

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

POLICE NO. :	17-081131
PROSECUTOR NO. :	095442617

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
TERRY GRAY)	
10836 E. 9th Terr South,)	CASE NO. 1816-CR
Independence, MO - 64052)	DIVISION
DOB: 06/29/1966)	
Race/Sex: W/M;)	
SSN: XXX-XX-XXXX)	
)	DEFENDANT.

COMPLAINT

Count I. Dwi - Death Of Another Not A Passenger (577.010-033Y20175403.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.010, committed the **class B felony of driving while intoxicated resulting in death**, punishable upon conviction under Sections 558.011 and 577.010, RSMo, in that on or about September 17, 2017, at or around the intersection of E. 23rd St & I-435 Hwy in the County of Jackson, State of Missouri, the defendant operated a motor vehicle while under the influence of marijuana, a controlled substance, and acted with criminal negligence by operating his Dodge truck at a high rate of speed and disobeying a red traffic control signal thereby causing a vehicular crash, and as a result caused death to R.H, and R.H. was not a passenger in the vehicle operated by the defendant.

The range of punishment for a class B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

OR IN THE ALTERNATIVE

Count I. Involuntary Manslaughter 1st Degree (565.024-001Y19840909.0)

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 September 17, 2017, in the County of Jackson, State of Missouri, the defendant recklessly caused the

State vs. Terry Gray

death of RH by operating his Dodge truck at a high rate of speed and disobeying a red traffic control signal thereby causing a vehicular crash which killed RH.

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.

Count II. Dwi - Death Of Another Not A Passenger (577.010-033Y20175403.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.010, committed the **class B felony of driving while intoxicated – resulting in death**, punishable upon conviction under Sections 558.011 and 577.010, RSMo, in that on or about September 17, 2017, E. 23rd St & I-435 Hwy in the County of Jackson, State of Missouri, the defendant operated a motor vehicle while under the influence of marijuana, a controlled substance, and acted with criminal negligence by operating his Dodge truck at a high rate of speed and disobeying a red traffic control signal thereby causing a vehicular crash and as a result caused death to ER, and ER was not a passenger in the vehicle operated by the defendant.

The range of punishment for a class B felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years and not to exceed fifteen (15) years.

OR IN THE ALTERNATIVE

Count II. Involuntary Manslaughter 1st Degree (565.024-001Y19840909.0)

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 September 17, 2017, in the County of Jackson, State of Missouri, the defendant recklessly caused the death of ER by operating his Dodge truck at a high rate of speed and disobeying a red traffic control signal thereby causing a vehicular crash which killed ER.

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.

State vs. Terry Gray

Count III. DWI - Serious Physical Injury (577.010-027Y20175403.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.010, committed the **class D felony of driving while intoxicated**, punishable upon conviction under Sections 558.002, 558.011 and 577.010, RSMo, in that on or about September 17, 2017, at or near E. 23rd St & I-435 Hwy, [insert city], in the County of Jackson, State of Missouri, the defendant operated a motor vehicle while under the influence of marijuana, a controlled substance, and acted with criminal negligence by operating his Dodge truck at a high rate of speed and disobeying a red traffic control signal thereby causing a vehicular crash and as a result caused serious physical injury to Matthew R Hampel.

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.

OR IN THE ALTERNATIVE

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 Section(s) (558.002 and) 558.011, RSMo, in that on or about September 17, 2017, in the County of Jackson, State of Missouri, the defendant recklessly caused serious physical injury to Matthew R Hampel by operating his Dodge truck at a high rate of speed and disobeying a red traffic control signal thereby causing a vehicular crash which resulted in serious physical injury to Matthew R Hampel.

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.

State vs. Terry Gray

Count IV. DWI - Serious Physical Injury (577.010-027Y20175403.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 577.010, committed the **class D felony of driving while intoxicated**, punishable upon conviction under Sections 558.002, 558.011 and 577.010, RSMo, in that on or about September 17, 2017, at or near E. 23rd St & I-435 Hwy, [insert city], in the County of Jackson, State of Missouri, the defendant operated a motor vehicle while under the influence of marijuana, a controlled substance, and acted with criminal negligence by operating his Dodge truck at a high rate of speed and disobeying a red traffic control signal thereby causing a vehicular crash and as a result caused serious physical injury to Edwin Raudales-Flores.

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.

OR IN THE ALTERNATIVE

Count IV. 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 Section(s) (558.002 and) 558.011, RSMo, in that on or about September 17, 2017, in the County of Jackson, State of Missouri, the defendant recklessly caused serious physical injury to Edwin Raudales-Flores by operating his Dodge truck at a high rate of speed and disobeying a red traffic control signal thereby causing a vehicular crash which resulted in serious physical injury to Edwin Raudales-Flores

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.

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.

State vs. Terry Gray

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/ Daniel Portnoy
Daniel Portnoy (#62186)
Assistant Prosecuting Attorney
415 E. 12th St., 11th Floor
Kansas City, MO - 64106
(816) 881-3286
dportnoy@jacksongov.org

WITNESSES:

DET Kurtis J. Anderson , 1125 Locust, Kansas City, MO - 64106
PO Marc A. Catron , 1125 Locust, Kansas City, MO - 64106
PO Kyle D. Conkling 1125 Locust, Kansas City, MO - 64106
DET Christopher G. Hayes , 1125 Locust, Kansas City, MO - 64106
PO Aaron M. Kohrs , 1125 Locust, Kansas City, MO - 64106
PO Wesley Prettyman , 1125 Locust, Kansas City, MO - 64106
DET Chad M. Rives , 1125 Locust, Kansas City, MO - 64106
PO Kori L. Smeiska , 1125 Locust, Kansas City, MO - 64106
Timothy R. Casey , Prosecuting Atty. Office, Kansas City, MO - 64106
Ryan J. Cenkus , Prosecuting Atty. Office, Kansas City, MO - 64106
Carlie Dickerson , Prosecuting Atty. Office, Kansas City, MO - 64106
Jason Flaherty , Prosecuting Atty. Office, Kansas City, MO - 64106
Joe Gonzalez , 309 E. 5th St, Des Moines, IA - 50303
Jaime Hampel Prosecuting Atty. Office, Kansas City, MO - 64106
Matthew R Hampel , Prosecuting Atty. Office, Kansas City, MO - 64106
Hayden P Hibner , Prosecuting Atty. Office, Kansas City, MO - 64106
Kaley N. Hibner , Prosecuting Atty. Office, Kansas City, MO - 64106
Suzzane M Hibner , Prosecuting Atty. Office, Kansas City, MO - 64106
Tyler W. Hibner , Prosecuting Atty. Office, Kansas City, MO - 64106
Dustin D Kisler , Prosecuting Atty. Office, Kansas City, MO - 64106
Edwin Raudales-Flores , Prosecuting Atty. Office, Kansas City, MO - 64106
Laura I Roesch , Prosecuting Atty. Office, Kansas City, MO - 64106
Michelle L Schultz , Prosecuting Atty. Office, Kansas City, MO - 64106
Alexander R Sinnett , Prosecuting Atty. Office, Kansas City, MO - 64106
Timothy M. Thornburg , Prosecuting Atty. Office, Kansas City, MO - 64106

PROBABLE CAUSE STATEMENT FORM

Date: 11/21/2017

CRN: 17-081131

I, Det. Kurtis Anderson #5019

(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 09/17/2017, at I-435 Highway and 23rd St.

(Date)

(Address)

In Kansas City Jackson Missouri TERRY A. GRAY W/M 06/29/1966

(County)

(Name of Offender(s))

(Description of Identity)

committed one or more criminal offense(s).

Vehicular Manslaughter, Vehicular Assault

The facts supporting this belief are as follows:

On 09/17/2017, at 1549 hours, Kansas City, Missouri Police Officers were dispatched the area of I-435 Highway and 23rd St., Kansas City, Jackson County, Missouri in regard to an injury vehicular. The Officers determined a black 2015 Dodge Ram pickup, bearing Missouri license 3HX473 was traveling north on 435 Hwy, then exited on E. 23rd Street. The Dodge then struck the rear of a Toyota Rav 4 and the impact forced the Toyota to strike a red Hyundai Sonata. The Hyundai was then forced into a brown Ford F-150. The driver of the Toyota (Edwin G. Raudales-Flores) sustained life threatening injuries and was transported to an area hospital. The juvenile passenger of the Toyota (E.R.) was transported to an area hospital where she later died from injuries sustained in the crash. The driver of the Hyundai (Matthew R. Hampel) sustained serious injuries and was transported to an area hospital. The juvenile passenger of the Hyundai (R.H.) was transported to an area hospital where she later died from injuries sustained in the crash. The driver of the Ford (Timothy Casey) was uninjured and remained at the scene. The defendant and driver of the Dodge (TERRY A. GRAY, W/M, 06/29/1966) identified himself as the driver of the Dodge to the responding officer and remained at the scene.

A Witness (Hayden Hibner) was contacted and stated he was driving northbound on I-435. He observed a black truck in front of him swerving shoulder to shoulder. The swerving was abrupt as if he was jerking the wheel. He decided not to pass the truck due to its driving and stayed behind it. Other traffic stayed behind it as well and the truck suddenly took the 23rd St. exit. He did not see the crash occur.

Witness (Michelle Schultz) was contacted and stated she was driving northbound on I-435 in the lane to exit onto 23rd St. She observed a black truck approaching her at approximately 80 mph. As she took the exit, the truck drove around her on the driver's side shoulder at what she believed to still be 80 mph. The truck continued down the exit to the stop light. She observed the stop light to be red and the truck kept driving at the same speed. She never saw any brake lights on the truck and the truck ran into the back of a car that was sitting at the red light. The truck kept driving across the entire intersection until hitting the rock wall on the other side of the intersection.

A Witness (Ryan Cenkus) was contacted and stated he was driving westbound on 23rd St. approximately 200-300 yards from the intersection of I-435 when he observed a black truck plow into the back of a silver SUV. The impact struck a maroon car that was traveling eastbound on 23rd St. and sent it into a pole. The force of the truck pushed the SUV all of the way across the intersection into the wall next to the on ramp to I-435. He parked and responded to the maroon car. He checked the pulse of the baby and noticed it was faint. He cut the car seat with the baby in it from the car and passed the baby to someone who was saying they were a medic. He then went to the dad of the maroon car and cut him out. He moved the dad 10-15 feet from the car because gas was pouring out. He then went to the SUV because someone was yelling for a knife. He handed his knife to someone who cut the girl out of the back seat. He contacted the driver of the black truck. He noticed the driver to have blood on his T-shirt and asked if he was okay. The driver was irate and was mad about his truck being damaged. He did not seem to have any regard about anyone else involved in the crash and had no remorse. He was kicking things around and throwing things into the back of his truck. He did not believe the driver of the truck was under the influence and did not appear to be having any disorientation or medical issues aside from the cuts.

A Kansas City, Missouri Police Detective interviewed the defendant at the scene. The defendant stated he was driving his Dodge northbound on I-435. He exited on the 23rd St. exit and woke up after the crash. He could not remember any details regarding the crash. He was coming from his son's house in Gardner, KS. He woke up with 10 seconds left of the Chief's game and headed home. Mr. Gray advised he has PTSD and takes medication for seizures. He ran out of his seizure medicine and was going to have it refilled that day. He took his last seizure medicine before midnight and he should take it every 12 hours. He advised he can normally feel when he is going to have a seizure and did not feel like he was having one in this situation. He advised he did not drink alcohol, but he does smoke marijuana. He had not smoked marijuana on this date. He had a good night's sleep the night before. He stated he was upset at all of the traffic and probably should have gone the other way.

A DUI Officer responded to the scene and contacted the defendant. The defendant's eyes were observed to be constricted. The defendant's balance was observed to be uncertain and swaying. The DUI Officer administered the Standardized Field Sobriety Tests. The Officer

PROBABLE CAUSE STATEMENT FORM

CRN 17-081131

observed 4 out of 8 clues during the Walk and Turn Test, and 2 out of 4 clues during the One Leg Stand Test. The defendant was transported to an area hospital where he was read Missouri Implied Consent and agreed to submit to a chemical test of his blood. Two vials of blood were recovered and submitted to the lab for analysis. The toxicology report from the blood provided by the defendant revealed a high level of Carboxy THC that was tested to reveal a Delta 9 THC of 2.3 NG/ML.

Accident Investigation Section Officers conducted an investigation of the collision. The officer determined the defendant was traveling at a recorded speed of 90 mph in a 40 mph zone, failed to stop for a red traffic control signal, and struck the rear end of the Toyota. There was no evidence that the defendant attempted to brake at any point and the Dodge's acceleration was recorded as 100 % throttle. The defendant struck the Toyota with sufficient force to not only cause fatal injuries to its rear seat passenger and critical injuries to its driver, but also cause a secondary collision with the Hyundai, resulting in fatal injuries to its passenger.

A computer check revealed the defendant to have a valid operator's license through Missouri Department of Revenue.

Printed Name Det. Kurtis Anderson #5019 Signature Det. Kurtis Anderson #5019

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

Judge

Circuit Court of _____ County, State of Missouri.