

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

MAN-16-0644
07-CR-16-3484

State of Minnesota,

Plaintiff,

vs.

AMNABEAR OMOT NYIGWO DOB: 08/24/1998

109 W Welcome Avenue
Mankato, MN 56001

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 - 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): 08/06/2016

Control #(ICR#): 16023295

Charge Description: Said Defendant, Amnabear Omot Nyigwo, 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: 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): 08/06/2016

Control #(ICR#): 16023295

Charge Description: Said Defendant, Amnabear Omot Nyigwo, did drive, operate and have physical control of any motor vehicle when he/she was under the influence of alcohol.

COUNT III

Charge: Drugs - Possess Over 1.4 Grams Marijuana In Motor Vehicle

Minnesota Statute: 152.027.3

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

Offense Level: Misdemeanor

Offense Date (on or about): 08/06/2016

Control #(ICR#): 16023295

Charge Description: Said Defendant, Amnabear Omot Nyigwo, did unlawfully possess a small amount of marijuana when that person was the owner of a private motor vehicle, or was the driver of the motor vehicle if the owner is not present, and possesses on the person, or knowingly keeps or allows to be kept within the area of the vehicle normally occupied by the driver or passengers, more than 1.4 grams of marijuana.

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 Kevin Waterstreet and others identified herein.

On August 6, 2016, at approximately 1:50 a.m., Officer Waterstreet, of Mankato Police, conducted a traffic stop on a vehicle that matched the description of a suspect vehicle involved in an assault. Officer Waterstreet approached the vehicle and made contact with the driver, later identified as Amnabear Omot Nyigwo, the Defendant herein.

Officer Waterstreet noticed multiple indicia of alcohol impairment including the odor of an alcohol beverage emitting from the Defendant's breath, as well as bloodshot glossy eyes. While speaking with the Defendant, Officer Waterstreet noticed the smell of marijuana and conducted a search of the vehicle. The search revealed a bag containing a green, leafy substance, which was subsequently tested positive for marijuana via NIK. The Defendant admitted the marijuana was his and we wanted the charge for it. The marijuana weighed a total of 15g.

The Defendant was placed in the back of the officer's squad vehicle due to the Defendant's assault involvement. Officer Waterstreet asked the Defendant if he had been previously drinking, and the Defendant stated he drank earlier that evening. The officer asked the Defendant to perform field sobriety tests, to which the Defendant consented. Officer Waterstreet administered and the Defendant performed the horizontal gaze nystagmus, walk and turn, and one-legged stand test. Based on the poor performance of field sobriety tests, the officer asked the Defendant to submit to a preliminary breath test, to which the Defendant stated he did not want to submit to the PBT. Officer Waterstreet subsequently placed the Defendant under arrest for DWI. The Defendant was placed back into the officer's squad vehicle. Officer Waterstreet asked the Defendant if he would submit to a portable breath test, and the Defendant consented. The PBT resulted in a blood alcohol concentration of .048 percent. The Defendant was subsequently transported to the Blue Earth County Justice Center.

Upon arrival to the Blue Earth County Justice Center, Officer Waterstreet read the Defendant the Motor Vehicle Implied Consent Advisory. The advisory began at 2:56 a.m. The Defendant stated he understood the advisory and wished to contact an attorney. At approximately 3:14 a.m., the Defendant stated he was finished attempting to contact an attorney. Officer Waterstreet asked the Defendant if he would submit to a breath test, and the Defendant stated he would not submit to a breath test. The Implied Consent ended at approximately 3:15 a.m.

It should be noted the Defendant stated to Officer Waterstreet that he had 'some shots earlier' and that 'everyone has been drinking.' An LOT was sent to the Blue Earth County Attorney's Office for review of charges.

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:
09/01/2016 08:25 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Nicholas Boulieris
Assistant County Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002-3129
(507) 304-4600

Electronically Signed:
08/30/2016 04:02 PM

