

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

Police# 2016-90803
Prosecutor# 095436688
1616-CR
OCN# AN14845

COMPLAINT

STATE OF MISSOURI

vs.

**Tyrone E. Willard II
3530 College Ave.
Kansas City, MO 64127
DOB: 10/05/1996; Race/Sex: B/M;
SS# [REDACTED]
Defendant.**

**Count I. Murder 2nd Degree - Felony Murder - During Perpetration/attempted
Perpetration/flight From Perpetration Of A Felony, A Person Dies (565.021-
003Y19840999.0)**

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 December 4, 2016, in the County of Jackson, State of Missouri, Phillip Diaz was killed by being shot as a result of the perpetration of the class C felony of distribution, delivery, or sale of a controlled substance under Section 195.211, RSMo committed by the defendant on or about December 4, 2016, in the County of Jackson, State of Missouri.

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.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

THE STATE OF MISSOURI

vs.

Tyrone E. Willard II

Count II. Distributing Or Delivering Not More Than 5 Grams Marijuana (195.211-003Y19893560.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 195.211, RSMo, committed the class C felony of distribution, delivery, and sale of a controlled substance, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about December 4, 2016, in the County of Jackson, State of Missouri, the defendant, acting alone or in concert with another, knowingly distributed, delivered, and sold marijuana, a controlled substance, to Quentin Posey, knowing that it was a controlled substance.

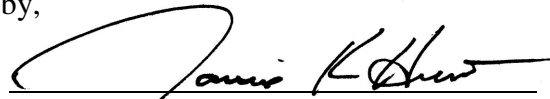
The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed five thousand dollars (\$5,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime up to a maximum of twenty thousand dollars (\$20,000).

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,

A handwritten signature in black ink, appearing to read "Jamie K. Hunt", is written over a horizontal line.

Jamie K. Hunt (#50401)
Assistant Prosecuting Attorney
321 W. Lexington
Independence, Missouri 64050
(816) 881-4488
jhunt@jacksongov.org

PROBABLE CAUSE STATEMENT

Date: 12-13-2016

Report: #2016-90803

I, Steve Schmidli, a Detective with the Independence, Missouri Police Department, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that on 12-4-2016 at about 1642 hours., Tyrone E. Willard (Race – B, Sex - M, DOB: 10-5-96, SSN: [REDACTED], Address: 11540 Holiday Drive #3207, Kansas City MO 64134) Committed one or more criminal offenses in Jackson County, Missouri.

2. The facts supporting this believe are as follows:

That on 12-4-2016 at about 1642 hours, the Defendant, Tyrone E. Willard was an active participant in the murder of Phillip A. Diaz (w/m, 1-30-93) who was killed by a single gunshot to the face. The murder occurred in the parking lot of the Hawthorne Apartment Complex located at 16722 E. 5th St. North in Independence, Jackson County Missouri. The Defendant had arranged to buy some drugs from the victim in the Hawthorne Apartment Complex. The Defendant drove to the apartment complex and was accompanied by a [REDACTED]. The victim entered the Defendant's car where a drug transaction occurred [REDACTED] then shot and killed the victim. The victim's lifeless body was dumped in the parking lot of 16722 E. 5th St. North. The Defendant and [REDACTED] immediately fled the area.

On 12-4-16 at 1648 hours, Independence Police Officers were dispatched to the area of 16722 E. 5th St. North, in reference to a man down call. Upon arrival, P.O. Matthew Byrum observed a male subject lying in the parking lot with a substantial amount of blood coming from his head. Life saving measures were attempted on the male subject who was transported by ambulance to Centerpoint Medical Center where he was later pronounced dead. The victim was identified as Phillip A. Diaz via a Missouri State Identification Card and showed an address of 17107 E. 5th St. North. The Jackson County Medical Examiner's Office responded to the hospital and observed what they believed to be a possible gunshot wound to the victim's head. The gunshot wound was later confirmed during an initial body exam / autopsy. Crime Scene Technician Jason Myers responded and processed the crime scene. A bloody set of tire tracks were observed leaving the crime scene in the parking lot and headed westbound on 5th Street North.

While on scene, P.O. Ken Gibson was contacted by a [REDACTED] of [REDACTED] [REDACTED] the parking lot where the victim's body was found. Ms. Sanchez's apartment is equipped with an exterior surveillance system which happened to capture a possible suspect vehicle fleeing the area westbound on 5th Street North at approximately 1643 hours. The suspect vehicle was described via surveillance video as a light-colored or silver passenger car. P.O. Byrum was contacted at the crime scene by a [REDACTED] in reference to a silver car fleeing the area at a high rate of speed.

Det. Steve Schmidli responded to the crime scene as part of the investigation and initially contacted [REDACTED] in reference to her observations. Information was developed at the crime scene that the victim was missing one of his shoes and his personal cell phone. On 12-5-16, [REDACTED] responded to IPD Headquarters and provided the investigation with a formal statement. [REDACTED] lives on a cul-de-sac adjacent to and on the west side of the

Hawthorne Apartment Complex. She stated that she was outside in her driveway with husband when she heard tires "squealing" and looked to the south and observed a silver colored car rounding the corner from 5th Street North onto northbound Queen Ridge Court. She stated that the silver vehicle was traveling at a high rate of speed on Queen Ridge and was occupied by two black male subjects. [REDACTED] thought the black male driver was unfamiliar with the area and apparently did not realize that her street was a dead end. She stated that the silver car sped by her residence and was "gunning it hard". She stated that the black male driver abruptly turned into a driveway, two houses north of her residence. She stated that she observed the black male passenger of the silver car messing with something in the backseat. She stated that she made direct eye contact with the black male driver as the drove back southbound past her residence. She described the driver as a black male, 25 yo, dark complected, with a tuft of hair on his chin. She stated that the black male driver was wearing a black hooded sweatshirt with the hood pulled up and a baseball cap. She identified the silver four door vehicle as a "Pontiac" due to the design of the hood emblem [REDACTED]. [REDACTED] husband stated that he last saw the silver car traveling northbound on M-291 and noted that it exited onto U.S. 24 Hwy in an unknown direction of travel.

The victim's mother was contacted by Det. Schmidli and notified about the victim's death. The victim worked at K-Mart located at 4023 S. Noland Road in Independence Missouri. Det. Sgt. Rajer and Det. Schmidli contacted K-Mart management and some fellow co-workers in reference to background information on the victim. Co-worker [REDACTED] was contacted and identified the victim's current cell phone number as "816-260-9278".

Det. Loran Freeman executed a search warrant for the victim's phone records and call log. The victim's phone records were obtained and showed that on 12-4-16 at approximately 1525 hours an outgoing call was placed from the victim's phone to 816-491-0813. The records also showed the victim's phone received a phone call at approximately 1529 hours from the same phone number. The phone number was the last phone number on the victim's call log and the calls occurred approximately an hour and twenty minutes before the victim was found. Det. Freeman conducted searches on open source search engines and Facebook.com of 816-491-0813 and it was found to have be associated with Tyrone E. Willard (b/m, 10-5-96), a darker complected black male with a tuft of hair on his chin.

On 12-5-16, Det. Todd Winborn and Det. Kyle Jarnigan obtained video surveillance from two businesses along U.S. 24 Hwy. Det. Jarnigan obtained surveillance video from Cars Plus Credit located at 15700 E. US 24 Highway for the time frame of this incident. Upon review of the video, a silver vehicle similar to a Pontiac G6 can be seen traveling a higher than normal rate of speed compared to other traffic. The silver vehicle is observed on the video at approximately 1643 hours on 12-4-16, traveling westbound on U.S. 24 Hwy. Det. Winborn also obtained surveillance video from K&C Budget Lot located at 1010 N. Noland Road for the same date, which revealed approximately two minutes later what appears to be the same vehicle turning southbound on Noland Road from U.S. 24 Hwy. The vehicle still continues to appear to be moving at a higher than normal rate of speed.

On 12-6-16, Det. Chris Burris received information from the IPD Intel Unit that Tyrone E. Willard had a 2015 arrest for robbery and armed criminal action out of Kansas City, Missouri and showed an association to a [REDACTED]. A computer check of [REDACTED] and subsequent investigation revealed that [REDACTED] owned a 2006 silver Pontiac G6. Ms. [REDACTED] was also documented in IPD report # 2016-87847, where she was alleged by her

████████ Kansas City, Missouri.

Det. Schmidli and Det. Burris initially interviewed Mr. Willard about the offense. After being advised of his rights, Mr. Willard immediately identified [REDACTED] as the suspect that shot

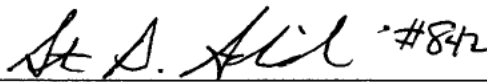
the victim. Mr. Willard advised he knew [REDACTED] as [REDACTED] b." Mr. Willard denied any involvement in the offense and claimed that he facilitated a drug transaction between [REDACTED] and the victim. Mr. Willard stated that he allowed [REDACTED] to use Ms. Walker's silver Pontiac to meet with the victim. Mr. Willard identified the victim as a co-worker from K-Mart that sells and uses drugs, specifically "kush". Mr. Willard indicated during the interview that [REDACTED] admitted to his younger brother, Tyron that he shot the victim.

Det. Schmidli and Det. Burris then interviewed Tyron Willard. Tyron was read his rights and gave a completely different account of the incident which contradicted Mr. Willard's initial statement. Tyron was confronted with the facts of the investigation, at which time, he admitted that his brother, Mr. Tyrone Willard was with [REDACTED] when the shooting occurred. He stated that Mr. Willard was the driver of the suspect vehicle. Tyron stated that [REDACTED] told him that he "killed the white dude" and claimed it was an "accident".

A secondary interview was conducted with Mr. Tyrone Willard. After being advised of his rights again, the Defendant admitted that he facilitated a drug transaction between [REDACTED] and the victim. The Defendant admitted that he drove Ms. [REDACTED]'s silver Pontiac during the offense. He admitted that they picked up the victim as he was walking just outside the apartment complex. He stated that he drove to and backed into a parking lot inside the apartment complex to complete the drug transaction. The Defendant stated that [REDACTED] was in the front passenger seat and the victim was in the rear passenger seat. He stated that once [REDACTED] received the drugs from the victim, he turned and fired a single shot at victim. The Defendant then stated that [REDACTED] never exited the car but reached over the back seat and opened the back passenger door and dumped the victim onto the ground. The Defendant admitted that he immediately fled the apartment complex westbound and confirmed that he drove up a dead end street before getting out of the area. The Defendant denied that the plan was to rob the victim of his drugs. The Defendant claimed that he did not know [REDACTED] was going to shoot the victim. The Defendant also acknowledged that the victim lost one of his shoes during the incident and left his cell phone in the back seat. He stated that [REDACTED] threw the victim's shoe and cell phone out of the car as they fled into Kansas City MO. The Defendant claimed that when they got back to his apartment complex on Holiday Drive in Kansas City MO, that [REDACTED] cleaned out the back seat of the Pontiac as the victim's blood was inside the car. The Defendant claimed [REDACTED] shot the victim with a 9mm XDM subcompact handgun.

Det. Steve Schmidli #842

Print Name

 #842
Signature

THE COURT FINDS PROBABLE CAUSE

Date

Judge