

STATE OF WISCONSIN

CIRCUIT COURT

PORTAGE COUNTY

STATE OF WISCONSIN,
Post Office Box 7857
Madison, WI 53707-7857,

Plaintiff,

v.

Case No. 18-CF-319

JASON P. SYPHER, M/W
LKA: 819 Sherman Ave
Stevens Point, WI 54481
DOB: 10/27/1973
Height: 6'3" Weight: 245 lbs.
Hair: Brown Eyes: Brown

Defendant.

Circuit Court Portage County, Wis
FILED
AUG 23 2018
LISA M. ROTH
CLERK OF COURTS

CRIMINAL COMPLAINT

Your complainant, Detective Michael D. Tracy, being first duly sworn on oath, states as follows:

COUNT ONE: FIRST DEGREE INTENTIONAL HOMICIDE

On or about March 13, 2017, in Portage County, Wisconsin, the defendant did cause the death of Krista Sypher with intent to kill her, contrary to Wis. Stat. § 940.01, a Class A Felony, and, upon conviction, shall be imprisoned for life.

COUNT TWO: HIDING A CORPSE

On or about March 13, 2017, in Portage County, Wisconsin, the defendant did hide or bury a corpse with the intent to conceal a crime or avoid apprehension, prosecution, or conviction

for a crime, contrary to Wis. Stat. § 940.11(2), a Class G Felony, punishable by a fine not to exceed \$10,000, or imprisonment not to exceed 10 years, or both.

PROBABLE CAUSE

Your complainant reports that Krista Sypher ("Krista") was last seen on March 13, 2017, at approximately 9:46 a.m. departing Sun Tan City, located at 200 Division Street in the city of Stevens Point, Portage County, Wisconsin. Your complainant reports that, since that time, Krista has not contacted her three children, her parents, her sister, any of her friends, or used her phone or other accounts. Your complainant reports that Krista's only vehicle, a 2015 Chevrolet Cruze, remained at Krista's home on and after March 13, 2017. Your complainant reports that the defendant, Krista's husband Jason Sypher, was the last person to claim to see Krista alive at their home, located at 3406 Hoffman Drive in the village of Plover, Portage County, Wisconsin, on March 13, 2017.

Plover Police Department Officer Jennifer Graham reports that on March 20, 2017, the defendant arrived at the Plover Police Department with his father-in-law, Richard Kellerman (Krista's father), and the defendant's two daughters, Child 1 and 2. The defendant stated that he last saw Krista on March 13, 2017, at approximately 2:30 p.m. when she was upstairs sleeping at their home. The defendant stated that he was home at 6:30 p.m. and Krista was not there. The defendant stated that he has not talked to or seen Krista since 2:30 p.m. on March 13, 2017. The defendant stated that on March 13, he and Krista took Child 2 to school together and then went to Sun Tan City together. The defendant stated that he dropped Krista off at home and ran errands, including a trip to the BP gas station (1101 Post Road, Plover, Wisconsin) to buy cigarettes for Krista. The defendant stated that he was in and out of the house all day.

The defendant stated that Krista has an iPhone 7 and that he had tried the "Find my iPhone" application, but the location finder was turned off. The defendant stated that Krista had taken

\$30,000 in cash that he was saving for a new truck. The defendant stated that he had hidden it from Krista. The defendant stated that he did not know where Krista could have gone and did not know any of her friends. The defendant stated that Krista was known to leave for two or three days without telling anyone where she was.

The defendant stated that Krista had mentioned divorce from time to time, but that he had not. The defendant stated that he thought Krista was bipolar and possibly suicidal. The defendant stated that Krista took her purse, phone, and wallet, but not her car or car keys.

Officer Graham spoke with Richard Kellerman, Krista's father. Richard stated that he had not seen Krista since a family birthday party in March. Richard stated that it was not unusual for them not to know where Krista was for two or three days, but that when the defendant told him that \$30,000 was missing, Richard thought Krista had run off. Richard stated that Krista had called him a couple weeks earlier to ask for money to divorce the defendant. Richard told Krista she would have to find her own money. Richard stated that Krista was angry and stopped talking to him. Richard stated that Krista has had multiple boyfriends while she has been married to the defendant. Richard stated that Krista's latest boyfriend was Corey Kitowski. Richard spoke with Agents Joseph Welsch and Lourdes Fernandez of the Wisconsin Division of Criminal Investigation on September 20, 2017, and told them that the last time he spoke with Krista was approximately one week before March 13, 2017. Richard stated that Krista asked him for money for a divorce attorney and he told her that he already paid for one divorce and was not going to pay for another. Richard stated that he told Krista to have her boyfriend pay for it and she hung up on him.

Officer Graham reports that she received a call from Krista's friend, Amber Haferman, on March 21, 2017. Haferman stated that she last saw Krista on March 11, 2017, and that Krista's last Facebook post was at 7:34 a.m. on March 13, 2017. Haferman stated that she has been friends with

Krista for twenty years. Haferman stated that Krista always kept in touch with Haferman when Krista was away from home. Haferman stated that Krista and the defendant were unhappily married with infidelity on both sides. Haferman stated that Krista had been dating Corey Kitowski since before December 2016.

Officer Graham reports that she spoke with Krista's sister, Jenny Palbrach, on March 21, 2017. Palbrach stated that she last heard from Krista at approximately 8:00 a.m. on March 13, 2017. Palbrach stated that Krista had told her around Christmas 2016 that she wanted a divorce from the defendant. Palbrach stated that Krista was dating Kitowski and that they went to the gym at Fire Fitness together.

Detective Blake Porter of the Portage County Sheriff's office reports that he spoke with Palbrach on March 25, 2017. Palbrach stated that Krista had an iPhone 7 and Palbrach was not sure if it had a case or not because the defendant had "smashed" the last couple of phones that Krista had. Palbrach stated that the last time she heard from Krista was via text the morning of March 13, 2017. Palbrach showed Detective Porter the texts, which did not discuss leaving home or any problems. Palbrach stated that she last saw Krista driving with the defendant southbound on Church Street in Stevens Point at approximately 9:50 a.m. on March 13, 2017. Palbrach stated that the Syphers were in their silver Chevrolet Cruze.

Officer Graham reports that on March 21, 2017, she spoke with Krista's oldest child, Jacob Lorbecki, whose father is not the defendant. Lorbecki stated that Krista had told him she was going to divorce the defendant and that upset Lorbecki because of the impact Krista's divorce from his father had on Lorbecki as a child. Lorbecki stated that Krista had been dating Kitowski and that she said she needed a vacation. Lorbecki's best guess as to where Krista might be was Florida.

Officer Graham reports that on March 21, 2017, she went to the Sypher home (3406 Hoffman Drive) and collected Krista's iPad from the defendant. The defendant stated that

there had not been any cash withdrawals from the Syphers' joint account and that he did not know what credit cards Krista had, but they were probably maxed out. Krista's youngest child, Child 2, stated that Krista took her Coach watch with her. The defendant stated that Krista had Coach purses as well, but he did not know which one she took.

Detective Brian Noel of the Plover Police Department reports that the internet history on the iPad had been completely deleted before it was turned over to law enforcement.

Your complainant interviewed Krista's middle child, Child 1, at school on March 27, 2017. Child 1 stated that on March 13, 2017, she got up and ready for school as usual. Child 1 stated that Krista was on the couch resting her ankle that she had broken on December 31, 2016. Child 1 stated that at approximately 7:20 a.m. she kissed Krista goodbye and the defendant took her to school while Child 2 stayed home with Krista. Child 1 stated that the defendant picked her up from school at approximately 3:00 p.m. Child 1 stated that Krista sometimes comes with the defendant to pick her up, but Krista did not come along that day and the defendant did not say why Krista did not come along. Child 1 stated that the defendant took her to her grandparents' (the Kellermans) house and stayed there with her until he left to pick up Child 2 at school. Child 1 stated that the defendant returned to the Kellermans' home with Child 2 at approximately 3:45 p.m. Child 1 stated that she did not remember if the defendant stayed at the Kellermans' house or left, but at 6:00 p.m. he dropped her off at gymnastics and did not return until 8:30 p.m. to pick her up. Child 1 stated that she, the defendant, and Child 2 went home to 3406 Hoffman Drive and discovered that Krista was gone.

Child 1 stated that when they got to 3406 Hoffman Drive the lights were off. Child 1 stated that she has texted Krista's phone to say that she misses her and asks her to come home, but has gotten no response. Child 1 stated that the last time she saw or heard from Krista was March 13, 2017 at 7:20 a.m. Child 1 stated that Krista has gone out at night in the past, but "not for this long."

Child 1 stated that she has witnessed arguments between the defendant and Krista in the past. Child 1 stated that it is good that the defendant "is so much stronger than" Krista or Krista would have killed the defendant. Child 1 stated that Krista and the defendant were talking about divorcing. Child 1 stated that Krista wanted a divorce "for a while," but that the defendant did not.

Child 1 stated that Krista had a boyfriend named Corey Kitowski. Child 1 stated that Kitowski was "supposed to leave them alone," but did not. Child 1 stated that the defendant had spoken to Child 1 about Kitowski having sex with Krista and the defendant's assumptions that Krista has sex with other men. Child 1 stated that Krista would message with Kitowski on Facebook and that Krista will not "friend" Child 1 or the defendant.

Child 1 stated that Krista was constantly on her cell phone and was very secretive about it. Child 1 stated that Krista's current phone was a rose gold iPhone with no case and a crack on the screen from when she ran it over with her wheelchair. Child 1 described Krista's phone use as "24/7."

Child 1 was interviewed by Federal Bureau of Investigation Forensic Interviewer Bonnie Fries on November 2, 2017. Your complainant was present for the interview in another room. Child 1 stated that her grandfather, Richard Kellerman, was the one who decided to report Krista missing. Child 1 stated that the defendant told her that Krista stole thousands of dollars that he had saved and hidden in a closet.

Your complainant interviewed Krista's youngest child, Child 2, at school on March 27, 2017. Child 2 stated that she got up for school around 6:00 a.m. on March 13, 2017. Child 2 stated that she laid down on the couch at home (3406 Hoffman Drive) with Krista while the defendant took Child 1 to school. Child 2 stated that she ate breakfast and the defendant took her to school. Child 2 stated that she and Child 1 went directly to the Kellermans' house that day after school and that the defendant picked up Child 1 from the Kellermans' house and took Child 1 to

gymnastics. Child 2 stated that she stayed at the Kellermans' until 8:30 p.m. when the defendant picked her up to go get Child 1 from gymnastics. Child 2 stated that when she, Child 1, and the defendant returned home to 3406 Hoffman Drive, Krista was gone and the house was dark. Child 2 stated that when Krista had gone out at night in the past she had left lights on. Child 2 stated that Krista has gone out at night before, but never longer than a day.

Child 2 stated that Krista had a boyfriend named Corey. Child 2 stated that several weeks earlier she had observed Krista FaceTiming with Corey when Krista thought Child 2 was asleep. Child 2 stated that she told the defendant that Krista had been FaceTiming with Corey and the defendant got very angry. Child 2 stated that Krista had promised to stop texting Corey a year ago, but continued to communicate with him and the defendant was "not happy."

Child 2 stated that Krista always wore her Coach watch. Child 2 stated that the watch was missing, but she was surprised that Krista's Pandora charm bracelet was still at home. Child 2 stated that the defendant told her that other items were missing, but the Coach watch was the item she personally noticed was gone.

Child 2 was interviewed by Bonnie Fries on November 2, 2017. Your complainant was present for the interview. Child 2 stated that the last day that she ever saw Krista, Child 2 laid down on the couch at home (3406 Hoffman Drive) with Krista while the defendant took Child 1 to school. Child 2 stated that she ate breakfast and the defendant took her to school. Child 2 stated that she kissed Krista goodbye before school and that is the last time she ever saw or heard from Krista. Child 2 stated that she and Child 1 went directly to their grandparents' house that day after school and that the defendant picked up Child 1 from the Kellermans' house and took Child 1 to gymnastics. Child 2 stated that she asked the defendant if she could go home to Krista while the defendant picked up Child 1 from gymnastics and the defendant said no. Child 2 stated that she regrets that the defendant did not let her go because when they got home, Krista was gone.

Child 2 stated that when she, Child 1, and the defendant got home to 3406 Hoffman Drive that night (March 13, 2017), all of the lights were off and Krista was not there. Child 2 stated that she went upstairs to her parents' room to see if Krista's jewelry was still there and it was. Child 2 stated that Krista always tells someone when she is going out with her friends and typically tells Child 2 because Child 2 is a "mom's girl." Child 2 stated that the defendant does not know that Krista tells Child 2 where she is when she goes out with her friends at night. Child 2 stated that Krista is never out for more than a night at a time and typically comes home by midnight if she is out with her friends.

Child 2 stated that Krista had a boyfriend named Corey. Child 2 stated that Krista would text with Corey every morning. Child 2 stated that she found out "this past Christmas" (Christmas 2016) that Krista wanted to divorce the defendant and that it made her dad cry. Child 2 stated that she had witnessed physical altercations between Krista and the defendant in the past. Child 2 stated that she woke up to Krista screaming, "Call 911," and that Child 2 heard the defendant smash Krista's cell phone with a hammer and saw him run water over the smashed phone in the kitchen sink. Child 2 stated that she saw Krista come at the defendant with a knife, scratch him on the wrist, and then the defendant threw the knife out of Krista's hand. Child 2 stated that this incident occurred after Krista broke her leg. Child 2 stated that she and Child 1 called their grandparents (the Kellermans) and ended up staying at their house that night. Child 2 stated that she recalled another physical fight when the family was on vacation. Child 2 stated that it looked like the defendant was trying to "tackle" Krista while Krista yelled that she hurt her ankle.

Detective Noel reports that on March 22, 2017, he went to 3406 Hoffman Drive, along with Plover Police Department Lieutenant Ryan Fox and Detective Kent Lepak of the Stevens Point Police Department. Detective Noel reports that the defendant, Child 1, and Child 2 were home at that time. The defendant consented to have photos taken of the entire home. The defendant

stated that he and Krista had been married for ten years. The defendant stated that Krista recently "laid it out there" that she will do "what she wants when she wants." The defendant stated that sometimes Krista will leave for a night and sometimes for a whole weekend and not tell anyone where she is. The defendant stated that he had "20 or 30" thousand dollars in \$100 bills hidden to buy a new truck. The defendant stated that he had the money in the bottom of a duffel bag stuffed with clothes downstairs in a closet. Your complainant reports that throughout this investigation, no one other than the defendant claims to have seen this money.

Detective Noel reports that he asked the defendant for a detailed timeline of exactly what happened on March 13, 2017. The defendant stated that he got up and took Child 1 to school. The defendant stated that he came home and Krista was up with Child 2. The defendant stated that he and Krista took Child 2 to school together and then went tanning at Sun Tan City (200 Division Street, Stevens Point, Portage County, Wisconsin), for approximately a half hour. Your complainant reports that surveillance video from Sun Tan City shows the defendant and Krista arrive at 9:13 a.m. and leave at 9:46 a.m. The defendant stated that he and Krista came back to 3406 Hoffman Drive. Portage County Sheriff's Office Detective Blake Porter reports that on March 25, 2017, Jennifer Palbrach stated that she observed Krista and the defendant driving southbound on Church Street in Stevens Point at approximately 9:50 a.m. on March 13, 2017. The defendant stated that they got cigarettes at some point, but he could not remember if they bought them or found some in their vehicle.

The defendant stated that Krista left the house at approximately 11:30 a.m. in their Chevrolet Cruze, and he assumed she went to work at McDill Elementary School. The defendant stated that someone from McDill called the next day and reported that Krista did not come to work on March 13, so he doesn't know "what the fuck she did." Your complainant reports that GPS

records from the Cruze show that the car was at 3406 Hoffman Drive from 10:00 a.m. until 2:46 p.m. on March 13, 2017.

The defendant stated that Krista came home around 1:30 p.m. and they were cordial to each other. The defendant stated that he asked her about work and Krista was always coming up with some "goddamn story." The defendant stated that Krista got something to eat, they watched TV together, and then Krista went upstairs to take a nap. Detective Noel reports that he asked the defendant if they argued and the defendant replied, "I don't know. I don't really fucking pay attention anymore." Detective Noel asked the defendant if Krista was on her phone while she was home in the afternoon and the defendant replied that Krista is always on her phone. The defendant stated that Krista has an iPhone 7.

Your complainant reports that the last text message sent from Krista's phone was at 9:37 a.m. on March 13, 2017. Nieman Marcus Debt Collection left a voicemail at 9:44 a.m. and McDill Elementary School left a voicemail at 12:21 p.m. Your complainant reports that this information was contained in Krista's records from Sprint.

The defendant stated that he left the house to pick up Child 1 from school at 2:45 p.m. The defendant stated that Krista was under the covers in bed when he left. The defendant stated that he did not remember if he and Krista called or texted each other that afternoon. Detective Noel asked the defendant if he stopped anywhere between home and Child 1's school and the defendant stated that he stopped "back by the BP," 1011 Post Road, Plover, Wisconsin, "to throw some garbage out." The defendant stated that he did not think he got gas or bought anything at the store, just threw out "some shit that was in the car." The defendant stated that he was driving the Chevrolet Cruze that day. Detective Noel asked the defendant which garbage can he used and he replied that he "just fucking threw it" and that he "didn't even look. I just pitched it." The defendant stated that he gets tired of "just shit all over the place." Your complainant reports that GPS records from the

Cruze show the vehicle leaving 3406 Hoffman Drive at approximately 2:46 p.m. and pulling into The Store (1101 Post Road) at 2:51 p.m. before leaving at 2:52 p.m. and driving to Child 1's school, where it arrives at 2:55 p.m.

The defendant stated that he picked up Child 1 from school and then Child 2 and went to the Kellermans' house. The defendant stated that he stayed at the Kellermans' house until he took Child 1 to gymnastics that started at 6:00 p.m. The defendant stated that he went home to 3406 Hoffman Drive around 6:30 p.m. by himself and Krista was not there. The defendant stated that he did not think that was unusual and he left around 7 or 7:30 p.m. to pick up Child 2 from the Kellermans' house and then Child 1 from gymnastics. The defendant stated that he and the children got home to 3406 Hoffman Drive at approximately 8:30 p.m. and Krista was gone.

Your complainant reports that GPS from the Cruze shows the vehicle arriving at Menards, located at 1901 Plover Road, at 5:59 p.m. on March 13, 2017, and leaving the parking lot at 6:04 p.m. Detective Noel reports that he went to Menards on April 26, 2017, and reviewed store surveillance footage with manager Matt Stanton. Detective Noel reports that surveillance footage shows the defendant walking into Menards at 5:59 p.m. on March 13, 2017, and walking directly to an aisle near the front of the store where garbage bags are kept. Detective Noel reports that the footage shows the defendant walking out of the aisle to cash register 4, where he purchases one package of Iron Clad 39 gallon black plastic trash bags with cash. Detective Noel reports that the defendant then exits the store. Detective Noel reports that he received the cash register printout of the transaction. Detective Noel reports that on May 8, 2017, he purchased the exact same type of bags and logged them into evidence. Your complainant reports that the garbage bags were never found at the defendant's residence. Your complainant reports that the defendant has never reported his trip to Menards in any interviews with law enforcement.

Detective Noel reports that he asked the defendant if he called Krista and the defendant stated that he "doesn't go that route anymore," because Krista won't answer or she will "just lie." The defendant stated that he did not call or text Krista until later that night or the next morning. The defendant stated that both children texted Krista and that she did not answer. Detective Noel reports that he asked the defendant if Krista took anything with her and the defendant replied that "she has so many fucking clothes and jewelry and all this other shit. If she would have taken anything, I wouldn't have noticed." The defendant stated that Krista had no favorite jewelry or anything she wore regularly. The defendant stated that Krista had a "boatload" of jackets, but only the orange one was missing. The defendant stated that he checked on the duffel bag of cash in the middle of the night and saw that the money was gone.

Detective Noel asked the defendant if the defendant had any contacts or relationships that might not have been best for the marriage, and the defendant denied that he did. Detective Noel asked the defendant if the defendant made any stops or went anywhere on March 13, 2017 that they had not discussed. The defendant replied, "No, not that I know of."

Detective Noel asked the defendant for permission to download the contents of the defendant's phone. The defendant stated that he would bring it to the police department but did not want to hand it over. The defendant briefly allowed Detective Noel to look at his phone while the defendant stood over him and watched. Detective Noel reports that the only logs were from that day and a few from the previous day. The defendant stated that he routinely deletes his call logs and texts because he receives hundreds per day for work. The defendant later stated that he has been off work since December 2016.

Detective Lepak reports that he asked the children if there were items that Krista always wore or might have with her. Child 1 and 2 both stated that Krista's Coach purse was gone. Child 2 stated that Krista always wore her Coach watch, which was missing. Child 1 shushed Child 2.

Detective Noel reports that on March 22, 2017, the defendant came to the Stevens Point Police Department to have his cell phone downloaded. The defendant stated that he first called Krista "maybe a day after or a couple days after. I don't know. I didn't keep track." The defendant stated that he has called Krista ten to fifteen times since March 13 and has not texted her. The defendant stated that all calls have gone straight to voicemail. The defendant stated that he works as a foreman for a natural gas pipeline in Chicago and has been off work since December 2016. Detective Noel asked the defendant if he has located Krista's iPhone, and the defendant stated that he had not. The defendant stated that Krista's phone number was (715) 252-2617. Detective Noel asked the defendant if anything had been deleted from the iPad and the defendant stated nothing that he knew of and that "everyone" had their hands on it. The defendant asked if there was "stuff missing off of it," and acted surprised when Detective Noel replied that there was.

Your complainant and Detective Noel went to The Store, located at 1011 Post Road in Plover, Wisconsin, on March 23, 2017, at approximately 12:45 p.m. Your complainant located a smashed rose gold iPhone 7 in a plastic Aeropostale shopping bag in a dumpster at the northwest corner of the store. Your complainant observed that the screen of the phone was smashed and the phone was separate from its case, which was twisted and mangled. Your complainant believes the phone was intentionally damaged. Your complainant personally reviewed surveillance footage from The Store on March 13, 2017, at 2:52 p.m. in which a silver Chevrolet Cruze, identical to the one the defendant was driving that day, stops next to the dumpster, and then drives away a few seconds later. The open area of the dumpster is not pictured in the camera view. Your complainant later removed the SIM card from the smashed phone, and a forensic analysis performed by Wisconsin Division of Criminal Investigation Analyst Matthew Oleson showed that the phone was using Krista's phone number (715) 252-2617. Your complainant reports that Sprint analyst Penny Wakeland stated that Sprint records showed that the last phone associated with Krista was

a rose gold iPhone 7. Your complainant reports that the phone, case, and Aeropostale bag were dusted for fingerprints. The phone and case did not have any prints suitable for comparison. The Aeropostale bag had nine separate fingerprints matching the defendant's. Corissa Wobler of the Wisconsin Crime Laboratory Identification Bureau in Wausau performed all fingerprint comparisons.

Sarah Zastrow-Arkens, DNA Analyst at the Wisconsin State Crime Laboratory in Madison, reports that she located a low level mixture of DNA of at least three individuals on the broken screen of the phone. The possible contribution of the defendant to this mixture was inconclusive due to the complexity of the mixture and limited amount of genetic information available. Zastrow-Arkens reports that the defendant was excluded as a contributor to the mixture detected on the broken back piece of the phone. Zastrow-Arkens reports that she located a low level mixture of DNA of at least three individuals on the side seams and handles of the Aeropostale bag. The possible contribution of the defendant to this mixture was inconclusive due to the complexity of the mixture and limited amount of genetic information available.

Amber Haferman was interviewed by Detective Sergeant Tony Babl and Detective Josh Ostrowski of the Portage County Sheriff's Office on March 24, 2017. Haferman stated that she and Krista are very close and that Krista had been talking about divorcing the defendant for months. Haferman stated that in the past, the defendant has called her looking for Krista or for information on Krista. Haferman stated that the defendant did not contact her on or after March 13, 2017, when Krista went missing. Haferman stated that she called the Plover Police Department when she had not heard from Krista in a week. Haferman stated that the defendant told her he filed a police report, but she wanted to make sure.

Haferman stated that the last time she saw Krista was the night of March 11, 2017, when she and Krista went out with another friend. Haferman stated that after she [Haferman] got home,

she received texts from Krista saying that she was at Jeepers Bar and guys were buying her shots. On the morning of March 12, 2017, Krista texted Haferman, "Jason is a Jackass." At approximately 9:00 a.m., Haferman texted back, "What?" and Krista did not text back.

Haferman provided the last emails between her and Krista:

03-12-17 9:33 a.m. from Amber: "What happened with Jason? Did u make it home ok?"

03-12-17 5:44 p.m. from Krista: "Yeah made it home. He's a fucker. I could kill him."

3-12-17 5:51 p.m. from Amber: "What did he do?"

3-13-17 7:38 a.m. from Krista: "He was an asshole. Bitching I went out blah blah blah. Wtf!!! I need to move."

03-13-17 8:11 a.m. from Amber: "Would u take the kids? Move to ur parents house until u figure things out. Amber"

Haferman stated that on December 27, 2016, Krista sent her photos of bruising that Krista stated was from the defendant the previous day. Haferman stated that Krista told Haferman that the defendant was holding her by her neck and smashed her phone. Haferman stated that Krista told Haferman that she called 911 and hung up, but the police never came. Your complainant verified that dispatch received a 911 hang-up from the defendant's cell phone on December 26, 2016, at 3:13 p.m. The defendant called back to say there was no emergency. Haferman stated that Krista had told her in the past that the defendant destroyed Krista's phones.

On Monday March 27, 2017, Detectives Noel and Lepak went back to 3406 Hoffman Drive to meet with the defendant. The defendant stated that their daughter's birthday had passed and they had not heard from Krista. Detective Noel reports that as he asked the defendant where Krista's belongings were, the defendant replied that he does "not know what the fuck she has." Detective Noel looked under the bed in the master bedroom and located a Coach watch and a nose pad for eyeglasses. The defendant identified the watch as belonging to Krista. The defendant did not know where the nose pad came from, as Krista did not wear glasses.

Detective Noel reports that the defendant showed him the duffel bag in which the defendant claimed he had stored \$30,000. Detective Noel reports that the bag was packed tight and full of clothes. The defendant stated that Krista must have repacked the clothes neatly after she took the cash.

Detective Noel reports that the defendant asked him if law enforcement had spoken with Corey Kitowski. The defendant stated that he felt that Kitowski would know something about Krista since Kitowski had a lot of contact with Krista. Your complainant reports that this was the first time the defendant mentioned Kitowski.

Detective Noel asked the defendant about why the Chevrolet Cruze did not have anything in it. The defendant stated that Krista always had "bags of shit in it," and that anytime he drove the car he would "pitch garbage bags out." Detective Noel reports that he asked the defendant if he had located Krista's iPhone. The defendant stated that he had not and that she probably had a "burner phone."

The defendant stated that Krista would often leave for days without telling anyone where she was. The defendant stated that Krista would get violent if she is not allowed to do what she wants and that she tried to stab him twice and punched him in the eye. The defendant stated that in January 2017, he swatted a knife out of Krista's hand and cut his fingers. The defendant stated that Krista also punched him in the face and gave him a black eye. The defendant stated that both children were home and he called the Kellermans to take the children for the night. The defendant stated that in February 2017, Krista was "pissed off" about something and when he turned around she "had a goddamn blade in her hand." The defendant stated that he swatted the knife out of her hand and cut his fingers. The defendant stated that both events occurred in the kitchen of their home. The defendant stated that he did not call the police. The defendant stated that both knives were still in the house and described them as steak knives. Detective Noel reports that he and

Detective Lepak went with the defendant to the kitchen and observed that a large butcher knife was missing from the knife block set and also had been missing when they were in the house on March 22, 2017. Detective Lepak asked the defendant where that knife was and the defendant replied that he got rid of that knife after the January altercation because it "could do some damage." The defendant then told detectives that was the knife Krista had used against him.

Detective Noel reports that he asked the defendant how the mood was between the defendant and Krista on March 13, 2017. The defendant stated that he thought they were on good terms that day, but things had not been "normal" between them for a long time and that Krista had been unfaithful to him. In response to the detectives' questions, the defendant stated that he had an affair approximately nine years earlier with a woman in Illinois that he disclosed to Krista.

On November 15, 2017, your complainant met with Witness 1 at her residence. Witness 1 stated that she met the defendant at a bar in Illinois where he was working in spring 2008. Witness 1 stated that the defendant was with his brother, Jeremy Symonds. Witness 1 stated that the defendant told her he had two kids in Wisconsin whom he visited every other weekend and he implied that he was not married. Witness 1 stated that she and the defendant had sexual intercourse the day after they met and that the defendant was very aggressive with her. Witness 1 stated that after that day the defendant called her every day and bought her gifts. Witness 1 stated that they had only been dating for two or three weeks when the defendant insisted on coming with her to her college and decided to pay her \$1,000 tuition in cash. Witness 1 stated that a week later, the defendant bought her a brand new Dell laptop computer. Witness 1 stated that the defendant moved into her new apartment with her approximately two months after they met. Witness 1 stated that the defendant went to Wisconsin on weekends, but called her frequently to keep track of her when he was away. Witness 1 stated that the defendant became more possessive and she believed he wanted to control her even when he was away.

Witness 1 stated that a couple months into their relationship she was at a bar in Illinois with other men from the defendant's construction crew and the defendant was in Wisconsin. Witness 1 stated that she stayed at her friend's house and slept on the couch. Witness 1 stated that the defendant showed up at her friend's house and was very angry that she had been out with another man. Witness 1 stated that the defendant grabbed her by the arm, took her out of the house to his truck, and drove her back to her apartment calling her a "stupid slut." Witness 1 stated that after that night, the defendant would get upset if she even looked at his friend, so if that man was around she would just look at the ground.

Witness 1 stated that as their relationship went on, the defendant spent less time at work and they had sexual intercourse four to five times a day. Witness 1 stated that the defendant paid all the bills and got angry when he saw her looking for a job, telling her that her job was to take care of him and her daughter. Witness 1 stated that approximately four or five months into their relationship, the defendant admitted that he was still married to Krista. Witness 1 stated that the defendant told her that he wanted to divorce Krista, but did not want to pay Krista child support. Witness 1 stated that after she found out the defendant was still married, their arguments got more intense with the defendant frequently throwing things around the apartment. Witness 1 stated that one time they were in a vehicle with her daughter in the backseat and she told the defendant to go back to Wisconsin. Witness 1 stated that the defendant drove them around for hours while Witness 1 begged him to take them home. Witness 1 stated that she tried to call 911, but the defendant took her cell phone from her. Witness 1 stated that she was very afraid of the defendant. Witness 1 stated that the defendant did not drive them home until her daughter got upset.

Witness 1 stated that in November 2008, she and the defendant went to a Packers game at Lambeau Field with the defendant's brother (Symonds). Witness 1 stated that she received a happy birthday text from her ex-husband as she and the defendant drove to the game. Witness 1 stated

that the defendant punched her on the side of her head with a closed fist. Witness 1 stated that she curled up in her seat crying. Witness 1 stated that Symonds was also in the truck and yelled at the defendant. Witness 1 stated that she kept to herself during the game and that the three of them went to a bar afterward where she lost her jacket. Witness 1 stated that it was snowing and very cold as they walked back to the truck. Witness 1 stated that she was walking well ahead of the defendant and Symonds because she was so cold. Witness 1 stated that the defendant caught up to her, threw her over his shoulder, and berated her for losing the expensive jacket he bought her. Witness 1 stated that the defendant threw her down onto some landscape timbers, injuring her side and arm.

Witness 1 stated that in December 2008 the defendant's job in Illinois was winding down for the season. Witness 1 stated that the defendant bought her a diamond ring for Christmas and stated that he would like to be married to her even though he was still married to Krista. Witness 1 stated that the defendant stayed in Illinois into 2009 and looked for work, but did not find a job. Witness 1 stated that in approximately March 2009 the defendant told her that he had to go back to Wisconsin, as Krista was threatening to divorce him and he did not want to pay child support to her. Witness 1 stated that she and the defendant argued and he told her they were going to have sexual intercourse one last time. Witness 1 stated that she told him that if he was going back to Krista, she was not having sex with him again. Witness 1 stated that the defendant sexually assaulted her, giving her bruises by putting his knees between her legs and holding her arms. Witness 1 stated that after the defendant sexually assaulted her, he told her that if she said anything to anyone, he knew a lot of places to bury a body and "nobody will ever find you." Witness 1 stated that Krista called her after the defendant was back in Wisconsin and told her not to speak to the defendant again.

On March 28, 2017, Detective Noel arranged for the trash from 3406 Hoffman Drive to be handed from Advanced Disposal, the company that picks up the trash at that location, to the Plover

Police Department. Detective Noel reports that many of Krista's possessions were in the trash from the residence, including sweatshirts from Carousel Gymnastics, and jewelry, including earrings and bracelets with "MOM" on them. Detective Noel recognized some of the jewelry as having been on the Syphers' bedroom stand-up mirror case on his previous visit to the house. Detective Noel reports that one sweatshirt had \$49 in cash in the front pocket.

Detective Noel reports that Advanced Disposal driver Eric Kohler stated to Detective Noel that when he picked up the trash from 3406 Hoffman Drive on March 14, 2017, the large trash container outside the residence was approximately eighty to ninety pounds. Kohler stated that the designated weight restriction is sixty pounds. Kohler stated that the trash container was not issued by Advanced Disposal, but was the kind that would be purchased at a store. Detective Noel reports that no such container was observed at the Sypher home on March 22, 2017, or March 27, 2017.

Your complainant met with the defendant and his attorney on August 14, 2017. Your complainant asked the defendant about marriage counseling with Krista. The defendant stated that during the time frame of January through March 2017, they attended Ministry Health between three and fifteen times. Your complainant obtained records of the Syphers' counseling at Ministry Health. Dr. Terry Kaddatz's records indicate that on February 15, 2017, he saw Krista and the defendant. Dr. Kaddatz describes the Syphers as "significantly more upset than last session." Krista indicated that she wanted a few days apart to decrease tension and that she was concerned about the defendant's "explosive temper." Dr. Kaddatz notes that the defendant was "adamantly" opposed to any separation. Dr. Kaddatz wrote, "Minimal progress being made at this point. Uncertain about whether or not they want to continue couples sessions." Ministry Health records do not document any visits after February 15, 2017.

Officer Graham reports that on March 22, 2017, Corey Kitowski came to the Plover Police Department for an interview. Officer Graham reports that Kitowski stated that he and Krista had

been dating since October 2016, but had broken up a little while ago. Kitowski stated that Krista told him that she and the defendant had filed for divorce, but that the defendant told Kitowski that they were not getting divorced and instead were working on their marriage. Kitowski stated that he and Krista got back together briefly when Krista told him that she and the defendant definitely filed for divorce. Kitowski stated that he broke up with Krista for good after the defendant told him that he and Krista were not getting divorced and that they were still having sex. Kitowski stated that he talked to the defendant about the relationship on March 4, 2017.

Kitowski stated that he remained friends with Krista and last heard from her on March 13, 2017 at 9:37 a.m. Kitowski showed Officer Graham the text from Krista on his phone. The text was about Krista going back to Fire Fitness, where they both work out, on Wednesday (March 15, 2017). Kitowski stated that Krista was a good mother and loved her children. Kitowski stated that Krista was always on her phone texting or on Facebook and it was very unusual for her not to be in-touch with anyone.


Kitowski stated that on March 13, 2017, he woke up around 5:30 a.m. and went to work at Asplundh Tree service around 6:30 a.m. Kitowski stated that he works from 7:30 a.m. to 3:30 p.m. cutting and trimming trees. Kitowski stated that he had a hard time remembering what he did after work that day. Kitowski stated that he went home and showered before meeting up with his girlfriend, Beth Fagan, and her mother. Kitowski stated that Beth's mother was going to invest in their new gym franchise and wanted to discuss it with them. Kitowski stated that they met with Limitless Boot Camp owner David Sidoff and signed a franchise agreement around 6:30 p.m. Kitowski stated that he went to Beth's home for a little while before returning to his own home and going to bed around 10 or 11 p.m.

Detective Blake Porter of the Portage County Sheriff's Office reports that he spoke with Beth Fagan on April 5, 2017. Beth Fagan stated that on March 13, 2017, Kitowski came over to


her mother's residence around 4:00 p.m. and stayed until 6:30 or 7:00 p.m. Beth Fagan stated that she took her son to an appointment and then went to Kitowski's home, where they spent the evening. Beth Fagan stated that they met with Sidoff on March 14, 2017 to sign the franchise agreement. Detective Porter spoke with Sidoff on April 5, 2017. Sidoff stated that the check from Kitowski and Beth Fagan was dated March 14, 2017, so he believes that their meeting was on the March 14.

Detective Porter reports that he spoke with Kitowski on March 27, 2017, and Kitowski allowed law enforcement to access his cell phone. Your complainant reports that Kitowski sent and received a steady stream of texts all day on March 13, 2017. Kitowski's last text to Krista was March 13, 2017 at 9:35 a.m. He then received a text from Krista at 9:37 a.m. to which he did not respond. Kitowski's phone records showed a call with the defendant on March 20, 2017 that lasted over an hour. Kitowski stated that the defendant told him that Krista took "30 grand" and ran off. Kitowski stated that the defendant did not sound concerned. Kitowski stated that he asked the defendant where Krista might be and the defendant stated that he had no idea. Kitowski stated that he did not think Krista would go somewhere without telling Kitowski, as Krista tells him "pretty much everything." Kitowski stated that if Krista found a lot of money she would have told Kitowski that the two of them were going on vacation.

Your complainant reports that Kitowski's phone showed three text messages to Krista on March 21, 2017:

7:51 a.m.: "Where are you? Why haven't I heard from you. I'm worried about you!!!!!!!!!!!!!!

9:43 a.m.: "I'm going to kick you if you don't answer me!"

4:27 p.m.: "Please answer the phone! I need to know you are ok

Kitowski stated that he believes that the defendant may have seen from the Syphers' cell phone bill that Krista and Kitowski were still in contact. Kitowski stated that he has heard previous

fights between Krista and the defendant over the phone. Kitowski stated that Krista has received bruises from the defendant before, and that the defendant would sit on Krista and that the defendant's "main thing" was "choking her [Krista] out."

Your complainant reports that Krista's Facebook records show that she sent Kitowski a photo of herself topless with her bare breasts exposed on March 7, 2017. Krista sent Kitowski a message on March 10, 2017, with a photo captioned, "Hair Ties... Proof that girls are always prepared to give a blowjob." Krista sent Kitowski a message on March 12, 2017, with a flyer for the Clancey's Stone Lion Shamrock Shuffle to be held on March 19, 2017. Your complainant reports that Krista's Facebook records show a message from Kitowski on March 15, 2017, that reads: "Just saying hello! Haven't heard from you or Jason in awhile. I hope everything is going well and you guys are ok." On March 21, 2017, Kitowski messaged Krista: "Hey! Where are you and why haven't I heard from you? Are you ok?"

On March 31, 2017, a team of law enforcement officers executed a search warrant at 3406 Hoffman Drive. Jason Baumgart of Canine Search Solutions participated along with his K9, Crosby. Baumgart is an officer with the City of Madison Police Department and is a full-time K9 handler there. Baumgart reports that he and Crosby assisted on the Sypher house search independent of his job as a Madison Police Officer. Baumgart reports that Crosby is trained to detect the odor of actively decomposing and decomposed human remains. Baumgart reports that Crosby alerts to human remains by sitting. Baumgart reports that he and Crosby have completed 250 hours of training in the detection of human remains. Baumgart reports that he and Crosby have participated in five searches in Wisconsin and Illinois. Baumgart reports that Crosby was certified in human remains detection through the National Narcotic Detector Dog Association in March 2017. Baumgart reports that Crosby receives ongoing training to distinguish human remains from animal remains and demonstrates proficiency in distinguishing between them.

Baumgart reports that on March 31, 2017, he and Crosby arrived at 3406 Hoffman Drive around 10:48 a.m. Baumgart reports that Crosby alerted to the presence of human remains in the

following areas: garbage bags full of women's clothing in the master bedroom; hanging clothing in the master bedroom; the bed in the master bedroom; the drain in the bathtub of the second floor bathroom; freshly laundered clothes in the washing machine; and inside the cabinets below the kitchen sink. Your complainant reports that the women's clothing belonged to Krista and the hanging clothes were the defendant's. Baumgart reports that Crosby also alerted to the presence of human remains in the defendant's Ford F-150 pick-up truck. Specifically, Crosby alerted in the bed of the truck and in the driver's seat. Baumgart reports that the truck was parked outside in front of the Plover Police Department at the time of the search.

Your complainant spoke with Fire Fitness manager Payal Patel on April 3, 2018. Patel stated that Krista froze her membership after she broke her ankle. Patel stated that the last Class Krista attended was on December 26, 2016, and that Kitowski also attended that class. Patel stated that Krista had communicated via Facebook Messenger that she intended to return to Fire Fitness and asked about a modified camp. Your complainant reports that Krista's Facebook records show a message to Patel on March 10, 2017: "Can I come back next week and do a modified camp? I can't jump or run." Patel responded that Krista could do a modified camp. Patel stated that she assumed Krista would be back on Monday, March 13, 2017. Your complainant reports that Kitowski's phone extraction shows a text message from Krista to Kitowski on March 13, 2017, at 8:15 a.m. asking, "Are you working out tonight?" Kitowski responded at 8:44 a.m., "Not sure yet." At 9:15 a.m. Krista texted, "I'm going Wednesday. Ab day. Momma needs ab day. Lol." At 9:27 a.m., Kitowski texts, "That's great! Finally getting back into normalcy." At 9:34 a.m. Krista texts, "Exactly. It's gonna feel great to get back to working out." At 9:35 a.m. Kitowski replies, "Yep! Get the sports bra out again. Lol." At 9:37 a.m., Krista replies, "No shit. Well I can't jump or run so my boobs won't be flopping around much. Lol."

Patel stated that Kitowski attended the workout session on March 15, 2017, from 5:30-6 p.m. Patel stated that Krista's membership at Fire Fitness expired on December 16, 2017. Patel showed your complainant Krista's membership information on which her emergency contact

was originally listed as "Jason Sypher," but that had been crossed out and changed to "Jenny Palbrach."

Your complainant spoke with Fire Fitness trainer Forest Fowler on April 3, 2018. Fowler stated that he had last seen Krista at a party on March 11, 2017, at which Krista expressed her plan to return to Fire Fitness the week of March 13, 2017.

Your complainant spoke with Haferman on April 6, 2018. Haferman stated that she and Krista had plans to attend the Shamrock Shuffle on March 19, 2017. Haferman stated that they had planned a birthday party for Krista on April 8, 2017, because Krista's actual birthday (April 15) was the day after Easter that year. Haferman also confirmed that Krista had planned to go back to Fire Fitness on March 15 or 16, 2017. Haferman stated that Krista had told her that the defendant expected sex at least once a day and would buy Krista whatever she wanted as long as she continued to have sex with him. Haferman stated that Krista told her that the defendant had an affair while Krista was unable to have sex for six months after the birth of Child 2 in March 2008. Haferman stated that the defendant once told her that he and Krista were still having sex even though Krista was having an affair with Kitowski.

Your complainant reports that many attempts were made to locate Krista's body. GPS records from March 13, 2017, show that the Syphers' Chevrolet Cruze left the Sypher residence at approximately 3:50 p.m., drove eastbound on Maple Drive, and southbound on Wilson Avenue, (driving past 3335-3401 Wilson Avenue) and made a U-turn at Haga Drive. The Cruze continued northbound (again past 3335-3401 Wilson Avenue). At approximately 5:16 p.m., the Cruze left the Sypher residence and drove slowly behind The Store gas station at 1011 Post Road, where it was observed on surveillance footage. The Cruze backed up and continued to the Kellerman residence. From the Kellerman residence, the Cruze drove to gymnastics to drop off Child 1. From gymnastics, the Cruze went to Menards, where the defendant was observed on surveillance camera purchasing black 39-gallon garbage bags. After purchasing the garbage bags, the Cruze went back to 3406 Hoffman Drive.

Your complainant reports that GPS records from March 15, 2017, show the Cruze leaving 3406 Hoffman Drive at 8:51 a.m., driving to Child 2's school, and then driving on Moore Road past the Portage County Solid Waste Transfer Facility at 600 Moore Road. After driving past the facility, the Cruze made a U-turn at Twin Towers Drive and again drove past the facility before driving back to 3406 Hoffman Drive. On March 16, 2017, GPS records show the Cruze again driving past the Portage County Solid Waste Transfer Facility at 600 Moore Road around 11:50 a.m. At 2:44 p.m. on March 16, 2017, GPS records show the Cruze drive away from 3406 Hoffman Drive, traveling northbound on Hoffman Drive before proceeding eastbound on Maple Drive and turning southbound on Wilson Avenue. The Cruze entered the south driveway of 3401 Wilson Avenue (the driveway wraps around the building on both sides with a parking lot and garages in the rear). The Cruze drove around the building and paused at the dumpsters, located between 3335 Wilson Avenue and 3401 Wilson Avenue, allowing enough time for the GPS device to drop two pins at the same location. Your complainant reports that the GPS records show that the Cruze stopped at the dumpsters for approximately eight seconds, which would allow the defendant enough time to exit the vehicle and look into the dumpster or discard evidence.

Your complainant reports that the dumpsters behind 3335-3401 Wilson Avenue, Plover, Portage County, Wisconsin, are serviced by Waste Management disposal services and then taken to the Mosinee Transfer Facility. Your complainant reports that Waste Management records showed the Wilson Avenue dumpsters were emptied on March 13, 2017, at 2:05 p.m. and March 20, 2017, at 2:27 p.m. Your complainant reports that Detective Noel observed surveillance footage of Waste Management trucks emptying their loads at the tipping floor in Mosinee on March 13, 2017, and March 20, 2017. Detective Noel observed a long black plastic bag consistent with the size of a human body fall to the floor in Mosinee from a Waste Management truck at 3:49 p.m. on March 20, 2017.

On June 26, 2017, law enforcement began a search of the Cranberry Creek Landfill in Wisconsin Rapids based on information from Waste Management and the Mosinee Transfer

Facility regarding where waste picked up from 3401 Wilson Avenue on March 20, 2017 was deposited. Your complainant reports that law enforcement personnel from the Plover Police Department, Stevens Point Police Department, the Portage County Sheriff's Office, the Wisconsin Rapids Police Department, and the Plover Fire Department participated in the search from June 26 through June 30. The team searched from 7:00 a.m. to 5:00 p.m. June 26-June 29 and then from 7 a.m. to noon on June 30, 2017. Your complainant reports that the only refuse located from the area of 3401 Wilson Avenue was mail from 3520 Evergreen Drive in Plover.

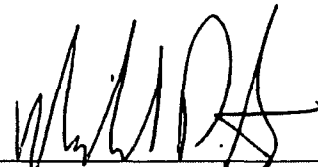
Your complainant reports that on August 11, 2017, he met with Waste Management employees Diana Reuter and Scott Stencil to discuss where the waste picked up at 3401 Wilson Avenue on March 20, 2017, had been transported. Your complainant reports that they watched surveillance footage of the waste being deposited at the Mosinee Transfer Facility at 3:49 p.m. on March 20, 2017. Your complainant reports that three different trucks appeared to take portions of that waste on March 21, 2017. Your complainant reports that two trucks left Mosinee for the Cranberry Creek Landfill in Wisconsin Rapids with the vast majority of the waste on March 21, 2017, and one left with a small amount of the waste on March 22, 2017. Your complainant reports that law enforcement was told that the truck from March 22, 2017 had the majority of the waste from 3401 Wilson Avenue, but that was not correct based on the surveillance footage. Your complainant reports that the actual area in which the 3401 Wilson Avenue waste could be located is much larger than law enforcement were aware during the June 2017 search.

Special Agent Joseph Welsch of the Wisconsin Division of Criminal Investigation reports that he spoke with Special Agent Supervisor Brandon Bielke from the United States Department of Homeland Security on March 27, 2017. Bielke reported that Krista has never had a passport and there are no records of her ever crossing the border.

Your complainant is a Detective with the Plover Police Department, who bases his knowledge of this complaint on:

- the official law enforcement agency reports of the Plover Police Department, the Stevens Point Police Department, the Portage County Sheriff's Office, the Wisconsin Division of Criminal Investigation, and the Federal Bureau of Investigation; which reports were prepared in the normal course of law enforcement duties;
- statements by citizen informant(s), who are eyewitnesses to the facts they relate;
- statements by the defendant, which were made contrary to his penal interests;
- the official records of the Circuit Court for Portage County, the Department of Transportation, the FBI Triple I Teletype, and the Wisconsin Circuit Court Automated Program; which records are maintained in the normal course of business duties.

Dated this 22 day of August, 2018.



DETECTIVE MICHAEL D. TRACY
Complainant

Subscribed and sworn to before me and approved
for filing this 22nd day of August, 2018.



ANNIE JAY
Assistant Attorney General and
Special Prosecutor for Portage County
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Wisconsin Department of Justice
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I find that probable cause (exists) (~~does not exist~~) that the crime was committed by the defendant
in order that he be (held to answer thereto) (~~released forthwith~~).

Dated this 22nd day of August, 2018.

BY THE COURT:



(Judge) (Court Commissioner)