

## UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA )

v. )

(1) JARVAE JOSIAH SOMERVILLE, and )

Case No. 20-mj-512 (KMM)

(2) RONALD DONTE FINLEY, JR. )

**CRIMINAL COMPLAINT**

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

**Count 1**

On or about July 8, 2020, in Hennepin County, in the State and District of Minnesota, the defendant, Jarvae Josiah Somerville, having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, and knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, that is, a Glock model 30 .45 caliber semi-automatic pistol bearing serial number DCG685, all in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

**Count 2**

On or about July 8, 2020, in Hennepin County, in the State and District of Minnesota, the defendant, Ronald Donte Finley, Jr., having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, and knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, that is, a Sig Sauer model P320 9mm semi-automatic pistol bearing serial number 58C053778, all in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

  
Complainant's signature

David Voth, ATF Special Agent  
Printed name and title

SUBSCRIBED and SWORN before me  
by reliable electronic means (means of video  
conference and email) pursuant to  
Fed. R. Crim. P. 41(d)(3).

Date: July 10, 2020

  
Judge's signature

City and state: Minneapolis, MN

The Honorable Katherine M. Menendez  
U.S. Magistrate Judge  
Printed name and title

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
20-mj-512 (KMM)

STATE OF MINNESOTA            )  
  )       ss.               AFFIDAVIT OF DAVID VOTH  
COUNTY OF HENNEPIN         )

1.     I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since February 2001. Before joining the ATF, I was employed as a Deputy United States Marshal for the Western District of Michigan from June 1996 until joining the ATF. I have conducted hundreds of investigations regarding federal and state law crimes, including narcotics and firearms violations. In my capacity as an ATF agent, my responsibilities include investigating firearms violations under Title 18 of the United States Code.

2.     This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Jarvae Josiah SOMERVILLE and for Ronald Donte FINLEY, Jr., for possession of a firearm by a convicted felon in violation of Title 18, United States Code, Section 922(g)(1).

3.     This affidavit is based on my personal knowledge, as well as information I have learned from other law enforcement officers and the review of reports, written materials, and recordings. This affidavit does not include all of the details I have learned regarding this investigation. Rather, it only includes information believed to be sufficient to establish probable cause.

**PROBABLE CAUSE**

4. On May 19, 2020, a man with the initials K.D. was shot in North Minneapolis. Officers of the Minneapolis Police Department responded to the scene and began an investigation. Their investigation, which included reviewing surveillance video prior to the shooting, led them to suspect both SOMERVILLE and FINLEY of being among the men who shot K.D. The investigating officer issued Probable Cause Pick-Up order for both SOMERVILLE and FINLEY, as well as for other men suspected to be involved.

5. Minneapolis police investigators determined that SOMERVILLE lived with his girlfriend and their children in an apartment in White Bear Lake. SOMERVILLE is on state parole, and had provided the apartment's address to his parole officers as his residence. He also used the address as his Facebook profile, and has utility bills in his name at that address. Officers obtained warrants to search SOMERVILLE's person, and his White Bear Lake apartment, as well as electronic tracking warrants.

6. On the morning of July 8, 2020, a team of Minneapolis police officers began surveilling SOMERVILLE at his apartment in order to arrest him. The officers followed SOMERVILLE as he and another man, later identified as FINLEY, drove to St. Paul, and then to Minneapolis. SOMERVILLE and FINLEY were driving a gray Infiniti sedan.

7. Once in Minneapolis, officers watched SOMERVILLE and FINLEY walk into A&J Fish and Chicken, a restaurant on Lake Street. SOMERVILLE and FINLEY then walked out together, and FINLEY went back to the Infiniti sedan. SOMERVILLE went back into the restaurant. Officers moved in to arrest SOMERVILLE and FINLEY.

8. When officers approached FINLEY, he ran from the gray Infiniti sedan. Officers apprehended him and arrested him. Inside the Infiniti sedan, officers found a model P320 9mm semi-automatic pistol bearing serial number 58C053778.



Figure 1, a photo from Officer Schroeder's body of the vehicle after FINLEY fled. The Sig Sauer can be seen between the passenger seat and the center console.

9. Officers then went into A&J Chicken and Fish to arrest SOMERVILLE. Wearing police marking, they yelled to SOMERVILLE that he was under arrest, and

directed him to get on the ground. SOMERVILLE immediately ran from the officers, through the kitchen and toward the back of the restaurant. Officers pursued. SOMERVILLE slipped and fell to the ground, then got back to his feet and ran inside a private bathroom in the back of the restaurant. Minneapolis Police Officer Andrew Schroeder, immediately behind SOMERVILLE, followed him inside. As Officer Schroeder grabbed SOMERVILLE, SOMERVILLE reached into his waistband. Afraid that he was reaching for a firearm, Officer Schroeder grabbed SOMERVILLE's hand, and a struggle ensued. SOMERVILLE began twisting and thrashing, and used his feet to kick against the wall to push Officer Schroeder back. The struggle caused a great deal of damage to the bathroom, including knocking the sink from the wall and damaging the toilet seat. Officer Schroeder felt what he believed to be a firearm in SOMERVILLE's hand. He was able to radio for help. Two other officers arrived and pulled SOMERVILLE out of the bathroom. At that point, Officer Schroeder saw a firearm on the ground where he and SOMERVILLE had been struggling. SOMERVILLE continued to struggle and fight officers as he was being handcuffed.

10. The firearm recovered from the bathroom was a Glock model 30 .45 caliber semi-automatic pistol bearing serial number DCG685. The firearm had an extended magazine.



Figure 2, a photo from Officer Schroeder's body camera following his struggle with SOMERVILLE.

11. Later that day, Minneapolis police officers executed the warrant to search SOMERVILLE's apartment. Present at the apartment was SOMERVILLE's girlfriend (who has the initials T.G.), and T.G.'s child. Inside the apartment, officers found a box of .45 caliber ammunition in the master bedroom dresser. Also in the bedroom was

SOMERVILLE's wallet with his social security card. In the hall closet, officers found a gun cleaning kit. Officers found approximately 40 grams of marijuana in the bathroom, and a digital scale in the kitchen.

12. On July 9, 2020, Officer Schroeder spoke to FINLEY at the Hennepin County Jail. Officer Schroeder advised FINLEY of his rights, and FINLEY agreed to an interview. FINLEY claimed that the Sig Sauer 9mm pistol belonged to his girlfriend, K.B. FINLEY claimed that K.B. had been driving with FINLEY and SOMERVILLE earlier in the day, and had left the firearm there. Officer Schroeder confronted FINLEY with the fact that he had followed FINLEY that morning, and knew K.B. was not in the vehicle. FINLEY doubted that Officer Schroeder, challenging Officer Schroeder to state where FINLEY and SOMERVILLE had driven. When Officer Schroeder provided the information, FINLEY claimed that K.B. had left it there earlier than that.

13. Officer Schroeder also spoke to K.B. K.B. is the registered owner of the firearm. K.B. claimed that she left the firearm in the vehicle. However she was not able to immediately state where she had left it.

14. Officer Schroeder listened to a jail call FINLEY placed to K.B. In the call, placed before Officer Schroeder spoke to K.B., FINLEY tells K.B. that he can't say much over the phone, because people were probably listening to collect evidence. FINLEY tells K.B. that he knows she "is always smart enough" to understand him.

15. The Sig Sauer 9mm pistol and magazine was submitted to Minneapolis Police Department Crime Laboratory for fingerprint analysis. On the evening of July 9, 2020, I was informed that, as of that time, the Crime Laboratory had pulled seven

fingerprints from the magazine, three of which had been identified as FINLEY's.

16. I am an ATF Interstate Nexus Expert. I know that the Glock model 30 .45 caliber semi-automatic pistol bearing serial number DCG685 was not manufactured in the State of Minnesota. I also know that the Sig Sauer model P320 9mm semi-automatic pistol bearing serial number 58C053778 was not manufactured in the State of Minnesota. As a result, both firearms had to travel in interstate and/or foreign commerce prior to arriving in the State and District of Minnesota on July 8, 2020.

17. I have researched certain available criminal history records for SOMERVILLE. Based on my review of those records, I believe that SOMERVILLE had at least the following felony convictions, each of which was punishable by imprisonment for a term exceeding one year, prior to July 8, 2020:

<b>Offense</b>	<b>Place of Conviction</b>	<b>Date of Conviction (On or About)</b>
2nd Degree Assault	Hennepin County, MN	March 25, 2013
2nd Degree Assault	Hennepin County, MN	March 25, 2013
Possession of Ammunition as a Prohibited Person	Hennepin County, MN	March 24, 2017
2nd Degree Assault	Hennepin County, MN	September 18, 2017

18. I note that these records for each of these felonies indicated that SOMERVILLE received sentences of more than one year imprisonment. They therefore establish that SOMERVILLE knew he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year.

19. I have researched the certain available criminal history records for FINLEY.

Based on my review of FINLEY's National Crime Information Center (NCIC) records, I believe that FINLEY had at least the following felony convictions, each of which was punishable by imprisonment for a term exceeding one year, prior to July 8, 2020:

<b>Offense</b>	<b>Place of Conviction</b>	<b>Date of Conviction (On or About)</b>
Robbery	Cook County, IL	December 7, 2012
Robbery	Cook County, IL	July 29, 2013
Aggravated Battery	Cook County, IL	October 16, 2018

20. I note that FINLEY's NCIC indicates that, in his robbery conviction, he was sentenced to a term of imprisonment of seven years. This establishes that FINLEY knew he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year.

21. Based on the information set forth above, there is probable cause to believe that the Defendants, Jarvae Josiah SOMERVILLE, and Ronald Donte FINLEY, Jr., violated Title 18, United States Code, Section 922(g)(1), by possessing in and affecting interstate commerce a firearm, after having been convicted of at least one crime punishable by imprisonment for a term exceeding one year.


Further your Affiant sayeth not.



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David Voth  
Special Agent, ATF

SUBSCRIBED and SWORN before me  
by reliable electronic means (FaceTime and  
email) pursuant to Fed. R. Crim. P. 41(d)(3) on  
July 10, 2020:



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KATHERINE M. MENENDEZ  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF MINNESOTA