

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

MAN-16-0599  
07-CR-16-3018

**State of Minnesota,**

Plaintiff,

vs.

**CODY RICHARD QUESENBERRY DOB: 12/31/1992**

32349 Rosewood Lane  
St. Peter, MN 56082

Defendant.

**COMPLAINT**

Summons

Tab Charge/Citation Previously Filed

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): 07/30/2016

Control #(ICR#): 16022539

Charge Description: Said Defendant, Cody Richard Quesenberry, 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): 07/30/2016

Control #(ICR#): 16022539

Charge Description: Said Defendant, Cody Richard Quesenberry, 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 Accidents - Failure to Notify Owner of Damage Property**

Minnesota Statute: 169.09.5, with reference to: 169.09.14(c)

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 07/30/2016

Control #(ICR#): 16022539

Charge Description: Said Defendant, Cody Richard Quesenberry, did collide with and damage a fixture legally upon or adjacent to a highway and failed to take reasonable steps to locate and notify the owner or person in charge of such property of such fact, of the driver's name and address and of the registration plate number of the vehicle being driven and make a report to the commissioner of public safety within ten day, and upon request and if available, exhibit his/her driver's license.

## 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 Robert Sadusky and others identified herein.

On July 30, 2016 at about 2:42 am, Mankato police officers received a report of a hit and run collision in which a red Chevrolet pickup struck a light pole and left the scene. The collision occurred at the intersection of State and Willard Streets in Mankato, Blue Earth County, and was observed by witness 1. Sgt. Baker spoke with witness 1, who stated he saw the Chevrolet driving fast. He then saw the Chevrolet hit a street light and take off at a fast rate of speed.

When the call came out, Officer Hullopeter was at the intersection of Stoltzman Road and S. Riverfront Dr. He saw a red Chevrolet pickup stopped at a red light ahead of the crosswalk in the intersection. He also observed that the vehicle had extensive damage to the front-end. He attempted to pull the Chevrolet over however it continued traveling until Officer Sadusky parked his squad in front of it so it could not continue. Officer Sadusky approached the driver and could smell alcohol coming from him. The driver, later identified as Cody Richard Quesenberry, the defendant, admitted his involvement in the collision and admitted he had been drinking. Officer Sadusky observed the defendant had slow motor movement and that his speech was slurred and requested field sobriety tests. The defendant performed poorly on field sobriety tests and the officer noted several clues of intoxication during the HGN, the walk and turn and the one leg at stand tests. The defendant submitted to the PBT test which showed his alcohol concentration to be .254. The defendant was arrested for DWI and read the implied consent advisory at 3:23 am. The defendant stated he understood the advisory did not wish to speak with an attorney and would consent to a breath test. Officer Sadusky administered the DMT which measured the defendant's alcohol concentration to be .27 at 3:42 am. The Defendant admitted to drinking a large amount of alcoholic beverages between 9:00 pm and 2:00 am, then driving

## 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:  
08/10/2016 02:39 PM  
Blue Earth County, Minnesota

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 01:43 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 Birnbaum  
District Court Judge

Electronically Signed: 08/10/2016 02:58 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.

**CODY RICHARD QUESENBERRY**

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: