

P E T I T I O N

STATE OF MINNESOTA

DISTRICT COURT – JUVENILE DIVISION

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

IN THE MATTER OF THE WELFARE OF

Child: Wayne Junior Armstrong, (10/2/2000)
Wayne Armstrong, (10/2/2001)
Wayne Armstrong Jr, (10/2/2000)
Dwayne Armstrong, (10/2/2000)
Wayne Armstrong, (10/2/2001)
3205 Clinton Ave S
Minneapolis, MN 55408

Family ID: 189438
C.A. Case No: 18J02179

CA of Record: Maximillia Utley
(388839)

Juvenile Felony Delinquency Age 16 Or Older

Presumptive Certification

Mother: Unknown

PO:

Father: Unknown

Grandparent: Debbie Ann Hulbert
(Same as Child)

The Juvenile Court has jurisdiction by reason of the following allegations: The above-named juvenile is alleged to be delinquent pursuant to Minn. Stat. § 260B.007, Subd. 6(1) because said child has violated a state/local law as follows:

Count 1: L1287 Criminal Sexual Conduct-1st Degree-Penetration - Fear Great Bodily Harm (Felony)
(Aid/Abet)

MINN. STAT. 609.342.1(c), 609.342.2(a), 609.342.2(b), 609.05.1, 609.05.2, 609.101.2, 609.342.2(c), 609.3455.10

That on or about 10/16/2017, in Hennepin County, Minnesota, Wayne Junior Armstrong, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with others, engaged in sexual penetration with VICTIM, and circumstances existing at the time of the act caused the victim to have a reasonable fear of imminent great bodily harm to herself or another.

Count 2: L1687 Criminal Sex Conduct-1st Degree-Penetration - Accomplice Uses/Force/Coerce (Felony)
(Aid/Abet)

MINN. STAT. 609.342.1(f)(i), 609.342.2(a), 609.342.2(b), 609.05.1, 609.05.2, 609.101.2, 609.342.2(c)

That on or about 10/16/2017, in Hennepin County, Minnesota, Wayne Junior Armstrong engaged in sexual penetration with VICTIM, and was aided or abetted by one or more accomplices, and an accomplice used force or coercion to cause the victim to submit.

Count 3: L3287 Criminal Sex Conduct-2nd Degree-Fear Great Bodily Harm (Felony) (Aid/Abet)

MINN. STAT. 609.343.1(c), 609.05.1, 609.05.2, 609.101.2, 609.343.2(b), 609.343.2(a), 609.3455.10

That on or about 10/16/2017, in Hennepin County, Minnesota, Wayne Junior Armstrong, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with others, engaged in sexual contact with VICTIM, and circumstances existing at the time of the act caused the victim to have a reasonable fear of imminent great bodily harm to herself or another.

Count 4: L3687 Criminal Sex Conduct-2nd Degree-Accomplice(s)-Force/Coerce (Felony) (Aid/Abet)
MINN. STAT. 609.343.1(f)(i), 609.05.1, 609.05.2, 609.101.2, 609.343.2(b), 609.343.2(a)

That on or about 10/16/2017, in Hennepin County, Minnesota, Wayne Junior Armstrong engaged in sexual contact with VICTIM, and was aided or abetted by one or more accomplices within the meaning of Minn. Stat. 609.05, and an accomplice used force or coercion to cause the victim to submit.

Count 5: L5387 Criminal Sex Conduct-3rd Degree-Force or Coercion (Felony) (Aid/Abet)
MINN. STAT. 609.344.1(c), 609.05.1, 609.05.2, 609.101.2, 609.3455.7, 609.3455.10, 609.3455.6, 609.344.2(1)

That on or about 10/16/2017, in Hennepin County, Minnesota, Wayne Junior Armstrong, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with others, engaged in sexual penetration with VICTIM, using force or coercion to accomplish the penetration.

Count 6: K1213 Kidnapping-To Facilitate Felony or Flight (Felony) (Aid/Abet)
MINN. STAT. 609.25.1(2), 609.05.1, 609.05.2

That on or about 10/16/2017, in Minneapolis, Hennepin County, Minnesota, Wayne Junior Armstrong, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with others, removed VICTIM from one place to another without her consent, in order to facilitate commission of a felony or flight thereafter.

Count 7: V0021 Theft-Take/Drive Motor Vehicle-No Owner Consent (Felony) (Aid/Abet)
MINN. STAT. 609.52.2(a)(17), 609.05.1, 609.05.2

That on or about 10/16/2017, in Minneapolis, Hennepin County, Minnesota, Wayne Junior Armstrong, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with others, took and/or drove a motor vehicle, Minnesota license plate 087PRT, without the consent of VICTIM, and he knew or had reason to know that VICTIM did not give consent.

PROBABLE CAUSE STATEMENT

Your Petitioner is an Assistant County Attorney. In that capacity, Petitioner believes the facts and circumstances recited below establish probable cause:

On or about October 16, 2017, police detectives from Minneapolis Police Department were alerted to a sexual assault case that had occurred in Hennepin and Washington counties. The adult female victim in this matter, VICTIM, contacted 911 on October 16, 2017, at approximately 4:26 a.m., after escaping from her assailants in the town of Scandia, Washington County, Minnesota. VICTIM was transported to a nearby hospital in Stillwater, Minnesota. VICTIM told responding Washington County officers that in the late evening hours of October 15, 2017, or the early morning hours of October 16, 2017, she had been abducted by three unknown black males from the rear of her apartment building, located in Minneapolis, Hennepin County, Minnesota, while she was getting something out of the trunk of her vehicle, Minnesota license plate 087PRT. VICTIM stated that the males forced her into the backseat of her vehicle at gunpoint and took her credit cards. VICTIM stated that they drove around with her in the vehicle and used her credit card to buy food from White Castle.

At one point during her abduction, her assailants took her to a secluded, wooded area where she was forced to perform sexual acts on the assailants, including oral and vaginal penetration. VICTIM noted that

one of the three males appeared to be the "leader." He told VICTIM, "Bitch, get on your knees," and VICTIM then gave oral sex to all three males. VICTIM stated that she was then held down by two of the males while the males vaginally raped her. VICTIM thought she was going to die and stated she was over-powered by the assailants during the entire sexual assault. VICTIM was unsure what city she was in during the sexual assaults but believed it to be in Minneapolis. After the sexual assaults, VICTIM was dragged by the assailants back into her vehicle and they drove to a rural area. VICTIM stated she was worried they were going to kill her and was fearful for her life as they were driving in a remote area, and she convinced the driver of the vehicle that they needed to stop for gas. The driver of the vehicle stopped at a gas station located at 19261 Manning Trail North in Scandia, Minnesota. At this point, VICTIM was able to escape from the vehicle and run from her assailants into a nearby wooded area. VICTIM was barefoot and hid behind a tree until the assailants finally left in her vehicle, after one male attempted to look for her. The gas station was closed but VICTIM was able to contact persons, K.O. and D.L., living above the gas station, and they gave her their phone to call 911. During the interview, officers observed VICTIM was crying. Officers also observed that VICTIM's clothing was dirty, her bare feet were covered in mud, and that she had small cuts and scratches on her face and hands.

Officers spoke with K.O. and D.L. who reported that they were awoken by pounding on their front door. They could hear a female on the other side of the door crying and asking for help. When they opened the door, K.O. and D.L. stated that VICTIM told them she was sexually assaulted, observed she was crying and upset, and also noted she did not have any personal property, like a purse or phone, on her. K.O. and D.L. let VICTIM use their phone to contact the police.

A sexual assault examination (SAE) was conducted on VICTIM while she was at the hospital. The evidence from the examination was sent to the Bureau of Criminal Apprehension (BCA) forensic laboratory, which reported that semen was detected from VICTIM's cervical, perineal, pubic hair and rectal swabs. DNA was analyzed from the samples taken from VICTIM.

VICTIM was unable to clearly remember her assailants in detail but gave a brief description of the males. She stated the "leader" was the person driving her car and described him as a black male with longer dreadlocks. VICTIM stated that the black male who was in the backseat with her had a red hooded sweatshirt on. VICTIM also stated that the black male in the front passenger seat may have also had a hooded sweatshirt on. VICTIM reviewed the purchases made on her credit cards over the relevant time period and noted unauthorized purchases to the following places: White Castle, Foot Locker, Walmart, Holiday gas station, and Super America. These unauthorized purchases occurred in Hennepin County, except for purchases from White Castle.

On the afternoon of October 16, 2017, at approximately 2:57 p.m., Minneapolis police officers were dispatched to the area of 4716 Beard Avenue South, in Minneapolis, Hennepin County, Minnesota, on a report of a reckless driver in the area. When officers arrived, they observed VICTIM's vehicle in the above-noted area. When officers approached the vehicle, they observed several juveniles around the vehicle and one juvenile male, later identified as Respondent D.D.F. sitting in the driver's seat of the vehicle. Officers arrested Respondent D.D.F. Officers recovered VICTIM's corporate credit card bearing her name from Respondent D.D.F.'s person after his arrest. The card was with a receipt from a Super America store showing purchases made shortly before his arrest. During a post-Miranda interview, Respondent D.D.F. admitted to being with "Fourteen" earlier that day. "Fourteen" has been identified as Respondent WAYNE JUNIOR ARMSTRONG (DOB 10/02/2000). Officers are aware that Respondents ARMSTRONG and D.D.F. have been arrested together multiple times prior to and after this incident.

Officers reviewed surveillance video from the above-noted Super America store and observed Respondent ARMSTRONG in the store with Respondent D.D.F., along with other juvenile companions, when VICTIM's credit card was used on October 16, 2017. In the surveillance video, Respondent ARMSTRONG is wearing a red hooded sweatshirt with a "VANS" logo on the back. Notably, VICTIM stated the male in the backseat of the vehicle with her had been wearing a red hooded sweatshirt. Officers learned that Respondent ARMSTRONG had been arrested on November 11, 2017, for an unrelated incident. At the time of his arrest, Respondent ARMSTRONG was wearing the above-noted red sweatshirt and officers were able to compare the sweatshirt to the one depicted in the Super America video to confirm it was the same sweatshirt. Additionally, officers spoke with another juvenile, CHILD A, who had been in VICTIM's vehicle prior to Respondent D.D.F.'s arrest. CHILD A stated that Respondent D.D.F. was driving the vehicle that day and "Fourteen" was in the front passenger seat. CHILD A was aware that "Fourteen's" first name was "Wayne."

Officers collected DNA from Respondent ARMSTRONG pursuant to a search warrant. The BCA results from VICTIM's SAE exam were provided to officers on January 11, 2018, and noted that a mixture of three or more individuals had been developed from the samples. Analysis on Respondent ARMSTRONG's DNA sample confirmed that he cannot be excluded as a contributor to the mixture of semen found on the following swabs taken from VICTIM during the SAE: perineal swab and cervical swab; 99.9% of the population CAN be excluded as a contributor to those samples. Respondent ARMSTRONG was also found to be a contributor to VICTIM's mons pubis swab; 87.3% of the population can be excluded as a contributor to that sample.

Respondent ARMSTRONG is currently in an unsecure treatment facility in Anoka County for an unrelated matter.

The offense enumerated in Count 6 is a felony that involves the use of a firearm. The offenses enumerated in Counts 1-4 and 6 are presumptive prison offenses.

PURSUANT TO M.S. 260B.125, THE STATE IS MOVING, BY SEPARATE MOTION, THAT THIS PROCEEDING BE CERTIFIED TO THE DISTRICT COURT FOR ACTION UNDER THE CRIMINAL LAWS.

I endorse this Petition as to form and verify that the contents are true to the best of my information and belief pursuant to MRJDP 6.03, Subd. 3.

I DECLARE UNDER PENALTY OF PERJURY THAT EVERYTHING I HAVE STATED IN THIS DOCUMENT IS TRUE AND CORRECT.

 02/28/2018

Maximillia Utley(388839)
Assistant County Attorney
Health Services Building, 11th floor
525 Portland Avenue South
Minneapolis, Minnesota 55415
Telephone: 612-543-1353

Police CCN #: 17398878
Minneapolis
Agency #: MN0271100