

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0723
07-CR-16-3639

State of Minnesota,

Plaintiff,

vs.

JACOBO ESPINOZA NOGALES DOB: 12/19/1987

172 Kingsway Drive
North Mankato, MN 56003

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.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/03/2016

Control #(ICR#): 16026592

Charge Description: Said Defendant, Jacobo Espinoza Nogales, 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.

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.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/03/2016

Control #(ICR#): 16026592

Charge Description: Said Defendant, Jacobo Espinoza Nogales, 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 .08 or more, 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 Steven Hoppe and others identified herein.

On September 3, 2016, Officer Hoppe of the Mankato Department of Public Safety was working a Safe and Sober DWI enforcement shift. At approximately 1:57 a.m., Officer Hoppe was traveling east on Hoffman Road near Hilltop Lane Apartments when his attention was drawn to a tan pickup leaving Eastwood Manor. A suspect vehicle drew the officer's attention as it drove over the curb leaving the park instead of the driveway and drove up onto the boulevard, nearly striking a tree. Officer Hoppe activated his emergency lights and observed the suspect vehicle use both eastbound traffic lanes to operate before turning onto Glen Ellen Drive and eventually stopping.

Upon approach of the driver, Officer Hoppe noticed an overwhelming odor of alcoholic beverage emitting from the driver. The driver was later identified as Jacobo Espinoza Nogales, the defendant herein. The defendant exhibited bloodshot watery eyes, dilated pupils, and appeared to be sluggish and extremely intoxicated. The defendant provided a Texas driver's license that identified him as Jacobo Espinoza Nogales. He was then asked to exit the vehicle and consented to the performance of field sobriety tests. Officer Hoppe administered the horizontal gaze nystagmus test, but the defendant refused both the walk and turn and one-legged stand tests. The defendant did; however, consent to a portable breath test, which reported a value of 0.202 blood alcohol concentration. The defendant was subsequently placed under arrest for DWI and placed in the back of Officer Hoppe's squad vehicle.

Upon arrival at the Blue Earth County Justice Center, the defendant was read the implied consent advisory. He advised he understood what was read to him and wished to speak with an attorney. The defendant had difficulty dialing the phone and ended up dialing a wrong number. Due to the defendant's inability to press the numbers on the telephone, Officer Hoppe physically dialed the law firm that the defendant wished to contact. No attorney was reached at the aforementioned number. The defendant stated he did not have a specific attorney he wished to contact, so Officer Hoppe assisted him in dialing various numbers in the blue pages. The defendant spoke with a total of three different attorneys and advised that he did not like the answers from any of them.

The attorney time was ended after the defendant spoke with the third attorney. Officer Hoppe asked him to provide a breath test, to which the defendant consented and agreed to. After waiting the appropriate time for the observation period, Officer Hoppe administered the DMT to the defendant and observed a reported value of 0.17 blood alcohol concentration at 3:46 am. The defendant was later booked into the Blue Earth County Jail and released to a sober party.

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:
09/15/2016 08:41 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 56002-3129
(507) 304-4600

Electronically Signed:
09/14/2016 09:08 AM

