

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: DCIR13280/35

Report Date:

Primary Information	
Report Number:	DCIR13280/35
Type Of Report:	Investigative
Description:	dci2intbolgert
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	10/28/2003
3. Case Title	STEVEN AVERY PROSECUTION
4. Activity	Interview/James J. Bolgert
5. Date of Activity	10/22/2003
6.	<p>On 10/22/2003, Special Agents Amy A. Lehmann and Debra K. Strauss interviewed JAMES J. BOLGERT. BOLGERT is currently a Sheboygan County Circuit Court Judge and the interview was conducted in BOLGERT's office at the courthouse. BOLGERT has been a circuit court judge since 1994. Prior to 1994 BOLGERT was in private practice. In 1985 BOLGERT was a sole practitioner.</p> <p>In 1985, while practicing law, BOLGERT was contacted by BOB WELLS, who was a staff public defender, looking for someone to take the case of STEVEN AVERY. The trial date had been set and could not be changed. It was sometime in October or November of 1985 that BOLGERT took over the AVERY case from Attorney REESA EVANS. It was BOLGERT's understanding that EVANS had some kind of illness and was unable to continue representing AVERY.</p> <p>BOLGERT recalled meeting with EVANS at her office in Manitowoc and she had a box of records, which was organized by what she had completed by that time.</p> <p>BOLGERT was asked if he would have issued a new discovery demand if one would have already been submitted by EVANS. BOLGERT stated that if EVANS had issued one, he would not have issued another. BOLGERT stated that at the point he got the case, he was in the mode to just prepare what was there already for trial. BOLGERT said that EVANS had already even lined up the expert witness by that point.</p> <p>BOLGERT said that he could remember interviewing the alibi witnesses and meeting with AVERY while he was in custody. BOLGERT stated that it was possible that he did a suppression hearing, but that he was not sure about that.</p> <p>BOLGERT stated that he did not receive any discovery from then-District Attorney DENNIS VOGEL. All discovery that</p>

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Narrative - Continued

was turned over was received by EVANS, prior to BOLGERT taking the case over.

BOLGERT stated that he could not remember receiving names of other suspects from any source. BOLGERT said that when he heard the name GREGORY ALLEN, he was very surprised and did not recall ever hearing ALLEN's name before. BOLGERT stated that he first heard the name ALLEN in September of 2003, when AVERY was to be released.

BOLGERT stated that he has no recall of knowing about ALLEN at the time of the AVERY trial.

BOLGERT said that he couldn't remember doing any research on other suspects. BOLGERT was asked what he would have done had he know about other possible suspects. BOLGERT stated that he did not know what he would have done. BOLGERT stated that he could not remember if there were other suspects in the case file or not.

BOLGERT said that he always believed AVERY did not do the crimes for which he was charged. BOLGERT stated that he believed AVERY and the alibi witnesses. BOLGERT stated that the Sheriff's Department locked into AVERY because of the photo identification.

BOLGERT was shown a letter that he wrote while defending AVERY. The letter requested that the Sheriff's Department look into another possible suspect, BRYAN GARRISON. BOLGERT stated that it was his signature on the letter, however, he could not remember the letter.

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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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