

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1289
07-CR-16-3589

State of Minnesota,

Plaintiff,

vs.

MELISSA JEAN ORNELAS DOB: 11/19/1979

36484 Fort Road
St. Peter, MN 56082

Defendant.

COMPLAINT

Summons

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: Possession of Burglary or Theft Tools

Minnesota Statute: 609.59

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

Offense Level: Felony

Offense Date (on or about): 07/29/2016

Control #(ICR#): 16022477

Charge Description: Melissa Jean Ornelas

On or about July 29, 2016, in the County of Blue Earth, said Defendant, Melissa Jean Ornelas did have in his/her possession any device, explosive, or other instrumentality with intent to use or permit the use of the same to commit burglary or theft.

COUNT II

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

Minnesota Statute: 609.52.2(a)(1)

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

Offense Level: Misdemeanor

Offense Date (on or about): 07/29/2016

Control #(ICR#): 16022477

Charge Description: Melissa Jean Ornelas

On or about July 29, 2016, in the County of Blue Earth, said Defendant, Melissa Jean Ornelas 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.

STATEMENT OF PROBABLE CAUSE

On July 29, 2016, at approximately 4:51 p.m., Officer Adam Kruger, of the Mankato Department of Public Safety, was dispatched to a report of shoplifting at Shopko, in Mankato, Blue Earth County. Upon arriving at the scene, Officer Kruger made contact with Employee1, who works for Shopko's loss prevention department. Employee1 identified Melissa Jean Ornelas, date of birth November 19, 1979, as the person who had been shoplifting inside the Shopko store.

Employee1 stated that he was watching Ornelas on the in-store video monitoring system when he observed Ornelas walk through the women's active wear department and go to the shoe department. Employee1 then observed Ornelas look at children's shoes, and it seemed to him that she was looking for shoes that did not have a Shopko installed electronic article surveillance (EAS) tag on them. Eventually, Ornelas selected a pair of blue children's Adidas shoes.

Employee1 continued to watch Ornelas after she selected the shoes. Employee1 felt that Ornelas was acting suspicious because she was looking around, and walking up and down the men's shoes area. At one point, Ornelas set the shoes down on a shelf and manipulated the shoes in a manner that suggested to Employee1 that Ornelas did not want anyone to see what Ornelas was doing. Ornelas then took the shoes back off of the shelf and walked to the Payless Department to browse for a brief period of time. She did not select anything from Payless, and then headed to the front of the store to the boy's department.

In the boy's department Ornelas selected a pair of children's pants and went to the U-scan area, which is the customer self-checkout area. Employee1 stated Ornelas went up to registers three and four and appeared to try to swipe the pair of pants over the register, but neither register scanned the pants. Ornelas then walked towards the west-side doors. While walking toward the doors, Employee1 observed that Ornelas glanced around as if to see if anyone was watching her. Ornelas then exited the store without paying for the shoes and the pair of pants. Ornelas was not given permission to take the items without paying for them according to Employee1.

Employee1 and Employee2 then confronted Ornelas as she left the store and asked her to come back inside of the store. Employee1 asked Ornelas if she knew why he had made contact with her. Ornelas stated she knew it was because she tried to scan the items, but when they wouldn't scan she left the store in possession of the items without paying for them. Employee1 then offered Ornelas an opportunity to write an apology letter to the company. Ornelas wrote a statement that read, 'I walked up to the self-register to pay for a pair of shoes and jeans for my son. When it wouldn't scan, I walked up to the other one. When that one wouldn't scan, I walked out with the jeans and shoes. I am very sorry. I don't know what got over me. I am not a bad person, and I had every intention of paying; but when they wouldn't scan, I walked out. I am sorry. Melissa Ornelas.'

Employee one asked Ornelas where the EAS tag was from the pair of shoes she took. Ornelas stated she did not have a tag, and that there was no tag on the shoes. Employee1 informed Ornelas that he could clearly see a tag on the shoes, and that it appeared as though she was attempting to remove it when she had her hands concealed in the shoes. Ornelas again stated there was no tag on the shoes. Officer Kruger searched Ornelas's purse and found a pair of scissor. Employee1 again asked Ornelas where the EAS tag was. Ornelas claimed that there was no tag.

Employee2 then went to the area where Ornelas was observed on video, where it appeared that she put something into a different pair of shoes in the same aisle. Employee2 checked that pair of shoes and inside the shoes he found the EST tag that matched the stolen pair of shoes. The tag appeared as though it had been cut.

After the employees found the tag, Ornelas admitted that she cut the tag off and was originally intending to steal the shoes, but then changed her mind and stated she wanted to pay for them and attempted to do so at the U-scan. Ornelas stated that she knew it was possible to have them rung up at a register with a person working at it; but did not know what to, so she just left the store with the items.

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:
09/09/2016 04:05 PM
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:
09/06/2016 10:11 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 **September 29, 2016 at 8:15 AM** 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 9, 2016.

Judicial Officer

Bradley C Walker
District Court Judge

Electronically Signed: 09/09/2016 04:26 PM

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.

MELISSA JEAN ORNELAS

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: