

085W13 JP

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH

DANE COUNTY

In the matter of a request to seal  
Search Warrant 5

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 5, Search Warrant 5, Return of Search Warrant 5, and all documents relating to the sealing of Search Warrant 5, 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 1b

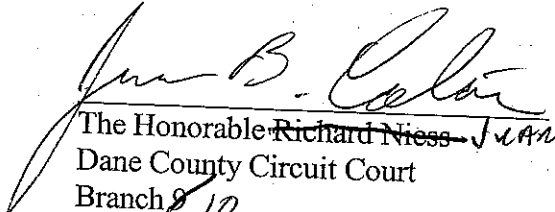
In the matter of a request to seal  
Search Warrant 5

ORDER

IT IS HEREBY ORDERED, on request of the State of Wisconsin, and for the reasons stated, that the Complaint for Search Warrant 5, Search Warrant 5, and the Return of Search Warrant 5, 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 <sup>JUNE</sup>~~May~~, 2008.

BY THE COURT:

  
~~The Honorable Richard Niess~~ *JUAN B. COLAN*  
Dane County Circuit Court  
Branch ~~9~~ 10

CIRCUIT COURT  
DANE COUNTY, WI

2008 JUN -2 AM 11:23

FILED

085W13 pu

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH

DANE COUNTY


In the matter of a request  
to seal Search Warrant 5

**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 5, Search Warrant 5, and Return of Search Warrant 5 for items listed on the said return. 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 8<sup>th</sup> day of April 2008.

Respectfully submitted:



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

CIRCUIT COURT  
2008 APR -8 PM 12:45  
DANE COUNTY, WI

08SW13  
pu

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH

DANE COUNTY

---

In the matter of a request  
to seal Search Warrant 5

---

**ORDER**

---

IT IS HERBY ORDERED, on request of the State of Wisconsin, and for the reasons stated, that the Complaint for Search Warrant 5, Search Warrant 5, and the Return of Search Warrant 5, are sealed for a period not exceeding 60 days.

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

By the Court:



The Honorable Richard Niess  
Dane County Circuit Court  
Branch 9

CIRCUIT COURT  
2008 APR -8 PM 12:46  
DANE COUNTY, WI

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH

DANE COUNTY

---

In the matter of a request to seal  
Search Warrant 6

---

**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 6, Search Warrant 6, Return of Search Warrant 6 and all documents related to the sealing of Search Warrant 6. 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 27<sup>th</sup> day of August, 2008.

Respectfully submitted:



---

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

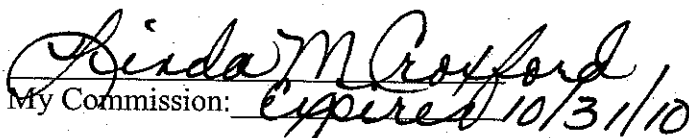
AFFIDAVIT

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: expired 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 FedEx Kinkos, located at 654 West Washington Avenue, on or about April 8, 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 or about April 10, 2008, Judge Colas 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 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.

  
My commission: 10/31/10



08SW13

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH

DANE COUNTY

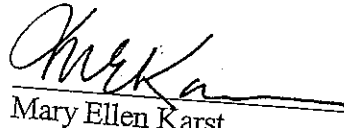
In the matter of a request to seal  
Search Warrant 5

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 biological evidence obtained from, photographs of the person of and personal property of Jeffrey D. Ball, herein designated as "Search Warrant 5". 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 29<sup>th</sup> 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 Richard Niess, Dane County Circuit Court, Branch 9, authorizing the search of the person of and the personal property of Jeffrey D. Ball, on April 4, 2008, for evidence of the homicide of Ms. Zimmerman.
3. Your Affiant knows that Detective Marianne Flynn Statz, MAPD, was responsible for the execution and return of this search warrant.
4. That on or about April 8, 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: Jeffrey D. Ball) 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  
David J. Miller, Detective  
Madison Police Department

Subscribed and sworn to before me  
This 30<sup>th</sup> day of May, 2008.

Linda M. Crawford  
My commission: expires 10/31/10

SEARCH WARRANT

08SW13  
pu

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 Marianne Flynn-Statz has this day complained in writing to this  
Court in the City of Madison, County of Dane, upon oath that on April 4, 2008, in the City  
of Madison, Dane County, Wisconsin there now located in and upon certain premises  
and person, described as follows:

**Jeffery Dale Ball Male/White DOB: 08/21/1959 Currently housed in the Dane County  
Jail**

AND

**Any and all items of personal property of Jeffery Ball which are presently maintained by  
the City of Madison Police Department Property Room and the Dane County Sheriff's  
Office Jail Section.**

certain things, to-wit

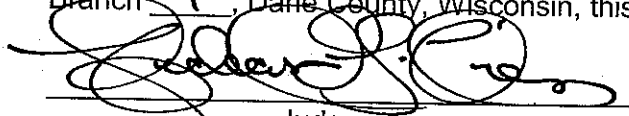
**Buccal Swabs, Blood, Blood DNA Standards in sufficient quantity for DNA analysis,  
Swabs of his person, including but not limited to hands, forearms, face, and upper body;  
head hair standards in sufficient quantity for DNA analysis, photographs of his body, any  
clothing presently upon his person. Any and all trace evidence including, but not limited to  
hair, fibers, particles, fluids and other biological matter**

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 and vehicle for the  
property aforesaid.

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.

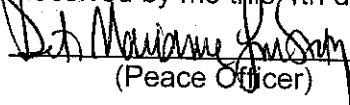
WITNESS, the Honorable Richard G. Ness, Judge of Circuit Court,

Branch 9, Dane County, Wisconsin, this 4th day of April 2008.

  
\_\_\_\_\_  
Judge

**ENDORSEMENT**

Received by me this 4th day of April, 2008, at 4:29 o'clock P M

  
\_\_\_\_\_  
(Peace Officer)

2008 APR -8 PM 12:45  
DANE COUNTY, WI  
CIRCUIT COURT

08SW13  
pa

### SEARCH WARRANT RETURN

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

In the Circuit Court of the  
County of Dane.

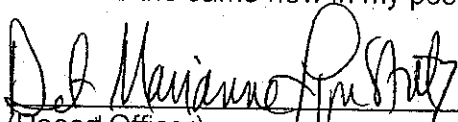
#### RETURN OF OFFICER

Dated this 8<sup>th</sup> 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:

1. Paper bag
2. Men's small Route 66 brand cotton zip neck sweater,
3. Athletech brand polyester zip pullover fleece,
4. A 7 fluid ounce 2-in-1 body definition skin renewal lotion
5. Bottle of Goo Gone
6. Hanes extra large black boxer briefs
7. Jockey size 42 white briefs.
8. 505 Levis jeans, size 38 x 34,
9. Miscellaneous person hygiene products
10. 6-pack of 5-Star brand super glue,
11. Master brand padlock,
12. Sony black leather head phone case,
13. Plastic shopping bag.
14. Coffee mug,
15. Handkerchief bandana,
16. Fingerless work gloves
17. A black leather belt
18. Adidas men's shoes
19. Black cotton socks
20. Navy Baseball
21. A tri-fold black leather wallet
22. A Mallards card.
23. Bottle of 200 mg Ibuprofen pills
24. Various
25. Photos of Jeffrey Ball
26. Hand Swabs
27. Nail Clippings
28. Hair combings
29. Buccal Swab

CIRCUIT COURT  
2008 APR - 8 PM 12:45  
DANE COUNTY, WI

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

  
\_\_\_\_\_  
(Peace Officer)

085W13

pl

COMPLAINT FOR SEARCH WARRANT

CIRCUIT COURT

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

2008 APR -8 PM 12:46  
In the Circuit Court of the  
County of Dane DANE COUNTY, WI

Detective Marianne Flynn-Statz, being duly sworn on oath complains to the said Court of the County of Dane, that on April 4, 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:

**Jeffery Dale Ball Male/White DOB: 08/21/1959 Currently housed in the Dane County Jail**

AND

**Any and all items of personal property of Jeffery Ball which are presently maintained by the City of Madison Police Department Property Room and the Dane County Sheriff's Office Jail Section.**

certain things, to-wit:

**Buccal Swabs, Blood, Blood DNA Standards in sufficient quantity for DNA analysis, Swabs of his person, including but not limited to hands, forearms, face, and upper body; head hair standards in sufficient quantity for DNA analysis, photographs of his body, any clothing presently upon his person. Any and all trace evidence including, but not limited to hair, fibers, particles, fluids and other biological matter**

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 Marianne Flynn-Statz, is a Detective with the City of Madison Police Department, currently assigned to the North District Investigative Services Bureau of the Madison Police Department and states she has 17 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.

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 knows that on April 2, 2008, at approximately 9:20pm, City of Madison Police Officers James McDermott and Rene Gonzalez, were dispatched to 21 North Butler Street within the City of Madison, County of Dane. Upon arrival Officers contacted Robert J. Bergeman. Bergeman told the officers he recognized an individual who was currently in the women's bathroom from a previous incident on March 28, 2008, at approximately 12:28am. On that date Bergeman confronted the individual who officers eventually identified as Jeffery Dale Ball, the subject of this search warrant in the same women's bathroom, telling him to leave. Ball began yelling at Bergeman, "Get away from me, leave me alone, I'm going to cut your fucking heart out". Bergeman was so frightened he ran out of the bathroom and called police. Upon police arrival Ball had already fled the building and Ball was not located.

Your complainant learned that when Officers McDermott and Gonzalez went into the bathroom, Ball was hiding behind the bathroom door when confronted by officers, Ball began to clench his fists, became extremely red in the face and according to Officer McDermott "had a deep stare in his eyes as if he were staring through me." Officer McDermott instructed Ball to turn around and put his hands on the wall to which Ball replied, while not complying, "Why are you here?" Officer McDermott told Ball because he was in a women's bathroom, and instructed Ball to turn around and put his hands on the wall, at which point Ball became "even more upset" and yelled "Why?." At this time Ball made a motion which led Officer McDermott to believe that Ball was reaching into his jacket at which point Officer McDermott deployed his taser. Officers arrested Ball, gathered his belongings, which included a blanket and a grocery bag full of several objects including a scissors, various items clothing and a pair of wet underwear which was on top of the toilet, and as well as a knife on the ground. While Officer McDermott was transporting Ball, Officer McDermott detected a strong odor which he later determined to be "Goo Gone" which was found in Ball's property. Officer McDermott discovered that Ball had recently washed his jacket in Goo Gone. Ball also had in his possession women's and men's razors, a cell phone which was not his, and two Social Security cards that did not belong to him.

Your complainant learned from Det. John Summers who responded to the MPD Property Room and viewed the knife that Ball had in his possession at the time of his arrest. Your complainant states Det. Summers informed her the characteristics of that knife were consistent in size and nature with the weapon Forensic Pathologist Dr. Robert Corliss had advised him inflicted the wounds to the victim Brittany Zimmermann. Your complainant further states Det. Summers advised her in viewing the blade of this weapon, he observed what appeared to be a small reddish-colored spot consistent with the appearance of blood. Further, at the base of the weapon where the blade meets the hilt, Det. Summers advised your complainant there appeared to be other reddish-colored matter of an undetermined nature. Your complainant learned from the Bergeman that the address 21 North Butler is open during daytime business hours, but is locked to the public at approximately 9:00pm nightly.

Your complainant learned from Det. Rosa Aguilu that when she contacted long-time acquaintance of Jeffrey Ball, Susan Lucille LaCour DOB: 04/25/1959 stated, "Did he kill that girl?" LaCour informed Det. Aguilu that she has known Ball since they were both juveniles and knows him to be extremely violent. Lacour related to Det. Aguilu her knowledge of an assault of a female staff person committed by Ball at the Mendota Mental Health Institution. LaCour told Det Aguilu that he (Ball) "broke her jaw" and inflicted other serious injuries to the female.

Your complainant has viewed the records of the State of Wisconsin Crime Information Bureau and the National Crime Information Center which reflect Jeffrey Ball as having convictions dating back to 1985 for theft of movable property, burglary, theft, possession of a firearm by a felon, carrying a concealed weapon, and battery or threat to witness. According to these records, he has also utilized different Social Security numbers as well as aliases.

Your complainant received information from Det. John Summers who reviewed a number of City of Madison Police Reports involving Jeffrey Ball. Det. Summers told your complainant that Ball was contacted as a suspect in a battery/reckless endangerment case which occurred on 04/09/2000 wherein Ball was contacted by an employee of the newspaper concerning the theft of newspapers. When the employee confronted Ball, Ball brandished a knife that Ball then used to slash toward the employee's chest area coming within approximately 1 inch of him. A physical confrontation further ensued wherein Ball used the butt of the knife to strike the victim in the left eye and left cheek area. Ball said to the victim during this confrontation, "If you don't leave me alone old man, I'm gonna cut you."

Det. Summers told your complainant that Ball was contacted pursuant to a battery investigation on 1/4/08 wherein Ball battered another tenant at the men's shelter located at 116 West Washington Avenue. The victim in that matter alleged that Ball punched him in the face.

Det. Summers told your complainant that Ball was contacted as a suspect in a check person call on 3/16/08 wherein Ball was found in a normally secured area on the second floor of the men's shelter located at 116 West Washington Avenue. On that occasion, when informed that he had unlawfully entered an area where he was not supposed to be, Ball became upset and began swearing at the building caretaker and subsequent left the area.



Your complainant believes the statements of Detective John Summers, Police Officers James McDermott, Rene Gonzalez and Detective Rosa Aguilu 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 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 Coroners Office for the purpose of conducting autopsies.

Your complainant believes the statements of Robert Bergeman and Susan LaCour inasmuch as they are citizen witnesses.

Your complainant believes the records of the State of Wisconsin Crime Information Bureau and the National Crime Information Center to be truthful and reliable inasmuch as those records are produced and maintained in the normal course of business of those law enforcement agencies.

Your complainant believes that information contained in City of Madison Police reports to be truthful and reliable inasmuch as those documents are produced and maintained in the normal course of business of a law enforcement agency.

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 4<sup>th</sup> day of April, 2008.

  
Judge of Circuit Court, Branch 9

085W13 pu

AFFIDAVIT

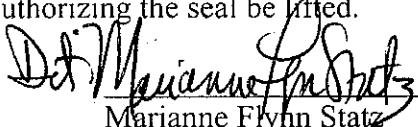
CIRCUIT COURT

2008 APR -8 PM 12:45


DANE COUNTY, WI

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 Friday, April 4, 2008, by The Honorable Richard Niess, Dane County Circuit Court, Branch 9, to search the person of Jeffrey D. Ball M/W 08/21/1959 and seize biological samples and photographs and any and all items of personal property belonging to Jeffrey Ball which are presently maintained by the City of Madison Property Room and the Dane County Sheriffs Office Jail Section as potential evidence in this homicide investigation;
3. That your Affiant is ~~was~~ the Complainant in the Complaint for Search Warrant relating to the collection the above mentioned items and person
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.

  
 Marianne Flynn Statz  
 Madison Police Department

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

  
 My commission: 10 Permitted

---

**In the matter of a request to seal  
Search Warrant 5**

---

**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 5, Search Warrant 5, Return of Search Warrant 5 and all documents related to the sealing of Search Warrant 5. 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 27<sup>th</sup> 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 28<sup>th</sup> day of August, 2008.

  
My Commission: 10/31/00

## 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 person of and the personal property of Jeffrey D. Ball, on April 4, 2008, for evidence of the homicide of Ms. Zimmerman.
3. Your Affiant knows that Detective Marianne Flynn Statz, MAPD, was responsible for the execution and return of this search warrant.
4. That on or about April 8, 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: Jeffrey D. Ball) by preventing disclosure of untrue and irrelevant statements.

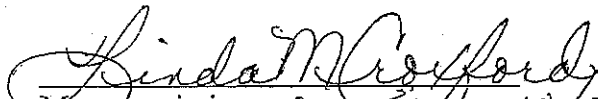
12. Your Affiant states that although the original sealing was for not more than 60 days, now that your Affiant has been involved nonstop in this investigation since its inception, it has become apparent that this investigation is likely to take considerably more time and therefore requests sealing for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