

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 16A09310
Court File No. 27-CR-16-21212

State of Minnesota,

Plaintiff,

vs.

EDWARD FRANK HOLZINGER DOB: 05/20/1955

165 15TH AVE NE
Minneapolis, MN 55413

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: Murder - 2nd Degree - With Intent-Not Premeditated

Minnesota Statute: 609.19.1(1), with reference to: 609.11.5(a), 609.19.1

Maximum Sentence: 40 YEARS

Offense Level: Felony

Offense Date (on or about): 08/09/2016

Control #(ICR#): 16290275

Charge Description: That on or about August 9, 2016, in Hennepin County, Minnesota, EDWARD FRANK HOLZINGER, caused the death of Bruce Wayne Brown, a human being, with intent to effect the death of that person or another, but without premeditation, while using a firearm.

Minimum Sentence: 3 YEARS

STATEMENT OF PROBABLE CAUSE

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

On August 9, 2016, at approximately 8:37 p.m., Minneapolis police were dispatched to 165 15th Ave. NE, Minneapolis, Hennepin County, Minnesota on a report of a shooting. Upon arriving at that location, several people standing on the north side of 15th Ave. directed police officers to the victim, identified as Bruce Wayne Brown, DOB 1/9/1969, who was lying on the sidewalk in front of that address. Blood was pooled around the victim's body. Witness 1, a female later identified as a niece of the victim, was kneeling beside the victim trying to stop the bleeding that was emanating from the victim's chest.

When police inquired as to who was responsible, Witness 2, a known adult female standing nearby, pointed to the Defendant, Edward Frank Holzinger, DOB 5/20/1955. Defendant was standing at the top of the steps in front of his house at 165 15th Ave. NE. Defendant immediately put his hands in the air and cooperated with police who placed him under arrest.

Paramedics arrived to administer aid to the victim but were unsuccessful in attempts to revive him. The victim was pronounced dead at the scene. On August 10, 2016, an autopsy performed by an Assistant Hennepin County Medical Examiner noted that the victim suffered two gunshot wounds to his chest.

Police executed a search warrant in Defendant's home and recovered a Smith and Wesson 9mm semi-automatic handgun on a chair in the living room. There was one 9 mm live cartridge in the gun's chamber, one discharged casing in the gun's slide and multiple live 9mm cartridges in the gun's magazine.

Witness 1 told police that she was with other relatives, visiting the home of the victim, when she became aware that the victim and his neighbor, the Defendant, were in a dispute over a broken lawnmower. On the evening of August 9, 2016, the victim and other family members were in the rear of the victim's home grilling hamburgers and eating dinner. At approximately 8:40 pm Witness 1 heard the victim yell out to the Defendant who was seated on his porch and sarcastically ask him if he wanted a hamburger. The Defendant told the victim to "come over and find out." Family members told the victim to ignore the Defendant, but instead the victim left his yard and walked toward Defendant. A few seconds later, gun shots rang out.

Witness 1 saw the victim lying on the sidewalk outside of Defendant's home. She observed a large amount of blood coming from a hole in the victim's chest. She pleaded for someone to call 911. While she was applying pressure to the victim's chest in an attempt to stop the bleeding, Defendant came out of his home and said "He deserved it; He called me a pedophile; I know I'm going to jail and I don't care."

Witness 2 rents a room in Defendant's home. Witness 2 told police officers that the victim and Defendant, who live two doors apart from one another, were arguing for days over an incident that started over a lawnmower. Defendant loaned his lawn mower to the victim and alleged that the victim returned it to him broken. Several other neighbors confirmed that Defendant and the victim were in a continuous dispute with one another.

Witness 2 stated that on August 9, 2016 at approximately 5:30 pm, she observed Defendant sitting on the front porch of his home with a handgun. When she asked what he was doing, Defendant indicated that he was "waiting for that son of a bitch Bruce and if Bruce came over again, he was going to shoot him." Witness 2 then went to her bedroom to take a nap. She was awakened by the sound of gunfire. When she

looked outside, Witness 2 observed the victim lying on the ground with Defendant standing near the victim. Witness 2 asked Defendant what happened. Defendant replied, "I'm going to jail."

On August 10, 2016, after having waived his rights per Miranda, Defendant told Minneapolis police homicide investigators that he and the victim were involved in an argument over the past week. The Defendant stated that he was "pissed off" and that the victim "wouldn't leave it alone." Defendant stated that he was standing on his front steps and the victim was standing on the sidewalk in front of Defendant's house when Defendant shot the victim. After shooting the victim, Defendant stated that he placed the handgun on the recliner in his living room. He then exited his home and waited for police to arrive.

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

Robert Dale
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 1414

Electronically Signed:
08/11/2016 11:14 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Therese Galatowitsch
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
08/11/2016 11:07 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 on _____, _____ at _____ AM/PM before the above-named court at 401 Fourth Avenue S, Minneapolis, MN 55415 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: \$1,000,000.00

Conditions of Release: No Possession of Weapons; Make All Appearances; Remain Law Abiding

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: August 11, 2016.

Judicial Officer

Dennis Murphy

Electronically Signed: 08/11/2016 11:28 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.

EDWARD FRANK HOLZINGER

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: