

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

Police# 16-081257
Prosecutor# 095435947 *CR*
1616-CROA300
OCN#



COMPLAINT

STATE OF MISSOURI

vs.

James Brisbin
802 Arapaho
Independence, MO 64056
DOB: 03/14/1990; Race/Sex: W/M;
SS# [REDACTED]
Defendant.

**Count I. Assault 2nd Degree On Law Enforcement Officer, Corrections Officer,
Emergency Personnel, Highway Worker, Utility Worker Or Probation And Parole Officer
- Acts With Criminal Negligence - Created Risk Of Death Or Serious Physical Injury
(565.082-008Y20051311.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.082, RSMo, committed the class C felony of assault of a law enforcement officer in the second degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 28, 2016, in the county of Jackson, State of Missouri, the defendant recklessly placed [REDACTED] a law enforcement officer, in apprehension of immediate serious physical injury, by approaching him with a screwdriver.

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 II. Armed Criminal Action (571.015-001Y19755299.0)

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) (571.015.2) (571.015.3), RSMo, in that on or about October 28, 2016, in the county of Jackson, State of Missouri, the defendant committed the felony of Assault on a Law Enforcement Officer charged in Count I, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Assault on a Law Enforcement Officer by, with and through, the knowing use, assistance and aid of a dangerous instrument.

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.

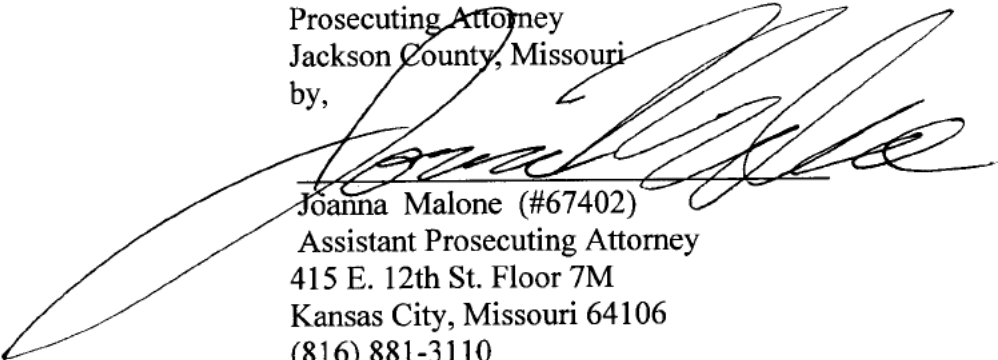
THE STATE OF MISSOURI

vs.

James Brishin

JEAN PETERS BAKER

Prosecuting Attorney
Jackson County, Missouri
by,



Joanna Malone (#67402)
Assistant Prosecuting Attorney
415 E. 12th St. Floor 7M
Kansas City, Missouri 64106
(816) 881-3110
jmalone@jacksongov.org

WITNESSES:

[REDACTED]
DET David D. Kisse , 1125 Locust, Kansas City, MO 64106
DET Dawn M. Minor , 1125 Locust, Kansas City, MO 64106

[REDACTED]
SGT James A. Slaughter , 1200 Linwood, Kansas City, MO 64109
[REDACTED]

PROBABLE CAUSE STATEMENT FORM

Date: 10-29-2016

CRN: 16-81257



I, Detective David Kissee #3101, of the 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 here are true.

I have probable cause to believe that on 10-28-2016, at 400 Grand Blvd in (Date) (Address)

Kansas City, Jackson Missouri JAMES D. BRISBIN (County) (Name of Offender(s))

Race: White, Sex: Male, DOB:03-14-1990, SSN [REDACTED] committed one or more criminal offense(s). (Description of Identity)

Aggravated Assault on a Law Enforcement Officer Armed Criminal Action

The facts supporting this belief are as follows:

On 10-28-2016 officers of the Kansas City, Missouri Police Department were dispatched to the area of 400 Grand Blvd., Kansas City, Jackson County, Missouri regarding a disturbance with a male hitting a female.

Uniformed Patrol Officers in a marked patrol vehicle contacted BRISBIN in the rear of the address. As the officers were approaching, BRISBIN reached into a backpack and removed a Phillips screwdriver. The officers ordered BRISBIN to drop the screwdriver which he did not do. BRISBIN began to move towards the officers in a threatening manner with a fighting stance while holding the screwdriver. The victim officer began to retreat and BRISBIN advanced towards the victim officer closing the distance between them and continued to move the screwdriver in a threatening manner. The victim officer discharged his duty weapon striking BRISBIN. The officer was not injured. The incident was captured on the in vehicle audio/video recording system.


BRISBIN was transported to an area hospital for injuries. The Kansas City Missouri Police Department responded and fingerprinted BRISBIN and he was positively identified through fingerprint comparison.

Several witnesses provided statements to detectives in which they said BRISBIN was acting irrational and violently prior to the officers arrival. One witness said he observed BRISBIN lunge at the officer with what appeared to be a weapon and the officer shot.

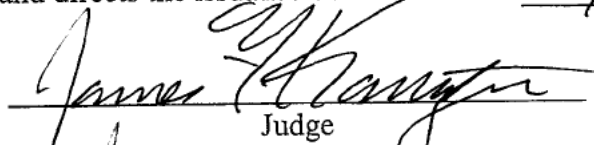
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BRISBIN is a convicted felon with a felony conviction of burglary. **BRISBIN** has a misdemeanor conviction for assault and has active Kansas City, Missouri warrants for unlawful use of a weapon and disorderly conduct.

Printed Name Detective David Kisse #3101 Signature 

The Court finds probable cause and directs the issuance of a warrant this 29 day of Oct. 2016


Judge

Circuit Court of Jackson County, State of Missouri.

