

State of Minnesota
County of Olmsted

District Court
3rd Judicial District

Prosecutor File No. 0550065523
Court File No. 55-CR-21-1543

State of Minnesota,

Plaintiff,

vs.

COLBY JAMES CLEVELAND DOB: 09/18/2002

1027 41st St NW #218
Rochester, MN 55906

Defendant.

COMPLAINT

Warrant

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

Minnesota Statute: 609.19.1(1), with reference to: 609.17.1, 609.11.5(a)

Maximum Sentence: 40 years

Offense Level: Felony

Offense Date (on or about): 03/19/2021

Control #(ICR#): 21011408

Charge Description: On or about March 19, 2021, in the County of Olmsted, Minnesota, Colby James Cleveland did wrongfully, unlawfully and feloniously attempt to cause the death of a human being, to-wit: victim, with intent to effect the death of that person or another, but without premeditation.

COUNT II

Charge: Assault-2nd Degree-Dangerous Weapon-Substantial Bodily Harm

Minnesota Statute: 609.222.2, with reference to: 609.11.5(a)

Maximum Sentence: 10 years or \$20,000 or both

Offense Level: Felony

Offense Date (on or about): 03/19/2021

Control #(ICR#): 21011408

Charge Description: On or about March 19, 2021, in the County of Olmsted, Minnesota, Colby James Cleveland did assault another with a dangerous weapon consisting of a handgun, and inflicted substantial bodily harm.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is a licensed peace officer employed by the Rochester Police Department. In that capacity your Complainant has reviewed the police reports relating to Colby James Cleveland, the above-named defendant, and the allegations contained therein. Based upon that information, your complainant believes the following to be true and correct.

On March 19, 2021, at approximately 7:31 PM, officers of the Rochester Police Department were dispatched to an apartment complex in Northwest Rochester, Olmsted County, Minnesota, on a report of a shooting. Dispatch advised there were reports of two men arguing in the parking lot and then two shots fired. Officer Jacobson and Officer Winters arrived on scene and observed blood and casings in the parking lot. The officers followed the trail of blood to an apartment where they found Victim - a male fully identified in police reports standing in the doorway of his apartment. Victim's left leg was bleeding heavily. Victim told officers that he had been shot by his son, Colby James Cleveland (9/18/2002), Defendant herein. Officer Condon observed that Victim had a gunshot wound high on his inner left thigh. Victim gave a statement to Officer Condon. Victim had been living with Defendant in his apartment. Defendant had arrived at the apartment that day at about 4:30 PM. Defendant showered and went into his room. At approximately 6:00 PM, Victim knocked on Defendant's door and asked about rent money. Defendant claimed he had only \$640. Victim inquired about \$1,500 that Defendant had received from his grandfather. Defendant told Victim that he was saving that money. Victim told Defendant that if he was not going to help with rent he would not be able to stay at the apartment. About 10 to 15 minutes later, Defendant came out of his bedroom with a bag and started walking out of the apartment. Victim told Defendant, "if you're going to leave then give me the key." Defendant said he was not going to leave his things there without a key. Defendant then "came at" Victim. The two went to the ground wrestling. While wrestling, Victim thought he observed a handgun flash through the field of his vision. Victim was struck by something hard, but was not sure what it was. Victim backed off and let Defendant leave. Victim then followed Defendant after about one minute. Victim came into the parking lot to figure out what was going on and asked "are you really just gonna walk away?" Victim noticed that Defendant had a gun in his hand. Victim turned to walk away and remove himself from the situation. Victim heard the first shot and did not know if he was hit until he felt the blood running down his leg. Defendant began talking, but all Victim could remember was "I'm gonna kill you." Victim then heard a second shot. Victim was not hit and did not know where the shot went. Victim stumbled up to his apartment where he called another son and told him what happened. Victim described the gun as short and black or dark grey in color.

Officer Hulshizer spoke with Witness 1- an adult female fully identified in police reports. Witness 1 heard a gun shot and saw a male running to a dark sedan. Officer Hulshizer obtained footage of the dark sedan leaving the apartments but was unable to get a plate or make and model on the vehicle. Officers found two live 9mm casings and two casings between two vehicles. One of the vehicles had an apparent bullet hole.

Officer Winters spoke with Witness 2- an adult male fully identified in police reports. Witness 2 heard a loud argument in Victim's apartment and heard a loud crash. Witness then heard two people in the hallway and I

could hear someone say "I'm going to f***ing kill you" and "you're f***ing dead." The voice did not sound like an "older dad voice." Witness 2 could hear the two arguing in the parking lot through a sliding deck door. Witness 2 went to look out of the door and saw a younger male with a gun in his right hand. Witness 2 heard continued arguing. The male with the gun racked the slide on the pistol and then Witness 2 heard two shots. The younger male ran to a small dark sedan which left eastbound.

Officer Fitzgerald spoke with Witness 3- an adult male fully identified in police reports. Witness 3 heard the gun shots and then went outside. Witness 3 observed a male with a gun in his hand. The male "cocked" the gun back and said "you're lucky I don't shoot you in the head right now." Witness 4- a female fully identified in police reports, gave the same account.

Inv. G. Johnson of the Rochester Police Department spoke with Victim at St. Mary's Hospital. Victim gave a more detailed account to the shooting. Before Defendant fired, Victim saw Defendant rack the slide and heard Defendant say "I'm going to f***ing kill you" multiple times before shooting.

Defendant's whereabouts are currently unknown. Defendant is likely still armed at this time. For public safety and to assure Defendant is promptly apprehended, a nationwide COMPLAINT WARRANT is requested.

PLEASE TAKE NOTICE: YOU MUST APPEAR FOR EVERY COURT HEARING REGARDING THIS CASE. FAILURE TO APPEAR FOR COURT IS A CRIMINAL OFFENSE AND MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING IMPOSED AND PUNISHED AS PROVIDED IN MINNESOTA STATUTES SECTION 609.49.

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

Eric Boynton
Sergeant
101 4th Street SE
Rochester, MN 55904-3761
Badge: 2200

Electronically Signed:
03/23/2021 07:08 AM
Olmsted County, Minnesota

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

Prosecuting Attorney

Joseph K Rosholt
151 4th Street SE
Government Center - 3rd Floor
Rochester, MN 55904
(507) 328-7600

Electronically Signed:
03/22/2021 04:36 PM

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: \$
Conditions of Release: hold for court

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 23, 2021.

Judicial Officer

Jacob C Allen
Judge

Electronically Signed: 03/23/2021 08:19 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF OLMSTED
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Colby James Cleveland

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Warrant
upon the Defendant herein named.*

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: Colby James Cleveland
DOB: 09/18/2002
Address: 1027 41st St NW #218
Rochester, MN 55906

Alias Names/DOB:

SID:

Height:

Weight: 160lbs.

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

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	3/19/2021	609.19.1(1) Murder - 2nd Degree - With Intent-Not Premeditated	Felony	H2011		MN0550100	21011408
	Modifier	3/19/2021	609.17.1 Anticipatory Crimes-Attempts	No-Level	H2011		MN0550100	21011408
	Penalty	3/19/2021	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	H2011		MN0550100	21011408
2	Charge	3/19/2021	609.222.2 Assault-2nd Degree-Dangerous Weapon-Substantial Bodily Harm	Felony	A2221		MN0550100	21011408
	Modifier	3/19/2021	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	A2221		MN0550100	21011408