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Mike Freeman
Hennepin County Attorney
300 South 6th Street
Minneapolis, Minnesota 55487

Re: Use of Deadly Force Investigation arising out of 6/3/2021 US Marshal Task Force attempt to apprehend Winston Smith.

County Attorney Freeman,

I have concluded my review of the above entitled matter. Based upon the facts and circumstances in this case, I find that the US Marshal Task Force (TF) was properly exercising its lawful authority to apprehend Winston Smith (Smith) on the Ramsey County felony warrant. The TF was readily identifiable when informing Smith he was under arrest and ordering him to exit his vehicle (as well as other commands). Smith failed to comply with the lawful orders. As the TF was attempting to gain entrance into his vehicle, Smith initiated a deadly force confrontation with the TF by drawing his handgun and firing at the TF. This resulted in the TF using deadly force in response. Though I am unable to determine who fired first, it is irrelevant in this case. Once an individual initiates a deadly force confrontation, a law enforcement officer does not have to wait to be shot/shot at before reacting. The reaction and reasoning of the two Task Force Members in this case was reasonable and justified. Their conduct was clearly in response to an apparent threat of death or great bodily harm. They also clearly articulate with specificity a threat of death or great bodily harm that was reasonably likely to occur unless addressed by them without unreasonable delay. Hence both the pre and post March 1, 2021 standards laid out by Minnesota Statute 609.066 are met. As a result, the use of deadly force was authorized under Minnesota Law in this case and no criminal prosecution is warranted.

Included herewith is a second letter which provides the basis for my decision. These two letters form my entire report concerning my review of this case. I will not be holding a press conference and will not be available for comment beyond what is contained in this submittal.

Having concluded my review, I herewith am providing to you my entire file concerning this matter. The only thing I have maintained is a copy of this letter. All other materials (paper and digital) are being provided to you. I have also deleted everything out of our system on this matter as well. I will forward all requests for data to your attention.

Very truly yours,

Donald F. Ryan, County Attorney
Crow Wing County Attorney's Office

Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.