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Waukesha County  
2014CF000597

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# WAUKESHA COUNTY

*Office of the District Attorney*

**Susan L. Opper, District Attorney**

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March 26, 2021

Honorable Michael O. Bohren  
Branch 1  
Waukesha County Courthouse  
Waukesha WI 53188

RE: State of Wisconsin vs. Anissa E Weier  
Court Case No. 2014CF000597

Dear Judge Bohren

Please accept this as the State's argument as to why this court should deny the Defendant conditional release at this time.

Through the complaint, various pretrial motion hearings, numerous Doctor reports and a trial, the court is well aware of the facts of this case, and the State will not belabor the record in that regard, but will quickly summarize salient facts.

Ms. Weier, along with the co-defendant, determined that they wished to kill someone to become "proxies" of a fictional character known as Slenderman. Ultimately after considerable discussion and planning, it was decided that they would effectuate their plan. The victim was invited for a sleepover. After some discussion about killing her during the night, it was decided that the two defendants would carry out their plan the next morning. The original idea that morning was for Ms. Weier to stab the victim in a bathroom at a nearby park. When Ms. Weier could not go through with the stabbing, she gave the knife to Ms. Geysler who stabbed the victim outside, in the park. Weier still participated in the stabbing by encouraging Ms. Geysler to do it, by tackling and holding down the victim, and later trying to keep the victim from being discovered after she noticed that the victim was walking toward a street;

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causing Weier to grab the victim's arm and direct her away from a public street where the victim might easily be seen. Ms. Weier stated that she told the victim to lay down and to be quiet, telling her she would lose blood slower. She indicated she said this so that the victim would not draw attention to herself and would die. Weier told the victim they were going to get her help, but in reality they never intended to help, they hoped she would die. While the stabbing was happening, at no time, did Weier try to stop Ms. Geysler. Describing this, Weier indicated, "the bad part of me wanted her to die, the good part of me wanted her to live."

The victim suffered a total of nineteen stab wounds that resulted in substantial blood loss, serious life-long physical, and mental injuries, and, as indicated at the time by hospital medical personnel, the victim's wounds were so significant that she was "one millimeter away from certain death."

The defendant ultimately pled to an amended charge of attempted second degree intentional homicide while armed in phase one of her trial, but proceeded to trial on the mental responsibility phase. At that trial she contended she had a shared delusional disorder with the co-defendant that resulted in her belief that Slenderman was real. More importantly on the issue of mental responsibility, she argued she was motivated by fear for herself or her family from Slenderman if she didn't go through with the stabbing. The State contended that she could not possibly have been motivated by such a fear since she gave a statement to the police shortly after the stabbing that she didn't even know that such a threat existed until after the stabbing was over. Further, the statement that "the bad part of me wanted her to die" is not indicative of fear or coercion, but of a warped thrill seeking. In spite of the State's contention that her actions could not have been motivated by a threat she was unaware of at the time of the stabbing, she was found not guilty by reason of mental disease or defect. She was then committed for the maximum time allowable and institutionalized until now. She now asks for conditional discharge.

The State is well aware in this case that all three doctors who have evaluated the defendant have concluded she is an appropriate candidate for conditional release. However, if their opinions were all that was necessary to allow conditional release, the statute would simply say so and there would be nothing for the court to decide. However, that is not what the statute says. The decision is up to the court, and the State contends that the decision should be to deny conditional release.

The doctors point to a lack of issues in her current placement, with no indication that the defendant is delusional or planning any kind of harm to herself or to others or to property. What they miss is that in the weeks prior to this horrendous attack on the victim, there was no one that saw that the defendant was delusional or even remotely suspected that she and the co-defendant were planning to kill the victim. Rather she kept that hidden from everyone except the co-defendant. There is simply no way to know if such thinking is going on in a person who is not visibly psychotic.

It is also important to note, contrary to certain portions of the doctor's reports, that the defendant was not some poor innocent girl that was led down a homicidal path by the co-defendant. Rather she was actively involved in planning the crime and she was in fact the one that initially was supposed to do the stabbing in the bathroom at the park.

She backed out because she didn't want to do the actual stabbing, but not because she recognized it as something that should not be done, she was just unable to do it herself. Instead, she told the co-defendant to do it. She gave the co-defendant the knife which she originally had in her possession. She told the co-defendant when to stab the victim. She held the victim down while this was happening, and, when the stabbing was done she tried to get the victim to move into the woods where she would not be seen and would bleed to death without help.

As Dr. Rawski notes, it is unlikely, just as the State argued at trial, that she ever had a shared delusion disorder in the first place. Rather, the State believes she did this through a combination of trying to keep a friend by doing whatever was necessary to please her, and her own desires to see someone die. What assurance do we have that she will not do this again, either for a thrill or to please a new friend—and because of her situation real, appropriate, friends will be hard to come by. Instead she seems to attract people with myriad psychological issues of their own.

Additionally, as we were told repeatedly throughout this case, the juvenile mind is not fully developed until the age of 25. Until that time, the State believes she is a danger to others, as her mind is still immature, still forming, and still susceptible to dangerous influences. At this time, she simply cannot safely be released.

Finally, the State also asks that the court consider the victim statement, filed under seal, as it certainly has bearing on the nature and circumstances of the crime and is of consideration when assessing where this person will live. Each of these are things the court may appropriately consider pursuant to Section 971.17(4)(d), Wisconsin Statutes. The State asks that the court remember not only the shock in this case at the ages of these perpetrators, but also the incredibly young age of this victim. We rarely see someone so young who has been the victim of such a horrific, violent crime. She will continue to deal with this not just in the short term, but throughout the rest of her adult life.

Very truly yours,

Date Signed: 03/26/21

Electronically Signed By:

Kevin M. Osborne

Assistant District Attorney

State Bar #: 1012489