
State of Minnesota,

Plaintiff,

vs.

XAVIER KENT FRITZ-SMEAD DOB: 02/07/1991

2428 34TH AVE SOUTH
Minneapolis, MN 55406

Defendant.

COMPLAINT

Order of Detention

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: Kidnapping-To Facilitate Felony or Flight

Minnesota Statute: 609.25.1(2), with reference to: 609.25.2(2)

Maximum Sentence: 40 YEARS AND/OR \$50,000

Offense Level: Felony

Offense Date (on or about): 03/10/2015

Control #(ICR#): 15082273

Charge Description: That on or about 3/10/2015 in Hennepin County, Minnesota, XAVIER KENT FRITZ-SMEAD removed a boy from one place to another without the consent of her/her parents or other legal custodian, and victim was under the age of 16 years, in order to facilitate commission of a felony or flight thereafter, and the boy was not released in a safe place.

COUNT II

Charge: False Imprisonment-Intentional Restraint

Minnesota Statute: 609.255.2, with reference to: 609.255.2

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

Offense Level: Felony

Offense Date (on or about): 03/10/2015

Control #(ICR#): 15082273

Charge Description: That on or about 3/10/2015, in Hennepin County, Minnesota, XAVIER KENT FRITZ-SMEAD intentionally confined or restrained a boy date of birth (02/11/2011), a person under the age of 18 years, who is not XAVIER KENT FRITZ-SMEAD 's child, without the consent of the boy's parent, or legal custodian, and XAVIER KENT FRITZ-SMEAD knew he did not have legal authority to do so.

COUNT III

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): 03/10/2015

Control #(ICR#): 15082273

Charge Description: That on or about 3/10/2015, in Hennepin County, Minnesota, XAVIER KENT FRITZ-SMEAD assaulted Jon Hunt and inflicted substantial bodily harm.

COUNT IV

Charge: Assault-4th Deg-Peace Officer-Demonstrable bodily harm or throws/transfers bodily fluids or feces-F

Minnesota Statute: 609.2231.1, with reference to: 609.101.2, 609.2231.1

Maximum Sentence: 3 YEARS AND/OR \$6,000

Offense Level: Felony

Offense Date (on or about): 03/10/2015

Control #(ICR#): 15082273

Charge Description: That on or about 3/10/2015, in Hennepin County, Minnesota, XAVIER KENT FRITZ-SMEAD assaulted Jon Hunt, a peace officer, while that officer was effecting a lawful arrest or executing a duty imposed upon him by law, and inflicted demonstrable bodily harm upon the officer.

COUNT V

Charge: Assault-4th Deg-Peace Officer-Demonstrable bodily harm or throws/transfers bodily fluids or feces-F

Minnesota Statute: 609.2231.1, with reference to: 609.101.2, 609.2231.1

Maximum Sentence: 3 YEARS AND/OR \$6,000

Offense Level: Felony

Offense Date (on or about): 03/10/2015

Control #(ICR#): 15082273

Charge Description: That on or about 3/10/2015, in Hennepin County, Minnesota, XAVIER KENT FRITZ-SMEAD assaulted Andy Clauborn, a peace officer, while that officer was effecting a lawful arrest or executing a duty imposed upon him by law, and threw or transferred bodily fluids or feces at or upon the officer.

COUNT VI

Charge: Fleeing a Peace Officer in a Motor Vehicle

Minnesota Statute: 609.487.3, with reference to: 609.487.3

Maximum Sentence: 3 YEARS AND 1 DAY AND/OR \$5,000

Offense Level: Felony

Offense Date (on or about): 03/10/2015

Control #(ICR#): 15082273

Charge Description: That on or about 3/10/2015, in Hennepin County, Minnesota, XAVIER KENT FRITZ-SMEAD did by means of a motor vehicle, flee or attempt to flee from a peace officer acting in the lawful discharge of an official duty, who XAVIER KENT FRITZ-SMEAD knew or reasonably should have known was a peace officer.

STATEMENT OF PROBABLE CAUSE

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

At 4:49 PM on March 10, 2015, Minneapolis Police dispatchers received a 911 call from an adult female who reported that four year boy was abducted from outside her neighbor's home on the 6100 block of Russell Avenue South, Minneapolis, Hennepin County, Minnesota. The boy had been playing with several other children, including the caller's, inside the fenced backyard. A late model Toyota Camry (MN Lic 043 CRT), driven by defendant Xavier Kent Smead-Fritz, sped through the alley and backed into a driveway. The defendant got out of the car, picked up the boy, and yelled out the name of the boy's mother. He paused for an instant, said "[expletive] this," carried the boy to the car, tossed him in, and sped away. Minutes later a Minnetonka Police officer driving an unmarked squad in heavy rush-hour traffic, observed the Camry when the defendant passed him on the shoulder of Northbound I-494 at Minnetonka Blvd., Hennepin County, Minnesota. The officer activated his emergency lights and siren and pursued the Camry as it continued along the shoulder at 80 MPH.

Multiple law enforcement agencies joined in the pursuit as the defendant sped northward. When he reached the ramp from Highway 55 to 494, in Plymouth, he drove into the right ditch to avoid merging traffic, and then into a ravine to avoid a light pole. The defendant's car got stuck in the ravine. The defendant refused all commands to exit the vehicle, moved about, and glanced furtively. Concerned for the safety of the boy, and themselves, they closed in. When they reached the car the boy was on the floor under the passenger side dashboard. The defendant would not exit the car, and forcefully grabbed the boy when the officers entered to physically remove him. The defendant held the boy in a tight head lock and resisted officers' efforts to pull him from the car. The boy's face turned a dark shade of red before officer's finally managed to pull him to safety.

The boy had minor scrapes, bruises; and a small welt above his eye. The boy stated the defendant caused the welt by striking him with an object.

Defendant fought with officers for an extended period. During the struggle he punched and kicked several officers. Plymouth Sgt. Jon Hunt sustained multiple facial injuries, including a chipped tooth, when defendant struck him in the face. Defendant spit at Plymouth Officer Andy Clayburn and other officers. The defendant did not stop fighting until paramedics arrived and administered a sedative. The paramedics then transported the defendant to HCMC, by ambulance, for evaluation.

The boy's mother and father told investigators that they are longtime friends of the defendant and the boy knows him well. The defendant recently reached out to them when he moved back to the area, after living out of state. Two days before abducting the boy, the boy's mother visited his apartment. He acted strangely toward her, became violent, and, for a time, prevented her from leaving. On March 10, he asked to visit her so he could "patch things up." The boy's mother and father were inside the house when the defendant arrived and they recognized his voice when he called the mother's name. They walked outside in time to see the boy in the car window, crying, as the defendant sped away. The boy's mother experienced extreme terror and was observably hysterical before police recovered the boy and returned him to her.

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	Robert Dale Sergeant 350 S 5th St Minneapolis, MN 55415-1389 Badge: 1414	Electronically Signed: 03/12/2015 02:16 PM
--------------------	--	---

Subscribed and sworn to before the undersigned.

Notary Public or Judicial Official	James R Jensen, Peace Officer License Number: 10156, Hennepin County, Minnesota. My license expires: 06/30/2017 Sergeant 350 S 5th St Minneapolis, MN 55415-1389	Electronically Signed: 03/12/2015 02:21 PM
---	--	---

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

Prosecuting Attorney	Chuck Weber 300 S 6th St Minneapolis, MN 55487 (612) 348-5550	Electronically Signed: 03/12/2015 02:07 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 401 Fourth Avenue S, Minneapolis, MN 55415 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: \$200,000.00

Conditions of Release: No Contact with Victim; No Contact with Witnesses; No Contact with Address; No Driving without a License; No use of drugs/alcohol; Random UAs; No Possession of Weapons; Make All Appearances; Remain Law Abiding

This complaint is issued by the undersigned Judge as of the following date: March 12, 2015.

Judicial Officer

Daniel Moreno
Judge

Electronically Signed: 03/12/2015 02:39 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.

XAVIER KENT FRITZ-SMEAD

Defendant

Clerk's Signature or File Stamp:

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: