



After leaving the defendant's residence, the victim learned from two friends that the defendant is HIV positive. The victim reported the defendant did not disclose this fact to him at any time during the non-consensual sexual encounter. Thereafter, the victim went to the above-listed hospital for a sexual assault exam and for treatment related to possible HIV exposure.

A check into the defendant's record revealed he was arrested in Hennepin County on January 13, 2010. Officers reviewed intake documents from that arrest and learned the defendant self-reported to jail personnel that he has HIV.

Officers located and spoke with the defendant. During a post-Miranda statement, the defendant admitted he went out with the victim on February 4, 2010 to the Saloon Bar in Minneapolis. The defendant admitted he drove the victim to his residence afterwards and engaged in sexual activity with the victim. The defendant denied anally penetrating the victim but admitted his penis was inside the victim's "butt cheeks." The defendant acknowledged he was not wearing a condom and that he may have released pre-ejaculatory fluid into the victim's buttocks. The defendant also admitted he is HIV positive and has been so for approximately four years.

A check into the defendant's record revealed he has a prior conviction for criminal sexual conduct in the second degree and that he has a case pending in Hennepin County for failure to register as a predatory offender. At present, the defendant is in custody.

COMPLAINT SUPPLEMENT

CCT	SECTION/Subdivision	M.O.C.	GOC

**O F F E N S E**

COUNT 1: CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE (FELONY)  
 MINN. STAT. § 609.344, SUBD. 1(d), SUBD. 2; § 609.101, SUBD. 2; § 609.3455  
 PENALTY: 0-15 YEARS AND/OR \$9,000-\$30,000

That on or about February 5, 2010, in Hennepin County, Minnesota, **DANIEL JAMES RICK**, born 4/4/81, engaged in sexual penetration with the victim, knowing or having reason to know that the victim was mentally impaired, mentally incapacitated, or physically helpless.

COUNT 2: ASSAULT IN THE THIRD DEGREE-KNOWING TRANSFER OF COMMUNICABLE DISEASE (FELONY)  
 MINN. STAT. § 609.223, SUBD. 1; § 609.101, SUBD. 2; § 609.2241, SUBD. 2(1), (2)  
 PENALTY: 0-5 YEARS AND/OR \$10,000

That on or about February 5, 2010, in Minneapolis, Hennepin County, Minnesota, **DANIEL JAMES RICK**, a person who knowingly harbors an infectious agent, assaulted the victim by transferring the infectious agent to the victim by sexual penetration without having first informed the victim that he has a communicable disease or by the transfer of blood, sperm, organs, or tissue, except as deemed necessary for medical research or if disclosed on donor screening forms.

**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:

**David Mattson**

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

DATE:

PROSECUTING ATTORNEY'S SIGNATURE:

**February 22, 2010**

**hlg**

**PROSECUTING ATTORNEY:**

NAME/TITLE:

ADDRESS/TELEPHONE:

**DARREN C. BORG (025681X)**  
**Assistant County Attorney**

**C2100 Government Center, Minneapolis, MN 55487**  
**Telephone: 612-348-6413**

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: \$100,000+CR

Conditions of Release: No contact with victim(s); No contact with witness(es); No contact with address of the offense or home/work of victim(s) and witness(es)

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

**STATE OF MINNESOTA**

Plaintiff

vs.

**DANIEL JAMES RICK**

Defendant(s).

Clerk's Signature or File Stamp:

**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: