

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

COURT FILE NO.  
PROSECUTOR CASE NO. 21A09105  
SILS ID. 492396  
SILS TRACKING. 3242338  
CONTROLLING AGENCY. MNMHP0400  
CONTROL NO. 21506187

State of Minnesota,

Plaintiff,

v.

**CRIMINAL COMPLAINT**

**BRIAN MICHAEL CUMMINGS (DOB: 11/18/1983)**  
3701 St. Anthony Pkwy

Summons  Warrant  
 Order of Detention

Minneapolis, MN 55421,  
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: **Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk**  
Minnesota Statute: **609.205(1)**, with reference to: 609.205

Offense Level: **Felony**

Maximum Sentence: **10 YEARS AND/OR \$20,000**

Offense Date (on or about): **07/06/2021**

Charge Description: That on or about 7/6/2021, in Hennepin County, Minnesota, Brian Michael Cummings, caused the death of L.F. by his culpable negligence whereby Brian Michael Cummings created an unreasonable risk and consciously took a chance of causing death or great bodily harm to L.F.

**Count II**

Charge: **Criminal Vehicular Homicide - Operate Motor Vehicle in Grossly Negligent Manner**

Minnesota Statute: **609.2112.1(a)(1)**, with reference to: 609.2112.1(a)

Offense Level: **Felony**

Maximum Sentence: **10 YEARS AND/OR \$20,000**

Offense Date (on or about): **07/06/2021**

Charge Description: That on or about 7/6/2021, in Hennepin County, Minnesota, Brian Michael

Cummings, did by operating a motor vehicle in a grossly negligent manner, cause the death of L.F.

## 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 July 6, 2021, at approximately 12:31 a.m., Minneapolis Police Officer BRIAN MICHAEL CUMMINGS, "Defendant" herein, observed a black Kia Sportage that matched the description of a stolen vehicle that was suspected to be involved in thefts from businesses. The thefts involved some limited use of force, but there were no allegations that the thefts of the vehicle or businesses involved weapons or that they resulted in bodily harm or injury to victims.

The Defendant attempted to initiate a traffic stop on the Kia Sportage. The Kia Sportage failed to stop and accelerated away from the Defendant. The Defendant pursued the Kia Sportage in his fully marked squad vehicle with his overhead lights and siren activated. The subsequent pursuit continued for over 20 blocks that included residential neighborhoods in north Minneapolis. During the pursuit, which included extremely high speeds approaching near or at 100 mph, the Defendant followed the Kia Sportage through stop signs, red lights, and intersections that included partially obstructed views of potential approaching vehicles.

Minneapolis Police Department policy regarding decisions to continue vehicle pursuits (MPD Policy 7-402) states as follows:

"Officers shall not initiate a pursuit or shall terminate a pursuit in progress if the pursuit poses an unreasonable risk to the officers, the public or passengers of the vehicle being pursued who may be unwilling participants."

At one point, the Defendant pursued the Kia Sportage northbound on Lyndale Avenue North. Just prior to reaching the intersection of 41st Avenue North and Lyndale Avenue North, the Defendant was traveling at approximately 90 mph. At this speed, it would have taken the Defendant approximately 337 feet to come to a stop to avoid a collision with other traffic or pedestrians that entered the intersection.

The posted speed limit on this part of Lyndale Avenue North is 25 mph. The intersection of 41st Avenue and Lyndale Avenue North is controlled by a stoplight. The stoplight is clearly visible to traffic in all directions. The stoplight was fully functioning and operating correctly at the time.

At the same time the pursuit crossed the intersection heading northbound on Lyndale Avenue, a tan Jeep driven by the adult male victim, L.F. was entering the intersection traveling west on 41st Avenue. The victim had a green light at the intersection. The victim also had a partially obstructed view of traffic coming from the south, due to an apartment building on the southeast corner of the intersection. Northbound traffic on Lyndale Avenue would have the same obstructed view of vehicles traveling westbound on 41st but would have a clear view of the red light. Further, a Toyota Sienna heading south on Lyndale Avenue North was stopped at the

intersection for the red light controlling north/south traffic.

As the Kia Sportage ran the red light and entered the intersection of Lyndale Avenue and 41st Avenue at approximately 100 mph, it narrowly missed the victim's Jeep which had entered the intersection pursuant to the green light for its direction of travel. The Defendant, pursuing the Kia at approximately 90 mph, entered the intersection against the red light.

The Defendant's squad vehicle struck the victim's Jeep on the driver's side, with a point of impact close to the center of the intersection. The Defendant and victim's vehicle also impacted the Toyota Sienna that had been stopped in the southbound lane on Lyndale for the red light.

Subsequent accident reconstruction, aided by technology in the Defendant's squad as well as surveillance video, would show that the Defendant's squad vehicle hit the victim's Jeep at approximately 78 mph. The victim's Jeep was determined to have been traveling at approximately 25 mph at the point of impact.

The accident reconstruction concluded that, "This collision can be attributed to the Defendant for failure to operate his vehicle with due regard for the safety of other motorists."

The victim died as a result of injuries sustained during the collision.

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:

TRAVES SCHAAP

[Signature]

Subscribed and sworn to before the undersigned this 21 day of October, 2021.

NAME/TITLE:

Paula Ann Mahnke Breuer  
admin assist.

SIGNATURE:

Paula Ann Mahnke Breuer



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

Date:

October 21, 2021

PROSECUTING ATTORNEY'S SIGNATURE:

[Signature]

Name: Michael O. Freeman  
Hennepin County Attorney  
C2000 Government Center  
300 South Sixth Street  
Minneapolis, MN 55487  
612-348-5540  
Attorney Registration # 0031860

**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.

**SUMMONS**

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m. before the above-named court at \_\_\_\_\_ 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 hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named 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 above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$  
Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 22<sup>nd</sup> day of October, 2021.

JUDICIAL OFFICER:      SIGNATURE:  
NAME: Toddrick S. Barnette  
TITLE: Judge of 4<sup>th</sup> Judicial District Court      Toddrick S. Barnette

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

COUNTY OF HENNEPIN STATE OF MINNESOTA	Clerk's Signature or File Stamp:
<b>STATE OF MINNESOTA</b>	
Plaintiff,	
vs.	
Brian Michael Cummings,	
Defendant	<p style="text-align: center;"><b>RETURN OF SERVICE</b></p> <p><i>I hereby Certify and Return that I have served a copy of this COMPLAINT upon Defendant herein named.</i></p> Signature of Authorized Service Agent: