

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

POLICE NO. :	566800766
PROSECUTOR NO. :	095441598

STATE OF MISSOURI,	)	
	)	
PLAINTIFF,	)	
vs.	)	
JOSE D. ORTEGA	)	
8001 Hunter Ave.,	)	CASE NO. 1716-CR
Kansas City, MO - 64138	)	DIVISION
DOB: 11/19/1949	)	
Race/Sex: W/M;	)	
SSN: XXX-XX-XXXX	)	
DEFENDANT.	)	

COMPLAINT

Count I. Domestic Assault 1st Degree - 1st Offense (565.072-002Y19991302.0)

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 B felony of domestic assault in the first degree, punishable upon conviction under Section 558.011, RSMo, in that on or about October 3, 2017, in the County of Jackson, State of Missouri, the defendant stabbed [REDACTED], and such conduct was a substantial step toward the commission of the crime of attempting to cause serious physical injury to [REDACTED], and was done for the purpose of committing such assault, and [REDACTED] and the defendant were family or household members in that they resided together.

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 (571.015-001Y19755213.0)

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 3, 2017, in the County of Jackson, State of Missouri, the defendant committed the felony of Domestic Assault in the First Degree charged in Count 1, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Domestic Assault in the First Degree by, with and through, the knowing use, assistance and aid of a dangerous instrument.

State vs. Jose D. Ortega

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. 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,

/s/ JoEllen F. Engelbart

JoEllen F. Engelbart (#68047)
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WITNESSES:

[REDACTED]
[REDACTED]
[REDACTED]

SGT Chris Shrout , 10000 E. 59th Street, Raytown, MO - 64133

[REDACTED]

DET Nancy Wasko , 10000 E. 59th Street, Raytown, MO - 64133

PO Joshua Wildman , 10000 E. 59th Street, Raytown, MO - 64133

Probable Cause Statement Form

Date: 10-03-2017

Report: 17-3414

I, Detective Joshua Wildman, 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 10-03-17, at 8001 Hunter Raytown, Jackson County, Missouri, Jose Ortega, white male, 11-19-49, [REDACTED], committed one or more criminal offense(s).

The facts supporting this belief are as follows:

On 10-03-2017 at approximately 0719 hours, Raytown Police Officers were called to 7916 Hunter Ave. in regard to a child that had been stabbed. Officers were updated that the stabbing occurred at 8001 Hunter Ave.

When Police arrived they administered medical aid to the victim, a 12 year old boy [REDACTED], white male born, 09-22-05. The victim said his grandfather stabbed him at their house, located at 8001 Hunter Ave. The victim said after being stabbed he ran from his house to the neighbor's house for help. The victim was taken to Children's Mercy Hospital by ambulance for medical care.

Detective Nancy Wasko arrived at the scene of 7916 Hunter Ave. and spoke with the homeowner who called 911, [REDACTED]. [REDACTED] said she heard someone banging on her front door and ringing the doorbell repeatedly. She answered the door and saw the victim on the front porch. He was holding his arm and saw that his arm was dripping blood. [REDACTED] brought him inside, her daughter put a towel around the wound, and [REDACTED] called 911. While waiting for police to arrive, the victim said his grandpa stabbed him and repeated, "Why did he do it?" The victim complained of his arm going numb just before police arrived. The victim was taken from 7916 Hunter Ave. to the above stated hospital.

Detective Wasko arrived at the scene of 8001 Hunter Avenue where no one was home until the homeowner and the victim's father, [REDACTED], arrived. [REDACTED] said he left the house around 6:45 am on 10-03-17 for work. [REDACTED] father, Jose Ortega, was responsible for taking the victim to school each morning. [REDACTED] did not suspect anything wrong prior to leaving for work. Inside the house, in the kitchen, were several drops of apparent blood on the floor. A lunch pail was lying open on the floor in front of the refrigerator as if the victim or suspect were packing their lunch for the day. There was apparent blood smeared on the inside of the storm door of the house. [REDACTED] did not know where his father would have gone but said he drove a black Nissan Maxima. While at the scene, [REDACTED] sister and Jose's daughter, [REDACTED], arrived. She called Jose and asked him to come back to the house. He said he was several miles away but that he would come back. Detective Wasko and Detective Sergeant Chris ShROUT

waited at the scene for Jose to arrive. Detective Sergeant Shroul located a knife, with a blade approximately 10 inches long near the driveway of the residence with apparent blood on it.

On 10-03-2017 at 1030 hours, Jose arrived and was taken into custody for the assault.

Detective Joshua Wildman responded to the Hospital. He contacted Social Worker Sarah Lee. Lee conducted an interview with the victim prior to my arrival. She said the victim told her he was making his lunch for school when Jose started calling him a liar about an address regarding the day before. The victim told her Jose grabbed him by the neck, threw him on the ground, grabbed a kitchen knife, and stabbed him in the arm. He said to her that he got up and Jose started chasing him around the house, but he fled through the front door to the neighbor's house. Lee said she saw a laceration to the victim's right forearm that was about four inches long and two inches wide. She described it as a "through and through" laceration, indicating the blade pierced completely through the victim's arm.

Detective Wildman contacted [REDACTED], the suspect's son. [REDACTED] said the victim told him Jose started to choke him and picked up a knife. He put his arm up to block the knife, and was stabbed.

Detective Wildman responded to Police Headquarters and interviewed Jose. Detective Wildman read Jose the Miranda warning, and he waived his rights. During the interview, Jose told Detective Wildman that the victim is very disrespectful. He said the disrespect, the stress of his job, his depression, and not being seen by a psychiatrist. He said he and the victim were arguing over a donut. He said the victim refused to give him one. He said he "snapped", grabbed the victim around the neck from behind, and put him on the ground. He picked up a kitchen knife and stabbed the victim "Once or twice." He said he knew he stabbed him because he saw blood. He said he did not want to kill the victim, but wanted to hurt him. After the stabbing, the victim ran out of the house. He said he felt bad for what he did so he left, but then came back when Thomas called him. During the interview, Jose said he knew what he did was wrong and expressed remorse.

Name: Detective Joshua Wildman Signature: /s/Detective Joshua Wildman #1180