

State of Minnesota
County of Ramsey

District Court
2nd Judicial District

Prosecutor File No. 0620383378
Court File No. 62-CR-17-3773

State of Minnesota,

Plaintiff,

vs.

FRANCIS THOMAS SAGERMEREK DOB: 01/27/1988

1660 Charles Avenue
St. Paul, MN 55117

Defendant.

COMPLAINT

Warrant

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: Use Tear Gas to Immobilize - Not Protect Self/Property

Minnesota Statute: 624.731.4(d), with reference to: 624.731.8(a)(4), 609.03.1

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

Offense Level: Felony

Offense Date (on or about): 03/04/2017

Control #(ICR#): 17460024

Charge Description: On or about March 4, 2017, in the County of Ramsey, Minnesota, Francis Thomas Sagermerek used tear gas or a tear gas compound in an immobilizing concentration against another person other than in the lawful exercise of reasonable force in self defense or defense of property,

COUNT II

Charge: Riot-3rd Degree-Unlawful Force or Violence

Minnesota Statute: 609.71.3

Maximum Sentence: one year or \$3,000 or both.

Offense Level: Felony

Offense Date (on or about): 03/04/2017

Control #(ICR#): 17460024

Charge Description: On or about March 4, 2017, in the County of Ramsey, Minnesota, Francis Thomas Sagermerek, with three or more people assembled, disturbed the peace by an intentional act or threat of unlawful force or violence to person or property

STATEMENT OF PROBABLE CAUSE

Your complainant is Sergeant Eric Zastrow, an investigator with the Minnesota State Patrol. He states that the following is true, correct, and establishes probable cause:

On March 4, 2017, a permitted rally took place at the Minnesota State Capitol in Saint Paul, Ramsey County. During the rally, protesters arrived at the Capitol. Most were peaceful but some (more than 10) were wearing face and head coverings, and wearing goggles. Rally participants tried to physically block the stairs leading to the rotunda where the rally was taking place. Protesters pushed and shoved trying to get down the stairs, then began employing smoke bombs, tear gas (aka mace), and fireworks. Several people, identified in police reports, had to be treated by paramedics due to the effects of tear gas. One witness ("A") reported being maced and said that a person with red hair was among those spraying mace. A said that an African American individual reached forward with an electronic incapacitation device (aka stun gun). A was able to knock the stun gun away to avoid being stunned.

Another witness ("B") said that he saw a masked individual, who B described as African American and wearing goggles, spraying mace and then using a stun gun. B said that a second person was also spraying mace.

Police analyzed photos of the protesters on the stairs and identified the person with red hair spraying mace as Francis Thomas Sagermerek.

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

Eric Zastrow
State Trooper
3489 Hadley Ave N
Oakdale, MN 55128
Badge: 85

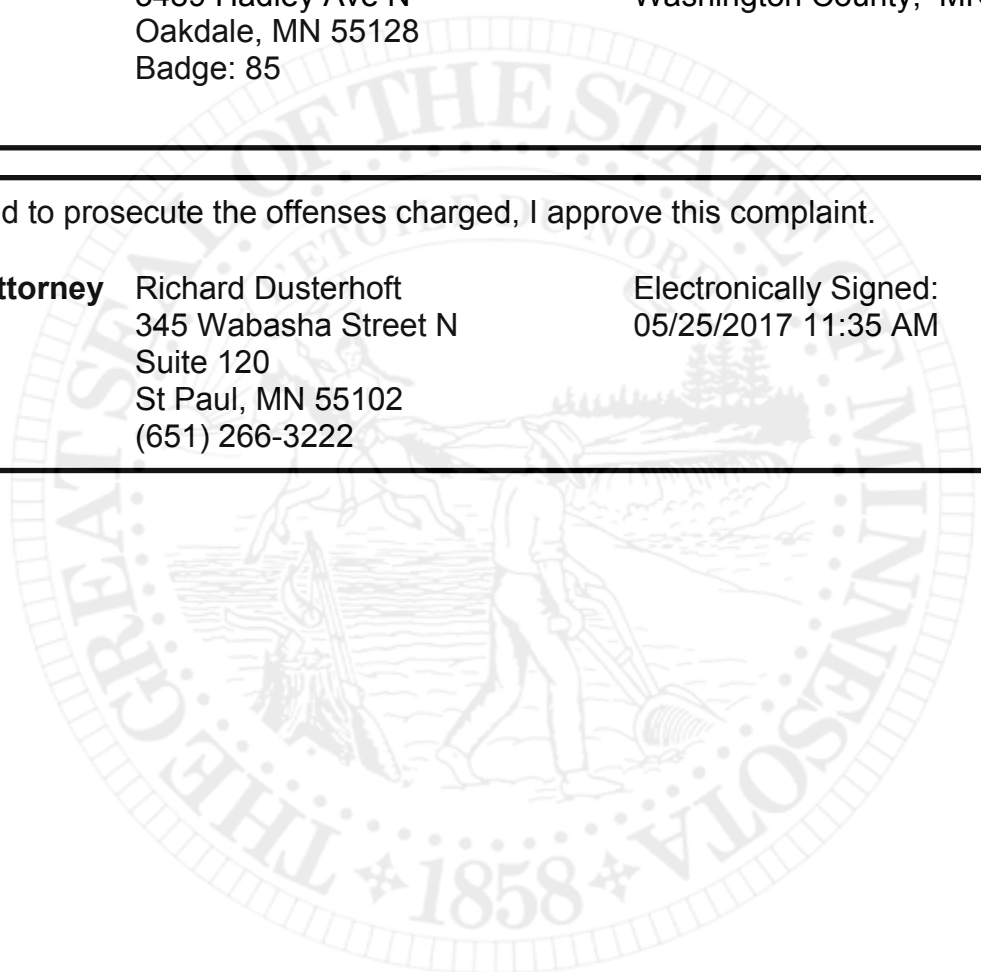
Electronically Signed:
05/26/2017 07:40 AM
Washington County, MN

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

Prosecuting Attorney

Richard Dusterhoff
345 Wabasha Street N
Suite 120
St Paul, MN 55102
(651) 266-3222

Electronically Signed:
05/25/2017 11:35 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 15 W Kellogg Blvd, St Paul, MN 55102 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: \$10,000.00
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: May 26, 2017.

Judicial Officer Laura Nelson Electronically Signed: 05/26/2017 09:28 AM

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

**COUNTY OF RAMSEY
STATE OF MINNESOTA**

State of Minnesota

Plaintiff
vs.

Francis Thomas Sagermerek

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Warrant
upon the Defendant herein named.*

Signature of Authorized Service Agent: