
STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

COURT FILE NO. 19HA-CR-11-2441
COUNTY ATTORNEY FILE NO. CA-11-1449
CONTROLLING AGENCY: MN0190100
CONTROL NUMBER: 11004809

State of Minnesota,

Plaintiff,

v.

DERRICK WALLACE DAHL
7150 146TH STREET WEST
APPLE VALLEY MN 55124
DOB: 06-06-1989

Defendant.

SUMMONS
 WARRANT
 ORDER OF DETENTION
 AMENDED

COMPLAINT

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 I

MANSLAUGHTER IN THE SECOND DEGREE

M.S. § 609.205 (1)

0 to 10 years and/or \$6,000-\$20,000

MOC: H5012

GOC: N

Felony

Gross Misdemeanor

Misdemeanor

Petty Misdemeanor

That on or about July 23, 2011, in Dakota County, Minnesota, DERRICK WALLACE DAHL caused the death of another by his culpable negligence whereby he created an unreasonable risk and consciously took the chance of causing death or great bodily harm to another.

COUNT II

RECKLESS DISCHARGE OF A FIREARM IN A MUNICIPALITY

M.S. § 609.66, Subd. 1a(a)(3)(b)(2); 609.101

0 to 2 years and/or \$1,500-\$5,000

MOC: W1E49 GOC: N

Felony Gross Misdemeanor Misdemeanor Petty Misdemeanor

That on or about July 23, 2011, in Dakota County, Minnesota, DERRICK WALLACE DAHL recklessly discharged a firearm within a municipality, the City of Burnsville.

COUNT III

INTENTIONALLY POINTING A GUN AT ANOTHER

M.S. § 609.66, Subd. 1(a)(2)(b)(2); 609.101

90 days and/or \$300-\$1,000

MOC: W334A GOC: N

Felony Gross Misdemeanor Misdemeanor Petty Misdemeanor

That on or about July 23, 2011, in Dakota County, Minnesota, DERRICK WALLACE DAHL did intentionally point a gun of any kind, capable of injuring or killing a human being, whether loaded or unloaded, at or toward another.

COUNT IV

RECKLESSLY HANDLING A GUN

M.S. § 609.66, Subd. 1(a)(1)(b)(2); 609.101

90 days and/or \$300-\$1,000

MOC: W324A GOC: N

Felony Gross Misdemeanor Misdemeanor Petty Misdemeanor

That on or about July 23, 2011, in Dakota County, Minnesota, DERRICK WALLACE DAHL did recklessly handle or use a gun or other dangerous weapon so as to endanger the safety of another.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your Complainant is a law enforcement officer with the Burnsville Police Department.

Acting in that capacity, I have reviewed the police reports and believe the following to be true.

On Saturday, July 23, 2011, at 9:10 p.m., officers of the Burnsville Police Department were dispatched to a home on East Crystal Lake Road in Burnsville, Dakota County, Minnesota, on a report of an accidental shooting. It was reported that the victim had been shot in the head and was unconscious, but was still breathing. When officers arrived on the scene, they encountered an adult male, later identified as the above-named defendant, Derrick Wallace Dahl, outside of the residence.

Dahl initially told the officers that he was inside the residence while his friend was cleaning his guns. Dahl claimed that he did not witness the shot but just heard it. He said he saw his friend fall to the floor and then left the residence.

Officers learned that there was still another male, the reporting person, inside the residence in addition to the victim. Officers yelled for the other male to leave the residence, and he did so. This witness told the officers that he, Dahl, and the victim, who he identified as Benjamin Allen Hanson, had been downstairs cleaning guns. The witness said that he had his back to both Dahl and Hanson while he was watching TV and cleaning a gun. He said he then heard a loud bang and turned around to see Dahl with his hands near his face and Hanson on the floor. He thought that Hanson had been shot in the cheek with a gun and called 911.

Burnsville police officers and paramedics entered the residence, and located Hanson on the floor in the lower level kitchenette. The paramedics began to provide medical aid to Hanson, and observed that Hanson had suffered a gunshot wound to his head. He was transported by ambulance to Hennepin County Medical Center for emergency treatment.

Officers observed a small closet near the area where Hanson had been laying on the floor. A semi-automatic handgun was on the floor in the closet, identified as a Kimber semi-automatic handgun with a bore size consistent with that of a .45 caliber. The Kimber had a magazine

inserted into the magazine well and the gun's hammer was in the cocked position with the thumb safety in the off position. Officers also observed a different semi-automatic handgun on the counter with the slide locked back, and a black revolver to the right of the sink. An officer observed that the revolver had the hammer cocked with the cylinder closed. For safety reasons, the officer opened the cylinder, saw that it was empty, and manually decocked the weapon.

Both Dahl and The witness were taken to the Burnsville Police Department for statements, and a search warrant was obtained to process the scene. During the execution of the search warrant, the officers seized a revolver, a black Colt .357 magnum handgun, which was on the counter between the sink and the stove in the kitchenette in the lower level of the residence. That firearm was unloaded. Officers also took custody of a black Springfield 9mm handgun that was on the counter near a hard gun case. The slide on the handgun was locked back and the magazine well was empty. A separate handgun case was located on the counter in the kitchenette, which was closed and latched. Inspection of the case revealed that it contained a Ruger .22 caliber handgun and a .22 caliber magazine, which was unloaded.

Inside the small closet in the kitchenette, officers found an open gun safe containing several long guns. On the floor of the closet, officers found a Kimber .45 caliber handgun. The handgun had a magazine inserted into the magazine well and the hammer of the handgun was cocked back so that the handgun was ready to fire. Upon examination, it was determined that there was a live round of ammunition in the chamber of the handgun, and the magazine had an eight-round capacity, which was loaded with six live rounds of .45 caliber ammunition.

On the floor of the gun safe, officers located a single spent shell casing marked, "SPEER 45 auto," which was the same brand and caliber as the ammunition located in the Kimber handgun. Behind a handgun case on the counter and under a piece of wood, officers found a

spent bullet with visible barrel markings. The bullet was distorted from its original appearance, but appeared to be similar in size to a .45 caliber bullet. Above the location where the spent bullet was found, officers observed an impression in the cabinet door which appeared to be the approximate size of a .45 caliber bullet. The impression did not go through the cabinet, and there was no bullet lodged in the impression.

Officers took a statement from Derrick Dahl at the Burnsville Police Department who at first claimed that he was not in the kitchenette when the gun discharged. Later in the statement he admitted that he had been in that room when the gun fired. Eventually Dahl admitted that he had been in the kitchenette and that he had pointed a handgun, which he thought was unloaded, at Ben Hanson and had fired it. He said that Hanson was hit and he fell. He stated that The witness had called 911 and had instructed him to go outside and wait for the police officers.

In a subsequent statement, Dahl explained that this was the first time that he had ever handled a gun, and he did not know about guns. He said that all three of them had earlier been pointing the empty guns at each other, just playing around. Dahl explained that he saw The witness take the magazine out of the gun, later identified as the Kimber semi-automatic handgun, and remove a bullet from the chamber of the gun. Dahl saw The witness place the bullet back into the magazine and the magazine and gun had been set on the counter. Dahl went on to say that he was looking in a cabinet and then returned to the gun identified as the Kimber handgun. He picked up the gun, cocked it, and pointed it at Ben Hanson. Dahl stated that he pulled the trigger and the gun fired, hitting Ben Hanson. Dahl stated that it was an accident, and he did not know that that gun got reloaded.

On Sunday, July 24, 2011, the mother of Benjamin Hanson contacted the Burnsville Police Department and informed them that her son had passed away.

NOTICE: You must appear for every court hearing on this charge. A failure to appear for court on this charge is a criminal offense and may be punished as provided in Minn. Stat. §609.49.

Complainant requests that Defendant, DERRICK WALLACE DAHL, 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

Subscribed and sworn to before the undersigned this ____ day of _____, 2011.

NOTARY STAMP:

SIGNATURE

Notary Public

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

Date: _____ (lh)

PROSECUTING ATTORNEY SIGNATURE:

Name: Shirley A. Leko
Assistant Dakota County Attorney
Dakota County Judicial Center
1560 Highway 55
Hastings MN 55033
(651) 438-4438
Attorney Registration No.: 0269098

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.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the date stated on the attached Notice of Hearing before the above-named court at Dakota County Judicial Center, 1560 Highway 55, Hastings, Minnesota, 55033 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 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 MN and 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, issued by the undersigned Judicial Officer this 26th day of July, 2011.

JUDICIAL OFFICER:
NAME:
TITLE: Judge of District Court

SIGNATURE:
/s/ _____
Judge

COUNTY OF DAKOTA
STATE OF MINNESOTA

STATE OF MINNESOTA

vs.

DERRICK WALLACE DAHL

Plaintiff,

Defendant.

Clerk's Signature or File Stamp

RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this COMPLAINT upon the Defendant herein named.

Signature of Authorized Service Agent:
