

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

MAN-16-0574  
07-CR-16-2842

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**State of Minnesota,**

Plaintiff,

vs.

**JAMES ROBERT HILLYER DOB: 04/08/1967**

633 Park Lane  
Mankato, MN 56001

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: Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol**

Minnesota Statute: 169A.20.1(1), with reference to: 169A.25.2

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 07/14/2016

Control #(ICR#): 16020741

Charge Description: Said Defendant, James Robert Hillyer, Also Known As James Robert Holtorf, did drive or operate and was in physical control of any motor vehicle when he/she was under the influence of alcohol, and two or more aggravating factors were present when the violation was committed.

**COUNT II**

**Charge: Traffic - DWI - Refuse to Submit to Chemical Test**

Minnesota Statute: 169A.20.2, with reference to: 169A.25.2

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 07/14/2016

Control #(ICR#): 16020741

Charge Description: Said Defendant, James Robert Hillyer, Also Known As James Robert Holtorf, did drive, operate or was in physical control of any motor vehicle when he was under the influence of alcohol, and one aggravating factor was present when the violation was committed, and the defendant refused to submit to a chemical test of the person's blood, breath or urine upon the request of the peace officer who had probable cause to believe the person to be tested was under the influence.

**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): 07/14/2016

Control #(ICR#): 16020741

Charge Description: Said Defendant, James Robert Hillyer, Also Known As James Robert Holtorf, 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.

**COUNT IV**

**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): 07/14/2016

Control #(ICR#): 16020741

Charge Description: Said Defendant, James Robert Hillyer, Also Known As James Robert Holtorf, did after being give 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.

## 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 Brett Levin and others identified herein.

On July 14, 2016, at approximately 4:16 a.m., Mankato police officers were dispatched to the 600 block of Park Lane in the City of Mankato, County of Blue Earth, State of Minnesota, for a domestic assault. According to Witness 1, who called 911, Witness 1 was driving to work when a female, later identified as Victim 1, waved Witness 1 down and stated that her boyfriend, later identified as James Robert Hillyer, the Defendant, broke her nose. Witness 1 stated the female was thin with blonde hair and had blood on her face. Witness 1 stated that Victim 1's boyfriend came out of the residence and stated that no one has to call police and that Victim 1 was drunk.

At approximately 4:18 a.m., Blue Earth County Dispatch received a second call regarding a domestic disturbance. The caller, later identified as Victim 1, stated that her boyfriend, the Defendant, left in a truck and was headed towards Highway 169. Upon arrival to the 600 block of Park Lane, Officer Sadusky of the Mankato Department of Public Safety made contact with Victim 1. While Officer Sadusky spoke with Victim 1, he noticed Victim 1 was bleeding from her nose. Officer Sadusky also noticed that Victim 1 had blood on her tank top and her shoulder. Victim 1 stated that she and her boyfriend, the Defendant, had been in a relationship for approximately four years. Victim 1 was sleeping when she heard the Defendant stand up from the couch and began urinating in the closet. Victim 1 yelled at the Defendant to stop and the Defendant proceeded to the front porch and continued to urinate. The Defendant approached Victim 1, threw her on the floor, and punched her with his right hand. Victim 1 stated the Defendant used a closed fist and punched her 'like he would punch a man.' The Defendant took his two daughters, placed them in a maroon-colored Ford Explorer, and drove away. Victim 1 was seen by Gold Cross paramedics and did not wish to be transported to the hospital. Pictures of Victim 1's injuries were taken and entered into evidence. Officer Sadusky noticed blood leading to the living room and a larger spot of blood located on the living room floor. There was also a large wet spot of clear liquid on the floor of the living room, which Victim 1 believed to be a mixture of beer and urine.

At the domestic scene, Officer Wood of the Mankato Department of Public Safety also arrived and observed Victim 1 bleeding from her nose. Officer Wood noted there was a considerable amount of blood on the floor of the house as well as on Victim 1's arms and legs. Victim 1 stated to Officer Wood that her boyfriend, the Defendant, punched her in the face and then fled in her vehicle. Victim 1 stated that the Defendant has done this before but that this particular instance was worse than previous occasions. Officer Wood spoke with Witness 2 who stated that he was asleep in his nearby residence and woke up to the sound of yelling and screaming. Witness 2 stated that he was aware the Defendant and Victim 1 had a history of domestics and he therefore decided to go to Victim 1's home and check on her. When Witness 2 arrived, he heard a car door slam shut and observed the Defendant drive away from the residence, heading eastbound towards South Riverfront Drive. Witness 2 found Victim 1 when he approached the house and observed she was bleeding heavily from her nose.

Officers also walked Victim 1 through the domestic violence questionnaire per the Blueprint for Safety. Victim 1 stated that the Defendant used or threatened to use a weapon or object as a weapon and that the Defendant abuses alcohol. Victim 1 indicated that she and the Defendant are involved in a relationship and that the increase in frequency or severity of violence was present and has escalated over time. Victim 1 sustained injuries to her head and face as well.

Officers located the Ford Explorer, bearing Minnesota license plates, on Highway 14 from Highway 169.

Officer Green of Mankato Police and other Mankato police officers conducted a traffic stop on the suspect vehicle at Riverfront Drive off of Highway 14. The Ford Explorer pulled over on Good Counsel Drive, just off of Riverfront Drive; and a stop was subsequently conducted. Officer Green approached the passenger side of the squad cars and drew his weapon and pointed it at the ground. The weapon was drawn for officer safety and the safety of Officer Green's partners. Defendant was ordered out of his vehicle and complied with officer's commands. The Defendant was ordered to walk backwards towards Officer Green. Officer Green holstered his weapon and ordered the Defendant to go down on his knees. Defendant was subsequently handcuffed and searched incident to arrest. Officer Green placed the Defendant in the backseat of his squad vehicle. Officer Green located the Defendant's two daughters, ages 12 and 13, in the back of his vehicle. Officer Green read the Defendant his Miranda Rights, and the Defendant he would not talk to Officer Green about what happened. Officer Green noted that the Defendant was wearing a San Diego Chargers football jersey with blood stains on it and could smell a strong odor of consumed alcoholic beverage emitting from his person. The Defendant exhibited bloodshot and watery eyes and advised that he only had one drink. The Defendant subsequently refused a PBT request. Based on the strong odor of consumed alcohol beverage emitting from the Defendant's person as well as the bloodshot, watery eyes, the Defendant was processed for suspicion of DWI. The Defendant was read the Implied Consent Advisory in the backseat of Officer Green's squad vehicle and advised he understood the advisory and wished to speak to an attorney. Officer Green subsequently transported the Defendant to the Blue Earth County Justice Center.

At the Justice Center, Officer Green gave the Defendant a phone as well as a phone book to contact an attorney. The Defendant advised Officer Green on five occasions that he no longer wished to speak with an attorney. When asked to provide a breath sample, the Defendant refused. Pictures of the football jersey with blood stains were collected for evidence.

Officer Gagnon of the Mankato Department of Public Safety was informed that two juvenile daughters of the Defendant were located in the back of the Defendant's vehicle. One of the underage juvenile daughters provided Officer Gagnon with contact information for the girls' mother who resides out of state. The juvenile girls' mother contacted a relative to pick up the two juvenile girls. The Defendant was subsequently released to Blue Earth County Justice Center staff. A letter of transmittal was sent to the Blue Earth County Attorney's Office for charges.

## 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**

Adam Gray  
Sergeant  
710 S Front St  
Mankato, MN 56001-3803  
Badge: 3117

Electronically Signed:  
07/14/2016 03:18 PM  
Blue Earth County, MN

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

**Prosecuting Attorney**

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

Electronically Signed:  
07/14/2016 02:27 PM

**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: July 14, 2016.

**Judicial Officer**

Greg Anderson  
District Court Judge

Electronically Signed: 07/14/2016 04:31 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.

**JAMES ROBERT HILLYER**

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: