



NEWS RELEASE
GREENE COUNTY PROSECUTING ATTORNEY
DAN PATTERSON

Contact: Rhonda Ogden, Office Manager – (417) 868-4061
1010 Boonville
Springfield, MO 65802

10/09/2014

FOR IMMEDIATE RELEASE

CHARGES FILED IN SPRINGFIELD SHOOTING

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that Brian Shawn Jones, 39, and Devon Gallop, 36 of Springfield, MO have been charged today with the murder of Charles Joseph Cortez.

Jones and Gallop are charged with Murder in the Second Degree, Assault in the Second Degree (of another individual), 2 counts of Armed Criminal Action, Tampering in the First Degree, and Theft of a Firearm.

The charges involve the October 5, 2014, assault of a handicapped victim and the theft of his car and handgun followed by the October 6, 2014, shooting of Mr. Cortez with the stolen handgun. The assault occurred at the victim's home in Greene County and the shooting occurred at a location on North Weller in Springfield.

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.

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.

This case is being prosecuted by First Assistant Prosecuting Attorney James Whiteside. It is being investigated by the Springfield Police Department and Detective Christopher Barb is the lead investigator assigned to the case.

Subject: Greene County Prosecuting Attorney Press Release, State v.
Jones, 1431-CR05642

###

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI
Associate Division 24

STATE OF MISSOURI,)
Plaintiff,)
)
)
vs.) Case No. 1431-CR05642
)
BRIAN SHAWN JONES ,) OCN#
)
Defendant.) PA File No. 077333359
State of Missouri)
) ss.
County of Greene)

AMENDED FELONY COMPLAINT

COUNT I

(Missouri Charge Code: 10031003.0)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 565.021, RSMo, committed the class A felony of murder in the second degree, punishable upon conviction under Section 558.011, RSMo, in that on or about October 8, 2014, in the County of Greene, State of Missouri, the defendant, acting alone, with another, or others, knowingly or with the purpose of causing serious physical injury to Charles Joseph Cortez caused the death of Charles Joseph Cortez by shooting him.

COUNT II

(Missouri Charge Code: 31010099.0)

The Prosecuting Attorney of the County of Greene, State of Missouri, 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 October 8, 2014, in the county of Greene, State of Missouri, the defendant committed the felony of murder in the second degree as charged in Count I, all allegations of which are incorporated herein by reference, and the defendant, acting alone, with another, or others committed the foregoing felony of murder in the second degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

COUNT III
(Missouri Charge Code: 1303199.)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 565.060, RSMo, committed the class C felony of assault in the second degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 5, 2014, in the County of Greene, State of Missouri, the defendant, acting alone with another, or others knowingly caused physical injury to Matt Pacyniak by means of dangerous instrument by striking him with a croquet mallet.

COUNT IV
(Missouri Charge Code: 3101099.)

The Prosecuting Attorney of the County of Greene, State of Missouri, 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 October 5, 2014, in the county of Greene, State of Missouri, the defendant defendant acting alone with another or others, committed the felony of Assault in the second 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 second degree by, with and through, the knowing use, assistance and aid of a dangerous instrument.

COUNT V
(Missouri Charge Code: 2301399.)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 569.080.1(2), RSMo, committed the class C felony of tampering in the first degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 5, 2014], in the county of Greene, State of Missouri, the defendant, acting alone, with another, or others, knowingly and without the consent of the owner unlawfully operated an automobile, to wit: a gold Toyota Camry.

COUNT VI
(Missouri Charge Code: 1502399.)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 570.030, RSMo, committed the class C felony of stealing a firearm, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 5, 2014, in the County of Greene, State of Missouri, the defendant, acting alone, with another, or others, appropriated, a firearm, which was in the charge of Matt Pacyniak, and the defendant appropriated such firearm without the consent of Matt Pacyniak and with the purpose to deprive him thereof.

The facts that form the basis for this information and belief are contained in the attached statement of facts concerning this matter, which statement is made part hereof and submitted herewith.

DAN PATTERSON
Prosecuting Attorney of the County of
Greene, State of Missouri, by

A handwritten signature in black ink, appearing to read 'DAN PATTERSON', with a large 'X' over the first part of the signature.

Electronically Signed: 10/9/2014
James A Whiteside
Assistant Prosecuting Attorney
Mo. Bar No. 57212
1010 Boonville Ave.
Springfield, MO 65802
(417) 868-4061
FAX (417) 868-4160

James A Whiteside, 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 his best information, knowledge and belief.

A handwritten signature in black ink, appearing to read 'JAMES A WHITESIDE', with a large 'X' over the first part of the signature.

Electronically Signed: 10/9/2014
James A Whiteside
Assistant Prosecuting Attorney



SPRINGFIELD POLICE DEPARTMENT



FELONY PROBABLE CAUSE STATEMENT

Date: 10/09/2014 Case #: 14-39488

I, Chris Barb, knowing that false statements on this form are punishable by law state as follows:

1. I have probable cause to believe that Brian S. Jones, W/M, DOB 03/05/1975, committed one or more criminal offenses.
2. The following crime(s) happened on 10/05/ 2014 – 10/06/ 2014 at 1850 N. Weller Av. and 4619 E. Farm Rd. 144 in Springfield, Greene County, Missouri.
3. The facts supporting this belief are as follows:

On 10/06/2014 at 2223 hours, Springfield Police Officers were sent to a report of a shooting in the 1800 block of North Weller Av. Officers arrived and discovered an unresponsive white male lying in the roadway on Weller Av. just south of the intersection with Florida St. Officers discovered the male subject appeared to have light, labored breathing and was not responsive. Officers discovered the male subject appeared to have at least two gunshot wounds, one near the left shoulder and one near the left side of his abdomen. The male subject was ultimately transported to Mercy Hospital where medical aid was attempted. The male was declared deceased at the hospital. The male subject was identified as Charles Joseph (C.J.) Cortez.

Officers contacted a witness identified as Jason Moreno. Moreno reported he had been inside a gold colored Toyota Camry with Cortez prior to Cortez being shot. He stated he, his friend Shannon, and Cortez received a ride from a white male he only knew as "St. Louis" and a white female he only knew as "Baby D." Moreno reported "St. Louis" was driving the Camry and drove to a residence located at 1850 N. Weller and stopped in the roadway northbound. He stated "St. Louis" pulled a semi-automatic handgun from an unknown location after he stopped the car. Moreno reported he quickly exited the car and ran away. Moreno reported he heard "St. Louis" demanding money from the other occupants of the car. He stated he heard "at least three" gunshots come from the car as he fled. Moreno said the car accelerated quickly and turned southbound on Weller.

Moreno described "St. Louis" as a white male subject with a bald or shaved head. He stated "St. Louis" had several tattoos on his arms. He described "Baby D" as a heavyset white female with brown hair. Cpl. Neal McAmis conducted a follow-up interview with Moreno and he provided a statement that was consistent with the information given to the patrol officers.

Officers also contacted a female victim of this incident, Shannon Gibson, upon their arrival to the scene. Gibson reported she was also in the gold Toyota Camry when it was parked near 1850 N. Weller. She indicated she was in the car with Cortez, Moreno, another male, and a female. Gibson reported the unknown white male driver of the car displayed a handgun and began to shoot inside the car. Gibson stated she was able to get out of the car while it was parked. Gibson had an injury to

her right pinky finger and indicated she believed she had been shot. Det. Kent Shipley conducted a follow-up interview with Gibson. She provided a statement that was consistent with information given to patrol officers. She described the male suspect as a white male in his thirties. She stated he was bald, had tattoos on both arms, and was "skinny." She described the unknown female as about the same age as the male, short with an average build, and having "orangish blonde" hair.

Officers conducted a neighborhood canvass and identified witnesses to this incident. Officers spoke with Mark Israel, resident of 1836 N. Weller. He reported he heard two to three gunshots outside his residence. Israel stated he looked out and saw a light colored Toyota Camry drive south on Weller at a high rate of speed. Israel reported the Camry stopped quickly and a female got out the car, removed a male subject (identified as Cortez), and threw him onto the ground. Israel reported the female then got into the passenger seat of the Camry and the Camry left southbound on Weller Av.

On 10/07/14, I received information that officers from the Lebanon, MO Police Department located what they believed to be the suspect vehicle from this shooting. I responded to the Lebanon Police Department and discovered they located a gold Toyota Camry being driven by a white male with visible tattoos on his left hand. Lebanon Officers attempted to stop/contact the driver and possible occupants. The unknown male driver of the Camry fled in the vehicle and ultimately crashed. Officers were unable to locate the driver or any occupants. Lebanon officers observed a semi-automatic handgun in plain-view inside the Camry near the gear shift. Officers seized the gun, a Taurus pistol, and towed the car to a secure garage at the Lebanon Police Department.

On 10/07/14, I had the Toyota Camry towed from the Lebanon Police Department to the secure garage at the Springfield Police Department. I obtained a search warrant to search the Toyota Camry (Missouri license CG4Z5H) for evidence related to the shooting and the death of Cortez. On 10/07/14, detectives conducted a search of the Toyota Camry. Detectives located a wallet containing a Missouri EBT card bearing the name of Brian Jones in the car. Detectives also located a billfold containing a Missouri EBT card and additional cards bearing the name Devon Gallop inside the car.

On 10/07/14, I learned the Lebanon Police Department located Brian Shawn Jones and arrested him for fleeing from their officers in the gold Toyota Camry earlier that morning. On 10/07/14, Jason Moreno identified Brian S. Jones and Devon D. Gallop as the suspects in this incident from a photographic line-up. On 10/07/14, Shannon Gibson identified Devon D. Gallop as the female suspect in this incident from a photographic line-up.

I responded to the Lebanon Police Department on 10/07/14 and arrested Brian Jones at approximately 2045 hours. I then transported Jones to the Springfield Police Department and conducted a post Miranda interview with him. Jones initially denied knowing anything about this reported shooting. He did admit to being the driver of the involved Camry that fled from Lebanon officers. Jones eventually told me the incident involving the shooting was the result of "self-defense." He would not provide specific details concerning how the incident was self-defense or his specific actions. Jones was transported to the Greene County Jail and booked for Second Degree Murder at the conclusion of the interview.

During the interview with Jones, he told me where he believed Gallop could be located in Lebanon. Lebanon officers were able to go to the location described by Jones and place Gallop under arrest. On 10/08/14, Sgt. Allen Neal and Cpl. Neal McAmis went to Lebanon and transported Gallop to the Springfield Police Department to be interviewed. Cpl. McAmis conducted a post Miranda interview with Gallop and she stated the incident was the result of self-defense. Gallop did not provide any

details or information as to how or why this incident was self-defense when questioned by Cpl. McAmis. Gallop was transported to the Greene County Jail and booked for Second Degree Murder at the conclusion of the interview.

I discovered the license plate from the Toyota Camry was registered to John Pacyniak. On 10/07/14, I attempted to contact Pacyniak at the listed residence from the registration, 4619 E. Farm Rd. 144. I made contact with a male subject identified as Matt Pacyniak. Matt stated John was his father. Matt told me the Toyota Camry was a car that was under his control and he used but was in his father's name. Matt told me he had not seen his car since it was taken from his residence by two people he allowed to stay with him. Matt identified the two subjects as a white male named Brian (he said he called him Shawn) and a white female named Devon. Matt had noticeable injuries to his face and head. He stated he had recently been assaulted by Shawn and Devon. He said Shawn had struck him in the head recently with his (Matt's) own handgun. Matt said his handgun was missing and he did not know where it was located. I spoke with Matt briefly about these subjects, any information he had about them, and the assault against his person.

On 10/08/14, I returned to Matt's residence and conducted a follow-up interview with him concerning the assault against him and information he had on the two suspects. Matt told me he allowed the female, Devon, to stay with him several months. He said he later allowed the male, Shawn, to move into the home with Devon. Matt said he believed Shawn was arrested in Van Buren, MO recently for a stolen car. He said Shawn was reportedly arrested in a stolen Lexus. Matt said he received a telephone call from Devon on Friday, 10/03/14, during which she asked him to drive to Van Buren to pick her up. Matt said he believed Devon had been in the stolen vehicle with Shawn. Matt reported he did not drive to Van Buren to pick up Devon.

Matt stated Devon arrived at his residence on 10/04/14 in the early morning. He said later that day she took his car without permission and drove to Van Buren to pick up Shawn. Matt said Devon and Shawn returned to his residence around 0400 hours on Sunday, 10/05/14. Matt stated Devon and Shawn began to assault him after they returned to the residence. He reported he went to the kitchen just prior to the assault. He stated Devon began to kick him in the head and face as he was seated in his wheelchair (a portion of his lower right leg has been amputated). He said Devon struck him in the face with her fists and slapped him with her hands. Matt reported Devon pulled him out of his wheelchair onto the floor inside an open area near the dining/kitchen table. Matt said Devon told Shawn to "finish" it or him. Matt said Shawn began to strike him. He reported Devon and Shawn then placed him in a dining chair and secured him to the chair with electrical tape. He reported they wrapped the electrical tape around his upper body and the chair with his arms down to his sides. Matt reported Shawn struck him with a croquet mallet during the assault. He stated he was struck in the right hand with the mallet after being taped in the chair. He told me he was also struck on the right leg, chest, and stomach with the croquet mallet and croquet handle. Matt reported Shawn placed a pair of soiled underwear over his (Matt's) head and then urinated on him as he was tied to the chair. Matt said Shawn and Devon cut him out of the chair after the assault ended. He stated he went to his room to lie down after the assault was over. Matt told me he did not contact the police because Devon and Shawn said they would assault him and "shoot" him if he called the police or reported the assault.

Matt's right hand was swollen and he stated he believed his right index finger was broken as a result of being struck by the croquet mallet. He pulled on the index finger and it appeared to move freely away from the area of the lowest knuckle. Matt's right eye was blackened and he appeared to have some darkening or slight bruising around his left eye. I observed various scrapes and abrasions on

his face and he indicated they were the result of Devon's fingernails. Matt also showed me an injury to his right leg above the knee. The area was bruised and there appeared to be an approximate four inch linear abrasion/mark inside the bruised area. He indicated the injury was a result of being struck with the handle of the croquet mallet. Matt also lifted his shirt and showed me an injury to his chest and stomach area. I observed a large circular bruise on his abdomen. I saw a partial circular abrasion inside the larger circular bruise area. The partial circle appeared to match the shape and size of a croquet mallet. I also observed an approximate three inch abrasion near the center of his chest below the nipple line. Matt said these injuries were caused when he was struck with the croquet mallet and handle.

I spoke with Matt about his previous statement that he had been struck in the head with his own pistol. Matt said on Sunday, 10/05/14 in the afternoon, he had gone with Shawn and Devon in his car to Sequiota Park. He said Devon drove his car to the park. Matt told me during the drive that Shawn struck him in the head several times with his handgun. He said he did not know why Shawn struck him but Shawn told him he would "bash" his skull. I observed several scrapes, abrasions, and small lacerations near the back of Matt's head. Matt reported these injuries were the result of being struck with the handgun.

Matt stated he returned to his residence with Devon and Shawn on 10/05/14 after he was assaulted in the car. He reported Shawn drove his car back to the residence. He said he was not assaulted any further on 10/05/14. He reported on Monday, 10/06/14 around 1930 hours, that Devon and Shawn left his residence in his car (Toyota Camry). Matt stated they did not have permission to take his car and said he believed they took his keys from a table inside the residence. Matt said he had not seen or spoken with Shawn or Devon since they took his car on 10/06/14.

Matt said he did not know how Shawn got possession of his handgun. He said he believed it had been removed from a box he kept stored under his bed. He told me he did not give Shawn or Devon permission to possess or handle the gun. Matt reported his handgun was a Taurus pistol. Matt also told me Devon and Shawn had taken his computer Monday before they left and told him they were going to try to pawn it. Matt said he did not give them permission to take the computer and did not ask them to try to pawn it. It should be noted, detectives located computer equipment in the Toyota Camry when it was searched under authority of the search warrant.

Matt showed me the croquet handle and mallet that were used to assault him. He also showed me a roll of electrical tape he said was used to secure him to the chair. The croquet handle was broken and the mallet head was not attached to the handle. The electrical tape was at the end of the roll and it appeared as though the tape had been torn or pulled apart. I seized these items as evidence.

The facts contained above are true.

Chris Bar
Signature

1016
DSN

Corporal
Title

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

STATE OF MISSOURI,)
Plaintiff,)
vs.) Case No. 1431-CR05642 WJ
)
)PA File No. 077333359
BRIAN SHAWN JONES)
Defendant.)

PROSECUTING ATTORNEY’S BAIL/BOND RECOMMENDATION

The bail/bond recommendation of the Greene County Prosecutor, in this case, is as follows:

1. AMOUNT: \$300,000.00

- OPEN COURT ONLY BOND (by administrative order applies automatically to bonds \$25,000 and higher)
- State agrees to recognizance release by Court Order after the first court appearance upon the conditions of release in Exhibit A
- Hold without Bond

2. The State requests that the Court also impose the conditions of bond set out on the proposed Exhibit A to Arrest Warrant attached hereto and that such conditions be incorporated by reference upon the Warrant.

3. The State requests the Court set bond in the above amount and upon the conditions set out in Exhibit A to Arrest Warrant hereto for the following reasons: Defendant was involved in a violent felony and attempted to avoid apprehension by fleeing from Lebanon Police. Defendant actions have demonstrated his danger to the community and that he is a flight risk. Defendant has prior felony convictions for possession of controlled substance, tampering, resisting arrest, property damage to jail property, and assault 2nd degree.

Respectfully submitted,



Electronically signed

T. Todd Myers
Assistant Prosecuting Attorney
Mo. Bar No. 50252
1010 Boonville
Springfield, MO 65804
(417) 868-4061
FAX (417) 868-4160

EXHIBIT A
TO ARREST WARRANT

State of Missouri v. Brian Shawn Jones
Case No: 1431-CR05642WJ

SPECIAL CONDITIONS OF RELEASE ON BOND SET BY THE COURT:

OPEN COURT ONLY BOND

State agrees to recognizance release by Court Order after the first court appearance with the below conditions of release

Obey all laws

No contact or communication with victim(s) or the victim's family in any manner or through any medium

Not to possess any weapon, firearm or ammunition

No contact or communication with _____ in any manner or through any medium

Not knowingly be on the premises of or within 1,000 feet of the victim(s) residence, or place of employment/education.

Not to possess or consume alcohol or be on premises of establishment where the primary item for sale is alcoholic beverages

Not to possess any drug/controlled substance unless prescribed for defendant by a physician

No contact with children under seventeen (17) years of age

Not to be on premises of any park, school, daycare, playground, recreational facility, or other place where children congregate

Curfew from 8:00 p.m. to 5:00 a.m.

Electronic monitoring/house arrest from choose start time to choose end time (if no times specified, house arrest inside defendant's residence is 24 hours and 7 days a week) (Provider to report all violations to Court no later than within 24 hours)

GPS monitoring with house arrest from choose start time to choose end time (if no times specified, house arrest inside defendant's residence is 24 hours and 7 days a week) (Provider to report all violations to Court no later than within 24 hours)

-Travel exceptions for house arrest which must be prescheduled with Electronic Monitor/GPS provider:

Defendant may travel directly to and from appointments with defense attorney

Defendant may travel directly to and from medical appointments

Defendant may travel directly to and from grocery store closest to residence

Defendant may travel directly to and from place of employment

The following locations where the victim may be found are already known to defendant and, pursuant to Section 566.226.2, RSMo., the Court FINDS that disclosure of such locations as ordered herein will not compromise but will instead facilitate the safety of the victim and, therefore, the Court ORDERS that prior to any release, the defendant shall be notified that he/she may not travel in or be in these exclusion zones and that said exclusion zones shall be made known to the Prosecutor's Office, Defendant's Attorney, Defendant's Pretrial Service Officer and/or Bondsman and the GPS provider:

Other:

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI
Associate Division 24

STATE OF MISSOURI,)
Plaintiff,)
)
)
vs.) Case No. 1431-CR05643
)
DEVON D GALLOP ,) OCN#
)
Defendant.) PA File No. 077333369
State of Missouri)
) ss.
County of Greene)

AMENDED FELONY COMPLAINT

COUNT I

(Missouri Charge Code: 1003199.)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 565.021, RSMo, committed the class A felony of murder in the second degree, punishable upon conviction under Section 558.011, RSMo, in that on or about October 6, 2014, in the County of Greene, State of Missouri, the defendant, acting alone, with another, or others, knowingly or with the purpose of causing serious physical injury to Charles Joseph Cortez caused the death of Charles Joseph Cortez by shooting him.

COUNT II

(Missouri Charge Code: 3101099.)

The Prosecuting Attorney of the County of Greene, State of Missouri, 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 October 6, 2014, in the county of Greene, State of Missouri, the defendant, acting alone, with another, or others, committed the felony of murder in the second degree as charged in Count I, all allegations of which are incorporated herein by reference, and the defendant committed the foregoing felony of murder in the second degree by, with and through, the knowing use, assistance and aid of a deadly weapon.

COUNT III
(Missouri Charge Code: 1303199.)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 565.060, RSMo, committed the class C felony of assault in the second degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 5, 2014, in the County of Greene, State of Missouri, the defendant, acting alone, with another, or others, knowingly caused physical injury to Matt Pacyniak by means of dangerous instrument by striking him with a croquet mallet.

COUNT IV
(Missouri Charge Code: 3101099.)

The Prosecuting Attorney of the County of Greene, State of Missouri, 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 October 5, 2014, in the county of Greene, State of Missouri, the defendant acting alone with another or others, committed the felony of **Assault in the second 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 second degree by, with and through, the knowing use, assistance and aid of a **dangerous instrument**.

COUNT V
(Missouri Charge Code: 2301399.)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 569.080.1(2), RSMo, committed the class C felony of tampering in the first degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 5, 2014], in the county of Greene, State of Missouri, the defendant, acting alone, with another, or others, knowingly and without the consent of the owner unlawfully operated an automobile, to wit: a gold Toyota Camry.

COUNT VI
(Missouri Charge Code: 1502399.)

The Prosecuting Attorney of the County of Greene, State of Missouri, charges that the defendant, in violation of Section 570.030, RSMo, committed the class C felony of stealing a firearm, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 5, 2014, in the County of Greene, State of Missouri, the defendant, acting alone, with another, or others, appropriated, a firearm, which was in the charge of Matt Pacyniak, and the defendant appropriated such firearm without the consent of Matt Pacyniak and with the purpose to deprive him thereof.

The facts that form the basis for this information and belief are contained in the attached statement of facts concerning this matter, which statement is made part hereof and submitted herewith.

DAN PATTERSON
Prosecuting Attorney of the County of
Greene, State of Missouri, by

A handwritten signature in black ink, appearing to read 'DAN PATTERSON', with a large 'X' over the beginning of the signature.

Electronically Signed: 10/9/2014
James A Whiteside
Assistant Prosecuting Attorney
Mo. Bar No. 57212
1010 Boonville Ave.
Springfield, MO 65802
(417) 868-4061
FAX (417) 868-4160

James A Whiteside, 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 his best information, knowledge and belief.

A handwritten signature in black ink, appearing to read 'JAMES A WHITESIDE', with a large 'X' over the beginning of the signature.

Electronically Signed: 10/9/2014
James A Whiteside
Assistant Prosecuting Attorney



SPRINGFIELD POLICE DEPARTMENT



FELONY PROBABLE CAUSE STATEMENT

Date: 10/08/14 Case #: 14-39488

I, Chris Barb, knowing that false statements on this form are punishable by law state as follows:

1. I have probable cause to believe that Devon D. Gallop, W/F, DOB 05/27/1978, committed one or more criminal offenses.
2. The following crime(s) happened on 10/05/ 2014 – 10/06/ 2014 at 1850 N. Weller Av. and 4619 E. Farm Rd. 144 in Springfield, Greene County, Missouri.
3. The facts supporting this belief are as follows:

On 10/06/2014 at 2223 hours, Springfield Police Officers were sent to a report of a shooting in the 1800 block of North Weller Av. Officers arrived and discovered an unresponsive white male lying in the roadway on Weller Av. just south of the intersection with Florida St. Officers discovered the male subject appeared to have light, labored breathing and was not responsive. Officers discovered the male subject appeared to have at least two gunshot wounds, one near the left shoulder and one near the left side of his abdomen. The male subject was ultimately transported to Mercy Hospital where medical aid was attempted. The male was declared deceased at the hospital. The male subject was identified as Charles Joseph (C.J.) Cortez.

Officers contacted a witness identified as Jason Moreno. Moreno reported he had been inside a gold colored Toyota Camry with Cortez prior to Cortez being shot. He stated he, his friend Shannon, and Cortez received a ride from a white male he only knew as "St. Louis" and a white female he only knew as "Baby D." Moreno reported "St. Louis" was driving the Camry and drove to a residence located at 1850 N. Weller and stopped in the roadway northbound. He stated "St. Louis" pulled a semi-automatic handgun from an unknown location after he stopped the car. Moreno reported he quickly exited the car and ran away. Moreno reported he heard "St. Louis" demanding money from the other occupants of the car. He stated he heard "at least three" gunshots come from the car as he fled. Moreno said the car accelerated quickly and turned southbound on Weller.

Moreno described "St. Louis" as a white male subject with a bald or shaved head. He stated "St. Louis" had several tattoos on his arms. He described "Baby D" as a heavysset white female with brown hair. Cpl. Neal McAmis conducted a follow-up interview with Moreno and he provided a statement that was consistent with the information given to the patrol officers.

Officers also contacted a female victim of this incident, Shannon Gibson, upon their arrival to the scene. Gibson reported she was also in the gold Toyota Camry when it was parked near 1850 N. Weller. She indicated she was in the car with Cortez, Moreno, another male, and a female. Gibson reported the unknown white male driver of the car displayed a handgun and began to shoot inside the car. Gibson stated she was able to get out of the car while it was parked. Gibson had an injury to

her right pinky finger and indicated she believed she had been shot. Det. Kent Shipley conducted a follow-up interview with Gibson. She provided a statement that was consistent with information given to patrol officers. She described the male suspect as a white male in his thirties. She stated he was bald, had tattoos on both arms, and was "skinny." She described the unknown female as about the same age as the male, short with an average build, and having "orangish blonde" hair.

Officers conducted a neighborhood canvass and identified witnesses to this incident. Officers spoke with Mark Israel, resident of 1836 N. Weller. He reported he heard two to three gunshots outside his residence. Israel stated he looked out and saw a light colored Toyota Camry drive south on Weller at a high rate of speed. Israel reported the Camry stopped quickly and a female got out the car, removed a male subject (identified as Cortez), and threw him onto the ground. Israel reported the female then got into the passenger seat of the Camry and the Camry left southbound on Weller Av.

On 10/07/14, I received information that officers from the Lebanon, MO Police Department located what they believed to be the suspect vehicle from this shooting. I responded to the Lebanon Police Department and discovered they located a gold Toyota Camry being driven by a white male with visible tattoos on his left hand. Lebanon Officers attempted to stop/contact the driver and possible occupants. The unknown male driver of the Camry fled in the vehicle and ultimately crashed. Officers were unable to locate the driver or any occupants. Lebanon officers observed a semi-automatic handgun in plain-view inside the Camry near the gear shift. Officers seized the gun, a Taurus pistol, and towed the car to a secure garage at the Lebanon Police Department.

On 10/07/14, I had the Toyota Camry towed from the Lebanon Police Department to the secure garage at the Springfield Police Department. I obtained a search warrant to search the Toyota Camry (Missouri license CG4Z5H) for evidence related to the shooting and the death of Cortez. On 10/07/14, detectives conducted a search of the Toyota Camry. Detectives located a wallet containing a Missouri EBT card bearing the name of Brian Jones in the car. Detectives also located a billfold containing a Missouri EBT card and additional cards bearing the name Devon Gallop inside the car.

On 10/07/14, I learned the Lebanon Police Department located Brian Shawn Jones and arrested him for fleeing from their officers in the gold Toyota Camry earlier that morning. On 10/07/14, Jason Moreno identified Brian S. Jones and Devon D. Gallop as the suspects in this incident from a photographic line-up. On 10/07/14, Shannon Gibson identified Devon D. Gallop as the female suspect in this incident from a photographic line-up.

I responded to the Lebanon Police Department on 10/07/14 and arrested Brian Jones at approximately 2045 hours. I then transported Jones to the Springfield Police Department and conducted a post Miranda interview with him. Jones initially denied knowing anything about this reported shooting. He did admit to being the driver of the involved Camry that fled from Lebanon officers. Jones eventually told me the incident involving the shooting was the result of "self-defense." He would not provide specific details concerning how the incident was self-defense or his specific actions. Jones was transported to the Greene County Jail and booked for Second Degree Murder at the conclusion of the interview.

During the interview with Jones, he told me where he believed Gallop could be located in Lebanon. Lebanon officers were able to go to the location described by Jones and place Gallop under arrest. On 10/08/14, Sgt. Allen Neal and Cpl. Neal McAmis went to Lebanon and transported Gallop to the Springfield Police Department to be interviewed. Cpl. McAmis conducted a post Miranda interview with Gallop and she stated the incident was the result of self-defense. Gallop did not provide any

details or information as to how or why this incident was self-defense when questioned by Cpl. McAmis. Gallop was transported to the Greene County Jail and booked for Second Degree Murder at the conclusion of the interview.

I discovered the license plate from the Toyota Camry was registered to John Pacyniak. On 10/07/14, I attempted to contact Pacyniak at the listed residence from the registration, 4619 E. Farm Rd. 144. I made contact with a male subject identified as Matt Pacyniak. Matt stated John was his father. Matt told me the Toyota Camry was a car that was under his control and he used but was in his father's name. Matt told me he had not seen his car since it was taken from his residence by two people he allowed to stay with him. Matt identified the two subjects as a white male named Brian (he said he called him Shawn) and a white female named Devon. Matt had noticeable injuries to his face and head. He stated he had recently been assaulted by Shawn and Devon. He said Shawn had struck him in the head recently with his (Matt's) own handgun. Matt said his handgun was missing and he did not know where it was located. I spoke with Matt briefly about these subjects, any information he had about them, and the assault against his person.

On 10/08/14, I returned to Matt's residence and conducted a follow-up interview with him concerning the assault against him and information he had on the two suspects. Matt told me he allowed the female, Devon, to stay with him several months. He said he later allowed the male, Shawn, to move into the home with Devon. Matt said he believed Shawn was arrested in Van Buren, MO recently for a stolen car. He said Shawn was reportedly arrested in a stolen Lexus. Matt said he received a telephone call from Devon on Friday, 10/03/14, during which she asked him to drive to Van Buren to pick her up. Matt said he believed Devon had been in the stolen vehicle with Shawn. Matt reported he did not drive to Van Buren to pick up Devon.

Matt stated Devon arrived at his residence on 10/04/14 in the early morning. He said later that day she took his car without permission and drove to Van Buren to pick up Shawn. Matt said Devon and Shawn returned to his residence around 0400 hours on Sunday, 10/05/14. Matt stated Devon and Shawn began to assault him after they returned to the residence. He reported he went to the kitchen just prior to the assault. He stated Devon began to kick him in the head and face as he was seated in his wheelchair (a portion of his lower right leg has been amputated). He said Devon struck him in the face with her fists and slapped him with her hands. Matt reported Devon pulled him out of his wheelchair onto the floor inside an open area near the dining/kitchen table. Matt said Devon told Shawn to "finish" it or him. Matt said Shawn began to strike him. He reported Devon and Shawn then placed him in a dining chair and secured him to the chair with electrical tape. He reported they wrapped the electrical tape around his upper body and the chair with his arms down to his sides. Matt reported Shawn struck him with a croquet mallet during the assault. He stated he was struck in the right hand with the mallet after being taped in the chair. He told me he was also struck on the right leg, chest, and stomach with the croquet mallet and croquet handle. Matt reported Shawn placed a pair of soiled underwear over his (Matt's) head and then urinated on him as he was tied to the chair. Matt said Shawn and Devon cut him out of the chair after the assault ended. He stated he went to his room to lie down after the assault was over. Matt told me he did not contact the police because Devon and Shawn said they would assault him and "shoot" him if he called the police or reported the assault.

Matt's right hand was swollen and he stated he believed his right index finger was broken as a result of being struck by the croquet mallet. He pulled on the index finger and it appeared to move freely away from the area of the lowest knuckle. Matt's right eye was blackened and he appeared to have some darkening or slight bruising around his left eye. I observed various scrapes and abrasions on

his face and he indicated they were the result of Devon's fingernails. Matt also showed me an injury to his right leg above the knee. The area was bruised and there appeared to be an approximate four inch linear abrasion/mark inside the bruised area. He indicated the injury was a result of being struck with the handle of the croquet mallet. Matt also lifted his shirt and showed me an injury to his chest and stomach area. I observed a large circular bruise on his abdomen. I saw a partial circular abrasion inside the larger circular bruise area. The partial circle appeared to match the shape and size of a croquet mallet. I also observed an approximate three inch abrasion near the center of his chest below the nipple line. Matt said these injuries were caused when he was struck with the croquet mallet and handle.

I spoke with Matt about his previous statement that he had been struck in the head with his own pistol. Matt said on Sunday, 10/05/14 in the afternoon, he had gone with Shawn and Devon in his car to Sequiota Park. He said Devon drove his car to the park. Matt told me during the drive that Shawn struck him in the head several times with his handgun. He said he did not know why Shawn struck him but Shawn told him he would "bash" his skull. I observed several scrapes, abrasions, and small lacerations near the back of Matt's head. Matt reported these injuries were the result of being struck with the handgun.

Matt stated he returned to his residence with Devon and Shawn on 10/05/14 after he was assaulted in the car. He reported Shawn drove his car back to the residence. He said he was not assaulted any further on 10/05/14. He reported on Monday, 10/06/14 around 1930 hours, that Devon and Shawn left his residence in his car (Toyota Camry). Matt stated they did not have permission to take his car and said he believed they took his keys from a table inside the residence. Matt said he had not seen or spoken with Shawn or Devon since they took his car on 10/06/14.

Matt said he did not know how Shawn got possession of his handgun. He said he believed it had been removed from a box he kept stored under his bed. He told me he did not give Shawn or Devon permission to possess or handle the gun. Matt reported his handgun was a Taurus pistol. Matt also told me Devon and Shawn had taken his computer Monday before they left and told him they were going to try to pawn it. Matt said he did not give them permission to take the computer and did not ask them to try to pawn it. It should be noted, detectives located computer equipment in the Toyota Camry when it was searched under authority of the search warrant.

Matt showed me the croquet handle and mallet that were used to assault him. He also showed me a roll of electrical tape he said was used to secure him to the chair. The croquet handle was broken and the mallet head was not attached to the handle. The electrical tape was at the end of the roll and it appeared as though the tape had been torn or pulled apart. I seized these items as evidence.

The facts contained above are true.

Chris Barb
Signature

1016
DSN

Corporal
Title

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

STATE OF MISSOURI,)
Plaintiff,)
vs.) Case No.
)
)PA File No. 077333369
DEVON D GALLOP)
Defendant.)

PROSECUTING ATTORNEY'S BAIL/BOND RECOMMENDATION

The bail/bond recommendation of the Greene County Prosecutor, in this case, is as follows:

1. AMOUNT: \$300,000.00

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

State agrees to recognizance release by Court Order after the first court appearance upon the conditions of release in Exhibit A

Hold without Bond

2. The State requests that the Court also impose the conditions of bond set out on the proposed Exhibit A to Arrest Warrant attached hereto and that such conditions be incorporated by reference upon the Warrant.

3. The State requests the Court set bond in the above amount and upon the conditions set out in Exhibit A to Arrest Warrant hereto for the following reasons: Refer to Probable Cause Statement.

Respectfully submitted,



Electronically Signed: 10-8-201
James A Whiteside
Assistant Prosecuting Attorney
Mo. Bar No. 57212
1010 Boonville
Springfield, MO 65804
(417) 868-4061
FAX (417) 868-4160

EXHIBIT A
TO ARREST WARRANT

State of Missouri v. Devon D Gallop
Case No: 1431-CR05643

SPECIAL CONDITIONS OF RELEASE ON BOND SET BY THE COURT:

OPEN COURT ONLY BOND

State agrees to recognizance release by Court Order after the first court appearance with the below conditions of release

Obey all laws

No contact or communication with victim(s) or the victim's family in any manner or through any medium

Not to possess any weapon, firearm or ammunition

No contact or communication with Brian Shawn Jones in any manner or through any medium

Not knowingly be on the premises of or within 1,000 feet of the victim(s) residence, or place of employment/education.

Not to possess or consume alcohol or be on premises of establishment where the primary item for sale is alcoholic beverages

Not to possess any drug/controlled substance unless prescribed for defendant by a physician

No contact with children under seventeen (17) years of age

Not to be on premises of any park, school, daycare, playground, recreational facility, or other place where children congregate

Curfew from 8:00 p.m. to 5:00 a.m.

Electronic monitoring/house arrest from choose start time to choose end time (if no times specified, house arrest inside defendant's residence is 24 hours and 7 days a week) (Provider to report all violations to Court no later than within 24 hours)

GPS monitoring with house arrest from choose start time to choose end time (if no times specified, house arrest inside defendant's residence is 24 hours and 7 days a week) (Provider to report all violations to Court no later than within 24 hours)

-Travel exceptions for house arrest which must be prescheduled with Electronic Monitor/GPS provider:

Defendant may travel directly to and from appointments with defense attorney

Defendant may travel directly to and from medical appointments

Defendant may travel directly to and from grocery store closest to residence

Defendant may travel directly to and from place of employment

The following locations where the victim may be found are already known to defendant and, pursuant to Section 566.226.2, RSMo., the Court FINDS that disclosure of such locations as ordered herein will not compromise but will instead facilitate the safety of the victim and, therefore, the Court ORDERS that prior to any release, the defendant shall be notified that he/she may not travel in or be in these exclusion zones and that said exclusion zones shall be made known to the Prosecutor's Office, Defendant's Attorney, Defendant's Pretrial Service Officer and/or Bondsman and the GPS provider:

Other: