

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

POLICE NO. :	KC20047677
PROSECUTOR NO. :	095459973
OCN :	HS020659

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
PRESTON T FOSTER)	
800 New Jersey Street)	CASE NO.
Lawrence, KS - 66044)	DIVISION
DOB: 05/29/1997)	
Race/Sex: W/M)	
████████████████████)	
)	DEFENDANT.

MISDEMEANOR INFORMATION
WARRANT REQUESTED

In the Circuit Court of Jackson County, Missouri, at Kansas City, Term, 2020. In Division Number ____ thereof, designated by the rules of said Court as Criminal Division ____.

**Count I. Assault - 4th Degree - Pursuant To Subdivisions (1), (2), (4), (5)
(565.056-001Y201713990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.056, RSMo, committed the **class A misdemeanor of assault in the fourth degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about July 17, 2020, in the County of Jackson, State of Missouri, the defendant recklessly caused physical pain to ██████████ by shoving a door shut on his hand.

The range of punishment for a class A misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed one (1) year; by a fine not to exceed two thousand dollars (\$2,000); 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. Resisting Or Interfering With Arrest/detention/stop (575.150-003Y191048010)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 575.150, RSMo, committed the **class A misdemeanor of resisting an arrest**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about July 17, 2020, in the County of Jackson, State of Missouri, law enforcement officers, were making an arrest of defendant for Assault on a Law Enforcement Officer, and the defendant knew or reasonably should have known that the officers were making an arrest, and, for the purpose of preventing the officers from effecting the arrest, resisted the arrest of defendant by fleeing from the officers.

The range of punishment for a class A misdemeanor is imprisonment in the county jail or other authorized penal institution for a term not to exceed one (1) year; by a fine not to exceed two thousand dollars (\$2,000); 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).

The facts that form the basis for this information and belief are contained in the statement(s) of facts, filed contemporaneously herewith, 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/ Nichole Erickson
Nichole Erickson (#52086)
Assistant Prosecuting Attorney
415 E. 12th Street, 11th Fl

State vs. Preston T Foster , Case No.

Kansas City, MO 64106
(816) 881-3345
NErickson@jacksongov.org

WITNESSES:

1. [REDACTED]
2. DET Nicholas M. Horine, 1125 Locust, Kansas City, MO 64106
3. PO James R. Oakes, 1125 Locust, Kansas City, MO 64106
4. DET Chad E. Pfaff, 1125 Locust, Kansas City, MO 64106
5. SGT Jason M. Quint, 1125 Locust, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 07/18/2020

CRN: 20-47677

I, Detective Chad Pfaff #5380 of the Kansas City Mo 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 07/17/2020, at 1125 Locust St. in
(Date) (Address)

Kansas City, Jackson Missouri Foster, Preston T.
(County) (Name of Offender(s))

W/M 05/29/1997 committed one or more criminal offense(s).
(Description of Identity)

Aggravated Assault

Resist Arrest

The facts supporting this belief are as follows:

On 07/17/2020 at approximately 2215 hours members of the Kansas City Missouri Police Department were on scene during a protest at 1125 Locust St. Kansas City, Jackson County Missouri, Police Headquarters. During this time the victim (██████.) who was a police officer working in an official capacity for the police department was assaulted.

The victim stated the following. On 07/17/2020 he was a police officer working on-duty in an official capacity at a protest that was taking place on the west side of Kansas City MO Police Headquarters. Protestors began vandalizing the building by spray painting the front of Headquarters and the memorial statue of the fallen officers. He tried to exit Police Headquarters through the community room door in an attempt to distract the protestors with conversation so that field force officers could deploy. While opening the door his hand was caught between the door and the door casing when the suspect, Preston T. FOSTER W/M 05/29/1997, repeatedly slammed the door on his right hand by using his shoulder and preventing him from getting free. He then deployed OC spray exposing FOSTER's face to the chemical. At that time two (2) additional protestors came from behind FOSTER and attempted to assist FOSTER by helping him close the door. As more officers arrived on scene, FOSTER and the two others dispersed. The victim stated that officers of the Kansas City MO Police Department attempted once to take FOSTER into custody when he was identified in the crowd of protestors. At that time FOSTER was advised he was under arrest for assault on a law enforcement officer. FOSTER then fled and officers chased him on foot but eventually lost him. A short time later FOSTER was identified again walking along the street with other protestors and officers attempted once again to take him into custody, but FOSTER fled on foot. A foot chase ensued and he was eventually taken into custody. When he was taken into custody the victim positively identified FOSTER when he was at the back of a patrol wagon awaiting transportation. The victim was further shown photos of protestors outside the community room door to police

PROBABLE CAUSE STATEMENT FORM

CRN 20-47677

headquarters where the assault occurred. The victim confirmed that the photos were of FOSTER, who was awaiting transportation near the back of a patrol wagon.

Immediately following the incident, the victim detected tightness, swelling, pain, and difficulty closing his hand. The following morning his hand had about the same mobility as it did immediately after the incident. He received medical treatment for the injury, and an x-ray revealed no obvious broken bones in his hand or wrist. The apparent injuries were abrasions to the top of the hand, swelling, and redness.

Witness 1 (██████) an on duty police officer working in an official capacity for the Kansas City Missouri department stated the following. He stated that victim was in the community room as well. He observed the victim with a Mark 9 OC (Oleoresin Capsicum) sprayer in his hands. He observed someone on the opposing side of the of the entrance door of the community room, bracing it shut. He observed the victim approach the door and attempt to manually open the door by forcing it open with his shoulder and hip. He also observed the door open approximately 1 foot and the victim place his hand on the edge of the door. He further stated that by this time the protestors had already vandalized the property and that the field force officers were attempting to find a route out of the building to disperse the protestors.

Other 1 (██████) stated the following. He was in the area of Police Headquarters during the protest. He was near the front doors of Police Headquarters when he observed some people getting into an altercation at a different entrance to the building. Afterwards he met back up with his friend and fellow protestor FOSTER. He stated they continued to protest when police officers approached. He stated that the scene was loud and chaotic but he did not hear any officer personally advise him that he was under arrest. He stated that he and FOSTER began to run away from police officers upon their approach. Upon running away from the officers to an unknown location, he observed an unmarked vehicle approach and police officers exit the vehicle. The officers apprehended he and Foster after a short chase on foot.

FOSTER was apprehended, and transported to the Kansas City Missouri Police Department’s Metro Patrol Division for booking. While there FOSTER was contacted by detectives for a formal interview. He was advised of his Miranda Warning, and he agreed to speak with us. He stated that he was present during the protests at Kansas City Missouri’s Police Headquarters. He stated during this time he observed multiple officers standing inside the community room door. He advised other protestors that he believed police were getting ready to come out so he called for assistance. He then proceeded to the community room door and braced it in an attempt to prevent police from exiting. At that time the victim, who was in a marked uniform, attempted to open the door. When the door didn’t open fully the victim sprayed him with “mace.” He then fled the scene with the assistance of other protestors. The police then attempted to place him under arrest twice, but he fled from them on foot. The second time he was caught and placed under arrest.

Printed Name Det. Chad Pfaff #5380 Signature /s/ Det. Chad Pfaff #5380

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

PROBABLE CAUSE STATEMENT FORM

CRN 20-47677

Judge

Circuit Court of _____ County, State of Missouri.