

STATE OF WISCONSIN

Plaintiff,

-vs-

ANDREW P STEELE
3038 Yarmouth Greenway Dr
Fitchburg, WI 53711
DOB: 10/14/1974
Sex/Race: M/W
Eye Color: Brown
Hair Color: Brown
Height: 5 ft 8 in
Weight: 180 lbs
Alias:

Ref. Agency: Fitchburg Police Department
DA Case No.: 2014DA007881
Assigned DA/ADA:
Agency Case No.: FTPD 14-12129

Court Case No.: 2014CF
ATN:

COPY

Defendant,

COMPLAINING WITNESS
Emily Shunk

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 Friday, August 22, 2014, in the City of Fitchburg, Dane County, Wisconsin, did cause the death of Kacee M Tollefsbol, with intent to kill that person, 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.

Count 2: FIRST DEGREE INTENTIONAL HOMICIDE, DOMESTIC ABUSE

The above-named defendant on or about Friday, August 22, 2014, in the City of Fitchburg, Dane County, Wisconsin, did cause the death of Ashlee C Steele, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 968.075(1)(a) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

FACTS:

Your complainant is a court officer with the City of Fitchburg Police Department and for this complaint is relying on the reports of City of Fitchburg Police Detectives Matthew Wiza, Kenneth Folkers and Sean Coffey, Sergeant Donald Bomkamp, Sun Prairie

Police Officer Gary Nichols, Sun Prairie Detectives Randall Sharpe and Scott Bartnick, and Middleton Detective Tyler Loether.

Det. Folkers reports that on August 22, 2014 at 12:55 pm, officers were dispatched to 3038 Yarmouth Greenway in the City of Fitchburg, Dane County, Wisconsin, for a report of an individual with a gunshot wound in the basement of the residence. The female caller reported to 911 that Andy Steele had shot her in the back.

Det. Wiza was first to arrive and approached the exposed basement from the backyard. As he approached, he observed a haze of smoke in the air and could hear a constant beeping sound that appeared to be a smoke detector or a carbon monoxide detector coming from the residence. As he got closer, he observed a patio door on the northeast side of the residence was open and he could hear a dog barking from the second floor. He then heard a female voice saying "I am dying, I am dying."

Det. Wiza and Officers Christopher Larson, Randy Hilbelink and Gary Eisenzimmer entered the residence through the basement door, which was ajar. As Det. Wiza entered the residence, he observed a female, later identified as Kacee Tollefsbol, covered in blood lying on the floor near the doorway inside the residence. Kacee was conscious and said, "I am dying." Det. Wiza observed what appeared to be a gunshot wound to the torso of Kacee. Det. Wiza asked Kacee "Who shot you?" and she responded, "My brother-in-law." During the course of this investigation, officers learned that Kacee is the sister of Ashlee Steele, who is married to Andrew Steele, the defendant herein.

Det. Wiza and Officer Hilbelink carried Kacee out of the residence to the front side so she could be placed into an ambulance.

Officer Nichols reports that he spoke with Officer Hilbelink, who advised that he had accompanied Kacee to UW Hospital with the Fitchrona ambulance. Upon arrival, Kacee was escorted in by the trauma team and declared deceased at 1:50 p.m. by Dr. Ann O'Rourke.

Det. Wiza reports that a perimeter was established around the outside of the residence as the suspect's location was unknown. Det. Wiza waited to enter the residence until the Dane County Tactical Response Team arrived. At 2:21 pm, Det. Wiza heard that members of the Dane County Tactical Response Team were making entry into the residence. During their search Det. Wiza heard that a second female victim, later identified as Ashlee Steele, had been located inside the residence on the main level and was deceased. Det. Wiza then heard over the police radio that a male subject was also inside the residence and appeared to be hurt. Members of the Tactical Response Team requested Emergency Medical Services for the male, who became combative.

Det. Wiza and Det. Sharpe each spoke with Det. George Mayerhofer of the Dane County Sheriff's Department, who is also a member of the Dane County Tactical Response Team. Det. Mayerhofer identified the male located inside the residence as Andrew Steele, the defendant herein. Det. Mayerhofer advised that he knew the defendant from working at the Dane County Sheriff's Office and knew that he had been diagnosed with a terminal disease.

Det. Mayerhofer advised that the defendant was located inside a laundry room on the main level of the residence. Det. Mayerhofer advised that when entering the laundry room, he was overcome with intense heat that hit him. He observed a black 9mm semi-automatic handgun next to the defendant. The gun was partially visible under blankets on the floor. Det. Mayerhofer stated he took quick control of the gun and set it on some cabinets out of reach. Det. Mayerhofer advised that also located in the laundry room was a portable grill like the ones used for backyard fires or camping, and that it was very hot and full of gray charcoals.

Det. Mayerhofer also advised that there was a deceased female believed to be the defendant's wife inside a bedroom on the main level of the residence. This female was later confirmed to be Ashlee Steele.

Det. Loether spoke with Dane County Sergeant Ira Simpson, also a member of the Dane County Tactical Response Team. Sgt. Simpson advised that upon entry into the laundry room, he observed the defendant, who he immediately recognized, lying down inside. Sgt. Simpson stated the temperature inside the room was extremely warm. He observed the dryer was running and it appeared to be vented back into the laundry room instead of outside. He also observed a black metal "hibachi" style grill or fire pit, with hot charcoal briquettes inside.

Sgt. Simpson advised that the defendant became alert and resistive towards officers. Sgt. Simpson stated that he was very surprised at the high amount of energy the defendant had to physically resist TRT members.

Officer Nichols reports that he spoke with Officer Larson, who had also responded in reference to this incident. Officer Larson reports that a member of TRT led him to the master bedroom where he observed Ashlee Steele lying on her back on the bed. Officer Larson reports that he observed a plastic zip tie device secured around her neck.

Det. Bartnick reports that he spoke with Officer Gary Eisenzimmer. Officer Eisenzimmer stated that upon entering the back bedroom, he observed Ashlee Steele lying on the bed. Officer Eisenzimmer stated that Ashlee had a much defined ligature mark around her neck.

Det. Folkers reports that he entered the residence with Dr. Agnieszka Rogalska. In the master bedroom they observed Ashlee Steele lying on the bed. Ashlee's head was tilted on her left cheek and there appeared to be a sleep mask lying across the top part of her hair just off her forehead. Det. Folkers observed red stains resembling blood in her hair. Dr. Rogalska checked Ashlee for a pulse and pronounced the time of death of 4:39 p.m.

Det. Folkers reports that he re-entered the residence as Dr. Rogalska and Investigator Sholts tended to Ashlee's body for removal from the scene. Det. Folkers reports that he observed Dr. Rogalska examine a pillow draped over Ashlee's chest. As Dr. Rogalska turned the pillow over, Det. Folkers observed a large hole on the back side of the pillow with what appeared to be a muzzle blast. The edges of the hole had burn marks or a black ring, which was on the outside edge of the hole. Det. Folkers observed that the hole went through the pillow to the other side.

Det. Folkers reports that also over Ashlee was a white comforter that had feathers on it. He also observed feathers at the foot of the bed as well as on the carpet in the master bedroom. Det. Folkers reports that in reviewing photographs of the gun recovered near the defendant, described as an H&K 9mm handgun, he observed white feathers or fabric on the end of the muzzle.

Det. Folkers reports that he was present at the autopsy of Kacee Tollefsbol on August 23, 2014, performed by Dr. Rogalska. Dr. Rogalska advised that Kacee sustained a gunshot wound. The wound on her lower right back was the entry of the gunshot and the exit to the gunshot wound was near the right abdomen. Dr. Rogalska advised that the path of the projectile was back to front, right to left and slightly downward. Dr. Rogalska advised that Kacee died from a gunshot wound to the torso and that the manner of death was homicide.

Det. Folkers reports that on August 23, 2014, he was present at the autopsy of Ashlee Steele performed by Dr. Rogalska. Det. Folkers observed that Ashlee had a reddish sleep mask over her head and a black zip tie pulled around her neck. Dr. Rogalska advised that there was a gunshot wound to the right side of Ashlee's head near her right ear. Dr. Rogalska located a copper colored projectile in Ashlee's hair. Dr. Rogalska determined that the entry wound was on the right side of Ashlee's head near her right ear and the exit wound was on the left side of Ashlee's head near her left ear. Dr. Rogalska also determined that Ashlee had taken at least one breath after the gunshot to her head.

Dr. Rogalska also examined the black zip tie wrapped tightly around Ashlee's neck. Dr. Rogalska advised that the zip tie constricted Ashlee's carotid artery which would have led to death. Dr. Rogalska stated that the most fatal occurrence would have been the gunshot wound to Ashlee's head and that the gunshot would have caused instant death. Dr. Rogalska advised that the manner of death to Ashlee was homicide.

Det. Wiza reports that he has listened to the call placed to Dane County 911 by Kacee Tollefsbol on August 22, 2014, at approximately 12:55 p.m. In said call, Kacee tells the dispatcher that she was shot by "Andy Steele." Kacee also told the dispatcher that she didn't know where the defendant was and that she thought he shot himself. Kacee advised that she had been shot "in the back."

Det. Folkers reports that located on the north end of the main level living room of the residence was a fired projectile. A fired cartridge case (shell casing) was located to the south in the main level dining room.

Sgt. Bomkamp reports that he cleared the weapon found near the defendant in the laundry room. The hammer was cocked back and he had to unlock it and empty the weapon. There was one round in the chamber and numerous rounds in the magazine.

Det. Folkers reports that he examined the rounds recovered from the H&K 9mm handgun. There were a total of 12 unfired Win 9mm Luger cartridges removed from the gun by law enforcement to make the gun safe. Det. Folkers reports that based on his training and experience, he is aware that the maximum capacity of the weapon is 14 cartridges.

Det. Coffey reports that two rounds had been fired inside the home. Kacee and Ashlee each suffered a gunshot wound; however, the defendant did not suffer a gunshot wound.

Det. Folkers reports that on August 26, 2014, he organized evidence in relation to this case that had been collected by the Madison Police Department. Among the items was a PDQ Store #128 receipt dated August 22, 2014 at 9:22:14. The receipt had been found among assorted notes on the dining room table at the defendant's residence. In looking at the receipt, Det. Folkers noted that two 8.3 lb. Kingsford charcoal bags and one Kingsford lighter fluid had been purchased at the PDQ located at 6133 McKee Road in Fitchburg, Dane County, Wisconsin. The transaction total was \$20.01 and a Visa card was used for the purchase. The transaction took place on August 22, 2014 at 9:22:14 at register 2.

Det. Folkers reports that he obtained a copy of the video surveillance from PDQ Store #128 from August 22, 2014. He reviewed the video and observed that on August 22, 2014, at 9:17:45, the defendant enters the north doors to the store. The defendant is seen putting two bags of Kingsford charcoal on the counter along with Kingsford lighter fluid. After the clerk rings up the sale, the defendant is seen swiping his card in the credit card machine. The clerk then hands the defendant the receipt and it appears that he places it in his right pants pocket. The defendant then grabs the items and leaves the store.

Det. Wiza reports that on August 23, 2014, he spoke with Rachelle Putnam, who advised that she is married to Ashlee and Kacee's brother Brad. Rachelle advised that on the morning of August 22, 2014, at 8:35 a.m., she received an email from Ashlee regarding an upcoming ice bucket challenge. Rachelle advised that she had designed a flyer for the event. Rachelle stated that at approximately 9:45 a.m. she missed a call from Ashlee and that Ashlee left her a voicemail message regarding making a few small changes to the content of the flyer. Rachelle stated that she called Ashlee back at 10:14 a.m.; however, Ashlee did not answer. Rachelle stated she again called Ashlee at 10:25 a.m. and there was no answer. Rachelle thought this seemed odd due to the fact that with everything going on in Andy and Ashlee's life with his recent diagnosis, Ashlee had been very busy and would answer the phone due to all of the upcoming events.

****THIS COMPLAINT IS BASED ON the information and belief of your complainant, who is a court officer for the City of Fitchburg Police Department, and who learned of the above offense from the reports of City of Fitchburg Police Detectives Matt Wiza, Ken Folkers and Sean Coffey, Sergeant Donald Bomkamp, Sun Prairie Police Officer Gary Nichols, Sun Prairie Detectives Randall Sharpe and Scott Bartnick, and Middleton Detective Tyler Loether, which reports your complainant believes to be truthful and reliable inasmuch as they were prepared during the course of the officers' official duties.**

Further, your complainant believes the information furnished by George Mayerhofer and Ira Simpson to be truthful and reliable inasmuch as they witnessed the events reported while acting in their official capacity as members of the Tactical Response Team for the Dane County Sheriff's Office.

Further, your complainant believes the information furnished by Randy Hilbelink, Christopher Larson and Randy Eisenzimmer to be truthful and reliable inasmuch as

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they witnessed the events reported while acting in their official capacity as police officers for the City of Fitchburg Police Department.

Further, your complainant believes the information furnished by Dr. Agnieszka Rogalska, Dr. Ann O'Rourke and Rachelle Putnam to be truthful and reliable inasmuch as they are eyewitnesses/citizen informants to the events reported.

Your complainant believes the information furnished by Kacee Tollefsbol to be truthful and reliable inasmuch as it was a dying declaration.

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

This 29th day of August, 2014.

ASSISTANT/DEP DISTRICT ATTORNEY
DANE COUNTY, WISCONSIN

COMPLAINANT