

PROBABLE CAUSE STATEMENT FORM

Date: 01/21/2016

CRN: 16-2113

I, Detective Sean Clarke #5225, 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 01/09/2016, at 1225 Fremont Avenue in
(Date) (Address)

Kansas City, Jackson Missouri Omar Lopez
(County) (Name of Offender(s))

H/M, DOB: 01/21/1996, Hgt: 5'4", Wgt: 155 committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On 01/09/2016, at 7:27 AM, Officers of the Kansas City, Missouri Police Department were dispatched to 1412 Colorado Avenue in regard to a reported rape. The victim advised she was kidnapped at gunpoint by two, unknown Hispanic males from **1225 Fremont Avenue, Kansas City, Missouri** at approximately 4:00 AM. The men took her to an unknown location where they raped and sodomized her. When they returned her to the area of 12th Street and Fremont Avenue, her friend came to her aid and the men fired shots at her friend before fleeing the scene.

The victim stated she and a friend had returned to 1225 Fremont Avenue with cigarettes for her friend's brother-in-law at approximately 4:00 AM. The victim was tired and slightly intoxicated and decided to wait in the running vehicle while her friend took the cigarettes inside the house. While waiting for her friend to return to the vehicle (maroon, Oldsmobile Alero), the victim fell asleep. She woke a few minutes later and her door (front passenger's door) was open and two, unknown Hispanic males were standing at the door. They advised her that her friend had asked them to drive her home. She was reluctant to believe them but the men got into the vehicle and drove her away. The victim observed the driver to be wearing a black, leather jacket, black pants, and boots. The back seat passenger was observed to be wearing a black, hooded sweatshirt and jeans. Both men were making a concerted effort to keep their faces hidden. When the victim realized they were not taking her home and that the man in the back seat was armed with a gray/silver handgun with a black grip, she attempted to get out of the vehicle. The driver grabbed her by the hair and pulled her back into the vehicle. They drove her to a field in an unknown location where they held her at gunpoint and instructed her to get out of the vehicle. The men then forced her to pull down her pants and underwear and place her hands on top of the vehicle. The man who had been driving then forced his penis into her vagina from behind, causing her pain and discomfort. He then told the victim to get in the back seat of the vehicle. She complied and laid down on her back. The men then proceeded to take turns raping and sodomizing her inside the vehicle (maroon, Oldsmobile Alero) while holding her at gunpoint. At one point, the driver laid down on his back and the victim was instructed to get on top of him. She complied and the other man positioned himself behind the victim. The driver penetrated her vagina with his penis while the other man penetrated her rectum with his penis. The victim believed the driver ejaculated inside her vagina. When they finished,

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they began driving again. The victim was forced to ride in the back seat with the passenger. He forced her to perform oral sex on him as they drove. They drove the victim back to the area of 12th Street and Fremont Avenue where they parked behind an unknown black vehicle. Moments later, the victim's friend intervened. As she approached her vehicle, the victim advised her that the men had just raped her. The men fired the gun at the victim's friend, shooting the glass out of her front, driver's side window. The men then fled the scene. The victim's friend then drove her to her residence at 1412 Colorado Avenue where they notified Police. The victim explained that she believed the men were going to kill her and she had to see her children before she reported the incident or responded to the hospital. After reporting to Police, the victim responded to an area hospital to complete a sexual assault nurse's examination for the purpose of collecting any DNA evidence. The nurse conducting that exam noted injury to the victim's vagina and rectum.

The victim's friend (victim of aggravated assault) stated that after she took the cigarettes inside, she chatted with her brother-in-law for less than ten (10) minutes before she returned to her vehicle. When she exited the residence, she observed her vehicle to be driving away. She began to search for her vehicle. At approximately 5:00 AM, she began walking toward the victim's house (1412 Colorado Av.). That's when she located her vehicle and the victim. An unknown, black vehicle was parked and running in front of her vehicle. When she approached the vehicle, the victim fled from the back seat and was hysterically advising her that the men standing near the vehicle had just raped her. The men fired gunshots at her then fled the scene. She drove the victim to her house and notified Police.

When Officers learned the rape occurred inside the friend's vehicle (maroon, Oldsmobile Alero), her friend provided consent and the vehicle was processed for evidence. A gray/silver, Bersa Thunder .380 handgun loaded with Perfecta .380 ammunition was recovered from the back seat of the vehicle. The victim's friend advised she does not own a firearm.

On 01/11/2016, the victim contacted detectives and advised that she learned her friend's brother-in-law had exchanged phone numbers with two men earlier in the night on 01/09/2016 and those two men were inside 1225 Fremont Avenue when the victim's friend came in to deliver the cigarettes. The brother-in-law was contacted and provided a formal statement. He provided the phone number of one of the men and advised he remembered them to be wearing clothing that matched the suspect's clothing as described by the victim. He further advised those men left 1225 Fremont Avenue just prior to his sister-in-law finding her vehicle to be missing. The phone number was searched in Facebook and that search returned a profile hit for "Omar Lopez". The profile picture displayed a Hispanic male leaning on the back of a black Chevrolet bearing a Maryland license plate. The brother-in-law was shown a photo of the profile picture and confirmed that the man pictured was one of the two men that were at 1225 Fremont Avenue on 01/09/2016. He remembered the pictured man as the one wearing a black, leather jacket and the man with whom he exchanged telephone numbers.

A computer check of that Maryland license plate revealed four (4) Kansas City, MO traffic citations issued to **Omar Lopez, H/M, 01/21/1996**. Those citations revealed **Lopez** to reside at 4801 Independence Av. A search for Police reports taken at that address revealed that **Lopez** reported to Police that he had been robbed at gunpoint on 01/09/2016, at approximately 6:15 AM. **Lopez** reported the robbery at 7:15 AM. **Lopez** was observed by Officers to have a gunshot wound to his left calf. He claimed the suspects shot him before leaving the scene and he advised Officers he

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did not wish to prosecute the suspects nor would he give consent to a search of his vehicle (same vehicle pictured in his Facebook profile picture). During his investigation, the reporting officer observed a box of .380 ammunition, in plain view, in the back seat of **Lopez's** vehicle. The reporting officer did not note the brand of the ammunition but did note that the box was tan and green in color. A Google image search of Perfecta ammunition revealed their products to be packaged in a tan and green box.

A review of the Officer's in-car camera footage, captured during the investigation of **Lopez's** reported robbery, revealed **Lopez** to be wearing what appears to be a black jacket and black jeans. The reporting officer noted that gunshot to **Lopez's** calf first penetrated his boot before entering his leg. The video further revealed a second, unknown man to be on-scene with **Lopez** when officers arrived. That individual appeared to be wearing a black, hooded sweatshirt and dark colored pants. The clothing worn by **Lopez** and the unknown man appeared to be consistent with the suspect clothing descriptions as provided by the rape victim and her friend's brother-in-law.

On 01/20/2016, at 8:55 AM, **Lopez** was taken into custody and transported to South Patrol Division for questioning. **Lopez** was presented with his Miranda Waiver (Form 340 PD) at 1200 hrs. **Lopez** read his rights via the waiver form, stated that he understood his rights, signed the Miranda Waiver, and agreed to provide a statement. **Lopez** was shown a photograph of the victim and denied ever seeing the victim. He further denied ever having any contact with the victim. **Lopez** stated he was wearing a black, leather jacket, blue jeans, and boots on the same night this incident occurred. He confirmed he exchanged phone numbers with an unknown man at a bar earlier that evening while he was out with a friend. **Lopez** denied owning or possessing firearms and ammunition.

Printed Name Detective Sean Clarke #5225

Signature

DET. Sean Clarke #5225

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

Judge

Circuit Court of _____ County, State of Missouri.