

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0660
07-CR-16-3257

State of Minnesota,

Plaintiff,

vs.

JUAN GABRIEL MORAN DELANGEL DOB: 06/10/1974

109 1st Street SE
Madelia, MN 56062

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): 08/07/2016

Control #(ICR#): 16023435

Charge Description: Said Defendant, Juan Gabriel Moran Delangel, 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): 08/07/2016

Control #(ICR#): 16023435

Charge Description: Said Defendant, Juan Gabriel Moran Delangel, 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): 08/07/2016

Control #(ICR#): 16023435

Charge Description: Said Defendant, Juan Gabriel Moran Delangel, 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in this state any motor vehicle, the operation of which requires a driver's license, while her/his license or privilege was revoked.

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 7, 2016, at approximately 3:50 a.m., Officer Hullopeter responded to a report of a potentially intoxicated driver driving on Highway 14 near Riverfront Drive in the City of Mankato, Blue Earth County, Minnesota. Officer Hullopeter had received information from St. Peter Police Officer Joshua Klaseus. Officer Klaseus was off duty but observed a driver, whom he suspected of driving while intoxicated. Officer Hullopeter stopped the vehicle after it exited onto southbound Highway 169. Officer Hullopeter notes in his report that the vehicle came to a stop on the side of the road very slowly. As Officer Hullopeter approached the vehicle, it began moving forward again. Officer Hullopeter identified the driver as Juan Gabriel Moran Delangel, the Defendant herein. Officer Hullopeter noted that the Defendant's eyes were bloodshot and glassy and that he had the strong odor of an alcoholic beverage coming from him. The Defendant told Officer Hullopeter that he was coming from an event in St. Peter and had drunk approximately six Bud Light beers. Officer Hullopeter administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Officer Hullopeter administered the walk-and-turn test and noted that the Defendant lost his balance during the instructional phase and started the test prematurely. In addition, the Defendant stopped while performing the test, did not walk heel to toe, stepped off of the line, and took an incorrect number of steps. Officer Hullopeter didn't administer the one-legged stand test because the Defendant had hip replacement surgery. Officer Hullopeter asked the Defendant if he could count backwards and the Defendant said that he didn't think he could. Officer Hullopeter asked the Defendant if he could recite the alphabet without singing it and the Defendant said no. Officer Hullopeter administered a portable breath test, and the Defendant blew a .13 alcohol concentration on the digital PBT. Officer Hullopeter placed the Defendant under arrest and read him the Implied Consent Advisory at 4:20 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 Justice Center where Officer Hullopeter administered the Data Master breath test to the Defendant. The results of the breath test were .13 alcohol concentration. The test was completed at 4:57 a.m.

Officer Hullopeter interviewed the Defendant pursuant to Miranda. The Defendant admitted that he felt the effects of what he had to drink. The Defendant also admitted that he believed that what he drank affected his ability to drive.

A computer check of the Defendant's driver's license record indicates that he has two previous DWI's. The Defendant has a conviction for DWI from an incident on June 7, 2013, in Watonwan County. See Watonwan County District Court File Number 83-CR-13-356. The Defendant has a second DWI that is outside the ten year look-back period. In addition, the Defendant's driver's license record was revoked at the time of the incident.

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:
08/16/2016 12:48 PM
Blue Earth County, Minnesota

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:
08/15/2016 02:30 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 **September 8, 2016 at 8:15 AM** 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: August 17, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 08/17/2016 03:29 PM

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.

JUAN GABRIEL MORAN DELANGEL

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: