

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-15-1766
07-CR-15-5060

State of Minnesota,

Plaintiff,

vs.

BUK GAAK GANY DOB: 04/02/1976

218 Marshall Street
Mankato, MN 56001

Defendant.

COMPLAINT

Order of Detention

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.24.2

Maximum Sentence: 7 years and/or \$14,000

Offense Level: Felony

Offense Date (on or about): 12/12/2015

Control #(ICR#): 15039270

Charge Description: Buk Gaak Gany

On or about December 12, 2015, in the County of Blue Earth, said Defendant, Buk Gaak Gany did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol, and the violation was committed within ten years of the first of three or more qualified driving incidents or he/she has previously been convicted of felony D.W.I. 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.24.2

Maximum Sentence: 7 years and/or \$14,000

Offense Level: Felony

Offense Date (on or about): 12/12/2015

Control #(ICR#): 15039270

Charge Description: Buk Gaak Gany

On or about December 12, 2015, in the County of Blue Earth, said Defendant, Buk Gaak Gany did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol, and the violation was committed within ten years of the first of three or more qualified driving incidents or he/she has previously been convicted of a felony DWI.

STATEMENT OF PROBABLE CAUSE

On December 12, 2015, Officer Steven Hoppe was on routine patrol for the Mankato Department of Public Safety when, at approximately 6:52 p.m., he heard radio traffic from Dispatch sending officers to the area of Park Lane for an intoxicated male who had been called in by Deputy Chad Ruch of the Blue Earth County Sheriff's Office. At approximately 6:55 p.m., Officer Hoppe heard Dispatch advise that Lieutenant Jeff Wersal, also from the Blue Earth County Sheriff's Office, called in requesting additional cars and that they were fighting with a male, who would later be identified as Buk Gaak Gany.

Officer Hoppe responded and, as he approached the scene, observed that Officer Kevin Waterstreet was placing handcuffs on Gany. Lieutenant Wersal and Deputy Ruch were in plain clothes but advised that they observed Gany drive the wrong way on Park Lane and watched as Gany ended up backing in the wrong way on a one-way road. Lieutenant Wersal and Deputy Ruch advised that Gany then went into the liquor store and attempted to buy a case of beer but was refused as he was falling onto the counter and was extremely intoxicated. Lieutenant Wersal and Deputy Ruch then advised that Gany acted as if he were walking away and wasn't going to drive again, but upon returning, Lieutenant Wersal and Deputy Ruch intervened and identified themselves as law enforcement officers, advising that Gany then began to fight with them.

Officer Hoppe transported Gany to the Blue Earth County Jail for processing. Officer Hoppe made several observations of the Defendant, including the fact that he had an overwhelming odor of alcoholic beverage emitting from his person, that he had bloodshot and watery eyes, that his pupils were dilated, his speech was slurred, and that he swayed and staggered while walking and standing. Officer Hoppe did not have Gany perform any field sobriety tests as he had already been physical with other officers.

Officer Hoppe read the Implied Consent Advisory to Gany. Gany advised that he understood and asked to contact an attorney but never made an attempt to do so. Officer Hoppe then asked Gany if he would take a test of his breath, and Gany refused.

A check of Gany's record shows prior DWI-related convictions from July of 2006, February of 2008, April of 2009, and July of 2014.

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

Justin Neumann
Sergeant
710 S Front St
Mankato, MN 56001-3803
Badge: 3110

Electronically Signed:
12/14/2015 12:26 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

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

Electronically Signed:
12/14/2015 11:31 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: December 14, 2015.

Judicial Officer Krista J Jass
Judge of District Court

Electronically Signed: 12/14/2015 03:26 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.

BUK GAAK GANY

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Order of
Detention upon the Defendant herein named.*

Signature of Authorized Service Agent: