

State of Minnesota
County of Rice

District Court
3rd Judicial District

Prosecutor File No.
Court File No.

0660041494
66-CR-17-2854

State of Minnesota,

Plaintiff,

vs.

NICK CRAIG LINO DOB: 12/03/1995

24 Viking Terrace
Northfield, MN 55057

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: 609.2113.3(1) - 609.2113.3(1) - Criminal Vehicular Operation - Bodily Harm - Under Influence Alcohol

Minnesota Statute: 609.2113.3(1)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 11/18/2017

Control #(ICR#): 17001660

Charge Description: On or about November 18, 2017, in the County of Rice, Minnesota, Nick Craig Lino did cause bodily harm to another as a result of operating a motor vehicle in a negligent manner while under the influence of alcohol and/or a controlled substance, or both.

COUNT II

Charge: Criminal Vehicular Operation - Bodily Harm - Under Influence Alcohol

Minnesota Statute: 609.2113.3(2)(i)

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

Offense Level: Gross Misdemeanor

Offense Date (on or about): 11/18/2017

Control #(ICR#): 17001660

Charge Description: On or about November 18, 2017, in the County of Rice, Minnesota, Nick Craig Lino did cause bodily harm to another as a result of operating a motor vehicle in a negligent manner while under the influence of alcohol and/or a controlled substance, or both.

COUNT III

Charge: Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1)
Maximum Sentence: 1 year and/or \$3,000 fine
Offense Level: Gross Misdemeanor

Offense Date (on or about): 11/18/2017

Control #(ICR#): 17001660

Charge Description: On or about November 18, 2017, in the County of Rice, Minnesota, Nick Craig Lino did drive, operate or be in physical control of a motor vehicle when under the influence of alcohol and one aggravating factor was present.

COUNT IV

Charge: Traffic - Reckless driving; Racing on street or highway

Minnesota Statute: 169.13.1(b)
Maximum Sentence: 90 days and/or \$1,000 fine
Offense Level: Misdemeanor

Offense Date (on or about): 11/18/2017

Control #(ICR#): 17001660

Charge Description: On or about November 18, 2017, in the County of Rice, Minnesota, Nick Craig Lino did drive a motor vehicle by racing the vehicle while upon a street or highway.

COUNT V

Charge: Traffic - Reckless driving; Drives Consciously Disregarding a Substantial or Unjustifiable Risk

Minnesota Statute: 169.13.1(a)
Maximum Sentence: Up to 90 days in jail and/or a fine of up to \$1,000
Offense Level: Misdemeanor

Offense Date (on or about): 11/18/2017

Control #(ICR#): 17001660

Charge Description: On or about November 18, 2017, in the County of Rice, Minnesota, Nick Craig Lino did drive a motor vehicle in a manner indicating a willful or wanton disregard for the safety of persons or property.

COUNT VI

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

Minnesota Statute: 169A.35.3
Maximum Sentence: Up to 90 days in jail and/or a \$1,000 fine.
Offense Level: Misdemeanor

Offense Date (on or about): 11/18/2017

Control #(ICR#): 17001660

Charge Description: On or about November 18, 2017, in the County of Rice, Minnesota, Nick Craig Lino did operate a motor vehicle in Rice County while allowing an open container of alcohol.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Complainant and/or Signing Officer designated below, declares under penalty of perjury, that he/she has reviewed police reports relating to the above-named Defendant and the allegations contained herein, and/or has spoken with peace officers having knowledge of the incident, and based upon that information, believes the following to be true and correct.

On November 18, 2017 at about 1:05 a.m. Northfield Police were dispatched to Viking Terrace just south of Fremouw Avenue in Northfield for a report of a motor vehicle accident involving a car which had crashed into three parked vehicles. Dispatch reported to the responding officers that the driver of the vehicle which had hit the other vehicles, Nick Craig Lino, (12/3/1995) was walking away from the vehicle. Officers found Lino near the vehicle, and asked if he was driving, he said he did not want to answer that question.

The vehicle which caused the damage was a Chrysler 300 MINN WZ3116 which registered to Lino and which officers recognized from prior contacts with Lino. Officer Kohn noticed a strong odor of alcohol coming from Lino. Officer Kohn performed HGN and noticed a lack of smooth pursuit and Nystagmus prior to 45 degrees. Officer Kohn asked Lino to take a breathalyzer, Lino refused. Officers sought and obtained a warrant for Lino's blood, the warrant was executed at Northfield Hospital.

In Lino's car was a passenger, ML. ML was seated in the left rear seat and was unable to get out of the car. ML complained of difficulty breathing, numb lips, and fingers along with back and rib pain. ACF reported he was in the front passenger seat at the time of the crash and that he was suffering from rib pain as well. ACF stated Lino was the driver of the vehicle and said "yeah, he's drunk." According to ACF, Lino had 10-15 shots prior to the crash and was driving 140-160 miles per hour traveling south on Dresden. Lino then crashed into the parked vehicles after blowing through the stop sign at Dresden and Fremouw.

Officer Feldhake found an open bottle of Durango Tequila under the driver's seat. Lino was previously convicted of DWI in Court File No. 66-CR-17-149 after a guilty plea on May 31, 2017.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49., intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

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 Dukatz
Deputy Chief
1615 Riverview Drive
Northfield, MN 55057
Badge: 6402

Electronically Signed:
11/20/2017 10:15 AM
Rice County, Minnesota

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

Prosecuting Attorney

John Fossum
Rice County Attorney
218 NW 3rd Street
Faribault, MN 55021
(507) 332-6103

Electronically Signed:
11/20/2017 09:40 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 _____, _____ at _____ AM/PM before the above-named court at 218 NW 3rd Street, Faribault, MN 55021 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 20, 2017.

Judicial Officer

John T Cajacob

Electronically Signed: 11/20/2017 10:44 AM

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

**COUNTY OF RICE
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Nick Craig Lino

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: Nick Craig Lino
DOB: 12/03/1995
Address: 24 Viking Terrace
Northfield, MN 55057

Alias Names/DOB:

SID: MN13GQ4750

Height:

Weight: 160lbs.

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Handgun Permit: No

Driver's License #: K101131959402 (MN)

Alcohol Concentration:

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	11/18/2017	609.2113.3(1) Criminal Vehicular Operation - Bodily harm - Gross Negligence	Gross Misdemeanor	J2B51		MN0660200	17001660
2	Charge	11/18/2017	609.2113.3(2)(i) Criminal Vehicular Operation - Bodily Harm - Under Influence Alcohol	Gross Misdemeanor	J2B51		MN0660200	17001660
3	Charge	11/18/2017	169A.20.1(1) Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol	Gross Misdemeanor	J25E1		MN0660200	17001660
4	Charge	11/18/2017	169.13.1(b) Traffic - Reckless driving; Racing on street or highway	Misdemeanor	J3801		MN0660200	17001660
5	Charge	11/18/2017	169.13.1(a) Traffic - Reckless driving; Drives Consciously Disregarding a Substantial or Unjustifiable Risk	Misdemeanor	J3801		MN0660200	17001660
6	Charge	11/18/2017	169A.35.3 Traffic - Open bottle law; Possession; crime described	Misdemeanor	J3901		MN0660200	17001660