

State of Minnesota
County of Scott

District Court
1st Judicial District

Prosecutor File No. 195402-22
Court File No. 70-CR-22-322

State of Minnesota,

Plaintiff,

vs.

CESAR JEFF CERVANTES-MONTOYA DOB: 04/06/1997

9500 Main St.

Elko New Market, MN 55054

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: Murder - 2nd Degree - With Intent-Not Premeditated

Minnesota Statute: 609.19.1(1), with reference to: 609.19.2(1)

Maximum Sentence: Imprisonment for Not More Than 40 Years

Offense Level: Felony

Offense Date (on or about): 01/05/2022

Control #(ICR#): 22000091

Charge Description: That on January 5, 2022 in the City of Elko New Market, Scott County, Minnesota, the Defendant did causes the death of a human being with intent to effect the death of that person or another, but without premeditation; to wit: BRB.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

On January 5, 2022, at approximately 8:35 a.m., Elko New Market Police officers were dispatched to ***** Main St., Elko New Market, Scott County, Minnesota, to investigate a report of an assault. The reporting party, CESAR JEFF CERVANTES-MONTOYA, DOB: 04/06/1997, hereinafter referred to as the Defendant, called and said he was in an argument with his neighbor, later identified as BRB, DOB: 01/02/1954 (68), and it escalated. The Defendant grabbed a hammer and struck BRB with it. The neighbor is not moving; and he thinks he is dead.

At 8:40 a.m., Elko New Market Police Chief Juell arrived at the scene. The Defendant was found outside the house and was asked what he was doing there. The Defendant replied, "Ah, I hit him and he's, I don't think he's conscious." The Defendant stated no one else was inside. The Defendant was taken into custody and placed in a squad car. Chief Juell and Scott County Deputies entered the residence and found an adult male, BRB, lying face down at the bottom of the steps to the basement. The chief found blood and trauma to BRB's head. Officers found BRB had no pulse, his body was cold and his extremities were not bendable. A hammer was located on the coffee table. At the top of the stairs were several red spots that appeared to be blood. Paramedics arrived on the scene and found BRB had no signs of life. BRB's body was taken to the Hennepin County Medical Examiner's office.

The Defendant was taken to the Elko New Market Police Department and read the Miranda warning. The Defendant agreed to make a statement and said:

- * He had lived in the basement of the residence, with his girlfriend LRS, DOB: 01/28/1997, for three years.
- * BRB had verbally abused him regarding landlord issues and made racial comments.
- * He believed that BRB had been beating his dog.
- * On 01/05/2022, he had brought LRS to work, leaving the residence at approximately 0630AM.
- * When he returned home, BRB was going to change the lock in the door as he had requested.
- * At this time, he thought it would be a good opportunity to confront BRB about him hitting his dog.
- * After he confronted BRB things got heated and he pushed BRB because he believed this was the only way that BRB was going to understand what he was saying.
- * BRB was denying all the allegations that he was accusing him of and BRB then pushed him back.
- * He then "grabbed the nearest object, which was a hammer, and I fucking hit him with it".
- * He stated, "I hit him a few times and he just wasn't responding"; and said that he "freaked out".
- * He hit BRB 2 – 3 times, stating that the hammer hit BRB in the face or the head area.
- * He was "panicked" but felt "slightly liberated" after BRB fell to the ground and was not responsive.
- * He could tell he was injured because there was a lot of blood by his face and on the floor.
- * His intention was to "knock him out and hit him hard."
- * He didn't think that it would necessarily kill him, but also didn't feel bad if it did; "but I killed him, and I don't care".
- * After he had hit BRB in the head, he took the hammer and rinsed it off in the sink.
- * He denied attempting to render BRB any aid.
- * He stated what he did was "right" because "he's been asking for it" by threatening him, hitting his dog, invading his private space, hitting his car and "getting in his bubble".

The Defendant was taken to the Scott County Jail.

On 01/06/2022, at approximately 6:30 p.m., detectives learned from Hennepin County Assistant Medical

Examiner (ME) Amanda Spencer that BRB's autopsy had been completed. BRB's death will be certified as a homicide, and the cause of death was from ligature strangulation and multiple blunt force trauma to his head. During the autopsy, the ME found ligature marks on BRB's neck consistent with strangulation. There was bruising on BRB's neck muscles, a broken hyoid bone and broken thyroid cartilage. They also found bilateral conjunctival petechiae. ME Spencer advised BRB sustained additional injuries with multiple broken ribs; and located injuries consistent with defense wounds: a broken right pinky finger and abrasions on his right wrist and left forearm.

Defendant is described as a 24 year-old Hispanic male, 5'10", weighing approximately 190 pounds with brown eyes.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49., intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

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

Brady Juell
Chief of Police
601 Main Street
Elko New Market, MN 55020
Badge: 3300

Electronically Signed:
01/07/2022 10:08 AM
Scott County, MN

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

Prosecuting Attorney

Michael J. Groh
Assistant County Attorney
200 4th Avenue W
Shakopee, MN 55379
(952) 496-8240

Electronically Signed:
01/07/2022 09:39 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 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: January 7, 2022.

Judicial Officer

Caroline H. Lennon
District Court Judge

Electronically Signed: 01/07/2022 10:24 AM

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

**COUNTY OF SCOTT
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Cesar Jeff Cervantes-Montoya

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: Cesar Jeff Cervantes-Montoya
DOB: 04/06/1997
Address: 9500 Main St.
Elko New Market, MN 55054

Alias Names/DOB:

SID: MN22DA2436

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #: Z466201959316 (MN)

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	1/5/2022	609.19.1(1) Murder - 2nd Degree - With Intent-Not Premeditated	Felony	H2842	N	MN0701000	22000091
	Penalty	1/5/2022	609.19.2(1) Murder - 2nd Degree - Without Intent - While Committing a Felony	Felony	H2842	N	MN0701000	22000091