

**IN THE CIRCUIT COURT
OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

Police# 160586114
Prosecutor# 095434674
1616-CR
OCN#

**COMPLAINT
STATE REQUESTS A WARRANT**

STATE OF MISSOURI

vs.

James Leroy Green
210 East 40 Highway
Odessa, MO 64076
DOB: 10/24/1955; Race/Sex: W/M;
SS# [REDACTED]
Defendant.

Count I. Murder 2nd Degree - Vehicular - Intoxicated (565.021-002Y20090909.0)

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 September 5, 2016, in the County of Jackson, State of Missouri, C.B, DOB: 02/09/09 was killed when the Hyundai Elantra she was riding in was struck from behind, as a result of the perpetration of the class felony C of Driving While Intoxicated under Section 577.010, RSMo committed by the defendant on or about September 5, 2016, 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.

Count II. Murder 2nd Degree - Vehicular - Intoxicated (565.021-002Y20090909.0)

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 September 5, 2016, in the County of Jackson, State of Missouri, G.B, DOB: 03/01/03 was killed when the Hyundai Elantra he was riding in was struck from behind, as a result of the perpetration of the class felony C of Driving While Intoxicated under Section 577.010, RSMo committed by the defendant on or about September 5, 2016, 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.

Count III. Dwi - Alcohol - Aggravated Offender (577.010-004Y20055404.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.010, RSMo, committed the **class C felony of driving while intoxicated**, punishable upon conviction under Sections 558.011, 560.011, and 577.023, RSMo, in that on or about September 5, 2016, on I-70 and Adams Dairy Parkway, in the County of Jackson, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol.

Defendant is an aggravated offender required to serve a minimum of sixty days imprisonment before being eligible for probation or parole in that:

On or about March 20, 2009, defendant was found guilty of driving while intoxicated for events occurring on July 15, 2007, in the County of Jackson, State of Missouri, and

On or about January 6, 1997, defendant was found guilty of driving while intoxicated for events occurring on September 6, 1996, in the County of Camden, State of Missouri, and

On or about February 7, 1991, defendant was found guilty of driving while intoxicated for events occurring on July 14, 1990, in the City of Independence, State of Missouri.

The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed five thousand dollars (\$5,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime up to a maximum of twenty thousand dollars (\$20,000).

Count IV. Assault 2nd Degree - Operate Vehicle While Intoxicated - Resulting In Injury (565.060-002Y19841399.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.060, RSMo, committed the **class C felony of assault in the second degree**, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about September 5, 2016, in the County of Jackson, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol and acted with criminal negligence in that the defendant failed to keep a careful lookout and struck the rear of another vehicle, and caused physical injury to David Beard by striking the vehicle in which David Beard was an occupant.

The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed five thousand dollars (\$5,000); or by both imprisonment and a fine. If money or property has been gained through the commission of

the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime up to a maximum of twenty thousand dollars (\$20,000).

**Count V. Assault 2nd Degree - Operate Vehicle While Intoxicated - Resulting In Injury
(565.060-002Y19841399.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.060, RSMo, committed the **class C felony of assault in the second degree**, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about September 5, 2016, in the County of Jackson, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol and acted with criminal negligence in that the defendant failed to keep a careful lookout and struck the rear of another vehicle, and caused physical injury to Jennifer Beard by striking the vehicle in which Jennifer Beard was an occupant.

The range punishment for a class C felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed five thousand dollars (\$5,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime up to a maximum of twenty thousand dollars (\$20,000).

Count VI. Driving While Revoked/suspended - Third Or Subsequent Offense (302.321-005Y20115499.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 302.321, RSMo, committed the **class D felony of driving while license was suspended**, punishable upon conviction under Sections 302.321, 558.011, and 560.011, RSMo, in that on or about September 5, 2016, in the county of Jackson, State of Missouri, the defendant operated a motor vehicle on a highway, I-70 and Adams Dairy Parkway, during a time when the defendant's operator's license was suspended under the laws of this state, and acted with criminal negligence with respect to knowledge of the fact knew that the defendant's operator's license was suspended, and

On or about March 20, 2009, defendant was found guilty of an alcohol related offense under Section 577.010, in the County of Jackson, State of Missouri, and

On or about January 6, 1997, defendant was found guilty of an alcohol related offense under Section 577.010, in the County of Camden, State of Missouri.

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.

James Leroy Green

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

Traci A. Stansell (#41903)
Assistant Prosecuting Attorney
321 W. Lexington
Independence, Missouri 64050
(816) 881-4591
truppstansell@jacksongov.org

WITNESSES:

[REDACTED]

TPR Bryan Montgomery , 504 E. Blue Pkwy, Lees Summit, MO 64063
TPR Ben Owens , Prosecuting Atty. Office, Kansas City, MO 64106
SGT Heath A Sears , 504 E. Blue Pkwy, Lees Summit, MO 64063

PROBABLE CAUSE STATEMENT FORM

Date: September 6, 2016

I, Tpr. B. W. Montgomery, a member of the Missouri State Highway Patrol, 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 on September 5, 2016, at approximately 1805 hours, on Interstate 70, in Jackson County, Missouri, James L. Green, White, Male, date of birth October 24, 1955, and social security number [REDACTED], committed one or more criminal offense(s).

2. The facts supporting this belief are as follows:

On September 5, 2016, at about 1805 hours, Troop A Communications notified me of an injury crash involving five vehicles on eastbound Interstate 70, west of Adams Dairy Parkway, Blue Springs, Jackson County, Missouri. I arrived on scene and observed a Cadillac Escalade on its side, with one occupant inside. I assisted the occupant out of the vehicle, with the help of a tow truck driver already on scene. The driver appeared to have minor injuries. I later identified the driver to be the suspect, James L. Green. I also observed a black Hyundai Elantra, with heavy damage to the rear of the vehicle. I made contact with EMS personnel who were tending to the four occupants of the black car. They advised me there were two deceased children in the rear of the vehicle, and two adults in the front seat that were injured.

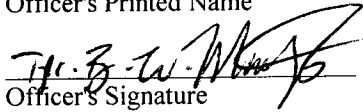
I began to investigate the crash. The investigation revealed Green overtook and struck the rear of the Hyundai, before striking another vehicle. Green was transported by EMS to the Centerpoint Medical Center. I arrived on scene at the hospital and made contact with Green in Emergency Room #8. Upon contacting him, I immediately detected a strong odor of intoxicants coming from him. I asked Green what happened and he said, "I had cruise control on. I was on my way home. I looked down at my phone to swipe to change the song. I did not look up. I was still looking down when the impact happened." I asked Green if he had anything to drink. He told me he had three beers about an hour before the crash. I inquired about his injuries and he informed me his left leg and chest were hurting. Due to his injuries, I was only able to administer the Horizontal Gaze Nystagmus test. I observed six out of six clues, which is an indication of impairment. Green had previously refused a preliminary breath test another Trooper attempted to administer at the hospital. I placed Green under arrest for driving while intoxicated, at about 1936 hours. I read him Missouri Implied Consent at 1937 hours and requested two blood tests, one an hour apart from the other. He agreed to the tests. Two blood draws were conducted, the first at 1956 hours and the second at 2056 hours. Results of the blood draw are pending. I read Green the Mirada Warning at 2010 hours and he said he understood.

Green was released from the hospital with minor injuries and transported to the Jackson County Detention Center where he was placed on a 24 hour hold. The two children that were killed were GB, age 13, and CB, age 7. The father and driver of the Hyundai was identified to be David Beard, who was transported to the Centerpoint Medical Center. He is currently paralyzed from the chest down. The front passenger and mother to the children was identified to be Jennifer Beard, who was transported to the Truman West Medical Center. Her injuries are unknown at this time.

A driving record check revealed that Green was suspended and has prior convictions for DWI. The convictions are as follows:

0716-CR06729-01 DWI Jackson County Guilty 3/20/09
CR2963440F DWI Camden County Guilty 1/06/97
Independence Municipal Court Guilty 2/07/91

Tpr. B. W. Montgomery
Officer's Printed Name


Officer's Signature

9-6-2010
Date

The Court finds probable cause.

Judge