

State of Minnesota
County of St. Louis

District Court
6th Judicial District

Prosecutor File No. 16-01-130681
Court File No. 69DU-CR-16-216

State of Minnesota,

Plaintiff,

vs.

WESLEY ANDREW KLEVETER DOB: 08/01/1997

2130 East Superior Street
Duluth, MN 55812

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: Felon in Possession of Ammunition and/or a Firearm

Minnesota Statute: 624.713.1(2)

Maximum Sentence: Fifteen (15) years and/or \$30,000

Offense Level: Felony

Offense Date (on or about): 01/16/2016

Control #(ICR#): 16011570

Charge Description: Charge: FELON IN POSSESSION OF A FIREARM, in violation of

Section: 624.713, Subd. 1 (2), with reference to Subd. 3 (b)

Maximum sentence: Fifteen (15) years and/or \$30,000

That the defendant, WESLEY ANDREW KLEVETER, having been convicted of or adjudicated delinquent for or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence, did possess ammunition, a pistol, semiautomatic military style assault weapon or any other firearm.

COUNT II

Charge: Burglary in the Third Degree

Minnesota Statute: 609.582.3

Maximum Sentence: Five (5) years and/or \$10,000

Offense Level: Felony

Offense Date (on or about): 01/16/2016

Control #(ICR#): 16011570

Charge Description: That the defendant, WESLEY ANDREW KLEVETER,, did enter a building without consent and with intent to steal or commit a felony or gross misdemeanor therein, or did enter a building without consent and did steal or commit a felony or gross misdemeanor while in the building.

COUNT III

Charge: Criminal Damage to Property in the First Degree

Minnesota Statute: 609.595.1(3)

Maximum Sentence: Five (5) years and/or \$10,000

Offense Level: Felony

Offense Date (on or about): 01/16/2016

Control #(ICR#): 16011570

Charge Description: That the defendant, WESLEY ANDREW KLEVETER, did intentionally cause damage to physical property of another without consent, to-wit: property belonging to Duluth Transit Authority, Greg Hansen, and William Molyneux, said damage reducing the value of the property by more than \$1,000 as measured by the cost of repair and replacement.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

On January 16, 2016, at approximately 9:54 p.m., Officers from the Duluth Police Department were dispatched to the Duluth Transit Authority Transit Center located at 228 West Michigan Street, in the City of Duluth, St. Louis County, Minnesota. Officers were informed that a Toyota Rav 4 vehicle had been broken into in the parking ramp on the Skywalk level. Additionally, two other individuals reported having their vehicles broken into as well. Officers Schmidt and LeClaire responded to the location and met a male driving a black Ford F150 pickup truck identified as Greg Hansen. Hansen advised that his Toyota Rav 4 had a passenger window broken out. They also observed a male in the area entering the Duluth Transit Authority construction area wearing a black hoodie. They also described the male carrying two bags, one of which had something yellow hanging from it. Hansen pointed in the direction that the male party had gone, and Officer LeClaire continued in that direction. Officer LeClaire then made contact with another victim of a vehicle prowler, William Molyneaux. Molyneaux reported that his black Ford F150 pickup truck had been broken into between approximately 6:45 p.m. and 10:00 p.m. Molyneaux showed Officer Schmidt the front and rear passenger windows were shattered. Molyneaux advised Officer LeClaire that two small Gerber pocket knives had been taken from the vehicle as well as two telephone chargers. Molyneaux described the two pocket knives as being Gerber brand with silver handles and silver blades. Both were folding knives, one having an approximately 1 1/2" blade and the other having an approximately 3" blade. Officer LeClaire also met with the Hansens regarding the damage done to their Rav 4. Thereafter, Officer LeClaire walked down the open staircase into the main level of the Duluth Transit Center construction site. Officer LeClaire called for Officer Schmidt and did not receive an answer. However, Officer LeClaire did hear running water coming from the southern-most hallway, and walked back there to investigate. As Officer LeClaire walked through the back hallway, he discovered it was flooding with water. As Officer LeClaire walked through each of the rooms to clear them, he observed that the women's bathroom had a sink and paper towel dispenser damaged. In the men's bathroom, a paper towel dispenser was damaged. In the shower room, the handle was broken off the shower and water was coming out of the handle. As Officer LeClaire continued down the hallway, he encountered the janitor's closet. When Officer LeClaire opened the door, water began pouring out from the ceiling onto the floor. As Officer LeClaire continued through the construction site, he located a fire extinguisher that had been activated in the western-most office connected to the lobby. The office in the lobby area is not open to the public, and was closed at this time.

Officers Moldenhauer, Hurst, and LeClaire continued surveying the damage and continued into Suite 230. Officers discovered a broken printer that appeared to have been smashed apart. Inside of an adjacent server room, numerous computer towers were hit with what appeared to be a hammer, and computer monitors were also broken.

In the interim, Officer Schmidt had entered the Duluth Transit Center construction site by following holes through the plastic that served as make-shift walls. Officer Schmidt then found a male in one of the rooms under construction. Officer Schmidt noted the male had two bags with him, including one having a yellow construction vest on top of it. The male was also wearing a black hoodie, and matched the description provided by Hansen, one of the victims of the vehicle break-ins. Officer Schmidt asked the male party to come speak to him, and was later identified as WESLEY ANDREW KLEVETER, DOB 8/1/1997, hereinafter Defendant. Officer Schmidt asked the Defendant if he had any weapons in his possession, and he stated no but then recalled he had a knife in his pocket. Officer Schmidt asked the Defendant about the bags in his possession and what was inside of them. Officer Schmidt immediately noted that on top of one of the bags appeared to be something similar in appearance to a gun case. The Defendant initially

responded it was a case for a pool cue, but then retracted and stated that he was unsure of what was inside, but that is what he had been told. The Defendant also stated that the Ryobi tool bag was his and only contained his shoes. The Defendant then stated the other bag had been given to him by "Jayden", and he did not know what was inside.

The Defendant consented to Officer Schmidt searching the Ryobi bag, as it belonged to him. Inside of the bag Officer Schmidt located some latex gloves, Kool-Aid, a couple of cell phone chargers, a bag of change, and a variety of lighters. While speaking with the Defendant, Officer Jones arrived at Officer Schmidt's location and told him that a Clean and Safe team member from the City of Duluth had observed a male party attempting to enter multiple car doors near the Starbucks store. The Clean and Safe team member, Nuthak, arrived shortly thereafter and confirmed that the Defendant was the individual he had seen attempting to enter into multiple car doors parked in the area of Starbucks. Shortly thereafter, the Defendant was making spontaneous statements to Officer Schmidt, stating he was "going to jail" and he should "text his girlfriend good-bye." Officer Schmidt reiterated to the Defendant that the investigation was still ongoing at this point, and that no decision had been made regarding whether or not he would be arrested. Given the fact that the Defendant believed he was in-custody, Officer Schmidt then read the Defendant his Miranda advisory. The Defendant agreed to provide a voluntary statement to Officer Schmidt. However, the Defendant continued to deny any involvement in vehicle break-ins. However, while Officer Schmidt was speaking to Officer Jones, Officer LeClaire noted that the Defendant had yet another knife in his boot which matched the description of one of the knives taken from Molyneaux truck. When Officer Schmidt returned, the Defendant volunteered to let the victims of the vehicle break-ins come and check the bags for any of their property. The Defendant then pointed toward the bag which he previously stated contained a pool cue, and told Officer Schmidt something to the effect of not wanting to get in trouble for that part of it. The Defendant stated that "he was not a part of this." The bag that the Defendant previously advised contained a pool cue was subsequently opened, at which time law enforcement discovered two firearms, one of which had a sawed off barrel. The firearms included a .22 caliber 20 gauge over under short barreled shotgun with a brown stock, and a sawed off Winchester 12 gauge model 1200 shotgun.

Video surveillance footage was obtained from the Duluth Transit Center. Investigator A. Graves of the Duluth Police Department reviewed the same and identified the Defendant as the individual depicted inside of the restricted areas committing the property damage that was observed by law enforcement when they responded to that location. The damage estimate was obtained by the Duluth Transit Authority and revealed a total amount of damage of \$63,500.

A review of the Defendant's criminal history reveals a previous adjudication for a crime of violence, which prohibits him from lawfully possessing a firearm, namely Burglary in the First Degree for which he was adjudicated delinquent on July 9, 2015, in St. Louis County District Court File Number 69DU-JV-15-492. The Defendant also has a previous adjudication for Possessing a Dangerous Weapon on School Property in St. Louis County District Court File Number 69DU-JV-14-238, with an adjudication date of April 16, 2014.

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

Andrew Graves
Police Officer
2030 N Arlington Avenue
Duluth, MN 55811
Badge: 453

Electronically Signed:
01/21/2016 08:42 AM
St. Louis County, Minnesota

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

Prosecuting Attorney

Kristen E. Swanson
100 N 5th Avenue W
Duluth Courthouse, #501
Duluth, MN 55802
(218) 726-2323

Electronically Signed:
01/21/2016 08:26 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 100 N 5th Avenue W, Duluth, MN 55802-1285 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: January 21, 2016.

Judicial Officer

David M. Johnson
Judge of District Court

Electronically Signed: 01/21/2016 09:42 AM

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

COUNTY OF ST. LOUIS
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

WESLEY ANDREW KLEVETER

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: