

# P E T I T I O N

STATE OF MINNESOTA

DISTRICT COURT – JUVENILE DIVISION

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

IN THE MATTER OF THE WELFARE OF

**Child:** ANTHONY DALE KLITZKE, (1/29/2000)  
9001 17TH AVE S  
BLOOMINGTON, MN 55425

Family ID: 344000  
C.A. Case No: 18J10929

CA of Record: DOMINICK MATHEWS  
(388428)

**Mother:** JOVANNE MARIE KLITZKE  
(SAME AS CHILD)

**Juvenile Felony Delinquency Age 16 Or Older  
FIREARM  
Presumptive Certification**

**Father:** UNKNOWN

PO:

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**The Juvenile Court has jurisdiction by reason of the following allegations:** The above-named juvenile is alleged to be delinquent pursuant to Minn. Stat. § 260B.007, Subd. 6(1) because said child has violated a state/local law as follows:

**Count 1: H2812 Murder - 2nd Degree - With Intent-Not Premeditated (Felony) (Aid/Abet)**

**MINN. STAT.** 609.19.1(1), 609.11.5(a), 609.05.1, 609.19.1

That on or about January 7, 2018, in Hennepin County, Minnesota, ANTHONY DALE KLITZKE, caused the death of D.D., a human being, with intent to effect the death of that person or another, but without premeditation, while using or possessing a firearm.

**Count 2: A2123 Assault-2nd Degree-Dangerous Weapon (Felony)**

**MINN. STAT.** 609.222.1, 609.222.1, 609.11.5(a), 609.101.2

That on or about January 7, 2018, in Hennepin County, Minnesota, ANTHONY DALE KLITZKE, assaulted C.S., while using and possessing a firearm.

## PROBABLE CAUSE STATEMENT

Your Petitioner is an Assistant County Attorney. In that capacity, Petitioner believes the facts and circumstances recited below establish probable cause:

On or about January 7, 2018, at approximately 2:13 a.m. officers with the Minneapolis Police Department were dispatched to 516 12th Avenue Southeast, Minneapolis, Hennepin County, Minnesota, on the report of a shooting. Upon arrival, officers observed the adult male victim D.D. lying on the sidewalk outside the above mentioned residence. Officers observed that D.D. had suffered a gunshot wound and was unresponsive. D.D. was subsequently pronounced dead at the scene. A post mortem examination was performed by the medical examiner. The medical examiner concluded the cause of death was a gunshot wound to the chest.

Officers spoke to several known witnesses at the scene. The identified witnesses informed officers that they were attending a party at the residence. The witnesses were outside the residence on the back porch talking with each other and smoking cigarettes when the shooter who was subsequently identified as ANTHONY DALE KLITZKE, Respondent herein, pointed a handgun at the group, fired multiple shots in the group's direction, and fled the scene. Several witnesses informed officers that prior to the shooting, they noticed Respondent standing alone outside in the back porch area away from everybody. Several witnesses were able to provide officers with a physical description of Respondent and the clothing he was wearing.

Officers spoke to the adult male victim C.S. C.S. informed officers that he had attended the party at the residence with several friends. C.S. was outside smoking a cigarette and talking with friends on the back porch. C.S. was standing by his friend D.D. C.S. observed Respondent standing alone outside. D.D. and Respondent got into a verbal altercation. Respondent then pointed a handgun at D.D. and fired approximately six or seven shots. C.S. was struck in the right thigh. C.S. was able to provide officers with a physical description of Respondent and the clothing he was wearing. C.S. informed officers if he saw Respondent again he would be able to positively identify him. Investigators subsequently administered a six person sequential photo line-up with C.S. C.S. positively identified Respondent as the shooter.

Investigators also spoke to witness J.C.H. J.C.H. was standing outside the party in the area of D.D. and C.S. J.C.H. informed officers that he witnessed the shooting. J.C.H. informed officers that he observed the shooter outside for approximately five minutes prior to the shooting. J.C.H. saw the shooter pull out a gun, shoot the gun four or five times and flee the scene. Investigators administered a six person sequential line-up with J.C.H. J.C.H. tentatively identified Respondent as the shooter. J.C.H. informed investigators Respondent looked like the shooter and he definitely thought he was the shooter but he could not be too sure. J.C.H. excluded all the other individuals in the photo line-up as the possible shooter.

During the course of the investigation, investigators learned from multiple witnesses that the motive behind the shooting was a prior incident between D.D. and CLINTON ANGWENYI OMUYA, Defendant herein. Witnesses informed investigators that approximately a year prior, D.D. had attempted to rob Defendant. During the course of the robbery, Defendant was shot. Since the robbery, Defendant had informed multiple witnesses that he was going to kill D.D. the next time he saw him. Several witnesses also informed investigators that after Defendant appeared at the party, D.D. began acting nervous and stated he wanted to leave to avoid a confrontation with Defendant.

Police reports confirmed a prior reported assault in the second degree incident involving both D.D. and Defendant.

Investigators spoke to a known witness ("Witness T"). Witness T informed officers that he/she observed Defendant at the party with a small handgun tucked in his pants.

Investigators were subsequently contacted by a known witness ("Witness M"). Witness M informed officers that he/she had information about the homicide. Witness M informed investigators that he/she was friends with both Respondent and Defendant. Witness M identified Respondent as the individual who shot D.D. Witness M informed investigators that immediately after the shooting, Witness M was with both Respondent and Defendant. Both Respondent and Defendant were acting "super spooked." Respondent admitted to confronting D.D. about the prior robbery involving Defendant and then subsequently shooting D.D. Respondent told witness M he shot D.D. for Defendant. Witness M was aware of the feud between D.D. and Defendant. Witness M has previously heard Defendant say he was going to kill D.D. the next time he saw him.

Witness M also provided investigators with the make and model of the firearm used by Respondent during the shooting. The make and model of the firearm provided by Witness M matches the discharged cartridge casings recovered at the scene.

Investigators spoke to witness A.M. A.M. was the host of the party. A.M. knows both Respondent and Defendant. A.M. told investigators that both Respondent and Defendant were at the party. Defendant drove his Mercedes S550 to the party. Prior to arriving at the party, Defendant called A.M. and asked if the party was still going on. Defendant then asked A.M. if D.D. was still at the party.

Investigators were able to confirm that Defendant owns a dark blue Mercedes S550. Several known witnesses also confirmed that Defendant drove Respondent and several other individuals to the party.

Investigators obtained surveillance video footage from the scene. Investigators observed Defendant's dark blue black Mercedes S550 pull up to the residence at approximately 2:06 a.m. Defendant's vehicle remained double parked in front of the residence. Investigators then observed the male passenger exit the vehicle and approach the residence where D.D. was shot. At approximately 2:11 a.m., the same male is observed running from the residence and returning to Defendant's vehicle. Defendant's vehicle then fled the scene at a high rate of speed.

Investigators obtained a search warrant for Respondent's and Defendant's cell phone records. Cell phone records confirmed both Respondent and Defendant were in the area at the time of the shooting. Phone records revealed that moments before the shooting Defendant called Respondent on his cell phone. Phone records also confirmed that Defendant called A.M. at approximately 1:49 a.m. to inquire about the party.

The offenses enumerated in Count 1 and 2 are felonies that involves the use of a firearm.

The offenses enumerated in Count 1 and 2 are presumptive prison offenses.

PURSUANT TO M.S. 260B.125, THE STATE IS MOVING, BY SEPARATE MOTION, THAT THIS PROCEEDING BE CERTIFIED TO THE DISTRICT COURT FOR ACTION UNDER THE CRIMINAL LAWS.

I endorse this Petition as to form and verify that the contents are true to the best of my information and belief pursuant to MRJDP 6.03, Subd. 3.

I DECLARE UNDER PENALTY OF PERJURY THAT EVERYTHING I HAVE STATED IN THIS DOCUMENT IS TRUE AND CORRECT.

 **09/06/2018**

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