

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

Police# 16-004379
Prosecutor# 095436829
1616-CR
OCN# cw003979

COMPLAINT

STATE OF MISSOURI

vs.

**Damon E Huff
12417 East 58th Terr.
Raytown, MO 64133
DOB: 07/24/1987; Race/Sex: B/M;
SS# [REDACTED]
Defendant.**

**Count I. Discharge/shoot Firearm At Or From Motor Vehicle/shoot At Person, Another
Motor Vehicle, Or Building/habitable Structure- /prior Offender (571.030-
002Y20035213.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.030, RSMo, committed the class B felony of unlawful use of a weapon, punishable upon conviction under Sections 558.011 and 571.030.9, RSMo, in that on or about December 21, 2016, in the County of Jackson, State of Missouri, the defendant, knowingly discharged a firearm at a motor vehicle, namely a 2006 maroon Pontiac Grand Prix.

The range of punishment for a class B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

RSMo 571.03 further states that violations of subdivision (9) of subsection 1 of this section shall be punished as follows: (1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony.

THE STATE OF MISSOURI

vs.

Damon E Huff

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) (571.015.2) (571.015.3), RSMo, in that on or about December 21, 2016, in the county of Jackson, State of Missouri, the defendant committed the felony of discharging a firearm at a motor vehicle charged in Count 1, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of discharging a firearm at a motor vehicle 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. 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.

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

JoEllen F. Engelbart (#68047)
Assistant Prosecuting Attorney
321 W. Lexington
Independence, Missouri 64050
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WITNESSES:

DET Scott Gillespie , 10000 E. 59th Street, Raytown, MO 64133

PO John Gilligan , 10000 E. 59th Street, Raytown, MO 64133

[REDACTED]

DET Frank McDevitt , 10000 E. 59th Street, Raytown, MO 64133

PO Jeremy Riddle , 10000 E. 59th Street, Raytown, MO 64133

SGT Jared Rogers , 10000 E. 59th Street, Raytown, MO 64133

[REDACTED]

[REDACTED]

[REDACTED]

Probable Cause Statement Form

Date: 12-22-2016

I, Det. Frank McDevitt, 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 12-21-2016, at 6553 South Raytown Road, Raytown, Jackson County, Missouri 64133, Damon E. Huff Jr. black male, 07-24-1987, [REDACTED] committed one or more criminal offense(s).

The facts supporting this belief are as follows:

On 12-21-2016, at approximately 1729 hours, Raytown Police Officers Brett Clear, Tom Greer and John Gilligan were sitting in the 6500 block of Railroad Street, Raytown, Jackson County, Missouri 64133 when they heard two to three gunshots coming from the south. At that time Police Dispatch received a call to Raytown Villa Apartments, 6533 South Raytown Road, Raytown, Jackson County, Missouri 64133 in regard to a shots fired call.

Upon responding to the area and looking for a crime, Officer Gilligan was contacted by a black male, later identified as [REDACTED] and black female, later identified as [REDACTED] who waved for his attention at the northwest corner of Raytown Villa Apartments. Mr. [REDACTED] advised that his 2006 maroon Pontiac Grand Prix, had been shot. The vehicle was parked at Lufti's Fried Catfish, 6623 Raytown Road. Officer Gilligan observed a large amount of fluid/oil leaking from underneath the vehicle and the smell of smoke emitting from the front of the vehicle.

Mr. [REDACTED] advised that he was in the driver's seat and his sister [REDACTED] was sitting behind him. He came with his sister to pick up their brother's, [REDACTED] children, [REDACTED] and [REDACTED]. They had been staying with their biological mother, [REDACTED], a white female, born 05-22-1993. They went to pick up the children because [REDACTED] and [REDACTED] did not get along. As they pulled into the north drive of Raytown Villa a black male in a brown hat with a black coat began yelling at Mr. [REDACTED] "What was that shit you was talking about?" The male then displayed a small handgun and fired one shot at Mr. [REDACTED] vehicle, which was still in drive and occupied by him and his sister. Mr. [REDACTED] did not know the male. Mr. [REDACTED] placed the vehicle in reverse and backed onto Raytown Road, at which time the male fired two more shots. They observed the male run back toward the apartments. Mr. [REDACTED] suddenly released his car was smoking and he quickly drove Lufti's where he parked his car and waiting for Police.

Due to the high probability that the male fled back to the residence where [REDACTED] stayed, 6533 Raytown Road #4, with two small children the Raytown Police SWAT team was called out. SWAT officers knocked several times and asked the residence to exit the apartment. The apartment manager provided SWAT officers with keys and they unlocked the door. At that time Sergeant Chris Shrout observed and called out a black male, later identified as Damon Huff, who was holding a small child [REDACTED] and [REDACTED] who was holding a second child [REDACTED] from the NE bedroom. The parties were brought outside and a search of the residence for occupants was conducted.

Mr. Huff matched the description of the suspect who had fired the gun at Mr. and Ms. [REDACTED]. Mr. Huff was handcuffed and escorted outside to the north drive of Raytown Villa Apartments. At that time Mr. and Ms. [REDACTED] positively identified Mr. Huff as the suspect who shot at them. Mr. Huff was placed under arrest.

I contacted [REDACTED]. She advised that she did not live at the listed apartment, it belonged to her friend [REDACTED] who was on her way to the apartment. [REDACTED] advised that [REDACTED] lived at the

residence along with her 3 year old son and no one else. I asked [REDACTED] what occurred earlier in the evening and she advised that nothing had happened, she was confused as to why police were contacting her. I asked if she had heard or witnessed shooting and she said no. I asked if she had contact with [REDACTED] and she said that he came over on 12-21-2016 with [REDACTED] around 8:00 A. M. but she did not answer the door. She called him and told him the kids were sleeping and he could see them later. He left without incident. I informed her that a shooting had occurred and Mr. Huff was a suspect. She denied any knowledge of a firearm or a shooting. She said that Mr. Huff had mentioned hearing a shooting. I contacted [REDACTED] at the residence. She confirmed that she lived there with her son and no one else. I explained a consent to search form with [REDACTED] and she agreed to allow us to search her residence for any evidence associated with an aggravated assault.

In the NE bedroom where [REDACTED] and Mr. Huff were located there was a maintenance closet. Inside the closet on top of an air vent at the top of the closet, I located a black Springfield XD 45 semiautomatic handgun, serial number XD702350, along with an unloaded magazine and 10 Winchester 45 auto bullets which were wrapped in a pair of toddler jeans. The top of the vent was very dusty, however the fire arm, magazine, and bullets were not.

Detective Scott Gillespie recovered two shell casings from the north drive of Raytown Villa which where Winchester 45 Auto casings.

Detective Jeremy Riddle recovered a bullet from the listed maroon 2006 Pontiac which had gone through the radiator.

On 12-2016, at 2217 hours, I contacted Mr. Huff in the booking vestibule. I was advised by Booking Technician Sara Egan that Mr. Huff had requested a lawyer. I informed Mr. Huff that he was free to contact an attorney.

I observed a felony charge on Mr. Huff's Criminal History for felony theft on 05-16-2008 in Harrisonville, Missouri.

Name Det. Frank McDevitt #1186 Signature [Handwritten Signature]

THE COURT FINDS PROBABLE CAUSE:

Date: _____ Signature: _____

Judge