



NEWS RELEASE
GREENE COUNTY PROSECUTING ATTORNEY
DAN PATTERSON

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August 9, 2019

FOR IMMEDIATE RELEASE

WALMART GUNMAN CHARGED WITH TERRORISTIC THREATS

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that Dimitriy N. Andreychenko, 20 years old, of Springfield, Missouri, has been charged today with making a terrorist threat in the second degree for events which occurred yesterday, August 8, 2019, at the Walmart Neighborhood Market located at 3150 W. Republic St., Springfield, Missouri.

Mr. Patterson stated that, “Missouri protects the right of people to open carry a firearm, but that right does not allow an individual to act in a reckless and criminal manner endangering other citizens. As Justice Oliver Wendell Holmes famously explained, ‘the most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre causing a panic.’” Mr. Patterson also asks everyone who exercises their right to carry a weapon to do so in a responsible manner.

Mr. Patterson is thankful that no one was injured at the Walmart, and asks that you join with him in your thoughts and prayers for the Battlefield Police Officer and citizen who were injured in a vehicle collision as the officer responded to the Walmart.

A person commits the crime of making a terrorist threat in the second degree when he recklessly disregards the risk of causing the evacuation of any portion of a building and knowingly communicates an express or implied threat to cause an incident or condition involving danger to life or knowingly causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life. See Section 574.120, RSMo. Making a terrorist threat in the second degree is a class E felony and is punishable by up to 4 years in the Missouri Department of Corrections and/or a fine of up to \$10,000.00

Subject: Greene County Prosecuting Attorney Press Release, State v. Andreychenko,

Mr. Patterson cautions that the charges contained in the felony complaint are merely allegations and that the defendant is presumed innocent until and unless proven guilty in court. The Defendant is currently in the Greene County Jail and being held on a \$10,000 bond with a condition that he not possess any firearm.

Copies of the felony complaint and probable statement filed in this case are attached to this release. The Missouri Supreme Court ethics rules prohibit comments on the facts or investigation of this case beyond those contained in the felony complaint and probable cause statement that are part of the public record.

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IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI
Associate Division _____

STATE OF MISSOURI,)
Plaintiff,)
)
)
vs.) Case No. 1931-CR04329
)
DMITRIY N. ANDREYCHENKO,) OCN# NV002965
)
Defendant.) PA File No. 077419672

FELONY COMPLAINT

The Prosecuting Attorney of the County of Greene, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 574.120, RSMo, committed the class E felony of making a terrorist threat in the second degree, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about August 8, 2019, in the County of Greene, State of Missouri, the Defendant recklessly disregarded the risk of causing the evacuation of a building, the Walmart Neighborhood Market at 3510 W. Republic St., Springfield, Missouri, by knowingly communicating an implied threat to cause an incident or condition involving danger to life, or, in the alternative, by knowingly causing a fear that a condition existed involving danger to life.

The facts that form the basis for this information and belief are contained in the attached probable cause statement concerning this matter, which statement is made a part hereof and is submitted herewith as a basis upon which this court may find the existence of probable cause for the issuance of the warrant.

WHEREFORE, the Prosecuting Attorney prays that an arrest warrant be issued as provided by law.



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SPRINGFIELD POLICE DEPARTMENT



PROBABLE CAUSE STATEMENT

Date: 08/09/2019 Case #: SPD190808030323

I, OLIVER HOEDEL, a law enforcement officer, knowing that false statements on this form are punishable by law, state as follows:

1. I have probable cause to believe that DMITRIY N ANDREYCHENKO, White/Male, DOB [REDACTED] committed one or more criminal offenses.
2. The following crime(s) happened on 2019/08/08 16:08 - 2019/08/08 16:15 at 3150 W REPUBLIC ST in Springfield, Greene County, Missouri.
3. The facts supporting this belief are as follows:

On 08-08-19, Officers were dispatched to 3150 W. Republic (Wal-Mart Neighborhood Market) in reference check a person with a weapon. A white male subject, later identified as Dmitriy Andreychenko, was reported to be walking into the store armed with an AR style rifle slung across his chest and wearing a ballistic vest. It was further reported that Andreychenko had his phone in hand and appeared to be recording as he walked into the store.

As officers were en route to the store, dispatched advised that patrons of the store were evacuating in an attempt to get away from Andreychenko. Dispatch then advised that a patron of the store had Andreychenko at gunpoint outside the building on the east side of the store. Officers arrived on scene and took Andreychenko into custody without incident. Once Andreychenko was taken into custody he was found to also be armed with a semi-automatic handgun.

A Manager of Wal-Mart stated he heard from an employee that a male was walking into the store with a plate carrier and a rifle. He observed Andreychenko walking down the aisles. He directed an employee to pull the fire alarm to get people out of the store. He believed Andreychenko came to the store to shoot people.

Andreychenko stated, post-Miranda, he parked at Wal-Mart and started to record himself with his phone while he was still in the car. He retrieved his body armor from the trunk along with his rifle and put it on himself. He grabbed a shopping cart and walked in the store while recording himself. He stated he was recording himself in case somebody was going to stop him and tell him to leave, "I wanted to know if that Wal-Mart honored the 2nd amendment". He stated his intentions were to buy grocery bags and did not intend for anybody to act negatively towards him. The rifle had a loaded magazine inserted but a round was not chambered. He also had a handgun on his right hip which was loaded with one round in the chamber. He stated he did not believe people would react the way they did. He said, "This is Missouri, I understand if we were somewhere else like New York or California, people would freak out". He said he brought a rifle and body armor due to three recent shootings and a stabbing and he wanted to protect himself. He stated he walked into the store, heard the fire alarm go off and walked out of the store. An individual then pointed a gun at him and told him to put his hands up.

Andreychenko mentioned several past shootings that had occurred. He appeared to be referring to a recent mass shooting that occurred at El Paso, TX at a Wal-Mart where an armed gunman entered the store with a rifle and killed 22 people on 08/03/19. On 08/04/19, a second mass shooting occurred at Dayton, Ohio where a man shot and killed 10 people. Both shootings were on national and local news throughout the week.

Angelice Andrychenko, Dmitriy Andreychenko's wife, stated he told her that he was going to walk into Wal-Mart with a gun. He said he wanted to see if the Wal-Mart manager would respect his 2nd Amendment Rights. She told him it was not a smart idea. She told him that people were going to take this seriously due to the recent events (referring to the recent mass shootings in the country). He told her he called multiple Wal-Marts to see if it was. She said he was just an immature boy. She stated he usually keeps a vest and gun in the trunk of his car. The other day Dmitriy had shown her an article about the recent shooting in El Paso, TX. The article was about what the shooter said as to why he fired on civilians.

Anastasia Andreychenko, Dmitriy's sister, stated she received a phone call from Dmitriy at 1509 hours and spoke to him for approximately 12 minutes. She stated that Dmitriy asked her if she would video tape him going into Walmart with a gun. He called it a social experiment on how his 2nd Amendment right would be respected in a public area. She told him that it was a bad idea and that she did not want to do that. That was how the conversation ended. She stated she thought it was a bad idea due to the timing and location of the recent shooting in Texas.

Wal-Mart video surveillance showed Andreychenko pulling into the parking lot and parking his vehicle. He exited his vehicle and walked to the rear of it and opened his trunk. He placed a ballistic vest on his person and armed himself with an AR style rifle. He then walked towards the front of the entrance with a shopping cart and appeared to be recording himself with his cell phone as he did so. He entered the store and made his way towards the southeast corner of the building. As he was doing so, patrons are seen in the background running away. He then exited the store on the east side of the store.

I am requesting that an arrest warrant be issued because (complete at least one of the following):

1. I have reasonable grounds to believe the defendant will not appear upon a summons based on the facts stated above and the following information:

Not Applicable

2. I have reasonable grounds to believe the defendant poses a danger to a crime victim, the community, or any other person based on the facts stated above and the following information:

I believe the defendant poses a danger to the community due to him walking into a Wal-Mart store with a tactical vest and rifle causing panic and the evacuation of the building putting the safety of everyone involved in jeopardy. The defendant did this knowing of a recent mass shooting that took place in El Paso, TX at a local Wal-Mart which 22 people were murdered by a suspect with a rifle.

Due to severity of this incident, officers quickly responded to Wal-Mart. A Battlefield City Police Officer struck another vehicle as he was running code (emergency lights and sirens) while responding to Wal-Mart. Both the officer and the other driver suffered severe injuries and were

transported to the Emergency Room via ambulance.

Not Applicable

The facts contained above are true to the best of my information and belief.

/s/ O. Hoedel

1675

Officer

Signature

DSN

Title

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

STATE OF MISSOURI,)
Plaintiff,)
)
)
vs.) Case No. 1931-CR04329
)
DMITRIY N. ANDREYCHENKO,) OCN# NV002965
)
Defendant.)

STATE’S REQUEST FOR ARREST WARRANT AND CONDITIONS OF RELEASE

COMES NOW, Plaintiff, State of Missouri, pursuant to the Missouri Constitution, Article I, Section 32.2; Sections 544.457 and 544.676, RSMo; and Missouri Supreme Court Rules 22.04, 22.05, and 33.01; and, based upon the probable cause statement filed contemporaneously herewith and incorporated by reference herein and the statements in support of request for conditions of release set out below, requests that the Court issue an arrest warrant with the conditions of release set out in Exhibit A to Arrest Warrant. In support of the request for issuance of a warrant and conditions of release, Plaintiff further states:

1. Pursuant to Missouri Supreme Court Rule 22.04, the probable cause statement filed contemporaneously herewith and incorporated by reference herein provides sufficient facts to show that a felony has been committed and that there are reasonable grounds to believe the defendant will not appear upon a summons and/or that the defendant poses a danger to a crime victim, the community or any other person.
2. Plaintiff requests that the Court impose the conditions of release required by Missouri Supreme Court Rule 33.01(b) as set out in Exhibit A to Arrest Warrant.
3. Pursuant to Missouri Supreme Court Rule 22.04(d), based on the probable cause statement filed herein, the following additional available information, and the factors set forth in Rule

33.01(e), Plaintiff further requests that the Court find that additional conditions of release set out in Exhibit A to Arrest Warrant are necessary to secure the appearance of the defendant at trial, or any other stage of the criminal proceeding, or the safety of the community or other person, including but not limited to crime victims and witnesses:

The defendant's reckless and irresponsible conduct placed patrons at risk of harm during the evacuation he caused of the Walmart store and also placed them in potential risk of being caught in a cross-fire that could have been caused in response to his conduct. Further, his reckless and irresponsible actions caused a law enforcement response that resulted in a traffic crash injuring the responding officer and a civilian motorist. A warrant and additional conditions of release are necessary to ensure he does not have access to firearms and cause additional risk to the public. In addition, automated notification of upcoming court appearances is highly effective at reducing the risk of failure to appear.¹

4. The State further requests pursuant to Rule 33.01(c) that the Court find that non-monetary conditions alone will not secure the appearance of the defendant at trial, or any other stage of the criminal proceedings, or the safety of the community or other person including but not limited to the crime victim(s) and witness(es) and that security or supervision and guarantee by a surety is

¹ Eckert, M. and Rouse, M. (1991). The 1991 Court-Date Notification Study: A Preliminary Report on CJA Notification Procedures and Their Impact on Criminal Court Failure-to-Appear Rates, February 4, 1991 Through March 27, 1991. New York, NY: New York City Criminal Justice Agency. Rouse, M. and Eckert, M. (1992). Arraignment-Date Notification and Arraignment Appearance of Defendants Released on Desk Appearance Tickets: A Summary of Preliminary Findings. New York, NY: New York City Criminal Justice Agency. Murray, C., Polissar, N., and Bell, M. (1998). The Misdemeanor Study: Misdemeanors and Misdemeanor Defendants in King County, Washington, Seattle, WA. Crozier, T.L. (2000). The Court Hearing Reminder Project: "If You Call Them, They Will Come," King County, WA: Institute for Court Management Court Executive Development Program. Nice, M. (2006). Court Appearance Notification System: Process and Outcome Evaluation, A Report for the Local Public Safety Coordinating Council and the CANS Oversight Committee. White, W. F. (2006). Court Hearing Call Notification Project, Coconino County, AZ: Criminal Coordinating Council and Flagstaff Justice Court. Jefferson County Criminal Justice Planning Unit (2006). Jefferson County Court Notification Program Six Month Program Summary, Jefferson County, CO. Herian, M.N. and Bornstein, B.H. (2010). "Reducing Failure to Appear in Nebraska: A Field Study," The Nebraska Lawyer, 13, no. 8. Kainu, M. (2014). Automated Court Notifications. Washington, D.C.: District of Columbia Pretrial Services Agency.

necessary to ensure the defendant's appearance and compliance with the Court's conditions of release.

BOND AMOUNT REQUESTED: \$10,000.00

OPEN COURT ONLY BOND (by administrative order applies automatically to bonds \$25,000 and higher)

Surety Bond

Cash only Bond

WHEREFORE, Plaintiff prays that the Court issue an arrest warrant for the defendant and that Court impose the conditions of release indicated in Exhibit A to the Arrest Warrant and for such other and further relief as the Court finds just and proper.

Respectfully submitted,



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EXHIBIT A TO ARREST WARRANT

State of Missouri v. Dmitriy N Andreychenko
Case No: 1931-CR04329

SPECIAL CONDITIONS OF RELEASE:

Pursuant to Missouri Supreme Court Rule 33.01(b) the defendant's release shall be upon the condition that:

[33.01(b)(1)] Defendant will appear in the court in which the case is prosecuted or appealed, as ordered by the Court.

[33.01(b)(2)] Defendant will submit to the orders, judgment and sentence, and process of the Court.

[33.01(b)(3)] Defendant shall not commit any new offenses and shall not tamper with any victim or witness in this case, nor have any person do so on the defendant's behalf.

[33.01(b)(4)] Defendant shall comply fully with any and all conditions imposed by the Court in granting release.

The Court further finds, pursuant to the Missouri Constitution, Article I, Section 32.2; Sections 544.457 and 544.676, RSMo; and Missouri Supreme Court Rule 33.01(c), that based upon available information including the probable cause statement and the State's Request for Arrest Warrant and Conditions of Release, and the factors in Rule 33.01(e), the above conditions are not sufficient and that the following additional conditions of release are necessary to ensure the defendant appears at trial, or any other stage of the criminal proceedings, and the safety of the community or other person, including but not limited to the victim(s) and witness(es):

[33.01(c)(16)] Within 24 hours of release, Defendant shall go to the web site:

<https://www.courts.mo.gov/casenet/>, look up this case by case number, and register for "track this case" to receive reminders of court dates.

[33.01(c)(2)] The defendant's travel, association and place of abode is restricted as follows:

Defendant to have no contact with any victim and not to be within 1,000 feet of any victim, or any victim's residence or place of employment/education or within 1,000 feet of any Walmart store.

Defendant to reside at the home of record on file with the Court and to report any change in address to the Court within twenty-four hours.

[33.01(c)(3)] The Defendant shall report regularly as follows:

to Defendant's bonding company weekly. (Bonding company to report within 24

EXHIBIT A TO ARREST WARRANT

hours to the Court of any failure of the defendant to report and to file a compliance report regarding conditions of release monthly with the Court)

[33.01(c)(7)/33.01(c)(16)] Defendant shall not possess a firearm, ammunition, or other deadly weapon or have any such weapons in Defendant's residence or vehicle;

[33.01(c)(8)] Defendant shall abstain from possession or use of alcohol or any controlled substance, without a physician's prescription.

BAIL DETERMINATION:

BOND set at \$10,000.00. Pursuant to Missouri Supreme Court Rule 33.01(c), the Court finds that based upon the probable cause statement and other available information contained in the State's Request for Arrest Warrant and Conditions of Release, nonmonetary conditions alone will not secure the appearance of the defendant at trial, or at any other stage of the criminal proceedings and that the safety of the community or other person, including but not limited to crimes victims or witnesses and that security or supervision by a surety is necessary to ensure the defendant's appearance and compliance with the Court's conditions of release:

Surety bond

OPEN COURT ONLY BOND (by administrative order applies automatically to bonds \$25,000 and higher)