

STATE OF MINNESOTA
COUNTY OF RICE

DISTRICT COURT
THIRD JUDICIAL DISTRICT

COPY

COURT FILE NO.: 14-CR-17-2510

PROSECUTOR FILE NO.: A-12-0509

State of Minnesota,

Plaintiff,

v.

Dalton Herbert Oster DOB: 05/05/1991
713 Main St
Nerstrand, MN 55053

Defendant.

Summons Warrant
 Order of Detention

 Amended
 Tab charge Previously Filed

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

Count 1

Theft-Take/Use/Transfer Movable Prop-No Consent
In Violation Of: 609.52 subd. 2(1); 609.52 subd. 3(2)
Penalty: Not more than 10 years, \$20,000 fine, or both

On or about September 5, 2012, within the County of Rice, Dalton Herbert Oster, the defendant, did intentionally and without claim of right take, use, transfer, conceal or retain possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property, and the value of the stolen property exceeds \$5,000.

Count 2

Receiving Stolen Property
In Violation Of: 609.53 subd. 1; 609.52 subd. 3(2)
Penalty: Not more than 10 years, \$20,000 fine, or both

On or about September 5, 2012, within the County of Rice, Dalton Herbert Oster, the defendant, did receive, possess, transfer, buy or conceal any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery, and the value of the stolen property exceeds \$5,000.

RECEIVED

SEP 07 2012

Rice County Attorney

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause: Your Complainant and/or Signing Officer designated below, being duly sworn, 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 September 5, 2012, Inv. Yetzer and Inv. Smith received information from a Citizen Informant (CI). The CI said there were two John Deere Gators (6x4 ATVs) parked at the residence behind the unattached garage at 713 Main Street in Nerstrand, Rice County. The CI said the first ATV arrived at the residence on or about August 5, 2012. The second ATV arrived at the property a short time after. The CI knows that the ATVs are valued at around \$10,000 and thought it was strange that the ATVs were parked behind a shed at the property.

Inv. Yetzer and Inv. Smith are aware that two John Deere Gator (6x4 ATVs) had been reported stolen in early August 2012 from a job site on Carlton College in Northfield, Rice County.

The investigators went to the area of 713 Main Street in Nerstrand. They saw a large unattached outbuilding behind the main residence. Behind the outbuilding, the investigators saw two green John Deere Gators. They were between a large motor home and a junked mini-van. The location of the John Deere Gators could not be seen from the streets. Inv. Smith saw that one of the ATVs appeared to have black numbers stenciled in the left front bumper. Inv. Smith saw "K8" or "a" and the last three digits: 713.

Inv. Smith contacted the Northfield Police Department Investigators for assistance. Northfield Inv. Cordova verified that a stolen vehicle report for the ATVs was filed on August 6, 2012. Inv. Cordova also confirmed that one of the stolen ATVs had "K8713" painted on it.

Dalton Herbert Oster, date of birth 5/5/1991, and Joshua Gene Goettl, date of birth 10/2/1990, arrived on the scene. They are renting the property.

The investigators received consent to search the property.

Inv. Smith observed one of the ATVs (with the number "K8713") facing south on the property. Next to this ATV was a second ATV (with number "K8709") on it. The grassy area around the ATVs had been mowed around, likely within the last week. The VIN for the ATVs were checked and it was verified that they had been reported stolen.

Both ATVs had a thick rubber hose wrapped around the frame. The ATV (with the number "K8713") had its ignition intact but had two thinner wires inserted into where the key goes. Inv. Smith noted that it appeared that this was an attempt to "hotwire" or to start the ATV without the key. The second ATV (with number "K8709") had its ignition punched out of the dash and was hanging loosely. Inv. Smith

inspected the plastic housing inside where the key fits and noticed that it was damaged. The damage is consistent with a flat object forcefully being inserted. Inv. Smith saw a flathead screwdriver on the passenger side floor area. Inv. Smith is aware that screwdrivers are commonly used to "punch" ignitions to start the vehicles with keys.

Dalton Oster told the investigators that he found both ATVs on the night of September 2, 2012. He indicated that he found them just south of the property. He and Joshua Goettl brought the ATVs to the property. He said he found the ATVs after he had cut the grass. (Inv. Smith noted that the grass was cut around the ATVs and that this contradicted Oster's statement). He denied that the ATVs were likely stolen.

The ATVs were towed from the scene. Inv. Smith saw grass underneath the ATVs when they were removed. The grass growth under the ATVs indicated that the ATVs had been on the property longer than September 2, 2012.

Dalton Oster made the following post-Miranda statement:

He lied about finding the ATVs on September 2, 2012. They were located about two weeks ago. He did not call the police to report that they found the ATVs. He admitted to entering the private property located in Rice County without permission and then taking the two ATVs. He and Goettl used the garden hose to drag one of the ATVs to their residence. He said the ATVs were located in the marsh area that is about 100 to 200 feet from their property. He knew the ATVs did not belong to him and commented that the ATVs were likely stolen. When asked if he knew he was in possession of stolen property, he said, "Oh yeah, absolutely."

Inv. Smith went to the area where Oster and Goettl said they found the ATVs. The property is located in Rice County. The property is owned by a Trust.

Joshua Goettl made the following post-Miranda statement:

He said the ATVs were located on September 2, 2012. Dalton Oster told him that there were two ATVs in the marsh area behind their house. He got into one of the ATVs and dragged it back to their shed. When asked if they made any effort to contact the police to advise them about the ATVs, Goettl said, "They didn't even think of it." He said he was going to do anything with the ATVs.

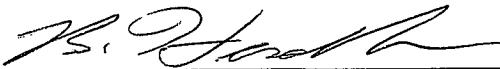
NOTICE: FAILURE TO APPEAR FOR A COURT APPEARANCE IS A CRIMINAL OFFENSE UNDER MINN. STAT. S. 609.49.

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'S NAME:

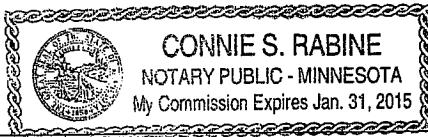
Sgt. Barry Hendrickson

COMPLAINANT'S SIGNATURE:



Subscribed and sworn to before the undersigned this 9th day of September, 2012

NAME/TITLE:



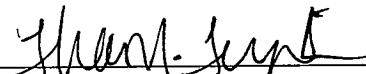
SIGNATURE:



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

Date: 9/9/12

PROSECUTING ATTORNEY'S SIGNATURE:



Name: Thao N. Trinh

Assistant Rice County Attorney

Rice County Attorney's Office

218 N.W. Third Street

Faribault, MN 55021

(507) 332-6103

Attorney Registration Number: 332896

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 to 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 ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ before the above-named court at _____ to answer this complaint.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named 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 above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: _____

Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 7 day of SEP, 2012.

JUDICIAL OFFICER:

NAME: DAN KAMMETER

TITLE: Judge of the D. C.
[ret'd]

SIGNATURE:

Dan Kammeter

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

<p>COUNTY OF RICE STATE OF MINNESOTA</p> <p>State of Minnesota</p> <p><i>Plaintiff</i></p> <p>vs.</p> <p>Dalton Herbert Oster</p> <p><i>Defendant</i></p>

<p><i>Clerk's Signature or File Stamp</i></p> <p><i>SEP - 7 2012</i></p>	
<p><i>RETURN OF SERVICE</i></p> <p><i>I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant(s) herein-named.</i></p> <p><i>Signature of Authorized Service Agent:</i></p>	

STATUTE AND OFFENSE GRID

Cnt	Statute Type	Offense Date	Statute Number & Description	Offense Level	MOC	GOC	Controlling Agencies	Control Number(s)
1	Charge Penalty	09/05/2012	609.52 subd. 2(1) Theft-Take/Use/Transfer Movable Prop-No Consent 609.52 subd. 3(2) Theft-Value over \$5,000 or Trade Secret, Explosive, Controlled Substance I or II	F	TS999	N	MN0660000 Arresting	12000931
2	Charge Penalty	09/05/2012	609.53 subd. 1 Receiving Stolen Property 609.52 subd. 3(2) Theft-Value over \$5,000 or Trade Secret, Explosive, Controlled Substance I or II	F	Q112C	N	MN0660000 Arresting	12000931

STATE OF MINNESOTA vs. Dalton Herbert Oster

Prosecutor File Number: A-12-0509

DEFENDANT FACT SHEET

- 1. Address:** 713 Main St
Nerstrand, MN 55053
- 2. DOB:** 05/05/1991
- 3. Other DOBs:**
- 4. Race/Ethnicity:** White **Ethnicity:**
- 5. SID:** 11ER4006
- 6. WID:**
- 7. Alias Information:**
- 8. Fingerprinted:** Yes
- 9. Handgun Permit:** No
- 10. Location of Violation:** Rice County
- 11. Drivers License #:** W-133-283-297-907 (MN)
- 12. Accident Type:**
- 13. License Plate #**
- 14. Alcohol Concentration:**