

CRIMINAL COMPLAINT

STATE OF WISCONSIN

Plaintiff,

-vs-

DA Case No.: 2008DA008436

Assigned DA/ADA: REVIEWER

Agency Case No.:

COPY

ADAM C PETERSON

9660 68th Court North

Grant, MN 55082

DOB: 02/22/1988

Sex/Race: M/W

Eye Color: Blue

Hair Color: Brown

Height: 6 ft 2 in

Weight: 150 lbs

Alias:

Court Case No. 2008 CF

ATN:

Defendant,

COMPLAINING WITNESS

Alix Olson

The above-named complaining witness being first duly sworn states the following:

Count 1: FIRST DEGREE INTENTIONAL HOMICIDE

The above-named defendant on or about Monday, January 28, 2008, in the City of Madison, Dane County, Wisconsin, did cause the death of Joel A Marino, with intent to kill him, contrary to sec. 940.01(1)(a), 939.50(3)(a) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

FACTS: City of Madison Police Department (MAPD) officer Scott Favour reports that on 01/28/2008 at approximately 1:20 pm, he was dispatched regarding a report of a man down in an alley behind 707 South Park Street. Upon arrival, he saw Madison Fire Department personnel performing CPR on an individual later identified as Joel A Marino, who owned and occupied the residence at 714 West Shore Drive in the City of Madison, Dane County, Wisconsin, which was adjacent to the alley. Mr. Marino was quickly loaded in an ambulance and taken to the hospital. MAPD Officer Jean Stenson reports that Dr. Orr of UW Hospital stated that Mr. Marino appeared to have two stab wounds to the torso, and was pronounced dead at the hospital.

Detective Sara Petzold, MAPD, reports that on 01/29/08, she attended the autopsy of the body of Joel A Marino, performed by Dr. Michael Stier, a forensic pathologist, who has testified in this field as an expert in courts in the State of Wisconsin. Dr. Stier identified two stab wounds, one in the abdomen and the second to the center of the chest. The latter wound penetrated the sternum, and the ascending aorta, which caused blood to spill into the pericardial space (an enclosed space surrounding the heart). There was bruising around the entrance of the wound, which may have been caused by impact of the assailant's hand or of a knife guard with the decedent's chest. Dr. Stier stated that

considerable force would be required to penetrate the sternum of this victim, who was in good physical health with strong bones. He estimated the depth of the injury at approximately 10 centimeters. Dr. Stier stated that this sternum-penetrating wound was fatal within minutes of being inflicted, because the blood that accumulated around the heart would within minutes stop its beating.

Detective Greg Esser, MAPD, reports that on 01/28/2008 shortly before 2 pm, he entered the residence at 714 West Shore Drive and found a black-handled knife, similar to a paring knife, with a blade approximately 4-inches long, on the floor in the living room. The knife blade appeared to have blood on it that was not dried. Detective Alix Olson reports that this knife was seized, secured as evidence and later taken to the Wisconsin State Crime Laboratory (WSCL), where it was assigned WSCL Case No. M08-242.

Detective Olson states that WSCL analyst Jennifer Vogt reported that the blood on the blade of the knife had a DNA profile belonging to Marino, but that the handle of the knife had DNA that yielded a complete DNA profile of an unknown white male, different from Marino.

MAPD Officer Scott Templeton reports that Thomas Ulrich, a resident at 946 West Shore Drive, City of Madison, Dane Co., WI, stated that he was outside in his driveway shortly after 1 pm on 01/28/08, when he saw a person running towards him on the sidewalk, coming from the direction of Marino's house. The person was looking back over his shoulder as he ran. When the person saw Ulrich watching him, he stopped running and started walking rapidly. Ulrich spoke to the person, who did not speak back as he passed by. Ulrich described this person as a white male, approximately 6' to 6'1" with a thin build, wearing a red and white knit stocking cap pulled down over his ears to the base of his neck. Ulrich said the person's face was very fair-skinned, almost white, and had rosy cheeks, no facial hair or glasses, and he was wearing a below-the-waist winter jacket. Ulrich said his attention was initially drawn to this white male because he was running fast but not dressed for running or jogging. Ulrich stated further that that the white male was wearing a stocking cap that was predominantly red with a white stripe or light colored threads, maybe a white band around it, or even snowflakes. He also stated that the male had a young-looking face.

MAPD Officer Michael Richardson reports that Stephen Vanko, a resident at 954 West Shore Drive, which is located at the SE corner of West Shore and Parr St., stated that on 01/28/2008, he was inside his home at approximately 1:06 pm, speaking on the phone with his girlfriend, when he looked out his west-facing rear window and saw a person outside near his garage, which is west of his house. Vanko said this person was a white male, 6'-6'1" with a slender build, wearing a possibly tan, sheepskin-type jacket and a white stocking cap. Vanko then went outside to look for this white male, but could not find him. Officer Richardson's report states that he discovered a new-appearing, bluish-gray Puma brand backpack inside Vanko's City of Madison recycling bin, which was located next to his garage. Vanko stated that he had not placed the backpack in the bin and did not recognize it. Officer Richardson reports that he found a white knit stocking cap with a red "W" on the front and a thin red stripe around the bottom on the ground near the recycling bin.

Special Investigator Tom Parr, MAPD, reports that he collected the Puma backpack and the white knit cap and secured them as evidence. Detective Olson states that these items

were later taken to the WSCL for analysis. Analyst Jennifer Vogt reported that the major components of the DNA profile detected from swabbings of the strap, handle and zipper of the backpack, and the DNA swabbing from the outside of the stocking cap are both consistent with the major component of the DNA profile of the unknown white male detected from the knife handle, described above.

Detectives Nale and Dave Miller, MAPD, report that Detective Miller traced the Puma backpack to Sports World, 510 State St., City of Madison, Dane Co., WI, where it was sold on 01/25/08, by employee Livia Novitske, who stated the person who purchased it was a white male, approximately 6' tall, having a skinny build and not wearing glasses. She said he was wearing a Carhartt style jacket that was tan or sandy in color. She said she noticed the white stocking cap the white male was wearing immediately because she thought it was a UW athlete's hat. She stated the white stocking cap had a red "W" on the front, and a red rim on it as well. Novitske said she could see some of the white male's hair underneath the white knit hat and described it as a dirty blonde or almost brown color.

Detective Tom Woodmansee, MAPD, reports that he retrieved hair evidence removed from the inside of the white stocking cap by the WI State Crime Laboratory from Delores Larson of the WI State Crime Laboratory, and turned it over to FBI Agent Josh Mayers on 03/20/08, so Mayers could submit it to the FBI Hair and Fiber lab. On 05/01/08, Detective Woodmansee spoke by phone with FBI Physical Scientist/Forensic Examiner Linda Otterstatter, who had completed her analysis of the hairs submitted by Mayers. Otterstatter reported to Woodmansee that she analyzed 17 hairs from the white stocking cap, and said the hairs were very fine and classified as Caucasian head hair, brown in color with no chemical treatment on them. Otterstatter described the color of the hairs as either darker blonde or very light brown. Otterstatter said the hairs appeared not curly but partially wavy to straight, under microscopic examination. She identified the longest hair as 2" in length with a cut end, consistent with having been cut by scissors.

MAPD Officer Molly Thompson reports that on 01/20/08, the defendant herein reported that he was living at 431 W Main St # 305 in the City of Madison, and that his laptop computer was stolen from the residence.

MAPD Officer Caleb Bedford reports that on 02/25/08, the defendant herein again reported the same laptop was stolen. The defendant explained that although his computer was stolen on 01/20/08, he was reporting it now because he just learned he needed a police case number to get a replacement at a discount from Dell.

Minnesota Department of Transportation records state that Adam C Peterson, m/w, 02/22/88 is listed as 6'2", 150 pounds, blue eyes, currently residing at 9660 68th Court North, Grant, MN 55082. Your complainant saw the defendant's Minnesota Department of Transportation 2006 photograph, which was obtained through Stillwater, MN Police Department, and noted his hair in the photo appears to be lighter brown in color, shorter, and relatively straight.

Your complainant states that on 06/26/2008, she contacted the defendant herein, who identified himself verbally and who matched the description provided by Minnesota Department of Transportation records, at his mother's residence in Grant, Minnesota. She and MAPD Detective Matthew Misener, pursuant to a search warrant, obtained a buccal

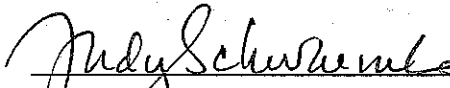
swab from the defendant, which was maintained as evidence and transported promptly to the WSCL in Madison, WI, under WSCL Case No. M08-242.

Your complainant states that on 06/26/2008 at 7 pm, she received a telephone call from WSCL analyst Jennifer Vogt, who stated that she extracted a DNA profile from the buccal standard of the defendant herein, and that the defendant herein is the source of the major components of the DNA profile previously extracted from the knife, backpack and knit cap, analyzed under the above case number.

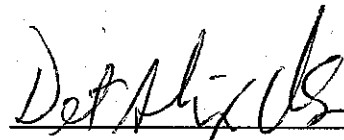
Your complainant is a detective for the Madison Police Department who bases this complaint on personal knowledge and the reports of MAPD officers and detectives, which your complainant believes reliable because they were written in the course of official duties. Your complainant believes the reports of citizen witnesses reliable because they are based on personal knowledge. Your complainant believes the FBI and WSCL reports and analyses reliable because these are written and performed by analysts trained and experienced in DNA detection and comparison. Your complainant believes the MN DOT records reliable because kept and maintained by that agency in the course of official duties.

Subscribed and sworn to before me,
and approved for filing on:

This 27th day of June 2008



ASSISTANT/DEP DISTRICT ATTORNEY
DANE COUNTY, WISCONSIN



COMPLAINANT