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46. IF CODE O (OTHER) IS USED IN FIELD #39, EXPLAIN. Sang observed victim prior to incident.

Victim's husband (Beernsten). Baeseman & Holtman are subjects who found victim.

07-29-85 1819 hrs. Officer Beck, at the request of Lt. Beilke at headquarters, responded to Memorial Hospital at Manitowoc, reference an assault victim. Upon my arrival at Memorial Hospital, I was met by Thomas Beernsten who stated that his wife, while jogging north of Neshotah Park on the beach, was assaulted at approximately 4:00 pm, today's date. Penny Beernsten, who was the assault victim, sustained bruises and cuts to both eyes, and bruises about the face, and a long bruise mark around her neck where it appeared somebody tried to choke her. According to Penny Beernsten, she was attacked by a creek approximately 2 to 3 miles north of Neshotah Park, near the Point Beach campground area, by an unknown male subject wearing a black leather jacket, long pants, approximately 5'6"-5'7" in height, of medium to stocky build; sandy, frizzy, collar-length hair; a full beard covering his face and close-cropped. Mrs. Penny Beernsten also stated that when she was attacked, the subject screamed at her, "kill, kill, kill." A rape kit examination was conducted by the emergency medical nurses at the hospital in the presence of Judy Dvorak. The towels and blankets that the subject was brought in on were sealed in plastic bags.

Due to the extent of injuries of the subject and the grogginess of her memory, Judy Dvorak will be standing by taking notes of the event as the subject remembers them. Wm. Beck

07-29-85 1838 hrs. Officer Frauenfeld arrived at the end of 22nd St., in Two Rivers at the beach area of Lake Michigan and met a Two Rivers officer, who directed him to the subject's basement and Holtman. After attempting to get some additional information from both the subjects, the officer asked them if they would take him to the area where they found the victim. The subjects then led the officer down the beach, approximately 1/2 mile, to the area of what is commonly called "First Creek". According to the subjects, they had been walking northbound on the beach area and were approximately 500 to 550 feet south of First Creek when Holtman, who was walking on the dunes rather than in the beach area, observed the victim and thought she was sunning herself in the nude. Both the subjects then walked approximately 30 more feet, at which time they sat down by a tree that was growing near the water line. Shortly thereafter, the victim rolled onto the beach from the dunes area and asked for help. The subjects stated that the victim appeared very upset and seemed to have been injured, and then helped her back to the 22nd Street area. There they were met by a Two Rivers police officer and the victim's husband who had become concerned over the victim's being overdue from a jogging excursion. Holtman pointed cut the area where the victim had rolled onto the beach to the officer, and the officer then followed a track that looked like the victim had dragged herself through the sand to the beach backwards toward the wooded area, west of the beach. This areas of woods was approximately 300 to 350 feet from the water. At this point, the officer turned canine Saron loose, and conducted an area search, at which time Baron immediately indicated on a blue and white piece of cloth lying off the trail just inside of the wooded area. This cloth was a bottom of a bikini-type swim suit, and was identified as the property of the victim. Further area searches in all four directions from that scene were conducted with

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46. IF CODE O (OTHER) IS USED IN FIELD #39, EXPLAIN.

Kogorzelski was the subject with Sang.

(Klein, Klein Sr., and Peters were interviewed by Det. Conrad on 09-09-85)

negative results. Baron, however, did linger in one area between several sand dunes and when the officer checked it, observed that an apparent scuffle had taken place in or about that area. The officer was unable to ascertain any clear footprints at that time other than the fact that some impressions in the sand were larger than the other's. It also appeared that someone may have been thrown to the ground in that location. This area would have been approximatly 100 to 150 feet northeast of the location where the officer found the swimming suit pants. After the searches, the officer along with the two subjects walked further north along the beach for approximately 3/4 of a mile, where they were able to observe footprints believed to have been made by the victim, which were travelling in both directions and seemed to be at a normal pace. This would indicate that the subject had still been jogging while southbound and had not had any trouble in that direction until after she had reached the First Creek area.

07-29-85 2201 hrs. After completing the investigation in the First Creek area, Officer Frauenfeld left that scene and proceeded north, and met with a DNR agent to check the Molash Creek area. Molash Creek would be running into Lake Michigan just over one mile north of First Creek. According to information that the officer had received, the victim recalled seeing tents and a sailboat in the area prior to her assault, and the DNR agent indicated that would be near the Molash Creek area. At the Molash Creek, Officer Frauenfeld made contact with the second two subjects listed as others who would have been the only two at the camp site area at the time of the incident. According to Miss Sang, she had observed the victim jogging northbound at their location at approximately 1530 hrs. this date, and that she observed that same victim proceed north for several yards, then turn around and jog back south again. She stated that the victim then stopped and splashed around in the water to cool off at the entrance to Molash Creek. She stated that after that time she lost contact with the victim and had not seen her again. Miss Sang did state that approximately 1600 to 1630 hrs. she proceeded southbound on the beach in an attempt to locate her boyfriend who was operating a sail boat in the area near the shoreline, and that at that time she did no longer see the victim or notice any unusual activity. Officer Frauenfeld then checked the Molash Creek area but found no indications of anything relating to this incident there. Officer Frauenfeld then cleared the scene and returned to headquarters where he turned over the swimming suit bottoms to Officer Dvorak for placement into evidence. B. F. Frauenfeld (k1)

07-29-85 I received a call from headquarters at approximately 7:00 pm, advising that Officer Beck was at Memorial Hospital with an assault victim, and that headquarters was having difficulty locating a detective. I responded to Memorial Hospital emergency room, and met Tom Beernsten and Officer Beck. I was advised by Officer Beck that Deputy Judy Dvorak was with the assault victim, Penny Beernsten, and was obtaining the statement at this time. After a short period of time, Deputy Dvorak came out of the emergency room with the statement which basically stated the following. On 07-29-85 at approximately 1550 hrs.

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CASE NUMBER:	S85-04851	CLASSIFICATION: 04-06
INCIDENT:	Assault	THIS DOCUMENTS ARE CONSTRUMENT
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REPORT CONTINUED:

Penny Beernsten began jogging alone north or northeast from Neshotah beach, along the beach, toward Point Beach State Forest. Penny indicated that she crossed a Second Creek along the beach and ran a short distance in a northeasterly direction to some pup tents, where she turned around and began jogging back to the public beach area. She again crossed the Second Creek, this time going in a southwesterly direction, at which time she saw someone standing in the shadow of a poplar tree. The subject was described as wearing a dark brown or black leather jacket, 5'6 to 5'7" tall, having a slightly stocky build, light sandy, curly hair, and a full closely-cut beard. The leather jacket appeared to have snaps on it rather than a zipper, and his hair and beard appeared to be somewhat sandy brown in color and scraggly, as she describes it. Her statement indicates that the subject was wearing long trousers and shoes; however, she was not positive on the type or color. The suspect supposedly ran out of the wooded area toward the victim. Penny stated that she attempted to run into the water to elude the subject; however, he managed to grab her from behind and started pulling her toward the sand dunes. As the subject grabbed Penny around the chest, he told her to take off her bikini top, and she struggled and said "no". Penny indicated that the subject managed to get off her bikini top, and ultimately pulled off her bikini bottoms and started unbuckling his trousers. Penny indicates that she continued to struggle, and at one point, kicked the subject in the groin area. At this point, the subject put his hands around her neck, and said, "I'm going to kill you." He also struck the victim in the face about the eyes several times, causing bleeding, bruising and swelling. Penny indicated that after she kicked him, he also stated, "You screwed everything up. You're going to die." Penny indicated that she continued to struggle as he attempted to choke her, and after a few minutes she broke free and he ran off into the wooded area.

After obtaining the statement from Penny Beernsten, color photographs were taken of the injuries. She was then admitted to a room, where Chief Deputy Gene Kusche was contacted to develop a composite drawing of the suspect. The composite drawing was finally completed at approximately 10:20 pm, and the victim was then shown a photographic line-up of nine different suspects. The photographic line-up consisted of the following nine Sheriff's Department photo numbers, as follows: No. 5667, No. 3715, No. 5441, No. 5570, No. 3746, No. 5596, No. 5160, No. 5062, and No. 5128. After viewing the nine photographs, the victim picked out photograph No. 3746, indicating that this was the subject that assaulted her. The photograph of the suspect matched that of the composite drawing, and the suspect is identified as Steven Alan Avery of Route 1, Box 268, Maribel, WI, having a dob of 07-09-62.

The night shift commander, Ken Petersen, was advised that the subject should be taken into custody, and suspect Steven Avery was ultimately taken into custody from his home at approximately midnight and transported to the Manitowoc County Jail. The clothing that he was wearing at the time was confiscated as evidence although he was wearing short cut-off jeans which does not match what the victim indicated the suspect would have been wearing at the time of the assault. Also taken as physical evidence were pubic hair samples, combings, and nail scrapings. All of this evidence was either taken or turned over to Sgt. Ken Petersen. Subject was then given his Miranda Warning for the second time, this time by Sheriff Tom Kocourek at 12:54 a.m. and he signed the Miranda Warning Waiver indicating that he was willing to speak to me regarding this investigation. He was informed that he was currently being charged with attempted murder and questioned regarding MCSD #025 12/82



CASE NUMBER:	<u>\$85-04851</u>	CLASSIFICATION: 04-06
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the incident. Steven Avery denied any involvement in the incident, admitting to nothing.

Steven was allowed to go back to his cell, however, he was informed that there would be no bail allowed for him tonight and that he would not be allowed to make a phone call since his wife was already aware that he was being held at the Manitowoc County Jail on charges. Also he was not allowed a phone call since he is using his family as an alibi for his whereabouts on July 29, 1985, and I wish to question them on July 30, 1985 without affording Steven the opportunity of establishing a phoney alibi. I also will attempt to obtain a search warrant in the morning hours of 07-30-85 for the clothing that was reportedly worn by the suspect at the time of the assault. Any telephone conversation the subject may have with the outside prior to that time may jeopardize obtaining the evidence needed in the search warrant. T. Kocourek, Sheriff

2315 hrs: Sgt. Petersen, Officers Bushman and Froelich gathered at Officer Avery's home. A decision was made that we were going to the Steven Avery residence to pick him up and bring him to the Sheriff's Department. It was decided that Officer Avery and myself would enter the back part of the home and Sgt. Petersen would stay at the front of the home. Officer Bushman and Duke would stay on the perimeter of the home in case of an attempted escape. On arrival at the Steven Avery residence on Old Y, Officers Froelich and Avery went to the back door and knocked on the door inside the back entry. No one came to the door. Officer Avery pushed the door open, which was unlocked, and called to Steven Avery's wife Susan. He called out her name three times and the officers could hear an answer from the upstairs. It was asked, "where are you?" which she said, "upstairs". Officer Avery said, "This is Arland. Where's Steve, I'd like to talk to him." Officer Froelich and Avery then entered the home in the kitchen area. Steve had called to Arland, and Arland went to the stairway and talked to him up the stairway. Officer Froelich ducked in a small dark closet room next to the stairway. Steve Avery came down the stairs and followed Arland into the kitchen area. Officer Froelich exited the small closet area and followed behind. Sgt. Petersen came into the back door in the kitchen. At this point Steve wanted to know what was going on. Sgt. Petersen told Steve, "You're under arrest for suspicion of attempted murder." Sgt. Petersen asked Steve if he would turn around. Steve turned around and the handcuffs were placed on Steve. Steve then turned again and faced both officers. Sgt. Petersen told Officer Froelich to read him his rights. The time was indicated as 11:48 p.m. as Officer Froelich read Steve Avery his rights from the miranda card. Steve stated that he understood his rights and did not want to make a statement at this time. Steve's wife came into the kitchen and asked, "would someone please tell me what's going on". Steve then looked at his wife and said, "They said I murdered a girl." No questions were asked of Steve at this time. Steve asked the officers if he could get dressed and Sgt. Petersen told him he could put on a pair of shoes and his wife also gave him a brown T-shirt which he carried along. Steve was escorted to the unmarked squad and placed in the back seat of the squad car and the seatbelt was put on. Sgt. Petersen transported him to the Sheriff's Department and he was followed by Officer Bushman and Duke. A description of house in question would be located .4 of a mile east of Melnik Road on Old Y in the town of Gibson, north side of the road. Description of the house would be a two-story wood frame structure. The house is yellow in color. Entries to the home would be a front porch on the south side of the home where the porch has been removed, and a porch entry on the east side of the home towards the back. Interior of the home would consist of a basement MCSD #025 12/82

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MANITOWOC COUNTY SHERIFF'S DEPARTMENT FOLEOW-UP REPORT



CASE NUMBER: _	S85-04851	CLASSIFICATION: 04-06
INCIDENT:	Assault	MROOCH CONTRACTOR STREET
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and a first and second floor. The back entry can be used to either go in the basement or up a few steps and into the kitchen area. Off the kitchen would be a small room in the northwest corner. Next to this small room would be a hallway which would lead to the upstairs and a second small room. On the south side of the home or the front of the house would be the living room and a bedroom. The upstairs would consist of the other bedroom area. There is an outbuilding to the north of the house with a large opening facing east. Inside the garage is a Dodge van. Outside of the home on the east side of the house is a 4-wheel drive vehicle. In front of the home parked on the lawn would be a car, multiple colors. JBFroelich

07-29-85 @ 2355 hrs.: Suspect transported to Manitowoc County Jail in the back seat of squad 62. At no time did the officer ask any questions of the suspect. On the way to the County Jail, suspect stated he had been helping his father pour concrete most of the day. When done pouring concrete, suspect stated he went to Green Bay and bought paint. Upon returning home from Green Bay with the paint, suspect stated he had been painting on his house. Suspect then asked the officer where the female lived. At no time did officer mention anything or refer to a female or a male. Upon arrival at the Manitowoc County Jail officer did collect evidence from the suspect. The clothing was packaged and labeled and sealed and placed in evidence locker #20 along with combings of pubic hair, hair follicles from the pubic area and scrapings from under his fingernails. Items of clothing that were packaged: one brown T-shirt, one pair of blue corduroy cut-off shorts, one pair of black socks, and one pair of black loafer shoes. K.Petersen

07-30-85 Contact was made with District Attorney Denis Vogel this date at approximately 7:30 am, and I advised the District Attorney that I needed a search warrant for Steven Avery's residence in an attempt to locate the clothing he may have been wearing or that the victim may have been wearing in the assault described in this complaint. The District Attorney made arrangements to meet me at 8:30 am with Deputy Judy Dvorak at Judge Hazlewood's chambers. Testimony was given at that time by Sheriff Tom Kocourek and Deputy Judy Dvorak, and a search warrant was obtained for the Steven Avery residence, located on CTH Y in the town of Gibson, in the county of Manitowoc. The search warrant was executed at approximately 11:00 am on 07-30-85, and a number of articles were taken from the home as evidence. The list of the inventory taken in the search is attached to the complaint.

I also questioned Lori A. Avery, dob 10-20-61, wife of Steven Avery, as to Steven's activities on the previous day of July 29, 1985. Lori stated that at approximately 6:30 am on 07-29-85 she woke with the children and fed them. At approximately 8:45 am, she woke Steven, and at approximately 9:00 am they left the house for the Fleet Farm store, Shopko store, Prange-Way mall, Two Rivers Wolfe-Snyder Drug, Red Owl store, and back to Wolfe-Snyder Drug to pick up a prescription. She stated that they left Wolf-Snyder Drug at approximately 11:00 am, and arrived at the Allen Avery residence, which is the father of Steven, at approximately 11:15 am. Lori stated that she and Steven then went back to their own home on County Trunk Y to pick up some diapers and supplies for the children and returned to the Allen Avery home at approximately 12:15 or 12:25 pm. She stated that they then poured concrete at the Allen Avery home, and sat around watching a television show that lasted until approximately 3:30 pm on 07-29-85. They then left the Allen Avery



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home and reportedly drove to Green Bay, where they did some shopping at the Shopko store and purchased a can of paint. They then went to a Burger King restaurant where they ate, and returned home sometime in the early evening hours. I asked Lori if she was able to produce a shopping slip from Green Bay that may have had a time and a date on it, indicating that they were in fact there and purchased paint, and she stated that she was unable to do so.

A check was made with Leo Pecore, the owner and operator of the Snyder Drug Store at the Red Owl Mall, and he indicated that Lori Avery had in fact been in the store between the hours of 10:00 am and approximately 11:30 am to pick up a prescription. He indicated that she was in the store alone at the time.

Detective Allan Kolanczyk and Deputy Judy Dvorak were instructed to go to the Crime Lab at Madison, and turn over various evidence in this particular case. The attached evidence transfer list will provide a detailed list of the items that were taken to the Crime Lab. The evidence was transferred at the Crime Lab on 07-30-85. The evidence was transferred at the Crime Lab on 07-30-85 at 3:55 pm.

A line-up was also put together on video tape at the Manitowoc County Sheriff's Dept. during the afternoon of 07-30-85. The line-up consisted of the following individuals, in order: No. 1 candidate is ; No. 2 candidate is ; No. 3 candidate is ; No. 4 candidate is ; No. 5 candidate is Steven Avery; No. 6 candidate is ; all video taped on 07-30-85. A 7th candidate will be coming in at 4:15 pm on 07-31-85 to be video taped, and he is identified as . T. Kocourek, Sheriff

07-30-85 1445 hrs. Officer Frauenfeld returned to the scene and conducted a second area search using Baron, and made a second attempt to locate the top half of the victim's swimming suit. This attempt was unsuccessful; however, a sheet of paper containing a copy of a sex ad was located approximately 30 feet to the northwest of the tree that the victim had described in her statement. Baron indicated on this item approximately 15 to 20 feet away from it, indicating to the officer that the item still had human scent on it. When the officer checked the item, he found a small amount of sand partially covering the bottom portion of the folded piece of paper, which indicates that the item would have to have been left in the area long enough to have the sand accumulate, quite possibly a day's time. The piece of paper is described as an 8xll" sheet of white paper with a photocopy of sexually explicit homosexual advertisements. On the bottom quarter of the page was a handwritten message indicating that the person who wrote the message on the bottom would be nearby. This item was turned over to the Sheriff at the Sheriff's Dept. by Officer Frauenfeld after the officer had left the scene at the beach. B.F.Frauenfeld (kl)



CASE NUMBER:	S85-04851	CLASSIFICATION:
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REPORT CONTINUED:

07-31-85 @ 1420 hrs.: Arrived at the Avery residence on Old CTH Y and met with Lori Avery Lori Avery permitted this officer to take a polaroid photograph of her for display at the Green Bay Shopko store. Lori Avery displayed to this officer one gallon of Shopko brand paint, brown in color, which she stated was purchased at the Shopko store in Green Bay at approx. 1700 hrs. on 07-29-85. Lori stated that her husband, Steven, she and the children were at the Shopko store in Green Bay at the time of the purchase. Statement forms were left with Lori for her completion to be picked up at a later date. Det.FRNicholson/

07-31-85 @ 1510 hrs.: Arrived at Shopko store located at 1819 Main St. in the city of Green Bay, WI, and met with Kathryn L. Schroeder. Kathryn is the Asst. Store Manager. Kathryn was interviewed with regard to Lori Avery's statement regarding the purchase of paint at this particular store. A written statement was obtained from Kathryn Schroeder. Schroeder related that on Monday, 07-29-85, she was working at the Shopko store. She stated that at approx. 5:00PM she was working near the back register of the store, as they were busy. Schroeder stated that she remembers a customer going through Pat Lax's line and a comment being made about twin children. Schroeder stated she looked over and saw 4 or 5 children with a man and a woman. It appeared to Schroeder that the man and woman were together. The woman was holding a young child, and Schroeder stated she believed the woman made a comment that the baby was only 5 or 6 days old. Schroeder cannot remember what the people looked like and could not identify them. Statement attached. Det.FRNicholson/y dmm

07-31-85 @ 1629 hrs.: Arrived at 2472 Finger Rd. in the city of Green Bay and met with Patricia A. Lax. In a written statement Lax related that she was on duty as a cashier at the Shopko east store on Monday, 07-29-85, between the hours of 1700 & 2200. Lax stated she was working register #11 from 1700 hrs. until approx. 1845 hrs. Lax stated that while she was on that register a family of 7 or 8 came through and bought a gallon of paint. The family consisted of a man, woman, 2 girls and the rest boys, including one set of 6-day old twin boys. Lax stated the woman told her the twins were only 6 days old. Lax further related that the man and the woman were definitely together. Lax described the man as being approx. 5'6"-5'8" tall, medium build, with an untrimmed beard & mustache, and medium length brown hair. Lax remembers his hands having embedded grease. A photograph of Steven Avery and Lori Avery was displayed to Patricia Lax. Lax stated that the photograph of the man looks like the man who came into Shopko with the woman and the twins. Lax stated, "I'm pretty sure it's the same man, but not positive it's the same man." Lax stated that she did not recognize the photograph of the woman. Written statement is attached. Det.FRNicholson

08-01-85 @ 0915 hrs.: Examined an obscene note for the presence of latent fingerorints. The piece of paper was treated with ninhydrin spray, then steamed to develop the latent fingerprints. Several partial prints were developed on the obscene note. The note and fingerprint cards of Steven Avery, Bruno Frauenfeld & Gregory Manthey were transported by this officer to the State Crime Lab for further analysis. The aforementioned items were hand-delivered to Steven J. Harrington of the State Crime Lab. Harrington stated that he would examine the items as they are and would further treat them with silver nitrate in an attempt to further enhance the latent fingerprints. Det. F.R.Nicholson/



CASE NUMBER:	S85-04851	CLASSIFICATION: 04-06
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'dune' and 'woo the sketch/map Park Road. Un- incident. Sea and J. Krizek	enteld. Four sweeps oded' areas, 'first c . Also trails commenc able to locate any ev	of area as indicated on rough sketch/map drawn by made, commencing on beach from NE to SW, including reek' to approximately 200 yards SW of point 'B' on ing at point 'C' to 'first creek' and to exits on idence which could be reasonably associated with this arek, Capt. D. Belz, Deputies K. Bessler, D. Keery Klein. Lt. J. Gospodarek
Avery. The li with a represe 4:15 p.m. thos the District A the victim Pen A line-up of e Beernsten alon Public Defende way glass sepathe participan in the line-up 4:25 p.m. on 0 viewed the eight. 6. the suspect Beernsten view after subject that suspect N	ne-up was scheduled ntative from the Pule present at the Manttorney Denis Vogel, ny Beernsten and her ight subjects was prog with her husband, r's officer were in rated the two rooms to of the line-up be were arranged in or 8-01-85 Penny A. Beecht persons in the line, 2. Steve Avery, 7. Ted the eight subject No. 6 on the Manitow to 6 was the party to the present at the pr	is date for a live line-up to include the suspect Steve for 4:15 p.m. at the Manitowoc County Sheriff's Dept. Delic Defender's Office being present. At approximately itowoc County Sheriff's Dept. for the line-up included a representative from the Public Defender's Office, husband Tom Beernsten and also myself Sheriff Kocourek. Expared in our line-up viewing room and the victim Penny the District Attorney, and the representative from the the viewing room adjacent to the line-up room. A one-so that the victim was able to view the line-up without ing able to see the victim. The eight subjects involved der to suit the desire of the Public Defender and at runsten, the victim of the attempted murder/sexual assaulate-up. Eight persons in the line-up are as follows: 3.
Photographs we the line-up wa A-2. T.Kocour	s made and that is c	-up to be preserved as evidence and also a videotape of urrently being preserved as evidence on videotape No. dk

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MANITOWOC COUNTY SHERIFF'S DEPARTMENT FOLLOW-UP REPORT

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CASE NUMBER: _	585-04851	CLASSIFICATION:
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08-05-85 @ 1600hrs: Departed the area the victims swim suit was found on foot. This area is approximately one mile north of Neshota Park, just inside a woods, adjacent sand dunes, along the beach. Proceeded on foot to squad #57 which was parked at Neshota Park. Arrived at squad #57 at 1613hrs, immediately proceeded to the Shopko store on the east side of Green Bay. The route taken to Green Bay was as follows: 22nd street in the City of Two Rivers west to Forest Avenue/Highway 147. Highway 147 north/west to I-43. I-43 north to Mason Street exit. Mason street west to Lime Kiln Road. Lime Kiln Road north to Shopko. Shopko is located at 1819 Main Street, Green Bay, WI.

The speed travelled averaged ten (10) miles over the posted speed limits, never exceeding fifteen (15) miles over the posted speed limits. Arrived at the Shopko Store, parked the squad and walked into the store. Once inside the store this officer walked to the area of the paint displays, then walked to the check out. At the check out there was an approximate three (3) minute wait. A small purchase was made, the cash register receipt was obtained. The cash register receipt indicates the purchase was made at 1657hrs.

Det Fred R. Nicholson \wp

Leso Nicholson

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CASE NUMBER:S5-04851	CLASSIFICATION:
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un OS-35-35 at 3522 hours a puty J. Dyorak left the Camitokoe winty Cheriff's department in car 51 enrouse to Deshoch eark in

Two divers. Deputy Dvorak arrived at the bank at 155% and voited on the banch area for Detective Dicholson.

Detective Decloison and from the beach area toward cars 51 and 17 parked on the beach. Dan 51 with Decuty Dvorak and car 57 with Detective Dicholson were 10-2, 20-76 to Dhorko East, Green Lay, Viceonsin at 1917 hours.

Denuty Ivorak took the route- not exceeding only eve d limits, as follows: park to 22ndstreet, 1 no to washington, right on satington to 2crast avenue, right on erect avenue to Jourch attact—lighter, left on Church attact—lighter, is to county a, right on a to 147, left on 147 to 1-43, right on 1-47 looth with to leson attact, ason attact north to line line and to the hopko arking lot. Asputy Lysrak entered the shorth store, node a probability of the Looko attact to the bound of the store of the Looko attact.

Loth Leguty Lyorak and Latective Ticholson then returned to the lands of the lands.

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CASE NUMBER:	S85-04851	CLASSIFICATION:
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08-01-85 @ 1115 hrs.: Det. Conrad went to the residence of Lori & Steven Avery, at which time Lori Avery transferred her written statement to Det. Conrad. Lori was asked if the paint purchased in Green Bay at the Shopko store would be available for us to place in evidence. She stated it would.

08-01-85 @ 1125 hrs.: Lori Avery transferred the 1 gal. can of Flat Latex Magna-Color paint to Det. Conrad. Det. Conrad then transferred that evidence to Cpt. Belz, where it was placed in evidence.

08-01-85 @ 1200 hrs.: Det. Conrad interviewed Allan K. Avery, father of Steven Avery. Allan Avery provided the following statement:

"On Monday Steve Avery showed up at my place at about 1100 hrs. He was here for a short time, about 15-20 min., then he went home to change clothes. Around 11:45AM Steve and his family came back here, and Steve helped pour 10 yds. of cement. He was handling the shoot and edging. A short time after 4PM Steve and his family left for Green Bay. At about 7PM Steve & his family came back here and stayed until about 9PM."

The above statement was signed by Allan Avery and witnessed by Det. LN Conrad. Original statement is in investigative file.

08-01-85 @ 1220 hrs.: Det. Conrad interviewed Charles E. Avery, eldest brother of Steven Avery. Charles E. Avery provided the following written statement:

"This past Monday at around 11AM my brother, Steve Avery, showed up at my dad's place. The cement truck came, and Steve helped us pour cement. Steve's wife & kids were with him when he came here. Steve stayed until 4PM or a little after and left for Green Bay."

The above statement was signed by Charles E. Avery in the presence of Det. LN Conrad. The original statement is enclosed within this investigative file.

08-01-85 @ 1225 hrs.: Det. Conrad interviewed Earl Kevin Avery, youngest brother of Steve Avery. Earl Avery provided the following statement:

"Sometime during the late Monday my brother, Steve, arrived with his family. While he was here, Steve helped my dad pour cement. I really don't know when he left, but he came back around 7PM and waited for me."

The above statement was signed by Earl Avery in the presence of Det. LN Conrad. The original statement is enclosed in this investigative file.

08-01-85 @ 1237 hrs.: Det. Conrad interviewed Eric Marvin Moen, employee of Allan Avery's salvage yard. Eric Moen provided the following statement to Det. Conrad:

"At 8:30AM I arrived at Avery's Salvage Yard, where I work. We got ready to lay cement. Around 10:30AM-11:00AM Steve and his family showed up to help pour cement. Steve was operating the cement shoot, and later helped with edging. Steve left around 4PM and I think his family was with him. I know he left at 4PM because it was about an hour before I left, which was 5PM. I didn't see Steve anymore that day."

The above statement was signed by Eric Moen in the presence of Det. Conrad. The original statement is enclosed in this investigative file. Det. L.N.Conrad/

MCSD #025 12/82

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CASE NUMBER:	S85-04851	CLASSIFICATION:
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08-01-85: Det. Conrad interviewed Charles M. Steffen, friend of Allan Avery. Charles Steffen provided the following statement to Det. Conrad:

"This past Monday I arrived at Al Avery's place at 12:05PM to help Al pour cement. A short time after 1PM the cement truck arrived. The guys on the crew were myself, Al and Steve, Lloyd (I don't know his last name) and Eric. I and Eric were striking off, Steve was on the shoot, and Al & Lloyd were spreading the cement. I stayed at Avery's until 4PM. Steve was still there when I left, because he drove his 4x4 down into the pit through a puddle."

The above statement was signed by Charles M. Steffen in the presence of Det. Conrad, and the original statement is enclosed in this investigative file.

Allan Avery showed Det. Conrad the area where the cement was poured. Located to the west of the residence was one slab which was 4" thick and measured 12' x 50'. Located on the west side of a utility shed was one 4" slab which measured 3½' x 12'. The third slab was located on the south side of the metal utility shed. That slab measured 4" x 3½' x 40'. Allan Avery stated that other individuals who were at his place when the cement was poured were Lloyd Scherer, who has no telephone and whose address is unknown to Allan, along with his wife, Rose Scherer. Other individuals were Pete Dassey (PH), Barb Avery, who is Pete Dassey's girlfriend & Al Avery's daughter, Lloyd & Judy Blanke (PH), and Marvin Mott, who is a neighbor and was there at approx. 2PM. Concentration as to individuals who possibly observed Steve Avery at that location were with the pouring crew, who would have been working with him at all times.

Contact was attempted with Don Cigler, an employee of Zeman Cement who provided the concrete for the work that day. Contact was made with Janet, office employee of Zeman Cement, at PH Janet will give Don Cigler the message to contact Det. Conrad. Janet also verified that on 07-29-85 10 yds. of cement were delivered to Al Avery's yard, and the cement was delivered in one load.

08-05-85 @ 1415 hrs.: Contact was again made with Janet at Zeman's Cement, and again it was requested that the message be left with Don Cigler to contact Det. Conrad at his earliest convenience. Janet stated she would pass that message on, and also would have a supervisor by the name of Rick make sure that Cigler got the message.

08-06-85 @ 1010 hrs.: Det. Conrad again called Janet at Zeman's Cement and informed her that Cigler had not yet contacted him. Janet then connected Det. Conrad with Rick, the supervisor, who stated he had talked with Don Cigler and it was his opinion that Cigler did not want to get involved in this investigation. Rick stated that he knew that Mr. Cigler would have to become involved because of the knowledge he had of this incident. Rick stated that Don Cigler told him he did not really know Steve Avery, and only knew of Al Avery's Salvage Yard over the past years. He stated he is not a close friend or relative of the Averys.

A photo line-up will be prepared and shown to Don Cigler at 1600 hrs. this date when he is finished working. Det. LNConrad/ $\frac{1}{2}$

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CASE NUMBER:	\$85-04851	CLASSIFICATION:
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08-05-85 @ 1330 hrs.: Sheriff Kocourek, Tom & Penny Beernsten, Cpt. Don Belz, Det. Fred Nicholson and Lt. Gospodarek returned to the scene of the above described crime. The objective was to attempt to determine if the victim, Penny Beernsten, would be able to identify the exact spot on the beach where she was grabbed by her assailant and point out the area travelled through the sand dunes to a wooded area where she was sexually assaulted. Upon arriving in an area just southwest of First Creek, where it enters Lake Michigan, Penny Beernsten immediately pointed out a PoppleTree growing near the beach and stated that this was the area where she was first assaulted by Steve Avery. Penny pointed out the area where the suspect was hiding in the trees, and also pointed out the area on the beach where he first grabbed her. She then pointed out the general area where she was forced to walk with Steve Avery, coming to a wooded area west of the sand dunes, and pointed out an area where she was forced to the ground, sexually assaulted and beaten. The area that she pointed out near the woods was the same area where the bottom from her swimsuit was located by the canine officer Bruno Frauenfeld. Photographs of the area were taken as evidence. T. Kocourek, Sheriff/

MANITOWOC COUNTY SHERIEF'S DEPARTMENT

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information rela	hrs.: Det. Conrad made rsonal associate of Stev ting to any contact he m e following statement to	ven Avery. Weber was might have had on Jul	acked if he	oould amoudda a
to check out check out Sho doesn't like two car fende Lori answered answered the to Steve's ho police were t	at Steve Avery got arrest if Steve had gotten the the price because the sapko & Fleet Farm. The rollimbin a ladder. For cors which is for a 1974 the phone and I could he phone. I remember that use and Lori said Steve here and one officer ask paint. The Sheriff was	e paint, and Steve sa ale was off in Manito reason I was going to doing Steve's high-up Dodge Charger. When hear her call Steve. was the day because was arrested last ni	aid he was goir wooc. I think help Steve wa work, he agre I talked to S A short time the following ght. When I s	ng to Green Bay he said he would as because he eed to give me Steve that day, later he day I went out
The above statem	ent was signed by Edward t 1600 hrs. The origina	1 LeRoy Weber in the	processes of De	et. Conrad on
Eddie Weber was and he stated th	asked if he had discusse at Lori had informed him was with him all dav lon	ed the Avery arrest i	n any manner w	with Lori Avery,
cement to the Av Det. Conrad. C stated it was a but stated he re that he could go Cigler stated the mainly to the becement project.	hrs.: Det. Conrad talke) with PH ery property on 07/29/85 igler recalls delivering 10-yd. load of concrete. calls being back at the home as there were no mat at the only individual hard he sports. Cigler to When asked who was oper it was a younger male.	Don Cigler is Don Cigler relate the cement to the A Cigler did not rem plant site at 2:40PM nore loads to be deli the recognized at the chought there were ap	the individual of the following wery property member the exact and being information vered the rest Avery property prox. 5 people the comment to	who delivered the grand information to on 07/29/85, and the time he arrived, formed by his boss to f the day. was Al Avery, due working on the

that individual was not involved in that project. Mr. Cigler was asked if he has had any contact with the Avery family since the day the cement was delivered, and he answered "No."

include Steven Avery, Cigler stated that none of the individuals in the photograph were similar in appearance to the individual he recalls operating the shoot. Mr. Čigler stated, "I don't think that individual had a beard." Mr. Cigler remembers the individual who

Mr. Cigler was asked to state the maximum amount of time he spent at the Avery property, and he stated at maximum it was $1\frac{1}{2}$ hours. Mr. Cigler thought it was probably less time than that - closer to just a little over an hour.

operated the shoot as working the large slab, but when he went to pour the two smaller slabs

08-06-85 @ 1830 hrs.: While Det. Conrad was interviewing Donald Cigler, a radio message was overheard where a 10-50 had occurred at the intersection of Harpt Lake Rd. & Siehr Rd. As 4

MCSD #025 12/82

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07-30-85 @ 0715 hrs.: Received phone call from Allan Avery, father of Steven Avery. Call was placed to my residence (Cpt. D. Belz). Allan Avery asked the following, "What is going on with my son, Steve? He was working all day with me pouring cement, and he was putting belts in his vehicle because he had to pick up his wife from Two Rivers Hospital." He again asked me what was going on. He said, "They didn't have no right taking him out of his house like that, after all a guy's got some rights."

At this point Allan was told I had no idea what had taken place. Allan asked if I would check it out. I told him I would. Cpt. D.Belz/

07-30-85 @ 1025 hrs.: Checked with Two Rivers Community Hospital Administrator, Willard Sperry, who checked their computer and gave the following information. Lori Avery was checked into the hospital on 07-22-85 at 10:45PM. Was checked out of the hospital on 07-28-85 at 1:30PM (gave birth to twin boys). Cpt. D.Belz/MC0

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CASE NUMBER: 585-0485/ Avery Case CLASSIFICATION:
INCIDENT:
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O8-07-85: D.A. Vogel requested that the Crime lab. be requested to do a polle-spore- vegatation type search of the clothing brought down to the crime lab from the Avery search warrant. Contacted the crime lab and was informed that they cannot do that type of testing but it was recommended that the Wis. Dept of Agriculture -Hygene Div. should be contacted and they may be able to help regarding this matter. (608 266 2761) Checked with D.A. Vogel. Advised to proceed. Called the "ept. of Agriculture. Was referred to Mr. Jerry Myrdal who is the Director of the Dept. (608-267 3500) Mr. Myrdal stated that they could conduct tests for pollen, seeds, etc. and would be willing to do so. (They have done this for other Police agencies in the past. They are familiar with evidence the will contact the Crime lab today (Same building) and will set this up. He will call as soon as possible with any findings. My number as well as Capt. Belz's number given.
08-08-85: "ec. a call from Mr. Myrdal. The items cannot be tested until Friedry. He will be gone but a Robert Norgren will be testing the items and will call as soon as possible with any results. (This could be Friday afternoon or Monday morning.) Sgt. ARK (NORGREN 266-7/32)

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09-09-85 @1515 hrs. Sheriff Thomas Kocourek requested that Det. Conrad interview Lawrence Thomas Klein DOB: 03-19-60 resides in the City of Two Rivers. Sheriff Kocourek had been informed by Allan Avery the father of the suspect Steven Avery that Lawrence T. Klein is very similar in appearance to his son Steven Avery.

Contact was made at the Two Rivers Police Dept. and it was determined that Lawrence T. Klein is currently residing at 617-22nd St., Two Rivers, Wi.

09-09-85 @1600 hrs. Det. Conrad interviewed Lawrence T. Klein in squad 56 which was positioned near the Klein residence. Prior to the interview Klein was informed of his Miranda Warning and waiver and freely and voluntarily waived his right to self incrimination and signed the Miranda Warning and waiver in the presence of Det. Conrad. That statement is enclosed within the investigative file. Lawrence Klein was asked if he had any information relating to the assault on the beach north of Neshotah Park along Lake Michigan. Klein stated that he was very much aware of the incident as on the day of the incident he was working on his brother, Doug Klein, motor vehicle which was parked in his driveway. Also working on the motor vehicle at that time was Fred Peters and Lawrence Klein's father, Lawrence T. Klein Sr. Lawrence Klein stated that it was somewhere between 3:30 and 4:30 on the date of the incident that himself, his father, Doug Klein, and Fred Peters were working on Doug Klein's vehicle when they observed Police cars drive past his residence on 22nd St. Lawrence Klein stated that himself and his father then drove down to the area of Neshotah Park and saw a gathering of people but were informed that they must stay back away from the area at the direction of the Police Officer.

While interviewing Lawrence T. Klein, Lawrence T. Klein Sr. arrived at his son's residence Leaving Lawrence T. Klein in squad 56 Det. Conrad independently interviewed Lawrence T. Klein Sr. away from Lawrence T. Klein who was positioned in squad 56. Lawrence T. Klein Sr. gave the same identical story as his son. Immediately after interviewing Lawrence Klein Sr. Det. Conrad interviewed Fred Peters who resides at 617-22nd St. and received the same identical information that all were working on Doug Klein's motor vehicle.

Each of the three individuals interviewed were interviewed independently of each other without any chance of the three getting together to tell one another what they had told Det. Conrad.

Lawrence T. Klein has agreed to stop at the Sheriff's Dept. Sept. 10th, 1985 at 1330 hrs. to have his photograph taken and to be videotaped by Sheriff Kocourek. L.N. Conrad χ_{k} ks

CASE NUMBER:\$85-04851	CLASSIFICATION:
INCIDENT:	
DATE AND TIME:	
REPORT CONTINUED:	

11-27-85 @ 0845 hrs.: The following individuals were contacted by Det. Larry Conrad and Chief Deputy Kusche. These individuals are listed by Atty. James Bolgert as witnesses for Steven Avery in Case #S85-04851.

11-19-85 @ 1410 hrs. contact was made with Kathryn Schroeder, Asst. Store Manager of the Shopko East store at 1819 Main St., Green Bay, WI. Ms. Schroeder stated that she made a statement for a detective previously and can't remember much else. She doesn't remember the man much at all, just the very young baby. Ms. Schroeder states that she doesn't remember anything else or anything differently than her previous statement related.

11-19-85 @ 1430 hrs. contact was made with Patricia A. Lax at her residence at Green Bay. Ms. Lax stated that after seeing the defendant in court, she is all the more sure and positive that he is the individual she saw at the Shopko East store in Green Bay on July 29, 1985, as per her previous statement.

11-26-85 @ 1340 hrs. Donna Avery was contacted at her residence, Route 2, Avery Rd., Two Rivers. Donna stated that she was present at the residence, which is adjacent to the Al Avery residence & business place on Avery Rd., on 07/29/85. She further stated that she saw Steve at the residence at approx. 1200 hrs. She later in the day saw him leave, but she did not make a note of the time of his departure. Donna further stated that the Thursday prior to that date, which would be 07/25/85, she had cut Steven Avery's hair rather short and trimmed his beard very close to his face; therefore, at the time of the incident, he would not have had long hair or a bushy beard.

11-26-85 @ 1435 hrs. Peter Dassey was contacted at the residence of Barbara Avery at 1511 Jefferson St., Two Rivers. Mr. Dassey states that he was at the Al Avery residence on 07/29/85 and Steven Avery was there. He states that Steve left at approx. 3:55PM; he did not see Steven leave, but was told he had left. Mr. Dassey further states that at the time Avery's hair was cut short & straight and was not curly.

11-26-85 @ 1310 hrs. contact was made with Charles Steffen at his place of business. Mr. Steffen states that he was present on 07/29/85 at the Al Avery residence and place of business, and he observed Steven Avery there working. He observed Steven Avery leave at 3:55PM on that date.

E. Kusche/

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