

**State of Minnesota
County of Hennepin**

**District Court
Fourth Judicial District**

CCT	LIST CHARGE STATUTE ONLY	MOC	GOC	CTY ATTY FILE NO.	CONTROLLING AGENCY	CONTROL NO
1	609.344	L3156	N	09-6859	MN0620900	09086236
2	609.344	L3156	N			

COURT CASE NO. DATE FILED

if more than 6 counts (see attached) if Domestic Assault as defined by MS 518B01, sub2a,b

State of Minnesota,

PLAINTIFF,

VS.

Amended Tab Charge Previously Filed

<input checked="" type="checkbox"/> SERIOUS FELONY	<input type="checkbox"/> SUMMONS
<input type="checkbox"/> FELONY	<input checked="" type="checkbox"/> WARRANT
<input type="checkbox"/> GROSS MISDM DWI	<input type="checkbox"/> ORDER OF DETENTION
<input type="checkbox"/> GROSS MISDM	<input type="checkbox"/> EXTRADITION

NAME: first, middle, last
GAIL ELIN GAGNE

Date of Birth
11/6/82

MNCIS #:
LE#: 09-23104
SILS ID: 669305
TRACK ID: 2374671

DEFENDANT,

9633 XYLON AVE S
BLOOMINGTON, MN 55438

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). The complainant states that the following facts establish PROBABLE CAUSE:

Complainant, Sgt. Shannon Hutton, of the St. Paul Police Department, has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On May 4, 2009, St. Paul police officers were dispatched to Cretin Derham Hall (hereinafter CDH) located in St. Paul, Minnesota regarding an allegation of criminal sexual conduct between a CDH student and a teacher. The student was identified as a known juvenile male who is presently 17 years old. He is hereinafter referred to as the Victim. The suspect was identified as **GAIL ELIN GAGNE**, Defendant herein, whose date of birth is 11/06/1982.

Complainant has interviewed the Victim who reported that in the summer of 2008, he was working a work study job at the athletic weight room at the CDH campus. As a student athlete for CDH, he was also using the weight room for athletic training. He became acquainted with the Defendant as she was employed by CDH as the weight room supervisor. During the summer of 2008, the Defendant took the Victim out for meals and gave him rides home from CDH. The Victim reports that on several occasions, the Defendant engaged in sexual conduct with him.

According to the Victim, in the summer of 2008, the Defendant took him to her residence in Bloomington and engaged in oral sexual penetration with him. During this investigation, complainant determined that in the summer of 2008, the Defendant resided on Xylon Avenue South in Bloomington, Hennepin County, Minnesota.

The Victim further reported that on a later date in the summer 2008, Defendant took him to a hotel located near the Mall of America. They spent the night in a room at the hotel and during the night, Defendant engaged in vaginal sexual penetration with him. Complainant has reviewed hotel records from La Quinta Hotel in Bloomington, Minnesota and the Defendant's credit card records. These reflect that on September 13-14, 2008, Defendant stayed

in a room at La Quinta Hotel. La Quinta Hotel, located on Nicollet Avenue South in Bloomington, Hennepin County, Minnesota is near the Mall of America and fits the description of the hotel given by the Victim.

According to the principal of CDH, the Defendant has had the following employment history with CDH: (1) In November 2007, she was hired as a paid assistant basketball coach; (2) From January 2008 through September 2008, she was a substitute teacher paid on a daily basis; (3) During the summer 2008, she was the weight room supervisor; (4) In late September 2008, she was hired as a full time teacher. As the weight room supervisor, her duties included working with students to ensure that they safely and properly used the equipment and supervising the work study students who worked in the weight room. He added that she most certainly was in a position of authority over the work study students.

In the summer 2008, the Victim was sixteen years old and the Defendant was twenty five years old. The Defendant is not in custody.

COMPLAINT SUPPLEMENT

CCT	SECTION/Subdivision	M.O.C.	GOC

OFFENSE

COUNT 1: CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE (FELONY)
 MINN. STAT. § 609.344, SUBD. 1(e), SUBD. 2; § 609.101, SUBD. 2; § 609.3455
 PENALTY: 0-15 YEARS AND/OR \$9,000-\$30,000 PLUS CONDITIONAL RELEASE

That on or about July 1, 2008 to September 1, 2008, in Hennepin County, Minnesota, **GAIL ELIN GAGNE**, born **11/6/82**, who was in a position of authority over the known juvenile male, engaged in sexual penetration with the known juvenile male, a person at least sixteen (16) years but less than eighteen (18) years of age, and more than forty-eight months younger than **GAIL ELIN GAGNE**.

COUNT 2: CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE (FELONY)
 MINN. STAT. § 609.344, SUBD. 1(e), SUBD. 2; § 609.101, SUBD. 2; § 609.3455
 PENALTY: 0-15 YEARS AND/OR \$9,000-\$30,000 PLUS CONDITIONAL RELEASE

That on or about September 13, 2008 to September 14, 2008, in Hennepin County, Minnesota, **GAIL ELIN GAGNE**, born **11/6/82**, who was in a position of authority over a known juvenile male, engaged in sexual penetration with the known juvenile male, a person at least sixteen (16) years but less than eighteen (18) years of age, and more than forty-eight months younger than **GAIL ELIN GAGNE**.

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.

THEREFORE, Complainant requests that said 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'S NAME:

COMPLAINANT'S SIGNATURE:

Sgt. Shannon Hutton

Being duly authorized to prosecute the offense(s) charged, I hereby approve this Complaint.

DATE:

PROSECUTING ATTORNEY'S SIGNATURE:

December 2, 2009

hlg

PROSECUTING ATTORNEY:

NAME/TITLE:

JUDITH M. HAWLEY (182473)
Assistant County Attorney

ADDRESS/TELEPHONE:

C2100 Government Center, Minneapolis, MN 55487
Telephone: 612-348-7406

Court Case # _____

This COMPLAINT was subscribed and sworn to before the undersigned this _____ day of _____, 20____.

NAME: _____ SIGNATURE: _____

TITLE: _____

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 his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the _____ day of _____, 20____ at _____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

EXECUTE IN MINNESOTA ONLY

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(s) 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 thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is already in custody; I hereby order, subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

Bail: \$50,000+CR

Conditions of Release: No contact with victim(s); No contact with witness(es); No contact with address of the offense or home/work of victim(s) and witness(es)

This COMPLAINT- **WARRANT** _____ duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

NAME: _____ SIGNATURE _____

TITLE: **JUDGE OF DISTRICT COURT**

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

STATE OF MINNESOTA COUNTY OF HENNEPIN

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff

vs.

GAIL ELIN GAGNE

Defendant(s).

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon Defendant(s) herein-named.

Signature of Authorized Service Agent: