

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

POLICE NO. :	21001715
PROSECUTOR NO. :	095464150
OCN:	QZ002483

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
DAVION LAMONT FUGATE)	
12825 Crystal Ave.)	CASE NO. 2116-CR
Grandview, MO 64030)	DIVISION
DOB: 07/17/1999)	
Race/Sex: B/M)	
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)	DEFENDANT.

COMPLAINT
WARRANT REQUESTED

Count I. Murder 2nd Degree (565.021-001Y20200911.0)

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 May 2, 2021, in the County of Jackson, State of Missouri, the defendant knowingly or with the purpose of causing serious physical injury to Roosevelt Williamson caused the death of Roosevelt Williamson by shooting him.

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.

Count II. Armed Criminal Action (571.015-001Y20205213.0)

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 2, 2021, in the County of Jackson, State of Missouri, the defendant committed the felony of Murder in the Second Degree charged in Count I, all allegations of which are incorporated herein by reference, and the defendant

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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 571.015.1, RSMo. is imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.2, RSMo. as a second offense is imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.3, 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 punishment imposed pursuant to Section 571.015, RSMo shall be in addition to and consecutive 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 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.

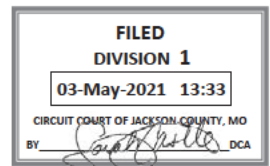
JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Brady X. Twenter
Brady X. Twenter (#49380)
Assistant Prosecuting Attorney
415 E. 12th St.
10th Floor
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BTwenter@jacksongov.org

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WITNESSES:

1. DET Beau D. Bailey, 1200 Main Street, Grandview, MO 64030
2. DET Jon Bennings, 1200 Main Street, Grandview, MO 64030
3. DET Brian Bradley, 1200 Main Street, Grandview, MO 64030
4. PO Aaron Carter, 1200 Main Street, Grandview, MO 64030
5. PO Kaitlyn B. Elias, 1200 Main Street, Grandview, MO 64030
6. SGT Gabriel Gilbert, 1200 Main Street, Grandview, MO 64030
7. PO David Gutierrez, 1200 Main Street, Grandview, MO 64030
8. DET Stephanie Jones, 1200 Main Street, Grandview, MO 64030
9. PO John Newsham, 1200 Main Street, Grandview, MO 64030
10. PO Travis Richardson, 1200 Main Street, Grandview, MO 64030
11. SGT Alan Walker, 1200 Main Street, Grandview, MO 64030



GRANDVIEW STATEMENT OF PROBABLE CAUSE
Report Number: 21001715

I, Detective Brian Bradley, 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 05/02/2021 at 12825 Crystal Avenue, Grandview, Jackson County, Missouri, Davion Lamont Fugate, Black Male, DOB 07/17/1999, [REDACTED] committed one or more criminal offenses.

On 05/02/2021 at approximately 1341 hours Grandview Police Officers were dispatched to the intersection of 129th Street and Byars Road in regards to a shooting. Upon arrival Officers located a black four door Nissan Altima, bearing Kansas temporary license tag C674045, crashed into a tree in the front yard of 12825 Byars Road. Officers approached the vehicle and found the victim/driver of the vehicle, later identified as R.W., Black Male, DOB 02/17/1998, slumped over and deceased from apparent gunshot wounds.

While establishing a crime scene perimeter Officers contacted a party identified as [REDACTED] Black Female, DOB 09/19/1981. Officers asked [REDACTED] if she heard or saw anything and she advised she heard gun shots and observed the crashed car. Officers asked [REDACTED] how many shots she heard and she stated "A lot." [REDACTED] then proceeded to 12825 Crystal Ave and entered the residence.

Another Officer was contacted by an unidentified witness who appeared to live at a residence in the immediate vicinity of the crime scene. The witness advised that he saw a black male with dreads, wearing a white tee shirt and carrying a black bag, running with a gun. The black male ran to the drive of 12825 Crystal Avenue, fell down in the driveway of the residence, and proceeded to enter into the residence.

Officers then observed [REDACTED] exit the residence located at 12825 Crystal Avenue with a black male with dreadlock style hair. [REDACTED] and the male party, later identified as suspect Davion L. Fugate, Black Male, DOB 07/17/1999, entered into a black Nissan Altima, bearing Missouri license plate EA3V1U, parked in the driveway of the residence. Officers contacted S.W. and Fugate at which time S.W. immediately stated "If someone was here with malicious intent, he was protecting whatever's his." Fugate was then removed from the vehicle and taken into custody. Immediately after taking Fugate into custody Officers observed several scrapes on his knees that were fresh, bleeding, and consistent with falling on concrete.

Detective Elias was later contacted via telephone by a witness who did not identify themselves. The witness stated that she was in her vehicle at the

intersection of 129th Street and Byars Road, facing north on Byars Road, when she heard several “bangs”. The witness said that she looked to her left, in a west direction, and observed a black male, approximately 5’ 07” tall with a medium build, run down the driver way of the residence located at 12825 Crystal Avenue. The witness observed the black male shoot approximately 15 times into R.W.’s vehicle which was parked blocking the end of the driveway of the residence. The witness further provided that at one point in time the black male shot into R.W.’s vehicle with his hand and the firearm extended into the driver side window of R.W.’s vehicle.

Detectives processed the crime scene which extended approximately 223 feet from the driveway of the residence located at 12825 Crystal Avenue to the front yard of 12825 Byars Road. Detectives located four spent 9mm Luger shell casings, along the east side of the driveway at 12825 Crystal Avenue, extending from the garage area of the residence to the street. Detectives also observed a dent, approximately 46.5” high, in the metal basketball goal post located on the east side of the driveway. The dent appeared to be fresh and most likely caused by a bullet striking the post, with a corresponding fragmented bullet located in the roadway in the direction that a bullet would be deflected. Detectives also recovered approximately eight additional spent 9mm Luger shell casings laying along a path, extending approximately 77’ to the east, from the driveway of the residence to the driveway of 12824 Byars Road.

Detectives obtained search warrants, signed by Jackson County Circuit Court Judge Torrence, allowing the search of the residence, located at 12825 Crystal Avenue, as well as the black 2015 Nissan Altima, bearing Missouri license plate EA3V1U, occupied by suspect Fugate at the time of his arrest. The search warrants were served during which Detectives recovered two Glock 9mm magazines, loaded with 9mm ammunition, a box with 19 rounds of 9mm Luger ammunition, along with a large amount of marijuana and drug paraphernalia from a bedroom located within the residence. The bedroom contained a Missouri driver license, along with other items, bearing suspect Fugate’s name and picture. Detectives also recovered a Bushmaster AR15 rifle (Serial Number BK5096421) with magazine, a Glock 9mm handgun (Serial Number BEPA528) with an empty magazine and the slide in the locked back position, along with a duffel bag and a black backpack both of which contained drug paraphernalia and a large amount of marijuana packaged for sale, from the garage of the residence.

Detective Bradley returned to the Grandview Police Department where he contacted a witness who was identified as ■■■■, White Male, DOB 02/12/1986. ■■■■. stated that he was inside his residence when he heard “a pop”. ■■■■. said that he looked out his window and observed a black male, with dreadlock style hair, wearing a white tee shirt and blue shorts, appear from between two vehicles parked in the driveway located at 12825 Crystal Avenue. ■■■■. stated that the

black male was approaching a black vehicle, parked at the end of the driveway, with a handgun in his hand. [REDACTED]. heard shooting, observed the vehicle's passenger side window shatter, and the vehicle travel eastbound. [REDACTED]. observed the black male with the handgun run after the vehicle, to the driveway located at 12824 Byars Road. [REDACTED]. does not know if the black male was shooting while he was running after the vehicle but thought that the black male was attempting to confirm that he had shot the occupant of the vehicle. Detective Bradley asked [REDACTED]. if he knew the black male with the dreadlock style hair or if he would recognize him if he saw a picture of him. [REDACTED] was shown a photographic lineup consisting of suspect Fugate and five other black males with similar appearances. [REDACTED]. viewed the photographic lineup, stated "three maybe", then later advised that he was 55-60% positive that the person in photograph #3, which was suspect Fugate, looked most like the person he observed shooting he firearm. [REDACTED] further advised that he believes that the residents of 12825 Crystal Avenue, based on previous activities and traffic, were selling narcotics at the residence.

Detective Bradley also received an email, from a party only identified as [REDACTED] which contained ring doorbell video footage of the incident. The video footage was recorded from a residence located on the south side of 129th Street to the east of Byars Road. Detective Bradley reviewed the video during which approximately 10 gun shots could be heard. Detective Bradley then observed the vehicle occupied by victim R. W. traveling eastbound through the yard of 12824 Byars Road. As R.W.'s vehicle was traveling through the yard Detective Bradley could hear approximately two additional gun shots. R.W.'s vehicle then struck a stop sign at the intersection, traveled across Byars Road, and came to rest after crashing head on into a tree. A human figure, wearing a white colored shirt, could be observed running eastbound through the yard of 12824 Byars Road towards R.W.'s vehicle. The human figure appeared to run around R.W.'s vehicle and approach the driver side of the vehicle. Two additional gun shots could then be heard. The human figure wearing the white colored tee shirt could be observed running back to the west, towards 12825 Crystal Avenue, at which time he was carrying a black colored object appearing to be a bag. As the human figure arrived at the Crystal Avenue residence human voices could be heard but the words were unintelligible on the video.

Detective Bradley, while at the Grandview Police Department, was contacted by the family of victim R.W. including R.W.'s girlfriend identified as [REDACTED] DOB 07/12/1997. [REDACTED]. stated that she resides with victim R.W. and that they have a child together. [REDACTED] advised that she went to work earlier in the day and last spoke to victim R.W. via text message at about 1205 hours. [REDACTED] was unable to contact victim R.W. later in the day and he failed to pick her up from work at 1800 hours. [REDACTED] was concerned so she began to contact people, including R.W.'s best friend whom [REDACTED]. identified only as [REDACTED], who told her that he talked to R.W.

at about 1200 hours. [REDACTED]. advised that [REDACTED]. told her that R.W. told him "I need you" but that [REDACTED]. was unavailable. [REDACTED]. then stated that she believes that R.W. was "going to do whatever he was going to do by himself". [REDACTED] was unsure if victim R.W. was going to conduct "some type of robbery" and did not know if R.W. informed [REDACTED]. what his plans were. [REDACTED]. was unable to provide any contact information for [REDACTED] so that he could be contacted.


A search warrant was obtained and served on victim R.W.'s vehicle while it was located at the Grandview Police Department. While serving the search warrant several 9mm Luger shell casings, along with a large amount of cash, were recovered from the front driver side floorboard. Additionally a Smith & Wesson SD40 VE handgun was recovered from the front passenger side floorboard.

On 05/02/2021 at about 2224 hours, suspect Fugate was escorted into an interview room located at the Grandview Police Department. Fugate was informed of his Constitutional Rights per Miranda. Fugate stated that he understood his rights and he signed a Grandview Police Department Rights Waiver Form. Detective Bradley obtained personal information from Fugate prior to questioning him about the incident. Detective Bradley then asked Fugate why he was in custody to which he immediately requested an attorney. Detective Bradley terminated the interview and Fugate was returned to his cell in the detention facility.

On 05/03/2021 at about 0800 hours an autopsy of victim R.W. was performed at the Jackson County Medical Examiner's Office. R.W.'s body was examined during which several gunshot wounds were located on R.W.'s back and buttocks, in the chest and head/neck area, as well as a gunshot wound with stippling on R.W.'s right hand.

_____/s/ Brian Bradley_____
DETECTIVE

THE COURT FINDS PROBABLE CAUSE.



JUDGE

03-May-2021_____
DATE