

**IN THE ASSOCIATE CIRCUIT COURT OF BENTON COUNTY
STATE OF MISSOURI**

STATE OF MISSOURI,)
)
Plaintiff,)
v.)
)
ANTHONY JAMES BALBIRNIE,)
)
Defendant.)

Case No. 13BE CR 00606

FILED

OCT 17 2013

Clerk of the Circuit Court
Benton County

FELONY COMPLAINT & REQUEST FOR WARRANT

COUNT I: MURDER - 2ND
Charge Code: 1003699.0

The Special Prosecuting Attorney for the County(s) of Dallas and Benton, 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 Sections 558.011 and 560.011, RSMo, in that on or about September 21, 2012, in the County of Dallas, State of Missouri, K.P. was killed by asphyxiation as a result of the perpetration of the Class C felony of statutory rape in the second degree under 566.034, RSMo, and as a result of the perpetration of the class D felony of child molestation in the second degree under section 566.068, RSMo, and as a result of the perpetration of the class C felony of endangering the welfare of a child in the first degree under section 568.045, RSMo, committed by the defendant on or about September 21, 2012, in the County of Dallas, State of Missouri.

COUNT II: STATUTORY RAPE - 2ND
Charge Code: 1102299.0

The Special Prosecuting Attorney for the County(s) of Dallas and Benton, upon information and belief, charges that the defendant, separate and apart from the actions alleged in Counts III & IV, in violation of Section 566.034, RSMo, committed the class C felony of statutory rape in the second degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about September 21, 2012, in the County of Dallas, State of Missouri, the defendant knowingly had sexual intercourse with K.P., a

child under the age of seventeen years, when the defendant was over the age of twenty-one years.

COUNT III: CHILD MOLESTATION - 2ND

Charge Code: 2211099.0

The Special Prosecuting Attorney for the County(s) of Dallas and Benton, upon information and belief, charges that the defendant, separate and apart from actions alleged in Counts II & IV, in violation of Section 566.068, RSMo, committed the class D felony of child molestation in the second degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about September 21, 2012, in the County of Dallas, State of Missouri, the defendant subjected K.P. who was then less than seventeen years old to sexual contact, and in the course of such offense, defendant inflicted serious physical injury on K.P. resulting in her death.

COUNT IV: ENDANGERING THE WELFARE OF A CHILD - 1ST

Charge Code: 2604599.2

The Special Prosecuting Attorney for the County(s) of Dallas and Benton, upon information and belief, charges that the defendant, acting in concert with another, separate and apart from the actions alleged in Counts II & III, in violation of Section 568.045, RSMo, committed the class C felony of endangering the welfare of a child in the first degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about September 21, 2012, in the County of Dallas, State of Missouri, the defendant knowingly acted in a manner which created a substantial risk to the life, body or health of K.P., a child under the age of seventeen years, when the defendant, together with another, removed K.P. from Greene County to a public nuisance at 810 Locust, Buffalo, Missouri in Dallas County to engage in asphyxiation sex with the child.

COUNT V: TAMPERING WITH PHYSICAL EVIDENCE

Charge Code: 2911006.2

The Special Prosecuting Attorney for the County(s) of Dallas and Benton, upon information and belief, charges that the defendant, acting in concert with another, in violation of Section 575.100, RSMo, committed the class D felony of tampering with physical evidence, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about September 21, 2012, in the County of Benton, State of Missouri, the

defendant concealed bedding, and the clothes and personal effects of K.P., with the purpose to impair its availability in the official investigation of the death of K.P., and thereby impaired and obstructed the prosecution of the defendant and Amy Hartley for the crimes of statutory sodomy, a felony.

COUNT VI: ABANDONMENT OF A CORPSE
Charge Code: 3604899.2

The Special Prosecuting Attorney for the County(s) of Dallas and Benton, upon information and belief, charges that the defendant, acting in concert with another, in violation of Section 194.125, RSMo, committed the class D felony of abandonment of a corpse, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about September 21, 2012, in the County(s) of Dallas and Benton, State of Missouri, the defendant, together with another, had joint possession of the corpse of K.P., and knowingly moved the corpse of K.P. out of Dallas County, and disposed of the corpse of K.P. in Benton County at Truman Lake without properly reporting the location of the body to the proper law enforcement officials.

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

The State also attaches a bond recommendation form with demographic information contained therein for the court's assistance in the issuance of an arrest warrant; such form is incorporated as a component of this complaint and separately attached for the assistance of clerical staff in redaction.

WHEREFORE, the Attorney General submits this complaint upon information and belief that the preceding offenses were committed, and prays the defendant charged, and an arrest warrant issued, as provided by law.

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ATTORNEYS FOR STATE

WITNESSES:

Larry L. Warner, codefendant
Amy L. Hartley, codefendant
Sgt. Bradley Beardon, MSHP
Sgt. Dan Nash, MSHP
Sgt. Jason Trammcl, MSHP
Sgt. Hugh Fowler, MSHP
Sgt. Kurt E. Mueller, MSHP
Sgt. J.L. Musche, MSHP
Cpl. John Dick, MSHP
Trp. J.W. "Wes" Collins, MSHP
Trp. Kim Davis, MSHP
Sgt. J. Sackman, Greene County Sheriff
Sgt. Judy Walker, Greene County Sheriff
Sheriff M. Rackley, Dallas County Sheriff
Lt. J. Sharp, Dallas County Sheriff
Sgt. Kyle Heidler, Dallas County Sheriff
Sgt. E. Kelly, Dallas County Sheriff
Dep. L. Proctor, Dallas County Sheriff
Dep. S. Kenall, Dallas County Shcriff
Sheriff Rick Fajen, Benton County Sheriff
Det. Sean Vorse, Ozark Police Dept.
Investigator Susan Clevenger, MO AGO
Michael Franks, MO Inspector General

CI Analyst, Mandy Britton, MOCIC
 Officer Justin Arnold, DEA
 Jim Miller, Coroner Benton Co.
 Dr. Carl Stacy, Medical Examiner, Greene Co. Medical Examiner, UMC
 Dori Burke, Chief Forensic Investigator, Greene Co. Medical Examiner, UMC
 Jason Scott, Forensic Technician, Green Co. Medical Examiner, UMC
 Shawn Bailes, Criminalist, MSHP
 Nicholle Rhodes, Criminalist, MSHP
 Jenny Smith, Criminalist, MSHP
 Brittany Baldwin, Criminalist MSHP
 Amanda Neely, Criminalist, MSHP

RANGE OF PUNISHMENT:

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 (10) ten years and not to exceed thirty (30) years.

The range of punishment for a Class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years 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 five thousand dollars (\$5,000); or by both imprisonment and a fine.

The range of punishment for a Class D felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years 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 five thousand dollars (\$5,000); or by both imprisonment and a fine.

Prior and Persistent Offender

Defendant is a prior and persistent offender under § 558.016 RSMo and is punishable by an enhanced range of punishment under §557.036 RSMo, in that he has been convicted of two or more felonies committed at different times, as follows:

1. On September 29, 1994, in the Circuit Court of Jackson County, Missouri, case number 49100136400, the defendant was convicted of the class C felony of forgery.

2. On March 15, 2004, in the Circuit Court of Dallas County, Missouri, case number 04CR-69213001, the defendant was convicted of the class D felony of unlawful use of a weapon.

3. On February 17, 2010, in the Circuit Court of Greene County, Missouri, case number 0931CR-0195101, the defendant was convicted of the class B felony of distribution of a controlled substance.

4. On June 29, 2010, in the Circuit Court of Christian County, Missouri, case number 08N8-CR022901, the defendant was convicted of the class C felony of possession of a controlled substance.