

State of Minnesota  
County of Hennepin

District Court  
4th Judicial District

Prosecutor File No. 19A05713  
Court File No. 27-CR-19-17079

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**State of Minnesota,**  
Plaintiff,

**COMPLAINT**  
Warrant

vs.

**GREGORY JAMAL GARTH DOB: 12/02/1958**

3649 84th Ave N  
Brooklyn Park, MN 55443

Defendant.

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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: Criminal Vehicular Operation - Great Bodily Harm - Under Influence Alcohol**

Minnesota Statute: 609.2113.1(2)(i), with reference to: 609.2113.1

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 05/03/2019

Control #(ICR#): 19124644

Charge Description: That on or about 5/3/2019, in Hennepin County, Minnesota, GREGORY JAMAL GARTH did, by operating a vehicle in a negligent manner while under the influence of alcohol, cause great bodily harm to victim.

**COUNT II**

**Charge: Criminal Vehicular Operation - Great Bodily Harm - Under Influence Control Substance**

Minnesota Statute: 609.2113.1(2)(ii), with reference to: 609.2113.1

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 05/03/2019

Control #(ICR#): 19124644

Charge Description: That on or about 5/3/2019, in Hennepin County, Minnesota, GREGORY JAMAL GARTH did, by operating a motor vehicle in a negligent manner while under the influence of a controlled substance, cause great bodily harm to victim.

**COUNT III**

**Charge: Criminal Vehicular Operation - Great Bodily Harm - Any Amount Sched 1 or 2 Controlled Substance**

Minnesota Statute: 609.2113.1(6), with reference to: 609.2113.1

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 05/03/2019

Control #(ICR#): 19124644

Charge Description: That on or about 5/3/2019, in Hennepin County, Minnesota, GREGORY JAMAL GARTH did, by operating a motor vehicle in a negligent manner while any amount of a controlled substance listed in schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, was present in GREGORY JAMAL GARTH's body, cause great bodily harm to victim.

## STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

That on May 3, 2019, at approximately 4:50 p.m., officers were dispatched to Penn Avenue North and 23rd Avenue North in Minneapolis, Hennepin County, Minnesota, to investigate a pedestrian/auto accident involving a child. Upon arrival, officers learned an eleven-year old female, hereafter victim, had been struck by a vehicle and sustained a serious head injury as well as multiple other injuries. Officers observed a Saturn, MN License Plate 692-UWE, parked northbound along the curb on Penn Avenue. The windshield of the Saturn was damaged, consistent with striking a pedestrian. Officers also observed a school bus parked northbound along the curb on Penn Avenue. Within the accident site, officers located a child's shoe and eyeglasses. These items were later determined to be victim's property.

Officers and medical personnel tended to victim. Victim was then emergently transported to North Memorial Hospital.

Officers spoke with numerous eyewitnesses, including a school bus aide who was a passenger on the above-referenced school bus. The bus aide reported victim was a passenger on the school bus and was dropped off along the east curb of northbound Penn Avenue at 23rd Avenue North. Thereafter, victim crossed Penn Avenue from east to west. At that time, the Saturn vehicle passed the bus on the left, striking victim. The bus aide reported victim was thrown against the Saturn's windshield, thrown into the air, and landed in the middle of the street. The driver of the Saturn remained on scene and was identified as GREGORY JAMAL GARTH, hereafter defendant.

During subsequent investigation, officers learned the area where victim was let off the school bus was a "temporary" bus stop, as the usual stop was hindered by construction. As such, the bus driver did not activate the school bus stop arm or flashing lights.

Officers spoke with defendant. Defendant had the odor of an alcohol-type beverage on his breath but denied consuming alcohol. Defendant performed poorly on field sobriety tests, exhibiting signs of impairment. Officers transported defendant to HCMC for a blood draw to be taken after a warrant was obtained. At HCMC, a portable breath test was administered on defendant and a reading of .07 was obtained. Officers secured a search warrant authorizing a blood draw be taken from defendant. At 7:53 p.m., a RN at HCMC withdrew a sample of defendant's blood. The sample was sealed in a kit and delivered to the MN BCA for analysis.

Toxicology results are as follows:

1. Defendant's blood sample was found to contain an ethyl alcohol concentration of 0.077 grams per 100 milliliters of blood.
2. Defendant's blood sample was found to contain THC and a metabolite of THC.
3. Defendant's blood sample was found to contain cocaine, a Schedule I controlled substance, cocaethylene, and a metabolite of cocaine.

As noted, victim was transported to the emergency room at North Memorial Hospital. Once there, she was diagnosed with: a subdural hematoma, a scalp hematoma, respiratory failure, a closed skull fracture, a hemorrhagic contusion of the cerebrum, facial abrasions, contusions to her side, contusions to her lungs, a fracture to her left humerus bone, and a traumatic brain injury. Treating physicians determined the swelling in victim's brain was life threatening and she was transferred to the operating room for an emergency craniectomy (i.e., removal of a portion of the skull to relieve cranial pressure caused by swelling).

Physicians performed a right side craniectomy to relieve pressure on the right side of victim's brain. It was then determined a left side craniectomy was also required to address swelling on that side. Victim was brought back into the operating room where that surgery was also performed. Thus, victim underwent a bilateral craniectomy. A third procedure was eventually required to re-address swelling in the operative sites.

As of July 2019, victim has been discharged from North Memorial and transferred to Gillette Children's Hospital. Victim still has a feeding tube in her stomach and is expected to suffer permanent memory loss and permanent, protracted left side weakness.

At present, defendant is not in custody. Due to the nature of the charges, your complainant hereby requests this complaint issue by warrant rather than by summons.

## 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**

John E. Engle  
Sergeant  
350 S 5th St  
Minneapolis, MN 55415-1389  
Badge: 1803

Electronically Signed:  
07/18/2019 10:33 AM  
Hennepin County, Minnesota

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

**Prosecuting Attorney**

Darren Borg  
300 S 6th St  
Minneapolis, MN 55487  
(612) 348-5550

Electronically Signed:  
07/18/2019 10:28 AM

**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 on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at the address listed on the attached court summons 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: \$75,000.00

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: July 18, 2019.

**Judicial Officer**

Nicole Engisch  
District Court Judge

Electronically Signed: 07/18/2019 10:50 AM

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

**COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**GREGORY JAMAL GARTH**

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE  
I hereby Certify and Return that I have served a copy of this Warrant  
upon the Defendant herein named.*

Signature of Authorized Service Agent:

## DEFENDANT FACT SHEET

**Name:** GREGORY JAMAL GARTH  
**DOB:** 12/02/1958  
**Address:** 3649 84th Ave N  
Brooklyn Park, MN 55443

**Alias Names/DOB:**

**SID:** MN10CR9061

**Height:**

**Weight:**

**Eye Color:**

**Hair Color:**

**Gender:** MALE

**Race:** Black

**Fingerprints Required per Statute:** Yes

**Fingerprint match to Criminal History Record:** Yes

**Driver's License #:**

**SILS Person ID #:** 671718

**SILS Tracking No.** 3098926

**Alcohol Concentration:**

## STATUTE AND OFFENSE GRID

<b>Cnt Nbr</b>	<b>Statute Type</b>	<b>Offense Date(s)</b>	<b>Statute Nbrs and Descriptions</b>	<b>Offense Level</b>	<b>MOC</b>	<b>GOC</b>	<b>Controlling Agencies</b>	<b>Case Numbers</b>
1	Charge	5/3/2019	609.2113.1(2)(i) Criminal Vehicular Operation - Great Bodily Harm - Under Influence Alcohol	Felony	J1B21		MN0271100	19124644
	Penalty	5/3/2019	609.2113.1 Criminal Vehicular Operation - Great Bodily Harm - Penalty	Felony	J1B21		MN0271100	19124644
2	Charge	5/3/2019	609.2113.1(2)(ii) Criminal Vehicular Operation - Great Bodily Harm - Under Influence Control Substance	Felony	J1C21		MN0271100	19124644
	Penalty	5/3/2019	609.2113.1 Criminal Vehicular Operation - Great Bodily Harm - Penalty	Felony	J1C21		MN0271100	19124644
3	Charge	5/3/2019	609.2113.1(6) Criminal Vehicular Operation - Great Bodily Harm - Any Amount Sched 1 or 2 Controlled Substance	Felony	J1S21		MN0271100	19124644
	Penalty	5/3/2019	609.2113.1 Criminal Vehicular Operation - Great Bodily Harm - Penalty	Felony	J1S21		MN0271100	19124644