

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0728
07-CR-16-3623

State of Minnesota,

Plaintiff,

vs.

TARA NICOLE BERG DOB: 02/15/1983

402 Tyler Ave
North Mankato, MN 56001

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): 09/06/2016

Control #(ICR#): 16201785

Charge Description: Said Defendant, Tara Nicole Berg, 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): 09/06/2016

Control #(ICR#): 16201785

Charge Description: Said Defendant, Tara Nicole Berg, 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.

STATEMENT OF PROBABLE CAUSE

Complainant is a Trooper with the Minnesota State Patrol who believes the information set out below is true and accurate based on reports and information submitted to the Trooper by Trooper Gabe Cornish and others identified herein.

On September 6, 2016, at approximately 1:55 a.m., Trooper Cornish observed a vehicle being driven in an erratic manner on Warren Street near Fourth Street in the City of Mankato, Blue Earth County, Minnesota. Trooper Cornish followed the vehicle and observed the vehicle weaving as it was being driven on Warren Street. Trooper Cornish was concerned that the driver may be impaired or distracted and was aware there were sharp S curves directly ahead. Trooper Cornish activated his squad car lights in order to get the vehicle to stop. The vehicle failed to stop right away and continued in the driving lane without pulling to the shoulder. Due to the location where the driver stopped the vehicle, Trooper Cornish pulled up alongside and instructed the driver to pull her vehicle to the right curb. The driver acknowledged his request but accelerated forward as if she was either leaving or confused. Trooper Cornish continued to follow the vehicle and had to activate both his siren and spotlight in order to get the vehicle to stop. Trooper Cornish identified the driver as Tara Nicole Berg, the Defendant herein. Trooper Cornish noted that the Defendant had the odor of an alcoholic beverage coming from inside the vehicle and that her eyes were very bloodshot and watery. Trooper Cornish notes in his report that the Defendant's eyes were lethargic as she reached and looked around the vehicle. Trooper Cornish asked the Defendant how much alcohol she had consumed. The Defendant responded, "A couple of drinks." The Defendant then added, "A couple of beers." Trooper Cornish asked the Defendant if she maybe had consumed too much to be driving safely, and the Defendant responded "maybe and yeah." Trooper Cornish administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Due to the slope of the area where the Defendant had stopped her vehicle, Trooper Cornish did not administer any balance tests. Trooper Cornish did not administer any balance tests because he was concerned that the Defendant would fall down and injure herself. Trooper Cornish asked the Defendant to recite a portion of the alphabet beginning with the letter 'A' and ending at the letter 'U.' The Defendant mixed up certain letters and failed to stop at the letter 'U.' Trooper Cornish asked the Defendant to count backwards beginning at the number 95 through 77. The Defendant mixed up certain numbers and appeared confused. Trooper Cornish administered a portable breath test, and the Defendant initially blew a .33 on the digital PBT. As a car passed by the Defendant stated, "They are probably drunk too." The Defendant began to cry. Trooper Cornish later submitted a second portable breath test, and the Defendant blew a .29 alcohol concentration. Trooper Cornish observed that the Defendant was very unsteady on her feet. The Defendant was placed under arrest and transported to the Blue Earth County Justice Center where Trooper Cornish read the Defendant the Implied Consent Advisory at 2:39 a.m. The Defendant was provided telephone privileges between 2:40 a.m. and 3:27 a.m. The Defendant attempted contact with her husband and was not able to reach him. The Defendant sat idle. The Defendant then called her mom to get an attorney's telephone number. The Defendant and her mom spoke until 2:54 a.m. Trooper Cornish spoke with the Defendant's mom at her request. Trooper Cornish reminded the Defendant about the importance of being given a reasonable amount of time in order to contact an attorney. Trooper Cornish also instructed the Defendant to keep the conversations pointed towards an attorney. The Defendant called her husband several times. Trooper Cornish observed that the Defendant sat idle much of the time and was crying. In addition, the Defendant was texting and making no effort to use the telephone books in order to contact an attorney. The Defendant called her mom back at 3:20 a.m., argued with her and then hung up. The Defendant received a return telephone call at 3:23 a.m. from someone, but they hung up immediately. The Defendant voluntarily ended her telephone privileges at 3:27 a.m. after being provided approximately 47 minutes of telephone contact time. The Defendant agreed to submit to a breath test. Trooper Cornish administered the Datamaster breath test to the Defendant. The results of the breath test were .25 alcohol concentration. The breath test was completed at 3:32 a.m.

A computer check of the Defendant's prior criminal history indicates that she has a conviction for Disruptive Intoxication from an incident on March 19, 2016, in Blue Earth County. See Blue Earth County District Court File No. 07-VB-16-1206.

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

Dan Anderson
State Trooper
2171 Bassett Drive
Mankato, MN 56001-6888
Badge: 31

Electronically Signed:
09/14/2016 11:01 AM
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:
09/12/2016 09:35 AM

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 **October 6, 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: September 14, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 09/14/2016 11:08 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.

TARA NICOLE BERG

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: