

**STATE OF MINNESOTA
COUNTY OF HENNEPIN**

**DISTRICT COURT
FOURTH JUDICIAL DISTRICT**

COURT FILE NO.
PROSECUTOR CASE NO. 16A13884
SILS ID.
SILS TRACKING.
CONTROLLING AGENCY. MN0271100
CONTROL NO. 16418360

State of Minnesota,

Plaintiff,

v.

CRIMINAL COMPLAINT

EFREM HAMILTON (DOB: 12/11/1974)
000019 4 Street N

Summons Warrant
 Order of Detention

Minneapolis, MN 55411,
Defendant.

Amended
 Tab Charge Previously Filed

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that Defendant committed the following offense(s):

Count I

Charge: **Assault-2nd Degree-Dangerous Weapon**

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

Offense Level: **Felony**

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

Offense Date (on or about): **11/19/2016**

Charge Description: That on or about 11/19/2016, in Hennepin County, Minnesota, Efrem Hamilton , assaulted Victim, while using a firearm.

Count II

Charge: **Dangerous Weapons-Intentional Discharge of Firearm That Endangers Safety**

Minnesota Statute: **609.66.1a(a)(2)**, with reference to: 609.66.1a(b)(1)

Offense Level: **Felony**

Maximum Sentence: **5 YEARS AND/OR \$10,000**

Offense Date (on or about): **11/19/2016**

Charge Description: That on or about 11/19/2016, in Hennepin County, Minnesota, Efrem Hamilton intentionally discharged a firearm under circumstances that endangered the safety of another.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

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

On or about November 19, 2016, around bar close time at approximately 2:14 am, officers from the Minneapolis Police Department began responding to a report of a fight with shots fired in the area of 408 3rd Avenue North, in Minneapolis, Hennepin County, State of Minnesota. Shortly thereafter, officers aired that a gray sedan was leaving the area and may be involved in the shooting. Further reports by officers are aired that a gray Cadillac 4 door is suspected to be involved and was reportedly coming out of a parking lot heading the wrong way on 3rd Avenue North towards Washington Avenue.

EFREM HAMILTON (DOB: 12/11/1974), Defendant herein, a police officer with the Minneapolis Police Department, was working off-duty at The Pourhouse, located at 10 South Fifth Street in Minneapolis when he heard the shots fired call. Defendant responded to assist. Defendant did not air that he was responding to assist at any time.

As other responding officers were involved in stopping the gray Cadillac determined to be involved, a gray/black BMW driven by C.M.W. (DOB: 6/10/1993), Victim herein, was attempting to leave the area. Apparently, it was later learned that C.M.W. had been advised by other responding officers to back the BMW up on 3rd Avenue North which she then did. As C.M.W. was backing the BMW down 3rd Avenue North, Defendant pulled his squad car into the middle of 3rd Avenue North and came to a stop. C.M.W. backed the BMW into Defendant's squad vehicle, causing the BMW's bumper to collide with the push bar of Defendant's squad. Minor damage was caused, but neither vehicle's airbag deployed.

Defendant got out of his squad car, pointed his firearm at the BMW and fired a round at the BMW. Defendant did not give any commands to the driver or passengers of the BMW prior to firing the shot. The shot was later found to have struck the BMW in the rear driver side corner near the trunk opening centered between the pillar of the rear window and the top of the tail light. At the time of the collision and Defendant firing his gun at the BMW, the BMW had 6 occupants inside inclusive of C.M.W. No one was injured in the shooting of the BMW.

During an interview with the Defendant after the shooting, Defendant stated that he responded to the situation and prepared to stop on 3rd Avenue North when he observed a gray vehicle backing northbound at a higher rate than normal. Defendant stated that, upon seeing the vehicle backing down 3rd Avenue, he believed the vehicle was the suspect involved in the shootings. Defendant admitted that he did not radio this information out. Defendant stated that as he prepared to stop, it appeared to him that the vehicle "started speeding up backwards" toward him. Defendant stated that his squad was stopped in the middle of the lanes and the vehicle struck his squad. Defendant admitted that he could not see how many occupants were in the vehicle, but that after the collision, he exited his squad car and fired a round towards the driver's window. Defendant admitted that he was shooting at whoever was sitting in the driver's seat of the car, though he

had not seen any weapons including guns. Defendant stated that he shot at the driver because “the driver was the one who rammed me.” Defendant stated that he stopped shooting after the first shot because “I didn’t feel like the vehicle was any longer a threat.” Defendant stated that he fired the shot at the BMW because he felt his life was immediate danger based on the “overall observation of the vehicle matching the description of the vehicle involved in the shooting and the higher than normal speed that it took backwards toward me...that my lights were still activated and the belief that the driver could see them from the vehicle.”

Other information would tend to show that the BMW backed up on 3rd Avenue at a relatively slow speed, and that the shot fired by Defendant was fired almost immediately after the low-speed collision between the BMW and the squad car.

Other officers and civilians were in the area at the time Defendant fired his weapon at the BMW.

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'S NAME:

COMPLAINANT'S SIGNATURE:

<Name>

Subscribed and sworn to before the undersigned this ____ day of _____, 20__.

NAME/TITLE:

SIGNATURE:

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

Date: _____

PROSECUTING ATTORNEY'S SIGNATURE:

Name: Tara Ferguson Lopez
Assistant County Attorney
C2100 Government Center
300 South Sixth Street
Minneapolis, MN 55487
612-348-9436
Attorney Registration # 0319818

