

## SUMMARY OF THE DECEMBER 24, 2019, INCIDENT

On 12/24/2019 Lt. Heath Dienger of the Minnesota State Patrol responded to a fatality crash in the City of Hokah, County of Houston, State of Minnesota. Lt. Dienger learned the crash involved a female pedestrian. The striking vehicle was not on scene. Upon arrival, Lt. Dienger was advised City of La Crescent Police Department Sgt. Justin Thorsen had responded to an incident reported to be a vehicle versus deer crash earlier in the morning on Highways 14/16/61 (the Pike) just west of the Wisconsin border at approximately 0619 hours. Lt. Dienger was advised the vehicle involved was a 2008 GMC Acadia. Lt. Dienger was informed Sgt. Thorsen did not locate a deer at the scene and the driver, BRITTANY DIANE ROBB, DOB: 06/26/1984, provided two locations on the Pike where the collision with a deer allegedly took place. Lt. Dienger confirmed ROBB had been picked up from the scene, and was believed to have gone to work in La Crosse, Wisconsin. Lt. Dienger was provided a telephone number for ROBB.

At the scene, Lt. Dienger observed tire marks on the eastbound shoulder of the road leading towards the grassy portion of shoulder in what appeared to be an abrupt manner. The tire marks continued through the grass in an arc, and then leading back towards the roadway and onto the shoulder of the roadway in an abrupt manner. Lt. Dienger did not observe any tire marks indicating hard braking after the vehicle exited the eastern most arc, which would have indicated a vehicle quickly pulling to the shoulder.

The body of the deceased female pedestrian was lying in the south ditch in tall grass. Also in the south ditch was a deceased black and tan dog with a collar and leash attached to the dog. Lt. Dienger observed vehicle debris on the shoulder of the roadway and in the ditch. The vehicle debris included gray paint chips, a red letter "C" appearing to be from a vehicle emblem, and two pieces of a broken chrome molding piece. Lt. Dienger later completed an internet search of the part number on the chrome molding. The internet search indicated the molding was made for a 2007 to 2012 GMC Acadia.

Lt. Dienger then met with the deceased's son. He stated he began looking for his mother after she did not return home from her morning walk. He indicated he drove his mother's normal walking route looking for her, and used a phone application to track his mother's location to the crash site. He located his mother's body in the south ditch and walked to a nearby business, looking for help.

After concluding his interview with the deceased's son, Lt. Dienger at approximately 1509 hours, left a phone message on ROBB's voicemail asking her to call him. Lt. Dienger then traveled to ROBB's employer in La Crosse to speak with her. At approximately 1630 hours, Lt. Dienger received a call back from ROBB. During the call, ROBB stated she was driving on the Pike when she struck a deer. ROBB indicated she was able to drive her vehicle less than a mile after striking the deer before the vehicle lost power, lights started flashing, and the vehicle started smoking. ROBB confirmed she drove from the City of Houston, Minnesota to the City of La Crosse, Wisconsin. ROBB stated on 12/24/2019 she was alone in her vehicle when she left her house at 5:30 a.m. ROBB indicated after she struck the deer, she called her boyfriend, and her boyfriend arranged a tow for the vehicle. Lt. Dienger asked ROBB if it was possible she struck the deer near Hokah, and ROBB stated she was positive she struck the deer on the Pike. After striking the deer, ROBB stated she got out of her vehicle and looked around, but did not see a deer. ROBB confirmed she did not strike anything prior to hitting the deer.

Lt. Dienger asked ROBB if there was any reason parts from her vehicle would be located at a different location, and she stated "not that I'm aware of". Lt. Dienger asked ROBB if there was any reason a trim piece from her vehicle would have been located near Hokah, and she stated not unless it was loose and fell off. Lt. Dienger advised ROBB of the vehicle parts located at another crash scene by Hokah, and she stated she did not know how that was possible. ROBB also stated she was going to a Christmas party on 12/24/2019, and would be available after 7:30 p.m. that night. Lt. Dienger agreed to meet at 3 p.m. on Thursday, 12/26/2019 to speak further in person.

After speaking with ROBB, Lt. Dienger applied for a search warrant in order to seize ROBB's cell phone. The warrant was granted that day. After receiving the search warrant, Lt. Dienger and Minnesota State Patrol Investigator Jon Danielson travelled to ROBB's residence and met with ROBB. Lt. Dienger provided ROBB with a copy of the search warrant for her cell phone. ROBB provided her cell phone and the phone's password to Lt. Dienger.

Lt. Dienger then asked ROBB if she would be willing to speak with them about the accident involving her vehicle. ROBB confirmed she would. When asked what had happened, ROBB stated she struck a deer on the Pike. ROBB confirmed no one else had driven her vehicle that morning. ROBB indicated this was the first time she had ever struck a deer, and there would be no reason that parts from her vehicle would have been located at another crash scene. Lt. Dienger then informed ROBB there had been a pedestrian fatality crash, and she stated "I heard". Lt. Dienger then explained to ROBB the circumstantial evidence located at the scene of the fatality crash indicated she struck the deceased pedestrian, in his opinion. ROBB stated, "I did not hit anybody, I hit a deer". ROBB then explained her sister-in-law had called her and told her a person was killed in the City of Hokah earlier that day. Lt. Dienger asked ROBB if she struck anything else other than the deer she reported hitting, and she advised no. ROBB advised after she struck the deer, she talked to her boyfriend on the phone. ROBB advised she then called the La Crosse Police Department on the non-emergency line and was transferred to Houston County 911. Inv. Danielson then asked ROBB what if security camera video near where the accident occurred showed damage to her vehicle. ROBB stated it should not show any damage. Danielson asked ROBB what if it does. ROBB replied "I guess I'm in trouble because there is no explanation for it".

Inv. Danielson then stated to ROBB "it sounds like you want to come clean". Inv. Danielson asked "What happened?" ROBB then advised "I was on my way to work, and I reached down to grab my coffee, I honestly thought it was a deer, I got out of my vehicle, I walked around, I drove my vehicle around looking for anything, I didn't see anything, so I continued on my way to work". ROBB denied being on her phone during the crash. ROBB advised she had Snapchatted her boyfriend before she left the house, and sent another Snapchat before the bridge leaving Houston. ROBB advised she had called law enforcement when she was on the Pike because her vehicle started to break down at that point. ROBB stated she thought she had struck a deer, and when she heard it was a person, she panicked. ROBB confirmed she has observed people walking along the roadway in the past, and the people are always wearing dark clothing.

Lt. Dienger asked ROBB why she did not call law enforcement when she found out she had hit a person. ROBB stated she was scared and wanted to get through Christmas with her kids because more than likely she was going to jail.

Following this meeting, Minnesota State Trooper Kelvin Hammes completed a crash reconstruction report (recon) regarding the crash. Trooper Hammes was able to confirm the following timeline regarding the crash on 12/24/2019, from data recovered from ROBB's cell phone:

- 5:36 a.m. ROBB's vehicle is observed on video passing the Cenex gas station in the City of Houston, Minnesota
- 5:45-0550 a.m. A witness reports observing a person walking westbound on the shoulder of the roadway towards the City of Houston
- 5:54 a.m. Incoming call to ROBB's cell phone from ROBB's boyfriend that was forwarded to voicemail
- 5:57 a.m. ROBB calls her boyfriend – the call lasted 1 minute 44 seconds
- 6:02 a.m. Incoming phone call to ROBB's cell phone from her boyfriend – the call lasted approximately 51 seconds
- 6:07 a.m. Cellular activity on ROBB's cell phone – an outgoing call to a number listed in ROBB's cell phone as "work" – and an incoming call from her boyfriend
- 6:08 a.m. Incoming call from ROBB's boyfriend stating "call me when you can"
- 6:11 a.m. ROBB calls her boyfriend

- 6:16 a.m. ROBB calls La Crosse County non-emergency line reporting she hit a deer

A further forensic analysis of ROBB's cell phone provided the following information regarding ROBB's Snapchat activity following her leaving for work at 5:30 a.m.:

- 5:34:26 a.m. ROBB Snapchats her boyfriend – "I love you...thanks for making this so special for us"
- 5:35:30 a.m. ROBB receives a Snapchat from her boyfriend – "I didn't do anything to make it special"
- 5:37:44 a.m. ROBB Snapchats her boyfriend – "Yes you did... all the gifts and just being with me"
- 5:41:09 a.m. ROBB receives a Snapchat from her boyfriend – "I just wanna be with you I went a little overboard on gifts"
- 5:42:17 a.m. ROBB Snapchats her boyfriend – "Ummm yes you did"
- 5:43:24 a.m. ROBB Snapchats her boyfriend – "next year we are taking all the kids somewhere and making memories instead of gifts"
- 5:44:44 a.m. ROBB receives a Snapchat from her boyfriend – "Yes I like tnat idea"
- 5:45:02 a.m. ROBB receives a Snapchat from her boyfriend – "I wanna start a tradition"
- 5:45:39 a.m. ROBB Snapchats her boyfriend – "Me too"

ROBB's Snapchat activity ends at this point. ROBB receives two more Snapchats from her boyfriend at 5:46:24 and 5:46:32 and does not respond. At 5:49:45 ROBB's phone displays it accessing a Progressive Insurance application.

Trooper Hammes was also provided data recovered from ROBB's phone regarding the insurance status of her vehicle on 12/24/2019. The data indicated the following:

- ROBB contacted Progressive Insurance Company on 12/24/2019 electronically and submitted an electronic application for insurance at approximately 05:59:31 a.m.
- ROBB esigned the application for insurance on 12/24/2019 at 06:04:54 a.m.
- ROBB reported a claim for the damage to her GMC Acadia on 12/28/2019. ROBB reported the date and time of loss as 12/24/2019 at 06:00 a.m.

A preliminary estimate was completed by Rossi Auto Body, Rochester, Minnesota regarding the damage to ROBB's vehicle and the cost to repair it. The total estimated cost of repair was \$6,891.45.

On 12/26/2019 an autopsy was conducted at the Mayo Clinic on the deceased 48 year-old female pedestrian. The autopsy confirmed the pedestrian had died as the result of multiple blunt force injuries to her head, neck, torso, and extremities. These injuries included multiple fractures of her ribs and the transection of her cervical column.