

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-0208
07-CR-16-485

State of Minnesota,

Plaintiff,

vs.

SEAN TIMOTHY FENSKE DOB: 07/20/1967

521 Wheeler Ave.
North Mankato, MN 56003

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.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/06/2016

Control #(ICR#): 16000191

Charge Description: Sean Timothy Fenske Also Known As Shawn Timothy Fenske

On or about February 6, 2016, in the County of Blue Earth, said Defendant, Sean Timothy Fenske did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol 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 II

Charge: Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1), with reference to: 169A.275.1

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/06/2016

Control #(ICR#): 16000191

Charge Description: Sean Timothy Fenske Also Known As Shawn Timothy Fenske

On or about February 6, 2016, in the County of Blue Earth, said Defendant, Sean Timothy Fenske did,

drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol.

STATEMENT OF PROBABLE CAUSE

On February 6, 2016 at approximately 5:41 pm Officer Jeff Marx with the Madison Lake Police Department was patrolling westbound on Walnut Avenue in the City of Madison Lake when he observed a pickup truck without any taillights. Officer Marx observed the vehicle take a left on Fifth Street and followed it. At the intersection of Fifth Street and Lakeshore Drive the vehicle made a right hand turn without using its signal.

Officer Marx was able to catch up to the vehicle at the corner of Lakeshore Drive and Main Street where the vehicle had stopped in the middle of the intersection and picked up a male and a small child. Officer Marx sat behind the vehicle for a few moments as it sat in the intersection before continuing north on Main Street. Officer Marx continued to follow the vehicle until he activated his emergency lights to effectuate a stop. Officer Marx observed that the vehicle abruptly pulled over and abruptly came to a stop. Officer Marx noted that the small child in the back seat was not wearing their seatbelt.

Officer Marx approached the driver's side of the vehicle and made contact with the male driver who would be identified as Sean Timothy Fenske. Officer Marx could immediately smell an odor of an alcoholic beverage coming from inside the vehicle. Officer Marx asked Fenske for his driver's license and proof of insurance. Fenske began fumbling through his credit cards and other information in his wallet claiming that he had his driver's license. Officer Marx noted that Fenske's eyes were watery, glassy and showed some marked reddening. Fenske was unable to produce his driver's license so Officer Marx asked him for his name and date of birth.

Officer Marx asked Fenske if he had had anything to drink; Fenske stated that he had not. Officer Marx noted that Fenske's speech was slow and slurred as were his movements. The passenger then stated that he was the one who had been drinking and claimed that Fenske had not. Fenske continued to deny having had anything to drink. Officer Marx asked Fenske where he was coming from; Fenske took a moment to think about the question looking away and then saying 'uhhh, we were coming from the fishing tournament.'

Officer Marx had Fenske submit to several field sobriety tests all of which Fenske failed or performed poorly. Officer Marx had Fenske submit to a portable breath test, the result being .153. Officer Marx then placed Fenske under arrest for DWI.

Officer Marx read Fenske the Minnesota Implied Consent Advisory and allowed him an opportunity to contact an attorney. After Fenske contacted an attorney, Officer Marx asked Fenske if he would take a test of his breath to which Fenske replied 'no.'

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

Jeff Marx
Police Officer
525 Main St
Madison Lake, MN 56063
Badge: 4772

Electronically Signed:
02/18/2016 06:30 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

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

Electronically Signed:
02/18/2016 03:06 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 _____, _____ 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: February 19, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 02/19/2016 08:48 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.

SEAN TIMOTHY FENSKE

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: