

State of Minnesota
County of Freeborn

District Court
3rd Judicial District

Prosecutor File No. 20CR01889
Court File No. 24-CR-20-1674

State of Minnesota,

Plaintiff,

vs.

DEVIN MATTHEW WEILAND DOB: 10/02/1999

800 4th Avenue S. Apt. 303
Albert Lea, MN 56007

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: Attempted Murder in the First Degree

Minnesota Statute: 609.185(a)(4), with reference to: 609.185, 609.17.1

Maximum Sentence: 20 years imprisonment

Offense Level: Felony

Offense Date (on or about): 11/29/2020

Control #(ICR#): 20040329

Charge Description: The defendant in Freeborn County, with intent to commit a crime, did an act which was a substantial step toward, and more than preparation for, the commission of the crime of murder in the first degree in that he did attempt to cause the death of a peace officer, prosecuting attorney, judge or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the person was engaged in the performance of official duties.

COUNT II

Charge: Attempted Murder in the First Degree

Minnesota Statute: 609.185(a)(1), with reference to: 609.185, 609.17.1

Maximum Sentence: 20 years imprisonment

Offense Level: Felony

Offense Date (on or about): 11/29/2020

Control #(ICR#): 20040329

Charge Description: The defendant in Freeborn County, with intent to commit a crime, did an act which was a substantial step toward, and more than preparation for, the commission of the crime of murder in the first degree in that he did attempt to cause the death of a human being with premeditation and with intent to effect the death of the person or of another (the person referred to as victim 1).

COUNT III**Charge: Attempted Murder in the First Degree**

Minnesota Statute: 609.185(a)(1), with reference to: 609.185, 609.17.1

Maximum Sentence: 20 years imprisonment

Offense Level: Felony

Offense Date (on or about): 11/29/2020

Control #(ICR#): 20040329

Charge Description: The defendant in Freeborn County, with intent to commit a crime, did an act which was a substantial step toward, and more than preparation for, the commission of the crime of murder in the first degree in that he did attempt to cause the death of a human being with premeditation and with intent to effect the death of the person or of another (the person referred to as victim 2).

COUNT IV**Charge: 2nd Degree Assault with a Dangerous Weapon**

Minnesota Statute: 609.222.1, with reference to: 609.222.1

Maximum Sentence: 7 years imprisonment and a \$14,000 fine

Offense Level: Felony

Offense Date (on or about): 11/29/2020

Control #(ICR#): 20040329

Charge Description: The defendant did within Freeborn County assault another with a dangerous weapon, namely the police officer.

COUNT V**Charge: 2nd Degree Assault with a Dangerous Weapon**

Minnesota Statute: 609.222.1, with reference to: 609.222.1

Maximum Sentence: 7 years imprisonment and a \$14,000 fine

Offense Level: Felony

Offense Date (on or about): 11/29/2020

Control #(ICR#): 20040329

Charge Description: The defendant did within Freeborn County assault another with a dangerous weapon, namely victim 1.

COUNT VI**Charge: 2nd Degree Assault with a Dangerous Weapon**

Minnesota Statute: 609.222.1, with reference to: 609.222.1

Maximum Sentence: 7 years imprisonment and a \$14,000 fine

Offense Level: Felony

Offense Date (on or about): 11/29/2020

Control #(ICR#): 20040329

Charge Description: The defendant did within Freeborn County assault another with a dangerous weapon, namely victim 2.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is a Peace Officer employed by the Agency responsible for investigation of the above-named case. In that capacity your complainant has reviewed investigative reports relating to the above-named defendant and the allegations contained herein. Based upon that information, your complainant believes the following to be true and correct:

On 11/29/20 at approximately 0218 hours, Albert Lea Police officers responded to a call for assistance regarding a complaint of fireworks or gun shots fired in the area of the 800 block of 4th Avenue South, in Albert Lea, Freeborn County, Minnesota. The first responding squad was fired upon and the officer was hit. Later examination of his injury revealed a wound in the area of his chest which appeared about 2"x 2" and was consistent with a wound caused by a high velocity impact. He was wearing a protective vest. He was able to retreat and other officers surrounded Shady Oaks nearby.

Officers were ultimately able to determine that shots were being fired from Apartment 303 in the Shady Oaks apartment building. Over approximately the next 8 hours shots were periodically fired from the apartment while officers attempted to make contact with the individual.

A person (referred to here as Victim 1 to protect his privacy) heard noises and left the Shady Oaks building because he was concerned about his vehicle. As he returned to the apartment building, he was shot in the arm. A police officer rescued the man from the scene and took him to the hospital. He suffered an entrance wound in the rear of the right bicep, a larger hole on the front side which appeared to be an exit wound. His humerus appeared to have been fractured and displaced. There was also a large tearing injury to the right side of his chest.

A person (referred to here as Victim 2 to protect his privacy) who lives across the street from Shady Oaks left for work at approximately 5:15 hours. He drove north on 4th and was struck by a bullet through his car door. He suffered a penetrating injury to his leg which required emergency surgery.

Officers attempted to evacuate the building as the subject, later identified as the defendant named in this complaint continued firing at officers and residents. Most of the residents were removed to safety.

Three separate SWAT Teams were on scene and were engaged in a standoff with the defendant while he periodically fired at them out the window of apartment 303. Tear gas was deployed. The defendant fired rounds through his apartment door into the hallway. Ultimately the defendant suffered an injury to his forehead which bled heavily and he then came out of his apartment and surrendered to law enforcement officers who had positioned themselves in the apartment building to prevent his escape. He was arrested and transported to the hospital. The scene was secured pending processing by the Bureau of Criminal Apprehension.

After his release from the hospital the defendant was transported to the Freeborn County Adult Detention Center where he was interviewed by Special Agents Derek Woodford and Mike Anderson. He acknowledged that he had contacted law enforcement and made a report regarding gunshots or fireworks in the area. He acknowledged that he had fired at the squad car. He admitted that he had fired at another vehicle thinking that it was a squad car. He said that he thought that the police were going to take his guns. He admitted that he had fired about 75 rounds. He admitted shooting through his door because he thought that the police were assembled outside his apartment. He said that that's why he barricaded his door. He

said that he was sorry and that he wanted the agents to convey that to the multiple shooting victims involved in this incident. He admitted that he had fired several shots at the armored vehicle that was used by law enforcement in this incident. He said that he was angry that they had used tear gas. The defendant admitted to getting his guns ready because he was concerned about a confrontation that night.

The crime scene was processed by the Bureau of Criminal Apprehension, and investigators estimate 90 rounds were fired. Firearms were seized from apartment 303 including three rifles and a shotgun.

NOTICE: FAILURE TO APPEAR FOR COURT WHEN REQUIRED TO DO SO IS A CRIMINAL OFFENSE UNDER MINNESOTA STATUTE 609.49. If you are charged with or have been convicted of a felony offense, an intentional failure to appear for a court appearance is a felony offense which is punishable by one-half of the statutory maximum term of imprisonment and fine for the underlying crime for which you fail to appear and is to be no less than one year and a day in prison and a \$1,500 fine. If you are charged with a gross misdemeanor offense or a misdemeanor offense, an intentional failure to appear for trial is a misdemeanor offense and may be punished by imprisonment for up to ninety days and a fine of up to \$1,000.

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

Darren Hanson
Lieutenant
411 S Broadway
Albert Lea, MN 56007
Badge: 103

Electronically Signed:
12/01/2020 07:55 AM
Freeborn County, Minnesota

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

Prosecuting Attorney

David J. Walker
Freeborn County Attorney
411 S Broadway
Albert Lea, MN 56007
(507) 377-5192

Electronically Signed:
11/30/2020 06:31 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 411 S Broadway, Albert Lea, MN 56007 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: December 1, 2020.

Judicial Officer

Steven R Schwab
Judge of District Court

Electronically Signed: 12/01/2020 08:26 AM

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

**COUNTY OF FREEBORN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Devin Matthew Weiland

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: Devin Matthew Weiland
DOB: 10/02/1999
Address: 800 4th Avenue S. Apt. 303
Albert Lea, MN 56007

Alias Names/DOB:

SID: MN18A24264

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #: D244009775510 (MN)

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	11/29/2020	609.185(a)(4) Murder - 1st Degree - Peace Officer, Prosecuting Attorney, Judge or Prison Guard	Felony	H1017	A	MN0240100	20040329
	Modifier	11/29/2020	609.17.1 Anticipatory Crimes-Attempts	No-Level	H1017	A	MN0240100	20040329
	Penalty	11/29/2020	609.185 Murder - 1st Degree	Felony	H1017	A	MN0240100	20040329
2	Charge	11/29/2020	609.185(a)(1) Murder -1st Degree - Premeditated	Felony	H1H13	A	MN0240100	20040329
	Modifier	11/29/2020	609.17.1 Anticipatory Crimes-Attempts	No-Level	H1H13	A	MN0240100	20040329
	Penalty	11/29/2020	609.185 Murder - 1st Degree	Felony	H1H13	A	MN0240100	20040329
3	Charge	11/29/2020	609.185(a)(1) Murder -1st Degree - Premeditated	Felony	H1H13	A	MN0240100	20040329
	Modifier	11/29/2020	609.17.1 Anticipatory Crimes-Attempts	No-Level	H1H13	A	MN0240100	20040329
	Penalty	11/29/2020	609.185 Murder - 1st Degree	Felony	H1H13	A	MN0240100	20040329
4	Charge	11/29/2020	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2227	N	MN0240100	20040329
	Penalty	11/29/2020	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2227	N	MN0240100	20040329
5	Charge	11/29/2020	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2223	N	MN0240100	20040329
	Penalty	11/29/2020	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2223	N	MN0240100	20040329
6	Charge	11/29/2020	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2223	N	MN0240100	20040329
	Penalty	11/29/2020	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2223	N	MN0240100	20040329