

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-15-1531-03
07-CR-15-4466

State of Minnesota,
Plaintiff,
vs.

COMPLAINT
Summons
 Amended

TAYLOR BENARD RAMONE FOXX DOB: 04/14/1986

8416 Rhode Island Dr
Brooklyn Park, MN 55443

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: Drugs - 1st Degree - Possess - 500 Grams or more-Narcotic-Not Cocaine

Minnesota Statute: 152.021.2(a)(2), with reference to: 152.021.3(a), 609.05.1

Maximum Sentence: 30 years and/or \$1,000,000

Offense Level: Felony

Offense Date (on or about): 11/01/2015

Control #(ICR#): 15034575

Charge Description: Taylor Benard Ramone Foxx Also Known As Taylor Bernard Foxx Ramon, Taylor Ramone Fox, Taylor Foxx, Taylor Bernard Foxx, Taylor Benard Foxx, Taylor Bernard Ramone Foxx And Jamar Bernard Foxx

On or about November 1, 2015, in the County of Blue Earth, said Defendant, Taylor Benard Ramone Foxx did intentionally aid, advise, hire, counsel, or conspire with, or otherwise procure another to commit the crime, and/or did personally commit said crime; to wit: did possess one or more mixtures of a total weight of 500 grams or more containing a narcotic drugs other than cocaine, heroin or methamphetamine.

COUNT II

Charge: Drugs - 1st Degree - Possess 500 Grams or More - Narcotic - Not Cocaine

Minnesota Statute: 152.021.2(a)(2), with reference to: 152.021.3(a), 152.096.1

Maximum Sentence: 30 years and/or \$1,000,000

Offense Level: Felony

Offense Date (on or about): 11/01/2015

Control #(ICR#): 15034575

Charge Description: Taylor Benard Ramone Foxx Also Known As Taylor Bernard Foxx Ramon, Taylor Ramone Fox, Taylor Foxx, Taylor Bernard Foxx, Taylor Benard Foxx, Taylor Bernard Ramone Foxx And

Jamar Bernard Foxx

On or about November 1, 2015, in the County of Blue Earth, said Defendant, Taylor Benard Ramone Foxx did conspire to possess one or more mixtures of a total weight of 500 grams or more containing a narcotic drugs other than cocaine, heroin or methamphetamine.

COUNT III

Charge: Drugs - 2nd Degree - Possess 50 Grams or More Narcotic - Not Cocaine

Minnesota Statute: 152.022.2(a)(2), with reference to: 152.022.3(a), 609.05.1

Maximum Sentence: 25 years and/or \$500,000

Offense Level: Felony

Offense Date (on or about): 11/01/2015

Control #(ICR#): 15034575

Charge Description: Taylor Benard Ramone Foxx Also Known As Taylor Bernard Foxx Ramon, Taylor Ramone Fox, Taylor Foxx, Taylor Bernard Foxx, Taylor Benard Foxx, Taylor Bernard Ramone Foxx And Jamar Bernard Foxx

On or about November 1, 2015, in the County of Blue Earth, said Defendant, Taylor Benard Ramone Foxx, did intentionally aid, advise, hire, counsel, or conspire with, or otherwise procure another to commit the crime, and/or did personally commit said crime; to wit: did possess one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine.

COUNT IV

Charge: Drugs - 2nd Degree - Possess 50 Grams or More Narcotic - Not Cocaine

Minnesota Statute: 152.022.2(a)(2), with reference to: 152.022.3(a), 152.096.1

Maximum Sentence: 25 years and/or \$500,000

Offense Level: Felony

Offense Date (on or about): 11/01/2015

Control #(ICR#): 15034575

Charge Description: Taylor Benard Ramone Foxx Also Known As Taylor Bernard Foxx Ramon, Taylor Ramone Fox, Taylor Foxx, Taylor Bernard Foxx, Taylor Benard Foxx, Taylor Bernard Ramone Foxx And Jamar Bernard Foxx

On or about November 1, 2015, in the County of Blue Earth, said Defendant, Taylor Benard Ramone Foxx, did unlawfully conspire to possess one or more mixtures of a total weight of 50 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine.

COUNT V

Charge: Aggravated Forgery-Legal Rights Created/Terminated

Minnesota Statute: 609.625.1(1), with reference to: 609.05.1

Maximum Sentence: 10 years and/or \$20,000

Offense Level: Felony

Offense Date (on or about): 11/01/2015

Control #(ICR#): 15034575

Charge Description: Taylor Benard Ramone Foxx Also Known As Taylor Bernard Foxx Ramon, Taylor Ramone Fox, Taylor Foxx, Taylor Bernard Foxx, Taylor Benard Foxx, Taylor Bernard Ramone Foxx And

Jamar Bernard Foxx

On or about November 1, 2015, in the County of Blue Earth, said Defendant, Taylor Benard Ramone Foxx did intentionally aid, advise, hire, counsel, or conspire with, or otherwise procure another to commit the crime, and/or did personally commit said crime; to wit: did with intent to defraud, falsely make or alter a writing or object so that it purports to have been made by another or by the maker or alterer under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority and whereby, when genuine, legal rights, privileges, or obligations are created, terminated, transferred, or evidenced, or any writing normally relied upon as evidence of debt or property rights, other than a check or financial transaction card.

STATEMENT OF PROBABLE CAUSE

On November 1, 2015, at approximately 4:24 p.m., officers with the Mankato Department of Public Safety were dispatched to Walgreen's in the City of Mankato for a fraud complaint. Upon receiving the call, Officer Ellis requested assistance to assist with the incident. Dispatch advised that a Black male claiming to be 'Gordon Smith' was waiting for a forged prescription in the lobby of Walgreen's.

Officer McGinnis and Officer Ellis arrived at Walgreen's and parked near the side of the store. Officer Ellis observed a gray passenger car parked at the end of the sidewalk/corner of the store. Officer Ellis observed a larger Black male sitting in the passenger seat. The male was later identified as Taylor Benard Ramone Foxx, D.O.B. 04/14/1986. Taylor looked at the officers and then looked down as if Taylor was maybe text messaging on his phone. Officer Ellis and Officer McGinnis walked into the store and observed a larger Black male exiting the store from the store via mirrors down the cosmetic aisle. The male was wearing a dark plaid shirt. As officers exited the store, they saw the gray vehicle was already leaving the parking lot. The vehicle was traveling at a high rate of speed and squealing its tires. Officer McGinnis got into his squad and located the vehicle near Swiss Street. Officer McGinnis's squad lights and siren were activated as he turned onto Swiss Street and watched the suspect vehicle turn onto Madison Avenue.

As Officer McGinnis got onto Madison Avenue, the vehicle was traveling at a high rate of speed and was still a distance ahead of Officer McGinnis. The vehicle was traveling approximately 65 miles per hour down Madison Avenue. The vehicle came to a complete stop just past Sixth Street and Madison Avenue. A felony stop was conducted, and the vehicle's three occupants were taken into custody. The driver was identified as Timothy Jackson, D.O.B. 11/30/1975. The backseat passenger was identified as Alou Teto Mwah, D.O.B. 03/05/1987. Officer McGinnis followed the suspect vehicle as it was towed to the Public Safety Center and sealed pending the execution of a search warrant.

Officer Fischbach responded to the incident upon hearing the suspect vehicle was not stopping for officers. Officer Hoppe also assisted in the felony stop. Officer Fischbach saw the first person to exit the vehicle was Foxx. Officer Fischbach grabbed onto Foxx and placed handcuffs on him. Officer Fischbach then escorted Foxx to his squad and searched Foxx before placing him in a squad car. Officer Hoppe had called out to a second male while Officer Fischbach was dealing with Foxx. As Officer Hoppe gave commands to the front passenger to exit the vehicle, Officer Hoppe saw Foxx throw a bottle of prescription medication down to the ground with his right hand. The medication was later identified as Promethazine-Codeine.

The third male in the rear seat, Mwah was also called out of the vehicle. Officer Fischbach grabbed onto Mwah and placed handcuffs on him and escorted Mwah back to the squad and searched him before placing him in a squad car. Mwah had two pieces of paper that appeared to be prescriptions in his pockets and one piece of paper that was torn in several pieces. One of the prescriptions was for a 'Samuel Barry' for Loratadine, a non-scheduled controlled substance. The other prescription was written out for a 'Timothy Jackson' for Loratadine. Officer Fischbach noted that the date of birth was not the same as the Timothy Jackson that was arrested and that this appeared to be a forged prescription. Officer Fischbach noted that the prescriptions were purportedly issued by 'Sean Anderson' and that the issuing medical facility is Park Nicollet Health Services out of St. Louis Park, Minnesota. After returning to the Public Safety Center, the torn-up paper was taped back together and found to be another prescription. At the bottom of the prescription, Officer Fischbach noted Mwah had been practicing the signature for 'Sean Anderson,' the alleged doctor on the prescriptions.

Officer Hoppe went to Walgreen's and spoke with the on-duty pharmacist and the pharmacy technician. Officer Hoppe was provided the following information: The on-duty pharmacist advised that he knew the

prescriptions were fraudulent from a prior fraudulent prescription he had taken at an earlier date. The pharmacist advised the pharmacist tech to contact police. The pharmacist contacted the health care facility and found the patient listed did not exist in their records. The pharmacist provided Officer Hoppe with the fraudulent prescriptions and advised they were for Promethazine-Codeine and Loratadine, which is a generic Claritin non-scheduled controlled substance. The pharmacist advised it is common for criminals who forge prescriptions to also forge one for a non-narcotic in hopes that no red flags are raised by the pharmacy. The pharmacist identified Jackson as the male in the store who was waiting on the prescription and identified him in a show-up.

Officer Grassmann also assisted during the stop of the vehicle. Officer Grassmann conducted a pat-search of Jackson and located the following items on Jackson's person: a small lighter, a small pocket knife, numerous denominations of U.S. currency, a paper bag containing prescription medication information, a wallet with Jackson's identification, and a cellphone.

After securing the gray vehicle, Officer McGinnis returned to Walgreen's and followed the route that the suspect traveled in an attempt to find any evidence they may have discarded. The following items were located: A plastic baggy containing a small amount of green leafy substance on the corner of Winkler and Kreig Street. A pill bottle with the name of the prescriber peeled off. Officer McGinnis noted you can make out 'Johnson' as the last name. The pill bottle contained 9 pills, later determined to be Loratadine, a non-scheduled substance. The prescribing doctor is purported to be a 'Sean Anderson.' One bottle of Promethazine-Codeine syrup located at Sylvan Way and Swiss Street prescribed to 'Samuel Barry' and purportedly prescribed by Dr. Sean Anderson (Codeine is a Schedule II controlled substance). One bottle of Promethazine-Codeine syrup located at Bonnie and Swiss Street prescribed to 'Henry Johnson' and purportedly prescribed by Dr. Sean Anderson. One bottle of Promethazine-Codeine syrup located in front of 114 Swiss Street and purportedly prescribed by Dr. Sean Anderson. Three Shopko Pharmacy receipts for Promethazine-Codeine from Shopko in Mankato on November 1, 2015, at 4:05 p.m. The prescriber again is purposed to be a Dr. Sean Anderson. Three forged prescriptions from 'Park Nicollet Health Services.' Officer McGinnis noted that two of the prescriptions were for Loratadine and the other for Promethazine-Codeine. Two of them were prescribed to 'Mike Williams' and the second to a 'Henry Johnson.' All the prescriptions were purportedly signed by 'Sean Anderson.' This paperwork was located on Madison Avenue, west of Swiss Street.

Officer McGinnis noted the purported prescriber, Dr. Sean Anderson, is the doctor listed on all of the aforementioned items. Dr. Sean Anderson is also the purported prescriber of the Promethazine-Codeine bottle that Foxx tried to throw out when Foxx exited the vehicle at Officer Hoppe's direction. Officer McGinnis also noted that the prescriptions located on Madison Avenue are also the same prescriptions that Jackson tried to turn in at Walgreen's, which initiated this call. Officer McGinnis noted that the names and addresses on the prescriptions do not appear to be real and not actual names that exist at the addresses listed based on a records check. Officer McGinnis also noted in watching his squad video that Jackson can be seen sprinting out of Walgreen's to his car after seeing doctors walk into the Walgreen's store.

On November 1, 2015, Minnesota River Valley Drug Task Force Agent Matt Huettl was in contact with Sergeant Baker, of the Mankato Department of Public Safety, regarding a narcotics/fraud complaint at Walgreens, in Mankato. Agent Huettl advised three males were in custody.

On November 2, 2015, Agent Huettl drafted a search warrant for a gray 2007 Mercedes Sedan that the suspects had been apprehended in. A search warrant was granted, and on November 2, 2015, the search warrant was executed at the Mankato Public Safety Center. The following items were located in the vehicle. A glass jar with a small amount of a green leafy substance in the center console. A box of sandwich baggies in the center console. Zig-zag papers in the center console. A coffee cup with red liquid suspected

to be codeine syrup in the center console. Miscellaneous sales receipt in the backseat. Prescription bottle with white pills in the front passenger floor. A cellphone near the front passenger seat. An Apple iPhone in the front passenger seat. Agent Huettl secured these items into evidence and also reviewed evidence collected by the Mankato Department of Public Safety. Agent Huettl noted that the Department of Public Safety collected four bottles of Promethazine-Codeine syrup including one bottle with the label removed from Shopko Pharmacy containing 470 ml. One bottle with a label to Timothy Jackson from Family Fresh Market containing 300 ml. One bottle with a label to Henry Johnson from Cub Food-South containing 300 ml. One bottle with the label to Samuel Barry from Cub Food-East containing approximately between one-fourth and one-third of a 300 ml bottle. Agent Huettl noted the estimated total amount of Promethazine-Codeine syrup was 1,100 ml. A milliliter of water weighs one gram.

Agents of the Minnesota River Valley Drug Task Force conducted interviews with Foxx, Jackson, and Mwah at the Blue Earth County Justice Center on November 2, 2015. In a jail intake interview room Mwah was advised of his Miranda rights. Mwah advised that he understood his rights and agreed to speak with agents. Mwah stated he was contacted by Jackson around 4:00 p.m. while Mwah was at his girlfriend's in Mankato. Mwah explained that Jackson said Jackson was in town and wanted to pick Mwah up. Jackson picked Mwah up near campus. Mwah said Jackson handed Mwah a paper and asked Mwah to get this. Mwah said he looked at the paper and saw that they were prescriptions. Mwah explained that he ripped them up and told Jackson Mwah would not try to get them filled, explaining that the name on the prescriptions was not his. Mwah said they then drove to the Walgreens on Madison Avenue where Mwah and Foxx stayed in the vehicle as Jackson exited and went into the store. Mwah explained that after a while two Mankato officers pulled into the parking lot and went into the store. Mwah said that after officers went into the store Jackson came out and got into the vehicle and took off in a hurry to elude the officers. Mwah stated Mwah was not sure what was going on and asked Jackson to stop so Mwah could get out of the vehicle. Mwah explained that the officers were following them and that Mwah did not know why. Mwah was asked about items found that were thrown from the vehicle. Mwah replied that he did not see anything nor did he throw anything from the vehicle.

Agents also conducted a recorded interview with Jackson at the Blue Earth County Jail. After reading Jackson a Miranda Warning, Jackson advised that he understood his rights and engaged in conversation and questioned what charges he had against him. When agents began questioning Jackson, Jackson said he would feel more comfortable having an attorney present. At that point, Agent Ruch attempted to explain forfeiture paperwork to Jackson. Jackson began questioning the agents on his charges again and became upset with the forfeiture of his vehicle. While expressing his distress with the forfeiture of his vehicle, Jackson spontaneously uttered, 'I made a bonehead mistake' 'This is cough syrup bro . . . this ain't nothing.' After serving Jackson the forfeiture paperwork, agents concluded the interview.

Agents also conducted a recorded interview with Foxx at the Blue Earth County Jail. Agents advised Foxx of his Miranda Rights, and Foxx advised that he understood his rights. Foxx provided the following information. The vehicle belonged to Jackson. Jackson's street name is 'Dolo.' Foxx was smoking marijuana. They arrived in town around 2:00. Foxx went to the mall while Jackson and Mwah went to Shopko, then Foxx was picked up afterwards. Foxx confirmed they came down to Mankato to use the fake prescriptions to pick up the Codeine. Foxx stated Foxx brought weed with him to smoke in the car. Foxx smoked five to six blunts. Foxx stated Jackson uses the Codeine. Foxx stated the Codeine is cheaper in Mankato. Foxx asked Jackson what Jackson was driving for stating to Jackson, 'It was just cough syrup' in reference to the police following Jackson after leaving Walgreens. Jackson was telling Foxx to throw everything out of the car. Foxx denied throwing things out of the car and stated Mwah and Jackson were throwing the items out the window. Foxx advised the prescriptions a/k/a 'sheets' are for sale \$100 for both of them. Foxx referred to the Codeine as liquid heroin.

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

Daniel Schisel
Police Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3135

Electronically Signed:
08/11/2016 07:54 AM
Blue Earth County, Minnesota

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:
08/09/2016 10:49 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: August 11, 2016.

Judicial Officer Robert Birbaum
District Court Judge

Electronically Signed: 08/11/2016 12:45 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.

TAYLOR BENARD RAMONE FOXX

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: