

2132214-3

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

COURT FILE NO.: 62-CR-14-6176

PROSECUTOR FILE NO.: 2132214

State of Minnesota,

Plaintiff,

v.

Lyle Marvin Hoffman
(DOB: 03/17/1970)
Current Address Unknown

Defendant.

FELONY

CRIMINAL COMPLAINT

Summons Warrant

Order of Detention

Amended

Certified Juvenile

EJJ

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

On or about the 11th day of August, 2014, in Ramsey County, Minnesota, the defendant, **LYLE MARVIN HOFFMAN**, intentionally caused the death of Kelly Phillips.

Said acts constituting the offense of **Murder in the Second Degree - Intentional** in violation of MN Statute: §609.19.1(1)

Maximum Sentence: 40 years.

2132214-3

STATEMENT OF PROBABLE CAUSE

Your complainant is Detective Daniel Eggers, an investigator with the Ramsey County Sheriff's Office. He states that the following is true, correct, and establishes probable cause:

Lyle Marvin Hoffman and Kelly Phillips were in a domestic relationship for approximately 15 years. During the relationship, they lived in a condo at 201 6th Avenue Southeast. During that time, Phillips owned a business and other properties in Minneapolis. The domestic relationship ended about three years ago; Phillips subsequently started dating another man, to whom he became engaged on 08-11-2013. Hoffman continued to work at the bar that Phillips owned until Phillips discovered that cash deposits from the bar, which Hoffman was responsible for, were substantially lower than records indicated they should have been and that Hoffman had apparently removed business records from the bar. Hoffman was terminated from employment at the bar. After Hoffman refused to return business records for the bar, he was evicted from a residential property that Phillips owned at 613 Harrison Street on 03-10-2014. He abandoned his property in that residence, which was later packed and stored by a friend. When later examined, police found shooting ear protection and unused shooting targets among Hoffman's property.

At about 8:38am on 08-11-2014, a 2011 BMW belonging to Kelly Phillips, arrived at the Holiday gas station at 1920 Highway 96 in Arden Hills, Ramsey County. Witnesses described hearing arguing coming from the vehicle and then saw Kelly Phillips run from the vehicle. Another occupant of the BMW got out, shot Phillips twice from a distance, then approached and shot Phillips, who was on his knees at the time, in the back of the head, at nearly point blank range. The murderer then fled in Phillips BMW. Phillips died of multiple gunshot wounds. Expended .45 caliber shell casings were found in the parking lot, indicating that a .45 caliber semiautomatic handgun was the murder weapon. Fragments consistent with .45 caliber bullets were recovered from Phillips body.

The BMW was later located, abandoned and apparently hidden in a wooded area in Blaine. Phillips BMW had been hidden in an area close by where Hoffman had grown up. When searched, a .45 caliber live round was found in the BMW. Nearby, investigators found the key to Hoffman's Ford Edge, apparently discarded. Hoffman's Ford Edge was found, apparently abandoned, in downtown Minneapolis. In Hoffman's Ford Edge, police found a Glock Model 21 .45 caliber semiautomatic handgun case, which contained a factory test-fired spent casing. Based on testing by the BCA, the factory test-fired casing matched the spent casings found at the murder scene, meaning that the test-fired casing and the casings at the murder scene had been fired by the same handgun. Also in Hoffman's Ford Edge, police found two loaded .45 caliber Glock semiautomatic handgun magazines. The magazines had been painted olive drab. The ammunition in the magazines was made by the same manufacturer as the live round found in Phillips BMW and as the spent casings from the murder scene.

Investigators learned that the .45 caliber Glock had been originally purchased in 2011. The original owner had painted the gun, ammunition magazines, flashlight and flashlight mount olive drab. An olive drab painted Glock flashlight was also found in Hoffman's Ford Edge.

Investigators learned that Hoffman sometimes used a condominium owned by TL in downtown Minneapolis. With TL's permission, investigators recovered a suitcase from the condominium which TL identified as belonging to Hoffman. The keys that Hoffman had been given to access the condominium were left behind, apparently abandoned, in the condo. Through a search warrant, investigators examined the contents of the suitcase and found it contained folded, clean, men's clothing, Hoffman's passport, Hoffman's prescription medication, and a loaded .45 caliber Glock semiautomatic ammunition magazine, painted olive drab. The

2132214-3

ammunition in the magazine was made by the same manufacturer as the ammunition found in the Hoffman's Ford Edge, with the live round in Phillips' BMW, and with the spent casings at the murder scene.

Investigators found video of Hoffman leaving the condominium building at 4:58am the morning of the murder. Video from the Third Avenue bridge in Minneapolis, which would be the most direct route from the condo where Hoffman stayed to Phillips' condo, shows a male believed to be Hoffman, carrying a bottle of water, crossing the bridge at 5:22am the morning of the murder. Phillips BMW was gone from his condo garage by 8:00am that morning. A cleaning lady later found a discarded an abandoned water bottle in the bathroom off the garage. The 911 call from the gas station reporting the murder was at 8:41am on 08-11-2014.

Police located surveillance video in Blaine which, at 12:24pm on the day of the murder, recorded a white male walking generally away from the location where Phillips' BMW was hidden. This camera is about a half block from the location where the BMW was hidden and about 100 feet from where Hoffman's Ford key was discarded. The male in the video, believed to be Hoffman, is wearing a tan tee shirt and tan shoes.

Three weeks after the murder, on 08-31-2014, a citizen in Blaine saw a white male riding a bicycle in her neighborhood, about 2.5 miles from where Phillips BMW had been hidden. At 2:01pm that afternoon, surveillance video from the TCF Bank in that neighborhood recorded Hoffman entering the bank. Hoffman approached a teller carrying a backpack. The video shows Hoffman, wearing a tan tee shirt, shoes and blue jeans all consistent with the surveillance video recorded the day of the murder. In the bank, Hoffman was wearing a blue baseball hat with a Pepsi logo. The video shows Hoffman take what appears to be an olive drab Glock model 21 semiautomatic handgun, fitted with a flashlight mount, from his backpack. He demanded money from the teller at gunpoint. The money along with a dye pack was placed in Hoffman's backpack. He fled but the dye pack went off across the street while the back pack was on Hoffman's back. The bike he had been riding earlier was found across the street from where the dye pack went off. In a dumpster nearby, police found a discarded blue baseball hat with a Pepsi logo. Witnesses saw the same male who had been riding the bike earlier, but now was shirtless and carrying a backpack. The male had red on his back, consistent with the dye. In woods nearby, police found a grocery bag with beard dye, hygiene items, and the key fob, identified by serial number, for access to the Minneapolis condo that Hoffman was recorded leaving the morning of the murder.

At 9:50am on 09-01-2014, surveillance video showed Hoffman entering the Target at 66th street and Cedar Avenue in Richfield. He was carrying a backpack with holes in it and wearing a pink shirt. Hoffman bought a new backpack, a shaver, markers, a lightweight shirt, a heavier sweatshirt, and a cell phone and sim card. Video recorded Hoffman going into the bathroom and then emerging wearing some of the newly purchased clothes and carrying the new backpack. The discarded backpack, with red dye inside, and the pink tee shirt, with holes in the back consistent with the dye pack, were found in a nearby trashcan.

At 12:14pm on 09-01-2014, surveillance video showed Hoffman get on a bus from the 66th and Cedar area to the Mall of America. There, Hoffman missed the shuttle bus to Mystic Lake Casino, and instead took a cab to Mystic Lake and arrived at about 3:45pm.

At Mystic Lake Casino, Hoffman was stopped because security requires that backpacks be checked. Hoffman chose not to do this and video shows Hoffman go into the woods across the street from the casino. After a brief time in the woods, Hoffman reentered the casino and checked his backpack at 4:03pm. He spent an hour playing slot machines, apparently feeding dyed money in and then receiving clean money when he cashed out. He walked to Little Six casino and gambled some more, before going to the C-Store (a convenience store) near Mystic Lake Casino.

2132214-3

Video showed Hoffman going into and out of the woods across from the casino before hailing a cab at 10:50pm. The cab took Hoffman to a McDonalds at Canterbury Road and Highway 169. Red dyed money was found at a business near that location on 09-03-2014.

Using a search warrant, investigators searched the backpack that Hoffman checked at Mystic Lake Casino. Inside, they found all several items that Hoffman had purchased at the Richfield Target, including the cell phone and sim card.

Hoffman was arrested outside the Arby's restaurant in Shakopee at 10:20am on 09-11-2014. When first contacted by police, he identified himself as "Mark Royce" but, once in handcuffs, admitted he was Lyle Hoffman. He was searched and police found over \$3,000 in dye stained money, a beard trimmer and mirror, and the claim slip for the backpack he had checked at Mystic Lake Casino. He was wearing the shirt he had purchased at Target, and jeans consistent with the videos from the TCF Bank, and from Target and the MTC bus. When arrested, Hoffman had burns and red marks on his back consistent with the dye pack that went off in the backpack he was carrying.

2132214-3

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'S NAME:

COMPLAINANT'S SIGNATURE:

Daniel Eggers

Subscribed and sworn to before the undersigned this _____ day of _____, 20_____.

NAME/TITLE:

SIGNATURE:

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

Date: 09/26/2014

PROSECUTING ATTORNEY'S SIGNATURE:

Name: Richard J. Dusterhoft
Assistant Ramsey County Attorney
345 Wabasha Street North, Suite 120
St. Paul, MN 55102
651-266-3222/da
Attorney Registration #299777

2132214-3

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.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the ____ day of _____, 20__ at _____ before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

Execute in MN Only *Execute Nationwide* *Execute in Border States*

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.

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: \$2,000,000.00

Conditions of Release:

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

JUDICIAL OFFICER:

NAME:

TITLE:

SIGNATURE:

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

COUNTY OF RAMSEY
STATE OF MINNESOTA

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff,

vs.

LYLE MARVIN HOFFMAN

Defendant.

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT-AMENDED upon the Defendant herein named.

Signature of Authorized Service Agent:

FINDINGS OF FACT

Probable cause found that defendant committed the offenses charged.

Ordered defendant's motion to dismiss denied.

Plea of not guilty to all counts entered.

Trial and hearing on all issues set.

Dated: _____

JUDGE OF DISTRICT COURT

2132214-3

DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A

DEFENDANT NAME: LYLE MARVIN HOFFMAN

DOB: 03/17/1970

Defendant alias name(s):

Alias DOB(s):

Defendant last known address: Current Address Unknown

State ID:

Fingerprint ID:

FBI ID:

St. Paul PD ID:

Offender ID:

OTHER DEFENDANT / CASE IDENTIFIERS:

Fingerprinted? No Yes

Handgun permit? No Yes (Issuing Agency:)

Location of violation:

IF DRIVING OFFENSE:

Driver's License Number: Issuing State:

License Plate Number: Issuing State:

Accident Type: No injury/no damage Property Damage

check all that apply Personal Injury Fatality

Blood Alcohol Concentration (BAC):

2132214-3

**FELONY WARRANT AND ORDER OF DETENTION COMPLAINT
AMENDED**

CT NO	OFFENSE DATE	STATUTE TYPE	STATUTE NBR	STATUTE DESCRIPTION	OFFENSE LEVEL	MOC	G O C	AGENCY ORI CN NBR FUNCTION
1	08/11/2014	Charge	609.19.1(1)	Murder - 2nd Degree - With Intent-Not Premeditated	F	H2012	N	Ramsey Co. Sheriff Dept. - Patrol Division ORI - MN0620000 CN - 14031861 Charging