

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 22A03347
Court File No. 27-CR-22-5948

State of Minnesota,

Plaintiff,

vs.

DESMOND DURELLE GRAHAM DOB: 04/27/1990

4005 Portland Ave S
Minneapolis, MN 55407

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: Kidnapping-Confine/Remove Any Person-No Consent

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

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

Offense Level: Felony

Offense Date (on or about): 03/10/2022

Control #(ICR#): 22050744

Charge Description: That on or about and between March 10, 2022 and March 11, 2022, in Hennepin County, Minnesota, DESMOND DURELLE GRAHAM, while acting alone or intentionally aiding, advising, hiring, counseling, or conspiring with another, confined or removed Victim from one place to another without his/her consent in order to facilitate commission of any felony or flight thereafter, and Victim was not released in a safe place.

COUNT II

Charge: Aggravated Robbery-1st Degree

Minnesota Statute: 609.245.1, with reference to: 609.245.1, 609.05.1, 609.05.2

Maximum Sentence: 20 YEARS AND/OR \$35,000

Offense Level: Felony

Offense Date (on or about): 03/10/2022

Control #(ICR#): 22050744

Charge Description: That on or about and between March 10, 2022 and March 11, 2022, in Hennepin County, Minnesota, Desmond Durelle Graham, while acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another, took personal property from the person or in the presence of Victim, knowing that he was not entitled to the property and used and/or threatened the imminent use of force against Victim to overcome his resistance or powers of resistance to or to compel acquiescence in

the taking or carrying away of the property, and inflicted bodily harm upon Victim.

COUNT III

Charge: Assault-3rd Degree-Substantial Bodily Harm

Minnesota Statute: 609.223.1, with reference to: 609.223.1, 609.05.1, 609.05.2, 609.101.2

Maximum Sentence: 5 YEARS AND/OR \$3,000-\$10,000

Offense Level: Felony

Offense Date (on or about): 03/11/2022

Control #(ICR#): 22050744

Charge Description: That on or about and between March 10, 2022 and March 11, 2022, in Hennepin County, Minnesota, Desmond Durelle Graham, while acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another, assaulted Victim and inflicted substantial bodily harm.

COUNT IV

Charge: Financial Transaction Card Fraud-Use-No Consent

Minnesota Statute: 609.821.2(1), with reference to: 609.821.3(a)(1)(iii)

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 03/11/2022

Control #(ICR#): 22050744

Charge Description: That on or about March 11, 2022, in Hennepin County, Minnesota, Desmond Durelle Graham used or attempted to use a financial transaction card to obtain property of another or a public assistance benefit issued for the use of another, without the consent of the cardholder, knowing that the cardholder had not given consent, and the property had a total value of more than Two Hundred and Fifty Dollars (\$250.00) but less than Two Thousand Five Hundred Dollars (\$2,500.00).

STATEMENT OF PROBABLE CAUSE

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

On March 11, 2022, Minneapolis Police officers were dispatched to the area of 38th and Chicago in Minneapolis, Hennepin County, Minnesota, on the report of a kidnapping and robbery. Officers responded and spoke with a known adult male, Victim herein. Victim told officers that he had been carjacked, held captive, and robbed by three individuals beginning in the evening hours of March 10 until his escape the morning of March 11. One of these individuals was subsequently identified as DESMOND DURELLE GRAHAM, DEFENDANT herein.

Victim stated that he was in downtown Minneapolis, Hennepin County, Minnesota to meet a coworker when he heard a strange sound coming from his vehicle. He pulled over near the lightrail tracks to check on his vehicle. When he got out, Defendant and two other individuals approached him, forced him into the backseat of his car, and took his keys. Defendant drove Victim in his vehicle to an abandoned gas station located on the 3700 block of Chicago Avenue S in Minneapolis, Hennepin County, Minnesota. Victim was forced inside by Defendant and his two accomplices – one of whom was subsequently identified as Larry Mosby, Accomplice Mosby herein.

Once inside the station, Defendant and his accomplices demanded money from Victim. When Victim stated that he had none, he was struck with a hammer and screwdriver. Victim tried to run, but was prevented from leaving by Defendant and his accomplices who dragged him back into the gas station. Victim was put in a kneeled position and bound to a piece of furniture. Accomplice Mosby then kicked and punched Victim while Defendant watched. Fearing that he would be killed if he didn't provide money, Victim provided his online banking username and password and his debit card and pin to Defendant and his accomplices. The unidentified accomplice then left to withdraw money from Victim's bank account. Surveillance video and bank records show that at 1:24 a.m., a \$1,000 cash withdrawal was made from Victim's account at an ATM located on the 3000 block of Nicollet Avenue S in Minneapolis by the third suspect.

Defendant and Accomplice Mosby stayed with Victim and told him that he wouldn't be leaving until morning because they were going to take additional cash. Defendant told Accomplice Mosby to stay with Victim who was still bound until he returned. Bank records show that at 2:48 a.m., a \$1,000 cash withdrawal was made from Victim's account at an ATM located within a gas station located on the 3400 block of Nicollet Avenue S in Minneapolis. Store and ATM surveillance video shows Defendant getting out of Victim's car and making that withdrawal wearing a very distinctive jacket. Defendant then returned to the gas station.

After some time, Defendant and Accomplice Mosby untied Victim and forced him back into his vehicle. Defendant drove Victim's vehicle to a nearby bank and ordered Victim to go into the bank with Accomplice Mosby and withdraw cash. Victim was told that if he got the money from the bank, he would be let go. Victim went into the bank with Accomplice Mosby. He was dressed in a hat and a mask to conceal his injuries from the earlier beating. Victim withdrew \$1,000 and provided it to Accomplice Mosby. Bank records and surveillance confirm this transaction. Victim was not released at this time.

Victim recounted that Defendant and Accomplice Mosby drove around Minneapolis using narcotics. At one point, Accomplice Mosby became unconscious. Defendant tried to revive him by beating him in the car, but he did not regain consciousness. Defendant drove Victim and unconscious Accomplice Mosby back to the abandoned gas station. Once inside, Defendant poured alcohol on Accomplice Mosby and lit him on fire to try to wake him up. He did not wake up. Defendant extinguished the flames and poured more alcohol on the

burns. Accomplice Mosby did not regain consciousness. Officers subsequently located Accomplice Mosby deceased with burns to his torso in the abandoned gas station.

When Accomplice Mosby didn't wake up, Defendant grabbed Victim and they left the gas station walking towards Defendant's vehicle. When Defendant was looking for his keys, Victim saw an opportunity to escape and ran towards a woman on the street. Defendant pursued him so he ran into a nearby grocery store. The grocery store employees called 911 for Victim and saw Defendant, with whom they are familiar, chasing Victim. Officers quickly arrived in the area from this call.

Victim was treated for his injuries as a result of this conduct which include a fractured nose, laceration to the lip, multiple facial bruises, laceration to the ear, hemorrhages to his eyes, laceration near his knuckle, abrasions to his knees, scalp hematomas, and multiple abrasions to his back and shoulder.

Victim was presented with a sequential photographic lineup and identified Defendant as the person who engaged in the above conduct related to this incident.

Victim was presented with a subsequent sequential photographic lineup and identified Accomplice Mosby as the person who engaged in the above identified conduct related to this incident.

Investigators located Defendant on March 28 and placed him under arrest for this offense. Upon arrest, Defendant was driving the vehicle that Victim ran from at the time he escaped and he was wearing the same distinctive jacket that he was seen wearing while withdrawing money from Victim's account.

Defendant was advised of his rights pursuant to Miranda, and initially claimed that he hadn't been to the area of 38th and Chicago in a month since he was fired from the grocery store mentioned above. He eventually admitted that he knows Accomplice Mosby from the grocery store and knows that he hangs out at the abandoned gas station in that area, but initially claimed that he hadn't seen him for one to two months. Defendant initially stated that he hadn't been to the abandoned gas station in two to three months. Defendant was shown a photograph of the third accomplice using Victim's debit card at the ATM and initially denied knowing him.

When officers asked Defendant about what cars he has driven lately, Defendant became upset and started mumbling under his breath. He then told investigators that the sale of narcotics tied into this incident and began talking about the night Victim was kidnapped. He then stated that he was arrested because a guy "ran up to them" and said something happened to him – referring to the Victim running into the grocery store. Defendant then claimed he, Accomplice Mosby, and others were partying downtown the night that this happened and went to the area of 38th and Chicago for an afterparty. Defendant admitted that he actually does know the third accomplice and that he was there that night as well. Defendant stated that Accomplice Mosby, the third accomplice and Victim were arguing in the parking lot of the gas station. He stated that he got a ride from Victim to a gas station to meet up with someone. When he returned to the gas station, he learned that Accomplice Mosby died from a fentanyl overdose.

When officers left the interview room, Defendant ripped the panic button and the thermostat off of the wall ostensibly thinking that these items were cameras. He then pulled out a pill, crushed it up, and snorted it. When officers confronted him about this, he claimed he didn't snort the pill. He then crushed the rest of the pill into the carpet. Officers were able to recover some of the remaining pieces.

Defendant has prior convictions for Aggravated Robbery in the First Degree from February 9, 2010 (27CR0961675) and Aggravated Robbery in the First Degree from August 14, 2012 (27CR129811). He was out of custody on bail for two Aggravated Robbery in the First Degree charges on separate dates in Ramsey County at the time of this offense.

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

David Swierzewski
Police Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 7111

Electronically Signed:
03/30/2022 11:56 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Erin Lutz
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
03/30/2022 11:50 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 as directed in the Notice of Hearing before the above-named court 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: \$1,000,000.00

Conditions of Release: No Contact with Victim;

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: March 30, 2022.

Judicial Officer

Joseph R Klein
District Court Judge

Electronically Signed: 03/30/2022 12:01 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.

DESMOND DURELLE GRAHAM

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: DESMOND DURELLE GRAHAM
DOB: 04/27/1990
Address: 4005 Portland Ave S
Minneapolis, MN 55407

Alias Names/DOB:

SID: MN09BX7779

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 #: 646997

SILS Tracking No. 3270458

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	3/10/2022	609.25.1 Kidnapping-Confine/Remove Any Person-No Consent	Felony	K3253	X	MN0271100	22050744
	Modifier	3/10/2022	609.05.1 Liability for Crimes of Another-Intentional	No-Level	K3253	X	MN0271100	22050744
	Modifier	3/10/2022	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	K3253	X	MN0271100	22050744
	Penalty	3/10/2022	609.25.2 Kidnapping - Sentence	Felony	K3253	X	MN0271100	22050744
	Penalty	3/10/2022	609.25.2(2) Kidnap-Not Release Safe Place-Great Bodily Harm or U/16 - Sentence	Felony	K3253	X	MN0271100	22050744
2	Charge	3/10/2022	609.245.1 Aggravated Robbery-1st Degree	Felony	R1853	X	MN0271100	22050744
	Modifier	3/10/2022	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	R1853	X	MN0271100	22050744
	Modifier	3/10/2022	609.05.1 Liability for Crimes of Another-Intentional	No-Level	R1853	X	MN0271100	22050744
	Penalty	3/10/2022	609.245.1 Aggravated Robbery-1st Degree	Felony	R1853	X	MN0271100	22050744
3	Charge	3/11/2022	609.223.1 Assault-3rd Degree-Substantial Bodily Harm	Felony	A3253	X	MN0271100	22050744
	Modifier	3/11/2022	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	A3253	X	MN0271100	22050744
	Definition	3/11/2022	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	A3253	X	MN0271100	22050744
	Penalty	3/11/2022	609.223.1 Assault-3rd Degree-Substantial Bodily Harm	Felony	A3253	X	MN0271100	22050744
	Modifier	3/11/2022	609.05.1 Liability for Crimes of Another-Intentional	No-Level	A3253	X	MN0271100	22050744
4	Charge	3/11/2022	609.821.2(1) Financial Transaction Card Fraud-Use-No Consent	Felony	U155H		MN0271100	22050744
	Penalty	3/11/2022	609.821.3(a)(1)(iii) Finance Trans Card Fraud-Value \$251 - \$2,500	Felony	U155H		MN0271100	22050744