

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

POLICE NO. :	KC19075803
PROSECUTOR NO. :	095455352
OCN:	

STATE OF MISSOURI,	)	
	)	
PLAINTIFF,	)	
vs.	)	
	)	
JAMES A PONDER	)	
2003 Askew Ave.	)	CASE NO. 1916-CR
Kansas City, MO 64127	)	DIVISION
DOB: 10/04/1973	)	
Race/Sex: B/M	)	
	)	
DEFENDANT.	)	

COMPLAINT
WARRANT REQUESTED

**Count I. 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 the defendant, 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 October 3, 2019, in the County of Jackson, State of Missouri, Ernest Baskerville and Darin King, law enforcement officers, were attempting to make a lawful stop of a vehicle being operated by defendant, and the defendant knew or reasonably should have known that the officers were making a lawful stop, and, for the purpose of preventing the officers from effecting the stop, resisted the stop of defendant by fleeing from the officers and defendant fled in such a manner that created a substantial risk of serious physical injury or death to other persons in that defendant abruptly accelerated the vehicle toward other persons and failed to maintain the proper lane of traffic.

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 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.

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Count II. Property Damage 1st Degree (569.100-001Y20172902.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.100, RSMo, committed the **class E felony of property damage in the first degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about October 3, 2019, in the County of Jackson, State of Missouri, the defendant knowingly damaged a police vehicle, which property was owned by Kansas City Police Department, by striking it with another vehicle, and the damages to such property exceeded seven hundred and fifty dollars.

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 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. Assault - 4th Degree - Pursuant To Subdivisions (4), (565.056-001Y20171309.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.056, RSMo, committed the **class A misdemeanor of assault in the fourth degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about October 3, 2019, in the County of Jackson, State of Missouri, the defendant recklessly engaged in conduct that created a substantial risk of death or serious physical injury to [REDACTED] by quickly accelerating a vehicle towards him.

The range of punishment for a class A misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed one (1) year; by a fine not to exceed two thousand dollars (\$2,000); 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 up to a maximum of twenty thousand dollars (\$20,000).

Count IV. Assault - 4th Degree - Pursuant To Subdivisions (4), (565.056-001Y20171309.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.056, RSMo, committed the **class A misdemeanor of assault in the fourth degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about October 3, 2019, in the County of Jackson, State of Missouri, the defendant recklessly engaged in conduct that created a substantial risk of death or serious physical injury to [REDACTED] by quickly accelerating a vehicle toward him.

The range of punishment for a class A misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed one (1) year; by a fine not to exceed two thousand dollars

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(\$2,000); 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 up to a maximum of twenty thousand dollars (\$20,000).

Count V. Assault - 4th Degree - Pursuant To Subdivisions (4), (565.056-001Y20171309.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.056, RSMo, committed the **class A misdemeanor of assault in the fourth degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about October 3, 2019, in the County of Jackson, State of Missouri, the defendant recklessly engaged in conduct that created a substantial risk of death or serious physical injury to [REDACTED] by quickly accelerating vehicle toward him.

The range of punishment for a class A misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed one (1) year; by a fine not to exceed two thousand dollars (\$2,000); 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 up to a maximum of twenty thousand dollars (\$20,000).

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/ Lauren Whiston

Lauren Whiston (#66185)
Assistant Prosecuting Attorney
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WITNESSES:

1. DET Ernest L. Baskerville, 1125 Locust, Kansas City, MO 64106
2. DET Alane M. Booth, 1125 Locust, Kansas City, MO 64106
3. DET Donna M. Drake, 5301 E. 27th Street, Kansas City, MO 64127
4. DET Rodney E. Haney, 1125 Locust, Kansas City, MO 64106
5. [REDACTED]

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6. PO Darin L. King, 1125 Locust, Kansas City, MO 64106
7. DET Darin K. Penrod, 1125 Locust, Kansas City, MO 64106
8. DET Christopher S. Smith, 1125 Locust, Kansas City, MO 64106
9. PO Robert J. Vivona, 1125 Locust, Kansas City, MO 64106
10. DET Jeremy D. Wells, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 10-04-2019

CRN: KC19-075803

I, Detective Jeremy D. Wells #5015 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 10-03-2019, at Roberts Street and Indiana Avenue in
(Date) (Address)

Kansas City, JACKSON Missouri James A.Ponder
(County) (Name of Offender(s))

B/M, 10-15-1973 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 10-03-2019 at approximately 1300 Hours, Officers of the Kansas City, Missouri Police Department were dispatched to the area of Roberts Street and Indiana Ave in regard to an assist the officers and an aggravated assault against LEO. It was also relayed an officer had discharged their department issued firearm and the suspect of the aggravated assault had fled the scene and was ultimately located and taken into custody at 2001 Askew Avenue suffering from apparent trauma to his chest. The suspect was transported to an area hospital for treatment by KCFD EMS. The suspect vehicle was also located near the residence where the suspect was taken into custody and was observed to have damage consistent with the initial crime scene where the assault had occurred as well as at least one visible apparent gunshot in the windshield directly where the driver would have been seated. Four spent shell casings were located near the suspect vehicle tire tracks in the grass and mud where R.V. describes having been standing. Numerous vehicle debris pieces from several vehicles were located and collected as evidence from the initial scene.

Victim #2 (D.K.) stated he and his partner, Victim #3 (E.B.) were following up on a TIP received in regard to a subject with a Jackson County Felony Warrant who was located at 2003 Askew Kansas City, Jackson County, MO. He advised upon conducting a drive by of the residence they observed the vehicle, a gold Ford Expedition, described in the TIP as belonging to the Suspect, identified as **James A. Ponder B/M, 10-15-1973**, parked in the driveway associated to 2003 Askew. He advised after getting positioned in the blue unmarked police Ford Explorer to observe the vehicle from a more tactical position they observed two black males enter the Expedition and leave the residence. He advised they began to follow the vehicle from a distance and Victim#1 (R.V.) then caught up to them in his unmarked department surveillance vehicle (black Dodge Grand Caravan) and ultimately confirmed **Ponder** was the driver of the suspect vehicle. He stated they attempted to conduct a felony car check after the suspect vehicle came to rest just north of Roberts street on the east side of Indiana Ave. He advised R.V. pulled in front of the suspect vehicle partially in the middle of the street and they pulled behind the vehicle activating their lights to initiate a car check. He advised R.V. was observed on the west side of Indiana Ave outside his vehicle and he along with E.B. exited the Explorer and he began to give verbal

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commands to the driver. He advised he observed at least one hand of the driver on the driver side of the suspect vehicle then observed the suspect vehicle turn and drive directly at R. V. believing he was attempting to strike R.V. with the vehicle and not just elude arrest. He stated the suspect “put it in drive, turned the wheel, and headed straight at Bobby”. He stated he heard gunshots; however was unsure how many and observed the suspect vehicle strike a cinderblock unattached garage (located in the rear lot of 3242 Roberts) as well as the chain link fence associated to the same address. He advised the suspect vehicle then came in reverse from the yard at a high rate of speed directly at he and E.B. who had to get out of the way prior to the suspect vehicle striking their police vehicle and continuing in a southeast direction. He stated the suspect vehicle struck another private fence (associated to 511 Indiana Ave), through the yard, striking another private fence (associated to 3406 Roberts), two private vehicles parked on the city street, and leaving the scene east on Roberts Street. He advised R.V. left the scene in his vehicle to conduct a search in the immediate area of the assault for the suspect vehicle and returned a short time later to the scene. He advised he did not fire his department weapon, suffered no injuries, and he never observed who the driver or passenger of the suspect vehicle were. He described his uniform as the standard department issued FAU tan BDU pants and black shirt with a MOLLE outer vest with police markings clearly marked on the front and back of it.

Victim #3 (E.B.) statements concurred with that of D.K. with the additional information provided in regard. (E.B.) stated upon making the northbound turn from Roberts Street onto Indiana Ave they were going to continue to follow and continue surveillance on the suspect vehicle to see where he was attempting to go. He stated the car check was conducted at Roberts Street and Indiana Ave based on the suspects actions of slowly stopping there and parking along the east side curb of Indiana Ave. He advised as the car check was being conducted he observed R.V.’s police vehicle rear window emergency lights to be activated and observed R.V. outside the Grand Caravan and to be positioned along the west side of Indiana Ave. He advised he did not observe the suspect vehicle’s reverse lights to be illuminated; however described the suspect vehicle “rolling back” toward the Explorer then immediately “sped off right at Bobby, Det. Vivona”. He advised the suspect vehicle then turned and drove directly at R.V. at a quick speed when he heard approximately 3-4 gunshots; however was unsure who had fired. He advised he did not fire his department weapon, suffered no injuries, and he never observed who the driver or passenger of the suspect vehicle were. He described his uniform as the standard department issued FAU tan BDU pants and black shirt with a MOLLE outer vest with police markings clearly marked on the front and back of it.

Victim #1 (R.V.) stated he was in his department unmarked police black surveillance Dodge Caravan when he became involved in attempting to try and identify if **Ponder** was an occupant in the aforementioned gold Ford Expedition. He stated he was able to identify and confirm the driver of the Ford was in fact **Ponder** from the picture he had been sent from E.B. He stated he confirmed by visually seeing **Ponder** in the driver seat of the Ford as well as when he drove past the Ford just prior to the Felony Car Check conducted by D.K. and E.B. near Roberts Street and Indiana Ave. He advised he pulled a few yards north of the Ford and exited his Dodge and moving to the sidewalk on the west side of Indiana Ave and began to give **Ponder** verbal commands to show his hands and exit the vehicle. He stated he did have his department Glock 22 out of the holster while giving commands to **Ponder**. He stated as he was tactically approaching the vehicle at a distance he observed **Ponder** to have his hands in the air and confirmed again visually **Ponder** was the driver of the Ford. He advised there was a second black male in the passenger seat of the vehicle; however did not know who the individual was. He stated **Ponder** then dropped his hands from sight and he described **Ponder** to look directly at him and his position, turn

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the Ford in that direction, and drive directly at him making him fear he would be struck by the Ford. He advised he discharged his department firearm in the direction of the Ford as it drove at him as he was attempting to move from the path of travel. He stated the Ford struck a fence to his west continuing until it struck a brick structure (both associated to the rear lot of 3242 Roberts). He advised the Ford then was placed into reverse and backed in a southeast direction from the yard toward the area where D.K. and E.B. and their Ford Explorer were located at a high rate of speed. He described the Ford Expedition striking the police Ford Explorer and continuing in an east direction striking several other private fences and private vehicles associated to the above aforementioned addresses and on the city street. He advised due to the nature of Ponder and his actions against the officers at the scene, he returned to his vehicle in an attempt to locate the Ford; however he was unable to locate. He advised he then returned to the initial scene and waited for other department members to arrive. He advised he suffered no injuries and after the initial discharge of his firearm he never fired at the Ford again. He described his uniform as the standard department issued FAU tan BDU pants and black shirt with a MOLLE outer vest with police markings clearly marked on the front and back of it.

Detectives observed the direction of travel and tire marks at the scene to match the path described by D.K. and R.V. directly at R.V.'s location and where the spent shell casings were located near the tire tracks apparently caused by the suspect Ford as he drove at R.V. The tire marks and vehicle debris observed near where R.V. was located prior to the Ford driving in reverse and striking the other police Ford Explorer, disabling it causing it to not be operable or able to pursue the suspect Ford. Review of the crime scene photos collected where the suspect Ford was towed from reveal at least two additional apparent bullet defects into the driver side door frame with corresponding defects to the left front A Pillar.

Based on the violent and elusive actions of **Ponder**, not only against the detectives of the Kansas City Police Department, but also the private property of citizens and the disregard for the safety of any other individuals who could have been in the path he took to ultimately elude arrest, it is requested **Ponder** be charged and held based on the aforementioned probable cause for aggravated assault on law enforcement officers, eluding arrest, and ACA with a vehicle. It is also believed the damage to the police vehicles, fences, and private vehicles is estimated to be over \$1000.00.

Printed Name Det. Jeremy D. Wells Signature /s/ Det. Jeremy D. Wells #5015

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

Judge

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Circuit Court of _____ County, State of Missouri.