

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1775
07-CR-16-4274

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

CHEVEZ EDUARDO AVINA DOB: 01/18/1994

7608 67th Ave. N
Brooklyn Park, MN 55428

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 - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana

Minnesota Statute: 152.025.2(1), with reference to: 152.025.4(a)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 10/29/2016

Control #(ICR#): 16032815

Charge Description: Chevez Eduardo Avina

On or about October 29, 2016, in the County of Blue Earth, said Defendant, Chevez Eduardo Avina did unlawfully possess one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except heroin or a small amount of marijuana, and the weight of the substance is less than .25 grams or one dosage unit or less and the person has not been previously convicted of a violation of Chapter 152.

STATEMENT OF PROBABLE CAUSE

On October 29, 2016, at approximately 1:59 a.m., Complainant, a staff member at a downtown bar in the City of Mankato, found Chevez Eduardo Avina, D.O.B. 1-18-1994, in the bathroom of the bar in possession of suspected cocaine. Complainant walked Avina out of the bar to Commander DuRose of the Mankato Department of Public Safety on the sidewalk just outside of the bar. Complainant turned over a pack of cigarettes to Commander DuRose and pointed out a clear plastic bag inside the cigarette pack. Complainant said Complainant believed the white powder to be cocaine. Commander DuRose took possession of the cigarette pack and Avina, who was identified by Minnesota driver's license. Commander DuRose walked Avina to a squad car and placed him in handcuffs after searching Avina.

Commander DuRose went back and spoke to Complainant who said Complainant was checking on customers in the bathroom when Complainant noticed two people in a stall in the men's room. When Complainant confronted the males, Complainant saw one holding a clear plastic baggie. The male then placed the baggie in a cigarette box. Complainant said that bar staff has caught others using cocaine in the bathroom, and Complainant believed these two males were doing so as well when Complainant confronted them. Once Complainant confronted them, Complainant grabbed the cigarette pack and noticed the baggie inside.

Officer Walker provided Commander DuRose with a NIK test kit on scene. Commander DuRose tested the white powdery substance and it tested positive for the presence of cocaine. Commander DuRose noted there was a very small amount in the corner of the plastic bag to test. Officer Hullopeter arrived on scene and transported Avina to the Blue Earth County Jail.

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:
10/31/2016 10:37 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:
10/31/2016 09:39 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: October 31, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 10/31/2016 12:44 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.

CHEVEZ EDUARDO AVINA

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: