

**STATE OF MINNESOTA
COUNTY OF HENNEPIN**

**DISTRICT COURT
FOURTH JUDICIAL DISTRICT**

27-CR-21-7460
COURT FILE NO.
PROSECUTOR CASE NO. 21A03871
SILS ID. 891650
SILS TRACKING. 3223174
CONTROLLING AGENCY. MNBCA0000
CONTROL NO. 21000273

State of Minnesota,

Plaintiff,

v.

KIMBERLY ANN POTTER (DOB: 06/18/1972)
10141 FERNWOOD LN N

CHAMPLIN, MN 55316,
Defendant.

CRIMINAL COMPLAINT

Summons Warrant
 Order of Detention

Amended
 Tab Charge Previously Filed

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that Defendant committed the following offense(s):

Count I

Charge: **Manslaughter - 2nd Degree - Culpable Negligence Creating Unreasonable Risk**

Minnesota Statute: **609.205(1)**, with reference to: 609.205

Offense Level: **Felony**

Maximum Sentence: **10 YEARS AND/OR \$20,000**

Offense Date (on or about): **04/11/2021**

Charge Description: That on or about April 11, 2021, in Brooklyn Center, Hennepin County, Minnesota, Kimberly Ann Potter caused the death of Daunte Demetrius Wright, by her culpable negligence, whereby Kimberly Potter created an unreasonable risk and consciously took a chance of causing death or great bodily harm to Daunte Demetrius Wright.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your Complainant, Assistant Special Agent in Charge (ASAC) Charles Phill is employed by the Minnesota Bureau of Criminal Apprehension. In that capacity, ASAC Phill and SSA Sam McGinnis have reviewed reports and body worn camera footage (BWC). Based on that information, your Complainant states the following to establish probable cause:

On 04-11-2021, at approximately 1:53 p.m., Brooklyn Center Police Officer Anthony Luckey and his Field Training Officer, Kimberly Ann Potter (DOB: 06-18-1972), defendant herein, conducted a traffic stop on a white Buick (MN LIC: 841UBY) at 63rd Avenue North and Orchard Avenue North in the City of Brooklyn Center, Hennepin County. Officer Luckey and the defendant were each equipped with a department issued body worn camera. Officer Luckey identified the driver as Daunte Demetrius Wright (DOB: 10-27-2000), victim herein. Officer Luckey conducted a record check on the victim and discovered that he had a warrant for his arrest for a gross misdemeanor weapons charge. According to time-stamped BWC footage, at 2:01:31, Officer Luckey and the defendant both approached the driver's side of the vehicle, asked the victim to exit his vehicle and place his hands behind his back. The victim exited the car and initially followed commands. Officer Luckey told the victim that he was being arrested for his outstanding warrant. At that time, Officer Luckey and the victim were positioned just outside of the driver's side door of the vehicle, which remained open during their encounter, and defendant was positioned behind and to the right of Officer Luckey.

At 2:01:49, the victim pulled away from the officers and got back into the driver's seat of the vehicle. Officer Luckey attempted to maintain physical control of victim. At 2:01:55, the defendant verbalized that she would tase the victim. The defendant presented her department issued Glock 9mm handgun in her right hand and pointed it at the victim, verbalizing again that she would tase him at 2:01:58. At 2:02:00, the defendant again verbalized "Taser, Taser, Taser" and then pulled the trigger on her handgun at 02:02:01, firing one round into the left side of the victim. The victim then stated, "ah he shot me," and the vehicle sped away for a short distance before crashing into another vehicle and coming to a stop. The victim was pronounced dead at the scene after medical intervention was unsuccessful.

After discharging her handgun, the body worn video reports the defendant exclaimed, "Shit, I just shot him!"

SSA McGinnis later collected and reviewed the layout of the defendant's duty belt. SSA McGinnis observed that the defendant's handgun is holstered on the right side of the belt and her Taser is holstered on the left side of the belt. Both grips/handles of the defendant's Taser and handgun face the defendant's rear, and the Taser is yellow with a black grip. SSA McGinnis noted the defendant's Taser is set in a straight- draw position, meaning the defendant would have to use her left hand to draw the Taser out of its holster.

On April 12th, 2021, SSA McGinnis met with Hennepin County Medical Examiner Doctor Loren Jackson. Dr. Jackson determined the victim's cause of death to be a gunshot wound, and

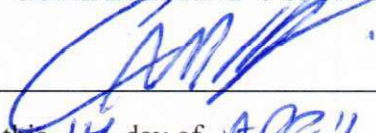
the manner of death was homicide.

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'S NAME:

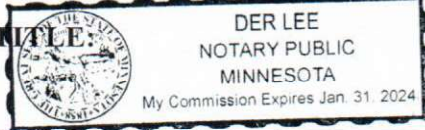
Charles Phill

COMPLAINANT'S SIGNATURE:



Subscribed and sworn to before the undersigned this 14 day of APRIL, 2021.

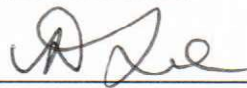
NAME/TITLE:



DER LEE
NOTARY PUBLIC
MINNESOTA

My Commission Expires Jan. 31, 2024

SIGNATURE:



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

Date: 4/14/21

PROSECUTING ATTORNEY'S SIGNATURE:



Name: Imran Ali
Assistant County Attorney
15015 62nd St N
Stillwater, MN 55082
Minneapolis, MN 55487
651-430-6115
Attorney Registration # 0351738

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.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the ___ day of _____, 20__ at _____ a.m./p.m. before the above-named court at _____ 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 hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named 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 above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$100,000 without conditions; \$50,000 with conditions
Conditions of Release: Surrender passport; firearms motion (no possession of any firearms or ammunition); remain law abiding; Minnesota only geo-restriction.

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 14th day of April, 2021.

JUDICIAL OFFICER:
NAME: Kerry Meyer
TITLE: District Court Judge

SIGNATURE:


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

<p>COUNTY OF HENNEPIN STATE OF MINNESOTA</p> <p>STATE OF MINNESOTA</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>KIMBERLY ANN POTTER,</p> <p style="text-align: right;">Defendant</p>	<p><i>Clerk's Signature or File Stamp:</i></p> <p style="text-align: center;">RETURN OF SERVICE</p> <p><i>I hereby Certify and Return that I have served a copy of this COMPLAINT upon Defendant herein named.</i></p> <p>Signature of Authorized Service Agent:</p> _____
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