Filed in Tenth Judicial District Court
8/2/2017 10:03:14 AM
Pine County, MN

State of Minnesota
County of Pine

District Court
10th Judicial District

Prosecutor File No. 17133824
Court File No. 58-CR-17-782

State of Minnesota,

Plaintiff,

vs.

JOSEPH CLAUS SWEEP DOB: 03/11/1952

46381 Dove Road
Hinckley, MN 55037

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: Mistreat Animals-Neglect
Minnesota Statute: 343.21.1, with reference to: 343.21.9(d)
Maximum Sentence: 2 years imprisonment and/or $5,000 fine
Offense Level: Felony

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant neglected an animal that belonged to him or another person, and the neglect resulted in great bodily harm or death; to-wit: Donkey #1.

COUNT II

Charge: Mistreat Animals-Neglect
Minnesota Statute: 343.21.1, with reference to: 343.21.9(d)
Maximum Sentence: 2 years imprisonment and/or $5,000 fine
Offense Level: Felony

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant neglected an animal that belonged to him or another person, and the neglect resulted in great bodily harm or death; to-wit: Donkey #6.

COUNT III

Charge: Mistreat Animals-Neglect
Minnesota Statute: 343.21.1, with reference to: 343.21.9(a)

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Maximum Sentence: 90 days and/or a $1000 fine; or both.
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant wrongfully and unlawfully neglected an animal that belonged to him or another person; to-wit: Donkey #2.

COUNT IV

Charge: Mistreat Animals-Neglect
Minnesota Statute: 343.21.1, with reference to: 343.21.9(a)
Maximum Sentence: 90 days and/or a $1000 fine; or both.
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant wrongfully and unlawfully neglected an animal that belonged to him or another person; to-wit: Donkey #3.

COUNT V

Charge: Mistreat Animals-Neglect
Minnesota Statute: 343.21.1, with reference to: 343.21.9(a)
Maximum Sentence: 90 days and/or a $1000 fine; or both.
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant wrongfully and unlawfully neglected an animal that belonged to him or another person; to-wit: Donkey #4.

COUNT VI

Charge: Mistreat Animals-Neglect
Minnesota Statute: 343.21.1, with reference to: 343.21.9(a)
Maximum Sentence: 90 days and/or a $1000 fine; or both.
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant wrongfully and unlawfully neglected an animal that belonged to him or another person; to-wit: Donkey #5.

COUNT VII

Charge: Mistreat Animals-Neglect
Minnesota Statute: 343.21.1, with reference to: 343.21.9(a)
Maximum Sentence: 90 days and/or a $1000 fine; or both.
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant wrongfully and unlawfully neglected an animal that belonged to him or another person; to-wit: Donkey #7.

COUNT VIII

Charge: Equines - Proper hoof care
Minnesota Statute: 346.38.7, with reference to: 346.44
Maximum Sentence: Up to $1,000 fine and/or up to 90 days in jail
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant failed to have the hooves of an equine properly trimmed periodically to prevent lameness; to-wit: Donkey #1.

COUNT IX

Charge: Equines - Proper hoof care
Minnesota Statute: 346.38.7, with reference to: 346.44
Maximum Sentence: Up to $1,000 fine and/or up to 90 days in jail
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant failed to have the hooves of an equine properly trimmed periodically to prevent lameness; to-wit: Donkey #2.

COUNT X

Charge: Equines - Proper hoof care
Minnesota Statute: 346.38.7, with reference to: 346.44
Maximum Sentence: Up to $1,000 fine and/or up to 90 days in jail
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant failed to have the hooves of an equine properly trimmed periodically to prevent lameness; to-wit: Donkey #3.

COUNT XI

Charge: Equines - Proper hoof care
Minnesota Statute: 346.38.7, with reference to: 346.44
Maximum Sentence: Up to $1,000 fine and/or up to 90 days in jail
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant failed to have the hooves of an equine properly trimmed periodically to prevent lameness; to-wit: Donkey #4.

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COUNT XII

Charge: Equines - Proper hoof care
Minnesota Statute: 346.38.7, with reference to: 346.44
Maximum Sentence: Up to $1,000 fine and/or up to 90 days in jail
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant failed to have the hooves of an equine properly trimmed periodically to prevent lameness; to-wit: Donkey #5.

COUNT XIII

Charge: Equines - Proper hoof care
Minnesota Statute: 346.38.7, with reference to: 346.44
Maximum Sentence: Up to $1,000 fine and/or up to 90 days in jail
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant failed to have the hooves of an equine properly trimmed periodically to prevent lameness; to-wit: Donkey #6.

COUNT XIV

Charge: Equines - Proper hoof care
Minnesota Statute: 346.38.7, with reference to: 346.44
Maximum Sentence: Up to $1,000 fine and/or up to 90 days in jail
Offense Level: Misdemeanor

Offense Date (on or about): 06/19/2017

Control #(ICR#): 17133824

Charge Description: On or about June 19, 2017, within Pine County, Defendant failed to have the hooves of an equine properly trimmed periodically to prevent lameness; to-wit: Donkey #7.

STATEMENT OF PROBABLE CAUSE

Filed in Tenth Judicial District Court
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Pine County, MN

The Complainant states that the following facts establish probable cause:

Your complainant has reviewed police reports relating to the above-named defendant and the allegations contained herein. Based upon that information, complainant believes the following to be true and correct.

On June 19, 2017, Senior Humane Agent Wade Hanson received a call from a person who observed donkeys that were thin, appeared neglected and had long hooves at a property located at 46381 Dove Road, Hinckley in Pine County. Agent Hanson contacted the Pine County Sheriff's Office and asked for a deputy to assist with the report.

Agent Hanson met Deputy Carl Hawkinson at that property. They identified the property owner as Joseph Claus Sweep, DOB 3/11/1952. Sweep allowed Agent Hanson and Deputy Hawkinson to observe the donkeys. Sweep admitted that the hooves were long. Sweep stated that he used to have a farrier, but the farrier never came back.

Sweep stated that he was thinking about shooting a couple of the donkeys because they were old. Agent Hanson informed Sweep that he did not have to shoot the donkeys and that there were people who would be willing to take them in and provide care. Sweep stated that he has been trying to get rid of the donkeys for a couple of years.

Agent Hanson and Deputy Hawkinson looked at seven donkeys on the property. All the donkeys had long hooves from years of receiving no hoof care. One donkey's hooves had curled three times (resembling a large spiral) and was lying down. Other donkeys were walking on their heels. Each donkey appeared underweight and had scruffy coats.

Sweep signed a custodial release for all the donkeys so that they could be taken by a rescue organization.

On June 21, 2017, Agent Hanson met Drew Fitzpatrick, the director of the Minnesota Hooved Animal Rescue Foundation, as well as a team of volunteers at the Sweep property. The volunteers had a difficult time trailering the donkeys. Sweep stated that five of the donkeys were born and raised on his property and have never been trailered (the donkeys ranged in age from 7 to 14). He stated that several years ago, he acquired two donkeys to cut down brush on the land, which the donkeys did not do. He stated the donkeys eventually reproduced, which is how he ended up with seven donkeys. He named all the donkeys. There were no other animals on the property and the donkeys appeared to have no livestock purpose, indicating that they were pet and companion animals. Sweep claimed the donkeys were not neglected because he fed and provided them with water all the time.

After three hours, the volunteers were able to load five of the donkeys. They could not catch the remaining two. The volunteers decided to bring the five trailered donkeys immediately to Anoka Equine Veterinary Services for care. They returned for the two remaining donkeys on June 23rd and brought them to Anoka Equine.

On June 22, 2017, Anoka Equine veterinarians euthanized the donkey with the worst hooves because there was no bone left in the feet due to the severe neglect of hoof care. Agent Hanson noted that it was one of the worst cases of lack of care he had seen in his 22 years as a humane agent.

On July 12, 2017, Anoka Equine veterinarian Dr. David Schwinghammer summarized his examination

findings in a report concerning the seven donkeys (identified as Donkey #1, Donkey #2, Donkey #3, Donkey #4, Donkey #5, Donkey #6 and Donkey #7). The report concluded that all seven donkeys were in various stages of neglect. He noted that the most severe case required euthanasia on June 22st (Donkey #1).

Dr. Schwinghammer wrote: "All of the donkeys had extremely long hoof capsules which compromised mobility along with structural and physical soundness of each animal. The hooves had become so long that the outside wall of the hoof capsule collapsed internally. This led to the donkeys standing on the outside wall, which encouraged the hoof to spiral. Typically, with normal growth, it will take 10-12 months for a donkey to replace its entire hoof capsule. Most donkeys have on average hooves that measure three inches in length from the coronary band (cuticle) to the ground. The spiraled hooves on these donkeys measured 9 inches on average. This extreme overgrowth severely impeded their ability to stand or walk normally. All of the donkeys had significant signs of chronic or longstanding inflammation in their bony structures within the foot. These signs can take months to years to show up. The worst of the donkeys not only had these chronic sings of inflammation but also had subsequent infection within the bone in the hoof. This infection had become so severe that the bone had weakened to the extent that it fractured."

Dr. Schwinghammer further noted that the hair coats of the donkeys were in poor condition and all the donkeys had hair loss. The donkeys were infested with lice and one of the donkeys had contact dermatitis (an inflammatory skin disease) from continuously lying in an unclean environment. Dr. Schwinghammer stated the donkey likely chose to lie down in that environment because of the pain in its feet from lack of hoof care.

Dr. Schwinghammer observed that the body scores were below normal values. The body scores in the donkeys had a range of 2 to 3.5 (a body score is on a scale of 1 to 9 where 1 is emaciation and 9 is obese; a healthy donkey has a score of 5.5). Dr. Schwinghammer opined that the low scores were due to a combination of pain the donkeys were experiencing in their feet, lice infestation and poor dentition.

Dr. Schwinghammer also found that all seven donkeys lacked proper care of their teeth. The teeth had sharp points and edges, which decreased their ability to eat and digest food normally. In equids, teeth continue to grow throughout their lifetime and must be filed every one to two years to ensure the ability to normally feed and digest food, and to prevent oral ulcerations.

In sum, Dr. Schwinghammer stated that it was his professional opinion that the donkeys were severely neglected.

On July 24, 2017, Dr. Nicole Eller of the ASPCA was asked to medically assist Donkey #6 at the her foster care location. Donkey #6 was down and unwilling to rise from the ground. Dr. Eller observed that Donkey #6 was extremely sore in the front feet because of a ruptured abscess on her left front hoof. The rupture was due to the disfigurement caused by the chronic lack of hoof care at Sweep's property (her hooves were at an extreme length and had distorted her hoof capsules).

Dr. Eller examined the right hoof and observed that the hoof wall was separating from the soft tissues. Due to Donkey #6's level of pain, Dr. Eller felt that euthanasia was the best option. On July 25, 2017, Donkey #6 was euthanized.

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.

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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

Joshua David Pepin
Deputy
635 Northridge Drive NW
Suite 100
Pine City, MN 55063
Badge: 418

Electronically Signed:
08/01/2017 02:23 PM
Pine County, Minnesota

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

Prosecuting Attorney

Reese Frederickson
635 Northridge Drive NW
Suite 310
Pine City, MN 55063
(320) 591-1560

Electronically Signed:
08/01/2017 01:36 PM

Filed in Tenth Judicial District Court
8/2/2017 10:03:14 AM
Pine County, MN

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).

[X] SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on **September 26, 2017 at 1:30 PM** before the above-named court at 635 Northridge Drive NW Suite 320, Pine City, MN 55063 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: August 2, 2017.

Judicial Officer Heather Wynn Electronically Signed: 08/02/2017 08:20 AM

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

COUNTY OF PINE
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

Joseph Claus Sweep

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: