

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

POLICE NO. :	18-023670
PROSECUTOR NO. :	095444810
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
DAMYON D. COOK)	
1625 Cinnabar Dr.)	CASE NO. 1816-CR
Raymore, MO 64083)	DIVISION
DOB: 12/23/1998)	
Race/Sex: B/M)	
)	
)	DEFENDANT.

COMPLAINT

Count I. Murder 1st Degree (565.020-001Y19840911.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.020, RSMo, committed the **Class A Felony of Murder in the First Degree**, punishable upon conviction under Section 565.020, RSMo, in that on or about on or about March 30, 2018, in the County of Jackson, State of Missouri, the defendant, after deliberation, knowingly caused the death of Virgil Marshall by shooting him.

The range of punishment for a Murder in the First Degree is death or imprisonment in the custody of the Missouri Department of Corrections for life without eligibility of probation or parole, or release except by act of the governor. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense shall be sentenced to a term of life without eligibility for probation or parole as provided in section 565.034, life imprisonment with eligibility for parole, or not less than thirty years and not to exceed forty years 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 March 30, 2018, in the County of Jackson,

State vs. Damyon D. Cook

State of Missouri, the defendant committed the Felony of Murder in the First Degree, charged in Count 1, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing Felony of Murder in the First 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.

Count III. Resisting Arrest/Detention/Stop By Fleeing - Creating a Substantial Risk of Serious Injury/Death To Any Person (575.150-002Y20174899.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 575.150, RSMo, committed the **Class E Felony of Resisting a Lawful Stop**, punishable upon conviction under Section 558.011, RSMo, in that on or about March 30, 2018, in the County of Jackson, State of Missouri, [REDACTED], a law enforcement officer, was attempting to make a lawful stop of a vehicle being operated by defendant, and the defendant knew or reasonably should have known that the officer was making a lawful stop, and, for the purpose of preventing the officer from effecting the stop, resisted the stop of defendant by fleeing from the officer, and defendant fled in such a manner that created a substantial risk of serious physical injury or death to other persons in that defendant drove at a high rate of speed up to 90 miles per hour on Paseo, failed to stop at multiple red lights, drove in on-coming lanes of traffic eastbound on Volker, weaved across lanes of traffic, failed to stop for multiple posted stop signs, nearly caused multiple traffic collisions on Volker, nearly struck a police vehicle as he failed to stop at a posted stop sign at Indiana and 28th Street, struck multiple curbs, drove through the grass not on a road, struck at street sign at 26th and Indiana and drove over stop sticks at 35th Street and Benton Avenue.

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

State vs. Damyon D. Cook

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.

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/ Luke H. Alsobrook
Luke H. Alsobrook (#66442)
Assistant Prosecuting Attorney
415 East 12th Street, Floor 7M
Kansas City, MO 64106
(816) 881-3550
lhalsobrook@jacksongov.org

WITNESSES:

1. DET Bonita Y. Cannon, 1125 Locust, Kansas City, MO 64106
2. [REDACTED]
3. [REDACTED]
4. PO Lance W. Lenz, 1125 Locust, Kansas City, MO 64106
5. DET Heather D. Leslie, 1125 Locust, Kansas City, MO 64106
6. Virgil L. Marshall, 4129 Agnes Ave., Kansas City, MO 64130
7. PO Rares S. Toma, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 04-03-2018

CRN: 18-23670

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 03/30/2018 , at 2004 E. 30th St. in
(Date) (Address)

Kansas City, Jackson Missouri Damyon D. Cook
(County) (Name of Offender(s))

B/M 12/23/1998 committed one or more criminal offense(s).
(Description of Identity)

Murder 1
ACA
Felony Eluding

The facts supporting this belief are as follows:

On 03/30/2018 officers of the Kansas City, Missouri Police Department were dispatched to **2000 E. 30th Street, Kansas City, Jackson County, Missouri**, in regard to a sound of shots. While in route to the scene, officers were advised a shooting had occurred.

Officers at the scene, 2000 E. 30th St, Kansas City, MO observed a black male lying on the ground, on the east side of Euclid Ave. The victim was moaning and stated he had been shot. Officers asked the victim if the Jeep was involved in the shooting and the victim answered “Yes, he shot me”.

Upon arrival, officers observed a brown Jeep Grand Cherokee fleeing the scene at a high rate of speed leaving the scene northbound on Euclid. Officers followed after the vehicle before pursuing it southbound on 71 Highway passing 39th Street.

Officers activated their emergency equipment with the intention of stopping and identifying the driver in regard to the confirmed shooting at the dispatched address.

The vehicle is a green 2000 Jeep Cherokee bearing Missouri license SR1H4F with an expiration of 2018. VIN 1J4GW48S4YC103761.

This vehicle pursuit was captured on in-car dash camera (COBAN).

The COBAN video of the pursuing officers shows:

Damyon D. Cook B/M 12/23/1998 failed to stop for any red traffic light or posted stop sign during the approximate twenty minute vehicle pursuit.

PROBABLE CAUSE STATEMENT FORM

CRN 18-23670

The tires on the vehicle were shredded due to the vehicle driving over stop sticks at 35th and Benton.

Cook nearly caused multiple traffic collisions while driving in oncoming lanes of traffic (eastbound on Volker in the westbound lanes). **Cook** was observed weaving across lanes of traffic and nearly struck a Police vehicle as he failed to stop for a posted stop sign, as he turned northbound onto Indiana from 28th Street.

During the vehicle pursuit, **Cook** was observed striking two curbs and driving in the grass. Prior to the vehicle coming to a complete stop it struck a street sign just north of 26th and Indiana. After the vehicle struck the street sign an object was thrown from the passenger side window of the vehicle. The object goes over the same fence **Cook** climbed over after he exited the vehicle.

Officers can be seen and heard on the video yelling for **Cook** to stop, at which **Cook** ran eastbound from 26th and Indiana.

The officers pursued **Cook** on foot eastbound from 26th and Indiana, taking him into custody behind the building at 2533 Indiana. As officers were escorting **Cook** back to the vehicle a firearm was located and recovered from just inside of the fence, in the area where the object was thrown.

Cook was escorted to Police Headquarters. He was advised of his Miranda Rights at 1112 hours. **Cook** signed the Miranda Waiver agreeing to speak to detectives. When asked why he did not stop for the pursuing officers, **Cook** stated he had a warrant.

When asked about the firearm, **Cook** became upset stating he didn't have a firearm and his DNA wouldn't be on the firearm. When asked to provide his DNA, **Cook** requested an attorney.

The victim was transported by KCFD EMS to Truman Medical Center where he later died from his injuries.

A witness ■■■, responded to Police Headquarters and provided a formal statement in regard to this investigation. ■■■ stated on 03/30/2018 at approximately 1010 hours he was at home when he heard a gunshot. He looked outside and observed three black males fighting on the ground. It appeared two males were on top of one that was on the ground. As ■■■ heard a gunshot, he observed a black male on the ground produce a small revolver style handgun ■■■ then took cover as he called police, heard three to four more gunshots and observed the involved parties go between the houses on the corner and go towards the back of the house and he heard another gunshot. He then observed a black male that had been on the ground fighting, lying on the ground on Euclid Ave who appeared to have been shot. ■■■ observed a brown Jeep Grand Cherokee outside and then heard a vehicle peeling out and leaving at a high rate of speed.

A second witness, ■■■, provided a formal statement in regard to this investigation. ■■■ stated **Cook** picked up ■■■ and the victim for the purpose of getting money and purchasing narcotics. **Cook** took ■■■ and the victim to the area of 30th and Euclid to sell them narcotics. The victim refused to purchase the narcotics from **Cook**, to which he started to call the victim "bitch ass nigga" and attempting to antagonize him. ■■■ stated that she and the victim exited out of the Jeep and were going to walk away. **Cook** exited the Jeep and continued to antagonize the

PROBABLE CAUSE STATEMENT FORM

CRN 18-23670

victim. The victim became upset and confronted **Cook**. **Cook** then pulled up his shirt, revealing a handgun with an extended magazine in his waistband. ■ stated that **Cook** swung at the victim and missed. The victim and **Cook** went to the ground and started to fight. ■ stated that a neighbor named "Reggie" came over to the victim and started to punch him in the back. ■ stated that the victim gained control of the handgun and ran away, through the houses, attempting to remove the magazine to make the gun safe. The victim was unable to remove the magazine due to his intoxicated condition. ■ stated that **Cook** and the victim apologized to each other and agreed that the fighting was done. The victim handed **Cook** his gun back, and turned around to walk away. ■ observed **Cook** raise the gun and shoot the victim in the back multiple times. ■ stated that she then ran out of the area to find help.

■ was shown a photographic line up consisting on six black males all similar in appearance. ■ identified photo #3 (**Cook**, Damyon B/M 12-23-1998) as the individual who "killed Virgil (the victim)."

Printed Name Det. Heather Leslie #5194 Signature /S/Det. Heather Leslie #5194

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

Judge

Circuit Court of _____ County, State of Missouri.