

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: DCIR13280/36

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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

10/09/2003

3. Case Title

STEVEN AVERY PROSECUTION

4. Activity

Interview/Tina Dahle

5. Date of Activity

10/07/2003

6.
On 10/07/2003, Special Agent Amy A. Lehmann interviewed TINA DAHLE. The interview took place at her place of employment, the law offices of Dennisen, Kranzush & Manhoney, 3000 Riverside Drive, Green Bay, WI 920-435-4391. DAHLE is currently an attorney with the firm. Approximately five years ago, DAHLE was a law student doing work for Project Innocence through the University of Wisconsin - Madison. DAHLE provided the following information as it pertained to the STEVEN AVERY case.

DAHLE stated that she received credits for college by working for Project Innocence. DAHLE was assigned the STEVEN AVERY case along with ROB (last name DAHLE could not remember), another law student. WENDY PAUL was the attorney who supervised the work that was done by DAHLE and ROB. DAHLE explained that Project Innocence takes on a case after there is a request by the person convicted or their family. Then there are criteria that are used to decide if the case is one worth reviewing.

DAHLE explained that the initial documents that are reviewed by Project Innocence are the ones kept by the defendant and then the defense counsel. After that there is a request for Sheriff's Department records and for records able to be disclosed by the District Attorney's office.

DAHLE said that upon reviewing these documents for AVERY, they noted problems with the interview of the victim. The victim, PENNY BEERNTSEN was interviewed and asked descriptions of her assailant a short time after the assault. DAHLE said that it was her recollection that BEERNTSEN was shown a picture of AVERY prior to AVERY being shown to her in an array of photographs for the photo line-up. In addition to that, there was a problem with the array of photographs as they were too dissimilar. DAHLE believed that there was a report in the Project Innocence file that related to the individual photograph being shown to BEERNTSEN.

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Narrative - Continued

DAHLE stated that initially upon reading the case file she had issues with the leather jacket, which BEERNTSEN claimed her assailant wore on the day of the attack. DAHLE said that it was July at the time of the assault and it happened on a beach, which drew her to the conclusion that it was probably a motorcycle jacket or one used when riding a motorcycle. DAHLE stated that she believed that angle was brought to the attention of law enforcement, however it was never checked out.

DAHLE said that in the AVERY case there were large problems with the timing of events. In addition there were problems with the statements and testimony of the cement truck driver. The driver gave times inconsistent with others that were alibis for AVERY. DAHLE said that in part of the driver's statement, he stated that he was home at a certain time because he had watched a particular show on television. DAHLE stated that the show that the driver claimed to have watched was in fact not on the TV at that time.

DAHLE stated that as it related to the cement dust being on AVERY or not, DAHLE said that there were questions to exactly what clothing law enforcement gathered for testing at the crime lab. There was also a report that AVERY's wife had been doing laundry and it was noted by law enforcement that if the clothes in the washer happened to be the clothes that AVERY wore while cementing, his wife was helping to destroy evidence.

DAHLE stated that during her review of all the different documents and files pertaining to the AVERY case, she did not recall anything about any other possible suspects, and no mention of GREGORY ALLEN.

DAHLE said that while she was reviewing the file there was a phone call received. The caller was someone's girlfriend who said that she knew that the case was being reviewed and the attacker sounded like another person that she was familiar with. DAHLE believed that there was a report about this call in the Project Innocence file.

DAHLE said as part of their work for they pulled photographs from AFIS of individuals that matched the description given by the victim. DAHLE believed that one photograph they pulled was for ALLEN. DAHLE stated that some of her work consisted of going into local pubs, probably with the ALLEN photo, to see if someone recognized the photo. DAHLE said that they learned that two people saw him in the area during BEERNTSEN's attack.

DAHLE stated that she also spoke with former District Attorney DENNIS VOGEL, who was DA at the time of the AVERY conviction. DAHLE said that VOGEL would not help, stating, "we have the right guy".

After 1996, DAHLE stated that she contacted the current District Attorney, JIM FITZGERALD, asking for the original evidence so that Project Innocence could test for DNA. DAHLE stated that FITZGERALD was told that Project Innocence would pay for the tests and that as far as any press was concerned, FITZGERALD could play that anyway he wanted to, to make the DA's office look favorable. FITZGERALD firmly said no to the request. DAHLE said FITZGERALD said he wanted to talk to BEERNTSEN about it after which BEERNTSEN called DAHLE to discuss it. BEERNTSEN told DAHLE that she was positive that AVERY was the right guy, but that she would not oppose the tests being done, however BEERNTSEN believed that DAHLE was wasting her time. DAHLE then recontacted FITZGERALD and relayed that BEERNTSEN was not opposed to Project Innocence testing for DNA. FITZGERALD stated, "Absolutely not, there is something to be said for closure".

DAHLE said that was the start of a long court process of getting the court to order that the evidence be turned over to Project Innocence for testing. The Manitowoc District Attorney's office fought the process the whole way, making the comment at one point of, "Even if the DNA comes back as not belonging to AVERY, it does not mean that AVERY did not do it. BEERNTSEN could have grabbed at anyone at the scene".

DAHLE stated that she left Project Innocence about two years ago and at that time the DNA testing was still in court hearings with notices filed.

DAHLE relayed that at one point she reviewed the evidence that was taken for the AVERY case. It was stored in the Clerk of Court's office in one large box. Clothing, hair samples, etc. were all stored together.

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Variances - Continued

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