

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0905
07-CR-16-2252

State of Minnesota,

Plaintiff,

vs.

NICOLE LYNN O'BRIEN DOB: 11/04/1979

119 Laurinda Lane
Mankato, MN 56002

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

Minnesota Statute: 152.025.2(a)(1)

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

Offense Level: Felony

Offense Date (on or about): 06/01/2016

Control #(ICR#): 16016111

Charge Description: Nicole Lynn O'Brien Also Known As Nicole Lynn Obiran, Nicole Lynn Obrien, Nicole Lynn Obrian And Nicole Lynn Obrien

On or about June 1, 2016, in the County of Blue Earth, said Defendant, Nicole Lynn O'Brien did unlawfully possess one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana.

STATEMENT OF PROBABLE CAUSE

On June 1, 2016, at approximately 12:30 a.m., Officer Chris Arkell of the Mankato Department of Public Safety was traveling northbound on Highway 169 near West Lind Court when he observed a red Ford pickup, license number YBT 6949, coming from the parking lot of Riverside Suites on West Lind Court in Mankato, Blue Earth County. Officer Arkell knows from his experience that Riverside Suites is frequented by individuals who use and possess narcotics. Officer Arkell also knew that the vehicle was owned by Jason Hubbard. Officer Arkell knows from past dealings with Hubbard that Hubbard does not have a valid license and that Hubbard has been involved in narcotics-related activities.

Officer Arkell stopped the vehicle and identified Hubbard as the driver. While Officer Arkell was attempting to stop the vehicle, Hubbard continued eastbound on Highway 14 without his brake lights activating or slowing down. After taking longer than normal, Hubbard finally pulled over but did not stop for at least 200 to 300 feet. Upon making contact with Hubbard, he admitted that he did not have a valid driver's license.

Officer Arkell asked Hubbard if his passenger had a license. Hubbard responded that she did. Officer Arkell then asked the female passenger, who was identified as Nicole Lynn O'Brien, D.O.B. 11/4/79, if she had a valid license. O'Brien stated that she did not have a valid license. Officer Arkell knew from previous dealings with O'Brien that she had also been involved in narcotics. While Officer Arkell was talking to Hubbard, he observed that O'Brien became overly nervous and started shifting in her seat. She then lit up a cigarette.

Officer Arkell asked Hubbard if there were any narcotics in the vehicle to which he replied that Officer Arkell could search the vehicle if he wanted to. Officer Arkell then asked for a canine to show up at the location to conduct a walk-around of the vehicle as the vehicle was leaving an area where narcotics are frequently used/sold/purchased; Hubbard had been involved in narcotics in the past. O'Brien had been involved in narcotics in the past; the driver took longer than normal to pull over and stop, which Officer Arkell notes from his training and experience is the sign of individuals possibly hiding or destroying evidence; and while talking to the occupants of the vehicle, O'Brien became overly nervous and lit a cigarette, which Officer Arkell knows from his training and experience is sometimes done by individuals to mask the odor of narcotics.

Hubbard agreed to the search and signed a search consent form. At that time, O'Brien asked that she be let go so she could walk to a ride just down the road. Officer Arkell informed O'Brien that she needed to stay in the vehicle. Officer Arkell knows from his training and experience that individuals who possess narcotics commonly try to leave the vehicle or the scene with the narcotics.

Deputy Wolfe arrived with his canine partner who alerted on the vehicle for the presence of controlled substances. Officer Arkell then began searching the passenger side of the vehicle where he located a purse on the floor near where O'Brien was sitting. Inside the purse, Officer Arkell located four Tylenol tablets in a plastic baggy. He also found a small glass pipe commonly referred to as a one-hitter that is used to smoke marijuana. Inside a compartment of the purse, Officer Arkell located a metal cardholder that had O'Brien's I.D. in it. In that same compartment, Officer Arkell located a clear glass pipe commonly used for smoking methamphetamine that had a white residue in it that was consistent with methamphetamine. Officer Arkell was informed by Officer Kranz that O'Brien was requesting her phone, which was also located inside the purse.

Officer Arkell then spoke to O'Brien about the items that he found in her purse. O'Brien stated that the purse did not belong to her. O'Brien stated that she did figure the marijuana pipe would be in the truck. Officer Arkell then confronted O'Brien about her I.D. and phone being in the purse. O'Brien responded saying that

she did not trust Hubbard and that Hubbard possibly planted the meth pipe in her purse. O'Brien was then placed under arrest.

While transporting O'Brien to the Blue Earth County Jail, Officer Arkell informed her that if she were hiding any narcotics on her, it would be an additional charge. At that time, O'Brien admitted to having a small amount of methamphetamine in between her pants and underwear. After Officer Arkell took O'Brien's handcuffs off, she retrieved a small plastic Ziploc-type bag with a crystalline-type substance, consistent with methamphetamine. O'Brien stated that Hubbard gave her the meth and told her to hide it for him. Officer Arkell field-tested the glass pipe from O'Brien's purse, which was positive for the presence of methamphetamine.

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

Matthew DuRose
Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3141

Electronically Signed:
06/02/2016 08:59 AM
Blue Earth County, Minnesota

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:
06/01/2016 04:23 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 2, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 06/02/2016 09:27 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.

NICOLE LYNN O'BRIEN

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: