

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

POLICE NO. :	190358387
PROSECUTOR NO. :	095453539
OCN:	

STATE OF MISSOURI,

PLAINTIFF,)

VS.

DESIREE C. SMITH

501 NW Chateau Drive

Blue Springs, MO 64014

DOB: 11/07/1981

Race/Sex: W/F

DEFENDANT.)

COMPLAINT

Count I. Dwi - Death Of Another Not A Passenger (577.010-033Y20175499.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.010, committed the **class B felony of driving while intoxicated – resulting in death**, punishable upon conviction under Sections 558.011 and 577.010, RSMo, in that on or about June 24, 2019, EB I-70 west of Adams Dairy Parkway in the County of Jackson, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol, and acted with criminal negligence by driving her vehicle westbound in the eastbound lanes of I-70 and as a result caused death to Heather Blackman, and Heather Blackman was not a passenger in the vehicle operated by the defendant.

The range of punishment for a class B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

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

State vs. Desiree C. Smith

Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Traci A. Stansell
Traci A. Stansell (#41903)
Assistant Prosecuting Attorney
321 W. Lexington
Independence, MO 64050
(816) 881-4591
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WITNESSES:

1. TPR Bryan Montgomery, 504 E. Blue Pkwy, Lees Summit, MO 64063
2. SGT Heath A Sears, 504 E. Blue Pkwy, Lees Summit, MO 64063
3. SGT Ryan Smith, 504 E. Blue Pkwy, Lees Summit, MO 64063
4. Ethan Wilson,

PROBABLE CAUSE STATEMENT FORM

Date: July 3, 2019

I, Tpr. B. W. Montgomery, a member of the Missouri State Highway Patrol, 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 June 24, 2019, at approximately 2124 hours, on Interstate 70, in Jackson County, Missouri, Desiree C. Smith, White, Female, date of birth November 7, 1981, and [REDACTED], committed one or more criminal offense(s).

2. The facts supporting this belief are as follows:

On June 24, 2019, at about 2131 hours, I was dispatched to a serious injury crash, located on eastbound Interstate 70, west of Adams Dairy Parkway. I arrived on scene at 2140 hours. I observed a silver 2011 Cadillac CTS, bearing Missouri registration LB4M5U, in the left lane. The driver was still in the vehicle, in the driver's seat, with her legs pinned in the vehicle, underneath the dash. She was receiving medical attention and EMS/Fire personnel were attempting to extricate her from the vehicle. The driver was a white female wearing a pink tank top and was later identified by her Missouri driver's license to be Desiree C. Smith, date of birth November 7, 1981, residing at 501 NW Chateau, Blue Springs, Missouri, 64014. I also observed a second vehicle, a gold 2003 Ford Taurus, off the right side of the roadway that was involved in the crash. The driver of this vehicle suffered fatal injuries and was deceased upon my arrival.

During the investigation of the crash, witnesses were located and interviewed. One witness identified was Robert Evans. Mr. Evans said, "I was driving on eastbound Interstate 70 in the number one lane. The gray car passed me in the center lane, westbound in the eastbound lanes. I heard it strike the other vehicle head on." Another witness identified was Randall Morgan. Mr. Morgan said, "We were coming eastbound. She was westbound coming at us. My wife got over on the shoulder. I turned around and saw a car in the median and one on the side." Another witness identified was Sara Morgan. Mrs. Morgan said, "We were in the right lane. Head lights were coming up the middle. I took the shoulder and she went by. I looked in the mirror and saw her hit the other car. She was speeding up as she went by. It happened about 30 seconds before I called 911. I called 911 at 9:24 p.m."

While investigating the crash, I noticed a partially consumed bottle of liquor in the passenger front seat of the Cadillac. The driver of the Cadillac was transported by ambulance to Centerpoint Medical Center for treatment. I responded to the Hospital and arrived at 2303 hours. I located Ms. Smith in the Emergency Department, in Trauma Room B. I contacted her and attempted to ask her questions about the crash. She was unresponsive to my questioning but would moan in pain from her injuries. I noticed an odor of an intoxicating beverage coming from her. Due to her injuries, no field sobriety tests were able to be administered.

Due to my observations and the totality of the circumstances, I placed my hand on Ms. Smith's right arm and advised her she was under arrested for driving while intoxicated and involuntary manslaughter. I applied for and received a search warrant for two vials of blood from Ms. Smith. I witnessed the blood draw at 0253 hours, from Ms. Smith's right arm. I inverted the blood tubes twenty times. The blood was submitted into evidence. It will be sent the lab for analysis. She was released at the hospital for treatment.

Tpr. B. W. Montgomery
Officer's Printed Name

/s/ Tpr. B.W. Montgomery
Officer's Signature

July 3, 2019
Date