

State of Minnesota
County of Ramsey

District Court
2nd Judicial District

Prosecutor File No. 0620446765
Court File No. 62-CR-21-6868

State of Minnesota,

Plaintiff,

vs.

BRIAN HARRY KJELLBERG DOB: 09/28/1971

1720 7th St E
St Paul, MN 55106

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 - Without Intent - While Committing a Felony

Minnesota Statute: 609.19.2(1)

Maximum Sentence: 40 years

Offense Level: Felony

Offense Date (on or about): 12/02/2021

Control #(ICR#): 21248463

Charge Description: On or about December 2, 2021, in the County of Ramsey, Minnesota, the defendant, Brian Harry Kjellberg, did cause the death of AJS without intent to effect the death of any person, while committing or attempting to commit a felony: assault in the second degree.

STATEMENT OF PROBABLE CAUSE

At around 7:50 PM on December 2, 2021, officers were sent to 1720 Seventh Street East, St. Paul, Ramsey County. The 911 caller, **BRIAN HARRY KJELLBERG (DOB: 09/28/1971)**, told dispatch that a Black male was trying to take his own car. Kjellberg told dispatch he refused to let the man take the car, and he was fighting with the man. Kjellberg told dispatch the man had hit him four times in the face before he ran to a house to the east.

While police were responding another 911 call came in from 1734 Seventh Street East, St. Paul, Ramsey County saying a man had been stabbed. Officers went to that address and found AJS (DOB: 03/19/1994) in the living room. AJS' lips were blue, he was able to track others in the room with his eyes, and he was still breathing. AJS could speak, but he was unable to respond to questions. Officers saw a small puncture hole to AJS' upper chest area near his heart. Medics arrived and transported AJS to Regions Hospital. Officers later learned that AJS had died on the operating table.

Officers spoke to a witness who said his younger brother came to 1734 Seventh Street East and said someone was outside looking at AJS's car. AJS ran to where his car was. The witness followed AJS for part of the way. The witness saw a tow truck near AJS' car. The witness returned home. A short time later somebody rang the doorbell. The witness saw the person who rang the doorbell was AJS. AJS said, "That white man stabbed me – that white man stabbed me," and he collapsed on the couch. They initially thought AJS was fooling around until they lifted his shirt and saw his injury. They then called 911.

Officers made contact with Kjellberg at 1720 Seventh Street East. Kjellberg said he was in an altercation over a Mercedes SUV that was blocking his driveway. Kjellberg got into an altercation over the car. Kjellberg said he had been punched in the face, and he stabbed the man in return. Officers detained Kjellberg.

Kjellberg was advised of his constitutional rights and agreed to speak to officers. He saw the Mercedes SUV parked on his lot despite the three no parking signs he had posted. He called police and a tow company who agreed to move the Mercedes SUV. Kjellberg waited in the driveway for about 20 minutes when a Black male ran towards him. Kjellberg yelled at the man not to come on his property. The man punched Kjellberg several times in the face. Kjellberg took a pointed metal tube from his right pocket and stabbed the man's stomach. The man punched Kjellberg once more causing Kjellberg to fall onto a rock pile. Kjellberg lost his glasses and weapon when he fell. Kjellberg said he suffers from a traumatic brain injury and he feared for his safety when he was struck. The man left Kjellberg's property and went east in the alley.

Officers recovered a metal tube with a black plastic handle from the pile of rocks. Officers saw a few drops of blood a few feet away from the Mercedes.

Kjellberg was transported to police headquarters.

Officers spoke to a tow truck driver who had been dispatched to tow a 2008 Mercedes ML from private property behind 1720 Seventh Street East. The driver saw a white car speeding past him in the alley before it stopped at 1734 Seventh Street East. A white male came out of 1720 Seventh Street East, pointed to the Mercedes, and said, "It's yours – take it." The driver told the white male that he wasn't going to tow the Mercedes without police telling him it was okay to do so. The white male walked away.

Kjellberg was advised of his constitutional rights and agreed to speak to an investigator at police headquarters. Kjellberg said he bought 1720 Seventh Street East seven years ago. He said he has been dealing with friends of the neighbors parking in the back of his property off the alley for over 5 years. He posted three signs that read, "No trespassing. No parking. Private property." People who live to the east have most recently been parking on his property. Kjellberg said he has called the police numerous times in the past about people parking on his property, but people continue to park there. He provided the names of

officers he has spoken to about the parking situation.

At around 7:05 PM on December 2, 2021, Kjellberg saw a Mercedes SUV parked on his property. Kjellberg waited 10 minutes for the owner to return to the Mercedes before he called the non-emergency phone number asking someone come out to ticket the car. Kjellberg called a tow company to move the Mercedes after it had been ticketed.

A man came from a house two doors to the east. Kjellberg told the man to stay off his property, and the man told him he had to get his vehicle. Kjellberg told the man 3 or 4 times to stay off his property and that the police and a tow were on their way. The man replied, "Get the fuck out of my way, nigger." Kjellberg said, "I'm not your nigger," and the man punched him 4 or 5 times in the face and jaw. Kjellberg said he received a traumatic brain injury two years earlier, and he was concerned about getting another TBI. Kjellberg had piece of 1/4-inch stainless steel pipe sharpened to a point in his coat. Kjellberg took out the pipe and tried backing away and he hit the man in the gut. The man punched Kjellberg one more time causing Kjellberg to fall to the ground. The man then ran down the alley.

The investigator saw what looked like bruising near Kjellberg's left cheekbone.

Two men from the house the man fled to approached. Kjellberg ran to his house and locked the door. The tow truck arrived and Kjellberg told the driver that he had to stay in his house. Kjellberg emerged to talk to police when they arrived.

When asked why he just didn't let the man take the Mercedes SUV, Kjellberg said he wanted it ticketed and towed so the problem wouldn't reoccur. Kjellberg emphasized that it was his property and he as tired of dealing with the parking problems.

The Ramsey County Medical Examiner's Office conducted an autopsy on AJS. The cause of his death is exsanguination due to a stab wound to his chest and heart. The manner of his death is homicide.

NOTICE: Pursuant to Minnesota Statute 609.49, subd. 1 (a) A person charged with or convicted of a felony and released from custody, with or without bail or recognizance, who intentionally fails to appear when required after having been notified that a failure to appear for a court appearance is a criminal offense, or after having been released on an order or condition that the release personally appear when required with respect to the charge or conviction, is guilty of a crime for failure to appear and may be sentenced to not more than one-half of the maximum term of imprisonment or fine, or both, provided for the underlying crime for which the person failed to appear, but this maximum sentence shall, in no case, be less than a term of imprisonment of one year and one day or a fine of \$1,500, or both.

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 declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Daniel Zebro
Sergeant
367 Grove St
St Paul, MN 55101
Badge: 198

Electronically Signed:
12/03/2021 03:24 PM
Ramsey County, Minnesota

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

Prosecuting Attorney

Derek Fitch
Assistant County Attorney
345 Wabasha Street N
Suite 120
St Paul, MN 55102
(651) 266-3222

Electronically Signed:
12/03/2021 03:19 PM

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 as directed in the Notice of Hearing before the above-named court 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: \$1,000,000.00
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: December 3, 2021.

Judicial Officer

Elena L Ostby
District Court Judge

Electronically Signed: 12/03/2021 04:00 PM

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

**COUNTY OF RAMSEY
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Brian Harry Kjellberg

Defendant

*LAW ENFORCEMENT OFFICER 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:

DEFENDANT FACT SHEET

Name: Brian Harry Kjellberg
DOB: 09/28/1971
Address: 1720 7th St E
St Paul, MN 55106

Alias Names/DOB:

SID: MN21D86060

Height:

Weight: 249lbs.

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #:

Alcohol Concentration:

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	12/2/2021	609.19.2(1) Murder - 2nd Degree - Without Intent - While Committing a Felony	Felony	H2833	N	MN0620900	21248463