

IN THE COUNTY COURT OF DAKOTA COUNTY, NEBRASKA

COMPLAINT

CASE NO. CR15-

THE STATE OF NEBRASKA,	]	
Plaintiff,	]	COUNT I
	]	<u>ASSAULT IN THE FIRST DEGREE</u>
	]	Sec. 28-308(1)
v.	]	Pen. Sec. 28-308(2)
	]	Class II Felony
MAHAMUD M. ABIB,	]	
Defendant.	]	COUNT II
	]	<u>USE OF A DEADLY WEAPON TO</u>
	]	<u>COMMIT A FELONY</u>
	]	Sec. 28-1205
	]	Pen. Sec. 28-1205(1)
	]	Class II Felony
	]	
	]	COUNT III
	]	<u>DISTURBING THE PEACE</u>
	]	Sec. 28-1322
	]	Pen. Sec. 28-1322
	]	Class III Misdemeanor

STATE OF NEBRASKA]
 SS
COUNTY OF DAKOTA]

Based upon the affidavit for an arrest warrant the undersigned prosecuting attorney of Dakota County aforesaid, made in the name of the State of Nebraska, before me, the undersigned, within and for said County of Dakota, State of Nebraska, who being duly sworn, on oath, says that MAHAMUD M. ABIB, in the County of Dakota and State of Nebraska, then and there being:

COUNT I

on or about the 24th day of April, 2015, did intentionally or knowingly cause serious bodily injury to another person, to wit: J.P.;

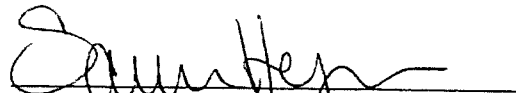
COUNT II

on or about the 24th day of April, 2015, did use a knife, brass or iron knuckles, or any other deadly weapon, to wit: a knife, to commit any felony, to wit: Assault in the First Degree, which may be prosecuted in a court of this state;

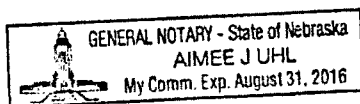
COUNT III

on or about the 24th day of April, 2015, did intentionally disturb the peace and quiet of any person, family, or neighborhood, to wit: J.P., and/or Tyson Foods;

contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the State of Nebraska.


Samantha A. Hargrave, #25593
Deputy County Attorney

Subscribed in my presence and sworn to before me this 27th day of April, 2015.

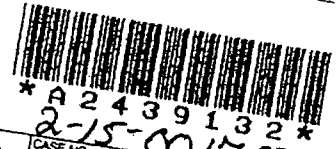



Judge/Magistrate/Notary

au

COMPLAINT

STATE OF NEBRASKA UNIFORM CITATION AND COMPLAINT



LAST NAME: ABIB DATE OF OFFENSE: 12/15/15 TIME: 1656 CASE NO: 2-15-001782
 STREET: 1003 Pierce St Apt D8 CITY: Mahamud FIRST NAME: M STATE: IA ZIP CODE: 51105
 DRIVER'S LICENSE NO: 621AH1187 DOB: 2/1/65 SEX: M HEIGHT: 508 WEIGHT: 165 EYES: BRN HAIR: BLK R/EETH: Y CLASS: C ENDORSEMENTS: Y RESTRICTIONS: Y HAZ MAT: Y
 VEHICLE COLOR: --- MAKE: --- STYLE: --- MODEL: --- VEHICLE LICENSE: --- STATE: --- YEAR: ---

The undersigned being duly sworn, says the defendant at the date and time shown, at or near (location) 1100 Block of Dakota Avenue in the City of Dakota City County of Dakota State of Nebraska Primary: ---
 Did unlawfully commit the following offense: ---

- ☐ A Speeding _____ MPH in _____ Zone
- ☐ B D.U.I. _____
- ☐ C Negligent Driving (City Ordinance Violation) _____
- ☐ D No Valid Registration _____
- ☐ E Other _____
- ☐ F Violated Traffic Signal _____
- ☐ G Violated Stop Sign _____
- ☐ H Failure to Yield ROW ☐ Veh ☐ Ped
- ☐ J Follow Too Closely _____
- ☐ K Improper Passing _____
- ☐ L No Operator's License _____
- ☐ M On Person _____
- ☐ N No Seat Belts _____
- ☐ O No Proof Insurance _____

OTHER OFFENSE: Assault 1st Degree STATUTE/ORD: 28-308
Use of a deadly weapon to commit felony 28-1205
Disturbing the Peace 28-1322

Officer 1: Guerrero No. 93010 Officer 2: --- No. ---
 Your Court Appearance Date: 12/15/15 Time: 1000 am Filed & Sworn Before Me Date: --- Judge/Clerk: --- Room No.: ---

Court Address: _____
 This is an appearance only, not a trial date. I promise that I will appear in court at the above time and place.
 Your signature is not an admission of guilt, but a promise to appear. Failure to comply with the terms of this citation is punishable by jail or fine or both and may result in suspension of your operator's license.

☐ Waiver Allowed.
 If the "waiver allowed" box is checked, you are allowed to plead guilty to this offense without appearing in court. You have the right to a trial and may appear in court. If you choose to plead guilty, you may pay a fine of \$ _____ and costs of \$ _____ for a total of \$ _____. See back for payment instructions. If the other box is checked or if you wish to appear in court, you should appear in court as directed above.

APR 27 2015

TM
Clerk of Dakota County Court

LAW ENFORCEMENT OFFICER'S AFFIDAVIT OF PROBABLE CAUSE

STATE OF NEBRASKA }

COUNTY OF DAKOTA }

CA15425

Comes Now DEPUTY MARTIN GUERRERO Of ☐ NE State Patrol; ☒ County Sheriff; ☐ City Police;
a Nebraska law enforcement officer, who being first duly sworn deposes and says that this officer arrested
MAHAMUD M. ABIB (DOB: 02/01/1965) in Dakota County, Nebraska,
without a warrant on the 24 day of APRIL, of 2015, on or about the hour of _____ PM be held for the following
offense(s) to wit:

- | | |
|---|---|
| 1. <u>ASSAULT IN THE 1ST DEGREE 28-308</u> | being a ☒ felony ☐ misdemeanor ☐ infraction |
| 2. <u>USE OF A WEAPON TO COMMIT A FELONY 28-1205</u> | being a ☒ felony ☐ misdemeanor ☐ infraction |
| 3. <u>DISTURBING THE PEACE 28-1322</u> | being a ☐ felony ☒ misdemeanor ☐ infraction |
| 4. _____ | being a ☐ felony ☐ misdemeanor ☐ infraction |
| 5. _____ | being a ☐ felony ☐ misdemeanor ☐ infraction |

All occurring in Dakota County, Nebraska; that probable cause upon which the arrest was made is as follows:

☐ See the attached copy of the citation which is by this reference made a part hereof as if fully set forth herein.

☐
I DEPUTY GUERRERO WITH THE DAKOTA COUNTY SHERIFFS OFFICE WHILE ON UNIFORM PATROL WAS DISPATCHED TO TYSON FOODS FOR A RESCUE CALL. DISPATCHED ADVISED THAT A MALE HAD BEEN CUT IN THE NECK. INITIALLY WE WERE TOLD THAT IT HAD BEEN AN ACCIDENT THEN THE OPERATIONS MANAGER APPROACH ME AND ADVISED ME THAT THE MALE HAD BEEN STABBED IN THE NECK WITH A KNIFE AND THAT THE AGRESSOR WAS IN AN OFFICE UPSTAIRS. WHEN I ARRIVED ON SCENE AT THE TYSON MAIN ENTRANCE I OBSERVED A MALE IN A WHEEL CHAIR WITH A LOT OF BLOOD OVER HIS WORK GEAR AND CLOTHING. THE MALES CLOTHING WAS SATURATED IN BLOOD FROM THE STAB WOUND AND I BELIEVE A NURSE WAS APPLYING PRESSURE TO THE WOUND WHILE RESCUE ARRIVED.

I WENT UPSTAIRS AND MET WITH THE INDIVIDUAL WHO SPOKE LITTLE TO NO ENGLISH. THE MALE IDENTIFIED HIMSELF THROUGH AN IOWA DRIVERS LICENSE AS MAHAMUD M. ABIB DOB 02/01/65. WE WAITED FOR A TRANSLATER AND MR. ABIB WAS BROUGHT DOWN TO THE HUMAN RESOURCE OFFICE. I THEN HAD MANAGEMENT GET A HOLD OF ALL THE WITNESSES TO THE INCIDENT AND ANY VIDEO SURVELIANCE VIDEOS AVAILABLE. MR. ABIB ADVISED THAT HE WAS FROM ERITREA, AFRICA AND SPOKE TIGRINYA. ANOTHER TYSON EMPLOYEE WHO SPOKE TIGRINYA HELPED WITH TRANLATING.

THROUGH THE TRANSLATER MR. ABIB WAS MIRANDIZED, MR. ABIB WAIVED HIS RIGHTS AND WAS WILLING TO TALK TO US.

MR. ABIB ADVISED US THAT HE HAD RECENTLY STARTED TO WORK AT TYSON THIS WEEK AND THERE HAD BEEN OTHER INCIDENTS BETWEEN HIMSELF AND J.P. THAT DID NOT ESCALATE INTO ANYTHING PHYSICAL.

MR. ABIB ADVISED THAT J.P. WOULD THRUST HIS PELVIS NEAR MR. ABIB AND THAT WOULD MAKE MR. ABIB UPSET.

MR. ABIB THEN STATED THAT HE DID WHAT HE DID TO SEND OUT A MESAAGE TO THE OTHER TEAM MEMBERS AND THAT HE WOULD NOT TOLERATE ANYBODY INSULTING HIM.

THE STATEMENTS FROM OUR WITNESSES ALL STATE THAT THEY SAW THE TEAM MEMBER J.P. GET STABBED AND RUNNING AWAY FROM THE AGRESSOR MR. ABIB. ONE WITNESS WITH THE INITIALS OF I.R. CLAIMS THAT HE SAW MR. ABIB STABBING J.P. THREE TIMES.

THE WEAPON USED WAS A KNIFE APPROXIMATELY 5 INCHES LONG.

THE VICTIM WAS TRANPORTED TO MERCY DUE TO THE INJURIES SUFFERED.

DEPUTY CASTILLO WENT TO MERCY WHERE HE BRIEFLY SPOKE TO THE VICTIM. THE TYSON TEAM MEMBER WITH INITIALS OF J.P. ADVISED DEPUTY CASTILLO THAT HE HAD FELT SOMETHING HOT AND NUMB AROUND HIS NECK AND THEN SAW MR. ABIB WITH A KNIFE UP IN THE AIR LIKE HE WAS GOING TO COME AT J.P. SO J.P. BEGAN TO RUN BECAUSE HE THROUGHT HIE WAS GOING TO GET STABBED AGAIN.

MR. ABIB WAS CHARGED WITH ASSAULT IN THE 1ST DEGREE FOR INTENIONALLY CAUSING SERIOUSLY BODILY INJURY TO ANOTHER PERSON.

MR. ABIB WAS CHARGED WITH USE OF A DEADLY WEAPON TO COMMIT A FELONY DURING THE COMMISSION OF A FELONY FOR USING A KNIFE TO COMMIT THE ASSAULT IN THE 1ST DEGREE.

MR. ABIB WAS TAKEN INTO CUSTODY AND TRANSPORTED TO THE DAKOTA COUNTY JAIL. TURNED OVER TO JAIL PERSONNEL AND CHARGED WITH THE ABOVE.



CR15-425

FILED
State of Nebraska Dakota County

APR 27 2015

TM
Clark of Dakota County Court

All of which I swear and affirm to be true as I verily believe.

[Signature]
Affiant - Officer

Subscribed and sworn to before me on the 24th day of April, 2015.

[Signature]
Notary Public

