

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0463
07-CR-16-2273

State of Minnesota,

Plaintiff,

vs.

MARK GERARD WENISCH DOB: 04/17/1969

802 Souhthaven Drive
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): 06/03/2016

Control #(ICR#): 16016328

Charge Description: Said Defendant, Mark Gerard Wenisch, 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): 06/03/2016

Control #(ICR#): 16016328

Charge Description: Said Defendant, Mark Gerard Wenisch, 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.

COUNT III

Charge: Traffic - Speeding - Exceed Limit

Minnesota Statute: 169.14.2(a)

Maximum Sentence:

Offense Level: Misdemeanor

Offense Date (on or about): 06/03/2016

Control #(ICR#): 16016328

Charge Description: Said Defendant, Mark Gerard Wenisch, did operate a motor vehicle in excess of the maximum allowable speed in violation of M.S. 169.14.

STATEMENT OF PROBABLE CAUSE

Complainant is an Officer with the Mankato Police Department who believes the information set out below is true and accurate based on reports and information submitted to the Officer by Officer Jake Green and others identified herein.

On June 3, 2016, at midnight, Officer Green was patrolling on Victory Drive near Hoffman Road in Mankato, Blue Earth County. He observed two other vehicles traveling side by side southbound on Victory Drive and clocked them on radar at 53 miles per hour in a 45-mile-per-hour zone. The officer turned around on the vehicles and, as he approached, noticed that the speed on one had increased to 56 miles per hour. The officer followed the faster vehicle and observed it drive over the center line. As the vehicle entered the roundabout, it almost struck the center median. As it left the roundabout, the vehicle almost struck the center median again, then overcorrected, almost driving off the road. Officer Green pulled the vehicle over and identified the driver as Mark Wenisch, the Defendant. While speaking with the Defendant, the officer could smell a strong odor of alcohol from the vehicle and noted that the Defendant's eyes were bloodshot and watery and that his speech was slurred. The Defendant stated that he was coming from the Roadhouse bar in North Mankato and admitted that he had consumed a mixture of beer and mixed drinks. The Defendant agreed to perform field sobriety tests and displayed a staggering walk and poor balance upon getting out of the driver's seat and walking to the rear of his car. Officer Green observed all six clues of intoxication during the HGN test. The Defendant displayed poor coordination and balance during the walk-and-turn and one-legged stand tests, and the officer asked him to take a PBT. The result of the preliminary test was .19. The Defendant was arrested and read the Implied Consent Advisory at 12:18 a.m. The Defendant stated he understood the advisory, did not wish to speak with an attorney, and consented to a breath test. Officer Green administered the breath test, which measured the Defendant's alcohol concentration at .20 at 12:51 a.m.

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:
06/09/2016 03:06 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Linda B. Hilligoss
Assistant Blue Earth County
Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
06/09/2016 02:38 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: June 10, 2016.

Judicial Officer

Bradley C Walker
District Court Judge

Electronically Signed: 06/10/2016 08:13 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.

MARK GERARD WENISCH

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: