

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0790
07-CR-16-3908

State of Minnesota,

Plaintiff,

vs.

MELISSA RUTH CULHANE DOB: 10/14/1982

431 N 5th St
Mankato, MN 56001

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 - Refuse to Submit to Chemical Test

Minnesota Statute: 169A.20.2, with reference to: 169A.26.2

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 10/03/2016

Control #(ICR#): 16029907

Charge Description: Said Defendant, Melissa Ruth Culhane, Also Known As Melissa Ruth Wetzel, did drive, operate or was in physical control of any motor vehicle and the Defendant refused to submit to a chemical test of the person's blood, breath or urine upon the request of a peace officer who had probable cause to believe the person to be tested was under the influence.

COUNT II

Charge: Drugs - Possession of Drug Paraphernalia - Use or Possession Prohibited

Minnesota Statute: 152.092(a)

Maximum Sentence: \$300

Offense Level: Petty Misdemeanor

Offense Date (on or about): 10/03/2016

Control #(ICR#): 16029907

Charge Description: Said Defendant, Melissa Ruth Culhane Also Known As Melissa Ruth Wetzel, did knowingly or intentionally possess drug paraphernalia; to-wit: a smoking device.

COUNT III

Charge: Drugs - Possess/Sale Small Amount of Marijuana - No Remuneration

Minnesota Statute: 152.027.4(a)

Maximum Sentence: \$300 fine
Offense Level: Petty Misdemeanor

Offense Date (on or about): 10/03/2016

Control #(ICR#): 16029907

Charge Description: Said Defendant, Melissa Ruth Culhane, Also Known As Melissa Ruth Wetzel, did unlawfully possess a small amount of marijuana.

COUNT IV

Charge: Traffic - Open bottle law; Possession; crime described

Minnesota Statute: 169A.35.3

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

Offense Level: Misdemeanor

Offense Date (on or about): 10/03/2016

Control #(ICR#): 16029907

Charge Description: Said Defendant, Melissa Ruth Culhane, Also Known As Melissa Ruth Wetzel, did have in 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.

COUNT V

Charge: Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1), with reference to: 169A.27.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 10/03/2016

Control #(ICR#): 16029907

Charge Description: Said Defendant, Melissa Ruth Culhane, Also Known As Melissa Ruth Wetzel, did drive, operate and have physical control of any motor vehicle when she was under the influence of alcohol.

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 Mohamed Mohamed and others identified herein.

On October 3, 2016, at approximately 11:30 p.m., Officer Mohamed responded to a report of an individual passed out in a motor vehicle near the intersection of Fourth and Spring Streets in the City of Mankato, Blue Earth County, Minnesota. Officer Mohamed identified a witness as Witness 1. Witness 1 indicated that a person was passed out behind the wheel in a motor vehicle that was parked with the engine running. Witness 1 said that the person did not respond to Witness 1's attempts to wake her and he was unsure if she was breathing or not. Officer Mohamed reported to that location and identified the operator of the motor vehicle as Melissa Ruth Culhane, the Defendant herein. When Officer Mohamed first attempted to make contact with the Defendant, she failed to respond to his knocks on the window of the motor vehicle. Eventually, the Defendant woke up. Officer Mohamed notes in his report that the Defendant was confused and could not open the door. The door to the motor vehicle was locked. After several attempts, the Defendant was able to open the door. Officer Mohamed noted that the Defendant had the strong odor of an alcoholic beverage coming from her breath and that her eyes were bloodshot. In addition, the Defendant's speech was slurred. Officer Mohamed asked the Defendant if she had been drinking alcoholic beverages, and the Defendant said yes. Officer Mohamed attempted to administer field sobriety tests to the Defendant. Officer Mohamed administered the horizontal gaze nystagmus test and observed all six clues indicating impairment. Officer Mohamed attempted to administer the walk-and turn test. The Defendant initiated the test prematurely and raised her hands in order to maintain her balance. Officer Mohamed asked the Defendant to not begin the test until he had completed instructions. After completing instructions, the Defendant refused to perform the test. The Defendant refused to perform the one-legged stand test. The Defendant also refused to submit to a portable breath test. Officer Mohamed placed the Defendant under arrest and transported her to the Blue Earth County Justice Center where he read her the Implied Consent Advisory at 12:08 a.m. After being given an opportunity to contact an attorney, the Defendant agreed to submit to a breath test. Officer Jesse Gilbertson assisted in the investigation of the incident. The Defendant refused to follow instructions for taking the Data Master breath test. The Defendant's conduct was considered a test refusal.

A review of the vehicle indicated that the Defendant had an open container of alcohol in the vehicle at the time that she was found passed out. In addition, both marijuana and drug paraphernalia were found inside of the vehicle.

A computer check of the Defendant's driver's license record indicates that the Defendant had been charged with DWI from an incident on October 14, 2002. See Nicollet County District Court File 52-T9-02-101168. In addition, the Defendant has a conviction for Open Bottle from an incident on April 8, 2009 in Blue Earth County. See Blue Earth County District Court file 07-CR-09-2680.

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:
10/05/2016 12:22 PM
Blue Earth County, Minnesota

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:
10/05/2016 10:10 AM

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: October 5, 2016.

Judicial Officer Krista J Jass
Judge of District Court

Electronically Signed: 10/05/2016 04:03 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.

MELISSA RUTH CULHANE

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: