

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0264
07-CR-16-1259

State of Minnesota,

Plaintiff,

vs.

CHOP NGUOT TANG DOB: 01/01/1988

410 Sibley Parkway #307
Mankato, MN 56001

Defendant.

COMPLAINT

Summons

Tab Charge/Citation Previously Filed

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 - Refuse to Submit to Chemical Test

Minnesota Statute: 169A.20.2, with reference to: 169A.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 04/01/2016

Control #(ICR#): 16009230

Charge Description: Said Defendant, Chop Nguot Tang, did drive, operate or was in physical control of any motor vehicle when he was under the influence of alcohol, and on aggravating factor was present when the violation was committed; and the defendant refused to submit to a chemical test of the person's blood, breath or urine upon the request of the peace officer who had probable cause to believe the person to be tested was under the influence.

COUNT II

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

Minnesota Statute: 169A.20.1(1), with reference to: 169A.27.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 04/01/2016

Control #(ICR#): 16009230

Charge Description: Said Defendant, Chop Nguot Tang, did drive, operate and have physical control of any motor vehicle when he/she was under the influence of alcohol.

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 Jake Green and others identified herein.

On April 1, 2016 at about 2:23 am, Officer Green was parked in his squad car on Glenwood Ave. at Cherry St., in Mankato, Blue Earth County. He observed a vehicle come down Cherry St. and start merging with Glenwood Ave. As the vehicle merged, it crossed over the centerline. Officer Green clocked it on radar at 37 miles per hour in the 30 mph zone. The officer followed the vehicle, noting that it was weaving within its lane. When it turned southbound on Monks Ave., the vehicle came within inches of striking the curb. Officer Green ran the license plate and it came back flagged as impounded-alcohol. The officer attempted to pull the vehicle over, however, it slowed, but continued travelling for several more blocks.

Officer Green made contact with the driver, identified as Chop Nguot Tang, the defendant, and could smell a strong odor of alcohol coming from the vehicle. He further noted that the defendant's eyes were bloodshot and watery and that his speech was slurred. The defendant denied drinking. He also told the officer that he did not have a driver's license and used a Minnesota ID card to identify himself.

Officer Green asked the defendant to perform field sobriety tests and the defendant consented. He performed poorly in both the Walk and Turn and the One Legged Stand tests and showed 6 clues of intoxication in the HGN. Officer Green requested a PBT, which the defendant also agreed to, and the result of the test was a .131 alcohol concentration.

The defendant was placed under arrest and read the Implied Consent Advisory at 2:48 am. He stated he understood the advisory, but would not respond when the officer asked him if he wished to speak with an attorney, and only stated, 'Do what you gotta do'. The officer asked the defendant five times if he would submit to a breath test. The defendant would not respond to the officer until the officer asked him why he was refusing, at which point the defendant stated, 'You're doin' me dirty'.

Officer Green ran the defendant driving record and found that his privileges were suspended at the time of this 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

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

Electronically Signed:
04/04/2016 12:09 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Linda B. Hilligoss
Assistant Blue Earth County
Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
04/04/2016 09:43 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 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: April 4, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 04/04/2016 01:28 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.

CHOP NGUOT TANG

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: