

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1791
07-CR-16-4302

State of Minnesota,

Plaintiff,

vs.

SAMUEL RAY EVANS DOB: 09/02/1981

101 Glenwood Ave. #216
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: Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana

Minnesota Statute: 152.025.2(1), with reference to: 152.025.4(a)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 10/31/2016

Control #(ICR#): 16033088

Charge Description: Samuel Ray Evans Also Known As Sam Evans, Samuel Evans And Samuelray Evans

On or about October 31, 2016, in the County of Blue Earth, said Defendant, Samuel Ray Evans did unlawfully possess one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except heroin or a small amount of marijuana, and the weight of the substance is less than .25 grams or one dosage unit or less and the person has not been previously convicted of a violation of Chapter 152.

COUNT II

Charge: Drugs - Possession of Drug Paraphernalia - Use or Possession Prohibited

Minnesota Statute: 152.092(a)

Maximum Sentence: \$300

Offense Level: Petty Misdemeanor

Offense Date (on or about): 10/31/2016

Control #(ICR#): 16033088

Charge Description: Samuel Ray Evans Also Known As Sam Evans, Samuel Evans And Samuelray Evans

On or about October 31, 2016, in the County of Blue Earth, said Defendant, Samuel Ray Evans did knowingly or intentionally possess drug paraphernalia; to wit: a smoking device

STATEMENT OF PROBABLE CAUSE

On October 31, 2016, Officers McClinton and Terry, of the Mankato Department of Public Safety, assisted probation officers with the home visit at the known residence of Samuel Ray Evans, date of birth September 2, 1981; and T.M., an adult male.

Officers went to the Mankato residence located on Glenwood Avenue and knocked loudly on the door announcing their presence. No one immediately responded to the knocking, but Officer McClinton could hear movement inside. After approximately 10 minutes, Evans opened the door. Evans claimed he was asleep and did not hear us, stating he was sleeping on the couch. Officer McClinton noted that the couch is approximately five feet from the door. Officer McClinton did not believe that Evans would not have been able to hear the officers at the door. Officer McClinton noted that all of the windows were open in the apartment as though they were trying to air it out. Evans was advised to sit on the couch next to the door.

T.M., who also lives at the location, came into the living room area. T.M. was asked to sit on the other couch while probation conducted their search. As T.M. sat on the second couch, his weight caused the seat cushions to compress, allowing a glasses case to roll out of the back of the couch. Officer McClinton asked T.M. what was in the glasses case, and T.M. claimed it contained his friend's sunglasses. Officer Terry opened the case and found a glass pipe, the type commonly used to smoke methamphetamine and small cellophane baggies of the type commonly used for illegal drugs. Officer McClinton field-tested the baggies, and they tested positive for methamphetamine. Additional drug paraphernalia used for smoking marijuana was found in T.M.'s bedroom by probation. Evans started "hooting" when Officer McClinton found the baggies. Evans stated that officers "found the mother load." Evans was eventually transported to the Blue Earth County Jail.

Officer McClinton activated his squad recorder while transporting Evans. Evans initiated a conversation with Officer McClinton. Evans stated, "You guys got lucky today." Officer McClinton asked Evans how officers got lucky. Evans stated, "Fat boy wasn't supposed to be sitting on the couch, he wasn't supposed to be sitting there." Officer McClinton stated that uncovered the meth, and Evans responded, "Yep." Evans was left in the custody of Blue Earth County Jail staff.

T.M. was read a Miranda Warning and agreed to speak with a probation officer and Officer Terry. T.M. provided the following information. T.M. occasionally smokes marijuana, but he does not smoke methamphetamine. The meth pipe and baggies found in the glasses case belonged to his roommate, Evans. T.M. witnessed Evans smoke meth out of the meth pipe found in the couch on Friday, October 28, 2016. T.M. heard the officers kicking at the door, and that is when Evans came into T.M.'s bedroom and told T.M. that Evans was going back to jail. Evans rolled a cigarette and smoked it before opening the door. T.M. did not know that Evans had hid the glasses case containing the drug paraphernalia in the couch.

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:
11/01/2016 11:13 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Ryan S. Hansch
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
11/01/2016 09:39 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: November 1, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 11/01/2016 12:45 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.

SAMUEL RAY EVANS

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: