

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

JAMES DANIEL STRIEBEL DOB: 01/05/1998

517 - 11th Street
Howard Lake, MN 55349

Defendant.

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: Murder - 2nd Degree - Without Intent - While Committing a Felony

Minnesota Statute: 609.19.2(1)
Maximum Sentence: 40 years
Offense Level: Felony

Offense Date (on or about): 08/28/2016

Control #(ICR#): 16024866

Charge Description: JAMES DANIEL STRIEBEL did unlawfully cause the death of a human being, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence or a drive-by shooting.

COUNT II

Charge: Simple Robbery

Minnesota Statute: 609.24
Maximum Sentence: Ten years, \$20,000 or both
Offense Level: Felony

Offense Date (on or about): 08/28/2016

Control #(ICR#): 16024866

Charge Description: JAMES DANIEL STRIEBEL, having knowledge of not being entitled thereto, did unlawfully take personal property from the person or in the presence of another and did use or threaten the imminent use of force against any person to overcome the person's resistance or powers of resistant to, or to compel acquiescence in the taking or carrying away of the property.

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 August 28, 2016, at approximately 2:28 a.m. deputies with the Wright County Sheriff's Office responded to a report of a young male lying in the street, unconscious and bleeding profusely near 500 First Street North in the City of Montrose, Wright County, Minnesota. The male was identified as Justin Anthony Harvey, DOB: 3/19/1998. Deputies observed a significant pooling of blood near Justin Harvey's head and saw blood coming out of his nose, mouth and ears. Justin Harvey's breathing was extremely labored. Justin Harvey was being attended to by paramedics and ultimately was transferred to Hennepin County Medical Center (HCMC) by ambulance.

After taking some initial witness statements and assessing the physical evidence at the crash scene, it appeared to officers that Justin Harvey had been thrown from or drug down the street by a white truck that then fled the scene.

While Deputy Rausch was at the scene where Justin Harvey was found, he was approached by an identified male wishing to provide information about what happened to Justin Harvey. This male said he received a telephone call from James Daniel Striebel, DOB: 1/5/1998, hereinafter 'defendant Striebel', on this date around the time deputies were responding to the call of Justin Harvey lying in the street. Defendant Striebel asked whether there was a large police presence in Montrose. The male said there were several police officers in the area and asked defendant Striebel why he wanted to know. Defendant Striebel responded by saying he just robbed a guy near the park in Montrose and kicked the guy out of the moving truck. Defendant Striebel asked this male for a ride to Minneapolis or a place that he could lay low for a while. Defendant Striebel told the male 'Noelle' was with him at the time of the incident. With the assistance of this male, deputies were able to identify 'Noelle' as Noelle Angelique Ziegelmann, DOB: 10/25/1997, hereinafter 'defendant Ziegelmann'.

The male provided the phone number from which defendant Striebel had called. Deputies used this number to 'ping' the phone in order to ascertain the location of the phone. The 'ping' indicated the phone was within 15 meters of the intersection of First Street South and Center Avenue in Montrose, not far from the resting point of Justin Harvey. Deputies determined through their investigation, the phone 'pinged' to a location near a residence belonging to the boyfriend of defendant Ziegelmann. That residence address is 110 Center Avenue South in Montrose. Deputies set up a perimeter around that house. Sgt. Wirkkula called the number on the phone used by defendant Striebel and spoke with both defendants. After speaking with both defendants, they agreed to leave the residence and surrendered to the police.

Detective Fladung and Sgt. Adams responded to investigate the case and spoke with identified witnesses who were with Justin Harvey at the time of this incident. Justin Harvey resided at an address close to where this incident happened. One witness, C.R.B. indicated Justin Harvey made a series of phone calls on this date trying to arrange the sale of some marijuana. C.R.B. knew the truck was there to buy marijuana from defendant Striebel. An additional witness, A.J.S. described what happened to officers. A.J.S. indicated Justin Harvey agreed to sell a 1/4 ounce of marijuana or a 'quad' in exchange for a designated price to defendant Striebel. A.J.S. accompanied Justin Harvey outside of his residence where they went to the side of a white truck. A.J.S. could hear the sale of marijuana going down. A.J.S. described that the white truck was occupied by a male in the passenger seat and a female driver. The male in the passenger seat was identified as defendant Striebel. A.J.S. said he heard defendant Striebel ask Justin Harvey to permit the female driver to smell the marijuana. A.J.S.

said at this time defendant Striebel took the bags of marijuana from Justin Harvey. Once defendant Striebel had possession of the marijuana, A.J.S. said he heard the female 'floor' or cause the vehicle to rapidly accelerate. A.J.S. witnessed Justin Harvey hanging onto the side of the truck as it was accelerating away. A.J.S. heard the tires of the truck squealing as Justin Harvey was hanging on the truck. A.J.S. ran into the house to say what was happening to Justin Harvey. C.R.B. came out of the house and ran to the location where Justin Harvey was lying in the road after having been thrown from the vehicle. An additional witness, R.S.R., heard a vehicle with loud exhaust speeding away to the east just prior to finding Justin Harvey lying in the road. Investigation revealed the female driver of the vehicle was defendant Ziegelmann.

The location where Justin Harvey was found was processed by the Major Crimes Investigation Unit (MCIU) resulting in the discovery of several \$20 bills, a jewelry chain, two shoes apparently belonging to Justin Harvey that had been displaced from his feet when he was thrown from the vehicle, and a blood spatter pattern. The items located by MCIU were consistent with Justin Harvey being thrown from a vehicle traveling from west to east consistent with traveling from Justin Harvey's home where the marijuana sale was set to occur to the location where he was lying when deputies and medical personnel arrived.

Deputy Fladung spoke with defendant Ziegelmann who agreed to provide a statement after having been advised of her rights. Defendant Ziegelmann said this was a planned drug deal where defendant Striebel agreed to buy a 1/4 ounce of marijuana from Justin Harvey for an agreed on price. Defendant Ziegelmann said defendant Striebel decided to take the marijuana and have her drive off without paying for it.

Defendant Ziegelmann admitted driving the vehicle. Defendant Ziegelmann agreed that defendant Striebel was going to steal or rob the drugs from Justin Harvey. Defendant Ziegelmann agreed her and defendant Striebel were taking the property of someone else and using the vehicle for force to accomplish the robbery. Defendant Ziegelmann said she knew Justin Harvey was on the vehicle and was maybe hung up in it. Defendant Ziegelmann said she took off fast but noticed after a few seconds that Justin Harvey was no longer on the vehicle. Defendant Ziegelmann did not stop her vehicle but instead fled from the scene to Delano where she dropped off the vehicle. Defendant Ziegelmann and defendant Striebel received a ride back to Montrose where they were later apprehended. When the vehicle was located in Delano, Sgt. Wirkkula noticed smear marks on the passenger side of the vehicle consistent with someone falling or brushing up against the truck.

When Deputy Rausch was booking defendant Striebel into jail, the defendant gratuitously said, 'Why am I being charged with robbery when it was an attempted robbery.'

Justin Harvey died as a result of the injuries he sustained in this incident.

SIGNATURES AND APPROVALS



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 10 Second Street NW Room C201, Buffalo, MN 55313 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: August 30, 2016.

Judicial Officer Catherine McPherson
District Court Judge

Electronically Signed: 08/30/2016 10:13 AM

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

**COUNTY OF WRIGHT
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

JAMES DANIEL STRIEBEL

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: