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STATE OF WISCONSIN **CIRCUIT COURT BRANCH** **DANE COUNTY**

In the matter of a request to seal Search Warrant 2

FILED
AUG 28 2008
STATE OF WISCONSIN
CIRCUIT COURT FOR DANE CTY

ORDER

IT IS HEREBY ORDERED, on request of the State of Wisconsin, and for the reasons stated, that the Complaint for Search Warrant 2, Search Warrant 2, Return of Search Warrant 2, and all documents relating to the sealing of Search Warrant 2, are sealed for a period not exceeding 90 days.

DATED at Madison, Wisconsin, this 28 day of August 2008.

BY THE COURT:

Sarah B. O'Brien

The Honorable ~~SARAH~~ BO'BRIEN
Dane County Circuit Court
Branch 16

STATE OF WISCONSIN **CIRCUIT COURT BRANCH** **DANE COUNTY**

In the matter of a request to seal Search Warrant 2

ORDER

IT IS HEREBY ORDERED, on request of the State of Wisconsin, and for the reasons stated, that the Complaint for Search Warrant 2, Search Warrant 2, Return of Search Warrant 2, and the Applications in support of sealing Search Warrant 2 are sealed for a period not exceeding 90 days.

DATED at Madison, Wisconsin, this 2 day of ~~May~~ June, 2008.

BY THE COURT:

The Honorable Juan Colas
Dane County Circuit Court
Branch 10

STATE OF WISCONSIN **CIRCUIT COURT BRANCH** **DANE COUNTY**

In the matter of a request to seal Search Warrant 2

ORDER

IT IS HEREBY ORDERED, on request of the State of Wisconsin, and for the reasons stated, that the Complaint for Search Warrant 2, Search Warrant 2, and the Return of Search Warrant 2 are sealed for a period not exceeding 60 days.

DATED at Madison, Wisconsin this 9 day of April, 2008.

BY THE COURT:

The Honorable Juan Colas
Dane County Circuit Court
Branch 10

08SW10

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STATE OF WISCONSIN **CIRCUIT COURT BRANCH** **DANE COUNTY**

In the matter of a request to seal
Search Warrant 2

ORDER

IT IS HEREBY ORDERED, on request of the State of Wisconsin, and for the reasons stated, that the Complaint for Search Warrant 2, Search Warrant 2, and the Return of Search Warrant 2 are sealed for a period not exceeding 60 days.

DATED at Madison, Wisconsin this 8 day of April, 2008.

BY THE COURT:

Juan B. Colas

The Honorable Juan Colas
Dane County Circuit Court
Branch 10

08SW10

SEARCH WARRANT

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

In the Circuit Court of the County of Dane.

THE STATE OF WISCONSIN, to the Sheriff, or any other peace officer for said County: WHEREAS, Detective Marion Morgan has this day complained in writing to this Court of the County of Dane, upon oath that on April 5, 2008, in the City of Madison, County of Dane, that there is now located and concealed in and upon certain premises, a commercial facility, located in the City of Madison, in said County, and more particularly described as follows:

> Laundry 101 located at 437 West Gilman Street, a commercial laundromat/dry-cleaning establishment and bar. Laundry 101 is situated on the east side of Gilman Street and the business sign is very prominently displayed over the door to the building. The business sign clearly states in bold letters Laundry 101. The front door to the business is a commercial glass door with a metal handle affixed to the metal frame of the door.

Certain things, to-wit:

> A light blue necktie, silk-like fabric or silk-appearing fabric. The light blue tie has very small dark dots on the tie. The light blue tie was submitted to Laundry 101 to be dry cleaned on 4/3/08 and assigned receipt number 59059

which things may constitute evidence of a crime, to-wit: **First Degree Intentional Homicide**, committed in violation of Section(s) 940.01 of the Wisconsin Statutes; and prayed that a Search Warrant be issued to search said premises for the property aforesaid.

NOW, THEREFORE, in the name of the State of Wisconsin, you are commanded forthwith to search the said premises for the property aforesaid, and return this Warrant within forty-eight hours, before the said Court.

WITNESS, the Honorable Juan B. Colas, Judge of Circuit Court, Branch 10, Dane County, Wisconsin, this 5th day of April 2008.

Juan B. Colas
Judge

CIRCUIT COURT
2008 APR -8 PM 12:50
DANE COUNTY, WI

ENDORSEMENT

Received by me this 5th day of April, 2008, at 5:15 o'clock P M

(Peace Officer) 746

085W10

SEARCH WARRANT RETURN

PW

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

In the Circuit Court of the
County of Dane.

RETURN OF OFFICER

Dated this 8th day of April, 2008, in the City of Madison Wisconsin,
I hereby certify that by virtue of the within Warrant, I searched the within named premises and found the following:

A light blue silk like fabric necktie, with attached dry cleaning receipt # 59059

CIRCUIT COURT
2008 APR -8 PM 12:50
DANE COUNTY, WI

and have the same now in my possession subject to the disposition of the Court.

(Detective) Marion Morgan 746

085W1D

pw

COMPLAINT FOR SEARCH WARRANT

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

In the Circuit Court of the
County of Dane

Detective Marion Morgan, being duly sworn on oath complains to the said Court of the County of Dane, that on April 5, 2008, in the City of Madison, County of Dane, that there is now located and concealed in and upon certain premises, in the City of Madison, in said County, and more particularly described as follows:

Laundry 101 located at 437 West Gilman Street, a commercial laundromat/dry-cleaning establishment and bar. Laundry 101 is situated on the east side of Gilman Street and the business sign is very prominently displayed over the door to the building. The business sign clearly states in bold letters Laundry 101. The front door to the business is a commercial glass door with a metal handle affixed to the metal frame of the door.

Certain things, to-wit:

A light blue necktie, silk-like fabric or silk-appearing fabric. The light blue tie has very small dark dots on the tie. The light blue tie was submitted to Laundry 101 to be dry cleaned on 4/3/08 and assigned receipt number 59059

Which things may constitute evidence of a crime, to-wit: **First Degree Intentional Homicide**, committed in violation of Section(s) 940.01 of the Wisconsin Statutes. That the facts tending to establish grounds for issuing a Search Warrant are as follows:

FACTS:

Your complainant, Detective Marion Morgan, is a Detective with the City of Madison Police Department; currently assigned to the Central District Investigative Services Bureau of the Madison Police Department and states she has 27 years experience in law enforcement.

Your complainant is assisting with a homicide investigation in the City of Madison, County of Dane, which occurred on 4/2/08. As a result of the ongoing investigation, your complainant, in conjunction with other investigators with the Madison Police Department have developed information leading to descriptions of persons of interest who may have information about the suspects responsible for the homicide that occurred on 4/2/08.

On Wednesday, April 2, 2008, at 1:08 pm, your complainant responded with many other detectives and officers to 517 West Doty Street, Apt. 1, based on information provided by Dispatch that a caller was on the phone indicating that his girlfriend was unconscious and was not breathing. Later on 4/2/08, your complainant listened to a 911 disconnect call that had been made to the Dane County Communications Center on 4/2/08 at12:20

pm. The 12:20 pm disconnect call originated from a cell phone later determined to be registered to Brittany S. Zimmermann, the decedent. The disconnect call started with the sound of a woman screaming and the line remains active and open picking up the background sounds of a struggle for a short period of time.

Your complainant listened to a call that originated from the Dane County Communications Center to the cell phone from the previously mentioned 911 disconnect call. The Dane County Communications Center staff called back immediately after the line went dead. A male caller with an accent answered Zimmermann's cell phone when the Communications Center staff place this return phone call. The male caller with the accent said that he had not called the 911 Center.

On 4/3/08 your complainant learned from Detective John Summers, who was present at an autopsy performed on the decedent in this investigation, Brittany S. Zimmermann, that Forensic Pathologist Doctor Robert Corliss advised Detective Summers that Zimmermann's death was the result of complex homicidal violence including multiple stab wounds and strangulation. Your complainant knows from training and experience that many objects can be used as ligatures for strangulation, including but not limited to neckties.

Your complainant also knows from reviewing a police report completed by Sgt. Jerome E. van Natta that Sgt. van Natta arrested Cosgrove on 3/23/08 in the City of Madison, Dane County for Carrying a Concealed Weapon, a knife. Sgt. van Natta states in his report that Cosgrove has an accent.

On 4/4/08 at approximately 11:30 a.m., Lieutenant Mary Lou Ricksecker of the Madison Police Department advised your complainant that a party named Thomas A. Cosgrove had been contacted by Madison Police Officer James McDermott at approximately 5:15 a.m. on 4/4/08 in the 500 block of State Street. Lieutenant Ricksecker advised your complainant that she responded to Officer McDermott and Cosgrove's location and asked Cosgrove if he would be willing to respond to the Madison Police Department to answer some questions about an investigation on which we were working.

Your complainant spoke with Detective Sid Woods, who interviewed Cosgrove after he voluntarily agreed to come to the Police Department. Detective Woods advised your complainant that Cosgrove presented a United Kingdom passport for identification, and when Cosgrove removed the passport from one of his bags, a pink dry-cleaning receipt with receipt number 59059 fell out of the passport. Detective Woods advised your complainant that Cosgrove also to him, Detective Woods, that he, Cosgrove, was within blocks of the 500 Block of W. Doty at approximately noon on 4/2/08. Zimmermann was stabbed and strangled in her residence at 517 W. Doty, City of Madison, Dane County on 4/2/08 at approximately 12:20 pm.

At 12:36 p.m. on 4/4/08, your complainant contacted Sarah T. Schroeder, an employee at Laundry 101, located at 437 W. Gilman, City of Madison, County of Dane. Your complainant asked Schroeder if she had a dry cleaning receipt with tracking number 59059. Schroeder checked through the business' dry cleaning receipts and provided your complainant with the original dry cleaning receipt numbered 59059. Your complainant noted that the receipt was dated for receipt on 4/3 and that the noted pick up date for the item was 4/4. Schroeder examined the receipt with your complainant and advised that she, Schroeder, had written everything on the receipt except a signature in cursive written on the name line. Schroeder advised your complainant that she had

asked the person who presented the item for dry cleaning and signed the receipt to spell his name for her, as his signature was illegible. Schroeder advised your complainant that she had difficulty understanding the person that presented the item for dry cleaning due to his "thick accent", but she believed that the spelling on his name was 'Ancholy', which is what she wrote on the receipt. Schroeder advised your complainant that the party who presented the item to be dry-cleaned presented one light blue necktie with small dark dots on the tie.

Schroeder advised your complainant that the person who presented the above-listed light blue necktie for dry cleaning is described as a white male, 55 to 60, with white hair, approximately 2 inches long, a dark tan, thick British accent, approximately 6 feet tall. Schroeder advised that at the time the white male with the British accent presented the tie for dry cleaning, he was wearing a blue baseball-style windbreaker jacket with yellow at the shoulders. Schroeder advised your complainant that she told the white male with the British accent that the tie would be available for pick up after 5 p.m. on 4/4/08. Schroeder advised your complainant that she tore off the bottom part of the receipt and gave it to the white male with the British accent and asked him to bring the receipt with him when he returned to pick up his tie from their dry-cleaning counter.

Your complainant asked Schroeder if the light blue tie that the white male with the British accent submitted for dry cleaning on 4/3/08 had, in fact, been dry-cleaned. Schroeder advised your complainant that the tie had been dry cleaned and subsequently produced the dry-cleaned tie under receipt number 59059. The light blue tie was on a hanger covered by a clear plastic dry-cleaning bag with receipt number 59059 attached to the dry-cleaning plastic bag. Schroeder advised your complainant that she would secure the light blue tie on the hanger in the clear plastic bag in the business office pending my return to recover the item.

Your complainant asked Schroeder to examine photos in a photo array and advised your complainant if she recognized anyone's picture contained in the photo array. Schroeder examined each of the photos and identified a photo of a white male with white hair and stated, "This is the gentleman I spoke with yesterday that had the British accent and brought the light blue tie in. This is definitely the gentleman." The person in the photo that Schroeder identified is Thomas A. Cosgrove.

Your complainant believes that the information provided by Lieutenant Mary Lou Ricksecker, Officer James McDermott, Detective Sid Woods, and Detective John Summers of the Madison Police Department and Sgt. Jerome van Natta of the University of Wisconsin Police Department is truthful and reliable and that the information was provided during the course of their official duties as law enforcement officers. Your complainant has worked with the above-listed law enforcement officers in the past and has previously found their information to be truthful, reliable, and accurate.

Your complainant believes that the information provided by Forensic Pathologist Doctor Robert Corliss is truthful and reliable in that it was provided during the course of his official duties and your complainant has found his information to be truthful and reliable in the past.

Your complainant believes that the photos obtained from the Dane County Sheriff's Office Records Section and used within the photo array in this investigation are reliable and accurate as the photos were obtained from the Dane County Sheriff's Office Records Section. The photos were obtained and are maintained during the course of the Dane County Sheriff's Office's usual course of business. Your complainant has used

photos obtained from the Dane County Sheriff's Office Record Section in the past and found them to be reliable and accurate.

Your complainant knows that the records and digital data from phone calls to and from the Dane County Communications Center are truthful and reliable in that the digital data are direct recordings from the calls made to and from the communications Center and the data is obtained and maintained during the ordinary performance of the business duties of the Center.

Your complainant believes that citizen Sarah Schroeder is truthful and reliable and that the information she provided to her is information to which she has personal knowledge based on having experienced the facts that she reported.

Your complainant has personally viewed Laundry 101, located at 437 W. Gilman Street, which is in the city of Madison, Dane County, Wisconsin and knows it to be as described on the face of this document.

WHEREFORE, complainant prays that a Search Warrant be issued to search said premises for the property aforesaid.

746
(Peace Officer)

Subscribed and sworn to before me
This 5th day of April, 2008.

Judge of Circuit Court, Branch 10

AFFIDAVIT

Your Affiant, being duly sworn under oath, states as follows:

1. That your Affiant is a detective employed by the Madison Police Department involved in the investigation of the death of Brittany Zimmerman in her home at 517 W. Doty Street, Madison, Wisconsin, on April 2, 2008;

2. That a warrant was signed on Saturday, April 5, 2008, by The Honorable Juan Colas, Dane County Circuit Court, Branch 10, to retrieve items of evidence from 437 W. Gilman Street, Madison, Wisconsin as potential evidence in this homicide investigation;

3. That your Affiant, Detective Marion Morgan, drafted the Complaint for Search Warrant in order to obtain certain items of evidence;

4. That this is an ongoing investigation and no one has yet been charged with this crime;

5. That your Affiant requests this warrant and attending documents be sealed to prevent witnesses from conforming their testimony to media reports and to prevent future suspects from knowing what information the investigative agencies already possess when interviewing them;

6. That your Affiant requests 60 days due to the complexity of this investigation and the need for time for the Wisconsin State Crime Laboratory to analyze physical evidence; that should charges be issued in connection with this crime prior thereto, your Affiant will notify the court and ask that the Order authorizing the seal be lifted.

Marion Morgan
Madison Police Department

Subscribed and sworn to before me
This 8th day of April 2008.

Joseph E. Mann
My commission: is PERMANENT

CIRCUIT COURT
2008 APR -8 PM 12:50
DANE COUNTY, WI

STATE OF WISCONSIN | CIRCUIT COURT BRANCH | DANE COUNTY

In the matter of a request to seal Search Warrant 2

MOTION

COMES NOW the State of Wisconsin, by Assistant District Attorney Mary Ellen Karst, and hereby moves this court for an Order sealing the Complaint for Search Warrant, Search Warrant, and Return of Search Warrant for the items taken from 437 W. Gilman Street, Madison, Wisconsin, herein designated as "Search Warrant 2". Grounds for this Motion are set forth in the attached Affidavit of Detective Marion Morgan pursuant to State v. Cummings, 199 Wis. 2d 721 (1996).

DATED at Madison, Wisconsin, this 8th day of April 2008.

Respectfully submitted:

Mary Ellen Karst
Assistant District Attorney
Dane County, Wisconsin
State Bar No. 1001844

STATE OF WISCONSIN **CIRCUIT COURT BRANCH** **DANE COUNTY**

In the matter of a request to seal Search Warrant 2

MOTION

COMES NOW the State of Wisconsin, by Assistant District Attorney Mary Ellen Karst, and hereby moves this court for an Order sealing the Complaint for Search Warrant 2, Search Warrant 2, Return of Search Warrant 2 and all documents related to the sealing of Search Warrant 2. Grounds for this Motion are set forth in the attached Affidavits of Detective David Miller pursuant to State v. Cummings, 199 Wis. 2d 733 (1996).

DATED at Madison, Wisconsin this 27th day of August, 2008.

Respectfully submitted:

Mary Ellen Karst
Assistant District Attorney
Dane County, Wisconsin
State Bar No. 1001844

AFFIDAVIT

1. That your affiant is a detective employed by the City of Madison Police Department assigned as the lead investigator in the investigation of the homicide of Brittany Zimmerman on April 2, 2008, and is familiar with all search warrants previously returned and ordered sealed by Judges Colas and Niess in connection with that investigation.

2. That the orders sealing said search warrants expire on or about September 6, 2008.

3. That the facts set forth in the Affidavits your affiant previously executed in connection with each of these search warrants (and copies of which are attached hereto and incorporated herein) are still true and applicable as of the date this document is subscribed and sworn to by your affiant below.

4. That your affiant requests that each of these search warrants, identified as Search Warrants 1-7, inclusive, be sealed for an additional 90 days.

5. That should criminal charges be issued as against anyone for this crime prior to the expiration of that 90 day period, your affiant will notify this court of same and agree that the search warrants no longer should remain sealed.

David Miller
Detective, Madison Police Department

Subscribed and sworn to before me
This 8th day of August, 2008.

Notary Public
My Commission: expires 10/31/10

AFFIDAVIT

YOUR AFFIANT, being duly sworn under oath, states as follows:

1. That your Affiant is a detective employed by the Madison Police Department and is the lead investigator involved in the investigation of the death of Brittany Zimmerman in her home at 517 W. Doty Street, Madison, Wisconsin, on April 2, 2008.

2. That a warrant was signed by the Honorable Juan Colas, Dane County Circuit Court, Branch 10, authorizing the search of Laundry 101, located at 437 W. Gilman, on April 5, 2008, for evidence of the homicide of Ms. Zimmerman.

3. Your Affiant knows that Detective Marion Morgan, MAPD, was responsible for the execution and return of this search warrant.

4. That on or about April 8, 2008, Judge Colas entered on Order upon application by the State of Wisconsin sealing all documents related to this warrant for a period not exceeding 60 days.

5. That this is an ongoing investigation and no one yet has been charged with this crime.

6. That your Affiant requests this warrant and attending documents be sealed to prevent witnesses from conforming their testimony to media reports and to prevent future suspects from knowing what information the investigative agencies already possess when interviewing them. Specifically, your Affiant has already encountered the following in this investigation:

- a minimum of four independent individuals who have made incriminating statements inculpating themselves in this homicide all of whom your Affiant has excluded as suspects;

- multiple persons interviewed who have not been able to distinguish what they know from their own knowledge with what has been reported in the media.

7. Your Affiant states that additional time is needed due to the complexity of this investigation. As this appears to be a stranger homicide, the pool of potential suspects and witnesses is extremely large, resulting in a much more time-consuming investigation. Despite due diligence, given this enormous number of people, these interviews are not yet complete.

8. That because this homicide is of not only local, but national, interest, every release of information is dispersed more widely, becoming known to more people, than is ordinary, and would tend to affect the integrity of the investigation, as it has already done. as demonstrated above.

9. Your Affiant also requests these documents be sealed to prevent knowledge of forensic evidence possessed by the MAPD from becoming public knowledge. If this information is released, it would give the killer greater incentive to flee.

10. Your Affiant also requests these documents be sealed to allow the Wisconsin State Crime Laboratory additional time to complete their analysis of the physical evidence and further for the police to receive the results of their analysis and apply those results accordingly and meaningfully to the investigation.

11. Your Affiant wishes to protect the reputation of persons being investigated (to-wit: Thomas A. Cosgrove) by preventing disclosure of untrue and irrelevant statements.

12. Your Affiant states that although the original sealing was for not more than 60 days, now that your Affiant has been involved nonstop in this investigation since its inception, it has become apparent that this investigation is likely to take considerably more time and therefore requests sealing for a period not to exceed ninety days.

13. Your Affiant states that should a person or persons be charged with this crime prior to the expiration of the 90 days, your Affiant will return to court and ask that the seal be lifted.

D J Miller

David J. Miller, Detective
Madison Police Department

Subscribed and sworn to before me
This 30th day of May, 2008.

Linda M Crawford

My commission: expires 10/31/10

STATE OF WISCONSIN CIRCUIT COURT BRANCH DANE COUNTY

In the matter of a request to seal Search Warrant 2

MOTION

COMES NOW The State of Wisconsin, by Assistant District Mary Ellen Karst, and hereby moves this court for an Order sealing the Complaint for Search Warrant, Search Warrant, Return of Search Warrant and Affidavits in support of sealing the Search Warrnat for Laundry 101, herein designated as "Search Warrant 2". Grounds for this Motion are set forth in the attached Affidavit of Detective David Miller pursuant to State v. Cummings, 199 Wis. 2d 721 (1996).

DATED at Madison, Wisconsin this 29th day of May, 2008.

Respectfully submitted:

Mary Ellen Karst
Assistant District Attorney
Dane County, Wisconsin
State Bar No. 1001844

AFFIDAVIT

YOUR AFFIANT, being duly sworn under oath, states as follows:

1. That your Affiant is a detective employed by the Madison Police Department and is the lead investigator involved in the investigation of the death of Brittany Zimmerman in her home at 517 W. Doty Street, Madison, Wisconsin, on April 2, 2008.

2. That a warrant was signed by the Honorable Juan Colas, Dane County Circuit Court, Branch 10, authorizing the search of Laundry 101, located at 437 W. Gilman, on April 5, 2008, for evidence of the homicide of Ms. Zimmerman.

3. Your Affiant knows that Detective Marion Morgan, MAPD, was responsible for the execution and return of this search warrant.

4. That on or about April 8, 2008, Judge Colas entered on Order upon application by the State of Wisconsin sealing all documents related to this warrant for a period not exceeding 60 days.

5. That this is an ongoing investigation and no one yet has been charged with this crime.

6. That your Affiant requests this warrant and attending documents be sealed to prevent witnesses from conforming their testimony to media reports and to prevent future suspects from knowing what information the investigative agencies already possess when interviewing them. Specifically, your Affiant has already encountered the following in this investigation:

- a minimum of four independent individuals who have made incriminating statements inculpating themselves in this homicide all of whom your Affiant has excluded as suspects;

- multiple persons interviewed who have not been able to distinguish what they know from their own knowledge with what has been reported in the media.

7. Your Affiant states that additional time is needed due to the complexity of this investigation. As this appears to be a stranger homicide, the pool of potential suspects and witnesses is extremely large, resulting in a much more time-consuming investigation. Despite due diligence, given this enormous number of people, these interviews are not yet complete.

8. That because this homicide is of not only local, but national, interest, every release of information is dispersed more widely, becoming known to more people, than is ordinary, and would tend to affect the integrity of the investigation, as it has already done. as demonstrated above.

9. Your Affiant also requests these documents be sealed to prevent knowledge of forensic evidence possessed by the MAPD from becoming public knowledge. If this information is released, it would give the killer greater incentive to flee.

10. Your Affiant also requests these documents be sealed to allow the Wisconsin State Crime Laboratory additional time to complete their analysis of the physical evidence and further for the police to receive the results of their analysis and apply those results accordingly and meaningfully to the investigation.

11. Your Affiant wishes to protect the reputation of persons being investigated (to-wit: Thomas A. Cosgrove) by preventing disclosure of untrue and irrelevant statements.

12. Your Affiant states that although the original sealing was for not more than 60 days, now that your Affiant has been involved nonstop in this investigation since its inception, it has become apparent that this investigation is likely to take considerably more time and therefore requests sealing for a period not to exceed ninety days.

13. Your Affiant states that should a person or persons be charged with this crime prior to the expiration of the 90 days, your Affiant will return to court and ask that the seal be lifted.

David J. Miller, Detective
Madison Police Department

Subscribed and sworn to before me
This 30th day of May, 2008.

Linda M Crawford

My commission: expires 10/31/10