

STATE OF MINNESOTA
COUNTY OF SIBLEY

DISTRICT COURT
FIRST JUDICIAL DISTRICT

COURT FILE NO.: _____

PROSECUTOR FILE NO.: C-08-212

State of Minnesota,
Plaintiff,

v.

Anthony Mark Klaseus DOB: 06/05/68
29011 221st Avenue
Belle Plaine, MN 56011

Defendant.

Summons Warrant
 Order of Detention

 Amended
 Tab charge Previously Filed

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):

Count 1

2nd Degree Manslaughter
In Violation Of: 609.205 Subd. (2)
Penalty: 10 years and/or \$20,000

On or about April 19, 2008, within the County of Sibley, the above named defendant caused the death of another by shooting the victim with a firearm or other dangerous weapon as a result of negligently believing the victim to be a deer or other animal; to wit: shot and killed his son with a shotgun while believing his son to be a turkey.

Count 2

Reckless Discharge of a Firearm
In Violation Of: 609.66 Subd. 1a(a) (2)
Penalty: 5 years and/or \$10,000

On or about April 19, 2008, within the County of Sibley, the above-name defendant intentionally discharged a firearm under circumstances that endangered the safety of another.

Count 3

Trespass
In Violation Of: 97B.001 Subd. 2
Penalty: 90 days and/or \$1,000.00

On or about April 19, 2008, within the County of Sibley, the above-named defendant entered upon agricultural land for outdoor recreation purposes without the permission of the landowner.

Count 4

Hunting Turkeys Without a License

In Violation Of: 97B.721

Penalty: 90 days and/or \$1,000.00

On or about April 19, 2008, within the County of Sibley, the above named defendant hunted turkeys without a proper license.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is an Investigator employed by Sibley County. In that capacity, your complainant has reviewed police reports relating to the above-named defendant and the allegations contained herein. Based upon that information, your complainant believes the following to be true and correct.

At approximately 6:25 p.m. on April 19, 2008, Sibley County Law Enforcement responded to a hunting related shooting that occurred in a field east of Crahan Lane near County Road 6 in Sibley County. Those responding to the scene were: Sibley County Sheriff, Bruce Ponath; Chief Deputy, Patrick Nienaber; Investigator, Ellerd Mathwig; Investigator, Jason Ruehling; Sgt., Shaun Pomplun; Deputy, Aaron Louwagie; Belle Plaine Police Officer, Bryan Pasek; Belle Plaine ambulance; the Sibley County Medical examiner; Belle Plaine Fire Department; Ridgeview ambulance; and Arlington Ambulance.

Upon arrival, law enforcement drove through the field to the edge of the woods and immediately observed a young male with gun shot pellet wounds throughout his torso and neck area. The boy was blue, bleeding from the nose and mouth, and completely unresponsive. The boy was dressed in camo type clothing and a tee shirt. Emergency medical procedures were initiated. After resuscitation was attempted for some time by paramedics, the child was pronounced dead at the scene. The child was identified as Hunter Russell Klaseus (DOB 04-29-99).

The father, later identified as Anthony Mark Klaseus (DOB 06-05-1968) was observed to be covered in blood and extremely distraught. Mr. Klaseus repeated several times, "I just shot my son, I just shot my boy." Upon arrival, Investigator Mathwig heard Mr. Klaseus say the following: "How could I shoot and kill my son? I told him to stay put, while I tried to get closer to the turkeys. Then I heard something snap or break near me and a large figure rose up. I thought it was a turkey and I shot and it went down. I thought I shot the turkey. Then my son jumped back up screaming and then fell back down. I knew I had shot my son. I went to him and saw he was bleeding from the neck. I picked him up and called 911 and started carrying him back to the road to make it easier to be found. I stopped once on the plow field to check him and do CPR and then continued here."

Mr. Klaseus agreed to show law enforcement where the shooting occurred. Mr. Klaseus lead Investigator Mathwig and Deputy Louwagie up a hill to a field. The plowed field was a circular field approximately 8 to 10 acres in size, over 200 yards across, opening up to a larger field on the east side. The ground was higher in the middle, sloping all directions to the edges. If one were to use a clock to describe the field with 12 o'clock being north, the field opened to the larger field from the 2 to 5 o'clock positions. From the 5 o'clock to the 2 o'clock position, the edges of the field changed into a few feet of grass then to wooded ravine. At the 2 o'clock position, the ravine and woods ran further east a hundred feet or so.

Mr. Klaseus stated that he and his son came out to the area around 5:00 p.m. and parked in a driveway where he knows the people. They walked around a bit and then came to approximately the 5 o'clock area of the field. They saw some turkeys over in the 1 o'clock area, near some power lines. Mr. Klaseus told his son to stay where they were at in the 5 o'clock area and he would circle around the edge of the field and try to cut the turkeys off. Mr. Klaseus left his son and circled around the field, getting to approximately the 12 o'clock area of the field. Mr. Klaseus was about 30 yards off of the field, in the

woods. Mr. Klaseus could see and hear the turkeys east of him. Mr. Klaseus called to the turkeys and the turkeys called back and started coming towards him. Mr. Klaseus then heard a snap or something from behind him. Mr. Klaseus said that with him kneeling down, "It was grass high....and with the boy with camo on and stuff and hood on, it looked like a turkey fanning out. Like I said I told him to stay here and I figured it was a long ways, so I fired." DNR regulations for the spring turkey hunt state that only a turkey with a visible beard may be taken. According to the regulations, a beard is a feathered appendage protruding from the breast and is generally only found on males.

During the conversation, Deputy Louwagie noticed the odor of an alcoholic beverage coming from Mr. Klaseus. Investigator Mathwig asked Mr. Klaseus if he had been drinking. Mr. Klaseus responded that he had one beer several hours earlier in the day. Mr. Klaseus agreed to take a preliminary breath test (PBT). On a very weak sample, the PBT indicated a BAC of .060. Sheriff Ponath then asked Mr. Klaseus if he would give a urine sample. Mr. Klaseus agreed and was then transported to the Belle Plaine police department by Deputy Louwagie. At the police department, the urine sample was collected and later delivered to the BCA.

On scene, a Remington Sportsman 12 gauge was located. The safety was in the firing position, with an empty shot shell in the chamber. The spent shell was a Federal Premium #4 1 3/4 oz 3" mag., red in color. There were three shells in the magazine; two were #4 shot, like the spent shell, and the other was a Winchester Supreme #5, black in color. Also located were a baseball hat and a mouth call. In another part of the grassy area, blood spots on the grass and a striker part of a call were located. When asked about the items that were found, Mr. Klaseus stated that where the striker part was found would had been the area that his son was at. The baseball cap would have been his that was on the ridge in the woods and he would have been about 20 to 30 yards from his son, kneeling at the time of the shooting. The area was photographed and measured.

The land on which the shooting occurred is owned by Edward Daniel Townsend (DOB 10-27-1965). Townsend told law enforcement that Anthony did not have permission to hunt on the property. Townsend stated that he had hunted his property earlier that day with a teenager through a program sponsored by the Minnesota Turkey Federation, a program that is designed to take young first time hunters out on a guided hunt. Townsend was very concerned that someone else was on his property hunting and he did not know they were there.

The vehicle that Mr. Klaseus drove to the scene was located in a driveway southwest of the scene. The vehicle was identified by MN License plate # RBL 218 as a 1999 Chevrolet Silverado, registered to Anthony and Amber Klaseus. On April 21, 2008, Investigator Ruehling executed a search warrant for the pickup. Inside the bed of the pickup, which was covered by a hard tonneau cover, Investigator Ruehling found: (1) a twelve pack of "Icehouse" beer containing seven full bottles of beer; (2) a brown paper bag with a "Icehouse" beer sixpack, containing one full bottle of beer; (3) a "Icehouse" twelve-pack containing eight empty beer bottles; (4) a brown paper bag containing an "Icehouse" six pack with five empty beer bottles; (5) a brown paper bag with a "Coors Light" six pack containing four empty bottles and a receipt dated 4-16-08; (6) a empty "Budweiser" 24 can case; (7) two empty "Busch Light" beer cans. Inside the vehicle, Investigator Mathwig found a plastic bag containing a lighter, film canister, and a "one-hitter" marijuana pipe with residue which had the distinct odor of burnt marijuana.

On April 29, 2008, the results of Mr. Klaseus's urine test was received from the BCA. The results indicate that Mr. Klaseus's ethyl alcohol concentration was .05 grams per 67 milliliters of urine. It should be noted that the urine test was taken approximately 3 hours after the time of the shooting. The results also indicate that marijuana was present in Mr. Klaseus's system at the time of the shooting. Results regarding the exact amount of marijuana in his system are expected in the next few weeks.

DNR Officials indicate that Mr. Klaseus had been drawn to receive a turkey license but did not take steps to purchase the actual license to hunt turkeys.

Mr. Klaseus will make his first appearance in Sibley County District Court on Thursday May 22, 2008 at 9 a.m.

The above facts constitute his basis for believing that the above-named defendant in the above-named county committed the following described offenses:

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'S NAME:

COMPLAINANT'S SIGNATURE:

Investigator Ellerd Mathwig

Ellerd Mathwig

Subscribed and sworn to before the undersigned this 5 day of May, 2008

NAME/TITLE:

SIGNATURE:

Deputy Court Administrator
Sibley County, Minnesota

Staci Meyers

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

Date: 5-5-08

PROSECUTING ATTORNEY'S SIGNATURE:

Donald E. Lannoye

Name: Donald E. Lannoye
Assistant Sibley County Attorney
307 Pleasant Avenue, P.O. Box H
Winthrop, MN 55396
507-647-5377

Attorney Registration Number: 0311777

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 to 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).

[X] SUMMONS

THEREFORE, YOU THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, 20__ at _____ before the above-named court at _____ to answer this complaint.

[] WARRANT

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

Bail: _____

Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 5th day of May, 20 08.

JUDICIAL OFFICER:

NAME: Thomas A. McCarthy TITLE: District Judge

SIGNATURE:

[Handwritten signature of Thomas A. McCarthy]

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

County of Sibley State of Minnesota. State of Minnesota Plaintiff vs. Anthony Mark Klaseus Defendant. Clerk's Signature and File Stamp: MAY 05 2008 KAREN V MESSNER COURT ADMINISTRATOR RETURN OF SERVICE I hereby Certify and Return that I have served a copy of this Summons upon the Defendant(s) herein-named. Signature of Authorized Service Agent:

STATUTE AND OFFENSE GRID

| Cnt | Statute Type | Offense Date | Statute Number & Description | Offense Level | MOC | GOC | Controlling Agencies | Control Number(s) |
|-----|-----------------------|--------------|--|---------------|-------|-----|------------------------|-------------------|
| 1 | Charge Penalty | 04/19/08 | 609.205 Subd. (2) 2nd Degree Manslaughter 609.205 Manslaughter - 2nd Degree | F | H5014 | N | MN0720000 Arresting | 08001204 |
| 2 | Charge Penalty | 04/19/08 | 609.66 Subd. 1a(a)(2) Reckless Discharge of a Firearm 609.66 subd. 1a(b) Dangerous Weapon-Sentence | F | W124A | N | MN0720000 Arresting | 08001204 |
| 3 | Charge Penalty | 04/19/08 | 97B.001 Subd. 2 Tresspass 97A.315 subd. 1 Game and Fish-Trespass | M | P3316 | N | MN0720000 Arresting | 08001204 |
| 4 | Charge Penalty | 04/19/08 | 97B.721 Hunting Turkeys Without a License 97A.301 subd. 1 Game and Fish-Violation | M | M6204 | N | MN0720000 Arresting | 08001204 |