

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

BEC-16-1803  
07-CR-16-4341

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**State of Minnesota,**

Plaintiff,

vs.

**BERNARD EDWARD SHAW DOB: 03/29/1969**

220 Bradley St.  
Mankato, MN 56001

Defendant.

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**COMPLAINT**

Order of Detention

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

**COUNT I**

**Charge: Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana**

Minnesota Statute: 152.025.2(1), with reference to: 152.025.4(b)

Maximum Sentence: 5 years and/or \$10,000

Offense Level: Felony

Offense Date (on or about): 11/02/2016

Control #(ICR#): 16016540

Charge Description: Bernard Edward Shaw Also Known As Xx Bernie And Bernard E Shaw

On or about November 2, 2016, in the County of Blue Earth, said Defendant, Bernard Edward Shaw did unlawfully possess more than one dosage unit of one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana.

**COUNT II**

**Charge: Fleeing a Peace Officer in a Motor Vehicle**

Minnesota Statute: 609.487.3

Maximum Sentence: 3 years and 1 day and/or \$5,000

Offense Level: Felony

Offense Date (on or about): 11/02/2016

Control #(ICR#): 16016540

Charge Description: Bernard Edward Shaw Also Known As Xx Bernie And Bernard E Shaw

On or about November 2, 2016, in the County of Blue Earth, said Defendant, Bernard Edward Shaw, did, by means of a motor vehicle, flee or attempted to flee a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer.

### COUNT III

**Charge: Fleeing a Peace Officer By a Means Other Than a Motor Vehicle**

Minnesota Statute: 609.487.6

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 11/02/2016

Control #(ICR#): 16016540

Charge Description: Bernard Edward Shaw Also Known As Xx Bernie And Bernard E Shaw

On or about November 2, 2016, in the City of Mankato, County of Blue Earth, said Defendant, Bernard Edward Shaw, did for the purpose of avoiding arrest, detention, or investigation, attempted to evade or elude a peace officer, who was acting in a lawful discharge of an official duty by means of running, hiding, or by any other means other than fleeing in a motor vehicle.

### COUNT IV

**Charge: Traffic-Drivers License-Driving After Suspension**

Minnesota Statute: 171.24.1

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 11/02/2016

Control #(ICR#): 16016540

Charge Description: Bernard Edward Shaw Also Known As Xx Bernie And Bernard E Shaw

On or about November 2, 2016, in the County of Blue Earth, said Defendant, Bernard Edward Shaw did after being given notice, or reasonably should have known of the suspension, disobeyed the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while her/his license or privilege was suspended.

### COUNT V

**Charge: Traffic - Speeding - Exceed Limit 55 mph Where Appropriate**

Minnesota Statute: 169.14.2(a)(3)

Maximum Sentence:

Offense Level: Misdemeanor

Offense Date (on or about): 11/02/2016

Control #(ICR#): 16016540

Charge Description: Bernard Edward Shaw Also Known As Xx Bernie And Bernard E Shaw

On or about November 2, 2016, in the County of Blue Earth, said Defendant Bernard Edward Shaw did operate a motor vehicle in excess of the posted speed limit; to wit: 73 mph in a 55 mph speed zone.

## STATEMENT OF PROBABLE CAUSE

On November 1, 2016, at approximately 11:54 p.m., Deputy Chris Welle, of the Blue Earth County Sheriff's Office, was on routine patrol near County Road 34 and County Road 33, in Blue Earth County, when he observed a silver Chevy Trail Blazer, license number 855 URB, turn west onto County Road 34. The vehicle then turned south on 594th Avenue. This drew Deputy Welle's attention as the road is not usually traveled on by anyone other than the few residents that live on that road. Deputy Welle then turned south on County Road 33 and lost sight of the vehicle. Deputy Welle thought maybe the vehicle turned off its lights on 594th Avenue. He then went through Rapidan and turned west on County Road 9. He then observed taillights in front of him. Deputy Welle caught up to the vehicle and was unable to read the license plate. At that time, Deputy Welle did not know if the vehicle had a license plate or if it was obstructed due to the vehicle being very dirty. Deputy Welle did not see a temporary sticker anywhere on the rear window. Deputy Welle continued to follow the vehicle while it made several turns. At that point, Deputy Welle decided to stop the vehicle as it either did not contain a license plate or the license plate was obstructed; and the vehicle appeared to be trying to get Deputy Welle to stop following it.

Deputy Welle activated his emergency lights and followed the vehicle for approximately one-half mile at 45 to 50 miles per hour. At that time, Deputy Welle turned on his siren as well. The vehicle hit the brake lights numerous times, but then would speed up again. Deputy Welle continued to follow the vehicle with his lights and siren activated. The vehicle turned onto County Road 126 and reached speeds of up to 73 miles per hour on a dirt road going around curves. Approximately one-quarter mile east of County Road 34 the vehicle slowed down and came to a stop. The driver then got out of the vehicle and immediately ran in the ditch, then the woods on the south side of County Road 126.

Deputy Welle observed that the male running from the vehicle was wearing blue jeans and a shiny darker jacket. The driver of the vehicle was later identified as Bernard Edward Shaw, date of birth March 29, 1969.

Deputy Welle began chasing Shaw on foot and saw him crossing a creek that was about waist deep. Deputy Welle found a dry route and went around the water, but lost sight of Shaw. As Deputy Welle was running deeper in the woods he heard a large splash in the water. He then came to an embankment with the Blue Earth River and figured the suspect must have jumped or fallen into the river. Deputy Welle checked part of the shoreline and was unable to locate Shaw.

A perimeter was then setup with responding squads while they waited for a K-9 unit to arrive. While setting up the perimeter, Deputy Welle was advised that the registered owner's son, Shaw, had active warrants out of Blue Earth, Nicollet, and Dodge County. Deputy Welle gave a description of the suspect to dispatch as the description matched the photo of Shaw that they had on file.

Deputy Anderson observed Shaw in the water trying to get out and alerted the officers that Shaw appeared to need help. Officers then responded to the area where Shaw had been seen and located Shaw with his hands above his head, about 20 yards into the woods by the embankment to the river. Shaw was on the other side of the water from the officers. Shaw stated that he couldn't move enough to make it across the water. Deputy Welle observed that Shaw was drenched and visibly shaking. Shaw said that he needed to warm up. Eventually, officers were able to get to Shaw on the other side of the water, and Shaw was taken into custody.

While officers were setting up a perimeter, Deputy Suckow searched Shaw's vehicle to find identification to confirm that Shaw was the person they were looking for. While searching the vehicle, Deputy Suckow observed a backpack and other items that had been left inside of the vehicle. Inside the backpack Deputy

Suckow located a set of checks that belonged to Shaw's mother, who is the registered owner of the vehicle. Deputy Suckow then located an unmarked prescription bottle filled with small white pills inside of the center console. Inside of the center console Deputy Suckow located a small plastic bag with the same type of small white pills. The pills were marked with a 4 on one side and an M on the other side. Deputies were able to identify the pills as Hydromorphone Hydrochloride, a schedule II controlled substance. In total deputies located 41 pills. In addition, deputies found a glass pipe with what appeared to be burnt marijuana residue inside of it.

Shaw was initially taken to the hospital and then cleared to be brought to the Blue Earth County Jail. When he arrived, Deputy Welle spoke to Shaw and read him his Miranda Warning. Shaw agreed to speak to Deputy Welle and stated that he knew Deputy Welle was behind him trying to stop him. Shaw stated that his mother is dying and he didn't want to be in jail with her being sick. Shaw stated he didn't have a valid driver's license and didn't want to get caught. Shaw admitted that the pills in the vehicle were his, and that he did not have a prescription for them. Shaw stated that he was coming from visiting his mother in hospice care. Shaw stated he wanted to stay out of jail and was trying to get away.

## SIGNATURES AND APPROVALS

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 declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

**Complainant**

Paul Barta  
Captain  
401 Carver Rd  
Mankato, MN 56002-0228  
Badge: 2721

Electronically Signed:  
11/03/2016 09:13 AM  
Blue Earth County, MN

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

**Prosecuting Attorney**

Steven Kelm  
401 Carver Road  
PO Box 3129  
Mankato, MN 56002  
(507) 304-4600

Electronically Signed:  
11/02/2016 04:11 PM

**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(s).

**SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at 401 Carver Rd, Mankato, MN 56002-0347 to answer this complaint.

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

**WARRANT**

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

*Execute in MN Only*

*Execute Nationwide*

*Execute in Border States*

**ORDER OF DETENTION**

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

Bail: \$  
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: November 3, 2016.

**Judicial Officer** Thomas G McCarthy  
Judge of District Court

Electronically Signed: 11/03/2016 11:05 AM

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

**COUNTY OF BLUE EARTH  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**BERNARD EDWARD SHAW**

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE  
I hereby Certify and Return that I have served a copy of this Order of  
Detention upon the Defendant herein named.*

Signature of Authorized Service Agent: