

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 3030094179
Court File No. 27-CR-22-25350

State of Minnesota,

Plaintiff,

vs.

WILSON NDURI TINDI DOB: 08/17/1982

13784 54th Ave N
Plymouth, MN 55446-1655

Defendant.

COMPLAINT

Summons

☒ Tab Charge/Citation Previously Filed

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; Breath or test refusal or failure

Minnesota Statute: 169A.20.2(1)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 12/18/2022

Control #(ICR#): 22017420

Charge Description: On or about December 18, 2022, in Hennepin County, Minnesota, the defendant, Wilson Nduri Tindi, DOB: 8/17/1982, did refuse to submit to a chemical test of the person's breath under section 169A.51 (chemical tests for intoxication), or 169A.52 (test refusal or failure; revocation of license).

COUNT II

Charge: DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1)

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

Offense Level: Misdemeanor

Offense Date (on or about): 12/18/2022

Control #(ICR#): 22017420

Charge Description: On or about December 18, 2022, in Hennepin County, Minnesota, the defendant, Wilson Nduri Tindi, DOB: 8/17/1982, did drive, operate, or was in physical control of a motor vehicle while under the influence of alcohol.

COUNT III

Charge: Traffic - Careless Driving - Operate any vehicle carelessly on street or highway

Minnesota Statute: 169.13.2(a)

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

Offense Level: Misdemeanor

Offense Date (on or about): 12/18/2022

Control #(ICR#): 22017420

Charge Description: On or about December 18, 2022, in Hennepin County, Minnesota, the defendant, Wilson Nduri Tindi, DOB: 8/17/1982, 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.



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STATEMENT OF PROBABLE CAUSE

Your complainant is a deputy with the Hennepin County Sheriff's Office. In that capacity, your complainant has reviewed the reports of Deputy Preston and believes the following facts to be true. Your complainant states that on December 18, 2022, at approximately 2:50 a.m., while on routine patrol, Deputy Preston observed a BMW bearing Minnesota license plate number NYH737 stopped for the red light on northbound Revere Lane at Highway 55, in the City of Plymouth, Hennepin County, Minnesota. When the light turned green, the vehicle did not proceed through the intersection. Deputy Preston waited a few seconds, then flashed his high beams in an attempt to get the driver's attention. When that did not work, Deputy Preston sounded his horn. The vehicle still did not move.

Deputy Preston pulled alongside the vehicle and observed an adult male in the driver's seat with his head slumped downward. The male appeared to be sleeping. Deputy Preston activated his emergency lights and approached the vehicle. Deputy Preston knocked on the driver's side window several times with his hand and flashlight. When the driver's eyes started to open, he took his foot off the brake and the vehicle began rolling into the intersection. Deputy Preston knocked on the driver's side window and yelled for the driver to stop. Deputy Preston even shone his flashlight into the driver's eyes in an attempt to get his attention. Eventually the driver looked at Deputy Preston and stopped the vehicle.

The driver was unable to locate his driver's license, which was clearly visible when he opened his wallet. When asked, the driver, who was identified by Minnesota driver's license as WILSON NDURI TINDI, DOB: 8/17/1982, the defendant herein, denied he had been drinking but did admit to taking Benadryl. The defendant later admitted consuming some alcohol around 6:00 p.m.

As the defendant exited the vehicle as instructed, Deputy Preston observed that he was not able to walk straight and appeared discombobulated.

The defendant refused to perform field sobriety tests as requested by Deputy Preston. Based upon his observations, Deputy Preston formed the opinion the defendant was under the influence, and the defendant was placed under arrest. Upon being placed in the patrol car, Deputy Preston detected the strong odor of an alcoholic beverage emanating from the defendant's person.

The defendant was transported to Hennepin County Medical Center. Deputy Preston obtained a search warrant for a sample of the defendant's blood or urine. The defendant refused to provide a fluid sample of any kind, then urinated in Deputy Preston's patrol car.

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

Marcus Preston
Deputy
350 S 5th St
Minneapolis, MN 55415
Badge: 511

Electronically Signed:
07/07/2023 06:58 PM
United States County, Minnesota

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

Prosecuting Attorney

Alina Schwartz
Attorney
860 Blue Gentian Road
Suite #290
Eagan, MN 55121
(651) 452-5000

Electronically Signed:
12/30/2022 12:53 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 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: July 10, 2023.

Judicial Officer

Jamie L Anderson
District Court Judge

Electronically Signed: 07/10/2023 09:20 AM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Wilson Nduri Tindi

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:

DEFENDANT FACT SHEET

Name: Wilson Nduri Tindi
DOB: 08/17/1982
Address: 13784 54th Ave N
Plymouth, MN 55446-1655

Alias Names/DOB:

SID: MN09CK2535

Height:

Weight: 214lbs.

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #: P666106776418 (MN)

License Plate #: NYH737 (MN)

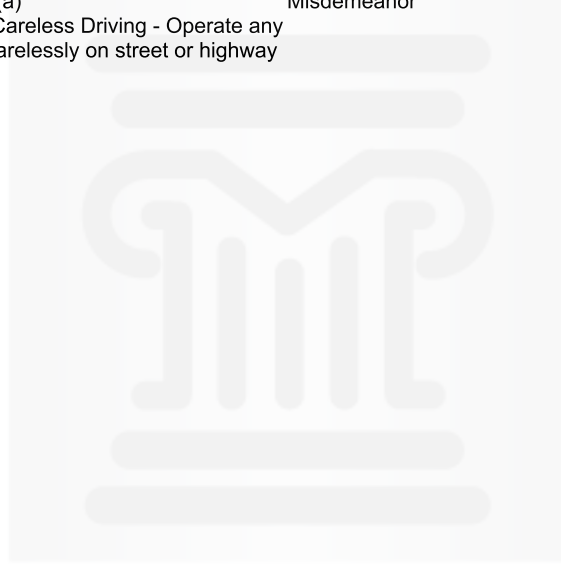
Vehicle Info: 2016 BMW 535

Alcohol Concentration:

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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	12/18/2022	169A.20.2(1) Traffic - DWI - Refuse to submit to chemical test; Breath or test refusal or failure	Gross Misdemeanor	JFR01		MN0270000	22017420
2	Charge	12/18/2022	169A.20.1(1) Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol	Misdemeanor	JFX01		MN0270000	22017420
3	Charge	12/18/2022	169.13.2(a) Traffic - Careless Driving - Operate any vehicle carelessly on street or highway	Misdemeanor			MN0270000	22017420



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