

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1063
07-CR-16-2665

State of Minnesota,

Plaintiff,

vs.

JAMES ANTIONE SMITH DOB: 10/02/1977

810 N Broad St
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: Drugs - 3rd Degree - Sale - Narcotic

Minnesota Statute: 152.023.1(1), with reference to: 152.023.3(b)

Maximum Sentence: 30 years and/or \$250,000

Offense Level: Felony

Offense Date (on or about): 06/29/2016

Control #(ICR#): 16018436

Charge Description: James Antione Smith Also Known As Nathan Dwayne Hayes

On or about June 29, 2016, in the County of Blue Earth, said Defendant, James Antione Smith, did unlawfully sell one or more mixtures containing a narcotic drug; and has a previous controlled substance conviction.

COUNT II

Charge: Drugs - 3rd Degree - Possess 3 Grams or More Cocaine/Heroin/Methamphetamine

Minnesota Statute: 152.023.2(a)(1), with reference to: 152.023.3(b)

Maximum Sentence: 20 years and/or \$250,000

Offense Level: Felony

Offense Date (on or about): 06/29/2016

Control #(ICR#): 16018436

Charge Description: James Antione Smith Also Known As Nathan Dwayne Hayes

On or about June 29, 2016, in the County of Blue Earth, said Defendant, James Antione Smith, did on one or more occasions within a 90-day period unlawfully possess one or more mixtures of a total weight of three grams or more containing cocaine, heroin, or methamphetamine; and has a previous controlled

substance conviction.

COUNT III

Charge: Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence

Minnesota Statute: 624.713.1(2), with reference to: 624.713.2(b), 609.11.4

Maximum Sentence: 15 years and/or \$30,000

Offense Level: Felony

Offense Date (on or about): 06/29/2016

Control #(ICR#): 16018436

Charge Description: James Antione Smith Also Known As Nathan Dwayne Hayes

On or about June 29, 2016, in the County of Blue Earth, said Defendant, James Antione Smith after having been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence; did possess a firearm.

COUNT IV

Charge: Felon Convicted Crime of Violence - Firearm Violation

Minnesota Statute: 609.165.1b(a)

Maximum Sentence: 15 years and/or \$30,000

Minimum Sentence 5 years

Offense Level: Felony

Offense Date (on or about): 06/29/2016

Control #(ICR#): 16018436

Charge Description: James Antione Smith Also Known As Nathan Dwayne Hayes

On or about June 29, 2016, in the County of Blue Earth, said Defendant, James Antione Smith did ship, transport, possess, or receive a firearm after having been convicted of a crime of violence.

STATEMENT OF PROBABLE CAUSE

On June 29, 2016, Minnesota River Valley Drug Task Force (MRVDTF) and Brown/Lyon/Redwood/Renville (BLRR) Drug Task Force (DTF) conducted a third controlled purchase of 3.5 grams of cocaine from Juvenile 1 and Cody Wade Nelson. Prior purchases had been made on June 22nd and June 27th. Both Juvenile 1 and Nelson were arrested after the sale, and a search warrant was executed at Residence 1 in Mankato.

June 22, 2016 Purchase:

On June 22, BLRR DTF agents purchased an eight ball, (3.5 grams) of cocaine, for \$280.00 through Juvenile 1 in the parking lot of Business 1 in the City of Mankato.

June 27, 2016 Purchase:

On June 27, BLRR DTF agents arranged the purchase of (2) eight balls (7 grams) of cocaine for \$560.00 through Juvenile 1 at Business 2 in the City of Mankato.

In both of the first controlled substance purchases, a confidential informant (CI) was utilized; and agents observed the purchase while monitoring surveillance. During both transactions, a white male, later determined to be Nelson, is observed driving a white Grand Prix with a black hood, which registered to Nelson. During both transactions pre-recorded buy fund money was used for the purchase.

During the first transaction, the CI rides along with Juvenile 1 to the predetermined meeting location. Juvenile 1 gets into the white Grand Prix, goes for a short drive, and then returns to the CI's vehicle and provides the CI with a white powdery substance which is weighed at 3.7 grams and field tests positive for cocaine.

During the second transaction, the CI and Juvenile 1 drove to Business 2 where Juvenile 1 exited the CI's vehicle and walked towards a residence. After several minutes Juvenile 1 returned to the CI's vehicle with the 2 eight balls of purported cocaine in a white powder form. The white powder substance is weighed at 6.7 grams and field tests positive for cocaine.

Each purchase was monitored through the use of a body wire and pre-recorded buy fund. In both of the first two purchases, the CI turned over the purchased eight balls of cocaine and the body wire; and the evidence was handed over to the MRVDTF.

June 29, 2016 Purchase:

An undercover agent met with the CI and Juvenile 1 in the downtown parking lot of Business 3 for the third buy on June 29, 2016. Approximately one hour prior to the controlled purchase, agents began surveillance of Residence 1 in the City of Mankato, as it was believed this may be the location where the cocaine source was coming from.

Agents advised that the same white Grand Prix as noted during prior purchases was observed entering Residence 1. The male was wearing a black tank top and hat and exited the Grand Prix and entered Residence 1.

Additional agents rode with the CI and Juvenile 1 to Business 1, the same location of the first controlled purchase in the City of Mankato. While traveling to Business 1, agents observed the white male exit

Residence 1 and get into the white Grand Prix. The white Grand Prix was followed directly from Residence 1 to Business 1 where it parked. The CI, Juvenile 1, and the undercover agent arrived a short time later.

The undercover agent provided Juvenile 1 with the pre-recorded buy fund money. Agents observed as Juvenile 1 entered the white Grand Prix. The white Grand Prix traveled to a third business location across the street from Business 1 and was followed by agents.

The white Grand Prix returned a short time later, and Juvenile 1 exited the white Grand Prix and provided undercover agents with a baggie containing purported cocaine. Additional drug task force agents then followed the white Grand Prix as it left Business 1 and traveled directly back to Residence 1 without deviating.

Agent Sam McGinnis with the MRVDTF advised that he watched as the same white male who had been observed prior to the purchase exited the white Grand Prix and entered Residence 1. This male is ultimately ID'd as Nelson. During this time, the undercover agent advised that the white powdered substance he obtained from Juvenile 1 field tested positive for cocaine.

Juvenile 1 was, shortly thereafter, stopped by Blue Earth County Deputy Jase Guetter on Highway 68 and arrested for Controlled Substance Sales. Deputy Guetter searched Juvenile 1 and located U.S. currency. One of the \$100.00 bills was matched to the purchase of cocaine that was made during the second controlled substance purchase on June 27. One \$20.00 bill matched the money used for the controlled purchase on June 29, 2016. Juvenile 1 was also in possession of Adderall pills.

An application for a search warrant for Residence 1 was presented and signed by Judge Walker. The warrant was executed at approximately 1:32 p.m. During the time period that the search warrant was drafted and signed, agents continued to monitor Residence 1, keeping tabs on Nelson, who had been driving the white Grand Prix.

Agent McGinnis eventually informed officers that Nelson had just exited the residence and looked to be going to the white Grand Prix. Nelson made a short trip in the white Grand Prix but then returned to Residence 1 where he picked up a black male passenger and the two then left the residence again, traveling west on Homestead to Monks Avenue.

The vehicle was stopped at Welcome and Monks where the driver, Nelson, and the passenger, James Antoine Smith, were removed from the vehicle. Smith was recognized from prior law enforcement contact and is known to have involvement in the trafficking of narcotics. It should be noted that Smith was also with Nelson on the controlled substance purchase that took place on June 27.

Given this history and being present at the prior purchase, Smith was searched. As Agent Chad Ruch with the MRVDTF helped Smith to stand, Agent Ruch noticed that Smith was sweating profusely from his hands and neck area. Agent Ruch asked Smith what was going on, and Smith indicated he was high on cocaine.

Smith's pockets were emptied. Found on his person was a large amount of US currency that was folded in half and placed in his right pocket. In the smaller right key pocket, there was a gem-style baggie that contained smaller baggies that held a white, powder-like substance in them.

The baggies were weighed at 3.4 grams and field tested positive for cocaine. In each of the smaller baggies was approximately .5 gram. There were a total of seven bags. Based on Agent Ruch's training and experience, the product was packaged for sale.

Mixed into the currency obtained from Smith's person was pre-recorded buy fund money from the

controlled purchase on June 27 (where 6.7 grams of cocaine were recovered) when Smith was present with Nelson. Funds from the purchase on June 29, 2016 were also matched.

Additionally, inside the vehicle there were small gem baggies that were found on the passenger floor that field tested positive for cocaine, miscellaneous paraphernalia items, along with a bong in the rear seat.

A lawful search was conducted at Residence 1, where Nelson and Smith had both exited prior to being stopped. During the search, the following items were located.

In Smith's bedroom (as identified by the homeowner):

- a Ruger Mark I .22 caliber handgun
- a Davis Industries Model D38 .38 caliber handgun (loaded and found between the bed and the wall)
- .22 caliber ammo
- Michigan ID for Smith
- a handgun bag for a Ruger located in a small safe
- 38 .380 ammo located under the mattress
- .38 caliber ammo (next to the .38 caliber handgun)
- multiple plastic baggies;
- digital scales; and
- residence documents for Smith right next to the .38 caliber gun.
- suspected marijuana wax.

It should be noted that Smith has a prior 5th degree controlled substance conviction found in Blue Earth County Court File No.: 07-CR-15-1108. Controlled substance crimes are considered felony conviction for a crime of violence under Minnesota Statute 624.712 S.5.

It should also be noted that Nelson has a prior 5th degree controlled substance conviction found in Blue Earth County Court File No.: 07-CR-13-1504

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

Jeff Wersal
Lieutenant
710 S Front St
Mankato, MN 56001-3803

Electronically Signed:
06/30/2016 04:55 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Stefanie Menning
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
06/30/2016 04:39 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: July 1, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 07/01/2016 08:45 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.

JAMES ANTIONE SMITH

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: