

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

Police# 16-040057  
Prosecutor# 095432640  
1616-CR  
OCN#

**COMPLAINT**

**STATE OF MISSOURI**

**vs.**

**Jerome L. Theus  
5019 Walrond  
Kansas City, MO 64132  
DOB: 10/21/1989; Race/Sex: B/M;  
SS# [REDACTED]  
Defendant.**

**Count I. Attempted Robbery 1st Degree (569.020-001Y19791202.1)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.020 and 564.011, RSMo, committed the **class B felony of attempted robbery in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about June 6, 2016, in the County of Jackson, State of Missouri, the Defendant pointed a silver semi-automatic handgun at [REDACTED] a security guard for Restaurant Depot, and such conduct was a substantial step towards the commission of the crime of robbery in the first degree and was done for the purpose of committing such robbery in the first degree.

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 II. Armed Criminal Action (571.015-001Y19755212.0)**

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 June 6, 2016, in the county of Jackson, State of Missouri, the defendant

**THE STATE OF MISSOURI**

vs.

**Jerome L. Theus**

committed the felony of attempted robbery in the first degree charged in Count I, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of attempted robbery in the first degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 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. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition 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 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.

**JEAN PETERS BAKER**  
Prosecuting Attorney  
Jackson County, Missouri  
by,

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Daniel Portnoy (#62186)  
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**PROBABLE CAUSE STATEMENT FORM**

Date: 06-06-2016

CRN: 16-040057

I, Detective Anthony Castelletto #4831, 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 06-06-2016, at 1500 W. 12<sup>th</sup> Street in  
(Date) (Address)

Kansas City, Jackson Missouri Jerome L. Theus  
(County) (Name of Offender(s))

B/M 10-21-1989, SS# [REDACTED] committed one or more criminal offense(s).  
(Description of Identity)

The facts supporting this belief are as follows:

- Attempted Armed Robbery**
- Armed Criminal Action**
- Aggravated Assault**
- Felon in Possession**
- Possession of Stolen Property**

On 06-06-2016 at approximately 0421 hours, members of the Kansas City Missouri Police Department responded to 1500 W. 12<sup>th</sup> Street, Kansas City, Jackson County, Missouri on a reported armed robbery. Upon arrival, officers located **Jerome L. Theus**, who was suffering from several gunshot wounds. Officers responded to Restaurant Depot where they were advised that **Theus** attempted to rob the business and an armed security guard confronted **Theus** and shot him.

Detectives interviewed [REDACTED], who was the armed security guard, and he stated that he responded to work at 0330 hours and waited for TB, who is a manager at the business, to open the front doors. After TB opened the doors, both [REDACTED] and [REDACTED] responded to the office, which is located just inside the front doors of the business. While [REDACTED] had his back to the front doors and was filling out his timesheet, [REDACTED] got his attention and when [REDACTED] turned around he observed **Theus** walking toward the office with a shirt covering his face and pointing a silver semi-automatic handgun at them. [REDACTED] un-holstered his service weapon and pointed it at **Theus** who stated to [REDACTED] "Don't do that". [REDACTED] stated that **Theus** ran out of the business at which time [REDACTED] ran after **Theus**. While pursuing **Theus**, [REDACTED] stated that **Theus** again pointed his handgun at him and he believed that **Theus** was going to shoot him. Fearing for his life, [REDACTED] shot at **Theus** approximately 17 times striking **Theus** several times. [REDACTED] stated that there was a dark colored sport utility vehicle parked in the parking lot and that **Theus** appeared to be running toward the vehicle. When [REDACTED] started to shoot at **Theus**, the vehicle left the parking lot at a high rate of speed and drove over several curbs and barriers to get away leaving **Theus** behind. [REDACTED] observed **Theus** run toward 12<sup>th</sup> street and then walk east on 12<sup>th</sup> street where he was apprehended.

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directed officers to the handgun that Theus had and dropped during the robbery and shooting. Officers located and recovered a silver and black Cobra FS380 .380 caliber semi-automatic handgun (#FS016386) with six live rounds in the magazine and one live round in the chamber. The weapon was fully loaded and capable of lethal force and was reported stolen on 02-18-2011 by the Stafford County Sheriff Office (Kansas #SPD11-017C).

Detectives interviewed TB, who confirmed S statement of the incident. TB stated that he did not see the actually shooting since it occurred outside the front door of the business.

Detectives interviewed two other employees who were in the business when the robbery occurred however both employees were not near the front of the business when the incident occurred and did not observe the robbery or the shooting.

Theus was transported to the hospital for treatment that required surgery and was not interviewed at this time.

It should be noted that Theus is a convicted felon who served 6 years for an armed robbery that occurred in 2007.

Printed Name Det. Anthony Castelletto #4831 Signature Det. Anthony Castelletto #4831

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

Judge

Circuit Court of County, State of Missouri.