

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 17A12032
Court File No. 27-CR-17-24223

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

DERRICK AARON KINCHEN DOB: 03/22/1989

1233 W MICHIGAN
Lansing, MI 48910

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: Criminal Sex Conduct-2nd Degree-Victim Under 13-Actor > 36m Old

Minnesota Statute: 609.343.1(a), with reference to: 609.17.4(2), 609.101.2, 609.343.2(a), 609.3455.6

Maximum Sentence: HALF OF, 25 YEARS AND/OR \$10,500-\$35,000

Offense Level: Felony

Offense Date (on or about): 09/24/2017

Control #(ICR#): 17004126

Charge Description: That on or about 9/24/2017, in Hennepin County, Minnesota, DERRICK AARON KINCHEN, born 03/22/1989, attempted to engage in sexual contact with Victim A, a person under the age of thirteen years, and more than thirty-six months younger than DERRICK AARON KINCHEN.

STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On September 24, 2017, at approximately 12:22 a.m., Minnetonka police officers were dispatched to a residence on Bellevue Drive in the City of Minnetonka, County of Hennepin, and State of Minnesota on a criminal sexual conduct complaint. Upon arrival, officers spoke with Witness A (adult male fully identified in the police reports), who advised that DERRICK AARON KINCHEN, DOB 3/22/1989, the defendant herein, attempted to sexually assault Witness A's seven-year-old daughter, Victim A.

According to Witness A, the defendant was a guest in their home who had rented their spare bedroom through the Airbnb website. That evening, Witness A and his wife put Victim A to sleep in their bedroom. Witness A heard the defendant arrive home from a wedding around midnight. Approximately fifteen minutes later, Witness A walked to his bedroom where he observed that his bedroom door was open and the lights were on. Witness A found the defendant lying on the bed next to Victim A. The defendant was naked and his penis was erect. Victim A's nightgown was pulled up and Witness A could see Victim A's stomach and underwear. Witness A yelled at the defendant. The defendant grabbed his suitcoat and wallet and fled the home.

Officers initiated a canine track and located the defendant hiding in a partially covered fishing boat at a neighboring residence. The defendant was naked except for a suitcoat. Officers took the defendant into custody.

Victim A underwent a forensic interview and medical examination at Children's Hospital. According to Victim A, she woke up to the defendant entering her parents' bedroom. The defendant was naked. The defendant whispered something into Victim A's ear and Victim A felt like the defendant wanted her to keep a secret from her mom and dad. The defendant pulled down Victim A's underwear. Victim A pulled her underwear back up. Victim A saw the defendant's penis and thought that the defendant wanted her to touch it. The defendant was touching his penis when Witness A entered the room and yelled at the defendant.

The defendant is in custody.

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

James R Comings
Police Officer
14600 Minnetonka Blvd
Minnetonka, MN 55345
Badge: 161

Electronically Signed:
09/26/2017 11:34 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Sarah Hilleren
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
09/26/2017 11:32 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 300 S Sixth Street, Minneapolis, MN 55487 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: \$250,000.00

Conditions of Release: No Contact with Minors/Males/Females under age of: 18; No Contact with Victim

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: September 26, 2017.

Judicial Officer

Michael K. Browne
District Court Judge

Electronically Signed: 09/26/2017 11:41 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.

DERRICK AARON KINCHEN

Defendant

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

Signature of Authorized Service Agent: