

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0021
07-CR-16-282

State of Minnesota,
Plaintiff,
vs.

COMPLAINT
Summons
 Amended

LUZESTA MARCELLA MARSHALL DOB: 07/16/1968
315 E. Ruth St
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: Theft-Intent to Restore Only for Reward, Buy Back or Other Compensation

Minnesota Statute: 609.52.2(a)(5)(iii), with reference to: 609.52.3(4)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 12/21/2015

Control #(ICR#): 15040092

Charge Description: Luzesta Marcella Marshall

On or about December 21, 2015, in the County of Blue Earth, said Defendant, Luzesta Marcella Marshall did intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent with intent to exercise temporary control only and Intended to restore the property only on condition that the owner pay a reward or buy back or make other compensation; and the property is valued at \$501-\$1,000.

COUNT II

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

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(4)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 12/21/2015

Control #(ICR#): 15040092

Charge Description: Luzesta Marcella Marshall

On or about December 21, 2015, in the County of Blue Earth, said Defendant, Luzesta Marcella Marshall

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 and the value of the property or services stolen exceeded \$500.00 but was less than \$1,000.00.

COUNT III

Charge: Theft-Find and Appropriate Lost Property

Minnesota Statute: 609.52.2(a)(6), with reference to: 609.52.3(4)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 12/21/2015

Control #(ICR#): 15040092

Charge Description: Luzesta Marcella Marshall

On or about December 21, 2015, in the County of Blue Earth, said Defendant, Luzesta Marcella Marshall did find lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to the finder's own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to the owner; and the property is valued at \$501.00 - \$1,000.00.

STATEMENT OF PROBABLE CAUSE

On December 21, 2015, Officer Arkell of the Mankato Department of Public Safety was advised of the theft that had occurred at Walmart in the City of Mankato. Officer Arkell was advised that the complainant reported that the complainant's cell phone was taken from the shoe section. Officer Arkell made contact with the complaint, V1, an adult female, at Best Buy. V1 advised that V1 had her phone taken from her while she was trying on shoes at Walmart. V1 indicated that she had been texting with the person that had taken her cell phone. V1 was using her husband's phone. V1 indicated that she told the person that had taken her phone that V1 would meet at Best Buy to retrieve the phone. V1 also added that the person wanted money in exchange for giving the phone back.

V1 reported that around 4:00 p.m., she was trying on shoes in Walmart; so she set her phone, a Samsung Galaxy S6 model phone valued at approximately \$700.00, behind her so its screen did not break. When V1 went to retrieve her phone, it was gone. V1 also reported that there was a large African American woman with black and blonde braided hair when asked if there were any suspicious people in the area at the time of the theft. V1 added that when she could not find her phone, they went to Verizon to ask the staff to assist in locating the phone. While there, the same African American female entered the store. V1 and V1's husband suspected that the female had taken the phone, so they called it while in the store. V1 said the female then purchased an item and immediately exited the store once V1 started calling the phone. V1 was able to get the female's license plate before the female left. The license plate registered to a male located at 315 East Ruth Street.

Officer Arkell noted that he had responded to that address earlier in the year on an unrelated matter and that one of the individuals associated with that address matched the description that V1 gave. Officer Arkell then located Luzesta Marcella Marshall, D.O.B. 7-16-1968, in a local computer system. Officer Arkell showed V1 a picture of Marshall, and V1 positively identified Marshall as the female that was in the Walmart and Verizon stores. V1 said that the person texting her from her phone tried pretending that the phone belonged to them but then wanted money for the phone to be returned to V1.

Officer Arkell went to 315 East Ruth Street and located the vehicle that V1 had identified. V1 continued to text with the person who had the phone, asking to get the phone back. The person who had the phone said their vehicle was not working correctly, so they could not bring it to V1. The person texting V1 continued to ask for money in return for the phone. When asked to meet to exchange the money for the phone, the person who had the phone eventually provided the address of 315 East Ruth Street. Officer Arkell went to the door and made contact with Marshall. Officer Arkell noted that Marshall's hairstyle matched what V1 had reported. Officer Arkell asked for the phone, and Marshall denied any knowledge of the phone. Officer Arkell told Marshall that he was aware of the messages V1 was receiving and that Officer Arkell needed the phone. Marshall walked into the living room where she grabbed a cell phone from under a sweatshirt. At that time, Officer Arkell advised Marshall that she was under arrest for Theft, placed her in handcuffs, and placed Marshall in Officer Arkell's squad car. Officer Arkell read Marshall a Miranda warning and then began questioning her about the cell phone.

Marshall reported finding the phone near the shoe section of Walmart. Marshall stated she was unsure of who the owner was, so she gave the phone to her daughter to play with. Marshall said she did not see anyone looking for the phone at the time. Marshall admitted to going into Verizon after, but only to purchase a Christmas present. Marshall admitted to not asking the staff about locating the owner of the phone. When asked about Marshall texting V1, Marshall said that her daughter was. Marshall claimed that she had no idea someone was looking for the phone until they got back to her residence. Marshall said she was not trying to get money from the person because she did not need money. Marshall said she gave the person her address because she was honestly trying to get it back to the person and not trying to steal it.

Officer Arkell went back into the residence and spoke with A.A., who also admitted to being present at Walmart when the phone was located. According to A.A. and Marshall's daughter, Marshall's daughter was texting the complainant, but only texting what Marshall was telling her to type. A.A. offered to go to a park to meet the person to get the money for Marshall. Officer Arkell released Marshall and advised her that she will be receiving information on possible charges. Marshall claimed she was not trying to steal the phone and that she found it. Marshall said she took the phone to stop others from stealing it.

Officer Arkell was able to release the cell phone to V1 after leaving Marshall's residence. Officer Arkell asked V1 to provide Officer Arkell a copy of the text conversation between V1 and Marshall. Officer Arkell later received the text messages and was able to read through them. The content of the text messages was consistent with the statement V1 had provided.

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:
09/02/2016 10:50 AM
blue earth County, MN

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:
09/02/2016 10:24 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: September 6, 2016.

Judicial Officer

Bradley C Walker
District Court Judge

Electronically Signed: 09/06/2016 07:59 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.

LUZESTA MARCELLA MARSHALL

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: