

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-15-1335-03
07-CR-15-4514

State of Minnesota,
Plaintiff,

COMPLAINT
Summons

vs.

MARIE MICHELLE MCFARLAND DOB: 05/29/1963

19945 584th Avenue
Mankato, MN 56001

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: Aiding an Offender to Avoid Arrest-Harbor/Conceal

Minnesota Statute: 609.495.1(a)

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

Offense Level: Felony

Offense Date (on or about): 10/01/2015

Control #(ICR#): 15030298

Charge Description: Marie Michelle Mcfarland

On or about October 1, 2015, in the County of Blue Earth, said Defendant, Marie Michelle McFarland did, with the intent that an offender shall avoid or escape from arrest, trial, conviction or punishment, harbor, conceal, aid or assist by word or acts an offender whom the actor knows or has reason to know has committed a crime.

STATEMENT OF PROBABLE CAUSE

On September 29, 2015, at approximately 11:21 p.m., Officer Jeff Fischbach, with the Mankato Department of Public Safety, responded to the downtown Mankato area on a report of a robbery. Officer Fischbach was in the downtown area searching for the suspect on the west side of Riverfront Drive when two males who were standing in the Jersey Mike's parking lot waved him down. Officer Fischbach asked the males if they were the complainants on the robbery, and they stated yes. The males were identified as V1 and V2. Officer Fischbach asked V1 what had happened.

V1 stated he and V2 were at Blue Bricks and had been there for several hours. V1 stated he went into the bathroom with V2 and saw a male standing in the corner of the bathroom. V1 stated that he initially thought that the male was urinating on the wall. V1 stated that the male then asked V1 and V2 what their names were and said, 'Sorry for doing this, but I am in a tight spot.' The male then pulled out a small caliber handgun which was all black in color and told V1 and V2 to give him their wallets. V1 stated that V2 did not give the male his wallet, so V1 gave his own wallet to the male. As V1 gave the male his wallet, the male stated he was a poor college student with very little money. After V1 gave the male his wallet, the male turned around and ran out of the bathroom and out the back door of Blue Bricks. V1 stated the male ran across Cherry Street and went behind a dumpster. V1 and V2 ran after the male so they could provide an accurate description of him. V1 and V2 ran across Riverfront Drive and past Jersey Mike's and saw the male go to the north side of Miller Motors and enter the tree line. V1 and V2 then went to the south side of Miller Motors in an attempt to cut the male off. V1 stated as they went back to Jersey Mike's he saw a male running between Anytime Fitness and Hy-Vee gas station. V1 then gave a description of the male.

After speaking with V1, Officer Fischbach spoke with V2. V2 gave the same story as V1, although his description of the male varied from V1. V2 stated that the male was larger than V1 had stated.

Officers then checked the area near Cub Foods and found two possible suspects, both of which were shown to V1, who stated that the suspects were not the male that robbed him. Officer Fischbach then returned to the Public Safety Center and reviewed camera footage from the downtown closed caption cameras when he spotted the suspect exiting a silver vehicle at the intersection of Front Street and Cherry Street. The individual was a White male, 5'10' to 6' tall, with a larger build, wearing blue shorts and a black zip-up hooded sweatshirt. Additionally, he was holding a clear plastic drinking container.

Officer Fischbach went to Blue Bricks to see if he would be able to find the drinking container the suspect was holding. Another officer was able to locate the cup and the cup was swabbed for DNA to be sent to the BCA for analysis. While at Blue Bricks Officer Fischbach was able to confirm that the male had entered the front door of the bar holding the container.

Officer Brett Levin, also of the Mankato Department of Public Safety, went to Blue Bricks where he was shown video surveillance of the inside of the restaurant. The bar manager advised Officer Levin that he had observed an unknown male walk up to him at the bar and ask where the bathroom was. Video surveillance confirms that the suspect entered the bar, spoke with the bar manager, and that he was wearing a gray hoodie, dark shorts, and dark shoes. The male entered the restroom and was inside for a number of minutes. At this point in the video, the two victims of the robbery are shown entering the restroom. V1 and V2 were inside of the restroom for a small amount of time when the restroom door swings open and the male, with his hood up over his head, runs out the backdoor of the bar. Officer Levin asked the bar manager if that was the male who had fled out of the back of the bar. The bar manager confirmed that the male he had spoken with earlier regarding the location of the restroom was in fact the same man who had fled the restroom with his hood up.

Sergeant Chris Baukol, with the Mankato Department of Public Safety, spoke with W1 who works for the railroad. W1 stated that he had found a camouflage bandana, a black zip-up hooded sweatshirt with a gray lining, and a receipt from Blue Bricks along the railroad tracks. Sergeant Baukol recovered these items.

On September 30, 2015, at approximately 1:22, Officer Melissa Myers, with the Mankato Department of Public Safety, received a call from dispatch that an individual who wished to remain anonymous had reported that they believed the suspect from the robbery was walking in the downtown area of Mankato. As officers were dispatched to check for that individual, dispatch received a call from another party who advised they had seen a photo of the suspect on-line and identified him as Xavier Heeder (Xavier Lee Heeder). Dispatch then sent out a photo of Heeder to officers. Dispatch also ran Heeder and discovered that there was a warrant out for his arrest from Sterns County. Dispatch received another call from a person stating they could identify the robbery suspect at approximately 1:23 p.m. Officer Myers spoke with the call who stated they had seen the photos of the suspect on Face Book and identified the suspect as Heeder. Numerous other calls came into law enforcement identifying Heeder as the suspect in the robbery. One suspect identified Heeder as going by a nickname of 'Ax' or 'Axe,' who is a suspect in an unrelated assault from February 2015.

Officer Matt Vitale became involved in the investigation on September 30, 2015, and went to the residence of Marie Michelle McFarland, who is the mother of Heeder. Officer Vitale, along with Deputy Kyle Phillips, with the Blue Earth County Sheriff's Office, and Officer William Hulloper went to McFarland's address in an attempt to locate Heeder. While at McFarland's residence they also spoke with Krystal Marie Roberts who is McFarland's daughter and Heeder's half-sister. The officers advised McFarland and Roberts that they were conducting a felony investigation and looking for Heeder. The officers searched the basement of the residence, but were unable to locate Heeder. Officer Vitale spoke with McFarland who denied hearing from Heeder for the prior two weeks. McFarland later told Officer Vitale that it had been one week since she had seen him. Officer Vitale had spoken to the property owners who had said that they had seen Heeder at the property more recently. McFarland denied being at the property when Xavier was last there.

The officers requested to see McFarland's phone call log to verify the story she was telling them. Officer Jacob Green looked at McFarland's phone and saw 10 missed calls from a phone number labeled as Xavier/072215/current. The 10 missed calls came in on September 30, 2015, between 12:57 a.m. and 1:23 a.m. On September 30, 2015, at 2:21 a.m., McFarland answered a phone call from that number and engaged in a conversation for one minute and 48 seconds. McFarland engaged in a second conversation with this number for one minute and 27 seconds at 2:42 a.m.

Officer Green spoke with McFarland at greater length about her knowledge of Heeder's whereabouts. Officer Green asked McFarland about the phone calls at which time, she admitted to speaking with Heeder immediately following the robbery. McFarland stated that Heeder had called her and asked her to come pick him up, that he was cold and in trouble. McFarland stated that she didn't want anything to do with him anymore, but that he continued to ask her to come get him and she refused. Officer Green continued to ask about Heeder's whereabouts knowing that McFarland had now lied to officers several times. Officer Green asked McFarland if there were any text messages from Heeder, and she advised there might be. Officer Green then asked if he could look at these text messages and she would not allow him to do so. Officer Green then asked McFarland if she could send a text message to Heeder and to tell him that the officers needed to speak with him. McFarland sent two text messages and tried calling Heeder twice with no response.

Officer Green asked McFarland if she picked up Heeder on the morning of the 30th, and she denied doing so. Officer Green then asked McFarland if he could look at the text messages to ensure she was being honest; McFarland became very agitated and advised that she did not like all the officers in her apartment. Officer Green then asked the other officers to leave, and McFarland provided her phone to Officer Green.

Officer Green observed text messages starting around midnight on September 30, 2015. Officer Green asked about the text messages, and McFarland provided information including the fact she had missed 10 calls from Heeder in the early morning hours of September 30, 2015. McFarland stated she woke up to go to the bathroom and saw the missed calls so she turned her phone volume up and that Heeder called again. McFarland stated she answered the phone and Heeder advised her that he was cold, in trouble, and needed her to pick him up. McFarland stated she drove to the Blue Earth County Government Center on South Fifth Street, in Mankato, and picked up Heeder and drove him back to her residence. McFarland stated that they then went to sleep and when they woke up she took Roberts to Bio-Life. McFarland said that she saw Heeder's photo on the news and texted Heeder about it. McFarland stated that Heeder told her he was in trouble and needed to leave the city. When McFarland returned from Bio-Life, Heeder shaved his face. Heeder gave directions to McFarland to St. Paul; McFarland drove him there. McFarland states she remembers driving up Highway 35E to Ayd Mill Road to Selby Avenue and dropping Heeder off on Selby Avenue. McFarland stated that Heeder was texting during the entire car ride but didn't talk much. McFarland stated that Heeder did tell her about the robbery, and that Heeder stated he ditched the gun and wallet on the railroad tracks in the downtown area.

When McFarland dropped Heeder off she stated he was wearing a gray tank top, blue jeans, black hooded sweatshirt, and black and green tennis shoes. Heeder had packed a burgundy suitcase and a black backpack full of clothes. McFarland gave him \$20 before she dropped him off.

Officer Vitale spoke with Heeder's half-sister, Roberts. Roberts claimed she did not know anything about Heeder's location. Officer Vitale asked Roberts when the last time she had spoken with Heeder was. Roberts stated she had not spoken to or seen Heeder in eight years as she had recently moved to Mankato from Illinois. A photograph, taken on September 22, 2015, found on McFarland's phone shows Roberts and Heeder hugging. Officer Vitale questioned Roberts about the picture and Roberts admitted lying to protect Heeder. Roberts said that she believed that by lying she could help Heeder out.

A check of Heeder's criminal history shows a conviction from February of 2014 for a crime of violence which can be found in Brown County file 08-CR-14-138. The conviction is for felony violation of an order for protection.

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

Deborah McDermott
Patrol Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3143

Electronically Signed:
11/04/2015 11:19 AM
Blue Earth County, mn

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

Prosecuting Attorney

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

Electronically Signed:
11/03/2015 02:47 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 **December 17, 2015 at 2:00 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 5, 2015.

Judicial Officer

Greg Anderson
District Court Judge

Electronically Signed: 11/05/2015 09:59 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.

MARIE MICHELLE MCFARLAND

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent: