

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

BEC-15-1713  
07-CR-15-4962

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**State of Minnesota,**

Plaintiff,

vs.

**JENNIFER LYNN VALLIANT DOB: 10/26/1977**

101 Garfield Street  
Mapleton, MN 56065

Defendant.

**COMPLAINT**

Order of Detention

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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: Obstruct Legal Process-Interfere w/Peace Officer**

Minnesota Statute: 609.50.1(2), with reference to: 609.50.2(1)

Maximum Sentence: 5 years and/or \$10,000

Offense Level: Felony

Offense Date (on or about): 12/05/2015

Control #(ICR#): 15016223

Charge Description: Jennifer Lynn Valliant

On or about December 5, 2015, in the County of Blue Earth, said Defendant, Jennifer Lynn Valliant, did, intentionally, obstruct, resist, or interfere with a peace officer while the officer was engaged in the performance of official duties; and the act caused death, substantial bodily harm, or serious property damage.

**COUNT II**

**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): 12/05/2015

Control #(ICR#): 15016223

Charge Description: Jennifer Lynn Valliant

On or about December 5, 2015, in the County of Blue Earth, said Defendant, Jennifer Lynn Valliant did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of

alcohol, and one or more 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 a peace officer who had probable cause to believe the person to be tested was under the influence.

### **COUNT III**

**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): 12/05/2015

Control #(ICR#): 15016223

Charge Description: Jennifer Lynn Valliant

On or about December 5, 2015, in the County of Blue Earth, said Defendant, Jennifer Lynn Valliant did, drive, operate, or 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

On December 5, 2015, at approximately 1:54 a.m., Deputy Brian Martin with the Blue Earth County Sheriff's Office was working a Towards Zero Death DWI enforcement shift. He was traveling in a fully marked squad car south on Second Street in the City of Mankato when he observed a black Mercury Cougar traveling east on Main Street. Deputy Martin observed the vehicle approach the intersection at Second Street and quickly stop for the red light as he proceeded through the green light. As Deputy Martin was going through the intersection, the vehicle inched forward towards the intersection. Deputy Martin was concerned the vehicle was not going to yield to him. As Deputy Martin proceeded through the intersection he observed that the vehicle eventually turned south on Second Street. Deputy Martin then turned onto Hickory Street, proceeded through the alley back onto Jackson Street, where he could observe the vehicle further.

Deputy Martin got behind the vehicle and observed it go over the left turn lane white line divider at Warren Street. The vehicle next went through the intersection and was over the double yellow center line on the south side of the intersection. As the vehicle proceeded past Liberty Street, it drifted to the far right side of the road where vehicles normally park. The Mercury applied its brakes and moved back towards the driving lane shortly before hitting a parked pickup truck. The vehicle then turned onto Byron Street. Deputy Martin activated his emergency lights and stopped the vehicle at State Street.

Deputy Martin next made contact with the occupants of the vehicle, and he recognized the driver as Jennifer Valliant from numerous previous law enforcement contacts. Deputy Martin confirmed her identity through Minnesota driver's license. While speaking with Valliant, Deputy Martin observed numerous signs of alcohol impairment. Valliant admitted to having four Bacardi coke drinks and stated they were coming from Mettler's and going towards Sibley Park.

Deputy Martin had Valliant exit the vehicle and perform standard field sobriety tests. The Standard Field Sobriety Tests included:

HGN- Valliant swayed while performing the test, showed lack of smooth pursuit in both eyes, and displayed distinct and sustained nystagmus prior to onset on both eyes. Fail.

Walk and Turn- Valliant broke stance during instruction phase, started the test prior to instruction, took incorrect steps and performed an incorrect turn. Fail.

One Leg Stand- Valliant started the test prior to instruction, use arms for balance, swayed, and put her foot down while incorrectly counting. Fail.

PBT- after two (2) 'no-go's' due to insufficient breath, a weak sample showed a .210 result.

Valliant was placed under arrest and was violent and crying and yelling. Valliant had to be taken to the ground and handcuffed. While searching Valliant incident to arrest, she was upset and increasingly belligerent. Valliant continued the behavior for the majority of the remainder of his contact with her.

At the jail, Deputy Martin read the Implied Consent Advisory to Valliant. During the reading of the advisory, Valliant would interrupt and argue about being 'impaired' and the legality of reading the advisory. She would deny understanding what was read, but would not elaborate on what she claimed to not understand. It was clear she was trying to frustrate the process. So Deputy Martin continued on with the advisory. Valliant advised she wished to speak with an attorney and was given phone access and phone books. While Deputy Martin explained how to use them, Valliant talked over him. Valliant then stated she wasn't going to

call an attorney and initially consented to a breath test but did not comply with the DMT test.

Once in the testing room, Valliant refused to blow into the DMT and stated she could refuse a breath test and now wanted a blood test. Deputy Martin explained numerous times that he was not offering a blood test. Valliant eventually 'blew' into the instrument for a very brief time. Valliant was not blowing per Deputy Martin's instructions and eventually the instrument timed out, with a deficient sample. Valliant was uncooperative throughout, and next became physically aggressive.

Custody Officer Dawn Voss came into the Intoxylizer room to bring Valliant into the booking area. Valliant would not tell Corrections Officer Voss her name. Deputy Martin advised of Valliant's name and Corrections Officer Voss asked if Valliant was April Valliant's sister. This set Valliant off, and she began flailing her arms around in the Intoxylizer room. Deputy Martin tried to restrain her for her safety as well as those around her. Valliant continued to attempt to flail and pull away from him. Deputy Martin grabbed Valliant's arms behind her back and brought her into the pre-booking area. He then ordered her to the ground. She was still combative. He then attempted to "hip toss" her to the ground.

In the process of taking her to the ground, Deputy Martin felt a "pop" in his left foot and felt immediate pain. Custody staff and Deputy Martin were able to pull Valliant's arms behind her back and put her in handcuffs. They stood her up and walked her into the booking area. During this time, Valliant continued to scream and was uncooperative with custody officers in the cell. Deputy Martin noted his foot continued to hurt, and the pain was increasing. He could feel his foot swelling inside of his boot. He advised custody officers that he was injured. He completed a hold form for Valliant and left the jail.

Lieutenant Barta with the Blue Earth County Sheriff's Office gave Deputy Martin a ride to the ER to have his foot evaluated. ER Doctor Bosse advised there was a break in Deputy Martin's left foot. The X-ray clearly shows the break.

Valliant has a prior Implied Consent revocation on her driving record from an incident dated 5/27/07.

## 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:  
12/07/2015 11:01 AM  
Blue Earth County, MN

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

**Prosecuting Attorney**

Stefanie Menning  
401 Carver Road  
PO Box 3129  
Mankato, MN 56002  
(507) 304-4600

Electronically Signed:  
12/07/2015 10:39 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: December 7, 2015.

**Judicial Officer**

Krista J Jass  
Judge of District Court

Electronically Signed: 12/07/2015 11:41 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.

**JENNIFER LYNN VALLIANT**

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE  
I hereby Certify and Return that I have served a copy of this Order of  
Detention upon the Defendant herein named.*

Signature of Authorized Service Agent: