

PROBABLE CAUSE STATEMENT FORM

Date: 8/9/2021

Report Number 24-14570

I, Det. Kevin Sullivan #362, 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/between 4/27/2004, at 6605 Shenandoah Ln, Dittmer, MO, in the County of Jefferson, Alice P. Weiss, W/F, DOB:8/5/1956, SSN: [REDACTED] Height 5'8", Weight 195 lbs. committed one or more criminal offense(s):

Murder 2nd Degree

2. The facts supporting this belief are as follows:

On April 27, 2004, shortly after 8 pm, Jefferson County Deputies were dispatched to 6605 Shenandoah Lane for a report of a person who had been shot. Upon arrival, James Summers was located deceased, with obvious trauma to his facial area. Summers was located lying against a detached garage to the east of the main home. Between Summers' body and the main home (approximately 20 feet away) a .22 caliber handgun was located on the driveway. It was later discovered Summers had been shot in the back and then the face with the same .22 caliber handgun. Directly next to Summers' hands a drinking cup and his vehicle/house keys were located. The location of the items and positioning of Summers indicated he was not actively involved in any struggle or physical disturbance at the time of the shooting.

Deputies located Summers' live-in girlfriend, Alice P. Weiss, standing a few feet from the residence. Weiss was dressed in a pink in color bath robe and a towel. Weiss initially told Deputies the .22 caliber handgun belonged to her and had been inside the home, stored in a bedroom closet unloaded. Weiss further stated Summers had just left from inside the home to go pick his daughter up from a gymnastics class. Weiss stated Summers had a drink, car keys and a pack of cigarettes in his hands when he walked out of the home. She stated as Summers left the home, she went to the master bathroom to take a shower. Weiss stated while in the shower for two minutes, she heard two "pops" and decided to stop her shower to go investigate. Weiss stated she located Summers in the manner Deputies found him and called 911. In the middle of her 911 call, Weiss called Summers' daughters' mother to inform her Summers would not be coming to get his daughter because he had been shot. Weiss later told investigators she did not get close to Summers to check what happened but "could just tell" he was dead.

Deputies performed a gunshot residue swab on Weiss' hands after collecting an initial statement from her. When this was occurring, Weiss attempted to stall by twice claiming she had to use the bathroom. When Weiss was told she could not use the restroom, she told the Deputies she just remembered she had shot the .22 caliber handgun for the first time in 20 years earlier in the day. The only other person present in the home was Weiss' father who had advanced stages of dementia and required full-time care from Weiss. He was unable to walk without assistance, and when questioned by investigators he was not able to provide any coherent statements about the events that evening.

During a canvass of surrounding homes, investigators located several neighbors who heard gunshots come from the victim's residence/property. It was also discovered that many neighbors were outside and/or traveling by the victim's residence during the time surrounding the shooting and no one reported seeing any persons who did not reside in the area.

Several separate interviews were conducted with Weiss following the shooting. There are many instances where Weiss gave differing or conflicting statements concerning the event. Most notably Weiss' statements about the location of the .22 caliber handgun prior to the shooting differed, and she also gave conflicting statements about her shooting the firearm previously.

The robe Weiss was wearing upon initial contact by Sheriff's Deputies was seized as evidence and sent to the Missouri State Highway Patrol Lab for examination. Materials which make up the residue dispersed when a gun is fired were located on the left sleeve of the robe. Weiss admitted to firing the handgun earlier in the day but stated she was not wearing the robe at the time.

Weiss has denied shooting Summers and has been asked what she believes happened during the shooting. She stated the "only thing I can think of" is that Summers confronted a thief in their driveway and some how the shooter obtained her firearm from inside the residence without her knowledge and used it to shoot Summers. Weiss was confronted with the improbability of this scenario and she agreed it did not seem possible.

Investigators later contacted a cousin of Weiss who wished to provide information about this case. The cousin stated he picked up Summers from the Sheriff's Office on the night of the shooting and drove her home. According to the cousin, on the ride home Weiss stated she "fucked up" several

times and explained how she had changed her story about never shooting the handgun when Deputies performed a gun shot residue swab on her. The cousin stated Weiss then told him that while her and Summers were talking in the home, Summers heard an intruder in the detached garage. Weiss stated Summers grabbed the .22 caliber handgun and went to confront the intruder while she got in the shower. The cousin stated he confronted Weiss about the oddity of her getting into the shower when Summers was going to confront an intruder with a firearm, but Weiss never provided an explanation.

A re-creation of Weiss' account about hearing and definitively knowing it was her .22 caliber handgun being fired outside the home while she was in the shower was completed by investigators. Using Weiss' statements about what she was doing at the time, investigators fired the handgun and audio recorded the sound of the gun fire from inside the shower. The sounds were barely audible and investigators concluded that unless you knew exactly what to listen for, a person would likely not recognize the sounds as gunfire.

The cousin stated in 2008, after Weiss' father passed away he went shopping with Weiss at a local Wal-Mart. He stated while in the store Weiss stated she always wanted to know if killing someone was as pleasurable as sex. According to the cousin, Weiss further stated if she was charged with shooting Summers, she could now say her father did it because he was dead and would not be able to face prosecution. The cousin stated he then asked Weiss why she shot Summers. He stated Weiss replied that there was "little difference between love and hate." She then went on to compare Summers to her older brother whom she hated.

During the course of this investigation which has spanned over 15 years, and numerous interviews with friends, family and co-workers of the victim, no other suspect information has ever been introduced to law enforcement.

3. I believe that the defendant will not appear in court in response to a criminal summons because:
See attached memo

or

I believe that defendant poses:

a danger to a crime victim because: See attached memo

and/or

a danger to the community or to any other person because: See attached memo

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