
State of Minnesota,

Plaintiff,

vs.

LINDA LOUISE GULLICKSON DOB: 05/06/1946

10726 County Road 37 NE
Albertville, MN 55301

Defendant.

COMPLAINT

Summons

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: Criminal Vehicular Homicide or Operation - Operate Motor Vehicle in Grossly Negligent Manner Resulting in Death

Minnesota Statute: 609.21.1(1), with reference to: 609.21.1a(a)

Maximum Sentence: Ten years, \$20,000 or both

Offense Level: Felony

Offense Date (on or about): 08/08/2013 to 08/08/2013

Control #(ICR#): 13023489

Charge Description: LINDA LOUISE GULLICKSON did cause the death of another while operating a motor vehicle in a grossly negligent manner.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

The complainant is a licensed police officer with the State of Minnesota. The complainant is familiar with the law enforcement officers submitting reports in this matter, and believe those persons to be reliable and their reports to be true and accurate. The complainant attests that, based on those reports, the following facts establish probable cause:

On August 8, 2013, at approximately 12:10 p.m. Deputy Anderson and several other officers with the Wright County Sheriff's Office were dispatched to the 8000 block of County Road 19 in the City of Otsego, Wright County, Minnesota, in response to a report of a single vehicle crash involving injuries. Upon arrival, Deputy Anderson observed a vehicle, a red Toyota Sienna mini-van, overturned in the ditch west of County Road 19. County Road 19 is a north and south road that is nearly perfectly straight with one lane of travel going in each direction with a paved shoulder on each side of the road separated from the traveled portion of the roadway by a solid white fog line. Deputy Anderson noticed that debris from the crash was scattered around the vehicle and throughout the ditch. Deputy Anderson surveyed the area and observed people were attending to the driver of the vehicle. Deputy Anderson saw someone else attending to a person lying in a yard at the crash location. Deputy Anderson saw that the driver, subsequently identified as Linda Louise Gullickson, DOB: 5/6/1946, hereinafter 'defendant', was still present in the vehicle and noticed that she was alert and conscious. Deputy Anderson went to the victim lying in the yard and observed severe trauma to the back of his head. Deputy Anderson found that the victim wasn't breathing and didn't have a pulse. Deputy Anderson noticed that the victim sustained fatal injuries to his head and neck and notified dispatch that the victim was deceased. Deputy Anderson went back to the defendant and removed her from the vehicle so that paramedics could attend to her. The defendant asked if the other person was ok. Deputy Anderson assisted in gathering statements from multiple witnesses. Jacob Walch indicated he was driving north on County Road 19 with his wife, Kristina Walch, as his passenger. Mr. Walch saw a person running northbound on the southbound shoulder of County Road 19. Mr. Walch said the runner matched the deceased victim lying in the yard. Mr. Walch told Deputy Anderson the van involved in the crash had been traveling behind his vehicle and was also going north on County Road 19. Mr. Walch estimated that the van was traveling about ten car lengths behind his vehicle. Mr. Walch said he looked in his rearview mirror and saw the van drift out of the northbound lane of travel, cross over the center line, travel entirely across the southbound lane of County Road 19, and hit a driveway approach located west of County Road 19. Mr. Walch noticed that the van was launched into the air and rolled multiple times after hitting the driveway approach causing debris to spill out of the van. Mr. Walch turned around to assist with the crash and called 911. Kristina Walch indicated she is a registered nurse and went to the location of the crash to render assistance to those involved. Kristina Walch said the defendant was hanging upside down in her vehicle by her seatbelt. Kristina Walch described the defendant as being conscious and alert immediately after the crash. Kristina Walch went over to the victim on the ground and saw the extent of his injuries. Kristina Walch felt for a pulse but found none and it was at that point when the police officers arrived on the scene. Deputy Anderson spoke with a juvenile female, M.A.H., who indicated she had been driving north on County Road 19 and had been following behind the van involved in the crash. M.A.H. said she saw the crash and indicated the van went to the west side of County Road 19 and started rolling. Deputy Anderson spoke with a juvenile female, B.S.H., who was a passenger in the vehicle driven by M.A.H. B.S.H. said they were traveling about 1 mile behind the van involved in the crash. B.S.H. observed the van drift into the opposite side of the road. B.S.H. saw the vehicle going into the ditch and noticed that it rolled multiple times.

Deputy Dean Olson and Deputy Jessica Miller arrived to investigate the crash on behalf of the Major Crimes Investigation Unit (MCIU). It appeared to Deputy Miller that the van driven by the defendant was

traveling north on County Road 19 and crossed over the southbound lane driving onto the shoulder and struck the pedestrian who was running north on the shoulder of southbound County Road 19. After striking the runner, it appeared to Deputy Olson that the defendant's vehicle went into the ditch and rolled several times before coming to a stop on its roof in the yard of 8337 County Road 19. It appeared to Deputy Miller that the van driven by the defendant struck the runner from behind and carried him for a distance before the runner was thrown from the vehicle when the vehicle entered the ditch. The victim landed in the yard of the above residence. Deputy Miller saw that the victim sustained extensive injuries to the back of his head, neck and upper portion of his back. Deputy Miller examined the roadway and saw there were no skid marks found anywhere indicating the defendant did not attempt to slow down, stop or change course prior to striking the runner. There were no signs of braking or avoidance maneuvers. The force of the impact between the defendant's vehicle and the runner resulted in his shoes being dislodged from his body. A towing company arrived and turned over the defendant's vehicle, allowing Deputy Miller to inspect the vehicle. Deputy Miller found a small round dent in the hood of the defendant's van towards the passenger side. Deputy Miller observed heavy damage to the windshield on the driver's side with blood and tissue embedded in the glass. It appeared to Deputy Miller that the defendant struck the runner on the front passenger side of her van causing the runner to then strike the driver's side windshield. The significance of the impact caused the windshield to tear apart from the front driver's side door frame. After the defendant's van had been lifted, Deputy Miller found a cellular phone under the vehicle. Deputy Miller determined the phone belonged to the defendant and collected it as evidence.

Due to the victim being dressed in running attire, his identity was not known at the time he was transported to the medical examiner's office.

Detective Fladung was assigned to investigate the case and arrived on scene while the crash was still being investigated. Detective Fladung spoke with an additional witness, Brandon Peterson. Mr. Peterson said he was traveling south on County Road 19 when he saw a red van traveling north on County Road 19. Mr. Peterson was referring to the defendant's vehicle. Mr. Peterson watched as the van slowly crept into the southbound lane. Mr. Peterson saw the van coming into his lane. Mr. Peterson said the defendant's vehicle veered onto the shoulder of the southbound lane of County Road 19 and struck a man that was running on the shoulder of the road. Mr. Peterson said he moved his vehicle into the northbound lane of County Road 19 to avoid a crash with the defendant's vehicle.

At the time of the crash, it was sunny and clear and the road conditions were dry. Neither the weather nor the road conditions appeared to have been a factor in this crash.

Detective Eaton went to the hospital where the defendant had been transported. The defendant's family immediately advised Detective Eaton that they had spoken with an attorney and would not speak to Detective Eaton.

At approximately 7:30 p.m. on August 8, 2013, Gregory and Amy Lavallee contacted the Wright County Sheriff's Office. Gregory and Amy Lavallee reported that their 19 year old son, Phillip Gregory Lavallee, DOB: 9/21/1993, had left the house for a run at approximately 11:30 a.m. and had not returned home and had not reported for work. Gregory and Amy Lavallee had heard about the crash that occurred on County Road 19 and feared their son may be the victim in that crash. The Medical Examiner was able to identify the victim as Phillip Gregory Lavallee. The final summary of the Medical Examiner revealed that Phillip Gregory Lavallee died as a result of multiple blunt force injuries as a result of being struck by the vehicle driven by the defendant while he was running.

Sgt. Andrew Brumm with the Minnesota State Patrol executed a search warrant on the defendant's vehicle and obtained the Crash Data Retrieval (CDR) data maintained by the vehicle. The CDR data revealed the speed of the defendant's vehicle at the time of the crash was 63.4 mph in a 55 mph zone. The speed of the vehicle was steady and constant at 63.4 mph for the five seconds leading up to the crash suggesting the defendant was utilizing cruise control. The CDR data revealed that the defendant did not apply the brakes on her vehicle at the time of the crash or at any time five seconds prior to the time of the crash. The CDR

data confirms the defendant did not slow down or change course prior to striking Phillip Lavallee. The CDR data revealed no signs of braking or avoidance maneuvers prior to the crash.

Detective Sims obtained records for the defendant's cellular phone. The records show that the defendant received an incoming call from her husband's telephone number on August 8, 2013, at 12:09 p.m. The call went unanswered and went to voicemail. The initial 911 call reporting this crash came in at 12:09 p.m. From the phone records and the timing of when the crash was first reported to dispatch, it appears that at or near the time of the crash, the defendant was receiving a call on her cellular phone from her husband that went unanswered.

An investigation conducted by Detective Fladung revealed that there was no medical condition that caused the defendant to drive off of the roadway and strike Phillip Lavallee.

The defendant's driving conduct and the level of inattentiveness exhibited by her were so extreme as to amount to gross negligence because she failed to exercise even scant or slight care. The defendant's grossly negligent conduct caused her to crash her vehicle into Phillip Lavallee killing him.

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 Jacob Anderson
 Deputy Sheriff
 3800 Braddock Avenue NE
 Buffalo, MN 55313
 Badge: 160

Subscribed and sworn to before the undersigned.

**Notary Public or
Judicial Official** <notary name>

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

Prosecuting Attorney Brian Anthony Lutes
 assistant county attorney
 10 Second Street NW
 Room 400
 Buffalo, MN 55313
 (763) 682-7340

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 10 Second Street NW Room C201, Buffalo, MN 55313 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 is issued by the undersigned Judge as of the following date: _____, _____.

Judicial Officer <judge name>

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

**COUNTY OF WRIGHT
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

LINDA LOUISE GULLICKSON

Defendant

Clerk's Signature or File Stamp:

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: