

State of Minnesota
County of Dakota

District Court
1st Judicial District

Prosecutor File No. CA-2021-03128
Court File No. 19HA-CR-21-2638

State of Minnesota,

Plaintiff,

vs.

TIMOTHY LEE OTTO DOB: 09/24/1988

312 2nd Street E #2
Hastings, MN 55033

Defendant.

COMPLAINT

Warrant

Amended

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: Arson in the 2nd Degree

Minnesota Statute: 609.562

Maximum Sentence: 0-10 Years and/or \$6,000.00 - \$20,000.00

Offense Level: Felony

Offense Date (on or about): 07/09/2021 to 07/10/2021

Control #(ICR#): 21000835

Charge Description: On or about July 9, 2021 - July 10, 2021, in the County of Dakota, Minnesota, TIMOTHY LEE OTTO, did unlawfully by means of fire or explosives, intentionally destroy or damage any building not covered by Minn. Stat.. 609.561, no matter what its value, or any other real or personal property valued at more than \$1,000, whether the property of the actor or another.

COUNT II

Charge: Interference With a Dead Body or Scene of Death (Conceal Body)

Minnesota Statute: 609.502.1(1), with reference to: 609.502.1a

Maximum Sentence: 0-3 Years and/or \$1,500.00 - \$5,000.00

Offense Level: Felony

Offense Date (on or about): 07/09/2021

Control #(ICR#): 21000835

Charge Description: On or about July 9, 2021, in the County of Dakota, Minnesota, TIMOTHY LEE OTTO, did interfere with the body or scene of death with intent to conceal the body.

STATEMENT OF PROBABLE CAUSE

On July 10, 2021, police and fire personnel were dispatched to a fire located at Jaycee Park in Hastings, Dakota County, Minnesota. Jaycee Park is located along the Mississippi River, near the lock and dam, as well as a public boat launch. A portable restroom was destroyed in the fire, and a partial enclosure surrounding the toilet was also damaged. After the fire was extinguished, the remains of a burned human body were located immediately next to the partial enclosure. The decedent was subsequently identified as Kyle David Hamilton (DOB: 10/26/1990), Victim herein). An autopsy was completed, and it was determined that the Victim had fatal amounts of methamphetamine and fentanyl in his system.

After the Victim's body was removed, officers found a large piece of melted plastic with a circular ridge on the bottom side directly underneath the body. A long piece of metal was also located, which appeared to be an axel. Based on these findings, it was determined that these were the remains of a large Tennis brand garbage can on wheels. Similar trash cans were located in the area. The value of the portable restroom destroyed in the fire is \$1,500. The value of the Tennis brand trash can and repair to the dumpster destroyed in the fire is \$395.

The State Fire Marshall detected an accelerant in the soil underneath the Victim's body. The Fire Marshall determined that the origin of the fire was the Victim's body. The Minnesota Bureau of Criminal Apprehension ("BCA") later tested soil samples collected from underneath the body and located gasoline in the samples.

Investigators made efforts to determine the Victim's whereabouts in the days leading up to the fire. Investigators learned that the Victim frequently stayed at a residence located in Hastings, which is commonly referred to as the "Doghouse." Law enforcement was familiar with numerous individuals who spent time at the Doghouse, and these individuals were known to use and sell controlled substances.

Investigators spoke to a male identified herein as Witness 1, who stated that during a FaceTime call on July 7, 2021, he saw the Victim slumped against the wall in a bedroom in the Doghouse occupied by TIMOTHY LEE OTTO (DOB: 09/24/1988, Defendant herein).

Investigators interviewed a female identified herein as Witness 2. Witness 2 reported the following

facts. Witness 2 saw the Victim in Defendant's bedroom on July 6, 2021. The Victim was sitting on the floor, was slumped over and snoring. The Victim subsequently stopped snoring. On July 7, 2021, Witness 1 entered Defendant's bedroom. Witness 1 looked at the Victim, noticed that he appeared to be deceased, and began to freak out. Witness 1 checked for a pulse but could not detect one. Thereafter, Witness 2, Witness 1, and Defendant assumed that the Victim had died. Defendant put a blanket over the Victim and then went to work.

Witness 2 reported the following additional facts. On the evening of July 9, 2021, Witness 2 walked to a park along the river. She saw Defendant there, and he asked her if she "wanted to see fireworks." Defendant then told her to go to the boat launch to see fireworks. Defendant next rode his bike west toward the boat launch and Jaycee Park. Witness 2 did not walk to the boat launch and instead returned to the Doghouse. Defendant subsequently returned to the Doghouse and invited her into his bedroom. Upon entering Defendant's bedroom on this occasion, the Victim's body was gone. Defendant told Witness 2 that he brought the Victim's body to the boat launch using the bike path and set the garbage can on fire with the Victim's body inside.

Investigators interviewed Defendant after advising him of his constitutional rights. Defendant stated that the Victim came over and used drugs while in his bedroom. Defendant eventually realized that the Victim had overdosed and did not know what to do. When an investigator asked Defendant if he waited for people to complain about the smell before removing the Victim's body from his bedroom, Defendant stated that his memory ended right there.

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

Matthew Lund
Special Agent
1430 Maryland Avenue E
St. Paul, MN 55106
Badge: 1372

Electronically Signed:
12/17/2021 01:21 PM
Ramsey County, MN

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

Prosecuting Attorney

Amy Schaffer
Assistant Dakota County
Attorney
1560 Hwy 55
Hastings, MN 55033-2392
(651) 438-4438

Electronically Signed:
12/17/2021 01:18 PM

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 as directed in the Notice of Hearing before the above-named court 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: \$
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: December 17, 2021.

Judicial Officer Joseph Carter
Judge of District Court

Electronically Signed: 12/17/2021 04:04 PM

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

**COUNTY OF DAKOTA
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Timothy Lee Otto

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: