

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 19A05063
Court File No. 27-CR-19-13419

State of Minnesota,
Plaintiff,

COMPLAINT
Summons

vs.

KRISTI DANNETTE MCNEILLY DOB: 12/04/1974

8362 Tamarack Village
Apt 119
Woodbury, MN 55125

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: Theft-By Swindle

Minnesota Statute: 609.52.2(a)(4), with reference to: 609.52.3(2)

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 11/05/2018

Control #(ICR#): 18007763

Charge Description: That on or about 11/5/2018, in Hennepin County, Minnesota, Kristi Dannette Mcneilly obtained property or services from Victim by swindling him/her using artifice, trick, device or other means, and the property or services had a value in excess of Five Thousand Dollars (\$5,000.00).

STATEMENT OF PROBABLE CAUSE

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

On or about November 5, 2018, KRISTI DANNETTE MCNEILLY—born 12/4/1974 and defendant herein—swindled a client for fifteen thousand dollars by misrepresenting that she could make his potential criminal charges go away by paying funds to a police union.

On May 1, 2018, the Southwest Hennepin Drug Task force executed a search warrant at a known residence in Minnetonka. The homeowner of the residence is a known adult male, born 12/5/1964 and Victim herein. During the search of Victim's home, suspected illegal controlled substances were located in a safe. Also in the residence was Victim's roommate—a known adult male born 6/24/1978 and Witness 1 herein.

Following the search warrant, Victim and Witness 1 proceeded to retain the defendant as their attorney. Victim and Witness 1 met with the defendant on May 15, 2018. During this meeting, the defendant agreed to represent Victim for \$20,000 and Witness 1 for \$2,500. During this meeting both Victim and Witness 1 signed retainer agreements. Witness 1 was given a copy of his retainer agreement; however, Victim was not given a copy of his retainer agreement. The defendant told Victim that she would mail him a copy.

Payments for representing Victim and Witness 1 were made to the defendant as follows:

On May 15, 2018, Victim wrote the defendant a personal check for \$12,000 which was deposited into the defendant's business checking account. An examination of banks records from this account shows that it appears to be used for both business and personal purposes.

On May 18, 2018, Victim provided the defendant with a cashier's check for \$5,000 which was deposited into the defendant's business checking account.

On May 18, 2018, Victim directly transferred \$500 to the defendant's business checking account.

On May 23, 2018, Victim provided the defendant with a cashier's check for \$5,000 which was deposited into the defendant's business checking account.

None of Victim's payments were deposited into the defendant's client IOLTA account which frequently did not have a running balance.

On May 1, 2018, Witness 1 was charged by citation for a petty misdemeanor marijuana offense stemming from the execution of the search warrant (27-VB-18-151704). A hearing officer appointment was held on June 25, 2018, and an arraignment was held on August 20, 2018.

On October 29, 2018, the defendant represented Witness 1 in court for his petty misdemeanor marijuana citation. A forensic examination of the defendant's computer revealed she saved the discovery generated by the city attorney on or about October 17, 2018. This discovery also contained relevant information that would have been applicable to Victim's potential criminal charges.

On November 5, 2018, the defendant called Witness 1 in the morning. The defendant also called and sent a text message to Victim. The defendant said she needed to speak with Victim and that it was very important. The defendant told Victim that the lead investigator and prosecuting attorney for Victim's case

wanted to meet with her. The defendant stated that in her experience, this is not good news. Later that morning, the defendant met with Victim and Witness 1. Victim's and Witness 1's account of the meeting is substantially similar.

The defendant told Victim that she had met with the prosecuting attorney and the lead investigator of Victim's case. The defendant told Victim that he was looking at serving fifteen to twenty years in federal prison for his drug case. The defendant told Victim that if he was willing to pay \$35,000 to a police union fund and work as a confidential informant, he would not be charged with his case. The defendant even showed Victim an example of a form agreement to work as a confidential informant. Alternatively, the defendant told Victim that he could pay \$50,000 to the union fund and not have to work as a confidential informant.

The defendant's representations to Victim were not truthful.

The lead investigator never had any conversation with the defendant regarding any potential deal prior to charging. The lead investigator did not meet with the defendant on November 5th, nor speak with her on the phone. The lead investigator has never been aware of any of this type of donation to his union. The defendant and lead investigator's phone records do not show that any contact was made between them.

Similarly, there is no indication that federal prosecutors were ever involved such that Victim would be looking at time in federal prison. Victim's case was submitted to the Hennepin County Attorney's Office for charging consideration on October 24, 2018. The prosecutor assigned to the case was never contacted by anyone or told of any potential agreement. Victim was eventually charged in relation to the search warrant with controlled substance crime in the fifth degree, a presumptive probationary crime under Minnesota state law. When Victim was charged, he was given an offer of diversion consistent with the severity of his offense (27-CR-19-86).

Victim—unaware that he was being swindled—told the defendant that he could only come up with \$15,000, but could pay more later. The defendant then left Victim and said she would call the lead investigator. The defendant returned and told Victim that if he could get the \$15,000 before 6:00 p.m. then he could finish paying the amounts later.

The defendant drove Victim to his bank where he obtained a cashier's check for \$15,000 and gave it to the defendant. The defendant took this check and deposited it into her business checking account.

In an interview with Complainant, Victim said that as crazy as the situation all seemed, he trusted his lawyer. The defendant also told Victim that there was no formal agreement or paperwork and that it was a "handshake" agreement and that she would be responsible for the remainder if he did not pay the full amount.

On November 8, 2018, Victim emailed the defendant indicating he no longer wished to move ahead as they had planned and wanted a refund of his \$15,000. On November 9, 2018, the defendant responded to Victim via text message. The defendant told Victim, "it was paid as directed so how can I get refund?" Later that evening, Victim wrote an email again requesting a refund of the \$15,000. He also requested a refund of his initial \$20,000 retainer. On November 10, 2018, the defendant responded saying he signed a retainer agreement on May 15, 2018. She further stated that she had fulfilled her duties regarding their agreement and performed additional work. The defendant indicated that she would not give a refund.

Despite the defendant informing Victim that she paid the funds as directed, the defendant's bank records show that she deposited Victim's cashier check on November 5, 2018. At the end of the day on November 9—when the defendant said the funds had been paid as directed—the defendant's account balance was

\$10,185.71. The defendant had made several large payments including a mortgage payment and several payments to the defendant's credit card. Her bank records do not reflect a payment made to a police union.

During the time Victim was asking for a refund, he spoke with a new attorney—Witness 2 herein. Witness 2 had advised Victim to ask for his \$15,000 back. Witness 2 also sent two letters to the defendant but both were returned to sender. Witness 2 also called the defendant and left a voicemail, but it was never returned.

NOTICE OF INTENT TO SEEK AN AGGRAVATED SENTENCE: Please take notice that the State will intend to seek an aggravated sentence for this matter. The grounds are that the defendant's conduct constitutes a major economic offense as the defendant used her position of trust or confidence and the monetary loss is substantially greater than the minimum loss specified in Minnesota statutes. Additionally, and independently, the defendant was Victim's attorney and used that position to commit the offense.

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

Jeff Klingfus
Police Officer/ Detective
100 Civic Center Parkway
Burnsville, MN 55337-3867
Badge: 108

Electronically Signed:
06/06/2019 03:56 PM
Hennepin County, Minnesota

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

Prosecuting Attorney

John Monnens
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
06/06/2019 03:45 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 on _____, _____ at _____ AM/PM before the above-named court at the address listed on the attached court summons 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: \$20,000.00

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: June 6, 2019.

Judicial Officer

Regina Chu
District Court Judge

Electronically Signed: 06/06/2019 04:05 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.

Kristi Dannette Mcneilly

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: Kristi Dannette Mcneilly
DOB: 12/04/1974
Address: 8362 Tamarack Village
Apt 119
Woodbury, MN 55125

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: FEMALE

Race: White

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

SILS Person ID #: 861066

SILS Tracking No. 3098365

Case Scheduling Information: This is a Complex Crimes Team case. Please schedule on the Felony A - Serious Person Felony Block.

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	11/5/2018	609.52.2(a)(4) Theft-By Swindle	Felony	U106G		MN0190100	18007763
	Penalty	11/5/2018	609.52.3(2) Theft-Value over \$5,000 or Trade Secret, Explosive, Controlled Substance I or II	Felony	U106G		MN0190100	18007763