

PROBABLE CAUSE STATEMENT

I, **Detective Joe Thomas, DSN: 242**, 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, **Robert Ervin Simmons**, committed one or more criminal offenses: **Murder 2nd**, **Armed Criminal Action**, **Robbery 1st** and **Burglary 1st**

2. The facts supporting this belief are as follows: On July 20, 2020, at approximately 0030 hours, officers with the Cape Girardeau Police Department responded to 412 Sheridan Apartment F, Cape Girardeau, MO in reference to a report of a weapon violation. Upon arrival, officers were advised by communications that the occupants of the apartment had been shot at by unknown suspect or suspects and that at least one of the occupants of the apartment had returned fire. When officers arrived, they located Victim 1 and Victim 2 at the apartment. They later located Anthony Miller (victim #3) who was the victim of a gunshot to his abdomen. Upon locating Miller, officers determined that he was unresponsive.

According to Victim 2, he was asleep in one of the upstairs bedrooms when he heard the door to the bedroom being kicked in which woke him up. He stated he saw a gun and then heard gun shots. He advised he was able to return fire toward the suspects. According to Victim 1, he was in his bedroom lying in bed when he heard a commotion. His bedroom door was kicked open and two individuals wearing masks pointed guns at him and asked where the money was.

Victim 1's phone was missing and it was presumed the suspect(s) took it during the incident.

Neither Victim 1 nor Victim 2 was able to identify the suspects.

Anthony Miller was transported to St. Francis Medical Center for treatment to his injuries where he later succumbed to his injuries. According to the autopsy, Miller died from a gunshot wound to the heart.

The apartment was outfitted with a video surveillance system. Investigators were able to view the system and it was determined that five subjects entered the apartment through the kitchen door. Several of the subjects were armed with firearms and were wearing masks to cover their faces. As the subjects made their way through the apartment, they turned the cameras toward the wall to hide their activities.

Investigators received a tip that a gold or tan minivan was seen on Albert Street, directly behind (east) of the 400 block of Sheridan. The van was seen picking up someone who was running shortly after the shooting. The van then drove east on Henry Street. Investigators were able to gather video surveillance footage from the area the van was reportedly seen in. The video was captured from a nearby school turning east on Jefferson from Missouri. The van appeared to be a gold/tan Dodge Caravan. The van also drove right by a location on Jefferson near Napa Circle where a lawn service employee found Thomas's cell phone.

Photographs of the suspects from the surveillance were shared on social media. The Cape Girardeau Police Department began receiving tips on Facebook, and from phone calls placed to Police Headquarters. Through further investigation, one of the suspects was identified and interviewed by Investigators. This subject identified the names of the other suspects including the fourth suspect who

entered the residence during the incident. The subject identified the fourth suspect as "Big Rob". The fourth suspect that entered had tattoos on both arms, was wearing a mask, and holding a firearm in the low ready position.

Investigators later received additional information from a confidential source that "Big Rob" was most likely Robert Simmons, who is associated with a gold/tan minivan. Through records search it was learned Simmons is associated with 1238 College Street which is believed to be the residence of Simmon's mother. Simmon's mother has a gold/tan Dodge Caravan registered to her. Investigators talked to a witness who stated "Big Rob" is associated with 1238 College and that he drives the gold/tan minivan.

Robert Simmons stated on his Facebook page that he goes by "Big Rob Simmons".

Simmons has been convicted federally and his intake/booking photograph was obtained by the federal bureau of prisons. Simmons has tattoos on his left and right arms that appear to match the tattoos on the fourth suspect's arms which are visible on the surveillance footage. Simmons also has a similar build and physical characteristics as the suspect.

This statement is being provided for probable cause purposes only and includes only those necessary facts. For a full and complete report on the facts surrounding this occurrence, please refer to the full police report filed on this case.

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

- (a) I believe that the defendant will not appear in court in response to a criminal summons because:
- (b) I believe that defendant poses [Insert one or all of the following.]
 - (1) a threat to the community because:
The defendant's actions resulted in the murder of a citizen of Cape Girardeau, Missouri.
 - (2) a danger to a crime victim because:
There are two additional victims of this incident that are still alive

7-24-20
Date

Joe Thomas
Print Name

[Handwritten Signature]
Signature