

State of Minnesota
County of Rice

District Court
3rd Judicial District

Prosecutor File No.
Court File No.

A-16-0560
66-CR-16-2610

State of Minnesota,

Plaintiff,

vs.

NICK CRAIG LINO DOB: 12/03/1995

103 Orchard St S
Northfield, MN 55057

Defendant.

COMPLAINT

Order of Detention

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 in the Second Degree - Dangerous Weapon

Minnesota Statute: 609.222.1, with reference to: 609.222.1, 609.11.4

Maximum Sentence: 7 years in prison, a \$14,000 fine, or both; mandatory minimum of not less than one year plus one day

Offense Level: Felony

Offense Date (on or about): 11/09/2016

Control #(ICR#): 16001580

Charge Description: On or about November 9, 2016, in Rice County, Minnesota, Nick Craig Lino, the defendant, assaulted another, to wit: RTP, with a dangerous weapon, to-wit: box cutter/knife.

COUNT II

Charge: Assault-5th Deg-2/More Prev Convict in 3 years

Minnesota Statute: 609.224.4(b), with reference to: 609.224.4(b)

Maximum Sentence: Not more than five years in prison, a \$10,000 fine, or both.

Offense Level: Felony

Offense Date (on or about): 11/09/2016

Control #(ICR#): 16001580

Charge Description: On or about November 9, 2016, in Rice County, Minnesota, Nick Craig Lino, the defendant, intentionally inflicted or attempted to inflict bodily harm upon another, to wit: RTP, and did violate the provisions of subdivision 1 within three years of the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency.

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 November 9, 2016, Northfield Police Officers were dispatched to 914 Washington Street South, Northfield, Rice County, on a report of a domestic assault involving a box cutter. It was reported that NICK CRAIG LINO, date of birth 12/3/1995, the defendant herein, had attacked an adult male with a box cutter. It was reported that the defendant had left the scene.

Officers arrived on the scene and spoke to Witness A. Witness A, age 54, said the defendant tried to stab RTP, age 54. She said the defendant told her he used methamphetamine on Tuesday (11/8/16).

Witness B, age 15, said he was at the residence. He said the defendant went to speak to RTP. RTP told the defendant to leave. The defendant "charged at" RTP and tried to swing at him. He said the defendant swung at RTP first. RTP then put the defendant into a headlock. The defendant had pulled out a knife and had it in his hand. The defendant was making "stabbing motions" towards RTP. They were fighting in the kitchen. He grabbed the defendant to pull him away. RTP was able to get the box cutter away from the defendant. RTP was able to remove the blade from the box cutter and threw the blade down the hallway. The defendant left in a vehicle.

RTP provided the following statements:

The defendant arrived at the residence with Witness C, age 18. He later told the defendant to leave. The defendant said, "F - k you, come take me out." The defendant had stepped back and was in a fighting position. The defendant was hitting him. The defendant was making a forward stabbing motion with his right arm. He hit the defendant back. He was able to take the box cutter from the defendant.

RTP lifted up his shirt and the officer could see what appeared to be fresh cuts and red marks on his left ribcage. There was blood from the cuts. Paramedics had arrived on the scene and provided medical attention to RTP. According to the paramedics, RTP had superficial cuts to his ribcage.

The box cutter was later located on the sidewalk near the garage service door of the residence. RTP confirmed with the officer that the defendant had dropped it there. The officer later saw the blade in the hallway.

Witness C, later spoke to an officer about the incident. Witness C said she and the defendant had been at the residence located at 914 Washington Street South. RTP told the defendant to leave the residence. She saw the defendant tried to stab RTP with a box cutter. She left the residence with the defendant.

An officer was later able to make contact with the defendant by phone. The defendant said he was at his residence in Northfield.

The officer went to the defendant's residence and spoke to him. The defendant said he was attacked. They got into a fight. He said RTP had grabbed him and choked him. He remembered that he had a knife. He

thought he needed to get RTP off of him before RTP kills him. The defendant said there was scratch on his neck. The defendant acknowledged that he knew where the exit doors were located at RTP's residence and acknowledged that he could have left. He said he froze because he was scared. He admitted he may have stabbed RTP three times with the knife. He said he was not told to leave until after the incident.

The officer saw a scratch on the left side of the defendant's neck. The defendant also had a scratch on his left forearm.

The defendant was placed under arrest and transported to the Rice County Jail.

The defendant has the following domestic violence-related convictions within 10 years:

Defendant has an adjudicated delinquent offense of 5th Degree Assault on December 2, 2013, in Rice County District Court File No. 66-JV-13-2259, for an offense occurring on March 21, 2013.

Defendant was convicted of 5th Degree Assault on January 20, 2015, in Rice County District Court File No. 66-CR-14-3016, for an offense occurring on December 25, 2014.

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

Mark Dukatz
Deputy Chief
1615 Riverview Drive
Northfield, MN 55057
Badge: 6402

Electronically Signed:
11/10/2016 08:46 AM
Rice County, Minnesota

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

Prosecuting Attorney

Thao N. Trinh
Assistant Rice County Attorney
218 NW 3rd Street
Faribault, MN 55021
(507) 332-6103

Electronically Signed:
11/10/2016 08:41 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 10, 2016.

Judicial Officer

John T Cajacob

Electronically Signed: 11/10/2016 09:06 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.

Nick Craig Lino

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: Nick Craig Lino
DOB: 12/03/1995
Address: 103 Orchard St S
Northfield, MN 55057

Alias Names/DOB:
SID: MN13GQ4750
Height:
Weight:
Eye Color:
Hair Color:
Gender: MALE
Race:
Fingerprints Required per Statute: Yes
Fingerprint match to Criminal History Record: Yes
Handgun Permit: No
Driver's License #: K101131959402 (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	11/9/2016	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2332	N	MN0660200	16001580
	Penalty	11/9/2016	609.11.4 Minimum Sentences of Imprisonment-Use Dangerous Weapon	Felony	A2332	N	MN0660200	16001580
	Penalty	11/9/2016	609.222.1 Assault-2nd Degree-Dangerous Weapon	Felony	A2332	N	MN0660200	16001580
2	Charge	11/9/2016	609.224.4(b) Assault-5th Deg-2/More Prev Convict in 3 years	Felony	AG352	N	MN0660200	16001580
	Penalty	11/9/2016	609.224.4(b) Assault-5th Deg-2/More Prev Convict in 3 years	Felony	AG352	N	MN0660200	16001580