

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

POLICE NO. :	KC20076233
PROSECUTOR NO. :	095461758
OCN:	

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
JUAN CARLOS BERUMEN)	
1235 Oasage Ave)	CASE NO. 2016-CR
Kansas City, KS 66105)	DIVISION
DOB: 03/26/1993)	
Race/Sex: H/M)	
)	
)	DEFENDANT.

COMPLAINT
WARRANT REQUESTED

Count I. Murder 2nd Degree (565.021-001Y20200903.0)

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 November 5, 2020, in the County of Jackson, State of Missouri, the defendant with the purpose of causing serious physical injury to Floyd Freeman, caused the death of Floyd Freeman by shooting him and defendant is further given notice that should the state submit murder in the second degree - felony under Section 565.021.1(2), it will be based on the death of Floyd Freeman as a result of the perpetration of the class E felony of unlawful use of a weapon under Section 571.030.1(4), RSMo, committed by defendant.

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 (571.015-001Y20205213.0)

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 on or about November 5, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of murder in the second degree charged in Count 1, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of 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 571.015.1, RSMo. is imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.2, RSMo. as a second offense is imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.3, 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. The punishment imposed pursuant to Section 571.015, RSMo shall be in addition to and consecutive 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. Murder 2nd Degree (565.021-001Y20200903.0)

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 November 5, 2020, in the County of Jackson, State of Missouri, the defendant with the purpose of causing serious physical injury to Margarita Paez caused the death of Margarita Paez by shooting her and defendant is further given notice that should the state submit murder in the second degree - felony under Section 565.021.1(2), it will be based on the death of Margarita Paez as a result of the perpetration of the

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class E felony of unlawful use of a weapon under Section 571.030.1(4), RSMo, committed by defendant.

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.

Count IV. Armed Criminal Action (571.015-001Y20205213.0)

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 on or about November 5, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of murder in the second degree charged in Count 3, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of 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 571.015.1, RSMo. is imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.2, RSMo. as a second offense is imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.3, 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. The punishment imposed pursuant to Section 571.015, RSMo shall be in addition to and consecutive 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.

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Count V. Assault - 2nd Degree (565.052-001Y20201304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.052, RSMo, committed the **class D felony of assault in the second degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about November 5, 2020, in the County of Jackson, State of Missouri, the defendant knowingly caused physical injury to Izaiah Freeman by means of a deadly weapon by shooting Izaiah Freeman.

The range 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 one (1) year 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 VI. Armed Criminal Action (571.015-001Y20205212.0)

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 on or about November 5, 2020, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the second degree charged in Count 5, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of assault 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 571.015.1, RSMo. is imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.2, RSMo. as a second offense is imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015.3, 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

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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. The punishment imposed pursuant to Section 571.015, RSMo shall be in addition to and consecutive 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 VII. Unlawful Use Of Weapon - Subsection 4 - Exhibiting (571.030-010Y20205212.0)

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 E felony of unlawful use of a weapon**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about November 5, 2020, in the County of Jackson, State of Missouri, the defendant knowingly exhibited, in the presence of one or more persons a handgun, a weapon readily capable of lethal use, in an angry or threatening manner.

Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of Section 571.030.1, RSMo, shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms or weapons-related felony offense.

The range 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 one (1) year 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.

Wherefore, the Prosecuting Attorney prays that an arrest warrant be issued as provided by law.

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JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Daniel Nelson
Daniel Nelson (#53885)
Assistant Prosecuting Attorney
415 East 12th Street
11th Floor
Kansas City, MO 64106
(816) 881-3372
DMNelson@jacksongov.org

WITNESSES:

1. DET Nicole M. Anderson, 1125 Locust, Kansas City, MO 64106
2. PO J Bertacini, 1125 Locust, Kansas City, MO 64106
3. [REDACTED] E 12th St, Floor 11, Kansas City, MO
64106
4. Floyd Freeman, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO
64106
5. [REDACTED]
[REDACTED]
64106

PROBABLE CAUSE STATEMENT FORM

Date: 11-06-2020

CRN: 20-076233

I, Detective Nicole Anderson #5715, 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 11-06-2020, at 1509 West 12th Sreet in
(Date) (Address)

Kansas City, Jackson Missouri Juan Carlos Berumen
(County) (Name of Offender(s))

H/M 03-26-1993 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 11-06-2020 at approximately 0019 hours Officers of the Kansas City, Missouri Police Department were dispatched to Phillips 66, 1509 West 12th Street, Kansas City, Jackson County, Missouri on a reported shooting. Officers observed a male, Victim 1, in the parking lot suffering from apparent gunshot trauma. KCFD-EMS responded and declared the victim deceased. Victim 1 was identified as Floyd Freeman Jr, B/M, 7/22/77, of Kansas City, KS. Updated call information was provided to officers before they arrived which described several vehicles fleeing the scene. Officers subsequently obtained by consent and reviewed the Phillips 66 surveillance video which captured the shooting from multiple high definition cameras. The video indicated several parties were injured by gunfire but were transported by private conveyance from the scene prior to police arriving. Three gunshot victims were noted to have arrived at a hospital in Kansas City, KS, shortly after officers arrived at the dispatched location. Victim 2, identified as Margarita Paez, H/F, 4/29/83, also of Kansas City, Kansas, was pronounced deceased at the area hospital after succumbing to her trauma from a gunshot wound. Victim 3, a Black male, was also injured by gunfire, and appeared to sustain non-life threatening injuries from a gunshot wound to his leg. A fourth person, also injured by gunfire, was transported by private conveyance from the scene to a hospital in Kansas City, KS. He was identified as Juan Carlos Berumen, H/M, 3/26/93.

The surveillance video indicated Berumen, whose appearance at the hospital was consistent with the individual captured on surveillance video at the time of the offense (black t-shirt with white lettering, a blue ball cap, dark pants and dark shoes), appeared to initiate the encounter by brandishing a handgun at a group of Black males who were on the property. Berumen brandished the handgun from his waistband and racked the slide of the handgun, and subsequently discharged his handgun in the parking lot, apparently striking Freeman, who appeared to be unarmed, Paez, who was also unarmed, and a Black male, who also appeared to be unarmed. Police did not recover any weapons from Freeman's body. A more detailed summary of the video surveillance is as follows:

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On 11/6/20, at approximately 0008 hours, a white Sport Utility Vehicle (SUV) arrived at the gas station and parked near a gas pump on the west side of the lot. The white SUV appeared to be occupied by five Black males. Several of the males exited the vehicle and were standing next to their vehicle engaging in conversation, dancing and joking, and none appeared to be upset. At approximately 0012 hours, a light in color four door sedan arrived and parked near a different gas pump. A third vehicle, a dark-colored SUV, arrived shortly thereafter and parked next to the white SUV at an adjacent gas pump. The secondary and tertiary vehicles were each occupied by a Hispanic male and Hispanic female, respectively.

The video revealed the occupants of the dark SUV and the light-colored sedan pulled up close in time. Beruman was the first to exit, from the driver door of the light-colored sedan. He appeared to be wearing a black t-shirt with white lettering, a blue ball cap, dark pants and dark shoes. Beruman removed a handgun from his waistband immediately upon exiting the car. His actions were noticed by the black males and appeared to cause discord. Soon after Beruman exited, a second Hispanic male exited from the passenger side of the dark-colored SUV. Tension appeared to escalate between the two Hispanic males and several of the Black males still gathered near the initial white SUV. It should be noted there was no apparent physical assault between any of the aforementioned parties. During the verbal confrontation, the two Hispanic females exited their vehicles and attempted to separate the males as they moved collectively through the parking lot. Beruman continued to hold a handgun in his right hand throughout the verbal confrontation, and at one point, he pointed it at Freeman (Victim 1), a former occupant of the white SUV.

Victim 1 fell immediately to the pavement and he ultimately expired where he fell. Beruman discharged his firearm several times apparently first in Victim 1's direction, and then sweeping towards the white SUV, as indicated by the muzzle flashes from his handgun. His shots also appeared to strike Ms. Paez, Victim 2, with whom he had arrived in the light-colored sedan. She fell to the ground nearly simultaneously as Victim 1. A third victim, a male who sustained non-life threatening injuries, appeared to have been struck in the leg during the same consecutive shots from Beruman's firearm that struck Victims 1 and 2. Victim 3 limped back to the white SUV and jumped inside. Victim 3 was also apparently unarmed and appeared to be attempting to diffuse the situation prior to being struck. Muzzle flashes could then be seen from the white SUV, occupied by several Black males, as they were pulling away after Beruman initially discharged his handgun and as he continued to do so. Beruman was struck in the leg by gunfire, apparently from the white SUV. He attempted to help up Victim 2 before collapsing himself.

Beruman continued to fire at the departing white SUV from the ground. The second Hispanic male also fired at the white SUV as it was departing. Occupants continued to fire from the white SUV as it departed the parking lot. The second Hispanic male continued to exchange gunfire with the occupants of the white SUV as it left the property and he also continued to discharge his handgun at the SUV as it was traveling away from the property in the opposite direction of the convenience store. Beruman and Victim 2 were both transported in the light-colored sedan and dark SUV respectively prior to police arriving on scene.

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Investigators collected approximately (22) nine millimeter spent shell casings and (3) .40 caliber spent shell casings from the Phillips 66 parking lot in the immediate and surrounding area of Freeman's body in the parking lot between the gas pumps and the entry door of the business.

The undersigned affiant requests a warrant be issued for Beruman and a bond associated with that warrant given the danger he presented to the community by discharging a weapon in a gas station parking lot where several unarmed people were present. Beruman is currently being medically treated at a Kansas City, Kansas Hospital for his injuries and is in custody.

Printed Name Detective Nicole Anderson #5715 Signature DET. [Signature] 5715

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

Judge

Circuit Court of _____ County, State of Missouri.