

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 19A13726
Court File No. 27-CR-19-28789

State of Minnesota,
Plaintiff,

COMPLAINT
Warrant

vs.

WINSTON XAVIER HICKS DOB: 03/17/1989

6551 ZANE AVE NO
#207
BROOKLYN PARK, MN 55445

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: Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk

Minnesota Statute: 609.205(1), with reference to: 609.205

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 08/03/2019

Control #(ICR#): 19229848

Charge Description: That on or about August 3, 2019, in Hennepin County, Minnesota, Winston Xavier Hicks, caused the death of the infant by his culpable negligence whereby Winston Xavier Hicks created an unreasonable risk and consciously took a chance of causing death or great bodily harm to the infant.

STATEMENT OF PROBABLE CAUSE

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

On August 3, 2019, Minneapolis Police officers were dispatched to an apartment located on the 3400 block of Central Avenue NE in Minneapolis, Hennepin County, Minnesota, on the report of a nine-week-old infant who was not breathing. WINSTON XAVIER HICKS, DEFENDANT herein, is the infant's father, and was present when officers arrived. Officers and paramedics attempted life-saving measures upon the infant; however, she was pronounced dead upon arrival at the hospital. Officers took note that the condition of the apartment was extremely dirty and unkept. Garbage, dirty dishes, dirty diapers, cigarettes, clothing, and other garbage covered nearly every surface of the home.

Investigators spoke with the infant's mother who described the events leading up to the discovery of the infant. The mother stated that she and Defendant were at the home the evening prior with another friend, Witness herein. She admitted that they were drinking and smoking marijuana. She stated that around 1:30 a.m., the infant woke up crying. The mother stated that she made the baby a bottle, changed her diaper, and put the infant back to sleep in a bouncer bassinet in the master bedroom. The mother stated that she went to sleep out on the couch in the living room, while Defendant slept in the bedroom with the infant. In the morning around 8:30 a.m., she awoke to the sound of Defendant throwing up in the bathroom. When she went to check on the baby, she saw that a large, heavy, quilt like blanket was balled up over the baby's face. When she removed the blanket, she saw that the baby had been foaming at the mouth and was not breathing. 911 was called by a friend in the apartment, Witness herein.

Defendant and the infant's mother claimed that the nine-week-old baby must have pulled the heavy blanket down from on top of the nightstand during the night causing her to suffocate. The infant's mother opined that the baby was able to grab the quilted blanket from on top of the nightstand and pull it down on to her as she laid in her bouncer. The bouncer was tucked partially under the nightstand that evening.

When officers reviewed the scene, they noticed that the blanket was tucked under a basket, other clothing, and miscellaneous items in the room. The nightstand was also cluttered with many items including a glass of water. None of the items were disturbed as one would expect if the blanket was pulled across the nightstand and down by the infant. All of these circumstances were inconsistent with what the parents said had happened.

Officers also spoke with Witness who had been at Defendant's home the night before and the morning of the infant's death. Witness indicated that he is friends with Defendant and infant's mother. He spent the night sleeping on the living room recliner. Witness stated that he, Defendant, and the infant's mother were up late drinking and using cocaine. Defendant was significantly intoxicated as a result. He stated that he helped feed the baby around 1:45 a.m., before the baby was put back to sleep in Defendant's room. Defendant was the only person who slept in the room with the baby that night. The infant's mother slept on the couch of the apartment.

Witness stated that once police and paramedics arrived, he went outside of the apartment with Defendant. Once outside, Defendant told Witness that he was drunk and that he killed his baby because he put a blanket over the baby's face because she was crying the night before. Defendant also stated that he pushed clothes from the dresser onto the baby as well.

An autopsy on the infant was performed. The medical examiner determined that the cause of death was asphyxia due to external obstruction of the airways. Petechial hemorrhages on the lungs were observed,

which are consistent with asphyxiation.

Pursuant to Minnesota Rule of Criminal Procedure 3.01, the State is requesting that this case issue as a warrant due to the serious nature of this offense. Thus, bail is necessary to protect public safety and to ensure Defendant's reappearance in court.

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

Kristina Schmidt
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 006371

Electronically Signed:
11/21/2019 11:54 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Erin Lutz
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
11/21/2019 11:07 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 the address listed on the attached court summons 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: \$150,000.00

Conditions of Release: No Contact with Witnesses; Remain Law Abiding; Other:

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: November 21, 2019.

Judicial Officer

James Moore
District Court Judge

Electronically Signed: 11/21/2019 02:20 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.

Winston Xavier Hicks

Defendant

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

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: Winston Xavier Hicks
DOB: 03/17/1989
Address: 6551 ZANE AVE NO
#207
BROOKLYN PARK, MN 55445

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race: Black

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

SILS Person ID #: 794837

SILS Tracking No. 3138068

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	8/3/2019	609.205(1) Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk	Felony	H5004		MN0271100	19229848
	Penalty	8/3/2019	609.205 Manslaughter - 2nd Degree	Felony	H5004		MN0271100	19229848