

2316-CR05302

FILED
18-Dec-2023 19:14
CIRCUIT COURT OF
JACKSON COUNTY, MO

PLAINTIFF,

DEFENDANT.

DIVISION

Count I. Murder 2nd Degree (565.021-001Y20200901.0)

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.

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 18, 2023, 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 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. 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. Unlawful Use Of Weapon - Subsection 9 - Shoot At/From Motor Vehicle, At Person, Motor Vehicle Or Building, Resulting In Death Or Injury (571.030-015Y20205213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of in violation of Section 571.030.1(9), 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 November 18, 2023, in the County of Jackson, State of Missouri, the defendant, knowingly discharged a firearm at Confidential Victim, another person and, as a result of the above described conduct, Confidential Victim 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.

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 18, 2023, in the County of Jackson, State of Missouri, the defendant committed the felony of Unlawful Use of a Weapon charged in Count III, all allegations of which are incorporated herein by reference,

committed the felony of, and the defendant committed the foregoing felony of Unlawful Use of a Weapon by, with and through, the knowing use, assistance and aid of a 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. 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.

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
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WITNESSES:

The State's witnesses as of 12/18/2023 are included on the "State's Witness List" filed contemporaneously with this Complaint.

PROBABLE CAUSE STATEMENT FORM 2316-CR05302

Date: 12-18-2023

CRN: KC23-078754

FILED
18-Dec-2023 19:21
CIRCUIT COURT OF
JACKSON COUNTY, MO

I, Detective Mary Kincheloe #5063, 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 11-18-2023, at 1848 Mercier Avenue in
(Date) (Address)

Kansas City, Jackson Missouri Eredia, Gabriel Benjamin
(County) (Name of Offender(s))

W/M 5'09, 185lbs, blk hair, bro eyes committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 11-18-2023, at 0058 hours, Officers of the Kansas City, Missouri Police Department responded on a sound of shots call in the area of [REDACTED], Kansas City, Jackson County, Missouri. The calling party was later learned to be witness #1. Officers responded to the area of this call, but were unable to locate a crime scene or a victim. A neighbor, later identified as witness #2, was standing nearby when Officers were searching for a victim. Witness #2 told Officers they heard gunshots but, indicated they thought they came from down the street. Officers responded to that area, but again, found nothing.

At 0154 hours, Officers were then dispatched to [REDACTED] in regard to a person found shot in the front yard. Upon arrival, Officers located a victim in the front yard of the dispatched address, suffering from an apparent gunshot wound. KCFD confirmed the victim deceased. The victim was identified as Richard Gonzales by a family member, witness #3, who had originally found the victim.

Witness #1 said the victim (his nephew) had come over to his residence and smacked his face around. Witness #1 told the victim to leave to which he did. Witness #1 said he is unable to protect himself due to being wheelchair bound and lives in fear of the victim. Witness #1 said he called witness #3 (his brother) at 0044 hours after being assaulted. Witness #1 said shortly after speaking with his brother, Witness #1 heard two gunshots. He then called Witness #3, four additional times, asking him to come over. Witness #1 also dialed 911 at 0058 hours. Witness #1 later learned from witness #3 the victim had been shot and was deceased in the yard across the street.

Witness #2 said he was with the victim when the victim caused "drama" with Witness #1. Witness #2 said, he saw Gabriel Eredia (brother of witness #1 and uncle to the victim) pull up in front of [REDACTED] in a black Hummer H2. Eredia told witness #2 to go to the backyard to which witness #2 complied and walked to the rear of [REDACTED]. Witness #2 then heard three gunshots. When he arrived at the front of the residence, he saw the victim dead in the front yard of [REDACTED] and observed three spent shell casings in the roadway where Eredia's vehicle had been. Witness #2 identified a DOR photograph of Gabriel Eredia W/M [REDACTED] as the person he knows to be the victim's uncle, the brother of witness #1 and the driver of the black Hummer H2.

Witness #3 advised he received a call from his brother, witness #1, advising he was hearing gunshots near his residence. Witness #3 was captured on surveillance video at 0153 hours checking the neighborhood for his nephew. At 0154 hours, the second 911 call is received when witness #3 discovers the victim in the front yard of [REDACTED].

PROBABLE CAUSE STATEMENT FORM

CRN KC23-078754

Three spent .357 SIG shell casings were located in the roadway near the east curb, just north of [REDACTED]. The preliminary autopsy report indicated the victim was shot back to front, one time, with an upward trajectory. No soot or stippling was present. The scene lacked a blood trail from the spent casings located in the roadway to the location of the deceased. There was a small amount of apparent blood underneath the victim.

A computer check revealed Eredia has a residence located at [REDACTED], just a few blocks to the east of the homicide scene. A Genetec camera located at [REDACTED] revealed a black Hummer H2 entering the intersection at 0047 hours, traveling south, just 3 minutes after witness #1 reports he has notified witness #3 of the altercation with the victim. Mercier Place is a one-way road from the crime scene, ending at the intersection of [REDACTED] where the Genetec camera is located. At 00:57:50 hours, the black Hummer is captured at this intersection, traveling eastbound away from the crime scene. The 911 sound of shots call is made by witness #1 at 00:58:11.

On 11-19-2023, at 0900 hours, Detectives received information that Witness #1 was known to call witness #3 and Gabriel Eredia to take care of things in his household. Detectives were advised either witness #3 or Gabriel Eredia were known to own a .357 handgun and that Gabriel Eredia drives a black Hummer H2. The caliber casings recovered from the crime scene is not public information.

On 12-11-2023, a Report of Findings was received from the Jackson County Medical Examiner's Officer which revealed the victim sustained one gunshot wound to the right side of his back with the entrance being back to the front, right to left and in an upward direction. No soot or stippling was present. The manner of death was ruled a homicide.

A computer check of Gabriel Eredia revealed him to have be a federally convicted felon prohibiting him from possessing a firearm. A Person of Interest entry was entered into a law enforcement data base in regard to Eredia being wanted for questioning in regard to the victim's death.

On 12-18-2023, at 0900 hours, Eredia turned himself in to 1125 Locust, Police Headquarters, with his legal counsel which was pre-arranged with law enforcement. Eredia was placed on a 24 hour investigation arrest and booked in at the Metro Patrol Division Station.

On 12-18-2023, at approximately 0925 hours, a search warrant was executed to obtain a sample of Eredia's DNA for comparison to the swabs of the recovered spent shell casings located at the crime scene. On 12-18-2023, I received a report from the Kansas City Police Crime Laboratory indicating the known DNA profile of Eredia was a contributor to the DNA profiles developed from the swabs of the spent shell casings.

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Printed Name Detective Mary Kincheloe #5063 Signature /s/ Detective Mary Kincheloe #5063

The Court finds probable cause and directs the issuance of a warrant this 18th day of December, 2023.

SIGNED BY JUDGE

*This is a redacted public document. The original
unredacted document bears the Judge's signature.*

Judge

Circuit Court of Jackson County, State of Missouri.