

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 19A01589
Court File No. 27-CR-19-3281

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

KENNETH WALTER LILLY DOB: 06/22/1987

165 WESTERN AVE NORTH
#500
ST PAUL, MN 55102

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: Murder - 2nd Degree - With Intent-Not Premeditated

Minnesota Statute: 609.19.1(1), with reference to: 609.11.5(a), 609.17.4(2), 609.19.1, 609.11.9
Maximum Sentence: HALF OF, 40 YEARS
Offense Level: Felony

Offense Date (on or about): 02/05/2019

Control #(ICR#): 19034724

Charge Description: That on or about 2/5/2019, in Hennepin County, Minnesota, KENNETH WALTER LILLY, attempted to cause the death of T.B., a human being, with intent to effect the death of that person or another, but without premeditation, while using a firearm.

Minimum Sentence: 3 YEARS

COUNT II

Charge: Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1, with reference to: 609.222.1, 609.11.5(a), 609.101.2
Maximum Sentence: 7 YEARS AND/OR \$4,200-\$14,000
Offense Level: Felony

Offense Date (on or about): 02/05/2019

Control #(ICR#): 19034724

Charge Description: That on or about 2/5/2019, in Hennepin County, Minnesota, KENNETH WALTER LILLY, assaulted T.B., while using a firearm.

Minimum Sentence: 3 YEARS

STATEMENT OF PROBABLE CAUSE

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

On February 5, 2019, at approximately 02:14 p.m., officers received a report of a shooting occurring on Interstate 35W at Chicago Avenue, City of Minneapolis, County of Hennepin, and State of Minnesota. Officers arrived and found a school bus and black sedan parked in the lane of travel. The school bus was being driven by T.B., a known adult male, and the driver of the black sedan was identified as KENNETH WALTER LILLY, "the Defendant." The Defendant was observed to be a uniformed security guard with a handgun secured in his holster. The Defendant was detained and an ambulance was summoned for T.B.

The investigation revealed that T.B. was trying to merge onto the interstate when a collision was believed to have occurred with the Defendant's vehicle. T.B. later told officers he was unaware of any collision, but Troopers reported observing paint transfer from the bus to the Defendant's vehicle. The Defendant drove his vehicle to the split of I-35W and I-94 near Chicago Avenue. Traffic cameras recorded the Defendant stopping his vehicle in the lane of traffic and walking toward the school bus. A truck that had been in between the two vehicles is observed pulling away. The Defendant is shown walking to the folding passenger doors of the bus. T.B. reported to officers that the Defendant was trying to gain access and that T.B. shouted to the Defendant that he was unable to let him on the bus as he had a child on board. The Defendant is shown on video walking toward the front driver's side corner of the bus as it appears the bus slowly tries to pull into traffic. Video documents that traffic was moving at a slow rate of speed due to the inclement weather.

The Defendant proceeds to the driver's side of the bus and is observed drawing his 9mm semiautomatic handgun from its holster. The Defendant then walks back to the front of the bus and proceeds to fire his gun into the bus windshield. The Defendant is observed walking back to the driver's side of the bus where he then calls 911. The Defendant continues to pace back-and-forth in front of the bus until a Minnesota State Patrol Trooper arrives on scene.

T.B. told officers that he had turned to look back when he started to hear shots. T.B. was found to suffer two gunshot wounds – one that grazed the side of his head and a second that entered his left arm. In total, five discharged cartridge casings were recovered from the scene.

Officers learned that one eight year old child was on board the bus at the time of the incident. The child stayed with officers until a different bus arrived to bring the child home.

The Defendant reported to officers that he was in fear for his safety and that is why he shot at the driver of the bus. However, video footage shows the Defendant retreating to a safe spot before walking back in front of the bus to commence shooting.

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

Sara Metcalf
Police Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 4755

Electronically Signed:
02/07/2019 11:18 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Mike Radmer
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
02/07/2019 11:12 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: \$500,000.00

Conditions of Release: 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: February 7, 2019.

Judicial Officer

Jeannice M. Reding
District Court Judge

Electronically Signed: 02/07/2019 11:33 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.

KENNETH WALTER LILLY

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: KENNETH WALTER LILLY
DOB: 06/22/1987
Address: 165 WESTERN AVE NORTH
#500
ST PAUL, MN 55102

Alias Names/DOB:

SID: MN19BE8735

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 #: 856969

SILS Tracking No. 3082101

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	2/5/2019	609.19.1(1) Murder - 2nd Degree - With Intent-Not Premeditated	Felony	H2013	A	MN0271100	19034724
	Penalty	2/5/2019	609.19.1 Murder - 2nd Degree	Felony	H2013	A	MN0271100	19034724
	Modifier	2/5/2019	609.11.9 Minimum Sentences of Imprisonment - Applicable Offenses	No-Level	H2013	A	MN0271100	19034724
	Penalty	2/5/2019	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	H2013	A	MN0271100	19034724
	Penalty	2/5/2019	609.17.4(2) Anticipatory Crimes-Attempts-Penalty-1/2 Of Intended	Felony	H2013	A	MN0271100	19034724
2	Charge	2/5/2019	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2323		MN0271100	19034724
	Definition	2/5/2019	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A2323		MN0271100	19034724
	Penalty	2/5/2019	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	A2323		MN0271100	19034724
	Penalty	2/5/2019	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2323		MN0271100	19034724