

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1421
07-CR-16-3595

State of Minnesota,

Plaintiff,

vs.

JOSE EDUARDO ALVARADO DOB: 04/15/1991

823 Third Avenue South
St. James, MN 56081

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 - 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): 09/03/2016

Control #(ICR#): 16013273

Charge Description: Jose Eduardo Alvarado

On or about September 3, 2016, in the County of Blue Earth, said Defendant, Jose Eduardo Alvarado 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): 09/03/2016

Control #(ICR#): 16013273

Charge Description: Jose Eduardo Alvarado

On or about September 3, 2016, in the County of Blue Earth, said Defendant, Jose Eduardo Alvarado 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.

STATEMENT OF PROBABLE CAUSE

On September 3, 2016, at approximately 2:35 a.m., Deputy Guetter observed a vehicle traveling at a high rate of speed on Glenwood Avenue near Monks Avenue in the City of Mankato, Blue Earth County, Minnesota. Deputy Guetter observed the vehicle also pass another vehicle in a no passing zone. Deputy Guetter pursued and stopped the vehicle and identified the driver as Jose Eduardo Alvarado, the Defendant herein. The Defendant denied driving the motor vehicle but claimed that another person had fled prior to being stopped by Deputy Guetter.

Mankato Police Officer Jake Green assisted in the investigation of the incident. Officer Green reported to the scene of the stop. Officer Green informed Deputy Guetter that he observed the Defendant squealing his tires as the Defendant was leaving and driving away from the downtown entertainment district. Deputy Guetter notes in his report that the Defendant's earlier driving conduct occurred just briefly before Deputy Guetter stopped him. Officer Green indicated that the Defendant was the sole occupant of the vehicle.

Deputy Guetter noted the strong odor of an alcoholic beverage coming from the vehicle. In addition, the Defendant's eyes were bloodshot and watery; and the Defendant was slurring his speech. Deputy Guetter administered field sobriety tests to the Defendant. Deputy Guetter administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Deputy Guetter administered the walk-and-turn test and noted that the Defendant could not follow basic instructions while attempting to perform the test. While performing the test, the Defendant stepped off of the line, did not touch heel to toe several times, used his arms in order to maintain his balance and performed an improper turn. Deputy Guetter administered the one-legged stand test and noted that the Defendant put his foot down several times while attempting to complete the test. The Defendant stopped the test prior to making it to the count of 30. Deputy Guetter administered a portable breath test, and the Defendant blew a .233 alcohol concentration on the digital PBT. Deputy Guetter placed the Defendant under arrest and transported him to the Blue Earth County Justice Center where he read him the Implied Consent Advisory at 3:16 a.m. The Defendant was provided telephone privileges between 3:19 a.m. and 3:52 a.m. The Defendant did not call an attorney during this period of time. The Defendant attempted several times, to contact his girlfriend and brother. After being given an opportunity to contact an attorney, the Defendant agreed to submit to a breath test. Deputy Joshua Holtz assisted in the investigation of the incident. Deputy Holtz administered the Datamaster breath test to the Defendant. The results of the breath test were .21 alcohol concentration. The breath test was completed at 3:57 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

Paul Barta
Captain
401 Carver Rd
Mankato, MN 56002-0228
Badge: 2721

Electronically Signed:
09/12/2016 09:41 AM
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:
09/12/2016 09:36 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 **October 6, 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: September 12, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 09/12/2016 09:52 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.

JOSE EDUARDO ALVARADO

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: