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Superior officer charged with road rage assault

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A 12-year Superior police officer has been charged with second-degree assault for allegedly pulling a gun and pointing it at a motorist in the parking lot of a Two Harbors service station in an apparent road rage incident on Sunday.

Ross W. Magnuson, 45, of Knife River, Minn., was also charged Friday with making terroristic threats, recklessly handling a dangerous weapon and disorderly conduct. The first two crimes the officer is charged with are felonies. The other two are misdemeanors.

According to the criminal complaint:

Motorist Philip Hoberg told Two Harbors Police Officer Nathan Gens that he and his girlfriend and her son were driving to Gooseberry Falls Sunday afternoon on Highway 61 when they passed a vehicle with a man driving. Hoberg said that the driver "flipped him off" as they passed.

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Hoberg said they drove to a Holiday station in Two Harbors and were waiting for their turn at the gas pumps. He said that the vehicle they had passed pulled in next to his. The driver got out and stuck his head in Hoberg's open moon roof and began yelling at him.

Hoberg said he told the driver to step back and that he was going to close the window. The other driver came around the front of the car. Hoberg said he got out of his car and approached the driver, who then pulled a gun and pointed it at him.

Hoberg said he was scared and he attempted to calm the other driver down and apologized for making him mad. He provided a license plate number that eventually led police to Magnuson.

In a follow-up interview, Hoberg told the Two Harbors police officer that Magnuson had been intimidating and alarming and used a hostile tone. He said his body language, his red complexion and the words he used were inappropriate and unacceptable with or without a child present.

Hoberg said that Magnuson, who was off duty and not wearing a police uniform, drew the weapon from a holster on his right hip and pointed it at his chest. He said Magnuson gritted his teeth and moved in his direction with his gun drawn, saying something like, "Do you want to go?"

He said he asked Magnuson to put the gun away and calm down. He said he placed a "friendly warning hand on Magnuson's chest and assured him that whatever set him off was unintentional, hoping that he would just leave."

Hoberg said Magnuson holstered his firearm, which appeared to be silver with black trim or dual tone with black and silver, but continued to argue.

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Hoberg was able to pick Magnuson's photo from a phone lineup of six men.

Police executed a search warrant at Magnuson's home on Friday. Magnuson opened his gun safe and provided a silver and black Smith & Wesson semi-automatic pistol.

Magnuson told officers that he had been driving on Highway 61 that day when he was approached by a car driving erratically.

He admitted stopping at the Two Harbors Holiday station where the car was parked. He said he approached the car and spoke with the driver about his driving conduct. He said the other driver got out of his car and approached him. Magnuson said he felt threatened and "broke leather" on his firearm.

Superior Police Chief Floyd Peters said it was fair to say that he was shocked by the allegations when notified of the charges Friday afternoon. "He's been a very well respected officer in our department and in the community," Peters said.

The chief then read from a prepared statement. "It is the position of the Superior Police Department that it would be inappropriate to comment on or in any way interfere with this investigation at this time," he said. "The Superior Police Department will conduct its own internal investigation into this matter only after the criminal investigation is complete. Officer Magnuson will be placed on administrative leave pending these investigations."

Magnuson appeared in court Friday afternoon in handcuffs. He told the court that he's married and has two children, 9 and 12 years old.

Because of a scheduling conflict, Magnuson was arraigned in St. Louis County District Court in Duluth instead of in Lake County District Court in Two Harbors where the crime is alleged to have occurred.

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Retired Judge John T. Oswald, who occasionally fills in for other judges in the 6th Judicial District, set bail at \$4,000 and referred the defendant to a probation officer to be considered for supervised release. Neither the Lake County Jail nor Two Harbors police would say if Magnuson was being held in the Lake County Jail after the arraignment.

A phone message left at Magnuson's home Friday evening was not immediately returned.