

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

STATE OF MISSOURI,)
Plaintiff,)
)
vs.) Case No.
) Div.
JUSTIN L. DOUGAN)
████████████████████)
████████████████████)
SSN: XXXXX ██████████)
Defendant.)

COMPLAINT AND REQUEST FOR A WARRANT

Eric G. Zahnd, Platte County Prosecuting Attorney, State of Missouri and Myles A. Perry, Assistant Prosecuting Attorney, upon information and belief, charge that the defendant:

COUNT 1

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 July 29, 2010 at 1:00 AM, in the County of Platte, State of Missouri, the defendant knowingly caused the death of Spencer J. Crosthwait by shooting him.

1003199.0

COUNT 2

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 July 29, 2010, in the County of Platte, 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 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.

3101013.0

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

*Bond # 250,000 - cash only
am*

Myles A. Perry
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Assistant Prosecuting Attorney
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State v: Justin L. Dougan
[REDACTED]
[REDACTED]

PROBABLE CAUSE STATEMENT

I, Detective Jessie Winson, a duly appointed peace officer in and for the City of Riverside, Missouri, knowing that false statements on this form are punishable by law, state that the facts contained on this form are true;

I have probable cause to believe that on July 29, 2010, at the intersection of 45 HWY and Missouri 9 Hwy, Parkville, Missouri, County of Platte, Justin Dougan, white male, [REDACTED] committed one or more criminal offense.

The facts supporting this belief are as follows:

The Affiant is a Detective with the Criminal Investigation Unit for the Riverside Department of Public Safety in Riverside, Platte County, Missouri. Through personnel investigation and police reports the Affiant has ascertained the following facts;

On July 29, 2010 at approximately 0100 hours, Parkville Police Department received a 911 call from the management of Price Chopper, located at 9107 45 HWY, Parkville, Missouri, reporting a black male entered the store and requested they call the police because his friend had just been shot. Parkville Police responded and ascertained that a white male had been fatally shot. The Riverside Police Department Criminal Investigation Unit was contacted and was asked to provide the Parkville Police Department with mutual aid assistance in conducting the investigation.

At approximately 0230 hours, the Affiant, Detective Sgt. Dennis Jones and Detective Billy Aaron arrived at Parkville Police Headquarters where the decedent was identified as Spencer J. Crosthwait, white male, [REDACTED]. At Parkville Police Headquarters the Affiant made contact with [REDACTED]. [REDACTED] stated that he was a passenger in a vehicle being operated by Mr. Crosthwait and witnessed the shooting incident occur. [REDACTED] statement revealed that as Mr. Crosthwait's vehicle was stationary in the roadway, waiting for a traffic signal, a vehicle pulled directly adjacent to Mr. Crosthwait's vehicle and from within that vehicle a gun was discharged. The projectile passed through the door, then striking Mr. Crosthwait producing a fatal wound. [REDACTED] statement further revealed that he could identify two persons who occupied the assaulting vehicle. [REDACTED] stated the two persons were Stephen L. Ellis and Justin Lee Dougan, who [REDACTED] has personally known for the past several years. Mr. [REDACTED] told the Affiant that he has known them since they were kids.

At approximately 1130 hours, Captain C. Skinrod and Sergeant Jones responded to the area of N. Congress and NW 79th Place to look for Mr. Dougan. Sergeant Jones called

the Affiant by cell phone and stated that the silver Jeep Grand Cherokee identified as Dougan's was parked behind his residence. The Affiant assisted Captain Skinrood and Sergeant Jones with surveillance of the residence. At approximately 1220 hours, the Detectives all observed the silver Jeep depart from the residence. Kansas City, Missouri Police Officers Jason Brungart and Paul Burkhalter assisted with conducting the car check. Mr. Dougan was safely taken into custody at that time.

While Mr. Dougan was sitting on the curb, and without questioning, Mr. Dougan began uttering the following; He said that he knew what this was about, claimed that he couldn't sleep the night before, claimed that he was on his way to the Parkville Police department, and also said that he was probably going to prison for life because he was in the car. Mr. Dougan also uttered that he wouldn't have gone if he knew the crazy guy had a gun. I told Mr. Dougan that he didn't have to say anything and could relax. Mr. Dougan continued to say that he didn't even know "the black guy." I asked him for consent to search his jeep, which he gave, but indicated that he was worried about the marijuana inside of it and asked if I could dispose of it. Mr. Dougan also signed a written consent authorizing a consent search. Sergeant Jones obtained the registered owner's information; James Dougan obtained a phone number and spoke with him on the phone. James Dougan gave Sergeant Jones consent to search the vehicle as well. The search revealed no contraband; however the Detectives observed a back pack containing several clothes, an Xbox video console with several games, and approximately 8.5 grams of marijuana.

Sergeant Jones asked Mr. Dougan if we could search his bedroom and residence. He gave Detectives consent to search his room and also signed a written consent form. Sergeant Jones contacted [REDACTED] Dougan's mother who leases the residence located at [REDACTED]. We met with Mrs. [REDACTED] who also gave consent to search the entire residence, and signed a consent form. During the consent search, Detective Aaron discovered a leather Remington sling under Dougan's bed that was consistent in size to the weapon used during the homicide. A small black plastic ammunition case was also recovered by the Affiant which appeared to be consistent with high powered rifle ammunition holder. Detective Aaron asked Mrs. [REDACTED] where Mr. Dougan kept his rifle. She described his rifle as a 30-30 deer rifle with a scope and admitted she bought it for him. She said she last saw the rifle under his bed in the bedroom because she was cleaning it.

At approximately 1553 hours, Detectives Aaron and the Affiant met with Justin Dougan to conduct an interrogation regarding this investigation. At approximately 1555 hours, Detective Aaron advised Mr. Dougan of his Miranda Warning verbatim from the Miranda Warning form. Mr. Dougan advised he understood his rights and then signed the form. Mr. Dougan asked if he needed an attorney, to which he was told by Detective Aaron that was his decision.

In response to questions, Mr. Dougan claimed that [REDACTED] had attempted to physically assault him earlier in the evening on July 28, 2010. Dougan proceeded to inform Detectives that Stephen Ellis, himself, and another subject he called [REDACTED] had

met and later drove to find [REDACTED]. Dougan had completely fabricated the subject he identified as [REDACTED] and proceeded to give a statement to both Detective Aaron and the Affiant known to be false because of several other corroborated witnesses' statements taken earlier in the investigation. Mr. Dougan also gave a fabricated description of [REDACTED]. Dougan also failed to advise us that [REDACTED] was present at the assault location as well.

At approximately 1615 hours, Mr. Dougan told Detectives Aaron and the Affiant that if he was being accused of shooting someone, he wanted his attorney. At that time, Detective Aaron and the Affiant did not ask Mr. Dougan any more questions. However, before Detectives departed, The Affiant displayed a photograph of his weapon, his leather rifle sling, and his black ammunition plastic holder which was recovered from his bedroom. The Affiant told him that we had already spoken with several subjects that had told the truth, and were more informative than him. Mr. Dougan then asked Detectives to stay so that he could tell the truth as well. Detectives Aaron and the Affiant ignored his request and left the interrogation room.

At approximately 1706 hours, Detectives Aaron and the Affiant returned to the interrogation room, because Mr. Dougan had asked Parkville Police Sergeant Kevin Davis if he could speak with Detectives. When Detectives returned, Detective Aaron confirmed that Mr. Dougan wished to speak with Detectives and Dougan told him and the Affiant that he wished to withdraw his request for an attorney. At approximately 1708 hours, Detective Aaron advised Mr. Dougan of his Miranda Rights again, which he said he understood.

Mr. Dougan claimed that Stephen Ellis called him because [REDACTED] owed him money. Dougan claimed Ellis and [REDACTED] threatened each other while on the telephone the day earlier. Mr. Dougan claimed that during that phone conversation he received from Ellis, Dougan was told by Ellis that he was going to kill [REDACTED]. Mr. Dougan claimed that Ellis responded to Mr. Dougan's residence and convinced him to bring his rifle because Ellis didn't have a weapon. Mr. Dougan claimed that Ellis said he would do everything, which included shooting his rifle.

Mr. Dougan admitted that he was sitting in the back seat of Mr. Ellis' vehicle while Ellis drove. Mr. Dougan indicated that [REDACTED] was sitting in the front passenger seat at this time. Mr. Dougan proceeded to say while they were driving to [REDACTED] location, which they believed to be [REDACTED]'s residence; they saw [REDACTED] at the intersection of 45 Highway and Missouri 9 Highway, in Parkville, Missouri. Mr. Dougan claimed that when they drove up to the vehicle occupied by Mr. [REDACTED], he believed Ellis was going to strike the car because of aggressive driving, and cause an accident. Mr. Dougan admitted that Ellis drove up to the vehicle driving the wrong way on a one way. Dougan described the vehicles parked next to each other, pointing opposite directions, with driver's side doors next to each other. Mr. Dougan claimed Mr. Ellis and Mr. [REDACTED] told him to shoot at that time. Mr. Dougan admitted that he didn't look towards Crosthwait's or [REDACTED]'s direction, just pointed the rifle out

the window, fired the shot, and then Ellis sped away at a high rate of speed so that they could ditch the car. Mr. Dougan admitted that he walked home following the assault.

Mr. Dougan admitted that he didn't know who he had shot, however he knew the subject's name was [REDACTED]. Mr. Dougan apologized to Detective Aaron and the Affiant for lying. Mr. Dougan admitted that after the shooting, Ellis drove around for 30 minutes and they later disposed of the rifle in Kansas to an area unknown to him, and the stocking cap. Mr. Dougan said they parked the vehicle and walked from a neighborhood near 152 Highway and Amity Road, to their residence. Mr. Dougan indicated that they shook hands and separated, walking to their homes for a distance of approximately 2 miles. Mr. Dougan claimed he later drove [REDACTED] to his residence in [REDACTED]. Mr. Dougan also admitted to the Affiant that his intentions while leaving his residence was to drive to his father's residence in [REDACTED], destroy his cell phone, and never talk to anyone.

The Affiant believes the facts revealed in this investigation establish that Justin L. Dougan did commit one or more criminal offense(s). It is also the belief of the Affiant that these same facts establish probable cause for the arrest of Justin L. Dougan.

Jessie J. Johnson Det [Signature] Date: 7-30-10
Affiant Printed Name & Title Affiant Signature

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

[Signature]
JUDGE 12:06 P.M.
7-30-10