

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: DCIR13280/12

Report Date:

Primary Information

Report Number: DCIR13280/12
Type Of Report: Investigative
Description: dci2 interview badker
Approval Status: Approved
Approved Date: 04/12/2004
Approved By: Conversion User (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)

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

09/25/2003

3. Case Title

STEVEN AVERY PROSECUTION

4. Activity

INTERVIEW: BADKER

5. Date of Activity

09/23/2003

6.

On Tuesday, September 23, 2003 at approximately 10:00 a.m., S/A Debra K. Strauss and S/A Amy A. Lehmann interviewed:

NAME: BEVERLY A. BADKER (BEV)
ADDRESS: 4824 Sunset Road, Manitowoc, WI
DATE OF BIRTH: 11/22/1949
HOME PHONE: 920-684-0635
WORK PHONE: 920-683-4073

The purpose of this interview was to obtain information BADKER would have regarding the investigation and subsequent conviction of STEVEN A. AVERY, DOB: 07/09/1963 in 1985.

BADKER stated she has been working for Manitowoc County since April 1975. For the last 9 years BADKER has been working as a Paralegal in the District Attorney's office. During 1995, BADKER worked as a Secretary for the District Attorney's office.

BADKER told the special agents she did not think AVERY was the person who committed this crime long before it was determined the crime was actually committed by GREGORY ALLEN. When the special agents asked BADKER who she thought committed this crime and why, BADKER responded it was a "gut instinct". BADKER continued by saying when she saw the composite picture that had been drawn, this picture instantly reminded her of ALLEN. BADKER said she

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005511

Page 1 of 3

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: DCIR13280/12

Report Date:

Narrative - Continued

know of ALLEN because he had previously been charged of other crimes by the district attorney's office. BADKER said she believed it was possible that ALLEN may have come to the front counter of the district attorney's office for some reason and that is how BADKER would have known what ALLEN looked like.

BADKER stated that after she saw the picture composite, BADKER recalled talking about this with Jill Mertens. Mertens was also working in the district attorney's office at this time. BADKER recalled she and Mertens talking about this photo and how they both agreed it looked like ALLEN.

BADKER stated that at one time she told the Manitowoc County District Attorney at the time, Denis Vogel, she thought this composite photo looked like ALLEN and not AVERY. Vogel told BADKER that ALLEN could not have committed this crime because ALLEN was on probation in Door County at the time the crime was committed. Vogel told BADKER that ALLEN's probation officer had been contacted and the probation officer verified that ALLEN had an alibi at the time the crime was committed. BADKER told the special agents it was later determined the probation officer said he had seen ALLEN within a day or so of the incident and did not provide an alibi as to ALLEN's whereabouts at the time the crime was committed.

BADKER said that as the case progressed, the detectives investigating this crime drove their car to Green Bay to recreate AVERY's alibi as to where he was when the crime was being committed. BADKER said she has issues with the way this was done because when the officers recreated the scenario they would have had to have been speeding and the detectives did not have five small children, including two newborns, with them at the time. BADKER was asked who she thought the detectives were who did this run and BADKER said she was not sure. BADKER said it could have been Det. Fred Nicholson, Det. Roger Melhsner and/or Det. Al Kolanczyk. BADKER stated all of these detectives have since retired.

In BADKER's opinion, the detectives were not necessarily trying to prove whether or not the crime could have been committed by AVERY, instead she feels the detectives were going to find a way to show that AVERY could have done the things he did in Green Bay and still have been in the Two Rivers area to commit the crime.

BADKER was asked if there were any other suspects in this investigation and BADKER said she was not aware of any. BADKER was then asked if she knows how it was determined AVERY was a suspect and BADKER again stated she did not know.

BADKER told the special agents she was surprised at how involved Manitowoc County Sheriff Tom Kocourek was in this case. BADKER said she later learned that Sheriff Kocourek and PENNY BEERNTSEN, the victim, were friends. BADKER said she did not know how involved Sheriff Kocourek was in the investigation but she did know the sheriff came to every court hearing and the trial.

From the time AVERY was arrested until his prosecution, BADKER could not recall D. A. Vogel ever vocalizing any doubts or second thoughts about prosecuting AVERY as the perpetrator of these crimes. BADKER said on a couple of different occasions she would tell D. A. Vogel she had a "gut feeling" that the facts of the assault did not seem right and BADKER would bring up ALLEN's name. D. A. Vogel would simply tell BADKER that ALLEN could not have committed this crime.

In BADKER's opinion, there seemed to be pressure on arresting and convicting someone right away for this offense. Both D. A. Vogel and Sheriff Kocourek applied this pressure. BADKER does not believe that either D. A. Vogel or Sheriff Kocourek intentionally prosecuted the wrong person. BADKER believes that at the time of the arrest and the trial, both D. A. Vogel and Sheriff Kocourek were sure they were prosecuting the right person.

BADKER told the special agents that as the trial was going on, BADKER was not involved in the trial. BADKER told the special agents the only person who would know what went on during the trial was Brenda Petersen. Petersen was the Victim Witness Coordinator at that time.

BADKER had no additional information and the interview concluded at approximately 10:20

005512

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Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

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Narrative - Continued

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Record Status Information

Record Origination Operator:	Conversion User (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)
Record Origination Date:	04/12/2004 14:13
Last Update Operator:	Conversion User (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)
Last Update Date:	04/12/2004 14:13

005513

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Page 3 of 3