

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0308
07-CR-16-1478

State of Minnesota,

Plaintiff,

vs.

SAMUEL RICHARD DEEGAN DOB: 11/02/1994

19083 Knudson Dr.
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): 04/14/2016

Control #(ICR#): 16010696

Charge Description: Said Defendant, Samuel Richard Deegan, 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): 04/14/2016

Control #(ICR#): 16010696

Charge Description: Said Defendant, Samuel Richard Deegan, 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.

COUNT III

Charge: Traffic-Drivers License-Driving After Revocation

Minnesota Statute: 171.24.2
Maximum Sentence: 90 days and/or \$1,000
Offense Level: Misdemeanor

Offense Date (on or about): 04/14/2016

Control #(ICR#): 16010696

Charge Description: Said Defendant, Samuel Richard Deegan, did after being give notice, or reasonably should have known of the revocation, disobeyed the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while her/his license or privilege was revoked.

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): 04/14/2016

Control #(ICR#): 16010696

Charge Description: Said Defendant, Samuel Richard Deegan, 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 William Hullopetter and others identified herein.

On April 14, 2016 at approximately 1:00 a.m., Officer Hullopetter observed a vehicle being driven in an erratic manner on Main Street near Fourth Street in the City of Mankato, Blue Earth County, Minnesota. Officer Hullopetter stopped the vehicle and identified the driver as Samuel Richard Deegan, the defendant herein. Officer Hullopetter observed that the defendant's speech was slurred and that his responses were lethargic. In addition, the defendant had the odor of an alcoholic beverage coming from the vehicle. Officer Hullopetter asked the defendant if he had a driver's license and the defendant responded that he did as far as he knew. A subsequent computer check revealed that the license had been revoked. The defendant could not provide proof of insurance on the vehicle. The defendant admitted that he had consumed two drinks. Officer Hullopetter administered field sobriety tests to the defendant. Officer Hullopetter administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Officer Hullopetter also administered the walk and turn test and noted that the defendant attempted to complete the test prematurely, did not walk heel to toe, stepped off of the line, used his arms in order to maintain his balance and completed an improper turn. Officer Hullopetter administered the one-legged stand test and observed that the defendant swayed while balancing and again used his arms in order to maintain his balance. The defendant put his foot down at the count of 12. Officer Hullopetter administered a portable breath test and the defendant blew .164 on the digital PBT. The defendant was placed under arrest and Officer Hullopetter read him the implied consent advisory at 1:27 a.m. After being given an opportunity to contact an attorney, the defendant agreed to submit to a breath test. The defendant was transported to the Blue Earth County Justice Center. The Datamaster breath test was completed at 1:58 a.m. The results of the breath test were .16 alcohol concentration.

A computer check of the defendant's prior criminal history indicates an extensive history dating back to 2012 when the defendant was 18 years old. On March 10, 2016, the defendant entered a guilty plea to Reckless Driving in Blue Earth County. See Blue Earth County District Court file 07-CR-15-2465. On that same date the defendant entered a guilty plea to Careless Driving in Blue Earth County. See Blue Earth County District Court file 07-CR-15-5091. The allegation in that offense was that defendant was under the influence of a narcotic. The defendant was given a Stay of Adjudication on Fifth Degree Sale of Marijuana in 2014 in Blue Earth County. See Blue Earth County District Court file 07-CR-14-3841. The defendant has a pending Felony level fleeing a police officer in a motor vehicle offense in Nicollet County; see Nicollet County District Court file #52-CR-15-491. In addition, the defendant has a pending interruption of an emergency 911 telephone call in Blue Earth County. See Blue Earth County District Court file 07-CR-16-992.

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

Matthew DuRose
Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3141

Electronically Signed:
04/15/2016 10:26 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:
04/14/2016 04:04 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: April 15, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 04/15/2016 11:02 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.

SAMUEL RICHARD DEEGAN

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: