

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 17A04613
Court File No. 27-CR-17-21485

State of Minnesota,
Plaintiff,

COMPLAINT
Warrant

vs.

PATRICK JOHN HAYES DOB: 05/04/1982

13885 Edgewood Ave
Savage, MN 55378

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: Criminal Vehicular Homicide - Operate Motor Vehicle in Grossly Negligent Manner

Minnesota Statute: 609.2112.1(a)(1), with reference to: 609.2112.1(a)

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 12/02/2016

Control #(ICR#): 16410485

Charge Description: That on or about 12/2/2016, in Hennepin County, Minnesota, PATRICK JOHN HAYES, did by operating a motor vehicle in a grossly negligent manner, cause the death of Victim 1.

COUNT II

Charge: Criminal Vehicular Operation - Great Bodily Harm - Gross Negligence

Minnesota Statute: 609.2113.1(1), with reference to: 609.2113.1

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 12/02/2016

Control #(ICR#): 16410485

Charge Description: That on or about 12/2/2016, in Hennepin County, Minnesota, PATRICK JOHN HAYES did, by operating a motor vehicle in a grossly negligent manner, cause great bodily harm to Victim 2.

COUNT III

Charge: Criminal Vehicular Homicide - Operate Motor Vehicle in Grossly Negligent Manner

Minnesota Statute: 609.2112.1(a)(1), with reference to: 609.2112.1(a)

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 12/02/2016

Control #(ICR#): 16410485

Charge Description: That on or about 12/2/2016, in Hennepin County, Minnesota, PATRICK JOHN HAYES, did by operating a motor vehicle in a grossly negligent manner, cause the death of Victim 3.

COUNT IV

Charge: Criminal Vehicular Operation - Great Bodily Harm - Gross Negligence

Minnesota Statute: 609.2113.1(1), with reference to: 609.2113.1

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 12/02/2016

Control #(ICR#): 16410485

Charge Description: That on or about 12/2/2016, in Hennepin County, Minnesota, PATRICK JOHN HAYES did, by operating a motor vehicle in a grossly negligent manner, cause great bodily harm to Victim 4.

COUNT V

Charge: Criminal Vehicular Homicide - Operate Motor Vehicle in Grossly Negligent Manner

Minnesota Statute: 609.2112.1(a)(1), with reference to: 609.2112.1(a)

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 12/02/2016

Control #(ICR#): 16410485

Charge Description: That on or about 12/2/2016, in Hennepin County, Minnesota, PATRICK JOHN HAYES, did by operating a motor vehicle in a grossly negligent manner, cause the death of Victim 5.

STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On or about December 2, 2016, at approximately 8:25 p.m., officers of the Minnesota State Patrol responded to a report of a car crash that had occurred in the area of Interstate 494 and Highway 5 in Hennepin County, Minnesota.

Upon arrival, law enforcement found a blue, Jeep Cherokee that had been struck by a tan, Chevy Malibu. There were a total of five people in the Jeep. All of these individuals were eventually identified—referred to hereinafter as Victim 1 (born 12/15/1965), Victim 2 (born 11/3/1966), Victim 3 (born 10/22/1992), Victim 4 (born 2/17/1998), and Victim 5 (9/6/2014). The tan, Chevy Malibu was driven by PATRICK JOHN HAYES, born 5/4/1982 and defendant herein.

When law enforcement arrived at the scene, all of the victims were injured in some manner and only limited statements were obtained. Victim 3 reported that they had just picked up Victim 4 from the airport and were driving her home.

Victim 1 was pronounced dead at the scene by the emergency medical responders. Victim 2 was transported to Hennepin County Medical Center where she was treated for her injuries. Victim 3 was transported to the Hennepin County Medical Center where she died as a result of her injuries on December 2, 2016. Victim 4 was transported to the Hennepin County Medical Center where she was treated for her injuries. Victim 5 required CPR from the initial responders. Victim 5 was transported to the University of Minnesota Masonic Children's Hospital. Victim 5 eventually died on December 9, 2016, as a result of his injuries.

The defendant was transported to the Regions Hospital where he was treated for his injuries.

State Patrol was able to obtain video surveillance of the crash. The defendant's Chevy is seen traveling westbound on 494. The defendant then pulls over to the right shoulder of the freeway. The defendant turns and heads eastbound east of the 24th Avenue exit. The defendant continues eastbound in the westbound lanes of 494. Meanwhile, the victims' vehicle is traveling westbound on Highway 5 entering onto 494. The defendant's vehicle passes several vehicles, appears to accelerate, and then collides with the victims' vehicle.

The front driver's side of the defendant's vehicle hits the front driver's side of the victims' vehicle. Both vehicles spin around and stop in the westbound lanes of 494.

Surveillance video from the airport shows the victims loading up their vehicle and entering it. Victim 1 was driving the vehicle. Victim 2 was the front passenger. Victim 3 was seated in the rear, driver's side passenger seat. Victim 4 was seated in the rear, center passenger seat. Victim 5 was seated in the rear, passenger's side passenger seat.

Officers conducted a Miranda interview while the defendant was still being treated. The defendant indicated that he could not speak so officers asked him yes or no questions and had him spell out some of his answers. The defendant indicated that he was not under any doctor care or mental health care at the time of the crash. The defendant said he was lost and the reason he was going the wrong way on the freeway was that he was not thinking.

The nurse tending to the defendant indicated that the defendant had been speaking to her earlier that day.

On December 15, 2016, officers spoke with the defendant's ex-wife, Witness herein. Contrary to what the defendant had said, Witness informed officers that the defendant has a history of epileptic seizures and was under daily medication for it. She stated that the defendant was still able to move when he had seizures, but he would do odd things. Witness stated that at one point the defendant jumped off a balcony during one of his seizures. Witness stated the defendant was a patient at Neurological Associates for his condition. Witness said the defendant had stopped by her residence (in White Bear Lake) prior to the crash on December 2nd, 2016. She figured the defendant would have taken 694 to 494 to 169 in order to go home.

Further investigation revealed that the defendant had been involved in two prior car accidents in Minnesota. On or about March 17, 2015, in the area of Savage, witnesses reported seeing the defendant driving approximately 90-100 miles per hour. The defendant was weaving through traffic when he collided with another car and rolled his own vehicle. The defendant then fled on foot. The witnesses apprehended the defendant and brought him back to the scene. The defendant told officers that he lost control of his vehicle.

On or about August 17, 2016, the defendant caused an eleven-vehicle crash. Witnesses at the scene describe the defendant as being "out of it" immediately after the crash and still manipulating the steering wheel acting like he was driving down the road.

Further investigation revealed that the defendant was involved in a car accident on or about August 26, 2014, in Texas. The crash report indicates that the defendant went through an intersection and hit a building because he suffered a seizure while driving.

A review of the defendant's Minnesota driver's license applications for the last five years shows that the defendant never indicated that he had a condition that may impair his ability to safely operate a motor vehicle or that he uses any medication that cause a loss of control.

On February 7, 2017, officers received a report from the Minnesota Bureau of Criminal Apprehension submitted a report from a blood draw that was taken from the defendant after the crash. The report indicated that the only controlled substance in the defendant's system was midazolam.

The defendant's medical records indicate that the defendant was given midazolam at the scene of the December 2, 2016, crash as he was observed having a seizure. The defendant's medical records further indicate that he has had a seizure disorder since he was sixteen years old and last saw a neurologist days before the crash.

Medical records for Victim 2 indicate that she was discharged on December 20, 2016. Victim 2 suffered numerous injuries as a result of the crash. Victim 2 suffered multiple fractures to various bones. Victim 2 had to be intubated for several days. On the day Victim 2 was discharged, she was still receiving nutrition via a feeding tube.

Medical Records from Victim 4 indicate that she was discharged on December 23, 2016. Victim 4 suffered extensive injuries as a result of the crash. Victim 4 suffered multiple fractures to various bones. Victim 4 also suffered a life-threatening aortic injury from which most patients do not survive.

The defendant is not in custody.

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

Eric Zastrow
State Trooper
3489 Hadley Ave N
Oakdale, MN 55128
Badge: 85

Electronically Signed:
08/29/2017 10:20 AM
Washington County, Minnesota

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

Prosecuting Attorney

John Monnens
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
08/29/2017 10:07 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 on _____, _____ at _____ AM/PM before the above-named court at 300 S Sixth Street, Minneapolis, MN 55487 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: \$500,000.00
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: August 29, 2017.

Judicial Officer Mel Dickstein Electronically Signed: 08/29/2017 11:08 AM
District Court Judge

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

PATRICK JOHN HAYES

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Warrant
upon the Defendant herein named.*

Signature of Authorized Service Agent: