

FILED

NOV - 2 2007

CIRCUIT COURT

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,

Dody L Johnson
YANKTON COUNTY CLERK OF COURTS

Crim. No. 07-1093

Plaintiff,

COMPLAINT FOR:

v.

DOUGLAS MARTIN HELLMERS,
DOB: 01-29-1948
2403 Cedar Terrace, Apt. 10
Yankton, SD 57078

-) COUNT 1: ABUSE OF A
-) DISABLED ADULT
-) (SDCL § 22-46-2)
-) (CLASS 6 FELONY)
-)
-) OR IN THE ALTERNATIVE TO COUNT 1
-)
-) COUNT 2: SIMPLE ASSAULT
-) (SDCL § 22-18-1)
-) (CLASS 1 MISDEMEANOR)
-)
-) COUNT 3: ABUSE OF A
-) DISABLED ADULT
-) (SDCL § 22-46-2)
-) (CLASS 6 FELONY)
-)
-) OR IN THE ALTERNATIVE TO COUNT 3
-)
-) COUNT 4: SIMPLE ASSAULT
-) (SDCL § 22-18-1)
-) (CLASS 1 MISDEMEANOR)

Defendant.

The undersigned being duly sworn upon oath charges:

COUNT 1

That on or about July 14, 2006, in the County of Yankton, State of South Dakota, Douglas Martin Hellmers did commit the

public offense of ABUSE OF A DISABLED ADULT, in violation of SDCL 22-46-2, in that he did abuse a disabled adult (F.W., DOB: 03-07-1941) in a manner not constituting Aggravated Assault, or in the alternative to Count 1,

COUNT 2

That on or about July 14, 2006, in the County of Yankton, State of South Dakota, Douglas Martin Hellmers did commit the public offense of SIMPLE ASSAULT, in violation of SDCL 22-18-1, in that he did attempt to cause bodily injury to another (F.W., DOB: 03-07-1941) and had the actual ability to cause injury; or attempt by physical menace or credible threat to put another (F.W., DOB: 03-07-1941) in fear of imminent bodily harm, with or without the actual ability to harm the other person; or intentionally caused bodily injury to another (F.W., DOB: 03-07-1941) which did not result in serious bodily injury; and as to

COUNT 3

That on or about July 12, 2006, in the County of Yankton, State of South Dakota, Douglas Martin Hellmers did commit the public offense of ABUSE OF A DISABLED ADULT, in violation of SDCL 22-46-2, in that he did abuse a disabled adult (L.W., DOB:

11-27-1911) in a manner not constituting Aggravated Assault, or in the alternative to Count 3,

COUNT 4

That on or about July 12, 2006 in the County of Yankton, State of South Dakota, Douglas Martin Hellmers did commit the public offense of SIMPLE ASSAULT, in violation of SDCL 22-18-1, in that he did attempt to cause bodily injury to another (L.W., DOB: 11-27-1911) and had the actual ability to cause injury; or attempt by physical menace or credible threat to put another (L.W., DOB: 11-27-1911) in fear of imminent bodily harm, with or without the actual ability to harm the other person; or intentionally caused bodily injury to another (L.W., DOB: 11-27-1911) which did not result in serious bodily injury, contrary to statutes in such case made and provided against the peace and dignity of the State of South Dakota.

That the Complainant states that this Complaint is based upon information, belief, and the attached Affidavit.

Dated this 31st day of October, 2007.



Paul Cremer
Assistant Attorney General
Medicaid Fraud Control Unit
G.S. Mickelson Criminal Justice Ctr
1302 East Highway 14, Suite 4
Pierre, South Dakota 57501-8504
Telephone: (605) 773-4102
Facsimile: (605) 773-6279

Subscribed to and sworn to before me, a Notary Public, on this 31 day of October, 2007.


Notary Public--South Dakota

My commission expires:

Sept 9, 2009

(SEAL)

REQUEST FOR WARRANT

Paul Cremer, the undersigned prosecuting attorney, hereby requests an arrest warrant be issued based upon the above Complaint.

FILED
NOV - 2 2007
Judy L. Johnson
SIOUX COUNTY CLERK OF COURTS



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STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

FILED IN CIRCUIT COURT
SS: NOV - 2 2007 FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff,

Cliff Johnson
COUNTY CLERK OF COURTS

Crim. 07-693

v.

PROBABLE CAUSE AFFIDAVIT

DOUGLAS MARTIN HELLMERS,
DOB: 01-29-1948

Defendant.

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)

I, Guy DiBenedetto, hereby state that I am a Special Agent with the South Dakota Division of Criminal Investigation, and I have been so employed for over 2 years. I served as the investigator for the South Dakota Medicaid Fraud Control Unit from January 2005 until November 2006. During that time, I investigated allegations of abuse and/or assault levied against Douglas Martin Hellmers (Hellmers) that occurred in Yankton County in July 2006.

NARRATIVE

On August 2, 2006, DSS Ombudsman Jeff Askew forwarded a case referral form to me regarding allegations of abuse within the South Dakota Human Services Center (HSC) in Yankton, South Dakota. One incident, involving HSC patient F.W., occurred on July 14, 2006. The other incident involved HSC patient L.W. and

it occurred on July 12, 2006. The alleged perpetrator in both of these incidents was identified as HSC Mental Health Aide Douglas Martin Hellmers.

I reviewed documents from HSC regarding these incidents. On August 22, 2006, I traveled to the HSC in Yankton and I received more documents regarding these incidents. I then interviewed HSC staff members who had witnessed these incidents. As to the incident involving HSC resident F.W. (Counts 1 & 2 of the Complaint), I interviewed three present or former HSC Mental Health Aides who had witnessed the incident. All three generally state that on July 14, 2006, F.W. "spit" towards another patient and that Hellmers then approached F.W. Hellmers then placed his hands and part of his arm on F.W.'s head and Hellmers twisted F.W.'s head and neck. Hellmers also yelled at F.W. for spitting. Witnesses described Hellmers' actions as "really bad" and "really forceful".

Regarding the incident involving HSC resident L.W. (Counts 3 & 4 of the Complaint), I also interviewed three present or former HSC Mental Health Aides. All three witnesses stated generally that on July 12, 2006, L.W. was yelling, so Hellmers approached L.W. L.W. then attempted to strike Hellmers with her hand, Hellmers caught her hand with his hand, and Hellmers then twisted L.W.'s arm. Hellmers also yelled at L.W. for attempting

to hit Hellmers. One witness described Hellmers' action as "forceful" and "inappropriate".

I also interviewed Douglas Martin Hellmers regarding these incidents. Hellmers generally denied acting inappropriately with regards to the incidents involving F.W. and L.W.

The incidents involving F.W. and L.W. both occurred at the HSC in Yankton County.

Dated this 26th day of October, 2007, at Pierre, South Dakota.



Guy DiBenedetto, Special Agent
South Dakota Div. Crim. Inv.

Subscribed to and sworn to before me, a Notary Public, on this 26th day of October, 2007.



Notary Public--South Dakota

My commission expires:

1-28-2003

(SEAL)

FILED

NOV - 2 2007

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF YANKTON

Judy L Johnson
YANKTON COUNTY CLERK OF COURTS FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
 Plaintiff,)
)
 v.)
)
 DOUGLAS MARTIN HELLMERS,)
)
 DOB: 01-29-1948)
 2403 Cedar Terrace, Apt. 10)
 Yankton, SD 57078)
)
 Defendant.)

Crim. No. 07- 693

WARRANT OF ARREST

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE:

Complaint upon oath having been this date laid before me that the crime of Count 1 - ABUSE OF A DISABLED ADULT, (SDCL 22-46-2), a Class 6 Felony; or in the alternative to Count 1, Count 2 - SIMPLE ASSAULT, (SDCL 22-18-1), a Class 1 Misdemeanor; Count 3 - ABUSE OF A DISABLED ADULT, (SDCL 22-46-2), a Class 6 Felony; or in the alternative to Count 3, Count 4 - SIMPLE ASSAULT, (SDCL 22-18-1), a Class 1 Misdemeanor, has been committed and accusing Douglas Martin Hellmers thereof;

You are therefore commanded forthwith to arrest the above-named Douglas Martin Hellmers and bring him before me at the courtroom of the Yankton County Magistrate Court, or in case of my absence or inability to act, before the nearest or most accessible Magistrate.

PC filed ON Jan 7, 08

STATE OF SOUTH DAKOTA)
:SS:
COUNTY OF YANKTON)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)

Crim. No. 07-693

v.)

INFORMATION FOR:

DOUGLAS MARTIN HELLMERS,)
DOB: 01-29-1948)
2403 Cedar Terrace, Apt. 10)
Yankton, SD 57078)

COUNT 1: ABUSE OF A
DISABLED ADULT
(SDCL § 22-46-2)
(CLASS 6 FELONY)

Defendant.)

OR IN THE ALTERNATIVE TO COUNT 1

COUNT 2: SIMPLE ASSAULT
(SDCL § 22-18-1)
(CLASS 1 MISDEMEANOR)

COUNT 3: ABUSE OF A
DISABLED ADULT
(SDCL § 22-46-2)
(CLASS 6 FELONY)

OR IN THE ALTERNATIVE TO COUNT 3

COUNT 4: SIMPLE ASSAULT
(SDCL § 22-18-1)
(CLASS 1 MISDEMEANOR)

Paul Cremer, as prosecuting attorney in the name of and by the authority of the State of South Dakota, makes and files this Information against Douglas Martin Hellmers and charges, as to:

COUNT 1

That on or about July 14, 2006, in the County of Yankton, State of South Dakota, Douglas Martin Hellmers did commit the

public offense of **ABUSE OF A DISABLED ADULT**, in violation of SDCL 22-46-2, in that he did abuse a disabled adult (F.W., DOB: 03-07-1941) in a manner not constituting Aggravated Assault, or in the alternative to Count 1,

COUNT 2

That on or about July 14, 2006, in the County of Yankton, State of South Dakota, Douglas Martin Hellmers did commit the public offense of **SIMPLE ASSAULT**, in violation of SDCL 22-18-1, in that he did attempt to cause bodily injury to another (F.W., DOB: 03-07-1941) and had the actual ability to cause injury; or attempt by physical menace or credible threat to put another (F.W., DOB: 03-07-1941) in fear of imminent bodily harm, with or without the actual ability to harm the other person; or intentionally caused bodily injury to another (F.W., DOB: 03-07-1941) which did not result in serious bodily injury; and as to

COUNT 3

That on or about July 12, 2006, in the County of Yankton, State of South Dakota, Douglas Martin Hellmers did commit the public offense of **ABUSE OF A DISABLED ADULT**, in violation of SDCL 22-46-2, in that he did abuse a disabled adult (L.W., DOB: 11-27-1911) in a manner not constituting Aggravated Assault, or in the alternative to Count 3,

COUNT 4

That on or about July 12, 2006 in the County of Yankton, State of South Dakota, Douglas Martin Hellmers did commit the public offense of SIMPLE ASSAULT, in violation of SDCL 22-18-1, in that he did attempt to cause bodily injury to another (L.W., DOB: 11-27-1911) and had the actual ability to cause injury; or attempt by physical menace or credible threat to put another (L.W., DOB: 11-27-1911) in fear of imminent bodily harm, with or without the actual ability to harm the other person; or intentionally caused bodily injury to another (L.W., DOB: 11-27-1911) which did not result in serious bodily injury, contrary to statutes in such case made and provided against the peace and dignity of the State of South Dakota.

Dated this 21st day of December, 2007.



Paul Cremer
Assistant Attorney General
Medicaid Fraud Control Unit
Mickelson Criminal Justice Ctr
1302 East Highway 14, Suite 4
Pierre, South Dakota 57501-8504
Telephone: (605) 773-4102

State of South Dakota)
 :SS:
County of Hughes)

Paul Cremer, being first duly sworn, states that he is the prosecuting attorney for the above matter, that he has read the foregoing Information, and the same is true to his own best knowledge, information and belief.



Paul Cremer
Assistant Attorney General
Medicaid Fraud Control Unit
Mickelson Criminal Justice Ctr
1302 East Highway 14, Suite 4
Pierre, South Dakota 57501-8504
Telephone: (605) 773-4102

Subscribed to and sworn to before me, a Notary Public, on this 21st day of December, 2007.



Notary Public--South Dakota

My commission expires:

Sept. 9, 2009

(SEAL)

WITNESSES KNOWN TO THE PROSECUTING ATTORNEY AT THE TIME OF THE FILING OF THIS INFORMATION:

Guy DiBenedetto

WITNESSES WHO BECAME KNOWN TO THE PROSECUTING ATTORNEY AFTER THE FILING OF THIS INFORMATION AND ENDORSED WITH THE PERMISSION OF THE COURT:

STATE OF SOUTH DAKOTA)
 :SS: NOTICE OF DEMAND FOR
COUNTY OF HUGHES) ALIBI DEFENSE

I, Paul Cremer, prosecuting attorney in the above matter, hereby state that Counts 1 and 2 were committed on or about July 14, 2006, and that Counts 3 and 4 were committed on or about July 12, 2006, in the County of Yankton, State of South Dakota. I hereby request that Defendant and his attorney serve upon me a written notice of his intention to offer a defense of alibi within ten (10) days as provided in SDCL 23A-9-1. Failure to provide such notice may result in an exclusion of any testimony pertaining to an alibi defense.



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