

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No.
Court File No.

20A00143
27-CR-20-394

State of Minnesota,

Plaintiff,

vs.

CEDRIC LAMONT BERRY DOB: 07/25/1978

3539 Irving Ave 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), 609.17.4(2), 609.05.1, 609.05.2, 609.19.1, 609.11.9

Maximum Sentence: HALF OF, 40 YEARS

Offense Level: Felony

Offense Date (on or about): 12/31/2019

Control #(ICR#): 19381335

Charge Description: That on or about 12/31/2019, in Hennepin County, Minnesota, CEDRIC LAMONT BERRY, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another, or otherwise procuring the other to commit the crime, attempted to caused the death of Victim 1, a human being, with intent to effect the death of that person or another, but without premeditation, while using a firearm.

acting alone or intentionally aiding, advising, hiring,

counseling or conspiring with (another) (name) or otherwise procures the other to commit the crime

Minimum Sentence: 3 YEARS

COUNT II

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

Minnesota Statute: 609.19.1(1), with reference to: 609.11.5(a), 609.05.1, 609.05.2, 609.19.1, 609.11.9

Maximum Sentence: 40 YEARS

Offense Level: Felony

Offense Date (on or about): 12/31/2019

Control #(ICR#): 19381335

Charge Description: That on or about 12/31/2019, in Hennepin County, Minnesota, CEDRIC LAMONT BERRY, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another, or otherwise procuring the other to commit the crime caused the death of Victim 2, 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 III

Charge: Kidnapping-To Commit Great Bodily Harm/Terrorize

Minnesota Statute: 609.25.1(3), with reference to: 609.25.2(2), 609.11.5(a), 609.05.1, 609.05.2

Maximum Sentence: 40 YEARS AND/OR \$50,000

Offense Level: Felony

Offense Date (on or about): 12/31/2019

Control #(ICR#): 19381335

Charge Description: That on or about 12/31/2019, in Hennepin County, Minnesota, CEDRIC LAMONT BERRY, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another, or otherwise procuring the other to commit the crime, removed Victim 2 from one place to another without her consent, in order to commit great bodily harm or to terrorize her or another while using a firearm, and Victim 2 was not released in a safe place and suffered great bodily harm during the course of the kidnapping.

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 December 31, 2019, at approximately 5:40 p.m., Minneapolis police were dispatched to a shooting on the 4800 block of Humboldt Avenue North. The 911 caller, an identified male, indicated he had been shot. This male will be referred to as "Victim 1" for the remainder of the probable cause narrative.

Responding officers located Victim 1 on the floor of his upstairs bedroom, with two young children. Victim 1 was covered in blood and had multiple gunshot wounds to his torso area. The children were removed from the room, and EMS personnel transported Victim 1 to the hospital.

Victim 1 informed investigators that he had been shot by a black male, approximately 5'9" tall, wearing a black colored mask, with only one hole for both eyes. He entered Victim 1's residence through the front door, and Victim 1 could see he was holding a firearm. The suspect used a key to unlock the door and dropped the key upon entry. At the time, Victim 1 was seated on his stairway, with his 3 year old child on the couch in the living room and his 1 year old child sleeping upstairs. The suspect immediately began firing at Victim 1, and as he fled up the stairs, Victim 1 yelled out, "I am dead already! My babies are here!"

The suspect left the residence, and Victim 1 called 911.

Aside from a large amount of blood on the floor of Victim 1's bedroom, responding officers observed a number of .45 caliber, silver-colored "Federal" brand discharged cartridge casings (DCC's), on the stairs and floor of the home.

Relatives of Victim 1 showed up at the Humboldt residence to care for the children. One was their grandmother, who indicated her daughter was the girlfriend of Victim 1. She expressed concern that her daughter was not present. She stated that her daughter would ordinarily be home at that time to care for the children. Additionally, she informed police that the house key the suspect had dropped on the floor belonged to her daughter.

Almost an hour after this shooting, at 6:38 p.m., a ShotSpotter activation registered three gunshots near an alley on the 1300 block of Russell Avenue North. Responding officers found an unresponsive adult female in the alley, later identified as the girlfriend of Victim 1 (hereinafter referred to as "Victim 2").

Officers observed that Victim 2's hands were bound by tape. A .45 caliber, silver-colored "Federal" brand DCC was located near Victim 2. Also observed in the alley near Victim 2 were an extended drill bit, part of a lock box, and a jacket. It was later determined Victim 2 had been shot three times. There were two gunshot wounds to her torso, and she had been shot once in the face. The medical examiner later determined that the facial wound was inflicted at a range of approximately 2 feet or less. Victim 2 died as a result of these gunshot wounds.

Witnesses near the scene of this second shooting described an older model, tan-colored Buick that arrived at the location around the same time as the shots. The Buick entered the alley approximately two minutes before the witnesses heard the gunfire.

MPD Investigators Suchta and Benner determined that a U-Haul truck had been observed near both shooting locations. They also learned that the vehicle of Victim 2, a black BMW, was still missing. They put out a law enforcement alert for the BMW, which was located shortly thereafter at a residence in Maple

Grove.

At approximately 10:48 p.m., MPD Investigators responded to the Maple Grove residence, which was empty and for sale. Victim 2's BMW was parked in the driveway. Part of the lock box on the residence was missing, and it was obvious to investigators that it was the part that had been located in the alley near Victim 2. Subsequent investigation revealed that the lock box had last been accessed by Victim 2 at 3:00 p.m. on December 31.

A field manager for the property management agency told investigators that he had checked this residence at 6:50 p.m., and noticed that the garage door was open, and the black BMW was parked in the driveway at that time. Investigators entered the house and observed the interior to be clean and without furniture. They also found a pink, press-on fingernail on the floor of the upstairs bathroom.

Investigators discovered that a neighbor had a surveillance camera that covered the front of the home where Victim 2's BMW was parked. The video was not clear enough to positively identify specific individuals. However, investigators watched it, and observed that Victim 2 parked the BMW at the residence at approximately 3:00 p.m. on December 31, 2019.

Then, a U-Haul truck drove by the front of the residence. One person walked from the direction of where the U-Haul drove off of the screen to the front door of the residence. Minutes later, the U-Haul parked in the driveway next to Victim 2's BMW. The driver of the U-Haul then got out and walked to the front door of the residence.

Minutes later, the garage door opened, and an individual walked out, got into the U-Haul, and repositioned it so that the rear, cargo end of the van was facing the garage. This individual then walked back into the home. Next, a person walked out of the garage, and appeared to be closely, if not forcibly, holding onto a third person. These two people entered the cargo end of the U-Haul, while the other got into the driver's seat and drove away from the Maple Grove residence at approximately 3:18 p.m.

On January 1, 2020, Investigators spoke with Victim 1, who was recovering from his gunshot wounds at the hospital. Victim 1 told them that he last saw Victim 2 at 2:00 p.m. on December 31, 2019. Victim 2, who was a real estate agent, indicated to Victim 1 she had to show a house to someone who had contacted her on her personal cell phone. Victim 2 did not know how this individual would have obtained her personal number.

Investigators were aware that Victim 1 had recently signed a contract to record rap music and had been flaunting his cash on social media. Victim 1 indicated that numerous individuals knew that he was involved with Victim 2, but he did not believe that anyone who wanted to harm him knew where they lived.

Investigators were able to obtain surveillance video that confirmed the presence of a U-Haul van near both shooting scenes. They determined that the U-Haul van had Arizona license plates AG-29052 and learned that it had been rented from a business in Mounds View, Minnesota.

On January 2, 2020, investigators went to that business, and immediately observed the U-Haul they were looking for in the parking lot. The rear cargo door was open, and it smelled strongly of ammonia. Investigators noticed four pink colored press-on fingernails, identical to the one found at the Maple Grove residence, in the cargo area of the van.

They spoke with the business owner, who indicated he had not cleaned or moved the van since it had been returned. He did open the rear cargo door due to the overwhelming odor of ammonia. The owner handed investigators some plastic zip ties that he had located in the cargo area. He also gave investigators the

rental agreement, which showed the truck had been rented by two identified individuals, Witness 1 and Witness 2.

Witness 1 and Witness 2 told investigators that Witness 1 rented the U-Haul van for a friend named CEDRIC BERRY, later fully identified as CEDRIC LAMONT BERRY, DOB 7/25/1978. BERRY is a black male, 5'8" tall, and is known to law enforcement for his violent and prolific criminal history. Witness 1 further stated that BERRY informed him that he needed the U-Haul because he was moving to Maple Grove. Witness 1 rented the truck on December 30, 2019 and turned it over to BERRY. Witness 1 and Witness 2 claimed that BERRY gave them a small amount of heroin to rent the U-Haul for him.

BERRY was arrested at approximately midnight on Thursday, January 2, 2020. A search warrant was executed on BERRY's vehicle, a tan colored 2002 Buick Regal, registered to his wife. In the vehicle, investigators found a black colored mask, with only one hole for both eyes. Police also found 13 individual baggies of suspected heroin in the center console.

BERRY is currently in custody. Because of his extensive criminal history and the danger he poses to public safety, the State is seeking a high amount of bail.

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

Marcus Benner
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 000404

Electronically Signed:
01/06/2020 08:28 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Thad Tudor
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
01/06/2020 08:23 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 the address listed on the attached court summons 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: \$2,000,000.00

Conditions of Release: No Contact with Victim; No Contact with Witnesses

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: January 6, 2020.

Judicial Officer

Paul R Scoggin
District Court Judge

Electronically Signed: 01/06/2020 09:10 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.

CEDRIC LAMONT BERRY

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: CEDRIC LAMONT BERRY
DOB: 07/25/1978
Address: 3539 Irving Ave N
Minneapolis, MN 55412

Alias Names/DOB: CEDRIC LAMONTE BERRY DOB: 7/25/1978
SID: MN97003069

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 #: 324394
SILS Tracking No. 3149026
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	12/31/2019	609.19.1(1) Murder - 2nd Degree - With Intent-Not Premeditated	Felony	H2210	A	MN0271100	19381335
	Modifier	12/31/2019	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	H2210	A	MN0271100	19381335
	Penalty	12/31/2019	609.19.1 Murder - 2nd Degree	Felony	H2210	A	MN0271100	19381335
	Modifier	12/31/2019	609.11.9 Minimum Sentences of Imprisonment - Applicable Offenses	No-Level	H2210	A	MN0271100	19381335
	Penalty	12/31/2019	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	H2210	A	MN0271100	19381335
	Penalty	12/31/2019	609.17.4(2) Anticipatory Crimes-Attempts-Penalty-1/2 Of Intended	Felony	H2210	A	MN0271100	19381335
	Modifier	12/31/2019	609.05.1 Liability for Crimes of Another-Intentional	No-Level	H2210	A	MN0271100	19381335
2	Charge	12/31/2019	609.19.1(1) Murder - 2nd Degree - With Intent-Not Premeditated	Felony	H2210	X	MN0271100	19381335
	Penalty	12/31/2019	609.19.1 Murder - 2nd Degree	Felony	H2210	X	MN0271100	19381335
	Modifier	12/31/2019	609.11.9 Minimum Sentences of Imprisonment - Applicable Offenses	No-Level	H2210	X	MN0271100	19381335
	Modifier	12/31/2019	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	H2210	X	MN0271100	19381335
	Penalty	12/31/2019	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	H2210	X	MN0271100	19381335
	Modifier	12/31/2019	609.05.1 Liability for Crimes of Another-Intentional	No-Level	H2210	X	MN0271100	19381335
3	Charge	12/31/2019	609.25.1(3) Kidnapping-To Commit Great Bodily Harm/Terrorize	Felony	K2220	X	MN0271100	19381335
	Modifier	12/31/2019	609.05.1 Liability for Crimes of Another-Intentional	No-Level	K2220	X	MN0271100	19381335
	Modifier	12/31/2019	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	K2220	X	MN0271100	19381335
	Penalty	12/31/2019	609.25.2(2) Kidnap-Not Release Safe Place-Great Bodily Harm or U/16 - Sentence	Felony	K2220	X	MN0271100	19381335
	Penalty	12/31/2019	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	K2220	X	MN0271100	19381335