CARVER COUNTY ATTORNEY'S OFFICE
MARK METZ COUNTY ATTORNEY

PRESS RELEASE

August 2, 2017 Mark Metz, Carver County Attorney

THE CARVER COUNTY ATTORNEY'S OFFICE DISMISSES CRIMINAL CHARGES AGAINST LOUIS BERNARD HUNTER BECAUSE OF INSUFFICIENT EVIDENCE TO PROVE CASE BEYOND A REASONABLE DOUBT

Carver County Attorney Mark Metz announces that the Carver County Attorney's Office has filed a dismissal of all criminal charges against Louis Hunter in Ramsey County District Court Case #62-CR-16-5098.

1. Carver County Attorney's Office Receives Case Due to Ramsey County Attorney's Office Conflict of Interest

On July 9, 2016, there was a large protest over the shooting death of Philando Castile in Saint Paul, Minnesota. Later, some of those protesters began to riot and became violent. Protesters and rioters shut down traffic on Interstate 94 in Saint Paul. As a result of the riot, the Ramsey County Attorney's Office charged Louis Bernard Hunter, who is 38 and a resident of St. Louis Park, Minnesota, with two counts of felony riot in the second degree.

The Ramsey County Attorney's Office discovered that Louis Bernard Hunter was a cousin of Philando Castile, the victim in the July 6, 2016, officer-involved shooting in St. Anthony, Minnesota. Since the Ramsey County Attorney's Office was considering potential criminal charges against St. Anthony Police Officer Jeronimo Yanez, the officer who shot and killed Philando Castile, Ramsey County Attorney John Choi determined that his office had a conflict of interest and should not prosecute Mr. Hunter.

Because of the conflict of interest, the Ramsey County Attorney's Office requested on August 12, 2016, that the Carver County Attorney's Office prosecute the case against Mr. Hunter. Since transferring Mr. Hunter's case to the Carver County Attorney's Office, the Ramsey County Attorney's Office made no further legal decisions in this case. The decision to dismiss charges was a legal decision made with complete independence by the Carver County Attorney's Office.

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2. Essential Facts and Background

Starting at about 7:30 p.m. on July 9, 2016, and lasting for more than four hours, hundreds of individuals protested the shooting of Philando Castile. Protesters and rioters stood by and blocked traffic in both directions on Interstate 94 near Dale Street in Saint Paul. Saint Paul Police and other law enforcement agencies responded to the protest and riot in an attempt to control the situation and re-open traffic lanes.

During the protest and riot, a small number of individuals threw objects at police from both sides of I-94 and from an overpass bridge. A number of the objects struck officers causing significant injuries. Some of the injured officers had to be treated by medical professionals. For example, one officer was struck in the head with a twenty pound rock. The thrown objects largely consisted of debris located at a nearby construction site. The rioters pelted police with large rocks, lumber scraps, glass bottles, patio pavers, rebar, a commercial grade firework, and other inherently dangerous objects.

In attempting to identify those violent rioters who were hurling dangerous objects, police deployed "marking guns" and fired non-lethal projectiles containing a distinctive green dye. Police marked a number of rioters throwing items. Police identified one of the individuals that police marked as an African American male wearing a red shirt and white pants; later identified as Mr. Hunter. Police reported that Mr. Hunter was throwing large rocks and construction debris at police and was later seen carrying around a piece of wood. However, because of the rapidly developing, chaotic and dangerous situation, police were unable to arrest or locate any of the individuals who had been marked.

At approximately 11:30 p.m. on July 9, 2016, a caller to the Ramsey County 911 Dispatch Center reported that a group of two males and a female appeared to be throwing liquid filled bottles over a pedestrian bridge at the police positioned on Interstate 94. The caller believed that the liquid filled bottles appeared to be "Molotov Cocktails." The caller reported the group was travelling in a black GMC SUV and identified the Minnesota license plate.

At approximately 2:00 p.m. the next day, on July 10, 2016, St. Paul Police located this particular vehicle in St. Anthony and arrested Mr. Hunter, who was the driver of the vehicle. At the time of his arrest, Mr. Hunter was wearing a red shirt and white pants. The pants had the distinctive green marking dye used by police to identify individuals who had thrown objects during the night before.

Mr. Hunter provided a statement to police in which he admitted to being present at the protest and riot on Interstate 94. He stated that when he arrived on the freeway with the protesters and rioters, he was struck with a green marking round for no reason. Mr. Hunter flatly denied throwing objects at police and stated he left immediately after being struck with the marking round. He stated other individuals were throwing items at the police. He also admitted that he was driving the car identified by the 911 caller the night before, but denied that anything was thrown from his car.

Mr. Hunter was the only suspect charged with Felony Riot because Mr. Hunter was the only individual police were able to locate and arrest (the St. Paul City Attorney is still presently prosecuting a number of individuals charged with Misdemeanor crimes associated with the riots and protests).

3. Legal Determination to Dismiss Charges against Mr. Hunter

Following receipt of the file and in the ensuing months as further information developed, the Carver County Attorney's office conducted a detailed, painstaking review of the entire file. More specifically, this review included examination of multiple videos of the protests and riot totaling approximately sixty hours, review of over one hundred police reports, and several meetings with the involved officers. In addition, the Carver County Attorney's Office thoroughly reviewed applicable laws before reaching the judgment to dismiss charges.

Mr. Hunter appears in portions of one video wearing white pants, a red shirt, a white hat, and red shoes. Along with other protesters, Mr. Hunter is plainly agitated and seen gesticulating and yelling, "Fuck the police." Mr. Hunter was not peacefully protesting. However, no portion of these videos reveals Mr. Hunter brandishing a weapon, holding a board, or throwing any objects. In no part of these videos could this office find any footage of Mr. Hunter throwing anything or being marked with the green identification projectile.

This case is an eyewitness identification case. Identification cases can be some of the most difficult cases to prove beyond a reasonable doubt. When police are suddenly thrust into a high stress situation and their personal safety is threatened, their ability to accurately observe details and later recall events can be diminished. Here, the officers were faced with significant challenges as they were greatly outnumbered, many protesters and rioters were extremely angry and violent, and the officers' safety was in imminent risk. Thus, inconsistencies existed leading to the State's inability to prove the case beyond a reasonable doubt.

Here, the officers acted in good faith and did not attempt to distort the facts or shape the evidence. The police wrote their reports and presented the facts as they best recalled. In light of this background, it is not surprising that some of the reports contain

several inconsistencies as to what different officers observed. For example, there were inconsistencies amongst the officers as to what Mr. Hunter was wearing and the distance between Mr. Hunter and the officer marking him. While the video clearly shows Mr. Hunter wearing a white baseball cap, not every officer observed the hat. In addition, the officers acknowledged that on occasion during the evening they missed when attempting to mark individuals. The inconsistencies in these observations are a natural reflection on the complexity of what the officers were facing that night. However, these inconsistencies also create reasonable doubt as to the State's ability to prove the criminal charges.

As prosecutors, we must charge and prosecute cases in which there is a reasonable chance of proving the cases beyond a reasonable doubt. Prosecutors, proceeding in all cases without regard to fear or favor, must constantly embrace the overriding ethical obligation and responsibility to dismiss criminal charges in cases where the evidence is insufficient, despite the demonstrated violent wrongdoing by others.

If the role of the Carver County Attorney was only to advocate for the police and victims, then criminal charges would be warranted, and wherein the prosecutor could simply present the evidence, such as it is, and let a jury decide if Mr. Hunter's conduct was criminal. But the prosecutorial role for pursuing justice goes far beyond simply presenting evidence. Before presenting any evidence before a jury, it is always incumbent upon the prosecutor to dispassionately and analytically evaluate all proffered evidence to determine, based on a prosecutor's training and experience, whether it can prove each and every element to the highest evidentiary burden, proof beyond a reasonable doubt. Under the evidence adduced, and following a meticulous review, we cannot reasonably meet this burden of proof.

Finally, the dismissal of the charges is not a pronouncement of Mr. Hunter's innocence. It is only a pronouncement that the prosecutor has insufficient evidence to prove this case beyond a reasonable doubt. Nor should this decision be taken, in any way, as criticism of the Saint Paul Police Department or other police personnel who responded to this chaotic scene. In fact, the hours of video objectively demonstrate that during this intense event, St. Paul police officers and other police personnel acted with remarkable restraint and professionalism in the face of unjustified and violent provocations.

4. No Further Comment

The Carver County Attorney's Office has no further comment on this case because there are pending cases being prosecuted by the Saint Paul City Attorney's Office that could be compromised.

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