

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0143
07-CR-16-653

State of Minnesota,

Plaintiff,

vs.

JOSHUA MICHAEL COUCH DOB: 12/27/1992

15867 Western Ave
Omaha, NE 68118

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.25.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/19/2016

Control #(ICR#): 16004763

Charge Description: Said Defendant, Joshua Michael Couch, did drive, 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 resented 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): 02/19/2016

Control #(ICR#): 16004763

Charge Description: Said Defendant, Joshua Michael Couch, 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: Traffic - Open bottle law; Liability of nonpresent owner; crime described

Minnesota Statute: 169A.35.4

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

Offense Level: Misdemeanor

Offense Date (on or about): 02/19/2016

Control #(ICR#): 16004763

Charge Description: Said Defendant, Joshua Michael Couch, did have in his/her possession, while in a private motor vehicle upon a street or highway, any bottle or receptacle containing an alcoholic beverage, distilled spirit or 3.2 percent malt liquor that has been opened, or the seal broken, or the contents of which had been partially removed.

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 Katelyn Kaiser and others identified herein.

On February 19, 2016, at approximately 11:05 p.m., Officer Kaiser observed a vehicle with a defective headlight being driven near the intersection of Warren Street and Maywood Avenue, in the City of Mankato, Blue Earth County, Minnesota. Officer Kaiser stopped the vehicle and identified the driver as Joshua Michael Couch, the Defendant herein. Officer Kaiser noted that the Defendant had the strong odor of an alcoholic beverage coming from the vehicle and the Defendant's eyes were dilated. In addition, the Defendant's eyes were bloodshot and watery. Officer Kaiser asked the Defendant how much he had to drink. The Defendant admitted he had four 12-ounce Bud Light beers. Officer Kaiser administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Officer Kaiser administered the walk and turn test and noted that the Defendant started the test prematurely. The Defendant stepped off of the line, did not walk heel to toe during the test. Officer Kaiser administered the one-legged stand test and noted that the Defendant did not count out loud as requested and hopped during the test. Officer Kaiser administered the portable breath test and the Defendant blew a 0.160 on the digital PBT. Sergeant Ken Baker reported to the scene to assist Officer Kaiser. The Defendant was placed under arrest. An open bottle of alcohol was located inside of the vehicle.

The Defendant was transported to the Blue Earth County Justice Center where Officer Kaiser read the Defendant the Implied Consent Advisory at 11:46 p.m. After being given an opportunity to contact an attorney, the Defendant agreed to submit to a breath test. Officer Jacob Price assisted in the administration of the data master breath test to the Defendant. The results of the breath test were 0.17 alcohol concentration. The data master test was completed at 12:18 a.m.

A computer check of the Defendant's prior driving record indicates that he has a conviction for DWI from an incident on June 10, 2012, in Nebraska. Officer Kaiser interviewed the Defendant pursuant to Miranda. The Defendant admitted that he had consumed eight 12-ounce drinks while at a friend's house.

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

Jeremy Clifton
Police Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3149

Electronically Signed:
02/26/2016 01:39 PM
Blue Earth County, MN

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:
02/25/2016 02:07 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: February 26, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 02/26/2016 01:56 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.

JOSHUA MICHAEL COUCH

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: