

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0339
07-CR-16-1663

State of Minnesota,

Plaintiff,

vs.

DORIS ROSE ACKERMAN DOB: 05/07/1963

920 N. 4th Street
Mankato, MN 56001

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.25.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 04/24/2016

Control #(ICR#): 16200828

Charge Description: Said Defendant, Doris Rose Ackerman, did drive or operate and was in physical control of any motor vehicle when he/she was under the influence of alcohol, and two or more aggravating factors were 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.25.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 04/24/2016

Control #(ICR#): 16200828

Charge Description: Said Defendant, Doris Rose Ackerman, 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 two or more aggravating factors were present when the violation was committed.

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 April 24, 2016 at approximately 10:00 p.m., Trooper Cornish responded to a report of an accident on Highway 14 just east of Highway 22 in Blue Earth County, Minnesota. Trooper Cornish reported to that location and identified the driver of the vehicle as Doris Rose Ackerman, the defendant herein. The defendant had struck a road sign that had come through the windshield. Trooper Cornish noted that the sign penetrated the windshield causing it to shatter. Trooper Cornish observed that if there had been a passenger in the vehicle at the time of impact that the sign would have struck them in the neck area. The defendant exhibited signs of intoxication. The defendant had the strong odor of an alcoholic beverage and bloodshot watery eyes. The defendant's speech was mumbled and incoherent at times. The defendant exhibited poor balance and stumbled when she stood up. The defendant estimated that she had three beers.

Trooper Cornish administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Due to the defendant's inability to stand without staggering, Trooper Cornish asked the defendant to recite a portion of the alphabet. The defendant failed to perform the test on two separate occasions. Trooper Cornish asked the defendant if she could count backwards starting at 95 and stopping at 77. The defendant stared forward and began breathing heavy without attempting to count. Trooper Cornish had the defendant take a seat on the bumper of his squad car so that she would not fall over. He administered a portable breath test and the defendant blew a .205 on the digital PBT. The defendant was placed under arrest and read the implied consent advisory at 10:38 p.m. After being given an opportunity to contact an attorney, the defendant agreed to submit to a breath test. The defendant provided a breath sample of .22 alcohol concentration on the Data Master breath test. The test was completed at 10:56 p.m.

A computer check of the defendant's prior driving license record indicates that she has a prior conviction for driving while under the influence from an incident on May 17, 2008 in Blue Earth County. In that DWI, the defendant's alcohol concentration was .19 alcohol concentration.

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

Dan Anderson
State Trooper
2171 Bassett Drive
Mankato, MN 56001-6888
Badge: 31

Electronically Signed:
05/02/2016 08:38 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:
04/29/2016 10:28 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: May 2, 2016.

Judicial Officer

Bradley C Walker
District Court Judge

Electronically Signed: 05/02/2016 09:10 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.

DORIS ROSE ACKERMAN

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: