

# STATEMENT OF PROBABLE CAUSE

LSPD Complaint: 2016-2647

Date: November 2, 2017

I, Detective Mark Wiley, an investigator with the Lee's Summit, Missouri Department of Police, upon my oath, and under penalties of perjury, state as follows:

1. I have probable cause to believe that between 01-01-2002 and 12-31-04, at 812 NE Lyon Ct., Lee's Summit, Jackson County Missouri, 64086 Abraham J. Gilbert, w/m, 08-11-85 [REDACTED] committed one or more criminal offenses.
2. The facts supporting this belief are as follows:

On 04-02-16 Lee's Summit, MO Police Officer Foutz was dispatched to the Lee's Summit, MO Police Department located at 10 NE Tudor Rd. Lee's Summit, Jackson County, Missouri 64086 to contact the listed victim regarding a reported Sex Offense.

During the course of Officer Foutz's interview with the victim [REDACTED] the victim disclosed between the ages of 11 and 13 (2002-2004) the victim was sexually assaulted by a sibling named Abraham J. Gilbert who was then between 17 and 19 years old.

The victim disclosed to Officer Foutz that during the nighttime hours after other family members had gone to bed suspect Gilbert would respond to the victim's bedroom where the victim was alone where he would sexually assault the victim. The victim disclosed the assaults included forcing the victim to do perform oral sex on him, touch his penis with the victim's hand, touch the breasts of the victim with his hands and mouth over and under the clothes, touch the victim's vagina over and under the clothes and penetrate the victim's vagina with his fingers. Officer Foutz noted the victim cried and was visibly upset while giving details of the assaults.

The victim disclosed to Officer Foutz resisting the assaults by kicking, punching and thrashing around but Gilbert would overpower the victim.

The victim told Officer Foutz in an attempt to avoid the assaults the victim would sleep in common areas of the home such as stairwell or laundry area where Gilbert would be afraid of being caught.

The victim disclosed to Officer Foutz still being afraid of Gilbert since the victim knew Gilbert had gone to prison for sexually assaulting the 15 year old daughter of one of his friends after having assaulted the victim showing he had not changed his ways.

I contacted Gilbert by phone and requested he respond to the Lee's Summit, MO Police Department for an interview and we scheduled a meeting for two days later. On the date of the appointment Gilbert called me and stated he changed his mind about meeting with me.

I later conducted a recorded interview of the victim. During the course of the interview the victim's statements were generally consistent with the original report.

The victim disclosed between the ages of 11 and 13 during nighttime hours 17-19 year old Abraham J. Gilbert responded to the victim's bedroom and sexually assaulted the victim numerous times. The victim disclosed fighting Gilbert while resisting the assaults but Gilbert would physically overpower the victim. The victim described not reporting the abuse at the time for fear of breaking up the victim's adoptive family. The victim described the abuse to include being forced to kneel in front of Gilbert while he gave the victim instructions on what he wanted before inserting his penis in the victim's mouth. The victim also disclosed being forced to wrap her hand around Gilbert's penis, Gilbert touching the victim's breast with his hands and mouth over and under the clothing numerous times, laying the victim down on the victim's bed while he attempted to force his penis inside the victim's vagina and touching the victim's vagina over and under the clothing with his fingers ultimately penetrating the victim's vagina with his fingers approximately 20 times.

The victim disclosed attempting to avoid the abuse by sleeping in common areas of the family home such as a stairwell where Gilbert would fear being caught if he tried to abuse the victim.

The victim disclosed the trauma inflicted by the abuse has caused the victim to have nightmares.

I interviewed both of the parents in the home (KG,TG). Both stated they observed no signs of abuse at the time, but the victim did disclose the abuse to them just prior to the victim making the police report. Both parents stated they confronted Gilbert about the victim's disclosures and Gilbert made a general admission of wrong doing without providing details.

Det. Mark Wiley #0309 \_\_\_\_\_  
**Print Name (Detective)**

\_/S/ Det. Mark Wiley #0309 \_\_\_\_\_  
**Signature (Detective)**

\_\_\_\_\_  
**DATE**

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**JUDGE**