

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0292
07-CR-16-1435

State of Minnesota,

Plaintiff,

vs.

MOUHAMED DIALLO DOB: 03/28/1995

731 Heron Drive #3
Mankato, MN 56001

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

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(5)

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

Offense Level: Misdemeanor

Offense Date (on or about): 04/10/2016

Control #(ICR#): 16010324

Charge Description: Said Defendant, Mouhamed Diallo, 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.

COUNT II

Charge: Drugs - Possession of Drug Paraphernalia - Use or Possession Prohibited

Minnesota Statute: 152.092

Maximum Sentence: \$300

Offense Level: Petty Misdemeanor

Offense Date (on or about): 04/10/2016

Control #(ICR#): 16010324

Charge Description: Said Defendant, Mouhamed Diallo, did knowingly or intentionally possess drug paraphernalia; to-wit: a smoking device.

STATEMENT OF PROBABLE CAUSE

Complainant is an Officer with the Mankato Police Department who believes the information set out below is true and accurate based on reports and information submitted to the Officer by Officer Matthew Vitale and others identified herein.

On April 10, 2016, at approximately 9:30 p.m., Officer Vitale responded to a report of an altercation at a residence in the City of Mankato, Blue Earth County, Minnesota. Officer Vitale reported to that location and identified the victim as V1. V1 reported that he has a roommate that he became involved in a dispute with. The roommate was identified as Mouhamed Diallo, the Defendant herein. Both V1 and the Defendant are attending Minnesota State University. V1 said that the Defendant had borrowed his Mav Card. Attached to the V1's Mav Card was V1's car keys. Initially, the defendant refused to return the Mav Card and the keys attached to it. Later, the defendant returned the Mav Card but had removed the keys. V1 said that the Defendant refused to return the car keys. The Defendant proceeded to lock himself in his bedroom and told V1 that he would not give the keys back until midnight. The Defendant stayed locked in his bedroom and would not talk to V1. Officer Vitale approached the Defendant's door and attempted to speak with him. The individual inside was later identified as the Defendant. Officer Vitale could hear the Defendant moving things around in the room. The Defendant did not open the door for approximately two minutes. When the Defendant opened the door, Officer Vitale could smell the odor of burnt marijuana. Upon entry into the room, Officer Vitale immediately noticed one glass and one metal smoking pipes sitting in plain view on one of the desks inside of the room.

Officer Vitale spoke with the Defendant regarding the incident. Officer Vitale noted in his police report that the Defendant rarely answered questions with appropriate answers. Officer Vitale noticed a shooting target with bullet holes in the room. When asked if he owned a gun, the Defendant responded that he never killed anybody. Officer Vitale confronted the Defendant about the missing car keys. The Defendant told Officer Vitale that he returned the keys to V1. Officer Gary Schnorenberg assisted in the investigation of the incident. Officer Schnorenberg located V1's car keys outside of the Defendant's window. Officer Vitale asked the Defendant why he threw the keys out the window. The Defendant said because the keys were not his. When asked for clarification, the Defendant said that the keys were not V1's. The Defendant was placed under arrest for theft. The drug paraphernalia was placed into evidence.

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

Matthew DuRose
Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3141

Electronically Signed:
04/12/2016 08:24 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Christopher Cain
Assistant Blue Earth County
Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
04/12/2016 08:13 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: April 12, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 04/12/2016 09:03 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.

MOUHAMED DIALLO

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: