

State vs. David F Cornell

State of Missouri, the Defendant committed the 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 dangerous instrument.

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.

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Luke H. Alsobrook
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PROBABLE CAUSE STATEMENT FORM

Date: 10-02-2022

CRN: 22-066712

I, Detective Bonita Cannon, #4585, 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 10-01-2022, at 535 Gladstone Boulevard in
(Date) (Address)

Kansas City, Jackson Missouri David F. Cornell
(County) (Name of Offender(s))

DOB: 01-17-1961 / [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 10-01-2022 at 2025 hours, officers of the Kansas City Missouri Police Department were dispatched to 535 Gladstone Boulevard on a reported cutting.

Upon their arrival the male victim, James Fisher (02-03-91) was located in the front yard of 537 Gladstone Boulevard. A neighbor was performing CPR. Officers took over performing CPR; however, KCFD Medics declared the victim deceased at 2035 hours.

The victim’s death was ruled a homicide by the Jackson County Medical Examiner. He sustained a single stab wound to the area of his neck. The wrought iron fence separating the two apartment buildings measured at four feet three and three quarter inches (4 feet 3¾ inches) tall.

Witness [REDACTED] stated the following: She was in the yard of 537 Gladstone with [REDACTED], and the victim drinking alcoholic beverages. There was a discussion regarding the victim’s attraction to [REDACTED] older daughter, however [REDACTED] did not approve.

During their conversation, Cornell who [REDACTED] described as an older white male with grey/black hair wearing a dark colored shirt begins yelling down at the victim, from his (Cornell’s) second floor balcony, “You only do that to women, pussy,” and about how the victim is always disrespecting women. James then yelled up to Cornell, “Come down here and fight me.”

During this time, the victim threw down a beer, walked out of the fenced yard, and went into the yard of 539 Gladstone Boulevard (Cornell’s building). Cornell went back inside his apartment at that time. She further stated the victim returned to the yard of 537 Gladstone Boulevard and continued with his conversation with the previously mentioned females.

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While they are talking, Cornell came outside of his apartment building, walked up to the wrought iron fence separating the yards of the apartment buildings and motioned for her, [REDACTED] to come over to him [REDACTED] started walking towards him, at which time the victim approached Cornell. [REDACTED] stated there was an exchange of words when the victim and Cornell met at the fence. Immediately following the exchange of words, both James and the Cornell "exchanged" [REDACTED] made a punching motion) at the same time. The victim backed up and uttered, "You stabbed me."

[REDACTED] stated looked over at the Cornell and observed a blade in his hand. [REDACTED] also saw blood coming from the area of the victim's throat and down the front of his shirt. The victim uttered, "Call 911," to which she did [REDACTED] provided the location of Cornell's apartment.

Witness [REDACTED] stated he lives in the same building as the victim. He saw the victim arguing with two females and telling the white female (identified as Copeland) to leave him alone [REDACTED] stated he went back to his apartment looked out the window and saw the victim had already been stabbed.

Witness [REDACTED] stated that she was sitting inside her vehicle waiting for her friend to come downstairs. [REDACTED] does not live in the area and does not know the exact address of any of the buildings. She was parallel parked along the east sidewalk facing north, directly in front of 539 Gladstone Boulevard. As she was sitting in her vehicle with the windows down, she observed three unknown parties hanging out in front of 535 Gladstone Boulevard, listening to loud music. [REDACTED] stated she did not pay any particular attention to them until she heard victim shouting "come out and fight me" while looking in the direction of 539 Gladstone Boulevard. [REDACTED] looked to her right and observed an unknown white male (Cornell) shouting back at the victim from the North West balcony on the second floor of 539 Gladstone Boulevard, "Okay, I'll grab my shoes."

[REDACTED] further stated that a few minutes later, Cornell walked out of his building and towards the victim. Both males met at the wrought iron fence line, between the two buildings and exchanged words. [REDACTED] stated Cornell remained on the south side of the fence (front yard of 539 Gladstone) while the victim remained on the north side of the fence in the front yard of 537 Gladstone. [REDACTED] observed the unknown white male punch the victim and the two males began fighting.

[REDACTED] stated she ran into 535 Gladstone to her friend's apartment to tell her to hurry up so they can leave before returning to her vehicle. When she returned a few minutes later she did not see hear or see anyone, nor was she looking. Shortly after returning to her vehicle, she heard someone yelling, "Wake up," the victim on the ground and officers arriving.

Juvenile [REDACTED], stated she had been sitting on the front balcony of their apartment, as the victim was arguing with Cornell, who was on either the 2nd or 3rd floor balcony of the apartment building to the south. She stated, as they were arguing the suspect came downstairs. The victim struck Cornell, and then Cornell struck the victim. Juvenile [REDACTED] stated the victim he fell to the ground he uttered, call an ambulance. Copeland stated she made efforts to help the victim prior to the officers arriving.

Responding officers conducted a residence check of 539 Gladstone Boulevard #6 at which time, Cornell answered their knock at the door. Cornell stepped out of his apartment and was taken into custody without

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incident. Per the arresting officer, as he was escorting Cornell to the transporting wagon, Cornell uttered something to the effect of, "I did it in self-defense."

Cornell was transported to Police Headquarters, 1125 Locust for questioning. Cornell was advised of his Miranda Rights at 2324 hours. Cornell stated he understood his rights.

Cornell stated he does not know the name of the victim, or the two females the victim was "partying with before the argument started." Cornell further stated he was home on his porch (second floor balcony) when he overheard the victim getting loud with two females. He felt the argument was going to get bad because the victim had already chased a female, Cornell described as possibly a prostitute into his building and he doesn't like that kind of behavior in his neighborhood. Cornell stated he went down to the wrought fence (that separates the two apartment buildings) and motioned for witness [REDACTED] to come to him.

Cornell stated he was intending to tell her to do something about the victim, or to get her husband to, when the victim aggressively approached him (Cornell) at the fence and punched him twice in the nose with a closed fist. Cornell stated he instinctively "Hit" the victim with the knife that was in his pocket. Cornell explained "Hit" meant stabbed and the blade opens automatically. Cornell stated he did not see any blood before he went back up to his apartment. When he got back up to his balcony he heard one of the females say the victim was bleeding.

When detectives asked Cornell was he called to come down, Cornell stated, "No." When asked why he did not call 911, Cornell stated someone else had already called 911.

Cornell stated he hid the knife he stabbed the victim with behind, the trashcans in his kitchen. Cornell also stated he wished he had not left his apartment and he is wearing the same clothing he had on at the time of the altercation. Cornell stated he had one drink prior to the altercation, but planned to get drunk.

Cornell stated he does not know the name of the victim, or the two females the victim was "partying with before the argument started." Cornell further stated he was home on his porch (second floor balcony) when he overheard the victim getting loud with two females. He felt the argument was going to get bad because the victim had already chased a female, Cornell described as possibly a prostitute into his building and he doesn't like that kind of behavior in his neighborhood.

Cornell stated he went down to the wrought fence (that separates the two apartment buildings) and motioned for witness TD to come to him. Cornell stated he was intending to tell her to do something about the victim, or to get her husband to, when the victim aggressively approached him (Cornell) at the fence and punched him twice in the nose with a closed fist. Cornell stated he instinctively "Hit" the victim with the knife that was in his pocket. Cornell explained "Hit" meant stabbed and the blade opens automatically. Cornell stated he did not see any blood before he went back up to his apartment. When he got back up to his balcony, he heard one of the females say the victim was bleeding.

When detectives asked Cornell was he called to come down from his apartment, Cornell stated, "No." When asked why he did not call 911, Cornell stated someone else had already called 911.

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Cornell stated he hid the knife he stabbed the victim with behind, the trashcans in his kitchen. Cornell also stated he wished he had not of left his apartment and he is wearing the same clothing he had on at the time of the altercation. Cornell stated he had one drink prior to the altercation, but planned to get drunk. Cornell stated he always carries a knife when he leaves his apartment. He cannot carry a firearm because he is a felon.

A search warrant was executed on Cornell’s apartment, located at 539 Gladstone Boulevard #6. A black plastic pocketknife was located and recovered from behind the trashcan in the kitchen. The knife had an approximate 3.5 inch blade.

The case Detective is requesting an arrest warrant in lieu of a summons for the listed offender as the circumstances of the crime was violent in nature. “Cornell” has had prior contacts with law enforcement Officers.

In light of the recent incident and his recent conduct, the case Detective believes the offender is a danger to himself and the public.

Printed Name Det. Bonita Cannon, #4585 Signature /s/Det. Bonita Cannon, #4585

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

Judge

Circuit Court of _____ County, State of Missouri.