

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 19A13049
Court File No. 27-CR-19-25910

State of Minnesota,

Plaintiff,

vs.

MARK FRANKLIN JR DOB: 03/17/1983

5145 Vincent Ave N
Minneapolis, MN 55430

Defendant.

COMPLAINT

Order of Detention

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 Homicide - Operate Vehicle Any Amount Sched 1 or 2 Controlled Substance

Minnesota Statute: 609.2112.1(a)(6), with reference to: 609.2112.1(a)

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 10/17/2019

Control #(ICR#): 19314337

Charge Description: That on or about October 17, 2019, in Hennepin County, Minnesota, MARK FRANKLIN Jr. 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 his body, cause the death of Victim 1.

COUNT II

Charge: Criminal Vehicular Operation - Death Unborn Child - Any amount Sched. 1 or 2 Controlled Substance

Minnesota Statute: 609.2114.1(a)(6), with reference to: 609.2114.1(a)

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 10/17/2019

Control #(ICR#): 19314337

Charge Description: That on or about October 17, 2019, in Hennepin County, Minnesota, MARK FRANKLIN Jr. 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 his body, cause the death of Victim 4, an unborn child.

COUNT III

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

Minnesota Statute: 609.2113.2(6), with reference to: 609.2113.2

Maximum Sentence: 3 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 10/17/2019

Control #(ICR#): 19314337

Charge Description: That on or about October 17, 2019, in Hennepin County, Minnesota, MARK FRANKLIN Jr. 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 his body, cause substantial bodily harm to Victim 2.

COUNT IV

**Charge: Criminal Vehicular Operation -Bodily Harm - Any Amount Sched 1 or 2 controlled
substance**

Minnesota Statute: 609.2113.3(6), with reference to: 609.2113.2, 609.2113.3

Maximum Sentence: 3 YEARS AND/OR \$10,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 10/17/2019

Control #(ICR#): 19314337

Charge Description: That on or about October 17, 2019, in Hennepin County, Minnesota, MARK FRANKLIN Jr. 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 his body, cause bodily harm to Victim 3.

STATEMENT OF PROBABLE CAUSE

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

On or about October 17, 2019, at approximately 11:00 p.m., officers from the Minneapolis Police Department were dispatched to a fatal car crash near 1325 Newton Avenue North, in Minneapolis, Hennepin County, State of Minnesota.

Upon initial arrival, officers observed a Lincoln Navigator and an overturned van which had both sustained significant damage. Officers observed a female, later identified as U.A.H. (DOB: 1/1/1984) (Victim 1 herein) and a male who was later identified as T.A.K. (DOB: 1/1/1974) (Victim 2 herein) in the front seats of the van. Both were still wearing their seatbelts and were initially conscious. Victim 1 was reported to be approximately 8 months pregnant. Officers attempted to gain access to the occupants of the van. Officers also observed a female who was later identified as V.D.R. (DOB: 8/21/1982) (Victim 3) sitting in the front seat of the Navigator. Victim 3 was complaining of pain in her legs. Officers also made contact with MARK FRANKLIN, Jr. (DOB: 3/17/1983), Defendant herein, who had reportedly been driving the Navigator when it struck the van. Defendant was sitting down across the street from the vehicle he had been driving. Defendant appeared to be under the influence of some type of chemical substance.

Officers learned, from statements with witnesses to the crash and review of the scene, that the van driven by Victim 1 had been traveling northbound on Newton Avenue North (a one-way route) when it was struck by the Navigator that was traveling southbound (the wrong direction on the one-way) at a high rate of speed. The Navigator also struck at least two other cars that had been parked in the area.

Despite efforts to extricate Victim 1 from the overturned van and provide medical assistance, Victim 1, and her unborn child (Victim 4 herein), were later pronounced dead at the scene. Victim 2 sustained severe injuries, the extent of which are unknown at this time. Medical records will be acquired.

Defendant admitted to EMS crew that he had used PCP prior to driving. Officers were unable to conduct field sobriety tests with Defendant as he was receiving medical care for his injuries. Officers collected a sample of Defendant's blood pursuant to search warrant and will submit it to the BCA for analysis.

Officers obtained video from a camera on a nearby residence which does not show the crash itself but, shows a portion of the aftermath and contains audible of the crash.

Officers spoke with Defendant at HCMC on October 18, 2019. Defendant provided a post-Miranda statement. Defendant admitted that he had picked up Victim 3 in Champlin and that they drove to North Minneapolis to buy PCP. Defendant admitted that he consumed PCP and that he was operating his motor vehicle. Defendant stated that he did not remember striking the Victim's vehicle or any parked vehicles, but that he woke up after the collision and observed the damage.

Defendant was discharged from the hospital and is currently in the Hennepin County jail.

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

Christopher Gaiters
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 2189

Electronically Signed:
10/18/2019 04:03 PM
Hennepin County, Minnesota

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

Prosecuting Attorney

Patrick Lofton
Assistant County Attorney
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
10/18/2019 03:58 PM

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: \$1,000,000.00
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: October 18, 2019.

Judicial Officer

Jeannice M. Reding
District Court Judge

Electronically Signed: 10/18/2019 04:15 PM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

MARK FRANKLIN Jr

Defendant

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

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: MARK FRANKLIN Jr
DOB: 03/17/1983
Address: 5145 Vincent Ave N
Minneapolis, MN 55430

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race: Black

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

SILS Person ID #: 599581

SILS Tracking No. 3134740

Alcohol Concentration:

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	10/17/2019	609.2112.1(a)(6) Criminal Vehicular Homicide - Operate Vehicle Any Amount Sched 1 or 2 Controlled Substance	Felony	J1611		MN0271100	19314337
	Penalty	10/17/2019	609.2112.1(a) Criminal Vehicular Homicide - Penalty	Felony	J1611		MN0271100	19314337
2	Charge	10/17/2019	609.2114.1(a)(6) Criminal Vehicular Operation - Death Unborn Child - Any amount Sched. 1 or 2 Controlled Substance	Felony	J1611		MN0271100	19314337
	Penalty	10/17/2019	609.2114.1(a) Criminal Vehicular Operation - Death to Unborn Child - Penalty	Felony	J1611		MN0271100	19314337
3	Charge	10/17/2019	609.2113.2(6) Criminal Vehicular Operation - Substantial Bodily Harm - Any Amount Sch 1 or 2 Controlled Substance	Felony	J1A31		MN0271100	19314337
	Penalty	10/17/2019	609.2113.2 Criminal Vehicular Operation - Substantial Bodily Harm - Penalty	Felony	J1A31		MN0271100	19314337
4	Charge	10/17/2019	609.2113.3(6) Criminal Vehicular Operation -Bodily Harm - Any Amount Sched 1 or 2 controlled substance	Gross Misdemeanor	J2641		MN0271100	19314337
	Penalty	10/17/2019	609.2113.3 Criminal Vehicular Operation - Bodily Harm - Penalty	Gross Misdemeanor	J2641		MN0271100	19314337
	Penalty	10/17/2019	609.2113.2 Criminal Vehicular Operation - Substantial Bodily Harm - Penalty	Felony	J2641		MN0271100	19314337