

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

Police# 16-008224
Prosecutor# 095435397
1616-CR
OCN#

COMPLAINT

STATE OF MISSOURI

vs.

**Jose F Hernandez
2820 SE 6th St.
Blue Springs, MO 64014
DOB: 12/29/1980; Race/Sex: H/M;
SS# [REDACTED]
Defendant.**

Count I. Domestic Assault 1st Degree - Serious Physical Injury (565.072-001Y19991304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.072, RSMo, committed the class A felony of domestic assault in the first degree, punishable upon conviction under Section 558.011, RSMo, in that on or about October 6, 2016, in the County of Jackson, State of Missouri, the defendant shot [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, and in the course thereof inflicted serious physical injury on [REDACTED], and [REDACTED] and the defendant were family or household members in that [REDACTED]. and the defendant were in a continuing social relationship of a romantic or intimate nature.

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. 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. Armed Criminal Action (571.015-001Y19755213.0)

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 October 6, 2016, in the county of Jackson, State of Missouri, the defendant committed the felony of armed criminal action, charged in Count 1, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of armed

criminal action 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 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.

PROBABLE CAUSE STATEMENT

Date: October 7, 2016

Police Complaint Number: 2016-08224

I, Detective Kenneth Keating, a Police Officer for the City of Blue Springs, Missouri, 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 **10-06-2016** at approximately **0209 hours** in and around 2820 SE 6th Street, Blue Springs, Jackson County, Missouri 64014 **Jose F. Hernandez** H/M 12-29-1980 committed one or more criminal offense(s).

2. The facts supporting this belief are as follows:

On the above date and time 911 dispatch received several calls in reference to hearing "gun shots." One of the 911 calls was from the victim (██████) who advised she had been shot by "Jose" and that the police and ambulance need to hurry because she believed she was going to "die." During the course of the conversation the victim's level of consciousness began to decrease and the male dispatcher was getting fewer and less coherent responses as the conversation continued.

Blue Springs Officer Kyle Sanderholm and Sergeant Colby Lalli arrived on scene to find the victim lying on her right side in a balled up position in a driveway several house down from where the incident began. The victim's face and hair was covered in apparent blood and there was a pool of apparent blood underneath the victim. The victim had a rope tied behind her back from her left wrist to the right wrist. Lying beside the victim was the victim's cellphone. Sergeant Lalli asked the victim who shot her and she mumbled, "Jose." Paramedics arrived, cut the rope from behind her back, and transported her to the hospital where the victim was rushed into surgery. The victim suffered two gunshot wounds: one through the chest area and exited the body and one on left side that remained in the body. The victim suffered lacerations to her elbows and forehead; her eyes and the bridge of her nose appeared as if caused by blunt force and both eyes were blackened. The ropes on the victim's wrists caused "rope burns." The victim remains in intensive care and on a ventilator.

One witness reported hearing approximately four to six gunshots, heard a female scream "Jose" four to five times in a frantic voice and then observed a male party walk back to the 2820 SE 6th Street residence. Once at the driveway, the male party (identified as Jose who lives there by his voice) was heard saying "what the fuck do you expect me to do?" A second witness advised they heard four to six gunshots, unintelligible screaming and then saw a male party dressed in dark clothing run from the residence then a red car backed out of the driveway. A third and fourth witnesses woke up to the sounds of gunshots fired in rapid succession, then heard a woman scream, and then saw a male get

in a car a drive away. A fifth witness advised she woke up to hearing four gunshot and then a girl scream then saw a red car that "Jose" usually drives leave the area. A sixth witness heard gunshots, heard a female scream then saw "Jose's" red car leave. Finally Mr. Hernandez's mother advised she heard a female screaming in the basement bedroom (identified as Mr. Hernandez's room) and went downstairs to find Mr. Hernandez's and the victim leaving the basement bedroom to which they exited the residence. The victim was Mr. Hernandez's ex-girlfriend. A short time later, Mrs. [REDACTED] advised she heard gunshots and Mr. Hernandez leave in her maroon 2007 Toyota Corolla.

A search warrant was applied for and granted for Mr. Hernandez's residence and apparent blood was found in the down stairs bedroom (Mr. Hernandez) that lead out the basement, into the garage, out into the street and ended in the driveway where the victim was discovered. Rope similar to that found on the victim's wrists was located inside the residence, shell casings and spent rounds were recovered inside and outside of the residence. The gun or other weapons used in the assault have not been recovered.

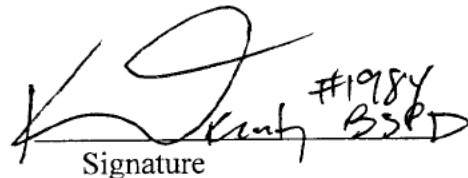
3. I believe the defendant:

- a. **Will not appear in court in response to a criminal summons because: Of his extensive criminal past of failure to appears.**
- b. **I believe the defendant poses a danger to a crime victim because: the escalation of similar type violence, including a protection order, over the course of several months, including the latest, the suspect tying up, stabbing and shooting the victim.**
- c. **A danger to the community or to any other person because: his past felony convictions, him being armed and dangerous and his unpredictability.**

Based on the information and evidence as outlined above Detective Keating feels probable cause exists to believe that the suspect **Jose F. Hernandez** committed the crime of **Domestic Assault 1st Degree, Armed Criminal Action, Unlawful Use of a Weapon, and Felonious Restraint** and that the offense occurred within the jurisdiction of the Circuit Court of Jackson County MO.

The facts contained herein are true.

Detective Kenneth Keating 1984
Blue Springs Missouri Police Department

 #1984
BSPD
Signature

THE COURT FINDS PROBABLE CAUSE.

Date

JUDGE