

State of Minnesota
County of Waseca

District Court
3rd Judicial District

Prosecutor File No. 19CR00034
Court File No. 81-CR-19-191

State of Minnesota,

Plaintiff,

vs.

KEITH LUKE KRAUSE DOB: 05/01/1980

12516 290th Avenue
Waseca, MN 56093

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: Child Neglect

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

Maximum Sentence: 5 years in prison, a \$10,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 09/28/2018

Control #(ICR#): 18006471

Charge Description: On or about 9/28/2018, within the County of Waseca, defendant, a parent, legal guardian, or caretaker willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and the deprivation harms or is likely to substantially harm the child's physical, mental, or emotional health and the deprivation results in substantial harm to the child's physical, mental, or emotional health.

STATEMENT OF PROBABLE CAUSE

Your Complainant, Trevor Kanewischer, is a Chief Deputy employed by the Waseca County Sheriff's Office. In this capacity your Complainant has read the reports of Investigator Joe Linde and believes the following to be true and correct.

On September 27, 2018, Investigator Linde with the Waseca County Sheriff's Office was notified of a possible child abuse situation involving J.K (DOB: 09/01/2011). North Mankato Police Department had been dispatched to North Mankato, to assist on a medical call. It was reported that J.K. was possibly having a seizure at that location. J.K. had been transported to the Mayo Clinic Health Systems Hospital in Mankato, Minnesota for evaluation. EMS and MCHS-Mankato staff had concerns that J.K. may have been a victim of chronic child abuse due to some bruising present and also the child's overall condition. J.K. was intubated and then flown to MCHS-St Mary's Hospital in Rochester for additional care.

Investigator Linde was notified of the potential child abuse (as the Krause's are Waseca County residents) and met officers from North Mankato and MN Prairie County Alliance Child Protection Agent (CPA) Justin Munson at MCHS-St Mary's Hospital. Lt. Adams was able to show Investigator Linde the pictures taken of J.K., in which there appeared to be a large amount of bruising, healing injuries (what appeared to be scar tissue) and current injuries such as scabs. Investigator Linde was able to briefly view J.K. and inspect some of the abrasions and bruising on her body, in person. Some of the abrasions, such as the ones on her knees and elbows, appeared to be common childhood abrasions, but other bruising didn't appear to be common. Investigator Linde also observed what appeared to be healing or healed scars in several spots on her body.

Dr. Donald Derauf informed law enforcement of several concerns for J.K: fractures in the ring and middle finger on the left hand; two different subdural hematomas; bruising in several parts of the body; rectal bleeding; several abrasions all over the child's body; pelvic fracture; and low weight or possible malnourishment. Dr. Derauf explained that the subdural hematomas are generally caused by the force equivalent of a car accident and are not just slight in nature. Dr. Derauf stated that brief conversation with the parents of J.K. did not yield a viable explanation to how the child ended up in this condition. Dr. Derauf had concerns that J.K. was possibly being abused. Dr. Derauf stated that J.K., seven years old at the time, had the body weight of a 2 year old.

CPA Munson and Investigator Linde interviewed the father of J.K., identified as Keith Luke Krause. Keith was advised that he did not have to speak with them. Keith advised that he lived in rural Waseca County, with his wife, Katie, and children. Keith explained that he and Katie have three other biological children, but that J.K. was adopted from China when she was 3 years old. Keith explained that J.K. had congenital glaucoma in her left eye and it was a known issue. Keith advised that J.K. had surgery on the eye after being in the U.S., which essentially made the eye a prosthetic eye as the eye had deteriorated so badly. Keith advised that the prosthetic eye sometimes will cause J.K. balance or depth perception issues. Keith advised us that he farms as a means of employment and his wife Katie home schools the children.

Keith was asked about some of the fractures, bruises, abrasions, and the underweight condition of J.K. Keith mentioned that J.K. tipped over or fell off her bicycle recently. Keith stated that she had been wearing a helmet at the time. Keith also mentioned that the tipping over or falling over was not witnessed. Keith also mentioned that J.K. also recently hit her head on the corner of the tiled seat in the master shower, after slipping in the shower. The slip was not witnessed. Keith reported that J.K. had recently complained of headaches, which was unusual for her, but they appeared to have gone away as she wasn't complaining of them anymore. Keith stated that J.K. may have some balance issues or just falls down and that some of the scrapes and bruises may have been attributed to that. Keith also talked about sometime this spring, J.K.

had been sleeping in Keith and Katie's bed with them and J.K. had fallen out of the bed causing some injury to J.K. Keith reported that they had taken J.K. to the doctor then and the doctors did not make any concern about J.K.'s weight.

Keith denied any physical abuse going on in the home. Keith was asked why J.K. was so underweight. Keith responded that he and Katie had noticed that J.K. was looking skinny lately. Keith stated that she eats well and Keith went on to describe some of the meals that the family enjoys. Keith also stated that J.K. was the only kid to receive whole milk and whey protein powder and whole milk yogurt, in an effort to bolster the weight of J.K. Keith stated that the underweight observations of J.K. was mentioned to a doctor but nothing ever came of it. Keith stated that Chinese people bruise easier and longer and have darker bruises, which are sometimes referred to as Mongolian Spots.

Keith advised that J.K. is punished occasionally with spankings by hand, but had previously been spanked with a wooden spoon. The spankings with a wooden spoon were discontinued shortly after they began. Keith also stated that J.K. will get "time outs" as punishment as well.

CPA Monson and Investigator Linde then talked with Katie Rae Krause. Katie was advised that she did not have to talk with them. Katie sat in the same chair that Keith did, which was closest to the door. Katie recounted the events of the day, which was stated as Julianna appearing to have a seizure while at Katie's mom's house. Katie stated that her mom was not home at the time of the incidence, and that it was just her and two of her children, including J.K. Katie explained that she had been doing math homework with J.K. at the table and J.K. had excused herself to go to the bathroom. Katie stated that she heard J.K. fall and found J.K. appearing to have a seizure in the hallway near the bathroom. EMS was then notified.

Katie did not know why J.K. would have a "seizure". Katie talked about a recent bike accident that J.K. had, in which she fell over on or off of her bicycle. Katie also talked about a recent fall in the shower, along with a fall from Katie and Keith's bed. Katie was not able to fully explain all the abrasions and bruising and fractures. Katie was talked with about J.K.'s malnourishment and low weight, to which Katie stated she didn't know what would be causing that. Katie mentioned that she did notice the weight loss and was concerned by it. Katie stated that she had mentioned it to a doctor one time and it was not overly concerning to them.

Katie admitted that her bond with J.K. was different than the bond with her biological children. Katie admitted that she has struggled at times with J.K., but felt they were getting closer and things were progressing nicely. Katie was unsure how the subdural hemorrhages may have occurred. Katie also shared that J.K. never outwardly complained of any specific pain. Katie mentioned that J.K. recently assisted with loading/unloading the dishwasher and didn't favor her hand that had fractures or complain of any pain. Katie stated that overall everything was going pretty good at home.

On November 13, 2018, at approximately 9:56 a.m., Investigator Linde watched and listened to J.K. being interviewed by MN Prairie County Alliance Child Protection Agent (CPA) Bridget VanHecke at the Waseca County Sheriff's Office. J.K. and CPA VanHecke both sat at a table in the interview room. During the interview, J.K. spoke very good English, enunciated words appropriately for her age, was outgoing, and did not appear to be lethargic at all. J.K. was able to name her siblings, parents, cat, and dog at her family's residence in Waseca. CPA VanHecke asked J.K. if she knew why she was at the Sheriff's Office. J.K. stated that was because she was in the hospital for 10 days, wasn't safe at home, and was now safe at her foster placement. J.K. also stated to CPA VanHecke that she might get hurt again and didn't want to go back to the hospital. J.K. stated she didn't remember why she went to the hospital in the first place.

J.K. was able to describe some times when she was "naughty", such as being sneaky or having an accident in her pants or eating crumbs off the table. J.K. described having to go to the playground, doing

jumping jacks for 15 minutes, or until Katie tells her to stop. J.K. said she would be tired after. J.K. also talked about being forced to run a lot, and taking a cold bath or shower, which made her sad, as she said she didn't like cold showers and that none of the other kids got cold showers when they had accidents. J.K. specifically stated that her sister got a warm shower when she had an accident as punishment. J.K. also stated that her dad would spank her on her bottom with his hands or a spoon for lying, but admitted that it had been 5 or 6 months since she had been spanked with a spoon. J.K. stated that her mom spanked her with her hand. J.K. also admitted that her dad gave spankings to her sister as well. J.K. stated that she eats crumbs off the table because she is hungry.

CPA VanHecke spoke with J.K. about her being hungry. J.K. stated she has to ask her mom and then she gets food at the next snack time, around 10 a.m. J.K. also mentioned that during meal time, when the other kids are done with the meal, she has to be done as well, even if she was out running or doing jumping jacks as a punishment. J.K. stated the rest of the meal is usually put in the fridge. J.K. also noted that no one else has to do jumping jacks or run during meal time.

J.K. disclosed a specific time when she had fallen down outside and had gotten some dirt on her arm. J.K. had to go into the master bathroom with her mother, where her mother put hot water on her arm to clean it off. J.K. stated she told her mother the water was too hot and that her mother kept her arm under the hot water for 5 minutes. J.K. stated that some of her skin came off and it felt "really bad" and that "it was burning". While J.K. was explaining this, she pointed to a scar on her right arm near the crook of her elbow. J.K. said that her mother called her father afterwards, who came and looked at the wound. J.K. stated that her father said "this is bad".

CPA VanHecke then asked J.K. if she knew how some of her other bruises happened. J.K. explained that she was trying to get on her bike one time and fell off, causing a bump on her head.

J.K. explained to CPA VanHecke that she can't see out of one eye, but otherwise can see fine when trying to ride a bike. J.K. also mentioned that she typically had nap time from 1:00 p.m. to 4:00 p.m. every day. J.K. stated that she can go running if she wakes up early, even though the other kids play downstairs. J.K. was able to verbalize on who she would be able to talk to or tell about inappropriate contact.

Keith and Katie have not provided any information or medical documentation regarding J.K. that would show or indicate the cause of bruising, subdural hematomas, fractured fingers, pelvic fracture, malnourishment, or the "seizure" that occurred or was noted on September 27, 2018.

On October 3, 2018, Investigator Linde and CPA Munson interviewed Dr. Derauf for more information now that J.K. had been in the hospital for awhile. Dr. Derauf works at the Child Advocacy Center and holds a certification in Child Abuse Pediatrics. Dr. Derauf examined J.K. and her records. When discussing her malnourishment, Dr. Derauf reported that the two main causes of malnourishment is not enough calories or the body isn't absorbing the nutrients. Dr. Derauf in talking about J.K., reports that nothing has been reported from the parents that would indicate J.K. isn't absorbing nutrients, she eats fine, no choking, mouth pain, blood in stool or diarrhea. He reports that tests have been run to check her Thyroid functioning, and those tests returned negative, he explains that someone with Thyroid issues they normally fall off of the height scale, but J.K. has fallen off both the height and weight scale indicating inadequate calorie intake. No medical reason can explain her lack of weight gain. Dr. Derauf in talking about some of Julianna's abnormal lab results, can be explained by malnutrition. Dr. Derauf explained that due to J.K.'s malnutrition there are concerns of re-feeding syndrome, where if she were to eat too fast, she could become sick. In talking about progress Julianna has made, she came into the hospital on 9/27/18 weighing 12.8 kilograms (28.2 lbs) and as of 10/3/18 she weighed 14 kilograms (30.8 lbs), a gain of 1.2 kilograms.

Dr. Derauf stated that bruising and the patterned bruising on her body aren't consistent with accidental

trauma. He reported that a hematology specialist saw J.K. and agreed that the bruising wasn't caused by accidental trauma. The hematologist reports regarding the brain bleed and internal bleeding does not happen spontaneously, even in people with bleeding disorders, and the hematologist believes that a bleeding disorder couldn't explain all of J.K.'s physical findings. A blood panel was completed, testing for possible disorders such as hemophilia that could cause easier bleeding or bruising and those tests came back normal. When talking about J.K.'s labs, her Creatine Kinase was at 304 and a normal range is 26-192. High levels of Creatine Kinase, is normally a reflection of trauma to muscles.

J.K. has healing fractures on her left middle and ring finger along with a healing fracture of her right pelvis. Dr. Derauf stated that the radiologist didn't see any signs of bone disorder such as rickets. He explained that does have low zinc and phosphorus levels that are reflections of malnourishment and these low levels could lead to bone issues, but he doesn't see any signs that the malnourishment made her more predisposed to fractures. He explained that her healing fractures would have been sore and J.K. would have experienced pain. Dr. Derauf was concerned that these fractures were not addressed by medical professionals.

In talking about the subdural hematoma (brain bleed) and retinal hemorrhaging in her right eye. Dr. Derauf explained MRI and CT scans were completed. In those scans it showed acute and chronic subdural hematomas. The Neurosurgeon remarked that these types on injuries are normally seen in high velocity accidents and/or shaking. It is noted that this type of hematoma, along with retinal hemorrhaging, have been seen in shaken children. With these types of injuries J.K. would have lost consciousness and symptomatic symptoms would have been seen by the parents following the incident. When talking about the possibility of brain bleed being caused by the seizure, Dr. Derauf reports that seizures happen to lots of people and brain bleeds aren't seen in these people after. Dr. Derauf was confident that the seizure didn't cause the brain bleed. When specifically asked what the chances are that J.K. could have received the brain bleed from the seizure or falling, he replied, "zero."

Information was received on January 18, 2019, that J.K. was most recently have been found to weigh 48.4 pounds, a 20 pound increase, since J.K. was brought to the hospital on September 27, 2018.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49., intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

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

Trevor Kanewischer
 Chief Deputy
 122 3rd Ave NW
 Waseca, MN 56093
 Badge: 8102

Electronically Signed:
 03/15/2019 08:59 AM
 waseca County, mn

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

Prosecuting Attorney

Rachel Cornelius
 Waseca County Attorney
 307 N State St
 Waseca, MN 56093
 (507) 835-0520

Electronically Signed:
 03/13/2019 04:05 PM

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 **April 2, 2019 at 2:00 PM** before the above-named court at 307 N State St, Waseca, MN 56093 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: \$

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: March 15, 2019.

Judicial Officer

Carol M Hanks
District Court Judge

Electronically Signed: 03/15/2019 10:08 AM

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

**COUNTY OF WASECA
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Keith Luke Krause

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:

DEFENDANT FACT SHEET

Name: Keith Luke Krause
DOB: 05/01/1980
Address: 12516 290th Avenue
Waseca, MN 56093

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

Alcohol Concentration:

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	9/28/2018	609.378.1(a)(1) Neglect of a Child-Results Subst. Harm Physical/Emot Health-F	Felony	I1062	N	MN0810000	18006471
	Penalty	9/28/2018	609.378.1(a)(1) Neglect of a Child-Results Subst. Harm Physical/Emot Health-F	Felony	I1062	N	MN0810000	18006471