

State of Minnesota  
County of DakotaDistrict Court  
1st Judicial DistrictProsecutor File No. CA-2024-02228  
Court File No. 19HA-CR-24-2080

State of Minnesota,

Plaintiff,

vs.

**XAVIER MARTINEZ AVILA DOB: 10/02/1976**7405 123rd St W Apt 210  
Apple Valley, MN 55124

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: Burglary in the 2nd Degree (Dwelling)**

Minnesota Statute: 609.582.2(a)(1)

Maximum Sentence: 0-10 Years and/or \$6,000.00 - \$20,000.00

Offense Level: Felony

Offense Date (on or about): 10/21/2024

Control #(ICR#): 24006053

Charge Description: On or about October 21, 2024, in the County of Dakota, Minnesota, XAVIER MARTINEZ AVILA, did enter a building without consent and with intent to commit a crime, or entered a building without consent and committed a crime while in the building, either directly or as an accomplice, and the building is a dwelling.

**COUNT II****Charge: Assault in the 4th Degree (Peace Officer) (Physically Assault)**

Minnesota Statute: 609.2231.1(b)

Maximum Sentence: 0-1 Year and/or \$900.00 - \$3,000.00

Offense Level: Gross Misdemeanor

Offense Date (on or about): 10/21/2024

Control #(ICR#): 24006053

Charge Description: On or about October 21, 2024, in the County of Dakota, Minnesota, XAVIER MARTINEZ AVILA, did physically assault a peace officer.

On October 21, 2024 at approximately 1:50 p.m., officers with the Apple Valley Police Department were dispatched to a residence in the City of Apple Valley, the County of Dakota, the State of Minnesota for a report that a Hispanic male wearing a light blue shirt with blood on it, camo shorts, and black shoes had just tried to break into the residence. While enroute, dispatch advised the male had run around the residence and was heading westbound on Germane Trail. Officers began responding to the residence and were advised by dispatch that another call had come in regarding the male at a nearby residence. The male had broken a window and gained entry into a house and was fighting with the caller's husband.

An officer arrived in the area and located the suspect male in the backyard of a residence. The male had blood on his hands and shirt. Officers detained the male and identified him as XAVIER MARTINEZ AVILA (DOB: 10/02/1976), herein the Defendant. While officers were speaking with the Defendant he became agitated and started kicking at officers. He kicked one officer in the groin, causing pain.

Officers spoke with the reporting parties. Witness 1, who made the first call, reported that she had been inside her home when suddenly the Defendant began banging on her patio door, asking to be let in. Witness 1 refused and the male got more forceful with his demands. Ultimately, the Defendant left the residence and encountered a second person, Witness 2, who was on her back patio and reported that the Defendant ran to the patio of a neighboring residence and grabbed onto a crank-out window that was partially ajar and forced it open wider, causing the cranking mechanism to be damaged and inoperable. The Defendant then jumped through the window, knocking the screen out of the frame.

Officers spoke with the reporting party from the residence where the Defendant gained access, herein Witness 3. Witness 3 reported that she had been at the computer in the room where the Defendant broke in. When he broke in, she shouted at him to "get the fuck out" but the Defendant ignored her, running further into the home and up the stairs. The Defendant eventually exited the home where he was located by officers.

Because of the blood on the Defendant's hands and shirt, officers went to his residence, where he lived with his aunt, for a welfare check. Upon arrival, officers located the silver blade of a knife lying on the stairs with blood on it. The door to the apartment was slightly ajar. Officers knocked and announced to no

response and made entry. Officers did not locate anyone in the residence, but did observe the doors to the bathroom, bedroom, and patio to all be barricaded. In the kitchen, a burner to the stove was on and there was a cardboard paper towel tube that appeared to have been attempted to be set on fire. Officers located additional items throughout the apartment that indicated attempts to light a fire.

19HA-CR-24-2080  
**SIGNATURES AND APPROVALS**

Filed in District Court  
State of Minnesota  
10/23/2024

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**

Josh Gerving  
Police Sergeant  
7100 147th St W  
Apple Valley, MN 55124  
Badge: 4913

Electronically Signed:  
10/23/2024 12:15 PM  
Dakota County, Minnesota

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

**Prosecuting Attorney**

Cody M. Dorumsgaard  
1560 Hwy 55  
Hastings, MN 55033-2392  
(651) 438-4438

Electronically Signed:  
10/23/2024 12:00 PM

**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: October 23, 2024.

Judicial Officer

Christopher Lehmann  
Judge of District Court

Electronically Signed: 10/23/2024 12:26 PM

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

COUNTY OF DAKOTA  
STATE OF MINNESOTA

**State of Minnesota**

Plaintiff

vs.

**Xavier Martinez Avila**

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: