

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0157
07-CR-16-723

State of Minnesota,

Plaintiff,

vs.

BRANDON WILLIAM GAMOKE DOB: 08/18/1995

344 Valley Oaks Drive
Winona, MN 55987

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.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/28/2016

Control #(ICR#): 16005691

Charge Description: Said Defendant, Brandon William Gamoke, did drive, 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): 02/28/2016

Control #(ICR#): 16005691

Charge Description: Said Defendant, Brandon William Gamoke, 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.

COUNT III

Charge: Traffic-Drivers License-Driving After Revocation

Minnesota Statute: 171.24.2
Maximum Sentence: 90 days and/or \$1,000
Offense Level: Misdemeanor

Offense Date (on or about): 02/28/2016

Control #(ICR#): 16005691

Charge Description: Said Defendant, Brandon William Gamoke, did after being give notice, or reasonably should have known of the revocation, 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in this state any motor vehicle, the operation of which requires a driver's license, while her/his license or privilege was revoked.

COUNT IV

Charge: Traffic - Underage drinking and driving; Crime described

Minnesota Statute: 169A.33.2
Maximum Sentence: 90 days and/or \$1,000
Offense Level: Misdemeanor

Offense Date (on or about): 02/28/2016

Control #(ICR#): 16005691

Charge Description: Said Defendant, Brandon William Gamoke, while under the age of 21 years, did drive, operate or was in physical control of a motor vehicle while consuming alcoholic beverages, or after having consumed alcoholic beverages while there is physical evidence of the consumption present in the person's body.

STATEMENT OF PROBABLE CAUSE

Complainant is a Sergeant with the Mankato Police Department who believes the information set out below is true and accurate based on reports and information submitted to the Sergeant by Sergeant Ken Baker and others identified herein.

On February 28, 2016 at approximately 12:10 a.m., Sergeant Baker and Officer Rick Wanderscheid were on routine foot patrol in the College Town apartment complex when they observed a vehicle traveling at a high rate of speed driving towards them in the City of Mankato, Blue Earth County, Minnesota. Both Sergeant Baker and Officer Wanderscheid were dressed in full Mankato Police Department uniform at the time of the incident. Sergeant Baker could hear the vehicle's engine revving as it approached the uniformed officers. Sergeant Baker observed that the vehicle's nose dipped as it came closer to both officers. Sergeant Baker surmised that the driver's actions may have been an attempt to startle the officers not being aware that the individuals he was attempting to startle were police officers. Sergeant Baker approached the driver and identified him as Brandon William Gamoke, the defendant herein. The defendant apologized for his driving conduct. Sergeant Baker observed multiple indicia indicating impairment. He noted the strong odor of an alcoholic beverage coming from the defendant and that the defendant's eyes were watery and bloodshot. In addition, the defendant's speech was slurred. Sergeant Baker asked the defendant if he had been drinking and the defendant said that he had four Budweiser's since noon. Sergeant Baker administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. He administered the walk and turn test and noted that the defendant started the test prematurely. The defendant submitted to a portable breath test on Officer Wanderscheid's PBT. The defendant blew a .150 alcohol concentration on the digital PBT.

The defendant was placed under arrest and read the applied consent advisory at 12:24 a.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 Sergeant Baker administered the Data Master Breath Test. The results of the test were .16 alcohol concentration. The breath test was completed at 12:52 a.m.

A computer check of the defendant's driver's license record indicates that it was revoked at the time of the incident. The revocation was due to a failure to provide proof of insurance from an incident on May 18, 2015. In addition, the defendant was 20 years old at the time of this incident.

The defendant has eight convictions for Underage Consumption since 2013 in three different counties!

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

Chris Baukol
Sergeant
710 S Front St
Mankato, MN 56001-3803
Badge: 3150

Electronically Signed:
02/29/2016 02:36 PM
Blue Earth County, MN

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

Prosecuting Attorney

Christopher Cain
Assistant Blue Earth County
Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
02/29/2016 11:37 AM

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: March 1, 2016.

Judicial Officer

Darci J. Bentz

Electronically Signed: 03/01/2016 09:19 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.

BRANDON WILLIAM GAMOKE

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: