

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-19-0286
07-CR-19-1175

State of Minnesota,

Plaintiff,

vs.

DAVID CLAYTON LANDSTEINER DOB: 10/06/1979

63676 150th Ave.
Claremont, MN 55924

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): 03/16/2019

Control #(ICR#): 19007302

Charge Description: Said Defendant, David Clayton Landsteiner, did, drive, operate, or 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): 03/16/2019

Control #(ICR#): 19007302

Charge Description: Said Defendant, David Clayton Landsteiner, 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 0.08 or more, and one aggravating factor was present when the violation was committed.

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 Michael Sack and others identified herein.

On March 16, 2019, Officer Michael Sack of the Mankato Department of Public Safety was on routine patrol in the City of Mankato. Specifically, at around 2:17 a.m., Officer Sack was patrolling northbound on South Riverfront Drive. At that time and location, Officer Sack observed a small silver vehicle make a quick righthand turn from Cherry Street onto Riverfront Drive and then accelerate rapidly. Officer Sack obtained a radar reading of the vehicle's speed indicating it was traveling 47 mph in a 30-mph zone. Officer Sack initiated a traffic stop of the vehicle and made contact with the driver.

The driver was identified as David Clayton Landsteiner, DOB 10-6-1979. Officer Sack spoke with Landsteiner and observed him to have red and watery eyes, smell of alcohol, and exhibit slurred speech. Landsteiner also had a wet spot on the front of his jeans, which Officer Sack believed to be urine. Landsteiner told Officer Sack he had some drinks at a hockey game several hours prior to the stop. Officer Sack also observed an over 21 wristband on Landsteiner's wrist. Landsteiner then agreed to perform standardized field sobriety testing.

Officer Sack administered to Landsteiner the horizontal gaze nystagmus test, the walk and turn test, and the one-legged stand test. Landsteiner failed all three field sobriety tests. Landsteiner then provided a preliminary breath sample indicating a blood alcohol concentration in excess of twice the legal limit to operate a motor vehicle. Landsteiner was placed under arrest and transported to the Blue Earth County Jail. Landsteiner was read the Breath Test Advisory and agreed to provide a breath test. Officer Melissa Myers administered the DMT-G Data Master breath test to Landsteiner. Results of the test indicated Landsteiner had a blood alcohol concentration of 0.22. The measurement of his BAC was taken within two hours of his operation of the motor vehicle.

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:
03/25/2019 10:29 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Todd Coryell
Assistant Blue Earth County
Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
03/22/2019 02:25 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 **April 18, 2019 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: March 25, 2019.

Judicial Officer

Stephen J. Ferrazzano II
Judge of District Court

Electronically Signed: 03/25/2019 12:31 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.

DAVID CLAYTON LANDSTEINER

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: