

State of Minnesota  
County of Blue Earth

District Court  
5th Judicial District

Prosecutor File No.  
Court File No.

BEC-16-0202  
07-CR-16-539

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**State of Minnesota,**  
Plaintiff,

**COMPLAINT**  
Order of Detention

vs.

**DAVID JEROME ROSS DOB: 03/22/1980**

1019 Alpine Way  
St. Peter, MN 56082-7518

Defendant.

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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: Domestic Assault - By Strangulation**

Minnesota Statute: 609.2247.2

Maximum Sentence: 3 years and/or \$5,000

Offense Level: Felony

Offense Date (on or about): 02/02/2016

Control #(ICR#): 16003215

Charge Description: David Jerome Ross

On or about February 2, 2016, in the County of Blue Earth, said Defendant, David Jerome Ross, did, assault a family or household member by strangulation.

**COUNT II**

**Charge: Malicious Punishment of a Child**

Minnesota Statute: 609.377.1

Maximum Sentence: 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 02/02/2016

Control #(ICR#): 16003215

Charge Description: David Jerome Ross

On or about February 2, 2016, in the County of Blue Earth, said Defendant, David Jerome Ross did as a parent, legal guardian, or caretaker, who by an intentional act or a series of intentional acts with respect to a child, evidenced unreasonable force or cruel discipline that is excessive under the circumstances.

### COUNT III

**Charge: Domestic Assault-Commits Act to Cause Fear of Immediate Bodily Harm or Death**

Minnesota Statute: 609.2242.1(1)

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 02/02/2016

Control #(ICR#): 16003215

Charge Description: David Jerome Ross

On or about February 2, 2016, in the County of Blue Earth, said Defendant, David Jerome Ross did, against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, commit an act with intent to cause fear in another of immediate bodily harm or death.

### COUNT IV

**Charge: Domestic Assault-Misdemeanor-Intentionally Inflicts/Attempts to Inflict Bodily Harm on Another**

Minnesota Statute: 609.2242.1(2)

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 02/02/2016

Control #(ICR#): 16003215

Charge Description: David Jerome Ross

On or about February 2, 2016, in the County of Blue Earth, said Defendant, David Jerome Ross did, against a family or household member, as defined in M.S.A. 518B.01 Subd. 2, intentionally inflicted or attempt to inflict bodily harm upon another.

## STATEMENT OF PROBABLE CAUSE

On February 2, 2016, at approximately 8:45 a.m., Nicollet County Human Services received a call from a mandated reporter regarding Child 1. The reporter stated they had been treating Adult 1 and she asked about Child 1 whom she stated had broken blood vessels around his eyes and neck. The reporter stated that Child 1 did have broken blood vessels around each eye that are crescent-shaped. The reporter also stated that Child 1 had bruising on his neck. The reporter stated that Child 1 had been staying with his father, David Jerome Ross (D.O.B. 3/22/80); and when he returned to Adult 1's care, he had those marks on him. The reporter stated that Adult 1 had asked Child 1 about the marks, and Child 1 stated he had received them from Ross, who is his father, when he got into trouble and was grounded. Child 1 informed the reporter that he had been choked by Ross.

This information was reported to Detective Grochow of the St. Peter Police Department. Detective Grochow met with Adult 1 and Child 1 at approximately 11:30 a.m. that morning. Upon making contact with Child 1, Detective Grochow immediately observed the red marks described as dots around both eyes. Detective Grochow also noted red-and-purple marks on the entire front part of Child 1's neck. Adult 1 informed Detective Grochow that Child 1 also had marks on his back and right shoulder area, which were verified after Child 1 removed his shirt. Detective Grochow also noticed a large bump behind Child 1's right ear.

Adult 1 told Detective Grochow that Ross had sent his girlfriend to her residence yesterday to pick up Child 1. Adult 1 learned from other siblings that Child 1 had a temper tantrum and did not want to go with Ross's girlfriend. However, Child 1 eventually did go with Ross's girlfriend. Ross's girlfriend took Child 1 to Ross. Ross then took Child 1 to Adult 2's residence, which is located in Mankato, Blue Earth County. Adult 1 stated that she learned at that time Ross was choking Child 1 and that Child 2 told Ross to stop.

Detective Card then took over the investigation and met with Adult 1 and Child 1 the next day. While speaking to Child 1, Detective Card was able to confirm that Child 1 lives with his mom but sometimes stays with his dad, Ross. Child 1 advised that Ross's girlfriend lives with Ross.

Detective Card asked Child 1 when the last time he was at Adult 2's residence was. Child 1 stated he could not remember. Adult 1 then asked Child 1 if he was at Adult 2's residence a couple of days ago. Child 1 stated he remembered that. Detective Card asked Child 1 what happened at Adult 2's residence, and Child 1 said that Ross spanked him and got mad at him. Detective Card asked Child 1 why Ross got mad at him, and Child 1 replied, 'Because I didn't listen to grownups.'

Detective Card asked Child 1 where Ross spanked him. Child 1 stated, 'In the bathroom.' Child 1 stated that he was spanked on his bottom. Child 1 confirmed that his dad used his hand to do it. Detective Card asked Child 1 what else happened, and Child 1 stated that Ross grabbed him and he could not breathe.

Detective Card asked Child 1 to tell him about the incident when he was not able to breathe. Child 1 stated that Ross picked him up and then Ross got mad at him and choked him. Child 1 stated that there was no one else with them. Detective Card asked if Child 2 saw this, and Child 1 stated no. Detective Card asked if this happened at Adult 2's house, and Child 1 stated no. He then asked Child 1 if it happened in a car, and Child 1 stated yes. Child 1 stated they were stopped in the driveway at Adult 2's house and he was sitting in the front seat. Child 1 stated that his dad then got mad at him for not listening to grownups. Child 1 was asked if he could show what Ross did to him; however, he did not want to. Child 1 did demonstrate on himself what happened. At that time, Child 1 made fists with both hands and placed them under his chin on his throat. Child 1 stated that Ross pushed him against the car seat, using the two fists under his chin and that he could not breathe. Child 1 stated that he was scared and that it hurt. When asked to describe if it

hurt a little or if it hurt a lot, Child 1 stated that it was 'a medium hurt.'

Child 1 stated that Child 2 stopped Ross from spanking him when they were in the house. Child 1 stated that Child 2 was sleeping downstairs and he then came upstairs to the bathroom and told Ross to 'stop it.' Ross then told Child 1 that he should give his brother a hug 'for saving you.' At the end of the interview, Detective Card verified with Child 1 that Child 1 was scared and crying; and Child 1 stated that 'it hurt' when Ross was choking him.

Adult 1 informed Detective Card that Ross has warned her not to call the police in the past and that Ross has a black belt in Tae Kwon Do and is very powerful. Adult 1 then left with Child 1 to take Child 1 to the Rochester Child Advocacy Clinic for an appointment. The next day, Detective Card received a fax from the Child Advocacy Clinic in Rochester. The report indicated that they were able to verify injuries that were consistent with choking.

On February 5, 2016, Detective Card spoke with Child 2 about the incident. Child 2 stated that he woke up while Ross was giving Child 1 a spanking. Child 2 confirmed that this happened in Mankato, Blue Earth County; but Ross did not live at that location. Child 2 stated that Ross had picked up his sisters and that the spanking took place after he dropped off the girls. Child 2 stated that Ross had Child 1 because Child 1 had gotten in to trouble at school.

Child 2 stated that Ross returned to his house and then Child 2 woke up to Child 1 crying. Child 2 stated he was on the downstairs level and they were on the upstairs level. Child 2 stated there would be about 20 steps to go from where he was to the upstairs bathroom.

Child 2 stated that when he went upstairs, the door was open and he saw Ross sitting on the toilet with Child 1 across his lap. Child 2 stated that Child 1 had his pants down and that Ross was spanking Child 1 with his bare hand. Child 2 stated that he asked Ross what was going on and why he was doing this. Ross told Child 2 that Child 1 was in trouble because he hurt his teacher. Child 2 stated that afterwards Child 1 gave him a hug and Child 2 told Child 1 that it would be okay. Child 2 stated he then went back to his room and Ross and Child 1 left. Child 2 confirmed that he had intervened during the spanking. Child 2 added that he was glad he did because he did not know 'how hard or how long' Ross was going to spank Child 1. Child 2 stated that he actually asked Ross to stop at one point. Child 2 stated that he was concerned and worried when he came upstairs and asked Ross what was going on. Ross then explained to him; and at that time, Child 1 got up and pulled his pants up and then they left.

## 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**

Daniel Schisel  
Police Commander  
710 S Front St  
Mankato, MN 56001-3803  
Badge: 3135

Electronically Signed:  
02/11/2016 06:16 AM  
Blue Earth County, Minnesota

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

**Prosecuting Attorney**

Steven Kelm  
401 Carver Road  
PO Box 3129  
Mankato, MN 56002  
(507) 304-4600

Electronically Signed:  
02/10/2016 04:19 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 \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at 401 Carver Rd, Mankato, MN 56002-0347 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: February 11, 2016.

**Judicial Officer**

Greg Anderson  
District Court Judge

Electronically Signed: 02/11/2016 08:34 AM

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

**COUNTY OF BLUE EARTH  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**DAVID JEROME ROSS**

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: