

State of Minnesota  
County of Hennepin

District Court  
4th Judicial District

Prosecutor File No. 18A14659  
Court File No. 27-CR-18-29441

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**State of Minnesota,**

Plaintiff,

vs.

**JIMMY JAY HORTIZ DOB: 09/20/1976**

2921 WEST 10TH  
THE DALLES, OR 97058

Defendant.

**COMPLAINT**

Order of Detention

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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 Sexual Cond-1st Degree-Penetration - Injury - Use Force/Coerce**

Minnesota Statute: 609.342.1(e)(i), with reference to: 609.342.2(a), 609.342.2(b), 609.101.2, 609.342.2(c), 609.3455.10

Maximum Sentence: 30 YEARS AND/OR \$12,000-\$40,000, PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 11/30/2018

Control #(ICR#): 18010669

Charge Description: That on or about 11/30/2018, in Hennepin County, Minnesota, JIMMY JAY HORTIZ engaged in sexual penetration with Victim, and caused personal injury to her using force or coercion to accomplish sexual penetration.

**COUNT II**

**Charge: Assault-3rd Degree-Substantial Bodily Harm**

Minnesota Statute: 609.223.1, with reference to: 609.223.1, 609.101.2

Maximum Sentence: 5 YEARS AND/OR \$3,000-\$10,000

Offense Level: Felony

Offense Date (on or about): 11/30/2018

Control #(ICR#): 18010669

Charge Description: That on or about 11/30/2018, in Hennepin County, Minnesota, JIMMY JAY HORTIZ assaulted Victim and inflicted substantial bodily harm.

## STATEMENT OF PROBABLE CAUSE

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

On November 30, 2018, Bloomington police responded to the Fairview Southdale Emergency Room on reports of a sexual assault that had occurred earlier that morning at the Double Tree Hotel located at 7800 Normandale Boulevard in Bloomington, Hennepin County.

Upon arrival, officers met with a known adult female, hereinafter Victim, who reported being assaulted by a stranger at the hotel. Victim was at the hotel bar with acquaintances on the night of November 29, 2018 and into the morning hours of November 30, 2018. While there, she consumed numerous drinks and became intoxicated. Victim had lapses in her memory but recalled being in a hotel room with who she described as an older white male with gray facial hair. She stated the man undressed her and she recalled being naked in the bed. She stated she did not consent to sex with the man who was "old and gross." She told officers the man became extremely angry with her and began choking her to the point that she believed she would die. The man also punched her and grabbed her by her hair and shoved her head into a dresser. Victim reported trying to fight back and breaking her red polished fingernail in the process. Victim stated the next thing she remembered was running as fast as she could down the hallway for help and having a panic attack in the hotel lobby.

Victim was treated by a Sexual Assault Nurse Examiner at Fairview Southdale. Victim had a black eye, numerous bruises on her hands, a broken fingernail, what appeared to be ligature marks around her neck, and tears to her vaginal and rectal area. The SANE indicated in her medical opinion, the genital injuries appeared to be the result of blunt force trauma, possibly from an object.

It should be noted that Victim was wearing an oversized men's black t-shirt, two different socks and underwear that were bloodstained. Victim did not know whose clothing she was wearing and did not know the whereabouts of the clothing she was wearing at the Double Tree Hotel.

Bloomington police returned to the Double Tree Hotel to interview witnesses, including one witness who indicated sometime before 3:00 a.m. he had heard a female screaming and asking to be let out of a room on the 4th floor. He went to the front desk to ask them to check the room. The witness was able to tell police he knew the room belonged to JIMMY JAY HORITZ, DOB: 9/20/76, the Defendant. Through investigation, Bloomington police were able to determine that Defendant was at the hotel on a business trip and, in fact, had been checked into the room from which the witness heard screaming. Defendant also matches the description provided by Victim of the man who attacked her.

Police interviewed all of the people who were on the business trip including Defendant, who at that time was considered a witness. Defendant denied having anyone in his room or knowing anything about a woman screaming from his room. In fact, he stated he too heard the screams and was concerned about it. Upon searching Defendant's room, police found long hairs on one of the beds and bloodstained sheets. Police also discovered a broken red fingernail on the floor which appeared to match the broken nail from Victim. Finally, police discovered a loose ceiling tile in Defendant's room and uncovered Victim's clothing hidden in the drop ceiling. Victim's bra appeared to be torn, her dress was recovered along with a pair to the mismatched socks that Victim was wearing at the hospital.

Defendant was arrested and read his Miranda rights. He then stated that Victim was in his room but that he did not engage in sexual contact with her. He stated that he hid Victim's clothes and lied about Victim being in his room because he did not want to get in trouble at work.

Defendant is in custody. He is a resident of Oregon and has no ties to the area.

## 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**

George Harms  
Detective  
1800 W Old Shakopee Road  
Bloomington, MN 55431  
Badge: 241

Electronically Signed:  
12/03/2018 12:07 PM  
Hennepin County, Minnesota

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

**Prosecuting Attorney**

Rachel Kraker  
300 S 6th St  
Minneapolis, MN 55487  
(612) 348-5550

Electronically Signed:  
12/03/2018 12:06 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 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: \$500,000.00

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 3, 2018.

**Judicial Officer**

Theodora Gaitas  
Judge

Electronically Signed: 12/03/2018 12:10 PM

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

**COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**JIMMY JAY HORTIZ**

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:

## DEFENDANT FACT SHEET

**Name:** JIMMY JAY HORTIZ  
**DOB:** 09/20/1976  
**Address:** 2921 WEST 10TH  
THE DALLES, OR 97058

**Alias Names/DOB:**

**SID:** MN18B99767

**Height:**

**Weight:**

**Eye Color:**

**Hair Color:**

**Gender:** MALE

**Race:** White

**Fingerprints Required per Statute:** Yes

**Fingerprint match to Criminal History Record:** Yes

**Driver's License #:**

**SILS Person ID #:** 853611

**SILS Tracking No.** 3069563

**Alcohol Concentration:**

## STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	11/30/2018	609.342.1(e)(i) Criminal Sexual Cond-1st Degree-Penetration - Injury - Use Force/Coerce	Felony	L1587		MN0270100	18010669
	Definition	11/30/2018	609.342.2(c) Criminal Sexual Conduct-1st Degree-Subject to conditional release under section 609.3455	No-Level	L1587		MN0270100	18010669
	Definition	11/30/2018	609.3455.10 Dangerous Sex Offenders - Presumptive Executed Sentence for Repeat Sex Offenders	No-Level	L1587		MN0270100	18010669
	Definition	11/30/2018	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	L1587		MN0270100	18010669
	Penalty	11/30/2018	609.342.2(a) Criminal Sexual Conduct-1st Degree-Penalty-Stat Max	Felony	L1587		MN0270100	18010669
	Penalty	11/30/2018	609.342.2(b) Criminal Sexual Conduct-1st Degree-Penalty-Presumptive 144 mo.	Felony	L1587		MN0270100	18010669
2	Charge	11/30/2018	609.223.1 Assault-3rd Degree-Substantial Bodily Harm	Felony	A3253		MN0270100	18010669
	Definition	11/30/2018	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A3253		MN0270100	18010669
	Penalty	11/30/2018	609.223.1 Assault-3rd Degree-Substantial Bodily Harm	Felony	A3253		MN0270100	18010669