

State of Minnesota
County of Wright

District Court
10th Judicial District

Prosecutor File No.
Court File No.

21-10304B

State of Minnesota,

Plaintiff,

vs.

JUSTIN MICHAEL DELLWO

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: Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence

Minnesota Statute: 624.713.1(2), with reference to: 624.713.2(b)

Maximum Sentence: 15 years, \$30,000 or both

Mandatory Minimum Sentence: Not less than five years nor more than 15 years

Offense Level: Felony

Offense Date (on or about): 01/26/2021

Control #(ICR#): 21002248

Charge Description: JUSTIN MICHAEL DELLWO, being a person convicted of a controlled substance crime, a crime of violence, did unlawfully ship, transport, possess or receive a firearm and/or ammunition.

COUNT II

Charge: Machine Guns and Short-Barreled Shotguns-Acts Prohibited-Own/Possess/Operate

Minnesota Statute: 609.67.2

Maximum Sentence: Five years, \$10,000 or both

Offense Level: Felony

Offense Date (on or about): 01/26/2021

Control #(ICR#): 21002248

Charge Description: JUSTIN MICHAEL DELLWO, did unlawfully own, possess, or operate a machine gun, any trigger activator or machine gun conversion kit, or a short-barreled shot gun.

COUNT III

Charge: Fleeing a Peace Officer in a Motor Vehicle

Minnesota Statute: 609.487.3

Maximum Sentence: Three years and one day, \$5,000 fine or both

Offense Level: Felony

Offense Date (on or about): 01/26/2021

Control #(ICR#): 21002248

Charge Description: JUSTIN MICHAEL DELLWO, by means of a motor vehicle, did unlawfully flee or attempt to flee a peace officer acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

The complainant is a licensed police officer with the State of Minnesota. The complainant is familiar with the law enforcement officers submitting reports in this matter, and believe those persons to be reliable and their reports to be true and accurate. The complainant attests that, based on those reports, the following facts establish probable cause:

On January 26, 2021, at approximately 12:23 a.m. Deputy Dufresne was dispatched to Albertville, Wright County, Minnesota, on a report of a domestic assault involving a firearm. Deputy Dufresne had previously responded to a domestic assault by strangulation incident at that residence on January 25, 2021, at 8:06 p.m., in which Justin Michael Dellwo, defendant herein, had assaulted and choked his wife. Defendant fled from the residence after assaulting and strangling his wife during the earlier incident. While responding to the second call, Deputy Dufresne learned from dispatch, defendant had a gun to his head upon returning to the residence. Dispatch advised Deputy Dufresne the defendant again left the residence driving a 2004 Buick Rendezvous with Minnesota plate CWR400. Deputy Dufresne saw a vehicle driving west on County Road 37 as he was responding. Deputy Dufresne followed the vehicle and observed it pull over after turning onto Jason Avenue NE. Deputy Dufresne pulled behind the vehicle confirming it was the one reportedly driven by the defendant. Deputy Dufresne activated his squad car's emergency lights, stepped from his squad, and ordered the driver, subsequently confirmed to be the defendant, to turn off the vehicle. Defendant disobeyed the command and began fleeing from Deputy Dufresne driving on Jason Avenue NE. Deputy Dufresne pursued the vehicle with his emergency lights and siren activated. Defendant continued to flee entering Monticello and turning onto Fenning Avenue. Deputies deployed spike strips to disable defendant's vehicle during the pursuit. Defendant's vehicle became disabled due to a combination of the deployment of the spikes and apparent mechanical difficulties and stalled out on Fenning Avenue south of Interstate 94. Several deputies conducted a high risk stop of the defendant due to the presence of a firearm. Defendant refused to comply with commands or instructions and began trying to start his vehicle. Defendant started his vehicle after many attempts proceeding north on Fenning Avenue. Defendant completed a U-turn after a short distance and began traveling south on Fenning Avenue. Deputies deployed additional spike strips further disabling the vehicle causing defendant to stop prior to reaching School Boulevard at a location adjacent to Eastview Education Center. Deputies observed defendant in possession of a long gun inside the vehicle. A significant law enforcement presence converged on this location surrounding defendant in his vehicle and establishing a perimeter around the area by blocking access to nearby streets to protect the community and maintain the safety of the citizens living and traveling nearby. Law enforcement negotiated with defendant for a lengthy amount of time and were met with a continuous refusal to cooperate by the defendant. Defendant maintained this standoff with law enforcement for more than 17 hours refusing to get out of his vehicle or cooperate in any way. At approximately 6:00 p.m. members of the Wright County Emergency Response Team, in collaboration with law enforcement from Hennepin County and Sherburne County, deployed a chemical agent into defendant's vehicle forcing him to exit the vehicle. Defendant refused to follow commands upon exiting the vehicle and was struck with a foam baton round debilitating defendant and effectuating his arrest.

Following defendant's arrest, the firearm he possessed was retrieved by law enforcement from the vehicle. The firearm was a semi-automatic AR 15 type rifle that was loaded with a round in the chamber. The length of the barrel on the rifle was 11.5 inches making it a 'short-barreled shotgun'. Court records show defendant was convicted of Controlled Substance Crime in the Fifth-Degree (Possession) on March 5, 2020, in Court File 02-CR-17-5455, a crime of violence, making him ineligible to possess a firearm.

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 Tanner L Dufresne
 Deputy Sheriff
 3800 Braddock Avenue NE
 Buffalo, MN 55313
 Badge: 285

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

Prosecuting Attorney Brian Anthony Lutes
 Assistant County Attorney
 10 Second Street NW
 Room 400
 Buffalo, MN 55313
 (763) 682-7340

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: _____, _____.

Judicial Officer <judge name>

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

**COUNTY OF WRIGHT
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

JUSTIN MICHAEL DELLWO

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: JUSTIN MICHAEL DELLWO

DOB:

Address:

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race: White

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

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	1/26/2021	624.713.1(2) Possess Ammo/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence	Felony	W1613		MN0860000	21002248
	Penalty	1/26/2021	624.713.2(b) Possesses any type of firearm/ammo - Crime of Violence - ineligible under 624.713.1(2)	Felony	W1613		MN0860000	21002248
2	Charge	1/26/2021	609.67.2 Machine Guns and Short-Barreled Shotguns-Acts Prohibited-Own/Possess/Operate	Felony	W1613		MN0860000	21002248
3	Charge	1/26/2021	609.487.3 Fleeing a Peace Officer in a Motor Vehicle	Felony	E2700		MN0860000	21002248