

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

COURT FILE NO. 07-CR-16-2730

State of Minnesota,

City of Mankato,

Plaintiff,

v.

Michael Alan Barten

12 Cougar Trail

Mankato, MN 56001

DOB: 04//11/1966

Defendant.

Summons Warrant
 Order of Detention

Amended
 Tab Charge Previously Filed

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that on or about the 4th day of July, 2016, the Defendant committed the following offense(s):

COUNT I

Charge: 2nd Degree Traffic-DWI-Operate Motor Vehicle Under Influence of Alcohol, a gross misdemeanor

Minnesota Statute: § 169A.20 1(1); 169A.25 2

Maximum Sentence: 1 year and/or \$3000

...did drive, operate or was in physical control of a motor vehicle, while in violation of M.S. 169A.20 Subd. 1(1) with two aggravating factor present, to-wit: an alcohol concentration of .16 or more and/or a prior conviction or driver's license revocation due to a prior DWI.

COUNT II

Charge: 2nd Degree Traffic-DWI-Operate Motor Vehicle Alcohol Concentration 0.08 Within 2 Hours, a gross misdemeanor, a gross misdemeanor

Minnesota Statute: § 169A.20 1(5); 169A.25 2

Maximum Sentence: 1 year and/or \$3000

...did drive, operate or was in physical control of a motor vehicle, while in violation of M.S. 169A.20 Subd. 1(1) with two aggravating factor present, to-wit an alcohol concentration of .16 or more and/or a prior conviction or driver's license revocation due to a prior DWI.

FILED 7/6/2016
NO. CR 16 2730
Court Administrator
Blue Earth County, Minnesota

STATEMENT OF PROBABLE CAUSE

Complainant is a Trooper with the Minnesota State Patrol who believes the information set out below is true and accurate based on reports and information submitted to the Trooper by Trooper Gabe Cornish and others identified herein.

On July 4, 2016, at approximately 8:55 p.m., Trooper Cornish was stopped on Highway 14 when he observed a vehicle traveling at a high rate of speed on Highway 14 near Victory Drive, in the City of Mankato, Blue Earth County, Minnesota. Trooper Cornish was operating radar speed detection equipment and clocked the vehicle accelerating up to 82 miles per hour in a 65 mile per hour zone. Trooper Cornish noted that driver was wearing a white tee-shirt and brown baseball cap. The vehicle was a red-colored 4-door car. The vehicle drove past his marked squad car while Trooper Cornish monitored traffic. Trooper Cornish pursued the vehicle and noted that it accelerated down the North Victory Drive off-ramp. Trooper Cornish estimated that the vehicle was traveling in excess of 60 miles per hour on Victory Drive going towards Buffalo Wild Wings. Trooper Cornish attempted to pursue the vehicle and lost sight of it at the intersection of St. Andrews Drive and Victory. The roadway on St. Andrews Drive to the north is relatively flat and straight. Trooper Cornish looked to the north and could not see the vehicle in that direction. St. Andrews to the south is the access point to a restaurant, businesses and office complexes in the area. St. Andrews Drive bisects the south portion into an eastern and western halves. Trooper Cornish encountered an individual driving a truck coming out of the west side of St. Andrews. Trooper Cornish asked the driver if he had seen a car come in and the driver said no. Trooper Cornish postulated that the suspect vehicle had turned south on St. Andrews Drive and then turned towards the east side of the restaurant-business complex. The Boulder Tap restaurant is on the east side of St. Andrews. As Trooper Cornish was coming back out, he saw a male individual quickly step from the behind the trash can area of the restaurant. The male individual walked away from Trooper Cornish's squad car. The male was wearing a white tee-shirt similar to that of the speeding driver. The male was barefoot and carrying one sandal. Trooper Cornish pulled up to the male and asked him what he was doing. When the male turned, Trooper Cornish recognized the individual as the driver of the speeding vehicle. Trooper Cornish identified the individual as Michael Alan Barten, the Defendant herein. Trooper Cornish observed the red-colored vehicle nearby. Trooper Cornish explained to the Defendant that he knew the Defendant was the driver of the vehicle that had gone by him. The Defendant admitted that he was the driver and handed Trooper Cornish the keys.

Trooper Cornish asked the Defendant how fast he was going. The Defendant responded, "Way too fast." Trooper Cornish observed the smell of a very strong odor of an alcoholic beverage coming from the Defendant's breath. In addition, the Defendant's eyes opened and closed in a lethargic manner. The Defendant's speech was slurred. The Defendant's eyes were bloodshot and watery. When asked how much he had to drink, the Defendant responded none. Trooper Cornish informed the Defendant that he could smell it on the Defendant. The Defendant again responded, "I am going to go with none." Trooper Cornish administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Trooper Cornish asked the Defendant to count backwards beginning at the number 95 and stopping at 77. The Defendant was unable to perform the test. The Defendant counted in the wrong direction and mixed up several numbers before stopping and giving up. The Defendant adequately performed the alphabet test. Trooper Cornish administered the one-legged stand test, and observed that the Defendant put his foot down twice and swayed before giving up trying to perform the test. The Defendant said that the ground wasn't level. Trooper Cornish administered a portable breath test and the Defendant blew a .177 on the digital PBT. Trooper Cornish placed the Defendant under arrest and transported him to the Blue Earth County Justice Center where he read him the Implied Consent Advisory at 9:43 p.m. The Defendant was provided telephone privileges between 9:44 p.m. and 10:07 p.m. After being given an opportunity to contact an attorney, the Defendant agreed to submit to a breath test. Trooper Cornish administered the breath test. The results of the data master breath test were .18 alcohol concentration. The breath test was completed at 10:17 p.m.

A computer check of the Defendant's driver's license record indicates that he has been charged with DWI on five previous occasions since 1990. Only the most recent DWI occurred within 10 years on March 21, 2007, in Hennepin County. The current status of the Defendant's driver's license is restricted. The Defendant is prohibited from any use of drugs or alcohol.

Trooper Ryan Marthaler assisted in the investigation of the incident. Trooper Marthaler located the Defendant's missing sandal near the brake and gas pedal of the car. A brown cap was located on the driver's seat of the

vehicle. It is believed that the Defendant attempted to change his appearance and thereby elude Trooper Cornish by leaving his cap in the car. Further, in the Defendant's haste to exit his vehicle he neglected to wear one of his sandals.

Complaint 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'S NAME:

Mark Schaffer

COMPLAINANT'S SIGNATURE:

[Signature]

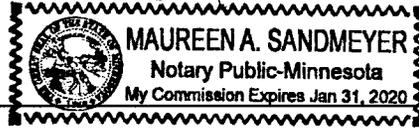
Subscribed and sworn to before the undersigned this 6 day of July, 2016

NAME/TITLE:

A.B. Peace Officer License Number _____
Blue Earth County, Minnesota. My license expires
June 30, _____

SIGNATURE:

[Signature]



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

Date: July 6, 2016

PROSECUTING ATTORNEY'S SIGNATURE:

[Signature]

Name: Christopher D. Cain
Assistant County Attorney
401 Carver Road, Mankato, MN
507-304-4600
Attorney Registration # 223797

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.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, _____, at _____ before the above-named court at **Blue Earth County Justice Center, 401 Carver Road, Mankato, MN**, 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 hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named 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 above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$
Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 6 day of July, 2016

SIGNATURE: *Wrista J. Jast*

JUDICIAL OFFICER:
NAME:
TITLE:

FILED 7/6/2016
NO. CR16-2730
Court Administrator
Blue Earth County, Minnesota

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.

Michael Alan Barten,

Defendant

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:

DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A

DEFENDANT NAME: MICHAEL ALAN BARTEN

Defendant alias name(s):

Defendant DOB: 4/11/1966

Alias DOB(s):

Defendant last known address: 12 Cougar Trail
North Mankato, MN 56003

State ID:

OTHER DEFENDANT / CASE IDENTIFIERS:

Fingerprinted? No Yes

Handgun permit? No Yes (Issuing Agency:)

Location of Violation: Mankato

IF DRIVING OFFENSE:

Driver's License Number: V352263040710 Issuing State: MN

License Plate Number: 187TRR Issuing State: MN

Accident Type: No injury/no damage Property Damage
check all that apply Personal Injury Fatality

Alcohol Concentration: .18

STATUTE AND OFFENSE GRID

Count Nbr	Statute Type	Offense Date(s)	Statute Numbers and Text Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Control Numbers
1	Charge Penalty	07/04/16	169A.20 1(1) Traffic-DWI-Operate Motor Vehicle Under Influence of Alcohol 169A.25, Subd. 2 Traffic-DWI-Second-Degree Driving while Impaired: Criminal Penalty	G	JE501	N	MHP1200	16201311
2	Charge Penalty	07/04/16	169A.20 1(1) Traffic-DWI-Operate Motor Vehicle Under Influence of Alcohol 169A.25, Subd. 2 Traffic-DWI-Second-Degree Driving while Impaired: Criminal Penalty	G	JEW01	N	MHP1200	16201311