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STATE OF MINNESOTA
COUNTY OF LYON

DISTRICT COURT
FIFTH JUDICIAL DISTRICT

Case Type: Criminal
Case File No. 42-CR-08-220

HON. DAVID W. PETERSON

STATE OF MINNESOTA,

Plaintiff,

v.

OLGA MARINA FRANCO del CID,

Defendant.

**DEFENDANT'S *REPLY* MEMORANDUM OF LAW
IN SUPPORT OF HER MOTION FOR
A CHANGE OF VENUE**

**I.
INTRODUCTION**

"One of the strengths of a small community is that we're a close-knit community," [Lakeview District School superintendent Sheldon Johnson] said. **"When someone hurts, we all hurt. When someone grieves, we all grieve. And we will all rally around one another."**¹

"[The arrest of Olga Franco] will just validate what people have been hearing as far as rumors are concerned," Johnson said. **"It's good to get the facts."**²

¹ See *State v. Franco*, Lyon County District Court, File No. 42-CR-08-220, Defendant's Memorandum of Law in Support of Her Motion for a Change of Venue, Affidavit of Tamara Caban Ramirez and attached Exhibits, at OMF000497. (All emphases herein added unless otherwise noted).

² *Id.* at OMF000608.

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Karen J. Bierman
COURT ADMINISTRATOR
Marshall, Lyon County, Minnesota

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As the sun set on the cold winter landscape and the news of the crash spread, sorrow was deep, Isaackson said. **The father of one child who died is a local firefighter, he said.**³

"It's a close knit group and it's going to hit them hard," he said.⁴

"We lost four beautiful children, and there's nothing in this world that's more devastating than that," [Lakeview School District Superintendent Sheldon Johnson] said.⁵

"Our Troopers live in this area and know these people," [Lt. Mark Peterson of the Minnesota State Patrol] said. **"An entire community is grieving, because everyone knows each other."**⁶

But it's clear the horrors from that long night won't be easily forgotten. Cottonwood Fire Chief Dale Louwagie, the third to arrive at the scene, described an overwhelming site strewn with debris, bystanders helping children out of the bus and **familial ties that raised emotions to unusual heights.**⁷

Like many other emergency responders from the area, Louwagie knew many of the children. **Some emergency responders were helping their own children.**⁸

Said Kompelien at the hardware store: **"It'll take a long time to recover from this.** Oh heavens, there's no time limit on that. **It'll be forever.** It'll never be the same."⁹

"Whether people have children or grandchildren in the school or not, **everybody's connected in some way,**" said Laurie Gabbert of Wood Lake. "And the beauty of a small town is the support," Gabbert said.¹⁰

³ *Id.* at OMF000497.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at OMF000614.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

II. BACKGROUND

This motion arises out of criminal charges against 24-year-old Olga Marina Franco del Cid emanating from a nightmarish accident occurring early afternoon on February 19, 2008 at the intersection of County Road 24 and Highway 23 just southwest of the small Minnesota town of Cottonwood and just northeast of Marshall, Minnesota. Four children were tragically killed and many others injured, some severely.

As a result of this accident, Ms. Franco stands charged by criminal complaint dated April 22, 2008 with four counts of “criminal vehicular homicide,” “seventeen counts of criminal vehicular injury,” one count of “false name and date of birth to a Peace Officer,” one count of “stop sign violation,” and one count of “no Minnesota driver’s license.”¹¹

Ms. Franco has made a motion before this Court for a change of venue based on the reasonable likelihood that a fair trial cannot be had in Lyon or the contiguous counties.¹² In its response, the State argues that the Court should deny Ms. Franco’s motion for a change of venue.¹³ The State alleges the following factors exist and support its position that Ms. Franco’s motion for a change of venue should be denied:

- That most of the media publicity surrounding this case occurred over three months ago;

¹¹ See *State v. Franco*, Lyon County District Court, File No. 42-CR-08-220, Complaint.

¹² See *State v. Franco*, Lyon County District Court, File No. 42-CR-08-220, Defendant’s Memorandum of Law in Support of Her Motion for a Change of Venue.

¹³ See *State v. Franco*, Lyon County District Court, File No. 42-CR-08-220, Plaintiff’s Responsive Memorandum to Defendant’s Motion for Change of Venue.

- That the media coverage surrounding the accident in which four children were killed is “simply the way it works”;
- That the media coverage was mostly factual;
- That it is highly unlikely any potential juror in Lyon County would be influenced by the media accounts of the accident;
- That it would be surprising if any potential juror would be able to recall anything specific about anything they had read related to the accident;
- That many of the media accounts submitted by Ms. Franco are from communities outside of Lyon County;
- That many, if not a majority of the media accounts submitted by Ms. Franco were never seen by potential jurors in Lyon County and therefore would not influence a juror if the matter remains in Lyon County;
- That if a fair trial cannot be had in Lyon County, it cannot be had anywhere in the State of Minnesota;
- That the media accounts submitted by Ms. Franco are not prejudicial and cannot even be argued as such; and
- That the defense has not been shy in presenting their theory.¹⁴

III. ARGUMENT IN REPLY

The State misconstrues or ignores the factors raised by Ms. Franco demonstrating the unlikelihood that a fair and impartial jury can reasonably be impaneled in Lyon and the contiguous counties. Likewise, the State seems to

¹⁴ The *defense* need not be. Certainly the State must comprehend the difference between the Defendant's axiomatic and elementary right to assert her innocence and the State's duty not to inappropriately comment on the evidence and its belief in the guilt of the Defendant. See *State v. Flournoy*, 1995, 535 N.W.2d 354 (1995) certiorari denied 116 S.Ct. 972, 516 U.S. 1140, 133 L.Ed.2d 892, denial of post-conviction relief affirmed 583 N.W.2d 564 (Presumption of innocence is essential element of right to fair trial.); *Coffin v. United States*, 156 U.S. 432, 453, 15 S.Ct. 394, 403, 39 L.Ed. 481, 491 (1895) (“The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial under our system of criminal justice. Long ago this Court stated: “The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.”)

imply that the collective memories of a community shattered so tragically can so quickly fade (and, it would further seem, callously), the grief discarded, or that dispassionate objectivity can be summoned at will. That this cannot be so is demonstrated in the community's own words, where the community's suffering is so profound as to compel a local clergyman to publish his prayer that Ms. Franco pay for the wrong a consensus has come to believe she committed. Why does Ms. Franco fear that she cannot receive the fair trial that is due her? Because *the State itself* has repeated its conclusions that it is not possible that Ms. Franco may be innocent. For example, see:

- **"Authorities have identified the van driver as Alianiss Morales...."**¹⁵
- **"The Lyon County sheriff's office says it has arrested the driver of a van that struck a school bus in rural Minnesota, killing four students."** (The article identifies Ms. Franco as that driver).¹⁶
- **"One [part of the investigation] is whether she was operating the vehicle in a grossly negligent manner," Maes said. "So we need to look at what exactly witnesses indentified at that particular intersection."**¹⁷
- **"The accident sent 'Morales' to the hospital, which is where Troopers made first contact with the woman. KSFY has obtained a transcript of that conversation and has included part of it here...."**¹⁸

"KSFY has obtained a transcript" no more than *four days* after the accident? Four days after the accident and law enforcement or another government official *has already released a transcript*¹⁹ of the disputed statement taken *just four days prior* from Ms. Franco while she lay in her hospital bed

¹⁵ OMF000489: startribune.com, 02 21 2008 (All emphases herein added unless otherwise noted).

¹⁶ OMF000427: Q102 Willmar, MN, 02 22 2008

¹⁷ OMF000485: startribune.com, 02 22 2008

¹⁸ OMF000407: KSFY Sioux Falls, SD, 02 23 2008

¹⁹ Who else could possibly have had a copy of a transcript of a recorded statement taken by law enforcement officers as part of their accident investigation no more than four days prior is a question that answers itself: no one.

sedated with morphine.²⁰ Perplexingly, the very day after KSFY published portions of this transcript authorities, including the Minnesota State Patrol, stated* that what information they have will not be released while the case is under investigation.²¹ This investigation has yet to be completed.

- **“Authorities from the Minnesota State Patrol and Immigration and Customs Enforcement said the woman is an illegal immigrant. *But they did not provide documents or other evidence to support the allegation Friday, saying what information they have would not be released while the case is under investigation.”²²**
- **“Although her aunt recently told the St. Pioneer Press (sic) her niece Olga Franco was not driving the van involved in the fatal Feb. 19 Lakeview School bus crash, Lyon County Attorney Rick Maes said Monday *Olga Franco was the driver.*”**

• • •

“‘Absolutely not,’ Maes said to the Independent of considering the possibility of a van driver other than Franco.”

• • •

“‘I do not know of any information that would even remotely suggest that there was a different driver (than Olga Franco),’ Maes said.”

• • •

“‘At this point we have no reason to believe anyone else other than Olga Franco would have been driving the vehicle,’ said Lt. Brian West of the Minnesota State Patrol District office in Marshall.”

• • •

²⁰ That Ms. Franco was heavily sedated via intravenous morphine will be fully described and confirmed in Defendant’s Memorandum of Law in Support of Her Motion for Reconsideration of Order to be filed and served shortly.

And Motion To Seal Confidential Records

²¹ In fact, it was illegal for them to release that and many other portions of the statutorily required accident investigation. See Minn. Stat. 169.09 Subd. 13(b) (2008).

²² OMF000603: Marshall Independent, 02 24 2008

"We have no reason to doubt (Franco) was the driver,' [Lt.] West said."²³

- **"We believe she was the driver,' State Patrol Lt. Brian West said Tuesday."**

• • •

"Lyon County Attorney Rick Maes said Tuesday he's no longer commenting on the case. Last week, however, he told the Marshall Independent newspaper: 'I do not know of any information that would even remotely suggest that there was a different driver.' . . . He said Franco was in the driver's seat 'and had to be extricated from the vehicle.'

• • •

"Authorities say Franco initially told the State Patrol she was the driver of the van and also said she said she had stopped at the stop sign and the bus hit her."²⁴

- **"[Lyon County Attorney Rick] Maes has said in a prior story in the Independent his office has no reason to believe Franco was not the driver. Maes said the investigation including that Franco needed to be extricated (sic) from the vehicle are reasons why Franco is the driver."**²⁵
- **"[Lyon County Attorney Rick] Maes said [in a prior story that] investigation results showing that Franco needed to be extricated from the vehicle indicate that Franco was the driver."**²⁶
- **"Prosecutors say Franco was driving the van, but she claims it was her boyfriend."**²⁷

²³ OMF000583: Marshall Independent, 04 01 2008

²⁴ OMF000443: Minneapolis Star Tribune, 04 08 2008

²⁵ Affidavit of Tamara Caban Ramirez and attached Exhibit A at OMF000624, May 15, 2008
Marshall Independent Article: "Federal Immigration officials: Franco not alone in van at time of crash."

²⁶ *Id.* at OMF000629, May 16, 2008 Marshall Independent Article: "Witnesses say Franco not alone in van."

²⁷ *Id.* at OMF000641, May 30, 2008 West Central Tribune Article: "Defendant's lawyer asks for speedy trial in Cottonwood bus crash." Notwithstanding the State's erroneous assertion that the publicity in this matter mostly ended at the close of March 2008, it does not matter *when* the prosecutors or other law enforcement officials made such statements, those statements were accepted and are repeatedly published and, in the process, reinforced. This article also links to a lengthy archive of past articles; to a printable PDF copy of *the contested statement taken from Ms. Franco* at the hospital just prior to her surgery; and to the interview of the bus driver, and to the Complaint. See OMF000642-649. The PDF copy of the statement taken from Ms. Franco, accessed and printed via the link is at *Id.*, OMF000650-655 (though, inexplicably, it is in different

Repetition of some of the quotes above is not an error, but an example of closing the barn door after the horse already got out. Each repetition is a re-publication of the quote. The State errs in assuming potential jurors will remember nothing specific from any article they read about this case, but will be able to recite a general summary of the article. That is not how people learn. People learn through repetition. People remember highlights of stories, snippets, not general summaries. They will remember that law enforcement *knows* Ms. Franco committed the act for which she is accused. And they will believe it is the truth. For, as the remarkably gifted and successful trial lawyer Gerry Spence quoted someone before himself as saying in defining the term “truth,” truth is what people believe and people believe what is in their interests to believe.

Any possibility Ms. Franco was not the driver? “*Absolutely not!*” Rick Maes, Lyon County prosecutor. “*We believe she was the driver.*” Lt. Brian West, Minnesota State Patrol. “*We have no reason to doubt [Franco] was the driver.*” Lt. Brian West, Minnesota State Patrol. No reason to doubt. A phrase that should sound alarm bells to even those least familiar with our system of justice and no one can assure that those bells will not still be clanging from the courthouse belfry when the jury is told that they cannot convict if there is reasonable doubt of Ms. Franco’s alleged guilt.

format from the same statement produced to Defendant Franco by the State in discovery. By law, *neither* of the supplemental accident reports should have been released. See Minn. Stat. § 169.09, Subd. 13(b) (2008). See also *State ex rel. Pittman v. Tahash*, 284 Minn. 365, 370, 170 N.W.2d 445, 448, fn 2 (1969) (Existence or contents of any confession, admission, or statement given by the accused generally should not be made public.)

It is not the quantity, the meanness of the content, or how long ago information was published. It is the unequivocal verification for the public by State law enforcement officials that Ms. Franco is *guilty* of the single most important fact necessary to convicting her. The test is not, as the State implies, whether the people of Lyon County will be able to describe with particularity any article they may have read, or heard from a neighbor that she read, or from a distant cousin calling or writing home because of something he read.²⁸

The test is whether or not the nature of the publicity, such as here, where the community has been repeatedly told by law enforcement officials, and those comments continue to be published, that there is no doubt the accused is guilty of the single most important fact necessary to convicting her is *potentially* prejudicial, creating a reasonable likelihood that a fair trial cannot be had absent a change of venue.²⁹ It is whether the very nature of the alleged crime publicized is so heinous that the *potential* prejudice created may render it impossible for a reasonable person to be able to set aside the effects of that alleged crime on the community and afford Ms. Franco a fair trial.

²⁸ Nor does Defendant accept that the people of Lyon County are as unenlightened or unavailing of the internet as the State implies. That the Marshall Independent newspaper archives and continues to publish stories of this case on its website and includes a member comment section for those stories dispels any such notion.

²⁹ See *Invin v. Dowd*, 366 U.S. 717, 730, 81 S.Ct. 1639, 1647, 6 L.Ed.2d 751, 760 (1961) (Mr. Justice Frankfurter, concurring) ("Not a Term passes without this Court being importuned to review convictions, had in States throughout the country, in which substantial claims are made that a jury trial has been distorted because of inflammatory newspaper accounts-too often, as in this case, with the prosecutor's collaboration-exerting pressures upon potential jurors before trial and even during the course of trial, thereby making it extremely difficult, if not impossible, to secure a jury capable of taking in, free of prepossessions, evidence submitted in open court. Indeed such extraneous influences, in violation of the decencies guaranteed by our Constitution, are sometimes so powerful that an accused is forced, as a practical matter, to forego trial by jury.")

- “[Lakeview superintendent] Johnson said **the arrest [of Ms. Franco] will have an impact on the Lakeview community.**”³⁰
- “[Marshall Independent] editor Dana Yost said his newspaper has received some 100 or so e-mails **and some have been ‘very mean spirited. There hasn’t been a middle ground.’**”³¹
- “As she left the memorial service . . . at Lakeview School, Lisa Coil of Montevideo said: ‘It doesn’t matter who [Franco] is, whether she’s illegal or not. **She still killed four kids.**’”³²
- “There is understandable anger that is being directed towards this young Hispanic woman who apparently ran a stop sign, jumped over some railroad tracks, and hit the Lakeview school bus, **murdering four young students** while, apparently being here illegally, under a false identity, and without a driver’s license. . . . **In all our righteous indignation against that woman, we declare judgment, as we should. . . . I pray that she pays the earthly penalty in prison for the wrong that she has done.**”³³

“I pray that she pays the earthly penalty in prison for the wrong that she has done.” Reverend John B. Chisham of Marshall wrote this in a letter to the editor of the Marshall Independent newspaper. A public prayer that she pays the earthly penalty for the wrong she has done from a clergyman in the community in which the State claims people can forget they are human beings suffering an unbearable loss. The community is hurt, unimaginably so, so much so that a man of God prays that this young woman pays for the wrong that she has done. *Anyone* in similar circumstances would be profoundly hurt. One could not be human not to be, as “there’s nothing in this world that’s more devastating than [losing four beautiful children].” And such is a time when any reasonable person is least likely to be able to be so.

³⁰ OMF000608: Marshall Independent, 02 22 2008

³¹ OMF000523: Star Tribune, Minneapolis, 02 26 2008

³² OMF000477: startribune.com, 02 26 2008

³³ OMF000511: Marshall Independent, Letter to the Editor, by the Reverend John B. Chisham of Marshall, 02 26 2008

- **"She drove the van that killed four future leaders of America."**³⁴
- **"The woman who drove the van that hit the Lakeview School Bus in Cottonwood last week, killing 4 children,** lived in Willmar earlier this year and was pulled over in Kandiyohi County last month."³⁵
- **"Again 'our' FAMILIES are at the mercy of ILLEGALS and their Anchor Babies being murdered, raped, infected with disease, or robbed. We can see the results of the ILLEGAL invasion in our courts everyday."**³⁶

Though it is regrettable that law enforcement played such an instrumental role in tainting the jury pool by ignoring the consequences of such improper statements, it is easy to understand that they did. **"Our Troopers live in this area and know these people,"** [Lt. Mark Peterson of the Minnesota State Patrol] said. **"An entire community is grieving, because everyone knows each other."**

There will be the same publicity, and likely worse, as the community comments to the Marshall Independent articles have now turned the focus of their ire to attacking not only Ms. Franco, but also her defense counsel.³⁷ The publicity will continue in Lyon County right up to and throughout the trial of this matter.³⁸ It did not end in March, as the State mistakenly asserts. In fact, nor

³⁴ OMF000597: Marshall Independent, Public Forum, 02 27 2008

³⁵ OMF000431: Q102 Willmar, MN, 02 27 2008

³⁶ Exhibit A at OMF000636, Comment to May 30, 2008 Marshall Independent Article: "Franco lawyer files motion demanding speedy [trial]."

³⁷ See Exhibit A at OMF000622, Comment to April 23, 2008 Marshall Independent Article: "Defense: Boyfriend drove van in bus crash" ("Olga, her family *and her lawyer* demonstrate yet again why they don't deserve to be here."); OMF000621, *Id.* ("And now, at our expense she gets to drag these families through the muck of the legal system so they can relive the loss of their kids over and over."). Ironically, a change of venue would significantly alleviate that very concern.

³⁸ In fact, Ms. Franco's case is even cited in other articles, unrelated to her case. See Exhibit A at OMF000632, May 29, 2008 Marshall Independent Article: "Man charged in fatal crash." Of incidental note, the defendant featured in this article was a young white male with *three prior DWIs* who left a friend to die in his vehicle after crashing it and failed to report the accident and whose bail was set at \$80,000 with no conditions, or \$30,000 with conditions including electronic home monitoring and reporting to probation for possible alcohol tests. As the record in this case

has the State ceased making inappropriate comments to the media, now joining in the attacks on defense counsel. "To me it seems strange the defense attorney is attempting to suppress what supports what the defense is," [Lyon County Attorney] Maes said. See Affidavit of Tamara Caban Ramirez and attached Exhibit A at OMF000625, May 16, 2008 Marshall Independent Article: "Judge rules Feb. 21 interview violated Franco's rights; change of venue decision pending."³⁹

Exhibit A, OMF000619-655, is a collection of recent articles, the latest dated May 30, 2008. The set comprises only some thirty pages. In a month's time, more can be submitted. But that's not the point.

When one is desperate to make sense of something so diabolically horrific as happened to this community, a place where "[w]hen someone hurts, we all hurt . . . [w]hen someone grieves, we all grieve," where the "entire community is grieving, because everyone knows each other," where "[w]hether people have children or grandchildren in the school or not, everybody's connected in some way," and where the "[arrest of Olga Franco] will just validate what people have been hearing as far as rumors are concerned," it is unlikely a fair trial is humanly possible.

Yes, "[i]t's good to get the facts." That is what the community believes it has gotten. Because law enforcement told them it is so. But *that* is not "simply

reflects, Ms. Franco's bail was set at \$400,000 without conditions and \$200,000 with conditions. Regardless the ethnic and gender differences, the gross financial disparity at the very least implies the community pressure prevalent in this case.

³⁹ Cf. April 8, 2008 publication of the statement that "Lyon County Attorney Rick Maes said Tuesday he's no longer commenting on the case." FN 23 above (OMF000443: Minneapolis Star Tribune, 04 08 2008).

the way it works.” Because the way *that* works is to so impair the State’s ability – no, *it’s State and Federal Constitutional obligation* – to guarantee the Defendant a fair trial that our justice system simply *cannot* work that way.

To say that a fair trial cannot be had in this community is not to say the community is inherently unfair. In every ordinary circumstance, this community is certainly as fair as any other. But this is an extraordinary circumstance, one in which no community could reasonably be asked to suppress its anger, deny its emotions, bridle its passions, or *disregard* the constantly recycled conclusions of law enforcement, conclusions the community has comfortably accepted as fact in order to comprehend the incomprehensible while letting time pass because that is all that can ease the emotional weight of unbearable tragedy. No community in these circumstances can fairly be asked to be so heroic, that idyllic.

IV. CONCLUSION

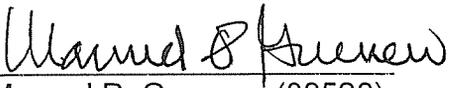
“A motion for continuance or change of venue shall be granted whenever it is determined that the dissemination of **potentially** prejudicial material creates **a reasonable likelihood** that in the absence of such relief, a fair trial cannot be had. **A showing of actual prejudice shall not be required.**” Minn. R. Crim. P. 25, Subd. 3 (2008) (Emphases added).

A fair trial cannot reasonably be expected to be had in a community that collectively suffers its most profound tragedy. Not after local law enforcement officials have publicly declared that they will absolutely not consider anyone other than the Defendant as guilty of the single most important fact necessary to convicting her. Not after they publicly declared that no information exists to even remotely suggest any other person may bear the guilt. And certainly not where they have wrongfully made public what they brandish as Ms. Franco’s purported “confession” of this central fact.

Again, as Mr. Justice Frankfurter observed in *Irvin v. Dowd*, 366 U.S. 717, 730, 81 S.Ct. 1639, 1647, 6 L.Ed.2d 751, 760 (1961), “[h]ow can fallible men and women reach a disinterested verdict based exclusively on what they heard in court when, before they entered the jury box, their minds were saturated by press and radio for months preceding by matter designed to establish the guilt of the accused. A conviction so secured obviously constitutes a denial of due process of law in its most rudimentary conception.” How much more difficult an

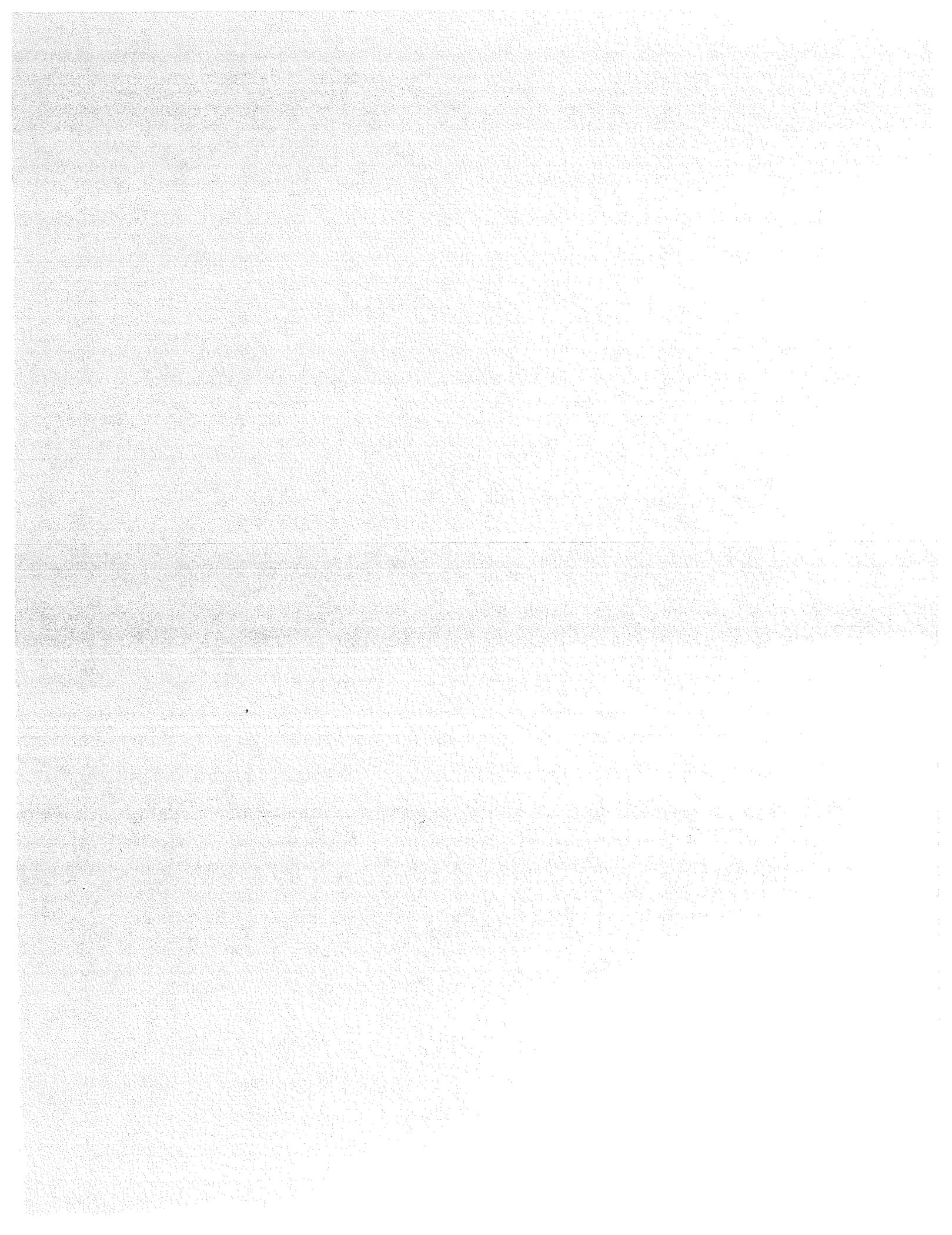
endeavor, if it is possible at all, for jurors from a community that is in its entirety
grieving because, in that community, everyone knows each other.

Respectfully submitted this 10th day of June, 2008


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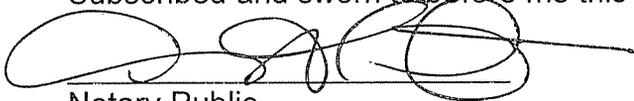


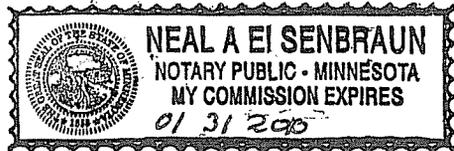
of a statement taken from Ms. Franco linked to one of those articles, all
pertaining to the above-titled case, Bate's numbered OMF000619-OMF000655.

Further your affiant says not.


Tamara Caban Ramirez

Subscribed and sworn to before me this 6th day of May, 2008.


Notary Public



State of Minnesota

v.

Olga Marina Franco del Cid

Court File No. 42-CR-08-220

EXHIBIT A

**To Defendant's *Reply* Memorandum of Law
in Support of Her Motion for a Change of Venue**

<http://www.marshallindependent.com/page/content.detail/id/501122.html>

(Last viewed 06 04 2008)

Defense: Boyfriend drove van in bus crash

By Rae Kruger
POSTED: April 23, 2008

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MARSHALL — It's been said before and hinted at before but this time it was said in court.

Olga Franco was not driving the van that hit the Lakeview School bus in the Feb. 19 fatal crash that killed four students, Franco's lawyer, Manuel Guerrero, said in an omnibus hearing in Lyon County District Court on Tuesday.

Although Minnesota State Patrol Officer Dana Larsen testified in court that he found Franco in the driver's seat, and in an interview with law enforcement Franco said she was the driver, Guerrero said Franco maintains her boyfriend was the driver on Feb. 19.

Franco is charged with four counts of criminal vehicular homicide from an original complaint. Lyon County Attorney Rick Maes on Tuesday provided an amended complaint with the court administrator's office which had not yet been signed by Judge David Peterson.

The amended complaint listed Olga Marina Franco Del Cid, 24, of Minneota as the person charged and included 17 new charges of criminal vehicular injury.

The amended complaint alleges Franco claimed in the Feb. 21 interview with law enforcement her boyfriend was the driver of the van that crashed into the bus. The complaint said there was no evidence to support Franco's claim she was not driving.

Guerrero said because Franco was not the driver, there is no probable cause for the charges. And, Guerrero claimed, law enforcement violated Franco's constitutional rights because she was not read her Miranda rights at the Feb. 19 and the Feb. 21 interviews continued after Franco said she wanted a lawyer.

Larsen testified that Franco was not under arrest when she was interviewed on Feb. 19. Larsen said there was some confusion at the start of the Feb. 21 interview about booking and Franco saying her aunt told her not to talk without a lawyer.

Larsen said interpreter Joe Jensen and an Immigration and Customs Enforcement official clarified that issue and Franco agreed to answer questions. When Franco later asked for a lawyer, the interview stopped, Larsen said.

Whether or not Guerrero's defense statements will have an impact on the probable cause for the charges will wait until after the omnibus hearing is completed.

Judge David Peterson took the case under advisement Tuesday to review probable cause and continued the omnibus hearing to allow additional evidence to be submitted on the Feb. 21 law enforcement interview of Franco.

In response to media questions after Tuesday's hearing, Guerrero said Franco was in the passenger seat of the van, and when the van hit the bus she was thrown into the driver's seat area. Franco used the steering wheel to right herself in the seat, Guerrero said.

Guerrero himself used statements Franco made in the Feb. 21 hearing to support the claim Franco was not driving the van and was asked by media after the hearing if he'd use statements from an interview he said violated Franco's rights.

"It can't hurt me, but as an advocate for my client I must keep it out (in trial)," Guerrero said of using supportive statements from an interview he said violated Franco's rights.

Guerrero said in court and after the hearing his office has found evidence to support Franco's defense. Guerrero outlined the defense for Franco and the supporting evidence in his request to have Franco's bail lowered.

Two witnesses at the scene saw a man running away from the crash, Guerrero said. A 5-year-old student inside the bus said he saw a woman driving the van and a child or small boy beside the woman, Guerrero said.

A woman who was at the crash immediately after the incident saw a man who looked concerned look inside Franco's van, and the witness said she did not know where the man came from, Guerrero said.

Maes stressed in his questions of Larsen that Franco was not under arrest when Larsen and State Patrol Officer Dean Koenen questioned her about the crash. Larsen also said in response to Maes' questions that he found Franco in the driver's seat and that the vehicle's dash had to be pulled away to free Franco.

Maes did not address Guerrero's statements about supporting evidence to support Franco's claim she was not driving the van in his argument to keep Franco's bail at \$200,000.

Maes said he understood now what Guerrero's defense would be but did not believe it applied to the bail issue.

Peterson kept bail at \$200,000.

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Member Comments

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JasonsStorm	
04-23-08 11:10 PM	She said her boyfriend was ejected from the veichle in the crash. Wouldn't he have been plastered against the side of the bus, if he had been ejected? Simple phsyics can contradict her story.
»Report Abuse	
springb513	
04-23-08 8:38 PM	Thank you bleach - very succinct and true statement! It is great to hear the voice of someone who is thinking logically about this horrible situation.
»Report Abuse	
Mama508	
04-23-08 3:18 PM	She should serve time for what she did- there is NO argument in that. But so many people are turning this into a racial/illegal immigrant case. I have heard and read many comments about illegals doing all these bad things. What about the people that are here legally doing those same type of things? Let's just stick to the basics and not let this get out of hand anymore than it already has.
»Report Abuse	
lochoa	
04-23-08 1:10 PM	I agree with all the people that are angre with the out come in the case but lets look at some of teh flaws the probation officers in Montevideo tell there juvinial illigal clients that once they are involved in the court system tehy con't get deported and in the case
»Report Abuse	

JasonsStorm

of franco' she plays teh blaming game and she gets off scot free with no charges and get deported to be in the United dtates in two weeks. who realy is to blame its the law and the bleeding hearts that help this people keep hurting our system. I'm not prejudice I am a realist. charge her and make her do the time here just like New York law works.

Mama508

04-23-08 1:07 PM It's relly nice to hear someone state the truth. Thank you Bleach. I fully agree with you.

[»Report Abuse](#)

bleach

04-23-08 1:00 PM Lay off the system people. It makes you all sound like a bunch of paranoid loose screws. Yes, the evidence obviously points to Olga as the driver and to her blowing the stop sign, and it would be far more comforting if she were to plead out and avoid a messy trial. But the fact is she is being tried in our court system, under our rules. She has the right to defend herself under those rules ... as messed up as her defense appears. Lots of people offer really stupid defenses.

Do you think the families of David Breyfogle or Cory Buchert, the other two criminal murder cases in Lyon County right now, would want a rush to judgment, even though BOTH have admitted to driving illegally?

Our system has been great for more than 200 years, we shouldn't lower ourselves to comparisons with Guatemala, Mexico or other corruption-filled countries just because of anger. I firmly believe Olga is guilty, but let the process play out so fair justice is delivered, not red-neck vigilantism.

rodeo8x

04-23-08 12:30 PM Maybe the families of the children should decide what happens to her!! And people wonder why people are prejudice.. seems illegals have more rights than citizens. GOD BLESS ALL THE FAMILIES AND FRIENDS OF THOSE LOST!!!!!!!!!!!!!!!!!!!!!!

[»Report Abuse](#)

FreeThinker

04-23-08 10:52 AM Had enough yet folks? This is the crap we get for our tax dollars? This woman has no remorse for what she did, and worse she expects sympathy from us. Oh Boo-Hoo my constitutional rights were violated and what constitution would that be Mexico's or Guatemala's? Gee sorry folks but if your here illegally, and you know you are, you drive without a license or insurance and have been caught before doing it it seems pretty obvious she had no concern for our laws or the consequences for breaking them. And now, at our expense she gets to drag these families through the muck of the legal system so they can relive the loss of their kids over and over. Where is the concern for the violation of their rights and they are actual citizens protected by OUR constitution.

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Josie

JasonsStorm

04-23-08 10:49 AM Look at all the picture they took!!! Why does she need to lie... By lying only with hurt her... she need to grow up and face the facts...
[»Report Abuse](#)

rangeral

04-23-08 9:06 AM Has anyone located the boyfriend yet? He needs to be charged as an illegal so that if he ever comes back to the US he spends time in jail. Olga, her family and her lawyer demonstrate yet again why they don't deserve to be here. Where are our senators? In my opinion \$5 million would be the correct bond.
[»Report Abuse](#)

hendermania

04-23-08 9:01 AM Understandably a lot of anger in these comments. However, due process is important, even if the accused is not a U.S. citizen. She may very well be telling lies, but it needs to be up to a judge and jury to decide, not an angry public.
[»Report Abuse](#)

Jojosarmy

04-23-08 8:14 AM Why send her back? She'll just get back in and create more problems.
[»Report Abuse](#)

rona45

04-23-08 7:52 AM All these lies are publicised so she will be able so say the jury is prejudiced at her trial.
[»Report Abuse](#)

Explorer41

04-23-08 7:30 AM This story is so sad, and so is her lawyer. Any cluck can look at the photo's from the scene and clearly see that the overwhelming G forces involved in that van would have thrown her to the passenger side, not the drivers side. Couple that with the fact that the dash would have come in on the driver within a split second of impact puts any doubt to rest as to who the driver was...the one pinned behind it.
[»Report Abuse](#)

Bobbie

04-23-08 7:14 AM The sad thing is that Olga must remember that she had to be cut out of the van, and all the EMS people that seen her there. Why does she think she can lie about it. Send her back after she does time.
[»Report Abuse](#)

ZorroW

04-23-08 4:29 AM Both Olga and her boyfriend should be deported back to Mexico-- but only after serving 50 years in prison.
[»Report Abuse](#)

JasonsStorm

04-23-08 1:20 AM Choo Choo. Olga Franco excuse train express coming on through. Running over the laws and anyone else in her way. Choo Choo
[»Report Abuse](#)

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<http://www.marshallindependent.com/page/content.detail/id/501756.html>

(Last viewed 06 04 2008)

Federal immigration official: Franco not alone in van at time of crash

POSTED: May 15, 2008

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By Rae Kruger

rkruger@marshallindependent.com'>rkruger@marshallindependent.com'>rkruger@marshallindependent.com'>rkruger@marshallindependent.com'>rkruger@marshallindependent.com

MARSHALL — Olga Franco was not alone in the van that authorities said hit the Lakeview School bus in the Feb. 19 fatal crash near Cottonwood, a federal agent said in court in Marshall on Thursday.

Immigration and Customs Exchange special agent Jeremy Christenson said in a Lyon County District Court hearing on the case that ICE learned from interviews from witnesses that Franco, 24, of Minneota was not alone in the van.

But Christenson said in court there was no information to indicate Franco was not the driver.

Christenson said in response to a question from Franco's lawyer, Manuel Guerrero, that at least one witness said the other person in the van was Franco's boyfriend, Francisco Sangabriel-Mendoza, 29, of Minneota.

Both Franco and Sangabriel-Mendoza have been charged with federal counts of identity theft and related crimes.

It is not know where Sangabriel-Mendoza is, Guerrero said after court Thursday.

After the hearing, Guerrero said there are three witnesses who said Franco was not alone in the van. None have said there was another driver, Guerrero said.

One witness said he took the boyfriend away from the crash scene, Guerrero said to media after Thursday's hearing.

Franco is charged with four counts of criminal vehicular homicide in the deaths of four Lakeview students and multiple counts of criminal vehicular homicide for the injured students in the crash. Franco drove the van and did not stop at the stop sign on Lyon County Road 24 at the intersection with Minnesota Highway 23 and hit the school bus, the complaint alleges.

Franco has said she was not driving the van on Feb. 19 and said Sangabriel-Mendoza was driving the van, Guerrero has said multiple times in court and in subsequent statements made later.

A co-worker from Minneota drove Sangabriel-Mendoza away from the crash site and brought him to a house in Minneota, Guerrero said.

Sangabriel-Mendoza was then taken to Willmar from Minneota, Guerrero said.

The man who took the boyfriend from the scene did not witness the crash, Guerrero said. The boyfriend and the man did not talk about why the boyfriend was leaving the crash area, Guerrero said.

"... (boyfriend) was injured. He complained about his back and pain," Guerrero said.

Two witnesses "saw a man running away from the scene," Guerrero said. The witnesses could not say if the man was Franco's boyfriend, he said.

"What they saw was a person running ... on County Road 24," Guerrero said. "They (witnesses) came upon

the accident later (after it happened.)”

Guerrero said he believes the man who drove Sangabriel-Mendoza from the crash scene is still in Minnesota.

He would not provide any additional information on the other two witnesses.

Guerrero has asked the court to allow for depositions to be taken from the three witnesses.

In response to media questions after the hearing, Guerrero said he couldn't speculate on whether or not the witnesses would leave Minnesota or the U.S. and not be available for trial.

Lyon County Attorney Rick Maes declined to comment after the hearing.

Maes has said in a prior story in the Independent his office has no reason to believe Franco was not the driver. Maes said the investigation including that Franco needed to be extricated from the vehicle are reasons why Franco is the driver.

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rangeral	
05-16-08 12:47 AM »Report Abuse	Mama508 - I have been to court several times over the years and served as jury foreman four times so I am not without experience in the judicial system. Reread my first sentence where it says it will take some time for justice to prevail.
Explorer41	
05-15-08 10:43 PM »Report Abuse	Apparently, Gurerrero also knows the 3 "witnesses" are illegal immigrants as well! Why would they leave MN or the U.S simply because they witnessed a crash???
Explorer41	
05-15-08 10:40 PM »Report Abuse	Ummm, Guerrero just happens to know the boyfriend was driven to Willmar...but...for how long before he told authorities? The one who drove him there should also be charged...for harboring a fugative~
Mama508	
05-15-08 9:53 PM »Report Abuse	Okay rangeral- we all know that she was the one driving. Get over yourself already and let the friends and families grieve. Obviously you have never been to or know anything about court- it almost always takes a LONG TIME for the case to be over with. It is going to take awhile but let the justice system do it's work.
rangeral	
05-15-08 5:19 PM »Report Abuse	The saga continues and will go on for some time before some level of justice prevails. Mr. Guerro appears to want the case to revolve around the boyfriend, who no one can find. Either produce him or stop talking about him - the case needs to be tried in court, not in the lawyer's "statements". Some boyfriend!

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<http://www.marshallindependent.com/page/content.detail/id/501768.html>

(Last viewed 06 04 2008)

Judge rules Feb. 21 interview violated Franco's rights; change of venue decision pending

By Rae Kruger
POSTED: May 16, 2008

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MARSHALL — Investigators violated Olga Franco's rights when they interviewed her on Feb. 21 about the Feb. 19 fatal Lakeview School bus crash, Judge David Peterson ruled in Lyon County District Court on Thursday.

Franco had told an Immigration and Customs Exchange agent and a Minnesota State Patrol officer that she was not prepared to talk to them and that her aunt told her a lawyer was coming that day or the next day, court records and Peterson's order of memorandum said. Franco made those statements after her Miranda rights were given to her.

The ruling makes the statements from Feb. 21 inadmissible in court.

Peterson said in his order that Franco clearly used her right to seek a lawyer before answering the investigators' questions on Feb. 21.

Peterson will rule later on three motions from Guerrero — to change the venue for the case, a motion to obtain depositions from three witnesses and a motion for Peterson to consider an original ruling and suppress a Feb. 19 State Patrol interview of Franco. Peterson already ruled that interview was admissible in court.

Franco's co-counsel, Tamera Caban-Ramirez, said after court Thursday that Franco cannot receive a fair trial in Lyon County because of "widespread media attention" and numerous public responses in blogs and in other Internet postings.

A change of venue is also needed because so many friends and family members of those involved in the crash live in Lyon County, Caban-Ramirez said.

Franco's lawyer, Manuel Guerrero, said in a court hearing Thursday that ICE agent Jeremy Christenson "browbeat" Franco to try and get her to admit she was the driver of the van that hit the Lakeview School bus.

"Absolutely not," Christenson responded.

Franco is charged with four counts of criminal vehicular homicide and multiple counts of criminal vehicular injury from the crash.

The complaint alleges Franco was driving and did not stop at a stop sign on Lyon County Road 24 and struck the bus that was traveling on Minnesota Highway 23 on Feb. 19. Franco did not have a driver's license, the complaint alleges.

Lyon County Attorney Rick Maes said Peterson's ruling on the Feb. 21 interview "doesn't matter from my perspective. It doesn't affect the prosecution of the case."

Guerrero said in court Franco repeatedly said to investigators in the Feb. 21 interview that she was not driving and that her boyfriend, Francisco Sangabriel-Mendoza, was.

"To me it seems strange the defense attorney is attempting to suppress what supports what the defense is," Maes said.

Although Peterson ruled the Feb. 21 interview is not admissible as evidence by the prosecution, Guerrero could still use the information in court, Maes said.

If Guerrero makes reference to the Feb. 21 interview in court, Maes said he can then respond to it.

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Mama508

05-16-08 5:46 PM
[»Report Abuse](#) Well, I am at least glad to hear from someone with a little sense. I do have to agree with the fact that it is not right to steal someone's identity. What you may not realize is that not all of those identities are stolen- some are sold from the people themselves for a profit of at least \$1000 or more. Many people don't realize what it costs for them to come here. Didn't all white people come into this country illegally? But I guess that's okay, huh? I would like to see the United States work with Mexico and Central America to help build those countries up so that they wouldn't want to come here. Maybe I will never see or understand the other side of this issue- I just hope that others will be able to see both sides.

Canntt

05-16-08 3:55 PM
[»Report Abuse](#) In response to Mama508, why are you sick and tired of people complaining about illegals? I have no problem with anyone who comes to this country LEGALLY, who goes through the process LEGALLY, learns our language(which by the way is ENGLISH), and makes a better life for themselves. However, when someone is here ILLEGALLY I have a problem with that, I have been to 3rd world countries and have seen what it is like to live there, but that does NOT give anyone the right to come here, steal someone elses' identity, and then expect me to not be upset about this or single them out for what they are.

Mama508

05-16-08 3:13 PM
[»Report Abuse](#) I am so sick and tired of all these people complaining about illegals. Obviously, no one has been to a 3rd world country to see what it is really like and why these people come to the United States. This isn't about her being illegal. She should get what she deserves what she has done- there is NO question in that. I have seen so many people become prejudiced in Marshall and the surrounding area because of Olga. It's not right and I am very disappointed in this town. And by the way, THANK YOU for deleting my comments. I said nothing wrong and was only stating my opinion and the truths that I see everyday here.

FreeThinker

05-16-08 11:21 AM
[»Report Abuse](#) Isn't it funny how the illegals have absolutely NO respect for our laws until they find themselves in a situation they can't lie their way out of. The fact she was interviewed under a false name which is a crime in itself should make the the whole thing null and void. The only people who had their rights violated were the woman whose identity she stole, and the kids she killed.

Bonnie

Mama508

05-16-08 10:47 AM Isn't funny that her rights are violated, she is here illegally, under a stolen name. We live in a wonderful country, this wouldn't happen any where else in the world.
[»Report Abuse](#)

rona45

05-16-08 2:46 AM The local politicians just ignore the questions. They represent you long enough to get your vote then it's Jennieos or any big business that contributes cash towards the political party.
[»Report Abuse](#)

rangeral

05-16-08 12:40 AM Justice will take a while to happen, but in the end justice will be served. Still not seeing much from Amy and Norm on illegal immigration and all the grief that it brings with it.
[»Report Abuse](#)

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(Last viewed 06 04 2008)

Witnesses say Franco not alone in van

By Rae Kruger
POSTED: May 16, 2008

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MARSHALL — Olga Franco was not alone in the van that authorities said hit the Lakeview School bus in the Feb. 19 fatal crash near Cottonwood, a federal agent said Thursday in court in Marshall.

Immigration and Customs Exchange special agent Jeremy Christenson said in a Lyon County District Court hearing on the case that ICE learned from interviews from witnesses that Franco, 24, of Minneota was not alone in the van.

When asked if Franco told him her boyfriend was driving, Christenson said he could not respond unless he could hear the audiotape of a Feb. 21 interview. Christenson said earlier in court that he had no information to believe Franco was not the driver.

Judge David Peterson ruled Thursday the Feb. 21 interview violated Franco's constitutional rights because the interview continued after Franco received her Miranda rights information and she indicated she was not prepared to talk. And she said her aunt had told her a lawyer was coming that day or the next day.

Christenson said in response to a question from Franco's lawyer, Manuel Guerrero, that at least one witness said the other person in the van was Franco's boyfriend, Francisco Sangabriel-Mendoza, 29, of Minneota.

Both Franco and Sangabriel-Mendoza have been charged with federal counts of identity theft and related crimes.

It is not known where Sangabriel-Mendoza is, Guerrero said after court Thursday.

After the hearing, Guerrero said there are three witnesses who said Franco was not alone in the van.

None have said there was another driver, Guerrero said.

One witness said he took the boyfriend away from the crash scene, Guerrero said to media after Thursday's hearing.

Franco is charged with four counts of criminal vehicular homicide in the deaths of four Lakeview students and multiple counts of criminal vehicular homicide for the injured students in the crash. Franco drove the van and did not stop at the stop sign on Lyon County Road 24 at the intersection with Minnesota Highway 23 and hit the school bus, the complaint alleges.

Franco has said she was not driving the van on Feb. 19 and said Sangabriel-Mendoza was driving, Guerrero has said multiple times in court and in subsequent statements made later.

A co-worker from Minneota drove Sangabriel-Mendoza away from the crash site and brought him to a house in Minneota, Guerrero said.

Sangabriel-Mendoza was then taken to Willmar from Minneota, Guerrero said.

The man who took the boyfriend from the scene did not witness the crash, Guerrero said. The boyfriend and the man did not talk about why the boyfriend was leaving the crash area, Guerrero said.

"... (The boyfriend) was injured. He complained about his back and pain," Guerrero said.

Two witnesses "saw a man running away from the scene," Guerrero said. The witnesses could not say if the man was Franco's boyfriend, he said.

"What they saw was a person running ... on County Road 24," Guerrero said. "They (the witnesses) came upon the accident later (after it happened)."

Guerrero said he believes the man who drove Sangabriel-Mendoza from the crash scene is still in Minnesota.

He would not provide any additional information on the other two witnesses.

Guerrero has asked the court to allow for depositions to be taken from the three witnesses.

In response to media questions after the hearing, Guerrero said he couldn't speculate on whether or not the witnesses would leave Minnesota or the U.S. and not be available for trial.

Lyon County Attorney Rick Maes declined to comment after the hearing.

Maes has said in a prior story in the Independent his office has no reason to believe Franco was not the driver.

Maes said investigation results showing that Franco needed to be extricated from the vehicle indicate that Franco was the driver.

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vlamincj

05-18-08 12:36 AM

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i believe she was not the driver i heard the same things 1 day after the accident. but like the law cares they just automatically want to point fingers and put the first name they can think of out there and i agree with the top comment. i am sick of the racist and prejudice comments coming out god i hope my children dont turn out like those ignorant people.

Mama508

05-16-08 3:11 PM

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I am so sick and tired of all these people complaining about illegals. Obviously, no one has been to a 3rd world country to see what it is really like and why these people come to the United States. This isn't about her being illegal. She should get what she deserves what she has done- there is NO question in that. I have seen so many people become prejudiced in Marshall and the surrounding area because of Olga. It's not right and I am very disappointed in this town.

<http://www.marshallindependent.com/page/content.detail/id/501933.html>

(Last viewed 06 04 2008)

Paying tribute on a solemn night

By Rae Kruger
POSTED: May 22, 2008

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COTTONWOOD — The last time all the emergency personnel, law enforcement and medical personnel were together like this was on Feb. 19 for the fatal Lakeview School bus crash at the intersection of Minnesota Highway 23 and Lyon County Road 24.

Tuesday night, they gathered in the gym at Lakeview School in Cottonwood to be honored by an audience, and Lt. Gov. Carol Molnau and Rep. Marty Seifert, R-Marshall. Those honored also included bus driver Dennis Devereaux and the children on the bus that day. The Lakeview district includes the communities of Cottonwood and Wood Lake.

All received certificates in recognition of their actions on Feb. 19.

"...those who were magnificent in what they did to quickly respond..." Seifert said.

"All reached out to help with this tragedy. It boggles the mind how many (people) responded," Seifert added.

When he looked at the audience and saw the emergency personnel and others who responded dressed in their squad clothing, "You get a visual of how many people were involved."

"Some of these folks didn't know if it was going to be their grandkid, their next-door neighbor, someone they went to church with," Molnau said of the significance of the action taken that day.

The responders did their jobs despite the challenges of personal connections to those involved in the crash, Molnau said.

While state officials wanted to honor them, Cottonwood Fire Chief Dale Louwagie said emergency responders were reluctant to receive any accolades Tuesday night.

"They didn't want to be recognized," Louwagie said. "They (said) they didn't do anything out of the ordinary."

Louwagie said he wanted the kids on the bus and Devereaux to be honored.

"They were the heroes," Louwagie said.

Devereaux did receive special recognition for his response in removing the kids from the bus and other actions he took on Feb. 19.

The crowd gave Devereaux a standing ovation when he walked up to receive his certificate from Molnau.

Molnau said the recognition can't change the tragedy or replace what's been lost. She hopes Tuesday night was a way to remind the Lakeview community that others haven't forgotten and are still praying and thinking of them.

Seifert had flown from St. Paul to be in Cottonwood the night of the crash. He saw the Lakeview community begin to pull together that night and knows that support has continued, Seifert said.

When the children on the bus on Feb. 19 came up to get certificates, Molnau said while she knows children are resilient, "you can't help but think of how they are."

The kids no doubt remember the crash and those who died when they see an empty desk or other reminders, Molnau said.

"To see those children running up, getting their certificates, getting something to grab and hold on to, it's the least we can do," Seifert said.

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Bonnie

05-22-08 10:06 AM

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As a member of the Cottonwood community, I just want to say how proud and thankful we are for everyone who was recognized Wednesday evening, and for everyone who attended because they have and are continuing to reach out and give support to the families, the kids and the school.

Bonnie

05-22-08 10:04 AM

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As a member of the Cottonwood community, I just want to say how proud and thankful we are for everyone who was reconized Wednesday eveing, and for everyone who attended because they have and are continuing to reach out and give support to the families, the kids and the school.

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Man charged in fatal crash

By Rae Kruger
POSTED: May 29, 2008

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MARSHALL — Although he had opportunities to do so, a 26-year-old Lynd man did not notify law enforcement of a fatal crash Monday morning in Lyon County, a complaint filed in Lyon County District Court alleges.

William Joseph Boe of Lynd is charged with one count of criminal vehicular operation and open bottle in connection with the fatal crash that killed James Dean Meiners, 43, of Lynd.

The crash was reported by a passerby Monday morning, a law enforcement report in the complaint said.

Boe made his first appearance in court Wednesday.

Lyon County Attorney Rick Maes said more charges could be filed in the case, but it depended on the results of an ongoing investigation.

Authorities did a blood test on Boe, but the results of that are not yet available, Maes said.

"Certainly, that is a key to the possibility of additional charges," Maes said of a blood test.

A county deputy's report contained in the complaint said Boe admitted to drinking alcohol the night before the early Monday morning crash.

Meiners is the seventh fatal victim in four motor vehicle incidents that have generated charges since February in Lyon County.

Boe is the fourth defendant to be charged in an incident involving a fatality.

Maes said Boe had three opportunities to report the crash but did not report it.

Boe told law enforcement he could not find his cell phone, a police report in the complaint said. Boe also said he was able to talk to Meiners before he left the car, and Meiners wanted to stay in the car while Boe went for help.

Boe said the crash happened at about 11 p.m. after he and Meiners left the Lyndwood bar in Lynd and decided to go to Goose Lake, a report contained in the complaint said. Boe said the crash happened on the way to the lake, a report contained in the complaint said.

The crash was reported by a passerby who saw Boe's vehicle in the field and saw Meiners, who appeared to be dead, Maes said.

The complaint alleges Boe was driving the vehicle in the one-car crash reported at 6:35 a.m. Monday on Lyon County Road 4, about one-half mile west of Lyon County Road 13.

Boe left the crash scene and walked to a farm where he knew the residents and asked for a ride home at about 5:47 a.m. Monday, the complaint alleges. A resident of the farm said Boe said there had been an accident and said Meiners must have gotten a ride from someone else, the complaint alleges.

When Boe was home in Lynd he did not report the crash, the complaint alleges. Boe also did not report the

crash later while at his brother's home in Lynd, the complaint alleges.

"When law enforcement found Boe, he was getting a pop from a machine (in Lynd)," Maes said.

Boe told law enforcement he had been drinking alcohol prior to the crash, a report in the complaint said.

Boe also smelled of alcohol when law enforcement interviewed him, Maes said.

Multiple beer cans were found on the ground near the car and inside the car, the complaint said.

Maes said the charges and the incident differ from two other fatal crashes and a hit-and run incident where two men and one woman were charged with criminal vehicular homicide.

Olga Franco, 23, of Minneota, was charged with four counts of criminal vehicular homicide in the Feb. 19 Lakeview School bus crash that killed four students.

David Breyfogle, 32, of Taunton was charged with criminal vehicular homicide in the Feb. 29 hit-and-run death of Norma Traen, 72, of Taunton.

Cory Lee Buchert, 30, of Russell was charged with criminal vehicular homicide in the Sept. 3 all-terrain vehicle crash that killed Nicole Rathje, 27, of Marshall. Buchert was charged in March.

Buchert and Breyfogle were under the influence of alcohol, their complaints allege.

Maes said there was less information available on alcohol use and the timing of the use in Boe's case. The case is still under investigation, Maes said.

Judge Lee Bush set Boe's bail at \$80,000 with no conditions and \$30,000 with conditions that included an option for electronic home monitoring with an alcohol sensor or daily reporting to probation for possible alcohol tests.

Boe told Bush that he had never missed a court appearance on prior charges against him. Boe also confirmed in court that he had a full-time job with a road contractor.

Boe has three prior DWIs, Bush said in court.

Boe said he did not have any comments when Bush asked him if he had further comments after bail was set.

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callie9176

06-03-08 11:53 AM

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nobody but william knows what happened before and after the accident... you can't judge him by what you are reading... he was hurt in the accident also.. the paper is not telling you the entire story he may have had many chances to tell someone about the accident, but what about the farmer that he got a ride from he could have driven by even though he was told jim was okay, just to see... I do agree that there needs to be tougher laws on dwi's but i also agree that NOBODY should be drinking and driving and if you are you are putting yourself and others at risk of death or great bodily harm!! i am not saying that i have never had a couple drinks and went home i am saying that it should not be done but it is every single day and those people are putting everyone that's on the road at risk.. just because you haven't gotten caught doesn't mean you can place judgement upon someone who has...

callie9176

know the ENTIRE story before you assume he "left him for dead" because he didn't...

maddad

05-31-08 11:16 AM There are many differences between me and "this young man", the biggest one being I haven't killed anybody while drinking and driving.
[»Report Abuse](#)

LuMarie

05-30-08 2:29 AM Apart from the crash and the DWI, William Boe went home and left his friend there either to die or already deceased. Some friend Boe was! Is he even human?
[»Report Abuse](#)

krenee

05-29-08 9:14 PM Please stop condemning this young man until you have all of the facts. As for the DWI's the only difference between this young man and you is he was pulled over. How many of you can say that you have never drank a few beers or drinks and then driven home. Yes I agree they need to do something about the laws but some of you better look in the mirror or across the table before you speak.
[»Report Abuse](#)

GaleLacek

05-29-08 2:09 PM Knowi9ng this man for twenty years and then a ridiculous thing like this takes a life,why,why,because our court system lets these drunk drivers offend and offend and offend notice how many prior dwi's,why in the*****was he able to drive?This could have been your child!!!!!!
[»Report Abuse](#)

LuMarie

05-29-08 10:05 AM LuMarie 05-29-08 12:23 AM I believe the laws relating to DWI's, DUI's, vehicular manslaughter & vehicular homicide need to start getting alot tougher. After 3 DWI's did this William Boe have a valid driver's license? And, if so WHY?
[»Report Abuse](#)

BobbiJo

05-29-08 9:19 AM I agree w/ both of these statements, however if you let drunk drivers off from going to prison and use the breath detection device only, who's not to say they won't have a friend blow in it for them... Why not get more of the "cab systems" to work more than just weekend bar hours?
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RARAEK

05-29-08 6:48 AM "One and done" wouldn't make a difference. There are literally hundreds of drivers have no license and continue to drive. The breath detection device makes more sense than putting these offenders in prison where they can be "rehabilitated" at taxpayer expense.
[»Report Abuse](#)

rangeral

05-29-08 12:13 AM I would also recommend consulting with Sheriff Joe Arpio in Arizona so that the drunken driving prison could be self-suporting

callie9176

»[Report Abuse](#) and worse than drying out!

rangeral

05-29-08 12:10 AM

»[Report Abuse](#)

"one and done" should be the story from the state legislature on drunk driving - if you get picked up and convicted of drunk driving, you lose your license period. If you kill or injure someone while driving drunk you should go to prison for at least 20 years. When you get out you can only drive if your car has a breath detection device. If you get caught again, then you go to jail for another 5 years minimum. This guy has three priors for drunk driving so there is no reason he should even be out of prison. I know Minnesotans like to drink but the time is now to stop driving when doing so. Write your legislators and tell them you are mad as*****and they need to step up to the plate!

You must first login before you can comment.

<http://www.marshallindependent.com/page/content.detail/id/502137.html>

(Last viewed 06 04 2008)

Franco lawyer files motion demanding speedy

By Rae Kruger
POSTED: May 30, 2008

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MARSHALL — Manuel P. Guerrero, the lawyer for the woman charged in the deaths of four students in the Feb. 19 Lakeview school bus crash, has filed a motion to demand a speedy trial for his client.

Olga M. Franco, 24, of Minneota has been in the Lyon County Jail since her arrest on Feb. 20. Franco is charged with four counts of criminal vehicular homicide.

The motion was filed this week.

Guerrero cited the length of Franco's jail stay as one reason for a speedy trial, a copy of the motion said.

Guerrero also said Lyon County Attorney Rick Maes has failed to return phone calls from the defense lawyers and has failed to provide all discovery materials, the motion said. Guerrero specifically cited the failure to provide the reconstruction of the accident and brake reports, the motion said.

"I'm not really sure where (Guerrero's) coming from," Maes said Thursday.

Maes said he spoke with Guerrero earlier this week about a scheduled appointment for a brake inspection. Guerrero wants to be at that inspection or have someone at the inspection, Maes said.

Guerrero has also been told the reconstruction report won't be completed and given out until after the brake inspection has been completed, Maes said.

"We've known that since the second hearing," Maes said.

Maes said he has returned all of Guerrero's telephone calls.

"I've had more contact with him than most criminal attorneys," Maes said.

Guerrero has demanded a speedy trial be set within 60 days of May 21.

— Rae Kruger

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Member Comments

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lccat1

05-31-08 4:01 PM Again "our" FAMILIES are at the mercy of ILLEGALS and their Anchor Babies being murdered, raped, infected with disease, or robbed. We can see the results of the ILLEGAL invasion in our courts every day! But NOT to worry the Chamber of Commerce will get their "cheap labor" increasing "their privatized" PROFITS, thanks to Bush, the Congressional Leadership, State and Local
[»Report Abuse](#)

lccat1

elected and appointed officials!!

JasonsStorm

05-30-08 11:54 PM All this crap that Guerrero is saying, makes me wonder who hired him. They're probably need to be here illegally too.

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rangeral

05-30-08 11:51 PM What are Amy Klobuchar and Norm Coleman doing to solve the illegal alien situation? Write to them or call their offices often - they need a wake up call! Sorry "Concerned" - I am not prejudiced, I am just asking that our laws be enforced, our borders sealed against those coming here illegally or overstaying their visas and that illegal criminals be punished. We do need action in Congress - the Ted Kennedy solution was full of wholes and was not comprehensive or fair to Americans. What is your solution?

[»Report Abuse](#)

wantstoknow

05-30-08 10:46 PM I do not understand how she has rights when she is not a legal citizen. Such is the democratic process, I suppose. People are forgetting others whos lives have forever been affected by this tragedy -- the rights of all other children who were in that bus and are STILL dealing with emotional and physical injuries. What about the families of all of those children? Have any one of those families, especially those whose children were KILLED, gotten an apology from Franco? Regardless of whether she was driving or not, she was still involved in that crash. She LIED about who she was and she LIED about what happened in the accident. (She said that the bus hit her? GIVE ME A BREAK!) I have no sympathy for her.

[»Report Abuse](#)

Bonnie

05-30-08 8:26 PM We hope she does get a speedy trial, because until she does, the families, and all of the children hurt and suffering from loss will not have closure.

[»Report Abuse](#)

cozy123

05-30-08 4:53 PM She has a right to a speedy trail because she is in the USA. It is tragic that children were killed, but she still has rights because she is in the USA.

[»Report Abuse](#)

volemt

05-30-08 3:20 PM There is not a whole lot but negativity to say about this. Why does she have any rights at all? She's NOT a legal citizen for crying out loud. Would WE get the same treatment she's getting if WE did this in another country where we were living illegally??? I think not. I do feel for the families of the victims, however, I do not feel bad for Olga.

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ZorroW

05-30-08 1:30 PM The borders are useless and we can thank George Bush for that.

[»Report Abuse](#)

Iccat1

[»Report Abuse](#)

Concerned

05-30-08 1:17 PM You all make me so sad. There is so much incredible heartbreak surrounding this horrible accident. I have to believe that your heart can ache for all of the families and friends affected without spewing hatred throughout our community. Find it in your heart to keep your prejudiced feelings to yourself instead of elevating the level of pain in our community. You can't honestly be concerned about money in this situation, it's just something else for you to grab onto and spread negativity. If you don't have something comforting to say why say anything?
[»Report Abuse](#)

LuMarie

05-30-08 12:07 PM She sneaks into our country illegally, she steals the identity of another woman, she kills "our" children and then "we" get to pay for her defense with "our" tax dollars.
[»Report Abuse](#)

FreeThinker

05-30-08 11:45 AM We the people is where the money is coming from. What I would like to know is why someone who is here illegally gets better representation than a citizen? Oops I suppose thats not "Politically Correct" to ask that. Oh well.
[»Report Abuse](#)

rangeral

05-30-08 10:18 AM I'd like to know where the money is coming from to pay this defense lawyer - it is obvious that the alleged was not in an economic situation to afford a private attorney. Sounds like our state's attorney is taking all the "demands" in stride and is working to make sure justice is served.
[»Report Abuse](#)

Bonnie

05-30-08 10:09 AM It seems to me as if this lawyer is trying to cause turmoil, and make our law enforcement look bad, but he isn't going to do it.
[»Report Abuse](#)

LuMarie

05-30-08 2:24 AM Demanding a speedy trial? Haven't we all wanted that! Throw her in jail already!
[»Report Abuse](#)

http://www.marshallindependent.com/page/content_detail/id/502150.html

(Last viewed 06 04 2008)

Short Takes

Thumbs up. thumbs down

POSTED: May 30, 2008

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A scary, sad trend continues

THUMBS DOWN: While no one has been convicted yet in any of the four cases, it is a grim trend developing in Lyon County Court — one that should stir a response from our community and region.

The trend? Now four cases involving criminal allegations against a motorist involved in a vehicle fatality. The latest became William Boe, 26, of Lynd, who was charged Thursday in a crash that killed James Meiners, 43, on Monday.

Boe was charged with criminal vehicular operation and other crimes, and not yet with the higher-level crime of criminal vehicular homicide, although the county attorney is leaving the door open to other charges.

The other three cases — involving the Lakeview school bus crash, the death of a woman after an incident on an ATV near Russell, and the death of a Taunton woman — all have led to criminal vehicular homicide charges against the suspects.

In at least three of the cases, alcohol is alleged to have been a factor. In at least two, prosecutors say the suspect fled the scene. In another, prosecutors say, the driver abandoned the victim. And in the most publicized, the driver was an alleged illegal immigrant who, the DEFENSE says, may not have been driving (we disagree with that contention).

At any rate, you get the picture: Allegations that say four people in no shape or position to be driving were doing so all the same, and their driving led to other people's deaths.

Let's say enough right now, let's say enough as a region and as people who care about one another: Let's not have a summer of more of these cases.

How do we do that? It has to become an attitude, the kind some other countries have adopted — where drinking and driving simply aren't tolerated.

We assure that potentially drunken drivers or other illegal drivers don't get the opportunity — we get aggressive on their keys, we let law enforcement know if we know an impaired driver is on the road, we hope for criminal justice that tightens the driving capabilities of repeat offenders.

We encourage people not to leave scenes of crashes, even if they may face criminal charges of some sort.

We become more aware, all of us, of the perils of impaired driving — not just to the motorist but to potential victims. That means education, discussion and action.

Hard work? Maybe, but we'd better follow up.

Let's not let this county become known for the number of criminal vehicular cases piling up in court.

Keeping the public involved

THUMBS UP: We are encouraged that hospital board and city officials have plans in place to keep the public involved in discussions and studies about the possible sale of Avera Marshall Regional Medical Center. It is also good that they are open to the idea of public meetings if the public expresses the interest.

It is a city-owned hospital, so city taxpayers — as well as patients from around the region — have a stake in its future. Better for the short and long terms to have that stake openly discussed.

There can be complications if residents even think things are being done in secret or without public input, as apparently happened earlier this year with Worthington's hospital sale. We are glad to see Avera Marshall Board Chairman Mike Rich candidly saying he wants this to be a public process.

A hold on local sales taxes

SIDEWAYS THUMB: The idea has been mulled for some time, often quietly or as a possible way to help fund local projects, but the notion of a local option sales tax will have to wait at least two years.

DFLers in the Legislature were able to place a two-year moratorium on local sales taxes, Rep. Marty Seifert, R-Marshall, said.

It may be all right in the current economic environment, but on the other hand, it could also be a good tool for local public works in those same conditions — other communities have used a small local sales tax for library renovations, amateur sports facilities and, in the best-known case, to help build the new Twins stadium.

But with the moratorium, Marshall couldn't seek one until 2010, and even then, under current law, it would still have to pass other hurdles, such as a local voter referendum.

Congrats to soon-to-be graduates

THUMBS UP: There are a lot of talented students in the 2008 Marshall High School class, which graduates Saturday — kids gifted musically, academically, on stage, in FFA, and in many other areas.

We were impressed earlier this year when we spoke with some of the class leaders about the class song they chose — a Matchbox 20 rock tune that challenges today's generation to take the lead on critical issues in our country and society. It has some tough-edged lyrics, but the class voted for it because they saw the goals it lays out.

We congratulate the whole class on what they've done, and wish them well in what is ahead.

http://www.wctrib.com/articles/index.cfm?id=38046§ion=News&freebie_check&CFID=42808074&CFTOKEN=38371729&jsessionid=8830f7c385f01948486d

(Last viewed 06 04 2008) (Note: Clicking on "Collection: Cottonwood Bus Crash" takes one to the comment blog included 2-9, and after each such article.)

Defendant's lawyer asks for speedy trial in Cottonwood bus crash

West Central Tribune
Published Friday, May 30, 2008

MARSHALL, Minn. (AP) - The lawyer for the woman charged in the fatal bus crash in southwestern Minnesota has filed a motion demanding a speedy trial for his client.

Olga Marina Franco del Cid of Minnesota has been in the Lyon County Jail since her arrest on February 20. She's charged with four counts of criminal vehicular homicide.

RELATED CONTENT

Attorney Manuel Guerrero cites the length of her stay, says prosecutors have failed to return phone calls and provide him with their evidence against his client.

 [Collection:](#)

[Cottonwood bus crash](#) Guerrero is demanding the trial start within 60 days of May 21st.

 [Add a comment](#)

Lyon County Attorney Rick Maes says he's returned Guerrero's calls and will provide the accident reconstruction report mentioned in his filing when it's completed.

Four children from Lakeview School in Cottonwood died when a van ran a stop sign and hit their school bus February 19. Prosecutors say Franco was driving the van, but she claims it was her boyfriend. He hasn't been found.

Information from: Independent, <http://www.marshallindependent.com>

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West Central Tribune Online

(Last viewed 06 04 2008)

Collection: Cottonwood bus crash

Defendant's lawyer asks for speedy trial in Cottonwood bus crash

05/30/2008 10:00 AM

MARSHALL, Minn. (AP) - The lawyer for the woman charged in the fatal bus crash in southwestern Minnesota has filed a motion demanding a speedy trial for his client.

RELATED CONTENT

 [Collection: Cottonwood bus crash](#)

 [Add a comment](#)



Olga Marina Franco del Cid (alias Alianiss Nunez Morales)

Woman accused in Cottonwood fatal crash indicted on federal charges

04/24/2008 12:00 PM

MINNEAPOLIS (AP) — The woman accused of causing a bus crash that killed four students in southwestern Minnesota was indicted Wednesday on charges that she used another woman's identification documents to get jobs.

RELATED CONTENT

 [Franco indictment](#)

 [Collection: Cottonwood bus crash](#)

 [Article comments](#)

(10)

Lawsuit stemming from local ICE arrests gets smaller

04/24/2008 12:00 AM

MINNEAPOLIS — A federal lawsuit from last year's immigration raid in Willmar was whittled down Wednesday when a judge dismissed counts against the U.S. government and authorities acting in their government roles.

RELATED CONTENT

 [Article comments](#)

(23)

 [Collection: Cottonwood bus crash](#)

Cottonwood case defendant claims boyfriend was driving van in fatal crash



Olga Marina Franco del Cid (alias
Alianiss Nunez Morales)

04/23/2008 12:00 AM

MARSHALL, Minn. (AP) - A woman charged with causing a school bus crash that killed four students claims that she was in the passenger seat of a van at the time of the wreck - not behind the wheel as prosecutors allege.

RELATED CONTENT

 [Collection: Cottonwood bus crash](#)

 [Article comments](#)

(35)



Olga Marina Franco del Cid (alias
Alianiss Nunez Morales)

Federal charges filed against suspect in fatal school bus crash; boyfriend being sought

03/01/2008 12:00 AM

MINNEAPOLIS (AP) - Federal prosecutors filed identity theft charges on Friday against the woman accused in a school bus crash that killed four students.

RELATED CONTENT

 [Collection: Cottonwood bus crash](#)

 [Talk: Comments on 'Van driver arrested in fatal Cottonwood bus crash'](#)

 [Photo gallery: Cottonwood bus crash case](#)

As last crash victim laid to rest, town overwhelms with cupcakes

02/29/2008 12:00 AM

COTTONWOOD, Minn. (AP) - Faced with one of the worst tragedies imaginable, this small southwestern Minnesota town responded by making cupcakes. A lot of cupcakes.

RELATED CONTENT

 [Collection: Cottonwood bus crash](#)

 [Photo gallery: Cottonwood bus crash victims](#)

 [Talk: Comments for students and families of Lakeview School of Cottonwood](#)

Federal charges filed against suspect in fatal school bus crash; boyfriend being sought



Olga Marina Franco del Cid (alias Alianiss Nunez Morales)

02/28/2008 12:00 AM

MINNEAPOLIS (AP) - Federal prosecutors filed identity theft charges on Friday against the woman accused in a school bus crash that killed four students.

RELATED CONTENT

 [Photo gallery: Cottonwood bus crash case](#)

 [Talk: Comments on 'Van driver arrested in fatal Cottonwood bus crash'](#)

 [Article comments \(2\)](#)



Olga Marina Franco del Cid (alias Alianiss Nunez Morales)

Woman driving van in bus crash that killed four students lived in Willmar recently

02/27/2008 12:00 AM

WILLMAR — The woman charged with four counts of criminal vehicular homicide in the Cottonwood school bus crash lived in Willmar as recently as Jan. 16.

RELATED CONTENT

 [Talk: Comments on 'Van driver arrested in fatal Cottonwood bus crash'](#)

 [Collection: Cottonwood bus crash](#)

 [Photo gallery: Cottonwood bus crash case](#)

Funeral held for two brothers killed in Cottonwood bus crash



Javens' brothers funeral

02/26/2008 12:00 AM

COTTONWOOD (AP) - The two brothers killed in the crash were remembered at their joint funeral service Monday.

RELATED CONTENT

 [Talk: Comments for students and families of Lakeview School of Cottonwood](#)

 [Collection: Cottonwood bus crash](#)



Olga Marina Franco del Cid (alias
Alianiss Nunez Morales)

Immigration officials identify van driver in fatal bus crash

02/26/2008 12:00 AM

MINNEAPOLIS (AP) — The van driver who authorities said gave them a fake name following a fatal bus crash has been identified as a 24-year-old woman from Guatemala, Immigration and Customs Enforcement officials said Monday.

RELATED CONTENT

 [Collection: Cottonwood bus crash](#)

 [Photo gallery: Cottonwood bus crash case](#)

 [Talk: Comments on 'Van driver arrested in fatal Cottonwood bus crash'](#)

[WEB PAGE TWO]

<http://www.wctrib.com/collections/index.cfm?collection=cottonwoodbuscrash>

(Last viewed 06 04 2008)

Collection: Cottonwood bus crash



Olson funeral

First funeral for students killed in bus crash held in Cottonwood, Minn.

02/25/2008 12:00 AM

COTTONWOOD, Minn. (AP) - More than 1,000 people on Sunday attended the funeral of Emilee Olson, one of four students killed earlier this week in a bush crash.

RELATED CONTENT

 [Emilee Olson](#)

 [Olson balloon release](#)

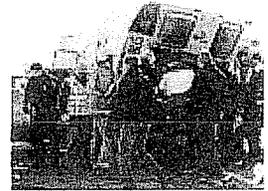
 [Talk: Comments for students and families of Lakeview School of Cottonwood](#)

 [Photo gallery: Cottonwood bus crash victims](#)

 [Photo gallery: Cottonwood bus crash case](#)

 [Collection: Cottonwood bus crash](#)

Driver who knew all his kids recalls 'awful' scene



Crash

02/23/2008 12:00 AM

MINNEAPOLIS — Bus driver Dennis Devereaux had already made his regular stops at a daycare and at the trailer court on Tuesday. He was taking little Bryce to his grandparents' house when a van came at him, and didn't seem to be stopping.

RELATED CONTENT

 [Talk: Comments for students and families of Lakeview School of Cottonwood](#)

 [Collection: Cottonwood bus crash](#)



Unknown (alias Alianiss Nunez Morales)

Woman without driver's license charged with vehicular homicide

02/23/2008 12:00 AM

MINNEAPOLIS — A woman who authorities say did not have a driver's license and was using a false identity was charged Friday with four counts of criminal vehicular homicide in a school bus crash that killed four children.

RELATED CONTENT

 [PDF: Charges against van driver](#)

 [PDF: Interview of van driver](#)

 [PDF: Interview of bus driver](#)

 [Talk: Comments on 'Van driver arrested in fatal Cottonwood bus crash'](#)

 [Collection: Cottonwood bus crash](#)

Woman charged with four felonies in fatal bus crash



Olga Marina Franco del Cid (alias Alianiss Nunez Morales)

02/22/2008 12:00 AM

MINNEAPOLIS (AP) — A Minnesota woman was charged Friday with four counts of criminal vehicular homicide and two lesser charges in a school bus crash that killed four children, authorities said.

RELATED CONTENT

[Article: Woman arrested in crash that left 4 dead](#)

[Talk: Comments on 'Van driver arrested in fatal Cottonwood bus crash'](#)

[Photo gallery: Cottonwood bus crash victims](#)

[Collection: Cottonwood bus crash](#)



Hunter Javens

The four students who died in Cottonwood bus crash

02/21/2008 12:00 AM

The four Lakeview School students killed in Tuesday's school bus crash near Cottonwood, Minn., were Emilee Olson, 9, of Cottonwood; brothers Hunter Javens, 9, and Jesse Javens, 13, both of Cottonwood; and Reed Stevens, 12, of Marshall.

RELATED CONTENT

[Reed Stevens](#)

[Jesse Javens](#)

[Emilee Olson](#)

[Talk: Comments for students and families of Lakeview School of Cottonwood](#)

[2 brothers among victims of Cottonwood bus crash](#)

[Collection: Cottonwood bus crash](#)

Update: Students and staff meet with grief counselors



Cottonwood school scene

02/20/2008 12:00 AM

Noon Update

COTTONWOOD, Minn. (AP) - Students and staff streamed into a southwestern Minnesota school Wednesday to meet with grief counselors, a day after four students were killed in a bus crash.

RELATED CONTENT

-  [Bus crash in southwestern Minnesota leaves four people dead](#)
-  [Minnesota officials say school buses are safe even without seat belts](#)
-  [Talk: Comments for students and families of Lakeview School of Cottonwood](#)
-  [Photo gallery: Cottonwood bus crash](#)
-  [Collection: Cottonwood bus crash](#)

Minnesota officials say school buses are safe even without seat belts

02/20/2008 12:00 AM

ST. PAUL (AP) - School buses are the safest way for children to travel to and from school, even if they don't have seat belts, safety experts said.

RELATED CONTENT

-  [Talk: Comments for students and families of Lakeview School of Cottonwood](#)
-  [Photo gallery: Cottonwood bus crash](#)
-  [Collection: Cottonwood bus crash](#)



News conference

Update: Two brothers among dead in Cottonwood bus crash; All four victims IDed

02/20/2008 12:00 AM

2 p.m. Update

COTTONWOOD, Minn. (AP) — Two brothers were among the four students killed in a southwestern Minnesota school bus crash, authorities said Wednesday. A third student was the daughter of a teacher, and a fourth was the son of a former teacher.

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-  [Update: Students and staff meet with grief counselors](#)
-  [Minnesota officials say school buses are safe even without seat belts](#)
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-  [Collection: Cottonwood bus crash](#)

Bus crash in southwestern Minnesota leaves four people dead



"A sad night for Minnesota"

02/20/2008 12:00 AM

COTTONWOOD (AP) — A school bus and several other vehicles crashed in southwestern Minnesota Tuesday, killing four students and forcing the first-arriving motorists to rush some of the injured to nearby hospitals.

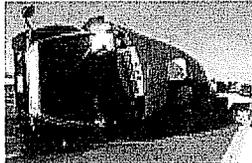
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 [Update: Minnesota officials say school buses are safe even without seat belts](#)



Bus crash scene

Update: 4 students reported dead in Cottonwood school bus crash

02/19/2008 12:00 AM

Update 9 p.m.

COTTONWOOD, Minn. (AP) Authorities say four students have been killed in a school bus crash in southwestern Minnesota.

RELATED CONTENT

 [Talk: Comments for students and families of Lakeview School of Cottonwood](#)

 [Photo gallery: Cottonwood bus crash](#)

 [Collection: Cottonwood bus crash](#)

 [Tell us your story about the Cottonwood bus crash](#)

1 ICR #08300228 Statement Taken From Alianiss Nunez Morales
2 By Trooper Dana Larsen, SP307 and Sgt. Dean Koenen,
3 SP431, Minnesota State Patrol
4

5 Statement Date: February 19, 2008 at 1915 Hours

6 Location: Avera Marshall Hospital
7

8 Inaudible conversation.
9

10 SP307: He with you or just a friend or?

11 Interpreter: Inaudible. This is her birthday right here. Ah. Boyfriend, (inaudible).
12 Melindez.
13

14 SP307: Okay.
15

16 Interpreter: Right there. Alianiss Nunez Morales. Inaudible.
17

18 SP307: Okay.
19

20 Interpreter: And this her birth date right there.
21

22 SP307: Okay.
23

24 Interpreter: D O B, I put over here.
25

26 SP307: Okay.
27

28 Interpreter: And um, ah. Inaudible.
29

30 SP431: She have a Minnesota driver license?
31

32 SP307: Can you ask her if she has a Minnesota driver's license please?
33

34 Interpreter: Inaudible. No.
35

36 SP431: Any driver's license?
37

38 Interpreter: Inaudible.
39

40 AM: Inaudible.
41

42 Interpreter: No. Not a (inaudible).
43

44 SP307: Ah. Who are you?
45

46

47 Interpreter: I am the interpreter for the hospital.
48
49 SP307: Oh. Okay.
50
51 Interpreter: And I am the interpreter also for the police department here in town.
52
53 SP307: Okay.
54
55 Interpreter: For the hospital, (inaudible) community, town and the police department.
56
57 SP307: Okay. Huh? Can you ask her whose vehicle it is?
58
59 Interpreter: Inaudible.
60
61 AM: Inaudible.
62
63 Interpreter: It belongs to her boyfriend.
64
65 SP307: Okay. Can you ask her where she was going?
66
67 Interpreter: Ah. She was on her way to work though, I mean, sir. She already told
68 me. She already told me she was on her way to work to cab, cabinetry.
69
70 SP307: Okay.
71
72 Interpreter: In Norcraft. She was about two blocks from her work. That's what she
73 said. She was. She said was on her way to work.
74
75 SP307: Okay. Ask. Can you ask her what time she was suppose to be there?
76
77 Interpreter: Inaudible.
78
79 AM: Inaudible.
80
81 Interpreter: At 4:00.
82
83 SP307: Okay. Can you ask her if she was running late?
84
85 Interpreter: Inaudible.
86
87 AM: Inaudible.
88
89 Interpreter: No. She was not.
90
91 SP307: Okay. Can you ask her what happened? Does she remember what
92 happened?

93
94 Interpreter: Inaudible.
95
96 AM: Inaudible.
97
98 Interpreter: Yes. She said she remembers.
99
100 SP307: Okay. Can she tell us?
101
102 Interpreter: Inaudible.
103
104 AM: Inaudible.
105
106 Interpreter: I was driving to cabinet. At the beginning, she told me I was driving. She
107 did her stop and then when she started moving and she starting driving,
108 seen a bus came in and con(inaudible) her and that's when the crash
109 (inaudible).
110
111 SP307: Okay. All right. We're just about done. So. If I understand this right,
112 she said she was driving.
113
114 Interpreter: Mmm. Mmm.
115
116 SP307: And then what after that?
117
118 Interpreter: And she, she'd made her stop.
119
120 SP307: Okay.
121
122 Interpreter: She said her stop and then when she took off, the bus, when she was
123 driving already,
124
125 SP307: Mmm. Mmm.
126
127 Interpreter: after she did the stop, the bus came on to her
128
129 SP307: Okay.
130
131 Interpreter: and hit her. That's what she said. That's how I know. I told you.
132
133 SP307: Okay.
134
135 Interpreter: That's what she's been telling me. That's how I know.
136
137 SP307: How long has she worked at Norcraft?
138

139 Interpreter: Inaudible.
140
141 AM: She just started, been there for a month.
142
143 SP307: Okay. Phone rings. Does she want to get that?
144
145 Interpreter: Inaudible. No, she already say (inaudible) at the hospital. She had her
146 seatbelt and that's probably why her chest hurts, yeah know, because the
147 seatbelt but (inaudible).
148
149 SP307: Inaudible.
150
151 Interpreter: She said she was crash today, into the van.
152
153 SP307: Mmm. Mmm. Okay. Anything else?:
154
155 SP431: You always drive to work?
156
157 Interpreter: Inaudible.
158
159 AM: Inaudible.
160
161 Interpreter: No.
162
163 SP431: How many times has she been on that road?
164
165 Interpreter: Inaudible.
166
167 AM: Inaudible.
168
169 Interpreter: It was the first time.
170
171 SP307: Okay.
172
173 SP431: And then did you write your names on there for me please?
174
175 Interpreter: Sure.
176
177 SP431: Is her boyfriend here?
178
179 Interpreter: Inaudible. We've been trying to call him on the phone.
180
181 SP431: Is her working?
182

183 Interpreter: Um. She said he stay home today because he was sick and I've been
184 trying to, he gave, she gave me two numbers and I put 'em in my cell and
185 I've been trying to contact him and there's no answer.
186
187 SP431: Okay.
188
189 Interpreter: On either one of them.
190
191 SP307: And you are from Marshall?
192
193 Interpreter: I live in Marshall.
194
195 SP307: Okay.
196
197 Interpreter: 320 South Sixth Street.
198
199 SP307: South what? Sixth?
200
201 Interpreter: South Sixth Street. Just a couple of blocks on (inaudible) apartment.
202
203 SP431: You've translated for the police department before?
204
205 Interpreter: I do that.
206
207 SP431: Okay.
208
209 Interpreter: I do that since 1994 sir.
210
211 SP431: And you know Joe Jensen?
212
213 Interpreter: I know everybody in the police department. I know Joe Jensen and the
214 dispatchers and Kathy and everybody there, yeah know.
215
216 SP431: Okay.
217
218 Interpreter: Yes sir.
219
220 SP431: If you, ah. If you do come in contact with his. Does her boyfriend speak
221 English?
222
223 Interpreter: Inaudible.
224
225 AM: Inaudible.
226
227 Interpreter: A little bit she said.
228

