

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

<b>POLICE NO. :</b>	KC20018660
<b>PROSECUTOR NO. :</b>	095458404
<b>OCN:</b>	

<b>STATE OF MISSOURI,</b>	)	
	)	<b>PLAINTIFF,</b>
<b>vs.</b>	)	
	)	
<b>DARICK L. NEELY</b>	)	
<b>4440 Highland Ave.</b>	)	<b>CASE NO. 2016-CR</b>
<b>Kansas City, MO 64110</b>	)	<b>DIVISION</b>
<b>DOB: 10/12/1972</b>	)	
<b>Race/Sex: B/M</b>	)	
	)	
	)	<b>DEFENDANT.</b>

**COMPLAINT**  
**WARRANT REQUESTED**

**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 March 13, 2020, in the County of Jackson, State of Missouri, Stacey R. Witherspoon was killed by being shot as a result of the perpetration of the class D felony of Unlawful Possession of a Firearm under Section 571.070, RSMo committed by the defendant on or about March 13, 2020, in the County of Jackson, State of Missouri.

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.

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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 March 13, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of murder 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 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. Unlawful Possession Of A Firearm (571.070-001Y20175212.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.070, RSMo, committed the **class D felony of unlawful possession of a firearm**, punishable under Sections 558.002 and 558.011, RSMo, in that on or about March 13, 2020, in the County of Jackson, State of Missouri, the defendant knowingly possessed a black handgun, a firearm, and on [REDACTED], the defendant was convicted of the felony of burglary in the second degree in the 16th Circuit Court of Jackson County Missouri on April 18, 2016.

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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The facts that form the basis for this information and belief are contained in the statement(s) of facts filed contemporaneously herewith, 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/ Kristiane N. Bryant*  
Kristiane N. Bryant (#69524)  
Assistant Prosecuting Attorney  
415 E. 12th St.  
Floor 7M  
Kansas City, MO 64106  
(816) 881-3597  
KNBryant@jacksongov.org

**WITNESSES:**

1. [REDACTED]  
64106
2. DET Scott M. Emery, 1125 Locust, Kansas City, MO 64106
3. [REDACTED]  
64106
4. DET Thomas M. Hammond, 1125 Locust, Kansas City, MO 64106
5. DET Mary J Kincheloe, 1125 Locust, Kansas City, MO 64106
6. [REDACTED]
7. DET Scott P. Mullen, 1125 Locust, Kansas City, MO 64106
8. DET Jacquelynn R. Mutschler, 1125 Locust, Kansas City, MO 64106
9. DET Hobart D. Price, 1125 Locust, Kansas City, MO 64106
10. [REDACTED]  
64106
11. DET Bradley N. Thomas, 1125 Locust, Kansas City, MO 64106
12. DET Daniel G. Thomas, 1125 Locust, Kansas City, MO 64106
13. Stacey R. Witherspoon, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106

**PROBABLE CAUSE STATEMENT FORM**

Date: 03-19-2020

CRN: 20-018660

I, Detective Mary Kincheloe #5063  
(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 03-13-2020, at 71 HWY (North) at the interchange of 435 (West) in  
(Date) (Address)

Kansas City, Jackson Missouri Neely, Darick L. B/M 12-12-1972  
(County) (Name of Offender(s))

6'03", 165 lbs, Brown Eyes, Black Hair, [REDACTED] committed one or more criminal offense(s).  
(Description of Identity)

Felony Murder  
Felon in Possession of a Firearm

The facts supporting this belief are as follows:

On 03-13-2020, Officers of the Kansas City Missouri Police Department, were dispatched to 71 Highway and Red Bridge on a reported shooting. A white Nissan Murano was located northbound 71 Hwy at the interchange of 435 West. Both of the front doors were observed to be open and an unknown, deceased black male was located outside on the ground underneath the driver’s door. He was pronounced deceased with an apparent defect in his lower back. A defect was observed on the front and rear middle portion of the driver’s seat. Apparent blood was observed on the front driver’s seat.

A witness, [REDACTED], advised she and the victim responded to pick up the suspect from a mutual friends residence in her white Nissan Murano. After picking up the suspect and his girlfriend, [REDACTED] the four were travelling, northbound on 71 Hwy. The victim occupied the driver’s seat, the witness occupied the passenger seat, the suspect was seated behind the witness and [REDACTED] was seated behind the victim. The witness said the music was turned up, but she heard [REDACTED] say “get off of me, get him off of me.” She turned to see the suspect hovering over the top of [REDACTED] in the backseat. The witness said she could see [REDACTED]’s hands were empty as [REDACTED] was attempting to shove the suspect off of her. [REDACTED] said she then heard a gunshot. The witness said she had to climb over to the driver’s seat to stop the vehicle after the victim told her he could not feel his legs. [REDACTED] said once the vehicle was stopped, both the suspect and [REDACTED] fled the scene on foot. She called police. [REDACTED] was shown a photographic lineup consisting of six males similar in appearance. [REDACTED] identified **Darik Neely B/M 10-12-1972** as the suspect.

The witness, identified as [REDACTED], was located on foot in the southbound lanes of 71 Hwy near the Red Bridge/Longview Road exit. [REDACTED] appeared to be under the influence of an unknown substance. Upon an initial interview, [REDACTED], did not know a shooting had occurred. A secondary interview was conducted in which she advised **Neely** was her boyfriend with whom had punched her in the face after she confronted **Neely** about being intimate with multiple women. [REDACTED] said she had seen **Neely** with a gun that night, but did not recall the altercation or shooting taking place in the backseat of the vehicle she was riding in. [REDACTED] was shown a photographic lineup consisting of six males similar in appearance. [REDACTED] identified **Darik Neely B/M 10-12-1972**

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as the person she referred to as her boyfriend, the person who she saw in possession of a firearm and the person who had assaulted her.

On 03-13-2020, a witness identified as [REDACTED] advised the following in an interview on 03-13-2020 and a subsequent interview conducted on 03-15-2020: **Neely**, [REDACTED] and a third witness, identified as [REDACTED] were over at his residence earlier in the night on 03-12-2020, drinking and smoking marijuana for several hours. [REDACTED] stated **Neely** had a gun with him while they were at his apartment. [REDACTED] said **Neely** was racking the slide causing live rounds to be ejected. [REDACTED] said he told **Neely** to put the firearm away. [REDACTED] last saw **Neely** leaving [REDACTED]'s residence during the early morning hours of 03-13-2020 in possession of the firearm. [REDACTED] called [REDACTED] and told him "D" had shot the victim [REDACTED] called 911 to report the shooting and to recover the live rounds located in the seat where **Neely** had been seated in [REDACTED]'s residence. The live rounds were observed to have a headstamp of FC 9mm Luger with a blue coating on the bullet. [REDACTED] said **Neely** is often in possession of a firearm. [REDACTED] said his previous firearm was stolen a few months ago.

On 03-14-2020, at 1258 ours, [REDACTED] was transported to the South Patrol Division Station for a formal interview. She was escorted to an interview room on the third floor and provided the following information: **Neely**, [REDACTED] and she were all partying at [REDACTED]'s residence on 03-12-2020. She said there were all partaking in alcohol, crack-cocaine and PCP. She said **Neely**, [REDACTED] and she drove in [REDACTED]'s vehicle to **Neely**'s residence at approximately 2200 hours to continue partying. [REDACTED] said they left **Neely**'s residence around 0000 hours on 03-13-2020 and responded back to [REDACTED]'s residence. [REDACTED] said she had previously seen **Neely** with a black firearm which he typically held in his front right pants pocket. She said prior to leaving **Neely**'s residence, **Neely** had forgotten his firearm. [REDACTED] said [REDACTED] retrieved the firearm from inside **Neely**'s residence and gave it to **Neely** in the vehicle. [REDACTED] said **Neely** placed it in his front pants pocket. [REDACTED] said [REDACTED] was in and out of [REDACTED]'s residence attempting to purchase more drugs, so she and **Neely** went to her residence down the street. [REDACTED] said **Neely** was in possession of the firearm at that time as well because **Neely** removed it from his pants pocket and placed it on the nightstand in her bedroom. [REDACTED] said this was not the first time **Neely** had been in possession of a firearm. She said he often carried and the last one **Neely** had in his possession, [REDACTED] stole from him and sold it [REDACTED] said **Neely** punched her in the face for stealing the firearm and [REDACTED] currently has an assault charge filed against **Neely**. [REDACTED] said when she last saw [REDACTED] leaving to go home, [REDACTED] did not have a swollen eye.

On 03-13-2020, at 1235 hours, **Neely** was escorted into an interview room at the South Patrol Division Station where he was read his Miranda Rights. A secondary interview was conducted with **Neely** on 03-13-2020, at 1812 hours, at the East Patrol Division Station. **Neely** was reminded of his Miranda Rights at the start of the second interview. Collectively during the two interviews, **Neely** had memory of partying at [REDACTED]'s residence, smoking PCP and leaving [REDACTED]'s residence with the victim, [REDACTED] and [REDACTED]. He recalled his seat position in the vehicle along with [REDACTED]'s, but said he could not recall the seat position of the victim or [REDACTED]. **Neely** said after getting into the vehicle, the next thing he recalled was walking down the highway being arrested by police. **Neely** denied being in possession of a firearm because he is a convicted felon. **Neely** denied having any recollection of the shooting, but said if he did, it would have been accidental. **Neely** said the victim was his friend and he had no reason to shoot him. **Neely** repeatedly said he was not in possession of a firearm despite multiple witnesses advising he was. **Neely** could offer no explanation as to how (2) live ammunition rounds equipped with a blue coating, bearing the headstamp FC 9mm Luger (matching the same (2) live ammunition rounds recovered from [REDACTED] residence ) were in his possession upon his booking at the South Patrol Detention Center.

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On 03-14-2020, at 0800 hours, an examination of the victim’s body was conducted at the Jackson County Medical Examiner’s Office. One defect was observed in the back of the victim with no apparent exit wound. A bullet was observed on X-Ray near the left chest of the victim. Upon conducting an autopsy, a spent bullet equipped with a blue coating was recovered from inside the body of the victim.

On 03-15-2020, A Provisional Anatomic Diagnosis Report was received from the Office of the Jackson County Medical Examiner’s Office, It revealed the following: The gunshot wound was located in the central back. The direction was from back to front, right to left and slightly upward.

On 03-18-2020, at 1248 hours, witness [REDACTED], called to report he had made a mistake in that Neely did not have the firearm as he had originally reported. [REDACTED] said witness, [REDACTED], had the firearm. The phone call was ended, however, [REDACTED] dialed the detective’s desk phone unintentionally leaving an open line which was recorded. [REDACTED] could be heard saying to Neely, he would tell police [REDACTED] had the firearm because he did not want to see Neely go to jail. Neely was heard saying, “It was an accident.”

On 03-18-2020, at 1420 hours, [REDACTED] was interviewed and advised, Neely had influenced him to believe [REDACTED] had the firearm in [REDACTED]’s apartment, therefore, [REDACTED] called the detective to report the information. [REDACTED] said he knew Neely was not telling the truth in that [REDACTED] knew Neely had the firearm in his apartment prior to the victim’s death. [REDACTED] said his initial statement of seeing Neely rack the slide of a firearm, ejecting live ammunition in his apartment, was the factual statement.

On 03-18-2020, at 1330 hours, Neely was arrested and placed on a 24 hour Investigative Hold for Tampering with a witness. Neely was read his Miranda Rights. During the course of the interview, the incident involving the victim’s death was discussed. Neely said it was an “accident.” Neely said [REDACTED] was trying to rob him and the two were wrestling over the gun when it went off. Neely said he was “fucked up” at the time, but his memory was starting to come back to him. However, Neely did not recall assaulting [REDACTED].

Neely has previously been arrested and convicted for Robbery. After being released from prison, Neely has been arrested and convicted for multiple other felony charges to include Burglary and Narcotics Violations. Despite being a convicted felon and knowing it is unlawful for him to possess a firearm, Neely, continued to violate the law by possessing a firearm which resulted in the unnecessary death of the victim. Neely continues to display a disregard for the public in his behavior.

Printed Name /s/ Det. Mary Kincheloe #5063 Signature \_\_\_\_\_

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

\_\_\_\_\_

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Judge

Circuit Court of \_\_\_\_\_ County, State of Missouri.