

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No. 0070114283
Court File No. 07-CR-26-4051

State of Minnesota,

Plaintiff,

vs.

BRANDON LEE BIRR DOB: 01/09/1993

406 Central Avenue S
Mapleton, MN 56065

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

Minnesota Statute: 169A.20.1(1), with reference to: 169A.25.2

Maximum Sentence: 364 days or \$3,000 fine, or both

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/25/2026

Control #(ICR#): 26020141

Charge Description: On or about September 25, 2026, in the County of Blue Earth, Minnesota, Brandon Lee Birr, did, drive, operate, or was in physical control of any motor vehicle when he/she was under the influence of alcohol, and two or more aggravating factors were present when the violation was committed.

COUNT II

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

Minnesota Statute: 169A.20.1(5)

Maximum Sentence: 364 days or \$3,000 fine, or both

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/25/2026

Control #(ICR#): 26020141

Charge Description: On or about September 25, 2026, in the County of Blue Earth, Minnesota, Brandon Lee Birr, did, drive, operate, or was in physical control of any motor vehicle, when his/her alcohol concentration at the time, or as measured within two hours of the time, of driving, operating or being in physical control of the motor vehicle was 0.08 or more, and two aggravating factors were present when the violation was committed.

COUNT III

Charge: Drivers' Licenses-Driving restrictions-Drive/operate/control motor vehicle w/o ignition interlock.

Minnesota Statute: 171.09.1(g)

Maximum Sentence: 364 days or \$3,000 fine, or both

Offense Level: Gross Misdemeanor

Offense Date (on or about): 09/25/2026

Control #(ICR#): 26020141

Charge Description: On or about September 25, 2026, in the County of Blue Earth, Minnesota, Brandon Lee Birr, did, while holding a restricted license issued under section 171.306, drive, operate, or be in physical control of any motor vehicle that is not equipped with a functioning ignition interlock device certified by the commissioner.

STATEMENT OF PROBABLE CAUSE

On September 25, 2026, Deputy Kyle Phillips of the Blue Earth County Sheriff's Department responded to a report of a vehicle in the ditch near Jaguar Lane and Juneberry Road, located in rural Blue Earth County, Minnesota. It was reported that a Gray Toyota SUB was in the ditch with a party outside standing outside of the vehicle.

Witness 1 who was the 911 caller spoke with law enforcement. He advised that he was leaving his residence when he observed the Gray SUV in the road ditch. He started that the driver was initially in the driver's seat when he drove past the first time, however when he turned around he observed the driver was now under the vehicle.

When Deputy Phillips arrived on scene he observed a Gray Toyota 4 Runner bearing MN Plate TDL821, with a male party laying under the vehicle's driver's side door. There was also a male (Witness 1) in the driver's seat who advised that he was keeping his foot on the break, so that the vehicle did not roll backwards. Deputy Phillips contacted the initial driver who was now lying under the driver's side door with his foot stuck under the vehicle, however he was slow to respond to the request for his name. After several attempts the initial driver stated his name as Brandon Birr (DOB 1/9/1993). While standing near the vehicle Deputy Phillips could smell the odor of an alcoholic beverage either from Birr or from the vehicle or both. Deputy Phillips further observed two open alcohol type containers of a brown liquid located in the driver's compartment which was later identified as whiskey. There was no ignition interlock present which is required by Birr's current driving restrictions. Deputy Phillips also observed Birr's speech to be deliberate and slurred when he spoke.

Deputy Phillips found two opened Revel Stoke Whisky bottles from the vehicle, one which was tucked between the driver's seat and center console and the other in the center console organizer below the dash area. Also found was a credit card with Birr's name as well as MN license plates MHM848, which also registered previously to this vehicle, however one of the plates appeared to be glued over a special registration plate, commonly referred to as a "whisky" plate which appeared odd.

Deputy Nick Madson also arrived on scene and spoke with Birr. Birr indicated that he was not injured and was able to walk to the ambulance of his own accord. Deputy Madson observed Birr's face be flush with blood shot watery eyes. Deputy Madson could also smell a strong odor of a consumed alcoholic beverage coming from Birr's person. Birr did not remember crashing and was the only one in the vehicle.

Based on the indicators of impairment observed by law enforcement and that Birr was being transported for medical care Deputy Madson applied for a search warrant to obtain a sample of Birr's blood as part of a DWI investigation. The Honorable Judge Lieser granted the warrant, and the warrant was presented to Birr. Birr agreed to provide a blood sample which he did. Birr was cleared medically by MCHS Mankato and transported to the Blue Earth County Jail, prior to being admitted to jail, he provided a PBT sample resulting in a value of .174 BAC. Birr is required to ignition interlock installed on his vehicle.

Brand Lee Birr has at least two qualified prior impaired driving incidents within the past 10 years in files 07-CR-25-2767, and 07-CR-17-4695.

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

Paul Barta
Captain
401 Carver Rd
Mankato, MN 56002-0228
Badge: 2721

Electronically Signed:
09/28/2026 09:50 AM
Blue Earth County, Minnesota

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

Prosecuting Attorney

Benjamin J Dolan
Assistant County Attorney
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
09/28/2026 09:45 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 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: September 28, 2026.

Judicial Officer

Kristine Weeks
District Court Judge

Electronically Signed: 09/28/2026 10:06 AM

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

**COUNTY OF BLUE EARTH
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Brandon Lee Birr

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: