

**BWB**

**STATE OF WISCONSIN**

**CIRCUIT COURT**

**DANE COUNTY**

**CRIMINAL COMPLAINT**

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**STATE OF WISCONSIN, PLAINTIFF**

**VS.**

**AUDREY RUTH SEILER**

**DOB: 01/25/1984**

**Sex/Race:** F/W

**Height/Weight:** 5'08/125

**Hair/Eyes:** BR/BR

6021 Terrace Circle

Rockford, MN 55373

**OFFENSE(S):** Obstructing Officers (Two Counts)

**STATUTE(S):** 946.41(1)

**DEFENDANT**

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**AGENCY & CASE NO:** MAPD/04-32835

**Court Case No:** 04 CM \_\_\_\_\_

**DA CASE NO:** 04-DA-005353

**COMPLAINING WITNESS**

MAPD Det. Allen Rickey

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**COUNT ONE**

**THE ABOVE-NAMED COMPLAINING WITNESS, BEING DULY SWORN, SAYS THAT THE ABOVE-NAMED DEFENDANT, IN DANE COUNTY, WISCONSIN, DID, on March 31, 2004, at the CITY OF MADISON,** knowingly obstruct City of Madison Police Department Police Officers Jason Sweeney, Christine Boyd, and Phillip Yahnke, and Dets. Timothy Hahn, Sidney Woods, and Allen Rickey while such officers/detectives were each acting in an official capacity and with lawful authority, to-wit: investigating the defendant's disappearance under suspicious circumstances; contrary to Section 946.41(1) of the Wisconsin Statutes, a Class A misdemeanor; and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), imprisoned not more than nine (9) months or both.

**COUNT TWO**

**AND AS A SECOND AND SEPARATE OFFENSE, THE ABOVE-NAMED DEFENDANT, IN DANE COUNTY, WISCONSIN, DID, on April 1, 2004, at the CITY OF MADISON,** knowingly obstruct City of Madison Police Department Police Detectives Sidney Woods and Allen Rickey, while such detectives were each acting act in an official capacity and with lawful authority, to-wit: investigating the defendant's

disappearance under suspicious circumstances; contrary to Section 946.41(1) of the Wisconsin Statutes, a Class A misdemeanor; and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), imprisoned not more than nine (9) months or both.

**\*\*FACTS AS TO ALL OFFENSES:** Your complainant is a Detective for the City of Madison Police Department (“MAPD”), and for this complaint relies upon his own investigation and observation and also the written police report(s) of MAPD Officers, Investigators, and Detectives identified below, each report having been prepared, filed, and maintained in the ordinary course of business of the MAPD, as well as records routinely kept by Target, The Regent, UW Hospital, and the UW Police Department. Your complainant is familiar with the location of the offense(s) described in said report(s) and each is entirely within Dane County, Wisconsin.

**Incident Of Sat., Jan. 31-Sun., Feb. 1, 2004**

MAPD Det. Steven Reinstra reports that on Sat., 3/27/04, he interviewed Alex Knodell (“Knodell”), who made statements that included the following. Knodell went to high school in Rockford, MN with Audrey Ruth Seiler (“Seiler”) and her boyfriend, Ryan Fisher (“Fisher”), and is a University of Wisconsin (“UW”) student, as are Seiler and Fisher. Knodell attended a party on a street off of Regent St. in Madison on the night of Jan. 31-Feb. 1, 2004. Fisher and Seiler were both at the party. Fisher seemed a little perturbed that Seiler was there. There was a dispute between Fisher and Seiler. After Seiler left the party, separately from Fisher, Knodell received a phone call from Seiler, who reported that she had been hit and didn’t know where she was, except that she was “by some garbage cans.” MAPD Det. Matthew Misener reports that on 3/30/04 he interviewed Knodell, who said in part that Seiler left that party immediately after arguing with Fisher.

MAPD Off. David Potter reports that on Sun., 2/1/04, at 1:33 a.m., he was dispatched to the Regent Apartments (“The Regent”), 1402 Regent St., Madison, Unit 319 (“Unit 319”), where a resident of Unit 319, Seiler, appeared very distraught and was shaking. Seiler said she had been walking home from a party when someone came up behind her and struck her on the side of the face with an object, causing her to lose consciousness for a short period of time. Seiler did not see who hit her. When she regained consciousness she was several hundred yards from where she had been when struck. Seiler did not believe that she had been sexually assaulted or that anyone had stolen anything from her in this incident.

MAPD Det. Julie Rortvedt reports that on Sat., 3/27/04, she interviewed Fisher, who made statements that included the following. On the night of 1/31-2/1, 2004, Fisher was surprised to see Seiler at a party he went to with Knodell. Fisher did not pay as much attention to Seiler as he usually does, and Seiler asked him “a hundred times, ‘What’s wrong?’”

Dr. James E. Svenson, MD, UW Hospital, reports that Seiler reported on 2/1/04 that she had no pain except to the right side of her face. Dr. Svenson found minimal

superficial soft tissue swelling below Seiler's right eye, with no evidence of any broken bones or brain injury.

MAPD Det. Marianne Statz reports that on Mon., 3/29/04, she interviewed Katherine Raisenn Ylitalo ("Ylitalo"), who made statements that included the following. Ylitalo has been a close friend of Seiler since seventh grade. Seiler told Ylitalo that following the 2/1/04 incident Fisher spent every night with Seiler because Seiler was afraid to be alone, and Seiler would never walk outside alone.

#### **Missing Person Investigation Begun Sat., 3/27/04**

MAPD Off. Kenneth Estling reports that at 4:33 p.m., Sat., 03/27/04, he was dispatched to The Regent, on a report from Fisher of the unexplained absence of Seiler. Fisher made statements to Off. Estling at that time that included the following:

- Seiler resides in Unit 319 in The Regent with one roommate, Heather Thue.
- Seiler had uncharacteristically missed a 2 p.m. meeting that day (03/27/04) with friends, and none of her friends seemed to know where she was. Seiler did not appear depressed and had no history of suicide or mental illness.
- After learning from Seiler's friend Alison Olfert ("Olfert") that the door to Unit 319 was unlocked, and that Seiler's bedroom lights and her computer were on but she was not present, Fisher entered Unit 319. There he found Seiler's purse and wallet, her cellular telephone, and her jacket. Seiler would ordinarily have taken these items with her before leaving The Regent.

Off. Estling further reports that he also interviewed Heather Thue, who made statements that included the following. Seiler had no history of suicide or mental illness, though she had seemed kind of depressed lately, and was "confused" about her relationship with Fisher. Fisher doesn't always pay as much attention to Seiler as Seiler wants.

MAPD Off. Alexander Berkovitz reports that on Sat., 3/27/04, he interviewed Fisher, who made statements that included the following:

- On the night of Thurs., 3/25-Fri., 3/26, Fisher and Seiler spent time together at Seiler's apartment in ordinary interactions, and the two did not argue.
- The last time Fisher saw Seiler was at 12:15 p.m. on Fri., when Fisher left Seiler at the corner of Johnson St. and University Ave., Madison, because the two were headed in different directions.
- Seiler left a voicemail message on Fisher's cell phone at approximately 3:30 p.m. Fri., saying she loved him and he should call her. Fisher did not return this call. He hung out with friends and played computer games in his dorm room until 4:45 a.m. on Sat., 3/27/04, then went to sleep.
- In recent days, Seiler had been in "a good mood," complaining only about having too much schoolwork to do.
- Seiler "does not go 12 hours without calling my cell phone."
- Asked what he thought had happened to Seiler, Fisher said, "somebody took her somewhere. She never leaves the door unlocked."

MAPD Det. Julie Rortvedt reports that on Sat., 3/27/04, she interviewed Olfert, who made statements that included the following. Sometime after 6 p.m. on Fri., 3/26/04, Olfert began communicating with Seiler by e-mail. Seiler indicated by e-mail that: Seiler was not sure what she was going to do that evening; she was bored, and; she had just returned from Target because she had to get a few things, gum and miscellaneous items. At around 9:20 p.m., Seiler indicated by e-mail that she might join Olfert at the dorm room of a third party in 30 minutes. At around 11:30 p.m., Seiler indicated by e-mail that she would stay in Unit 319 to do school work, but Olfert should stop down on Saturday to talk with Seiler.

Off. Estling reports that when he initially responded on 3/27/04 to Unit 319, there was a book open on Seiler's bed. In the Unit 319 kitchen area was a dry erase board with the following handwritten message: LIKE THE NEW NAMETAG? I GOT BORED TODAY ☺ STAYING UP LATE TO DO HOMEWORK SO I'LL PROBABLY SLEEP IN TOMORROW ☺ BUT SEE YOU WHEN I WAKE UP. MUST HAVE STAYED AT HOME? LUCKY! NIGHT!" Det. Reinstra reports that on Sat., 3/27/04, Thue told him that this handwritten message appeared to have been written by Seiler after 11:30 p.m. on Fri., 3/26/04.

Det. Statz reports that on Mon., 3/29/04, and again Tues., 3/30/04, she interviewed Ylitalo, who made statements that included the following. Ylitalo and Seiler spoke when Seiler was in Rockford, MN over UW spring break, March 15-19, 2004. At that time, Seiler seemed fine, though she was upset and annoyed that Fisher had not called her. Seiler's roommate Thue told Ylitalo that Seiler had been very depressed recently, coming out of her bedroom crying all the time.

MAPD Det. Samantha Kellogg reports that on Sun., 3/28/04, she interviewed Nathan Ivanowski, who made statements that included the following. Ivanowski is the boyfriend of Seiler's roommate, Thue. Approximately two weeks prior to the interview with Det. Kellogg, Thue and Seiler had a "big blow out" argument about Fisher sleeping in Unit 319 all the time. Seiler and Thue cried and made up. Since that time the two roommates got along better, but Seiler appeared somewhat depressed because she was not able to see Fisher as much as she had before her fight with Thue.

MAPD Off. Rahim Rahaman reports that on Sun., 3/28/04, he spoke with Jennifer Sievers, a friend of Seiler's. Sievers made statements that included the following. The Fisher-Seiler relationship is "up and down," and the two "fight often." Two weeks earlier, Seiler came to Sievers' room one night crying because Thue did not want Fisher hanging out in Unit 319 so much.

MAPD Det. Allen Rickey reports that on Tues., 3/30/04, he interviewed Heather Thue, who made statements that included the following. Seiler seemed to need Fisher's attention and Fisher had to be available to Seiler "24-7." MAPD Det. Sidney Woods confirmed with Fisher during an interview on 3/27/04 that before her disappearance Seiler would call or e-mail Fisher numerous times a day.

U.W. Police Dept. Det. Carol Ann Glassmaker reports that on Mon., 3/29/04, she interviewed Susan Weismer-Ellis, professor of Child Language Disorders, U.W., who said in part that Seiler is a student of hers, an excellent student, who attended Prof. Ellis' class on the afternoon of Thurs., 3/25/04.

Det. Rortvedt reports that on Tues., 3/30/04, she interviewed Stephanie Seiler, the mother of Audrey Seiler, who made statements that included the following. Audrey Seiler has not been herself lately. She is "extremely needy of Ryan" Fisher. Audrey Seiler is very mature, very bright, and strives for perfection. Audrey Seiler spent a month living in Germany as part of a high school program.

**The Regent Digital Images**

MAPD Off. Kym Woodyly reports that she has reviewed digital images from the surveillance video cameras at the Regent and determined that they reflect events that include the following:

<b>DATE</b>	<b>TIME</b>	<b>DESCRIPTION</b>	<b>SOURCE</b>
3/27/04	2:26 a.m.	Seiler in lobby area of West rear door	West Rear Camera
3/27/04	2:27 a.m.	Seiler leaves West rear door	West Rear Camera

Det. Woods has also reviewed these videotapes and in each it appears that Seiler is alone at the time she is within camera range.

Off. Woodyly reports that the West Rear Camera covers the northwestern door of the Regent, closest to Camp Randall Stadium. Thue told Woodyly that it was out of character for Seiler to use that door to leave The Regent. Seiler always parks her car near the main entrance of the building, and Thue has never known Seiler to exit through the northwest doors in the past.

**Seiler's Laptop Computer & Cellular Telephone**

MAPD Investigator Corrina Lahr reports that on Sat., 3/27/04, she collected Seiler's laptop computer and cell phone from Unit 319. MAPD Det. Cynthia Murphy reports that on Sat., 3/27/04, she received from Inv. Lahr Seiler's laptop, a Compaq Presario 2100 AMD Athalon running Windows XP. Det. Murphy, who has extensive experience in computer use and analysis and computer forensics, reports that she was able to mirror the hard drive of this computer using EnCase, a program widely used for that purpose.

Det. Murphy reports that a review of the contents of Seiler's laptop computer hard drive reveals facts that include the following:

- On Weds., 3/24/04, at 2:54 p.m., someone using Seiler's laptop logged into Fisher's AOL e-mail account, and within two minutes downloaded two e-mails with romantic overtones between Fisher and a person subsequently identified as having a name that forms the initials T.S. The original e-mails between T.S. and Fisher bear time stamps from two days earlier, 3/22/04. (MAPD Det. Gregg Luedtke reports that on the

evening of Tues., 3/30/04, he traveled to the area of Rockford, MN and made contact with a 19-year-old female, T.S. T.S. made statements that included the following: T.S. knows Ryan Fisher and has been in contact with him in recent years. After Fisher's cellular phone broke approximately one month before the interview with Det. Luedtke, T.S. started e-mail contact with Fisher. On Mon., 3/29/04, at approximately 10:40 a.m., Det. Woods and MAPD Det. Al Rickey spoke with Ryan Fisher. At that time Fisher made statements that included the following. Fisher had been in recent communication, including e-mails, with T.S., with whom he has had romantic involvement in the past but not recently.)

- Also on Weds., 3/24/2004, at 4:57 p.m., someone using Seiler's laptop conducted "Google" Internet searches using terms that included "Madison parks" and "Madison area wooded areas."

- On Thurs., 3/25/04, at 11:06 a.m. and again at 5:43 p.m., and then again on Fri., 3/26/04, at 9:29 a.m. and again at 10:30 p.m., someone using Seiler's laptop checked the five-day weather forecast for the Madison area.

- On Fri., 3/26/04, at 8:00 p.m., someone using Seiler's laptop searched for "friend poems," and a goodbye poem was in fact accessed.

- On Fri., 3/26/04, at 8:04 p.m., again someone using Seiler's laptop performed Google searches for "Madison parks" and "Madison area wooded areas."

- On the following dates and times someone using Seiler's laptop logged into Fisher's MSN, AOL, or U.W. e-mail accounts: 3/26/04—11:19 p.m., 11:59 p.m.; 3/27/04—1:28 a.m., 1:39 a.m., 2:23 a.m.

- On Sat., 3/27/04, between 6:36 and 6:42 a.m., someone booted up Seiler's laptop and accessed numerous files. This is a time when, according to Thue, Fisher and others, only Seiler would have been expected to have been inside Unit 319.

Det. Murphy reports that on Sat., 3/27/04, she received from Inv. Lahr Seiler's Motorola Nextel cell phone belonging to Seiler, and upon reviewing the stored contents of the cell phone discovered calls that included the following:

Outgoing	"Ryan"	3/26/04, 5:58 p.m.
Outgoing	"Andrea"*	3/26/04, 8:49 p.m.
Incoming	"Ginny"	Sat., 3/27/04, 3:01 p.m.
Incoming	"Mom & Dad"	3/27/04, 3:02 p.m.

\* Det. Kellogg reports that on Sun., 3/28/04, she spoke by phone with Andrea Nies of Rockford, MN. Nies made statements that included the following. Nies is a friend of Seiler's. Nies received a voicemail message on her cell phone at 8:49 p.m. on Fri., 3/26/04, from Seiler, sounding happy and positive. Seiler's voicemail was to the effect of, "Hey, Hon, I just wanted to say hi. I have a lot of homework this weekend, and I'll be taking care of that. If you want, give me a call, we can chat."

Det. Kellogg further reports that Nies said that she had been in regular and recent communication with Seiler, who had reported to Nies that ever since Seiler was allegedly attacked in February 2004, the Seiler-Fisher relationship appeared to be much better. Since the alleged Feb. attack, Fisher was very nice and more attentive to Seiler, spending a lot more time with Seiler.

### **Seiler Journal**

Det. Woods participated in a search of Unit 319 on the night of 3/28/04, as part of the investigation of Seiler's disappearance. Det. Woods located a handwritten diary from the right half of Seiler's bedroom closet that by appearance and from its content appears to have been kept by Seiler. Its entries include the following for 2004:

- March 10, Seiler writes that since Seiler's assault "at the start of February," Fisher has "realized what he has," and Seiler and Fisher have been happy together since then.

- Mon., March 22, Seiler writes that as a last entry in the journal that after becoming aware that Fisher wrote an e-mail to T.S., Seiler concluded that Fisher "wants to be with her." The entry concludes, "I love him w/all my heart, but I know he needs to love me back. I won't be well for awhile—I know that. I've got to go, maybe to pray. Mostly for my well being."

### **Seiler Visit To Target On The Evening Of 3/26/04**

Det. Murphy reports that on Thurs., 4/1/04, she traveled in her official capacity to the Target West store on the west side of Madison, and made contact with Target Loss Prevention Officer Andy Deglopper to review videotape. Det. Murphy viewed a Target video showing a person who was clearly Seiler entering the Target store at 6:18:31 p.m. on 3/26/04. Seiler is shown purchasing a 3 pack of gum, a twelve pack of Nyquil caplets, a package of rope, and a 3 1/2 inch paring knife at 6:39:37 p.m. on 3/26/04. (These purchases are confirmed by a point of sale transaction report attached to Det. Murphy's report) Seiler is then seen exiting the store at 6:40:39 p.m. Det. Murphy also located a video on Target's surveillance video system of the defendant purchasing duct tape on 3/26/04 at 6:43 p.m. (Again confirmed by a Target transaction report) A review of the videos shows that after the initial purchase of gum, etc., Seiler reentered Target and purchased a single roll of duct tape at 6:43:31 p.m. Seiler is then portrayed exiting the store at 6:54:44 p.m. on 3/26/04. Det. Woods has reviewed still photographs taken from this Target store video and they show the defendant making these purchases by herself without anyone else obviously in her company.

### **Sightings Of Seiler**

MAPD Det. Jeffrey Twing reports that on Weds., 3/31/04, he interviewed James Bonneau, an employee of the Holiday Inn Express, located near the intersection of Rimrock Rd. and John Nolen Dr., Madison, who made statements that included the following. On the morning of Sat., 3/27/04, Bonneau looked south out a side door of the Holiday Inn Express, past Pertzborn Plumbing, toward an area where homeless people sometimes are seen. He saw a white female, approximately 20, 5'8" to 5'10", with longer dark hair, approximately 150-200 yards away. The young woman walked from the area of the railroad tracks toward John Nolen Dr., then stopped abruptly, turned around, and walked back toward the railroad tracks, and eventually into the bushes towards Lake Monona. Her clothing included a dark hooded sweatshirt. Bonneau thought the young woman looked out of place.

Det. Twing reports that on Weds., 3/31/04, he interviewed Ardis Virnig, an employee of the state Department of Revenue (“DOR”), who made statements that included the following:

- Every workday, Virnig walks slowly around the path in the area next to DOR, bounded by Rimrock Rd. and John Nolen Dr. just north of the Beltline Hwy. between a few minutes after noon until about 12:28 p.m. On Mon., 3/29/04, again on Tues., 3/30/04, and finally on Weds., 3/31/04, Virnig believed that she had seen Seiler in this area, although on Mon. and Tues. Virnig had not seen her face.

- On Mon., 3/29/04, Virnig saw a young woman walking on the path, coming from the direction of John Nolen. It looked as though the woman was holding something in her hand. The woman sat down in a bushy area as Virnig walked past. When Virnig was completing her walk, she again saw the woman sitting on the bike path and walked by the woman.

- On Tues., 3/30/04, Virnig noticed the woman again, sitting on the bike path, in almost the same place that she was the day before. She was moving and seemed okay.

- On Weds., 3/31/04, Virnig again observed the same woman, now laying down, in a fetal position on the bike path at the same spot as the previous two days. It appeared that she was trying to stay warm. Virnig asked the woman how she was. She sat up and said she was okay. Virnig continued her walk and when she returned, Virnig said the woman turned away as if to hide her face from Virnig. Virnig said that she asked the woman if she likes to watch the geese. The woman said words to the effect of, “I just like to come here after class and relax.”

During the course of Virnig’s interview with Det. Twing shortly after Seiler was found, Seiler was visible to Virnig from where Virnig was sitting in Det. Twing’s police vehicle. Virnig confirmed that it was Seiler whom Virnig had seen on Weds., and on each of the three days, wearing the same clothing each day. Virnig said she saw no one else in the area of Seiler on any of the three days. “She just appeared depressed and it looked like she wanted to be left alone.”

### **Discovery Of And Statements Of Seiler**

MAPD Off. Jason Sweeney reports that on Weds., 3/31/04, at approximately 12:49 p.m., he was dispatched to the DOR, 2135 Rimrock Rd., Madison, where Off. Sweeney (in uniform) met MAPD Det. Tim Hahn (in plain clothes). They quickly discovered Seiler sitting in a mowed grassy area, with the hood of her hooded sweatshirt over her head and tightly cinched around her face, exposing only her mouth, nose, and eyes. Seiler’s back was facing the street area and her front side was facing the marsh area. Off. Sweeney further reports:

- Seiler was in a fetal position, but the moment she made eye contact with him, she raised both hands from her sides and frantically made statements that were difficult for Off. Sweeney to absorb. After telling Off. Sweeney her name was Audrey she began frantically looking over his shoulder, back over her own shoulders, and turning her head left and right, making statements such as, “He’s out there right now. You’ve got to help me.” She said the individual had a gun.

- Off. Sweeney assisted Seiler to her feet and then assisted her back to Det. Hahn’s vehicle. Seiler continued to make statements such as, “He’s out there right now.”

- Seiler was very clean. Her black stretch cotton pants appeared to have only a small amount of grass substance near the ankle areas. Her shoes were somewhat dirty, but not muddy. There had been a recent rain but her clothing was completely dry. She had white fingernail polish that appeared to have been recently applied and did not appear to be chipping.

- Seiler said that she had not been assaulted physically or sexually in any way.

- When asked about any possible motivation for her alleged abduction, Seiler said, “One night when he thought I was sleeping, he made a call on his cell phone. I pretended to be sleeping when I listened to him talk. He said to somebody on the phone, ‘I did what you asked. You got to let me in now.’”

Being uncertain about the alleged abductor, who Seiler claimed was hiding in the shrubbery in the area, Off. Sweeney and Det. Hahn immediately walked Seiler out of the grassy area. Already possessing a basic description of the alleged armed abductor who Seiler said was in the area, police promptly allowed Seiler some time alone with family members before seeking more details regarding the alleged abduction.

Det. Hahn reports that on Weds., 3/31/04, when he and Off. Sweeney attempted to assist Seiler to her feet after first approaching her, Seiler said, “I can’t leave the woods-a bad man will kill me.” Det. Hahn immediately asked Seiler if the “bad man” had any weapons and she replied, “He has a knife and a gun.” Det. Hahn observed Seiler’s left hand at the time he was making contact with her and saw her fingernails were manicured, did not appear to be dirty, and not consistent with someone who had spent the last four days in the woods. Det. Hahn reports that Seiler described her assailant as wearing a black hat, black sweatshirt or jacket, blue jean pants. She said he was 5’10” to 5’11” with a muscular build and that he had a large nose. She reiterated that he had a large knife and a gun. Det. Hahn broadcast all this information over police frequency and requested that a perimeter be set up in the area, which occurred, involving scores of police personnel on land and in the air.

MAPD Off. Christine Boyd reports that on Weds., 3/31/2004, shortly after Seiler was found by Off. Sweeney and Det. Hahn, Off. Boyd made contact with Seiler in an ambulance near the intersection of Rimrock and John Nolen for the purpose of gaining immediate information from Seiler so that Off. Boyd and her certified K-9 “Arno” could try to track Seiler’s alleged abductor. Seiler was wearing a burgundy-hooded sweatshirt. Off. Boyd asked Seiler how much time had passed since she last saw the suspect. Seiler paused. Then she replied, “Two hours.”

Det. Hahn further reports that on 4/1/04 at approximately 10:30 a.m., he contacted Ardis Virnig, who made statements that included the following. When Virnig saw Seiler on 3/31/04, Seiler was lying in a fetal position near where Off. Sweeney and Det. Hahn had discovered Seiler a short time later. The day prior to that, Tues., Seiler had been standing in the exact same location, and on Mon., Seiler had been standing approximately fifteen yards away in the brush. The three locations at which Virnig had seen Seiler were within a twenty-yard radius of each other. Within that space a small bedding type area, duct tape, and other items were also found.

Off. Boyd further reports that, with the assistance of scent tracking K-9 "Arno," she and other police personnel on 4/01/04 located a roll of duct tape, pieces of duct tape, and a Nyquil box in a cluster of pine trees near where Seiler had been found a short time earlier.

MAPD Lt. James Wheeler reports that on Fri., 4/2/04, he used a metal detector to search the 2100 block of Rimrock Rd. for a reported knife. At approximately 10:28 a.m., he received a signal on the detector and moved approximately one inch of brush to find a 7-inch paring knife (3-inch blade, 4-inch handle) with a serrated blade.

### **3/31/04 Interview**

On Weds., 3/31/04, at approximately 2:26 p.m., Det. Woods and other police personnel interviewed Seiler, ending at approximately 3:15 p.m. Seiler made statements that included the following:

- On Sat., 3/27/04, Seiler was in her bedroom in Unit 319 doing homework. At 2:15 a.m. (she had just checked the clock), Seiler heard her apartment door open or close. She then heard a movement behind her, and turned to see a man enter the room. This was a clean shaven, white male, 20-30's, 5'10"-5'11", stocky build, with a nose that jutted out relatively far from his face. He was wearing a black knit stocking cap pulled down to his eyebrows and mid-ear level, a black sweatshirt, medium blue colored blue jeans, and black gloves.

- The man continually talked to himself in a childish tone during the time they were together.

- The man told her to put on her shoes, and she complied. After this, he said to her, "If you even make a move, I will cut your throat straight through."

- In one of his hands, Seiler was not sure which, he held a knife of the type that is kept in a sheath with a length between 6 inches and 11 inches.

- The man pushed and directed her out into the hallway, then into a stairwell, and down to the ground floor. The man said, "I'm going to watch you walk out of here and there'll be somebody out there. You won't be able to get away."

- Seiler walked into the parking lot, but there was no one there. When she started back towards The Regent, the same man grabbed her and pulled her into a crouching position between two cars, and then directed her to a dark blue or black older boxy vehicle. He told her to get into the vehicle on the floorboard on the front passenger side. He told her he would use a gun, "But I never saw it."

- The man then drove around in circles for an hour in stop and go traffic, before he parked in a small parking lot that was empty of cars.

- The man then walked Seiler into an adjacent wooded area for a short distance and had her sit next to a tree, before walking through the wooded area for 30 to 60 minutes to stop at another tree. The man paced back and forth a good deal that night and the next day while she sat on the ground. Seiler did not see any buildings or signs to help her figure out where she was until the second night, when she saw a sign, "Alliant Energy Center." This is where he walked her into another wooded area, after which the two walked some more.

- The man put gray duct tape over her mouth after cutting a length of tape with a smaller knife he carried. (Neither Det. Woods nor MAPD Det. Al Rickey, also present, saw any evidence of tape residue on Seiler's face. In addition, after Seiler made a similar statement to him earlier, en route to the hospital, Off. Sweeney reports that he had closely inspected Seiler's mouth, chin, lips, and cheeks and did not note any irritation that might be associated with removing tape from those areas of the body)

- Seiler also said, "He sometimes would give me Nyquil pills," and during this period the man would say to himself, "Now, I'm going to get in." The man moved around during this period, but told Seiler that he could always see her. The man pushed leaves up into a pile for her to sit on.

- A lady walked up to Seiler earlier on 3/31/04 and asked if Seiler were okay. Worried about the man using his knife, Seiler responded, "Yeah, I'm fine. Just taking a rest." The lady walked away. The man came back and said, "That was good." The man went back into the bushes until police officers arrived on the scene.

- Seiler did not eat the entire time she was with the man and had only a few sips of water, and then only for the purpose of taking the Nyquil pills, two at a time. Seiler was never sexually assaulted or battered. Det. Woods noted that Seiler showed no outward signs of any physical injury.

At the end of this interview, Seiler agreed to talk with Det. Woods and Det. Rickey again the next day for further details. Following this, police transported Seiler to a hotel in Madison. During this ride, Seiler again described her alleged abductor and his vehicle, consistent with her earlier descriptions.

#### **4/1/04 Interview**

On Thurs., 4/1/04, Det. Woods participated in another interview with Seiler. Investigators thanked Seiler for the opportunity to interview her again, and told her to make sure to tell them of any personal needs she may have at any time. Seiler said that she would let police know if that occurred. During the interview bagels were available to Seiler, and she ate one. She was offered and drank orange soda. Seiler said she was feeling much better but still suffered from weakness. She said she felt okay and wanted to participate in the interview. Seiler then made statements that largely matched those she made to Det. Woods and other police personnel on 3/31/04, but with a great deal of additional detail, including the following:

- Although she had been suffering from the flu that week, Seiler attended her regular morning college class on Fri., 3/26/04, and took a nap between the hours of 2:30 and 4:00 p.m.

- On Fri., 3/26/04, Seiler decided at approximately 6 p.m. to drive to the Target store at West Towne Mall for no good reason. She bought gum and Chapstick, and probably looked at swimsuits and other clothing, until approximately 7:30 p.m.

- After returning from Target to Unit 319, Seiler watched TV and read textbooks, and also made a sign for the door of Unit 319 identifying it as Audrey and Heather's room. "Maybe that's why this guy picked our apartment, knowing there would be two girls inside."

- A man she had never seen before entered Unit 319 and approached her in her bedroom displaying a knife. Seiler was still unable to describe which hand her glove-wearing abductor used to hold the knife and in what fashion.

- Before directing her with him out of Unit 319, the man said, “We are going now. You’ll have to be quiet or I’ll cut you up.” Once they were in his car, the abductor said, “You stay down there, or I’ll use this gun, because I do not have to worry about the noise any more.”

- Seiler believed that the abductor reached under the driver’s seat to get the roll of duct tape and a little box that she assumed was the Nyquil tablets that he forced her to take. On the first night, he gave her two Nyquil tablets before taping her mouth shut.

- When asked how she survived the ordeal she described, Seiler responded, “I knew I had to be strong until Thursday.” Asked to explain further, she said, “By that time, people would definitely know that something had happened to me.” For example, Seiler said, if she missed her Thurs. exam in Educational Psychology, everyone would realize that something was wrong.

- During the night time hours of Sat., 3/27 – Sun., 3/28, the two walked for approximately two hours through a wooded area without Seiler recognizing any surroundings or having any indications from buildings or otherwise where she might be.

- When asked if she was sexually assaulted in any form during the incident, Seiler said he only pushed her around and grabbed her by the arm. She was not sexually assaulted.

During this extended voluntary interview, Seiler took advantage of opportunities given to her to take breaks on her own initiative, including to use the restroom, and to use the telephone.

In purporting to describe the events of the night of 3/28-3/29/04, Seiler at one point during this interview said, “I came to . . .,” and then quickly rephrased to, “We came to the area where they found me.” This was an apparent slip in her narrative in which Seiler forgot to include reference to her alleged abductor in describing her entry to the area where police found her, the area where it appears she went as early as the morning of Sat., 3/27/04.

#### **4/1/01 Composite Sketch**

During a break in the interview referred to immediately above, MAPD Off. Phillip Yahnke met with Seiler in order to draw a composite sketch of the person who Seiler said had abducted her from Unit 319. Det. Woods purchased a fast food meal for Seiler, which Seiler consumed during the course of her discussion with Off. Yahnke. Seiler participated in this discussion with Off. Yahnke knowing that police and others would rely on this composite in attempting to identify her alleged abductor. Seiler said she could give Off. Yahnke no information about the man’s hair because he wore a black, ribbed stocking cap the entire time they were together. Seiler gave detailed descriptions to Off. Yahnke of various facial features of the man, including describing a small mouth turned down at the corners as though he were continually frowning. After looking at the completed drawing, Seiler told Off. Yahnke that his rendering was a close likeness of the subject who had abducted her. Seiler showed no hesitation in correcting Off. Yahnke’s attempts to depict the man’s nose and mouth. Det. Woods observed that the composite was completed at 3:40 p.m., after which Seiler visited the restroom and made a telephone call.

#### **4/1/01 Interview Resumed**

At approximately 5:20 p.m. on 4/1/04, Det. Woods and other police personnel took a break from the interview of Seiler referred to immediately above, which had continued after Off. Yahnke completed the composite. At 6:15 p.m., the interview resumed. Investigators informed Seiler of information they had just received, namely regarding the surveillance photos of Seiler from Target described above in this complaint. Initially, Seiler said she did not know who was portrayed in the stills, but within seconds she said, "Yeah, that's me." When asked what she had purchased, Seiler asked why that was important. Investigators told her they needed to learn everything about this incident. Seiler said she had purchased gum and Chapstick and that's all Seiler could remember. Seiler then became tearful. When asked what else she purchased, Seiler said that she bought medicine for her flu, and maybe some tape. Investigators then gave Seiler a tablet of paper and asked her to write down what she had purchased. Seiler wrote the following "medicine for flu, gum-Orbitz, Chapstick, white or gray tape for bedroom lights." She said she couldn't remember if she had purchased anything else. Det. Rickey told Seiler that she was not under arrest and was free to leave at any time. Seiler said she understood and wanted to continue the interview. Investigators told Seiler they believed she was under a tremendous amount of stress in her life lately. Seiler then said, "I know you think I can't handle Ryan, or my grades, but I can." Seiler began to cry. She said she was the one who lived through this, nobody else. As investigators attempted to console Seiler, who was crying, she stated, "It just got so out of hand. I did not mean for it to...everybody did so much for me."

Seiler then began to give a new version of events, namely that she had encountered a man who abducted her as soon as she got to the bridge that first night. Investigators attempted to clarify, and Seiler broke into tears. Investigators asked why this all happened. Seiler replied, "I thought it would be stupid what people would think of me, like that last thing in February." Det. Rickey asked Seiler where she had put the items that she had purchased from Target that night, and Seiler replied, "I put them in my pocket in my sweatshirt that night." When asked why, Seiler stated, "When I went to the door and the street, I didn't want people to see it." She added, "I took the stuff with me." Seiler continued to cry and stated, "I didn't mean to lie. I'm so sorry." Det. Rickey asked Seiler if she put what Det. Rickey referred to as the "abduction kit" together and Seiler acknowledged that she had. Seiler told investigators she had purchased the duct tape, Nyquil, water bottle, and the Orbitz gum for the kit. Seiler said, "I'm not gonna lie anymore." Seiler then stated, "I guess I just wanted to go somewhere to think and have time to myself."

Seiler was asked why she put the duct tape in her kit. She responded, "That was part of my story [which] I knew I had to have if somebody found me." She continued, "I knew if someone found me, I would need to be able to tell them something. I'm so stupid, I'm sorry for all this." Seiler said that when she left the apartment on Sat. morning, she went by herself to a nearby park where she could be alone. "I knew people would miss me eventually, but I needed time to myself." Seiler smiled after apologizing. Det. Rickey noted the smile, and Seiler responded, "I'm finally telling the truth. It feels so good."

Seiler then said, however, that even though she was not abducted from her apartment, she was abducted later by a “bad man” who came up to her in a park shortly after she arrived in the park from her apartment. Investigators confirmed with Seiler that she had carried the abduction kit with her when she left the apartment, which she said she brought so she would have it in case someone found her and she needed a story. Seiler acknowledged that she had used the duct tape on herself and then stated, “I set up everything. I’m just so messed up. I’m sorry.”

Seiler added, however, “Even though I did everything wrong, this guy did wrong too.” Investigators asked Seiler what she was going to do with the rope and she said she did not know. Seiler said it would be hard to tie herself up “that’s why I used the tape.” When asked why she had bought the knife, Seiler said, “Because we don’t have any sharp knives in our kitchen.” Seiler said she also needed to have the knife for protection. Seiler said she had no idea that there was going to be so much attention drawn to her disappearance. “I wasn’t trying to kill myself on this thing, but I did have thoughts I could die by how long I stayed out in the elements with no food or water.”

In elaborating on her revised statement, Seiler said that after leaving her apartment she was by a bridge sitting alone and heard someone walking toward her. She crouched down closer to the ground so the person could not see her, but the guy came up to her with a big knife. She said he resembled the composite drawing for which she had provided the description the day before. Seiler said he asked her what she was doing and she responded “I’ll just go,” but he said, “No, you can’t go now.” Seiler said that she felt as though she may have been infringing on a homeless person’s area by a bridge. The man grabbed her arm and she screamed out. The man brought the knife to her neck and threatened to cut her. Seiler said she again offered to just go, and not to say anything, but the guy said, “No, it’s too late.” Seiler said that the man said words to the effect of, “This works out nicely, you can come with me.” She said that they then walked down the railroad tracks. Seiler said the guy and she then sat down on a rock near a railroad track bridge for twenty minutes. Seiler said that she didn’t recall if they spoke to each other. In consulting a map provided by investigators, Seiler said the place where she and the man sat was an area off of Proudfit and Northshore. The two then walked back to Proudfit and the guy forced Seiler to get in the right front passenger floorboard of a blue or black boxy style car as she had described in her earlier version of events. Seiler then said that the statements that she made earlier were accurate about being driven around, forced to walk into a wooded area, and kept in the woods until her discovery by the police. Investigators asked Seiler if the knife the suspect had was the knife that she had bought from Target. Seiler said she didn’t know. Seiler said she had originally put that knife in the inside waistband of her pants when she left the apartment and then moved it to one of socks at a later time. Seiler said that the knife must have gotten lost or buried along the way.

Seiler said that the man had taken the duct tape, Nyquil, and water bottle that she had bought at Target, but not her knife because she had hidden the knife in her sock. Seiler again began to cry and said, “If this is what I did by myself, it would wreck my

life.” When asked for clarification, Seiler said, “I want so much for my life to be perfect. All I want is the thing that I want and things to be right.” Seiler said words to the effect of, “If you guys want me to say this guy does not exist, I’ll say that.” Investigators told Seiler that we wanted only the truth.

Off. Jane Lombardo, who was also present, informed Det. Woods and Det. Rickey that while she was alone with Seiler, Off. Lombardo confirmed that Seiler told her that no other crime such as a sexual assault had occurred during the incident.

#### **4/2/04 New Version**

On Tues., 4/6/04, Det. Woods spoke with Fisher, who made statements that included the following. In the early morning hours of Fri., 4/2/04, Fisher spoke with Seiler in a hallway of the hotel where Seiler was staying. Seiler said, “I’ve been lying again.” Seiler explained that she had lied not only to police, but also to Fisher when she was in the St. Mary’s E.R. following her discovery by police. Fisher said Seiler spoke to him fairly calmly and was not crying. Seiler told Fisher that after leaving her apartment she went to a lake. She sat on the shore practically the whole night. The man she had described in the drawing approached her and made her do things to him under threat. Seiler told Fisher that the things the suspect made her do was in the nature of touching and “other stuff.” Seiler would not tell Fisher what the “other stuff” involved. Seiler told Fisher that originally she had planned on being gone for only one day to get time by herself. Seiler said she could not remember what happened after the first day.

Det. Rickey reports that when Seiler was brought to the St. Mary’s Hospital E.R. following her discovery, he asked her specifically if she had been sexually assaulted or hurt in any way, and she said no, and shook her head to indicate a negative response, and also slightly smiled as she responded. In addition, Det. Rickey reports that at no time during his lengthy contact with Seiler on Thurs., 4/1/04, did she mention any type of sexual assault.

**\*\*THIS COMPLAINT IS BASED ON the information and belief of your complainant, who is a Detective for the MAPD, and who learned of the above offense from his own investigation and observation and also from reports of MAPD Lt. James Wheeler, MAPD Police Dets. Steven Reinstra, Julie Rortvedt, Marianne Statz, Cynthia Murphy, Samantha Kellogg, Gregg Luedtke, Jeff Twing, Tim Hahn, Sidney Woods, MAPD Inv. Corrina Lahr, MAPD Offs. Kenneth Estling, Alexander Berkovitz, David Potter, Kym Woodly, Rahim Rahaman, Jane Lombardo, Jason Sweeney, Christine Boyd, Phillip Yahnke, and UWPD Det. Carol Ann Glassmaker which report(s) your complainant believes to be truthful and reliable inasmuch as they were prepared during the course of the officer(s) official duties.**

Further, your complainant believes the information furnished by Alex Knodell, Ryan W. Fisher, Dr. James E. Svenson, Katherine Raisenn Ylitalo, Alison Olfert, Susan Weismer-Ellis, Andrea Nies, Stephanie Seiler, Andy Deglopper, Nathan Ivanowski, Heather Thue, T.S., Jennifer Sievers, James Bonneau, and Ardis Virnig, to be truthful and reliable inasmuch as they are citizen informant(s) and witnessed the events described.

Further, your complainant believes the digital and videotape recordings of the Regent and Target are reliable because they were made, kept and maintained in the ordinary course of business of each of these entities.

Your complainant believes the statements of the Defendant to be truthful and reliable insofar as they are admissions against penal interest.

SUBSCRIBED AND SWORN TO BEFORE ME  
AND APPROVED FOR FILING THIS \_\_\_\_\_ DAY OF APRIL 2004.

\_\_\_\_\_  
DEPUTY/ASST. D.A.

\_\_\_\_\_  
COMPLAINANT