

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0596
07-CR-16-2952

State of Minnesota,

Plaintiff,

vs.

JESSICA MARCH BAILEY DOB: 04/01/1982

207 Connie Lane
Eagle Lake, MN 56024

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 - 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): 07/23/2016

Control #(ICR#): 16021847

Charge Description: On our about, July 23, 2016, in the City of Mankato, said Defendant, Jessica March Bailey, 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): 07/23/2016

Control #(ICR#): 16021847

Charge Description: On our about, July 23, 2016, in the City of Mankato, said Defendant, Jessica March Bailey, 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.

STATEMENT OF PROBABLE CAUSE

On July 23, 2016, at approximately 12:25 a.m., Officer Gagnon responded to a report of a request for a welfare check of a female sleeping in a car near the intersection of Belleview Avenue and Swiss Street in the City of Mankato, Blue Earth County, Minnesota. Law enforcement had received information that a female was sleeping in a car that was stopped in the driving lane near that intersection. Officer Gagnon reported to that location and ultimately was able to identify the sleeping driver as Jessica March Bailey, the Defendant herein. Officer Rob Sadusky attempted to wake the Defendant. The Defendant displayed multiple indicia of intoxication, including bloodshot, glossy eyes, slurred speech and the strong odor of an alcoholic beverage. The Defendant informed Officer Gagnon that she had approximately two beers with friends approximately two hours earlier. Officer Chris Arkell responded to the scene to assist Officer Gagnon. Officer Arkell's squad car was used to record the field sobriety testing that the Defendant attempted to complete. Officer Gagnon administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Officer Gagnon administered the walk-and-turn test and observed five clues indicating impairment. The Defendant did not stand in the requested position, did not walk heel-to-toe, stepped off of the line on multiple occasions and completed an improper turn. In addition, the Defendant took the incorrect number of steps while attempting to perform the test. Officer Gagnon asked the Defendant to count backwards beginning at the number 77 and stopping at the number 65. The Defendant had a difficult time completing the test. The Defendant skipped multiple numbers and counted down to the number 60 instead of 65 as requested. The Defendant also asked Officer Gagnon if she should count back up to the number 65. Officer Gagnon asked the Defendant to recite a portion of the alphabet, beginning with the letter D and ending with the letter P. The Defendant started the test on two separate occasions, beginning at the letter A. Officer Gagnon also asked the Defendant to perform a dexterity test with her fingers while counting out loud. The Defendant touched her ring finger to her thumb on two occasions and counted it two times. The Defendant also missed counting with her pinkie finger. The Defendant submitted to a portable breath test and blew a .143 on the digital PBT. Officer Gagnon placed the Defendant under arrest and read her the Implied Consent Advisory at 12:51 a.m. After being given an opportunity to contact an attorney, the Defendant agreed to submit to a breath test. Officer Gagnon administered the Datamaster breath test to the Defendant. The results of the breath test were .13 alcohol concentration. The test was completed at 1:24 a.m.

A computer check of the Defendant's driver's license record indicates that she has two previous convictions for DWI. The most recent DWI was on June 8, 2008, out of Beltrami County. The other DWI is from 2004 and beyond the '10 year lookback period.'

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:
07/26/2016 11:09 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:
07/25/2016 04:49 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 26, 2016.

Judicial Officer

Darci J. Bentz

Electronically Signed: 07/26/2016 11:41 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.

JESSICA MARCH BAILEY

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: