

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 17A14053
Court File No. 27-CR-17-28444

State of Minnesota,

Plaintiff,

vs.

HENRY BENJAMIN COUSINS DOB: 04/07/1985

3326 FREEMONT AV N
MINNEAPOLIS, MN 55412

Defendant.

COMPLAINT

Order of Detention

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: Murder - 2nd Degree - With Intent-Not Premeditated

Minnesota Statute: 609.19.1(1), with reference to: 609.11.5(a), 609.19.1

Maximum Sentence: 40 YEARS

Offense Level: Felony

Offense Date (on or about): 11/06/2017

Control #(ICR#): 17427551

Charge Description: That on or about 11/6/2017, in Hennepin County, Minnesota, HENRY BENJAMIN COUSINS, caused the death of Victim A, a human being, with intent to effect the death of that person or another, but without premeditation, while using a firearm.

Minimum Sentence: 3 YEARS

COUNT II

Charge: Murder - 2nd Degree - Without Intent - While Committing a Felony

Minnesota Statute: 609.19.2(1), with reference to: 609.19.2(1), 609.11.5(a)

Maximum Sentence: 40 YEARS

Offense Level: Felony

Offense Date (on or about): 11/06/2017

Control #(ICR#): 17427551

Charge Description: That on or about 11/6/2017, in Hennepin County, Minnesota, HENRY BENJAMIN COUSINS, did without intent to effect the death of any person, cause the death of Victim A, a human being, while committing or attempting to commit the felony offense of Assault in the Second Degree while using and/or possessing a firearm.

Minimum Sentence: 3 YEARS

STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On November 6, 2017 at approximately 6:03 p.m. Minneapolis police were dispatched to 4729 Lyndale Ave. N., Minneapolis, Hennepin County, in response to a call of a shooting. Upon arrival, officers found a white male lying face down in the boulevard not moving. That male was later identified as Victim A. Minneapolis Fire Fighters and paramedics arrived and began to attend to Victim A. When Victim A was turned over onto his back, officers observed a gunshot wound to the center of his upper chest just below his throat. Victim A was pronounced dead at the scene.

Officers spoke with several witnesses who were at the scene. Witness A, an identified female, told officers that Victim A was a mechanic and was there to work on a food truck for Witness B. Witness A stated that a female she knows, K.B., called to ask if Victim A was there. Shortly after, K.B. showed up with her daughter A.N., and the Defendant, Henry Benjamin Cousins (DOB: 4/7/1985). Witness A stated that defendant was agitated and demanded that Victim A come work on his car, as Victim A owed defendant \$600. Witness A stated that defendant did calm down and she thought everything was fine, but that defendant got "amped up" all of a sudden, pulled out a gun and shot Victim A. Witness A stated she heard one shot close to her head, turned and saw Victim A grabbing his chest, and saw him fall. Witness A stated that defendant, K.B. and A.N. immediately ran away.

Officers spoke with Witness B, an identified male. Witness B stated that he knows Victim A, and that Victim A was there working on his food truck. Witness B stated that K.B. called him to ask if Victim A was there, and stated she wanted to come talk to him. Witness B stated that shortly after, K.B. came to the food truck with defendant and A.N. When they came into the food truck, defendant began to yell that Victim A owed him \$600. Witness B stated that defendant told Victim A to go outside the food truck. Witness B stated he heard a commotion so he went outside and the defendant was acting crazy. Witness B stated that the defendant stepped in front of him toward Victim A. Witness B then he heard a gun go off, looked back and saw that Victim A had been shot.

Officers spoke with K.B. who stated that defendant is her husband's cousin, and he asked her to call Witness B to find out where Victim A was at the moment. K.B. stated that she drove defendant to where Victim A was, along with her daughter, A.N. K.B. stated she did not know that defendant had a gun with him. K.B. stated that once they got there, defendant began to state that Victim A owed him money and then all of a sudden she heard a popping sound, and then she saw Victim A fall. K.B. stated that she, A.N. and defendant ran back to her car and left. K.B. stated once they were all in the car, defendant was crying and said he didn't mean for that to happen. K.B. drove a short distance and then defendant got out of her car and ran off.

Officers spoke with A.N. who stated she had been staying with defendant for a while until she could find her own place after recently moving to the Twin Cities. A.N. stated that K.B. called Witness B because defendant said that Victim A owed him money and wanted to go talk to him about fixing defendant's car. A.N. stated that shortly after they arrived, defendant started to snap at Victim A and they were yelling at each other and then all of a sudden there was a gunshot. A.N. stated she turned around and saw Victim A bleeding and then fall. A.N. stated she, K.B., and defendant all ran to the car and that defendant stated "this wasn't supposed to happen" and "I just wanted him (Victim A) to fix my shit." A.N. stated that defendant jumped out of the car.

In a post-Miranda interview, Defendant admitted that he asked K.B. to call around to find Victim A, and that

when they found him, K.B. drove him to 47th and Lyndale. Defendant admitted that he brought a gun with him in his pocket. Defendant stated that he was tired of the way Victim A was treating him "like a bitch" and he wanted to be in charge for once. Defendant stated that Victim A owed him about \$700 for work Victim A had not completed on three cars. Defendant stated that once they got to 47th and Lyndale, things got "heated" between himself and Victim A, and Defendant pulled out his gun. Defendant stated that he is shorter than Victim A, but that he wanted to hit Victim A in the head with the gun. Defendant claimed that when he swung the gun up to hit Victim A in the head, the gun went off. Defendant stated he saw Victim A fall to the ground, and he then ran to K.B.'s car and had her drive him several blocks away where he got out. Defendant stated the gun was an automatic handgun, possibly a 9mm. Defendant stated he took a "hood" Uber to Inver Grove Heights and threw the gun into the Mississippi River. Defendant claimed that he did not mean to shoot Victim A.

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

Ann Kjos
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 004898

Electronically Signed:
11/13/2017 10:10 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Stephanie Morgan
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
11/13/2017 10:01 AM

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 300 S Sixth Street, Minneapolis, MN 55487 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: No Possession of Weapons; Make All Appearances; Remain Law Abiding

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 13, 2017.

Judicial Officer

Edward Thomas Wahl
District Court Judge

Electronically Signed: 11/13/2017 10:39 AM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

HENRY BENJAMIN COUSINS

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Order of
Detention upon the Defendant herein named.*

Signature of Authorized Service Agent: