

IN THE DISTRICT COURT FOR PAGE COUNTY

STATE OF IOWA

CITY/COUNTY OF SHENANDOAH; PAGE

BEFORE MAGISTRATE OF PAGE COUNTY

V.S.

CRIMINAL NUMBER

MCCUNN, TOBY LEE

310 PARK AVE.

RED OAK, IA 51566

COMPLAINT

D.O.B. 9/22/1984

DL#

RACE WHITE

THE DEFENDANT IS ACCUSED OF THE CRIME OF:
MURDER 1ST DEGREE

IN VIOLATION OF SECTION 707.1/ 707.2 OF THE IOWA CRIMINAL CODE/ 2018 IN THAT

THE DEFENDANT ON OR ABOUT THE 22ND DAY OF APRIL, 2018 AT 901 MANTI ROAD IN SHENANDOAH; PAGE COUNTY DID:

A person who kills another person with malice aforethought either express or implied commits murder. A person commits murder in the first degree when the person commits murder under any of the following circumstances: 1. The person willfully, deliberately, and with premeditation kills another person. 2. The person kills another person while participating in a forcible felony. 3. The person kills another person while escaping or attempting to escape from lawful custody. 4. The person intentionally kills a peace officer, correctional officer, public employee, or hostage while the person is imprisoned in a correctional institution under the jurisdiction of the Iowa department of corrections, or in a city or county jail. 5. The person kills a child while committing child endangerment under section 726.6, subsection 1, paragraph "b", or while committing assault under section 708.1 upon the child, and the death occurs under circumstances manifesting an extreme indifference to human life. 6. The person kills another person while participating in an act of terrorism as defined in section 708A.1. Murder in the first degree is a class "A" felony.

TO WIT:

On 04/22/19 at approximately 0450 hours, Toby Lee McCunn was inside a residence at 901 Manti Road in the City of Shenandoah, Iowa, looking for Josh Jordan (02/17/1986). While Toby was at the residence with and Josh Jordan returned to the residence and after walking inside, Toby McCunn fired several shots with a handgun at Josh Jordan, striking him in the chest resulting a fatal wound.

VICTIM: Josh Jordan

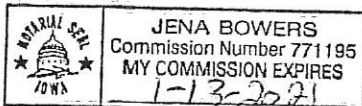
DOB: 2/17/1986

"A" FELONY
BOND NO BOND

COMPLAINANT
SIGNATURE OFFICER K. JUAREZ #45

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS AT 10:34 AM

22 DAY OF April, 19



NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

THIS COMPLAINT AND THE AFFIDAVIT(S) FILED WITH IT HAVE BEEN EXAMINED AND PROBABLE CAUSE IS FOUND TO BELIEVE THAT THE OFFENSE CHARGED HAS BEEN COMMITTED AND THAT THE DEFENDANT COMMITTED IT.

MAGISTRATE