

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1244
07-CR-16-3489

State of Minnesota,

Plaintiff,

vs.

BARBARA GALE ROBERTS DOB: 08/08/1945

237 Ann Drive P O Box 164
Eagle Lake, MN 56024

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.27.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 07/04/2016

Control #(ICR#): 16001316

Charge Description: Barbara Gale Roberts

On or about July 4, 2016, in the County of Blue Earth, said Defendant, Barbara Gale Roberts did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol.

STATEMENT OF PROBABLE CAUSE

On July 4, 2016 at approximately 2:51 am Officer Kopp was patrolling on County Road 17 W. in Eagle Lake, Blue Earth County. He observed a vehicle eastbound County Road 17 and noticed that it was traveling very slowly. He clocked it on radar at 28 miles per hour in the 55 mile an hour zone. He followed the vehicle and observed it travel over the fog line and then speed up. He also noticed the vehicle drift toward the centerline within its lane and correct itself on two different occasions. The vehicle turned its signal on, indicating a right turn on Linda Drive, however failed to turn onto Linda Drive and continued straight. The vehicle took a wide right turn onto Plainview Street, travelled over the center of roadway appearing to almost strike the curb. Officer Kopp pulled the vehicle over and spoke with the driver, who he identified as Barbara Gale Roberts, the defendant. The officer could smell the odor of alcohol on the defendant and also noted that her speech was slurred. When she attempted to get her driver's license out of her wallet she fumbled with it and had a difficult time. She admitted that she had been drinking and stated she had two drinks approximately one hour prior. The defendant was requested to perform field sobriety tests and the officer noted clues of intoxication during the HGN and counting backwards tests. When requested to take the PBT the defendant stated, 'Well, I'm not going to pass'. The defendant provided a poor sample for the PBT which still measured her alcohol concentration to be a .125. The defendant was arrested and read the implied consent advisory at 3:17 am. She stated she understood the advisory and wished to speak with an attorney. She was then transported to the Justice Center to allow her to contact an attorney. Prior to her use of the telephone the defendant put a mint in her mouth after the officer told her not to put anything in her mouth. She then attempted to put more mints in her mouth before the officer was able to get the container away from her. The defendant became belligerent and insulting toward the officer and refused to follow simple commands. A phone and phonebooks were made available to her and she left a phone message for an attorney. She was encouraged to attempt to call another attorney, however the defendant became argumentative and insulting again toward the officer. She threw the phonebooks on the floor and sat there staring at the officer failing to make any attempt to contact another attorney. At 4:12 am, the defendant was requested to take a breath test. The defendant continued to be belligerent, argumentative and insulting and attempted to thwart the testing process. She refused to cooperate and would not provide an adequate breath although given two opportunities to do so. Due to the defendant's failure to cooperate and provide a breath sample, Officer Kopp made application for a search warrant for a urine sample from the defendant. The warrant was approved and a female jailer attempted to get a urine sample from the defendant. The defendant provided an inadequate amount of her urine so she was provided with water in an attempt to assist her. Eventually at 6:38 AM the defendant provided a very small amount of urine to test. That sample was sent to the BCA for analysis. The defendant's urine was measured to contain an alcohol concentration of .074.

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

John Kopp
Chief of Police
705 Parkway Ave.
Eagle Lake, MN 56024
Badge: 4371

Electronically Signed:
09/01/2016 09:36 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Linda B. Hilligoss
Assistant Blue Earth County
Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
08/31/2016 04:34 PM

