

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

POLICE NO. :	KC22052931
PROSECUTOR NO. :	095470767
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
SAMUEL AVERY,)	
3518 Garfield)	CASE NO. 2216-CR
Kansas City, MO 64109)	DIVISION
DOB: 10/03/1979)	
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 August 7, 2022, in the County of Jackson, State of Missouri, the defendant with the purpose of causing serious physical injury to Warner Alexander Trotter caused the death of Warner Alexander Trotter 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 August 7, 2022, in the County of Jackson, State of

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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 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/ John G. Gromowsky
John G. Gromowsky (#50700)
Assistant Prosecuting Attorney
415 East 12th Street
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Kansas City, MO 64106
(816) 881-3319
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WITNESSES:

1. [REDACTED]
2. DET Bonita Y. Cannon, 1125 Locust, Kansas City, MO 64106
3. PO Michael A. Donnelly,
4. DET Zakary K. Glidewell, 1125 Locust, Kansas City, MO 64106
5. DET Sean P. Martin, 1125 Locust, Kansas City, MO 64106
6. [REDACTED]
MO 64106
7. DET Ilinca E. Rusnac, 1125 Locust, Kansas City, MO 64106
8. DET Derek M. Sanders, 1125 Locust, Kansas City, MO 64106
9. PO Judson Trautvetter, 1125 Locust, Kansas City, MO 64106
10. Warner Alexander Trotter, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
11. DET Nathan S. VanVickle, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 08-07-2022

CRN: 22-052931

I, Detective Glidewell #5549, Kansas City Missouri Police Department, Homicide Unit
(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 08-07-2022, at 3518 Garfield Avenue in
(Date) (Address)

Kansas City, Jackson Missouri Samuel Avery
(County) (Name of Offender(s))

B/M DOB 10-03-1979 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 08-07-2022 at 1211 hours, officers of the Kansas City Missouri Police Department were dispatched to 3518 Garfield Avenue, Kansas City, Jackson County, Missouri, 64109 on a ShotSpotter (sounds of shots) call for service, in regard to several sounds of gunshots.

An additional call for service was received and relayed via police dispatch. A male who identified himself as "Samuel" called from 816-745-827 and stated his neighbor had pulled a gun on him. The caller, later identified as Samuel Avery (B/M 10-03-1979) stated he shot his neighbor and that he "emptied the clip in him." Avery reported that he put the gun on a chair inside 3518 Garfield Avenue.

Upon arrival, officers made contact with Avery who was standing on the porch of his residence located at 3518 Garfield Ave and was taken into custody without incident. Officers then located a male victim suffering from a gunshot wound to his head on the front porch of 3522 Garfield Avenue. He was transported via EMS/KCFD to Truman Medical Center, 2310 Holmes where he was pronounced deceased. In addition to the victim and the suspect, the officers made contact with a witness at the scene.

Officers advised investigators, there had been two previous calls for service at the aforementioned address however; no crime had been committed at that time. The calls for service involved the victim and the suspect arguing over the suspect mowing his yard early in the morning. Officers further stated, during their response to the shooting they observed several shell casings around the front porch of 3518 Garfield Ave and discovered a handgun on the victim's person. Officers further stated the handgun was tucked in the victim's waistband.

The witness was asked to respond to police headquarters to provide a formal statement in regard to the circumstances that led up to the shooting and subsequent homicide. The witness stated she would provide a statement and traveled to police headquarters via her personal vehicle.

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The witness was escorted to the 7th floor of Police Headquarters and was placed in interview room #4. The witness confirmed the victim and the suspect had been in a verbal altercation early in the morning over the suspect mowing his yard.

The witness stated she and the victim went to a local restaurant to get some food. The witness stated she and the victim returned to the residence to eat the food they had purchased. The witness stated she and the victim walked up on the porch and were in the process of entering the residence. The victim opened the door and the witness entered the residence when she heard the victim say to the suspect who was standing on his porch next door something to the effect of, "Do you have something to say?"

The witness stated she then heard several gunshots and observed the victim to have been shot. The witness confirmed the victim was armed at the time he was shot however, she stated the weapon was concealed and the victim never brandished the weapon. After the shooting the suspect told her if she went near the weapon he would shoot her as well. The witness stated she ran down the street in an effort to get help. The witness stated she returned to the scene when she saw police arrive on scene.

The suspect was transported to Police Headquarters via police vehicle and was escorted to the 7th floor and placed in interview room #1. Avery was advised of his Miranda Rights which he stated he understood and further stated he would provide a formal statement. Avery was offered water to drink and allowed access to restroom facilities.

Avery stated he and the victim had been arguing for approximately 10 years and on the day in question, Avery stated he and the victim had been arguing over his lawn mower being too loud. Avery stated the victim called him names and gestured with his hand that he would shoot him. Avery stated he contacted police during the initial argument however; police stated there was nothing they could do about them arguing. Avery stated after the police left, the victim was waving a gun around saying nothing would happen to him.

Avery stated several hours later, he finished his yard work and observed the victim and the witness entering their residence. Avery stated, as they entered their residence the victim reached for his handgun. Avery stated, as the victim reached for his weapon he emptied his clip into him. Avery stated, he was armed with a Glock with a 13 round capacity and further stated that is the number of times he fired his weapon. Additionally, Avery stated, the victim has video cameras on his house and the incident should be captured on video.

Detectives obtained search warrants for both residences. During the course of the search detectives located numerous spent casings around the front porch of 3518 Garfield Ave. Detectives discovered Avery's weapon where he stated it would be just inside his residence.

A search of the victim's residence was conducted and a firearm was discovered on the front porch of the victim's residence that appeared to not have been fired. The initial responding officers stated they removed the firearm from the victim's waistband prior to EMS treating the victim. Two additional firearms were located inside the victim's residence. Obvious damage was observed to the threshold of the victim's residence which is consistent with damage from gunfire.

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The aforementioned security video was recovered by detectives and reviewed. The video shows the victim and the witness arrive at the residence. The victim and the witness are seen entering their residence and the victim appears to have food in one hand and the keys to the residence in the other. The suspect is observed standing on his porch which is next door approximately 10 yards away. The victim can be seen saying something to the suspect as he is entering the threshold of the residence then diverts his attention away from the suspect in order to enter the residence. The suspect then produces a firearm and shoots at the victim multiple times. The victim's hands can be clearly seen throughout the video and at no time does he have a weapon or reach for a weapon at any time.

Printed Name Detective Zakary Glidewell, #5549 Signature /s/: Detective Zakary Glidewell, #5549

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

Judge

Circuit Court of _____ County, State of Missouri.