

FILED
IN THE IOWA DISTRICT COURT FOR CLINTON COUNTY

STATE OF IOWA,
Plaintiff,

2012 JUL 23 AM 10:48 COMPLAINT

vs.

IOWA DISTRICT COURT
CLINTON, COUNTY
CLINTON, IOWA

Case No. FECK-66508

ANDY COLE
ANAMOSA STATE PRISON
ANAMOSA, IOWA
Defendant.

DOB: 08-31-1964
POLICE #: SO08000494
OFFENSE CODE: 0999

The above named Defendant is accused of the crime of:

MURDER IN THE FIRST DEGREE

In violation of Section 707.2(1), 707.2(2) and 709.4 Code of Iowa, a Class "A" Felony, said crime committed as follows: the said Defendant on or about **OCTOBER 7, 2008**, in Clinton County, Iowa, did unlawfully and willfully:

deliberately and with premeditation; or while participating in a sexual assault in the third degree, kill **ALYSIA MARBURGER.**

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

7-23-2012
Date

Sgt. Steve Curdoff
Complainant

Based on the statements made in the complaint and the affidavit attached thereto, I find that there is probable cause to believe that the offense charged has been committed and that the said Defendant has committed it.

- It is ordered that a WARRANT shall issue. Bond is \$ 500,000.00
- On execution of an appearance bond or upon depositing cash of other security the sum of \$ _____ (no)(10%) of the bond.
- CITATION to issued for _____, 2012, at _____ a.m.
- It is order that a NO CONTACT ORDER be in effect upon the Defendant's arrest or upon service of a citation. The Defendant is not to have any contact with _____.

7-23-12
Date

Mary E. Adams
Judge or Magistrate

IN THE IOWA DISTRICT COURT FOR CLINTON COUNTY

STATE OF IOWA

Plaintiff,

vs.

ANDY COLE,

Defendant.

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CLINTON, COUNTY
CLINTON, IOWA

On or about October 6, 2008, ALYSIA MARBURGER left her residence in Sabula, Iowa, at 7:30 a.m. to attend Clinton Community College. ALYSIA MARBURGER was wearing gray striped dress pants and a mint green sweater. ALYSIA MARBURGER was driving her white Hyundai Sonata with personalized license plates.

On or about October 7, 2008, at approximately 12:28 a.m., ALYSIA MARBURGER, is seen with an adult female friend at Hy-Vee purchasing a bottle of Captain Morgan. An adult male acquaintance told investigators he remained in MS. MARBURGER'S car while the two women purchased the alcohol. The three of them went to an adult female friend's apartment in Clinton. As they were at said apartment, ANDY COLE showed up and ANDY COLE, ALYSIA MARBURGER, and an adult male acquaintance left to go to the adult male acquaintance's apartment. The adult male acquaintance last saw COLE and MARBURGER leaving his apartment at approximately 2:15 a.m. The adult male acquaintance's roommate showed up at approximately 2:15 a.m. and saw COLE and MARBURGER leaving the apartment. COLE was interviewed as a part of this investigation and he stated that he did in fact leave with MARBURGER and had sex with her in the back seat of her car. COLE told investigators that the two of them had sex with MARBURGER having her pants and underwear down but did not remove her sweater or bra. COLE stated he left ALYSIA MARBURGER's car at 4:00 a.m. and she drove off.

U.S. Cellular's phone records indicate that at 2:55 a.m. on October 7, 2008, the number "9112" was dialed on ALYSIA MARBURGER'S phone. The phone records also indicate that at 2:57 a.m. on October 7, 2008, the number "8550" was dialed on ALYSIA MARBURGER'S phone. This was the last call or text sent on ALYSIA MARBURGER'S phone.

On or about OCTOBER 8, 2008, ALYSIA MARBURGER'S parents, JOHN and LEONE MARBURGER, filed a missing person's report with the Jackson County Sheriff's Office.

On October 13, 2008, ALYSIA MARBURGER'S white Hyundai Sonata was found near the 400 block of 10th Avenue South, Clinton, Iowa. The car keys were not in the car and the driver's side back window was partially down. On the floor, behind the driver's seat, ALYSIA MARBURGER'S mom and sister found ALYSIA MARBURGER'S gray striped dress pants and her underwear. ALYSIA MARBURGER had a flip cell phone and the cell phone was broken in half. Only the screen display half was found in the car, on the back seat.

On OCTOBER 24, 2008, a partially nude female body was discovered lying in a ditch in the Rock Creek Cabin area located at 2829 Hwy 67, Camanche, Iowa. The partially nude female body had a sweater and a bra on her upper body which was partially pulled up over her shoulders and unclothed

from the waist down except for a black knee high stocking. ALYSIA MARBURGER'S white purse was found in a wooded area several feet from where her body was found. The other half of ALYSIA MARBURGER'S cell phone (the key pad portion) was found across the road from her body. An empty bottle of Captain Morgan was found near the broken portion of the cell phone. The partially nude female was later identified as ALYSIA MARBURGER.

Dr. Catellier, from the State's Medical Examiner's Office, did an autopsy on ALYSIA MARBURGER on October 26, 2008. Dr. Catellier listed the cause and manner of death as undetermined, but it is her opinion the circumstances of ALYSIA MARBURGER'S death are highly suspicious of foul play. A sexual assault kit was completed during the autopsy. The time period of death is consistent with October 7, 2008.

DNA testing was done at the DCI Laboratory. The sexual assault kit was examined and spermatozoa were found on the vaginal smears and swabs. The DNA profile developed from the sperm fraction of the vaginal swabs matched the known DNA profile of ANDREW COLE. The black knee high stocking found on ALYSIA MARBURGER'S leg was examined and spermatozoa were found. The partial profile developed from the sperm fraction was consistent with the known DNA profile of ANDREW COLE.

ANDY COLE was interviewed by law enforcement. ANDY COLE admitted he was with ALYSIA MARBURGER during the early morning hours of October 7, 2008. ANDY COLE said he was drinking and using drugs with ALYSIA MARBURGER. ANDY COLE said he was with ALYSIA MARBURGER until 4:25 a.m. on October 7, 2008, and she dropped him off near his residence. ANDY COLE claimed he walked to see a friend, who was not home, then walked back to his residence at sunrise. Records show the sunrise on October 7, 2008, was at 7:05 a.m. ANDY COLE claimed he knocked on the apartment door and his girlfriend let him in the apartment. Phone records show ANDY COLE actually called his girlfriend at 7:06 a.m. on October 7, 2008. ANDY COLE claimed he slept on the couch for a few hours and went to work. ANDY COLE employer's work records show ANDY COLE did not work on October 7, 2008.

Circumstances and admissions by ANDY COLE place MR. COLE with MS. MARBURGER at the time of her death, i.e., the last time Ms. Marburger's cell phone sent a call was on October 7, 2008, at approximately 2:58 a.m. Ms. Marburger's personal items such as her underwear were found in the back seat of her vehicle corresponding with Mr. Cole's admission that they had sex in the back seat of her vehicle the morning of October 7, 2008, after COLE and MARBURGER left the adult male acquaintance's apartment. Ms. Marburger's body was found with her sweater and bra on her, corroborating Mr. Cole's admission of how she was dressed when they had sex in the back seat of her vehicle. Mr. Cole's DNA was found on Ms. Marburger's body. Mr. Cole admitted to being with Ms. Marburger in the early morning hours of October 7, 2008. Ms. Marburger's vehicle was found in the area of Clinton where Mr. Cole lived. Mr. Cole later stated to an acquaintance that, "I wish you had of went. If you would have went that night dude, I still believe shit would have went in a different place."

I am willing to appear in a court of law to testify to these facts if necessary.