

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 15A50871
Court File No. 27-CR-16-33299

State of Minnesota,

Plaintiff,

vs.

TIMOTHY DAVID JOHNSON DOB: 01/07/1977

6105 Vicksburg
Plymouth, MN 55446

Defendant.

COMPLAINT

Summons

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: Neglect of a Child-Likely Subst. Harm Physical/Emot Health-G

Minnesota Statute: 609.378.1(a)(1), with reference to: 609.378.1(a)(1)

Maximum Sentence: 1 YEAR AND/OR \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 03/29/2015

Control #(ICR#): 15013935

Charge Description: That on or about 3/29/2015, in Hennepin County, Minnesota, TIMOTHY DAVID JOHNSON, a parent, legal guardian or caretaker of a child, Victim A, did willfully deprive the child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when TIMOTHY DAVID JOHNSON was reasonably able to make the necessary provisions and which deprivation harmed or was likely to substantially harm the child's physical, emotional, or mental health.

STATEMENT OF PROBABLE CAUSE

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

On Monday, March 30, 2015, at approximately 7:41 a.m., Plymouth Police Officers responded to a residence on Vicksburg Lane N. in the City of Plymouth, County of Hennepin and State of Minnesota in response to a report of a child not breathing. Upon arrival, officers located a seven-year-old male, hereinafter Victim A, on the bathroom floor. Victim A's father, TIMOTHY DAVID JOHNSON, DOB 1/7/1977, the Defendant herein, was performing CPR. Victim A's mother, SARAH NICOLE JOHNSON, DOB 1/10/1978, was present in the home. EMS personnel arrived on scene. Victim A was pronounced dead at the home at 8:05 a.m.

Hennepin County Sherriff's Crime Lab processed the scene and photographed Victim A. Victim A had multiple bruises and breaks on his skin on the majority of his body. Specifically, he had bruising on his cheek, forearms, chest, buttocks, and lower abdomen. Victim A also had two large lesions on the back of each heel that were consistent with pressure ulcers. Pressure ulcers would not typically be present if a child is mobile. The Hennepin County Medical Examiner's Office conducted an autopsy on March 30, 2015. The pathologist determined that the cause of Victim A's death was acute pancreatitis and possible sepsis. In addition to contusions and abrasions, the pathologist noted multiple blisters on Victim A's legs that were consistent with bullous impetigo. Victim A was in the 5th percentile for age, and his Body Mass Index was in the 6th percentile for his age.

The medical records for Victim A are limited. Victim A underwent a well-child exam at age three. At that time, Victim A was in foster care and was placed in the JOHNSON'S home. SARAH NICOLE JOHNSON reported no concerns for Victim A's health and described Victim A as a bright child. The pediatrician at that time noted that Victim A's physical exam was unremarkable and that Victim A was a thriving, conversant preschooler. The JOHNSONS adopted Victim A at age four and homeschooled the child. Victim A was next examined at age five. The exam was, again, unremarkable. Victim A was noted to be neurologically normal and the JOHNSONS noted no concerns about Victim A's development, including no urinary concerns.

In interviews with law enforcement and the Medical Examiner's Office, the JOHNSONS noted substantial changes in Victim A's behavior in the weeks leading up to his death. According to the JOHNSONS, Victim A stopped sleeping sometime around the first week of March and would occasionally shake. Victim A developed the blisters and markings on his legs including the lesions on his heels. Neither parent could advise law enforcement how these injuries developed except to say that Victim A was always hurting himself. According to the JOHNSONS, Victim A was throwing himself down the stairs and hitting his head. Victim A started to slow his eating, and meals would take a couple hours.

The JOHNSONS acknowledged that, despite the myriad of concerning behavioral changes, they never took Victim A to a doctor because they had "issues with going to doctors." They were concerned that a doctor would put Victim A on medications and believed that they got better information from their own research. Relying on their personal research, the JOHNSONS diagnosed Victim A with post-traumatic stress disorder and a traumatic brain injury. The JOHNSONS stated that Victim A had previously been diagnosed with fetal alcohol syndrome and reactive attachment disorder, but the clinic they referenced had no record of diagnosing or treating Victim A. In response to Victim A's behavioral changes, the JOHNSONS increased Victim A's vitamin intake. The JOHNSONS treated Victim A's wounds with Neosporin and "medical honey."

The JOHNSONS were out-of-town for a wedding in the days leading up to Victim A's death on Monday, March 30, 2015. The JOHNSONS left Victim A in the care of the 16-year-old son, Witness A. Witness A called the JOHNSONS the morning of Sunday, March 29th, 2015, and reported that Victim A would not eat or interact. Victim A had stopped talking on Saturday, March 28th, 2015, and Witness A could not get him out of bed on Sunday. Witness A told the JOHNSONS that Victim A was lethargic and limp. The JOHNSONS acknowledged that they did not know whether Victim A was refusing to get up, or whether Victim A could no longer lift himself. The JOHNSONS started to leave the wedding on Sunday, but decided to remain out-of-town when Victim A ate some Cheerios.

The JOHNSONS arrived home the evening of Sunday, March 29th, 2015. Victim A was laying on the floor. Victim A did not react when they arrived home or when they prayed for his health. The JOHNSONS picked up Victim A and brought Victim A to the table for dinner. They fed Victim A two bites of pizza by cutting the pizza into bite-sized portions and putting it in his mouth. After giving Victim A a bath, they laid him down to sleep on a mattress in their room at about 10:00 p.m. Because Victim A was not sleeping, the mattress was equipped with an alarm that notified the JOHNSONS if Victim A left the mattress. Victim A was in a diaper and a long sleeved shirt. He did not have a blanket or a pillow. The JOHNSONS discussed seeking medical care for Victim A, but decided to wait until the morning to determine whether medical intervention was necessary.

Defendant, TIMOTHY DAVID JOHNSON, awoke the morning of Monday, March 30th, 2015 to a noise and discovered that Victim A was unresponsive on his mattress and covered in vomit. Defendant, TIMOTHY DAVID JOHNSON, cleaned off Victim A and initiated CPR while SARAH NICOLE JOHNSON called 911.

Defendant, TIMOTHY DAVID JOHNSON, is not 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

Molly Lynch
Police Officer/Detective
3400 Plymouth Blvd
Plymouth, MN 55447-1482
Badge: 51

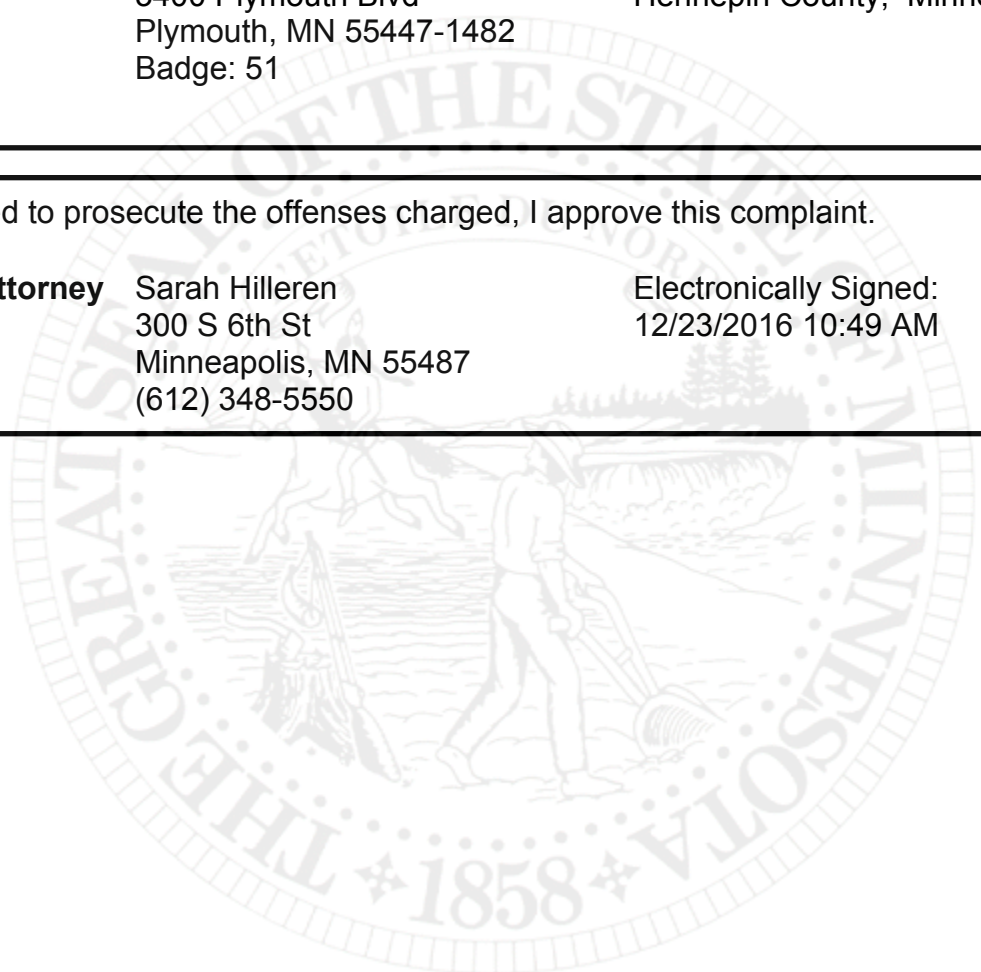
Electronically Signed:
12/28/2016 07:21 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Sarah Hilleren
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
12/23/2016 10:49 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 **January 31, 2017 at 1:30 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: \$0.00
Conditions of Release:

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 28, 2016.

Judicial Officer Ivy S. Bernhardson Electronically Signed: 12/28/2016 11:05 AM
District Court Judge

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff
vs.

Timothy David Johnson

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent: