

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0143
07-CR-16-447

State of Minnesota,

Plaintiff,

vs.

ALBERTO MARTINEZ GARCIA DOB: 02/24/1987

402 North Grant St
Fairmont, MN 56031

Defendant.

COMPLAINT

Warrant

Amended

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 - Sale - Marijuana Mixture Except Small Amount of Marijuana with No Remuneration

Minnesota Statute: 152.025.1(a)(1)

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

Offense Level: Felony

Offense Date (on or about): 02/17/2015

Control #(ICR#): 15004583

Charge Description: Alberto Martinez Garcia Also Known As Mario Alberto Garcia, Jr, Alberto Garcia, Alberto Mario Garcia, Mario Garcia, Mario A Garcia, Jr And Mario Alberto Garcia

On or about February 17, 2015, in the County of Blue Earth, said Defendant, Alberto Martinez Garcia did unlawfully sell one or more mixtures containing marijuana or Tetrahydrocannabinols, except a small amount of marijuana for no remuneration.

COUNT II

Charge: Drugs - 5th Degree - Sale - Marijuana Mixture Except Small Amount of Marijuana with No Remuneration

Minnesota Statute: 152.025.1(a)(1)

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

Offense Level: Felony

Offense Date (on or about): 04/20/2015

Control #(ICR#): 15004583

Charge Description: Alberto Martinez Garcia Also Known As Mario Alberto Garcia, Jr, Alberto Garcia, Alberto Mario Garcia, Mario Garcia, Mario A Garcia, Jr And Mario Alberto Garcia

On or about April 20, 2015, in the County of Blue Earth, said Defendant, Alberto Martinez Garcia did unlawfully sell one or more mixtures containing marijuana or Tetrahydrocannabinols, except a small amount of marijuana for no remuneration.

STATEMENT OF PROBABLE CAUSE

In February and April of 2015 agents from the Minnesota River Valley Drug Task Force conducted two controlled purchases of marijuana from a suspect identified as Alberto Martinez Garcia.

On February 17, 2015 agent Nick Smith was in contact with a confidential informant (hereinafter CI) who advised that they could purchase marijuana from Garcia. The CI explained that they had been in contact with Garcia for a while and that Garcia could sell them marijuana. The CI advised that they told Garcia they would be interested in purchasing a 1/8 bag of marijuana (1/8 is approximately 3.5 grams). After hearing this, agent Smith instructed the CI to text Garcia and advise him that they wanted to buy more than 1/8. The CI negotiated a deal to purchase 6 grams of marijuana for the price of \$100.

Prior to the controlled purchase, Agent Smith met with the CI and searched them and their vehicle for contraband. None was found. The CI was then fitted with an electronic recording device and given \$100 of pre-recorded by fund money. A preoperational debriefing was held and agents were given their assignments. Agent Darrin Isaacson was assigned undercover duty.

Agent Isaacson and the CI drove to a predetermined location for the controlled purchase. At 7:06 PM the CI contacted Garcia via telephone and Garcia advised the CI to meet in the parking lot behind the Crawford dorms. At 7:18 PM the CI and agent Isaacson arrived at the parking lot behind the Crawford dorms and agent Isaacson observed Garcia walk toward the undercover vehicle. At 7:19 PM contact is made with Garcia. Garcia makes the statement 'if you guys want more, let me know I have to go back to my hometown.' At 7:20 PM the controlled purchase is completed.

Agent Isaacson and the CI then proceeded to a predetermined location where the CI is searched for contraband. None was located. A debriefing was held. During the debriefing the CI stated that they have had contact with Garcia for approximately 3 to 4 months. The CI stated that during the controlled purchase Garcia entered the rear passenger side of the undercover vehicle and the CI provided Garcia with the hundred dollars in cash and Garcia handed the CI two small bags with marijuana in them. After the exchange, Garcia and the CI engaged in small talk and Garcia then exited the vehicle. The marijuana would later field test positive for the presence of marijuana.

On April 20, 2015 a second controlled purchase from Garcia was conducted. Agent Smith was in contact with a confidential reliable informant (hereinafter CRI) who advised that they could purchase an ounce of marijuana from Garcia for the price of \$300. The CRI advised that Garcia would pick him up and they would drive to Garcia's source house. Under the direction of Agent Smith the CRI set up the controlled purchase.

The CRI was searched for contraband. None was located. The CRI was then fitted with an electronic recording device and provided with \$300 in buy fund money. Agents were then assigned their duties during the controlled purchase.

Upon initiation of the purchase, Agent Smith activated the electronic recording device. The CRI then drove in their vehicle to the intersection of Sixth Street and Washington Street in the City of Mankato. Once at the location, the CRI exited their vehicle and got into a 2002 Chevrolet Cavalier being driven by Garcia. Once inside Garcia's vehicle they drove to 317 East Cherry St. While listening to the electronic recording device, Agent Smith heard Garcia inform the CRI that this is where he picks up his marijuana. Garcia then placed a phone call to an unknown individual to inform him that he was at the location. As soon as Garcia hung up the phone he advised the CRI that 'they' were pulling up in a couple of minutes. Shortly thereafter Agent Smith observed a 2005 white Chevrolet suburban pull into the driveway of 317 East Cherry St.

Immediately following the white Suburban's arrival, Agent Smith observed Garcia exit the vehicle and meet with two males that had exited the Suburban. Garcia and the two males then proceeded into the residence at 317 E. Cherry Street. Approximately two minutes later Garcia exited the residence and walked back to the Cavalier. Once Garcia was inside the vehicle Agent Smith heard Garcia tell the CRI that the marijuana was located in his 'big fat pocket' and that it looked good. Garcia continued to explain to the CRI that he is kind of 'the man' around here and that his particular source provides him with 'half-P's' (half pounds).

Agents then followed Garcia's vehicle, which was still occupied by the CRI and Garcia, to the location where Garcia picked up the CRI. Garcia dropped off the CRI and drove away. Agents picked up the CRI and took possession of marijuana that the CRI had purchased from Garcia. The CRI was searched for contraband and none was located.

Following the purchase, a debriefing was held. The CRI stated that they met Garcia at the intersection of Sixth Street and Washington Street and got into Garcia's vehicle and drove to 317 East Cherry St. The CRI stated that Garcia parked the vehicle and informed him that his sources would show up. The CRI stated they observed a white Suburban pull in and observed two men get out and meet with Garcia. The CRI stated they observed the two men and Garcia walk into 317 East Cherry St. and that Garcia exited the house approximately 1 to 2 minutes later and got back into the car. The CRI stated that they then gave Garcia the \$300 for the marijuana and that Garcia handed the CRI the marijuana.

The marijuana was field-tested and showed positive for the presence of marijuana.

The Court Administrator's Office has advised the County Attorney's Office that on February 8, 2016, the Complaint Summons in this matter, together with notice of a required Court appearance, was mailed to the defendant at the address set out above, directing him to appear in Court at 2:30 PM on March 10, 2016. The Complaint Summons and notice to appear was returned to the Court Administrator's Office on February 17, 2016. Therefore; the State is requesting a Warrant.

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:
04/28/2016 04:55 PM
Blue Earth County, Minnesota

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:
04/28/2016 02:44 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: \$50,000.00

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: April 29, 2016.

Judicial Officer

Bradley C Walker
District Court Judge

Electronically Signed: 04/29/2016 09:05 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.

ALBERTO MARTINEZ GARCIA

Defendant

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

Signature of Authorized Service Agent: