

STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

COURT FILE NO. _____
COUNTY ATTORNEY FILE NO. CA-2014-01486
CONTROLLING AGENCY: MN0190700
CONTROL NUMBER: 14-002715

State of Minnesota,

Plaintiff,

v.

BRIAN GEORGE FITCH
2474 POND CIRCLE DRIVE
MENDOTA HEIGHTS MN 55120
(DOB: 12/5/74)

SUMMONS
 WARRANT
 ORDER OF DETENTION
 AMENDED

Defendant.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

COUNT 1: MURDER IN THE FIRST DEGREE

Minnesota Statutes §609.185, Subd. (a)(4); 609.106, Subd. 2(1)

Life Imprisonment

MOC: H1H17

GOC: N

Felony

Gross Misdemeanor

Misdemeanor

Petty Misdemeanor

On or about July 30, 2014, in the County of Dakota, Minnesota, BRIAN GEORGE FITCH, did cause the death of a peace officer, to-wit: Officer Scott Patrick of the Mendota Heights Police Department, with intent to effect the death of Officer Patrick while he was engaged in the performance of official duties.

COUNT 2: MURDER IN THE FIRST DEGREE

Minnesota Statutes §609.185, Subd. (a)(1); 609.106, Subd. 2(1)

Life Imprisonment

MOC: H1H17

GOC: N

Felony

Gross Misdemeanor

Misdemeanor

Petty Misdemeanor

On or about July 30, 2014, in the County of Dakota, Minnesota, BRIAN GEORGE FITCH, did cause the death of a human being, to-wit: Officer Scott Patrick, with premeditation and with intent to effect the death of Officer Patrick.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your Complainant is a licensed peace officer with the West St. Paul Police Department. In that capacity I have reviewed the police reports and believe the following to be true.

On July 30, 2014, at approximately 12:20 p.m., Scott Patrick, a licensed peace officer employed by the Mendota Heights Police Department initiated a traffic stop of a Pontiac Grand Am bearing Minnesota License SED283 (hereinafter "Grand Am") near the intersection of Dodd Road and Smith Ave. in the City of West St. Paul, Dakota County, Minnesota. While Officer Patrick approached the Grand Am, the driver fired a gun at Officer Patrick striking him in the leg, abdomen and head. Officer Patrick fell to the ground and the Grand Am fled from the scene at a high rate of speed. Officer Patrick died as a result of the gunshot wounds.

Several nearby witnesses heard three gunshots. One witness saw Officer Patrick fall to the ground; and another witness heard and saw a car leave the scene at a high rate of speed. Several witnesses ran to Officer Patrick's aid and attempted to provide first aid while another witness used Officer Patrick's portable radio to notify that there was an "officer down."

Officers learned that the Grand Am was registered to an adult female identified as LGP, who listed at a residential address located in Mendota Heights. Officers responded to the registered address and interviewed LGP who reported the following facts. LGP recently sold the Grand Am to BRIAN GEORGE FITCH, born 12/05/1974 (hereinafter "Defendant"). Defendant was currently living at

LGP's residence and left the residence at approximately 11:00 a.m. on July 30, 2014, in the Grand Am. When he left the residence, LGP described Defendant as wearing a white or multicolored hat, black Batman t-shirt, blue camouflage cargo shorts and white tennis shoes. LGP believed that Defendant was going to the west side of St. Paul.

Video was obtained from Officer Patrick's squad car video system. In reviewing the squad video relevant to the stop of the Grand Am, the video showed that the driver of the Grand Am was a male wearing a white or multicolored hat and was the sole occupant of the vehicle.

Officers subsequently located the Grand Am at a residence on South Robert Street in St. Paul. The Grand Am was parked in the yard of the residence and covered with a tarp. Interviews were conducted of an adult male identified as JLC and an adult female identified as KLK who reported the following facts. JLC and KLK live at the South Robert Street residence. Defendant arrived at their residence on July 30, 2014, shortly after 12:20 p.m. and requested that JLC hide the Grand Am in KLK's garage. KLK is the owner of a blue in color, 2007 Hyundai Veracruz bearing Minnesota License 938KLN (hereinafter "Veracruz"). Defendant stated that he needed another vehicle because he did not want to be recognized in the Grand Am. Defendant asked KLK if he could purchase her Veracruz from her. KLK refused to sell the Veracruz to Defendant, but consented to him using it for a couple of days. Defendant was at KLK's residence for approximately 15 minutes and left in the Veracruz. JLC covered the Grand Am with a tarp.

During the evening of July 30, 2014, officers received information from two confidential informants that Defendant was in the area of Rice and Sycamore Streets in St. Paul. Officers responded to that area where Defendant was observed driving the Veracruz. After a brief pursuit, officers were able to stop the vehicle and upon doing so, Defendant fired a handgun at the officers. Officers returned fire and struck Defendant. The handgun used by Defendant was seized and was determined to be a Smith & Wesson M&P 9mm with a laser sight, bearing serial number HAE1659. A search of the Veracruz was conducted during which a .22 Derringer pistol, a large quantity of suspected methamphetamine, and keys to a GM motor vehicle were recovered.

A search was conducted of the Grand Am and one, 9mm shell casing was located in the backseat, driver's side area of the vehicle. The Smith & Wesson M&P 9mm handgun, casings and two bullets recovered from Officer Patrick have been submitted to the Minnesota Bureau of Criminal Apprehension for analysis.

After Defendant was shot, he was transported by ambulance to Regions Hospital in St. Paul. While a St. Paul police officer was standing watch over Defendant at the hospital, Defendant looked at the officer and told the officer, "Just to let you know, I hate cops and I'm guilty."

NOTICE: You must appear for every court hearing on this charge. A failure to appear for court on this charge is a criminal offense and may be punished as provided in Minn. Stat. §609.49.

Complaint requests that Defendant, Brian George Fitch, subject to bail or conditions of release, be:

- (1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
- (2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE:

Subscribed and sworn to before the undersigned this _____ day of _____, 2014.

NOTARY STAMP:

SIGNATURE:

Notary Public

Being authorized to prosecute the offenses charged, I approve this complaint.

Date:

PROSECUTING ATTORNEY'S SIGNATURE:

(mcn)

Name: James C. Backstrom
Dakota County Attorney
Dakota County Judicial Center
1560 Highway 55
Hastings, MN 55033
(651) 438-4438
Attorney Registration No.: 3797

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant’s arrest or other lawful steps be taken to obtain Defendant’s appearance in court, or Defendant’s detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on _____, at _____ before the above-named court at the Dakota County Judicial Center 1560 Highway 55, Hastings, MN 55033 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Execute in MN Only *Execute Nationwide* *Execute in Border States*

ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail:
Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _1st_ day of ___August_____, 2014.

JUDICIAL OFFICER:
NAME:
TITLE: Judge of District Court

SIGNATURE:

/s/_____
Judge

Sworn testimony has been given before the Judicial Officer by the following witnesses:

<p style="text-align: center;">COUNTY OF DAKOTA STATE OF MINNESOTA</p> <p>STATE OF MINNESOTA</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>BRIAN GEORGE FITCH</p> <p style="text-align: right;">Defendant.</p>	<p><i>Clerk’s Signature or File Stamp:</i></p> <p style="text-align: center;"><i>RETURN OF SERVICE</i></p> <p><i>I hereby Certify and Return that I have served a copy of this COMPLAINT upon the Defendant herein named.</i></p> <p>Signature of Authorized Service Agent: _____</p>
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