

# Wisconsin DOJ Division of Criminal Investigation

## ACISS Investigative Report

Report Number: DCIR13280/26

Report Date:

### Primary Information

Report Number: DCIR13280/26  
Type Of Report: Investigative  
Description: dci2 re safe docs  
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

09/30/2003

3. Case Title

STEVEN AVERY PROSECUTION

4. Activity

Records Examination: Safe Documents

5. Date of Activity

09/30/2003

6.

On Monday, September 22, 2003, S/A ~~Debra K. Strauss~~ met with Manitowoc County Sheriff Kenneth J. Petersen. During this meeting, ~~S/A Strauss told~~ Sheriff Petersen the Attorney General's office has been asked to review the events which occurred between the PENNY BEERNTSEN assault on 07/29/1985 through the STEVEN AVERY prosecution. S/A Strauss assured Sheriff Petersen the Attorney General's office was not going to re-investigate the crime.

S/A Strauss asked Sheriff Petersen for a copy of the Manitowoc County Sheriff's Department case file regarding the assault and subsequent investigation. Sheriff Petersen went to his safe because that is where he thought the entire case file was being kept. Sheriff Petersen pulled out a small stack of documents regarding AVERY.

Sheriff Petersen then went to a second location and obtained the entire case file regarding the assault and conviction.

Sheriff Petersen said he would be willing to provide S/A Strauss with a copy of the documents in the safe, but Sheriff Petersen would need time to have the case file copied. Sheriff Petersen would not release the case file to S/A Strauss because it is a policy of the sheriff's department that the case files need to stay in-house.

The following is a list of the documents which were being maintained in a safe in the office of Sheriff Petersen:

The first document examined by S/A Strauss was an affidavit of MICHAEL ERNEST LUCERO. This affidavit is dated 06/14/2000. As part of the affidavit, LUCERO states that while he was an inmate at the Green Bay Correctional Institution, he met STEVE AVERY. During one of LUCERO's conversations with AVERY, AVERY admits to raping a woman on a beach in Manitowoc,

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### Narrative - Continued

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The next document examined by S/A Strauss was a statement of JAMES M. LENK. This statement is dated 09/12/2003. This statement was regarding a conversation Lieutenant LENK had with Sergeant COLBORN regarding a phone call Sgt. COLBORN had received from Brown County. The person from Brown County was talking to Sgt. COLBORN because Brown County had a person in custody, who stated that a few years prior he committed an assault in Manitowoc County.

The third document examined by S/A Strauss was a one-page statement signed by Sergeant ANDREW L. COLBORN. This statement was prepared on 09/12/2003. According to this statement, in 1994 or 1995, Sgt. COLBORN was working as a corrections officer in the Manitowoc County Jail. While working as the corrections officer, Sgt. COLBORN received a call from a man who identified himself as a detective from outside the Manitowoc County area. The detective stated he had received information that a person in their custody had been commenting that he had committed an assault in Manitowoc County and someone else was in jail for it.

The next document examined by S/A Strauss is dated 09/12/2003. This document is a memo on Manitowoc County Sheriff's Department to all department personnel from Sheriff Kenneth Petersen. This memo states that employees shall make no comments concerning the STEVEN AVERY case. All news releases shall be issued by either Sheriff Peterson or Inspector Hermann.

Another document examined by S/A Strauss was a press release by Mark R. Rohrer, Manitowoc County District Attorney. This press release is regarding the release of STEVEN A. AVERY. This press release states that, according to DNA test results, GREGORY ALLEN had actually committed the sexual assault and attempted homicide, not STEVEN AVERY.

The final set of documents examined by S/A Strauss were master look-up files dated 09/10/2003 and 09/12/2003. The print-out, which was prepared on 09/10/2003, was regarding STEVEN A. AVERY, DOB 07/09/1962. The master look-files dated 09/12/2003 were regarding GREGORY A. ALLEN, DOB 01/17/1954.

A copy of the previously mentioned documents can be found in the main case file.

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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

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