

05CF 381

JUDGMENT OF CONVICTION
SENTENCE TO WISCONSIN STATE PRISONS

STATE OF WISCONSIN,
v.

Plaintiff

STATE OF WISCONSIN, Circuit Court Branch 3

STEVEN A. AVERY

Defendant

County MANITOWOC

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

7-9-62 Defendant Date of Birth

Court Case No. 85 FE 3 **DEC 6 2005**

The defendant entered his/her plea of guilty not guilty no contest; **CLERK OF CIRCUIT COURT**

The Court Jury found the defendant guilty of:

Crime(s)

Wis. Statute(s) Violated	Felony or Misdemeanor (F or M)	Class (A-E)	Date(s) Crime Committed
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ENDANGER SAFETY BY CONDUCT REGARDLESS OF LIFE
AS REPEATER

941.30 & 939.62 (1)(b)	F	D	1-3-85
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FELON POSSESSING FIREARM AS REPEATER

941.29 (2) & 939.62 (1)(b)	F	E	1-3-85
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This document is a full certified copy of the original on file in the Office of the Clerk of Circuit Court, Manitowoc County, State of Wisconsin

committed in this County; and

Date: 1-10-05 Roberta Luce

Deputy Clerk of Circuit Court

On 9-22-86, the Court inquired of the defendant why sentence should not be pronounced, and no sufficient grounds to the contrary being shown or appearing to the Court, the Court having accorded the district attorney, defense counsel, and the defendant an opportunity to address the Court regarding sentence; and upon all the evidence, records and proceedings, the Court pronounced judgment as follows:

IT IS ADJUDGED that the defendant on 9-22-86 was convicted as found guilty, and is sentenced to the Wisconsin State Prisons for an indeterminate term of not more than six (6) years on each count to be served concurrently with one another and concurrently with the sentences defendant is presently serving.

IT IS DETERMINED AND ORDERED that the record requires court-imposed conditions as follows:

None As ordered below:

That the defendant has the ability to pay within that period the amounts ordered herein. Should his/her financial condition change he/she shall forthwith petition this Court for reconsideration of such conditions.

Fines: None \$ _____; Court Costs: None \$ _____;

Attorney Fees: None \$ _____; Restitution: None \$ _____;

Other: None \$ _____;

Mandatory Felony two (# counts) @ \$30.00 Amount \$ 60.00;

Victim/Witness Surcharge Misdemeanor _____ (# counts) @ \$20.00 Amount \$ _____;

(Sec. 973.045 Wis. Stats.) Paid Yes Amount \$ _____; No

IT IS FURTHER ORDERED that the defendant shall pay surcharges pursuant to Sec. 973.09(1)(b), Wis. Stats.;

IT IS ADJUDGED that 368 days sentence credit are due pursuant to Sec. 973.155, Wis. Stats.;

IT IS ORDERED that the Clerk deliver a duplicate original of this Judgment to the Sheriff, and that the Sheriff shall forthwith deliver the defendant and a copy of this Judgment to the Dodge Correctional Institution (Reception Center) Located in the City of Waupun, Wisconsin.

MANITOWOC COUNTY
STATE OF WISCONSIN

FILED

SEP 22 1986
(affix seal)

CLERK OF CIRCUIT COURT

BY ORDER OF THE COURT: Signature of ~~Judge~~ Deputy ~~Clerk~~ Clerk of Court

Shirley Lueders

Name of Judge
Fred H. Hazlewood

Date Signed
9-22-86

Name of Defense Attorney
Lynn Hackbarth

Name of District Attorney
E. James FitzGerald, Ass't.

**PLAINTIFF'S
EXHIBIT**
NO. 8
05CF 381
12-6-05

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

CASE FILE NO. 85 FE 3

-vs-

CRIMINAL COMPLAINT

STEVEN A. AVERY, d.o.b. 7/9/62
Route 1, Box 268
Maribel, WI

MANITOWOC COUNTY
STATE OF WISCONSIN

FILED

Defendant.

JAN 4 1985

CLERK OF CIRCUIT COURT

COUNT #1 JAMES MEIDL, Lt., Mtwc. Co. Sheriff's Dept., being duly sworn on oath says on information and belief that on or about the 3rd day of January, 1985, at the Township of Gibson, in said County and State, STEVEN A. AVERY did as a repeater, endanger another's safety by conduct imminently dangerous to another and evincing a depraved mind regardless of human life, to-wit: Endangered the safety of Sandra L. Morris by forcing her car off the roadway and by pointing a loaded firearm at her, contrary to Wisconsin Statute Section 941.30. This offense is punishable upon conviction by a fine not to exceed \$10,000 or imprisonment not to exceed eleven years, or both. This penalty is increased pursuant to Wisconsin Statute Section 939.62(1)(b).

COUNT #2 JAMES MEIDL, Lt., Mtwc. Co. Sheriff's Dept., being duly sworn on oath says on information and belief that on or about the 3rd day of January, 1985 at the Township of Gibson, in said County and State, STEVEN A. AVERY did as a repeater, endanger another's safety by conduct imminently dangerous to another and evincing a depraved mind regardless of human life, to-wit: Endangered the life of the infant child of Sandra Morris, Crystal Morris, who was a passenger in the vehicle driven by Sandra Morris, which vehicle was forced off the road by the actions of Steven Avery, contrary to Wisconsin Statute Section 941.30. This offense is punishable upon conviction by a fine not to exceed \$10,000 or imprisonment not to exceed eleven years, or both. This penalty is increased pursuant to Wisconsin Statute Section 939.62(1)(b).

COUNT #3 JAMES MEIDL, Lt., Mtwc. Co. Sheriff's Dept., being duly sworn on oath says on information and belief that on or about the 3rd day of January, 1985 at the Township of Gibson, in said County and State, STEVEN A. AVERY being a person who had previously been convicted of a felony in the State of Wisconsin, and as a repeater, did possess a firearm, to-wit: Having been convicted of the felony of burglary on March 23, 1981 in the County of Manitowoc, State of Wisconsin, did on the 3rd of January, 1985 possess a 30-06 rifle, contrary to Wisconsin Statute Section 941.29(2). This offense is punishable upon conviction by a fine not to exceed \$10,000 or imprisonment not to exceed eight years. This penalty is increased enhanced to Wisconsin Statute Section 939.62(1)(b).

The complainant further alleges that he is informed by the reports of Darwin Johnson known to the complainant to be an officer with the Manitowoc County Sheriff's Dept. that while he was on duty during the early morning hours of January 3, 1985, he was directed by the Sheriff's Dept. dispatcher to go to a

residence located on CTH Q in the County of Manitowoc, to speak to Sandra Morris. That when Officer Johnson arrived at the residence and spoke to Sandra Morris, she informed him that at approximately 5:30 A.M. that morning, she had left her residence located at Route 1, Box 234, Whitelaw, driving her green Plymouth automobile on her way to work. That she had in the car with her, her infant child. That her intention was to drop the child off at the grandparent's home and then proceed to work. That as she was eastbound on old CTH Y, she noticed another vehicle approaching from the rear, and begin to pass her vehicle. That the passing vehicle struck the side of her vehicle causing her car to veer back and forth across the roadway and to come a stop at the side of the road. That Mrs. Morris then got out of her vehicle and observed the driver of the other vehicle also getting out of the car. That she then recognized the driver of the other vehicle as a person known to her to be Steven Avery. That at this point, she observed Steven Avery to be holding a rifle and that he was pointing the rifle directly at her. That Steven Avery then ordered her to get into his vehicle. That she asked Avery not to hurt her and pointed out to him that the child, who was on the front seat of her vehicle, would freeze if she went with Avery. That Steven Avery then approached the door of Mrs. Morris' vehicle while continuing to point the rifle at her. That he observed the child on the seat of the vehicle and that he then indicated that Mrs. Morris could get in her car and drive away.

The complainant further alleges that he is informed by the reports of Darwin Johnson and Richard Tisler and Fred Reese known to the complainant to be officers with the Manitowoc County Sheriff's Dept. that following the receipt of the above information, the other officers responded to assist Officer Johnson and went to the residence of Steven Avery. That they approached the house and were met at the door by Mrs. Avery who informed them that as far as she knew, Steven was asleep in a bed upstairs. That Steven then came down and was taken into custody by the officers. That at this point, Officer Johnson observed a vehicle parked in the driveway which matched a description of the vehicle involved in the accident which had previously been given to him by Mrs. Morris. That he examined the vehicle and that he requested Steven Avery to open the hood of the vehicle, which Steven Avery did. That upon touching the exhaust manifold of the engine, Officer Johnson found it to be very hot. That the rest of the metal of the vehicle was extremely cold due to the cold air temperatures.

The complainant further alleges that he is informed by the reports of Officer Johnson that he then spoke to Lori Avery, the wife of Steven Avery and asked her whether or not there were any firearms or rifles in the residence that she knew of. She indicated to him that she did not know of any, however, she did give the officer permission to look around in the house. That Officer Johnson then searched the residence and found on top of the dresser in the master bedroom, a box of rifle shells for a 30-06 rifle. He then looked in the children's bedroom and found underneath one of the children's beds, a rifle case which when he opened it, contained a 30-06 rifle with a live round in the chamber.

The complainant further alleges that he is informed by the reports of Larry Conrad known to the complainant to be a detective with the Manitowoc County Sheriff's Dept. that he spoke to Steven Avery in regard to the above incident. That Steven Avery admitted to Det. Conrad that he did drive his vehicle into Sandra Morris' vehicle to force her to stop her vehicle. That Steven Avery further admitted to Det. Conrad that he intended to force Sandra Morris into his vehicle after he had stopped her. That Steven Avery further admitted that he did approach Sandra Morris with a firearm with intent to frighten her.

The complainant further alleges that he is informed by the records of the Clerk of Circuit Court for Manitowoc County that Steven Avery was convicted of the felony of two counts of burglary on March 23, 1981.

The information provided by Darwin Johnson, Richard Tisler, Fred Reese and Larry Conrad is to be believed because they have provided true and reliable information in the past as police officers. The information provided by Sandra Morris and Lori Avery is to be believed because they are providing information as citizen informants which is based solely on their personal observations and experience. The information provided by Steven Avery is to be believed because it is against his own self interest.

James P. Meidl
Complainant

Subscribed and sworn to before me this 4th day January 1985.

Elma E. Anderson
Assistant District Attorney

Approved for filing *Elma E. Anderson*
Assistant District Attorney