

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

STATE OF MINNESOTA

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APPLICATION FOR SEARCH WARRANT AND

) SS.

SUPPORTING AFFIDAVIT

COUNTY OF STEARNS

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Special Agent Kenneth McDonald, being first duly sworn upon oath, hereby makes application to this Court for a warrant to search the premises hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

The house located at 29748 - 91<sup>st</sup> Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Rasslers" on the front, circled on the attached aerial photo labeled Appendix E, attached hereto and hereby incorporated herein.

located in the Township of St. Joseph, County of Stearns, State of Minnesota.

This affiant applies for issuance of a search warrant upon the following grounds:

1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts tending to establish the foregoing grounds for issuance of a search warrant as follows:

Your affiant, Kenneth McDonald, is a Special Agent with the Minnesota Bureau of Criminal Apprehension. Special Agent McDonald has been a licensed police officer within the State of Minnesota for the past 23 years, the last 20 of which he has worked felony level investigations of crimes against people and property. SA McDonald has personally investigated and reviewed

other law enforcement records related to this investigation and believes the following to be true and correct.

On October 22, 1989 at 9:32 p.m., the Stearns County Sheriff's Department received a 9-1-1 call reporting that Jacob Erwin Wetterling, DOB: 12/17/78, had been kidnapped by an unknown male abductor.

The initial police investigation revealed that Jacob Wetterling, age 11, his brother, Trevor Wetterling, age 10, and a mutual friend, Aaron Larson, age 11, were staying at the Wetterling residence at 9422 Kiwi Court, St. Joseph, Stearns County, Minnesota. That evening, Patty and Jerry Wetterling, the parents of Jacob and Trevor, were not home and were at a friend's house.

Jacob Wetterling had contacted his parents and requested permission for the three boys to travel from the Wetterling residence to the nearby Tom Thumb store to rent a video. The Tom Thumb store was approximately three-quarters of a mile away (see Appendixes A, B, C and D, attached hereto and hereby incorporated herein). The boys planned on traveling there using their bicycles and a scooter.

After obtaining permission, the boys did travel to the Tom Thumb store located in St. Joseph, Stearns County, Minnesota. Records reveal that they rented a movie video at 9:07 p.m. and bought some candy. Travelling to the Tom Thumb store was not a routine for the boys, and the only persons that knew they were travelling there were the Wetterling parents.

While returning to the Wetterling residence along 91<sup>st</sup> Avenue, the boys were approached by an unknown male at the end of the driveway of 29748 - 91<sup>st</sup> Avenue. This address is in St. Joseph Township, Stearns County, Minnesota and is the home of Robert, Rita and Daniel Rassier. The suspect/abductor was described as wearing dark or black clothing, a nylon stocking or mask pulled over his head, gloves, and was holding a silver handgun. He spoke with a raspy voice. The suspect/abductor ordered all three boys to go into the ditch across from the Rassier's driveway. The unknown male took Jacob Wetterling by force and told Aaron Larson and Trevor Wetterling to run into the woods.

Aaron Larson and Trevor Wetterling ran into the woods for a short distance, turned around, and did not see Jacob or the suspect/abductor, nor did they see any vehicles along 91<sup>st</sup> Avenue or along the driveway of 29748 - 91<sup>st</sup> Avenue.

Aaron Larson and Trevor Wetterling ran back to the Wetterling's next door neighbor, Merlin Jersak. At 9:32 p.m., Jersak placed a 9-1-1 call to Stearns County dispatch, reporting the abduction. During the 9-1-1 call, Aaron Larson also provided dispatch with his description of what had occurred as noted above.

At the time of his abduction, Jacob Wetterling was 11 years of age, five feet tall, 75 pounds, blue eyes, brown hair, with a mole on his left cheek. He was wearing a red hockey team jacket with the name "Jacob" stitched on the front, with the St. Cloud Police logo on the back, blue boy's sweat pants, a red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front with the number 11 and the name "Wetterling" on the back, an orange traffic vest with silver trim

with black draw strings on each side, a blue mesh jersey, boy's white tube socks, white boy's briefs, and boy's Nike high-top tennis shoes, white with a grey Nike swatch on the side, with the name Nike written on the bottoms.

When Aaron Larson and Trevor Wetterling were interviewed, they described their journey from the Wetterling residence to the Tom Thumb store along the dark road 91<sup>st</sup> Avenue. They encountered three vehicles on the trip to Tom Thumb. Two vehicles came from town, passing them and headed in the opposite direction, and one vehicle came from behind them headed towards town. As they went by on the trip to the Tom Thumb store, they did hear what they thought to be some rustling in the weeds in the ditch near the Rassier farm driveway at 29748 91<sup>st</sup> Avenue.

Upon returning from the Tom Thumb store along 91<sup>st</sup> Avenue, they approached the Rassier farm at 29748 - 91<sup>st</sup> Avenue. Aaron described hearing footsteps in the gravel driveway as they approached. Aaron then described seeing the suspect/abductor coming from the driveway. He could see up the driveway with the help of a farm light. He saw no vehicles, and no dog was barking. The unknown gunman ordered the boys into the ditch as described earlier.

While in the ditch the boys were ordered onto their stomachs. The gunman told Trevor to shut off the flashlight he was carrying, which he did. The suspect/abductor asked what the boys' ages were. Trevor began to speak first, but he was ordered to stop. The suspect/abductor wanted the boys to speak in order from left to right. He tapped Aaron and he said his age, then Trevor, and then Jacob. He then told Trevor to run in the woods or he would shoot. Next he looked at Aaron's face and told him the same. The boys did as they were told.

Trevor and Aaron then described seeing Jacob being forcefully taken by the suspect/abductor towards the Rassier farm. After running for a short period of time, they turned and looked and did not see any vehicles on the road or the driveway of 29748 - 91<sup>st</sup> Avenue.

~~At the time of the abduction, Daniel Alfred Rassier, DOB: 10/25/55, was living with his parents,~~ Robert and Rita Rassier at the residence at 29748 - 91<sup>st</sup> Avenue. However, at the time of the abduction, Robert and Rita Rassier were vacationing in Europe. Therefore, Daniel Rassier was the only individual at the residence at that time.

That night, October 22, 1989, Dan Rassier was interviewed by law enforcement. He described a vehicle, a large tan or yellow dirty car, turning around in his driveway earlier that day, between 11:30 a.m. and 4:00 p.m.. He said the vehicle left his residence at a high rate of speed.

Also that night, on October 22, 1989, Rassier said he saw another vehicle turn around at his residence between 9:00 and 10:00 p.m., describing it as a smaller dark blue vehicle, coming into his driveway, turning around, and leaving. He said the headlights were on and the driver may have had them on dim, and he thought the style was similar to a Chevette. He said he saw something on the driver's side, and thought it was a flashlight or a reflection from the yard light. When later interviewed in November 1989, Rassier claimed that he may have seen Jacob in the front seat of that car.

In October of 1989, Kevin Hamilton said he did report to authorities that he heard over his police radio scanner that a child had been abducted near the Rassier farm. He did get in his vehicle, described as a mid-sized silver car, and go to the Rassier farm, drive up the driveway, turn around and leave. Hamilton said that this was reported to a St. Joseph police officer, but the information apparently did not get into the investigative file at that time. Kevin Hamilton came forward a second time on October 21, 2003 and did provide law enforcement with his recollection of what he did that evening. It is believed that the Hamilton vehicle is the one described by Rassier as being in his driveway between 9 and 10 p.m. on October 22, 1989.

On October 24, 1989 at 1:00 p.m., Detective Boeckers of the Stearns County Sheriff's Department interviewed Daniel Rassier at the junior high school in Cold Spring, Minnesota. During that interview, Rassier indicated that he lives at the farm with his parents, Robert and Rita Rassier, who were currently away on vacation on an extended trip to Europe.

Rassier recalled that on the evening of the abduction, he had been home performing a typing project in the upper level of the residence. Rassier stated that between 9:00 and 9:30 p.m., the family dog began barking. At that time he observed a vehicle enter the driveway, turn around, and leave. Rassier indicated that the vehicle was driving at a faster than normal rate of speed and provided the above described blue vehicle description to Detective Boeckers. Rassier also advised that earlier in the day he had seen a larger vehicle turn around in his driveway.

Later on October 24, 1989, Detective Boeckers and FBI Agent Temper re-contacted Rassier for the purpose of obtaining photographs of Rassier's vehicle for comparison to the vehicle tracks in his driveway. Detective Boeckers' reports indicate that Agent Temper also interviewed Rassier again regarding his activity during the day of October 22, 1989.

On October 28, 1989, at 10:40 a.m., Detective Boeckers re-interviewed Daniel Rassier at his residence. Detective Boecker reports that upon arriving at the residence, Daniel Rassier displayed various shoes that he had worn on October 22, 1989. It was the officer's opinion that none of the shoe patterns were consistent with the shoe impressions found on the driveway near where the child had been abducted.

Upon questioning, Rassier provided Detective Boeckers with a more complete description of his activities on October 22, 1989. Rassier described many activities within the St. Cloud area, then returning to his residence at approximately 6:00 p.m. Once again, he described the typing project for school. The interview and overall investigation shows that Rassier likes to be organized. He reported that between 9:00 and 10:00 p.m., he observed a vehicle enter his driveway and turn around. At approximately 10:45 p.m. Rassier said he went to bed. Shortly thereafter, he heard his dog named Smokey begin barking. Rassier got up, and observed a flashlight in the southwest direction from his house near a woodpile. Rassier indicated that shortly thereafter he called 9-1-1, at which time he was informed by the dispatchers that members of the sheriff's office were present at his residence. Rassier stated that at that point he left his residence and spoke with officers at the scene for a short period of time. It is confirmed through police reports that Rassier did call 9-1-1 and speak with responding law enforcement officers that night. Rassier said that he then returned home and checked a number of outbuildings on the property, including a shed, a tree house, the hay barn, a shop, and the milk house. Rassier

said that at about 2:00 a.m. he returned to his residence and went to bed. Rassier did not contact any other individuals in regard to learning of the abduction.

Rassier indicated that at 6:45 a.m. on October 23, 1989, he woke up, went to the milk house to feed the cats and let the horses out. At 7:30 a.m. Rassier left the residence and spoke briefly with a deputy sheriff at the scene while leaving, arriving at school at 7:55 a.m. and returning home from work at 4:10 p.m.

On October 28, 1989, at 1:10 p.m., officers asked for consent to search the Rassier residence. They obtained permission from Robert Rassier and Dan Rassier to search their house. Investigators searched the Rassier home, terminating the search at 2:15 p.m. During the search, nothing was seized from the Rassier residence.

On October 28, 1989, FBI agents interviewed Dena Boettcher. Boettcher indicated that she was a teacher at Cold Spring (ROCORI) High School and was acquainted with Dan Rassier, also a teacher at the school. She indicated that she had gone on one or two dates with Rassier. She recalled one date going to a Twins game with other couples. She said Rassier did not want to interact with the other couples. On another occasion, they went to a drive-in movie and then had a long conversation at her residence. At one point she asked Rassier if he had ever had sex. Rassier advised her that at the time he believed he had a double personality and that his other self had had sex.

On November 11, 1989, Detective Whippler from the Benton County Sheriff's Office contacted Daniel Rassier and re-interviewed him with FBI Special Agent Al Garber. The interview was in regard to Rassier making comments at school about the Wetterling case. The comments were determined by the officers to be inconsequential. Rassier also provided investigators with two of his best friends' names, both of whom were male. Rassier further indicated that he had no female friends that he socialized with and overall had very little social life.

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On November 27, 1989, Dr. John Rhett, a licensed consulting psychologist, conducted a hypnotic interview with Daniel Rassier. The purpose of the interview was to enhance Rassier's recollection of the two vehicles he observed turning around on his property on October 22, 1989. This interview was a volunteer hypnotic interview and was videotaped.

In January of 2004, your affiant and Captain Pam Jensen of the Stearns County Sheriff's Department reviewed the video tape of the hypnotic interview Rassier provided on November 27, 1989. Your affiant and Captain Jensen also listened to the 9-1-1 tape in which Aaron Larson describes the events that occurred. Your affiant and Captain Jensen also reviewed the information in regard to Kevin Hamilton, the driver who had turned around in the Rassier driveway on October 22, 1989, who had come forward the second time, and who was subsequently eliminated as a suspect in the child abduction investigation.

On February 7, 2004 at 2:00 p.m., your affiant and Captain Jensen interviewed Daniel Rassier in regard to the current Hamilton vehicle information. Daniel Rassier voluntarily came to the Stearns County Sheriff's Department for this purpose. Your affiant and Captain Jensen reviewed the hypnotic interview with Rassier to refresh his memory, pointing out the primary objective of

the hypnotic interview at the time was to see if more detailed information could be obtained about the vehicles that turned around in his driveway. However, upon having the vehicle in question investigated and eliminated as being suspect, your affiant and Captain Jensen reviewed the hypnotic interview with Rassier from that perspective, with the vehicle being eliminated. From this perspective, there were comments and reactions Rassier made throughout the hypnotic interview that raised new questions as to Rassier being the suspect/abductor. Your affiant and Captain Jensen told Rassier that they wished to discuss some of these observations with Rassier, including Rassier listing details of his activities throughout the day into the evening hours of October 22, 1989, stating examples of typing out cards, and getting ready for class the following Monday morning. The hypnotic interview showed that Rassier is very detail oriented, and in the interview, Rassier gave extensive details regarding this planning, quoting "I enjoy getting everything perfect... so I feel good about it." However, during the part of the hypnotic interview covering the time frame in which Jacob was abducted, Rassier said he lost track of time. Once the abduction time frame was over, he became more detailed in his recollection of what occurred that evening.

Also during the hypnotic interview from November 27, 1989, Rassier described how he knew a car was coming up the driveway because his dog Smokey began barking. Rassier described looking out the upstairs window, watching the vehicle coming into view. At this point in the hypnotic interview, Rassier began crying. Rassier said he ran from room to room to watch the vehicle. Rassier was very upset and notably shaking when he was discussing this. Rassier stated that if a perpetrator wanted Jacob he would have gotten him eventually. Rassier described that as the vehicle went up the driveway and turned around, that the driver might be an abductor. Rassier also said in this hypnotic interview that he may have seen Jacob with a flashlight as the car went by. When the car left, Rassier said that Smokey quit barking, and Rassier went to bed.

Further on in the hypnotic interview, Rassier recalled hearing Smokey bark again. He jumped up, looked out his window and saw spotlights down by the wood pile. Rassier commented that he was very nervous and could not get dressed and that he was very scared and in big trouble. ~~Rassier also stated that he turned the lights off. In this hypnotic interview, Rassier seemed~~ overly concerned about a vehicle coming in the driveway.

Continuing in the hypnotic interview, Rassier said that he called 9-1-1 and spoke with a dispatcher and learned that a boy had been abducted. He said that Smokey kept barking at the lights and he could not sleep. He was wondering why law enforcement were not looking in the out buildings. Rassier said he eventually went out and spoke with law enforcement and at that time Rassier said he went back and looked in the tree house.

Moving then to the interview in February 2004 in which your affiant and Captain Jensen discussed the contents of the videotaped hypnotic interview from 1989 with Rassier, Rassier commented that the dog Smokey would bark at any activity that occurred at the end of the driveway. Smokey would not bark if he was familiar with the person. Your affiant and Captain Jensen pointed out that Rassier said he had watched the vehicle come from the end of the driveway, turn around and leave, and that Smokey was barking at that time, so why wouldn't Smokey be barking during the time in which Jacob was being abducted? Rassier would not provide a definitive answer.

During the hypnotic interview, Rassier was asked if he knew Jacob Wetterling. Rassier indicated no and then began crying, stating he didn't think he would do this. During the hypnotic interview, Rassier's emotions were stable during the questioning about the vehicle or as he recalled the events throughout the day, however during the period in which the questions turned to Jacob's abduction, he began crying and shaking, then would recover and stop crying when questions were not related to the actual abduction. When he was asked about Jacob Wetterling again, he would again start crying.

Your affiant and Captain Jensen explained to Rassier that the boys' trip to the convenience store was not on a regular basis. Very few people knew that they were going there on the evening of October 22, 1989. It was pointed out that Aaron Larson said that when they rode by the Rassiers' driveway on the way to the video store, they heard some rustling in the weeds, and it startled all the boys and they rode their bikes and scooter faster. On the way back from the convenience store they were carrying a flashlight. As they approached the Rassier driveway, Aaron Larson said his first sense of the abductor was that he heard someone walking down the Rassier driveway on the gravel. The abductor appeared from that area and stopped them. Larson looked up the driveway and saw no vehicle and did not mention any barking dog at the time. The commands from the abductor were very precise.

It was therefore pointed out to Rassier that it was the investigators' opinion that the abductor came from the Rassier farm and no vehicle was used. It was also pointed out to Rassier that it was the investigators' opinion that whoever abducted Jacob Wetterling had to have been from the area and that no vehicles came up the road from behind the boys as they were returning from the store. It was also pointed out that in reviewing the 9-1-1 tape, dispatchers may have inadvertently been somewhat leading with the boys, citing, for example, that the abductor had a raspy voice or questioning if in fact he had a gun. Upon pointing out some of these facts, your affiant and Captain Jensen accused Rassier of taking Jacob Wetterling. Rassier did not have much of a reaction to that. However, he continuously went back to the fact that it must have been the person that turned around in the driveway. Beyond that, during the 2004 interview, Rassier never directly addressed the accusation. When confronted, Rassier would repeatedly respond by indicating that it must have been the vehicle that turned around earlier in the afternoon. Rassier refused to allow your affiant or Captain Jensen to eliminate the vehicles as an option in the abduction.

Rassier did admit to your affiant and Captain Jensen that if he did take Jacob he would have plenty of time and locations to dispose of him on his farm. He said he felt law enforcement made mistakes by not searching his place until approximately four or five days after the abduction. It is your affiant's and Captain Jensen's opinion that Rassier seemed to be enjoying this part of the conversation, smirking at times, also noting that investigators had one problem, they had no physical evidence.

It was also pointed out to Rassier that if a child was abducted from the end of a person's driveway and law enforcement was present, why would he not contact any friends or relatives and eventually tell them about this traumatic event. Rassier made no comment about this.

On February 12, 2004, at 9:00 a.m., your affiant along with Investigator Troy Jansky went to the Rassier farm and spoke with Rita and Robert Rassier. Your affiant and Detective Jansky explained to Robert and Rita Rassier that they felt their son Dan was a suspect in the abduction of Jacob Wetterling. The Rassiers did not show much emotion after being presented this information. Robert Rassier did indicate that his son had told him that law enforcement no longer believed the vehicle that turned around in the driveway was the abductor. Robert stated that his son did make a comment that "Dad even if I did do it I had all kinds of time to get away with it" and that Dan was upset and voiced frustration with the sloppy police work that was conducted.

Your affiant and Detective Jansky inquired if Dan Rassier used a computer within the home. Rita Rassier indicated that there was a computer they shared that was kept in the basement that did have internet access. Your affiant and Detective Jansky obtained permission to search the computer to determine what had been viewed on the internet. While searching the computer, your affiant did not find any type of inappropriate material on the computer. However, during the time of this review of the computer, Rita Rassier voluntarily began making comments that if her son Dan did take Jacob Wetterling, she would provide theories on how he would do this.

Your affiant along with other law enforcement visually watched Daniel Rassier from October 15 through October 19, 2007 to obtain a better understanding of his daily activities. In summary, Rassier would leave his residence early in the morning and go to the school at Rocori where he is employed as a teacher. He'd often stay there until seven or eight at night and return home. Occasionally, on Tuesday or Wednesday nights he went to the Saint Benedict Center to play his musical instrument along with a small group of other musicians, or went to the Midwest Athletic Club in St. Cloud to exercise. No other friends or associates were noted during this timeframe.

On November 7, 2007, your affiant applied for a mail cover through the U.S. Postal Service for Dan Rassier and the address of 29748 - 91<sup>st</sup> Avenue, St. Joseph, noting that the mailing address has changed since the time of the abduction. Your affiant did receive copies of mail during the timeframe of December 11, 2007 through January 9, 2008. Your affiant reviewed the mail which Dan Rassier was receiving. Even though this time period was during the holidays, Rassier received only one piece of mail that may have been a Christmas card and did not receive any other inappropriate mail during the timeframe.

In October of 2009, your affiant along with Captain Jensen communicated with Patty and Jerry Wetterling in regard to having Patty Wetterling wear a recording device and meet with Dan Rassier. It was decided that the meeting would be under the pretense that Patty would accidentally run into Dan and have a conversation with him.

On October 20, 2009, Patty Wetterling, wearing a body recording device and being monitored by law enforcement, met with Dan Rassier as he was coming out of a health club in St. Cloud. During the conversation, Rassier told Patty Wetterling about the car turning around in his driveway and that he felt he saw Jacob looking out the window of the car.

Patty asked Rassier if he knew what happened to Jacob. Rassier responded no, no one knows for sure, I do know that the driver of the car was the person who did it. During the conversation

Patty Wetterling asked where Jacob could be. Rassier said that he has this fear in the back of his mind, and that the police have made him feel so guilty, to the extent that if other people were aware of that they could go on his property and bury Jacob, then commenting that "he would be dead," making reference to being in trouble with law enforcement. Patty Wetterling commented that nobody could come on your property and bury him without you knowing. Rassier responded by indicating they could do it easy, further commenting that they could park their car somewhere and just walk through the woods and bury him.

Rassier mentioned that law enforcement did dig around in a gravel pit on their property looking for Wetterling, indicating they only messed it up, and if someone would have buried a body back there they would never have found it the way they did it.

Patty questioned Rassier saying "well you dig around there a lot, did you ever find a body?" Rassier responded "I found a dog because I dug it up because I actually thought it was Jacob", stating this was located in a known sunken part of the property. Patty Wetterling then questioned why he was digging in the gravel. Rassier responded that he recycles cans and that was his favorite area, as they used to throw metal in that area.

During the conversation, Patty Wetterling made a comment that whoever did it has had a life of hell. Rassier commented, "I think the person that did it is probably dead."

Patty informed Rassier that the person came from his driveway and that he was carrying a gun. Rassier questioned whether the boys really did see a gun. Wetterling also described Trevor having a flashlight. Rassier questioned Trevor having had a flashlight, and asked if the abductor told him to turn off the flashlight. Rassier also questioned whether it was possible the guy did not have a mask on, and whether the abductor had a hat on. Rassier also questioned Wetterling whether or not the boys recognized the abductor's voice.

On March 19, 2010 Patty and Jerry Wetterling went to the Rassier farm to speak with Robert and Rita Rassier. ~~As part of the conversation Patty mentioned that she had spoken with Dan in October.~~ The parents indicated that Dan made no mention of this conversation.

Based on your affiant's training and experience, and based upon this summary of facts known through this entire investigation dating back to 1989, your affiant has reason to believe and does believe that the remains and/or clothing of Jacob Wetterling and other items described will be found on the described property, and thus requests this warrant to search the above described property for these described items.

In summary, the victims describe hearing something in the weeds as they passed the abduction site heading towards town. The abduction occurred at the end of the Rassier driveway, the property your affiant seeks permission to search. The suspect, Daniel Rassier was home alone at the time of the crime. The other victims describe seeing no vehicles, not hearing a dog barking, and noted that the abductor came from the driveway of the Rassier farm. The abductor appeared to be detail orientated and Rassier has the same traits. Rassier has stated that he has a double personality. Shortly after the abduction, in the context of the hypnotic interview, Rassier commented he was very scared and in big trouble. Also during the hypnotic interview, Rassier

was very detailed in describing his day on October 22, 1989, until the time of the abduction. Rassier has admitted there are plenty of places on the farm to dispose of a body. He also has expressed concerns that Jacob Wetterling may be buried on the farm which is the described property in this application.

Your affiant along with others under his direction and control seek permission to search the land and outbuildings described, beginning with less invasive methods of searching but continuing, if necessary, using all resources available to locate the subject items of the search.

Your affiant also states that per the boys' original reports on the night of the abduction, the suspect/abductor groped each of the boys' crotch areas after ordering each one, in order, to state his age, while the boys lay in the ditch as directed.

Your affiant also notes that Dan Rassier is an avid runner, including running marathons throughout the United States. Rassier stated in a news article that he runs to suppress pain. Your affiant believes that this pain may be associated with the events described herein.

Your affiant also notes that the age of the children at the time of the abduction is the age that Rassier teaches at his job as a school teacher, that Rassier has no known dating history beyond that described herein, and that he has been further investigated by Interpol regarding comments he made on a train while traveling in Europe.

Finally, your affiant notes that once the vehicle turning around in the driveway was eliminated from suspicion by investigation, the facts regarding the abduction occurring at the end of Rassier's driveway, with no vehicle involved, no barking dog, and the subsequent events described, give good reason to believe that the described items will be found at the described location.

Upon further investigation in preparation for the search described above, it has been determined that a portion of the land, a wooded area just beyond the Robert and Rita Rassier farmstead, was deeded to their son, Anthony Rassier, on 11-20-96. Due to the proximity of this land to the area to be searched (See Aerial Photo A, attached hereto and hereby incorporated herein), and due to the fact that Robert and Rita Rassier did own this property and did, with their son Dan Rassier, have full access to it from 1989 until the deeding, and due to the close proximity to their home and the cover of trees making it possible to hide the subject of the search in this area, concluding with your affiant's opinion that it is reasonable to believe that due to the proximity and family relationships that Dan Rassier continues to have full access to this described property, further judicial authorization is sought to also search this following described area, including only the land, and not the house and curtilage contained thereon.

This property is fully described as 22912 - 91<sup>st</sup> Avenue, more fully described as the west 715.00 feet of the north 610.00 feet of the Northeast Quarter of the Northwest Quarter (NE ¼ of NW ¼) of Section 14, Township 124 North, Range 29 West, Stearns County, Minnesota, deeded on 11-20-96 to Anthony P. Rassier, excluding the home and curtilage thereof which is on this property, See Aerial Photo A, attached hereto and hereby incorporated herein.

During execution of the prior warrants granted by this court, your Affiant has learned the following information. The search at these premises, including the land and outbuildings previously described, is being conducted by forensic science teams from the Bureau of Criminal Apprehension, Federal Bureau of Investigation and Stearns County Sheriff's Office. Included in the search team are two trained canines and their handlers. Both canine/handler teams have been trained and qualified in the detection of human remains. Each canine and its handler are specifically described as follows:

Marian Beland of Somersville, CT handles K-9 Tracer, a 7 year old Portuguese Water Dog. Beland has handled Tracer from 2003 through the present, and has successfully trained and received certification in Air Scent Woodland Search, Human Remains Detection, Water Search for Drowned Victims, Disaster Search, and Trailing (certified in all areas). Beland and Tracer participated in the Mississippi Archeological Endeavor in April 2005, March 2006 and November of 2006. Beland and Tracer have participated in search and rescue operations in the states of Connecticut, Massachusetts, Rhode Island, New Hampshire, Virginia and Mississippi (during the Hurricane Katrina response), in which Tracer is credited with multiple confirmed "finds". Beland was a member of the North American Police Work Dog Association from 2001-2007, is a Certified Dog Handler in Advanced Cadaver and Disaster work by the International Police Work Dog Association (2006 to present, most recent certification of accreditation 10-2-08, previously on 9-22-06, both with Tracer), and is a Certified Dog Handler in Cadaver: Skeletal Scatter, Building, Vehicle, Buried, Rubble, Above and Hidden by the National Narcotics Detector Dog Association in 2006. Beland and Tracer were certified by the Connecticut Canine Search and Rescue Organization on 5-29-05, and again on 3-20-06. Beland has completed 765 hours of formal K-9 classes with K-9 Tracer, including Cadaver and Disaster specializations. Beland has an Associate of Science Degree in Criminal Justice/Law Enforcement, has worked in 3 law enforcement agencies in Florida, and currently owns and operates Connecticut Canine Search and Rescue, Inc., operating under contract with the Federal Bureau of Investigation for purposes of this search warrant execution at the ~~Russier farm.~~

Lisa Higgins of Covington, Louisiana is a member of the FBI's Forensic Canine Program and a reserve police officer with the St. Tammany Parish Sheriff's Office, Covington, LA. Higgins has trained canines since 1979 and has been certified in human remain detection canines since approximately 1993. She has been qualified in court as a human remains detection canine Subject Matter Expert on two occasions. She is regularly deployed to assist in homicide and missing person cases throughout the United States in Canada, having been trained and certified with three certified search dogs so far. She handles Maggie, a six year old Australian Shepherd, who has been nationally certified since 2002 and recertifies annually. Maggie searches for and locates human remains and body fluids including blood to very small samples in any environment or terrain. Maggie alerts on whole or partial cadavers or portions thereof on surface or sub-surface areas, from shortly after death to advanced stages of decomposition. She can also detect incinerated remains, even if accelerant has been used. Maggie has located human cadavers in water either from the bank side or when deployed in a boat where a large area may be covered. Maggie is trained to identify the odor of human decomposition when there is no physically retrievable

evidence, such as odor adhering to upholstery, carpet or other materials. Additionally, Special Agent Rex Stockham, the Forensic Canine Program Manager for the Federal Bureau of Investigation's Evidence Response Team Unit, has told your affiant that he has worked an investigation with Maggie and Higgins in March, 2009 in which Maggie alerted to the odor of human decomposition on a vehicle containing a mixture of the victim and defendant's blood comingled, said blood spot being approximately 1/8 inch in size, which was later confirmed by full forensic evaluation to be the blood of those persons. It was also Agent Stockham that personally observed both dogs described fail to alert on the visually observable remains identified as a dog or cat in one of the outbuildings searched.

Upon searching the outbuildings pursuant to the prior search warrants in this matter, both dogs described alerted at the odor of decomposed human remains as described below. Both have proven to be consistently reliable in alerting only on human remains as part of their training and certification, specifically and repeatedly exposed to animal remains and trained to not alert on those materials. In fact, both dogs described below have specifically not alerted to the observable skull and bones of a dog or cat inside one of the buildings already searched at the Rassier address.

During the search of the outbuildings on June 30, 2010 both dogs alerted a number of items in the outbuilding marked "2" on the attached Appendix E, attached hereto and incorporated herein by reference. The dogs each, independently of each other, alerted on an area of the wall of the shed which, upon closer visual inspection, was found to contain what appears to be blood, a substantial enough amount to be soaked into the old wooden wall and running down that wall observable visually on the wood as well as a metal strip attached to the wood in that area. Initial tests by Bureau of Criminal Apprehension forensics team members on site show the substance to be blood. Found directly in front of this area of blood on the wall in this shed were 2 items: a wooden chaise lounge also containing what the forensic team leader, Lindsey Garfield, described as blood spatter, and an umbrella stand on which Garfield also found what she described as blood spatter. The dogs also each independently alerted on these items after they were removed from the shed and placed on the grass outside. Additionally, in front of the chaise lounge and umbrella stand was a large wooden box, the dimensions of which are 3'5" long, 1'10 and a half inches high, and 1'6" deep. Both dogs independently alerted on this box as well, but no blood was found on the box. Two photos of the box are attached and hereby incorporated herein as Appendixes F and G.

Capt. Pam Jensen has been at the scene during execution of the warrant, and spoke to Rita Rassier, who resides in the house at this address, about the described wooden box. Rita Rassier told Capt. Jensen that she had acquired the wooden box/chest about 30 years ago, and that it was in her house, the residence at 29748 - 91<sup>st</sup> Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Rassiers" on the front, circled on the attached photo described as Appendix E, attached hereto and hereby incorporated herein, at the time of Jacob Wetterling's abduction. Rita Rassier stated that at the time of the abduction, she stored blankets in the box/chest, but that she had removed it from the house, because the blankets stored in that box/chest "smelled funny", so she'd had it removed from the house approximately six years ago, and it was now stored in the shed previously described, near the house. The photos of the box, Appendixes F and G, show that the

box was found with a small amount of cat litter in the bottom of the box, which, based on your affiant's training and experience, is a substance commonly used in odor reduction, corroborating Rita Rassler's statement that she'd stopped using the box in the house to store blankets because of the smell. Again, both dogs specifically trained and certified in detection of the odor of human decomposition alerted on this box/chest. At the time of his abduction, Jacob Wetterling was 5 feet tall, weighing about 75 pounds. A person of that size would fit in this box, which was kept inside the Rassler house at that time.

Because both dogs have alerted on this wooden box/chest, detecting the odor of human composition, and because the box/chest was stored in the house at 29748 - 91<sup>st</sup> Avenue at the time of the abduction, and because the box/chest was found in the immediate vicinity in Shed 2 of two items and the wall on which the dogs also alerted, and which visually contained blood and blood spatter, which the dog alerts signify may be human, your affiant seeks permission to search the house described for the items and things previously above listed.

Therefore, your affiant has good reason to believe, and does believe, that the following described property and things, to-wit:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

Are at the premises described as:

The house located at 29748 - 91<sup>st</sup> Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Rasslers" on the front, circled on the attached aerial photo labeled Appendix E, attached hereto and hereby incorporated herein

located in the Township of St. Joseph, County of Stearns, State of Minnesota.

And now further authorization is sought to search for those same items at the following described location:

The house located at 29748 - 91<sup>st</sup> Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Rasslers" on the front, circled on the attached aerial photo labeled Appendix E, attached hereto and hereby incorporated herein

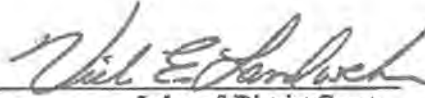
**WHEREFORE, Affiant Kenneth McDonald requests a search warrant be issued, commanding your affiant, a peace officer and/or Capt. Pam Jensen, and/or Deputy Nate Watson, and/or Deputy Steve Mathews, and/or FBI Special Agent Shane Ball, and all other personnel under their direction and control, to search the hereinbefore described premises for the described property and things and to seize said property and things and keep said property and things in custody until the same be dealt with according to law.**



Affiant

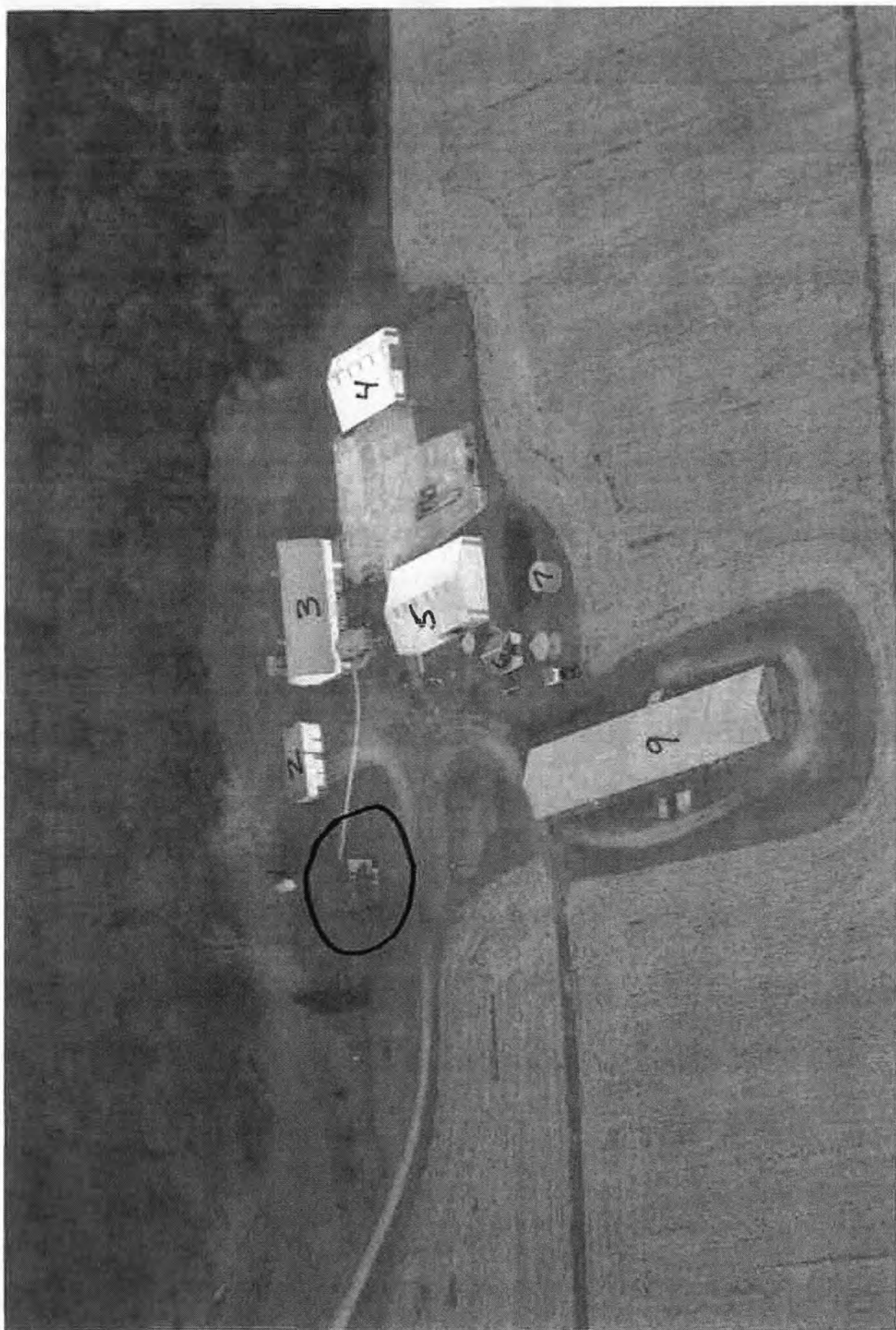
Subscribed and sworn to before me this

July 1, 2010

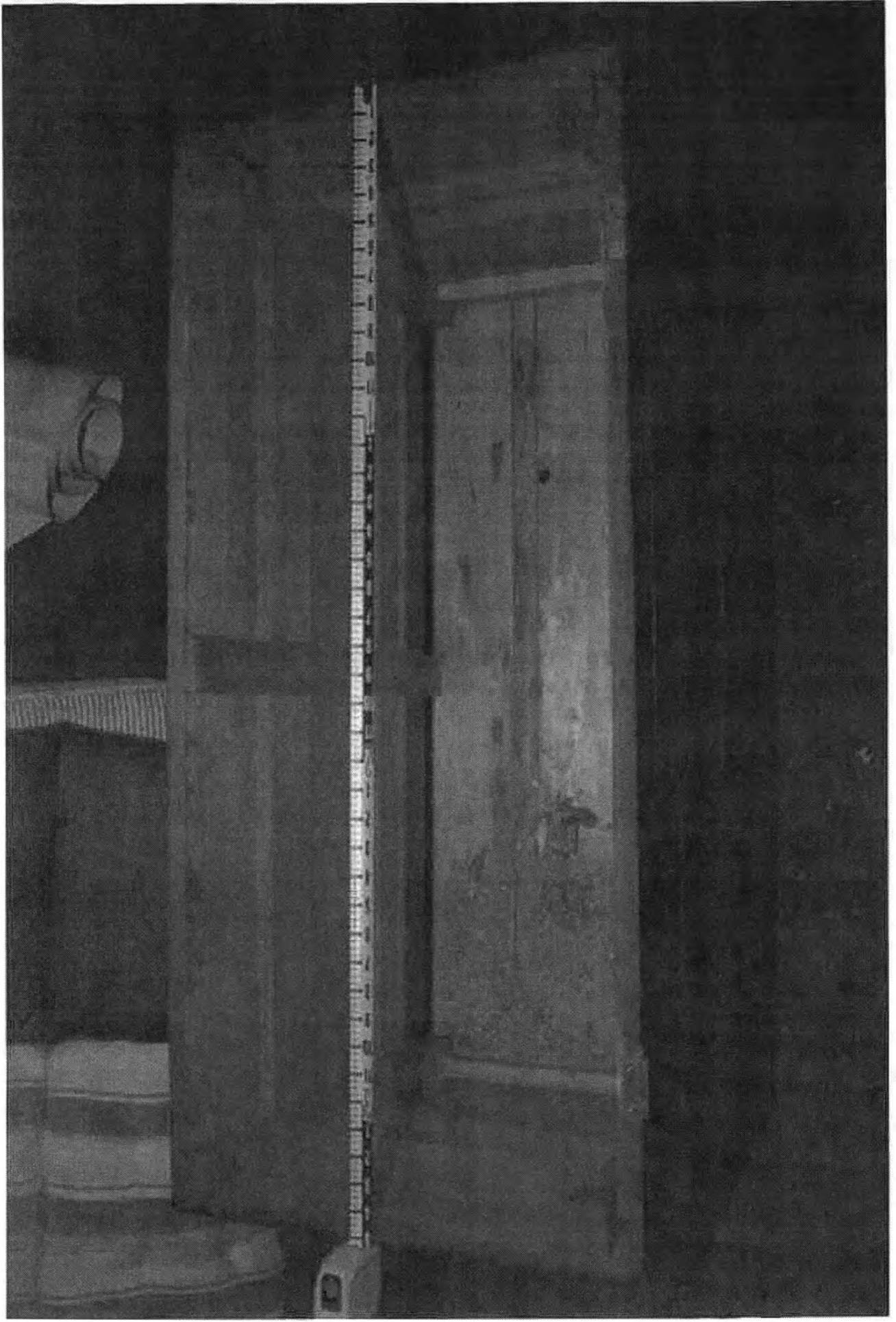


Judge of District Court

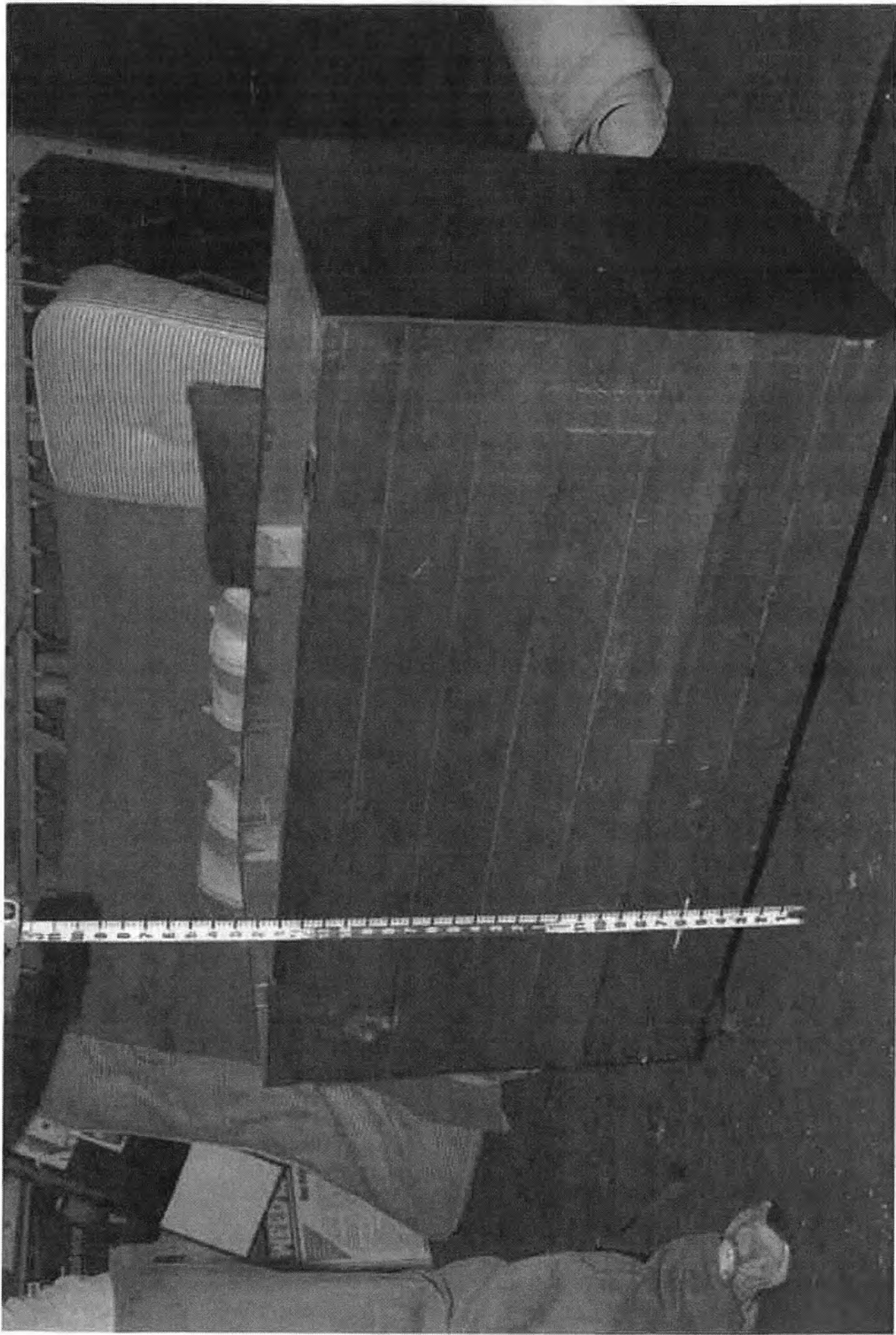
# Appendix E



Appendix F



# Appendix G



## SEARCH WARRANT

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEARNS

CRIMINAL DIVISION

**TO: KENNETH MCDONALD, AND/OR CAPTAIN PAM JENSEN AND/OR DEPUTY NATE WATSON, AND/OR DEPUTY STEVE MATHEWS AND/OR FBI SPECIAL AGENT SHANE BALL, PEACE OFFICER(S) OF THE STATE OF MINNESOTA.**

WHEREAS, KENNETH MCDONALD has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described PREMISES:

The house located at 29748 - 91<sup>st</sup> Avenue, more fully described as a 2 story stucco home, light green and tan in color with brown trim, bearing no house number but with a sign "The Rasslers" on the front, circled on the attached aerial photo labeled Appendix E, attached hereto and hereby incorporated herein

located in the Township of St. Joseph, County of Stearns, State of Minnesota, for the following described property and things:

1. Jacob Erwin Wetterling DOB: 12-17-78, alive or any human remains, including but not limited to bones, dental work/teeth, decomposing flesh, hairs, and biological samples
2. Silver handgun
3. Red hockey team jacket, with the name "Jacob" stitched on the front and a St. Cloud Police logo on the back
4. Blue boy's sweatpants
5. Red t-shirt with CMYSA, a soccer ball logo, and St. Cloud MN on the front, with the number eleven and the name "Wetterling" on the back
6. Orange traffic vest, with silver trim and black drawstrings on each side
7. Blue mesh jersey
8. Boy's white tube socks
9. White boy's briefs
10. Boy's Nike high top tennis shoes, white with grey Nike swatch on the side, Nike written on the bottoms

WHEREAS, the application and supporting affidavit of KENNETH MCDONALD were duly presented and read by the Court, and being fully advised in the premises.

NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property above-described was stolen or embezzled.
2. The property above-described was used as means of committing a crime.
3. The possession of the property above-described constitutes a crime.
4. The property above-described is in the possession of a person with intent to use such property as a means of committing a crime.
5. The property above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The Court further finds that probable cause exists to believe that the above-described property and things are at the premises described.

NOW, THEREFORE, YOU, KENNETH MCDONALD, AND/OR PAM JENSEN, AND/OR NATE WATSON, AND/OR STEVE MATHEWS, AND/OR SHANE BALL, THE PEACE OFFICER(S) AFORESAID, AND ALL OTHER PERSONNEL UNDER YOUR DIRECTION AND CONTROL ARE

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

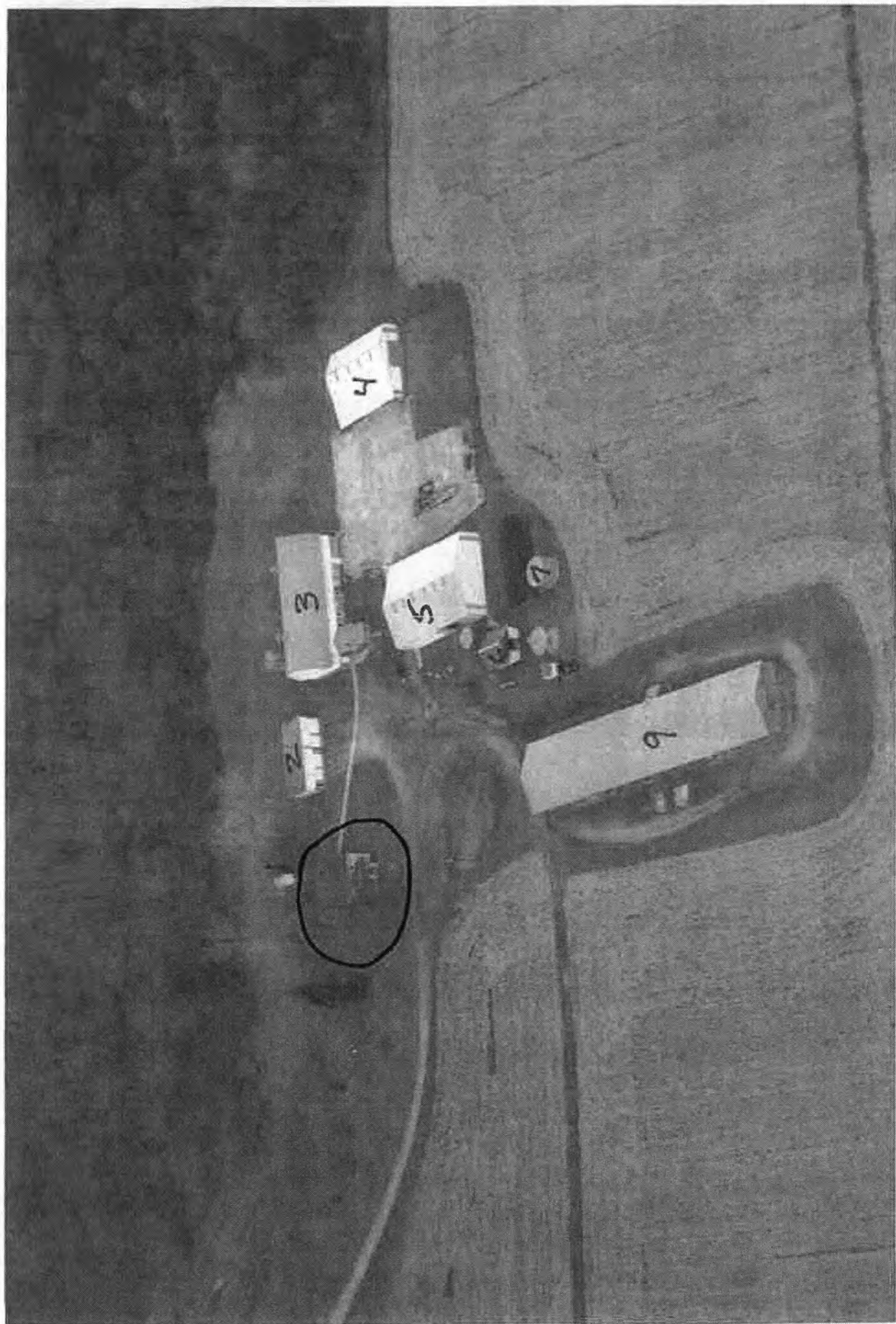
HEREBY COMMANDED TO SEARCH THE ABOVE-DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

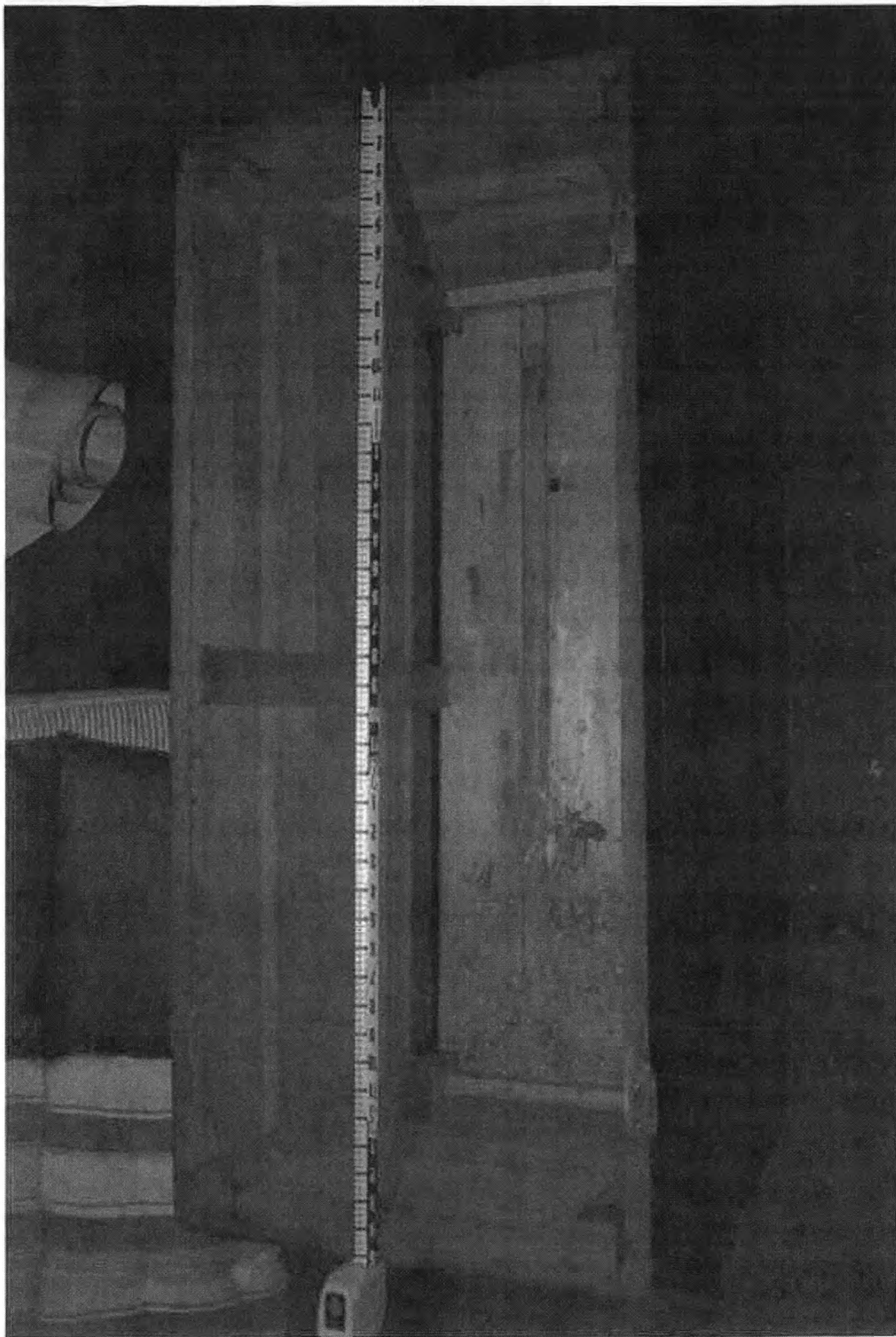
  
\_\_\_\_\_  
JUDGE OF DISTRICT COURT

Dated: July 1, 2010

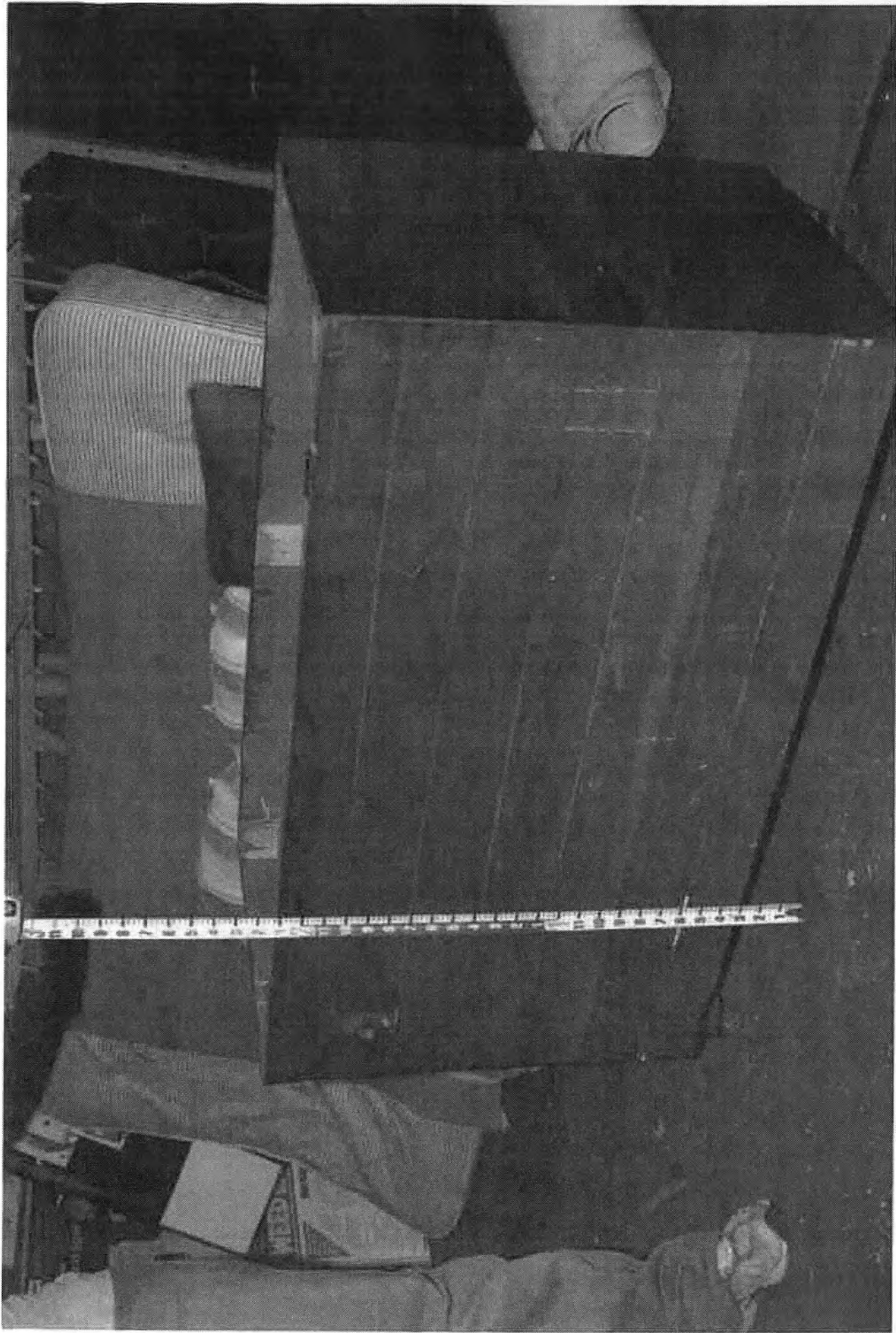
# Appendix E



# Appendix F



# Appendix G



STATE OF MINNESOTA, COUNTY OF STEARNS DISTRICT

COURT

RECEIPT, INVENTORY, AND RETURN

I, Kenneth McDonald , received the attached search warrant issued by the Honorable Landwher , on July 1, 2010, and have executed it as follows:

Pursuant to said warrant, on July 1, 2010 , at ,0900 I searched the (premises)) described in said warrant, and left a true and correct copy of said warrant (at) residence September 8, 2016

I took into custody the property and things listed below (attach and identify additional sheets if necessary):

Miscellaneous papers, notes

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant September 8, 2016
- 

I, Kenneth McDonald , being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory, and return, and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public \_\_\_\_\_ County, MN

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Signature

COPIES TO: COURT • PROS.ATTY • PEACE OFFICER • PREMISES/PERSON

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

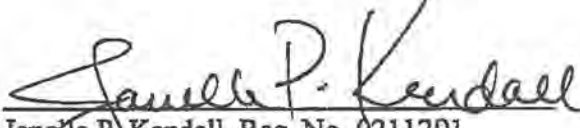
COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling  
Fourth Warrant

**MOTION PURSUANT TO MINNESOTA  
RULE OF CRIMINAL PROCEDURE 33.04**

The undersigned Stearns County Attorney hereby moves the Court, pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2) for an Order that the attached Applications for Search Warrants and supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms not be filed as required by Minnesota Rule of Criminal Procedure 33.04(b) within the ten (10) day time period after authorization. This Motion is based on the attached Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, the Investigator in charge of the investigation into the disappearance of Jacob Wetterling. If the attached Search Warrants and Search Warrant Applications and supporting Affidavits, the actual Search Warrants and the Receipts, Inventories, and Return Forms, are filed, release of the information contained therein could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation. It is requested that the documents be filed upon commencement of any criminal prosecution utilizing evidence obtained in or as a result of said searches.

Dated: July 1, 2010

  
Janelle P. Kendall, Reg. No. 0211291  
Stearns County Attorney  
Administration Center, RM 448  
705 Courthouse Square  
St. Cloud, MN 56303  
(320) 656-3880

IN DISTRICT COURT

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling  
Fourth Warrant

**AFFIDAVIT OF INVESTIGATOR  
KEN MCDONALD**

State of Minnesota )  
 )ss.  
County of Stearns )

The undersigned, Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, states that he is one of the investigators involved in the investigation into the disappearance of Jacob Wetterling as summarized in the attached search warrants. Your affiant states that this investigation is ongoing, that no arrests have been made at the point of this Affidavit being completed, and that several avenues of investigation are being pursued. Your affiant further states that the release of the information contained within the Applications for Search Warrants and supporting Affidavits; Search Warrants and Receipts, Inventories, and Return Forms, could therefore cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation.

State of Minnesota )  
 )ss.  
County of Stearns )

Investigator Ken McDonald  
Minnesota Bureau of Criminal Apprehension

Subscribed and sworn to before me this 15<sup>th</sup>  
day of July, 2010, by Investigator Ken McDonald.

Victor E. Landwehr  
Notary Public District Court Judge

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF STEARNS

SEVENTH JUDICIAL DISTRICT

COURT FILE NO. N/A

In Re: Disappearance of Jacob Wetterling  
Fourth Warrant

**ORDER**

Based upon the attached Motion submitted by Stearns County Attorney Janelle P. Kendall and the Affidavit of Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension, and pursuant to Minnesota Rule of Criminal Procedure 33.04(d)(2), the Court finds reasonable grounds to believe that the filing of the Search Warrant Applications, the supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms could cause future, related searches to be unsuccessful and could create a substantial risk of severely hampering this ongoing investigation of the disappearance of Jacob Wetterling.

Accordingly, IT IS ORDERED that the original and copies of the Search Warrant Applications, supporting Affidavits, the actual Search Warrants, and the Receipts, Inventories, and Return Forms be withheld from filing and be retained by Investigator Ken McDonald, Minnesota Bureau of Criminal Apprehension. IT IS FURTHER ORDERED that upon commencement of any criminal proceeding utilizing evidence obtained in or as a result of said search, or at any other time as directed by the Judge, that said documents shall be filed forthwith.

Dated: July 1, 2010

  
\_\_\_\_\_

Judge of District Court