

State of Minnesota
County of Dakota

District Court
1st Judicial District

Prosecutor File No. 17CR01310
Court File No. 19HA-CR-17-2400

State of Minnesota,

COMPLAINT

Plaintiff,

Summons

vs.

ALEXIS SABORIT DOB: 03/30/1979

221 E 4th St Apt. #3
Chaska, MN 55318

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: Traffic - 3RD DEGREE DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1), with reference to: 169A.26.2

Maximum Sentence: 1 year jail and/or \$3,000 fine

Offense Level: Gross Misdemeanor

Offense Date (on or about): 03/15/2017

Control #(ICR#): 17402311

Charge Description: That on or about 3/15/2017, in Dakota County, Minnesota, the defendant, Alexis Saborit, DOB: 3/30/1979 (38), did drive, operate, or was in physical control of a motor vehicle while under the influence of alcohol and one aggravating factor was present: 1) a qualified prior impaired driving incident within ten years immediately preceding the current offense; 2) having an alcohol concentration of 0.16 or more as measured at the time, or within two hours of the time, of the offense; or 3) having a child under the age of 16 in the vehicle at the time of the offense if the child is more than 36 months younger than the offender.

COUNT II

Charge: Traffic - 3RD DEGREE DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours

Minnesota Statute: 169A.20.1(5), with reference to: 169A.26.2

Maximum Sentence: 1 year jail and/or \$3,000 fine

Offense Level: Gross Misdemeanor

Offense Date (on or about): 03/15/2017

Control #(ICR#): 17402311

Charge Description: That on or about 3/15/2017, in Dakota County, Minnesota, the defendant, Alexis Saborit, DOB: 3/30/1979 (38), did drive, operate, or was in physical control of a motor vehicle while under

the influence of alcohol with an alcohol concentration of .08 or more at the time or within two hours of the time of driving, operating, or being in physical control of a motor vehicle and one aggravating factor was present: 1) a qualified prior impaired driving incident within ten years immediately preceding the current offense; 2) having an alcohol concentration of 0.16 or more as measured at the time, or within two hours of the time, of the offense; or 3) having a child under the age of 16 in the vehicle at the time of the offense if the child is more than 36 months younger than the offender.

COUNT III

Charge: Traffic - Careless Driving

Minnesota Statute: 169.13.2, with reference to: 169.13.2

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

Offense Level: Misdemeanor

Offense Date (on or about): 03/15/2017

Control #(ICR#): 17402311

Charge Description: That on or about 3/15/2017, in Dakota County, Minnesota, the defendant, Alexis Saborit, DOB: 3/30/1979 (38), did operate or halt a vehicle upon a street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangered or was likely to endanger any property or person, including the driver or passengers of a vehicle.

COUNT IV

Charge: Drivers License - Driving Without Valid License or Vehicle Class/Type

Minnesota Statute: 171.02.1, with reference to: 171.241

Maximum Sentence: 0 - 90 days jail, \$1,000 fine, or both

Offense Level: Misdemeanor

Offense Date (on or about): 03/15/2017

Control #(ICR#): 17402311

Charge Description: That on or about 3/15/2017, in Dakota County, Minnesota, the defendant, Alexis Saborit, DOB: 3/30/1979 (38), did operate a motor vehicle upon any street or highway in the state without a license valid for the type and class of vehicle being driven.

COUNT V

Charge: Traffic - Open bottle law; Possession; crime described

Minnesota Statute: 169A.35.3, with reference to: 169A.35.5

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

Offense Level: Misdemeanor

Offense Date (on or about): 03/15/2017

Control #(ICR#): 17402311

Charge Description: That on or about 3/15/2017, in Dakota County, Minnesota, the defendant, Alexis Saborit, DOB: 3/30/1979 (38), did have in 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 which has been opened, or the seal broken, or the contents of which have been partially removed.

STATEMENT OF PROBABLE CAUSE

Your complainant is a trooper with the Minnesota State Patrol. In that capacity, I have reviewed the police reports of Trooper Hathaway and Burnsville Police Officer Carlson, and believe the following facts to be true.

On March 15, 2017, at approximately 10:51 p.m., Burnsville Police Officers Lehmann and Carlson were dispatched to assist State Patrol at a property damage crash in the area of Highway 13 and Highway 5, in the City of Burnsville, Dakota County, Minnesota. Officer Lehmann was first on scene and made contact with both parties involved. Upon Officer Carlson's arrival, Officer Lehmann was speaking with a male who was having a hard time standing; identified as ALEXIS SABORIT, DOB: 3/30/1979, the defendant herein. Officer Lehmann had the defendant sit on a tire that had fallen off one of the vehicles, to make sure he did not fall into traffic. Officer Lehmann then looked inside the defendant's vehicle and noticed a large kitchen knife on the driver's side floor and an open bottle of Bacardi Rum on the front passenger side floor. Officer Lehmann placed the defendant in handcuffs, not knowing if the defendant had any other weapons on him.

Officer Carlson attempted to speak with the defendant, but he spoke limited English and could not understand the Officer. Officer Carlson observed the defendant to have bloodshot, watery eyes, and a strong odor of alcohol emanating from his breath. While waiting for the State Patrol Officer to arrive, the defendant began to vomit

Trooper Hathaway arrived at the location and observed two vehicles that had been involved in a crash. The driver of a Lexus SUV stated he was traveling about 55 miles-per-hour northbound on Highway 13 in the lane to take the Highway 5 exit when he was rear-ended by a Mercury Milan, causing him to spin out. Trooper Hathaway observed damage to the front of the Mercury Milan, bearing Minnesota license plate number 531LHV, and to the rear of the Lexus SUV.

Trooper Hathaway attempted to speak with the driver of the Milan whom she identified as the defendant by Minnesota ID card. While speaking with the defendant, Trooper Hathaway detected the overwhelming odor of an alcoholic beverage emanating from his person. The defendant was unable to perform any field sobriety tests, could not respond to questions, stand or walk, and continued to moan and vomit.

Based upon her observations, Trooper Hathaway formed the opinion that the defendant was under the influence of alcohol, and the defendant was placed under arrest. The defendant was transported to Fairview Ridges Hospital in Burnsville for evaluation of his condition.

Trooper Hathaway obtained a search warrant to collect a blood sample from the defendant. A blood sample was obtained from the defendant, the analysis of which revealed an ethyl alcohol concentration of 0.195 grams per 100 milliliters of blood on March 16, 2017 at 1:43 a.m.

A check of the defendant's driving record revealed he has an ID only status.

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

Denise Lien
Lieutenant
3489 Hadley Ave N
Oakdale, MN 55128
Badge: 315

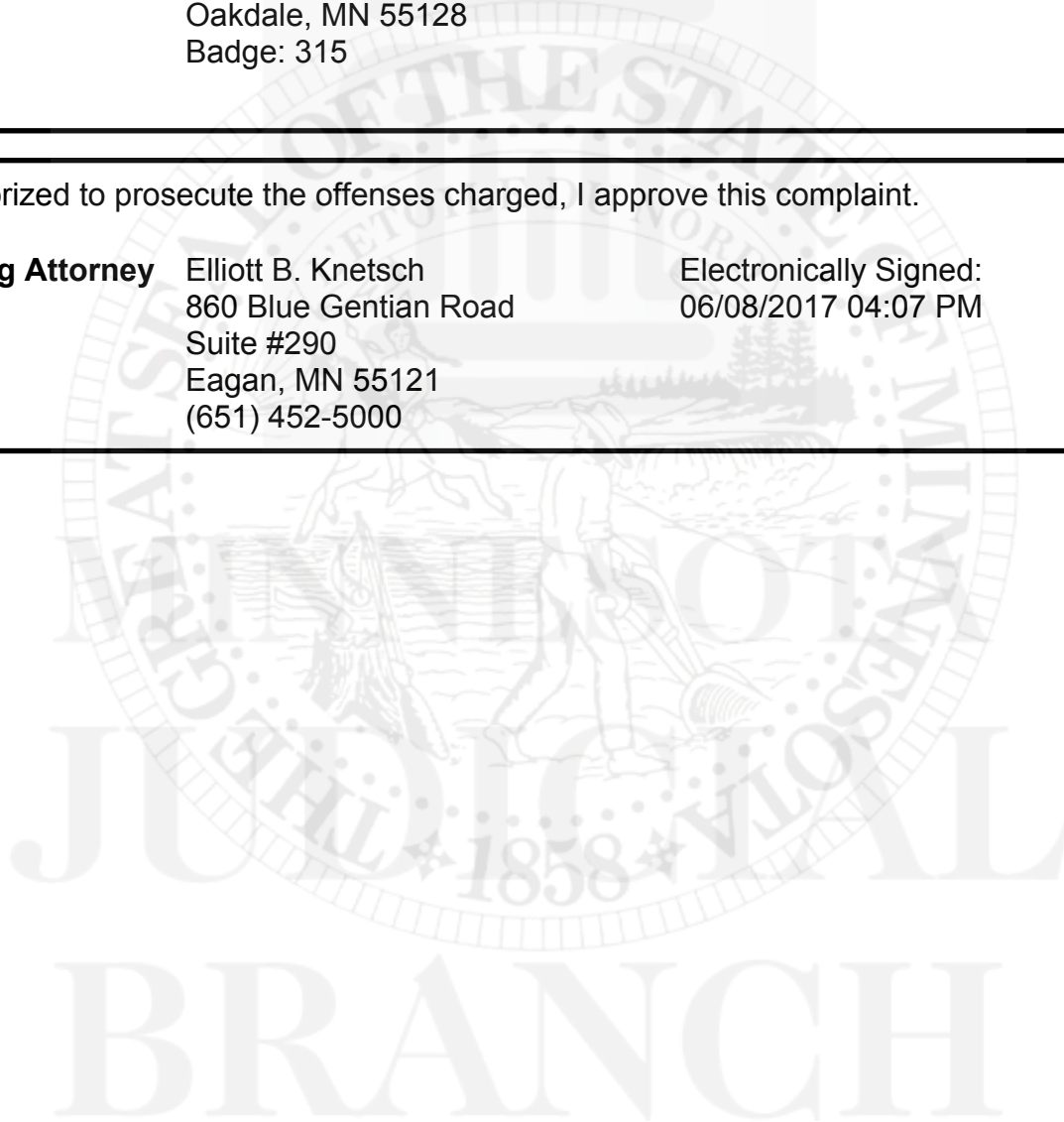
Electronically Signed:
06/09/2017 10:24 AM
Washington County, mn

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

Prosecuting Attorney

Elliott B. Knetsch
860 Blue Gentian Road
Suite #290
Eagan, MN 55121
(651) 452-5000

Electronically Signed:
06/08/2017 04:07 PM



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 **July 31, 2017 at 9:00 AM** before the above-named court at 1560 W Highway 55 Dakota County Judicial Center, Hastings, MN 55033 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 9, 2017.

Judicial Officer Cynthia McCollum
Judge of District Court

Electronically Signed: 06/09/2017 10:38 AM

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

**COUNTY OF DAKOTA
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Alexis Saborit

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: