

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

COPY

COURT FILE NUMBER: 66-CR-12-3155

PROSECUTOR FILE NO.: A-12-0559

State of Minnesota,
Plaintiff,

v.

COMPLAINT – ORDER FOR DETENTION

Joseph Carl Machlitt 6/12/1949 (63)
1762 Bayard Ave
St Paul, MN 55116
Defendant.

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

Count: 1 Criminal Sexual Conduct in the Third Degree
In Violation of: 609.344(b)
Penalty Statute: 609.344
MOC: L5154
ICR: 12012251
Penalty: Imprisonment for not more than ten years

On or about June 25 or 26, 1980, in Rice County, Minnesota, the defendant, Joseph Carl Machlitt, did engage in sexual penetration, to-wit: fellatio, with another person, to-wit: JJ, and the complainant was at least 13 but less than 16 years of age and the defendant was more than 48 months older than the complainant.

Count: 2 Attempted Criminal Sexual Conduct in the Fourth Degree
In Violation of: 609.345(b); 609.17, subd. 1
Penalty Statute: 609.345; 609.17, subd. 4
MOC: L7154
ICR: 12012251
Penalty: Imprisonment for not more than two and one-half years

On or about July or August, 1980, in Rice County, Minnesota, the defendant, Joseph Carl Machlitt, did attempt to engage in sexual contact with another person, to-wit: JJ, and the complainant was at least 13 but less than 16 years of age and the defendant was more than 48 months older than the complainant.

RICE COUNTY, MN
FILED

NOV 21 2012

COURT ADMINISTRATOR

STATEMENT OF PROBABLE CAUSE

Your Complainant and/or Signing Officer designated below, being duly sworn, has reviewed police reports relating to the above-named Defendant and the allegations contained herein, and/or has spoken with peace officers having knowledge of the incident, and based upon that information, believes the following to be true and correct.

On October 9, 2012, JJ reported to the Faribault Police Department that he was sexually assaulted. He stated that this sexual assault occurred in the summer of 1980, by Joseph Carl Machlitt, DOB 06/14/1949, hereinafter defendant, a faculty member at a boarding school in Faribault.

JJ stated he started school in Faribault in the summer of 1980, during summer school. He was living in a residence hall. During that summer he was swimming in the pool and hit his head. The defendant brought him to the hospital. Hospital records show that this incident occurred on June 25, 1980. JJ was diagnosed with facial abrasions and possible loss of consciousness. The defendant agreed to take care of JJ that evening, as it was believed he possibly had a concussion. The defendant brought JJ back to his apartment at the school in Faribault, Rice County, Minnesota. JJ believed that the defendant lived on the second floor of a certain dormitory. JJ was sleeping on the couch in the defendant's apartment. JJ woke up to the defendant massaging his legs. The defendant then touched JJ's crotch and penis. JJ laid on the couch passively. The defendant placed JJ's penis in his mouth and engaged in fellatio. JJ ejaculated into the defendant's mouth. The defendant then went into his bedroom. JJ believed he was only wearing a pair of underwear when this occurred.

JJ recalled two other interactions inside the defendant's apartment with the defendant. During the second interaction, the defendant rubbed his back and touched him while they spoke. JJ stated that he was touched, "inappropriately, but not sexually". During the third interaction within the defendant's apartment, the defendant tried to touch JJ's penis, but JJ pushed the defendant away. The defendant asked why it was alright to touch him the first time, but not at this time. JJ responded that he was not comfortable with it.

JJ stated that the defendant was an art and photography teacher at the school. JJ believed that the defendant left school before the first of the year.

JJ stated that he would not have trouble identifying the defendant.

JJ did not tell anyone about the abuse until he was 29 years of age. He had told several therapists. JJ provided documentation regarding his therapist visits.

On October 18, 2012, the defendant was interviewed by special agents from the Minnesota Bureau of Criminal Apprehension (BCA); he denied any sexual contact with JJ.

On October 23, 2012, the defendant returned to speak with the BCA agents. On that date, the defendant stated that in the summer of 1980, he lived in a residence hall (the same residence hall identified by JJ as the location of the assault). He stated that summer that he had a sexual relationship with a student; his first name was "(J)". The defendant stated that he thought it happened twice. He believed they engaged in oral sex on both occasions. On both occasions JJ came to his apartment. He believed the second incident happened a couple days after the first incident. The defendant stated that JJ would have been an incoming student that summer – he believed JJ was either a sophomore or junior. The defendant admitted to teaching at the school that summer and he was an employee of the school.

The defendant admitted that he took another job at another school in New Hampshire, the job started in August of 1980. He worked in New Hampshire at that school for 4 years. He lived in New Hampshire for 5 years.

Between June 25, 1980, and August, 1980, JJ was 14 years of age. The defendant is 199 months older than JJ.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49., intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

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'S NAME:

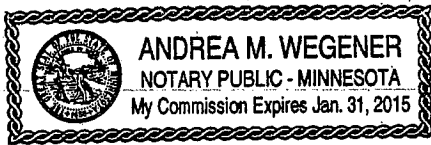
COMPLAINANT'S SIGNATURE:

Subscribed and sworn to before the undersigned this 21st day of November, 2012.

NAME/TITLE:

Legal Assistant

SIGNATURE:



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

PROSECUTING ATTORNEY'S SIGNATURE:

Date: Nov. 21, 2012

Nathaniel J. Reitz 225708
Assistant Rice County Attorney
Rice County Attorney's Office
218 NW Third Street
Faribault, Minnesota 55021
(507) 332-6103

Court Case #:

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 to 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 ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, 20__ at _____ before the above-named court at _____ to answer this complaint.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named 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*

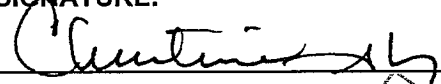
X ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail:
Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 21 day of November, 2012.

JUDICIAL OFFICER:
NAME: Christine A. Long
TITLE: District Court Judge

SIGNATURE: 

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

COUNTY OF RICE
STATE OF MINNESOTA

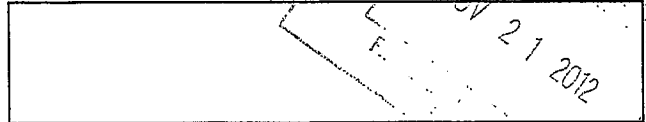
State of Minnesota

Plaintiff

vs.

Joseph Carl Machlitt
Defendant

Clerk's Signature or File Stamp



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

1. **Other DOBs:**
 2. **Race/Ethnicity:**
 3. **CID:**
 4. **Alias Information:**
 5. **Fingerprinted:** Done
 6. **Handgun Permit:**
 7. **Location of Violation:** SSM - 1000 Shumway Ave
 8. **Drivers License #:** H598030415322 (MN)
 9. **Accident Type:**
 10. **License Plate #:**
-
11. **BAC Status:**
 12. **BAC Level:**

For Court Use: Statute and Offense Summary Information
