

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1468
07-CR-16-3607

State of Minnesota,

Plaintiff,

vs.

JOHN THOMAS OWEN DOB: 04/15/1998

450 Ellis Ave #L354B
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: Criminal Sex Conduct-3rd Degree-Victim Mental Impair/Helpless

Minnesota Statute: 609.344.1(d), with reference to: 609.344.2(1)

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

Offense Level: Felony

Offense Date (on or about): 09/11/2016

Control #(ICR#): 16027545

Charge Description: John Thomas Owen

On or about September 11, 2016, in the County of Blue Earth, said Defendant, John Thomas Owen did engage in sexual penetration with another person and the actor knew or had reason to know that the complainant was mentally impaired, mentally incapacitated or physically helpless.

COUNT II

Charge: Criminal Sex Cond-4th Degree-Victim Mental Impair/Helpless

Minnesota Statute: 609.345.1(d), with reference to: 609.345.2

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

Offense Level: Felony

Offense Date (on or about): 09/11/2016

Control #(ICR#): 16027545

Charge Description: John Thomas Owen

On or about September 11, 2016, in the County of Blue Earth, said Defendant, John Thomas Owen did engage in sexual contact with another, and the actor knows or had reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless.

STATEMENT OF PROBABLE CAUSE

On September 11, 2016, at approximately 4:33 p.m., Officer Audrey Kranz with the Mankato Department of Public Safety was informed by Blue Earth County dispatch of a sexual assault at Location 1 in the City of Mankato.

Witness 1 reported that her daughter, Juvenile 1, was visiting her sister at Location 1 and had been sexually assaulted during the overnight visit. Witness 1 stated that the suspect was in his room down the hall at the time.

Officer Kranz met with Victim 1 and noted that Victim 1 appeared to have been crying as her face was red and her eyes were bloodshot and watery. Victim 1 looked as if she was trying not to cry, and Officer Kranz saw that her bottom lip quivered slightly. Victim 1 agreed to go down to the Public Safety Center to provide a statement. While walking down the hall to leave Location 1, Officer Kranz saw a dark blonde male come into the hallway ahead of her. The male paused while walking and said, "Hey," to Officer Kranz in a hesitant manner. The male was looking at Victim 1 and then again back to Officer Kranz. The male's demeanor appeared confused and hesitant.

After leaving the stairwell, Victim 1 indicated that the male was John Owens and that Owens was the one who had sexually assaulted her. Both Victim 1 and her sister, Witness 2, were transported to the Public Safety Center while they waited for a CADA advocate to arrive. While Officer Kranz waited for the advocate, she met with Victim 1's parents in the lobby to give information about the investigation.

A short while later, Officer Kranz interviewed Witness 2 and Juvenile 1 regarding the incident. Witness 2 stated that she was in her dormitory and that Juvenile 1 came to meet her and to meet all of the people on Witness 2's floor. Witness 2 stated that Juvenile 1 met some of her close friends and that later on in the evening, Witness 2 stated she had work to do that night, but that Juvenile 1 went to Collegetown for a party with some of these friends.

After the party the group walked back to Location 1. Juvenile 1 stated she was quite intoxicated at the time. Witness 2 stated that Juvenile 1 returned from the party intoxicated to the point where she couldn't walk without assistance and was 'all over the place' in her conversations. Witness 2 had only one bed in her room, and a friend of hers had a futon in his room across the hall, so it was determined that Juvenile 1 would sleep on the futon in the friend's room. When Juvenile 1 went to bed, Owens was not present. Witness 2 stated that periodically, she would check on Juvenile 1 while she was sleeping to make sure she was doing okay; but at some point in time, Owen must have returned to the room and was sleeping in his bed. Owen's bed was in the same room where Juvenile 1 was sleeping on the futon.

Victim 1 recalled seeing Owen as his head was in the bed, and that no one else was in the room. Victim 1 stated she didn't know what time it was; but at some point, Owens joined her on the futon and began kissing her neck. Victim 1 recalled Owens taking her pants off and that Owens then took his pants off. Victim 1 stated she told Owens "no" three separate times and then said, "I can't do this." Victim 1 reported that Owens asked her, "Why not?" Victim 1 stated she didn't recall any conversation after that; but at some point in time, Owens stated, "Welcome to college," and that he then penetrated her vaginally with his penis.

Victim 1 stated that Owens penetrated her a few times and then stopped. Victim 1 did not believe that Owens ejaculated. Victim 1 stated that Owens had been on top of her while she was on her back and that Owens had moved her legs. Victim 1 stated that Owens made her go into the bathroom with him where he told her she needed to put her pants back on. A short while later, Juvenile 1 reported that Owens went back to his bed, and she went back to sleep on the futon. Victim 1 recalled that Owens joined her on the futon

two or three more times throughout the night in which he kissed her neck and told her that they could "finish this next weekend."

Victim 1 reported to Officer Kranz that she had planned to return the following weekend to celebrate her birthday. Victim 1 also recalled Owens popping up off of the futon after someone had opened the door. Witness 2 stated this was probably a time when she had been checking on Juvenile 1 and had found Owens standing in the room. When Witness 2 asked Owens what he was doing, Owens stated he was getting some food. Juvenile 1 stated she could not recall if Owens had used a condom. It should be noted that throughout the interview, Juvenile 1 was emotional and broke down crying a few times. Juvenile 1 estimated her level of intoxication on a scale of 1-10 to be at an 8 during the assault.

Witness 2 reported to law enforcement that the sexual assault was disclosed by Juvenile 1 the next morning. Around 11am Witness 2, Juvenile 1 and some friends went to breakfast and while sitting around a picnic table eating Juvenile 1 began crying uncontrollably. Witness 2 brought Juvenile 1 back to her room and Juvenile 1 stated she thought something happened the night before. Juvenile 1 told Witness 2 that it she thought someone had had sex with her and Witness 2 was able to figure out it was Owens because of the times she had checked on Juvenile 1 and seen Owens with her.

Witness 2 confronted Owens, and Owens admitted to having sex with Juvenile 1 and stated he was sober at the time.

Juvenile 1 stated she had never met Owens before that day and that she barely knew him. Two additional witnesses were interviewed who confirmed that, at various points during the night, they had independently checked on Juvenile 1. At one point in time, one of the witnesses noted Owens and Juvenile 1 were in the bathroom and Owens stated he was helping Juvenile 1 as she stated she was going to vomit. Another witness stated that, at one point, he came into the room and saw that Owens was sitting on the futon next to Juvenile 1. The witness stated he told Owens to go back to bed. Other witnesses who were interviewed indicated Juvenile 1 was very intoxicated.

Based on the information learned during their initial investigation, officers applied for and received a Search Warrant for Location 1, where the assault had occurred. Officers then returned to Location 1 where they executed the search warrant and took numerous items into evidence.

At this point, Owens was placed under arrest and brought back to the Blue Earth County Jail where a Mirandized interview was conducted. During the Mirandized interview, Owens admitted to being in the room with Juvenile 1 and stated that, at one point, he got out of his loft and sat down on the futon next to her. Owens stated they talked briefly and at some point, he just kissed her. Owens stated he thought Juvenile 1 was receptive to the kiss. Owens stated they continued kissing; and at some point in time, they laid down side by side on the futon.

Owens stated that at one point, he put his hands on the waistband of Juvenile 1's leggings and started to pull them down. Juvenile 1 replied, "This isn't right." Owens stated that at that point, he did not continue to pull Juvenile 1's pants down but that they continued kissing and that Juvenile 1 seemed receptive to that.

Owens stated a few minutes later, he again put his hands on Juvenile 1's waistband and began pulling down her pants. Owens stated that, in response, Juvenile 1 lifted up her hips, which he believed was a sign that she wanted to make it easier for him to take her leggings off. Owens stated he did pull her leggings down to her knees and that a split second later, he pulled his own pants and boxers down to his knees. Owens stated that at that point, Juvenile 1 grabbed his penis and guided it into her vagina.

Owens stated that the two looked at each other and knew that it wasn't right. Owens stated that Juvenile 1

then made the statement, "This isn't right," a second time. Owens stated he pulled his penis out of her vagina, and they pulled their pants up. Owens stated for the remainder of the night, nothing additional happened sexually; and he just helped her get to the bathroom.

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

Daniel Schisel
Police Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3135

Electronically Signed:
09/13/2016 11:14 AM
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:
09/13/2016 10:53 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 13, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 09/13/2016 01:39 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.

JOHN THOMAS OWEN

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: