

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0855
07-CR-16-4269

State of Minnesota,

Plaintiff,

vs.

ZACHARY MICHAEL ADAMS DOB: 07/09/1991

116 Echo St
Mankato, MN 56001

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.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 10/29/2016

Control #(ICR#): 16032873

Charge Description: Said Defendant, Zachary Michael Adams, did drive or operate and 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): 10/29/2016

Control #(ICR#): 16032873

Charge Description: Said Defendant, Zachary Michael Adams, 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 one aggravating factor was present when the violation was committed.

COUNT III

Charge: Drivers' Licenses - No Drivers License in Possession or Fail to Display Upon Request

Minnesota Statute: 171.08
Maximum Sentence: A fine of not more than \$300
Offense Level: Petty Misdemeanor

Offense Date (on or about): 10/29/2016

Control #(ICR#): 16032873

Charge Description: Said Defendant, Zachary Michael Adams, did unlawfully operate a motor vehicle upon a public street or highway without possessing his/her driver's license and was unable to display the license after the demand of a peace officer.

COUNT IV

Charge: Traffic Regulation - Driver Must Carry Proof of Insurance when Operating Vehicle

Minnesota Statute: 169.791.2(a)
Maximum Sentence: 90 days and/or \$1,000
Offense Level: Misdemeanor

Offense Date (on or about): 10/29/2016

Control #(ICR#): 16032873

Charge Description: Said Defendant, Zachary Michael Adams, did fail to produce, upon demand of a peace officer, proof of insurance in force at the time of the demand covering the vehicle being operated.

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 Grant Christensen and others identified herein.

On October 29, 2016, at approximately 4:25 p.m., Officer Christensen responded to a report of a two car accident in the parking lot of a Mankato business in the City of Mankato, Blue Earth County, Minnesota. Officer Christensen and Officer Jake Price reported to the scene and identified the drivers involved. One of the drivers was identified as Witness 1. The second driver was identified as Zachary Michael Adams, the defendant herein. Officer Christensen spoke with Witness 1 regarding the incident. Witness 1 indicated that she had been exiting the parking lot when the defendant backed into her car. Officer Price informed Officer Christensen that he could smell the odor of alcohol coming from the defendant. Officer Christensen met with the defendant and could smell the odor of an alcoholic beverage coming from the defendant. He noted that the defendant had bloodshot, watery eyes and that his speech was slurred. When asked if he had anything to drink that day, the defendant said that he had only one beer and that he was not drunk. The defendant informed Officer Christensen that he did not want to drive but that he had to pick up his sister because he was supposed to drop her off at a Halloween party. Officer Christensen administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. He administered the walk and turn test and noted that the defendant started the test prematurely, stopped while attempting to complete the test, did not touch heel to toe on most of the steps, and noted that the defendant's space between his toe and heel was approximately 4-6 inches. In addition, the defendant lost his balance during the test and took an incorrect number of steps during the second half of the test. Officer Christensen administered the one-legged stand test and observed that the defendant swayed while performing the test, used his arms in order to maintain his balance, and put his foot down. Officer Christensen administered a portable breath test and the defendant blew a 0.202 on the digital PBT. The defendant was placed under arrest and transported to the Blue Earth County Justice Center where he was read the implied consent advisory at 5:32 p.m. After being given an opportunity to contact an attorney, the defendant agreed to submit to a breath test.

The defendant could not provide proof of insurance for his vehicle. The defendant did not have his driver's license in his possession at the time of the collision with Witness 1's vehicle.

Officer Price administered the Data Master Breath Test to the defendant. The results of the test were 0.20 alcohol concentration. The test was completed at 5:54 p.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

Craig Frericks
Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3102

Electronically Signed:
11/14/2016 10:22 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:
11/09/2016 03:03 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: November 14, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 11/14/2016 01:12 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.

ZACHARY MICHAEL ADAMS

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: