

UNITED STATES DISTRICT COURT

for the
District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 21-mj-550 (JTH)

DAVID BRIAN DONNELL, 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. On or about July 27, 2021, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation the defendant, defendant David Brian Donnell, Jr., an Indian, did:

COUNT 1 Unlawfully kill Ryan Bialke, a Red Lake Tribal Police Officer, with malice aforethought; all in violation of Title 18, United States Code, Sections 1111(a) and (b), 1151, and 1153(a).

COUNT 2 Assault A.R., a Red Lake Tribal Police Officer, with a dangerous weapon, namely a firearm, with intent to do bodily injury; all in violation of Title 18, United States Code, Sections 113(a)(3), 1151, and 1153(a).

COUNT 3 Assault G.D., a Red Lake Tribal Police Officer, with a dangerous weapon, namely a firearm, with intent to do bodily injury; all in violation of Title 18, United States Code, Sections 113(a)(3), 1151, and 1153(a).


COUNT 4 Assault S.D., a Red Lake Tribal Police Officer, with a dangerous weapon, namely a firearm, with intent to do bodily injury; all in violation of Title 18, United States Code, Sections 113(a)(3), 1151, and 1153(a).

COUNT 5 Assault C.N., a Red Lake Tribal Police Officer, with a dangerous weapon, namely a firearm, with intent to do bodily injury; all in violation of Title 18, United States Code, Sections 113(a)(3), 1151, and 1153(a).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

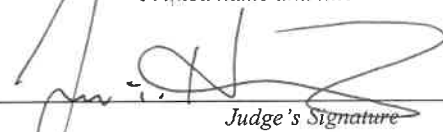
Continued on the attached sheet and made a part hereof: Yes No


Complainant's signature

SUBSCRIBED and SWORN before me
in person

Ryan L. Nilson, Special Agent
Printed name and title

Date: 7.28.2021


Judge's Signature

City and State: Bemidji, Minnesota

The Honorable Jon T. Huseby
United States Magistrate Judge
Printed Name and Title

STATE OF MINNESOTA)
)
COUNTY OF BELTRAMI) ss. AFFIDAVIT OF Ryan L. Nilson

Case No. 21 MJ 550 JTH

Your affiant, Ryan L. Nilson, being duly sworn, does depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since March 2016. Prior to working for the FBI, I was enlisted at the United States Air Force for seven years as a Security Forces Member, focusing on law enforcement activities on military installations and base security. I also worked as a law enforcement officer in Fargo, North Dakota, for over seven years, with three of those years as a patrol officer, three years as a detective, and over a year as a patrol sergeant. During my law enforcement career, I have investigated and assisted in the investigation of dozens of violations of the laws of the United States. I am currently assigned to the Bemidji Resident Agency of the Minneapolis Field Office to investigate various federal crimes with a focus on certain felonies committed on or around the Red Lake Indian Reservation. In the course of my law enforcement career, I have personally investigated and/or assisted with investigations of a variety of crimes to include fraud, violent crimes, bank robberies, sexual assaults, homicides, and drug investigations. I have also authored and been involved with dozens of tribal, state, and federal search warrants.

2. The facts and information contained in this affidavit are based upon my personal knowledge and the investigation and observations of other officers and

agents involved in the investigation. This affidavit does not contain all facts known to me regarding this matter, but only those sufficient to support a finding of probable cause for an arrest warrant.

PURPOSE OF THE AFFIDAVIT

3. This affidavit is made in support of a Criminal Complaint and Arrest Warrant for DAVID BRIAN DONNELL, JR. (“DONNELL”), date of birth XX/XX/1993, an Indian male, for Murder in the Second Degree, in violation of Title 18, United States Code, Sections 1111(a) and (b), 1151, 1153(a), and four counts of Assault with a Dangerous Weapon, in violation of Title 18, United States Code, Sections 113(a)(3), 1151 and 1153(a).

PROBABLE CAUSE

4. On July 27, 2021, Red Lake Tribal Police Department (“RLTPD”) responded to a call to conduct a welfare check on DONNELL at his residence in the Copper City area of Redby, Minnesota. DONNELL is in a dating relationship with D.T.D. On the morning of July 27, 2021, D.T.D. called her mother, and told her mother that DONNELL was suicidal and asked her to call the cops.

5. Five RLTPD officers—Officer Ryan Bialke, Officer A.R., Officer G.D., Officer S.D., and Officer C.N.—responded to DONNELL’s residence. Prior to arriving, RLTPD officers learned from RLTPD dispatch that DONNELL had an active tribal warrant. The RLTPD officers arrived on scene in three vehicles and approached DONNELL’s house on foot. The officers found DONNELL standing on the outside porch. The officers attempted to have DONNELL walk off the porch

towards them, but DONNELL instead went inside the residence and would not come back outside. The officers then talked with DONNELL through a window in an attempt get him to come back outside. DONNELL did not.

6. Because DONNELL had an active warrant and had refused to comply with their instructions to exit the residence, the officers decided to breach the door in order to take DONNELL into custody on the tribal warrant. RLTPD Officer Ryan Bialke kicked the front door to make a forced entry. Gunfire erupted from inside the residence in the direction of the officers, who were near the front door of the residence. Officer Bialke was struck by the gunfire through the front door. Gunfire continued from inside the house towards the other four officers on the scene. At one point, an RLTPD officer returned fire. Officers then retreated into the woods in an attempt to escape the continued gunfire. Officer Bialke succumbed to his injuries and died on the scene.

7. Shortly after the shooting, a witness observed DONNELL traveling on foot west from the scene through the trees, while holding a rifle. RLTPD officers then received a phone call from D.D., who lives two houses west of the scene. D.D. called an RLTPD officer and said that DONNELL just arrived at her house and she took a firearm away from him. D.D. requested that officers come and get DONNELL.

8. RLTPD officers responded to D.D.'s residence and took DONNELL into custody without further incident. While being taken into custody by RLTPD officers, DONNELL said he was sorry.

9. D.D. allowed law enforcement to search her residence. Officers recovered the firearm that D.D. took from DONNELL. D.D. told law enforcement that DONNELL told her “I fucked up.”


10. DONNELL was interviewed by law enforcement while at the Red Lake Reservation Police Department. After receiving his *Miranda* rights, DONNELL admitted to shooting at RLTPD officers while they were attempting to make entry through the front door. DONNELL said he fired numerous rounds using a 7.62x39mm rifle. DONNELL said he moved to his back window and fired several additional shots towards officers. DONNELL said he knew that the individuals he was shooting at were RLTPD officers. DONNELL explained that he knew he had an outstanding warrant and did not want to be arrested. After firing several times toward RLTPD officers, DONNELL said he fled the residence through a window and went to D.D.’s, where he was later taken in custody.

11. On July 27, 2021, at 5:25 P.M. a federal search warrant was authorized by United States Magistrate Judge Jon T. Huseby for the search of the DONNELL residence, where the shooting occurred. Inside the residence, law enforcement recovered several fired shell casings and identified multiple bullet holes throughout the front of the residence. In addition, bullet holes were located in the RLTPD marked squad car. Following his interview, DONNELL was arrested on probable cause and is currently housed at the Beltrami County Jail.

13. Based on the investigation, your Affiant knows that DONNELL is a Native American male enrolled with the Red Lake Band of Chippewa Indians.

14. Based on the information above, your Affiant respectfully submits that there is probable cause to believe that on July 27, 2021, in the State and District of Minnesota and within the exterior boundaries of the Red Lake Indian Reservation, DAVID BRIAN DONNELL, JR., an Indian, did unlawfully kill Officer Ryan Bialke with malice aforethought in violation of Title 18, United States Code, Sections 1111(a) and (b), 1151, and 1153(a), and assault with a dangerous weapon with intent to do bodily harm to Officers A.R., G.D., S.D., and C.N., in violation of Title 18, United States Code, Section 113(a)(3), 1151, and 1153(a).

15. Further, your Affiant sayeth not.



Ryan L. Nilson
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this 28th day of July 2021



The Honorable Jon T. Huseby
United States Magistrate Judge