

City of Minnesota
County of Hennepin

District Court
Fourth Judicial District

CT	LIST CHARGE STATUTE ONLY	MOC	GOC	CTY ATTY FILE NO.	CONTROLLING AGENCY	CONTROL NO.
	609.2231	A4357	N	08-5080	MNO271100	08099010
	609.713	A9B57	N			
	169A.20	JF501	N	COURT CASE NO.		DATE FILED
	169A.20	JER01	N			

Amended Tab Charge Previously Filed

if more than 6 counts (see attached) if Domestic Assault as defined by MS 518B01, sub2.a

State of Minnesota,

PLAINTIFF,

VS.

NAME: first, middle, last
CARL LEE ELLER

Date of Birth
1/25/42

MNCIS #:

LE#: 08-24255
SILS ID: 568992
TRACK ID: 2228755

DEFENDANT,

035 WASHBURN AVE N
MINNEAPOLIS, MN 55411

COMPLAIN

The Complainant, being sworn, makes complaint to the undersigned Court and states that there is probable cause to believe that the defendant committed the following offenses: The complainant states that on the following date, published in the local daily press:

Complainant, Sergeant Steve Wagner, of the Minneapolis Police Department Assault Unit, has investigated this matter by reviewing the reports of other officers, interviewing witnesses and reviewing District Court records. Complainant believes the following constitutes probable cause for the felony offenses of Assault in the Fourth Degree and Terroristic Threats, and the gross misdemeanor offenses of Driving While Under the Influence and Driving While Under the influence with a refusal.

On April 9, 2008 at approximately 1:00 a.m., Minneapolis Police Officers A and P were wearing regulation police uniforms and in a marked Minneapolis Police squad while on routine patrol in the area of 8th Avenue North and Russell Avenue North in the City of Minneapolis, Hennepin County, Minnesota. They observed a vehicle heading westbound on 8th Avenue traveling at a very high rate of speed. The suspect vehicle, a Mercedes Model 550, went through the stop sign without stopping and as it approached the police squad, the suspect vehicle swerved toward the squad car missing striking the squad car by inches. It appeared to officers that the driver was trying to strike the squad car but missed it. Officers turned the squad around in order to conduct a traffic stop. However, the suspect vehicle was already traveling, again, at a very high rate of speed. Officers activated the lights and siren on the squad and went in pursuit. The driver of the suspect vehicle failed to stop, went through a stop sign and pulled into the rear of 1030 Washburn Avenue North.

Officers approached the suspect vehicle to speak with the driver. The driver, the lone occupant of the vehicle, looked at Officer A, locked the doors of his vehicle and continued to stare at officers. The officers yelled commands at the driver to get out of the vehicle with his hands up. The driver did not respond to their commands and stayed in the vehicle. Then, he opened the garage door at the Washburn Avenue address and pulled his car forward nearly striking

he officers. After pulling into the garage, the driver tried to shut the garage door, but officers prevented it. The driver then exited his vehicle, ignored police officer commands to stop and show officers his hands and proceeded to attempt to enter the residence. Officers confronted the suspect and attempted to handcuff him. A struggle ensued during which the suspect refused to comply with any of the officers' commands and became combative. He stated, "I'm gonna kick your ass if you don't let me go." He also stated, "I'm going to fucking kill you now." The suspect who was very strong and unphased by the officers' use of their tasers, proceeded to struggle with and assault the officers. At one point he lifted Officer P up and threw him onto the suspect vehicle. At another point, he squared off toward Officer A and swung his fist striking Officer A in the left eye and nose region of his face. He also grabbed Officer A's left calf and squeezed it as well as grabbing Officer A's index finger and thumb.

Ultimately, with the assistance of other officers and the use of their tasers, officers were finally able to subdue and handcuff the suspect who was subsequently identified as **CARL LEE ELLER**, Defendant herein.

During their contact with the Defendant, officers detected the strong odor of alcoholic beverages coming from Defendant Eller. Based upon his driving conduct, his conduct with officers and the strong odor of alcoholic beverages on his person, officers placed him under arrest for driving while under the influence. He was conveyed to the Minneapolis Police Chemical Testing Unit where officers read the Implied Consent Advisory to him. Defendant Eller refused to comply with the Implied Consent Advisory and submit to a chemical test. Records of the Hennepin County District Court reflect that the Defendant has a prior driving while impaired with a refusal to submit to a chemical test. On March 20, 2006, the Defendant was convicted of Driving While Impaired Refusal to Submit to a Chemical Test and placed on probation for two years. He was on probation until March 20, 2008 for this offense which is a qualifying aggravating factor enhancing this charge to a Third Degree Driving While Impaired and a Second Degree Driving While Impaired with a refusal.

Officers A and P both went to Hennepin County Medical Center for treatment of their injuries. Officer A had notable swelling, bruising and pain to his nose, left eye and forehead.

The Defendant is in custody.

O F F E N S E

COUNT 1: ASSAULT IN THE FOURTH DEGREE (FELONY)
 MINN. STAT. § 609.2231, SUBD. 1; § 609.101, SUBD. 2
 PENALTY: 0-3 YEARS AND/OR \$6,000

That on or about April 9, 2008, in Hennepin County, Minnesota, **CARL LEE ELLER** assaulted a known peace officer, while that officer was effecting a lawful arrest or executing a duty imposed upon him by law, and inflicted demonstrable bodily harm upon the officer A.

COUNT 2: TERRORISTIC THREATS (FELONY)
 MINN. STAT. § 609.713, SUBD. 1
 PENALTY: 0-5 YEARS AND/OR \$10,000

That on or about April 9, 2008, in Hennepin County, Minnesota, **CARL LEE ELLER** did threaten to commit a crime of violence with the purpose of terrorizing another, and/or in reckless disregard of the risk of causing terror in another, known Minneapolis police officers A and P.

OFFENSES CONTINUED ON NEXT PAGE

COMPLAINANT was subscribed and sworn to before the undersigned on this _____ day of _____, 20____.

NAME: _____ SIGNATURE _____

TITLE _____

FINDING OF PROBABLE CAUSE

From the above sworn facts and any supporting affidavits or supplemental sworn testimony, the Issuing Officer has 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 for the detention of already in custody pending further proceedings. The Defendant(s) is/are thereon charged with the above stated offense(s).

SUMMONS

WHEREFORE YOU, THE ABOVE NAMED DEFENDANT(S) ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ MPM 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

EXECUTE IN MINNESOTA ONLY

In 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(s) be apprehended and arrested, without delay and brought promptly before the above named Court in person and if not before a Judge or Judicial Officer of such Court without unnecessary delay and in any event not later than 30 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available to be dealt with according to law.

ORDER OF DETENTION

Since the above named Defendant(s) already in custody, I hereby order, subject to bail or conditions of release, that the above named Defendant(s) continue to be detained pending further proceedings.

Bail: \$50,000.

Conditions of Release: _____

ORDER OF DETENTION

was subscribed and sworn to by the undersigned Judicial Officer on this _____ day of _____, 20____.

NAME: _____ SIGNATURE _____

TITLE: JUDGE OF DISTRICT COURT

From my own knowledge and sworn to before the Judicial Officer by the following witnesses:

<p>STATE OF MINNESOTA COUNTY OF HENNEPIN</p> <p>STATE OF MINNESOTA</p> <p>Plaintiff</p> <p>Vs.</p> <p>CARL LEE ELLER</p> <p>Defendant(s).</p>	<p>Clerk's Signature or File Stamp: _____</p> <p>RETURN OF SERVICE</p> <p>I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon Defendant(s) herein-named.</p> <p>Signature of Authorized Service Agent: _____</p>
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