

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 16A10025
Court File No. 27-CR-16-22636

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

NATHAN ALAN FOTH DOB: 01/02/1993

232 INNER DRIVE
LESEUER, MN 56058

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 - With Intent-Not Premeditated

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

Maximum Sentence: 40 YEARS

Offense Level: Felony

Offense Date (on or about): 07/21/2016

Control #(ICR#): 16029146

Charge Description: That on or about 7/21/2016, in Hennepin County, Minnesota, NATHAN ALAN FOTH, caused the death of victim, a human being, with intent to effect the death of that person or another, but without premeditation.

STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On July 22, 2016, at approximately 3:20 p.m., Eden Prairie Police were dispatched to a residence on South Bay Curve to check on the welfare of a 74 year old male (hereinafter, "victim"). Officers made entry into the home, and discovered the victim covered in blood, laying on his bed. He was wearing only boxer shorts, and a "Breath-Right Nasal Strip" on his nose. He had obviously lost a large volume of blood, which was confined to the victim's bedroom, and the adjoining bathroom. It appeared the victim had made it into the bathroom, and at some point attempted to grab a telephone mounted on the wall. A telephone that had been located on a nightstand next to the bed had been ripped from the extension cord, and that telephone was missing from the residence. An autopsy would reveal that the victim died from two stab wounds on his neck.

It appeared as though someone had cleaned themselves up in a separate bathroom inside the residence. Bleach stains were located on the carpet just outside the bathroom, and the bathroom was unusually clean. The Hennepin County Crime Lab applied Luecocrystal Violet (a presumptive test for blood) in the bathroom area, and the test came back positive on the sink, counter top, and floor of the bathroom. A partially full bottle of bleach was located under the sink, and forensic testing is pending on that item.

The victim's last known financial transaction was a purchase of groceries at Aldi Grocery Store, on July 19, 2016. Police observed that the victim's refrigerator contained several bottles of Aldi brand "PurAqua" water. The victim also had a well-stocked bar, which had a variety of bottles of liquor.

The victim was last seen by neighbors at approximately 5:30 p.m. on Wednesday, July 20, 2016. He missed a breakfast at the Chanhassen American Legion on Thursday, July 21, 2016, and did not answer his phone. Later that day, at the request of a friend, police did a welfare check at 12:17 p.m. They entered the victim's garage. When they observed that one of the victim's vans was missing, it was assumed the victim had taken it somewhere. The victim's daughter requested another welfare check on July 22, 2016, and that is when police entered the actual residence. Wednesday's newspaper was located in the victim's home, and appeared to have been read.

Victim's Stolen Van

The van that was missing from the victim's garage was a 2005 Chrysler Town & Country. It also appeared that whomever stole that vehicle had changed the license plates, as the victim's other van, a Dodge Ram, had the plates that belonged to the Chrysler.

Eden Prairie investigators discovered that there had been inquiries into the plates belonging to the Dodge (187 BHE) by the Utah State Highway Patrol. Follow up revealed that the stolen van had been found abandoned in Draper, Utah, on July 22, 2016, at approximately 10:00 p.m. The stolen van had been marked, and then impounded at a secure lot.

Investigators proceeded to Utah, and searched the interior of the stolen van. Several items were collected as evidence, including a number of Aldi's "PurAqua" brand drinking water bottles, some liquor bottles, a cigarette butt, the vehicle floor mats, and a blue, soft-sided rifle case, which was empty. The floor mats tested positive for blood, and forensic analysis on those items is pending.

The victim's relatives informed police that the victim did not smoke and would not keep liquor in his van.

They also indicated that the victim was somewhat sensitive to strong odors, and would not use bleach to clean his bathroom. They told police that they suspected the victim's grandson, and a friend of his grandson's named NATHAN ALAN FOTH, DOB 01/02/1993.

Investigators did a significant amount of research on the victim's grandson, and were satisfied by phone records and witness accounts that the victim's grandson was not part of the murder of his grandfather.

However, forensic analysis of the items confiscated from the interior of the stolen van revealed that FOTH'S fingerprints were on two of the Aldi's brand "PurAqua" bottles. Further, FOTH'S DNA was found on the water bottles and also the cigarette butt.

Search Warrant at FOTH'S Residence

Police executed a search warrant at the home of FOTH'S parents in Le Sueur, MN on August 1, 2016. Data on FOTH'S mother's cell phone indicated she had received a text message from a woman in Utah on July 24, 2016. The woman indicated that her family had picked up NATHAN FOTH on a highway earlier that day, that NATHAN FOTH was "OK," and that he was heading to California. The woman in Utah included a photograph of NATHAN FOTH in her text message, and he is seen wearing a gray colored, crew neck pocket T-shirt. The shirt looks clean, and too large for FOTH, who is listed as 5'11" and 130 pounds.

Victim's T-shirts

During a search of the victim's home, police located six crew neck Hanes pocket T-shirts, size XL. One of them was still in the package, and all of the T-shirts were gray colored. These shirts appear to be identical to the shirt that NATHAN FOTH is wearing in the photograph the woman texted from Utah on July 24, 2016.

Blue Rifle Case

Investigators were aware that the victim owned a .270 hunting rifle, and this was an item that has not been located. In the victim's bedroom closet, investigators located some other firearms, and also some .270 ammunition. While the .270 rifle was not there, there was a distinctive imprint left on the floor of this closet that looked about the approximate size and shape of a rifle case. Measurements and observations of the blue rifle case found in the victim's stolen van were consistent with the imprint found on the floor of the victim's closet. Additionally, imprints from the interior of the case revealed it had at some point been occupied with a rifle equipped with a scope. A relative of the victim's informed investigators she recalled when he purchased the .270 rifle, which did have a scope, and the case he purchased for it was blue.

Forensic analysis done on the rifle case found in the victim's stolen van revealed fingerprints with ridge detail suitable for comparison. The prints found on the rifle case matched the known fingerprints of NATHAN FOTH.

FOTH'S history includes a burglary arrest at a funeral home in Le Sueur, MN from 2011, which was plead down to criminal damage. In 2014, his parents reported that he and a friend were suspected of stealing approximately \$18,000 in cash from a safe in their home, and FOTH was subsequently located in Blaine, MN, with \$6,000 cash on his person. FOTH's parents declined to pursue those charges.

FOTH was arrested by police on August 23, 2016, when police learned he was returning to Minnesota from Oregon, via bus. He is currently in custody.

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

Mark Gustad
Detective
8080 Mitchell Rd
Eden Prairie, MN 55344
Badge: 56

Electronically Signed:
08/26/2016 11:56 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Thad Tudor
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
08/26/2016 11:47 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 401 Fourth Avenue S, Minneapolis, MN 55415 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: \$2,000,000.00
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: August 26, 2016.

Judicial Officer

Herbert Lefler

Electronically Signed: 08/26/2016 12:04 PM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

NATHAN ALAN FOTH

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: