

State of Minnesota  
County of Dakota

8/10/2015 10:11:02 AM  
District Court  
Dakota County, MN

1st Judicial District

Prosecutor File No. CA-2015-01649  
Court File No. 19HA-CR-15-2637

**State of Minnesota,**  
Plaintiff,

**COMPLAINT**  
Order of Detention

vs.

**THOMAS MICHAEL LUBY DOB: 04/17/1957**  
523 9th Ave S Apt Lower  
South St Paul, MN 55075  
Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

**COUNT I**

**Charge: Murder in the 2nd Degree (With Intent) (Not Premeditated)**

Minnesota Statute: 609.19.1(1), with reference to: 609.11.4

Maximum Sentence: 0-40 Years

Offense Level: Felony

Offense Date (on or about): 08/07/2015

Control #(ICR#): 15002269

Charge Description: On or about August 6 or 7, 2015, in the County of Dakota, Minnesota, THOMAS MICHAEL LUBY, did cause the death of a human being with intent to effect the death of that person or another, but without premeditation and at the time of offense, the Defendant or an accomplice did use a dangerous weapon, to wit: a knife.

**STATEMENT OF PROBABLE CAUSE**

On August 7, 2015, at approximately 4:05 a.m. officers of the South St. Paul Police Department were dispatched to a residence located in South St. Paul, Dakota County, Minnesota, on a report of a stabbing. Officers were dispatched to the residence after a 911 phone call was made by one of the residents who identified himself as Tom Luby, fully identified as Thomas Michael Luby, born 4/17/1957 (hereinafter "Defendant"). During the 911 call, Defendant reported that there was a "dead woman" at the residence and when asked by the dispatcher why he thought the woman was dead, Defendant stated, "Because I killed her." Defendant identified the woman as Kelly Anderson, later fully identified as Kelly Ann Anderson, born 07/10/1970 (hereinafter "Anderson"). During the 911 call, Defendant admitted to stabbing the woman with a butcher knife claiming that he did so in self-defense. During the 911 call, Defendant stated that he was making the call outside the residence in the alley because his phone reception was poor inside the residence. When asked by the dispatcher if Defendant still had the knife, Defendant stated, "Yeah, it's right here." When asked where he stabbed her, the Defendant stated, "In the neck."

Upon officers' arrival at the residence, one officer entered the residence and located Anderson's body lying face up on the living room floor. The officer observed that the body was bloody and that Anderson had suffered several wounds to her body, including one to her neck. The officer also observed a large kitchen knife in the grip of Anderson's right hand lying across her abdomen. The officer confirmed that Anderson was deceased.

Defendant was located at the residence. Officers observed that Defendant was wearing shorts and shirt and that he had a substantial amount of what appeared to be dried blood over his clothing, legs and hands.

Defendant was placed under arrest and transported to the South St. Paul Police Department where he was interviewed by two investigators. During the interview Defendant related the following version of facts. On August 6, 2015, Anderson purchased a bottle of alcohol and the two consumed it at the residence. At approximately 9:00 p.m. while watching television, Anderson became upset with Defendant for hiding the alcohol. Anderson grabbed a butcher knife and stabbed him in the neck. Defendant disarmed Anderson and stabbed her lightly on the stomach. Defendant placed the knife on an ottoman. Defendant believed Anderson may have passed out for a while, but when she woke up, she began screaming at him again. Anderson again grabbed the knife and came at Defendant. Defendant disarmed

Anderson and stabbed her in the mouth killing her. Defendant continued to consume alcohol and started a

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Anderson on the floor. Defendant estimated that he killed Anderson between 9:00 p.m. and midnight on August 6, 2015.

During the interview, Defendant claimed to have blacked out and could only remember things sporadically. He claimed to have no recollection of making the 911 call and denied placing the knife in Anderson's hand after she was dead. When questioned about the knife, Defendant stated that there was only one knife used during the incident and that the blade was bent as a result.

Following the interview, a search was conducted of Defendant's person. The only injuries found on Defendant were two small cut marks under Defendant's chin, one measuring approximately  $\frac{1}{2}$  cm in length and  $\frac{1}{4}$  cm in width. The second cut was smaller.

The investigators who interviewed Defendant went to the crime scene and noted that Anderson appeared to have multiple stab wounds to her neck and face; scratches to her stomach; deep gashes on the outside of her right hand; and her lips and right eye were swollen. There was a copious amount of blood near Anderson's body and the investigators observed blood soaked t-shirts positioned near her body as if someone attempted to clean up the blood. The investigators observed a butcher knife with a bent blade in the victim's right hand. Tufts of hair were found scattered around the room and there was also blood located on the bed and a wall in the bedroom area.

After determining that Anderson sustained more than one stab wound as described by Defendant, the investigators conducted a second interview of Defendant. The investigators confronted Anderson about what he reported in his 911 call, including that he had the knife in his possession when making the call. Defendant stated that he did not remember having the knife nor did he remember making the 911 call. When asked about the other knife wounds Anderson sustained, Defendant stated that he remembered a couple of little cuts on her body and that her shirt was off. When asked about the tufts of hair observed around the room and next to Anderson's body, Defendant claimed that Anderson routinely lost her hair and that any clumps of hair were from the vacuum.

An autopsy was conducted of Anderson. Anderson suffered several wounds including: (1) two lacerations on her right jaw line; (2) a stab wound to her chin just below her lip that went through her mandible and separated her teeth from her jaw; (3) a stab wound to her neck just under her chin that cut the inferior jugular vein; and (4) a stab to the base of her neck that traveled in an upward trajectory cutting her carotid artery and traveling through her neck and cutting off part of her right ear lobe. The last described

injury was the cause of death. Anderson also had two deep lacerations to the outside of her right hand consistent with defensive wounds.

**SIGNATURES AND APPROVALS**

Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

**Complainant** Phillip Oeffling  
Lieutenant  
125 3rd Ave N  
South St Paul, MN 55075  
Badge: 2104

Electronically Signed:  
08/10/2015 09:52 AM

Subscribed and sworn to before the undersigned.

**Notary Public or  
Judicial Official** Jean A. Welle  
County of Dakota  
125 3rd Ave N  
South St Paul, MN 55075  
Notary ID: 6168632

Commission expires: 01/31/2020  
Electronically Signed:  
08/10/2015 10:01 AM

Being authorized to prosecute the offenses charged, I approve this complaint.

**Prosecuting Attorney** Kathryn M. Keena  
Assistant Dakota County  
Attorney  
1560 Hwy 55  
Hastings, MN 55033-2392  
(651) 438-4438

Electronically Signed:  
08/10/2015 09:44 AM

**FINDING OF PROBABLE CAUSE**

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

**SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at 1560 W Highway 55 Dakota County Judicial Center, Hastings, MN 55033 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

**WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

*Execute in MN Only*

*Execute Nationwide*

*Execute in Border States*

**ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$  
Conditions of Release:

This complaint is issued by the undersigned Judge as of the following date: August 10, 2015.

**Judicial Officer**                      Michael Baxter                      Electronically Signed: 08/10/2015 10:11 AM  
District Court Judge

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF DAKOTA  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff  
vs.

**Thomas Michael Luby**  
Defendant

*Clerk's Signature or File Stamp:*

**RETURN OF SERVICE**  
*I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant herein named.*  
Signature of Authorized Service Agent: