

State of Minnesota  
County of Hennepin

District Court  
4th Judicial District

Prosecutor File No. 19A07333  
Court File No. 27-CR-19-24508

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**State of Minnesota,**

Plaintiff,

vs.

**DAVID THOMAS ABELE DOB: 10/22/1967**

3800 UNION TERRACE LANE  
PLYMOUTH, MN 55441

Defendant.

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**COMPLAINT**

Summons

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(5), 609.52.3(1)

Maximum Sentence: 20 YEARS AND/OR \$100,000

Offense Level: Felony

Offense Date (on or about): 06/01/2015

Control #(ICR#): 19008355

Charge Description: That on or about 6/1/2015 through 11/30/2015, in Hennepin County, Minnesota, DAVID THOMAS ABELE obtained property or services from victim by swindling him/her using artifice, trick, device or other means, and the property or services had an aggregate value in excess of Thirty-Five Thousand Dollars (\$35,000.00).

**COUNT II**

**Charge: Theft-By Swindle**

Minnesota Statute: 609.52.2(a)(4), with reference to: 609.52.3(5), 609.52.3(1)

Maximum Sentence: 20 YEARS AND/OR \$100,000

Offense Level: Felony

Offense Date (on or about): 12/01/2015

Control #(ICR#): 19008355

Charge Description: That on or about 12/1/2015 through 1/31/2016, in Hennepin County, Minnesota, DAVID THOMAS ABELE obtained property or services from victim by swindling him/her using artifice, trick, device or other means, and the property or services had an aggregate value in excess of Thirty-Five Thousand Dollars (\$35,000.00).

## STATEMENT OF PROBABLE CAUSE

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

On January 9, 2019, Minneapolis Police Officers took a report regarding theft from an estate (hereinafter Victim estate) by the estate's executor. The Victim passed away on January 7, 2013, and left a will designating a male party identified as Defendant herein DAVID THOMAS ABELE as personal representative for the Victim estate and executor of the Victim's will. The reporting party was identified as the founder of Smile Network International, a charitable organization who was a named beneficiary of the Victim estate. Prior to his death, the Victim lived in the City of Minneapolis, Hennepin County, Minnesota.

Pursuant to the Victim's will, Smile Network International was to receive fifty percent of the residue of the Victim estate. The reporting party told officers that after receiving cash payments totaling roughly one million dollars, Smile Network International received a check from the estate in February 2014 in the amount of \$250,000.00 listed as "estate distribution." In May of 2015, Smile Network's board was notified by Defendant ABELE that the Victim estate had been liquidated, but for a few remaining assets that were tied up in the Victim's restaurant holdings. In February 2016, Defendant ABELE provided Smile Network with \$7,500.00 negotiated from the restaurant holdings and represented that it was the last of the Victim estate.

A review of the Victim estate's financial records showed that Defendant ABELE made the following withdrawals from the estate's checking account after telling Smile Network's board that the Victim estate had been liquidated, but for the restaurant holdings:

June 23, 2015 – check written to ARESI by Defendant ABELE for \$30,000.00

November 15, 2015 – check written to ARESI by Defendant ABELE for \$9,500.00

December 11, 2015 – check written to Alward Property Group for \$11,000.00

December 14, 2015 – online transfer to Defendant ABELE's personal account of \$5,000.00

December 15, 2015 – online transfer to Defendant ABELE's personal account of \$9,500.00

December 28, 2015 – online transfer to Defendant ABELE's personal account of \$9,500.00

January 8, 2016 – online transfer to Defendant ABELE's personal account of \$9,000.00

January 25, 2016 – online transfer to Defendant ABELE's personal account of \$2,000.00

The investigation showed that ARESI and Alward Property Group were businesses that were owned and/or associated with Defendant ABELE.

In total, Defendant ABELE removed \$85,500.00 from the Victim estate and converted those funds to his own personal benefit in the form of online transfers to his personal account and/or checks to his associated businesses. Bank records showed that Defendant ABELE regularly wrote large checks to himself and to his various businesses from his personal accounts following the online transfers of funds from the Victim estate.

The investigation further showed that Defendant ABELE admitted, under oath, on June 20, 2016, in a deposition related to his marital dissolution proceedings that he co-mingled personal and estate funds, and that he removed money from the estate account to satisfy his own personal debts. Defendant ABELE admitted that he knew at the time he was doing it that it was wrong.

## 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**

David Mattson  
Detective Sgt  
350 S 5th St  
Minneapolis, MN 55415-1389  
Badge: 4484

Electronically Signed:  
10/02/2019 10:58 AM  
Hennepin County, Minnesota

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

**Prosecuting Attorney**

Sarah Stennes  
300 S 6th St  
Minneapolis, MN 55487  
(612) 348-5550

Electronically Signed:  
10/01/2019 02:09 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: \$0.00

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: October 2, 2019.

**Judicial Officer**

Jay Quam  
District Court Judge

Electronically Signed: 10/02/2019 11:02 AM

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

**COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**DAVID THOMAS ABELE**

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:** DAVID THOMAS ABELE  
**DOB:** 10/22/1967  
**Address:** 3800 UNION TERRACE LANE  
PLYMOUTH, MN 55441

**Alias Names/DOB:**

**SID:**

**Height:**

**Weight:**

**Eye Color:**

**Hair Color:**

**Gender:** MALE

**Race:** White

**Fingerprints Required per Statute:** Yes

**Fingerprint match to Criminal History Record:** No

**Driver's License #:**

**SILS Person ID #:** 863765

**SILS Tracking No.** 3108518

**Case Scheduling Information:** white collar case - Felony A

**Alcohol Concentration:**

## STATUTE AND OFFENSE GRID

<b>Cnt Nbr</b>	<b>Statute Type</b>	<b>Offense Date(s)</b>	<b>Statute Nbrs and Descriptions</b>	<b>Offense Level</b>	<b>MOC</b>	<b>GOC</b>	<b>Controlling Agencies</b>	<b>Case Numbers</b>
1	Charge	6/1/2015	609.52.2(a)(4) Theft-By Swindle	Felony	U1061		MN0271100	19008355
	Penalty	6/1/2015	609.52.3(1) Theft-Firearm or Property Value Over \$35,000	Felony	U1061		MN0271100	19008355
	Modifier	6/1/2015	609.52.3(5) Theft-Aggregated within 6-months and in violation of subd. 2, clauses (1), (2), (3), (4), or (13)	No-Level	U1061		MN0271100	19008355
2	Charge	12/1/2015	609.52.2(a)(4) Theft-By Swindle	Felony	U1061		MN0271100	19008355
	Penalty	12/1/2015	609.52.3(1) Theft-Firearm or Property Value Over \$35,000	Felony	U1061		MN0271100	19008355
	Modifier	12/1/2015	609.52.3(5) Theft-Aggregated within 6-months and in violation of subd. 2, clauses (1), (2), (3), (4), or (13)	No-Level	U1061		MN0271100	19008355