

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

POLICE NO. :	17-029069
PROSECUTOR NO. :	095439095

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
MARKIVIUS WOODS)	
8515 E. 110th Ter.,)	CASE NO. 1716-CR
Kansas City, MO - 64134)	DIVISION
DOB: 05/31/1993)	
Race/Sex: B/M;)	
SSN: XXXXX)	
)	DEFENDANT.

COMPLAINT

Count I. Murder 2nd Degree (565.021-001Y19840903.0)

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 on or about April 23, 2017, in the County of Jackson, State of Missouri, the defendant knowingly caused the death of Austin Cupp 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 (571.015-001Y19755213.0)

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 April 23, 2017, 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

State vs. MarKivius Woods

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.

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,

/s/ Kristiane N. Bryant
Kristiane N. Bryant (#69524)
Assistant Prosecuting Attorney
415 E. 12th St. Floor 7M
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State vs. MarKivius Woods

WITNESSES:

Austin Cupp , , Kansas City, MO - 64106

[REDACTED]

DET Heather D. Leslie , 1125 Locust, Kansas City, MO - 64106

[REDACTED]

[REDACTED]

PROBABLE CAUSE STATEMENT FORM

Date: 04-24-2017

CRN: 17-029069

I, Detective Heather Leslie #5194, 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 04-23-2017, at 3943 Denver Ave in
(Date) (Address)

Kansas City, Jackson Missouri MarKivius C. Woods
(County) (Name of Offender(s))

B/M 05-31-1993 SSN [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 04/23/2017, at approximately 0326 hours, Officers of the Kansas City, Missouri, Police Department were dispatched to 3943 Denver on a reported shooting. Four 7.62 TuloAmmo spent casings were recovered from the scene. Three shell casings were in one area and one shell casing was further away than the other three shell casings.

Upon arrival Officers observed the victim to be in the yard of 3943 Denver Kansas City, Jackson County, Missouri suffering from apparent gunshot wounds. The victim was transported to an area Hospital where he was later pronounced dead. The Jackson County Medical Examiner’s office ruled the cause of death as Homicide.

Witnesses were located and transported to Police Headquarters for statements. Witness 1 stated the following: She was at her residence 3943 Denver when her ex-boyfriend who was identified as MarKivius **Woods**, B/M 05/31/1993, came to her house at approximately 0230. She told him to leave and he asked if he could stay until his ride arrived. **Woods** continued to argue with witness 1, until she eventually asked him to leave. Two unknown parties arrived, an unknown male, the victim, and an unknown female. They asked witness 1 if she was ok. Witness 1 stated she was fine, only that she needed **Woods** to leave. Once **Woods** walked out of the front door, she closed it. A short time later she heard **Woods** say “This doesn't concern you. Get off the property” and then heard gunshots.

Witness 2 stated she was with the victim when they heard a female crying. As they approached 3943 Denver, the victim asked the female if she was ok. The female told the victim that she would be fine after he, **Woods**, leaves. The victim said something to the effect of maybe you, pointing to the suspect, should leave. **Woods** replied “I got something for you.” As witness 2 was on the phone with a 911 dispatcher and walking to get a street name, she heard gunshots and saw the person who was on the porch with the female and the person arguing with the Victim, shoot the Victim. The Victim fell and the suspect took off running.

On 04/23/2017, at 1710 hours, Officers of the Kansas City, Missouri, Police Department conducted a residence check at 9311 Newton Dr. Apt. D, Kansas City, Jackson County, Missouri for **Woods**. **Woods** was inside and taken into custody without incident.

PROBABLE CAUSE STATEMENT FORM

CRN 17-029069

Witness 3 was stopped leaving 9311 Newton Dr Apt D and escorted to Police Headquarters. Witness 3 stated she has children with Woods, and he called her at 0342 hrs asking her to pick him off Blue Parkway at Big T's BBQ. When she arrived to pick up Woods, he was crying and throwing up. She asked him what was wrong but he would not tell her. She stated he had a blue bag that contained his long gun rifle type weapon. She took Woods home to her apartment where he stayed all day. He cried off and on all day. He was at home with their kids, when she left to go to the store and was stopped by the police. Witness 3 stated Woods has always carried a gun and the long gun he was carrying, he had for a while.

A search warrant was conducted on 9311 Newton Ave, Apt. D, Kansas City, Missouri and an AK-47 rifle, loaded magazine and a live 7.62 TulaAmmo round was recovered from the furnace closet in the apartment.

Woods read the Miranda Waiver aloud at 2004 hrs and signed the Waiver at 2005 hrs, agreeing to speak with detectives. Woods stated he went to Witness #1's house to see his baby and she was mad because it was so early in the morning. She told Woods to leave and he was going to but wanted to wait for a ride inside the residence. Woods stated Witness 3 was being loud and causing a scene which is why he figured the Victim and Witness 2 came over to help Witness 1. Woods thought they must have thought he was hurting Witness 1, which he wasn't. Woods said he asked the Victim to leave them alone telling him they were fine. Woods tried getting Witness 1 to tell the Victim everything was fine but she threw his blue bag containing his rifle on the front lawn. Woods stated he picked up the bag with his left hand and the Victim lunged at him. Woods stated he pulled his rifle out of the bag and fired a "warning shot" at the Victim. Woods stated he did not know if he hit the Victim but the Victim lunged at him two more times and he shot the Victim two more times. He took off running because he was scared. Woods stated he did not mean to kill the Victim.

Printed Name Det. Heather Leslie Signature Det. Heather Leslie

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

Judge

Circuit Court of _____ County, State of Missouri.