

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 18A11821
Court File No. 27-CR-18-24157

State of Minnesota,

Plaintiff,

vs.

DAMON MOORE DOB: 09/27/1962

2903 27th Ave S
Minneapolis, MN 55406

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: 609.11.4, 609.19.1, 609.11.9

Maximum Sentence: 40 YEARS

Offense Level: Felony

Offense Date (on or about): 09/25/2018

Control #(ICR#): 18324907

Charge Description: That on or about September 25, 2018, in Hennepin County, Minnesota, DAMON MOORE, caused the death of J.M., a human being, with intent to effect the death of that person or another, but without premeditation, while using a dangerous weapon.

Minimum Sentence: 1 YEAR AND 1 DAY

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), 609.11.4

Maximum Sentence: 40 YEARS

Offense Level: Felony

Offense Date (on or about): 09/25/2018

Control #(ICR#): 18324907

Charge Description: That on or about September 25, 2018, in Hennepin County, Minnesota, DAMON MOORE, did without intent to effect the death of any person, cause the death of J.M., a human being, while committing or attempting to commit the felony offense of 2nd Degree Assault while using a dangerous weapon.

Minimum Sentence: 1 YEAR AND 1 DAY

STATEMENT OF PROBABLE CAUSE

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

On September 25, 2018, Minneapolis Police Officers were dispatched to Cub Foods located at 2850 26th Avenue North, Minneapolis, Hennepin County, Minnesota, on report of a fight. Upon arrival, officers found Victim J.M. laying on the ground in the parking lot in front of the store's entry doors. There was a large pool of blood coming from J.M.'s head. J.M. had a weak pulse and did not appear to be breathing. J.M. was non responsive to officer commands and his eyes remained open without blinking. EMS arrived and transported J.M. to the Hennepin County Medical Center (HCMC), where he was pronounced dead a short time later.

Officers located several witnesses and took statements. Witness 1 stated that she was working near the self-checkout area of Cub Foods when she saw that a male, later identified as DAMON MOORE (DEFENDANT), was being rude, using foul language, and holding up his middle finger towards customers. Witness 1 stated that she believed DEFENDANT to be intoxicated. Witness 1 stated that DEFENDANT went over to J.M. and called him a "racist white" and a "white bitch." Witness 1 said that J.M. told DEFENDANT to go outside. DEFENDANT told victim to wait for him outside.

Surveillance shows J.M. walking through the vestibule of the store when DEFENDANT follows him from the self checkout station. J.M. and DEFENDANT fight inside vestibule of the store. After several seconds, DEFENDANT backs up into the store. J.M. throws a yellow cone at the DEFENDANT before he turns around, picks up his grocery bag, and walks out to the parking lot.

After J.M. walked outside, Witness 1 told officers that she saw DEFENDANT digging in his pants pocket. Surveillance shows DEFENDANT in the vestibule, taking a knife out of his pocket, unfolding the blade and placing it in his left hand. DEFENDANT then follows J.M. outside to the Cub Foods parking lot.

Witness 2 provided cell phone video to officers of what happened in the Cub Foods parking lot. The video shows DEFENDANT reengaging J.M. while shielding his right arm and hand behind his body. DEFENDANT then makes a large sweeping motion with his right hand towards J.M. while continuing to move towards him. J.M. backs away and swings his grocery bag at the DEFENDANT. DEFENDANT then swings his right hand towards J.M.'s head, making contact with J.M.'s left temple area. DEFENDANT's hand sticks for a brief period. As DEFENDANT pulls his hand away from J.M.'s head, J.M. immediately falls to the ground on his back. The video shows J.M. on the ground, incapacitated, making gurgling sounds, with his arms and hands reflexively moving upward.

Other identified witnesses on scene stated that they were familiar with DEFENDANT and that he lived in the apartments above the Schooner Bar, approximately one mile from Cub Foods. Officers went to the apartments above the Schooner Bar and got information from neighbors in the building, eventually locating DEFENDANT's apartment. DEFENDANT answered the door and matched the description of the suspect on the surveillance footage. Officers looked in the apartment and observed similar clothing to what DEFENDANT was wearing in the surveillance videos.

Officers spoke with Witness 3 and Witness 4, both employees of Cub Foods. They gave similar accounts to what was recorded on surveillance video. Witness 3 and Witness 4 knew DEFENDANT as a frequent customer. Witness 1, 3 and 4 all positively identified DEFENDANT in a photo lineup.

Officers spoke with a Hennepin County Medical Examiner who conducted J.M.'s autopsy. The medical

examiner told officers that J.M.'s cause of death was a stab wound to the left side of his head above his ear. The stab wound was delivered in a right to left manner and extended 7 cm into the left temporal area of J.M.'s head, penetrating his skull and extending into his brain. Additionally, J.M. had subarachnoid bleeding around the wound.

DEFENDANT is in custody. High bail is requested as DEFENDANT has a significant criminal history, including a conviction for criminal sexual conduct in the first degree, three convictions for criminal sexual conduct in the fifth degree, several assault convictions, and several drug possession convictions.

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

James R Jensen
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 3282

Electronically Signed:
09/27/2018 02:55 PM
Hennepin County, Minnesota

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

Prosecuting Attorney

Scott E. Haldeman
Assistant County Attorney
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
09/27/2018 02:45 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: \$1,500,000.00
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 27, 2018.

Judicial Officer

Toddrick Barnette
District Court Judge

Electronically Signed: 09/27/2018 03:04 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.

DAMON MOORE

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: DAMON MOORE
DOB: 09/27/1962
Address: 2903 27th Ave S
Minneapolis, MN 55406

Alias Names/DOB:

SID: MN87008247

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 #: 74821

SILS Tracking No. 3038651

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	9/25/2018	609.19.1(1) Murder - 2nd Degree - With Intent-Not Premeditated	Felony	H2033		MN0271100	18324907
	Modifier	9/25/2018	609.11.9 Minimum Sentences of Imprisonment - Applicable Offenses	No-Level	H2033		MN0271100	18324907
	Penalty	9/25/2018	609.19.1 Murder - 2nd Degree	Felony	H2033		MN0271100	18324907
	Penalty	9/25/2018	609.11.4 Minimum Sentences of Imprisonment-Use Dangerous Weapon	Felony	H2033		MN0271100	18324907
2	Charge	9/25/2018	609.19.2(1) Murder - 2nd Degree - Without Intent - While Committing a Felony	Felony	H2833		MN0271100	18324907
	Penalty	9/25/2018	609.11.4 Minimum Sentences of Imprisonment-Use Dangerous Weapon	Felony	H2833		MN0271100	18324907
	Penalty	9/25/2018	609.19.2(1) Murder - 2nd Degree - Without Intent - While Committing a Felony	Felony	H2833		MN0271100	18324907