

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1206
07-CR-16-2962

State of Minnesota,

Plaintiff,

vs.

JUAN ALARCON MARTINEZ JR DOB: 07/16/1966

204 E Serra Street
Mankato, MN 56001

Defendant.

COMPLAINT

Order of Detention

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.25.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 07/23/2016

Control #(ICR#): 16001511

Charge Description: Juan Alarcon Martinez, Jr

On or about July 23, 2016, in the County of Blue Earth, said Defendant, Juan Alarcon Martinez, Jr did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol, and two or more aggravating factors 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 II

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): 07/23/2016

Control #(ICR#): 16001511

Charge Description: Juan Alarcon Martinez, Jr

On or about July 23, 2016, in the County of Blue Earth, said Defendant, Juan Alarcon Martinez, Jr 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 July 23, 2016, at approximately 10:11 p.m., Officer Dustin Jensen, of Eagle Lake Police Department, received a driving complaint from dispatch who advised the officer that a complainant saw a male, later identified as Juan Alarcon Martinez Jr., the Defendant herein, exit a party, had slurred speech, and was stumbling around. The Complainant stated the Defendant entered a blue Nissan Rogue, drove away, and while driving the Defendant was swerving on the road. The Complainant also stated that the vehicle had a taillight that was out. Dispatch informed Officer Jensen that the Defendant turned onto Parkway Avenue from Agency Street. Officer Jensen turned onto Parkway Avenue from Plainview Street and observed a vehicle with a taillight out, approximately one-half mile in front of the officer, in Blue Earth County, Minnesota. The officer observed the suspect vehicle turn north onto County Road 56 and west onto Highway 14. After catching up to the vehicle the officer the suspect vehicle crossed the center lane divider twice. The officer subsequently activated his emergency lights and pulled the vehicle over on Highway 14 at approximately one-eighth mile west of County Road 12. It should be noted that Blue Earth County Deputy Welle assisted Officer Jensen.

Upon approach of the suspect vehicle, Officer Jensen stated his reason for pulling over the vehicle, specifically stating the officer observed swerving on the road and told the Defendant/driver that a Complainant observed the driving conduct of the Defendant/driver as well. The Defendant, identified by name and date of birth admitted to drinking in excess of a six-pack. Officer Jensen noted that the Defendant exhibited slurred speech and that there was a female front passenger as well as a juvenile in the rear passenger seat. Deputy Welle informed Officer Jensen that the juvenile in the back seat was approximately 11 years old.

Officer Jensen administered and the Defendant performed and consented to field sobriety tests, specifically the Defendant performed the walk-and-turn test which was performed poorly and subsequently not completed. Before Officer Jensen was able to explain the next field sobriety test, the Defendant refused to take any more tests, but then asked Officer Jensen to take a breath test. Officer Jensen retrieved his PBT, explained how to take the test, and before the officer was able to administer the test the Defendant refused to take the PBT. Based on the Defendant's driving conduct, corroboration with the Complainant's call to dispatch, slurred speech, admits to drinking and exhibiting multiple cues of intoxication on the walk-and-turn test, Officer Jensen arrested the Defendant for suspension of DWI. The Defendant's passenger was sober and was allowed to take possession of the Defendant's vehicle.

At approximately 10:45 p.m., Officer Jensen read the Defendant the Implied Consent Advisory. Officer Jensen twice asked the Defendant if he wished to speak with a lawyer. The Defendant's only response was 'let the Judge decide.' Based on said response, Officer Jensen determined the Defendant's response as a refusal. Without inquiring to any further questions by Officer Jensen, the Defendant stated, 'I am not that drunk' and 'I had a few beers.' The Implied Consent Advisory concluded at approximately 10:51 p.m.

The Defendant was remanded to Blue Earth County Justice Center staff.

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

Teila Baynes
Police Officer
705 Parkway Ave.
Eagle Lake, MN 56024
Badge: 4377

Electronically Signed:
07/25/2016 04:12 PM
blue earth County, mn

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
(507) 304-4600

Electronically Signed:
07/25/2016 03:39 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: July 25, 2016.

Judicial Officer

Bradley C Walker
District Court Judge

Electronically Signed: 07/25/2016 04:28 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 ALARCON MARTINEZ Jr

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: