

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 20A06633
Court File No. 27-CR-20-12874

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

JUNIOR GRAY SMITH DOB: 07/17/1995

1990 ASHLAND DR NW
#205
Rochester, MN 55901

Defendant.

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: Riot-2nd Degree-Armed w/Dangerous Weapon

Minnesota Statute: 609.71.2, with reference to: 609.71.2, 609.05.1, 609.05.2

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 05/31/2020

Control #(ICR#): 20147127

Charge Description: That on or about 5/31/2020, in Minneapolis, Hennepin County, Minnesota, JUNIOR GRAY SMITH assembled with two or more other persons, disturbed the public peace by intentionally acting or threatening to act with unlawful force or violence to person or property, and JUNIOR GRAY SMITH was armed with a dangerous weapon.

STATEMENT OF PROBABLE CAUSE

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

On May 31, 2020, at approximately 12:50 a.m., Minneapolis Police Department officers were responding to incidents of looting and possession of a firearm in the area of Pillsbury Avenue South and East Lake Street in Minneapolis, Hennepin County, Minnesota. The area was recently subject to many instances of arson, structure fires, burglary, looting, assaults, vehicles driving with no license plates and at high speed, and other riotous activities. Two days earlier, Minnesota Governor Timothy Walz issued a nighttime curfew order that was still in effect and prohibited all travel on public streets or in any public place in Minneapolis between 8:00 p.m. and 6:00 a.m., except for law enforcement, fire, medical, or authorized government personnel, members of the news media, or individuals traveling directly to and from work, seeking emergency care, fleeing dangerous circumstances, or experiencing homelessness. As multiple officers were conducting their duties in the street, a dark Mercedes sedan with no visible license plate drove down Lake Street at a high rate of speed. Officers took evasive actions as the vehicle turned onto Pillsbury and into a small parking area. The vehicle turned around and back onto Pillsbury. Officers ordered the vehicle to stop with guns drawn. The vehicle halted.

Police ordered the occupants out of the vehicle. Codefendant, AUGUSTINE ZION LIVINGSTONE was driving. Defendant, JUNIOR GRAY SMITH was in the front passenger seat. And, Codefendant, PETER SHIN was in the back seat with one other occupant, N.H. Defendant carried a loaded pistol in his waistband and had a backpack containing a hammer and spray paint. Codefendant SHIN had a backpack containing a firearm and an electric grinding tool.

None of the four men in the vehicle lived in the vicinity or provided a valid reason to be in the area after the curfew began. Codefendant LIVINGSTONE said he lived in Ramsey, Minnesota. Defendant said he lived in Rochester, Minnesota. Codefendant SHIN said he lived in St. Paul. And, N.H. said he lived in Portland, Oregon, and came to see the protests.

Defendant is currently in custody.

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

Charles D Green IV
Sergeant-Criminal Investigation
Division
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 2429

Electronically Signed:
06/02/2020 12:01 PM
Hennepin County, greencd0

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

Prosecuting Attorney

Krista White
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
06/02/2020 10:47 AM

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 the address listed on the attached court summons 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: \$20,000.00

Conditions of Release: No Contact with Co-Defendant(s); No Possession of Weapons; Make All Appearances; Remain Law Abiding

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: June 2, 2020.

Judicial Officer

Luis Bartolomei
District Court Judge

Electronically Signed: 06/02/2020 12:05 PM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

JUNIOR GRAY SMITH

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:

DEFENDANT FACT SHEET

Name: JUNIOR GRAY SMITH
DOB: 07/17/1995
Address: 1990 ASHLAND DR NW
#205
Rochester, MN 55901

Alias Names/DOB:

SID: MN20CE1841

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race: Black

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #:

SILS Person ID #: 880257

SILS Tracking No. 3174079

Case Scheduling Information: Codefendant, AUGUSTINE ZION LIVINGSTONE 20A06632
Codefendant, PETER SHIN 20A06631

Alcohol Concentration:

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	5/31/2020	609.71.2 Riot-2nd Degree-Armed w/Dangerous Weapon	Felony	N1010	X	MN0271100	20147127
	Modifier	5/31/2020	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	N1010	X	MN0271100	20147127
	Modifier	5/31/2020	609.05.1 Liability for Crimes of Another-Intentional	No-Level	N1010	X	MN0271100	20147127
	Penalty	5/31/2020	609.71.2 Riot-2nd Degree-Armed w/Dangerous Weapon	Felony	N1010	X	MN0271100	20147127