

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

POLICE NO. :	KC20012749
PROSECUTOR NO. :	095457734
OCN:	

STATE OF MISSOURI,

PLAINTIFF,

vs.

MIGUEL AYALA

5100 Hedges Ave

Kansas City, MO 64133

DOB: 09/18/1987

Race/Sex: H/M

[REDACTED]

DEFENDANT.

CASE NO. 2016-CR

DIVISION

**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 February 19, 2020, in the County of Jackson, State of Missouri, Officer Simons, a law enforcement officer, was attempting to make a lawful stop of a vehicle being operated by defendant, and the defendant 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 defendant by fleeing from the officer and defendant fled in such a manner that created a substantial risk of serious physical injury or death to other persons in that defendant operated a motor vehicle at an excessive rate of speed and failed to stop for a traffic control device.

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.

State vs. Miguel Ayala

Count II. Dwi - Serious Physical Injury (577.010-027Y20175404.0)

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 D felony of driving while intoxicated**, punishable upon conviction under Sections 558.002, 558.011 and 577.010, RSMo, in that on or about February 19, 2020, at or near East 47th Street and Raytown Road, Kansas City, 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 travelling at an excessive rate of speed, and as a result caused serious physical injury to [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.

The facts that form the basis for this information and belief are contained in the statement(s) of facts filed contemporaneously herewith, 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
415 E. 12th St., 11th Fl
Kansas City, MO 64106
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WITNESSES:

1. PO Anthony L. Contreras, 1125 Locust, Kansas City, MO 64106
2. DET Mark V. Hammerbacher, 1125 Locust, Kansas City, MO 64106
3. [REDACTED] Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
4. [REDACTED], 415 E 12th St, Floor 11, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 02/20/2020

CRN: 20-012749

I, Det. Anthony Contreras #5466

(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 02/19/2020, at East 47th Street and Raytown Road in
(Date) (Address)
Kansas City, JACKSON Missouri, Miguel Ayala H/M 09/18/1987
(County) (Name of Offender(s)) (Description of Identity)

Committed one or more criminal offense(s).

RESIST ARREST/DWI

The facts supporting this belief are as follows:

On 02/19/2020 at 1802 hours, Kansas City Missouri Police Officers were dispatched to 5100 Hedges Avenue, Kansas City, Jackson County, Missouri. Upon arrival, the officers observed trash and debris in the roadway to include a bumper of a vehicle. As the officers approached the 5100 Hedges they observed a grey Cadillac in the driveway that had damage and a female in the driveway. They also observed a blue 2007 Chevrolet Tahoe bearing Kansas license 725JYN parked in the grass area. The Chevrolet's driver's door was open and a white male (Hispanic) was sitting in the driver's seat. A female advised the driver of the Chevrolet attempted to strike her with the Chevrolet. The male in the Chevrolet fled the scene west on E. 51st Street.

Officer Simons activated his emergency lights and sirens and initiated a pursuit on the Chevrolet due to an aggravated assault. The Chevrolet refused to stop and continued west on E. 51st Street and turned south on Willow Ave. The Chevrolet then turned west on E. 53rd Street and failed to stop for a posted stop sign. The Chevrolet reached speeds of 55 MPH in a 30 MPH zone and traveling into on-coming lanes of traffic. The Chevrolet continued to drive west on E. 53rd Street where it reached speeds of 75 MPH and drove into on-coming lanes of traffic passing other motorist on the roadway placing the public in danger. As the Chevrolet approached E. 53rd Street and Raytown Road it made a northbound turn onto Raytown Road failing to stop for the posted stop sign. The Chevrolet continued north on Raytown Road traveling into on-coming lanes of traffic and passing other vehicles driving 75 MPH in a 40 MPH zone. As the Chevrolet reached the intersection of E. 47th Street and Raytown Road Kansas City, Jackson County, Missouri the Chevrolet struck the rear of a gray 2005 BMW 545i bearing Missouri license TC0L9S.

Officer Simons located the driver of the Chevrolet motionless in the driver's seat. The driver was identified as **Miguel Ayala, H/M, 09-18-1987**. The driver of the BMW was also found to be motionless and was identified as [REDACTED] WF, 03-23-1981. A 3 year old child, A.M. was located in the rear passenger seat of the BMW in a child safety seat. Ayala, White and the juvenile were all transported to area hospitals with serious injuries. The Chevrolet was towed to the City Tow Lot 7760 E. Front Street, Kansas City, Jackson County, Missouri.

A witness, Ronald D. Martin stated he was traveling south on Raytown Road towards East 47th Street attempting to turn onto East 47th Street. He stated while driving he observed the Tahoe driving north on Raytown Road in the distance traveling at a high rate of speed (approximately 70 or 80 miles per hour). Martin stated the traffic lights were red at the intersection of East 47th Street and Raytown Road because all the vehicles were stopped. At this point Martin observed the gray bmw coming towards his car which hit his vehicle. He stated he heard the crash but did not see the crash. Martin stated he only observed the BMW come off of the ground and strike his vehicle. He stated the Tahoe knocked the BMW to the north of the intersection up onto the median. Martin stated this is when the police took over the scene.

A witness, Samson L. Barbee stated he was in the number one lane facing northbound on Raytown Road when he observed the vehicle that got struck from behind on the side of him in traffic facing northbound and was attempting to turn right onto East 47th Street. At this time, Barbee looked into his rearview mirror and observed a car speeding towards them and the next thing he observed was that vehicle striking the vehicle that was on the side of him from behind at a high rate of speed. He stated he heard the cars smack and observed the victim's car do a wheelie and observed them go airborne. Barbee stated he then observed both vehicles come to a rest a little way up from his position. Barbee stated he got out and ran to the victim's car and observed a baby in the backseat and observed the driver to be unresponsive. He stated he observed the blue Chevrolet Tahoe was traveling at approximate speeds of 100 plus or more. Barbee stated he didn't observe the Tahoe to brake before hitting the victim's car. He stated the Tahoe was driving in a careless and dangerous manner. Barbee stated the Tahoe hit the victim's car so hard it popped a wheelie. He stated the police arrived on scene and took over.

A witness, Nicholas P. St. Clair stated he was traveling south on Raytown Road towards East 47th Street. He stated he observed two tires fly across the road and two vehicles sliding to a stop. St. Clair stated he observed a big cloud of smoke at the intersection of

PROBABLE CAUSE STATEMENT FORM

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East 47th Street and Raytown Road with police lights behind the smoke. He stated he came to a stop and ran up to the vehicle that was hit from behind. He observed a female that was unconscious and he then observed a small child in a car seat that was not moving. St. Clair stated he did not see the initial impact but he heard it. He stated he only seen the vehicles stopping. He stated the police took over the scene at this point.

On 02/19/2020, Detective Hammerbacher contacted G.N. who stated her and Ayala have two children in common. G.N. stated her and Ayala got into a verbal argument and as they argued Ayala began to drink alcohol and was becoming highly intoxicated. She stated Ayala became aggressive and started making verbal threats to her and her brother. G.N. stated this is when Ayala got into his vehicle and started to strike two vehicles he was parked in between in their driveway. She stated Ayala struck the vehicles until he had enough room to drive through the yard and out into the street. G.N. stated Ayala circled the block several times and approached at a high rate of speed. She stated she then stood in front of her vehicle to deter Ayala from hitting it. While standing in front of the vehicle, G.N. stated Ayala did not slow down and she had to move away from her vehicle at the last second to avoid being hit by Ayala's vehicle. G.N. stated this is when Ayala struck her vehicle. She stated the police arrived on the scene and she observed Ayala flee the scene at a high rate of speed.

On 02/20/2020 at 1152 hours, Kansas City Missouri Detectives responded to Truman Medical Center, 2301 Holmes Street, and read Miguel Ayala his Miranda Rights. After reading Ayala his Miranda Rights, he stated I don't know if I should talk or say anything. He stated he had a lawyer at one point and he told him it's best to not say anything to the police. I then asked Ayala who his lawyer was and he responded with his former lawyer's name. Once again, I asked Ayala if he understood his rights and he stated yeah. When I asked Ayala if he was willing to talk to me, Ayala stated, no and then said it just depends on what questions you ask. Ayala stated he could chose to not answer some, but stated he is willing to talk. Ayala then signed the Miranda Waiver. When I asked Ayala what happened last night, he stated, no, I'm not going to answer that. Ayala stated, I was so drunk, I don't remember and I would just be lying to you about what happened and why it happened, I don't know. I then asked Ayala when he started drinking the day of the incident and he stated around 4 p.m. When I asked what he was drinking, Ayala stated, let's stop, I'm done. The conversation was ceased at this time.

The driver of the BMW, White, sustained life-threatening injuries as a result of the crash and is currently being treated at an area hospital for severe head trauma. Ayla's medical records were obtained from the hospital his BAC was determined to be .347 at 1856 hours and .208 at 0000 hours.

A computer check revealed Miguel Ayala to have a valid operator's license through Missouri Department of Revenue.

Printed Name Det. Anthony Contreras #5466 Signature /s/ Anthony Contreras

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

Judge

Circuit Court of _____ County, State of Missouri.