

State of Minnesota  
County of Rice

District Court  
3rd Judicial District

Prosecutor File No.  
Court File No.

A-12-0589  
66-CR-12-3320

State of Minnesota,  
Plaintiff,

**COMPLAINT**  
Order of Detention

vs.

**SCOTT ANTHONY HARGENRADER DOB: 09/09/1989**

20221 Davis Ave.  
Faribault, MN 55021

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 Crime in the Fifth Degree - Sale of Marijuana**

Minnesota Statute: 152.025.1(a)(1), with reference to: 152.025.1(a)

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

Offense Level: Felony

Offense Date (on or about): 12/13/2012

Control #(ICR#): 12001359

Charge Description: On or about December 13, 2012, within Rice County, Scott Anthony Hargenrader, the defendant, did unlawfully and feloniously possessed with the intent to sell, as defined by Minn. Stat. § 152.01, subd. 15a, one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana for no remuneration.

**COUNT II**

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

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

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

Offense Level: Felony

Offense Date (on or about): 12/13/2012

Control #(ICR#): 12001359

Charge Description: On or about December 13, 2012, in Rice County, Scott Anthony Hargenrader, 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: more than a small amount of marijuana.

## 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 December 13, 2012, Deputy Witt of the Rice County Sheriff's Department was traveling west on 3rd Street NW in Faribault, Rice County. Deputy Witt saw a silver-colored vehicle traveling south on 4th Avenue NW. Deputy Witt's attention was drawn to this vehicle because the exhaust was loud. Deputy Witt also saw a black object hanging from the rearview mirror. Deputy Witt also noticed white light shining to the rear of the vehicle. The white light appeared to be coming from both taillights of the vehicle. Deputy Witt followed the vehicle. The vehicle turned right and headed west on 2nd Street NW. As the vehicle turned, Deputy Witt saw that the windows appeared to be darker than the legal tint limit. Deputy Witt ran the license plate of the vehicle. The vehicle had MN license plate 964DWU. The vehicle's plate came back as having expired registration. The tabs registered to the vehicle expired in August of 2012. Deputy Witt saw that the vehicle had a 2013 tab sticker. Deputy Witt activated his emergency lights and conducted a traffic stop of the vehicle.

The driver was identified by his MN DL as SCOTT ANTHONY HARGENRADER, date of birth 9/9/1989, the Defendant Hargenrader herein. The passenger said the vehicle belonged to him. The passenger was identified by his MN DL as ANTHONY MICHEAL FUGALLI, date of birth 10/29/1990, the Defendant Fugalli herein. Defendant Hargenrader said he was driving the vehicle because he liked the stick shift. Defendant Fugalli said the issue with the tabs was due to issues with getting the title for the vehicle. Defendant Fugalli acknowledged that the vehicle belonged to him. Defendant Hargenrader said everything in the vehicle belonged to Defendant Fugalli. Defendant Fugalli agreed with Defendant Hargenrader.

Deputy Witt detected the odor of "unburned" marijuana. Defendant Hargenrader was smoking a cigarette. Deputy Witt saw Defendant Hargenrader's hand shaking as he was speaking to him. Deputy Witt knew from his experience that people will often light a cigarette immediately after being stopped by law enforcement in order to mask odors in a vehicle. They also light a cigarette to calm themselves. Deputy Witt informed them that he could smell the odor of marijuana coming from the vehicle. The defendants said they did not have any marijuana in the vehicle. Defendant Hargenrader said the deputy was probably smelling the marijuana from his jacket; he said he had smoked some "weed" several hours earlier.

Defendant Hargenrader took a glass pipe and gave it to the deputy. Deputy Witt recognized the pipe as one commonly used to smoke marijuana. Defendant Hargenrader referred to it as "his bowl."

Defendant Fugalli reached into his pocket and pulled out a clear plastic package and gave it to Deputy Witt. The Deputy saw several "buds" of marijuana in the package.

Deputy Witt requested both defendants to exit the vehicle. Both defendants were searched for weapons. No weapons were found. Deputy Witt felt a solid object in Defendant Fugalli's coat pocket. Defendant Fugalli said it was "probably his bowl." Defendant Fugalli removed the object and handed Deputy Witt a pipe. Deputy Witt recognized the pipe as one commonly used for smoking marijuana. There was

marijuana residue in it. Defendant Fugalli said he forgot about the pipe in his pocket.

Deputy Witt searched the vehicle. Deputy Witt located a box under the front passenger seat. The box had a large amount of what appeared to be marijuana. Deputy Witt located two pill bottles in the center console. The bottles also appeared to have marijuana inside. Defendant Hargenrader admitted the bottles were his. Defendant Fugalli admitted that the box under the front seat belonged to him.

Deputy Witt also found a large clear plastic bag on the floor of the back seat, behind the passenger seat. The bag was about 12" x 12" or possibly larger. The bag contained what appeared to be marijuana. The bag appeared to be about half to three quarters full. Deputy Witt saw that inside of the bag there was a white grocery bag that was "balled" up. This bag also appeared to have marijuana. Based on the amounts of marijuana located in the vehicle, Deputy Witt placed the defendants under arrest.

Defendant Hargenrader said he forgot he had the bag in the vehicle. He said, "It's mine." Defendant Hargenrader was referring to the large plastic bag that was located in the back seat.

Defendant Hargenrader had said he had about \$200 on his person. (Deputy Witt counted the money. Defendant Hargenrader had \$190 on his person).

Defendant Fugalli had a total amount of \$3,280 located on his person.

Defendant Hargenrader made the following post-Miranda statement. Below is a brief summary:

He was driving Defendant Fugalli's vehicle. He thought maybe that he "rolled" the stop sign when he saw the deputy following him. He said there was nothing hanging from the rearview mirror. Defendant Fugalli has owned the vehicle for six months. He had a lot of trouble getting a title for the vehicle. He forgot his "quarter pound" in the vehicle. It was in the backseat. He said the last time he sold marijuana was today at about 3:00 p.m. He "fronted" the marijuana to a friend. He bought the marijuana from "a guy in the cities."

Defendant Fugalli made the following post-Miranda statement. Below is a brief summary:

He was riding around with Defendant Hargenrader. The vehicle is his. He was not sure why Defendant Hargenrader was pulled over. He thought maybe Defendant Hargenrader was speeding. He was nervous when the deputy stopped them. He said the "weed" in the box is his. He thinks it is about an ounce. He was going to "front" the marijuana in the box to a friend. He estimated the value of the marijuana is around \$200. He went with Defendant Hargenrader to get the marijuana. The marijuana is "from a guy in Faribault."

Agent Robinson weighed the marijuana. The marijuana (without the packaging) weighed 28.3 grams. The marijuana in the bag weighed 56.1 grams (without the packaging). The marijuana in the grocery bag weighed 56.3 grams (without the packaging). Agent Robinson field-tested samples from each individual source. The samples all tested positive for marijuana.

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  
Chief Deputy  
118 NW 3rd Street  
Faribault, MN 55021  
Badge: 1102

Electronically Signed: 12/14/2012

Subscribed and sworn to before the undersigned.

**Notary Public or  
Judicial Official**

Jane Stone  
Records Clerk, County of Rice  
118 NW 3rd Street  
Faribault, MN 55021  
Notary ID: 31038086

Commission expires: 01/31/2015  
Electronically Signed: 12/14/2012

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: 12/14/2012

## 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: December 14, 2012.

Judicial Officer

Christine A Long

Electronically Signed: 12/14/2012

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

COUNTY OF RICE  
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

Scott Anthony Hargenrader

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:** Scott Anthony Hargenrader  
**DOB:** 09/09/1989  
**Address:** 20221 Davis Ave.  
Faribault, MN 55021  
**Alias Names/DOB:**  
**SID:** MN12FP0052  
**Fingerprints Needed:** Yes  
**Fingerprinted:** Yes  
**Handgun Permit:** No  
**Driver's License #:** B102071565103 (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	Penalty	12/13/2012	152.025.1(a) Drugs - 5th Degree - Sale - Penalty	Felony	DH440	N	MN0660000	12001359
	Charge	12/13/2012	152.025.1(a)(1) Drugs - 5th Degree - Sale - Marijuana Mixture Except Small Amount of Marijuana with No Remuneration	Felony	DH440	N	MN0660000	12001359
2	Charge	12/13/2012	152.025.2(a)(1) Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana	Felony	DH540	N	MN0660000	12001359
	Penalty	12/13/2012	152.025.2(a) Drugs - 5th Degree - Possession - Penalty	Felony	DH540	N	MN0660000	12001359