STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

COURT FILE NO. 19HA-CR-13-523
COUNTY ATTORNEY FILE NO. CA-2013-00305
CONTROLLING AGENCY: MN0191000
CONTROL NUMBER: 13-000994

State of Minnesota,

Plaintiff,

v.

RICHARD JOSEPH CAROTHERS
253 ELM DRIVE
APPLE VALLEY, MN 55124
(DOB: 4/4/56)

[ ] SUMMONS
[ ] WARRANT
[X] 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: RECKLESS DISCHARGE OF A FIREARM WITHIN A MUNICIPALITY
Minnesota Statutes §609.66, Subd. 1a(a)(3); 609.66, Subd. 1a (b)(2); 609.101
PENALTY: 0-2 Years and/or $1,500.00 - $5,000.00
MOC: W1149 GOC: N
[X] Felony [ ] Gross Misdemeanor [ ] Misdemeanor [ ] Petty Misdemeanor

On or about February 15, 2013, in the County of Dakota, Minnesota, RICHARD JOSEPH CAROTHERS, did recklessly discharge a firearm within a municipality.

STATEMENT OF PROBABLE CAUSE

Your Complainant is a licensed peace officer in the State of Minnesota. Acting in that capacity, I have reviewed the police reports and state that the following facts are true and establish probable cause.

On February 14, 2013 at approximately 9:36 p.m., Apple Valley Police officers were dispatched to a residence located on Elm Drive in Apple Valley, Dakota County, Minnesota to investigate a possible burglary complaint. Dispatch advised the male, later identified as Richard Joseph Carothers, called reporting his wallet and phone were missing. A few moments later, dispatched advised Carothers reported his pistol was also stolen from his home. While a Dakota County dispatcher was speaking with Carothers, a neighbor (J.H.) called 911 to report her son heard 4-5 loud "pops" and she believed the "pops" were either fireworks or gun fire.

Upon arrival on Elm Drive, officers made contact with J.H. J.H. reported she and her son heard four or five loud "pops or bangs". She explained she believed the sound was likely fireworks. Shortly after hearing the loud "pop or bangs", J.H. said her neighbor, Carothers, stepped outside and began yelling "call 911". She explained Carothers appeared intoxicated and very agitated. She stated Carothers told her someone had stolen several items from his residence.

When police positioned themselves outside Carothers' residence, Carothers, stepped outside. Carothers immediately told officers they did not need to worry because "I already cracked off some rounds, man." Police located six spent shell casings in the snow right outside the front entrance of Carothers' residence. When police began asking Carothers questions about whether he had fired the gunshots in the area of the residence, Carothers continued to indicate he was concerned about his wallet and pistol that he said had been stolen.

Police spoke with Carothers again to inquire what he may know about the situation. Carothers stated he had been sleeping and believed some of the events that lead to him calling 911 were actually part of a dream. Carothers explained in his dream he was sleeping on the couch in his home when his dog became upset and woke him up. He said he became upset because his dog was upset. He said he

then looked around and determined his wallet had been stolen from his residence. Carothers stated as he was remembering his dream, he remembered he had walked into the bedroom and had taken a 9mm pistol out of his nightstand. An officer asked Carothers if he had fired the pistol in his dream to which Carothers indicated he had fired the pistol. He explained he walked outside, near his front door, and shot his pistol. When an officer asked Carothers what he shot at, Carothers claimed he shot at an unknown person running from his home. When Carothers was asked if he had in fact been shooting at a dog that was running from his residence, Carothers admitted he had shot at a dog. He explained he then walked back inside and hid the pistol in a bedroom under some covers. Police subsequently located the pistol wedged behind some blankets and a television inside the bedroom.

An investigating officer noted the area where Carothers resides is a "densely populated residential neighborhood," with numerous vehicles driving back and forth on the street in front of the residence, and many of the homes in the area had their lights on and appeared to be occupied around the time the pistol was discharged. An officer also reported Carothers appeared to be extremely intoxicated when police made contact with him sometime around 9:30 p.m. The officer described Carothers as having slurred speech, blood shot and watery eyes, and he would jump from one story to another.

During the course of the investigation, it was discovered Apple Valley Police had dispatched officers to Carothers residence earlier in the day at approximately 2:00 p.m. Police were dispatched to Carothers residence at his request. Carothers reported around 2:00 p.m. that a neighbor's dog was in his yard and had acted aggressively towards him. He told the investigating officer that the next time the dog came in to his yard; he would use his 9mm pistol on the dog. The investigating officer reportedly informed Carothers it was illegal to discharge a firearm in the city and discussed alternative measures with Carothers concerning how to deal with problem dogs in the neighborhood.

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, Richard Joseph Carothers, 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 _____, 2013.

NOTARY STAMP: **SIGNATURE:**

Notary Public

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

PROSECUTING ATTORNEY'S SIGNATURE:

Date:

(kjh)

Name: Elizabeth M. Swank
Assistant Dakota County Attorney
Dakota County Judicial Center
1560 Highway 55
Hastings, MN 55033
(651) 438-4438
Attorney Registration No.: 0390706

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***

[X] 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 19th day of February, 2013.

JUDICIAL OFFICER:
NAME:
TITLE: Judge of District Court

SIGNATURE:

__/s/_____
Judge

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

COUNTY OF DAKOTA STATE OF MINNESOTA **STATE OF MINNESOTA** Plaintiff, vs. **RICHARD JOSEPH CAROTHERS** Defendant.	*Clerk's Signature or File Stamp:* *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: _____