

State of Minnesota,

Plaintiff,

vs.

ANDREW MERCELIS MYERS DOB: 04/07/1991

LKA: 800 CTY RD D WEST 100
St Louis Park, MN 55416

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 - 2nd Degree - Without Intent - While Committing a Felony

Minnesota Statute: 609.19.2(1), with reference to: 609.19.2(1), 609.05.1, 609.05.2

Maximum Sentence: 40 YEARS

Offense Level: Felony

Offense Date (on or about): 08/22/2013

Control #(ICR#): 13275194

Charge Description: That on or about August 22, 2013, in Hennepin County, Minnesota, ANDREW MYERS, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another, did without intent to effect the death of any person, cause the death of Victim, a human being, while committing or attempting to commit a felony offense.

STATEMENT OF PROBABLE CAUSE

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

On August 22, 2013 at 2:48 am, Minneapolis police officer Goodman received a dispatch in regards to an unconscious man, Victim herein, at 10th and Hennepin Avenue in Minneapolis, Hennepin County, Minnesota. Victim was treated at the scene and transported to a hospital, where he died later that day. The medical examiner determined that the cause of death was the injuries sustained in the incident described herein.

Officer Goodman spoke to the two security guards who found Victim. They saw two males running from the scene, one wearing a red hooded sweatshirt, and then found the victim unconscious on the ground. Follow-up investigation by Sergeants Karakostas and Voss located Victim's cellphone in the possession of Vereice Dshon Washington, charged previously in a separate Complaint. Washington gave a Mirandized statement to Sergeants Karakostas and Voss and admitted that in the early morning hours of August 22, 2013 he was with friends, "Big Loc" and Marcellas aka "KO" in downtown Minneapolis. At around bar-closing time they walked around down by St. Thomas and he saw his homeboy "Big Loc" knock a guy out and at that time Washington admitted he went into Victim's pocket and took his cellphone.

When asked if he had seen Victim prior to this Washington acknowledged he first saw Victim near Augie's on Hennepin Avenue and 4th/5th street. Washington went on to say Victim was very intoxicated and Washington approached Victim and asked if he could borrow Victim's cell phone. Victim would not allow this but Washington stated he continued to walk with Victim down Hennepin Avenue and that is when "Big Loc" and "KO" showed up. As they all walked up Hennepin Avenue, Washington said there was talk between "Big Loc", "KO" and himself about who was going to rob Victim. Both "Big Loc" and "KO" declared that they just wanted to punch "the fucking guy" and take his wallet and cell phone. Washington said when the group reached the corner of Hennepin and 10th, "KO" stepped off to Victim's right side and Victim faced "KO." Then "Big Loc" just wound up and punched the victim one time to his face and the victim fell down hitting his head on the pavement. Washington admitted that he then reached into Victim's pocket and took Victim's cell phone. "Big Loc" and "KO" asked him for the cell phone but he refused, took it with him as he left the area and used the phone to call some female acquaintances. Washington said he was wearing a red hoodie and he took it off while he was running away from the scene. He also said that he took off the other clothes he was wearing at his cousin's house and threw them away in the trash because they "were stinky".

On September 12, 2014 Washington viewed surveillance video and identified a subject on the video as "KO". "KO" was identified by Sergeant Karakostas as ANDREW MERCELIS MYERS, Defendant herein. Washington acknowledged that he has known Defendant for several years and knows that Defendant and that "Chill/Big Loc" commit robberies downtown. Washington said it was Defendant who was with him during the punching and robbery of Victim in this case.

Sergeant Karakostas submitted a swabbing from the right front pocket of the shorts of the victim as well as a swabbing from the back right pocket from the victim previously to the BCA. When these were analyzed it was found that in the mixture of DNA. Defendant cannot be excluded from the mixture in the front pocket or the back pocket. In the front pocket 49.1% of the general population is excluded and in the back pocket 80.4% of the general population is excluded.

Sergeant Karakostas then met with Defendant and conducted an interview per Miranda. Defendant admitted he was at the scene of the robbery on August 22, 2013 when Victim was punched but he claimed

he helped Victim by moving him. Defendant stated he might have gone into Victim's pocket to get "information" from Victim's wallet, but Defendant said he does not recall if he took anything from Victim. He stated he ran from the scene after he checked Victim's information because he was scared.

Defendant is currently in custody at MCF St. Cloud for a 2014 Aggravated Robbery conviction.

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

Chris Karakostas
Sgt
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 3636

Electronically Signed:
01/16/2015 10:37 AM

Subscribed and

Notary Public (
Judicial Office

Being authorize

Prosecuting At



