

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No.
Court File No.

20A03731
27-CR-20-7240

State of Minnesota,
Plaintiff,

COMPLAINT
Warrant

vs.

JAMES HOWARD KLEIN DOB: 10/04/1987

9350 PIERSON LAKE RD
CHASKA, MN 55318-9302

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee

Minnesota Statute: 609.221.2(a), with reference to: 609.11.5, 609.101.2, 609.221.2(a), 609.221.2(b)
Maximum Sentence: 20 YEARS AND/OR \$30,000, WITH NO SUPERVISED RELEASE
Offense Level: Felony

Offense Date (on or about): 03/16/2020

Control #(ICR#): 20200189

Charge Description: That on or about 3/16/2020, in Brooklyn Park, Hennepin County, Minnesota, JAMES HOWARD KLEIN while using a dangerous weapon, a firearm, assaulted Officer A, a peace officer, by using or attempting to use deadly force against the officer while Officer A was engaged in the performance of his or her duties imposed by law, policy or rule.

Minimum Sentence: 10 YEARS

COUNT II

Charge: Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee

Minnesota Statute: 609.221.2(a), with reference to: 609.11.5, 609.101.2, 609.221.2(a), 609.221.2(b)
Maximum Sentence: 20 YEARS AND/OR \$30,000, WITH NO SUPERVISED RELEASE
Offense Level: Felony

Offense Date (on or about): 03/16/2020

Control #(ICR#): 20200189

Charge Description: That on or about 3/16/2020, in Brooklyn Park, Hennepin County, Minnesota, JAMES HOWARD KLEIN while using a dangerous weapon, a firearm, assaulted Officer B, a peace officer, by using or attempting to use deadly force against the officer while Officer B was engaged in the

performance of his or her duties imposed by law, policy or rule.

Minimum Sentence: 10 YEARS

COUNT III

Charge: Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence

Minnesota Statute: 624.713.1(2), with reference to: 609.11.5(b), 624.713.2(b)

Maximum Sentence: 15 YEARS AND/OR \$30,000

Offense Level: Felony

Offense Date (on or about): 03/16/2020

Control #(ICR#): 20200189

Charge Description: That on or about 3/16/2020, in Brooklyn Park, Hennepin County, Minnesota, JAMES HOWARD KLEIN possessed ammunition or a firearm and JAMES HOWARD KLEIN has been convicted or adjudicated delinquent in this state or elsewhere of a crime of violence, Second Degree Drugs on February 15, 2013, for which the sentence or court supervision expired on or after August 1, 1993.

Minimum Sentence: 5 YEARS

STATEMENT OF PROBABLE CAUSE

Complainant, a licensed peace officer with the BCA, has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On March 16, 2020, Brooklyn Park Police Officers were dispatched to the Walmart located in Brooklyn Park, Hennepin County, Minnesota, on a shoplifting call. Officers also had information that the suspect was purchasing a large amount of ammunition and was wearing a holster.

Upon arrival in a marked squad, Officer A approached the suspect in the parking lot and asked that he stop. The suspect, later identified as JAMES HOWARD KLEIN, the defendant herein, can be seen on body camera with his hand in his coat pocket. The defendant ignored the command to stop and remove his hand from the pocket and continued to walk away from Officer A. The defendant continued to ignore Officer A's multiple orders to stop.

In order to stop the defendant, Officer A pulled out and deployed his Taser. The Taser had minimal effect on the defendant who ran away between two vehicles parked in the lot. At that time, the defendant fired a gun at Officer A. Officer A called out the shots by the defendant and then returned fire.

Another arriving officer, Officer B, engaged the defendant upon arrival. As Officer B gave chase and returned fire, he observed the defendant point a handgun at a white-colored vehicle in the lot. When the vehicle drove off, the defendant turned toward Officer B with the handgun still drawn. At that time Officer B was forced to fire again, hitting the defendant and knocking him to the ground.

As the defendant is falling, a handgun is visible, on body camera, falling to the pavement. During a search of the defendant, officers found a "bandolero" style belt around the defendant's midsection that was holding numerous rounds of additional ammunition.

The defendant was transported to the hospital to be treated for gunshot wounds to the leg and hand. No officer was hit by gunfire.

Following the incident, Officer A informed a superior officer that the defendant "pulled a gun on me out there and started shooting and I returned fire."

Defendant is ineligible to possess a firearm. The defendant has multiple prior convictions including Second Degree Drugs and Ineligible Person in Possession of a Firearm convictions from February 15, 2013.

The defendant is currently in the hospital under guard by officers. The State requests that a warrant issue for the defendant's arrest.

SIGNATURES AND APPROVALS

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 declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Brent Petersen
Special Agent
1430 Maryland Avenue E
St. Paul, MN 55106
Badge: 1389

Electronically Signed:
03/18/2020 11:50 AM
Hennepin County, MN

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

Prosecuting Attorney

Dan Allard
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
03/18/2020 11:42 AM

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(s).

SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on _____, _____ at _____ AM/PM before the above-named court at the address listed on the attached court summons 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 order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the 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 Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$150,000.00

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: March 18, 2020.

Judicial Officer

Tamara Garcia
District Court Judge

Electronically Signed: 03/18/2020 11:59 AM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

JAMES HOWARD KLEIN

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Warrant
upon the Defendant herein named.*

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: JAMES HOWARD KLEIN
DOB: 10/04/1987
Address: 9350 PIERSON LAKE RD
CHASKA, MN 55318-9302

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race: Asian

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

SILS Person ID #: 878145

SILS Tracking No. 3164899

Alcohol Concentration:

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	3/16/2020	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1F27		MNBCA0000	20200189
	Penalty	3/16/2020	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1F27		MNBCA0000	20200189
	Penalty	3/16/2020	609.221.2(b) Assault-1st Degree-Use of deadly force - mandatory minimum - penalty	Felony	A1F27		MNBCA0000	20200189
	Modifier	3/16/2020	609.11.5 Minimum Sentences of Imprisonment-Firearm	Felony	A1F27		MNBCA0000	20200189
	Definition	3/16/2020	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A1F27		MNBCA0000	20200189
2	Charge	3/16/2020	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1F27		MNBCA0000	20200189
	Penalty	3/16/2020	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1F27		MNBCA0000	20200189
	Penalty	3/16/2020	609.221.2(b) Assault-1st Degree-Use of deadly force - mandatory minimum - penalty	Felony	A1F27		MNBCA0000	20200189
	Modifier	3/16/2020	609.11.5 Minimum Sentences of Imprisonment-Firearm	Felony	A1F27		MNBCA0000	20200189
	Definition	3/16/2020	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A1F27		MNBCA0000	20200189
3	Charge	3/16/2020	624.713.1(2) Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence	Felony	W1625		MNBCA0000	20200189
	Penalty	3/16/2020	624.713.2(b) Possesses any type of firearm/ammo - Crime of Violence - ineligible under 624.713.1(2)	Felony	W1625		MNBCA0000	20200189
	Penalty	3/16/2020	609.11.5(b) Minimum Sentences of Imprisonment-Firearm-Felon Convicted Crime of Violence	Felony	W1625		MNBCA0000	20200189