

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1494
07-CR-16-3680

State of Minnesota,

Plaintiff,

vs.

MALCOHM MICKELLE CLARK DOB: 10/11/1993

125 E Liberty Street
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: 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): 09/16/2016

Control #(ICR#): 16028097

Charge Description: Malcohm Mickelle Clark

On or about September 16, 2016, in the County of Blue Earth, said Defendant, Malcohm Mickelle Clark, 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 - Second or Subsequent Violation in 10 years

Minnesota Statute: 609.749.4(a)

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

Offense Level: Felony

Offense Date (on or about): 09/16/2016

Control #(ICR#): 16028097

Charge Description: Malcohm Mickelle Clark

On or about September 16, 2016, in the County of Blue Earth, said Defendant, Malcohm Mickelle Clark 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; and did so within ten years of a

previous qualified domestic violence-related offense conviction or adjudication of delinquency.

COUNT III

Charge: Assault in the fifth degree; Gross misdemeanor-Within three years of previous conviction.

Minnesota Statute: 609.224.2(b)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/16/2016

Control #(ICR#): 16028097

Charge Description: MalcohM Mickelle Clark

On or about September 16, 2016, in the County of Blue Earth, said Defendant, MalcohM Mickelle Clark did commit an act with intent to cause fear in another of immediate bodily harm or death within three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

COUNT IV

Charge: Assault in the fifth degree; Gross misdemeanor-Within three years of previous conviction.

Minnesota Statute: 609.224.2(b)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/16/2016

Control #(ICR#): 16028097

Charge Description: MalcohM Mickelle Clark

On or about September 16, 2016, in the County of Blue Earth, said Defendant, MalcohM Mickelle Clark, did intentionally inflict or attempt to inflict bodily harm upon another within three years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

STATEMENT OF PROBABLE CAUSE

Mankato Department of Public Safety Police Officer Kelly Wood states that on September 16, 2016, at approximately 10:48 p.m., she received a call from Victim1 who advised that a disturbance was taking place on the front porch of a shared residence. Victim1 advised that an individual, subsequently identified as Malcohm Mickelle Clark, was attempting to get into a party that the residents were hosting. Clark was rejected as he was not on the list and became combative and punched Victim1 in the face. Victim1 and a couple of his friends tackled Clark and held him until law enforcement arrived.

When Officer Wood arrived she observed Clark laying on the front porch with individuals holding him down. Clark was released by the individuals and was then placed in handcuffs by the officers. Officer Wood noted that Clark was omitting an odor consistent of an alcoholic beverage and slurring his speech. In addition he was belligerent and incoherent at times. When asked his name, Clark yelled, 'It's fuckingfuck you!' When asked to spell his name, Clark spelled, 'F-u-c-k!' A preliminary breath test revealed a reading of 0.199.

Officer Wood spoke with Victim1 who stated that their fraternity was hosting a party and he had a strict list of people that were to be allowed. He and another person were checking names at the door and Clark tried to enter. It was determined that Clark was not on the list. When he was told he was not allowed at the party, he yelled, 'If I am not let in, I'll kill you!' Victim1 attempted to talk Clark down and noted Clark appeared intoxicated. Clark became increasingly agitated and combative. Clark then punched Victim1 in the face striking him in the left side. Witness1 tackled Clark and brought him to the ground. Clark continued to struggle and others then assisted in holding him down. Victim1 recalled Clark attempting to bite his right arm, and he avoided getting bit; but he stated he was grazed.

Officer Wood spoke with Witness1 who stated that Clark approached behind two individuals and they were allowed into the party and Clark was not. Clark appeared heavily intoxicated and became agitated and increasingly aggressive. They attempted to defuse the situation, but it did not work. Clark began making multiple threats toward people, and he was told to leave. Clark then punched Vicitm1 in the face. Witness1 stated that Clark repeatedly threatened to kill all of them. Witness2, who helped control Clark during the struggle, stated that Clark repeatedly stated, 'I'll fucking kill you!' Witness2 stated he feared letting Clark go based upon the threats.

A review of Clark's record reveals he has a prior assault conviction as is set forth in Court File No. 07-CR-15-4403.

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:
09/19/2016 09:19 AM
Blue Earth County, MN

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

Prosecuting Attorney

Patrick R. McDermott
Blue Earth County Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
09/19/2016 09:12 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 19, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 09/19/2016 09:35 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.

MALCOHM MICKELLE CLARK

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: