

STATE OF MINNESOTA
COUNTY OF SCOTT

DISTRICT COURT
FIRST JUDICIAL DISTRICT
COURT FILE NO.: 70-CR-16-21177
PROSECUTOR FILE NO.: 160405-16

State of Minnesota,

Plaintiff,

v.

COMPLAINT- ORDER FOR DETENTION

Brandy Lee Jaques, DOB 12/3/1976 (39)

4838 Bryant Ave. No.
Minneapolis, MN 55430
Defendant.

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

Count: 1 Murder - 2nd Degree - With Intent-Not Premeditated
In Violation of: 609.19 subd. 1(1)
Penalty Statute: 609.19 subd. 2(1) - Murder - 2nd Degree - Without Intent - While Committing a Felony
MOC: H2311
ICR: 16013935
Penalty: Imprisonment for Not More Than 40 Years

On November 23, 2016, within the City of Prior Lake, County of Scott, State of Minnesota, the Defendant, BRANDY LEE JAQUES, DOB; 12/03/1976, acting alone or in concert with another, did cause the death of a human being with intent to effect the death of that person or another, but without premeditation.

Count: 2 First Degree Aggravated Robbery
In Violation of: 609.245 subd. 1
Penalty Statute: 609.245 subd. 1 - Aggravated Robbery-1st Degree
MOC: R1513
ICR: 16013935
Penalty: 25 years in prison or \$35,000 fine or both

On or about 11/23/2016, within the City of Prior Lake, County of Scott, State of Minnesota, BRANDY LEE JAQUES, having knowledge of not being entitled thereto, did wrongfully, unlawfully and feloniously take personal property from the person or in the presence of another, and used or threatened the imminent use of force against any person to overcome the person's resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property and Tyrel Lamar Patterson was armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicted bodily

harm upon another.

Count: 3 Burglary- 1st degree -Poss Dangerous Weapon
 In Violation of: 609.582 subd. 1(b)
 Penalty Statute: 609.582 subd. 1a - Burglary-1st Deg-Occupied Dwelling-Mandatory Minimum
 MOC: B1141
 ICR: 16013935
 Penalty: 20 years in prison, \$35,000 fine or both

On or about 11/23/2016, within the City of Prior Lake, County of Scott, State of Minnesota, BRANDY LEE JAQUES, acting alone or in concert with another, did wrongfully and unlawfully enter a building without consent and with intent to commit a crime, or enter a building without consent and committed a crime while in the building, either directly or as an accomplice and the defendant possessed, when entering or at any time while in the building, any of the following: a dangerous weapon, any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or an explosive.

Count: 4 Burglary - First Degree
 In Violation of: 609.582 subd. 1(c)
 Penalty Statute: 609.11 subd. 5 - Minimum Sentences of Imprisonment-Firearm
 MOC: B1151
 ICR: 16013935
 Penalty: 20 years and/or \$35,000 fine

On or about 11/23/2016, within the City of Prior Lake, County of Scott, State of Minnesota, BRANDY LEE JAQUES did wrongfully and unlawfully enter a building without consent and with intent to commit a crime, or entered a building without consent and committed a crime while in the building, either directly or as an accomplice, and the burglar assaulted a person within the building or on the building's appurtenant property.

STATEMENT OF PROBABLE CAUSE

On November 23, 2016, at approximately 2:11 a.m., Prior Lake Police Officers Schaefer and Elenz were dispatched to a call of a shooting at the HERRON residence, 2136 Sioux Trail, Prior Lake, Scott County, Minnesota. Dispatch advised there were three suspects, described as three black men, one with a mask. Officers were at an alarm call within a block of the residence, and arrived within one minute. At the scene, officers saw a silver Buick leaving at a high rate of speed from the residence, MN plate 454VXT. Officer Schaefer followed the vehicle and Officer Elenz went to the residence.

The vehicle headed northbound on County Road 83. A Shakopee officer, who had joined the pursuit, noted there were two males in the front seat and possibly a third person in the back, and that the head lights on the vehicle were off. Officer Schaefer turned on his lights and siren and the vehicle increased its speed and continued north. The vehicle exited onto Hwy. 169 and continued into the City of Bloomington and then Edina. At this time multiple law enforcement agencies were involved in the pursuit. At the Londonderry Road Exit officers forced the vehicle off the road. All three suspects exited the vehicle and ran eastward, jumped a fence and continued running eastward.

As officers pursued, a black male suspect fired a handgun at the officers, who returned fire and wounded the suspect, later identified as DERRICK ZECHARIAH SMITH, DOB: 03/15/1988, which ended his flight. SMITH was given first aid, and taken to the hospital. SMITH is currently in the hospital and in the custody of Hennepin County. When giving first aid, Officers found in SMITH's pants several bags of marijuana, a box of condoms, and an electronic tablet. Near SMITH the officers also located two handguns. The second suspect, a white female, who ran from the vehicle, was apprehended by a K-9 officer and was identified as BRANDY LEE JAQUES, DOB: 12/03/1976. JAQUES was taken first to the hospital and then to the Edina Police Department. The third suspect, a black male, who ran from the vehicle, was apprehended and identified as TYREL LAMAR PATTERSON; DOB: 04/13/1989. During a search of PATTERSON officer located a large amount of currency in his pockets. PATTERSON was taken to the Edina Police Department.

Meanwhile, Officer Elenz gained entry to the Herron residence through the rear sliding door and found JAMES WAYNE HERRON on the floor of the living room, unresponsive, and suffering from gunshot wounds. Officer Elenz also found MAH and JCR in the garage. Paramedics arrived on the scene and transported HERRON to St. Francis Regional Medical Center where he died. He had suffered from gunshot wounds to his arm, leg, and head. MAH and JCR told the officer they saw two black males and a white female. One of the suspects had shot HERRON. The suspects then took their cell phones and fled the residence.

Scott County Deputy Turek arrived on the scene and saw police and fire personnel giving aid to HERRON. The deputy then checked the lower level of the house and did not find anyone. He then went down the hallway to HERRON's bedroom and saw a blood trail in the hallway. In the bedroom there were blood stains on the bed.

Scott County Deputy Lannon responded to the residence and helped secure the residence and stood by with JCR. JCR stated multiple people entered the residence through the upper level sliding glass door and then put everyone in the house into one room. One party was carrying a weapon. HERRON was sleeping in the bedroom at the time and SMW told them where he was. The suspects went to get him and shot him. They brought HERRON into the room with everyone else and asked him where the money was. HERRON would not tell the suspects and he was shot in the head. The suspect that shot HERRON then stated, "That's right you better snore," in reference to the noise HERRON made after being shot in

the head. One of the suspects stated to another suspect, "I didn't think we were going to shoot anybody."

Shakopee Police Officer Anderson went to the scene and was told by a highway maintenance person, that a black male flagged him down in the lot at County Rd. 42 and Dakota Parkway, which was near the crime scene. The officer went to the location and located JONTE GLENN ROBINSON, DOB: 11/18/1990. ROBINSON told the officer that he planned to go to Mystic that night with his friend TYREL PATTERSON, a female and another black male. They drove from Minneapolis down together. When they arrived at the residence they put on masks. When he heard a gunshot he ran out with another female. He did not know the other black male and the female. One of the black male's said they were going to a house to buy marijuana, if everything did not go right, he was going to shoot someone. ROBINSON was taken to the Prior Lake Police Department.

At about 5:00 a.m., BCA Special Agent (SA) Olson arrived at the scene, followed shortly thereafter by the BCA Crime Scene Team. A .22 caliber cartridge case was located on the floor near an area of the living room containing a large amount of coagulated blood. At 8:00 a.m., SA Olson was advised by Hennepin County Detective McKloskey that they had recovered three firearms at the scene of the stop and shooting. One of the weapons was a .22 caliber pistol.

At 7:36 a.m., Officers Griffin and Olson located two people in a hidden safe room in the basement of the HERRON residence. They were identified as DGI and KLH.

Later that morning, Detective Boser interviewed JCR, who stated:

They shot my friend James, I was right next to him when he was shot. She believed the guy who shot him was black by his voice, they were wearing masks that covered their faces.

James was shot in the knee and then in the head.

There were three guys and one girl wearing masks.

There were 7 people in the house, not including the intruders.

SMW, who was in the house, was on the phone 10 minutes before the incident and gave someone directions to the house.

Detective Rozga interviewed MAH, who stated:

He has been friends with HERRON since he was 19.

In the house at the time were himself, HERRON, JCR, SMW, DGI, KLH, and MWR.

He was in the garage with SMW and JCR, working on a car.

Sometime well after 12:30 a.m., SMW got a call and told the person how to get to HERRON's house.

A short time later SMW went into the house and he heard her scream, "Please, don't hurt me."

Then a male, wearing a mask and holding a gun, came into the garage.

He could tell the person was black because he could see his eyes and his neck.

He was wearing gloves and a blue, grey, white and black camouflage mask.

He had a gun, all black, that looked like a .22 caliber Ruger.

The male pulled his hood over his head and moved them into the living room and made them lay on the floor.

He heard four suspects, three male voices and a female voice.

They asked "where was James," by name.

SMW took the suspects to HERRON's bedroom.

He heard a gunshot from the bedroom and heard HERRON say, "Ow, no, stop."

Two suspects pushed and pulled HERRON into the living room.
A suspect then asked HERRON, "Where's the money?"
He then threatened to shoot HERRON in the knee.
The suspect started a countdown and he then heard another shot.
The suspect then started another countdown and then shot again.
He heard HERRON making snoring noises and he saw brass colored .22 caliber casings fall to the floor.
When he thought the suspects left, he ran to the garage.
The suspect wearing a blue mask found him, and made him lay on the steps and heard him ask, where was the white haired guy, and then say, "Let's go, we're out of time," to the other suspects.
Jasmine told them the white haired guy, Mitch, was downstairs.
The suspect then took his necklace and \$2,000 in cash from his wallet.
When he thought the suspects were gone he called 911.

Detectives Rozga and Cade then interviewed JONTE GLENN ROBINSON, DOB: 11/19/1990, who stated:

He had been hanging out with friends on the northeast side of Minneapolis.
He identified these friends only by first names of Bryant and Mason.
He had received a call from a childhood friend who was later identified as TYREL LAMAR PATTERSON, DOB: 04/13/1989 ("PATTERSON").
PATTERSON had asked ROBINSON if he wanted to go to the casino in Prior Lake.
ROBINSON provided PATTERSON with the location of where he was.
A short time later PATTERSON picked up ROBINSON in what he described to be a red passenger car.
PATTERSON and ROBINSON drove to a location near 27th and Oliver in northeast Minneapolis.
It was at this location that they met up with two other people.
ROBINSON said that these individuals were friends of PATTERSON'S and that they were driving a grey colored Chevy or Oldsmobile type passenger vehicle.
ROBINSON said that he had never met or seen these people before.
The driver of the vehicle was described as a Caucasian female later identified as BRANDY LEE JAQUES, DOB: 12/03/1976.
Also present in the vehicle was an African American male later identified as DERRICK ZECHARIAH SMITH, DOB: 03/15/1988.
SMITH was identified by ROBINSON throughout the interview as "the guy."
ROBINSON stated that he and PATTERSON had gotten into the vehicle.
ROBINSON stated that JAQUES drove the vehicle, PATTERSON was in the front passenger seat, SMITH was sitting behind PATTERSON and he was behind JAQUES in the rear passenger seat.
ROBINSON stated that as they were on their way to the casino SMITH began rolling a joint.
ROBINSON said that he passed out and woke up just as they were pulling into the Little Six Casino.
It was at that time that it was decided they were going to go get more marijuana.
ROBINSON said that SMITH had a gun and was hitting JAQUES in the back of the head with it and pointing it at her.
ROBINSON described the gun to be a smaller caliber pistol with a long barrel.
ROBINSON said that it appeared as though JAQUES had known where to go to get the marijuana.
ROBINSON stated that JAQUES had driven around in a neighborhood by the casino and finally came to a stop on the roadway.
ROBINSON said SMITH retrieved a bag from the trunk of the vehicle and gave everyone a mask.
SMITH tossed ROBINSON a mask and gloves and was told to get out of the vehicle.
SMITH had the gun in his hand.
ROBINSON stated that SMITH never pointed the gun directly at him, but he was fearful of SMITH based on what he observed him do to JAQUES.
ROBINSON put the mask and the gloves on.

ROBINSON stated that the four of them then walked up to the back door of the residence. As they were walking, ROBINSON recalled that JAQUES was naming the owners of the vehicles that were parked in the driveway to SMITH. PATTERSON and SMITH forced the rear sliding glass door open. SMITH told ROBINSON to get inside the home. ROBINSON stated that he entered the home and stepped to the side. ROBINSON stated that SMITH was the only person that he saw holding a gun when they entered the residence and PATTERSON had a switchblade knife. ROBINSON stated that he didn't have any weapons. Once they had entered the home, ROBINSON stated that JAQUES was running all over the home and appeared to know the layout of the home. ROBINSON stated that they were bringing people into the living room area and that is when a female came out of the garage area. The female was described as a Caucasian female with blonde hair, this female was later identified by Detective Rozga as SMW, DOB: 12/22/1987. ROBINSON stated that SMW was screaming and he was just trying to calm her down. ROBINSON reported that he had heard a gunshot from behind him and when he looked, he saw SMITH and PATTERSON. He said that SMITH and PATTERSON were yelling at the Native American telling him to "Shut the fuck up." He also reported that he saw blood on the Native American's face. The Native American ROBINSON was referring to was later identified as JAMES WAYNE HERRON, DOB: 01/12/1974. ROBINSON reported that after the gunshot, SMW got up and ran out the door that they had entered. PATTERSON said that he followed her out of the residence. Once they got outside, ROBINSON reported that he took a left and began running, the female took a right. ROBINSON reported that he took his mask and gloves off and threw them while he was running. ROBINSON continued running until he came up to construction workers and advised them to dial 9-1-1.

When Officers asked ROBINSON if he saw who had shot HERRON, at first he thought it was SMITH, but then he said it may have been PATTERSON.

When Officers asked him how it was possible PATTERSON shot a weapon, ROBINSON told Officers that PATTERSON and SMITH had taken a gun from a black person who was in the garage area with SMW. ROBINSON told Officers that he had no prior knowledge of the robbery.

Detective Rozga then interviewed SMW, who stated:

HERRON is her live-in-boyfriend.

They met a couple of months ago at Mystic Lake Casino.

That night, she was in the garage, and went inside and saw two unknown people standing in the living room, then she saw a third suspect.

No. 1 was a black male, heavier set, with a black gun, wearing red; No. 2 was a younger black male, wearing a white mask covering half his face; No. 3 had a white mask covering his whole face, wearing gloves, no gun.

She was told to lay on the floor, which she did.

Marcus MAH and Jasmine JCR were taken into the house and the suspects took a gun from MAH.

The suspects asked, "Where's the owner of the house?"

She told them that he was in the bedroom.

The suspect with the gun went to the bedroom and she heard a pop.
HERRON and the suspect then came into the living room.
She saw that HERRON was bleeding from his wrist and she ran to him.
The suspect started to ask him, "Where was the money at", and "You're going to tell me where all the money is."
The suspect with the gun put the gun to HERRON's knee and shot.
She ran out of the house to a neighbor and called 911.

At 8:20 a.m., BCA Agent Peterson and Hennepin County Detective Sgt. McKloskey met with JAQUES and read her the Miranda warning. JAQUES agreed to make a statement, and said:

She was in the car and was told to drive.
She did not know who owned the car.
She did not know the identity of the men in the car with her.
She met two black men while at Little Six Casino.
She was initially at the casino with a friend and then met the two black men at the gas station near the casino.
Her friend left her and she agreed to hang out with the two black men.
She got into a grey colored car.
JAQUES then requested a lawyer and the statement ended. JAQUES was then taken to the Scott County Jail.

At 8:36 a.m., BCA Agent Petersen and Hennepin County Detective Sgt. McKloskey met with TYREL LAMAR PATTERSON and read him the Miranda warning. PATTERSON agreed to make a statement, and said:

He was under the influence, saw lights, and ran.
He had been drinking at the casino, either Mystic or Little Six.
He was unsure whose car he was in.
He took the bus from Minneapolis to the casino by himself.
He denied being at a Prior Lake home where someone was shot.
He then did not want to speak any longer. The interview ended. PATTERSON was taken to the Scott County Jail.

On November 23, 2016 at approximately 6:40 p.m., BCA SA Petersen and Hennepin County Detective Bergin went to HCMC ER and met with SMITH. The officers read SMITH the Miranda warning and SMITH declined to give a statement. As the officers were leaving, SMITH stated, without being questioned: "I haven't got the heart to kill nobody." And "A man lost his life over some fucking weed."

On November 28, 2016 Detective Rozga and SA O'Brien interviewed TYREL LAMAR PATTERSON at the Scott County Jail. After reading PATTERSON the Miranda warning, he agreed to make a statement and said:

He picked up ROBINSON in his friend's red Mazda.
They were hanging out at his house.
They were then picked up by a white female known as "B" (BRANDY JAQUES) and a black male known as "D" (DERRICK SMITH) in a silver Buick.
D had called him and asked if they wanted to go to Mystic.
ROBINSON and PATTERSON got in the car with B and D.
D was in the driver's seat.

B was in the front passenger seat.

PATTERSON was behind B.

ROBINSON was behind D.

They drove to the Casino.

They pulled into the lot and then D suggested they were going to do a robbery and get what they can get.

B knows someone on the Rez.

He made it clear that B was the one who knew where this person lived on the Rez.

They were driving around looking for the house.

When they found the house, D produced a duffle bag from the trunk containing masks, zip ties and probably gloves.

He did not take anything from bag, he used a rag that he had brought with him with holes.

All 4 of them, B, D, PATTERSON and ROBINSON went to back door of the residence.

He also saw D had a black gun while running into the house.

D grabbed the door and forced it open.

PATTERSON had a brown army fatigue knife.

B & D were the first ones in the door and they encountered a female.

PATTERSON went into the garage and finds a male and female in the garage.

He takes them to the living room where ROBINSON already had two others.

PATTERSON went downstairs and hears a pop and then goes back upstairs.

ROBINSON says we gotta go, someone already got away.

He went with ROBINSON out the back door.

He realizes that B & D are still in house and goes back in and hears 2 gunshots and sees that D has the gun.

He saw the homeowner on the floor, not dead and still moving.

He said, we gotta go.

He left out the back door.

PATTERSON said he saw that B had items in her hands.

They left and could not find ROBINSON.

They get in car and go. Then police lights go on.

B was driving.

He was in the front passenger seat.

D was in the back seat.

He took a watch and bracelet off the male in the garage.

JAQUES is described as a 39 year-old white female, 5'03", weighing approximately 124 pounds with blue eyes.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49., intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

Complainant requests that Defendant, subject to bail or conditions of release, be:

- (1) Arrested or 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'S NAME:

COMPLAINANT'S SIGNATURE:

Subscribed and sworn to before the undersigned this ____ day of _____, 2016.

NAME/TITLE:

SIGNATURE:



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

PROSECUTING ATTORNEY'S SIGNATURE:

Date: _____

Michael J. Groh 189741
Assistant County Attorney
200 Fourth Avenue West
Shakopee, MN 55379
(952) 496-8636

Court File Number: _____

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 to 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 ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, 20__ at _____ before the above-named court at 200 Fourth Avenue West Shakopee, MN 55379 to answer this complaint.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named 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*

X ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail:
Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

JUDICIAL OFFICER:

SIGNATURE:

NAME: _____

TITLE: _____

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

COUNTY OF SCOTT STATE OF MINNESOTA State of Minnesota Plaintiff, vs. Brandy Lee Jaques Defendant.	Clerk's Signature or File Stamp: <hr/> RETURN OF SERVICE I hereby Certify and Return that I have served a copy of this Summons upon the Defendant(s) herein-named. Signature of Authorized Service Agent:
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DEFENDANT FACT SHEET

Other DOBs:

Race/Ethnicity:

CID: MN96014789

Alias Information:

Fingerprinted: Done

Handgun Permit:

Location of Violation:

Driver's License #: F096042750915 (MN)

Accident Type:

License Plate #:

BAC Status:

BAC Level:

Statute and Offense Grid

Count: 4

Ct	Statute Type	Offense Date	Statute #/Descr and Sup	Level	MOC	GOC	Rpt Ctrl Agency	Rpt Ctrl #
1	State Statute	11/23/2016	609.19 subd. 1(1) - Murder - 2nd Degree - With Intent-Not Premeditated 609.19 subd. 2(1) - Murder - 2nd Degree - Without Intent - While Committing a Felony	F	H2311	NA	MN0700900	16013935
2	State Statute	11/23/2016	609.245 subd. 1 - First Degree Aggravated Robbery 609.245 subd. 1 - Aggravated Robbery-1st Degree	F	R1513	NA	MN0700900	16013935
3	State Statute	11/23/2016	609.582 subd. 1(b) - Burglary- 1st degree -Poss Dangerous Weapon 609.582 subd. 1a - Burglary- 1st Deg-Occupied Dwelling- Mandatory Minimum	F	B1141	NA	MN0700900	16013935
4	State Statute	11/23/2016	609.582 subd. 1(c) - Burglary - First Degree 609.11 subd. 5 - Minimum Sentences of Imprisonment- Firearm	F	B1151	NA	MN0700900	16013935