

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0293
07-CR-16-1580

State of Minnesota,

Plaintiff,

vs.

JANET MARIE JAGERSON DOB: 09/22/1959

1008 Sherman St.
N. 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): 03/19/2016

Control #(ICR#): 16200584

Charge Description: Said Defendant, Janet Marie Jagerson, 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 the 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): 03/19/2016

Control #(ICR#): 16200584

Charge Description: Said Defendant, Janet Marie Jagerson, did drive, operate and have physical control of any motor vehicle when she was under the influence of alcohol.

STATEMENT OF PROBABLE CAUSE

Complainant is a Trooper with the Minnesota State Patrol who believes the information set out below is true and accurate based on reports and information submitted to the Trooper by Sergeant Mark Fahning and others identified herein.

On March 19, 2016, at approximately 8:00 a.m., Sergeant Fahning with the Minnesota State Patrol was in a marked vehicle and assigned to general patrol duties in the City of Mankato, County of Blue Earth, State of Minnesota. Sergeant Fahning was traveling westbound on Highway 14 and observed a vehicle in the ditch eastbound. Sergeant Fahning then turned around at Riverfront Drive, pulled to the shoulder of the road, and activated emergency lights.

Sergeant Fahning approached the lone female occupant/driver who was sitting in the driver's seat and talking on a cellphone. The vehicle was still running upon approach by Sergeant Fahning. The female driver was later identified by way of Minnesota driver's license and proof of insurance as Janet Marie Jagerson, the Defendant herein. Upon approach of the vehicle, Sergeant Fahning noted that the driver had rolled down her window while the Sergeant was approaching. Sergeant Fahning asked if the Defendant was hurt and the Defendant stated she was not, but that she spun out into a ditch. While speaking to Sergeant Fahning, the Defendant turned her face away from the Sergeant. Sergeant Fahning walked around the vehicle to check for damage. At that moment, the Defendant got out of her vehicle to follow the Sergeant around. The Sergeant noted and observed a strong odor of intoxicants; red, watery eyes; and slurred speech. The Sergeant also noted that the Defendant was leaning on her vehicle and again turning away from the Sergeant when she was talking. Sergeant Fahning asked the Defendant for a driver's license and proof of insurance, to which the Defendant provided both.

Based on observations, Sergeant Fahning asked the driver to perform various field-sobriety tests to which the Defendant agreed to perform. The Sergeant administered the horizontal gaze nystagmus, walk-and-turn, and one-legged stand test. Based on the observations by Sergeant Fahning and poor performance of the field-sobriety test by the Defendant, Sergeant Fahning asked the Defendant to submit to a preliminary breath test to which the Defendant complied. The PBT indicated that the Defendant blew a .183 alcohol concentration. Sergeant Fahning noted that the Defendant attempted to submit to the PBT three previous times before a successful fourth attempt. The Defendant first sucked inward when attempting the PBT, the second time sucked inward and blew outward, and a third time pretended to blow into the PBT. Defendant finally performed a successful test the fourth time. The Defendant was subsequently placed under arrest for DWI.

The Defendant was read the Minnesota Implied Consent Advisory at approximately 10:34 a.m. and stated she wanted to speak with an attorney. At this point, the Sergeant transported the Defendant to the Blue Earth County Justice Center. The Defendant was taken into the DMT room where she was given a phone directory to contact an attorney. After contacting an attorney, the Defendant stated that she would be refusing to submit to a breath test. The Defendant then admitted to the Sergeant that she had several shots of vodka in the morning, several beers, and some vodka from the previous night. Defendant then asked the Sergeant if she could change her mind regarding taking the DMT. Sergeant Fahning advised the Defendant that she could change her mind, but that the Sergeant needed to know at this point whether or not she is refusing to take the DMT. The Defendant then called her spouse and stated that she would not pass any test. The Defendant confirmed to Sergeant Fahning that she would not be taking the DMT. The Defendant was booked into jail and held until sober.

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

Dan Anderson
State Trooper
2171 Bassett Drive
Mankato, MN 56001-6888
Badge: 31

Electronically Signed:
04/19/2016 04:02 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Nicholas Boulieris
Assistant County Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
04/14/2016 02:34 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 **May 19, 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: April 19, 2016.

Judicial Officer

Darci J. Bentz

Electronically Signed: 04/19/2016 04:31 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.

JANET MARIE JAGERSON

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: