

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 16A14688
Court File No. 27-CR-16-32525

State of Minnesota,

Plaintiff,

vs.

JOO SEONG KIM DOB: 11/15/1997

3000 WEST BROADWAY AVE
MINNEAPOLIS, MN 55411

Defendant.

COMPLAINT

Order of Detention

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: Assault-2nd Degree-Dangerous Weapon

Minnesota Statute: 609.222.1, with reference to: 609.222.1, 609.11.4, 609.05.1, 609.05.2, 609.101.2

Maximum Sentence: 7 YEARS AND/OR \$4,200-\$14,000

Offense Level: Felony

Offense Date (on or about): 12/13/2016

Control #(ICR#): 16451541

Charge Description: That between 12/13/2016 and 12/17/2016, in Hennepin County, Minnesota, JOO SEONG KIM, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another or otherwise procuring the other to commit the crime, assaulted Victim 1, while using a dangerous weapon.

Minimum Sentence: 1 YEAR AND 1 DAY

COUNT II

Charge: Assault-3rd Degree-Substantial Bodily Harm

Minnesota Statute: 609.223.1, with reference to: 609.223.1, 609.05.1, 609.05.2, 609.101.2

Maximum Sentence: 5 YEARS AND/OR \$3,000-\$10,000

Offense Level: Felony

Offense Date (on or about): 12/13/2016

Control #(ICR#): 16451541

Charge Description: That between 12/13/2016 and 12/17/2016, in Hennepin County, Minnesota, JOO SEONG KIM, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another or otherwise procuring the other to commit the crime, assaulted Victim 1 and inflicted substantial bodily harm.

COUNT III

Charge: Malicious Punishment of a Child-Substantial Bodily Harm

Minnesota Statute: 609.377.5, with reference to: 609.05.1, 609.05.2

Maximum Sentence: 5 years and /or \$10,000

Offense Level: Felony

Offense Date (on or about): 12/13/2016

Control #(ICR#): 16451541

Charge Description: That between the dates of 12/13/2016 and 12/17/2016, in Hennepin County, Minnesota, JOO SEONG KIM, the parent, legal guardian or caretaker of Victim 1, a person under the age of 18, did, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another or otherwise procuring the other to commit the crime, and by an intentional act and/or a series of intentional acts with respect to Victim 1 evidence unreasonable force and/or cruel discipline that was excessive under the circumstances and the punishment caused substantial bodily harm to Victim 1.

STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On December 17, 2016, at approximately 6:00 p.m., officers from the Minneapolis Police Department were notified that a child, later identified as S.M. (DOB: 8/15/2004), Victim 1 herein, had been found outside dressed only in shorts and a t-shirt when the outside temperature was 3 degrees and wind chill was -14.8 degrees. Victim 1 was reported to have extensive bruising and no one had called to report him missing. Officers also learned that Victim 1 had run from Good News Church as the pastor there, and his son, had assaulted Victim 1.

Officers responded to a home located on Upton Avenue North, where they met with J.M.O. (DOB: 5/29/1964), Witness herein, who stated that she had been shoveling snow when Victim 1 had been seen running through the snow approaching her front yard wearing only basketball shorts and a t-shirt, despite the extremely cold temperatures outside. Victim 1 had yelled "help me" as he got closer, and Witness helped Victim 1, who was limping, into her home and called 911. Witness reported that Victim 1 had shown her his injuries.

Officers then spoke with Victim 1 who reported that he had been assaulted by his pastor, subsequently identified as DONG WOOK KIM (DOB: 12/7/1965), Co-Defendant herein, and his pastor's son, subsequently identified as JOO SEONG KIM (DOB: 11/15/1997), Defendant herein. Victim 1 reported that he had run away when the Defendants were distracted. Victim 1 was tearful as he showed the officers extremely large lash marks on his back, which reportedly came from being struck by Co-Defendant with an electrical cord. Victim 1 reported that he had sustained multiple beatings over the last several days, and advised that his parents, L.P. (DOB: 11/25/1973) (mother) and K.K.S.M.(DOB: 5/14/1975) (father), knew about the abuse. Victim 1 reported that the abuse was taking place in the basement at the Good News Church, which was located at 3000 Broadway Avenue West, in Minneapolis, Hennepin County, and State of Minnesota.

Victim 1 stated that on December 14, 2016, Co-Defendant had made him get into a push-up position and plank for a long period of time. Victim 1 stated that when he tired and could not hold the position, Co-Defendant kicked him in the head and face.

Victim 1 reported that, on December 15, 2016, Defendant made him get into a push-up plank position and had struck him in the back and on the foot with a stick that was approximately 3 to 4 feet long and 2 inches thick. This assault caused Victim 1 to sustain a bruise to the top of his foot and made his big toe bleed.

Victim 1 stated that, on December 16, 2016, Defendant had punched him in the head and stomach multiple times, which caused bussing in his ears. Victim 1 also reported that Co-Defendant slammed his head into the doorframe multiple times which caused him to see stars and caused injury to his head, face and ear.

Victim 1 reported that, on December 17, 2016, his parents had called Defendant and Co-Defendant to pick Victim 1 up from their home. Once Victim 1 was brought back to the church, Defendant pulled Victim 1 by the hair, brought him to the basement, made Victim 1 do the push-up position and whipped Victim 1 with a stick. Defendant then told Victim 1 to remove his sweatshirt and jacket and Defendant went to retrieve the extension cord, at which time Victim 1 ran from the church. Victim 1 was running toward CVS to call the police and get warm, but he then saw Witness outside and ran to her for help.

Victim 1 stated that Defendant and Co-Defendant would typically bring him into the basement of the church that had no windows and that although this started 2 to 3 weeks earlier, things did not get so physical until on or about December 14, 2016.

Victim 1 described being assaulted by Co-Defendant's wife as well, and being aware of Victim 2 being assaulted (struck in the face with a wooden pan) by Co-Defendant's wife as well.

Officers observed that Victim 1 had what appeared to be a black eye and a healing busted lip, bruising on both arms, whip marks and healing scab marks on his back, bruising to his buttocks and thighs, one of which was the approximate size of a football. Officers observed that Victim 1 limped when he walked, and was wearing only a t-shirt, shorts and shoes.

Due to Victim 1's extensive bruising and unknown duration and exposure in the cold, Victim 1 was transported to North Memorial Medical Center for treatment of his injuries. Once at the hospital, officers learned from Victim 1 that his four-year old sister, L.M. (DOB: 11/23/2012), Victim 2 herein, had also been abused by the Co-Defendant in the past and was still at the church under the Co-Defendant's care.

Officers responded to the church to attempt to locate Victim 2. Upon arrival, Co-Defendant told officers that Victim 2 was in the basement of the church and was okay. Co-Defendant told officers that Victim 2's brother (Victim 1) had left the church earlier in the day. Victim 2 was located, found to be uninjured at that time, and was taken into protective custody.

As officers spoke with Co-Defendant, L.P. approached and asked the officer if he knew where her son was. When officers asked her if she knew that her son was missing, L.P. turned and asked Co-Defendant if he had called the police. Co-Defendant stated that he had not and asked L.P. if she had called the police. L.P. denied doing so and then became angry and demanded that officers tell her who reported her son missing. L.P. was advised that Victim 1 was safe. Co-Defendant was then arrested.

As officers began to escort Co-Defendant out of church, K.K.S.M. approached and stated that what was going on was not Co-Defendant's fault but was his own.

Officers also located Defendant inside the church and placed him under arrest as well.

Officers spoke with Defendant, who admitted that, on December 17, 2016, he had "rebuked" Victim 1 by striking him twice on the buttocks with a "small stick" as L.P. had come to him and asked him to deal with Victim 1 because Victim 1 was bothering her about a reflection letter that Co-Defendant had told Victim 1 to write about misbehavior at school. Defendant admitted that, after the strikes, when he turned his back, Victim 1 had left the building wearing only shorts and a t-shirt. Defendant admitted that no one called 911 looking for Victim 1, despite several people attempting to locate him. Defendant also admitted that, on December 14, 2016, he heard Co-Defendant tell K.K.S.M. that as talking had not worked, the next step would be to use the "stick" on Victim 1, and Victim 1 told Co-Defendant that he wanted to test God which made Co-Defendant angry. Co-Defendant then made Victim 1 assume the "push-up" position and Co-Defendant struck Victim 1 on the buttocks 15-20 times with "a small stick." Defendant stated that Victim 1 moved, so Co-Defendant struck Victim 1 in other places on Victim 1's body. When Defendant described the "small stick," he described it as solid wood and estimated 24-30 inches long and a diameter of 1.25 inches wide. Defendant further admitted that, on December 15, 2016 at approximately 4:00-4:30 a.m., he was awakened by yelling and when he had gotten out of bed, he learned that Victim 1 had fled the church on foot earlier, had been located and returned to the church.

Defendant observed Co-Defendant and K.K.S.M. take Victim 1 into the office. He observed K.K.S.M. strike Victim 1 once or twice with an open hand, and that Co-Defendant and K.K.S.M. were striking Victim

1 and he could hear Victim 1 crying. Defendant admitted that Victim 1 had been struck with a “thin stick” roughly 24-30 inches long. The “thin stick” was later found to be a 2x 4 plank. Defendant demonstrated how hard he had hit Victim 1 with the 2x4, striking the table in front of him with considerable force. When shown the photos of the extensive injuries to Victim 1, Defendant claimed that the injuries were caused by K.K.S.M. and Co-Defendant.

Officers also spoke with Co-Defendant, who stated that he was unaware of what happened to Victim 1 on December 17, 2016, but admitted that he had used a “stick” to punish Victim 1 on December 14, 2016, striking Victim 1 almost 20 times. Co-Defendant admitted that Victim 1 would move from the position on the floor, so he struck him in various places on his body and demonstrated using considerable force. Co-Defendant admitted that he “was really upset at the time” over Victim 1’s rejection of God. Co-Defendant also admitted that, on December 15, 2016 around 4:00 a.m., he had used an electrical cord to whip Victim 1 with, striking Victim 1 “more than ten times and that K.K.S.M. had slapped Victim 1 several times in the face. Co-Defendant admitted that “I lost control” and had caused the injuries to Victim 1. Co-Defendant also stated that he had not called 911 when Victim 1 had left the church underdressed for the weather conditions, but stated that Defendant should not have struck Victim 1.

Co-Defendant stated that K.K.S.M. and L.P. always followed his leadership in punishment of children. Co-Defendant also admitted that he had struck Victim 2 on 3-4 prior occasions, with her parents present, by delivering blows on her feet or palms with a paint stir stick, which caused Victim 2 to scream.

Officers located a 2x4 plank of wood, a cut piece of electrical cord, and a wooden closet rod from inside the church which were the items reportedly used in the assaults on Victim 1. Co-Defendant showed officers the electrical cord, which was inside Co-Defendant’s desk drawer in his office, and the wooden rod, which was located in Co-Defendant’s office supply closet, which had been used to assault Victim 1. Defendant showed officers the 2x4 plank that he used to assault Victim 1 in the basement of the church.

Both Defendant and Co-Defendant are in custody.

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 declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

William Palmer
Sergeant
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 5429

Electronically Signed:
12/20/2016 11:10 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Tara C. Ferguson Lopez
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
12/20/2016 11:02 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 300 S Sixth Street, Minneapolis, MN 55487 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: \$50,000.00

Conditions of Release: No Contact with Victim; No Contact with Minors/Males/Females under age of:: no contact with minors; Remain Law Abiding; Make All Appearances; Surrender Passport; No Contact with Co-Defendant(s)

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: December 20, 2016.

Judicial Officer

Ivy S. Bernhardson
District Court Judge

Electronically Signed: 12/20/2016 11:30 AM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

JOO SEONG KIM

Defendant

*LAW ENFORCEMENT OFFICER 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: