

State of Minnesota
County of Olmsted

District Court
3rd Judicial District

Prosecutor File No. 0550065695
Court File No. 55-CR-21-1956

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

LAM MATHAING YIEB DOB: 02/16/1998

3525 Arbor Dr. NW
Rochester, MN 55901

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 - 3rd Degree - Sell/Give/Distribute Controlled Substance - Schedules 1 & 2

Minnesota Statute: 609.195(b), with reference to: 609.195(b)

Maximum Sentence: 25 years or \$40,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 02/04/2021

Control #(ICR#): 21005019

Charge Description: On or about February 4, 2021, in the County of Olmsted, Minnesota, Lam Mathaing Yieb did without intent to cause death, proximately cause the death of Confidential Victim by, directly or indirectly, unlawfully selling or delivering or distributing fentanyl and cocaine, a schedule I or II controlled substance,

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is a licensed peace officer employed by the Rochester Police Department. In that capacity your Complainant has reviewed the police reports relating to Lam Mathiang Yieb, the above-named defendant, and the allegations contained therein. Based upon that information, your complainant believes the following to be true and correct.

On 02/04/2021 the Rochester Police Department responded to a residence in the 600 block of 4th Avenue NW, in Rochester, MN, in response to a medical complaint involving an adult male – fully identified in relevant police reports (hereinafter “victim”) – who was deceased at the scene.

Officer Peterson arrived on scene and located victim in the upstairs bedroom of the residence lying on his back. Officer Peterson made contact with victim’s fiancé – an adult female fully identified in relevant police reports (hereinafter “witness”) – who was in the downstairs area of the residence visibly upset.

Witness reported that she had been lying in bed with victim and he was breathing “weird,” which she described as a making a deep gurgling noise. Witness reported that she checked on victim and found that he was unresponsive, and his lips were cold. Witness reported that she then called 911. Witness reported that victim had a history of cocaine and Percocet use, but initially advised victim hadn’t used any drugs recently to her knowledge.

Officer Hagen also responded to the scene to assist during the initial investigation. Officer Hagen assisted with life saving measures until Rochester Fire Department and the Mayo Clinic Ambulance Service (MCAS) arrived on scene. Officer Hagen was later advised by MCAS they had observed track marks on victim’s arms.

On 02/07/2021 Officer Hulshizer conducted follow-up investigation in reference to the death of victim. Officer Hulshizer made contact with witness via phone. Officer Hulshizer learned from witness that a week prior (approximately around 01/28/21) witness and victim met up with a male suspect identified as Lam Mathiang Yieb, date of birth 02/16/1998 (hereinafter “Defendant”) to purchase cocaine. Witness reported that Defendant had them pick up his brother, identified as Yiep Mathiang Lam DOB: 08/27/1995 (hereinafter “Lam”) as well. Witness reported Defendant and Lam sold victim approximately a ½ gram of cocaine for \$40.00 and encouraged victim to buy a “perc 30.” Witness described the pill as blue in color, round and having the letter “M” and “30” on it. Witness reported they were told the pill was actually not Percocet.

Witness reported that victim used the cocaine that day (approximately 01/28/2021), but never tried the pill.

Witness reported that on the night of victim's death (02/04/2021) they met with Defendant again to purchase cocaine. Witness reported they picked Defendant up near the intersection of Castleview Dr. NW and King Arthur Dr NW, in Rochester. Witness reported Defendant sold victim a quarter gram of cocaine for \$20.00. Witness further advised that while they were in the vehicle, Defendant asked witness and victim if they had taken the "perc 30," which they told him they had not. Witness reported that Defendant was "very adamant" that they needed to take the pill and wanted to know what they thought of it.

Witness reported her and victim then went home and took the pill. Witness reported they each took a quarter of the pill. Witness reported that victim ended up overdosing on the pill. Witness reported that after victim's death, both Defendant and Lam contacted her. Witness reported that Defendant's phone number is 507-273-7603. Witness reported that Defendant said he was sorry for her loss and asked how victim died. Witness reported she didn't mention drugs and Defendant responded that it was the "percs" that killed him (victim).

Witness reported they knew that Defendant and Lam were the ones who sold victim the pill because she was the driver of the vehicle during the sale and saw Defendant give victim the pill.

Witness provided investigators with screenshots of messages sent between witness and Defendant after victim's death.

- Facebook messenger message conversation screenshot with Defendant stated the following:
 - ◊ Defendant sent the message "Tsc I was just talkin to him how he die?"
 - ◊ Witness response "I was cuddling him, I even kissed his lips and they were cold. I tried to wake him up and then he let out a gurgled breathe and I got my nana and she called 911 as I did CPR and the paramedics couldn't bring him back."
 - ◊ Defendant responded "Dam it was them percs. I knew them things will kill u I had to quit those"

On 02/10/2021 Investigator Edge met with witness at the LEC in reference to the sale of the blue pill to victim and to have a photo line-up administered to her. The line-up was administered to assist with identifying suspect(s) in this case. Witness identified both Defendant and Lam as being involved in the sale of the pill to victim. Witness was interviewed again and gave the same account of the sale as she had previously. Investigator Edge specifically asked witness if she saw who gave victim the pill, which she replied Defendant passed it. Witness described the pill as really light blue, which was like a "baby blue"

and the same thing like a perc-30.

Investigator Edge then asked witness to be specific about the night victim died. Witness stated she and victim meet to purchase a \$20 bag of cocaine from Defendant. Witness reported that when they were in the car with Defendant, he kept asking if they (victim and witness) had taken the pill he previously sold them. Victim told Defendant they had not and that they had not had the time to take the pill. Witness reported that Defendant told victim that he should make time for it. Witness reported that she and victim went home afterwards, and that victim "shot" up the cocaine.

Witness reported that at approximately 7:30 p.m. that night, victim started "coming down" and wanted more. Witness reported that Victim did the pill that night. Witness reported that victim cut the pill in half, which she crushed. Witness reported she and victim snorted it. Witness reported that she gave victim the "smallest" amount possible and she took most of it. Witness reported that she threw up, but victim couldn't. Witness reported that Victim didn't start acting funny until a few hours later. Witness reported there was half a pill left after they snorted it, but her friend flushed it the day after victim died (02/05/21).

On 03/11/21, Investigator Edge received a copy of the final autopsy report from the Mayo Clinic. According to the final anatomic diagnosis, victim suffered from combined toxic effects of fentanyl and cocaine. There were no other conditions or causes of death documented on the Minnesota Cause of Death worksheet.

04/07/21, investigators with the Rochester Police Department executed a search warrant and arrested Defendant for suspicion of Third-Degree Murder. During a Mirandized interview, Defendant categorically denied that he sold drugs, denied that he sold cocaine or a pill to victim and that he had last seen victim approximately one and a half or two weeks before his death. Defendant admitted that he did sell marijuana to victim on multiple prior occasions.

PLEASE TAKE NOTICE: YOU MUST APPEAR FOR EVERY COURT HEARING REGARDING THIS CASE. FAILURE TO APPEAR FOR COURT IS A CRIMINAL OFFENSE AND MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING IMPOSED AND PUNISHED AS PROVIDED IN MINNESOTA STATUTES SECTION 609.49.

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

Todd Schwanke
Investigator
101 4th Street SE
Rochester, MN 55904-3761
Badge: 2303

Electronically Signed:
04/09/2021 10:36 AM
Olmsted County, Minnesota

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

Prosecuting Attorney

Andrew M LeTourneau
Assistant Olmsted County
Attorney
151 4th Street SE
Government Center - 3rd Floor
Rochester, MN 55904
(507) 328-7600

Electronically Signed:
04/09/2021 10:26 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: April 9, 2021.

Judicial Officer

Jacob C Allen
Judge

Electronically Signed: 04/09/2021 10:52 AM

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

**COUNTY OF OLMSTED
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Lam Mathaing Yieb

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: Lam Mathaing Yieb
DOB: 02/16/1998
Address: 3525 Arbor Dr. NW
Rochester, MN 55901

Alias Names/DOB:

SID: MN18L99864

Height:

Weight: 135lbs.

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #: E025008128307 (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	2/4/2021	609.195(b) Murder - 3rd Degree - Sell/Give/Distribute Controlled Substance - Schedules 1 & 2	Felony	H3C03		MN0550100	21005019
	Penalty	2/4/2021	609.195(b) Murder - 3rd Degree - Sell/Give/Distribute Controlled Substance - Schedules 1 & 2	Felony	H3C03		MN0550100	21005019