

State of Minnesota
County of Ramsey

District Court
2nd Judicial District

Prosecutor File No. 0620382889
Court File No.

State of Minnesota,
Plaintiff,

COMPLAINT
Warrant

vs.

RACHEL DIANE KAYL DOB: 03/25/1985

12829 Arbor Lake Pkwy
Maple Grove, MN 55369

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)

Maximum Sentence: 10 years or \$20,000 or both

Offense Level: Felony

Offense Date (on or about): 12/01/2016

Control #(ICR#): 16055152

Charge Description: On or about December 1, 2016, in the County of Ramsey, Minnesota, Rachel Diane Kayl did cause the death of SEC , as a result of operating a motor vehicle in a grossly negligent manner.

COUNT II

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

Minnesota Statute: 609.2112.1(a)(1)

Maximum Sentence: 10 years or \$20,000 or both

Offense Level: Felony

Offense Date (on or about): 12/01/2016

Control #(ICR#): 16055152

Charge Description: On or about December 1, 2016, in the County of Ramsey, Minnesota, Rachel Diane Kayl did cause the death of BEG, as a result of operating a motor vehicle in a grossly negligent manner.

COUNT III

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

Minnesota Statute: 609.2113.1(1)

Maximum Sentence: 5 years or \$10,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 12/01/2016

Control #(ICR#): 16055152

Charge Description: On or about December 1, 2016, in the County of Ramsey, Minnesota, Rachel Diane Kayl did cause great bodily harm to SJR , as a result of operating a motor vehicle in a grossly negligent manner.

STATEMENT OF PROBABLE CAUSE

On December 1, 2016, at 0702 hours, Ramsey County deputies and emergency personnel responded to the intersection of Highway 96 West and Highway 10, in Arden Hills, Ramsey County, Minnesota, on a report of a motor vehicle collision with fatalities.

A Chevrolet Trailblazer, which had been traveling east on 96, crashed into a Chevrolet Equinox as the Equinox attempted a left turn from westbound 96 to southbound Old Highway 10. Witnesses reported that the force of the collision caused the Equinox to roll over. It came to rest in an upright position on a patch of grass just southeast of the intersection. The Trailblazer spun around on its wheels and stopped, facing west in the eastbound lane on 96. Both vehicles sustained extensive damage.

The Equinox had three female occupants. They were on their way to classes at Mounds View High School. The driver, SJR, DOB 11/03/1999, sustained life-threatening injuries. Emergency personnel transported her to the hospital. The front-seat passenger, SEC, DOB 06/06/2000, died at the scene. The rear-seat passenger, BEG, DOB 05/25/00, also died at the scene.

Deputies identified the driver of the Trailblazer as the defendant, **Rachel Diane Kayl, DOB 03/25/1985**. She was distraught and crying. She did not exhibit any signs of impairment by alcohol or controlled substances. She said that she was heading to her job as a nanny at an address in Shoreview, and she was headed east on 96 toward the intersection with Old 10. She thought the other vehicle was on its way through the light but the vehicle slowed down. She said she "did not mean to hit" the other vehicle. She said she could not remember if she had the green light or not. She stated, "it all happened so fast." The defendant did not suffer serious injuries in the collision. Deputy Luna transported her to an address in Shoreview. She asked if the people in the other vehicle were dead. She said, "Could I be charged if anyone dies?"

Crash Data Retrieval software in the Trailblazer reported that the defendant's vehicle was traveling 81-82 miles per hour between 5 seconds to 1 second prior to the crash. The posted speed limit on that section of Highway 96 is 50 miles per hour. There is a speed limit sign posted for eastbound traffic about 900 feet west of the intersection where the collision occurred. That intersection is controlled by traffic lights.

The defendant declined to participate in a follow-up interview with investigators.

Investigators obtained a search warrant to analyze the defendant's cell phone. The defendant declined to provide the pass code to the phone. The defendant's phone could not be analyzed without the pass code. Pursuant to search warrant, investigators obtained cell phone records from the defendant's provider. Those records did not show any calls or texts at the time of the collision. Those records would not show any applications in use on her phone at the time of the collision. They also would not show internet access.

A bus from a private bus company was stopped for the red signal from Highway 10 to go eastbound on 96. A front-facing camera captured the collision. Sunrise that day was at 0731 hours. The video shows dark to twilight conditions. The video shows heavy traffic through the intersection. In the video, westbound traffic appears to have a green signal for all traffic, including those turning left or southbound. The signal light for eastbound traffic is visible in the video and it is red. Next in the video, the signal for eastbound traffic turns green and eastbound traffic proceeds through the intersection. The Equinox is now visible in the westbound left turn lane and is yielding to eastbound traffic. A dark-colored pickup truck continues eastbound through the intersection when the Equinox begins to turn left. The Equinox is proceeding through the intersection when the Trailblazer enters suddenly from the west. The Trailblazer crashes into the Equinox and both vehicles continue to their final rest locations.

In the video it appears that both vehicles had the headlights and taillights illuminated.

In the video, the Trailblazer appears to be moving much faster when compared to other eastbound vehicles passing through the intersection. A witness said that the Trailblazer "blasted through the light and was going really fast."

Sergeant Daniel Dixon of the Minnesota State Patrol prepared a crash reconstruction report.

He found the following.

-Weather and road conditions were not a factor in the crash.

-Mechanical defects did not contribute to the crash.

-Visual obstructions did not contribute to the crash.

-Medical conditions did not contribute to the crash.

-There was no evidence of impairment in either driver.

Dixon calculated that the *impact* speed for the Trailblazer was in a range between 77 and 85 miles per hour. The impact speed for the Equinox was between 20 and 21 miles per hour.

Dixon calculated that if the Trailblazer was traveling the posted speed limit, the Equinox would have had enough time to clear the intersection and the collision would likely not have occurred.

Dixon also concluded that the driver of the Equinox would have had a difficult time assessing the high speed of the oncoming Trailblazer and likely perceived the Trailblazer to be far enough away to make the turn and clear the intersection.

Dixon found the primary contributing factor in the crash to be the Trailblazer's excessive speed.

The Ramsey County Medical Examiner found that SEC died of multiple traumatic injuries due to a collision between sport utility vehicles

The Ramsey County Medical Examiner found that BEG died from exsanguination due to transection of the aorta due to a collision between sport utility vehicles.

SJR suffered life-threatening injuries, including a traumatic pneumothorax (collapsed lung), a traumatic brain injury with loss of consciousness, significant blood loss, and an injury to her spleen. She also suffered multiple broken bones.

The defendant has no criminal history. The defendant had four prior speeding citations from 2005 through 2013.

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

Jessica Marie O'Hern
Deputy
425 Grove St
St Paul, MN 55101
Badge: 1237

Electronically Signed:
05/11/2017 02:16 PM
Ramsey County, Minnesota

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

Prosecuting Attorney

Steven Pfaffe
345 Wabasha Street N
Suite 120
St Paul, MN 55102
(651) 266-3222

Electronically Signed:
05/11/2017 02:09 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 15 W Kellogg Blvd, St Paul, MN 55102 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: \$150,000.00

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: May 11, 2017.

Judicial Officer

Thomas Gilligan
District Court Judge

Electronically Signed: 05/11/2017 02:40 PM

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

**COUNTY OF RAMSEY
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Rachel Diane Kayl

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: