State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No. 0070114773
Court File No. 07-CR-26-4964

State of Minnesota,

Plaintiff,

vs.

AVERY DUANE MERRITT DOB: 04/13/2000

29151 50th Street
Janesville, MN 56048

Defendant.

COMPLAINT

Order of Detention

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: Harassment - Causes or reasonably expect to cause substantial emotional distress to other person
Minnesota Statute: 609.749.2(b)(3), with reference to: 609.749.2(b)
Maximum Sentence: 364 days or $3,000 fine, or both
Offense Level: Gross Misdemeanor

Offense Date (on or about): 11/19/2026

Control #(ICR#): 26037328

Charge Description: On or about November 19, 2026, in the County of Blue Earth, Minnesota, Avery Duane Merritt, did commit harassment with intent to kill, harass, or intimidate another person by causing or reasonably expecting to cause substantial emotional distress to the other person.

STATEMENT OF PROBABLE CAUSE

On November 19, 2026, Law enforcement responded to a disturbance to a residence located in the city of Mankato, Minnesota with the County of Blue Earth. Officer Megan Dierberger recognized the address due to having dealt with a civil situation involving the same parties earlier in the evening.

When Officer Megan Dierberger of the Mankato Department of Public Safey arrived on scene she contacted Victim. Victim indicated to Officer Dierberger that she was trying to leave the residence with her two children due to an escalated verbal argument between Avery Duane Merrit (DOB 4/13/200). While attempting to leave Avery would not give Victim vehicle keys and 911 was called.

On scene Merrit was adversarial towards officers. Victim advised that she wanted a safe place for herself and her two children for the night. Victim contacted her friend Witness 1 to stay at her place, which Witness 1 agreed. Victim and Witness 1 wanted Witness 1's address to remain private out of fear of Merrit locating them. After the arrangements were made to Victim to stay at Witness 1's residence, Merrit was advised and began to make suicidal comments. Due to the suicidal comments Merrit was transported to Mayo Clinic Hospital and placed on a 72 hour hold. Staff at the Mayo Clinic Hospital called Mankato Police and advised that approximately one to two hours later Merrit was released due to being out of control and controversial with staff.

Early in the morning of November 20, 2026, Witness 1 called to report that Merrit was in front of her building sitting in a vehicle and making threats to Victim. Officer Dierberger then arrived on scene and spoke with Victim 1 again. Victim advised that she was receiving messages and calls from Merrit after he was released to the hospital. There were approximately 41 voice messages and 8 calls made to Victim. Victim responded telling Merrit to stop contacting her while Merrit continuously tried to contact Victim.

Victim 1 expressed that she was fearful and has never been so scared in her life. Victim and Merrit have had a physical past and was fearful it would happen again, and that there are past police documented domestic incidents involving the parties on prior occasions. Officer Dierberger observed Victim to be visibly shaking, unable to speak at times, and crying. Victim did not understand how Merrit had found their location. Victim further expressed that she felt threatened by the message she was receiving from Merrit and was fearful that Merrit might harm her and her children. Victim expressed fear of bringing the children to school the next day due to this.

Victim shared voice messages with Officer Dierberger that Merrit had sent. In the messages Merrit stayed he was going to "ruin" Victim, take the children, and other vague threats towards Victim regarding beating her up and tampering with vehicle. Officer Dierberger observed Victim to be visibly shaking. Victim continued to express fear for herself and children's wellbeing.

Victim and Merrit share children in common and have been in a romantic relationship.

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

Ken Baker
Commander/Patrol Division
710 S Front St
Mankato, MN 56001-3803
Badge: 3144

Electronically Signed:
11/20/2026 12:05 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Benjamin J Dolan
Assistant County Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
11/20/2026 11:57 AM

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: November 20, 2026.

Judicial Officer Allison L Krehbiel
District Court Judge

Electronically Signed: 11/20/2026 01:11 PM

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

COUNTY OF BLUE EARTH
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

Avery Duane Merritt

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: