

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

Police# 16-021604
Prosecutor# 095431255
1616-CR
OCN#

COMPLAINT

STATE OF MISSOURI

vs.

**Martinez C. Lewis
1020 Askew
Kansas City, MO 64132
DOB: 07/06/1995; Race/Sex: B/M;
SS# [REDACTED]
Defendant.**

Count I. Murder 2nd Degree (565.021-001Y19840903.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.021, 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 March 28, 2016, in the County of Jackson, State of Missouri, Demar Swift was killed by being shot as a result of the perpetration of the class B felony of Attempted Robbery in the First Degree under Section 569.020, RSMo committed by the defendant on or about March 28, 2016 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.

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 March 28, 2016, in the County of Jackson, State of Missouri, the defendant committed the felony of Attempted Robbery in the First Degree charged in Count I, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Attempted Robbery 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.

Count III. Attempted Robbery 1st Degree (569.020-001Y19791207.1)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.020, RSMo, committed the **Class B Felony of Attempted Robbery in the First Degree**, punishable upon conviction under Section 564.011 and 558.011, RSMo, in that on or about March 28, 2016, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with another, while armed with a deadly weapon tried to take drugs in the possession of Demar Swift, and such conduct was a substantial step toward the commission of the crime of Robbery in the First Degree and was done for the purpose of committing such Robbery in the First Degree, and in the course of such offense.

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 (571.015-001Y19755213.0)

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 March 28, 2016, in the County of Jackson, State of Missouri, the defendant committed the felony of Attempted Robbery 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 Attempted Robbery 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 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.

THE STATE OF MISSOURI

vs.

Martinez C. Lewis

JEAN PETERS BAKER

Prosecuting Attorney
Jackson County, Missouri
by,

Trisha Lacey (#55710)
Assistant Prosecuting Attorney
415 E. 12th Street
Kansas City, Missouri 64106
TLacey@jacksongov.org

WITNESSES:

████████████████████ Atty. Office, Kansas City, MO 64106
DET Leland W. Blank , 1125 Locust, Kansas City, MO 64106
SGT Barbara J Eckert , 1125 Locust, Kansas City, MO 64106
████████████████████ Kansas City, MO 64126
DET Jason C. Findley , 1125 Locust, Kansas City, MO 64106
DET Wayne C. Fitzner , 1125 Locust, Kansas City, MO 64106
DET Ray H. Lenoir , 1125 Locust, Kansas City, MO 64106
DET Kristofer R. Oldham , 1125 Locust, Kansas City, MO 64106
PO Daniel Quiles , 1125 Locust, Kansas City, MO 64106
Demar Swift , Prosecuting Atty. Office, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 03/31/2016

CRN: 16-021604

I, Detective Wayne Fitzner
(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 03/28/2016, at 1838 Topping in
(Date) (Address)

Kansas City, Jackson Missouri Martinez C. Lewis, BM, 7-6-1995
(County) (Name of Offender(s))

SSN: [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

Felony Murder
Robbery

The facts supporting this belief are as follows:

On 3/28/2016 at 1402 hours, Kansas City, Missouri Police Officers were dispatched on a shooting in the area of 1838 Topping, Kansas City, Jackson County, Missouri. Upon arrival they found the victim, Demar Swift, b/m, 07/26/1990 lying in the parking lot of the apartment complex. The victim was suffering from an apparent gunshot wound and was deceased. Jackson County Medical Examiner ruled the victim's death a murder.

A witness was contacted and stated that the victim had been contacted by phone regarding selling marijuana. On 3/28/2016 she was in the residence when she observed three suspects enter the residence following the victim and go into the kitchen. Shortly thereafter she heard the victim yelling for help. The witness ran into the kitchen and saw the suspects "jumping the victim". The suspects were trying to take a glass jar containing "Kush" (Marijuana) from the victim. Two of the suspects grabbed some of the Kush and took off running out of the residence. The victim and one of the suspects were still wrestling until the suspect broke loose and ran out the door. The victim chased the suspects out of the apartment into the parking area of the complex. The witness observed the victim and one of the suspects wrestling and then she observed one of the suspects armed with a handgun walk up behind them and shoot the victim. The witness stated that after seeing the victim get shot, she started toward him at which time she saw one of the suspects running toward her. She then ran back into her residence and locked the door and saw the suspect picking something up off the ground outside her residence then run back to the vehicle which then drove away. She then ran out to the victim to render first aid. Several other parties came to help the victim. While they were with the victim, the witness observed one of the suspects who had left in the vehicle return and run from between two buildings in the complex then run into her apartment. He then quickly ran back out and fled again through the buildings. The witness stated, one of the times she ran into her residence she noticed a white "Smart" style cell phone and a wallet lying on the floor. She stated that she knew these did not belong to her or the victim. Once the police arrived, she returned to her apartment and noticed that the white cell phone was gone, but the wallet was still lying on the floor behind the front door. The witness further stated that she observed the third suspect, who was inside her apartment "jumping on the victim" but was not there at the time of the shooting, running north on Topping and pointed him out to police.

PROBABLE CAUSE STATEMENT FORM

CRN 16-021604

During the processing of the scene, detectives recovered the wallet that had been found on the floor of the victim's apartment. Inside the wallet was a Missouri driver license and social security card for one of the suspects. That suspect was located and arrested. During his interview he identified **Martinez C. Lewis** as the person who shot Swift. He said that they (The suspects) had brought a toy gun painted to look real and a real gun without any bullets. When they arrived they realized that Swift was armed with a loaded gun. When they pulled out their unloaded guns and attempted to rob Swift a struggle incurred during which both unloaded guns were dropped on the floor. When Swift pulled his loaded gun out **Lewis** was able to take it away from him. At this point all the suspects fled the apartment with Swift chasing them. He (Arrested suspect) wasn't sure where the other 2 suspects ran to but he ran to his vehicle and the victim had run up on him armed with the 2 unloaded guns. The victim was pointing the guns at him telling him to give him back his stuff. A struggle ensued between him and the victim. During the struggle, **Lewis** came up and shot the victim with the gun he had taken from him earlier in the struggle. Both suspects then got into the vehicle and fled the scene.

Surveillance video was obtained from the apartment complex and upon reviewing it detectives observed the sequence of events as described above.

The witness who had been in the apartment during the robbery and who also observed the shooting identified **Martinez Lewis** as the person she saw shoot Swift.

Printed Name Det. Wayne Fitzner #3685 Signature /S/ Det. Wayne Fitzner 3685

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

Judge

Circuit Court of _____ County, State of Missouri.