

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0698
07-CR-16-3593

State of Minnesota,

Plaintiff,

vs.

MARSHALL EARL SPAIN DOB: 03/08/1974

529 Park Lane
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-Drivers License-Driving After Cancellation

Minnesota Statute: 171.24.3

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

Offense Level: Misdemeanor

Offense Date (on or about): 07/19/2016

Control #(ICR#): 16021464

Charge Description: Said Defendant, Marshall Earl Spain, 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 valid driver's license, while his license or privilege was canceled.

COUNT II

Charge: Traffic - DWI - Operate Motor Vehicle Under Influence of Controlled Substance

Minnesota Statute: 169A.20.1(2), with reference to: 169A.27.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 07/19/2016

Control #(ICR#): 16021464

Charge Description: Said Defendant, Marshall Earl Spain, did drive, operate and was in physical control of a motor vehicle when he/she was under the influence of a controlled substance.

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 Matthew Vitale and others identified herein.

On July 19, 2016 at about 7:12 pm, Witness 1 called 911 to report a driving complaint on Lafayette Street near Riverfront Drive in Mankato, Blue Earth County. Witness 1 reported a male passed out while seated in the driver's seat of a van still in traffic at that location. The male woke up and attempted to drive the van away and drove over a curb almost striking a sign. The male then parked the van and walked away. Witness 1 described the male and his clothing. Officer Vitali responded to the call and located the male, Marshall Earl Spain, the defendant, a short distance away. While speaking with the defendant the officer noticed that he swayed while standing in staggered when he walked. His speech was slurred mumbled, quiet and sometimes incoherent. The defendant was extremely lethargic and at times could barely keep his eyes open. Officer Vitelli requested field sobriety tests and the defendant refused, however provided a PBT which indicated an alcohol concentration of .000. Officer Greene also assisted in this call and was approached by witness 2, the registered owner of the van. Witness 2 told Officer Greene that the defendant had just smoked K2, a synthetic cannabinoid, and that the defendant is addicted to it. Witness 2 also stated that when the defendant smokes K2 he passes out immediately after smoking it. Officer Vitali transported the defendant to the jail to be booked before releasing him. While waiting for booking the defendant told the officer that he had been driving the van. The officer gave the defendant a ride home. The officer in defendant started discussing an incident that had occurred at the defendants home approximately one year ago that involved synthetic cannabinoids. The defendant told the officer that he smokes synthetic cannabinoids every day and when he does, he gets tired and falls asleep right after smoking it. He admitted that prior to the driving complaint, he had just dropped a friend off, 'took a hit' of synthetic cannabinoid and drove off. He admitted he did not remember driving, falling asleep, or passing out. He stated he did remember parking the van and walking away, however, he was confused and wondered how he got to the location where Officer Vitelli found him.

Officer Vitali ran a check on the defendants driving record and found that his driving privileges were canceled.

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:
09/12/2016 09:18 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Linda B. Hilligoss
Assistant Blue Earth County
Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
09/07/2016 04:35 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 **October 6, 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: September 12, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 09/12/2016 09:48 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.

MARSHALL EARL SPAIN

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: