IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI <u>AT KANSAS CITY</u>

POL	ICE NO.:	KC2206	6761
PROSECU'	TOR NO. :	0954715	599
	OCN:		
STATE OF MISSOURI,))
•	PLAIN	NTIFF,)	
vs.)	
)	
JOSE ANGEL VEGA)	
233 N VALLEY ST)) CASE NO. 2216-CR04744
Kansas City, KS 66102)	DIVISION 27
DOB: 06/20/1994)	
Race/Sex: H/M)
)	
	DEFEN	DANT.	

AMENDED COMPLAINT WARRANT REQUESTED

Count I. Murder 2nd Degree - Felony Murder - During Perpetration/Attempted Perpetration/Flight From Perpetration Of A Felony, A Person Dies (565.021-003Y20200999.0)

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 on or about October 2, 2022, in the County of Jackson, State of Missouri, Jeff Cross was killed in a vehicle collision as a result of the perpetration or immediate flight from the perpetration of the class E felony of resisting a lawful stop under Section 575.150, RSMo, committed by the defendant on or about October 2, 2022, in the County of Jackson, State of Missouri.

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. An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

Count II. Armed Criminal Action (571.015-001Y20205299.0)

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 October 2, 2022, in the County of Jackson, State of Missouri, the defendant committed the felony of Murder in the Second Degree charged in Count I, 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 dangerous instrument.

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. 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.

Count III. Murder 2nd Degree - Felony Murder - During Perpetration/Attempted Perpetration/Flight From Perpetration Of A Felony, A Person Dies (565.021-003Y20200999.0)

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 on or about October 2, 2022, in the County of Jackson, State of Missouri, Andres Munguia was killed in a vehicle collision as a result of the perpetration or immediate flight from the perpetration of the class E felony of resisting a lawful stop under Section 575.150, RSMo, committed by the defendant on or about October 2, 2022, in the County of Jackson, State of Missouri. Jackson, State of Missouri.

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. An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served.

Count IV. Armed Criminal Action (571.015-001Y20205299.0)

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) (571.015.2) (571.015.3), RSMo, in that on or about on or about October 2, 2022, in the County of Jackson, State of Missouri, the defendant committed the felony of Murder in the Second Degree charged in Count III, 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 dangerous instrument.

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. 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.

Count V. Dwi - Death Of Another Not A Passenger (577.010-033Y20205404.0)

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 B felony of driving while intoxicated – resulting in death**, punishable upon conviction under Sections 558.011 and 577.010, RSMo, in that on or about October 2, 2022, E 11TH ST 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 driving at an excessive rate of speed and failing to obey traffic control devices and as a result caused death to Jeff Cross, and Jeff Cross was not a passenger in the vehicle operated by the defendant.

The range of punishment for a class B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

Count VI. Resisting Arrest/Detention/Stop By Fleeing - Creating A Substantial Risk Of Serious Injury/Death To Any Person (575.150-002Y20204801.0)

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 on or about October 2, 2022, in the County of Jackson, State of Missouri, PO Magers, 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 drove at an excessive rate of speed and failed to obey traffic control devices.

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.

Count VII. Driving While Revoked/Suspended - 1st Offense (302.321-003Y20205405.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 302.321, RSMo, committed the **class D misdemeanor of driving while license was suspended**, punishable upon conviction under Sections 302.321 and 558.011, RSMo, in that on or about October 2, 2022, in the county of Jackson, State of Missouri, the defendant operated a motor vehicle on a highway, Grand Boulevard, during a time when the defendant's operator's license was suspended under the laws of this state, and acted with criminal negligence with respect to knowledge of the fact that the defendant's operator's license was suspended.

The range of punishment for a class D misdemeanor is a fine not to exceed five hundred dollars (\$500.00).

The facts that form the basis for this information and belief are contained in the attached statement(s) of facts, 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/ Brady X. Twenter

Brady X. Twenter (#49380) Assistant Prosecuting Attorney 415 E. 12th St. 10th Floor Kansas City, MO 64106 BTwenter@jacksongov.org

WITNESSES:

1.

64106

- 3. PO Karl T. Janning, 1125 Locust, Kansas City, MO 64106
- 4. PO Nathan I. Magers, 1125 Locust, Kansas City, MO 64106
- 5. City, MO 64106

6.

- 7. SGT Robert W. Schreiber, 1125 Locust, Kansas City, MO 64106
- 8. DET Sutton D Smith, 1125 Locust, Kansas City, MO 64106
- 9.

PROBABLE CAUSE STATEMENT FORM

Date: 10/05/2022		CRN: <u>22-000/01</u>			
I, Det. Sutton Smith #5376					
(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	_10/02/2022, at	11th Street and Grand Boulevard			
	(Date)	(Address)			
In Kansas City Jackson Misso	uri,Jose A. Vega	W/M (06/20/1994)			
(County)	(Name of Offender(s)	(Description of Identity)			
committed one or more criminal offense(s). Fatality Crash/DWI/Elude/DWS					

The facts supporting this belief are as follows:

10/05/2022

On 10/02/2022 at approximately 0306 hours, Kansas City Missouri Police DUI Officer Magers was patrolling in the area of Truman Road and Grand Boulevard, Kansas City, Jackson County, Missouri when he observed an unlicensed black, 2004 Cadillac CTS doing "donuts" and fishtailing in the street. PO Magers activated his emergency lights and siren and attempted to conduct a traffic stop on the Cadillac. Initially, the Cadillac stopped, partially in the intersection of Truman Road and Grand Boulevard (south side), at a red traffic control signal. Before PO Magers could contact the driver, the Cadillac's motor revved and it drove off, northbound on Grand Boulevard, at a high rate of speed. The Cadillac also did not have any headlamps nor taillights illuminated. PO Magers again activated his emergency equipment and attempted to conduct a traffic stop. The Cadillac failed to stop and continued northbound on Grand Boulevard. The Cadillac traveled through a red traffic control signal at 13th Street and Grand Boulevard. The officer deactivated his emergency equipment and disregarded the traffic stop. After PO Magers disregarded, he observed sparks in the roadway, approximately two blocks to the north. PO Magers traveled north to 11th Street and Grand Boulevard, Kansas City, Jackson County, Missouri where he observed the Cadillac had struck the rear end of a gray, 2016 Chevrolet Silverado bearing Missouri license plate 2YFH68, that was stopped at a red traffic control signal. Both vehicles continued northbound through the intersection where the Chevrolet struck a pole on the east side of Grand Boulevard. The Cadillac then continued across all lanes of Grand Boulevard and struck a light pole. The Cadillac's engine compartment caught on fire. PO Magers approached the Cadillac and observed the driver of the Cadillac, later identified as Jose A. Vega (w/m, 06/20/1994), pinned in the driver's seat, and the front seat passenger, later identified as Andres Munguia (w/m, 03/02/1997) pinned in the passenger seat. Vega was alert and looking around. PO Magers immediately detected a strong odor of an alcoholic beverage on the defendant's breath and his person, his eyes to be watery and bloodshot and his speech slurred. PO Magers retrieved a fire extinguisher from his patrol vehicle and extinguished the flames in the Cadillac's motor compartment. Member of the Kansas City Fire Department arrived on scene and extracted Vega from the driver's seat and transported him to a local medical facility with serious injuries. Munguia was also extracted and transported to an area medical facility where he died from injuries sustained in this crash. The driver of the Chevrolet, who was identified as Jeffrey D. Cross (w/m, 03/20/1968), was transported to an area medical facility with life threatening injuries.

PO Magers responded to the medical facility and contacted Vega. PO Magers again detected a strong odor of alcohol on Vega's breath and person, his eyes were watery and bloodshot, and his speech was slurred, confused, and cyclic. Vega continued to repeat, "My bad, my bad, my bad." PO Magers attempted to conducted the Horizontal Gaze Nystagmus Standardized Field Sobriety Test, however Vega refused follow his finger and covered his head and face with a blanket to avoid completing the test. PO Magers placed the defendant under arrest. PO Magers read Vega Missouri Implied Consent and requested Vega consent to a chemical test of his blood. Vega agreed to the blood test. A trained medical technician drew four vials of blood which were recovered and transported to Missouri State Highway Patrol Laboratory for testing. Vega's blood tested positive for ethanol with a BAC of .212.

PROBABLE CAUSE STATEMENT FORM

CRN **22-066761**

On 10/03/2022 at approximately 1448 hours, a Kansas City Missouri Detective responded to the medical facility and contacted **Vega**. **Vega** advised he did not remember any details about being involved in this crash. **Vega's** last memory was being with Munguia.

Accident Investigation Section Officers conducted an investigation of the crash. PO Janning determined **Vega's** Cadillac was traveling 103 miles per hour, with no braking, one second prior to impact with the Chevrolet

A computer check revealed **Vega** to have a Suspended Kansas operator's license with three (3) prior convictions for no driver's license and no prior alcohol contacts/convictions.

Printed Name Det. Sutton Smith #5376	Signature & Switz Smith \$376
The Court finds probable cause and directs the issuance of	a warrant this day of
	Judge
Circuit Court of	County State of Missouri