

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

COURT FILE NO.: \_\_\_\_\_  
PROSECUTOR FILE NO.: 2092182

State of Minnesota,

Plaintiff,

v.  
Joshua Michael Martin  
(DOB: 10/05/1988)  
1640 Cumberland St., #2  
St. Paul, MN 55117,

**FELONY  
CRIMINAL COMPLAINT**  
 Summons  Warrant  
 Order of Detention  
  
 Amended  
 Certified Juvenile  
 EJJ

Defendant.

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

**COUNT 1**

On or about the 1st day of May, 2010, in Ramsey County, Minnesota, the defendant, **JOSHUA MICHAEL MARTIN**, aiding and abetting and being aided and abetted by another, did unlawfully cause the death of Maplewood Police Officer Joseph Bergeron with intent to effect the death of Officer Joseph Bergeron.

Said acts constituting the offense of **Murder in the Second Degree** in violation of MN Statute: §609.19.1(1); 609.05.1

Maximum Sentence: 40 years.

**COUNT 2**

On or about the 1st day of May, 2010, in Ramsey County, Minnesota, the defendant, **JOSHUA MICHAEL MARTIN**, aiding and abetting and being aided and abetted by another, did unlawfully confine or remove from one place to another, a person, C.Y.L., without the person's consent for the purpose to commit great bodily harm or to terrorize

Said acts constituting the offense of **Kidnapping** in violation of MN Statute: §609.25.1(3); 609.05.1; 609.11.5; 609.25.2(2)

Maximum Sentence: 40 years or \$50,000 fine, or both,  
Mandatory Minimum Sentence: 3 years.

### STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is an investigator with the St. Paul Police Department and bases this complaint on a review of reports and upon her own investigation.

Maplewood Police report that on May 1, 2010 at approximately 6:30 a.m., they received a 911 call regarding an attempted carjacking. The adult male victim, C.Y.L., told police that when at the Corner Gas located at 304 E. Larpenteur, St. Paul, Ramsey County, MN., after he got gas, two males, one a white male, later identified as **JOSHUA MICHAEL MARTIN, DOB: 10/05/88** and the other, a black male later identified as **Jason John Jones, dob: 01/13/89**, got into his vehicle. C.Y.L. told police that Jones got into the front passenger seat and pointed a handgun at him and told him to drive. Joshua Martin got into the rear passenger seat and also put a gun at the back of C.Y.L.'s head. C.Y.L. stated that he told both of them that he did not have any money but they continued to order him to just drive. He drove around and eventually told them he had money at his house and pretended to bring them to his house instead driving them to approximately 1330 Ripley, Maplewood, Ramsey County, MN., where he got out of his vehicle and fled on foot. C.Y.L. knocked at several doors and the occupant of the second door called police at his request. While this was happening, both Joshua Martin and Jason Jones fled on foot from C.Y.L.'s vehicle.

C.Y.L. provided police with a description of both suspects. Sergeant Joseph Bergeron of the Maplewood Police Department responded and drove his marked squad down the Bruce Vento Trail, eventually getting to approximately just north of Arlington in St. Paul when he called out over the radio that he was out with two people. Shortly thereafter, a male voice came over the police radio yelling that the officer had been shot and that a white male and black male were running south. Sergeant Joseph Bergeron was shot one time in the head while he was still seated in his squad with his seat belt buckled. He was later pronounced dead at the scene. Police note that the direction Joshua Martin and Jason Jones ran when fleeing from C.Y.L.'s vehicle was south going towards where they were both encountered by Sergeant Bergeron. C.Y.L. was later shown photo displays and positively identified both Joshua Martin and Jason Jones who had put guns to his head and kidnapped him.

An eyewitness to the shooting, identified as W.J.L., states that he was jogging near Sergeant Bergeron's squad when he saw the officer open his driver's door and a black male and a white male approached the officer. W.J.L. saw the black male then raise his right arm and point a dark colored pistol directly at the officer and shoot the officer at point blank range one time. W.J.L. said that after shooting the officer, both males immediately ran south on the Bruce Vento Trail. W.J.L. grabbed the officer's PAC set off of the officer's duty belt and immediately called for assistance.

From prior police contacts, police suspected the individuals who had kidnapped C.Y.L. at gun point and shot Sergeant Bergeron were in fact Joshua Martin and Jason Jones. Police set up a perimeter around the area where Sergeant Bergeron had been shot. St. Paul Police obtained video surveillance from the Corner Gas and positively identified Joshua Martin and Jason Jones as the individuals in the gas station immediately prior to them getting into C.Y.L.'s vehicle.

Officer Longbehn of the St. Paul Police Department was one of the officers on the perimeter and was located at the intersection of Ivy and Birmingham in St. Paul, several blocks from the scene of the officer homicide. Several witnesses described that a black male, later identified as Jason Jones, was observed to be walking towards Officer Longbehn talking loudly on his cell phone and carrying what appeared to be a tool box. Officer Longbehn, when Jason Jones got close to him, ordered Jones to stop and began to frisk him for officer's safety.

At that time, Jason Jones struck Officer Longbehn in the face with a large bolt wrapped in cloth breaking the officer's nose and causing potential orbital fractures. A struggle ensued between Officer Longbehn and Jason Jones as the officer tried to subdue Jones. At some point in the struggle, Officer Longbehn took out his firearm and shot at Jason Jones several times killing him. Jason Jones was pronounced dead at the scene.

Officer Vang-Sitcler of the St. Paul Police knew the Martin family and called the family home of Joshua Martin located on the 600 block of Selby Avenue in St. Paul. The parents of Joshua Martin had previously made several phone calls to police to tell them that their son had called them and told them that Jason Jones had been involved in the shooting and carjacking, and that Joshua Martin had not been involved. They then put Joshua Martin on the phone at approximately 11:16 a.m. on May 1, 2010. In that conversation, Martin stated that he would not turn himself in and described Jones as his brother and stated that he was angry that the police had shot and killed his brother Jason Jones. The squads were sent to Martin's parents' house but he left and eluded police who had arrived to arrest him. At approximately 12:49 p.m., Joshua Martin called Officer Vang-Sitcler from his cell phone and told police that he was in an apartment building near Duluth and Case in apartment number 211. Martin stated that he had a knife in each hand and was going to slit his wrists. Joshua Martin stated that he would not be taken alive and was going to kill himself or have the police kill him. Martin then said he slit his wrists but did not hit the artery, and was bleeding "pretty good." Martin then agreed to give himself up and was arrested by police.

Police then interviewed Joshua Martin at the St. Paul Police Department Homicide Unit after arrest and Miranda. Martin stated that he and his friend Jason Jones were at the Corner Gas located on Larpenteur when they were approached by a male who was looking for some marijuana. Martin said they agreed to help him look for some and got into the male's vehicle. Martin said the male drove to a house that he said was his and they all got out of the vehicle with the male running so they ran as well. Martin describes that after leaving the vehicle that they had gotten into at the gas station, he and Jones took off running down the trail until the officer stopped them. Martin said he and Jones approached the officer from the front of the squad car and walked up to the driver's side door of the squad. Martin described Jones raising a gun and shooting the officer and then both of them running away. Martin denied having a gun and stated that he did not know Jones had a gun until he shot the officer. Martin said that he ran towards the BCA building on Maryland and called for his father to come pick him up. Martin changed his story and then stated that he was actually picked up by another male. Martin denied seeing Jones after the shooting. Martin stated that he believed Jones shot the police officer because Jones was wanted for a parole violation. Martin described the gun used to shoot the officer as a .380 caliber with a black-hand grip. When questioned as to whether he had ever touched that gun, Martin admitted that he had saying that he had done so on Friday, April 30, 2010 and also had been storing ammunition for that gun for Jason Jones. Martin stated that Jones called him a few hours after the shooting and stated that he was hiding underneath some kind of trailer or camper or ice house and said that the police were going to have to kill him because he did not want to go back to jail. Martin stated that he told Jones that he would not tell anybody about what Jones had done.

Police later interviewed J.I.L. who stated that on May 1, 2010 at approximately 11:30 to 11:35 a.m., he got a telephone call from Joshua Martin who said that he needed a ride from Selby and Western. J.I.L. picked up Martin and when Martin got into his car, Martin stated, "We jacked that guy and we smoked that cop." J.I.L. then gave Martin a ride to 1032 Duluth where he later surrendered to police. Police later spoke with a female friend of Joshua Martin's who was in his apartment on the evening of April 30, 2010 and told police that she saw .380 bullets in his apartment. Police spoke with another female friend of Joshua Martin who stated that she had a phone conversation with him on April 29, 2010 when he told her that he had "got into it with some dudes" and that he had got a pistol and a box of shells.

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St. Paul Police note that near 1415 McAfee in St. Paul within several blocks of the homicide scene, they found a .380 Bryco Arms pistol that was loaded with .380 caliber bullets and a cartridge and the live cartridge found in the gun matched the cartridge casing found at the scene of the homicide of Sergeant Joseph Bergeron.

Dr. Mills, the Principal Assistant Ramsey County Medical Examiner, states in the provisional report dated May 1, 2010 of the autopsy of Sergeant Joseph Bergeron that the cause of death is cerebral lacerations due to a gunshot wound to the head and the manner of death is a homicide.

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'S NAME:**

**COMPLAINANT'S SIGNATURE:**

Patricia Englund

\_\_\_\_\_

Subscribed and sworn to before the undersigned this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**NAME/TITLE:**

**SIGNATURE:**

\_\_\_\_\_

\_\_\_\_\_

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

Date: 05/03/2010

**PROSECUTING ATTORNEY'S SIGNATURE:**

\_\_\_\_\_  
Name: Robert A. Plesha  
Assistant Ramsey County Attorney  
50 West Kellogg Blvd, #315  
St. Paul, MN 55102  
651-266-3222/jh  
Attorney Registration #87178

**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.

**SUMMONS**

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ before the above-named court at \_\_\_\_\_ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

**WARRANT**

*Execute in MN Only*    *Execute Nationwide*    *Execute in Border States*

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named 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.

**ORDER OF DETENTION**

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

**Bail: \$2,000,000.00**

**Conditions of Release:**

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**JUDICIAL OFFICER:**

**NAME:**

**TITLE:**

**SIGNATURE:**

\_\_\_\_\_

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

|  |  |
|--|--|
| COUNTY OF RAMSEY<br>STATE OF MINNESOTA<br><br>STATE OF MINNESOTA<br><br>vs.<br><br>JOSHUA MICHAEL MARTIN | <p style="text-align: center;"><i>Clerk's Signature or File Stamp:</i></p> <hr/> <p style="text-align: center;"><i>RETURN OF SERVICE</i></p> <p><i>I hereby Certify and Return that I have served a copy of this COMPLAINT - WARRANT AND ORDER OF DETENTION upon the Defendant herein named.</i></p> <p>Signature of Authorized Service Agent:</p> <hr/> |
| Plaintiff,<br><br><br>Defendant.   |  |

**FINDINGS OF FACT**

Probable cause found that defendant committed the offenses charged.

Ordered defendant's motion to dismiss denied.

Plea of not guilty to all counts entered.

Trial and hearing on all issues set.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF DISTRICT COURT

**DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A**

|                               |   |               |                   |
|-------------------------------|---|---------------|-------------------|
| <b>DEFENDANT NAME:</b>        | <b>JOSHUA MICHAEL MARTIN</b>                  | <b>DOB:</b>   | <b>10/05/1988</b> |
| Defendant alias name(s):      |   | Alias DOB(s): |                   |
| Defendant last known address: | 1640 Cumberland St., #2<br>St. Paul, MN 55117 |               |                   |
| State ID:                     | MN08020746                                    |               |                   |
| Fingerprint ID:               | 264685  |               |                   |
| FBI ID:                       | 947741VC2                                     |               |                   |
| St. Paul PD ID:               | 614788  |               |                   |
| Offender ID:                  |   |               |                   |

|  |  |   |   |
|--|--|---|---|
| <b>OTHER DEFENDANT / CASE IDENTIFIERS:</b> |  |   |   |
| Fingerprinted?                             | <input type="checkbox"/> No                  | <input type="checkbox"/> Yes                  |   |
| Handgun permit?                            | <input type="checkbox"/> No                  | <input type="checkbox"/> Yes (Issuing Agency: | ) |
| Location of violation:                     |  |   |   |
| <b>IF DRIVING OFFENSE:</b>                 |  |   |   |
| Driver's License                           | Number:                                      | Issuing State:                                |   |
| License Plate                              | Number:                                      | Issuing State:                                |   |
| Accident Type:                             | <input type="checkbox"/> No injury/no damage | <input type="checkbox"/> Property Damage      |   |
| <i>check all that apply</i>                | <input type="checkbox"/> Personal Injury     | <input type="checkbox"/> Fatality             |   |
| Blood Alcohol Concentration (BAC):         |  |   |   |



FELONY WARRANT AND ORDER OF DETENTION COMPLAINT

| CT NO | OFFENSE DATE | STATUTE TYPE | STATUTE NBR | STATUTE DESCRIPTION  | OFFENSE LEVEL | MOC   | G O C | AGENCY ORI CN NBR FUNCTION  |
|-------|--------------|--------------|-------------|--|---------------|-------|-------|---|
| 1     | 05/01/2010   | Charge       | 609.19.1(1) | Murder - 2nd Degree - With Intent-Not Premeditated                 | F             | H2017 | N     | St. Paul Police Dept.<br>ORI - MN0620900<br>CN - 10089837<br>Charging |
|       |              | Definition   | 609.05.1    | Liability for Crimes of Another-Intentional                        |               |       |       |   |
| 2     | 05/01/2010   | Charge       | 609.25.1(3) | Kidnapping-To Commit Great Bodily Harm/Terrorize                   | F             | K3313 | N     | St. Paul Police Dept.<br>ORI - MN0620900<br>CN - 10089837<br>Charging |
|       |              | Definition   | 609.05.1    | Liability for Crimes of Another-Intentional                        |               |       |       |   |
|       |              | Penalty      | 609.11.5    | Minimum Sentences of Imprisonment-Firearm                          |               |       |       |   |
|       |              | Penalty      | 609.25.2(2) | Kidnap-Not Release Safe Place-Great Bodily Harm or U/16 - Sentence |               |       |       |   |