

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

POLICE NO. :	KC22045126
PROSECUTOR NO. :	095470414
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
MALIJAHJUAN SMITH)	
525 Stone Arch Drive, #623)	CASE NO. 2216-CR
Independence, MO 64052)	DIVISION
DOB: 02/12/1997)	
Race/Sex: B/M)	
)	
)	DEFENDANT.

COMPLAINT
WARRANT REQUESTED

Count I. Murder 2nd Degree (565.021-001Y20200903.0)

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 July 7, 2022, in the County of Jackson, State of Missouri, the defendant knowingly or with the purpose of causing serious physical injury to Demarion K Benjamin caused the death of Demarion K Benjamin 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 July 7, 2022, 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

State vs. Malijahjuan Smith

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 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 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.

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/ Lauren Whiston
Lauren Whiston (#66185)
Assistant Prosecuting Attorney
415 E. 12th St., 11th Fl
Kansas City, MO 64106
(816) 881-4312
lwhiston2@jacksongov.org

WITNESSES:

1. DET Scott M. Emery, 1125 Locust, Kansas City, MO 64106
2. DET Thomas M. Hammond, 1125 Locust, Kansas City, MO 64106
3. DET Kenneth M. Lightner, 2640 Prospect Ave., Kansas City, MO 64127
4. DET Scott P. Mullen, 1125 Locust, Kansas City, MO 64106
5. DET Drew D. Pittenger, 1125 Locust, Kansas City, MO 64106
6. DET Hobart D. Price, 1125 Locust, Kansas City, MO 64106

State vs. Malijahjuan Smith

7. 
8. DET Bradley N. Thomas, 1125 Locust, Kansas City, MO 64106
9. DET Daniel G Thomas, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 07/12/2022

CRN: 20-045126

I, Det. Brad Thomas #3971, 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 07/07/2022, at 51st and Lawn Ave in
(Date) (Address)

Kansas City, Jackson Missouri Malijahjuan M. Smith (B/M, 02/12/1997)
(County) (Name of Offender(s))

██████████ committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

Murder
Armed Criminal Action

On 07/07/2022 at 0443 hours Officers of the Kansas City Missouri Police Department were dispatched to 51st / Lawn, Kansas City, Jackson County, Missouri on a reported medical nature unknown. Upon arrival Officers located a deceased male laying partially in the grass and in the street on the east side of Lawn to the north of 51st Street. Officers located spent shell casings in the area of the body. Officers observed the victim to have apparent gunshot wounds to his head and body. The death was later ruled a homicide. The victim was identified as DB.

On 07/04/2022 at 0240 hours Officers of the Kansas City Missouri Police Department were dispatched to Research Medical Center on a reported shooting. Upon arrival they contacted the driver of a white Chevrolet Malibu who was identified as DB. DB advised he drove the victim (JJ) to the hospital. JJ was the front passenger in the Chevrolet Malibu and was reportedly shot while they were driving west bound on Bannister from James A Reed in Kansas City, Missouri. During the investigation on 07/04/2022 Detective's recovered DB's cell phone. DB provided a statement to detectives but did not seem completely forthcoming with information.

Detectives contacted █████ who is DB's girlfriend and █████ who is █████'s mother. █████ told detectives she gave DB a new phone after the Police took DB's phone on July 4th. DB's new phone number is 816-874-2907. █████ is the account holder for 816-874-2907. █████ daughter, █████ was able to access the phone logs for DB's phone through AT&T. A review of the records by detectives showed 314-788-0347 began communicating with the victim on 07/07/2022 at 12:14 A.M. The last contact that number has with the victim is on 07/07/2022 at 01:26 A.M.

PROBABLE CAUSE STATEMENT FORM

CRN 20-045126

█████ told detectives she had taken DB to JJ's mother's (██████████) house on 07/06/22 sometime around 11:30 P.M. at DB's request. DB went inside and █████ waited in the car outside the residence. While waiting outside a black male with long dreads pulled up around his head approached her to inquire what her business was. █████ said she was waiting for DB to come out. The black male walked away. DB was inside for approximately one hour then came out and he and █████ left and returned to █████'s residence.

On 07/07/22 at 1:37 A.M., DB told █████ he was leaving with JJ's uncle to go deal with the individual(s) who killed JJ. █████ walked out with DB to the vehicle he was getting into. She described the vehicle as being a silver 2013-2016 Ford Fusion. There was one occupant driving the car and he was the same individual who had approached her vehicle at █████ residence. █████ said she spoke briefly with the male driver and he assured her everything would be ok. █████ asked DB not to go with him. Ultimately DB left with the male.

314-788-0347 was searched in Police Databases and responded back with a possible subscriber of ██████████. Detective's searched Facebook for ██████████ and found images of ██████████ who appeared to be pregnant. A male with dreads is seen holding the stomach of the female believed to be Jalaka. The information from Facebook was given to a KCPD Analyst who identified the male in the picture as possibly being Malijahjuan Smith.

On 07/08/2022 SS2 responded to Police Headquarters and was shown a picture of (MS) Malijahjuan M Smith B/M 02/12/1997. █████ confirmed MS is the person she knows as JJ's Uncle and was the person the victim left her residence with on 07/07/22 at 1:37 A.M.

On 07/07/2022 █████ had showed detectives a text message thread between her and DB. DB wrote the following in a text message to █████: Just to let you know I'm gone go with jai uncle the 1 that know ian did shit but just know I love you n always will threw life and death. I know you gone be mad and think Im dumb but I go to I can't just sit around knowing who killed my brother watching his face replay in my face cause he would slide for me 1,000,000 time until sb died. █████ replied: u dnt gotta tell me u love me ik u dnt mean it it's coo tho

DB replied: I made my mind up if his uncle kill me o well at least I tried to slide for my brother just like he would for me.

A review of surveillance video was conducted and the following observations were made on July 7, 2022:

a. 01:49:21 at Blue Parkway / Elmwood City Camera what appears to be a silver Ford Fusion is seen west bound.

b. 01:49:52 at Blue Parkway / Cleveland City Camera what appears to be a silver Ford Fusion is seen traveling westbound and then turning southbound on Cleveland.

c. 01:51:52 at Blue Parkway / Cleveland an ALPR camera captures a silver Ford Fusion with Missouri License Plate XF7B1S. It is believed to be the same silver Ford Fusion as captured on the Genetec City Camera's.

PROBABLE CAUSE STATEMENT FORM

CRN 20-045126

d. 02:08:21 DVR Time at Blue Parkway / Lawn surveillance video from 4710 Blue Parkway captures what appears to be a silver Ford Fusion traveling southbound on Lawn from 51st St and then turning east bound on Blue Parkway. The vehicle would have to have driven past the location the body of DB was found by Police.

e. 02:09:14 at Blue Parkway / Hardesty City Camera what appears to be a silver Ford Fusion is seen traveling east bound

f. 02:10:25 at Blue Parkway / Eastwood City Camera what appears to be a silver Ford Fusion is seen traveling east bound.

When SS2 was interviewed by Detectives she said DB was last seen in a silver Ford Fusion which was believed to belong to JJ's mother [REDACTED]. Detectives conducted a computer search for [REDACTED] and found a record of her owning a silver Ford Fusion with Missouri License plate XF7B1S. The license plate was entered into the ALPR database and the license plate was captured at 01:51:52 at BlueParkway / Cleveland as mentioned above which led detectives to further search the area for surveillance video of the silver Ford Fusion.

A phone order was written and granted by the courts for 314-788-0347 (Subject Telephone Number) covering the dates 05/07/22 thru 07/08/22. The order was served to Sprint/T-Mobile and the records were received on 07/11/2022. A preliminary review of the records were conducted by detectives and the following observations were made:

a. The Subject Telephone Number and the victims number first have contact with one another on 07/06/22 at 2351 hours (Central time). The last contact is on 07/07/22 at 0226 hours (Central time). There were no other contacts between the victim and the Subject Telephone Number.

b. A police data base was utilized to do a preliminary review of the phone records to view location data. The review confirmed [REDACTED] was at [REDACTED] residence during the time frame [REDACTED] had specified. The Subject Telephone Number was at [REDACTED]'s residence during the time period specified. On 07/07/22 at 0129 hours the phone does not appear to be active up until 0218 hours.

c. On 07/07/22 at 0218 hours the Subject Telephone Number becomes active again and the location of the device appears to be in the area of 525 Stone Arch Drive, Independence, Jackson County, Missouri which is Malijahjuan Smith's address in Missouri Department of Revenue files.

On 07/12/22 detectives from the Kansas City Police Department received location data for the Subject Telephone Number from Sprint/T-Mobile. The device showed to be in the area of 525 Stone Arch Drive. Detectives started surveillance and observed Smith exit 525 Stone Arch Dr. #623 and get into a silver Pontiac then left the area. Smith was arrested at a nearby location. Smith was found to be in possession of a cell phone. Detectives called the Subject Telephone Number and the device Smith had in his possession rang showing the Homicide Unit's number. Smith was also found to be in possession of a Missouri EBT card belonging to [REDACTED] who is the registered owner of the Ford Fusion.

PROBABLE CAUSE STATEMENT FORM

CRN 20-045126

Smith was transported to 1125 Locust for questioning. After waiving his Miranda Warning Smith made a statement. Initially Smith said he did not know DB was dead and asked if we thought the same person who killed JJ had killed DB. The conversation led into the night/morning of the victim’s murder. Smith said he never left the general area of Independence and denied any involvement in DB’s murder. When confronted with facts of the investigation Smith eventually admitted his involvement. Smith said DB had been at [REDACTED] [REDACTED]’s residence with who he believed was DB’s mother on the night of 07/06/2022. They stayed about an hour then left. Later that night/morning DB and Smith were communicating via cell phone. Smith agreed to pick up DB at his “mom’s” [REDACTED] house and said they were going to find the individual(s) that killed JJ. Smith said DB had told him he knew where at least one of the individuals responsible for JJ’s murder was at. Smith confirmed that [REDACTED] out to the car with DB. DB got in the car with what he described as being a dealer type license plate. The intent was to purchase a stolen vehicle and put the license plate on the vehicle then find the individual(s) responsible for JJ’s murder. They drove to an apartment building at an unspecified location and DB went inside for a couple minutes then came back outside and got in the car with Smith. They went to an unspecified nearby location to get the stolen vehicle. Ultimately the vehicle was not there. They continued driving and stopped again when DB told Smith to pull over. Smith exited the vehicle and ran up the hill for a few minutes then returned and was putting a license plate other than the dealer plate he had brought with him on the vehicle they were occupying. Smith did not know where this license plate came from. DB told Smith to come check the license plate. Smith said he exited the vehicle and grabbed his Glock 9mm pistol when he exited. He explained the Glock 9mm had been JJ’s gun. Smith checked the plate and told DB it was good. As this was going on DB made his way to the passenger side and retrieved his Glock .40 caliber handgun. Smith said he was feeling uneasy about what was going on and was making his way back to the driver’s door when DB told him to check the plate again. Smith had his gun by his side and made his way to the rear of the vehicle to check the plate again. He saw the look on DB’s face and said he knew DB was about to kill him. DB raised his gun and as he did so Smith said he pulled the trigger on his Glock 9mm and fired. Smith said his gun had a “switch” on it which made it fully automatic and the gun fired several rounds. DB fell to the ground. Smith said DB was still alive and he approached DB, took his Glock .40 caliber so DB didn’t shoot him as he was leaving. Smith said he left and went to his address at 525 Stone Arch.

Smith continuously adjusted or changed his version of events as the interview progressed in duration and more information was given to him about the facts of the investigation.

Printed Name Bradley Thomas #3971 Signature /s/ Det. Bradley Thomas #3971

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

Judge

PROBABLE CAUSE STATEMENT FORM

CRN 20-045126

Circuit Court of _____ County, State of Missouri.