

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0635
07-CR-16-1530

State of Minnesota,

Plaintiff,

vs.

KYLE MARK GJERSTAD DOB: 04/04/1985

236 E Pleasant St
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): 04/14/2016

Control #(ICR#): 16010841

Charge Description: Kyle Mark Gjerstad

On or about April 14, 2016, in the County of Blue Earth, said Defendant, Kyle Mark Gjerstad, 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): 04/14/2016

Control #(ICR#): 16010841

Charge Description: Kyle Mark Gjerstad

On or about April 14, 2016, in the County of Blue Earth, said Defendant, Kyle Mark Gjerstad 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: 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): 04/14/2016

Control #(ICR#): 16010841

Charge Description: Kyle Mark Gjerstad

On or about April 14, 2016, in the County of Blue Earth, said Defendant, Kyle Mark Gjerstad 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 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.

STATEMENT OF PROBABLE CAUSE

On April 14, 2016 at approximately 10:31 PM officers from the Mankato Department of Public Safety were dispatched to an apartment in the City of Mankato on a report of a domestic assault that had just occurred. In route to the residence officers learned from dispatch that the suspect, who would be identified as Kyle Mark Gjerstad, had left the scene.

Upon arriving at the scene Officer Bill Reinbold met with Victim 1. VICTIM 1 stated that she had just broken up with Gjerstad and that he had requested to come over and speak with her. VICTIM 1 reported that when Gjerstad arrived he was acting suspicious and trying to sneak around, collecting his personal property. VICTIM 1 stated that at one point Gjerstad suddenly 'flipped out.' Gjerstad grabbed VICTIM 1 by her arms and pushed her up against the door frame of a bedroom then up against the door frame of the master bedroom. Gjerstad then pushed VICTIM 1 down on the bed and used one hand to strangle her on the front of her neck. VICTIM 1 was able to get away and she told Gjerstad to leave. VICTIM 1 then blocked the hallway with both arms telling Gjerstad to leave at which point Gjerstad charged at VICTIM 1, pushing her back onto the bed and strangled her with both hands. Gjerstad strangled VICTIM 1 to the point where she could not breathe.

VICTIM 1 stated that the telephone then rang and she attempted to answer it and speak with the person on the line but the person was not able to understand her. Gjerstad then got off of VICTIM 1 and threw her DVD player to the floor before attempting to throw her television on the floor as well. Gjerstad then left the house and VICTIM 1 called the police.

Officer Reinbold noticed reddening around VICTIM 1's neck as well as a bruise that was developing on her upper right arm. VICTIM 1 complained of pain on her lower left arm and her entire right arm. Photographs of the injuries were taken.

Officer Matt Vitale made contact with Gjerstad. Gjerstad stated that he and VICTIM 1 had been dating since October but they did not live together and did not have children in common. Gjerstad stated that he had gone over to VICTIM 1's residence to retrieve personal belongings and that he and VICTIM 1 got into a verbal argument about his drug use and his belongings. Gjerstad denied any physical fight between him and VICTIM 1.

A review of Gjerstad's criminal history shows a conviction for a qualified domestic violence ' related offense which can be found in the Blue Earth County file number 07-VB-09-51. The conviction is for a Fifth Degree Assault from August 2008.

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:
04/15/2016 11:28 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Michael Hanson
Assistant County Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
04/15/2016 11:20 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: April 15, 2016.

Judicial Officer Krista J Jass
Judge of District Court

Electronically Signed: 04/15/2016 11:39 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.

KYLE MARK GJERSTAD

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: