

AMENDED PETITION

STATE OF MINNESOTA

DISTRICT COURT – JUVENILE DIVISION

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

IN THE MATTER OF THE WELFARE OF

Child: Steve Avila, (11/5/2003)
Steve Avila, (11/5/2003)
Steven Avila, (11/5/2003)
717 E 77th St #202
Richfield, MN 55423

Court Case No: 27-JV-20-1458

C.A. Case No: 20J03956

CA of Record: Sean P. Cahill
(0392119)

**Juvenile Felony Delinquency Age 16 Or Older
FIREARM
Presumptive Certification**

Mother: Michelle Brito Avila
(Same As Child)

PO:

Father: Unknown

Amended: Respondent's age of 16 is corrected in the probable cause statement.

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: H2013 Murder - 2nd Degree - With Intent-Not Premeditated (Felony) (Attempt to Commit)

MINN. STAT. 609.19.1(1), 609.11.5(a), 609.17.4(2), 609.19.1, 609.11.9

That on or about 3/6/2020, in Hennepin County, Minnesota, Steve Avila, attempted to cause the death of Victim 1, S.B., a human being, with intent to effect the death of that person or another, but without premeditation, while using a firearm.

Count 2: A2423 Assault-2nd Degree-Dangerous Weapon (Felony)

MINN. STAT. 609.222.1, 609.222.1, 609.11.5(a), 609.101.2

That on or about 3/6/2020, in Hennepin County, Minnesota, Steve Avila, assaulted Victim 2, U.B., while using a firearm.

Count 3: A2434 Assault-2nd Degree-Dangerous Weapon (Felony)

MINN. STAT. 609.222.1, 609.222.1, 609.11.5(a), 609.101.2

That on or about 3/6/2020, in Hennepin County, Minnesota, Steve Avila, assaulted Victim 3, C.A.-R., while using a firearm.

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 March 6, 2020, at approximately 9:10 p.m., Bloomington officers responded to emergency calls reporting shots fired on the 8300 block of Chicago Avenue S., located in the city of Bloomington, Hennepin County, State of Minnesota.

One of the nearby residents called 911 reporting gunshots and seeing two men running from the scene. Officers responded on scene, but did not locate anyone in the immediate vicinity. Officers initiated an investigation. In the course of investigation, police would identify the shooter as Respondent 1, STEVE N.M.N. AVILA, born November 5, 2003. At the time of the shooting, Respondent 1 was 16 YEARS OLD. Respondent 2, a known 15 year-old male, aided and abetted Respondent 1 in committing the shooting.

Shortly after Bloomington police responded to the shooting call, Richfield police located a red Lexus sedan parked at 3316 66th Street W, in the city of Richfield. The occupants of the car included: Victim 1, S.B.; Victim 2, U.B., and Victim 3, C.A.-R. Victim 1 and Victim 2 are brothers. Victim 1 was suffering from two gunshot wounds to the face and required emergency medical attention. In speaking with the Victims, police learned Victim 1 had just been shot in the area of 8300 Chicago Avenue S. Emergency medical service providers transported Victim 1 to the hospital. All three Victims reported being in the car when the shooting occurred. A search of the Victims' vehicle documented two bullet holes in the car: one through the rear windshield and the other through the front passenger-side door. No weapons were recovered inside the vehicle.

Back at the scene of the shooting, officers located three bullet casings laying in the lawn outside of 8308 Chicago Avenue S. An initial review of the bullet casings recovered indicate the bullets were fired from a Ruger P89 or P94 semiautomatic pistol. Officers also retrieved numerous surveillance video. Particularly, officers recovered a private residence surveillance video that captured the shooting. The video shows two individuals matching the descriptions of Respondents 1 and 2 walking south down Chicago Avenue. The individual matching Respondent 1's description jogs off through a front yard and disappears offscreen. Meanwhile, an individual matching Respondent 2's description waits by the roadside. Eventually, a vehicle matching the Victims' car drives south down Chicago Avenue, and stops to speak with Respondent 2. After a few words seem to be exchanged, the car pulls forward and over to the curb. The person matching Respondent 2's description approaches again and appears to continue a conversation with the vehicle occupants. Suddenly, shots ring out and the video captures the flash of a gun being fired off-screen. The vehicle speeds away. The person matching Respondent 2 begins to flee the opposite direction, running north on Chicago Avenue. The person matching Respondent 1 returns on screen, from the same direction as the car and apparent muzzle flash, and begins to flee with Respondent 2. Video surveillance from nearby buildings capture the individuals matching Respondent 1 and 2's descriptions fleeing together. The ambush-like nature of the attack, multiple gunshots, location of the gunshots, and the fact Respondent 1 continued to fire on the car while it fled establish an intent to kill.

Officers interviewed all three Victims regarding the shooting. Speaking with the Victims, officers learned that the Victims had travelled to 8300 Chicago Avenue, to conduct a drug sale. Victims believed there were making contact with a person named, "Josh." However, Victims came into contact with a heavy-set Hispanic male they did not recognize. While speaking with the male, shots were fired. The victims drove away when they first heard shots. As Victims drove away that they realized Victim 1 had been shot.

Using descriptions provided by the Victims, police contacted the Bloomington School District to ask for anyone who matched Victims' description of the person that met with on March 6. The Valley View Middle School liaison officer contacted police and informed them that Respondent 2 matched their description. The liaison officer stated that Respondent 2 now went to the same high school, Alliance Education Center, as well as all the Victims. The liaison officer for Alliance Education Center reported that Respondent 2 was involved in a group of individuals who were led by Respondent 1. Victims later identified Respondent 2 by photographic line-up as the person who had approached their vehicle prior to the shooting. The description of Respondent 1 also matched the appearance of the shooter who was captured on surveillance video traveling to and fleeing from the scene.

Officers located and arrested Respondent 2. In a post-Miranda interview, Respondent 2 admitted to being present during the shooting at 8300 Chicago Avenue. Respondent 2 stated that the drug buy had been set up by Respondent 1 via Snapchat. Respondent 1 and 2 intended to travel to the 8300 Chicago Avenue address and purchase 2 grams of marijuana from the Victims. Respondent 2, however, noted that Respondent 1 had used the fake Snapchat alias, "Joshua Matthews," to set up the drug sale. Respondent 2 stated Respondent 1 conducted all the communication. Respondent 2 stated that both Respondents met up and went to the location of the drug sale. When Respondent 2 was talking with the Victims, Respondent 1 began shooting at the Victims. Respondent 2 identified Respondent 1, STEVE AVILA, as the shooter. Respondent 2 stated that he did not know that Respondent 1 was going to shoot the

On March 20, 2020, Bloomington police executed a search warrant of Respondent 1's bedroom. Officers recovered a Ruger P89 semiautomatic pistol with an extended magazine underneath a couch. The magazine contained several live rounds and a live round has been loaded into the firearm chamber.

Officers located and arrested Respondent 1. Officers conducted a post-Miranda interview with Respondent 1. Respondent 1 admitted to owning the firearm recovered and being present during the shooting with Respondent 2. Respondent 1 admitted he fired the weapon, but claimed he was just trying to scare the Victims.

DNA swabs were taken from the Victims and both Respondents. Test results remain pending.

Respondents 1 and 2 were arrested and remain in custody at the Juvenile Detention Center. These offenses involved a firearm and would trigger a mandatory, enhanced sentence under Minn. Stat. § 609.11.

By separate motion, the State is pursuing a presumptive certification of Respondent 1. All counts are presumptive prison sentences and involve a firearm.

The offenses enumerated in Counts 1, 2, and 3 are felonies that involve the use of a firearm.

The offenses enumerated in Counts 1, 2, and 3 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.



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