

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No. BEC-16-0248
Court File No. 07-CR-16-631

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

NOAH MORGAN GAFFER DOB: 02/15/1998

15612 631st Avenue
Pemberton, MN 56078

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: Stalking - Intent to Injure

Minnesota Statute: 609.749.2(1)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/17/2016

Control #(ICR#): 16002009

Charge Description: Noah Morgan Gaffer

On or about February 17, 2016, in the County of Blue Earth, said Defendant, Noah Morgan Gaffer did, directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property or rights of another by the commission of an unlawful act.

COUNT II

Charge: Disorderly Conduct-Offensive/Abusive/Noisy/Obscene

Minnesota Statute: 609.72.1(3)

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

Offense Level: Misdemeanor

Offense Date (on or about): 02/17/2016

Control #(ICR#): 16002009

Charge Description: Noah Morgan Gaffer

On or about February 17, 2016, in the County of Blue Earth, said Defendant, Noah Morgan Gaffer did, in a public or private place, knowingly, or having reasonable grounds to know it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, engaged in offensive, obscene,

abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.

STATEMENT OF PROBABLE CAUSE

On February 17, 2016 at approximately 10:36 a.m., Deputy Tom Coulter of the Blue Earth County Sheriff's Office, who is assigned as the School Resource Officer at the St. Clair Public School, was contacted by Adult1, who advised him of an incident that had occurred earlier that morning in her office at the St. Clair Public School in Blue Earth County. Adult1 stated she was in her office with Student1 when Noah Morgan Gaffer, DOB 2-15-1998, came in. Adult1 stated Gaffer was upset about a grade he had received on a report from Teacher1. Adult1 stated that Gaffer was complaining that he received a zero on a report for plagiarizing. Adult1 stated Gaffer then stated 'I'm going to jump [Teacher1] in the parking lot.' Adult1 stated that she informed Gaffer that was not an appropriate comment.

Gaffer at first told Adult1 that it was a joke and that he understood. He then turned towards the wall and said 'it wasn't a threat, it's a promise.' Adult1 then told Student1 and Gaffer to return to their classrooms.

Deputy Coulter later received an email from Adult2, who was in the same office at the time. Adult2 stated that Adult1 was talking to Student1 when Gaffer came into the office. Adult2 stated that Gaffer thought it was unfair that he got in trouble for plagiarism. Adult2 heard Gaffer state that Gaffer should jump [Teacher1] in the parking lot for giving him a zero on the assignment. Adult2 stated that Adult1 immediately told Gaffer that that was a threat and it was inappropriate. Adult2 heard Gaffer state that he was joking and that he understood; however, Adult2 observed Gaffer then turn toward the wall and under his breath say 'it wasn't a threat, it's a promise.'

Deputy Coulter placed Gaffer under arrest and read him his Miranda warning. Gaffer asked to speak to his mother. At that time, Deputy Coulter left the room to allow Gaffer to have privacy. After a few minutes, Gaffer indicated he was finished talking to his mom and agreed to speak to Deputy Coulter. Gaffer recounted the same details of the story that were provided by Adult1 and Adult2, except he omitted the portion where he said 'it wasn't a threat, it's a promise.' Deputy Coulter then confirmed his version and Gaffer denied saying that it was a promise. He stated that he realized what he said was wrong and was not appropriate. Gaffer said he really was joking and he has no intention of harming [Teacher1] now or ever.

Deputy Coulter spoke to Teacher1, who stated that she was worried for the safety of her family, especially a child. She stated she was also concerned about retaliation from Gaffer or his friends and that they may possibly damage personal property and/or her vehicle.

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

Richard Murry
Captain
401 Carver Rd
Mankato, MN 56002-0228
Badge: 2708

Electronically Signed:
02/18/2016 02:30 PM
Blue Earth County, MN

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:
02/18/2016 02:23 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: February 18, 2016.

Judicial Officer Richard C. Perkins
Judge of District Court

Electronically Signed: 02/18/2016 03:56 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.

NOAH MORGAN GAFFER

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: