

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

Police# 16-023185
Prosecutor# 095431635
1616-CR
OCN# W0009420

COMPLAINT

STATE OF MISSOURI

vs.

**Fazon K. Swinton
5001 E. 41st Terr.
Kansas City, MO 64130
DOB: 08/28/1997; 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 April 3, 2016 in the County of Jackson, State of Missouri, Jacob Brantner was killed by being shot as a result of the immediate flight from the perpetration of the **Class B Felony of Robbery in the Second Degree** under Section 569.030, RSMo committed by the defendant on or about April 3, 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.

Count II. Armed Criminal Action (571.015-001Y19755212.0)

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 April 3, 2016, in the county of Jackson, State of Missouri, the defendant committed the **Felony of Murder in the Second 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 Second 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. Robbery 2nd Degree (569.030-001Y19791299.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.030, RSMo, committed the **Class B Felony of Robbery in the Second Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about April 3, 2016, in the County of Jackson, State of Missouri, the defendant forcibly stole a firearm in the possession of Jacob Brantner.

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. Leaving The Scene Of A Shooting - 1st Offense (577.068-002Y19995299.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.068, RSMo, committed the **Class A Misdemeanor of Leaving the Scene of a Shooting**, punishable upon conviction under Sections 577.068, 558.011 and 560.016, RSMo, in that on or about April 3, 2016, in the County of Jackson, State of Missouri, the defendant while in possession of a firearm discharged such firearm causing the death of Jacob Brantner and that thereafter, the defendant, knowing that he had caused injury to or the death of Jacob Brantner, left the area where the firearm was discharged without giving his name and address to a law enforcement officer or to the nearest police station.

The range of punishment for a class A misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed one (1) year; by a fine not to exceed one thousand dollars (\$1,000); 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.

THE STATE OF MISSOURI

vs.

Fazon K. Swinton

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

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

Nichole Erickson (#52086)
Assistant Prosecuting Attorney
415 E. 12th Street, 11th Fl
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WITNESSES:

DET Leland W. Blank, 1125 Locust, Kansas City, MO 64106
Jacob Branter, Prosecuting Atty. Office, Kansas City, MO 64106
█, Prosecuting Atty. Office, Kansas City, MO 64106
QE, Prosecuting Atty. Office, 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 Daniel W. Frazier, 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 Robert J. Vivona, 1125 Locust, Kansas City, MO 64106
PO Steven R. Weber, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 04/23/2016

CRN: 16-023185

I, Detective Ray Lenoir (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 04/3/2016, at 8700 E. 63rd in (Date) (Address)

Kansas City, Jackson Missouri Fazon K. Swinton (County) (Name of Offender(s))

b/m, 08/28/1997, SSN [redacted] committed one or more criminal offense(s). (Description of Identity)

- Murder
Armed Criminal Action
Robbery

The facts supporting this belief are as follows: On 4-3-2016 at about 2030 hours, Kansas City, Missouri Police officers were dispatched to 8700 E. 63rd street, Kansas City, Jackson County, Missouri on a shooting. Upon arrival the officers found Jacob A. Brantner, WM, 1-12-1977, lying in the parking lot deceased from an apparent gunshot wound. A witness was contacted and provided details regarding the incident. The victim met the suspect in the Price Chopper parking lot through an arrangement made over his cell phone (text messages) to sell the suspect a handgun. Several communications were made between them and they settled on the listed location as a meeting place. The victim and suspect both exited their vehicles and were discussing the sale when the suspect attempted to take the gun without paying the victim. They began wrestling over the gun and the suspect was able to grab the gun and run a distance from the victim. Both the victim and suspect pulled guns and shot at each other at which time the victim was struck by a bullet, killing him.

During the crime scene processing Detectives found shell casings in the area the suspect had fired from. They also found drops of fresh blood in the same area. Video surveillance was available and the incident was caught on camera. The suspect vehicle appears to be a 4 door Ford 500, blue in color, with a sunroof. In video it is apparent that other than the shooter, who is seen getting into the front passenger seat, the vehicle is occupied by a driver, who appears to be a female, and backseat passenger.

A black I-Phone 5 was found in the victims left front shirt pocket. A search of the phone showed that there were text messages between the victim and the number 816-429-1841 where they were arranging to meet at the Price Chopper for the sale. The number that the victim was communicating with was found to belong to a texting app owned by Talkatone LLC. The Talkatone app allows a user to obtain a separate or "ghost" phone number to be able to text and call from while using the app. A valid cell phone number is requested by Talkatone in order to verify the user's registration. A search warrant was served to Talkatone. The detailed subscriber information obtained from Talkatone

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showed an additional phone number of 816-812-9342 associated with the account and the device as a HTC Desire. The email address associated to the account was listed as nozaf4500@gmail.com and the name associated to the account was Nozaf Smith. A search of 816-812-9342 in the police data base showed the number to have been given to a police officer by Deveon Swinton B/M 05-26-1993 in a report written in July of 2015. In the police data base, an associate of Deveon Swinton was found to be **Fazon Swinton B/M 08-28-1997**. They were listed together in multiple reports and were noted to be brothers. Detectives noted the name on the Talkatone account was "Nozaf" which is Fazon spelled backwards.

Content of text messages from the Talkatone search warrant compliance showed several texts between the victim and the Talkatone number arranging the gun deal. Intermingled with those texts were text messages from the Talkatone number and the number, 913-293-3709. A computer check of the 913-293-3709 number showed it to belong to Rahnisha Carson B/F 12-01-1994. Rahnisha Carson had provided that number to a prior employer in January 2016 and to Penn Valley Community College.

Several texts are exchanged in which the Talkatone texter is arranging a ride with Carson and asking for a ride to Price Chopper to do a "lash" (Urban dictionary defines Lash as taking something illegally). Carson told the Talkatone number that they were on the way to pick them up. Rahnisha Carson was found to have a child in common with Deveon Swinton (Fazon Swinton's brother) and was listed in several police reports together. In one text the Talkatone number refers to Carson as "sis".

There were several texts to the Talkatone number where the name "**Fazon**" was used. A number texting the Talkatone number asked if the number belonged to **Fazon** and the Talkatone number responded "Yeah".

Rahnisha Carson was arrested on 04/14/16 in Leavenworth, KS. Carson denied being with **Fazon** at the time of the offense. She stated she hadn't seen him for 6 months and had no communication with him. When questioned about her vehicle, she stated that she did not own a vehicle. At the time of her arrest, her cell phone was obtained. Detectives were able to get a warrant to access the phone. Several text messages were observed between Carson and "Nozaf Baby" who was later identified as Quashanna Echols, who has a child in common with **Fazon Swinton**. In the text, Carson is inquiring about a third party whom she refers to as "my brother". She ask if he is okay at which time "Nozaf Baby" replies "I'm waiting for them to get him together me n his mommy bouta go in there now". Also in Carsons phone were several text messages in which she is identifying her vehicle as a 2007 blue Ford 500. She also texted the VIN to someone who was getting temporary plates for her. There were several text to a "Baby Boy". One text in particular was on 4/4/2016 at 00:11 minutes in which she text, "I need you to go pick up my car call me asap". Several days later she is texting people that she is trying to sell her car.

On 04/20/16 Detectives contacted Best Value Auto Sales at 7901 Troost who provided paperwork showing Carson had bought a 2007 Blue Ford Taurus for \$1,700.00 on 3/4/2016.

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On 4/22/2016 Echols was contacted by detectives. She advised that on Sunday 4/3/16 she was called by Carson who told her that **Fazon** had been shot and they were heading to Kansas University Hospital. Echols further advised that she had been told by **Fazon** that he had been playing basketball in Kansas City, KS when he was shot by an unknown person.

Detectives contacted KU Hospital security who advised that **Fazon Swinton** had responded to the hospital on 4/3/2016 at 2118 hours with gunshot wounds and that Kansas City, Kansas Police had responded to take a report.

On 4/22/2016 **Fazon Swinton** was arrested on 24 hour Investigation. He was advised of his Miranda Rights and agreed to talk with detectives. **Fazon** told detectives he had been playing a pick-up basketball game in Kansas City, KS when he was shot. He stated that his "cousin Nesha" had taken him to the hospital in her orange Dodge Avenger. **Fazon** denied being involved in the homicide. **Fazon** told detectives that he had a son and his name was "Nozaf", his name spelled backwards.

Printed Name Det. Ray Lenoir #3625 Signature _____

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

Judge

Circuit Court of _____ County, State of Missouri.