

State of Minnesota  
County of Rice

District Court  
3rd Judicial District

Prosecutor File No.  
Court File No.

A-13-0207  
66-CR-13-89

State of Minnesota,  
Plaintiff,

**COMPLAINT**  
Order of Detention

vs.

**NATHANIEL LEE KLUMB DOB: 04/06/1986**

7336 210th Street West  
Morristown, MN

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: Controlled Substance in the Fifth Degree**

Minnesota Statute: 152.025.2(a)(1), with reference to: 152.025.2(b)

Maximum Sentence: Not less than 6 months, nor more than 10 years, and not more than \$20,000 fine

Offense Level: Felony

Offense Date (on or about): 12/02/2012

Control #(ICR#): 12001281

Charge Description: On or about December 3, 2012, in Rice County, Nathaniel Lee Klumb, the defendant did unlawfully and feloniously possess one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except a small amount of marijuana, to wit: methamphetamine, this being a subsequent controlled substance crime as defined by Minn. Stat. s. 152.01, subd. 16a.

**COUNT II**

**Charge: Controlled Substance in the Fifth Degree**

Minnesota Statute: 152.025.2(a)(1), with reference to: 152.025.2(b)

Maximum Sentence: Not less than 6 months, nor more than 10 years, and not more than \$20,000 fine

Offense Level: Felony

Offense Date (on or about): 12/02/2012

Control #(ICR#): 12001281

Charge Description: On or about December 20, 2012, in Rice County, Nathaniel Lee Klumb, the defendant did unlawfully and feloniously possess one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except a small amount of marijuana, to wit: Clonazepam, this being a subsequent controlled substance crime as defined by Minn. Stat. s. 152.01, subd. 16a.

**COUNT III**

**Charge: Theft-Take/Use/Transfer Movable Prop-No Consent**

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(3)(a)

Maximum Sentence: Not more than 5 years, Not more than \$10,000 fine, or both  
Offense Level: Felony

Offense Date (on or about): 12/02/2012

Control #(ICR#): 12001281

Charge Description: On or about December 2, 2012, in Rice County, Nathaniel Lee Klumb, 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 the intent to deprive the owner permanently of possession of the property and the value of the property or services stolen is more than \$1,000 but not more than \$5,000; to wit: the batteries taken from railroad property located at 227th Street East.

#### COUNT IV

**Charge: Damage to Property of Critical Public Service Facilities, Pipeline, Utility**

Minnesota Statute: 609.594.2, with reference to: 609.594.2

Maximum Sentence: Not more than 10 years, \$20,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 12/02/2012

Control #(ICR#): 12001281

Charge Description: On or about December 2, 2012, within the County of Rice, Nathaniel Lee Klumb, the defendant, did cause damage to the physical property of a critical public service facility, as defined by 609.594, subd. 1(1), utility, or pipeline with the intent to significantly disrupt the operation of or the provision of services by the facility, utility, or pipeline and without the consent of one authorized to give consent; to wit: cut the wires to the railroad crossing arms and took several batteries that are used by the railroad.

#### COUNT V

**Charge: Damage to Prop-1st Deg-Value Reduced Over \$1000**

Minnesota Statute: 609.595.1(3), with reference to: 609.595.1

Maximum Sentence: Not more than 5 years, a \$10,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 12/02/2012

Control #(ICR#): 12001281

Charge Description: On or about December 2, 2012, in Rice County, Nathaniel Lee Klumb, the defendant, did intentionally cause damage to physical property of another without the latter's consent and the damage reduces the value of the property by more than \$1,000 measured by the cost of repair and replacement; to wit: the damage caused the railroad.

#### COUNT VI

**Charge: Damage to Prop-1st Deg-Forseeable Risk Bodily Harm**

Minnesota Statute: 609.595.1(1), with reference to: 609.595.1

Maximum Sentence: Not more than 5 years, a \$10,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 12/02/2012

Control #(ICR#): 12001281

Charge Description: On or about December 2, 2012, in Rice County, Nathaniel Lee Klumb, the defendant, did intentionally cause damage to physical property of another without the latter's consent and the damage to the property caused a reasonably foreseeable risk of bodily harm; to wit: cutting the wires to the railroad crossing arms and taking the batteries for the railroad caused a reasonably foreseeable risk of bodily harm to citizens.

#### COUNT VII

**Charge: Receiving Stolen Property**

Minnesota Statute: 609.53.1, with reference to: 609.52.3(3)(d)(v)

Maximum Sentence: Not more than five years or a fine of not more than \$10,000, or both

Offense Level: Felony

Offense Date (on or about): 12/02/2012

Control #(ICR#): 12001281

Charge Description: On or about November 24, 2012, in Rice County, Nathaniel Lee Klumb, 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; to wit: the Honda Civic with MN license plate 934JGT.

#### COUNT VIII

**Charge: Receiving Stolen Property**

Minnesota Statute: 609.53.1, with reference to: 609.52.3(5)

Maximum Sentence: 90 days in jail and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 12/02/2012

Control #(ICR#): 12001281

Charge Description: On or about December 2, 2012 in Rice County, Minnesota, Nathaniel Lee Klumb, the defendant, received, possessed, transferred, bought, or concealed 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 property was \$500 or less; to wit: engine for the 1994 Acura.

## STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

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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 or about November 29, 2012, Inv. Blaine Smith of the Rice County Sheriff's Department received a Tri-County Crime Alert from Det. Paulson of the Lakeville Police Department. The crime alert was about suspicious items being scrapped by A & D Recycling in Lakeville, MN. According to A & D Recycling, NATHANIEL LEE KLUMB, date of birth 4/6/1986, the defendant herein, and MT had been at the business at least three times a week with "suspicious items." On November 28, 2012, the defendant and MT brought in about 500 pounds of batteries. They said the batteries were from "Grandpa's shed." It appeared that the batteries may have been taken from a cell phone tower location or something similar.

On December 2, 2012, Deputy Warmington was dispatched to the 227 Street bridge in Rice County. A railroad worker reported that someone had cut the lock to the battery box and took six 2 volt batteries. The suspect(s) had cut wires inside to free the batteries. The other battery box had 12 batteries; the box was also cut but the batteries were not taken. The railroad worker also reported that the wires on the railroad arms were also cut. The railroad worker was able to fix the wires and had a replacement battery. Deputy Warmington saw a partial boot print on the box. There were no suspects at this time.

On December 13, 2012, Inv. Smith spoke to the Union Pacific Police Senior Special Agent Michael Koscinski. Special Agent Koscinski said the batteries that were taken from 227th Street East in Rice County weighed about 50 to 60 pounds each. Special Agent Koscinski showed the railroad worker the photograph of the batteries. The railroad worker indicated that the batteries appeared to be like the ones stolen from the railroad (on or about December 2, 2012). These batteries are unique to the railroad industry and are used as backup power for the crossing lights in case of a power outage. Special Agent Koscinski said the estimate for the replacement costs is \$2,021.16.

On December 19, 2012, Inv. Smith contacted A & D Recycling and spoke to an employee. The employee recalled the transactions involving the defendant and MT. The employee recalled that two females were with the defendant and MT. Inv. Smith obtained copies of the transactions. The transactions showed that the defendant and MT made transactions on November 14, 15, 21, 26, 29, all in 2012. The transactions involved several hundred pounds of copper wires, batteries, copper/brass rods, aluminum rods, stainless steel, electric motors and other miscellaneous items. On November 30, 2012, one of the females had recycled over 100 pounds of scrap. The female had been at A & D on previous occasions with the defendant and MT. The transactions showed the signatures and DL issued to the defendant and MT and the females.

Inv. Smith knew that on or about December 3, 2012, MT and one of the males had been arrested in Olmsted County for theft and criminal damage to property. They were arrested for attempting to steal copper in an area of People's Co-op, the area's public electrical utility. They were currently out on bail or bond.

Inv. Smith and Inv. Robinson went to the defendant's last known residence in Faribault, Rice County. Inv.

Smith and Inv. Robinson saw a "burn pit" about three feet in diameter located just outside the east door of the garage. It appeared that the burn pit had been used recently. Inv. Smith knew that individuals involved in theft of wire commonly use burn pits to melt the wire coating off the wire prior to taking the wire for recycling. Inv. Smith and Inv. Robinson had driven by the property on several occasions within the last seven days and saw lights on in the garage.

On December 20, 2012, Inv. Smith and other law enforcement officers executed the search warrant at the defendant's last known address located at 506 11th Street SW in Faribault, Rice County. The occupant at the residence confirmed that the defendant lives in the basement. The defendant was not present during the execution of the search warrant.

The officers located the defendant's documents in the bedroom. Clonazepam pills were located in a metal tray in the bedroom. Clonazepam is a schedule IV controlled substance.

During the course of the execution of the search warrant, the officers identified several items that were possibly stolen. The items included chainsaws, electric impact driver, air compressors, cordless drills.

The officers also located brass motorized valves and a cable box. A mountain bike was also recovered.

The officers located evidence of stripping copper wire scattered inside the garage. The floor had several different sizes of wire sheathing scraps and some metal conduit. There were also several razor knives located with pieces of the wire sheathing.

On December 28, 2012, MT was located and arrested. MT made the following post-Miranda statement. Below is a brief summary of his statement:

He said it had been a while since he and the defendant had done some scrapping, but said it was before he was arrested for the theft in Olmsted County. He said the defendant did not participate in that incident. He said when he and the defendant took items to recycling, the defendant drove. He said they got most of the scrap "lying around." He said he did not have the same practices as the defendant. He said he tried to stay away from the defendant. He said he wouldn't cut wires or something that "would put people in danger." He said he heard from the defendant that the defendant had cut wires off the warning arms and took batteries out of the concrete storage areas (referring to the railroad incident in Faribault). He said the defendant cashed in the batteries for about \$292. He commented that the batteries are rare and that he did not want the defendant using his name (at the recycling place). He denied being involved with the defendant in taking the batteries. He denied being present when the defendant took the batteries to A & D Recycling.

On January 3, 2013, Inv. Smith went to A & D Recycling to speak to the employee. The employee provided a check (#12378) that was issued to the defendant for \$131.50 on November 28, 2012. The check was for 526 pounds of batteries. The employee confirmed that the defendant was the person who had brought the batteries in.

On January 8, 2013, at about 12:13 p.m., the defendant was located in Faribault, Rice County and was placed under arrest for the thefts.

The defendant made the following post-Miranda statement. Below is a brief summary of the defendant's statement:

He admitted to being involved in the theft of the batteries from the Union Pacific Railroad in Faribault, Rice County. He described cutting off the chains and taking the batteries from the concrete "pod" in-ground structure. He said the batteries were kept at a barrage in MT's house. He and another male took the

batteries to A & D Recycling.

On November 24, 2012, Deputy Warmington was dispatched to Babcock Avenue in Rice County on a report of a green Honda Civic that was on private property. The vehicle (with MN license plate 934JGT) had been abandoned and broken into several times. The license plate was not on file. There was not a VIN. The defendant's name was on the insurance card located in the vehicle. Deputy Warmington called the defendant's residence and spoke to the defendant's father. The defendant's father confirmed that the vehicle belonged to the defendant. Deputy Warmington spoke to the defendant. The defendant said he fixed the vehicle from two other vehicle parts and that's why the VIN was missing. The defendant said he ran out of gas for the vehicle. The vehicle was towed from the scene.

Agent Henderson of the National Insurance Crime Bureau examined the vehicle. Agent Henderson determined the VIN for the vehicle; the vehicle was reported stolen out of St. Paul, MN.

On December 2, 2012, Sgt. Yetzer and Inv. Hanson and other law enforcement officers executed a search warrant at the Klumb property located on 210th Street West in Rice County. Sgt. Yetzer and Inv. Hanson searched the property on ATVs. They located an area to the SW of the residence that was of concern. There was a pathway that led through the trees to an area that was more secluded. There were several tools scattered around. There were several broken pieces of vehicle parts. There was also a large wooden block that could be used to hold the vehicle off of the ground. Sgt. Yetzer noted this area appeared to be an area where a vehicle was "chopped" or taken apart.

On December 2, 2012, during the search of the defendant's room, the officers recovered a small bag with suspected methamphetamine residue. Inv. Robinson said the methamphetamine field-tested positive for methamphetamine.

On December 2, 2012, during the search of the garage, the officers located numerous vehicle engines and body parts. The items were transported to the Rice County Annex storage.

On December 19, 2012, Inv. Smith and Agent Henderson examined the vehicle parts, including a vehicle engine. The engine was traced to a stolen vehicle. The vehicle was a 1994 Acura and was stolen out of Minneapolis on August 10, 2010. The vehicle was recovered by the Bloomington Police Department on August 17, 2010. The vehicle's owner said when the vehicle was recovered that it was "stripped." The engine compartment was completely gone.

The defendant has the following subsequent controlled substance conviction:

On October 1, 2008, the defendant was convicted of Controlled Substance in the Third Degree in Rice County District Court File No. 66-CR-07-4549.

On October 1, 2008, the defendant was convicted of Controlled Substance in the Third Degree in Rice County District Court File No. 66-CR-08-1443.

On January 23, 2007, the defendant received a statutory adjudication of sentence pursuant to Minn. Stat. 152.18 for Controlled Substance in the Fifth Degree in Ramsey County District Court File No. 62-K9-06-883.

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** Dave Stensrud Electronically Signed: 1/9/2013  
Chief Deputy  
118 NW 3rd Street  
Faribault, MN 55021  
Badge: 1102

Subscribed and sworn to before the undersigned.

**Notary Public or  
Judicial Official** Jane Stone Commission expires: 01/31/2015  
Records Clerk, County of Rice Electronically Signed: 1/9/2013  
118 NW 3rd Street  
Faribault, MN 55021  
Notary ID: 31038086

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

**Prosecuting Attorney** Thao N. Trinh Electronically Signed: 1/9/2013  
Assistant Rice County Attorney  
218 NW 3rd Street  
Faribault, MN 55021  
(507) 332-6103

**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 is issued by the undersigned Judge as of the following date: January 9, 2013.

Judicial Officer

Christine A Long

Electronically Signed: 1/9/2013

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

COUNTY OF RICE  
STATE OF MINNESOTA

**State of Minnesota**

Plaintiff

vs.

**Nathaniel Lee Klumb**

Defendant

Clerk's Signature or File Stamp:

**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:** Nathaniel Lee Klumb  
**DOB:** 04/06/1986  
**Address:** 7336 210th Street West  
Morristown, MN  
**Alias Names/DOB:**  
**SID:** MN06008726  
**Fingerprints Needed:** Yes  
**Fingerprinted:** Yes  
**Handgun Permit:** No  
**Driver's License #:** D424065654110 (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	12/2/2012	152.025.2(a)(1) Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana	Felony	DH5C0	N	MN0660000	12001281
	Penalty	12/2/2012	152.025.2(b) Drugs - 5th Degree - Possession - Subsequent Conviction - Penalty	Felony	DH5C0	N	MN0660000	12001281
2	Charge	12/2/2012	152.025.2(a)(1) Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana	Felony	DH530	N	MN0660000	12001281
	Penalty	12/2/2012	152.025.2(b) Drugs - 5th Degree - Possession - Subsequent Conviction - Penalty	Felony	DH530	N	MN0660000	12001281
3	Charge	12/2/2012	609.52.2(a)(1) Theft-Take/Use/Transfer Movable Prop-No Consent	Felony	TT059	N	MN0660000	12001281
	Penalty	12/2/2012	609.52.3(3)(a) Theft-Value of Property or Services \$1001-\$5,000	Felony	TT059	N	MN0660000	12001281
4	Charge	12/2/2012	609.594.2 Damage to Property of Critical Public Service Facilities, Pipeline, Utility	Felony	P1152	N	MN0660000	12001281
	Penalty	12/2/2012	609.594.2 Damage to Property of Critical Public Service Facilities, Pipeline, Utility	Felony	P1152	N	MN0660000	12001281
5	Charge	12/2/2012	609.595.1(3) Damage to Prop-1st Deg-Value Reduced Over \$1000	Felony	P1159	N	MN0660000	12001281
	Penalty	12/2/2012	609.595.1 Damage to Property-1st Degree	Felony	P1159	N	MN0660000	12001281
6	Charge	12/2/2012	609.595.1(1) Damage to Prop-1st Deg-Forseeable Risk Bodily Harm	Felony	P1152	N	MN0660000	12001281
	Penalty	12/2/2012	609.595.1 Damage to Property-1st Degree	Felony	P1152	N	MN0660000	12001281
7	Charge	12/2/2012	609.53.1 Receiving Stolen Property	Felony	Q1220	N	MN0660000	12001281
	Penalty	12/2/2012	609.52.3(3)(d)(v) Theft-Value \$1000 or Less-Motor Vehicle	Felony	Q1220	N	MN0660000	12001281
8	Charge	12/2/2012	609.53.1 Receiving Stolen Property	Misdemeanor	Q1290	N	MN0660000	12001281
	Penalty	12/2/2012	609.52.3(5) Theft-Value \$500 or less	Misdemeanor	Q1290	N	MN0660000	12001281