



**KANDIYOHI COUNTY SHERIFF'S OFFICE**  
**INCIDENT REPORT**

<b>ICR#</b> 17008938	<b>AGENCY ORI#</b> MN0340000	<b>JUVENILE:</b>
<b>INCIDENT</b>	<b>Reported:</b> 07-15-2017 1922 <b>First Assigned:</b> 1926 <b>First Arrived:</b> 1938 <b>Last Cleared:</b> 2030	
	<b>Committed Start:</b> <b>Committed End:</b>	
	<b>Title:</b> Crash Personal Injury Crash <b>How Received:</b> Alarm	
	<b>Short Description:</b> Veh Rolled Over In The Pond - All Occupants Are Out	
	<b>Summary:</b> [Dispatch Entry] Veh Rolled Over In The Pond - All Occupants Are Out [Dispatch Entry] see state accident report.	
<b>OFFICERS</b>	<b>Location(s)</b>	
	<b>Address:</b> 141st St NE & 172nd Ave NE	<b>City:</b> Hawick <b>State:</b> MN <b>Zip:</b> 56246 <b>Country:</b>
	<b>Custom Attributes</b>	
	<b>Officer Assigned:</b> ambulance, Willmar	<b>Badge No:</b> 0 <b>Primary:</b> No
	<b>Officer Assigned:</b> Pomplun, Quinton	<b>Badge No:</b> 3330 <b>Primary:</b> No
<b>Officer Assigned:</b> Gronli, Lucas	<b>Badge No:</b> 3354 <b>Primary:</b> Yes	
<b>Officer Assigned:</b> Fire, New London	<b>Badge No:</b> 0 <b>Primary:</b> No	
<b>Officer Assigned:</b> Ambulance, New London	<b>Badge No:</b> 0 <b>Primary:</b> No	
<b>Officer Assigned:</b> Rescue Squad, Kandiyohi County	<b>Badge No:</b> 0 <b>Primary:</b> No	
<b>NAMES</b>	<b>Involvement:</b> Complainant <b>Name:</b> Magnuson, James Virgil	
	<b>Age:</b> 52	
	<b>Address:</b> (Residence) ██████████	<b>City:</b> ██████████ <b>State:</b> MN <b>Zip:</b> ████████ <b>Country:</b>
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	<b>Involvement:</b> Driver <b>Name:</b> Clark, David Lee	
	<b>Age:</b> 58	
<b>Address:</b> (Residence) ██████████	<b>City:</b> ██████████ <b>State:</b> MN <b>Zip:</b> ████████ <b>Country:</b>	
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<b>Involvement:</b> Passenger <b>Name:</b> Koch, Matthew Tyler		
<b>Age:</b> 22		
<b>Address:</b> (Residence) ██████████	<b>City:</b> ██████████ <b>State:</b> MN <b>Zip:</b> ████████ <b>Country:</b>	
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<b>Involvement:</b> Passenger <b>Name:</b> Waggoner, Peter Paul		
<b>Age:</b> 50		
<b>Address:</b> (Residence) ██████████	<b>City:</b> ██████████ <b>State:</b> MN <b>Zip:</b> ████████ <b>Country:</b>	
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<b>Involvement:</b> Passenger <b>Name:</b> Koch, Jonathan Kyle		
<b>Age:</b> 19		
<b>Address:</b> (Residence) ██████████	<b>City:</b> ██████████ <b>State:</b> MN <b>Zip:</b> ████████ <b>Country:</b>	
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<b>Involvement:</b> Passenger <b>Name:</b> Werner, Ingrid Elizabeth		
<b>Age:</b> 20		

#7

	<b>Address:</b> (Residence) 416 Janalyn Cir	<b>City:</b> Golden Valley	<b>State:</b> MN	<b>Zip:</b> 55416	<b>Country:</b>
<b>VEHICLES</b>	<b>Accident</b>	<b>State:</b> MN	<b>Plate:</b> [REDACTED]	<b>VIN:</b> [REDACTED]	
	<b>Make:</b>	<b>Model:</b> EV,	<b>Year:</b> 2016	<b>Color:</b> BLK	
<b>OFFENSES</b>	<b>Offense:</b> (169.13s2) Careless Driving				

**Supplemental Report**

ICR: 17008938

Last Modified: 07-17-2017 1626

Title: 17008938

Created By: Rachelle Lottman

**KCSO CASE 17008938**

**MENTIONED:**

Driver: CLARK, DAVID LEE, DOB: [REDACTED]

Passenger: KOCH, MATTHEW TYLER, DOB: [REDACTED]

Passenger: WAGGONER, PETER PAUL, DOB: [REDACTED]

Passenger: KOCH, JONATHAN KYLE, DOB: [REDACTED]

Passenger: WERNER, INGRID ELIZABETH, DOB: [REDACTED]

Vehicle: [REDACTED] 2016 black Tesla

Investigating Officer: Deputy Quin Pomplun/3330  
 Assisting Officer: Deputy Lucas Gronli/3354  
 Assisting Services: Willmar Ambulance  
 New London Fire Department  
 New London Ambulance  
 Kandiyohi County Rescue Squad

**CHARGES:**

CLARK, DAVID LEE, DOB: [REDACTED]  
CARELESS DRIVING, M.S. §169.13s2

**EVIDENCE:**

- Digital photographs

#7

**DETAILS:**

On 07-15-17, at approximately 1922 hours, I, Deputy Quin Pomplun was working uniformed patrol shift for the Kandiyohi County Sheriff's Office. I overheard the on-duty dispatcher advise deputies that there was a rollover crash at 141<sup>st</sup> Street NE at the intersection of 172<sup>nd</sup> Avenue NE, in Irving Township. I was advised that the vehicle had rolled over into a swamp or marsh area and that everybody was out of the vehicle at that time however there were possible injuries. I was a significant distance away however the closest car and I advised the on-duty dispatcher that I would respond.

A short time later I arrived at the scene and observed as New London Fire Department and New London Ambulance were already on scene and that everybody was out of the vehicle and there were no other dangers at that time.

I spoke with Fire Chief SIG HOLME momentarily, who indicated he spoke with the driver and observed a moderate odor of alcoholic beverage emitting from him.

I spoke with the driver, later identified as DAVID LEE CLARK (DOB: [REDACTED]). While speaking with him I was able to observe a moderate odor of alcoholic beverage emitting from his breath. CLARK went on to explain that he and his four passengers were driving his new car, which was a black Tesla, which has an auto pilot feature to it where the vehicle essentially drives itself however still needs the driver to be in control of the vehicle.

CLARK explained that he had turned on the auto pilot while he was driving down County Road 40 of 172<sup>nd</sup> Avenue NE and traveling eastbound when they approached the intersection. He didn't know what exactly happened and the vehicle accelerated and entered the ditch and flipped up on its roof.

CLARK indicated everybody was wearing their seatbelts and that his main priority when the vehicle flipped over was to make sure everybody was okay and that they would get out of the vehicle as he thought they were in deeper water than they really were.

I observed the vehicle as it appeared to be in a very shallow portion of the swamp, approximately 20 yards off the roadway, on its roof.

I then spoke with MATTHEW TYLER KOCH (DOB: [REDACTED]) who indicated he was the front seat passenger and was wearing his seatbelt. I then spoke with PETER PAUL WAGGONER (DOB: [REDACTED]), who was the rear passenger side passenger. He indicated he was also wearing his seatbelt and he didn't know what exactly happened.

I then spoke with JONATHAN KYLE KOCH (DOB: [REDACTED]), who was in the back of the ambulance with INGRID ELIZABETH WERNER (DOB: [REDACTED]). WERNER indicated she was in the rear middle backseat and JONATHAN KOCH was behind the driver in the backseat. Both indicated they were wearing their seatbelt and they did not know exactly what had happened.

I then went back to speak with CLARK. CLARK admitted to me that he had drank an alcoholic beverage approximately two hours prior while they were out on Green Lake. He also explained he knew the area as he golfs in Paynesville often and has a cabin on the north side of Green Lake and travels this road frequently so he was not unaware of the sharp curve at that intersection.

It should be noted at this time Deputy Gronli arrived on scene and took photographs of the entire scene.

I then was able to have CLARK come over to my squad car where he was advised he was going to run him through some field sobriety tests and he indicated that was okay at that time. I explained the Horizontal Gaze Nystagmus (HGN) assessment to CLARK and he indicated he understood what I explained to him and that he did not have any problems with his eyes.

I observed the following: