



**OFFICE OF THE HENNEPIN COUNTY ATTORNEY**

**MICHAEL O. FREEMAN COUNTY ATTORNEY**

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The Hennepin County Attorney's Office is declining to issue charges in a shooting that occurred on the 3300 block of 25<sup>th</sup> Avenue South in Minneapolis on February 22, 2022.

Based on the evidence available, the county attorney's office is declining to file any charges because both individuals have a valid self-defense claim.

The Minneapolis Police Department has conducted a thorough investigation and submitted its findings to our office for review. The evidence obtained shows that a 53-year-old female homeowner and her 26-year-old son acted in self-defense when they shot the victim, a 30-year-old man who had just tried to break into their home and was refusing to leave their backyard.

Most of the incident was captured on a Ring surveillance camera. MPD obtained the footage and provided it to our office for review. It shows the deceased jumping a six-foot privacy fence that encircles the entire backyard of the home and trying to enter the home through a back patio door. After unsuccessfully trying to enter the home, he entered the detached garage through a service door that leads into the backyard.

Through interviewing the homeowner and her son, MPD learned that the homeowner had seen the deceased on her Ring camera trying to enter her home and thought he had eventually left. The homeowner has a permit to carry, and she armed herself with her legally owned firearm before looking outside to make sure the deceased had left. She also asked her son to retrieve a rifle from downstairs because the man could possibly obtain it if he entered their home through the basement egress window. Upon looking outside, she saw that her garage service door was slightly ajar and realized the man was still there. She began firing warning shots and yelled for the man to leave. Her son was standing next to her and similarly yelling for the man to leave. They did not leave the interior of the home and remained at the threshold of their patio door.

The deceased eventually came out of the garage but refused to leave the backyard. Instead, he began walking toward the homeowner and her son. After repeated warnings to leave and more warning shots, he kept advancing toward them. Eventually, the man was shot a single time in the chest and he later died from those injuries. Based on the report of the medical examiner and the investigation by Minneapolis Police Department, it cannot be said with absolute certainty which of the guns fired the bullet that killed him.

The homeowner's son called 911 and police arrived shortly thereafter. Lifesaving measures for the deceased were unsuccessful. The police determined that the deceased was unarmed. The homeowner and her son provided voluntary interviews to police and allowed them to access their Ring camera footage.

The evidence in this case does not support charges because a prosecutor could not disprove valid self-defense beyond a reasonable doubt. The homeowner and her son did not have a duty to retreat because they were inside their own home. All of the surrounding circumstances show that their fear of bodily harm was subjectively real and objectively reasonable. They had just observed the deceased attempting to break into their home. He then refused to leave after multiple warning shots. Then, he started advancing toward them with his hands near his waist area. The homeowner and her son were reasonable in thinking that a potential burglar, undeterred by warning shots and advancing toward them, could pose a significant danger. While this case is tragic, there is not sufficient proof that the homeowner and/or her son are guilty of a crime.

Based on the evidence provided to our office, it appears the woman and her son would have valid self-defense claims.

This office will have no further comment on the case.