

On July 17th, 2012, Detective Jeff Rokeh submitted an Amended Complaint, which included the same information as outlined in the original complaint, with the addition of the following information:

"A CT scan showed that Mr. Vanderlee had a right side epidural hematoma. After the CT scan, Mr. Vanderlee began vomiting and was less responsive. Mr. Vanderlee was intubated and placed under anesthesia. Brain surgery was completed, at which time a bone flap was removed and blood drained from the hematoma. After the first operation, another CT scan was performed and an additional left side epidural hematoma was identified. Mr. Vanderlee underwent an additional brain surgery, which involved a similar procedure to the first, except on the left side of his brain."

The Amended Complaint included:

Count 2: Assault in the First Degree (Great Bodily Harm), Minnesota Statutes 609.221, Subd. 1; 609.101.

Sgt. Clifford made a First Appearance on June 19th, 2012. Sgt. Clifford posted bond and was released. Under the terms of his release, a No Contact Order was stipulated barring Sgt. Clifford from contacting either Brian Vanderlee or Kourtney Vanderlee. The order expires on June 19th, 2013.

On June 22nd, 2012, this investigator received a copy of the criminal investigation regarding Sgt. Clifford, Anoka County case #12- 130658. Included in the documentation was a copy of the charges against Sgt. Clifford, officer and investigative reports, transcripts of interviews conducted by Anoka County investigators, a video from Tanners on the night of the incident, and videos of the interviews of Sgt. Dave Clifford, **13.43 - Personnel Data**, and friends, Paul and Kim Coleman. These individuals were all present and seated at the same table as Sgt. Clifford at the time of the incident at Tanners Station.

On September 10th, 2012, Sgt. Dave Denno and this investigator responded to Sgt. Clifford's residence in order provide him a letter outlining a Summary of Allegations, a letter presenting him with an opportunity to provide a Voluntary Statement, and a Voluntary Statement Warning. On September 19th, 2012, this investigator received an email correspondence from Mr. Fred Bruno, Sgt. Clifford's attorney, declining the opportunity for Sgt. Clifford to provide a Voluntary Statement for this Administrative case.

On October 10th, 2012, this investigator was advised by Anoka County Legal Secretary, Jenna McLain, (per Assistant County Attorney Robert Goodell), that "Discovery" in Sgt. Clifford's criminal case was available. This investigator retrieved the available documents on this date.

The Discovery that was provided by the Anoka County Prosecutor's Office included the following:

1. Five (5) CD's that referenced Case Number 12-130658

-The first CD was labeled with the case number, Initial Reports, Final Reports, Supp. Reports, 911 Call Log and Audio. This CD contained audio files for taped statements/interviews taken from: Michael Donnelly (two interviews), Michael Archambault, Brittney Blomquist, Caitlyn Slattery, David Clifford, [REDACTED] 13.43, Kim Coleman, Kourtney Vanderlee, Michael Vanderlee, and Paul Coleman.

-A second CD was labeled with the case number, "David Clifford" and "Tanners Video Stills, 7-27-2012", 26 frames are on the disk.

-A third CD was labeled with the case number and "911 Calls", "Tanner's 6-16-2012), and "David Clifford". It included the 911 call from Tanner's on 6-16-2012. The callers were "Connie Paul" and Michael Donnelly. The audio is approximately 4:06 in length.

-A fourth CD was labeled with the case number, "interview David Richard Clifford 6-17-2012", Also listed are "Kellie Marie Clifford, Kim and Paul Coleman".

-A fifth CD was labeled with the case number and "Tanners Video".

2. Copies of the Complaints, Filing of Court Orders, Internal memos and E-mails (E-mails generated between Minneapolis Police Department employees)

Mr. Fred Bruno

On September 18th, 2012, this investigator received an email correspondence from Mr. Fred Bruno, Sgt. Clifford's attorney. Mr. Bruno advised that Sgt. Clifford would not be providing a "Voluntary Statement", as he has already provided a statement to the Anoka County Sheriff's Office. Mr. Bruno noted that Sgt. Clifford would be willing to provide a Garrity Statement.

Mr. Bruno also noted that he and Mr. Bob Goodell of the Anoka County Prosecutor's Office, would be "executing a stipulation for a judicial order which will allow us to send the complete discovery to you without running afoul of any rules. We are anticipating the imminent release by Anoka County District Court Judge Johnson of the complete Allina medical records of the alleged victim, Brian Vanderlee, which I subpoenaed to the Court".

On October 3rd, 2012, Lt. Glampe sent an email correspondence to Mr. Bruno regarding Sgt. Clifford's investigation. One of the details that Lt. Glampe noted was "Sgt. Peterson is preparing her file to forward towards the end of next week. Should Sgt. Clifford have any information that he would like considered in the administrative investigation, please provide that information to my attention. We will accept any and consider all information provided up to the point that the Chief makes a final decision on this case."

Mr. Bruno responded to Lt. Glampe's email on October 3rd, 2012. Mr. Bruno stated that he:

"is not supposed to give out discovery without court permission. I will ask the Judge tomorrow to orally approve this—he is very slow on rulings, which I understand given the gravity of this case.

"Importantly, we are waiting for the Judge to release lots of medical reports about the "suspect" in this case. It is my hunch that he may have been on something besides alcohol (although he and his brother were at the bar since Noon, the incident was about 19:16 hours, and they had at least 37 drinks). Some of the suspect's behavior is very odd because he is seen pushing his wife, then went into the the parking lot to do jumping jacks, then disappeared for a little while, then came back in a seemingly more agitated condition.

"I am hoping that the decision makers in this case will slow down the video to at least one eighth speed. When you do that, you can clearly see that Vanderlee had to be physically restrained 2 or 3 times by his ex-wife with, I believe, her left arm. Then he throws an elbow to Clifford, slams down his phone, rises to a full standing position, and begins to launch a left hook. Given the training, experience, and 13.43 13.43 reflexes of Clifford, who, unlike Vanderlee, was unimpaired by alcohol, it is

expected that Clifford would not have allowed himself to be punched. It is also not surprising that Vanderlee fell backwards onto his head given his extreme intoxication.”

Based on court records and information received from the Anoka County Prosecutor’s Office, it is our understanding that access to Discovery was granted. As of this date, Mr. Bruno has not provided us with this information.

Anoka County Sheriff’s Reports

According to case reports provided by the Anoka County Sheriff’s Office, deputies were dispatched to a Priority 1 Medical call on June 16th, 2012, to Tanners Station (13655 Martin Street N.W., Andover, MN). The call was received at 1922 hours and deputies arrived at 1924 hours. Remarks of the call stated:

“FIGHT..PERSON KNOCKED OUT..SUSPECT IS OLDER MALE, SHAVED HEAD, RAN ACROSS BUNKER TOWARDS POVS...AMB ORD/WILL STAND BY..LSW KHAKI AN/ MIKE DONNELLY MGR SHORTS, T-SHIRT, BELT..VICTIM IS LAYING OUTSIDE STILL”

Six officers were initially dispatched to the call and three of these officers provided supplemental reports for the case, #12-130658. According to an initial report completed by Deputy Pierro, he responded to Tanners Station and located the victim, Brian K. Vanderlee, lying face up on the ground on the outside patio. Mr. Vanderlee was just starting to open his eyes and there were numerous people surrounding him. Mr. Vanderlee was attempting to sit up, but was advised to remain lying on the ground. Mr. Vanderlee could not recall what had happened. Mr. Vanderlee did not know what month it was, nor could he answer “other simple questions”. Allina paramedics responded to the scene and escorted Mr. Vanderlee to the ambulance. Deputy Pierro noted that he observed blood coming from the back of Mr. Vanderlee’s head where his head had hit the pavement. There was also a small amount of blood coming from Mr. Vanderlee’s mouth.

While at the scene, Deputy Pierro spoke with Kourtney Vanderlee, the victim’s wife. Ms. Vanderlee had been seated at a table with her husband when a male had come over and started arguing with Mr. Vanderlee. Ms. Vanderlee stated that the argument stemmed from the conversation they had been having and the male that approached them seemed to be offended by it. Ms. Vanderlee stated that they had been at Tanners since before 1200 hours and had approximately five drinks.

Mr. Vanderlee initially indicated that he did not want to go to the hospital, and he seemed embarrassed and confused about what had happened. Mr. Vanderlee was ultimately transported to Mercy Hospital.