



NEWS RELEASE
GREENE COUNTY PROSECUTING ATTORNEY
DAN PATTERSON

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07/24/2012

FOR IMMEDIATE RELEASE

Man Pleads Guilty on Day of Trial for
Assaulting and Abusing Toddler

SPRINGFIELD, Mo. - Greene County Prosecuting Attorney Dan Patterson announces that John Ross Albert, 21, of Springfield, Missouri, pled guilty today to the class A felony of assault in the first degree and the class C felony of child abuse for causing serious physical injury to his then-girlfriend's two year old son before the Honorable Calvin Holden. The trial was set to begin this morning until Albert pled guilty.

Albert repeatedly threw and squeezed the two year old victim causing several life-threatening internal injuries to the victim's abdomen. The victim had lacerations and tears to several of his internal organs and ultimately had to have his colon removed. In addition to those internal injuries, the victim had multiple fractured ribs and several bruises to his body. The victim underwent several surgeries to repair the injuries and spent approximately two months in the hospital. The child will suffer from long-term physical issues due to the severity of his injuries. Albert admitted to law enforcement that he became frustrated with the child when the child refused to stay in "time out" and that he repeatedly squeezed and threw the child across the child's bedroom. The abuse occurred on June 27, 2011.

Albert's guilty plea was an *Alford* plea, meaning that Albert conceded the strength of the State's evidence was likely going to lead to a conviction, though Albert did not admit to committing the crime. Albert did not plead guilty pursuant to a plea

Subject: Greene County Prosecuting Attorney Press Release, State v. Albert, 1131-CR04441

agreement which means he is subject to the entire range of punishment. Assault in the first degree has a range of punishment of 10 years to 30 years, or Life, in the Missouri Department of Corrections. Child abuse has a range of punishment of 1 day to 7 years imprisonment.

Judge Holden set a sentencing hearing for September 21, 2012, at 2:00 PM, following a sentencing assessment report by the Department of Probation and Parole.

This case is being prosecuted by Assistant Prosecuting Attorney Stephanie Wan. It was investigated by the Springfield Police Dept. and Detective Eric Reece was the lead investigator assigned to the case.

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FELONY INFORMATION
IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI
Division CC5

STATE OF MISSOURI,)
)
 Plaintiff,)
)
 vs.) Case No. 1131-CR04441-01
)
 JOHN ROSS ALBERT ,) OCN# O7014323
)
 Defendant.) PA File No. 077232452

State of Missouri)
) ss.
 County of Greene)

COUNT I
(Missouri Charge Code: 13011099.0)

The Prosecuting Attorney of the County of Greene, State of Missouri, 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 between June 27, 2011 and June 28, 2011, in the County of Greene, State of Missouri, the defendant knowingly caused serious physical injury to M.U. (DOB [REDACTED] 2008) by squeezing and/or throwing M.U. (DOB [REDACTED] 2008).

COUNT II
(Missouri Charge Code: 26063099.0)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 568.060, RSMo, committed the class C felony of abuse of a child, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or between June 27, 2011 and June 28, 2011, in the County of Greene, State of Missouri, the defendant knowingly inflicted cruel and inhuman punishment upon M.U. (DOB [REDACTED] 2008), a child less than seventeen years old, by squeezing and/or throwing M.U. (DOB [REDACTED] 2008).

J. DANIEL PATTERSON
Prosecuting Attorney of the County of
Greene, State of Missouri, by

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Stephanie L. Wan, Assistant Prosecuting Attorney of the County of Greene, State of Missouri,
being duly sworn, upon oath says that the facts stated in the above information are true,
according to her best information, knowledge and belief.

Stephanie L. Wan
Assistant Prosecuting Attorney



SPRINGFIELD POLICE DEPARTMENT



PROBABLE CAUSE STATEMENT

Date: June 30, 2011 Case #: 11-27320

I, Cpl. Eric Reece, knowing that false statements on this form are punishable by law state as follows:

1. I have probable cause to believe that John R. Albert, W/M, DOB [REDACTED]/90, SSN [REDACTED] committed one or more criminal offenses.
2. The following crime(s) happened on June 28, 2011 at 1922 E. Bennett in Springfield, Greene County, Missouri.
3. The facts supporting this belief are as follows:

On June 29, 2011, Mauriah McBrayer arrived at Cox North Hospital with her son, M.U. [REDACTED]8. They were driven to the hospital by McBrayer's boyfriend, John Albert Jr. M.U. was lethargic, vomiting, and complaining of abdominal pain.

It was determined that M.U. had numerous internal injuries and he was flown to Children's Mercy Hospital in Kansas City. At the hospital, a CT scan was conducted that showed "free air, free fluid, rib fractures, and a possible splenic fracture." The rib fractures were noted to be of different stages of healing. A small amount of blood and mucus were on his lips.

M.U. also had bruises over left scapula, right lower back, 2 areas of bruising on sternum, and scattered bruises over his ribs.

M.U. went into surgery and the postoperative diagnoses is noted below by Dr. Shawn St. Peter:

- 1) Necrosis of the right and transverse colon
- 2) Avulsion of the mesentery (connects small intestine to abdominal wall) off the superior mesenteric vein
- 3) Pancreatic laceration
- 4) Degloving injury of the second and proximal third portion of the duodenum
- 5) A complete rent in the base of the mesentery off the right side.
- 6) Diffuse peritoneal fecal spillage.

It should be noted that a significant portion of M.U.'s colon was removed during the surgery and lacerations to his spleen were repaired. M.U.'s status was listed at critical at the time of this report.

Children's Mercy Hospital then contacted the Springfield Police Department to advise us of the situation. A/Sgt. Schwind contacted Kansas City Police Department Detective James Foushee who went to the hospital and conducted an initial interview of Mauriah McBrayer.

Detective Foushee contacted Dr. Shawn St. Peter who stated that M.U.'s injuries were from acute, blunt force trauma. Dr. St. Peter also stated that the injuries could have occurred 24 hours prior to his exam. Dr. St. Peter stated there were tears in the pancreas, the upper right and transverse colon was going to be removed, and several ribs were fractured. He also stated the injuries occurred within 24 hours, but definitely did not occur this day, June 29, 2011.

Detective Foushee then spoke with McBrayer. She stated that on June 29, 2011, she went to work at approx. 8am. She saw M.U. that morning and he seemed tired, but acting "like a kid would act". She went to work and shortly after received a phone call from Albert stating that M.U. was sick and she needed to come home. She observed M.U. to be vomiting, had chapped lips, and "not acting right". She then took him to the hospital.

McBrayer also stated that on Tuesday, June 28, 2011, that Albert had custody of M.U. from the morning till approx. 4:30 pm. After that McBrayer was with M.U. as well as Albert. She stated that M.U. was acting normal, but wasn't eating any food. He was also complaining that his stomach hurt and wanted to use the bathroom. McBrayer also stated that his bowels felt "hard".

On June 30, 2011, I went to 1922 E. Bennett to make contact with McBrayer or Albert (their residence), but was not able to reach either. As I was leaving the area I saw Albert drive by in his vehicle so I conducted a traffic stop and contacted him. I asked Albert to voluntarily come to HQ to speak with me and he agreed to do so.

During the post Miranda interview with Albert he stated that for the past several months he has been the primary caregiver of M.U. Albert works part time on the weekends and watches M.U. through the week. McBrayer leaves work at approx 8 am and come back home between 2 and 4 pm.

Albert stated that on Monday, June 27, 2011, McBrayer went to work as usual and he was babysitting Albert at home. As punishment for bad behavior, McBrayer and Albert put M.U. in timeout in his room. They make him sit on a full size recliner, located in M.U.'s bedroom, for timeout. On Monday, M.U. had gotten in trouble for taking diapers out of his diaper bag. After telling M.U. several times to not do this, Albert put him in timeout in the recliner. M.U. would not stay in the recliner and Albert had to keep putting him back in the chair. Albert stated that about 7 times he picked M.U. up by the abdomen, squeezed him, and then threw him into the chair from a distance. Several of the throws were from at least 5 feet and the last two were from the doorway of the bedroom, which was in one corner, to the opposite corner of the room where the recliner was. Albert estimated that this was 7 to 8 feet. I had Albert demonstrate this using a doll and he agreed to do so. It appeared to take some force and strength to throw M.U. across the room to the chair. Albert stated that the last time he threw M.U. that the toddler sat in the chair and didn't say anything. When Albert squeezed M.U.'s abdomen the toddler would grunt and make facial gestures indicating that this was hurting him. Albert demonstrated this to us on videotape.

Albert also said that McBrayer had been making comments that since he had been babysitting M.U. that the toddler wasn't acting normal and would just sit on the couch and not talk unless Albert told him to talk or move. Albert said he was just trying to get M.U. to not act out and was trying to be a father figure to M.U.

Albert stated he would also "hug" M.U. sometimes by picking him up and hugging him very tightly. M.U. would make a sound like this was hurting him and Albert stated that the broken ribs that occurred at different times could have been caused by this "hugging".

I then confronted Albert with the severity of M.U.'s injuries and he said that M.U. would often hit the arm of the chair with his abdomen. He denied ever striking, kicking, or punching M.U. but then invoked his right to remain silent and the interview ended.

The facts contained above are true.

[Handwritten Signature]

Signature

1031

DSN

Police Corporal

Title