

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No.
Court File No.

18A00517
27-CR-18-988

State of Minnesota,

Plaintiff,

vs.

THOMAS JOSEPH INCANTALUPO DOB: 12/24/1970

4364 MACKEY AVE
ST LOUIS PARK, MN 55424

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 Under 16-Signif Rel-Multiple Acts Over Time

Minnesota Statute: 609.342.1(h)(iii), 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): 08/21/2015

Control #(ICR#): 18001181

Charge Description: That on or about August 21, 2015 and June 21, 2017, in Hennepin County, Minnesota, THOMAS JOSEPH INCANTALUPO, born 12/24/70, engaged in sexual penetration with Victim, a person under sixteen (16) years of age at the time of the sexual penetration, and THOMAS JOSEPH INCANTALUPO is the Victim's figure skating coach who intermittently resided with Victim, and the sexual abuse involved multiple acts committed over an extended period of time.

Minimum Sentence: 144 months

COUNT II

Charge: Criminal Sex Conduct-3rd Degree-16-17-Act >48 old-Position Authority

Minnesota Statute: 609.344.1(e), with reference to: 609.101.2, 609.3455.7, 609.3455.10, 609.3455.6, 609.344.2(1)

Maximum Sentence: 15 YEARS AND/OR \$10,000-\$30,000 PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 09/28/2017

Control #(ICR#): 18001181

Charge Description: That on or about September 28, 2017, in Hennepin County, Minnesota, THOMAS

JOSEPH INCANTALUPO, born 12/24/70, who was in a position of authority over the Victim, engaged in sexual penetration with Victim, a person at least sixteen (16) years but less than eighteen (18) years of age, and more than forty-eight months younger than THOMAS JOSEPH INCANTALUPO.

COUNT III

Charge: Criminal Sex Conduct-3rd Degree-16-17-Act >48 old-Position Authority

Minnesota Statute: 609.344.1(e), with reference to: 609.101.2, 609.3455.7, 609.3455.10, 609.3455.6, 609.344.2(1)

Maximum Sentence: 15 YEARS AND/OR \$10,000-\$30,000 PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 10/27/2017

Control #(ICR#): 18001181

Charge Description: That on or about October 27, 2017, in Hennepin County, Minnesota, Thomas Joseph Incantalupo, born 12/24/70, who was in a position of authority over the victim, engaged in sexual penetration with Victim, a person at least sixteen (16) years but less than eighteen (18) years of age, and more than forty-eight months younger than Thomas Joseph Incantalupo.

COUNT IV

Charge: Criminal Sex Conduct-3rd Degree-16-17-Act >48 old-Position Authority

Minnesota Statute: 609.344.1(e), with reference to: 609.101.2, 609.3455.7, 609.3455.10, 609.3455.6, 609.344.2(1)

Maximum Sentence: 15 YEARS AND/OR \$10,000-\$30,000 PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 11/13/2017

Control #(ICR#): 18001181

Charge Description: That on or about November 13, 2017, in Hennepin County, Minnesota, THOMAS JOSEPH INCANTALUPO, born 12/24/70, who was in a position of authority over the Victim, engaged in sexual penetration with Victim, a person at least sixteen (16) years but less than eighteen (18) years of age, and more than forty-eight months younger than THOMAS JOSEPH INCANTALUPO.

COUNT V

Charge: Criminal Sex Conduct-3rd Degree-16-17-Act >48 old-Position Authority

Minnesota Statute: 609.344.1(e), with reference to: 609.101.2, 609.3455.7, 609.3455.10, 609.3455.6, 609.344.2(1)

Maximum Sentence: 15 YEARS AND/OR \$10,000-\$30,000 PLUS CONDITIONAL RELEASE

Offense Level: Felony

Offense Date (on or about): 12/12/2017

Control #(ICR#): 18001181

Charge Description: That on or about December 12, 2017, in Hennepin County, Minnesota, THOMAS JOSEPH INCANTALUPO, born 12/24/70, who was in a position of authority over the Victim, engaged in sexual penetration with Victim, a person at least sixteen (16) years but less than eighteen (18) years of age, and more than forty-eight months younger than THOMAS JOSEPH INCANTALUPO.

STATEMENT OF PROBABLE CAUSE

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

In January 2018, law enforcement in Eden Prairie and Maple Grove began investigating the sexual abuse of a sixteen year old figure skater, Victim herein (DOB 6/21/01). The abuse was perpetrated by her figure skating coach, THOMAS JOSEPH INCANTALUPO, Defendant herein (DOB 12/24/70). The sexual abuse began when Victim was fourteen years old, and continued until she was sixteen years old.

Defendant became Victim's figure skating coach when she was approximately nine years old. Victim is a competitive skater, and travels nationally and internationally for competitions and training. On many occasions, Defendant would travel alone with Victim, and was responsible for her care and wellbeing.

Defendant began sexually abusing Victim in August 2015 during a trip to Connecticut for training. Victim was fourteen years old at the time. Defendant and Victim stayed with another figure skating coach at her home in separate bedrooms. However, one night when Victim was sleeping, she was awoken by Defendant who had come into her room, and was touching her legs and butt over her clothing. Defendant then began fondling Victim's bare breasts. Victim stated that she tried to pretend that she was sleeping so that Defendant would go away, but he did not. Defendant removed his pants, and pushed Victim's head down to his penis. Defendant placed his hands on Victim's head, and used his hand to move her head forcing her to give him oral sex. Victim reported that she tried to pull her head away, but Defendant continued to force her. Defendant ejaculated in her mouth, and told her that she could not tell anyone.

In April and May 2016, Defendant took Victim to Argentina for a coaching seminar. Defendant led the seminar and Victim was used for demonstrations of the coaching and skating techniques. Victim was fifteen years old during this trip, and the two stayed together in an apartment. The first night in Argentina, Defendant began kissing and touching Victim. Defendant inserted his penis into Victim's mouth and vagina. He also performed oral sex on Victim. While on the trip, Defendant engaged in sexual penetration with Victim more than a dozen times. This penetration included oral and vaginal penetrations.

In December 2016, Defendant took Victim back to Argentina for a figure skating event. During this trip, Victim was fifteen years old, and the two resided together. Defendant initiated sexual contact with Victim on at least five occasions. This contact included Defendant engaging in sexual intercourse with Victim. During this trip, Defendant became concerned that Victim had become pregnant. Defendant drove Victim to a clinic in Argentina, and spoke with clinic staff via a translating app. The clinic provided Victim with a pill which caused her to have severe stomach cramps for the next two days. Defendant told Victim that "she was the love of his life and he wants to move with her to Argentina when she turns 18 and buy a house for them." Victim stated that by this point, she had learned how to get the thoughts of the abuse out of her head and pretend that these things were not happening to her.

In February and March 2017, Defendant again took Victim to Argentina for a coaching seminar. Victim was fifteen years old, and the two resided together. During the time there, Defendant engaged in sexual penetration with Victim more than a dozen times. This included sexual intercourse during which Defendant no longer wore a condom.

In August 2017, Defendant took Victim to Connecticut for training. While in Connecticut, Victim and Defendant stayed in a home with another coach. Victim was sixteen years old. During this trip, Defendant would sneak into her room at night, and engage in sexual intercourse with her. This happened on approximately five occasions during this trip.

When Defendant and Victim returned from this trip, Defendant began taking Victim to hotels in Eden Prairie, Hennepin County, Minnesota for sexual relations. This began in September 2017. On September 28, 2017, Defendant took Victim to a hotel and checked in. Defendant had told Victim's parents that they were going to have a longer training session that day. On this date, Defendant put his penis into Victim's anus. Victim told Defendant that she did not like that, but Defendant continued anyways. Defendant brought Victim back to the skating rink after so that she could be picked up by her parents.

Defendant took Victim back to the same hotel on October 27, November 13, and December 12, 2017. On each of these dates, he penetrated her anally before returning her to the skating rink to be picked up by her parents. Investigating officers were able to confirm that Defendant checked in to the hotel on these dates using his own name. On each occasion, he checked in to the hotel in the early afternoon.

In December 2017, Defendant took Victim to Chicago for training. During this trip, Defendant anally penetrated Victim on three occasions. This was the last time that Defendant sexually abused Victim.

In January 2018, Victim decided to tell a friend about what Defendant had been doing to her. Subsequently, her parents learned about Defendant's sexual abuse, and alerted authorities.

On January 9, 2018, Defendant texted Victim's mother, and wanted to take Victim to lunch. Equipped with a recording device and under the supervision of investigating officers, Victim met with Defendant at the skating rink. During that conversation, Victim told Defendant that things needed to change, and that she no longer wanted a romantic relationship with him. Defendant told Victim that she was the love of his life and that he would do anything for her. He stated that he was fine with discontinuing the hotel visits, because their relationship was not about being physical. Defendant stated that he knew that their relationship was wrong, and that he could go to jail for it.

Defendant was arrested following this conversation.

Victim resides, was trained by Defendant, and reported the abuse in Hennepin County, Minnesota.

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

Thomas J Henderson
Police Officer
8080 Mitchell Rd
Eden Prairie, MN 55344
Badge: 102

Electronically Signed:
01/11/2018 12:02 PM
Hennepin County, Minnesota

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

Prosecuting Attorney

Erin Lutz
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
01/11/2018 11:59 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: \$500,000.00

Conditions of Release: No Contact with Victim; No Contact with Minors/Males/Females under age of: 18; No Contact with Witnesses; No Contact with Address; Surrender Passport; 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: January 11, 2018.

Judicial Officer

Martha Holton Dimick
District Court Judge

Electronically Signed: 01/11/2018 12:26 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.

THOMAS JOSEPH INCANTALUPO

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: THOMAS JOSEPH INCANTALUPO
DOB: 12/24/1970
Address: 4364 MACKEY AVE
ST LOUIS PARK, MN 55424

Alias Names/DOB:

SID: MN18LA0422

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 #: 829965

SILS Tracking No. 2988831

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	8/21/2015	609.342.1(h)(iii) Criminal Sex Conduct-1st Degree-Penetration -Victim Under 16-Signif Rel-Multiple Acts Over Time	Felony	L1853		MN0272600	18001181
	Definition	8/21/2015	609.342.2(c) Criminal Sexual Conduct-1st Degree-Subject to conditional release under section 609.3455	No-Level	L1853		MN0272600	18001181
	Definition	8/21/2015	609.3455.10 Dangerous Sex Offenders - Presumptive Executed Sentence for Repeat Sex Offenders	No-Level	L1853		MN0272600	18001181
	Definition	8/21/2015	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	L1853		MN0272600	18001181
	Penalty	8/21/2015	609.342.2(a) Criminal Sexual Conduct-1st Degree-Penalty-Stat Max	Felony	L1853		MN0272600	18001181
	Penalty	8/21/2015	609.342.2(b) Criminal Sexual Conduct-1st Degree-Penalty-Presumptive 144 mo.	Felony	L1853		MN0272600	18001181
2	Charge	9/28/2017	609.344.1(e) Criminal Sex Conduct-3rd Degree-16-17-Act >48 old-Position Authority	Felony	L5155		MN0272600	18001181
	Definition	9/28/2017	609.3455.6 Dangerous Sex Offenders - Ten Year Conditional Release	No-Level	L5155		MN0272600	18001181
	Penalty	9/28/2017	609.344.2(1) Criminal Sexual Conduct-3rd Degree-Penalty	Felony	L5155		MN0272600	18001181
	Definition	9/28/2017	609.3455.10 Dangerous Sex Offenders - Presumptive Executed Sentence for Repeat Sex Offenders	No-Level	L5155		MN0272600	18001181
	Definition	9/28/2017	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	L5155		MN0272600	18001181
	Definition	9/28/2017	609.3455.7 Dangerous Sex Offenders - Lifetime Conditional Release	No-Level	L5155		MN0272600	18001181
3	Charge	10/27/2017	609.344.1(e) Criminal Sex Conduct-3rd Degree-16-17-Act >48 old-Position Authority	Felony	L5155		MN0272600	18001181
	Definition	10/27/2017	609.3455.6 Dangerous Sex Offenders - Ten Year Conditional Release	No-Level	L5155		MN0272600	18001181
	Penalty	10/27/2017	609.344.2(1) Criminal Sexual Conduct-3rd Degree-Penalty	Felony	L5155		MN0272600	18001181
	Definition	10/27/2017	609.3455.10 Dangerous Sex Offenders - Presumptive Executed Sentence for Repeat Sex Offenders	No-Level	L5155		MN0272600	18001181
	Definition	10/27/2017	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	L5155		MN0272600	18001181
	Definition	10/27/2017	609.3455.7 Dangerous Sex Offenders - Lifetime Conditional Release	No-Level	L5155		MN0272600	18001181
4	Charge	11/13/2017	609.344.1(e)	Felony	L5155		MN0272600	18001181

			Criminal Sex Conduct-3rd Degree-16-17-Act >48 old-Position Authority				
	Definition	11/13/2017	609.3455.6 Dangerous Sex Offenders - Ten Year Conditional Release	No-Level	L5155	MN0272600	18001181
	Penalty	11/13/2017	609.344.2(1) Criminal Sexual Conduct-3rd Degree-Penalty	Felony	L5155	MN0272600	18001181
	Definition	11/13/2017	609.3455.10 Dangerous Sex Offenders - Presumptive Executed Sentence for Repeat Sex Offenders	No-Level	L5155	MN0272600	18001181
	Definition	11/13/2017	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	L5155	MN0272600	18001181
	Definition	11/13/2017	609.3455.7 Dangerous Sex Offenders - Lifetime Conditional Release	No-Level	L5155	MN0272600	18001181
5	Charge	12/12/2017	609.344.1(e) Criminal Sex Conduct-3rd Degree-16-17-Act >48 old-Position Authority	Felony	L5155	MN0272600	18001181
	Definition	12/12/2017	609.3455.6 Dangerous Sex Offenders - Ten Year Conditional Release	No-Level	L5155	MN0272600	18001181
	Penalty	12/12/2017	609.344.2(1) Criminal Sexual Conduct-3rd Degree-Penalty	Felony	L5155	MN0272600	18001181
	Definition	12/12/2017	609.3455.10 Dangerous Sex Offenders - Presumptive Executed Sentence for Repeat Sex Offenders	No-Level	L5155	MN0272600	18001181
	Definition	12/12/2017	609.101.2 Minimum Fines – Victim Assistance Programs	No-Level	L5155	MN0272600	18001181
	Definition	12/12/2017	609.3455.7 Dangerous Sex Offenders - Lifetime Conditional Release	No-Level	L5155	MN0272600	18001181