State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No. BEC-16-1436
Court File No. 07-CR-16-3581

State of Minnesota,

Plaintiff,

vs.

JOSHUA PAUL TROST DOB: 10/31/1978

302 Neubert Lane Apt B
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: Domestic Assault - By Strangulation
Minnesota Statute: 609.2247.2
Maximum Sentence: 3 years and/or $5,000
Offense Level: Felony

Offense Date (on or about): 09/08/2016

Control #(ICR#): 16013601

Charge Description: Joshua Paul Trost

On or about September 8, 2016, in the County of Blue Earth, said Defendant, Joshua Paul Trost, did, assault a family or household member by strangulation.

COUNT II

Charge: Domestic Assault-GM-Subsequent Violation
Minnesota Statute: 609.2242.2
Maximum Sentence: 1 year and/or $3,000
Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/08/2016

Control #(ICR#): 16013601

Charge Description: Joshua Paul Trost

On or about September 8, 2016, in the County of Blue Earth, said Defendant, Joshua Paul Trost did, against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, intentionally inflicted or attempted to inflict bodily harm upon another and has a previous qualified domestic violence-related offense conviction or an adjudication of delinquency within ten years following discharge from sentence or

disposition for that offense.

COUNT III

Charge: Threats of Violence-Reckless Disregard Risk
Minnesota Statute: 609.713.1
Maximum Sentence: 5 years and/or $10,000
Offense Level: Felony

Offense Date (on or about): 09/08/2016

Control #(ICR#): 16013601

Charge Description: Joshua Paul Trost

On or about September 8, 2016, in the County of Blue Earth, said Defendant, Joshua Paul Trost, did threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another.

STATEMENT OF PROBABLE CAUSE

On September 8, 2016, at approximately 6:29 p.m., Deputy Tom Cusey and Deputy Scott Wolfe, with the Blue Earth County Sheriff's Office, responded to Residence 1 in the City of Mankato in regards to a 911 call. The 911 caller, Juvenile 1, indicated there was a domestic abuse in progress and that both individuals were actively fighting.

On arrival, deputies met with Juvenile 1 as he exited the residence. He stated that the two individuals were still inside the house and they were fighting. He allowed the deputies to enter the home. Deputy Wolfe immediately observed a male party, later identified as Joshua Trost, sitting in a recliner in the living room. Deputy Cusey entered the hallway to locate the female party, who was later identified as Sara McMichael.

It was obvious to Deputy Wolfe that some sort of physical struggle had occurred because he could observe blood in Trost's right ear and on the side of his face. Deputy Wolfe asked Trost what had occurred prior to their arrival. Trost informed the deputy that he and McMichael had been involved in a relationship for approximately a year and that they had broken up last night.

Trost went on to state that when he got home from work today, he told McMichael he was going to take the pickup truck and go fishing. Because the truck was in McMichael's name, she told him that she was not going to allow him to take it. An argument ensued regarding who pays for what and escalated into a physical confrontation. Trost stated McMichael became enraged and began to hammer fist him on his face. At this point, he explained that he pushed her away from him and they both fell to the floor.

Trost stated he happened to fall on top of McMichael and held her down on the floor, yelling at her to stop. After a period of time, he got up and walked outside onto the deck. He explained that McMichael followed him out onto the deck and continued yelling at him. He then went inside the residence and walked into the bathroom to get away from McMichael and to use the facilities. When he came out of the bedroom, McMichael had stopped yelling and was not in the living room anymore. That is when he took a seat in the recliner and law enforcement arrived a short time later.

Deputy Wolfe had Trost walk out to his squad car so he could take pictures of his face and ear. While outside, Trost met with Deputy Cusey.

Deputy Cusey had learned from McMichael that she and Trost have been in a relationship for approximately three years and they don't have any children in common. She explained that there were five individuals living inside the residence, include her and Trost. McMichael stated that this incident was in regards to an ongoing dispute in which she believes that Trost lies about where he is and who he is with.

McMichael has been tracking Trost through the cell phone that she pays for. Trost found out and turned the tracking application off. McMichael found out the tracking application had been turned off and she then deactivated the cell phone. Trost was able to reactivate it. McMichael was also upset at Trost because he was supposed to take Juvenile 1 to a Blink 182 concert in the cities but then changed his mind at the last minute.

McMichael explained that she and Trost were arguing about who pays for bills and who pays for what. McMichael stated that Trost got into her face and she admitted that she took both of her hands and began to strike him in the head. She stated that she didn't know what she had in her hands when she struck him.

After hitting Trost in the head, McMichael stated that Trost retaliated by pushing her to the ground and choking her. McMichael stated that he placed his elbow up against her cheek/neck and in an upward

direction. She stated she couldn't breathe. McMichael didn't have any visible bruising at the time, but she suspected bruises would appear the following day.

Before transporting Trost and McMichael to the Blue Earth County Jail, Deputy Cusey briefly spoke with Juvenile 1. Juvenile indicated that McMichael was lying on the bed in her bedroom when Trost came in and threw the cell phone on the bed. Trost left and went into the living room, only to be followed by McMichael. Juvenile 1 heard them arguing. Juvenile 1 could see McMichael striking Trost in the chest with both hands. He stated he didn't feel safe and proceeded to go downstairs. He stated as he was walking through the living room, he observed Trost on top of McMichael. Juvenile 1 overheard Trost say two times, 'you want to die, bitch?' Juvenile 1 then called 911.

Trost has a prior qualified domestic violence related conviction within the last 10 years for Interference with a 911 Call and Domestic Assault. The conviction is found in Blue Earth County Court File No.: 07-CR-10-615.

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	Paul Barta Captain 401 Carver Rd Mankato, MN 56002-0228 Badge: 2721	Electronically Signed: 09/09/2016 12:03 PM Blue Earth County, MN

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: 09/09/2016 11:15 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: September 9, 2016.

Judicial Officer Bradley C Walker
District Court Judge

Electronically Signed: 09/09/2016 01:29 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.

JOSHUA PAUL TROST

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: