

**IN THE CIRCUIT COURT OF GASCONADE COUNTY
STATE OF MISSOURI**

STATE OF MISSOURI,)	
Plaintiff,)	
)	
)	Case No. 23GA-CR00072
v.)	OCN: PG004095
)	
KENNETH SIMPSON,)	
Defendant.)	

CHARGES

Count I	Murder 1 st Degree – class A felony
Count II	Armed Criminal Action – unclassified felony
Count III	Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim, Class A Felony – class A felony
Count IV	Armed Criminal Action – unclassified felony
Count V	Unlawful Possession of a Firearm – class D felony
Count VI	Unlawful Possession of a Firearm – class D felony
Count VII	Unlawful Possession, Transport, Manufacture, Repair Or Sale Of Illegal Weapon – class D felony
Count VIII	Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana/Synthetic Cannabinoid – class D felony
Count IX	Resisting/Interfering With Arrest For A Felony – class E felony
Prior Offender	
Persistent Offender	

AMENDED FELONY COMPLAINT

COMES NOW the Attorney General for the State of Missouri, and states the following:

COUNT I

Charge Code: 565.020-001Y20200907.0

The Attorney General for the 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 March 12, 2023, in the County of Gasconade, State of Missouri, the defendant after deliberation, knowingly caused the death of [REDACTED] by shooting him, and that the defendant was eighteen years of age or older at the time of the offense.

COUNT II

Charge Code: 571.015-001Y20205299.0

The Attorney General for the 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 12, 2023, in the County of Gasconade, 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 or through, the knowing use, assistance or aid of a deadly weapon, namely a Smith & Wesson .40 caliber handgun, and at that time, the defendant knowingly possessed said firearm, and on or about November 14, 2006, a date preceding the instant offense, the defendant was convicted of the felonies of tampering with a motor vehicle and property damage 1st degree in the 12th Judicial Circuit Court of Warren County of the State of Missouri, cause no. 06BB-CR00308-01.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

COUNT III

Charge Code: 565.050-001Y20201304.0

The Attorney General for the 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 March 12, 2023, in the County of Gasconade, State of Missouri, the defendant knowingly caused serious physical injury to [REDACTED] by shooting him.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

COUNT IV

Charge Code: 571.015-001Y20205299.0

The Attorney General for the 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 12, 2023, in the County of Gasconade, State of Missouri, the defendant committed the felony of assault in the first degree charged in Count 3, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of assault in the first degree by, with or through, the knowing use, assistance or aid of a deadly weapon, namely a Smith & Wesson .40 caliber handgun, and at that time, the defendant knowingly possessed said firearm, and on or about November 14, 2006, a date preceding the instant offense, the defendant was convicted of the felonies of tampering with a motor vehicle and property damage 1st degree in the 12th Judicial Circuit Court of Warren County of the State of Missouri, cause no. 06BB-CR00308-01.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

COUNT V

Charge Code: 571.070-001Y20205212.0

The Attorney General for the State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.070, RSMo, committed the class D felony of unlawful possession of a firearm, punishable under Sections 558.002 and 558.011, RSMo, in that on or about March 12, 2023, in the County of Gasconade, State of Missouri, the defendant knowingly possessed a Smith & Wesson .40 caliber handgun, a firearm, and on or about November 14, 2006, the defendant was convicted of the felonies of tampering with a motor vehicle and property damage 1st degree in the 12th Judicial Circuit Court of Warren County of the State of Missouri, cause no. 06BB-CR00308-01.

COUNT VI

Charge Code: 571.070-001Y20205212.0

The Attorney General for the State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.070, RSMo, committed the class D felony of unlawful possession of a firearm, punishable

under Sections 558.002 and 558.011, RSMo, in that on or about March 12, 2023, in the County of Gasconade, State of Missouri, the defendant knowingly possessed a 12 gauge shotgun, a firearm, and on or about November 14, 2006, the defendant was convicted of the felonies of tampering with a motor vehicle and property damage 1st degree in the 12th Judicial Circuit Court of Warren County of the State of Missouri, cause no. 06BB-CR00308-01.

COUNT VII

Charge Code: 571.020-001Y20205203.0

The Attorney General for the State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.020.1, RSMo, committed the class D felony of unlawful possession of a weapon, punishable upon conviction under Sections 558.011 and 558.002, RSMo, in that on or about March 12, 2023, in the County of Gasconade, State of Missouri, the defendant knowingly possessed a short barreled shotgun.

COUNT VIII

Charge Code: 579.015-001Y20203599.0

The Attorney General for the State of Missouri, upon information and belief, charges that the defendant, in violation of Section 579.015, RSMo, committed the class D felony of possession of a controlled substance, punishable upon conviction under Section(s) 558.002 and 558.011, RSMo, in that on or about March 12, 2023, in the County of Gasconade, State of Missouri, the defendant knowingly possessed methamphetamine, a controlled substance, knowing of its presence and nature.

COUNT IX

Charge Code: 575.150-001Y20204801.0

The Attorney General for the State of Missouri, upon information and belief, charges that the defendant, in violation Section 575.150, RSMo, committed the class E felony of resisting an arrest, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about March 12, 2023, in the County of Gasconade, State of Missouri, [REDACTED] and [REDACTED], law enforcement officers, were making an arrest of defendant for felony offenses, and the defendant knew or reasonably should have known that the officers were making an arrest, and, for the purpose of preventing the officers from effecting the arrest, resisted the

arrest of defendant by fleeing from the officers and using or threatening the use of violence or physical force and defendant fled in such a manner that created a substantial risk of serious physical injury or death to a person in that defendant shot a firearm in an occupied building.

PRIOR & PERSISTENT OFFENDER

That Defendant Kenneth Simpson is a prior offender under Section 558.016, RSMo. Defendant is also a persistent offender and is punishable by sentence to an extended term of imprisonment under Sections 558.016 and 557.036, RSMo, in that he has pleaded guilty to two or more felonies committed at different times. The felonies are as follows:

1. On or about October 4, 2004, Defendant was found guilty of eleven different felonies of tampering with a motor vehicle, for conduct occurring on or about March 16, 2004, cause no. 04A8-CR00713-01, in the 12th Judicial Circuit Court of Warren County, State of Missouri; and
2. On or about April 7, 2005, Defendant was found guilty of the felony of tampering with a motor vehicle, for conduct occurring on or about December 29, 2004, cause no. 05A8-CR00022-01, in the 12th Judicial Circuit Court of Warren County, State of Missouri; and
3. On or about November 14, 2006, Defendant was found guilty of the felonies of property damage first degree and tampering with a motor vehicle, for conduct occurring on or about March 14, 2006, cause no. 06BB-CR00308-01, in the 12th Judicial Circuit Court of Warren County, State of Missouri.

The facts that form the basis for this information and belief are contained in the statement(s) of facts filed contemporaneously herewith, made a part hereof, and submitted as a basis upon which this court may find the existence of probable cause.

WHEREFORE, the Attorney General prays that an arrest warrant be issued as provided by law.

ANDREW BAILEY
Attorney General

/s/ Kelly Snyder
KELLY L SNYDER
Assistant Attorney General
Missouri Bar #62575
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ATTORNEYS FOR STATE

RANGE OF PUNISHMENT

COUNT I:

If a person is eighteen years of age or older at the time of the offense, the punishment for murder in the first degree shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor.

COUNTS II & IV:

The range of punishment for a first offense under this section is a term of imprisonment in the Missouri Department of Corrections of no less than three (3) years, but not to exceed fifteen (15) years, to be served in addition to and consecutive to any punishment provided by law for a crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this section shall be eligible 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 a first offense under this section, while unlawfully possessing a firearm, is a term of imprisonment in the Missouri Department of Corrections of no less than five (5) years, but not to exceed fifteen (15) years, to be served in addition to and consecutive to any punishment provided by law for a crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this section shall be eligible 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 a second offense under this section is a term of imprisonment in the Missouri Department of Corrections of no less than five (5) years, but not to exceed thirty (30) years, to be served in addition to and consecutive to any punishment provided by law for a crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this section shall be eligible 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 a second offense under this section, while unlawfully possessing a firearm, is a term of imprisonment in the Missouri Department of Corrections of no less than fifteen (15) years, but not to exceed thirty (30) years, to be served in addition to and consecutive to any punishment provided by law for a crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this section shall be eligible 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 a

third offense under this section is a term of imprisonment in the Missouri Department of Corrections of no less than ten (10) years, to be served in addition to and consecutive to any punishment provided by law for a crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of ten (10) calendar years. The range of punishment for a third offense under this section, while unlawfully possessing a firearm, is a term of imprisonment in the Missouri Department of Corrections of no less than fifteen (15) years, to be served in addition to and consecutive to any punishment provided by law for a crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of ten (10) calendar years.

COUNT III:

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.

COUNTS V, VI, VII, & VIII:

The range punishment for a class D felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in 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.

COUNT IX:

The range 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 one (1) year and not to exceed four (4) years; or by imprisonment for a special term not to exceed one (1) year in 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.

CERTIFICATE OF SERVICE

I do hereby certify that a true copy of the foregoing was e-filed July 28, 2023, using the Casenet e-filing system which sent notification to the parties.

/s/ Kelly Snyder

Kelly Snyder

Assistant Attorney General

**COURT INFORMATION FOR WARRANT OR SUMMONS
from Prosecuting Attorney**

DEFENDANT'S ADDRESS: 212 South 3rd Street
Steelville, MO 65565

CHARGE(S):

- Count I: Murder 1st Degree, Class A Felony
- Count II: Armed Criminal Action, Class U Felony
- Count III: Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim, Class A Felony
- Count IV: Armed Criminal Action, Class U Felony
- Count V: Unlawful Possession Of A Firearm, Class D Felony
- Count VI: Unlawful Possession Of A Firearm, Class D Felony
- Count VII: Unlawful Possession, Transport, Manufacture, Repair Or Sale Of Illegal Weapon, Class D Felony
- Count VIII: Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana/Synthetic Cannabinoid, Class D Felony
- Count IX: Resisting/Interfering With Arrest For A Felony, Class E Felony

BOND RECOMMENDED: No bond allowed.

REASONS FOR BOND REQUEST: Defendant a danger to the community and a flight risk.

CONDITIONS OF BOND REQUESTED BY THE STATE: Obey all laws. Not to consume or possess alcohol. Not to possess firearms. EHD/GPS monitoring installed prior to release. No contact or attempted contact, including through intermediaries, through any medium, with victims or their immediate families, or with any witnesses.

<input type="checkbox"/> Issue Warrant
<input type="checkbox"/> Issue Summons
<input type="checkbox"/> Judicial Review
<input type="checkbox"/> Adjacent Counties
<input type="checkbox"/> Statewide
<input type="checkbox"/> Adjacent States
<input type="checkbox"/> Nationwide

OFFICER & AGENCY: Austin Kings, Missouri State Highway Patrol Troop F

CASE#: 23GA-CR00072

DEFENDANT DESCRIPTION:

DOB: [REDACTED]

SSN: [REDACTED]

DL#: MO [REDACTED]

SEX: Male

RACE: White Non-Latino or Caucasian

HEIGHT: 5'10

WEIGHT: 190

HAIR: RED

EYES: HAZ