

State of Minnesota
County of Kittson

District Court
9th Judicial District

Prosecutor File No. 210000145
Court File No. 35-CR-21-115

State of Minnesota,

Plaintiff,

vs.

MICHAEL RENE GADBOIS DOB: 04/26/1966

206 Washington Avenue W
Apt. 1B
Karlstad, MN 56732

Defendant.

COMPLAINT

Order of Detention

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: Second degree DWI

Minnesota Statute: 169A.20.1(1), with reference to: 169A.25.2

Maximum Sentence: One (1) year imprisonment or \$3,000.00 fine, or both

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/25/2021 to 09/25/2021

Control #(ICR#): 21000145

Charge Description: That the Defendant, then and there being, did on or about September 25, 2021, in Kittson County, Minnesota, drive, operate, or was in physical control of a motor vehicle at a time when the Defendant's ability to drive was impaired by the use of alcohol, and at a time when he had two (2) aggravating factor present when the offense described herein occurred. This act is contrary to the laws of the State of Minnesota.

COUNT II

Charge: Open bottle

Minnesota Statute: 169A.35.3

Maximum Sentence: Ninety (90) days imprisonment or \$1,000.00 fine, or both

Offense Level: Misdemeanor

Offense Date (on or about): 09/25/2021 to 09/25/2021

Control #(ICR#): 21000145

Charge Description: That the Defendant, then and there being, did on or about September 25, 2021, in Kittson County, Minnesota, have within a vehicle an open container of alcohol accessible to the driver or passenger. This act is contrary to the laws of the State of Minnesota.

COUNT III**Charge: Possessing alcohol on school grounds**

Minnesota Statute: 624.701.1

Maximum Sentence: Ninety (90) days imprisonment or \$1,000.00 fine, or both

Offense Level: Misdemeanor

Offense Date (on or about): 09/25/2021 to 09/25/2021

Control #(ICR#): 21000145

Charge Description: That the Defendant, then and there being, did on or about September 25, 2021, in Kittson County, Minnesota, possess an alcoholic beverage on school grounds. This act is contrary to the laws of the State of Minnesota.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

On the evening of September 25, 2021, and while on routine patrol in Kittson County in the City of Karlstad, Kittson County Deputy Terry Bayne did notice a Tri-County School mini van parked in front of the Tri-County School in Karlstad with the rear hatch open and several cases of what appeared to be soda sitting in the parking lot on the passenger side of the van. The radio was on, music was playing, and a nearby door to the school was standing open. Lights were on at the top of the stairs in the school. Deputy Bayne saw no one in the vehicle at that point, and suspected that someone from the school must have been unloading supplies. Deputy Bayne returned to the scene approximately one-half hour later and this time found the above named Defendant sitting in the driver's seat with his head resting between the steering wheel and the door. Deputy Bayne checked on the Defendant to see if he was in some kind of medical distress. As Deputy Bayne approached him, the Defendant looked up at him. Deputy Bayne could immediately see that the Defendant's eyes were very bloodshot and watery and noticed a very strong odor of alcoholic beverage about him. Deputy Bayne asked the Defendant to identify himself and he began to mumble and started feeling around in his pockets and his shirt. Deputy Bayne asked again who he was but the Defendant did not respond. Deputy Bayne asked if he could produce his driver's license, and the Defendant began to look around in the front of the van. The Defendant's movements were very slow as he opened the center console and again checked his pockets. The Defendant then reached for the radio as it was rather loud, but instead his hand found the fan control knob for the air of the vehicle.

At that point Deputy Bayne asked the Defendant to exit the van. Upon exiting, the Defendant began to reach for his pockets and then appeared to be walking away from Deputy Bayne. At that point Deputy Bayne placed him against the van and patted him down for safety. The pat-down produced no weapons but also produced no wallet. Deputy Bayne then looked over to the open driver's door and could see a wallet sitting in the lower pocket of the driver's door. Deputy Bayne then asked the Defendant if the wallet in the door was his, and he said it was. Deputy Bayne handed him the wallet and asked him to remove his driver's license. The Defendant had great difficulty locating his license and first handed Deputy Bayne some type of store credit card or ID card. After Deputy Bayne told him that this was not his driver's license, he then removed three additional cards from his wallet, one of which was his license, and two others which fell to the ground. The Deputy asked him to place his wallet on the roof of the vehicle. The Deputy then radioed in the driver's license information for the Defendant. Deputy Bayne then asked the Defendant to face him so that Deputy Bayne could perform field sobriety tests. As he raised his penlight to begin with the Horizontal Gaze Nystagmus test, the Defendant started to fall backwards into the driver's door as he was too intoxicated to keep his balance. At that point Deputy Bayne ceased testing and placed the Defendant under arrest. The Defendant was transported to the Kittson County Sheriff's office at approximately 21:20 hours. The standard DMT breath test protocol was initiated, and the Defendant agreed to take the test. The Defendant's blood alcohol was read at 21:50 hours to indicate 0.21 blood alcohol, over twice the legal limit.

A review of the Defendant's driving history indicated that in the last ten years, he had two prior DWIs, one on January 27, 2015, in Fairbanks, Alaska, and one on January 25, 2017, in Palmer, Alaska.

At 11:47 hours on September 26, 2021, Deputy Bayne received a call from Jaron Englund of Tri-County School in Karlstad. Mr. Englund told Deputy Bayne that Mr. Englund was asked to secure the school mini van and in the process of doing so, Mr. Englund noticed a half full bottle of vodka in the driver's door under a plastic bag.

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

Mark Wilwant
Sheriff
410 5th St S
Hallock, MN 56728-0501
Badge: 201

Electronically Signed:
09/27/2021 10:41 AM
Kittson County, Minnesota

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

Prosecuting Attorney

Jeffrey W Hane
Asst Co Atty
217 S Birch Ave
Box 790
Hallock, MN 56728
(218) 843-3686

Electronically Signed:
09/27/2021 10:26 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 as directed in the Notice of Hearing before the above-named court 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: September 27, 2021.

Judicial Officer

Tamara Yon
District Court Judge

Electronically Signed: 09/27/2021 10:46 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF KITTSON
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Michael Rene Gadbois

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:

DEFENDANT FACT SHEET

Name: Michael Rene Gadbois
DOB: 04/26/1966
Address: 206 Washington Avenue W
Apt. 1B
Karlstad, MN 56732

Alias Names/DOB:

SID: MN87011797

Height:

Weight:

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #:

Alcohol Concentration: Breath Machine: 0.2100

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	9/25/2021	169A.20.1(1) Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol	Gross Misdemeanor	JE501		MN0350000	21000145
	Penalty	9/25/2021	169A.25.2 Traffic - DWI - Second-Degree Driving While Impaired; Criminal Penalty	Gross Misdemeanor	JE501		MN0350000	21000145
2	Charge	9/25/2021	169A.35.3 Traffic - Open bottle law; Possession; crime described	Misdemeanor	J3901		MN0350000	21000145
3	Charge	9/25/2021	624.701.1 Possess Alcohol on School Grounds	Misdemeanor	J3901		MN0350000	21000145