

FILED
11-13-2023
Clerk of Circuit Court
Polk County, Wisconsin
2023CF000377
Honorable Daniel J. Tolan
Branch 1

STATE OF WISCONSIN	CIRCUIT COURT	POLK COUNTY
--------------------	---------------	-------------

STATE OF WISCONSIN

Plaintiff,

vs.

Mary Josephine Bailey
 702 S Meridian Rd 1118
 Apache Junction, AZ 85120
 DOB: 02/26/1943
 Sex/Race: F/W
 Alias: Mary Josephine Lunsmann
 Defendant.

DA Case No.: 2023PL000258
 DA/ADA: Jeffrey L. Kemp
 Agency Case No.: 1985-00004654
 Court Case No: 2023CF000377

ATN:

CRIMINAL COMPLAINT*For Official Use***Mandatory Fingerprinting**

Pursuant to sec.970.02(7), Wis. Stats., at the Initial Appearance the Judge is required by law to determine at your first appearance in Court if your (the defendant's) fingerprints, photographs and other identifying data have been taken and if not, the Judge shall direct that this information be obtained;

Identifying information has not been obtained.

The undersigned complainant, on information and belief, being first sworn, on oath, states:

Count 1: FIRST-DEGREE MURDER

The above-named defendant on or about Thursday, December 12, 1985, Polk County, Wisconsin, did cause the death of another human being with intent to kill that person, contrary to sec. 940.01(1) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

And prays that said defendant be dealt with according to law; and that the basis for complainant's charge of such offense is:

PROBABLE CAUSE

Your complainant, Lt. Andrew Vitalis, of the Polk County Sheriff's Office, has reviewed numerous incident reports filed by investigating officers who were actively involved in this case investigation. Your complainant believes those officers, at the time they generated the incident reports, were operating in their official capacity and the information they provided was truthful and accurate.

Initial Investigation

Dispatcher Brian Fiene states on Thursday, December 12, 1985, at approximately 6:23 AM, the Polk County Dispatch Center received a call from Victim 1 who reported that she needed help right away. Victim 1 stated that her mother had gone outside and that she heard what she believed was some type of shot. Victim 1 stated she looked out a window but did not see anything unusual. Victim 1 stated she then heard a second shot, moved to the bathroom window and looked out to see an unknown subject, believed at that time to be a man, running from the area. Victim 1 stated she could not see her mother and her mother's car was not running.

The identity of the victims and witnesses will be disclosed to the defendant through discovery and to the court under seal upon request. This is in accordance with treating victims of crime with fairness, dignity, and respect for their privacy, as set forth in Article I, §9m of the Wisconsin Constitution and Wis. Stat. §950.04(1v)(ag) and is further consistent with the change in appellate procedure requiring that victims be identified by initials or other appropriate pseudonym or designation in appellate briefs unless good cause is shown. Wis. Stat. §809.86(4).

11/09/2023

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Officer Mike Seversen (deceased), of the St. Croix Falls Police Department, and Deputy David Lindholm, of the Polk County Sheriff's Office, responded to the location of the call, 121 ½ South Washington Street, St. Croix Falls, Polk County, Wisconsin. Officer Seversen arrived at 6:31 AM, and shortly thereafter, located a deceased female in a stairway on the south side of the apartment building. The deceased female was identified to be Yvonne Carol Menke, DOB 02/15/1940. Upon checking Yvonne Menke's body, officers noted that there was a pool of blood underneath her facial region, the blood was not frozen and had not yet begun to gel, and the body was still warm to the touch, indicating that the incident occurred shortly before law enforcement arrived. It appeared to officers that Yvonne Menke had been shot.

Officer Seversen indicates that when he first arrived at the scene of the homicide, Victim 1 told him that she believed her mother was in the stairway. Officer Seversen reported that the stairway was dark and he had to use his flashlight to see. After locating the body, Officer Seversen noted that Yvonne Menke's body was lying face down and her arms were extended up and around her face. After telling Victim 1 that Yvonne Menke was deceased, Officer Seversen noted that Victim 1 said, "I knew this was going to happen."

During the initial stages of the investigation, law enforcement learned that Victim 1, after hearing the noises coming from outside of her apartment, witnessed a subject walking northbound through the alleyway away from the location where Yvonne Menke's body was discovered. Victim 1 informed law enforcement that she witnessed the subject walking north shortly after hearing the "whip-like" noises. Victim 1 described the clothes the subject was wearing as a gray dress coat extending below his/her waist, a scarf that was looped around his/her neck, and a stocking cap.

Initial Interview with Victim 1

During an initial interview with Victim 1, she reported that at approximately 6:30 AM her mother, Yvonne Menke, told her she was going outside to warm up her car. Victim 1 explained that her mother typically went downstairs to the lower-level parking lot, located on the west side of the apartment building, every morning to warm up her vehicle before she (Yvonne) left for work.

Victim 1 reported that approximately one minute after her mother left the apartment she heard a "whip-like" sound. Victim 1 believed it was a gun shot. Approximately 5-10 seconds after the first noise, Victim 1 heard a second "whip-like" sound which she also believed was a gun shot. After hearing the noises, Victim 1 looked out a window on the east side of the apartment, which faced the main street of St. Croix Falls, and did not see anything of note. Victim 1 then responded to a south window within the apartment, but that window was too frosted to see anything. From there, Victim 1 moved to a bathroom window on the west side of the apartment and observed a subject walking northbound through the alleyway, away from the area where Yvonne Menke's body was located. Victim 1 stated that when she first saw the unknown subject, the person was standing behind Yvonne Menke's vehicle. The subject then continued to walk behind both vehicles (Victim 1's vehicle and Yvonne's vehicle), walking northbound. Victim 1 reported that the subject was carrying a paper bag with handles in his/her right hand and at some point switched the bag to his/her left hand and began to jog northbound through the alley and away from the scene. Victim 1 reported that the subject glanced over his/her shoulder, looking back towards the location that Yvonne Menke was killed. Victim 1, using Deputy Lindholm as a comparison, believed the suspect was approximately 5'9" with broader shoulders. Victim 1 stated the suspect was not a big person.

Victim 1 reported that a day or two before the homicide, she believed it may have been December 10, 1985, at approximately 6:50 AM, she received a telephone call from an unidentified female. Victim 1 believed the call was made from a pay phone because she heard coins being deposited into the phone. Victim 1 remembered that the caller said, "hello [Victim 1]" before asking if her mother was home. After telling the caller that her mother was not home, the caller asked her if her mother had left for work, and Victim 1 said yes. The caller asked Victim 1 what time Yvonne leaves for work, and Victim 1 told the female that her mother leaves at approximately 6:40 AM – 6:45 AM. The caller then said "ok" before

STATE OF WISCONSIN - VS - Mary Josephine Bailey

adding that she would try to get ahold of Yvonne that evening. Victim 1 said that before she could ask the caller who she was, the caller hung up the phone. Victim 1 told officers that she had no idea who the caller was.

Interview with Victim 2

Officers interviewed Yvonne Menke's daughter, Victim 2, who resided near the crime scene. Victim 2 recalled receiving a phone call from Victim 1 at 6:21 AM. During that phone call, Victim 1 told Victim 2 that she wanted Victim 2's husband to come over because "mom went down to start her car and she hasn't come back yet". Victim 2 said she put the phone down and went to wake her husband. When Victim 2 returned to the phone, Victim 1 told her that she saw someone running down the alley. Victim 2 said the phone call was then disconnected. Soon after, Victim 1 called Victim 2 again and told Victim 2 that she thought someone shot Yvonne. Victim 2 provided Victim 1 the phone number to the police and told her to call the authorities right away.

Interview with Victim 3

Officers interviewed Victim 3 who stated that she received a call from her sister, Victim 2, at 8:30 AM, advising her of the shooting. Victim 3 indicated that her mother's boyfriend, Jack Owen (deceased), had a "roving eye" and was always looking the ladies over. Victim 3 said her mother and Jack, at times, had an off-and-on relationship because of Jack's involvement with other women. Victim 3 stated that Jack, at one time, was seeing a girl by the name of Mary Jo; however, did not know her last name. Victim 3 said that relationship with Mary Jo had caused problems between Jack and her mother.

Law enforcement then began to inspect the area where Yvonne Menke was killed. Your complainant notes that Yvonne Menke and Victim 1 lived in an apartment in the upper level of the apartment complex located on the west side of main street in the City of St. Croix Falls. The exit door to the apartment "spilled" out to main street (street level). To access the lower-level parking lot, where Yvonne Menke's car was parked, Yvonne had to walk down a series of stairs within an enclosed staircase on the south side of the building or walk north on the street to an alleyway that led behind the apartment building (west side of the apartment). Yvonne Menke was known to use the enclosed staircase.

Yvonne Menke's body was discovered at the bottom of the aforementioned staircase near a concrete landing. Yvonne Menke was laying on her stomach in a west-east direction with her feet closest to the cement landing. Yvonne Menke's head and torso were laying on the stairs leading up to main street, facing east. Officers located a boot print in the snow near the cement landing, just to the west of Yvonne Menke's body. The word "Arctic" was visible in the area where the front of the heel would be.

Deputy Richard Peterson and his K-9 partner, both of the Washington County Sheriff's Office, in Minnesota, were called to the scene to assist with tracking the possible suspect that Victim 1 had seen walking/jogging north through the alley behind the apartment immediately after the homicide.

Deputy Peterson and his K-9 partner arrived on scene and located a track approximately 50 yards off the crime scene. The K-9 began tracking a scent northbound through the alley and eventually around a snowbank where boot prints were located in the snow. The prints were documented and processed by officers on scene. The K-9 continued tracking a scent northbound for approximately one block until the scent appeared to stop. Deputy Peterson reported there were a series of boot prints in the snow that had come together in a manner that led him to believe the person got into a vehicle at that location. The first boot prints discovered by Deputy Peterson appeared to be consistent with the boot print that had been located by officers near Yvonne Menke's body.

You complainant believes that the boot print described by Deputy Peterson was one of the two boot prints captured by law enforcement in the form of a Sulphur cast. The second cast was of the boot print located near Yvonne Menke's body. The location of that second boot print was consistent with the route of travel described by Victim 1 as it pertained to where she saw a subject walking/jogging shortly after hearing the "whip-like" noises.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

On December 12, 1985, Yvonne Menke's body was transported to the Ramsey County Medical Examiner's Office in St. Paul, Minnesota. Dr. Michael McGee performed an autopsy the following day and determined that Yvonne Menke was shot three times by a .22 caliber weapon. Dr. McGee indicated that one round entered the left side of her neck and its trajectory was in an upwards motion, and the two additional gun shots were located on the right side of Yvonne Menke's head and behind the ear. Bullet fragments were recovered from Yvonne Menke's body and were retained as evidence.

The report of DCI Special Agent Miller, on December 17, 1985, indicates that Dr. McGee reported that Yvonne Menke's carotid artery was not severed by the neck wounds nor was there any brainstem injury by the bullets; however, several of the blood vessels were severed in the neck, causing Yvonne Menke to lose a large amount of blood. The report indicated that the loss of a large amount of blood and the wounds to the head caused her death. SA Miller reported that Dr. McGee also noted that due to the large amount of blood loss, Yvonne Menke may have been alive for 5 to 10 minutes after the shooting, and that it would have taken approximately that much time for the blood loss that did occur. Dr. McGee confirmed that Yvonne Menke was not sexually assaulted. Dr. McGee ruled the manner of death a homicide.

Your complainant states that the trajectory of the round that entered the left side of Yvonne Menke's neck led investigating officers to believe that Yvonne Menke was shot while walking down the stairway. The suspect likely would have been standing and/or positioned below Yvonne Menke near the cement landing at the bottom of the stairs where the above-described boot print was discovered. The stairway, while covered with a metal-type roof, had open entrances and was not secured with a door at the top of the stairway (main street entrance) or at the bottom of the stairway (lower-level parking lot).

Your complainant states the trajectory of the two rounds that struck the right side of Yvonne Menke's head, behind the ear, led officers to believe the shooter would have been positioned above Menke's body at the time and/or positioned near Menke's head, indicating that the suspect walked up the stairs, walked over a portion of Yvonne Menke's body, and then fired two additional rounds into the side of Menke's head.

Your complainant states during an interview with Yvonne Menke's reported boyfriend, Jack Owen, he recalled waking up at approximately 6:00 AM, on December 12, 1985. Jack stated he did chores outside and then went back into his house and took a short nap. Jack said he drove to the bank in St. Croix Falls at approximately 8:15 AM. While at the bank, one of the bank employees offered their condolences to him, and that was when he first learned that Yvonne Menke had been killed.

Law enforcement interviewed the Menke family, Yvonne Menke's boyfriend, Jack Owen, and those who knew Yvonne Menke and Jack Owen. Law enforcement learned that for the past several years, Jack Owen, Yvonne Menke, and **Mary Jo Lunsman, now known as Mary Jo Bailey**, had been involved in somewhat of a "love triangle". Law enforcement learned that for several years leading up to the Yvonne Menke homicide, Jack Owen often dated Yvonne Menke and Mary Jo (Lunsman) Bailey at the same time. There were times when Jack Owen and Yvonne Menke and Jack Owen and Mary Jo (Lunsman) Bailey would break up but they always seemed to rekindle their relationship(s). For that reason, many witnesses close to Yvonne Menke suggested that Mary Jo (Lunsman) Bailey was responsible for killing Yvonne Menke.

Law enforcement learned that Witness 1, a good friend of Mary Jo (Lunsman) Bailey, who worked at a Dental Office in St. Croix Falls, called Mary Jo the morning of December 12, 1985, and told her about the Yvonne Menke homicide.

Interview with Witness 1

Law enforcement interviewed Witness 1. Witness 1 stated she tried to call Mary Jo that morning at her place of employment (a bank in Luck, Wisconsin), and learned that Mary Jo was not working and had taken the day off. Witness 1 explained that she then called Mary Jo at her residence and told Mary Jo

STATE OF WISCONSIN - VS - Mary Josephine Bailey

what she heard. Witness 1 mentioned that Mary Jo appeared to be surprised. Witness 1 stated Mary Jo told her that she took the day off to go Christmas shopping in Rice Lake, Wisconsin.

Interview with Jack Owen (deceased)

On December 13, 1985, officers interviewed Jack Owen at his father's residence. Jack stated that he was dating Mary Jo (Lunsmann) Bailey who worked at the bank in Luck. Jack indicated that their relationship primarily had to do with their mutual interest in horses and horse shows. Jack added that he and Mary Jo dated socially. Jack indicated that his last interaction with Mary Jo was approximately one month prior at a party. Jack stated that since that event, he had stopped at Mary Jo's house and visited her. Jack acknowledged that Mary Jo and Yvonne Menke knew one another.

Jack Owen stated that the last time he saw Yvonne Menke was the night prior (December 11, 1985) at his birthday party at his father's residence. Jack explained that Yvonne left that birthday party at approximately 10:45 PM. Owen said he called Yvonne's residence shortly after she left and spoke with Victim 1 who confirmed that Yvonne arrived home safe.

Initial Interview with Mary Jo (Lunsmann) Bailey

On December 13, 1985, Deputy David Lindholm, of the Polk County Sheriff's Office, and Special Agent Miller, of the Wisconsin Department of Criminal Investigations, responded to the bank in Luck, Wisconsin in an attempt to locate and interview Mary Jo (Lunsmann) Bailey. Upon seeing officers approach, Mary Jo became upset. Deputy Lindholm reported that Mary Jo's lips quivered, her eyes teared up, and she started to cry. A short time later, Mary Jo asked officers if there was something wrong with her daughter, Witness 15, and if Witness 15 had been in an accident.

Mary Jo stated that she had been divorced for approximately 4 ½ years, lived alone and had been working at the bank for nearly 20 years. Mary Jo reported that she learned that Yvonne Menke had been killed after receiving a phone call from Witness 1 who worked at a dental office in St. Croix Falls.

Mary Jo was asked about her relationship with Jack Owen and stated that she stopped seeing Jack on a steady basis three years ago. Mary Jo indicated she last saw Jack at her residence on December 10, 1985. Mary Jo described her current relationship with Jack as one centered around a mutual interest in Morgan horses. Mary Jo stated that Jack sometimes went to her house to work with horses. Mary Jo admitted that she and Jack have gone to horse shows together and that she last went with Jack to a horse event in November (1985).

Mary Jo was asked about Yvonne Menke. Mary Jo indicated that she knew who Yvonne Menke was but stated she was never really introduced to Yvonne Menke or talked to her face-to-face. Mary Jo advised that if there was a problem in Yvonne Menke and Jack's relationship it was probably because Jack was unstable and didn't know what he wanted. Mary Jo then mentioned a prior phone call she had with Yvonne Menke, indicating the phone call occurred approximately three years ago, and they spoke about Jack and his behavior. Mary Jo told officers that it was a good talk because up to that point, neither one of them knew where the other stood.

Mary Jo was asked about her whereabouts and activities on December 12, 1985. Mary Jo told officers that she woke up around 7:00 AM and went outside to do chores. Mary Jo stated it was her last day of vacation. Mary Jo reported that there was someone with her on December 11th but she was home alone on December 12th. Mary Jo stated she finished her chores on December 12th and drove into Luck sometime after 9:00 AM. Mary Jo said she went to her place of employment, the bank, to pick up an order and then went to the Post Office.

Officers examined Mary Jo's coat, described as a black dress coat with gray interior, and noted that her shoes did not match. Mary Jo mentioned that she has another set of footwear that she often wears when doing chores.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Officers asked Mary Jo if she has firearms. Mary Jo explained that she has a .22 pistol with a .38 frame. Mary Jo reported that she used to date Witness 2, adding that at one point they were going to move in together. Mary Jo said those plans fell through but she still sees him socially. According to Mary Jo, the .22 firearm she was referring to came from Witness 2.

Mary Jo was asked additional questions about the .22 caliber pistol. Mary Jo explained that approximately five years ago she received the .22 pistol through her divorce. Mary Jo stated that prior to hunting season in the late-fall of 1985, she gave the pistol to her friend Witness 2 and asked Witness 2 to sell the gun for her. Mary Jo said Witness 2 has had the gun in his possession since she gave it to him.

Deputy Lindholm stated that officers also examined a Remington .22 rifle model 66 with a nylon stock. Mary Jo asked Deputy Smith to unload the rifle, stating that she did not know how to work the rifle. Mary Jo said she had Witness 2 load the rifle for her when he gave it to her, adding that she uses it to shoot dogs when they are bothering her horses.

Officers asked Mary Jo to show them her shoes and boots. Mary Jo showed them some footwear that she had within her residence. When asked if she had any other boots, Mary Jo stated she did. Mary Jo opened a door and retrieved a pair of Arctic Cat snowmobile boots, size 5. Deputy Lindholm noted in his report that Mary Jo had previously told law enforcement she wore a size 4 boot. Mary Jo gave officers permission to seize the boots.

Your complainant states the Arctic Cat boots were subsequently transported to the Wisconsin State Crime Laboratory for comparison to the boot prints located by officers at the Yvonne Menke homicide scene. The lab stated that the boots taken from Mary Jo's residence were consistent with the Sulphur casts taken by officers at the scene of the Yvonne Menke homicide in terms of tread pattern, size, and wear pattern.

Interview with Sylvus Steffenson (deceased)

On December 15, 1985, Deputy Dave Lindholm, of the Polk County Sheriff's Office, and Chief Tom Barthman, of the St. Croix Falls Police Department, interviewed Sylvus Steffenson. Steffenson had approached officers after the Yvonne Menke homicide, stating he had information. Steffenson identified himself as a paper delivery driver for the St. Paul Pioneer Press. Steffenson stated he often visits a small storage room, containing supplies, located at the ground level of the Yvonne Menke apartment building near the basement stairway landing. This was recognized to be the area where Yvonne Menke's body was found.

Steffenson explained that on December 12, 1985, at approximately 6:00 AM, he entered the alleyway, behind the Yvonne Menke apartment building, in his vehicle and observed two vehicles parked in the parking lot. At about that time, Steffenson reported seeing someone standing in the enclosed stairway near a garbage can. Steffenson reported that it appeared as though the subject was putting something into the garbage. Steffenson recalled that the subject had dark clothing on, adding he/she was wearing a heavy winter coat making it appear to him as though he/she was a "good-sized" person. Steffenson did not see the subject's face and was also wearing a stocking cap. Steffenson then approached the door to the supply closet, noting that it was dark out and he had to use his flashlight to see. As he opened the door to the supply closet, he stated the subject was walking up the stairs and was carefully taking one step at a time. Steffenson said the subject did not have anything in his/her hands. Steffenson said the subject approached the top of the stairway and turned in an unknown direction.

Steffenson estimated that he was there for approximately 10-12 minutes, adding that he took four separate trips to his car. On his fourth trip, after returning to the supply room to turn off the lights and while standing inside of the room along the north wall, Steffenson reported a "pop". Steffenson mentioned that at the time he thought it was the furnace. Steffenson said he exited the room and did not see Yvonne Menke's body or the subject he had described seeing earlier. Steffenson recalled

STATE OF WISCONSIN - VS - Mary Josephine Bailey

leaving the alleyway and driving south towards main street. Steffenson told officers he did not know Yvonne Menke nor had he heard her name prior to the homicide.

Your complainant states upon reviewing the crime scene photos from December 12, 1985, there were two cement landings towards the bottom of the staircase. Located at each of the landings was a door. The doors were believed to be entry doors to the furnace room and the "Depot", the room described by Steffenson. Yvonne Menke's body was located near the bottom of the stairway with her feet closest to the cement landing, closest to the eastern-most (middle) door which your complainant believes, based on the descriptions from early incident reports, led to the furnace.

Interview with Witness 3

On December 16, 1985, officers interviewed Witness 3 who was residing at 137 North River Street, St. Croix Falls, Wisconsin, located west of the Yvonne Menke apartment building. Witness 3 told officers that on December 12, 1985, she was sleeping in her bedroom and explained that her bedroom window faced east toward the Yvonne Menke apartment building. At approximately 6:30 AM, Witness 3 was awoken by what she described as a loud cracking sound. Witness 3 reported hearing the sound again approximately 10-12 seconds later. Witness 3 reported that approximately 15-20 minutes after she heard the two loud cracking sounds, she heard someone attempting to start a car south of her residence towards the fish hatchery. Witness 3 stated that when the vehicle started, it sounded like an old truck or an older mid-size car with a manual transmission. Witness 3 stated it was a very loud vehicle. Witness 3 reported that when the truck or car finally started, it proceeded up River Street. Witness 3 added that she could tell the driver was revving the motor to a very high rpm and believed the vehicle was a manual transmission. Witness 3 recalled that the vehicle died and the driver appeared to have a hard time starting it again. After the vehicle started, the vehicle proceeded away from her residence.

Your complainant states officers were aware that the alleyway along the west side of the Yvonne Menke apartment building, where the subject was seen walking/jogging after the homicide, connected with River Street. Officers indicated that a person walking/jogging north through the alleyway on that path would have intersected with River Street.

Interview with Witness 4

On December 17, 1985, law enforcement interviewed Witness 4, who told officers that she knew both Yvonne Menke and Jack Owen, but had not seen either of them in some time. Witness 4 stated that Jack Owen was "going with" Yvonne Menke and Mary Jo (Lunsmann) Bailey. Witness 4 implied that when Mary Jo was around Jack, Mary Jo did not want other women around, referring to prior behavior exhibited by Mary Jo which made her believe that. Witness 4 described Yvonne Menke as being quiet.

Witness 4 also referred to a prior incident involving Witness 5. Witness 4 stated that Witness 5 had a horse that was being stalled at the Jack Owen residence and at one point, the horse's tail and head hair was cut off by an unknown person. According to Witness 4, that severely limited the showing value of the horse. Witness 4 believed one of Jack Owen's women did it but was unsure who. Witness 4 confirmed that Jack Owen was engaged in relationships with Menke and Mary Jo at the same time.

Interview with Witness 5

Law enforcement interviewed Witness 5 about her knowledge of Jack Owen, Yvonne Menke and Mary Jo (Lunsmann) Bailey's interactions leading up to the homicide. Witness 5 confirmed that she had known Jack Owen for the past 12 years. Witness 5 stated that Jack was always close to Yvonne even though he was seeing Mary Jo at the same time. Witness 5 stated that Jack was "sleeping" with both women.

Witness 5 believed Mary Jo was capable of killing Yvonne. Witness 5 believed that Mary Jo was upset with Jack because she (Mary Jo) was not invited to Jack's birthday party the night before Yvonne was

STATE OF WISCONSIN - VS - Mary Josephine Bailey

killed. Witness 5 reported last seeing Jack and Mary Jo (together) on November 8, 1985 at a horse related event.

Witness 5 explained a situation with her stallion that was kept at Jack Owen's farm. Witness 5 stated that on February 2, 1984, she went to the Owen farm and saw that her horse had been "roached", which would ruin it for the show season. Witness 5 felt that for someone to do that, they had to know the barn and be familiar with horses. Witness 5 told law enforcement that she took what happened to her horse as a threat and immediately ended the business relationship with Jack. Witness 5 stated Jack told her that he and Yvonne were together the day and night the horse was roached, and that they'd have no reason to do that to a horse Witness 5 was going to show. Witness 5 also mentioned Witness 6 (Jack Owen's ex-wife) and Mary Jo as people who could have roached her horse. Witness 5 commented that she did not believe Yvonne Menke could have done that without someone helping her.

Witness 5 speculated that whoever killed Yvonne Menke did it to erase competition. Witness 5 recalled that Jack finished the 1984 horse season with Mary Jo and then in the fall went back to Yvonne. Witness 5 said in 1985, Jack returned to Mary Jo and started going to horse shows and events with her. Witness 5 told law enforcement that on November 8, 1985, she was at an awards banquet and questioned Jack, who was there with Mary Jo, about bringing Mary Jo and not Yvonne and if that meant they were no longer seeing each other. Witness 5 said Jack told her he could have brought someone else if he wanted to.

Witness 5 told officers she had spoken with both Yvonne and Mary Jo in the past about ending their relationships with Jack. Witness 5 explained that she had never heard any threats made towards Yvonne and had never seen them together. Witness 5 stated that Yvonne knew Jack was seeing Mary Jo at the same time he was seeing her (Yvonne).

Witness 5 was aware of a phone call between Mary Jo and Yvonne. Witness 5 said Mary Jo tried to get Yvonne to give up/get rid of Jack. Witness 5 reported that Mary Jo was the type of person who could have killed Yvonne, noting that Mary Jo could put an animal out of its misery using a firearm. Witness 5 stated that Mary Jo was knowledgeable about guns.

Witness 5 described Yvonne as a very nice and quiet person. Witness 5 admitted that Yvonne may have been upset with her because there were times when Jack decided to show horses with her and not Yvonne. Witness 5 commented that her relationship with Jack was built around business and there was nothing more to it.

Interview with Witness 2

On December 17, 1985, Polk County Deputy Lindholm and Polk County Deputy Pat Cahill responded to the Witness 2 residence after contacting Witness 2 by phone and asking to see the .22 pistol that Mary Jo (Lunsmann) Bailey had given him. Officers met with Witness 2 and took possession of the firearm described as a .22 Smith & Wesson, model number 1820, on a K frame with a 411 blued barrel, serial number K360748. The weapon was noted to be a 6-shot revolver.

Witness 2 stated that he obtained possession of the gun sometime before hunting season (November 1985) and since that time the gun had been stored at his cabin. Witness 2 did not believe that Mary Jo had any other rifles or pistols, with the exception of a Remington model 66 that he had given her so she could shoot dogs.

Witness 2 reported that he had known Mary Jo for the past three years and had been seeing Mary Jo and/or dating her on a steady basis throughout that time frame. Witness 2 recalled last seeing Mary Jo on December 14, 1985, when they went to a movie in St. Croix Falls, WI. Witness 2 described Mary Jo as having a bad temper and someone who would hold a grudge.

STATE OF WISCONSIN - VS - Mary Josephine Bailey
Interview with Laven Lunsmann (deceased)

On December 18, 1985, Laven Lunsmann, the ex-husband of Mary Jo (Lunsmann) Bailey, was interviewed by investigating officers. Laven told officers that he and Mary Jo were married in 1963 and were divorced in 1980. During their marriage, Laven recalled being told by Witness 6, who was married to Jack Owen, that Jack was having an affair with Mary Jo. Laven explained that he confronted Mary Jo about the affair and she told him she would stop seeing Jack. Laven reported that after he and Mary Jo divorced she began seeing Jack again. Laven recalled times when he would see Jack's vehicle parked at Mary Jo's residence.

Laven explained that after he and Mary Jo divorced, she refused to give him any of the guns they shared when married. Laven indicated that at some point he was able to retrieve all of their guns, with the exception of a .22 caliber revolver with a .38 frame.

Laven stated that when married to Mary Jo, they would go target shooting and she would often shoot a .22 rifle or .22 pistol. Laven informed officers that Mary Jo knew how to load and handle firearms. Laven stated that when shooting a .22 pistol, Mary Jo would regularly hit a beer can sized target from a distance of 10-25 yards. Laven mentioned that Mary Jo was not afraid of guns and was a pretty good shot when shooting at a short distance.

Your complainant notes that when discussing Mary Jo's experience with firearms, Laven's statement contradicted statements made by Mary Jo on December 17th when she asked officers to unload the rifle and indicated that she did not know how to work a rifle.

Interview with Jack Owen (deceased)

On December 18, 1985, Jack Owen responded to the Polk County Sheriff's Office where he met with deputies Lindholm, Cahill and Smith. Deputy Lindholm stated that Jack wished to speak to officers about Yvonne Menke's ex-husband, Witness 7. Jack believed it was possibly that Witness 7 had hired someone to kill Yvonne Menke.

During the interview, officers pressed Jack about his relationships with Yvonne and Mary Jo (Lunsmann) Bailey. Jack said he last saw Mary Jo on December 12th or 13th (1985). Jack was asked about his birthday party that took place on December 11, 1985 and if Mary Jo knew about the party. Jack said Mary Jo did not know about the party. Jack said Mary Jo told him she was planning to get him a birthday card.

Jack was asked if he had ever called Yvonne from Mary Jo's residence, Jack said no. Jack said he did get a call from Mary Jo while at Yvonne's residence. Jack explained that Mary Jo called to tell him his horses were loose. Jack mentioned that at times Yvonne received "nuisance" phone calls, adding that someone would call Yvonne's house and after she answered the caller would not say anything.

Jack was asked about his relationship with Mary Jo. Jack explained that both he and Mary Jo had an interest in training and showing horses. When questioned about a possible sexual relationship between he and Mary Jo, Jack did not directly answer the question and instead asked officers questions.

At one point the conversation turned to the Minnesota State Fair in 1985. Jack admitted going to the fair with Mary Jo and staying with her in his camper. When asked if they had sexual intercourse at that time, Jack said he didn't know. Law enforcement asked Jack additional questions about his time with Mary Jo at the 1985 Minnesota State Fair. Jack explained that Yvonne knew he went with Mary Jo to the fair. Jack said Yvonne was aware he was seeing Mary Jo and acknowledged she was not happy about that. Jack said after returning from the State Fair he and Yvonne resumed their relationship.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Jack denied ever telling Mary Jo that he loved her. Jack was asked if he believed having sex with Mary Jo suggested that he loved her and they had more of a relationship than what he thought they did, Jack stated he could not speculate about that.

Your complainant states officers were able to determine that Jack and Mary Jo had a sexual relationship through at least September 1985.

Interview with Witness 8

On 12/19/85 at 5:15 PM Deputy Lindholm went to the Witness 8 residence, in Osceola Township, located near the intersection of 100th Avenue and 248th Street. Deputy Lindholm spoke with Witness 8 who takes weather information and records it for KSTP-TV. Deputy Lindholm looked at Witness 8's weather log and recorded the following information pertaining to the weather:

- 12/09/85 at 10:00 PM it was 22° with trace of snow, sky completely overcast
- 12/10/85 at 10:00 PM it was 12°, trace of snow at 5:00 PM, skies ¾ overcast
- 12/11/85 at 10:00 PM it was -3°, no snow, clear skies
- 12/12/85 at 10:00 PM it was -11°, trace of snow during the day, skies cleared at 10:00 PM

Witness 8 advised that a trace of snow is 1/10" of snow, which would most likely indicate that there was no snow just before and just after the footprints were made at the crime scene that had been observed by the officers.

Your complainant states, while checking prior weather records for the location of St. Croix Falls, Wisconsin, on December 12, 1985, according to weatherunderground.com, the high temperature that day would have been 9 degrees Fahrenheit. The reported low on that date was -8 degrees.

Interview with Witness 9

On December 19, 1985, officers interviewed Mary Jo (Lunsmann) Bailey's sister-in-law, Witness 9. Witness 9 recalled that on December 14, 1985, Mary Jo stopped at her residence and they visited. Witness 9 stated Mary Jo never mentioned the Yvonne Menke case investigation.

Witness 9 described Mary Jo as being very quiet when it came to her emotions and that she rarely displayed them in public. Witness 9 indicated that she had never seen Mary Jo mad. Witness 9 did not believe Mary Jo was a jealous or possessive person, although she knew Mary Jo became quite upset at Jack when she was dating him and he went out with another woman.

Witness 9 did not feel that Mary Jo was a "worrier" when it came to her daughter Witness 15.

Interview with Witness 10

On December 19, 1985, officers interviewed Witness 10, a close friend of Mary Jo (Lunsmann) Bailey. Witness 10 reported that Mary Jo had been dating both Witness 2 and Jack Owen, at least through deer hunting season (November 1985). Witness 10 described Mary Jo as being a very confident and independent person, someone who was capable of handling a lot of responsibility.

Witness 10 was asked about Jack Owen. Witness 10 believed Mary Jo and Jack began dating four years prior and were known to go to horse shows together, including within the last few months when they attended a horse-related dinner together. Witness 10 said Mary Jo was confused about asking Witness 2 or Jack to the dinner and eventually decided to ask Jack.

Witness 10 said Mary Jo was aware that Jack was dating Yvonne Menke at the same time he was seeing her. Witness 10 explained that she knew Jack would lie to Mary Jo when going out with Yvonne. Witness 10 said Jack would tell Mary Jo that Yvonne called him.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Witness 10 stated that Yvonne and Mary Jo met once. Witness 10 thought that happened more than two years ago. Witness 10 recalled Mary Jo telling her that she called Yvonne Menke and they met to discuss their relationships with Jack. Witness 10 commented that she was not close to Mary Jo at the time of the meeting between Mary Jo and Yvonne, so Mary Jo never told her what happened when they met.

Witness 10 was asked how many times she had seen Mary Jo cry. Witness 10 recalled that she had only seen Mary Jo cry once and that was when someone hit her dog and the dog had to be put to sleep. Witness 10 told officers that Mary Jo hated to show emotion in public or to anyone.

Law enforcement asked Witness 10 about Mary Jo's clothes and what she was known to wear during the winter months. Witness 10 reported that Mary Jo usually wore a hip-length black quilted coat but had recently been wearing a blue ski jacket, indicating that the blue ski jacket was what Mary Jo wore during deer hunting season.

Witness 10 was asked about Mary Jo's relationship with her daughter Witness 15. Witness 10 told officers that Mary Jo and Witness 15 had an on-again/off-again relationship. Witness 10 stated the relationship was very poor shortly after Mary Jo's divorce but they (Mary Jo and Witness 15) were doing better now. When asked if Mary Jo was known to worry about Witness 15, Witness 10 believed Mary Jo was confident that Witness 15 could take care of herself and did not worry about her.

Officers asked Witness 10 about the time leading up to and after December 12, 1985. Witness 10 stated, on the evening of December 11, 1985, Mary Jo called her at approximately 9:00 - 9:30 PM. Witness 10 remembered Mary Jo telling her that she'd taken a vacation day on the 12th. Witness 10 did not remember exactly what they talked about. Witness 10 mentioned that Mary Jo was upset because she was waiting to hear back from a male she had met at DeNucci's during deer hunting season.

Witness 10 said on December 12, 1985, after hearing about the Yvonne Menke homicide, she attempted to call Mary Jo during her (Witness 10's) lunch break. Witness 10 called Mary Jo's home number and did not receive an answer. Witness 10 then called the Bank, in Luck, and was told that Mary Jo was on vacation that day. That evening, between 6:30-7:00 PM, Witness 10 spoke with Mary Jo. Witness 10 said Mary Jo told her that Witness 1 told her about what had happened. Witness 10 said Mary Jo was upset because of the association with Jack Owen. Witness 10 remembered that Mary Jo was not sure if she should call Jack, and was concerned about him and how he was handling the news. Witness 10 told officers she believed Mary Jo cared a great deal about Jack, and, while she (Mary Jo) would most likely never tell anyone she loved him, Witness 10 felt that Mary Jo was in love with Jack.

Witness 10 remembered that Mary Jo and Jack were in a serious dating relationship for approximately one year. Witness 10 said when Mary Jo found out that Jack was also seeing Yvonne Menke, their (Mary Jo and Jack) relationship cooled off. Witness 10 did not believe Mary Jo was a jealous person.

Officers again asked Witness 10 about her conversation with Mary Jo the evening of December 12, 1985. Witness 10 reiterated that she believed Mary Jo was concerned about Jack's feelings, but they did not actually talk about the Yvonne Menke homicide.

Witness 10 stated she picked up Mary Jo on December 13th and they went to a restaurant in Siren, Wisconsin. Witness 10 said Mary Jo talked briefly about the Yvonne Menke case, telling her that law enforcement had come to her work to question her. Witness 10 remembered Mary Jo telling her that officers asked if she had a gray coat and a gun. Witness 10 said Mary Jo got frustrated at the time but never lost her temper.

Witness 10 stated that Mary Jo and Witness 2 had been seeing each other most of the summer (1985) but in the late fall, Mary Jo started to see Jack again.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Interview with Witness 11

On December 19, 1985, officers interviewed Mary Jo (Lunsmann) Bailey's brother, Witness 11. Witness 11 said that Mary Jo had disclosed to him that Jack was seeing a girl from St. Croix Falls while Mary Jo and Jack were dating. Witness 11 did not remember when Mary Jo told him that. Witness 11 explained that, despite that, Mary Jo and Jack continued to see one another and believed their relationship eventually turned into more of a friendship. Witness 11 did not know of any boyfriends Mary Jo had at the time of the interview other than Witness 2.

Officers asked Witness 11 when he had last seen Mary Jo. Witness 11 stated 6:00 PM this evening when Mary Jo stopped to tell him and Witness 9 that the police may be around to talk to them because she feels she is a suspect in a homicide. Witness 11 said Witness 9 told Mary Jo that law enforcement had already been to her residence and talked to her. Witness 11 said Mary Jo broke into tears while she was at their house and was very upset with the fact that the police were going around talking to people about her. Witness 11 said after she gained her composure she left.

Officers asked Witness 11 when the last time previous to this evening was that he talked to Mary Jo. Witness 11 stated that Mary Jo had stopped over to his residence on Saturday, December 14th, when they were getting ready to go out to a party. Witness 11 stated he didn't talk to her very much. Witness 11 said Mary Jo never mentioned anything about Yvonne or about the police stopping to talk to her or about anything unusual. Witness 11 said the only unusual thing about her coming to the residence on Saturday was the fact that Mary Jo normally doesn't stop at their residence unless she wants something. Witness 11 said Mary Jo told him she would be leaving to go out to a movie with Witness 2.

Witness 11 said he had never seen Mary Jo get mad in his entire life. Witness 11 was asked if he'd ever seen Mary Jo cry. Witness 11 stated the very first time in his entire life that he could remember seeing Mary Jo cry was tonight when she was over at the residence telling him that the police might be coming to talk to him. Witness 11 said the only other time he may have seen her cry was when her mother died. Witness 11 described Mary Jo as someone who is not emotional and seldom shows emotion to him or anyone else.

Officers discussed Mary Jo's feelings toward other women in Jack's life with Witness 11. Witness 11 indicated that he did not feel that Mary Jo was ever mad at the other women but was possibly mad and/or disappointment with Jack. When asked if he believed Mary Jo was in love with Jack, Witness 11 responded by saying that, if it was love, it was not a passionate love. Witness 11 believed their relationship was more of a companion-type to Mary Jo, much like her relationship with Witness 2.

Interview with Mary Jo (Lunsmann) Bailey

On December 20, 1985, law enforcement met with Mary Jo (Lunsmann) Bailey at her place of employment, Fidelity State Bank, and requested to interview her again. Mary Jo advised law enforcement that she had consulted with an attorney, Gerald Gust, and wanted to check with her attorney first. Mary Jo was not able to reach her attorney and agreed to answer questions on a limited basis.

Mary Jo stated she saw Yvonne Menke a couple of times years ago at a horse show but had never been formerly introduced. Mary Jo said that she would not recognize Yvonne if she met her on the street. Mary Jo acknowledged knowing where Yvonne lived and described her residence as an apartment building with stores under the apartment, adding that the building was next to the fire hall in St. Croix Falls.

Mary Jo believed that Witness 1 told her where Yvonne lived three years ago when she found out that Jack was dating her and Yvonne. Mary Jo said she'd never been to Yvonne's apartment building. Mary Jo said the last time she was in St. Croix Falls was when she attended a movie with Witness 2. Mary Jo told officers that, on that date, Witness 2 pointed out Yvonne's apartment as they drove past. Prior to the movie, Mary Jo could not recall the last time she was in St. Croix Falls. When discussing

STATE OF WISCONSIN - VS - Mary Josephine Bailey

whether or not she could have been in St. Croix Falls the week of December 8, 1985, Mary Jo explained that a "lady" in Centuria had a car just like hers so someone could mistake that car for hers.

Mary Jo was asked to describe her activities the week of December 8, 1985, leading up to the homicide on December 12, 1985. Mary Jo said she went to the Twin Cities and went shopping with her daughter on December 8th. Mary Jo estimated that she returned to her house that evening by 9:30 PM. Mary Jo stated that on December 9th she went to work at the bank, went home after work and stayed home. On December 10th, Mary Jo recalled going to work at the bank and working until 4:00 PM. Mary Jo recalled doing chores at her house that evening and then wrapping Christmas presents. Mary Jo said, at approximately 7:00 PM that evening, Jack arrived at her residence. Mary Jo told officers that Jack requested negatives for pictures she had of his son. Mary Jo estimated that Jack left her house that evening at approximately 10:30 PM. On December 11th, Mary Jo said she worked at the bank, went home and finished her chores, and then met with a man named "Dave" at her residence. Mary Jo estimated that "Dave" arrived at her house between 5:00 PM and 6:00 PM and left her residence between 10:00 PM and 11:00 PM. The morning of December 12th, Mary Jo recalled waking up around 7:00 AM. Mary Jo informed officers that she had taken a vacation day that had been planned for a couple of weeks because she had to take vacation time before a certain date or lose that vacation day. Mary Jo explained that she finished her chores, and just before 9:00 AM she received a phone call from Witness 1 who informed her that Yvonne Menke had been killed. After the phone call, she picked up an order of fish in Luck, went shopping in Rice Lake, Wisconsin, and was home by 5:00 PM. On December 13th, Mary Jo worked, then met her friend Witness 10 at a restaurant. They then went to a bar, and she returned home just after midnight. On December 14th, Mary Jo went to a movie with Witness 2 in St. Croix Falls.

Mary Jo was asked why her response was that something had happened to her daughter when she was approached by officers at the bank in Luck. Mary Jo admitted knowing in the back of her mind that she was going to be questioned about the Yvonne Menke homicide, but figured she would be called and asked to go to the police department. Mary Jo was asked why she started to cry after seeing officers approach. Mary Jo talked about a dog of hers that died. Deputy Smith noted in his report that while discussing the dog, Mary Jo started to cry and continued to cry during their conversation which lasted about 3-4 minutes.

Deputy Smith asked Mary Jo about her relationship with Jack. Mary Jo responded by saying that she and Jack had worked together for many years, adding that Jack did a lot of the shoeing and training of her horses. Mary Jo reported that those services could be expensive and at times they would exchange services because each one was good at different things in regards to training horses.

Mary Jo told officers that she "went with" Jack for a year before she found out about Yvonne Menke. Mary Jo commented that she never threatened Yvonne or told her not to see Jack. Mary Jo acknowledged calling Yvonne at one point to discuss the situation with her, Yvonne, and Jack. Mary Jo told Deputy Smith that she liked Jack but was not madly in love with him. Mary Jo also stated that they went places together but did not date, adding that she might see him one or two times a month or sometimes not at all.

Mary Jo was asked about not being invited to Jack's birthday party on December 11, 1985. Mary Jo told officers that she did not even have a card for Jack.

Mary Jo told officers that she did not consider herself a jealous or possessive person and if she even would get upset with a date, it would be because he was not paying enough attention to her. Mary Jo said she would discuss that with him later in private as opposed to talking about it in public.

Mary Jo described her relationship with Witness 2 as being serious. Mary Jo explained that Witness 2 had proposed to her but his job situation was bad and it was not economically feasible to marry him.

Officers advised Mary Jo that law enforcement had evidence that she was at the Yvonne Menke apartment on December 12, 1985. Mary Jo denied being there before requesting an attorney.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

On December 23, 1985, officers learned that Mary Jo (Lunsmann) Bailey had not yet consulted with an attorney, contrary to what she told officers when she was approached at her workplace on December 20, 1985. Law Enforcement made contact with Attorney Gerald Gust who stated that he had not spoken with Mary Jo Lunsmann and was a civil attorney who did not handle criminal cases.

Interview with Victim 3

On December 23, 1985, Deputy Dave Lindholm went to the Victim 3 residence to speak with her. Victim 3 explained that when Jack was not with her mother (Yvonne Menke) he was with Mary Jo. When asked how she knew that, Victim 3 stated there were times when she would go to her mother's residence and her mother would be upset. Victim 3 said she would ask her mother what was wrong and Yvonne would respond that Jack was going out with Mary Jo again.

Victim 3 believed Mary Jo was a threat because her mother was spending most of her time with Jack at that time, so Mary Jo didn't have Jack around as much. Victim 3 said that approximately three months prior, her mother was let go from her job. Victim 3 said, while her mother was unemployed, her mother and Jack became very close and spent a lot of time together. Victim 3 estimated that during that time, Yvonne would be at her apartment one day a week and the rest of the week she was with Jack. Victim 3 said her mother then started her job at Centuria Laundry.

Interview with Witness 12

On December 27, 1985, Deputy Smith received a phone call from Witness 12 of Ely, Minnesota. Witness 12 told Deputy Smith that he had horses boarded at Mary Jo (Lunsmann) Bailey's residence. Witness 12 indicated that he knew Mary Jo had a .22 pistol with a large frame and that she knew how to load and shoot the pistol.

Interview with Witness 2

On January 3, 1986, Deputy Smith and Deputy Cahill met with Witness 2. Witness 2 stated that he had known Mary Jo for approximately three years and at one point they were engaged but that engagement fell through. Witness 2 was asked if he believed Mary Jo killed Yvonne Menke. Witness 2 said no, adding that Mary Jo was not familiar enough with firearms. Witness 2 told officers he had never seen Mary Jo handle firearms.

Witness 2 was asked about December 14, 1985, when he went to the movie theatre in St. Croix Falls with Mary Jo. Witness 2 initially told officers that it was his idea to go to the movie, and later indicated that it was a mutual idea. When asked if he and Mary Jo drove past the Yvonne Menke apartment and he pointed out her apartment to Mary Jo, Witness 2 said no. Witness 2 later changed his story and stated that they did drive past the apartment. At that point, Witness 2 refused to answer any more questions on that topic.

Phone records

On January 4, 1986, Deputy Smith received phone records from Chief Tom Barthman, of the St. Croix Falls Police Department. The records reflected long distance phone calls made between Mary Jo (Lunsmann) Bailey and Yvonne Menke's phones.

Deputy Smith states on November 13, 1985, at 12:53 AM, there was a one minute phone call made from Mary Jo's phone number (715-472-2762) to Yvonne Menke's phone number (715-483-3417). Officers believed that was significant to the case as Mary Jo had reported the only phone call she ever had with/made to Yvonne Menke was several years ago when they discussed the "situation" with Jack Owen. On November 13, 1985, at 1:17 AM, a one minute call was placed from Yvonne Menke's phone number to Mary Jo's phone number.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Interview with Witness 13

On January 10, 1986, Chief Deputy Jim Johnson, of the Burnett County Sheriff's Office, located and interviewed Witness 13 who was believed to be the "Dave" that Mary Jo (Lunsmann) Bailey was with the evening of December 11, 1985. During his discussion with officers about the case investigation, Witness 13 said he met Mary Jo at DeNucci's Club 35 on December 6, 1985. While at the bar, he danced with Mary Jo and when the bar closed (1:00 AM) he followed her to her residence, which he described as being close to the Luck school. Witness 13 told officers that he stayed with Lunsmann until approximately 2:45 AM and then left and went home, arriving home at approximately 3:30 AM. Witness 13 stated he sent Mary Jo a note in the mail, asking her to call him so they could meet again. Witness 13 said that Mary Jo called him the morning of December 11, 1985, and they decided to meet at her residence later that day. Witness 13 said he arrived at her house at approximately 5:30 PM and stayed until roughly 9:30 PM. Witness 13 recalled that he arrived back at his residence at approximately 10:15 PM.

Witness 13 informed officers that he did not know Yvonne Menke, nor had he heard her name. When asked about Mary Jo's mood when he was with her on December 11, 1985, Witness 13 said that Mary Jo stated she was glad they were able to get together because she had been depressed. Witness 13 said he never found out why Mary Jo was feeling that way. Witness 13 stated that Mary Jo also told him that she had been seeing Witness 2 but was no longer dating him because he was too arrogant. Mary Jo then told Witness 13 that she felt bad because all of the nice guys seemed to be married.

Law enforcement located and interviewed Witness 13 again on February 5, 1986. During that interview, Witness 13 confirmed what he had previously told Chief Deputy Johnson. On December 10, 1985, Witness 13 explained that he and Mary Jo spoke on the phone and agreed to meet the following day (December 11th) at her residence at 5:30 PM. Witness 13 recalled staying there until 9:30 PM which was when he left and went back home to his house. Witness 13 also confirmed that Mary Jo had asked to meet him for breakfast the following morning (December 12th). Witness 13 told officers that he left Mary Jo with the impression that he might but had no intention to meet her the following morning. That evening (December 11th) Witness 13 explained that he and Mary Jo had sexual intercourse. Witness 13 described Mary Jo as being aggressive sexually. He also confirmed that Mary Jo said she was depressed and was glad he could come over.

Interview with Tim Benedict of Arctic Wear Inc. and related laboratory reports

On February 21, 1986, Polk County Deputy Smith spoke to Tim Benedict, Director of Marketing for Arctic Wear Inc., located in Thief River Falls, Minnesota. The purpose of the interview was to obtain additional information about the Arctic Cat boots that were recovered from Mary Jo (Lunsmann) Bailey's residence and the recovered boot print located at the scene of the Yvonne Menke homicide.

Benedict informed Deputy Smith that Arctic Wear imports snowmobile boots with the Arctic Cat logo. Benedict explained that the boots that were currently being marketed had the same sole design as those marketed in 1973 or 1974. Benedict said the only boot with the sole design bearing the word "Arctic Cat" and an arrow and a circle on the tread, was a snowmobile boot with a removable lining. Benedict stated that only men and women's sizes were available. Benedict said the smallest size in men's was a size 7 and the smallest size in women's was a size 5. Benedict stated that a men's size 7 was larger than a women's size 5.

Benedict explained that at the present time his company distributed approximately 20 pairs of women's size 5 boots nationwide, per year. Benedict estimated that during the snowmobile boom years in the late 1970's, approximately 400 pairs of women's size 5 boots would have been distributed per year. Since the marketing of that boot started in 1973-74, a total of approximately 1,000 pair of size 5 women's boots had been sold nationally.

Benedict said Arctic Cat went bankrupt in 1981 and Arctic Wear, Inc. was founded in 1982. In 1983, the distribution of boots resumed. Benedict said prior to the formation of Arctic Wear, Inc., there were no

STATE OF WISCONSIN - VS - Mary Josephine Bailey

more than 100 pair of women's size 5 snowmobile boots that had been sold nationwide. Benedict felt that any boot that had the words "Arctic Cat" worn from the heel would have probably been manufactured and marketed in the period prior to the bankruptcy of Arctic Cat. Benedict explained that the sole on the boot is a durable rubber material and that wearing the boots in the wintertime decreased the wear on the boot.

On March 6, 1986, DCI Special Agent Dennis Miller received a report from the Wisconsin State Crime Laboratory, which included the examination of the footwear impressions from the following items:

- Item V - One Sulphur cast
- Item W - One Sulphur cast

The report stated that the two footwear impressions, which were suitable for comparison purposes, were observed in Items V and W. The footwear impressions were then compared with Item Y (one pair of "Arctic Cat" snowmobile boots, Size 5, recovered from Mary Jo Lunsmann). The report stated that it was the opinion of the examiner that the footwear impression observed in Item V was consistent in basic size and tread surface design with the left boot (Item Y) recovered from Mary Jo Lunsmann. In addition, the heel impression of the footwear impression observed in Item V was consistent with the wear area of the heel of Item Y (left boot) recovered from Mary Jo Lunsmann. The report further stated that the footwear impression observed in Item W was consistent in basic size and tread surface design with Item Y (the right boot), recovered from Mary Jo Lunsmann. However, due to the lack of corresponding discernible individual characteristics present in the footwear impressions observed in Items V and W, positive identifications were not effective.

Lastly, photographic evidence of the partial footwear impression observed at the bottom of the entryway where the victim was found, was also compared with Item Y (one pair of Arctic Cat snowmobile boots, size 5, recovered from Mary Jo Lunsmann). As a result of that examination in comparison, it was the opinion of examiner that the footwear impression observed at the bottom of the entry way was consistent in basic size and tread surface design with Item Y (the right boot, reportedly recovered from Mary Jo Lunsmann). However, due to the lack of corresponding discernible individual characteristics, a positive identification was not affected.

Interview of Mary Chapin (deceased)

On April 28, 1986, law enforcement interviewed Mary Chapin, the foster sister to Jack Owen who had lived with the Owen family since she was seven-years-old. Mary told officers that she was very aware of the situation between Yvonne Menke, Jack and Mary Jo (Lunsmann) Bailey. Mary said she spoke with Yvonne several times and that Yvonne told her that she and Jack wanted the same things and Yvonne would take him back whenever he would leave Mary Jo. Mary told officers that to the best of her knowledge, Yvonne and Mary Jo were the only women Jack had been dating.

Mary mentioned that her last contact with Jack was the week Yvonne was killed. Mary believed it was the Tuesday before Jack's birthday party. Mary said Yvonne was at the Owen house that day and was with Jack while he was snowplowing. Mary described Yvonne as being very happy. Mary said that Yvonne was generally very quiet and not someone who would share her problems. Mary said Yvonne would often go along and do whatever Jack wanted to do.

Interview with Witness 14

On April 29, 1986, officers met with Witness 14 who was a known associate and member of the horse association that Jack Owen, Mary Jo (Lunsmann) Bailey, Witness 1 and others belonged to in 1985.

During his time raising and training horses, Witness 14 said that he met Jack and Mary Jo through the horse circles and became good friends with Mary Jo. Witness 14 said that Jack was no longer showing Morgan horses and he had not seen Jack for approximately two years. Witness 14 did see Mary Jo from time to time.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

When asked about his knowledge of Mary Jo's relationship with Jack, Witness 14 stated that he did not know much but did recall one time when Mary Jo was at his house and was crying about her relationship with Jack and Jack's relationship with Yvonne. Witness 14 knew that Mary Jo had called Yvonne and talked about their situations with Jack.

Witness 14 also knew that Mary Jo had been at horse shows in the past and witnessed Jack and Yvonne together. Witness 14 explained that he was not aware of any hostility between Yvonne and Mary Jo.

Interview with Witness 15

On May 13, 1986, officers met with and interviewed Mary Jo (Lunsmann) Bailey's daughter, Witness 15. Witness 15 described her relationship with her mother as being better than it had been. Witness 15 said she saw her mother and Jack Owen the weekend before. Witness 15 explained that she saw them at both Mary Jo's and Jack's houses. Witness 15 told officers that there was no discussion about the Yvonne Menke homicide. Witness 15 stated that her mother and Jack were still involved in selling, training, and showing horses.

Witness 15 was asked if she had ever seen her mother cry or become emotional. Witness 15 told officers that she could not recall a time when her mother cried. Witness 15 added that her mother often times would become emotional when she (Witness 15) showed horses because her mother wanted her to win. Witness 15 explained that her entire family was that way, no one showed much emotion.

Interview of Witness 16

On February 19, 1987, DCI Special Agent Dennis Miller along with Polk County Investigators Smith and David Lindholm interviewed Witness 16. Witness 16 had been identified as someone who knew Yvonne Menke and had also worked with her at the Stagehouse Bar in Eureka.

Witness 16 stated that there were times when Yvonne expressed how upset she was over Jack Owen and how Jack would avoid her during the horse show season and was with Mary Jo (Lunsmann) Bailey. Witness 16 stated that at one point Yvonne said she wanted to punch Mary Jo because of the situation, which Yvonne said had been going on for the last eight years.

Witness 16 said Yvonne told her that Jack would go with Mary Jo during the horse show season and almost completely avoided her (Yvonne), and when the season was over Jack would go back to her (Yvonne) almost exclusively. Witness 16 indicated that she asked Yvonne if she had ever talked to Mary Jo about that and Yvonne said Jack told her not to get involved with Mary Jo.

Witness 16 said she asked Yvonne if she could go out with someone else. Witness 16 said Yvonne told her that Jack would leave her if she ever went out with someone else. Witness 16 said Yvonne told her she had an affair with [JE] but realized she did not want to be with anyone else, that she loved Jack and had decided to put up with whatever he wanted so she could be with him.

Witness 16 said Yvonne told her that she spoke with Jack about being with both her and Mary Jo and Jack told her that nothing was going on between him and Mary Jo. Witness 16 said Yvonne remarked that she knew better than that.

Interview with Witness 17

On November 18, 1989, Deputy Dave Lindholm interviewed Witness 17, who was known to be Jack Owen's current girlfriend. Witness 17 was asked about Jack's prior relationship with Mary Jo (Lunsmann) Bailey. Witness 17 told Deputy Lindholm that since she started to date Jack she'd received two threatening phone calls and discovered nails in her vehicle tires. Witness 17 mentioned that the phone calls were made from a subject with a muffled voice so she could not tell if it was a male or female. Witness 17 stated that during one of the calls the caller said, "If you know what's good for you, leave Jack alone." Witness 17 said the phone calls were received in February of 1989, sometime

STATE OF WISCONSIN - VS - Mary Josephine Bailey

around noon, and during the work week. Witness 17 stated she worked nights which was why she was home at noon to receive the phone calls.

Witness 17 said she'd known Jack for a long time. Witness 17 explained that in approximately November of 1988, she separated from her husband. Witness 17 said she ran into Jack at the Eureka Bar in December and they started to talk. Witness 17 said she and Jack had breakfast a couple of times in January, and later in the month he asked her out to dinner. Witness 17 said they went to a restaurant out of the area and she recalled Jack saying that one of "Mary Jo's" best friends was there. Witness 17 stated she received a phone call from Mary Jo the following day and Mary Jo wanted to know about her relationship with Jack.

Witness 17 explained that around Valentine's Day, or shortly before, she had Valentine cards for several people and some of those people were at the Eureka Bar. Witness 17 went to the bar to deliver the cards and spoke with Jack. Witness 17 said Mary Jo walked into the bar, and noted that at that point she'd never seen Mary Jo in person. Witness 17 said Mary Jo appeared to be angry so she (Witness 17) left the bar. Witness 17 said Mary Jo tried to go after her but Jack got out of his chair and stopped Mary Jo from following her. After that incident, Witness 17 said she received the two threatening phone calls. Witness 17 said she did not need that type of drama and for that reason she stopped seeing Jack for about one month.

Witness 17 said in May of 1989 she and Jack grew closer, she dated him through the summer, and they stopped seeing each other on October 21, 1989. Witness 17 said she and Jack remained friends. Witness 17 said around that same time she started to see Mary Jo more frequently and knew Jack had started seeing Mary Jo again. Witness 17 said in early November, Jack told her that his relationship with Mary Jo was over and he was not going to see her anymore. Witness 17 said she and Jack started dating again and were still seeing each other.

Interview of Witness 18

On March 3, 1993, Deputy Thomm Smith met with and interviewed Witness 18. Witness 18 called the Polk County Sheriff's Office to report that he may have information about the Yvonne Menke case. Witness 18 explained that he'd read an article in the paper about the homicide and decided to come forward with some observations he'd made the morning of the Yvonne Menke homicide.

Witness 18 said at the time of the homicide he lived in Grantsburg and worked in Amery. Witness 18 explained that the morning of the homicide he was on his way to work, traveling on State Highway 87 out of Grantsburg and into St. Croix Falls, and stopped at the post office. Your complainant notes that after entering the City of St. Croix Falls, State Highway 87 turns into South Washington Street which is also considered to be "main street". Witness 18 estimated that because he worked at 7:00 AM, he would have been there around 6:25 AM or 6:30 AM.

Witness 18 remembered parking on main street, just south of the Post Office entrance, exiting his vehicle, walking to the letter deposit box, and returning to his vehicle. Witness 18 said at that time he observed a subject walking towards him on the sidewalk on the west side of main street (same side of the road as the Menke apartment building). Witness 18 also recalled a green station wagon parked on the opposite side of the street. Witness 18 stating that the subject he saw walking was a woman in her mid-fifties or early sixties with dirty blonde hair. Witness 18 said the female was wearing a three-quarter length overcoat that was gray in color with what he described as a two to three-inch "furry" collar. Witness 18 estimated that the subject was between 4'11" and 5'6" inches tall. Witness 18 did not remember if the person was wearing a scarf, nor could he recall if she was carrying anything. Witness 18 told Deputy Smith that he and the subject got within approximately 20 feet of each other. Witness 18 was not sure if the green station wagon had anything to do with the person he saw. Witness 18 said he never heard any sounds consistent with a gun shot. Witness 18 explained that he learned of the homicide later while at work.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Review of physical evidence

Your complainant states on April 23, 2009, Investigator Peter Johnson, of the Polk County Sheriff's Office, and DCI Special Agents Dennis Miller and Rob Ebben transported some evidence collected during the Yvonne Menke homicide case investigation to the Wisconsin State Crime Laboratory for further examination. The submitted items included:

- Item I, which is an oral swab from the victim, Yvonne Menke
- Item K, which is a vaginal swab from Yvonne Menke
- Item L, which is a head hair standard from Yvonne Menke
- Item V, which is a sulfur cast footwear impression (Lunsmann Artic boots)
- Item W, which is a sulfur cast footwear impression (Lunsmann Artic boots)
- Item Y, which is two Arctic Cat brand winter boots from Mary Jo Lunsmann
- Item AO, which is a scarf (Mary Jo Lunsmann)
- Item AQ, which is a multi-colored, blue hat (Mary Jo Lunsmann)
- Item AR, which is a black, fur-type hat (Mary Jo Lunsmann)
- Item AS, which is a gray coat (Mary Jo Lunsmann)
- Item AT, which is a black coat (Mary Jo Lunsmann)

Soon after, law enforcement learned that since no significant advances had occurred at the Crime Laboratory which would allow them to re-examine the boot impressions in more detail, the laboratory agreed with their prior assessment that the Sulphur casts taken by officers at the scene of the Yvonne Menke homicide were consistent with the boots recovered from Mary Jo (Lunsmann) Bailey's residence in terms of tread pattern, size and wear pattern.

On June 23, 2009, Inv. Peter Johnson learned that a report from the Wisconsin State Crime Laboratory regarding items that were re-submitted had been examined and no blood was detected on any of the items.

Interview of Witness 15

On November 3, 2009, DCI Special Agent Dennis Miller and Inv. Ray Joy, of the Polk County Sheriff's Office, met with and interviewed Witness 15 while other officers interviewed her husband, Witness 19.

Witness 15 told officers that her husband, Witness 19, had weapons stored at the Lunsmann house at the time of the Yvonne Menke homicide. Witness 15 said that at the time of the homicide, she and Witness 19 were living in the Twin Cities and she did not want him to bring guns to their apartment. Witness 15 believed that law enforcement had seized all of the guns during a search warrant that was executed at the Lunsmann residence. Witness 15 added that those guns had never been returned.

Law enforcement knew that at the time of the warrant, only one gun had been located and seized and that firearm belonged to Witness 2 and was subsequently returned to him.

Witness 15 said that she and her mom were a lot alike and would definitely "get in the face" of someone else, especially if they felt threatened. Witness 15 did not believe her mother killed Yvonne Menke, adding she could not hurt a fly.

When asked if she was getting along with her mother at the time of the Yvonne Menke homicide, Witness 15 said she was upset with her mother over her mother and father's divorce. Witness 15 said she moved out of her mother's house and began living on her own because she did not have a good relationship with her mother at the time. Witness 15 reported they had not discussed the case in several years, but recalled a time when her husband asked her mother if she killed Yvonne Menke and Mary Jo denied being involved.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Interview with Witness 19

DCI Special Agent Ronald Ebben and Inv. Peter Johnson interviewed Witness 19. Witness 19 told officers that the Sheriff's Office still had possession of several of his weapons and demanded to know where they were. Witness 19 was told that to the best of law enforcement's recollection, none of his guns had been collected by officers. Witness 19 then stated that he had been interviewed approximately 25 years ago and at that time, recalled one of the officers telling him that law enforcement had several of his guns. Witness 19 was told that, from what law enforcement could recall, the only firearm that had been seized at the time of the search warrant was a .22 rifle. Witness 19 did not know how many guns he actually owned or what the descriptions of those guns were. Witness 19 did know that he owned two .22 caliber pistols that were being stored at the Lunsmann residence at the time of the warrant execution. Witness 19 stated he had two pearl-handled .38 caliber revolvers that were also being stored there. Witness 19 recalled that one of the .22 handguns was a Smith & Wesson revolver. Witness 19 believed that the handgun was contained within a holster and thought that back then (1985) it would have been hanging on a hook within the Lunsmann residence. The second .22 caliber firearm was described as a Ruger .22 revolver. Witness 19 explained that handgun had interchangeable barrels on it. When asked if he believed Mary Jo killed Menke, Witness 19 said that at one point he asked her if she was involved and she said no.

Current Investigation

Your complainant, Lt. Andrew Vitalis, states in late 2021 and extending into the winter of 2022, he and Polk County Investigations Liaison Deputy Mark Biller began investigating the Yvonne Menke homicide. Officers made it a priority to locate and re-interview witnesses and others who had knowledge of Jack Owen, Mary Jo (Lunsmann) Bailey, and Yvonne Menke before, during, and after the homicide.

Your complainant states that 36 years had passed and officers believed, that since the initial investigation was conducted, it was probable that many subjects had learned additional information about the case that may be relevant and not yet reported to law enforcement. Additionally, officers suspected there were subjects who had been living in the area at the time of the homicide that did not come forward with information about the homicide for fear of retaliation.

Interview with Mary Jo (Lunsmann) Bailey

On September 21, 2022, Lt. Vitalis and Mark Biller made telephone contact with Mary Jo (Lunsmann) Bailey. Mary Jo advised officers that she resides in Arizona and provided an address of 702 South Meridian Road, Apt. 1118, Apache Junction, Arizona.

Mary Jo was asked what she remembered about the day Yvonne Menke was killed. Mary Jo recalled that a girlfriend called her and told her what happened. Mary Jo indicated that she was home when she received the call and was going shopping in Rice Lake, Wisconsin. Lt. Vitalis asked Mary Jo which one of her friends called her. Mary Jo believed it was Witness 1. When asked if she remembered how Witness 1 found out about the homicide, Mary Jo said she did not remember. Mary Jo said at the time she was working at the bank but on that specific day she was on vacation and planned to go Christmas and birthday shopping. When asked if she was living with anyone at the time, Mary Jo said no.

Officers then began to talk to Mary Jo about Jack Owen. Mary Jo said at the time she and Jack were friends. Lt. Vitalis asked Mary Jo if Yvonne Menke and Jack were also friends. Mary Jo responded that Jack was the kind of guy who had several girlfriends. Lt. Vitalis asked Mary Jo about her relationship with Yvonne Menke. Mary Jo stated that she did not remember ever meeting Yvonne Menke. Mark Biller asked Mary Jo about a phone call that occurred approximately three years prior to Yvonne Menke's death, when she and Yvonne Menke spoke on the phone about Jack Owen. Mary Jo stated she did not remember that phone call. When asked additional questions about her association with Yvonne Menke, Mary Jo again stated that she had heard Yvonne Menke's name and may have heard about her through horse circles at that time as she was showing horses and working with Jack, but did not remember actually meeting Yvonne Menke.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Mary Jo was asked what Yvonne Menke was like. Mary Jo explained that she did not know anything about her. Lt. Vitalis asked Mary Jo what other people, including Jack, said about Yvonne Menke back then. Mary Jo reported that around that same time period, she was aware of another "Mary Jo" living in the area and had heard that Yvonne Menke may have been seeing her husband. Mary Jo thought the "Mary Jo" she was talking about lived in the Cushing area (Mark Biller was familiar with the "Mary Jo" that Mary Jo (Lunsmann) Bailey was talking about and knew her to be [MJE]).

Lt. Vitalis asked Mary Jo if she was in St. Croix Falls the day Yvonne Menke was shot, Mary Jo said no. Mary Jo recalled that morning, indicating that she woke up to do some chores at her house before she returned to her residence to get ready to go shopping. Mary Jo thought it was around 8:00 AM when she came back to the house to get ready, but could not say for sure. When asked if she was in St. Croix Falls the night prior to or during the early morning hours on the day Yvonne Menke was killed, Mary Jo said no.

Lt. Vitalis asked Mary Jo what she recalled about the law enforcement interview regarding the boots. Mary Jo said she did not remember law enforcement interviewing her about boots. Lt. Vitalis asked Mary Jo if she recalled anything about Arctic Cat boots. Mary Jo did not remember anything about that.

Lt. Vitalis asked Mary Jo if Jack Owen ever said anything to her about Yvonne Menke or her homicide. Mary Jo stated that Jack never said anything and that was the kind of person he was.

Lt. Vitalis asked Mary Jo if she'd ever met Yvonne Menke's children or her ex-husband. Mary Jo said she didn't even know that Yvonne Menke had kids.

Lt. Vitalis asked Mary Jo about the day law enforcement went to her work, at the bank, and if she remembered that interaction. Mary Jo remembered answering all of the questions asked by law enforcement. Lt. Vitalis again asked if she remembered law enforcement talking to her about a boot. Additionally, Mark Biller asked Mary Jo if she remembered law enforcement removing evidence from her house that same day. Mary Jo said she remembered law enforcement getting a search warrant for her house, but she did not know what they took and stated that none of her property had been returned to her.

Lt. Vitalis believed that Mary Jo was not forthcoming with many of her responses during the interview. Lt. Vitalis indicated that when pressed about certain topics related to the case, Mary Jo responded by saying that she did not remember and attempted to distance herself from the question or transitioned the interview to another topic.

Interview with Witness 1

On or about October 7, 2022, Lt. Vitalis and Mark Biller conducted a phone interview with Witness 1, who was believed to be one of Mary Jo's best friends at the time of the Yvonne Menke homicide. Lt. Vitalis asked Witness 1 about Mary Jo and how she (Witness 1) came to know her. Witness 1 explained that she and Mary Jo were "horse" friends and showed horses together from time to time.

Lt. Vitalis asked Witness 1 about the day Yvonne Menke was killed and if she was the person who told Mary Jo that Yvonne had been killed. Witness 1 confirmed that she told Mary Jo and explained that she (Witness 1) was working for Dr. Leon Erickson at a dental office in St. Croix Falls at that time. Witness 1 said Dr. Erickson had gone for coffee that morning and learned that Yvonne had been shot. Dr. Erickson shared this with Witness 1 when he returned to the office. Witness 1 knew Yvonne was involved in a triangle of sorts with Jack Owen and Mary Jo, which was the reason she called Mary Jo and told her.

Witness 1 explained that she first called the bank and was informed that Mary Jo had taken the day off. Witness 1 then called Mary Jo at her house and briefly spoke with her about what happened. Witness 1 stated it was a short phone call because she knew she was not supposed to engage in personal phone calls while at work and was afraid that she'd get in trouble. Lt. Vitalis asked Witness 1 if she

STATE OF WISCONSIN - VS - Mary Josephine Bailey

remembered Mary Jo's reaction when she told her that Yvonne had been killed. Witness 1 said Mary Jo told her that she was going shopping in Rice Lake that day and after telling Mary Jo that Yvonne had been shot, Mary Jo responded with something similar to, "No way." Witness 1 said about that time her boss was walking across the street so she had to terminate the phone call quickly. Witness 1 did not recall Mary Jo acting very shocked when hearing what happened.

Witness 1 described Mary Jo as a very outspoken person during that phase in her life. Witness 1 stated that Mary Jo was kind of a rough character who could hold her own. When asked if Mary Jo and Jack were involved around the time that Yvonne Menke was killed, Witness 1 indicated that Jack and Mary Jo were not exclusive because Jack would still see Yvonne every once in a while. Lt. Vitalis asked Witness 1 if Yvonne and Jack's relationship made Mary Jo mad or if Mary Jo ever talked to her about Jack and Yvonne's connection. Witness 1 explained that Mary Jo never said anything to her about her relationship with Jack or her feelings towards Yvonne.

Mark Biller again asked Witness 1 if Mary Jo would talk to her about her relationship with Jack, and if Mary Jo would confide in her (Witness 1) if she was upset about something. Witness 1 responded that she did not think Mary Jo would have done that, and added that while she knew Mary Jo, they only got together or saw each other at horse shows, saddle club meetings, or similar events.

Witness 1 told officers that back then Mary Jo was not a clingy person and she never recalled seeing Mary Jo and Jack walking hand-in-hand or being intimate in that way.

Lt. Vitalis asked Witness 1 what she believed happened to Yvonne Menke after so many years of thinking about the circumstances of the homicide. Witness 1 told officers that she believes Mary Jo "did it." Witness 1 stated at the time of the murder she did not think that was the case, but now, all these years later, she believes Mary Jo is responsible for Yvonne Menke's death. Lt. Vitalis asked Witness 1 if Mary Jo was ever violent. Witness 1 explained that Mary Jo was never violent, but was verbally able to handle herself and would never back down.

Your complainant states on October 21, 2021, Jack Owen passed away. At the time of his death, Jack was living in Eureka, Montana, with his wife, Witness 17.

Interview with Victim 4

On November 28, 2022, Lt. Vitalis and Mark Biller met with Victim 4 at the Polk County Sheriff's Office. Victim 4 is the son to Yvonne Menke. Lt. Vitalis asked Victim 4 where he was living at the time of his mother's death. Victim 4 explained that he was living with his dad, Witness 7, in the Dresser trailer court. Victim 4 explained that he had been living with his mother and then went into a group home. Victim 4 stated he left the group home shortly before his mother was killed (approximately three months) and moved in with his dad. Victim 4 said his sister, Victim 1, was living with his mother at the time.

Lt. Vitalis asked Victim 4 if he knew Mary Jo (Lunsmann) Bailey. Victim 4 said no and added that he had never met her.

Victim 4 began talking about phone calls his mother received at her apartment in the years leading up to her death. Victim 4 said the calls were from an unknown person and everyone thought it was Mary Jo. Victim 4 explained that back then his mother worked until 4:30 PM or 5:00 PM, and they would often get a phone call around 4:00 PM from an unknown person asking questions similar to is your mom home or is Jack there. Victim 4 mentioned that it was a muffled voice, consistent with someone trying to disguise their voice. Victim 4 said it sounded like a woman, but he didn't know for sure. Victim 4 stated that sometimes the calls would happen 3-4 times per day/night and sometimes they would happen when Jack was at the apartment. Victim 4 didn't recall Jack getting upset and Jack told them not to worry about it.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Victim 4 confirmed there were times he answered the phone, and it was before he went to the group home, explaining that he was about 11-12 years old at the time. Victim 4 acknowledged that while he did not know for sure, everyone at the time suspected it was Mary Jo making the calls. Victim 4 confirmed that the romantic connections between his mother, Jack, and Mary Jo started several years prior to his mother's death.

Interview of Witness 17

On December 2, 2022, Lt. Vitalis and Mark Biller conducted a recorded phone interview with Witness 17, the widow to Jack Owen. Witness 17 was asked to tell officers about her relationship with Jack.

Witness 17 explained that she separated from her then husband in November of 1988 and after Christmas and/or early 1989 she and Jack became friends. Witness 17 said her divorce became final on April 11, 1989, and after that she and Jack became physical. Witness 17 said in the beginning she and Jack had a very tumultuous relationship because Jack wanted to be involved with both of them (her and Mary Jo). Witness 17 said Jack would charm her and be good to her, and then he would go back to Mary Jo. Witness 17 said that that went on for a long time.

Witness 17 said the worst thing Mary Jo did to her was break into her house. Witness 17 recalled a time when she and Jack were away from her residence and were visiting Jack's son in Montana. Witness 17 said she and Jack took horses out to Montana and while away from her residence, Mary Jo broke into her house and wrecked it. Witness 17 said she knew it was Mary Jo because she had pictures of Jack, herself, and the two of them together taped to her cupboard doors. Witness 17 said whoever broke into her house took a marker and wrote obscenities on those photos. Witness 17 believed that Mary Jo had to be the person who did that because anyone else who would randomly break into a house and ransack it would not have focused on those pictures. Witness 17 felt this was one example of Mary Jo's aggression towards her. Witness 17 did not recall when that incident happened and verified that she did not report the incident to the police.

Witness 17 said Mary Jo eventually married a very nice guy, Witness 20. Witness 17 said she, Jack, Mary Jo, and Witness 20 would get together and go line dancing. Witness 17 said at one point, Witness 20 talked to her about Mary Jo. Witness 17 said Witness 20 had been "buffaloed", and at some point found out what Mary Jo was really like and eventually divorced her.

Lt. Vitalis asked Witness 17 to explain the conversation she had with Witness 20. Witness 17 said Witness 20 told her that Mary Jo was controlling, paranoid, very jealous, and would not let him breathe. Witness 17 recalled that Witness 20 had heard stories about Mary Jo and she (Witness 17) told him what she knew about Mary Jo. Witness 17 stated that Witness 20 and Mary Jo divorced shortly after that conversation.

Lt. Vitalis asked Witness 17 if Jack said anything about the Yvonne Menke homicide before he passed away. Witness 17 said the only question she wanted answered was why he kept going back to Mary Jo after the Yvonne Menke homicide. Witness 17 said Jack looked at her and said he did that because he was so tainted at that point that no one would touch him. Witness 17 said Jack told her that anyone who knew about his relationships with Mary Jo and Yvonne wasn't going to touch him. Witness 17 said that was all Jack said about the situation.

Lt. Vitalis asked Witness 17 if Jack believed Mary Jo was responsible for Yvonne Menke's death. Witness 17 confirmed that Jack believed Mary Jo was responsible but couldn't prove it.

Witness 17 explained that she had additional information she wished to share. Witness 17 said that around the time of Yvonne Menke's homicide, Mary Jo had a best friend named Witness 1. Witness 17 said that Witness 1 came to her and told her that the night it happened (believed to be the night leading up to the Menke killing) Mary Jo called her (Witness 1) and was in an "uncontrollable state". Witness 17 said Witness 1 told her she met Mary Jo and talked to her in a vehicle for hours before Witness 1 left and went home. Witness 17 said it was not long after that incident that Yvonne Menke was killed.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Witness 17 said she asked Witness 1 if she ever told anyone and Witness 1 said no. Witness 17 explained that she asked Witness 1 why she never told anyone and Witness 1 told her it wouldn't prove anything, and if Witness 17 ever told anyone she (Witness 1) would deny it and call Witness 17 a liar.

Witness 17 estimated that the conversation occurred sometime in the late 1990's. Lt. Vitalis asked Witness 17 where it was that Witness 1 had contact with her and this conversation occurred. Witness 17 recalled it being somewhere in a public setting and believed that she would have seen Witness 1 in downtown St. Croix Falls. Witness 17 said after saying hello, they sat in a car and talked for a while.

Interview of Witness 20

On December 12, 2022, Lt. Vitalis and Polk County Investigations Liaison Deputy Mark Biller located and interviewed Mary Jo (Lunsmann) Bailey's ex-husband, Witness 20. Witness 20 confirmed that he was Mary Jo's ex-husband. Witness 20 added that he and Mary Jo were married in 1990 and were married for six years before they divorced. When asked about the Yvonne Menke case, Witness 20 indicated that the only time he ever spoke to Mary Jo about that case investigation was early on in the relationship. Witness 20 remarked that at one point he had asked Mary Jo if she was involved in the Menke homicide and Mary Jo told him that it was a different Mary Jo that was involved. Witness 20 said that they never talked about the Menke case again until their divorce hearing. Witness 20 explained that, during the hearing, he confronted Mary Jo in court about lying to him.

Interview of Witness 21

On December 12, 2022, Lt. Vitalis and Mark Biller interviewed Witness 21, Jack Owen's sister. Lt. Vitalis states law enforcement had learned that Jack and Witness 21 were considered to be very close.

Witness 21 stated that on the day Yvonne Menke was killed she was living in Detroit, Michigan. Witness 21 estimated that she would have returned home the day after Yvonne Menke was killed or the day after that.

After returning home, Witness 21 recalled sitting at a table with her cousin Jerry. Witness 21 stated that Jack was crying. Witness 21 said Jerry asked Jack what he was going to do and Jack responded, "I don't know." Witness 21 believed Jack's relationship with Yvonne was very strong and she didn't think it bothered Yvonne that Jack saw other women.

Lt. Vitalis asked Witness 21 why Jack was involved with Mary Jo. Witness 21 said no one could figure that out. Witness 21 was not sure why Jack was seeing Mary Jo, but did know that she was in and out of his life two or three different times. Witness 21 recalled times she would come back home and Mary Jo was around and other times she was not. Witness 21 believed that it wasn't their business and she did not want to get involved.

Witness 21 described Mary Jo as a very strong-willed person. Witness 21 said she's always felt that Mary Jo is the person who killed Yvonne Menke, although she had nothing to base that feeling on.

Witness 21 indicated that several years after Yvonne Menke's death, when Mary Jo was back in Jack's life, she (Witness 21) was right there pitching in and helping Mary Jo do things at the farm. Witness 21 said she went along with whatever Jack wanted and tried not to be judgmental. Witness 21 said she always figured that Mary Jo was one who had the audacity to think she could kill someone.

Witness 21 said Mary Jo (Lunsmann) Bailey sent a card to Jack approximately one week after Yvonne was killed. Witness 21 said the card struck her as being aggressive. Witness 21 remembered that written within the card was the phrase, "You can run but you can't hide." Witness 21 said she didn't know how to take that, but it certainly was not pleasant. Mark Biller asked Witness 21 if she recognized the handwriting on the card, Witness 21 said no. When asked if the card had a return address, Witness 21 could not remember. Lt. Vitalis asked Witness 21 how she knew it was Mary Jo who sent the card to Jack. Witness 21 said the card was signed by Mary Jo. Officers asked Witness 21 if there was

STATE OF WISCONSIN - VS - Mary Josephine Bailey

anything else about the card that stood out to her. Witness 21 said she thought it was a nasty thing to do, adding that Jack was very distraught over Yvonne's death and Yvonne had barely even been buried at that time the card was received. Witness 21 did not see Jack open the card but recalled that he was standing by an ironing board and the card was sitting right there so she looked at it.

Witness 21 was asked if Jack ever talked about Yvonne and Mary Jo interacting, and if there was jealousy within that circle. Witness 21 thought Mary Jo was jealous of everyone around her, stating that Mary Jo was supposed to be the most important person. Witness 21 said she couldn't think of anything specific, but indicated Mary Jo was around a lot and looking back on things, she suspected that Mary Jo and Jack may have had a budding relationship dating as far back as when Jack was married to his first wife. It was Witness 21's impression that Mary Jo wanted to get into that "mix" back then.

Interview with Witness 5

On December 20, 2022, Lt. Vitalis and Mark Biller interviewed Witness 5. Witness 5 confirmed that some of the information she was willing to share had come to her after law enforcement had last interviewed her. Witness 5 confirmed that she got to know Jack through showing horses. Witness 5 said she had interactions with Mary Jo (Lunsmann) Bailey and Yvonne Menke through those same horse circles.

Witness 5 explained there was a period of time when she was extremely close to Jack and, in her opinion, was most likely the only person that Jack would confide in. Witness 5 said Jack trusted her. Witness 5 said Jack didn't trust anybody and at one point told her that he was surprised he trusted her as much as he did.

Witness 5 told officers she knew things about Mary Jo and Yvonne. Witness 5 said Jack believed in having "multiple eggs in one basket" as opposed to just one. Witness 5 said Jack would always have at least two women that he was involved with, but the person he cared about the most at the time was Yvonne. Witness 5 said Yvonne was Jack's love back then and that he used Mary Jo. Witness 5 said Mary Jo came to know that.

Witness 5 said Mary Jo paid for a lot of things. Witness 5 said when there was a horse show on the weekend, Jack would see Mary Jo because she helped him. Witness 5 acknowledged that Jack and Mary Jo had an intimate relationship on the weekends and often slept together in Jack's truck and living quarters. Witness 5 said Jack would return to Yvonne the Monday following the horse show weekends, would stay with Yvonne through that Thursday night, and then go back to Mary Jo and showing horses. Witness 5 said Mary Jo was extremely jealous of that. Witness 5 said Yvonne was hurt by Jack's relationship with Mary Jo but at the same time understood.

Witness 5 stated that the cycle lasted for several years, adding that there were times when Jack and Mary Jo would break up but would get back together because Jack needed Mary Jo to help him out financially with the horse circuit and the expenses that go along with having and showing horses.

Witness 5 stated there was a tremendous amount of jealousy because everyone knew that Jack was in love with Yvonne. Witness 5 said Mary Jo was jealous of Jack and Yvonne's connection and would play games with Jack, even threatening to back out of their relationship unless he stopped seeing Yvonne. Witness 5 acknowledged that Jack honored that request at times because he needed Mary Jo to financially support him and his horse ambitions.

Lt. Vitalis asked Witness 5 if Jack ever told her who he thought was responsible for killing Yvonne. Witness 5 said Jack thought Mary Jo was involved but that didn't stop him from having her at his house. Witness 5 said Jack needed a woman for cooking and "woman" type things. Witness 5 said Jack also needed Mary Jo to help him out with the horses.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Witness 5 stated that the situation between Jack, Yvonne, and Mary Jo became scary. Witness 5 recalled times when Yvonne would call Jack and would be at Jack's house. Witness 5 said during those times Jack would not allow Mary Jo to be there.

Witness 5 said Jack told her about a break up with Mary Jo in either September or October of 1985. Witness 5 believed that when Jack and Mary Jo broke up, Mary Jo realized that it was the final break up. Witness 5 said after Jack and Mary Jo broke up, Yvonne was around Jack's house a lot and they were together all the time. Witness 5 believed that if Mary Jo drove past the house to keep tabs on Jack, she would have seen Yvonne there.

Lt. Vitalis asked Witness 5 if she had examples of Mary Jo acting in a jealous or irate manner. Witness 5 said she tried to stay away from Mary Jo. Witness 5 said Jack told her that Mary Jo would drive past Yvonne's house and would see Jack and Yvonne through the window. Witness 5 said Mary Jo followed Jack around during that time period and knew what he/they were doing during the week. Witness 5 suggested that Mary Jo's behavior proved the level of jealousy Mary Jo had towards Jack and Yvonne's relationship. Mark Biller asked Witness 5 how she knew that Mary Jo was acting in that manner. Witness 5 said Jack told her. Witness 5 recalled Jack telling her that Mary Jo was following them because on weekends Mary Jo would tell Jack where he had been during the previous week. Witness 5 wasn't sure if Jack ever saw Mary Jo or her car but knew Mary Jo was following him because she relayed details to him, including that he stayed the night at Yvonne's house. Witness 5 suggested that Mary Jo would threaten Jack, telling him things that would make him stay with her (Mary Jo), including that she was going to stop paying for things. Witness 5 felt that was one example of the many ways Mary Jo would keep Jack hooked in their relationship.

Lt. Vitalis asked Witness 5 if Jack ever talked about his birthday party, and if Mary Jo was upset that she had not been invited. Witness 5 said yes, but could not remember what Jack said. She recalled that at some point Jack called Mary Jo a "badass".

Witness 5 talked about phone calls that Yvonne and Jack received when they were together at their houses. Witness 5 said she could not give specifics, but knew that the phone calls were coming from Mary Jo and that they were extensive and ongoing. Witness 5 said Jack didn't tell her how many phone calls they had received from Mary Jo, but he did indicate that they were not stopping. Lt. Vitalis asked Witness 5 if those phone calls continued up to the time of Yvonne's death. Witness 5 explained that whenever it was not horse show season Mary Jo had all kinds of excuses and did all types of things to keep Jack around.

Witness 5 said she could not have predicted what happened but always felt that Mary Jo was going to hurt Yvonne. Witness 5 said Jack would have to lie to Mary Jo about where he was at/was going to avoid anything coming back on Yvonne.

Lt. Vitalis asked Witness 5 why she believed Mary Jo would have killed Yvonne Menke in December 1985 when she and others believed the "love triangle" between Yvonne, Mary Jo, and Jack had been going on for years. Witness 5 said Yvonne eventually severed things with Jack as far as their physical relationship was concerned. Witness 5 said Jack told her that because of that he finally terminated his relationship with Mary Jo. Witness 5 said Jack couldn't fake it anymore and wanted to be with Yvonne.

Witness 5 said that leading up to Yvonne's death there were time when Mary Jo would reach out to Jack and wanted to do things with him but he would refuse, or would simply deny her phone calls. Witness 5 said she knew Jack was serious that time and was going to follow through with terminating his relationship with Mary Jo because he believed he was going to lose Yvonne. Witness 5 said prior to that last ultimatum, Jack and Yvonne had broken up in the past for the same reasons, but Jack didn't give up his lifestyle because the horses meant so much to him. Witness 5 said this time Jack believed Yvonne was serious. Lt. Vitalis asked Witness 5 if she knew when it was that Yvonne gave Jack that final ultimatum. Witness 5 said she did not know the exact date, but knew it was a short time before Yvonne was killed (a month or two prior).

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Witness 5 talked about Jack going to her daughter's house after her daughter's husband was killed (after the Yvonne Menke homicide), and how she and Jack talked about things while sitting on the couch. Witness 5 said Jack told her he had kept his word to Yvonne, had finally separated from Mary Jo, and was officially done with her and she (Mary Jo) knew it.

Interview with Witness 1

In the middle of December 2022, Lt. Vitalis and Mark Biller interviewed Witness 1 a second time. Witness 1 reiterated that at the time of the Yvonne Menke homicide she saw Mary Jo (Lunsmann) Bailey often and they were good friends.

Witness 1 told officers there was something that had been bothering her for years and she wanted to disclose it. Witness 1 said many years ago she was at the Wolf Creek Bar and Witness 2 was also there. Witness 1 said Witness 2 was drinking and she believed he was drunk. Witness 1 said Witness 2 asked her what she thought about "this whole thing". Witness 1 confirmed Witness 2 was asking her about the Yvonne Menke homicide. Witness 1 said Witness 2 told her that Mary Jo had him burn some clothes for her. Witness 1 told Witness 2 to go to the authorities but didn't know if he ever did. Witness 1 said it was several years ago, and she should have said something to law enforcement at the time.

Lt. Vitalis asked Witness 1 how long after Yvonne Menke was killed did Witness 2 make that statement to her. Witness 1 said it was not long at all and estimated it was within a year of the homicide. Witness 1 said she did not know Witness 2 very well. Witness 1 said she knew that statement would bring her deeper into the investigation and explained to officers that is one of the reasons she did not come forward at that time. Witness 1 told officers she wanted to tell them during the first interview, in October 2022, but was afraid.

Witness 1 told officers that she had not heard from Mary Jo in years.

Lt. Vitalis asked Witness 1 about Mary Jo's relationship with her daughter back then. Witness 1 said there was a time when Mary Jo and Witness 15 did not get along but they do now. Lt. Vitalis asked Witness 1 if knowing what she knew about their relationship around the time that Yvonne Menke was killed, would Mary Jo's emotional reaction, as described by the officers, surprise her. Witness 1 said that reaction would surprise her. Witness 1 recalled that back then, Mary Jo was not the type of person who would just start crying and become emotional. Witness 1 said Mary Jo did not show a lot of emotion back then.

Interview with Witness 2

On December 29, 2022. Lt. Vitalis and Mark Biller traveled to Placentia, California to interview Witness 2. Lt. Vitalis notes that from the beginning Witness 2 exhibited behavior which led him to believe Witness 2 was not happy with officers being there and Witness 2 appeared reluctant to speak with officers. Lt. Vitalis states numerous responses from Witness 2 were closed and/or answered with limited detail.

Lt. Vitalis asked Witness 2 where he was living in 1985 and if he remembered the time period when Yvonne Menke was killed. Witness 2 told officers he did not remember it and had never met "the woman" (Yvonne Menke). Lt. Vitalis asked Witness 2 how his name became connected to the case investigation. Witness 2 stated that he was dating a woman who was somewhat involved with a "guy" back then. When asked if the woman he was referring to was Mary Jo, Witness 2 said yes.

Lt. Vitalis asked Witness 2 about Mary Jo (Lunsmann) Bailey and how long they dated. Witness 2 told officers he dated her for a couple years. Lt. Vitalis asked Witness 2 if Mary Jo was seeing Jack Owen while she was seeing him. Witness 2 said he didn't remember and commented that he didn't even know Jack's last name. Witness 2 confirmed that his relationship with Mary Jo was more of an on-and-off relationship.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Lt. Vitalis asked Witness 2 if Mary Jo ever talked about her involvement in the Yvonne Menke case or what she knew about the case. Witness 2 said he could only remember Mary Jo telling him that she had nothing to do with it. Mark Biller asked Witness 2 if he recalled telling investigators during the initial investigation that he had asked Mary Jo if she was involved in Menke's death. Witness 2 became defensive and somewhat angry before snapping back and telling Mark Biller that he never said that. Witness 2 again stated that Mary Jo made a statement to him and he never asked her anything about Yvonne Menke.

Lt. Vitalis asked Witness 2 when he last talked to Mary Jo. Witness 2 estimated it was late 1985. Lt. Vitalis clarified that Witness 2 and Mary Jo would have severed their relationship at that time. Witness 2 told officers that at the time of the Yvonne Menke homicide they had no relationship as far as he could remember.

Lt. Vitalis asked Witness 2 if he recalled the conversation with law enforcement that took place before Witness 2 provided his guns to law enforcement. Witness 2 stated that he did not know what the conversation was leading up to him submitting those firearms to law enforcement.

Lt. Vitalis told Witness 2 that law enforcement had received information that he told someone that Mary Jo went to his house, after the Yvonne Menke homicide, and burned clothing and/or asked him to burn some clothing for her. Witness 2 said he did not recall. Mark Biller asked Witness 2 if he told someone that, and if it would be something he'd remember. Lt. Vitalis states Witness 2 appeared to become agitated and replied that he did not recall that at all.

Interview with Witness 1

In January 2023, just after the interview with Witness 2, Lt. Vitalis and Mark Biller contacted Witness 1 by phone. Lt. Vitalis asked Witness 1 about a tip law enforcement had received suggesting that shortly before the Yvonne Menke homicide Witness 1 and Mary Jo had a conversation and Mary Jo was upset or distraught. Witness 1 told officers she "swears" she did not have that conversation with Mary Jo. Witness 1 said if anyone ever knew Mary Jo they would know that she would never break down like the way it was described by the tipster because Mary Jo was not that type of person and was a tough gal. Witness 1 stated there was no truth to that statement.

Interview with Witness 5

On January 14, 2023, Mark Biller conducted a telephonic interview with Witness 5. The primary purpose of the interview was to develop a more complete physical profile of Mary Jo (Lunsmann) Bailey in December of 1985. Witness 5 reiterated that she was very familiar with Mary Jo and the victim, Yvonne Menke. Witness 5 described Mary Jo as being of medium small frame and somewhat taller and heavier than Yvonne Menke. Witness 5 described Mary Jo as having shoulder length brownish hair which she usually wore up.

Your complainant notes the medical examiner's report from 1985 estimated Yvonne Menke's height to be 5'6" and weight to be 120 pounds.

Interview of Mary Jo (Lunsmann) Bailey

On January 26, 2023, Lt. Vitalis, Mark Biller and Maricopa County Investigator Stephen Fax went to the Mary Jo (Lunsmann) Bailey residence for a second interview. Lt. Vitalis notes that on January 25, 2023 they approached Mary Jo at her residence and interviewed her about this case; however, Mary Jo had a prior obligation and the interview was terminated early. Mary Jo agreed to meet with officers the following day (January 26).

Lt. Vitalis asked Mary Jo about Jack Owen's family. Mary Jo stated that she remembered Jack's mom and dad. Mary Jo said Jack's sisters were not around that much but she had met them. Mary Jo said Jack lived at the family farm with his mom and dad and she believed he was hoping to inherit the family

STATE OF WISCONSIN - VS - Mary Josephine Bailey

farm. Mary Jo said Jack married some “gal” and moved to Montana. Mary Jo confirmed the “gal” she was referring to was Witness 17.

Lt. Vitalis asked Mary Jo about the phone calls she made to Yvonne Menke. Lt. Vitalis states, during the interview on January 25th, Mary Jo confirmed that she made a phone call to Yvonne Menke in roughly 1983 and they discussed their relationships with Jack Owen. Mary Jo discussed another phone call she made to Yvonne’s residence approximately one year before the homicide. Mary Jo knew this because a stallion horse she was familiar with had been sold and she was working with just her horses at the time. Mary Jo said she had gone to Jack’s farm and was looking for him. Mary Jo explained that she was supposed to ride that day but Jack was not there. When asked if Yvonne answered the phone when she called, Mary Jo said she asked for Jack. Mary Jo thought it would have been Yvonne who answered the phone. Mary Jo said she knew Yvonne had children at the time but was not sure if they were living with her. When asked if it was a long conversation, Mary Jo said Jack told her it was raining at his place so he left. Mary Jo said she told Jack it was not raining at her place so she came to ride. Mary Jo said she told Jack it was okay, and that was basically the extent of the conversation.

Lt. Vitalis reviewed the telephone records for Mary Jo (Lunsmann) Bailey that were obtained by law enforcement during the initial investigation. The following is a list of telephone calls made to/from the Yvonne Menke residence to/from the Mary Jo (Lunsmann) Bailey residence from August 2, 1985 through December 7, 1985:

Date	Time	Duration	To	From
08/17/1985	05:58 PM	1 Minute	Menke Residence	Lunsmann Residence
09/01/1985	12:32 PM	1 Minute	Menke Residence	Lunsmann Residence
11/13/1985	12:53 AM	1 Minute	Menke Residence	Lunsmann Residence
11/13/1985	01:17 AM	1 Minute	Lunsmann Residence	Menke Residence

Lt. Vitalis states between August 11, 1985 and October 21, 1985, Mary Jo called Witness 2 twenty-one (21) times. During that same timeframe Mary Jo called Jack Owen thirteen (13) times. Lt. Vitalis notes it was reported that in early September of 1985, Jack Owen told Mary Jo that he was not going to see her anymore, and after the State Fair (matching the time period provided by Witness 5), Jack Owen began to see Yvonne Menke exclusively for a period of time.

Lt. Vitalis states, between October 22, 1985 and December 7, 1985, Mary Jo called Witness 2 five (5) times and called Jack Owen nineteen (19) times. Lt. Vitalis notes the dinner event that Jack Owen and Mary Jo attended together took place in late October or early November. Lt. Vitalis believes that, shortly after the dinner event, Jack Owen told Mary Jo that he was going back to Yvonne Menke.

Lt. Vitalis states from November 20th through December 12th (after the dinner event and leading up to the homicide), there were only four (4) calls between Mary Jo and Jack Owen. Lt. Vitalis states that is also the time when Mary Jo was reportedly going to the bar and meeting men.

Lt. Vitalis notes Witness 13, one of the men Mary Jo met at the bar, reported to law enforcement that Mary Jo told him she was “depressed and frustrated about men.” Lt. Vitalis believes this was the catalyst that led to the Yvonne Menke homicide; Mary Jo chose Jack Owen over Witness 2 and Jack Owen rejected Mary Jo for Yvonne Menke.

Lt. Vitalis states there were eight days when Mary Jo called Witness 2 or Jack Owen and then immediately called the other. Lt. Vitalis believes this implies a love triangle between Mary Jo, Jack Owen, and Witness 2. Lt. Vitalis notes those eight days include November 12th, which was around the time of the dinner event. Lt. Vitalis states on November 12th, there was a flurry of calls made by Mary Jo to Witness 2, Jack Owen, and Yvonne Menke, in addition to the one minute call from Yvonne Menke to Mary Jo, suggesting some relationship-type maneuvering.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Lt. Vitalis asked Mary Jo about her relationship with Jack after Yvonne was killed. Lt. Vitalis notes that during the interview on January 25th, Mary Jo indicated that after Yvonne was killed, she and Jack remained in a business relationship and denied having a romantic relationship with him.

Mary Jo told officers that the summer after Yvonne was killed she and Jack again became involved with horses as they still belonged to some of the same clubs. Mary Jo recalled that they didn't work horses together that summer because she had her own horses. Mary Jo could not remember all of the details but knew that Jack came to some of the horse shows she was in. Mary Jo then said she couldn't remember if they were sharing transportation and working together back then, and if they were, which years they were doing that. Lt. Vitalis asked Mary Jo if she and Jack were romantically involved during the spring and summer of 1986. Mary Jo stated that she and Jack were still friends, adding that she believed Jack did some shoeing for her at that time. Mary Jo said Jack also went to some of the big shows to see how everyone was doing. Lt. Vitalis attempted to clarify with Mary Jo that she and Jack were engaged in a business relationship and not a romantic relationship at that time, Mary Jo said that she and Jack stayed friends for years.

Mary Jo talked about a time period when Jack became very sick and called her and asked that she bring him crutches. Mary Jo said she took him to the emergency room and during that same time period he was refusing treatment and was being difficult with the nursing staff. Mary Jo continued, stating that she remembered Jack's sister, Witness 21, coming home to help care for Jack. Mary Jo said Jack was down and out for around three months and during that time she did all of the chores at his house until he got better. Mary Jo stated that once Jack got better, he started getting ornery again and she left.

Lt. Vitalis transitioned back to Jack's romantic relationships after Yvonne Menke was killed. Lt. Vitalis asked Mary Jo if she knew of any other women Jack dated up until the point he met and started seeing Witness 17. Mary Jo said she did not know of anyone else, adding that she did not pay much attention and eventually met and started dating Witness 20. Mary Jo said she married Witness 20 during the time period of 1988-1989.

Lt. Vitalis asked Mary Jo additional questions about her involvement and interactions with Witness 2 when they dated. Mary Jo confirmed that, in late 1985 or 1986, Witness 2 left the area, adding that he had some complications with his job. Mary Jo confirmed that when Witness 2 would come back to the area, they would periodically meet and visit.

Lt. Vitalis asked Mary Jo about the .22 revolver that had been mentioned in prior police reports. Mary Jo confirmed that the firearm was hers. Mary Jo stated she gave the gun to Witness 2 and asked him to sell it because he knew people who may have wanted to buy it. Mary Jo said in return for the .22 revolver, Witness 2 gave her a .22 rifle.

Mary Jo explained that she had a neighbor who dumped garbage near her fence line and the garbage attracted rats. Mary Jo said when it started to get cold the rats would go into her barn so she would shoot the rats before they got into the shed. Lt. Vitalis clarified with Mary Jo that she used the rifle and was shooting rats. Mary Jo said she wasn't sure if she ever had to use the rifle and discussed a time when a skunk got into her barn and she had to chase it out. Mary Jo did not think she ever used the rifle, that it was there in case she needed it and she never used it.

Lt. Vitalis asked Mary Jo additional questions about the .22 pistol/revolver she had given to Witness 2. Mary Jo explained she has possession of that firearm and that it is inside her (current) residence. Lt. Vitalis asked how she got the revolver back. Mary Jo believed her sister-in-law gave it to her, adding that "back then" law enforcement seized several of her brother's guns and he eventually got them back. Lt. Vitalis states Mary Jo confirmed the .22 revolver was a Smith and Wesson with a bigger frame.

Lt. Vitalis states while talking about the .22 revolver, Mary Jo talked about traveling and a big horse trailer she had. Mary Jo indicate that the .22 revolver was the firearm she traveled with. Mary Jo said she would sleep in her camper and would keep the revolver on the pillow next to her just in case. Mary Jo said she was not big on guns and had given it to Witness 2 to try and sell "back then". Mary Jo

STATE OF WISCONSIN - VS - Mary Josephine Bailey

mentioned that she ended up with that revolver through her divorce. Mary Jo believed the .22 rifle has since been returned to Witness 2.

While discussing Witness 2, Lt. Vitalis asked Mary Jo if at the time of the Yvonne Menke homicide, she and Witness 2 talked about the process of submitting his guns and other firearms. Mary Jo said yes and explained that they were wondering why law enforcement was taking every shape and size of firearm. Lt. Vitalis asked if Witness 2 was mad about the submission and seizure of his guns. Mary Jo said he was not mad but wondered what the purpose was for doing that. Lt. Vitalis confirmed with Mary Jo that she had not spoken with Witness 2 in several years. Mary Jo remarked that she does not have Witness 2's contact information. Mary Jo explained that over the years she'd tried to find and reconnect with some old friends, including Witness 2, but was unable to find Witness 2 because she could not remember his middle name and where he'd moved to.

Lt. Vitalis asked Mary Jo about Witness 1. Mary Jo replied that Witness 1 was her friend "back then". Mary Jo added that Witness 1 was also into horses and they showed horses together for years. Mary Jo said Witness 1 got into painted horses and she got into Morgans so they stopped showing together but remained close friends.

When asked if she felt Witness 1 is/was an honorable person and was considered to be truthful, Mary Jo said yes, and then stated that Witness 1's father was almost like a second father to her. Mary Jo further explained that she and Witness 1 often rode horses together in the "Barrons" and that Witness 1 was probably her best friend back then.

Lt. Vitalis asked Mary Jo about a tip law enforcement had received regarding Witness 2 and allegations that soon after the Yvonne Menke homicide, she went to Witness 2's residence and burned some clothing or had asked Witness 2 to burn some items for her. Lt. Vitalis advised Mary Jo that the information was received from a trusted source and was considered to be reliable. Mary Jo said that she did not remember anything. When asked why someone would come forward and make that type of statement, Mary Jo said she had no idea. Lt. Vitalis asked Mary Jo if she ever went to Witness 2's house to burn clothing and she replied, "no I never burned any....I was out there. Not that I remember". Lt. Vitalis asked Mary Jo if she asked Witness 2 to burn any clothes for her, Mary Jo said she did not remember, and then commented, "Unless it was old rags or something like that." Mary Jo said she could not think of anything.

Lt. Vitalis informed Mary Jo that because of the advancement of technology, there were some additional factors that have aided the case investigation. Lt. Vitalis mentioned the Arctic Cat boots that law enforcement recovered from Mary Jo's residence shortly after the homicide. When asked if she remembered that pair of boots, Mary Jo stated she had many pairs of boots, 3-4 pairs, and did not remember turning over the boots to law enforcement. Lt. Vitalis paraphrased to Mary Jo what the report from the state crime laboratory said after the recovered Arctic Cat boots were compared to footprints located at the scene of the Yvonne Menke homicide; including next to her body. Lt. Vitalis informed Mary Jo that based on the lab results, there was a strong degree of confidence that her boots matched the foot prints left at the scene. When asked to explain that, Mary Jo asked if someone else could have had a similar boot size and that could explain why the print was at the crime scene. Lt. Vitalis informed Mary Jo that based on the report, there was a high degree of probability it was her boot(s) and the analysis had to do with more than the size of her foot; including wear pattern on the bottom of the boot(s). After hearing that, Mary Jo asked if the print was "right there" and "right at her place". Lt. Vitalis told Mary Jo it was near the body and in the alleyway where the a suspect was last seen walking. After hearing that, Mary Jo made reference to law enforcement also taking her gray coat and telling her that the suspect was wearing that (gray coat).

Lt. Vitalis states Mary Jo again stated that the boot prints found at the scene, near the Yvonne Menke body, were not from her boots. When asked to offer an explanation as to why the prints were deemed to be consistent with her boots, Mary Jo said she was not sure, that someone else had boots like hers and they were not from her. Mary Jo again made reference to the gray coat that was recovered and

STATE OF WISCONSIN - VS - Mary Josephine Bailey

that officers had stated they were looking for someone in a long gray coat. Mary Jo remarked that law enforcement never gave that coat back to her.

Lt. Vitalis asked Mary Jo if she would consent to law enforcement obtaining her DNA. Mary Jo stated that she wanted to consult with an attorney first and did not feel comfortable. Lt. Vitalis states they discussed DNA with Mary Jo and why law enforcement was asking for cooperation. Mary Jo maintained that she wanted to consult with an attorney before submitting to a DNA sample. Lt. Vitalis informed Mary Jo that law enforcement had obtained a search warrant to obtain her DNA, collect photographs, and collect her fingerprints.

Lt. Vitalis advised Mary Jo that he believed the Polk County District Attorney was going to file charges and she would be charged with First Degree Homicide. Lt. Vitalis states Mary Jo did not respond and continued to sit at the table without any emotional or verbal response.

Lt. Vitalis states Inv. Fax transported Mary Jo to the Maricopa County police substation to collect her DNA, photographs, and fingerprints. Lt. Vitalis states while waiting inside of the interview room, with the recording system activated, Mary Jo spoke to several subjects on the phone. Lt. Vitalis believed one of the subjects Mary Jo contacted was Witness 1.

Interview with Witness 1

On January 29, 2023, Lt. Vitalis made contact with Witness 1. Lt. Vitalis advised Witness 1 that law enforcement had just spoken with Mary Jo (Lunsmann) Bailey. Witness 1 advised Lt. Vitalis that Mary Jo had called her cell phone and was whispering on the phone. Witness 1 said Mary Jo told her that the investigators were there and asked Witness 1 if law enforcement had talked to her. Witness 1 stated she was going through a bad service area and several of the phone calls were disconnected so she did not speak with Mary Jo in depth. Witness 1 advised Lt. Vitalis that she told Mary Jo that law enforcement had not talked to her yet. Witness 1 confirmed that when Mary Jo called her it was unplanned and she believed it had been more than two years since she last spoke with Mary Jo.

Interview with Witness 21

On January 29, 2023, while conducting an interview with Witness 21, Lt. Vitalis asked her about Jack's temper. Witness 21 confirmed that she had seen Jack shout, holler and scream at Witness 6 (Jack's first wife) in the past. Witness 21 said she'd seen Jack communicate the same way with his son. Witness 21 felt that Jack and his son simply communicated that way. Witness 21 said everything ended in noise, it was just how they expressed their love. Witness 21 did not remember a time when Jack touched or hurt anyone.

When asked if she ever witnessed Jack yelling at Mary Jo, Witness 21 said no. Lt. Vitalis asked Witness 21 what she remembered about Jack and Mary Jo's relationship and who controlled the relationship. Witness 21 recalled that Mary Jo had a subtle way of showing that she was important. Witness 21 acknowledged that Jack seemed the aggressor because he was loud, but Mary Jo always came back into his life. Witness 21 said over the years, Mary Jo and Jack would be in and out of each other's lives. Witness 21 felt that throughout their relationship, Mary Jo was always taking care of Jack. Witness 21 noted that other women that Jack was involved with, including Witness 17, came into the family and became close to everyone; however, Mary Jo didn't seem to have the desire to get close to anyone other than Jack.

Witness 21 talked about a time when Jack became extremely sick and she went home to help Jack. Witness 21 believed she was in town for approximately a week. Witness 21 recalled Mary Jo helping take care of Jack off and on during that time. Witness 21 remembered that Mary Jo was at Jack's house and very much involved with Jack in terms of being important to him. Witness 21 was not sure how long prior to that, that Mary Jo had been living with Jack at the house. Witness 21 recalled someone else coming to the property to take care of the horses and perform the daily chores. Witness 21 identified that subject as "Preston".

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Lt. Vitalis asked Witness 21 how Jack communicated with Yvonne Menke. Witness 21 said that she never saw Jack raise his voice at Yvonne. Witness 21 described Jack's relationship with Yvonne as gentle. Witness 21 described Yvonne as a sweet and very nice person. Witness 21 said Yvonne moved to Wisconsin from California when she was a teenager and believed that Yvonne and Jack immediately grew a connection and that affection never went away.

Lt. Vitalis asked Witness 21 if it was accurate to say that Yvonne and Jack had a natural chemistry as opposed to Jack and Mary Jo who had to put more work into their relationship. Witness 21 described Yvonne and Jack's relationship as effortless, and stated that Jack's relationship with Mary Jo was more of a job with a lot of ups and downs.

Interview with Witness 22 and Victim 2

On January 30th, 2022, Lt. Vitalis interviewed Witness 22 and Victim 2 at the Osceola Police Department. Lt. Vitalis asked them to focus on December 12, 1985. Witness 22 and Victim 2 stated they had been married for approximately two years at that time and were living with their son in St. Croix Falls in an apartment approximately one block north of Yvonne Menke's apartment and on the same side of the road. Witness 22 said the apartment they lived in is above what is currently a vegetarian restaurant. Lt. Vitalis believes the location to be 109 South Washington Street, St. Croix Falls. Witness 22 described the apartment building at the time they lived there, stating that when you exited the building there was a set of stairs on the west side and you had to walk around the building to get to main street.

Lt. Vitalis asked Victim 2 and Witness 22 if they'd heard the name Mary Jo, and if so, what was the context of that discussion. Victim 2 explained that one day after work, she stopped at her mother's apartment to pick up liverwurst. Victim 2 commented that she was pregnant and had cravings for liverwurst so her mother would buy it for her. Victim 2 remembered talking to her mother inside of her mother's apartment and there was a knock on the door. Victim 2 said Yvonne went to the door while she remained at the kitchen table. Victim 2 said Yvonne came back and she asked her mother who was at the door. Victim 2 recalled her mother saying something similar to "it was Mary Jo". Victim 2 said she went to the apartment window to look outside to main street, in an effort to see Mary Jo, but didn't see anyone. Victim 2 said that was the only time she knew that Mary Jo had been to her mother's apartment. When asked if she remembered when this occurred, Victim 2 believed it was not long before the homicide.

Knowing that Victim 2 was pregnant at the time, Lt. Vitalis tried to establish a timeframe when Mary Jo had been at Yvonne's apartment. It was determined that the incident would have occurred in roughly November or December 1985. Victim 2 again explained that she went to the window which faced out toward main street hoping to see what "Mary Jo" looked like but never saw her. Victim 2 said that incident had bothered her for years and it was something she never told the original investigators. Victim 2 estimated the incident occurred at approximately 5:00 PM, adding that she believed it was during the week, after they both finished work. Victim 2 wasn't sure if there was a phone call that preceded the knock at the door, and if her mother knew Mary Jo was coming. Victim 2 estimated that her mother was only at the apartment door for two minutes at the most. Victim 2 did not recall them arguing or the door slamming. Lt. Vitalis asked Victim 2 if her mother said anything about her interaction with the person at the door. Victim 2 said her mother told her who it was and for whatever reason she (Victim 2) went to the window to see. Lt. Vitalis asked Victim 2 if her mother appeared flustered or upset after she had answered the door and returned to the kitchen. Victim 2 described her mother's demeanor as being consistent with someone who saw something/someone they did not want there, but at the same time, they are good natured enough not to make an issue of it. Victim 2 stated that Yvonne acted as though she did not want Mary Jo there and did not like Mary Jo.

Lt. Vitalis asked Victim 2 how many "Mary Jo's" she knew at the time. Victim 2 responded, "that one." Lt. Vitalis asked Victim 2 why she knew about "that" Mary Jo. Victim 2 guessed that at some point she

STATE OF WISCONSIN - VS - Mary Josephine Bailey

had been told about Mary Jo and that she went out with Jack. Outside of that, Victim 2 could not explain why she knew it was "that" Mary Jo.

Interview of Victim 1

Lt. Vitalis interviewed Victim 1. Lt. Vitalis asked her to start with December 12, 1985. Victim 1 stated she was living with her mother at an apartment in St. Croix Falls. Victim 1 did not remember exactly how long she had been living at that apartment but estimated that it had been a few years. Victim 1 confirmed that it was just her and her mother living in the apartment at that time. Victim 1 indicated that her sister Victim 2 and Victim 2's husband, Witness 22, lived just north of the apartment. Lt. Vitalis asked Victim 1 who lived across the hallway at the time. Victim 1 did not remember who that was. Victim 1 thought a couple lived there but wasn't certain.

Lt. Vitalis asked Victim 1 about her mother's relationship with Jack Owen leading up to her death. Victim 1 confirmed that Jack and her mother had been seeing one another for quite some time, and while living at the apartment with her mother, Jack would come to the apartment to see Yvonne. Lt. Vitalis asked Victim 1 if Jack was at Yvonne Menke's apartment more often during the winter months and less during the summertime when he was on the horse circuit. Victim 1 stated she did not have any specific memory of that but knew that Jack would come over quite often and would then stop coming over for an extended period of time. Victim 1 stated that cycle happened more than once.

Lt. Vitalis asked Victim 1 about December 1985 and if Jack was at their apartment often during that time. Victim 1 said she would say yes, and added that she knew they (Yvonne and Jack) had been out together the night before. When asked to break it down by week and estimate how many times per week Jack was coming to her apartment to see Yvonne, Victim 1 estimated he would come over to see her approximately 3 to 4 times out of the seven day week. When asked how many times during a given week Jack stayed overnight, Victim 1 estimated that it was maybe two times per week because she did not remember Jack being there a lot in the morning.

Lt. Vitalis asked Victim 1 how her mother and Jack interacted with each other. Victim 1 recalled her mother and Jack having a good relationship and that they were happy when they were together. When asked if they were affectionate with each other, Victim 1 said yes. Lt. Vitalis asked Victim 1 if she'd ever witnessed Jack be aggressive towards her mother, if he had a temper, or if he would raise his voice in anger toward Yvonne. Victim 1 said no. Victim 1 believed her mother's relationship with Jack was strong and noted that Yvonne was always happy when she was with Jack and was sad on the days he was not at their apartment.

Lt. Vitalis asked Victim 1 if she knew who else Jack would have been romantically involved with leading up to her mother's death. Victim 1 said "Mary Jo". Lt. Vitalis asked Victim 1 if she was aware of Mary Jo and Jack's relationship prior to her mother's death or if she learned of the relationship after the homicide. Victim 1 said her mother probably would have talked to her a little about Jack's relationship with Mary Jo, telling her that Jack was at Mary Jo's or doing something with Mary Jo when he was not with her mother. Victim 1 explained that her mother knew that Jack and Mary Jo were seeing each other. Lt. Vitalis asked Victim 1 how her mother would have known and what her mother said about Jack and Mary Jo seeing each other. Victim 1 knew her mother did not like Mary Jo. Victim 1 didn't recall if her mother gave specifics about what Mary Jo did or would say. Victim 1 said her mother told her that at times when she and Jack were out in public they would see Mary Jo; however, Victim 1 did not know details about it. When asked if Jack ever said anything to her about Mary Jo, Victim 1 said never. When asked if Jack and her mother ever argued about Mary Jo being in his life, Victim 1 said it was possible.

Lt. Vitalis asked Victim 1 if her mother was someone who would share feelings when she was upset or frustrated. Victim 1 stated that her mother kind of kept things to herself, but should could tell what her mother was feeling. Victim 1 didn't know if her mother openly said what was going on or if it was something Victim 1 observed and could feel.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Lt. Vitalis asked Victim 1 if her mother was someone who would confront a problem or avoid confrontation. Victim 1 believed her mother would avoid confrontation. Lt. Vitalis asked Victim 1 to describe what Yvonne Menke was like. Victim 1 stated that her mother was kind. Victim 1 said all of their friends would call Yvonne "mom". Victim 1 added that their friends trusted Yvonne and would come to their house because everyone loved her. Victim 1 stated that Yvonne was nice and did things for people. Victim 1 stated that if someone needed help her mother would do what she could to help. When asked if her mother had any enemies leading up to her death, Victim 1 did not believe so.

Lt. Vitalis asked Victim 1 about the phone call made to the apartment the day before the homicide. Victim 1 immediately began crying, stating that was the worst memory of all for her. Victim 1 explained that Yvonne left maybe 10 minutes before the call that morning. Victim 1 said she had learned that Yvonne was a part-time bartender at KJ's bar and knew that KJ's was a place her mom and Jack would often go. Victim 1 stated that Witness 23 owned KJ's at the time and Witness 23 had a gruff/deeper-type voice. Going back to the morning of the phone call, Victim 1 recalled that right after her mom left someone called the apartment and asked if her mom was there. Victim 1 said she remembered how Witness 23's voice sounded and assumed it was Witness 23 calling. Victim 1 said the person who called the apartment wanted to know if her mom was there. Victim 1 stated that the caller indicated that she needed to speak with Yvonne and wanted to know the best time to call back. Victim 1 said she provided the caller specific details about her mom's routine, telling the caller when her mom left for work in the morning. Victim 1 stated she's always felt guilty about the phone call and the information she provided to the unknown caller.

Lt. Vitalis asked Victim 1 if her mom and Witness 23 had any conflicts at that time. Victim 1 said no. Lt. Vitalis asked Victim 1 if she felt the caller had altered/attempted to alter their voice during that phone call. Victim 1 explained that while playing the call back in her mind, it did sound like the caller had muffled her voice. Lt. Vitalis confirmed with Victim 1 that during the initial investigation she told law enforcement that she heard noises during the phone call and believed the caller was calling from a payphone and it was quarters being deposited into the payphone. Victim 1 confirmed that the phone call was received at approximately 6:10 AM the morning before the homicide. Victim 1 remembered telling the caller that she had just missed her mother. Victim 1 confirmed that the caller was a female.

Lt. Vitalis asked Victim 1 about the phone calls received from an unknown caller(s). Victim 1 initially said she did not recall those phone calls. Lt. Vitalis again asked Victim 1 about those phone calls and noted that the police reports indicated that someone had called the apartment leading up to her mother's death and asked for Jack Owen and/or if he was there. Victim 1 said that was true and that sometimes they'd receive phone calls and no one would be on the other line. Victim 1 did not recall when those phone calls were received in relation to her mother's death. Victim 1 believed she answered some of the calls when no one would say anything on the other line. Lt. Vitalis asked Victim 1 if she would hang up the phone. Victim 1 believed the caller would eventually hang up. Lt. Vitalis asked Victim 1 about specific times and/or days those phone calls would come in, Victim 1 believed those calls would be received during the evening hours, around 7:00 or 8:00 PM, because they weren't home during the day. Victim 1 did not believe they received any of these phone calls during the overnight hours.

Lt. Vitalis asked Victim 1 if she talked to her mom or Jack about the phone calls. Victim 1 recalled mentioning something to her mom about them. When asked what her mother's response was, Victim 1 guessed that her mother probably told her it was Mary Jo calling. Victim 1 believed those calls were received towards the "end of it". Victim 1 again stated that she did not remember anyone saying anything during those phone calls.

Interview with Victim 3

On January 30, 2023, Lt. Vitalis interviewed Yvonne Menke's oldest daughter, Victim 3. Victim 3 told officers that she talked to her mom on the phone the night before the homicide. Victim 3 explained that they would go weeks without talking, but she remembered calling her mother that evening (December

STATE OF WISCONSIN - VS - Mary Josephine Bailey

11, 1985). Victim 3 said her mother told her that she'd talked to all of her kids that day. Victim 3 thought her mother talked to Victim 2 or spoke to her on the phone that day, Victim 1 and Yvonne lived together, and her mother ran into Victim 4 at the grocery store or something like that. Victim 3 said it gave her comfort at the time because she knew her mom had talked to all of her kids the day before she died.

Victim 3 believed the call occurred sometime in the afternoon or evening, possibly between 4:00 PM and 10:00 PM. Lt. Vitalis asked Victim 3 if her mother told her what her plans were for that evening. Victim 3 didn't remember anything specific, adding that she doesn't have a great memory of what they talked about, but remembered being happy that she had a chance to speak with her mother.

Looking back, Victim 3 explained she could tell that some things were going on that she did not know about. Victim 3 recalled her mother mentioned something about someone, who she thought was Mary Jo, had been to her mother's apartment or had called her on the phone and there was some sort of confrontation or disagreement that occurred between them. From what Victim 3 could remember, the confrontation/disagreement didn't get heated. Victim 3 said she remembered her mother saying something about it but could no longer recall what it was. Victim 3 was asked if her mother said when the confrontation/disagreement with Mary Jo occurred, Victim 3 said she did not remember but knew it had been recent in relation to her phone call with her mother on December 11th. When asked how the confrontation/disagreement with Mary Jo came up in the conversation, Victim 3 believed her mother was the one who brought it up. Victim 3 said "we" (Yvonne's children) knew that Jack was seeing Mary Jo at the same time he was seeing their mother. Victim 3 explained that they'd seen Jack and Mary Jo out together in public. Victim 3 stated they wished their mother would have found someone else who would have treated her better.

Lt. Vitalis asked Victim 3 if she told law enforcement, at the time she was first interviewed in 1985, about the phone call with her mother and what her mother said about the confrontation/disagreement with Mary Jo. Victim 3 was not sure if she said anything at that time, indicating that she was pretty shaken after her mother was killed.

Lt. Vitalis asked Victim 3 if she told her siblings about that phone call and the comments her mother made. Victim 3 believed she said something to them at some point, again commenting how she was happy that her mother got the chance to speak or see all of them before she died.

Lt. Vitalis asked Victim 3 about Yvonne and Jack's relationship. Victim 3 confirmed that Jack and her mother had been seeing one another for years, adding that their relationship was back and forth. Lt. Vitalis asked Victim 3 how Yvonne and Jack's relationship was leading up to the homicide. Victim 3 explained that during that time she did not see her mother or Jack as often but as far as she knew, they were the same as they always were. When asked to explain that, Victim 3 stated that Jack was messing around and they were back and forth.

Lt. Vitalis asked Victim 3 how her mother and Jack acted toward each other. Victim 3 didn't recall seeing them together very much. Victim 3 said it seemed as though they were affectionate towards one another, stating she never heard Jack be mean to her mother like her dad was towards her mom.

Victim 3 indicated that outside of the emotional abuse (seeing other women while dating her mother) she never saw Jack do anything bad to her mother. Victim 3 said when her mother and Jack were together it seemed that they cared for each other.

Lt. Vitalis asked Victim 3 if she was certain her mother told her that Mary Jo had been to her mother's apartment; Victim 3 said yes. Lt. Vitalis asked Victim 3 about other conversations she had with her mother about Mary Jo. Victim 3 said her mother talked to her a lot about Mary Jo, adding that they were all aware that Jack was seeing Mary Jo and her mother at the same time, and that her mother and Mary Jo did not like each other. Victim 3 again referred to the conversation she had with her mother about Mary Jo coming to Yvonne's apartment. Victim 3 explained that, the more she talked with Lt. Vitalis about it, she believed it was the night before the homicide when her mother told her that, and Victim 3 was 75% sure her mother told her that Mary Jo had come to her apartment. Victim 3

STATE OF WISCONSIN - VS - Mary Josephine Bailey

remembered being surprised when her mother told her that, and it bothered her. Victim 3 remembered thinking, "What is going on?"

Lt. Vitalis asked Victim 3 to tell him about her mother, and if she was someone who would confront someone or shy away from confrontation. Victim 3 believed her mother was someone who would avoid confrontation. Victim 3 explained that when her mother was with her father, the family would tell her that she needed to leave him. Victim 3 said it got to the point where she basically made her mom leave him. Victim 3 believed it was different with Mary Jo coming to her apartment. Victim 3 said it appeared that her mother did not like Mary Jo, but acknowledged that she did not know how her mom interacted with Mary Jo so she could not say how that went in terms of the level of confrontation. Victim 3 believed her mom had a quiet and gentle demeanor. Victim 3 thought it was odd that her mother and Mary Jo would have had that "kind of thing" and was unsure how her mom would have reacted.

Review and follow up on note

During the first week of February, Lt. Vitalis began reviewing some of the notes/documents recovered by law enforcement on the day of the Yvonne Menke homicide. Lt. Vitalis states law enforcement recovered a paper containing what appeared to be printed license plate numbers/letters from Yvonne Menke's purse. Lt. Vitalis stated the phrase "Touch of Class" and the initials "MJL" were printed on the paper. Lt. Vitalis contacted Victim 1 and asked about the note. Victim 1 believed the written words said "Touch of Class" and the penmanship on the note matched her mother's handwriting. Victim 1 did not know what "Touch of Class" meant.

On February 6, 2023, Lt. Vitalis spoke with Mark Biller who advised that the phrase "Touch of Class" was written on the truck bug screen/brush guard that Mary Jo (Lunsmann) Bailey was operating back then. Lt. Vitalis notes this information was provided to Mark Biller by Witness 1.

Mark Biller's incident report regarding a telephone interview with Witness 1 on February 6, 2023, states Witness 1 confirmed that she'd received a phone call from Mary Jo (Lunsmann) Bailey after law enforcement's interview with Mary Jo in Arizona. Witness 1 said it came as a surprise to her. Witness 1 said she had not heard from Mary Jo in approximately two years and stated that at least once during that time she knew Mary Jo, she (Mary Jo) had returned to the Polk/Burnett area without contacting her. Witness 1 stated that when she received the call on January 26th, she was at her cabin in the Webster, Wisconsin, area and the cell phone reception was spotty at best. Witness 1 stated that Mary Jo seemed to be whispering during the call and about all she could make out was that Mary Jo was telling her that the investigators were there and had interviewed her. Witness 1 stated that Mary Jo had called her several times in rapid succession, and her (Witness 1) phone cut out several times.

Lt. Vitalis states when asked about a slip of paper with the words "Touch of Class" and the initials MJL written on it, Witness 1 immediately stated that Mary Jo (Lunsmann) Bailey had a bug screen on her pickup truck that said "Touch of Class".

Interview with Tim Benedict

On February 7, 2023, Mark Biller conducted two telephone interviews with former Director of Marketing for Arctic Wear Inc., Tim Benedict. Lt. Vitalis notes that at some point the original incident report filed by Investigator Thomm Smith, documenting his interview with Benedict in 1986, was emailed to Benedict for review.

Benedict confirmed his estimation that between the time that Arctic Wear began marketing boots in 1973 – 1974 until its bankruptcy in 1981, Arctic Wear had sold approximately 1000 pair of size 5 Arctic Wear boots nationwide. Mark Biller asked Benedict if "knock offs" of name brands like Arctic Wear were common prior to 1981. Benedict did not recall encountering that. Benedict stated that Arctic Enterprises bought and owned the tooling for the "flying A" boot pattern which was the boot in question.

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Mark Biller discussed with Benedict the heel wear of the boots recovered from Mary Jo (Lunsmann) Bailey and that was evident in the Sulphur casts of the prints at the scene. Benedict stated it would be unusual to have such wear on the boots if they were used primarily for snowmobiling due to the rugged material of the sole when worn on snow-covered surfaces; however, he indicated that, if they had been used primarily as chore boots for horse husbandry purposes, it could easily account for the wear.

Inv. Vitalis notes that during an interview with Laven Lunsmann, ex-husband of Mary Jo (Lunsmann) Bailey, conducted by Inv. Thomm Smith on December 18, 1985, Laven stated that he and Mary Jo had purchased Arctic Wear boots from Red Arrow Sports at the junction of Highways 8 and 35, in Polk County, Wisconsin. Laven stated that the boots had been purchased during their marriage, indicating they were married in 1963 and divorced in 1980.

On February 20, 2023, Biller conducted a second interview with Benedict. Biller asked Benedict how solid his estimation that 1,000 pair of women's size 5 Arctic Cat boots would have been in circulation nationwide prior to 1986. Benedict stated that, based on his knowledge of Arctic Wear operations and the documentation available to him at the time, it was an accurate estimate, but an estimate nonetheless. When asked about specific records, Benedict believed that all such records would have been long since purged. Benedict estimated that in 1985 there would have been roughly eight hundred to one thousand outlets nationwide selling Arctic Wear.

Review of recording of Bailey and other information

On March 1, 2023, Lt. Vitalis reviewed the recording of Mary Jo (Lunsmann) Bailey inside of the interview room at a Maricopa County Sheriff's Office substation while she waited for a lab technician to arrive:

- Lt. Vitalis states the recording began with Mary Jo speaking on her cell phone (1:03 pm MST, 1-26-2023). Lt. Vitalis states the voice of the person Mary Jo was speaking with appeared to be a male. Lt. Vitalis states Mary Jo talked about "boots" and other evidence items.
- Lt. Vitalis states Mary Jo next performed a talk to text function with her phone and it appeared that she told an unknown person to call her the first chance they got.
- Lt. Vitalis states Mary Jo then called Witness 1. Mary Jo started by telling Witness 1 that investigators were there to talk to her and she believed "they" were trying to pin something on her. Mary Jo then asked Witness 1 if law enforcement had talked to her. Lt. Vitalis states it appeared that Witness 1 said no. Mary Jo told Witness 1 that "they" (law enforcement) might be talking to her (Witness 1), and then stated something similar to, "All I can say about it is just don't remember so you don't have to get involved." Mary Jo told Witness 1 that "they" are just trying to "pin it on me", adding that "they" were getting her fingerprints and "stuff". Mary Jo then asked Witness 1 if she could hear her before the phone call was disconnected.
- Lt. Vitalis states Mary Jo called Witness 1 back and after saying, "yeah, this [Witness 1]? [Witness 1]? Hello?" the call was terminated.
- Lt. Vitalis states Mary Jo made another call, which is believed to be to Witness 1, but was unable to reach her.
- Lt. Vitalis states Mary Jo then received a phone call. After answering the call, Mary Jo asked the person if he/she talked with "[Witness 19]". Lt. Vitalis believed the caller was most likely Mary Jo's daughter, Witness 15, and the first person Mary Jo spoke with, the person with the male voice, was most likely Witness 15's husband, Witness 19.

Lt. Vitalis states Investigator Fax entered the room and during their exchange Mary Jo told Investigator Fax that she "took a little nap".

STATE OF WISCONSIN - VS - Mary Josephine Bailey

Lt. Vitalis states he reviewed Facebook Messenger content associated with Mary Jo (Lunsmann) Bailey's Facebook account. Lt. Vitalis noted that, on January 26, 2023, the same day that officers interviewed Mary Jo and informed her that she was possibly going to be charged for Yvonne Menke's murder, Mary Jo sent a series of Instant Messenger messages to a Facebook contact named "[JW]". Lt. Vitalis states several of the messages were photographs of Mary Jo's passport.

Your complainant states that numerous tips have been investigated since December 12, 1985, the day of the Yvonne Menke homicide, and the majority of the persons of interest developed through those tips have been investigated. Through those investigations, it was determined that those subjects were not responsible for Yvonne Menke's death.

Through training and experience, your complainant states the crime and the "up close and personal" attack appear to show personal knowledge and a strong emotional reaction towards Yvonne Menke. Your complainant believes it is probable that the person responsible for the homicide was not a stranger to Yvonne Menke, but rather someone who was aware of her and her daily habits.

Your complainant states that based on the well documented "love triangle" between Yvonne Menke, Jack Owen and Mary Jo (Lunsmann) Bailey, in addition to Mary Jo's suspected animosity towards Yvonne Menke, witness statements, and the physical evidence collected at the scene (boot prints closely matching boots recovered from Mary Jo (Lunsmann) Bailey), your complainant believes that Mary Jo (Lunsmann) Bailey is responsible for killing Yvonne Menke on December 12, 1985.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me on 11/09/23

Electronically Signed By:

Jeffrey L. Kemp

District Attorney

State Bar #: 1075842

Electronically Signed By:

Andrew Vitalis

Complainant