

State of Minnesota  
County of DakotaDistrict Court  
1st Judicial DistrictProsecutor File No.  
Court File No.CA-2024-00016  
19HA-CR-24-856

State of Minnesota,

Plaintiff,

COMPLAINT

Summons

vs.

**MARK ANTHONY SELBITSCHKA DOB: 09/15/1976**525 Arundel St  
Saint Paul, MN 55103

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: Controlled Substance Crime in the 1st Degree (Sale) (Cocaine/Meth) (17 or More Grams) (Offense Involves 100 or More Grams or 500 or More Dosage Units)**

Minnesota Statute: 152.021.1(1), with reference to: 152.021.3(c)

Maximum Sentence: 65 Months to 40 Years and/or \$300,000.00 - \$1,000,000.00

Offense Level: Felony

Offense Date (on or about): 01/03/2023 to 01/03/2023

Control #(ICR#): 23000017

Charge Description: On or about January 3, 2023, in the County of Dakota, Minnesota, MARK ANTHONY SELBITSCHKA, did on one or more occasions within a 90-day period unlawfully sell one or more mixtures of a total weight of 17 grams or more containing cocaine or methamphetamine, and the defendant or an accomplice sold or possessed 100 or more grams or 500 or more dosage units of a mixture containing the controlled substance at issue.

**COUNT II****Charge: Controlled Substance Crime in the 1st Degree (Possession) (Cocaine/Meth) (25 or More Grams) (Firearm) (Offense Involves 100 or More Grams or 500 or More Dosage Units)**

Minnesota Statute: 152.021.2(a)(2)(i), with reference to: 152.021.3(c)

Maximum Sentence: 65 Months to 40 Years and/or \$300,000.00 - \$1,000,000.00

Offense Level: Felony

Offense Date (on or about): 01/03/2023 to 01/03/2023

Control #(ICR#): 23000017

Charge Description: On or about January 3, 2023, in the County of Dakota, Minnesota, MARK ANTHONY SELBITSCHKA, did unlawfully possess one or more mixtures of a total weight of 25 grams or more containing cocaine or methamphetamine and the person or an accomplice possesses on their person or

within immediate reach, or uses, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm, and the defendant or an accomplice sold or possessed 100 or more grams or 500 or more dosage units of a mixture containing the controlled substance at issue.

### COUNT III

**Charge: 4th Degree Driving While Impaired (Schedule I or II Controlled Substance)**

Minnesota Statute: 169A.20.1(7), with reference to: 169A.27.1, 169A.27.2

Maximum Sentence: 0-90 Days and/or \$300.00 - \$1,000.00

Offense Level: Misdemeanor

Offense Date (on or about): 01/03/2023 to 01/03/2023

Control #(ICR#): 23000017

Charge Description: On or about January 3, 2023, in the County of Dakota, Minnesota, MARK ANTHONY SELBITSCHKA, did drive, operate or was in physical control of a motor vehicle within this state or any boundary water of this state while the person's body contained any amount of a controlled substance listed in schedule I or II other than marijuana or tetrahydrocannabinols.

On January 3, 2023, at approximately 2:16 a.m., officers with the South Saint Paul Police Department responded to a gas station located on the 400 block of Concord Street South, South Saint Paul, Dakota County, Minnesota. While there, officers spoke with the owner of a vehicle listed in a KOPS alert.

While speaking with the owner of that vehicle, the owner pointed to another motor vehicle parked in the gas station parking lot. The owner informed the officers that there was a male, later identified as MARK ANTHONY SELBITSCHKA (DOB: 9/15/1976), inside the vehicle and appeared to be sleeping.

Officers approached the vehicle. An officer noticed that SELBITSCHKA was the sole occupant of the vehicle. Officers noticed that SELBITSCHKA appeared to be sleeping. Officers knocked on the vehicle to try to wake SELBITSCHKA. SELBITSCHKA appeared to wake up but had trouble staying awake. Eventually, an officer opened the driver's side door. SELBITSCHKA had trouble answering questions and trouble staying awake.

Based on SELBITSCHKA's demeanor, officers suspected SELBITSCHKA was under the influence of a controlled substance. An officer asked SELBITSCHKA several times to exit the vehicle. The officer wanted SELBITSCHKA to perform field sobriety testing. SELBITSCHKA refused to exit the vehicle. Officers then informed SELBITSCHKA that he was under arrest. Officers removed SELBITSCHKA from the vehicle. When doing so, SELBITSCHKA went limp. Officers handcuffed SELBITSCHKA.

During a search of SELBITSCHKA's person, an officer located approximately \$2,578 in SELBITSCHKA's pocket.

Officers searched the vehicle. During the search, officer located a backpack. The backpack was located on the passenger seat. The backpack contained four large plastic baggies, smaller plastic baggies, and a scale. The larger plastic baggies each contained a substance. The substance inside each baggie later field tested positive for the presence of methamphetamine, a Schedule II controlled substance. The collective weighed of the substance inside the four baggies was approximately 1,470.84 grams.

Later, an officer transported SELBITSCHKA to the police department. Once there, the officer applied for and obtained a search warrant for a blood or urine sample from SELBITSCHKA. SELBITSCHKA agreed to provide a blood sample. The Minnesota Bureau of Criminal Apprehension analyzed the blood sample and determined that it contained amphetamine and methamphetamine, both Schedule II controlled substances.

An agent with the Dakota County Drug Task Force obtained a search warrant for a forensic analysis of SELBITSCHKA's cellphone. Data from SELBITSCHKA's cellphone showed suspected drug-trafficking activity.

SELBITSCHKA has a felony conviction for second degree drug possession under Minnesota Statute section 152.022, subd. 2(a)(1) from May 1, 2019.

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**

Simo Peinovich  
Officer  
125 3rd Ave N  
South St Paul, MN 55075  
Badge: 2145

Electronically Signed:  
04/26/2024 01:30 PM  
Dakota County, 25322

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

**Prosecuting Attorney**

Christopher A. Zielinski  
1560 Hwy 55  
Hastings, MN 55033-2392  
(651) 438-4438

Electronically Signed:  
04/26/2024 09:50 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: April 28, 2024.

Judicial Officer

Timothy J. McManus  
Judge of District Court

Electronically Signed: 04/28/2024 08:12 PM

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

COUNTY OF DAKOTA  
STATE OF MINNESOTA

**State of Minnesota**

Plaintiff

vs.

**Mark Anthony Selbitschka**

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: