

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

<b>POLICE NO. :</b>	17-058492
<b>PROSECUTOR NO. :</b>	095442213

<b>STATE OF MISSOURI,</b>	)	
	)	<b>PLAINTIFF,</b>
<b>vs.</b>	)	
<b>MICHAEL SMITH</b>	)	
<b>3443 Montgall Ave,</b>	)	<b>CASE NO. 1716-CR</b>
<b>Kansas City, MO - 64130</b>	)	<b>DIVISION</b>
<b>DOB: 07/26/2001</b>	)	
<b>Race/Sex: B/M;</b>	)	
<b>SSN: XXXXX</b>	)	
	)	<b>DEFENDANT.</b>

**COMPLAINT**

**Count I. Robbery - 1st Degree (570.023-001Y20171206.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 570.023, RSMo, committed the class A felony of robbery in the first degree, punishable upon conviction under Section 558.011, RSMo, in that on or about July 8, 2017, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, forcibly stole a wallet, keys and a 2014 Toyota Scion in the possession of [REDACTED], and in the course thereof defendant or another participant in the offense caused serious physical injury to [REDACTED].

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 (571.015-001Y19755299.0)**

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 8, 2017, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, committed the felony of robbery in the first degree charged in Count 1, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of

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robbery 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.

**Count III. Robbery - 2nd Degree (570.025-001Y20171206.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 570.025, 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 July 4, 2017, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, forcibly stole a Honda Civic in the possession of [REDACTED] and in the course thereof caused physical injury to another person.

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 (571.015-001Y19755299.0)**

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 4, 2017, in the County of Jackson, State of Missouri, the defendant committed the felony of robbery in the second degree charged in Count 3, all allegations of which are incorporated herein by reference, and the defendant, acting alone or purposefully in concert with others, committed the foregoing felony of

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robbery in the second degree by, with and through, the knowing use, assistance and aid of a dangerous instrument or 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 V. Tampering With Motor Vehicle - 1st Degree (569.080-002Y20172902.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.080.1(2), RSMo, committed the class D felony of tampering in the first degree, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about July 3, 2017, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, knowingly and without the consent of the owner, [REDACTED] unlawfully operated an automobile, a Nissan Altima.

The range of punishment for a class D 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 ten thousand dollars (\$10,000); 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.

**Count VI. Tampering With Motor Vehicle - 1st Degree (569.080-002Y20172902.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.080.1(2), RSMo, committed the class D felony of tampering in the first degree, punishable upon

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conviction under Sections 558.002 and 558.011, RSMo, in that on or about July 6, 2017, in the County of Jackson, State of Missouri, the defendant, acting alone or purposefully in concert with others, knowingly and without the consent of the owner, [REDACTED] [REDACTED] unlawfully operated an automobile, a Ford Focus.

The range of punishment for a class D 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 ten thousand dollars (\$10,000); 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.

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/ Kristiane N. Bryant*  
Kristiane N. Bryant (#69524)  
Assistant Prosecuting Attorney  
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**WITNESSES:**

DET Brandon J. Bray , 5301 E. 27th St., Kansas City, MO - 64128  
[REDACTED]

DET Frank V. Rorabaugh , 1125 Locust, Kansas City, MO - 64106  
[REDACTED]

DET Michael A. Wells , 1125 Locust, Kansas City, MO - 64106

PROBABLE CAUSE STATEMENT FORM

Date: 11-02-2017

CRN: 17-58492
17-58861, 17-59401, 17-59989

I, Detective Frank Rorabaugh
(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 07-03-2017, at 4023 Harrison Street in
(Date) (Address)

Kansas City, Jackson County Missouri Michael J. Smith
(County) (Name of Offender(s))

B/M 07-26-2001 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 07-03-2017 at 0021 hours, Officer Brannen and Officer Saragusa with KCMOPD's Central Patrol Division were dispatched to 4023 Harrison Street, Kansas City, Jackson County, Missouri on a reported armed street robbery.

Upon arrival, the Officers made contact with Victim #1 who stated she parked her blue 2006 Nissan Altima bearing Missouri plate DM6V4Z on the street and began to exit the vehicle when she observed two unknown 16 to 17 year old black males run toward her vehicle. One of the subjects placed what felt like a small pocket knife to her throat and demanded that she exit her Nissan. As Victim #1 exited her car, she grabbed her purse so it would not be stolen but it became caught inside the vehicle. The same suspect yelled "hurry up" and then pulled her out of the vehicle and onto the ground. Both suspects got into Victim #1's vehicle and fled the scene.

Victim #1's Nissan was recovered abandoned near 2416 Quincy Avenue on 07-03-2017 at approximately 1045 hours.
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On 07-04-2017 at 0335 hours, Officer Abouhalkah and Officer DiMartino with KCMOPD's Central Patrol Division were dispatched to 4341 Paseo Boulevard, Kansas City, Jackson County, Missouri on a reported strong armed robbery.

Upon arrival, the Officers made contact with Victim #2 who stated he parked his blue 2000 Honda Civic at the convenience store and was inside paying for his purchases when he observed a black male suspect get into his vehicle and begin to drive away in it. Victim #2 ran back to his car, opened the driver's door, and attempted to remove the suspect from the driver's seat. The suspect refused to exit the vehicle and instead slammed on the brakes, which caused Victim #2 to fall to the ground, injuring his leg in the process. The suspect and three additional black male suspects then fled the scene in Victim #2's Honda. Victim #2's iPhone 6 was stolen along with the Honda.

On 07-06-2017 at 2138 hours, Officer Bedell was dispatched to the 4600 Block of Chelsea Avenue on a reported abandoned vehicle. Upon arrival, the Officers located Victim #2's Honda abandoned at the location.
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On 07-06-2017 at 0442 hours, Officer Gemmell and Officer Hudson with KCMOPD's East Patrol Division were dispatched to 3912 Jackson Avenue, Kansas City, Jackson County, Missouri on a reported strong armed robbery.

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Upon arrival, the Officers made contact with Victim #3 who stated she was seated inside her red 2008 Ford Focus bearing Kansas license 399DMP counting some money in her lap when she was approached by two black males. One of the suspects punched her in the face, grabbed her by the hair and utilized it to pull her from the vehicle. The suspects then got into her Ford and fled the scene in the car.

On 07-06-2017 at 0805 hours, Officer Edwards was dispatched to 26<sup>th</sup> Street and Cleveland Avenue on a recovered stolen auto. Upon arrival, the Officer located Victim #3's Ford abandoned at the location.

Victim #3 later identified **Michael J. Smith** (B/M 07-26-2001) from a photo line-up as one of the suspects who robbed her.

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On 07-08-2017 at 0424 hours, Officer Mahoney and Officer Treese were dispatched to the East Patrol Division Station in order to meet the victim of an armed robbery which occurred in the area of 35<sup>th</sup> Street and Prospect Avenue, Kansas City, Jackson County, Missouri.

Upon arrival, the Officers made contact with Victim #4 who was employed as a Taxi cab driver for 10/10 Taxi. Victim #4 stated he responded to 3536 E. 57<sup>th</sup> Street, Kansas City, Jackson County, Missouri where he picked up two black male subjects who repeatedly gave him different destinations for approximately an hour before ending up at 3500 Prospect Avenue, Kansas City, Jackson County, Missouri. After he parked the vehicle at the location, the two black male subjects seated in his Taxi held him tightly against the driver's seat until approximately eight other black males approached and removed Victim #4 from the vehicle. They proceeded to punch and kick Victim #4 while one of the suspects hit him several times with a long stick. The suspects then took Victim #4's wallet, which contained \$150 in cash, and cellular telephone from his pockets, and one of his shoes. The suspects then fled the scene in Victim #4's Taxi which was a green 2014 Scion XB bearing Missouri license FM9D2V. Victim #4 stated he lost consciousness at some point during the incident and received medical treatment for his injuries.

On 07-08-2017 at 1142 hours, Officer Williams with KCMOPD's East Patrol Division was dispatched to 3309 Askew Avenue, Kansas City, Jackson County, Missouri on a recovered stolen auto. Upon arrival, Officer Williams located Victim #4's Taxi cab abandoned at the location.

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On 07-08-2017, Victim #2 notified Detectives that he had utilized the "Find my iPhone" application to locate his stolen iPhone 6 at 3443 Montgall Avenue. The name associated with the stolen phone had also been changed from Victim #2's to "Shmittie Mike". Detectives knew **Michael J. Smith** (B/M 07-26-2001) had recently provided 3443 Montgall Avenue as his home address and utilized the name "Shmittie Mike" on social media.

On 07-12-2017 a search warrant was obtained in the Circuit Court of Jackson County, Missouri for 3443 Montgall Avenue, Kansas City, Jackson County, Missouri. On 07-12-2017 at approximately 1228 hours, members of KCMOPD's Tactical Response Team executed the search warrant during the course of which **Smith** was located inside the residence. While searching the residence for evidence related to this offense, Detectives located a Norinko model SKS 7.62 x 39 caliber semi-automatic rifle with an obliterated serial number. Detectives also located Victim #2's driver's license under a corner of the carpet in the basement.

On 07-12-2017 at 1750 hours, Detective Wells questioned **Smith** in regard to these robberies. Prior to questioning, DJO Pinkey advised **Smith** of his *Miranda rights* in the presence of his mother. **Smith** and his mother waived their rights and **Smith** agreed to speak to Detective Wells.

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During the course of the interview, **Smith** admitted he took part in the robbery of Victim #2 and that he had driven Victim #2's Honda Civic after it was taken. He further admitted he took Victim #2's iPhone 6 and driver's license from the vehicle. **Smith** admitted he changed the name associated with Victim #2's iPhone 6 to "Shmitti Mike". **Smith** said he was the leader and creator of the "Shmitti Street Gang".

**Smith** also admitted he was involved in the robbery of Victim #4. He stated he was in the parking lot of 3319 E. Linwood Boulevard when Victim #4 pulled into the lot in his Taxi cab. **Smith** said he unlocked all the doors on the vehicle and then grabbed the electronic tablet from the car which was utilized to track the Taxi cab. **Smith** stated he disabled the electronic tablet so it could not be tracked. **Smith** admitted he drove Victim #4's Taxi cab for approximately 15-20 minutes after it had been stolen.

**Smith** admitted he drove Victim #3's red Ford Focus and knew it was stolen but denied any involvement in the robbery. He stated he abandoned the Ford near 26<sup>th</sup> Street and Cleveland Avenue once he got a flat tire.

**Smith** admitted he drove Victim #1's blue Nissan Altima and knew it was stolen but denied any involvement in the robbery.

On 08-15-2017, a report was completed by a member of the Kansas City Police Crime Laboratory. It was determined that the Norinko model SKS was a fully-automatic weapon and the serial number was unable to be restored.

Printed Name Detective Frank Rorabaugh Signature Det. FRK. 17A#4901

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

\_\_\_\_\_  
Judge

Circuit Court of \_\_\_\_\_ County, State of Missouri.