

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

POLICE NO. :	17-105251
PROSECUTOR NO. :	095442954

STATE OF MISSOURI,)	
	PLAINTIFF,)
vs.)	
HOWARD TYRONE NEELY)	
3309 E 51st Street,)	CASE NO. 1716-CR
Kansas City, MO - 64130)	DIVISION
DOB: 06/05/1982)	
Race/Sex: B/M;)	
SSN: XXX-XX-XXXX)	
	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 December 16, 2017, in the County of Jackson, State of Missouri, the defendant with the purpose of causing serious physical injury to Joegina L. Davis caused the death of Joegina L. Davis by shooting her.

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 (571.015-001Y19755213.0)

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 571.015.1, RSMo, in that on or about December 16, 2017, in the County of Jackson, State of Missouri, the 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.

Count III. Unlawful Possession of a Firearm (571.070-001Y20175299.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.070, RSMo, committed the **Class D Felony of Unlawful Possession of a Firearm**, punishable under Sections 558.002 and 558.011, RSMo, in that on or about December 16, 2017, in the County of Jackson, State of Missouri, the defendant knowingly possessed a firearm, to wit a .40 caliber semiautomatic handgun, and on or about April 12, 2006, the defendant was convicted of the felony of Distribution of a Controlled Substance in the United States District Court of the Western District of Missouri, and on or about December 2, 2002, the defendant was convicted of the felony of Unlawful Use of a Weapon, in the Circuit Court of Jackson County, Missouri, in case number CR0203769.

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/ Sarah A. Castle

Sarah A. Castle (#64770)
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WITNESSES:

DET Chason C. Crowell, 1125 Locust, Kansas City, MO - 64106
DET Timothy M. Fitzgerald, 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 Steven R. Weber, 1125 Locust, Kansas City, MO - 64106



PROBABLE CAUSE STATEMENT FORM

Date: 12/28/2017

CRN: 17-105251

I, Chason Crowell
(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 12/16/17, at 93rd St. and Myrtle Ave. in
(Date) (Address)

Kansas City, Jackson Missouri Howard Tyrone Neely
(County) (Name of Offender(s))

B/M, 06/05/1982, committed one or more criminal offense(s).
(Description of Identity)

MURDER / ACA

The facts supporting this belief are as follows:

On 12-16-2017 at 2304 hours officers of the Kansas City Missouri Police Department were dispatched to 93rd St. and Myrtle Ave., Kansas City, Jackson County, Missouri, to investigate a reported shooting. Upon arrival they located the victim lying in the street suffering from apparent gunshot wounds. They also contacted a witness who was standing by with the victim. The victim was transported to an area hospital where she was pronounced dead on arrival. During the body exam detectives observed marks on the victim to indicate she had been run over by a vehicle as well as shot.

The witness at the scene advised that on 12/16/2017 at approximately 2255 hours as he was driving northbound on Cable Rd, he observed the victim lying in the street as he was about to make the turn from Cable Rd. onto westbound 93rd St. He exited his vehicle and walked to the victim and observed that she was bleeding. When he asked the victim who did this to her, she told him, "**Tyrone**". When he asked her more she said "I got out of the car, he shot me and ran me over".

Crime Scene Technicians responded to 93rd St. and Myrtle Ave., and recovered a .40 caliber shell casing and a .40 caliber live round near the victim's body.

The victim's identity was determined at which time Detectives found that her husband was **Howard Tyrone Neely, B/M, 06/05/1982 (also known as "Tyrone")**. The victim's family stated that the victim's husband goes by his middle name **Tyrone**. They further advised that **Tyrone** and the victim are no longer together. They stated that the victim has been abused by **Tyrone** in the past.

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On 12/17/2017 at 0430 hours Detectives contact the victim's daughter at her residence and advised her of this offense. She advised that she had taken the victim to work on 12/16/2017 to her job in Independence, Jackson County, Missouri. She advised that she had the victim's vehicle and the last time she spoke to the victim was on 12/16/2017 at approximately 2142 hours when the victim called to remind her to pick her up from work at 2200 hrs.

The daughter arrived at the victim's job at 2208 hours. When the victim did not come out, she honked the car horn and then called the victim's phone. She thought the victim's phone must have been shut off because every time she called it, it went straight to voicemail. The Independence Police Department was called and responded to the address. The Police made contact with the person inside the address and that person stated the victim was not there. He further stated that he relieves the victim at work and when he arrived at the address at 2155 hours, she was not there, which was unusual. The victim's purse was found inside the work location.

In a subsequent interview, the daughter stated **Tyrone** had been abusive to the victim in the past. She stated **Tyrone** assaulted the victim on several occasions at several different locations. She stated when **Tyrone** and the victim lived on 96th and Freemont she observed **Tyrone** hit the victim "upside the head" because she was on the phone talking to a friend. She stated the victim had brain surgery in March of 2017. Approximately two days after the surgery **Tyrone** struck the victim in the head. The incident was reported to Gladstone Police Department on March 22, 2017 on case #1700995. The victim was crying and bleeding from her nose. **Tyrone** was arrested at the scene and issued a summons for simple assault and resisting arrest. She stated in October or November of 2017 the victim was outside her apartment on the phone when **Tyrone** pulled into the apartment parking lot. The victim ran into the apartment and told the daughter "**Tyrone** just pointed a gun at her". The daughter told the victim to call the police but she refused so the daughter called 911 and Police responded. When Police arrived the victim changed her story so no report was taken. The 911 call could not be located.

She stated **Tyrone** would occasionally show up at the victim's jobs unannounced and ask for money. She stated the victim would never call the police on **Tyrone** because she was scared of him and what he would do to her. She stated **Tyrone** did not want the victim to be with anyone else, not even her own kids. She recalled that **Tyrone** had threatened to kill her younger brother and younger sister in the past.

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Sometime in October of 2017, **Tyrone** called the victim while the victim and the victim's daughter were driving. **Tyrone** asked the victim where she was. **Tyrone** told the victim "you know Mook is dead". The victim told **Tyrone** to stop calling her with stuff like that. **Tyrone** hung up and called right back and said "why you have an attitude, you wanna end up like Mook".

On 12/17/2017, a National Integrated Ballistic Information Network (also known as "NIBIN") hit was received on the shell casings recovered from the homicide scene. NIBIN captures and compares ballistic evidence. The hit indicated that a shell casing from the homicide scene matched a shell casing recovered from a crime scene in Kansas City, Kansas from 09/08/2017. In reviewing the Kansas City, Kansas report for discharge of a firearm, the suspect who fired the gun was listed as "**Tyrone**" and the reporting party stated that the suspect was her child's father's sister's boyfriend. On 12/18/2017 Detectives spoke with the homicide victim's mother who stated that the reporting party in the Kansas City, Kansas police report had a child with her son (the homicide victim's brother).

On 12/27/2017 detectives contacted the witnesses in the Kansas City, Kansas report that generated the NIBIN hit. Both witnesses identified **Howard Tyrone Neely** out of a line up indicating he was the person who shot a gun during a child custody exchange.

Witness#1 stated she was meeting with the victim on 09/08/2017 to sign over custody of her 3 year old son. Witness#1 stated she and Witness#2 were standing at the back of a vehicle talking when Witness#2 told her she did not have to do this. Witness#1 stated that is when she heard a gunshot and heard **Tyrone** say "get in the car, get in the car". Witness#1 stated she tried to get her son out of the car but the doors were locked. Witness#1 stated the victim and **Tyrone** drove off in separate cars and she called the Police.

Witness#2 stated he and Witness#1 were standing in the parking lot talking when he told her she did not have to sign paper work to give up her son. Witness#2 stated the victim and **Tyrone** pulled up in the parking lot in separate cars. Witness#2 stated **Tyrone** got of the car and started walking toward him. Witness#2 stated **Tyrone** was clutching the front pocket of his hooded sweatshirt and he observed the outline of a gun in **Tyrone's** front pocket. Witness#2 stated **Tyrone** yelled "What the fuck" then shot at him one time. Witness#2 stated he observed **Tyrone** with a black semiautomatic handgun. Witness#2 stated **Tryone** was a few feet away from him when **Tyrone** shot and he could feel the bullet pass by his leg. Witness#2 stated he ran back to his apartment and observed both vehicles leaving.

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On 12/17/2017 **Howard Tyrone Neely** was arrested for investigation. On 12/18/2017 **Neely** was transported to 1125 Locust for questioning. **Neely** was advised of his Miranda Rights and requested a lawyer.

When **Tyrone** was arrested his girlfriend told Officers the phone number she has for **Tyrone** is 816-301-8409. During the investigation the victim's phone records were obtained and reviewed. The phone records revealed that **Tyrone's** number called or had been called by the victim's phone 1,073 times between 11-17-2017 and 12-08-2017.

Howard Tyrone Neely was convicted of UUW in Jackson County, Missouri on case# CR0203769 and sentenced to 5 years confinement on or about 12/11/2002. **Howard Tyrone Neely** was also convicted of Felony Distribution of a controlled substance on or about 04/12/2006 in the United states District Court of The Western District of Missouri.

Printed Name Det. Chason Crowell Signature /s/ Det. Chason Crowell #5228

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

Judge

Circuit Court of _____ County, State of Missouri.