

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

COURT FILE NO.: _____

PROSECUTOR FILE NO.: 2113905

State of Minnesota,

Plaintiff,

v.

Carlos Viveros Colorado
(DOB: 07/22/1961)
810 Hazel St., Apt. 201
St. Paul, MN 55106,

FELONY

CRIMINAL COMPLAINT

Summons Warrant

Order of Detention

Amended

Certified Juvenile

EJJ

Defendant.

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

On or about the 5th day of July, 2012, in Ramsey County, Minnesota, the defendant, **CARLOS VIVEROS COLORADO**, did unlawfully cause the death of C.W.G., as a result of operating a motor vehicle in a grossly negligent manner.

Said acts constituting the offense of **Criminal Vehicular Homicide** in violation of MN Statute: §609.21.1(1); 609.21.1a(a)

Maximum Sentence: 10 years or \$20,000.00 fine, or both.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your complainant is an investigator with the St. Paul Police Department and he bases this complaint upon a review of reports and upon his own investigation.

On July 5, 2012, C.W.G. (DOB: 11-11-1995) and her boyfriend E.V.T. (DOB: 4-22-1995) were sitting in shady grass near a bus stop located along Hazelwood Street near Harding High School, St. Paul, Ramsey County. A 2001 maroon Ford Expedition traveling east on Third Street drove straight at the couple. E.V.T. was able to jump out of the way but he was struck in the hip by the Expedition. C.W.G. was struck by the Expedition.

A witness ran to Officer Tharalson's squad car and yelled, "A girl got hit by a car and she is dying." Officer Tharalson drove to the scene and saw C.G. who had what appeared to be severe head injuries and internal injuries. Blood was coming out of the girl's mouth, nose, and ears, and she was unresponsive and gasping for air. Shortly before medics arrived Officer Tharalson no longer felt C.G.'s pulse. C.G. was pronounced dead at the scene.

Officers spoke to T.P.M. who was traveling east on Third Street behind the Expedition. T.P.M. said the Expedition was driving, "Real fast—like 50 to 60 miles per hour." T.P.M. saw the Expedition make a wide left turn and hit a fire hydrant. T.P.M. saw lots of dirt flying. T.P.M. got out and saw the girl's boyfriend trying to move her.

Officers spoke to E.J.W. who was driving in the opposite direction of the Expedition on Third Street. E.J.W. said she was going to take a turn onto Hazelwood Street, but she thought that the Expedition might hit her. E.J.W. explained that the Expedition gradually crossed the center lane and crossed into the oncoming traffic lane. The Expedition then barreled through the fire hydrant and over onto the grass. Before the incident, E.J.W. saw people sitting on the grass, but she saw only one person hop to their feet afterwards. E.J.W. said the Expedition was traveling at least 50 mph as it came down Third Street, and she never heard the truck hit its brakes.

E.V.T. estimated the car was going about 40 miles per hour. E.V.T. thought the driver was trying to get away from the scene. The driver put the Expedition in reverse and E.V.T. could hear the tires spin.

Officers identified the Expedition's driver as **CARLOS VIVEROS COLORADO (DOB: 7-22-1961)**. Viveros-Colorado was trying to talk on a cell phone when officers made contact with him. Officers took Viveros-Colorado's phone from him and placed him in the back of a squad car. Viveros-Colorado was brought to the Ramsey County Law Enforcement Center and gave officers different addresses. Officers looked through the items Viveros-Colorado had in his pockets and located a check stub in the name of Luis M. Martinez Rios. Viveros-Colorado told police that he had the name and social security of another person so he could get paid from work.

Through an interpreter Viveros-Colorado was advised of his constitutional rights and agreed to speak with police. Viveros-Colorado said his left leg and right arm went numb while he was driving. Viveros-Colorado then said both legs and his left arm went numb while he was driving. Viveros-Colorado said he was trying to avoid hitting a parked car and swerved to avoid it. Viveros-Colorado said his truck went over a curb, hit a sign, and down a hill where he hit two kids. Viveros-Colorado said the boy jumped out of the way, but the girl

didn't. Viveros-Colorado said his foot was stuck on the accelerator and he estimated that he was going at least 40 miles per hour at the time of the incident.

Viveros-Colorado said he began having problems with numbness about 3 – 4 months ago. Viveros-Colorado said his legs would go to sleep and were heavy as if they were in a cast. Viveros-Colorado went to Health Partners about three months ago, but they were not able to find anything wrong with him. Viveros-Colorado said prior to the incident the last time he had numbness was July 2, 2012. Viveros-Colorado said the numbness usually lasts about 15 minutes and he has to rub his legs to get them to work. Viveros-Colorado admitted it was dangerous for him to drive with his condition, but he said he was hoping to make it home from work.

Officers at the scene were approached by Viveros-Colorado's sister. She inquired about the Expedition and was told that it would be held pending an investigation. She said Viveros-Colorado called her after the crash and she came to find out what happened. She said Viveros-Colorado is undocumented and in the United States illegally.

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:

Guy Stanton

COMPLAINANT'S SIGNATURE:

Subscribed and sworn to before the undersigned this _____ day of _____, 20_____.

NAME/TITLE:

SIGNATURE:

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

Date: 07/06/2012

PROSECUTING ATTORNEY'S SIGNATURE:

Name: Derek Fitch
Assistant Ramsey County Attorney
50 West Kellogg Blvd, #315
St. Paul, MN 55102
651-266-3222/da
Attorney Registration #328339

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 ____ day of _____, 20__ at _____ before the above-named court at _____ to answer this complaint.
IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

Execute in MN Only *Execute Nationwide* *Execute in Border States*

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.

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: \$100,000.00

Conditions of Release: No contact with E.V.T. (d.o.b. 04/22/95).

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this ____ day of _____, 20____.

JUDICIAL OFFICER:
NAME:
TITLE:

SIGNATURE:

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

<p style="text-align: center;">COUNTY OF RAMSEY STATE OF MINNESOTA</p> <p>STATE OF MINNESOTA</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>CARLOS VIVEROS COLORADO</p> <p style="text-align: right;">Defendant.</p>	<p><i>Clerk's Signature or File Stamp:</i></p> <p style="text-align: center;"><i>RETURN OF SERVICE</i></p> <p><i>I hereby Certify and Return that I have served a copy of this COMPLAINT - WARRANT AND ORDER OF DETENTION upon the Defendant herein named.</i></p> <p>Signature of Authorized Service Agent: _____</p>
--	---

FINDINGS OF FACT

Probable cause found that defendant committed the offenses charged.

Ordered defendant's motion to dismiss denied.

Plea of not guilty to all counts entered.

Trial and hearing on all issues set.

Dated: _____

JUDGE OF DISTRICT COURT

DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A

DEFENDANT NAME:	CARLOS VIVEROS COLORADO	DOB:	07/22/1961
Defendant alias name(s):	Louis Martin-Rios	Alias DOB(s):	
Defendant last known address:	810 Hazel St., Apt. 201 St. Paul, MN 55106		
State ID:	MN07579362		
Fingerprint ID:	210971		
FBI ID:	996124RB5		
St. Paul PD ID:			
Offender ID:			

OTHER DEFENDANT / CASE IDENTIFIERS:			
Fingerprinted?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	
Handgun permit?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Issuing Agency:)
Location of violation:			
IF DRIVING OFFENSE:			
Driver's License	Number:	Issuing State:	
License Plate	Number:	Issuing State:	
Accident Type:	<input type="checkbox"/> No injury/no damage	<input type="checkbox"/> Property Damage	
<i>check all that apply</i>	<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Fatality	
Blood Alcohol Concentration (BAC):			

FELONY WARRANT AND ORDER OF DETENTION COMPLAINT

CT NO	OFFENSE DATE	STATUTE TYPE	STATUTE NBR	STATUTE DESCRIPTION	OFFENSE LEVEL	MOC	G O C	AGENCY ORI CN NBR FUNCTION
1	07/05/2012	Charge	609.21.1(1)	Criminal Vehicular Homicide or Operation - Operate Motor Vehicle in Grossly Negligent Manner	F	J1A11	N	St. Paul Police Dept. ORI - MN0620900 CN - 12158328 Charging
		Penalty	609.21.1a(a)	Criminal Vehicular Homicide or Operation - Death of Human Being or Unborn Child				