

State of Minnesota  
County of Olmsted

District Court  
3rd Judicial District

Prosecutor File No. 0550067723  
Court File No. 55-CR-22-903

**State of Minnesota,**

Plaintiff,

vs.

**AUSTIN JOSEPH FISHER DOB: 02/03/1998**

2302 Falcon Terrace NW  
Stewartville, MN 55976

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: Criminal Sex Conduct-3rd Degree-Victim 13-15 Actor >24m older**

Minnesota Statute: 609.344.1(b), with reference to: 609.344.2(1)

Maximum Sentence: 15 Years or \$30,000 fine or both.

Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 10/11/2021

Control #(ICR#): 21925113

Charge Description: On or between January 1, 2021 and October 11, 2021, in the County of Olmsted, Minnesota, Austin Joseph Fisher did engage in sexual penetration with another person, to-wit: Victim 1, who was more than 13 years old and less than 16 years old, and Austin Joseph Fisher was more than 24 months older than the victim.

**COUNT II**

**Charge: Criminal Sex Cond-4th Degree-Victim 13-15-Act >48m Old**

Minnesota Statute: 609.345.1(b), with reference to: 609.345.2

Maximum Sentence: 10 years or \$20,000 or both

Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 10/11/2021

Control #(ICR#): 21925113

Charge Description: On or between January 1, 2021 and October 11, 2021, in the County of Olmsted, Minnesota, Austin Joseph Fisher did engage in sexual contact with another person, to-wit: Victim 2, who was at least 13 years of age but less than 16 years of age, and was more than 48 months older than the victim.

**COUNT III**

**Charge: Criminal Sex Conduct-3rd Degree-Victim 13-15 Actor >24m older**

Minnesota Statute: 609.344.1(b), with reference to: 609.344.2(1)

Maximum Sentence: 15 Years or \$30,000 fine or both.

Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 10/11/2021

Control #(ICR#): 21925113

Charge Description: On or between January 1, 2021 and October 11, 2021, in the County of Olmsted, Minnesota, Austin Joseph Fisher did engage in sexual penetration with another person, to-wit: Victim 3, who was more than 13 years old and less than 16 years old, and Austin Joseph Fisher was more than 24 months older than the victim.

**COUNT IV****Charge: Solicit Child to Engage in Sexual Conduct-Prohibited Act**

Minnesota Statute: 609.352.2, with reference to: 609.352.4

Maximum Sentence: 3 years, \$5000 fine, or both

Offense Level: Felony

Offense Date (on or about): 01/01/2021 to 10/11/2021

Control #(ICR#): 21925113

Charge Description: On or between January 1, 2021 and October 11, 2021, in the County of Olmsted, Minnesota, Austin Joseph Fisher did solicit a child or someone the person reasonably believes is a child, to-wit: Victim 4, to engage in sexual conduct with intent to engage in sexual conduct.

**COUNT V****Charge: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr**

Minnesota Statute: 340A.503.2(1)

Maximum Sentence: 1 year, \$5000 fine, or both

Offense Level: Gross Misdemeanor

Offense Date (on or about): 01/01/2021 to 10/11/2021

Control #(ICR#): 21925113

Charge Description: On or between January 1, 2021 and October 11, 2021, in the County of Olmsted, Minnesota, Austin Joseph Fisher did sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age.

**STATEMENT OF PROBABLE CAUSE**

The Complainant states that the following facts establish probable cause:

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Your complainant is a licensed peace officer employed by the Olmsted County Sheriff's Department. In that capacity your Complainant has reviewed the police reports relating to Austin Joseph Fisher (dob 2/3/98), the above-named defendant, and the allegations contained therein. Based upon that information, your complainant believes the following to be true and correct.

Over the course of the fall of 2021, Det. Brad Green of the Olmsted County Sheriff's Office conducted an investigation into multiple allegations of sexual misconduct committed by, as well as the provision of alcohol and controlled substances to underage persons by, AUSTIN JOSEPH FISHER (dob February 3, 1998). At the time of the investigation and for most of 2021, FISHER was 23 years old. The conduct described by the witnesses was in the winter, spring and summer of 2021, ending before Labor Day 2021.

On October 11, 2021, Det. Green was advised that a female older than 15 and younger than 21 (hereinafter "Witness 1") wished to report misconduct by FISHER. Witness 1 reported that she believed FISHER had sex with a female under 16 (hereinafter "Victim 2"). According to Witness 1, both Victim 2 and FISHER told Witness 1 that FISHER had sex with Victim 2 at FISHER's residence, 2302 Falcon Terrace NW, Stewartville, Minnesota. Witness 1 also reported that FISHER had sex with a female under age 16 at the time of the events in question (hereinafter "Victim 1"). Witness 1 reported a third female under 16 during the events in question (hereinafter "Victim 3") that FISHER had sex with at his Stewartville residence. Witness 1 went on to tell Det. Green that there were "a bunch" of teenagers at FISHER's residence all summer (of 2021) where there was underage consumption of alcohol. Witness 1 reported that FISHER was always touching girls and that FISHER touched Witness 1's buttocks.

On October 14, 2021, Det. Green spoke with Victim 1. Victim 1 reported that FISHER had a residence in Stewartville that became a "hang out spot." Victim 1 reported that she met FISHER through another female under 21. According to Victim 1, FISHER did not care about the condition of his residence and threw parties there. FISHER tried to get Victim 1 and her friends drunk. A times, FISHER would try to get Victim 1 into his room. FISHER "fed" Victim 1 alcohol and would try to have sex with Victim 1. Victim 1 reported that FISHER would call her "big butt" and would slap Victim 1's buttocks. According to Victim 1, she had specific memories of two sexual assaults by FISHER. On one occasion, Victim 1 spent the night at FISHER's residence and slept in his bed. When Victim 1 woke up, FISHER's body was leaning over her and his fingers were in Victim 1's vagina. Victim 1 got up and left the room until others awakened. On another occasion, FISHER was handing Victim 1 drinks and asking her to watch a movie in his room. According to Victim 1, they went back to FISHER's room where she ended up on her back on the bed and FISHER was on top of her. Victim 1 told FISHER "I don't know if I want to do this," but FISHER kept telling her that it was okay. According to Victim 1, FISHER took off her pants and had sexual intercourse with her.

On October 18, 2021, Det. Green spoke with Victim 3. Victim 3 reported that she met FISHER through Victim 1. According to Victim 3, the teenagers used to hang out at FISHER's residence frequently. FISHER would buy alcohol for the teenagers. According to Victim 3, there was a party on the night of May 12-13, 2021 at FISHER's residence where alcohol and marijuana were being used. FISHER started touching Victim 3 but she told him "no." Eventually, Victim 3 told FISHER "whatever, just do it," and FISHER had sexual intercourse with Victim 3. According to Victim 3, she made FISHER wear a condom during the incident. Victim 3 provide a short video clip taken by Victim 1 of FISHER and Victim 3 in bed on the morning of May 13, 2021. Victim 3 reported that FISHER always made the teenaged girls feel as if they were obligated to do something sexual in exchange for him providing alcohol at his residence. According to Victim 3, FISHER would say, "will you sleep with me? Can I get some head?" to the teenaged girls. Once, Victim 3 asked FISHER directly if he was "feeding" her alcohol to have sex with her and FISHER replied, "yes." Victim 3 stated that her cousin, a female under 16 during the events in question (hereinafter "Victim 4") went to FISHER's house to hang out. FISHER told Victim 4 that she had big boobs and a fat butt and that he wanted to have sex with her, too.

On October 19, 2021, Det. Green spoke with Victim 4 who confirmed that she went to FISHER's house with Victim 3. During that visit, FISHER asked Victim 4 if she would have sex with him. VICTIM 4 pointed out their age difference and FISHER stated "it's not a problem and no one would know."

On October 21, 2021, Det. Green spoke with a female under 21 (hereinafter "Witness 2"). Witness 2 reported that FISHER used to buy alcohol for underage girls, including herself. Witness 2 was present when Victim 3 came out of FISHER's room and was acting as if she was violated. After a while, Victim 3 told Witness 2 that FISHER had sexual intercourse with Victim 3. In general, Witness 2 described that, if FISHER liked a girl, he would do anything to be with her sexually. Witness 2 also told Det. Green that FISHER was "100%" aware of the girls' ages, including those with whom he engaged in sexual contact or penetration. According to Witness 2, she [Witness 2] confronted FISHER about having sex with Victim 3. To Witness 2, FISHER confirmed that he knew Victim 3 was under sixteen years old when they had sexual intercourse. He said something to the effect of, "yeah, I am aware that she is [under 16]. Do I care? No."

On November 15, 2021, Victim 2 came to speak with Det. Green. Victim 2 reported that FISHER bought the girls alcohol and got them drunk. According to Victim 2, FISHER always tried to get Victim 2 to have sex with him. According to Victim 2, FISHER touched her buttocks and breasts in a sexual manner in January or February 2021. Victim 2 also reported that they were at FISHER's house during the first week of April 2021. On that occasion, FISHER provided alcohol and Victim 2 became intoxicated. Victim 2 woke up the next day under circumstances that led her to believe that FISHER had touched her sexually, but she did not remember the event. Prior to April 2021, FISHER had been asking Victim 2 to have sex via text message and Instagram messages and sent illicit pictures of his genitalia to Victim 2.

Victim 1 was re-interviewed regarding Victim 2's allegations. Victim 1 confirmed that FISHER touched Victim 2's buttocks just as he did with many of the girls who went to his residence. According to Victim 1, FISHER made specific comments about Victim 2's buttocks.

On October 22, 2021, Det. Green spoke with FISHER. FISHER acknowledged knowing the true ages of the girls that came over to his residence. However, FISHER denied having sexual contact or intercourse with any underage girls. Moreover, FISHER claimed that the girls came to his house without being invited and characterized himself as being unable to control who came and went.

PLEASE TAKE 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.



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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.

<b>Complainant</b>	Lee Rossman Detective 101 4th Street SE Rochester, MN 55904-3718 Badge: 1610	Electronically Signed: 02/10/2022 09:57 AM Olmsted County, Minnesota
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Being authorized to prosecute the offenses charged, I approve this complaint.

<b>Prosecuting Attorney</b>	Eric M. Woodford Criminal Division Lead Attorney 151 4th Street SE Government Center - 3rd Floor Rochester, MN 55904 (507) 328-7600	Electronically Signed: 02/10/2022 09:40 AM
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**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 as directed in the Notice of Hearing before the above-named court 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 10, 2022.

**Judicial Officer**

Kathy M. Wallace

Electronically Signed: 02/10/2022 01:03 PM

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

**COUNTY OF OLMSTED  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**Austin Joseph Fisher**

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:** Austin Joseph Fisher  
**DOB:** 02/03/1998  
**Address:** 2302 Falcon Terrace NW  
Stewartville, MN 55976

**Alias Names/DOB:**

**SID:**

**Height:**

**Weight:**

**Eye Color:**

**Hair Color:**

**Gender:**

**Race:**

**Fingerprints Required per Statute:**

**Fingerprint match to Criminal History Record:**

**Driver's License #:**

**Alcohol Concentration:**

180lbs.

Yes

No

J310131355004 (MN)



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## 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	1/1/2021	609.344.1(b) Criminal Sex Conduct-3rd Degree-Victim 13-15 Actor >24m older	Felony	L5073		MN0550000	21925113
	Penalty	1/1/2021	609.344.2(1) Criminal Sexual Conduct-3rd Degree-Penalty	Felony	L5073		MN0550000	21925113
2	Charge	1/1/2021	609.345.1(b) Criminal Sex Cond-4th Degree-Victim 13-15-Act >48m Old	Felony	L7073		MN0550000	21925113
	Penalty	1/1/2021	609.345.2 Criminal Sex Cond-4th Degree-Penalty	Felony	L7073		MN0550000	21925113
3	Charge	1/1/2021	609.344.1(b) Criminal Sex Conduct-3rd Degree-Victim 13-15 Actor >24m older	Felony	L5073		MN0550000	21925113
	Penalty	1/1/2021	609.344.2(1) Criminal Sexual Conduct-3rd Degree-Penalty	Felony	L5073		MN0550000	21925113
4	Charge	1/1/2021	609.352.2 Solicit Child to Engage in Sexual Conduct-Prohibited Act	Felony	Z1A07		MN0550000	21925113
	Penalty	1/1/2021	609.352.4 Solicitation - Solicit Child in Person or via Computer or Internet - Sexual Conduct - Felony Penalty	Felony	Z1A07		MN0550000	21925113
5	Charge	1/1/2021	340A.503.2(1) Liquor-Purchase/Sell/Barter/Furnish/Gi ve to u/21yr	Gross Misdemeanor	M4106		MN0550000	21925113

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