
STATE OF MINNESOTA
COUNTY OF OLNSTED

DISTRICT COURT
THIRD JUDICIAL DISTRICT
COURT FILE NUMBER: 55-JV-20-3208
ICR NUMBER: 20914343

In the Matter of the Welfare of:

Juvenile Delinquency Petition

Kaleb Wolfe Smith
318 2nd Street SW
Eyota, MN 55934

EJJ MOTION FILED: No
DESIGNATED EJJ: No
CERTIFICATION MOTION FILED: No

Date of Birth: 2/16/2003 (17)
Race/Ethnicity:

CHARGE(S)

Count: 1 Murder - 2nd Degree - Without Intent - While Committing a Felony
In Violation of: 609.19 subd. 2(1)
Penalty Statute: 609.19 subd. 2(1) - Murder - 2nd Degree - Without Intent - While Committing a Felony

On or about June 1, 2020, within the County of Olmsted, Kaleb Wolfe Smith did wrongfully, unlawfully and feloniously cause the death of a human being, to-wit: Victim, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence or a drive-by shooting.

Count: 2 Domestic Assault by Strangulation
In Violation of: 609.2247 subd. 2
Penalty Statute: 609.2247 subd. 2 - Domestic Assault - By Strangulation

On or about June 1, 2020, in the County of Olmsted, Kaleb Wolfe Smith did wrongfully, unlawfully, and feloniously inflict or attempt to inflict bodily harm against a family or household member, to-wit: Victim, by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another.

Statement of Probable Cause

Your complainant is a licensed peace officer employed by the Olmsted County Sheriff's Office. 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:

On June 1, 2020, at about 4:39 p.m., Olmsted County Sheriff's Deputies were dispatched to a residence in the City of Eyota, Olmsted County, Minnesota, in response to a report of a medical emergency. Upon arrival, Deputy Salley saw Eyota Ambulance personnel attending to Victim (a child fully identified in police reports). Deputy Salley talked to Victim's mother, who reported having been away from the home for a short period of time, and reported that Victim's brother, Kaleb Wolfe Smith (date of birth: February 16, 2003) ("Juvenile"), had been with Victim in the house.

Victim was transported to Mayo Clinic Hospital Saint Marys Campus, and was pronounced dead at 5:57 p.m.

Deputy Salley talked to Juvenile, who acknowledged having been alone in the house with Victim, and reported that he had tucked Victim in for a nap by putting a blanket on Victim.

Detective Johnson conducted a follow-up interview with Juvenile at about 9:15 p.m. During that interview, Juvenile reported the following. Juvenile and his siblings had been attempting to nurse an injured bird back to health over the previous couple of days. Earlier in the day, Juvenile was inside the house, and several siblings came inside to tell Juvenile that Victim had killed the bird. Juvenile went to look for Victim, who was hiding under their mother's bed. Juvenile pulled Victim out from under the bed, and carried Victim to their mother. Victim was squirming, causing Juvenile to drop Victim. Their mother sent Victim upstairs to bed. Juvenile went into Victim's room a couple of minutes later, because Victim was crying and throwing a fit. Victim was kicking and hitting the bed, and "flopping like a fish." Juvenile stood to the side of Victim, and pinned Victim's hands to Victim's body to get Victim to stop flopping. Juvenile took a blanket, draped it over Victim's body and head, then went to his own room to read. Victim continued shrieking. Juvenile went back into Victim's room. Juvenile pinched Victim's nose shut, and put his hand over Victim's mouth for "one to two minutes" until Victim stopped shrieking.

On June 2, 2020, the Regional Medical Examiner's Office conducted an autopsy. Preliminary results of the autopsy indicated that Victim's brain exhibited swelling consistent with hypoxia by smothering.

The name, and post office address of the child's parents guardian, and spouse, if any, and of the person having custody or control over the child, and if no parent or guardian can be found, of the nearest known relative, are:

Name/Relation	Address	County
Mischea Lynn Smith/Mother	318 2nd Street SW, Eyota, MN 55934	Olmsted

I endorse this Petition as to form and verify the contents are true to the best of my information and belief and that reasonable grounds exist to support the Petition.

PETITIONER'S NAME:

Detective Malinda Hanson

PETITIONER'S SIGNATURE:



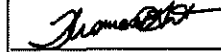
Being duly authorized to prosecute the offense(s) charged, I hereby approve this Petition.

DATE:

6/3/2020 | 8:15 AM CDT

PROSECUTING ATTORNEY'S SIGNATURE:

DocuSigned by:



Thomas E. Gort 264106
Senior Assistant County Attorney
Government Center
151 4th Street SE
Rochester, MN 55904-3710
(507) 328-7600

**In the Matter of the welfare of Kaleb Wolfe Smith
Prosecutor File Number: 20CR01008**

JUVENILE CHARGES DETAIL

Count: 1
Charge Statute: 609.19 subd. 2(1) - Murder - 2nd Degree -
Without Intent - While Committing a Felony (F)
MOC: H2804
GOC: NA
Penalty: 609.19 subd. 2(1) - Murder - 2nd Degree -
Without Intent - While Committing a Felony
Arresting ORI/Cntrl #: None/None
Reporting ORI/Cntrl #: MN0550000/20914343

Count: 2
Charge Statute: 609.2247 subd. 2 - Domestic Assault by
Strangulation (F)
MOC: AN355
GOC: NA
Penalty: 609.2247 subd. 2 - Domestic Assault - By
Strangulation
Arresting ORI/Cntrl #: None/None
Reporting ORI/Cntrl #: MN0550000/20914343

**In the Matter of the welfare of Kaleb Wolfe Smith
Prosecutor File Number: 20CR01008**

JUVENILE FACT SHEET

1. Other DOBs:
2. Gender: Male
3. Race/Ethnicity:
4. CID:
5. Alias Information:
6. Fingerprinted:
7. Photographed:
8. Handgun Permit:
9. Location of Violation: Electronic
10. Drivers License #:
11. Accident Type:
12. License Plate #:
13. BAC Status:
14. BAC Level:
15. Master File Number:
16. Petition Number:
17. Petition Type: Juvenile Delinquency Petition
18. Initial Appearance:
19. Probation:
20. EJJ Motion Filed: No
21. Certification Motion Filed: No
22. Prosecutor Designated EJJ: No