

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0307-02
07-CR-16-1518

State of Minnesota,

Plaintiff,

vs.

DAVID NATHAN FUGATE DOB: 01/05/1980

teen Challenge, 1530 Assisi Dr NW
Rochester, MN

Defendant.

COMPLAINT

Summons

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 Collision - Driver Involved Fails to Stop for Collision - Driven or Attended Vehicle

Minnesota Statute: 169.09.2

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 02/11/2016

Control #(ICR#): 16003890

Charge Description: Said Defendant, David Nathan Fugate Also Known As David N Fugate, did collide with and damage a vehicle which was driven or attended by another person and failed to stop such vehicle and remain at the scene.

COUNT II

Charge: Traffic - Careless Driving

Minnesota Statute: 169.13.2

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 02/11/2016

Control #(ICR#): 16003890

Charge Description: Said Defendant, David Nathan Fugate Also Known As David N Fugate, did operate or halt any vehicle upon any street or highway carelessly and heedlessly in disregard of the rights of others or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle.

COUNT III

Charge: Traffic Regulation - Driver Fails to Stop for STOP Sign.

Minnesota Statute: 169.20.3(b)
Maximum Sentence: \$300
Offense Level: Petty Misdemeanor

Offense Date (on or about): 02/11/2016

Control #(ICR#): 16003890

Charge Description: Said Defendant, David Nathan Fugate Also Known As David N Fugate, did as the driver of a vehicle fail to stop in obedience to a stop sign at an intersection where a stop sign is erected.

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 Melissa Myers and others identified herein.

On February 11, 2016 at approximately 7:40 a.m., Officer Melissa Myers responded to a report of a vehicle leaving the scene of an accident near the intersection of Fourth and Cherry Streets in the City of Mankato, Blue Earth County, Minnesota. The suspect vehicle did not come to a complete stop and rolled through the intersection. The suspect vehicle struck another car at the intersection and then fled the scene. The victim of the hit and run accident was identified as V1. Ultimately, the driver of the hit and run vehicle was identified as David Nathan Fugate, the defendant herein. Additional witnesses were identified as W1, W2, and W3. Officer Justin Lindmeyer assisted in the investigation of the incident. Community Service Officer Sandy Van Eman also assisted in the investigation of the leaving the scene of the accident report. The vehicle that struck V1's vehicle was determined to be owned by Nicole Marie Erickson. Officer Lindmeyer spoke with Erickson regarding the leaving the scene of the accident. Officer Lindmeyer located Erickson's vehicle at her residence. Erickson told Officer Lindmeyer that she was the driver. Erickson said that she couldn't stop because of her son's emotional stability. Erickson said that she would take a ticket for leaving the scene of the accident. Erickson said that she did not remember failing to stop for the stop sign at that intersection. Erickson was issued a citation for failure to yield and leaving the scene of an accident.

On March 23, 2016 at approximately 9:20 a.m., approximately a month and a half after the accident, the defendant left Officer Myers a voice-mail message regarding the accident that occurred on February 11, 2016. The defendant said that he was the actual driver.

On March 24, 2016 at approximately 11:10 a.m., Erickson came to the Public Safety Center and spoke with Officer Myers. Erickson said that she wanted to apologize for lying to officer Lindmeyer. Erickson said she was not the driver at the time of the hit and run accident. Erickson identified the defendant as the driver at the time of the accident.

On April 7, 2016 at approximately 10:15 a.m., Officer Meyers spoke with defendant regarding the accident. The defendant admitted to being the driver of the vehicle at the time of the hit and run accident. The defendant said that he did this because he had a warrant out for his arrest. The defendant said that around the time of the accident, he had been 'using' but not on the day of the accident. A copy of the conversation between the defendant and Officer Myers was placed into evidence.

A computer check of the defendant's prior criminal history indicates an extensive criminal history dating back to 1999 when the defendant was 18 years old.

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

Matthew DuRose
Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3141

Electronically Signed:
04/15/2016 10:14 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:
04/14/2016 10:48 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 **May 5, 2016 at 8:15 AM** 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: April 15, 2016.

Judicial Officer Krista J Jass
Judge of District Court

Electronically Signed: 04/15/2016 10:28 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.

DAVID NATHAN FUGATE

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: