

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0295
07-CR-16-698

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

DANIEL GERALD STURDIVANT DOB: 03/21/1974

unknown

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: Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana

Minnesota Statute: 152.025.2(a)(1)

Maximum Sentence: 5 years and/or \$10,000

Offense Level: Felony

Offense Date (on or about): 02/24/2016

Control #(ICR#): 16005352

Charge Description: Daniel Gerald Sturdivant Also Known As Dan Gerald Surdivan, Daniel Sturdivant, Dan Gerald Sturdivant And Dan Sturdivant

On or about February 24, 2016, in the County of Blue Earth, said Defendant, Daniel Gerald Sturdivant did unlawfully possess one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana.

COUNT II

Charge: Theft-Take/Use/Transfer Movable Prop-No Consent

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(5)

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

Offense Level: Misdemeanor

Offense Date (on or about): 02/24/2016

Control #(ICR#): 16005352

Charge Description: Daniel Gerald Sturdivant Also Known As Dan Gerald Surdivan, Daniel Sturdivant, Dan Gerald Sturdivant And Dan Sturdivant

On or about February 24, 2016, in the County of Blue Earth, said Defendant, Daniel Gerald Sturdivant did, intentionally and without claim of right, take, use, transfer, conceal or retain possession of the movable

property of another without the other's consent and with intent to deprive the owner permanently of possession of the property.

STATEMENT OF PROBABLE CAUSE

On February 25, 2016, at approximately 9:00 a.m., Officer Dale Stoltman responded to Kato Tool, located at 1416 North Riverfront Drive in regard to a theft-related complaint in which a prior employee of SMA, which is a grain, feed, and fertilizer construction company, had made unauthorized purchases that were to be credited back to the company. During the course of the unauthorized purchase, the suspect had left his billfold at the counter of Kato Tool, which contained his Minnesota driver's license and various other forms of identification.

Sturdivant charged \$490.61 to SMA (according to a copy of the counter invoice), which included a hammer drill/driver and impact wrench tool. Because Sturdivant was previously an employee of SMA, Kato Tool allowed the charge to the SMA account.

When Officer Stoltman arrived at Kato Tool, he retrieved the billfold and could see the Minnesota driver's license for Daniel Gerald Sturdivant, the Defendant herein. Officer Stoltman took possession of the billfold because of the suspected theft. The employee at Kato Tool who assisted Sturdivant indicated that shortly after Sturdivant had left their store the day before (February 24, 2016), another customer came in shortly thereafter and pointed the billfold out that was left on the front counter. The Kato Tool employee looked at the billfold and realized it belonged to Sturdivant after locating his Minnesota driver's license inside it. At this point in time, the Kato Tool employee reportedly made a phone call to SMA, informing them that Sturdivant just left his billfold on the counter after making charges to the company account. It was at this point that SMA advised that Sturdivant no longer worked for the company and did not have authorization to charge anything. The Kato Tool employee advised the billfold had been secured in a desk behind the counter where only the employees are authorized to go.

After Officer Stoltman returned to the Public Safety Center, he went through the billfold belonging to Sturdivant and located a folded business card from Walt Johnson Construction and Crane Service with Sturdivant's name listed as the construction foreman. Hidden in between the folded business card was a small, clear plastic baggie that contained a small amount of a white, crystal-like, powdery substance that Officer Stoltman believed to be methamphetamine. Officer Stoltman field tested the substance, and it immediately came back positive for methamphetamine.

Shortly after Officer Stoltman returned to the Public Safety Center, he received a phone call from Kato Tool indicating that Sturdivant had just returned to the business asking if he left his billfold there. They advised him that they did not have it, and they reported that he walked around a bit and then left, driving the same vehicle he had left in the day before.

Officer Stoltman ultimately located Sturdivant driving into the parking lot of the Blue Earth County Justice Center for a civil court hearing. When Officer Stoltman made contact with Sturdivant in regard to the Kato Tool theft incident and the methamphetamine, Sturdivant indicated that he made a desperate decision for some cash; and that's why he made the charges at Kato Tool. He did not wish to talk much about the drugs that were found in his billfold.

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

Jeremy Clifton
Police Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3149

Electronically Signed:
02/26/2016 11:08 AM
Blue Earth County, MN

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:
02/26/2016 10:34 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: February 26, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 02/26/2016 11:24 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.

DANIEL GERALD STURDIVANT

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: