



**PAULA S. GARGUS
CIRCUIT CLERK OF DUNKLIN COUNTY**

P. O. Box 567
Kennett, Missouri 63857

Civil/Child Support Division
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(573) 888-5322

Criminal Division
(573) 888-3378
(573) 888-0754

Probate/Juvenile Division
(573) 888-3272
(573) 888-1714

**ATTN:
ALICIA JOHNSON
FAX 1-404-878-4620**

**PER YOUR REQUEST
PROABLE CAUSE AND WARRANT
RE: HEATHER ELLIS
TOTAL-9 PAGES INCLUDING COVER SHEET**

Case Status Report

Complaint # 07-0040 Report Date 01/07/2007 File Status CLOSED Page 1

Was an arrest made?

Warrant Application Completed?

Was there a witness?

Warrant Issued?

Can a suspect be described, named or located?

Date Warrant Completed //

Can a suspect's vehicle be described?

Date Warrant Issued //

Is the stolen property traceable?

Is there significant physical evidence?

No. of Suspects? Adults 1 Juveniles 0

Is there significant modus operandi?

Property Recovered Value Recovered 0

Office Status

Case Status:

PROBABLE CAUSE AFFIDAVIT

1. A. W. FISHER, UPON MY OATH, STATE AS FOLLOWS:

1. I AM A POLICE OFFICER OF THE CITY OF KENNETT.

2. I HAVE PROBABLE CAUSE TO BELIEVE THAT - NEATEER RENAE ELLIS [FEMALE/BLACK]

DOB: [REDACTED] // [REDACTED]

SSN: [REDACTED]

ADDRESS: 800 North Vandeventer Street
Kennett, Missouri 63857

COMMITTED THE OFFENSE(S) OF -

[1]. PEACE DISTURBANCE - **[FOUR-(4) COUNTS]**

[2]. TRESPASSING IN THE FIRST DEGREE

[3]. RESISTING ARREST/DETENTION/STOP OF A MISDEMEANOR OFFENSE

[4]. ASSAULT ON LAW ENFORCEMENT OFFICERS - 3RD DEGREE - **[TWO-(2) COUNTS]**

3. THE PROBABLE CAUSE IS AS FOLLOWS:

On - Saturday - January 6th, 2007 - at approximately 23:30 hours, Officers of the Kennett Police Department, received a radio communication from Officer Craig

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Moody [DSN: 931], of the Kennett Police Department. Officer Craig Moody was requesting the assistance of other Police Officers. Officer Craig Moody requested that additional Police Officers respond to the business of Wal-Mart, which is located at 1500 First Street. This request for assistance was in reference to, and due to an unruly and belligerent customer.

Kennett Police Officers; A. W. Fisher [DSN: 920], Joe D. Stewart [DSN: 943], Allen Campbell [DSN: 942], and Phillip Caldwell [DSN: 932], arrived at Wal-Mart at the same time.

Upon our arrival, all Officers entered into the business. As I, Officer A. W. Fisher entered into the business, I could immediately hear the voice of a female, that was talking loudly. I could hear the female yelling, and cursing. It was easy to determine who the person was, that was causing the disturbance. I also saw Officer Craig Moody standing by check-out [cash register] aisle number 13. Officer Moody summoned all Officer's to come to his location.

As I arrived at check-out [cash register] number 13, I was immediately informed by - Kay McDaniel [On-duty Assistant Manager for Wal-Mart], that she wanted the black female that was yelling and cursing, to be removed, and escorted from the store, and off the property. I then informed the black female that, she had to leave the store and the property immediately, and cease causing any further disturbances. The black female turned and yelled, "I ain't going nowhere until I get my fucking change back". So I stood by while the cashier attendant handed the belligerent female her change.

NOTE [3]: The black female, which was causing the disturbance and was eventually placed under arrest, was subsequently identified as - Heather R. Ellis.

Heather Ellis continued to act in a very belligerent, angry, hostile, and aggressive manner. Heather Ellis refused to comply with my repeated requests to calm down, and cease causing a scene and disturbance. Heather Ellis then turned her anger and aggression toward me [Officer Fisher], and all other Police Officers which were present. Heather Ellis then began yelling, and cursing, and issuing derogatory comments toward this Officer. She then took her purchased items, which were in bags, and she began walking toward one of the exits of the building. However, Heather Ellis continued to yell, curse, and issue verbal insults toward this Officer. Heather Ellis would walk a little way, and then she would again turn and continue to yell, curse, and issue more insults. Heather Ellis continued to refuse to comply with all repeated requests to just calm down, and stop continuing to cause a scene, and disturbance. I tried to convey to Heather Ellis [as best I could], that all she had to do was leave peacefully. However, it was incredibly and abundantly obvious that Heather Ellis had

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absolutely no desire and/or intention of complying with any and all request by this Officer. Any and all attempts to convey logic to Heather Ellis were unsuccessful.

Heather Ellis would not simply leave the property. She continued to be belligerent, angry, loud, hostile and aggressive throughout the front of the store. Due to the way that Heather Ellis was conducting herself, she [Heather Ellis] was obviously disrupting the business of this store. I kept trying to calm Heather Ellis, and I was trying to convey simple and basic logic to her, that all she had to do was just simply leave the store in a calm and peaceful manner. Heather Ellis was obviously not receptive to these simple requests, and she told me about it in the same loud and belligerent manner in which she had been conducting herself.

I, Officer A. W. Fisher, then informed Heather Ellis that, if she did not cease causing a scene and disturbance, and if she did not simply leave the property, that she would then be placed under arrest. After issuing this final request, Heather Ellis [again] turned toward this Officer and she [again] continued to yell, curse, and refuse to leave the property. She then issued a threat to assault me [Officer Fisher] by saying that if I even tried to put my hands on her and if I tried to arrest her, she was going to "beat my ass".

Heather Ellis was given every opportunity to comply with the Officers repeated requests for her to simply leave the property of the business of Wal-Mart.

Once it had become abundantly, and obviously clear that Heather Ellis had absolutely no desire and/or intentions of complying with all of my repeated requests, I then informed Heather Ellis that she was now under arrest. I then grasped the right arm sleeve of her black leather jacket, and I was attempting to deploy my handcuffs, in order to place Heather Ellis under arrest. Immediately, when I grasped her right arm sleeve, Heather Ellis immediately became combative, and began fighting this Officer. Heather Ellis began swinging wildly toward this Officer with her arms and fist. Heather Ellis refused to comply with all requests for her to stop fighting, and stop resisting arrest. Heather Ellis continued to fight, yell, and curse. Heather Ellis was completely out of control.

Sgt. Joe D. Stewart, and Officer Phillip Caldwell, then came to assist me [Officer Fisher] with this arrest, as I was having to fight and struggle with Heather Ellis. All three Officers continued to have to struggle with Heather Ellis. Heather Ellis still would not comply with all of the Officers request for her to stop fighting and stop resisting arrest.

Heather Ellis would continue to resist arrest by stiffening her body, arms, and

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legs in an attempt to prevent the arresting Officers from placing the handcuffs on her, and placing her under arrest. Then, Heather Ellis would [again] swing her arms and fist, and kick her feet in an attempt to prevent being arrested, or attempting to break free and flee from the grasp of the Officers. At one point during the struggle with Heather Ellis, she [Heather Ellis] kicked me [Officer Fisher], and she [Heather Ellis] struck Sgt. Joe D. Stewart in the mouth. During the entire struggle with Heather Ellis, the Officers issued repeated requests for her to stop fighting, and stop resisting arrest.

Finally, the Police Officers were finally able to place the hands of Heather Ellis behind her back, and then we were able to place the handcuffs on the wrists of Heather Ellis.

However, as we were trying to walk her to, and place her in the back seat of the patrol car, Heather Ellis would continue her efforts to resist by refusing to walk forward. Heather Ellis would [again] stiffen her legs and body, and she would [again] refuse to comply with the Officers requests to walk to the patrol car. Officers had to actually make Heather Ellis walk forward, so that we could finally place her into the backseat of the patrol car. Heather Ellis would continue to yell, curse, issue verbal threats, and issue her derogatory comments. Heather Ellis continued to act in the same belligerent, hostile, and aggressive manners.

Heather Ellis was then transported to the Dunklin County Jail, where she was processed, booked and incarcerated.

Later in the shift, the Kennett Police Department received a call from the Dunklin County Sheriff's Office, informing us that, Heather Ellis was demanding medical treatment. Heather Ellis was then released from custody, so that she could go and seek whatever medical attention she desired.

Written and signed statements were obtained from:

- [A]. Kay McDaniel [Assistant Manager] - [dba] - Wal-Mart
Victim/Complainant for - Peace Disturbance and Trespassing 1st Degree
- [E]. Betsy J. Walls
Victim/Complainant/Witness for - Peace Disturbance
- [C]. Robin Miller
Victim/Complainant/Witness for - Peace Disturbance

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[D]. Dorsetta Cunningham
Victim/Complainant/Witness for - Peace Disturbance

[E]. Brian, A. W. Fisher - [dbal] - City of Kennett
Victim/Complainant/Witness for - Resisting Arrest and Assault on Law Enforcement Officer in the 3rd Degree.

[E]. Sgt. Joe D. Stewart - [dbal] - City of Kennett
Victim/Complainant for - Assault on a Law Enforcement Officer in the 3rd Degree

Written and signed statements were obtained from [Witnesses]:

[A]. Brandon Elliott

[B]. Ashley Laster

According to statements made and obtained - On - Saturday - January 6th, 2007 - Heather Ellis - was and had been a customer at the Wal-Mart store. Heather Ellis apparently collected some items of merchandise, and Heather Ellis then went to check-out aisle #13 at the front of the store. Instead of waiting in line behind the other waiting customers, Heather Ellis - broke in line - as she walked to the front of the line, to the cash register attendant, apparently because she did not want to wait in line.

The cash register attendant had already began checking out the next in line customer. The cash register attendant had activated the conveyer belt in order to advance the merchandise of the next in line customer, to be scanned and checked out. Heather Ellis reportedly became angry because of this, and Heather Ellis reportedly began shoving the merchandise back down the conveyer belt. Witnesses and Victims stated that, Heather Ellis became very belligerent by yelling, cursing, issuing threats, and issuing many derogatory comments to several of the persons present. Reportedly, Heather Ellis at one point attempted to advance toward the attendant and store assistant manager in a very hostile and aggressive manner. Management of the Wal-Mart store gave numerous verbal communications to Heather Ellis to leave the store and the property. Heather Ellis refused to leave after being told several times to do so.

Apparently, since Heather Ellis was out of control, and since Heather Ellis refused to leave the business and property, the Kennett Police Department was contacted by on-duty security officer - Officer Craig Moody [DSN: 931], of the Kennett Police Department.

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Heather was subsequently arrested after all of the events documented above, and in the arresting Officer's narrative.

Your attention also invited to all supplemental reports, which have been submitted by all other Police Officers present during this incident.

4. (MISDEMEANOR WARRANTS ONLY) I BELIEVE THAT THE DEFENDANT WOULD NOT APPEAR IN COURT IN RESPONSE TO A CRIMINAL SUMMONS AND/OR THAT THE DEFENDANT POSES A DANGER TO A VICTIM, THE COMMUNITY, OR ANOTHER PERSON, FOR THE FOLLOWING REASONS:

The statements made herein are true and are made subject to the penalties of making a false affidavit or declaration.

Date: 01-07-2007

Affiant:

A. W. Fisher

Off. A. W. Fisher / DSN: 920 / Kennett P. D.

WARRANT FOR ARREST
IN THE CIRCUIT COURT, DIVISION II

STATE OF MISSOURI,)
) ss.
COUNTY OF DUNKLIN,)
[REDACTED]
[REDACTED]

Case No. 08DU-CR00039

BOND \$ 15,000

WILL EXTRADITE WITHIN 500 MILES

Gender: F
Race: Black

THE STATE OF MISSOURI TO ANY PEACE OFFICER IN THE STATE OF MISSOURI:

You are hereby commanded to arrest:

HEATHER RENAE ELLIS
800 North Vandeventer St.,
Kennett, MO 63857

who is charged with the crime of **ASSAULT OF A LAW ENFORCEMENT OFFICER IN THE SECOND DEGREE TWO (2) COUNTS AND PEACE DISTURBANCE AND RESISTING ARREST**, in that the defendant willfully and unlawfully,

COUNT: I

In violation of Section 565.082, RSMo, committed the class C felony of assault of a law enforcement officer in the second degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about January 6th, 2007, in the county of Dunklin, State of Missouri, the defendant attempted to cause physical injury to Al Fisher, a law enforcement officer, by kicking him.

Charge Code: 1311399.0

OFFICE OF THE CLERK
DUNKLIN COUNTY, MISSOURI
JAN 14 2007
JOE STEWART

COUNT: II

In violation of Section 565.082, RSMo, committed the class C felony of assault of a law enforcement officer in the second degree, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about January 6th, 2007, in the county of Dunklin, State of Missouri, the defendant attempted to cause physical injury to ~~Al Fisher~~, a law enforcement officer, by kicking him.

Joe Stewart

Charge Code: 1311399.0

COUNT: III

In violation of Section 574.010, RSMo, committed the class B misdemeanor of peace disturbance, punishable upon conviction under Sections 558.011 and 560.016 and 574.010, RSMo, in that on or about January 6th, 2007, in the County of Dunklin, State of Missouri, the defendant unreasonably and knowingly disturbed the peace of Kay McDaniel, by cursing loudly,

Charge Code: 3401299.0

FAX 2341

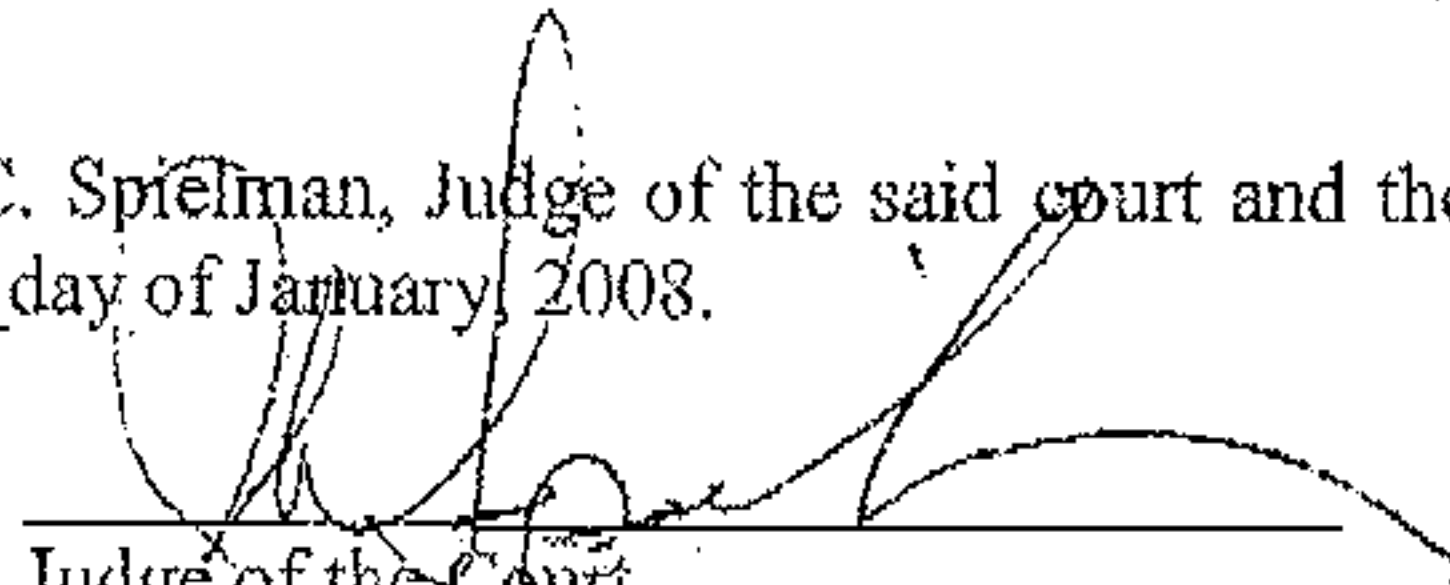
COUNT: IV

In violation of Section 575.150, RSMo, committed the class A misdemeanor of resisting arrest, punishable upon conviction under Sections 558.011 and 560.016, RSMo, in that on or about January 6th, 2007, in the county of Dunklin, State of Missouri, A. W. Fisher, a law enforcement officer, was making an arrest of defendant for peace disturbance, and the defendant knowing that the officer was making an arrest and for the purpose of preventing the officer from effecting the arrest, resisted the arrest of defendant by using or threatening to use violence, to-wit by swinging her arms and kicking

Charge Code: 2704001.0

contrary to the statutes stated and against the peace and dignity of the State of Missouri, allegedly committed within the jurisdiction of this court and against the laws of the State of Missouri. You are to bring the arrested before this court to be dealt with by law, and are to make a return of service of this warrant.

WITNESS THE HONORABLE John C. Spielman, Judge of the said court and the seal thereof, issued in Dunklin County on this 4th day of January, 2008.



Judge of the Court

RETURN:

Serves the within warrant in my County of Dunklin and the State of Missouri on this _____ day of _____, 20__ by arresting the within named **HEATHER RENAE ELLIS** and producing them before the said court.

FILED

JAN 04 2008

**DUNKLIN COUNTY
CIRCUIT CLERK**