

State of Minnesota
County of Rice

District Court
3rd Judicial District

Prosecutor File No.
Court File No.

0660041951
66-CR-18-272

State of Minnesota,

Plaintiff,

vs.

SOUVANH GER LY DOB: 10/15/1964

2188 Ross Ave
Saint Paul, MN 55119

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: Felony 5th Degree Controlled Substance- Possess Schedule 1,2,3,4

Minnesota Statute: 152.025.2(1), with reference to: 609.11.5a, 609.11.5a

Maximum Sentence: 3 to 5 years prison, \$10,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 02/03/2018

Control #(ICR#): 18000057

Charge Description: On or about February 3, 2018, in Rice County, Minnesota, Souvanh Ly did unlawfully possess one or more mixtures containing a schedule II controlled substance, to wit: methamphetamine weighing more than .25 grams and while possessing a firearm.

COUNT II

Charge: Traffic-Drivers License-Driving After Revocation

Minnesota Statute: 171.24.2

Maximum Sentence: up to 90 days jail, \$1,000 fine, or both

Offense Level: Misdemeanor

Offense Date (on or about): 02/03/2018

Control #(ICR#): 18000057

Charge Description: On or about February 3, 2018, in the County of Rice, Minnesota, Souvanh Ger Ly did unlawfully drive a motor vehicle while his drivers license, or privilege to drive, was revoked.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Complainant and/or Signing Officer designated below, declares under penalty of perjury, that he/she 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 February 3, 2018, an off duty officer observed, in the City of Lonsdale, a Red in color van with MN plate 142-XVX parked on the west bound side of the road without lights on, and a male driver passed out with a firearm uncased and laying alongside of him. An officer from the Lonsdale Police Department responded along with a deputy from the Rice County Sheriff's Office.

When the officer arrived he noticed the van had a light coating of snow over it and the engine was not running. The officer approached from the passenger side of the van and immediately noticed blankets were blocking all windows on the driver side of the van. As officers approached the passenger side, one officer shined his flashlight into the van. At this time, the suspect woke up and immediately reached for his rifle that was sitting next to him. Officers immediately started to yell commands to the male. The male complied and put his hands on the roof of the vehicle. An officer then opened the passenger side sliding door and removed the rifle from the male's possession. The rifle was found to have a small drum style magazine, and was loaded with 11 rounds of .22 long rifle ammunition.

The male appeared to be sweating profusely, was very jumpy, and agitated. The male was holding a large green in color blanket over his lap. Officers asked if there were any other weapons in the vehicle. The male stated there was a knife. The officers had the male keep his hands in the air and not to reach for anything. The officer advised the male that he was going to remove the blanket and check for any other weapons. The male stated okay. As soon as the officer removed the blanket, the officer noticed the male was not wearing any pants or underwear. The officer then noticed a transparent pink in color glass pipe, multiple butane torch canisters and lighters, and a mirror with a white powdery substance on it.

The officer identified the male as Souvanh Ger Ly, DOB: 10/15/1964 (hereinafter the defendant). The defendant's driver's license came back as revoked. The officer asked the defendant to step out of the vehicle. The officer conducted a pat down of the defendant. The officer asked the defendant how much meth was in the vehicle, and the defendant stated he smoked everything that was in the van, after he got to where he was parked.

When asked what he was doing with the rifle out of the case and parked on the side of the road without any lights on, the defendant stated he was hunting squirrels.

The officer then searched the van. The officer found a socket in the driver side front door handle that had a green leafy substance inside of it with a burned residue on the end. The officer found a spoon with burned residue laying on the floor between the passenger and driver seats. The officer also found a yellow and blue canister of butane with a torch, an aluminum foil pipe with a green leafy substance with a strong odor of burned marijuana, and a green and purple plastic container with a white powdery residue.

The defendant gave a post *Miranda* statement. The defendant admitted that he just smokes methamphetamine. The defendant admitted the drugs were for personal use and not to sell. The defendant again stated he was hunting squirrels.

The officer returned to the vehicle and conducted a full search of the vehicle. The officer found a baggie with a brown leafy substance in a small storage compartment on the ceiling. The officer found a small baggie with a clear crystal rock substance in another storage compartment. The substance weighed 1.7 grams and tested positive for methamphetamine.

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

Jason Schmitz
Lonsdale Police Chief
115 Alabama St SW
PO Box 357
Lonsdale, MN 55046
Badge: 3401

Electronically Signed:
02/05/2018 10:51 AM
Rice County, Minnesota

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

Prosecuting Attorney

Brian M Mortenson
218 NW 3rd Street
Faribault, MN 55021
(507) 332-6103

Electronically Signed:
02/05/2018 10:41 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: February 5, 2018.

Judicial Officer

Christine A Long
Judge

Electronically Signed: 02/05/2018 11:03 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.

Souvanh Ger Ly

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: Souvanh Ger Ly
DOB: 10/15/1964
Address: 2188 Ross Ave
Saint Paul, MN 55119

Alias Names/DOB:

SID: MN88013216

Height:

Weight: 175lbs.

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #: K941143775414 (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	2/3/2018	152.025.2(1) Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana	Felony	DH5C8		MN0660400	18000057
	Penalty	2/3/2018	609.11.5a Minimum Sentences of Imprisonment-Drug Offenses with Weapon	Felony	DH5C8		MN0660400	18000057
	Modifier	2/3/2018	609.11.5a Minimum Sentences of Imprisonment-Drug Offenses with Weapon	Felony	DH5C8		MN0660400	18000057
2	Charge	2/3/2018	171.24.2 Traffic-Drivers License-Driving After Revocation	Misdemeanor	J3901		MN0660400	18000057