

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

POLICE NO. :	KC21032760
PROSECUTOR NO. :	095464585
OCN:	HS026451

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
MALYCK A WEAVER)	
1927 East 16ht Street)	CASE NO. 2116-CR
Kansas City, MO 64127)	DIVISION
DOB: 01/01/1996)	
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 May 23, 2021, in the County of Jackson, State of Missouri, the defendant knowingly or with the purpose of causing serious physical injury to Kailey Love caused the death of Kailey Love by shooting her and defendant is further given notice that should the state submit murder in the second degree-felony under Section 565.021.1(2), it will be based on the death of Kailey Love as a result of the perpetration of the Class A felony of unlawful use of a weapon under Section 571.030 , RSMO, committed by defendant.

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 May 23, 2021, in the County of Jackson, State of Missouri, the defendant committed the felony of murder in the second degree charged in Count I, 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 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 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.

Count III. 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 May 23, 2021, in the County of Jackson, State of Missouri, the defendant, knowingly shot a firearm from a motor vehicle, and as a result of the above described conduct, Kailey Love suffered injury or death.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri

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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 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 May 23, 2021, in the County of Jackson, State of Missouri, the defendant committed the felony of unlawful use of weapon charged in Count III, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of unlawful use of weapon by, with and through, the knowing use, assistance and aid of a 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 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.

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.

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JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
By,

/s/ Jennifer S Tatum
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WITNESSES:

1. [REDACTED],
2. PO Matthew J. Deloux,
3. DET Mary J Kincheloe, 1125 Locust, Kansas City, MO 64106
4. Kailey Love, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
5. [REDACTED]
6. [REDACTED]
64106
7. [REDACTED]
64106

PROBABLE CAUSE STATEMENT FORM

Date: 10-25-2021

CRN: KC21-032760

I, Detective Mary Kincheloe #5063
(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 05-23-2021, at 8501 Winner Road in
(Date) (Address)

Kansas City, Jackson Missouri Malyck Weaver B/M 01-01-1996
(County) (Name of Offender(s))

5'10", 250lbs, Blk hair Bro eyes, [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 05-23-2021, Officers of the Kansas City Missouri Police Department responded to 8501 E Winner Road, Kansas City, Jackson County, Missouri regarding a reported shooting. According to the call notes, the calling party advised dispatch that he had shot his ex-girlfriend.

Upon arrival, the Officers observed a black female, later identified as Kailey Love, on the ground of the parking lot near two vehicles parked by the gas pumps. Love was confirmed deceased at the scene by Medic 34.

The Officers contacted the calling party who was later identified as **Malyck Weaver B/M 01-01-1996**. **Weaver** acknowledged to Officers he was the one who had shot Love. **Weaver** was placed under arrest and transported to the KCPD headquarters. "Tommy" is the known nickname of **Weaver**.

Witness #1, JM, advised Detectives of the following: He and **Weaver** were socializing earlier in the night and went to the Baccala parking lot located near Independence Avenue and Van Brunt Blvd. While there, JM spoke with Love with whom he has a friendship. JM advised Love had been in an intimate relationship with **Weaver**. JM said he believed Love had been thinking Weaver was involved with another female. [REDACTED] believed after Love observed Weaver's behavior with a female in the parking lot on this night, her suspicion was confirmed. Love began arguing with **Weaver** about **Weaver** owing her money. JM said he told **Weaver** to get into the car so they could leave. Love followed them in her vehicle, to a nearby gas station where **Weaver** and the victim both continued the verbal altercation. JM advised the two to get back in their vehicles and to calm down. JM said after leaving, he began driving on Independence Avenue where Love followed in her vehicle. JM said he pulled into the gas station at 8501 Winner Road and Love pulled up alongside him. [REDACTED] got out of the vehicle and walked toward the entrance. [REDACTED] said Love had gotten out of her vehicle, continuing to yell at **Weaver** at which time he told her to calm down again. [REDACTED] inside the store and then heard two gunshots. As JM exited the store, he saw Love on the ground and believed **Weaver** was on the phone with 911.

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Witness #2, ■■■, was present on the roof of the gas station and provided the following information: ■■■ observed three vehicles pull onto the lot at roughly the same time. One of the vehicles, a black Volkswagen was occupied by (2) unknown black males (■■■ and **Weaver**). The second vehicle was a gray Pontiac, occupied by an unknown female (victim), and the third vehicle was unrelated to the incident. The witness observed the victim exit the Pontiac and walk around to the driver's side of the Volkswagen. ■■■ said he heard the victim yelling about being owed money. ■■■ saw the driver's side door open and then saw two muzzle flashes from the front driver's side portion of the Volkswagen. The victim then walked behind the two vehicles where she collapsed to the ground. ■■■ saw an unknown male exit the passenger side of the Volkswagen and walk toward the front of the store on his phone.

Witness #3, occupant of the third vehicle which travelled to the gas station parking lot behind the Pontiac and Volkswagen advised he observed the Pontiac driving "crazy" behind the Volkswagen and into oncoming traffic. He said shortly after pulling into a parking space, he heard (2) gunshots, but did not witness the shooting.

A search of the 911 call system revealed the following: a male called who identified himself as "Tommy" said his "crazy ex-girlfriend" was following him, chasing him, attacked him, and "bumped" his car. The male caller said the victim reached in his door, "swinging on me and attacking me. And I shot her." The male caller said she was mad at him for owing her money and she followed him for several blocks. The male caller also said the victim had a gun on her and it was lying on the ground near her body.

Video surveillance from 8501 Winner Road was obtained and reviewed. The footage revealed the following: a gray Pontiac entered the gas station parking lot following closely behind a black Volkswagen. The Volkswagen came to a stop near the gas pumps and the Pontiac stopped directly next to the passenger side of the Volkswagen. The driver of the Volkswagen (■■■) exited and proceeded toward the entrance of the store. The driver of the Pontiac (victim) is observed to exit her vehicle, walk to the driver's side of the Volkswagen where the window is down. The victim, on the outside of the vehicle, makes a motion with her arms consistent with punching, although it is unclear what the motion is being directed toward. She is observed to back away from the Volkswagen and then re-approach. As she does, the driver's side door abruptly opens toward her and then two apparent muzzle flashes are visible from inside the vehicle. The victim is observed to retreat toward the rear of the vehicles where she collapses behind the Pontiac. The passenger of the Volkswagen (**Weaver**) is observed exiting the vehicle and soon after, appeared to be on his phone. A black in color object (believed to be a firearm) can be seen protruding from the right pocket of **Weaver**'s jeans. Once police arrive, **Weaver** appears to lean over as if to put something down in the parking lot. The location of the action is consistent with where a firearm was located at the crime scene.

While processing the crime scene, (2) spent shell casings were located on the ground just outside the open driver's side door. Apparent blood was observed on a pole near the gas pump, the rear driver's side door and on the ground near the open door. The blood trailed to where the victim was located. A 40 caliber Smith and Wesson handgun was in the parking lot away from both vehicles and the victim. The headstamp of the live ammunition in the magazine of the firearm was consistent with that of the two spent shell casings. Also in the parking lot, near the vehicle was a cell phone containing a MO ID bearing the name **Weaver, Malyck B/M 01-01-1996**.

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The victim was examined at the Jackson County Medical Examiner's Office where it was revealed she had one defect in her chest with no evidence of close-range fire. Injury was to the heart and left lung. The course of the bullet was front to back, right to left, and slightly upward. The manner of death was ruled a homicide

At 0757, **Weaver** was advised of his Miranda Rights, and he subsequently requested to speak with an attorney. The interview was concluded.

Printed Name Detective Mary Kincheloe #5063 Signature /s/ Detective Mary Kincheloe #5063

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

Judge

Circuit Court of _____ County, State of Missouri.