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NEWS RELEASE

**BURNSVILLE MAN INDICTED FOR MANSLAUGHTER
AND RECKLESS DISCHARGE OF A FIREARM**

Dakota County Attorney James Backstrom announced that the Dakota County Grand Jury has indicted Kyle Alan Dague, age 23 of Burnsville, in connection with the shooting death of Justin James Schauer on December 31, 2011. Dague has been charged* by the grand jury with Manslaughter in the Second Degree (a felony) and Reckless Discharge of a Firearm in a Municipality (a felony).

Backstrom indicated that the investigation by the Burnsville Police Department in this case revealed the following:

At approximately 2:40 a.m. on December 31, 2011, Burnsville police received a 911 dispatch to go to an apartment located in the city of Burnsville regarding a victim who had been shot with a gun. Paramedics were also dispatched to the scene where it was determined that the adult male who had been shot with a gun was deceased. The victim was later identified as Justin James Schauer, age 22, of Savage.

Police questioned Kyle Alan Dague, a resident of the apartment where the shooting took place and the individual who had called 911. Dague indicated that he and Schauer had each been playing a game with a nine-millimeter handgun in which the holder would pull back the slide of the gun and catch the ejected bullet in the air with his free hand. Dague told Burnsville police that when he was not looking he heard the gun go off and that Justin Schauer must have shot himself with the weapon.

The Dakota County Medical Examiner determined that Justin Schauer died from one nine-millimeter gunshot wound directly to his forehead. Later test firings of the weapon by the Minnesota Bureau of Criminal Apprehension led the Medical Examiner to conclude that the fatal shot had been fired from approximately 6 to 8 inches away. Through a DNA analysis, forensic scientists at the BCA found a mixture of DNA on the handgun which caused Justin Schauer's death. The one dominant profile of this DNA was determined to match the DNA profile of Kyle Dague. No DNA match was made to the profile of Justin Schauer.

Burnsville police determined that Kyle Dague had purchased the handgun used in this fatal shooting in April of 2011. Investigators questioned several witnesses who stated that they had observed Kyle Dague on multiple occasions playing the game he described to police in which

he would pull back the slide of the weapon, eject a live bullet from the chamber, and catch the bullet in his free hand. Two witnesses also told police that they had observed Kyle Dague on previous occasions point this handgun directly towards others, pull the trigger and dry fire the weapon without a bullet. Burnsville police also identified a witness who said that he was told directly by Kyle Dague after this shooting took place that Dague had pulled the trigger on the gun at the time Justin Schauer was shot and killed.

A copy of the indictment pertaining to this case can be found online at <http://services.co.dakota.mn.us/ComplaintSearch>. If in custody, a mug shot can be viewed at <http://services.co.dakota.mn.us/InmateSearch>.

Backstrom commented: "This appears to be another tragic example of the dangers associated with not handling a firearm in a safe manner."

Backstrom expressed his deepest sympathy to the family and friends of Justin Schauer for their great loss and thanked the Burnsville Police Department for their thorough investigation into this case.

Dague made his first appearance in court today and bail in the amount of \$150,000 without conditions (\$25,000 with conditions) was set by Dakota County District Court Judge Karen Asphaug. Dague's next court appearance is set for October 22, 2012 at 1:30 p.m. in Hastings.

If you have questions, contact James Backstrom at 651-438-4440.

**Criminal charges are not evidence of guilt. A defendant/suspect is presumed innocent unless and until proven guilty.*