

Continuation of Criminal Complaint

1. I, Richard A. Grout, am a Special Agent with the Federal Bureau of Investigation (FBI) and have held this position since September, 2006. I am currently assigned to the Marquette Resident Agency of the Detroit Field Office, with a duty to investigate violations of federal criminal law, including kidnapping, which is a violation of 18 U.S.C. § 1201. I have participated in investigations of persons suspected of this offense. I have gained experience through training in seminars, classes, and everyday work related to these types of investigations.
2. This continuation is offered in support of a Criminal Complaint charging Eric Scott Ruska, born on a known date in 1979, with kidnapping. The information set forth in this affidavit has been communicated to me by Michigan State Police (MSP) Detective Jay Peterson. Because this affidavit is being submitted for the limited purpose of obtaining a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Eric Scott Ruska committed a violation of 18 U.S.C. § 1201.
3. This affidavit is intended to set forth evidence to establish probable cause to believe that beginning on or about July 8, 2017, Eric Scott Ruska (hereinafter "Ruska") unlawfully kidnapped and sexually assaulted an identified adult female whose initials are L.M.W. This course of conduct began in the vicinity of Chicago Lake in Delta County, Michigan, on or about July 8, 2017, and continued through July 14, 2017, when Ruska was apprehended and L.M.W. was released. The MSP investigation showed that Ruska kidnapped L.M.W., repeatedly sexually assaulted her, held her against her will throughout this time period, and transported her through portions of the Hiawatha National Forest, travelling in Delta, Marquette, and Alger Counties. This investigation also shows (a) that Ruska used an instrumentality of interstate commerce in furtherance of this kidnapping, and (b) that this kidnapping took place within the special maritime and territorial jurisdiction of the United States.
4. On July 14, 2017, L.M.W. found by police after a multi-day search. She was hospitalized and gave a brief statement. She reported to MSP that, on July 8, 2017, Ruska sent her a text message asking if she wanted to go fishing. Later that day, Ruska and L.M.W. drove separately to and met at Chicago Lake to fish. At around 5:00 pm, Ruska and L.M.W. boarded Ruska's small, motorized fishing boat and began fishing on the lake. Late that night or early the next morning, L.M.W. asked Ruska when they would be going back to shore. Ruska told L.M.W. that he did not get her on the boat to go fishing. Ruska then informed L.M.W. that he was going to sexually assault her and that he would kill L.M.W. and her family if she refused. L.M.W. advised that Ruska threatened to shoot her. L.M.W. did not see

a gun, but thought she saw a knife. Ruska punched L.M.W. in the chest, slapped her in the face, and held her down on the boat and forcefully sexually assaulted her. After Ruska sexually assaulted L.M.W., he dropped her off on an island while he went back to shore to retrieve his vehicle. Once Ruska retrieved his vehicle, he returned to the island and brought L.M.W. back to shore. Ruska placed L.M.W. in his vehicle and eventually ratchet strapped her to the front passenger seat.

5. According to L.M.W., from approximately July 8 through July 14, 2017, Ruska held her against her will and sexually assaulted her numerous times in numerous locations in and around his vehicle as he drove her through the Hiawatha National Forrest, travelling through Marquette, Delta, and Alger Counties.

6. On or about July 11, 2017, an MSP observation team located Ruska's boat trailer at Hugoboom Lake, approximately 10 miles from Chicago Lake.

7. On the early morning hours of July 14, 2017, an MSP tactical unit observed Ruska's vehicle pull into the 24-hour Shell gas station in Munising, Michigan. Once Ruska exited the vehicle, MSP Troopers took him into custody. MSP Troopers recovered L.M.W., who was ratchet strapped to the front passenger seat of Ruska's vehicle. L.M.W. then gave preliminary statements to MSP Detectives Peterson and Jeremy Hauswirth.

8. On July 14, 2017, MSP Detectives Chris Croley and Kevin Ryan conducted a recorded, post-*Miranda* interview of Ruska. Ruska admitted kidnapping and sexually assaulting L.M.W. He corroborated L.M.W.'s statement and admitted that he transported L.M.W. against her will, and sexually assaulted L.M.W. at numerous different locations in Marquette, Alger, and Delta Counties. Ruska also traveled with MSP Detectives to show them the locations where he sexually assaulted L.M.W. (The details of this debrief, including the specific locations identified by Ruska, are not included in this continuation.)

9. I have discussed the crime of kidnapping – a violation of 18 U.S.C., § 1201 – with the U.S. Attorney's Office. I have learned that the U.S. Attorney's Office has jurisdiction to prosecute the kidnapping charge in this case (a) because Ruska used an instrumentality of interstate commerce, specifically a cellular telephone, in furtherance of the commission of the kidnapping alleged in this complaint, and (b) because this kidnapping took place within the special maritime and territorial jurisdiction of the United States.

10. 18 U.S.C. § 1201(a)(1) and (a)(2) provide as follows:

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or

reward or otherwise any person, except in the case of a minor by the parent thereof, when--

(1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

....

shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

11. In addition, 18 U.S.C. § 1201(b) provides, in part, as follows:

(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

12. The jurisdictional elements in Section 1201(a)(1) may be satisfied by use of a cellular telephone. It is well-established that “cellular telephones, even in the absence of evidence that they were used to make interstate calls, have been held to be instrumentalities of interstate commerce.” *United States v. Weathers*, 169 F.3d 336, 341 (6th Cir.1999). As noted at the beginning of paragraph 4, Ruska used a cellular telephone to ask L.M.W. to go fishing with him on July 8, 2017.

13. In addition, the kidnapping alleged in this complaint occurred within the special maritime and territorial jurisdiction of the United States. 18 U.S.C. § 7 provides, in part, as follows:

The term “special maritime and territorial jurisdiction of the United States”, as used in this title, includes:

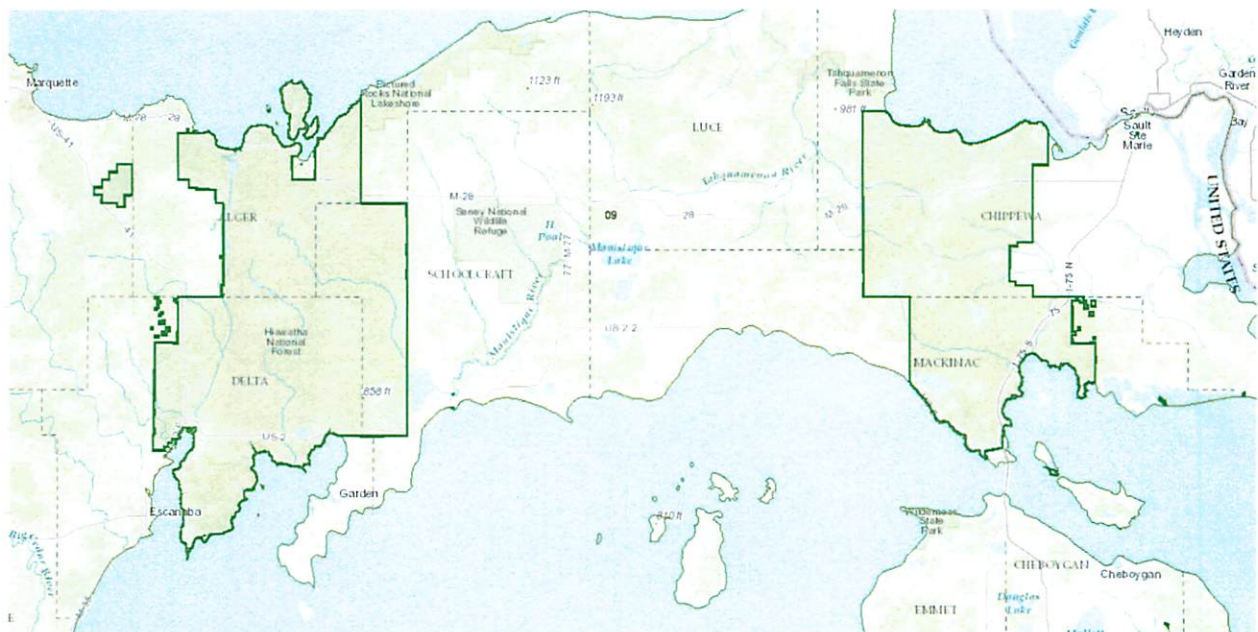
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(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise

acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

14. “There are two provisions in the United States Constitution under which Congress may create jurisdiction for the federal government to prosecute federal crimes on federal property: the Property Clause, Art. IV, § 3, cl. 2, and the Federal Enclave Clause.” *United States v. Gabrion*, 517 F.3d 839, 846 (6th Cir. 2008). In 1923, the State of Michigan formally consented to the cession of forest lands to the federal government, provided that the State would retain concurrent criminal jurisdiction over those lands. See M.C.L.S. §§ 3.401 & 3.402 (Aug. 30, 1923). And, “[p]rior to the enactment of 40 U.S.C. § 255 on February 1, 1940, the federal government's acceptance of jurisdiction over acquired land was ‘presumed in the absence of any dissent on [the federal government’s] part.’” *Gabrion*, 517 F.3d at 848 (quoting *Ft. Leavenworth R.R. v. Lowe*, 114 U.S. 525, 528 (1885)). Thus, as noted in *Gabrion*, for lands acquired by the federal government prior to February 1, 1940, federal jurisdiction is presumed absent an express declination by the federal government.

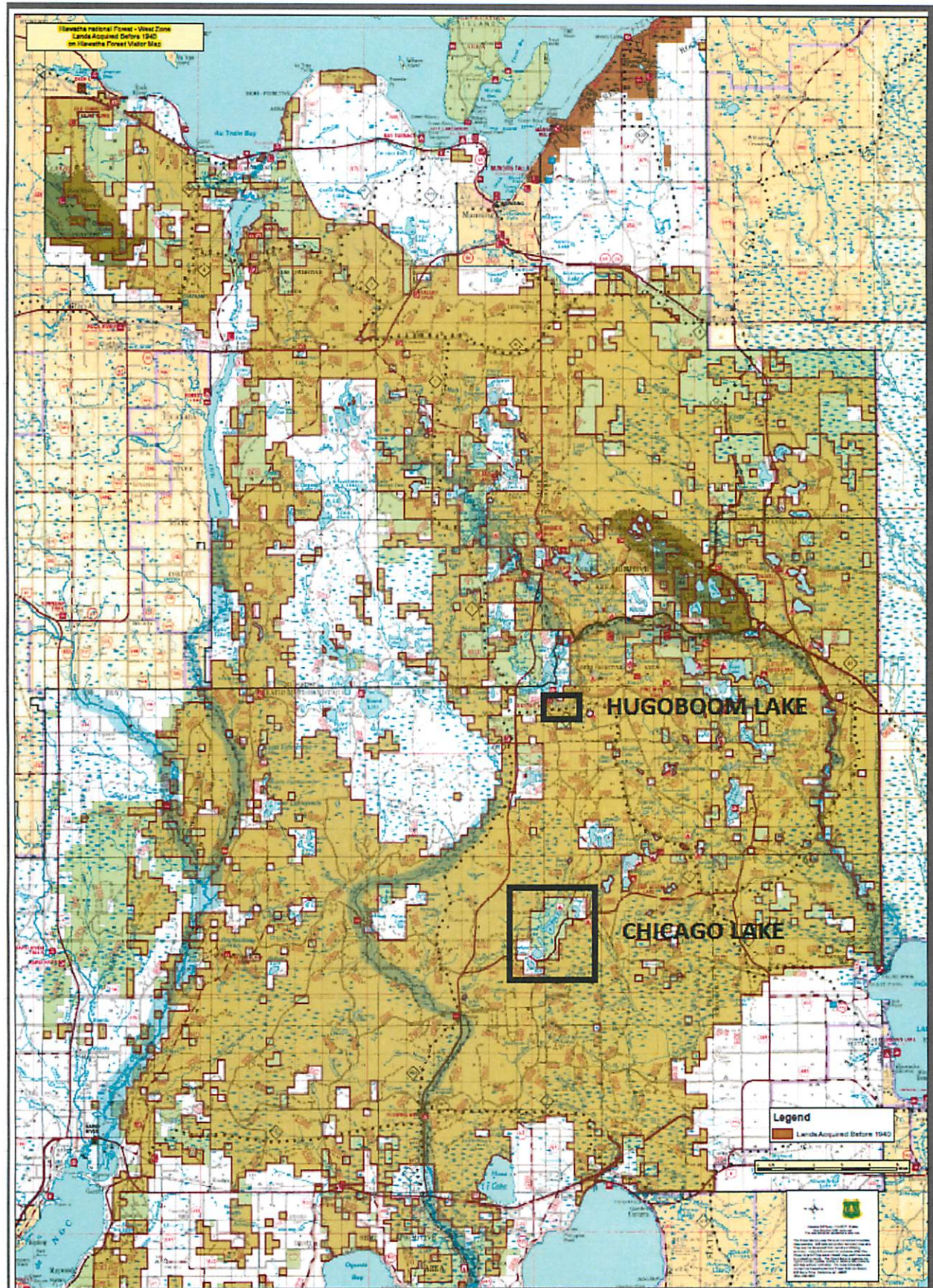
15. The Hiawatha National Forest is located in the Western District of Michigan, Northern Division. A map showing the east and west parts of the Hiawatha National Forest is included below.

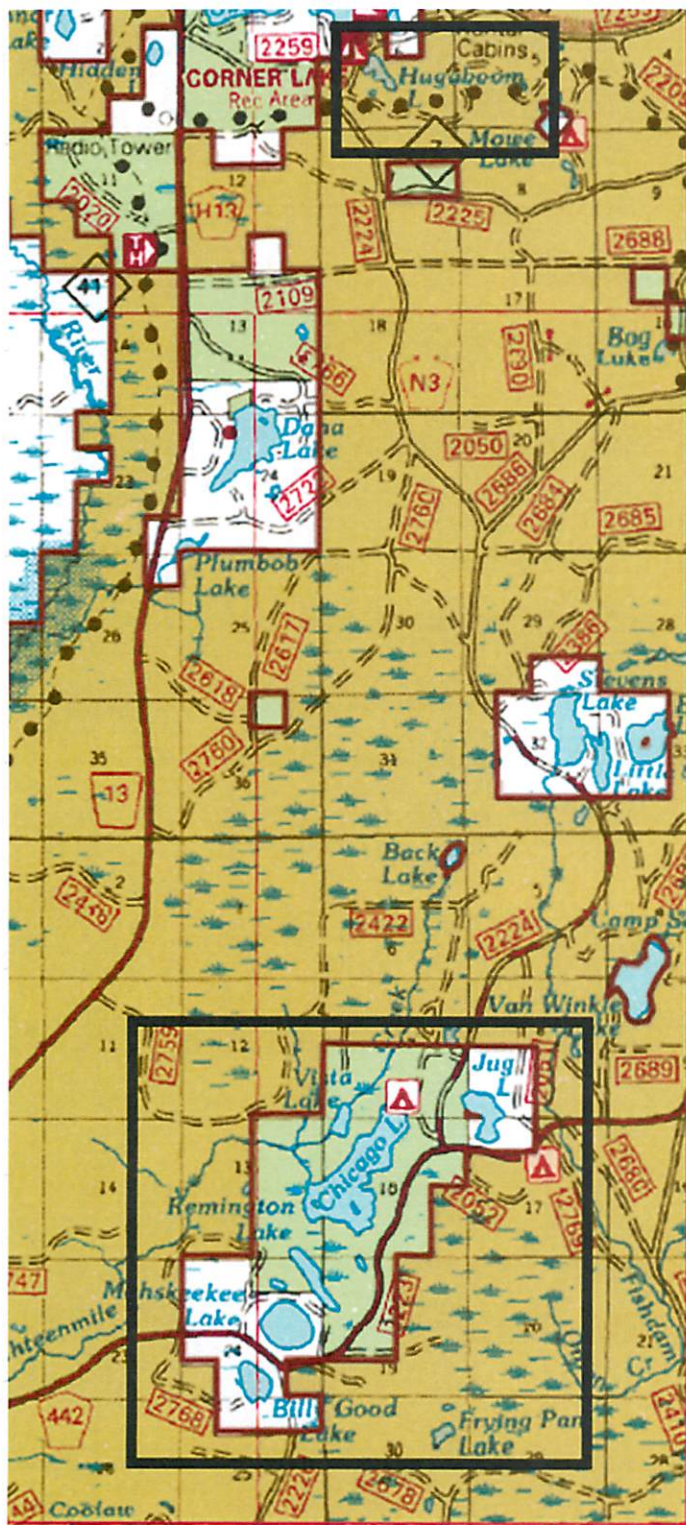


16. As discussed above, the kidnapping alleged in this complaint began in the western portion of the Hiawatha National Forest and continued through portions of

the Hiawatha National Forest in Delta, Marquette and Alger Counties.

17. On July 14, 2017, U.S. Forrest Service Patrol Captain Brandy Hill informed FBI Special Agent John Fortunato that Chicago Lake and its immediate surrounding land was acquired by the Federal Government after 1940; therefore, jurisdiction is limited to the state. However, the land around that lake was acquired before 1940. Thus, as stated above, the Federal Government has concurrent jurisdiction in that area. The same is true in the vicinity of Hugoboom Lake. According to Captain Hill, Hugoboom Lake was acquired by the federal government prior to 1940 and, as a result, the federal government has concurrent jurisdiction there as well. Captian Hill provided the below maps of Hiawatha National Forrest to Special Agent Fortunato. These maps depict parts of the Hiawatha National Forest that were acquired by the federal government prior to 1940. These portions are the darker green portions of the maps. Ruska's transportation of L.M.W. into and out of Chicago Lake area placed him in an area subject to the special maritime and territorial jurisdiction of the United States while committing the crime of kidnapping. According to the maps provided by Captain Hill, Ruska could not have traveled from Chicago Lake to Hugoboom Lake or to Munising without traveling through the special maritime and territorial jurisdiction of the United States.





18. Based on the information contained in this continuation, I respectfully submit that there is probable cause to believe that Eric Scott Ruska unlawfully

kidnapped L.M.W., in violation of Title 18 U.S.C., § 1201(a)(1) and (a)(2).