

COMPLAINT
WARRANT REQUESTED

**Count I. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim
(565.050-001Y19841304.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, 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 August 8, 2019, in the County of Jackson, State of Missouri, Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, shot at Alex M. Saragusa and such conduct was a substantial step toward the commission of the offense of assault in the first degree of Alex M. Saragusa, 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.

Count II. Armed Criminal Action (571.015-001Y19755213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, in violation of Section 571.015, RSMo, committed the felony of armed criminal action, punishable upon conviction under Section 571.015.1, RSMo, in that on or about August 8, 2019, in the County of Jackson, State of Missouri, Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, committed the felony of Assault in the First Degree charged in Count I, all allegations of which are incorporated herein by reference, and Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, committed the foregoing felony of Assault in the First Degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the

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custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a third offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten (10) calendar years. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

Count III. Unlawful Use Of Weapon - Subsection 9 - Shoot At/from Motor Vehicle, At Person, Motor Vehicle Or Building (571.030-020Y20145213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, in violation of Section 571.030, RSMo, committed the **class B Felony of unlawful use of a weapon**, punishable upon conviction under Sections 558.011 and 571.030.9, RSMo, in that on or about August 8, 2019, at 67th and Woodland Ave, in the County of Jackson, State of Missouri, Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, knowingly shot a firearm from a red 1999 Chevrolet Cavalier, a motor vehicle.

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. Pursuant to Section 571.030.9, RSMo, for the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony; for any violation by a prior offender as defined in Section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release for a term of ten (10) years; and for any violation by a persistent offender as defined in Section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release.

Count IV. Armed Criminal Action (571.015-001Y19755213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, in violation of Section 571.015, RSMo, committed the felony of armed criminal action, punishable upon conviction under Section 571.015.1, RSMo, in that on or about August 8, 2019, in the County of Jackson, State of Missouri, Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, committed the felony of Unlawful Use of a Weapon charged in Count III, all allegations of which are incorporated herein by reference,

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and Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, committed the foregoing felony of Unlawful Use of a Weapon by, with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a third offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten (10) calendar years. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

Count V. Resisting Arrest/detention/stop By Fleeing - Creating A Substantial Risk Of Serious Injury/death To Any Person (575.150-002Y20174801.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that Darryl Nichols, Ruhwan Johnson and Michael Fleming, acting together, in violation of Section 575.150, RSMo, committed the **class E felony of resisting a lawful stop**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about August 8, 2019, in the County of Jackson, State of Missouri, Alex M. Saragusa, a law enforcement officer, was attempting to make a lawful stop of a vehicle being operated by Ruhwan Johnson and occupied by Darryl Nichols and Michael Fleming, and Ruhwan Johnson, Darryl Nichols and Michael Fleming knew or reasonably should have known that the officer was making a lawful stop, and, for the purpose of preventing the officer from effecting the stop, resisted the stop of the vehicle by fleeing from the officer and Ruhwan Johnson, Darryl Nichols and Michael Fleming fled in such a manner that created a substantial risk of serious physical injury or death to a other persons in that Ruhwan Johnson, Darryl Nichols and Michael Fleming, acting together, drove the vehicle at speeds in excess of 100 MPH while shots were fired at Alex M. Saragusa from the vehicle.

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 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 ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained

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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.

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/ Daniel Nelson
Daniel Nelson (#53885)
Assistant Prosecuting Attorney
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WITNESSES:

1. PO Sarah Baldwin, 1125 Locust, Kansas City, MO 64106
2. PO Devin Hales,
3. DET Ilinca E. Rusnac, 1125 Locust, Kansas City, MO 64106
4. PO Alex M. Saragusa, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 08/09/2019

CRN: 19-059618; 19-059619; 19-059620

I, Detective Ilinca Rusnac #5741, of the Kansas City, Missouri Police Department
(Name and identify law enforcement officer, or person having information as probable cause.)

knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

I have probable cause to believe that on 08/08/2019, at 67th Street and Woodland Ave in
(Date) (Address)

Kansas City, Jackson Missouri Michael Fleming; Ruhwan Johnson; Darryl Nichols
(County) (Name of Offender(s))

[REDACTED] committed one or more criminal offense(s).
(Description of Identity)

- Aggravated Assault
- Resisting Arrest

The facts supporting this belief are as follows:

On 08/08/2019, at 2136 hours, an officer of the Kansas City, Missouri Police Department was in the area of **65th Street between Rockhill Rd and Troost Ave., Kansas City, Jackson County MO**, when he observed a red, four-door vehicle, later identified as an orange / red, 1999 Chevrolet Cavalier, VIN 1G1JC5246X7253293, bearing KS Temporary Tag B978103, backed into an overgrown, abandoned area, with its lights off. Due to the location of the vehicle being in a nonresidential, overgrown, unpopulated area without any businesses around, P.O. Saragusa believed the vehicle was possibly involved in suspicious activity or might have been stolen. The Officer turned on his driver side spot light and shined it on the vehicle. At that time, the vehicle immediately turned its headlights on and drove away by turning left in front of the officer's marked patrol vehicle and continuing westbound on E 65th St. The officer immediately observed the driver of the vehicle, later identified as **Nichols**.

The officer turned around and attempted to catch up with the vehicle, which turned north on Rockhill Rd, then east on E. Meyer Blvd., and south on Troost Ave., and immediately took a right turn into the McDonald's parking lot, where the vehicle parked. As the officer pulled into the McDonald's parking lot behind the listed vehicle, he was able to observe **Nichols** get out of the driver seat and walk into McDonald's. Two other males, later identified as **Fleming** and **Johnson**, walked to the vehicle and got in on the passenger side. The officer observed the displayed temporary license plate on the vehicle to be expired. He drove around the McDonald's and parked inside its east parking lot facing northbound while maintaining eye contact on **Nichols** (who was inside the business) and while maintaining visual contact with the vehicle, which was still parked. The officer waited inside the parking lot for approximately four minutes waiting on the vehicle to begin driving again so that he could conduct a traffic violation for the expired license plate. The officer observed **Nichols** walking out of the McDonald's restaurant, and this time, he got into the passenger side of the vehicle. He was unable to see who sat in the driver seat at that time.

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The suspect vehicle backed out of the parking spot and exited the parking lot heading southbound on Troost Ave. As soon as the officer positioned his patrol vehicle behind the suspect vehicle, it (suspect vehicle) made an abrupt left hand turn into the BP gas station located across the street from the McDonald's, on the north east corner of E. Meyer Blvd. and Troost Ave. The officer believed this was the second instance of the vehicle attempting to avoid contact with law enforcement and having the knowledge that the license plate was expired, the officer activated his emergency lights and siren and attempted to conduct a traffic stop. The suspect vehicle then accelerated and drove recklessly in between two gas pumps nearly striking one of the large trash cans, in what appeared to be another effort to get away from the patrol vehicle. The suspect vehicle exited onto E. Meyer Blvd. and proceeded eastbound at a high rate of speed, crossing the double yellow line and running the red light at E. Meyer Blvd. and Paseo Blvd. It was then that the officer disregarded the emergency pursuit of the suspect vehicle by turning off his emergency lights and siren but continued behind the vehicle for a short distance in an effort to relay all possible pertinent information over the radio, in the event other officers would encounter the vehicle at a later time.

The officer then heard what, in his experience and training (including firearms training), sounded like three gunshots coming from the direction of the vehicle. The officer relayed through a radio transmission that he believed the vehicle might have fired shots in his direction and reactivated his emergency lights and siren and reengaged in pursuing the suspect vehicle. The suspect vehicle continued driving at a high rate of speed in excess of 45-50 mph down residential streets with a posted speed limit of 35 mph. It continued running numerous posted stop signs. Within approximately 20 seconds of the first burst of gunfire, the suspect vehicle fired another burst of an unknown number of gunshots as the patrol vehicle continued pursuing it. Approximately 45 seconds after the first rounds were fired, the officer rounded the corner behind the suspect vehicle and saw an arm coming out the passenger side of the vehicle holding a metallic object. It was then that the officer saw what he described as "muzzle flash" from the passenger side of the vehicle and immediately began hearing the sound of high powered rifle rounds being fired from the suspect vehicle in the direction of his patrol car. Due to the officer's training as a qualified Patrol Rifle Officer, he was able to distinguish between the first fired rounds and what he believed to be the high powered rifle rounds fired in his direction. The officer was fired upon for approximately one minute with seconds of pause in between burst of gunfire. During the time that the suspect vehicle was shooting at the officer, there were no other vehicles between the suspect vehicle and the officer's patrol car. The officer maintained constant visual contact with the suspect vehicle with a distance of approximately one to three car lengths between the two.

COBAN (Dash cam footage) from the officer's patrol car clearly shows muzzle flashes from the passenger side of the suspect vehicle during the pursuit as well as the sound of shots throughout the pursuit. The officer continued behind the vehicle, which reached speeds of over 100 MPH on 71 highway, as other officers were able to join the pursuit. The suspect vehicle exited US 71 Northbound and turned Westbound on E Truman Rd, turning North on Locust St. It was then that the primary pursuing vehicle (R TAC #53) attempted a TVI (Tactical Vehicle Intervention) but was unsuccessful. The driver of the suspect vehicle, **Johnson**, then lost control of the vehicle and collided with the jersey barrier on the west side of the street. All three occupants were then taken into custody after a felony car check was conducted.

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Prior to towing the suspect vehicle, three guns were located in plain view inside the car. The calibers of the guns matched the caliber of the spent shell casings located along the route the suspect vehicle took. In the first 24 hours after the shooting, police recovered a total of 22 shell casings along the route. Among those were 15 spent 5.56mm casings and 7 spent .40 caliber casings. This suggested that at least one of the two .40 caliber handguns located in immediate area of the front passenger seat, where **Fleming** was arrested, were fired at the police officer during the chase. One .40 caliber handgun was found at his feet, and another .40 caliber handgun was found under his rear end in the front passenger seat when he was arrested. The Zastava 5.56mm assault rifle was located on the floorboard in the rear passenger area immediately near where **Nichols** was arrested inside the vehicle. The Kansas City Missouri Regional Crime Lab was able to recover a fingerprint off of the recovered Zastava 5.56mm rifle, which was a match for **Nichols**. **Johnson** was arrested from the driver seat of the vehicle.

INTERVIEWS

An interview of **Fleming** was conducted at Shoal Creek Patrol Station and he stated that he was picked up by his friend at McDonald's. The police tried to pull them over but the driver would not stop. **Fleming** stated he did not shoot a gun and never touched a gun in the vehicle. He stated he does know who was shooting and would not say who it was.

An interview of **Nichols** was conducted at the South Patrol Station and he stated that he was in the rear passenger seat of his friend's vehicle. **Nichols** further stated that he heard gunshots and knew someone in the car was shooting but he would not say who was doing the shooting. He stated his DNA would be on a gun but he did not fire a gun. **Nichols** would not say which gun his DNA would be associated with. He also stated that he was aware the police tried to pull them over but the driver would not stop. He insisted that he did not shoot a gun and never touched a gun in the vehicle. He stated he does know who was shooting and would not say who it was.

WARRANTS REQUESTED

FLEMING. In the instant case, Fleming is charged with felonies including a Class B felony, punishable by 5 to 15 years in prison. On August 8, 2019, despite being on bond for the class A felony of Robbery in the First Degree, and the unclassified felony of Armed Criminal Action, with a trial date set in early September, Defendant was arrested after a high speed car chase during the course of which a KCPD officer was shot at with a pistol and high powered rifle. Due to the above mentioned facts documented during the course of the investigation we believe that the suspect represents a clear danger to the community. He is charged with firing a .40 caliber handgun or handguns at a pursuing police officer in a marked patrol vehicle during a high speed pursuit. One .40 caliber handgun was found at his feet, and another .40 caliber handgun was found under his rear end in the front passenger seat when he was arrested. Seven .40 caliber spent shell casings were found along the route the defendants took while resisting arrest.

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JOHNSON. In the instant case, Johnson is charged with felonies including a Class B felony, punishable by 5 to 15 years in prison. Due to the above mentioned facts documented during the course of the investigation we believe that the suspect represents a clear danger to the community, including because he drove a 1999 Chevrolet Cavalier at speeds exceeding 100 miles per hour through the residential neighborhoods and along 71 Highway, which was many cross streets containing traffic at that time of evening.

NICHOLS. In the instant case, Nichols is charged with felonies including a Class B felony, punishable by 5 to 15 years in prison. Due to the above mentioned facts documented during the course of the investigation we believe that the suspect represents a clear danger to the community. He is charged with firing a Zastava 5.56mm rifle at a pursuing police officer in a marked patrol vehicle during a high speed pursuit. Fifteen spent 5.56mm casings were found along the route the defendants took while resisting arrest. The Kansas City Missouri Regional Crime Lab was able to recover a fingerprint off of the recovered Zastava 5.56mm rifle, which was a match for **Nichols**.

Printed Name Detective Ilinca Rusnac #5741 Signature /s/ Detective Rusnac #5741

The Court finds probable cause and directs the issuance of a warrant this _____ day of _____.

Judge

Circuit Court of _____ County, State of Missouri.