

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1032
07-CR-16-2592

State of Minnesota,

Plaintiff,

vs.

TINA MARIE HERRERA DOB: 05/17/1983

3330 Xenium Lane N
Plymouth, MN 55441

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: Obstruct Legal Process-Interfere w/Peace Officer

Minnesota Statute: 609.50.1(2), with reference to: 609.50.2(2)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 06/26/2016

Control #(ICR#): 16018833

Charge Description: Tina Marie Herrera

On or about June 26, 2016, in the County of Blue Earth, said Defendant, Tina Marie Herrera did, intentionally, obstruct, resist, or interfere with a peace officer while the officer was engaged in the performance of official duties and the act was accompanied by force or violence or the threat thereof.

COUNT II

Charge: Disruptive Intoxication

Local Code: 9.48

Maximum Sentence: 90 days and/or \$1000

Offense Level: Misdemeanor

Offense Date (on or about): 06/26/2016

Control #(ICR#): 16018833

Charge Description: Tina Marie Herrera

On or about June 26, 2016, in the City of Mankato, County of Blue Earth, said Defendant, Tina Marie Herrera, did, in a public place, while intoxicated, conduct himself or herself so as to be a danger to themselves or others and/or engaged in public disruption.

STATEMENT OF PROBABLE CAUSE

On June 26, 2016, at approximately 2:30 a.m., multiple officers of Mankato police were on foot patrol in the entertainment district in the 500 block of South Front Street in the City of Mankato, County of Blue Earth, State of Minnesota. While on foot patrol, various officers observed a male, Suspect 1, assault Victim 1 by placing his hands on Victim 1's neck and choke Victim 1.

While officers placed Suspect 1 into custody, Officer Grassmann of the Mankato police spoke with a female witness, later identified as Tina Marie Herrera, the Defendant herein. While speaking with the Defendant, Officer Grassman noted a strong odor of an alcoholic beverage emitting from the Defendant's person. The Defendant stated to Officer Grassmann that she had too much to drink that evening. The Defendant also admitted to having three beers and exhibited signs of bloodshot, watery eyes. While gathering further information from the Defendant, Officer Grassmann observed Witness 1 and another male party approach Officer Terry of the Mankato police as he was speaking with one of the involved parties. Officer Grassmann heard Officer Terry and Sergeant Gray tell Witness 1 and the other male party to leave the area numerous times. The Defendant then proceeded to attempt to calm Witness 1 down by approaching Witness 1. However, Officer Grassmann directed the Defendant away from Witness 1 and explained that the Defendant was getting in the way of other officers in the course of their duties.

After directing the Defendant away, Officer Grassmann attempted to further speak with the Defendant, at which point Officer Grassmann heard Sergeant Gray state, "You are under arrest," to an involved party. Upon hearing this, the Defendant, who was approximately five feet away from Sergeant Gray at the time Sergeant Gray stated that Suspect 1 was under arrest, immediately ran toward Sergeant Gray and grabbed onto Sergeant Gray's right forearm as he was attempting to apply handcuffs to the arrested party. Defendant pulled back on Sergeant Gray's arm in an attempt to stop him from applying the handcuffs. Officer Grassmann grabbed onto the Defendant and advised that she was under arrest as he pulled Defendant's arms away from Sergeant Gray.

The Defendant was placed into handcuffs and escorted to Officer Grassmann's squad vehicle. The Defendant was placed into the rear compartment and advised that she was under arrest. The Defendant submitted to a portable breath test which a digital reading of a 0.163 alcohol concentration.

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

Craig Frericks
Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3102

Electronically Signed:
06/27/2016 10:42 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

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

Electronically Signed:
06/27/2016 10:35 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: June 27, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 06/27/2016 11:02 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.

TINA MARIE HERRERA

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: