

State of Minnesota
County of Rice

District Court
3rd Judicial District

Prosecutor File No. 066-0041554
Court File No. 66-CR-17-2977

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

MARGARET ANN ERVIN DOB: 08/24/1973

2102 Eastbay Drive SE
Mandan, ND 58554

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 - 3rd Degree - Sale - Narcotic

Minnesota Statute: 152.023.1(1)

Maximum Sentence: Up to 20 years in prison and/or a fine of up to \$250,000

Offense Level: Felony

Offense Date (on or about): 12/01/2017

Control #(ICR#): 17007265

Charge Description: On or about December 1, 2017, in the county of Rice, State of Minnesota, Margaret Ann Ervin did possess with the intent to distribute one or more mixtures of a narcotic drug.

COUNT II

Charge: Drugs - 3rd Degree - Possess 50 or More Dosages Narcotic Mixture

Minnesota Statute: 152.023.2(a)(3)

Maximum Sentence: 20 years or \$250,000, or both

Offense Level: Felony

Offense Date (on or about): 12/01/2017

Control #(ICR#): 17007265

Charge Description: On or about December 1, 2017, in the county of Rice, State of Minnesota, Margaret Ann Ervin did unlawfully possess a narcotic drug packaged in 50 or more dosage units.

COUNT III

Charge: Bring/Send/Introduce/Possess Contraband-State Prison/Hospital

Minnesota Statute: 243.55.1

Maximum Sentence: Up to 10 years in prison

Offense Level: Felony

Offense Date (on or about): 12/01/2017

Control #(ICR#): 17007265

Charge Description: On or about December 1, 2017, in the County of Rice, Minnesota, Margaret Ann Ervin did bring, send or introduce controlled substances into a Minnesota Correctional Facility.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

In late November 2017, the investigations unit at the Minnesota Correctional Facility Faribault (MCF-FBO) received information that an Offender known as "St. Louis" was involved in smuggling opiates in through the visiting room. Jermaine Ervin (DOB 12/2/1980) was known to use that name.

On November 30, Jermaine Ervin placed calls in which he stated to the female on the other end of the call "this turn up is going to be fucking real." Jermaine Ervin also stated "you know how to be prepared right?" Later in the conversation Jermaine Ervin said "have that 2 ring cut." In a later call, Jermaine Ervin asked when she was leaving in the morning, she said 8:00.

On December 1, at 7:15 a.m. Jermaine Ervin called the same number again and asked if there was anything to do before she left, the female on the phone responded everything was packed up. At 3:44 p.m. Jermaine Ervin called again and asked what happened, the female responded, "I brought 18 dollars worth a... diapers." Jermaine Ervin responded "just take 6 dollars with you." Later Jermaine Ervin said to "Bring 2 dollars every day for some pictures" and "that other 12, you know, just, you know what I am saying."

The phone number called by Jermaine Ervin was determined to belong to his wife, Margaret Ann Ervin (DOB 8/24/1973). At 5:19 p.m. on December 1, 2017, Margaret Ervin was met by MCF-FBO investigators after she arrived and registered for a visit. Margaret Ervin was told that she was believed to be bringing contraband pills into the prison, Margaret Ervin said she was only thinking about it, but she had 12 blue pills in a knotted plastic bag in her front pants pocket, she identified those items as 30 mg pills of Oxycodone which she stated she took for her knee.

Margaret Ervin was interviewed by the Faribault Police Department and denied possession of any other drugs, she signed a written consent form agreeing to search of her rental car and her hotel room at the Grandstay in Faribault. During the search officers found an additional 242 pills identified on Drugs.com as 30 mg Oxycodone. Margaret Ervin stated the 12 pills she brought to the prison were a gift for Jermaine Ervin for his birthday and that all the pills had belonged to her late mother and had been prescribed to her.

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

Brandon Gliem
Detective Sergeant
25 NW 4th Street
Faribault, MN 55021
Badge: 207

Electronically Signed:
12/04/2017 10:59 AM
Rice County, MN

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

Prosecuting Attorney

John Fossum
Rice County Attorney
218 NW 3rd Street
Faribault, MN 55021
(507) 332-6103

Electronically Signed:
12/04/2017 10:45 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 **December 4, 2017 at 11:00 AM** 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: December 4, 2017.

Judicial Officer

Thomas M Neuville
Judge of District Court

Electronically Signed: 12/04/2017 11:19 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.

Margaret Ann Ervin

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: Margaret Ann Ervin
DOB: 08/24/1973
Address: 2102 Eastbay Drive SE
Mandan, ND 58554

Alias Names/DOB:

SID: MN17L71407
Height: 6' 1"
Weight: 250lbs.
Eye Color: Hazel
Hair Color: Brown
Gender: FEMALE
Race: White
Fingerprints Required per Statute: Yes
Fingerprint match to Criminal History Record: Yes
Handgun Permit: No
Driver's License #: ERV737369 (ND)
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	12/1/2017	152.023.1(1) Drugs - 3rd Degree - Sale - Narcotic	Felony	DF400	N	MN0660100	17007265
2	Charge	12/1/2017	152.023.2(a)(3) Drugs - 3rd Degree - Possess 50 or More Dosages Narcotic Mixture	Felony	DF508	N	MN0660100	17007265
3	Charge	12/1/2017	243.55.1 Bring/Send/Introduce/Possess Contraband-State Prison/Hospital	Felony	X1090	N	MN0660100	17007265