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

Police# 16-002113
Prosecutor# 095430814
1616-CR
OCN#

COMPLAINT

STATE OF MISSOURI

vs.

Esmin Geovany Flores-Rodriguez
Unknown
Kansas City, MO 64106
DOB: 12/29/1996; Race/Sex: H/M;
SS#
Defendant.

Count I. Rape Or Attempted Rape 1st Degree - Serious Physical Injury/displays Deadly Weapon Or Dangerous Instruments/subjects Victim To Sexual Intercourse With More Than One Person (566.030-002Y20131198.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.030, RSMo, committed the Felony of Rape in the First Degree, punishable upon conviction under Section 566.030, RSMo, and subject to lifetime supervision under Section 217.735, RSMo, in that on or about January 9, 2016, in the County of Jackson, State of Missouri, the defendant, alone or in concert with another, knowingly had sexual intercourse with [redacted]., by the use of forcible compulsion, and in the course of such offense, the defendant or the another, displayed a deadly weapon in a threatening manner.

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. Sodomy Or Attempted Sodomy - 1st Degree - Serious Physical Injury/displays Deadly Weapon Or Dangerous Instrument/subjects Victim To Sexual Intercourse With More Than One Person (566.060-002Y20131199.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.060, RSMo, committed the Felony of Sodomy in the First Degree, punishable upon conviction under Section 566.030, RSMo, and subject to lifetime supervision under Section 217.735, RSMo, in that on or about January 9, 2016, in the County of Jackson, State of Missouri, the defendant, alone or in concert with another, knowingly had deviate sexual intercourse with [redacted] by inserting the defendant's penis into the victim's mouth and by the use of forcible compulsion, and in the course of such offense, the defendant or another, displayed a deadly weapon in a

threatening manner.

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

Count III. Sodomy Or Attempted Sodomy - 1st Degree - Serious Physical Injury/displays Deadly Weapon Or Dangerous Instrument/subjects Victim To Sexual Intercourse With More Than One Person (566.060-002Y20131199.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 566.060, RSMo, committed the Felony of Sodomy in the First Degree, punishable upon conviction under Section 566.030, RSMo, and subject to lifetime supervision under Section 217.735, RSMo, in that on or about January 9, 2016, in the County of Jackson, State of Missouri, the defendant, alone or in concert with another, knowingly had deviate sexual intercourse with [redacted]. by inserting the defendant's penis into the victim's anus and by the use of forcible compulsion, and in the course of such offense, the defendant or another, displayed a deadly weapon in a threatening manner.

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. Kidnapping - Facilitating A Felony Or Flight Thereafter/inflicting Injury/terrorizing Victim (565.110-002Y19501099.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.110, RSMo, committed the class B felony of kidnapping, punishable upon conviction under Section 558.011, RSMo, in that on or about January 9, 2016, in the county of Jackson, State of Missouri, the defendant, alone or in concert with another, unlawfully removed [redacted] without her consent from 1225 Fremont Avenue, the place where she was found by the defendant, for the purpose of inflicting physical injury on and terrorizing K.G.

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

Count V. Assault 1st Degree (565.050-002Y19791399.0)

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 January 9, 2016, in the County of Jackson, State of Missouri, the defendant shot at [redacted]., and such conduct was a substantial step toward the commission of the crime of attempting to kill or cause serious physical injury to [redacted]., 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.

Count VI. Tampering With Motor Vehicle 1st Degree (569.080-002Y20052999.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.080.1(2), RSMo, committed the class C felony of tampering in the first degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about January 9, 2016, in the county of Jackson, State of Missouri, the defendant, alone or in concert with another, knowingly and without the consent of the owner unlawfully operated an automobile, to wit a maroon Oldsmobile Alero.

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.

THE STATE OF MISSOURI

vs.

Esmin Geovany Flores-Rodriguez

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

Joanna Malone (#67402)
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WITNESSES:
PO Mitchell R. Branch, 1125 Locust, Kansas City, MO 64106
[redacted]
DET Sean B. Clarke, 1125 Locust, Kansas City, MO 64106
CST Matthew Forrest, 6633 Troost, Kansas City, MO 64131
[redacted]
PO Richard A. Salzman, 1125 Locust, Kansas City, MO 64106
DET Bradley N. Thomas, 1125 Locust, Kansas City, MO 64106
[redacted]

PROBABLE CAUSE STATEMENT FORM

Date: 03/15/2016 CRN: 16-2113

I, Detective Sean Clarke #5225, 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 01/09/2016 (Date), at 1225 Fremont Avenue (Address) in Kansas City, Jackson (County) Missouri Esmin Geovany Flores-Rodriguez AKA: Juan Flores / Geovany Flores / Nelson Flores (Name of Offender(s))

H/M, DOB: 12/29/1996, Hgt: 5'7", Wgt: 170 (Description of Identity) committed one or more criminal offense(s).

The facts supporting this belief are as follows:

On 01/09/2016, at 7:27 AM, Officers of the Kansas City, Missouri Police Department were dispatched to 1412 Colorado Avenue in regard to a reported rape. The victim advised she was kidnapped at gunpoint by two, unknown Hispanic males from **1225 Fremont Avenue, Kansas City, Missouri** at approximately 4:00 AM. The men took her to an unknown location where they raped and sodomized her. When they returned her to the area of 12th Street and Fremont Avenue, her friend came to her aid and the men fired shots at her friend before fleeing the scene.

The victim stated she and a friend had returned to 1225 Fremont Avenue with cigarettes for her friend's brother-in-law at approximately 4:00 AM. The victim was tired and slightly intoxicated and decided to wait in the running vehicle while her friend took the cigarettes inside the house. While waiting for her friend to return to the vehicle (maroon, Oldsmobile Alero), the victim fell asleep. She woke a few minutes later and her door (front passenger's door) was open and two, unknown Hispanic males were standing at the door. They advised her that her friend had asked them to drive her home. She was reluctant to believe them but the men got into the vehicle and drove her away. The victim observed the driver to be wearing a black, leather jacket, black pants, and boots. The back seat passenger was observed to be wearing a black, hooded sweatshirt and jeans. Both men were making a concerted effort to keep their faces hidden. When the victim realized they were not taking her home and that the man in the back seat was armed with a gray/silver handgun with a black grip, she attempted to get out of the vehicle. The driver grabbed her by the hair and pulled her back into the vehicle. They drove her to a field in an unknown location where they held her at gunpoint and instructed her to get out of the vehicle. The men then forced her to pull down her pants and underwear and place her hands on top of the vehicle. The man who had been driving then forced his penis into her vagina from behind, causing her pain and discomfort. He then told the victim to get in the back seat of the vehicle. She complied and laid down on her back. The men then proceeded to take turns raping and sodomizing her inside the vehicle (maroon, Oldsmobile Alero) while holding her at gunpoint. At one point, the driver laid down on his back and the victim was instructed to get on top of him. She complied and the other man positioned himself behind the victim. The driver penetrated her vagina with his penis while the other man penetrated her rectum with his penis. The victim believed the driver ejaculated inside her vagina. When they finished,

they began driving again. The victim was forced to ride in the back seat with the passenger. He forced her to perform oral sex on him as they drove. They drove the victim back to the area of 12th Street and Fremont Avenue where they parked behind an unknown black vehicle. Moments later, the victim's friend intervened. As she approached her vehicle, the victim advised her that the men had just raped her. The men fired the gun at the victim's friend, shooting the glass out of her front, driver's side window. The men then fled the scene. The victim's friend then drove her to her residence at 1412 Colorado Avenue where they notified Police. The victim explained that she believed the men were going to kill her and she had to see her children before she reported the incident or responded to the hospital. After reporting to Police, the victim responded to an area hopsital to complete a sexual assault nurse's examination for the purpose of collecting any DNA evidence. The nurse conducting that exam noted injury to the victim's vagina and rectum.

The victim's friend (victim of aggravated assault) stated that after she took the cigarettes inside, she chatted with her brother-in-law for less than ten (10) minutes before she returned to her vehicle. When she exited the residence, she observed her vehicle to be driving away. She began to search for her vehicle. At approximately 5:00 AM, she began walking toward the victim's house (1412 Colorado Av.). That's when she located her vehicle and the victim. An unknown, black vehicle was parked and running in front of her vehicle. When she approached the vehicle, the victim fled from the back seat and was hysterically advising her that the men standing near the vehicle had just raped her. The men fired gunshots at her then fled the scene. She drove the victim to her house and notified Police.

When Officers learned the rape occurred inside the friend's vehicle (maroon, Oldsmobile Alero), her friend provided consent and the vehicle was processed for evidence. A gray/silver, Bersa Thunder .380 handgun, loaded with Perfecta .380 ammunition, was recovered from the back seat of the vehicle. The victim's friend advised she does not own a firearm.

On 01/11/2016, the victim contacted detectives and advised that she learned her friend's brother-in-law had exchanged phone numbers with two men earlier in the night on 01/09/2016 and those two men were inside 1225 Fremont Avenue when the victim's friend came in to deliver the cigarettes. The brother-in-law was contacted and provided a formal statement. He provided the phone number of one of the men and advised he remembered them to be wearing clothing that matched the suspect's clothing as described by the victim. He further advised those men left 1225 Fremont Avenue just prior to his sister-in-law finding her vehicle to be missing. The phone number was searched in Facebook and that search returned a profile hit for "Omar Lopez". The profile picture displayed a Hispanic male leaning on the back of a black Chevrolet bearing a Maryland license plate. The brother-in-law was shown a photo of the profile picture and confirmed that the man pictured was one of the two men that were at 1225 Fremont Avenue on 01/09/2016. He remembered the pictured man as the one wearing a black, leather jacket and the man with whom he exchanged telephone numbers.

A computer check of that Maryland license plate revealed four (4) Kansas City, MO traffic citations issued to Omar Lopez, H/M, 01/21/1996. Those citations revealed Lopez to reside at 4801 Independence Av. A search for Police reports taken at that address revealed that Lopez reported to Police that he had been robbed at gunpoint on 01/09/2016, at approximately 6:15 AM. Lopez reported the robbery at 7:15 AM. Lopez was observed by Officers to have a gunshot wound to his left calf. He claimed the suspects shot him before leaving the scene and he advised Officers he did

not wish to prosecute the suspects nor would he give consent to a search of his vehicle (same vehicle pictured in his Facebook profile picture). During his investigation, the reporting officer observed a box of .380 ammunition, in plain view, in the back seat of Lopez's vehicle. The reporting officer did not note the brand of the ammunition but did note that the box was tan and green in color. A Google image search of Perfecta ammunition revealed their products to be packaged in a tan and green box.

A review of the Officer's in-car camera footage, captured during the investigation of Lopez's reported robbery, revealed Lopez to be wearing what appears to be a black jacket and black jeans. The reporting officer noted that gunshot to Lopez's calf first penetrated his boot before entering his leg. The video further revealed a second, unknown man to be on-scene with Lopez when officers arrived. That individual appeared to be wearing a black, hooded sweatshirt and dark colored pants. The clothing worn by Lopez and the unknown man appeared to be consistent with the suspect clothing descriptions as provided by the rape victim and her friend's brother-in-law. Detective Shroyer of the Robbery Unit responded to an area hospital where Lopez was transported for treatment of his gunshot wound. While at the hospital, Det. Shroyer made contact with a man in Lopez's hospital room who advised he was a friend to Lopez. The man identified himself as "Juan Flores" and provided a phone number of **571-620-4429**. On 01/21/2016, after determining that this individual was likely involved in the reported rape/sodomy of the victim, Det. Shroyer conducted a Facebook search of phone number **571-620-4429** which returned a profile hit for "Geovany Flores". Upon viewing the profile picture, Det. Shroyer instantly recognized the pictured individual to be the same person he contacted in Lopez's hospital room. Further investigation revealed Lopez and "Geovany Flores" to be Facebook "friends". On 01/14/2016, a public subscription database search was conducted using phone number **571-620-4429**. That search revealed the number belonged to T-Mobile/Metro PCS and was registered to "Nelson Flores". On 03/02/2016, a secondary public subscription database search was conducted using phone number **571-620-4429**. That search revealed the number belongs to T-Mobile/Metro PCS and is currently registered to "Nelson Flores". A separate search was conducted using an alternate database which revealed the registered owner of the phone number to have a partial date of birth of April 10th (unknown year).

On 01/20/2016, at 8:55 AM, Lopez was taken into custody and transported to South Patrol Division for questioning. Lopez was presented with his Miranda Waiver (Form 340 PD) at 1200 hrs. Lopez read his rights via the waiver form, stated that he understood his rights, signed the Miranda Waiver, and agreed to provide a statement. Lopez was shown a photograph of the victim and denied ever seeing the victim. He further denied ever having any contact with the victim. Lopez stated he was wearing a black, leather jacket, blue jeans, and boots on the same night this incident occurred. He further stated that he was out with a friend named "Nelson" that evening and confirmed he exchanged phone numbers with an unknown man at a bar earlier that evening while he was out with a friend. Lopez denied owning or possessing firearms and ammunition.

On 03/03/2016, a phone order was obtained from the Jackson County, Missouri Circuit Court to obtain historical data and live tracking of phone number **571-620-4429**. Historical data was obtained from the cell carrier and confirmed the phone to be in the area of the incident before and after the offense occurred. Live tracking of the phone number revealed the phone to be located in the Baltimore, Maryland area. Law enforcement officials from that jurisdiction were notified and began tracking the phone. They were provided the same Facebook picture of "Geovany Lopez" that was viewed by Det. Shroyer. On 03/13/2016, at approximately 1600 hrs., live tracking of the phone revealed that the

individual in possession of the phone was travelling South. The individual in possession of the phone stopped in Greensboro, North Carolina. Law enforcement officials in Greensboro, NC were notified and provided the Facebook picture of "Geovany Lopez". They quickly moved into the immediate area that the phone had been tracked to. While conducting surveillance at that location, they located a white truck bearing Maryland license plates which led them to believe that vehicle was connected to the individual in possession of the phone. Shortly thereafter, a man matching the physical appearance of the individual from the Facebook photo occupied that vehicle then exited the vehicle. A pedestrian check was conducted and contact was made with the individual by an Immigration and Customs Enforcement (ICE) Agent. The man identified himself as Isme Flores-Rodriguez (H/M, 12/29/1996). The ICE Agent used a mobile fingerprint scanning device in an attempt to confirm the man's identity. The response of that scan revealed the man to be an ICE Fugitive with a deportation order. He was positively identified as **Esmin Geovany Flores-Rodriguez (H/M, 12/29/1996)**. **Flores-Rodriguez** was taken into custody. He was found to be in possession of a cell phone which was confirmed to be the phone that was being tracked. The fingerprint scan produced a person details report which was forwarded to the reporting detective, via e-mail. That report contained a photograph of **Flores-Rodriguez** which, when compared to the Facebook photos of "Geovany Flores", further confirmed positive identification in relation to the phone number that was being tracked.

Printed Name Detective Sean Clarke #5225 Signature Det. Sean Clarke #5225

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

_____
Judge

Circuit Court of _____ County, State of Missouri.