



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

MICHAEL O. FREEMAN COUNTY ATTORNEY

May 4, 2021

Drew Evan, Superintendent
Bureau of Criminal Apprehension
1430 Maryland Avenue East
Saint Paul, MN 55106

Dear Superintendent Evans,

I am writing you regarding the Minneapolis Police fatal shooting of Terrance Franklin on May 10, 2013. Mr. Franklin was shot in the basement of a house at 2717 Bryant Ave. S. He broke into the house in an attempt to elude police who wanted to question him as a suspect in a burglary several days earlier.

The Minneapolis police department investigated the officer-involved shooting. Our office presented the results of that investigation to a grand jury that September and the grand jury returned a no-bill against Minneapolis Police Officer Lucas Peterson. The official version of events from the investigation, and the one presented to the grand jury, was that a K-9 located Franklin in the basement and officers went down to arrest him. During a scuffle, Franklin managed to grab the MP5 rifle carried by Officer Mark Durand and fire at least two shots which struck Officers Michael Meath and Ricardo Muro in the legs. In order to save lives, Peterson pulled his handgun and shot Franklin 10 times. Besides the testimony of the officers, Franklin's DNA was found on the MP5.

A civil case brought on behalf of the Franklin family against the Minneapolis Police Department was settled last year by the city of Minneapolis for \$795,000. The pleadings and memorandums filed with the U. S. District Court raised issues about the thoroughness of the police investigation.

A key piece of evidence brought by the plaintiffs in the civil suit is a recording by Jimmy Gaines. On the day of the shooting, Gaines was visiting a friend at 2720 Bryant Ave. S., directly across the street from the house where police had gone to apprehend Franklin. Gaines had with him an iPod Touch and he decided to use its video and audio to record everything happening at 2717 Bryant Ave. S. from the porch at 2720 Bryant Ave. S. Despite the fact that Gaines posted some of what he recorded on Facebook and his recording was featured at a news conference with the Franklin family lawyer, police investigators never interviewed Gaines.

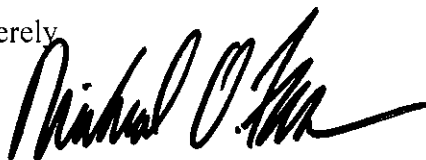
Further, the Franklin family lawyer hired a sound expert who enhanced the audio and detailed what was audible second by second. The investigation alleged that Franklin never said a word but the iPod Touch was able to record Terrance give his nickname, "Mookie," and later say "man

let me go.” In addition, the audio indicates there were 72 seconds between the time Officers Meath and Muro were shot and the time other gunshots are heard.

The plaintiffs also developed an explanation for Franklin’s DNA on the MP5. Department of Correction Officer Dave Scheibel, in his deposition, said he was in the basement after Franklin was shot and he knelt to check for a pulse to see if Franklin might still be alive. Not long after he checked the neck and wrist for a pulse, he stood up and Officer Durand handed him the MP5. By touching Franklin and then handling the gun, there could have been a transfer of Franklin’s DNA to the gun.

There is a great deal more information in the lawsuit papers. My question to you is, has anyone made you aware of any of this information, either in 2013 or more recently? I understand that the BCA’s newly created Use-of-Force unit is willing to review cases that were not originally investigated by the BCA. This might be an appropriate case for the unit to review.

Sincerely

A handwritten signature in black ink, appearing to read "Michael O. Freeman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

MICHAEL O. FREEMAN
Hennepin County Attorney