

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1810
07-CR-16-4381

State of Minnesota,

Plaintiff,

vs.

ZOHAIB ASHRAF DOB: 11/20/1988

3540 W. 38th Pl
Chicago, IL 60632

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 Controlled Substance

Minnesota Statute: 169A.20.1(2), with reference to: 169A.27.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 07/03/2016

Control #(ICR#): 16201294

Charge Description: Zohaib Ashraf

On or about July 3, 2016, in the County of Blue Earth, said Defendant, Zohaib Ashraf did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of a controlled substance; to wit: 11-nor-9-carboxy-delta-9-tetrahydrocannabinol.

COUNT II

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): 07/03/2016

Control #(ICR#): 16201294

Charge Description: Zohaib Ashraf

On or about July 3, 2016, in the County of Blue Earth, said Defendant, Zohaib Ashraf did have in his/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 have been partially removed.

STATEMENT OF PROBABLE CAUSE

On July 3, 2016, at approximately 1:14 a.m., Trooper Cornish responded to a report of an abandoned vehicle on Highway 22 near Mapleton in Blue Earth County, Minnesota. Trooper Cornish responded to that location at the request of people who had called 911 indicating that a driver had stopped his car in the southbound lane of Highway 22 and had abandoned the vehicle. Trooper Cornish responded to the scene and identified the person who had abandoned the vehicle as Zohaib Ashraf, the Defendant herein. When Trooper Cornish had responded to the scene, the Defendant had returned to the vehicle. The Defendant was seated in the driver's seat and the keys of the vehicle were in the ignition. Trooper Cornish asked the Defendant if the car was his, and the Defendant responded yes. Trooper Cornish also asked the Defendant if he was alone and if he was the driver. Again, the Defendant said yes. Trooper Cornish notes in his report that the vehicle was completely blocking the southbound lane on Highway 22. Trooper Cornish asked the Defendant about an open bottle of beer in the center console of the car. The Defendant stated that it was Angry Orchard cider beer. The Defendant exited the vehicle and indicated that he was coming from Brooklyn Park, Minnesota. Trooper Cornish asked the Defendant where he was going and the Defendant responded, 'Somewhere.' The Defendant went on to explain that he wanted to travel to Syria or Jordan to see a friend. The Defendant said that his home is in Jerusalem. The Defendant informed Trooper Cornish that he was in the United States on a visitors visa. Trooper Cornish asked the Defendant where he was going and the Defendant said he was going to the international airport in Minneapolis to fly to Jordan or Syria. When asked if he had any luggage, the Defendant said no. The Defendant said that he intended to buy a ticket for going overseas. Trooper Cornish noted that the Defendant's eyes were very dilated. Trooper Cornish asked the Defendant if he had smoked marijuana, and the Defendant said yes. The Defendant said that he had smoked 'lots of it.' The Defendant informed Trooper Cornish that he had taken a lot of hits from the bong while in Brooklyn Park. Trooper Cornish asked the Defendant how he had ended up 1 1/2 hours from the airport if he had intended to drive to the airport from Brooklyn Park. The Defendant responded that it was due to short-term memory loss. Trooper Cornish specifically asked the Defendant why he had short-term memory loss and the Defendant said he gets that when he gets high. Trooper Cornish also asked the Defendant if he was high, and the Defendant said yes but then said yes and no. The Defendant informed Trooper Cornish that he had a lot going on. The Defendant admitted to drinking about a half a bottle of beer earlier. Trooper Cornish asked the Defendant if he thought smoking the marijuana had contributed to his being lost, and the Defendant said yes. Trooper Cornish asked the Defendant where he had planned to walk to when he had left his car in the road. The Defendant said that he had intended to walk to the airport. Trooper Cornish informed the Defendant that he was walking in the wrong direction. The Defendant at that time later admitted that he had seen a mental health practitioner while he lived in Pakistan. The Defendant made comments about the entire world's health being in his hands. Trooper Cornish asked the Defendant if he thought that the marijuana that he had smoked had been possibly laced with something, and the Defendant said yes. Trooper Cornish observed that the Defendant's eyelids opened and closed lethargically. Trooper Cornish administered the horizontal gaze nystagmus test to the Defendant. Trooper Cornish also administered a modified Romberg test to the Defendant. The Defendant did poorly on the Romberg test. The Defendant's eyes exhibited tremors as he counted. Trooper Cornish asked the Defendant to recite a portion of the alphabet. The Defendant completed the alphabet slowly but without error. Due to the Defendant's driving conduct, his odd behavior, the answers to various questions, his slow Romberg test results, his demeanor and other indicators as well as his admission of having smoked marijuana and possibly other drugs, Trooper Cornish placed the Defendant under arrest for driving while under the influence of drugs.

Prior to leaving, the Defendant asked Trooper Cornish to retrieve a notebook from his car. Trooper Cornish reviewed the notebook and was concerned by writings inside. Trooper Cornish was concerned with the Defendant's thoughts and possible intentions of those writings. Trooper Cornish retrieved two cellphones from the Defendant's car. The Defendant was transported to the M.C.H.S. Trooper Cornish completed a

search warrant application and obtained a search warrant from the Honorable Judge Gregory J. Anderson. An MCHS Medical Technologist withdrew a blood sample from the Defendant. The MCHS Medical Technologist was identified as Witness 1. Blood sample test kit #B385539 was used in the administration of the blood test. The blood sample was tested by a BCA Forensic Scientist. The BCA Forensic Scientist was identified as Witness 2.

A chemical analysis revealed a concentration of 11-nor-9-carboxy-delta-9-tetrahydrocannabinol (a metabolite of THC) in the Defendant's blood.

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

Dan Anderson
State Trooper
2171 Bassett Drive
Mankato, MN 56001-6888
Badge: 31

Electronically Signed:
11/07/2016 10:11 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:
11/04/2016 09:45 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 **December 8, 2016 at 8:15 AM** 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 7, 2016.

Judicial Officer

Krista J Jass
Judge of District Court

Electronically Signed: 11/07/2016 10:31 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.

ZOHAIB ASHRAF

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: