

STATE OF MINNESOTA

COUNTY OF FILLMORE

DISTRICT COURT
CRIMINAL DIVISION
THIRD JUDICIAL DISTRICT

In Re the Revocation and Disqualification of the
Driver's License of Ryan Scott Throckmorton

Ryan Scott Throckmorton,

Petitioner,

PETITION FOR JUDICIAL REVIEW

vs.

BOB JACOBSON,
COMMISSIONER OF PUBLIC SAFETY

Respondent.

Court File No. _____

TO: THE COURT ABOVE-NAMED:

Now comes Kurt J. Knuesel, KNUESEL LAW FIRM, Attorney for the Petitioner, and states and alleges as follows:


1. The Petitioner's full name is Ryan Scott Throckmorton, date of birth is May 22, 1984; and
2. The Petitioner received notice from the Respondent, dated August 25, 2024, that his driver's license (MN License #P136145137510) will be revoked on September 1, 2024; and
3. The above-referenced notice of revocation is based on an alleged test refusal resulting from Petitioner's arrest for suspicion of driving while impaired on August 25, 2024; and
4. The Petitioner received notice from the Respondent, dated August 25, 2024, that his commercial driver's license (MN License #P136145137510) will be disqualified on September 1, 2024; and
5. The above-referenced notice of disqualification is based on an alleged test refusal resulting from Petitioner's arrest for suspicion of driving while impaired on August 25, 2024; and

6. The Petitioner seeks rescission of the Order for Revocation and Order of Commissioner Driver Disqualification based on the following: Law Enforcement's seizure of Petitioner was not legally justified. Petitioner was not medically able to refuse testing. Petitioner lacked the mental capacity to knowingly and voluntarily refuse to submit to testing. Law Enforcement's actions in attempting to take a sample from Respondent (*to-wit* attempting to take a blood sample from Petitioner's fractured arm while he was being evaluated as to the extent of his injuries) were unconscionable and Respondent's protestations do not constitute a knowing and voluntary refusal. Law enforcement did not have a legally sufficient basis upon which to request a Search Warrant or to request that Petitioner submit to chemical testing. Law enforcement did not properly inform Petitioner of his rights and/or the consequences of refusing to provide a sample.

NOW THEREFORE YOU WILL PLEASE TAKE NOTICE THAT pursuant to Minnesota Statute §171.19 and §169A.53, Subd 2, the above-named Petitioner hereby requests judicial review of the matter above-captioned. Pursuant to M.S. §171.19, the Petitioner requests that the Court set this matter for hearing upon fifteen (15) days written notice to the Commissioner.

Dated: October 14, 2024.

KNUESEL LAW FIRM
Attorney for Petitioner

By 

Kurt J. Knuesel
Attorney Reg. No. 326367
166 West Third Street
Suite 200
Winona, MN 55987
(507) 474-6080