

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

POLICE NO. :	17-102063
PROSECUTOR NO. :	095442868

STATE OF MISSOURI,	)	
	)	
PLAINTIFF,	)	
	)	
vs.	)	
VICTOR D KELLEY	)	
1225 Wabash,	)	CASE NO. 1716-CR
Kansas City, MO - 64109	)	DIVISION
DOB: 09/15/1955	)	
Race/Sex: B/M;	)	
SSN: XXX-XX 	)	
DEFENDANT.	)	

COMPLAINT

Count I. Murder 2nd Degree (565.021-001Y19840999.0)

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 December 4, 2017, in the County of Jackson, State of Missouri, the defendant with the purpose of causing serious physical injury to Phillip B. Degnan caused the death of Phillip B. Degnan by shooting him.

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.

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 December 4, 2017, 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.

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/ Sarah A. Castle

Sarah A. Castle (#64770)
Assistant Prosecuting Attorney
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WITNESSES:

[REDACTED]
DET Leland W. Blank, 1125 Locust, Kansas City, MO - 64106

[REDACTED]
DET Chason C. Crowell, 1125 Locust, Kansas City, MO - 64106
Phillip B. Degnan, Prosecuting Atty. Office, Kansas City, MO - 64106
DET Timothy M. Fitzgerald, 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 Kristofer R. Oldham, 1125 Locust, Kansas City, MO - 64106
PO Chatham D. Reeve, 1125 Locust, Kansas City, MO - 64106

PROBABLE CAUSE STATEMENT FORM

Date: 12-16-2017

CRN: 17-102063

I, Detective Leland Blank # 5023

(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 12-04-2017, at 1800 Benton Blvd in
(Date) (Address)

Kansas City, Jackson Missouri Victor D. Kelley
(County) (Name of Offender(s))

B/M, 09-15-1955 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 12-04-2017 at 6:34 p.m., Officers of the Kansas City, Missouri Police Department were dispatched to Benton Market and Gas at 1800 Benton, Kansas City, Jackson County, Missouri on a shooting. The victim, Phillip Degnan, was found deceased in the parking lot of the business. One apparent gunshot wound was located in the left side of the victim's chest. A .380 shell casing was found on the ground near the victim.

Video surveillance was obtained from the business. The video surveillance at the store showed the following: The victim came into the store at 5:55 p.m. and made a purchase. The victim then went out to the parking lot to the east side of the building out of camera view. Parties who frequent the store are known to hang out on the east side of the building. At 6:09 p.m. the victim is seen approaching a grey 4-door vehicle in the parking lot and he talked to the driver in the vehicle. The victim then goes back in the direction of the east side of the building. The suspect is then seen coming from east side of the building at 6:22 p.m. The suspect walks into parking lot and he walks back in the direction of the east side of the building. The suspect appears to be a black male and is wearing a baseball cap with alternating white and dark colored panels, white shoes, and dark colored clothing. At 6:28 p.m. the suspect is seen walking from the east side of the building with the victim following him. They appear to be arguing and the suspect walks to the back side of a grey SUV parked near the front of the store. The victim stands near the front SUV and continues to argue with the suspect. The victim then walks around the back side of the SUV and the suspect appears to produce a handgun and shoots the victim. The victim immediately drops to the ground and the suspect walks away westbound towards Prospect Avenue.

Video surveillance was obtained that tracked the suspect walking along Prospect northbound to the area of 13th Street. He is last seen walking westbound on 13th towards Wabash Avenue and then north on Wabash.

A witness from the scene was sitting in a car by the gas pumps. He observed the suspect and victim standing on the side of the building and they appeared to be arguing based on their body language. At one point the victim started walking towards the suspect who pulled a small grey handgun and fired one time killing the victim. He described the suspect as a black male 6'0" to 6'1", 50 to 60 years old, wearing a black, grey, and white checkered ball hat with puffy grey "salt and pepper" afro style hair sticking out the sides of the hat, dark colored coat and dark pants.

A witness was contacted and stated that he was hanging out at the gas station when he met the victim. The victim and he started talking and drinking together while both hanging out at the gas station. The suspect approached the victim for no apparent reason and began yelling at the victim saying he did not belong there.

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The victim became upset at the suspect yelling at him and began to argue with the suspect. The suspect started to walk away and the victim followed him yelling at him. Brown stated the suspect attempted to walk away from the victim again and the victim followed him again, still yelling at him. At that point the suspect pulled a gun out and shot the victim. The suspect then left the area walking northbound away from the liquor store. Brown stated there was never any physical contact between the victim and suspect.

On 12-14-2017 at 10:55 a.m., a detective conducted a pedestrian check on a male matching the suspect description at 16th and Prospect. The male was identified as Victor Kelley B/M 9-15-1955. Kelley stated he was walking to Benton Market and responded back with two warrants. Kelley was transported to Police Headquarters where he was advised of his Miranda Rights. Kelley acknowledged his Rights and stated he frequently went to Benton Market to buy liquor and hang out. Kelley stated he lived at 1225 Wabash and walked everywhere because he did not own a car. He liked to go to Benton Market because he bought Russian vodka there he liked and pronounced it like "Kerosta". He was able to buy a small bottle for \$1.75. Kelley stated he had heard about the murder on the news but denied being involved or knowing any information about it. Kelley denied ever having carried a gun. At the time of the interview Kelley was observed to be wearing a black baseball cap with puffy grey afro sticking out of the sides and white and green tennis shoes. He was also wearing a ring on his right hand ring finger. He was listed as 6'1" and had a slim build.

Additional video was obtained from inside the store a few hours before the homicide. The suspect was observed wearing the distinctive ball cap seen in the exterior video. The suspect had puffy grey hair coming out of the sides of his ball cap, was wearing a dark brown coat with a white wool like collar that may have been part of the jacket or part of a sweater underneath the jacket, dark pants, a ring on his right hand, and white and green tennis shoes that resembled the shoes Kelley was found wearing at the time of the pedestrian check. Kelley appeared to match the appearance of the suspect in the store video. The suspect was observed buying Khortytza vodka for \$1.73 at 3:15 p.m. He is also observed at 4 p.m. inside the store buying a can of beer. The suspect appeared to know other parties in the store and talked and joked with them.

On 12-16-2017 at 1025 hours, Kelley was arrested as he left his house at 1225 Wabash on an investigative hold. A search warrant was obtained for the suspect's residence. Shoes matching what appear to be worn in the video by the suspect were found in the victim's bedroom. A .380 live round was found on the floor of the victim's bedroom.

On 12-16-2017, Kelley was arrested and transported to Police Headquarters. Kelley was advised of his Miranda Rights. Kelley advised he understood his rights and agreed to speak with detectives. During the interrogation, Kelley admitted to being the party in the video. Kelley confessed to shooting the victim in the parking lot of 1800 Benton. Kelley admitted that as he walked away from the scene of the murder, he threw the handgun he used to kill the victim in a near-by grassy field.

Printed Name Det. Leland Blank # 5023 Signature /S/ Det Leland Blank # 5023

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

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Judge

Circuit Court of _____ County, State of Missouri.