

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-15-1490
07-CR-15-4366

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

JUSTIN LEE HENRY SMITH DOB: 05/15/1991

719 N. Teal Street #3
Janesville, MN 56048

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: Fleeing a Peace Officer in a Motor Vehicle

Minnesota Statute: 609.487.3

Maximum Sentence: 3 years and 1 day and/or \$5,000

Offense Level: Felony

Offense Date (on or about): 10/26/2015

Control #(ICR#): 15014331

Charge Description: Justin Lee Henry Smith Also Known As Justin Smith And Justin Henry Smith

On or about October 26, 2015, in the County of Blue Earth, said Defendant, Justin Lee Henry Smith, did, by means of a motor vehicle, flee or attempted to flee a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer.

COUNT II

Charge: Receiving Stolen Property

Minnesota Statute: 609.53.1, with reference to: 609.52.3(3)(a)

Maximum Sentence: 3 years and on day and/or \$5,000.00 fine

Offense Level: Felony

Offense Date (on or about): 10/26/2015

Control #(ICR#): 15014331

Charge Description: Justin Lee Henry Smith Also Known As Justin Smith And Justin Henry Smith

On or about October 26, 2015, in the City of Mankato, County of Blue Earth, said Defendant, Justin Lee Henry Smith, did receive, possess, transfer, buy or conceal any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery and the value

of the property is over \$1,000.00.

COUNT III

Charge: Traffic-Drivers License-Driving After Revocation

Minnesota Statute: 171.24.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 10/26/2015

Control #(ICR#): 15014331

Charge Description: Justin Lee Henry Smith Also Known As Justin Smith And Justin Henry Smith

On or about October 26, 2015, in the County of Blue Earth, said Defendant, Justin Lee Henry Smith did after being given notice, or reasonably should have known of the revocation, disobeyed the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while her/his license or privilege was revoked.

COUNT IV

Charge: Traffic Regulation-Uninsured Vehicle-Owner Violation

Minnesota Statute: 169.797.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 10/26/2015

Control #(ICR#): 15014331

Charge Description: Justin Lee Henry Smith Also Known As Justin Smith And Justin Henry Smith

On or about October 26, 2015, in the County of Blue Earth, said Defendant, Justin Lee Henry Smith did, as an owner of a vehicle with respect to which security is required under sections 65B.41 to 65B.71, operated the vehicle or permitted it to be operated upon a public highway, street, or road in this state and knows or has reason to know that the vehicle does not have security complying with the terms of section 65B.48 operate a vehicle without insurance, fail to produce, upon demand of a peace officer, proof of insurance in force at the time of the demand covering the vehicle being operated.

STATEMENT OF PROBABLE CAUSE

On October 26, 2015, at approximately 12:10am, Deputy Kyle Phillips was on routine patrol in rural Blue Earth County, on County Road 90, when he observed what appeared to be a taillight in the south ditch road. Deputy Phillips was not able to determine from his location what type of vehicle was traveling through the road ditch. He observed the vehicle failed to stop at the crossing of Blue Earth County Road 8, instead crossing the roadway rapidly before continuing down the road ditch on the other side. Deputy Phillips is aware that recreational vehicles are required to stop at road-crossings when operated with the road right-of-way. As Deputy Phillips got closer to the vehicle, he observed the vehicle appeared to be a dual-purpose motorcycle that displayed a license plate and headlight. Deputy Phillips is aware that off-highway motorcycles are not allowed to operate in the road ditch. Deputy Phillips thought it odd that the motorcycle was being operated in the road ditch since it was street-legal.

Based on the time of night and the unusual operation of the motor vehicle, Deputy Phillips slowed his squad car to pace the motorcycle, which was traveling towards a grove of trees in a narrow area of road ditch where they would have to drive closer to the road. Deputy Phillips at one point was parallel with the motorcycle, approximately 15 yards from the bike. At this point, he activated his emergency lights, initiating a traffic stop on the motorcycle. Deputy Phillips next observed the motorcycle take a hard right towards the grove of trees to the south and accelerate rapidly through a picked cornfield. After finding a way into the field, Deputy Phillips traveled towards the illuminated taillight, which appeared to show the motorcycle was not moving, having stopped near the tree-line approximately 200 yards from the initial stop location.

As Deputy Phillips approached the motorcycle, he observed the motorcycle lying on the ground in what appeared to be a mess of electric-style fencing. It appeared the rider had fled from the bike and into the wooded area as he was not near the motorcycle upon arrival. A perimeter was established with the assistance of Blue Earth County deputies, the State Patrol, and the Mankato Police Department. Deputy Steinbach advised that he had a male in custody, later identified as Justin Lee Henry Smith, the defendant herein.

After running checks on the motorcycle, it was determined that the Yamaha was stolen out of Mankato, Minnesota, in mid-September 2015. Deputy Brennan interviewed Smith about the events that occurred. Smith told Deputy Brennan that he took the motorcycle out for a ride and then said he got nervous because someone was coming up behind him with headlights. Smith said he turned south into the field when he saw the red emergency lights and got scared because he knew he didn't have a valid license (he is currently revoked) and thought he had a warrant. Smith also stated he didn't have insurance on the motorcycle. When asked about the possibility of the motorcycle being stolen out of Mankato, Smith told Deputy Brennan that he suspected that it was stolen because he had only paid \$300 cash and a Toshiba laptop he had found in a dumpster. Smith also indicated that he had a text message exchange with Adult1, living on Freeman Drive in St. Peter. Smith said to Adult1 that he got a new off-road motorcycle, and Adult1 replied back, 'Yeah, I know. You're welcome.' Smith told Deputy Brennan that he suspects Adult1 stole the motorcycle and sold it to the male from whom Smith purchased it.

Smith agreed to call the male he had purchased the motorcycle from to see if he would admit anything about knowing the motorcycle was stolen. The male initially did not answer but called Smith back; Smith told him he just got jumped at Kwik Trip and some guy said it was his motorcycle and was freaking out. The male indicated that he did not know where the motorcycle came from and seemed shocked that someone would have asked him about it. During the conversation, it appeared that this male knew that it was a stolen motorcycle.

The motorcycle is a Yamaha RX appears to have been stolen in September 2015 and is valued at

approximately \$1,300 based on the year and condition.

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

Anthony Adams
Lt. Deputy Sheriff
401 Carver Rd
Mankato, MN 56002-0228
Badge: 2716

Electronically Signed:
10/27/2015 11:10 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:
10/27/2015 11:06 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: October 27, 2015.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 10/27/2015 11:19 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.

JUSTIN LEE HENRY SMITH

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: