

# Wisconsin DOJ Division of Criminal Investigation

## ACISS Investigative Report

Report Number: DCIR13280/8

Report Date:

Primary Information	
Report Number:	DCIR13280/8
Type Of Report:	Investigative
Description:	dci2 int-bergner
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

10/06/2003

3. Case Title

STEVEN AVERY PROSECUTION

4. Activity

Interview/BERGNER

5. Date of Activity

10/02/2003

6.

On Thursday, October 2, 2003, at approximately 10:15 a.m., S/A Debra K. Strauss and S/A Amy A. Lehman interviewed THOMAS W. BERGNER. BERGNER is the Deputy Chief for the Manitowoc Police Department. This interview was conducted in BERGNER's office, 910 Jay Street, Manitowoc, WI, 920-686-6577. The purpose of this interview was to obtain information BERGNER would have regarding the assault on PENNY BEERNTSEN, on July 29, 1985.

BERGNER provided the following information:

BERGNER stated that just prior to STEVEN AVERY being released from prison in mid September 2003, BERGNER was contacted by TOM BEERNTSEN. BEERNTSEN advised BERGNER that AVERY was going to be released from prison because it was determined AVERY had not committed the crime he was accused of. BEERNTSEN was contacting BERGNER because BEERNTSEN was requesting the Manitowoc Police Department watch the BEERNTSEN's residence to make sure it is safe. BERGNER stated that he has not heard from BEERNTSEN since this phone call.

In July 1985, BERGNER was working as a detective for the Manitowoc Police Department. BERGNER said all jurisdictions were very territorial at that time and did not like to share information or contact other agencies regarding investigations they were working on.

In July 1985, BERGNER knew Manitowoc County Sheriff TOM KOCOUREK. BERGNER said that he could not remember why, but BERGNER remembers going to the sheriff's department and meeting with Sheriff KOCOUREK to discuss the BEERNTSEN assault case. BERGNER asked Sheriff KOCOUREK if he knew about GREGORY A. ALLEN, DOB 01/17/1954. Sheriff KOCOUREK told BERGNER that ALLEN had been ruled out as a suspect for this case. BERGNER

This report is property of Wisconsin DOJ Division of Criminal Investigation. Neither it or its contents may be disseminated to unauthorized personnel.

Lehmannas 04/13/2005 13:31

005609

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: DCIR13280/8

*explain how it was that he had the impression that KOCOUREK knew Allen's history?*

Narrative - Continued

said he got the impression that Sheriff KOCOUREK knew about ALLEN and ALLEN's history.

BERGNER was then asked if he ever spoke with Manitowoc District Attorney DENIS VOGEL about ALLEN. BERGNER responded he did not. The only person BERGNER spoke to was Sheriff KOCOUREK.

BERGNER believes ALLEN should have been considered as a suspect for the BEERNTSEN assault because it is believed ALLEN was involved in other sexual assaults around this same time. BERGNER stated that ALLEN was a suspect of an attempted sexual assault on July 14, 1985, in Manitowoc. BERGNER said that ALLEN was never charged with this sexual assault because there was not enough evidence to charge ALLEN. BERGNER explained that DNA testing was not available in 1985 and 1986 like it is now.

*by the D.A.?*

*Hartman's operator?*

BERGNER was then asked if he ever contacted PENNY BEERNTSEN to ask her if she was sure that she identified the right person as her assailant. BERGNER said he did not. BERGNER believes that if someone from the Manitowoc Police Department would have called BEERNTSEN and asked such a question, it would have had to have been someone who would have known BEERNTSEN pretty well. BERGNER said that two detectives might have possibly contacted BEERNTSEN, the first one being ROGER HARTMAN. HARTMAN has retired from the Manitowoc Police Department and is currently living in Indiana. HARTMAN can be contacted at 317-867-3012. A second detective who may have contacted BEERNTSEN would be HENRY OSPEDALE. OSPEDALE was a detective with the Manitowoc Police Department at the time the BEERNTSEN assault took place. OSPEDALE currently lives at 1611 Wisconsin Ave., Manitowoc, WI, 920-684-4095.

*Ask him about Greg?*

BERGNER was asked if he ever discussed GREG ALLEN with anyone from the sheriff's department. BERGNER responded that he thinks he may have discussed ALLEN with Detective LARRY CONRAD. BERGNER thinks Detective CONRAD may have received information from a North Carolina law enforcement agency regarding a murder, which ALLEN was suspected of committing. Detective CONRAD then provided a copy of this information to BERGNER.

*consistent*

BERGNER did not know of any other detectives who may have had information regarding ALLEN.

*in Sheriff's Dept. or in Manitowoc P.D.?*

BERGNER had no additional information and the contact was at that time terminated.

Later that same day, BERGNER contacted S/A Strauss. BERGNER suggested that S/A Strauss contact JIM FITZGERALD and EMMA ANDERSON. BERGNER thought that FITZGERALD was currently working in the Vilas County District Attorney's office and ANDERSON was currently working as the District Attorney in Kewaunee County. BERGNER suggested that the special agents contact FITZGERALD and ANDERSON because they were working as Assistant District Attorneys for Manitowoc County at the time and they may have some information regarding the BEERNTSEN assault and the AVERY arrest and conviction.

dp 10/14/03  
13280 dci2 int-bergner 10022003 straussdk

*Not contact him?  
Why not?  
Keweenaw now?*

*Anderson said to she did them work as a D.A.?*

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

005610

This report is property of Wisconsin DOJ Division of Criminal Investigation. Neither it or its contents may be disseminated to unauthorized personnel.