

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 16A13774
Court File No. 27-CR-16-30727

State of Minnesota,
Plaintiff,

COMPLAINT
Warrant

vs.

DERRICK ZECHARIAH SMITH DOB: 03/15/1988

3049 Columbus Ave S
Minneapolis, MN 55407

Defendant.

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: Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee

Minnesota Statute: 609.221.2(a), with reference to: 609.11.5(a), 609.101.2, 609.221.2(a), 609.221.2(b)
Maximum Sentence: 20 YEARS AND/OR \$30,000, WITH NO SUPERVISED RELEASE
Offense Level: Felony

Offense Date (on or about): 11/23/2016

Control #(ICR#): 16014733

Charge Description: That on or about 11/23/2016, in Edina, Hennepin County, Minnesota, DERRICK ZECHARIAH SMITH while using a firearm assaulted Officer Carlson, a peace officer, by using or attempting to use deadly force against the officer, while Officer Carlson was engaged in the performance of his duties imposed by law, policy or rule.

Minimum Sentence: 10 YEARS

STATEMENT OF PROBABLE CAUSE

Complainant, a licensed peace officer with the Hennepin County Sheriff's Department, has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On November 23, 2016, at approximately 2:30 a.m., Prior Lake and Shakopee Police Officers were attempting to stop a vehicle they believed was involved in a shooting. Those officers requested assistance from other departments and numerous officers responded and caught up to the chase in the area of Highway 169 and 62. Eden Prairie Officer Carlston was one such officer and due to his training in the PIT maneuver he advanced to the front of the line and conducted such a maneuver on the suspect vehicle.

The PIT maneuver worked and the suspect vehicle came to a stop on the Northbound 169 exit ramp to Bren Road in Edina, Hennepin County, Minnesota. Officers, including Officer Carlston, observed multiple occupants exit and flee on foot. Officer Carlston followed a suspect wearing black clothing who had jumped over the freeway chain link fence and ran Northbound. Officer Carlston gave chase, shouting for the suspect, later identified as DERRICK ZECHARIAH SMITH, the defendant herein, to stop. Officer Carlston followed as the defendant ran into a strip mall parking lot. The lot was lit with street lights and Officer Carlston could see that the defendant had a handgun in his right hand. According to Officer Carlston, the defendant turned back towards him, pointed his gun at Officer Carlson and said "Imma shoot". The defendant's threat was captured on a recording device worn by Officer Carlston.

Officer Carlston then heard the defendant's gun fire and saw the muzzle of the defendant's gun flash. Having been shot at by the defendant, Officer Carlston returned fire. The defendant then fell forward to the ground as the officer slowly approached. As Officer Carlston was approaching, the defendant turned his head, raised his gun and again pointed it at Officer Carlson. Officer Carlston fired again until his gun jammed. At that time, Officer Carlston ran for cover until other officers arrived at the location.

Once additional officers arrived, they were able to safely approach the defendant and place him under arrest. The officers observed that the defendant had a handgun under his left knee and another handgun in his waistband. The defendant also had a large bag of marijuana at his feet.

The Hennepin County Crime Lab located shell casings in the area where the defendant fell to the ground. One of the casings was the same type of round that was in one of the guns the defendant had in his possession.

The defendant is currently in custody on a warrant for a Murder case out of Wisconsin. The defendant also has an active warrant on an Assault in the Second Degree charge out of Hennepin County.

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

George Bergin
Detective
350 S 5th St
Minneapolis, MN 55415
Badge: 190

Electronically Signed:
11/28/2016 03:35 PM
Hennepin County, Minnesota

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

Prosecuting Attorney

Dan Allard
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
11/28/2016 03:28 PM

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:

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: November 28, 2016.

Judicial Officer Margaret Daly Electronically Signed: 11/28/2016 03:37 PM
District Court Judge

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

DERRICK ZECHARIAH SMITH

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: