

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1426
07-CR-16-4536

State of Minnesota,
Plaintiff,

COMPLAINT
Summons

vs.

CODY MATTHEW PLATTE DOB: 11/30/1995

10636 300th Ave
Waseca, MN 56093

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: Criminal Sex Conduct-3rd Degree-Victim 13-15 Actor >24m older

Minnesota Statute: 609.344.1(b), with reference to: 609.344.2(2)

Maximum Sentence: 15 years and/or \$30,000

Offense Level: Felony

Offense Date (on or about): 08/22/2016

Control #(ICR#): 16012565

Charge Description: Cody Matthew Platte

On or about August 22, 2016, in the County of Blue Earth, said Defendant, Cody Matthew Platte did engage in sexual penetration with another person with the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant.

COUNT II

Charge: Criminal Sex Cond-4th Degree-Victim 13-15-Act >48m Old

Minnesota Statute: 609.345.1(b), with reference to: 609.345.2

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

Offense Level: Felony

Offense Date (on or about): 08/22/2016

Control #(ICR#): 16012565

Charge Description: Cody Matthew Platte

On or about August 22, 2016, in the County of Blue Earth, said Defendant, Cody Matthew Platte did engage in sexual contact with another person when the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of

authority over the complainant.

COUNT III

Charge: Engage in Electronic Communication Relating or Describing Sexual Conduct with Child.

Minnesota Statute: 609.352.2a(2), with reference to: 609.352.4

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

Offense Level: Felony

Offense Date (on or about): 08/23/2016

Control #(ICR#): 16012565

Charge Description: Cody Matthew Platte

On or before August 23, 2016, in the County of Blue Earth, said Defendant, Cody Matthew Platte, did as a person 18 years of age or older, use the Internet, a computer, computer program, computer network, computer system, an electronic communications system, or a telecommunications, wire, or radio communications system, or other electronic device capable of electronic data storage or transmission to commit any of the following acts, with the intent to arouse the sexual desire of any person; to wit: engaging in communication with a child or someone the person reasonably believes is a child, relating to or describing sexual conduct.

STATEMENT OF PROBABLE CAUSE

On August 22, 2016, at approximately 9:34 p.m., Deputy Joe Flavin of the Blue Earth County Sheriff's Office responded to the Amboy area to assist Tri-City Police on a runaway call for service. It was reported that Juvenile 1 ran away from home, and her parents did not know where she was. Juvenile 1 was 15 years old at the time. Deputy Flavin was told to go to the Ida Lake access as Juvenile 1 was known to frequent that area when she runs away from home.

When Deputy Flavin arrived at the Ida Lake access in Blue Earth County, he observed a black pickup parked on the west side of the parking lot facing the lake. Deputy Flavin activated his squad car and walked up to the vehicle. Deputy Flavin observed that the inside of the vehicle was empty, and the hood was cool to the touch. He then turned to walk back to the truck bed and observed a used condom on the gravel approximately three feet from the driver's door. He then walked back to the bed of the truck and peered inside. Deputy Flavin observed a male and a young-looking female, lying down, looking up at him.

The male was later identified as Cody Matthew Platte, D.O.B. 11-30-1995, and the female was identified as Juvenile 1. Both Platte and Juvenile 1 looked surprised to see Deputy Flavin. They were fully clothed at the time. Deputy Flavin asked Juvenile 1 several times who she was; however, she would not answer. Eventually she responded, "Why do you care?" When asked if she was Juvenile 1, she stated, "I don't have to tell you." Deputy Flavin had Juvenile 1 go to his squad car so that he could return her home.

Deputy Flavin then made contact with Platte, who was 20 years old at the time. Platte stated that he and Juvenile 1 were looking up at the stars. Platte stated that he and Juvenile 1 were friends and that he was just helping her through a rough time with her parents. Deputy Flavin asked Platte about the condom. Platte stated that it was not his. Platte stated that Juvenile 1 Facebook messaged him to come and pick her up, so he picked her up from the park in Amboy, and they came out to the Ida Lake access. Platte claimed that nothing sexual happened. Deputy Flavin asked Platte if he knew how old Juvenile 1 was. Platte replied, "15." At that time, Platte was adamant that nothing sexual occurred.

Deputy Flavin transported Juvenile 1 to her residence and returned her to her parents. Deputy Flavin advised Juvenile 1's mom about the used condom and explained what that might imply. Deputy Flavin then went back to the Ida Lake access in the event a sexual assault accusation against Platte was made. Deputy Flavin arrived back at the Ida Lake exit at approximately 10:15 p.m. At that time, the condom was no longer where it had been when he left the area. Deputy Flavin scoured the area and was unable to locate the condom that had been there when he left. It appeared to Deputy Flavin that the condom had been deliberately removed from the area.

On August 24, 2016, Sergeant Johnson of the Tri-City Police Department advised deputies that the mother of Juvenile 1 was able to gain access to Juvenile 1's phone. Juvenile 1's mother stated that she located several messages that were of a sexual nature between Platte and Juvenile 1. On August 25, 2016, Deputy Martin applied for and was granted a search warrant by The Honorable Robert Birnbaum to search Juvenile 1's phone.

Deputy Martin discovered Facebook messages between Platte and Juvenile 1 from August 22, 2016, where they were speaking about a park in Amboy. In the Facebook messages, Juvenile 1 advises Platte how to get to the park and later advises that she sees him. Later that evening, starting at 10:38 p.m., there are Facebook messages where Juvenile 1 apologizes and tells Platte that if he never wants to see Juvenile 1 again, she understands. The conversation consisted of back and forth messages about Juvenile 1 and Platte still wanting to see each other. Platte then messages, "I'll still be here, just not around until you turn 18." Platte messaged to Juvenile 1, "Are you mad at me? I'm sorry if you don't want to, I do, but the

freaking cop was scaring the shit outta me." Juvenile 1 messages Platte, stating, "Can't even see each other without my parents calling the cops." Platte then responded, "We will work around it, I promise." Juvenile 1 then messaged, "I don't want to get you in trouble. I don't wanna hurt you."

Deputy Martin found more Facebook messages dated Tuesday at 9:14 a.m., believed to be August 23, 2016. In that conversation, Juvenile 1 states, "It's okay, I got to see you, so they can fuck off, LOL (emojis)." Platte responded, "Ha ha, a bit more than just see." Juvenile 1 responded, "That was more than fucking amazing LOL." Juvenile 1 messaged, "It was breathtaking, LMFAO. We were sweaty ASF (emojis)." Platte responded, "That we were LOL." Later in the conversation, Platte messaged Juvenile 1, "Ha ha, I could have went all night if I wanted to, but I didn't want to drown in sweat LOL." Juvenile 1 responded, "LOL, I could have too. (emojis)."

Deputy Martin also discovered another conversation starting at 8:36 p.m. on August 23, 2016. During that conversation, Platte messaged Juvenile 1 stating, "Ha ha, I know we both will be the best parents (emojis)" Juvenile 1 responds, "Yes! (emoji) Except they might wake up a lot (emoji)." Platte responded, "Yeah, if you're not too loud ridin the ol bull (emojis)." Juvenile 1 responded, "Ha ha, I wasn't that loud last night tho. I was just sweaty ASF." Platte responded, "We both were, it was hot AF tho." Juvenile 1 stated, "32 times tho (emojis). That's the most a guy has made me cum. so u did it dam good job." Platte responded, "And I will still beat that record! (emojis)" Juvenile 1 responded, "Ha, I know you will once I can get out the house for a day or so."

Deputy Martin found another conversation starting at 9:58 p.m. on August 23, 2016, where Juvenile 1 states, "And do what LOL." Platte then responded, "And get undressed" Juvenile 1 responds, "Hot dam! (emojis) can I join?!" Platte responds, "Yes, I would love for you to babe. Wishing you were here and then ease on into the shower (emojis)." Juvenile 1 later messages, "Make it more than 32 (emojis)." Platte responds, "Oh, baby, I am gonna double that (emojis)." Juvenile responded, "64? Ha ha u could probably do 100 minimum if we had a whole day." Platte responded, "More than that I would love to have a whole day with you." Juvenile 1 then responded, "Fuck. Once I'm 18 you will be the rest of our lives (emoji). Hope you know divorce will not be an option ever. If we fight, we will talk it over the next day."

Deputy Martin also found a conversation between Juvenile 1 and one of her friends. In that conversation, Juvenile 1 states, "Ha ha! No he's fucking perfect!!" The friend then responded, "I bet (emojis)." Juvenile 1 stated, "And amazing at sex LOL we were sweaty ASF! He wants to start a family once I'm 18!! I'm like yassss (emojis)."

Based on these text messages, Deputy Martin believed that Juvenile 1 and Platte had sex on August 22, 2016, possibly in Platte's truck before they were found by Deputy Flavin based on the text and used condom spotted by Deputy Flavin.

On September 2, 2016, Deputy Martin met with Platte at the Justice Center. Deputy Martin read Platte his Miranda warning, and Platte agreed to speak with him. Deputy Martin then asked Platte about his relationship with Juvenile 1. Platte stated that he and Juvenile 1 have been friends for awhile and that they met online through Facebook through a random friend request a couple of years ago. Platte stated the initial contact was in 2014 before he graduated high school. Platte stated they then met in person while he was still in high school; however, they lost touch when Platte was in college and reconnected on Facebook a couple months prior to the interview. Platte stated that Juvenile 1 messaged him out of the blue.

Platte stated that he and Juvenile 1 met because Juvenile 1 stated she was having problems at home. Platte stated he drove to Amboy to meet with Juvenile 1. Platte was referring to the same day that Deputy Flavin spoke with them at the Ida Lake access. Platte stated that was the first time they met in person for awhile. Platte stated they met at the park in Amboy and then later drove to the lake. Platte stated they sat in

the back of his truck and talked for about an hour and looked at the stars until the cop showed up.

Platte stated that Deputy Flavin spoke to him about Juvenile 1 being a minor and told him about finding a used condom. Platte stated it was not his condom. Platte admitted that he knew Juvenile 1 was 15 years old at the time.

Deputy Martin then asked Platte to tell him more about the condom. Platte stated that Deputy Flavin presumed that it was Platte's and that Platte was doing stuff with Juvenile 1. Deputy Martin asked Platte if he was. Platte stated that he wasn't and that he and Juvenile 1 hugged and cuddled a little in the bed of the truck but that was it. Deputy Martin asked Platte if he had any sexual contact with Juvenile 1 prior to that day. Platte denied ever having sex with Juvenile 1 or any type of sexual contact with her.

Platte admitted to talking to Juvenile 1 the day after the incident. Deputy Martin then confirmed with Platte that he is still maintaining that Platte has never had sex with Juvenile 1. Platte then began to get confrontational with Deputy Martin and asked why this gets brought up. Platte asked why everyone presumes that because he's an older guy and she's a younger girl that they did something.

Deputy Martin asked Platte what happened to the condom. Platte stated that he did not know and that he drove off after a while. Platte denied ever seeing the condom again. Deputy Martin then advised Platte that when Deputy Flavin returned, the condom was mysteriously gone and that it was odd that someone would take a condom that didn't belong to them. Platte responded, "I don't know."

Deputy Martin advised Platte that he had received a search warrant for Juvenile 1's phone and had looked at her Facebook messages. Deputy Martin confirmed that the person named "Butthead" on her phone is him. Deputy Martin informed Platte that he was concerned about the messages that talked about him making Juvenile 1 "cum" 32 times and being all sweaty. Deputy Martin asked Platte what that was all about. Platte stated, "I don't know." Platte then stated it was pretty hot and humid.

Deputy Martin again asked Platte about the messages where he talks about making her "cum" 32 times. Platte continued to say that he didn't know. Deputy Martin asked Platte if he remembered saying that. Platte stated he didn't know and didn't remember what his response to it was. Deputy Martin told Platte that Platte's response was something about breaking that record and giving her 64 and if he had the whole day, he would do over 100. Deputy Martin asked Platte if any of that sounded familiar. Platte stated that he didn't know, and it was probably from making her laugh and smile from jokes and stuff and trying to cheer her up.

Deputy Martin then read several of the texts to Platte then continued to question him about their sexual nature. Platte continued to deny being more than friends with Juvenile 1 and denied a sexual relationship. Deputy Martin advised Platte that Deputy Martin knew Platte had sex with Juvenile 1 at the Ida Lake access. Deputy Martin told Platte that he just wanted Platte to be honest. Platte stated that if he was honest, that her parents will press charges against him and that her parents will hate him. Deputy Martin asked Platte if he thought it would look better in court if Platte lied or if he admitted to what happened. Deputy Martin then told Platte to tell the truth and informed Platte that he knew Platte had sex at the access in his truck. Platte then responded by saying, "Now that you know the truth, are we done?"

Deputy Martin then asked Platte some true or false questions about what happened the night that Platte and Juvenile 1 were found by Deputy Flavin. Deputy Martin asked Platte if they had sex that night. Platte responded, "True." Deputy Martin asked Platte if Platte's penis was in Juvenile 1's vagina. Platte responded, "True." Deputy Martin then asked Platte if the condom was his. Platte admitted that it was his. Deputy Martin asked Platte what he did with the condom. Platte stated that he threw it away in a garbage can but couldn't remember where. Deputy Martin then advised Platte that he knows that Juvenile 1 is 15 and that he is 20, so Juvenile 1 cannot legally give consent to have intercourse. Platte responded, "I know."

Deputy Martin then asked Platte if the text messages were about Platte and Juvenile 1 having sex at the access. Platte admitted that some of them were. Deputy Martin confirmed with Platte that the messages about being sweaty were in reference to having sex at the Ida Lake access. Platte stated, "True." Deputy Martin then confirmed that the messages about "cumming" were in reference to having sex. Platte stated, "Yeah."

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

Paul Barta
Captain
401 Carver Rd
Mankato, MN 56002-0228
Badge: 2721

Electronically Signed:
11/18/2016 02:11 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:
11/18/2016 02:03 PM

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 **December 15, 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: November 18, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 11/18/2016 02:44 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.

CODY MATTHEW PLATTE

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: