ta	te of Minnesota	County	Free	born		Dist	rict Cou
CCT	List Charge Statute Only	M.O.C.	G.O.C.	CTY ATTY.	CONTROLL	ING	CONTROL NO.
1	609.224, Subd. 2(c)	AD30F	N	FILE NO.	AGENCY	0	00040744
2	609.224, Subd. 2(c)	AD30F	N		MN024010	J	08010714
3	609.224, Subd. 2(c)	AD30F	N	COURT CASE NO.		DATE	EFILED
4	609.2325, Subd. 1(a); Subd. 3(a)(4)	I2140	N	24-CR-08-3057			
5	609.2325, Subd. 1(a); Subd. 3(a)(4)	12140	N	24 617 00 0001			
6	609.2325, Subd. 1(a); Subd. 3(a)(4)	I2140	N	Amended	Т	ab Charge Pre	eviously Filed
X	if more than 6 counts (see attached)	if domestic assault Ota PLAINTIFF,]	 SERIOUS FELON FELONY GROSS MISDEM GROSS MISDEM 	EANOR DWI	WA	MMONS ARRANT DER OF DETENTI
Bria 12	IE: first, middle, last anna Marie Broitzman 205 Kent Avenue bert Lea, MN 56007			Date of Birth 06/28/89	SJIS	COMPLA	INT NUMBER
		С	OMPL	AINT		Defend	ant Fingerprinted

The Complainant, being duly sworn, makes Complaint to the above-named Court and states that there is probable cause to believe that the defendant committed the following offense(s). The Complainant states that the following facts establish PROBABLE CAUSE:

After receiving an initial notice of suspected abuse of elderly resident vulnerable adults suffering from Alzheimer's disease and/or dementia at the Good Samaritan Society nursing home located in Freeborn County Minnesota, on May 1, 2008, and as part of the investigation involving those allegations, Detective Debra Flatness of the Albert Lea Police Department with assistance from Deputy Robert Kindler of the Freeborn County Sheriff's Department conducted an investigation. Present during some the investigation interviews conducted by Detective Flatness were employees of Good Samaritan Society and Jolene Bertelsen, RN, Special Investigator for the Minnesota Department of Health who conducted a separate civil investigation for the Office of Health Facility Complaints.

Based upon the initial information received, the investigation focused on a group of young part-time nursing assistants some of who were directly involved in the abuse and some who knew or observed the abuse, but had failed to report the abuse. The group included: Brianna M. Broitzman, dob: 06/2/1989; Ashton M Larson, dob: 01/14/1990; AMH, dob: 08/01/1990; KNN, dob: 05/18/1990; SLS, dob: 05/05/1991; RMM, dob: 08/31/1990; JMS, dob: 05/18/1990; and MRW, dob: 08/17/1990.

On May 6, 2008, Brianna Broitzman, was invited to come the the Law Enforcement Center in the City Albert Lea, Freeborn County, Minnesota, to be interviewed by Detective Flatness of the Albert Lea Police Department and Deputy Robert Kindler of the Freeborn County Sheriff's Office about suspected abuse of vulnerable adults occurring at the Good Samaritan nursing home. Brianna Broitzman was advised that her coming to the Law Enforcement Center was voluntary and that she was free to leave at any time.

In May 2008, Brianna Broitzman stated that she was told by Ashton Larson that she had spit water on resident GR at the Good Samaritan Center, Albert Lea, Freeborn County, Minnesota.

Brianna Broitzman admitted that she and Ashton Larson poked SW in breasts.

Brianna Broitzman stated that numerous videos and pictures were taken of residents

ССТ	List Charge Statute Only	M.O.C.	G.O.C.
7	609.2325, Subd. 1(a); Subd. 3(b)	I2148	N
8	609.2325, Subd. 1(a); Subd. 3(b)	I2148	Ν
9	609.2325, Subd. 1(a); Subd. 3(b)	I2148	N
10	609.72, Subd. 3	N2030	N
11	609.234, Subd. 1(1)	I3160	N

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SJIS COMPLAINT NUMBERS

between the dates of January and April 2008. Brianna Broitzman stated there was a picture of a large bowel movement in a commode on AMH's phone. Brianna Broitzman stated that she saw a video of M.K. singing a song in March 2008 and stated she was with AMH and KNN.

During the ongoing investigation and based upon interviews with other Nursing assistants Detective Flatness obtained additional information and personal observations of Brianna Broitzman's activities and behavior with residents at Good Samaritan Nursing home between January 1, 2008 and May 1, 2008. The persons interviewed stated that "they" began talking among themselves about what they were doing in the nursing home after January 1, 2008. The statements included the following:

RMM stated she was friends with Ashton Larson, Brianna Broitzman, KNN, AMH, and JMS. RMM stated they would get together on breaks and at school and talk about their experiences while working at Good Samaritan nursing home. RMM stated the girls would talk and laugh about incidents with the residents. RMM stated that the girls who would tell stories were Ashton Larson, Brianna Broitzman and AMH.

RMM advised that one night between the date January 1, 2008, and May 1, 2008, while she and Brianna Broitzman were putting E.F. to bed Brianna Broitzman stated, "Watch this". She then spit into the resident's mouth. RMM stated that Brianna Broitzman had a cavalier attitude about the residents.

RMM stated that Brianna Broitzman said that she would poke residents in the breasts. RMM stated that this was done for fun and not to cause pain.

JMS stated that Brianna Broitzman and Ashton Larson told her about spanking resident C.K. JMS was told that he would laugh and the girls would keep doing it. They would play with his cane, ride it like a horse, and spank C.K. on the buttocks with it and Ashton Larson admitted that she patted C.K.'s buttocks.

JMS stated that the girls would say stuff behind the residents' back and put their glasses on and dance around. She stated girls were just having fun because they were frustrated.

AMH stated that "the girls" started talking about the incidents she realized was abuse around February 2008. AMH advised that Ashton Larson and Brianna Broitzman told her about things they did to residents and that she recalled that KNN was present during the conversations.

AMH stated the "girls" were pretty comfortable talking among themselves, but did not talk with others. AMH stated that the abusive activity was confined to certain residents.

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AMH stated that she had witnessed Ashton Larson and Brianna Broitzman poking a female resident's breasts.

AMH stated that Ashton Larson would rub vigorously on residents' peri-areas (genital areas) to sexually arouse them. She recall that Ashton Larson and Brianna Broitzman talked about doing these types of things to residents on four to five occasions with the "girls".

AMH stated that she was told by Brianna Broitzman that Ashton Larson inserted her finger into a resident's rectum. Ashton Larson was present during this conversation and did not deny it.

AMH stated that Brianna Broitzman put her bare butt in S.W.'s face.

SLS stated that Brianna Broitzman would poke residents in breasts and genitals and laugh. SLS stated that Brianna Broitzman would poke J.J. in breast, tap her on the forehead, and put her fingers in her mouth until she would scream. She stated that she witnessed Brianna Broitzman hit resident RM in the genitals so he would scream in March or April of 2008. SLS stated that Brianna Broitzman would put her gloved hands in the resident's nose and mouth to make them scream because she thought it was funny.

MRW stated that the girls started talking about the incidents with residents at AMH's house and later in the car. MRW stated the girls talked on seven to twelve occasions. MRW stated that they openly discussed things among themselves. She stated the girls were confident they would not get caught because, "residents did not have their minds".

MRW was told by Brianna Broitzman that she "hocked a loogie in her throat and spit it into E.F.'s mouth without holding E.F.'s mouth open". J.S. stated that she heard that Brianna Broitzman and Ashton Larson spit into a resident's mouth because they were upset that the resident was drooling all over.

MRW stated that she was told by Brianna Broitzman and Ashton Larson that while Ashton Larson and Brianna Broitzman were providing Resident SW's care, Resident SW got angry so they hit her boob. MRW stated that Ashton Larson and Brianna Broitzman poked Resident SW in the breast to get her mad. She stated that Resident SW told them to stop but the girls would just laugh.

MRW stated that Brianna Broitzman, AMH, and KNN stated that they would touch resident KH to make him mad.

MRW stated that she was told that resident KH was touched or rubbed by Brianna Broitzman and as a result KH became "hard." MRW stated they were just trying to get a rise out of him, as in sexual teasing.

CCT	List Charge Statute Only	M.O.C.	G.O.C.

MRW stated that the Nursing Assistants Ashton Larson, Brianna Broitzman, AMH, and KNN would try to make the residents more confused. MRW then stated the girls would laugh. They did this type of thing as a joke, as something fun to do at work.

KNN stated that Brianna Broitzman would poke residents in the breasts and laugh when they got mad. Stated she believed the resident was OS. KNN stated that she was in the car driving back from Mankato, Minnesota, when Brianna Broitzman was telling the above story.

MRW stated that when the girls, Brianna Broitzman and Ashton Larson talked about doing cares on residents with Alzheimer's or dementia that they would hit the residents on the breasts or genitals or rub on the breasts or genitals to make the residents mad.

MRW stated that resident KH was abused by Brianna Broitzman and Ashton Larson. MRW advised that they would touch is peri-area or privates to make him mad. KH would get an erection.

In an interview with Detective Flatness Aston Larson acknowledged that she knew that between the date January 1, 2008, and May 1, 2008, Brianna Broitzman had spit into resident EF's mouth at Good Samaritan Nursing Care Facility, Albert Lea, Freeborn County, Minnesota.

Ashton Larson also admitted in the interview that that she spit water on resident GR.

Ashton Larson also admitted she lay in bed with J.J. who was laying on her back and "I might have done the motion (humping), but she was no where near me". Ashton Larson admitted that AMH and Brianna Broitzman "might" have been with her.

----- CHARGE(S) ------

Count : 1 Charge : Assault in the Fifth Degree - Caregiver of a Vulnerable Adult In Violation Of: 609.224, Subd. 2(c) Maximum Penalty: One year in jail and/or payment of a fine of not more than \$3,000

Defendant as a caregiver as defined in Minnesota Statutes 609.232, between January 1, 2008 and May 1, 2008 did in Freeborn County, Minnesota, intentionally inflict or attempt to inflict bodily harm upon a vulnerable adult, OS, as defined in Minnesota Statutes 609.232.

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Count : 2 Charge : Assault in the Fifth Degree - Caregiver of a Vulnerable Adult In Violation Of: 609.224, Subd. 2(c) Maximum Penalty: One year in jail and/or payment of a fine of not more than \$3,000
Defendant as a caregiver as defined in Minnesota Statutes 609.232, between January 1, 2008 and May 1, 2008 did in Freeborn County, Minnesota, intentionally inflict or attempt to inflict bodily harm upon a vulnerable adult,SW, as defined in Minnesota Statutes 609.232.
Count : 3 Charge : Assault in the Fifth Degree - Caregiver of a Vulnerable Adult In Violation Of: 609.224, Subd. 2(c) Maximum Penalty: One year in jail and/or payment of a fine of not more than \$3,000
Defendant as a caregiver as defined in Minnesota Statutes 609.232, between January 1, 2008 and May 1, 2008 did in Freeborn County, Minnesota, intentionally inflict or attempt to inflict bodily harm upon a vulnerable adult,RM, as defined in Minnesota Statutes 609.232.
Count : 4 Charge : Criminal Abuse of a Vulnerable Adult In Violation Of: 609.2325, Subd. 1(a); Subd. 3(a)(4) Maximum Penalty: Not more than one year in jail and/or \$3,000 fine
Defendant as a caregiver as defined in Minnesota Statutes 609.232, Subd. 2, in Freeborn County, Minnesota, between January 1, 2008 and May 1, 2008 with intent to produce physical or mental pain or injury to a vulnerable adult as defined by Minnesota Statutes 609.232, Subd. 11, did subject a vulnerable adult,SW, to aversive or deprivation procedures.
Count : 5 Charge : Criminal Abuse of a Vulnerable Adult In Violation Of: 609.2325, Subd. 1(a); Subd. 3(a)(4) Maximum Penalty: Not more than one year in jail and/or \$3,000 fine
Defendant as a caregiver as defined in Minnesota Statutes 609.232, Subd. 2, in Freeborn County, Minnesota, between January 1, 2008 and May 1, 2008 with intent to produce physical or mental pain or injury to a vulnerable adult as defined by Minnesota Statutes 609.232, Subd. 11, did subject a vulnerable adult,OS, to aversive or deprivation procedures.

ССТ	List Charge Statute Only	M.O.C.	G.O.C.

Count : 6 : Criminal Abuse of a Vulnerable Adult Charge In Violation Of: 609.2325, Subd. 1(a); Subd. 3(a)(4) Maximum Penalty: Not more than one year in jail and/or \$3,000 fine Defendant as a caregiver as defined in Minnesota Statutes 609.232, Subd. 2, in Freeborn County, Minnesota, between January 1, 2008 and May 1, 2008 with intent to produce physical or mental pain or injury to a vulnerable adult as defined by Minnesota Statutes 609.232, Subd. 11, did subject a vulnerable adult,RM, to aversive or deprivation procedures. Count : 7 : Criminal Abuse of a Vulnerable Adult - Sexual Contact Charge In Violation Of: 609.2325, Subd. 1(a); Subd. 3(b) Maximum Penalty: Not more than one year in jail and/or \$3,000 fine Defendant as a caregiver, or person providing services, between January 1, 2008 and May 1, 2008 in a facility in Freeborn County, Minnesota, engaged in sexual contact as defined by Minnesota Statutes 609.341, with a resident, SW, of the facility. Count : 8 : Criminal Abuse of a Vulnerable Adult - Sexual Contact Charge In Violation Of: 609.2325, Subd. 1(a); Subd. 3(b) Maximum Penalty: Not more than one year in jail and/or \$3,000 fine Defendant as a caregiver, or person providing services, between January 1, 2008 and May 1, 2008 in a facility in Freeborn County, Minnesota, engaged in sexual contact as defined by Minnesota Statutes 609.341, with a resident, OS, of the facility. : 9 Count : Criminal Abuse of a Vulnerable Adult - Sexual Contact Charge In Violation Of: 609.2325, Subd. 1(a); Subd. 3(b) Maximum Penalty: Not more than one year in jail and/or \$3,000 fine Defendant as a caregiver, or person providing services, between January 1, 2008 and May 1, 2008 in a facility in Freeborn County, Minnesota, engaged in sexual contact as defined by Minnesota Statutes 609.341, with a resident, RM, of the facility. Count : 10 : Disorderly Conduct by Caregiver Charge In Violation Of: 609.72, Subd. 3 Maximum Penalty: One year in jail and/or \$3,000 fine The Defendant as a Caregiver as defined by Minnesota Statutes 609.323 did knowing or

having reasonable grounds to know that it would tend reasonably to alarm, anger or

ССТ	List Charge Statute Only	M.O.C.	G.O.C.

cause resentment in others on or between January 1, 2008 and May 1, 2008 in Freeborn County, Minnesota, engage in offensive, obscene or abusive conduct or offensive, obscene or abusive language directed against a Vulnerable Adult, EF, as defined by Minnesota Statutes 609.232.

Count : 11 Charge : Mandated Reporter Failure to Report In Violation Of: 609.234, Subd. 1(1) Maximum Penalty: 90 days jail and/or \$1,000 fine

Defendant who as a Mandated Reporter was working in Freeborn County, Minnesota, between January 1, 2008 and May 1, 2008 and required to report pursuant to Minnesota Statute 626.557, knew or had reason to believe that a vulnerable adult was being or had been maltreated as defined by Minnesota Statute 609.5572, Subd. 15, did intentionally fail to make a report.

THEREFORE, Complainant requests that said 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'S NAME:	COMPLAINANT'S SIGNATURE:
Being duly authorized to prosecute the offense	e(s) charged, I hereby approve this Complaint.
DATE:	PROSECUTING ATTORNEY'S SIGNATURE:
12/01/08	
PROSECUTING ATTORNEY:	
NAME/TITLE:	ADDRESS/TELEPHONE:
Craig S. Nelson, Freeborn County Attorney 77616	411 S. Broadway, Albert Lea, MN 56007 (507) 377-5192

Court Case #: 08010714 This COMPLAINT was subscribed and sworn to before the under	Page 8 of 8
NAME:	
NAME:	SIGNATURE:
<u>TITLE:</u>	
FINDING OF P	ROBABLE CAUSE
SUM	MONS
X THEREFORE, You, THE ABOVE-NAMED DEFENDANT(S) day of , at AM/PM before the above to answer this complaint. IF YOU FAIL TO APPEAR in response to this SUMMO	e-named court at
WARI	RANT
	MINNESOTA ONLY
To the sheriff of the above-named county; or other person au	thorized to execute this WARRANT; I hereby order, in the name of prehended and arrested without delay and brought promptly before t
	udicial Officer of such Court without unnecessary delay, and in any er as such Judge or Judicial Officer is available) to be dealt with
ORDER OF	DETENTION
Since the above-named Defendant(s) is/are already in custod	y; I hereby order; subject to bail or conditions of release, that the
above-named Defendant(s) continue to be detained pending furth	7.
	her proceedings.
Bail: Conditions of Release:	her proceedings.
Bail:	her proceedings.
Bail:	ier proceedings.
Bail: Conditions of Release: This Complaint - Summons duly subscribed and sworn to	ter proceedings.
Bail: Conditions of Release:	
Bail: Conditions of Release: This Complaint - Summons day of NAME:	o, is issued by the undersigned Judicial Officer this
Bail: Conditions of Release: This Complaint - Summons duly subscribed and sworn to day of	o, is issued by the undersigned Judicial Officer this SIGNATURE:
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Bail: Conditions of Release: This Complaint - Summons duly subscribed and sworn to day of NAME: TITLE: Judge of District Court Sworn testimony has been given before the Judicial Officer by the follow	to, is issued by the undersigned Judicial Officer this SIGNATURE: ving witnesses:
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Bail: Conditions of Release: This Complaint - Summons duly subscribed and sworn to day of NAME: TITLE: Judge of District Court Sworn testimony has been given before the Judicial Officer by the follow STATE OF MINNESOTA COUNTY OF Freeborn State of Minnesota Plaintiff	o, is issued by the undersigned Judicial Officer this SIGNATURE: ving witnesses: Clerk's Signature or File Stamp: RETURN OF SERVICE I hereby Certify and Return that I have served a copy of th
Bail: Conditions of Release: This Complaint - Summons duly subscribed and sworn to day of NAME: TITLE: Judge of District Court Sworn testimony has been given before the Judicial Officer by the follow STATE OF MINNESOTA COUNTY OF Freeborn State of Minnesota Plaintiff VS.	o, is issued by the undersigned Judicial Officer this SIGNATURE: ving witnesses: Clerk's Signature or File Stamp: RETURN OF SERVICE I hereby Certify and Return that I have served a copy of th COMPLAINT upon then Defendant(s) herein-named.