

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1868-02
07-CR-16-4450

State of Minnesota,

Plaintiff,

vs.

NYALANI BIEL JAL DOB: 10/10/1991

1213 Wellington Avenue
Faribault, MN 55021

Defendant.

COMPLAINT

Warrant

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): 11/13/2016

Control #(ICR#): 16034424

Charge Description: Nyalani Biel Jal

On or about November 13, 2016, in the County of Blue Earth, said Defendant, Nyalani Biel Jal did, drive, operate, or 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: Assault - 4th Degree - Peace Officer - Physically Assaults

Minnesota Statute: 609.2231.1(b)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 11/13/2016

Control #(ICR#): 16034424

Charge Description: Nyalani Biel Jal

On or about November 13, 2016, in the County of Blue Earth, said Defendant, Nyalani Biel Jal did, physically assault a peace officer when that officer was effecting a lawful arrest or executing any other duty imposed by law.

COUNT III

Charge: Obstruct Legal Process-Interfere w/Peace Officer

Minnesota Statute: 609.50.1(2), with reference to: 609.50.2(2)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 11/13/2016

Control #(ICR#): 16034424

Charge Description: Nyalani Biel Jal

On or about November 13, 2016, in the County of Blue Earth, said Defendant, Nyalani Biel Jal did, intentionally, obstruct, resist, or interfere with a peace officer while the officer was engaged in the performance of official duties and the act was accompanied by force or violence or the threat thereof.

STATEMENT OF PROBABLE CAUSE

Officer Swanson, a licensed peace officer in the State of Minnesota, currently employed by the Mankato Department of Public Safety, reports that on November 13, 2016, at approximately 2:26 a.m., he observed a tan van, bearing Minnesota license plate 069 TMK, fail to stop at a stoplight at the intersection of Second Street and Cherry Street. Swanson initiated a traffic stop on the vehicle. The vehicle then stopped near the intersection of Second Street and Warren Street.

Swanson made contact with the driver of the vehicle, later identified as Nyalani Jal. Swanson reports while speaking with Jal he smelled an odor consistent with that of an alcoholic beverage coming from the interior of the vehicle. Further, while speaking with Jal, she failed to respond to Swanson's questions with appropriate answers. Swanson further noted that Jal had bloodshot watery eyes and her eyes were failing to maintain proper orientation on Swanson while he was speaking with her. Additionally, Swanson asked Jal what she had to drink over the course of the evening. Jal indicated she had a few drinks and then stated she had a couple of beers. Swanson then asked Jal to step out of the vehicle so he could perform some standard field sobriety tests.

Swanson then preformed a horizontal gaze nystagmus test and observed all six clues on Jal.

Swanson then began the instruction phase of the walk and turn test and attempted to show Jal the appropriate starting position. Jal, however, began to get into the starting position but was unable to stand in the position as demonstrated by Swanson. Swanson then asked Jal if she had any medical issues that would interfere with her ability to perform the test. Jal stated she had a knee issue. Jal stated she was cold and could not perform the test without a coat. Swanson notes Jal did not have a coat on her person or in the vehicle. Swanson also notes that Jal's demeanor dramatically changed at that point and she began to make statements such as, 'Are you guys trying to take me to jail?' Swanson reports Jal then became animated and would not attempt to perform the tests he requested.

Swanson then walked Jal to his patrol vehicle and placed her in it in an attempt to allow her to get warm. Swanson, based on his observations, determined that he would request Jal provide a sample of her breath. However, Jal refused to provide a preliminary breath test. Swanson then asked Jal to step out of the vehicle and instructed her to place her hands behind her back. Swanson notified Jal that she was under arrest. Jal then attempted to pull away from Swanson and other assisting officers. Swanson was able to handcuff Jal behind the back and instructed Jal to get into the patrol vehicle, but Jal refused to follow directions. Swanson was able to remain in control of Jal's elbow and instructed her again. At this point, Jal became enraged and began yelling in a language Swanson did not understand.

While Jal leaned into the vehicle she laid down on the backseat and began kicking at Swanson with her feet. Jal struck Swanson in the arm and chest with her feet. Assisting officers then pulled her to the driver's side in order to close the door and secure her inside the vehicle. Swanson reports at 2:51 a.m., he read the Implied Consent to Jal in the back of his patrol unit. Swanson reports Jal would not respond when asked if she understood what Swanson was telling her. Swanson attempted to read the advisory again and was then advised Jal wished to speak to an attorney. Jal was then transported to the Blue Earth County Jail.

While at the Blue Earth County Jail, Swanson provided Jal the telephone directory and a cellphone. Jal's opportunity to speak with an attorney began at 3:25 a.m., at which time Swanson noted Jal spoke to several friends while on the phone and was instructed to use the time provided to contact an attorney. Eventually, at 4:20 a.m., Jal stated she was done using the provided time to contact an attorney.

Jal then agreed to take a breath test which was taken with the assistance of Officer Price. Price notes that

the first test Jal provided was an invalid sample. Price notes that based on his training experience when someone provides an invalid sample, this more than likely they are providing air in an inconsistent manner. Price notes that Jal would just blow up her cheeks and she blew air out of the side of her mouth. Price then provided Jal a second opportunity to provide the test properly. At that time, Jal's second test provided two adequate breath samples. Price reports that the results of that breath test revealed an alcohol concentration of .23. The test was concluded at 4:53 a.m..

A review of Jal's driving record shows a previous conviction for Driving While Under the Influence from May 3, 2012, in Blue Earth County.

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

Craig Frericks
Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3102

Electronically Signed:
11/14/2016 02:08 PM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Christopher Rovney
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
11/14/2016 02:02 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: November 14, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 11/14/2016 03:27 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.

NYALANI BIEL JAL

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Warrant
upon the Defendant herein named.*

Signature of Authorized Service Agent: