

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0288
07-CR-16-696

State of Minnesota,

Plaintiff,

vs.

JOSHUA RAYMOND ARMENDARIZ DOB: 01/07/1981

MCF- St. Cloud 2305 Minnesota Blvd
St. Cloud, MN 56304

Defendant.

COMPLAINT

Summons

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: Stalking- Third or Subsequent Violation in 10 years

Minnesota Statute: 609.749.4(b)

Maximum Sentence: 10 years and/or \$20,000

Offense Level: Felony

Offense Date (on or about): 02/16/2016

Control #(ICR#): 16002256

Charge Description: Joshua Raymond Armendariz Also Known As Joshua Raymond Armondoriz, Joshua Raymond Avmendariz, Casper Armendariz, Josh Raymond Armendariz, Jushua Raymond Armendariz, Joshua Raymond Avmehdavis, X Casper, Joshua Armendariz And Raymond Casper

On or about February 16, 2016, in the County of Blue Earth, said Defendant, Joshua Raymond Armendariz did, directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property or rights of another by the commission of an unlawful act; and did so within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency.

COUNT II

Charge: Stalking- Sencond or Subsequent Violation in 10 years

Minnesota Statute: 609.749.4(a)

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

Offense Level: Felony

Offense Date (on or about): 02/16/2016

Control #(ICR#): 16002256

Charge Description: Joshua Raymond Armendariz Also Known As Joshua Raymond Armondoriz, Joshua Raymond Avmendariz, Casper Armendariz, Josh Raymond Armendariz, Jushua Raymond Armendariz, Joshua Raymond Avmehdavis, X Casper, Joshua Armendariz And Raymond Casper

On or about February 16, 2016, in the County of Blue Earth, said Defendant, Joshua Raymond Armendariz did, directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property or rights of another by the commission of an unlawful act; and did so within 10 years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

COUNT III

Charge: Assault in the fifth degree; Gross misdemeanor-Within three years of previous conviction.

Minnesota Statute: 609.224.2(b)

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/16/2016

Control #(ICR#): 16002256

Charge Description: Joshua Raymond Armendariz Also Known As Joshua Raymond Armondoriz, Joshua Raymond Avmendariz, Casper Armendariz, Josh Raymond Armendariz, Jushua Raymond Armendariz, Joshua Raymond Avmehdavis, X Casper, Joshua Armendariz And Raymond Casper

On or about February 16, 2016, in the County of Blue Earth, said Defendant, Joshua Raymond Armendariz did commit an act with intent to cause fear in another of immediate bodily harm or death within three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

COUNT IV

Charge: Assault in the fifth degree; Gross misdemeanor-Within three years of previous conviction.

Minnesota Statute: 609.224.2(b)

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/16/2016

Control #(ICR#): 16002256

Charge Description: Joshua Raymond Armendariz Also Known As Joshua Raymond Armondoriz, Joshua Raymond Avmendariz, Casper Armendariz, Josh Raymond Armendariz, Jushua Raymond Armendariz, Joshua Raymond Avmehdavis, X Casper, Joshua Armendariz And Raymond Casper

On or about February 16, 2016, in the County of Blue Earth, said Defendant, Joshua Raymond Armendariz did commit an act with intent to cause fear in another of immediate bodily harm or death within three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

COUNT V

Charge: Assault in the fifth degree; Gross misdemeanor-Within three years of previous conviction.

Minnesota Statute: 609.224.2(b)

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/16/2016

Control #(ICR#): 16002256

Charge Description: Joshua Raymond Armendariz Also Known As Joshua Raymond Armondoriz, Joshua Raymond Avmendariz, Casper Armendariz, Josh Raymond Armendariz, Jushua Raymond Armendariz, Joshua Raymond Avmehdaviz, X Casper, Joshua Armendariz And Raymond Casper

On or about February 16, 2016, in the County of Blue Earth, said Defendant, Joshua Raymond Armendariz did intentionally inflict or attempt to inflict bodily harm upon another within three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

STATEMENT OF PROBABLE CAUSE

Lieutenant Dave Karge, a licensed peace officer in the State of Minnesota, currently employed by the Blue Earth County Sheriff's Office, reports that on February 16, 2016, he learned that Custody Officer Ellis was working in the Alpha Unit, at the Blue Earth County Jail. At that time, Ellis was conversing with an inmate identified as Joshua Raymond Armendariz. Armendariz was complaining to Ellis about head and neck pain.

Ellis then explained to Armendariz that he had previously been seen by medical staff and that there was nothing that could be done for him, as he had been cleared by medical to be in jail.

Karge reports that Ellis, at the time, was working at the pod desk area during this conversation. Ellis reports, during this conversation, he was aggressively approached by Armendariz. Armendariz told Ellis that he was going to 'fight him' if he didn't receive the medical attention he thought he deserved. Ellis then announced a 'code red' over his radio asking for more help. In response, Armendariz swung at some items on the desk area and spilled water and coffee onto a computer in that area, damaging the computer.

Custody Officer Busch was the first to arrive and found Armendariz standing with an aggressive stance towards Custody Officer Ellis. Busch also noticed that Armendariz was breathing hard. Armendariz did not acknowledge Busch's presence and continued his aggressive stance.

Custody Officers Petrasek, Lee, and Sergeant Bogenschutz also responded to the 'code red' which had been called by Ellis. Bogenschutz ordered Armendariz into a prone position for handcuffing. Armendariz got onto his knees and then stated he could not get into the prone position. Custody Officer Petrasek told Armendariz to cross his legs, which Armendariz did, and Armendariz was handcuffed. Petrasek helped Armendariz to his feet and escorted him across the hall toward the Quads Unit.

Once inside the doorway of the Quads Unit, Armendariz complained that he couldn't walk any further and was assisted to his knees by Custody Officers Petrasek and Busch. Armendariz then continued to complain of head and neck pain.

Bogenschutz once again explained to Armendariz that he had been seen by medical and nothing could be done to help him with his medical complaints. Armendariz was then assisted back to his feet where he then 'squared off' with Bogenschutz and began kicking Bogenschutz in the legs, knocking Bogenschutz to the ground.

Custody Officer Lee then deployed a Taser causing Armendariz to fall to the floor. Armendariz, however, would not obey commands to roll onto his stomach and continued to kick at Bogenschutz. Bogenschutz then told Custody Officer Lee to tase Armendariz once again, at which time, Armendariz obeyed commands and was placed into Charley Unit.

Lieutenant Karge reports that jail security cameras picked up the incident and DVDs with copies of the incident were placed into evidence.

Karge reports that Armendariz is seen in the recordings approaching the desk area of the Alpha Wing and eventually being handcuffed. The videos also show Armendariz being escorted across the hall between Alpha and the Quads Units. Additionally, despite the video being somewhat obstructed, the video does show Bogenschutz fall to the ground and a leg covered in an orange jail uniform kicking Bogenschutz while Bogenschutz was on the ground.

A review of Armendariz's criminal history reveals several convictions for assaultive behavior. Those incidents include three previous qualified domestic violence related offense convictions within the preceding ten years. Those convictions were for felony domestic assault as reflected in court file 07-CR-15-1271 in which Armendariz was first sentenced for that offense on August 4, 2015. The second offense was for misdemeanor fifth degree assault reflected in court file 07-CR-10-1005 in which Armendariz was sentenced for that offense on May 17, 2010. The third offense was for felony third degree assault as reflected in court file 07-CR-06-1639 in which Armendariz was sentenced for that offense on August 15, 2007.

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:
02/26/2016 10:48 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:
02/25/2016 03:16 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 **March 24, 2016 at 2:30 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 26, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 02/26/2016 11:15 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.

JOSHUA RAYMOND ARMENDARIZ

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent: