

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1695
07-CR-16-4154

State of Minnesota,

Plaintiff,

vs.

JACOB ROBERT BUSH DOB: 11/14/1995

208 Front St. E
St. Clair, MN 56080

Defendant.

COMPLAINT

Summons

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: Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1), with reference to: 169A.26.2

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 10/14/2016

Control #(ICR#): 16202093

Charge Description: Jacob Robert Bush

On or about October 14, 2016, in the County of Blue Earth, said Defendant, Jacob Robert Bush did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol, and one aggravating factor was present when the violation was committed.

COUNT II

Charge: Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours

Minnesota Statute: 169A.20.1(5), with reference to: 169A.26.2

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 10/14/2016

Control #(ICR#): 16202093

Charge Description: Jacob Robert Bush

On or about October 14, 2016, in the County of Blue Earth, said Defendant, Jacob Robert Bush did, drive, operate, or was in physical control of any motor vehicle, when his/her alcohol concentration at the time, or as measured within two hours of the time, of driving, operating or being in physical control of the motor

vehicle was 0.08 or more, and one aggravating factor was present when the violation was committed.

COUNT III

Charge: Traffic - Underage drinking and driving; Crime described

Minnesota Statute: 169A.33.2, with reference to: 169A.33.3

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 10/14/2016

Control #(ICR#): 16202093

Charge Description: Jacob Robert Bush

On or about October 14, 2016, in the County of Blue Earth, said Defendant, Jacob Robert Bush did, while under the age of 21 years, drive, operate, or was in physical control of a motor vehicle while consuming alcoholic beverages, or after having consumed alcoholic beverages while there is physical evidence of the consumption present in the person's body.

STATEMENT OF PROBABLE CAUSE

On October 14, 2016, at approximately 6:30 a.m., Trooper Roseberry responded to a report of a vehicle that was on fire on Minnesota Highway 22 near 200th Street in Blue Earth County, Minnesota. Emergency vehicles responded to the scene. Mankato Department of Public Safety Officer Jake Green reported to that location and identified the driver as Jacob Robert Bush, the defendant herein. Trooper Roseberry spoke with Officer Green regarding the incident. Officer Green informed Trooper Roseberry that the defendant had the odor of an alcoholic beverage, slurred speech and was unsteady on his feet. In addition, the defendant admitted to Officer Green that he was drunk. The defendant was placed in Blue Earth County Sheriff's Deputy Mitch Gahler's squad car. Trooper Roseberry went to Deputy Gahler's squad car and spoke with the defendant. Trooper Roseberry immediately noted the strong odor of an alcoholic beverage coming from the vehicle. As the defendant stepped out of the squad car, he stumbled and almost fell. Trooper Roseberry asked the defendant to submit to the horizontal gaze nystagmus test and the defendant stated 'I'll tell you right now, I'm drunk.' Trooper Roseberry administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Trooper Roseberry notes in his report that he had to instruct the defendant not to move his head at least five times. Trooper Roseberry administered the walk and turn test and again the defendant told him that he would most likely fail the test. The defendant displayed six clues indicating impairment during the test. The defendant lost his balance during instructions, stopped walking while attempting to perform the test, did not touch heel to toe, stepped off of the line, completed an improper turn, and had an incorrect number of steps during the test. In addition, the defendant raised his arms while he attempted to perform the test. Trooper Roseberry asked the defendant to complete the one-legged stand test and noted that the defendant was unable to complete the test. Trooper Roseberry administered a portable breath test and the defendant blew .22 alcohol concentration on the digital PBT. The defendant was placed under arrest and transported to the Blue Earth County Justice Center where Trooper Roseberry read him the implied consent advisory at 7:24 a.m. After being given an opportunity to contact an attorney, the defendant agreed to submit to a breath test. Trooper Roseberry administered the Data Master breath test and the results of the breath test were .26 alcohol concentration.

Trooper Roseberry interviewed the defendant pursuant to Miranda. The defendant admitted that he had been drinking in his dorm room and on the road as he was driving. The defendant admitted he had been drinking Coca Cola and Sailor Jerry's Spiced Rum. The defendant informed Trooper Roseberry that he had his first drink at approximately 9:00 p.m. When asked when he had his last drink, the defendant said 'a little before the car started on fire.'

It was determined that the defendant was 20 years old at the time of the incident.

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

Dan Anderson
State Trooper
2171 Bassett Drive
Mankato, MN 56001-6888
Badge: 31

Electronically Signed:
10/20/2016 10:48 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Christopher Cain
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
10/19/2016 12:58 PM

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 **December 1, 2016 at 8:15 AM** before the above-named court at 401 Carver Rd, Mankato, MN 56002-0347 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: October 20, 2016.

Judicial Officer

Richard C. Perkins
Judge of District Court

Electronically Signed: 10/20/2016 11:19 AM

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.

JACOB ROBERT BUSH

Defendant

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

Signature of Authorized Service Agent: