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MEMORANDUM

DATE: December 11, 2017

TO: John Choi, Ramsey County Attorney

FROM: John Kelly, First Assistant Ramsey County Attorney and
Richard Dusterhoft, Criminal Division Director

SUBJECT: In the Matter of the Death of Cordale Quinn Handy
CA File No. 062-0373014

I. Summary

On March 15, 2017 in the early morning hours, Markeeta Nicole Johnson-Blakney used her cellphone to audio and video record a disturbance in her Apartment No. 209 located at 795 East 6th Street in Saint Paul. The recording was later recovered from the cellphone and established that Ms. Johnson-Blakney and her boyfriend Cordale Quinn Handy, age 29, were the only two persons inside the apartment during the disturbance. That same recording also revealed that during the disturbance Mr. Handy fired 16 gunshots in the apartment. Because of prior felony convictions in Illinois, Mr. Handy was ineligible to be in the possession of a firearm.

As a result of the disturbance in Apartment 209, a neighbor in the apartment building called 911. Ms. Johnson-Blakney also called 911. At approximately 2:21 A.M., Officers Mikko Norman and Nathaniel Younce of the Saint Paul Police Department ("SPPD") responded to the 911 call. The dispatcher notified the officers that a female was "screaming for help" and said the disturbance "sounded physical."

Shortly after their arrival, both officers noticed Ms. Johnson-Blakney and her friend and neighbor J.M., running towards the first-floor exit/entrance apartment door leading to the parking lot. Ms. Johnson-Blakney and J.M. were attempting to follow Mr. Handy who seconds earlier exited the building holding a pistol in his hand. Accompanying Mr. Handy was a large, white colored pit bull named "Vendetta."

The officers quickly caught up to the women outdoors in the apartment building parking lot. Both women appeared to be visibly upset and frightened. J.M. eventually told both officers that Mr. Handy was in possession of a firearm. J.M. specifically told Officer Younce that Mr. Handy had a gun but that it was unloaded. During her 911 call placed at 2:23 A.M., Ms. Johnson-Blakney told the operator and presumably the officers that Mr. Handy had a gun

that was unloaded and he was high on drugs. She urged the officers to not hurt him. Both women told the officers that Mr. Handy and Vendetta were walking northbound on Sinnen Street towards East Seventh Street.

Video captured from a nearby community center's security camera showed Mr. Handy and Vendetta walking northbound on Sinnen adjacent to the easterly sidewalk. Mr. Handy had a pistol with an extended magazine in his right hand and he was very unsteady and erratic in his physical movements. He also appeared to look back twice as if he was aware he was being pursued. Approximately seven seconds later, that same video showed the officers proceeding northbound on Sinnen Street in foot pursuit of Mr. Handy.

The community center security camera video showed both officers proceeding northbound on Sinnen along the westerly side of the street. Officer Norman proceeded on the westerly sidewalk of Sinnen while Officer Younce eventually moved across the street to the easterly sidewalk. As he moved closer towards Mr. Handy, Officer Younce could see that he had a gun with an extended magazine in his right hand and that his movements were very erratic and inconsistent with a person who was sober. At this point Officer Younce said he identified himself as a police officer and ordered Mr. Handy to drop to the ground. Officer Norman said that when he observed a gun in Mr. Handy's right hand, he yelled the following command at him: "Police, stop, drop the gun, get on the ground!"

From their respective positions approximately 50 yards away, both officers observed Mr. Handy appear to unintentionally "flop" down onto his buttocks and lay on his back on the curb. Vendetta then ran southbound on Sinnen towards Ms. Johnson-Blakney who was following the officers. Both officers then ran to get closer to Mr. Handy to better assess the situation.

At respective distances of approximately 35 yards, Officers Norman and Younce observed Mr. Handy sit upright and briefly raise the pistol towards Officer Norman before lowering it. Both officers again ordered him to drop the gun. Instead Mr. Handy again raised the pistol and pointed it in the direction of Officer Norman. At that time, Ms. Johnson-Blakney was approximately 15 yards behind Officer Norman. At approximately 2:27 A.M., Officers Norman and Younce fired three and four shots respectively at Mr. Handy from their Glock 17 9mm pistols, fatally wounding him. An unloaded black, Glock 21 .45 caliber pistol with an extended magazine was found approximately 10 feet from his body. Mr. Handy's DNA and fingerprints were found on the pistol and magazine. That pistol was later determined to have been stolen in 2013.

This Memorandum contains a summary description of the relevant evidence gathered by the Minnesota Bureau of Criminal Apprehension ("BCA") during its investigation of the shooting of Mr. Handy. As set forth below, this evidence includes statements given by officers and other witnesses; physical, DNA and ballistics evidence; audio and video recordings taken from the cellphone of Ms. Johnson-Blakney; and video from private security cameras.

Based on our review of all of the presented evidence and for the reasons explained in this Memorandum, it is our opinion that the use of deadly force by Officers Norman and Younce in this incident was justified by Minn. Stat. §609.066, subd. 2(1)-(3). Accordingly, we recommend that no criminal charges be brought against those officers related to this incident.

II. Events of March 15, 2017 and BCA Investigation

A. Disturbance in Apartment 209

1. Recorded Evidence of the Disturbance

Video and audio of a disturbance or altercation involving Mr. Handy and Ms. Johnson-Blakney in the early morning hours of March 15, 2017, was recorded by Ms. Johnson-Blakney on her cellphone and later recovered by investigators. The altercation took place in Apartment 209 of 795 East Seventh Street in Saint Paul, a small studio apartment comprised of a small bathroom and single combined living/dinette/sleeping area containing a sleep-sofa and two closets. The length of the recording taken from Ms. Johnson-Blakney's cellphone is 14 minutes and 4 seconds. The recording showed that at all times relevant, the only occupants in Apartment 209 were Ms. Johnson-Blakney and Mr. Handy. Neighbors described Mr. Handy as a boyfriend of Ms. Johnson-Blakney. Also present in the apartment was Vendetta.

The video begins with Mr. Handy holding a black pistol with an extended ammunition magazine in his right hand while also holding a cellphone with his left hand. Mr. Handy is seen furtively looking around the apartment while appearing to speak into his cellphone. Ms. Johnson-Blakney appears to be capturing the cellphone video and audio while sitting on the mattress of the sleep-sofa in the living room. Mr. Handy appears to be both extremely suspicious and nervous as he frequently waves the pistol. Ms. Johnson-Blakney is heard telling Mr. Handy, "Come here nigger. If you fucking shoot me nigga, it's gonna be a fucking problem!"

Ms. Johnson-Blakney can then be heard asking Mr. Handy "who is calling" him. His response is inaudible. She then asks "why are the police calling you, G?" She then begins a monologue in which she describes Mr. Handy's behavior as follows: "Whoa. This nigga just raised a gun to me. Aimed it at me. Aimed a gun at me. Look at you....Saying you being set up. Looking in the bathroom. You been here the whole time but now you looking in closets. You tweaking, G. Stay off that Molly." Her reference to "Molly" appears to be to a controlled substance.

Ms. Johnson-Blakney told Mr. Handy that he "needs to stay off drugs." She also repeatedly assured him that there was no other person in the apartment other than the two of them. Mr. Handy remains visibly suspicious and asks her to open the closet. While speaking into his cellphone to someone named "Kim" he mentions the name "Dante" and says that he "does not feel safe" prompting Ms. Johnson-Blakney to ask him "who is Dante?" While crouched low to the floor as if he is concealing himself, Mr. Handy then asks "where they at?" Ms. Johnson-Blakney says that he thinks