

STATE OF WISCONSIN

CRIMINAL COMPLAINT

Plaintiff,

-vs-

DA Case No.: 2011WL002635

Assigned DA/ADA: Diane M Donohoo

Agency Case No.: TBL11-06666

✓ Kathleen O'Brien  
 N2128 Clover Road  
 Lake Geneva, WI 53147  
 DOB: 08/07/1962  
 Sex/Race: F/W  
 Eye Color: Hazel  
 Hair Color: Brown  
 Height: 5 ft 6 in  
 Weight: 130 lbs

✓ Court Case No.: 12 CF 230

Martin P. O'Brien  
 N2128 Clover Road  
 Lake Geneva, WI 53147  
 DOB: 10/22/1962  
 Sex/Race: M/W  
 Eye Color: Blue  
 Hair Color: Brown  
 Height: 6 ft 1 in  
 Weight: 195 lbs

Court Case No.: 12 CF 229

Defendants,

Lori Domino of the Town of Bloomfield Police Department, being first duly sworn, on information and belief, states that:

**Count 1: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME** (As to defendants Kathleen O'Brien and Martin P. O'Brien)

The above-named defendants on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child, \_\_\_\_\_, contrary to sec. 948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 2: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME** (As to defendant Martin P. O'Brien)

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child, \_\_\_\_\_, DOB \_\_\_\_\_, contrary to sec. 948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not  
05/15/2012

more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 3: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME (As to defendant Kathleen O'Brien)**

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child, \_\_\_\_\_, contrary to sec. 948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 4: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME (As to defendant Martin P. O'Brien)**

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child \_\_\_\_\_, contrary to sec. 948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 5: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME (As to defendant Martin P. O'Brien)**

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child, \_\_\_\_\_, contrary to sec. 948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 6: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME (As to defendant Martin P. O'Brien)**

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child, \_\_\_\_\_, DOB \_\_\_\_\_, contrary to sec. 948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 7: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME (As to defendant Kathleen O'Brien)**

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child, \_\_\_\_\_, DOB \_\_\_\_\_, contrary to sec.

948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 8: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME (As to defendant Kathleen O'Brien)**

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child, \_\_\_\_\_, DOB \_\_\_\_\_, contrary to sec. 948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 9: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME (As to defendant Martin P. O'Brien)**

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child, \_\_\_\_\_, DOB \_\_\_\_\_, contrary to sec. 948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 10: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM - PTAC, AS A PARTY TO A CRIME (As to defendant Martin P. O'Brien)**

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, did intentionally cause bodily harm to a child, \_\_\_\_\_, DOB \_\_\_\_\_, contrary to sec. 948.03(2)(b), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 11: DISORDERLY CONDUCT - PTAC, AS A PARTY TO A CRIME (As to defendant Kathleen O'Brien)**

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, while in a private or public place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke disturbance, contrary to sec. 947.01, 939.05 Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

**Count 12: DISORDERLY CONDUCT - PTAC, AS A PARTY TO A CRIME (As to defendants Kathleen O'Brien and Martin P. O'Brien)**

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The above-named defendants on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, while in a private or public place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke disturbance, contrary to sec. 947.01, 939.05 Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

**Count 13: DISORDERLY CONDUCT - PTAC, AS A PARTY TO A CRIME** (As to defendant Kathleen O'Brien)

The above-named defendant on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, while in a private or public place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke disturbance, contrary to sec. 947.01, 939.05 Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

**Count 14: DISORDERLY CONDUCT - PTAC, AS A PARTY TO A CRIME** (As to defendants Kathleen O'Brien and Martin P. O'Brien)

The above-named defendants on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, while in a private or public place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke disturbance, contrary to sec. 947.01, 939.05 Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

**Count 15: DISORDERLY CONDUCT - PTAC, AS A PARTY TO A CRIME** (As to defendants Kathleen O'Brien and Martin P. O'Brien)

The above-named defendants on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, while in a private or public place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke disturbance, contrary to sec. 947.01, 939.05 Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

**Count 16: DISORDERLY CONDUCT - PTAC, AS A PARTY TO A CRIME** (As to defendants Kathleen O'Brien and Martin P. O'Brien)

The above-named defendants on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, while in a private or public place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke disturbance, contrary to sec. 947.01, 939.05

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Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

**Count 17: DISORDERLY CONDUCT - PTAC, AS A PARTY TO A CRIME** (As to defendants Kathleen O'Brien and Martin P. O'Brien)

The above-named defendants on or about and between January 1, 2004, and December 31, 2011, in the Town of Bloomfield, Walworth County, Wisconsin, as a party to a crime, while in a private or public place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke disturbance, contrary to sec. 947.01, 939.05 Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

**PROBABLE CAUSE:**

- 1) Your complainant makes this complaint based upon the following, all of which your complainant believes to be reliable. The information in this complaint does not exhaust your complainant's knowledge of this incident.
- 2) Complainant reports that on August 3, 2011, complainant received a report from Cindy Emerson who complainant knows is employed as a supervisor of the Children's Unit in the Walworth County Department of Health and Human Services (WCDHHS). Emerson reported that several children were currently at the WCDHHS and were being interviewed by Paula Hocking. Complainant reports that she knows Hocking as a social worker who was previously employed by the WCDHHS and currently is employed by Children's Hospital of Milwaukee. Emerson reported that the children being interviewed are all children who were adopted by Martin P. O'Brien and his wife Kathleen O'Brien. Complainant reports that she is familiar with the family and that they have resided at a single family residence for several years in the Town of Bloomfield, Walworth County, Wisconsin, and continue to live there currently. Complainant reports that all of the crimes alleged herein were reported by the children as having occurred at that Bloomfield residence since they were adopted by the defendants. Complainant reports that she learned from the children that the children were adopted on or after 2004.
- 3) Complainant reports that in her investigation, she spoke to the children and she received information from Hocking who interviewed the children. Complainant reports that the children are identified as follows:
  - a. a male child;
  - b. a male child;
  - c. a female child;
  - d. a male child;
  - e. a female child;
  - f. an adult female

4) Complainant reports that the children reported that \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ are all biological siblings originally from the former Soviet Union who were adopted together by the defendants.

5) \_\_\_\_\_ reported that at times, when one child was being punished for wrongdoing, the defendants would punish all the children for that wrongdoing. \_\_\_\_\_ also reported that most of the punishments each adopted child received were not the same type of punishments that the defendants gave to the defendants' two biological sons.

**Count 1-- Physical Abuse of a Child: Kathleen O'Brien and Martin O'Brien**

\_\_\_\_\_ reported an incident that he recalled as having occurred between 2008 and 2011, where \_\_\_\_\_ was naked during the incident. \_\_\_\_\_ reported that being naked was part of the punishment ordered by the defendants. \_\_\_\_\_ reported that defendant Kathleen O'Brien held \_\_\_\_\_ arms behind his back. \_\_\_\_\_ stated that Defendant Martin O'Brien then made a fist and acted as if Martin O'Brien was going to punch \_\_\_\_\_. \_\_\_\_\_ stated that Kathleen O'Brien let go of him and he ran. \_\_\_\_\_ stated that one of the defendants' biological children caught \_\_\_\_\_ and then Martin O'Brien knocked \_\_\_\_\_ to the ground causing \_\_\_\_\_ strike his ( \_\_\_\_\_ ) chin on the floor. \_\_\_\_\_ stated that \_\_\_\_\_ then got into a verbal argument with Kathleen O'Brien and that \_\_\_\_\_ ran into \_\_\_\_\_ room. \_\_\_\_\_ reported that he ( \_\_\_\_\_ ) blocked the door of the room with a dresser. \_\_\_\_\_ stated that Martin O'Brien and the biological child forced the door open and dragged \_\_\_\_\_ downstairs, dragging him by his arms while he was still naked. \_\_\_\_\_ stated that Martin O'Brien and Martin O'Brien's biological son held \_\_\_\_\_ down and that Kathleen O'Brien proceeded to kick \_\_\_\_\_ in the groin causing him pain. \_\_\_\_\_ reported that at that point they were in the area of the bathroom near the kitchen. \_\_\_\_\_ reported that Kathleen O'Brien sprayed pepper spray in the face, neck, and chest of \_\_\_\_\_. \_\_\_\_\_ stated that he felt pain and burning in his face, neck, and chest. \_\_\_\_\_ reported that while Kathleen O'Brien sprayed pepper spray in \_\_\_\_\_'s face, Martin O'Brien bent \_\_\_\_\_'s arm over Martin O'Brien's knee, hyper extending \_\_\_\_\_'s elbow in a compliance type arm bar, causing \_\_\_\_\_ pain.

Complainant reports that she listened to the tape recorded statement of \_\_\_\_\_ and Hocking. \_\_\_\_\_ stated that she was afraid to talk to Hocking. Complainant reports that \_\_\_\_\_ told Hocking about \_\_\_\_\_ being sprayed with pepper spray. \_\_\_\_\_ reported to Hocking that Kathleen O'Brien told \_\_\_\_\_ that \_\_\_\_\_ had to be sprayed with pepper spray because he was kicking and punching.

Complainant reports that she listened to the tape recorded statement of \_\_\_\_\_ and Hocking. \_\_\_\_\_ reported that he was in the kitchen when Kathleen O'Brien was spraying \_\_\_\_\_ with pepper spray. \_\_\_\_\_ said he heard \_\_\_\_\_ screaming. \_\_\_\_\_ said that during the altercation, \_\_\_\_\_ ripped Kathleen O'Brien's colostomy bag. \_\_\_\_\_ said that Kathleen O'Brien had taken \_\_\_\_\_'s shirt off him.

Complainant reports that she listened to the tape recorded statement of \_\_\_\_\_ and Hocking. \_\_\_\_\_ reported that she heard Kathleen O'Brien warn \_\_\_\_\_ about spraying him with pepper spray. \_\_\_\_\_ said that Kathleen O'Brien sprayed \_\_\_\_\_ and then \_\_\_\_\_ was coughing.

reported that she was once struck by Martin O'Brien with a stick. said that she did not like it when she got hit with the stick as it resulted in her having bruises on her butt "for a week." Complainant notes that during the interview, became so upset that Hocking stopped the interview.

reported that if one of the kids told a lie, that the defendants would slap the child as many times as the child was years in age at the time.

### **Count 2--Physical Abuse of a Child: Martin O'Brien**

reported an incident that occurred in October of 2010, at which time Martin O'Brien punched in the face while Martin was sitting on top of and the punch to the face caused pain.

### **Count 3--Physical Abuse of a Child: Kathleen O'Brien**

reported a matter when Kathleen O'Brien caught with a pocket knife. stated personally observed Kathleen O'Brien take the pocket knife from and stab in the hand, causing 's hand to bleed.

Complainant reports that August 17, 2011, she applied for and received a search warrant authorizing her to search the O'Brien residence for various evidentiary items. Complainant reports that in executing that search warrant at the defendants' home, complainant seized several notebooks which contained writings as well as a computer which was subsequently analyzed by an expert at the State Crime lab. Complainant has reviewed the written materials in the notebooks and the materials recovered from the computer. Based on the information received from the children, and based on the contents of the written notebooks, complainant believes that the materials were handwritten by Kathleen O'Brien. Complainant reports that Kathleen O'Brien described many of the punishments that she gave to the children. Complainant reports that in one notebook, Defendant Kathleen O'Brien describes an incident in which her journal entry appears to be dated August 2007. In that entry, Kathleen O'Brien wrote about catching with a pocket knife.

### **Count 4-- Physical Abuse of a Child: Martin O'Brien**

reported that during the 2004-05 school year, personally observed Martin O'Brien get angry with and pick up by the neck using both hands. stated that looked scared, and that ; face turned red. stated that was in kindergarten or first grade at Eastview school when this occurred.

reported an incident where she observed Defendant Martin O'Brien grab by the throat and lift off the ground. stated that 's face turned red and it appeared was having difficulty breathing.

reported that he observed ' being picked up off the ground by Martin O'Brien and that it caused 's face to turn blue. said that Martin dragged to the door and dropped

**Count 5--Physical Abuse of a Child: Martin O'Brien**

. reported that during the summer of 2007, . observed Martin O'Brien place a white bucket over l 's head, and hit ., and with a large stick Martin O'Brien struck the bucket.

**Count 6--Physical Abuse of a Child: Martin O'Brien**

. reported that during the Winter of 2005-06, : observed Martin O'Brien strike . in the genitals with his knee.

**Count 7-- Physical Abuse of a Child: Kathleen O'Brien**

reported that on or around a time when was approximately 7 years old, which would have been in approximately 2006, . observed Kathleen O'Brien pick up by the ear, and that 's ear was torn and bleeding as a result of her actions.

). told Hocking that there was a time when . was pulled by the ear and 's ear bled from that.

. reported that Martin and Kathleen O'Brien would pull the children by the ears and that would cause a burning sensation "for days." reported that 's ear bled once from being pulled. reported that Kathleen O'Brien had slapped . across the face and that one time it left a red mark. . reported that the red mark stayed on him for days.

**Count 8-- Physical Abuse of a Child: Kathleen O'Brien**

reported that on one occasion between 2004, and 2011, Kathleen O'Brien struck 's hands with a ruler for taking a snack pack pudding item. . said that when Kathleen O'Brien hit him with the ruler, she hit him so hard the ruler broke and his hand swelled.

**Count 9--Physical Abuse of a Child: Martin O'Brien**

. reported an incident between 2004, and 2011, where Martin O'Brien placed in a red bin, and that Martin O'Brien took a log and struck the bin near 's head. . said the red bin was not very big and he felt "crammed" into it. said that 's head swelled from being struck indirectly through the red bin. Complainant reports that while executing the search warrant on August 17, 2011, complainant seized a red bin after pointed it out to her at the residence.

**Count 10--Physical Abuse of a Child: Martin O'Brien**

. reported that sometime between February and May of 2011, Martin O'Brien hit . in the chest with a flashlight. . stated that the blow caused him pain and numbness in his body.



**Count 11-- Disorderly Conduct: Kathleen O'Brien**

reported that several years ago, was caught stealing food. reported that Kathleen O'Brien took out several loaves of bread from the freezer, threw the bread on the floor, and told all six children to eat the bread before going to bed as punishment. stated that the defendants' biological children were not disciplined in this manner and did not have to eat the bread.

stated that sometimes the children would get hungry and would have to steal food. reported that if they got caught, they were forced to miss a meal as punishment.

**Count 12-- Disorderly Conduct: Kathleen O'Brien and Martin O'Brien**

reported that on or around May of 2011 observed Kathleen O'Brien slap on s face with her hand. further reported that he observed Martin O'Brien shut a door on 's feet inside the residence.

**Count 13--Disorderly Conduct: Kathleen O'Brien**

reported that sometimes during the Winter that the children were told to shovel the drive. said that he helped one of the children shovel that child's assigned area and was punished for doing so. reported that the punishment was that he had to take his shoes off and stand in the cold snow for several minutes. stated that ( was given that punishment one time and it resulted in her feet becoming red and swollen. reported that during the Winter of 2008-09, Kathleen O'Brien forced to stand outside without socks or shoes until her feet turned blue and appeared swollen. stated that this occurred after Kathleen O'Brien accused of stealing food from Kathleen O'Brien's house.

**Count 14--Disorderly Conduct: Kathleen O'Brien and Martin O'Brien**

reported that sometimes Kathleen O'Brien and Martin O'Brien made all six adopted children stand naked on an enclosed porch and watch Kathleen O'Brien, Martin O'Brien, and their biological children eat dinner. reported that he was hungry while he had to watch the others eat food. reported that the children were forced to stand naked three to four times a year and that this went on for several years. reported that the last time he remembered having to stand naked in the porch was about a year before he was interviewed by the social worker which would have been sometime in 2010. stated that the defendants and the biological sons would make fun of the adoptive children's bodies. said that this occurred after made a comment that the adoptive children should return to Russia.

Complainant reports that ). reported to complainant that Diane O'Brien is the adult biological child of the defendants and would have witnessed some of the matters while Diane O'Brien lived at the Bloomfield home. Complainant reports that on May 14, 2012, complainant spoke by phone to Diane O'Brien. Diane O'Brien identified herself as a biological child of the defendants. O'Brien stated that she moved out approximately five years ago and has not had much contact with her parents. Diane O'Brien stated that when

she still lived in the residence, that the adoptive children had to undress and stand naked in front of Diane O'Brien and her brothers. Diane O'Brien further reported that the children had to kneel on rocks, patio blocks or cement as a punishment.

**Count 15--Disorderly Conduct: Kathleen O'Brien and Martin O'Brien**

. reported that sometime around 2005-2006, Kathleen O'Brien and Martin O'Brien made all six adopted children sit naked outside the residence on metal trash cans for approximately 15 minutes.

**Count 16--Disorderly Conduct: Kathleen O'Brien and Martin O'Brien**

. reported that sometime between May and June of 2011, all the adopted children were locked in a bedroom at the O'Brien residence for 4 to 5 days. stated they were let out three times a day to use the bathroom, and that there was a bucket in the bedroom they were told to use if they needed to use the toilet while they were locked in the room. Complainant reports that in reviewing Kathleen O'Brien's journals, Kathleen O'Brien documents locking the children in the bedroom on July 12, 2008, October 6, 2008, and on April 12, 2010.

**Count 17--Disorderly Conduct: Kathleen O'Brien and Martin O'Brien**

. reported that sometimes the children were required as a punishment to kneel on sharp rocks outside for several hours. recalled this occurring in April of 2011, when all the adopted children were forced to kneel on sharp rocks in the dog pen at the O'Brien's residence for 6 to 7 hours at a time. reported that this was painful.

. stated that sometimes they had to stand in the dog pen among the dog feces.

said that the punishment time was increased if he went into a shady area of the dog pen instead of standing directly in the sun.

Complainant reports that . told Hocking that she was forced to kneel on rocks for 20 to 30 minutes at a time during which time Martin O'Brien and sometimes Kathleen O'Brien would use profanity at the children telling them why they were being punished.

. reported that he would be ordered to kneel on rocks for 30 minutes which would cause pain due to the rocks sticking into his knees. further reported punishments where he was required to stand in the dog pen.

reported that Kathleen O'Brien once told that their lives would be better without . because it would be more peaceful and quiet. . told Hocking that this upset and made him angry.

reported that the defendants took away his shoes during the Spring and Summer months telling him that they did so to prevent him from running away.

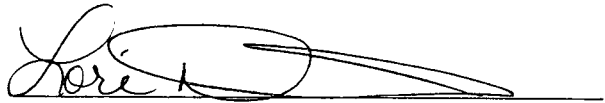
Complainant reports that both and described punishments they received from the two defendants as being hit with a belt and a stick; and that sometimes they were slapped in the face. eported that Kathleen O'Brien would make the child who was getting slapped pick which hand she would use to hit them. reported that if the

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form of punishment was being slapped, the child was slapped as many times as the child's age at the time. stated that when being spanked with the belt or stick, was told to drop his pants and was struck on his buttocks.

Complainant reports that Hocking asked if anyone was ever choked at the residence. reported observing Martin O'Brien choking when he did not like the prayer . said. said that he was punished by missing meals if was caught lying.

Subscribed and sworn to before me, and approved for filing on:

  
Complainant

This 16 day of May, 2012.

  
Assistant District Attorney

State Bar No. for Assigned DA/ADA: 1018090