IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI <u>AT KANSAS CITY</u>

PC	DLICE NO.:	KC2004	8244
PROSEC	UTOR NO.:	0954600)54
	OCN:		
STATE OF MISSOURI,)
	PLAIN	TIFF,)
vs.		``````````````````````````````````````	
DAVID W. EVERSON))
8524 Highland Ave.		Ś	CASE NO. 2116-CR
Kansas City, MO 64131		Ś	DIVISION
DOB: 02/09/2002		Ś)
Race/Sex: B/M		Ś)
)
	DEFENI	DANT.)
	COMP	LAINT	<u>[</u>

WARRANT REQUESTED

Count I. Murder 2nd Degree (565.021-001Y19840903.0)

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 July 20, 2020, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, knowingly caused the death of Diamon Eichelburger 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 (571.015-001Y19755213.0)

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 July 20, 2020, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, committed the

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felony of murder in the second degree charged in Count 1, 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 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 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 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/ Kristiane Bryant
Kristiane Bryant (#69524)
Assistant Prosecuting Attorney
415 E. 12th Street
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Kansas City, MO 64106
(816) 881-3597
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WITNESSES:

1. DET Bonita Y. Cannon, 1125 Locust, Kansas City, MO 64106

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- 8. DET James H. Price, 1125 Locust, Kansas City, MO 64106
- 9. DET Steffan I. Roetheli, 1125 Locust, Kansas City, MO 64106
- 10. DET Ilinca E. Rusnac, 1125 Locust, Kansas City, MO 64106
- 11. DET Timothy R Taylor, 1125 Locust, Kansas City, MO 64106
- 12. DET Nathan S. VanVickle, 1125 Locust, Kansas City, MO 64106

Date: 11-04-2021		CRN: KC2004	8244
I, Det. Bonita Cannon, #4585, Kansas (Name and identify law enforcement officer	City, Missouri Police Depart or person having information as p	ment probable cause.)	
knowing that false statements on this for			herein are true.
I have probable cause to believe that on	07/20/2020 , at _	2636 Van Brunt Blvd (Address)	in
Kansas City, Jackson (County)	Missouri David Everson	(Name of Offender(s))	
B/M 02/09/2002 (Description of Identity		nmitted one or more crimin	nal offense(s).
The facts supporting this belief are as for On 07-20-2020 at approximately 11 Department were dispatched to 263 officers located a black female, lying victim was pronounced deceased. It wounds.	29 hours, Officers of the Van Brunt Boulevard, g in the parking lot of 26 appeared she suffered for	regarding a shooting. 636 Van Brunt Bouleva rom multiple apparent	Upon arrival, ard. The gunshot
The Jackson County Medical Examshell casings, all with the head stamexit/entrance of the 7-11, 2636 Van	ped, "S&B 20 9X19" w	ere located and recover	de. Five spent red from the
Witness stated he is the victim' old toddler in a stroller) walked to Colorado Av. He stated the victim victim and the child were exiting the stated the rear passenger window wilight skinned or dark skinned male, why?" Witness stated the susper ran in a different direction. Witness witness stated he believed the samele with an afro (hairstyle) in the	-Eleven from his resident vas four months pregnante parking lot, when a great half-way down. The resaid, "Ain't you Diamont then fired several shot stated he thought thus pect also shot at him.	nce, located in the 260 at. After leaving the story vehicle approached male, whom he describen." The victim responders. It is stated he ran we wictim had the small Witness described	o block of ore them. He them. He led, "Yea est as the victim child with her.
Witness stated that he was open he saw people running. He stated the	ating a tow truck, northbat he observed a vehicle	ound on Van Brunt Bo leaving the area, sout	oulevard, when hbound on Van

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Brunt Boulevard described the vehicle as a, "gunmetal," colored Chevrolet Impala. He described the driver a black female (due to the hairstyle). He described the front passenger as a black male with a beard.
Witness stated she was eastbound on 27th Street, approaching 27th and Van Brunt. She observed a dark colored four door vehicle with the passenger window down, with tinted windows. Witness stated she observed a vehicle stopped at the entrance/exit of the parking lot. She then observed someone from the passenger side of the vehicle shoot the female who was pushing a baby stroller. Witness stated the vehicle left southbound on Van Brunt Boulevard
Detectives received information regarding a Facebook post, posted under the username "NLMB Von." The Facebook page was determined to belong to The post read "Fuce uh succa bitch she dead she dead" followed by two laughing-face emojis.
Detectives received a video from a male that stated he was a cousin of the victim. The male did not wish to identify himself, however he stated the video was posted under the same Facebook account (NLMB Von). Upon reviewing the video, detectives observed the video (taken from inside of a vehicle) pan across the crime scene, and then to a handgun (which appeared to be on an unknown subject's lap).
Detectives were able to locate, via License Plate Reader (LPR) cameras, a grey Chevrolet Impal south bound at 24th and Van Brunt at 12:26:33 pm. The displayed license plate of HL2Z6W Missouri was affixed to the rear of the vehicle only. The rear driver side tail pipe was hanging lower than the one on the passenger side.
Detectives responded to the registered address (from DOR) of the displayed license plate. Upon arriving there, identified herself as mother. She stated that the license plates in question are from an old vehicle of hers. She further stated the license plates are missing from her residence. She further stated and her juvenile son left earlier in the day with a male she only knew as provided 816-589-8533 as the cell phone number was contacting her from. She also stated Burrell has been involved in activity that has led to unknown persons shooting into her residence on more than one occasion.
On 07-21-2020, With a Deputy Juvenile Officer and his mother present, he admitted to occupying the front passenger seat of Page 2 of 7

Form 50 P.D. (Rev. 9-2008)

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further admitted to being at the 7-11 located at 2636 Van Brunt Boulevard, in the vehicle, just before the shooting. He then invoked his right to counsel. (now an adult) after being advised of his Miranda Rights, stated he was On 11-03-2021 They left their residence, drove to Stonegate Apartments to pick up with his brother Everson. On their way back to their residence Everson asked to stop at the 7-11 (2636 Van Brunt) to buy shells (cigarette papers). After parking in the lot for a few minutes and Everson not getting out of the car, started leaving. As they left the parking space Everson let his window down. As they approached the victim, who was near the entrance/exit, Everson started talking to her. stated his seat was laid back, however he let his seat up to get a better look at the male with the victim. He didn't recognize the male and started texting his girlfriend. Johnson stated he hear gunshots, told to leave. As they left, he heard two more gunshots. stated he thought they were getting shot at however soon realized Everson shot the victim. When they asked Everson why he shot her, Everson told them she had to die because she set up his cousin. stated they dropped Everson off at 55th and Park, and then went home. He ent back to the crime scene, posted a video to which he told to take the stated and Everson both had a 9mm Smith and Wesson M&P handgun; however, Burrell may or may not have had his firearm at the time of the shooting. was taken into custody at 10807 Newton Ave. Detectives On 07-21-2020, located a Burrell initially stated that he had purchased the suspect vehicle on 07-20-2020 at eventually admitted that he approximately 1600 hours from someone named " bought the car days prior. stated they arrived at the parking lot, parked and stayed for an undetermined amount of time. When they left the parking lot via the exit on to 27 Street, he heard gunshots. admitted to posting a Facebook update that read, "Fuce a succa bitch she dead she dead," shortly after the homicide but stated it was a coincidence and did not reflect the murder. admitted ownership of the Facebook profile that posted a video, showing the crime scene and then a gun on the lap of the videographer with the words, "Cuz said fuck it everybody sleepin."

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vehi state seat reco shoo	stated that the gun video was taken at some other time and was coincidence that it owed the video of the crime scene insisted he was alone during the time in his cle, driving in and out of the gas station. After confrontation with evidence then then ad that he was driving around on 07-20-2020 with his juvenile brother (DJ) in the passenger and a male named, "Dave," in the rear passenger seat. Partially credited his poor election to usage of un-prescribed Xanax. There admitted to seeing anybody oting, but stated that the unknown back passenger was the shooter and did not know why the oting occurred.
10th	07-23-2020 at approximately 1030 hours EVERSON was taken into custody in the area of and Oak, and transported to Police Headquarters, 1125 Locust. EVERSON was advised of Miranda Rights at 1100 hours.
phot	ERSON initially stated he did not know the persons (or the juvenile) in the tographs shown to him. After being confronted with photographs of him and the juvenile in QT on 40 Hwy together, and getting into grey Impala, EVERSON stated the following:
07-2 addr left Van	and his juvenile brother on Paseo 07-19-2020 into 20-2020. He stated the three of them went out to his residence before returning to ress. He stated he requested to be taken back out to his mother's address, at which time they and drove along Van Brunt Boulevard EVERSON stated Burrell drove to the 7-Eleven (2636). Brunt Boulevard) parking lot and parked. He stated neither Burrell nor the juvenile got out the vehicle, although the vehicle's engine was turned off. EVERSON stated that he did not see an attempt to exit the vehicle while it was parked at 2636 Van Brunt Boulevard.
the EVI	ERSON stated started the vehicle and uttered, "There goes some succas." He stated juvenile laid his seat (front passenger seat) back to where it was on his (EVERSON's) legs. ERSON stated he was leaning towards the driver side of the vehicle during this time. It uld be noted that EVERSON's Missouri Department of Revenue information lists him as 6" and 295 lbs.
juve the the	ERSON went on to state, with hesitation, that as the vehicle approached the victim, the enile he identified by first name, fired seven (7) shots from the rear passenger side window of vehicle. He stated he was taken home. EVERSON stated after the shooting stated female used to set up robberies. EVERSON stated that the err the shooting.

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Gun Shot Residue (GSR) tests performed on each window of the suspect vehicle revealed that only the rear passenger window showed evidence of firearm discharge, indicating that the gun was fired at the victim from the rear passenger window.

During a review of Everson's cell phone data several messages relating to the homicide were found as follows-

On 07-20-2020 starting at 1558 hours

Everson- "C"

R- "?"

Everson-"Cause ik u been seeing that shit"

R-"seeing what? what you told me about yesterday?"

Everson-"Duhh"

R-"yeah that shit was on the news yesterday and i was watching it with my grandma like daaamn."

Everson-"I hit her 5 times dead in her face 5"

R-"i know i remember you saying it yesterday .. she was pregnant tho that's fucked up"

Everson-" Fuck that succ ass bitch she was trynna have me picked and my fc and shit"

R-"damn but aye ion got shit to say that to that but that's crazy af"

Everson-" gotta whole body under my belt Just wait omw to the E next"

R-" you going nuts. @@@ u gotta chill out. i love you"

Everson-"I love u too and I told u games been done for"

R-" yeah i know .. smh"

Everson-" I'm gone be at work I love u"

R-" workkkkkk ? lmao i love you more"

07-22-2020 at 0103 hours

Everson-"Can u please do me a favor if I get picked up get me the best lawyer you can"

R-"you no you got me NO MATTER WHAT literally. you never wrong when it comes to me baby

and it's so crazy you asking me that because i was laying in my bed lastnight thinking to myself " if david goes to jail ima make sure he straight but definitely, i promise!"

On 07-21-2020 starting at 1609 hours

Everson-" Pick up Sister"

"Yea"

Everson-"Text me on here And u ain't heard what's been going around"

"You been distant lately & no what happened"

Everson-"U seen that 7'11 shit"

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'Yea''
Everson-" Yea that's why I've been distant"
That was you? You did that? Why tho?
Everson-" Sister yea man⊕ that was ah succ and she was finna have me and everybody in
house set up and did in"
'In front of her baby tho man Smh Do you even feel bad?"
Everson-" Shit did she feel bad Don't tell nobody nun bro"
"Dude you took her life IN FRONT OF HER BABY in BROAD DAYLIGHT You
ain't showing no remorse no nothing? You a fucking pyscho"
Everson-"Shit fs I'm not Fs?"

"Yes"

Everson-" Do u look at me different now"

"I know you'll protect me at all cost no matter the situation but what you did was really stupid"

Everson-"Fs it wasn't the game is stupid and fucked and she brought herself in that shit" At the end of their conversation Everson told her he was at work. On 07-22-2020 at 1847 hours Everson sent a message to Aireiona "Delete our text messages."

On 07-23-2020 starting at 0551 hours

Everson-"Bro"

Lil Cousin-"Yeah"

Everson-"Look at this shit"

Lil Cousin-"Wtf"

Everson- "Bittyboo just told me this shit so imma go turn myself in and try and clear my name up"

Lil Cousin-"You really finna go do that shit?"

Everson- "Yea. Bro Ion have a choice"

Lil Cousin- "Fuckkk naw bro Take ah few days to think about it at least"

Everson-"Man ik bro if this shit fucks me over then it is what it is and I cant bro they just started looking for me today so if I run that's gone make it look like I did it they think the Same ppl that killed her is after me now"

Everson-"So finna play this shit smart bro"

Everson-"I through the heat and everything already bro so shit And delete messages"

The case detective is requesting an arrest warrant in lieu of a summons for the listed offender as a firearm was used in this offense. EVERSON has had prior contacts with law enforcement as well as contacts with law enforcement since the homicide. In light of the incident the case detective believes the offender is a danger to the public.

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On 11-05-2021 Everson was taken into custody. He was advised of his Miranda Rights. Everson

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Printed Name	Det. Bonita Cannon, #4585	Signature Oct	: 8fC ± 4585
The Court find	s probable cause and directs the		day of
		 Judge	
	Circuit Court of	County, State of	of Missouri.

declined to provide a statement.