

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1091
07-CR-16-2701

State of Minnesota,

Plaintiff,

vs.

ALLEN FRANK DAMMANN DOB: 06/23/1985

1523 Squirrels Nest Rd
Kasota, MN 56050

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 - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1), with reference to: 169A.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 07/03/2016

Control #(ICR#): 16009555

Charge Description: Allen Frank Dammann Also Known As Allen Frank Damman II

On or about July 3, 2016, in the County of Blue Earth, said Defendant, Allen Frank Dammann did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol, and one aggravating factor was 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.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 07/03/2016

Control #(ICR#): 16009555

Charge Description: Allen Frank Dammann Also Known As Allen Frank Damman II

On or about July 3, 2016, in the County of Blue Earth, said Defendant, Allen Frank Dammann 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 0.08 or more, and one aggravating factor was present when the violation was committed.

COUNT III

Charge: Traffic-Drivers License-Driving After Revocation

Minnesota Statute: 171.24.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 07/03/2016

Control #(ICR#): 16009555

Charge Description: Allen Frank Dammann Also Known As Allen Frank Damman II

On or about July 3, 2016, in the County of Blue Earth, said Defendant, Allen Frank Dammann did after being given notice, or reasonably should have known of the revocation, disobeyed the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while her/his license or privilege was revoked.

STATEMENT OF PROBABLE CAUSE

On July 3, 2016, at approximately 8:45 p.m., Deputy Martin responded to a report of an individual doing 'burn-outs' in a pick-up in the parking lot of Bray Park in Blue Earth County, Minnesota. Dispatch received information from an individual later identified as Complainant 1. Complainant 1 provided a description of the vehicle, which included the lettering on both sides of the vehicle and the tailgate of the truck as 388-BOAT. The vehicle was last seen heading towards Highway 60. Deputy Chris Welle assisted in the investigation of the incident. Deputy Welle was traveling eastbound on Highway 14 when he received the same information. Deputy Welle observed the vehicle traveling westbound on Highway 14. Deputy Martin later located the suspect vehicle and stopped it. Deputy Martin identified the driver as Allen Frank Dammann II, the Defendant herein. Deputy Martin asked the Defendant for identification and the Defendant provided a California identification card. Deputy Martin asked the Defendant if he had a license. The Defendant claimed that he had a California license. Deputy Martin later learned that the California driver's license had expired in 2004. The Defendant informed Deputy Martin that his Minnesota driver's license may be suspended due to tickets. In addition, the Defendant indicated that he may be on probation. Deputy Martin asked the Defendant about doing 'burn-outs' in Bray Park. The Defendant admitted that he was. Deputy Martin observed the odor of an alcoholic beverage coming from the vehicle and noted that the Defendant's eyes were bloodshot and watery. When asked how much he had to drink, the Defendant admitted that he had a couple of beers. Deputy Martin administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Deputy Martin administered the walk-and-turn test. The Defendant did not take a series of small steps in order to turn around. In addition, there were gaps on steps one and six during the second half of the test. Deputy Martin administered the one-legged stand test and observed that the Defendant did not count correctly. Deputy Welle administered a portable breath test and the Defendant blew a .116 on the digital PBT. The Defendant was placed under arrest and transported to the Blue Earth County Justice Center where Deputy Martin read the Defendant the Implied Consent Advisory at 9:20 p.m. After being given an opportunity to contact an attorney, the Defendant agreed to submit to a breath test. Deputy Martin administered the Datamaster breath test to the Defendant. The results of the breath test were .09 alcohol concentration. The breath test was completed at 9:37 p.m.

A computer check of the Defendant's driver's license record indicates that he has conviction for driving while under the influence of a controlled substance from an incident on March 9, 2015, in Blue Earth County. In addition, the Defendant's driver's license was revoked at the time of this incident.

Deputy Martin interviewed the Defendant pursuant to Miranda. The Defendant admitted that he had 2 or 3 beers. When asked if he felt the effects of what he had to drink, The Defendant responded a 'tiny bit.'

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

Richard Murry
Captain
401 Carver Rd
Mankato, MN 56002-0228
Badge: 2708

Electronically Signed:
07/05/2016 02:07 PM
Blue Earth County, MN

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

Prosecuting Attorney

Christopher Cain
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
07/05/2016 02:04 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: July 5, 2016.

Judicial Officer Krista J Jass
Judge of District Court

Electronically Signed: 07/05/2016 02:12 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.

ALLEN FRANK DAMMANN

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: