

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

STATE OF KANSAS,
Plaintiff,
VS.

No. 23CR2631
Division 15

SECOND AMENDED COMPLAINT

ANDREA RENE COTHRAN ,
Defendant.

STATE OF KANSAS, JOHNSON COUNTY, ss:

I, Christopher L. McMullin, Assistant District Attorney of said County, upon information and belief, state under oath to the court that

ANDREA RENE COTHRAN

did the following:

Count I: That on or about the 6th day of August 2023, in the County of Johnson, State of Kansas ANDREA RENE COTHRAN did then and there unlawfully feloniously and knowingly cause physical contact with another person to-wit: Officer Sky Wirth, a uniformed or properly identified law enforcement officer, while the officer was engaged in the performance of said officer's duty, with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death could have been inflicted, a level 4 person felony, in violation of K.S.A. 21-5413, K.S.A. 21-6804 and K.S.A. 21-6807. (aggravated battery on a law enforcement officer)

Count II: That on or about the 6th day of August 2023, in the County of Johnson, State of Kansas ANDREA RENE COTHRAN did then and there unlawfully, feloniously, and knowingly fail or refuse to bring the vehicle the defendant was driving to a stop for, or otherwise flee or attempt to elude, a pursuing police vehicle or police bicycle, when given a visual or audible signal to bring the vehicle to a stop, by a police officer in a vehicle or bicycle appropriately marked as an official police vehicle or by a police officer in uniform prominently displaying the officer's badge, and during the pursuit engaged in reckless driving, and/or was attempting to elude capture for the commission of any felony, a severity level 9 person felony, in violation of K.S.A. 8-1568, K.S.A. 21-6804 and K.S.A. 21-6807. (fleeing or attempting to elude a police officer)

Count III: That on or about the 6th day of August 2023, in the County of Johnson, State of Kansas ANDREA RENE COTHRAN did then and there unlawfully, feloniously and willfully obtain or exert unauthorized control over property, with the intention to permanently deprive the owner, to wit: Cory Wright and/or Juanita Zamora, of the possession, use or benefit of the property, of a value of at least \$1,500.00 but less than \$25,000.00, a severity level 9 non-person felony, in violation of K.S.A. 21-5801, K.S.A. 21-6804 and K.S.A. 21-6807. (theft)

Count IV: That on or about the 6th day of August 2023, in the County of Johnson, State of Kansas ANDREA RENE COTHRAN did then and there unlawfully drive a vehicle in willful and wanton disregard for the safety of persons or property, in violation of K.S.A. 8-1566, an unclassified misdemeanor. (Reckless Driving)

Count V: That on or between the 6th day of August 2023 and the 7th day of August, 2023, in the County of Johnson, State of Kansas, ANDREA RENE COTHRAN did then and there unlawfully and feloniously kill a human being, to-wit: Jonathan “Jonah” Oswald, in the commission of, attempt to commit, or flight from an inherently dangerous felony, to-wit: felony theft of property (as defined in Count 3 and incorporated by reference); and/or aggravated battery against a law enforcement officer(as defined in Count 1 and incorporated by reference); and/or fleeing or attempting to elude a police officer(as defined in Count 2 and incorporated by reference); an off-grid person felony, in violation of K.S.A. 21-5402 and K.S.A. 21-6806. (first degree murder)

Count VI: That on or between the 4th day of August , 2023 and the 6th day of August, 2023, in the County of Johnson, State of Kansas ANDREA RENE COTHRAN did then and there unlawfully and feloniously obtain or exert unauthorized control over a firearm of a value of less than \$25,000.00 with the intention to permanently deprive the owner, to-wit: Shanese Davenport-Ndegwa of the possession, use or benefit of the firearm, a severity level 9 non-person felony, in violation of K.S.A. 21-5801, K.S.A. 21-6804 and K.S.A. 21-6807. (theft)

Count VII: That on or between the 4th day of August , 2023 and the 6th day of August, 2023, in the County of Johnson, State of Kansas ANDREA RENE COTHRAN did then and there unlawfully, feloniously and willfully exert unauthorized control over property, to wit: Chevrolet vehicle, with the intention to permanently deprive the owner, to wit: Shanese Davenport-Ndegwa, of the possession, use or benefit of the property, of a value of at least \$1,500.00 but less than \$25,000.00, a severity level 9 non-person felony, in violation of K.S.A. 21-5801, K.S.A. 21-6804 and K.S.A. 21-6807. (theft)

Count VIII: That on or between the 4th day of August , 2023 and the 6th day of August, 2023, in the County of Johnson, State of Kansas ANDREA RENE COTHRAN did then and there unlawfully and feloniously possess a firearm after having been convicted of a crime under the law of another jurisdiction which is substantially the same as a person felony, to wit: felony solicitation to commit sexual exploitation of a minor (State of Tennessee); and the offender was not found by the convicting court to have used a firearm in the commission of such crime, and less than three years have elapsed since the defendant satisfied the sentence imposed or the terms of any diversion agreement for such crime, or was discharged from probation, a community correctional services program, parole, post release supervision, conditional release, or a suspended sentence, and the defendant has not had the conviction of such crime expunged and the defendant has not been pardoned for such crime, a severity level 8 non person felony, in violation of K.S.A. 21-6304, K.S.A. 21-6804 and K.S.A. 21-6807. (possession of a firearm by a convicted felon)

I declare under penalty of perjury that the foregoing is true and correct.

Executed by and on this date.

/s/ CHRIS MCMULLIN
Dated: 03/15/24

Christopher L. McMullin #14967
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**COUNT I: AMENDED LANGUAGE TO CONFORM TO STATUTE
ADDED COUNT VI: THEFT
ADDED COUNT VII: THEFT
ADDED COUNT VIII: POSSESSION OF FIREARM BY CONVICTED FELON**

WITNESSES:

Det. B. McCombs	JOCO Medical Examiner Personnel	Dr. Peterson
Cory Wright*	Quick Trip Personnel	M. Sellon
Officer Sky Wirth*	Office Mahan	D. Calvin
Juanita Zamora	JOCO Crime Lab Personnel	J. Butell
Det. Betsey Peterson	Officer Decker	Det. McCombs
Officer Garrett Mahon	Shanese Davenport-Ndegwa	
Officer Matthew Hevel	Det. Reeder	
MPO Smith	CSI Lynch	
Det. J Brungardt (JCSO)	Capt. Waters	
Det. Evans (OPD)	Off. Clark	
Shawn Grime	CSI Stoddard	
Officer Kyser	CSI Meyer	
Officer Eddings	CSI Santoro	
Officer Willmon	CSI Stockdell	