follows:

That on 4-28-2021 at 0152 hrs., the Defendant, Andre D Mays Jr. knowingly attempted a home invasion robbery at 533 S. Crescent with the assistance of an armed hispanic male whom was later identified as Elijah Lockhart. The Defendant and his armed associate, Mr. Lockhart confronted the resident at the front door and attempted to force their way into the residence. The resident was identified as Damion Atwater (dob: 12-21-2001). During the physical confrontation at the front door, Mr. Lockhart began pointing his handgun at [REDACTED] and a friend of [REDACTED] whom was inside the residence. The friend of [REDACTED] was identified as [REDACTED] (dob: 6-15-2001). [REDACTED] was also armed with a handgun and fired multiple rounds at Mr. Lockhart whom was standing in the threshold of the front door. Mr. Lockhart was struck by the gunfire and collapsed on the front porch. Mr. Johnson immediately ran from the residence on foot and entered a dark colored sedan which fled the area. Independence MO Police responded to the area on the report of shots fired and located a deceased male subject near the front porch of the residence located at 533 S. Crescent, Independence Jackson County MO.

On 4-28-2021 at 0152 hrs., Independence MO Police were dispatched to the area of 533 S. Crescent in regards to shots fired. P.O. Josko Wrabec is the reporting officer on the offense. Upon arrival, P.O. Wrabec and P.O. Brendan Buchanan located an unresponsive male subject lying on the ground near the front porch steps of 533 S. Crescent along with a black handgun. The male subject was wearing a hooded jacket which was almost completely drawn closed to conceal his face along with black gloves. Due to officer safety issues, the male subject was dragged down the street to a safe location where life savings measures were conducted. P.O. Wrabec also recovered the handgun from the front porch steps as a preventative measure to preserve the evidence. Paramedics arrived on scene and pronounced the male subject has deceased. Officers set a perimeter around the residence of 533 S. Crescent and additional officers located exterior surveillance video at some of the neighboring residences which showed a dark colored sedan had stopped in front of 533 S. Crescent. Shortly thereafter, multiple gunshots were heard coming from the residence and a male subject is seen running southbound on Crescent from the address. The dark colored sedan with tinted windows accelerants quickly southbound on Crescent and picks up the male subject that fled the scene on foot.

Detectives and the IPD SWAT team was ordered and responded to the crime scene. SWAT officers made verbal announcements for anyone inside the residence at 533 S. Crescent to exit and contact police. Results were negative. SWAT officers approached the front door of the residence and observed several spend shell casings on the floor just inside the residence.

Det. Steve Breshears prepared and obtained a search warrant on the residence of 533 S. Crescent. The IPD SWAT team executed the search warrant and cleared the residence. No subjects were located inside the residence.

Det. Steve Schmidli contacted the homeowner of 533 S. Crescent at the staging area located at Independence Ave. and Crescent. The female homeowner was identified as Tiffanie Stevenson. She advised that she lives at the residence with her son whom she identified as Damion Atwater. She openly stated that her son is allowed to use marijuana inside her residence. She advised that she did not stay at their residence last night and noted that she had spoken to her son about 2200 hours last night. Ms. Stevenson stated that she was upset with her son because their house keys were missing. She stated that she was concerned that someone had taken the house keys and would attempt to "rob" them. Ms. Stevenson stated that her son has a black male friend only known as "Tonio". She advised that "Tonio" has been at their residence on several occasions to "smoke weed" with her son. She claimed that her son and "Tonio" have recently been "fighting about weed". She stated that "Tonio" drives a black newer model four door car with tinted windows. Ms. Stevenson eventually responded to IPD Headquarters and provided a formal statement to Det. Kurt Wyckoff.

Once the crime scene was deemed safe, detectives, crime scene personnel and the Jackson County Medical Examiner's Office responded into the area to process the body which was lying in the street behind a police vehicle, a few houses to east of 533 S. Crescent. The deceased subject was described as a light skinned hispanic male with long black hair pulled into a ponytail. The subject was wearing a dark colored zippered and hooded jacket with sweatpants. The subject had black gloves on each hand. Blood was observed coming from the male subject's face. Initial assessments by the JCMEO Investigator appeared that the male subject was shot once in the back right shoulder. No identification was located on the deceased male. Missouri State Highway Patrol Trooper Howard responded to the crime scene and attempted to identify the deceased male using his portable computerized identification system. Results were negative and the body was recovered by the Jackson County Medical Examiner's Office. The recovered handgun which was found along side the deceased male was also damaged by gunfire and was released to the IPD Crime Scene Unit.

At 1257 hrs., [REDACTED] responded to IPD Headquarters with his attorney, Dan Ross. Mr. [REDACTED] was escorted to an interview room in the IPD Investigations Unit for a formal statement on the offense. [REDACTED] attorney declined an invitation to oversee the interview process. Det. Schmidli conducted the interview with [REDACTED]. After being advised of his rights [REDACTED] stated that his "best friend" named [REDACTED] came over to his residence last night. He noted that another subject named [REDACTED] came to visit them and advised that both [REDACTED] and [REDACTED] left his residence to go to a convenience store for food. He stated that during this time period, a black male subject named "Tonio" showed up at his residence to smoke some marijuana but left shortly after [REDACTED] and [REDACTED] returned. [REDACTED] advised that he has known Antonio (aka: Tonio) for a year and meet him at a party. He acknowledged that they smoke marijuana together but would only classify him as a "friend". He stated that his mother has concerns about his involvement with the "Tonio" subject.

[REDACTED] advised that the [REDACTED] subject left about midnight and a little while later, "Tonio" unexpectedly showed up at his residence to get some "weed" and attempted to "talk himself" into his house while they stood at the threshold of the front door. He advised that he knew his mother disapproved of Antonio and he attempted to discourage him from entering his house. He advised that Antonio opened the screen door and attempted to force his way into the residence when another unknown male subject suddenly appeared at the door that was armed with a handgun. He advised that he struggled to push the front door shut on the armed subject whom began pointing the handgun at him and [REDACTED]. [REDACTED] stated that without warning, Austin fired multiple rounds at the armed suspect. He stated that the armed suspect immediately fell on the front porch as he managed to get the front door closed. [REDACTED] stated that he was scared that Antonio was going to get into the house and shoot them. He stated that they turned off all lights inside the house and eventually ran out the back door. [REDACTED] did not know Antonio's full name but assisted the investigation by escorting

detectives to some old addresses in Kansas City MO where Antonio resided. [REDACTED] identified Antonio's car as a black newer model Infiniti four door sedan that was recently purchased.

At 1531 hrs., [REDACTED] responded to IPD Headquarters with his attorney, Brian Klopfenstein. Mr. [REDACTED] was escorted to an interview room in the IPD Investigations Unit for a formal statement on the offense. [REDACTED] attorney accompanied [REDACTED] during the interview process. Det. Schmidli conducted the interview with [REDACTED]. After being advised of his rights, [REDACTED] identified [REDACTED] as his "close friend" and has known him since middle school. He advised that he spent the night at [REDACTED] residence last night and acknowledged that they had smoke some marijuana. He confirmed that a friend named [REDACTED] also came over to visit. He confirmed that him and [REDACTED] at one point left the residence to go to a convenience store for food. He stated that an unknown black male subject showed up at [REDACTED] residence that evening. He advised that [REDACTED] took the black male to his bedroom and after about 15 minutes, the black male subject left the residence.

[REDACTED] advised that [REDACTED] left the residence later during the evening. [REDACTED] stated that about 0130 hours, the black male subject from earlier in the evening returned to [REDACTED] house and wanted to come inside. He noted that [REDACTED] refused to allow him inside but the black male opened the screen door and stepped just inside the front door when another unknown male subject appeared behind him and attempted to force his way into the residence. He stated that this male subject was that was armed with an "AR rifle". [REDACTED] stated that the black male attempted to struggle with [REDACTED] whom was trying to push the front door shut on the armed subject. Mr. [REDACTED] stated that the armed suspect pointed the "rifle" at him at which time, he pulled his .45 caliber handgun and fired approximately five shots at the suspect. He advised that [REDACTED] immediately closed the front door. He advised that they were scared that the subjects would attempt to come back shoot them therefore they turned out all the lights in the house. [REDACTED] stated that they eventually ran out the back door. [REDACTED] stated that he has never seen or met the black male "friend" of [REDACTED] but thought he could possibly identify him in a photo lineup.

Shortly thereafter, the "Tonio" subject was identified as Antonio D. Johnson. A field photo lineup was prepared and shown to [REDACTED] whom was unable to identify the black male "friend" of [REDACTED]. Det. Chris Burris showed the same photo lineup card to [REDACTED] whom positively identified Antonio D. Johnson as the suspect in the attempted home invasion robbery. Computer checks on [REDACTED] Johnson show him with a felony Failure to Appear warrant out of Johnson County KS in regards to a weapons offense.

Information was disseminated to area law enforcement agencies in regards to the deceased and unidentified male subject that was involved in the attempted home invasion robbery. On 4-29-2021, a family contacted the Kansas City MO Police Department and attempted to report their son as missing. Detectives contacted the family and the deceased male was identified as Elijah L. Lockhart (dob: 1-15-2004) of Kansas City MO.

Det. Burris conducted formal interviews at IPD Headquarters with Elijah Lockhart's mother, [REDACTED] and his half-sister [REDACTED]. [REDACTED] whom they identified as "Tre" and Dre". They noted that "Tre" and "Dre" are cousins and informed them that Elijah was going to "pull a lick". They stated that reportedly "Tre" provided Elijah with a handgun to be used in the commission of the offense.

IPD Street Crimes detectives and IPD SWAT personnel located Antonio Johnson in Kansas City MO and took him into custody without incident. Det. Schmidli and Det. Burris interviewed Mr. Johnson. After being advised of his rights, he stated that three subjects identified as "Tre", "Dre" and "E" needed some money. He stated that he personally knows Damion Atwater and has purchased marijuana from him

on five separate occasions over the past year. Mr. Johnson admitted that they planned to rob Damion of his drugs and cash. He stated that he met "Tre", "Dre" and "E" in the area of Damion's residence in Independence MO. Mr. Johnson advised that they got into his black Infiniti sedan and "Tre" drove them to Damion's residence located at 533 S. Crescent. He stated that him, "E" and "Dre" went up on the porch where he made contact with Damion at the front door. He noted that "E" was armed with the handgun. Mr. Johnson admitted that a confrontation occurred at the front door between them and Damion. Mr. Johnson stated that a white male subject that was inside the house started shooting at them as they stood at the front door. He advised that they immediately ran from the residence and eventually fled the area in his car without "E".

Subsequent investigation was able to determine the identity of "Tre" and "Dre" as [REDACTED] and Andre D. Mays Jr. whom are reportedly cousins. Person of Interest Advisories were issued on both [REDACTED] and Mays in regards to this offense. On 4-30-2021, the mother of Andre Mays escorted him to IPD Headquarters for a formal statement on the incident. Det. Burris and Det. Schmidli interviewed Mr. Mays. After being advised of his rights, Mr. Mays admitted that he was involved in the home invasion robbery but claimed it was Antonio Johnson's idea. He stated that he did not know the target ([REDACTED]) of the robbery. He stated that Johnson told them that the target had \$12,000 and they would get a portion of it. Mr. Mays advised that he reluctantly agreed to participate in the robbery and that Johnson drove him, "Tre" and "E" to the target house. Mr. Mays then invoked his rights and requested an attorney.

Det. Steve Schmidli #842

/s/ Steve Schmidli

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature