

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0153
07-CR-16-725

State of Minnesota,

Plaintiff,

vs.

FLORENTINO CASTILLEJOS JR DOB: 12/05/1991

709 S. Second St Apt C
Mankato, MN 56001

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 - Refuse to Submit to Chemical Test

Minnesota Statute: 169A.20.2, with reference to: 169A.26.2

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

Offense Level: Gross Misdemeanor

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

Control #(ICR#): 16003881

Charge Description: Said Defendant, Florentino Castillejos, Jr, did drive, operate or was in physical control of any motor vehicle and the Defendant refused to submit to a chemical test of the person's blood, breath or urine upon the request of a peace officer who had probable cause to believe the person to be tested was under the influence.

COUNT II

Charge: Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1), with reference to: 169A.27.2

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

Offense Level: Misdemeanor

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

Control #(ICR#): 16003881

Charge Description: Said Defendant, Florentino Castillejos, Jr., did drive, operate and have physical control of any motor vehicle when he/she was under the influence of alcohol.

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 Brett Levin and others identified herein.

On February 11, 2016, at approximately 2:35 a.m., Officer Levin observed a vehicle being driven in an erratic manner near the Kwik Trip gas station on Monks Avenue, in the City of Mankato, Blue Earth County, Minnesota. Officer Levin followed the vehicle to a cul-de-sac on Heron Drive where he observed the driver and passenger switch places. The vehicle later left the scene where Officer Levin ultimately stopped the vehicle and identified the driver of the vehicle at that time as Aaron Kenneth Richards. Richards was later arrested for DWI. Officer Levin identified the passenger as Florentino Castillejos, Jr., the Defendant herein. Officer Steve Hoppe arrived on the scene to assist. Officer Hoppe noted that the defendant appeared to be pretending to have a medical episode. Officer Hoppe informed the defendant that the DWI charge was not something that he would need to be held on and he would be able to go home after having been processed for DWI. Officer Hoppe told the defendant that if he wanted to go to the hospital, he could. The defendant's medical issue apparently cleared up and Officer Levin processed the defendant for DWI.

Officer Levin noted that the Defendant had the odor of an alcoholic beverage on his breath and that he had bloodshot and watery eyes. Officer Levin administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Officer Levin administered the walk-and-turn test and noted that the Defendant used his arms for balance and completed an improper turn. Officer Levin administered the one-legged stand test and noted the Defendant swayed while balancing and put his foot down. In addition, the Defendant used his arms in order to attempt to maintain his balance. The defendant refused to finish the test and told Officer Levin that he didn't have the balance of a skateboarder. Officer Levin administered a portable breath test, and the Defendant blew a 0.135 alcohol concentration on the digital PBT.

The Defendant was placed under arrest and transported to the Blue Earth County Justice Center where Officer Levin read him the Implied Consent Advisory at 3:50 a.m. After being given an opportunity to contact an attorney, Officer Levin asked the Defendant if he would submit to a breath test. The Defendant refused. When asked for his reason for refusing, the Defendant said 'Because I admitted that I already had a drink.'

A computer check of the Defendant's prior traffic related history indicates that he has a conviction for driving without a valid driver's license. See Blue Earth County District Court file 07-VB-14-3033.

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

Chris Baukol
Sergeant
710 S Front St
Mankato, MN 56001-3803
Badge: 3150

Electronically Signed:
02/29/2016 09:43 AM
Blue Earth County, MN

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:
02/26/2016 01:50 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 **March 24, 2016 at 2:30 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: February 29, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 02/29/2016 09:53 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.

FLORENTINO CASTILLEJOS Jr

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: