

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0786
07-CR-16-2098

State of Minnesota,
Plaintiff,

COMPLAINT
Summons

vs.

DANIEL GLEN JOHNSON DOB: 12/20/1989

4877 Sogn Valley Trail
Dennison, MN 55018

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: 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): 05/03/2016

Control #(ICR#): 16005859

Charge Description: Daniel Glen Johnson

On or about May 3, 2016, in the County of Blue Earth, said Defendant, Daniel Glen Johnson did, drive, operate, or was in physical control of any motor vehicle and the Defendant refused to submit to a chemical test of the person's blood, breath or urine upon the request of a 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): 05/03/2016

Control #(ICR#): 16005859

Charge Description: Daniel Glen Johnson

On or about May 3, 2016, in the County of Blue Earth, said Defendant, Daniel Glen Johnson did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol.

COUNT III

Charge: Drugs - Possess Over 1.4 Grams Marijuana In Motor Vehicle

Minnesota Statute: 152.027.3

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

Offense Level: Misdemeanor

Offense Date (on or about): 05/03/2016

Control #(ICR#): 16005859

Charge Description: Daniel Glen Johnson

On or about May 3, 2016, in the County of Blue Earth, said Defendant, Daniel Glen Johnson did unlawfully possess a small amount of marijuana when that person was the owner of a private motor vehicle, or was the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana

STATEMENT OF PROBABLE CAUSE

On May 3, 2016, at approximately 2:06 a.m., Deputy Karge, of the Blue Earth County Sheriff's Office, was traveling northbound on County #41 near Kirkwood Road, in the County of Blue Earth, State of Minnesota. Deputy Karge noticed a vehicle traveling westbound on Kirkwood pull slightly into a ditch near a residence located on Kirkwood Road on the north side of the street. Officer Karge noted the vehicle pulled back onto the road and came to a complete stop. Deputy Karge's vehicle passed the intersection and turned around to investigate the suspicious vehicle. As Deputy Karge turned his vehicle around on County Road 41 he noticed vehicle tracks slightly in the ditch and noticed the tracks continued back to the shoulder. The tracks appeared to be fresh according to the dew in the grass.

As Deputy Karge approached the vehicle possessing Minnesota license plates, a male was behind the vehicle rummaging through the trunk. Upon approach of the male, later identified as Daniel Glen Johnson, the Defendant herein, Deputy Karge overheard the Defendant mumbling phrases regarding a spare tire being in the trunk. The Deputy noticed that the Defendant's speech was extremely slurred and his balance was very poor. The Defendant used the vehicle to maintain his balance while attempting to push items around in his trunk. Upon making contact with the Defendant, the Defendant stated to the officer that he lived in Dennison and was traveling on his way home from Wanamingo. The Defendant was unable to provide a driver's license upon Deputy Karge's request, but, the Defendant handed the Deputy a plastic organizer containing vehicle insurance information. Deputy Karge asked the Defendant about a noticeable flat front driver's-side tire. Deputy Karge noticed the passenger side front tire was flattened and shredded from driving on it. The Deputy also noticed both front rims were bent in a fashion consistent with hitting a solid object. The fender behind the driver's side door had scratch marks where the paint was removed to expose bare metal. The Defendant told the Deputy that he was the registered owner of the vehicle. The Deputy ran the Defendant's driver's license.

Based on Deputy Karge's observations he asked the Defendant to perform field-sobriety tests, to which the Defendant agreed. The Defendant performed the horizontal gaze nystagmus, walk and turn, and one-legged stand test. Based on the Deputy's prior observations and poor performance of field-sobriety tests by the Defendant, Deputy Karge advised the Defendant he was under arrest for DWI. While performing a vehicle search, Deputy Karge located a baggy between the driver seat and the passenger seat that contained a green vegetative substance consistent with that of marijuana which was collected and later NIK-tested positive for marijuana. Deputy Karge placed the baggy with marijuana into evidence at the Justice Center and weighed the evidence at 23.7 grams.

Deputy Holz, of the Blue Earth County Sheriff's Office, arrived on scene and took the Defendant to the Justice Center to perform a portable breath test and read the Minnesota Implied Consent Advisory. Upon arrival to the Justice Center the Defendant submitted to a PBT. The PBT indicated the Defendant blew a .269 alcohol concentration. Deputy Holz read the Defendant the Motor Vehicle Implied Consent Advisory at approximately 2:37 a.m. The Defendant stated he understood each part of the advisory as it was read to him. The Defendant wished to consult with an attorney at approximately 2:39 a.m. and was allowed to use his cell phone. He was also provided phonebooks.

At approximately 2:41 a.m., the Defendant informed Deputy Holz that he completed attempts to contact an attorney. The Defendant agreed to take a breath test and a 15-minute observation period was performed. Instructions were given to the Defendant by Deputy Holz regarding the breath test. The Defendant provided an inadequate sample multiple times. The Defendant would blow into the machine and stop before producing a readable sample. The Defendant would then pretend to blow hard into the DMT without the machine reading air going into it. The Defendant would pretend to blow air into the DMT and would block the end of the tube several times with his tongue. The Defendant repeatedly obstructed with the machine

and ultimately a weak sample was collected.

Based on the Defendant being uncooperative with giving adequate breath samples, the Defendant was considered a refusal and no further tests were conducted. The Defendant was later released to New Ulm Detox and cited accordingly.

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

Richard Murry
Captain
401 Carver Rd
Mankato, MN 56002-0228
Badge: 2708

Electronically Signed:
05/20/2016 01:30 PM
Blue Earth County, MN

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:
05/20/2016 01:07 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 **June 30, 2016 at 2:30 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: May 20, 2016.

Judicial Officer Kurt D Johnson
District Court Judge

Electronically Signed: 05/20/2016 02:11 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.

DANIEL GLEN JOHNSON

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: