

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 20A01900
Court File No. 27-CR-20-3921

State of Minnesota,
Plaintiff,

COMPLAINT
Summons

vs.

MIKAELA ELIZABETH DEVITT DOB: 07/18/1981

9426 14th Street W
St. Louis Park, MN 55426

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: Manslaughter - 2nd Degree - Commit or Attempt to Commit Violation

Minnesota Statute: 609.205(5), with reference to: 609.205

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

Offense Level: Felony

Offense Date (on or about): 12/28/2019

Control #(ICR#): 19007886

Charge Description: That on or about 12/28/2019, in St. Louis Park, Hennepin County, Minnesota, MIKAELA ELIZABETH DEVITT, caused the death of Victim by committing or attempting to commit Neglect and/or Endangerment of a Child under Minn. Stat. 609.378.

STATEMENT OF PROBABLE CAUSE

Complainant, a licensed peace officer with the St. Louis Park Police Department, has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On December 28, 2019, St. Louis Park Police Officers were dispatched to a known residence located in St. Louis Park, Hennepin County, Minnesota, on a baby in distress call. Upon arrival, officers located a five-week old baby who was not breathing and was cold to the touch. Officers provided medical assistance until an ambulance arrived and took the child, hereinafter referred to as Victim, to the hospital. Victim died at the hospital.

Officers located Victim's mother, MIKAELA ELIZABETH DEVITT, the defendant herein, at the scene. The defendant told officers that she woke up in her bed and noticed Victim face down on the mattress, not breathing. The defendant stated that she had her housemate call 911.

Officers searched the room and located two medication bottles on the nightstand next to the bed. One, for Lorazepam, was filled on December 27, 2019. The prescription was for ten pills to be taken every six hours as needed. The pill bottle was empty. Officers also located what appeared to be alcohol on the nightstand. Officers also noted the odor of burnt marijuana.

During the processing of the home, the defendant returned and completed a scene re-enactment with the medical examiner's investigator. The defendant indicated that she had Victim in the bed with her but was unable to recall the exact positioning. The defendant stated that she believed she fell asleep while feeding Victim. The defendant indicated that when she awoke, Victim was positioned face down on the mattress, near a wet spot believed to be saliva. The defendant was unable to provide her position relative to Victim upon waking up.

Following the re-enactment, Complainant spoke to the defendant. The defendant admitted that she took all 10 Lorazepam pills on December 27th. When asked, the defendant indicated she didn't know why she took all 10 pills or what time she took them. The defendant also admitted drinking alcohol.

On February 3, 2020, the defendant met with officers, this time with an attorney. During the meeting, the defendant denied taking Lorazepam on December 27, 2019 and claimed she did not remember telling Complainant that she did.

Following an autopsy, the Medical Examiner concluded the cause of Victim's death was Positional Asphyxia.

The defendant is not currently 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

Allison Jones
Officer
3015 Raleigh Ave S
St Louis Park, MN 55416
Badge: P276

Electronically Signed:
02/11/2020 03:00 PM
Hennepin County, Minnesota

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

Prosecuting Attorney

Dan Allard
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
02/11/2020 02:57 PM

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 the address listed on the attached court summons 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: February 11, 2020.

Judicial Officer Peter A Cahill
District Court Judge

Electronically Signed: 02/11/2020 03:03 PM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

MIKAELA ELIZABETH DEVITT

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:

DEFENDANT FACT SHEET

Name: MIKAELA ELIZABETH DEVITT
DOB: 07/18/1981
Address: 9426 14th Street W
St. Louis Park, MN 55426

Alias Names/DOB:
SID:
Height:
Weight:
Eye Color:
Hair Color:
Gender: FEMALE
Race:
Fingerprints Required per Statute: Yes
Fingerprint match to Criminal History Record: No
Driver's License #:
SILS Person ID #: 699032
SILS Tracking No. 3156926
Alcohol Concentration:

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	12/28/2019	609.205(5) Manslaughter - 2nd Degree - Commit or Attempt to Commit Violation	Felony	H5004		MN0272100	19007886
	Penalty	12/28/2019	609.205 Manslaughter - 2nd Degree	Felony	H5004		MN0272100	19007886