

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0437
07-CR-16-1028

State of Minnesota,

Plaintiff,

vs.

GORDON EUGENE RYE JR DOB: 01/17/1974

17150 631 Ave
Janesville, MN 56048

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: Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence

Minnesota Statute: 624.713.1(2), with reference to: 624.713.2(b), 609.11.4

Maximum Sentence: 15 years and/or \$30,000

Offense Level: Felony

Offense Date (on or about): 03/16/2016

Control #(ICR#): 16003470

Charge Description: Gordon Eugene Rye, Jr

On or about March 16, 2016, in the County of Blue Earth, said Defendant, Gordon Eugene Rye, Jr after having been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence; did possess a firearm or ammunition.

COUNT II

Charge: Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence

Minnesota Statute: 624.713.1(2), with reference to: 624.713.2(b), 609.11.4

Maximum Sentence: 15 years and/or \$30,000

Offense Level: Felony

Offense Date (on or about): 03/16/2016

Control #(ICR#): 16003470

Charge Description: Gordon Eugene Rye, Jr

On or about March 16, 2016, in the County of Blue Earth, said Defendant, Gordon Eugene Rye, Jr after having been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence; did possess a firearm or ammunition.

COUNT III

Charge: Domestic Assault - By Strangulation

Minnesota Statute: 609.2247.2

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

Offense Level: Felony

Offense Date (on or about): 03/16/2016

Control #(ICR#): 16003470

Charge Description: Gordon Eugene Rye, Jr

On or about March 16, 2016, in the County of Blue Earth, said Defendant, Gordon Eugene Rye, Jr, did, assault a family or household member by strangulation.

COUNT IV

Charge: Malicious Punishment of a Child

Minnesota Statute: 609.377.1, with reference to: 609.377.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 03/16/2016

Control #(ICR#): 16003470

Charge Description: Gordon Eugene Rye, Jr

On or about March 16, 2016, in the County of Blue Earth, said Defendant, Gordon Eugene Rye, Jr did as a parent, legal guardian, or caretaker, who by an intentional act or a series of intentional acts with respect to a child, evidenced unreasonable force or cruel discipline that is excessive under the circumstances.

COUNT V

Charge: Domestic Assault-GM-Subsequent Violation

Minnesota Statute: 609.2242.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 03/16/2016

Control #(ICR#): 16003470

Charge Description: Gordon Eugene Rye, Jr

On or about March 16, 2016, in the County of Blue Earth, said Defendant, Gordon Eugene Rye, Jr did, against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, commit an act with intent to cause fear in another of immediate bodily harm or death and has a previous qualified domestic violence-related offense conviction or an adjudication of delinquency within ten years following discharge from sentence or disposition for that offense.

COUNT VI

Charge: Domestic Assault-GM-Subsequent Violation

Minnesota Statute: 609.2242.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 03/16/2016

Control #(ICR#): 16003470

Charge Description: Gordon Eugene Rye, Jr

On or about March 16, 2016, in the County of Blue Earth, said Defendant, Gordon Eugene Rye, Jr did, against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, intentionally inflicted or attempted to inflict bodily harm upon another and has a previous qualified domestic violence-related offense conviction or an adjudication of delinquency within ten years following discharge from sentence or disposition for that offense.

STATEMENT OF PROBABLE CAUSE

On March 16, 2016, at approximately 8:59 p.m., Deputy Gahler of the Blue Earth County Sheriff's Office responded to a domestic assault at a residence located on 631st Avenue in Blue Earth County, Leray Township. Deputies Phillips, Welle, and Othoudt also responded. As Deputy Gahler responded to the call, Dispatch advised that Gordon Eugene Rye Jr. (D.O.B. 01/17/1974) choked his 10-year-old daughter, Victim, because Victim did not clean up some spilled cat food that was on the garage floor. Dispatch also advised that Rye Jr. choked Victim because Victim had to learn how to do her chores. Dispatch advised that Victim's mother was aware of the 911 call but Rye Jr. was not. Victim's mother spoke with Dispatch and advised that Victim had red marks on her neck.

As deputies arrived on scene, Deputy Gahler could see Rye Jr. from outside the residence through what appeared to be the kitchen window. As Deputy Gahler approached the kitchen window, Deputy Gahler observed Rye Jr. putting a long gun in a safe behind what appeared to be a bedroom in the home. Deputy Gahler immediately drew his firearm and pounded on the window, instructing Rye Jr. to exit the home toward another deputy's direction. Rye Jr. did so without incident. Deputies spoke with Rye Jr. outside the residence. Rye Jr. stated that he and his family were carrying in groceries after grocery shopping when Rye Jr. noticed some cat food spilled on the garage floor. Rye Jr. stated that he asked Victim to clean it up. Rye Jr. stated that Victim started to clean up but did not do a good enough job. Rye Jr. stated that Victim missed some cat food, so Rye Jr. grabbed victim by the shoulder/neck so Victim would look at him. Rye Jr. stated that he grabbed her like that so Rye Jr. could get her attention so he could explain what Rye Jr. wanted of victim. Rye Jr. stated that Victim then went into the house.

Deputy Gahler went into the house to make contact with Victim and Victim's mother. Deputy Gahler spoke with Victim's mother in the garage. Victim's mother stated that Victim came into the house crying, so Victim's mother asked what was wrong. Victim's mother stated that Victim told her that Rye Jr. had grabbed her around the neck and choked her. Victim's mother said that Victim's mother could see some red markings on Victim's neck, so she told Victim to call 911. Victim's mother stated that Victim appeared to be scared. Victim's mother stated that she later questioned Rye Jr. as to if he choked Victim. Victim's mother stated that Rye Jr.'s response was that Victim needed to learn how to do her chores.

Deputies made contact with Victim inside the residence. Victim stated that Rye Jr. had asked her to clean up some cat food that was spilled in the garage. Victim stated that Rye Jr. had been crabby towards her and yelled at Victim for not cleaning up the cat food the way Rye Jr. wanted her to. Victim stated that Rye Jr. grabbed Victim around the neck which made Victim feel like she was losing her breath. Victim also stated that Rye Jr. is a very strong man and that she was scared. Deputies observed what appeared to be two red marks on Victim's neck. One of those marks appeared to have broken skin just below Victim's neck. Victim and Victim's mother stated that the marks came from the cat and a pet rabbit. Photos were taken of the red marks and entered in to evidence.

Rye Jr. was placed under arrest and transported to the Blue Earth County Jail. At Jail, Deputy Gahler read Rye Jr. a Miranda Warning. Rye Jr. indicated that he was willing to talk to deputies about the incident. Rye Jr. stated he did not think he was doing anything wrong at the time of the incident. Rye Jr. also stated that he did not pay attention to where he grabbed Victim and may have grabbed Victim by the neck due to the size of his hands. Deputies advised Rye Jr. that he was going to be charged with Domestic Assault from the incident.

Deputies reviewed Rye Jr.'s criminal history and noted that Rye Jr. had previously been convicted of Felony Assault. A review of Rye Jr.'s criminal history reveals a January 18, 1994, conviction for Assault in the Third Degree as set forth in Court File No. 81-K0-93-000275, a 1999 conviction for Felony Assault in the State

of Colorado (Arapahoe County), and a 2008 conviction for Domestic Assault as set forth in Court File No. 07-VB-08-4083.

Deputies went back to the jail to advise Rye Jr. of this newly-discovered information. Deputies questioned Rye Jr. about the firearm that was seen during the incident. Rye Jr. stated that he had five total firearms in his possession at the residence and that he was not aware he was not supposed to have firearms in his possession. Rye Jr. stated that the firearms did not belong to him and that they were his father's; however, Rye Jr.'s father is deceased. Rye Jr. stated he was putting a firearm away in the safe when officers arrived on scene. Rye Jr. stated that he keeps the firearms locked up in a safe within his residence so his children do not have access to them. Deputies questioned Rye Jr. about the firearm observed through the kitchen window at the time of the incident. Rye Jr. stated that he was putting it away because it was setting on the window ledge three feet from the floor from the last couple of days. Rye Jr. also stated that he keeps his safe locked at all times. Deputy Gahler noted that Deputy Gahler observed Rye Jr. open the safe without entering a combination to the safe or him having to turn the handle to open it. Deputies addressed their concern to Rye Jr. about the accessibility of his firearms to his children.

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:
03/18/2016 09:45 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:
03/17/2016 03:47 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: March 18, 2016.

Judicial Officer

Greg Anderson
District Court Judge

Electronically Signed: 03/18/2016 10:21 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.

GORDON EUGENE RYE Jr

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: