

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1147
07-CR-16-2825

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

PAUL DAVID AYERS DOB: 01/01/1961

unknown

Defendant.

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: Financial Transaction Card Fraud-Use-No Consent

Minnesota Statute: 609.821.2(1), with reference to: 609.821.3(a)(1)(iii), 609.05.1

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

Offense Level: Felony

Offense Date (on or about): 07/12/2016

Control #(ICR#): 16010170

Charge Description: Paul David Ayers

On or about July 12, 2016, in the County of Blue Earth, said Defendant, Paul David Ayers did, intentionally aid, advise, hire, counsel, or conspire with, or otherwise procure another to commit the crime; to wit: did without the consent of the cardholder and knowing that the cardholder has not given consent, used or attempted to use a card to obtain the property of another and the aggregate amount of the transactions was more than \$250.00 but less than \$2,500.00.

COUNT II

Charge: Financial Transaction Card Fraud-Use-No Consent

Minnesota Statute: 609.821.2(1), with reference to: 609.821.3(a)(1)(iii), 609.05.1

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

Offense Level: Felony

Offense Date (on or about): 07/12/2016

Control #(ICR#): 16010170

Charge Description: Paul David Ayers

On or about July 12, 2016, in the County of Blue Earth, said Defendant, Paul David Ayers did, intentionally aid, advise, hire, counsel, or conspire with, or otherwise procure another to commit the crime;

to wit: did without the consent of the cardholder and knowing that the cardholder has not given consent, used or attempted to use a card to obtain the property of another and the aggregate amount of the transactions was more than \$250.00 but less than \$2,500.00.

COUNT III

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

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(3)(b)

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

Offense Level: Felony

Offense Date (on or about): 07/12/2016

Control #(ICR#): 16010170

Charge Description: Paul David Ayers

On or about July 12, 2016, in the County of Blue Earth, said Defendant, Paul David Ayers, did intentionally 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 and the value of the property or services stolen is more than \$500 but not more than \$1,000 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.182, 609.24; 609.245; 609.53; 609.582 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and th person received a felony or gross misdemeanor sentence for the offense.

COUNT IV

Charge: Computer Theft-of Computer/System/Software/Data

Minnesota Statute: 609.89.1(b), with reference to: 609.89.2(b)

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

Offense Level: Felony

Offense Date (on or about): 07/12/2016

Control #(ICR#): 16010170

Charge Description: Paul David Ayers

On or about July 12, 2016, in the County of Blue Earth, said Defendant, Paul David Ayers, did intentionally and without claim of right, and with intent to deprive the owner of use or possession, takes, transfers, conceals or retains possession of any computer, computer system, or any computer software or data contained in a computer, computer system, or computer network and the value of the computer is more than \$500.00 but less than \$2,500.00.

STATEMENT OF PROBABLE CAUSE

Deputy Chris Welle, a licensed peace officer in the State of Minnesota, currently employed by the Blue Earth County Sheriff's Office, reports that on July 12, 2016, at approximately 9:15 p.m., he was dispatched to a reported theft at Hillcrest Nursing Home, located in the City of Mankato, Blue Earth County.

Welle reports he arrived on scene and met with an individual identified as Victim 1. Victim 1 informed Welle that sometime between 4:15 and 8:55 p.m., someone had stolen her purse out of the employee breakroom. Victim 1 stated that she noticed that it was missing when she was going to leave for the night.

Victim 1 stated that the purse was tan with a shoulder/body strap on it. Victim 1 stated that she had an iPhone 6, a Visa credit card, a Wells Fargo debit card, a TCF debit card, \$5.00, lipstick, gum, a toothbrush, and a rewards card in the purse.

Welle asked Victim 1 who had access to the breakroom, and she stated that the staff mainly use it, but visitors use it as well. Welle then looked in the breakroom and observed that it had a couple of tables, some vending machines, and small lockers. Welle then asked Victim 1 if she had any suspicions about who might have stolen it, and she indicated an individual who was later determined not to have stolen the items.

Deputy Welle then had Victim 1 attempt to use the 'Find Your iPhone' feature on a computer. Victim 1 was able to enter her information, and cellphone mapped to 317 Page Avenue in North Mankato. Welle then asked her if Victim 1 knew anyone who lived in that area, and she stated that she did not. Welle also asked other nurses, and they did not know of anyone who lived there either.

Deputy Welle then had Victim 1 call to cancel her bank accounts associated with the cards that had been stolen and learned that Victim 1's Wells Fargo credit and debit cards had already been used.

Victim 1 reported that her Wells Fargo credit and debit cards had both been used at Target in Mankato and Cenex Express in North Mankato. Victim 1 was able to print out account summaries, and it showed that the debit card had been used for two separate transactions at Cenex, one for \$33.94 and one for \$21.80. Victim 1 stated that the Wells Fargo representative also indicated her credit card was used at Target for a purchase of \$260.00.

Welle reports he then contacted Target and spoke with a loss prevention employee. Welle informed the employee that he was investigating a theft where a credit card had just been used at Target. The employee asked if it was for an individual previously identified as Victim 1. Welle stated that it was. Welle then asked the employee how he knew that already, and the employee stated that he observed an individual identified as Paul David Ayers come into the store with a female. The employee stated he knew Ayers from previous thefts at the store so he kept an eye on him. The employee stated he thought Ayers would steal something, but then saw Ayers and the female pay with a credit card, so he assumed the payment was valid. The employee stated he later checked to see what name the card came back to and it was a card for Victim 1. The Target employee also informed Deputy Welle that he had video surveillance of the transaction.

Deputy Welle then went to Target and met with the employee who showed him a video of Ayers and a female, later identified as Maya Hastings. On the video, Hastings and Ayers are at the register paying for their products when she first hands a debit card which was declined. Ayers then reached into his pocket and pulled out a credit card and hands it to Hastings. Hastings then used the card for payment and it is accepted. The Target employee then showed Welle a copy of the receipt for the transaction, and it shows that the declined card and the accepted card both registered on the receipt as belonging to Victim 1. The

Target employee also showed Welle a video of the vehicle Hastings and Ayers got into when leaving Target. Welle notes the vehicle was an older-style Ford Taurus with out-of-state plates, appearing on the video to display a North Dakota plate.

Welle reports that due to the phone still actively pinging at 317 Page Avenue, he responded to that area see if he could locate the Ford Taurus. Welle reports he observed a vehicle in the north parking lot matching the description of the vehicle with North Dakota license plate JMW491.

Welle then pulled onto Range Street and called Deputy Martin to have him respond to his location. As Welle was on the phone with Deputy Martin, he observed the Ford Taurus pull out of Page Street and head towards Welle on Range Street. As the vehicle went by Welle, he observed a Black male driving it. Once the vehicle went past Welle, he turned around and got behind the vehicle. Welle then observed that the vehicle did not have any working taillights and conducted a traffic stop just north of Belgrade Avenue.

Welle then approached the vehicle on the driver's side and immediately recognized the driver as Ayers. Welle notes that Ayers was also wearing the same clothes as he was in the surveillance video from Target. Welle then asked him his name, and the driver stated Paul Ayers.

Deputy Welle notes then he looked through the car windows and did not see any of the belongings that belonged to Victim 1. Welle did not look into the trunk and opted to wait for a search warrant before doing so. Welle reports that while waiting for a tow truck, two people walked by his car and asked if Welle had arrested 'Paul'. Welle informed them that he had and they stated they were part of his family. Welle then asked where they lived, and one of the male individuals stated they had apartments at #114 and #116 located at 317 Page Avenue. Deputy Welle then asked if Ayers had just been there, and they stated yes.

Deputy Welle reports he then arrested Ayers and transported him to the Blue Earth County Jail.

Welle reports while at the jail, he made contact with Witness 1, who works in administration at Hillcrest. Witness 1 was sent a picture from Target of Hastings and Ayers and reported that a nurse's aide recognized Ayers as someone who had been there visiting earlier in the day.

Welle reports he then spoke with Ayers about the incident. After being read his Miranda Warning, Ayers agreed to speak with Welle and informed him that he did not steal any credit cards. Welle then asked him if he would answer some questions, and Ayers stated yes.

Welle reports that during the interview with Ayers, Ayers told Welle that he stayed at his brother's house but doesn't know the address and believed it was at Sibley Apartments. Ayers reported just driving around the area before Welle stopped him and stated that he had not stopped anywhere. Ayers reported he was at his brother's house today and did not do anything. He also indicated that he was at Target around 1:00 or 2:00 p.m. by himself and did not buy anything. Ayers also indicated that he drove his brother's Chevy Trailblazer to Target. Ayers also indicated he did not hang out with anyone else today besides his brother. Ayers also indicated he did not go to Hillcrest that day, saying he did not know what it was.

Welle then stated that he had a picture that showed him at Target entering the store. Ayers then changed his story and stated he was at Target and that Hastings sent him out to the car to get the credit card that was in his pocket. Ayers claimed he did not know if the card was stolen or not. Ayers further stated that he and Hastings were at his brother's house prior to Target. Ayers reports he doesn't remember going to Target. Ayers reports he had been in two comas and doesn't remember stuff and won't remember the conversation he was having with Welle in ten minutes, but he knows that he did not steal anything.

Ayers further reported that his brother, Wayne, not him, went to Hillcrest that evening with his nephew and

wife. Ayers also admitted that he may have been at Hillcrest but did not steal anything. Ayers then reported he was at Hillcrest in the evening with his brother to see his wife, Sheri McGowan. Ayers reports he did not go into any rooms when he was there. Ayers then changed the story again and stated he may have gone into a breakroom with tables in it to use the vending machine but did not steal anything. Ayers reports his brother did not go into the breakroom but just stood in the doorway. Ayers further reported he did not know if Hastings stole the card or not and stated that Hastings was not at Hillcrest.

Welle reports that during the course of the interview Ayers would constantly change his story, only admitting things after Welle would inform him of the facts that Welle already knew. Welle reports Ayers went from not knowing what Hillcrest was and only being with his brother all day to having been at Hillcrest in the breakroom where the purse was stolen from in the timeframe that it was stolen. Welle notes that most everything that Ayers initially told him all changed once Ayers was shown pictures or evidence that Welle had obtained.

Deputy Welle notes that he then sent a picture of the Target video to Witness 1 who works in administration, and she stated that Victim 1 had seen the picture of Hastings and Ayers on the Target video surveillance and indicated that the purse Hastings had in the picture looked like hers.

Welle notes that the value of the iPhone and other items in Victim 1's purse exceeded \$500.00 dollars.

Also, a review of Ayers' criminal history shows numerous felony and theft related offenses. Most importantly, a conviction for felony robbery from the State of Illinois with an arrest date of March 1, 2013. Ayers, per his NCIC report will be on mandatory supervised release for that offense until March 29, 2018.

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

Richard Murry
Captain
401 Carver Rd
Mankato, MN 56002-0228
Badge: 2708

Electronically Signed:
07/13/2016 11:02 AM
Blue Earth County, MN

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

Prosecuting Attorney

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

Electronically Signed:
07/13/2016 10:51 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: July 13, 2016.

Judicial Officer Thomas G McCarthy
Judge of District Court

Electronically Signed: 07/13/2016 12:27 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.

PAUL DAVID AYERS

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: