

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0575
07-CR-16-3115

State of Minnesota,
Plaintiff,

COMPLAINT
Summons

vs.

DESIRAE MARIE FRANK DOB: 07/02/1995

204 Silver Street West
Mapleton, MN 56065

Defendant.

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: Theft-Take/Use/Transfer Movable Prop-No Consent

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(5)

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

Offense Level: Misdemeanor

Offense Date (on or about): 06/13/2016

Control #(ICR#): 16020009

Charge Description: Said Defendant, Desirae Marie Frank, did intentionally and without claim of right, take, use, transfer, conceal or retain possession of the movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property.

STATEMENT OF PROBABLE CAUSE

Complainant is an Officer with the Mankato Police Department who believes the information set out below is true and accurate based on reports and information submitted to the Officer by Officer Jamie Eggersdorfer and others identified herein.

Officer Eggersdorfer responded to a report of a theft that occurred on June 13, 2016, at approximately 6:55 p.m. at the Hy Vee grocery store on Adams Street in the City of Mankato, Blue Earth County, Minnesota. Officer Eggersdorfer reported to that location and identified the complainant as Witness 1. Witness 1 works in loss prevention for the Hy Vee grocery store. Witness 1 reported the theft of two bottles of liquor by two females. The two females were later identified as Lizzie Beth Kimble and Desirae Marie Frank, the Defendant herein. Witness 1 stated that the Defendant removed a bottle of liquor from a box and placed the bottle of liquor in her purse. The Defendant then placed the box back up on the shelf. The Defendant repeated the same act a second time with a second bottle of liquor. Witness 1 identified the bottles of liquor as a bottle of Crown Royal whiskey and the second bottle was a Phillips peach schnapps. The total value of merchandise taken was \$35.48. Officer Eggersdorfer went to the Defendant's last known residence but determined that she no longer lives there. Officer Eggersdorfer called and left a message for the Defendant to call him. The Defendant failed to return any of Officer Eggersdorfer's calls.

Restitution is requested.

A computer check of the Defendant's pending criminal history indicates she has two files open in Blue Earth County. The first file involves a Disorderly Conduct, Underage Consumption, and Possession or Sale of a small amount of marijuana in Blue Earth County District Court File 07-CR-16-2655. In the second file, the Defendant is charged with Fourth-Degree DWI in Blue Earth County District Court File 07-CR-16-2773.

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:
08/08/2016 01:15 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Christopher Cain
Assistant Blue Earth County
Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
08/04/2016 09:40 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 **September 1, 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: August 8, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 08/08/2016 02:45 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.

DESIRAE MARIE FRANK

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: