

State of Minnesota  
County of Hennepin

District Court  
4th Judicial District

Prosecutor File No. 19A00850  
Court File No. 27-CR-19-1708

---

**State of Minnesota,**

Plaintiff,

vs.

**ANDREW OTERO ALBERTORIO DOB: 06/16/1994**

7142 MERRIMAC LN N  
Maple Grove, MN 55311

Defendant.

---

**COMPLAINT**

Order of Detention

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-1st Degree-Penetration-Victim 13-15 - Position of Authority**

Minnesota Statute: 609.342.1(b), with reference to: 609.342.2(a), 609.342.2(b), 609.101.2, 609.342.2(c), 609.3455.10

Maximum Sentence: 30 YEARS AND/OR \$12,000-\$40,000, PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 01/17/2019

Control #(ICR#): 19000091

Charge Description: That between December 1, 2018 and 1/17/2019, in Hennepin County, Minnesota, ANDREW OTERO ALBERTORIO, born 06/16/1994 who was in a position of authority over victim, engaged in sexual penetration with the victim, a person between the ages of thirteen and sixteen years at the time, and ANDREW OTERO ALBERTORIO is more than forty-eight months older than the victim.

**COUNT II**

**Charge: Criminal Sex Conduct-1st Degree-Penetration-Victim 13-15 - Position of Authority**

Minnesota Statute: 609.342.1(b), with reference to: 609.342.2(a), 609.342.2(b), 609.101.2, 609.342.2(c), 609.3455.10

Maximum Sentence: 30 YEARS AND/OR \$12,000-\$40,000, PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 01/17/2019

Control #(ICR#): 19000091

Charge Description: That between December 1, 2018 and January 17, 2019 in Hennepin County, Minnesota, ANDREW OTERO ALBERTORIO, born 06/16/1994 who was in a position of authority over(victim, engaged in sexual penetration with the victim, a person between the ages of thirteen and sixteen years at the time, and ANDREW OTERO ALBERTORIO is more than forty-eight months older

than the victim.

### COUNT III

**Charge: Criminal Sex Conduct-1st Degree-Penetration-Victim 13-15 - Position of Authority**

Minnesota Statute: 609.342.1(b), with reference to: 609.342.2(a), 609.342.2(b), 609.101.2, 609.342.2(c), 609.3455.10

Maximum Sentence: 30 YEARS AND/OR \$12,000-\$40,000, PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 01/17/2019

Control #(ICR#): 19000091

Charge Description: That between December 1, 2018 and 1/17/2019, in Hennepin County, Minnesota, ANDREW OTERO ALBERTORIO, born 06/16/1994 who was in a position of authority over victim, engaged in sexual penetration with the victim, a person between the ages of thirteen and sixteen years at the time, and ANDREW OTERO ALBERTORIO is more than forty-eight months older than the victim.

### COUNT IV

**Charge: Criminal Sex Conduct-1st Degree-Penetration-Victim 13-15 - Position of Authority**

Minnesota Statute: 609.342.1(b), with reference to: 609.342.2(a), 609.342.2(b), 609.101.2, 609.342.2(c), 609.3455.10

Maximum Sentence: 30 YEARS AND/OR \$12,000-\$40,000, PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 01/17/2019

Control #(ICR#): 19000091

Charge Description: That between December 1, 2018 and 1/17/2019, in Hennepin County, Minnesota, ANDREW OTERO ALBERTORIO, born 06/16/1994 who was in a position of authority over victim, engaged in sexual penetration with the victim, a person between the ages of thirteen and sixteen years at the time, and ANDREW OTERO ALBERTORIO is more than forty-eight months older than the victim.

### COUNT V

**Charge: Criminal Sex Conduct-1st Degree-Penetration-Victim 13-15 - Position of Authority**

Minnesota Statute: 609.342.1(b), with reference to: 609.342.2(a), 609.342.2(b), 609.101.2, 609.342.2(c), 609.3455.10

Maximum Sentence: 30 YEARS AND/OR \$12,000-\$40,000, PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 01/17/2019

Control #(ICR#): 19000091

Charge Description: That between December 1, 2018 and 1/17/2019, in Hennepin County, Minnesota, ANDREW OTERO ALBERTORIO, born 06/16/1994 who was in a position of authority over victim, engaged in sexual penetration with the victim, a person between the ages of thirteen and sixteen years at the time, and ANDREW OTERO ALBERTORIO is more than forty-eight months older than the victim.

## STATEMENT OF PROBABLE CAUSE

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

On January 2, 2019, Maple Grove police responded to a report of the sexual assault of a known 14 year old female, hereinafter Victim. Victim's parents reported to police their daughter worked at a Maple Grove McDonald's and that her 24 year old manager sexually assaulted her on numerous occasions. Upon meeting with Victim, police learned the following:

Victim was employed at the McDonald's restaurant since the summer of 2018. Victim's night manager was ANDREW OTERO ALBERTORIO, DOB: 6/16/94, the Defendant. Victim reported that Defendant would often flirt with her at work the two began communicating over SnapChat in November. Victim reported Defendant continued to flirt with her at work including attempting to kiss her. Victim stated she pushed Defendant away when he tried to kiss her stating she believed it was wrong because Defendant was so much older than her and was also her manager. Victim and Defendant continued their contact and discussed having sex. Victim told Defendant she did not want to have sex with him as she was not 16 and he would get into trouble. Victim stated Defendant was "respectful" of this until early December when he cornered her in the cooler at the McDonald's restaurant within the city of Maple Grove, Hennepin County. In the cooler, Defendant began touching Victim and told her he wanted to have sex with her. Victim stated she did not want to have sex but Defendant continued. Defendant pulled down Victim's pants and had vaginal intercourse with Victim in the cooler. Victim stated she felt pressured into the act.

Over the course of the next month, Victim and Defendant had sex again in the cooler at McDonald's, in the back room at the McDonald's, in Defendant's vehicle parked on Bass Lake Road, and at Defendant's home in Maple Grove. Throughout this time Defendant was Victim's manager at work. Victim reported that because of her age, she was not supposed to work additional hours. However, Defendant would often pay her "out of pocket" so she would stay late at work.

Victim and Defendant also communicated over SnapChat and text for a period of months and Victim reported these communications included sexual images. Warrants have been issued for the search of these accounts and additional charges may be forthcoming.

Defendant is currently in custody.

The State will seek an aggravated sentence in this case.

## 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**

Steve Parker  
Police Officer  
12800 Arbor Lakes Pkwy  
Maple Grove, MN 55311  
Badge: 125

Electronically Signed:  
01/18/2019 03:57 PM  
Hennepin County, 19934

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

**Prosecuting Attorney**

Rachel Kraker  
300 S 6th St  
Minneapolis, MN 55487  
(612) 348-5550

Electronically Signed:  
01/18/2019 03:56 PM

**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: \$500,000.00

Conditions of Release: No Contact with Victim

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: January 18, 2019.

**Judicial Officer**

Liza K. Janzen  
District Court Judge

Electronically Signed: 01/18/2019 04:07 PM

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

**COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**ANDREW OTERO ALBERTORIO**

Defendant

*LAW ENFORCEMENT OFFICER RETURN OF SERVICE  
I hereby Certify and Return that I have served a copy of this Order of  
Detention upon the Defendant herein named.*

Signature of Authorized Service Agent:

## DEFENDANT FACT SHEET

**Name:** ANDREW OTERO ALBERTORIO  
**DOB:** 06/16/1994  
**Address:** 7142 MERRIMAC LN N  
Maple Grove, MN 55311

**Alias Names/DOB:**

**SID:** MN19BD5381

**Height:**

**Weight:**

**Eye Color:**

**Hair Color:**

**Gender:** MALE

**Race:** White

**Fingerprints Required per Statute:** Yes

**Fingerprint match to Criminal History Record:** Yes

**Driver's License #:**

**SILS Person ID #:** 856069

**SILS Tracking No.** 3078786

**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       | 1/17/2019       | 609.342.1(b)<br>Criminal Sex Conduct-1st<br>Degree-Penetration-Victim 13-15 -<br>Position of Authority         | Felony        | L1053 |     | MN0272700            | 19000091     |
|         | Definition   | 1/17/2019       | 609.342.2(c)<br>Criminal Sexual Conduct-1st<br>Degree-Subject to conditional release<br>under section 609.3455 | No-Level      | L1053 |     | MN0272700            | 19000091     |
|         | Definition   | 1/17/2019       | 609.3455.10<br>Dangerous Sex Offenders -<br>Presumptive Executed Sentence for<br>Repeat Sex Offenders          | No-Level      | L1053 |     | MN0272700            | 19000091     |
|         | Definition   | 1/17/2019       | 609.101.2<br>Minimum Fines – Victim Assistance<br>Programs   | No-Level      | L1053 |     | MN0272700            | 19000091     |
|         | Penalty      | 1/17/2019       | 609.342.2(a)<br>Criminal Sexual Conduct-1st<br>Degree-Penalty-Stat Max   | Felony        | L1053 |     | MN0272700            | 19000091     |
|         | Penalty      | 1/17/2019       | 609.342.2(b)<br>Criminal Sexual Conduct-1st<br>Degree-Penalty-Presumptive 144 mo.                              | Felony        | L1053 |     | MN0272700            | 19000091     |
| 2       | Charge       | 1/17/2019       | 609.342.1(b)<br>Criminal Sex Conduct-1st<br>Degree-Penetration-Victim 13-15 -<br>Position of Authority         | Felony        | L1053 |     | MN0272700            | 19000091     |
|         | Definition   | 1/17/2019       | 609.342.2(c)<br>Criminal Sexual Conduct-1st<br>Degree-Subject to conditional release<br>under section 609.3455 | No-Level      | L1053 |     | MN0272700            | 19000091     |
|         | Definition   | 1/17/2019       | 609.3455.10<br>Dangerous Sex Offenders -<br>Presumptive Executed Sentence for<br>Repeat Sex Offenders          | No-Level      | L1053 |     | MN0272700            | 19000091     |
|         | Definition   | 1/17/2019       | 609.101.2<br>Minimum Fines – Victim Assistance<br>Programs   | No-Level      | L1053 |     | MN0272700            | 19000091     |
|         | Penalty      | 1/17/2019       | 609.342.2(a)<br>Criminal Sexual Conduct-1st<br>Degree-Penalty-Stat Max   | Felony        | L1053 |     | MN0272700            | 19000091     |
|         | Penalty      | 1/17/2019       | 609.342.2(b)<br>Criminal Sexual Conduct-1st<br>Degree-Penalty-Presumptive 144 mo.                              | Felony        | L1053 |     | MN0272700            | 19000091     |
| 3       | Charge       | 1/17/2019       | 609.342.1(b)<br>Criminal Sex Conduct-1st<br>Degree-Penetration-Victim 13-15 -<br>Position of Authority         | Felony        | L1053 |     | MN0272700            | 19000091     |
|         | Definition   | 1/17/2019       | 609.342.2(c)<br>Criminal Sexual Conduct-1st<br>Degree-Subject to conditional release<br>under section 609.3455 | No-Level      | L1053 |     | MN0272700            | 19000091     |
|         | Definition   | 1/17/2019       | 609.3455.10<br>Dangerous Sex Offenders -<br>Presumptive Executed Sentence for<br>Repeat Sex Offenders          | No-Level      | L1053 |     | MN0272700            | 19000091     |
|         | Definition   | 1/17/2019       | 609.101.2<br>Minimum Fines – Victim Assistance<br>Programs   | No-Level      | L1053 |     | MN0272700            | 19000091     |
|         | Penalty      | 1/17/2019       | 609.342.2(a)<br>Criminal Sexual Conduct-1st<br>Degree-Penalty-Stat Max   | Felony        | L1053 |     | MN0272700            | 19000091     |
|         | Penalty      | 1/17/2019       | 609.342.2(b)<br>Criminal Sexual Conduct-1st  | Felony        | L1053 |     | MN0272700            | 19000091     |

## Degree-Penalty-Presumptive 144 mo.

|   |            |           |  |          |       |           |          |
|---|------------|-----------|--|----------|-------|-----------|----------|
| 4 | Charge     | 1/17/2019 | 609.342.1(b)<br>Criminal Sex Conduct-1st<br>Degree-Penetration-Victim 13-15 -<br>Position of Authority         | Felony   | L1053 | MN0272700 | 19000091 |
|   | Definition | 1/17/2019 | 609.342.2(c)<br>Criminal Sexual Conduct-1st<br>Degree-Subject to conditional release<br>under section 609.3455 | No-Level | L1053 | MN0272700 | 19000091 |
|   | Definition | 1/17/2019 | 609.3455.10<br>Dangerous Sex Offenders -<br>Presumptive Executed Sentence for<br>Repeat Sex Offenders          | No-Level | L1053 | MN0272700 | 19000091 |
|   | Definition | 1/17/2019 | 609.101.2<br>Minimum Fines – Victim Assistance<br>Programs   | No-Level | L1053 | MN0272700 | 19000091 |
|   | Penalty    | 1/17/2019 | 609.342.2(a)<br>Criminal Sexual Conduct-1st<br>Degree-Penalty-Stat Max   | Felony   | L1053 | MN0272700 | 19000091 |
|   | Penalty    | 1/17/2019 | 609.342.2(b)<br>Criminal Sexual Conduct-1st<br>Degree-Penalty-Presumptive 144 mo.                              | Felony   | L1053 | MN0272700 | 19000091 |
| 5 | Charge     | 1/17/2019 | 609.342.1(b)<br>Criminal Sex Conduct-1st<br>Degree-Penetration-Victim 13-15 -<br>Position of Authority         | Felony   | L1053 | MN0272700 | 19000091 |
|   | Definition | 1/17/2019 | 609.342.2(c)<br>Criminal Sexual Conduct-1st<br>Degree-Subject to conditional release<br>under section 609.3455 | No-Level | L1053 | MN0272700 | 19000091 |
|   | Definition | 1/17/2019 | 609.3455.10<br>Dangerous Sex Offenders -<br>Presumptive Executed Sentence for<br>Repeat Sex Offenders          | No-Level | L1053 | MN0272700 | 19000091 |
|   | Definition | 1/17/2019 | 609.101.2<br>Minimum Fines – Victim Assistance<br>Programs   | No-Level | L1053 | MN0272700 | 19000091 |
|   | Penalty    | 1/17/2019 | 609.342.2(a)<br>Criminal Sexual Conduct-1st<br>Degree-Penalty-Stat Max   | Felony   | L1053 | MN0272700 | 19000091 |
|   | Penalty    | 1/17/2019 | 609.342.2(b)<br>Criminal Sexual Conduct-1st<br>Degree-Penalty-Presumptive 144 mo.                              | Felony   | L1053 | MN0272700 | 19000091 |