

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT

POLICE NO. :	KC20043610
PROSECUTOR NO. :	095459782
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
ERIC THOMAS)	
1934 Woodland Ave.)	CASE NO. 2016-CR
Kansas City, MO 64108)	DIVISION
DOB: 12/07/1983)	
Race/Sex: B/M)	
)	
)	DEFENDANT.

COMPLAINT
WARRANT REQUESTED

**Count I. Murder 2nd Degree - Felony Murder - During Perpetration/attempted
Perpetration/flight From Perpetration Of A Felony, A Person Dies (565.021-
003Y19840999.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.021, RSMo, committed the **class A felony of murder in the second degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about July 1, 2020, in the County of Jackson, State of Missouri, Darren E Mitchell was killed by being shot as a result of the perpetration of the class A felony of Unlawful Use of a Weapon under Section 571.030, RSMo committed by the defendant on or about July 1, 2020, in the County of Jackson, State of Missouri.

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.

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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 the defendant, 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 July 1, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of Felony Murder in the Second Degree as charged in Count I, all allegations of which are incorporated here by reference, and the defendant committed the foregoing felony of Felony Murder in the Second 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 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, Resulting In Death Or Injury (571.030-015Y20145299.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.030, RSMo, committed the **class A Felony of unlawful use of a weapon**, punishable upon conviction under Sections 558.011 and 571.030.9, RSMo, in that on or about July 1, 2020, at 27th St. and Chestnut, in the County of Jackson, State of Missouri, the defendant, knowingly shot a firearm at another person, Darren Mitchell, and as a result of the above described conduct, Darren Mitchell suffered injury or death.

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.

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Count IV. Unlawful Possession Of A Firearm (571.070-001Y20175212.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.070, RSMo, committed the **class D felony of unlawful possession of a firearm**, punishable under Sections 558.002 and 558.011, RSMo, in that on or about July 1, 2020, in the County of Jackson, State of Missouri, the defendant knowingly possessed a Glock model 23 handgun, a firearm, and on June 1, 2018, the defendant was convicted of the felony of resisting arrest in the Circuit Court of Jackson County, Missouri.

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.

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 the defendant, in violation of Section 575.150, RSMo, committed the **class E felony of resisting an arrest**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about July 1, 2020, in the County of Jackson, State of Missouri, law enforcement officers, were making an arrest of defendant for Unlawful Use of a Weapon, and the defendant knew or reasonably should have known that the officer(s) were making an arrest, and, for the purpose of preventing the officer(s) from effecting the arrest, resisted the arrest of defendant by fleeing from the officer(s) and defendant fled in such a manner that created a substantial risk of serious physical injury or death to other persons in that defendant failed to stop at red lights nearly striking other vehicles on the roadway, and drove in excess of 85 MPH.

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.

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.

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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/ P. Benjamin Cox
P. Benjamin Cox (#60757)
Assistant Prosecuting Attorney
415 E. 12th St., Fl 7M
Kansas City, MO 64106
(816) 881-3975
BCox@jacksongov.org

WITNESSES:

1. PO Shawn M. Didde,
2. DET Thomas M. Hammond, 1125 Locust, Kansas City, MO 64106
3. Darren E Mitchell, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
4. DET Scott P. Mullen, 1125 Locust, Kansas City, MO 64106
5. DET Jacquelynn R. Mutschler, 1125 Locust, Kansas City, MO 64106
6. [REDACTED]
64106
7. DET Hobart D. Price, 1125 Locust, Kansas City, MO 64106
8. [REDACTED]
MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 07/02/2020

CRN: KC20043610

I, Detective J. Mutschler #5594
(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 07/01/2020, at 2720 E 27th Street in
(Date) (Address)

Kansas City, Jackson Missouri Thomas, Eric M
(County) (Name of Offender(s))

Black Male, 12/07/1983 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 07-01-2020 at 1912 hours, Officers from the Kansas City Missouri Police Department were dispatched to 27th Street and Chestnut, Kansas City, Jackson County, Missouri in regard to a sound of shots call which was updated to a shooting. The reporting party/witness advised he heard the gunshots and then saw a black male wearing a white tank top with a handgun get into a green Pontiac sedan which then went south on Chestnut Ave and then westbound on 27th Street.

Prior to the call, P.O. Hronek was sitting in the East Patrol Division parking lot and heard several gunshots coming from the east. A few moments later P.O. Hronek was dispatched to the sound of shots call with the updated suspect vehicle information. While en-route to the call, P.O. Hronek broadcasted he observed a green Pontiac Grand Prix bearing Missouri license plates XD1Z2L stopped at the red light facing westbound at 27th Street and Prospect, Kansas City, Jackson County, Missouri. P.O. Hronek continued on to the shooting call but additional officers responded to the area to locate the suspect vehicle.

Upon officer's arrival, an unknown deceased black male was located near 2720 E. 27th Street. Near the victim's body a black Hornady 9mm handgun was located. Also, five 9mm shell casings were located near the victim's body. Just north of 27th Street and Chestnut, near the curb, I observed one shell casing bearing a headstamp of "FC 40 S&W". Just south, in the roadway, I observed three shell casings bearing a headstamp of "PMC 40 S&W". Just south of the three shell casings in the roadway, I observed a black gun holster.

Witness 1 stated he was inside his residence when he began hearing gunfire. He advised he stepped out onto his front porch and observed a black male wearing a patterned tank top. The witness observed the black male holding a handgun with his arm extended over the roof of a dark green Pontiac pointing towards the west. The witness observed the black male get into the described vehicle drive south on Chestnut and then on 27th Street. The witness was on the phone with 911 dispatchers, when he observed the described vehicle west on 27th Street. He then heard three additional gun shots. The witness further advised the described vehicle circled the block driving south on Chestnut from 26th Street three additional times after the sounds of shots, prior to the officers arrival.

Witness 2 stated she was arriving at her listed location when she observed a dark green Pontiac Grand Prix she knows to belong to "E". She also observed the victim's vehicle which was determined to be a white Alero parked on Chestnut just north of 27th Street. The witness advised she observed "E" exit his vehicle and point a firearm over his vehicle towards the west. The witness advised she did not see "E" fire the weapon, but stated she was trying to call the victim to warn him that

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"E" was at the listed location. She advised she heard several sounds of shots which she believed to be coming from different firearms being shot in three different bursts. The witness advised after the sounds of shots, she observed "E" turn west onto 27th Street from Chestnut. The witness stated she was now outside of her vehicle when "E" pointed a black handgun which she believed to possibly have an extended magazine at her while stating "Bitch, where's he at?"

The information broadcasted by P.O. Hronek led KCPD Officers to locate the green Pontiac at Linwood and Tracy, a short time after the homicide. The officers attempted to stop the vehicle by activating their emergency lights and sirens. The vehicle refused to stop and a pursuit was initiated. While pursuing the vehicle, the driver failed to stop at red lights nearly striking other vehicles on the roadway. The driver traveled in excess of 85 MPH, cutting off other vehicles and running them off the roadway. The manner in which the driver was operating the motor vehicle was deemed to be careless and without regard for human life. The vehicle pursuit traveled into Kansas where a Tactical Vehicle Intervention technique had to be utilized to safely stop the vehicle at 3rd Street and James. The driver, the sole occupant of the vehicle, identified as Eric M. Thomas B/M 12-07-1983 was taken into custody. A black Glock semi auto handgun (unknown model) serial number FDT345 was observed in plain view on the driver side floorboard.

When officers advised Thomas his vehicle matched the description given by witnesses at the scene of a shooting, Thomas spontaneously uttered "Somebody shoot at me, I'm shooting back."

The green Pontiac was transported to the City Tow Lot, 7750 Front St, Kansas City, Jackson County, Missouri.

Upon taking Thomas into custody, he was transported to KCKPD by KCKPD Officers. After being read his Miranda Rights, Thomas denied any involvement in the homicide or being at the crime scene. Thomas stated he ran from the police because he had a gun and was afraid of the police. Thomas stated the ballistics of the gun observed inside his vehicle would not match the shell casings recovered at the crime scene because he wasn't there and did not shoot the gun. Thomas denied ever making a self-defense statement to officers at the scene where he was taken into custody. Thomas advised the firearm observed inside his vehicle was purchased by him on 06/30/2020.

A search warrant was obtained on the Green 2001 Pontiac Grand Prix bearing a Missouri license plate of XD1Z2L, VIN: 1G2WP52KX1F233940. A Detective responded to process the listed vehicle and observed a Glock model 23 .40 caliber handgun, serial FDT345 with an extended magazine inside on the driver side floorboard. The firearm was observed to have a live round, bearing a headstamp of "PMC 40 S&W" in the chamber making it readily capable of lethal force. The remaining live rounds in the magazine also had a headstamp bearing "PMC 40 S&W". A spent shell casing bearing a headstamp of "PMC 40 S&W" was located in the front passenger floorboard and a second shell casing bearing a headstamp of "PMC 40 S&W" was located underneath the front passenger seat.

A report from the Kansas City Police Crime Laboratory was received indicating the shell casing bearing a headstamp of "PMC 40 S&W" recovered from the north side of 27th Street and Chestnut was determined to have been fired from the Glock 23 .40 caliber handgun, serial FDT345 recovered from Thomas' vehicle.

A criminal history report revealed Thomas to be a convicted felon, with a felony conviction through the Jackson County Missouri Circuit Court for resisting his arrest causing injury with a conviction date of 06/01/2018 on case number 1616-CR0406401. Thomas is currently on supervision through the 4th West District Probation and Parole for the above mentioned charge.

Printed Name /S/ Detective J .Mutschler #5594 Signature /S/ Detective J. Mutschler #5594

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

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Judge

Circuit Court of _____ County, State of Missouri.