

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0642
07-CR-16-3114

State of Minnesota,

Plaintiff,

vs.

NATHAN EDWARD JOHNSON DOB: 10/15/1979

1619 Colony Court #3
North 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 - 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): 08/07/2016

Control #(ICR#): 16023425

Charge Description: Said Defendant, Nathan Edward Johnson, 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): 08/07/2016

Control #(ICR#): 16023425

Charge Description: Said Defendant, Nathan Edward Johnson, 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: Assault-5th Degree-Fear of Bodily Harm or Death

Minnesota Statute: 609.224.1(1)
Maximum Sentence: 90 days and/or \$1,000
Offense Level: Misdemeanor

Offense Date (on or about): 08/07/2016

Control #(ICR#): 16023425

Charge Description: Said Defendant, Nathan Edward Johnson, commits an act with intent to cause fear in another of immediate bodily harm or death.

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 Shelbea Sadusky and others identified herein.

On August 7, 2016, at approximately 2:27 AM, Officers Jacob Price and Shelbea Sadusky were on patrol when dispatch notified them of a driving complaint. The caller, later identified as Witness 1, said that a truck on Heron Drive was revving its engine. Witness 1 also stated that the driver, who would later be identified as Nathan Edward Johnson, had a light on inside the truck and was acting weird looking for something. Witness 1 also stated that the driver may be intoxicated.

Officers arrived at the scene and Officer Sadusky learned that Johnson was at a friend's wedding. Johnson initially denied having anything to drink but then admitted that he had been drinking but could not remember how much. Johnson stated he had been drinking Michelob Golden Light. While Officer Sadusky was speaking with Johnson he noted a strong odor of an alcoholic beverage emitting from his breath. Officer Sadusky also noted that Johnson's eyes were watery, bloodshot and that his speech was slurred. Officer Sadusky requested Johnson to complete field sobriety tests.

Johnson failed the horizontal gaze nystagmus test and registered a .199 on the portable breath test. At 3:11 AM Officer Sadusky read Johnson the Minnesota implied consent advisory. Johnson stated that he understood the advisory and agreed to take a test of his breath. The result of the breath test was .19. Officer Price conducted the breath test.

As Officer Price was completing the breath test Officer Sadusky noted that Johnson was becoming agitated and stated the officers were ruining his life. Johnson would stand up to leave several times and at one point removed his prosthetic leg, picked it up with his right hand and brought it to his right shoulder. Both Officer Sadusky and Officer Price believed that Johnson was going to strike Officer Price with the prosthetic leg. Officer Sadusky grabbed the prosthetic leg from Johnson and Officer Price pinned Johnson against the wall.

A review of Johnson's criminal history shows a conviction for driving while intoxicated from March 2013 which can be found in the Nicolet County file number 52 ' CR ' 13 ' 153.

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

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 56002-3129
(507) 304-4600

Electronically Signed:
08/08/2016 02:15 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 8, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 08/08/2016 03:09 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.

NATHAN EDWARD JOHNSON

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: