



Office of the Washington County Attorney

Kevin Magnuson, County Attorney

Press Release

Contact: Laura Perkins, Public Information Manager

Phone: 651-430-7994

FOR IMMEDIATE RELEASE

Date: May 4, 2023

Man charged with kidnapping, sexual assault following attack on Lake Elmo woman

STILLWATER, Minn. – A New Auburn man has been charged with multiple felonies after holding a Lake Elmo woman against her will and assaulting her for over 24 hours, Washington County Attorney Kevin Magnuson announced.

David Powers, 35, (A.K.A. David Robekevich) appeared in Washington County District Court Thursday morning on charges of first-degree criminal sexual conduct, felony kidnapping, and domestic assault by strangulation after he allegedly physically and sexually assaulted a woman in her apartment while preventing her from leaving.

According to the criminal complaint, Washington County deputies were called to an apartment on the 9500 block of Hudson Blvd. in Lake Elmo for a welfare check just before 9:00 a.m. Tuesday morning. Deputies were made aware that a woman at the residence had not shown up for work that day, and her employer had been unable to reach her. When deputies arrived, they observed a woman screaming for help while frantically trying to open an upper-level window. A male then appeared behind the woman and pulled her from view. Deputies used force to gain entry into the apartment and detained the male found inside, later identified as Powers. Deputies located the victim and observed she had significant injuries to her neck, forearm, and hands.

Before being transported to the hospital for medical treatment, the victim spoke with deputies and explained that Powers had been staying with her at her apartment for a few weeks. After attending a sporting event together on Sunday evening, they got in an argument and she left Powers at her apartment while she stayed with friends in an neighboring city. When she returned early the next morning, she said Powers “snapped” and began to physically assault her for the next three hours. Powers reportedly strangled her, grabbed her by the hair and threw her against the wall, placed his hand over her nose and mouth until she lost consciousness, punched her, slapped her, and sexually assaulted her. Throughout the attack, Powers repeatedly threatened to kill her and destroyed many of her belongings. The victim told deputies she tried to escape, but Powers physically prevented her from leaving and wouldn’t allow access to her phone or keys.

“The allegations in this case are deeply disturbing and horrific,” said Magnuson. “Our office is dedicated to taking all domestic violence cases seriously and holding those accused of these crimes accountable to the fullest extent of the law. We work alongside victims throughout the legal process to ensure they receive justice and provide the necessary support for their recovery from these traumatic and life-altering events.”

Powers remains in custody on a \$500,000 unconditional bail with his next appearance set for May 16. The Washington County Sheriff’s Office is continuing to investigate this case, and anyone with additional information is asked to contact Detective Joel Muellner 651-430-7818.

Assistant Washington County Attorneys Morgan Miller and Scott Haldeman are prosecuting this case.

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(Criminal complaint attached. Booking photo provided courtesy of Washington County Sheriff's Office)

State of Minnesota
County of Washington

District Court
10th Judicial District

Prosecutor File No.
Court File No.

CR-2023-696
82-CR-23-1493

State of Minnesota,

Plaintiff,

vs.

DAVID POWERS DOB: 11/28/1987

PO Box 72 8375 8th Ave
New Auburn, MN 55366

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: Criminal Sexual Conduct - 1st Degree - Penetration - Actor or accomplice uses force/coercion

Minnesota Statute: 609.342.1(e)(i), with reference to: 609.342.2(b)
Maximum Sentence: 30 years and \$40,000
Offense Level: Felony

Offense Date (on or about): 05/02/2023

Control #(ICR#): 23021022

Charge Description: engage in sexual penetration with Victim and caused personal injury to Victim and used force or coercion to accomplish sexual penetration

COUNT II

Charge: Kidnapping-To Commit Great Bodily Harm/Terrorize

Minnesota Statute: 609.25.1(3), with reference to: 609.25.2(1)
Maximum Sentence: 20 years and \$35,000
Offense Level: Felony

Offense Date (on or about): 05/02/2023

Control #(ICR#): 23021022

Charge Description: to commit great bodily harm or to terrorize the victim or another, confine or remove from one place to another, any person, to wit: C.M. without the person's consent and said person was released in a safe place without great bodily harm.

COUNT III

Charge: Domestic Assault - By Strangulation

Minnesota Statute: 609.2247.2, with reference to: 609.2247.2

Maximum Sentence: 3 years and \$5,000

Offense Level: Felony

Offense Date (on or about): 04/30/2023 to 05/02/2023

Control #(ICR#): 23021022

Charge Description: assault a family or household member, to wit: C.M. by strangulation

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

On May 2, 2023, law enforcement officers responded to a welfare check at an apartment near 9560 Hudson Blvd in Lake Elmo, Washington County, Minnesota. Officers were aware that a woman, Victim C.M., had not shown up for work that day and that her employer was unable to reach her.

When officers arrived, they observed a woman screaming for help and frantically trying to open an upper-level window. Officers then saw a large male appear behind her and pull her from view. Officers used force to enter the apartment and detained the male found inside, Defendant DAVID POWERS (D.O.B. 11/28/1987) A.K.A. DAVID ROBEKEVICH (D.O.B. 11/28/1987).

Law enforcement officers observed trauma on the Victim's neck consisting of red marks, as well as scrapes and significant bruising on her forearms and hands. Victim's voice was hoarse. After speaking with deputies, Victim was transported to a local hospital for medical treatment.

Victim explained that Defendant has been staying with her for a few weeks. Victim and Defendant went to a soccer game on Sunday evening, April 30th. They got into an argument and returned to the apartment at midnight, and Victim left later that night. She returned to her apartment in Lake Elmo on Monday morning, May 1, 2023. She reported that when she came home at about 6 a.m., Defendant "snapped".

Defendant ripped off Victim's clothes after she walked in the apartment and threw her on the bed. Defendant jumped on top of her and placed his hands on her neck, strangling her. Defendant placed his hand over her mouth and nose until she lost consciousness. Defendant later grabbed her by the hair and threw her against the wall. He threw Victim back on the bed and choked her again. Defendant also shoved his fingers down her throat. When Victim started to cry, Defendant became angrier, so he flipped her over on her stomach and placed his knees on her back, twisting her neck. Defendant told Victim that she had one hour to live and began counting down the minutes that Victim had to live.

Defendant stopped attacking Victim for a short time, but then began choking her again. Defendant started punching and slapping her in the face, with enough force that she temporarily lost her hearing. Defendant told Victim that she should love him more, respect him and stop messing around on him. Defendant continued throwing Victim on the bed and choking her. Victim estimated that she was physically assaulted by Defendant for three hours.

Victim remembered that Defendant was using cocaine and alcohol. In the afternoon on Monday, Victim begged Defendant to leave, which made Defendant angry again. Defendant said he would "end her right now." Defendant placed Victim in a chokehold, and punched her again. Defendant then sexually assaulted Victim, inserting his penis into her vagina. Victim did not consent to having sex with Defendant. Defendant appeared to sober up over the course of Monday evening, and tried to sleep. Victim began to cry again, and in response, Defendant placed his hand over her mouth, and threatened to "end her" if she did not stop crying.

During the attack, Defendant slashed Victim's couch, tore her clothes and damaged things with her curling iron. Defendant then sent pictures of the damaged items to Victim.

On Tuesday morning, May 2, 2023, Victim tried to escape to go to work. She woke up early, but Defendant jumped on top of her and began choking her by the neck again. Victim tried to access her phone and her

keys on numerous occasions, but he would not allow it. Defendant told her that if she got anywhere near the stairs that he would push her down the flight of stairs.

Victim got up and got to the west window of her apartment and began yelling for help and pounding on the window. Defendant pulled her away from the window, but Victim tried to convince Defendant that opening the door was the right thing to do, telling Defendant that she would not say anything about what happened. Victim believed that Defendant was trying to kill her multiple times throughout the attacks.

Detectives searched the apartment with the Victim's consent. They were able to view a significant amount of loose pillow feathers in the living room near the grey couch. Detectives collected several bed sheets from the bed, a grey fuzzy blanket from the bed, a pillow from the living room floor, a comforter from the couch, an iPhone belonging to Defendant and a blue duffle bag belonging to Defendant.

Defendant spoke with detectives, and recalled that he and McFarland went to a soccer game on Sunday evening. He then skipped right to the Sheriff's Office knocking or kicking the door of the apartment open. Defendant admitted to using Aderral, alcohol and cocaine. He denied any arguments with the Victim, denied cutting up her personal items, and said the last time he had sex with her was on April 30, 2023. He denied grabbing McFarland by the throat and strangling her. Defendant then claimed that they "had the wrong guy."

Defendant remains in custody. The State has grave concerns for the safety of the victim in this case.

Spreigl notice: the State provides notice of intent to present evidence related to 27-CR-13-6899, State v. David Robakevich, for the purpose of showing intent, lack of mistake or accident, and identity. The matter was charged as Attempted Murder-Second Degree and Domestic Assault by Strangulation, and Defendant was convicted of Domestic Assault by Strangulation.

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

Anthony Jaring
Deputy Sheriff
15015 62nd Street N
PO Box 3801
Stillwater, MN 55082-3801
Badge: 1253

Electronically Signed:
05/03/2023 10:00 AM
Washington County, Minnesota

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

Prosecuting Attorney

Morgan Lee Miller
PO Box 6
15015 62nd Street North
Stillwater, MN 55082
(651) 430-6115

Electronically Signed:
05/03/2023 09:37 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: May 3, 2023.

Judicial Officer

Gregory G Galler
District Court Judge

Electronically Signed: 05/03/2023 10:56 AM

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

**COUNTY OF WASHINGTON
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

David Powers

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: David Powers
DOB: 11/28/1987
Address: PO Box 72 8375 8th Ave
New Auburn, MN 55366

Alias Names/DOB:

SID: MN07137905

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race: White

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #: [REDACTED] (MN)

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	5/2/2023	609.342.1(e)(i) Criminal Sexual Conduct - 1st Degree - Penetration - Actor or accomplice uses force/coercion	Felony	Z1003	N	MN0820000	23021022
	Penalty	5/2/2023	609.342.2(b) Criminal Sexual Conduct - 1st Degree - Penalty - Presumptive 144 mo.	Felony	Z1003	N	MN0820000	23021022
2	Charge	5/2/2023	609.25.1(3) Kidnapping-To Commit Great Bodily Harm/Terrorize	Felony	K4352	N	MN0820000	23021022
	Penalty	5/2/2023	609.25.2(1) Kidnapping-Released in Safe Place-No Great Bodily Harm - Sentence	Felony	K4352	N	MN0820000	23021022
3	Charge	4/30/2023	609.2247.2 Domestic Assault - By Strangulation	Felony	AN052	N	MN0820000	23021022
	Penalty	4/30/2023	609.2247.2 Domestic Assault - By Strangulation	Felony	AN052	N	MN0820000	23021022

