

State of Minnesota
County of Rice

District Court
3rd Judicial District

Prosecutor File No. 0660041518
Court File No.

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

MICHAEL GEORGE SCHWANKE DOB: 08/01/1969

2444 Birn-Hill Ln
Faribault, MN 55021

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: Assault-3rd Degree-Substantial Bodily Harm

Minnesota Statute: 609.223.1

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

Offense Level: Felony

Offense Date (on or about): 11/22/2017

Control #(ICR#): 17007129

Charge Description: On or about November 22, 2017, in the County of Rice, Minnesota, Michael George Schwanke did assault another, and inflicted substantial bodily harm, to wit: J.E.S.

COUNT II

Charge: Emergency Telephone Calls/Communications - Interrupt, Interfere, Impede, Disrupt 911 Call

Minnesota Statute: 609.78.2(1)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 11/22/2017

Control #(ICR#): 17007129

Charge Description: On or about November 22, 2017, in the County of Rice, Minnesota, Michael George Schwanke did and intentionally interrupt, disrupt, impede, or interfere with an emergency call or intentionally prevent or hinder another from placing an emergency call, to wit: J.E.S.

COUNT III

Charge: Domestic Assault-Misdemeanor-Commits Act to Cause Fear of Immediate Bodily Harm or Death

Minnesota Statute: 609.2242.1(1)
Maximum Sentence: 90 days and/or \$1,000 fine
Offense Level: Misdemeanor

Offense Date (on or about): 11/22/2017

Control #(ICR#): 17007129

Charge Description: On or about November 22, 2017, in the County of Rice, Minnesota, Michael George Schwanke did commit an act with intent to cause fear in a family or household member of immediate bodily harm or death, to wit: J.E.S.

COUNT IV

Charge: Domestic Assault-Misdemeanor-Intentionally Inflicts/Attempts to Inflict Bodily Harm on Another

Minnesota Statute: 609.2242.1(2)
Maximum Sentence: 90 days and/or \$1,000 fine
Offense Level: Misdemeanor

Offense Date (on or about): 11/22/2017

Control #(ICR#): 17007129

Charge Description: On or about November 22, 2017, in the County of Rice, Minnesota, Michael George Schwanke did and intentionally inflict or attempt to inflict bodily harm upon a family or household member, to wit: J.E.S.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Complainant and/or Signing Officer designated below, declares under penalty of perjury, that he/she has reviewed police reports relating to the above-named Defendant and the allegations contained herein, and/or has spoken with peace officers having knowledge of the incident, and based upon that information, believes the following to be true and correct.

On November 22, 2017, at approximately 7:43 p.m., officers were dispatched to 2444 Birn-Hill Drive Lane, Faribault, Rice County. Dispatch advised that multiple callers were reporting that a male had thrown a female to the ground and she was lying in the driveway screaming and crying. Officer Larson arrived on scene and observed a woman lying in the driveway. The woman was identified later identified as J.E.S. (DOB: 06/29/1971). J.E.S. stated that her husband, later identified as Michael George Schwanke (DOB: 08/01/1969), and their minor daughter, M.L.S. got into a verbal altercation earlier in the evening.

M.L.S. left the residence and an argument ensued between Schwanke and J.E.S. Schwanke began throwing things and breaking glass throughout the residence. J.E.S. told Schwanke that he needed to leave and that she was calling the police. Schwanke took J.E.S.'s phone and went to the garage. J.E.S. followed Schwanke into the garage and attempted to get her phone back. Schwanke shoved J.E.S. to the ground. J.E.S. got up and Schwanke again threw her to the ground. J.E.S. heard a pop when she fell the second time and was unable to get back up. J.E.S. stated she is scared of Schwanke.

Other officers arrived on scene and interviewed witnesses on scene who stated that they witnessed Schwanke throw J.E.S. to the ground. In a *Miranda* interview, Schwanke admitted that he and J.E.S. got into a fight because he "got sick of everything" and old emotions came back tonight. Schwanke admitted that he grabbed J.E.S.'s phone because he did not want her to call the police.

Officer Larson followed up with J.E.S. at District One Hospital. Officer Larson was informed by hospital staff that J.E.S. had a fractured hip and would be transferred to another hospital. Officer Larson observed a large bruise on J.E.S.'s upper right arm, a large bruise and scrape on her right elbow, a scratch on her right cheek, and multiple bruises and scrapes on her left leg and foot.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49., intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

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

Neal Pederson
Captain
25 NW 4th Street
Faribault, MN 55021
Badge: 3202

Electronically Signed:
11/27/2017 09:42 AM
Rice County, Minnesota

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

Prosecuting Attorney

Natalie B Staeheli
218 NW 3rd Street
Faribault, MN 55021
(507) 332-6103

Electronically Signed:
11/27/2017 09:30 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 218 NW 3rd Street, Faribault, MN 55021 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 27, 2017.

Judicial Officer

Christine A Long
Judge

Electronically Signed: 11/27/2017 10:41 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF RICE
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Michael George Schwanke

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:

DEFENDANT FACT SHEET

Name: Michael George Schwanke
DOB: 08/01/1969
Address: 2444 Birn-Hill Ln
Faribault, MN 55021

Alias Names/DOB:

SID: MN17L64332

Height:

Weight: 0lbs.

Eye Color:

Hair Color:

Gender: MALE

Race: White

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Handgun Permit: No

Driver's License #: T130280800604 (MN)

Alcohol Concentration:

STATUTE AND OFFENSE GRID

| Cnt Nbr | Statute Type | Offense Date(s) | Statute Nbrs and Descriptions | Offense Level | MOC | GOC | Controlling Agencies | Case Numbers |
|----------------|---------------------|------------------------|---|----------------------|------------|------------|-----------------------------|---------------------|
| 1 | Charge | 11/22/2017 | 609.223.1 Assault-3rd Degree-Substantial Bodily Harm | Felony | A3251 | | MN0660100 | 17007129 |
| 2 | Charge | 11/22/2017 | 609.78.2(1) Emergency Telephone Calls/Communications - Interrupt, Interfere, Impede, Disrupt 911 Call | Gross Misdemeanor | N2130 | | MN0660100 | 17007129 |
| 3 | Charge | 11/22/2017 | 609.2242.1(1) Domestic Assault-Misdemeanor-Commits Act to Cause Fear of Immediate Bodily Harm or Death | Misdemeanor | AL401 | | MN0660100 | 17007129 |
| 4 | Charge | 11/22/2017 | 609.2242.1(2) Domestic Assault-Misdemeanor-Intentionally Inflicts/Attempts to Inflict Bodily Harm on Another | Misdemeanor | AL341 | | MN0660100 | 17007129 |