

CCT	LIST CHARGE STATUTE ONLY	MOC	GOC	CTY ATTY	CONTROLLING	
1	609.342	L1154	N	FILE NO.	AGENCY	CONTROL NO
2	609.352	Z1105	N	09-6915	MN0270700	09005350

POR

COURT CASE NO. DATE FILED

Amended Tab Charge Previously Filed

<input checked="" type="checkbox"/> SERIOUS FELONY	<input type="checkbox"/> SUMMONS
<input type="checkbox"/> FELONY	<input type="checkbox"/> WARRANT
<input type="checkbox"/> GROSS MISDM DWI	<input checked="" type="checkbox"/> ORDER OF DETENTION
<input type="checkbox"/> GROSS MISDM	<input type="checkbox"/> EXTRADITION

State of Minnesota,

PLAINTIFF,

VS.

NAME: first, middle, last
AARON FRANK BIBER

Date of Birth	MNCIS #:	27-CR-
1/5/63	LE#:	09-30466
	SILS ID:	670063
	TRACK ID:	2377511

DEFENDANT,

6105 SEAMANS DRIVE
SHOREWOOD, MN 55331

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). The complainant states that the following facts establish PROBABLE CAUSE.

Your complainant, Detective Stephen Neururer, is an investigator for the South Lake Minnetonka Police Department. In that capacity, he has investigated the facts and circumstances of the offenses alleged herein by reviewing a CornerHouse DVD and by conducting personal investigation.

Your complainant has learned that a known 15-year-old boy born in 1994, hereinafter referred to as Child A, was acquainted with **AARON FRANK BIBER**, DOB 01/05/1963, the defendant named herein, from activities within the South Lake Minnetonka community. The defendant has known Child A since Child A was 11-years-old. Through their relationship, Child A on occasion slept at the defendant's home located in Shorewood, Hennepin County, Minnesota.

Child A states that the defendant provided him with alcohol to drink on more than one occasion. In early October, 2009, Child A spent the night at the defendant's home and was under his supervision. The defendant supplied him with liquor and Child A became intoxicated. Child A reports that after he was intoxicated, the defendant penetrated him anally and orally and that Child A's penis penetrated the defendant both anally and orally. Child A reported the abuse to a mandatory reporter within the past two weeks.

Child A and his parents agreed to cooperate in the police investigation by allowing police to monitor text messages and telephone calls between the defendant and Child A. The text messages reveal ongoing contact between the defendant and Child A over the past three days. In the text messages, the defendant referred to the size of Child A's genitals and to how exciting the child was. The text messages also document Child A's account of receiving pornographic images of defendant's genitals and of the defendant requesting Child A to send him an image of Child A's penis. The text messages reflect the defendant's knowledge of the particular vulnerability of the victim. The defendant also acknowledged oral penetration in highly graphic terms. Text messages from the defendant to Child A sent on December 10, 2009, include the defendant sending Child A an image of the defendant's erect penis.

Police conducted independent investigation and confirmed that the defendant was in Washington D.C. on December 9, 2009, as reported by Child A. Police have corroborated that, in fact, the defendant was texting Child A from Washington D.C.

With the assistance of the police, Child A placed a monitored call to the defendant. During the taped phone call, the defendant graphically described how much he enjoyed anally penetrating Child A and how much he enjoyed having Child A's penis penetrating his anus. He described a two-hour session of anal and oral sex without benefit of lubrication or condoms. Referring to the October 2009 abuse, the Defendant stated that he was aware that Child A was "inebriated" and that Child A "was doing everything [he] could to stay awake and hard." Both Child A and the defendant acknowledge that the penetration caused personal injury to the victim.

In the monitored call on December 11, 2009, the defendant also asked if he could meet Child A later that day to perform oral sex on him. The defendant arranged for a way for Child A to deceive his parents about his whereabouts to meet for a sexual encounter. In referencing the proposed meeting on December 11, 2009, the defendant instructed Child A to make sure to bring Kleenex because he would need it and stated "let's get this party started."

The defendant drove to Eden Prairie, Hennepin County, Minnesota to meet with Child A on December 11, 2009, pursuant to the discussions in the monitored call. The police intercepted him at the Eden Prairie Mall where he was arrested.

The defendant is presently in custody.

COMPLAINT SUPPLEMENT

CCT	SECTION/Subdivision	M.O.C.	GOC

OFFENSE

COUNT 1: CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE (FELONY)
 MINN. STAT. § 609.342, SUBD. 1(b), SUBD. 2; § 609.101, SUBD. 2; § 609.3455
 PENALTY: 0-30 YEARS AND/OR \$12,000-\$40,000 PLUS CONDITIONAL RELEASE

That on or about October, 2009, in Shorewood, Hennepin County, Minnesota, **AARON FRANK BIBER**, born 1/5/63, who was in a position of authority over Child A, engaged in sexual penetration with Child A, born 4/1/94, a person between the ages of thirteen and sixteen years at the time, and **AARON FRANK BIBER** is more than forty-eight months older than Child A.

COUNT 2: SOLICITATION OF A CHILD TO ENGAGE IN SEXUAL CONDUCT (FELONY)
 MINN. STAT. § 609.352
 PENALTY: 0-3 YEARS AND/OR \$5,000

That on or about December 11, 2009, in Shorewood, Hennepin County, Minnesota, **AARON FRANK BIBER**, born 1/5/63, who was 18 years of age or older, solicited a known juvenile 15 years of age or younger, Child A, to engage in sexual conduct with intent to engage in sexual conduct.

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.

THEREFORE, Complainant requests that said 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:

Detective Stephen Neururer

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

DATE:

PROSECUTING ATTORNEY'S SIGNATURE:

December 14, 2009

red

PROSECUTING ATTORNEY:

ADDRESS/TELEPHONE:

NAME/TITLE:

MARLENE E SENECHAL (9917x)
Assistant County Attorney

C2100 Government Center, Minneapolis, MN 55487
Telephone: 612-348-7927

Court Case # _____

This COMPLAINT was subscribed and sworn to before the undersigned this _____ day of _____, 20____.

NAME: _____ SIGNATURE: _____

TITLE: _____

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 his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ AM/PM 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 MINNESOTA ONLY

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(s) 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 thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

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

Bail: \$1,000,000 + CR

Conditions of Release: NO CONTACT WITH VICTIM OR VICTIM'S FAMILY MEMBERS; NO CONTACT WITHIN ONE MILE OF VICTIM'S HOME; NO CONTACT WITH PERSONS UNDER THE AGE OF 18; SURRENDER PASSPORT; NO POSSESSION OF WEAPONS

This COMPLAINT- ORDER OF DETENTION duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

NAME: _____ SIGNATURE _____

TITLE: **JUDGE OF DISTRICT COURT**

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

STATE OF MINNESOTA COUNTY OF HENNEPIN

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff

vs.

AARON FRANK BIBER

Defendant.

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT – SUMMONS, WARRANT, ORDER OF DETENTION upon Defendant(s) herein-named.

Signature of Authorized Service Agent: