

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

POLICE NO. :	18-071662
PROSECUTOR NO. :	095448905
OCN:	HS005604

STATE OF MISSOURI,)	
	PLAINTIFF,)
vs.)	
)	
KITCE L MASSEY)	
6628 Oak Dr)	CASE NO. 1816-CR
Kansas City, KS 66104)	DIVISION
DOB: 02/04/1979)	
Race/Sex: B/M)	
████████████████████)	
	DEFENDANT.)

COMPLAINT

**Count I. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim
(565.050-001Y19841304.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class A felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about September 16, 2018, in the County of Jackson, State of Missouri, the defendant knowingly caused serious physical injury to ██████████ shooting ██████████.

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. 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.

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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 September 16, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first degree charged in Count One, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of 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.

Count III. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim (565.050-001Y19841304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class A felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about September 16, 2018, in the County of Jackson, State of Missouri, the defendant shot at victim and such conduct was a substantial step toward the commission of the offense of assault in the first degree of [REDACTED], and was done for the purpose of committing such assault and in the course thereof inflicted serious physical injury on [REDACTED].

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

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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. 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 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 September 16, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first degree charged in Count Three, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of 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.

Count V. Assault 1st Degree Or Attempt (565.050-002Y19791304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class B felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about September 16, 2018, in the County of Jackson, State of Missouri, the defendant shot at the victim, and such conduct was a substantial step toward the commission of the offense of assault in the first degree of [REDACTED], and was done for the purpose of committing such assault.

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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 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.

Count VI. 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 September 16, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first degree charged in Count Five, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of 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

State vs. Kitce L Massey

by,

/s/ Jeremy J. Baldwin
Jeremy J. Baldwin (#62734)
Assistant Prosecuting Attorney
321 West Lexington Avenue
Independence, MO 64050
(816) 881-4592
jbaldwin@jacksongov.org

WITNESSES:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. PO Levi M. Plaschka, 1125 Locust, Kansas City, MO 64106
5. PO Alexander F. Skinner, 1200 E. Linwood Blvd., Kansas City, MO 64106
6. DET Kevin Zoellner, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 11-02-2018

CRN: 18-71662

I, Detective Kevin Zoellner #5639 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 09-16-2018, at 423 Southwest Blvd in
(Date) (Address)

Kansas City, Jackson Missouri Massey, Kitce L
(County) (Name of Offender(s))

B/M, 02-04-1979 committed one or more criminal offense(s).
(Description of Identity)

- **Assault 1st Degree x 3**
- **Armed Criminal Action**
- **Felon in Possession**

The facts supporting this belief are as follows:

On 09-16-2018, officers of the Kansas City, Missouri Police Department were dispatched to **423 Southwest Blvd, Kansas City, Jackson County, Missouri 64108** on a reported shooting. Upon arrival, officers located [REDACTED], W/F, 02-04-1994 (VIC #3), crouched down by the front door holding her hand, crying. Upon entering the building, officers observed [REDACTED] D, W/M, 12-14-1985 (VIC #2) lying on the floor in front of the door inside the bar. It appeared that [REDACTED] (VIC #2) had an apparent gunshot wound to his torso. Officers then turned toward the center of the bar and observed [REDACTED], W/M, 03-19-1988 (VIC #1) lying on his back with an apparent gunshot wound to his chest.

After reading through the reports about the incident that occurred at 423 Southwest Blvd (Rhythm & Booze), a computer check was conducted of the vehicle license plate that was seen leaving the scene of the shooting. The vehicle came back registered to an individual by the name of, [REDACTED] M, B/F, 10-26-1985. Another computer check revealed MASSEY as the wife of **MASSEY, KITCE L, B/M, 02-04-1979 (SUS)**. Based on the description detectives were able to obtain from the manager of the bar, other resources were contacted in an attempt to obtain a more recent photo of the **MASSEY (SUS)**. Detectives were able to create a photo lineup based on the most recent photo, which matched the description given by the manager of the bar.

Victim #1 stated the following: On 09-16-2018, him and his girlfriend (VIC #3), along with some other friends went to Rhythm & Booze (423 Southwest Bl) to get some late night food. He stated that they go there fairly regularly. He stated that while at the bar, his girlfriend (VIC #3) went out back and was dancing and talking to the security staff. He stated that the suspect and a couple of females that he was with were being very

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disrespectful to his girlfriend (VIC #3). He stated that his girlfriend (VIC #3) came back inside of the bar and told him what had happened while she was out back. He then stated that he went outside to confront the suspect in an attempt to defend his girlfriend (VIC #3). He stated that the suspect began yelling, "Fuck you white boy, Faggot. You punk ass bitch. You ain't going to do shit." He stated that a physical altercation ensued between him and the suspect. He then stated that he backed away. He stated that the suspect and the female began arguing when the suspect started pulling at his waistband while the female was telling the suspect that it's not worth it. He stated that when he saw the suspect reaching toward his waistband, he assumed that he was talking about a gun, so he turned and ran out of the bar. He stated that he stopped at his car and grabbed his gun in fear that the suspect was going to try and shoot him. He stated that he walked back into the bar and apologized to the security staff and told them that he was going to leave and that he was just going to grab his group of people. He stated that the security staff advised him that he needed to stay inside until they were able to escort the suspect and the females off of the premises. He stated that he had ordered some food and was standing at a table by the bar when he heard two loud muffled sounds. He stated that he felt his back getting hot and then his legs had given out on him. He stated that is when he realized that he had been shot. He further stated that the suspect then stood over the top of him and pointed a gun in his face and said, "I'll kill you, white boy." He stated that then his girlfriend (VIC #3) jumped on the suspect and pushed him back. He stated that his girlfriend (VIC #3) was grazed in the thumb by a bullet. He stated that he started going in and out and was not sure where the suspect ended up going. He stated that the first shot that hit him went through him and struck his friend (VIC #2). Victim #1 was presented a photo lineup of six individuals, all similar in appearance with the suspect **MASSEY** in the #5 position. Victim #1 viewed the photo lineup and positively identified **MASSEY (SUS)** as being the shooter. Victim #1 further circled the photo in the #5 position and wrote his initials next to it.

Victim #2 stated the following: On 09-16-2018 at approximately 0100 hours, him, victim #1 and victim #3, who he stated was victim #1's girlfriend, walked into 423 Southwest Bl (Rhythm & Booze). He stated that him and victim #1 got a table and ordered some drinks. He stated that victim #3 went out back. He stated that victim #3 came back inside and told victim #1 that **MASSEY (SUS)** had made some comments to her while she was out back. He stated that victim #1 then told him to walk out back with him. He stated that they both walked out the back door where **MASSEY (SUS)** was sitting in a chair. He stated that victim #1 walked up to **MASSEY (SUS)** and said, "That is my girlfriend you were talking about." He stated that **MASSEY (SUS)** said, "What the fuck are you going to do about it?" He stated that is when victim #1, while **MASSEY (SUS)** was still sitting in the chair, punched him three or four times, knocking him off balance. He stated that **MASSEY (SUS)** got up out of the chair and was backed away from victim #1 by a bigger black female. He stated that everyone then went their separate ways and him and victim #1 went back into the bar. He stated that **MASSEY (SUS)** and the black female came back into the bar. He stated that the black female started yelling across the bar at victim #3 saying, "I'm his girlfriend, he don't want you." He stated after the altercation, there was mention of someone going to get their gun. He stated that victim #1 walked out of the front door and went to his vehicle and got his pistol. He stated that he walked back into the bar with it pointed to the ground. He stated that **MASSEY (SUS)** and the black female had already been escorted out of the back door of the bar. He stated that later victim #1 took his pistol back outside and put it away, but he was not sure where. He stated victim #1 then came back inside. He stated that approximately 0220 hours, he was at the bar paying up his bill when all the sudden he heard what he thought was four or five gunshots going off. He stated that when he heard the first shot, he ran out the front door of the bar before he realized that he had been shot. He stated that

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he saw what he thought was a silver SUV speed off and turn left onto Southwest Bl from Washington Bl. He was then transported to Truman Medical Center where he was treated for a single gunshot wound that entered into his left rib cage and into his abdomen. He was released from the hospital on 09-17-2018.

Victim #2 was presented a photo lineup of six individuals, all similar in appearance with the suspect **MASSEY** in the #5 position. Victim #2 viewed the photo lineup and positively identified **MASSEY (SUS)** as being the shooter. Victim #2 further circled the photo in the #5 position and wrote his initials next to it.

Victim #3 stated the following: She was out on the rear patio with some friends dancing when the suspect made a comment to her. She stated she went back inside the bar and told her boyfriend, victim #1 what was said. She stated that victim #1 then went outside to confront the suspect. She stated she stayed inside but heard from someone that victim #1 was fighting **MASSEY (SUS)**. She stated that victim #1 came back in and noticed that he had his gun on his hip. She stated that the **MASSEY's (SUS)** girlfriend came in and told her, "you're the bitch that started all this, you should have your ass beat". She then stated they exchanged words then the black female left. She went to the front of the bar and looked outside to see the suspect leaving in a Tan Tahoe eastbound on Southwest Blvd. She stated that she saw the suspect turn on Broadway southbound. She then stated she told victim #1, "They're coming around the back." She stated within a minute or two, as she was facing victim #1 and the back door, she saw **MASSEY (SUS)** walk in with the handgun pointed at victim #1. She stated **MASSEY (SUS)** walked up to victim #1 and shot him twice in the back. She further stated that victim #1 fell to the floor and **MASSEY (SUS)** stood over him and pointed the gun at his head. She stated she tried to jump on **MASSEY (SUS)**. She stated that **MASSEY (SUS)** turned and pointed the gun towards her and fired one more shot before she fell to the floor.

Several witnesses were interviewed and corroborated the events that took place. The witnesses were able to provide a description of **MASSEY (SUS)**. The managing bartender at Rhythm & Booze was able to positively identify **MASSEY (SUS)** out of a photo lineup.

MASSEY (SUS) stated the following: Approximately three months ago, he and his wife and her friends were at a bar somewhere on Southwest Blvd down from QuikTrip. When I asked him if that would be Rhythm & Booze (423 Southwest Bl), he stated he thought that was the name of it. He stated he and his wife along with some of his wife's friends went to the bar for a birthday. He stated they went inside and started eating. Once they finished eating, he stated they went out back and sat on the patio so they could smoke. He stated that while sitting outside, an unknown female came up in front of them and started dancing on some other girl. He stated that he did not say anything to her, but she was like right there close to his face. He stated that he told his wife that no one was paying attention to her. He stated the unknown female went into the bar. While still sitting outside on the patio, an unknown male, who was later identified as [REDACTED] came outside and confronted him. He stated that he just "flipped the script." He originally stated [REDACTED] and his "homeboy" walked up on him and pulled guns on him. He then contradicted himself stating that the [REDACTED] and his "homeboy" went to the car and got their guns and came back. He stated that [REDACTED] pulled a gun on his wife. He further stated [REDACTED] "beat the brakes off of him" by whaling on him a good ten times. He stated after that, he went back into the bar and his wife and the unknown female that was dancing earlier were exchanging words. He stated security then walked him outside and began walking them toward the Chevy Tahoe that they

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his wife owns. When he got to the Tahoe, he stated that he got in the driver's seat of the Tahoe and his wife was in the passenger seat. He stated that he then drove the Tahoe back around the corner. He stated that he pulled back up to the back of the bar and grabbed his Highpoint 9mm handgun out of the console. He stated he got out and walked up to the gate and asked the security officers how come they let those people stay when they knew they had guns. He stated that he continued walking back into the bar and could see [redacted] from the back door. He stated that [redacted] was talking to another guy and it appeared that he was bragging about just beating him up. He stated that he was protecting himself. He stated "I gave him one." When I asked him to clarify, he stated he pulled his Highpoint 9mm out of his pocket and raised it up and fired it two times in the direction of [redacted]. He stated that the unknown female started yelling at him, and then he started going for him because he was going to "give her" because she is the one that started it all. He stated that he could have shot again, but he didn't. He further stated what he was really going to do was, "knock his noodles, but I let him live." He stated that he felt disrespected and he was trying to protect himself and his wife. **MASSEY (SUS)** advised that he has since melted the gun that was used the night of the incident.

MASSEY (SUS) was transported back to Jackson County Detention Center.

Printed Name Detective Kevin Zoellner #5639 Signature *Detective Kevin Zoellner #5639*
/s/Detective Kevin Zoellner #5639

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

Judge

Circuit Court of _____ County, State of Missouri.