

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

MAN-16-0694  
07-CR-16-3402

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**State of Minnesota,**

Plaintiff,

vs.

**MARIO ARROYO JR DOB: 05/15/1993**

461 E. Woodlawn St  
Le Center, MN 56057

Defendant.

**COMPLAINT**

Summons

Amended

Tab Charge/Citation Previously Filed

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

Minnesota Statute: 169A.20.1(1), with reference to: 169A.25.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 08/28/2016

Control #(ICR#): 16012822

Charge Description: Said Defendant, Mario Arroyo, Jr., did drive or operate and was in physical control of any motor vehicle when he/she was under the influence of alcohol, and two or more aggravating factors were 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.25.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 08/28/2016

Control #(ICR#): 16012822

Charge Description: Said Defendant, Mario Arroyo, Jr., 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 two or more aggravating factors were present when the violation was committed.

**COUNT III**

**Charge: Traffic-speeding-Exceed interstate limit 65 mph in urban**

Minnesota Statute: 169.14.2(a)(5)

Maximum Sentence: \$300

Offense Level: Petty Misdemeanor

Offense Date (on or about): 08/28/2016

Control #(ICR#): 16012822

Charge Description: Said Defendant, Mario Arroyo, Jr., did operate a motor vehicle in excess of the posted speed limit; to-wit: 83 mph in a 65 mph speed zone.

## STATEMENT OF PROBABLE CAUSE

Complainant is a Deputy with the Blue Earth County Sheriff's Department who believes the information set out below is true and accurate based on reports and information submitted to the Deputy by Lieutenant Jeremy James Brennan and others identified herein.

On August 28, 2016, at approximately 7:00 a.m., Lieutenant Brennan observed a vehicle traveling at a high rate of speed on Highway 14 near Highway 169 in the City of Mankato, Blue Earth County, Minnesota. Lieutenant Brennan was operating radar speed detection equipment and clocked the vehicle initially at 80 miles per hour in a 65-mile-per-hour zone. Lieutenant Brennan followed the vehicle and observed that it accelerated to 85 miles per hour. Lieutenant Brennan stopped the vehicle and identified the driver as Mario Arroyo, Jr., the Defendant herein. Lieutenant Brennan observed the strong odor of an alcoholic beverage and noted that the Defendant's speech was slurred. In addition, Lieutenant Brennan observed that the Defendant's eyes were bloodshot and watery. Lieutenant Brennan administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Lieutenant Brennan administered the walk-and-turn test and noted that the Defendant lost his balance during the instructional phase and started the test prematurely. The Defendant stepped off of the line and took an incorrect number of steps. Lieutenant Brennan administered the one-legged stand test and noted that the Defendant swayed while balancing and put his foot down several times while he attempted to perform the test. Lieutenant Brennan administered a portable breath test, and the Defendant blew a .180 on the digital PBT. The Defendant was placed under arrest and read the Implied Consent Advisory at 7:39 a.m. After being given an opportunity to contact an attorney, the Defendant agreed to submit to a breath test. Lieutenant Brennan administered a Datamaster breath test to the Defendant. The results of breath test were .17 alcohol concentration. The breath tested was completed at 8:06 a.m.

Deputy Mitch Gahler responded to the scene to assist Lieutenant Brennan. Deputy Gahler identified an individual present in the vehicle as Witness 1. Witness 1 was determined to be 15 years of age. Witness 1 is more than 36 months younger than the Defendant.

## 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**

Paul Barta  
Captain  
401 Carver Rd  
Mankato, MN 56002-0228  
Badge: 2721

Electronically Signed:  
09/01/2016 03:45 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:  
09/01/2016 02:14 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: \_\_\_\_\_, \_\_\_\_\_.

Judicial Officer <judge name>

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.

**MARIO ARROYO Jr**

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: