

State of Minnesota
County of Dakota

District Court
1st Judicial District

Prosecutor File No.
Court File No.

CA-2016-00729
19HA-CR-16-2356

State of Minnesota,

Plaintiff,

vs.

ROY DAVID BESTER DOB: 05/08/1982

15903 Finch Lane
Apple Valley, MN 55124

Defendant.

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 (Over \$5,000)

Minnesota Statute: 609.52.2(1), with reference to: 609.52.3(2)

Maximum Sentence: 0-10 Years and/or \$6,000.00 - \$20,000.00

Offense Level: Felony

Offense Date (on or about): 12/01/2011 to 10/20/2012

Control #(ICR#): 15006561

Charge Description: On or about December 1, 2011 - October 20, 2012, in the County of Dakota, Minnesota, ROY DAVID BESTER, did intentionally and without claim of right take, use, transfer, conceal or retain possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property, and the value of the property or services stolen exceeds \$5,000.

COUNT II

Charge: Theft (Over \$5,000)

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(2)

Maximum Sentence: 0-10 Years and/or \$6,000.00 - \$20,000.00

Offense Level: Felony

Offense Date (on or about): 10/30/2012 to 02/28/2015

Control #(ICR#): 15006561

Charge Description: On or about October 30, 2012 - February 28, 2015, in the County of Dakota, Minnesota, ROY DAVID BESTER, did intentionally and without claim of right take, use, transfer, conceal or retain possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property, and the value of the property or services stolen exceeds \$5,000.

COUNT III

Charge: Theft-Temporary Control (\$1,000 to \$5,000)

Minnesota Statute: 609.52.2(5)(i), with reference to: 609.52.3(3)(a)

Maximum Sentence: 0-5 Years and/or \$3,000.00 - \$10,000.00

Offense Level: Felony

Offense Date (on or about): 12/01/2011 to 10/20/2012

Control #(ICR#): 15006561

Charge Description: On or about December 1, 2011 - October 20, 2012, in the County of Dakota, Minnesota, ROY DAVID BESTER, did intentionally commit any of the acts listed in 609.52, subd. 2 but with intent to exercise temporary control only and the control exercised manifests an indifference to the rights of the owner or the restoration of the property to the owner, and the value of the property or services stolen is more than \$1,000 but not more than \$5,000.

COUNT IV

Charge: Theft by Temporary Control (Over \$1,000 up to \$5,000)

Minnesota Statute: 609.52.2(a)(5)(i), with reference to: 609.52.3(3)(a)

Maximum Sentence: 0-5 Years and/or \$3,000.00 - \$10,000.00

Offense Level: Felony

Offense Date (on or about): 10/30/2012 to 02/28/2015

Control #(ICR#): 15006561

Charge Description: On or about October 30, 2012 - February 28, 2015, in the County of Dakota, Minnesota, ROY DAVID BESTER, did intentionally commit any of the acts listed in 609.52, subd. 2 but with intent to exercise temporary control only and the control exercised manifests an indifference to the rights of the owner or the restoration of the property to the owner, and the value of the property or services stolen is more than \$1,000 but not more than \$5,000.

STATEMENT OF PROBABLE CAUSE

In November of 2015, Apple Valley police received a report concerning a legal guardian for a child using funds, including social security payments, from the child's savings account inappropriately, while living at residences in Dakota County.

Officers spoke with the reporting party, who indicated that over \$10,000 had been removed from an account by the child's guardian that was meant for her college needs, the guardian was identified as ROY DAVID BESTER, the defendant. BESTER was spoken to by officers and he admitted that the child did have a bank account and was receiving money from Social Security. BESTER stated at that time that the child was expensive and he spent all the money on her.

Officers secured search warrants for the child's and BESTER's accounts and with assistance from a fraud analyst from the MN Department of Commerce examined the accounts. The officers found that the child's account was originally, opened in December of 2011 with an insurance deposit in the amount of \$36,468.04. Two additional deposits were made by the child's great-grandmother in the amounts of \$15,004.77 and \$21,463.27. These two deposits had come from the remaining social security funds that had been received while the child had been living with her great-grandmother and had been saved to create a college fund. Beginning in January of 2012 the child's monthly social security payments were deposited into the account of approximately \$1,200 per month. Between December 2011 and March of 2012 more than \$44,000 was transferred from the child's account to BESTER's checking account and an installment loan. The pattern of the monthly social security deposits being made and BESTER transferring funds continued until February of 2015, when the balance on the child's account hit \$0. The total amount of funds from the US Treasury from social security payments between December of 2011 and February of 2015 was \$45,844.00.

The analyst was able to determine that during the time period; BESTER transferred \$66,839 directly into his own checking account; \$8,549.55 went to pay for an installment loan, later determined to be a boat that BESTER had purchased; \$9,550 went to withdrawals that could not be tracked, but were signed for by BESTER; and there was an additional \$33,930 in check or debit withdrawals. In short, in a period of less than four years BESTER had used up approximately \$118,009.04 in funds from the child's account. Officer's spoke with additional witnesses who indicated that BESTER had used a portion of these funds to buy a car for the child, who was not old enough get a driver's license, and was still driving that car.

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

Nick Francis
Captain
7100 147th St W
Apple Valley, MN 55124
Badge: 903

Electronically Signed:
06/16/2016 11:42 AM
Dakota County, Minnesota

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

Prosecuting Attorney

Dain L Olson
Assistant Dakota County
Attorney
1560 Hwy 55
Hastings, MN 55033-2392
(651) 438-4438

Electronically Signed:
06/15/2016 01:50 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 **August 22, 2016 at 9:00 AM** before the above-named court at 1560 W Highway 55 Dakota County Judicial Center, Hastings, MN 55033 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: June 16, 2016.

Judicial Officer

Michael J Mayer
Judge of District Court

Electronically Signed: 06/16/2016 01:12 PM

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

**COUNTY OF DAKOTA
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Roy David Bester

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: