

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

Vs.

Carmen Bendu Greaves,

Defendant.

**DEFENDANT'S CLOSING
ARGUMENT**

Court File No. 27-CR-21-23621

TO: THE HONORABLE DANIEL C. MORENO, JUDGE OF HENNEPIN COUNTY DISTRICT COURT; BRITTA RAPP, ASSISTANT HENNEPIN COUNTY ATTORNEY; AND COURTNEY NUSSBAUMER, ASSISTANT HENNEPIN COUNTY ATTORNEY.

CLOSING ARGUMENT

It is alleged that on December 22, 2021, Carmen Greaves entered the apartment of her ex-boyfriend, M.P., through an open window and assaulted his girlfriend, MM. At the time of the alleged incident, there was an active Domestic Abuse No Contact Order and an active Order for Protection, both with MP as the protected person. Ms. Greaves denies the allegations.

Based on the stipulated evidence that has been submitted to the Court, the State has failed to meet their burden of proof beyond a reasonable doubt that Ms. Greaves ever entered MP's apartment, and therefore this Court must find her Not Guilty on all counts.

On December 22, 2021, three 911 calls were made by MP and MM (Ex. 12-14). It was reported to the dispatcher that Ms. Greaves had come in through a window and assaulted MM. When asked what Ms. Greaves was wearing, the caller said, "a black jacket" (Ex. 14 at 3:50). He did not mention a yellow shirt.

Officer Fry arrived at MP's apartment complex. When she arrived, she saw someone who she believed to be Ms. Greaves (allegedly from prior contacts) running in the vicinity of the apartment building (Ex. 1 at p. 6 and Ex. 15). She got back in her squad and drove to the area of 69th Avenue and Humboldt Avenue where she encountered Ms. Greaves (Ex. 1 at 6). She did not have a continuous line of vision on the individual running near the apartment building and when she encountered Ms. Greaves on 69th Avenue (Ex. 15).

When Officer Fry made contact with Ms. Greaves, Ms. Greaves immediately and adamantly denied having been in MP's apartment. Ms. Greaves told Officer Fry that she had merely been at the nearby gas station. Ms. Greaves later gave a *Mirandized* statement that was consistent with what she had told Officer Fry, that she had been at the nearby gas station (Ex. 1 at 5).

Notably, Ms. Greaves was wearing a distinctive yellow shirt. Had MP actually seen Ms. Greaves on the day in question, he surely would have mentioned the distinctive yellow shirt to 911 dispatch when asked to describe what Ms. Greaves was wearing. The fact that he did not mention a distinctive yellow shirt calls into question whether he actually saw Ms. Greaves in his apartment on December 22.

Neither Officer Fry nor any other officer involved ever went to the gas station to speak to any potential witnesses who could have confirmed whether Ms. Greaves had just been there, nor did they pull any security video footage from the gas station.

Officer Lausen and Officer Stein went to MP's apartment to speak with MP and MM. While they were there, they observed blood in the hallway outside the apartment (Ex. 1 at 4).

They also observed footprints in the snow outside of the apartment window. They took several photos including a photo of a scratch on MMs arm (Ex. 17-21).

The blood was never tested to determine who it belonged to. It is not known whether blood belonged to MM, MP, or anyone else. It certainly cannot be said to belong to Ms. Greaves. Significantly, there is no record of Ms. Greaves having any injuries when she was arrested. If she had been inside MP's apartment fighting with MM in such a violent manner as suggested by MP and MM, she would have had injuries as a result.

Additionally, officers never did any sort of comparison of the footprints outside in the apartment and the shoes that Ms. Greaves was wearing at the time. It cannot be concluded that the footprints belonged to Ms. Greaves.

Finally, none of the officers ever appear to have checked with the apartment building to find out if there was any video footage of the alleged incident.

MP and Ms. Greaves had previously dated and they have a child in common (Ex. 1 at 5). The nature of this relationship creates a possible motive for MP and MM to be dishonest, perhaps for purposes of preventing Ms. Greaves of having custody of the child.

Proof beyond a reasonable doubt is the highest standard that we have in the American legal system. The framers of the United States Constitution clearly wanted it to be very difficult for the State to convict someone of a crime. To convict someone of a crime, there must be such persuasive evidence that the fact-finder can be convinced to the highest degree of certainty. That is not the case here.

The police in this case failed to conduct any investigation. They could have looked for video footage at the apartment building and at the gas station. They could have tested the blood

found at the apartment. They could have compared the footprints outside the apartment to Ms. Greaves shoes. They did none of these things. They simply took the word of MP and MM, who have motive to lie, and arrested Ms. Greaves.

As such, the State has failed to meet their burden and this Court should find Ms. Greaves not guilty.

DATE: March 11, 2022

Respectfully submitted,

OFFICE OF THE HENNEPIN COUNTY PUBLIC DEFENDER

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