

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 16A14649
Court File No. 27-CR-16-32250

State of Minnesota,

Plaintiff,

vs.

ELIZABETH ROSE OSTERBAUER DOB: 11/12/1992

5620 35 AV S
Minneapolis, MN 55417

Defendant.

COMPLAINT

Order of Detention

Amended

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: Burglary-2nd Degree-Dwelling

Minnesota Statute: 609.582.2(a)(1), with reference to: 609.05.1, 609.05.2, 609.582.2(a)

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 12/10/2015

Control #(ICR#): 16203958

Charge Description: That on or about December 10, 2015, in Minneapolis, Hennepin County, Minnesota, ELIZABETH ROSE OSTERBAUER, either directly or as an accomplice, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another, or otherwise procures the other to commit the crime, entered a dwelling without consent, and with intent to commit a crime or committed a crime, while in the building.

COUNT II

Charge: Burglary-2nd Degree-Dwelling

Minnesota Statute: 609.582.2(a)(1), with reference to: 609.05.1, 609.05.2, 609.582.2(a)

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 06/05/2016

Control #(ICR#): 16203958

Charge Description: That on or about June 5 or 6, 2016, in Minneapolis, Hennepin County, Minnesota, ELIZABETH ROSE OSTERBAUER, either directly or as an accomplice, acting alone or intentionally aiding, advising, hiring, counseling or conspiring with another R.O., or otherwise procures the other to commit the crime, entered a dwelling without consent, and with intent to commit a crime or committed a crime, while in the building.

COUNT III

Charge: Overwork/Mistreat Animals-Torture

Minnesota Statute: 343.21.1, with reference to: 609.101.4

Maximum Sentence: \$5000 - 2 YEARS PRISON - OR BOTH

Offense Level: Felony

Offense Date (on or about): 12/10/2015

Control #(ICR#): 16203958

Charge Description: That on or about 12/10/2015, in Hennepin County, Minnesota, ELIZABETH ROSE OSTERBAUER did overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill an animal, or cruelly work an animal when it was unfit for labor.

COUNT IV

Charge: Stalking - Pattern of Stalking Conduct

Minnesota Statute: 609.749.5(a), with reference to: 609.749.5(a)

Maximum Sentence: 10 YEARS AND/OR \$20,000

Offense Level: Felony

Offense Date (on or about): 06/05/2016

Control #(ICR#): 16203958

Charge Description: That on or about 6/5/2016, in Hennepin County, Minnesota, ELIZABETH ROSE OSTERBAUER engaged in a pattern of stalking conduct with respect to victim and/or members of the victim's household in a manner that would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and that did cause this reaction on the part of the victim.

STATEMENT OF PROBABLE CAUSE

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

On June 6, 2016, Minneapolis Police went to a residence on the 3500 block of Boardman Street, Minneapolis, Hennepin County, Minnesota in response to a call of a burglary. The occupant of the property, a woman with initials SAB, was out of town and having her friend, MMJ, check on the residence. MMJ told police that SAB had been trying to reestablish herself after trying to get away from defendant ELIZABETH ROSE OSTERBAUER, who had apparently been stalking SAB.

MMJ said she went to the residence and found that it had been broken into and there was kitty litter strewn all about, on the living room floor, spread into the bedroom just off the living room, the kitchen, and in the bathroom, where she noticed the toilet had been plugged with the kitty litter. The water from the toilet poured onto the floor in the bathroom, kitchen down the stairs leading to the basement and into the living room. A window was open at the back of the house. MMJ also pointed out that files on two dogs previously owned by SAB were missing. Defendant OSTERBAUER was suspected of taking those dogs the previous December in 2015.

MMJ explained that SAB and defendant OSTERBAUER had met through a dog rescue agency. She said that defendant OSTERBAUER had romantic feelings for SAB, which SAB did not reciprocate. In a phone call with SAB, she reported to police that she was fearful of defendant OSTERBAUER, which is why she had left town.

Months later, on December 13, 2016, MMJ gave a tape recorded statement to Minneapolis Police in which she admitted to having knowledge of and being present with defendant OSTERBAUER during the killing of at least one of SAB's dogs, which defendant OSTERBAUER tortured, drugged, and killed.

SAB also pointed police to another witness, MM, who told police that she was present with defendant OSTERBAUER when OSTERBAUER burglarized SAB's home on December 10, 2015. MM watched her enter the house by using a hidden key, and took SAB's dog. MM told police that defendant OSTERBAUER took the dog to a state park or wildlife refuge and killed it by stomping on it before drowning it in a marsh.

Police also spoke with another witness, ME, a man who told police that defendant OSTERBAUER had admitted stealing and killing SAB's dog. ME knew that MM had been with defendant OSTERBAUER during that first burglary on December 10, 2015. He also knew about the second burglary on or about June 6, 2015, because defendant OSTERBAUER had offered him and other friends \$1,000 to do a job for her involving SAB's house. When they refused, he believed that she convinced her brother, RO, to do it for her. She later admitted to arranging that burglary. He knew that she had taken things belonging to SAB, including a blanket, vet records and other things that meant something to her.

Defendant OSTERBAUER did not have SAB's permission to enter her home either on December 10, 2015, or June 6, 2016 or any time in between or thereafter. Defendant OSTERBAUER was located and taken into custody, where she remains.

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

Tim Hatchner
Police Sgt
350 S 5th St
Minneapolis, MN 55415-1389
Badge: 2797

Electronically Signed:
08/24/2018 07:10 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Thad Tudor
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
08/23/2018 06:54 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: \$200,000.00

Conditions of Release: No Contact with Victim; No Contact with Witnesses; Other: No possession of pets or animals; No Possession of Weapons

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 24, 2018.

Judicial Officer

Kathleen Sheehy
District Court Judge

Electronically Signed: 08/24/2018 09:21 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.

ELIZABETH ROSE OSTERBAUER

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: ELIZABETH ROSE OSTERBAUER
DOB: 11/12/1992
Address: 5620 35 AV S
Minneapolis, MN 55417

Alias Names/DOB:

SID: MN15HX1651

Height:

Weight:

Eye Color:

Hair Color:

Gender: FEMALE

Race: White

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: Yes

Driver's License #:

SILS Person ID #: 779428

SILS Tracking No. 2913056

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	12/10/2015	609.582.2(a)(1) Burglary-2nd Degree-Dwelling	Felony	B2334	X	MN0271100	16203958
	Penalty	12/10/2015	609.582.2(a) Burglary-2nd Degree - Penalty	Felony	B2334	X	MN0271100	16203958
	Modifier	12/10/2015	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	B2334	X	MN0271100	16203958
	Modifier	12/10/2015	609.05.1 Liability for Crimes of Another-Intentional	No-Level	B2334	X	MN0271100	16203958
2	Charge	6/5/2016	609.582.2(a)(1) Burglary-2nd Degree-Dwelling	Felony	B2334	X	MN0271100	16203958
	Penalty	6/5/2016	609.582.2(a) Burglary-2nd Degree - Penalty	Felony	B2334	X	MN0271100	16203958
	Modifier	6/5/2016	609.05.2 Liability for Crimes of Another-Reasonably Forseeable	No-Level	B2334	X	MN0271100	16203958
	Modifier	6/5/2016	609.05.1 Liability for Crimes of Another-Intentional	No-Level	B2334	X	MN0271100	16203958
3	Charge	12/10/2015	343.21.1 Overwork/Mistreat Animals-Torture	Felony	M8196		MN0271100	16203958
	Definition	12/10/2015	609.101.4 Minimum Fines-Other	No-Level	M8196		MN0271100	16203958
4	Charge	6/5/2016	609.749.5(a) Stalking - Pattern of Stalking Conduct	Felony	N131H		MN0271100	16203958
	Penalty	6/5/2016	609.749.5(a) Stalking - Pattern of Stalking Conduct	Felony	N131H		MN0271100	16203958