

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0479
07-CR-16-2323

State of Minnesota,

Plaintiff,

vs.

CODY LEE BATTERBY DOB: 07/06/1994

12604 Dogwood Trl
Gloucester, VA 23061-2632

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: Assault-5th Degree-Fear of Bodily Harm or Death

Minnesota Statute: 609.224.1(1)

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

Offense Level: Misdemeanor

Offense Date (on or about): 06/04/2016

Control #(ICR#): 16016465

Charge Description: Said Defendant, Cody Lee Batterby, commits an act with intent to cause fear in another of immediate bodily harm or death.

COUNT II

Charge: Assault-5th Deg-Inflict or Attempt Bodily Harm

Minnesota Statute: 609.224.1(2)

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

Offense Level: Misdemeanor

Offense Date (on or about): 06/04/2016

Control #(ICR#): 16016465

Charge Description: Said Defendant, Cody Lee Batterby, did intentionally inflict or attempt to inflict bodily harm upon another.

COUNT III

Charge: Assault-5th Degree-Fear of Bodily Harm or Death

Minnesota Statute: 609.224.1(1)

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

Offense Level: Misdemeanor

Offense Date (on or about): 06/04/2016

Control #(ICR#): 16016465

Charge Description: Said Defendant, Cody Lee Batterby, commits an act with intent to cause fear in another of immediate bodily harm or death.

COUNT IV

Charge: Assault-5th Deg-Inflict or Attempt Bodily Harm

Minnesota Statute: 609.224.1(2)

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

Offense Level: Misdemeanor

Offense Date (on or about): 06/04/2016

Control #(ICR#): 16016465

Charge Description: Said Defendant, Cody Lee Batterby, did intentionally inflict or attempt to inflict bodily harm upon another.

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 Daniel Best and others identified herein.

Officer Dan Best, a licensed peace officer in the State of Minnesota currently employed by the Mankato Department of Public Safety, reports that on June 4, 2016, at approximately 1:47 a.m., he, along with other officers, were dispatched to Mettler's Bar, located in the City of Mankato, in reference to an assault which had occurred between a customer of Mettler's and Mettler's staff.

When Best arrived on scene, he was able to speak with two of Mettler's staff members who were identified as Victim 1 and Victim 2. Victim 1 informed Best that an individual, identified as Cody Leslie Batterby, was with a group of coworkers in the bar area near the dance stage where a female dancer was performing. Victim 1 reports, for some unknown reason, Batterby picked up a wet napkin and threw it at the dancer, striking her with it.

Victim 1 then approached Batterby and told him that he had to leave the bar due to his behavior. Batterby and several of his coworkers then started to argue with Victim 1, at which time Victim 2 began to usher Batterby out of the bar. Victim 1 reports there was a lot of pushing and shoving that was initiated by Batterby and his coworkers; but eventually, Victim 1 and Victim 2 were able to get the group of people, including Batterby, towards the exit door while still telling them they had to leave the bar.

Victim 1 reports while escorting Batterby out of the bar, Batterby suddenly turned and punched Victim 1 in the face, causing Victim 1's glasses to cut into his face after the blow.

Best then spoke with Victim 2, who reported after Batterby punched Victim 1, Victim 2 grabbed onto Batterby and tried to bring him to the ground to control him. Batterby then bit one of Victim 2's fingers hard enough to cause a small chunk of skin to be bitten off of Victim 2's right hand middle finger. Victim 2 reports at that time, Victim 1 called 911 while Victim 1 and Victim 2 continued to struggle with Batterby.

Best reports he then took photos of Victim 1's face and Victim 2's finger. While speaking with Victim 2, Best noted Victim 2's finger began to swell; and Gold Cross was requested to come to the scene to check on both of the victims' injuries. Later, Gold Cross advised both Victim 1 and Victim 2 that they would need to be treated for their injuries at the hospital as it was possible Victim 1 would need stitches below his right eye and that Victim 2 may have a more severe injury to his finger than could be determined by Gold Cross.

Best reports Victim 2 then drove himself and Victim 1 to Mayo Clinic Health Systems where they were treated for their injuries.

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:
06/06/2016 04:09 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Christopher Cain
Assistant Blue Earth County
Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
06/06/2016 04:02 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: June 6, 2016.

Judicial Officer

Bradley C Walker
District Court Judge

Electronically Signed: 06/06/2016 04:36 PM

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.

CODY LEE BATTERBY

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: