

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

MAN-16-0634  
07-CR-16-3059

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**State of Minnesota,**

Plaintiff,

vs.

**SAMUEL JOHN BELOW DOB: 06/10/1985**

805 3rd Street SW  
Waseca, MN 56093

Defendant.

**COMPLAINT**

Summons

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-DL-Driving after cancellation-inimical to public safety**

Minnesota Statute: 171.24.5

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 08/03/2016

Control #(ICR#): 16011302

Charge Description: Said Defendant, Samuel John Below, did after being given notice, or reasonably should have known of the cancellation, disobeyed the order by operating in this state any motor vehicle, the operation of which requires a valid driver's license, while her/his license or privilege was canceled; and the Commissioner of the Department of Public Safety has determined that the operation of a motor vehicle on the highways by the person would be inimical to the public safety or welfare.

## STATEMENT OF PROBABLE CAUSE

Complainant is an 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 Deputy Kyle Phillips and others identified herein.

On August 3, 2016 at approximately 4:30 pm, Deputy Phillips was patrolling northbound on US Highway 169 over the North Star Bridge in Mankato, Blue Earth County. He observed a blue Chevrolet passenger vehicle also traveling northbound at the same location. The vehicle's registration through his computer which showed that the vehicle was registered to Samuel John Below, the defendant. The license plate check also showed that the defendants driving privileges were canceled as inimical to public safety. Deputy Phillips pulled the car over and spoke with the defendant. Deputy Phillips also noted that the defendant was required to have ignition interlock in a vehicle he was operating. He noticed the blue Chevrolet did not have ignition interlock and asked the defendant about it. The defendant stated he had it taken out recently because he couldn't afford it.

## 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:  
08/10/2016 08:01 AM  
Blue Earth County, mn

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

**Prosecuting Attorney**

Linda B. Hilligoss  
Assistant Blue Earth County  
Attorney  
401 Carver Road  
PO Box 3129  
Mankato, MN 56002-3129  
(507) 304-4600

Electronically Signed:  
08/09/2016 03:43 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: August 10, 2016.

**Judicial Officer**

Robert Birbaum  
District Court Judge

Electronically Signed: 08/10/2016 08:49 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.

**SAMUEL JOHN BELOW**

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: