

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

BEC-16-0779  
07-CR-16-1945

---

**State of Minnesota,**  
Plaintiff,

**COMPLAINT**  
Warrant

vs.

**DANIEL JOEL BUSSE DOB: 08/26/1978**

55482 190th St  
Mankato, MN 56001

Defendant.

---

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.25.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 05/09/2016

Control #(ICR#): 16006196

Charge Description: Daniel Joel Busse

On or about May 9, 2016, in the County of Blue Earth, said Defendant, Daniel Joel Busse did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol, and two or more aggravating factors were present when the violation was committed.

**COUNT II**

**Charge: Traffic - DWI - Refuse to Submit to Chemical Test**

Minnesota Statute: 169A.20.2, with reference to: 169A.25.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 05/09/2016

Control #(ICR#): 16006196

Charge Description: Daniel Joel Busse

On or about May 9, 2016, in the County of Blue Earth, said Defendant, Daniel Joel Busse did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol, and one or more aggravating factor was present when the violation was committed; 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 III

**Charge: Obstruct Legal Process-Interfere w/Peace Officer**

Minnesota Statute: 609.50.1(2), with reference to: 609.50.2(2)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 05/09/2016

Control #(ICR#): 16006196

Charge Description: Daniel Joel Busse

On or about May 9, 2016, in the County of Blue Earth, said Defendant, Daniel Joel Busse did, intentionally, obstruct, resist, or interfere with a peace officer while the officer was engaged in the performance of official duties and the act was accompanied by force or violence or the threat thereof.

### COUNT IV

**Charge: Traffic - Open bottle law; Possession; crime described**

Minnesota Statute: 169A.35.3

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

Offense Level: Misdemeanor

Offense Date (on or about): 05/09/2016

Control #(ICR#): 16006196

Charge Description: Daniel Joel Busse

On or about May 9, 2016, in the County of Blue Earth, said Defendant, Daniel Joel Busse did have in his/her possession, while in a private motor vehicle upon a street or highway, any bottle or receptacle containing an alcoholic beverage, distilled spirit or 3.2 percent malt liquor that has been opened, or the seal broken, or the contents of which have been partially removed.

## STATEMENT OF PROBABLE CAUSE

On May 9, 2016, at approximately 8:40 p.m., Deputy Wolfe observed a suspicious vehicle on County Road 33 near County Road 90 in Blue Earth County, Minnesota. Deputy Wolfe noted that a pick-up was stopped facing northbound on County Road 33 when he drove past the vehicle. Deputy Wolfe observed a male individual get into the driver's side door of the vehicle and drive approximately 50 feet before coming to a stop. Deputy Wolfe stopped his squad car and turned around and approached the vehicle. Deputy Wolfe identified the driver as Daniel Joel Busse, the Defendant herein.

Deputy Wolfe noted that the Defendant's eyes were glassy and bloodshot. Deputy Wolfe notes in his report that the Defendant was very slow and methodical when retrieving his driver's license. The Defendant struggled getting his wallet and also struggled getting his license out of his wallet. The Defendant was clearly having difficulty with fine motor skills. Deputy Wolfe noted that the Defendant's speech was slurred and that he was having a hard time comprehending Deputy Wolfe. The Defendant bent over and appeared to be sick. When asked where he was coming from, the Defendant said Rapidan. Deputy Wolfe noted that the Defendant's response did not make any sense because he was traveling towards Rapidan. The Defendant was unable to tell Deputy Wolfe his address.

State Trooper, Ryan Marthaler, responded to the scene to assist Deputy Wolfe. Trooper Marthaler arrived on the scene and observed that the Defendant's eyes were glossy and that the Defendant exhibited poor balance. The Defendant was argumentative with Deputy Wolfe. The Defendant claimed that he knew Trooper Marthaler. Trooper Marthaler did not recognize the Defendant.

The Defendant requested that the officers contact the Defendant's dad. The Defendant told Deputy Wolfe that he was puking and attempted to show him where he had puked. In fact, the Defendant had puked when Deputy Wolfe first observed him. Deputy Wolfe requested that the Defendant step to the rear of the vehicle in order to perform field sobriety tests. The Defendant refused. The Defendant put his arm in between the toolbox and the rear window of the pickup. Deputy Wolfe asked the Defendant what he was doing, and the Defendant responded that he wasn't doing anything wrong. The Defendant refused to comply with the officers' requests.

Deputy Justin Lindmeyer responded to the scene to assist. The Defendant continued to be noncompliant, and the officers had to use physical force in order to get him handcuffed. The Defendant continued to physically resist and refused to get into Deputy Wolfe's squad car. The Defendant's body became rigid at the attempts to get him into the squad car. The Defendant physically obstructed the officers' attempts to detain the Defendant. Two knee strikes were utilized in order to get the Defendant to comply. In addition, all three officers had to push the Defendant in order to get him into the squad car. The Defendant was transported to the Blue Earth County Justice Center where Deputy Wolfe read the Defendant the Implied Consent Advisory at 9:15 p.m. Deputy Wolfe asked the Defendant if he understood the Implied Consent Advisory and the Defendant ignored him. Deputy Wolfe asked the Defendant a second time and the Defendant ignored before responding: 'no.' When asked what part he didn't understand, the Defendant said 'all of it.' The Defendant stated that he was not going to do anything until he was able to call his dad. The Implied Consent Advisory was completed at 9:18 p.m.

Deputy Joshua Holtz assisted in the investigation of this incident. Deputy Holtz stayed at the scene where the Defendant's vehicle had been parked. Deputy Holtz located two 16-ounce Thermos cups that contained an alcoholic beverage inside.

A computer check of the Defendant's driver's license record indicates that he has a conviction for Test Refusal from an incident on December 8, 2012, in Waseca County.



## 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:  
05/11/2016 11:51 AM  
Blue Earth County, MN

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

**Prosecuting Attorney**

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

Electronically Signed:  
05/11/2016 11:42 AM

**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: May 11, 2016.

**Judicial Officer**

Richard C. Perkins  
Judge of District Court

Electronically Signed: 05/11/2016 12:42 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.

**DANIEL JOEL BUSSE**

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE  
I hereby Certify and Return that I have served a copy of this Warrant  
upon the Defendant herein named.*

Signature of Authorized Service Agent: