

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

POLICE NO. :	18-068740
PROSECUTOR NO. :	095448116
OCN:	AN018166

STATE OF MISSOURI,

PLAINTIFF,)

VS.

DAVID A HARRIS

7305 S Morris

Oak Grove, MO 64075

DOB: 09/30/1999

Race/Sex: B/M

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 September 18, 2018, in the County of Jackson, State of Missouri, the defendant knowingly or with the purpose of causing serious physical injury to Mary Schmitz caused the death of Mary Schmitz by shooting 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 (571.015-001Y19755299.0)

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 September 18, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of Murder in the Second Degree charged in

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Count I, all allegations of which are incorporated herein by reference, 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.

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.

Count III. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim (565.050-001Y19841304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class A felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about September 18, 2018, in the County of Jackson, State of Missouri, the defendant shot [REDACTED], and such conduct was a substantial step toward the commission of the offense of assault in the first degree of [REDACTED], and in the course thereof inflicted serious physical injury on [REDACTED].

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. 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 IV. Armed Criminal Action (571.015-001Y19755299.0)

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 September 18, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of Assault in the First Degree charged in Count III, all allegations of which are incorporated herein by reference,

and the defendant committed the foregoing felony of Assault 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,

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probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years.

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/ Michael J. Hunt

Michael J. Hunt (#34818)
Assistant Prosecuting Attorney
321 W. Lexington
Independence, MO 64050
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WITNESSES:

1. DET Jason Clancy, 223 N. Memorial Drive, Independence, MO 64050
2. [REDACTED]
3. DET Chad Cox, 223 N. Memorial Drive, Independence, MO 64050
4. PO Zachary Hankins, 223 N. Memorial Drive, Independence, MO 64050
5. DET John Roach, 223 N. Memorial Drive, Independence, MO 64050
6. Mary Schmitz,

PROBABLE CAUSE STATEMENT

Date: 9/19/2018

Report #: 18-68740

I, Chad Cox, a Detective with the Independence, Missouri, Police Department, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that on 09/18/2018, at 0348 hours, David A. Harris, (Race- black, Sex- male, DOB- 09/30/1999, Address-2504 E 10th St Kansas City MO 64127 [REDACTED]) committed one or more criminal offenses in Jackson County, Missouri.

2. The facts supporting this belief are as follows:

On 9/18/2018 at approximately 0349 hours officers from the Independence, Missouri, Police Department, received a call to the area of 1104 Quail Creek Dr., Independence, Jackson County, Missouri, to investigate the sound of shots fired. Upon arrival officers heard yelling coming from the apartment of 1104 Quail Creek Dr. Officers went to the front door, which is situated on the east of the apartment, and looked through a window, with a partially open blind, and noticed a white female, later identified as Mary K. Schmitz, born 03/20/1998, lying on the floor of the dining room area. Ms. Schmitz had two apparent bullet wounds, one on each side of her buttocks. There appeared to be an exit wound under on armpit and another bullet was noticed to be in her shoulder. A spent shell casing was found on the floor near her body. Officers gave verbal commands to the occupants of the apartment and 2 white females and a white male eventually came out. Officers then decided to enter the apartment to check for any injured people and immediately upon entering through the front door, they noticed a white female lying on the floor, obviously dead. They continued conducting a protective sweep of the apartment and upon entering the only bedroom in the apartment they found a black male, later identified as [REDACTED] born 01-06-1997, that had been shot an unknown number of times. [REDACTED] was still alive so he was transported to a hospital for medical treatment. Prior to being transported to the hospital PO Holt asked [REDACTED] who shot him. [REDACTED] stated that the person who shot him was a black male who was wearing all black. Officers also noticed that a German Shepherd had been killed and was lying on the floor of the living room area. In plain view, a spent shell casing was seen on the floor of the living room and on the floor of the dining room near the back door. The apartment had the strong odor of marijuana throughout. There was also a "bong" on the bar separating the kitchen and the dining room area. From the outside of the open front door blood spatter evidence can be seen on the wall immediately inside the front door.

One of the witnesses, [REDACTED], advised that she knew [REDACTED] had an ongoing conflict with a man identified as Darius D. Miller, a black male, born 08/04/1998, and that it was possibly over their relationship with Ms. Schmitz. Detectives also learned that Mr. Miller lived in the area 35th and Crackerneck.

On 9/18/18 at 0558 hours Independence Police Dispatchers received a call of a suspicious black male in the area of 3901 S. Marshall who was knocking on doors demanding to use the telephones. The black male was reported to be wearing all black and was last seen walking east on 39th St. The address of 3901 S. Marshall is approximately 1.1 miles to the area of 35th and Crackerneck. Detectives responded to the area of 39th and Crackerneck and conducted a pedestrian check on the black male who was later identified as David Harris, born 09/30/1990. Detectives interviewed Mr. Harris during the pedestrian check and he stated that he was visiting a friend but could not give any details about the friend such as where he lived or what his phone number was. Since Mr. Harris matched the description of the suspect seen at the shooting he was taken to police headquarters for a formal interview.

During the course of the investigation a person identified as [REDACTED], a black male, born 1/26/98, was developed as a person of interest. During the formal interview of [REDACTED], he stated that he saw Mr. Harris had a handgun in his right pants pocket at approximately 0100 hours. [REDACTED] stated that he heard Mr. Harris say that he was going to go over to [REDACTED]'s apartment and shoot him.

On 9/18/18 at approximately 2000 hours Mr. Harris was interviewed after being advised of his rights under Miranda. During the interview Mr. Harris initially denied being at the apartment or being involved in the incident. He eventually admitted that he went over to [REDACTED] apartment to "box" and he entered the apartment through the back door. He stated that he walked through the hallway to where [REDACTED] was sleeping and started to assault him. During the assault [REDACTED] fought back and got on top of Mr. Harris so he took the gun out of his pocket, took off the safety, and shot [REDACTED] in order to get him off. At that point [REDACTED] pulled Ms. Schmitz in front of him and Mr. Harris admitted to shooting Ms. Schmitz as she faced him. He then fled the apartment and threw the gun in a nearby wooded area.

Det. Chad Cox 1475

/S/ Chad Cox

Print Name

Signature