

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

Police# 15-080467
Prosecutor# 095430483
1616-CR
OCN#

COMPLAINT

STATE OF MISSOURI

vs.

**Lakeith R Courtney
4018 Sterline, #A
Kansas City, MO 64133
DOB: 07/22/1989; Race/Sex: B/M;
SS# [REDACTED]
Defendant.**

Count I. Murder 1st Degree (565.020-001Y19840903.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.020, RSMo, committed the class A felony of murder in the first degree punishable upon conviction under Section 565.020, RSMo, in that on or about November 7, 2015, in the County of Jackson, State of Missouri, the defendant after deliberation, knowingly caused the death of Kevin Durham by shooting him.

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 (571.015-001Y19755213.0)

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 November 7, 2015, in the county of Jackson, State of Missouri, the defendant committed the felony of Murder 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 Murder in the first degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional

release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 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. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition 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 facts that form the basis for this information and belief are contained in the attached statement(s) of facts, 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,

Bryan O. Covinsky (#47132)
Assistant Prosecuting Attorney
415 E. 12th Street, Fl 7M
Kansas City, Missouri 64106
(816) 881-3368
BCovinsky@jacksongov.org

[REDACTED]

[REDACTED]

DET Alane M. Booth , 1125 Locust, Kansas City, MO 64106

[REDACTED]

DET Bryan Jobe , 1125 Locust, Kansas City, MO 64106

DET Alex E Lepper , , ,

DET Darin K. Penrod , 1125 Locust, Kansas City, MO 64106

DET Mark A Slater , 1125 Locust, Kansas City, MO 64106

PO Christopher S. Smith , , ,

[REDACTED]

[REDACTED]

PROBABLE CAUSE STATEMENT FORM

Date: 02/11/2016

CRN: 15-080467

I, Det. Darin Penrod #4288

(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 11/07/15, at 41st St. and Prospect Ave. in
(Date) (Address)

Kansas City, Jackson Missouri Lakeith R. Courtney
(County) (Name of Offender(s))

b/m, 07/22/1989, 5'06", 150lbs committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 11/07/15 at approximately 1137 hours, members of the Kansas City Missouri Police Department were dispatched to 41st St. and Prospect Ave., Kansas City, Jackson County, Missouri in regard to a shooting. Upon arrival, officers discovered a deceased b/m in the rear seat of a two door burgundy '76 Pontiac Grand Le Mans, MO license, DL9-X4X. The Pontiac was observed facing east at the south curb of 41st St., just west of Prospect Ave. The right rear tire of the Pontiac was observed over the south curb in the grass. The rear of the Pontiac made apparent impact with a utility pole. The force of the impact was apparent due to the anchor cable for the utility pole being observed partially unearthed. The b/m victim had multiple gunshot wounds. Ten shell casings of the same caliber were observed in the street near the driver's side of the Pontiac. The deceased b/m was identified as Kevin L. Durham, b/m, 06/14/1983. The cause of death was ruled a homicide by the Jackson County Medical Examiner. An autopsy of Durham revealed that he was shot multiple times in the neck, torso, and upper and lower extremities.

Witness #1 stated on 11/-07/15 just prior to the shooting. Witness #1 observed the victim, the lone occupant, arrive in the area and begin attempting to park on 41st St. in front of the Witness's vehicle. As the victim was backing his vehicle against the south curb of 41st St., a b/m exited the driver's seat of a van parked on the north curb of 41st St, just west of Prospect Ave. Witness #1 stated the b/m driver of the van walked towards the victim's driver's side and shot into the victim's vehicle numerous times. The victim's car then struck the utility pole. Witness #1 stated it appeared the shooter was within a few feet of the car when he began firing a hand gun, and also stated it appeared the shooter's gun hand appeared inside the victim's vehicle. Witness #1 described the shooter as a b/m with a dark complexion and braids down the side of his head. Witness #1 recalled the color blue; either the van or the shooter's attire was associated with the color blue. Witness #1 stated the b/m shooter then walked back to the van and entered the driver's door, and drove westbound from the area. Witness #1 stated at the time of the shooting, only the victim and shooter were observed.

On 11/07/15 investigating detectives obtained color security video footage from the "Short Stop" convenience store, 4048 Prospect Ave., Kansas City, Jackson County, Missouri. The store is located on the northwest corner of 41st St. and Prospect Ave. The entrance door is at the southeast corner of the business. The surveillance footage was documented as being accurately time stamped. Interior store surveillance video footage from 11/07/15 at approximately 11:06:26 captured a black male enter the store. The black male was observed to have a dark complexion, wearing a blue long sleeve shirt, black pants, and dark tennis shoes with white soles, and to have apparently braided hair. The b/m had brief verbal contact with the clerk inside the store, and then exited through the same door.

PROBABLE CAUSE STATEMENT FORM

CRN 15-080467

On 11/7/15 information was obtained from Witness #2 regarding digital photographic images of the intersection of 41st St. and Prospect Ave. on 11/7/15 at 1106 hours. Witness #2 was a subcontractor who was employed to photograph intersections on Prospect Ave for pending public transportation development. Investigators obtained the digital images which depicted a light blue Kia mini-van with a black luggage rack parked on 41st St., just west of Prospect Ave on 11/7/15 at 1106 hours. The images were accurately time stamped. The front Missouri license plate on the light blue mini-van was clearly visible as KM2-U7C. The same digital image also depicted an African American with a dark complexion wearing a blue long sleeved shirt, black pants, and dark tennis shoes with white soles, apparently approaching the mini-van on the driver's side. No other occupants were apparent in the mini-van. No other pedestrians were present in the photograph.

Additional external video surveillance footage from the "Short Stop" convenience store on 11/07/15 at approximately 1129 hours captured a light blue mini-van approaching the business at the north curb of 41st St. facing westbound. As the vehicle approaches the curb, the driver appears to be wearing a blue shirt and the front right passenger appears to be wearing red shirt. The mini-van apparently parks on the north curb because external rear video surveillance captured during the same time frame, which covered the rear of the business and west of the business on 41st St. did not indicate the mini-van continued westbound at that time. External store video footage then depicted a tall b/m wearing a red shirt and a shorter b/m wearing a long sleeved blue shirt, dark pants, and dark tennis shoes with white soles walk from the north sidewalk on 41st St towards the southeast store entrance. The two black males in red and blue enter the store at approximately 1130 hours. The b/m wearing blue is depicted as the same b/m captured on the interior store video surveillance on 11/07/15 at 1106 hours. Details of the front of the red shirt on the tall black male is seen as "TBK ENT." According to the surveillance video, both black male subjects then exited the store at approximately 1132 hours and walked back to the same area on the north curb, just west of the store, from where they had come from. Shot spotter, a gunfire detection system, a resource used by the Kansas City Missouri Police Department, indicated there were ten gunshots at 11:35:35 hours in the area of 41st St. and Prospect Ave., Kansas City, Jackson County, Missouri. The light blue mini-van is captured on external video surveillance traveling westbound on 41st St. at 11:35:54 hours.

A REJIS computer check (Regional Justice Information Service) of the MO license plate KM2-U7C captured on the light blue KIA mini-van revealed the plate to be registered on a 2007 KIA Sedona Van, VIN: KNDMB233576150738. The computer check also revealed a traffic warrant had been issued to Witness #3 in 2015 associated with the same blue van to an address in Kansas City, MO. On 11/07/15 at approximately 1920 hours, detectives drove by the specific Kansas City, MO address associated with Witness #3 and the traffic warrant, and observed the identified KIA Sedona mini-van parked directly in front of the associated address.

A detective searched social media sites and located a specific profile account under Witness #3's first and last name. A subsequent search of Witness #3's social networking site revealed numerous "friends." One of Witness #3's "friends" revealed a public profile photograph of an account of a b/m wearing a red shirt with the letters "TBK ENT." The shirt and the b/m in the profile photograph were similar in appearance to the b/m wearing the same shirt captured on the aforementioned surveillance video. Research of the information of the profile associated with the b/m wearing the red shirt also revealed a first and last name and date of birth associated with the profile. The b/m in red was subsequently identified. Further inspection of the social networking site associated with the identified b/m in the red shirt revealed public photographs and videos which depicted the identified b/m in red with a b/m similar in appearance to the b/m associate in blue captured on the surveillance video during the time of the homicide.

A police computer database revealed a **Lakeith R. Courtney, b/m, 07-22-1989** had previously provided the same specific address associated with Witness #3, the aforementioned blue KIA Sedona Van, and the address associated with the traffic warrant issued to Witness #3. The public photographs and videos posted on the identified social network profile of the b/m in red, depicted images similar to those of **Courtney**, and were also observed to be consistent with surveillance video and images associated with the "Short Stop" surveillance images from 11/07/15.

PROBABLE CAUSE STATEMENT FORM

CRN 15-080467

On 11/17/15 Witness #3 stated she currently leases the light blue KIA Sedona mini-van, Missouri vehicle license KM2-U7C, and has a child in common with **Courtney**, and has known **Courtney** for approximately four years. Witness #3 identified a single color photograph of **Courtney**. Witness #3 was shown still images of the "Short Stop" surveillance video footage from 11/07/15 of the black male dressed in the blue long sleeve shirt, black pants, and dark shoes with white soles, and the black male wearing a red hooded sweat shirt with "TBK ENT" printed on the front. Witness #3 identified the b/m in blue as **Courtney**. Witness #3 was shown a single photo of the blue mini-van which arrived at the "Short Stop" on 11/07/15 occupied by the two black males which wore red and blue, respectively. Witness #3 stated the blue mini-van in the photo looked like her own mini-van.

On 11/18/15, the KIA van was searched and documents were observed in the glove compartment which were generated by the Missouri Department of Social Services (Missouri Family Support Division) issued to **Courtney** with the same address associated with Witness #3, and the traffic warrant associated with the KIA Sedona Van, and the address where the KIA van was observed the evening of the homicide on 11/07/15.

During the course of the investigation multiple images and rap videos featuring **Courtney** were located on the Internet which depicts **Courtney** and multiple black male associates performing directly in front of the "Short Stop" store which also included images of the street signs at 41st St. and Prospect Ave. The videos and images also depicted **Courtney** and multiple other black males associating with and possessing firearms.

Witness #4 was interviewed on 02/04/2016. He stated he was present when this offense occurred and identified **Courtney** as the shooter.

Printed Name Det. Darin Penrod #4288

Signature



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

Judge

Circuit Court of _____ County, State of Missouri.