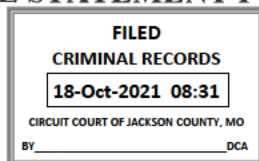


PROBABLE CAUSE STATEMENT FORM

Date: 09/23/2021CRN: 19-69794

I, Detective Katie Horine #5619, Kansas City, Missouri Police Department, Juvenile Section
 (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 09/13/2019, at E 49th St/Elmwood in
 (Date) (Address)

Kansas City, Jackson County Missouri SMITH, GERALD L B/M 07/24/1989
 (County) (Name of Offender(s))

5'10, 165 lbs, black hair, brown eyes committed one or more criminal offense(s).
 (Description of Identity)

Sodomy

Assault

Endangering the Welfare of a Child

The facts supporting this belief are as follows:

On 09/13/2019 at 0355 hours, officers of the Kansas City Missouri Police Department were dispatched to the area of Blue Parkway and Lawn in regard to a found juvenile. They contacted the reporting party, [REDACTED], who stated he was driving to work, westbound on Blue Parkway when he observed a naked little girl in the middle of the road. He stopped to check on the child and called 911. Officers contacted the victim who was later identified as [REDACTED] year old female. She told the officers she was in a black small car with her mom and her mom's friend and they had an argument. She stated she was put into water from the vehicle and her mom told her she was leaving. She stated she ran after her mom as she left. She said her clothes were in the car with her mommy. The officer observed [REDACTED] to have wet hair and scratch marks and bruising around her neck. [REDACTED] was transported to an area hospital for treatment.

On 09/13/2019 at 0440 hours, officers conducted a residence check at 94 [REDACTED] Cleveland # [REDACTED], Kansas City, Jackson County, Missouri looking for [REDACTED] mother. Contact was made with [REDACTED], the mother of [REDACTED] who was described by officers as having the appearance of just waking up. The officers asked her where her children were and she said they were in bed. She went to check and realized [REDACTED] was not there. [REDACTED] told the officers that only she and her adult sister, along with their children, were at the residence that night. The officer then spoke to [REDACTED] sister, who stated a male she knows as [REDACTED] or "Gerald", later identified as Gerald L Smith came over at approximately 2200 hours to visit with [REDACTED]. She said she went to bed at around 0000 hours and [REDACTED] and [REDACTED] were in the living room. Officers contacted [REDACTED] again and asked about [REDACTED] and she admitted he was there. She said he left before she went to sleep and the door was locked behind him when he left.

On 09/13/2019 at 0525 hours, detectives responded to 9429 Cleveland #162 and interviewed [REDACTED]. She told detectives that her friend "Gerald Smith", later identified as Gerald L Smith, came over on 09/12/2019 at approximately 2100 hours-2200 hours and they hung out in the living room for about an hour. When he left, she locked and secured the door and went to sleep on the couch. She woke up to the police knocking on her door. She doesn't know how [REDACTED] could have gotten out of the residence. She denied knowing the cause of any injuries to [REDACTED]. [REDACTED] stated she never left her apartment the prior night and did not leave with [REDACTED]. [REDACTED] stated

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Gerald L Smith drove a black and silver vehicle. She also provided a screenshot of his "Facebook" profile picture. Detectives also spoke with [REDACTED] adult sister who stated she knows her sister's friend as [REDACTED]. Her statement to detectives was consistent with what she told the responding officers, but she added that she knows [REDACTED] to drive a dark colored SUV. She stated he was wearing a white t-shirt and dark blue basketball shorts when he came over.

On 09/14/2019, JS-N responded to the Child Protection Center to participate in a forensic interview. During the interview, [REDACTED] stated, "I got beat by the bushes." "I went to the doctor. They had to fix me." "Nobody threw me in the water." Then she said, "Mommy left me, she went home and leaved me. She didn't let me go in the car. Mommy said she was going to leaved me." The interview was terminated after [REDACTED] fell asleep during a break and nothing else was disclosed during the interview.

On 09/13/2019, Detectives requested and were granted a subpoena to obtain cell phone records for [REDACTED] phone to include call history and location. Once the cell phone information was received, it was determined the phone was likely turned off on 09/12/2019 at 2246 through 09/13/2019 at 0549 hours, therefore no call or location information could be obtained.

On 09/13/2019 Detectives responded to the area where [REDACTED] was located and obtained surveillance video from various businesses in the area. The video revealed images of the victim wandering naked through the industrial complex north of Blue Parkway and Lawn prior to her being discovered by the reporting party.

On 09/14/2019 Detectives reviewed city controlled camera footage of the area where [REDACTED] was located. Utilizing a city operated camera located at Emmanuel Cleaver II Blvd and Elmwood, detectives observed a black SUV stop on 49th St just east of Elmwood at approximately 0311 hours. The vehicle's lights turn off, you can observe the dome light of the vehicle turn on and a door opens and closes. You can observe shadows moving around the vehicle and eventually you can see reflections on Brush Creek altered. The door to the vehicle opens again and the vehicle proceeds eastbound on 49th and then south on Lawn Ave. After a few seconds the vehicle backs up northbound on Lawn and proceeds west on 49th St. It pauses briefly where it had stopped before and then proceeds westbound out of the frame of the camera. Based on these observations detectives were able to utilize additional traffic cameras in the area to track the vehicle's movements and acquire additional footage of the vehicle.

On 10/03/2019 Detectives contacted [REDACTED] by phone. [REDACTED] is the grandfather of [REDACTED] and father of [REDACTED]. It should be noted at this time [REDACTED] had refused further communication with police. [REDACTED] relayed to detective what [REDACTED] had told him about the incident. [REDACTED] had said the night of the incident, Gerald Smith and her were drinking at her residence when Smith went to get beer and tequila, when he returned they drank together, and [REDACTED] felt pressured by Smith to drink more. She passed out and recalled being awoken by Smith saying he was leaving and telling her to lock the door behind him. She did and went back to sleep. She was awoken by the police later that morning inquiring about her daughter. In hindsight, she suspects Smith had put some kind of drug in her drink.

On 10/04/2019 detectives applied for and received a subpoena for Smith's cell phone records and historical location information.

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On 10/14/2019 Detectives received the cell phone data and historical location information for Smith. Records indicated his phone was in the vicinity of 49th and Elmwood at the time the incident is captured on city cameras. Additionally the data corresponded with the general movements of the black SUV observed on city cameras. Utilizing the location information detectives identified time periods that Smith's phone was near Automated License Plate Readers (ALPR) in the city. One such time was in the vicinity of 89th and Troost Ave at 2217 hours on 09/12/2019. There is a corresponding ALPR record of a black Kia Sorrento displaying Missouri License Plate CS2-M1H. The vehicle was registered to AG. In reviewing Smith's phone records a number he called frequently in the records received was 913-558-1591. A reverse directory search of the number showed a subscriber of AG. Based on this information detectives did an ALPR search of CS2-M1H and observed an ALPR record at 17th Ter and Paseo Blvd on 10/14/2019 at 1751 hours. In reviewing city traffic camera's for that time, the vehicle and be seen pulling into the Gregg/Klice Community Center located at 1600 John Buck O'Neil Way, Kansas City, Missouri. The cameras for the Community Center are accessible through the same system as the city traffic cameras. A review of the cameras show the Kia Sorrento parking in front of the community center entrance and a male matching the appearance of Smith exit the driver's seat of the vehicle and enter the community center. It should also be noted the GPS information from Smith's phone records place Smith's phone at [REDACTED] apartment before the incident, at the location of the incident, and back at [REDACTED] apartment after the incident.

On 10/16/2019 Detectives were canvassing the area of 103rd St and Wornall Ave for the Kia Sorrento when they observed the vehicle parked in the vicinity of 10105 Wornall Ave. Detectives were observing the vehicle when an unknown female, later identified as [REDACTED] entered the vehicle and began driving it. Detective's conducted a traffic stop on the vehicle and contacted [REDACTED] [REDACTED] identified Smith as her boyfriend and stated that he was at her residence (10105 Wornall Ave #101, Kansas City, Missouri). Officer's responded to that location and Smith was contacted and arrested. [REDACTED] consented to her vehicle being towed for processing of trace evidence.

On 10/16/2019 Detectives contacted Smith at the South Patrol Division Detention. Smith was escorted to an interview room and advised of his rights and agreed to speak with detectives. Smith stated that on the night of the incident (09/12/2019) he went over to [REDACTED] residence, that they drank and got "buzzed" and then he left around 2200 to 2230 or perhaps a little later. He went straight to [REDACTED] residence at 10105 Wornall Ave and remained there for the night. He indicated that he was carrying his phone and was driving [REDACTED] Kia Sorrento on that night. When confronted with the GPS data and traffic cameras placing his phone and [REDACTED] car at the scene of the incident at the moment it occurred, he could not explain it. He eventually indicated that perhaps [REDACTED] had slipped something into his drink and it's possible that he doesn't remember certain parts of the night. After the interview was concluded Smith was escorted back to South Patrol Division Detention.

On 04/15/2020, Detectives were notified of a CODIS hit showing Smith's DNA to be a match from DNA present from [REDACTED] SANE exam's rectal swabs.

On 05/18/2020, Gerald Smith responded to Police Headquarters to provide a voluntary statement. During this interview, Smith again denied he was alone with the victim. He denied being involved in a sodomy, assault, or endangerment of [REDACTED] Detectives confronted Smith with his DNA being found on the victim and Smith expressed disbelief and maintained he did not sodomize the victim. Smith provided a theory that his DNA could

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have been transferred to [REDACTED] after he had unprotected sex with [REDACTED]. He offered that perhaps [REDACTED] then had sex with someone after him and that person could have transferred his DNA to [REDACTED].

On 05/21/2020, a Jackson County Children's Division investigator, [REDACTED] contacted [REDACTED] for a hotline investigation. During the contact, [REDACTED] disclosed to her that someone gave her an unsafe touch "in the areas that you go potty out of," and motioned to her around her pelvis indicating her vaginal/buttocks area. She said she was touched on her bottom and pointed to her buttocks. She said it was "hard". [REDACTED] said it was a "big grown man". She said it was hard and he was pushing me, I didn't like it so I tried to push back." She said it was inside her. She said she was in the car and that her mother, [REDACTED] was also in the car. It should be noted, due to the questioning by the investigator it was determined another forensic interview was not in the best interest of [REDACTED].

On 09/17/2020, a detective contacted [REDACTED] the former foster placement for [REDACTED] to obtain a statement. [REDACTED] stated [REDACTED] was in her care from November 2019 through July 2020. She said [REDACTED] disclosed to her that her mother, [REDACTED] had thrown her in the water and she had to crawl out of grass. She said her mom took her clothes from her. She said [REDACTED]'s brother also told her that [REDACTED] tried to kill him by choking him. [REDACTED] was removed from her care because [REDACTED] began to act out sexually and had put a crayon inside [REDACTED] 3 year old daughter's vagina.

On 09/22/2021, Psychosocial notes were obtain from Children's Mercy Hospital. While drawing pictures on 09/13/2019, [REDACTED] asked the nurse to "draw the one who threw me in, his name is Jared." The nurse asked who Jared was and [REDACTED] replied "He was in my mommies car, his name was Jared but he isn't with her anymore." Later that evening, [REDACTED] was drawing again and drew "Slenderman." When asked how she knew who that was, [REDACTED] stated "Jared told me who he is and that if I was to speak he would come and get me." She also stated "Jared doesn't love me anymore and I'm not his sweetheart." [REDACTED] stated Jared was in her mom's car but he took her out of the car. She stated he was the one who put her in the water. She stated "Jared took my clothes off before putting me in water." The nurse asked if anything else happened and [REDACTED] put her hand up to her neck. [REDACTED] stated her mom was telling Jared "do not do that to my daughter." [REDACTED] used the bathroom and became tearful. When asked what was wrong, [REDACTED] stated "My pee hurts." While getting ready to discharge from the hospital, she became tearful again and stated "I don't wanna go home."

Printed Name Det. Katie Horine #5619 Signature /S/ Det. Katie Horine #5619

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

Judge

Circuit Court of _____ County, State of Missouri.