

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

BEC-16-1671  
07-CR-16-4099

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**State of Minnesota,**

Plaintiff,

vs.

**MARIA ANN COLE DOB: 08/28/1977**

Budget Host Inn, 1255 Range St.  
North Mankato, MN 56003

Defendant.

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**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: Issue Dishonored Check-Offense**

Minnesota Statute: 609.535.2, with reference to: 609.535.2a(a)(3)

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

Offense Level: Misdemeanor

Offense Date (on or about): 07/05/2016

Control #(ICR#): 16001643

Charge Description: Maria Ann Cole

On or about July 5, 2016, in the County of Blue Earth, said Defendant, Maria Ann Cole did issue a check which, at the time of issuance, the issuer intended shall not be paid; to wit: a check written in the amount of \$127.84.

**COUNT II**

**Charge: Theft-False Representation**

Minnesota Statute: 609.52.2(a)(3), with reference to: 609.52.3(5)

Maximum Sentence: 90 days and/or \$1000

Offense Level: Misdemeanor

Offense Date (on or about): 07/05/2016

Control #(ICR#): 16001643

Charge Description: Maria Ann Cole

On or about July 5, 2016, in the County of Blue Earth, said Defendant, Maria Ann Cole did, obtain the possession, custody, or title to property of or performance of services by a third person by intentionally deceiving the third person with a false representation which is known to be false, made with intent to

defraud, and which does defraud a person to whom it is made; by: the issuance of a check, draft, or order for the payment of money, except a forged check as defined in section 609.631, or the delivery of property knowing that the actor is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof and the value of property or services is less than \$500.00; to wit: a check written in the amount of \$127.84.

### COUNT III

**Charge: Issue Dishonored Check-Offense**

Minnesota Statute: 609.535.2, with reference to: 609.535.2a(a)(3)

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

Offense Level: Misdemeanor

Offense Date (on or about): 07/05/2016

Control #(ICR#): 16001643

Charge Description: Maria Ann Cole

On or about July 5, 2016, in the County of Blue Earth, said Defendant, Maria Ann Cole did issue a check which, at the time of issuance, the issuer intended shall not be paid; to wit: a check written in the amount of \$38.29.

### COUNT IV

**Charge: Theft-False Representation**

Minnesota Statute: 609.52.2(a)(3), with reference to: 609.52.3(5)

Maximum Sentence: 90 days and/or \$1000

Offense Level: Misdemeanor

Offense Date (on or about): 07/05/2016

Control #(ICR#): 16001643

Charge Description: Maria Ann Cole

On or about July 5, 2016, in the County of Blue Earth, said Defendant, Maria Ann Cole did, obtain the possession, custody, or title to property of or performance of services by a third person by intentionally deceiving the third person with a false representation which is known to be false, made with intent to defraud, and which does defraud a person to whom it is made; by: the issuance of a check, draft, or order for the payment of money, except a forged check as defined in section 609.631, or the delivery of property knowing that the actor is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof and the value of property or services is less than \$500.00; to wit: a check written in the amount of \$38.29.

## STATEMENT OF PROBABLE CAUSE

Officer Honsey responded to a report of the passing of two checks on July 5, 2016, at a grocery store, in the City of Mapleton, in Blue Earth County, Minnesota. The payee's report reveals that on July 5, 2016, a check in the amount of \$127.84 was passed at a grocery store by an individual. The person accepting the check was identified as Witness 1. Witness 1 identified the person presenting the check as Maria Ann Cole, the Defendant herein. Witness 1 identified the Defendant by a Minnesota driver's license. Witness 1 contacted the bank upon which the funds were to be drawn. The bank informed Witness 1 that there were sufficient funds in the account to cover the check. The Defendant passed the first check at approximately 3:54 p.m. Approximately 2 1/4 hours later the Defendant presented a second check to the same store in the amount of \$38.29. The person accepting the second check was identified as Witness 2. The two checks were presented for deposit and returned due to non-sufficient funds.

On August 29, 2016, a Notice and Demand for payment of dishonored check was mailed to the Defendant's address on the check. A Notice and Demand was mailed for each check. The Defendant signed a receipt of the Notice and Demand. The Defendant has not made payment for either check.

On September 27, 2016, Officer Honsey spoke with the Defendant regarding the NSF checks. The Defendant acknowledged that she wrote the two bad checks to the grocery store in Mapleton. The Defendant also admitted that she received the Notice of Demand for payment in the mail. The Defendant said she had intended to pay for the checks but she was unemployed now.

A computer check of the Defendant's criminal history indicates that she has been charged with theft on multiple occasions since 2009. The Defendant has two convictions for theft in Blue Earth County. See Blue Earth County District Court file numbers 07-CR-13-4659 and 07-CR-14-4920. The Defendant also has a pending theft offense in Blue Earth County. See Blue Earth County District Court file number 07-CR-16-2593.

The grocery store is requesting reimbursement of \$226.13 as reimbursement.

## 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**

Benjamin M Honsey  
Chief of Police  
104 2nd Ave NE  
PO Box 342  
Mapleton, MN 56065  
Badge: 4871

Electronically Signed:  
10/18/2016 08:05 AM  
Blue Earth County, Minnesota

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

**Prosecuting Attorney**

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

Electronically Signed:  
10/14/2016 03:45 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 **November 17, 2016 at 8:15 AM** 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: October 18, 2016.

**Judicial Officer**

Bradley C Walker  
District Court Judge

Electronically Signed: 10/18/2016 08:11 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.

**MARIA ANN COLE**

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: