

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

MAN-16-0602  
07-CR-16-3032

**State of Minnesota,**

Plaintiff,

vs.

**ANDREW DAVID ARIEGWE DOB: 10/07/1993**

152 Balcerzak Drive  
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): 08/02/2016

Control #(ICR#): 16022843

Charge Description: Said Defendant, Andrew David Ariegwe, 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): 08/02/2016

Control #(ICR#): 16022843

Charge Description: Said Defendant, Andrew David Ariegwe, 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: Disorderly Conduct-Brawling or Fighting**

Minnesota Statute: 609.72.1(1)  
Maximum Sentence: 90 days and/or \$1,000  
Offense Level: Misdemeanor

Offense Date (on or about): 08/02/2016

Control #(ICR#): 16022843

Charge Description: Said Defendant, Andrew David Ariegwe, did in a public or private place, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, engaged in brawling or fighting.

## 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 Jake Green and others identified herein.

On August 2, 2016, at approximately 1:55 a.m., Officer Green responded to a report of an assault near Cherry Street and Front Street in the City of Mankato, Blue Earth County, Minnesota. Two witnesses were identified as Witness 1 and Witness 2. Both witnesses are employed as bouncers at Blue Bricks bar. They observed an individual being punched and knocked down. After the victim was knocked down, he was kicked by others present at the scene. Witness 1 reported that he recognized one of the individuals present at the scene of the assault as Medi Opiew. Witness 1 reported that he had gone to high school with Opiew. Witnesses 1 and 2 assisted the individual that had been knocked down. The suspects were described as black males. The victim was not identified and left before medical personnel and law enforcement arrived.

Officer Green received information that the some of the male individuals involved in the assault on the unknown victim had fled to the Cherry Street Parking Ramp. Officer Green ran to the top of the Cherry Street ramp and observed a Nissan Altima backing out of a parking stall. Officer Green heard a male in the vehicle yelling: 'Go, go, go!' The defendant attempted to drive away and Officer Green yelled at the vehicle to stop and it did. Officer Green identified the driver as Andrew David Ariegwe, the defendant herein. Two passengers present in the vehicle were identified as Opiew and Powch Gilo. The defendant informed Officer Green that he was running because there was a fight he wanted to get away from. Officer Green observed that the defendant had bloodshot and watery eyes. He noted that he could smell the odor of consumed alcoholic beverage coming from the vehicle. The defendant admitted that he had two drinks. The defendant agreed to perform field sobriety tests. Officer Green administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Officer Green administered the walk and turn test and noted that the defendant lost his balance during the instructional phase. The defendant used his arms in order to maintain his balance, took an incorrect number of steps, stopped while performing the test and completed an improper turn during the test. Officer Green administered the one-legged stand test and observed that the defendant swayed while balancing and used his arms in order to maintain his balance. The defendant kept putting his foot down every two seconds. Officer Green administered a portable breath test and the defendant blew a .164 on the digital PBT. The defendant was placed under arrest and read the implied consent advisory at 2:21 a.m. After being given an opportunity to contact an attorney, the defendant agreed to submit to a breath test. Officer Green administered the Data Master Breath Test to the defendant. The results of the breath test were .17 alcohol concentration. The breath test was completed at 2:56 a.m.

Officer Green interviewed the defendant pursuant to Miranda. The defendant admitted to consuming two drinks.

A review of City of Mankato surveillance video shows the defendant punching the unidentified victim in the face. The victim is shown being kicked in the head by Opiew.

## 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**

Daniel Schisel  
Police Commander  
710 S Front St  
Mankato, MN 56001-3803  
Badge: 3135

Electronically Signed:  
08/08/2016 01:27 PM  
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:  
08/04/2016 04:55 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: August 8, 2016.

**Judicial Officer**

Kurt D Johnson  
District Court Judge

Electronically Signed: 08/08/2016 02:58 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.

**ANDREW DAVID ARIEGWE**

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: