

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2016ML025689

Court Case No.:

vs.

CRIMINAL COMPLAINT

ZOCCO, KRIS V
DODGE CORRECTIONAL INSTITUTION
1 W LINCOLN STREET
WAUPUN, WI 53963
DOB: 01/05/1975

Defendant,

For Official Use

DETECTIVE ERIK VILLARREAL BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: FIRST DEGREE RECKLESS HOMICIDE

The above-named defendant on or about Friday, October 11, 2013, at 2036 North Prospect Avenue, Apartment 1801, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of Kelly Elizabeth Dwyer, another human being, under circumstances which showed utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b) Wis. Stats.

Upon conviction for this offense, a Class B Felony, the defendant may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 2: HIDING A CORPSE

The above-named defendant between Friday, October 11, 2013 and Saturday, October 12, 2013, at 2036 North Prospect Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, and other locations, did hide a corpse with the intent to conceal a crime, contrary to sec. 940.11(2), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 3: STRANGULATION & SUFFOCATION

The above-named defendant on or about Sunday, September 22, 2013 at about 9:09 AM, at 2036 North Prospect Avenue, Apartment 1801, in the City of Milwaukee, Milwaukee County, Wisconsin, did intentionally impede the normal breathing of Kelly Elizabeth Dwyer by blocking the mouth and/or nose of Kelly Elizabeth Dwyer, contrary to sec. 940.235(1), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

PROBABLE CAUSE:

Your complainant, Erik Villarreal, is a City of Milwaukee Police Detective assigned to the Metropolitan Investigation Bureau, Homicide Division, and specializes in the investigation of "cold cases." Your complainant has been a sworn law enforcement officer for over 25 years and a detective for 20 years.

Your complainant and his former partner in cold case homicide investigations, retired Detective Katherine Spano, conducted an exhaustive investigation into this matter on which your complainant bases the above charges and this criminal complaint.

Your complainant bases this criminal complaint not only on his firsthand knowledge of facts and circumstances constituting evidence of the crimes charged but also on information and belief upon reading reports generated by the City of Milwaukee Police Department, the Wisconsin State Crime Laboratory and other reliable sources.

Your complainant believes all such reports to be truthful and accurate as he is aware that reports from said agencies have proved reliable in the past and are used in the ordinary and regular course of business by himself and other members of the City of Milwaukee Police Department.

Your complainant states that the city of Milwaukee Police Department's investigation into this matter establishes the following facts, and associated reasonable inferences, establishing probable cause to believe that the above named defendant, Kris V. Zocco, committed each of the above charged offenses:

**DEFENDANT KRIS V. ZOCCO'S EARLY HISTORY OF SEXUAL DEVIANCE, INTEREST IN SEXUAL ASPHYXIA
AND THREATENING CONDUCT TOWARD WOMEN**

Your complainant states that defendant, Kris V. Zocco, whose date of birth is January 5, 1975, attended high school in New Hartford, Connecticut. When defendant Zocco was approximately 16 years of age he became sexually involved with a fellow student who was 14 years old at the time. This student, WITNESS 1, states that during their relationship defendant Zocco was "very sexually aggressive" and frequently would "hold her down by her arms and her throat." She states that during oral sex he would hold her head so tightly that she could not breathe." She states that she broke up with defendant Zocco because of this conduct. WITNESS 1 states that defendant Zocco also was very "controlling" and isolated her from her friends while they were dating.

Another female subject, WITNESS 2, states that she also met defendant Kris V. Zocco while in high school in New Hartford, Connecticut, when they were both about 16 years of age. She states that she was in a relationship with defendant Zocco, on and off, for about ten years. WITNESS 2 states that defendant Zocco liked to "tie up her hands and feet while having sex." She states that he also wanted to "blindfold" her while having sex and "videotape them having sex while she was tied up." She states that this conduct made her very uncomfortable.

WITNESS 2 states that after she broke up with defendant Kris V. Zocco, in November of 2005, he would "stalk" her. She states that on one occasion, after the break up, defendant Zocco entered her residence without consent in the middle of the night; at which time she awoke to find the defendant standing in her bedroom. She states that this incident made her extremely afraid of the defendant. WITNESS 2 states that she was so concerned about defendant Zocco possibly harming her after their break up that she told her (now) husband that "if anything ever happened [to her] that police should look at Kris Zocco first."

A third female subject, WITNESS 3, also states that she dated defendant Kris V. Zocco. She states that they dated from about 2002 to 2005. WITNESS 3 states that "when they broke up" defendant Zocco was "quite upset" and she "had to call police on him" due to him "stalking" her by "coming to her apartment and her place of employment, calling her, contacting her at work and sending her threatening emails and texts." She also states that defendant Zocco had a "temper" and on one occasion he "smashed out her window in a fit of rage."

WITNESS 3 further states that she discovered that defendant Kris V. Zocco was part of a "rape chat room," while she was using his computer, around the time she broke up with him. She states that she later discovered video recordings among defendant Zocco's belongings that depicted defendant Zocco having penis to anus sexual intercourse with a female subject who appeared to be "totally passed out" or unconscious. WITNESS 3 states that she has not had contact with defendant Zocco since she "had to file a restraining order against him after breaking up with him." On information and belief, WITNESS 3 sought a restraining order against defendant Zocco in 2005.

**DEFENDANT KRIS V. ZOCCO MOVES TO MILWAUKEE, BEGINS DATING WITNESS 4 AND CONTINUES TO ENGAGE IN
SEXUALLY DEVIANT CONDUCT INCLUDING INCREASINGLY DANGEROUS ACTS OF SEXUAL ASPHYXIA AND ASSAULT**

Your complainant states that defendant Kris V. Zocco moved to Milwaukee from the east coast in 2009, on information and belief, after his employment was terminated by the New York Yankee's organization. After relocating to Milwaukee, defendant Zocco began work at TRC Global where his mother, Joyce Frye, was the Executive Vice President and Chief Operating Officer. Defendant Zocco was employed as "Chief Information Officer" and worked mostly "from home" by his own admission and according to fellow TRC Global employees interviewed in connection with this investigation.

Sometime after relocating to Milwaukee, defendant Kris V. Zocco began dating WITNESS 4. WITNESS 4 states, among other things, that she dated defendant Zocco for three and a half years before ending the relationship in October of 2013 after the victim in this matter, Kelly E. Dwyer, disappeared from the defendant's apartment and she discovered that the defendant had told her numerous lies.

A fifth female subject, WITNESS 5, states that she first met defendant Kris V. Zocco "online" sometime in October of 2012. She states that she was involved in a sexual relationship with defendant Zocco until around June of 2013, five months before, the victim in this matter, Kelly E. Dwyer, disappeared from the defendant's apartment. She states that she stopped seeing defendant Zocco and became very "afraid" of him because he had forcibly sexually assaulted her by holding her down and forcing an act of painful penis to anus intercourse.

DEFENDANT KRIS V. ZOCCO ENGAGES IN CERTAIN NON-CONSENSUAL ACTS OF ORAL SEXUAL ASPHYXIA WITH WITNESS 5, WHICH APPEARED TO EXCITE HIM AND CAUSED HIM TO BECOME "EXTREMELY ENERGIZED"

WITNESS 5 states that she and defendant Kris V. Zocco were engaged in a "dominant and submissive" type sexual relationship and that they engaged in penis to mouth sexual intercourse during which defendant Zocco would block her airway with his penis and that he would sometimes blindfold her and "tie her up" with his neckties, so she could not move, while he engaged in this conduct with her. She states that they had a "signal" or "tap" she would give him if she wanted him to stop or if she was "having trouble breathing." She states that the "first few times" defendant Zocco would stop when she tapped him, but, after a while, he became more "forceful" and would not stop when she tapped him the first time. Eventually, she states, she would have to tap two, three, four or more times to get him to stop and that it appeared defendant Zocco became "extremely energized" and seemed to "enjoy" overpowering her after she would signal for him to stop. She states that she could not breathe normally when the defendant engaged in this conduct.

WITNESS 5 states that the "taps" were previously agreed upon signals to "stop" and defendant Kris V. Zocco knew this; therefore, by tapping defendant Zocco, WITNESS 5 was withdrawing her consent to the conduct. Accordingly, those times when defendant Zocco would continue to block WITNESS 5's airway with his penis, impeding her breathing, even after she tapped him several times, the conduct became non-consensual, highly reckless and, as discussed below, potentially lethal.

DEFENDANT KRIS V. ZOCCO SEXUALLY ASSAULTS WITNESS 5 BY FORCING PENIS TO ANUS INTERCOURSE, WITHOUT HER CONSENT, AND WITH FULL KNOWLEDGE THAT IT CAUSED HER EXTREME PHYSICAL PAIN

WITNESS 5 states that during the course of their relationship defendant Kris V. Zocco would come to her home in a neighboring county to engage in the above described sexual conduct. She states that from the very beginning of the relationship she told him that she would never engage in anal intercourse. She states that she has a medical condition which makes such conduct extremely painful and that the defendant knew this.

WITNESS 5 states that sometime in the summer of 2013, probably during the month of June, defendant Kris V. Zocco came to her home at a time when her children were home asleep. She states that they began to have sex that evening and "[defendant Zocco] was having oral sex with her" when he suddenly flipped her over and held her down, so she could not move, and forced an act of penis to anus intercourse. She states that she was "afraid to scream because her children were in the house," but that she pleaded with the defendant, repeatedly, to stop. She states that he did not stop and that he just kept telling her to "shh" as she repeatedly told him to stop.

DEFENDANT KRIS V. ZOCCO MEETS KELLY ELIZABETH DWYER

Your complainant states that friends of the victim in this matter, Kelly E. Dwyer, who were interviewed in connection with this investigation, indicate that Kelly E. Dwyer started dating defendant Kris V. Zocco in late 2012 or early 2013. At this time, defendant Zocco also was sexually involved with WITNESS 4, with whom he claimed to be exclusive, and WITNESS 5, with whom he was engaged in a dominant and submissive sexual relationship involving reckless, and potentially lethal, acts of sexual asphyxia, and whom he ultimately sexually assaulted.

FRIENDS OF KELLY ELIZABETH DWYER SUSPECT THAT DEFENDANT KRIS V. ZOCCO IS ENGAGING IN UNUSUAL, POSSIBLY DANGEROUS, SEXUAL BEHAVIOR WITH KELLY THAT CAUSES BRUISING TO KELLY'S NECK AND WRISTS

Your complainant states that several close friends of Kelly E. Dwyer, including WITNESS 6, report that in the weeks leading up to Kelly E. Dwyer's disappearance they personally observed bruising to Kelly E. Dwyer's neck

and wrists after she would spend time with defendant Kris V. Zocco. A number of Kelly E. Dwyer's closest confidants understood that Kelly E. Dwyer was involved in some form of bondage type sexual relationship with defendant Zocco.

Friends, such as WITNESS 6, also indicate that Kelly E. Dwyer's relationship with defendant Kris V. Zocco was "non-exclusive," although WITNESS 6 and others believed, based on Kelly E. Dwyer's conduct, statements and demeanor, that Kelly hoped the relationship would become something "more." Friends suspected that this may be why Kelly E. Dwyer was willing to engage in unusual and possibly dangerous sexual practices with the defendant.

POLICE DISCOVER STILL IMAGES AND A VIDEO RECORDING, TAKEN BY DEFENDANT KRIS V. ZOCCO, ON SEPTEMBER 22, 2013, IN HIS MILWAUKEE APARTMENT, DEPICTING KELLY ELIZABETH DWYER NUDE, TIED UP, STRUGGLING TO BREATHE, SEXUALLY POSED AND POSSIBLY UNCONSCIOUS

Your complainant reports that Officer Brian Brosseau of the High Technology Division/Fusion Center of the Milwaukee Police Department examined the contents of defendant Kris V. Zocco's cellular phone, during which he uncovered a number of still photos and one video, all taken on September 22, 2013, depicting the victim in this matter, Kelly E. Dwyer, tied up, possibly unconscious and (in the video) gagging.

Several still photos depict a nude and apparently unconscious Kelly E. Dwyer whose legs are spread apart, whose ankles are tied to the frame of defendant Kris V. Zocco's bed and whose arms are tied (or appear to have recently been tied) behind her back at what appears to be an uncomfortable angle.

Other still photos - that appear to have been taken at the same time as the video - depict a blindfolded Kelly E. Dwyer who is again "tied up" or bound at the legs and arms and/or wrists. In these photos Kelly E. Dwyer's face is being shoved into defendant Kris V. Zocco's groin. In some of these images both of her airways, nose and mouth, are completely blocked.

The video depicts defendant Kris V. Zocco performing an extremely aggressive act of penis to mouth sexual intercourse on a bound, restrained and blindfolded Kelly E. Dwyer. Kelly E. Dwyer can be heard struggling to breathe. She is gasping, wheezing, gurgling and appears to be struggling to inhale as the defendant forces his penis, it appears, down her esophagus, gagging her. The defendant continues with the act despite the fact that Kelly E. Dwyer is clearly struggling to breathe and is physically unable to tell him to stop. The way Kelly E. Dwyer is restrained, during the act depicted in the video; she could not "tap" the defendant as WITNESS 5 had been instructed to do. At one point during the act depicted in the video, defendant Zocco tells Kelly E. Dwyer to "breathe through [her] nose," which would have been very difficult given the victim's nose is blocked during much of the incident, again, because the defendant is forcibly pushing her face into his groin.

This statement indicates that defendant Kris V. Zocco is aware that Kelly E. Dwyer is struggling to breathe and that her normal breathing is impaired. Defendant Zocco later states that the "sooner [Kelly E. Dwyer] makes him 'cum' the sooner he will be out of [her] mouth" indicating that Kelly E. Dwyer does not have much choice in the matter and, again, that defendant Zocco knows his conduct is impeding her normal breathing.

STRANGULATION, SUFFOCATION AND OTHER FORMS OF INTENTIONAL ASPHYXIATION ARE INHERENTLY LETHAL

Your complainant spoke with Milwaukee County Medical Examiner, Dr. Brian Peterson, in connection with this investigation. Dr. Peterson states that death is possible anytime someone substantially impedes the normal breathing of another person and any reasonable person engaging in such conduct should realize that such conduct can be lethal. He states that conduct intended to induce unconsciousness poses an even greater risk of death and that risk is compounded further if the subject being strangled or otherwise choked, suffocated or asphyxiated is unable to move or has their freedom of movement restricted in some way, creating a risk of death resulting from "positional asphyxia."

Dr. Peterson states that death can result not only from pressure being applied to the neck blocking the flow of oxygen to the brain but also from intrusions into the airways or blockage of the airways. He states that extreme forms of oral sexual intercourse that involve substantially obstructing the airway of another person can be lethal. Once again, he states that the risk is compounded if the subject whose breathing is being obstructed is tied up, restrained and/or cannot move or change position in an attempt to regain breath.

Your complainant notes that common sense indicates that anytime an adult person engages in an intentional act that causes another person to struggle to breathe that person has to realize, or a reasonable person in his position should realize, that his conduct can kill the person whose breathing he is impairing.

KELLY ELIZABETH DWYER IS SEEN ALIVE FOR THE LAST TIME EVER WITH DEFENDANT KRIS V. ZOCCO ENTERING HIS APARTMENT COMPLEX ON OCTOBER 11, 2013 AT 2:37 A.M.

Your complainant states that on Thursday, October 10, 2013, the victim in this matter, Kelly E. Dwyer, arrives at defendant Kris V. Zocco's apartment complex at 2036 North Prospect Avenue, in the city and county of Milwaukee, at 9:50 p.m.

Witnesses report that later that evening, and into the early morning hours of October 11, 2013, Kelly E. Dwyer was observed in the company of defendant Kris V. Zocco at a nearby bar called "Allium."

Witness 7 reports that nothing seemed to be wrong with Kelly E. Dwyer while she was at Allium that evening and that she was socializing, having drinks and appeared to be happy and not particularly intoxicated or impaired.

At 2:37 a.m. on October 11, 2013, Kelly E. Dwyer is seen alive for the last time as she enters the lobby of the north tower at 2036 North Prospect Avenue, in the city and county of Milwaukee, with defendant Kris V. Zocco, who lived in apartment 1801.

Video obtained from the apartment complex depicts the two entering the lobby and then turning the corner to enter the interior elevator. Kelly E. Dwyer does not appear particularly intoxicated or otherwise impaired. She is wearing black pants or leggings, brown boots and a denim jacket. She is smiling and casually walking as she talks to defendant Kris V. Zocco as they enter the lobby and turn the corner toward the elevator to the 18th floor. Her demeanor appears upbeat and confident; consistent with her typical demeanor as characterized by her friends and family.

Kelly E. Dwyer is never seen alive by anyone ever again after this moment and all activity on her Facebook, phone and bank account cease thereafter, never to resume.

Defendant Kris V. Zocco gives a number of inconsistent accounts concerning his conduct with the victim in this matter, Kelly E. Dwyer, on October 10 and 11, 2013 and about her conduct and whereabouts, and his conduct and whereabouts, during the 36 hours after Kelly E. Dwyer is last seen alive entering the apartment complex with him.

Your complainant states that Kelly E. Dwyer was not scheduled to work on Friday, October 11, 2013. Defendant Kris V. Zocco was aware of this fact. Defendant Zocco reports to friends and family of Kelly E. Dwyer, including WITNESS 8 and WITNESS 9, and to police, that Kelly E. Dwyer just left his apartment on Friday morning sometime between 7:00 a.m. and 9:30 a.m., depending upon which of the defendant's accounts one relies.

Defendant Kris V. Zocco tells different witnesses different information about when Kelly E. Dwyer allegedly walked out of his apartment and under what circumstances; including making several inconsistent statements to WITNESS 8 regarding when Kelly E. Dwyer allegedly left his apartment on the morning of October 11, 2013. Defendant Zocco tells Detective Tammy Tramel-McClain that they both "got up around the same time" and that Kelly E. Dwyer left "as usual," implying he, in some manner, personally observed her leave, but telling Detective Gust Petropolis that he was "sleeping" but heard the "door click" so he "figured" Kelly must have left his apartment.

KELLY ELIZABETH DWYER FAILS TO REPORT FOR WORK ON OCTOBER 12, 2013 AND IS REPORTED MISSING

Your complainant states that the victim in this matter, Kelly E. Dwyer, was scheduled to work at Lululemon in Milwaukee the morning of Saturday, October 12, 2013, but never showed up for work. Her supervisor, WITNESS 8, and her other co-workers were immediately concerned because Kelly E. Dwyer was not at work and her phone was "off," which was extremely unusual for Kelly. Kelly E. Dwyer's supervisor and coworkers grew so concerned for Kelly's safety that they went to her apartment to attempt to locate her. WITNESS 9 states that she went to Kelly E. Dwyer's apartment looking for Kelly but she was not home and there was no sign that she had been home. Co-workers also contacted Kelly E. Dwyer's mother, WITNESS 10, who reported her daughter missing shortly thereafter.

Co-workers of Kelly E. Dwyer knew Kelly was involved with defendant Kris V. Zocco, so her co-worker, WITNESS 6, went to defendant Zocco's residence that morning looking for Kelly E. Dwyer but found no sign of Kelly or defendant Zocco. WITNESS 6 and others also tried calling defendant Zocco but his phone also was "off" and going straight to voicemail, which also was highly unusual.

Milwaukee Police Officers Cooke and Balistreri initially responded to Kelly E. Dwyer's mother's, WITNESS 10's, missing person report on Saturday October 12, 2013. They also attempted to reach defendant Kris V. Zocco, but his phone was "off" and going straight to voicemail. Officers left messages for defendant Zocco but it was not until later that afternoon that defendant Zocco finally returned their calls, and contacted others who had left messages for him inquiring about Kelly E. Dwyer's whereabouts.

DEFENDANT KRIS V. ZOCCO REMOVES THE "SIM" CARD FROM HIS PHONE RENDERING IT UNDETECTABLE FOR A PERIOD OF 17 HOURS BETWEEN 7:43 P.M. ON OCTOBER 11, 2013 AND 2:41 P.M. ON OCTOBER 12, 2013

Your complainant reports that analysis of defendant Kris V. Zocco's phone and phone records reveal that he received some 17 calls while his phone was "off" that Saturday. Most of these calls were from friends or family of the victim in this matter, Kelly E. Dwyer, including WITNESS 6, WITNESS 8 and WITNESS 10 who were attempting to locate Kelly.

Later investigation into this matter revealed that defendant Kris V. Zocco not only had his phone "off" on Saturday October 12, 2013, but he had removed the "SIM" card from his phone on Friday October 11, 2013, at 7:43 p.m., the day the victim in this matter, Kelly E. Dwyer, vanished from his apartment. Defendant Zocco did not reinstall the card until Saturday October 12, 2013 at 2:41 p.m.

Your complainant states that he knows that removal of the "SIM" card from the phone ensured that defendant Kris V. Zocco's location could not be determined using GPS information collected by his phone or programs on his phone. Removing the "SIM" card from a phone is the type of additional step a technologically sophisticated person would take to ensure his or her phone could not be used to determine his or her location during the period of time the card was removed.

Defendant Kris V. Zocco gave inconsistent and incredible accounts to various witnesses and investigators about where he was and what he was doing between the time Kelly E. Dwyer was last seen alive, walking into his apartment building, with him, and when he reinstalled his "SIM" card and finally responded to calls from police and worried friends and family members of Kelly E. Dwyer.

For example, WITNESS 10 states that defendant Kris V. Zocco told her he was both "house sitting" the weekend in question and that he was out "Christmas shopping [with his phone off]." Defendant Zocco told WITNESS 8 that he had been "Christmas shopping" then paused and said "price comparing" on October 12, 2013. Police reports containing interview summaries indicate that defendant Zocco also told certain witnesses that he was allegedly "Christmas shopping" on October 11, 2013 but told others he was "Christmas shopping [with his phone off]" on October 12, 2013. Reports indicate that he would tell yet others he was "running errands" or "working," among other conflicting statements.

KELLY ELIZABETH DWYER IS NEVER SEEN LEAVING DEFENDANT KRIS V. ZOCCO'S APARTMENT COMPLEX AND COULD NOT HAVE LEFT WITHOUT BEING CAPTURED ON CAMERA

Your complainant contends that despite defendant Kris V. Zocco's claim that, the victim in this matter, Kelly E. Dwyer, walked out of his apartment on her own accord, examination of surveillance video for every camera in the apartment complex, including all cameras inside and outside of both the north and south towers and the garage, reveal that Kelly E. Dwyer is never seen inside the building or leaving out of any possible exit from the building. Video for a period of up to a week after she was last seen alive was scrupulously examined by multiple officers and detectives, to ensure accuracy, and Kelly E. Dwyer is never seen again on video, or by anyone, after 2:37 a.m. on October 11, 2013. There are no credible reports of anyone ever seeing Kelly E. Dwyer alive again.

DEFENDANT KRIS V. ZOCCO LIES TO POLICE AND PROVIDES INCONSISTENT AND MISLEADING INFORMATION

Your complainant states that among defendant Kris V. Zocco's inconsistent and untruthful statements to Milwaukee Police Detective Tammy Tramel-McClain, and others, was that the victim in this matter, Kelly E.

Dwyer, was wearing a “dress” when they went to the bar and that she was wearing a dress when they entered his apartment building after coming back from the bar.

Your complainant has viewed the video from the apartment complex and it establishes clearly that Kelly E. Dwyer was wearing pants or leggings, boots and a jacket, not a dress.

Additionally, during his interview with Detective Tramel-McClain, defendant Kris V. Zocco made certain provocative and highly unusual claims about the victim in this matter, Kelly E. Dwyer, that could not be confirmed by any of her friends or family members. He stated, for example, that he understood that Kelly E. Dwyer, who was a healthy 27 year old woman, planned to have her “ovaries removed” and that she was going to have a surgery to have “something” in “her esophagus removed” and that he believed this meant that Kelly E. Dwyer was “heavily into oral sex.”

Defendant Kris V. Zocco also made a point of telling detectives that he took his “summer sports equipment,” some of which he was “throwing out” to his mother’s house in Richfield on October 11, 2013. He specifically stated that he was taking some of these items to her home to dispose of them because the apartment complex frowned upon disposal of such items on premise.

Defendant Kris V. Zocco told Detective Tramel-McClain that he took the “summer sports equipment” he planned to dispose of to his mother’s home in the evening on October 11, 2013 and then returned to his apartment. Video establishes that defendant Zocco leaves the garage in his vehicle on October 11, 2013 at 6:16 p.m.; however, defendant Zocco does not return that evening, contrary to his statement to police, which is proven to be a lie. In fact, defendant Zocco’s vehicle does not return to the garage until 2:41 p.m. on October 12, 2013, the same time his “SIM” card is reinstalled.

According to WITNESS 4, a large golf travel bag that zipped completely shut and had wheels for ease of transport was among the “sports equipment” she had previously personally observed in the defendant’s apartment. WITNESS 4 describes this bag as being well over five feet in length or height and about 2 and a half feet in width. (On information and belief, large enough to fully conceal the body of an average size adult female, such as that of the victim in this matter, Kelly E. Dwyer, who was 5’7 and weighed approximately 147 pounds.)

WITNESS 4 states that this large travel golf bag was in defendant Zocco’s apartment on the floor in front of the television in the living room for many weeks. She states that it was in that same spot when she was last inside the apartment, about two weeks before Kelly E. Dwyer vanished. She states that she found it odd that the defendant would be taking any of his “sports equipment,” which had been lying around his apartment for some time, to his mother’s house on October 11, 2013 given they had dinner plan that evening.

The large travel golf bag was missing from the defendant Kris V. Zocco’s apartment when search warrants were executed in the days following the report of Kelly E. Dwyer’s disappearance; however, a set of golf clubs remained in the apartment.

Early in the investigation detectives Rodney Gonzalez and John Charles interviewed defendant Kris V. Zocco’s mother, Joyce Frye, and asked if they could see the items defendant Zocco reportedly dropped off at her home on October 11, 2013 but Joyce Frye refused to show the items to police or to describe them.

Detective Erik Gulbrandson has attempted to speak with Joyce Frye numerous times in recent weeks but has received no response. Detective Gulbrandson has placed six calls to Joyce Frye to inquire as to her knowledge of the whereabouts of the golf bag and other “sports equipment,” all of which have gone unanswered.

As of the date of this complaint, the whereabouts of the above described travel gold bag is still unknown.

Additionally, multiple detectives, including your complainant, also examined footage from a motion activated camera inside the building garage and the continuously recording camera at the garage exit, between October 11, 2013 and October 12, 2013, attempting to confirm certain aspects of defendant Kris V. Zocco’s account of his activities on those dates.

Your complainant observed defendant Kris V. Zocco leave the parking garage in his vehicle at 10:06 a.m., on Friday October 11, 2013, and return to the garage in his vehicle at 10:22 a.m. that same morning.

Defendant Kris V. Zocco gave multiple accounts concerning how and when Kelly E. Dwyer allegedly left his apartment that morning as well as when and why he left in his vehicle, shortly after 10:00 a.m., that morning. He told Detective Tramel McClain, for example, that both he and Kelly E. Dwyer “woke up around 9 a.m., or a little before that,” on Friday October 11, 2013, that they both woke up “somewhat” at the same time and Kelly E. Dwyer “left the apartment.” He stated she “told him she was leaving as usual.” He stated that he then heard the door “click” and “knew” Kelly E. Dwyer had left. Defendant Zocco stated that about 9:30 a.m. on Friday [shortly after Kelly E. Dwyer allegedly “left” his apartment] he was going to “start his work day” and “usually works from home.” He then stated that he “put on some clothes” to go over to his office building to “get a document he needed for a meeting he had that he would conduct from his home.” He stated that he left his apartment to drive to his office but that he had “not showered or anything” and that when he was “almost there” he realized he “did not need the document” and could conduct the meeting without it. Then, without being asked, defendant Zocco provided the route he drove to go to the “office” and back home. He stated he drove on Farwell Avenue to Brady Street and then back to Prospect to his building. He stated he did not see Kelly E. Dwyer anywhere on the street at the time. He stated that he then returned to his apartment building and “began his work day from home.”

Defendant Kris V. Zocco told Detective Gust Petropolis that “at one point [the morning of October 11, 2013] he heard his door close” and that he “thought that this was when she [Kelly E. Dwyer] must have left.” He stated that about 45 minutes to an hour later he finally “roused himself” and at that time he saw that she was no longer there. Defendant Zocco stated that he thought he got up at about 9:30 a.m. and he “realized that he was late for work and quickly got dressed and went to his car to drive to work.” He stated that he did not carry anything to his car at that time. He stated that he “got about halfway there and came to the conclusion that he was in no condition for work” and decided to return home. He stated that he was “hung over, had not taken a shower, and was not dressed appropriately.” He said that he had “intended to run to the office to grab some paperwork and go back home and do some work.” He made a point of stating that he did not take a bag or briefcase with him and that he did not make any calls.

DEFENDANT KRIS V. ZOCCO WAS MORE CONCERNED WITH VIEWING SURVEILLANCE VIDEO OF HIMSELF INSIDE THE GARAGE ON OCTOBER 11, 2013 THAN LOOKING FOR KELLY E. DWYER

Both WITNESS 8 and WITNESS 10 report that between Saturday, October 12, 2013, and Monday, October 14, 2013, defendant Kris V. Zocco repeatedly inquired as to whether “police had viewed the video” and expressed concern about whether he is seen leaving from the garage “by himself.”

While WITNESS 10 and WITNESS 11 were viewing video from the complex, on October 14, 2013, with representatives of the management company, prior to police taking over, defendant Kris V. Zocco requested, multiple times, to see the “video from the garage” and made statements indicating that he was very concerned about seeing himself in the video and expressed little to no concern about whether the victim in this matter, Kelly E. Dwyer, was observed leaving the complex.

KELLY ELIZABETH DWYER’S PHONE CONNECTS FOR THE LAST TIME EVER TO THE TOWER SERVICING DEFENDANT KRIS V. ZOCCO’S APARTMENT BUILDING TWO MINUTES AFTER THE DEFENDANT IS OBSERVED LEAVING HIS GARAGE

Your complainant knows that detectives obtained phone records for Kelly E. Dwyer’s phone and defendant Kris V. Zocco’s phone. Detective Eric Donaldson analyzed records for Kelly E. Dwyer’s phone and indicates that the records reveal that Kelly E. Dwyer’s phone connected for the last time, ever, with the tower servicing defendant Zocco’s building on October 11, 2013 at 10:08 a.m., two minutes after the defendant departs his garage. The phone is never recovered and never powers on again.

DEFENDANT KRIS V. ZOCCO HAS HIS PHONE “OFF,” IS LATE FOR DINNER PLANS WITH WITNESS 4 AND IS BEHAVING “STRANGELY” THE EVENING OF OCTOBER 11, 2013

Your complainant knows that defendant Kris V. Zocco had dinner plans with WITNESS 4 the evening of October 11, 2013 and WITNESS 4 indicates that defendant Zocco spent the night at her condo in Milwaukee, a fact defendant Zocco never told any police officer or detective with whom he spoke. WITNESS 4 reports that the defendant did not show up at her home when he was expected and that he was “late” that Friday evening. She states that she tried to reach him by phone and text but got no response and that his phone went straight to voicemail as if it was “off” which she said was extremely odd.

When defendant Kris V. Zocco finally arrived at WITNESS 4's condo around 8 p.m. he let himself in, which she states was "unusual" and complained that his "SIM" card was not working and that is why he was not getting her messages.

WITNESS 4 states that defendant Kris V. Zocco claimed to have purchased a new "SIM" card before arriving at her condo. She then observed him appear to either remove or replace the "SIM" card in his phone. (There is no evidence that defendant Zocco ever transferred his number to a new card so the defendant was probably removing the card or making it appear as if he were "changing" or "replacing" the card to support his explanation for why he could not be reached.)

WITNESS 4 also states that defendant Kris V. Zocco seemed quite anxious and that he was restless and sweaty that night. She states that in the morning when she asked him if he was "feeling alright" he told her that her "comforter made him hot."

WITNESS 4 states that she and defendant Kris V. Zocco got up at around 7:00 a.m. and that he left around the same time she did, 7:30 a.m., on October 12, 2013, and he told her he was going to run "errands" and "work." He mentioned nothing about Christmas shopping, which he would later claim he was doing, while the "SIM" card was removed from his phone, that Saturday, the day after Kelly E. Dwyer vanished from his apartment.

Defendant Kris V. Zocco gave multiple, somewhat varied, accounts to multiple persons about exactly what he did and where he was between 7:30 a.m. and 2:41 p.m. on Saturday, October 12, 2013, while the "SIM" card was removed from his phone. He told WITNESS 8 that he was "Christmas shopping" and then paused and said price comparing. He told WITNESS 4 he was "running errands" and "working." He told Detective Tramel McCain that he would have been "preparing for his week," among other accounts.

MULTIPLE ITEMS ARE MISSING FROM DEFENDANT KRIS V. ZOCCO'S APARTMENT, THERE ARE INDICATIONS OF A POSSIBLE STRUGGLE AND EVIDENCE OF AN ATTEMPT TO CLEAN-UP

Your complainant knows that members of the Milwaukee Police Department executed multiple search warrants on defendant Kris V. Zocco's apartment, during the course of this investigation, which revealed that a number of items were missing, that there was evidence of a possible struggle and evidence of an attempt to clean something up.

WITNESS 4 viewed photos of the residence taken during the execution of the first search warrant and indicates that rugs, towels and a shower curtain, among other items, were all missing from defendant Kris V. Zocco's guest bathroom.

Detectives executing the first search warrant discovered that shower curtain rings were still on the bar in this bathroom. Upon closer examination of the rings, Detective Kevin Klemstein observed that the rings were bent and remnants of a shower curtain or liner was observed on a number of the rings; indicating that the shower curtain had been torn from the rings, perhaps in haste to conceal something or as part of a struggle.

WITNESS 4 also states that the defendant never did his own cleaning and was "messy," but the guest bathroom was unusually clean and empty. WITNESS 4 states that defendant Kris V. Zocco had a house keeper who did cleaning for him, WITNESS 12, and that she (WITNESS 12) did all of the cleaning.

WITNESS 12 states that she had cleaned defendant Zocco's apartment about two weeks before news of Kelly E. Dwyer's disappearance broke. She states that *she* would clean the floors and the bathrooms, *not the defendant*. WITNESS 12 also states that she disposed of any trash from the residence in a stainless steel trash can with a cover and that she always placed items into the trash can lose. She states that never in her experience cleaning for defendant Zocco was a trash bag or liner used in that trash can.

WITNESS 12 was shown a photo of used cleaning implements and other items, such as a "Swiffer Wet Jet" pad, band aid wrappers, a used scouring pad and packaging for various bathroom cleaning supplies, detectives located in a Walgreen's bag inside of a black garbage bag in the above described trash can. WITNESS 12 states that she has never seen those items before and did not put them in the trash receptacle.

WITNESS 12 also viewed a photo of defendant Kris V. Zocco's guest bathroom and indicated that the bathroom usually had a multicolored shower curtain and rugs in it; although, she could not remember if there were towels hanging in that bathroom typically.

Senior DNA Analyst Sharon Polakowski of the Wisconsin State Crime Laboratory states that she conducted DNA testing of the above referenced "Swiffer Wet Jet" pad and the scouring pad and that said testing indicates the presence of a STR DNA mixture profile on both items that includes both defendant Kris V. Zocco and the victim in this matter, Kelly E. Dwyer, as probable contributors.

PROFICIENT HUMAN REMAINS DETECTION K9 DETECTS THE ODOR OF HUMAN REMAINS ON DEFENDANT KRIS V. ZOCOCO'S BED, IN HIS GUEST BATHROOM, BY THE ENTRYWAY TO HIS APARTMENT, IN THE TRASH CHUTE AND IN THE TRUNK OF HIS VEHICLE, AMONG OTHER PLACES

Your complainant states that a human remains detection dog, K9-Molly, and her handler Officer Carren Corcoran, of the Madison Police Department, were asked to conduct a "sniff" for the odor of human remains at defendant Kris V. Zocco's apartment building on October 14, 2013, three days after Kelly E. Dwyer vanished from the apartment. K9-Molly later also performed a sniff of the defendant's vehicle while it was at the police tow lot.

During the course of the sniff at the apartment complex, K9-Molly was brought into the trash disposal area or trash compactor room for the north tower where she detected the odor of human remains in the dumpster and on a shovel used by workers to move trash from the dumpster into the compactor.

K9-Molly was taken to the 18th floor of the north tower, the floor on which defendant Kris V. Zocco's apartment, 1801, was located. She detected the odor of human remains in the trash room on the 18th floor both on and inside the trash chute. This indicates that items associated with a deceased human body, or a deceased body itself, came in contact with the chute. Given the fact the K9-Molly also indicated on the dumpster directly below the chute and the shovel used to move trash items inside the dumpster, it is reasonable to believe that items that came into contact with a dead body were pushed down the chute, landed in the dumpster and were moved about in the dumpster with the shovel.

The shower curtain, towels and rugs from the guest bathroom were never recovered.

K9-Molly then did a sweep around the 18th floor off lead going past each unit. When K9-Molly approached the door to unit 1801, defendant Kris V. Zocco's apartment, she stopped her movement and began to vigorously sniff at the seam of the door to the apartment and gave her formal indication that she detected the odor of human remains at the door to defendant Zocco's apartment.

A search warrant was then obtained to take K9-Molly inside to conduct further sniffing. While inside defendant Kris V. Zocco's apartment, located in the city and county of Milwaukee, K9-Molly detected the odor of human remains in the area right in front of the door to the apartment and in the guest bathroom (the bathroom from which the shower curtain, rugs and towels are missing and in which the bent shower curtain rings were located). She detected the odor of human remains in multiple locations inside this guest bathroom; including in the tub, along the wall next to the tub and on the floor at the base of the sink.

K9-Molly also detected the odor of human remains in the closet housing the washing machine and dryer and specifically on the defendant's "Swiffer Wet Jet" mop that was located in that closet, indicating a death probably occurred in his apartment and that some form of clean up occurred, probably in the guest bathroom, given it appeared to have been recently cleaned and the odor of human remains was detected in multiple locations in that bathroom.

K9-Molly also indicated on top of the defendant's bed in the master bedroom. She detected the odor of human remains on the bed suggesting a deceased body, likely that of Kelly E. Dwyer, and/or items associated with that deceased body, were, at one point, on that bed.

K9-Molly also was summoned to perform a "sniff" for the odor of human remains in the police tow garage where defendant Kris V. Zocco's vehicle was being housed with many other vehicles. When let off lead K9-Molly walked directly to defendant Zocco's vehicle and did not approach any other vehicle. She sniffed deeply and gave her trained response that she detected the odor of human remains in at the front driver's side of the vehicle and at the

trunk. K9-Molly was then allowed inside the vehicle and indicated that she detected the odor of human remains in the driver's seat and inside the trunk, where, in all probability, Kelly E. Dwyer's body was placed to be transported to the rural location where she was ultimately discovered, in skeletal form, naked and hidden in buckthorn.

**SKELETAL REMAINS OF KELLY ELIZABETH DWYER ARE DISCOVERED CONCEALED IN BUCKTHORN
IN RURAL JEFFERSON COUNTY ON MAY 1, 2015**

WITNESS 13 states that on May 1, 2015 he took a walk through fields along the rural road that leads to his home. He states that he was walking on the west side of XXXX Drive, which is a dead-end street in the town of XXXX, which is located in rural Jefferson County, Wisconsin about 38 miles from defendant Kris V. Zocco's apartment complex.

WITNESS 13 states that as he was walking he observed a "gleam of light" shining on what appeared to be a leg bone located within a tree line, comprised mostly of buckthorn, about 20 feet from the road. WITNESS 13 states that upon taking a "closer look" he didn't think the bone "looked right," that it appeared to be longer than a deer's leg and was "bent funny." He then bent down closer to the ground to get a better look, at which point, he observed the eyes and nose in the skull and believed it to be human. WITNESS 13 then informed a neighbor of his discovery and they called 911.

On May 7, 2015, a trained forensic odontologist, Dr. Donald Simley, D.D.S., examined the remains and compared the teeth to dental records for Kelly E. Dwyer. Dr. Simley confirmed that the skeleton was in fact that of the victim in this matter, Kelly E. Dwyer, who had not been seen alive, for more than a year and a half, since being observed for the last time at 2:37 a.m. on October 11, 2013 as she entered 2036 North Prospect Avenue, in the city of Milwaukee, Milwaukee County, Wisconsin, with defendant Kris V. Zocco.

**DEFENDANT KRIS V. ZOCCO KILLS KELLY ELIZABETH DWYER, IN HIS MILWAUKEE APARTMENT, INTENTIONALLY OR BY
RECKLESS HOMICIDAL MEANS, EVINCING UTTER DISREGARD FOR HUMAN LIFE**

Your complaint states that given the pattern of K-9 Molly's indications, and what is known about defendant Kris V. Zocco's history of sexual deviance and his regular sexual conduct with Kelly E. Dwyer, a reasonable scenario one can infer from this evidence is that the defendant killed Kelly E. Dwyer, on the bed, either intentionally, with sexual gratification as the probable motive, or during a highly reckless act of strangulation or asphyxia in a sexual context taken too far, during which Kelly E. Dwyer was probably naked and may have been tied up.

Based on K9-Molly's indications, it appears that after killing Kelly E. Dwyer defendant Kris V. Zocco probably carried Kelly E. Dwyer's body from the bed to the guest bathroom where he probably placed her corpse in the tub. It is reasonable to conclude that the missing towels and rugs may have been used during an effort to clean the body of the deceased victim, Kelly E. Dwyer, to remove evidence or to clean up the scene.

If defendant Kris V. Zocco did clean his victim's body in the bathroom, he probably would have needed to dry the body before packing her in the travel golf bag, or any other container, to dispose of her remains. These items would have had the odor of human remains "pooling" about them and if the defendant placed these items down the trash chute the odor of human remains from those items would pool around the chute and in the location where the items probably remained until garbage pick-up, the dumpster in the compactor room.

It is reasonable to infer that the shower curtain may have been used to wrap Kelly E. Dwyer's body so that it was concealed inside the container or as a tarp on which to place the body as the defendant devised a plan to get his victim's body out of the apartment building and dumped at a remote location.

Senior DNA Analyst Sharon Polakowski also conducted DNA testing on swabs taken from the inside of the garbage chute opening and concluded that defendant Kris V. Zocco's full "source" STR DNA profile was the major contributor to a STR DNA mixture profile located inside the opening of the trash chute. This indicates that defendant Zocco had contact with the inside of the opening of the chute sufficient to deposit enough genetic material to leave his full, identifying, STR DNA profile, indicating, perhaps, that the defendant, sweating and nervous as he disposed items used to clean the body of his victim, or the scene of the homicide he just committed, down the chute.

One may reasonably infer, from all of the known evidence, that after killing Kelly E. Dwyer, either during an intentional homicidal act or a highly reckless act of suffocation, strangulation or asphyxia, probably in a sexual context, defendant Kris V. Zocco, perhaps after cleaning her body of any physical evidence in the guest bathroom, packed her remains into the missing large travel golf bag with wheels, then, at some point before he leaves for the day to go to WITNESS 4's condo, he loads the bag containing Kelly E. Dwyer's remains into his trunk, where K9-Molly also detected the odor of human remains.

WITH INTENT TO AVOID ACCOUNTABILITY FOR HIS ACTIONS AND "GET AWAY WITH MURDER" DEFENDANT KRIS V. ZOCCO DISPOSES OF KELLY ELIZABETH DWYER'S NUDE BODY, CONCEALING IT IN BUCKTHORN, ON A DEAD-END ROAD, IN RURAL JEFFERSON COUNTY, ON OCTOBER 12, 2013, WHERE IT WOULD REMAIN UNTIL MAY 1, 2015

Your complainant notes that additional investigation and examination of defendant Kris V. Zocco's bank card records reveal that he did take a trip out of town while he had the "SIM" card removed from his phone, after leaving WITNESS 4's condo at 7:30 a.m. on October 12, 2013.

Investigation indicates that defendant Kris V. Zocco took a trip to Mousehouse Cheesehaus in Windsor, Wisconsin, which is near Madison, most likely with the body of homicide victim Kelly E. Dwyer concealed inside the golf bag in his trunk. At 9:55 a.m. on October 12, 2013, defendant Zocco purchased cheese at Mousehouse, paying cash, and then, on information and belief, got back on I-94 East, perhaps scouting for a remote site at which to dispose of and conceal Kelly E. Dwyer's remains, or going directly to a previously selected location.

It is reasonable to infer that defendant Kris V. Zocco set out to conceal Kelly E. Dwyer's remains in the hope they would never be found. One can reasonably infer he does so, as opposed to calling for an ambulance when this incident occurred, because he killed Kelly E. Dwyer, either intentionally or during a highly reckless homicidal act, the kind of act that would clearly be deemed criminal if discovered, the kind of act that the defendant had to go to extraordinary lengths, and take significant risks, to conceal.

Your complainant knows that the skeletonized remains of Kelly E. Dwyer were found in rural Jefferson County, well concealed in buckthorn, down an embankment, on a dead end road, one and a half years after she disappeared from defendant Kris V. Zocco's apartment. Experts, including forensic entomologist Neil H. Haskell, Ph.D., B.C.E., and a forensic anthropologist from the University of North Texas, examined the remains and/or soil samples from the scene and concluded that Kelly E. Dwyer's remains had been in that spot, for all intents and purposes, as long as she had been missing.

Your complainant notes that the dump site is 38 miles from defendant Kris V. Zocco's apartment and it is on a rural dead end road that one would easily come upon by taking exit 275 for County Road F toward Sullivan/Ixonia off of I-94 East on the way back toward Milwaukee from Madison.

Kelly E. Dwyer's skeletal remains were found face down and extremely contorted with one of her arms bent at a severe angle behind her back and a leg bent up under her, indicating that she probably was placed into some kind of container shortly after death and that her body went into rigor mortis in that container and that the body, probably still in rigor, was rolled down the incline and deposited into the tree line where it was well concealed, even when leaves were not present on the trees.

Milwaukee County Medical Examiner, Dr. Brian Peterson, confirmed that if the body was still in rigor mortis at the time the body was deposited at the location the body would have remained in that position as it decomposed if the remains were left, for the most part, undisturbed. He further confirmed that it would not be uncommon for a body to still be in rigor mortis 24 to 72 hours, or possibly longer, under certain conditions, after the time of death; although, the time of onset of rigor mortis may vary depending on many factors.

An autopsy and an anthropological examination were performed on the skeletal remains; however, a cause of death could not be determined due to advanced decomposition. Accordingly, Jefferson County Medical Examiner, Dr. Nichol Tesch, concluded that neither a cause of death nor a manner of death could be determined from the remains and a death investigation at the dump site.

Although a medical examiner has no way to scientifically conclude precisely what caused Kelly E. Dwyer's death, based on the totality of the evidence, facts and circumstances uncovered during the course of the substantial police investigation into the matter, a finder of fact could reasonably infer that strangulation, suffocation or asphyxia is a probable cause of death and that the manner of death is homicidal.

Autopsy and anthropological examination of the remains reveal that there were no suspicious injuries to the bones or skull itself (although the hyoid bone in the neck was missing from the skeleton and a broken hyoid may have been evidence of strangulation). This indicates that whatever caused Kelly E. Dwyer's death did not damage her bones. Further, there is no evidence to suggest that Kelly E. Dwyer bled to death. In the absence of other evidence one is left with asphyxia or strangulation is a highly probable, inferred, homicidal cause of death.

This probable cause of death is further supported by the fact that defendant, Kris V. Zocco, engaged in highly reckless and potentially lethal acts of sexual strangulation or asphyxia with Kelly E. Dwyer, likely on a repeated basis, in the weeks leading up to the homicide and that his pattern of this type of potentially lethal conduct was escalating and becoming more aggressive and dangerous in the months leading up to the homicide, as established by WITNESS 5, who reports that defendant Zocco would impede her breathing even after she would try to get him to stop, repeatedly.

Detectives also analyzed defendant Kris V. Zocco's bank card records which revealed that he purchased a pair of tennis shoes, New Balance, his preferred brand, in his own size, along with lemonade, at the Sports Authority in Delafield, Wisconsin. This transaction occurred shortly after noon on October 12, 2013. The Sports Authority in Delafield was a little over 12 miles from the location where defendant Zocco dumped, and very effectively concealed, Kelly E. Dwyer's naked body after killing her in his apartment in Milwaukee the previous day.

Delafield is an area with which defendant Kris V. Zocco was already familiar and an easy 15 minute drive from the dump site heading back toward Milwaukee. It is reasonable to infer that defendant Zocco discarded the shoes he wore to dispose of Kelly E. Dwyer's body to avoid carrying evidence that would connect him to the scene on the shoes or because they got soiled or he was concerned they would get soiled.

Defendant Kris V. Zocco could have disposed of his victim's body either before stopping at Sports Authority, or after, as he had plenty of time to arrive back in Milwaukee at 2:41 p.m. coming from either location.

WITNESS 4 states that while she was dating defendant Kris V. Zocco she and defendant Zocco went hiking in Lapham Peak State Park and would have brunch in Delafield. Lapham Peak is only ten miles from the dump site and is connected to an area within a mile or two of the dump site by hiking and/or biking trails.

The totality of the circumstantial evidence establishes, by reasonable inference, that defendant Kris V. Zocco either intentionally, or criminally recklessly, evincing an utter disregard for human life, killed Kelly E. Dwyer, probably by means of strangulation, suffocation or asphyxia and probably in a sexual context and/or motivated by a desire for more "extreme" sexual gratification. Based on all the evidence, one can reasonably infer he killed Kelly E. Dwyer, probably during an act that took place on his bed and that he then moved her corpse to the guest bathroom where he may have cleaned it to remove evidence and/or stored it while he devised a plan to dispose of his victim's body. He then packaged the body of Kelly E. Dwyer into a container, probably the missing travel golf bag, and loaded her into his trunk, at a time, or in a manner, that made it unlikely he would be seen or detected. He then went to WITNESS 4's condo, as he had previously planned, establishing a sense of normalcy, spending the night and then disposing of Kelly E. Dwyer's body that next day, some 38 miles away, in a buckthorn thicket, off a dead-end road in rural Jefferson County, in the hope that Kelly E. Dwyer's body would never be found and that the homicide he committed would go undetected, unsolved and unprosecuted.

**EXTENSIVE POLICE INVESTIGATION REVEALS THAT NO ONE OTHER THAN DEFENDANT KRIS V. ZOCCO
COULD HAVE COMMITTED THESE CRIMES**

Further, the three and a half year police investigation of this matter has ruled out any other possible suspects and no evidence has been discovered to suggest that anyone other than defendant Kris V. Zocco could have killed Kelly E. Dwyer and disposed of her body.

REASONABLE CONCLUSIONS TO BE DRAWN FROM THE TOTALITY OF THE FACTS AND CIRCUMSTANCES ESTABLISHING EACH OF ELEMENT OF EACH OFFENSE CHARGED**COUNTS #1 AND #2**

Based on the totality of the facts and circumstances, a finder of fact could, applying common knowledge and experience, draw the following reasonable inferences and conclusions concerning the above referenced charges, including, but are not limited to, the following:

- Defendant Kris V. Zocco has a history of engaging in sexually deviant conduct with girls and women, including bondage and forms of inherently lethal sexual asphyxia, dating back to when he was just 16 years old.
- Defendant Kris V. Zocco also has a history of stalking girls and women who have ended relationships with him, exhibits “controlling” behavior toward girls and women, and has a short temper; leading WITNESS 3 to seek a restraining order and WITNESS 2 to tell her now husband that if anything “ever happened to her” the police should “look at Kris Zocco” first.
- Defendant Kris V. Zocco’s sexually deviant practices have escalated over time, WITNESS 5 reports that as recently as the spring and early summer of 2013, defendant Kris V. Zocco would push acts of oral sexual asphyxia past the point of consent, recklessly impeding her ability to breathe, and that on one occasion he forced an act of anal sexual intercourse, knowing she did not consent and knowing that the conduct was exceptionally painful for her due to a medical condition. WITNESS 5’s statement also indicates that defendant Zocco appeared to enjoy the non-consensual aspect of the conduct.
- Defendant Kris V. Zocco was engaging in increasingly more extreme forms of sexual bondage and asphyxia with Kelly E. Dwyer during the last month of her life. Kelly E. Dwyer’s friends observed bruising to Kelly E. Dwyer’s neck and wrists after she would spend time with defendant Zocco in the weeks leading up to the homicide.
- Defendant Kris V. Zocco took photos of Kelly E. Dwyer, naked, bound and sexually posed in an apparent state of temporary unconsciousness and then filmed himself engaging in extreme acts of oral sexual asphyxia with Kelly E. Dwyer, on September 22, 2013, less than three weeks before killing her.
- Kelly E. Dwyer enters defendant Kris V. Zocco’s apartment complex, in the city and county of Milwaukee, with defendant Zocco, for the last time EVER on October 11, 2013 at 2:37 a.m. This is the last time anyone EVER sees Kelly E. Dwyer alive.
- Sometime between 2:37 a.m. and 10:06 a.m. (possibly, but unlikely, later) on October 11, 2013, in his Milwaukee apartment, defendant Kris V. Zocco kills Kelly E. Dwyer, probably on his bed and probably as the result of an intentional sexually motivated homicidal act, or during the course of an extremely reckless sexual asphyxia scenario taken too far.
- Defendant Kris V. Zocco never seeks any medical attention for Kelly E. Dwyer, evincing a consciousness of guilt, demonstrating that he has something very serious to hide, and he has no interest in aiding Kelly E. Dwyer and evinces an utter disregard for her human life.
- After defendant Kris V. Zocco kills Kelly E. Dwyer, probably on his bed, he moves her body to the guest bathroom where he may have attempted to clean her in the tub to eliminate evidence. He ultimately devises the plan to conceal her body in his travel golf bag and to move it to his trunk without raising suspicion.
- After devising a ruse to explain why his golf bag may be observed being taken to his vehicle, defendant Kris V. Zocco places some additional “sports equipment” in his vehicle and leaves for his mother’s house in Richfield at 6:16 p.m. to drop off his “summer sports equipment.” He does this despite having dinner plans with WITNESS 4 for which he is late.

- Defendant Kris V. Zocco then removes the “SIM” card from his phone so that his exact whereabouts, when he disposes of Kelly E. Dwyer’s body, can never be derived from the GPS on his phone. He then devises another ruse telling WITNESS 4 that his “SIM” card is no longer working and that he purchased a new card (which is a lie) to explain why she could not reach him earlier on October 11, 2013 when he had his phone (suspiciously) off and to provide a possible explanation for why his phone will not work the next day either, should she attempt to call him.
- Defendant Kris V. Zocco then has dinner with WITNESS 4, stays the night, and leaves her home at 7:30 a.m. to dispose of and conceal, his victim, Kelly E. Dwyer’s body, which has been locked inside his trunk, probably still inside the zipped, and possibly locked, travel golf bag. He drives to Windsor, Wisconsin, near Madison, where he buys cheese for WITNESS #4’s parents, as another ruse, then proceeds to scout for a dump site (if he has not already). He locates a remote, dead end road, not far off the interstate in rural Jefferson County. He then deposits Kelly E. Dwyer’s body in the buckthorn thicket, down the embankment, concealing her body with the intent that it NEVER be found and that the homicide he committed never be discovered.
- At some point, probably after he disposes of the body, but possibly before, defendant Kris V. Zocco decides that he needs to purchase new shoes; perhaps out of fear that his shoes could have left impressions at the dump site, got extremely soiled, or contain evidence linking him to the homicide or disposal of the body, so he stops at the Sports Authority in nearby Delafield (12.7 miles from the dump site), an area with which he is already familiar, where he buys a new pair of tennis shoes and eventually heads back to Milwaukee and his apartment complex where he re-installs his SIM card to discover numerous missed calls and messages from friends and family attempting to locate Kelly E. Dwyer.
- Defendant Kris V. Zocco’s demeanor during the investigation was that of a “killer.” His demeanor, statements and conduct are highly suspicious, and at times extremely odd. He exhibits very little concern for Kelly E. Dwyer, and from the very outset, attempts to dispel suspicion that he had anything to do with Kelly E. Dwyer’s disappearance and homicide by implying that Kelly E. Dwyer was “heavily into oral sex” and placed herself in dangerous situations, among other things.
- Defendant Kris V. Zocco also makes numerous inconsistent and false statements to police and others which demonstrate that he is lying about what happened, where he was, what he was doing and why, during the 36 hours after Kelly E. Dwyer is last seen alive with him, and only him.
- Because defendant Kris V. Zocco employed great effort and took substantial risks to cover up the death of Kelly E. Dwyer and to attempt to ensure that her body would NEVER be found, and because her remains are found naked with no personal effects, it is NOT a reasonable hypothesis to conclude that Kelly E. Dwyer died of natural or accidental causes or to conclude she died anywhere other than defendant Zocco’s apartment in Milwaukee.
- The most logical explanation and reasonable inference to be drawn, given defendant Kris V. Zocco’s history of power and control, his temper, his practice of sexual dominance, bondage and restraint, asphyxia and strangulation, his prior acts caught on video and in photos with Kelly E. Dwyer, tied up, unconscious, gasping and gagging, and his extremely reckless, aggressive and violent acts with WITNESS 5, is that defendant Kris V. Zocco, either during an intentional homicidal act motivated by a desire for deviant sexual gratification, or during a highly reckless act of sexual strangulation or other asphyxia, evincing an utter disregard for human life, killed Kelly E. Dwyer and then disposed of and hid Kelly E. Dwyer’s remains, thereby resulting in the destruction of any direct evidence of his crime, to avoid accountability for his actions.
- Further, the only reasonable inference to be drawn is that defendant Kris V. Zocco knew, or had to have known, that gagging a person so they could not breathe, choking or strangling a person, especially if previously done to the point of unconsciousness, is potentially lethal, extremely reckless conduct, which amounts to “playing with life and death.”

COUNT #3

- One can reasonably conclude that on September 22, 2013, at defendant Kris V. Zocco's residence in the city and county of Milwaukee, the defendant impeded Kelly E. Dwyer's normal breathing during the aggressive act of extreme oral sex and asphyxiation depicted in the one minute 26 second long video located on the defendant's phone.
- During this video recorded incident, Kelly E. Dwyer's mouth is blocked the whole time and her nose is blocked, as well, a majority of the time. It is clear from defendant Kris V. Zocco's own statements, made during the course of the filmed incident, that he knows she cannot breathe normally and that he is intentionally impeding her normal breathing by blocking her mouth for his own sexual benefit. He also makes a statement expressly indicating that he will continue to engage in the conduct, which clearly impairs her normal breathing, substantially, until she has sexually gratified him.
- The statute does not require that the conduct be done without consent of the victim.

This complaint contains a statement of probable cause and does not contain all known information about these matters.

****End of Complaint****

Subscribed and sworn to before me and approved for filing this 5th day of May, 2017.

Sara Beth Hill
Assistant District Attorney
1027610

Complaining Witness