

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: DCIR13280/33

Report Date:

Summary Information

Report Number: DCIR13280/33
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Narrative

CASE ACTIVITY REPORT Wisconsin Department of Justice
DJ-DCI-2 (Rev. 8/91) DIVISION OF CRIMINAL INVESTIGATION

1. Case Number

GC-13280

2. Date

11/04/2003

3. Case Title

STEVEN AVERY PROSECUTION

4. Activity

Interview/Arland Avery

5. Date of Activity

10/22/2003

6. On 10/22/2003, Special Agents Amy A. Lehmann and Debra K. Strauss interviewed ARLAND E. AVERY, DOB: 05/24/38. The interview took place at his residence located at 11806 Lakeshore Road, Two Rivers, WI, telephone number 920-755-4416. Also present during the interview was AVERY's wife, AGNES AVERY. ARLAND AVERY provide the following information:

ARLAND AVERY retired from the Manitowoc County Sheriff's Department in 1999. The three years prior to retirement ARLAND AVERY was the Huber Law Officer for the county. Prior to that ARLAND AVERY was a patrolman, starting with the department in 1975. Special Agents told ARLAND AVERY that they wanted to speak with ARLAND AVERY about the night that his nephew, STEVEN AVERY, was arrested for the attack against PENNY BEERTNSEN.

ARLAND AVERY stated that on July 29, 1985, he had a day off from the Sheriff's Department. ARLAND AVERY stated that he got a call from MIKE BUSHMAN, who was head of the SWAT team at that time. BUSHMAN told ARLAND AVERY that they had an arrest warrant for STEVEN AVERY and that they were arresting him for assault.

ARLAND AVERY stated that he offered to go along to the STEVEN AVERY house. ARLAND AVERY stated that he had lived there prior and knew the house well. In addition, STEVEN AVERY had a wife and five children in the house and ARLAND AVERY did not want the SWAT team running in the house with all the children there.

ARLAND AVERY stated that he drove to the STEVEN AVERY house. When he got there the SWAT team was already there. ARLAND AVERY knocked on the door of the residence and nobody answered. At that point, ARLAND AVERY stated that he walked inside of the residence and called STEVE's name. ARLAND AVERY stated that he stood in the kitchen area of the house and STEVE AVERY and his wife, LORI AVERY came down the stairs and asked what was going

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on.

At that point, one of the other officers placed STEVEN AVERY in handcuffs and told him he was under arrest.

ARLAND AVERY stated that when STEVEN AVERY came down the stairs he was wearing pants and no shirt. On STEVEN AVERY's right shoulder he had concrete residue. LORI AVERY asked the officers what STEVEN AVERY was being arrested for and the SWAT team members would not tell her.

ARLAND AVERY stated that at the preliminary hearing the Manitowoc County District Attorney DENIS VOGEL called ARLAND AVERY into his office. At that time, ARLAND AVERY told VOGEL that STEVEN AVERY had the white concrete powder on his shoulder the night he was arrested. ARLAND AVERY stated that VOGEL ignored him. ARLAND AVERY stated that he also relayed this information to REESA EVANS.

ARLAND AVERY stated that he knew the Manitowoc County Sheriff's Department took some of STEVEN AVERY's clothes. ARLAND AVERY stated that VOGEL claimed that STEVEN AVERY had taken a shower and that was why no residue was observed. ARLAND AVERY stated that there was residue on STEVEN AVERY because he saw it and therefore STEVEN AVERY could not have taken a shower. ARLAND AVERY stated that his comments about the white concrete powder were ignored.

ARLAND AVERY stated that because he worked for the Manitowoc County Sheriff's Department he tried to stay out of the investigation as much as possible.

ARLAND AVERY stated that the lead investigator on the STEVEN AVERY case was JIM GOSPODAREK. LEO JADOWSKI was very good friends with GOSPODAREK and would have information on the case as GOSPODAREK is now deceased.

ARLAND AVERY was asked is he was ever threatened by anyone that if he spoke out about seeing the concrete dust on STEVEN AVERY's body that his job would be in jeopardy. ARLAND AVERY stated that he was never afraid of losing his job.

ARLAND AVERY stated that although he was not investigating the case, he heard information from LEO JADOWSKI. JADOWSKI told ARLAND AVERY that STEVE AVERY did not commit the crimes he was charged with and that JADOWSKI knew this from GOSPODAREK. JADOWSKI stated that GOSPODAREK wanted to continue to investigate the case and that the Sheriff, TOM KOCODUREK, said, "no", and that the case was closed.

ARLAND AVERY was asked if he ever made any comment to the sheriff himself about STEVEN AVERY being the wrong man. ARLAND stated that he never had any conversations with the sheriff about the case.

ARLAND AVERY stated that the sheriff was very involved because the sheriff's wife was a close friend with BEERTNSEN. Also, the sheriff really wanted a conviction.

ARLAND AVERY stated that it was his opinion that the case started with JUDY DVORAK. DVORAK worked for the sheriff's department and was the one who interviewed BEERTNSEN at the hospital. DVORAK was the person at the hospital who said out loud that the description of the assailant sounded like STEVEN AVERY. ARLAND AVERY stated that it was after DVORAK made that announcement that the composite drawing was done. ARLAND AVERY stated that he was told by JADOWSKI that GENE KUSCHE drew the composite drawing by looking at a photograph of AVERY.

After BEERTNSEN was shown the composite drawing she was then brought a photo line-up.

ARLAND AVERY stated that at the Manitowoc County Sheriff's Department, STEVEN AVERY's name was not brought up very much. It was his father, ALLEN AVERY, who was talked about much more. The AVERY name was not respected in the community.

ARLAND AVERY stated that at the time of STEVEN AVERY's arrest, he had never heard of GREG ALLEN. ARLAND

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AVERY said that he had heard from JADOWSKI that there was another suspect in the BEERNTSEN attack in Sheboygan who had previous sexual convictions.

ARLAND AVERY was asked if he every heard of a canvass being done at the beach after the assault. ARLAND AVERY stated that he never heard about that. ARLAND AVERY believes that he would have heard about one being done if there was one done. ARLAND AVERY was asked if there had been a canvass done in the neighborhood would reports have been completed. ARLAND AVERY stated that there should definitely been reports done, if the activity occurred.

ARLAND AVERY stated that he was aware that there was a test drive that was done from the crime scene to Green Bay to see if the time frame fit.

ARLAND AVERY stated that he felt that an investigation was never done on this case. *p. 5100 INV. Agree - same day - 5/16* It was because DVORAK named STEVEN AVERY that it just took off. DVORAK did not like STEVEN AVERY. ARLAND AVERY thought that DVORAK's dislike of STEVEN AVERY might have come from the crime he committed against SANDY MORRIS.

ARLAND AVERY stated that it was the consensus of the detectives and officers working for the sheriff's department that STEVEN AVERY did not commit the crimes for which he was charged. However, everyone was told not to investigate further by the sheriff, TOM KOCOUREK.

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Sh. Petersen ever tell you some thing?

Record Status Information

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