

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI

STATE OF MISSOURI, *ex rel.* )  
RYAN FERGUSON, )

Petitioner, )

v. )

Case No. \_\_\_\_\_

DAVE DORMIRE, Superintendent,) )  
Jefferson City Correctional Center, )

Respondent. )

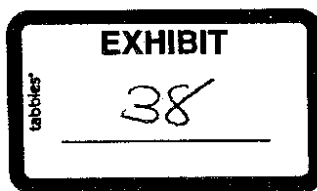
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AFFIDAVIT OF ANDREW J. WILHELM

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Now comes your affiant, Andrew J. Wilhelm and states under oath as follows:

1. That affiant has information regarding the above captioned case.
2. That affiant is not under the influence of any alcohol or drugs, and is giving this statement freely and voluntarily, and has not been promised or received anything in exchange for this truthful statement.
3. That affiant has personal knowledge of the facts stated herein and will testify to them if called upon to do so.
4. That affiant was accompanied for the reconstruction by Andrew W. Hutton, another law clerk employed by Kathleen Zellner & Associates.
4. That I have reviewed certain police reports and investigatory memos in the above captioned case, including but not limited to Police Report Number 18, Police Report Number 25, and the investigatory report of Jim Miller dated February 18, 2005.
5. That I traveled to Columbia, Missouri on February 10, 2010 to personally reconstruct the time periods over which certain known events took place in the early morning hours of November 1, 2001.
6. That I am aware that the victim in the above captioned case, Mr. Kent Heitholt, logged off the computer at his desk at 2:08 a.m.



7. That, based upon my personal measurements, I have reconstructed the timeframes as follows:
- a) Heitholt walking from sports desk door to loading dock swinging door 25 seconds
  - b) Walking from loading dock swinging door to driver's side of car 27 seconds
  - c) Placing papers on car, opening driver's side door, walking to passenger side door, picking up cat food 21 seconds
  - d) Walking from passenger side door to cat feeding spot 9 seconds
  - e) Feeding cat 8-15 seconds
  - f) Walking from cat feeding spot back to passenger side door 9 seconds
  - g) Walking from passenger side to driver's side door and preparing for departure 35 seconds
  - h) Boyd runs after attack to car, drives toward building, then east or west out of alley 15 seconds
8. That, based upon my personal measurements, I have reconstructed the timeline of Heitholt's activities in the fastest reasonable time:
- 2:08 Heitholt logs off computer in his office. Gathers papers/belongings.
  - 2:09 Heitholt walks to loading dock door from sports desk door.
  - 2:09:30 Heitholt walks to driver's side door of his car from loading dock door.
  - 2:10 Heitholt walks to passenger side door and gets cat food.
  - 2:10:20 Heitholt walks to area where he fed the cat.
  - 2:10:30 Heitholt puts cat food on the ground.
  - 2:10:40 Heitholt walks back to passenger side of car and returns cat food.
  - 2:10:50 Heitholt walks to driver's side door.
  - 2:11:20 Earliest physical contact with assailant.
  - 2:11:20 - 2:20:45 Window for murder (10 minutes)**
  - 2:20:45 Latest assailant leaves the scene. (If Boyd, ran to car and drove away).
  - 2:21 Shawna Ornt comes outside.
9. That, based upon my personal measurements, I have reconstructed the timeline of Heitholt's activities with slower estimates for time.
- 2:08 Heitholt logs off computer. Gathers papers/belongings.
  - 2:09:30 Heitholt walks to loading dock from sports desk door.
  - 2:10:10 Walks from loading dock door to driver's side of car. Places belongings on top of car.
  - 2:10:50 Heitholt walks to passenger side door and gets cat food.
  - 2:11:20 Heitholt walks to area where he fed the cat.
  - 2:11:35 Heitholt puts cat food on the ground.
  - 2:11:50 Heitholt walks back to passenger side of the car and returns cat food.
  - 2:12:00 Heitholt walks to driver's side door and prepares for departure.
  - 2:12:45 Earliest physical contact with assailant.
  - 2:12:45 - 2:20:45 Window for murder (8 minutes)**
  - 2:21 Shawna Ornt comes outside.

9. That, based upon my personal measurements, I have reconstructed Boyd's testimony from Police Report #18:


- 2:00 Boyd leaves sports desk, walks to loading dock door, and talks to Mike Henry for 5-10 minutes.
- 2:05/2:10 Boyd sees Heitholt walk out of loading dock door and go to car, then begins conversation with Heitholt about the cat.
- 2:20 Boyd leaves Tribune parking lot by car.

10. That, based upon my personal measurements, I have reconstructed Boyd's testimony from Police Report #25:

- 9:00 Boyd arrives at Tribune.
- 2:07 Boyd talked to Mike Henry at loading dock door.
- 2:10 Boyd exited loading dock door and walked across parking lot to his car.
- 2:10:45 Boyd arrives at car and adjusts the radio.
- 2:13 Boyd notices Heitholt coming out of door, backs car out and drives south toward Kent, then talks to Kent for 3-5 minutes.
- 2:16/2:18 Boyd leaves, heading west toward Providence

11. That, based on my personal measurements, I have reconstructed Boyd's testimony from the Investigative Report of Jim Miller, dated 02/18/05:

- 2:00 Boyd leaves because computers were shut down.
- 2:01:30 Boyd gets in his car parked northwest of Heitholt's car and listens to music from cassette tapes.
- 2:10/2:15 Boyd talks to Kent about cat from car through passenger window for 1-2 minutes.
- 2:11/2:17 Boyd drives northbound out of parking lot and observes Heitholt's tail lights come on.
- 2:11/2:17 "Heitholt drives off." (clearly impossible)

  
Andrew J. Wilhelm

SUBSCRIBED AND SWORN TO

Before me this 11 day  
Of February, 2011

  
NOTARY PUBLIC



Law Officers of Kathleen T. Zellner, P.C.  
Drake Oakbrook Plaza  
2215 York Road, Suite 504  
Oak Brook, IL 60523  
(630) 955-1212