

State of Minnesota  
County of Rice

District Court  
3rd Judicial District

Prosecutor File No.  
Court File No.

A-13-0210  
66-CR-13-130

State of Minnesota,  
Plaintiff,

**COMPLAINT**  
Order of Detention

vs.

**NICHOLAS KEVEN KLUZAK DOB: 10/23/1991**

1301 17th St SW  
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: Possession of Pornographic work involving minors**

Minnesota Statute: 617.247.4(a), with reference to: 617.247.4(a)  
Maximum Sentence: Not more than five years, \$5,000 fine, or both  
Offense Level: Felony

Offense Date (on or about): 10/16/2012

Control #(ICR#): 12014251

Charge Description: On or about 10/16/2012 to 1/11/2013, within the County of Rice, the defendant Nickolas Kevin Kluzak did possesses a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character.

**COUNT II**

**Charge: Solicitation of children to engage in sexual conduct**

Minnesota Statute: 609.352.2a(2), with reference to: 609.352.4  
Maximum Sentence: Not more than 3 years imprisonment or a fine of not more than \$5,000, or both  
Offense Level: Felony

Offense Date (on or about): 10/16/2012

Control #(ICR#): 12014251

Charge Description: On or about 10/16/2012 to 1/11/2013, within the County of Rice, defendant Nickolas Kevin Kluzak, a person 18 years of age or older, used the Internet, a computer, computer program, computer network, computer system, an electronic communications system, or a telecommunications, wire, or radio communications system, or other electronic device capable of electronic data storage or transmission, with the intent to arouse the sexual desire of any person, to engage in communication with a child or someone the person reasonably believes is a child, relating to or describing sexual conduct.

## 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 November 30, 2012, Faribault Police Detective Brandon Gliem received a phone call from a Colorado Detective Thomas Quinnett requesting assistance in one of their ongoing investigations. Detective Quinnett informed Detective Gliem that they received a report from a 12 year old in Cortez, Colorado, AMC, dob 1/8/00, that she had been having online communications with NICKOLAS KEVIN KLUZAK, dob 10/23/1991, hereinafter "Defendant." The online chats were sexual in nature and Defendant spoke about going to Colorado to meet AMC.

On December 4, 2012, Detective Gliem received copies of reports from Detective Quinnett and a copy of an arrest warrant for Defendant. AMC told officers that she had met Defendant approximately one year ago in a gaming site. AMC stated their relationship started off as friend but over the past nine months evolved into a boyfriend/girlfriend relationship. AMC stated that she told Defendant she was 12 years old about one month ago and he was alright with it. The emails between Defendant and AMC were very sexually graphic in nature. The emails describe Defendant having sexual intercourse with AMC.

On January 11, 2013, Detective Gliem and other law enforcement officers executed a search warrant at Defendant's mother's home where he had been residing. The officers were informed by Defendant's mother that he had been living there for approximately two months and was spending all of his time upstairs in his makeshift bedroom on his computer.

Detective Gliem observed several items of removable media and computer equipment located in and around the desk area of the loft space. While conducting the previews of the items found, Detective Gliem observed several images and videos that contained children under the age of ten involved in sexual conduct including oral, vaginal, and anal penile penetration by adult males. Several of the videos were very graphic and at least one of the videos showed the adult male suspect wearing a full ski mask to conceal his identity. One of the videos involved a female child approximately four years of age performing oral sex on an adult male.

The following items were taken from the loft as evidence: red flash drive containing child pornography found on a table next to the computer; black flash drive containing child pornography found on a table next to the computer; Verizon cell phone containing child pornography found on computer desk; rental paperwork with Defendant's name on it found near the computer table; blue external hard drive attached to the desktop computer containing child pornography; Sony Vaio laptop computer containing child pornography found lying against the table; and black custom tower from desktop computer containing child pornography.

Detective Matt Long interviewed Defendant who admitted to knowing that there was child pornography on the removable media devices located in the loft area. Defendant stated that there was a nude picture of the girl from Colorado on the device. Defendant also admitted to engaging in solicitation with the girl in Colorado and that she was only 12 years old.

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.

<b>Complainant</b>	Jason Severson Captain 25 NW 4th Street Faribault, MN 55021 Badge: 3203	Electronically Signed: 1/14/2013
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Subscribed and sworn to before the undersigned.

<b>Notary Public or Judicial Official</b>	Janice Bestul Records Specialist, County of Rice 25 NW 4th Street Faribault, MN 55021 Notary ID: 31032631	Commission expires: 01/31/2014 Electronically Signed: 1/14/2013
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Being authorized to prosecute the offenses charged, I approve this complaint.

<b>Prosecuting Attorney</b>	Catherine M Miller 218 NW 3rd Street Faribault, MN 55021 (507) 332-6103	Electronically Signed: 1/14/2013
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## 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 14, 2013.

Judicial Officer

John T Cajacob

Electronically Signed: 1/14/2013

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

COUNTY OF RICE  
STATE OF MINNESOTA

**State of Minnesota**

Plaintiff

vs.

**Nicholas Keven Kluzak**

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:** Nicholas Keven Kluzak  
**DOB:** 10/23/1991  
**Address:** 1301 17th St SW  
Faribault, MN 55021  
**Alias Names/DOB:**  
**SID:** MN13FW1453  
**Fingerprints Needed:** Yes  
**Fingerprinted:** Yes  
**Handgun Permit:** No  
**Driver's License #:** V632242020211 (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	10/16/2012	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C22	N	MN0660100	12014251
	Penalty	10/16/2012	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C22	N	MN0660100	12014251
2	Charge	10/16/2012	609.352.2a(2) Engage in Electronic Communication Relating or Describing Sexual Conduct with Child.	Felony	Z1C04	N	MN0660100	12014251
	Penalty	10/16/2012	609.352.4 Solicitation - Solicit Child in Person or via Computer or Internet - Sexual Conduct - Felony Penalty	Felony	Z1C04	N	MN0660100	12014251