

**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 25
DOB: 10/25/1982)	
Race/Sex: B/M)	
)	
	DEFENDANT.)

AMENDED COMPLAINT

PRIOR/PERSISTENT OFFENDER

Count I. Unlawful Possession of a Firearm (571.070-001Y20175299.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.070, RSMo, committed the **Class D Felony of Unlawful Possession of a Weapon**, punishable 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 knowingly possessed a firearm, to wit a P30 .40 caliber semiautomatic handgun, and on November 12, 2012, the defendant was convicted of the felony of Felon in Possession of a Firearm, in the United States District Court for the Western District of Missouri, and on April 2006, the defendant was convicted of the felony of Felon in Possession of a Firearm, in the United States District Court for the Western District of Missouri.

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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Defendant is a prior offender under Section 558.016, RSMo. Defendant is also a persistent offender and is punishable by sentence to an extended term of imprisonment under Sections 558.016 and 557.036 in that he has been convicted of two or more felonies committed at different times.

The felonies are as follows:

1. On February 10, 2003, the defendant was convicted of the felony of Trafficking in the Second Degree and Unlawful Use of a Weapon, in the Circuit Court of Jackson County, Missouri, Case No. 16CR0200253501;
2. On April 21, 2003, the defendant was convicted of the felony of Possession of a Controlled Substance and Unlawful Use of a Weapon, in the Circuit Court of Jackson County, Missouri, Case No. CR200202536;
3. On April 27, 2006, the defendant was convicted of the felony of Felon in Possession of a Firearm (Weapons Offense under 18 USC 922 (G) (1)), in the United States District Court for the Western District of Missouri;
4. On October 28, 2009, the defendant was convicted of the felony of a Supervised Release Violation, in the United States District Court for the Western District of Missouri; and
5. On November 14, 2012, the defendant was convicted of the felony of Felon in Possession of a Firearm (Weapons Offense under 18 USC 922 (G) (1)), in the United States District Court for the Western District of Missouri.

The range of 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 three (3) years and not to exceed ten (10) years; 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.

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.

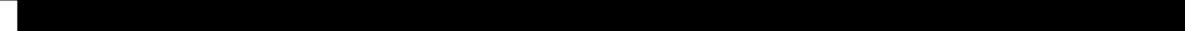
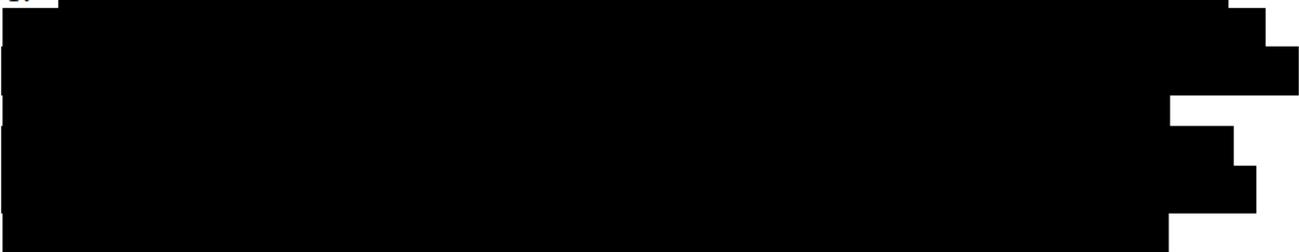
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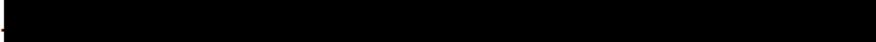
Wherefore, the Prosecuting Attorney prays that an arrest warrant be issued as provided by law.

JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Sarah A. Castle
Sarah A. Castle (#64770)
Assistant Prosecuting Attorney
415 East 12th Street
11th Floor
Kansas City, MO 64106
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scastle@jacksongov.org

WITNESSES:

1. 


- 8. Wisdom E Williams, Prosecuting Atty. Office, 415 E 12th St, Kansas City, MO 64106
- 9. EO Justin Williams, 1125 Locust, Kansas City, MO 64106
- 10. PO Thomas D. Kartman, 1125 Locust, Kansas City, MO 64106
- 11. PO Scott T. Nelson, 1125 Locust, Kansas City, MO 64106
- 12. PO Jared Tipton, 1125 Locust, Kansas City, MO 64106
- 13. DET Brent Cartwright, 1125 Locust, Kansas City, MO 64106
- 14. DET Robert Guffey, 1125 Locust, Kansas City, MO 64106
- 15. DET James Manley, 1125 Locust, Kansas City, MO 64106
- 16. DET Dawn M. Minor, 1125 Locust, Kansas City, MO 64106
- 17. DET Joseph W. Fitzner, 7601 Prospect Ave., Kansas City, MO 64132
- 18. DET Paul A. Oxler, 1125 Locust, Kansas City, MO 64106
- 19. 

PROBABLE CAUSE STATEMENT FORM

Date: 06-13-2018

CRN: 18-043636

I, Brent Cartwright (#5362), 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 June 09, 2018, at 3401 E. Red Bridge Rd. in
(Date) (Address)

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

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

The facts supporting this belief are as follows:

On 06/09/2018 at 6:07 PM, 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 Officer [REDACTED], an off-duty plain clothes officer with the Kansas City, Missouri Police Department. PO [REDACTED] advised he was off-duty when he heard the sound of shots fired and proceeded to the area. Witnesses and victims on scene told PO [REDACTED] that one of the shooters was a male with a white t-shirt, dark shorts, and a short afro, who ran across the street, behind the Security Bank located at 3400 E. Red Bridge Rd. PO [REDACTED] responded to the rear of the bank and located **BEALS, ELLERY H. B/M 10/25/1982**, coming from behind the bank. **BEALS** matched the description given by the witnesses as one of the shooters. PO Tipton then ordered **BEALS** to the ground at gunpoint, and he was taken into custody for further investigation.

On 06/09/2018 at 6:15 PM, officers were dispatched to 3411 Southern Hills in regard to shots fired into a house. Two victims were located inside the house at the time of the shooting when bullets penetrated the walls of their residence, but neither sustained injuries. Simultaneously another 911 emergency call came in regarding a four year old being shot at 3501 Southern Hills, Kansas City, Jackson County, Missouri. Both 3411 and 3501 Southern Hills are located to the northeast of 3401 E. Red Bridge. The four year old victim suffered a gunshot wound to their left forearm which also broke their forearm bone as the bullet entered and exited their arm.

Victim #1, a bystander at the gas station, 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 **BEALS** near a red Chevrolet. Victim #2 observed **BEALS** wearing a white t-shirt and black pants with low cut black hair and "fashion" glasses. A black van pulled up in front of her vehicle, and an unknown suspect got out and shot at **BEALS**, which was in her direction. **BEALS** then fled the scene toward her apartment. The unknown suspect got into his vehicle and yelled at an unidentified female to get back into the van, and then shot at **BEALS'** Impala.

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KCPD Detectives reviewed surveillance video recovered from 3401 E. Red Bridge Rd., which revealed that on 06/09/2018 at 5:58 PM, 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 6:03 PM, 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. It appears that **BEALS** and the unknown suspect exchange gunfire. A female in the passenger side of the van exits and flees to the other side of the gas station. **BEALS** is observed to take cover behind the black van. He then stands to the north and east of the gas pumps and points a black, semiautomatic handgun towards the unknown suspect. **BEALS** then flees the scene northbound across Red Bridge Rd towards the Security Bank carrying the handgun. The video shows the unknown suspect to then fire multiple shots into **BEALS'** vehicle, which was left at the gas station, and then he and the unidentified female passenger flee the scene in the van.

Crime Scene technicians with the Kansas City, Missouri Police Department responded to the scene and processed the scene for evidence. They located 5 shell casings, with the head stamp Federal 40 S&W, to the north and east of the fuel pumps. Crime Scene located an additional 22 shell casings at the scene. Two of the recovered casings had the head stamp Win 40 S&W. The other 20 casings had the head stamp Federal 40 S&W. Bullet fragments were also recovered from the scene.

On 06/09/2018 PO Nelson and K-9 Danger were asked to walk the fence line behind Security Bank located at 3400 E. Red Bridge Rd. While following K-9 Danger in the woods along the fence line, he hit on a pair of red and black glasses, and a black gun holster. The items were located in a fresh path in the woods behind the fence. At that time, no firearm was located.

On 06/09/2018 **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, and while at the gas station he saw the suspect who shot him. **BEALS** stated the suspect began to shoot at him and **BEALS** 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. He continued to deny shooting, stating he was holding a cell phone. **BEALS** was shown the surveillance video, which showed him to be in possession of a firearm, but he continued to state the firearm was a cell phone.

Detectives again reviewed the surveillance footage from the gas station, which shows **BEALS** grabbing his waistband and removing a handgun as he walks behind the van. He then comes from behind the van pointing a black handgun in the direction of the unknown suspect. **BEALS** continues to point the firearm in the direction of the unknown suspect, as he is observed moving to the gas pumps on the north east side of the parking lot and then back behind the van. He does this multiple times prior to fleeing the scene, and throughout is observed pointing the firearm in the direction of the unknown suspect and the bystanders.

On 06/12/2018 at 8:00 AM, Detective Cartwright organized a field article search to locate the firearm and any additional evidence from the shooting from 06/09/2018. The search team consisted of detectives with the Illegal Firearms Squad, the Assault Squad, and Police Academy instructors and training recruits with the Kansas City, Missouri Police Department. Detective Cartwright led the briefing at 3400 E. Red Bridge Rd., and discussed

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all operational plans regarding the search, handling of any evidence, and areas to be searched. The wooded area to be searched was observed to be thick and overgrown, making it difficult for officers to walk through the brush. At approximately 9:17 AM Academy recruit [REDACTED] called out that he had located a firearm on the north side of the fence which bordered the north end of the parking lot of Security Bank. This was the same vicinity of where PO [REDACTED] had observed **BEALS** to exit the wooded area just prior to his arrest.

Detective Manley of the Illegal Firearms Squad recovered the firearm and observed it to be an HK P30 .40 caliber semiautomatic handgun, bearing serial number 219-025073. While attempting to render the firearm safe, Detective Manley observed that ammunition did not feed properly into the magazine. The magazine was removed from the firearm, and it was determined that it was a 15 round magazine which contained 10 rounds of live ammunition, all with a head stamp Federal 40 S&W, which was consistent with the head stamp of the ammunition recovered at the crime scene.

On 06/12/2018 Firearms Forensic Specialist, Alexis Lalli, completed a test fire of the HK firearm and compared it to all of the 40 S&W cartridge cases recovered at the crime scene. The results showed that the evidence cartridge cases were not fired from the HK firearm. The firing pin shape of the evidence cartridge cases appeared to be of the Glock type, which is inconsistent with the firing pin shape of the HK.

A review of the **BEALS'** criminal history revealed the defendant to have the following prior convictions:

1. On February 10, 2003, in Jackson County, Missouri Case No. 16CR0200253501, BEALS was found guilty of Traffic in Drugs 2nd Degree and Unlawful Use of a Weapon, and sentenced to five 5 years confinement in the Missouri Department of Adult Institutions.
2. On April 21, 2003, in Jackson County, Missouri Case No. CR200202536, BEALS was found guilty of Possession of a Controlled Substance and Unlawful Use of a Weapon, and was sentenced to 5 years confinement in the Missouri Department of Adult Institutions.
3. On April 27, 2006, in the Western District of Missouri in United States District Court for Weapons Offense under 18 USC 922 (G) (1), and sentenced to 37 months in the Federal Bureau of Prisons.
4. On October 28, 2009, in the Western District of Missouri in United States District Court for Supervised Release Violation, and was sentenced to 24 months in the Federal Bureau of Prisons.
5. On November 14, 2012, in the Western District of Missouri in United States District Court for Weapons Offense under 18 USC 922 (G) (1), and was sentenced to 63 months in the Federal Bureau of Prisons.

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BEALS was on a term of supervised released under the supervision of the United States Probation and Parole at the time of this offense.

Printed Name Det. Brent Cartwright (#5362) Signature /s/ Brent Cartwright (#5362)

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

Judge

Circuit Court of _____ County, State of Missouri.