

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

POLICE NO. :	16-082317
PROSECUTOR NO. :	095437462

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
MICHAEL T. LOMAX)	
1824 E. 69th Ter,)	CASE NO. 1716-CR
Kansas City, MO - 64132)	DIVISION
DOB: 03/02/1969)	
Race/Sex: B/M;)	
SSN: XXX-XX-████)	
)	DEFENDANT.

COMPLAINT

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 on or about November 1, 2016, in the County of Jackson, State of Missouri, the defendant knowingly caused the death of Dustin Harris by shooting him.

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 571.015.2, RSMo, in that on or about November 1, 2016, in the County of Jackson, State of Missouri, the defendant committed the felony of Murder in the Second Degree charged in Count I, 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, and on or about

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January 7, 1992, in Boone County Circuit Court Columbia, the defendant was convicted of the offense of armed criminal action in Court Case Number 13R019131527-01.

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. Unlawful Possession Of A Firearm (571.070-001Y20085212.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of 571.070, RSMo, committed the **Class C Felony of Unlawful Possession of a Firearm**, punishable under Sections 558.011 and 560.011, RSMo, in that on or about November 1, 2016, in the County of Jackson, State of Missouri, the defendant knowingly possessed a handgun, a firearm, and on or about June 10, 1988, the defendant was convicted of the felony of Assault in the Second Degree in the Circuit Court of St. Louis County under case number 21CCR-575879.

The range of 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.

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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,

/s/ Ashleigh A. Ragner
Ashleigh A. Ragner (#63694)
Assistant Prosecuting Attorney
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WITNESSES:

DET Leland W. Blank, 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

PROBABLE CAUSE STATEMENT FORM

Date: 01-24-2017

CRN: 16-82317

Detective Kristofer Oldham # 5166

(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 11-01-2016, at 3509 Lexington Av in

(Date)

(Address)

Kansas City, Jackson Missouri Michael T. Lomax

(County)

(Name of Offender(s))

B/M, 03-30-65 committed one or more criminal offense(s). (Description of Identity)

The facts supporting this belief are as follows:

On 11-01-2016 at 1727 hrs, Officers from the Kansas City Missouri Police Department responded to 3509 Lexington in regard to a shooting. Upon arrival they were directed to the basement of the address where the victim was found suffering from apparent gunshot wounds. Medics responded and confirmed the victim deceased.

Members of the homicide 1030 squad responded to the scene and contacted witness # 1 who advised that she had been at the house, when a friend of hers Witness # 2 told her of a plan to set up a drug purchase between the victim and the suspect, a black male known as "OG". Witness # 1 knew "OG" as an individual that she and Witness # 2 had met the day before at Langley Recycling.

Around 1700 hrs on the same date, Witness # 1 observed "OG" arrive at 3509 Lexington Av, in a white Ford pickup truck. Witness # 2 walked out to the street in front of 3509 Lexington and got into the white ford pick-up which "OG" was driving. "OG" and Witness # 2 returned to the house. At the same time Witness # 1 saw Witness # 3 arrive in a white truck she is known to drive, with the victim. Witness # 1 advised everybody walked into the basement bedroom where Witness # 1 was staying to start the drug purchase.

Witness # 1 stated she did not hear conversation but noted "OG" had money in his right hand, and was standing to the left of the victim. Witness # 1 stated she did not see "OG" with a gun but saw him take his hand out of his left pocket then a loud bang and then the victim yell that he had been shot. Witness # 1 believed "OG" pulled a gun out from his left coat pocket with his left hand and reach across his body and shoot the victim in the chest. The victim and "OG" then begin to struggle and stumble out the basement door. She also believed she witnessed "OG" try to grab the drugs out of the victim's hands. Witness # 1 did not see the victim with a gun, nor did she see Witness # 2 or Witness # 3 with a gun. The victim was lying on an interior staircase still in the basement unresponsive. Witness # 1 waited for the police. "OG", Witness # 2 and Witness # 3 fled the scene before police arrived.

Detectives interviewed Witness # 2 who admitted she was present during the homicide and that she had attempted to set up a drug deal between the victim and suspect, "OG". She advised that while in the basement of the residence, she observed "OG" attempt to snatch the meth from the victim's hands. At the same time Witness # 2 noticed "OG" had a gun in a holster on the left side of his belt line. "OG" had his left hand on the gun when a scuffle broke out. Witness # 2 observed the victim trying to yank the drugs back out of "OGs" hand as the scuffle moved outside into the stairwell behind a door. Witness # 2 heard a single "pop" at which time the victim came back into the basement clutching his chest saying he had been shot.

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Detectives interviewed Witness # 3 who admitted that she drove the victim to the location, where the drug deal was to take place. She advised there were three steps which led to the basement of the residence. Witness # 3 went to speak to Witness # 2. Witness # 3 advised the suspect, "OG", was standing just outside the residence near the steps. She had never seen "OG" before. She described "OG" as a black male who was "very clean cut", between forty and fifty years old. He was wearing a gold chain and gold rings on his right hand. She stated she couldn't see his left hand because it was in his pocket the whole time. He was wearing dark clothing. She believed "OG" parked in front of the residence on the north side and she was unable to see what type of vehicle he arrived in.

Witness # 3, the victim and "OG" entered the basement. Also present in the basement was Witness # 2, and Witness # 1, who lived at the residence. "OG" and the victim were standing near a round table when "a raucous started going on." The victim started running toward the door and "OG" was running after him. As the victim and "OG" got to the second step leading out of the basement, she heard a single gunshot. "OG" fled the scene. The victim returned to the basement and Witness # 3 could see that he had been shot. Witness # 3 stated she never saw the victim or any of the other other witness with any weapon.

Witness # 1 advised that she and Witness # 2 had met the black male suspect, "OG", the day before the homicide while at Langley Recycling. Video was obtained from the recycling facility and Witness # 1 and Witness # 2 are seen talking to two separate black males. Detectives interviewed employees at Langley Recycling who identified one of the black males as Michael Lomax. Paperwork from the facility listed an address for Lomax as 5700 Agnes Av. A police database revealed a Michael T. Lomax B/M, 03-02-69, with an address of 6700 Agnes Av.

Witness # 1 advised that the phone Witness # 2 had used to set up the drug deal, use to be her (Witness #1's) boyfriends and that he had given it to Witness # 2. That phone number is 816-694-0788. Witness # 1 advised she has called Witness # 2 numerous times on that number.

A court order was obtained for 816-694-0788. A review of the cell records revealed frequent in-coming and outgoing phone calls to and from 913-283-1842, around the time of the homicide. It should be noted that the cell records go back to 10-13-2016 until 11-07-2016. The phone number 913-283-1842 is only seen on the records on the day of 11-01-2016, the day of the homicide. A search of a police database revealed this number to have been used in police reports by a [REDACTED] on October 23rd, 2016. Research of Ms. Lomax through a police database revealed one of her listed associates as Michael T. Lomax, 03-02-69.

Detectives prepared a photo lineup consisting of five black males of like description. Michael T. Lomax B/M, 03-02-69 was placed in the number three position. On 01-23-2017, I presented the lineup to Witness # 1. Witness # 1 positively identified Lomax as the person who shot and killed the victim. Witness # 2 and # 3 were unable to pick Lomax out of the photo lineup.

On 01-30-2017, Michael T. Lomax B/M, 03-02-1969 was arrested and transported to Police Headquarters. At the time of his arrest, he was driving a white Ford pickup truck. Lomax was escorted to an interview room where he was advised of his Miranda rights. Lomax signed the Miranda waiver form and agreed to speak with detectives.

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Lomax admitted that sometime toward the end of October beginning of November he had been to Langley Recycling where he met a white female. Lomax stated he moves furniture for a living and had given the female his card as they were talking about moving scraping material. He further stated he had called and spoke to the female few times over the phone the next day. Lomax stated the number he had used to call the female was a 913 number. I provided Lomax the number of 913-283-1842 and Lomax advised he believed this was the number he had used to contact the female. Lomax advised he is married to [REDACTED]. Lomax stated he and the white female never met back up after the phone calls. He further stated he had never been to 3509 Lexington Av and did not kill anyone. Lomax admitted to using illegal drugs. When asked what type of drugs he would use he advised it depended on what he felt like at the time.

Cell phone mapping for the phone number 913-283-1842 was completed and it was revealed that the cell phone was in fact in in the immediate area of the homicide on the date and approximate time of the homicide. It should also be noted that although several T-Mobile towers are plotted on the map, the number of 913-283-1842 appears to be in communication with the tower which is the closest to the crime scene just prior to the homicide.

Printed Name K. Oldham # 5166

Signature *[Handwritten Signature]* #5166

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

Judge

Circuit Court of _____ County, State of Missouri.