

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

POLICE NO. :	18-051768
PROSECUTOR NO. :	095446514
OCN:	HR001773

STATE OF MISSOURI,)	
	PLAINTIFF,)
vs.)	
)	
DAVONTAE MCCUTCHEN)	
15005 Grand Summit Blvd)	CASE NO. 1816-CR
Grandview, MO 64030)	DIVISION
DOB: 12/19/1993)	
Race/Sex: B/M)	
████████████████████)	
	DEFENDANT.)

COMPLAINT

Count I. Assault - 2nd Degree (565.052-001Y20171304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.052, RSMo, committed the **class D felony of assault in the second degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about July 8, 2018, in the County of Jackson, State of Missouri, the defendant recklessly caused physical injury to █████ by means of discharge of a firearm.

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.

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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 July 8, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of Assault 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 Assault 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. Assault - 2nd Degree (565.052-001Y20171304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.052, RSMo, committed the **class D felony of assault in the second degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about July 8, 2018, in the County of Jackson, State of Missouri, the defendant recklessly caused physical injury to [REDACTED] by means of discharge of a firearm.

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.

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Count IV. 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 July 8, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of Assault in the second degree charged in Count 3, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Assault 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 V. Resisting/interfering With Arrest For A Felony (575.150-001Y20174801.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 575.150, RSMo, committed the **class E felony of resisting an arrest**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about July 8, 2018, in the County of Jackson, State of Missouri, Officer C. Halterman, a law enforcement officer, was making an arrest of defendant for assault, and the defendant knew or reasonably should have known that the officer was making an arrest, and, for the purpose of preventing the officer from effecting the arrest, resisted the arrest of defendant by fleeing from the officer.

The range of punishment for a class E 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 four (4) 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

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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/ Erin R. Mulvihill
Erin R. Mulvihill (#67363)
Assistant Prosecuting Attorney
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WITNESSES:

1. DET Blake E. Groves, 1125 Locust, Kansas City, MO 64106

2. DET Daniel A. Porter, 1125 Locust, Kansas City, MO 64106

3. [REDACTED]

5. [REDACTED]

PROBABLE CAUSE STATEMENT FORM

Date: 07-08-2018

CRN: 18-051768

I, Detective Daniel Porter #5382 of the 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 07-08-2018, at Westport Rd & Pennsylvania Av in Kansas City, Jackson Missouri Davontae Mccutchen

(Date) (Address) (County) (Name of Offender(s))

B/M 12-19-1993 committed one or more criminal offense(s). (Description of Identity)

The facts supporting this belief are as follows:

On 07-08-2018 at 0209 hours, an officer of the Kansas City Missouri Police Department was working off-duty in the Westport Business District in the area of Westport Road and Pennsylvania Avenue in Kansas City, Jackson County, Missouri.

The officer observed a male later identified as Davontae Mccutchen draw a handgun from his waistband and fire in the direction of a crowd of approximately 50-60 people, striking 2 people.

The officer pursued Mccutchen on foot and took him into custody. During the foot pursuit, the officer observed Mccutchen attempting to place the gun in his waistband. Once in custody, the handgun fell onto the ground from Mccutchen's person

Vic #1 was contacted at the hospital. He stated they were standing outside a bar when he heard three gunshots. started to run and realized that he had been shot.

Vic #2 was contacted at the hospital and stated he was standing outside a bar and did not hear or see anyone shooting. stated he felt pain and realized that he had been shot in the neck.

Video of the incident was captured and Mccutchen can be seen running from the police armed with a handgun.

A computer check of the gun that Mccutchen was in possession of, a black Glock 23 semi-auto handgun serial # XKB590, was reported stolen out of Kansas City from an unoccupied car on 10/08/2016.

Mccutchen was transported to Jackson County, Missouri Detention Center where he was contacted and read his Miranda. Mccutchen agreed to speak with detectives at that time. Mccutchen denied every being in possession of a handgun or running from the police. He stated he was only running due to the sounds of gunshots.

Printed Name Detective Daniel Porter #5382

Signature Det Porter 5382

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

Judge

PROBABLE CAUSE STATEMENT FORM

CRN 18-051768

Circuit Court of _____ County, State of Missouri.

PROBABLE CAUSE STATEMENT FORM

Date: 07-08-2018

CRN: 18-051768

I, Detective Blake Groves #5271 of the 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 07-08-2018, at Westport Rd & Pennsylvania Av in (Date) (Address)

Kansas City, Jackson Missouri Anthony D. Boykin (County) (Name of Offender(s))

B/M 08-26-1991 committed one or more criminal offense(s). (Description of Identity)

RSMO 571.070; Unlawful Possession of a Firearm

The facts supporting this belief are as follows:

On 07-08-2018 at 0209 hours, an officer of the Kansas City Missouri Police Department was working off-duty in the Westport Business District in the area of Westport Road and Pennsylvania Avenue in Kansas City, Jackson County, Missouri.

The officer observed a male later identified as Anthony D. Boykin b/m 08-26-1991 standing near a male later identified as McCutchen, Davontae b/m 12-19-1993 as McCutchen drew a handgun from his waistband and fire in the direction of a crowd, striking 2 people.

The officer pursued McCutchen on foot and took him into custody, and while doing so, he observed Boykin holding a firearm in his waistband. The officer alerted Westport Public Safety who chased Boykin on foot as he was holding a turquoise handgun in his right hand.

While he was running, Boykin tripped and fell, dropping the handgun which was recovered by KCPD officers. Boykin was then taken into custody.

The firearm was determined to be Turquoise Glock Model 43 9mm semiautomatic handgun with a serial number of BDRK104.

A review of Boykin's criminal history revealed a conviction for Robbery 1st Degree: On February 13th, 2009, Boykin was convicted of Robbery in the 1st Degree in the Circuit Court of Clay County, Missouri in Case #08CYCR0265901. He was sentenced to 10 years and was released on 06-22-2018.

Boykin was transported to Jackson County, Missouri Detention Center where he was placed on an investigative hold for a Felon in Possession of a Firearm.

Printed Name Detective Blake Groves #5271 Signature [Handwritten Signature] 5271

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

Judge

Circuit Court of ___ County, State of Missouri.