

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0104
07-CR-16-526

State of Minnesota,

Plaintiff,

vs.

OSCAR MARTINEZ GARCIA DOB: 03/23/1963

110 Byron Street
Mankato, MN 56001

Defendant.

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: Domestic Abuse - Violate Order for Protection-Misdemeanor

Minnesota Statute: 518B.01.14(b)

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

Offense Level: Misdemeanor

Offense Date (on or about): 01/13/2016

Control #(ICR#): 16003680

Charge Description: Said Defendant, Oscar Martinez Garcia, did have knowledge or have reason to know there was an Order for Protection in effect and did unlawfully violate that Order for Protection.

STATEMENT OF PROBABLE CAUSE

Complainant is an Officer with the Mankato Police Department who believes the information set out below is true and accurate based on reports and information submitted to the Officer by Officer Keith Mortensen and others identified herein.

On February 8, 2016 at approximately 2:15 p.m., Officer Mortensen responded to a report of a violation of an Order for Protection at a residence in the City of Mankato, Blue Earth County, Minnesota. Officer Mortenson identified the victim as V1. V1 indicated that she has a valid OFP prohibiting another individual from having contact with her. That person was identified as Oscar Martinez Garcia, the defendant herein. V1 indicated that the defendant had contacted her both by Facebook and by text messages on her cellular telephone. The OFP is found in Blue Earth County court file FA-15-4683. The OFP was signed by the Honorable Judge Bradley C. Walker. The Order for Protection was personally served on the defendant on November 19, 2015. In the text messages, the defendant refers to V1 as a slut, bitch and ho. V1 provided screenshots of the text messages to Officer Mortenson. Officer Mortensen and Officer Melisa Myers went to the defendant's residence at 110 Byron Street. Officer Mortensen spoke with the defendant regarding the sending of messages to V1. The defendant admitted that he sent messages via Facebook and by cellular telephone. A review of records indicates that the defendant contacted V1 on January 13, 2016; January 28, 2016; February 2, 2016; and February 3, 2016.

A computer check of the defendant's criminal history indicates that he has four convictions for Assault. See Lyon County District Court files: 42-T0-95-4789; 42-K1-96-860; 42-K8-98-231; and 42-T6-98-1808.

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

Daniel Schisel
Police Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3135

Electronically Signed:
02/10/2016 08:56 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Christopher Cain
Assistant City Attorney
10 Civic Center Plaza
PO Box 3368
Mankato, MN 56002-3368
(507) 387-8559

Electronically Signed:
02/10/2016 08:20 AM

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: February 10, 2016.

Judicial Officer

Richard C. Perkins
Judge of District Court

Electronically Signed: 02/10/2016 10:40 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.

OSCAR MARTINEZ GARCIA

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: