

OFFICE OF THE ANOKA COUNTY ATTORNEY

Tony Palumbo, County Attorney

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Nov. 10, 2016

FOR IMMEDIATE RELEASE

Charges filed in connection to toddler's death

The Anoka County Attorney's Office on Wednesday charged two adults in connection to the death of a 2-year-old boy.

The toddler's mother, Heydi Jaqueline Aguilera-Bustillo, 26, of Blaine, was charged with second-degree manslaughter, aiding an offender and child endangerment.

Nelson Geovanny Soto-Lopez, 24, of Blaine, was charged with second-degree murder.

Aguilera-Bustillo had her first court appearance this morning in Anoka County District Court. Judge Nancy Logering set bail at \$1 million, scheduled the next hearing for Jan. 10, and appointed a guardian ad litem for Aguilera-Bustillo's other child.

Soto-Lopez remains in custody in Missouri, where he was arrested Wednesday, until he can be extradited to Minnesota.

"This innocent little boy died a violent death. It is our responsibility to see justice done on his behalf," said Anoka County Attorney Tony Palumbo.

State of Minnesota
County of Anoka

District Court
10th Judicial District

Prosecutor File No. CA-2016-01902
Court File No. 02-CR-16-7310

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

HEYDI JAQUELINE AGUILERA-BUSTILLO DOB: 08/26/1990

1544 87th Avenue NE, #102
Blaine, MN 55449

Defendant.

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: Manslaughter in the Second Degree

Minnesota Statute: 609.205(5)

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

Offense Level: Felony

Offense Date (on or about): 11/07/2016 to 11/08/2016

Control #(ICR#): 16257828

Charge Description: On or about November 7, 2016 - November 8, 2016, in the County of Anoka, Minnesota, HEYDI JAQUELINE AGUILERA-BUSTILLO, did cause the death of another by committing or attempting to commit a violation of Minn. Stat. 609.378 (neglect or endangerment of a child), and murder in the first, second, or third degree is not committed thereby.

COUNT II

Charge: Aiding an Offender

Minnesota Statute: 609.495.3

Maximum Sentence: Up to 20 years

Offense Level: Felony

Offense Date (on or about): 11/08/2016

Control #(ICR#): 16257828

Charge Description: On or about November 8, 2016, in the County of Anoka, Minnesota, HEYDI JAQUELINE AGUILERA-BUSTILLO, did intentionally aid another person whom the actor knows or has reason to know has committed a criminal act, by destroying or concealing evidence of that crime, providing false or misleading information about that crime, or otherwise obstructing the investigation or prosecution of that crime.

COUNT III

Charge: Endangerment of a Child

Minnesota Statute: 609.378.1(b)(1)

Maximum Sentence: 0-1 Year and/or \$900.00 - \$3,000.00

Offense Level: Gross Misdemeanor

Offense Date (on or about): 11/07/2016 to 11/09/2016

Control #(ICR#): 16257828

Charge Description: On or about November 7, 2016 - November 9, 2016, in the County of Anoka, Minnesota, HEYDI JAQUELINE AGUILERA-BUSTILLO, did being Child B's parent, legal guardian, or caretaker, endanger the child's person or health by intentionally or recklessly causing or permitting a child to be placed in a situation likely to substantially harm the child's physical, mental, or emotional health or cause the child's death.

STATEMENT OF PROBABLE CAUSE

On November 08, 2016 at approximately 7:00 AM, Blaine police were dispatched on a report of a 2-year-old child, herein Child A, with severe physical trauma to Blaine Medical Center.

Upon arrival, law enforcement learned that Child A had been pronounced dead by medical providers. Child A's mother, Heydi Jaqueline Aguilera-Bustillo (DOB 08-26-90), Defendant Aguilera-Bustillo herein, was present at the Medical Center and reported that Child A had fallen at the playground the previous day. She further reported that Child A was cold and not breathing when she woke up that morning at their residence in Blaine, Anoka County, Minnesota. Defendant Aguilera-Bustillo said she also had a 5-year-old child, herein Child B. Child B was not present at the Medical Center.

Law enforcement executed a search warrant at Defendant Aguilera-Bustillo's residence. In the hallway of the apartment, officers found a stethoscope, nebulizer, rubbing alcohol and other items. In the bathroom, clothing believed to belong to Child A containing apparent emesis [vomit], was found near the tub.

On November 08, 2016 at approximately 9:30 AM, Defendant Aguilera-Bustillo provided a post-Miranda statement at the Anoka County Sheriff's Office. Defendant Aguilera-Bustillo claimed that she had been driven to the Medical Center by a male passerby, whom she had asked for help. Defendant Aguilera-Bustillo told law enforcement that Child B had moved one week earlier to live with her grandmother in Houston, Texas. She further claimed that Child A had hit his head while playing outside, and that the bruises on Child A's body were from playing outside in a pile of leaves.

Defendant Aguilera-Bustillo went on to say that approximately two or three days earlier, she met a man named "Danillo Martinez." She claimed that on the evening of November 07, 2016, "Danillo" was playing with Child A and started throwing him in the air. At one point when Danillo threw Child A, Child A landed on his head. [Defendant Aguilera-Bustillo later demonstrated with a doll that Child A had been flipped upside down in the air, landing on his head.] Defendant Aguilera-Bustillo said Danillo also slapped Child A's face and tickled his tummy. Defendant Aguilera-Bustillo said Danillo was giving Child A beer to drink. After Child A hit his head, Defendant Aguilera-Bustillo put ice on it and put him to bed. She also referenced using alcohol and cold water to revive him. Defendant Aguilera-Bustillo claimed to barely know Danillo and that she had eventually kicked him out because he was drunk. Defendant Aguilera-Bustillo said she was aware that Child A had previously broken his elbow when they lived in Arkansas. She claimed the injury was from a fall and that Arkansas Social Services became involved with the family as a result.

Approximately four hours after the time Child A was pronounced dead, Defendant Aguilera-Bustillo changed her story. She told law enforcement that "Danillo Martinez" does not exist and that she made him up. She went on to say that everything she told law enforcement about "Danillo" was true but that instead of "Danillo," it was [Nelson] Geovanny Soto-Lopez (DOB 12-06-91), Defendant Lopez herein. Defendant Aguilera-Bustillo said that Defendant Lopez is the father of her unborn baby. He is not the father of Child A or Child B. Defendant Aguilera-Bustillo also confirmed that Defendant Lopez was currently caring for Child B.

Detectives continued to question Defendant Aguilera-Bustillo about what happened to Child A. Defendant Aguilera-Bustillo said that Child A had been crying and Defendant Lopez took him to the bedroom. Defendant Aguilera-Bustillo said she could hear Defendant Lopez hitting Child A with a belt because she heard it and it "sounded like when someone is hitting someone." After coming out of the bedroom, Defendant Lopez was throwing Child A in the air, at one point dropped him on his head. Defendant Aguilera-Bustillo put ice on Child A's forehead afterward. Child B was present to observe what had happened to Child A. Defendant Aguilera-Bustillo claimed that Defendant Lopez was again alone with Child A in the bedroom, and that Child A had vomited on Defendant Lopez. Defendant Aguilera-Bustillo said Child A looked ill and that she saw some red marks on his right side from the belt, and on his head where he had been dropped. Defendant Aguilera-Bustillo said Child A was afraid of Defendant Lopez that night. According to Defendant Aguilera-Bustillo, Defendant Lopez has hit Child A with a belt on two prior occasions. At certain times during Defendant Aguilera-Bustillo's interview, she indicated that Child A had stopped breathing sometime after 2:00 or 3:00 AM. At other times, she indicated he was still breathing when she woke up just before 7:00 AM.

According to witness FZG, Defendant Lopez came to her home with Child B at approximately 8:30 AM on November 08, 2016. Defendant Lopez used FZG's phone. FZG gave Child B clothes because she was cold. Defendant Lopez told FZG that Child A had fallen during the night and had been gasping for air that morning. Defendant Lopez said he had taken Defendant Aguilera-Bustillo and Child A to the Medical Center that morning. FZG said Child A had a leg injury, causing him to limp, approximately a month and a half ago.

Detective Patrick O'Hara of the Anoka County Sheriff's Office conducted an examination of data contained on the Defendant's cell phone. Three photographs of Child A were located with a timestamp of November 08, 2016 at 2:00 AM. These photographs show Child A with his eyes closed, and multiple bruises and injury to his face.

An autopsy was performed on Child A. The Medical Examiner concludes Child A had substantial bruising to the head and abdomen; multiple skull fractures; and bleeding over the brain. Some wounds, including one of the left leg, were patterned in appearance. The Medical Examiner ruled Child A's cause of death a homicide as a result of multiple blunt force trauma.

Law enforcement investigation revealed that Defendant Lopez made multiple efforts to flee the State of Minnesota with Child B during the time period Defendant Aguilera-Bustillo was providing her statement to law enforcement. Defendant Lopez hired a cab to take Child B and himself to the State of Missouri. They arrived outside of Kansas City, Missouri at approximately 12:45 AM, where they were picked up in another vehicle by an adult male and female.

Defendant Lopez was located in the State of Missouri with Child B, an adult male and adult female during the early morning hours of November 09, 2016. The adult female told law enforcement they were on their way to Huntsville, Arkansas.

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

Thomas Strusinski
Detective
10801 TOWN SQUARE DRIVE
NE
BLAINE, MN 55449
Badge: 126

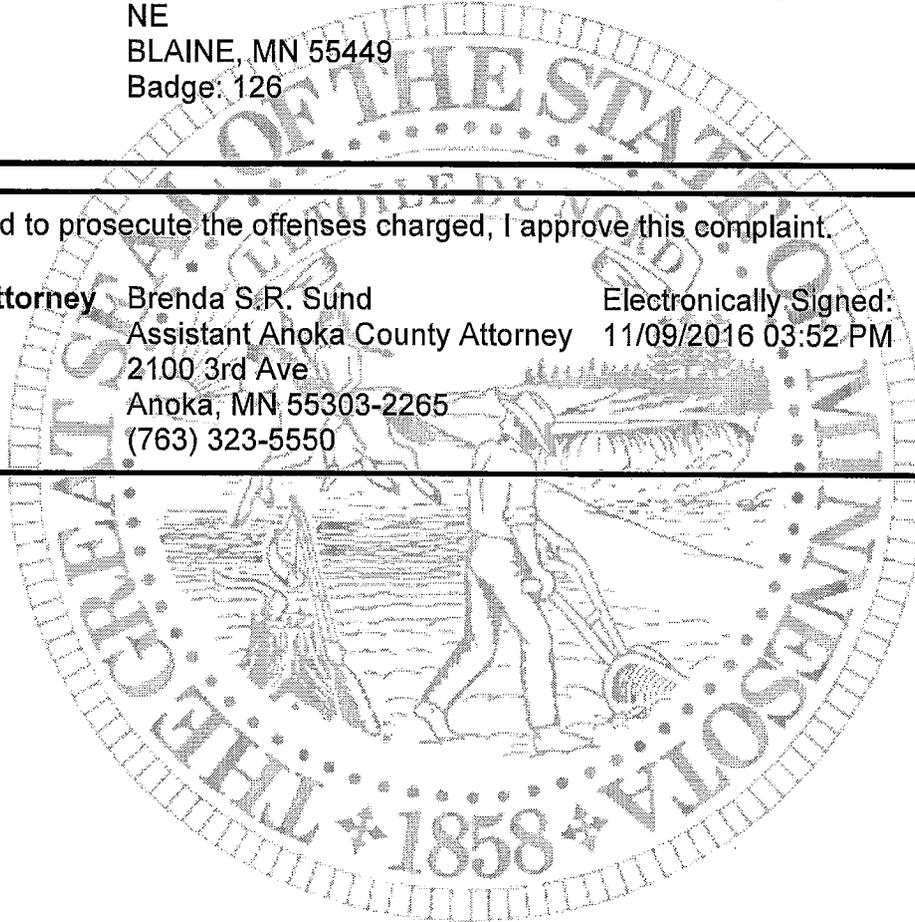
Electronically Signed:
11/09/2016 04:03 PM
Anoka County, Minnesota

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

Prosecuting Attorney

Brenda S.R. Sund
Assistant Anoka County Attorney
2100 3rd Ave
Anoka, MN 55303-2265
(763) 323-5550

Electronically Signed:
11/09/2016 03:52 PM



State of Minnesota
County of Anoka

District Court
10th Judicial District

Prosecutor File No. CA-2016-01903
Court File No. 02-CR-16-7309

State of Minnesota,
Plaintiff,

COMPLAINT

Warrant

vs.

NELSON GEOVANNY SOTO-LOPEZ DOB: 12/06/1991

1544 87th Avenue NE, #102
Blaine, MN 55449

Defendant.

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: Murder in the 2nd Degree (With Intent) (Not Premeditated)

Minnesota Statute: 609.19.1(1)

Maximum Sentence: Up to 40 Years

Offense Level: Felony

Offense Date (on or about): 11/08/2016

Control #(ICR#): 16253828

Charge Description: On or about November 8, 2016, in the County of Anoka, Minnesota, NELSON GEOVANNY SOTO-LOPEZ, did cause the death of a human being with intent to effect the death of that person or another, but without premeditation.

STATEMENT OF PROBABLE CAUSE

On November 08, 2016 at approximately 7:00 AM, Blaine police were dispatched on a report of a 2-year-old child, herein Child A, with severe physical trauma to Blaine Medical Center.

Upon arrival, law enforcement learned that Child A had been pronounced dead by medical providers. Child A's mother, Heydi Jaqueline Aguilera-Bustillo (DOB 08-26-90), Defendant Aguilera-Bustillo herein, was present at the Medical Center and reported that Child A had fallen at the playground the previous day. She further reported that Child A was cold and not breathing when she woke up that morning at their residence in Blaine, Anoka County, Minnesota. Defendant Aguilera-Bustillo said she also had a 5-year-old child, herein Child B. Child B was not present at the Medical Center.

Law enforcement executed a search warrant at Defendant Aguilera-Bustillo's residence. In the hallway of the apartment, officers found a stethoscope, nebulizer, rubbing alcohol and other items. In the bathroom, clothing believed to belong to Child A containing apparent emesis [vomit], was found near the tub.

On November 08, 2016 at approximately 9:30 AM, Defendant Aguilera-Bustillo provided a post-Miranda statement at the Anoka County Sheriff's Office. Defendant Aguilera-Bustillo claimed that she had been driven to the Medical Center by a male passerby, whom she had asked for help. Defendant Aguilera-Bustillo told law enforcement that Child B had moved one week earlier to live with her grandmother in Houston, Texas. She further claimed that Child A had hit his head while playing outside, and that the bruises on Child A's body were from playing outside in a pile of leaves.

Defendant Aguilera-Bustillo went on to say that approximately two or three days earlier, she met a man named "Danillo Martinez." She claimed that on the evening of November 07, 2016, "Danillo" was playing with Child A and started throwing him in the air. At one point when Danillo threw Child A, Child A landed on his head. [Defendant Aguilera-Bustillo later demonstrated with a doll that Child A had been flipped upside down in the air, landing on his head.] Defendant Aguilera-Bustillo said Danillo also slapped Child A's face and tickled his tummy. Defendant Aguilera-Bustillo said Danillo was giving Child A beer to drink. After Child A hit his head, Defendant Aguilera-Bustillo put ice on it and put him to bed. She also referenced using alcohol and cold water to revive him. Defendant Aguilera-Bustillo claimed to barely know Danillo and that she had eventually kicked him out because he was drunk. Defendant Aguilera-Bustillo said she was aware that Child A had previously broken his elbow when they lived in Arkansas. She claimed the injury was from a fall and that Arkansas Social Services became involved with the family as a result.

Approximately four hours after the time Child A was pronounced dead, Defendant Aguilera-Bustillo changed her story. She told law enforcement that "Danillo Martinez" does not exist and that she made him up. She went on to say that everything she told law enforcement about "Danillo" was true but that instead of "Danillo," it was [Nelson] Geovanny Soto-Lopez (DOB 12-06-91), Defendant Lopez herein. Defendant Aguilera-Bustillo said that Defendant Lopez is the father of her unborn baby. He is not the father of Child A or Child B. Defendant Aguilera-Bustillo also confirmed that Defendant Lopez was currently caring for Child B.

Detectives continued to question Defendant Aguilera-Bustillo about what happened to Child A. Defendant Aguilera-Bustillo said that Child A had been crying and Defendant Lopez took him to the bedroom. Defendant Aguilera-Bustillo said she could hear Defendant Lopez hitting Child A with a belt because she heard it and it "sounded like when someone is hitting someone." After coming out of the bedroom, Defendant Lopez was throwing Child A in the air, at one point dropped him on his head. Defendant Aguilera-Bustillo put ice on Child A's forehead afterward. Child B was present to observe what had happened to Child A. Defendant Aguilera-Bustillo claimed that Defendant Lopez was again alone with Child A in the bedroom, and that Child A had vomited on Defendant Lopez. Defendant Aguilera-Bustillo said Child A looked ill and that she saw some red marks on his right side from the belt, and on his head where he had been dropped. Defendant Aguilera-Bustillo said Child A was afraid of Defendant Lopez that night. According to Defendant Aguilera-Bustillo, Defendant Lopez has hit Child A with a belt on two prior occasions. At certain times during Defendant Aguilera-Bustillo's interview, she indicated that Child A had stopped breathing sometime after 2:00 or 3:00 AM. At other times, she indicated he was still breathing when she woke up just before 7:00 AM.

According to witness FZG, Defendant Lopez came to her home with Child B at approximately 8:30 AM on November 08, 2016. Defendant Lopez used FZG's phone. FZG gave Child B clothes because she was cold. Defendant Lopez told FZG that Child A had fallen during the night and had been gasping for air that morning. Defendant Lopez said he had taken Defendant Aguilera-Bustillo and Child A to the Medical Center that morning. FZG said Child A had a leg injury, causing him to limp, approximately a month and a half ago.

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Law enforcement investigation revealed that Defendant Lopez made multiple efforts to flee the State of Minnesota with Child B during the time period Defendant Aguilera-Bustillo was providing her statement to law enforcement. Defendant Lopez hired a cab to take Child B and himself to the State of Missouri. They arrived outside of Kansas City, Missouri at approximately 12:45 AM, where they were picked up in another vehicle by an adult male and female.

Defendant Lopez was located in the State of Missouri with Child B, an adult male and an adult female during the early morning hours of November 09, 2016. The adult female told law enforcement they were on their way to Huntsville, Arkansas. Defendant Lopez was arrested and Child B was placed in protective care.

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	Thomas Strusinski Detective 10801 TOWN SQUARE DRIVE NE BLAINE, MN 55449 Badge: 126	Electronically Signed: 11/09/2016 03:59 PM Anoka County, Minnesota
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Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney	Brenda S.R. Sund Assistant Anoka County Attorney 2100 3rd Ave Anoka, MN 55303-2265 (763) 323-5550	Electronically Signed: 11/09/2016 03:48 PM
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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 325 E Main Street, Anoka, MN 55303 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: \$100,000.00
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 9, 2016.

Judicial Officer Sean Gibbs
district court judge

Electronically Signed: 11/09/2016 04:14 PM

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

COUNTY OF ANOKA
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

Nelson Geovanny Soto-Lopez

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Warrant
upon the Defendant herein named.*

Signature of Authorized Service Agent: