



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

COURT FILE NO.: _____
PROSECUTOR FILE NO.: 2131892

State of Minnesota,

Plaintiff,

v.

Brian George Fitch Sr.
(DOB: 12/05/1974)
2474 Pond Cir. E.
Mendota Heights, MN 55120,

- FELONY**
- CRIMINAL COMPLAINT**
- Summons** **Warrant**
- Order of Detention**
- Amended**
- Certified Juvenile**
- EJJ**

Defendant.

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

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully attempt to cause the death of K. Winger, a peace officer engaged in the performance of official duties, and with intent to effect the death of that person or another.

Said acts constituting the offense of **Attempted Murder in the First Degree** in violation of MN Statute: §609.185(a)(4); 609.17.1; 609.11.5
Maximum Sentence: 20 years

COUNT 2

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully attempt to cause the death of D. Benner, a peace officer engaged in the performance of official duties, and with intent to effect the death of that person or another.

Said acts constituting the offense of **Attempted Murder in the First Degree** in violation of MN Statute: §609.185(a)(4); 609.17.1; 609.11.5
Maximum Sentence: 20 years



COUNT 3

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully attempt to cause the death of T. Bohn, a peace officer engaged in the performance of official duties, and with intent to effect the death of that person or another.

Said acts constituting the offense of **Attempted Murder in the First Degree** in violation of MN Statute: §609.185(a)(4); 609.17.1; 609.11.5
Maximum Sentence: 20 years

COUNT 4

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully while in or having just exited from a motor vehicle, recklessly discharge a firearm at or toward another person, K. Winger.

Said acts constituting the offense of **Drive-By Discharge of Firearm** in violation of MN Statute: §609.66.1e(b); 609.11.5
Maximum Sentence: 10 years or \$20,000 fine or both

COUNT 5

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully while in or having just exited from a motor vehicle, recklessly discharge a firearm at or toward another person, D. Benner.

Said acts constituting the offense of **Drive-by Discharge of Firearm** in violation of MN Statute: §609.66.1e(b); 609.11.5
Maximum Sentence: 10 years or \$20,000 fine or both

COUNT 6

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully while in or having just exited from a motor vehicle, recklessly discharge a firearm at or toward another person, T. Bohn.

Said acts constituting the offense of **Drive-by Discharge of Firearm** in violation of MN Statute: §609.66.1e(b); 609.11.5
Maximum Sentence: 10 years or \$20,000 fine or both

COUNT 7

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully assault another, K. Winger, with a dangerous weapon consisting of a firearm.

Said acts constituting the offense of **Assault in the Second Degree** in violation of MN Statute: §609.222.1; 609.11.5
Maximum Sentence: 7 years or \$14,000 fine or both

COUNT 8

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully assault another, D. Benner, with a dangerous weapon consisting of a firearm.



Said acts constituting the offense of **Assault in the Second Degree** in violation of MN Statute: §609.222.1; 609.11.5

Maximum Sentence: 7 years or \$14,000 fine or both

COUNT 9

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully assault another, T. Bohn, with a dangerous weapon consisting of a firearm.

Said acts constituting the offense of **Assault in the Second Degree** in violation of MN Statute: §609.222.1; 609.11.5

Maximum Sentence: 7 years or \$14,000 fine or both

COUNT 10

On or about the 30th day of July, 2014, in Ramsey County, Minnesota, the defendant, **BRIAN GEORGE FITCH SR.**, did unlawfully possess a firearm, while prohibited for having been convicted or adjudicated delinquent of a crime of violence.

Said acts constituting the offense of **Possession of Firearm by an Ineligible Person** in violation of MN Statute: §624.713.1(2); 624.713.2(b); 609.11.5

Maximum Sentence: 15 years or \$30,000 fine or both

Mandatory Minimum Sentence: 5 years



STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is an investigator with the St. Paul Police Department and bases this complaint upon a review of reports and upon his own investigation.

On July 30, 2014, at 12:20 PM, St. Paul police officers responded to assist a neighboring jurisdiction on an officer who was shot during a traffic stop at Dodd Road and Smith Avenue, West St. Paul, Dakota County, Minnesota. Officers learned that Mendota Heights Police Officer Scott Patrick died of gunshot wounds during that incident. Evidence developed at and around the scene pointed to the defendant **Brian George Fitch Sr.**, DOB 12/05/1974, as the shooter. Witnesses reported that the defendant's green Pontiac Grand Am, MN LIC SED283, sped away from the fallen officer.

Officers located the suspect vehicle in the rear of 667 South Robert Street. An occupant of that residence told police that the defendant came to her home and borrowed her vehicle, a 2007 Hyundai Veracruz, MN LIC 938KLN.

At about 8:00 PM, officers received information that the defendant was at 34 E. Sycamore St. in St. Paul, Ramsey County, Minnesota. They traveled to that location and saw the 2007 Hyundai Veracruz parked at the address. Officers watched as the defendant entered the Hyundai Veracruz and fled the address. They pursued the defendant to a parking lot at 60 W. Sycamore. The defendant stopped his vehicle and fired a handgun at several officers. Officers returned fire wounding the defendant. He then stopped firing. A female in the rear driver's side passenger seat was also wounded. Police identified her as Kelly Hardy, DOB 03/07/1978. She suffered non-life-threatening bullet wounds to her left leg and left elbow. She fell out of the vehicle. She told officers that the defendant would not voluntarily exit the vehicle. The defendant did not exit the vehicle when officers ordered him to do so. They used a SWAT armored Bearcat vehicle to shield themselves while they apprehended the defendant. While officers were arresting the defendant, he told them that he had a gun, but it was on the floor of the vehicle. Officers recovered that gun. They identified it as a 9 mm Smith and Wesson, M&P9, serial number HAE 1659. This firearm was reported stolen from Eden Prairie, Minnesota. The magazine inside of the gun contained 3 cartridges. There was an empty casing in the chamber of the handgun. Police observed a spent brass shell casing on the pavement outside of the defendant's vehicle, and a similar spent casing on the driver's seat of the vehicle, along with a similar spent casing in the door handle area on the driver's side of the vehicle.

A witness at an address on W. Sycamore told police that he was sitting in his front living room looking out his windows, which overlooked Sycamore and the lot across the street. He saw a light blue Hyundai SUV pull into the lot. The vehicle was traveling at a high rate of speed and was making several swerving maneuvers in the lot. He saw several police vehicles converging on the light blue SUV. He saw the SUV spin around and back up toward a grassy hill. The vehicle came to a stop. He saw a male jump out of the passenger side of the SUV and run towards Sycamore. That individual held his hands in the air and went down to the ground. Then the witness saw the driver's side window on the light blue Hyundai SUV, "blow outward." The witness then heard gunshots and saw several flashes coming from inside the driver's side of the light blue Hyundai. The witness then heard and saw officers returning fire.

Investigators interviewed the front-seat, male passenger who jumped out of the defendant's vehicle. He said that he knows the defendant by the nickname "D-Bo." He said that the defendant arrived at 34 E. Sycamore St.



at about 5:00 to 6:00 PM. Kelly Hardy was with the defendant when he arrived. The defendant arrived in the blue Hyundai. He saw the defendant remove a black handgun from a Jimmy John's bag. The defendant put it in his waistband. The defendant told him to say that he went to Canada if anybody asked about him. He said the defendant threatened to kill him if he said otherwise. He said the defendant told him to drop him off a few blocks away from the house. The defendant instructed him to return the Hyundai SUV to its owner. He got into the front passenger seat of the Hyundai. The defendant was driving and Kelly Hardy was in the back seat on the driver's side. They saw a black vehicle down the street and he knew it was a police car. When the vehicle pulled in front of them, he asked the defendant to let him out of the car. The defendant told him to "shut the fuck up." When a black police vehicle pulled behind them, the defendant removed the gun from his waistband. The defendant had the gun on his lap. When defendant turned into the parking lot, the defendant began to raise the gun in his right hand. The male passenger said at that point he jumped out of the car. He then heard several gunshots.

A police investigator interviewed Commander K. Winger, of the St. Paul Police, about his involvement in the arrest of the defendant. Winger was with Sgt. D. Benner riding in a black Ford Explorer equipped with lights, siren and a radio. Winger was dressed in blue police uniform pants and a blue SPPD police polo shirt with police lettering clearly visible in bright yellow on both the front and the back of the shirt. The officers were following up on information that the defendant might be at 34 E. Sycamore. This information was verified when the officers saw the blue Hyundai SUV located at that address. At that point Winger understood that the gun used to shoot the Mendota Heights officer had not been recovered and was still in the possession of the defendant. They received information that the suspect vehicle was leaving the address. Moments later, a vehicle chase ensued and they saw the suspect vehicle fleeing west on Sycamore directly toward them. The vehicle then turned south and then turned back east. They joined the pursuit. At this point there were numerous police vehicles with lights and sirens going behind and around the defendant's vehicle. The defendant pulled into a business on the south side of Sycamore in the area of 60 W. Sycamore. The defendant was traveling at a high rate of speed. They stopped their squad on the south boulevard short of the suspect vehicle. They saw a white male jump out of one of the passenger side doors. Officers ordered that male to a prone position and that male complied. Winger then heard shots being fired. He was getting out of his squad at that point. He saw the defendant in the driver's side window. The defendant was firing towards them from the driver's side window of the suspect vehicle. He saw muzzle flash coming from the driver's side window. Other officers were returning fire. Winger raised his gun and was preparing to fire on the suspect when he saw a female moving in the back seat of the suspect car. At that point the defendant, who had been shooting at them, went down behind the driver's door and Winger stated he no longer had a target. He then chose not to fire. The defendant made no signs of wanting to give up or surrender. He was ducking down and coming up repeatedly while he was firing.

Sgt. D. Benner, St. Paul Police, confirmed Winger's account of the incident. Benner was driving the vehicle during the pursuit. He saw the defendant driving the suspect vehicle in the southwest corner of the parking lot. He pulled his squad up onto the boulevard. The suspect vehicle stopped. He saw the defendant pull a gun from the driver's seat area of the car. He saw the defendant fire shots at them. The defendant was positioned very low in the driver's seat with just his head exposed. The defendant was ducking and moving. Benner returned fire and the defendant slumped forward. At that point Benner realized there was a female passenger in the car behind the defendant. He yelled for officers to cease fire. From what he observed, he believed that the defendant was trying to shoot him and Winger.

Police investigators interviewed Officer T. Bohn, St. Paul Police, about his involvement in the arrest of the defendant. He stated that he observed the suspect vehicle "crashing" through the parking lot near 60 W. Sycamore. The vehicle stopped at the corner of the lot near the building. He could hear other police vehicles rapidly approaching. He saw the male passenger jump out of the vehicle. He maintained his focus on the vehicle



because he did not believe that the male who jumped from the vehicle was the defendant. He approached the vehicle on the passenger side. He said that the vehicle was positioned at an odd angle in the parking lot. He could hear the engine revving. He then positioned himself to see into the driver's area of the vehicle. As he was looking at the defendant in the driver's seat, he saw the defendant raise his hand up. He saw a black object in the defendant's hand. He believed it was a handgun. He saw muzzle flashes aimed in his direction and could hear the gun fire. He then returned fire at the defendant. He heard additional gunfire and realized that several officers were firing at the defendant. He confirmed that he could see the defendant pointing the gun at him and firing the gun at him.

Medics transported the defendant to Regions Hospital for treatment of multiple gunshot wounds. Officer Davis of the St. Paul Police Department was assigned to watch the defendant at Regions. At one point Officer Davis was alone in the room with the defendant. The defendant looked directly at the officer. The officer looked back. The defendant said, "Just to let you know, I hate cops and I'm guilty."

In 2000, the defendant was convicted of Assault in the 2nd Degree. In 2002, he was convicted of Escape from Custody. In 2004, he was convicted of Motor Vehicle Use without Consent, and Burglary in the First Degree. In 2013, he was convicted of Terroristic Threats.

The defendant is ineligible to possess a firearm.



Complainant requests that Defendant, 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:

Jake Peterson

Subscribed and sworn to before the undersigned this _____ day of _____, 20_____.

NAME/TITLE:

SIGNATURE:

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

Date: 08/01/2014

PROSECUTING ATTORNEY'S SIGNATURE:

Name: Steven R. Pfaffe

Assistant Ramsey County Attorney
345 Wabasha Street North, Suite 120
St. Paul, MN 55102
651-266-3222/gp
Attorney Registration #169274



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 the ____ day of _____, 20__ at _____ before the above-named court at _____ to answer this complaint.

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

WARRANT

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

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.

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: \$1,500,000.00

Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this ____ day of _____, 20____.

JUDICIAL OFFICER:

NAME:

TITLE:

SIGNATURE:

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

COUNTY OF RAMSEY
STATE OF MINNESOTA

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff,

vs.

BRIAN GEORGE FITCH SR.

Defendant.

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT upon the Defendant herein named.

Signature of Authorized Service Agent:



FINDINGS OF FACT

Probable cause found that defendant committed the offenses charged.

Ordered defendant's motion to dismiss denied.

Plea of not guilty to all counts entered.

Trial and hearing on all issues set.

Dated: _____

JUDGE OF DISTRICT COURT



DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A

DEFENDANT NAME: BRIAN GEORGE FITCH SR.

DOB: 12/05/1974

Defendant alias name(s): George Brian Fitch

Alias DOB(s):

Brian G Fitch

Brian Edward Fitch

Defendant last known address: 2474 Pond Cir. E.
Mendota Heights, MN 55120

State ID: MN95014279

Fingerprint ID: 166112

FBI ID: 450372AB5

St. Paul PD ID:

Offender ID:

OTHER DEFENDANT / CASE IDENTIFIERS:

Fingerprinted? No Yes

Handgun permit? No Yes (Issuing Agency:)

Location of violation:

IF DRIVING OFFENSE:

Driver's License Number: Issuing State:

License Plate Number: Issuing State:

Accident Type: No injury/no damage Property Damage

check all that apply Personal Injury Fatality

Blood Alcohol Concentration (BAC):



FELONY WARRANT COMPLAINT

CT NO	OFFENSE DATE	STATUTE TYPE	STATUTE NBR	STATUTE DESCRIPTION	OFFENSE LEVEL	MOC	G O C	AGENCY ORI CN NBR FUNCTION
1	07/30/2014	Charge	609.185(a)(4)	Murder - 1st Degree - Peace Officer or Prison Guard	F	H1017	A	St. Paul Police Dept. ORI - MN0620900 CN - 14159060 Charging
		Definition	609.17.1	Anticipatory Crimes- Attempts				
		Penalty	609.11.5	Minimum Sentences of Imprisonment-Firearm				
2	07/30/2014	Charge	609.185(a)(4)	Murder - 1st Degree - Peace Officer or Prison Guard	F	H1017	A	St. Paul Police Dept. ORI - MN0620900 CN - 14159060 Charging
		Definition	609.17.1	Anticipatory Crimes- Attempts				
		Penalty	609.11.5	Minimum Sentences of Imprisonment-Firearm				
3	07/30/2014	Charge	609.185(a)(4)	Murder - 1st Degree - Peace Officer or Prison Guard	F	H1017	A	St. Paul Police Dept. ORI - MN0620900 CN - 14159060 Charging
		Definition	609.17.1	Anticipatory Crimes- Attempts				
		Penalty	609.11.5	Minimum Sentences of Imprisonment-Firearm				
4	07/30/2014	Charge	609.66.1e(b)	Dangerous Weapons-Drive by Shooting toward person, occupied motor vehicle or occupied building	F	W115J	N	St. Paul Police Dept. ORI - MN0620900 CN - 14159060 Charging
		Penalty	609.11.5	Minimum Sentences of Imprisonment-Firearm				
5	07/30/2014	Charge	609.66.1e(b)	Dangerous Weapons-Drive by Shooting toward person, occupied motor vehicle or occupied building	F	W115J	N	St. Paul Police Dept. ORI - MN0620900 CN - 14159060 Charging
		Penalty	609.11.5	Minimum Sentences of Imprisonment-Firearm				
6	07/30/2014	Charge	609.66.1e(b)	Dangerous Weapons-Drive by Shooting toward person, occupied motor vehicle or occupied building	F	W114J	N	St. Paul Police Dept. ORI - MN0620900 CN - 14159060 Charging
		Penalty	609.11.5	Minimum Sentences of Imprisonment-Firearm				
7	07/30/2014	Charge	609.222.1	Assault-2nd Degree-	F	A2327	N	St. Paul Police Dept.



		Penalty	609.11.5	Dangerous Weapon Minimum Sentences of Imprisonment-Firearm				ORI - MN0620900 CN - 14159060 Charging
8	07/30/2014	Charge	609.222.1	Assault-2nd Degree- Dangerous Weapon	F	A2327	N	St. Paul Police Dept. ORI - MN0620900 CN - 14159060 Charging
		Penalty	609.11.5	Minimum Sentences of Imprisonment-Firearm				
9	07/30/2014	Charge	609.222.1	Assault-2nd Degree- Dangerous Weapon	F	A2327	N	St. Paul Police Dept. ORI - MN0620900 CN - 14159060 Charging
		Penalty	609.11.5	Minimum Sentences of Imprisonment-Firearm				
10	07/30/2014	Charge	624.713.1(2)	Possess Pistol/Assault Weapon-Conviction or Adjudicated Delinquent for Crime of Violence	F	W1643	N	St. Paul Police Dept. ORI - MN0620900 CN - 14159060 Charging
		Penalty	624.713.2(b)	Possesses any type of firearm - Crime of Violence - ineligible under 624.713.1(2)				
		Penalty	609.11.5	Minimum Sentences of Imprisonment-Firearm				