IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT INDEPENDENCE

POLICE NO	23 0200681
PROSECUTOR NO	0.: 095474223
ОС	N:
STATE OF MISSOURI,)
PL	LAINTIFF,)
vs.)
)
CHARLES J SMITH JR)
1125 Walnut Street, Apt 104) CASE NO. 2316-CR
Cape Girardeau, MO 63701) DIVISION
DOB: 05/18/2004)
Race/Sex: B/M)
DEF	ENDANT.)
CON	MPLAINT
TILADD AND	E DEOLIECEED

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 April 19, 2023, in the County of Jackson, State of Missouri, Gary Denham was killed by being shot as a result of the perpetration of the class A felony of unlawful use of weapon under Section 571.030, RSMo, committed by the defendant on or about April 19, 2023, in the County of Jackson, State of Missouri.

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.

State vs. Charles J Smith Jr

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 April 19, 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.

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 April 19, 2023, at Eastbound I-70 West of Oak Grove Exit, in the County of Jackson, State of Missouri, the defendant, knowingly shot a firearm from a white Hyundai Elantra, a motor vehicle, and, as a result of the above described conduct, Gary Denham 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 April 19, 2023, in the County of Jackson, State of Missouri, the defendant committed the felony of unlawful use of weapon charged in

State vs. Charles J Smith Jr

Count III, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of unlawful use of 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 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/ Brian Morris

Brian Morris (#66094)
Assistant Prosecuting Attorney
321 W. Lexington
Independence, MO 64050
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brian.morris@jacksongov.org

WITNESSES:

- 1. Gary L Denham, see prosecutor
- 2
- 3. CPL Brandon Parker, 504 E.

MISSOURI STATE HIGHWAY PATROL PROBABLE CAUSE STATEMENT

STATE OF MISSOURI }

MISSOURI STATE HIGHWAY PATROL

COUNTY OF JACKSON}

DATE: April 20, 2023

CFS # 230200681

OCN:

- I, Sergeant Brandon Parker, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.
- 1. I have probable cause to believe that Charles Jermaine Smith, Jr., on 04/19/2023, at Eastbound I-70 west of Oak Grove exit, Jackson County, Missouri, committed the offense(s) listed below:

(To be determined by Prosecuting Attorney)

2. State the facts that support a finding of probable cause to believe crime(s) was/were committed and that the accused committed the crime(s):

On Wednesday, April 19, 2023, at approximately 1619 hours, the Missouri State Highway Patrol and Oak Grove Police Department were notified of an incident that occurred on eastbound Interstate 70 at Oak Grove, Jackson County, Missouri. A white Hyundai Elantra, bearing Florida registration, and a green Ford pickup, were reportedly involved in a road-rage incident, during which the Ford traveled off the south side of Interstate 70, entered the south outer road, and ultimately crashed into a parked vehicle at the Petro Travel Center, located at 301 SW 1st Street, Oak Grove, Missouri. Upon officers' arrival, there was a single apparent bullet defect in the driver's door of the Ford, and the driver of the Ford (Victim 1) was found with an apparent gunshot wound. Victim 1 subsequently died from their injuries.

Witnesses reported the suspect vehicle description and direction of travel to law enforcement. Witnesses also indicated the Ford was traveling in the right lane of Interstate 70, and the Hyundai was traveling in the left lane of Interstate 70, when the incident occurred. Witness 1 reported hearing a "popping noise" immediately prior to the Ford traveling off the roadway. Witness 2 reported the Hyundai was driving erratically, then overtook and struck the Ford, which caused it to travel off the roadway. White paint transfer was evident on the driver's side truck bed of the Ford.

Shortly after the initial report, Missouri State Troopers observed the vehicle traveling eastbound on Interstate 70, in Lafayette County, Missouri. A traffic stop was attempted, however the vehicle fled, eventually stopping in a field south of Interstate 70, near the 69-mile marker, after the deployment of a tire deflation device. The driver fled on foot from the vehicle and a manhunt ensued. The driver was not located after an extensive search by ground and air. Upon inspection of the Hyundai, the front passenger window was found to be shattered.

Investigators learned the vehicle was previously involved in a traffic stop in southeast Missouri weeks prior, driven by a subject identified as Charles Smith Jr. Smith Jr. was issued a citation during that traffic stop. The citation issued to Smith Jr. was found in the suspect vehicle during a subsequent search. Smith Jr. had also been arrested by Missouri State Troopers, in Saline County, on March 27, 2023, wherein he was in possession of a firearm.

On April 20, 2023, at approximately 0617 hours, a tip was received that a subject matching Smith Jr.'s description was seen leaving a convenience store in Sweet Springs, Saline County, Missouri. Officers responded and began canvassing the area. Video surveillance was ultimately located that positively identified Smith Jr. as the suspect. At approximately 0943 hours, Smith Jr. was found hiding behind an automotive shop

located at 200 Marvia Street, Sweet Springs, Saline County, Missouri. Smith Jr. was taken into custody without incident. After he was taken into custody, a wallet containing his Missouri Driver's License was located.

Smith Jr. was transported to the Saline County Jail. On April 20, 2023, an interview was conducted with Smith Jr. Smith Jr. initially admitted he was involved in a road-rage incident with the Ford, that the driver of the Ford was driving aggressively, used obscene gestures towards him, and cut him off. Smith Jr. indicated the Ford struck his vehicle multiple times, which made him made. The Ford eventually exited at Oak Grove, and he continued eastbound. Smith Jr. admitted police then tried to stop him, but he fled. After further questioning, Smith Jr. admitted he was involved in a road-rage incident with the Ford, and the Ford swerved and struck him, which made him mad. Smith Jr. then stated he fired a shot at the Ford. Smith Jr. indicated he fired at the Ford because he thought his vehicle could overturn and he could be ejected. Smith Jr. stated he fired one shot, without aiming, that was intended to be a warning shot. Smith Jr. stated he was unaware he struck Victim 1. Smith Jr. identified the firearm he used as a "Mini Draco 7.62x39." Smith Jr. was initially untruthful about the status of the firearm, but eventually admitted he threw the firearm out of the passenger window at some point after he struck the tire deflation devices. Smith Jr. struck tire deflation devices at approximately the 67.8 mile marker. A 7.62x39 caliber firearm was subsequently recovered on the shoulder of eastbound Interstate 70, between the 68.2 and 68.4 mile markers.

On April 20, 2023, a search of the Hyundai was conducted, subsequent to the issuance of a search warrant. During the search of the Hyundai, a 7.62x39 caliber shell casing was recovered. The shell casing had the same manufacturer as ammunition recovered with the firearm.

I, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

/s/ Sergeant Brandon Parker	4/20/2023
Signature	Date