

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

POLICE NO. :	KC21029965
PROSECUTOR NO. :	095468601
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
RASHAUD Q. LEWIS)	
5414 Hardesty Ave)	CASE NO. 2316-CR
Kansas City, MO 64130)	DIVISION
DOB: 09/19/1997)	
Race/Sex: B/M)	
S.S.N.: [REDACTED])	
)	DEFENDANT.

COMPLAINT
WARRANT REQUESTED

**Count I. Murder 2nd Degree - Felony Murder - During Perpetration/Attempted
Perpetration/Flight From Perpetration Of A Felony, A Person Dies (565.021-
003Y20200999.0)**

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 11, 2021, in the County of Jackson, State of Missouri, Gilberto Gutierrez was killed by being stabbed and suffering blunt force trauma as a result of the perpetration of the class A felony of kidnapping under Section 565.110, RSMo committed by the defendant, acting alone or purposefully in concert with another, on or about May 11, 2021, in the County of Jackson, State of Missouri.

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.

State vs. Rashaud Q. Lewis

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, RSMo, in that on or about May 11, 2021, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with another, committed the felony of murder in the second 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, to-wit: a sharp object.

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. Kidnapping - 1st Degree (565.110-001Y20201002.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.090, RSMo, committed the **class A felony of kidnapping in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about May 11, 2021, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with another, unlawfully confined Gilberto Gutierrez without his consent for a substantial period for the purpose of holding Gilberto Gutierrez for ransom.

State vs. Rashaud Q. Lewis

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. 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, RSMo, in that on or about May 11, 2021, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with another, committed the felony of kidnapping in the first degree charged in Count III, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of kidnapping in the first degree by, with and through, the knowing use, assistance and aid of a deadly weapon, to-wit: a sharp object.

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.

State vs. Rashaud Q. Lewis

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Jennifer S Tatum
Jennifer S Tatum (#70789)
Assistant Prosecuting Attorney
415 E. 12th Street
Floor 7M
Kansas City, MO 64106
(816) 881-3628
jtatum@jacksongov.org

WITNESSES:

1. CST Allison Bennett, 1125 Locust, Kansas City, MO 64106
2. DET Bonita Y. Cannon, 1125 Locust, Kansas City, MO 64106
3. CIV Trenita Drummer, 2645 Brooklyn, Kansas City, MO 64127
4. PO DeRon L Ellis, 1125 Locust, Kansas City, MO 64106
5. PO Erik B. Enderlin, 1125 Locust, Kansas City, MO 64106
6. DET Zakary K. Glidewell, 1125 Locust, Kansas City, MO 64106
7. CIV Logan Konopasek, 1125 Locust, Kansas City, MO 64106
8. PO Chase H. Kuehl, 1125 Locust, Kansas City, MO 64106
9. CIV Darin Lee, 901 Charlotte St, Kansas City, MO 64106
10. DET Sean P. Martin, 1125 Locust, Kansas City, MO 64106
11. CST Pamela Owens, 1125 Locust, Kansas City, MO 64106
12. DET Drew D. Pittenger, 1125 Locust, Kansas City, MO 64106
13. DET James H. Price, 1125 Locust, Kansas City, MO 64106
14. PO Austin L. Reed, 1125 Locust, Kansas City, MO 64106
15. PO Patrick A. Riley, 1125 Locust, Kansas City, MO 64106
16. DET Ilinca E. Rusnac, 1125 Locust, Kansas City, MO 64106
17. DET Derek M. Sanders, 1125 Locust, Kansas City, MO 64106
18. CST Benjamin Simmons, 2645 Brooklyn Ave., Kansas City, MO 64127
19. CST Marisa Smith, 1125 Locust, Kansas City, MO 64106
20. DET Timothy R Taylor, 1125 Locust, Kansas City, MO 64106
21. DET Nathan S. VanVickle, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 08-12-2022

CRN: 21-029965

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 05-11-2021, at 10801 E. Banninster Road in
(Date) (Address)

Kansas City, Jackson Missouri Rashaud Q. Lewis
(County) (Name of Offender(s))

B/M DOB 09-19-1997 / [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 05-11-2021 at 1513 hours, officers of the Kansas City Missouri Police Department were dispatched to 10801 E. Bannister Road regarding a reported missing person.

Upon their arrival, they contacted the missing person (victim) daughter, [REDACTED]. She stated her younger brother called her and asked if she had heard from their father. He told her [REDACTED] a friend of their father, contacted him via telephone and asked them to check on their father.

[REDACTED] stated she then drove home to find her father’s vehicle parked in the driveway of the residence, 10801 E. Bannister Road. The residence also has barn/stables. She was unable to locate her father, in the residence or in the barn/stables.

[REDACTED] stated when she went into the barn, she located what appeared to be bloody clothing of her father’s as well as what she thought was a black flex cuff (determined to be a zip tie) on the ground next to the clothing. Her father wears a phone holster on his belt. She was unable to locate her father’s cell phone or his keys.

The bloody clothing, boots, a black zip tie and other evidence was recovered from the barn/stables.

During this investigation, detectives obtained video surveillance from the address and a city camera. Upon viewing the video footage, a Chevrolet registered to Ahmad Herring, was observed passing the address on 05-09-2021 during the same time the victim misses a call from Herring’s cell phone number. A white Dodge associated to Herring passed by the victim’s address once on 05-10-2021 and once on 05-11-2021. A white Kia Rio registered to Herring’s wife passed by the victims address multiple times on 05-11-2021. At 1306 hours to 1311 hours, the white Kia Rio was at the victims address parked in the driveway near the stable/barn. After officers arrive at the address, the Kia Rio passes by the scene and does not pass by again. At 13:48 hours a gray BMW approaches and parks in the victim’s driveway. At 14:02 hours, the BMW leaves the victim’s driveway.

PROBABLE CAUSE STATEMENT FORM

CRN 21-029965

At 1352 hours, [REDACTED] received a phone call from the victim's phone. When he answered, he stated he could hear what sounded like the voice of a black male with no accent (who sounded younger than 50 years old but older than 20) begin speaking with him in English. [REDACTED] was not able to understand all of what the male was saying, so he handed the phone over to his brother, [REDACTED] who spoke a little English while [REDACTED] continued to listen. [REDACTED] stated that the male on the line told them that they had kidnapped the victim and wanted \$100,000.00 in ransom.

[REDACTED] explained that the calls continued for several hours as the person on the other line would hang up after speaking for less than a minute. During the third phone call, [REDACTED] heard a voice he recognized as being the victim's shouting in the background. The victim shouted in Spanish to call the police and another person's name, but [REDACTED] could not make out the name.

[REDACTED] then heard the male on the phone shouting in English and described hearing a second male in the background shouting something else in English as he struck the victim. [REDACTED] described that he believed, the victim was being struck because he heard a thump like sound and heard the victim make sounds that he believed were consistent with a person being beaten. [REDACTED] also stated he did not hear the victim's voice after that.

[REDACTED] further stated that the male on the line asked him what his relationship was to the victim during the phone calls. As the evening progressed, [REDACTED] continued receiving phone calls, he and his brother began telling the believed kidnapper that they were close to gathering \$20,000. They asked if the victim would be set free for that amount. He stated the kidnapper would not respond and told [REDACTED] and his brother to keep getting family together, so that they can continue gathering more money. [REDACTED] was in contact with the victim's daughter during this time and was aware that she had notified authorities.

A grey BMW SUV similar to the one observed at the victim's address can be seen on traffic cameras along the same path as the victim's cell phone, after the victim was removed from his home and ransom calls were being placed. A grey BMW SUV is also observed on city cameras in the area of 63rd and Zoo Drive which is near [REDACTED] and [REDACTED].

An emergency phone order was obtained along with a search warrant for the victim's cell phone. An FBI analysis of that data revealed the telephone has cell site and a NELOS connection that are consistent with the telephone being in the general area of Swope Park, not long after the victim's friend [REDACTED] began receiving ransom phone calls.

The grey BMW SUV was last seen turning northbound onto Hardesty from 63rd Street. Detectives located a residence in the 5200 block of Hardesty that had video surveillance. The grey BMW does not pass the address during a reasonable amount of time the vehicle would have passed, had the vehicle continued north on Hardesty.

On 05-14-2021, Herring was a subject of a car pursuit and was eventually taken into custody and transported to Police Headquarters, 1125 Locust. He was the sole occupant of the white Dodge Charger bearing Missouri license plate [REDACTED].

Herring was advised of his Miranda Rights. Herring stated he fixes houses; he purchased cleaning equipment on the date he was arrested and was going to work prior to being arrested. He further stated the Dodge Charger

PROBABLE CAUSE STATEMENT FORM

CRN 21-029965

belongs to him. Herring refused to acknowledge the white Kia Rio registered to his wife. Herring then got upset and requested an attorney. Herring initially refused to have his hands swabbed, however consented. Herring's pants had what appeared to be bleach stains near the bottom of his pant legs. Herring had a key to a Kia when he was taken into custody.

A search warrant was served on [REDACTED] While doing so [REDACTED] (mother of Ahmad Herring) was contacted and denied any knowledge of ever being in a white Kia Rio. She stated the Dodge Charger belongs to her. [REDACTED] stated she remembers a grey BMW SUV being at her address on previous dates and believed the BMW SUV belonged to one of her kids' friends.

On 05-15-2021 at approximately 1530 hours, detectives contacted Herring's wife [REDACTED], the registered owner of the Kia Rio. [REDACTED] denied ever owning a white Kia Rio. On a later date, [REDACTED] stated she does own the Kia Rio in question; however, she was told it was parked at an unknown location per Herring's family. She stated she does not know who parked the vehicle or where.

On 05-16-2021 at 0205 hours, there was a license plate notification at I-670 and Bartle Hall of the Kia Rio following a vehicle associated to Herring's sister. At 0219 hours, KCKFD received a call on a vehicle fire at 202 Greeley Avenue in Kansas City, Kansas. The reporting detective responded to that location and observed the white Kia Rio bearing license [REDACTED] completely burned except for the rear hatch (to include the rear license plate).

On 05-17-2021, a call for service was received at approximately 1045 hours. The caller reported a dead body wrapped in a tarp at 56th Terrace and Elmwood. Detectives responded and observed a male only clad in underwear, partially covered by a blue plastic drop cloth. The deceased was located between 56th Street and 56th Terrace on Elmwood (a residential area) on the west side of the roadway wrapped in a blue drop cloth.

On 05-18-2021, the victim was positively identified. The deceased was in a state of decomposition. His underwear had apparent bleach stains on them. His death was ruled a homicide as a result of several stab wounds, including his thighs, chest and head.

On 05-20-2021 at 1922 hours, Herring called [REDACTED] from DOC. It was later learned this cell phone was being used by Rashaud Lewis (B/M 09-19-1997). Lewis told him "Everything good. Everything is 100," and that he will check on Herring's family. They made small talk about what time Herring could get as far as a sentence, for the felony eluding charge.

Video surveillance in the area revealed a silver Ford F-150 XF with unknown license plate. The vehicle was eastbound on 56th Street before heading back westbound a few moments later between 0922 hours and 0925 hours. The silver Ford was last observed eastbound on 59th and Spruce at approximately 0927 hours.

During an execution of a search warrant on the white Dodge Charger, detectives recovered a receipt from [REDACTED] dated 05-12-2021 for the purchase of 3 blue drop cloths. Containers of bleach, vinegar and ammonia were in the trunk. The ammonia container was nearly empty. Detectives responded to [REDACTED]

PROBABLE CAUSE STATEMENT FORM

CRN 21-029965

██████████ and inquired about the item number on the receipt found in the Dodge Charger. Detectives were provided and recovered a blue drop cloth. Several cell phones were also recovered from the Dodge Charger.

Detectives recovered video from the Family Dollar (same as on the receipt dated 05-14-2021 at 1047 hours - recovered from the Dodge Charger). Cleaning items were purchased. The clothing Herring was wearing when he was taken into custody are visible in the ██████████ surveillance video, and the white Dodge Charger he was driving was also visible in the video.

During this investigation a TIP was received to inform detectives the victim was taken to ██████████. Further received was Lewis owned a grey 2012 BMW SUV which he had already sold. The tipster also stated Herring and Lewis were planning to rob the victim and Lewis took the victim's keys.

Detectives executed a search warrant on the shed/garage located behind the property of ██████████. The address is within the route of the BMW mentioned above.

A black zip tie was recovered from along the north wall of the shed/garage. The zip tie appeared to have been cut on one end. Also observed was that part of the floor of the shed/garage was determined to be newer than the original floor (from appearance and color). The new flooring did not appear to have been done professionally, nor was it completed in a standard form i.e. a square. Detectives noted the edges were rough and not symmetrical. KCFD members stated the concrete in the shed/garage was not done professionally and the concrete was poured in a haphazard way.

Detectives received a Kansas City Police Crime Laboratory Report with the following results:

- The DNA results provide very strong support that Herring is a contributor of DNA from swab of textured side of zip tie, recovered from the barn floor near the victims (GG) clothing at the victim's home. Herring is included 600 billion.
- The DNA results provide very strong support of 13 billion for the scenario that GUTIERREZ, GILBERTO is a contributor of blood recovered from the Area West Floor by White Trash Bags in the shed/garage at ██████████ owned by Lewis' mother.
- The DNA results provide very strong support of 1 septillion for the scenario that GUTIERREZ, GILBERTO is a contributor of DNA from swab of textured side of zip tie recovered from in the shed/garage at ██████████.
- The zip ties recovered from the barn floor (victim's home) and from Herring's vehicle and from the ██████████ shed, owned by Lewis mother were determined to have several consistent features including-color, locking mechanism, placement of mold stamp and strap end.
- The blue drop cloth recovered from around the victim and the blue drop cloth recovered based on the ██████████ receipt the lab examiner's opinion- Both cuttings of blue plastic film are associated to the cutting of blue drop cloth recovered from ██████████ based off of the receipt recovered from Herring's vehicle) based upon comparison of chemical properties obtained by Py-GC/MS analysis. (Level IV Association). This level of association is based only on Py-GC/MS analysis; therefore, it is a limited analysis.

PROBABLE CAUSE STATEMENT FORM

CRN 21-029965

On 07-22-2022 the reporting detective responded to RCFL to pick up one of Lewis red iPhone. This cell phone was recovered from Lewis when he was taken into custody at [REDACTED] (December of 2021). The assigned telephone number is [REDACTED]. This phone, together with Herring's phones demonstrate that Herring and Lewis assisted each other in the kidnapping and murder of [REDACTED].

On 05-11-2021 (day of the kidnapping):

1311 Lewis [REDACTED] sent a message to [REDACTED] "30 mins"
1333 Herring cell phone [REDACTED] incoming call from Lewis [REDACTED] as the white Kia Rio Herring was driving was heading eastbound passing the victim's address.
1338 Lewis received a message from his girlfriend [REDACTED] "Be careful"
1341 Lewis received a second message from the same person "Be Careful"
1343 Lewis responded "Ok."
1344 Lewis cell phone [REDACTED] connects to BMW Bluetooth device [REDACTED]
1348 BMW X5 is westbound on Bannister Road before turning into the victim's driveway. The BMW X5 backs into the same area where the Kia previously parked.
1352 Ransom calls start from the victim's cell phone to [REDACTED] cell phone while the BMW is still parked at the victim's address.
1501 [REDACTED] sent Lewis a message "Wya"
2109 Lewis sent a message to [REDACTED] "My bad brother bro came pick me up has me tied up all day Istg bro we can link in am if that's coo."
05-11-2021 to 05-13-2021- 16 calls exchanged to and from Herring [REDACTED] and Lewis [REDACTED] [REDACTED] (first call was on 05-11-2022 at 2204 hours).
05-12-2021
Lewis message exchange with his mother:
1024 His mother "How am I supposed to work drilling??"
1307 His mother "Come get your stuff from my house"
1309:24 His mother "What about my property you just damaged"
1309:38 His mother "What about my property"
1959:58 His mother "You still ain't said nun. You got me and these kids real uncomfortable here"
2130 Lewis "Everything is fine idk what you are talking about if u love me and care for me you would call me how we been taking instead of texting me ranting and possible making things worse" followed with "I will see u for breakfast beautiful good night rest all is well"
05-13-2021
0130 An image of the victim from a news article in Herring's cell phone [REDACTED]
0132 Web search: <https://fox4kc.com/news/police-say-circumstances-of-kansas-city-mans-disappearance-are-suspicious/>
The article pertained to the victim of this investigation.
05-20-2021
1243 Message Lewis sent the following to an unknown party: [REDACTED], which is the VIN number of the BMW owned by Lewis and consistent with the make and model of the BMW seen in the victims' driveway at the time of his kidnapping.

PROBABLE CAUSE STATEMENT FORM

CRN 21-029965

On 03-14-2022 the reporting detective was provided the Vehicle Information Detail sheet for the 2018 Kia Rio [REDACTED]. A locksmith was contacted at [REDACTED]. He utilized his equipment to confirm that the Kia key recovered from Herring, was cut to match the code on the Vehicle Information Detail sheet -key code is [REDACTED]. The locksmith further confirmed that the door key code provided on that detail sheet would act as the ignition key to the vehicle as well.

It was determined the BMW X5 VIN [REDACTED] was sold in Kansas February of 2021, to a dealership, before being auctioned and subsequently sold to [REDACTED]. The BMW was then sold to Rashaud Lewis who used a forged Minnesota Driver License bearing the name Alijah Collins. Lewis used a credit card for part of the payment. The name on the credit card was Lewis' full name.

The owner of [REDACTED] stated the BMW X5 was purchased from Alijah Collins sometime in July 2021. They obtained a replacement title due to "Collins" not registering the vehicle. They in turn sold the vehicle to the current owner, [REDACTED], in September 2021.

The reporting detective contacted [REDACTED] regarding the 2013 BMW X5 SUV of this investigation. Documentation was received revealed the vehicle was purchased under the name Alijah Collins with the forged Minnesota Driver License. The photo is that of Rashaud Lewis. The address listed on the documents is the same as Ahmad Herrings parents address.

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. "Lewis" has had prior contacts with law enforcement Officers and is currently on Parole for 1st Degree Child Endangerment and Stealing.

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.