

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0134
07-CR-16-611

State of Minnesota,

Plaintiff,

vs.

NICHOLAS PAUL GIAMMONA DOB: 09/09/1995

330 Fulton Street
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: Domestic Assault-Commits Act to Cause Fear of Immediate Bodily Harm or Death

Minnesota Statute: 609.2242.1(1)

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

Offense Level: Misdemeanor

Offense Date (on or about): 02/15/2016

Control #(ICR#): 16004376

Charge Description: Said Defendant, Nicholas Paul Giammona, did against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, intentionally inflict or attempt to inflict bodily harm upon another.

COUNT II

Charge: Domestic Assault-Misdemeanor-Intentionally Inflicts/Attempts to Inflict Bodily Harm on Another

Minnesota Statute: 609.2242.1(2)

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

Offense Level: Misdemeanor

Offense Date (on or about): 02/15/2016

Control #(ICR#): 16004376

Charge Description: Said Defendant, Nicholas Paul Giammona, did against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, intentionally inflict or attempt to inflict bodily harm upon another.

COUNT III

Charge: Disorderly Conduct-Brawling or Fighting

Minnesota Statute: 609.72.1(1)
Maximum Sentence: 90 days and/or \$1,000
Offense Level: Misdemeanor

Offense Date (on or about): 02/15/2016

Control #(ICR#): 16004376

Charge Description: Said Defendant, Nicholas Paul Giammona, did in a public or private place, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, engaged in brawling or fighting.

COUNT IV

Charge: Theft-Take/Use/Transfer Movable Prop-No Consent

Minnesota Statute: 609.52.2(a)(1)
Maximum Sentence: 90 days and/or \$1,000
Offense Level: Misdemeanor

Offense Date (on or about): 02/15/2016

Control #(ICR#): 16004376

Charge Description: Said Defendant, Nicholas Paul Giammona, did unlawfully and without claim of right, take, use, transfer, conceal, or retain possession of the movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property, to-wit: the value of the property or services is less than \$500.

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 Jessica Ellis and others identified herein.

On February 15, 2016, at approximately 8:00 p.m., Officer Ellis responded to a report of a domestic assault at a residence in the City of Mankato, Blue Earth County, Minnesota. Officer Ellis reported to that location and identified the victim as V1. Officer Ellis also identified a witness as W1. V1 indicated that he had been assaulted by a roommate, later identified as Nicholas Paul Giammona, the Defendant herein. V1, W1 and the Defendant all had lived together at the Mankato residence. The Defendant and V1 had become involved in an ongoing argument over the alleged theft of a package that had been delivered to the residence. In addition, the Defendant claimed that V1 had stolen his food, was sleeping in the living room and being loud at night.

The dispute intensified over the past few weeks. V1 went to the cities where his parents live. The defendant came to V1's parents' house in an attempt to confront V1 about the alleged theft!

The Defendant was in the process of moving out when the assault occurred. The Defendant came to the residence with two other individuals and assaulted V1. V1 and W1 were playing video games when the defendant came to the residence. During the altercation, the Defendant took both V1 and W1's cell phones. V1 continued to deny that he took the package that the Defendant claimed he had stolen. The Defendant and his two acquaintances confronted V1. The defendant said that he was going to take the TV, the Xbox game system and a laptop computer. The Defendant told V1 and W1 that he intended on taking the valuable items due to the fact that the package had been stolen. V1 informed the Defendant that the items they had intended on taking actually belonged to W1. V1 asked the Defendant to leave W1 out of their dispute. V1 reported that the Defendant punched him in the face and then grabbed him by the neck. V1 stated that the Defendant pushed him down on the bed and was assaulted by the other two individuals as well. V1 also reported he was punched in the face, chest and ribcage a couple of times. V1's shirt was torn during the assault. V1 was able to convince the Defendant to return W1's cell phone. The Defendant and his two acquaintances then fled the residence. Photographs of V1's injuries were placed into evidence. In addition, the shirt that the victim had been wearing was also placed into evidence. Law enforcement was unable to locate the Defendant or his acquaintances.

Officer Katelyn Kaiser assisted in the investigation of the Domestic Assault. On February 15, 2016, at approximately 11:40 p.m., Officer Kaiser spoke with the Defendant by telephone regarding the assault. The Defendant said that he was moving out of the residence due to a lot of problems with one of the roommates. The Defendant repeated his claim that the victim had stolen a package that had been sent to the Defendant. The Defendant admitted that he was trying to find to confront V1 over the weekend at V1's parents' house. The defendant said that he was unable to talk to V1's parents because they were at work.

Officer Kaiser spoke with the defendant regarding the assault. The Defendant admitted that he confronted the victim at the residence. The Defendant also admitted that he threw the first punch. The Defendant claimed that he and the victim were wrestling together at the time of the incident. When asked if he had brought anyone with him to confront the victim, the Defendant first denied bringing anyone and stated, "I didn't bring anyone involved." When asked about the two males that he brought along with him to the residence, the Defendant stated, "They were people there to watch my back in case things got out of hand." The Defendant denied knowing who the individuals were and didn't recall their names.

The defendant said that he was living with his father, John Giammona, in West St. Paul. Officer Kaiser

asked West St. Paul Police to determine if the defendant was at the residence. John Giammona denied that the defendant was living at the residence. The defendant's father claimed that the defendant was not at the residence. The defendant's father claimed that the defendant had returned to Mankato. The defendant's father refused to let West St. Paul Police search the residence to verify his claims.

Later, the victim discovered that his cell phone had been returned to him. V1 and two other roommates were looking around outside of the residence and located the cell phone on the steps. The value of the Apple iPhone 16 or 32 gigabyte cell phone was valued at approximately \$700.00.

A computer check of the defendant's prior history indicates that he was given a Stay of Adjudication for the possession of marijuana in a motor vehicle in Dakota County in 2014. See Dakota County District Court file 19HA-VB-14-3090. The defendant also has a conviction for Underage Consumption in 19AV-CR-14-13078. The defendant has a third offense for an Underage Consumption conviction in Blue Earth County in 07-CR-15-3596.

Law enforcement was unable to locate the defendant. A warrant is therefore 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

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

Electronically Signed:
02/17/2016 05:29 PM
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:
02/17/2016 12:09 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: February 18, 2016.

Judicial Officer

Richard C. Perkins
Judge of District Court

Electronically Signed: 02/18/2016 08:37 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.

NICHOLAS PAUL GIAMMONA

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: