

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

POLICE NO. : 19-141-3
PROSECUTOR NO. : 095460331
OCN :

STATE OF MISSOURI,)
)
PLAINTIFF,)
)
vs.)
)
MATTHEW T. NEAL)
)
) CASE NO.
)
)
DOB: 11/22/1979)
)
Race/Sex: W/M)
)
)
DEFENDANT.)

INDICTMENT

In the Circuit Court of Jackson County, Missouri, at Kansas City, March Term, 2020.
In Division Number 8 thereof, designated by the rules of said Court as Criminal Division A.

Count I. Assault - 3rd Degree (565.054-002Y20171399.0)

The Grand Jurors of the County of Jackson, State of Missouri, charge that the defendant, in violation of Section 565.054, RSMo, committed the **Class E Felony of Assault in the Third Degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about November 14, 2019, in the County of Jackson, State of Missouri, the defendant knowingly caused physical injury to [REDACTED] by kneeling him on the back of the head/neck and forcing [REDACTED]'s face to strike the concrete pavement.

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.

Wherefore this Indictment supersedes any Complaint, Information, or Indictment previously filed in the Associate Circuit Court.

A TRUE BILL



FOREPERSON

**JEAN PETERS BAKER
PROSECUTING ATTORNEY
FOR THE COUNTY OF JACKSON,
STATE OF MISSOURI, by**

Reon Lee

Received this 21st day of AUGUST, 2020.

SUMMONS TO ISSUE. BOND TO REMAIN AS PREVIOUSLY SET. SPECIAL CONDITIONS SHALL REMAIN IN EFFECT.

WARRANT TO ISSUE. BOND SET AS FOLLOWS: \$ _____.

CIRCUIT COURT JUDGE

WITNESSES:

1. § _____ prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
2. DET Jacob W. Dee, 1125 Locust, Kansas City, MO 64106
3. _____ 125 Locust, Kansas City, MO 64106
4. SGT Jeffrey M. Epstein, 1125 Locust, Kansas City, MO 64106
5. SGT Naomi S. Fabian, 1125 Locust, Kansas City, MO 64106
6. _____ Gillham Road, Kansas City, MO 64108
7. PO Kyle G. Foster, 1125 Locust, Kansas City, MO 64106
8. DET Joshua M. Gantt, 1125 Locust, Kansas City, MO 64106

State vs. Matthew T. Neal, Case No.

9. [REDACTED] Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
10. PO Travis Hall, 1125 Locust, Kansas City, MO 64106
11. [REDACTED] Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
12. Federal Bureau of Investigation's Agent Michael J. Hartwig, 1300 Summit St., Kansas City, MO 64106
13. PO Anthony J. Helfrich, 1125 Locust Street, Kansas City, MO 64106
14. DET Christopher W. Jenkins, 1125 Locust, Kansas City, MO 64106
15. PO Justin Kirmse, 1125 Locust, Kansas City, MO 64106
16. SGT Thomas P. Komoroski, 2256 Locust, Kansas City, MO 64106
17. PO Trey A. Lehman, 1125 Locust, Kansas City, MO 64106
18. DET Paul A. Oxler, 1125 Locust, Kansas City, MO 64106
19. [REDACTED] MO 64106
20. [REDACTED] ce, 415 E 12th St, Floor 11, Kansas City, MO 64106
21. [REDACTED] (juvenile), Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
22. PO Jonathan S Strabo, 1125 Locust, Kansas City, MO 64106
23. PO Kevin J Summers, 1125 Locust, Kansas City, MO 64106
24. PO Jared Tipton, 1125 Locust, Kansas City, MO 64106

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

In re: Criminal Record Numbers: 19-087451 and 20-52089 Division 8

Evidence Presented and Factual Findings in Support of Indictment

On June 12, 2020, June 26, 2020, August 7, 2020 and August 21, 2020, the Jackson County Grand Jury convened to review the November 14, 2019 arrest of [REDACTED] a juvenile, by Kansas City, Missouri Police ("KCPD") Sergeant Matthew Neal and another officer, which occurred at 5101 Troost Avenue, Kansas City, Jackson County, Missouri.

Based on our review of the evidence, we have probable cause to believe that Matthew Neal knowingly caused [REDACTED]'s physical injuries during the November 14, 2019 incident.

I. Evidence Presented

Over the course of multiple sessions, the grand jurors received testimony from the case detective, who identified materials within the KCPD file, and we were given access to the file materials which included:

1. KCPD Reports in C.R.N. 19-087451
2. Internal Affairs File, 19-141-3
3. Transcribed Statement of [REDACTED]
4. Transcribed Statement of [REDACTED]
5. Transcribed Statement of Sgt. Jeffrey Epstein
6. Transcribed Statement of P.O. Travis Hall
7. Transcribed Statement of P.O. Anthony Helfrich
8. Transcribed Statement of P.O. Trey Lehman
9. Transcribed Statement of Sgt. Naomi S. Fabian
10. Transcribed Statement of P.O. Jacob Dec
11. Transcribed Statement of P.O. Kevin Summers
12. Transcribed Statement of P.O. Kyle Foster
13. Children's Mercy Records
14. Pictures of [REDACTED]
15. Sgt. Matthew Neal's Response to Resistance Report
16. Cell Phone Records
17. Recorded Statement of [REDACTED] and [REDACTED]
18. Recorded Interview of P.O. Anthony Helfrich
19. Recorded Interview of P.O. Travis Hall
20. Recorded Interview of P.O. Jared Tipton
21. Recorded Interview of P.O. Justin Kirmse

22. Recorded Interview of P.O. Naam Powell
23. Recorded Interview of P.O. Audrey Crosby
24. Recorded Interview of Sgt. Jeffrey Epstein
25. Recorded Interview of Sgt. Susie Fabian
26. Recorded Interview of P.O. Trey Lehman
27. Recorded Interview of P.O. Jacob Dee
28. Recorded Interview of P.O. Kyle Foster

II. Factual Findings

On November 14, 2019, at approximately 10:42 p.m. a K.C.P.D. officer observed two males with masks approach the front of the 7-Eleven Store located at 8901 Wornall. After briefly entering the store, the two males exited the store, entered a black Toyota Camry parked nearby, drove away from the area and failed to stop at a stop sign. The officer attempted to stop the Camry by using his lights and sirens, however, the Camry did not stop and a police chase began. Thirteen minutes later, after officers deployed stop sticks which damaged the passenger side tire of the Camry, the Camry came to rest in the parking lot of Go-Chicken-Go located at 5101 Troost. Upon coming to a stop, the driver and passenger exited the car and got on their knees, with their hands above their heads. [REDACTED] was the passenger in this car.

Neal was one of the first officers to arrive at 5101 Troost. By the time he exited his vehicle, [REDACTED] was already out of the Camry and on his knees with his hands in the air. While one set of officers handled taking the driver into custody, Neal took charge of taking [REDACTED] into custody. Neal gave commands to [REDACTED] to lie down on his stomach and crawl to Neal and two other officers. [REDACTED] complied with this order.

When [REDACTED] was close enough to Neal and the other two officers, Neal put one of his knees on [REDACTED] upper back/neck area. Then, Neal and one of the officers moved [REDACTED] hands for his side to behind his back. [REDACTED] did stiffen his arms prior to being handcuffed but he did not struggle or pull away from the attempts to cuff him.

While [REDACTED] was handcuffed and still laying on his stomach, Neal and the officer who handcuffed him, picked him up to conduct a search of [REDACTED]s body and clothing. They did this by rolling him on one side and searching that side and then they placed him down on his stomach. [REDACTED] did not struggle or pull away from the officers' attempt to pick him up or search him.

Once again, while [REDACTED] was still in handcuffs and laying on his stomach, Neal and the other officer then started to roll him to the other side. As they did so, Neal forced his knee on to the back of the head/neck of [REDACTED]s raised head. This forced [REDACTED]s face to the cement pavement. Immediately after, Neal's knee, and body weight, remained on the back of [REDACTED]'s head/neck. This pinned [REDACTED]s face to the pavement and forced [REDACTED] to

struggle for oxygen by quickly turning his face from one side to the other while also repeatedly having his face make contact with the pavement. During these moments, [REDACTED] reported to investigators that he said "I cant breathe" and "y'all choking me" in an attempt to ask for help.

[REDACTED] was 15 years old on November 14, 2019. Upon being brought to his feet, it was evident that [REDACTED] had sustained injuries. His face, specifically his cheeks, were scratched and bruised. He had a cut to the area near his hairline and his two front teeth were fractured. [REDACTED] was taken by ambulance to Children's Mercy Hospital where he received treatment, including 6 stitches to the cut near his hairline. [REDACTED] is still in the process of receiving treatment for the injuries to his teeth. [REDACTED] was not charged with any crime associated with the events of November 14, 2019.

This grand jury subpoenaed Neal to testify about the November 14, 2019 incident. In response, he declined the opportunity to testify.

Submitted by the March 2020 Jackson County Grand Jury,

[REDACTED]
Grand Jury Foreperson