

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

POLICE NO. :	18-019681
PROSECUTOR NO. :	095444408
OCN:	HS001417

STATE OF MISSOURI,

PLAINTIFF,)

VS.

MERVIN M MCNEAL

2411 Park Ave.

Kansas City, MO 64109

DOB: 05/06/1983

Race/Sex: B/M

DEFENDANT.)

COMPLAINT

Count I. Domestic Assault 1st Degree - Serious Physical Injury (565.072-001Y19991301.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.072, RSMo, committed the **Class A Felony of Domestic Assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about March 15, 2018, in the County of Jackson, State of Missouri, the defendant knowingly caused serious physical injury to [REDACTED] by shooting her and [REDACTED] and defendant were family or household members in that [REDACTED]. and the defendant were persons who had been in a continuing social relationship of a romantic or intimate nature.

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 571.015.1, RSMo, in that on or about March 15, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of Domestic Assault in the first degree charged in Count I, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Domestic Assault in the first 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/ Kristin A. Ries
Kristin A. Ries (#66178)
Assistant Prosecuting Attorney
415 East 12th Street

State vs. Mervin M Mcneal

Floor 7M
Kansas City, MO 64106
(816) 881-3592
kries2@jacksongov.org

WITNESSES:

DET Duston L. Burnett, 1125 Locust, Kansas City, MO 64106

DET Todd A. Dolato, 1125 Locust, Kansas City, MO 64106

DET Randy K. Evans, 1125 Locust, Kansas City, MO 64106

[REDACTED]

[REDACTED]

[REDACTED]

PO Ian Morris, 1125 Locust, Kansas City, MO 64106

[REDACTED]

DET Philip A. Sipple, 1125 Locust, Kansas City, MO 64106

DET Sarah M. Throckmorton, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 03-15-2018

CRN: 18-19681

I, Det. Sarah Throckmorton #4991 , Kansas City Missouri Police Department

(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 03-15-2018 , at 2411 Park Ave in
(Date) (Address)

Kansas City, Jackson Missouri McNeal, Mervin M
(County) (Name of Offender(s))

B/M, 05-06-1983, [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

Domestic Assault
Unlawful use of a weapon
Armed Criminal Action

The facts supporting this belief are as follows:

On 03-15-2018 at 0042 hours, Officers of the Kansas City Missouri Police Department were dispatched to 2301 Holmes, Truman Medical Center, in regard to a shooting victim. Upon arrival officers contacted medical staff who advised a female had arrived at the hospital with a gunshot wound to her face; she was in surgery in critical condition. A piece of mail was located in the vehicle the victim arrived in, a 2001 Pontiac GrandAM 4DR silver in color, license B716653 KS, VIN#1G2NF12TX1M561452, and officers were able to identify her as [REDACTED]. [REDACTED] was only able to tell medical staff her children were unattended at **2411 Park Ave, Kansas City, Jackson County, Missouri**. Officers responded to the address and found it to be the crime scene. The vehicle was towed to the city tow lot for processing.

Officers responded to 2411 Park Ave and immediately observed a large amount of apparent blood and a rifle round in the driveway of the residence. [REDACTED]'s children were located inside the residence unharmed. [REDACTED] (11 year old female), [REDACTED] (9 year old male), [REDACTED] (7 year old male) and [REDACTED] (1 year old daughter) were removed from the residence.

A search warrant for 2411 Park Ave was obtained. Inside the residence officers observed an apparent blood droplets leading inside from the front door. Three couches were located in the living room area. A large pool of apparent blood was located on the east couch. Apparent blood spatter, hair and bone were observed on the wall and mantel. A rifle magazine and rifle round were located behind the couch along with a red in color female hair wig. A large pool of apparent blood was observed on the dining room floor. Apparent bloody shoe impressions were located on the dining room and kitchen floor.

On 03-15-2018 at 0046 hours, Jackson County Sheriff's Department located **Mervin M McNeal B/M 05-06-1983** walking at Beacon Hill Lane/Tracy Ave, Kansas City, Jackson County, Missouri. **McNeal** had apparent blood on his jeans and no shirt. He advised he had been with a friend who was shot. **McNeal** was transported to police headquarters to speak with detectives as a witness. While **McNeal** was being interviewed, detectives were

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advised **McNeal** is the boyfriend of [REDACTED] and the possible suspect of her shooting. **McNeal** was then advised he was under investigative arrest and transported to East Patrol Detention Center.

While detectives were at 2411 Park Ave they were advised [REDACTED] was a possible witness. [REDACTED] was contacted and advised detectives of the following: On 03-15-2018 at about 0023 hours, she was at her residence, 2420 Park Ave, Kansas City, Jackson County, Missouri, asleep when she was woke by someone beating on her front door. [REDACTED]'s nephew, **McNeal**, was yelling he needed help. [REDACTED] opened the front door and saw [REDACTED] on her front porch bleeding. **McNeal** told her [REDACTED] had shot herself in the head. [REDACTED] went upstairs to get dressed and when she came back to the door they were gone.

The children were taken for forensic interviews at CPC.

[REDACTED] stated the following: On 03-14-2018 at about 2200/2300 hours, her mother, [REDACTED], and **McNeal** got into an argument because she would not allow him to drive her vehicle [REDACTED] began packing their clothes and was leaving **McNeal**. She, [REDACTED] and [REDACTED] left with [REDACTED]. **McNeal** would not allow [REDACTED] to take [REDACTED], their daughter in common. [REDACTED] heard **McNeal** tell [REDACTED] he would shoot [REDACTED] if she tried to take [REDACTED] from him. [REDACTED] decided to go back to 2411 Park Ave. They returned at 0001 hours, she remembered the time on [REDACTED]'s phone. She, [REDACTED] and [REDACTED] went back to [REDACTED]'s bedroom. She could hear [REDACTED] and **McNeal** arguing more. She then heard a "pop". She went into the living room and there was a strong smell like fireworks smell. She saw **McNeal** yelling at [REDACTED] to "Get up" and cussing her while he was dragging her by one arm on the floor toward the front door. She saw blood all over the living room and walls. She saw the "clip" to **McNeal's** gun on the floor. She knows him to have a black long gun like police carry.

[REDACTED] stated the following: Yesterday his mother, [REDACTED] and **McNeal** got into an argument. He was in [REDACTED] bedroom with her and [REDACTED]. He heard a "boom". He went into the living room and saw blood and [REDACTED] on the floor. The living room smelled like smoke. Blood was coming out of her mouth. [REDACTED] was crawling on her hands and knees [REDACTED] crawled outside toward [REDACTED]'s house. He saw **McNeal** with a big black gun. **McNeal** ran to [REDACTED]'s vehicle, put the gun in the back seat and left.

[REDACTED] stated the following: His mother, [REDACTED], and **McNeal** were arguing about him driving her vehicle. He was in [REDACTED]'s bedroom with her and [REDACTED]. He heard a "big old bump that fell down." He went into the living room and saw blood all over the floor and walls. He saw [REDACTED] playing in the blood. He saw a gun "clip" on the living room floor. He saw **McNeal** with a rifle. **McNeal** went outside with the rifle. He had seen the rifle in the trunk of [REDACTED]'s vehicle on a separate occasion before.

DNA standards were collected from both **McNeal** and [REDACTED] for comparisons of evidence collected. An area canvass was conducted in the area of Beacon Hill Lane/Tracy Ave. where **McNeal** was first contacted. Officers located a white shirt with apparent blood on it and a cell phone. The cell phone was later identified as belonging to [REDACTED].

On 03-15-2018 at 0936 hours detectives responded to Jackson County and escorted **McNeal** back to police headquarters for questioning. **McNeal** was read his Miranda Rights, stated he understood his right and agreed to speak with detectives. **McNeal** stated the following: He was arguing with [REDACTED] for most of the night. **McNeal** initially claimed [REDACTED] grabbed the rifle from underneath the couch and either wanted to kill **McNeal** or kill

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herself. **McNeal** advised he grabbed the rifle from her and it fired, striking [REDACTED] in the face. He stated he had a hold of the stock of the rifle and she had her hands on the barrel. [REDACTED] then ran out of the house with the rifle. **McNeal** then changed his story and advised the rifle was sitting on the couch and he grabbed it. [REDACTED] did not touch the rifle. **McNeal** was slightly leaning on one couch while [REDACTED] had both hands on the other couch and slightly bent over. At this time **McNeal** and [REDACTED] were still arguing. **McNeal** had the rifle in his hand and pointed it at [REDACTED] in an upward position. **McNeal** also advised it was possible he had the rifle pointed down. **McNeal** claimed he was holding the rifle with his left hand over the top of the receiver and he accidentally pulled the trigger with his ring finger. The rifle fired and struck [REDACTED] in the face. **McNeal** threw the rifle in his neighbor's back yard. **McNeal** transported [REDACTED] to E 25th and Troost Ave and exited the vehicle. [REDACTED] then drove herself to TMC while **McNeal** started walking east on E 25th St. **McNeal** flagged down officers in the area of E 25th St and Tracy.

Detectives responded to 2409 Park Ave and located a black rifle, American Tactical Omni, multi caliber .223 and 5.56, in the back yard of the neighbor's house. The rifle was missing the magazine but it had one live round in the chamber, making it readily capable of lethal force. The rifle was recovered as evidence.

Printed Name Det. Sarah Throckmorton #4991

Signature Det. Sarah Throckmorton #4991

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

Judge

Circuit Court of _____ County, State of Missouri.