

State of Minnesota  
County of Rice

District Court  
3rd Judicial District

Prosecutor File No. 0660041963  
Court File No. 66-CR-18-286

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**State of Minnesota,**

Plaintiff,

vs.

**WAYNE EMIL PEXA DOB: 01/04/1957**

1400 4th Street NW, #109  
Faribault, MN 55021

Defendant.

**COMPLAINT**

Order of Detention

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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: 152.025.4(b)

Maximum Sentence: 5 years and/or \$10,000 fine

Offense Level: Felony

Offense Date (on or about): 02/06/2018

Control #(ICR#): 18000509

Charge Description: On or about February 6, 2018, in the County of Rice, Minnesota, Wayne Pexa did unlawfully possess one or more mixtures containing a schedule II controlled substance, to wit: methamphetamine, in an amount greater than .25 grams.

**COUNT II**

**Charge: Obstruct Legal Process-Interfere w/Peace Officer**

Minnesota Statute: 609.50.1(2), with reference to: 609.50.2(2)

Maximum Sentence: 1 year and/or \$3,000 fine

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/06/2018

Control #(ICR#): 18000509

Charge Description: On or about February 6, 2018, in the County of Rice, Minnesota, Wayne Emil Pexa obstructed, resisted or interfered with a peace officer, while the officer was engaged in the performance of official duties and the above act was accompanied by force or violence.

**COUNT III**

**Charge: Hotel-furnish to operator registration information**

Minnesota Statute: 327.11, with reference to: 327.13

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

Offense Level: Misdemeanor

Offense Date (on or about): 02/06/2018

Control #(ICR#): 18000509

Charge Description: On or about February 6, 2018, in the County of Rice, Minnesota, Wayne Pexa failed, upon arriving at any hotel or motel, furnish to the operator or other attendant in charge of the establishment her name and home address as required by law.

#### **COUNT IV**

#### **Charge: Drugs - Possession of Drug Paraphernalia - Use or Possession Prohibited**

Minnesota Statute: 152.092(a)

Maximum Sentence: Maximum fine of \$300.00 (Petty Misdemeanor)

Offense Level: Petty Misdemeanor

Offense Date (on or about): 02/06/2018

Control #(ICR#): 18000509

Charge Description: On or about February 6, 2018, in the County of Rice, Minnesota, Wayne Pexa did unlawfully possess drug paraphernalia.

## STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

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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 6, 2018, Faribault Police Department responded to the Grandstay Hotel at 1500 20<sup>th</sup> Street NW in the City of Faribault. Officers responded because management was requesting the removal of un-registered guests from Room #316. The un-registered guests were identified as Julie Ann Boersma, DOB: 10/13/1970 (hereinafter female defendant) and Wayne Emil Pexa, DOB: 01/04/1957 (hereinafter male defendant). Both the male and female defendant were refusing to allow hotel staff in the room. The renter of the room was not present. Both male and female defendants were extremely belligerent with management. The manager did not believe they could remove the defendant's without the assistance of law enforcement due to their apparent violent behavior.

The male and female defendants were present in the hotel room. The registered guest was not present in the hotel room. The male and female defendants did not register their names with the front desk. The hotel staff was not aware of the male and female defendant being in the room until cleaning staff attempted to clean the room. The male and female defendants were unknown guests in the hotel which is against hotel policy and Minnesota law.

When officers arrived, they were led to the room by the manager. The manager knocked on the room door, announced management, and then keyed the door. At the same time, the male defendant pulled the door open. It was apparent the male defendant did not expect to see law enforcement and immediately tried to step back into the room. An officer reached in and grabbed the male defendant by his coat to prevent him from slamming the door shut. The male defendant then took his left hand and hit the officer's arm knocking the officer's grip from the coat. The officer then grabbed the male defendant's coat with two hands and pulled the male defendant from the room. The male defendant was placed against a wall and was directed to calm down. The male defendant then turned to the officer and attempted to hit the officer's arms again, to release the grip from his coat.

The officer was able to push the male defendant to the ground a get an arm behind his back. The male defendant continued to resist by attempting to stand up, by twisting his body, and refusing to put both hands behind his back to be handcuffed. A second officer arrived and assisted with placing the male defendant under arrest. Both officers were able to place handcuffs on the male defendant

While one officer was dealing with the male defendant, another officer entered the hotel room to address the female defendant present in the room. The female defendant was yelling and screaming expletives at the officers. Her speech was extremely fast and difficult to understand. The officer commanded the female defendant to show her hands. She kept her hands under the table and remained seated. The officer approached the female defendant and took hold of her right arm in an attempt to gain control of her arm. The female defendant then forcefully pulled her arm and her body away from the officer in an attempt to escape. The female defendant was throwing her arms around and screaming very loudly. The officer told the female defendant to "stop resisting." The officer was able to get the female defendant to her feet. The officer then instructed the female defendant to "get on the ground" on her stomach. The female defendant forcefully resisted being escorted to the ground. The female defendant continued to kick and throw her arms around while officers gave her several commands to put her hands behind her back. The officer again instructed the female defendant to "stop resisting." The female defendant was then placed on the ground in the prone position. Officers handcuffed the female defendant. The female defendant continued to scream at officers.

Immediately after the male defendant was restrained, an officer checked him for weapons. A small folding knife was located in the male defendant's right pocket. While continuing to search the male defendant, the officer located a small Coleman knife pouch in his front left pocket. The Coleman knife pouch contained a lighter, a small folding knife, and two small red straws. The small red straws have white residue inside which appeared consistent with drug paraphernalia used to snort and consume narcotics. The officer also located a glass pipe in the male defendant's other pocket. The pipe is one commonly used to smoke methamphetamine and had burnt residue inside.

The officer then located the male defendant's wallet. The male defendant is known to keep controlled substances in his wallet. The male defendant repeatedly asked the officer to leave the wallet in his pocket. The officer removed the wallet and the male defendant asked the officer, "Can you put my wallet back?" The officer opened the wallet and observed a small plastic baggie with a white crystal substance that appeared to be methamphetamine. The officer also found an eyeglass case in the male defendant's right shirt pocket. Inside the case were several glass pipes commonly used to smoke methamphetamine.

The white crystal substance, found in the possession of the male defendant, tested positive for methamphetamine and weighed 5.26 grams with packaging.

**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**

Neal Pederson  
Captain  
25 NW 4th Street  
Faribault, MN 55021  
Badge: 3202

Electronically Signed:  
02/07/2018 10:48 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:  
02/07/2018 10:46 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 7, 2018.

**Judicial Officer**

John T Cajacob

Electronically Signed: 02/07/2018 11:02 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.

**Wayne Emil Pexa**

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:** Wayne Emil Pexa  
**DOB:** 01/04/1957  
**Address:** 1400 4th Street NW, #109  
Faribault, MN 55021

**Alias Names/DOB:**

**SID:** MN85009879

**Height:**

**Weight:** 150lbs.

**Eye Color:**

**Hair Color:**

**Gender:**

**Race:**

**Fingerprints Required per Statute:** Yes

**Fingerprint match to Criminal History Record:** Yes

**Driver's License #:** Y675275459618 (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	2/6/2018	152.025.2(1) Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana	Felony	DH5C8		MN0660100	18000509
	Penalty	2/6/2018	152.025.4(b) Drugs - 5th Degree Controlled Substance - Sale or possession	Felony	DH5C8		MN0660100	18000509
2	Charge	2/6/2018	609.50.1(2) Obstruct Legal Process-Interfere w/Peace Officer	Gross Misdemeanor	X2080		MN0660100	18000509
	Penalty	2/6/2018	609.50.2(2) Obstruct Legal Process-Force/Violence or Threat of	Gross Misdemeanor	X2080		MN0660100	18000509
3	Charge	2/6/2018	327.11 Hotel-furnish to operator registration information	Misdemeanor	N3990		MN0660100	18000509
	Penalty	2/6/2018	327.13 Violation of sections 327.10 to 327.12	Misdemeanor	N3990		MN0660100	18000509
4	Charge	2/6/2018	152.092(a) Drugs - Possession of Drug Paraphernalia - Use or Possession Prohibited	Petty Misdemeanor	DC500		MN0660100	18000509