

2416-CR02923

FILED
DIVISION 1

09-Jul-2024 17:35

CIRCUIT COURT OF JACKSON COUNTY, MO

BY

[Signature]
DCA

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

POLICE NO. : KC24053533

PROSECUTOR NO. : 095479736

OCN: HU022998

STATE OF MISSOURI,

PLAINTIFF,

vs.

GABRIEL MARTINEZ

**CASE NO. 2416-CR
DIVISION**

DEFENDANT.

COMPLAINT
WARRANT REQUESTED

**Count I. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim
(565.050-001Y20201399.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the class A felony assault in the first degree, punishable upon conviction under Sections 558.011, RSMo, in that on or about on or about July 9, 2024, in the County of Jackson, State of Missouri, the defendant knowingly caused serious physical injury to Confidential Victim 1 by stabbing Confidential Victim 1, and in the course thereof defendant inflicted serious physical injury on Confidential Victim 1.

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 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 July 9, 2024, in the County of Jackson, State of Missouri, the defendant committed the felony of Assault in the First Degree charged in Count 1, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Assault in the First 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. Assault 1st Degree Or Attempt (565.050-002Y20201399.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the class B felony of assault in the first degree, punishable upon conviction under Section 558.011, RSMo, in that on or about July 9, 2024, in the County of Jackson, State of Missouri, the defendant stabbed Confidential Victim 2, and such conduct was a substantial step toward the commission of the offense of assault in the first degree of Confidential Victim 2, and was done for the purpose of committing such assault.

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 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 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, RSMo, in that on or about on or about July 9, 2024, in the County of Jackson, State of Missouri, the defendant committed the felony of Assault in the First Degree charged in Count 3, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Assault in the First 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.

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/ Shawna C Quast

Shawna C Quast (#72081)

Assistant Prosecuting Attorney

415 East 12th Street

Floor 7M

Kansas City, MO 64106

(816) 881-3586

SQuast@jacksongov.org

WITNESSES:

The State's witnesses as of 7/9/2024 are included on the "State's Witness List" filed contemporaneously with this Complaint.

09-Jul-2024 17:34

PROBABLE CAUSE STATEMENT FORM

Date: 07/09/2024

CRN: KC24053833

CIRCUIT COURT OF JACKSON COUNTY, MO
BY: [Signature] DCA

I, Detective Dustin Dykstra #5833, 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 07/09/2024, at [Redacted] in
(Date) (Address)Kansas City, Jackson County Missouri Gabriel Martinez
(County) (Name of Offender(s))W/M [Redacted] committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 07/09/2024 at 0108 hours, Officers of the Kansas City, Missouri Police Department were dispatched to a residence in Jackson County, Missouri in regard to a disturbance. Upon arrival, they contacted [Redacted] outside of the residence. [Redacted] told officers that her boyfriend Gabriel MARTINEZ was inside of the residence with her children [Redacted] (a male under 5 years of age) [Redacted] (a male under 10 years of age) and [Redacted] (a female under 15 years of age) and threatening to harm them. [Redacted] stated that she ran from the home because MARTINEZ was making verbal threats to her and had been violent with her in the past. Officers approached the front door of the residence and began to knock on the door and announce themselves as the police department. While officers were knocking [Redacted] received a phone call from MARTINEZ who was inside the house. Officers asked [Redacted] who called and she stated "he told me I fucked up". Officers again attempted to open the door using the door handle and were unsuccessful. Officers heard a child screaming inside the residence who sounded like they were in distress. Due to what [Redacted] had previously told officers and the sound of children screaming officers believed the children to be in imminent danger and kicked the door to the residence open. Upon entry officers were met by [Redacted] at the doorway. [Redacted] ran outside of the residence to [Redacted]. Officers then heard a female screaming in distress in the upper level of the residence. Officers moved through the residence and up the stairs announcing themselves as police officers. As officers approached the top of the stairs they observed MARTINEZ exiting a room in the house with his hands up. Officers placed MARTINEZ into handcuffs. While placing MARTINEZ into handcuffs officers observed [Redacted] laying on the floor of the bedroom MARTINEZ had exited before being handcuffed. After MARTINEZ was placed in custody [Redacted] ran into the house yelling that [Redacted] had been stabbed by MARTINEZ. MARTINEZ was escorted by officers out of the residence while another officer checked on [Redacted]. Officers observed blood on the floor near [Redacted] and a fresh stab wound to [Redacted]'s abdomen. Officers grabbed a shirt from the bedroom floor and began applying pressure to [Redacted]'s wound until EMS arrived. Other officers arrived to find [Redacted] unharmed inside another room of the residence. EMS arrived on scene and transported [Redacted] and [Redacted] to Children's Mercy. [Redacted] was in stable condition and [Redacted] was in critical condition.

PROBABLE CAUSE STATEMENT FORM

CRN KC24053533

After being detained by officers inside the residence MARTINEZ was escorted outside officers conducted a frisk of MARTINEZ person for weapons prior to placing him into their patrol car. Officers discovered a knife in the left pocket of MARTINEZ.

On 07/09/2024 at 0150 hours, Officers of the Kansas City Missouri Police Department responded to Children's Mercy Hospital to check the status of [REDACTED] and [REDACTED]. [REDACTED] told hospital staff he wanted to talk to officers. [REDACTED] stated he was inside the residence upstairs in his room. MARTINEZ told [REDACTED] to come downstairs. When [REDACTED] got downstairs he observed MARTINEZ with a knife in his hand. MARTINEZ began to cut and stab [REDACTED] multiple times. [REDACTED] began to scream and run to the door in an attempt to flee the house. MARTINEZ then went upstairs and started to stab [REDACTED] while [REDACTED] ran out of the residence. [REDACTED] was in critical condition at the hospital and unable to give a statement.

On 07/09/2024 at approximately 0310 hours, Detectives of the Kansas City Missouri Police department responded to Children's Mercy Hospital and contacted [REDACTED]. [REDACTED] stated she was in a verbal argument with MARTINEZ who was intoxicated and threatening to hurt her and her children. [REDACTED] went outside of the residence hoping to deescalate the situation and call 911. MARTINEZ told her if she called the police "you'll regret it". Martinez then locked the door leaving [REDACTED] locked outside shortly after the door was locked officers arrived on scene and took MARTINEZ into custody. [REDACTED] then noticed her children [REDACTED] and [REDACTED] to have injuries and they were transported to Children's Mercy Hospital for treatment.

On 07/09/2024 at approximately 0830 hours, detective responded to Children's Mercy Hospital to contact [REDACTED] and [REDACTED]. [REDACTED] expressed concern for retaliation from MARTINEZ due to MARTINEZ having gang affiliation in Kansas City, Kansas. During the argument, MARTINEZ told [REDACTED] he would kill her kids. When [REDACTED] told MARTINEZ she called the police, he replied by telling her she would regret it when the police showed up. [REDACTED] knew MARTINEZ would not hurt her infant child because MARTINEZ was the biological father of the infant child.

On 07/09/2024 at approximately 1045 hours, Detectives responded to Metro Patrol Division to obtain a formal statement from MARTINEZ. MARTINEZ recalled arguing with his girlfriend, [REDACTED] remembered [REDACTED] going outside and trying to convince her to come back inside. MARTINEZ went upstairs to check on his son at which time he was contacted and arrested by police officers. Any time detectives asked MARTINEZ about details which happened in between the events provided, MARTINEZ would note he was drinking and did not remember everything that occurred. At approximately 1102 hours, MARTINEZ requested an attorney and ended the interview.

A bond is requested due to this incident involving two children who were assaulted with a deadly weapon which could have easily caused the death of either of the two children. [REDACTED] was stabbed in the chest and the back while [REDACTED] was stabbed in the stomach putting vital organs of both children at risk. [REDACTED] required surgery due to her having a Grade 3 liver laceration as well as a traumatic hernia. The quick response from the responding officers to render first aid until medical professionals arrived could very well be the only reason [REDACTED] was able to survive to the hospital and receive surgery. [REDACTED] fortunately only required stitches three stitches to the wound on his chest and three stitches to the wound on his back as well as pain medication and he was then discharged.

PROBABLE CAUSE STATEMENT FORM

CRN KC24053533

Printed Name Det. Dustin Dykstra #5833 Signature /S/ Det. Dustin Dykstra #5833

The Court finds probable cause and directs the issuance of a warrant this 9th day of July, 2024.

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.