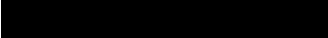


**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

<b>POLICE NO. :</b>	KC21085204
<b>PROSECUTOR NO. :</b>	095468478
<b>OCN :</b>	

<b>STATE OF MISSOURI,</b>	)	
	<b>PLAINTIFF,</b>	)
<b>vs.</b>	)	
	)	
<b>DOMINIC S BISCARI</b>	)	
<b>550 W 43rd St</b>	)	<b>CASE NO.</b>
<b>Kansas City, MO - 64111</b>	)	<b>DIVISION</b>
<b>DOB: 05/04/2000</b>	)	
<b>Race/Sex: W/M</b>	)	
	)	
	)	
	<b>DEFENDANT.</b>	)

**INFORMATION**

**In the Circuit Court of Jackson County, Missouri, at Kansas City, Term, 2023. In Division Number \_\_\_\_ thereof, designated by the rules of said Court as Criminal Division \_\_\_\_.**

**Count I. Involuntary Manslaughter-2nd Degree (565.027-001Y202009990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.027, RSMo, **committed the class E felony of involuntary manslaughter in the second degree**, punishable upon conviction under Sections 558.011 and 558.002, RSMo, in that on or about December 15, 2021, in the County of Jackson, State of Missouri, the defendant caused the death of Jennifer San Nicolas by crashing a Pierce Impel fire apparatus into a Honda CRV being operated by Jennifer San Nicolas and did so with criminal negligence in that the defendant entered an intersection against a red traffic control signal without braking or ensuring that it was safe to exercise a negative right of way.

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 II. Involuntary Manslaughter-2nd Degree (565.027-001Y202009990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.027, RSMo, **committed the class E felony of involuntary manslaughter in the second degree**, punishable upon conviction under Sections 558.011 and 558.002, RSMo, in that on or about December 15, 2021, in the County of Jackson, State of Missouri, the defendant caused the death of Michael J Elwood by by crashing a Pierce Impel fire apparatus into a Honda CRV in which Michael J. Elwood was a passenger and did so with criminal negligence in that the defendant entered an intersection against a red traffic control signal without braking or ensuring that it was safe to exercise a negative right of way.

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 III. Involuntary Manslaughter-2nd Degree (565.027-001Y202009990)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.027, RSMo, **committed the class E felony of involuntary manslaughter in the second degree**, punishable upon conviction under Sections 558.011 and 558.002, RSMo, in that on or about December 15, 2021, in the County of Jackson, State of Missouri, the defendant caused the death of Tami N Knight by by crashing a Pierce Impel fire apparatus into a Honda CRV which then collided with Tami Knight, and did so with criminal negligence in that the defendant entered an intersection against a red traffic control signal without braking or ensuring that it was safe to exercise a negative right of way.

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

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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.

**JEAN PETERS BAKER**

Prosecuting Attorney  
Jackson County, Missouri  
by,

*/s/ Daniel Portnoy*

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Assistant Prosecuting Attorney  
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Kansas City, MO 64106  
(816) 881-3286  
dportnoy@jacksongov.org

**WITNESSES:**

1. DET Gary L. Burgess, 1125 Locust, Kansas City, MO 64106
2. PO Matthew D. Housh, 1125 Locust, Kansas City, MO 64106
3. PO Walter W. Johnson, 1125 Locust, Kansas City, MO 64106
4. Alexander R Llera, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
5. Zachary W Loudenslagel, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
6. Richard B Purtle, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
7. Reed E Schlesselman, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
8. DET Sutton D Smith, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106
9. Michael Tuschhoff, Prosecuting Atty. Office, 415 E 12th St, Floor 11, Kansas City, MO 64106

PROBABLE CAUSE STATEMENT FORM

Date: 02/22/2022

CRN: 21-085204

I, Det. Gary Burgess #4441

(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 12/15/2021, at Westport Road and Broadway Boulevard in

Kansas City, Jackson Missouri, Dominic S Biscari W/M (05/04/2000)
(County) (Name of Offender(s)) (Description of Identity)

committed one or more criminal offense(s).

Vehicular Manslaughter

The facts supporting this belief are as follows:

On 12/15/2021 at approximately 2221 hours, Kansas City Missouri Police Officers responded to Westport Road and Broadway Boulevard, Kansas City, Jackson County, Missouri in regard to an injury crash that involved the Kansas City Missouri Fire Department, Pumper 19. The red Pierce Impel fire apparatus (Pumper 19) was traveling north on Broadway Boulevard. The driver/defendant of Pumper 19, identified as Dominic S Biscari (w/m, 05/04/2000), was in route to a house fire in the area of 39th and South Benton, so the vehicle's emergency equipment was activated. As Pumper 19 approached the intersection of Westport and Broadway, the traffic signals for northbound traffic were red. Pumper 19 entered the intersection against the red light and struck a blue Honda CRV, which was traveling west on Westport Road with a green traffic signal. The front of Pumper 19 struck the left side of the Honda near the driver's door and the Honda became stuck to Pumper 19's front bumper. Both vehicles veered to the left (northwesterly direction) and struck three vehicles that were parked along the west curb of Broadway Boulevard, then into the building located at 4050 Broadway. The impact pushed one of the parked vehicles, a Dodge Caliber, onto the sidewalk and it struck a pedestrian, identified as Tami N Knight (w/f, 05/12/1980). Knight died from her injuries and was later found under debris from a portion of the building that had collapsed. The driver of the Honda, Jennifer L SanNicolas (w/f, 09/25/1980) and front seat passenger Michael J Elwood (w/m, 06/25/1996), also died from injuries they sustained in the crash. Biscari and the three other firefighters in Pumper 19, Richard Purtle, Zachary Loudenslagel and Reed Schlesselman, were not injured in the crash.

A witness, Alexander R Llera, stated he and his girlfriend, Tami Knight, had just finished having dinner and walked to his vehicle, a silver BMW, which was parked on the west side of Broadway, north of Westport road. Llera was unlocking the driver's door with a key and Knight stood on the sidewalk near the front passenger door. As Llera was unlocking the door, he heard sirens approaching from the south and then heard a collision. His vehicle was suddenly pushed north by a vehicle that was parked in front of his and he saw a firetruck crash into the building beside them. Llera entered the building and yelled for Tami, but he did not hear a response. Llera then heard the building making a noise prior to it collapsing, so he got out before it collapsed. Llera saw three to four firemen exit the firetruck and one crouched down behind the firetruck and he appeared distressed and was vocal that he may have injured or killed someone.

Kansas City Missouri Detectives responded to the scene and obtained statements from the firefighters involved in the crash.

Dominic Biscari stated he was driving the fire apparatus and his crew assigned to KCFD Pumper 19 were enroute to a fire at E. 39th Street and South Benton Boulevard. Biscari stated he was driving northbound on Broadway Boulevard and as he approached the intersection of Westport Road and Broadway Boulevard, he slowed down to approximately 30 MPH to clear the intersection. He stated he cleared the intersection to the best of his ability and did not see anything, so he proceeded through the intersection. Biscari advised the vehicle's lights and sirens (emergency equipment) were activated and he used the air horn to clear the intersection. Biscari advised half way through the intersection a blue car traveling westbound on Westport Road appeared in front of him. Biscari "slammed" on the brakes and swerved to avoid colliding into the vehicle, but was unable to do so. He stated the fire truck weighed 45,000 pounds and could not "stop on a dime".

PROBABLE CAUSE STATEMENT FORM

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After the initial collision, the car stuck to the bumper of the fire truck, crashed into vehicles parked on the street and then into the building located at 4050 Broadway Boulevard, where it came to a rest. After the pumper stopped, they all exited and the captain reported the crash while the crew looked through the debris. **Biscari** stated he did everything to the best of his ability to avoid the car and sadly the collision was not avoidable. **Biscari** consented to a Preliminary Breath Test, which revealed a negative response for the presence of alcohol.

Richard Purtle stated he was the Acting Captain of the crew assigned to Pumper 19. The crew was enroute to a fire at 39<sup>th</sup> Street and South Benton, **Dominic Biscari** was driving and Purtle sat in the front passenger seat. The emergency equipment was activated as they traveled north on Broadway and Purtle was putting on his gear while looking down at a computer screen. Purtle stated he remembered saying "they just put us in service" then he looked up and out of the corner of his eye, he saw a vehicle traveling west on Westport Road in front of their truck. Purtle stated they crashed into the vehicle then pushed it into another vehicle. Purtle then saw someone standing on the sidewalk as they jumped a curb and crashed into the building on the west side of Broadway. After the "rig" came to a stop, Purtle made sure his crew wasn't injured, then told them to get out of the "rig". Purtle then got on the radio with the dispatcher and asked for assistance. After Purtle exited the truck, he was contacted by a male who stated he was looking for his girlfriend. Purtle helped the male try to locate the female, but after he heard a rumble coming from the building, everyone evacuated the area just before the building collapsed. Purtle stated he was looking down at the computer as they traveled, so he did not see the color of the traffic signal as they approached the intersection and he did not know how fast **Biscari** was driving prior to the crash. When asked how it was determined who drove the pumper, Purtle stated he had just been assigned to that station and since he did not really know the crew, he asked them whose turn it was to drive.

Zachary Loudenslagel stated he was sitting in the back seat on the driver's side of the fire apparatus. Loudenslagel was putting on his gear as they traveled to the fire, so he had no idea how fast **Biscari** was driving or the color of the traffic signal prior to the collision. Loudenslagel stated their pumper did not have a permanent driver assigned to it because the position was in the bidding process. Since there was no permanent driver currently assigned, he and the two others in his crew took turns driving and they were all qualified to drive the pumper.

Reed Schlesselman stated he was sitting in the back seat on the passenger side of the fire apparatus. Schlesselman was putting on his gear as they traveled north on Broadway to a fire. Schlesselman wasn't for sure, but thought **Biscari** was driving at or 5 MPH over the speed limit and the emergency equipment was activated. As they approached the intersection at Westport and Broadway, Schlesselman saw a vehicle traveling west on Broadway out of the corner of his eye. Before he had a chance to say anything, their pumper crashed into the vehicle and then flew across the intersection into a building. Schlesselman thought **Biscari** slowed down prior to the impact, but didn't know if he had time to make an evasive maneuver.

Numerous surveillance cameras in the area captured the crash. The footage revealed at 10:18:58 pm, the traffic signals for north and southbound Broadway traffic were red and green for east and westbound traffic on Westport Road. At 10:19:14 pm the lights were the same color when Pumper 19 crashed into the westbound Honda. After the initial collision, the vehicles veered to the northwest and crashed into multiple vehicles parked on the west side of Broadway Boulevard then into a building. The video also revealed a female standing beside one of the parked vehicles was struck by another parked vehicle, as well as crash debris and she disappeared from the camera view.

The Pierce fire apparatus was equipped with an onboard Vehicle Data Recorder (VDR). The data from the VDR revealed **Biscari** was traveling 51.48 MPH in a 35 MPH zone with 100% throttle and the ABS was engaged when the crash occurred. The Honda's diagnostic system was unable to be imaged, but analysis based on video of the Honda's approach to the intersection revealed the Honda was traveling 30-31 MPH in a 25 MPH zone.

PROBABLE CAUSE STATEMENT FOR

CRN: 21-085204

Members of the Accident Investigation Unit, who also responded to the crash scene, conducted an investigation of the crash. Based on the totality of the investigation, Accident Investigator PO Johnson determined that while operating an emergency vehicle, **Biscari** entered an intersection with a limited view of cross-traffic, through a red traffic control signal, at a speed that was too fast for the conditions he faced. Missouri State Statute 300.100 requires emergency vehicle operators to drive with due regard for the safety of all persons. The crash caused the deaths of Jennifer SanNicolas, Michael Elwood and Tami Knight.

A computer check revealed **Biscari** to have a VALID Missouri operator's license.

Printed Name Det. Gary Burgess #4441 Signature Det. Gary Burgess #4441

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

\_\_\_\_\_  
Judge

Circuit Court of \_\_\_\_\_ County, State of Missouri.