

State of Minnesota
County of Ramsey

District Court
2nd Judicial District

Prosecutor File No.
Court File No.

17-320235

State of Minnesota,

Plaintiff,

vs.

LINWOOD MICHAEL KAINE DOB: 07/13/1992

3100 - 10th Avenue S.
Minneapolis, MN 55407

Defendant.

COMPLAINT

Summons

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: Obstruct Legal Process - Interfere with Peace Officer - Gross Misdemeanor

Minnesota Statute: 609.50.1(2)

Maximum Sentence: 0 to 1 year imprisonment; \$0 to \$3000 fine.

Offense Level: Gross Misdemeanor

Offense Date (on or about): 03/04/2017

Control #(ICR#): 17401974

Charge Description: Defendant did intentionally obstruct, resist, or interfere with a peace officer while the officer is engaged in the performance of official duties and the act was accompanied by force or violence or the threat thereof.

COUNT II

Charge: Fleeing a Peace Officer By a Means Other Than a Motor Vehicle

Minnesota Statute: 609.487.6

Maximum Sentence: 0 to 90 days imprisonment; \$0 to \$1000 fine.

Offense Level: Misdemeanor

Offense Date (on or about): 03/04/2017

Control #(ICR#): 17401974

Charge Description: Defendant, for the purpose of avoiding arrest, detention, or investigation, or in order to conceal or destroy potential evidence related to the commission of a crime, did attempt to evade or elude a peace officer, who is acting in the lawful discharge of an official duty, by means of running, hiding, or by any other means except fleeing in a motor vehicle.

COUNT III

Charge: Concealing Identity - Public Place

Minnesota Statute: 609.735

Maximum Sentence: 0 to 90 days imprisonment; \$0 to \$1000 fine.

Offense Level: Misdemeanor

Offense Date (on or about): 03/04/2017

Control #(ICR#): 17401974

Charge Description: Defendant did conceal defendant's identity in a public place by means of a robe, mask, or other disguise.

STATEMENT OF PROBABLE CAUSE

The Complainant having reviewed the applicable reports believes the following facts to be true:

On March 4, 2017 at approximately 12:00 p.m., a rally in support of President Trump was held at the State Capitol, 75 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, Ramsey County, MN. As the rally was starting, approximately 75-125 anti-Trump protesters gathered at Leif Erickson Park, just south of University Avenue and east of Rice Street, near the light rail station. As the counter-protesters gathered, St. Paul Police Commander David Mathison observed a small group standing or kneeling behind a nearby bush, putting on black clothing and covering their faces, then returning to the main group. Cmdr. Mathison took a photograph of this small group. St. Paul Police Senior Commander Steven Frazer, who was in command of the St. Paul Police detail assigned to the event, later described that this manner of dress was an indication of people who identify as anarchists and often commit criminal acts such as assaults, criminal damage to property, and riot at protest-related events. Sr. Cmdr. Frazer also noted that he had intelligence that anarchists were planning direct actions and violence against pro-Trump rallies on March 4th.

At approximately 12:15 p.m., the counter-protesters began to march toward the south side of the Capitol. Approximately ten minutes later, the counter-protesters arrived at the Capitol and entered the building. Officers observed that at least 5-7 of the counter-protesters were dressed all in black and had their faces covered with masks or black cloth. Some were also wearing goggles or other eye coverings. Capitol Security Officers monitoring video cameras also observed and recorded at least five individuals entering the Capitol who were dressed in black, with hoods over their heads, goggles covering their eyes, their faces covered with masks or black cloth, and carrying backpacks.

The counter-protesters began chanting, yelling, blowing whistles, using air horns, and confronting the Trump supporters. At approximately 12:30 p.m., Capitol Security Officers Roger Dirks and Doug Porath both saw smoke near the hallway north of the west steps. Security Officer Dirks described that a Trump supporter pointed out a person in all black with goggles on and stated that the person had thrown a smoke bomb. Security Officer Dirks attempted to detain the person by grabbing his or her arm, but he or she pulled away and was assisted by a shorter person who was also dressed in black and wore goggles. Security Officer Porath described approaching and seeing two of the people who were dressed all in black. The two people looked at each other then began to run.

Both security officers followed the two people dressed in black as they headed west toward the doors. As the security officers followed, another two people dressed in black with their faces covered ran by and joined the first two as they exited the building and began walking down the outside steps. A fifth person dressed in black with his or her face covered also walked past the two security officers as they came to the doors. That person joined the other four and they continued down the steps. All five headed in the direction of Leif Erickson Park. Two mounted police officers began to follow the five individuals and the security officers were notified by dispatch that the five were also being followed on camera.

Videos show much of the activity described by Security Officers Porath and Dirks. This includes a brief glimpse of the person who threw the smoke bomb into the crowd. The person was dressed completely in black, had a hood over his or her head, had goggles covering his or her eyes, and had a mask or other black material covering his or her face. The videos go on to show the shorter person described by Security Officer Dirks as helping the person who threw the smoke bomb, as well as at least one other person dressed all in black with his or her face covered. The witness is then seen pointing out several people dressed all in black and Security Officers Porath and Dirks following two of the people pointed out by the witness as they head outside. Video also shows the other three joining the first two as they leave the

building and walk down the steps.

These five suspects concealed their identity throughout the event, and were not seen on camera, by officers, or by witnesses without the black clothing and their faces covered. Because of the chaotic circumstances and because the five suspects were concealing their identity, officers were unable to identify which of the five suspects had thrown the smoke bomb.

Mounted officers watched and cameras captured the five suspects as they walked down the steps and toward the park. The five suspects entered a parking lot near the park and hid behind a row of bushes. They then tried to change their appearance by doing things like taking off their black clothing, putting on different jackets or hats, and turning their clothing inside out. This is seen on video as well as by the mounted officers and by Sr. Cmdr. Frazer and Sergeant James Labarre, who were nearby in an unmarked vehicle. Sr. Cmdr. Frazer and Sgt. Labarre continued to watch as the five suspects began to walk toward the light rail station on University Avenue near Rice Street. Sr. Cmdr. Frazer and Sgt. Labarre pulled in front of them, got out of their vehicle in full uniform, and yelled, "stop, you are under arrest." The five suspects immediately scattered and began to run away.

Sr. Cmdr. Frazer began to chase one of the males who was running away, later identified as Linwood Michael Kaine (dob 7-13-92), the defendant herein. The defendant looked over his shoulder and Sr. Cmdr. Frazer, who was approximately one step behind the defendant, shouted, "Saint Paul Police, you are under arrest, get on the ground." The defendant turned away from Sr. Cmdr. Frazer and continued to run. Sr. Cmdr. Frazer was able to push the defendant on the side and the defendant fell against the cement wall for the light rail platform. Sr. Cmdr. Frazer grabbed the defendant by his left arm and the defendant began to spin out of his clothing to get away. Sr. Cmdr. Frazer grabbed the defendant's shirt as the defendant continued to fight, bending over at the waist and pulling backward to escape. Sr. Cmdr. Frazer grabbed the defendant by the shoulders and pulled him to the ground. Cmdr. Mathison and other officers arrived to assist, and described that the defendant was swinging his arms and pushing at Sr. Cmdr. Frazer in an attempt to get away, that his motions were violent and rapid, and that he was clearly fighting the Sr. Cmdr. and assisting officers as they tried to arrest him. The defendant continued to fight the officers on the ground, bucking and flaring his arms and legs. After several warnings to stop resisting, the defendant said, "Okay, I am not resisting anymore" and was arrested. Sr. Cmdr. Frazer, Cmdr. Mathison, and the other officers assisting in the arrest are licensed peace officers in the State of Minnesota. Cmdr. Mathison stated that the defendant was one of the people he saw changing into black clothing before the rally.

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

Eric Zastrow
State Trooper
3489 Hadley Ave N
Oakdale, MN 55128
Badge: 85

Electronically Signed:
05/26/2017 08:10 AM
Washington County, MN

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

Prosecuting Attorney

Tamara Larsen
Assistant City Attorney
15 Kellogg Blvd W., Suite 500
St Paul, MN 55102
(651) 266-8740

Electronically Signed:
05/25/2017 03:39 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 **August 10, 2017 at 12:30 PM** before the above-named court at 15 W Kellogg Blvd, St Paul, MN 55102 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: May 26, 2017.

Judicial Officer

Laura Nelson

Electronically Signed: 05/26/2017 10:33 AM

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

**COUNTY OF RAMSEY
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Linwood Michael Kaine

Defendant

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

Signature of Authorized Service Agent: