

State of Minnesota

County of Stearns

District Court

Complaint

Filed in District Court
State of Minnesota

JUN 17 2020

- DOMESTIC ASSAULT
- AMENDED COMPLAINT
- TAB CHARGE PREVIOUSLY FILED

DATE FILED	PROSECUTOR FILE NO.	COURT FILE NO.
6-17-2020	CR-2020-1613	73-CR-20-4171

STATE OF MINNESOTA,

PLAINTIFF,

ORDER OF DETENTION
FELONY

VS.

NAME: First, Middle, Last
Sumaree Deashan Boose a/k/a Sumaree Dashan Boose
 1011 10 1/2 Avenue South
 St. Cloud, MN 56301

DEFENDANT

Date of Birth
 09/23/2001

OLE/cko dc

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

Count 1

Charge: Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee
In Violation of: 609.221 Subd. 2(a); 609.221 Subd. 2(b)
Penalty: Not less than ten (10) nor more than twenty (20) years imprisonment, and/or a \$30,000 fine.

That the defendant, Sumaree Deashan Boose, DOB: 09/23/2001, then and there being, did wrongfully, unlawfully, and feloniously assault a peace officer by using or attempting to use deadly force against the officer while the officer is engaged in the performance of a duty imposed by law, policy, or rule, to-wit: used or attempted to use force with the purpose of causing, or which he should reasonably know creates a substantial risk of causing, death or great bodily harm, while Officer A was in the performance of his official duties, including, but not limited to, investigating criminal acts, disarming, and arresting the defendant.

On the early morning hours of June 15, 2020, the Minnesota Bureau of Criminal Apprehension (BCA) was contacted by the St. Cloud Police Department (SCPD) to respond to the scene of a critical incident involving a taser deployment, a single gunshot, and a physical struggle. The incident resulted in injuries to an adult male's chin (either from a gunshot wound or the struggle) and a gunshot wound through the right hand of an on-duty St. Cloud Police Officer. The SCPD turned over command of the investigation and the scene to the BCA. The BCA investigation remains active and ongoing.

The information currently available in the investigation and outlined below establishes probable cause, and a reasonable likelihood of proof beyond a reasonable doubt, that the individual charged herein committed the offense charged. The information currently available does not establish that any peace officers committed a criminal act or used unlawful force. Following conclusion of the BCA investigation, the BCA will present the Stearns County Attorney's Office (SCAO) with the full investigation into any and all criminal acts and the use of force by the parties

involved in this incident. At this time, the Complaint must allege only those facts that will not jeopardize the ongoing investigation.

BCA Investigation of Critical Incident

The ongoing BCA investigation to date has revealed the following:

St. Cloud Police Officers A and B are peace officers, as defined by Minnesota state statute, who are fully identified in police reports. Officers A and B were on duty during the late evening hours of Sunday, June 14, 2020, and into the early morning hours of Monday, June 15, 2020. Officers A and B wore readily identifiable St. Cloud Police Department uniforms throughout this time period.

Facebook Live Video of Defendant With Apparent Firearm

Late in the evening on June 14th, officers observed an open source Facebook Live video feed depicting Sumaree Deashan Boose, DOB: 09/23/2001, the defendant herein. BCA Agents have reviewed the Facebook Live video feed observed by St. Cloud Police Officers and independently determined that it is the defendant in the video. The Facebook Live video lasted 29 seconds.

The defendant is wearing tennis shoes, blue jeans, a white t-shirt, a black jacket with white trim around the wrists, and a white baseball cap with a red brim. This is the same attire the defendant was later observed in by St. Cloud Police Officers and on Taser video at the time of the critical incident.

The Facebook Live video begins with the defendant holding his right hand near his right jeans pocket while standing outside. The defendant is observed dancing for the camera while music plays before backing up and looking around the area. Another male in a black jacket with a white stripe is depicted behind the defendant. The defendant moves closer to the video camera and makes several gestures, repeatedly emphasizing the object in his pocket. The defendant then turns to his side profile with his right side depicted in front of the camera. The defendant continues to dance, holding his right hand on his right front jeans pocket. The defendant takes his right hand and, for several seconds, maneuvers his right front jeans pants pocket to shake and tighten his jeans pocket to emphasize the object inside for the camera. Viewers can clearly see that the item is in the size and shape of a handgun, with an apparent grip pointed up toward the defendant's inner thigh while an apparent barrel is pointed and bulging toward the exterior right side of the pants pocket. The defendant does not have a conceal and carry permit. It is a crime for a person to carry, hold, or possess a pistol on or about the person's clothes or the person, or otherwise in possession or control in a public place, without first having obtained a permit to carry the pistol. See Minn. Stat. § 624.714, subd. 1a.

Initial Contact and Defendant's Flight

St. Cloud Police Officers observed that, shortly after the Facebook Live video, the defendant had moved to the area of Go For It Gas, a gas station located at 1000 9th Avenue South, in the City of St. Cloud, County of Stearns, State of Minnesota.

At approximately 12:09 a.m. on Monday, June 15th, Officers A and B were in the area of Go For It Gas in separate marked squad cars. The defendant and others were leaving the Go For It Gas parking lot heading west across 9th Avenue South. The defendant observed Officer A stop his squad car, get out, and give the defendant verbal commands. The defendant fled on foot through a residential neighborhood. Other males fled, and other officers in the area pursued.

It is a crime to attempt to evade or elude a peace officer acting in the lawful discharge of an official duty by means of running or hiding 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. Minn. Stat. § 609.487, subd. 6.

Location of Critical Incident

Officer A ran after the defendant and caught up near him in a yard located at 1018 10th Avenue South, in the City of St. Cloud, County of Stearns, State of Minnesota. This residence is located approximately one city block directly southwest from Go For It Gas. The residence appeared to be uninhabited, and there were no lights on. The area is

not well lit and it was dark out. Upon catching up to the defendant, Officer A attempted to take him into custody. The defendant did not comply.

Less Lethal and Deadly Force Options

Investigation revealed that Officer A, along with Officer B and fellow officers who responded on scene, carried the means of both less lethal and deadly force during their interactions with the defendant. Investigation revealed that the defendant carried his own means of deadly force, a Ruger LC9 handgun, , capable of firing 9 millimeter ammunition.

Officer A possessed a holstered and loaded 9 millimeter Glock handgun. Officer A also carried a less lethal force device, his department-issued Taser X2 (a "conducted electrical weapon"). Officer A's Taser X2 had a safety, flashlight, two red dot laser sights, and an audio and video recording system that activates when armed. The Taser X2 has a data storage system that documents when the safety position is switched from "safe" to "armed" (and vice versa); if, when, and for how long a user activates a warning "arc" (a maneuver that issues an audible warning directly above the two live cartridges without using electricity), and if/when the user pulls the "trigger." When the trigger is pulled, the Taser X2 is designed to deploy one cartridge per trigger pull. Each cartridge contains two probes. The probes are thin electrical wires that operate to conduct electrical currents from the device to another individual for up to five (5) seconds. If the probes do not connect to the target, the current will not have an effect.

Summary of Taser Video

The Taser Offline Report from this incident shows that Officer A quickly armed and deployed the Taser Cartridges. Cartridge 1 registered as being deployed within two seconds of the Taser being armed. Cartridge 2 was deployed 3 seconds later.

A review of the audio and video from the Taser revealed the following summary of facts:

The defendant is wearing the same jacket, jeans, hat, shoes, and shirt as observed in the Facebook Live video. The scene is dark, initially illuminated only by the flashlight and site from the Taser. Officer A and the defendant are alone. The Taser Video begins with Officer A appearing in close proximity to the defendant and deploying the first taser cartridge at the defendant. Officer A gives commands that are not followed by the defendant. The defendant's hands appear concealed until he moves over. BCA Agents reviewing the arm-level vantage point of the Taser video observed an apparent handgun in the defendant's hand near the time the second Taser cartridge is deployed by Officer A at the defendant.

Upon the second taser deployment, Officer A's right hand is immediately observed pulling out his firearm and Officer A moves onto the defendant's body. Officer A yells for backup and gives the defendant warnings and commands. Several additional seconds of an apparent struggle ensue. Officer A gives the defendant audible commands related to the defendant's object. Officer A makes additional references related to the presence of a firearm, and a single loud noise is then observed. Consistent with their training and experience, BCA agents recognized the sound as being consistent with a gunshot. Within 31 seconds of the taser video being activated, Officer A yells to officers that he has been "hit."

Officer A yells again for backup and the voice of Officer B appears. As Officer B is forcefully commanding the defendant to show his hands, Officer A sounds in pain and short of breath while stating that "I got my hand on it."

Officer A advises Officer B that he is hit in the hand and that he does not know if the defendant is hit. The defendant does not appear to comply with commands from Officer B to put his hands behind his back. Additional officers arrive. The Taser is lying parallel to the ground and depicts audible yelling by officers at the defendant and a struggle as they place him in handcuffs. This cannot be all be fully observed on the video. As officers are on top of the defendant, his hands are observed to be by his side and moving while he is facing the ground. The defendant can later be heard stating multiple times that he was "shot in the chin" and sounds in pain.

As the scene was secured, officers render medical aid to Officer A and the defendant. Ambulances arrived and took them to the St. Cloud Hospital, where each was admitted and received medical care.

Injuries

BCA investigation revealed that Officer A suffered a gunshot wound to his right hand from a single bullet fired from a 9 millimeter handgun. The bullet went through Officer A's hand and exited. The defendant suffered injuries to his chin that could be consistent with a bullet grazing his chin after exiting Officer A's hand, and/or may be consistent with the defendant's chin striking the ground or other area during the struggle. Still shots from the taser video indicate that the defendant did not appear to have this wound before the gunshot and the subsequent struggle to gain his compliance in handcuffing him. Investigation into medical records of both parties is ongoing.

Officer A made brief on-scene statements to treating officers about the incident, firearm, and injuries. These statements are recorded on the Taser video and were consistent with the earlier audio and taser video depicting the critical incident. These statements are known to BCA Agents. Both the defendant and Officer A were taken to the St. Cloud Hospital and treated for injuries. BCA Agents are aware that Officer A underwent surgery for his hand and is continuing to receive medical treatment. BCA Agents are aware 15 separate bullet fragments were located in Officer A's right hand.

Firearms and Ammunition

The BCA Crime Scene Team processed the scene and is in the process of analyzing the evidence. BCA Agents collected a Ruger LC9 handgun, which utilizes 9 millimeter ammunition. Agents also collected the firearms of Officers B and A. Each officer's firearm remained fully loaded with rounds in the chamber, indicating that the gun shot could not have come from the officers' firearms. The officer's weapons were not fired before, during, or after the shot fired through Officer A's hand.

BCA crime scene analysts were able to preliminarily determine that a single 9 millimeter bullet had been fired from a Ruger LC9 handgun. Cartridge casings were not located anywhere on the ground. BCA agents observed that the cartridge casing had "stove-piped" inside the Ruger's chamber, meaning that, after the bullet discharged, an empty cartridge case had failed to eject and was caught partway out of the ejection port instead of being thrown clear. This would have caused the firearm to be unable to fire a second or subsequent rounds until cleared.

During a neighborhood canvass, BCA agents were advised by a nearby resident of a second firearm in a residential yard. This second firearm did not belong to the resident. This was in the area where other individuals had fled to and in a location where it appears it had been tossed during flight.

Defendant's Statement

Subsequent to his release from the hospital, on June 16, 2020, BCA Agents obtained a Mirandized videotaped interview with the defendant. The defendant admitted that he and other males had been near Go For It Gas when they observed police officers in marked squad cars in the area. The defendant admitted observing an officer and fleeing on foot as the officer chased him. The defendant gave inconsistent statements during the interview about what the officer had said to him before and during the defendant's flight.

The defendant admitted possessing the firearm that was used during the incident, but claimed he had not held it earlier in the night. The defendant claimed that he had just been given the firearm by one of his two brothers while they were fleeing. The defendant denied knowing the existence of the second gun located at a nearby residence. The defendant advised that he was familiar with the make of the firearm pointed at him by the officer but would not acknowledge the make of the gun he was carrying.

The defendant stated that he had the gun in his possession in his hands prior to the officer catching up to him, and then the officer caught him and tased him twice. The defendant acknowledged that a single shot had been fired from the gun he possessed. The defendant did not indicate he ever released his firearm. The defendant denied intentionally shooting the officer, and claimed that the officer, perhaps unintentionally, had shot him in the chin and caused the bullet to also go through the officer's hand. The defendant's statement as to his possession and handling of the firearm is inconsistent with details in the taser video.

BCA Agents conducted a taped interview of Officer B and other assisting officers. Additional interviews have been conducted and further interviews of multiple individuals, including officers and additional citizens, are anticipated. This includes interviews delayed pursuant to medical reasons.

Radio Traffic

Radio traffic indicates that officers had located the defendant in the area of Go For It Gas. Officers reported observing the defendant and other males walking toward Kipps Laundromat and indicate that the officers were going to approach on foot. Seconds later officers reported that individuals were fleeing. Within approximately 90 seconds of flight, Officer B advised that Officer A was shot.

Deadly Force

There are heightened standards for the use of "deadly force" in Minnesota. "Deadly force" does not require that a death or an injury results; rather it is such "force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm." See Minn. Stat. § 609.066, subd. 1; see also Minn. Stat. § 609.02, subd. 8 (defining 'great bodily harm' as "bodily injury which creates a high probability of death, or which causes serious or permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.") One example of the use of deadly force is the "intentional discharge of a firearm ... in the direction of another person." *Id.*

Peace officers, like all other citizens, are forbidden from using "deadly force" unless certain circumstances are present. Peace officers acting in the line of duty are justified in using deadly force only when "necessary":

- (1) To protect the peace officer or another from death or great bodily harm;
- (2) To effect the arrest or capture, or prevent the escape, of a person the peace officer has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or
- (3) To effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

See Minn. Stat. § 609.066, subd. 2(1)-(3).

Citizens are prohibited from use "deadly force" against peace officers who have "announced their presence and are performing their official duties at a location where a person is committing a crime." See Minn. Stat. § 609.06, subd. 2. A person who assaults a peace officer by using or attempting to use deadly force while the peace officer is engaged in the performance of a duty imposed by law is guilty of Assault in the First Degree. See Minn. Stat. § 609.221, subd. 2.

Charge

The evidence establishes that the defendant possessed a loaded 9 millimeter Ruger handgun in public after midnight on June 15, 2020. Officers believed that the defendant was in unlawful possession of the firearm in public and may commit crimes with the firearm. Fully marked squad cars and Officer A, in uniform and on duty, approached the defendant near Go For It Gas. Officer A gave the defendant verbal commands. The defendant and others with him fled on foot. Officer A chased the defendant. Other officers chased other individuals. A second firearm was located consistent with someone in flight having tossed that weapon.

Unlike the other individual fleeing, the defendant retained possession of his firearm at all times and struggled with Officer A over its possession until it was fired at close range ejecting the bullet that traveled through Officer A's hand. The defendant repeatedly failed to follow commands prior to and after the bullet was fired.

The investigation remains active and ongoing and additional details and charges may be provided in an amended complaint upon conclusion of the investigation.

Complainant has reason to believe and does believe that all of the above information is true and correct.

The above facts constitute your complainant's basis for believing that, on or about the 15th day of June, 2020, in the City of St. Cloud, County of Stearns, State of Minnesota, the above-named defendant committed the offense(s) described herein:

THEREFORE, Complainant requests that said Defendant, subject to bail or conditioned 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'S NAME:

NATHANIEL T. BOOSE
Minnesota Bureau of Criminal Apprehension

COMPLAINANT'S SIGNATURE



Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint

DATE:

June 17, 2020

PROSECUTING ATTORNEY'S SIGNATURE



PROSECUTING ATTORNEY:

NAME/TITLE

Carl Ole Tvedten
Assistant County Attorney
Attorney Registration #: 0389043

PROSECUTING ATTORNEY:

ADDRESS/TELEPHONE

Administration Center, Room 448
705 Courthouse Square
St. Cloud, MN 56303
320-656-3880

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. The Defendant(s) is/are thereof charged with the above stated offense(s)

SUMMONS

THEREFORE, You, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the ____ day of _____, 20____, at _____ AM/PM before the above-named court at Room #128, Courts Facility, 815 Courthouse Square, St. Cloud, Minnesota, to answer this complaint.

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

WARRANT

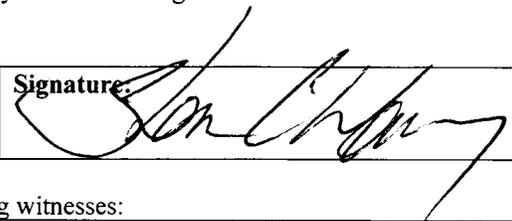
EXECUTE IN MINNESOTA ONLY EXECUTE NATIONWIDE EXECUTE IN BORDER STATES
 To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought 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 thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is/are already in custody; I hereby order; subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail:
Conditions of Release:

This Complaint is duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 17th day of June, 2020.

NAME: SHAN C. WANG Signature: 
TITLE: Judge of District Court

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

<p>STATE OF MINNESOTA, COUNTY OF STEARNS</p> <p>STATE OF MINNESOTA Plaintiff</p> <p>vs</p> <p>Sumaree Deashan Boose Defendant(s)</p>	<p>Clerk's Signature or File Stamp:</p> <p>RETURN OF SERVICE</p> <p>I hereby Certify and Return that I have served a copy of this COMPLAINT upon then Defendant(s) herein-named.</p> <p>Signature of Authorized Agent:</p>
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