

08SW12 VP

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

DANE COUNTY

In the matter of a request to seal
Search Warrant 4

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 4, Search Warrant 4, Return of Search Warrant 4, and all documents relating to the sealing of Search Warrant 4, 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 B. O'Brien
Dane County Circuit Court
Branch 16

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

DANE COUNTY

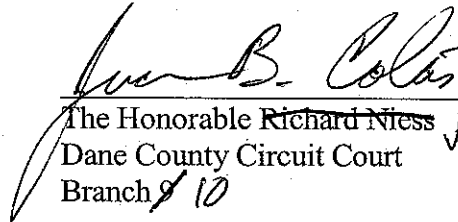
In the matter of a request to seal
Search Warrant 4

ORDER

IT IS HEREBY ORDERED, on request of the State of Wisconsin, and for the reasons stated, that the Complaint for Search Warrant 4, Search Warrant 4, and the Return of Search Warrant 4, as well as the Affidavits filed in support of the sealing of this warrant, are sealed for a period not exceeding 90 days.

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

BY THE COURT:


The Honorable Richard Niess
Dane County Circuit Court
Branch 9 10

CIRCUIT COURT
DANE COUNTY, WI

2008 JUN -2 AM 11:23

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08SW12

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

DANE COUNTY

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In the matter of a request
to seal Search Warrant 4

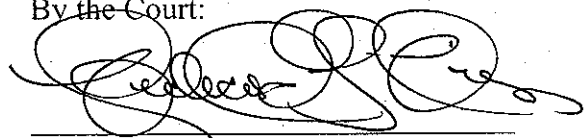
ORDER

IT IS HERBY ORDERED, on request of the State of Wisconsin, and for the reasons stated, that the Complaint for Search Warrant 4, Search Warrant 4, and the Return of Search Warrant 4, are sealed for a period not exceeding 60 days.

CIRCUIT COURT
2008 APR 10 AM 11:03
DANE COUNTY, WI

DATED at Madison, Wisconsin, this 10 day of April, 2008.

By the Court:



The Honorable Richard Niess
Dane County Circuit Court
Branch 9

08SW12
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AFFIDAVIT

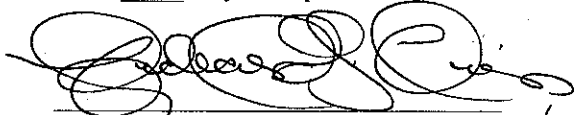
Your Affiant, being duly sworn under oath, states as follows:

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 7, 2008, by The Honorable Richard Niess, Dane County Circuit Court, Branch 9, for any and all items of personal property of Thomas Anthony Cosgrove, DOB 01/07/1957, which are presently maintained by the City of Madison Police Department, as potential evidence in this homicide investigation;
3. That your Affiant was the Complainant in the Complaint for Search Warrant in relating to the collection of any and all items of personal property of Thomas Anthony Cosgrove, DOB 01/07/1957, which are presently maintained by the City of Madison Police Department
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, Affiant will notify the occur and ask that the Order authorizing the seal be lifted.

Det. A. Turner

Ann Turner, Detective
Madison Police Department

Subscribed and sworn to before me
This 10 day of April, 2008.


My commission is permanent

CIRCUIT COURT
2008 APR 10 AM 11:03
DANE COUNTY, WI

085W12
pu

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

DANE COUNTY

In the matter of a request
to seal Search Warrant 4

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 any and all items of personal property of Thomas Anthony Cosgrove, DOB 01/07/1957, which are presently maintained by the City of Madison Police Department, herein designated as "Search Warrant 4". Grounds for this Motion are set forth in the attached Affidavit of Detective Ann Turner pursuant to State v. Cummings, 199 Wis. 2d 721 (1996).

DATED at Madison, Wisconsin, this 10th day of April, 2008.

Respectfully submitted:



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

CIRCUIT COURT
2008 APR 10 AM 11:03
DANE COUNTY, WI

08SW12 pu

COMPLAINT FOR SEARCH WARRANT

STATE OF WISCONSIN)
) ss. In the Circuit Court of the
COUNTY OF DANE) County of Dane

THE STATE OF WISCONSIN, to the Sheriff, or any other peace officer for said County: WHEREAS, Detective Ann J. Turner has this day complained in writing to this Court in the City of Madison, County of Dane, upon oath that on April 7, 2008, in the City of Madison, Dane County, Wisconsin there now located in or upon certain property, described as follows:

Any and all items of personal property of Thomas Anthony Cosgrove, DOB: 01/07/1957 which are presently maintained by the City of Madison Police Department.

certain things, to-wit:

Any and all trace evidence including, but not limited to, hair, fibers, particles, fluids, and other biological materials contained on any item, including, but not limited to; documents, personal writings, articles of clothing, electronic components, jewelry, weapons, and ligatures; Items tending identify ownership of said articles, including, but not limited to receipts, journals, address books, personal notations, photographs, recordings,

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 Ann J. Turner , 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 18 years experience in law enforcement.

Your complainant states that she is assisting in the on-going homicide investigation involving the victim, Brittany S. Zimmerman, 21 years of age, residing at 517 West Doty Street, Apartment number 1, Madison, Dane County Wisconsin.

Your complainant states that on April 2, 2008, Zimmerman was found deceased within her apartment alone at the aforementioned address. On April 3, 2008 an autopsy on the body of Zimmerman was conducted by Forensic Pathologist Dr. Robert Corliss . This protocol was also attended by Madison Police Detective John Summers. Your complainant states she has spoken with Detective Summers and learned that preliminary findings of the autopsy protocol revealed Zimmerman died of complex homicidal violence, specifically multiple sharp force trauma wounds and multiple blunt force trauma blows. Nearly half of the total number of these multiple stab wounds penetrated Zimmerman's heart.

SEARCHED
SERIALIZED
INDEXED
APR 10 2008
CIRCUIT COURT
DANE COUNTY, WI

Your complainant states that subsequent investigation has revealed the multiple stab wounds to Zimmerman's body were inflicted with a weapon similar in nature to one possessing a blade length from 2 to 5 inches, blade width of 1.5-2.0 cm, and with a non-prominent hilt. The weapon has not yet been discovered.

Your complainant states that subsequent investigation has revealed the perpetrator(s) made forcible entry to the main front door of Zimmermann's two-flat residence where she resided on the lower floor. That front door was security locked. It appears from that point the perpetrator(s) then entered the victim's separate front apartment door where the attack occurred.

Your complainant states she knows through her training and experience that when the human body comes into contact with another body or with other objects, there is a transfer of material from one object or body to the other. Your complainant further states that many times this transfer is in the form of bodily fluids, epithelial cells, hair and other substances which may be unique to the environment where the transfer takes place. Your complainant knows these materials to contain DNA, which will identify, to the exclusion of all others, the donor of that material.

Your complainant also is aware from her training and experience that when a person enters into a specific location, that the person's body and associated clothing will retain items unique to that location. Your complainant knows that the passing body will also leave behind at a location items as it passes through.

Your complainant states she knows through her training and experience that perpetrators of crimes some times document pertinent facts of a crime that they are involved in and retain personal property of the victim from the crime scene in order to later re-live their experience.

Your complainant has spoken with Detective Sidney Woods of the Madison Police Department who interviewed Anthony Thomas Cosgrove while at the Madison Police Department Central District on March 4, 2008. This interview was conducted with Cosgrove as a potential witness in the homicide investigation of Brittany Zimmerman.

During that interview, Det. Woods received written permission from Cosgrove to retrieve his personal property from two separate locations in the City of Madison. Cosgrove also consented to the search of that property however that has not taken place. Cosgrove reported his personal property would contain clothing and footwear as well as personal writings and documents and other items of personal property.

Your complainant is aware that Madison Police Officer David Dexhiemer retrieved Cosgrove's property from the indicated locations and transported the property to a secure property storage room within the Madison Police Department's Central District where it was stored under lock and key. The key to that storage location remained in the personal custody and control of Detective Woods or Detective Ann Turner since that time.

Detective Woods further advised your complainant that during the Cosgrove interview, he told Det. Woods he enjoys documenting crime scenes in written format and through diagramming.

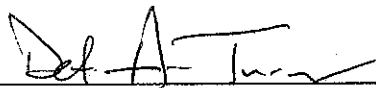
Detective Woods further advised your complainant he again conducted an interview with Cosgrove on April 5, 2008. During that interview, Det. Woods discussed with Cosgrove the reliability of DNA processing of a crime scene as it relates to scientifically placing an individual at a location. Det. Woods asked Cosgrove if his, Cosgrove's, DNA footwear impressions, or fingerprints were going to be found at the Zimmerman homicide scene of April 2, 2008. Cosgrove responded to Det. Woods that it could be possible the police would find his (Cosgrove's) DNA and footwear impressions at the Zimmerman homicide scene.

Your complainant believes that Cosgrove's property in the possession of the Madison Police Department may contain evidence pertinent to this current homicide investigation.

Your complainant believes the statements of Detective Sid Woods and Detective John Summers to be truthful and reliable inasmuch as they are sworn law enforcement officers in the State of Wisconsin and are acting in their official capacities.

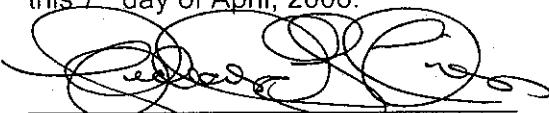
Your complainant believes the statements and findings of Forensic Pathologist Dr. Robert Corliss to be truthful and reliable inasmuch as your complainant knows him to be a medical doctor licensed to practice medicine in the State of Wisconsin and employed by the Dane County Coroner's Office for the purpose of conducting autopsies.

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



(Peace Officer)

Subscribed and sworn to before me
this 7th day of April, 2008.



Judge of Circuit Court, Branch 9

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SEARCH WARRANT

STATE OF WISCONSIN)

COUNTY OF DANE)

) ss.

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 Ann J. Turner has this day complained in writing to this Court in
the City of Madison, County of Dane, upon oath that on April 7, 2008, in the City of
Madison, Dane County, Wisconsin there now located in certain property, described as
follows:

**Any and all items of personal property of Thomas Anthony Cosgrove, DOB: 01/07/1957
which are presently maintained by the City of Madison Police Department.**

certain things, to-wit;

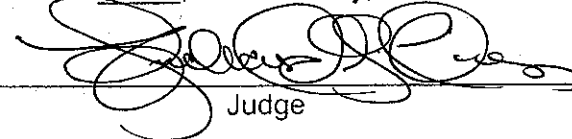
**Any and all trace evidence including, but not limited to, hair, fibers, particles, fluids, and
other biological materials contained on any item, including, but not limited to; documents,
personal writings, articles of clothing, electronic components, jewelry, weapons, and
ligatures; Items tending identify ownership of said articles, including, but not limited to
receipts, journals, address books, personal notations, photographs, recordings,**

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 property.

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

WITNESS, the Honorable Richard G. Ness, Judge of Circuit Court,

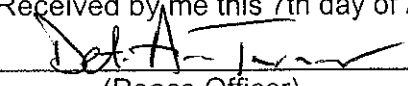
Branch 9, Dane County, Wisconsin, this 7th day of April 2008.



Judge

ENDORSEMENT

Received by me this 7th day of April, 2008, at 12:45 o'clock P M



(Peace Officer)

CIRCUIT COURT
2008 APR 10 11:11:04
JANE COUSINS, WI

1 pair black and white socks
1 pair blue and black socks
1 pair gray pants
2 pair black pants
1 pair athletic Nike shorts
1 pair aqua blue socks
1 pair gray pants
1 long-sleeved dark blue with light blue pin stripe men's dress shirt
2 dark blue ties
1 purple, gold, and green tie
Hospital gown
1 plastic bag containing oxygen mask, tubing, and a towel
A student teacher's book
Scotland postcard
Mendota Mental Health Institute prescriptions
1 brown suede hat with brim
1 dark blue driving cap
1 standard size and 6 microcassette tapes
1 open ream of yellow paper legal size
1 open ream of aqua blue paper letter size
Multiple loose pieces of white paper letter size
3 cutoff bottom portions of liter bottles, 1 with green binder clips
1 pirate eye patch
Multiple newspapers
Miscellaneous art supplies
1 brown toilet kit
White twine
Carhart coat
Yellow rope
1 chunk of cement
Multiple pamphlets
Multiple bibles
Empty pill bottles
Multiple towels
Playing cards
Multiple loose pieces of paper with handwriting, some in 3-ring binders
Multiple paperback and hard cover books
Multiple pens and pencils
Generalized garbage including used dirty pieces of paper, toilet paper tubing, pieces of plastic, broken broom bristles, lint, spilled toiletry items, etc.
CD player
7 CDs
Plastic putty knife
Gray trench coat
1 pair eyeglasses
1 pair sunglasses
Gray jumpsuit
Tan sweater
Red, green, and gray flannel shirt
Dark and light gray sweatshirt
Blue raincoat
Blue flannel bed roll
Assorted art clay

Multiple wooden hangers
Black jeans
Black suitcase on rollers
Flat magnifier
Cassette player and 2 tapes
Nitro-quick prescribed to John Cosgrove
Priority mail envelope containing calendar
US customs property declaration
Headphones
Red flannel shirt
Blue polo shirt
Green down vest
Yellow cloth
Multiple bent wires
Black light
Open bag of candy

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



(Peace Officer)

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

DANE COUNTY

**In the matter of a request to seal
Search Warrant 4**

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 4, Search Warrant 4, Return of Search Warrant 4 and all documents related to the sealing of Search Warrant 4. 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.

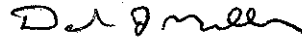
Respectfully submitted:



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

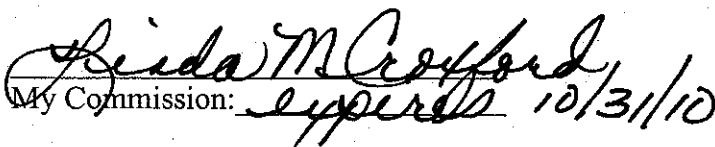
AFFIDAVIT

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 28th day of August, 2008.


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 Richard Niess, Dane County Circuit Court, Branch 9, authorizing the search of the personal property of Thomas A. Cosgrove on April 7, 2008, for evidence of the homicide of Ms. Zimmerman.
3. Your Affiant knows that Detective Ann Turner, MAPD, was responsible for the execution and return of this search warrant.
4. That on April 10, 2008, Judge Niess entered an 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 inculcating 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 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.


My commission: expires 10/31/10

08SW12

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH

DANE COUNTY

In the matter of a request to seal
Search Warrant 4

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 Warrant for the personal property of Thomas A. Cosgrove, herein designated as "Search Warrant 4". 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 AFFLIANT, 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 Richard Niess, Dane County Circuit Court, Branch 9, authorizing the search of the personal property of Thomas A. Cosgrove on April 7, 2008, for evidence of the homicide of Ms. Zimmerman.
3. Your Affiant knows that Detective Ann Turner, MAPD, was responsible for the execution and return of this search warrant.
4. That on April 10, 2008, Judge Niess entered an 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 Cosgrove) by preventing disclosure of untrue and irrelevant statements.

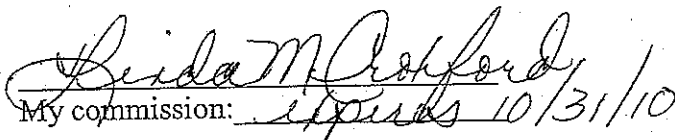
12. Your Affiant states that although the original sealing was for not more than 60 days, now that your Affiant has been involved nonstop in this investigation since its inception, it has become apparent that this investigation is likely to take considerably more time and therefore requests sealing for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


My commission: expires 10/31/10