

**COMPLAINT
TO THE
SUBCOMMITTEE ON ETHICAL CONDUCT
REGARDING THE ACTIONS
OF
SENATOR NICOLE MITCHELL**

Senators Bahr, Draheim, Drazkowski, Green, Housley, Lieske, Lucero, Utke, and Wesenberg, each being first duly sworn, state and allege under oath the following based upon information and belief:

Sen. Mitchell violated Senate Rules 56.1, 56.2, and 56.3 by breaking into the home of an elderly family member, attempting to steal the victim's personal effects, and subsequently attempting to cover up her conduct by publishing conflicting information.

1. On April 22, 2024, Senator Nicole Mitchell was booked into the Becker County Jail for a violation of Minn. Stat. §609.582, Subd. 1, Burglary-1st Degree.
2. At approximately 4:45 a.m., the Detroit Lakes Police Department was dispatched to the home occupied by Carol (Freitag) Mitchell, Senator Mitchell's stepmother.
3. After being located by police in the basement of the residence wearing all black clothing and a black hat, Senator Mitchell was ordered to the ground and placed under arrest.
4. A flashlight was discovered near Senator Mitchell that appeared to have been modified with a black sock to control the amount of light emitting from the flashlight.
5. Responding officers observed a basement window propped open with a black backpack, which contained Senator Mitchell's Minnesota driver's license, Minnesota Senate identification card, two laptops, a cellphone, and Tupperware containers. Senator Mitchell admitted she had entered the home through the window where the bag was discovered.
6. When questioned about ownership of one of the laptops contained in the backpack, Senator Mitchell told the officer that the homeowner had given her the laptop "way back when"; however, when the device was opened and turned on, the screen displayed the homeowner's name. When the officer asked the homeowner whether she had given the laptop to Senator Mitchell, she responded that she had not.
7. According to the criminal complaint filed in Becker County District Court, Senator Mitchell stated she had "just gotten into the house" and "clearly I'm not good at this." After having received a Miranda rights warning, Senator Mitchell proceeded to tell the officer "I know I did something bad."
8. Senator Mitchell admitted to arresting officers that she left Woodbury at around 1:00 a.m. According to Google Maps, a non-stop drive from Woodbury to Detroit Lakes takes 3 hours and 38 minutes.
9. Senator Mitchell was released by the Becker County Jail on April 23, following an 11:00 a.m. hearing, at which she was given the conditions of her release. Conditions of her release included travel restrictions and adherence to a restraining order filed by the victim and granted by the court.

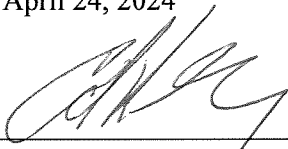
10. A violation of Minn. Stat. §609.582, Subd. 1, (Burglary in the first degree) is a felony, punishable by up to 20 years in prison and/or a fine of \$35,000. However, a burglary committed while the dwelling is occupied carries an enhanced penalty, requiring a minimum sentence of at least six months incarceration.
11. Senate Rule 56.1 states: “Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.”
12. Senator Mitchell’s premeditated burglary - which included driving over three-and-a-half hours (dressed in all black clothing and hat), using a custom emittance-governed flashlight to forcibly enter the basement window of an occupied house at 4:45 in the morning, and attempting to covertly remove effects from the home – violates state law and the “highest standard of ethical conduct” required under Senate Rule 56.1.
13. Shortly after her release from the Becker County Jail, Senator Mitchell attempted to frame the public narrative and recharacterize the nature of her arrest; however, the social media statement Senator Mitchell issued directly conflicts with statements she made to law enforcement.
14. At approximately 2:30 p.m. on April 23, Senator Mitchell issued a Facebook statement, which included: “Over the weekend, I learned of medical information which caused me grave concern and **prompted me to check on that family member** (emphasis added). I entered a home I have come and gone from countless times in the past 20 years, where my son even once had his own room. Unfortunately, I startled this close relative, exacerbating paranoia, and **I was accused of stealing, which I absolutely deny** (emphasis added).”
15. Senator Mitchell’s suggestion that she was at the home to check on a family member is inconsistent with information presented in the criminal complaint. Specifically, that she forcibly entered the house through a basement window at 4:45 in the morning dressed in all black clothing, carrying a modified flashlight. In addition, Senator Mitchell told responding officers her stepmother had stopped communicating with the family, stating “that she previously got into an argument with Victim and they stopped speaking.” According to a news report, Ms. (Freitag) Mitchell said that she’s afraid of her stepdaughter and applied for a restraining order against her.
16. Regarding the accusation of stealing, according to the criminal complaint, “While being detained MITCHELL stated to the Victim something to the effect of, ‘I was just trying to get a couple of my dad's things because you wouldn't talk to me anymore.’” She also explained to officers: “she wanted various items of her late father's and that Victim refused to give them to her.” At the time of Senator Mitchell’s arrest, she was in possession of a laptop which contained the homeowner’s name. Ms. (Freitag) Mitchell told police she did not voluntarily give the computer to Senator Mitchell.
17. According to the Star Tribune, Senator Mitchell’s own attorney conceded that “it was her plan to go in and out without disturbing anyone.” “She wanted to [...] retrieve a couple of items that she felt were being wrongfully withheld from her despite earlier promises.”
18. Senate Rule 56.2 states: “A member shall not publish or distribute written material if the member knows or has reason to know that the material includes any statement that is false or clearly misleading...”
19. The written material Senator Mitchell published on April 24th includes statements which are “false or clearly misleading.” This is a violation of Senate Rule 56.2.

20. As members of the Minnesota Senate, all senators take an oath to uphold and protect the constitution. This is a duty to uphold the rule of law, maintain high ethical standards, and represent the public with dignity and respect.
21. Senate Rule 56.3 states: "Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute."
22. As outlined in the criminal complaint, Senator Mitchell's actions not only represent a felonious violation of state law, but they also clearly betray the public trust and bring the Senate into dishonor and disrepute. In addition, the public's trust was blatantly violated when Senator Mitchell published a post-release statement that directly conflicts with statements she made to law enforcement officers just one day prior.
23. As stated in a findings of fact document signed by law enforcement under the threat of perjury, Senator Mitchell explicitly admitted "I know I did something bad."

Your complainants ask that the Subcommittee on Ethical Conduct investigate the details of these matters immediately. Given the severity of Senator Mitchell's conduct, it's imperative that the Subcommittee work expeditiously to review the circumstances of this complaint and recommend discipline to the Rules Committee, pursuant to Rule 55.8. Specifically, the Subcommittee should investigate the true nature of Senator Mitchell's unwanted/unlawful entry into an estranged relative's home, the ways in which Senator Mitchell's published statements conflict with the criminal complaint filed in Becker County, and whether Senator Mitchell's conduct on April 23 and 24 is consistent with the Senate's ethical standards. The Subcommittee is encouraged to use its subpoena authority under Rule 55.3 to assist in ascertaining the facts related to this complaint.

Your complainants ask that the Subcommittee on Ethical Conduct find that Sen. Nicole Mitchell violated multiple parts of Senate Permanent Rule 56, and recommends such disciplinary action as the Subcommittee finds appropriate.

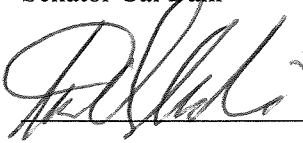
Date: April 24, 2024



Senator Cal Bahr



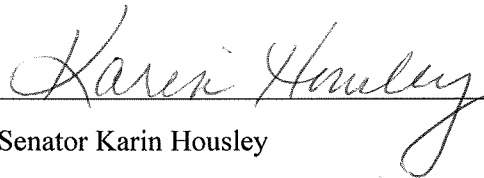
Senator Rich Draheim



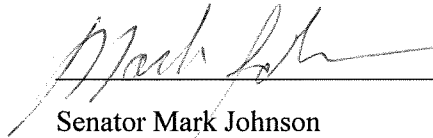
Senator Steve Drazkowski



Senator Steve Green



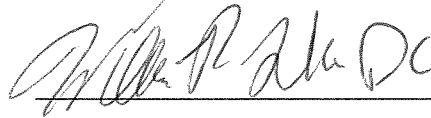
Senator Karin Housley



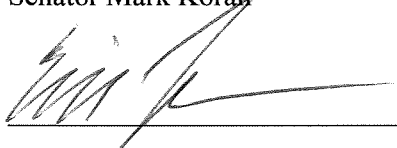
Senator Mark Johnson



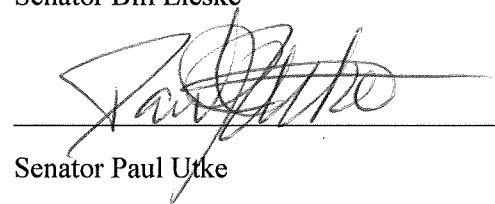
Senator Mark Koran



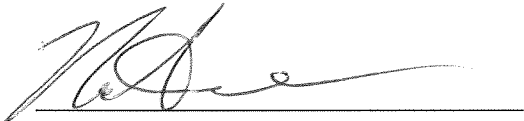
Senator Bill Lieske



Senator Eric Lucero

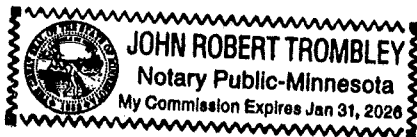


Senator Paul Utke



Nathan Wesenberg

Subscribed to, and sworn before me, a notary public, on April 24, 2024



State of Minnesota
County of Becker

District Court
7th Judicial District

Prosecutor File No. 0030030383
Court File No. 03-CR-24-654

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

NICOLE LYNN MITCHELL DOB: 10/10/1974

3033 Leyland Trail
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: Burglary-1st Deg-Dwelling-Occupied-Non-Accomplice Present

Minnesota Statute: 609.582.1(a), with reference to: 609.582.1, 609.582.1a

Maximum Sentence: Not less than 180 days in jail or county workhouse and up to 20 years imprisonment, a \$35,000 fine, or both.

Offense Level: Felony

Offense Date (on or about): 04/22/2024

Control #(ICR#): 24000585

Charge Description: On or about April 22, 2024, in the County of Becker and State of Minnesota, Nicole Lynn Mitchell entered a dwelling without the consent of the lawful possessor, and with the intent to commit a crime while in the building, and another person, not an accomplice, was present in the building at the time the act was committed.

STATEMENT OF PROBABLE CAUSE

Complainant is a duly acting and appointed peace officer and as such is familiar with the following facts:

On April 22, 2024, at approximately 4:45 a.m., Detroit Lakes police officers were dispatched to a residence in Detroit Lakes in Becker County on a report that somebody had broken into a residence. The reporting party, a known adult female (hereinafter "Victim"), stated that the suspect ran into the basement. Officer Ethan Wothe arrived on scene at Victim's residence. Once inside, Officer Wothe overheard movement coming from the basement.

Officer Wothe and Officer Sternhagen searched the basement and shortly thereafter located a female dressed in all black clothing and a black hat. The female, later identified as NICOLE LYNN MITCHELL (DOB: 10-10-1974), was ordered to the ground and placed under arrest. While being detained MITCHELL stated to the Victim something to the effect of, "I was just trying to get a couple of my dad's things because you wouldn't talk to me anymore." Officer Sternhagen discovered a flashlight near MITCHELL that had a black sock covering. The flashlight appeared to have been modified so as to control the amount of light emitting from the flashlight.

Officer Wothe searched for MITCHELL's point of entry into the house. He observed a window on the south wall of the basement and a black backpack stuck in a small sliding window. Officers searched the backpack and discovered two laptops, a cell phone, MITCHELL's Minnesota driver's license, MITCHELL's Senate identification, and miscellaneous Tupperware. Officer Wothe later spoke to MITCHELL about the laptops and MITCHELL said they were both hers. MITCHELL stated she had "just gotten into the house" and commented "clearly I'm not good at this."

At his squad, Officer Sternhagen read MITCHELL her *Miranda* warning. After hearing it, MITCHELL stated "I know I did something bad." MITCHELL explained that her father had recently passed away and that Victim (her stepmother) had ceased all contact with her and other family members. MITCHELL stated she wanted various items of her late father's and that Victim refused to give them to her. MITCHELL described these items as pictures, a flannel shirt, ashes, and other items of sentimental value. MITCHELL admitted to driving her vehicle up from the Twin Cities and noted that she left Woodbury around 1:00 a.m. MITCHELL admitted she got into the house through the window where the bag was discovered. At the jail, Officer Sternhagen asked what got MITCHELL "to this stage" and MITCHELL indicated that it was her father's ashes. She stated that she previously got into an argument with Victim and they stopped speaking.

Officer Wothe arrived at the jail and questioned MITCHELL about the laptops. Officer Wothe presented MITCHELL with the first laptop that was dark in color. MITCHELL opened the laptop and pressed a button and Victim's name popped up. The laptop was not password protected. MITCHELL then stated that Victim gave her the laptop "way back when."

Officer Wothe again spoke to Victim, who stated that she did not give a laptop to MITCHELL.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49., intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

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

Steve Todd
Chief
807 Summit Ave
Detroit Lakes, MN 56501
Badge: 6231

Electronically Signed:
04/22/2024 04:45 PM
Becker County, stodd

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

Prosecuting Attorney

Brian McDonald
Becker County Attorney
913 Lake Ave
Detroit Lakes, MN 56501
(218) 847-6590

Electronically Signed:
04/22/2024 04:42 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 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 23, 2024.

Judicial Officer

Gretchen D. Thilmony

Electronically Signed: 04/23/2024 08:22 AM

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

**COUNTY OF BECKER
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Nicole Lynn Mitchell

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:

03-CR-24-654
DEFENDANT FACT SHEET

Filed in District Court
State of Minnesota
4/23/2024

Name: Nicole Lynn Mitchell
DOB: 10/10/1974
Address: 3033 Leyland Trail
Woodbury, MN 55125

Alias Names/DOB:

SID: MN24EV6734

Height:

Weight: 0lbs.

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #:

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	4/22/2024	609.582.1(a) Burglary-1st Deg-Dwelling-Occupied-Non-Accompl ce Present	Felony	B1266		MN0030100	24000585
	Penalty	4/22/2024	609.582.1a Burglary-1st Deg-Occupied Dwelling-Mandatory Minimum	Felony	B1266		MN0030100	24000585
	Penalty	4/22/2024	609.582.1 Burglary-1st Degree	Felony	B1266		MN0030100	24000585

April 24, 2024

Senator Bobby Joe Champion, Chair
Senate Rules Subcommittee on Ethical Conduct
2107 Minnesota Senate Building
95 University Avenue West
St. Paul, MN 55155

Dear Mr. Chair,

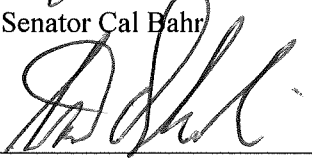
Attached to this letter is a complaint regarding the conduct of Senator Nicole Mitchell. This complaint is prepared pursuant to the provisions of Senate Permanent Rule 55. By the delivery of this letter and attached complaint, it is hereby filed pursuant to Rule 55. We ask for the Subcommittee on Ethical Conduct to investigate these matters immediately and take action in accordance with this Rule.

We look forward to the Subcommittee acting expeditiously on this complaint.

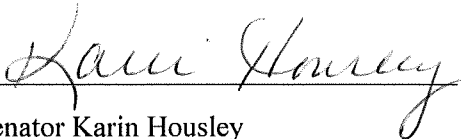
Sincerely,



Senator Cal Bahr



Senator Steve Drazkowski



Senator Karin Housley



Senator Mark Koran



Senator Eric Lucero



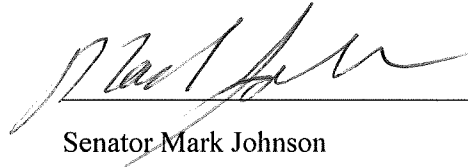
Senator Nathan Wesenberg



Senator Rich Draheim



Senator Steve Green



Senator Mark Johnson



Senator Bill Lieske



Senator Paul Utke

