

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

CASE TYPE: CIVIL

Joshua Hodges,

Court File No.: _____

Plaintiff,

vs.

COMPLAINT

Estate of Daunte Demetrius Wright, Sr., Decedent,

Defendant.

Plaintiff, Joshua Hodges, for his Complaint against Defendant, states and alleges as follows:

I. INTRODUCTION

1. This action arises out of the theft and shooting of Plaintiff by Defendant and an accomplice that need not and should not have happened – and was entirely foreseeable.

2. Defendant, Daunte Demetrius Wright, Sr., hereafter referred to as “Perpetrator (Perp) 2” (assaulter and thief), as of March 21, 2021, had established himself as an arch criminal having committed significant crimes before that date. But the legal system failed Plaintiff in the sense that Perp 2 was still free to commit crimes.

3. The crimes in the case at hand were committed by Perp 2 and his accomplice, both young men of color, on Plaintiff, a young African American male. This was classic “black on black crime.” Plaintiff had no idea or advance notice that he was about to be victimized on the date and at the time in question. As noted herein, Perp 2 had a penchant for not only victimizing people of color, but also, people he knew and who knew him who could therefore identify him to authorities.

4. Perp 2's accomplice is noted herein as "Perp 1" – the shooter and aider and abetter of Perp 2. The crimes detailed herein easily could have resulted in Plaintiff's death.

5. That Perp 2 was accidentally killed by a Brooklyn Center police officer on April 11, 2021, approximately three weeks after his crimes against Plaintiff. After that accidental death, a false narrative began establishing Perp 2 as a young person that young people looked up to when in fact a warrant was in place for his violations of law on bond for a past crime. Perp 2 had previously chosen a life of crime.

II. PARTIES

6. That Plaintiff Joshua Hodges is an adult male and was at all times material herein a resident of Minneapolis, Minnesota, County of Hennepin.

7. That Perp 2, also an adult male but now deceased, was at all times material herein a resident of Minneapolis, Minnesota, County of Hennepin.

III. VENUE AND JURISDICTION

8. The State of Minnesota, County of Hennepin is the proper venue and jurisdiction for this action pursuant to Minn. Stat. § 542.09 (2011) as the Decedent Defendant (Perp 2) resided in Hennepin County, and the events which form the basis of this cause of action occurred in Hennepin County.

IV. FACTUAL BACKGROUND

9. On March 21, 2021, at approximately 7:05 p.m., Plaintiff was seated alone in his car – a 2004 Honda Civic – behaving peaceably – near the residential address 4547 Washington Avenue North in North Minneapolis, Minnesota.

10. At that time, Perp 1 and Perp 2 approached him with the specific, premeditated intent to steal Plaintiff's car and other possessions of Plaintiff.

11. As part of this process, Perp 2 realized that Plaintiff recognized him – and Perp 2

recognized Plaintiff. They knew each other having attended school together in the past.

Although Perp 2 was masked, he was not when he first alighted from a vehicle directly across the street from Plaintiff's vehicle. Plaintiff saw him then and easily determined Perp 2 as Defendant Decedent, Daunte Demetrius Wright, Sr.

12. Plaintiff did not expect that he would be victimized, but that is exactly what happened. Perp 1 was able to open Plaintiff's driver's side door and immediately shot Plaintiff in the lower left leg hitting an artery that caused massive bleeding, fractured Plaintiff's left fibula, and resulted in a lengthy hospitalization. The round went in and out of Plaintiff's body. Plaintiff's injuries are expected to be permanent in nature.

13. Plaintiff, in a state of shock from the bullet wound and bleeding profusely, was then assaulted about the face by Perp 2 causing face, mouth, and teeth injuries.

14. As part of this process, Plaintiff was robbed of his wallet and cell phone by Perp 2. These items were never recovered.

15. After the shooting and other assaultive conduct, Perp 2 then got into Plaintiff's vehicle and drove it away – stealing it.

16. Perp 1, in an effort to avoid being implicated for the crime, drove away a vehicle it is presumed both perps used to arrive at the scene.

17. As of this date, Perp 2 had a lengthy criminal record, corroboration for the fact he committed these crimes with Plaintiff as the victim – also corroborating Plaintiff's identification of Perp 2 which Plaintiff reported to law enforcement investigators after the crime (Plaintiff did not know the identity of Perp 1). The known crimes of Perp 2 as of 3/21/21 were:

- a. The shooting of 16-year-old biracial male Caleb Livingston on May 14, 2019 (Perp 2 had gone to school with Caleb in the past).
- b. The aggravated robbery of a woman in Osseo, Minnesota on December 1, 2019 for which Perp 2 was charged (Perp 2 had spent the previous night at this woman's home

with his accomplice who was alleged to be a friend of the victim).

- c. The illegal possession of a handgun on June 30, 2020 in North Minneapolis for which Perp 2 was charged (Perp 2 fled when police arrived. The gun was found in a car. Those in the car – three persons alleged friends of Perp 2 – identified the gun as Perp 2's).
- d. After Perp 2 bonded out for the crime noted in b above, he violated the terms of his release by failing to stay in contact with a probation agent and failing to remain law abiding with the crime noted in c. These acts constituted further violation of Minnesota law.

18. For the crimes listed above, when Perp 2 victimized Plaintiff, he had an active warrant for over six months, but law enforcement never apprehended him for same even though it was known where Plaintiff resided.

19. That based on reasonable information and belief, Perp 2 began a life of crime as early as age 12.

V. COUNT ONE – ASSAULT & BATTERY; AIDING AND ABETTING

20. Plaintiff restates and realleges paragraphs 1—19 above as fully set forth herein.

21. At the time and on the occasion described above, Perp 2 did intentionally cause a harmful and offensive contact with Plaintiff, and Plaintiff did have a reasonable apprehension and fear of a harmful and offensive contact by Perp 2. Perp 2 additionally aided and abetted Perp 1 with the shooting of Plaintiff.

22. That said fear, apprehension, harmful, and offensive contact by Perp 2 upon Plaintiff did cause Plaintiff to suffer severe and permanent physical, mental, and emotional injuries. This additionally includes the aiding and abetting conduct referenced herein.

23. That as a direct and proximate result of the intentional contact by Perp 2, Plaintiff has incurred and will in the future incur loss of earnings and earning capacity; has in the past and will in the future incur medical and hospitalization expenses; has in the past and will in the future suffer from severe pain, disability, disfigurement, humiliation, embarrassment, and grave

emotional distress all in an amount in excess of Fifty Thousand and no/100 dollars (\$50,000.00).

VI. COUNT TWO: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

24. Plaintiff restates and realleges paragraphs 1-23 above as fully set forth herein.

25. That the conduct of Perp 2 was extreme and outrageous and utterly intolerable in any civilized society and was intentionally and recklessly directed toward Plaintiff.

26. Perp 2 knew or should have known that severe emotional distress and mental anguish was certain to result from his conduct.

27. That the conduct of Perp 2 did cause Plaintiff to suffer severe emotional distress and grave mental anguish.

28. That as a direct and proximate result of the intentional contact by Perp 2, Plaintiff has incurred and will in the future incur loss of earnings and earning capacity; has in the past and will in the future incur medical and hospitalization expenses; has in the past and will in the future suffer from severe pain, disability, disfigurement, humiliation, embarrassment and grave emotional distress all in an amount in excess of Fifty Thousand and no/100 dollars (\$50,000.00).

VII. COUNT THREE - NEGLIGENCE

29. Plaintiff restates and realleges paragraphs 1-28 above as fully set forth herein.

30. At the time and on the occasion described above, Perp 2 negligently and carelessly engaged in the criminal conduct detailed herein.

31. That Perp 2 had a duty to Plaintiff and others to not create an unreasonable risk of harm by engaging in the criminal conduct detailed herein.

32. That Perp 2 breached that duty and did directly and proximately cause Plaintiff to suffer serious and permanent physical and emotional injuries.

33. That as a direct and proximate result of the intentional contact by Perp 2, Plaintiff has incurred and will in the future incur loss of earnings and earning capacity; has in the past and will in the future incur medical and hospitalization expenses; has in the past and will in the future suffer from severe pain, disability, disfigurement, humiliation, embarrassment, and grave emotional distress all in an amount in excess of Fifty Thousand and no/100 dollars (\$50,000.00).

VIII. THEFT

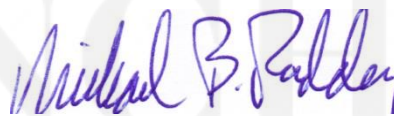
34. Plaintiff restates and realleges paragraphs 1-33 above as fully set forth herein.

35. Perp 2, as part of his criminal assault and other violations of Plaintiff, engaged in theft by stealing Plaintiff's car, wallet, and cell phone with premeditated specific intent, with Perp 1, to forever deprive Plaintiff of these items all for Perp 2's financial gain.

36. That the value of this personal property, for which Perp 2 is liable, has yet to be determined.

WHEREFORE, Plaintiff prays for the judgment in an amount in excess of Fifty Thousand and no/100 dollars (\$50,000.00) together with pre-judgment and post-judgment interests, costs and disbursements incurred herein, attorney fees, and any such other relief as the Court deems just and equitable.

PADDEN LAW FIRM, PLLC



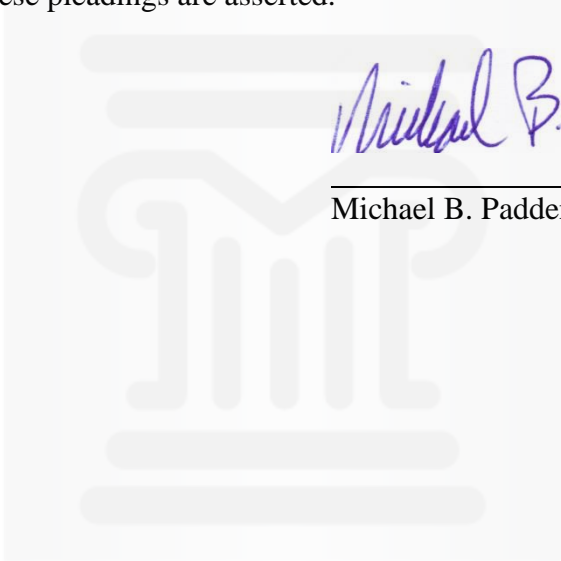
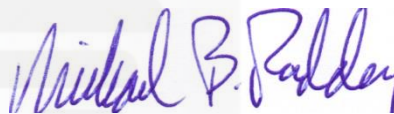
Dated: June 8, 2021

By: _____

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Attorney for Plaintiff

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, Subd. 2, to the party against whom the allegations in these pleadings are asserted.



Michael B. Padden

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