Filed in Fourth Judicial District Court
3/20/2018 08:36:57 AM
Hennepin County, MN

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 18A03120
Court File No. 27-CR-18-6859

State of Minnesota,

Plaintiff,

vs.

MOHAMED MOHAMED NOOR DOB: 10/20/1985

[redacted]

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: Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind
Minnesota Statute: 609.195(a), with reference to: 609.195(a), 609.11.5(a)
Maximum Sentence: 25 YEARS
Offense Level: Felony

Offense Date (on or about): 07/15/2017

Control #(ICR#): 17000546

Charge Description: That on or about 7/15/2017, in Minneapolis, Hennepin County, Minnesota, Mohamed Mohamed Noor did without intent to effect the death of any person, cause the death of Justine Damond Ruszczyk, by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human life, while using a firearm.
Minimum Sentence: 3 YEARS

COUNT II

Charge: Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk
Minnesota Statute: 609.205(1), with reference to: 609.205, 609.11.5(a)
Maximum Sentence: 10 YEARS AND/OR $20,000
Offense Level: Felony

Offense Date (on or about): 07/15/2017

Control #(ICR#): 17000546

Charge Description: That on or about 7/15/2017, in, Minneapolis, Hennepin County, Minnesota, Mohamed Mohamed Noor caused the death of Justine Damond Ruszczyk by his culpable negligence, whereby Mohamed Mohamed Noor created an unreasonable risk and consciously took a chance of causing death or great bodily harm to Justine Damond Ruszczyk, while using a firearm.
Minimum Sentence: 3 YEARS

STATEMENT OF PROBABLE CAUSE

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

At 11:27:01 p.m. on July 15, 2017, Justine Damond Ruszczyk called 911 and reported in part that she could hear a woman in the alley behind her house who was either having sex or being raped, that it had been going on for a while, and she sounded distressed. Ms. Ruszczyk made the call from her cell phone while at her home at 5024 Washburn Avenue South, Minneapolis, Hennepin County.

At 11:27:42 p.m. Minneapolis Emergency Communications aired a call to squad 530, Minneapolis Police Officers Matthew Harrity and Mohamed Noor, defendant, "Squad 530 to 5024 Washburn Avenue South, female screaming behind building." This call was received by radio.

At 11:27:47 p.m. squad 530 was dispatched to 5024 Washburn Avenue South for "UNK TRBL," which is unknown trouble, with this information registering on their squad car computer. Officer Harrity drove marked Minneapolis Police Department (MPD) squad #560 (the officers' call sign was different from the number of their squad car) from the area of 36th Street and Blaisdell or Nicollet Avenues to the alley entrance at 50th and Xerxes. Officer Noor was the passenger. At 11:35:22 p.m. Ms. Ruszczyk called 911 a second time and said that no one had yet arrived and she was concerned they got the address wrong. The 911 operator verified the address and said the police were on the way. At 11:36:04 p.m. squad 530 was notified by computer that the 911 caller was calling back for estimated time of arrival.

At 11:37:29 p.m. Ms. Ruszczyk called her fiancé, Don Damond, with whom she had been in contact about the noises she heard and her 911 calls. Their conversation lasted 1 minute and 41 seconds, ending at 11:39:10 p.m. Ms. Ruszczyk told Mr. Damond from inside her house, "Okay, the police are here." Officers Harrity and Noor's squad car had entered the alley on 50th Street heading south at 11:37:40 p.m. Officer Harrity turned off the headlights and dimmed the computer screen as they drove down the alley, but used his spotlight to look for people on the driver's side of the car, which was the side of the alley directly behind 5024 Washburn. The driver's side window was all the way down.

Officer Harrity was not wearing his seatbelt and had removed the safety hood of his holster over his gun before turning into the alley. Officer Harrity heard what he believed to be the sound of a dog in a house on his side of the alley before reaching the rear of 5024 Washburn but did not get out of the car to investigate. Officer Harrity heard no other noises. Officer Noor did not get out of the car in the alley. The squad car slowed to 2 mph in the alley but never stopped behind 5024 Washburn. The officers did not encounter any people while driving through the alley.

The squad car neared the end of the alley at 51st Street at 11:39:34 p.m., 1 minute and 56 seconds after arriving at the other end of the alley and 24 seconds after Ms. Ruszczyk and Mr. Damond ended their last phone call. At that time, Officer Noor entered "Code 4" into the squad computer, which communicates to dispatch and other officers that the officers were safe and needed no assistance. The squad car picked up speed to 8 mph and moved to the end of the alley where Officer Harrity turned the lights back on and told Officer Noor they were going to back up officers on another call in the 5th Precinct as soon as a bicyclist passed them. The bicyclist was approaching Xerxes on 51st and would have been to the officers' right side.

A couple leaving a party at a nearby residence was walking to their car and heard a gunshot. Surveillance video of the couple, which does not capture the shooting, establishes that the shot was fired after 11:40:15 p.m.

Filed in Fourth Judicial District Court
3/20/2018 08:36:57 AM
Hennepin County, MN

Video from body worn cameras of both officers, activated only after the shooting, shows that they were out of the car and standing over Ms. Ruszczyk at 11:40:29 p.m. Officer Harrity radioed, "Shots fired, one down EMS Code 3," requesting immediate assistance, at 11:40:32 p.m. At 11:40:44 p.m., the bicyclist began recording the events on a cell phone. The bicyclist recorded the scene for 29 seconds and then left the scene. At 11:41:39 p.m. Officer Harrity radioed that he was beginning CPR with Officer Noor taking over at 11:42:46 p.m.

The first of numerous other Minneapolis Police officers who responded arrived at 11:44:47 p.m. The Minneapolis Fire Department arrived at 11:47:09 p.m. and HCMC paramedics arrived at 11:49:16 p.m. Efforts to resuscitate Ms. Ruszczyk were unsuccessful and she died at the scene. The Hennepin County Medical Examiner performed an autopsy on Ms. Ruszczyk which established that she died of a single gunshot wound to the abdomen and the bullet had a backward, rightward, and slightly downward trajectory. The wound was 65 cm from the top of Ms. Ruszczyk's head, 104 cm above her left heel, and approximately 8 cm from the center of her body.

Squad 560, a Ford Explorer SUV, had no damage to it consistent with a bullet hitting the inside or outside of the car or any window in any location. The bullet was recovered from Ms. Ruszczyk's body and testing and comparison determined that the bullet was fired from Officer Noor's gun. In December 2017, samples from the interior of squad 560 and from clothes worn by Ms. Ruszczyk, Officer Harrity, and Officer Noor were obtained and sent to an independent lab in Pennsylvania. The lab determined that as to squad 560, gunshot residue was present on the ceiling on the driver's side, the interior of the driver's door, the steering wheel, the driver's headrest, and the dashboard on the driver's side. Ms. Ruszczyk's shirt sleeves and the front of her shirt tested positive for gunshot residue; her pants tested negative. With respect to Officer Harrity, the left and right sides of both shirts he was wearing, the front of his vest, and both legs of his pants tested positive for gunshot residue. As for Officer Noor, his right and left pant legs and the right side of his shirt tested positive for gunshot residue. His vest and the left side of his shirt tested negative.

Officer Harrity later stated that he and Officer Noor were at the end of the alley waiting for the bicyclist to pass. Officer Harrity put the safety hood back on his holster. Officer Noor was on the computer. Officer Harrity put the car in park and his window was down. Officer Harrity stated that the officers were not going to continue to investigate the call or attempt to make contact with the 911 caller because they finished checking behind the buildings in the alley and found nothing. Five to ten seconds after Officer Noor entered Code 4 into the computer, Officer Harrity heard a voice, a thump somewhere behind him on the squad car, and caught a glimpse of a person's head and shoulders outside his window. He was not able to articulate what the noise was, how loud it was, what the person's voice sounded like, or what the person said. He characterized the voice as a muffled voice or a whisper. He could not see whether the person was a male, female, adult, or child. He could not see the person's hands from the driver's seat and estimated that the person was two feet away from him. He saw no weapons. Officer Harrity said he was startled and said, "Oh sh*t" or "Oh Jesus." He said he perceived that his life was in danger, reached for his gun, un-holstered it, and held it to his ribcage while pointing it downward. He said that from the driver's seat he had a better vantage point to determine a threat than Officer Noor would have had from the passenger seat.

Officer Harrity then heard a sound that sounded like a light bulb dropping on the floor and saw a flash. After first checking to see if he had been shot, he looked to his right and saw Officer Noor with his right arm extended in the direction of Officer Harrity. Officer Harrity said he did not see Officer Noor's gun. Officer Harrity stated that he looked out his window on his left and saw a woman. The woman put her hands on a gunshot wound on the left side of her abdomen and said, "I'm dying" or "I'm dead." Officer Harrity said that once he saw the woman's hands he believed her to no longer be a threat and he got out of the squad car. The woman was far enough away from the car that Officer Harrity was able to open his door and get out. Officer Noor got out of the passenger side still carrying his handgun; Officer Harrity told him to re-holster his

gun and turn his body worn camera on.

Body worn camera video captured a conversation between Officer Harrity and his supervising sergeant at the scene. Officer Harrity told the sergeant that they were on a call and were getting ready to clear and go to another call when "she came up on the side out of nowhere." He said "we both got spooked" and that he had his gun out. He said Officer Noor "pulled out and fired." Officer Harrity did not mention hearing a voice or hearing a noise before the shot was fired.

Given that it would have taken several seconds for Officer Noor to get out of the squad car and walk around to where Ms. Ruszczyk lay in the alley, the shot was fired less than 14 seconds after 11:40:15 p.m. There is no evidence that, in that short timeframe, Officer Noor encountered, appreciated, investigated, or confirmed a threat that justified the decision to use deadly force. Instead, Officer Noor recklessly and intentionally fired his handgun from the passenger seat, a location at which he would have been less able than Officer Harrity to see and hear events on the other side of the squad car. The bullet traveled across the space in the squad car just in front of, but not occupied by, Officer Harrity's head or body, hit no equipment in the car, and passed through the open car window to fatally wound Ms. Ruszczyk as the bicyclist traveled in front of the squad car.

Officer Noor was hired by MPD on March 23, 2015, and had no prior law enforcement experience. Officer Harrity was hired by MPD on January 4, 2016, and was in the department's Community Service Officer Academy when he was hired as an officer. Both officers completed training at the MPD Academy, Noor in 2015 and Harrity in 2016. The training includes, but is not limited to, classroom work and exercises taught by qualified MPD gun range instructors and personnel. Officers Noor and Harrity were trained in numerous scenarios intended to teach them to identify a target and its threat, if any, before shooting at it. Both officers were trained with multiple types of targets and taught decision-making based on the threat before them, including using different levels of force such as mace, Tasers, and verbal force. In some of these exercises a target holds a gun, knife, or cell phone. In some of the training exercises, the targets move to provide experience with distance and speed of movement by the target.

The defendant is not in custody.

SIGNATURES AND APPROVALS

Filed in Fourth Judicial District C
3/20/2018 08:36:57
Hennepin County,

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

Brent Petersen
Special Agent
1430 Maryland Avenue E
St. Paul, MN 55106
Badge: 1389

Electronically Signed:
03/20/2018 08:16 AM
Washington County, MN

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

Prosecuting Attorney

Amy Sweasy
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
03/20/2018 08:06 AM

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3/20/2018 08:36:57 AM
Hennepin County, MN

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 300 S Sixth Street, Minneapolis, MN 55487 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: $500,000.00
Conditions of Release: Surrender Passport

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: March 20, 2018.

Judicial Officer Toddrick Barnette
District Court Judge

Electronically Signed: 03/20/2018 08:32 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.

Mohamed Mohamed Noor

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:

27-CR-18-6859

DEFENDANT FACT SHEET

Filed in Fourth Judicial District Cou
3/20/2018 08:36:57 AI
Hennepin County, MI

Name:	Mohamed Mohamed Noor
DOB:	10/20/1985
Address:	[redacted]
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 #:	530473
SILS Tracking No.	1990854
Case Scheduling Information:	TO BE REVIEWED BY JUDGE BARNETTE AND LIDIA MORALES ONLY
Alcohol Concentration:	

STATUTE AND OFFENSE GRID

Filed in Fourth Judicial District Cou
3/20/2018 08:36:57 A
Hennepin County, M

t r	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
	Charge	7/15/2017	609.195(a) Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind	Felony	H3013		MNBCA0000	17000546
	Penalty	7/15/2017	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	H3013		MNBCA0000	17000546
	Penalty	7/15/2017	609.195(a) Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind	Felony	H3013		MNBCA0000	17000546
	Charge	7/15/2017	609.205(1) Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk	Felony	H5013		MNBCA0000	17000546
	Penalty	7/15/2017	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	H5013		MNBCA0000	17000546
	Penalty	7/15/2017	609.205 Manslaughter - 2nd Degree	Felony	H5013		MNBCA0000	17000546