

PROBABLE CAUSE STATEMENT FORM

Date: 01/10/2023

CRN: 23-001581

I, Det. Sutton Smith #5376

(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 01/08/2023, at Independence Avenue and Hardesty Avenue in Kansas City, Jackson Missouri, Charles T. Matthews Jr. B/M, (08/24/1992) committed one or more criminal offense(s).

Involuntary Manslaughter/Tampering with a Motor Vehicle/Resisting

The facts supporting this belief are as follows:

On 01/07/2023 at approximately 2346 hours, officers from the Kansas City, Kansas Police Department were dispatched to 420 N. 18th Street, Kansas City, Wyandotte, Kansas in regard to an armed robbery. Kansas City Kansas Police Officer Grannas and Kansas City Kansas Police Officer Alvarez-Hernandez determined a white, 2013 GMC Terrain, bearing Kansas license plate 049PYG, had been stolen from outside of this location. (refer to Kansas City, Kansas report # 2023-2269) A thirteen-year-old male was outside of the listed location starting the GMC Terrain for his uncle who was inside of the residence. As was exiting the passenger side of the GMC Terrain, a black male/defendant, later to be identified as Charles T. Matthews, Jr. (b/m, 08/24/1992), ran towards the GMC Terrain, pointed a knife at and told him to "get back". and a witness observed Matthews driving the GMC Terrain away from the location and was last seen turning westbound on Orville Avenue from 18th Street. A short time later, Kansas City, Kansas Police Officers Grannas and Alvarez-Hernandez located the stolen GMC Terrain. The officers activated their emergency equipment and attempted to stop the GMC Terrain, but the GMC Terrain failed to stop. The officers pursued the GMC Terrain into Kansas City, Jackson County, Missouri, near I-70 Highway and Broadway Boulevard, on 01/08/2023 at approximately 0202 hours. The GMC Terrain traveled throughout downtown Kansas City, Missouri and eventually turned eastbound on Independence Avenue. The GMC Terrain traveled eastbound on Independence Avenue reaching 100 miles per hour and disregarding traffic control signals. At Independence Avenue and Hardesty Avenue, Kansas City, Jackson County, Missouri, the GMC Terrain failed to stop for a red traffic control signal and struck a black, 2013 Nissan Altima, occupied by driver, Gabriela K. Trejo-Garcia (12/28/1978), and front seat passenger, Juan Avila (w/m, 04/11/1996), which was traveling northbound on Hardesty Avenue, through a green traffic control signal. Avila died at the scene due to the injuries he sustained as a result of this crash. Trejo-Garcia was transported to an area medical facility and later died as a result of this crash. Matthews was transported to an area medical facility with serious injuries sustained as a result of this crash.

On 01/10/2023 at approximately 1108 hours, a Kansas City Missouri Detective and Kansas City Kansas Detectives responded to a local police facility and contacted Matthews and advised him of his Miranda Rights, which he stated he understood. Matthews advised he observed a white SUV "running," which he did not own, near his residence in Kansas City, Kansas. He advised no one was around so he opened the driver's side door and got into the vehicle. Matthews advised he drove off from the location. Matthews advised a Kansas Police vehicle got behind him and attempted to stop him. Matthews advised the officers activated their emergency lights and sirens and he knew they were attempting to stop him. Matthews advised he did not think officers from Kansas could cross over into Missouri, so he made the decision to get on the "highway" and travel into Missouri. Matthews advised he observed the Missouri sign and thought the officers would stop pursuing him, however they continued in their pursuit. Matthews advised he was in a "high speed chase," but could not advise

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how fast he was going. **Matthews** advised he had been smoking Methamphetamines for five (5) days, as well as, consuming beer all day. **Matthews** also advised he had not slept in five (5) days, so he could not recall specific details regarding the pursuit. **Matthews** advised he suffers from seizures and was tired. **Matthews** advised he "fell asleep" and woke up after being involved in a crash. **Matthews** could not provide any specific details related to the crash. **Matthews** advised prior to stealing the white SUV, he and his girlfriend had gotten into an argument, so he took the white SUV because he wanted to do something to make her feel bad.

Accident Investigation Section Officers conducted an investigation of the crash. PO Lamb determined **Matthews** was operating a stolen GMC Terrain and was traveling 77 miles per hour, .5 second prior to impact, eastbound on Independence Avenue at Hardesty Avenue.

A computer check revealed **Matthews** was an unlicensed driver.

Printed Name Det. Sutton Smith #5376 Signature Det. Sutton Smith #5376

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

Judge

Circuit Court of _____ County, State of Missouri.

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

POLICE NO. :	KC23001581
PROSECUTOR NO. :	095472854
OCN:	HS037837

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
)	
CHARLES T MATTHEWS)	
67 S 17th St.)	CASE NO. 2316-CR
Kansas City, KS 66102)	DIVISION
DOB: 08/24/1992)	
Race/Sex: B/M)	
)	
)	DEFENDANT.

COMPLAINT
WARRANT REQUESTED

**Count I. Murder 2nd Degree - Felony Murder - During Perpetration/Attempted
Perpetration/Flight From Perpetration Of A Felony, A Person Dies (565.021-
003Y20200999.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.021, RSMo, committed the **class A felony of murder in the second degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about on or about January 8, 2023, in the County of Jackson, State of Missouri, Juan Avila was killed in a vehicular collision as a result of the perpetration of the class E Felony of Resisting Arrest under Section 575.150, RSMo, committed by the defendant on or about January 8, 2023, in the County of Jackson, State of Missouri.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served. 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.

Or in the Alternative

Count I. Involuntary Manslaughter 1st Degree (565.024-001Y20200909.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.024, RSMo, committed the **class C felony of involuntary manslaughter in the first degree**, punishable

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upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about January 8, 2023, in the County of Jackson, State of Missouri, the defendant recklessly caused the death of Juan Avila in a vehicular collision.

The range 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.

Count II. Murder 2nd Degree - Felony Murder - During Perpetration/Attempted Perpetration/Flight From Perpetration Of A Felony, A Person Dies (565.021-003Y20200999.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.021, RSMo, committed the **class A felony of murder in the second degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about on or about January 8, 2023, in the County of Jackson, State of Missouri, Gabriela Trejo-Garcia was killed in a vehicular collision as a result of the perpetration of the class E Felony of Resisting Arrest under Section 575.150, RSMo, committed by the defendant on or about January 8, 2023, in the County of Jackson, State of Missouri.

An individual convicted and sentenced for this offense shall not be eligible for parole until eighty-five percent of the sentence is served. 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.

Or in the Alternative

Count II. Involuntary Manslaughter 1st Degree (565.024-001Y20200909.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.024, RSMo, committed the **class C felony of involuntary manslaughter in the first degree**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about January 8, 2023, in the County of Jackson, State of Missouri, the defendant recklessly caused the death of Gabriela Trejo-Garcia in a vehicular collision.

The range 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.

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Count III. Resisting Arrest/Detention/Stop By Fleeing - Creating A Substantial Risk Of Serious Injury/Death To Any Person (575.150-002Y20204801.0)

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 E felony of resisting a lawful stop**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about on or about January 8, 2023, in the County of Jackson, State of Missouri, Officer Alvarez-Hernandez and Officer Grannas law enforcement officers, were attempting to make a lawful stop of a vehicle being operated by defendant, and the defendant knew or reasonably should have known that the officers were making a lawful stop, and, for the purpose of preventing the officers from effecting the stop, resisted the stop of defendant by fleeing from the officers and defendant fled in such a manner that created a substantial risk of serious physical injury or death to other persons in that defendant operated a motor vehicle at an excessive rate of speed and failed obey a traffic control device.

The range punishment for a class E felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than one (1) year and not to exceed four (4) 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.

Count IV. Tampering With Motor Vehicle - 1st Degree (569.080-002Y20202999.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 569.080.1(2), RSMo, committed the **class D felony of tampering in the first degree**, punishable upon conviction under Sections 558.011 and 558.002, RSMo, in that on or about January 8, 2023, in the County of Jackson, State of Missouri, the defendant knowingly and without the consent of the owner unlawfully operated a white GMC Terrain, an automobile.

The range 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 one (1) year 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.

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.

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JEAN PETERS BAKER
Prosecuting Attorney
Jackson County, Missouri
by,

/s/ Brady X. Twenter
Brady X. Twenter (#49380)
Assistant Prosecuting Attorney
415 E. 12th St.
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BTwenter@jacksongov.org

WITNESSES:

1. [REDACTED]
2. PO Andrew R. Bartlett, 1125 Locust, Kansas City, MO 64106
3. PO Jack W. Cotter, 1125 Locust, Kansas City, MO 64106
4. [REDACTED] Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
5. PO Jamie D. Lamb, 1125 Locust, Kansas City, MO 64106
6. DET Sutton D Smith, 1125 Locust, Kansas City, MO 64106