

FILED

AUG 29 2003

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

COUNTY OF MOODY)

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
3RD CIRCUIT CLERK OF COURT

THIRD JUDICIAL CIRCUIT

By Karla R Bjerke

50003000147 A0

* * * * *

STATE OF SOUTH DAKOTA,
Plaintiff,

vs-

SUMMONS

WILLIAM J. JANKLOW,
Defendant.

* * * * *

TO THE ABOVE NAMED DEFENDANT:

A Complaint upon oath having been this day laid before me that the crimes of FAILURE TO STOP AT STOP SIGN (SDCL 32-29-2.1), SPEEDING (SDCL (32-25-9.1), RECKLESS DRIVING (SDCL 32-24-1) and MANSLAUGHTER IN THE SECOND DEGREE (SDCL 22-16-20) have been committed and accusing you thereof;

You are, therefore, hereby summoned to appear before me at the courtroom of the Moody County Magistrate Court in the City of Flandreau, South Dakota, on the 2nd day of September, 2003, at 1:30 o'clock P.M. to answer the Complaint that has been filed against you.

If you fail to appear, a Warrant will be issued for your arrest.

Dated August 29, 2003.

Karla R Bjerke
Magistrate

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STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

COUNTY OF MOODY)

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
3RD CIRCUIT CLERK OF COURT

THIRD JUDICIAL CIRCUIT

By Karla R Byrbe

* * * * *

STATE OF SOUTH DAKOTA,
Plaintiff,

vs-

REQUEST FOR SUMMONS

WILLIAM J. JANKLOW,
Defendant.

* * * * *

TO THE ABOVE NAMED DEFENDANT:

WILLIAM J. ELLINGSON, the undersigned Moody County State's Attorney, hereby requests a SUMMONS to be issued based upon the COMPLAINT dated August 29, 2003, for FAILURE TO STOP AT STOP SIGN (SDCL 32-29-2.1), SPEEDING (SDCL 32-25-9.1), RECKLESS DRIVING (SDCL 32-24-1) and MANSLAUGHTER IN THE SECOND DEGREE (SDCL 22-16-20), against the defendant, WILLIAM J. JANKLOW.

Dated August 27, 2003.

William J. Ellingson
Moody County State's Attorney

FILED

STATE OF SOUTH DAKOTA) AUG 29 2003 IN CIRCUIT COURT
COUNTY OF MOODY) SS SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
3RD CIRCUIT CLERK OF COURT THIRD JUDICIAL CIRCUIT

By: Karla R. Byrne

STATE OF SOUTH DAKOTA,
Plaintiff,

COMPLAINT FOR:

-vs-

WILLIAM J. JANKLOW,
Brandon, SD 57110
dob: 9-13-39

- COUNT 1:
FAILURE TO STOP AT STOP SIGN
(SDCL 32-29-2.1)
CLASS 2 MISDEMEANOR
- COUNT 2:
SPEEDING
(SDCL 32-25-9.1)
CLASS 2 MISDEMEANOR
- COUNT 3:
RECKLESS DRIVING
(SDCL 32-24-1)
CLASS 1 MISDEMEANOR
- COUNT 4:
MANSLAUGHTER, SECOND DEGREE
(SDCL 22-16-20)
CLASS 4 FELONY

The undersigned, being duly sworn upon oath, charges:

COUNT 1.

That on or about August 16, 2003, in Moody County, South Dakota, WILLIAM J. JANKLOW did commit the public offense of **Failure to Stop at Stop Sign**, SDCL 32-29-2.1, in that he did as the driver of a vehicle approaching a stop intersection indicated by a stop sign, fail to come to a full stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection; and as to

COUNT 2.

That on or about August 16, 2003, in Moody County, South Dakota, WILLIAM J. JANKLOW did commit the public offense of **Speeding**, SDCL 32-25-9.1, in that he did drive a vehicle on a county road at the speed of at least seventy-one (71) miles per hour, where the legal speed limit is fifty-five (55) miles per hour; and as to

COUNT 3.

That on or about August 16, 2003, in Moody County, South Dakota, WILLIAM J. JANKLOW did commit the public offense of **Reckless Driving**, SDCL 32-24-1, in that he did drive a vehicle upon a highway carelessly and heedlessly in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property; and as to

COUNT 4.

That on or about August 16, 2003, in Moody County, South Dakota, WILLIAM J. JANKLOW did violate SDCL 22-16-20, **Manslaughter in the Second Degree**, by the reckless killing of another human being, Randolph E. Scott, by his act which, under the provisions of SDCL 22-16, is neither murder nor manslaughter in the first degree, nor excusable nor justifiable homicide,

all contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.

That the Complainant states that this Complaint is based upon investigation by the South Dakota Highway Patrol.

Dated August ~~16~~²⁹, 2003.

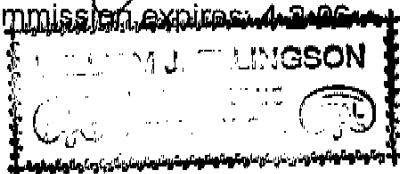


Complainant

Subscribed and sworn to before me August ~~16~~²⁹, 2003.



Notary Public, South Dakota
My Commission expires 4-2-06



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STATE OF SOUTH DAKOTA)

AUG 29 2003

IN CIRCUIT COURT

COUNTY OF MOODY

SS
SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
3RD CIRCUIT CLERK OF COURT

THIRD JUDICIAL CIRCUIT

By Karla K. Byrke

STATE OF SOUTH DAKOTA,
Plaintiff,

vs-

AFFIDAVIT IN SUPPORT
OF
PROBABLE CAUSE

WILLIAM J. JANKLOW,
~~████████████████████~~

Brandon, SD 57110

dob: 9-13-39

Defendant.

I, JOSH OLSON, being first duly sworn upon oath, state as follows:

- (1) That I am an officer for the South Dakota Highway Patrol.
- (2) That I assisted in the investigation that led to the preparation of the attached Motor Vehicle Traffic Accident Report consisting of two (2) pages. That to the best of my knowledge, information and belief the report is true and accurate.
- (3) The investigation of this matter indicates the Defendant, just prior to said collision, acknowledged that he saw the stop sign, was traveling at a speed in excess of the speed limit, was traveling too fast to stop at a stop sign and in entering the intersection described in the report, was struck by a motorcycle being operated by Randolph E. Scott. Mr. Scott died as a result of injuries sustained in that collision.

WHEREFORE, your affiant prays that the Court consider the attached report along with this Affidavit to determine the initial probable cause to hold the Defendant.

Dated August 29, 2003.



Affiant

STATE OF SOUTH DAKOTA INVESTIGATOR'S MOTOR VEHICLE TRAFFIC ACCIDENT REPORT

12
12
0

1
2
1

Date of Accident MO: 08 DA: 16 YR: 03 And Time 24 Hour Clock 1641 Day of Week - Check one Sun. Mon. Tues. Wed. Thurs. Fri. Sat. Unk. DAY

County Moody City Accident Occurred In/ Or Indicate Rural Rural

3
1
4
1

_____ Miles & Tenths N S E W of MRM (Milepost) _____ Displacement _____ Systems _____
 (1st) _____ Miles & Tenths N S E W } of Junction or City Limits } of _____ x _____
 (2nd) _____ Miles & Tenths N S E W } of _____ y _____
 (3rd) _____ Miles & Tenths N S E W } of _____

13
0
0

Road on Which Accident Occurred 240th Street

5
1

At Its Intersection With 481st Avenue Class _____ Hwy. No. _____ Suffix _____

14
7
0

If Not At Intersection _____ Feet N S E W of _____ (Show Nearest Intersecting Street)

6
0

UNIT 1 - MOTOR VEHICLE - PEDESTRIAN - BICYCLE DR. - OTHER _____ **UNIT 2** - MOTOR VEHICLE - PEDESTRIAN - BICYCLE DR. - OTHER _____

7
1

Full Name (Last, First, Middle) Janklow, William J Scott, Randolph E

15
0

Address _____ City _____ State _____ Brandon, SD _____ City _____ State _____ Hardwick, MN

16
0

Date Of Birth MO DA YR Driver's License Number 09/13/39 _____ Date Of Birth MO DA YR Driver's License Number 04/05/48 _____

17
1

State Of Lic. SD List Restriction(s) Not Complied With None or NA State Of Lic. MN List Restriction(s) Not Complied With None or NA Safety Helmet

18
1

Offense(s) Charged Yes No Pending Offense(s) Charged Yes No Pending

8
1

Owners's Full Name Check If Same As Driver Marc Tobias Owners's Full Name Check If Same As Driver _____

9
1

Address _____ City _____ State _____ Sioux Falls, SD Address _____ City _____ State _____

Model Yr. Make Model 1995 Cadillac Deville Model Yr. Make Model 1997 Harley Dav. RS

10
2

Vehicle Registration Plate No. _____ Plate Yr. 03 State SD Vehicle Registration Plate No. _____ Plate Yr. 04 State MN

MOC

Vehicle Identification No. (VIN) _____ No. Of Occupants 2 Vehicle Identification No. (VIN) _____ No. Of Occupants 1

11
0

Trailer Owner's Full Name No Trailer Trailer Owner's Full Name No Trailer

FHE

Address _____ City _____ State _____ Address _____ City _____ State _____

Trailer Registration Plate No. _____ Plate Yr. _____ State _____ Trailer Registration Plate No. _____ Plate Yr. _____ State _____

LIST INJURED PASSENGERS ONLY

| UNIT NO. | OFF-ICE USE | AGE | SEX | EJECTION | INJURY | LOCATION | SAFETY EQ. |
|--|-------------|-----|-----|----------|--------|----------|------------|
| UNIT 1 - <input checked="" type="checkbox"/> MV DRIVER <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> BICYCLE DR. <input type="checkbox"/> OTHER | | 63 | 1 | 0 | 4 | 1 | 3 |
| UNIT 2 - <input checked="" type="checkbox"/> MV DRIVER <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/> BICYCLE DR. <input type="checkbox"/> OTHER | | 55 | 1 | 0 | 1 | 16 | 0 |
| Name, (Last, First, M.I.) | Address | | | | | | |
| Name, (Last, First, M.I.) | Address | | | | | | |
| Name, (Last, First, M.I.) | Address | | | | | | |
| Name, (Last, First, M.I.) | Address | | | | | | |

ADDITIONAL NUMBER - OFFICE USE ONLY

| | | | | |
|-------------|---|---|---|---|
| 0 0 | Police Notification Date MO. DA YR. 08 16 03 And 24 Hour Clock 1641 | Police Arrival Date MO. DA YR. 08 16 03 And Time 24 Hour Clock 1652 | Officer Filing Report Trooper Josh Olson | Photos Taken <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Officer Approving Report <i>Jan</i> | Approval Date MO. DA YR. 08 20 03 | Agency Name SDHP | No. Motor Vehicles 2 No. Motor Vehicle Drivers 2 |
| .00 *.01 | List Damaged Objects Moody CO Road Sign | List Owner And Address Moody County | List Damage Amount in Dollars for Objects \$ 50.00 | |

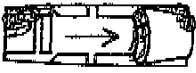
HARMFUL EVENT

For each vehicle state the event which caused the most harm to the vehicle or its occupants. A death to an occupant has precedence over an injury and an injury has precedence over damage to the vehicle. (See examples in instructional manual)

VEH. #1: Collision w/ motor vehicle

VEH. #2 Collision w/ motor vehicle

VEHICLE 1 DAMAGE AREA
(Shade Damaged Areas)



DIRECTION OF TRAVEL BEFORE ACCIDENT
N S E W Parked


SPEED LIMIT (mph) 55
EST TRAVEL SPEED (mph) 70-75

Property Damage Amount Veh. And Contents \$ 8,000.00

Vehicle Towed Away Yes No

Speed-How Estimated Officer Estimate
 Driver Statement
 Occupant Statement
 Witness Statement
 No Estimate

VEHICLE 2 DAMAGE AREA
(Shade Damaged Areas)



DIRECTION OF TRAVEL BEFORE ACCIDENT
N S E W Parked

SPEED LIMIT (mph) 55
EST TRAVEL SPEED (mph) 5-60

Property Damage Amount Veh. And Contents \$ 13,000.00

Vehicle Towed Away Yes No

Speed-How Estimated Officer Estimate
 Driver Statement
 Occupant Statement
 Witness Statement
 No Estimate

PROOF OF FINANCIAL RESPONSIBILITY

| | | | |
|--|------------------------------------|--|--------------------------------------|
| UNIT 1 Policy # 41-1285-V16 Insurer: State Farm Insurance | EXP. DT. 7/1/03 EXP. DT. 7/1/04 | UNIT 2 Policy # 0629225C1423A Insurer: State Farm Insurance | EXP. DT. 3/14/03 EXP. DT. 9/14/03 |
|--|------------------------------------|--|--------------------------------------|

NARRATIVE: DESCRIBE WHAT HAPPENED

Vehicle #1 was traveling south on Moody County 13 (481st Avenue). Vehicle #2 was traveling west on Moody County 14 (240th Street). Vehicle #1 failed to stop at the stop sign. Vehicle #1 entered the intersection of 481st Ave. and 240th St. Vehicle #2 collided with vehicle #1. Vehicle #1 spun around and entered the southwest ditch. Vehicle #1 came to rest on the edge of the soybean field. Vehicle #2 entered the southwest ditch and came to rest in the soybean field. The driver of vehicle #2 was separated from the vehicle and continued into the southwest ditch. The driver of vehicle #2 came to rest in the soybean field. Driver of vehicle #2 was fatally injured.

The driver of vehicle #1 stated that there was a vehicle in his lane of traffic and he had to make an evasive maneuver to avoid the vehicle.

*Alcohol at this level may be result of bacterial action.

ACCIDENT DIAGRAM

