

State of Minnesota
County of Olmsted

District Court
3rd Judicial District

Prosecutor File No. 0550075085
Court File No. 55-CR-23-6072

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

LEBRON BENSON GIWA DOB: 06/01/2005

1811 Village Dr SE
Rochester, MN 55904

Defendant.

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: Aiding and Abetting Drive-By Shooting Toward a Person

Minnesota Statute: 609.66.1e(a)(3), with reference to: 609.66.1e(b), 609.11.5(a), 609.05.1

Maximum Sentence: 3 to 10 years imprisonment, \$20,000, fine, or both

Offense Level: Felony

Offense Date (on or about): 08/31/2023

Control #(ICR#): 23043442

Charge Description: On or about August 31, 2023, in the County of Olmsted, Minnesota, Lebron Benson Giwa, did or did intentionally aid, advise, hire, counsel, or conspire with or otherwise procure the others to commit the crime, to-wit: Raul James Rios, Juvenile #1, and Juvenile #2, and did, while in or having just exited from a motor vehicle, recklessly discharge a firearm at or toward a person.

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 Lebron Benson Giwa, the above-named defendant, and the allegations contained therein. Based upon that information, your complainant believes the following to be true and correct.

Shortly after 10:00 p.m. on August 31, 2023, Officer Edholm received a call from a bowling alley on North Broadway reporting that people were fighting in the parking lot. When he arrived, the lot was empty. As he approached the business, Officer Edholm heard gunfire coming from the east, not far off. Immediately after, nearby residents began calling police to report shots fired.

Officers went to the location of the gunfire, a home on Northern Valley Drive, and found many spent shell casings on the ground. They identified and spoke with witnesses who had seen the shooting. Those witnesses described two cars, a white Camaro and a grey Audi. They said gunfire came from both cars.

The shooters appeared to be targeting a particular house on Northern Valley Drive. Officers went inside the home to find that the occupants were emotionally affected, but physically unharmed. Officers identified six separate victims who had been shot at, but not hit. The victims said they had been in the front yard when they were shot at.

As officers spoke to the homeowners, a woman approached the scene. She said her son ("Victim") had been in a fight against the occupants of the Camaro and the Audi at the bowling alley, and that they had followed him after the fight.

Officer Condon, school resource officer assigned to Century High School, was able to identify the participants in the fight and was aware that they had feuded earlier in the day at school. Toward the end of the day, as the busses were arriving, Juvenile #1 and Juvenile #2 approached Victim and threaten him. Victim backed away but they kept approaching. They stopped when Victim pointed out that an officer was watching.

Officer Condon spoke with Victim after the shooting. He said that, the evening after the altercation at Century, he got a message from Juvenile #2 to come fight at the bowling alley parking lot. When he arrived, the Camaro and the Audi were there. A group of boys were there to watch the fight, including Juvenile #1, Juvenile #2, and Raul James Rios. Victim said he fought with Juvenile #2.

Officers obtained surveillance video from the bowling alley. The video shows the white Camaro arrive, driven by Raul Rios. When it parks, Juvenile #2 and another male get out of the passenger seats. The Audi then arrives, driven by Lebron Benson Giwa. Juvenile #1 rides in the passenger seat. A third car then arrives, carrying a few people, including Victim.

As the video continues, Victim and Juvenile #2 have a short fistfight while the others watch. Raul Rios holds a satchel suspected to be an improvised holster. Juvenile #1 reaches for and holds the same spot in his waistband several times. After the fight, all three groups then return to their cars. Victim's car leaves first, heading toward Northern Valley Drive, followed rapidly by the Camaro and the Audi. Giwa drives the Audi.

Officers spoke with one of the other victims who witnessed the shooting. She identified multiple shooters.

Raul Rios shot from the driver's seat of the Camaro. Juvenile #2 shot from the passenger seat of the Camaro. And Juvenile #1 shot from the passenger seat of the Audi.

Throughout the investigation, officers gathered information about the Giwa's role in the shooting. At one point in the investigation, he admitted to driving the Audi during the incident. This statement was consistent with the surveillance video. And at another point in the investigation, Juvenile #1 said that Giwa was holding a firearm for Juvenile #2. Based on this information, officers concluded that Giwa had intentionally aided and abetted the drive-by shooting by acting as the driver while his passenger acted as a shooter. Officers seized Giwa to bring him before the Court.

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

Steven S Rademacher
Police Officer
101 4th Street SE
Rochester, MN 55904-3761
Badge: 2429

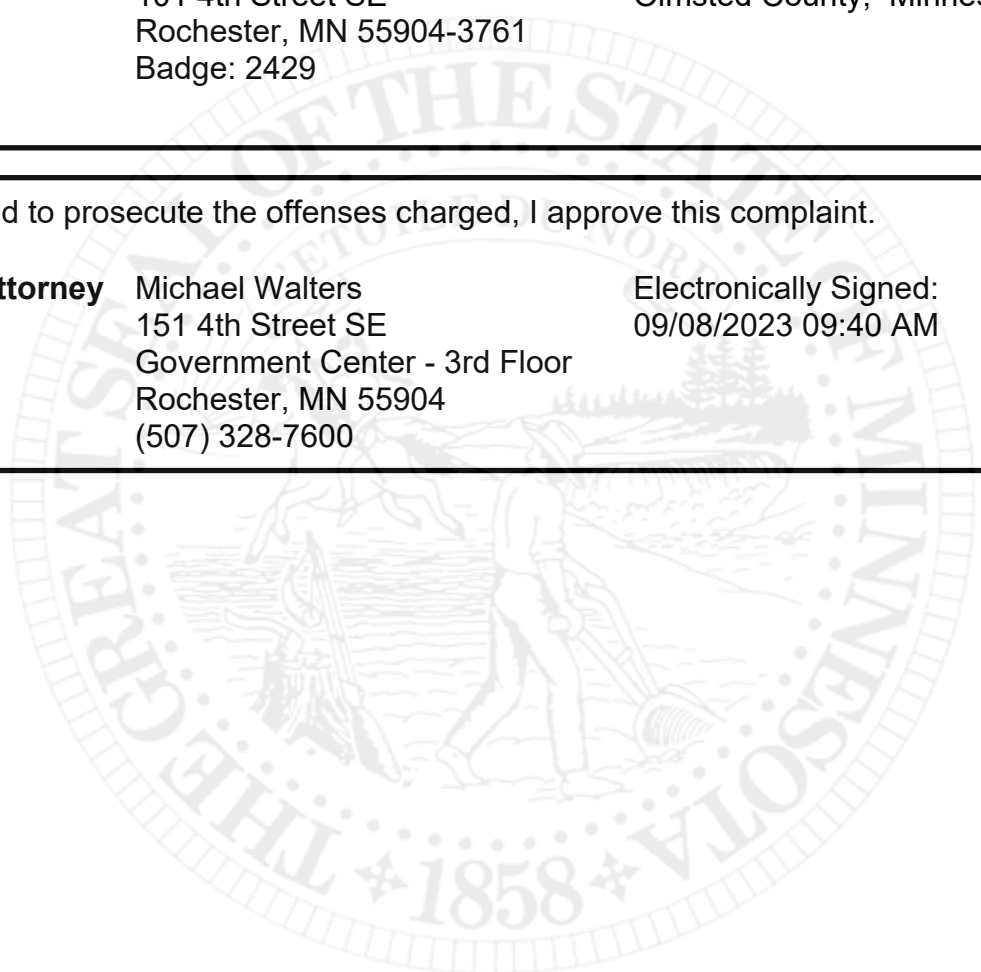
Electronically Signed:
09/08/2023 09:41 AM
Olmsted County, Minnesota

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

Prosecuting Attorney

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

Electronically Signed:
09/08/2023 09:40 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: \$
Conditions of Release:

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: September 8, 2023.

Judicial Officer

Christina K Stevens
District Judge

Electronically Signed: 09/08/2023 10:19 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.

Lebron Benson Giwa

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:

55-CR-23-6072
DEFENDANT FACT SHEET

*Filed in District Court
State of Minnesota
9/8/2023*

Name: Lebron Benson Giwa
DOB: 06/01/2005
Address: 1811 Village Dr SE
Rochester, MN 55904

Alias Names/DOB:

SID: MN23EE7911

Height:

Weight: 160lbs.

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

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	8/31/2023	609.66.1e(a)(3) Dangerous Weapons - Drive by shooting toward a person	Felony	W1H2J		MN0550100	23043442
	Penalty	8/31/2023	609.66.1e(b) Dangerous Weapons - Drive by shooting; Felony penalty	Felony	W1H2J		MN0550100	23043442
	Penalty	8/31/2023	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	W1H2J		MN0550100	23043442
	Modifier	8/31/2023	609.05.1 Liability for Crimes of Another-Intentional	No-Level	W1H2J		MN0550100	23043442