

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: DCIR13280/40

Report Date:

Primary Information

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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

10/04/2003

3. Case Title

STEVEN AVERY PROSECUTION

4. Activity

Interview/Brenda L. Petersen

5. Date of Activity

09/23/2003

6.

On 09/23/2003, Special Agents Amy A. Lehmann and Debra K. Strauss interviewed BRENDA L. PETERSON, formerly BRENDA GUSE, DOB: 03/24/62, residing at 4928 Remiker Lane, Manitowoc, WI 920-682-5448 (home) and 920-683-4074 (w). PETERSON is the Manitowoc County Victim/Witness coordinator and was employed by the county during the time period in 1985 when STEVEN AVERY was convicted for the attack on PENNY BEERNTSEN. PETERSON provided the following information.

PETERSON stated that from the beginning when she had heard that BEERNTSEN had been attacked and when she saw the composite drawing that had been done she thought it was GREGORY ALLEN that committed the offense.

PETERSON said that she was familiar with ALLEN at that time from court hearings that he attended. PETERSON stated that at the time she saw the composite drawing, she knew what ALLEN looked like. PETERSON said that from what she also knew of ALLEN's history, the attack on BEERNTSEN seemed to fit ALLEN.

PETERSON said that in 1985 ALLEN had been in court for various things including stalking, window peeping, watching women at Red Arrow Beach and stealing women's undergarments. PETERSON stated that the Manitowoc Police Department was watching ALLEN because of his behavior.

PETERSON stated that she was also familiar with AVERY because she was working with SANDY MORRIS, who was a victim of AVERY. AVERY was charged with exposing himself to her. - Was he so charged? No - endangerment?

PETERSON stated that all through the trial of AVERY she never thought that he committed the crime for which he was charged. PETERSON believed that she was vocal about how she felt and had some conversations about it with former clerk SHIRLEY WILDA and officers involved with the case. PETERSON and WILDA would talk about how they would not

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also Beverly Baker + Jill Martens

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convict AVERY on the evidence that they heard in court. PETERSON believed that because she talked about how she did not believe that AVERY was the right man charged, that former Manitowoc District Attorney DENNIS VOGEL would have heard her make those comments.

PETERSON said that she heard that someone had checked with a probation officer in Door County who stated that ALLEN was in Sturgeon Bay at the time of the assault. PETERSON believed that she would have heard this in general discussion in VOGEL's office.

PETERSON relayed that one thing that was odd about the investigation was how involved the Sheriff, TOM KOCOUREK, was in the case. At one point KOCOUREK gave BEERNTSEN her own police radio to keep at her house. PETERSON stated that in twenty years she has never seen that happen. BEERNTSEN received special treatment that normal victims didn't receive. PETERSON described BEERNTSEN as affluent in the community and a friend of KOCOUREK. PETERSON relayed that KOCOUREK gave Vogel lots of pressure to get a conviction for the assault on BEERNTSEN, making comments like "don't lose this" or "he better not walk".

PETERSON stated that she never had any conversations with BEERNTSEN about if she thought she had chosen the correct person as her attacker. PETERSON stated that although it has come out that BEERNTSEN picked the wrong man as her attacker, PETERSON said that AVERY was not picked maliciously and that BEERNTSEN truly believed that AVERY was the person who committed the crime.

PETERSON stated that she was not aware of other suspects that were looked at by the Sheriff's Department. PETERSON did not know if there even were other individuals considered for the attack on BEERNTSEN.

Another problem that PETERSON had with the case was the issue with the attacker's hair. PETERSON stated that BEERNTSEN had said her attacker had curly hair and AVERY's hair was straight. The prosecution led the jury to believe that the hair curled because of the humidity, however, PETERSON stated that she had a problem with that as hair typically goes flat in the humidity.

The biggest concern to PETERSON was the timed drive that the detectives did from the Sheriff's Department demonstrating how AVERY could have committed the crime in the time frame available. It was PETERSON's "gut feeling" that there was a lot of pressure by the Sheriff to "make it fit". When the detectives made the run, they did not have five children in the vehicle like the AVERY's did.

There was also the issue of the attacker's underwear that caused concern for PETERSON. BEERNTSEN stated that her attacker had on white underwear. There was testimony in court that AVERY never wore any underwear. On that day that was revealed in court the prosecution was very upset when they left for the day. The next day VOGEL came into court all excited because BEERNTSEN had an explanation for the white underwear she thought she had seen. BEERNTSEN had been doing her wash the night before and when she pulled her jeans out of the dryer she noticed that the pocket linings were white, which therefore must have been what she saw when she thought she saw white underwear. This is the information that was relayed to the jury.

For this case, PETERSON relayed that there were lots of closed-door sessions with only VOGEL, BEERNTSEN and Sheriff KOCOUREK attending. PETERSON stated that this was unusual from how things were normally handled. Typically VOGEL would have PETERSON in the room when meeting with a victim.

PETERSON described VOGEL as an excellent attorney and did not know if VOGEL did anything intentionally wrong. PETERSON again relayed that the Sheriff put a lot of pressure on him.

PETERSON stated that if she would have been on the jury she would not have convicted AVERY. PETERSON was surprised when the jury found him guilty.

PETERSON was unable to provide any additional information and the contact was terminated at approximately 10:50

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