

State of Minnesota
County of Stearns

District Court
7th Judicial District

Prosecutor File No. CR-2015-1089
Court File No. 73-CR-15-2568

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

DUSTIN ROSS ZABLOCKI DOB: 11/13/1996

1615 7th Street SE
#201
St. Cloud, MN 56304

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: Aiding and Abetting Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind

Minnesota Statute: 609.195(a), with reference to: 609.05.1, 609.195(a)

Maximum Sentence: Twenty-Five (25) years imprisonment

Offense Level: Felony

Offense Date (on or about): 11/22/2014

Control #(ICR#): 14051157

Charge Description: That the defendant, Dustin Ross Zablocki, then and there being, did intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another to wrongfully, unlawfully and feloniously, without intent to effect the death of any person, cause the death of another by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human life.

COUNT II

Charge: Aiding and Abetting Murder - 3rd Degree - Sell/Give/Distribute Controlled Substance - Schedules 1 and 2

Minnesota Statute: 609.195(b), with reference to: 609.05.1, 609.195(b)

Maximum Sentence: Twenty-Five (25) years imprisonment and/or \$40,000 fine

Offense Level: Felony

Offense Date (on or about): 11/22/2014

Control #(ICR#): 14051157

Charge Description: That the defendant, Dustin Ross Zablocki, then and there being, did intentionally aid, advise, hire, counsel, or conspire with or otherwise procure another to wrongfully, unlawfully and feloniously, without intent to cause death, proximately cause the death of a human being by, directly or indirectly, unlawfully selling, to wit: manufacturing, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in Schedule I or II.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

On November 22, 2014, at approximately 5:07 p.m., officers with the St. Cloud Police Department were dispatched to a building fire at a residence in the 1900 block of First Street North, in the City of St. Cloud, County of Stearns, State of Minnesota. A neighbor had called dispatch to report the fire.

The St. Cloud Fire Department responded to the fire as did fire departments from the surrounding area. Upon arrival, firefighters observed flames coming out of a basement window as well as out of the roof. Eventually, the firefighters were able to control the fire. The fire had caused significant damage to the home.

Through investigation, officers determined that Dustin Ross Zablocki, DOB: 11/13/1996, and Justin Edward Pick, DOB: 10/21/1995, were in the home when the fire started. Officers learned that Zablocki lived at the residence with Zablocki's mother and grandmother. Zablocki's grandmother was identified as S.A.D., an 85-year-old female fully identified in the police reports. Zablocki and Pick claimed they did not know that S.A.D. was home at the time. When the firefighters entered the home, they found S.A.D. unresponsive and lying face-down near the front door. The firefighters rescued S.A.D. and brought her out of the residence. S.A.D. was transported to Hennepin County Medical Center for treatment of her injuries. S.A.D. was in critical condition and was diagnosed as suffering from carbon monoxide poisoning; second degree burns to her face, head and left hand; and had a pneumothorax injury on her right side. S.A.D. ultimately died at 6:40 p.m. on December 8, 2014. According to the Hennepin County Medical Examiner's Office, the cause of death was complications from smoke inhalation as the consequence of the residential fire. The report also indicated that S.A.D. had a high amount of carbon monoxide in her system and her toxic levels were considered greater than 20%.

Officer Heim took a statement from Pick who stated that he and Zablocki were in the basement when the fire started. Pick stated they were using a hot plate to make dabs. Pick informed Officer Heim that a dab is a super concentrated form of marijuana. In addition to the hot plate, Pick stated they were using a butane torch, coffee filter, and a tube with a special filter. Pick stated that a dab is commonly referred to as "BHO" which stands for butane hash oil. Pick described the manufacturing process. Pick stated that butane is used to extract the oil from the marijuana. Pick stated that as they were making the dab, the fire got out of control. Pick indicated that they had been in the room for about five minutes and the fire was too hot so they had to leave. Pick indicated that they did not call 911 nor did they check if anyone else was inside of the house. Officers observed that Pick had burns and noted that his hair had been singed by the fire.

Officer Heim asked Pick if he had made dab previously and he stated that he had not. Pick informed Officer Heim that he had used it previously from someone else who had made it. Pick advised that he watched numerous internet videos on how to make dab and he stated he knew the risk as it commonly causes dangerous fires when it goes wrong. When Officer Heim asked him why they were doing this at Zablocki's residence, Pick stated that he believed it was "sketchy and it looked like they were cooking meth." Pick indicated that he had recently purchased the marijuana locally.

Shortly after officers had responded to the fire, Officer Walker met with Zablocki. As Zablocki was talking with Officer Walker, he saw the firefighters bring S.A.D. out of the home wrapped up in a blanket. At this time, Zablocki became very upset and fell to his knees and started crying. Officer Walker told Zablocki that they were going to find out what's going on and she would let him know. Zablocki then stated, "you mean the fact that I just killed my grandma." When Officer Walker asked Zablocki what he meant by that and if he

started the fire, Zablocki said, "the way that this fire started." Zablocki admitted to trying to put out the fire with a blanket. When Officer Walker continued to ask Zablocki about how the fire started, Zablocki stated that he didn't feel that he wanted to answer anymore of her questions. Officers observed that Zablocki had burns and noted that his hair had been singed by the fire.

When St. Cloud Fire Marshal Mike Post and Investigators with the St, Cloud Police Department searched the home after the fire had been extinguished, they found evidence that Zablocki and Pick were making BHO in the basement. Officers found a hot plate by the window, multiple butane cans, and glass pans that can be used to collect the hash oil. Officers also found a number of items of drug paraphernalia including a marijuana grinder, a bong, pipe, and a heat sealer. Also found was a large glass pipe that had a towel wrapped around it which contained suspected marijuana. The substance field tested positive for the presence of THC. The marijuana was removed from the glass pipe and after it was dried, the marijuana weighed 71.3 grams. Marijuana is classified as a Schedule I controlled substance.

Fire Marshal Post conducted his investigation of the fire and concluded that based on the statements made to the police by the occupants of the residence at the time of the fire and the physical results of the investigation, it was determined that the structure fire was unintentional and caused by the action of two persons in the bedroom who stated they were extracting oil from cannabis at the time the fire began.

During a search of the basement area, Officers found a safe. Zablocki admitted that this was his safe. Zablocki also admitted the marijuana and bong were probably his. Officers used a certified drug detector canine to walk past the safe. The canine alerted to the safe indicating the odor or presence of a controlled substance. This canine also walked past the long glass tube with the suspected marijuana that had been found at the fire scene. The canine alerted to the odor or presence of a controlled substance in the tube as well. Officers obtained a search warrant for the safe. Once the safe was opened, officers found suspected marijuana that field tested positive for the presence of THC. Officers also found a prescription pill bottle in the name of Zablocki. In addition to the bags of marijuana, officers also found an electronic scale. The total weight of the marijuana found within the safe was 906.4 grams.

The investigators found numerous websites that show exactly how to make BHO. In all of the videos the investigators reviewed, there was a disclaimer that BHO should not be manufactured inside because butane is highly flammable and can cause serious injury or death.

Complainant has reason to believe and does believe that all of the above information is true and correct.

The above facts constitute your complainant's basis for believing that the above-named defendant, on or about the 22nd day of November, 2014, in the City of St. Cloud, County of Stearns, State of Minnesota, committed the offenses described herein:

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 Aaron Lee Sutcliffe Electronically Signed:
 101 11th Avenue N 03/25/2015 08:30 AM
 St. Cloud, MN 56302

Subscribed and sworn to before the undersigned.

Notary Public or Lee Ann Justin Commission expires: 01/31/2020
Judicial Official County of Stearns Electronically Signed:
 101 11th Avenue N 03/25/2015 08:43 AM
 St. Cloud, MN 56302
 Notary ID: 20005320

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

Prosecuting Attorney Kevin M. Voss Electronically Signed:
 Assistant County Attorney 03/25/2015 08:24 AM
 705 Courthouse Square
 St. Cloud, MN 56303
 (320) 656-3880

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 725 Courthouse Square, St. Cloud, MN 56303 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 is issued by the undersigned Judge as of the following date: March 25, 2015.

Judicial Officer

Frederick L. Grunke
District Court Judge

Electronically Signed: 03/25/2015 08:52 AM

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

**COUNTY OF STEARNS
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Dustin Ross Zablocki

Defendant

Clerk's Signature or File Stamp:

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: Dustin Ross Zablocki
DOB: 11/13/1996
Address: 1615 7th Street SE
#201
St. Cloud, MN 56304

Alias Names/DOB:
SID:
Fingerprints Needed: Yes
Fingerprinted: No
Handgun Permit: No
Driver's License #: F716093063914 (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	11/22/2014	609.195(a) Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind	Felony	H3001	X	MN0730400	14051157
	Penalty	11/22/2014	609.195(a) Murder - 3rd Degree - Perpetrating Eminently Dangerous Act and Evincing Depraved Mind	Felony	H3001	X	MN0730400	14051157
2	Charge	11/22/2014	609.195(b) Murder - 3rd Degree - Sell/Give/Distribute Controlled Substance - Schedules 1 & 2	Felony	H3C01	X	MN0730400	14051157
	Penalty	11/22/2014	609.195(b) Murder - 3rd Degree - Sell/Give/Distribute Controlled Substance - Schedules 1 & 2	Felony	H3C01	X	MN0730400	14051157