

State of Minnesota  
County of Olmsted

District Court  
3rd Judicial District

Prosecutor File No. 17CR00903  
Court File No. 55-CR-17-2768

State of Minnesota,

**COMPLAINT**

Plaintiff,

Warrant

vs.

**MICHAEL JAMES COSTA DOB: 11/01/1978**

Unknown  
Rochester, MN 55906

Defendant.

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: Predatory Offender-Knowingly Violates Registration Req. or Intentionally Provides False Information**

Minnesota Statute: 243.166.5(a), with reference to: 243.166.5(c)

Maximum Sentence: 2 to 5 years imprisonment (MSG SL H)

Offense Level: Felony

Offense Date (on or about): 04/13/2017

Control #(ICR#): 17018776

Charge Description: Beginning on or about April 13, 2017 and continuing until the present, within the County of Olmsted, Michael James Costa being a person required to register as a predatory offender, did wrongfully, unlawfully and feloniously fail to give written notice of the address of the new residence to the current or last assigned corrections agent or fail to register with the law enforcement agency that has jurisdiction in the area where the offender works or attends school or fail to mail the completed and signed verification form to the Bureau of Criminal Apprehension within ten days after receipt of the form or fail to provide information required by Minnesota Statute 243.166, subd. 4a(2) to (6) within five days of the clause becoming applicable or fail to inform authorities immediately that any information previously reported as required by Minnesota Statute 243.166, subd. 4a(1) to (6) is no longer valid or knowingly or intentionally provide false information to a corrections agent, law enforcement authority, or bureau of criminal apprehension.

**STATEMENT OF PROBABLE CAUSE**

The Complainant states that the following facts establish probable cause:

---

Your complainant is a Sergeant employed by the Rochester Police Department. In that capacity, your complainant has reviewed the police reports relating to Michael James Costa, the above-named defendant, and the allegations contained therein. Based upon that information, your complainant believes the following to be true and correct.

On July 14, 2003, Michael James Costa, was sentenced in Olmsted County District Court, Court File No. 55-K7-02-2603, for the offense of Criminal Sexual Conduct in the Fourth Degree.

On July 29, 2005, Michael James Costa, was sentenced in Olmsted County District Court, Court File No. 55-K1-04-4402, for the offense of Violation of Predatory Offender Registration.

On January 10, 2012, Michael James Costa was sentenced in Olmsted County District Court, Court File No. 55-CR-11-1599, for the offense of Criminal Sexual Conduct in the Second Degree. He was sentenced to an executed prison term of 60 months followed by lifetime conditional release. He was also required to register as a predatory offender for the period of his lifetime. He has subsequently been determined to be a Level III sex offender by the Minnesota Department of Corrections.

On July 21, 2003, Michael James Costa, completed a predatory offender notification and registration form. Costa signed the form acknowledging that he had been notified that he must register as a predatory offender in accordance with Minnesota Statutes for a period of ten years from the date initially registered, or until his probation, supervised release, or conditional release period expires, whichever occurs later; which includes registering all changes of address at least five days prior to moving to that address, including moving to another state, giving written notice to the assigned corrections agent or to the law enforcement authority that has jurisdiction that the person is no longer living or staying at an address, immediately after the person is no longer living or staying at that address, and registering any changes of employment, vehicles, or other residences, including all property owned, leased or rented. A person who lacks a primary address shall register with the law enforcement authority that has jurisdiction in the area where the person is staying within 24 hours after entering the jurisdiction. Each time a person who lacks a primary address moves to a new jurisdiction without acquiring a new primary address, the person shall register with the law enforcement authority that has jurisdiction in the area where the person is staying within 24 hours after entering the jurisdiction; if a person continues to lack a primary address, the person shall report in person on a weekly basis to the law enforcement authority with jurisdiction in the area where the person is staying.

On March 1, 2012, Michael James Costa completed a second predatory offender registration form which he signed acknowledging that he had been notified of his obligations to register as detailed above. He also acknowledged that because he was previously required to register and had committed a new offense he was required to register for life in Minnesota.

On September 29, 2016, Michael James Costa completed a change of information form stating that he would be residing at 2118 Campus Dr. SE., Rochester, MN, 55904. This is the address of the ATIC Unit which is a supervised living facility where Costa was required to live. As of April 13, 2017, Costa was on what is known as Phase 3 House Arrest which only allowed him to leave the ATIC Unit for work. On April 13, 2017 Michael James Costa left the ATIC Unit at 1:08 PM and never returned. He had told his probation officer and had stated in his predatory offender registration documents that he was employed at Denny's.

When he failed to return, his probation officer called the manager of Denny's and asked him what time Costa had left work. The manager told the probation officer that he had quit his job three days previously. At that point the Minnesota Department of Corrections issued a warrant for Michael James Costa.

On April 18, 2017, Sgt. Steve Thompson of the Rochester Police Department was advised by the probation officer that Michael James Costa had absconded from his registered address and was considered a fugitive. Sgt. Thompson confirmed that Costa had not filed any change of address notification either before or after leaving the ATIC Unit.

THE STATE REQUESTS A WARRANT BE ISSUED FOR THE ARREST OF MICHAEL JAMES COSTA; COSTA IS BELIEVED TO BE IN CUSTODY IN CALIFORNIA AND A WARRANT IS NEEDED TO PERMIT HIS RETURN TO MINNESOTA.

NOTICE: YOU MUST APPEAR FOR EVERY COURT HEARING REGARDING THIS CASE. FAILURE TO APPEAR FOR COURT IS A CRIMINAL OFFENSE AND MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING IMPOSED AND PUNISHED AS PROVIDED IN MINNESOTA STATUTES SECTION 609.49.



MINNESOTA  
JUDICIAL  
BRANCH

**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**

Mark Allen Nunemacher  
Police Officer  
101 4th Street SE  
Rochester, MN 55904-3761  
Badge: 2158

Electronically Signed:  
04/27/2017 10:02 AM  
Olmsted County, Minnesota

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

**Prosecuting Attorney**

James P. Spencer  
Sr. Assistant County Attorney  
151 4th Street SE  
Government Center - 3rd Floor  
Rochester, MN 55904  
(507) 328-7600

Electronically Signed:  
04/27/2017 09:30 AM



