

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

Police# 16-021604
Prosecutor# 095431173
1616-CR
OCN#

COMPLAINT

STATE OF MISSOURI

vs.

**Demarcus T. Rivers
9425 Myrtle Ave., #131
Kansas City, MO 64132
DOB: 03/28/1996; 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. 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.

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 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.

THE STATE OF MISSOURI

vs.

Demarcus T. Rivers

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:

[REDACTED]. 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

[REDACTED], 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

PROBABLE CAUSE STATEMENT FORM

Date: 04/01/2016

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 Demarcus T. Rivers
(County) (Name of Offender(s))

b/m, 03/28/1996, SSN: 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 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 and they all ran into the parking area of the complex. The witness observed the victim and two of the suspects to continue to wrestle and then she observed one of the suspects to have a handgun 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 to return and run from between two building in the complex and 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 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. 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 the listed suspect, **Demarcus Rivers**.

Another witness was contacted and stated he was out getting his mail when he heard a gunshot and observed a black male shoot the victim. He ran into his apartment to call 9-1-1. He then walks back outside and observes a different black male running through the buildings toward the scene. He heard a female yelling "get out of my apartment, get out of my apartment" and then sees this same male running away from the scene toward a tan SUV and get into the passenger door. The witness was shown a photo line-up in which he identified **Rivers**, as the male he saw running toward the scene and then to the tan SUV.

During the investigation it was revealed that the apartment complex had surveillance cameras that monitored the area where the homicide occurred and where the suspect vehicle exited the complex. Security that monitored the surveillance cameras advised that while reviewing the footage after being made aware of the shooting they could see the suspect enter a light color SUV. The same light color SUV exited the complex going south on Topping from the address at which point they could see the vehicle appeared to be an older model brown/tan Chevy Blazer with tint on the back windows. The rear license plate was observed as KN9 L8J/Mo, and was noted as leaving at approximately 1400 hrs.

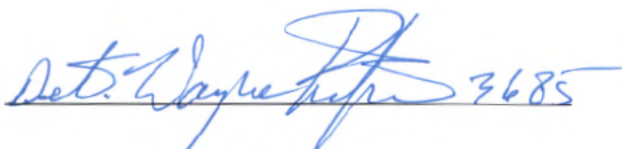
A check of that license plate through police data bases showed no response. Further inquiry showed the license plate, KM9 L8J MO to respond on a light color Chevy Blazer. The vehicle had been stopped in regard to traffic enforcement in 2015 and at the time a ticket was issued to **Demarcus Rivers** with an address of 9425 Myrtle #131. At 1550 hours, Detectives from the Career Criminal Section responded to the address and located a Tan Chevy Blazer with the license plate KM9 L8J/Mo to be parked in front of the building with apartment #131. On 3/28/2016 a search warrant was obtained for the Myrtle address and upon searching the apartment detectives contacted **Rivers** who was taken into custody at approximately 2045 hours. At the time of his arrest, **Rivers** was observed to have a fresh injury to his ankle. He was transported to an area hospital for treatment prior to booking.

On 3/29/2016 at approximately 1610 hours, **Demarcus Rivers** was transported to police headquarters from the Jackson County Jail and escorted to the 7th floor into an interrogation room. **Rivers** agreed to talk with detectives. He admitted that he and the other three suspects were planning on robbing the victim of marijuana. He also stated that upon contacting the victim, the suspects had in their possession two guns, a revolver and a "play" gun, both of which belonged to him. **Rivers** stated that when the suspects tried to take the victim's marijuana, the victim fought back and attempted to pull a gun. One of the other suspects was able to take the gun from the victim. **Rivers** and the other suspects ran out of the residence and the victim ran after them. The victim and **Rivers** became involved in a struggle at which time one of the other suspects shot the victim. **Rivers** drove the suspect vehicle and the shooter from the scene. **Rivers** indicated that despite the victim struggling with them, the suspects had managed to take some of the victim's marijuana when they fled the scene.

PROBABLE CAUSE STATEMENT FORM

CRN 16-021604

Printed Name Det. Wayne Fitzner #3685

Signature  3685

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

Judge

Circuit Court of _____ County, State of Missouri.

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

Police# 16-021604
Prosecutor# 095431270
1616-CR 01260 MP
OCN#

2016 APR - 1 PM 2:05
FILED CIRCUIT COURT
JACKSON CO., MO KC

COMPLAINT

STATE OF MISSOURI

vs.

**Lyrick T. Bryson
1020 Askew
Kansas City, MO 64127
DOB: 07/24/1998; Race/Sex: B/M;
SS# [REDACTED]
Defendant.**

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

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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)

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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)

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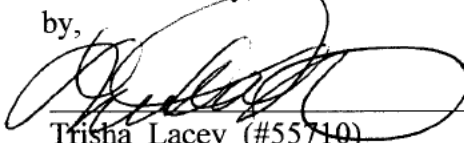
release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a 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.

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Wherefore, the Prosecuting Attorney prays that an arrest warrant be issued as provided by law.

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:

DET Leland W. Blank , 1125 Locust, Kansas City, MO 64106
SGT Barbara J Eckert , 1125 Locust, Kansas City, MO 64106

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

PROBABLE CAUSE STATEMENT FORM

Date: 04/01/2016

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I, Detective Wayne Fitzner

(Name and identify law enforcement officer, or person having information as probable cause.)

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I have probable cause to believe that on 03/28/2016, at 1838 Topping
(Date) (Address)

Kansas City, Jackson Missouri Lyrick T. Bryson
(County) (Name of Offender(s))

b/m, 07/24/1998, SSN: [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

Felony Murder

Robbery

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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. The witness advised that the victim had been in contact, via her cell phone, with the suspects prior

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FILED CIRCUIT COURT
JACKSON CO. MO
BY

PROBABLE CAUSE STATEMENT FORM

CRN 16-021604

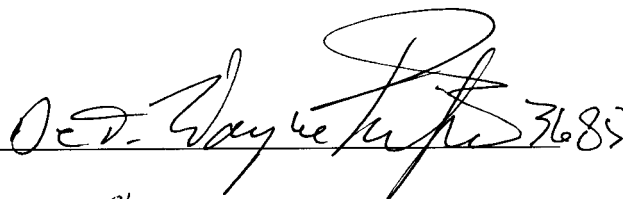
to them arriving. She provided detectives with the cell phone number the victim had been communicating with prior to his murder. The number was run through Police data base and responded as having been provided to officers in December 2015 by the suspect, **Lyrick Bryson**, as his phone number.

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 subject was located and arrested. During his interview he identified **Lyrick Bryson** as one of the other three suspects. He said **Bryson** and the other suspects had planned on robbing the victim of his marijuana. They brought with them a toy gun painted to look real and a unloaded revolver. When they first entered the victim's residence, **Bryson** was carrying the unloaded revolver and at one point he pointed the gun at the victim during the struggle over his marijuana. During the struggle, the victim attempted to pull a gun from his pocket and one of the suspects was able to take the gun from the victim. During the struggle the revolver and toy gun were dropped on the floor. At this point all the suspects fled the apartment with Swift chasing them. The subject wasn't sure where **Bryson** ran to but he (the subject) ran to his vehicle and the victim ran up on him armed with the unloaded revolver and the toy gun. 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, one of the other suspects 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.

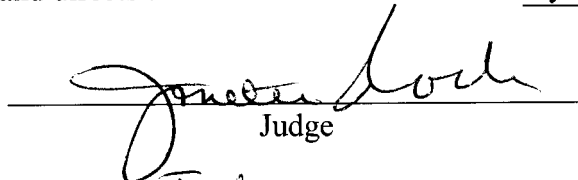
Surveillance video was obtained from the apartment complex and upon reviewing it detectives observed the sequence of events as described above.

Printed Name Det. Wayne Fitzner #3685

Signature



The Court finds probable cause and directs the issuance of a warrant this 1st day of April, 2016.


Judge

Circuit Court of Jackson County, State of Missouri.