

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

BEC-16-1041  
07-CR-16-3222

---

**State of Minnesota,**  
Plaintiff,

**COMPLAINT**  
Summons

vs.

**CODY BLEU NESS DOB: 09/16/1981**

535 Range St  
North Mankato, MN 56003

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: Threats of Violence-Reckless Disregard Risk**

Minnesota Statute: 609.713.1

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

Offense Level: Felony

Offense Date (on or about): 06/16/2016

Control #(ICR#): 16017739

Charge Description: Cody Bleu Ness

On or about June 16, 2016, in the County of Blue Earth, said Defendant, Cody Bleu Ness, did threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another, or in a reckless disregard of the risk of causing such terror.

**COUNT II**

**Charge: Stalking - Intent to Injure**

Minnesota Statute: 609.749.2(1)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 06/16/2016

Control #(ICR#): 16017739

Charge Description: Cody Bleu Ness

On or about June 16, 2016, in the County of Blue Earth, said Defendant, Cody Bleu Ness did, directly or indirectly, or through third parties, manifest a purpose or intent to injure the person, property or rights of another by the commission of an unlawful act.

### COUNT III

**Charge: Stalking - Follow, monitor, pursues another**

Minnesota Statute: 609.749.2(2)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 06/16/2016

Control #(ICR#): 16017739

Charge Description: Cody Bleu Ness

On or about June 16, 2016, in the County of Blue Earth, said Defendant, Cody Bleu Ness, did follow, monitor or pursues another, whether in person or through any available technological or other means.

### COUNT IV

**Charge: Harassment; Restraining Order - Violate and knows of temporary or restraining order**

Minnesota Statute: 609.748.6(b)

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 06/16/2016

Control #(ICR#): 16017739

Charge Description: Cody Bleu Ness

On or about June 16, 2016, in the County of Blue Earth, said Defendant, Cody Bleu Ness did violate a restraining order issued under M.S. 609.748.

## STATEMENT OF PROBABLE CAUSE

On June 16, 2016, at approximately 6:00 a.m., Officer Matt Vitale of the Mankato Department of Public Safety was contacted by Adult 1, who wanted to report a harassment restraining order violation. Adult 1 stated that she has an active harassment restraining order against Cody Bleu Ness, D.O.B. 9-16-1981. The harassment restraining order forbids Ness from having any direct or indirect contact with Adult 1. The Order also forbids Ness from being within 100 feet of Adult 1's residence and requires Ness to stay away from Adult 1's place of employment. The Order was signed on March 30, 2016, and was personally served on Ness on March 31, 2016, and is in effect until September 30, 2016.

Adult 1 stated that she was at a graduation party in Mankato, Blue Earth County. Adult 1 stated that while she was at the party, Ness arrived. Adult 1 stated that Ness did not have contact with her during the party and that Ness stayed at the party for approximately two hours. When Adult 1 believed that Ness had left the party, she then left the party. Adult 1 stated she went to the front of her house to get in her car, and she observed Ness sitting in his parked truck. Adult 1 stated she waited approximately 20 minutes for Ness to leave, but Ness continued to sit in his truck.

After 20 minutes, Adult 1 decided to get in her car to leave. When Adult 1 got into her car, Ness approached her vehicle. Adult 1 stated that Ness told her, "You're going to have to pay for what you did to me. I have someone at your house right now. I am going to kill you." Adult 1 stated that although there were many people at the party who saw them both there in the back yard, no one witnessed Ness confronting her at the vehicles. Adult 1 stated she left the area after that.

Officer Vitale asked Adult 1 why, if this happened on June 11, 2016, she waited until June 16, 2016, to inform the police. Adult 1 stated that she called the Brooklyn Park police that same day and that they had just responded to her on the 16th in an email stating that she needed to call the Mankato police to report it.

On June 16, 2016, at approximately 5:00 p.m., Officer Vitale attempted to call Ness to speak with him regarding the incident. The phone call was answered by a person who identified herself as Ness' mother. She stated that Ness was not home and did not know where he was. Officer Vitale asked her to have Ness call him when Ness returned. On June 17, 2016, Officer Vitale received a voice mail from Ness, who stated he would be home until approximately 6:00 p.m. that day. At 5:00 p.m., Officer Vitale called Ness back. The call was answered by a male who stated Ness was not home. Officer Vitale left a message asking for Ness to call officer Vitale as soon as he could. On June 18, 2016, Officer Vitale still had not heard back from Ness. At approximately 6:00 p.m. that day, Officer Vitale again called Ness' phone number. A male answered the phone. When Officer Vitale asked to speak to Ness, the male asked who Officer Vitale was. Officer Vitale then identified himself as being with the Mankato police department. The male then hung up the phone right after Officer Vitale identified himself. At that point, Officer Vitale believed Ness was trying to avoid contact with him.

Officer Vitale met with Adult 2 and Adult 3, who were hosting the party that Adult 1 and Ness were at. Adult 2 and 3 stated that they were unaware of the harassment restraining order until after the party. Both confirmed that Ness and Adult 1 were at the party and that there was no disturbance during the party. Adult 2 and Adult 3 stated they did not see Adult 1 and Ness talking outside at their vehicle. Adult 2 and Adult 3 stated they did see Adult 1 speaking to someone else in another vehicle, but it was not Ness.

## 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:  
08/15/2016 09:33 AM  
Blue Earth County, MN

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

**Prosecuting Attorney**

Steven Kelm  
401 Carver Road  
PO Box 3129  
Mankato, MN 56002  
(507) 304-4600

Electronically Signed:  
08/12/2016 01:43 PM

