

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1072
07-CR-16-2609

State of Minnesota,

Plaintiff,

vs.

JESSE JAMES DEVLAE MINCK DOB: 12/16/1978

719 N. 2nd 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 - 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): 06/27/2016

Control #(ICR#): 16009190

Charge Description: Jesse James Devlaeminck Also Known As Jesse James Deviaeminck

On or about June 27, 2016, in the County of Blue Earth, said Defendant, Jesse James Devlaeminck 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 - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours

Minnesota Statute: 169A.20.1(5), with reference to: 169A.25.2

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

Offense Level: Gross Misdemeanor

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

Control #(ICR#): 16009190

Charge Description: Jesse James Devlaeminck Also Known As Jesse James Deviaeminck

On or about June 27, 2016, in the County of Blue Earth, said Defendant, Jesse James Devlaeminck 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, and two or more aggravating factors were present when the violation was committed.

COUNT III

Charge: Traffic-DL-Driving after cancellation-inimical to public safety

Minnesota Statute: 171.24.5

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

Offense Level: Gross Misdemeanor

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

Control #(ICR#): 16009190

Charge Description: Jesse James Devlaeminck Also Known As Jesse James Deviaeminck

On or about June 27, 2016, in the County of Blue Earth, said Defendant, Jesse James Devlaeminck did after being given notice, or reasonably should have known of the cancellation, disobeyed the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while her/his license or privilege was cancelled; and the Commissioner of the Department of Public Safety has determined that the operation of a motor vehicle on the highways by the person would be inimical to the public safety or welfare.

STATEMENT OF PROBABLE CAUSE

On June 27, 2016, at approximately 10:40 p.m., Deputy Othoudt observed a vehicle traveling at a high rate of speed northbound on Highway 169 near County Road 9 in Blue Earth County, Minnesota. Deputy Othoudt was operating radar speed detection equipment and clocked the vehicle at 70 miles per hour in a 55 mile per hour zone. Deputy Othoudt stopped the vehicle and identified the driver as Jesse James Devlaeminck, the Defendant herein. Deputy Othoudt observed that the vehicle had the faint odor of an alcoholic beverage and the Defendant's eyes were watery and bloodshot. When asked how much he had to drink, the Defendant denied consuming any alcohol. Deputy Othoudt asked the Defendant if he could check his eyes while he was still seated in the vehicle. Deputy Othoudt observed the lack of smooth pursuit. The Defendant admitted that he was on probation and couldn't drink. When asked if he would pass a PBT, the Defendant admitted that he not would pass and stated that he had consumed one drink. Deputy Othoudt administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Deputy Othoudt administered the walk-and-turn test and noted that the Defendant started the test prematurely. In addition, the Defendant used his arms in order to maintain his balance and took an incorrect number of steps. The Defendant also lost his balance during the turn. Deputy Othoudt administered the one-legged stand test and noted that the Defendant used his arms in order to maintain his balance and hopped during the test. The Defendant put his foot down at the count of 7. Deputy Othoudt administered a portable breath test, and the Defendant blew a .139 alcohol concentration on the digital PBT. The Defendant was placed under arrest. Deputy Othoudt read the Defendant the Implied Consent Advisory at 11:17 p.m. After being given an opportunity to contact an attorney, the Defendant agreed to submit to a breath test. The Defendant was transported to the Blue Earth County Justice Center where Mankato Police Officer Steve Hoppe administered the Datamaster Breath Test to the Defendant. The results of the breath test were .13 alcohol concentration. The test was completed at 12:13 a.m.

A computer check of the Defendant's driver's license record indicates it was canceled as inimical to public safety at the time of this incident. In addition, the Defendant has two previous DWI's within the last ten years. The Defendant had a DWI on March 30, 2007 in Steele County, and another DWI on December 17, 2007 in Olmsted 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:
07/05/2016 10:23 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:
07/01/2016 02:22 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: July 5, 2016.

Judicial Officer Krista J Jass
Judge of District Court

Electronically Signed: 07/05/2016 02:14 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.

JESSE JAMES DEVLAE MINCK

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: