

State of Minnesota,

Plaintiff,

vs.

JAMES MARIONE BUTCHEE DOB: 02/11/1985

3022 4th St
Minneapolis, MN 55411

Defendant.

COMPLAINT

Warrant

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 - 3rd Degree - Sell/Give/Distribute Controlled Substance - Schedules 1 & 2

Minnesota Statute: 609.195(b), with reference to: 609.195(b)

Maximum Sentence: 25 YEARS AND/OR \$40,000

Offense Level: Felony

Offense Date (on or about): 07/12/2014

Control #(ICR#): 14023753

Charge Description: That on or about 7/12/2014, in Hennepin County, Minnesota, JAMES MARIONE BUTCHEE, did, without intent to cause death, proximately caused the death of JDP, a human being, by unlawfully selling a controlled substance classified in Schedule I or II, to wit heroin.

STATEMENT OF PROBABLE CAUSE

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

On July 12, 2014, officers responded to Upland Avenue North in Maple Grove, Hennepin County, on a report of a possible death. Upon arrival officers found JDP, a known adult male, deceased in the lower level of the home. A search of the immediate area revealed a syringe, tourniquet, and a piece of paper with suspected heroin residue on it. Officers spoke with JDP's mother who reported that she saw JDP on July 11, 2014 at about 11:30 pm in the basement with two friends.

The Hennepin County Medical Examiner performed the autopsy on JDP. The cause of death was determined to be acute heroin toxicity.

Officers made contact with the two friends who spent time with JDP during the evening of July 11th. Officers spoke with BRB, a known adult female, at her parent's home. Officers advised BRB why they were there and she immediately began crying. BRB told officers that she was with JDP and AAS, a known adult male, during the evening hours of July 11th, 2014. BRB reported that she was with JDP and he wanted to "be numb" that evening. JDP reported that she was driving her vehicle and JDP and AAS were in it. The three of them drove to the Chipotle located on Hennepin Avenue in the Uptown area of Minneapolis for the purpose of buying drugs. BRB reported that upon arriving at the Chipotle, AAS made a phone call and then got out of the car, was gone for a short period of time, and returned to the vehicle. Upon returning to the vehicle, AAS provided JDP a small baggie that he removed from his mouth. The three of them returned to JDP's home where she observed JDP prepare to inject the drugs he had just received from AAS. After injecting the heroin, JDP began acting bizarre, stripped naked, and could not follow the conversation. BRB reported that AAS left shortly thereafter and told her to "watch" JDP as he was extremely high and make sure he doesn't do anymore. BRB stayed at JDP's home until about 11:45p.m. before she left to go home.

Officers spoke with AAS as well. AAS reported that he also was with JDP and BRB on the night of July 11, 2014, and JDP wanted to get high. AAS reported that he agreed to arrange to buy \$50 worth of heroin from a guy he knows as "C". He stated that he agreed to do this for JDP because he knew "C" well and he would be able to get the heroin for \$40 instead of the usual \$50. AAS stated he called "C" at 612-501-87 and asked "C" if he could get heroin for \$40 instead of \$50 for a friend. AAS reported that "C" said yes and told him that he was at the Chipotle on Hennepin Avenue. AAS reported that upon arriving at Chipotle, he called "C" and told him they were there. "C" told him to get out and they met where "C" said "hey, what's up man" to AAS as they knew each other. AAS reported that "C" used to be his main source of heroin. AAS exchanged money for the heroin and returned to the car where he gave the heroin to JDP.

Upon returning back to JDP's home, AAS observed JDP shoot up with the heroin he had just been provided by AAS. AAS reported that he then observed JDP to be extremely high. He asked BRB to watch JDP and left. AAS reported that he was concerned on July 12th when he tried to call JDP but did not get an answer.

Cell phone records obtained by officers confirm the calls between AAS and "C" at 612-501-87. Through investigation, officers were able to do a controlled buy with "C". Officers set up the buy using the number 612-501-87. Officers watched the buy and observed "C" and what he was wearing. A short time later officers stopped JAMES MARION BUTCHEE, defendant herein. He was wearing the same clothing as the person they had observed do the controlled buy. Officers recovered the pre-recorded buy money from the defendant as well as a cell phone that had the number 612-501-87. Officers did a photo lineup with the person who did the controlled buy and he/she positively identified the defendant as the person he/she

knows as "C" and as the person who he/she had just purchased heroin from. In an interview, the buyer informed officers that she/he had initially met the defendant through AAS and for a period of time, had to go through AAS in order to get heroin. After a period of time, the buyer was able to then buy from the defendant directly.

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

Jason Heilman
Police Officer
12800 Arbor Lakes Pkwy
Maple Grove, MN 55311
Badge: 107

Electronically Signed:
11/19/2014 09:23 AM

Subscribed and sworn to before the undersigned.

**Notary Public or
Judicial Official**

Pamela J Opegard
County of Hennepin
12800 Arbor Lakes Pkwy
Maple Grove, MN 55311
Notary ID: 6116275

Commission expires: 01/31/2017
Electronically Signed:
11/19/2014 09:24 AM

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

Prosecuting Attorney

Hans Larson
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
11/19/2014 09:01 AM

