

STATE OF MINNESOTA  
COUNTY OF KANDIYOHI

DISTRICT COURT  
EIGHTH JUDICIAL DISTRICT  
COURT FILE NO.: 34-CR-20-1058  
PROSECUTOR FILE NO.: 20CR00832

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State of Minnesota,

Plaintiff,

v.

**COMPLAINT- WARRANT**

Algene Leeland Vossen, DOB [REDACTED] (79)

[REDACTED] E 12th St.

Sioux Falls, SD 57103

Defendant.

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The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

Count: 1	Murder in the Second Degree - With Intent - Not Premeditated
In Violation of:	609.19
Penalty Statute:	609.19 - Murder in the second degree.
MOC:	H2033
ICR:	74000051
Penalty:	40 years prison

On or about 1/26/1974 to 1/27/1974, within the County of Kandiyohi, defendant caused the death of a human being with intent to effect the death of that person or another, but without premeditation.

### STATEMENT OF PROBABLE CAUSE

Your Complainant, a licensed peace officer, is employed by the Willmar Police Department. In this capacity your Complainant believes the following to be true and correct.

Mabel Agnes Boyer Herman was born on May 8, 1900. She lived at 804 6<sup>th</sup> St. SW in Willmar, Kandiyohi County, Minnesota. In her later years, she was a part of a sewing circle and member of Vinje Lutheran Church. As subsequent investigation would show, on the last day of her life, Ms. Herman spoke by telephone with her sister [REDACTED] at 11:00 a.m. on January 26, 1974. A couple hours later, the newspaper delivery boy saw her letting her cat outside. A neighbor did not notice anything suspicious later that day. But by 8:45 p.m. the following day, January 27<sup>th</sup>, Willmar Police Officers would be in her home observing her body with multiple stab wounds.

Dr. Donald Mattson was called to the Ms. Herman residence at 8:30 p.m. on January 27. He was called by the neighbors and talked to the sister who discovered the body. He arrived at the home approximately 5 minutes later and found the body lying in the middle of the living room with considerable blood on her neck and chest and lesser amounts on her face. Dr. Mattson asked Ms. [REDACTED] whether her sister had a tracheostomy since the wound in the throat looked very much like one would see from a recent procedure. Ms. [REDACTED] assured Dr. Mattson that she had not been ill in the last 20 years. Dr. Mattson learned in looking at Ms. Herman's record that she was diabetic. Because of the blood on the sweater, Dr. Mattson unbuttoned the sweater and inspected the chest. He noted multiple stab wounds on the interior chest. He noted rigor mortis had already fully set by the time the body was discovered. He noted stab wounds to her neck too.

At 8:43 p.m. on January 27, 1974, Willmar Police Officer Sanford Larson received a radio message from Dispatch to proceed to 804 West 6<sup>th</sup> St. as there was a dead body at that residence. Officer Roger Klinghagen and Officer Larson arrived at the residence at 8:45 p.m. As Officer Larson entered the residence, he saw Dr. Donald Mattson as well as Ms. [REDACTED] and a woman who was the next door neighbor. Ms. [REDACTED] had gone to the neighbor's residence to tell them to call the Willmar Police Department as the phone had been ripped out at her sister's house. Officer Larson then asked Ms. [REDACTED] and the neighbor to go back to the neighbor's home and he would be over there to talk with her later. Officer Larson then placed a call to the Dispatcher to contact the Willmar Chief of Police Lyle Goddertz and Mike Gunter, Tribune Photographer to come down and take some pictures.

Officer Larson saw the body of Mabel Herman lying in the living room, the first room you enter from the front entrance on the 6<sup>th</sup> St. side. Her body was lying approximately in the middle of the room. She was on her back with her left foot partially under a wooden chair. She was in stocking feet. Her shoes were laying nearby, but both were off. A search of the immediate area was conducted and no weapon or instrument containing blood was found. Colored pictures were taken of the body by Mike Gunter.

On January 27, Ms. [REDACTED] stated the last time she had contact with her sister was approximately 11:00 a.m. on January 26 by telephone. She stated that on the following day of January 27, she started calling her sister around noon and kept calling numerous times during the day. Ms. [REDACTED] received no answer. She then proceeded to her sister's home and knocked on the door and received no reply. Ms. [REDACTED] opened the door finding the house was dark inside. Ms. [REDACTED] turned on the light and discovered her sister's body. Ms. [REDACTED] attempted to summon help by the telephone but then noticed that the wires had been pulled out of the wall. She then went to the neighbors residence and in turn, summoned Dr. Mattson to the scene.

Chief Goddertz went to Ms. Herman's residence. He observed her body lying on the living room floor rug. She was fully clothed but did not have her shoes on. She was wearing nylons, dark blue or black slacks, and a white long sleeve sweater. Chief Goddertz noticed the telephone cord had been separated by pulling it out, not cutting it. Ms. [REDACTED] identified the victim as her sister Mabel Herman at the scene. Dr. Mattson and Dr. Hinderaker (the latter acting as coroner) pronounced Ms. Herman dead. Ms. Herman's body was to Rice Hospital for examination by Officers Larson and Klinghagen.

Chief Goddertz noted that no money or other property seemed to be taken from Ms. Herman's home. He observed a newspaper dated Saturday, January 26 was also on the living room floor and appeared to have been read. No drawers or anything in the home appeared to be disturbed. No weapon was found.

At approximately 11:30 p.m., Officer Larson and Officer Klinghagen picked up the body of Ms. Herman and transported it to the X-Ray room at Rice Memorial Hospital, along with Dr. Hinderaker who followed the ambulance to the hospital. Officer Larson stayed in the X-Ray room with Dr. Fedor while he took the clothes off Ms. Herman's body and gave them to Officer Larson. Officer Larson then bagged each item individually and marked them with an evidence tag and kept them in his possession until the following day when they were turned over to the Minnesota State Crime Bureau (BCA).

At Rice Hospital, Law Enforcement noted that there were approximately 38 stab wounds to the chest, abdomen, and the neck of Ms. Herman. There were 6 marks that did not appear to be stab wounds underneath her chin. Ms. Herman's body had discoloration on the left side of her face towards the middle of her cheek.

The juvenile paper delivery boy was interviewed. This juvenile stated he delivered the paper to Ms. Herman's residence at approximately 1:00 p.m. on January 26. At the time he delivered Ms. Herman's paper, she was in the process of allowing her cat out of the house. He did not have a conversation with her but did observe her.

On January 29, Officer Larson spoke with Ms. [REDACTED]. She stated Ms. Herman liked to read a lot but would use a dim light. She usually went to bed around 8-9 p.m. She would wake up but not make her bed right away. She would usually walk around in her night clothes. She would be up by 9 a.m. to listen to the church service on the radio.

On January 30, Ms. [REDACTED] was interviewed again. Ms. [REDACTED] said she arrived at her sister's residence on Sunday night. When she arrived, she noted that the basement door was closed. This was somewhat unusual as the basement door is usually left open to allow her cat free reign of the house. Ms. [REDACTED] stated that in her opinion, her sister died on Saturday because she was wearing black slacks and had normal working clothes on. She stated if her sister had gotten up on Sunday morning, she feels that her sister would have been dressed more presentable as she normally dressed up on Sunday.

Minnesota Crime Bureau Investigator John Barry interviewed the female neighbor who lived next door. She stated that she and her husband reside next door to the Herman residence and resided there since November 1973. She stated she did not observe any cars or any activities in the Herman neighborhood that she would be suspicious of. She stated they were home on Saturday afternoon, January 26 until about 2:00 p.m. and returned later in the evening. They spent much of the evening watching television with their drapes open and did not observe anything suspicious. She stated that on Sunday when she went over to the Herman residence with Ms. [REDACTED] that the blinds were open and somewhat raised, which is contrary to the way Ms. Herman kept the blinds, which were usually shut.

Investigator Barry and Sgt. Anderson interviewed ALGENE VOSSSEN (DOB [REDACTED]) on February 19, 1974. VOSSSEN admitted to window peeping on the night of February 16, 1974 and related that since his discharge from Stillwater Prison last May, he had window peeped on two other occasions: once in Willmar and once in Spicer, both times he was undetected. VOSSSEN admitted he needed help and consented to contact West Central Mental Health Clinic for assistance. When questioned regarding the Herman case, VOSSSEN stated he did not know Ms. Herman, does not know where she resides, and the only information he had regarding the case is what he learned from visiting with individuals in Willmar and had read in the newspaper or heard on the radio. He claimed that on the night of Saturday, January 26 and Sunday, January 27, his normal activities are to go to John's Bar and Supper Club on Friday evenings, Saturday evenings, and Sunday evenings. In most cases on Friday and Saturday nights after being at the Supper Club, he and his girlfriend [REDACTED] usually go to the VFW or the American Legion Club. VOSSSEN stated that on the night of January 26 and 27 he was in Willmar, thinking he was at Johns, the Legion, and/or the VFW.



Sgt. Anderson interviewed Ms. [REDACTED] on May 20, 1974. She stated on that night, VOSSEN came home at about 9:00 p.m.. She said he was an hour and a half later as they always have supper at 7:30 PM. VOSSEN stated he left work at 7:00 PM and stopped at John's Bar, American Legion, and Ev's Bar in Willmar. Ms. [REDACTED] reported that she had already eaten and recalled that they had pot roast that particular night. She said VOSSEN had been drinking but was not drunk. Ms. [REDACTED] stated that she had washed VOSSEN's clothes numerous times since January 26, 1974. Ms. [REDACTED] reported that she was in a relationship with VOSSEN and stated she had been for quite some time. Ms. [REDACTED] married VOSSEN in October 1974.

On December 21, 1979, Detective John Kappers of the Willmar Police Department drove to Des Moines, Iowa and met with VOSSEN. VOSSEN agreed to meet with Detective Kappers at 3:00 PM at Denny's Restaurant. At 3:25 p.m., VOSSEN arrived. Detective Kappers waved him over to his location. VOSSEN got out of his car and met with Detective Kappers. VOSSEN immediately wanted to know what was going on. According to Detective Kappers, VOSSEN was obviously nervous and distrustful of him. Detective Kappers assured VOSSEN that he was not going to arrest him but only wanted to talk to him regarding the murder. They went to Kappers's squad car where the conversation continued.

Kappers indicated that they had a psychologist, Dr. Bruce Danto, interviewing the witnesses and suspects involved in the case. Kappers explained the meeting would take place in Willmar. VOSSEN said he could not make it to Willmar because he could not take time off of work. VOSSEN told Kappers there was no way in hell that he was going to go to Minnesota or was going to talk further about the case. VOSSEN told Kappers that if the police wanted to talk to him they should get a warrant for his arrest. VOSSEN then wanted to know what evidence had been turned up in the case that caused Kappers to travel to Des Moines. Kappers indicated he could not discuss the details with him because that would be bad police work. VOSSEN said he wasn't saying anything further to anyone about the case. Kappers noted he was quite excited during this time, was talking fast, mixing up his words and visibly shaken. Detective Kappers noted that it was obvious that VOSSEN's main concern during the interview was to find out what new evidence the police had uncovered in the murder investigation concerning him.

On February 21, 2003, Detective Matt Akerson and Detective Kappers interviewed a man whose name had arisen as a possible connection to the case. During the interview, a DNA sample was obtained from him.

Starting on June 1, 2020, Detective Sgt. Chad Nelson and other officers of the Willmar Police Department conducted a cold case review of the homicide of Mabel Herman. In reviewing the reports, Detective Sgt. Nelson noted that an unidentified man got into a tan Chrysler vehicle that came back registered to ALGENE VOSSEN. This was in regards to a window peeping incident occurring on February 16, 1974. VOSSEN was located and he stated he was looking for a woman named Rose. He stated in looking through the window, he only saw an older woman. Detective Nelson noted that when VOSSEN was interviewed, he said he picks his houses at random and has no special fancy for houses that contain older ladies.

On June 10, 2020, evidence in the case was submitted to the BCA Lab for examination including Ms. Herman's sweater and known DNA samples from a suspect identified in 1974 and a person of interest identified in 2003. The Willmar Police Department did not have a known sample from VOSSEN.

On July 1, 2020, BCA Lab report indicated a single source of unidentified male DNA from the presence of blood was found on the victim's sweater. The BCA report indicated it did not match either one of the suspects from 1974 or the 2003 person. BCA advised that additional comparisons would be made if a DNA sample of VOSSEN's or any other individuals were submitted.

On July 3, 2020, Special Agent John Bache with the South Dakota division of criminal investigation was contacted by Detective Sgt. Nelson. Special Agent Bache submitted a warrant to obtain the DNA sample

of VOSSEN. It was signed on July 6, 2020 by the South Dakota judge. The DNA sample to be obtained was two buccal (oral swabs).

On July 7, 2020, Special Agent John Bosche along with Detective Scott Erickson of the Willmar Police Department and Detective Sgt. Chad Nelson arrived at VOSSEN's Sioux Falls address to execute the search warrant for his known DNA sample. They knocked on the door and were met by VOSSEN's niece. She stated that her uncle was sleeping and that she would go wake him up.

Special Agent Bosche explained to VOSSEN that they were there to execute the search warrant to collect VOSSEN's DNA. VOSSEN was given a copy of the search warrant. Sgt. Nelson completed the buccal swab collection from VOSSEN. Detective Nelson identified VOSSEN by a South Dakota driver's license.

While at the VOSSEN residence, Detective Sgt. spoke with VOSSEN. VOSSEN stated that this has been going on since 1974 and it's all because of one "damn officer from Willmar, Sgt. Anderson." VOSSEN stated he did not know who Mae Herman was and he was not at her house. He said the night she was killed, he was at the American Legion. He said there was no reason why his DNA would be found on Mae Herman's sweater. He claimed he didn't do it and he had no concerns with blood coming back as his DNA.

On July 17, 2020, the BCA Lab report on the examination for DNA was completed. The examination was to compare the blood found on Ms. Herman's sweater with the known DNA of Mr. VOSSEN. The BCA Lab Report indicated that the blood which was single source male DNA and matched ALGENE VOSSEN, concluding VOSSEN's DNA was found on the sweater Ms. Herman was wearing when she was killed.

Complainant requests that Defendant, subject to bail or conditions of release, be:

- (1) Arrested or other lawful steps be taken to obtain Defendant's appearance in court; or
- (2) Detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE:

A Licensed Peace Officer

Carl Nelson

Subscribed and sworn to before the undersigned this 23 day of July, 2020.

NAME/TITLE:

SIGNATURE:

Kristina Manning, Legal Assistant

[Signature]



Being authorized to prosecute the offenses charged, I approve this complaint.

PROSECUTING ATTORNEY'S SIGNATURE:

Date: 7-22-2020

Shane D. Baker

Shane D. Baker 0275839  
 Kandiyohi County Attorney  
 415 SW 6th St.  
 P. O. Box 1126  
 Willmar, MN 56201  
 (320) 231-2440 Ext: 5814

Court File Number: \_\_\_\_\_

**FINDING OF PROBABLE CAUSE**

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps to be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

**SUMMONS**

THEREFORE, YOU THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ before the above-named court at 505 SW Becker Ave. Willmar, MN 56201 to answer this complaint.

**X WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

\_\_\_\_ Execute in MN Only    X Execute Nationwide    \_\_\_\_ Execute in Border States

**ORDER OF DETENTION**

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: Body only

Conditions of Release: Body only - Hold for court

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 23rd day of July, 2020.

JUDICIAL OFFICER:

SIGNATURE:

NAME: Stephen J. Wentzell

TITLE: District Court Judge

[Signature]

Sworn testimony has been given before the Judicial Officer by the following witnesses:

<p style="text-align: center;">COUNTY OF KANDIYOHI STATE OF MINNESOTA</p> <p style="text-align: center;">State of Minnesota Plaintiff, vs. Algene Leeland Vossen Defendant.</p>	<p style="text-align: center;">Clerk's Signature or File Stamp:</p> <hr/> <p style="text-align: center;"><b>RETURN OF SERVICE</b> I hereby Certify and Return that I have served a copy of this Summons upon the Defendant(s) herein-named. Signature of Authorized Service Agent:</p>
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**DEFENDANT FACT SHEET**

**Other DOBs:**

**Race/Ethnicity:**

**CID:**

**Alias Information:**

**Fingerprinted:**

**Handgun Permit:**

**Location of Violation:**

**Driver's License #:**

**Accident Type:**

**License Plate #:**

**BAC Status:**

**BAC Level:**

**Statute and Offense Grid**

**Count: 1**

<b>Ct</b>	<b>Statute Type</b>	<b>Offense Date</b>	<b>Statute #/Descr and Sup</b>	<b>Level</b>	<b>MOC</b>	<b>GOC</b>	<b>Rpt Ctrl Agency</b>	<b>Rpt Ct</b>
1	State Statute	1/26/1974- 1/27/1974	609.19 - Murder in the Second Degree - With Intent - Not	F	H2033	NA	MN0340100	740000



Premeditated

609.19 - Murder in the second  
degree.