

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

POLICE NO. :	18-018241
PROSECUTOR NO. :	095444274
OCN:	

STATE OF MISSOURI,

PLAINTIFF,)

VS.

DIMITRI D. TINSLEY

6024 South Benton Ave.

Kansas City, MO 64130

DOB: 08/30/1991

Race/Sex: B/M

DEFENDANT.)

COMPLAINT

Count I. Murder 2nd Degree (565.021-001Y19840901.0)

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 March 9, 2018, in the County of Jackson, State of Missouri, the defendant knowingly caused the death of Ashley D. Roberts 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 March 9, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of Murder in the Second Degree charged in Count 1, 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. Endangering the Welfare of a Child Creating Substantial Risk- 1st Degree - 1st Offense - No Sexual Conduct (568.045-005Y20173899.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 568.045, RSMo, committed the **Class D Felony of Endangering the Welfare of a Child in the First Degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about March 9, 2018, in the County of Jackson, State of Missouri, the defendant knowingly acted in a manner that created a substantial risk to the life, body and health of D.R (DOB: 11/27/2009), a child less than seventeen years of age, by knowingly shooting a gun in the presence of the child.

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 IV. Endangering the Welfare of a Child Creating Substantial Risk- 1st Degree - 1st Offense - No Sexual Conduct (568.045-005Y20173899.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 568.045, RSMo, committed the **Class D Felony of Endangering the Welfare of a Child**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about March 9, 2018, in the County of Jackson, State of Missouri, the defendant knowingly acted in a manner that created a substantial risk to the life, body and health of [REDACTED]. (DOB: 11/19/2014), a child less than seventeen years of age, by shooting a gun in the presence of the child.

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 V. 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 March 9, 2018, in the County of Jackson, State of Missouri, the defendant knowingly possessed a firearm, to wit a Ruger, SR40C, .40 caliber semiautomatic handgun, and on or about April 17, 2014, the defendant was convicted of the felony of Possession of an Unregistered Firearm, in the United States District Court for the Western District of Missouri.

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. Possession of Controlled Substance Except 35 Grams or Less of
Marijuana/Synthetic Cannabinoid (579.015-001Y20173599.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 579.015, RSMo, committed the **Class D Felony of Possession of a Controlled Substance**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about March 9, 2018, in the County of Jackson, State of Missouri, the defendant knowingly possessed Xanax, a controlled substance, knowing of its presence and nature.

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 Alane M. Booth, 1125 Locust, Kansas City, MO 64106

DET Jason Decker, 1125 Locust, Kansas City, MO 64106

DET Donna M. Drake, 5301 E. 27th Street, Kansas City, MO 64127

PO Sarah Lewey, 1125 Locust, Kansas City, MO 64106

DET Darin K. Penrod, 1125 Locust, Kansas City, MO 64106

[REDACTED]

[REDACTED]

CST Benjamin Simmons, 6633 Troost, Kansas City, MO 64131

DET Mark A. Slater, 1125 Locust, Kansas City, MO 64106

[REDACTED]

[REDACTED]

[REDACTED]

DET Jeremy D. Wells, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 3/9/2018

CRN: 18-018241

I, Det. Donna Drake #5573

(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 3/9/2018, at 6024 South Benton Ave in
(Date) (Address)

Kansas City, Jackson Missouri Dimitri Devante Tinsley
(County) (Name of Offender(s))

b/m, 8/30/91, [REDACTED], 5'08", 222lbs committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 3/9/18 at approximately 0946 hours members of the Kansas City Missouri Police Department were dispatched initially on sounds of shots but then the call was updated to a shooting at 6024 South Benton Ave, Kansas City, Jackson County, Missouri, 64130. Upon arrival, officers were contacted by a neighbor, who promptly alerted the officers the "boyfriend just left" and then the officers observed a deceased b/f lying partially in the front doorway threshold into the residence and partially on the front covered porch of 6024 S Benton Ave. The neighbor also advised officers the boyfriend, whom she recognized, had just left in a car with the children the boyfriend has in common with the deceased female. The neighbor also heard the boyfriend shout, "She just shot herself!" and he was asking for help before he left the scene with the children. The neighbor advised a detective the victim and the boyfriend reside there together and the neighbor has been over to their house before in regard to Domestic Violence disturbances.

The rear west facing door of the residence was observed by responding investigators to be standing open. Officers located an abandoned firearm on the rear property of 6029 Chestnut Av, Kansas City, Jackson County, Missouri, 64130, which appears to be an unoccupied boarded up single family residence. 6029 Chestnut Ave is located one block west of 6024 S Benton Ave, and the rear yard of 6029 Chestnut Ave is accessible from the rear yard of 6024 S Benton Ave, and only separated by a 4' chain link fence.

A 911 call was received a short time after the shooting to 4315 Mersington Av, Kansas City, Jackson County, Missouri. The caller, from that address, reported the victim's boyfriend had arrived to the residence, which is the deceased's female's grandmother's house with the two minor children, ages 8 and 3. The boyfriend then left the Mersington Ave address, and had stated he was going to leave and kill himself. He left but returned a short time later in the same vehicle, to the Mersington Ave address and was taken into police custody. Blood was observed on his hands, but he was not apparently injured. The boyfriend's behavior was volatile and he was taunting the officers to shoot him, and also stated, "I shouldn't have gotten out of the car and made you guys shoot me." The boyfriend was taken into custody for an Investigative Hold and was identified as **Dimitri Devante Tinsley, b/m,**

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8/30/91. A computer check revealed Tinsley to currently be on U.S. Federal Probation for Unlawful Use of a Weapon.

During the Execution of the Search Warrant for 6024 South Benton Ave on 3/9/18 investigators observed the deceased female, the resident, to have apparent gunshot trauma under her right eye. One shell casing was located inside the front door and noted to have the head stamp RP 40 S&W. The victim was identified as Ashley Roberts, b/f, 4/4/92.

A separate Search Warrant was executed on 3/9/18 for 6029 Chestnut Ave, Kansas City, Jackson County, Missouri, to recover the abandoned handgun observed in plain view in the rear yard. The handgun was observed to be a Ruger SR40C .40 caliber with one live round in the chamber readily capable of lethal force, with fourteen live rounds in a 15 round capacity magazine. The fourteen live rounds were all noted to have the head stamp of RP 40 S&W.

The victim's two minor children; 8 and 3 years of age (██████ 11/27/09) and (██████ 11/19/14), respectively. Blood was visible on the 3 year old child's clothing when she had contact with police. The 8 year old was dressed in a school uniform. Neither child had any physical injuries. The children were transported to the Child Protection Center for forensic interviews on the afternoon of 3/9/18. The 8 year old child reported she was asleep in the front room and heard a gunshot, she woke up and saw a man wearing dark clothing running from the front of the residence holding a gun and got in a black car and drove away. She said she then left her house with her dad and her sister in her dad's black truck. The 8 year old reported she heard her dad say he was going to kill himself. The 3 year old reported she saw her dad with a gun and "her daddy choked her mommy on the back of the neck with a gun and then a bullet went through her and she got dead."

On 3/9/18 Tinsley was transported to 1125 Locust St at approximately 1449 hours. Tinsley was read the Miranda Waiver Rights out loud. He agreed to speak with detectives. Tinsley asked, "Is she dead?" Tinsley was advised the victim was deceased after he signed the Miranda Waiver form. During the interview Tinsley described how he had been asleep and he had taken some Xanax because it aids in his sleep. When he awakened he realized it's after 9AM, and his oldest daughter is still home and had not left for school. Tinsley confronted the victim, Ashley, and Ashley told him that was his job. Tinsley stated they both were upset, and he then went back into the bedroom to retrieve his Xanax (non-prescription) and he intended to leave, but he can't find his Xanax. He believed Ashley had taken them which escalated their verbal conflict. He had searched for the Xanax but was unable to find them and then described seeing Ashley holding his gun at the front door with the front door open, and she threatened to call the police and tell them he's got a gun. Tinsley stated he got the gun away from her and removed the magazine and attempted to pull the slide back and the gun went off and she "dropped." Tinsley admitted it was his gun and described it as silver and black and labeled "SR40C Ruger" on the side. Tinsley stated the children were on the mattress in the living room and didn't see anything. When asked how the children wouldn't have seen anything since the front door is near the living room where the mattresses were located, Tinsley replied, "When we argue, they don't even pay attention anymore." Tinsley stated the handgun is never locked up and is either kept in a dresser drawer in their bedroom or in a dirty clothes hamper in their bedroom.

There is documented prior Domestic Violence history from 2013 from two separate residences between the victim and Tinsley. Tinsley was the reported primary aggressor in both documented incidents.

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A second search warrant for 6024 South Benton Ave. was executing, following the Tinsley's statement that there were controlled substances in the residence. Officers recovered yellow, oblong pills with the marking R039. A search of Drugs.com revealed the pills to be Alprazolam, a generic version of Xanax, a schedule IV controlled substance.

Criminal databases reveal Tinsley to have the following convictions:

On or about May 11, 2015, Tinsley was convicted of the felony of Unlawful Use of a Weapon in the Circuit Court of Jackson County, Missouri, in case number 1216-CR04306-01.

On or about May 11, 2015, Tinsley was convicted of the felony of Receiving Stolen Property, in the Circuit Court of Jackson County, Missouri, in case number 1316-CR00996-01.

On or about May 17, 2014, Tinsley was convicted of two counts of the felony of Possession of an Unregistered Firearm, in the United States District Court for the Western District of Missouri. Tinsley received a twenty-seven month sentence in the Bureau of Prisons and thirty-six months supervised release. He was placed on Supervised Release in September 2016.

Printed Name Det. Donna Drake #5573 Signature /s/ Det. Donna Drake #5573

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

Judge

Circuit Court of _____ County, State of Missouri.