

**IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI  
SIXTH JUDICIAL CIRCUIT**

STATE OF MISSOURI, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No. 17AE-CR02139  
 ) Div.  
KEVIN JOSEPH HARDIN )  
 )  
5125 Oak Grove Road )  
 )  
Kansas City, KS 66106 )  
In custody at the Wyandotte County, KS Jail )  
SSN: XXX-XX-6102 DOB: 03/07/1987 )  
 )  
Defendant. )

**FILED**  
AUG 11 2017

KIMBERLY K JOHNSON  
Clerk of the Circuit Court Platte County, MO

**COMPLAINT AND REQUEST FOR A WARRANT**

Eric G. Zahnd, Platte County Prosecuting Attorney, State of Missouri and Mark L. Gibson, Assistant Prosecuting Attorney, upon information and belief, charge that the defendant:

**COUNT I**

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 November 1, 2014, in the County of Platte, State of Missouri, the defendant, acting alone or knowingly in concert with others, knowingly caused the death of Francisco Vargas III by shooting him.

565.021-001Y19840903.0

**COUNT II**

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 1, 2014, in the county of Platte, State of Missouri, the defendant, acting alone or knowingly in concert with others, committed the felony of murder in the second degree charged in Count I 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.


571.015-001Y19755213.

The facts that form the basis for this information and belief are contained in the attached statement of facts, made a part hereof and submitted as a basis upon which this court may find the existence of probable cause for the issuance of the warrant.

Wherefore, the Prosecuting Attorney prays that an arrest warrant be issued as provided by law.

**RESPECTFULLY SUBMITTED,**

**ERIC G. ZAHND  
PROSECUTING ATTORNEY**

  
Mark L. Gibson, Bar No. 39125  
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Bond: 500,000<sup>00</sup> cash only  
JN

State v. **KEVIN J HARDIN**  
**March 7, 1987**  
**486-94-6102**

17AE-CRO2139  
**PROBABLE CAUSE STATEMENT**

**FILED**  
**AUG 11 2017**  
**KIMBERLY K JOHNSON**  
Clerk of the Circuit Court Platte County, MO

I, **Detective Nancy Penrod**, knowing that false statements on this form are punishable by law, state that the facts contained on this form are true.

1. I have probable cause to believe that **Kevin J Hardin WM 03-07-87** committed one or more criminal offense(s).
2. The facts supporting this belief are as follows:

On November 1, 2014 at 6602 NW Twin Springs Road in Platte County, Missouri, Platte County deputies responded with emergency personnel on a 911 call of deceased party. Upon the arrival of law enforcement it was determined that the resident of this address, Francisco "Frankie" Vargas III was the victim of a homicide.

When law enforcement arrived at the scene the family of Vargas was contacted including the victim's girlfriend Amy Akes. Akes told Det. Nancy Penrod the following:

Akes last spoke with the victim at 1821 hours while she was enroute to the victim's residence. At 1837 hours Akes sent Vargas a text message that he did not respond to. At approximately 1840 to 1845 hours Akes arrived at the victim's residence with her two (2) year old and nine (9) month old daughters. Akes walked into the house, through the living room and into the dining room area. Akes immediately saw Vargas' feet, glass around his feet and that he is on the floor. Akes started screaming. Akes heard a noise, left the house with her children and drove to Vargas' aunt's house at 6605 NW 70<sup>th</sup> Street. Akes along with several members of Vargas's family returned to 6602 NW Twin Springs Road where they determined Vargas had been shot several times and was dead.

The Kansas City Police Department Crime Lab responded to process the crime scene. Crime Scene investigators observed and collected seven (7) cartridge casings located in the southeast area of dining room away from the victim's body. One (1) cartridge case was located next to the body in the northeast corner of the dining room. One (1) fired bullet was located in the southeast area of the dining room. One (1) fired bullet was located under the victim. The cartridge casings collected on scene was all Speer .40 caliber Smith and Wesson.

The initial interviews with the family and Akes indicated the victim was selling illegal drugs, primarily marijuana. The victim did not trust many people to be in his home and did not talk to his family about his drug dealings.

A check of a vehicle in the driveway, a black BMW, returned to a Daniel Mendez-Aponte (a.k.a. Daniel Mendez). Mendez is known to Platte County deputies due to his frequent contacts with law enforcement. Akes provided information that Mendez and the victim were friends and Mendez had been staying at Vargas's house for about a month. Akes stated that Mendez is a "scary" guy and was "trouble". She stated she believed that whatever happened tonight 'had to do with Mendez'.

On November 1, 2014 at 2120 hours Mendez was interviewed regarding his knowledge of this incident. Investigators asked Mendez who he felt the victim would trust enough to let in his house. Mendez provided information about a white male, name unknown, with a "Super Mario" tattoo on the back of one of his calves. Mendez identified "Joe" as the

tattoo artist responsible for this tattoo, and that "Joe" was also a very good friend of the victim.

On November 2, 2014 an area canvass around the crime scene identified a neighbor who was returning home on November 1, 2014 around 1845 hours. That neighbor recalled seeing a gray sedan parked behind the victim's vehicle in the driveway.

On November 2, 2014 Akes provided information on a gray vehicle possibly seen at the victim's house. Akes stated she learned of this information from the victim's family. Akes said that possible associated to this vehicle were a Kevin Hardin and a Kansas license plate 714 GJE. Akes stated that the victim's family told her that they received this information from someone named "Joe". While speaking with Akes, I received a call from S. Cabral (the victim's mother) who also provided the same information. S. Cabral stated on November 2, 2014 around 1100 hours a friend of the victim's, Joe Hoppert, located Kevin Hardin and his friend "Zak" at a gas station located at Johnson Drive and Lamar in Kansas. Hoppert confronted Kevin Hardin. Hoppert reportedly accused Kevin Hardin of being involved with the murder of the victim. While "Zak" and Kevin Hardin were driving away from this confrontation, Hoppert took cell phone pictures of the vehicle and "Zak". These pictures were provided to investigators.

The license plate number 714GJE returned to a 2008 gray Dodge Charger registered to a Michelle Mergy at 2139 S 18<sup>th</sup> Street Kansas City, Kansas. During a further search of M. Mergy, I located a relative by the name of Zakary F. Mergy.

Through the course of a Metro Squad investigation, Kevin Hardin and Zakary Mergy were located and interviewed.

Metro Squad investigators interviewed Kevin Hardin and Hardin provided the following information. Hardin advised detectives that he had been best friends with 'Frankie' since they were 12 years old. On November 1, 2014, Hardin stated he and 'Frankie' had been texting each other most of the day. Hardin said he was going to buy a quarter ounce of marijuana from Frankie. Hardin stated that he left 'Zak's' house around 1820 hours to meet 'Frankie' at 'Frankie's' house. He drove 'Zak's' grey Dodge Charger and took I-635 to I-29. Hardin said he turned around near I-29 and 64th St. at approximately 1820-1830 hours because 'Frankie' called him saying not to come by as he was busy. Hardin stated he was by himself at the time. He then turned around and returned to 'Zak's' mom's house around 1840-1900.

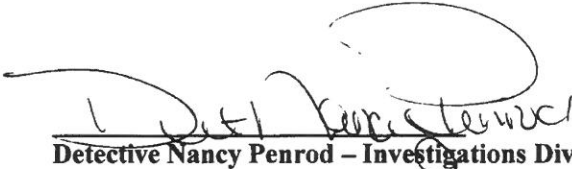
During the course of the investigation, Kevin Hardin and Zakary Mergy's cell phones records and historical cell tower site records were obtained. Hardin and Mergy's records indicated that both Hardin and Mergy's phones were in the immediate proximity of the victim's residence at the time of the murder. Hardin's cell phone records directly contradicts his story that he turned around and left the area between 1820-1830 hours and returned to Mergy's mom's house in Kansas. A further contradiction of Hardin's story is the phone call he states he received from Frankie telling him not to come by the house. According to cellphone records obtained from Vargas's phone, Frankie was communicating with Akes regarding food and was not with Hardin immediately prior to the homicide.

Metro Squad investigators also interviewed Zakary Mergy and Mergy provided the following information. On November 1, 2014 Kevin Hardin took Mergy's Springfield .40 caliber handgun and drove Mergy's vehicle to the victim's house around 1800 hours. Mergy stated Kevin Hardin then returned to Mergy's residence at 6020 Kansas Avenue lot #40 in Kansas City, Kansas around 1855 hours. When Kevin Hardin returned he was crying and placed the handgun on Mergy's counter and told Mergy to get rid of it. Mergy stated Kevin Hardin told him that when he (Kevin Hardin) got to the victim's house, he

(Kevin Hardin) went to the bathroom at the back of the house to make sure the victim's roommate was not home. When Hardin came out of the bathroom, the victim was somewhere in the kitchen. Kevin Hardin pulled the gun out and said, "Fuck you cuss and blasted him". Mergy stated the only explanation Kevin Hardin gave for killing the victim was "it was what I felt I had to do". Mergy then provided Metro Squad detectives the location of the gun used to kill Francisco Vargas.

Metro Squad detectives recovered a Springfield XDM .40 caliber handgun, serial #MG179882 that was buried in the back yard at 2139 S 18<sup>th</sup> Street Kansas City, Kansas; Z. Mergy's mother's residence. The gun had a magazine inserted with live rounds, Speer .40 caliber Smith and Wesson ammunition which matches the cartridges located at the crime scene.

The handgun and ammunition were submitted for comparison testing to the Kansas City Police Department Crime Lab. The lab determined that the cartridge cases and bullets recovered at the crime scene were fired from the Springfield XDM .40 caliber handgun serial #MG179882 recovered from the back yard of 2139 S 18<sup>th</sup> Street Kansas City, Kansas. Further testing on the firearm and magazine provided a latent print on the magazine identified as belonging to Kevin Hardin. DNA test results on the firearm, trigger of the firearm and the magazine showed Zakary Mergy as the major contributor of DNA collected, examined and compared to his known standards. Kevin Hardin is listed as a minor contributor to the DNA collected, examined and compared to his known standards.

  
Detective Nancy Penrod – Investigations Division

Date: 8-11-17

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

  
Judge

3:42 p.m.  
8-11-17