

**Arrestee**

<b>Role / Role #:</b>	A001	<b>MPD#:</b>	0020112458
<b>Name:</b>	Rios-Pelayo, Antonio Jesus		
<b>Residence:</b>	4128 13 AV S Minneapolis, MN 55407		
<b>Telephone:</b>	C:612-231-4598		
<b>Drv Lic #:</b>	18 U.S.C. 2521 DMV Data		
<b>Date of Birth:</b>	08/05/1992	<b>Event Age: 21</b>	<b>Est. Age: 21 - 21</b>
<b>Race:</b>	White	<b>Medical Treatment:</b>	No
<b>Sex:</b>	Male	<b>Prior Injury:</b>	No
<b>Height:</b>	507	<b>City of Origin:</b>	Los Angeles
<b>Build:</b>	ME	<b>St. of Origin:</b>	CA

**Arrest Information**

<b>Arrest Address:</b>	43 ST E Minneapolis, MN	<b>Precinct:</b>	05
<b>Intersection:</b>	Nicollet AV S		
<b>Arrest Date:</b>	Dec 29, 2013 03:05		
<b>Arrest Location:</b>			
<b>Disposition:</b>	Booked County		
<b>Arresting Officer:</b>	003680: Kelley, Christopher Patrick	<b>Call/Sqd:</b>	521
<b>Arresting Officer:</b>	004073: Lehner, Blayne Larry	<b>Call/Sqd:</b>	513
<b>Arresting Officer:</b>	004261: Lukes, Marcus	<b>Call/Sqd:</b>	511
<b>Arresting Officer:</b>	004366: Malloy, G Jodene	<b>Call/Sqd:</b>	521
<b>Arresting Officer:</b>	004824: Misgen, Daniel M	<b>Call/Sqd:</b>	511
<b>Arresting Officer:</b>	007876: Wuorinen, Steve	<b>Call/Sqd:</b>	513

**Charges**

<u>Status</u>	<u>Type</u>	<u>Charge Code</u>	<u>Statute</u>	<u>Citation</u>	<u>Related CCN</u>
Other	Misdemeanor	rd - Reckless Driving	169.13S1		

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Appearance	Mad/Angry	RD	
Appearance	Comments	RD	poss under the influence
Complexion	Light Brown		
Employment Status	Employed		
Eye Color	Brown		
Facial Hair	Fuzz/Whisker		
Force Used	No		
Hair Color	Black		
Hair Length	Medium		
Hair Style	Straight		
Identification	MN SID		
Speech	Slurred		

**Arrestee**

<b>Role / Role #:</b>	A002	<b>MPD#:</b>	
<b>Name:</b>	Garcia-Pineda, Luis Daniel		
<b>Residence:</b>	3916 16 AV S Apt. 2 Minneapolis, MN		
<b>Telephone:</b>	C:612-695-1843		

<b>Date of Birth:</b>	06/08/1995	<b>Event Age:</b> 18	<b>Est. Age:</b> 18 - 18
<b>Race:</b>	Other/Mixed Race	<b>Medical Treatment:</b>	Yes
<b>Sex:</b>	Male		
<b>Height:</b>	504		
<b>Build:</b>	LI		

**Arrest Information**

<b>Arrest Address:</b>	43 ST E Minneapolis, MN	<b>Precinct:</b>	05
<b>Intersection:</b>	Nicollet AV S		
<b>Arrest Date:</b>	Dec 29, 2013 03:00		
<b>Arrest Location:</b>			
<b>Disposition:</b>	Hospitalized		
<b>Arresting Officer:</b>	004073: Lehner, Blayne Larry	<b>Call/Sqd:</b>	513
<b>Arresting Officer:</b>	007876: Wuorinen, Steve	<b>Call/Sqd:</b>	513

**Charges**

<u>Status</u>	<u>Type</u>	<u>Charge Code</u>	<u>Statute</u>	<u>Citation</u>	<u>Related CCN</u>
Misdemeanor	Misdemeanor	discon - Disorderly Conduct	609.72		

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Appearance	Violent		
Appearance	Mad/Angry		
Appearance	Upset		
Complexion	Light Brown		
Eye Color	Brown		
Force Used	Yes		
Hair Color	Black		
Hair Length	Short		
Injury Location	Head/Neck		
Injury Type	Apparent Minor Injury		
Speech	Foul		
Type of Resistance Encountered	Verbal Non-Compliance		

**Alias**

<b>Role / Role #:</b>	AL001	<b>MPD#:</b>	
<b>Name:</b>	Gargis, Luis Daniel		
<b>Residence:</b>	3916 16 AV S Apt. 2 Minneapolis, MN		
<b>Telephone:</b>	C:612-695-1843		
<b>Date of Birth:</b>	06/06/1995	<b>Event Age:</b> 18	<b>Est. Age:</b> 18 - 18
<b>Race:</b>	Other/Mixed Race	<b>Medical Treatment:</b>	No
<b>Sex:</b>	Male	<b>Prior Injury:</b>	No
<b>Height:</b>	504		
<b>Build:</b>	LI		

**Arrest Information**

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Force Used	No		

**Alias**

**Role / Role #:** AL002 **MPD#:**  
**Name:** Rios, Antonio Jesus  
**Residence:** 4128 13 AV S  
 Minneapolis, MN 55407  
**Telephone:** C:unk  
**Drv Lic #:** 13.43 - Personnel Data  
**Date of Birth:** 08/05/1992 **Event Age:** 21 **Est. Age:** 21 - 21  
**Race:** Other/Mixed Race **Medical Treatment:** No  
**Sex:** Male **Prior Injury:** No  
**Height:** 507  
**Build:** ME

**Arrest Information**

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Employment Status	Unknown		
Force Used	No		

**Relationships**

<u>Subject</u>	<u>Relationship Type</u>	<u>Object</u>
A001 Rios-Pelayo, Antonio	Alias	AL002 Rios, Antonio
A002 Garcia-Pineda, Luis	Alias	AL001 Gargis, Luis

**Modus Operandi**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Crime Elements	Arrest(s) Made	OBSTRU	
Crime Location	Auto		
Crime Location	Street/Sidewalk		
Criminal Activity	Operating/Promoting/Assisting		
Type of Drugs	Alcohol		

**Vehicle**

**Vehicle Number:** 1  
**Owner Role:** A001 **Owner Name:** Rios-Pelayo, Antonio  
**Make:** Honda **Model:** Accord  
**Model Year:** 1995 **VIN #:** 13.37 - Security & Trade Secret  
**Plate:** 1U2DD **Plate Year:** 2014  
**Estimated Value:** \$1.00

**Vehicle Status**

<u>Category</u>	<u>Date</u>	<u>Description</u>
Vehicle Impounded		Yes
Vehicle Used In Crime		Yes

**Vehicle Description**

<u>Category</u>	<u>Description</u>	<u>Comments</u>
Vehicle Color Inter	Gray/Silver	
Vehicle Color Side	Grey/Silver	

Vehicle Color Top	Grey/Silver
Vehicle Type	4 Door

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**Case Supplements**

14 supplements begin on the following page.

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**Supplement number: 1      CCN: MP-13-430045      Author:      007876 - Steve Wuorinen**

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Supplement of Off S.Wuorinen #007876 on 12/29/2013 04:49

While working Squad 513 with my partner Officer Lehner, we responded to the area of 37 and Nicollet Ave S for a shots fired call. When we arrived in the area we went to 46 and Nicollet to assist checking a possible suspect vehicle. I then heard Officer Misgen air that his partner Officer Lukes was almost ran over by a car going SB on Nicollet. I heard Squad 521 had the car stopped at 43 and Nicollet. I drove to the location to see if they needed assistance.

When I arrived I noticed that the driver of the car was no longer in the vehicle. Officer Kelly went up to the vehicle and was speaking to the passengers. I saw that driver's side rear passenger (later identified as AP Garcia) was causing problems for the officer. I went to assist when I saw that he was being asked out of the car. The male had a strong odor of an alcoholic beverage on his breath and was slurring his words as he came out of the car. I grabbed a hold of his left arm and he was trying to pull away as I was attempting to handcuff him.

Once he was handcuffed I escorted him to the rear of my squad and searched him for weapons. As I was searching AP Garcia he was making comments to me that he was afraid of the police and that he was going to school to be an officer. It was difficult to understand him because he was slurring his words. I noticed as he was attempting to look back at me that his eyes were bloodshot and watery. Garcia appeared to be getting ready to spit with his facial movement. I turned Garcia away from me and placed him in the backseat.

Garcia then started to kick the squad and appeared to be hitting his head also as he was in the back of the squad. I was attempting to collect his belongings from the trunk when my partner opened the door and told Garcia to "STOP KICKING." I grabbed a hold of AP Garcia and help take him out of the squad to prevent him from damaging the squad or harming himself. Garcia was placed on the ground.

My partner told me that AP Garcia was injured. AP Garcia did not have identification and was verbally identified as Luis Daniel Gargis 06-08-1995. This name did not come back on file. AP Garcia was transported to HCMC for his injury. I escorted AP Garcia inside the hospital and he started to make threats that if I wasn't wearing a badge that he would get me and my partner. He continued by calling me "motherfuckers" and saying 'why don't you try your shit now?' I am going to be a cop your going to regret this wait until I see you on the street. AP Garcia was brought into Team Center A. Security placed a spit mask on Garcia as he continue to make threats.

Checks revealed that AP1 gave us a false name and he was found to be suspended and had an OFP on him. AP Garcia was cited and left at the hospital.

**END of Supplement 1**

**Supplement number: 2      CCN: MP-13-430045      Author:      003680 - Christopher Kelley**

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Supplement of Off C.Kelley #003680 on 12/29/2013 05:03

On today's date at approximately 0301 hours, I was working marked squad 521 with partner officer Malloy. We were assigned to a SHOOTING call at 3710 Nicollet Ave S. I was checking the scene for possible bullet hole in the apartment building.

I was on the west side of the street and saw Officer Lukes cross the street towards my location. While he was in the street, a four door vehicle was approaching from the North. The driver of the vehicle stepped on the accelerator as if he was trying to hit Officer Lukes as he was crossing the street. I could hear the car switch down to a lower gear and it observed it accelerate. It was apparent the intent was to hit or scare the Officer as he was in the street. There could be no other legitimate reason to drive in a reckless manner.

To verify what I thought of what the driver's intent was , I yelled to Officer MISGEN if he saw and heard what I saw. Officer Misgen concurred with my assessment and I got into my squad to go and stop the driver of that vehicle. Officer Misgen aired the initial vehicle information and my partner and I went SB on Nicollet Ave S to catch up to the vehicle.

I was able to stop the vehicle, ID'd as MN 170-JHT. I got out of the squad and went to make contact with the driver, later ID'd as AP1. I asked him if he knew why he was being stopped and he could not tell me why. It should be noted the driver was belligerent upon initial contact and he appeared to be drinking due to his bloodshot watery eyes and unpleasant demeanor. Due to his driving conduct I had him get out of the vehicle and told him he was under arrest. I escorted him to an assisting squad and handcuffed him without incident. AP1 was placed into my squad and I went back to ID the other passengers in the vehicle. The two female occupants, which were seated in the front passenger and rear right passenger compartment of the vehicle. Both complied with my requests for identification. The male passenger, later ID'd as AP2, located in the rear left side of the vehicle, appeared to be under the influence and refused my request for some form of ID. It should be noted that AP1 also appeared to be under the age of 21 which would be a plausible reason for him not wanting to identify himself. He looked at me and uttered some curseword. I again asked him for some ID and he said he did not have any. He was getting angry and looked at me as if he was going to get aggressive. Believing he was going to try and start an altercation, I had him get out of the car and had him handcuffed him right away to prevent the situation from escalating.

Assisting officers placed him in Sq 513. I then got back into my squad and assisted in the identification process. While in my squad, we could hear the party in Sq 513 kicking the doors or partition in the back of the squad. I also heard assisting officers give him verbal commands to stop kicking. The kicking stopped when the officers removed AP2 from the squad.

Due to the driver's reckless driving conduct and blatant disregard for the Officer Lukes safety, AP1 was booked HCJ for RECKLESS DRIVING. AP2 was booked HCJ for DISCON. AP1 was booked by Sq 511 and AP2 was booked by Sq 513. AP1's vehicle was towed to the impound lot. The passengers in the vehicle were picked up by a family member.

**END of Supplement 2**

**Supplement number: 3      CCN: MP-13-430045      Author:      004073 - Blayne Lehner**

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Supplement of Off B.Lehner #004073 on 12/29/2013 05:09

13-430045

On the listed date and time I was working marked squad 513 with my partner Officer Wuorinen. We were dispatched to the area of 37th street east and Nicollet avenue south on a pergun/flight/shots fired call (CCN 13-430014). Upon arrival in the area officers received information that an older Chevy Tahoe was involved in the shots fired. Officer Novak called out there was an older chevy tahoe at the BP Gas station at 46th street east and Nicollet avenue south. Officer Wuorinen and went to this location to assist and upon arrival we dealt with MN 396LMN (which was later found to not be involved).

While dealing with this vehicle I heard over the radio that Officer Lukes was nearly struck by a vehicle that was travelling southbound on Nicollet avenue south from the area of 37th street east. Officer Misgen called out the vehicle was a grey 4dr occupied three times. After a brief period Officers Kelley and Malloy of 521 stated they had this vehicle and it was being stopped at 43rd street east and Nicollet avenue south.

Officer Wuorinen and I went to this location from the south on Nicollet avenue south and upon driving up to the suspect vehicle Officer Wuorinen pulled parallel to the vehicle and shinned the drivers side spotlight onto the vehicle to be able to see into the vehicle. The driver was all ready out of the vehicle and upon shining the spotlight on the vehicle this angered the rear seat passenger, later known as AP/2 Garcia, and I could see him staring at the marked squad. I could see him mouthing curse words at officers. I also noticed that AP/2 Garcia had very large blood shot eyes and from a distance it appeared as if he had been drinking.

Officer Wuorinen then pulled past the stopped vehicle and did a u-turn on Nicollet and pulled in behind the vehicle to assist squad 521 if needed.

While in the marked squad I observed Officer Kelley approach the drivers side of the vehicle and talk to the front seat passenger. I could hear that Officer Kelley was attempting to identify the people in the vehicle and after identifying the two female passengers I observed him bring his attention to AP/2 Garcia. While seated in the marked squad I could hear AP/2/Garcia being belligerent with Officer Kelley and he was refusing to identify himself and it sounded as if he was cursing at Officer Kelley.

I then observed Officer Kelley ask AP/2/Garcia to step from the vehicle and at this point I approached the vehicle to assist. Once at the vehicle Officer Wuorinen and Officer Kelley were handcuffing AP/2/Garcia due to his belligerent behavior and his alcohol consumption. AP/2/Garcia appeared to be under the age of 21 and he was refusing to identify himself. While with AP/2/Garcia I could smell an odor of alcohol coming from his breath while he was cursing at us and again observed him to have glassy watery eyes.

Also, while standing at the vehicle and while AP/2/Garcia was being handcuffed the two female passengers in the vehicle were yelling at AP/2/Garcia to stop yelling at officers and to cooperate with us. AP/2/Garcia was then walked back to the marked squad by Officer Wuorinen and I stayed up at the vehicle for a brief period of time. While at the vehicle again the two females were apologizing for AP/2/Garcia's actions.

I then heard AP/2/Garcia yelling at Officer Wuorinen while he was being pat searched. Once the pat search was completed on AP/2/Garcia he was placed in the rear of the marked squad. While Officer Wuorinen was placing AP/2/Garcia in the rear of the marked squad I heard him state something to him. I asked Officer Wuorinen what he had stated and Officer Wuorinen stated that AP/2/Garcia stated he has been in a squad car a hundred times.

After a few moments while standing at the back of the squad car I heard AP/2/Garcia starting to kick the inside of the squad car. AP/2/Garcia was thrashing about in the back of the squad and was kicking and flailing everywhere. I then opened the rear door to tell him to stop and if he did not to attempt to get control of him so he would not damage any property or hurt himself. Once I did this AP/2/Garcia wildly kicked at my right knee narrowly missing it and then pulled his leg up and back in another attempt to kick at me.

Due to the tight nature of the back seat of the squad car I did not want to get kicked by AP/2/Garcia and I felt if I were to shut the squad door it would slam his leg on the door. I knew as well if I were to try to push AP/2/Garcia with my hands into the vehicle or try to pull him from the vehicle so he would not damage it or hurt himself I would get kicked myself and possibly.

With this I lifted my right leg to push kick AP/2/Garcia into the squad so the door could possibly be closed or we could gain some control of him. Upon doing this I lifted my right leg and pushed it into the vehicle at AP/2/Garcia's torso. At the same time I did this AP/2/Garcia leaned forward at me with his upper body changing the target of my push kick. I then made contact with AP/2/Garcia's jaw area and it appeared as if AP/2/Garcia was knocked out for a second.

I then grabbed AP/2/Garcia by the upper torso and pulled him from the vehicle and had him lay chest first on the street until he calmed down. While AP/2/Garcia was on the street I noticed that he was bleeding from his mouth area. I called Sgt. Altonen to the scene due to the force used.

AP/2/Garcia calmed down and he was asked if he was going cooperate with the police and he stated he was. AP/2/Garcia was stood up and placed back in the rear of the marked squad. While there he verbally identified himself as Luis Daniel Gargis DOB 06-08-1995. AP/2/Garcia stated he did not have a MN ID and he had never been booked into HCJ. AP/2/Garcia stated that he knew an MPD officer who worked on the northside and he stated I was going to pay for what I did.

Sgt. Altonen arrived and conducted his force review.

AP/2/Garcia was transported to HCMC to receive medical attention. It was later learned that AP/2/Garcia's real name was Luis Daniel Garcia-Pineda DOB 06-08-1995. AP/2/Garcia was then tagged and released at HCMC for Minor Consumption and Obstructing Legal Process.

**END of Supplement 3**



**Supplement number: 4      CCN: MP-13-430045      Author:                      004824 - Daniel Misgen**

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Supplement of Off D.Misgen #004824 on 12/29/2013 05:19

On 12-29-2013 I was working marked squad 511 with my partner Officer Lukes. We had responded to a call of shots fired at 3710 Nicollet Ave. During our investigation of this call we were out of our squad walking in the area looking for evidence. We had just found a shell casing across the street from 3710 Nicollet and were trying to find where the bullet had gone.

I saw my partner Officer Lukes walk across the street towards 3710 Nicollet. As he did this I heard a car coming south bound. I looked up and could see that the vehicle appeared to be going faster than the posted speed limit. I saw the vehicle was rapidly closing the distance on my partner who was walking on the south bound travel lane as he crossed the street. I yelled "Lukes Watch out!" I then saw the driver lean forward as he looked at my partner, I saw his body weight shift and the vehicle accelerated at my partner. I can only believe that the driver shifted his weight to lean on the gas pedal as the vehicle rapidly sped up. It should be noted that my partner was wearing a full Minneapolis police uniform and that two squad cars were parked just into the parking lot of the auto repair business on the east side of Nicollet with flashing red and blue lights on. I grabbed my flash light and turned it on towards the driver of the car in an effort to signal him to stop but again saw him shift his weight as the vehicle sped up again. I aird that a vehicle had almost struck my partner and was now traveling south bound Nicollet. I gave a brief description of the vehicle and again aird that it had almost struck my partner and had sped up to do so.

Squad 521 went after the vehicle and was able to stop him several blocks away. As soon as we finished up the crime scene we responded over to the traffic stop. There we took custody of the driver and transported him without incident to HCJ. AP1 should be charged with Reckless Driving endangering lives and property.

**END of Supplement 4**

**Supplement number: 5      CCN: MP-13-430045      Author:                      004073 - Blayne Lehner**

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Supplement of Off B.Lehner #004073 on 12/29/2013 05:40

13-430045

It should be noted upon review of my report I felt as if I had to clarify a sentence. When I stated that my target had changed during the front push kick it was due to the quick movement of AP/2/Garcia that he was struck in the face. I was all ready in the kicking motion when AP/2/Garcia changed his position resulting in me hitting him in the face. My intent was to push kick him in the chest to either push him into the squad or to gain control of him like I had stated and not to hit him in the face.

**END of Supplement 5**

**Supplement number: 6      CCN: MP-13-430045      Author:                      004824 - Daniel Misgen**

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Supplement of Off D.Misgen #004824 on 12/29/2013 05:42

It should be noted that the vehicle missed Officer Lukes by scant feet (less then 5 feet). If I had not yelled at Officer Lukes I firmly believe that he would have been struck by the vehicle and suffered great bodily harm or death.

**END of Supplement 6**

**Supplement number: 7      CCN: MP-13-430045      Author:                      004261 - Marcus Lukes**

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Supplement of Off M.Lukes #004261 on 12/29/2013 05:44

On 12/29/13 I was working marked squad 511 along with my partner Officer Misgen who was passenger. We responded to the report of a person with a gun at 3710 Nicollet Av S. While on the way to the call comments updated the call that shots were fired.

As Officer Misgen and I were continuing further investigation on this case, we were outside trying to locate spent shell casings from the shots that were fired. I was walking through the parking lot of an auto repair shop across the street from 3710 Nicollet Av S and located a 9mm spent shell casing. The casing was marked until I could get a camera and I starting checking the area for where the bullet impacted.

I checked the immediate area around the casings and couldn't locate any signs of the bullet impact. I walked up to Nicollet Av S and crossed from east to west. I could see a car north of me traveling south that was approximately 4 blocks away from me as I was halfway across the street. As I continued I heard my partner Officer Misgen yell "Hey Lukes Watch Out!" and I looked up to see the car coming towards me. As I was jumping onto the side walk, I heard the car's engine rev up. I stopped, turned, and looked at the car as it went pass me and I could see that the driver was a Hispanic male. I immediately recognized that the car was a Honda make. The car was approximately 5 feet from me when it passed by. Officer Misgen aired the information on the radio for other units. It should be noted that I was in full patrol uniform when this accured and there were two marked squad cars in the immediate area.

Officer Kelley who also witnessed it got into his squad to catch up to the vehicle and stop it, while I remained on scene to wait for a camera to collect the bullet casing. I heard Officer Kelley stopped the Honda at 43rd St and Nicollet Av S. I finished collecting the evidence and went to Officer Kelley's stop location. I took over custody of AP1/Rios and placed him in the back of my squad car. AP1 was then transported and booked at Hennepin County Jail.

**END of Supplement 7**

**Supplement number: 8      CCN: MP-13-430045      Author:                      109079 - Alison Murray**

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Supplement of CFVA A.Murray #109079 on 02/17/2014 18:51  
Crime Lab Unit, Work Order Request

Per a work order received in the Crime Lab Unit on 2/16/14, on 2/17/14 I retrieved the following digital squad video from the L3 Communications server at the request of Lisa Johnson, Minneapolis City Attorney's Office:

File 339071: P# 76382 on 12/29/13 at 0239 hours

I created one DVD copy of the recorded footage. This incident is set to archive should a future copy be requested. The DVD was labeled and Johnson was notified it was available to be picked up in the Crime Lab Unit.

Johnson also requested digital squad video pertaining to the incident from P# 76619 and P# 76372. There does not appear to be video pertaining to the incident on these P#s with Johnson's search parameters.

**END of Supplement 8**

**Supplement number: 9      CCN: MP-13-430045      Author:                      109079 - Alison Murray**

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Supplement of CFVA A.Murray #109079 on 03/03/2014 21:52  
Crime Lab Unit, Work Order Request

Per a work order received in the Crime Lab Unit on 3/3/14, on 3/3/14 I attempted to retrieve the following digital squad video pertaining to the incident from the L3 Communications server at the request of Lisa Johnson, Minneapolis City Attorney's Office:

P# 76372 on 12/29/13 at approximately 0240 hours

The last recorded video on 12/29/13 for P# 76372 is at 0228 hours and shows a squad driving down the street. It does not appear there is video pertaining to the incident with Johnson's search parameters.

Johnson was notified of the findings.

**END of Supplement 9**

**Supplement number: 10    CCN: MP-13-430045    Author:                    109079 - Alison Murray**

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Supplement of CFVA A.Murray #109079 on 03/13/2014 20:59  
Crime Lab Unit, Follow Up Request

On 3/13/14 I received an email from Lisa Johnson, Minneapolis City Attorney's Office, requesting further information as to the findings pertaining to digital squad video in this case (see supplement 8). Johnson specifically asked whether the video for P# 76382 cuts off while the AP is in the backseat and if there is video before or after the time of the incident from P# 76619 and P# 76372.

I accessed the L3 server and determined the following:

The video file for P# 76382 (File 339071) is approximately 3 minutes in length and does end while the AP is in the rear of the squad.

Officers were dispatched to the incident at approximately 0240 hours on 12/29/13.

The video recorded on P# 76619 preceding the incident is a video less than one minute in length beginning at 0221 hours that shows the squad driving down the street with an empty backseat. The recording ends before the squad stops or arrives at any location. The next recorded video begins at 0549 hours, again showing the squad driving down the street with an empty backseat.

The last video recorded on P# 76372 on takes place at 0228 hours and shows the squad driving down the street with an empty backseat. The recording ends before the squad stops or arrives at any location. There is no further recorded video on 12/29/13.

Johnson was notified of my findings.

**END of Supplement 10**

**Supplement number: 11    CCN: MP-13-430045    Author:                    109079 - Alison Murray**

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Supplement of CFVA A.Murray #109079 on 03/24/2014 20:48  
Crime Lab Unit, Work Order Request

On 3/24/14 the Crime Lab Unit received a work order request from Lisa Johnson, Minneapolis City Attorney's Office, requesting all digital squad video recorded on P# 76372 and P# 76619 on the date of 12/29/13 be saved should a future copy be needed.

On 3/24/14 I accessed the L3 Communications server and saved the following video segments, all recorded video files on the date of 12/29/13 for P# 76372 and P# 76619:

File 338432: P# 76372 on 12/29/13 at 0030 hours  
File 338433: P# 76372 on 12/29/13 at 0135 hours  
File 338434: P# 76372 on 12/29/13 at 0219 hours  
File 338435: P# 76372 on 12/29/13 at 0228 hours

File 340352: P# 76619 on 12/29/13 at 0149 hours  
File 340353: P# 76619 on 12/29/13 at 0221 hours  
File 340354: P# 76619 on 12/29/13 at 0549 hours  
File 340355: P# 76619 on 12/29/13 at 0908 hours  
File 340356: P# 76619 on 12/29/13 at 1555 hours  
File 340357: P# 76619 on 12/29/13 at 2202 hours  
File 340358: P# 76619 on 12/29/13 at 2235 hours

Johnson was notified all video files were set to archive should a future copy be needed.

**END of Supplement 11**



**Supplement number: 12    CCN: MP-13-430045    Author:                    109079 - Alison Murray**

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Supplement of CFVA A.Murray #109079 on 03/24/2014 20:52  
Crime Lab Unit; Video Analysis Report

On 3/24/14 the Crime Lab Unit received a work order from Sgt Walters, Juvenile Investigations, requesting video pertaining to the incident contained on a surveillance disc, PI# 14-8639 (Line 1), be made viewable on a City network computer.

On 3/24/14 I removed the surveillance disc from the Property and Evidence Unit.

The surveillance disc contained video that was found to be playable on a City network computer. The surveillance disc was copied.

The disc copy was labeled and Sgt Walters was notified it was available to be picked up in the Crime Lab Unit.

The original surveillance disc was sealed with evidence tape, signed, and returned to the Property and Evidence Unit.

**END of Supplement 12**

**Supplement number: 13    CCN: MP-13-430045    Author:                    109079 - Alison Murray**

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Supplement of CFVA A.Murray #109079 on 03/24/2014 20:55  
Crime Lab Unit, Corrective Supplement

The previous supplement was added in error. It will be added to its correct CCN, 14-090339.

**END of Supplement 13**



# Incident Detail Report

Data Source: Data Warehouse  
 Incident Status: Closed  
 Incident number: 13-430045  
 Incident Date: 12/29/2013 03:01:13  
 Last Updated: 3/8/2017 10:50:17

**Incident Information**

<b>Incident Type:</b>	2 Officer Response - Pct Car	<b>Alarm Level:</b>	
<b>Priority:</b>	2	<b>Problem:</b>	Suspicious Vehicle (P)
<b>Determinant:</b>		<b>Agency:</b>	POLICE
<b>Base Response#:</b>		<b>Jurisdiction:</b>	MPD/MFD/HCMC
<b>Confirmation#:</b>		<b>Division:</b>	Precinct 5
<b>Taken By:</b>	Gysbers, David	<b>Battalion:</b>	P5 Sec 2
<b>Response Area:</b>	520	<b>Response Plan:</b>	P5 2 Officer Response
<b>Disposition:</b>	RPT-Report	<b>Command Ch:</b>	
<b>Cancel Reason:</b>		<b>Primary TAC:</b>	
<b>Incident Status:</b>	Closed	<b>Secondary TAC:</b>	
<b>Certification:</b>		<b>Delay Reason (if any):</b>	
<b>Longitude:</b>	93277914	<b>Latitude:</b>	44935740

**Incident Location**

<b>Location Name:</b>		<b>County:</b>	HENNEPIN
<b>Address:</b>	3710 NICOLLET AV	<b>Location Type:</b>	
<b>Apartment:</b>		<b>Cross Street:</b>	38 ST E/37 ST W
<b>Building:</b>		<b>Map Reference:</b>	217H
<b>City, State, Zip:</b>	MINNEAPOLIS MN 55409		

**Call Receipt**

<b>Caller Name:</b>		<b>Call Back Phone:</b>	
<b>Method Received:</b>		<b>Caller Location:</b>	
<b>Caller Type:</b>			

**Time Stamps**

Description	Date	Time	User	Elapsed Times Description	Time
Phone Pickup	12/29/2013	03:01:13			
1st Key Stroke	12/29/2013	03:01:13		Received to In Queue	00:00:00
In Waiting Queue	12/29/2013	03:01:13		Call Taking	00:00:00
Call Taking Complete	12/29/2013	03:01:13	Gysbers, David	In Queue to 1st Assign	00:00:00
1st Unit Assigned	12/29/2013	03:01:13		Call Received to 1st Assign	00:00:00
1st Unit Enroute	12/29/2013	03:01:13		Assigned to 1st Enroute	00:00:00
1st Unit Arrived	12/29/2013	03:01:13		Enroute to 1st Arrived	00:00:00
Closed	12/29/2013	05:48:40	VisiNetMobileInterface	Incident Duration	02:47:27

**Resources Assigned**

Unit	Primary Flag	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Odm. Enroute	Odm. Arrived	Cancel Reason
511	Y	03:01:13		03:01:13		03:01:13	03:01:15		05:47:51			EX-Unit Exchange
521	N	03:01:56		03:01:55		03:01:55	03:02:07		03:45:00	8695.9	8695.9	EX-Unit Exchange
503	N	03:02:31	AST-Assist	03:02:21		03:02:21	03:03:38		03:10:56	4445.5	4445.5	
513	N	03:03:03	RPT-Report	03:03:03			03:03:38		05:48:40	6528.9		
521	N	04:13:09	RPT-Report	04:13:09			04:13:21		05:44:05	8695.9		

**Personnel Assigned**

Unit	Name
511	Lukes, Marcus (004261); Misgen, Daniel M (004824)
521	Kelley, Christopher P (003680); Malloy, G J (065087)
503	Altonen, Richard C (032287)
513	Lehner, Blayne L (004073); Wuorinen, Steve (007876)
521	Kelley, Christopher P (003680); Malloy, G J (065087)

**Pre-Scheduled Information**

No Pre-Scheduled Information

**Transports**

No Transports Information

**Transport Legs**

No Transports Information

Comments

Date	Time	User	Type
12/29/2013	03:01:43	119874	Response
12/29/2013	03:01:56	119874	Response
12/29/2013	03:02:07	INT	Response
12/29/2013	03:02:31	119874	Response
12/29/2013	03:03:23	119874	Response
12/29/2013	03:03:33	119874	Response
12/29/2013	03:03:45	513	Response
12/29/2013	03:03:50	119874	Response
12/29/2013	03:04:09	119874	Response
12/29/2013	03:04:09	119874	Response
12/29/2013	03:04:09	119874	Response
12/29/2013	03:04:29	119874	Response
12/29/2013	03:06:12	119874	Response
12/29/2013	03:06:12	119874	Response
12/29/2013	03:06:12	119874	Response
12/29/2013	03:06:12	119874	Response
12/29/2013	03:06:12	119874	Response
12/29/2013	03:06:12	119874	Response
12/29/2013	03:07:49	119874	Response
12/29/2013	03:07:49	119874	Response
12/29/2013	03:07:56	119874	Response
12/29/2013	03:08:04	119874	Response
12/29/2013	03:11:17	521	Response
12/29/2013	04:54:47	513	Response Y

Conf. Comments

511 SB NICOLLET...4 DR GRY VEH...OCC X 3...ALMOST STRUCK 511  
 Backed up 511 with 521  
 Unit 521 in C4 Code 4 status.  
 Backed up 521 with 503  
 511 SUSPV \*ACCELERATE AT OFFICERS\*\*  
 [Query] 521, NCIC Plate Check: 13.87 Criminal Justice Data  
 513 - one male to HCMC  
 521 43/NIC  
 TO: MPB46X-00326931 20131229 03:03:35 0A8804FD13  
 FROM: A36MPQ45-04226897 20131229 03:03:34 0A8802606E  
 TXT  
 13.43 - Personnel Data

NAM/PETERSON,RILEY WILLIAM.\*RECORD DISSEMINATION RESTRICTED\*

18 U.S.C. 2521 DMV Data

NAM/RIOS,ANTONIO JESUS.\*RECORD DISSEMINATION RESTRICTED\*

18 U.S.C. 2521 DMV Data

END VIOLATIONS

511 - TO: MPB117-00188160 20131229 02:44:53 079502D730 FROM:  
 A36MPQ42-07736897 20131229 02:44:52 079500B704 TXT  
 NAM/KLICKA,ZACHARY JAMES.\*RECORD DISSEMINATION RESTRICTED\*

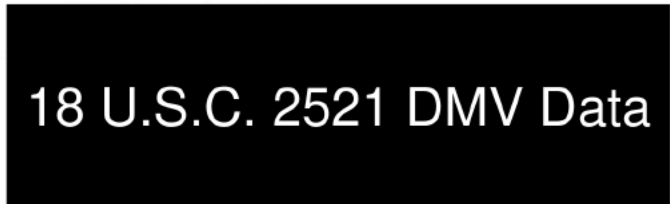
18 U.S.C. 2521 DMV Data

VIOLATIONS

513 REQ 503 TO 43/NIC  
 521 - 170-JHT...driver antonio jesus rios..612-231-4598..4128 13 av s rear  
 passenger... miriam aguilar-garcia 04-22-1992..3916 16 av s front seat  
 passenger..stephanie cueves 101 e.54th st #306 18 U.S.C. 2521 DMV Data  
 521 - luis daniel garcia 06-06-1995 ( rear ds passenger)

513 - TO: MPB189-00240661 20131229 03:50:54 090803AC15 FROM:  
 A36MPQ41-08738750 20131229 03:50:53 0908010533  
 TXT  
 NAM/GARCIA-PINEDA,LUIS DANIEL.\*RECORD DISSEMINATION RESTRICTED\*

18 U.S.C. 2521 DMV Data



12/29/2013 04:54:47 513 Response Y

12/29/2013 04:54:47 513 Response Y

END VIOLATIONS  
513 - TO: MPB189-00240662 20131229 03:50:54 090803AC16  
FROM: MNHOT2-16540023 20131229 03:50:54 0908010533

12/29/2013 04:55:09 513 Response Y

NO HIT WANTED PERSON FILE  
OP ORI/MN0271111 NAM/GARCIA-PINEDA, LUIS DANIEL DOB/19950608.

13.87

12/29/2013 04:55:09 513 Response Y

PNO/27FA123429.ORI/MN02700W1.TEL/6123482004.  
FAX/6123484828.JDG/H PETER ALBRECHT.  
ISD/20120504.EXP/20140504.CTI/MN027015J.DLE/20120504.BRD/N.NIC/H07  
8483979.  
DOS/20120511.TOS/1500.SVI/MN02700C2.STY/1.  
NAM/GARCIA, LUIS DANIEL DOB/19950608 MIN/792796 SEX/M.RAC/W.

12/29/2013 04:55:09 513 Response Y

13.87

12/29/2013 04:55:09 513 Response Y

Address Changes  
No Address Changes

Priority Changes  
No Priority Changes

Alarm Level Changes  
No Alarm Level Changes

Activity Log

Date	Time	Radio	Activity	Location	Log Entry	User
12/29/2013	03:01:13	511	A Arrived	3710 NICOLLET AV		119874
12/29/2013	03:01:15	511	C4 Code 4			119874
12/29/2013	03:01:18		Read Incident		Incident 315 was Marked as Read.	119874
12/29/2013	03:01:55	511	Unit Backed up	3710 NICOLLET AV	Backed up with 521	119874
12/29/2013	03:01:55	521	E EnRoute	3710 NICOLLET AV	Responding From = NICOLLET AVE43 ST W	119874
12/29/2013	03:01:55	521	A Arrived	3710 NICOLLET AV		119874
12/29/2013	03:01:56	521	D Dispatched	3710 NICOLLET AV		119874
12/29/2013	03:02:07	521	C4 Code 4	3710 NICOLLET AV		VisiNET
12/29/2013	03:02:21	521	Unit Backed up	3710 NICOLLET AV	Backed up with 503	119874
12/29/2013	03:02:21	503	E EnRoute	3710 NICOLLET AV	Responding From = NICOLLET AVE43 ST W	119874
12/29/2013	03:02:21	503	A Arrived	3710 NICOLLET AV		119874
12/29/2013	03:02:31		Read Comment		Comment for Incident 315 was Marked as Read.	119874
12/29/2013	03:02:31	503	D Dispatched	3710 NICOLLET AV		119874
12/29/2013	03:02:32		Read Comment		Comment for Incident 315 was Marked as Read.	119874
12/29/2013	03:02:32		Read Comment		Comment for Incident 315 was Marked as Read.	119874
12/29/2013	03:03:03	513	D Dispatched	3710 NICOLLET AV		VisiNET
12/29/2013	03:03:03	513	E EnRoute	3710 NICOLLET AV	Responding From = 46 ST E TO NB I35WINTERSTATE 35W NB	VisiNET
12/29/2013	03:03:33	521	[Query]		[Query] NCIC Plate Check:	119874
12/29/2013	03:03:38	513	C4 Code 4	3710 NICOLLET AV	13.87-	119874
12/29/2013	03:03:38	503	C4 Code 4	3710 NICOLLET AV		119874

12/29/2013	03:04:48		Read Comment		Comment for Incident 315 was Marked as Read.	119874
12/29/2013	03:08:19		UserAction		User clicked Exit/Save	119874
12/29/2013	03:10:56	503	__ Available	3710 NICOLLET AV		119874
12/29/2013	03:11:40		Read Comment		Comment for Incident 315 was Marked as Read.	119874
12/29/2013	03:45:00		ReAssign Response	3710 NICOLLET AV	Clearing Primary Vehicle Flag	119874
12/29/2013	03:45:00	521	ReAssign Vehicle	3710 NICOLLET AV	ReAssign Reason: EX-Unit Exchange	119874
12/29/2013	04:13:09	521	D Dispatched	3710 NICOLLET AV		VisiNET
12/29/2013	04:13:09	521	E EnRoute	3710 NICOLLET AV	Responding From = PILLSBURY AVE SMIDTOWN GREENWAY W	VisiNET
12/29/2013	04:13:21	521	C4 Code 4	3710 NICOLLET AV		119874
12/29/2013	04:29:20		Read Comment		Comment for Incident 315 was Marked as Read.	066500
12/29/2013	04:55:38		Read Comment		Comment for Incident 315 was Marked as Read.	066500
12/29/2013	05:14:02		Read Comment		Comment for Incident 315 was Marked as Read.	119874
12/29/2013	05:44:05	521	__ Available	3710 NICOLLET AV		VisiNET
12/29/2013	05:47:51		ReAssign Response	3710 NICOLLET AV	Clearing Primary Vehicle Flag	119874
12/29/2013	05:47:51	511	ReAssign Vehicle	3710 NICOLLET AV	ReAssign Reason: EX-Unit Exchange	119874
12/29/2013	05:48:40		Response Closed	3710 NICOLLET AV		VisiNET
12/29/2013	05:48:40	513	__ Available	3710 NICOLLET AV		VisiNET
12/29/2013	18:46:54		UserAction		User clicked Exit/Save	064977

**Edit Log**

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
12/29/2013	03:01:13	Pickup_Map_Info		217H		Response_Transports	P01	119874
12/29/2013	03:01:13	Map_Info		217H		Response_Master_IncidentP01		119874
12/29/2013	03:01:18	Read Call	False	True	(Recall Window)	Response_Master_IncidentP01		119874
12/29/2013	03:02:31	Read Comment	False	True	(Recall Window)	Response_Master_IncidentP01		119874
12/29/2013	03:02:32	Read Comment	False	True	(Recall Window)	Response_Master_IncidentP01		119874
12/29/2013	03:02:32	Read Comment	False	True	(Recall Window)	Response_Master_IncidentP01		119874
12/29/2013	03:04:48	Read Comment	False	True	(Recall Window)	Response_Master_IncidentP01		119874
12/29/2013	03:11:40	Read Comment	False	True	(Recall Window)	Response_Master_IncidentP01		119874
12/29/2013	04:29:20	Read Comment	False	True	(Recall Window)	Response_Master_IncidentP04		066500
12/29/2013	04:55:38	Read Comment	False	True	(Recall Window)	Response_Master_IncidentP04		066500
12/29/2013	05:14:02	Read Comment	False	True	(Recall Window)	Response_Master_IncidentP01		119874

Custom Time Stamps  
**No Custom Time Stamps**

Custom Data Fields  
**No Custom Data Fields**

Attachments  
**No Attachment**

**Case Report****Minneapolis Police Department****CCN: MP-13-430045****Report Details**

<b>Reporting Officer:</b>	004366: G Malloy	<b>Approval Status:</b>	Approved
<b>Assisting Officer:</b>	003680: Christopher Kelley	<b>Approval Date:</b>	Dec 30, 2013
<b>Supervising Officer:</b>	005882: Kurt Radke	<b>Date Returned:</b>	
<b>Approving Supervisor:</b>	005882: Kurt D Radke	<b>Return Count:</b>	0
<b>Call/Sqd:</b>	521	<b>Date Printed:</b>	Mar 8, 2017
<b>Precinct:</b>	05	<b>Last Uploaded:</b>	Dec 30, 2013
<b>Related CCN :</b>	--	<b>Solvability:</b>	100
<b>Reported Date:</b>	Dec 29, 2013 03:08	<b>Primary Routed Unit:</b>	4116 - Assault
<b>Entered By:</b>	004073		

**Incident Details**

<b>Offense2: RD</b>	<b>Desc:</b> Reckless Driving	<b>Statute:</b> 169.13S1	<b>Attempted:</b>
<b>Offense3: CBYMIN</b>	<b>Desc:</b> Consump-liq By Minor	<b>Statute:</b> 370.30	<b>Attempted:</b>
<b>Offense4: OBSTRU</b>	<b>Desc:</b> Obst Legal Process	<b>Statute:</b> 609.50	<b>Attempted:</b>
<b>Offense5: FORCE</b>	<b>Desc:</b> Use Of Force	<b>Statute:</b>	<b>Attempted:</b>
<b>Address:</b>	43 ST E Minneapolis, MN 55409		
<b>Intersection:</b>	Nicollet AV S		
<b>Occurred From:</b>	12/29/2013 02:40	<b>Dispatched:</b>	02:40:00
<b>Occurred To:</b>	12/29/2013 02:42	<b>Arrived:</b>	02:42:00
<b>Location:</b>		<b>Cleared:</b>	05:00:00
<b>Minor Involved:</b>	No		

**Public Data**

The driver of MN 170-JHT was observed accelerating at an officer who was crossing Nicollet Ave S on the 3700 block. Assisting squads stopped the vehicle in the 4300 block of Nicollet Ave S. AP1 was booked HCJ for RECKLESS DRIVING. AP2 was booked HCJ for OBSTRUCTION and CONSUMPTION BY A MINOR.

AP1's vehicle was towed to the impound lot.

REC: CASE CLOSED BY ARREST.



**Arrestee**

<b>Role / Role #:</b>	A001	<b>MPD#:</b>	0020112458
<b>Name:</b>	Rios-Pelayo, Antonio Jesus		
<b>Residence:</b>	4128 13 AV S Minneapolis, MN 55407		
<b>Telephone:</b>	C:612-231-4598		
<b>Drv Lic #:</b>	<b>1U2DD</b>		
<b>Date of Birth:</b>	08/05/1992	<b>Event Age:</b>	21
<b>Race:</b>	White	<b>Medical Treatment:</b>	No
<b>Sex:</b>	Male	<b>Prior Injury:</b>	No
<b>Height:</b>	507	<b>City of Origin:</b>	Los Angeles
<b>Build:</b>	ME	<b>St. of Origin:</b>	CA

**Arrest Information**

<b>Arrest Address:</b>	43 ST E Minneapolis, MN	<b>Precinct:</b>	05
<b>Intersection:</b>	Nicollet AV S		
<b>Arrest Date:</b>	Dec 29, 2013 03:05		
<b>Arrest Location:</b>	Bocked County		
<b>Disposition:</b>	Bocked County		
<b>Arresting Officer:</b>	003680: Kelley, Christopher Patrick	<b>Call/Sqd:</b>	521
<b>Arresting Officer:</b>	004073: Lehner, Blayne Larry	<b>Call/Sqd:</b>	513
<b>Arresting Officer:</b>	004261: Lukes, Marcus	<b>Call/Sqd:</b>	511
<b>Arresting Officer:</b>	004366: Malloy, G Jodene	<b>Call/Sqd:</b>	521
<b>Arresting Officer:</b>	004824: Misgen, Daniel M	<b>Call/Sqd:</b>	511
<b>Arresting Officer:</b>	007876: Wuorinen, Steve	<b>Call/Sqd:</b>	513

**Charges**

<u>Status</u>	<u>Type</u>	<u>Charge Code</u>	<u>Statute</u>	<u>Citation</u>	<u>Related CCN</u>
Other	Misdemeanor	rd - Reckless Driving	169.13S1		

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Appearance	Mad/Angry	RD	
Appearance	Comments	RD	poss under the influence
Complexion	Light Brown		
Employment Status	Employed		
Eye Color	Brown		
Facial Hair	Fuzz/Whisker		
Force Used	No		
Hair Color	Black		
Hair Length	Medium		
Hair Style	Straight		
Identification	MN SID		
Speech	Slurred		

**Arrestee**

<b>Role / Role #:</b>	A002	<b>MPD#:</b>	
<b>Name:</b>	Garcia-Pineda, Luis Daniel		
<b>Residence:</b>	3916 16 AV S Apt. 2 Minneapolis, MN		
<b>Telephone:</b>	C:612-695-1843		
<b>Date of Birth:</b>	06/08/1995	<b>Event Age:</b>	18
		<b>Est. Age:</b>	18 - 18

Race: Other/Mixed Race      Medical Treatment: Yes  
 Sex: Male  
 Height: 504  
 Build: LI

**Arrest Information**

Arrest Address: 43 ST E      Precinct: 05  
 Minneapolis, MN  
 Intersection: Nicollet AV S  
 Arrest Date: Dec 29, 2013 03:00  
 Arrest Location:  
 Disposition: Hospitalized  
 Arresting Officer: 004073: Lehner, Blayne Larry      Call/Sqd: 513  
 Arresting Officer: 007876: Wuorinen, Steve      Call/Sqd: 513

**Charges**

Status	Type	Charge Code	Statute	Citation	Related CCN
Misdemeanor	Misdemeanor	discon - Disorderly Conduct	609.72		

**Personal Description**

Category	Description	Related Offense	Comments
Appearance	Violent		
Appearance	Mad/Angry		
Appearance	Upset		
Complexion	Light Brown		
Eye Color	Brown		
Force Used	Yes		
Hair Color	Black		
Hair Length	Short		
Injury Location	Head/Neck		
Injury Type	Apparent Minor Injury		
Speech	Foul		
Type of Resistance Encountered	Verbal Non-Compliance		

**Alias**

Role / Role #: AL001      MPD#:  
 Name: Gargis, Luis Daniel  
 Residence: 3916 16 AV S Apt. 2  
 Minneapolis, MN  
 Telephone: C:612-695-1843  
 Date of Birth: 06/06/1995      Event Age: 18      Est. Age: 18 - 18  
 Race: Other/Mixed Race      Medical Treatment: No  
 Sex: Male      Prior Injury: No  
 Height: 504  
 Build: LI

**Arrest Information**

**Personal Description**

Category	Description	Related Offense	Comments
Force Used	No		

**Alias**

**Role / Role #:** AL002 **MPD#:**  
**Name:** Rios, Antonio Jesus  
**Residence:** 4128 13 AV S  
 Minneapolis, MN 55407  
**Telephone:** C:unk  
**Drv Lic #:** 1U2DD  
**Date of Birth:** 08/05/1992 **Event Age:** 21 **Est. Age:** 21 - 21  
**Race:** Other/Mixed Race **Medical Treatment:** No  
**Sex:** Male **Prior Injury:** No  
**Height:** 507  
**Build:** ME

**Arrest Information**

**Personal Description**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Employment Status	Unknown		
Force Used	No		

**Relationships**

<u>Subject</u>	<u>Relationship Type</u>	<u>Object</u>
A001 Rios-Pelayo, Antonio	Alias	AL002 Rios, Antonio
A002 Garcia-Pineda, Luis	Alias	AL001 Gargis, Luis

**Modus Operandi**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Crime Elements	Arrest(s) Made	OBSTRU	
Crime Location	Auto		
Crime Location	Street/Sidewalk		
Criminal Activity	Operating/Promoting/Assisting		
Type of Drugs	Alcohol		

**Force**

**Force Report # 1**

**Involved Officer:** 004073 : Lehner, Blayne **Force Subject (Victim):** A002: Garcia-Pineda, Luis  
**Supervisor Notified:** Yes **Resp. to CIT Situation:** No  
**Subject UI drugs/alcohol:** Yes **Medical Treatment:** Yes  
**Report Complete:** Yes **Report Locked:** Yes  
**Electronic Signature:** lehner **Last Changed ID:** 003680  
**Last Changed Date:** Dec 29, 2013 05:25  
**Involved Force Types:** Bodily Force

**Bodily Force Details**

**Bodily Force Type:** Push Away  
**Bodily Force Type:** Body Weight to Pin  
**Bodily Force Type:** Kicks  
**Force Directed:** Torso  
**Compliance:** No  
**Injury:** Yes

**Force Supervisor Review**

<b>Responded To Scene:</b>	Yes	<b>Reason not responded:</b>	
<b>Evidence Collected:</b>	No	<b>IAU Notified:</b>	No
<b>Witnesses Identified:</b>	No	<b>Was Event Critical:</b>	No
<b>Firearm Discharged:</b>	No	<b>Subject Observed:</b>	Yes
<b>Spoke With Subject:</b>	Yes	<b>Subject Injury:</b>	Yes
<b>Subject Transported Hosp:</b>	Yes	<b>Subj. Admitted Hospital:</b>	No
<b>Is there video of force:</b>	No	<b>Is video prop. inventoried:</b>	No
<b>Supervisor review complete:</b>	Yes	<b>Reason not complete:</b>	

**Electronic Signature:** RC Altonen

**Last Changed Date:** Dec 29, 2013 05:28

**Supervisor ID:** 000066

**Supervisor's Narrative:** On 12-29-2013 at approximately 0301 hours I was contacted by Officer B Lehner regarding a use of force. Off. Lehner was working squad 513 with his partner Off. Wuorinen and they were involved wit a vehicle that had just tried to strike another officer at about 37th and Nicollet.

Officers stopped Mn. 170JHT at approximately 43 and Nicollet. while the driver of this vehicle was being arrested the rear Passenger, (subject of the use of force) began to obstruct the arrest and was placed under arrest himself.

Officer Lehner told me that while AP was in the back of the squad AP began to start kicking inside the back of the squad.

Officer Lehner said he opened the rear door and the AP tried kicking him. Officer Lehner ended up using his foot to gain control of him Striking AP in the face one time with his foot. Ap was taken to HCMC

**Force Witnesses**

No force witnesses identified

**Force IAU Review**

<b>IAU Notified:</b>	No	<b>Further Investigation:</b>	
<b>Referred Back:</b>	No	<b>Reason Referred Back:</b>	0
<b>Date Referred Back:</b>		<b>Date Returned to IAU:</b>	
<b>IAU Review Complete:</b>	Yes		
<b>Last Changed Date:</b>	Dec 31, 2013 10:56	<b>IAU Last Changed ID:</b>	004910

**Vehicle**

<b>Vehicle Number:</b>	1	<b>Owner Name:</b>	Rios-Pelayo, Antonio
<b>Owner Role:</b>	A001	<b>Model:</b>	Accord
<b>Make:</b>	Honda	<b>VIN #:</b>	13.37
<b>Model Year:</b>	1995	<b>Plate Year:</b>	2014
<b>Plate:</b>	18 U.S.C. 2521 DMV Data		
<b>Estimated Value:</b>	\$1.00		

**Vehicle Status**

<u>Category</u>	<u>Date</u>	<u>Description</u>
Vehicle Impounded		Yes
Vehicle Used In Crime		Yes

**Vehicle Description**

<u>Category</u>	<u>Description</u>	<u>Comments</u>
Vehicle Color Inter	Gray/Silver	
Vehicle Color Side	Grey/Silver	

Vehicle Color Top      Grey/Silver  
Vehicle Type            4 Door

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**End of report for case MP-13-430045. Print ID: {A5D684F6-A902-46E4-8B29-671BB77BEFF2}**

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# Work Order Job List

CITY OF MINNEAPOLIS

Report Printed: 02/10/2017 14:33:18 By User: ADW



## Work Order: 2449787

## Unit No: 76372

WO Location: 661	ROYALSTON	Total Job Count: 2
WO Reason: UNSCHEDULED WORK		Unit Description: 2008 FORD CR VIC
Date Opened: 12/31/2013 09:16:32	By: CDH	Alt. Unit No: License No: <b>1U2DD</b>
WO Status: Closed	Unit Status: A	Serial No: <b>13.37</b>
Promised Date:	Where Parked: 513	Tech Spec: 08 FD CR VIC MCC: SQUADM&H
Meter 1: M 66,382	Life Use 1: 66,335	Using Dept: POLICE
Meter 2: H 7,294	Life Use 2: 7,294	In-Service Date: 09/24/2008
Contact: R.Stoltz/L.Doyle		Contact No: 6126733474

### Work Order Instructions / Complaint:



## 00-40-011 - NO WORK CODE BIO HAZARD CLEAN-UP

Job Reason: DRIVER REPORT	Job Location: 661	ROYALSTON	Status: <b>DON</b>
Job ID: 1155761	Opened Date: 12/31/2013		Est. Job Cost:
Work Req No:	Due Date: 12/31/2013		Std. Labor Hrs: 0.0
Campaign No:	Scheduled: N	Warranty: N	Est. Labor Hrs: 0.0
Assigned To:	Priority: 5	Shift:	
Accident No:	External Data:		

### Job Instructions and Notes:

(CDH) CSO dropped car off/stated blood in back seat

## INVESTIGATIVE REPORT

**Complaint Number:** 15-16258  
**Investigator:** Sgt. Matthew McLean  
**Officer:** Officer Blayne Lehner  
**Case Type:** Administrative  
**Date of Incident:** December 29, 2013  
**Complaint Filed:** August 13, 2015

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### CASE OVERVIEW

On December 29, 2013 at approximately 0230 hours, 5<sup>th</sup> Precinct officers responded to a shots fired call in the area of 37<sup>th</sup> St. E. and Nicollet Ave. S. While officers were out of their squads on foot searching for evidence, a vehicle reportedly sped up and appeared to target an officer who was on foot in the street. This vehicle was stopped 6 blocks away at 43<sup>rd</sup> St. and Nicollet Ave. S., and the driver was arrested.

During the course of the stop, the left rear passenger, later identified as Luis Daniel Garcia-Pineda, was found to show signs of intoxication and was determined to be under the age of 21. Mr. Garcia-Pineda was removed from the vehicle and placed under arrest for consumption of alcohol by a minor. He was searched and handcuffed behind his back and placed in the rear of Squad 513, which at the time was driven by Officer Steve Wuorinen with the passenger officer being Officer Blayne Lehner.

While in the rear of the squad, Mr. Garcia-Pineda reportedly became upset and began kicking the rear partition and allegedly banging his head on the partition and door security bars. Officer Lehner opened the rear squad door and upon doing so, Mr. Garcia-Pineda allegedly attempted to kick Officer Lehner in the leg. Officer Lehner then delivered a "push-kick" to Mr. Garcia-Pineda, stating that he was aiming for his torso. Officer Lehner reported that Mr. Garcia-Pineda leaned forward as he kicked, and that this action changed the target of his push-kick, causing his foot to make contact with Mr. Garcia-Pineda's jaw area, which caused Mr. Garcia-Pineda to momentarily lose consciousness.

Officer Lehner reported that he closed the door, and then reopened it and grabbed Mr. Garcia-Pineda by the upper torso and pulled him out of the squad with the help of Officer Wuorinen and put him face down on the street where he was kept until he calmed down.

Officer Lehner reported that he observed Mr. Garcia-Pineda to be bleeding from his mouth area and that he said he was going to cooperate with police and was then placed back in the squad.

Officer Lehner notified Sgt. Altonen of the use of force. Sgt. Altonen responded to the scene and conducted his force review.

Mr. Garcia-Pineda was taken to HCMC and treated for his injuries, which were determined to be the 13.384

There was no squad MVR video of the use of force or any other video.

Mr. Garcia-Pineda was convicted of one misdemeanor count of consumption of alcohol by a minor. Charges of obstructing legal process, giving a peace officer a false name and disorderly conduct were dismissed.

## **ALLEGATIONS**

***Allegation 1:*** It is alleged that Officer Lehner used unauthorized force on Luis Garcia-Pineda when he kicked him in the face while Mr. Garcia-Pineda was handcuffed behind his back while in police custody.

**MPD Policy 5-301.01, Use of Force, Reasonableness.**

## **CASE INVESTIGATION**

### **General**

Initially only Officer Wuorinen and Officer Lehner provided statements to Investigator Hill and Sgt. McLean. During this time, Investigator Hill had difficulty locating Mr. Garcia-Pineda but after the third attempt<sup>1</sup> she reached him and he provided a statement to both investigators on January 13, 2017.

During his interview, Mr. Garcia-Pineda stated that he was kicked in the face and incurred his facial injuries while he was outside of the squad car on the ground, not in the back seat of the squad,<sup>2</sup> which differed from the account provided by Officer Lehner.

Mr. Garcia-Pineda's sister, Miriam Aguilar-Garcia was also interviewed, and she made statements that she thought Mr. Garcia-Pineda was kicked while outside the squad, although she stated she did not actually see any uses of force by officers.<sup>3</sup>

Officers Malloy, Misgen, and Kelley were then interviewed to determine if any of them saw whether Mr. Garcia-Pineda was kicked or injured while outside the squad. None of the officers mentioned above saw Mr. Garcia-Pineda being kicked or injured during the incident.

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<sup>1</sup> OPCR Letter to Plaintiff and Attorney, September 9, 2015, Email correspondence, Liisa Hill to Attorney Eric Hageman, October 20, 2016, OPCR Letter to Garcia-Pineda, December 20, 2016

<sup>2</sup> Statement of Luis Garcia-Pineda, page 10, lines 1-25

<sup>3</sup> Statement of Miriam Aguilar-Garcia, page 11, lines 54-55



## Video

There is squad video from Squad 521 which records the traffic stop of the suspect vehicle, but the video stops after the driver is taken out of the car and before Mr. Garcia-Pineda is removed from the car. The video captures squad 513 arriving on the scene but ends well before Officer Lehner and Officer Wuorinen get out of their squad.

During his interview, Officer Kelley stated that he can't remember if he or his partner, Officer Malloy turned off their MVR, but he believed he did so because the situation was "Code 4."<sup>4</sup>

Officer Lehner stated that the MVR in his squad was not activated during the stop, and there is no video of the events which occurred in the rear of his squad.<sup>5</sup>

## Medical and Dental Treatment

### HCMC Records

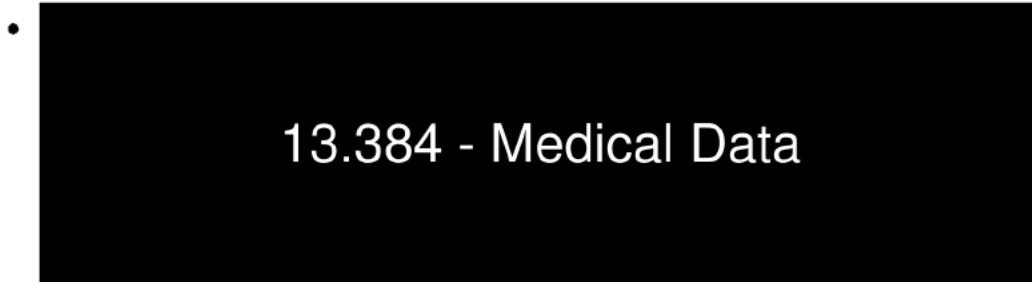
Mr. Garcia-Pineda signed a release for his medical records for his treatment at HCMC, which show injuries to the face, teeth, nose and lips.

Medical records describe him in part at the time of his treatment as:

- *"...agitated, swearing, lip/mouth injury with copious amounts of blood, when patient was talking was spitting blood (not intentional), patient changed into a gown, cooperative with RN, mask placed on patient for staff safety, patient tearful, argumentative with police officer."*<sup>6</sup>

Further records from HCMC state:

- *"The pt. was reportedly placed in the back of the cop car and began kicking and screaming and started attacking an officer who opened the back door. Pt. had to be restrained and in the process had his mouth and face collide with the concrete."*<sup>7</sup>



<sup>4</sup> Statement of Officer Chris Kelley, Page

<sup>5</sup> Statement of Officer Lehner, Page 10, lines 41-42

<sup>6</sup> Medical Records, HCMC, page 4, ED notes, Jill Hanson, RN, 0348 hours, 12-29-2013

<sup>7</sup> Medical Records, HCMC, page 6, ED notes, Matthew Midtling, DDS, 1112 hours, 12-29-2013

<sup>8</sup> Medical Records, HCMC, page 12, ED notes, Matthew Midtling, DDS, 1409 hours, 12-29-2013