

State of Minnesota
County of Wright

District Court
10th Judicial District

Prosecutor File No. 22-1849X
Court File No. 86-CR-22-3064

State of Minnesota,

Plaintiff,

vs.

BRANDON LEE GARDAS DOB: 05/10/1983

599 CENTRAL AVENUE WEST
ST MICHAEL, MN 55376

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: Attempted Murder - 1st Degree - Peace Officer, Prosecuting Attorney, Judge or Prison Guard

Minnesota Statute: 609.185(a)(4)

Maximum Sentence: 20 years

Offense Level: Felony

Offense Date (on or about): 06/21/2022 to 06/22/2022

Control #(ICR#): 22015582

Charge Description: BRANDON LEE GARDAS, did attempt to cause the death of a peace officer, prosecuting attorney, judge, or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the person is engaged in the performance of official duties, to-wit: Deputy Michael Husen.

COUNT II

Charge: Attempted Murder - 1st Degree - Peace Officer, Prosecuting Attorney, Judge or Prison Guard

Minnesota Statute: 609.185(a)(4)

Maximum Sentence: 20 years

Offense Level: Felony

Offense Date (on or about): 06/21/2022 to 06/22/2022

Control #(ICR#): 22015582

Charge Description: BRANDON LEE GARDAS, did attempt to cause the death of a peace officer, prosecuting attorney, judge, or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the person is engaged in the performance of official duties, to-wit: St. Cloud SWAT Team.

COUNT III**Charge: Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee**

Minnesota Statute: 609.221.2, with reference to: 609.11.5(b)

Maximum Sentence: 20 years, \$30,000 or both

Mandatory Minimum Sentence: Not less than 10 years nor more than 20 years

Offense Level: Felony

Offense Date (on or about): 06/21/2022 to 06/22/2022

Control #(ICR#): 22015582

Charge Description: BRANDON LEE GARDAS, did assault a peace officer, prosecuting attorney, judge, or correctional employee by using or attempting to use deadly force against the officer, attorney, judge, or employee while the person is engaged in the performance of a duty imposed by law, policy, or rule, to-wit: Deputy Michael Husen.

COUNT IV**Charge: Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee**

Minnesota Statute: 609.221.2, with reference to: 609.11.5(b)

Maximum Sentence: 20 years, \$30,000 or both

Mandatory Minimum Sentence: Not less than 10 years nor more than 20 years

Offense Level: Felony

Offense Date (on or about): 06/21/2022 to 06/22/2022

Control #(ICR#): 22015582

Charge Description: BRANDON LEE GARDAS, did assault a peace officer, prosecuting attorney, judge, or correctional employee by using or attempting to use deadly force against the officer, attorney, judge, or employee while the person is engaged in the performance of a duty imposed by law, policy, or rule, to-wit: St. Cloud SWAT Team..

COUNT V**Charge: Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence**

Minnesota Statute: 624.713.1(2), with reference to: 624.713.2(b)

Maximum Sentence: 15 years, \$30,000 or both

Mandatory Minimum Sentence: Not less than five years nor more than 15 years

Offense Level: Felony

Offense Date (on or about): 06/21/2022 to 06/22/2022

Control #(ICR#): 22015582

Charge Description: BRANDON LEE GARDAS, being a person convicted of third-degree controlled substance crime, a crime of violence, did unlawfully ship, transport, possess or receive a firearm and/or ammunition.

COUNT VI**Charge: Drugs - 2nd Degree - Possess 50 grams or 100 dose units - Amphetamine/PCP/hallucinogens**

Minnesota Statute: 152.022.2(a)(5), with reference to: 152.022.3(a)

Maximum Sentence: 25 years, \$500,000 or both

Offense Level: Felony

Offense Date (on or about): 06/21/2022 to 06/22/2022

Control #(ICR#): 22015582

Charge Description: BRANDON LEE GARDAS, did unlawfully possesses one or more mixtures of a total weight of 50 grams or more containing amphetamine, phencyclidine, or hallucinogen.

COUNT VII

Charge: Violent Threats-Reckless Disregard Risk

Minnesota Statute: 609.713.1

Maximum Sentence: Five years, \$10,000 or both

Offense Level: Felony

Offense Date (on or about): 06/21/2022 to 06/22/2022

Control #(ICR#): 22015582

Charge Description: BRANDON LEE GARDAS, did threaten directly or indirectly, to commit any crime of violence with purpose to cause extreme fear in another or to cause evacuation of a building, place of assembly, vehicle or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such extreme fear or inconvenience.

COUNT VIII

Charge: Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana

Minnesota Statute: 152.025.2(1), with reference to: 152.025.4(b)

Maximum Sentence: Five years, \$10,000 or both

Offense Level: Felony

Offense Date (on or about): 06/21/2022 to 06/22/2022

Control #(ICR#): 22015582

Charge Description: BRANDON LEE GARDAS, did unlawfully possess one or more mixtures containing a controlled substance classified in Schedule I, II, III or IV, to-wit: defendant possessed approximately 324 grams of Marijuana and 26.2 grams waxy marijuana (THC), both Schedule I controlled substances.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

The complainant is a licensed police officer with the State of Minnesota. The complainant is familiar with the law enforcement officers submitting reports in this matter, and believe those persons to be reliable and their reports to be true and accurate. The complainant attests that, based on those reports, the following facts establish probable cause:

On June 21, 2022, Sgt. Joshua Hinton, tactical commander of the Wright County Emergency Response Team (ERT), developed a plan to apprehend Brandon Lee Gardas, DOB: 5/10/1983, defendant herein. Defendant had two outstanding warrants for his arrest in connection with separate Wright County cases in which he was charged with possession of a firearm by an ineligible person who had been convicted of a crime of violence. On those cases, the defendant had missed court and violated his release conditions, resulting in warrants. Defendant had previously evaded law enforcement during attempts to apprehend him on the warrants. On June 20, 2022, the defendant was involved in an incident at his home located at 599 Central Avenue West in St. Michael, Wright County, Minnesota, (Gardas property) during which he had an altercation with his pastor. During the incident with his pastor, the defendant pulled out a firearm and waved it at the pastor. Law enforcement also learned the defendant had assaulted his wife on June 21, 2022. Due to the warrants for the defendant's arrest and his escalating behavior, law enforcement made the decision to apprehend the defendant at the Gardas property. Law enforcement obtained a search warrant for the Gardas property and the defendant. Law enforcement had information the defendant was in possession of a high-powered assault rifle. Sgt. Hinton determined to use a 'Contain and Call Out' method of executing the warrant consisting of a technique associated with a tactical element of surrounding the Gardas property and containing the location before contacting the defendant to ensure the area is safe and secure. The Gardas property is close to County Road 35 and the surrounding neighborhood includes many residential homes, businesses, apartment complexes and an elementary school. Summer school and summer activities were occurring at the nearby elementary school. Sgt. Hinton called the St. Cloud Police Department SWAT Team to assist with execution of the warrant as they have several armored vehicles. The armored vehicle from the Wright County Sheriff's Office was also utilized in the planned execution of the warrant to apprehend the defendant.

At approximately 4:20 p.m. on June 21, 2022, the armored vehicle convoy that included Wright County ERT members and the St. Cloud SWAT Team were positioned at the Gardas property. Audible commands were given at 4:30 p.m. for the occupants of the residence to exit. Law enforcement was aware the home was occupied by the defendant and his 13 year-old son. Defendant's wife and other children were not present in the home. Commands for the occupants to exit the home were continuously repeated with no response. At 5:10 p.m. warnings were delivered in five-minute intervals advising the occupants that chemical agents would be deployed and delivered to the home if they did not exit. At 5:26 p.m. law enforcement decided to breach the front door to allow an avenue of escape for anyone inside the home. After multiple announcements and with no one exiting the home, the decision was made to breach the exterior of the home with a DRACO head breaching tool attached to an armor vehicle. The DRACO breaching tool also has a chemical agent delivery system. The DRACO is a metal strong box equipped with hardened break tips to breach materials and create openings in a structure. The DRACO is attached to the front of an armored vehicle with a ram arm which allows operators to breach fortified structures and deploy a chemical agent. The DRACO has a high-pressure air unit that assists in the delivery of chemical agents throughout a structure. At 5:48 p.m. the DRACO tool was used to breach the residence and a chemical agent was deployed and delivered through the DRACO.

At 6:03 p.m. the defendant's 13 year-old son exited the residence and was secured by law enforcement. Law enforcement continued to deploy and deliver chemical agents into the residence. At 6:58 p.m. defendant called Wright County dispatch stating he was going to start firing at police officers. Defendant threatened law enforcement by saying the police officers needed to back up or he was going to start shooting. Law enforcement did not back up. At this time, the defendant began firing a gun from inside the residence. A Humvee vehicle being utilized by the St. Cloud SWAT Team was hit by several gun shots fired by the defendant. The Humvee was occupied by several law enforcement officers when the defendant fired his gun at the vehicle. At 7:05 p.m. defendant fired a gun at an additional armored vehicle belonging to the St. Cloud SWAT Team. Deputy Michael Husen of the Wright County Sheriff's Office was in the armored vehicle and was positioned in the turret. Deputy Husen was exposed in the turret of the armored vehicle as it allows openings for an operator to utilize a firearm. When Deputy Husen was standing in the turret, he heard a ting and saw a flash on the side of the turret a few inches from his head consistent with a bullet hitting the metal. Later and at a safe location, ERT members inspected the armored vehicle and saw a bullet hole through the loud-speaker and a bullet hole in the armor of the turret. Defendant came close to hitting Deputy Husen with a bullet he fired. At 8:06 p.m. law enforcement established phone contact with the defendant. The defendant threatened the surrounding neighborhood by stating if officers did not back up, he would fire 90 rounds of ammunition into the nearby neighborhood. On June 21, 2022, at 9:39-9:41 p.m. defendant fired 12 rounds at an armored vehicle. The shots were rapid and appeared to be from a semi-automatic firearm.

Sgt. Hinton gave the command for the ERT to begin tactically dismantling the residence by removing exterior windows and portions of the home to develop a better sight line and to assist with locating the defendant in the residence. Continuously during the execution of the search warrant and attempted apprehension of the defendant, law enforcement advised the defendant via loud-speaker announcements that he was under arrest and commanded him to exit the residence. The tactical dismantling of the residence began at 9:07 p.m. and continued until the morning of June 22, 2022. During this time, chemical agents continued to be delivered into the residence. During this time, law enforcement made repeated attempts to negotiate with defendant, but he refused to surrender. At 1:36 a.m. on June 22, 2022, Xcel Energy terminated power to the residence. During the standoff law enforcement observed defendant in possession of a high-powered rifle. During the standoff, law enforcement utilized robots and drones to assist with surveillance inside the residence. Sgt. Oltmanns was part of the ERT team during shifts of the standoff on June 21 and June 22, 2022. On June 22, 2022, at 2:50 p.m. Sgt. Oltmanns was utilizing binoculars and saw defendant in possession of an assault rifle.

At approximately 7:00 p.m. on June 22, 2022, a determination was made for law enforcement to enter the residence to apprehend the defendant. Several officers from the Wright County Sheriff's Office, St. Cloud Police Department and Stearns County Sheriff's Office entered the residence. Defendant was located in a room hiding under some blankets. Deputy Dustin Miller observed defendant in possession of a black rifle where he was hiding. Law enforcement struck defendant with a non-lethal 40 mm foam baton round. Defendant ran to another area of the home holding an assault rifle. When law enforcement was in the home to apprehend the defendant, he shot at them with his firearm. Deputy Gravidahl with the Stearns County Sheriff's Office saw the defendant holding a firearm at the top of the stairs. After multiple commands asking the defendant to put his hands up and surrender, the defendant opened fire at members of the St. Cloud Police Department SWAT team. Deputy Miller observed defendant fire multiple shots at members of the entry teams and armored vehicles. Defendant was struck by a bullet in the upper chest area by an officer who returned fire. Even after being shot, the defendant refused to cooperate or comply with commands from law enforcement. Defendant was in the entryway of the residence with a handgun near him. Law enforcement utilized a non-lethal 40 mm round from a foam baton and tased the defendant before they were able to arrest him.

A search of the home following the defendant's arrest led to the recovery of the following firearms,

ammunition, and related items:

1. A Palmetto State Armory AK-47
2. A Russian made AK-47 Saiga
3. A Narico Chines made AK-47
4. A Palmetto AR-15
5. An Aero Precision AR-15
6. A Remington 870 Express Magnum shotgun
7. A 9mm handgun
8. A Glock Model 17 9mm handgun
9. A Smith & Wesson 22 caliber revolver
10. A 223 Palmetto AR-15 rifle (recovered from kitchen island)
11. A 556 M-4 carbine rifle (recovered from upstairs bedroom)
12. A Sig Sauer 9mm handgun (recovered next to defendant when apprehended loaded with a round in the chamber)
13. More than 12,400 rounds of various caliber ammunition
14. Three components for AR-15 style firearms
15. Eight Ballistic Kevlar panels, an outer vest and a ballistic helmet.

During a search of the residence, law enforcement located 324 grams of marijuana in plant form, 26.2 grams of marijuana wax and 72.6 grams of psilocybin mushrooms, all of which were possessed by the defendant.

Defendant was convicted of controlled substance crime in the third degree, a crime of violence, from 2004 (86-K0-04-1239) making him ineligible to possess a firearm or ammunition.

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

Andrew Fashant
Deputy Sheriff - Baliff
3800 Braddock Avenue NE
Buffalo, MN 55313
Badge: 353

Electronically Signed:
06/27/2022 09:58 AM
Wright County, MN

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

Prosecuting Attorney

Brian Anthony Lutes
County Attorney
3700 Braddock Avenue NE
Suite 2100
Buffalo, MN 55313
(763) 682-7340

Electronically Signed:
06/27/2022 09:55 AM

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: \$
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: June 27, 2022.

Judicial Officer

Catherine McPherson
District Court Judge

Electronically Signed: 06/27/2022 10:07 AM

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

**COUNTY OF WRIGHT
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

BRANDON LEE GARDAS

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: BRANDON LEE GARDAS
DOB: 05/10/1983
Address: 599 CENTRAL AVENUE WEST
ST MICHAEL, MN 55376

Alias Names/DOB:

SID: MN02012455

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race: White

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #: M673125456716 (MN)

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	6/21/2022	609.185(a)(4) Murder - 1st Degree - Peace Officer, Prosecuting Attorney, Judge or Prison Guard	Felony	H1H17	A	MN0860000	22015582
2	Charge	6/21/2022	609.185(a)(4) Murder - 1st Degree - Peace Officer, Prosecuting Attorney, Judge or Prison Guard	Felony	H1H17	A	MN0860000	22015582
3	Charge	6/21/2022	609.221.2 Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1F27		MN0860000	22015582
	Penalty	6/21/2022	609.11.5(b) Minimum Sentences of Imprisonment-Firearm-Felon Convicted Crime of Violence	Felony	A1F27		MN0860000	22015582
4	Charge	6/21/2022	609.221.2 Assault-1st Degree-Use of deadly force against peace officer/prosecutor/judge or correction employee	Felony	A1F27		MN0860000	22015582
	Penalty	6/21/2022	609.11.5(b) Minimum Sentences of Imprisonment-Firearm-Felon Convicted Crime of Violence	Felony	A1F27		MN0860000	22015582
5	Charge	6/21/2022	624.713.1(2) Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence	Felony	W1A45		MN0860000	22015582
	Penalty	6/21/2022	624.713.2(b) Possesses any type of firearm/ammo - Crime of Violence - ineligible under 624.713.1(2)	Felony	W1A45		MN0860000	22015582
6	Charge	6/21/2022	152.022.2(a)(5) Drugs - 2nd Degree - Possess 50 grams or 100 dose units - Amphetamine/PCP/hallucinogens	Felony	DE462		MN0860000	22015582
	Penalty	6/21/2022	152.022.3(a) Drugs - 2nd Degree - Sale or Possess - Penalty - 25 Yrs/\$500,000	Felony	DE462		MN0860000	22015582
7	Charge	6/21/2022	609.713.1 Threats of Violence - Reckless Disregard Risk	Felony	A9B27		MN0860000	22015582
8	Charge	6/21/2022	152.025.2(1) Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana	Felony	DH442		MN0860000	22015582
	Penalty	6/21/2022	152.025.4(b) Drugs - 5th Degree Controlled Substance - Sale or possession	Felony	DH442		MN0860000	22015582