

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1188
07-CR-16-3118

State of Minnesota,

Plaintiff,

vs.

ADAM LEE TROST DOB: 05/12/1987

636 Tanager Path
Mankato, MN 56001

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)

Maximum Sentence: 7 years and/or \$14,000

Offense Level: Felony

Offense Date (on or about): 07/16/2016

Control #(ICR#): 16021021

Charge Description: Adam Lee Trost

On or about July 16, 2016, in the County of Blue Earth, said Defendant, Adam Lee Trost did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence, and the offense was committed after the person has previously been convicted under Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury, substance-related offenses), subdivision 1, clause (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a clauses (2) to (6); subdivision 4, clauses (2) to (6).

STATEMENT OF PROBABLE CAUSE

On July 16, 2016, Officer Jesse Gilbertson, with the Mankato Department of Public Safety, was on routine patrol at approximately 2:22 a.m., driving eastbound on Main Street, from 2nd Street, when a vehicle ahead of him had to brake suddenly causing the tires to squeal in an effort to avoid colliding with the vehicle going northbound on 4th Street that had crossed in front of him. The vehicle that had crossed and failed to stop for a stop sign. Officer Gilbertson got behind the vehicle that had failed to stop as it continued on North 4th Street. The vehicle then turned onto Mulberry Street where it began driving left of center and in the middle of the roadway. The vehicle approached the intersection of Mulberry and North 5th and signaled to turn left onto North 5th. The vehicle made a complete stop at the intersection despite not having a stop sign to stop for. The vehicle continued for a short time and then parked illegally near the intersection of 5th and Plum.

Officer Gilbertson approached the driver from the driver's side and could immediately smell the odor of an alcoholic beverage coming from the inside of the vehicle. The driver had a flushed face and appeared to be sweating. His eyes were watery and bloodshot. Officer Gilbertson asked the driver if he knew why he stopped him, and the driver stated he didn't have any idea. When Officer Gilbertson explained to the driver he was stopped because he had gone through a stop sign and had almost caused a collision, the driver provided his driver's license which identified him as Adam Trost. When asked where he was coming from, Trost stated he was dropping his friend off. When asked how much he had to drink, Trost said two drinks. When asked to clarify what he was drinking, Trost stated two bottles. Trost indicated he had been drinking since 8:00 p.m. He also corrected himself mid-sentence and stated he had three drinks. Officer Gilbertson noted that Trost's speech was slow and slurred. Based on observations and admission of consuming alcohol, Officer Gilbertson asked Trost to perform field sobriety testing.

Officer Gilbertson first administered the horizontal gaze nystagmus. Trost indicated that he had a traumatic brain injury from an accident in 2007, and that he also had a rod in his right hip and femur from an accident when he was 16. Officer Gilbertson took these medical conditions into consideration as he administered standard field sobriety testing. During the HGN, Officer Gilbertson noticed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes and onset of nystagmus prior to 45 degrees in both eyes. During the walk and turn test, Officer Gilbertson repeatedly told Trost to let him know if any of the tests caused him pain or would be difficult to complete because of his medical condition. Trost stated he wanted to attempt it. During the instructional phase, Trost stepped out of instructional position and could not keep his feet in line as demonstrated. Trost stopped while walking several times, failed to touch heel to toe, stepped off the line several times, and used his arms to balance. Trost also took an incorrect number of steps on both the first and the last series. Due to these clues of impairment, Trost failed to accurately perform this test. During the one-legged stand, Trost began the test and lifted his right foot. Shortly after starting he put his foot down, hopped on the foot, and used Officer Gilbertson's squad for support. Officer Gilbertson stopped the tests to prevent Trost from injuring himself. Trost volunteered to try the test with the other foot. He did make an attempt at lifting his left foot. Trost again hopped on one foot, lost his balance, and almost fell over. The test was discontinued due to safety concerns. The last test administered was the portable breath test. Officer Gilbertson visually checked Trost's mouth and asked him to provide a sample. The results showed a .169 breath alcohol content. Trost was placed under arrest for driving while impaired, and his vehicle was parked legally, locked, and left at the scene.

Trost was transported to the Blue Earth County Jail for testing and processing. After arriving at the jail, Trost was read the Motor Vehicle Implied Consent Advisory. Trost stated he understood but was explained and thought it best that he contact an attorney. Trost was provided directories and allowed to use his cellphone. After several attempts and nearly half-hour of telephone time, Officer Gilbertson asked Trost if he had made contact with an attorney. Trost stated he tried to contact an attorney, but did not get an answer. Trost

indicated he wanted to continue and agreed to take a breath test.

Observation period was started at 3:25 and a diagnostic check was completed at 3:40 a.m. At 3:43 a.m., Trost provided a breath sample. The overall reported value of the breath test was .15.

A review of Trost's criminal history shows that he has a conviction for Criminal Vehicular Operation, found in Ramsey County District Court File K4042195. This conviction was a result of an EJJ executed adult sentence.

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 Clifton
Police Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3149

Electronically Signed:
08/08/2016 02:26 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

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

Electronically Signed:
07/28/2016 02:34 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 **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 8, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 08/08/2016 03:06 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.

ADAM LEE TROST

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: