

STATE OF MISSOURI

vs.

SMITH, WILLIAM CHARLES

DOB: 10/27/1953

SSN: 530-46-9223

PROBABLE CAUSE STATEMENT

I, FOX, ROBERT F

knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that on 03/09/2009, at 4603 JOHN GARRY DR-CO SMITH, WILLIAM CHARLES B/M 10/27/1953 committed one or more criminal offense(s):
576.030 OBSTRUCTING GOVERNMENT OPERATIONS
575.150M RESISTING OR INTERFERING WITH ARREST - MISDEM

2. The facts supporting this belief are as follows:

On 03/09/2009 at approximately 0510 hours Officer Clements and I responded to 4603 John gary drive, "smokin Chicks" BBQ for a law alarm.

Upon arrival I observed Officer Kyle Deornellis, standing behind a pillar observing a suspicious vehicle parked in front of the business the law alarm was occurring.

I approached the vehicle and observed two adult males sitting in the front seats.

I advised both subjects to keep their hands where i could see them. neither subject complied. I repeated the command and drew my sidearm. Both subjects continued to refuse to comply with my reasonable, and lawfull commands.

I repeated the command a total of four times. At this point the subject sitting in the drivers seat had his arms folded. I could not see the subjects hands and reasonably believed the subject was consealing a weapon in his left hand under his right armpit. The subject, later identified as, William Charles Smith, advised the passenger to put his hands on the dash, which he did. However, Smith would not show me his hands. I instructed Smith to step out of the vehicle with the intention of detaining him in handcuffs until I could establish his intentions and possessions.

Smith stepped out of the vehicle still hiding his left hand under his right armpit. At this point i reasonably believed Smith was consealing a weapon.

I placed my left hand on Smith's right shoulder, and attempted to turn Sith away from me. Smith resisted by physical force, pulling his torso back.

I used my department issued, Orleoresin Capsicum (OC) spray, as I have been trained, by spraying the OC into the face of Smith.

This had the desired effect of making Smith turn away from me and to a position

he could be handcuffed.

I instructed Smith a second time to place his hands behind his back and to stop resisting. Smith, again, did not comply with my lawful commands. I grasped Smith's right wrist and placed a handcuff on it. I then grasped his left wrist. Smith yanked his wrist forward, actively resisting lawful detention. I pushed Smith forward, against the side of the vehicle. Smith's active resistance reduced and I managed to place his left wrist into cuffs.

Smith was arrested for resisting Arrest; in violation of RsMo:575.150, by reasonably knowing a Law Enforcement Officer was making a lawful detention and for the purpose of preventing the officer from effecting the detention he resists the detention by physical force.

Medics were summoned to the scene to provide a wash out for Mr. Smith to reduce the effect of the OC after he was arrested.

The rear window of the patrol car was pu down to allow ventilation to Mr. Smiths face, again, to reduce the effects of the OC.

Smith was transported to the Columbia Police Department where he was processed for the above offense and obstructing a government operation, in violation of RsMo; 576.030, by purposely obstructing the performance of a government operation of checking a commercial business law alarm.

Smith was later transported to the Boone County Jail pending bond.

3. For the issuance of a warrant in a misdemeanor case, complete the following

(a) I believe that the defendant will not appear in court in response to a criminal summons because:

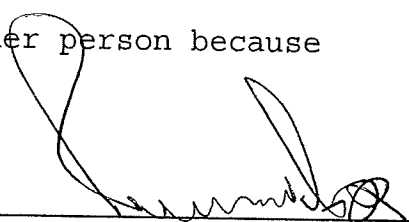
Smith committed two misdemeanor offenses.

(b) I believe that defendant poses

(1) a danger to a crime victim because

(2) a danger to the community or to any other person because
Smith Committed two misdemeanor offenses.

FOX, ROBERT F
Date: 03/09/09



Signature

(re: CPD Case #2009-002969)