

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1192
07-CR-16-3187

State of Minnesota,

Plaintiff,

vs.

EDWARD THOMAS MOGENSEN DOB: 08/12/1972

109 Main Street # Aptl 3
St. Clair, MN 56080

Defendant.

COMPLAINT

Summons

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.27.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 06/27/2016

Control #(ICR#): 16201242

Charge Description: Edward Thomas Mogensen

On or about June 27, 2016, in the County of Blue Earth, said Defendant, Edward Thomas Mogensen did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol.

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.27.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 06/27/2016

Control #(ICR#): 16201242

Charge Description: Edward Thomas Mogensen

On or about June 27, 2016, in the County of Blue Earth, said Defendant, Edward Thomas Mogensen 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.

STATEMENT OF PROBABLE CAUSE

On June 27, 2016, at approximately 8:40 p.m., Deputy Gahler of the Blue Earth County Sheriff's Office responded to a motor vehicle accident on State Highway 83 at 206th Street in the County of Blue Earth, State of Minnesota. While enroute, Dispatch advised Deputy Gahler that the Complainant stated a male driver flew over the top of her car and rolled into a ditch. St. Clair Fire Department, Gold Cross Ambulance, and an air ambulance were enroute by way of Dispatch.

Upon arrival to the scene, Deputy Gahler observed a black vehicle rolled over on its roof with severe damage. Deputy Gahler approached the driver-side of the vehicle and observed a White male, later identified as Edward Thomas Mogensen, the Defendant herein, stuck inside his vehicle. Upon making contact with the Defendant, Deputy Gahler observed the Defendant to have a cellphone charger cord wrapped tightly around his neck and was bleeding from his face. Deputy Gahler approached the passenger side and observed the Defendant's feet sticking out of the window. Deputy Gahler attempted to assist the Defendant out of the vehicle, but the Defendant kicked his feet at the deputy and said to leave him alone. The Defendant stated several times that he wanted his life to be over and should just leave him there. At that time, Deputy Gahler could smell a strong odor of alcohol emitting from inside the vehicle. There were no passengers inside the vehicle. Deputy Gahler noticed that the Defendant had difficulty breathing and his face was turning purplish-blue in color. Deputy Gahler retrieved a small hammer from his squad vehicle, broke the driver-side window, and immediately cut the cellphone charger cord from the Defendant's neck. Gold Cross, St. Clair Fire Department, State Patrol, and Deputy Gahler arrived on scene.

Deputy Gahler advised Dispatch of the Minnesota license plate, to which the deputy discovered the registered owner of the vehicle was Edward Thomas Mogensen. While on scene, Deputy Gahler stayed in radio contact with Mayo 1 to assist with the landing of the air ambulance on County Road 28. Deputy Gahler assisted State Patrol and the Fire Department in removing the Defendant from the vehicle. The Defendant was uncooperative. He yelled and swore at law enforcement, medical, and fire staff. The Defendant was removed from the vehicle, handcuffed, and placed on a backboard.

Trooper Marthaler of the Minnesota State Patrol arrived on scene shortly after Deputy Gahler and observed an overturned SUV in the north ditch with a female sitting by an ambulance. Trooper Marthaler approached the female, and she advised that she was the complainant who called dispatch. Trooper Marthaler observed the Defendant yelling at emergency workers, swearing at emergency workers. The Trooper also overheard the Defendant state that his life was ruined because of this and wished to not exit the vehicle. After removing handcuffs from the Defendant's wrists, the Defendant became combative by thrashing around his legs and attempting to get up. Defendant was assisted to the ground, but the Defendant began resisting and attempting to get up from the ground. Law enforcement was able to place handcuffs on the Defendant. Trooper Marthaler noted that when dealing with the Defendant, he could detect a strong smell of alcohol emitting from the Defendant's person and the Defendant's eyes were glossy. The air ambulance landed on County Road 28.

Trooper Marthaler met with Witness 1, who identified herself by name. Witness 1 advised she was stopped at a stop sign on County Road 28 to enter MNTH 83. Witness 1 indicated she observed the Defendant's SUV traveling westbound on MNTH 83 and drove off the road to the right. Witness 1 stated the Defendant's vehicle hit the rise of the ditch to County Road 28 and flew over her vehicle to the other side of the road and began to roll. She also advised the Defendant's SUV did not touch any part of County Road 28. Trooper Marthaler observed the stop sign was damaged, and Witness 1 indicated the Defendant's vehicle struck the stop sign while in the air. Trooper Marthaler observed the scene and noted that the vehicle's marks in the ground were consistent with Witness 1's description of events.

Trooper Marthaler cleared the scene and responded to the hospital. Trooper Marthaler drafted a search warrant which was received and signed by Judge Christianson, and returned to the hospital for a blood draw. At approximately 11:07 p.m., the search warrant was served to the Defendant and an MCH laboratory assistant. The laboratory assistant obtained two blood samples from the Defendant, using BCA blood kit #B384423. The BCA blood kit was secured into evidence and mailed to BCA for analysis. A copy of the search warrant and proper receipt was left with the Defendant. Toxicology results from the BCA revealed the Defendant had a blood alcohol concentration of 0.145.

On June 28, 2016, Trooper Marthaler contacted a witness who observed the vehicle prior to the crash. The witness advised the trooper that she was coming out of St. Clair when a black SUV came out of nowhere and weaved in and out of traffic. The witness stated the Defendant's vehicle was traveling well over 100 miles per hour as it passed the witness's vehicle and the Defendant's backend of his vehicle began to sway. The witness indicated that she was traveling at approximately 70 miles per hour and that the Defendant's vehicle 'passed her like she was standing still.' The witness stated she drove past the area where the accident occurred and observed the vehicle in the ditch as the same vehicle that passed her at the extremely high rate of speed.

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

Jeremy Geiger
Captain
2171 Bassett Drive
Mankato, MN 56001-6888
Badge: 438

Electronically Signed:
08/12/2016 10:41 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
(507) 304-4600

Electronically Signed:
08/12/2016 10:25 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 **September 1, 2016 at 8:15 AM** 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 12, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 08/12/2016 11:25 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.

EDWARD THOMAS MOGENSEN

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: