

State of Minnesota
County of Olmsted

District Court
3rd Judicial District

Prosecutor File No. 20CR01536
Court File No. 55-CR-20-4894

State of Minnesota,

Plaintiff,

vs.

BRYAN LEROY BORLAND DOB: 07/20/1988

920 8th Avenue NW
Rochester, MN 55901

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: Possession of Pornographic Work Involving Minors

Minnesota Statute: 617.247.4(a), with reference to: 617.247.4(a)

Maximum Sentence: 5 years or \$5,000 fine or both (MSG SL G)

Offense Level: Felony

Offense Date (on or about): 06/13/2020

Control #(ICR#): 20033266

Charge Description: On or about August 19, 2020, within the County of Olmsted, Bryan Leroy Borland did wrongfully, unlawfully and feloniously possess a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character.

COUNT II

Charge: Possession of Pornographic Work Involving Minors

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COUNT III

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COUNT IV

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COUNT V

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COUNT VI

Charge: Possession of Pornographic Work Involving Minors

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COUNT VII

Charge: Possession of Pornographic Work Involving Minors

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COUNT VIII

Charge: Possession of Pornographic Work Involving Minors

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Offense Level: Felony

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COUNT IX

Charge: Possession of Pornographic Work Involving Minors

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Offense Level: Felony

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COUNT X

Charge: Possession of Pornographic Work Involving Minors

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STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is a licensed peace officer employed by the Rochester Police Department. In that capacity your Complainant has reviewed the police reports relating to Bryan Leroy Borland, the above-named defendant, and the allegations contained therein. Based upon that information, your complainant believes the following to be true and correct.

On August 18, 2020, Inv. Edge of the Rochester Police Department received an ICAC tip regarding suspected child pornography. Inv. Novak had confirmed through administrative subpoenas that the IP address used in the tip belonged to a business in NE Rochester. The email address that was used in the tip was associated with and logged in at an IP address that belonged to a residence in NW Rochester, Olmsted County, MN. The phone number associated with the tip and email address belong to BRYAN LEROY BORLAND (DOB 7/20/88). Local records showed that Borland resided at the NW address that was associated with the tip.

On August 19, Inv. Edge confirmed that Borland worked at a business in NE Rochester, MN. Inv. Edge and Inv. Kelley went to the business. There they saw Borland, they were first going to talk to the manager of the business, but saw Borland grab his cell phone. Inv. Edge started to talk to Borland, who stated his residence was in NW Rochester, MN, Olmsted County. Borland stated that he was using a telegram app on his phone and some questionable stuff came up. Once he saw images of an underage child, he deleted the app. Borland used the app for about a month with his iPhone. The phone was initially another family members, about two years prior but now was Borland's. Borland will sometimes let others use his phone to make a phone call. Borland admitted that while using the Telegram app, there was one photo of a child that was approximately 10 years old and was wearing no clothes. The group chat that he was a part of often showed pornographic photos. Borland confirmed that the business he was employed at used the neighboring business internet. He admitted that in the group chat there were images of children under the age of 18 shared. The children were clothed, but the photos were suggestive. Borland said he was not sure how many images were on his phone, but probably over 10. He automatically downloaded a lot of stuff. During a search of Borland's bedroom on August 19, a bag with a gun, police badge, lubricant, condoms and handcuffs were located. Borland said that was from ten years prior when he was doing crime prevention. He stated that the clothes that were located in his bedroom that were too small for him were from a bag that he accidentally took from church. Officers during the search of Borland's bedroom also located two file folders which contained images of child pornography. Borland admitted that he printed off a bunch of pictures, his age preference is 15-16 years old. He printed the photos at his place of employment in February or March 2020. Inv. Edge noted that some of the images were laminated, but Borland denied masturbating to the images. Computer, a flash drive and X-Box were located and seized in Borland's bedroom.

Inv. Edge reviewed one of the folders of pornography and counted approximately 133 images. The photos included both clothed and unclothed people. Most of the images were of males who appeared to be under 18. One image depicts a male between 16-18 with an erect penis and his underwear pulled down. Another image shows a male 13-16 years old with his erect penis in his hand. A third photo shows two males approximately 12-15 performing oral sex. A fourth photo is of a juvenile male approximately 8-10 with his tongue out and what appears to be semen on his face. The fifth photo is of a male 14-16 years old with a partially exposed penis. Three photos are of a juvenile male approximately 10-12 and 12-14 years old standing nude with an erect penis. Two photos of males that appeared to be under the age of 18 were standing with an erect penis.

PLEASE TAKE NOTICE: YOU MUST APPEAR FOR EVERY COURT HEARING REGARDING THIS

CASE. FAILURE TO APPEAR FOR COURT IS A CRIMINAL OFFENSE AND MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING IMPOSED AND PUNISHED AS PROVIDED IN MINNESOTA STATUTES SECTION 609.49.

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

Richard Brian Dahly
Officer
101 4th Street SE
Rochester, MN 55904-3761
Badge: 2424

Electronically Signed:
08/21/2020 10:16 AM
Olmsted County, Minnesota

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

Prosecuting Attorney

Arianna Whitney
151 4th Street SE
Government Center - 3rd Floor
Rochester, MN 55904
(507) 328-7600

Electronically Signed:
08/21/2020 10:09 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 on _____, _____ at _____ AM/PM before the above-named court at 151 Fourth Street SE, Rochester, MN 55904 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: August 21, 2020.

Judicial Officer

Kathy M. Wallace

Electronically Signed: 08/21/2020 10:34 AM

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

**COUNTY OF OLMSTED
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Bryan Leroy Borland

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:

DEFENDANT FACT SHEET

Name: Bryan Leroy Borland
DOB: 07/20/1988
Address: 920 8th Avenue NW
Rochester, MN 55901

Alias Names/DOB:

SID: MN20CH9038

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

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	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
2	Charge	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
3	Charge	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
4	Charge	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
5	Charge	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
6	Charge	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
7	Charge	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
8	Charge	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a)	Felony	O1C32	N	MN0550100	20033266

Possess Pornographic Work-Computer
Disk/Electronic/Magnetic/Optical Image
w/Porn

9	Charge	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266

10	Charge	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266
	Penalty	6/13/2020	617.247.4(a) Possess Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn	Felony	O1C32	N	MN0550100	20033266