
STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

COURT FILE NO. _____
COUNTY ATTORNEY FILE NO. CA-09-1212
CONTROLLING AGENCY: MN0190000
CONTROL NUMBER: 09001094

State of Minnesota,

Plaintiff,

SUMMONS

WARRANT

ORDER OF DETENTION

AMENDED

v.

TYLAR JAMES HOKANSON
(No permanent address)

DOB: 10/01/86

Defendant.

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

MURDER IN THE SECOND DEGREE (UNINTENTIONAL)

M.S. § 609.19, subd.1(1)

0-40 years

MOC: H2854

GOC: N

Felony

Gross Misdemeanor

Misdemeanor

Petty Misdemeanor

That on or about June 19, 2009, in Dakota County, Minnesota, TYLAR JAMES HOKANSON caused the death of a human being, Nicholas Arthur Miller, without intent to effect the death of any person, while committing or attempting to commit a felony offense, assault in the third degree.

STATEMENT OF PROBABLE CAUSE

Your Complainant is a licensed and certified peace officer employed as a deputy sheriff with the Dakota County Sheriff's Office. Your complainant has investigated the following matter and reviewed the reports and statements of others. From that investigation, your complainant learned the following facts, which are true and correct to the best of his knowledge and belief.

On Tuesday, June 23, 2009, at approximately 5:30 p.m., the Pierce County Sheriff's Department received a 911 call requesting an ambulance from a residence in Maiden Rock, Wisconsin. The caller reported that a 1 ½ year old child was having problems breathing and CPR was being performed. When medics and law enforcement arrived at the residence in Maiden Rock, they began CPR on the child, who was identified as Nicholas Arthur Miller with a date of birth of January 15, 2008. The medical personnel transported the child to a hospital in Durand, Wisconsin. The child was pronounced dead at the hospital.

The Pierce County Medical Examiner viewed the child's body and noticed some bruising. He then ordered an autopsy and arranged for that to be performed at the Ramsey County Medical Examiner's Office. The autopsy was performed in Ramsey County on June 24, 2009. The preliminary autopsy report listed the cause of death of Nicholas Miller as a result of multiple blunt force injuries and classified the death as a homicide. The autopsy report documented multiple injuries of various ages, including multiple contusions to the skin, scalp, and musculature, lacerations to the mouth and tongue, multiple rib fractures, and a fracture of a thoracic vertebrae in the child's back. The examination also documented a subdural hematoma to the brain with approximately 20 cc's of blood caused by the bleeding. The report also noted that further testing and screening were pending.

In the course of the investigation, Dakota County Sheriff's deputies spoke to M.L.H., the mother of Nicholas Miller. M.L.H. told the deputies that she had three children. She said the older two children, her 2 ½ year old daughter and 1 ½ year old Nicholas, were the children of B.L.M. She stated that her youngest child had been born about two weeks earlier and was the child of her husband, Tylar James Hokanson. M.L.H. stated that she and the father of the two oldest children would alternate weeks to care for the two children. She also indicated that she and her family were living in rural Dakota County, with a Northfield address. M.L.H. stated that B.L.M. had dropped the two children off at her mother's home in rural Dakota County on Friday, June 19, 2009, around 2:00 p.m. When the deputies interviewed the paternal grandmother of the oldest two children, they learned that she had been with the two children most of that day on Friday, June 19, 2009, and that Nicholas ate fine.

M.L.H. told deputies that Nicholas woke up from his nap on Friday around 5:00 p.m. and was rather grumpy. She stated that while Nicholas ate well at dinner, he would not walk at all. He wanted to sit, and he would not play with any of the available toys. M.L.H. went on to say that on Saturday morning Nicholas was acting differently and did not want to stand on his feet. Although he normally ate anything, Nicholas would not eat any of his breakfast. He did drink some milk and later in the morning had a fruit snack. M.L.H. stated that Nicholas did not want to be set down, and when she did put him down he would cry or scream like he was hurt. At lunch time on Saturday, M.L.H. remembered that Nicholas would not eat pizza, a food that he liked. When M.L.H. got him up from his nap at about 4:00 p.m. that day, he was very hot and sweating. He appeared to be crying for no reason, and when M.L.H. would reposition him while she was holding him, he would scream. M.L.H. said that Nicholas did eat a piece of pizza at dinner.

On Sunday morning, M.L.H. saw that Nicholas would not touch his breakfast and appeared to be pale. He would not lift his arms, except to drink from a sippy cup, and would not use his legs at all.

M.L.H. described Nicholas as becoming a “noodle” and he simply sat on the furniture most of the day, leaning his head back.

M.L.H. stated that she saw this progression continue on Monday and could tell that Nicholas did not feel well. When Hokanson made Nicholas walk in the back yard, he screamed. M.L.H. saw that when Nicholas would try to take a step and press on his leg, his knee would just drop. M.L.H. stated that she, her husband, and the children drove to Hokanson’s mother and step-father’s house in Maiden Rock, Wisconsin, on Monday afternoon, June 22nd. At dinner on Monday the only thing Nicholas would eat was a vanilla wafer. He also was not holding his head up. M.L.H. gave Nicholas two baths on Monday because she noticed he had a very bad smell about him. She also said she had him use an inhaler because he was taking fast breaths as if he were running out of air. M.L.H. stated that Nicholas was put to bed in his grandmother’s room that night, but the grandmother reported that Nicholas did not sleep at all that night and was making noise when he exhaled.

M.L.H. said that on Tuesday Nicholas just sat around and was not holding his head up. She said that he again had a bad odor about him like rotten food. She noticed that he was breathing hard and fast and was drooling. She could only get him to eat one vanilla wafer for lunch and he would not eat anything else. She had him use an inhaler about every half hour and then gave him a nebulizer treatment at about 2:00 p.m. After that, Nicholas was put down for a nap in an upstairs bedroom.

M.L.H. reported that at about 5:00 p.m. Hokanson went upstairs to wake Nicholas from his nap and he had no muscle control. They began to get him into a car to take him to a hospital, when they observed that he was turning blue and his eyes remained open. M.L.H. reported that they called 911 for an ambulance, placed Nicholas on a picnic table in the yard, and began CPR. M.L.H. stated that Nicholas was taken to the hospital, where he died.

Dakota County Sheriff's Office deputies also took a statement from Tylar James Hokanson on June 27, 2009. At first Hokanson denied doing anything to Nicholas. He claimed that he never lost his temper with Nicholas. Later in the statement he said that there were times he would hold his hand over Nicholas' mouth because he would scream. Hokanson also admitted that he had shaken Nicholas "a little bit." Hokanson said he was angry because his wife's sister had been mean toward him. He said that at about 6:00 p.m. he was changing Nicholas upstairs and Nicholas threw a fit. Hokanson said he shook Nicholas a little bit by grabbing him by the shoulders and "he went back and forth." When asked for details, Hokanson said he shook Nicholas "No less than 10, no less than 15 times." When asked about the severity of the shaking, on a scale of 1 to 10, with 10 shaking Nicholas as hard as he could, Hokanson said he shook him at a level 5, maybe 6 at the max. When asked if he thought he shook Nicholas a little harder than he was admitting, Hokanson admitted that was possible. When asked about the reaction of Nicholas, Hokanson said that afterwards Nicholas was quiet and looked at him oddly. Hokanson added that when he looked at Nicholas' eyes, it looked like he was terrified. When asked if he noticed something different with Nicholas, Hokanson said he did after that day. When asked if he started to suspect that what he had done to Nicholas was causing what was going on with him, Hokanson said that he did the next day. Hokanson added that the next day was when Nicholas started losing color, didn't want to play, and just sat there. When asked if that was as a result of what Hokanson had done to Nicholas, he responded, "To a point, yeah." When asked if he thought he caused the hematoma, the bleeding on Nicholas' brain, as a result of his head being thrown back and forth, Hokanson said, "I guess to a point, being's that he has a heavy head." When asked if, as a result of what Hokanson did to Nicholas, he more than likely caused these injuries, Hokanson said that he could have. When asked if he could have put Nicholas on the bed with enough force to cause the injury to his back, Hokanson said he had no clue. When asked if it was possible, Hokanson stated, "Sure."

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, Tylar James Hokanson, 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 _____, 2009.

NOTARY STAMP:

SIGNATURE

Notary Public

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

Date: _____ (ajh)

PROSECUTING ATTORNEY SIGNATURE:

Name: James C. Backstrom
Dakota County Attorney
Dakota County Judicial Center
1560 Highway 55
Hastings MN 55033
(651) 438-4438
Attorney Registration No.: 3797

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

[X] 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
__1st__ day of __July_____, 2009.

JUDICIAL OFFICER:
NAME:
TITLE: Judge of District Court

SIGNATURE:
_____/s/_____
Judge

COUNTY OF DAKOTA STATE OF MINNESOTA STATE OF MINNESOTA vs. TYLAR JAMES HOKANSON	Plaintiff, Defendant.	<i>Clerk's Signature or File Stamp</i> RETURN OF SERVICE <i>I hereby Certify and Return that I have served a copy of this COMPLAINT upon the Defendant herein named.</i> Signature of Authorized Service Agent: _____
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