

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1009
07-CR-16-2513

State of Minnesota,
Plaintiff,

COMPLAINT
Order of Detention

vs.

GATTIEK TUT CHOL DOB: 01/01/1989

510 Belle Avenue #303
Mankato, MN 56001

Defendant.

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: 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): 06/17/2016

Control #(ICR#): 16017928

Charge Description: Gattiek Tut Chol

On or about June 17, 2016, in the County of Blue Earth, said Defendant, Gattiek Tut Chol 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

On June 17, 2016, at approximately 7:45 p.m., Officer Vitale observed an individual whom he believed to have a bench warrant for his arrest near a residence in the City of Mankato, Blue Earth County, Minnesota. Law enforcement had received information from an individual later identified as Witness 1. Witness 1 indicated that he believed that he saw a suspect in a robbery in which Witness 1 was the victim. Officers Jesse Gilbertson and Audrey Kranz reported to the location in which they were searching for the suspect. Officer Vitale assisted in the search. Officer Vitale observed one individual whom he suspected of having a valid bench warrant for his arrest. That person was later identified as Gattiek Tut Chol, the Defendant herein. Officer Vitale was aware that there was a bench warrant for the Defendant's arrest. Officer Vitale asked the Defendant for his name in order to properly identify them. The Defendant refused to identify himself and stated that he had done nothing wrong. Officer Vitale attempted to detain the Defendant but the Defendant physically obstructed. When Officer Vitale grabbed the Defendant's arm, Officer Vitale could feel the Defendant's muscles tense up. The Defendant continued to actively resist arrest by Officer Vitale. Officer Vitale instructed the Defendant to get on the ground four times but the Defendant refused to comply. The Defendant had to be physically brought to the ground in order to be detained. Even after the Defendant was on the ground, he continued to resist arrest by maintaining tense and rigid muscles. In addition, the Defendant refused to comply with verbal commands. Officer Chris Arkell responded to the scene to assist. Officer Arkell instructed the Defendant to comply or he would be tased. Eventually the Defendant was able to be detained.

Officer Vitale could smell the odor of an alcohol beverage coming from the Defendant's breath. The Defendant denied drinking and refused to provide a portable breath test. Officer Vitale did verify that there was in fact an active bench warrant for the Defendant's arrest. The Defendant later submitted to a portable breath test with the result of .071 alcohol concentration.

A computer check of the Defendant's prior criminal history indicates that he has a pending DWI in Blue Earth County from an incident on April 13, 2016. See Blue Earth County District Court File number CR-16-1598.

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:
06/20/2016 11:22 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

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

Electronically Signed:
06/20/2016 10:56 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: June 20, 2016.

Judicial Officer

Kurt D Johnson
District Court Judge

Electronically Signed: 06/20/2016 11:32 AM

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.

GATTIEK TUT CHOL

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: