

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0776-02
07-CR-16-2706

State of Minnesota,

Plaintiff,

vs.

NICHOLAS LEE MILBRETT DOB: 06/26/1985

29020 132nd St. NW Apt. 6
Waseca, MN 56093

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 Collision - Driver Fail to Stop - Injury or Death

Minnesota Statute: 169.09.1, with reference to: 169.09.14(b)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 04/21/2016

Control #(ICR#): 16011747

Charge Description: Nicholas Lee Milbrett

On or about April 21, 2016 in the County of Blue Earth, said Defendant, Nicholas Lee Milbrett did, as the driver of any motor vehicle involved in a collision resulting in bodily harm to another, fail to immediately stop the vehicle at the scene of the collision, or as close to the scene as possible, and reasonably investigate what was struck; and the driver knew or had reason to know the collision resulted in injury to or death of another, and the driver did not, in every event remain at the scene of the accident, until fulfilling the requirements of MN St. 169 as to the giving of information.

COUNT II

Charge: Traffic - Careless Driving

Minnesota Statute: 169.13.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 04/21/2016

Control #(ICR#): 16011747

Charge Description: Nicholas Lee Milbrett

On or about April 21, 2016, in the County of Blue Earth, said Defendant, Nicholas Lee Milbrett did operate or halt any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle.

COUNT III

Charge: Disorderly Conduct-Offensive/Abusive/Noisy/Obscene

Minnesota Statute: 609.72.1(3)

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

Offense Level: Misdemeanor

Offense Date (on or about): 04/21/2016

Control #(ICR#): 16011747

Charge Description: Nicholas Lee Milbrett

On or about April 21, 2016, in the County of Blue Earth, said Defendant, Nicholas Lee Milbrett did, in a public or private place, knowingly, or having reasonable grounds to know it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, engaged in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.

STATEMENT OF PROBABLE CAUSE

On April 21, 2016, at approximately 8:25 p.m., Officer Kaiser and Officer Ellis of Mankato police were dispatched to the 500 block of West 2nd Street for a disturbance call in the City of Mankato, County of Blue Earth, State of Minnesota. The complainant called 911 to report a verbal argument occurring in the street and stated a neighbor of the complainant was hit by a minivan. The complainant also stated the van fled the area.

Upon arrival, Officer Ellis observed a male, later identified as Robert Lee Cowell, Defendant 1 herein, waving his hand from an upstairs apartment. Robert stated he had been dating Witness 1 on and off for some time and that they had a common child together. Witness 1 had moved back into the apartment with Defendant 1 approximately a week prior to April 21, 2016.

At approximately 10:00 p.m., on April 21, 2016, Defendant 1 arrived home; upon returning home, he observed a gray van parked out front with a male driver, later identified as Nicholas Lee Milbrett, Defendant 2 herein, in the driver's seat. Witness 1 and Defendant 2 were in the vehicle kissing and hugging one another. As Defendant 1 approached the vehicle, Witness 1 "passed out" in Defendant 2's lap. Defendant 1 began to argue with Defendant 2 on whether or not Witness 1 should stay at Defendant 1's residence or whether Witness 1 should leave with Defendant 2. Defendant 1 and Defendant 2 began a loud verbal argument, at which time, Defendant 1 stood in front of Defendant 2's van in an effort to prevent Defendant 2 and Witness 1 from leaving. Defendant 2 honked the horn of the vehicle and did so in an attempt to move Defendant 1 away from the vehicle. The van backed up a little bit in an attempt to move around Defendant 1, but Defendant 1 again moved in front of the vehicle. Defendant 2 then struck Defendant 1 with the vehicle, causing Defendant 1 to be placed on the hood of the vehicle for a short period of time before being rolled off the side of the vehicle as the van sped away.

Upon further investigation, Officer Kaiser entered the residence of Defendant 1 where Witness 1 was previously drinking. A Four Loco alcoholic beverage and a water bottle with rum was located in the kitchen near the sink. Officer Ellis and Officer Kaiser asked Defendant 1 if Witness 1 had a phone with her. Defendant 1 advised officers that Witness 1's phone was left at the apartment. Defendant 1 allowed officers to enter the apartment and obtain the phone in an attempt to find a "Nick" within the contacts and/or on Facebook. Defendant 2 was located on Facebook with a Waseca address. Defendant 1 was able to identify the male in the Facebook photo as the driver of the van and as Defendant 2. Defendant 1 was able to again verify that the driver was Defendant 2 via a booking photo.

Officer Kaiser dispatched Waseca County to conduct a welfare check for Witness 1. Shortly after the call, Officer Kaiser was contacted by Waseca police and advised that the van in question was located bearing Minnesota license plates at Defendant 2's residence. The Waseca officer stated Witness 1 was passed out in the van and Defendant 2 was also in the van. Officer Ellis was able to make phone contact with the complainant, who wished to remain anonymous. Complainant stated that she walked outside her residence and observed a gray minivan with a male standing in front of it. Complainant then heard a lot of yelling between two parties, the driver honking the horn, the minivan backing up to attempt to leave the area, and watching the van strike the male, who was on the hood of the car approximately for 15 to 20 feet before rolling off the side of the car. Complainant stated the minivan took off at a high rate of speed after striking Defendant 1.

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:
07/05/2016 02:34 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Nicholas Boulieris
Assistant County Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
07/05/2016 10:12 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 **July 28, 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: July 5, 2016.

Judicial Officer Krista J Jass
Judge of District Court

Electronically Signed: 07/05/2016 03:12 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.

NICHOLAS LEE MILBRETT

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: