

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA

v.

Case No. 14-mj-15

KRISTEN R. SMITH,  
Defendant.

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COMPLAINT FOR VIOLATION OF TITLE 18, UNITED STATES CODE,  
SECTION 1201(a)(1)

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BEFORE United States Magistrate Judge  
Stephen L. Crocker

United States District Court  
120 North Henry Street  
Madison, Wisconsin 53703

The undersigned complainant being duly sworn states:

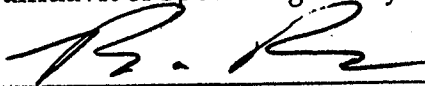
Count 1

On or about February 6, 2014, in the Western District of Wisconsin, the defendant,

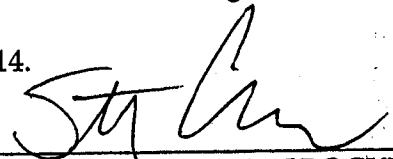
Kristen R. Smith,

unlawfully and willfully seized, confined, kidnapped, abducted, and carried away the victim,  
K.P., and, in furtherance and in commission of the offense, willfully transported the victim in  
interstate commerce from Wisconsin to Iowa, in violation of 18 U.S.C. § 1201(a)(1).

This complaint is based on the attached affidavit of Special Agent Bryan Baker.

  
BRYAN BAKER  
Federal Bureau of Investigation

Sworn to before me this 7<sup>th</sup> day of February 2014.

  
HONORABLE STEPHEN L. CROCKER  
United States Magistrate Judge

AFFIDAVIT

State of Wisconsin    )  
                                  ) ss  
County of Dane         )

I, Bryan M. Baker, being duly sworn, hereby deposes and says:

BACKGROUND AND EXPERIENCE OF AFFIANT

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") and have been so employed since January 2011. I am currently assigned to the Milwaukee Division in Madison, Wisconsin as an agent working violent crimes, to include kidnapping.

PURPOSE OF AFFIDAVIT

2. This affidavit is made in support of an application for a complaint and arrest warrant charging KRISTEN R. SMITH ("Smith") with the kidnapping of victim KP from Beloit, Wisconsin, on February 6, 2014, in violation of Title 18 U.S.C. § 1201(a)(1).

INVESTIGATION

3. I am personally familiar with the facts and circumstances as set forth in this affidavit from my own investigation of the above mentioned kidnapping, my review of reports prepared by other law enforcement officers who have investigated this kidnapping, and my discussions with those officers.

4. At approximately 4:30 a.m. on February 6, 2014, BM placed a call to Rock County Emergency Dispatch 911 to report that her four-day-old son was missing. At approximately 4:38 a.m., officers from the Beloit, Wisconsin, Police Department were dispatched to BM's residence in the 800 block of Homeland Court in Beloit, Wisconsin, in reference to the missing infant. Upon arrival at the residence, law enforcement officers searched the residence and did not find the infant.

5. BM, her boyfriend, her grandmother, and her uncle were present at the residence in Beloit. BM stated that she woke up prior to 4:30 a.m. and discovered the infant was missing from his bassinet located in the bedroom where she was sleeping. BM stated that her sister, Kristen [Smith], had been at the residence and planned to leave at approximately 2:00 a.m. to drive back to her home in Denver, Colorado.

6. At 4:54 a.m., while Beloit Police Officers were present, Smith called BM's grandmother. Beloit Police Officer Dykstra talked to Smith and Smith stated that BM, BM's boyfriend, and KP, were planning to move to Denver on Saturday to live with Smith. Smith stated that she had the infant's clothing with her in the car but did not have the infant. Officer Dykstra instructed Smith to pull over at the nearest gas station so that law enforcement could locate her and talk to her about KP.

7. At 5:21 a.m., Smith contacted law enforcement and stated that she was at the Come and Go gas station off Exit 254 on Highway 80 in West Branch, Iowa. As Smith was talking to law enforcement, a West Branch police car entered the gas station parking lot. Smith was instructed to flag down the officer and Smith did so.

8. After flagging down West Branch Police Officer Koch, Smith handed the cell phone to Officer Koch, who talked to Beloit Police Officer Dykstra. Officer Dykstra informed Officer Koch of the situation.

9. Officer Koch got consent to search Smith's car and located baby clothing, a car seat, and a stroller, but did not locate KP or any other child. Records checks revealed that Smith had an arrest warrant from Texas for an unrelated crime and was taken into custody at that time. Officer Koch transported Smith to the Cedar County Jail.

10. Investigators from the FBI and the state of Iowa questioned Smith regarding the whereabouts of the missing infant. Smith denied any knowledge of the child's whereabouts. Smith consented to a search of her cell phone, her Facebook account, and her car.

11. Smith's cell phone contained emails sent by Smith wherein she stated she herself gave birth on February 5, 2014. Smith did not appear pregnant, had not appeared pregnant while in Wisconsin, and was pregnancy tested and was not pregnant. Inside Smith's vehicle, law enforcement found a prosthetic pregnancy belly.

12. Smith's Facebook account contained postings by Smith where Smith claimed she was pregnant. Smith was given a polygraph regarding the location of the missing infant and failed the polygraph exam.

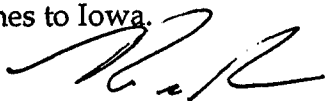
13. Upon further interview by law enforcement, Smith claimed the child's parents had given KP to a family member in Chicago and denied involvement in the disappearance.

14. At 10:06 a.m. on February 7, 2014, a West Branch Police Officer found KP behind a BP gas station in West Branch, Iowa. This gas station is approximately 500 yards from the Come and Go gas station where Smith was initially encountered by law enforcement. KP was wrapped in blankets inside of a plastic tote box behind the BP station. KM's parents identified him as the missing infant.

15. Following the recovery of KP, Smith was interviewed again at the Cedar County Jail. Smith admitted that she took KP from her sister's home in Wisconsin, and later put him behind the BP gas station in West Branch, Iowa. Smith provided law enforcement with a hand drawn map of where the baby was found.

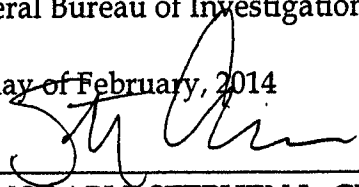
CONCLUSION:

16. Based upon the aforementioned evidence and my training and experience, I believe that there is probable cause to believe that KRISTEN R. SMITH violated Title 18 U.S.C. § 1201(a)(1) by kidnapping KP from Beloit, Wisconsin, in the Western District of Wisconsin, and transporting KP across state lines to Iowa.

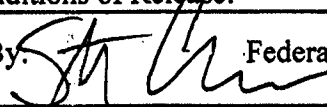


BRYAN M. BAKER  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 7th day of February, 2014

  
HONORABLE STEPHEN L. CROCKER  
UNITED STATES MAGISTRATE JUDGE

## WARRANT OF ARREST

<b>United States District Court</b>		DISTRICT <b>WESTERN DISTRICT OF WISCONSIN</b>	
United States of America  v.  Kristen R. Smith  Defendant.		DOCKET NO.	MAGISTRATE JUDGE CASE NO.  <b>14-MJ-15</b>
		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED:  Kristen R. Smith Cedar County Jail - Tipton, Iowa	
Warrant Issued on the Basis of: <input type="checkbox"/> Indictment <input type="checkbox"/> Order of Court <input type="checkbox"/> Information <input checked="" type="checkbox"/> Complaint			
TO: Any Authorized Law Enforcement Officer.			
District of Arrest:		City:	
<b>YOU ARE HEREBY COMMANDED</b> to arrest the above-named person and bring that person before the United States District Court to answer to the charge(s) listed below.			
<b>DESCRIPTION OF CHARGES</b>			
Kidnapping			
IN VIOLATION OF TITLE:    18 U.S.C. Section(s) 1201(a)(1)			
Bail: DETENTION REQUESTED BY THE UNITED STATES ATTORNEY'S OFFICE			
Other Conditions of Release:			
Ordered By:  Federal Judge/Magistrate Judge		Date Order: <b>2-7-14</b>	
Clerk of Court:		(By) Deputy Clerk	Date Issued:
<b>RETURN</b>			
This Warrant was received and executed with the arrest of the above-named person.			
Date Received:		Date Executed:	
Name and Title of Arresting Officer:		Signature of Arresting Officer:	