

State of Minnesota
County of Fillmore

District Court
3rd Judicial District

Prosecutor File No. 24CR01081
Court File No. 23-CR-24-541

State of Minnesota,

COMPLAINT

Plaintiff,

Summons

vs.

RYAN SCOTT THROCKMORTON DOB: 05/22/1984

405 St. Paul St. NW
Preston, MN 55965

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 - DWI - Refuse to submit to chemical test; Blood or urine as required by search warrant

Minnesota Statute: 169A.20.2(2), with reference to: 169A.26.2, 169A.26.1(b)
Maximum Sentence: 364 days in jail and/or a \$3,000 fine
Offense Level: Gross Misdemeanor

Offense Date (on or about): 08/24/2024 to 08/25/2024

Control #(ICR#): 24103824

Charge Description: On or about August 24-25, 2024, the defendant did refuse to submit to a chemical test of the defendant's blood or urine as required by a search warrant and the defendant's driving conduct occurred in Fillmore County, MN.

COUNT II

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

Minnesota Statute: 169A.20.1(1), with reference to: 169A.27.2, 169A.27.1
Maximum Sentence: 90 days in jail and/or a \$1,000 fine
Offense Level: Misdemeanor

Offense Date (on or about): 08/24/2024

Control #(ICR#): 24103824

Charge Description: On or about August 24, 2024, within Fillmore County, the defendant did drive, operate, or was in physical control of a motor vehicle, when the defendant was under the influence of alcohol.

COUNT III

Charge: Traffic Regulation-Violation of Motorcycle Instruction Permit-Driving Without Protective

Headgear

Minnesota Statute: 169.974.2(d)(3), with reference to: 169.89.1

Maximum Sentence: \$300 fine

Offense Level: Petty Misdemeanor

Offense Date (on or about): 08/24/2024

Control #(ICR#): 24103824

Charge Description: On or about August 24, 2024, within Fillmore County, the defendant, a person who was operating by virtue a two-wheeled vehicle instruction permit, did drive the motorcycle at night.

COUNT IV

Charge: Traffic Regulation-Violation of Motorcycle Instruction Permit-Driving Without Protective Headgear

Minnesota Statute: 169.974.2(d)(3), with reference to: 169.89.1

Maximum Sentence: \$300 fine

Offense Level: Petty Misdemeanor

Offense Date (on or about): 08/24/2024

Control #(ICR#): 24103824

Charge Description: On or about August 24, 2024, within Fillmore County, the defendant, a person who was operating by virtue a two-wheeled vehicle instruction permit, did drive the motorcycle without wearing protective headgear that complies with standards established by the commissioner of public safety.



STATEMENT OF PROBABLE CAUSE

Your Complainant is a licensed peace officer employed by the MN State Patrol - Rochester, Minnesota. In this capacity, your Complainant believes the following to be true and correct.

On August 24, 2024, at approximately 11:34 PM, Trooper Alex Molitor with the MN State Patrol was notified by dispatch of a crash which occurred on Highway 16 near the City of Lanesboro in Fillmore County, MN. Molitor was made aware that RYAN SCOTT THROCKMORTON (DOB: 05/22/1984) was driving his Harley Davidson motorcycle when he tried negotiating a curve in the road, lost control of the motorcycle, and crashed. Throckmorton was injured in the crash and airlifted to St. Mary's Hospital in Rochester. Molitor drove to the hospital while Trooper David Borden arrived on scene for crash reconstruction.

Molitor received updates from dispatch and officers on scene during his drive to the hospital. Molitor was informed that alcohol may have been a contributing factor to the crash. Witness 1 (fully identified in reports), who was riding his motorcycle with Throckmorton throughout the day, provided information to law enforcement officers at the scene of the crash. Witness 1 was riding in front of Throckmorton just before the crash occurred. Witness 1 did not personally witness the crash. Witness 1 told officers he noticed Throckmorton was no longer behind him, so he turned around to check on him. Witness 1 located Throckmorton and called 911. Witness 1 informed officers that they had just left a bar in Lanesboro located approximately 2.5 miles from the crash location. Witness 1 said he saw Throckmorton drink two Blue Moon beers over a one-hour timeframe at the bar. Prior to that, they drank a beer at the bowling alley in Preston. Throckmorton had not been wearing a helmet.

Once Molitor arrived at the hospital, Molitor confirmed with hospital staff that Throckmorton did not sustain life-threatening injuries. On August 25, 2024, at 1:14 AM, Molitor spoke with Throckmorton and asked if he could recall any of the events which led up to the crash. Throckmorton said he could not say. While standing beside Throckmorton, Molitor detected the faint odor of consumed alcoholic beverage emanating from Throckmorton's breath. Molitor asked if Throckmorton was coming from the saloon with his friend. Throckmorton said they had been riding their motorcycles together all day. Molitor asked how many drinks he had that night and Throckmorton said he had two since early in the afternoon.

Molitor left to his squad car to request a search warrant. The search warrant was granted at approximately 1:52 AM. A phlebotomist from the Rochester Police Department came to St. Mary's Hospital to perform a blood draw on Throckmorton. Molitor made contact with Throckmorton at 2:10 AM in his hospital room. Molitor informed Throckmorton of the search warrant and that refusing to provide a sample is a crime. Throckmorton initially agreed to provide a blood test. Throckmorton had medical equipment attached to one arm so the phlebotomist attempted to secure a tourniquet on the other arm. Throckmorton reacted in pain to the attempt. Throckmorton then requested to see a copy of the search warrant. Throckmorton reviewed the search warrant and believed there to be inaccuracies. Throckmorton requested a new search warrant be obtained. Molitor explained the portions Throckmorton did not understand and explained that a new search warrant was unnecessary. Throckmorton continued to request a new search warrant. Molitor informed Throckmorton that unreasonably delaying the test would be considered a refusal. Molitor clarified multiple times that the search warrant is an accurate, signed copy which requires him to provide a blood or urine sample and that failing to do so is a crime. Throckmorton continued to request a new search warrant. On August 25, 2024, at 2:41 AM, Molitor considered Throckmorton to have unreasonably delayed and/or refused to submit to the warrant.

A review of Throckmorton's driving record shows he has a motorcycle instruction permit only.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. Sec. 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.



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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	Kelvin Hammes	Electronically Signed:
	Minnesota State Trooper	10/07/2024 06:55 AM
	2900 48th Street NW	Olmsted County, khammes
	Rochester, MN 55901	
	Badge: 536	

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

Prosecuting Attorney	Marla J. Stanton	Electronically Signed:
	Assistant Fillmore County	10/06/2024 03:30 PM
	Attorney	
	101 W Fillmore Street	
	PO Box 466	
	Preston, MN 55965	
	(507) 765-2530	

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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: October 11, 2024.

Judicial Officer

Jeremy Clinefelter

Electronically Signed: 10/11/2024 09:31 AM

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

**COUNTY OF FILLMORE
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Ryan Scott Throckmorton

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:

23-CR-24-541
DEFENDANT FACT SHEET

Filed in District Court
State of Minnesota
10/11/2024

Name: Ryan Scott Throckmorton
DOB: 05/22/1984
Address: 405 St. Paul St. NW
Preston, MN 55965

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender:

Race:

Fingerprints Required per Statute:

Fingerprint match to Criminal History Record:

Driver's License #:

Alcohol Concentration:

MALE

Yes

No

Refused Test

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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	8/24/2024	169A.20.2(2) Traffic - DWI - Refuse to submit to chemical test; Blood or urine as required by search warrant	Gross Misdemeanor	JER01	N	MNMHP0200	24103824
	Penalty	8/24/2024	169A.26.2 Traffic - DWI - Third-Degree Driving While Impaired; Criminal Penalty	Gross Misdemeanor	JER01	N	MNMHP0200	24103824
	Charge	8/24/2024	169A.26.1(b) Traffic - DWI - Third-Degree Driving While Impaired; Refuse to submit to chemical test	Gross Misdemeanor	JER01	N	MNMHP0200	24103824
2	Charge	8/24/2024	169A.27.1 DWI - Fourth-Degree Driving While Impaired; Described	Misdemeanor	JG501	N	MNMHP0200	24103824
	Charge	8/24/2024	169A.20.1(1) Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol	Misdemeanor	JG501	N	MNMHP0200	24103824
	Penalty	8/24/2024	169A.27.2 Traffic - DWI - Fourth-Degree Driving While Impaired; Criminal Penalty	Misdemeanor	JG501	N	MNMHP0200	24103824
3	Charge	8/24/2024	169.974.2(d)(3) Traffic Regulation-Violation of Motorcycle Instruction Permit-Driving Without Protective Headgear	Petty Misdemeanor	J8901	N	MNMHP0200	24103824
	Penalty	8/24/2024	169.89.1 Traffic Regulation - Penalties for Traffic Violations	Petty Misdemeanor	J8901	N	MNMHP0200	24103824
4	Charge	8/24/2024	169.974.2(d)(3) Traffic Regulation-Violation of Motorcycle Instruction Permit-Driving Without Protective Headgear	Petty Misdemeanor	J8901	N	MNMHP0200	24103824
	Penalty	8/24/2024	169.89.1 Traffic Regulation - Penalties for Traffic Violations	Petty Misdemeanor	J8901	N	MNMHP0200	24103824