

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0640
07-CR-16-3228

State of Minnesota,

Plaintiff,

vs.

MICHAEL JOSEPH OLSON DOB: 02/03/1961

201 Serra 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 - Refuse to Submit to Chemical Test

Minnesota Statute: 169A.20.2, with reference to: 169A.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 08/06/2016

Control #(ICR#): 16023283

Charge Description: Said Defendant, Michael Joseph Olson, did drive, operate or was in physical control of any motor vehicle of any moto vehicle when he/she refused to submit to a chemical test of the person's blood, breath or urine upon the request of the peace officer who had probable cause to believe the person to be tested was under the influence.

COUNT II

Charge: Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1), with reference to: 169A.27.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 08/06/2016

Control #(ICR#): 16023283

Charge Description: Said Defendant, Michael Joseph Olson, did drive, operate and have physical control of any motor vehicle when he/she was under the influence of alcohol.

COUNT III

Charge: Traffic Collision - Failure to Notify Owner of Damaged Property

Minnesota Statute: 169.09.5, with reference to: 169.09.14(c)

Maximum Sentence: 90 days and/or \$1000

Offense Level: Misdemeanor

Offense Date (on or about): 08/06/2016

Control #(ICR#): 16023283

Charge Description: Said Defendant, Michael Joseph Olson, did as a driver of a vehicle involved in an accident resulting only in damage to fixture le3gally upon or adjacent to a highway, failed to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the driver's name and address and of the registration number of the vehicle being driven and make a report to the commissioner of public safety within ten days and upon request, and if available, exhibit his/her driver's license, and make report of such accident in every case.

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 Hullopeter and others identified herein.

On August 6, 2016, at approximately 12:41 a.m., officers of the Mankato Department of Public Safety responded to a motor vehicle accident hit-and-run at the intersection of North Fifth Street and Lafayette Street in the City of Mankato, County of Blue Earth, State of Minnesota. Upon arrival, Officer Wood observed a 2013 Maroon KIA Optima, bearing Minnesota license plates, pulled over on the shoulder of North Fifth Street. The suspect vehicle was positioned on the shoulder of the northbound lane, parked just prior to the intersection with Lafayette Street. The vehicle was unoccupied and a significant amount of damage was observed on the suspect vehicle. The front passenger-side bumper of the vehicle was removed and laying on the sidewalk 20 feet in front of the vehicle. A large city roadway sign was speared through the front of the passenger-side door. The post from the sign was resting on the front passenger seat and lodged in the dashboard. Hanging from the rear passenger-side tire fender was an additional roadway side which fell loose and was resting against the rear tire.

Officer Wood spoke with the complainant who stated that a loud noise of metal scraping was heard. Complainant observed the vehicle driving westbound on Madison Avenue and turn right onto North Fifth Street. Complainant reported that the suspect vehicle drove onto a curb onto the ride side of the road and came to a stop prior to reaching the intersection. The complainant observed a male driver exit the vehicle and observed the driver getting into an argument with nearby neighbors. The male driver reentered his vehicle and reversed his car off of the curb.

Officer Wood also spoke with Witness 1 who stated that he heard a loud noise, sounding like metal on metal, and observed the suspect vehicle drive northbound on North Fifth Street. Witness 1 noticed the noise originated from a roadway sign that was being dragged by the suspect vehicle. Witness 1 observed the suspect vehicle drive over the curb and the dragging of the sign was ruining the grass on his property. Witness 1 confronted the male driver, later identified as Michael Joseph Olson, the Defendant herein, for driving on his lawn. The Defendant got out of his vehicle and began arguing with Witness 1. Witness 1 then observed the Defendant exit the vehicle after reversing his vehicle off of the curb and proceeded to walk eastbound on Lafayette Street. Witness 1 observed a female, later identified as the Defendant's wife (Witness 2) exit the front passenger side of the vehicle. Witness 2 walked away from the accident eastbound, up Lafayette Street.

Officer Hullopeter of the Mankato Department of Public Safety also arrived on scene via a call from Dispatch. Upon arrival, Officer Hullopeter noted that various people in the intersection pointed to a male walking eastbound on Lafayette Street from the scene with the people stating 'That was the guy.' Officer Hullopeter approached the male walking eastbound on Lafayette Street, later identified as the Defendant. The Defendant denied driving and denied crashing into anything. Defendant stated, 'I'm driving home, I'm walking home.' The Defendant stated that his car would not be found down the road if Officer Hullopeter went to look for the vehicle. Defendant admitted to drinking five 16-ounce beers earlier and stated he did not drink anything after parking his vehicle. The Defendant and Officer Hullopeter walked to the intersection of Lafayette Street and Sixth Street to perform standardized field sobriety tests based on the admissions and physical observations of the Defendant. Officer Hullopeter administered and the Defendant performed the horizontal gaze nystagmus, walk-and-turn, and one-legged stand test. Based on the admissions and the poor performance of field sobriety tests, Officer Hullopeter asked the Defendant to consent to a portable breath test to which the Defendant agreed. The results of the portable breath test was a .199 alcohol concentration. Officer Wood escorted a witness to Officer Hullopeter's location to which the witness

positively identified the Defendant as the driver of the vehicle. The Defendant was subsequently arrested for DWI and placed in the back of Officer Hullopeter's squad vehicle. The Defendant was not injured from crashing his vehicle and stated that his vehicle was a 2013 Kia Optima. The Defendant also admitted that there was a passenger in the vehicle, Witness 2.

The Defendant was read the Implied Consent Advisory, stated he understood what was read to him, and asked to speak with an attorney. The Defendant was provided a phone and phonebook for which to contact an attorney. The Defendant eventually spoke with an attorney and stated he was finished contacting potential attorneys. Officer Hullopeter asked the Defendant if he would consent to a breath test, and the Defendant stated no. The Defendant's Miranda Warning was read to him, and he agreed to speak with Officer Hullopeter without an attorney. The Defendant stated he was operating his motor vehicle, that he was the owner of the vehicle, and that prior to driving he drank six or seven 16-ounce beers at Ribfest, starting at approximately 6:00 p.m. The Defendant admitted to feeling the effects of what he had to drink and that it affected his ability to drive. The Defendant again confirmed that he had not consumed alcoholic beverages after the crash. The Defendant was subsequently booked at the Blue Earth County Justice Center for Third-Degree DWI-Refusal, Fourth-Degree DWI-.08 or Over Within 2 Hours of Driving, and Leaving the Scene of an Accident.

Officer Hullopeter drove to the Witness 2's residence in order to check on her welfare. Witness 2 stated she was the only passenger in the vehicle that the Defendant was driving. Witness 2 stated the Defendant had way too much to drink for him to drive. Witness 2 stated the Defendant drove eastbound up Madison Avenue when the Defendant crashed over a median and struck a sign. Witness 2 remembered a sign went through her door and subsequently entered the car onto her lap.

Officer Hullopeter returned to the scene of the crash where various car parts and road signs were found on the ground. Pictures of the car parts and destruction of signs were taken and subsequently placed into evidence.

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:
08/18/2016 08:15 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Nicholas Boulieris
Assistant County Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
08/17/2016 01:47 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 18, 2016.

Judicial Officer

Richard C. Perkins
Judge of District Court

Electronically Signed: 08/18/2016 12:23 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.

MICHAEL JOSEPH OLSON

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: