

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

<b>POLICE NO. :</b>	KC23002803
<b>PROSECUTOR NO. :</b>	095473059
<b>OCN:</b>	HS037948

<b>STATE OF MISSOURI,</b>	)	
	)	<b>PLAINTIFF,</b>
<b>vs.</b>	)	
	)	
<b>MARKELV A AVERY</b>	)	
<b>2520 Wabash Ave</b>	)	<b>CASE NO. 2316-CR</b>
<b>Kansas City, MO 64127</b>	)	<b>DIVISION</b>
<b>DOB: 10/06/2001</b>	)	
<b>Race/Sex: B/M</b>	)	
	)	
	)	
	)	<b>DEFENDANT.</b>

**COMPLAINT**  
**WARRANT REQUESTED**

**Count I. 565.072 - Domestic Assault - 3rd Degree (565.074-003Y20201399.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.074, RSMo, committed the class E felony of domestic assault in the third degree, punishable upon conviction under Sections 558.011 and 558.002, RSMo, in that on or about January 13, 2023, in the County of Jackson, State of Missouri, the defendant knowingly caused physical pain to . by strangulation and was a domestic victim in that she and the defendant had a child in common.

The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; 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.

**Count II. Assault - 3rd Degree (565.054-002Y20201399.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.054, RSMo, committed the class E felony of assault in the third degree, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about January 13, 2023, in the County

**State vs. Markelv A Avery**

of Jackson, State of Missouri, the defendant knowingly caused physical injury to H.M. by striking H.M.

The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; 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.

**Count III. Unlawful Use Of Weapon - Subsection 4 - Exhibiting (571.030-010Y20205299.0)**

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 E felony of unlawful use of a weapon, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about January 13, 2023, in the County of Jackson, State of Missouri, the defendant knowingly exhibited, in the presence of one or more persons a handgun, a weapon readily capable of lethal use, in an angry or threatening manner.

The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; 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.

**Count IV. 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) (571.015.2) (571.015.3), RSMo, in that on or about on or about January 13, 2023, in the County of Jackson, State of Missouri, the defendant committed the felony of Unlawful Use of Weapon charged in Count 3, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Unlawful Use of a 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,

## **State vs. Markelv A Avery**

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 V. Unlawful Use Of Weapon - Subsection 4 - Exhibiting (571.030-010Y20205299.0)**

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 E felony of unlawful use of a weapon, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about January 13, 2023, in the County of Jackson, State of Missouri, the defendant knowingly exhibited, in the presence of one or more persons large black firearm, a weapon readily capable of lethal use, in an angry or threatening manner.

The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; 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.

### **Count VI. 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) (571.015.2) (571.015.3), RSMo, in that on or about on or about January 13, 2023, in the County of Jackson, State of Missouri, the defendant committed the felony of Unlawful Use of a Weapon charged in Count 5, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Unlawful use of a 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

**State vs. Markely A Avery**

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/ Melanie R. Lux  
Melanie R. Lux (#72006)  
Assistant Prosecuting Attorney  
415 East 12th Street  
11th Floor  
Kansas City, MO 64106  
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MLux@jacksongov.org

**State vs. Markelv A Avery**

**WITNESSES:**

1. DET Sabrina K. Dean, 1125 Locust, Kansas City, MO 64106
2. PO Dillon R. Hronek, 1125 Locust, Kansas City, MO 64106
3. [REDACTED], 415 E 12th St, Floor 11, Kansas City, MO 64106
4. PO Reed Nelson, 1125 Locust, Kansas City, MO 64106
5. [REDACTED], 415 E 12th St, Floor 11, Kansas City, MO 64106
6. [REDACTED] 415 E 12th St, Floor 11, Kansas City, MO 64106

**PROBABLE CAUSE STATEMENT FORM**

Date: 01-20-2023

CRN: 23-002803

I, Det. Sabrina Dean #4682, Kansas City, Missouri Police Department, Domestic Violence Section  
(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 01-13-2023, at 408 N Belmont Blvd. in  
(Date) (Address)

Kansas City, Jackson Missouri Markelv A Avery  
(County) (Name of Offender(s))

B/M, 10/06/2001 committed one or more criminal offense(s).  
(Description of Identity)

**Domestic Assault**

**UUV**

**Robbery**

The facts supporting this belief are as follows:

On 01-13-2023 at approximately 2123 hours, Officers of the Kansas City, Missouri Police Department were dispatched to a disturbance with a weapon at **408 N Belmont Blvd., Kansas City, Jackson County, Missouri.** Upon arrival officers contacted [REDACTED] who stated her ex-boyfriend, suspect, **EVERY, MARKELV A B/M 10/06/2004**, assault her by “choking” her and pointing guns at her.

[REDACTED] stated the following: She has been in a romantic relationship with EVERY for three years but recently broke up. On 01-13-2023, she was out with her friend [REDACTED]. They arrived at her house at approximately 2030 hours and drove away due to observing his vehicle the white Acura in her driveway. They came back and he blocked them in. He exited out of his vehicle with the larger black gun (possibly an AR) in his right hand and the pistol (possibly a black Glock) in his left hand pointing it at the driver’s side window of the black Honda they were sitting in. EVERY told them to “Unlock the door or I’m going to shoot.” [REDACTED] unlocked the door because she was afraid. He entered through the rear passenger door grabbed [REDACTED] with his left around her throat “choking” her causing pain and scaring her. [REDACTED] attempted to help and pulled one of his braids out of his head. He assaulted [REDACTED] by striking her in the face causing bruising to her face [REDACTED] heard the disturbance outside, came out and told them she would call the police. EVERY left before the police arrived. [REDACTED] identified EVERY through his driver’s license photograph.

[REDACTED] stated the following: She gave [REDACTED] a ride to 408 Belmont Blvd. and when they arrived [REDACTED] told her to drive away because EVERY’s vehicle was there. They returned a short time later, waited for [REDACTED] to open the door. EVERY pulled up at a high rate of speed, and blocked HCM’s vehicle in with his. EVERY pointed a handgun at [REDACTED], and stated “If you pull off I will air this bitch out.” EVERY exited his vehicle, and attempted to get into hers. The doors were locked. EVERY returned to his vehicle and got out a “Draco” (AK style gun) and again threatened to “Air this bitch out.” [REDACTED] put her vehicle in park, which caused the automatic locks to

**PROBABLE CAUSE STATEMENT FORM**

CRN 23-002803

unlock the doors. AVERY entered through the back seat and began to strangle [REDACTED] with both hands. She attempted to pull AVERY off [REDACTED] and pulled out some of his dreads by accident. AVERY struck [REDACTED] on the right side of her face and head several times, causing pain. [REDACTED] exited the vehicle ran inside the house and called for police. AVERY pushed [REDACTED] against the door of her car and took the keys. AVERY pointed his handgun at her again and told her to shut up or he would shoot her. AVERY drove away.

[REDACTED] stated the following: She is the mother of [REDACTED] and live together at 408 N Belmont Blvd. She heard a disturbance, looked out the window, observed AVERY and his vehicle outside arguing with [REDACTED] and [REDACTED]. She did not observe anyone with a gun or any assault.

AVERY turned himself in on the child abduction CRN 23-003759 at East Patrol Division. He was placed on 24-hour hold for Domestic Violence. AVERY was read his Miranda Rights, and agreed to speak with the detectives. He stated the following: He denied being at 408 N Belmont Blvd or pointing a gun at anyone on 01-13-2023.

I request a warrant be issued for AVERY and a bond associated with that warrant. AVERY is a danger to the victim because he knows where the victims resides.

Printed Name Det. Sabrina Dean #4682 Signature /S/ Det. Sabrina Dean #4682

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

\_\_\_\_\_  
Judge

Circuit Court of \_\_\_\_\_ County, State of Missouri.