

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

POLICE NO. :	18-043636
PROSECUTOR NO. :	095445992
OCN:	HR001505

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
ELLERY H BEALS)	
5512 Park)	CASE NO. 1816-CR
Kansas City, MO 64132)	DIVISION
DOB: 10/25/1982)	
Race/Sex: B/M)	
████████████████████)	
)	DEFENDANT.

COMPLAINT

Count I. Unlawful Use Of Weapon - Subsection 9 - Shoot At/from Motor Vehicle, At Person, Motor Vehicle Or Building, Resulting In Death Or Injury (571.030-015Y20145299.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.030, RSMo, committed the **Class A Felony of Unlawful Use of a Weapon**, punishable upon conviction under Sections 558.011 and 571.030.9, RSMo, in that on or about June 9, 2018, at 3401 E Red Bridge Rd., in the County of Jackson, State of Missouri, the defendant, knowingly shot a firearm at a motor vehicle, to wit a black Mercury van, and as a result of the above described conduct, █████ (DOB: 02-09-2014) suffered injury or death.

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.

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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, RSMo, in that on or about June 9, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of Unlawful Use of a Weapon charged in Count One, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Unlawful Use of a Weapon 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. 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.

Count III. Assault - 2nd Degree (565.052-001Y20171399.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.052, RSMo, committed the **Class D Felony of Assault in the Second Degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about June 9, 2018, in the County of Jackson, State of Missouri, the defendant recklessly caused physical injury to ■■■. (DOB: 02-09-2014) by means of discharge of a firearm.

The range of punishment for a class D 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 ten thousand dollars (\$10,000); 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.

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Count IV. 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, RSMo, in that on or about June 9, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of Assault in the Second Degree charged in Count Three, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of Assault in the Second Degree 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. 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/ Sarah A. Castle
Sarah A. Castle (#64770)
Assistant Prosecuting Attorney
415 East 12th Street
Kansas City, MO 64106
(816) 881-3517
scastle@jacksongov.org

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WITNESSES:

1. [REDACTED]
2. DET Joseph W. Fitzner, 7601 Prospect Ave., Kansas City, MO 64132
3. [REDACTED]. (2014), Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
4. [REDACTED]. (2012), Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
5. [REDACTED]., Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
6. PO Thomas D. Kartman, 1125 Locust, Kansas City, MO 64106
7. [REDACTED]
- [REDACTED]
- [REDACTED]
10. DET Dawn M. Minor, 1125 Locust, Kansas City, MO 64106
11. PO Scott T. Nelson, 1125 Locust, Kansas City, MO 64106
12. DET Paul A. Oxler, 1125 Locust, Kansas City, MO 64106
13. PO Jared Tipton, 1125 Locust, Kansas City, MO 64106
14. [REDACTED]

PROBABLE CAUSE STATEMENT FORM

Date: 06/10/2018

CRN: 18-43636

I, Detective Dawn Minor, #4898, 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 06/09/2018, at 3401 E. Red Bridge Road in
(Date) (Address)

Kansas City, Jackson Missouri Beals, Ellery H.
(County) (Name of Offender(s))

B/M 10/25/1982 committed one or more criminal offense(s).
(Description of Identity)

- AGGRAVATED ASSAULT
- FELON IN POSSESSION
- PROPERTY DAMAGE

The facts supporting this belief are as follows:

On 06/09/2018 at 1807 hours, officers of the Kansas City Missouri Police Department were dispatched to Red Bridge and College, Kansas City, Jackson County, Missouri on a reported armed event-sound of shots. Officers arrived on the scene and contacted witness #1, an off-duty plain clothes officer. Witness #1 had the suspect, **BEALS, ELLERY H. B/M 10/25/1982**, at gun point. **BEALS** was taken into custody for further investigation.

On 06/09/2018 at 1815 hours, officers were dispatched to 3411 Southern Hills in regard to shots fired into a house. Victim #7 and #8 were inside the house, but neither were injured. Simultaneously another call came in regard to a four year old being shot at 3501 Southern Hills. Both 3411 and 3501 Southern Hills are located to the northeast of 3401 E. Red Bridge.

Surveillance video was obtained from the gas station which revealed on 06/09/2018 at 1758 hours, a maroon Chevy Impala parked in front of the store facing eastbound. **BEALS** exits the Impala and goes into the store. **BEALS** is wearing a white t-shirt, black shorts and glasses. At 1803 hours, a black Mercury van pulls up on the driver's side of **BEALS'** car facing the opposite direction. **BEALS** exits the store and looks at the occupants of the van. As **BEALS** walks around the rear of the van the driver of the van exits the van and **BEALS** and the suspect exchange gunfire. The female in the passenger side of the van exits and flees the scene. **BEALS** then flees the scene northbound across Red Bridge.

Victim #1 stated while he was in the gas station, he heard several loud pops. He walked out and observed a black male shooting a gun at another male who was running away. The male running away then ran across the street out of sight.

Victim #2 stated she went to the gas station with her son and grandson. She observed a suspect #1 near a red Chevrolet. Victim #2 observed suspect #1 wearing a white t-shirt and black pants with low cut black hair and "fashion" glasses. Suspect #2's vehicle pulled up in front of her vehicle. Suspect #2 got out and shot at suspect #1, which is in her direction. Suspect #1 fled the scene toward her apartment. Suspect #2 got into his vehicle and yelled at suspect #3 to get in and then shot at suspect #1's car.

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Victim #6 stated she was upstairs at her residence, 3501 Southern Hills. She heard gunfire and she ran downstairs. Victim #6 located victim #4 who was bleeding from his left arm. Victim #6 drove victim #4 to Research Hospital for treatment.

Witness #1 stated the following: He was in his apartment when he heard what sounded like gun shots, so he grabbed his police badge and gun and went outside. Witness #1 responded to 3401 Red Bridge Road where he observed two vehicles with bullet holes. Witness #1 contacted witnesses on scene who advised the male in one of the vehicles that was shot up was a black male with a short afro wearing a white t-shirt and dark shorts. Witness #1 stated witnesses told him the male was last seen running north behind the bank. Witness #1 stated he ran behind the bank and encountered a male matching the description, BEALS, "fixing himself." Witness #1 stated he drew his service weapon and ordered BEALS to the ground where he complied until uniformed officers responded to the scene and took him into custody.

BEALS was advised of his Miranda Rights. BEALS stated he understood his rights and agreed to speak to the detective. BEALS stated he was shot on 05/19/2018 at 72nd and College. Today at the gas station he saw the suspect who shot at him. The suspect began to shoot at BEALS and he ran across the street into the woods. After approximately 15 minutes, BEALS came out of the woods and encountered an off-duty officer. BEALS denied shooting at the suspect. BEALS was presented a snap shot of him holding a gun, BEALS continued to deny shooting back. BEALS was shown the surveillance video showing him shooting. BEALS again denied shooting back at the suspect.

Victim #2' vehicle a 2017, Dodge Journey, bearing Missouri license WM1Z0V, Vehicle Identification Number 3C4PDCAB5HT565802 sustained projectile damage on the back passenger door, radio, and the front passenger window.

Victim #4 sustained a gunshot wound to his left forearm which caused the bone to break.

BEALS sustained a non-life threatening gunshot wound to his right rib-cage.

Printed Name Detective Dawn Minor, #4898 Signature Det. Minor 4698

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

Judge

Circuit Court of _____ County, State of Missouri.