

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT

POLICE NO. :	17-066195
PROSECUTOR NO. :	095440581

STATE OF MISSOURI,	)	
	)	
PLAINTIFF,	)	
vs.	)	
OTISHUS KIRKWOOD	)	
Homeless,	)	CASE NO. 1716-CR
Kansas City, MO 64124	)	DIVISION
DOB: 12/04/1980	)	
Race/Sex: B/M;	)	
SSN: XXX-XX-XXXX	)	
DEFENDANT.	)	

COMPLAINT

**Count I. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim
(565.050-001Y19841305.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **Class A Felony of Assault in the First Degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about July 27, 2017, in the County of Jackson, State of Missouri, the defendant knowingly caused serious physical injury to [REDACTED] by throwing a large television off a third story balcony and striking [REDACTED] in the head.

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.

State vs. Otishus Kirkwood

Count II. Armed Criminal Action (571.015-001Y19755299.0)

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 July 27, 2017, in the County of Jackson, State of Missouri, the defendant committed the felony of Assault 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 Assault in the First Degree by, with and through, the knowing use, assistance and aid of a dangerous instrument.

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,

/s/ Daniel Nelson

Daniel Nelson (#53885)

Assistant Prosecuting Attorney

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State vs. Otishus Kirkwood

WITNESSES:

DET Michael E. Buckley, 1125 Locust, Kansas City, MO 64106

[REDACTED]

[REDACTED]

DET Timothy M. Perry, 1125 Locust, Kansas City, MO 64106

DET Austin M. Reiter, 1125 Locust, Kansas City, MO 64106

[REDACTED]

PO Steven G. Walker, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 07/27/2017

CRN: 17-66195

I, Detective Austin Reiter #5707
(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 07/27/2017, at 324 Benton Blvd in
(Date) (Address)

Kansas City, Jackson Missouri Otishus L. Kirkwood
(County) (Name of Offender(s))

B/M ,12-04-1980, SSN# [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

Aggravated Assault

The facts supporting this belief are as follows:

On 07/27/2017 at 1001 hours, officers of the Kansas City, MO police department were dispatched to 524 Benton Blvd., Kansas City, Jackson County, MO, regarding an aggravated assault.

Upon officers' arrival, they discovered the victim, lying unconscious in front of 524 Benton with obvious head injuries. Next to the victim was a partially broken television. The victim was transported by EMS to an area hospital for life-threatening injuries. Upon their arrival, detectives located a crime scene consisting of a large broken tube television and a large pool of what appeared to be blood. The balcony, from which **KIRKWOOD** threw the television, was on the third story and approximately 15 feet from ground level.

WIT1 contacted officers and stated that **Otishus KIRKWOOD, BM, 12/04/1980**, had thrown a large television off the third story balcony, striking the victim in the head. Officers conducted a residence check of 524 Benton Blvd., apt. # 35, and detained **KIRKWOOD** at 1030 hours. As officers were walking **KIRKWOOD** out of the apartment, WIT1 positively identified **KIRKWOOD** as the person who threw the television at the victim.

Detectives responded to the hospital in an attempt to obtain a statement from the victim. Due to the victim's injuries, the only information she could relay was that the last thing she remembers is being in the west bottoms. Hospital staff informed me the victim had suffered a subdural hematoma and a fracture to her cervical spine.

Detectives interviewed WIT1 who stated he and the victim went over to WIT2's residence (524 Benton #35) to visit with him. After they arrived, **KIRKWOOD** came out onto the balcony of the apartment and began yelling at them saying they couldn't come in. **KIRKWOOD** then threw a large television off the balcony which struck the victim and knocked her out.

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Detectives interviewed WIT2, who explained that the victim, **KIRKWOOD** and WIT1 were all homeless and he allowed them to sleep in his apartment from time to time. He remembers **KIRKWOOD** arguing with the victim and WIT1 and threatening to throw a television at them. WIT2 said he did not actually see **KIRKWOOD** throw the television.

Printed Name Det. Austin Reiter #5707 Signature /s/ Det. Austin Reiter

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

Judge

Circuit Court of _____ County, State of Missouri.