

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 18A11116
Court File No. 27-CR-18-22850

State of Minnesota,

Plaintiff,

vs.

DEMERIO DUANE DAVIS DOB: 03/27/1999

2122 DUPONT AVE N #1
MINNEAPOLIS, MN 55411

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, 609.11.9

Maximum Sentence: 40 YEARS

Offense Level: Felony

Offense Date (on or about): 09/09/2018

Control #(ICR#): 18304615

Charge Description: That on or about 9/9/2018, in Hennepin County, Minnesota, DEMERIO DUANE DAVIS, caused the death of victim-Male 1, a human being, with intent to effect the death of that person or another, but without premeditation, while using possessing a firearm.

Minimum Sentence: 3 YEARS

COUNT II

Charge: Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence

Minnesota Statute: 624.713.1(2), with reference to: 609.11.5(b), 624.713.2(b)

Maximum Sentence: 15 YEARS AND/OR \$30,000

Offense Level: Felony

Offense Date (on or about): 09/09/2018

Control #(ICR#): 18304615

Charge Description: That on or about 9/9/2018, in Hennepin County, Minnesota, DEMERIO DUANE DAVIS possessed ammunition or a firearm and DEMERIO DUANE DAVIS has been convicted or adjudicated delinquent in this state or elsewhere of a crime of violence, Aggravated Robbery First Degree, in August of 2013, for which the sentence or court supervision expired on or after August 1, 1993.

Minimum Sentence: 5 YEARS

STATEMENT OF PROBABLE CAUSE

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

On or about September 9, 2018 at approximately 9:40 AM, Minneapolis Police officers received a dispatch to a shooting on the 2600 Block of Emerson Avenue North in Minneapolis, Hennepin County, Minnesota. Upon arriving at that location, officers found one male deceased and learned of another male being transported to get emergency medical treatment; it was later learned this male also passed away. Upon an initial canvas, officers learned that the entirety of the altercation that led to the death of these two males is on store surveillance video. Investigators reviewed this video, viewing two males initially enter the store, Male 1 and Male 2, and about a minute later two more males arrive, Male 3 and Male 4.

The video shows the males engaged in a discussion and then Male 3 and Male 4 exit the store and go to the corner where Male 3 dips around the corner of the store briefly. These two males then go back to the store where Male 4 immediately begins to punch Male 2. As this assault is occurring Male 3 holds the store door with one hand and a handgun with the other and he fires his weapon at Male 1. Male 1, in response to being shot, pulls a handgun and gives chase to Male 3. Male 1 appears to fire several shots outside of the store before he falls to the ground. Due to gunshot wounds inflicted by Male 3, Male 1 is transported to the hospital where he is pronounced dead.

Minutes after the murder later Male 3 is located two blocks from the scene and is identified as DEMERIO DUANE DAVIS, the Defendant.

A review of the Defendant's criminal history reveals that Defendant is prohibited from possessing weapons due to an Aggravated Robbery First-Degree adjudication from 2013.

The State is seeking an upward departure in this incident due to numerous other community members, including small children, being present at that location of the shooting.

Defendant is currently in custody.

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

Robert Dale
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 1414

Electronically Signed:
09/11/2018 03:56 PM
Hennepin County, Minnesota

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

Prosecuting Attorney

Christopher Freeman
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
09/11/2018 03:49 PM

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:

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: September 11, 2018.

Judicial Officer Ivy S. Bernhardson
District Court Judge

Electronically Signed: 09/11/2018 03:59 PM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

DEMERIO DUANE DAVIS

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:

DEFENDANT FACT SHEET

Name: DEMERIO DUANE DAVIS
DOB: 03/27/1999
Address: 2122 DUPONT AVE N #1
MINNEAPOLIS, MN 55411

Alias Names/DOB: DEMARIO DAVIS DOB:
JABARI DAVONTAE PITTMAN DOB:
Demario Duane Davis DOB: 3/27/1999

SID: MN17KR7977

Height:
Weight:
Eye Color:
Hair Color:

Gender: MALE
Race: Black
Fingerprints Required per Statute: Yes
Fingerprint match to Criminal History Record: Yes

Driver's License #:
SILS Person ID #: 833297
SILS Tracking No. 3035630
Alcohol Concentration:

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	9/9/2018	609.19.1(1) Murder - 2nd Degree - With Intent-Not Premeditated	Felony	H2012		MN0271100	18304615
	Modifier	9/9/2018	609.11.9 Minimum Sentences of Imprisonment - Applicable Offenses	No-Level	H2012		MN0271100	18304615
	Penalty	9/9/2018	609.19.1 Murder - 2nd Degree	Felony	H2012		MN0271100	18304615
	Penalty	9/9/2018	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	H2012		MN0271100	18304615
2	Charge	9/9/2018	624.713.1(2) Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence	Felony	W1643		MN0271100	18304615
	Penalty	9/9/2018	624.713.2(b) Possesses any type of firearm/ammo - Crime of Violence - ineligible under 624.713.1(2)	Felony	W1643		MN0271100	18304615
	Penalty	9/9/2018	609.11.5(b) Minimum Sentences of Imprisonment-Firearm-Felon Convicted Crime of Violence	Felony	W1643		MN0271100	18304615