
State of Minnesota,

Plaintiff,

vs.

NHAN LAP TRAN DOB: 01/28/1979

699 Guthrie Avenue
Oakdale, MN 55128

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 - With Intent-Not Premeditated

Minnesota Statute: 609.19.1(1), with reference to: 609.19.1(1)

Maximum Sentence: 40 years

Offense Level: Felony

Offense Date (on or about): 02/11/2013

Control #(ICR#): 13012780

Charge Description: On February 11, 2013, the defendant caused the death of Devin Joseph Aryal, DOB 06/10/2003, with intent to effect the death of the victim or another, but without premeditation. This offense occurred in Washington County, Minnesota.

COUNT II

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

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

Maximum Sentence: 40 years

Offense Level: Felony

Offense Date (on or about): 02/11/2013

Control #(ICR#): 13012780

Charge Description: On February 11, 2013, the defendant without intent to effect the death of any person, caused the death of Devin Joseph Aryal, DOB 06/10/2003 while committing or attempting to commit the felony of assault. This offense occurred in Washington County, Minnesota.

COUNT III

Charge: Attempt Murder - 2nd Degree - With Intent-Not Premeditated

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

Maximum Sentence: 40 years

Offense Level: Felony

Offense Date (on or about): 02/11/2013

Control #(ICR#): 13012780

Charge Description: On February 11, 2013, the defendant attempted to cause the death of M.M.A., DOB 11/30/1973, with intent to effect the death of the victim or another, but without premeditation. This offense occurred in Washington County, Minnesota.

COUNT IV

Charge: Assault-1st Degree-Great Bodily Harm

Minnesota Statute: 609.221.1, with reference to: 609.221.1

Maximum Sentence: 20 years and \$30,000

Offense Level: Felony

Offense Date (on or about): 02/11/2013

Control #(ICR#): 13012780

Charge Description: On February 11, 2013, the defendant did assault another, to wit: K.L.K., DOB 12/28/1944, and did inflict great bodily harm to K.L.K. This offense occurred in Washington County, Minnesota.

COUNT V

Charge: Dangerous Weapon – Firearm Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1, with reference to: 609.222.1, 609.11.5(a)

Maximum Sentence: 7 years and \$14,000

Offense Level: Felony

Offense Date (on or about): 02/11/2013

Control #(ICR#): 13012780

Charge Description: On February 11, 2013, the defendant did assault another, to-wit: N.A.S., DOB 07/11/1984, with a dangerous weapon, to wit: firearm. This offense occurred in Washington County, Minnesota.

COUNT VI

Charge: Dangerous Weapon – Firearm Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1, with reference to: 609.222.1, 609.11.5(a)

Maximum Sentence: 7 years and \$14,000

Offense Level: Felony

Offense Date (on or about): 02/11/2013

Control #(ICR#): 13012780

Charge Description: On February 11, 2013, the defendant did assault another, to-wit: P.A.B., DOB 11/07/1958, with a dangerous weapon, to wit: firearm. This offense occurred in Washington County, Minnesota.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is a licensed peace officer in the State of Minnesota and is employed by the Oakdale Police Department. In that capacity and after review of the reports, your complainant states the following to establish probable cause:

On February 11, 2013, at approximately 6:10 p.m. law enforcement officers were dispatched to the intersection of 7th Street and Hadley Avenue, located in Oakdale, Washington County, Minnesota, on a report of gun shots fired. Upon arriving law enforcement received information from an unidentified female that a man was firing a firearm, possibly a handgun. The female further stated that she observed the suspect walking east on 7th Street toward Hadley Avenue and was last seen in the parking lot of Twin City Hardware. She described the male as wearing a tan or green coat and wearing a backpack. Law enforcement received additional information from dispatch of gunshot victims located in the Rainbow Foods parking lot at 7053 10th Street.

Officer Schauls responded to Rainbow Foods parking lot. Upon arriving bystanders directed him to a mini van parked in the lot. Officer Schauls observed a female victim, later identified as M.M.A., DOB 11-30-1973, standing at the driver's side sliding rear door of the minivan. M.M.A. was holding a male child who was slumped over in the back seat. The child was identified as nine-year old Devin Joseph Aryal, DOB 06/10/2003. Officer Schauls observed that Devin Aryal appeared to have sustained a gunshot wound to the head. M.M.A. stated that she had picked up her son Devin Aryal from daycare and was traveling eastbound on 7th Street near Hadley Avenue, when a male, who was on foot near the intersection, started shooting at her vehicle. M.M.A. indicated that she realized she was shot and drove to the nearby Rainbow Foods and learned that her son Devin Aryal had also been shot. M.M.A. suffered a gunshot wound to the arm. Devin Aryal was transported to Regions Hospital ER where he died at 6:45 p.m. Preliminary autopsy performed by Dr. McGee at the Ramsey County Medical Examiners Officer ruled Devin Aryal's death a homicide with the cause of death being a gunshot wound to the head.

While law enforcement was still at Rainbow Foods assisting M.M.A. and Devin Aryal, they received additional information of a vehicle parked near the intersection of Hadley Avenue and 6th Street in which the driver of the vehicle had sustained a gunshot wound. The driver was identified as K.L.K., DOB 12-28-1944. K.L.K. had been shot in the hand and in the leg. She was transported by ambulance to Regions Hospital where she was treated for her injuries. K.L.K.'s lost part of her finger as a result of the gunshot wound she sustained to her hand. Inside the vehicle with K.L.K. at the time of the shooting were three passengers who were identified as the grandchildren of K.L.K. The three passengers advised law enforcement that K.L.K. was driving near the intersection of 7th Street and Hadley Avenue when they saw a male firing a gun. Law enforcement observed numerous bullet holes to the vehicle driven by K.L.K.

Officers were searching the area for the suspect near the intersection of 7th Street and Hadley, when Sgt. Newton was approached by a female identified as N.A.S., DOB 07/11/1984. N.A.S. stated that she was traveling south on Hadley Avenue and had turned onto 7th Street. As she turned the corner she heard "popping" noises and observed a male standing in the middle of 7th Street, shooting a handgun. N.A.S. stated the male was shooting at another vehicle that was traveling eastbound on Hadley. N.A.S. estimated that the suspect shot five times at the other vehicle before pointing the gun at her vehicle shooting. N.A.S. stated she ducked and kept driving; she could hear the gunshots hitting her windshield. Sgt. Newton observed what appeared to be two gun shots to the hood of N.A.S.'s vehicle and three holes in the front windshield. One of the bullets appeared to have entered through the windshield striking the front passenger seat head rest.

Another victim identified as P.A.B., DOB 11/07/1958 informed law enforcement that he was traveling eastbound on 7th Street coming up to the intersection of Hadley Avenue when he saw a male standing in the street. P.A.B. stated he realized the suspect was shooting at him when a bullet hit his vehicle's windshield. P.A.B. stated that after the bullet hit his windshield the suspect bent over as if reloading the gun and P.A.B. quickly drove away. A bullet hole was observed on the upper center of the windshield of P.A.B.'s vehicle, and his front right passenger side tire was flat.

At approximately 6:32 p.m. law enforcement located a male wearing a green jacket, black jeans and a gray backpack in the south end of a business parking lot located at 486 Hale Avenue North. The suspect would later be identified as NHAN LAP TRAN, DOB 01/28/1979, the defendant herein. Located approximately 6 to 8 feet from TRAN was 9mm handgun. Upon securing the handgun law enforcement observed that the gun was loaded and a bullet was in the chamber. TRAN was wearing a black fanny pack around his waist, the pack had three zippered compartments and all contained numerous 9mm bullets. TRAN also was carrying a backpack in which law enforcement discovered multiple bullets and two large knives in protective sheaths. Located in the TRAN's jacket pocket was two 9mm magazines that were loaded. TRAN was placed under arrest. TRAN was read his Miranda rights and agreed to speak to law enforcement. TRAN admitted to shooting at two vehicles, one he described as a small car with one occupant and the other vehicle he stated likely a minivan. TRAN stated he could have shot other vehicles as well if they were traveling behind the other vehicles. TRAN admitted to reloading at least once in order to be able to continue shooting. TRAN stated that when he saw law enforcement enter the parking lot at 486 Hale Avenue North, he tossed the gun and placed his hands in the air.

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

Scott Olson
Detective Sergeant
1584 Hadley Avenue N
Oakdale, MN 55128
Badge: 133

Electronically Signed: 2/13/2013

Subscribed and sworn to before the undersigned.

**Notary Public or
Judicial Official**

Rebecca Johnson
Records Technician, County of
Ramsey
1584 Hadley Avenue N
Oakdale, MN 55128
Notary ID: 31028793

Commission expires: 01/31/2018
Electronically Signed: 2/13/2013

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

Prosecuting Attorney

Jessica L. Stott
PO Box 6
15015 62nd Street North
Stillwater, MN 55082
(651) 430-6115

Electronically Signed: 2/13/2013

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 14949 62nd Street N PO Box 3802, Stillwater, MN 55082-3802 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. No contact with victims or their residences.

This complaint is issued by the undersigned Judge as of the following date: _____, _____.

Judicial Officer <judge name>

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

**COUNTY OF WASHINGTON
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Nhan Lap Tran

Defendant

Clerk's Signature or File Stamp:

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: