

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0629
07-CR-16-3085

State of Minnesota,

Plaintiff,

vs.

DARIN JAMES KEPLER DOB: 11/09/1969

216 Spruce Lane
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.25.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 08/04/2016

Control #(ICR#): 16023161

Charge Description: Said Defendant, Darin James Kepler, did drive, operate or was in physical control of any motor vehicle of any moto vehicle when he/she was under the influence of alcohol, and one aggravating factor was present when the violation was committed/ and the defendant 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.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 08/04/2016

Control #(ICR#): 16023161

Charge Description: Said Defendant, Darin James Kepler, did drive or operate and was in physical control of any motor vehicle when he/she was under the influence of alcohol, and one aggravating factor was present when the violation was committed.

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 4, 2016, at approximately 9:32 p.m., Officer Kaiser of the Mankato Department of Public Safety was dispatched to a driving complaint at the Boulder Tap House at 291 St. Andrews Drive in the City of Mankato, County of Blue Earth, State of Minnesota. Dispatch stated a maroon Pontiac drove over a sidewalk and almost hit the complainant. The complainant reported the license plate of the vehicle, which came back to a 2002 Pontiac Grand Prix. Dispatch stated the complainant was forced to jump into bushes in order to avoid the car. Dispatch also stated the vehicle was last seen eastbound on North Victory Drive in the City of Mankato. Complainant described the driver as a White male with a baseball hat. After searching the license plate in NCIC and discovering the registered owner, Officer Hullopeter of Mankato Department of Public Safety responded to that area and made contact with Officer Kaiser to assist her. The registered owner stated she was the owner of the vehicle but that her son, Darin James Kepler, the Defendant herein, shared the vehicle with her and had the car that evening. The registered owner stated that the Defendant lived in the trailer park and believed he was somewhere in that area.

Officer Hullopeter patrolled the park and located the suspect's vehicle at the 400 block of Elm Drive in the City of Mankato, County of Blue Earth, State of Minnesota. The Defendant came out of the residence and spoke with Officer Hullopeter. Officer Hullopeter noted that the Defendant was a White male and wore a baseball hat. The Defendant stated he parked his vehicle last night and had not driven it since the previous night. Officer Kaiser placed her hand on the Defendant's vehicle's hood and noticed it was warm. Officer Hullopeter advised the Defendant he received a driving complaint and that the complainant had his license plate and physical description of the Defendant. The Defendant then admitted to driving his vehicle that evening. Defendant stated he went to Buffalo Wild Wings, was alone in the vehicle, and did not remember how he got home. Officer Hullopeter asked the Defendant if he had anything to drink after arriving home, to which the Defendant said he did not have anything to drink after arriving back home. The Defendant clarified that he consumed all of the alcohol before he parked the vehicle at the park.

Based on the Defendant's admissions and the Defendant's bloodshot, watery eyes and odor of alcoholic beverage, the Defendant performed and Officer Hullopeter administered field-sobriety tests, specifically the Defendant performed the horizontal gaze nystagmus, one-legged stand, and walk-and-turn test. Based on the poor performance of field-sobriety tests, the officer asked the Defendant to blow into a portable breath test, to which the Defendant consented. The result of the PBT was a .201 alcohol concentration. Based on the totality of circumstances, that is, the Defendant's matched description from the complainant, the registered owner stating that the Defendant had her car for the evening, the Defendant's admissions to driving the car, the Defendant's admissions to drinking alcohol, the Defendant's poor performance of field-sobriety tests, and the portable breath test score, Officer Hullopeter placed the Defendant under arrest for suspicion of DWI. Officer Kaiser assisted in the arrest of the Defendant.

At approximately 10:41 p.m., Officer Hullopeter read the Defendant the Motor Vehicle Implied Consent Advisory in the back of his squad vehicle. The Defendant stated he understood the advisory and stated he did not wish to speak with an attorney. Officer Hullopeter asked the Defendant if he would take a breath test. The Defendant stated, 'No.' Officer Hullopeter asked the Defendant again if he would take a breath test; and the Defendant stated, 'Yea, I suppose.' Officer Hullopeter transported the Defendant to the Blue Earth County Justice Center to administer a DMT. When the Defendant saw the DMT, he stated he would not take a test. Officer Hullopeter clarified with the Defendant if he was refusing, and the Defendant stated he would have to talk to an attorney before consenting to a test. The Defendant attempted to elicit legal

advice from the officer; however, the officer stated he could not give the Defendant legal advice.

The Defendant was given an opportunity to contact an attorney and was given a cellphone and two phonebooks in which to do so. The Defendant called various numbers but did not receive an answer. The Defendant stated he would attempt one more time; but if his attorney did not answer, then 'You can lock me up and call it a night.' The Defendant called again but did not receive an answer. Officer Hullopete asked the Defendant if he was finished speaking with an attorney; and the Defendant stated, 'Yep.' Officer Hullopete asked whether the Defendant would submit to a breath test; and the Defendant replied, 'Nope.' The Defendant also refused to answer any follow-up questions.

The Defendant was convicted of a DWI within the last ten years, specifically on January 14, 2011 (Case No. 07-CR-10-3137). The Defendant's vehicle was subsequently forfeited and the license plates were revoked. Officer Kaiser interviewed the Complainant and a witness. The Defendant was issued a Notice and Order of Revocation.

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:
08/10/2016 02:41 PM
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:
08/09/2016 01:34 PM

