

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1501
07-CR-16-3691

State of Minnesota,

Plaintiff,

vs.

JOSHUA ANTHONY HOFMAN DOB: 11/06/1992

122 Plato St.
Mankato, MN 56001

Defendant.

COMPLAINT

Warrant

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: Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1

Maximum Sentence: 7 years and/or \$14,000

Offense Level: Felony

Offense Date (on or about): 09/18/2016

Control #(ICR#): 16014109

Charge Description: Joshua Anthony Hofman

On or about September 18, 2016, in the County of Blue Earth, said Defendant, Joshua Anthony Hofman did, assault another with a dangerous weapon.

COUNT II

Charge: Threats of Violence-Reckless Disregard Risk

Minnesota Statute: 609.713.1

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

Offense Level: Felony

Offense Date (on or about): 09/18/2016

Control #(ICR#): 16014109

Charge Description: Joshua Anthony Hofman

On or about September 18, 2016, in the County of Blue Earth, said Defendant, Joshua Anthony Hofman, did threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another, or in a reckless disregard of the risk of causing such terror.

COUNT III

Charge: Assault in the fifth degree; Gross misdemeanor-Within three years of previous conviction.

Minnesota Statute: 609.224.2(b)

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/18/2016

Control #(ICR#): 16014109

Charge Description: Joshua Anthony Hofman

On or about September 18, 2016, in the County of Blue Earth, said Defendant, Joshua Anthony Hofman did commit an act with intent to cause fear in another of immediate bodily harm or death within three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

STATEMENT OF PROBABLE CAUSE

On September 16, 2016, at approximately 12:10 a.m., deputies with the Blue Earth County Sheriff's Office were dispatched to an address in Blue Earth County for a weapons complaint. The complainant, an adult female, informed Dispatch that she and companions had been kicked out of a party but before they left, a male individual, Joshua Anthony Hofman, DOB 11-6-1992, pointed a gun at them.

Deputy Guetter arrived and spoke with Complainant, along with Witness 1, an adult female, and Witness 2, an adult male, who were waiting for deputies to arrive a few blocks away from the incident location. Complainant and Witness 1 told Deputy Guetter that they had been invited to an address, located on Neubert Lane, and were there for a little while before the people inside of the residence found out that Witness 2 was in the vehicle outside. Complainant and Witness 1 said that an adult male, Witness 3, became extremely angry and told them they had to leave. Complainant stated that when they left, they got into the car and Hofman followed them. Hofman walked over to the rear passenger window, where Witness 2 was seated, and pointed a black handgun at him as he tapped it on the window. Deputy Guetter asked both Witness 1 and Witness 2 if they saw the gun. Witness 1 told him that she absolutely saw the gun. Witness 2 said that he saw Hofman tap something on the window of the vehicle but was not sure if it was a gun or not. Complainant and Witness 1 described the gun as being all black and looking similar to what the deputies were carrying. Complainant said she did not know if it was a real gun or a BB gun.

Deputy Guetter made contact with Hofman and Witness 3 at the incident location. When he first spoke with Hofman, he asked if he knew why they were there. Hofman told Deputy Guetter that it was probably because the girls had told him that Hofman had pointed a gun at them. Deputy Guetter then asked Hofman if there was any validity to their story and Hofman said no. Hofman said that he has never handled a gun at that residence and that as far as he knew, there is not a gun at the residence. Hofman told Deputy Guetter that the girls were not allowed at the residence because Witness 2 was not supposed to be there. Hofman then said that he had never touched the car but did walk over to validate that Witness 2 was in the vehicle.

Witness 3 informed deputies that there was a handgun style BB gun in the residence. Once the BB gun was found in the residence, Deputy Guetter spoke with Hofman once again. Hofman then said that he forgot about the BB gun and that he did know that it was in the residence. Deputy Guetter asked him if there was any reason why his DNA would be on the BB gun and he then told Deputy Guetter that he was playing with it earlier in the day and he was trying to fix it because it wasn't working. Deputy Guetter asked him again if he had the gun and pointed it at Witness 2 in the vehicle. Hofman said he did not point the gun at Witness 2 but he did tap on the window where Witness 2 was sitting with his phone that was all black in color. Hofman then told Deputy Guetter that he had a traumatic brain injury and sometimes has a hard time recalling recent information.

A review of Hofman's criminal history reveals a September 12, 2016, conviction for Domestic Assault, a misdemeanor, as set forth in Court File #07-CR-16-2290. Court records indicate his conditions of probation include: No threats of violence, Remain law-abiding, and No assault. A warrant is requested.

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:
09/20/2016 08:08 AM
Blue Earth County, MN

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

Prosecuting Attorney

Ryan S. Hansch
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
09/19/2016 02:55 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: September 20, 2016.

Judicial Officer

Darci J. Bentz

Electronically Signed: 09/20/2016 08:42 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.

JOSHUA ANTHONY HOFMAN

Defendant

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

Signature of Authorized Service Agent: