


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

POLICE NO. :	14-030150
PROSECUTOR NO. :	095452542
OCN:	

STATE OF MISSOURI,)	
	PLAINTIFF,)
vs.)	
)	
KYLE D. WHITLEY)	
3930 St. John Ave.)	CASE NO. 1916-CR
Kansas City, MO 64123)	DIVISION
DOB: 08/21/1988)	
Race/Sex: B/M)	
)	
	DEFENDANT.)

COMPLAINT

Count I. Murder 1st Degree (565.020-001Y19840903.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.020, RSMo, committed the **class A felony of murder in the first degree** punishable upon conviction under Section 565.020, RSMo, in that on or about on or about May 4, 2014, in the County of Jackson, State of Missouri, the defendant after deliberation, knowingly caused the death of Alfadil Sabil by shooting him.

The range of punishment for a Murder in the First degree is death or imprisonment in the custody of the Missouri Department of Corrections for life without eligibility of probation or parole, or release except by act of the governor. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense shall be sentenced to a term of life without eligibility for probation or parole as provided in section 565.034, life imprisonment with eligibility for parole, or not less than thirty years and not to exceed forty years imprisonment.

State vs. Kyle D. Whitley

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 May 4, 2014, in the County of Jackson, State of Missouri, the defendant committed the felony of murder 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 murder 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.

State vs. Kyle D. Whitley

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Jeremy J. Baldwin
Jeremy J. Baldwin (#62734)
Assistant Prosecuting Attorney
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Independence, MO 64050
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WITNESSES:

1. DET Leland W. Blank, 1125 Locust, Kansas City, MO 64106
2. PO Joseph Dunwoodie, 1125 Locust, Kansas City, MO 64106
3. [REDACTED]
4. [REDACTED]
5. DET Wayne C. Fitzner, 1125 Locust, Kansas City, MO 64106
6. DET Daniel W. Frazier, 1125 Locust, Kansas City, MO 64106
7. [REDACTED]
8. Ray Lenoir, 1125 Locust St., Kansas City, MO 64106
9. DET Alex E. Lepper,
10. PO Kelsie K. McLees, 1125 Locust, Kansas City, MO 64106
11. [REDACTED] 64106
12. Alfadil Sabil, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
13. DET Mark D. Spiegel, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 07/08/2015

CRN: 14-030150

I, Det. Ray H. Lenoir
(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 05/04/14, at 110 N. White, Apt. 200 in
(Date) (Address)

Kansas City, Jackson Missouri Kyle D. Whitley
(County) (Name of Offender(s))

B/M, 08/21/88 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 05-04-14 at approximately 2222 hours officers of the Kansas City, MO Police Department were dispatched to 110 White Ave, Kansas City, Jackson County, MO in regard to an outside disturbance. While en route to the call officers were updated that the actual location was 110 North White Ave, Kansas City, Jackson County, MO and that the caller heard four or five gun shots.

Upon arrival officers observed 110 North White to be an apartment building. They entered the building and located a victim inside apartment #200. Officers observed the victim to be suffering from multiple gunshot wounds. The victim was transported by ambulance to North Kansas City Hospital where he died from his injuries.

Scene investigation found several surveillance cameras set up on the interior and exterior of the building. Multiple 7.62 x 39 shell casings were recovered from the hallway in front of apartment 200. Multiple bullet holes were found through the front door of apartment 200. Inside the apartment I also observed a large kitchen knife lying on the floor. That knife has a black plastic handle and a large blade that is approximately 8" long.

A witness contacted at the scene advised that earlier in the evening they saw the victim and the suspect arguing outside in front of the building. At that time, the suspect punched the victim and the victim pulled out a large silver and black knife. The suspect then ran off. The witness advised that approximately 30 minutes later, the aforementioned suspect who punched the victim, returned on foot carrying what the witness initially thought was a BB gun. The witness later described the gun as a rifle with a "banana clip". They observed the suspect walk into the

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rear door of the apartment building with the gun. Approximately 2 to 3 minutes later, they heard 7 to 8 gun shots. Moments later they heard the suspect struggling with the back door before exiting. Once the suspect was outside, he ran away running along the driveway. The witness identified the suspect in both incidents to be the same person and described the suspect as a black male in his 20's, approximately 5'6", skinny, trimmed facial hair, wearing a grey baseball cap and a gray sweatshirt with a blue NIKE emblem on it. The witness denied knowing the suspect.

A second witness was contacted at the scene who advised that they were outside when they observed a black male with an accent from the 2nd floor of 110 N White (victim), yell at a black male in a grey sweater (suspect). The man with the accent told the man in the gray sweater to "go away" and "he didn't belong there". The witness advised that the victim pulled a knife on the suspect.

A third witness contacted at the scene stated they heard several gunshots fired in the area and subsequently observed an unknown black male "fast walking" from the driveway of the apartment building/110 N White. The unknown black male got into a dark blue or black 4 door SUV, possibly a 1998-2002 Ford Explorer that left the area traveling north. The witness described the unknown black male as having a slender build, wearing a gray hooded sweatshirt with the hood up, dark pants and carrying a long gun in his left hand. The witness saw the unknown black male get in the left rear seat and heard him say "Go,Go,Go". The witness believed the license to that vehicle possibly contained the characters "LRL-4". It had been stopped along the west curb and it left the area going north on N. White.

A fourth witness stated that they heard multiple gunshots and looked out and observed an unknown black male walking northbound away from 110 N. White Ave. The witness observed the unknown black male get into left rear door of what they believed to be a black Ford Explorer. The witness also observed an unknown black female driving the vehicle.

Another witness contacted at the scene advised that they were in their residence when they heard four or five "small pops" followed by eight or nine "loud pops". They then observed a black Ford Explorer drive away going north on N. White.

Another witness advised they were in the rear parking lot of 110 N White, seated in their car talking on their cell phone. While they were there, an unknown black male walked into the lot from the driveway and walked to the door and attempted to open it. This unknown black male was wearing a gray hooded sweat shirt with the hood over his head. The unknown black male

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was carrying some type of long gun in his right hand. The witness advised that at one point the unknown black male attempted to conceal the gun in his waist band but it was too long. When the unknown black male was unable to get the door open, he walked away and out of sight but he returned a short time later, still carrying the gun, once more attempted to open the back door to the apartment building but was still unable to. This time he approached an unknown bearded man that the witness had seen in the parking lot earlier and the rear door to the apartment was opened. The witness observed the gunman enter the building alone and minutes later, the witness heard the sound of several shots coming from inside the building.

The surveillance camera on the front of the listed apartment building recorded an incident where a black male is seen to get out of a four door black or dark blue Ford Explorer. The black male approaches a female who is standing in front of the apartment complex with a small male child. The female is observed to be on the phone at the time. The black male is seen talking to the female and then the victim is seen exiting the apartment building. A confrontation ensues between the victim who is wearing an orange jacket and black pants and the black male who is wearing a gray hooded sweatshirt, gray pants and a white and gray baseball cap. The individual wearing the gray sweatshirt, later identified as the suspect, appears to ignore the victim initially. As the victim persists, the suspect turns and strikes the victim with a right hand blow and the victim responds by brandishing what appears to be a large knife. The suspect then backs away and gets into the left rear passenger door of a black Ford Explorer that is stopped near the center of the street. The Ford Explorer then drives away traveling north on N. White.

Upon reviewing the information recorded by a surveillance camera at the back of the apartment building, beginning at approximately 22:17 hours, detectives observed two unknown black males together in the parking lot. A third unknown individual, later identified as the suspect, walked up and contacted one of them. That party, along with the suspect, walked up to the landing outside the back door to the apartment building. At the time, the suspect was carrying in his right hand what appeared to be a black assault rifle that had a brown stock. He was wearing (clothing similar to the initial male in the confrontation with the victim) grey hooded sweatshirt with the hood pulled up over his head. He was also wearing wearing a baseball style cap under the hood. His trousers were grey and his blue shoes had white trim around the sides. The unknown black male from the parking lot opened the back door to the apartment building and the suspect walked inside, still carrying the assault rifle.

The surveillance cameras inside the hallways of the apartment building, showed the suspect walking into the building going east through the first floor hallway to the front stairwell. Then he walked up to the second floor and stopped outside the front door of apartment #200, the

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victim's apartment. The suspect appears to listen outside the door momentarily and then he cocks the rifle, pointed it toward the front door of apartment #200 and begin firing the rifle. The result of the impact from the rounds striking the wall and the door is readily apparent as a cloud is created by the plaster on the wall being shattered and smoke from the rifle. The suspect appears to move the direction of the barrel of the gun as he's firing and even takes a few steps as he does it, all the time maintaining the direction of fire at the door of apartment #200. After firing several rounds through the door and the wall, the suspect turns to the east and runs back down the stairs to the first floor hallway and then toward the back door, essentially reversing the route he took coming into the building. He then exits the back door and leaves the building going down the driveway on the north side of the building.

Detectives conducted an on-going search using the aforementioned license information provided by a witness regarding the license plate of the suspect vehicle using a police database. On 06/23/15, using the license plate characters "L" for a 1998 to 2001 black Ford Explorer, six records responded. Only one record had both an "L" and a "4" in the license plate and it revealed the identity of the registered owner of the vehicle.

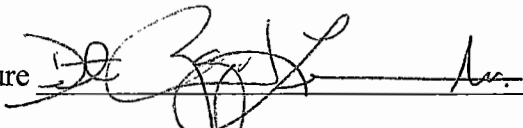
On 06/29/15, the registered owner of the suspect vehicle was contacted and transported to the Homicide Unit on the 7th floor of Police Headquarters. During the interview of the owner, they were shown several photographs of the suspect. They identified the vehicle as being theirs and advised that they no longer owned the vehicle. They explained that it was towed following a traffic stop regarding an unrelated incident and was never retrieved. The owner acknowledged that they gave a ride to an individual they knew as "KD" and they took him to the apartment building where this offense occurred. The owner advised that they gave "KD" a ride in exchange for "some dope". While they were at the apartment building, the owner acknowledged that after they arrived at the apartment building, the suspect exited their vehicle. A short time afterwards, they hear "a shot" fired and the suspect got back into their vehicle shortly thereafter. They asked the suspect "What happened" but he responded by threatening them. The owner identified a photograph of Kyle D. Whitley, BM, 08/21/88 as the person they know as "KD". The owner also looked at a recording of the video surveillance from the front of the apartment building and identified the individual wearing the gray sweater, pants and gray ball cap as "KD". They also recognized the clothes worn by the suspect.

Detectives obtained the cell phone records for the female seen talking with the suspect prior to the first incident. The records indicated that she was on a phone call to the number 816-245-7661. Investigation of this number found it to be to the Jackson County Jail. Detectives obtained the recording from Jackson County Jail for this call. It was found to have been placed

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by an inmate, Jerome Whitley to the phone number of the female witness. During the phone call, the female tells Jerome that she is with his brother, Kyle and then she continues to describe the altercation between the victim and "Kyle". Several additional phone calls were obtained between Jerome and the female witness from after the homicide. In those conversations the female witness tells Jerome that a homicide occurred at the apartment on White. When he ask her if any of his relatives are dead, she responds, "not dead, did it".

Printed Name Ray H. Lenoir Signature 

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

Judge

Circuit Court of _____ County, State of Missouri.