

State of Minnesota
County of Becker

District Court
7th Judicial District

Prosecutor File No. 0030030383
Court File No. 03-CR-24-654

State of Minnesota,

Plaintiff,

vs.

NICOLE LYNN MITCHELL DOB: 10/10/1974

3033 Leyland Trail
Woodbury, MN 55125

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: Burglary-1st Deg-Dwelling-Occupied-Non-Accomplice Present

Minnesota Statute: 609.582.1(a), with reference to: 609.582.1, 609.582.1a

Maximum Sentence: Not less than 180 days in jail or county workhouse and up to 20 years imprisonment, a \$35,000 fine, or both.

Offense Level: Felony

Offense Date (on or about): 04/22/2024

Control #(ICR#): 24000585

Charge Description: On or about April 22, 2024, in the County of Becker and State of Minnesota, Nicole Lynn Mitchell entered a dwelling without the consent of the lawful possessor, and with the intent to commit a crime while in the building, and another person, not an accomplice, was present in the building at the time the act was committed.

STATEMENT OF PROBABLE CAUSE

Complainant is a duly acting and appointed peace officer and as such is familiar with the following facts:

On April 22, 2024, at approximately 4:45 a.m., Detroit Lakes police officers were dispatched to a residence in Detroit Lakes in Becker County on a report that somebody had broken into a residence. The reporting party, a known adult female (hereinafter "Victim"), stated that the suspect ran into the basement. Officer Ethan Wothe arrived on scene at Victim's residence. Once inside, Officer Wothe overheard movement coming from the basement.

Officer Wothe and Officer Sternhagen searched the basement and shortly thereafter located a female dressed in all black clothing and a black hat. The female, later identified as NICOLE LYNN MITCHELL (DOB: 10-10-1974), was ordered to the ground and placed under arrest. While being detained MITCHELL stated to the Victim something to the effect of, "I was just trying to get a couple of my dad's things because you wouldn't talk to me anymore." Officer Sternhagen discovered a flashlight near MITCHELL that had a black sock covering. The flashlight appeared to have been modified so as to control the amount of light emitting from the flashlight.

Officer Wothe searched for MITCHELL's point of entry into the house. He observed a window on the south wall of the basement and a black backpack stuck in a small sliding window. Officers searched the backpack and discovered two laptops, a cell phone, MITCHELL's Minnesota driver's license, MITCHELL's Senate identification, and miscellaneous Tupperware. Officer Wothe later spoke to MITCHELL about the laptops and MITCHELL said they were both hers. MITCHELL stated she had "just gotten into the house" and commented "clearly I'm not good at this."

At his squad, Officer Sternhagen read MITCHELL her *Miranda* warning. After hearing it, MITCHELL stated "I know I did something bad." MITCHELL explained that her father had recently passed away and that Victim (her stepmother) had ceased all contact with her and other family members. MITCHELL stated she wanted various items of her late father's and that Victim refused to give them to her. MITCHELL described these items as pictures, a flannel shirt, ashes, and other items of sentimental value. MITCHELL admitted to driving her vehicle up from the Twin Cities and noted that she left Woodbury around 1:00 a.m. MITCHELL admitted she got into the house through the window where the bag was discovered. At the jail, Officer Sternhagen asked what got MITCHELL "to this stage" and MITCHELL indicated that it was her father's ashes. She stated that she previously got into an argument with Victim and they stopped speaking.

Officer Wothe arrived at the jail and questioned MITCHELL about the laptops. Officer Wothe presented MITCHELL with the first laptop that was dark in color. MITCHELL opened the laptop and pressed a button and Victim's name popped up. The laptop was not password protected. MITCHELL then stated that Victim gave her the laptop "way back when."

Officer Wothe again spoke to Victim, who stated that she did not give a laptop to MITCHELL.

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

Steve Todd
Chief
807 Summit Ave
Detroit Lakes, MN 56501
Badge: 6231

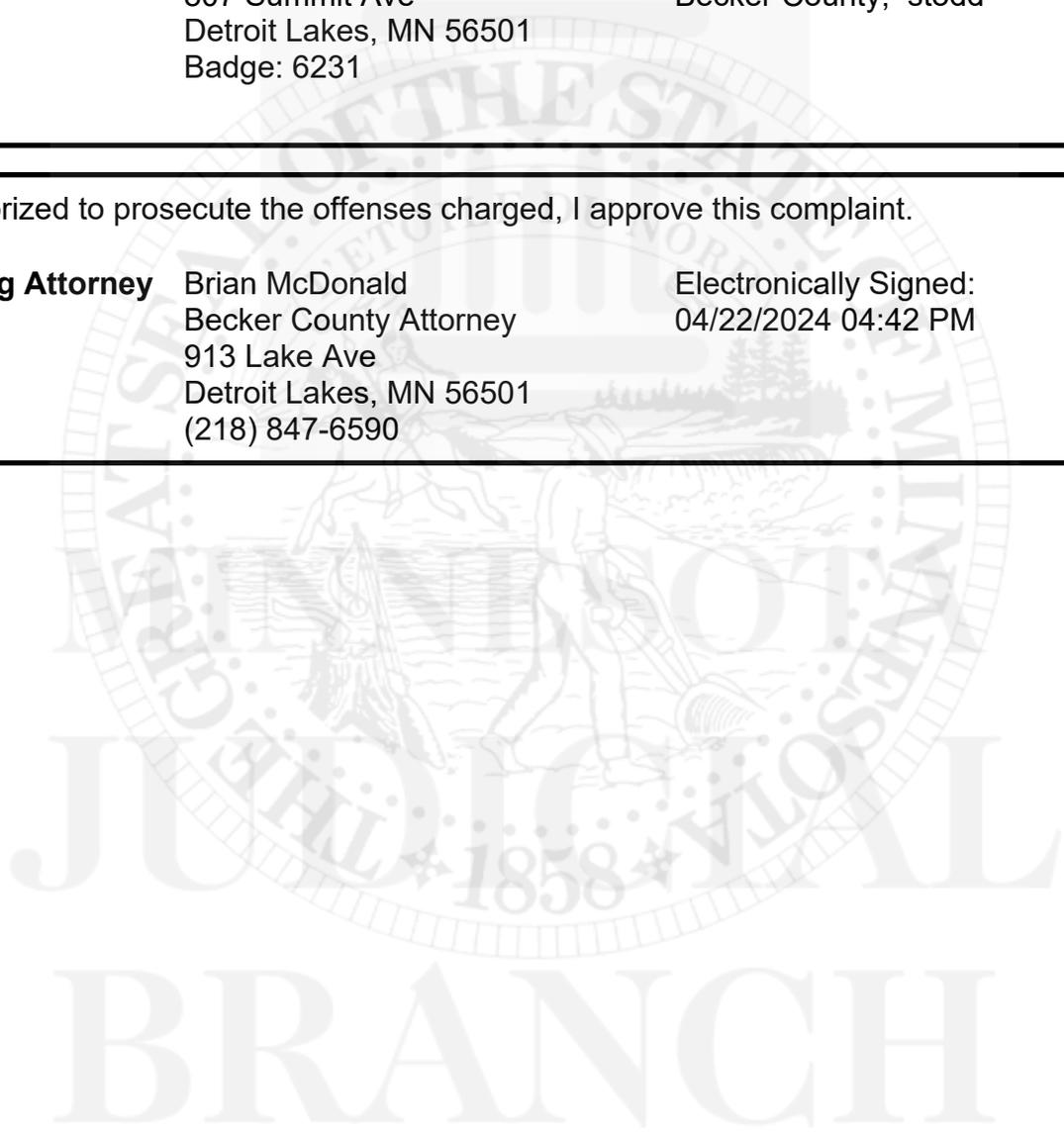
Electronically Signed:
04/22/2024 04:45 PM
Becker County, stodd

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

Prosecuting Attorney

Brian McDonald
Becker County Attorney
913 Lake Ave
Detroit Lakes, MN 56501
(218) 847-6590

Electronically Signed:
04/22/2024 04:42 PM



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 as directed in the Notice of Hearing before the above-named court 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: April 23, 2024.

Judicial Officer

Gretchen D. Thilmony

Electronically Signed: 04/23/2024 08:22 AM

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

**COUNTY OF BECKER
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Nicole Lynn Mitchell

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:

03-CR-24-654
DEFENDANT FACT SHEET

Filed in District Court
State of Minnesota
4/23/2024

Name: Nicole Lynn Mitchell
DOB: 10/10/1974
Address: 3033 Leyland Trail
Woodbury, MN 55125

Alias Names/DOB:

SID: MN24EV6734

Height:

Weight:

Eye Color:

Hair Color:

Gender:

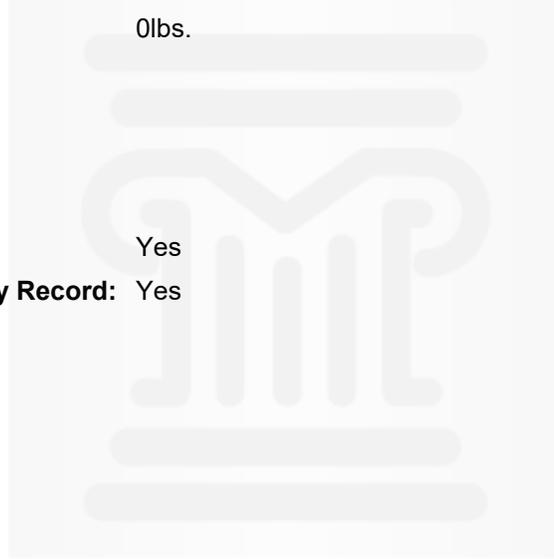
Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #:

Alcohol Concentration:



MINNESOTA
JUDICIAL
BRANCH

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	4/22/2024	609.582.1(a) Burglary-1st Deg-Dwelling-Occupied-Non-Accompl ce Present	Felony	B1266		MN0030100	24000585
	Penalty	4/22/2024	609.582.1a Burglary-1st Deg-Occupied Dwelling-Mandatory Minimum	Felony	B1266		MN0030100	24000585
	Penalty	4/22/2024	609.582.1 Burglary-1st Degree	Felony	B1266		MN0030100	24000585



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