



DISTRICT COURT OF MARYLAND FOR Montgomery County

Located at 191 East Jefferson St, Rockville, Maryland 20850



Case No. 5D00304526

STATE OF MARYLAND VS. OCALLAGHAN, BRIAN PATRICK

CONRAD COURT
DAMASCUS, MD 20872-0000

CC#: 14005206 SID:
LID: DL#: MD
Race: 2 Sex: M Ht: 6' 1" Wt: 200 Hair: Eyes:
DOB: /1977 Phone(H): Phone(W):

Charge | Statute | Arrest
MURDER - FIRST DEGREE | CR 2 201 |

Charge | Statute | Arrest
CHILD ABUSE-1ST DEGREE: DEATH | CR 3 601 (B) |

ARREST WARRANT ON CHARGING DOCUMENT - Warrant No. D130898062

STATE OF MARYLAND, Montgomery County
TO ANY PEACE OFFICER, Greetings:



YOU ARE ORDERED to arrest and bring before a judicial officer the above-named Defendant as soon as practicable and without unnecessary delay. If a judicial officer is not readily available, this Warrant shall authorize the prisoner's detention until compliance is had with Rule 4-212 and the arresting officer is authorized and required to comply with Rule 4-212.

IF THE DEFENDANT IS NOT IN CUSTODY FOR ANOTHER OFFENSE,
Initial appearance is to be held in county in which Warrant was issued.

IF THE DEFENDANT IS IN CUSTODY FOR ANOTHER OFFENSE, this Warrant is to be lodged as a detainer for the continued detention of the Defendant for the offense charged in the charging document. When the Defendant is served with a copy of the charging document and Warrant, the Defendant shall be taken before a judicial officer of the District Court.

Date: 02/12/2014 Time: 6:42 PM Judge/Commissioner: [Signature] ID: 6588

Given to: **MONTGOMERY COUNTY POLICE-MCPD HEADQUARTERS**

RETURN OF SERVICE

I certify that at _____ M on _____ at _____

_____, I executed this Arrest Warrant by arresting the Defendant and delivered a copy of the Statement of Charges to the Defendant.

I left a copy of the Warrant and Charging Document as a detainer for the continued detention of the Defendant at:

Facility: _____

Location: _____

Signature & Title of Peace Officer: _____

Printed Name of Officer: _____

Agency, Sub-Agency, I.D.: _____

Date: _____

Tracking No: 141001046093

CA

ARREST WARRANT ON CHARGING DOCUMENT

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DISTRICT COURT OF MARYLAND FOR Montgomery County

Located at 191 East Jefferson St, Rockville, Maryland 20850



Case No. 5D00304526

STATE OF MARYLAND VS. OCALLAGHAN, BRIAN PATRICK

COMPLAINANT:

Officer: DETECTIVE M. CARIN

Agency/Subagency: MCP HQ15

Officer ID: 9448

CONRAD COURT
DAMASCUS, MD 20872

CC#: 14005206

SID:

LID:

DL#: [REDACTED] MD

Race: 2 Sex: M

Ht: 6' 1"

Wt: 200

Hair:

Eyes:

DOB: [REDACTED]/1977

Phone(H):

Phone(W):

STATEMENT OF CHARGES

UPON THE FACTS CONTAINED IN THE APPLICATION OF Officer: DETECTIVE M. CARIN IT IS FORMALLY CHARGED THAT OCALLAGHAN, BRIAN PATRICK at the dates, times and locations specified below:

NUM	CHG/CIT	STATUTE	PENALTY	DESCRIPTION OF THE CHARGE
001	1 0990	CR 2 201	LIFE	MURDER - FIRST DEGREE On or About 02/01/2014 [REDACTED] CONRAD COURT, DAMASCUS, MONTGOMERY COUNTY, MARYLAND ...did feloniously, willfully and of deliberately premeditated malice aforethought kill and murder HYUNSU O'CALLAGHAN {DOB: [REDACTED]}. Against the Peace, Government, and Dignity of the State.
002	1 1639	CR 3 601 ((b))	40 Y	CHILD ABUSE-1ST DEGREE: DEATH On or About 02/01/2014 [REDACTED] CONRAD COURT, DAMASCUS, MONTGOMERY COUNTY, MARYLAND ...did cause abuse that resulted in the death of HYUNSU O'CALLAGHAN {DOB: [REDACTED]}, a child under the age of 18, the defendant being a parent of said child, in violation of CR 3-601 of the Annotated Code of Maryland. Against the Peace, Government, and Dignity of the State.

DISTRICT COURT OF MARYLAND FOR Montgomery

(COUNTY)



LOCATED AT (COURT ADDRESS)
191 East Jefferson Street Rockville, Maryland
20850

DISTRICT COURT CASE NUMBER
SD00304526
Murder, etc.

RELATED CASES:

COMPLAINANT/APPLICANT

DEFENDANT

Detective Michael Carin
Name (Print)
100 Edison Park Drive
Address (Number and Street)
Gaithersburg, Maryland 20878 240-773-5083
City, State, and Zip Code Telephone
MCPD, H-15, 9448
Agency, Sub-Agency, and I.D. # (Officer Only)

BRIAN PATRICK O'CALLAGHAN
Name (Print)
Conrad Court
Address (Number and Street)
Damascus, Maryland 20872
City, State, and Zip Code Telephone
CC# 14005206

DEFENDANT'S DESCRIPTION: Driver's License Sex M Race W Ht 6'01 Wt 200
Hair Eyes Complexion Other D.O.B ID

APPLICATION FOR STATEMENT OF CHARGES

Page 1 of 4

I, the undersigned, apply for a statement of charges and a summons or warrant which may lead to the arrest of the
above named Defendant because on or about February 1, 2014
at Conrad Court Damascus, Montgomery County, Maryland, the above named Defendant
For details see continuation report.
(Concise statement of facts showing that there is probable cause to believe that a crime has been committed and that the Defendant has committed it):

(Continued on attached 2,3,4 pages) (DC/CR IA)

I solemnly affirm under the penalties of perjury that the contents of this Application are true to the best of my knowledge,
information and belief.

2-12-14
Date

M. Carin 2-12-14
Officer's Signature

I have read or had read to me and I understand the Notice on the back of this form.

Subscribed and sworn to before me this 12th day of February, 2014
Time: 6:34 PM Judge/Commissioner
Applicant's Signature
I.D. 6022

I understand that a charging document has been issued and that I must appear for trial on
at Time when notified by the Clerk, at the Court location shown at the top of this form.

Applicant's Signature

I declined to issue a charging document because of lack of probable cause.

Witnesses' Names and Addresses:
Date Commissioner ID.

Name Number and Street/Agency/Sub-agency/I.D. City, State, Zip
Name Number and Street/Agency/Sub-agency/I.D. City, State, Zip
Name Number and Street/Agency/Sub-agency/I.D. City, State, Zip

LOCATED AT (COURT ADDRESS)
191 East Jefferson Street Rockville, Maryland 20850

DISTRICT COURT
CASE NUMBER
JD00304526

DEFENDANT'S NAME (LAST, FIRST, M.I)
O'Callaghan, Brian Patrick

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 2 of 4

On February 2, 2014, the Montgomery County Police Major Crimes Division received information that the victim Hyunsu O'Callaghan was at Children's National Medical Center unresponsive with suspicious injuries. Detective Carin and Detective Fumagalli were assigned to handle the follow up investigation. Detectives interviewed Brian O'Callaghan, the victim's adoptive father. During the interview he stated the following:

^{DOB} [REDACTED]
The victim Hyunsu O'Callaghan was adopted from Korea and he has been in the United States since October 2013. Hyunsu has bonded with his wife [REDACTED] and his parents but he has not bonded with him. Since October [REDACTED] has been the primary care taker but in January 2014, Brian began to use Family Medical Leave to take care of Hyunsu and [REDACTED] went back to work.

On January 31, 2014, [REDACTED] went out of town and Brian was the primary care taker for Hyunsu. Earlier that evening Brian assisted Hyunsu with a shower and he explained Hyunsu does not like to take showers because he does not like the water hitting him. During the shower Hyunsu was upset and crying. After the shower had ended Hyunsu slipped in the bathtub falling backwards. As he fell he hit his shoulder. Brian consoled him and he went to bed without incident.

On February 1, 2014, Brian woke up and he took Hyunsu and his biological son [REDACTED] out for breakfast. When they returned home Hyunsu began to fall asleep. A short time later Brian drove Hyunsu and [REDACTED] to the Germantown Swim Center. Hyunsu played in the park while [REDACTED] was at a diving class. After playing in the park, Brian drove Hyunsu to a local fast food restaurant to get lunch and they returned to the swim center to pick up [REDACTED]. Brian then drove back to the family home located at [REDACTED] Conrad Court Damascus, Montgomery County, Maryland . Prior to putting Hyunsu down for a nap Brian allowed him to eat yogurt.

2.12.14
Date

[Signature]
Applicant's Signature

TRACKING NUMBER

65

LOCATED AT (COURT ADDRESS)

191 East Jefferson Street Rockville, Maryland 20850

DISTRICT COURT
CASE NUMBER

SD00304526

DEFENDANT'S NAME (LAST, FIRST, M.I.)

O'Callaghan, Brian Patrick

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 3 of 4

At approximately 1400 hours, Brian put Hyunsu down for a nap.

At approximately 1600 hours, Brian went to check on Hyunsu and when he got to his room he observed a pinkish fluid/stain on the bedding and mucus coming from his nose. Brian changed the sheets and cleaned Hyunsu's nose and it should be noted Hyunsu did not wake up.

At approximately 1700 hours, Brian went to check on Hyunsu again. Hyunsu was unresponsive and he observed a large amount of mucus coming from his nose. Brian picked Hyunsu up and he began to projectile vomit and he remained unresponsive. Brian removed Hyunsu's clothing and he placed him inside the bathtub. Hyunsu remained unresponsive and Brian turned on the water to wash him off. After Brian was finished he picked up Hyunsu and he dressed him. Brian received a text message from his wife [REDACTED] and he advised her of the situation. She advised him to go to the emergency room or call an ambulance. Brian drove Hyunsu to the Germantown Emergency Room. When he arrived Hyunsu was still unresponsive and in medical distress.

Medical personnel at the satellite emergency room attempted to stabilize Hyunsu and he was prepared for transport to Children's National Medical Center.

Doctors at Children's National Medical Center determined Hyunsu was in Critical Condition and there was concern he could be "brain dead". The doctors conducted medical test and discovered Hyunsu had bleeding in the brain and hemorrhaging in the eyes. These types of injuries are consistent with acute head trauma and Brian O'Callaghan could not provide an explanation that would cause this type of medical distress to Hyunsu. Brian O'Callaghan did acknowledge he had complete care and custody for Hyunsu from 1900 hours on January 31, 2014 through February 1, 2014 when he presented Hyunsu to medical personnel.

2-12-14

Date

MCAN

Applicant's Signature

TRACKING NUMBER

65

LOCATED AT (COURT ADDRESS)

191 East Jefferson Street Rockville, Maryland 20850

DISTRICT COURT
CASE NUMBER

JD00304526

DEFENDANT'S NAME (LAST, FIRST, M.I)

O'Callaghan, Brian Patrick

APPLICATION FOR STATEMENT OF CHARGES (CONTINUED) Page 4 of 4

On February 3, 2014, Detectives Carin and Fumagalli responded to the Children's National Medical Center and were met by the doctors that were treating Hyunsu. The detectives were advised the following:

Hyunsu was at Children's National Medical Center and he is in the Pediatric Intensive Care Unit. Currently he is unresponsive and tests are being conducted to determine his neurological state. The Doctors examined Hyunsu and it was noted he had multiple injuries to include trauma to the brain and hemorrhaging in eyes. These findings support the fact that the victim had recent episode(s) where he was beaten. It should also be noted this type of injury would cause the victim to decompensate at a rapid rate indicating the trauma was acute.

The victim was pronounced deceased on February 3, 2014.

On February 6, 2014, Dr. Mourtzino performed an autopsy on Hyunsu O'Calaghan. Dr. Mourtzino noted Hyunsu's body had multiple contusions consistent with impact trauma. There was also evidence of impact trauma on Hyunsu's scrotum.

An examination of Hyunsu's head revealed he had a skull fracture with bleeding on the front and back of the brain with multiple impacts to the head. The hemorrhage was subcutaneous which is a sign of trauma to the head. The hemorrhaging to the brain caused fluid from the brain to enter the sinus cavity and the spine.

Dr. Mourtzino ruled the Cause and Manner of Death: Homicide by Multiple Blunt Impact Injuries.

Based on the above facts, your affiant request an arrest warrant be issued for Brian Patrick O'Callaghan for the following charges:

1. Murder First Degree
2. Child Abuse Resulting in Death.

2.12.14
Date

[Signature]
Applicant's Signature

TRACKING NUMEER

cc