

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0677
07-CR-16-3297

State of Minnesota,

Plaintiff,

vs.

NICKOLAS ANTHONY BARLAGE DOB: 12/14/1991

341 Parnell Street
Green Isle, MN 55338

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): 08/20/2016

Control #(ICR#): 16024873

Charge Description: Said Defendant, Nickolas Anthony Barlage, 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): 08/20/2016

Control #(ICR#): 16024873

Charge Description: Said Defendant, Nickolas Anthony Barlage, 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 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 William Hullopeter and others identified herein.

On August 20, 2016, at approximately 1:55 a.m., Officer Lopez observed an individual whom he suspected of being intoxicated while in physical control of a motor vehicle near the intersection of Front and Cherry Streets in the City of Mankato, Blue Earth County, Minnesota. Officer Lopez observed the individual appeared to be throwing up while he was in the vehicle. Officer Lopez also observed the rear taillights of the vehicle become illuminated while he placed it under observation. Officer Lopez observed the individual inside of the vehicle begin to crawl out of the vehicle. Officer Lopez approached the individual and identified the driver as Nickolas Anthony Barlage, the Defendant herein. Officer Lopez noted that the Defendant had the keys to the vehicle in his possession. Officer Lopez noted that the Defendant had multiple indicia of intoxication, including swaying, bloodshot, watery eyes; and slurred speech. Officer Will Hullopeter arrived on the scene to assist. Officer Hullopeter administered the horizontal gaze nystagmus test to the Defendant. Officer Hullopeter observed all six clues indicating impairment. Officer Hullopeter administered the walk-and-turn test and noted that the Defendant stopped while attempting to perform the test, did not walk heel to toe, stepped off of the line, and took an incorrect number of steps. Officer Hullopeter administered the one-legged stand test and noted that the Defendant put his foot down at the count of 2. The Defendant attempted to perform the test a second time and again put his foot down two seconds later. The Defendant attempted the test a third time while bending his leg. When Officer Hullopeter asked the Defendant to straighten his leg, the Defendant put his foot down again. Officer Hullopeter administered a portable breath test, and the Defendant blew a .236 alcohol concentration on the digital PBT. Officer Hullopeter read the Defendant the Implied Consent Advisory at 2:26 a.m. After being given the opportunity to contact an attorney, the Defendant agreed to submit to a breath test. The Defendant was transported to the Blue Earth County Justice Center where Officer Hullopeter administered the Data Master Breath Test. The results of the breath test were .21 alcohol concentration. The test was completed at 3:02 a.m.

A computer check of the Defendant's driver's license record indicates a conviction for DWI from an incident on March 16, 2013, in Scott County. See Scott County District Court File No. 70-CR-13-5688.

Officer Hullopeter did not interview the Defendant pursuant to Miranda due to the Defendant's mood swings.

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:
08/23/2016 11:10 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:
08/22/2016 04:28 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: August 23, 2016.

Judicial Officer

Darci J. Bentz

Electronically Signed: 08/23/2016 11:25 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.

NICKOLAS ANTHONY BARLAGE

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: