

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1439
07-CR-16-3588

State of Minnesota,

Plaintiff,

vs.

JAMES DARNELL BOUCICAULT DOB: 06/04/1984

331 McKenley
North Mankato, MN 56003

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: Threats of Violence-Reckless Disregard Risk

Minnesota Statute: 609.713.1

Maximum Sentence: 5 years and/or \$10,000

Offense Level: Felony

Offense Date (on or about): 09/09/2016

Control #(ICR#): 16027250

Charge Description: James Darnell Boucicault

On or about September 9, 2016, in the County of Blue Earth, said Defendant, James Darnell Boucicault, did threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another.

COUNT II

Charge: Threats of Violence-Reckless Disregard Risk

Minnesota Statute: 609.713.1

Maximum Sentence: 5 years and/or \$10,000

Offense Level: Felony

Offense Date (on or about): 09/09/2016

Control #(ICR#): 16027250

Charge Description: James Darnell Boucicault

On or about September 9, 2016, in the County of Blue Earth, said Defendant, James Darnell Boucicault, did threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another.

COUNT III

Charge: Stalking - Second or Subsequent Violation in 10 years

Minnesota Statute: 609.749.4(a)

Maximum Sentence: 5 years and/or \$10,000

Offense Level: Felony

Offense Date (on or about): 09/09/2016

Control #(ICR#): 16027250

Charge Description: James Darnell Boucicault

On or about September 9, 2016, in the County of Blue Earth, said Defendant, James Darnell Boucicault did violate 609.749, Subd. 2(1); to wit: did directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property or rights of another by the commission of an unlawful act and did so within the previous ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

COUNT IV

Charge: Domestic Assault-GM-Subsequent Violation

Minnesota Statute: 609.2242.2

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/09/2016

Control #(ICR#): 16027250

Charge Description: James Darnell Boucicault

On or about September 9, 2016, in the County of Blue Earth, said Defendant, James Darnell Boucicault did, against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, commit an act with intent to cause fear in another of immediate bodily harm or death and has a previous qualified domestic violence-related offense conviction or an adjudication of delinquency within ten years following discharge from sentence or disposition for that offense.

COUNT V

Charge: Domestic Assault-GM-Subsequent Violation

Minnesota Statute: 609.2242.2

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/09/2016

Control #(ICR#): 16027250

Charge Description: James Darnell Boucicault

On or about September 9, 2016, in the County of Blue Earth, said Defendant, James Darnell Boucicault did, against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, intentionally inflicted or attempted to inflict bodily harm upon another and has a previous qualified domestic violence-related offense conviction or an adjudication of delinquency within ten years following discharge from sentence or disposition for that offense.

STATEMENT OF PROBABLE CAUSE

Officer Lopez, a licensed peace officer in the State of Minnesota, currently employed by the Mankato Department of Public Safety, reports that on September 9, 2016, at approximately 3:05 a.m., he was informed by the Blue Earth County Dispatch of a domestic assault complaint. Dispatch informed Lopez that a juvenile reported that his mother was 'getting beaten up.'

Lopez reports soon thereafter he arrived at a residence located in the City of Mankato and spoke with the juvenile, identified as Witness1; and his mother, identified as Victim1.

Witness1 told Lopez he was woken up by Victim1 and her domestic partner, identified as James Darnell Boucicault, arguing loudly.

Witness1 stated that Boucicault and Victim1 had been drinking earlier since it was the anniversary of Boucicault's father's death. Witness1 reports he observed Victim1 and Boucicault pushing and shoving each other. Witness1 also stated, at one point, he saw Boucicault put his hand on his mother's throat and push her back forcefully. Witness1 then saw Boucicault push Victim1 into the stove and then into the fridge.

Witness1 stated because of the altercation Boucicault and Victim1 both had bloody noses, but Witness1 was unaware of exactly when Boucicault hit Victim1 or vice-versa.

Witness1 also reports Boucicault threatened to throw a basketball and shoes at Victim1's face.

Witness1 reports he hit Boucicault in the face in an attempt to get Boucicault from assaulting his mother.

Witness1 reports he is very afraid of Boucicault because of what Boucicault has done to his mother and about the threats he made about throwing the basketball and shoes. Witness1 reports his legs were shaking while the altercation was occurring and after it was done. Witness1 called police and had his mother go into his bedroom with him while Boucicault was in the living room.

Witness1 was afraid Boucicault would come after him since he hit Boucicault at one point. He also was afraid Boucicault would want revenge and would be coming after him. Additionally, Witness1 reports that at one point Boucicault threatened to bash Victim1's brains into the counter and to smack Witness1 more than he smacked Victim1.

Lopez then spoke with Victim1 who informed him that she and Boucicault had consumed way too much alcohol. Due to this they then began to argue verbally. Victim1 asked Boucicault to leave the house; however Boucicault started to leave and then changed his mind.

Victim1 and Boucicault then began to push, shove, and hit each other. Victim1 reports she does not remember exactly what happened since it happened very quickly.

Lopez reports that Victim1's face was red and flushed from crying, and also from hits she had taken to the face. Victim1 also had a noticeable bruise forming in the middle of her nose and dried blood around her lips. Victim1 told Lopez she believed she was equally responsible as Boucicault since they had both hit each other.

Lopez and other officers on scene then decided that Boucicault would be placed under arrest and transported to the Blue Earth County Jail.

A review of Boucicault's criminal history reveals a previous conviction for Fifth Degree Assault as reflected in Blue Earth County Court File number 07-CR-15-3478. Boucicault was sentenced for that offense on July 11, 2016.

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

Matthew DuRose
Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3141

Electronically Signed:
09/09/2016 02:07 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Christopher Rovney
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
09/09/2016 02:02 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 Carver Rd, Mankato, MN 56002-0347 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: \$
Conditions of Release:

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: September 9, 2016.

Judicial Officer

Bradley C Walker
District Court Judge

Electronically Signed: 09/09/2016 03:18 PM

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

**COUNTY OF BLUE EARTH
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

JAMES DARNELL BOUCICAULT

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: