

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

POLICE NO. :	17-100722
PROSECUTOR NO. :	095442595

STATE OF MISSOURI,)	
	PLAINTIFF,)
vs.)	
BENJAMIN H. BYERS)	
2422 College Ave.,)	CASE NO. 1716-CR
Kansas City, MO - 64127)	DIVISION
DOB: 07/26/1972)	
Race/Sex: W/M;)	
SSN: XXX-XX-XXXX)	
	DEFENDANT.)

COMPLAINT

Count I. Murder 2nd Degree (565.021-001Y19840901.0)

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 November 28, 2017, in the County of Jackson, State of Missouri, the defendant knowingly caused the death of Melissa Byers by stabbing her.

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 (571.015-001Y19755212.0)

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 November 28, 2017, 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

State vs. Benjamin H. Byers

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 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.

Count III. Abandonment Of A Corpse (194.425-001Y20175599.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 194.425, RSMo, committed the **Class E Felony of Abandonment of a Corpse**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about November 28, 2017, in the County of Jackson, State of Missouri, the defendant was the spouse of Melissa Byers, and knowingly left the corpse of Melissa Byers at 2422 College Ave., a residence, without properly reporting the location of the body to the proper law enforcement officials.

The range of punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.

Count IV. Endangering The Welfare Of A Child Creating Substantial Risk- 1st Degree - 1st Offense - No Sexual Conduct (568.045-005Y20173899.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 568.045, RSMo, committed the **Class D Felony of Endangering the Welfare of a Child in the First Degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about November 28, 2017, in the County of Jackson, State of Missouri, the defendant knowingly acted in a manner that created a substantial risk to the body and health of S.B. (DOB 02/10/2010), a child less than seventeen years of age, by dismembering leaving a deceased person in the residence.

The range of punishment for a class D felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed ten

State vs. Benjamin H. Byers

thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.

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/ Ashleigh A. Ragner
Ashleigh A. Ragner (#63694)
Assistant Prosecuting Attorney
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WITNESSES:

Melissa D. Byers, 2422 College Ave., Kansas City, MO - 64127

[REDACTED]

DET Bonita Y. Cannon, 1125 Locust, Kansas City, MO - 64106

DET Jason C. Findley, 1125 Locust, Kansas City, MO - 64106

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

DET James H. Price, 1125 Locust, Kansas City, MO - 64106

DET Timothy R. Taylor, 1125 Locust, Kansas City, MO - 64106

DET Nathan S. VanVickle, 1125 Locust, Kansas City, MO - 64106

PROBABLE CAUSE STATEMENT FORM

Date: 11/29/2017CRN: 17-0100722

I, Det. Bonita Y. Cannon, #4585 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 11/29/2017, at 2422 College Ave. in
 (Date) (Address)

Kansas City, Jackson Missouri Benjamin H. Byers
 (County) (Name of Offender(s))

W/M 11/26/1972 SSN: [REDACTED] committed one or more criminal offense(s).
 (Description of Identity)

The facts supporting this belief are as follows:

On 11/29/2017, at 1329 hours Officers of the Kansas City, Jackson County, Missouri Police were dispatched to 2415 Agnes (Phyllis Wheatley Elementary School) in regard to a student reporting information about her residence.

Upon arrival officers were given information from the School Counselor that the juvenile, [REDACTED] (DOB of 02-10-10), had reported seeing a dead body in the basement of her home. Officers then responded to 2422 College.

Upon arrival to the address officers did not get any response at the door and forced entry into the residence due to the circumstances of the call. Upon entry into the residence they began to look for parties to check their welfare, when Byers entered the living room area of the residence. Byers was asked where his wife (victim) was, to which he responded, "I don't know, I last saw her on Monday before going to work. I got home at 5 and not really sure if I saw her then."

As officers cleared the residence they noticed blood droplets throughout the house, and then went to the basement where they found more apparent blood, a tarp with carpet on it and blood around it. Officers at this point did not move the tarp before clearing out of the residence, securing the residence for a Search Warrant. Officers also advised that while inside of the residence, they observed a large section of carpet that appeared to have been removed from the dining room area.

After a Search Warrant was obtained, Crime Scene Personnel processed the scene. While doing so detectives observed apparent blood on the walls in the living area of the residence, in the

PROBABLE CAUSE STATEMENT FORM

CRN 17-0100722

kitchen area, on the base of the basement steps, what appeared to be drag markings (containing blood) to the opposite side of the basement away from the stairs; a body covered with carpet and plastic, sheets and clothing, with only the bottom of the torso and a human leg exposed. An approximate 10 foot by 15 foot section of the carpet in the dining room of the residence had been cut out. Crime Scene Personnel performed Luminol testing in the dining room where the carpet was removed. The test revealed cat paw prints throughout the area within the blood, what appeared to be an extensive amount of blood on the base boards and where the carpet was removed; also observed was what appeared to be an attempt to clean up the dining room, living room, kitchen and bathroom. Drag markings containing blood were observed from the area where the carpet was removed, on the basement stairs leading to the location of the body on the east side of the basement. Crime Scene Personnel recovered a pair of blue tennis shoes from the kitchen area with what appeared to be blood on the bottom of them. A bloody shoe print in the basement appeared to match the pattern on the tennis shoes recovered from the kitchen. A newer looking grey plastic bucket was observed in the basement, with a mop. The bucket contained a small amount of unknown liquid.

Byers was taken into custody at 1509 hours and transported to Police Headquarters. Byers was advised of his Miranda Rights via the Miranda Waiver at 1721 hours. Byers declined to speak with detectives, requesting an attorney.

█ stated during her Forensic Interview at CPC, 3101 Broadway she last saw her mother (victim), on Monday (11/27/2017) when she was picked up from school. On Tuesday (11/28/2017) she was taken to school and picked up by her father, Byers. She stated he was acting "weird"; indicating to her he had been drinking. At some point after they got home, Byers asked █ to bring him a beer, before he fell asleep. █ stated she went into the bathroom where she observed "lots of blood" on the carpet, blood on the corner of the kitchen trashcan, with a bloody rug on top of it. She stated she went into the basement, and observed a dead body, with a "stab on the back." █ demonstrated being stabbed. She further stated she observed only the back of the body (from where she was standing on the basement stairs), with a grey sweater pulled up over the face. The body was face down. When asked why she believed the body had been stabbed, the juvenile witness stated it had to be a stabbing because it was a red circle, and due to there not being any firearms in the residence.

█ stated the grey sweater and bra on the body belonged to her mother (victim). She also stated her dad's room was messed up (his laundry basket was turned over and beer cans were on the floor). █ stated she observed what she believed to be an empty Clorox wipes container in Byers room. █ stated Clorox wipes are used for cleaning and are not usually kept in Byers room.

PROBABLE CAUSE STATEMENT FORM

CRN 17-0100722


█ stated she went back upstairs closed and locked the basement door. As she did so █ called her mother's (victim) cell phone. █ asked for her mother (victim), she told him her mother wasn't home. █ then asked where Byers was, she told him asleep. █ then told █ he was coming to the residence. █ stated prior to █ arriving, Byers woke up. She told Byers, █ was coming over. █ stated Byers was acting "suspicious", he closed all of the blinds, locked the doors, told her to not answer the phone, do not open the door and stay out of the basement. █ stated █ is her mother's boyfriend. She further stated Byers knows █ and she did not understand why he wouldn't let █ in.

When asked if she told Byers what she saw in the basement, █ stated, "No, I didn't want to be next."

On 11/30/2017 the Jackson County Medical Examiner's Office conducted a body exam and determined the victim's death was the result of multiple stab wounds. Her death was ruled a Homicide.

Printed Name Det. Bonita Y. Cannon, #4585

Signature



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

Judge

Circuit Court of _____ County, State of Missouri.