

State of Minnesota
County of Rice

District Court
3rd Judicial District

Prosecutor File No. 0660041666
Court File No. 66-CR-17-3126

State of Minnesota,

Plaintiff,

vs.

MARTIN FERNANDEZ-VELAZQUEZ DOB: 11/03/1976

1407 Hulett Ave #118
Faribault, MN 55021

Defendant.

COMPLAINT

Order of Detention

Amended

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: Attempted Murder - 2nd Degree - With Intent-Not Premeditated

Minnesota Statute: 609.19.1(1), with reference to: 609.17.4(2)

Maximum Sentence: 20 years

Offense Level: Felony

Offense Date (on or about): 12/20/2017

Control #(ICR#): 17007498

Charge Description: On or about December 20, 2017, in the County of Rice, Minnesota, Martin Fernandez-Velazquez did attempt to cause the death of Julio Cesar De Leon Lopez with intent to effect the death of Julio Cesar De Leon Lopez.

COUNT II

Charge: Assault-1st Degree-Great Bodily Harm

Minnesota Statute: 609.221.1

Maximum Sentence: 20 years, or \$30,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 12/20/2017

Control #(ICR#): 17007498

Charge Description: On or about December 20, 2017, in the County of Rice, Minnesota, Martin Fernandez-Velazquez did assault another and inflict great bodily harm, to-wit: Julio Lopez.

COUNT III

Charge: Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1

Maximum Sentence: 7 years and/or \$14,000 fine

Offense Level: Felony

Offense Date (on or about): 12/20/2017

Control #(ICR#): 17007498

Charge Description: On or about December 20, 2017, in the County of Rice, Minnesota, Martin Fernandez-Velazquez did assault another with a dangerous weapon consisting of a knife, to-wit: Julio Lopez.

COUNT IV

Charge: Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1

Maximum Sentence: 7 years and/or \$14,000 fine

Offense Level: Felony

Offense Date (on or about): 12/20/2017

Control #(ICR#): 17007498

Charge Description: On or about December 20, 2017, in the County of Rice, Minnesota, Martin Fernandez-Velazquez did assault another with a dangerous weapon consisting of a knife,

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 December 20, 2017, at 12:47 a.m. Faribault Police Officers and Rice County Sheriff Deputies responded to a reported stabbing at 1407 Hulett Avenue, Lot 118 in the City of Faribault, County of Rice. Officers found two adult male victims both stabbed multiple times.

Julio Ceasar Deleon Lopez, (Lopez) had a stab wound to the back, one on his left side near his heart, one stab wound on his left elbow, and one stab wound on the right side of his abdomen near his lung. In addition Lopez had injuries to his hands consistent with defensive injuries. Fausto Marino Alvarez Perez (Alvarez) had a stab wound to his lower left leg and one in the middle of his back. Alvarez also had a significant defensive injury to his left hand.

A 911 call was received from Martin Fernandez Velazquez (11/3/1976), who stated he had stabbed his friend and he was sorry. A second 911 call was made by Lopez who asked the dispatcher for help, saying "I'm bleeding out." When asked who hurt him he said, "I don't know his name, he's a Mexican guy with a shaved head, he's still inside the trailer." Lopez said "I'm about to die right now, I need an ambulance."

Lopez and Alvarez were airlifted to North Memorial Medical Center for treatment for their injuries which appear to be life-threatening.

VELAZQUEZ was arrested, and after Miranda and with the assistance of an interpreter, stated the following: He denied any injuries from the fight. Velazquez resides in the trailer which he rents from the owner Alvarez, who also lives there. Velazquez started drinking beer at about 3 p.m. Alvarez joined him between 5 and 6 p.m. Lopez, described as a friend from Texas, showed up around 6-7 p.m. and brought beer with him. The three of them went to the Video store to rent movies and then went to HY VEE and bought more beer.

VELAZQUEZ continued by saying that after they got back to the trailer Lopez. started to "offend" Velazquez. Velazquez claimed that Lopez threatened him, Velazquez got scared, grabbed a knife and stabbed Lopez. Velazquez said he stabbed Lopez in the stomach and the chest, then Lopez turned around and Velazquez stabbed him in the back as well. Velazquez said this was necessary as Lopez was heading

towards a room with a bigger knife.

Velazquez said he did not remember hurting Alvarez but later agreed that Alvarez may have been cut trying to help Lopez. Velazquez later claimed Alvarez might have been hurt falling down the stairs, and did not think he hurt Alvarez.

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:
12/21/2017 11:54 AM
Rice County, Minnesota

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:
12/21/2017 11:44 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: December 21, 2017.

Judicial Officer

Christine A Long
Judge

Electronically Signed: 12/21/2017 12:37 PM

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

**COUNTY OF RICE
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Martin Fernandez-Velazquez

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: Martin Fernandez-Velazquez
DOB: 11/03/1976
Address: 1407 Hulett Ave #118
Faribault, MN 55021

Alias Names/DOB:
SID:
Height:
Weight: 0lbs.
Eye Color:
Hair Color:
Gender:
Race:
Fingerprints Required per Statute: Yes
Fingerprint match to Criminal History Record: No
Driver's License #: F655585020847 (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	12/20/2017	609.19.1(1) Murder - 2nd Degree - With Intent-Not Premeditated	Felony	HAO32		MN0660100	17007498
	Penalty	12/20/2017	609.17.4(2) Anticipatory Crimes-Attempts-Penalty-1/2 Of Intended	Felony	HAO32		MN0660100	17007498
2	Charge	12/20/2017	609.221.1 Assault-1st Degree-Great Bodily Harm	Felony	A1132		MN0660100	17007498
3	Charge	12/20/2017	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2332		MN0660100	17007498
4	Charge	12/20/2017	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2332		MN0660100	17007498