

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

POLICE NO. :	24-007733
PROSECUTOR NO. :	095480956
OCN:	pq010202

STATE OF MISSOURI,	)	
	)	
PLAINTIFF,	)	
vs.	)	
	)	
KODY M HOLMES	)	
520 NE Howard Ave, Suite 10	)	CASE NO. 2416-CR
Lees Summit, MO 64063	)	DIVISION
DOB: [REDACTED]	)	
Race/Sex: B/M	)	
S.S.N.: [REDACTED]	)	
DEFENDANT.	)	

**COMPLAINT
WARRANT REQUESTED**

Count I. Assault 1st Degree Or Attempt (565.050-002Y20201304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class B felony of Assault in the First Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about September 28, 2024, in the County of Jackson, State of Missouri, the defendant knowingly caused serious physical injury to [REDACTED] by shooting [REDACTED].

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 B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

Count II. 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, RSMo, in that on or about on or about September 28, 2024, in the County

of Jackson, State of Missouri, the defendant committed the felony of Assault in the First Degree charged in Count 1, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Assault in the First Degree 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, 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 - Facilitating A Felony - Inflicting Injury - Terrorizing - 1st Degree (565.110-002Y20201006.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.110, RSMo, committed the **class B felony of Kidnapping in the First Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about September 28, 2024, defendant unlawfully confined [REDACTED] for a substantial period, without [REDACTED] consent because such confinement was the result of forcible compulsion and for the purpose of terrorizing [REDACTED].

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 B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

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 on or about September 28, 2024, in the County of Jackson, State of Missouri, the defendant committed the felony of Kidnapping in the First Degree charged in Count 3, 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.

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 V. Kidnapping - Facilitating A Felony - Inflicting Injury - Terrorizing - 1st Degree (565.110-002Y20201005.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.110, RSMo, committed the **class B felony of Kidnapping in the First Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about September 28, 2024, defendant unlawfully confined [REDACTED] for a substantial period, without [REDACTED] consent because such confinement was the result of forcible compulsion and for the purpose of terrorizing [REDACTED]

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 B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

Count VI. 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 on or about September 28, 2024, in the County of Jackson, State of Missouri, the defendant committed the felony of Kidnapping in the First Degree charged in Count 5, 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.

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. Kody M Holmes, Case No.

JEAN PETERS BAKER

Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Dylan P. Wheeler

Dylan P. Wheeler (#76008)
Assistant Prosecuting Attorney
321 W. Lexington Avenue
Independence, MO 64050
(816) 881-1531
dwheeler@jacksongov.org

WITNESSES:

The State's witnesses as of 9/30/2024 are included on the "State's Witness List" filed contemporaneously with this Complaint.

STATEMENT OF PROBABLE CAUSE

Date: 9/29/24

Lee's Summit P.D. Case Number: LSPD24-07733 ASSAULT 1ST
DEGREE / ARMED CRIMINAL ACTION / ENDANGERING THE
WELFARE OF A CHILD / KIDNAPPING / UNLAWFUL POSSESSION
OF A FIREARM

I, Detective 1001 - Stewart, Phillip Jr, an investigator with the Lee's Summit, Missouri, Department of Police, upon my oath, and under penalties of perjury, state as follows:

I have probable cause to believe that **September 28th, 2024**, in the area of [REDACTED], the suspect, **HOLMES, KODY MICHAEL** committed one or more criminal offenses.

The facts supporting this belief are as follows:

On 9-28-2024 at about 1721hrs the Lee's Summit Police Department began receiving information concerning a possible homicide and kidnapping. Victim #2 was currently speaking with members of the Kansas City Missouri Police Department. Victim #2 reported she resides at [REDACTED] and stated a homicide was committed at her residence and she was kidnapped.

Lee's Summit Detectives soon met with Victim #2 and she disclosed on 9-28-2024 at about 0300hrs she was at her residence with Victim #1 and Victim #3 [REDACTED]. At 0300hrs Kody HOLMES arrived to the residence with Victim #4 [REDACTED].

Between 0400hrs and 0500hrs HOLMES and Victim #1 began to argue, which led to a short physical fight. Soon after Victim #1 told Victim #2 that HOLMES "pulled a gun". Between 0500hrs and 0600hrs Victim #2 said Victim #1 was going down the stairs when HOLMES, who was at the bottom of the stairs, fired two shots with one striking Victim #1 in the leg. Victim #1 retreats into a bedroom with the help of Victim #2. HOLMES proceeds up the stairs and fires another shot and Victim #1 further retreats to the bedroom bath. HOLMES next enters the bedroom and fires a shot through the bathroom door where Victim #1 is.

HOLMES turns to Victim #2 and tells her "don't be a hero" or he will kill Victim #3. Victim #2 leaves the bedroom and soon hears another shot and hears Victim #1 screaming. She also heard HOLMES taunting Victim #1 telling him he was going to die slow.

HOLMES ordered Victim #2, Victim #3 and Victim #4 into the bedroom. Victim #2 said Victim #1 continuously yelled for her but HOLMES would not allow her to speak to Victim #1 or help him.

Over the next few hours Victim #2 and Victim #3 were held at gunpoint. HOLMES at times held a gun to the head of Victim's #2 and #3. HOLMES also fired a shot past Victim #2's head/ear before doing the same to Victim #3.

Victim #1 continued to call out for help while HOLMES told Victim #1 he was "dying today" Victim #2 said HOLMES became paranoid and believed Police were outside. He also commented that Victim #1 would not be the only person to die today because he (HOLMES) would not go back to jail.

HOLMES next fired two more shots through the closed bathroom door. Victim #2 heard Victim #1 cough and tried to go help him. HOLMES pushed her away, cracked open the bathroom door, and fired another round. Victim #2 said HOLMES turned to her and said "He's gone, that was a face shot."

Victim #2 said HOLMES pointed a gun at her and Victim #3 and told them "let's go" and to "hurry". HOLMES forced them into his black Dodge Challenger and they drove away. Victim #2 said she was in the front passenger seat while Victims #3 and #4 were in the rear seat. When entering the car Victim #2 noted that the clock in the car read 1040.

HOLMES would then drive the three victims with no real destination. At one point, Victims #3 and #4 became thirsty. HOLMES stopped at a Phillip's 66, unknown where. There he ordered Victim #3 into the front seat and held him at gun point. He told Victim #2 to make a drink purchase and ordered her to not say anything.

During the drive Victim #2 stated she observed signage suggesting they were near or headed towards the Warrensburg or Sedalia area. During the drive, Victim #2 requested several times for her and Victim #3 to be dropped off.

After several hours of driving HOLMES stopped on Holiday Drive in Kansas City, Jackson County, Missouri and allowed Victim #2 and Victim #3 to leave. Victim #2 contacted family members of Victim #1 along with the Kansas City Police Department at about 1650hrs.

Regarding the firearms HOLMES used in this event, Victim #2 described one as small that had a lime green color to it. The other firearm was Striker (SCCY) 9mm that actually belongs to Victim #2. She does not know how HOLMES came to be in possession of it. Further, it was only the Striker (SCCY) 9mm firearm she observed HOLMES firing.

During the time Victim #2 was speaking with Kansas City Police, Lee's Summit Officers responded to [REDACTED] Entry was soon made into the apartment where Victim #1 was located in the bathroom. He was in a pool of blood with apparent gunshot wounds to the leg and neck. He was transported to [REDACTED] where he is currently in a critical condition. As of 9-29-2024 it is known Victim #1 suffered a shattered vertebra from the gunshot to the neck with the bullet traveling downward and lodging in his torso. The shattered vertebrae rendered him paralyzed from the neck down.

A search warrant was also obtained for [REDACTED] A total of 8 shell casings were recovered from within the residence. There locations were consistent with Victim #2's description of where shots were fired from. The bathroom door also showed several bullet holes that traveled through and struck the bathtub. Suspected blood was observed in the bedroom and the adjacent bathroom.

An alert was issued for the vehicle along with a person of interest for HOLMES. At about 2230hrs the vehicle was located in Johnson County, Missouri. Law Enforcement agencies in that area attempted to stop the vehicle which fled. After a lengthy pursuit the vehicle came to a stop after stop sticks were used along with a grappling

device. During the pursuit HOLMES struck several of the pursuing vehicles. After coming to a stopped Victim #3 was found to still have been in the vehicle and soon exited alone. HOLMES remained in the vehicle alone for some time before being taken into custody.

HOLMES' vehicle was towed to the Lee's Summit Police Department where a search warrant was obtained. Found in the vehicle were two firearms which matched the description of those given by Victim #2. Both firearms were loaded with chambered rounds. Also found in the vehicle was Victim's #2's wallet that contained her identification along with credit cards belonging to Victim #1.

Soon after HOLMES was transported to the Lee's Summit Detectives attempted an interview. He was very lethargic and would not acknowledge the Detectives. Later, on 3-29-2024 at about 1300hrs an interview was again attempted. HOLMES became verbally aggressive and requested a lawyer.

A check of HOLMES' criminal history showed the following:

State of Missouri:

- 2009- arrest; distribution of a controlled substance
- 2009- arrest; 1st degree tampering with a motor vehicle
- 2009- arrest; felony possession controlled substance
- 2014- arrest; probation violation
- 2017- arrest; domestic assault
- 2018- arrest; resisting arrest
- 2019- arrest; unlawful possession firearm
- 2021- convictions; resisting arrest
- 2023- arrest; 2nd degree domestic assault and resisting arrest
- 2023- arrest; 3rd degree domestic assault

FEDERAL:

- 2011- conviction; Felony Marijuana and Cocaine drug violations
- 2015- conviction; escape
- 2018- arrest; probations violation.

The checked revealed HOLMES is a conviction felon and therefore can not possession a firearm. Due to his criminal history HOLMES is considered a flight risk and someone who will not appear in court on a summons.

No further



09/29/24

Signature of Detective 1001 - Stewart, Phillip Jr

Date

STATEMENT OF PROBABLE CAUSE

FILED
DIVISION 29

29-Sep-2024 19:43

CIRCUIT COURT OF JACKSON COUNTY, MO

BY James A. Hoke DCA

Date: 9/29/24

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WELFARE OF A CHILD / KIDNAPPING / UNLAWFUL POSSESSION
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09/29/24

Signature of Detective 1001 - Stewart, Phillip Jr

Date