



OFFICE OF THE SAINT LOUIS COUNTY ATTORNEY

Kimberly J. Maki COUNTY ATTORNEY

March 30, 2022

Via Email: paul.gherardi@state.mn.us

Via Email: litmanr@stlouiscountymn.gov

Senior Special Agent Paul Gherardi
Minnesota Bureau of Criminal Apprehension
St. Paul, MN

Sheriff Ross Litman
St. Louis County Courthouse
Duluth, MN 55802

RE: **Jason Kuhnly Officer-Involved Shooting Investigation**
BCA File No. 2021-712

Dear SSA Gherardi and Sheriff Litman:

As you know, the use of force investigation involving St. Louis County Sheriff's Deputy Jason Kuhnly conducted by the Minnesota Bureau of Criminal Apprehension was referred to the St. Louis County Attorney's Office in early February 2022. After reviewing the file, we requested additional investigative materials. Those materials were provided to our office in mid-March 2022.

We have completed our review of the case and have made the decision to decline charges against Deputy Kuhnly. The bases for our decision are set forth in the attached memorandum.

As you will see, we have thoroughly reviewed the case and extensively annotated the memorandum. Should you wish to review any of the referenced supporting materials or have any questions about the charging decision, please do not hesitate to contact me.

Sincerely,

KIMBERLY J. MAKI
St. Louis County Attorney

KJM/ymk

Enclosure

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MEMORANDUM

**RE: Charging Analysis of Deputy Jason Kuhnly Use of Force
Incident of September 28, 2021**

DATE: March 30, 2022

St. Louis County Sheriff's Deputy Jason Kuhnly used deadly force by intentionally discharging a firearm in the direction of another person during an incident in the early morning of September 28, 2021. Jesse Ferrari was injured as a result of Deputy Kuhnly's use of deadly force. Aaron Horn was also present but was uninjured. Investigators from the St. Louis County Sheriff's Office conducted an initial investigation because the incident stemmed from an attempt to flee from a peace officer. Investigation of the officer-involved shooting was turned over to the Minnesota Bureau of Criminal Apprehension. The BCA processed the scene of the officer-involved shooting, collected physical evidence, and conducted recorded interviews of Deputy Kuhnly, Jesse Ferrari, and Adam Horn. This memorandum addresses the results of those investigations and the charging decision of this office based on the evidence presented to it by the BCA.

BRIEF CONCLUSION

Prosecution of a peace officer for unauthorized use of deadly force in violation of Minn. Stat. § 609.066, subd. 2(a)(1) requires proof beyond a reasonable doubt that an objectively reasonable officer would not have used deadly force under the totality of the circumstances. In essence, the State must prove that the officer's use of force was not justified. The evidence in this case is insufficient to establish a lack of justification for Deputy Kuhnly's actions and does not warrant criminal charges.