

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI**  
**AT INDEPENDENCE**

|                         |           |
|-------------------------|-----------|
| <b>POLICE NO. :</b>     | 19-003140 |
| <b>PROSECUTOR NO. :</b> | 095453105 |
| <b>OCN:</b>             | JS000657  |

|                                    |                   |                         |
|------------------------------------|-------------------|-------------------------|
| <b>STATE OF MISSOURI,</b>          | )                 |                         |
|                                    | <b>PLAINTIFF,</b> | )                       |
| <b>vs.</b>                         | )                 |                         |
|                                    | )                 |                         |
| <b>DERICK J. PEKNIK</b>            | )                 |                         |
| <b>LKA: 15633 W. 145th Terrace</b> | )                 | <b>CASE NO. 1916-CR</b> |
| <b>Olathe, KS 66062</b>            | )                 | <b>DIVISION</b>         |
| <b>DOB: 12/08/1987</b>             | )                 |                         |
| <b>Race/Sex: W/M</b>               | )                 |                         |
| <b>████████████████████</b>        | )                 |                         |
|                                    | <b>DEFENDANT.</b> | )                       |

**AMENDED COMPLAINT**

**Count I. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim**  
**(565.050-001Y19841306.0)**

The Prosecuting Attorney of the County of Jackson, 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 June 4, 2019, in the County of Jackson, State of Missouri, the defendant choked the victim and punched him, and such conduct was a substantial step toward the commission of the offense of assault in the first degree of ██████████ a law enforcement officer and special victim, and was done for the purpose of committing such assault.

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

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. 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.

**State vs. Derick J. Peknik**

**Count II. Escape Or Attempted Escape From Confinement By Striking Person  
(575.210-003Y20174901.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 575.210, RSMo, committed the class D felony of escape/attempted escape from confinement, punishable upon conviction under Section 558.011, RSMo, in that on or about June 4, 2019, in the County of Jackson, State of Missouri, the defendant, while being held in confinement after arrest in Jackson County Detention Center for the crimes of Resisting Arrest and Attempted Stealing, forcibly took keys to an Independence Police Department vehicle, and such conduct was a substantial step toward the commission of the offense of escape from confinement, and defendant engaged in such conduct for the purpose of committing such escape from confinement, and was facilitated by striking Police Officer [REDACTED] [REDACTED]

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 less than two (2) years 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 III. Stealing - Motor Vehicle/watercraft/aircraft (570.030-038Y20172404.)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 570.030, RSMo, committed the **class E felony of attempted stealing**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about June 4, 2019, in the County of Jackson, State of Missouri, the defendant took keys from an officer and tried to get into an Independence Police Department vehicle beign operated by Police Officer [REDACTED] and without the consent of Police Office [REDACTED], and such conduct was a substantial step toward the commission of the offense of stealing of a motor vehicle, and was done for the purpose of committing such stealing.

The range of 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 two (2) years and not to exceed seven (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.

**State vs. Derick J. Peknik**


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

Wherefore, the Prosecuting Attorney prays that an arrest warrant be issued as provided by law.

**JEAN PETERS BAKER**  
Prosecuting Attorney  
Jackson County, Missouri  
by,

*/s/ Michael J. Hunt*  
Michael J. Hunt (#34818)  
Assistant Prosecuting Attorney  
321 W. Lexington  
Independence, MO 64050  
(816) 881-3856  
mhunt@jacksongov.org

**WITNESSES:**

1. DEP Mark Curd, 3310 NE Rennau Drive, Lees Summit, MO 64064
2. 

STATEMENT OF PROBABLE CAUSE

1 of 2

DATE: 6/5/2019

JCSO CASE NO.: 19-03140.doc

I, Detective Mark Curd, of the Jackson County, Missouri Sheriff's Office, 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 06-04-2019, at the Jackson County Department of Corrections, located at 1300 Cherry Street Kansas City, Missouri. 64106, which is inside the boundaries of Jackson County, Missouri, Derick John Peknik, W/M, 12-08-1987, [REDACTED], last known address of 15633 West 145<sup>th</sup> Terrace, Olathe, KS. 66062, committed one or more criminal offense(s).
2. The facts supporting this belief are as follows:

On Tuesday, June 4, 2019, at approximately 1554 hours, Jackson County Deputy Grant Marshall #70, was dispatched to Centerpoint Medical Center, located at 19600 East 39<sup>th</sup> Street Independence, Missouri 64075, in regard to an assault on a law enforcement officer that occurred at the Jackson County Jail. Deputy Marshall's report reflected the following;

On 06-04-2019 at approximately 1430 hours, the victim, identified as [REDACTED] WM. 10-21-1979, of the Independence Missouri Police Department, was on duty transporting the suspect identified as Inmate Peknik, Derek J. WM 12/08/1987 and several other inmates to the Jackson County Jail from the Independence Municipal Jail.

Upon arrival to the Jackson County Jail, Officer [REDACTED] opened the back of the transport vehicle at which time Inmate Peknik stepped out. Officer [REDACTED] gave Inmate Peknik a set of crutches from the rear of the vehicle that Inmate Peknik was utilizing at the time to walk, due to a prior injury to his leg. Officer [REDACTED] advised that he instructed Inmate Peknik to walk to the "Intake" door of the sally port and wait for him there as he had other inmates to let out of the transport vehicle. Officer [REDACTED] advised when he turned his attention back to the rear of the transport vehicle to let a second inmate out and close the rear doors, Inmate Peknik rushed up behind him, put him in a "**Lateral Vascular Neck Restraint**," hooked his left leg around officer [REDACTED] and forced them both to the ground. Officer [REDACTED] stated that he could feel the grip tighten as Inmate Peknik arched his back "As a trained fighter would do," in an attempt to keep Officer [REDACTED] from being able to get to his feet, Officer [REDACTED] advised he was trying to escape and fighting for air as the pressure was getting tighter around his trachea. Officer [REDACTED] stated he could feel the pressure increase in his head, behind his eyes and that he was starting to lose consciousness." Officer [REDACTED] advised Inmate Peknik then let loose of his neck, let him go, but then took Officer [REDACTED] keys and moved to the front of the secured transport vehicle, where Officer [REDACTED] firearm was located. Officer [REDACTED] advised that he feared due to Inmate Peknik's failed attempt to choke him out, Inmate Peknik was possibly going to try an get to Officer [REDACTED]s duty weapon to shoot him and or run him over with the transport vehicle. Officer [REDACTED] advised that he was able to reorient himself and run over to Inmate Peknik, before he could get into the driver's side of the vehicle, at which time a second altercation occurred for a moment before Jackson County Detention Staff arrived on scene to assist him and get Inmate Peknik controlled and into restraints.

STATEMENT OF PROBABLE CAUSE

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My investigation revealed Inmate Peknic did Assault Officer [REDACTED] by attacking him from behind and placing him in a choke hold or Lateral Vascular Neck Restraint, causing Officer [REDACTED] to temporarily lose consciousness. Inmate Peknic also struck Officer [REDACTED] with a closed fist on or about the body, all in an attempt to escape from custody. **(The Lateral Vascular Neck Restraint or LVNR is defined as a chokehold restraint used to subdue overactive, unruly, violent, or inebriated subjects, to prevent them from harming themselves or others. It acts by (1) reducing blood flow to the brain via the carotid arteries and blocking venous return via the jugulars, and (2) bilateral compression of the carotid baroreceptor, causing asystole or marked bradycardia, reduced blood pressure, and syncope; under controlled conditions, noncombative subjects lose consciousness within 6–15 seconds.)** Per surveillance video of the incident, Inmate Peknic applied this choke to Officer [REDACTED] for approximately 22 seconds before releasing him and taking his keys.

 M.C.O. 42/0322

Detective Mark Curd #42/0322  
Jackson County, MO Sheriff's Office