



# MINNESOTA POLICE AND PEACE OFFICERS ASSOCIATION

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Hennepin County Commissioners  
Government Center A2400  
300 South Sixth Street  
Minneapolis, MN 55487

Re: Hennepin County Attorney's Request for Outside Counsel to Conduct Prosecution in *State of Minnesota v. Ryan Patrick Londregan*, Case No. 27-CR-24-1844 (4<sup>th</sup> Jud. Dist.)

Dear Commissioners:

It is our understanding that Hennepin County Attorney Mary Moriarty intends to address you on Tuesday, April 30, 2024 regarding her request to retain outside counsel to prosecute Minnesota State Patrol Trooper Ryan Londregan. Please accept this correspondence as our request to have you insist that (1) at least two Assistant Hennepin County Attorneys, namely, Senior Assistant Hennepin County Attorneys Patrick Lofton and Joshua Larson, attend the meeting to answer your questions; and (2) if you decide to permit the retention of outside counsel, that the Commissioners select an outside person of unquestioned ethics to select that counsel—not the Hennepin County Attorney.

Some background is necessary to explain our request.

On July 31, 2023, Ricky Cobb II, a repeated convicted felon, wanted for a felony order for protection violation, and in possession of a loaded gun, was killed as he attempted to speed away with Minnesota State Patrol Trooper Brett Seide almost entirely in the driver's side of the car with the door open, consequently putting two Minnesota State Troopers (i.e., Troopers Seide and Londregan) in immediate jeopardy of life and/or serious bodily injury from being dragged by the vehicle. The time between when Trooper Londregan reached for his sidearm and he fired was approximately 3.5 seconds.

Every reasonable person would conclude the shooting was authorized, it was justified, and it was necessary. And for those with the specialized knowledge gained through actual experience in law enforcement, that conclusion is inescapable. Indeed, as recent court filings reveal, the Hennepin County Attorney's own hand-picked, independent use-of-force expert, Jeffrey Noble, told the Hennepin County Attorney and six other members of the HCAO in October 2023 that a reasonable officer in Trooper Londregan's situation would reasonably believe that Trooper Seide was in danger of death or great bodily harm and that his use of deadly force to save his fellow Trooper was reasonable under the circumstances.



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And Mr. Noble was no stranger to the HCAO or to Minnesota prosecutors—among the hundreds of times he has been retained in use-of-force matters, he worked with the HCAO in the George Floyd case and with the Ramsey County Attorney’s Office in the Philando Castille case, opining in both instances that the use of force was unreasonable and unnecessary. Indeed, Mr. Noble also just advised Ramsey County in connection with the death of Yia Xiong. Consistent with Noble’s determination and the normal course of investigating such incidents, Ramsey County declined to prosecute the officers involved.

But despite having announced to the press and public that Mr. Noble’s independent analysis would be “critical” to the charging decision, the Hennepin County Attorney did not heed Mr. Noble’s guidance. Worse, public filings show that the Hennepin County Attorney did more than ignore Mr. Noble, but actively sought to bury Mr. Noble’s opinion and excluded Mr. Noble from the process entirely. After hearing Mr. Noble’s supposedly “preliminary” analysis, the Hennepin County Attorney’s Office (“HCAO”) did not supply Mr. Noble with grand jury transcripts despite committing to do so, charged Trooper Londregan with murder apparently without further consultation with their own “critical” expert, and only then directed Mr. Noble to cease working (i.e., to not create a final report). The HCAO then unsuccessfully sought to block public access to all filings and institute a gag order on the defense before providing any discovery. And once Mr. Noble’s opinion became public, the HCAO responded to justified criticism by claiming to the press that Mr. Noble’s opinion was merely preliminary and based on an incomplete record because Mr. Noble did not have the very grand jury transcripts that the HCAO withheld from him.

The only rational explanation for this conduct is that the HCAO understood that Mr. Noble’s opinion had not and would not change based on the supposed evidence gathered following the October 2023 meeting. So, rather than fairly and honestly evaluating all the evidence, including the analysis of their “critical” expert, the HCAO decided to (1) manufacture a basis, no matter how flimsy, to bring the charges they intended to bring from the very start; and (2) to minimize the chance that Noble’s analysis could be used against them. This is not justice. And this is only the beginning, as Trooper Londregan is presently seeking to compel the HCAO to produce additional Brady material that the HCAO continues to fight to withhold.

But it gets worse. In its Criminal Complaint filed January 24, 2024, the HCAO’s statement of probable cause rests on one person, and one person alone: “Trainer A.” Specifically, the HCAO’s Criminal Complaint against Trooper Londregan provides:

[Minnesota Bureau of Criminal Apprehension (“BCA”)] agents attended an interview with the State Patrol’s lead use-of-force trainer, Trainer A, who provided use-of-force training to the Defendant and Trooper A. Trainer A was asked whether a reasonable officer would believe that pointing a gun at a fleeing driver and yelling at the driver to stop would cause the driver to stop. Trainer A said, “No.” Trainer A was asked, “Would it be foreseeable to expect the exact opposite, meaning [the driver] would continue to leave?” Trainer A responded, “That was probably his intention was to flee the area, so he’s gonna keep going in that direction away from me.”

(Criminal Complaint at 3.)

On March 19, 2024, Sergeant Jason Halvorson signed a sworn declaration. (Declaration of Sergeant Jason Halvorson (Mar. 19, 2024).) Sergeant Halvorson has a total of 29 years' experience as a licensed peace officer in the State of Minnesota. (*Id.* at ¶ 2.) He has been employed by the Minnesota State Patrol for 25 years. (*Id.* at ¶ 3.) He is currently a Sergeant and serves as a use-of-force coordinator for the Minnesota State Patrol Training and Development Section. (*Id.* at ¶ 5.) His duties include the creation of lesson plans for the agency that follow post-mandated training. (*Id.* at ¶ 6.) He also ensures the training and recurrent training of the Minnesota State Patrol's current troopers following the same mandates. (*Id.* at ¶ 7.)

Sergeant Halvorson served as the use-of-force training coordinator for a total of 10 years. (*Id.* at ¶ 8.) He was the use-of-force coordinator for the 63<sup>rd</sup> and 65<sup>th</sup> training academies which were attended by Troopers Londregan and Seide. (*Id.* at ¶ 9.)

In this declaration, and among other things, Sergeant Halvorson swore, under oath, to the following:

- He is “Trainer A” in the Criminal Complaint (*id.* at ¶ 19);
- ***That the author of the Criminal Complaint “lied by omission”*** (*id.* at ¶ 22);
- That the portion that HCAO attributed to Sergeant Halvorson in the Criminal Complaint “reveals that this question was posed to me as a hypothetical involving myself performing a single trooper stop, and therefore is not applicable to the facts of the Londregan case” (*id.* at ¶ 23);
- That “[t]he truth in this matter is that I went on to explain that choice of actions in this context are ‘situationally dependent’” (*id.* at ¶ 24);
- “The author of the complaint (signed by Mr. Osler) has cherry-picked one sentence from a 37-page interview transcript and excluded critical facts and context thereby ***purposefully misleading the reader of the complaint***” (*id.* at ¶ 27);
- That “Trooper Londregan acted in accordance with his training” (*id.* at ¶ 34); and
- That “Trooper Londregan did not violate the use-of-force General Orders including, but not limited to[,] the use-of-force policy found at § 10-027” (*id.* at ¶ 35).<sup>1</sup>

In response to this declaration, the HCAO issued one of its many press releases in the *Londregan* case. In a March 21, 2024 statement to WCCO News, the HCAO implied that Sergeant Halvorson's grand-jury testimony still supported its case against Trooper Londregan.<sup>2</sup>

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<sup>1</sup> The Minnesota State Patrol's use-of-force policy, found at § 10-027 of its General Orders, mirrors Minnesota's use-of-force statute applicable to Minnesota law enforcement. *See* Minn. Stat. § 609.066.

<sup>2</sup> *See* Mackenzie Lofgren & Reg Chapman, WCCO News, *Minnesota State Patrol's use-of-force expert says trooper who killed Ricky Cobb II “acted in accordance with training,”* (Mar. 20, 2024) (“The affidavit filed by the defense notably doesn't reference evidence revealed during the Grand Jury, during which Sergeant Halvorson testified. As the defense knows, the law prevents us from revealing Grand Jury evidence at this stage of the proceedings, and also prevented this information from being included in the

But during a March 21, 2024 hearing, Trooper Londregan's attorneys told the Court that Sergeant Halvorson and his lawyer would be pleased to make his grand-jury testimony public. The HCAO, of course, refuses to do so.

In addition to a multitude of other evidence, the defense has also obtained three other declarations from current and former Minnesota State Patrol officers. Each of these sworn declarations provides, among many other things, that Trooper Londregan (1) acted in accordance with his training; and (2) did not violate any Minnesota State Patrol Policy, including its use-of-force policy.

Two Senior Assistant Hennepin County Attorneys worked on the investigation leading to the charges of Trooper Londregan: Patrick Lofton and Joshua Larson. Neither signed the Criminal Complaint. And as you undoubtedly know, Mr. Larson has recently extricated himself from the case, which has led to Ms. Moriarty asking you for permission to seek outside counsel.<sup>3</sup> Additionally, we recently heard that Ms. Moriarty required Mr. Larson to sign an agreement whereby he would not disparage the HACO's prosecution of Trooper Londregan in exchange for removing him from the case.

Some of the questions relating to Ms. Moriarty's request are somewhat obvious, including:

1. Why can't some other attorney from the Hennepin County Attorney's Office take over the prosecution? Is it because nobody there believes the case has merit? Why should taxpayers have to pay for this outside counsel? Isn't that what taxpayers pay the Hennepin County Attorney's Office to do?
2. Is the *true* reason that Ms. Moriarty is seeking approval for outside counsel so she can provide the case to an attorney that will undertake the prosecution of Trooper Londregan when career prosecutors will not? Why should the County Board participate in such an obvious violation of the Minnesota and United States' Constitutions?
3. Do the Senior Assistant Hennepin County Attorneys actually believe that Trooper Londregan committed a crime that can be proved beyond a reasonable doubt?
4. Why did neither Senior Assistant Hennepin County Attorney Lofton nor Senior Assistant County Attorney Larson sign the Criminal Complaint against Trooper Londregan? Why is Deputy County Attorney Mark Osler, who *did* sign the

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complaint.") (found at <https://www.cbsnews.com/minnesota/news/minnesota-state-patrol-use-of-force-expert-weighs-in-on-ricky-cobb-ii-case/>).

<sup>3</sup> See *Kim Hyatt and Christopher Magan*, Prosecutor shake-up in Mary Moriarty's office in murder case against state trooper Ryan Londregan, *StarTribune* (Apr. 25, 2014) (available at <https://www.startribune.com/prosecutor-shake-up-underway-in-murder-case-against-state-trooper/600361654/>).

Criminal Complaint against Trooper Londregan, not involved in the prosecution at all?

5. Is it true that Senior Assistant Hennepin County Attorney Larson signed some agreement relating to the HCAO's prosecution of Trooper Londregan? If so, what are its terms?

We believe that Senior Assistant Hennepin County Attorneys Lofton and Larson will, if asked, provide honest answers to these questions. We further believe that Ms. Moriarty is more concerned about politics than a young man's life. We urge the Commissioners to insist that Senior Assistant Hennepin County Attorneys Lofton and Larson attend the meeting on April 30 and answer the above questions.

If your Board determines to permit and pay for the retention of outside counsel, we respectfully request that the Commissioners require that the independent prosecutor be selected by a person of unquestioned ethics, such as a former Minnesota Supreme Court Justice, including former Chief Justice Kathleen Blatz, former Chief Justice Eric Magnuson, former Chief Justice Lori Gildea, or former Associate Justice James Gilbert. We are confident that if Hennepin County funds are being directed towards this effort, the Commissioners will want to avoid any appearance of impropriety. The best way to that end is to rely on a person of unquestioned ethics to make the selection of truly independent and fair counsel. Furthermore, if the Board approves the retention of independent counsel, the Commissioners should require the current Criminal Complaint be dismissed and that the new independent prosecutor determine if probable cause to charge Trooper Londregan actually exists.

The Hennepin County Attorney will no doubt argue that she was elected by Hennepin County and should be the one to make these decisions. But she is before you seeking to abdicate responsibility for the consequences of those decisions while maintaining control over a prosecution that, apparently, no attorney employed by Hennepin County is willing to pursue.

*You* are the stewards of Hennepin County's funds, including the Hennepin County Attorney's use of those funds. Allowing the Hennepin County Attorney a personal slush fund to retain "special," outside prosecutors under her personal control to pursue her political agenda risks making the commissioners themselves complicit in her scheme to violate Trooper Londregan's rights—and liable in the inevitable civil-rights lawsuit to follow.

Thank you for your attention to these matters.

Sincerely,



Brian Peters  
Executive Director, MPPOA

cc: Clerk of the County Board ([board.clerk@hennepin.us](mailto:board.clerk@hennepin.us))