

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 15A06555
Court File No. 27-CR-17-28622

State of Minnesota,

Plaintiff,

vs.

ROBERT LLOYD MESSERSMITH DOB: 12/11/1942

5340 QUEEN AVE NO
BROOKLYN CENTER, MN 55430

Defendant.

COMPLAINT

Warrant

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-2nd Degree-Victim Under 13-Actor > 36m Old

Minnesota Statute: 609.343.1(a), with reference to: 609.101.2, 609.343.2(a), 609.3455.6

Maximum Sentence: 25 YEARS AND/OR \$10,500-\$35,000

Offense Level: Felony

Offense Date (on or about): 06/29/2010

Control #(ICR#): 15002833

Charge Description: That between the dates of 6/29/2010 and 6/29/2014, in Hennepin County, Minnesota, ROBERT LLOYD MESSERSMITH, born 12/11/1942, engaged in sexual contact with Victim 1, a person under the age of thirteen years, and more than thirty-six months younger than ROBERT LLOYD MESSERSMITH; to wit: Defendant coerced and/or induced Victim 1 to touch his intimate parts.

COUNT II

Charge: Criminal Sex Conduct-2nd Degree-Victim Under 13-Actor > 36m Old

Minnesota Statute: 609.343.1(a), with reference to: 609.101.2, 609.343.2(a)

Maximum Sentence: 25 YEARS AND/OR \$10,500-\$35,000, PLUS 10 YEAR TO LIFETIME
CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 06/29/2010

Control #(ICR#): 15002833

Charge Description: That between the dates of 6/29/2010 and 6/29/2014, in Hennepin County, Minnesota, ROBERT LLOYD MESSERSMITH, born 12/11/1942, engaged in sexual contact with Victim 2, a person under the age of thirteen years, and more than thirty-six months younger than ROBERT LLOYD MESSERSMITH; to wit: Defendant coerced and/or induced Victim 2 to touch his intimate parts.

COUNT III

Charge: Criminal Sex Conduct-2nd Degree-Victim Under 13-Actor > 36m Old

Minnesota Statute: 609.343.1(a), with reference to: 609.101.2, 609.343.2(a)

Maximum Sentence: 25 YEARS AND/OR \$10,500-\$35,000 PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 06/29/2010

Control #(ICR#): 15002833

Charge Description: That between the dates of 6/29/2010 and 6/29/2014, in Hennepin County, Minnesota, ROBERT LLOYD MESSERSMITH, born 12/11/1942, engaged in sexual contact with Victim 3, a person under the age of thirteen years, and more than thirty-six months younger than ROBERT LLOYD MESSERSMITH; to wit: Defendant coerced and/or induced Victim 3 to touch his intimate parts.

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 AND/OR \$5,000

Offense Level: Felony

Offense Date (on or about): 06/29/2010

Control #(ICR#): 15002833

Charge Description: That between the dates of June 29, 2010 and June 29, 2014, in Hennepin County, Minnesota, ROBERT LLOYD MESSERSMITH, who was 18 years of age or older, solicited a known juvenile 15 years of age or younger to engage in sexual conduct with intent to engage in sexual conduct.

COUNT V

Charge: Criminal Sex Conduct-5th Degree-Lewd Exhibition-Under 16 Present

Minnesota Statute: 609.3451.1(2), with reference to: 609.3451.2

Maximum Sentence: 1 YEAR AND/OR \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 06/29/2010

Control #(ICR#): 15002833

Charge Description: That between the dates of June 29, 2010 and June 29, 2014, in Hennepin County, Minnesota, ROBERT LLOYD MESSERSMITH engaged in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor was present.

STATEMENT OF PROBABLE CAUSE

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

On or about August 9, 2015, officers from the Brooklyn Center Police Department were dispatched to a residence located within the city on a report of a criminal sexual conduct report.

Officers spoke with a Known Adult Female, J.R.L. (DOB: 10/25/1977), who advised that, in the Summer of 2010, she and her children, including a Known Juvenile Male (DOB: 6/29/2003), Victim 1 herein, moved into a duplex located within Brooklyn Center, Hennepin County, State of Minnesota. ROBERT LLOYD MESSERSMITH (DOB: 12/11/1942), Defendant herein, owned the duplex and lived in the other side of the duplex at that time.

J.R.L. stated that, during the time that she and her children lived at the residence, Defendant put in an above-ground pool in the backyard, which was enclosed with a ten foot fence around it. This area had only one way in and out which was through the service door in Defendant's garage. This area was known as the "nude nook." J.R.L. stated that she became aware that Defendant and his wife were nudists.

J.R.L. stated that she had been introduced to Defendant through her father in 2007, and she quickly came to trust Defendant and his wife. She stated that she and her then young children accompanied Defendant and his wife to a nudist colony they belonged to on several occasions. J.R.L. stated that she did not think much of it as her children were young and she had come to trust Defendant. J.R.L. stated that Victim 1 accompanied Defendant to the nudist resort for approximately 2 and $\frac{1}{4}$ years beginning in 2010. J.R.L. stated that she, and her children, were invited over to Defendant's home and to swim in the pool in the "nude nook." J.R.L. also stated that, since the time she had moved into the duplex, Defendant would come over when she worked to check on her children. J.R.L. stated that Victim 1 and his friends would also be invited by Defendant to come over to his house and swim.

J.R.L. stated that she and her children moved out of the duplex in 2013 when Defendant sold the residence. Her children still spent time with Defendant after they moved out.

J.R.L. stated that she was talking to Victim 1 earlier in the day about Defendant and his wife. Victim 1 was crying and upset and disclosed to J.R.L. that Defendant made him and his friends do inappropriate things, including "circle jerks" one time with two of his friends. Victim 1 reported that Defendant gave him lubrication, and a ring to put over his penis, and told him about sex, masturbation, pornography and orgasms.

Victim 1's sister, a Known Juvenile Female (DOB: 9/3/2000) reported that, when she was 11, Defendant gave her a dildo and lube, told her how to use it and about pornography, sex and orgasms. Defendant told her to keep it a "secret" but later took the dildo back, stating that he did not want her mom to find out.

Victim 1 was interviewed by Corner House on August 20, 2015. Victim 1 disclosed that Defendant told him to "jerk off" and tried to touch him to show him how. Victim 1 disclosed that Defendant would have Victim 1 and his two friends, a Known Juvenile Male (DOB: 12/24/2002), Victim 2 herein, and a Known Juvenile Male (DOB: 7/8/2003), Victim 3 herein, masturbate ("circle jerk") together in Defendant's presence. Victim 1 stated that Defendant tried to have the boys touch each other. Victim 1 reported that he had seen Defendant masturbate once when Defendant was in the backyard and Victims 1, 2 and 3 all saw this. Victim 1 expressed sadness about the events because he was the one who introduced Victim 2 and 3 to Defendant.

Victim 2 was interviewed by Corner House on September 1, 2015. Victim 2 disclosed that Defendant encouraged himself, and Victims 1 and 3, to touch themselves. Victim 2 also reported that Defendant touched his “jock” and this made him uncomfortable.

Victim 3 was interviewed by Corner House on September 4, 2015. Victim 3 disclosed that Defendant showed him how to “jerk off” and that Defendant would have himself, and Victim 1 and 2 skinny dip. Victim 3 stated that he was afraid of what would happen so he would wear shorts and hide. Victim 3 stated that some things that happened were “not ok to talk about” but that multiple things happened.

The children reported that Defendant took lots of photos and that his camera was his “best friend.”

Officers spoke with A.L.L., the mother of Victim 2, who stated that she had confronted Defendant about the sexual misconduct with Victim 2 and Defendant responded by offering to pay for counseling for her son and so that she could move her family out of the neighborhood. A.L.L. reported that Defendant agreed that, given his past, he should not be spending time with children and this is why he was moving to Florida. Defendant gave A.L.L. \$2,200 the day the Defendant moved to Florida and asked that she not use the money for counseling. A.L.L. believed he asked her not to use the money for counseling so that there would not be a report to police. According to A.L.L., Defendant made her sign a non-disclosure agreement in exchange for the money.

A check of Defendant’s past reveals that he has prior convictions: one from 1988 from Brooklyn Center, Minnesota for Use of Minors in a Sexual Performance and another conviction from 1976 from Salem, New Hampshire for Sexual Assault/Endangering Welfare of a Child.

Investigators learned that Defendant’s Minnesota driver’s license expired on December 11, 2015. It is believed he is residing in Inverness, Florida. A warrant is requested for Defendant’s arrest given the multiple victims, to protect public safety and to prevent further flight by Defendant.

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

Terry Olson
Detective
6645 Humboldt Avenue N
Brooklyn Center, MN 55430
Badge: 114

Electronically Signed:
11/14/2017 10:10 AM
Hennepin County, Minnesota

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

Prosecuting Attorney

Tara C. Ferguson Lopez
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
11/13/2017 02:40 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: \$400,000.00

Conditions of Release: No Contact with Minors/Males/Females under age of:: no contact with minors; No Internet Use; Make All Appearances; Remain Law Abiding; Other: do not leave the state without waiver of extradition/court permission

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: November 14, 2017.

Judicial Officer Edward Thomas Wahl Electronically Signed: 11/14/2017 10:19 AM
District Court Judge

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

ROBERT LLOYD MESSERSMITH

Defendant

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

Signature of Authorized Service Agent: