

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No.
Court File No.

21A04070
27-CR-21-7861

State of Minnesota,

Plaintiff,

vs.

ANDREW THOMAS DOB: 11/07/1992

HOMELESS

Defendant.

COMPLAINT

Warrant

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: Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee

Minnesota Statute: 609.221.2(a), with reference to: 609.05.1, 609.05.2, 609.101.2, 609.221.2(a), 609.221.2(b)

Maximum Sentence: 20 YEARS AND/OR \$30,000, WITH NO SUPERVISED RELEASE

Offense Level: Felony

Offense Date (on or about): 04/18/2021

Control #(ICR#): 21080930

Charge Description: That on or about 4/18/2021, in Hennepin County, Minnesota, ANDREW THOMAS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another or otherwise procures the other to commit the crime while using a dangerous weapon assaulted victim, a peace officer, by using or attempting to use deadly force against the officer, while victim was engaged in the performance of his or her duties imposed by law, policy or rule.

Minimum Sentence: 10 YEARS

COUNT II

Charge: Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee

Minnesota Statute: 609.221.2(a), with reference to: 609.05.1, 609.05.2, 609.101.2, 609.221.2(a), 609.221.2(b)

Maximum Sentence: 20 YEARS AND/OR \$30,000, WITH NO SUPERVISED RELEASE

Offense Level: Felony

Offense Date (on or about): 04/18/2021

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Charge Description: That on or about 4/18/2021, in Hennepin County, Minnesota, ANDREW THOMAS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another or otherwise procures the other to commit the crime, while using a dangerous weapon assaulted victim, a peace officer, by using or attempting to use deadly force against the officer, while victim was engaged in the performance of his or her duties imposed by law, policy or rule.

Minimum Sentence: 10 YEARS

COUNT III

Charge: Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee

Minnesota Statute: 609.221.2(a), with reference to: 609.05.1, 609.05.2, 609.101.2, 609.221.2(a), 609.221.2(b)

Maximum Sentence: 20 YEARS AND/OR \$30,000, WITH NO SUPERVISED RELEASE

Offense Level: Felony

Offense Date (on or about): 04/18/2021

Control #(ICR#): 21080930

Charge Description: That on or about 4/18/2021, in Hennepin County, Minnesota, ANDREW THOMAS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another or otherwise procures the other to commit the crime, while using a dangerous weapon assaulted victim, a peace officer, by using or attempting to use deadly force against the officer, while victim was engaged in the performance of his or her duties imposed by law, policy or rule.

Minimum Sentence: 10 YEARS

COUNT IV

Charge: Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1, with reference to: 609.222.1, 609.11.5(a), 609.05.1, 609.05.2, 609.101.2

Maximum Sentence: 7 YEARS AND/OR \$4,200-\$14,000

Offense Level: Felony

Offense Date (on or about): 04/18/2021

Control #(ICR#): 21080930

Charge Description: That on or about 4/18/2021, in Hennepin County, Minnesota, ANDREW THOMAS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another or otherwise procures the other to commit the crime assaulted victim, while using a firearm.

Minimum Sentence: 3 YEARS

COUNT V

Charge: Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1, with reference to: 609.222.1, 609.11.5(a), 609.05.1, 609.05.2, 609.101.2

Maximum Sentence: 7 YEARS AND/OR \$4,200-\$14,000

Offense Level: Felony

Offense Date (on or about): 04/18/2021

Control #(ICR#): 21080930

Charge Description: That on or about 4/18/2021, in Hennepin County, Minnesota, ANDREW THOMAS acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another or otherwise procures the other to commit the crime assaulted victim, while using a firearm.

Minimum Sentence: 3 YEARS

COUNT VI

Charge: Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence

Minnesota Statute: 624.713.1(2), with reference to: 609.11.5(b), 624.713.2(b)

Maximum Sentence: 15 YEARS AND/OR \$30,000

Offense Level: Felony

Offense Date (on or about): 04/18/2021

Control #(ICR#): 21080930

Charge Description: That on or about 4/18/2021, in Hennepin County, Minnesota, ANDREW THOMAS possessed ammunition or a firearm and ANDREW THOMAS has been convicted or adjudicated delinquent in this state or elsewhere of a crime of violence, Assault in the Third Degree on 12/4/2017, for which the sentence or court supervision expired on or after August 1, 1993.

Minimum Sentence: 5 YEARS

STATEMENT OF PROBABLE CAUSE

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

Early in the morning on April 18, 2021, a team of Minnesota National Guard soldiers along with officers from the Minneapolis Police Department were stationed at the corner of Penn Avenue North and West Broadway Avenue in Minneapolis, Hennepin County, Minnesota, as part of a multi-agency operation designed to protect the community during the trial of Derek Chauvin in Minneapolis. There were two marked Minneapolis Police Department squad cars and three National Guard vehicles parked in an open field between West Broadway and McNair Avenue in the south west corner of the intersection.

The vehicles and squad cars were occupied and stationed as follows: One MPD squad car was facing southwest and had two licensed peace officers inside, Sergeant H.Y., and Officer A.D.; one MPD squad car was facing north east and had one licensed peace officer inside, Officer A.R.; one National Guard vehicle was facing north and had four occupants; two other guard vehicles were facing south and had a total of four occupants. The National Guard officers were C.B.T., P.A.K., J.D.J., Z.D.M., I.W.G., E.C.B., P.M.H., and T.J.W.S.

At approximately 04:19, a light-colored SUV drove past the intersection. Multiple shots were fired out of the vehicle at the stationary guard and squad vehicles. Officers took cover and were not able to clearly see the shooter, however one did see a black male leaning out one of the driver's side windows of the vehicle. The suspect vehicle then fled away at a high rate of speed. Officers attempted pursuit but were unsuccessful.

Back at the scene of the shooting, officers observed multiple bullet holes and recovered discharged cartridge casings ("DCC" herein). A metal post directly next to a squad car had a bullet mark on it, as did a planter near where a squad car was parked. The north-facing Humvee with four occupants had a bullet hole in the passenger side and a second in the front windshield. The latter round traveled directly between the driver and passenger and lodged in the rear of the Humvee between the rear passengers.

The driver and front seat passenger of the north facing Humvee suffered injuries, including glass fragments to the eye and cuts on the face from the glass.

In a subsequent statement, one of the National Guard members believed he saw two occupants of the vehicle and the shooter was in the driver's seat.

Law enforcement obtained the Milestone camera footage from the shooting. The suspect vehicle was initially seen coming southbound on Oliver toward 26th Avenue at 04:15. The vehicle then turns westbound on 26th, then southbound on Penn toward West Broadway. At Broadway, the vehicle turns eastbound from Penn. At this point, the vehicle would have passed by the stationary squad cars and National Guard vehicles. The suspect vehicle drives on Broadway to approximately Aldrich or Lyndale and then turns around heading on Broadway back toward Penn. The vehicle is seen at approximately 04:19 shooting at officers and National Guardsmen.

Law enforcement were able to observe several unique characteristics of the vehicle, including a rear window that was visibly dirty aside from the area covered by the rear wiper blade, a license plate that was only illuminated by the light on the driver's side, extremely tinted windows, a black bike rack on top, and a white sticker in the front window. At approximately 21:52 the same day, officers on routine patrol observed a vehicle matching the suspect vehicle in the area of 6th Street South and Cedar Avenue South in Minneapolis. Officers started to follow the vehicle. The driver of the vehicle appeared to notice officers and

began to make evasive driving movements. Officers stopped the vehicle when it turned into a parking lot at 2100 Bloomington Avenue South in Minneapolis.

The vehicle had two occupants. The driver and registered owner was identified as ANDREW THOMAS, DOB 11/07/1992, DEFENDANT herein. The front seat passenger was a juvenile female. The female reported to police that there was a gun in the vehicle. She said DEFENDANT took a gun out of the center console and reached behind the front seats to place the gun somewhere behind them. The female told officers she had just met DEFENDANT, who she only knows as "Black", at a motel in St. Paul the week before. She said they were going to get food. She did not know he had a gun until he took it out of the center console.

During a search of the vehicle, officers recovered a 9mm semi-automatic handgun (serial number ending 416) in a brown purse in the front passenger seat, a handgun case, one partial box of 357 ammunition, two handgun magazines, one cell phone, a bindle of suspected drugs, one DCC from the driver's side floor board, and a second DCC behind the driver's seat. Officers also found a .22 caliber revolver with an obliterated serial number under a pile of men's clothing in the back of the vehicle. The vehicle contained insurance cards and other documents in DEFENDANT'S name.

Minneapolis police personnel test-fired the 9mm semi-automatic handgun and entered images of the DCC into the National Integrated Ballistic Information Network. Images of the DCCs from the shooting on April 18 and from the DCC recovered from DEFENDANT'S vehicle were entered, as well. A preliminary analysis of tool mark identification indicates that all these DCCs have similar tool markings, indicating they were all fired by the 9mm semi-automatic handgun.

Cell phone tower data placed a phone with a number associated with DEFENDANT in the area of the shooting.

DNA analysis of a swabbing from the 9mm semi-automatic handgun revealed a mixture of four or more individuals. DEFENDANT could not be excluded from being a possible contributor to the mixture.

DEFENDANT has a prior conviction for a crime of violence (27-CR-17-25694 – Assault in the Third Degree – Disposition Date 12/4/17). Therefore, he is prohibited from possessing firearms and ammunition.

DEFENDANT is currently in federal custody for related charges. Therefore, a warrant is requested in this matter.

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

Jeffrey B. Waite
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 7449

Electronically Signed:
04/21/2021 10:33 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Kacy Wothe
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
04/21/2021 10:05 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 as directed in the Notice of Hearing before the above-named court 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: \$250,000.00

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: April 21, 2021.

Judicial Officer

Luis Bartolomei
District Court Judge

Electronically Signed: 04/21/2021 11:05 AM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

ANDREW THOMAS

Defendant

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

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: ANDREW THOMAS
DOB: 11/07/1992
Address: HOMELESS

Alias Names/DOB:
SID:
Height:
Weight:
Eye Color:
Hair Color:
Gender: MALE
Race: Black
Fingerprints Required per Statute: Yes
Fingerprint match to Criminal History Record: No
Driver's License #:
SILS Person ID #: 804293
SILS Tracking No. 3223952
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	4/18/2021	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1327	X	MN0271100	21080930
	Penalty	4/18/2021	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1327	X	MN0271100	21080930
	Penalty	4/18/2021	609.221.2(b) Assault-1st Degree-Use of deadly force - mandatory minimum - penalty	Felony	A1327	X	MN0271100	21080930
	Definition	4/18/2021	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A1327	X	MN0271100	21080930
	Modifier	4/18/2021	609.05.1 Liability for Crimes of Another-Intentional	No-Level	A1327	X	MN0271100	21080930
	Modifier	4/18/2021	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	A1327	X	MN0271100	21080930
2	Charge	4/18/2021	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1327	X	MN0271100	21080930
	Penalty	4/18/2021	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1327	X	MN0271100	21080930
	Penalty	4/18/2021	609.221.2(b) Assault-1st Degree-Use of deadly force - mandatory minimum - penalty	Felony	A1327	X	MN0271100	21080930
	Definition	4/18/2021	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A1327	X	MN0271100	21080930
	Modifier	4/18/2021	609.05.1 Liability for Crimes of Another-Intentional	No-Level	A1327	X	MN0271100	21080930
	Modifier	4/18/2021	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	A1327	X	MN0271100	21080930
3	Charge	4/18/2021	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1327	X	MN0271100	21080930
	Penalty	4/18/2021	609.221.2(a) Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1327	X	MN0271100	21080930
	Penalty	4/18/2021	609.221.2(b) Assault-1st Degree-Use of deadly force - mandatory minimum - penalty	Felony	A1327	X	MN0271100	21080930
	Definition	4/18/2021	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A1327	X	MN0271100	21080930
	Modifier	4/18/2021	609.05.1 Liability for Crimes of Another-Intentional	No-Level	A1327	X	MN0271100	21080930
	Modifier	4/18/2021	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	A1327	X	MN0271100	21080930
4	Charge	4/18/2021	609.222.1	Felony	A2327	X	MN0271100	21080930

	Modifier	4/18/2021	Assault-2nd Degree-Dangerous Weapon 609.05.2 Liability for Crimes of Another-Reasonably Foreseeable	No-Level	A2327	X	MN0271100	21080930
	Definition	4/18/2021	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A2327	X	MN0271100	21080930
	Modifier	4/18/2021	609.05.1 Liability for Crimes of Another-Intentional	No-Level	A2327	X	MN0271100	21080930
	Penalty	4/18/2021	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2327	X	MN0271100	21080930
	Penalty	4/18/2021	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	A2327	X	MN0271100	21080930
5	Charge	4/18/2021	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2327	X	MN0271100	21080930
	Modifier	4/18/2021	609.05.2 Liability for Crimes of Another-Reasonably Foreseeable	No-Level	A2327	X	MN0271100	21080930
	Definition	4/18/2021	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A2327	X	MN0271100	21080930
	Modifier	4/18/2021	609.05.1 Liability for Crimes of Another-Intentional	No-Level	A2327	X	MN0271100	21080930
	Penalty	4/18/2021	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2327	X	MN0271100	21080930
	Penalty	4/18/2021	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	A2327	X	MN0271100	21080930
6	Charge	4/18/2021	624.713.1(2) Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence	Felony	W1643		MN0271100	21080930
	Penalty	4/18/2021	624.713.2(b) Possesses any type of firearm/ammo - Crime of Violence - ineligible under 624.713.1(2)	Felony	W1643		MN0271100	21080930
	Penalty	4/18/2021	609.11.5(b) Minimum Sentences of Imprisonment-Firearm-Felon Convicted Crime of Violence	Felony	W1643		MN0271100	21080930