

**STATE OF WISCONSIN     CIRCUIT COURT     MANITOWOC COUNTY**

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STATE OF WISCONSIN     )  
  )  
      *Respondent*                  )  
  )  
      -v-                              )  
  )  
STEVEN A. AVERY              )  
  )  
      *Petitioner*                  )

Case No.: 05-CF-381

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**SEPARATE APPENDIX TO  
THIRD MOTION FOR POST-CONVICTION RELIEF  
VOLUME III (APP 289 TO APP 374)**

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**PEOPLE -v- STEVEN AVERY**  
**INDEX TO APPENDIX**  
**VOLUME I OF III**

<b><u>DATE</u></b>	<b><u>PAGE</u></b>
01/30/07 - Decision and Order on Admissibility of Third Party Liability Evidence	App. 1-15
03/18/07 – Transcript - Avery Convicted.....	App. 16
06/29/09 - Motion for Post-Conviction Relief 6/29/09.....	App. 17-75
01/25/10 - Motion for Post-Conviction Relief denied.....	App. 76-78
12/14/11 – Wisconsin Supreme Court denies Petition for Review.....	App. 79
02/14/13 – Avery <i>pro se</i> Collateral Post-Conviction Motion.....	App. 80-120
07/28/21 – Decision from Appellate Court re Post-Conviction Motions.....	App. 121-140

**VOLUME II OF III**

07/28/21 – Decision from Appellate Court re Post-Conviction Motions.....	App. 141-168
04/11/21 - Mr. Thomas Sowinski affidavit.....	App. 169-172
02/12/07 - Transcript – Section of opening statement.....	App. 173-175
02/14/07 – Transcript – Section of Bobby Dassey testimony.....	App. 176-179
03/16/07 - Jury Question – Requesting Bobby Dassey testimony.....	App. 180-181
04/21/06 – Search Warrant for Dassey Computer.....	App. 182-183
07/02/18 – Section of Gary Hunt affidavit.....	App. 184-185
10/30/17 – Supplemental affidavit of Gary Hunt.....	App. 186-187
11/03/17 – Interview of Bryan Dassey by Inv John Dederling.....	App. 188-189
11/16/17 - Second supplemental affidavit of Gary Hunt.....	App. 190-200
11/16/17 – Section of 2 <sup>nd</sup> Supplemental Affidavit of Gregg McCrary.....	App. 201
02/14/07 - Transcript – Section of Bobby Dassey Testimony.....	App. 202

<b><u>DATE</u></b>	<b><u>PAGE</u></b>
02/27/07 - Transcript – Section of Blaine Dassey Testimony.....	App. 203-204
11/06/05 - Interview of Bryan Dassey by SA Skorlinski & SA Strauss.....	App. 205-206
11/06/05 - Section of Interview of Barbara Janda.....	App. 207
02/27/06 – Section of Brendan Dassey Interview by Inv. Wiegert.....	App. 208
07/27/18 - Section of State Response to Motion for Post-Conviction Relief.....	App. 209
11/06/05 - Section of Interview of Barbara Janda.....	App. 210
11/07/05 - Interview of Blaine Dassey by SA Skorlinski & SA Strauss.....	App. 211
11/16/17 - Second supplemental affidavit of Gary Hunt.....	App. 212-222
11/16/17 - Section of 2 <sup>nd</sup> Supplemental Affidavit of Gregg McCrary.....	App. 223
02/14/07 - Transcript – Section of Bobby Dassey testimony.....	App. 224
02/27/07 - Transcript – Section of Blaine Dassey testimony.....	App. 225-226
11/06/05 - Interview of Bryan Dassey by SA Skorlinski & SA Strauss.....	App. 227-228
11/06/05 - Section of Interview of Barbara Janda.....	App. 229
06/25/18 - Section of Blaine Dassey affidavit.....	App. 230
11/10/17 - Interview with Barbara & Scott Tadych.....	App. 231
07/27/18 – Section of State Response to Motion to Supplement Motion for Post-Conviction Relief.....	App. 232
11/14/17 – Section of Supplemental Affidavit of Steven A. Avery, Sr.....	App. 233-236
02/15/07 - Transcript – Section of Bobby Dassey testimony.....	App. 238
10/30/17 - Supplemental affidavit of Gary Hunt.....	App. 239-240
10/30/17 - Supplemental affidavit of Gary Hunt.....	App. 241-242
02/14/17 - Transcript – Section of Bobby Dassey testimony.....	App. 243
11/17/17 –Section of Interview of Bobby Dassey by Inv. Dederling.....	App. 244-245

<b><u>DATE</u></b>	<b><u>PAGE</u></b>
11/12/05 – Copy of Sgt Tyson walk-through video of Janda/Dassey trailer.....	App. 246
09/25/18 – Clerk Certificate / Receipt of CD’s & DVD’s for record.....	App 247-248
06/25/18 – Section of Blaine Dassey affidavit.....	App.249-250
07/05/18 - Affidavit of Ann Burgess, DNSc.....	App. 251-257
10/20/17 - Supplemental Affidavit of Gregg McCrary.....	App. 258-260
01/25/10 - Sections of Decision & Order on Post-Conviction Relief.....	App. 261-263
12/15/17 - Copy of DVD containing Steve Avery Media Interviews.....	App. 264
12/18/17 – Clerk Certificate / Receipt of CD’s & DVD’s for record.....	App. 265-266
03/08/07 – Transcript – Section of Ronald Johnson testimony.....	App. 267
11/23/16 - Affidavit of Steven Avery.....	App. 271-279
06/29/18 - Section of Steven Avery, Sr. Affidavit.....	App. 280-282
11/07/05 - Section of police report of Sgt. Sievert / Marinette County.....	App. 283
11/22/16 - Section of Steven Avery, Sr. Affidavit.....	App. 284
12/15/17 - Copy of DVD containing Steve Avery Media Interviews.....	App. 285
03/08/07 – Transcript – Section of John Leurquin testimony.....	App. 286-288

### **VOLUME III OF III**

06/25/18 – Affidavit of Blaine Dassey.....	App. 289-292
02/14/07 –Transcript – Section of Bobby Dassey testimony.....	App. 293-294
02/15/07 - Transcript – Section of Bobby Dassey testimony.....	App. 295-297
11/05/05 - Interview of Bobby Dassey by Inv. Dederling.....	App. 298-300
11/09/05 - Interview of Bobby Dassey by Inv. Dederling.....	App. 301-303
02/27/06 - Interview of Bobby Dassey by Inv. Dederling.....	App. 304-306

<b><u>DATE</u></b>	<b><u>PAGE</u></b>
02/14/07 – Transcript – Section of Bobby Dassey testimony.....	App. 307
02/15/07 - Transcript – Section of Bobby Dassey testimony.....	App. 308-309
11/14/05 - Interview of Michael Osmunson by Inv. Dederling.....	App. 310
11/09/05 – Arrest Warrant for Steven Avery.....	App. 311
11/14/05 - Interview of Michael Osmunson by Inv. Dederling.....	App. 312
00/00/00 – Phone records of Bobby Dassey.....	App. 313-315
03/14/07 – Transcript – Section of Atty Kratz closing arguments.....	App. 316-321
02/12/07 – Transcript – Section of Atty Kratz opening statements.....	App. 322
02/14/07 – Transcript - Section of Bobby Dassey testimony.....	App. 323-327
11/06/05 - Interview of Bryan Dassey by SA Skorlinski & SA Strauss.....	App. 328-329
10/23/17 – Section of Steven Avery Motion for Reconsideration.....	App. 330-336
11/01/17 – Section of Steven Avery Supplement to Motion for Reconsideration..	App. 337
10/16/17 – Affidavit of Bryan J. Dassey.....	App. 338-339
07/15/17 – Affidavit of Kevin Rahmlow.....	App. 340-345
11/02/17 – Supplemental Affidavit of Kevin Rahmlow.....	App. 346-350
03/14/07 - Transcript – Section of Atty Kratz closing arguments.....	App. 352
02/15/07 – Transcript – Section of Bobby Dassey testimony.....	App. 353
03/14/07 - Transcript – Section of Atty Kratz closing arguments.....	App. 354
10/30/17 – Affidavit of Brad A. Dassey.....	App. 355-356
02/02/06 – Defendant’s Discovery Demand .....	App. 357-363
01/18/07 – Defendant’s Motion for Disclosure of Exculpatory Information.....	App. 364-369
10/23/17 – Exhibits for Motion, Part 2 of 2.....	App. 370-374

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

STATE OF WISCONSIN

v.

STEVEN A. AVERY

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Case No. 05 CF 381

AFFIDAVIT OF BLAINE DASSEY

Now comes your affiant, Blaine Dassey, and under oath hereby states as follows:

1. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge. The factual statements herein are true and correct to the best of my knowledge, information and belief. I am of sound mind and I am not taking any medication, nor have I ingested any alcohol that would impair my memory of the facts stated in this affidavit.

2. In October 2005, I lived with my mother and brothers at 12930A Avery Road, Two Rivers, WI 54241. My brothers names are Brendan, Bryan, and Bobby Dassey. Brendan and I shared a bedroom. Bobby had his own bedroom. Bryan kept some clothes at the house but lived with his girlfriend and was rarely at the residence. Tom Janda had moved out of the residence in early 2005.

3. When none of us were home, the residence was always locked.

I



4. My uncle Steven Avory ("Uncle Steven") only came to the residence when my mother and his sister Barb was home. I never remember my uncle Steven entering the residence when my mother was not home.

5. I remember that my Uncle Steven had cut his finger 1-2 weeks before October 31, 2005.

6. I remember, on October 31, 2005, seeing my Uncle Steven carry a white plastic bag to his burn barrel. I did not see a fire in the burn barrel. However, the police pressured me into saying that there was a fire in the burn barrel and visible smoke coming from the burn barrel. My testimony about the fire and smoke coming from the burn barrel was not true.

7. I remember, on October 31, 2005, seeing a bonfire behind my Uncle Steven's garage that was about 3-feet high. The police tried to pressure me into saying that the flames of the bonfire were much higher, so at trial I testified that the flames of the bonfire were 4-5 feet high but that testimony was not true. The police put the height of the flames "in my head and I agreed to it."

8. On October 31, 2005, I was with Brendan up until I left to go trick-or-treating. I distinctly remember Brendan wanted to use the computer at slightly before 5 p.m. because I wanted to make a phone call and his use of the dial-up internet computer would have prevented me from doing that. I know that Brendan was not at Uncle Steven's trailer up until I left to go trick-or-treating.

9. There was only one computer at the residence and it was always in Bobby's room sitting near a desk.

10. The computer had a password.
11. The computer had an AOL dial-up internet connection.
12. Bobby was the primary user of the computer.
13. At no time did I ever do searches for pornographic images or words related to pornography, words related to violence, words related to death, words related to mutilations, words related to torture, words related to guns or knives, words related to Teresa Halbach, words related to Steven Avery, words related to DNA, or words related to dead, mutilated or dismembered female bodies.
14. At no time did I ever create a folder for Teresa Halbach, my Uncle Steven, DNA, or news stories on the murder.
15. The only time I used the computer was to do my homework and occasionally send instant messages.
16. I remember my mother Barb hiring someone to "reformat the computer" but I'm not sure who that person was.
17. I do not have any personal knowledge of who made the appointment with AutoTrader to have my mother's van photographed but I did help clean the van so that it could be sold.
18. At the time, my family had two burn barrels located behind our house.
19. I was familiar with the gravel pits to the south of the Avery salvage yard but I did not go to the gravel pits to hunt. I stopped hunting when I was 22.
20. On October 31, 2005 when the school bus driver brought Brendan and me home as we travelled west on STH 147 I saw Bobby on STH 147 in a bluish or



greenish vehicle heading towards Mishicot. Bobby was not driving his black Blazer. Bobby was not home the rest of the evening while I was home. (Attached and incorporated herein as Exhibit A is a map that of the location of Bobby's vehicle that I described in this paragraph.)

FURTHER AFFIANT SAYETH NAUGHT

Blaine Dassey  
Blaine Dassey

State of Wisconsin  
County of Manitowoc

Subscribed and sworn before me  
This 25<sup>th</sup> day of June 2018.

Stacy R. Smith  
Notary Public  
My Commission expires:  
2-29-2020

1 Q Was there anybody outside, or making contact with  
2 her, outside by the vehicle?

3 A No.

4 Q After seeing this woman walking toward your Uncle  
5 Steven's trailer, did you ever see this woman  
6 again?

7 A No.

8 Q How long was it that you were in the shower? Do  
9 you remember?

10 A Maybe three minutes, or four minutes.

11 Q Okay. What did you do then?

12 A Got dressed, and left, to go hunting.

13 Q Now, when you left to go hunting, did you have a  
14 vehicle on the premises?

15 A Yes.

16 Q Can you tell the jury what kind of vehicle it was?

17 A A black Chevy Blazer.

18 Q Where was that parked?

19 A It was parked right between the house and the  
20 garage.

21 Q About what time do you think you left to go  
22 hunting?

23 A Probably twenty to three, quarter to three.

24 Q Quarter to three? Bobby, how do you know that  
25 was the time? Why is that time important as it

1 Q Did you get anything that day?

2 A No. I seen two deer. I didn't get anything, no.

3 Q All right. After deer hunting, what did you do?

4 A Came home, and I laid down, and I went to sleep  
5 again.

6 Q What time did you get home? Do you recall?

7 A It was "five-ish".

8 Q Now, when you drove back home at about five  
9 o'clock in the afternoon, was Ms. Halbach's  
10 vehicle still visible?

11 A No.

12 Q What did you do when you got home?

13 A I watched TV for a little bit, then I went to bed.

14 Q Did you go to sleep?

15 A Yes.

16 Q How long did you sleep?

17 A Probably three hours.

18 Q Let me back up just a few minutes, Bobby. At any  
19 time during the morning or early afternoon hours,  
20 did you receive any phone calls at your residence?

21 A No. Not that I am aware of.

22 Q Why don't you tell us what that means, "not that  
23 you are aware of"?

24 A I am a real deep sleeper. When I sleep, I don't  
25 hear nothing.

- 1 Q. Was this the first you learned that Teresa  
2 Halbach was missing?
- 3 A. Yes.
- 4 Q. But one or both of them, from a conversation, had  
5 seen it on TV?
- 6 A. Yes.
- 7 Q. What the TV had said -- well, I guess you hadn't  
8 seen the TV, but you eventually did see TV  
9 reports?
- 10 A. Yes.
- 11 Q. Of Ms Halbach missing? And it described her as  
12 missing?
- 13 A. Yes.
- 14 Q. At least for the first several days?
- 15 A. Yes.
- 16 Q. Now, you, I think beginning on November 5, which  
17 is the day you tried to come home and found Jambo  
18 Creek Road blocked off?
- 19 A. Yes.
- 20 Q. Saturday?
- 21 A. Yes.
- 22 Q. Okay. Beginning that day, you were coming home  
23 to try to get your labrador puppy back after  
24 goose hunting?
- 25 A. Yes.

1 Q. In the morning?

2 A. Yes.

3 Q. With Mike, again, actually, right?

4 A. Yes.

5 Q. Okay. So you come back and you can't get to your  
6 house because the police have the road blocked  
7 off?

8 A. Yes.

9 Q. Beginning that, right then and there, for  
10 probably over three hours that Saturday,  
11 November 5, you've talked to the police a number  
12 of times?

13 A. Yes.

14 Q. About the investigation into Teresa Halbach's  
15 disappearance and death?

16 A. Yes.

17 Q. It was a little over three hours, as you recall,  
18 that first day, Saturday, before you could get  
19 your dog back?

20 A. Yes, it was about three and a half hours.

21 Q. Okay. And then, at least two other times, you  
22 were interviewed in the weeks, or days, weeks,  
23 months following Teresa Halbach's disappearance?

24 A. Yes.

25 Q. In any one of those conversations with the

1 A. Yes.

2 Q. About the investigation into Teresa Halbach's  
3 disappearance and death?

4 A. Yes.

5 Q. It was a little over three hours, as you recall,  
6 that first day, Saturday, before you could get  
7 your dog back?

8 A. Yes, it was about three and a half hours.

9 Q. Okay. And then, at least two other times, you  
10 were interviewed in the weeks, or days, weeks,  
11 months following Teresa Halbach's **disappearance**?

12 A. Yes.

13 Q. In any one of those conversations with the  
14 police, did any police officer ever ask you about  
15 this joke that you overheard between Mike and  
16 Steve in the garage?

17 A. No.

18 Q. If we go back to Friday, November 4, again, later  
19 in the night, do you remember either yourself or  
20 your Uncle Steven getting a call, probably on a  
21 cell phone, from your Uncle Chuck?

22 A. No.

23 Q. Something about having seen headlights back by  
24 his house?

25 A. Not that I remember.

CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.  
05-0157-955

Page 90  
File Number

TYPE OF ACTIVITY: Interview of Bobby A. Dassey

DATE OF ACTIVITY: 11/05/05

REPORTING OFFICER: Inv. John Dederling

DOCUMENTS  
GENERATED: One Page Written Statement

On Saturday, 11/05/05 at 1753 hrs., I (DEDERING) in the company of Manitowoc Co. Det. DENNIS JACOBS did interview the following individual at a roadblock situated at the intersection of STH 147 and Jambo Creek Rd. in the Town of Gibson, Manitowoc County:

BOBBY A. DASSEY  
DOB 10/18/86  
N12930 Avery Rd.  
Two Rivers, WI  
Phone 920-755-8715

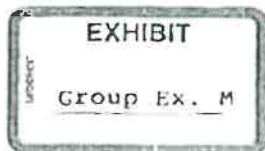
Prior to asking BOBBY A. DASSEY any questions, he was advised that he was free to leave, was not under arrest and did not have to answer any questions at anytime. I did have BOBBY DASSEY open his door to prove to him that the door was not locked and that he was, in fact, free to go.

BOBBY advised me that his father is PETER DASSEY and that his mother is BARB JANDA. He stated he does live with his mother at the Avery Rd. address. He stated that he lived on Avery Rd. since 2001 and prior to that he lived on Preston Rd. in Whitelaw for approximately eight years.

BOBBY states he works third shift at HAMILTON MANUFACTURING in Two Rivers and is normally home by 6:30 a.m. in the morning.

BOBBY indicated that on Monday, 10/31/05, he woke up between 1400 and 1430 hrs. He stated that he looked out his family's mobile home window and observed a "little SUV" which he described as being either teal or blue in color. He stated he observed the vehicle stop and a female exit the unit and photograph a maroon van, which his mother is attempting to sell. He stated that after the photographer had finished photographing the van, he observed her walking towards the residence of STEVEN AVERY. This residence is located immediately west of DASSEY's home. He stated that she was seen walking "towards the porch." He stated the photographer spent approximately five minutes photographing the vehicle.

BOBBY stated that he left for deer bow hunting at approximately 1445 to 1500 hrs. He stated that the teal vehicle was still there when he left. He stated that he arrived home at dark or shortly



STATE1294

App. 298

## CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.  
05-0157-955

Page 91  
File Number

thereafter. He did estimate the time at 1645 hrs. He stated that when he arrived home, the blue or teal colored SUV was gone.

BOBBY was asked to describe the female who he saw walking towards STEVE's porch. He described her as being skinny with "brownish hair," and wearing a dark colored, waist length coat. He indicated he did not know if she was wearing glasses and did not know what kind of trousers she was wearing.

BOBBY indicated when he came out of his residence to go to his truck, he did not see the lady.

BOBBY stated it was his understanding that the lady had been to the AVERY property four to five different times in the past twelve months to photograph units that STEVE wished to sell in the AUTO TRADER magazine.

BOBBY indicated he was never in the teal or blue colored SUV and had never touched the vehicle. BOBBY stated that his vantage point of the vehicle and the young lady was from his mother's mobile home, which he estimated to be approximately six yards away from where the van is parked. BOBBY indicates that Monday, 10/31/05, was the first time he had seen the female photographer.

BOBBY indicated that as he was traveling on STH 147 towards the property he hunts deer on, he did observe an individual known to him as SCOTT TADYCH. BOBBY indicated that SCOTT would be able to verify precisely what time he had seen BOBBY.

BOBBY stated that no one was in his vehicle with him.

BOBBY was asked once again, whether his prints would be in or on the RAV4 and he indicated, "No, no way at all."

BOBBY DASSEY indicated that he believed STEVE AVERY was at home alone during the time the photographer was in the vicinity. BOBBY indicated he was unsure who might have been at the AVERY'S AUTO SALVAGE shop.

BOBBY denied having any sort of contact with the lady.

I advised him that we had learned that STEVEN indicated BOBBY had seen this young lady after STEVEN had. He indicated that there was "No way, I was hunting."

I asked BOBBY if he would be interested in pursuing some sort of truth verification to show me that he was, in fact, being truthful and his response was "Yes."

I asked him what he thought the results of this examination would show, and he indicated, "I'm telling the truth."

STATE1295



## CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.  
05-0157-955

Page 92  
File Number

I asked Mr. DASSEY why STEVEN AVERY would say that BOBBY was the last one to see the photographer. BOBBY responded, "Did he say that?" I then asked BOBBY if it was true and his response was, "No." I asked BOBBY why STEVEN would say something like this and BOBBY's response was "He'd stab ya in the back." BOBBY indicated that STEVEN has done this to him before over "little stuff."

BOBBY DASSEY did indicate that he was concerned for an eight-week-old Labrador puppy, which he stated, was in his mother's residence. He, very respectfully, asked Det. JACOBS and me if there was anyway possible he could retrieve the Labrador. I advised Mr. DASSEY that I would think about this and we ultimately made the decision to go into the BARB JANDA residence with BOBBY's permission to retrieve the dog. He indicated that we would find the doors to the residence unlocked.

At 1831 hrs., Det. JACOBS and I did retrieve a black Labrador puppy from the far west bedroom and we left the residence at 1834 hrs. At 1844 hrs., the Labrador puppy was turned over to BOBBY DASSEY and BOBBY DASSEY did provide us with a written statement at that time.

BOBBY DASSEY did dictate the following one page written statement to me:

➤ *"On Monday, 10/31/05 at about 2:15 - 2:30 pm, I got up to go deer hunting. I took a shower. I got dressed for bow hunting & noticed someone coming down the driveway. She stopped in front of my mom's maroon van that Steve is trying to sell for my mom. I watched her take pictures of the van. She got done with that & started to walk toward Steven's house. I grabbed my bow, got into my Blazer, and left. I didn't see the lady who took the pictures when I left. The S.U.V., a teal colored, possibly a Honda, was there when I left to go hunting. She had shoulder length brown hair, it looked darker to me. She was wearing a dark waist length jacket. She was skinny. About 3 or 4 minutes went by between the time I got my jacket and the time I got into my truck. I dictated this statement to Investigator Dederig. I have read this statement and initiated all corrections. This statement is true and accurate. No promises or threats have been made to get this statement."*

This statement was signed by BOBBY DASSEY in my presence as well as in the presence of Det. JACOBS at 7:01 p.m.

My contact with BOBBY DASSEY ended at 1902 hrs.

Investigation continues.

CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.  
05-0157-955

Page  
195  
File Number

TYPE OF ACTIVITY: Interview of Bobby Dassey

DATE OF ACTIVITY: 11/09/05

REPORTING OFFICER: Inv. John Dederling

DOCUMENTS GENERATED: Miranda Warning and Two Cassette Tapes

On Wednesday, 11/09/05, DCI Special Agent KEVIN HEIMERL and I (DEDERING) were given the assignment of serving a Warrant on BOBBY J. DASSEY for his finger and palm prints and a DNA swab. We received the assignment in the morning and spent the majority of the morning and a good part of the afternoon attempting to contact Mr. DASSEY.

We ultimately made contact with BOBBY DASSEY and he agreed to meet us at AURORA MEDICAL CENTER located between Manitowoc and Two Rivers on STH 42.

At 1444 hours on 11/09/05, I (DEDERING) did serve the Warrant on BOBBY DASSEY. At this point, I explained to him that he was not in custody, but was not technically free to leave either until we had executed the Warrant.

At 1447 hours, I (DEDERING) did review BOBBY DASSEY's Miranda Warning from a form. The form was initialed in the proper areas by DASSEY, was signed by BOBBY DASSEY and witnessed by Special Agent HEIMERL and me.

We advised BOBBY DASSEY we were going to be recording the interview and he indicated he had no problem with this. A synopsis of the taped interview is that once again DASSEY stated he left home at approximately 1500 hours on 10/31/05 and he had observed a teal SUV, that he had never touched or gotten close to. He stated when he left the property there was no one in his immediate sight. He stated he did not talk with STEVEN AVERY between 11:00 a.m. and noon on 10/31/05 indicating he was asleep and is a very sound sleeper. He stated he does not even hear the telephone when it rings. DASSEY indicated he stayed home until 2330 hours on 10/31/05 and then left for work at HAMILTON MANUFACTURING.

DASSEY states only STEVEN AVERY has keys to STEVEN's house.

DASSEY states he knew nothing about a family dinner at Grandma AVERY's on 10/31/05.

DASSEY indicated he has seen the Suzuki that we discussed with him parked at STEVEN's garage for about two weeks. He indicates the clutch is out and you have to push it to move it. He stated the Suzuki was parked in the garage the week before the girl went missing.

## CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.  
05-0157-955

Page  
196  
File Number

DASSEY indicated that sometimes family members will burn the heads of deer but this is usually in the burn barrel.

DASSEY stated the only deer at the residence was the deer that is hanging in the garage currently.

BOBBY DASSEY states this is his first year bow hunting and he hunts approximately two and one-half miles away from his house.

DASSEY stated STEVEN was mad at BARBARA about something and he was not sure what but they patched it up last Wednesday.

DASSEY indicated he does not talk to CHARLES or EARL and has not spoken with CHRIS (ph) AVERY in the past nine months.

DASSEY indicated that on Tuesday or Wednesday, he observed a burning in the area in a pit behind STEVEN's garage. He believed there was brush burning. DASSEY stated he was home that night.

BOBBY DASSEY states STEVEN sometimes burns tires in the pit and STEVEN usually burns tires at night so you cannot see the smoke.

DASSEY indicated STEVEN does not burn his tires anywhere else and he indicated he believed STEVEN was burning with DASSEY's little brother, BRENDAN.

At 1618 hours, (by my watch) BOBBY DASSEY's palm prints and fingerprints were taken by Correctional Officers SCHROEDER and FLEMING.

At 1631 hours, (by my watch) there was a physical examination of BOBBY DASSEY by FAY L. FRITSCH an exam nurse at AURORA MEDICAL CENTER.

At 1636 hours, I did question BOBBY DASSEY regarding scratches on his back. He stated these were due to his week old Labrador puppy jumping on his back. He stated he was bent down to put on his shoes when the dog jumped up and scratched him. I did examine DASSEY's shirt and could find no obvious holes or tears. The exam ended at 1643 hours (by my watch).

I did speak with Dr. VOGEL-SCHWARTZ who indicates the scratches appear to be fairly recent but possibly could be a little older. She stated it was not likely they were over a week old. She stated it is her opinion that the scratches were fairly recent.

The scratches to BOBBY DASSEY's back were photographed.

STATE1400

**CALUMET COUNTY SHERIFF'S DEPARTMENT**

Complaint No.  
05-0157-955

Page  
197  
File Number

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At 1648 hours, we did escort DASSEY from the hospital, he was released and I observed him speaking with his mother in the parking lot.

Investigation continues.

Inv. John Dederig  
Calumet Co. Sheriff's Dept.  
JD/bdg

CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.  
05-0157-955

Page  
518  
File Number

TYPE OF ACTIVITY: Interview of Bobby Dassey

DATE OF ACTIVITY: 02/27/06

REPORTING OFFICER: Inv. John Dederig

DOCUMENTS

GENERATED: None

On Monday, 02/27/06 at 1726 hrs., various members of the WISCONSIN DEPT. OF CRIMINAL INVESTIGATION and the CALUMET CO. SHERIFF'S DEPT. did meet at MISHICOT FIRE DEPT. The purpose of our meeting was to view a videotaped interview done by Special Agent TOM FASSBENDER and Inv. MARK WIEGERT on a subject named BRENDAN R. DASSEY on 02/27/06. According to information I had obtained from WIEGERT, DASSEY had made some statements with regard to STEVEN AVERY's disposal of TERESA HALBACH, as well as who was responsible for her death.

While waiting for other members of the interview team to arrive, I did assist Inv. BALDWIN with an interview of BARBARA JANDA. For details of this, please see the report of Inv. BALDWIN.

Special Agent MICHAEL SASSE and I did locate BOBBY DASSEY at the residence of DUANE OSMUNSON, 5017 Nuclear Rd. in the Mishicot area at 1955 hrs. SASSE and I asked BOBBY DASSEY if he had some time to speak with us and he indicated that he did. We then went out to the county vehicle, which I was operating, and BOBBY DASSEY did have a seat in the front passenger side and Special Agent SASSE climbed into the rear passenger side. Prior to asking DASSEY any questions, he was advised that he was not under arrest, did not have to answer questions if he chose not to and was free to leave at anytime he so wished. I asked him to open the passenger front door of the vehicle in order to demonstrate to him that he was perfectly free to leave. He understood this and agreed to answer questions.

We went over his activities to the best of his recollection on Monday, 10/31/05. He stated that he arrived home from work at approximately 0630 hrs (It should be noted that DASSEY was employed at FISHER HAMILTON in Two Rivers at this time) and went to bed. He stated that he got up between 1400 and 1430 hrs., got into the shower and went bow hunting. He stated he arrived home somewhere approximately 1730 hrs. and that it was dark out already. He stated he did not recall who was home when he arrived, but thought perhaps BRENDAN was. He stated that when he arrived home, he went straight to bed and did not eat. He stated he got up at approximately 2100 hrs., got ready for work and once again did not eat. He stated that to the best of his recollection, BLAINE was home and possibly BRENDAN as well. He stated that his other brother BRYAN was not at home and was possibly at his girlfriend's residence.

CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.  
05-0157-955

Page  
519  
File Number

BOBBY indicated that when he was leaving for work at approximately 2130 hrs., he noticed that STEVEN was having a bonfire. He estimated that the flames were five to six feet in height. He stated that it was a good-sized fire and that STEVEN has had fires there in the past. He stated that he could not say for sure that STEVEN was tending to the fire and he was further unsure whether BRENDAN was there or not. He stated that the view from his residence to the fire pit is somewhat blocked by the garage of STEVEN AVERY.

He stated that he worked from 2200 hrs. until 0600 hrs. the following day and when he arrived home, he noticed nothing unusual and that the fire was out.

I asked BOBBY if his brother, BRENDAN, was one to lie about things and he stated that BRENDAN would possibly lie about little things. I asked him if BRENDAN would lie about anything concerning the HALBACH murder investigation, and he stated that he would not lie about this.

I asked BOBBY if he has noticed any changes in BRENDAN and his response was "not really." When I asked him if BRENDAN has been depressed recently, he stated that he was a little depressed.

BOBBY indicated that BRENDAN has not discussed anything regarding what he may have seen in the fire pit on 10/31/05 or what STEVEN may have told BRENDAN.

BOBBY indicated that his brother, BRENDAN, likes to play basketball games and racing games on their Playstation 2. He states that he does not play with others, but prefers to compete by himself on the machine.

I asked BOBBY if he could recall once again what he saw regarding TERESA HALBACH and her vehicle. He stated that while he was preparing to go bow hunting on 10/31/05, he observed TERESA's vehicle pull in and he observed TERESA get out and take one or two photos of the maroon van, which his mother had for sale. BOBBY said that this was prior to him getting into the shower. He stated that when he got out of the shower (approximately ten minutes later) he brought his bow out to the vehicle and TERESA's vehicle was still there but he did not see her. He stated that she was wearing a black coat, black trousers and he cannot recall what color her top was.

DASSEY drew me a diagram indicating that the HALBACH vehicle was pointed in a westerly direction almost directly across from the westernmost portion of the BARBARA JANJA circular driveway.

BOBBY stated that the vehicle was gone when he got back from hunting.

## CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.  
05-0157-955

Page  
520  
File Number

I asked BOBBY about the position of the Suzuki Samurai. BOBBY thought that to his best recollection, the Suzuki was in the garage for a while, and he was unsure when STEVEN moved it out of the garage. He stated that he was never in the garage when the Suzuki was parked in the garage and he stated that he could no longer independently recall where the Suzuki was positioned when he left for hunting.

I asked BOBBY DASSEY who his brother, BRENDAN, might confide in and he indicated the only person he could think of was BRENDAN's friend, TRAVIS FABIAN, whose father, ROBERT FABIAN, is a friend of EARL AVERY.

I asked BOBBY if he could recall the burn barrel in front of STEVEN's residence burning when he left for hunting, and he stated he could not independently recall this.

Agent SASSE asked BOBBY DASSEY if he could ever recall STEVEN AVERY shooting a .22 at the burn barrel or anything else in the immediate vicinity of STEVEN AVERY's residence. BOBBY indicated he could not recall anything like this except for one occasion.

SASSE asked DASSEY if he could recall STEVEN AVERY in possession of a buck knife or a leatherman and BOBBY DASSEY could not recall that.

BOBBY DASSEY indicated that he doesn't recall BRENDAN or STEVEN acting any differently after the October 31<sup>st</sup> incident. He further indicated he could not recall any sort of injury to STEVEN's arms or hands on October 31<sup>st</sup>.

John Dederig, Inv.  
Calumet Co. Sheriff's Dept.  
JD/ds

STATE4591

1 Q Tell us why not?

2 A They had the road all blocked off. They wouldn't

3 let anybody in there.

4 Q Who is "they"?

5 A The police officers.

6 Q How about your dog? What happened to your black

7 lab?

8 A I had to wait, like, three hours, in order to get

9 her.

10 Q In order to get her?

11 A Yeah.

12 Q How did you get her?

13 A I had to give my statement and everything. Then the

14 investigator went in and got her.

15 Q They got your dog for you?

16 A Basically, yeah.

17 Q Now, Bobby, on the third of November, that would

18 be a Thursday, I believe, do you recall having a

19 conversation with your Uncle Steven regarding a

20 body?

21 A Yes.

22 Q Could you tell us what your Uncle Steven told you

23 that day?

24 A Well, my buddy, Mike, was over too, and he asked us,

25 it sounded like he was joking, honestly, he asked us



1 A. 11-04-05.

2 ATTORNEY STRANG: Your Honor, maybe I will  
3 just, if I may, just pass this around the jury in  
4 the old-fashioned way.

5 THE COURT: Any objection?

6 ATTORNEY KRATZ: No.

7 THE COURT: Go ahead.

8 Q. (By Attorney Strang)- As you and Mike were  
9 putting these climbing sticking pads on the deer  
10 stand, your Uncle Steven walked over to the  
11 garage?

12 A. Yes.

13 Q. Came in. He and Mike had some conversation?

14 A. Yes.

15 Q. You didn't catch the first part of the  
16 conversation, I gather?

17 A. Yes.

18 Q. That is, I mean you did not catch?

19 A. No, I didn't.

20 Q. So you don't personally know whether Mike started  
21 the conversation or Steve did?

22 A. No, I don't.

23 Q. What you caught was Steve making a joke about,  
24 want to help me get rid of a body, or dispose of  
25 a body, something like that?

1 A. Yes.

2 Q. That was clear to you it was a joke?

3 A. Yes.

4 Q. Mike laughed?

5 A. Yes.

6 Q. You laughed?

7 A. Yes.

8 Q. And Steve followed that up by saying something  
9 like, people go missing all the time, and this  
10 girl may have left for Mexico?

11 A. Yes.

12 Q. Did you guys laugh about that too?

13 A. Yes.

14 Q. Was this the first you learned that Teresa  
15 Halbach was missing?

16 A. Yes.

17 Q. But one or both of them, from a conversation, had  
18 seen it on TV?

19 A. Yes.

20 Q. What the TV had said -- well, I guess you hadn't  
21 seen the TV, but you eventually did see TV  
22 reports?

23 A. Yes.

24 Q. Of Ms Halbach missing? And it described her as  
25 missing?

CALUMET COUNTY SHERIFF'S DEPARTMENT

Page  
259  
File Number

Complaint No.  
05-0157-955

TYPE OF ACTIVITY: Contact with Michael Osmunson

DATE OF ACTIVITY: 11/14/05

REPORTING OFFICER: Inv. John Dederling

DOCUMENTS GENERATED: None

On Monday, 11/14/05, at 1529 hours, Special Agent KEVIN HEIMERL and I (DEDERING) did meet with the following individual at his residence regarding this matter:

MICHAEL M. OSMUNSON  
DOB 09/08/86  
5017 Nuclear Rd.  
Mishicot, WI 54228  
Telephone number: 920-755-2150  
Cell phone number: 920-973-0514  
Employed at JINDRA PLUMBING & HEATING, INC. in Shoto

MICHAEL indicated the only time he had been at the AVERY property between 10/31/05 and 11/14/05 was on Thursday, 11/10/05. He stated he and BOBBY were inside the DASSEY garage when STEVEN came over. MICHAEL indicated he was aware STEVEN was one of the last people to see the missing girl and jokingly asked STEVEN if STEVEN had her (the missing girl) in a closet. At this point, STEVEN asked MICHAEL if MICHAEL wanted to "help bury the body" and they laughed about this together. MICHAEL stated he had just learned about the missing girl on the Tuesday prior to that. He once again indicated he thought STEVEN might have been the last one to see the missing girl.

According to MICHAEL, STEVEN stated people go missing all the time and this girl may "have left for Mexico."

MICHAEL stated that after conversation about the body, BARBARA JANDA came out of her residence and she needed to go somewhere. STEVEN had BARBARA parked in and STEVEN left after moving his vehicle and there was no further contact between MICHAEL and STEVEN.

I asked MICHAEL about his whereabouts on 10/31/05 and he stated he had taken his little brother trick or treating in Two Rivers.

MICHAEL indicated he has never seen any fires at the AVERY residences, but stated BOBBY mentioned the fact he had seen a big fire on Tuesday or Wednesday, 11/01/05 or 11/02/05. According to MICHAEL, BOBBY had told MICHAEL that STEVEN had thrown tires onto the fire.



STATE1463

App. 310

Case 2005CF000381

Document 1112

Filed 01-24-2023

Page 28 of 91

ORIGINAL

01/14/20

STATE OF WISCONSIN, CIRCUIT COURT, MANITOWOC COUNTY

For Official Use

Arrest-Bench Warrant/  
Capias

Steven A. Avery

Name of Person

Case No. 05 CF - 375

Person's Address 12932 Avery Road, Two Rivers, WI 54241			Phone Number	
Person's Date of Birth 07/09/1952		Sex M	Race W	Driver's License Number A160-7816-2249-00
Height 5'6"	Weight 218 lbs.	Eye Color Blue	Hair Color Blonde	Other Identifying Characteristics
Charges Possession of a Firearm by a Felon				

TO ANY LAW ENFORCEMENT OFFICER:

Arrest and bring the above-named person before me, or if I am not available, before some other judge or court commissioner of this county, because:

(Check box A, B, or C below.)

- A. A complaint/citation has been filed charging the defendant with the commission of an offense(s). The defendant has not previously appeared in or submitted to the jurisdiction of the court. [A copy of the complaint or citation must always be attached. For a citation, an affidavit of the court officer is recommended.] The name of the crime and statutory references in the complaint/citation are incorporated into this warrant. I have reviewed the complaint/citation and find probable cause to believe the defendant committed the offense(s).

(Check if either is appropriate):

- Although the maximum imprisonment is 6 months or less, I believe that the defendant will not appear in response to a summons.
- If the offense is one covered by the Uniform Bail/Deposit Schedule, the defendant may be released upon payment of the amount below. A new court date shall be provided to the defendant.
- B. The person failed to appear in court as required on (date) \_\_\_\_\_ for (type of court appearance) \_\_\_\_\_.
  - The person shall be held for appearance in court.
  - The person may be released upon payment of the amount below. A new court date shall be provided to the defendant.
- C. The person has failed to comply with a court order concerning the payment of fines, forfeitures, assessments, surcharges or costs to the court. The defendant may be released with no further court appearances upon payment of the total due, set forth below.

Amount due \$ BODY ONLY , plus statutory sheriff's fees.

If the person posts the total amount due and is released, the law enforcement agency shall inform the court and district attorney of any new court date.

Geographic restriction:

Statewide     Within county of ORI

Within adjacent counties of ORI

Other, NATIONWIDE

BY THE COURT:

*[Signature]*  
 Jerome L. Fox  
 Circuit Court Judge/Circuit Court Commissioner  
 Date: 01/19/05

CALUMET COUNTY SHERIFF'S DEPARTMENT

Page 259

File Number

Complaint No.  
05-0157-955

TYPE OF ACTIVITY: Contact with Michael Osmunson

DATE OF ACTIVITY: 11/14/05

REPORTING OFFICER: Inv. John Dedering

DOCUMENTS GENERATED: None

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DOB 09/08/86  
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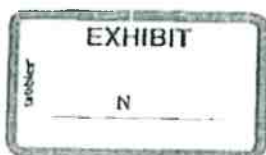
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STATE1463



Case 2005CF000381

Document 1112

Filed 01-24-2023

Page 31 of 91

(920) 970-1742 Cellular  
Sally Decsey

Set	Set Date Time	Answer Date Time	Release Date Time	Answer Indicator	Calling Wdn Full Number	Dialed Wdn Full Number	Terminating Mn Full Number	Physical Call Type	Phase Sid	TCN of Sid	First Originating Cll Name	First Originating Member	Previous Originating Cll
157	10/31/2005 6:12	10/31/2005 6:12	10/31/2005 6:24	Answered	1 920 970514	1 920 970514	1 920 970742	O-MTM	1822	1822	GBVCELL360X	9999	3143
158	10/31/2005 6:36	10/31/2005 6:36	10/31/2005 6:37	Answered	1 920 970742	1 920 970514	1 920 806778	O-MTM	1822	1822	GBVCELL360X	9999	0
159	10/31/2005 15:42	10/31/2005 15:53	10/31/2005 15:55	Answered	1 920 970742	1 920 970514	1 920 901199	O-MTM	1822	1822	GBVCELL360X	9999	3511
160	10/31/2005 15:55	10/31/2005 15:58	10/31/2005 15:57	Answered	1 920 970742	1 920 970514	1 920 9700514	O-MTM	1822	1822	GBVCELL360X	9999	0
161	10/31/2005 15:57	10/31/2005 15:57	10/31/2005 15:59	Answered	1 920 970514	1 920 970742	1 920 9700514	O-MTM	1822	1822	GBVCELL360X	9999	0
162	10/31/2005 16:51	10/31/2005 16:54	10/31/2005 16:55	Answered	1 920 970742	1 920 9700514	1 920 9700514	O-MTM	1822	1822	GBVCELL360X	9999	0
163	10/31/2005 17:10	10/31/2005 17:10	10/31/2005 17:17	Answered	1 920 970514	1 920 970742	1 920 806778	O-MTM	1822	1822	GBVCELL360X	9999	0
164	10/31/2005 18:01	10/31/2005 18:01	10/31/2005 18:03	Answered	1 920 970514	1 920 970742	1 920 970742	O-MTM	1822	1822	GBVCELL360X	9999	0

112

Case 2005CF000381

Document 1112

Filed 01-24-2023

Page 33 of 74

-(920) 973-1742 Cellular  
Bobby Dassey

Previous Originating Member	Last Originating CII	Last Originating Member	First Terminating CII	First Terminating Member	Previous Terminating CII	Previous Terminating Member	Last Terminating CII	Last Terminating Member	Release Cause	Seize Duration	Call Duration	Hand Offs
0	3681	9989	GBVCELL368X	9989	3681	9989	3701	9999	Called party disconnected (Answer)	11:05	11:05	1
0	3701	9999	GBVCELL370X	105	0	0	152	105	Calling party disconnected (Answer)	1:23	0:57	0
0	3701	9999	GBVCELL370X	30	0	0	3651	9999	Calling party disconnected (Answer)	0:77	0:3	1
0	3651	9999	GBVCELL365X	9989	0	0	3701	9999	RF signal lost	0:57	0:42	0
0	3701	9999	GBVCELL370X	9989	0	0	3701	9999	Called party disconnected (Answer)	1:27	1:13	0
0	3701	9999	GBVCELL370X	9989	0	0	3701	9999	Called party disconnected (Answer)	2:17	1:57	0
0	3681	9999	GBVCELL368X	244	0	0	162	244	Called party disconnected (Answer)	0:53	0:53	0
0	3701	9999	GBVCELL370X	9989	0	0	3701	9999	Called party disconnected (Answer)	1:57	1:27	0

3



1 important moment.

2 We could start with the moment or with  
3 the visual or with the image of that man, Steven  
4 Avery, standing outside of a big bonfire, with  
5 flames over the roof, or at least over the garage  
6 roof, and the silhouette of Steven Avery, with  
7 the bonfire in the background and the  
8 observations made by some witnesses.

9 Can you all picture that? Can you  
10 picture that as a moment, as a moment in time?  
11 And that moment, by the way, although dramatic  
12 and although important, should tell the whole  
13 story. That moment of Steven Avery, after the  
14 murder was committed, of Steven Avery tending the  
15 fire, of Steven Avery disposing of and mutilating  
16 the body of 25 year old Teresa Halbach. That  
17 would be a good place to start.

18 But I'm not going to start there. I'm  
19 going to start somewhere else. I'm going to  
20 start with the Toyota RAV4. The Toyota RAV4,  
21 which was owned by Teresa Halbach, which was  
22 discovered on the 5th of November, at the Avery  
23 Salvage Property, is less dramatic, it's a less  
24 dramatic place to start, than those other moments  
25 in time that I talked about. But it's equally

1 important.

2 Because the discovery of that RAV4, the  
3 discovery of Teresa Halbach's vehicle, changed  
4 the course of not only this case, but the clues  
5 and the secrets found in that vehicle changed the  
6 lives of everybody in this room. Look around,  
7 everybody.

8 The clues found in that vehicle, on the  
9 5th of November, changed everybody's lives, yours  
10 included. Your lives will never be the same,  
11 ours won't, families won't. That moment is  
12 particularly important. And that is where we're  
13 going to begin.

14 This woman, Pam Sturm, of the 60  
15 witnesses -- by the way, I'm going to be helping  
16 you remember some of these faces as we go along.  
17 I don't expect you to remember 60 people and what  
18 they look like. And when I talk about witnesses,  
19 I'm going to try to help the jury with some  
20 photos to jog your memories.

21 But on the 5th of November, Pam Sturm  
22 and Ryan Hillegas had a conversation. They had a  
23 conversation about where should Pam search for  
24 Teresa's vehicle. And, importantly, in that  
25 conversation, they decided to search the Avery

1 salvage property, the last place where Teresa  
2 Halbach was seen alive.

3 Now, as I mentioned, this case  
4 dramatically changes at that moment. This  
5 changes from a missing persons investigation to  
6 where something horribly bad has happened to  
7 Teresa Halbach.

8 It's also the first opportunity that we  
9 hear where we talk about law enforcement bias.  
10 And we have heard that a lot from the defense,  
11 throughout this case. But the perception or the  
12 finding of the vehicle on the Avery property, in  
13 fact, the very decision to look for this vehicle  
14 on the Avery property, should tell you something.  
15 What should it tell you?

16 Well, if Pam Sturm and Ryan Hillegas can  
17 figure it out. If Pam Sturm and Ryan Hillegas,  
18 when they talk to each other, say to themselves,  
19 you know what, common sense would tell us that  
20 the first place that we should look for Teresa  
21 was the last place that she was seen alive, that  
22 should put a lot of the defense suggestion of law  
23 enforcement bias by Mr. Fassbender and  
24 Mr. Wiegert, into perspective.

25 Because you don't have to be Sherlock

1 Holmes to figure out that that's where the  
2 investigation should start. Pam and Ryan figured  
3 that out, when Pam Sturm decided, let's go look  
4 at the Avery property for this particular  
5 vehicle.

6 Now, we also remember that Pam's  
7 daughter, Nikole, went with her. Nikole,  
8 importantly, did some things at the scene. She  
9 took the photograph. She realized that the doors  
10 were locked. She realized that it was too dark  
11 to see inside, or to see any blood inside. She  
12 realized that there were no plates on the  
13 vehicle. But, importantly, both ladies never  
14 took their eyes off of that vehicle until the law  
15 enforcements arrived.

16 Now, photographs that were taken from  
17 Pam are important; they are important in this  
18 case. It was a camera lent to them by Scott  
19 Bloedorn, as we understand. But what we do find  
20 is that there were obvious attempts to obscure  
21 the view of this car. There's no question that  
22 this car was found by the car crusher.

23 Doesn't take a great leap of  
24 interpretation to suggest that Steven Avery  
25 intended to crush this car. But you don't have

1           to make that finding in this case. I'm just  
2           saying that parenthetically for you. In other  
3           words, that where it was located was not an  
4           accident. There was no accident where Teresa  
5           Halbach's vehicle was located.

6                     Think also, if you will, about how  
7           important this particular event was, finding this  
8           car. Pam Sturm described it as divine  
9           intervention, or words to that effect, that it  
10          was the hand of God, I think was the term that  
11          she said, as to where we should look at the 4,000  
12          cars that were on this property. Pam Sturm  
13          looked in that one place. She never would have  
14          gotten through all those cars.

15                    But on that Saturday morning, or going  
16          into that Saturday afternoon, think of what would  
17          have happened if this car wouldn't have been  
18          found. Think about what would have happened if  
19          this car was crushed, like the other 54 crushed  
20          cars that were there. Think of what would happen  
21          if the law enforcement officials wouldn't have  
22          known that this car was there and this car would  
23          have secretly been taken off the property and the  
24          blood wouldn't have been found, both Teresa's  
25          blood and Steven's blood.

1                   Think how close he got to getting away  
2                   with that. Pam Sturm doesn't find this car, this  
3                   case doesn't change at that moment, we may not be  
4                   standing here today. All right. And that's why  
5                   that's the important place to start in this case.  
6                   That's why the investigation changes so  
7                   dramatically upon the recovery -- excuse me --  
8                   and observation of this particular car. All  
9                   right. That's the first fact.

10                   Usually, when I would talk to a jury, I  
11                   wouldn't be concerned with things like security  
12                   issues, but part of the prosecution's job, not  
13                   only is to present my case, but to dispel any  
14                   defense suggestions that they have made in this  
15                   case. I'm not going to identify what the defense  
16                   has told you is evidence in the case, because  
17                   evidence has a meaning. Evidence suggests that  
18                   there were witnesses that said things about it or  
19                   that there were witnesses that agreed with the  
20                   questions that the defense gave.

21                   Remember evidence in the case -- excuse  
22                   me -- evidence is the answers that witnesses  
23                   give. Evidence aren't the questions that  
24                   Mr. Buting or Mr. Strang asked. I know this is a  
25                   little bit of a diversion, but I'm the

1 shower and left to go deer hunting, bow hunting,  
2 about 15 minutes later. You are going to hear  
3 from Bobby that when he left 15 minutes later,  
4 Teresa's SUV was there, but Teresa was nowhere to  
5 be found.

6 You are going to hear that Bobby Dassey  
7 was the last person, the last citizen that will  
8 have seen Teresa Halbach alive. You are going to  
9 hear from other citizens like that, other people  
10 that will help place this case into context for  
11 us.

12 Juries are triers of fact. You don't  
13 decide what the law is, the judge does that. But  
14 you decide what the facts of the case are. And  
15 the facts in this case aren't just going to point  
16 to who did it; it's not just a who done it case.  
17 It's a what happened and where it happened and  
18 when it happened.

19 But we're also going to provide you  
20 evidence, not just that Steven Avery did it, but  
21 to the exclusion of other people as well. In  
22 other words, positive evidence about who done  
23 know it, but also negative evidence of why that  
24 necessarily excludes others. And so you get to  
25 find those facts and at the end of this case, you

1           still sleeping? Or did you wake up?

2       A     I was up by 2:30, yeah.

3       Q     At 2:30, did you see something?

4       A     Yes.

5       Q     What did you see?

6       A     I seen a vehicle pull up in our driveway.

7       Q     Do you recall which window you were looking from?

8       A     Through the front window, in front of the kitchen

9           table.

10      Q     Bobby, could you describe that vehicle for the

11           jury please?

12      A     It was a light green SUV, like a "teal" color.

13      Q     How do you know that it was about 2:30 in the

14           afternoon?

15      A     Because I was going hunting that night, so that was

16           the time I wanted to get up. I got up at "two".

17      Q     All right. From which way did this blue or teal

18           SUV drive in, as you were looking out the window?

19      A     Toward the west it would be.

20      Q     Can you tell the jury please from which

21           direction your uncle's trailer is from your house?

22      A     The west.

23      Q     Did you know what kind of SUV it was?

24      A     Not at the time.

25      Q     All right. After seeing that vehicle driving up



1 the roadway, tell the jury what you saw then?

2 A I seen Teresa Halbach get out of the vehicle, and  
3 started taking pictures.

4 Q What was she taking pictures of?

5 A A maroon van.

6 Q A what?

7 A A maroon van.

8 Q Can you tell us about this vehicle? Where was it  
9 parked?

10 A It was parked right in front of our house.

11 Q Now you told this jury it was Teresa Halbach that  
12 had taken the pictures. How do you know that?

13 A Now, I know that. At the time, I didn't.

14 Q What did this woman look like?

15 A She was about maybe five-eight. She had brown,  
16 shorter-like hair. She had a black coat on, that  
17 went past the hips.

18 Q Was she wearing pants, or a skirt?

19 A She was wearing pants.

20 Q Now, about this van, what can you tell the jury  
21 about that van?

22 A It was a 1989 Plymouth Voyager. It had lots of  
23 miles on it. It was my mom's van. She had it for  
24 a couple of years. I don't know really much more  
25 about it.

1 Q All right. As you were looking out the window,  
2 you said that you saw a woman taking pictures.  
3 Can you describe that please?  
4 A Well, I seen her take one picture of the front of  
5 the van. Then I went in and took a shower.  
6 Q Okay. After seeing her taking some pictures, did  
7 you see her do anything else?  
8 A She started -- Before I got in the shower, she  
9 actually started walking over to Steven's trailer.  
10 Q You could see that from your location?  
11 A Yeah. Through the window, yeah.  
12 Q You said, "walking toward Steven's trailer". What  
13 does that mean?  
14 A She walked toward it, to the door.  
15 Q How close to the door did she get, before you  
16 stopped watching?  
17 A Maybe 25 yards.  
18 Q Did you see her enter your uncle's trailer?  
19 A No.  
20 Q Why not?  
21 A Because I wanted to take a shower. I didn't pay no  
22 attention to it.  
23 Q All right. Was there anybody with her at that  
24 time?  
25 A No.

1 Q Was there anybody outside, or making contact with  
2 her, outside by the vehicle?

3 A No.

4 Q After seeing this woman walking toward your Uncle  
5 Steven's trailer, did you ever see this woman  
6 again?

7 A No.

8 Q How long was it that you were in the shower? Do  
9 you remember?

10 A Maybe three minutes, or four minutes.

11 Q Okay. What did you do then?

12 A Got dressed, and left, to go hunting.

13 Q Now, when you left to go hunting, did you have a  
14 vehicle on the premises?

15 A Yes.

16 Q Can you tell the jury what kind of vehicle it was?

17 A A black Chevy Blazer.

18 Q Where was that parked?

19 A It was parked right between the house and the  
20 garage.

21 Q About what time do you think you left to go  
22 hunting?

23 A Probably twenty to three, quarter to three.

24 Q Quarter to three? Bobby, how do you know that  
25 was the time? Why is that time important as it

1           relates to hunting?

2       A     Well, that is when the deer start moving.     They go

3           on their feeding patterns then.

4       Q     Pardon?

5       A     They go on their feeding patterns then.

6       Q     Where did you go hunting that day?

7       A     It was actually maybe two miles up the road from my

8           house.

9       Q     What kind of hunting was it?

10      A     Deer hunting.   Bow hunting.

11      Q     Mr. Dassey, when you walked out to your vehicle

12           to go bow hunting, did you notice if that teal or

13           blue SUV was still in the driveway?

14      A     Yes, it was.

15      Q     It was?

16      A     Yes.

17      Q     Did you see Ms. Halbach?

18      A     No.

19      Q     Did you see any signs of her at all?

20      A     Nope.

21      Q     What did you do then?

22      A     I proceeded to leave.   I got in my vehicle and I

23           left.

24      Q     Did you hunt that day?

25      A     Yes.

Case 2005CF000381

Document 1078

Filed 09-18-2019

Page 46 of 74

On Sunday, November 6, 2005, at approximately 12:20 p.m., S/A Kim J. Skorlinski and S/A Debra K. Strauss interviewed Bryan J. Dassey, DOB 07/15/1985, the nephew of Steven Avery, regarding this investigation. Bryan lives with his mother, Barbara Jarja, and three brothers on the Avery Auto Salvage property. His house is adjacent to Steven's house. Prior to the interview, Bryan was driving Steven's blue 1993 Pontiac Grand Am and was stopped by the Marinette County Sheriff's Department pursuant to a search warrant for that vehicle.

At first Bryan said he did not know anything about what was going on, but then agreed to talk to the special agents. During the interview, S/A Skorlinski and Bryan sat in the front seat of S/A Skorlinski's state vehicle and S/A Strauss sat in the backseat. S/A Skorlinski explained to Bryan the search warrant for the Pontiac Grand Am, and he stated he understood why the car had to be seized. He said he and his brother Brendan were on their way to a local store, Tall Oaks, to buy soda when they were stopped.

Bryan said he rode up to the Avery residence at N9493 Highline Road, Town of Stephenson (Crivitz), on Saturday morning, November 5, 2005, with Steven and his grandmother, Delores Avery. He said when they got to the residence, his grandfather, Allan Avery; and his uncle, Charles "Chuck" Avery; and his brother, Brendan were already there. Bryan said his grandfather came to the residence on Thursday night, November 3, 2005, and Chuck and Brendan came on Friday night, November 4, 2005. Bryan said the plan was for all family members to stay at the residence until today and then travel back to their residences at Avery's Auto Salvage in Two Rivers, Manitowish County.

S/A Skorlinski asked how he could contact Bryan's mother, Barb, and he said S/A Skorlinski said he could call her on her cell phone, 920-973-1740, or else her boyfriend, Scott's cell phone (b/t/b Scott Tadych), 920-973-2222. Bryan said his mom and step-dad are getting a divorced. He said his biological dad is not around much.

Bryan lives at Avery's Auto Salvage property with his mom, and brothers Brendan (15½ years old), Blaine (16 years old) and Bobby (19 years old). Bryan said he is not around the residence or the auto salvage yard much because he works at Woodland Face Veneer, Two Rivers. He said he leaves for work at 6:00 a.m. and then after work he is usually at his girlfriend's house until late in the evening.

Bryan was asked about the other vehicles at the Avery residence on Highline Lane, and he said Chuck's flatbed tow truck and Allan's Chevrolet pick up truck are still there. Bryan was asked about a black Ford pick up truck at Steven's residence at the auto salvage yard. He said that pick up truck is owned by Steven and should be at the residence because Steven drove his Pontiac Grand Am.

Bryan was asked about the events of Monday, October 31, 2005, which was Halloween. He said

he was not home at all during that day, except for waking up and going to work. Bryan said he got home sometime after supper, but could not recall when that was. He was asked why the Avery family members chose to come to their residence on Highline Lane this weekend, and he said they were going to butcher chickens and cut firewood. Bryan was asked about a deer they had hanging at their residence at the auto salvage yard. He said Bobby picked up that deer from a car/deer accident and it is hanging in the garage at his mom's house. Bryan believed this accident occurred on Friday night, November 4, 2005. Bryan said he is not certain, because he stayed with his girlfriend Friday night and did not get home until about 5:30 a.m. on Saturday, November 5, 2005.

Bryan said he heard from his mom and Steven that Halbach was only at their residence about 5 minutes. He heard she just took the photo of the van and left. Bryan said the investigators should also talk to his brother Bobby, because he saw her leave their property.

Bryan was asked about access into the back of the salvage yard, and he said anyone can drive a car back there. He said a car can be driven through Radant Sand and Gravel pit to the back of the salvage yard. He recalled a time when 4 kids were caught driving back there.

Bryan said he also heard that his uncle, Earl Avery and his brother-in-law, Bob, were hunting rabbits in the salvage yard on Wednesday, November 2, 2005, and they did not see Halbach's vehicle in the back of the salvage yard.

The interview was terminated at approximately 1:00 p.m., however, Bryan remained in S/A Skorlinski's vehicle until Investigators Tony O'Neill and Todd Baldwin, of the Marinette County Sheriff's Department, had completed their interview of Brendan. When that was completed, both Bryan and Brendan were transported back to the Avery residence at Highline Lane, which was approximately 1:45 p.m.

*(5) New Evidence That Mr. Avery Was Denied Effective Assistance Of Trial Defense Counsel And Post-Conviction Counsel Where His Trial And Post-Conviction Attorneys Failed To Investigate And Present To The Jury Significant Impeachment Evidence Related To Bobby Dassey.*

Bobby Dassey's testimony was critical to the State's case against Mr. Avery. During his opening statement, prosecutor Ken Kratz explicitly informed the jury of the significance of Bobby Dassey's putative observations on the date of Teresa Halbach's disappearance:

You will hear from various kinds of citizens like Bobby Dassey, who is one of the sons of Barb Janda, who you will hear testimony about, that at about 2:45 on the 31<sup>st</sup> of October, Bobby saw a young girl drive up to the Avery property.

Bobby Dassey saw this young girl, later identified as Teresa Halbach, get out of her teal, or blue, or green colored SUV and actually take pictures of the van that her [*sic*] mom had for sale. Bobby Dassey is going to tell you, that after looking out the window and after seeing Teresa Halbach take these photographs of this vehicle and finish [*sic*] her job, that Teresa walked towards Steven Avery's trailer.

You will hear evidence that she was walking towards the main entrance of Steven Avery's trailer and that Bobby thereafter took a shower and left to go deer hunting, bow hunting, about 15 minutes later. You are going to hear from Bobby that when he left 15 minutes later, Teresa's SUV was there, but Teresa was nowhere to be found.

You are going to hear that Bobby Dassey was the last person, the last citizen that will have seen Teresa Halbach alive.

(TT:2/12:103).

At trial, Bobby Dassey testified that he observed Ms. Halbach's light-green or teal-colored SUV pull up in his driveway at 2:30 p.m. on October 31, 2005. (TT:2/14:36). Bobby then observed Ms. Halbach exit her vehicle and start

taking pictures of his mom's maroon van right in front of his trailer. (TT:2/14:37). Bobby testified that he then observed Ms. Halbach walking towards the door of Mr. Avery's trailer. (TT:2/14:38). The prosecutor, Mr. Kratz, elicited the following:

Q: After seeing this woman walking toward your Uncle Steven's trailer, did you ever see this woman again?

A: No.

(TT:2/14:39).

Bobby Dassey then testified that he took a three or four-minute shower, and then left his trailer to go hunting. (TT:2/14:39). Bobby walked to his Chevy Blazer, which was parked between the trailer and garage. (TT:2/14:39). Bobby testified that as he walked to his vehicle, he observed Ms. Halbach's vehicle still parked in the driveway. (TT:2/14:40). Bobby further testified that he did not see Ms. Halbach or any signs of her. (TT:2/14:40). Bobby testified that when he returned to his trailer around "five-ish," Ms. Halbach's vehicle was gone. (TT:2/14:41).

During closing argument, Mr. Kratz once again emphasized the importance of Bobby Dassey's testimony:

We talked more about the timeline and we heard from Bobby Dassey, again, in the same kind of a position to be — his credibility to be weighed by you, but is an eyewitness. Again, an eyewitness without any bias. It is a *[sic]* individual that deserves to be given a lot of credit. Because sometime between 2:30 and 2:45 he sees Teresa Halbach. He sees her taking photographs. He sees her finishing the photo shoot. And he sees her walking up towards Uncle Steve's trailer.



Now, we heard about taking a shower. And we heard about him leaving for hunting. That all becomes important and becomes more important when, after leaving for hunting, he sees Teresa's SUV still parked next to the van, next to his mom's van that's for sale, but Teresa is nowhere to be found. ....

Mr. Dassey is looking out this window, a clear view, sees the pictures being taken of the SUV, a clear pathway, and that as she walks towards Mr. Avery's, that's the last Ms. Halbach is seen. That's the last she's seen alive. All right. So that's the timeline. That's the pathway, if you will, towards what happens to Ms. Halbach.

(TT:3/27:91-92).

Given the importance of Bobby Dassey's testimony, it was imperative that Mr. Avery's trial attorneys conduct an adequate investigation of him to uncover any available impeachment evidence. Unfortunately, Mr. Avery's trial attorneys failed to do so.

On November 6, 2005, special agents with the Wisconsin DOJ Division of Criminal Investigation interviewed Bryan Dassey, Bobby Dassey's older brother. The investigators asked Bryan about the events of October 31, 2005. Bryan told the investigators that he was not at home during the day other than waking up and going to work. Bryan told the investigators the following:

Bryan said he heard from his mom and Steven that Halbach was only at their residence about 5 minutes. He heard she just took the photo of the van and left. Bryan said the investigators should also talk to his brother Bobby, because he saw her leave their property

See 11/6/05 DCI report, attached as Exhibit F (emphasis added). Obviously, this statement directly contradicts what Bobby Dassey testified to at Mr. Avery's trial.

Recently Bryan Dassey has been interviewed to determine the accuracy of the foregoing report and the statement he attributed to Bobby Dassey. Bryan Dassey indicated that in November of 2005 he lived with his girlfriend but kept his clothing at his mother's trailer on the Avery's Auto Salvage Property. See Affidavit of Bryan Dassey, Exhibit G, ¶ 3. Bryan Dassey states as follows:

On or about November 4, 2005, I returned to my mother's trailer to retrieve some clothes, and I had a conversation with my brother, Bobby, about Teresa Halbach. I distinctly remember Bobby telling me, "Steven could not have killed her because I saw her leave the property on October 31, 2005."

See Exhibit G, ¶ 4. Bryan Dassey confirmed that when he was interviewed on November 6, 2005, he told the investigators that they should talk to his brother Bobby Dassey because Bobby saw Ms. Halbach leave the Avery property on October 31, 2005. See Exhibit G, ¶ 6.

At trial, Mr. Avery's defense attorneys stated on the record that they had not interviewed Bobby Dassey. (TT:2/14:79). Moreover, Mr. Avery's trial defense counsel's hired investigator was unaware that Bryan Dassey made any statement about Bobby Dassey seeing Ms. Halbach leaving the property on October 31, 2005. (Affidavit of Conrad E. Baetz, attached and incorporated herein as Exhibit H). Prior post-conviction counsel also utilized an investigator. In the course of their investigation, prior post-conviction counsel identified Bryan Dassey's statement in a memo summarizing law enforcement interviews, however, they too failed to recognize the import of Bobby Dassey's statement to Bryan. (Prior post-conviction counsel's summary memo and attached police

report, attached and incorporated herem as Group Exhibit I). The significance of Bryan Dassey's statement was lost on trial counsel and post-conviction counsel, who did not interview Bryan Dassey. If trial defense counsel or prior post-conviction counsel had recognized the value of Bryan Dassey's impeachment testimony as to Bobby Dassey's statement that Ms. Halbach's vehicle was still on the property when he left to go hunting, they could have effectively undermined a core aspect of the State's case: that Ms. Halbach never left the Avery property.

The failure to investigate this crucial impeachment evidence constitutes deficient performance. Bobby Dassey's putative observations on the date of Ms. Halbach's disappearance formed the crux of the prosecution's case. Undermining his credibility was therefore imperative. Furthermore, trial defense and post-conviction counsel attempted to suggest that Bobby Dassey and Scott Tadych could possibly be the killers. During closing, trial Defense counsel argued:

Bobby Dassey says that he sees Teresa Halbach at 2:45, he leaves at three, and the vehicle is still there, something like that. He has no good way of verifying the time, but he tells the officer, talk to Scott Tadych — Tadych, he can tell you precisely, is the word he used, precisely what time it was.

Well, how does he know that Tadych can tell precisely what time it was that he supposedly is being seen, unless the two of them maybe got together, talked about a story they had come up with.

Remember, those two people, unlike anybody else that was asked about an alibi and maybe weren't, but those two people alibied themselves. Without each other, there is no alibi for either one of them.

(TT:3/27:205-206). Given that trial defense counsel's theory was that Bobby Dassey was the killer, no reasonable trial strategy would contemplate the failure to investigate evidence that Bobby saw Ms. Halbach leaving the Avery property. *State v. Thiel*, 2003 WI 111, ¶ 44, 264 Wis. 2d 571, 655 N.W.2d 305 (citing *Brown v. Sternes*, 304 F.3d 677, 692 (7th Cir. 2002) (“[i]f we decide that the decision not to investigate is unreasonable, we must find that trial counsel's performance is deficient”)).

Trial and post-conviction counsels' deficient performance was clearly prejudicial. Evidence that Bobby Dassey witnessed Ms. Halbach leave the Avery property — and, perhaps even more importantly, later lied about seeing her walk towards Mr. Avery's trailer — would have cast the State's case in a completely different light. This is particularly true given the other evidence Mr. Avery has uncovered since his trial implicating Bobby Dassey as a possible perpetrator. Had this evidence been presented, there is a reasonable probability that the result of Mr. Avery's trial would have been different. Mr. Avery was therefore denied effective assistance of counsel. *Thiel*, 2003 WI 111, ¶ 81 (finding ineffective assistance where counsel failed to read all discovery materials and therefore did not investigate evidence that would have discredited crucial prosecution witness); *State v. Honig*, 2016 WI App 10, ¶¶ 40-47, 366 Wis. 2d 681, 874 N.W.2d 589 (finding ineffective assistance where, *inter alia*, counsel failed to impeach alleged victim with prior inconsistent statement); *State v. Jenkins*, 2014 WI 59, ¶ 53, 355 Wis. 2d 180, 848 N.W.2d 786 (finding ineffective

assistance where failure to call contradictory eyewitness would expose vulnerabilities at center of State's case).

*(6) In the alternative, the State violated Mr. Avery's fundamental right to due process where it knowingly used false testimony to secure his conviction.*

In the alternative, the State used Bobby Dassey's testimony knowing it to be false. The State was in possession of the report referenced, *supra*, wherein Bryan Dassey told investigators that they should speak with Bobby because Bobby saw Ms. Halbach leave the Avery property. Bryan would have no reason to lie about what Bobby told him. Nevertheless, the State elicited wholly contradictory testimony from Bobby Dassey at trial that when he last saw Ms. Halbach she was walking towards the door of Mr. Avery's trailer. The State utilized this testimony as the centerpiece of its argument that Mr. Avery was the last person to see Ms. Halbach alive, all the while knowing it to be false.

When the government obtains a conviction through the knowing use of false testimony, it violates a defendant's right to due process. *Napue v. Illinois*, 360 U.S. 264, 269 (1959); *United States v. Bagley*, 473 U.S. 667, 679, n. 8 (1985). When false evidence appears, the prosecutor is responsible for correcting it. *Giglio v. United States*, 405 U.S. 150, 153 (1972). And, commensurate with a prosecutor's special duty to assure that a defendant receives a fair trial, a prosecutor may not simply turn a blind eye to evidence he or she reasonably knows to be false:

Barb Tadych : He wasn't always home.  
Steven Avery: Well, you – well, most of the time he was home.  
Barb Tadych: No.  
Scott Tadych: He doesn't know fucking shit.  
Steven Avery: And he said he [sic] left. She left.  
Scott Tadych: That's right.  
Barb Tadych: Yeah. She left.  
Steven Avery: Yeah.  
Barb Tadych: Yeah.  
Steven Avery: Well, he didn't testify for [sic] that.

(See, Exhibit 1 at pp. 5-6) (emphasis added).


Barb, in response to Mr. Avery saying that Bobby had said “she left,” agreed, “Yeah. She left.” (See, Exhibit 1 at p. 6). Mr. Tadych, in response to Mr. Avery saying that Bobby had said “she left,” agreed, “That's right.” (See, Exhibit 1 at p. 6). Mr. Tadych's response indicates either that Bobby had told him that he (Bobby) observed Ms. Halbach leave the property, or Mr. Tadych's response indicates that he (Mr. Tadych) observed and/or had contact with Ms. Halbach *after* she left the property. (See, Exhibit 1 at p. 12).

Barb and Mr. Tadych's admissions are crucial to Mr. Avery's defense because the most important eyewitness for the State was Bobby, who testified that Ms. Halbach was still on the Avery property and that he saw Ms. Halbach approaching Mr. Avery's trailer before he left. (Motion for Reconsideration at pp. 33-35). Bobby made statements to his brother, Bryan Dassey (“Bryan”), that impeach Bobby's trial testimony and establish that, in fact, he had observed Ms. Halbach leave the Avery property before he left. (Motion for Reconsideration at pp. 35-36). Now, in addition




5. I also have a distinct memory of being present prior to October 31, 2005 when my mother made a call to Auto Trader and set up an appointment to have photographs of her van taken. I know that my mother made the appointment because she told me that Steven Avery, my uncle, had insisted that she make the appointment because it was her van.
6. I was interviewed by law enforcement on November 6, 2005, after being pulled over while driving my uncle Steven's Pontiac. My brother Brendan was in the car with me and he was interviewed by other officers at the same time as me. I told the investigators that they should talk to my brother Bobby because he saw Teresa Halbach leave the Avery property on October 31, 2005.
7. I was not called as a witness to testify at my Uncle Steven's criminal trial.
8. Nothing has been promised or given to me in exchange for this affidavit.

FURTHER AFFIANT SAYETH NAUGHT

  
 Bryan J. Dassey

State of Wisconsin  
County of Manitowish

Subscribed and sworn before me  
this 16<sup>th</sup> day of October, 2017.

  
 Notary Public

My Commission expires: 2/24/2020



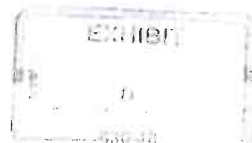
STATE OF WISCONSIN; CIRCUIT COURT; MANITOWOC COUNTY

STATE OF WISCONSIN,	)	
	)	
Plaintiff,	)	
	)	Case No. 05-CF-381
v.	)	
	)	Honorable Judge Angela Sufkiewicz
STEVEN A. AVERY,	)	Judge Presiding
	)	
Defendant.	)	

AFFIDAVIT OF KEVIN RAHMLOW

Now comes your affiant, Kevin Rahmlow, and under oath hereby states as follows:

1. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge. The factual statements herein are true and correct to the best of my knowledge, information, and belief. I am of sound mind and I am not taking any medication nor have I ingested any alcohol that would impair my memory of the facts stated in this affidavit.
2. In 2005, I lived near Mishicot, Wisconsin. I am familiar with the Tadych family because I am acquaintances with Shaun Tadych. Shaun's brother Scott is now married to Steven Avery's sister, Barb.
3. On November 3 and 4, 2005, I was in Mishicot. I saw Teresa Halbach's vehicle by the East Twin River dam in Mishicot at the turnabout the bridge, as I drove west on Highway 147.
4. Around midday on November 3, 2005, I stopped at the Cenex gas station at the intersection of Highway 147 and State Street in Mishicot. While there, I saw and read a missing person poster for Teresa Halbach. I remember that the poster had a picture of



Teresa Halbach and written descriptions of Teresa Halbach and the car she was driving. I recognize the poster attached as Exhibit A to this affidavit as a copy of the one I saw at the Cenex station on November 4, 2005.

5. I recognized that the written description of the vehicle on the poster matched the car I saw at the turnaround by the dam.
6. While I was in the Cenex station, a Manitowoc County Sheriff's Department officer came into the station. I immediately told the officer that I had seen a car that matched the description of the car on Teresa Halbach's missing person poster at the turnaround by the dam.
7. In December 2016, I watched Making a Murderer. In the series, I recognized the officer who I talked to at the Cenex station on November 4, 2005. A photograph of this officer is attached as Exhibit B to this affidavit. Having watched Making a Murderer, I now know that his name is Andrew Colborn.
8. After I watched Making a Murderer, I sent a text message to Scott Tadych. Having reviewed a saved copy of that message, I know that I sent it on December 12, 2016, at 6:13 p.m. In the message, I told Scott Tadych that I had seen Teresa Halbach's car in Mishicot on November 4, 2005, and had told the officer in the Cenex station. On December 19, 2016, I sent Scott Tadych another message. I never heard back from Scott Tadych. Copies of the text message conversation I had with Scott Tadych are attached as Exhibit C to this affidavit.
9. Nothing has been promised or given to me in exchange for this affidavit.

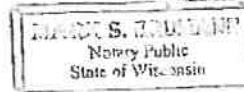
10. FURTHER YOUR AFFIANT SAYETH NAUGHT

State of Wisconsin  
County of Manitowish

Subscribed and sworn before me  
this 15<sup>th</sup> day of July, 2017.

[Signature]  
Notary Public

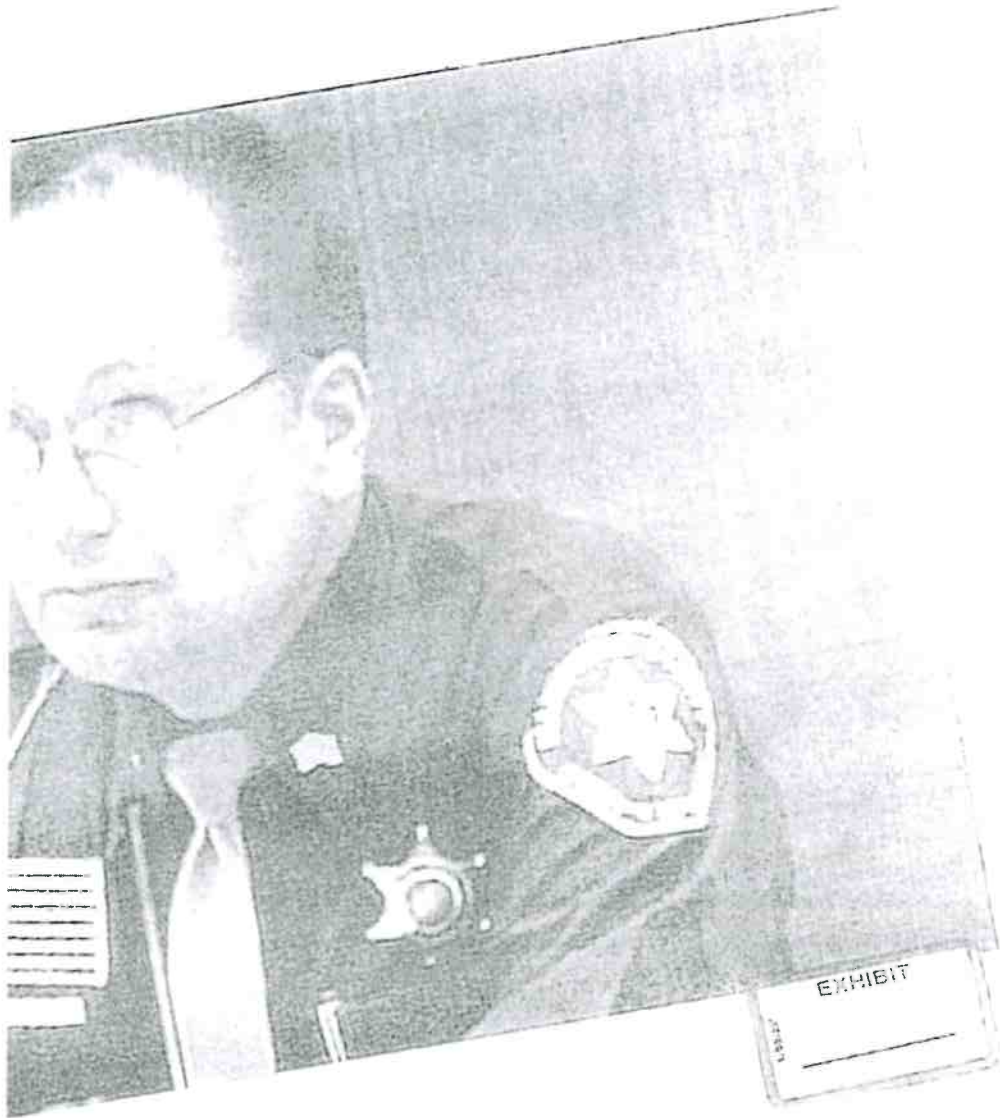
[Signature]  
Kevin Rahm [Signature]



Commission Expires  
11/15/2019

TERESA MARIA RUIZ





Case: 2005CF000381

Document: 1075

Filed: 08-16-2022

page 62 of 74

Case 2005CF000381

Document 1112

Filed 01-24-2023

Page 63 of 74

I just watched the series makin of a murderer and I gotta tell ya I need to get in touch with one of their lawyers as coubern I saw art cenex and told him that vehicle was at the old damn on a thurs or Fri

and im guessing Nov 3rd was the day he called

EXHIBIT

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

STATE OF WISCONSIN,	)	
	)	
Plaintiff,	)	
	)	Case No. 06-CF-381
v.	)	
	)	Honorable Judge Angela Sutkiewicz,
STEVEN A. AVERY,	)	Judge Presiding
	)	
Defendant.	)	

SUPPLEMENTAL AFFIDAVIT OF KEVIN RAHMLOW

Now comes your affiant, Kevin Rahmlow, and under oath hereby states as follows:

1. I wish to amend ¶ 8 of my original affidavit to read as follows:

After I watched Making a Murderer, I sent a message to Scott Tadych on December 12, 2016, at 18:13. The message stated:

I just watched the series makin [sic] of a murderer and I gotta tell ya I need to get in touch with one of their lawyers as coubern [sic] I saw art [sic] cenex and told him that vehicle was at the old damn [sic] on a thurs or Fri. And im [sic] guessing Nov 3rd was the day he called the plates in

I cont another message at 19:41, in which I stated, "Hey give me a call 9063612866." I received one message back from Mr. Tadych that day, in which he said he was sick and that he would call the next day. I did not hear from Mr. Tadych the next day -- or any other day -- responsive to my request for attorney contact information for Steven Avery or Brendon Dassey. I received another message from Mr. Tadych on December 19 at 6:10 p.m., which was not responsive to my request. All of the messages exchanged between Mr. Tadych and I are attached.

2. Finally, I received a response to my initial inquiry from Barbara Tadych. Mrs. Tadych sent me a message on or about September 3, 2017, in which she stated:



Hello Kevin, I see you messaged scott awhile back and said things to him about the case. Brendan's attorneys would like to talk to you, Laura Nytrider [sic] 3125032204. Please give her a call.

FURTHER AFFIANT SAYETH NAUGHT

Minnesota  
State of Wisconsin  
County of St. Louis

  
Kevin Rahmlow

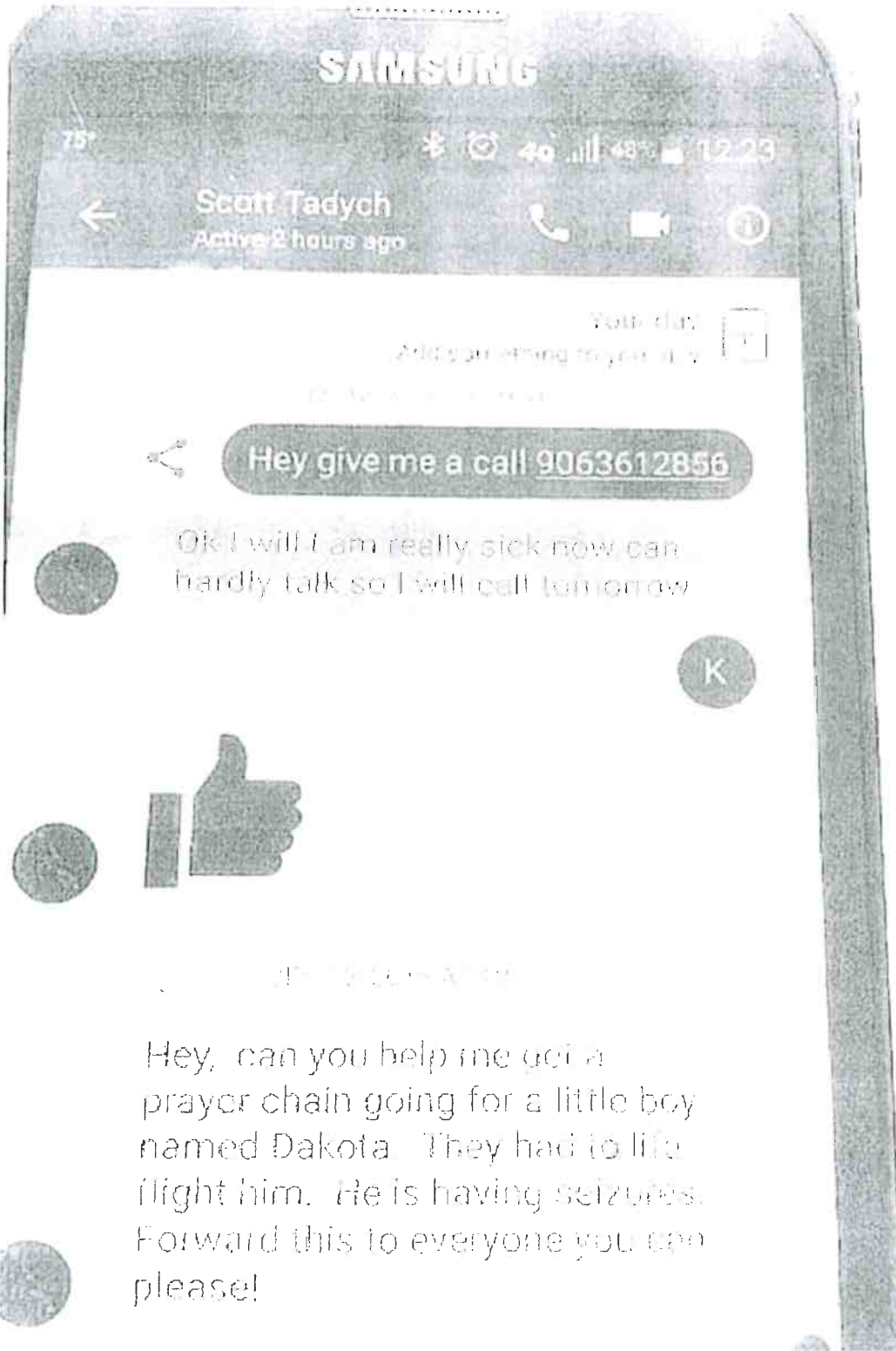
Subscribed and sworn before me <sup>CRU</sup>  
this 2<sup>nd</sup> day of October, 2017.

Carla Rae Kampsula  
Notary Public









Hello Kevin, I see you  
messed scott awhile back  
and said things to him about  
the case. Brendan's attorneys  
would like to talk to you. Laura  
Nytrider 3125032204. Please  
give her a call.

Case 2005CF000381

Document 1112

Filed 01-24-2023

Page 69 of 74

CERTIFICATE OF SERVICE

I certify that on November 2<sup>nd</sup>, 2017, a true and correct copy of Defendant Steven Avery's Amendment of Group Exhibit 7 of his Previously Filed Amended Supplement to Motion for Reconsideration, Pursuant to Wisconsin Statute 805.07 (i)(a) was furnished via electronic mail and by first-class U.S. Mail, postage prepaid to:

Manitowoc County District Attorney's Office  
1010 South 8<sup>th</sup> Street  
3<sup>rd</sup> Floor, Room 325  
Manitowoc, WI 54220

Mr. Thomas J. Fallon  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707



Kathleen T. Zellner

1 Mr. Ertl told you that, right on the other side,  
2 see this, right on the other side of the SUV,  
3 running all the way along this ridge, was this  
4 berm. Mr. Ertl talked about this being 15 to  
5 20 feet high.

6 Remember he talked about walking over  
7 that particular berm where he -- after he got to  
8 the top of it, kind of slid down, or gravity kind  
9 of assisted this going down the other side of  
10 that berm. That is important, or it may be for  
11 you, important, when deciding whether or not  
12 somebody knew to put this car here.

13 It certainly couldn't be driven in from  
14 the south. That's the point. All right. The  
15 point is that it couldn't be driven into that  
16 property unless somebody knew that property,  
17 unless who ever put that car there, knew how to  
18 get the car into this location. Again, it's near  
19 the car crusher. It's near a place where other  
20 cars are to be crushed. It's near cars that have  
21 been crushed. The 54 cars that we talked about.

22 But Mr. Ertl's job, primary job, at this  
23 location, is to process the outside of the  
24 vehicle. But then to get a wrecker, to get a tow  
25 assembly set up, and to put this on an enclosed

1                                   ATTORNEY KRATZ: All right.

2   Q.    (By Attorney Kratz)- You said that you saw Scott

3           Tadych on the way to deer hunting. About what

4           time was it that you saw him; do you recall?

5   A.    Quarter to three.

6   Q.    About 2:45 p.m.?

7   A.    Yes.

8   Q.    So you had already seen Teresa Halbach by 2:45

9           and, in fact, had already left your residence; is

10          that right?

11  A.    No, she was still there.

12  Q.    What I'm saying is, you had already seen her?

13  A.    Oh, yes.

14  Q.    And had left your residence --

15  A.    Yes.

16  Q.    -- by 2:45?

17  A.    Yes.

18  Q.    Mr. Strang, asked if you heard any screaming or

19          if you heard any other noises when you got into

20          your truck; were you listening for anything like

21          that?

22  A.    No.

23  Q.    How long does it take from exiting your trailer

24          until you get into your truck; how far of a

25          distance was that?

1 egress to that property.

2 Sergeant Orth testified that while the  
3 officers were somewhere in this area, remember  
4 this picture was taken after the vehicle had been  
5 removed, but that there's -- there's ways in and  
6 out from the west. I will show you in a moment,  
7 if I can find the overhead.

8 A little farther up, one can see the --  
9 how the roads down here, we have lots of ways to  
10 get in and put that -- First of all, for someone  
11 to plant the vehicle. And, secondly, for anyone  
12 to approach it while it's there. And an even  
13 more distant shot that shows all the ways in to  
14 this plot of land.

15 So while maybe directly to the south of  
16 that berm it is not immediately accessible,  
17 there's all these other ways in from here, or  
18 from here. When somebody who knows the area,  
19 perhaps someone who's been a patrol sergeant for  
20 many years, knows the county like the back of his  
21 hand, is going to know how to get to that RAV4.

22 Then we have this whole question of  
23 whether the vehicle is locked or not. Well, the  
24 Sturms said they thought it was locked, but then  
25 when they were questioned more carefully it turns

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

STATE OF WISCONSIN,	)	
	)	
Plaintiff,	)	
	)	Case No. 05-CF-381
v.	)	
	)	Honorable Judge Angela Sutkiewicz,
STEVEN A. AVERY,	)	Judge Presiding
	)	
Defendant.	)	

AFFIDAVIT OF BRAD A. DASSEY

Now comes your affiant, Brad A.Dassey, and under oath hereby states as follows:

1. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge. The factual statements herein are true and correct to the best of my knowledge, information, and belief. I am of sound mind and I have not taken any medication or ingested any alcohol that would impair my memory of the facts stated in this affidavit.
2. Bryan, Bobby, Blaine, and Brendan Dassey are my half-brothers. Peter Dassey is our common father.
3. I had a conversation with Barb Dassey,( Janda) (now Barb Tadych) during a car trip to visit Brendan Dassey at Sheboygan County Jail. My father Peter Dassey was with us. Barb stated that she had hired someone to "reformat" her home computer. She wanted to know if "reformatting" would remove what was on the computer.
4. Barb admitted her computer had some pornography stored on it and she claimed the computer had "viruses" on it. She had the reformatting done shortly before the

)



632-35

App. 355



authorities seized her computer. Barb commented that she did not think the person she hired knew what he was doing.

- 5. She said she did not want anyone to get what was on her computer
- 6. Shortly after my conversation with Barb I contacted the authorities because I thought Barb was trying to remove evidence relevant to the Teresa Halbach murder from her computer.
- 7. I do not know who reformatted Barb's computer.
- 8. I was interviewed by the authorities after I reported this information to them.
- 9. I was not called as a witness to testify at Steven Avery or Brendan Dassey's criminal trials.
- 10. Nothing has been promised or given to me in exchange for this affidavit.

FURTHER AFFIANT SAYETH NAUGHT




---

Brad A. Dassey

State of Wisconsin  
County of Outagamie

Subscribed and sworn before me  
this 30<sup>th</sup> day of October, 2017.




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Notary Public

- a. any reports or statements of experts or if an expert does not prepare a report or statement, a written summary of the expert's findings or the subject matter of his or her testimony
  - b. the results of any physical examination, scientific test, experiment or comparison that the plaintiff intends to offer in evidence at trial.
14. Furnish the defendant with a detailed inventory of all items which the State has in its possession, knowledge or control in regards to this case which were obtained from or belong to the defendant, together with the date, time, place and manner in which those items were obtained.
  15. Furnish the defendant with all information concerning any electronic surveillance of any conversation to which the defendant was a party and of any electronic surveillance of his premises;
  16. Furnish the defendant with all information concerning the interception of mail which is or was sent to him or which he sends to others including but not limited to the use of a mail cover;
  17. Furnish the defendant with a written report detailing the defendant's conduct, including all observations of him as well as the results of all tests and/or experiments which were performed on or by the defendant which the State intends to introduce into evidence;
  18. Furnish the defendant with a copy of all subpoenas for documents issued pursuant to sec. 968.135, Stats., copies of all requisite showings of probable cause, and copies of all documents so received;
  19. Disclose to the defendant all promises, rewards and inducements made by the plaintiff or any of its agents to any witnesses that will testify at the trial in the above-captioned matter;
  20. Pursuant to sec. 971.23(1)(h) Wis. Stats., furnish the defendant with all exculpatory evidence, including but not limited to:
    - a. Any and all exculpatory evidence and/or information within the possession, knowledge or control of the State which would tend to negate the guilt of the defendant.
    - b. Any and all exculpatory evidence and/or information within the possession, knowledge or control of the State which would tend to affect the weight or credibility of the evidence used against the defendant including but not limited to:

- i. Any and all statements of all individuals which may be inconsistent in whole or in part with any other statement made by the same individual.
  - ii. Any statements made by any individuals which are inconsistent in whole or in part with any and all statements made by other individuals who have given statements relevant to the charges against the defendant.
  - iii. Any and all reports, results, and conclusions of all tests recreations, reconstructions, calculations or experiments made to be used by the plaintiff which were inconsistent with the plaintiff's theory of the defendant's guilt, and/or any other theory inculpatng the defendant of any crime charged or uncharged, or which were inconclusive or abortive of the same.
  - iv. Any and all information, reports, or evidence of any form of bias, prejudice, or untruthfulness of any witness the State intends to call at trial. O.A.G. 12-86, April 28, 1986.
- c. Any and all evidence and/or other information in the possession or knowledge of the State which would tend to show, indicate or give rise to inferences that the defendant:
- i. was acting in self defense at the time, either of the alleged offense(s) were committed,
  - ii. was acting in the defense of others at the time of the alleged offense,
  - iii. was acting under the influence of adequate provocation at the time of the alleged offense,
  - iv. was acting because the defendant believed he or another was in imminent danger or great bodily harm and that the force was necessary to defend the endangered person, whether or not that belief was unreasonable at the time of the alleged offense,
  - v. was acting because the defendant believed that force was necessary in the exercise of a privilege to prevent or terminate the commission of a felony, whether or not that belief was unreasonable at the time of the alleged offense,
  - vi. was acting in the exercise of a privilege under 939.45, Wisconsin Statutes at the time of the alleged offense.

- vii. was acting because the defendant believed, as a result of a threat or threats by a person it was the only means of preventing imminent death or great bodily harm to himself or another person, whether or not that belief was unreasonable at the time of the alleged offense.
  - viii. was acting because the defendant believed as a result of the pressure of natural physical forces, it was the only means of preventing imminent public disaster, or imminent death or great bodily harm to himself or another, whether or not that belief was unreasonable at the time of the alleged offense.
- d. Any and all evidence and/or other information in the possession, knowledge or control of the State which would indicate or gives rise to inferences that the defendant:
- i. caused the death of Teresa Halbach intentionally under mitigating circumstances, including but not limited to those enumerated in section 940.01(2) Wisconsin Statutes, at the time of the alleged offense,
  - ii. recklessly caused the death of Teresa Halbach under circumstances showing utter disregard for human life at the time of the alleged offense,
  - iii. recklessly caused the death of Teresa Halbach under circumstances that do not show utter disregard for human life at the time of the alleged offense,
  - iv. negligently caused the death of Teresa Halbach at the time of the alleged offense,
  - v. caused the death of Teresa Halbach by the negligent handling or operation of a dangerous weapon, explosives or fire at the time of the alleged offense,
  - vi. caused the death of Teresa Halbach by the intoxicated use of a vehicle or firearm,
  - vii. caused the death of Teresa Halbach by the negligent operation of a vehicle,
  - viii. caused the death of Teresa Halbach by the negligent control of a vicious animal,

- ix. caused the death of Teresa Halbach while committing or attempting to commit a crime specified in sec. 940.225(1) or (2)(a), 943.02, 943.10(2), 943.23(1g), or 943.32(2) Wis. Stats.
- x. caused the death of Teresa Halbach under circumstances, or with a mental purpose or lack thereof, which constitute any other lesser included offense to the alleged offense.
- e. Any and all evidence and/or information in the possession, knowledge or control of the State which would indicate, show, or gives rise to inferences that the defendant:
  - i. was suffering from a mental disease or defect at the time any of the alleged offense, and/or,
  - ii. lacked substantial capacity to appreciate the wrongfulness of his conduct at that time, and/or,
  - iii. lacked substantial capacity to conform his conduct to requirements of law at that time.
- f. Any and all evidence and/or other information in the possession, knowledge or control of the State which would tend to show or gives rise to inferences that:
  - i. the defendant was in a voluntary intoxicated or drugged condition at the time of the alleged offense,
  - ii. this condition may have negated the existence of a state of mind essential to the offense charged.
- g. Any and all evidence and/or other information in the possession, knowledge or control of the State which would tend to show or gives rise to inferences that:
  - i. the defendant was in an involuntary intoxicated or drugged condition at the time of the alleged offense,
  - ii. this condition may have rendered the defendant incapable of distinguishing between right and wrong in regard to the alleged criminal act at the time the act was committed.

- h. Any and all evidence and/or other information in the possession, knowledge of control of the State which would tend to show or give rise to inferences that the defendant was stimulated by intoxication at the time of offense to a degree that he should be convicted of a lesser degree of homicide. Please see State v. Heisler, 116 Wis.2d 657, 344 NW.2d 190 (Ct. App. 1983) and Lee v. State, 65 Wis.2d, 648, 223 N.W.2d 455 (1974).
- i. All exculpatory evidence and/or information within the possession, knowledge or control of the State which indicates or gives rise to inferences which indicate that the events alleged as crimes committed by the defendant were the result of accident or were perpetrated by accidental means.
- j. All exculpatory evidence and/or information within the possession, knowledge or control of the State which indicates or gives rise to inferences which indicate that the crime or crimes charged as well as the events alleged to have been committed by the defendant, were committed in whole or in part by a person or persons other than the defendant. Please see Kyles v. Whitley, 514 U.S. 419, 115 S. Ct. 1555, 131 L. Ed. 2d 490 (1995).
- k. All exculpatory evidence and/or information within the possession, knowledge or control of the State which indicates or gives rise to inferences which indicate that any or all of the evidence being used against the defendant was "planted" by others in an attempt to falsely inculcate the defendant. Id.
- l. All exculpatory evidence and/or information within the possession, knowledge or control of the State which indicates or gives rise to inferences that the events alleged or crimes committed by the defendant were the result of an honest error of either fact or law that negated the existence of a state of mind essential to the crime.
- m. All exculpatory evidence and/or information within the possession, knowledge or control of the State which indicates or gives rise to inferences that the events alleged or crimes committed by the defendant were the result of misadventure.
- n. All exculpatory evidence and/or information within the possession, knowledge or control of the State which indicates or gives rise to inferences that the defendant acted with a depraved mind at the time of any of the crimes charged.

- o. All exculpatory evidence and/or information within the possession, knowledge or control of the State which indicates or gives rise to inferences that the defendant was acting with a high degree of negligence at the time of any alleged offense.
- p. All exculpatory evidence and/or information within the possession, knowledge or control of the State which indicates or gives rise to inferences which tend to indicate that the defendant "did not mean to" commit any of the crimes alleged in the information, as that defense is described in State v. Bougneit, 97 Wis.2d 687, 695, 294 N.W.2d 675, (Ct. App. 1980), and Morrisette v. United States, 342 U.S. 246, 250-251, 72 S.Ct. 243 (1952).
- q. All exculpatory evidence and/or information within the possession, knowledge or control of the State that the defendant acted without the requisite intent, or with lack of intent, at the time of any crime alleged in the information.
- r. Any and all evidence and/or other information in the possession, knowledge or control of the State which would tend to indicate or gives rise to inferences that the defendant acted while suffering from mental, psychological, physiological, biological, medical or emotional disorders; as well as any information indicating that the defendant has suffered from physical, sexual, mental or emotional abuse.
- s. Any and all evidence and/or other information in the possession, knowledge or control of the State concerning the activities of Teresa Halbach and all allegations against her made by the defendant, other citizens, or law enforcement officers, and copies of all law enforcement reports, memos, books, and all other reports and documents of any and all investigations done by the Manitowoc County Sheriff's Department, the City of Manitowoc Police Department, the City of Two Rivers Police Department, the Wisconsin Department of Justice, and/or any other law enforcement agency; or agency or individual acting under color of state law concerning the activities of Teresa Halbach and the allegations made against her.
- t. Any and all evidence and or other information in the possession, knowledge or control of the State, which would extenuate, mitigate, or reduce the degree of the offenses charged or the defendant's punishment therefore, including, but not limited to evidence or information which shows or gives rise to inferences that the defendant acted at the time of the alleged offense:

- i. with a diminished capacity
  - ii. in a drugged condition
  - iii. in an intoxicated state
  - iv. with a depraved mind
  - v. with reckless conduct (gross negligence)
  - vi. with a high degree of negligence
  - vii. in self defense
  - viii. with excessive use of self defense
  - ix. under duress
  - x. under coercion
  - xi. under necessity
  - xii. while mistaken as to fact or law
  - xiii. while suffering from abused child syndrome
  - xiv. by misadventure
  - xv. under provocation
  - xvi. while he "did not mean to," State v. Bougneit, supra
  - xvii. with the lack of intent
  - xviii. with the lack of reckless conduct showing utter disregard for human life.
- u. Any and all exculpatory information and/or evidence within the possession, knowledge or control of the State which would extenuate, mitigate or reduce the degree of either of the offenses charged and/or of the defendant's punishment.
- v. Any and all information in the possession, knowledge or control of the State which shocks the conscience and is favorable to the defendant.
- w. Any and all exculpatory evidence and/or information within the possession, knowledge or control of the State which would form the basis for further investigation by the defense.
21. Furnish the names and addresses of all persons known by the state to have witnessed any matter related to this case, whether or not the state intends to call them as witnesses at any hearing or trial in this case. Please see Brady v. Maryland, 373 U.S. 83 (1963) and Nelson v. State, 59 Wis.2d 474, 208 N. W.2d 410 (1973).
22. Furnish copies of all written, recorded, or videotaped statements and a summary of any oral statements made by witnesses, including but not limited to copies of police reports, showups, notebooks, memo books, and all other documents, prepared by the witnesses, whether or not the state intends to call them to testify at any hearing or trial in this case. Please see State v. Groh, 69 Wis.2d 481, 230 N.W.2d 745 (1975); State v. Van Ark, 62 Wis.2d 155, 215 N.W.2d 41 (1974); and Simos v. State, 53 Wis.2d 493, 192 N.W.2d 877 (1972).



**SEALED**

STATE OF WISCONSIN                      CIRCUIT COURT                      MANITOWOC COUNTY

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STATE OF WISCONSIN,

*Plaintiff,*

*v.*

Case No. 2005-CF-381

STEVEN A. AVERY,

*Defendant.*

MANITOWOC COUNTY  
STATE OF WISCONSIN  
**FILED**  
JAN 18 2007

**CLERK OF CIRCUIT COURT**

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**DEFENDANT'S MOTION FOR DISCLOSURE  
OF EXCULPATORY INFORMATION**

---

Steven A. Avery, by counsel, now moves the Court for an order requiring the state immediately to disclose all of the following specific exculpatory information and documents in its possession, known to it, or that would be known to it in the exercise of reasonable diligence. Mr. Avery makes this motion pursuant to the due process guaranties of the Fourteenth Amendment to the United States Constitution and Article I, § 8 of the Wisconsin Constitution. He further relies upon *Brady v. Maryland*, 373 U.S. 83 (1963), and progeny (through at least *Strickler v. Greene*, 527 U.S. 263 (1999)), and upon *State ex rel. Lynch v. County Court, Branch III*, 82 Wis. 2d 454, 262 N.W.2d 773 (1978), Wis. SCR 20:3.8(d) and other Wisconsin authority explaining the state's duty to disclose exculpatory information to the defense in a criminal case.

Some of the information that Mr. Avery seeks here he already requested of the prosecution in writing, by letter dated December 15, 2006. The prosecution to date has not responded to that letter. Other information Mr. Avery now requests specifically for the first time. Mr. Avery prays that the Court order the state immediately to disclose:

1. All documents and information about the work schedules and whereabouts of James Lenk, Andrew Colborn, Kenneth Peterson, and Thomas Kocourek on October 31, 2005 and on November 1-4, 2005. This includes any information about their locations and activities during nighttime hours. This information was requested in the December 15 letter from defense counsel. Information already in the possession of the defense, through previous discovery, of course need not be disclosed again.

2. All documents and information about the work schedule and whereabouts of James Lenk on Saturday, November 5, 2005, before 10:41 p.m. Specifically, the state should disclose where Lt. Lenk was when he made a 2:57 p.m. telephone call that day to Inv. Dederling, when he first arrived at the Manitowoc County Sheriff's Department that day or counted himself on duty, and when he first arrived anywhere on the Avery Auto Salvage property that day.

3. The number, location, actual possessors, and nominal custodians, at any time, of all master keys or other keys that opened the Manitowoc County Clerk of Court's office between October 30, 2005 and November 6, 2005. This request includes any information concerning the use or misuse of any such key, or the unexplained disappearance of any such key, during the same time period.

4. All documents and information about the work schedules and whereabouts on November 3, November 4 and November 5, 2005, of every employee of the Manitowoc County Sheriff's Department with actual access, whether proper or otherwise, to any key that opened the Manitowoc County Clerk of Court's office during the same time period.

5. All documents and information explaining, purporting to explain, or relating in any way to the apparent hole in the cap of the vial of liquid blood labeled as Steven Avery's, and contained in the court file of the 1985 case that resulted in Mr. Avery's wrongful conviction.

6. All documents and information bearing on the bias of any current or former member of the Manitowoc County Sheriff's Department or the Calumet County Sheriff's Department against Steven Avery, if that bias reasonably may have existed at any time between October 30, 2005 and the present.

7. All documents and information relating to any internal investigation or discipline by the Manitowoc County Sheriff's Department, the Manitowoc County Board of Supervisors or any of its committees, the Manitowoc Fire and Police Commission, or any other oversight body, of James Lenk, Andrew Colborn, or any other Manitowoc County Sheriff's Department employee involved in the investigation leading to the present charges against Mr. Avery, for any job-related act of dishonesty or alleged dishonesty, dereliction of duty, bias, tampering with (or improper handling of) evidence, or other failure to follow departmental rules at any time. This request includes, but is not limited to, information in personnel or human resources files, or in internal affairs division (or the equivalent internal professional performance investigative arm) files. It also includes the circumstances of Lt. Lenk's departure from the Detroit Police Department in or before 1980, if that was in the wake of allegations about his professional performance, honesty, integrity, or suitability for law enforcement work.

8. All documents and information reflecting any inconsistent statements made by James Lenk, Andrew Colborn, or any other Manitowoc County Sheriff's Department employee involved in the investigation leading to the present charges, to the extent that those inconsistent statements relate to the investigation into Teresa Halbach's disappearance or to the present prosecution of Mr. Avery.

9. All documents and information reflecting any plea offers by Brendan Dassey or any of his lawyers, any hopes of leniency that Brendan Dassey or his lawyers have expressed, any expectations of leniency or favor that Brendan Dassey or his lawyers have expressed, any promises offered or made to Brendan Dassey by prosecutors or law enforcement officials involved in the prosecution of either Steven Avery or Brendan Dassey, and any further statements Brendan Dassey has made to anyone (including on tapes made by the Sheboygan County facility where he is lodged) about the offenses alleged here in the Amended Information. Such statements necessarily will be inconsistent with other statements by Mr. Dassey. This request encompasses all information within the scope of *Giglio v. United States*, 405 U.S. 150 (1972), and both federal and Wisconsin cases applying that decision.

10. All documents and information concerning the non-human nature, or uncertain nature, of a bone fragment with a kerf cut, examined by Dr. Leslie Eisenberg and later submitted to the FBI Laboratory. At this point, the state has not disclosed any results of FBI testing.

Dated at Madison, Wisconsin, January 17, 2007.

Respectfully submitted,

STEVEN A. AVERY, *Defendant*

HURLEY, BURISH & STANTON, S.C.



---

Dean A. Strang  
Wisconsin Bar No. 1009868  
Counsel for Steven A. Avery

10 East Doty Street, Suite 320  
Madison, Wisconsin 53703  
[608] 257-0945

BUTING & WILLIAMS, S.C.

Jerome F. Buting

---

Jerome F. Buting  
Wisconsin Bar No. 1002856  
Counsel for Steven A. Avery

400 Executive Drive, Suite 205  
Brookfield, Wisconsin 53005  
[262] 821-0999

Teresa Halbach and written descriptions of Teresa Halbach and the car she was driving. I recognize the poster attached as **Exhibit A** to this affidavit as a copy of the one I saw at the Cenex station on November 4, 2005.

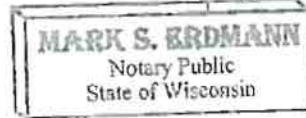
5. I recognized that the written description of the vehicle on the poster matched the car I saw at the turnaround by the dam.
6. While I was in the Cenex station, a Manitowoc County Sheriff's Department officer came into the station. I immediately told the officer that I had seen a car that matched the description of the car on Teresa Halbach's missing person poster at the turnaround by the dam.
7. In December 2016, I watched Making a Murderer. In the series, I recognized the officer who I talked to at the Cenex station on November 4, 2005. A photograph of this officer is attached as **Exhibit B** to this affidavit. Having watched Making a Murderer, I now know that his name is Andrew Colborn.
8. After I watched Making a Murderer, I sent a text message to Scott Tadych. Having reviewed a saved copy of that message, I know that I sent it on December 12, 2016, at 6:13 p.m. In the message, I told Scott Tadych that I had seen Teresa Halbach's car in Mishicot on November 4, 2005, and had told the officer in the Cenex station. On December 19, 2016, I sent Scott Tadych another message. I never heard back from Scott Tadych. Copies of the text message conversation I had with Scott Tadych are attached as **Exhibit C** to this affidavit.
9. Nothing has been promised or given to me in exchange for this affidavit.

10. FURTHER YOUR AFFLIANT SAYETH NAUGHT

*Kevin Rahmlow*  
Kevin Rahmlow

State of Wisconsin  
County of Mantowoc

Subscribed and sworn before me  
this 15th day of July, 2017.



Commission Expires  
11/15/2019

*Mark S. Erdmann*  
Notary Public

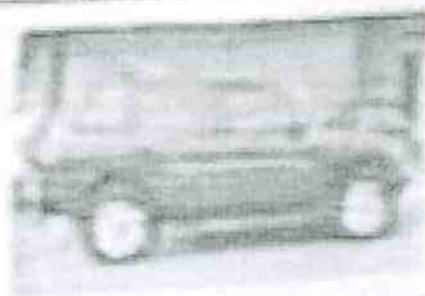


# TERESA MARIE HALBACH

1957 - 12/15/2011 - 12/15/2011 - 12/15/2011



TERESA MARIE HALBACH was born on 12/15/1957 in [illegible] and passed away on 12/15/2011 in [illegible]. She was a resident of [illegible] and is survived by [illegible].



TERESA MARIE HALBACH was born on 12/15/1957 in [illegible] and passed away on 12/15/2011 in [illegible]. She was a resident of [illegible] and is survived by [illegible].

For more information, contact the Colusa County Sheriff's Department at 215-215-2152 or Colusa County Coroner's Office at 215-215-2152.



EXHIBIT

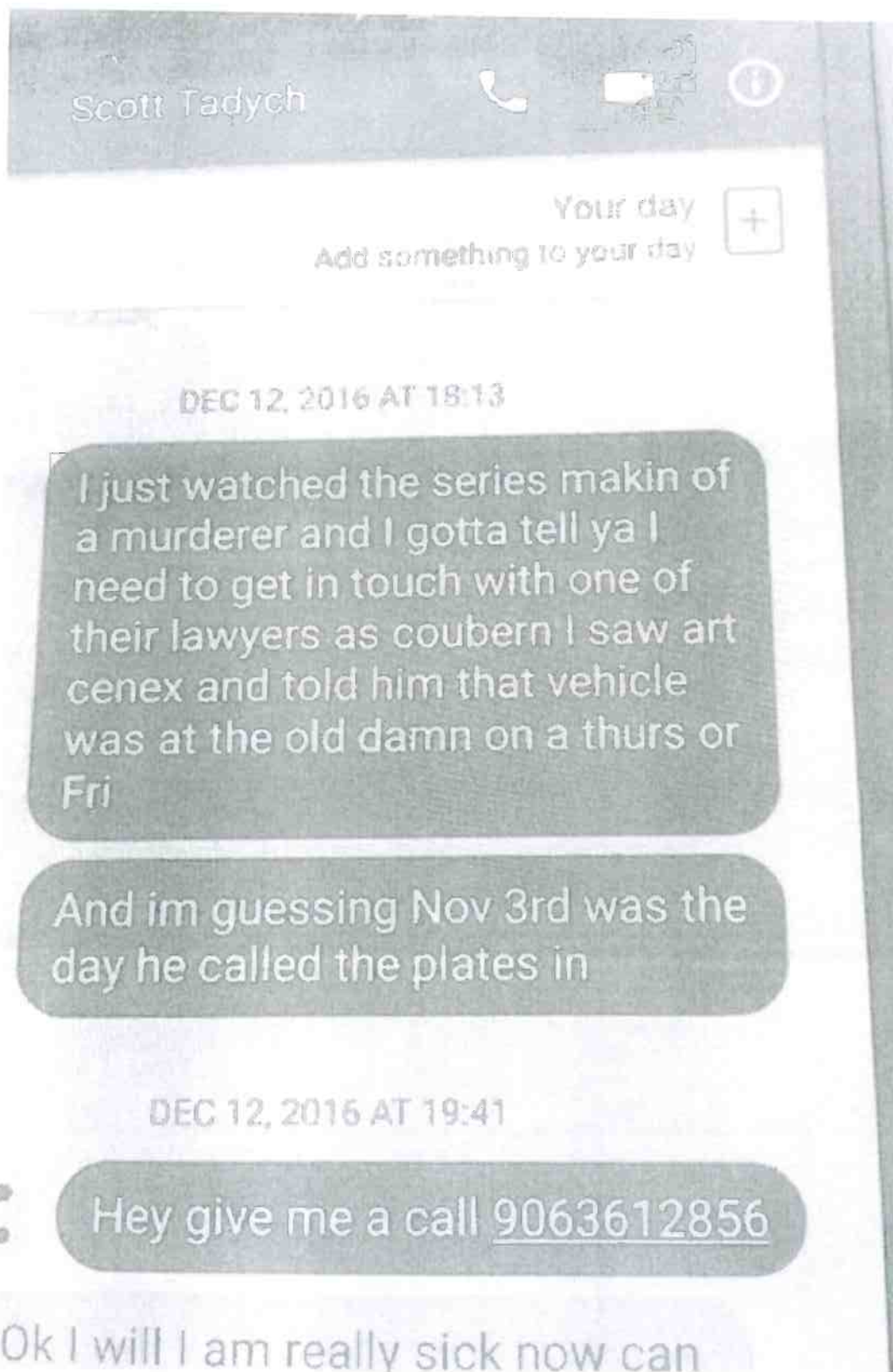


EXHIBIT  
App. 374