

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT

POLICE NO. :	KC22034515
PROSECUTOR NO. :	095469817
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
MARK SELLARS)	
15112 E 40TH ST)	CASE NO. 2216-CR
INDEPENDENCE, MO)	DIVISION
DOB: 12/15/1978)	
Race/Sex: W/M)	
)	
)	
)	DEFENDANT.

COMPLAINT
WARRANT REQUESTED

Count I. Murder 2nd Degree (565.021-001Y20200911.0)

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 24, 2022, in the County of Jackson, State of Missouri, the defendant knowingly or with the purpose of causing serious physical injury to Elijah Flores caused the death of Elijah Flores 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 II. Armed Criminal Action (571.015-001Y20205212.0)

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, 571.015.2, and 571.015.3, RSMo, in that on or about May 24, 2022 at 8:35 PM,

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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, and On or about March 22, 2020, in the Circuit Court of Jackson County, Missouri, the defendant was convicted of the offense of armed criminal action.

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 (571.030-015Y20205299.0)

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 24, 2022 at 8:35 PM, in the County of Jackson, State of Missouri, the defendant, knowingly discharged a firearm at another person, Elijah Flores, and as a result of the above described conduct, Elijah Flores suffered injury or death.

The range of punishment for a class A felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years and not to exceed thirty (30) years, or life imprisonment.

Count IV. Unlawful Possession Of A Firearm - Dangerous Felon (571.070-002Y20205212.0)

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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 C felony of unlawful possession of a firearm**, punishable under Sections 558.011 and 558.002, RSMo, in that on or about May 24, 2022, in the County of Jackson, State of Missouri, the defendant knowingly possessed a handgun, a firearm, and on March 22, 2010, the defendant was convicted of the felony of murder in the second degree, a dangerous felony as defined in Section 556.061, RSMo, in the Circuit Court of Jackson County, Missouri.

The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years and not to exceed ten (10) years; 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/ Jordan L. Logan
Jordan L. Logan (#63975)
Assistant Prosecuting Attorney
415 East 12th Street
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JLLogan@jacksongov.org

WITNESSES:

1. DET Kari E. Mutschler, 1125 Locust, Kansas City, MO 64106
2. 

PROBABLE CAUSE STATEMENT FORM

Date: 5/26/22

CRN: KC22-34515

I, Detective K. Mutschler #5702 Kansas City Missouri Police Department
(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 5/24/22, at 714 Ditman Avenue in
(Date) (Address)

Kansas City, Jackson County Missouri Sellars, Mark
(County) (Name of Offender(s))

w/m 12/15/1978 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 5/24/22 at approximately 2035 hours, Officers of the Kansas City Missouri Police Department were dispatched to 708 Ditman Avenue Kansas City, Jackson County, Missouri 64125 regarding a shooting. Upon arrival, Officers located a male victim, identified as Flores, Elijah B/M 3/3/83, lying on the ground suffering from apparent gunshot trauma in the vacant lot of 708 Ditman Avenue. KCFD EMS responded and declared the male deceased. The victim was determined to have defects in his armpit and back. The Jackson County Medical Examiner’s Office has ruled the death a homicide. Officers contacted witnesses at the scene and determined the shooting occurred inside the residence located at 714 Ditman Avenue and the suspect was wearing a red hat. A search warrant was obtained to process 714 Ditman Avenue for evidence. Three spent 9mm shell casings were located on the floor just inside the front door and projectile damage was observed to the front door. A small drop of apparent blood was observed on the floor just inside the residence and a red baseball hat was also located near the intersection of 9th Street and Booth Avenue.

Witness #1, identified as the [REDACTED], advised she was asleep on the couch in the front room of 714 Ditman Avenue where she resides. She woke up and observed the victim enter the room with an unknown male wearing a mask and a male she knows by the name of **Mark Sellars (w/m 12/15/78)**. She advised the victim had been out helping **SELLARS** look for his truck that was recently stolen. The victim and **SELLARS** became involved in a verbal altercation and the victim started to exit the residence through the front door. Witness #1 heard **SELLARS** say “I’m not playing no fucking games” and observed him pull a dark colored handgun from his hoodie pocket and shoot the victim once in the back. **SELLARS** then shot two more times. Witness #1 ran downstairs to tell a female a shooting occurred and then went outside to the front yard where **SELLARS** approached her and told her she was coming with him and kept grabbing her hoodie. He instructed her to take the victim’s phone and car keys out of the victim’s pockets, but she refused and hid behind a neighbor’s truck with witness #2 until police arrived. Prior to police arrival, she observed **SELLARS** getting in and out of the victim’s car before leaving the area in an unknown direction. Witness #1 described **SELLARS** as wearing a white hoodie, blue jeans, and a red hat. Witness #1 positively identified **SELLARS** in a photo array as the person she observed pull a handgun and shoot the victim.

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Witness #2 stated he had just left his residence, 714 Ditman Avenue, when he observed the victim pull his car into the driveway with two other occupants. The front passenger was a white male wearing a red baseball cap, white hooded sweatshirt, and blue jeans and the rear passenger was wearing a facemask. As Witness #2 was walking northbound from his residence, he heard 3 gunshots. When he turned around, he observed the victim hobbling (victim was wearing a medical boot) up the street yelling for help and the white male wearing a red hat, he observed prior in the victim's car, walking behind the victim. He observed the victim collapse and the white male with the red hat stood over him holding a handgun in his right hand, but he did not hear anymore gunshots. The white male then walked back toward 714 Ditman Avenue and he observed the male pulling witness #1 toward the street, but he could not hear what was being said. Witness #2 did not see where the white male went after the incident. Witness #2 positively identified **SELLARS** in a photo array as the white male he observed following the victim with a handgun in his hand.

Witness #3 stated she was inside her residence, just down the street from the homicide, when she heard someone in her carport shortly after hearing 3-4 gunshots. Upon opening the front door, she observed a white male wearing a brown jacket on her property. The male told her he was just cutting through, but she told him to stop as he walked westbound on 9th Street. She followed him on foot until he got to Utley Avenue and then she got into her fiancé's car. Her and her fiancé drove down Utley Avenue to locate the male, but they did not see him. After turning around, they observed a second white male wearing a red hat near the intersection of 9th and Utley Avenue. Witness #3 provided a description of the male which was like the description provided by witnesses of the suspect of the homicide. After returning to their residence, Witness #3 stated she was approached by the male, who was no longer wearing the red hat, who asked her for a ride out of the area. After telling him "No," the male got in her face until he observed her fiancé exit the residence. The male then walked eastbound on 9th Street until she heard police sirens and then she observed the male run toward Blue Ridge Boulevard out of sight. Witness #3 was shown a photo array, but she was unable to positively identify **SELLARS**.

Video surveillance was recovered from the area of the homicide which covers the front yard of 714 Ditman Avenue, but due to the distance and quality you are unable to identify anyone in the video. The video does not capture the shooting due to it occurring inside the residence, but the video shows subjects' movements which are consistent with the statements provided by Witness #1 and Witness #2 of what occurred outside the residence.

A person of interest and a parole violation were entered in Mules for **SELLARS**. On 5/25/22 members of the Kansas City Police Department were conducting surveillance attempting to locate **SELLARS**. **SELLARS** was observed outside of 11329 E. 39th Street Independence, Jackson County, MO 64052. As police gave **SELLARS** verbal commands and moved onto the property to arrest him, Officers observed him reach into his hoodie pocket and drop a black object near his feet. **SELLARS** turned his back to officers and refused to follow verbal commands, so officers approached him to take control of his hands. **SELLARS** attempted to resist arrest by pulling his hands under his body but was able to be placed in handcuffs. After the arrest, officers located the black object **SELLARS** was observed dropping. The object was determined to be a cardboard box that contained a white crystal-like substance that tested positive for the presence of methamphetamine.

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On 5/25/22 Detectives utilized an ATF Special Agent Canine and conducted a search of the area Witness #3 reported seeing the subject in the red hat. The Special Agent Canine located a loaded 9mm Stoeger handgun in the woods near the intersection of 9th and Ditman Avenue. Analysis of the firearm is pending.

On 5/25/22 Detectives attempted to interview SELLARS, but he appeared to be under the influence of narcotics, so the interview was terminated and he was transported to an area hospital where he was admitted.

A computer check of SELLARS revealed the following prior felony convictions in Missouri: On 3/22/2010 in the Circuit Court of Jackson County, Missouri a felony conviction for murder 2nd degree and armed criminal action. He was released on field supervision on 12/17/21.

Printed Name Detective K. Mutschler #5702 Signature /S/ Detective K. Mutschler #5702

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

Judge

Circuit Court of _____ County, State of Missouri.