

State of Minnesota
County of Olmsted

District Court
3rd Judicial District

Prosecutor File No.
Court File No.

18CR00097
55-CR-18-374

State of Minnesota,

Plaintiff,

vs.

ALEXANDER WILLIAM WEISS DOB: 11/30/1992

402 31st Street NE #312
Rochester, MN 55906

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: Murder - 2nd Degree - Without Intent - While Committing a Felony

Minnesota Statute: 609.19.2(1), with reference to: 609.19.2(1), 609.11.5(a)

Maximum Sentence: Imprisonment for 3 to 40 Years (MSG SL 10)

Offense Level: Felony

Offense Date (on or about): 01/14/2018

Control #(ICR#): 18002034

Charge Description: On or about January 14, 2018, within the County of Olmsted, Alexander William Weiss did wrongfully, unlawfully and feloniously cause the death of a human being, to-wit: Victim, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence or a drive-by shooting.

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 Alexander William Weiss, the above-named defendant, and the allegations contained therein. Based upon that information, your complainant believes the following to be true and correct.

On Sunday, January 14, 2018 at approximately 8:20 a.m., Ofc. B. Roussell of the Rochester Police Department was on routine patrol on North Broadway when a car pulled up next to his squad. The driver of the car stated that a person had just been shot and pointed toward The Square on 31st and Olympik Village Apartments. At about the same time, Ofc. Roussell was dispatched to the intersection of 31st Street NE and East River Road NE in Rochester, Olmsted County, Minnesota for a reported shooting.

Upon arrival, Ofc. Roussell observed a male (hereinafter "Victim") lying in the middle of 31st Street NE, a short distance east of East River Road. Two females were near the body on the ground, one male was standing on the north side of 31st Street NE and another male approached Ofc. Roussell. The male who approached Ofc. Roussell on foot (hereinafter "Witness 1") stated that his friend had been shot. Ofc. Roussell asked "Witness 1" where the shooter was and Witness 1 pointed to the male standing on the north side of 31st Street NE. Ofc. Roussell commanded that person, ALEXANDER WILLIAM WEISS (DOB 11/30/92) to get on the ground. WEISS complied with Ofc. Roussell's commands. By that time, Ofc. Bradley had arrived and was making efforts to save Victim's life. Ofc. Roussell placed WEISS in handcuffs and removed WEISS's handgun, a Glock 19, from his right front pocket. WEISS's Glock had a 17-round magazine containing 15 rounds.

After coordinating with other officers, Ofc. Roussell returned to his squad car and interviewed WEISS following the Miranda warning. WEISS told Ofc. Roussell that he was traveling westbound on 31st Street NE when he saw a car (a Chevrolet Cavalier) hit the sewer grate on the north side of 31st Street NE. WEISS then drove his Subaru near the Cavalier and the Cavalier backed into WEISS's Subaru. WEISS went on to state that a male passenger (Witness 1) got out of the Cavalier and became aggressive toward WEISS. WEISS returned to his Subaru and retrieved his phone and his handgun. According to WEISS, the Cavalier then moved to the south side of 31st Street NE, near the entrance to the Square on 31st. Then, the driver (Victim) got out of the Cavalier and became confrontational and aggressive. WEISS told both Witness 1 and Victim that he had a gun and that the police were coming. According to WEISS, Victim "got in [WEISS's] face" and spit at him. WEISS told Ofc. Roussell that Victim then grabbed at WEISS's gun, so WEISS stepped back and shot Victim once.

Officers learned that Victim had no pulse at the scene and was transported to the Emergency Department at Mayo Clinic Hospital, St. Marys Campus. Victim was pronounced dead shortly before 9:00 a.m.

Sgt. S. Thompson responded to the crime scene at 31st Street NE and East River Road. Sgt. Thompson noted the location of WEISS's Subaru facing westbound at the intersection. There was visible damage to the rear passenger-side door. The Subaru bore a bumper sticker that read, "Gun Control Means Hitting Your Target." Sgt. Thompson observed a small pool of apparent blood and Gold Cross medical equipment on the snowy road surface approximately 20 feet from the Subaru.

Ofc. J. Valere responded to assist with the investigation. Ofc. Valere spoke with Witness 1 at the Law Enforcement Center. Witness 1 stated that he, Victim, and two female companions were in the Cavalier.

Witness 1 was seated behind Victim on the rear driver's side and Victim 1 was driving. The four of them were going to the Square at 31st where a friend resided. According to Witness 1, the Cavalier crashed as it turned right (eastbound) from East River Road onto 31st Street NE. They then collided with WEISS's red Subaru. According to Witness 1, WEISS got out of his Subaru as if he wished to fight. Witness 1 got out of the Subaru, along with Victim and were both yelling at WEISS about fighting them. According to Witness 1, neither he nor Victim were armed. In Witness 1's account, Victim got very close to WEISS, puffing his chest out with his hands down, after Victim got out of the Cavalier. WEISS pulled out a gun and pointed it at Victim. Victim told WEISS, "I f***ing dare you to do it," and WEISS shot Victim in the chest. Victim dropped to the ground. According to Witness 1, neither he nor Victim had touched WEISS before he fired his handgun at Victim. However, Witness 1 acknowledged that he and Victim were posturing and speaking aggressively toward WEISS. After Victim dropped to the ground, Witness 1 went over to Victim, unzipped his jacket and saw blood pooling on his white shirt.

Sgt. Thompson and Sgt. E. Boynton responded to the Law Enforcement Center and conducted a recorded interview with WEISS. WEISS told the officers that he lives at Olympik Village Apartments, which is just east of the Square on 31st. WEISS was driving westbound on 31st Street NE, planning to go north on East River Road. While WEISS was driving westbound, he saw the Cavalier moving too fast for conditions and saw the Cavalier crash into the curbside storm drain directly in front of WEISS's Subaru. WEISS then drove slowly past the Cavalier and came to a stop behind them. Before WEISS could get out to check on the Cavalier, the Cavalier backed into the Subaru. After hitting his Subaru, the Cavalier pulled forward. According to WEISS, he got out of his car to get the attention of the Cavalier's occupant(s). First, a male passenger (Witness 1) got out of the Cavalier, yelling and using profanities toward WEISS. According to WEISS, when he told Witness 1 that he was going to call the police, Witness 1 threatened to beat him up and advanced toward WEISS. According to WEISS, he told Witness 1 to stop so they could get the situation sorted out. Witness 1 stopped advancing at that time. WEISS told Sgts. Thompson and Boynton that Witness 1's behavior caused WEISS to be fearful for his safety, so he went back to his Subaru to grab his phone and his firearm from the glove compartment. WEISS put the gun in his right front pants pocket and, according to WEISS, he told Witness 1 that he had a gun on him and Witness 1 should not do anything stupid. According to WEISS, Witness got as close and ten feet from WEISS, so WEISS pulled the gun out of his pocket, held it at his side with the muzzle pointing downward.

According to WEISS, the Cavalier moved to the other side of the street during his initial interaction with Witness 1. At some point, Victim got out of the Cavalier and was confrontational toward WEISS, claiming that WEISS had caused the motor vehicle collision and saying that they were going to beat up WEISS. According to WEISS, he backed up near the bumper of his Subaru and Victim got within a few inches of WEISS's face. According to WEISS, Victim made physical contact by shoving WEISS in his chest. At that point, WEISS pulled the gun out of his pocket and pointed it at the ground so that Victim would know that he had a gun. WEISS also told Victim, "Stop, I will detain you until the police arrive if I have to." According to WEISS, Victim responded to WEISS pulling out the gun, saying "that's not even a real gun" and spat at WEISS. In WEISS's account, he backed up and told Victim to stop and Victim reached out to touch the gun. WEISS then cocked the gun by pulling back the slide and shot Victim at "point blank" range. According to WEISS, Victim went stiff and fell straight backwards. WEISS then put the handgun in his pocket and called 911.

During his statement, WEISS described a red vehicle driving eastbound on 31st Street NE at the time of the shooting. On Tuesday, January 16, 2018 the driver of the red vehicle (hereinafter "Witness 2") contacted the Rochester Police Department and gave an account of the incident. According to Witness 2, Witness 2 turned onto eastbound 31st Street NE when she saw the Subaru and the Cavalier in the roadway. Witness 2 stopped, briefly, and saw two men (WEISS and Witness 1) facing each other in the roadway, approximately two to three feet apart. Witness 2 then witnessed WEISS pull the gun from his pocket, raise the gun and fire one shot at Victim. According to Witness 2, Victim was not touching WEISS, nor was

Victim raising a fist or advancing toward WEISS at the time WEISS fired a shot at Victim. Witness 2 then drove away and flagged down an officer (Ofc. Roussell).

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

Jean R. Valere
Police Officer
101 4th Street SE
Rochester, MN 55904-3761
Badge: 2369

Electronically Signed:
01/17/2018 10:30 AM
Olmsted County, MN

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

Prosecuting Attorney

Eric M. Woodford
Criminal Division Lead Attorney
151 4th Street SE
Government Center - 3rd Floor
Rochester, MN 55904
(507) 328-7600

Electronically Signed:
01/17/2018 09:58 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 on _____, _____ at _____ AM/PM before the above-named court at 151 Fourth Street SE, Rochester, MN 55904 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: January 17, 2018.

Judicial Officer

Kathy M. Wallace

Electronically Signed: 01/17/2018 10:39 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.

Alexander William Weiss

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: Alexander William Weiss
DOB: 11/30/1992
Address: 402 31st Street NE #312
Rochester, MN 55906

Alias Names/DOB:

SID: MN18LA4252

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

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	1/14/2018	609.19.2(1) Murder - 2nd Degree - Without Intent - While Committing a Felony	Felony	H2816	N	MN0550100	18002034
	Penalty	1/14/2018	609.11.5(a) Minimum Sentences of Imprisonment-Firearm Use or Possession	Felony	H2816	N	MN0550100	18002034
	Penalty	1/14/2018	609.19.2(1) Murder - 2nd Degree - Without Intent - While Committing a Felony	Felony	H2816	N	MN0550100	18002034