

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

POLICE NO. :	18-008903
PROSECUTOR NO. :	095443628

STATE OF MISSOURI,)	
)	PLAINTIFF,
vs.)	
CHRISTOPHER D. FOSTER)	
30269 W. 375th St.,)	CASE NO. 1816-CR
Osawatomie, KS - 66064)	DIVISION
DOB: 04/19/1991)	
Race/Sex: W/M;)	
SSN: XXX-XX-████)	
)	DEFENDANT.

COMPLAINT

**Count I. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim
(565.050-001Y19841304.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class A felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant shot a firearm toward ██████████, and such conduct was a substantial step toward the commission of the offense of assault in the first degree of ██████████, a law enforcement officer assaulted in the performance of his official duties and special victim, and was done for the purpose of committing such assault.

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.

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Count II. Armed Criminal Action (571.015-001Y19755213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.015, RSMo, committed the **felony of armed criminal action**, punishable upon conviction under Section 571.015.1, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first degree, charged in Count I, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of assault in the first degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a third offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten (10) calendar years. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

Count III. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim (565.050-001Y19841304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class A felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant shot a firearm toward [REDACTED], and such conduct was a substantial step toward the commission of the offense of assault in the first degree of [REDACTED], a law enforcement officer assaulted in the performance of his or her official duties and special victim, and was done for the purpose of committing such assault.

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

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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.

Count IV. Armed Criminal Action (571.015-001Y19755213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.015, RSMo, committed the felony of armed criminal action, punishable upon conviction under Section 571.015.1, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first degree charged in Count III, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of assault in the first degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a third offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten (10) calendar years. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

**Count V. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim
(565.050-001Y19841304.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class A felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant shot a firearm toward [REDACTED], and such conduct was a substantial step toward the commission of the offense of assault in the first degree of [REDACTED], a law enforcement officer assaulted in the performance of his or her official duties and special victim, and was done for the purpose of committing such assault.

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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.

Count VI. Armed Criminal Action (571.015-001Y19755213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.015, RSMo, committed the felony of armed criminal action, punishable upon conviction under Section 571.015.1, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first degree charged in Count V, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of assault in the first degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a third offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten (10) calendar years. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

Count VII. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim (565.050-001Y19841304.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class A felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant shot a firearm toward [REDACTED], and such conduct was a substantial step toward the commission of the offense of assault in the first degree of [REDACTED], a law enforcement officer assaulted in the performance of his or

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her official duties and special victim, and was done for the purpose of committing such assault.

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.

Count VIII. Armed Criminal Action (571.015-001Y19755213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.015, RSMo, committed the felony of armed criminal action, punishable upon conviction under Section 571.015.1, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first degree charged in Count VII, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of assault in the first degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a third offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten (10) calendar years. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

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**Count IX. Assault 1st Degree Or Attempt - Serious Physical Injury Or Special Victim
(565.050-001Y19841304.0)**

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 565.050, RSMo, committed the **class A felony of assault in the first degree**, punishable upon conviction under Section 558.011, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant shot a firearm toward [REDACTED], and such conduct was a substantial step toward the commission of the offense of assault in the first degree of [REDACTED], a law enforcement officer assaulted in the performance of his or her official duties and special victim, and was done for the purpose of committing such assault.

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.

Count X. Armed Criminal Action (571.015-001Y19755213.0)

The Prosecuting Attorney of the County of Jackson, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 571.015, RSMo, committed the felony of armed criminal action, punishable upon conviction under Section 571.015.1, RSMo, in that on or about February 5, 2018, in the County of Jackson, State of Missouri, the defendant committed the felony of assault in the first degree charged in Count IX, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of assault in the first degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than three (3) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of three (3) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a second offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than five (5) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five (5) calendar years. The range of punishment for the offense of Armed Criminal Action in violation of section 571.015 RSMo. as a third offense is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than ten (10) years without eligibility for parole, probation, conditional release or suspended imposition or execution of sentence for a period of ten (10) calendar years. Any punishment imposed pursuant to section 571.015 RSMo. shall be in addition to

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any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.

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.

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/ Jamie K. Hunt
Jamie K. Hunt (#50401)
Assistant Prosecuting Attorney
415 E. 12th Street
Kansas City, MO - 64106
(816) 881-4622
jhunt@jacksongov.org

WITNESSES:

DET Leland W. Blank, 1125 Locust, Kansas City, MO - 64106
DET Chason C. Crowell, 1125 Locust, Kansas City, MO - 64106

[REDACTED]
[REDACTED]

DET Timothy M. Fitzgerald, 1125 Locust, Kansas City, MO - 64106
DET Wayne C. Fitzner, 1125 Locust, Kansas City, MO - 64106
DET Daniel W. Frazier, 1125 Locust, Kansas City, MO - 64106

[REDACTED]
[REDACTED]
[REDACTED] 64106
[REDACTED]
[REDACTED]

PROBABLE CAUSE STATEMENT FORM

Date: 2-5-2018

CRN: 18-8903

I, Det. Wayne Fitzner 3685
(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 2-5-2018, at 53rd and Indiana in
(Date) (Address)

Kansas City, Jackson Missouri Christopher D. Foster
(County) (Name of Offender(s))

W/M, 4-19-1991, SSN# [REDACTED] committed one or more criminal offense(s).
(Description of Identity)

The facts supporting this belief are as follows:

On February 5, 2018 at 1612 hours, Kansas City Missouri Police Officers were dispatched to 53rd and Indiana, Kansas City, Jackson County, Missouri on a disturbance party armed. The description of the suspect given was a white or Hispanic male in or near a black pick-up truck. When the officers arrived in marked patrol vehicles and wearing police uniforms they observed a male later identified as **Christopher Foster** at the side of a black pick-up truck. **Foster** was constantly standing up then bending and reaching into the truck and the officers couldn't see both of his hands at the same time. Because of the nature of the call the 3 initial responding officers had their weapons out and took cover south of **Foster** while yelling commands at him to show his hands. He did not comply. At one point **Foster** held a "Long gun" up in one of his hands then put it to his shoulder as if he was going to fire it at the officers, at that point one of the officers fired his patrol rifle at **Foster**. **Foster** then fired several rounds in the direction of the officers. As they continued to stay under cover to wait for assisting officers, **Foster** again fired several rounds.

Once assisting officers were at the scene and measures were taken to take Foster into custody, he exited his vehicle and surrendered. A total of five KCPD officers were fired upon by Foster.

The officers provided statements indicating they heard and felt what they believed to be bullets "Whizzing" by their heads. Information was also provided that **Foster** was seen to point the gun in the officer's direction and as the officers were yelling commands at him to put down the gun, **Foster** in turn was mimicking what they were saying. .

Foster was transported to 1125 Locust for questioning. He was advised of his Miranda rights and agreed to talk with detectives. **Foster** admitted to having taken speed on the day prior. He advised that he was having marital and financial problems and had the guns with him in order to pawn them. **Foster** stated that his reason for being in the area of 53 and Indiana was because he had run out of gas. **Foster** repeatedly stated he did not remember shooting at the officers. He remembered being in the backseat of the truck and holding one of the rifles and then remembered being arrested.

PROBABLE CAUSE STATEMENT FORM

CRN 18-8903

Printed Name Det. Wayne Fitzner 3685 Signature /S/ Det. Wayne Fitzner 3685

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

Judge

Circuit Court of _____ County, State of Missouri.