

**State of Minnesota
County of Hennepin**

**District Court
Fourth Judicial District**

CCT	LIST CHARGE STATUTE ONLY	MOC	GOC	CTY ATTY	CONTROLLING	
1	609.21	J1311	N	FILE NO.	AGENCY	CONTROL NO
2	609.21	J1311	N	11-6136	MNMHP0400	11508435

COURT CASE NO. DATE FILED

✓if more than 6 counts (see attached) ✓if Domestic Assault as defined by MS 518B01, sub2a,b

State of Minnesota,

PLAINTIFF,

VS.

NAME: first, middle, last
AMY MARGARET SENSER

DEFENDANT,

416 JOHN ST
EDINA, MN 55343

- Amended – 2nd Tab Charge Previously Filed
- SERIOUS FELONY SUMMONS
 FELONY WARRANT
 GROSS MISDM DWI ORDER OF DETENTION
- GROSS MISDM EXTRADITION

Date of Birth **MNCIS #:** **27-CR-11-28801**
7/20/66 **LE#:** 11-23540
SILS ID: 708346
TRACK 2519825
ID:

AMENDED COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

The complaint has been amended for the second time, amending only the probable cause portion as follows. The offense portion remains the same.

Complainant, Dan Beasley, of the Minnesota State Patrol-West-District 2500, has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On August 23, 2011 at approximately 11:10 p.m., Minnesota State Patrol responded to a medical emergency on the ramp to eastbound Hwy. 94 from Riverside Avenue, Minneapolis, Hennepin County. Upon arrival, troopers observed the body of a known adult male, later identified as Victim 1, lying face down on the ramp, approximately forty feet in front of a Honda Accord. There was a blue container that appeared to contain gas in front of the Accord, between the vehicle and Victim 1’s body. Victim 1 was deceased upon the troopers’ arrival. From the evidence at the scene, it appeared to responding officers that Victim 1 was attempting to put fuel in his vehicle when he was struck by another car. The right side of Victim 1’s body had injuries and his shoes had come off and were between the Accord and his body. Troopers located multiple parts left behind by the suspect vehicle, one of which was able to be identified as belonging to a Mercedes. Several of these parts appeared to have blood on them. Officers did an online search in an effort to further identify the suspect vehicle. One of the headlights appeared to have come from a Mercedes GLK300.

On August 24, 2011 at approximately 10:30 p.m., State Patrol received a call from Attorney Eric Nelson, in which he stated that he was going to release a Mercedes ML350 that was involved in the accident the previous evening. Mr. Nelson indicated that the vehicle was located at 416 John St. in Edina, which is the residence of **AMY MARGARET SENSER**, Defendant herein. State Patrol responded to that address with a tow truck and took custody of the vehicle. The vehicle was parked in the garage at the time State Patrol arrived at the residence.

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Damage to the front passenger side of the vehicle was observed as well as a broken headlight and fog light on the passenger side. The front passenger fender was also dented and there appeared to be blood on the front hood. The vehicle registers to Defendant's husband, Joseph Michael Senser.

On September 2, 2011, Defendant provided a statement to State Patrol, to wit: "I, Amy Senser, was the driver of the vehicle in the accident in which [Victim 1] lost his life.

Further investigation has revealed the following: Several individuals called 911 at the time of the accident and they were interviewed. Witness A stated that she had been travelling westbound on I-94 and exited to Riverside Avenue. As she did so, she immediately observed a vehicle with its emergency hazard lights flashing, parked on the right side of the ramp. Witness A further stated that the vehicle was clearly visible and she had plenty of time to slow her vehicle's speed after noticing the disabled vehicle. Witness A then saw a shoe lying in the roadway and a man lying face down in the roadway. Two other witnesses gave similar accounts of seeing the vehicle and the victim lying in the roadway.

Another witness, Witness B, contacted law enforcement and reported the following: at approximately 11:50 p.m. on August 23rd, she was driving westbound on I-94 approaching Riverside Avenue when her attention was drawn to a Mercedes Benz sports utility vehicle which was traveling westbound in front of her. Witness B further reported that the vehicle was weaving out of its lane and was traveling at inconsistent speeds. Witness B described the vehicle as light tan or beige with special series Minnesota registration plates, which were definitely not habitat plates. Witness B further reported that as the vehicle approached the Riverside Avenue exit, the vehicle was in the far right lane. It slowed to around 40 mph, then veered to the far left lane. At this point Witness B noticed all of the emergency lights up on the Riverside exit. She then passed by the Mercedes and made a point to look at the vehicle and the driver. Witness B described the driver as having long sandy blond hair, which was blowing around because the driver's side window was down. After she passed the vehicle, Witness B looked in her rear view mirror and observed a headlight was out.

Your Complainant obtained a number of search warrants for cell phone records for the Defendant's cell phone, as well as those for her husband, Joseph Senser and her two daughters, Child A and Child B. Review of those records indicates the following:

On August 23, 2011, between the hours of 6:42 p.m. and 7:25 p.m., the Defendant placed and received several phone calls and while doing so her cell phone was utilizing cell towers in the Uptown Minneapolis area. The next call from Defendant's phone did not occur until 11:08:58 p.m. This call was to her daughter, Child A, and utilized a cell phone tower near I-94 and Riverside Avenue in Minneapolis. The next call from Defendant's phone occurred at 11:24 p.m. from a cell phone tower near I-94 and Snelling Avenue, in St. Paul. At 11:26 p.m., Defendant received a call from a phone number which investigation revealed belonged to Child C, a friend of Child A. When this call was received, Defendant's phone was utilizing a cell phone tower near I-94 and Hwy. 280. Defendant's phone then received two calls at 11:29 p.m. and 11:32 p.m. from Child A's phone. Defendant's phone was in the area of I-94 and Hwy. 280. At 11:37 p.m. and 11:38 p.m., Defendant's phone received two more calls from Child C and was utilizing a cell phone tower located north of I-94 between Hwy. 280 and I-35W. At 11:40 p.m., Defendant's phone received another call from Child A and her cell phone was utilizing a cell phone tower in the same area. At 11:43 p.m., Defendant's phone received another call from Child C and her phone was utilizing a cell

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phone tower near I-94 between Hwy 280 and Riverside Avenue. At 11:47 p.m. Defendant's phone received a call from Joseph Senser. When this call was received, her phone was utilizing a cell phone tower in the same area. At 11:53 p.m., Defendant's phone received another call from Child C and her phone was utilizing a cell phone tower near I-94 just east of Hwy 280. At 11:54 p.m., Defendant's phone received another call from Joseph Senser and her phone was utilizing a cell phone tower in the same area. At 11:55 p.m., Defendant's phone received another call from Joseph Senser and her phone was utilizing a cell phone tower in the area of I-94 and Snelling Avenue.

On August 24, 2011 at 12:05 a.m., Defendant's phone received another call from Joseph Senser and her phone was utilizing a cell phone tower in the area of I-94 just east of the Lowry Hill Tunnel. At 12:07 a.m., Defendant's phone received another call from Joseph Senser and her phone was utilizing a cell phone tower in the area of I-94 near I-394, just north of the Lowry Hill Tunnel. At 12:20 and 12:29 a.m., Defendant's phone received calls from Joseph Senser and her phone was utilizing a cell phone tower near Hwy. 7 and Hwy. 100.

Your Complainant also attempted to retrieve text messages from the Defendant's phone. A review of those messages reveal the following: the last text message Defendant sent on August 23, 2011 was to Child A. It was sent at 8:23 p.m. and stated: "How long until Katy? Is there an intermission?" The last text received by Defendant's phone on August 23rd was from Child A. It was received at 11:23 p.m. and stated: "Hi mommy were [sic] by guest services." The next text message that was recovered from Defendant's cell phone was from August 25, 2011 at 11:14 a.m. Based on the frequency of Defendant's incoming and outgoing texts prior to August 23rd, this is a significant gap in texting, such that investigators believe a number of texts were deleted.

Review of Joseph Senser's cell phone records indicate that on the evening of August 23rd, he received several calls from another friend of Child A at 11:30 p.m., and 11:31 p.m.. He also received two calls from that friend's father at 11:40 p.m. Joseph Senser's phone made several calls to Child A at 11:42 p.m. and 11:52 p.m. and again at 12:04 p.m. on August 24th. Tracking of this phone indicated that it traveled from a location near Hwy 7 and Hwy 100, east via I-94, to a cell phone tower in the area of I-94 and I-35E in St. Paul, near the Excel Energy Center.

Further review of Joseph Senser's cell phone records indicate that on August 24, 2011 at 7:20 and 8:28 a.m., his phone received calls from a number associated with Florida Detox, Inc. At 8:53 a.m., his phone placed a call to a known adult male, T.O., who is Defendant's brother, and who is a police officer with the City of Edina. At 10:28 a.m., his phone placed a call to a number associated with the Halberg Law Firm. At 2:48 p.m., his phone placed a call to an individual associated with Minnesota Teen Challenge, a drug and alcohol treatment facility.

Based on this information, several individuals were interviewed. Child C was interviewed on September 13, 2011. She gave the following information: on August 23, 2011, her mother had dropped her off at the Senser residence, as she was going to the Katy Perry concert with Child A and Child B as well as another juvenile female. Joseph Senser drove the girls to the concert and the plan was for the Defendant to get a ticket and meet the girls at the concert and drive them home. Child C stated that the concert ended at around 11:15 p.m. and that Child A started calling the Defendant, trying to arrange a place to meet. Child C stated that she also called the Defendant. It was taking a long time for the Defendant to pick them up so they called Joseph Senser to come pick them up.

While driving them home, Child C overheard Joseph Senser call the Defendant. He asked the Defendant where she was. He also stated that he had the girls and that the Defendant should "just go home." Child C said that when they returned to the Senser residence, she observed the Mercedes parked in the driveway. Child C stated that she

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did not notice any damage to the vehicle. When they went into the residence, they encountered the Defendant asleep on a couch on the porch.

The next morning, when Child C woke up, the Defendant did not speak to her and Joseph Senser “appeared tense.” She recalled the Defendant and Joseph Senser talking about having to take care of a “car thing.” The Defendant and Joseph Senser were getting ready to leave and Joseph Senser asked that no one answer the door because someone may be stopping by. Joseph Senser also told them no one was to use the phone.

Child C’s mother stated that around midnight she began receiving calls and texts from Child C. Child C told her that the Defendant never picked them up and that the Defendant may have been drinking. Child C’s mother picked Child C up from the Senser’s residence the next morning and at that time did not see the Mercedes in the driveway.

T.O. was interviewed on September 21, 2011. He stated that on the morning August 24, 2011, he received a call from Joseph Senser who asked him whom he would recommend as an attorney if one were hypothetically involved in an accident. T.O. recommended the Halberg law firm because they had once been affiliated with the City of Edina. He further stated that the two did not have any more discussion about that subject.

On December 16, 2011, your Complainant received a copy of the Crash Reconstruction Report, prepared by Sgt. P.C. Skoglund of the Minnesota State Patrol. Sgt. Skoglund made the following findings:

There was no roadway evidence east of the Honda’s position, such as broken vehicle parts, and no skidding or scuffing tire marks.

Injuries sustained by the victim were consistent with the victim standing upright near the rear of his vehicle while attempting to place gasoline into the gas tank with his body bladed, right side toward traffic.

Numerous broken pieces of a vehicle were scattered throughout the ramp lane, with many of them bloodstained. Blood, tissue and bone were also observed throughout the area.

No construction barrels were observed on the exit ramp. Construction barrels are made of plastic and are not filled with any substances that would be released in a collision.

Based on calculations and analysis, approximately 40% of the Victim’s body was above the top edge of the Mercedes’ hood height at the right front corner when it collided with him. The right headlight would have clearly illuminated the victim, even as a collision was unavoidable.

Using 40 mph as an average for this distance to calculate time for a vehicle exiting the highway and slowing in an exit ramp, there would have been over four seconds of time for the Defendant to observe the Honda’s flashing lights in the exit ramp and the victim standing near the left rear.

There were no vision obstructions in the exit ramp lane to impede an approaching driver’s view of the stalled Honda.

Defendant is not in custody.

COMPLAINT SUPPLEMENT

CCT	SECTION/Subdivision	M.O.C.	GOC

OFFENSE

COUNT 1: CRIMINAL VEHICULAR HOMICIDE OPERATION (FELONY)
 MINN. STAT. § 609.21, SUBDS. 1(7), 1a(a); § 169.09, SUBD. 1
 PENALTY: 0-10 YEARS AND/OR \$20,000

That on or about August 23, 2011, in Hennepin County, Minnesota, **AMY MARGARET SENSER** did, by operating a motor vehicle, cause an accident that caused the death of victim and **AMY MARGARET SENSER** left the scene of that accident.

COUNT 2: CRIMINAL VEHICULAR HOMICIDE (FELONY)
 MINN. STAT. § 609.21, SUBDS. 1(7), 1a(a); § 169.09, SUBD. 6
 PENALTY: 0-10 YEARS AND/OR \$20,000

That on or about August 23, 2011, in Hennepin County, Minnesota, **AMY MARGARET SENSER** did, by operating a motor vehicle, cause an accident that resulted in the death of the victim, and **AMY MARGARET SENSER** failed to give notice of the accident by the quickest means of communication to law enforcement authorities.

NOTICE: You must appear for every court hearing on this charge. A failure to appear for court on this charge is a criminal offense and may be punished as provided in Minn. Stat. § 609.49.

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be: arrested or that other lawful steps be taken to obtain defendant's appearance in court; or detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

Sgt. Dan Beasley

COMPLAINANT'S SIGNATURE:

DATE:

January 23, 2012**mz***Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.*

PROSECUTING ATTORNEY'S SIGNATURE:

PROSECUTING ATTORNEY:

NAME/TITLE:

DEBORAH L. RUSSELL (242998)
Assistant County Attorney

ADDRESS/TELEPHONE:

C2100 Government Center, Minneapolis, MN 55487
Telephone: 612-348-6077

FORM I-2

Rev. 3/94

Court Case # _____

This COMPLAINT was subscribed and sworn to before the undersigned this _____ day of _____, 20____.

NAME:

SIGNATURE:

TITLE:

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 his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

EXECUTE IN MINNESOTA ONLY

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named 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 thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is already in custody; I hereby order, subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail: **Bail to Remain as Previously Ordered**

Conditions of Release: **Conditions of Release to Remain as Previously Ordered**

This COMPLAINT- **WARRANT** duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

NAME:

SIGNATURE

TITLE: **JUDGE OF DISTRICT COURT**

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

STATE OF MINNESOTA COUNTY OF HENNEPIN

STATE OF MINNESOTA

Plaintiff

vs.

AMY MARGARET SENSER

Defendant(s).

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT – SUMMONS, WARRANT, ORDER OF DETENTION upon Defendant(s) herein-named.

Signature of Authorized Service Agent: