

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

MAN-16-0485  
07-CR-16-2931

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**State of Minnesota,**

Plaintiff,

vs.

**KANEN SULLIVAN ELLIOTT DOB: 12/08/1993**

18330 W Sioux Vista Dr  
Jordan, MN 55352

Defendant.

**COMPLAINT**

Summons

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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: Harassment; Restraining Order - Violate and knows of temporary or restraining order**

Minnesota Statute: 609.748.6(b)

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

Offense Level: Misdemeanor

Offense Date (on or about): 04/05/2016

Control #(ICR#): 16009780

Charge Description: Said Defendant, Kanen Sullivan Elliott, did violate a restraining order issued under M.S. 609.748.

## 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 Christopher Arkell and others identified herein.

On April 5, 2016, at approximately 10:00 P.M., Officer Arkell responded to a report of a violation of a Harassment Restraining Order (H.R.O.) that occurred at Bethany Lutheran College in the City of Mankato, Blue Earth County, Minnesota. Officer Arkell identified the Victim as Victim 1. Victim 1 reported the violation of a H.R.O. due to the receipt of text messages. The suspect was identified as Kanen Sullivan Elliott, the defendant herein. Victim 1 reported that she had received the text messages from a telephone number that she did not recognize. The telephone number that Victim 1 received the text message from was (612) \*\*\*-\*\*\*\*. Upon calling that number, a male individual answered whom she suspected as the defendant. A review of court records indicates that a H.R.O. was issued against the defendant on November 12, 2014. See Blue Earth County District Court file 07-CV-14-4164. The H.R.O. prohibits 'direct or indirect' contact by the defendant with Victim 1.

Victim 1 had her boyfriend attempt contact with the male individual at that same telephone number with the '612' area code. Victim 1's boyfriend was identified as Witness 1. Witness 1 called the telephone number from which the text messages originated. Witness 1 used his cell phone when he attempted the contact. Subsequent to Witness 1's attempted contact, the defendant added Witness 1 on Snapchat. (Snapchat is a social media application that allows for image and text messaging that are temporarily available for the receiver of the snapchat 'message.') Witness 1 reported that he has had no contact with the defendant. Witness 1 stated that there was no way the defendant could have known Witness 1's telephone number but for the fact that Witness 1 had attempted contact with the defendant shortly after the text messages had been received by Victim 1.

Victim 1 indicated that she didn't recognize the 612 telephone number. A computer check of the origin of the telephone number indicates that it came back as a 'spoof telephone number.' A spoof telephone number causes the telephone network to indicate to the receiver of a call that the originator of the call is a station other than the true originating station. Therefore, a person who has caller id. or has a cell phone would receive a telephone call (or text message) that indicates the call is originating from a specific telephone number. In fact, the call would actually originate from a different telephone number.

Officer Arkell attempted to contact the defendant regarding the text messages that were sent to Victim 1. Officer Arkell attempted contact by calling the 612 area code (the spoof telephone number). Officer Arkell suspected that the male who answered the telephone was attempting to mask himself with an accent. The male who answered hung up the telephone.

Officer Arkell attempted to contact the defendant by calling him on the defendant's known cell phone number. Officer Arkell called the defendant's cell phone of (952) \*\*\*-\*\*\*\*. The male individual who answered had a similar sounding voice to the individual who answered the phone when Officer Arkell called the spoof number. When Officer Arkell asked to speak with the defendant, the male hung up the telephone. Officer Arkell left a voice-mail message on the defendant's cell phone. The defendant called back and denied contacting the victim. The defendant claimed that he had been texting another individual. The defendant refused to identify the person he claimed that he had been texting. Officer Arkell suspected the defendant was under the influence of something. (The defendant had been slurring his speech during the conversation with Officer Arkell.) Officer Arkell contacted the Scott County Sheriff's Department regarding the defendant's violation of the H.R.O.

Scott County Deputies spoke with the defendant at the defendant's residence. After the deputies left his residence, they saw the defendant enter a vehicle. Scott County Sheriff deputies observed that the defendant was intoxicated while they spoke with him. The defendant attempted to flee from the sheriff deputies and crashed shortly thereafter. The defendant was arrested for Felony Fleeing and Gross Misdemeanor DWI. See Scott District Court file 70-CR-16-6489.

The spoof telephone number was investigated. Officer Arkell determined that the telephone number was associated with a company titled Pinger, Inc. Pinger, Inc. is based out of San Jose, California. Pinger, Inc. issues telephone numbers that provide telephone service and text message capabilities. Officer Arkell obtained an administrative subpoena to identify the individual that was assigned the specific telephone number that had contacted Victim 1. Pinger, Inc. provided information indicating that the number that had contacted Victim 1 was assigned to the defendant.

A computer check of the defendant's prior criminal history indicates that he has two convictions for obscene or harassing telephone calls. See Blue Earth County District Court file 07-CR-14-4638 and Goodhue County District Court file 25-CR-15-365. In addition, the defendant has two convictions in South Dakota. The defendant has a conviction for Intentional Damage to Property in Brookings, South Dakota for an incident in April of 2013. The defendant also has a conviction for Making a False Report and Fleeing Police in October of 2013.

## 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:  
07/21/2016 08:59 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:  
07/20/2016 02:48 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 **August 18, 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: July 21, 2016.

**Judicial Officer**

Richard C. Perkins  
Judge of District Court

Electronically Signed: 07/21/2016 03:42 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.

**KANEN SULLIVAN ELLIOTT**

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: