

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

POLICE NO. :	16-000175
PROSECUTOR NO. :	095444883
OCN:	

STATE OF MISSOURI,

PLAINTIFF,)

VS.

MICHAEL L. WOODARD

5810 Olive

Kansas City, MO 64130

DOB: 08/27/1990

Race/Sex: B/M

DEFENDANT.)

COMPLAINT

Count I. Murder 2nd Degree - Felony Murder - During Perpetration/Attempted Perpetration/Flight from Perpetration of a Felony, a Person Dies (565.021-003Y19840999.0)

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 January 1, 2016, in the County of Jackson, State of Missouri, Marc Bivins was killed by being shot as a result of the attempted perpetration of the Class B Felony of Attempt to Distribute and Deliver a Controlled Substance under Section 195.211, RSMo committed by the defendant on or about January 1, 2016, in the County of Jackson, State of Missouri.

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 January 1, 2016, in the County of Jackson, State of Missouri, the defendant committed the felony of Murder in the Second Degree charged in Count One, 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. Distribute/Deliver/Manufacture/Produce or Attempt to or Possess with Intent to Distribute/Deliver/Manufacture/Produce a Controlled Substance (195.211-002Y19893599.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 195.211, RSMo, committed the **Class B Felony of Attempt to Distribute and Deliver a Controlled Substance**, punishable upon conviction under Section 558.011, RSMo, in that on or about January 1, 2016, in the County of Jackson, State of Missouri, the defendant either acting alone or purposefully in concert with another contacted Marc Bivins by phone, with the purpose to purchase Xanax and trade cocaine for Xanax prescribed to Marc Bivins, and was the driver of a vehicle that drove Marc Bivins to CVS Pharmacy to pick up the prescription for Xanax belonging to Marc Bivins, and such conduct was a substantial step toward the commission of the crime of distributing and delivering Xanax, a controlled substance, to another person, and was done for the purpose of committing the offense of distribution, delivery or sale of a controlled substance.

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The range of punishment for a class B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

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
415 East 12th Street
11th Floor
Kansas City, MO 64106
(816) 881-3517
scastle@jacksongov.org

WITNESSES:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

6. DET Alane M. Booth, 1125 Locust, Kansas City, MO 64106
7. PO Artie Cooper, 1125 Locust, Kansas City, MO 64106
8. SGT Thomas T. Dearing, 1125 Locust, Kansas City, MO 64106
9. CST Jaci A. Donath, 6633 Troost, Kansas City, MO 64106

[REDACTED]

11. SGT Barbara J. Eckert, 1125 Locust, Kansas City, MO 64106
12. [REDACTED]
13. DET Daniel W. Frazier, 1125 Locust, Kansas City, MO 64106
14. [REDACTED]
15. DET Robert D. Guffey, 1125 Locust, Kansas City, MO 64106
16. DET Craig Horalek, 1125 Locust, Kansas City, MO 64106
17. LBT Jennifer L. Howard, 6633 Troost, Badge #15796 RCL, Kansas City, MO 64131
18. [REDACTED]

[REDACTED]

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- 20. DET Heather D. Leslie, 1125 Locust, Kansas City, MO 64106
- 21. CST Ann M. Mallot, 2645 Brooklyn, Kansas City, MO 64127
- 22. DET William R. Martin, 1125 Locust, Kansas City, MO 64106

[REDACTED]

- 27. CST Benjamin Simmons, 6633 Troost, Kansas City, MO 64131
- 28. DET Christopher S. Smith, 1125 Locust, Kansas City, MO 64106
- 29. CST Marisa Smith, 1125 Locust, Kansas City, MO 64106

[REDACTED]

- 37. DET Jeremy D. Wells, 1125 Locust, Kansas City, MO 64106
- 38. CIV Robin Wright, 6633 Troost Ave, Kansas City, MO 64131

PROBABLE CAUSE STATEMENT FORM

Date: 6/12/2018

CRN: 16-000175

I, Det. Alane Booth #4105

(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 1/1/2016, at or near 10100 Raytown Rd in
(Date) (Address)

Kansas City, Jackson Missouri Michael Leroy Woodard
(County) (Name of Offender(s))

b/m, 8/27/1990, 5'9", 180lbs committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

PROBABLE CAUSE

On 1/1/2016 at 1650 hours in the area of 10100 Raytown Rd, Kansas City, Jackson County, Missouri, members of the Kansas City Missouri Police Department were dispatched on a party down call, nearest to an unrelated residence of 10100 Raytown Rd. A 911 caller discovered a b/m with an apparent life- threatening injury lying on the side of a dead end road nearest the aforementioned address. The b/m was transported by EMS to an area hospital where he was later pronounced deceased at approximately 2200 hours. The cause of death was determined to be an injury to the brain due to a contact gunshot wound of the head. The manner of death was ruled a homicide by the Jackson County Medical Examiner's Office. The victim had no wallet or identification on his person, nor his cellular phone. The victim was later identified as Marc Bivins, b/m, 1/12/1990, a resident of Lee's Summit, Missouri.

Bloodied CVS pharmacy packaging was recovered near where the victim was discovered, but no prescription bottle was observed or located. The packaging indicated the prescription was filled at a CVS pharmacy in Lee's Summit, MO. Detectives were able to determine from the CVS pharmacy located at 621 SW 3rd St., Lee's Summit, MO, was where the victim, Bivins, had picked up a prescription for 105 Alprazolam (Xanax) on **1/1/16** and had given an electronic signature at approximately **1610 hours**. Bivins had picked up the prescription through the drive-thru at that location. Correlating video surveillance indicated the victim was positioned in the left rear seat of a white four door vehicle when dealing with the clerk at the CVS drive-thru window. The vehicle had a Chevrolet emblem on the front hood and an apparent Missouri plate affixed to the front of the vehicle. The clerk who waited on the victim confirmed the front seat occupants were black males and the customer (victim) was on his cell phone at the time he filled his prescription.

Detectives responded to the address associated with the victim's residence in Lee's Summit, MO and learned from a witness, the victim was picked up by two unknown black males in a vehicle described as a white four door Chevrolet Cavalier on **1/1/16** from the victim's Lee's Summit, MO address shortly before **1600 hours**.

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Another witness reported a conversation with the victim on **1/1/16** at approximately **1600 hours**, and the victim advised “Celly” was here. The witness also reported a secondary conversation at approximately **1609 hours** with the victim, and overheard two voices in the background “raising their voices” at the victim. The witness was familiar with a b/m he knew as “Celly” and provided an old number he had for “Celly.” The witness also described “Celly” as a black male with a dark complexion, approximately 5'9", mid- twenties, "dreads" hairstyle, and a "scrawny" body type. The old number the witness provided for “Celly” was associated with a specific KCMO resident with a documented moniker of “Celly.” The individual associated with the moniker also was similar in appearance to the description provided by the witness. The identified b/m will be referenced as “Celly” through this document. The witness stated “Celly” was known to have previously traded cocaine with the victim for the victim’s Xanax bars.

Upon the officer’s arrival in the area of where the victim as located, another witness advised a responding officer on **1/1/16** he heard what he believed were two male voices speaking loudly on the road at the front of his property, 10100 Raytown Rd. He then heard what sounded like a trunk closing and the vehicle drove south toward the dead end and turned around. He then heard the vehicle coming back north at a high rate of speed. When the vehicle passed in front of his driveway he saw the vehicle was a small white four door vehicle that was very dirty. The witness then went back into his home believing the parties had probably just dumped trash which is common place on that dead end road. On **1/1/16** at approximately **1640 hrs**, a short time after seeing the white vehicle leave, the witness noticed the victim on the side of the road and then notified police.

Investigators received the victim’s cell phone records which indicated a call from a cell phone number with unknown subscriber information had called the victim a few minutes before the victim left with the two unknown black males. Preliminary cell phone mapping records indicated the victim’s cell phone tracked in apparent correspondence to the same cell phone number which had called the victim shortly before leaving his residence. The records also indicated the phones apparently traveled together from the victim’s residence to the aforementioned area of the pharmacy, then to the area where the victim was located unresponsive by the calling party.

A public social media video post was observed on an account associated with “Celly” which depicted “Celly” with another black male who investigators identified as **Michael L. Woodard, b/m, 8/27/90**. **Woodard** was then discovered to have a girlfriend registered to a white four door 2001 Chevrolet Cavalier.

A separate social media post made on 1/2/16 referenced the victim by name as being dead. A post associated with “Celly’s” social media account posted on 1/3/16 in response to the post about the victim’s death read as, “*You mean the dude with the Xan’s?*” A public social media post made on 1/31/16 from a social media account associated with **Woodard** referenced an open request for Xanax and Oxycodone due to being in pain.

An anonymous TIP was received in April of 2016 which indicated a vehicle was used in a homicide by a male specifically named as **Woodard**, and the TIP stated the male tried to burn the vehicle and dispose of it, but burned himself in the process.

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Woodard's medical records were obtained via a subpoena from an area KCMO hospital, which indicated **Woodard** received treatment on **1/2/2016** at **0641 hours**, the morning after the victim's body was discovered, for burns involving 40-49% of his body to include his chest, thighs, and face. The medical records indicated **Woodard** advised hospital personnel he was in a car "last night" (1/1/16) when the car he was working on caught fire." The medical records also indicated "*the patient tried to wait it out but eventually decided to seek medical treatment.*"

"Celly" and **Woodard** were arrested separately on unrelated charges on 3/26/18. "Celly" was contacted by detectives and was read the Miranda Waiver form and agreed to speak with detectives. He stated he and **Woodard** responded to the victim's residence in Lee's Summit, MO in **Woodard's** vehicle. **Woodard** was the driver, and the victim occupied the rear seat of the vehicle, and "Celly" was seated in the front right seat. The three of them then responded to an area pharmacy drive-thru and the victim picked up his prescription of Xanax. After picking up the prescription "Celly" stated a verbal dispute ensued while in the vehicle over how many pills the victim would be providing. "Celly" stated he had on previous occasions traded cocaine for the victim's Xanax pills, and had received some pills from the victim within a few days of the shooting as well. "Celly" stated after leaving the pharmacy drive-thru and during the verbal dispute while in the vehicle, **Woodard**, reached for his gun under his leg and the victim then lunged forward towards the driver's seat upon seeing the gun. **Woodard's** gun went off once, and only **Woodard** was armed and in possession of a handgun. The victim was struck in the head. "Celly" stated **Woodard** then removed the victim from the rear seat onto the road, retrieved the victim's prescription pills, and he and **Woodard** left the area in the vehicle. **Woodard** drove "Celly" home, back to his KC, MO residence at that time. Later that same evening on the day of the shooting, "Celly" stated he received an urgent phone call from **Woodard** to respond to his residence. "Celly" drove to **Woodard's** residence, and observed **Woodard** was badly burned due to having attempted to burn the vehicle they occupied at the time of the shooting. "Celly" stated **Woodard** was then driven to an area hospital by **Woodard's** girlfriend.

Prior to the homicide, the suspect vehicle, the white four door Chevrolet Cavalier with Missouri plates, had numerous LPR (license plate reader) hits up and until 12/30/15, in the area immediately associated with **Woodard's** residence. After the homicide there have been no LPR hits and no documentation found which indicates the disposition of the vehicle. The 2001 Chevrolet Cavalier, although purchased and registered by Woodard's girlfriend in 2015, was no longer listed on the registered owner's personal property tax in 2016, and records indicated **Woodard's** girlfriend purchased a different vehicle in the early part of 2016.

Printed Name Det. Alane Booth Signature /s/ Det. Alane Booth #4105

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

Judge

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Circuit Court of _____ County, State of Missouri.