

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No.
Court File No.

18A03257
27-CR-18-7646

State of Minnesota,

Plaintiff,

vs.

KIMBERLY ANN FREESE DOB: 09/25/1968

6829 ELLIOT AVE S
RICHFIELD, MN 55423

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: Theft-Take/Use/Transfer Movable Prop-No Consent

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(3)(a)

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 12/14/2017

Control #(ICR#): 17004565

Charge Description: That on or about 12/14/2017, in Hennepin County, Minnesota, KIMBERLY ANN FREESE intentionally and without claim of right, took, used, transferred, concealed or retained possession of movable property belonging to Victim, GoFundMe.com and/or numerous contributors, without consent and with the intent to deprive the owner/entity permanently of possession of the property, and the property had a value of more than One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00).

STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

On December 18, 2017, officers responded to a family residence in Richfield, Hennepin County, Minnesota on a report of a fundraising-drive fraud committed by an adult female resident of Richfield identified as Kimberly Freese, the defendant in this case. Upon arrival, officers spoke to members of the victim family and learned that the family had suffered a sudden personal loss on November 15, 2017 and incurred thousands of dollars in associated expenses. Victim, a member of the victim family, stated that, within 24 hours, Defendant, who was an acquaintance of the family, contacted him via text-message and offered to establish a fundraising campaign on the GoFundMe.com website to raise funds for “[the family] to be able to take care of what you need.”

Officers learned that GoFundMe is a third-party vendor which facilitates online fundraising campaigns. GoFundMe allows an individual to set up a campaign on behalf of a beneficiary. Officers learned that, when creating a fundraiser for a beneficiary, the GoFundMe website prompts a person to provide the beneficiary’s name and email address, and GoFundMe then sends the beneficiary an email, prompting the beneficiary to provide bank-account information to specify the account to which funds should be distributed. Alternatively, a person setting up a campaign can direct GoFundMe to issue funds directly into her own bank account.

Victim reported that, when Defendant offered to start the fundraising campaign, she stated that she would set up the fundraiser and then turn over the “account” to Victim when Victim was ready. Defendant stated that she wanted to set up the fundraiser “ASAP” and specifically asked for the family’s permission to begin taking donations “so you can not worry about money and it will all be taken care of.” Defendant further asked Victim for permission to advertise the news of the family’s financial need on Victim’s social-media page and begin soliciting Victim’s friends and acquaintances for funds. Victim agreed to let Defendant create and advertise the fundraiser.

Officers learned that, on Nov. 16, 2017, Defendant set up the fundraising drive on GoFundMe.com. Officers learned that, when creating the fundraiser, Defendant had an option to direct the website to disperse the fundraiser’s proceeds directly to Victim or any bank account of Victim’s choosing. Instead, Victim directed the website to disperse funds directly into her own personal TCF bank account. The fundraising campaign convinced 34 individuals to donate money to Victim’s family, believing that they were giving money to Victim’s family. The campaign raised \$2,645 for Victim. Officers learned that, after processing fees, GoFundMe made \$2,425.83 available for withdrawal.

On Nov. 20, 2017, Victim texted Defendant that she wanted to close down the campaign so that he could use the funds to pay for the family’s immediate, pressing expenses. Defendant responded that it would take 5-7 days for GoFundMe to send the money to Victim and that GoFundMe would send it directly to Victim.

On Nov. 28, 2017, Victim again texted Defendant that he needed the funds to pay the family’s immediate expenses. Defendant later replied, stating she would figure out “the process.”

Officers learned that, on Nov. 29, 2017, at 2AM, GoFundMe transferred \$2,425.83 from Victim’s fundraising account to Defendant’s personal TCF Bank Account. TCF Bank posted this money on Defendant’s account on Nov. 30, 2017.

On Nov. 29, 2017, Victim asked Defendant whether GoFundMe deposited the money into her checking account. Defendant replied, stating that she would let Victim know “right away,” but Defendant never responded regarding the funds. Victim made additional efforts to learn what occurred with the funds.

On Dec. 4, 2017, Victim contacted GoFundMe directly and learned that Defendant directly received the money that was raised in the campaign. Victim contacted Defendant on Dec. 5, 2017, and Defendant denied having the money. Victim told Defendant that he knew that GoFundMe distributed the money to her. Defendant responded that the money was not yet available to her.

From Dec. 7 to Dec. 13, 2017, Victim made repeated direct communications to Defendant, demanding that Defendant turn over the funds, expressing the need to pay expenses, noting that Defendant’s failure to turn over the funds was causing stress over his family’s expenses, and noting that GoFundMe recommended prosecuting Defendant for failing to turn over the funds. Defendant was nonresponsive. On the evening of Dec. 13, 2017, Defendant offered to get the money out of the bank and deliver it that night, but Defendant did not show up. Victim repeatedly expressed that Defendant’s refusal to deliver the money was causing him stress.

On Dec. 14, 2017, Victim told Defendant that he was sending a family member over to Defendant’s residence in Richfield to pick her up and bring her to the bank to withdraw the funds. Victim told Defendant that Defendant had to make transfer of the funds a priority or that the family would be reporting her to the police. Defendant replied, asking Victim not to go to the police. Defendant never offered to pay money but, instead, offered to cook a spaghetti dinner for Victim’s family. Victim then demanded the money be paid, accused Defendant of scheming to keep the money, and expressed sadness for the betrayal. Multiple members of Victim’s family directed Defendant to bring the money to Victim by 4PM on Dec. 14, 2017. Defendant never paid the money.

The Richfield Police Department began an investigation and gathered records from Victim’s family, GoFundMe, TCF, and other resources.

On Jan. 17, 2017, officers spoke to Defendant. Defendant admitted that she had received Victim’s funds from GoFundMe but that she no longer had the funds. Defendant claimed that the funds went towards a “court thing.” Defendant reported that she still was planning to meet with Victim to make an arrangement to pay him the funds from the GoFundMe campaign.

Defendant’s TCF bank-account statements reveal that, on Oct. 23, 2017, Defendant’s account balance was -\$7.81 and that, on November 21, 2017, her balance was \$71.59. Defendant then received the \$2,425.83 payment of Victim’s funds on Nov. 30, 2017. Following receipt of this payment, Defendant began making numerous online purchases on Amazon.com. From Nov. 30, 2017 to December 21, 2017, Defendant made approximately fifty purchases from her bank account at iTunes, Amazon.com, Domino’s, Little Caesar’s Pizza, etc. On December 21, 2017, Defendant’s account balance was \$8.75. Then, on Jan. 23, 2018, Defendant’s balance was -\$688.01. Officers located no payments from Defendant from Nov. 30, 2017 to Jan. 23, 2018 which could be characterized as a “court thing.”

Officers were able to contact 22 of the 34 individuals who donated money to Victim, and 21 of those individuals reported that, based on the GoFundMe campaign, they were led to believe that, through their donations, they were contributing to Victim’s payment of his family’s immediate expenses.

Officers confirmed that, as of March 15, 2018, Defendant has not made any payment of any kind to Victim or attempted to make any arrangements to pay Victim.

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

Jake Quern
Officer
6700 Portland Avenue S
Richfield, MN 55423
Badge: 198

Electronically Signed:
03/26/2018 09:55 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Joshua Larson
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
03/26/2018 09:45 AM

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 300 S Sixth Street, Minneapolis, MN 55487 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: \$0.00

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 26, 2018.

Judicial Officer

Ivy S. Bernhardson
District Court Judge

Electronically Signed: 03/26/2018 11:33 AM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

KIMBERLY ANN FREESE

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: KIMBERLY ANN FREESE
DOB: 09/25/1968
Address: 6829 ELLIOT AVE S
RICHFIELD, MN 55423

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: FEMALE

Race: White

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

SILS Person ID #: 790533

SILS Tracking No. 3001938

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	12/14/2017	609.52.2(a)(1) Theft-Take/Use/Transfer Movable Prop-No Consent	Felony	TT071		MN0271800	17004565
	Penalty	12/14/2017	609.52.3(3)(a) Theft-Value of Property or Services \$1001-\$5,000	Felony	TT071		MN0271800	17004565