

State of Minnesota
County of Olmsted

District Court
3rd Judicial District

Prosecutor File No.
Court File No.

0550065627
55-CR-21-2221

State of Minnesota,

Plaintiff,

vs.

TONIA LOUISE KRUGER DOB: 08/04/1969

417 Bennet St NE
#2
Chatfield, MN 55923

Defendant.

COMPLAINT

Summons

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: Assault-3rd Degree-Substantial Bodily Harm

Minnesota Statute: 609.223.1

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

Offense Level: Felony

Offense Date (on or about): 02/09/2021

Control #(ICR#): 21903614

Charge Description: On or about February 9, 2021, in the County of Olmsted, Minnesota, Tonia Louise Kruger did assault another and inflicted substantial bodily harm.

COUNT II

Charge: Assault-4th Deg-Municipal/Volunteer Fire-Emergency Medical Personnel

Minnesota Statute: 609.2231.2(1)

Maximum Sentence: 2 years or \$4,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 02/09/2021

Control #(ICR#): 21903614

Charge Description: On or about February 9, 2021, in the County of Olmsted, Minnesota, Tonia Louise Kruger did assault and inflict demonstrable bodily harm upon a member of a municipal or volunteer fire department or emergency medical services personnel unit in the performance of duties.

COUNT III

Charge: Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol

Minnesota Statute: 169A.20.1(1), with reference to: 169A.25.2

Maximum Sentence: 1 year or \$3,000 fine or both

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/09/2021

Control #(ICR#): 21903614

Charge Description: On or about February 9, 2021, in the County of Olmsted, Minnesota, Tonia Louise Kruger did drive, operate or be in physical control of a motor vehicle when under the influence of alcohol. Two or more aggravating factors were present when the offense was committed.

COUNT IV

Charge: Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours

Minnesota Statute: 169A.20.1(5), with reference to: 169A.25.2

Maximum Sentence: 1 year or \$3,000 fine or both

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/09/2021

Control #(ICR#): 21903614

Charge Description: On or about February 9, 2021, in the County of Olmsted, Minnesota, Tonia Louise Kruger did drive, operate or be in physical control of a motor vehicle when having an alcohol concentration of 0.08 or more at the time, or as measured within two hours of the time of driving, operating or being in physical control of the motor vehicle. Two or more aggravating factors were present when the offense was committed.

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STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is a licensed peace officer employed by the Olmsted County Sheriff's Office. In that capacity your Complainant has reviewed the police reports relating to Tonia Louise Kruger, the above-named defendant, and the allegations contained therein. Based upon that information, your complainant believes the following to be true and correct.

On February 9, 2021 at approximately 4:56 PM, Deputy Russell of the Olmsted County Sheriff's Office responded to reports of an accident with injuries at the intersection of County Road 10 SE and 155th Avenue SE in the Township of Elmira, MN, Olmsted County. When Deputy Russell arrived, the suspect driver was being extricated from the vehicle. The driver was identified as **Tonia Louise Kruger (DOB: 8/4/1969)**. Deputy Russell observed that Kruger's vehicle appeared to be totaled.

Witness #1 (an adult female fully known and identified in police reports) was still on the scene and spoke with Deputy Russell. She stated that the vehicle had been following her since she turned onto County Road 10 SE from Highway 52 SE in the City of Chatfield (approximately 1.5 miles). She observed the vehicle drive all over the road, swerving over the center line, then onto the shoulder, and back. As they approached 155th Avenue SE, Witness #1 observed from her rearview mirror the vehicle swerve onto the shoulder and correct itself back onto the road before losing control. Witness #1 stated that the vehicle then went airborne and rolled approximately four times into the ditch. Witness #1 called 911, and then attempted to help the driver. Witness #1 told Deputy Russell that she believed that the driver was impaired, due to the odor of alcohol coming from the driver's person and her slurred speech.

After speaking with Witness #1, Deputy Russell returned to observe EMT staff load Kruger into the ambulance. He noted that she was being uncooperative and belligerent to the EMT staff. Kruger adamantly denied using any alcohol or drugs prior to driving. When an EMT staff questioned her about previously admitting to having "two shots," Kruger began calling the staff member an "asshole." Kruger then admitted to having "a couple of shots." She continued to curse and accuse the EMT staff of hurting her. After again admitting to having a couple of shots, she guaranteed the staff that she was not over the [legal alcohol] limit. She warned them not to give her a DUI "because fuck off." After more obscenities, Kruger said she was "going to get a lawyer" and "kill you all." Deputy Russell also observed Kruger spit on a member of the EMT staff.

In addition to his observations of Kruger's belligerence, her admission to drinking, and Witness #1's reports of Kruger's erratic driving conduct, Deputy Russell also noted that Kruger had blood shot/water eyes; a strong odor of alcohol emanating from her person; and slurred speech. Based upon this information, Deputy Russell believed that Kruger had been driving while under the influence of alcohol. He contacted Deputy Rasinski who prepared a search warrant for Kruger's blood. Kruger was then transported by ambulance to Saint Mary's Hospital Emergency Department ("ED").

Deputy Russell followed the ambulance and spoke to Kruger when they arrived. Initially, she was very apologetic about what happened. Deputy Russell asked Kruger to provide a preliminary breath test and the horizontal gaze nystagmus test, which she declined. Soon after, Kruger became belligerent again, telling him to "fuck off." While in the ED, Kruger admitted to staff that she had three shots of Fireball and two beers prior to driving. After the search warrant was signed by Judge Hayne at 7:46 PM, Officer Perry (a certified phlebotomist) arrived at the ED and obtained a sample of Kruger's blood at 8:32 PM. On March

30, 2021, Deputy Russell received results of the blood tests from the BCA, indicating that on February 21, 2021, Kruger had a Blood Alcohol Content of 0.179.

While at the ED, Deputy Russell also spoke to the member of the EMT staff (hereinafter "Victim," an adult woman, fully known and identified in police reports). She reported that in the ambulance on the way to Saint Mary's Hospital, near mile marker 41 on Highway 52 SE in Orion Township, MN, Olmsted County, Kruger had kicked her in the chest and caused her to fall back against the interior wall of the ambulance, causing her to strike the left side of her head against the wall. At the time, Kruger had four straps over her legs, but managed to get one leg out to kick Victim while she stood up. Victim was attempting to get a towel after Kruger threatened to urinate on Victim. Victim indicated that she did not feel pain right away from the incident, but was now feeling nauseous and dizzy. Victim received medical treatment at the Saint Mary's ED and was diagnosed with a moderate concussion. Deputy Russell talked to Victim again on February 11, 2021, and Victim stated that she still did not feel well due to the concussion.

Kruger has two previous convictions for DWI in the past 10 years: Olmsted County Court File # 55-CR-13-2281 (convicted 5/16/2013); and Mower County Court File # 50-CR-15-1326 (convicted 8/20/2015).

PLEASE TAKE NOTICE: YOU MUST APPEAR FOR EVERY COURT HEARING REGARDING THIS CASE. FAILURE TO APPEAR FOR COURT IS A CRIMINAL OFFENSE AND MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING IMPOSED AND PUNISHED AS PROVIDED IN MINNESOTA STATUTES SECTION 609.49.

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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	James Schueller Sergeant 101 4th Street SE Rochester, MN 55904-3718 Badge: 1003	Electronically Signed: 04/19/2021 01:15 PM Olmsted County, Minnesota
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Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney	Kaitlyn Kulseth Assistant County Attorney 151 4th Street SE Government Center - 3rd Floor Rochester, MN 55904 (507) 328-7600	Electronically Signed: 04/19/2021 01:12 PM
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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 as directed in the Notice of Hearing before the above-named court 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: April 19, 2021.

Judicial Officer

Kathy M. Wallace

Electronically Signed: 04/19/2021 02:01 PM

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

**COUNTY OF OLMSTED
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Tonia Louise Kruger

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: Tonia Louise Kruger
DOB: 08/04/1969
Address: 417 Bennet St NE
 #2
 Chatfield, MN 55923

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender:

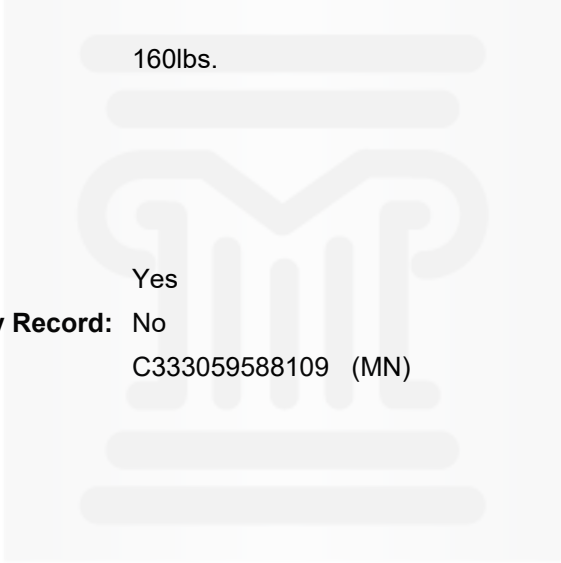
Race:

Fingerprints Required per Statute:

Fingerprint match to Criminal History Record:

Driver's License #:

Alcohol Concentration:



160lbs.

Yes

No

C333059588109 (MN)

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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	2/9/2021	609.223.1 Assault-3rd Degree-Substantial Bodily Harm	Felony	A325B		MN0550000	21903614
2	Charge	2/9/2021	609.2231.2(1) Assault-4th Deg-Municipal/Volunteer Fire-Emergency Medical Personnel	Felony	A325B		MN0550000	21903614
3	Charge	2/9/2021	169A.20.1(1) Traffic - DWI - Operate Motor Vehicle Under Influence of Alcohol	Gross Misdemeanor	J2501		MN0550000	21903614
	Penalty	2/9/2021	169A.25.2 Traffic - DWI - Second-Degree Driving While Impaired; Criminal Penalty	Gross Misdemeanor	J2501		MN0550000	21903614
4	Charge	2/9/2021	169A.20.1(5) Traffic - DWI - Operate Motor Vehicle - Alcohol Concentration 0.08 Within 2 Hours	Gross Misdemeanor	J2X01		MN0550000	21903614
	Penalty	2/9/2021	169A.25.2 Traffic - DWI - Second-Degree Driving While Impaired; Criminal Penalty	Gross Misdemeanor	J2X01		MN0550000	21903614

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