

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

BEC-15-1709  
07-CR-15-4952

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**State of Minnesota,**

Plaintiff,

vs.

**LUIS GARCIA DOB: 09/10/1984**

no perm

Defendant.

**COMPLAINT**

Order of Detention

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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: Assault-3rd Degree-Substantial Bodily Harm**

Minnesota Statute: 609.223.1

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

Offense Level: Felony

Offense Date (on or about): 12/03/2015

Control #(ICR#): 15038120

Charge Description: Luis Garcia

On or about December 3, 2015, in the County of Blue Earth, said Defendant, Luis Garcia did, assault another and inflict substantial bodily harm.

**COUNT II**

**Charge: Domestic Assault-Commits Act to Cause Fear of Immediate Bodily Harm or Death**

Minnesota Statute: 609.2242.1(1)

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

Offense Level: Misdemeanor

Offense Date (on or about): 12/03/2015

Control #(ICR#): 15038120

Charge Description: Luis Garcia

On or about December 3, 2015, in the County of Blue Earth, said Defendant, Luis Garcia did, against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, commit an act with intent to cause fear in another of immediate bodily harm or death.

**COUNT III**

**Charge: Domestic Assault-Misdemeanor-Intentionally Inflicts/Attempts to Inflict Bodily Harm on Another**

Minnesota Statute: 609.2242.1(2)

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

Offense Level: Misdemeanor

Offense Date (on or about): 12/03/2015

Control #(ICR#): 15038120

Charge Description: Luis Garcia

On or about December 3, 2015, in the County of Blue Earth, said Defendant, Luis Garcia did, against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, intentionally inflict or attempt to inflict bodily harm upon another.

## STATEMENT OF PROBABLE CAUSE

On December 3, 2015, at approximately 7:32 p.m., Officer Jacob Green, with the Mankato Department of Public Safety, was dispatched to Mayo Clinic Health Systems emergency room to take report of a domestic assault. Upon arrival Officer Green spoke with Adult1 who stated that he lives in Mankato, Blue Earth County, and that he is dating Adult2. An interpreter translated for Adult1.

Adult1 stated that Luis Garcia, date of birth September 10, 1984, began living with him and Adult2 within the last few weeks at their residence in Mankato, Blue Earth County. Adult1 stated Garcia began working in Mankato after that and Adult2 would take him to work every day. Adult1 stated that on December 3, 2015, Garcia became upset with Adult1 because he thought Adult1 had been in his bedroom. Adult1 stated he had not been in Garcia's bedroom.

Adult1 stated that Garcia became confrontational. Garcia then knocked Adult1 to the ground and began punching Adult1. Garcia kicked Adult1 in the side of the torso a few times. Adult1 stated he put his hands up to defend himself a few times, but never hit Garcia. Adult1 stated Adult2 attempted to separate them, but Garcia pushed Adult2 out of the way. Garcia then stopped attacking Adult1 and walked away.

Officer Green spoke to ER staff who stated they believed Adult1 had possibly broken some ribs. Officer Green later spoke with Adult1 after he was released from the hospital and Adult1 advised him that the X-rays confirmed that Adult1 had suffered three broken ribs. Adult1 and Adult2 were able to identify Garcia through Facebook.

Officer Spellacy made contact with Garcia and read him his Miranda Warning. Garcia agreed to speak to Officer Spellacy. Garcia stated that he moved in with Adult1 and Adult2. Garcia stated that Adult1 is an antagonistic person that likes to pick fights and cause problems. Garcia stated Adult1 became agitated after Garcia asked Adult2 a question. Garcia said Adult1 had a fork 'palmed' in his hand and began to poke Garcia's face with it. Garcia stated he and Adult1 became engaged in a mutual fight where punches were traded. Garcia stated at no time did he hit or kick Adult1 in the ribs or mid-section. Garcia stated Adult1 was the aggressor.

## 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**

Matthew DuRose  
Commander  
710 S Front St  
Mankato, MN 56001-3803  
Badge: 3141

Electronically Signed:  
12/07/2015 08:10 AM  
Blue Earth County, Minnesota

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

**Prosecuting Attorney**

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

Electronically Signed:  
12/07/2015 08:02 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: December 7, 2015.

**Judicial Officer** Krista J Jass  
Judge of District Court

Electronically Signed: 12/07/2015 08:55 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.

**LUIS GARCIA**

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: