

STATE OF MINNESOTA
COUNTY OF MOWER

DISTRICT COURT
THIRD JUDICIAL DISTRICT

COURT FILE NO.: CR-15-3

PROSECUTOR FILE NO.: CA-03945

State of Minnesota,
Plaintiff,

v.
Daniel Irlas DOB: 08/03/1979
301 Elm Street
Lyle, MN 55953

Defendant.

- Summons
- Warrant
- Order of Detention
- Amended
- Tab charge Previously Filed

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

Count 1

2nd Degree Attempted Murder-Felony
In Violation Of: 609.19 subd. 2(1)
Penalty: 20 years in prison

On or about December 26, 2014, within the County of Mower, the defendant attempted to cause the death of a human being while committing or attempting to commit a felony offense.

Count 2

1st Degree Burglary-Possess Dangerous Weapon-Felony
In Violation Of: 609.582 subd. 1(b); 609.582 subd. 1
Penalty: 20 years and/or \$35,000 fine

On or about December 26, 2014, within the County of Mower, the defendant entered a building without consent and with the intent to commit a crime, or entered a building without consent and committed a crime while therein, and the defendant possessed a dangerous weapon.

Count 3

1st Degree Burglary-Assault Person In Building-Felony
In Violation Of: 609.582 subd. 1(c); 609.582 subd. 1
Penalty: 20 years and/or \$35,000 fine

On or about December 26, 2014, within the County of Mower, the defendant entered a building without consent and with the intent to commit a crime, or entered a building without consent and committed a crime while therein, and the defendant assaulted a person within the building or on the building's appurtenant property.

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Count 4

2nd Degree Assault-Dangerous Weapon-Substantial Bodily Harm-Felony

In Violation Of: 609.222 subd. 2

Penalty: 10 years and/or \$20,000 fine

On or about December 26, 2014, within the County of Mower, the defendant intentionally assaulted another with a dangerous weapon and inflicted substantial bodily harm, to wit: a knife.

Count 5

5th Degree Assault-2 or More Previous Convict w/in 3 years-Felony

In Violation Of: 609.224 subd. 4(b)

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

On or about December 26, 2014, within the County of Mower, the defendant intentionally inflicted bodily harm upon another and the act occurred within 3 years of two or more previous qualified domestic violence-related offense convictions.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

On December 26, 2014, at approximately 4:45 a.m., officers from the Austin Police Department were dispatched to 1005 5th Avenue NE regarding an assault with a knife. Officers Jones and approached the intersection of 10th Street NE and E. Oakland Avenue observed a dark colored SUV leaving the area. Jones observed the driver of the SUV and recognized him as Daniel Irlas, DOB/080379, the defendant herein. Jones also observed other occupants in the SUV, but he was not able to identify them.

Jones arrived at 1005 5th Avenue NE a short time later and entered the residence through a door on the east side of the house. Jones was met by J.M.C., who was very upset and reported that people came to her door and told her to call the police because P.P.P. (hereinafter "the victim") had been stabbed. Jones, along with Officers Ellis and Tischer, located the victim upstairs. Jones observed that the victim was bleeding and appeared confused. An ambulance soon arrived and transported the victim to the hospital.

Tischer briefly spoke with the victim at the hospital in Austin. The victim indicated he was involved in a fight between the defendant and J.M.C. The victim said he was unsure who attacked him because it happened so fast. Tischer photographed the victim's injuries, including two stab wounds on his abdomen. The victim was then transported to a hospital in Rochester.

Jones returned to J.M.C.'s residence to interview her. J.M.C. said the previous day, the defendant and his girlfriend (Kelly Jo Gardner) were fighting and "it got physical." The victim then stepped between the defendant and Gardner, which resulted in the defendant assaulting the victim. J.M.C. said she then kicked the defendant out of her residence. Later in the early morning hours, J.M.C. heard "loud banging" downstairs. J.M.C. said that three people then came to her door and screamed, "They're stabbing [P.P.P.]." The three people then left as J.M.C. called the police.

Detective Clennon interviewed J.M.C., who reported that the victim and the defendant had a confrontation on the afternoon of December 25, 2014, in which the victim pushed the defendant because the defendant was hitting Gardner. J.M.C. described the victim as "old fashioned" and would not stand for the defendant hitting Gardner. J.M.C. said that the victim pushed the defendant toward the door and the defendant hit the victim and knocked his glasses off.

J.M.C. said that the stabbing occurred in the early morning of December 26, 2014, and that B.M.M. and J.M.R. were witnesses to that incident. J.M.C. said that B.M.M. and J.M.R. "and some old Mexican guy" came to her door and said that the victim was being stabbed.

Clennon interviewed B.M.M. and J.M.R., who said they were on the main floor cleaning up for a possible party. B.M.M. and J.M.R. said the victim was working on a ceiling fan and kept a pipe close to him "in case there was any trouble." B.M.M. and J.M.R. heard a soft knock at the front door and the victim went to answer it. B.M.M. and J.M.R. said the victim was attacked by the unknown suspects (big guys who were wearing dark jackets and hoods) as soon as he opened the door. B.M.M. and J.M.R. then ran to the side door and told J.M.C. to call 911.

On December 29, 2014, Clennon interviewed the victim, who had suffered a broken nose, two (2) stab wounds to his abdomen (one of which punctured his diaphragm) and a contusion to his left ear. The defendant reported that he broke up a fight between the defendant and Gardner during the afternoon of December 25, 2014. The victim added that the defendant also tried to steal his iPod and Bose speaker, which the defendant had taken to Gardner's car. When the victim took the items back from the car, the defendant hit him in about the face. The defendant then left, but returned later with two other people and threatened to harm the victim.

The victim said he did not remember much from the incident when he got stabbed, but said the first person he was fighting with at the door was the defendant. The victim also believed that the defendant was the person who had stabbed him. The victim described the other two subjects as a Hispanic male (whom he had seen previously) and a black male. The victim said he never saw a knife and did not know he had been stabbed until after the altercation.

A review of the defendant's criminal history reflects a conviction for domestic assault dated June 6, 2013 (Mower County Court file 50-CR-12-2415) and a conviction for violation of DANCO dated May 30, 2014 (Mower County Court file 50-CR-14-929).

NOTICE: You are hereby notified that failure to appear for court when required to do so is a criminal offense in the State of Minnesota, pursuant to Minn. Stat. §609.49. If you are charged with or have been convicted of a felony offense, an intentional failure to appear for a court appearance is a felony offense, which is punishable by one-half of the statutory maximum term of imprisonment or fine, for the underlying crime for which you fail to appear, and is to be no less than one (1) year and one (1) day in prison, and/or a \$1,500 fine, pursuant to Minn. Stat. §609.49, Subd. 1(a). If you are charged with a gross misdemeanor or misdemeanor offense, an intentional failure to appear for trial is a misdemeanor offense and may be punished by imprisonment of up to ninety (90) days in jail and/or a \$1,000 fine, pursuant to Minn. Stat. §609.49, Subd. 1.

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'S NAME:

COMPLAINANT'S SIGNATURE:

PETE Hillman

Pete Hillman

Subscribed and sworn to before the undersigned this 2nd day of January, 2015

NAME/TITLE:

SIGNATURE:

J. Koenigs / SR. Capt

J. Koenigs

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

Date: 1/2/15

PROSECUTING ATTORNEY'S SIGNATURE:

Eric V. Herendeen

Name: Eric V. Herendeen
Chief Deputy County Attorney
201 2nd Avenue NE
Austin, MN 55912
(507) 437-9428
Attorney Registration Number: 238703

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 to 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 ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, 20__ at _____ before the above-named court at _____ to answer this complaint.

WARRANT

To the Sheriff of the aboved-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named 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 above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$500,000

Conditions of Release:

Sign Waiver of Extradition; Make all court appearances; Maintain contact with attorney; Be law abiding and good behavior; Supply Court with any change of address; No use/possession of mood altering chemicals; Not be present where mood altering chemicals are used/sold/served; Random testing; Weekly check-ins with Court Services; No contact with victim(s) or witness(es); Not be within 500' of victim(s) residence, work or school; GPS monitoring; No possession of weapons

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 2nd day of January, 2015.

JUDICIAL OFFICER:

NAME: Jeffrey M. Kritzer
TITLE: District Court Judge

SIGNATURE:



COUNTY OF MOWER
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

Daniel Irlas

Defendant

Following witnesses: *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(s) herein-named.

Signature of Authorized Service Agent:

STATUTE AND OFFENSE GRID

Cnt	Statute Type	Offense Date	Statute Number & Description	Offense Level	MOC	GOC	Controlling Agencies	Control Number(s)
1	Chrg/Penalty	12/26/2014	609.19 subd. 2(1) 2nd Degree Attempted Murder-Felony	F	H2832	A	MN0500100 Arresting	14117244
	Chrg/Penalty		609.19 subd. 2(1) Murder - 2nd Degree - Without Intent - While Committing a Felony					
2	Charge	12/26/2014	609.582 subd. 1(b) 1st Degree Burglary-Possess Dangerous Weapon-Felony	F	B1151	N	MN0500100 Arresting	14117244
	Penalty		609.582 subd. 1 Burglary-1st Degree					
3	Charge	12/26/2014	609.582 subd. 1(c) 1st Degree Burglary-Assault Person In Building-Felony	F	B1161	N	MN0500100 Arresting	14117244
	Penalty		609.582 subd. 1 Burglary-1st Degree					
4	Chrg/Penalty	12/26/2014	609.222 subd. 2 2nd Degree Assault-Dangerous Weapon-Substantial Bodily Harm-Felony	F	A2232	N	MN0500100 Arresting	14117244
	Chrg/Penalty		609.222 subd. 2 Assault-2nd Degree-Dangerous Weapon-Substantial Bodily Harm					
5	Chrg/Penalty	12/26/2014	609.224 subd. 4(b) 5th Degree Assault-2 or More Previous Convict w/in 3 years-Felony	F	AG352	N	MN0500100 Arresting	14117244
	Chrg/Penalty		609.224 subd. 4(b) Assault-5th Deg-2/More Prev Convict in 3 years					

STATE OF MINNESOTA vs. Daniel Irlas

Prosecutor File Number: CA-03945

DEFENDANT FACT SHEET

1. Address: 301 Elm Street
Lyle, MN 55953
2. DOB: 08/03/1979
3. Other DOBs:
4. Race/Ethnicity: White Ethnicity: Hispanic
5. SID: MN02402194
6. WID:
7. Alias Information:
8. Fingerprinted: No
9. Handgun Permit: No
10. Location of Violation: Austin
11. Drivers License #: S 509 171 827 314 (MN)
12. Accident Type:
13. License Plate #
14. Alcohol Concentration: