

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-16-1290
07-CR-16-3405

State of Minnesota,

Plaintiff,

vs.

CINDY ANN SMYTH DOB: 01/28/1980

101 Glenwood Ave Apt #312
Mankato, MN 56001

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-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1

Maximum Sentence: 7 years and/or \$14,000

Offense Level: Felony

Offense Date (on or about): 07/27/2016

Control #(ICR#): 16022230

Charge Description: Cindy Ann Smyth Also Known As Cindy Ann Milks And Cindy Ann Clark

On or about July 27, 2016, in the County of Blue Earth, said Defendant, Cindy Ann Smyth did, assault another with a dangerous weapon.

COUNT II

Charge: Criminal Vehicular Operation - Bodily Harm - Leave scene of collision

Minnesota Statute: 609.2113.3(7)

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 07/27/2016

Control #(ICR#): 16022230

Charge Description: Cindy Ann Smyth Also Known As Cindy Ann Milks And Cindy Ann Clark

On or about July 27, 2016, in the County of Blue Earth, said Defendant, Cindy Ann Smyth, did, as a driver of a motor vehicle, cause an accident causing bodily injury to another and left the scene of the accident in violation of MN Statute Sections 169.09 subdivision 1 or 6.

COUNT III

Charge: Traffic Collision - Driver Fail to Stop - Injury or Death

Minnesota Statute: 169.09.1, with reference to: 169.09.14(b)

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 07/27/2016

Control #(ICR#): 16022230

Charge Description: Cindy Ann Smyth Also Known As Cindy Ann Milks And Cindy Ann Clark

On or about July 27, 2016 in the County of Blue Earth, said Defendant, Cindy Ann Smyth did, as the driver of any motor vehicle involved in a accident resulting in immediate demonstrable bodily injury to or death of any individual, fail to immediately stop the vehicle at the scene of the accident, or as close to the scene as possible, and return to and in every event remain at the scene of the accident, until fulfilling the requirements of MN St. 169 as to the giving of information.

COUNT IV

Charge: Fleeing a Peace Officer By a Means Other Than a Motor Vehicle

Minnesota Statute: 609.487.6

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 07/27/2016

Control #(ICR#): 16022230

Charge Description: Cindy Ann Smyth Also Known As Cindy Ann Milks And Cindy Ann Clark

On or about July 27, 2016, in the City of Mankato, County of Blue Earth, said Defendant, Cindy Ann Smyth, did for the purpose of avoiding arrest, detention, or investigation, attempted to evade or elude a peace officer, who was acting in a lawful discharge of an official duty by means of running, hiding, or by any other means other than fleeing in a motor vehicle.

COUNT V

Charge: Obstruct Legal Process-Lawful Execution Legal Process

Minnesota Statute: 609.50.1(1), with reference to: 609.50.2(3)

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 07/27/2016

Control #(ICR#): 16022230

Charge Description: Cindy Ann Smyth Also Known As Cindy Ann Milks And Cindy Ann Clark

On or about July 27, 2016, in the County of Blue Earth, said Defendant, Cindy Ann Smyth did, obstruct, hinder, or prevent the lawful execution of any legal process, civil or criminal, or apprehension of another on a charge or conviction of a criminal offense.

STATEMENT OF PROBABLE CAUSE

On July 27, 2016, at approximately 8:28 a.m., Officer Eric Lopez with the Mankato Department of Public Safety was informed by Blue Earth County dispatch of a hit and run crash with injuries in the City of Mankato.

Dispatch reported that a female driver of a gray Intrepid had run from the scene and had gone up the hill in Sibley Park by the pergola. Officer Fischbach updated that he had located the female and that she was eventually taken into custody. The female was identified as Cindy Ann Smyth.

Upon Officer Lopez's arrival at the crash, he could observe a Honda Ridgeline with severe damage to the front left fender and front bumper area. He also observed a Dodge Intrepid with severe damage to the front. The Intrepid's bumper was under the front left tire of the Ridgeline. The driver of the Ridgeline, identified as Victim 1, was standing near the Ridgeline and was getting treated by Mankato Fire for a cut on his left arm and for his left ear having inflammation on the upper side.

Victim 1 stated that he was initially driving eastbound on Sibley Parkway by the Sibley Park Apartments when he saw the Intrepid coming towards him. The Intrepid was weaving back and forth on the road and Smyth, the driver of the Intrepid, was making weird hand gestures at him. Victim 1 was able to drive past Smyth and then turned around and headed westbound on Sibley Parkway because he was confused by what was going on with Smyth. Victim 1 stated he saw Smyth parked in the parking lot near the softball fields and that he continued around the curves on Sibley Parkway where he turned around once he got near the CHS pergola way and headed back northbound on Sibley Parkway.

Victim 1 stated he could see Smyth parked ahead of him, and so he slowed down to about 5 miles per hour. Victim 1 then saw Smyth start to accelerate towards him, and he was not able to move out of the way before Smyth's Intrepid intentionally hit his Ridgeline.

Victim 1 stated he then saw Smyth open the door and take off running towards the hill. Witness 1 stated he was in the area when the crash happened, and he heard the crash sound and saw Smyth take off running towards the hill. Witness 2 stated he was the vehicle driving in front of Victim 1. Witness 2 stated he saw Smyth park a few hundred feet ahead of the CHS Pergola Way. When he drove by Smyth's vehicle, she was making hand gestures at him and was not acting normal. Witness 2 was past Smyth's Intrepid when he heard the vehicle accelerate and heard a crash sound. When Witness 2 looked back, Smyth was running towards the hill.

Officer Lopez looked through the windows of the Intrepid and could see a purse in the front passenger floor area. While looking inside the purse, he found the identification for Smyth. Officer Lopez was not able to locate any alcoholic beverages or prescription pill bottles.

Officer Fischbach reported that when he responded to the motor vehicle crash hit and run at Sibley Park he was able to locate the female suspect who had been described as having a darker complexion, wearing a pink shirt. Officer Fischbach recognized Cindy Ann Smyth running up Sibley Park Road, and he later located her on the northeast corner of the park.

When Officer Fischbach approached Smyth, he yelled for her to stop. Officer Fischbach yelled for Smyth to approach him. Smyth stopped for a few seconds and started making her way towards Officer Fischbach's squad car. As Officer Fischbach got out of the squad to talk with Smyth, she took off running again. Officer Fischbach yelled for Smyth to stop. Officer Fischbach called out to Blue Earth County Dispatch that Smyth was running on Mound Avenue and Spence Avenue. Officer Fischbach continued to chase after Smyth

across Mound Avenue and into Pathstone Senior Living parking lot. Officer Fischbach told Smyth to stop running. Officer Fischbach instructed Smyth to stop running or she would be tased.

As Officer Fischbach got closer to Smyth, he was able to push her enough to get her off her balance where Smyth fell to the ground. Smyth was instructed to put her hands behind her back, and Smyth would not comply with commands.

Smyth refused to place her hands behind her back and was obstructing officers who were attempting to arrest her. Officer Fischbach continued to yell at Smyth to place her hands behind her back. Officer Fischbach was eventually able to place handcuffs on Smyth's wrists. After handcuffing Smyth, Officer Fischbach noted that in Smyth's left palm was a set of vehicle keys.

Officer Tiffany Blaschko arrived on scene and assisted with Smyth. Smyth was complaining of head injuries, so officers called Gold Cross Ambulance. Officer Fischbach requested that Smyth be transported to MCHS by Gold Cross for a medical evaluation. Smyth appeared to be intoxicated, and a warrant was signed to have blood drawn.

The search warrant was signed by a Blue Earth County judge, and Officer Fischbach went to MCHS Mankato and received a sample of Smyth's blood. Test results are pending.

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

Jeremy Clifton
Police Commander
710 S Front St
Mankato, MN 56001-3803
Badge: 3149

Electronically Signed:
08/29/2016 08:19 AM
blue earth County, mn

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

Prosecuting Attorney

Stefanie Menning
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
08/25/2016 03:17 PM

