

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

MAN-16-0565  
07-CR-16-2801

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**State of Minnesota,**

Plaintiff,

vs.

**FAISAL ABDULLAHI DOB: 10/10/1990**

179 Pottok Lane  
Shakopee, MN 55379

Defendant.

**COMPLAINT**

Summons

Tab Charge/Citation Previously Filed

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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): 07/11/2016

Control #(ICR#): 16020457

Charge Description: Said Defendant, Faisal Abdullahi, did drive or operate and 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): 07/11/2016

Control #(ICR#): 16020457

Charge Description: Said Defendant, Faisal Abdullahi, 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 .08 or more, and one aggravating factor was present when the violation was committed.

**COUNT III**

**Charge: Traffic-Drivers License-Driving After Revocation**

Minnesota Statute: 171.24.2

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

Offense Level: Misdemeanor

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

Control #(ICR#): 16020457

Charge Description: Said Defendant, Faisal Abdullahi, did after being give notice, or reasonably should have known of the revocation, disobeyed the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while her/his license or privilege was revoked.

## STATEMENT OF PROBABLE CAUSE

Complainant is an Officer with the Mankato Police Department who believes the information set out below is true and accurate based on reports and information submitted to the Officer by Officer Matthew Vitale and others identified herein.

On July 11, 2016, at approximately 11:15 p.m., law enforcement was dispatched to a fight involving two people at an apartment complex in the City of Mankato, Blue Earth County, Minnesota. Officer Vitale reported to that location and observed a vehicle leaving the vicinity of the same apartment complex. Officer Vitale also observed a pedestrian walking in the same direction as the vehicle. Officer Vitale activated his squad car lights and stopped the vehicle. A male individual exited the rear right passenger seat of the vehicle and started walking away from Officer Vitale. That person was later identified as Witness 1. Witness 1 is the brother of another individual that lives in the same apartment complex. The driver was later identified as Faisal Abdullahi, the Defendant herein. The pedestrian was later identified as Witness 2. Officer Vitale instructed all three individuals to come towards him. Witness 1 continued to walk away. Officer Jesse Gilbertson responded to the scene and detained Witness 1. Officer Vitale noted that the Defendant had a spot of blood on his shirt. The Defendant denied being injured. Officer Vitale placed the Defendant in the back seat of his squad car in order to keep him out of the rain and separate him from Witness 2. Officer Vitale spoke with Witness 2 regarding the fight. Witness 2 stated that a fight had occurred outside of the residence that involved two people. Officer Vitale spoke with the Defendant regarding the fight. The Defendant acknowledged that a fight had occurred. The Defendant denied that neither he nor Witness 2 were involved in the fight. The Defendant claimed he attempted to break up the fight, which is how he got the blood on his shirt. Officer Vitale noted the moderate odor of an alcoholic beverage coming from the back seat of his squad car. Officer Vitale administered a portable breath test to both Witness 2 and the Defendant. The results of the Defendant's portable breath test was .134 alcohol concentration on the digital PBT. At the time of Officer Vitale's contact with the individuals, there was a large thunderstorm in the area. Officer Vitale administered field sobriety tests to the Defendant at the Public Safety Center garage. Officer Vitale administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Officer Vitale noted that the Defendant's eyes were watery and extremely red and bloodshot. Officer Vitale administered a walk-and-turn test and noted that the Defendant did not take the correct number of steps during the first half of the test. The Defendant completed an improper turn and used his arms in order to maintain his balance. In addition, the Defendant did not touch heel-to-toe while performing the test. After administering the one-legged stand test, Officer Vitale administered a second portable breath test. The results of the second portable breath test was .133 alcohol concentration on the digital PBT. The Defendant was placed under arrest and Officer Vitale read the Defendant the Implied Consent Advisory at 12:13 a.m. The Defendant indicated that he wished to consult with an attorney. Officer Vitale informed the Defendant that he would be provided telephone books to contact an attorney if he did not already have one. The Defendant then stated that he did not want to go through all of that, so he no longer wanted to consult with an attorney. The Defendant agreed to submit to a breath test. Officer Gilbertson administered the Data Master breath test to the Defendant. The result of the breath test was .11 alcohol concentration. The test was completed at 12:50 a.m.

A computer check of the Defendant's driver's license record indicates that he has a conviction for a DWI from an incident on August 9, 2012, in Steele County. The Defendant's driver's license was revoked at the time of this incident. The revocation was due to that previous DWI in 2012.

## 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**

Daniel Schisel  
Police Commander  
710 S Front St  
Mankato, MN 56001-3803  
Badge: 3135

Electronically Signed:  
07/13/2016 10:48 AM  
Blue Earth County, Minnesota

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

**Prosecuting Attorney**

Christopher Cain  
Assistant Blue Earth County  
Attorney  
401 Carver Road  
PO Box 3129  
Mankato, MN 56002-3129  
(507) 304-4600

Electronically Signed:  
07/12/2016 02:33 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 \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM 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: July 13, 2016.

**Judicial Officer** Thomas G McCarthy  
Judge of District Court

Electronically Signed: 07/13/2016 12:29 PM

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.

**FAISAL ABDULLAHI**

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: