

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0388
07-CR-16-958

State of Minnesota,

Plaintiff,

vs.

ALEXANDRA NICOLE BURT DOB: 10/11/1993

340 N Belmont Drive
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 - 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): 03/08/2016

Control #(ICR#): 16003007

Charge Description: Alexandra Nicole Burt

On or about March 8, 2016, in the County of Blue Earth, said Defendant, Alexandra Nicole Burt 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): 03/08/2016

Control #(ICR#): 16003007

Charge Description: Alexandra Nicole Burt

On or about March 8, 2016, in the County of Blue Earth, said Defendant, Alexandra Nicole Burt 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

Deputy Jim Othoudt, a licensed peace officer in the State of Minnesota, currently employed by the Blue Earth County Sheriff's Office, reports that on March 8, 2016, at approximately 12:20 a.m., he was traveling westbound on U.S. Highway 14 in Blue Earth County when he observed a passenger car approximately a quarter mile in front of him breaking.

Othoudt notes the vehicle was in the right lane approaching the Riverfront Drive exit. Othoudt then activated his radar and received a speed reading of 43 miles per hour. Othoudt notes this area of the roadway is a 65-mile-per-hour zone. The vehicle then proceeded westbound on Highway 14. It maintained speeds in the 40's until the Third Avenue exit. When the vehicle approached the Third Avenue exit, the driver activated the right turn signal. The driver started to veer towards the turn lane. It then swerved back into the right lane of Highway 14 and continued westbound. A short time later, the vehicle crossed over the fog line. At that point, Othoudt activated his emergency lights and stopped the vehicle bearing Minnesota license plate 415 KJM.

Othoudt notes upon approaching the vehicle, there were two occupants, a female driver and a male passenger. Othoudt was able to identify the driver as Alexandra Nicole Burt.

Othoudt explained to Burt why she was stopped and noted, while speaking with Burt for a short time, the smell of a strong odor of alcohol coming from inside the vehicle. Othoudt also noticed that Burt had watery eyes which were bloodshot and marked with reddening.

Othoudt then asked Burt how much she had to drink. Burt initially stated she had not consumed any alcohol. Othoudt then asked her how much she really had to drink, and Burt admitted 'a couple.' Othoudt then asked her how much a couple was. Burt at that point stated she had five drinks prior to her driving. Othoudt asked Burt to step out of the vehicle and perform some field sobriety tests.

Othoudt reports he had Burt undergo various field sobriety tests, which she either failed or performed unsatisfactorily. Additionally, Othoudt had Burt complete a preliminary breath test, which resulted in a reading of 0.215.

Deputy Othoudt reports at 12:40 a.m. he read Burt the Implied Consent Advisory while she was seated in the backseat of his patrol car on the shoulder of Highway 14, just west of Third Avenue. Othoudt reports after completion of the Implied Consent Advisory he asked Burt if she understood what had been explained to her. Burt stated yes and stated she did not wish to consult with an attorney and agreed to take a breath test. Othoudt notes that the Implied Consent Advisory was then completed at 12:42 a.m.

Deputy Othoudt reports that at 1:09 a.m. Deputy Phillips administered a breath test to Burt and received a reported value of 0.23. Othoudt reports that breath test was completed at 1:11 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

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

Electronically Signed:
03/14/2016 02:15 PM
Blue Earth County, MN

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

Prosecuting Attorney

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

Electronically Signed:
03/14/2016 02:02 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: March 14, 2016.

Judicial Officer

Bradley C Walker
District Court Judge

Electronically Signed: 03/14/2016 02:38 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.

ALEXANDRA NICOLE BURT

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: