

The effect of the Court's failure to vacate its October 3, 2017, ruling is that it has unilaterally blocked all future scientific testing in the Avery case, in direct contravention of the April 4, 2007, order entered by Judge Willis. On October 23, 2017, Mr. Avery's current post-conviction counsel filed a Motion for Reconsideration of the Court's October 3, 2017, ruling. Mr. Avery raised new evidence in addition to pointing out that this Court made manifestly erroneous determinations of law and fact. Again, this Court did not respond. On October 31, 2017, Mr. Avery filed a Supplement to the previously filed Motion for Reconsideration. Mr. Avery filed an Amended Supplement to the previously filed Motion for Reconsideration on November 1, 2017. On November 2, 2017, Mr. Avery filed an Amendment to Group Exhibit 7 of his previously-filed Amended Supplement to the Motion to Reconsider. The Court did not respond to any of these filings. Today is Mr. Avery's last attempt to elicit a response from this Court. Tomorrow Mr. Avery will file his notice of appeal from the Court's October 3, 2017, order.

Brady Violation

“[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.” *State v. Harris*, 2004 WI 64, ¶ 12, 272 Wis. 2d 80, 680 N.W.2d 737 (quoting *Brady v. Maryland*, 373 U.S. 83, 87, 83 S.Ct. 1194 (1963)). Evidence is “favorable” to an accused, when, “if disclosed and used effectively, it may make the difference between conviction and acquittal.” *Id.* (quoting *United States v. Bagley*, 473 U.S.

667, 676, 105 S.Ct. 3375 (1985)). Evidence is “material” only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. A “reasonable probability” is a probability sufficient to undermine confidence in the outcome.” *Id.* at ¶ 14 (quoting *Bagley*, 473 U.S. at 682).

On November 11, 2017, undersigned counsel, Kathleen Zellner, had a meeting with Mr. Avery’s trial attorneys, Jerome Buting (“Mr. Buting”) and Dean Strang (“Mr. Strang”). One of the purposes of the meeting was to determine whether certain evidence was disclosed to Mr. Avery’s trial attorneys before his trial. During the meeting, it was discovered that, in fact, the State failed to disclose material exculpatory evidence related to Bobby Dassey’s status as a potential suspect. Specifically, the State failed to disclose the report of a forensic analysis performed on a computer to which Bobby Dassey had access prior to and after Teresa Halbach (“Ms. Halbach”) was murdered. Such evidence would have strengthened Mr. Avery’s *Denny* motion, which was pending at the time that the computer forensics report should have been disclosed. Disclosure of the computer forensics report would have enabled Mr. Buting to meet the *Denny* standard by establishing a motive of sexual assault for the murder of Ms. Halbach and to introduce Bobby Dassey as an alternative suspect to the jury.

Mr. Buting’s affidavit is attached to this Second Supplement as **Exhibit A**. Mr. Buting states that when Ken Kratz tendered discovery to Mr. Avery’s defense, Mr. Kratz itemized the discovery in cover letters which accompanied the disclosure

of the documents. See **Exhibit A**, ¶ 3. By way of correspondence dated December 14, 2006, Mr. Kratz disclosed a large batch of discovery. Included in the discovery was a report from Special Agent Thomas Fassbender entitled, “Examination of Brendan Dassey Computer.” The report number was DCI Report No. 05-1776/304, and the report was dated December 7, 2006. See **Exhibit A**, ¶ 4, and exhibit 1 to **Exhibit A**.

As described in Special Agent Fassbender’s report, the State seized a computer from the Dassey residence on April 21, 2006. The report indicates that the computer was then transferred to Detective Mike Velie of the Grand Chute Police Department for forensic examination. Per Special Agent Fassbender’s report, Detective Velie returned the computer to Special Agent Fassbender on May 11, 2006. The report further states that on a subsequent date, Special Agent Fassbender received from Detective Velie a CD titled, “Dassey’s Computer, Final Report, Investigative Copy.” The report also states that the CD “contained information on websites and images from the hard drive.” See **Exhibit A**, ¶ 5, and exhibit 2 to **Exhibit A**.

Mr. Buting avers in his affidavit that neither the above-referenced CD nor Detective Velie’s investigative report were turned over in discovery. The December 14, 2006, letter from Mr. Kratz likewise confirms by omission that neither document was disclosed to the defense in that batch of discovery. See **Exhibit A**, ¶ 6, and exhibit 1 to **Exhibit A**.

Mr. Buting likewise notes that Special Agent Fassbender's report indicates he did not book the CD or Detective Velie's report into evidence. Rather, the report states "the disc received from Detective Velie, as well as the hard copy pages of instant message conversations were maintained in Special Agent Fassbender's possession." See **Exhibit A**, ¶ 7, and exhibit 2 to **Exhibit A**. Thus, Mr. Buting did not observe the CD entitled "Dassey's Computer, Final Report, Investigative Copy" when he reviewed the evidence maintained by the Calumet County Sheriff's Office prior to Mr. Avery's trial. See **Exhibit A**, ¶ 8. To the best of Mr. Buting's recollection, he never saw the CD entitled "Dassey's Computer, Final Report, Investigative Copy." See **Exhibit A**, ¶ 9.

Although the State has never disclosed Detective Velie's "Final Report," the report must contain evidence favorable to Mr. Avery. As noted in Mr. Avery's Motion for Reconsideration (see pp. 46-48), Gary Hunt, a forensic computer expert, has performed an analysis of the Dassey hard drive. Mr. Hunt has further refined his analysis of the Dassey computer to isolate violent images of sexual acts that involve the infliction of physical pain and torture and an equally disturbing fascination with viewing dead female bodies.

Importantly, many of these searches were performed at times when only Bobby Dassey was home and able to use the computer. Bobby Dassey was the only family member at home during the week from 6:30 a.m. to 3:45 p.m. All other Dassey family members who lived at the residence were either at work or school during those hours. However, Scott Tadych ("Mr. Tadych") was observed driving

towards the Dassey residence in his green truck on several occasions during the time period. Mr. Avery never accessed the Dassey computer and did not have the password for the computer. Mr. Avery did not have a key to the Dassey residence and the residence was locked when no one was home. Mr. Avery only entered the residence with permission of a Dassey family member. Mr. Avery worked during the weekdays from 8:00 a.m. to 5:00 p.m. The Supplemental Affidavit of Steven A. Avery is attached and incorporated herein as **Exhibit D**, at ¶¶ 3, 5, 10.¹

Mr. Buting describes the significance of the State's concealment of Detective Velie's "Final Report" in his affidavit. At the time the voluminous discovery was tendered on December 14, 2006, defense counsel was preparing to litigate a *Denny* motion to introduce evidence of third-party suspects at Mr. Avery's trial. Judge Willis ruled against the defense on this *Denny* motion because the defense failed to present any evidence of the motive for the murder. Had the defense been able to use Detective Velie's report to link Bobby Dassey to the violent, sexual, and deceased body images on the Dassey computer, the defense would have been able to establish sexual assault as the motive for Ms. Halbach's murder.

Violent, Sexual, and Deceased Body Images on the Dassey Computer Were Admissible Evidence in Mr. Avery's Trial to establish the Denny requirement of Motive

¹ Mr. Avery has given an affidavit wherein he states that he never made statements to Orville Jacobs about pornography on Barb's computer. Mr. Jacobs was planted in Mr. Avery's cell by law enforcement and Mr. Avery did not communicate with him about his case. Mr. Avery's attorneys wanted to inspect the Dassey computer and told him so in a telephone conversation. The Dassey computer was seized shortly after this telephone conversation. See Supplemental Affidavit of Steven Avery, **Exhibit D** at ¶ 9.

Wis. Stat. § 904.04(2) provides that “[e]vidence of other crimes [and/or] wrongs [and/or] acts . . . when offered . . . as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident” is admissible. In *Dressler v. McCaughtry*, 238 F.3d 908 (7th Cir. 2001), the “acts” admitted pursuant to this section were the defendant’s possession of the pornographic videotapes and pictures. Those images depicting intentional violence were admitted as evidence of the defendant’s motive, intent, and plan to murder the victim.

The defendant in *Dressler* argued that the videotapes and pictures were irrelevant and constituted inadmissible propensity evidence. The court disagreed. The fact that the defendant maintained a collection of videos and pictures depicting intentional violence was probative of the State’s claim that he had an obsession with that subject. A person obsessed with violence is more likely to commit murder, and therefore the videos and photographs were deemed relevant. *See* Wis. Stat. § 904.01 (“[r]elevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”)

The *Dressler* Court also rejected the defendant’s argument that the videos and pictures were inadmissible propensity evidence. Although evidence of the general character of a defendant is inadmissible to prove he acted in conformity therewith, the above exception from § 904.04(2) was deemed to apply. The pictures depicting violence were offered to prove the defendant’s fascination with death and

mutilation, and this trait is undeniably probative of a motive, intent, or plan to commit a vicious murder. The *Dressler* Court ultimately determined that although the videotapes and pictures may also have proved the defendant's bad character or propensity, the materials were offered for permissible purposes.

The same result is required here. Ms. Halbach was killed in a violent and vicious manner. Bobby Dassey's obsession with images depicting sexual violence against women made it more likely that he would commit a sexual homicide. The violent sexual images were relevant to motive and would have resulted in trial defense counsel being able to establish motive to meet the *Denny* standard.

Sexual Assault as the Motive for Ms. Halbach's Murder

Mr. Hunt detected 667 searches for sexual images on the Dassey computer on weekdays when Bobby Dassey was the only member of his family at home. Of the 667 searches for sexual images, 562 were performed on just 10 weekdays, demonstrating the obsessively compulsive nature of Bobby Dassey's internet searches and his fascination with sexual acts that involve the infliction of pain, torture and humiliation on females and an equally disturbing fascination with viewing dead female bodies. See, Second Supplemental Affidavit of Gary Hunt, attached and incorporated herein as **Exhibit B** at ¶ 3; Second Supplemental Affidavit of Gregg McCrary, attached and incorporated herein as **Exhibit C** at ¶¶ 3-5.

The Dassey computer contained 128 images of sexual acts that involve the infliction of physical pain and torture as well as humiliation on females, and

mutilated, dead female bodies. *See*, Second Supplemental Affidavit of Gary Hunt, **Exhibit B** at ¶ 5.

Bobby Dassey was the only family member at home when these searches were typed on the Dassey computer, which was photographed in his bedroom when the Janda residence was searched on November 9, 2005 until deletions were made by a person hired by his mother Barb Tadych. SAO 1385-1390. The relevant searches are as follows:

- a. 13 searches for terms describing forced penetration of sex toys and objects into vaginas, specifically: “big things in pussy,” “huge dildo in pussys [*sic*],” “stretching pussy,” “stretching pussy toys,” and “woman’s dildo;”
- b. 13 searches for terms describing violent accidents, including violent car crashes with images of dead bodies, specifically: “accident,” “car accident,” “fast accident,” “fast car accident,” “ford tempo car accident,” “race car accidents,” and “seeing bones hot girls;”
- c. 8 searches for terms describing drowned, dead, or diseased female bodies, specifically: “drowned girl,” “drowned girl nude,” and “drowned pussy;” and
- d. 15 searches for terms describing the infliction of violence on females, including fisting and images of females in pain, specifically: “fist fucking sluts,” “fist sex,” “fisting,” “Girl action hurts,” and “Girl hurting.”

Bobby Dassey cannot be excluded from the additional remarkably similar searches of the same categories that were typed into the Dassey computer when other family members may have been home:

- a. 9 additional searches for terms describing forced penetration of sex toys and objects into vaginas, specifically: “slut using [sic] sex objects,” “Extreme anal toys,” and “object pussy;”
- b. 15 additional searches for terms describing violent accidents, including violent car crashes with images of dead bodies, specifically: “car accidents,” “alive skeleton,” and “skeleton;”
- c. 5 additional searches for terms describing drowned, dead, or diseased female bodies, specifically: “diseased girls,” and “rotton [sic];” and
- d. 50 additional searches for terms describing the infliction of violence on females, including fisting and images of females in pain, specifically: “girls grooming [sic] face,” “fist fuck,” “Girl moning [sic] face,” and “girl guts.”

See, Second Supplemental Affidavit of Gregg McCrary, attached and incorporated herein as **Exhibit C**, at ¶ 6; exhibit 1 to **Exhibit C**.

Mr. Avery would be eliminated from all but 15 of the 128 searches (11.7%) at issue simply by having been arrested on November 9, 2005. Mr. Avery states in his un rebutted affidavit that he never accessed or used the Dassey computer at any time, much less to search violent sexual images and dead bodies. See, **Exhibit D**, at ¶¶ 5-6. A forensic analysis done of Mr. Avery’s computer revealed no searches of

sexual images, much less violent images and dead bodies. Brendan Dassey would be eliminated from all but 26 of the 128 searches (20.3%) at issue by having been arrested on March 1, 2006.

The State's concealment of the Velie report prejudiced the defense. The report would have provided the defense with the ability to meet the *Denny* standard, and therefore would have raised reasonable doubt resulting in Mr. Avery's acquittal. The existence of this new *Brady* violation undermines confidence in the verdict against Mr. Avery. At a bare minimum, Mr. Avery should be allowed to present this evidence of a significant *Brady* violation at an evidentiary hearing.²

Scott Tadych as a Potential Suspect

Gregg McCrary, current post-conviction counsel's police investigation and procedure expert, opines that Mr. Tadych was not thoroughly investigated as a potential suspect by law enforcement during Ms. Halbach's murder investigation, but he should have been for the following reasons:

- a. Several incidents of violence against women were reported about Mr. Tadych, one of which resulted in a battery conviction on July 29, 1997. *See*, exhibit 4 to **Exhibit C**, at ¶ 13.
- b. Mr. Tadych's multiple inconsistent statements severely undermined his credibility at trial. *See*, Motion for Reconsideration, at pp. 44-46.

² Further, in support of Mr. Avery's argument for new evidence of a *Brady* violation which concealed Ryan Hillegas's connection to the crime scene (*see*, 10/23/2017 Motion for Reconsideration, at pp. 48-49), Mr. Avery presents the affidavit of Steven Speckman (attached and incorporated herein as **Exhibit G**) as evidence that Ms. Halbach had her day planner in her vehicle when Mr. Speckman called her and — through reasonable inference — at the time of her death.

- c. Mr. Tadych should have been investigated regarding his activities on November 3, 2005, in light of the anonymous handwritten note discovered by the Green Bay post office and reported to the Green Bay police department. Mr. Tadych worked at the Wisconsin Aluminum Foundry at 838 South 16th Street, Manitowoc, Wisconsin. The note specifically referenced a body being burned at 3:00 a.m. at an “alunamon [sic] smelter.” SAO 6040. Mr. Tadych worked the third shift at the Wisconsin Aluminum Foundry. The note, which was never thoroughly investigated by law enforcement, is potentially of great evidentiary value because the note was sent on November 9, 2005, and it was not disclosed to the public until November 11, 2005, that Ms. Halbach had allegedly been burned in the Avery burn pit. *See* group exhibit 5 to **Exhibit C**, at ¶ 13. Current post-conviction counsel’s investigator, James Kirby, has confirmed that Mr. Tadych’s nickname at work was “Skinny,” and, according to a current employee, many of the shift workers are not totally literate. It is a reasonable inference that a semi-literate employees might have misspelled the word “Skinny” in the note. *See*, Affidavit of James Kirby attached and incorporated herein as **Exhibit F**.
- d. Mr. Tadych should have been investigated more thoroughly by law enforcement during the Halbach murder investigation. At a

minimum Mr. Tadych should have been asked to provide his DNA and fingerprints so that they could be compared to crime scene evidence.

- e. Mr. Tadych's failure to respond to Kevin Rahmlow's text about seeing the Rav4 at the turnaround by the old dam in November, 2005, before the discovery of the Halbach vehicle on the Avery property, is also suspicious. *See*, Affidavit of Kevin Rahmlow, Exhibit D in the Motion for Reconsideration.
- f. His recent telephone call with Mr. Avery demonstrates his knowledge that Ms. Halbach had left the Avery property on October 31, 2005. The telephone call also demonstrates that Mr. Tadych has a violent and uncontrollable temper. Mr. Tadych threatened to physically assault Mr. Avery and, even more disturbingly, put Mr. Avery "in the ground." *See*, Supplement to the Motion for Reconsideration, Exhibit 1 at p. 14.

Ineffective Assistance of Counsel

The United States Constitution and the Constitution of the State of Wisconsin guarantee the right to counsel. The right to counsel is more than the right to nominal representation. Representation must be effective. *Cuyler v. Sullivan*, 446 U.S. 335, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980); *State v. Koller*, 87 Wis.2d 253, 274 N.W.2d 651 (1979); *State v. Harper*, 57 Wis.2d 543, 205 N.W.2d 1 (1973).

Whether or not an attorney is experienced is not the criterion for determining whether counsel was effective in a particular case, and the fact that an attorney is ineffective in a particular case is not a judgment on the general competency of that lawyer. It is merely a determination that a particular defendant was not appropriately protected in a particular case. As Judge Bazelon has written:

“Ineffectiveness is neither a judgment of the motives or abilities of lawyers nor an inquiry into culpability. The concern is simply whether the adversary system has functioned properly: the question is not whether the defendant received the assistance of effective counsel but whether he received the effective assistance of counsel. *In applying this standard, judges should recognize that all lawyers will be ineffective some of the time; the task is too difficult and the human animal too fallible to expect otherwise.*”

Bazelon, *The Realities of Gideon and Argersinger*, 64 *Georgetown Law J.* 811, 822–23 (1976) (emphasis added).

Current post-conviction counsel has previously alleged that trial defense counsel was ineffective for their failure to consult with a blood spatter expert who would have opined that Steven Avery’s blood was selectively planted in Ms. Halbach’s vehicle; and that the rear cargo door blood spatter was the result of Ms. Halbach being hit on the head with a mallet or hammer as she lay on the ground next to the driver’s-side rear wheel of her vehicle and not, as the State contended, from being tossed into the back of her vehicle. A blood spatter expert would also have prevented the defense from erroneously claiming the 1996 blood vial was the source of Steven Avery’s blood discovered in Ms. Halbach’s vehicle (P-C Mot. at ¶¶ 129-45).

Current post-conviction counsel has previously alleged that the trial defense

counsel was ineffective for their failure to present a ballistics expert who would have opined that if Ms. Halbach were shot through the skull by Item #FL, there would have been bone fragments embedded in #FL (P-C Mot. at ¶ 308).

On November 13, 2017, current post-conviction counsel met with trial defense counsel, Mr. Strang and Mr. Buting. Mr. Strang has provided an affidavit that concurs that he was ineffective in his representation of Mr. Avery by failing to retain blood spatter and ballistics experts. The failure of trial defense counsel to have presented blood and ballistics experts meets the criteria of *Strickland v. Washington* 466 U.S. 668 (1984) by making errors so serious that trial defense counsel was not functioning as the “counsel” guaranteed to Mr. Avery by the Sixth Amendment, and trial defense counsel’s deficient performance prejudiced the defense so seriously as to deprive Mr. Avery of a fair trial with reliable results. Mr. Avery is entitled to an evidentiary hearing on the issue of ineffective assistance of trial defense counsel.

Conclusion

Wherefore, for the reasons stated herein and in his Motion for Reconsideration, his Supplement to the Motion for Reconsideration, his Amended Supplement to the Motion for Reconsideration, his Amendment of Group Exhibit 7 of the Amendment to the Motion for Reconsideration, and his § 974.06 motion, Mr. Avery respectfully asks that this Court vacate its order of October 3, 2017, order an evidentiary hearing, and grant any and all other relief deemed appropriate.

Dated: November 16, 2017

Respectfully submitted,

Handwritten signatures of Kathleen T. Zellner and Steven G. Richards. The signature of Kathleen T. Zellner is on the left, and the signature of Steven G. Richards is on the right. Both signatures are written in black ink and are positioned above horizontal lines that serve as baselines for the text below.

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CERTIFICATE OF SERVICE

I certify that on November 16th, 2017, a true and correct copy of Defendant Steven Avery's Second Supplement to previously filed Motion for Reconsideration, Pursuant to Wisconsin Statute 806.07 (1)(a) was furnished via electronic mail and by first-class U.S. Mail, postage prepaid to:

Manitowoc County District Attorney's Office
1010 South 8th Street
3rd Floor, Room 325
Manitowoc, WI 54220

Mr. Thomas J. Fallon
Assistant Attorney General
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Kathleen T. Zellner

final report, investigative copy.” The report further states that this CD “contained information on websites and images from the hard drive.” Special Agent Fassbender further states in the report that images found on the Dassey computer included violent pornography, including “injuries to humans, to include a decapitated head, badly injured and bloody body, a bloody head injury, and a mutilated body.”

6. Neither the above referenced CD nor the investigative report of Det. Velie was ever turned over in discovery. The December 14, 2006 letter from Special Prosecutor Kratz (Exhibit 1) which itemizes the discovery related to this report, confirms by omission that no CD entitled “Dassey’s computer, final report, investigative copy” was included in this batch of discovery.
7. At the end of DCI Report No. 05-1776/304 Special Agent Fassbender indicates that he never booked the CD into evidence that was maintained by the Calumet County Sheriff’s Dept. on the Avery case. Instead, the report states, “the disc received from Det. Velie, as well as the hard copy pages of instant message conversations were maintained in Special Agent Fassbender’s possession.”
8. Co-counsel Dean Strang and I met with Calumet County Sheriff’s Deputy Jeremy Hawkin, before trial, and viewed all of the evidence maintained by that department in their property inventory on this case. To the best of my recollection, the CD entitled, “Dassey’s computer, final report, investigative copy” was not contained in any evidence that we reviewed at the Calumet County Sheriff’s Office.
9. To the best of my recollection I never saw the CD entitled, “Dassey’s computer, final report, investigative copy” or any of the violent pornography images discussed by Special Agent Fassbender.
10. At approximately the same time that the December 14, 2006 mass of discovery was received by us, defense counsel was preparing a motion under *State v. Denny* to introduce evidence of third-party suspects at Mr. Avery’s trial. In that *Denny* motion, subsequently filed by the defense on January 8, 2007, we named Bobby Dassey as a possible suspect for the homicide of Teresa Halbach. We established that he had access and opportunity to have committed the crime, but the court ruled no motive was established and therefore denied the *Denny* motion as to Bobby Dassey and others. If there was anything that was on the CD investigator report from Det. Velie that would have linked Bobby Dassey to the violent porn images found on the Dassey computer, we would have included such information in our *Denny* motion. Such information could have strengthened Bobby Dassey as a possible suspect who may have sexually assaulted and killed Ms. Halbach, and specifically would have provided evidence of a motive.

Dated at Brookfield, WI this 13th day of November, 2017.



Jerome F. Buting

Subscribed and sworn to before me
this 13th day of November, 2017.



Notary Public, State of Wisconsin
My Commission Expires: 4-17-21



Buting

**CALUMET COUNTY
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December 14, 2006

Attorney Dean Strang
10 E. Doty Street #320
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Madison, WI 53701-1528

**Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381**

Dear Attorney Strang:

Recognizing this office's continuing duty of providing discovery, enclosed please find additional information regarding the above-captioned case:

1. CD - Toyota Rav 4 Original Laser Scans - 11/15/06
2. CD - Avery Calls: 11/1/06 - 11/13/06
3. CD - Avery Calls: 11/14/06 - 11/27/06
4. CD - Avery Calls: 11/28/06 - 12/4/06
5. CD - Avery Calls: 12/5/06 - 12/12/06
6. CD - Jodi Phone Calls: 12/15/05 - 1/8/06
7. CD - Jodi Stachowski: 2/15/06
8. Photos: S3 (1-102)
9. Photos: E2 (1-133)
10. Photos: A18 (1-23)
11. Photos: A19 (1-68)
12. Photos: A20 (1-17)
13. Search Warrant & Return for Dassey Residence - 4/21/06 (12 pgs)
14. Search Warrant & Return for Avery's Kodak Easyshare camera - 10/6/06 (9 pgs)
15. MCSD Narrative Report - Officer Shallue - 11/30/06 (2 pgs)
16. Supplemental Report - Officer JoAnn Mignon (BPD) - 11/7/05 (2 pgs)
17. MCI Voice Services - Toll Free Call Detail of Auto Trader - 10/15/05 - 11/14/05 (30 pgs)
18. FBI Laboratory Report dated 1/17/06 re: charred remains & buccal swabs of Karen Halbach (3 pgs)
19. FBI Report dated 1/4/06 by Gerald Mullen re: examination of Canon Sure Shot digital camera and cellular telephone - received 1/6/06 (4 pgs)



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20. FBI Report from Gerald Mullen re: examination of digital camera and cellular telephone – received 4/19/06 (3 pgs)
21. Written statement of Bobby Dassey – 11/5/05 (1 pg)
22. Written statement of Josh Radandt – 11/5/05 (1 pg)
23. Written statement of Jodi Stachowski – 11/6/05 (1 pg)
24. Written statement of George Zipperer – 11/6/05 (1 pg)
25. Written statement of Paul Metz – 11/20/05 (1 pg)
26. Written statement of William Elroy Brandes, Jr. – 12/7/05 (1 pg)
27. Written statement of Nikole Sturm – 11/5/05 (1 pg)
28. Written statement of JoEllen Zipperer – 11/6/05 (1 pg)
29. Diagram drawn by Bobbie Dassey on 2/27/06 (1 pg)
30. Signed Miranda Warnings: Earl Avery (11/9/05); Bobby Dassey (11/9/05); Jodi Stachowski (11/8/05); Jodi Stachowski (11/11/05); Brendan Dassey (5/13/06) (5 pgs)
31. Leads Information: 11/8/05 – 11/12/05 (6 pgs)
32. Info provided from Kohl's regarding Teresa Halbach's credit card account (25 pgs)
33. Photo Log & Photos – Wisconsin State Patrol (30 pgs)
34. CCSD Evidence/Property Custody Document Re: Fiber, Vacuum Roller & Carpet Cleaner (1 pg)
35. Receipt of Physical Evidence received from State Crime Lab (57 pgs)
36. Crime Lab Report – Sherry Culhane – 11/14/05 (4 pgs)
37. Crime Lab Report – Sherry Culhane – 12/5/05 (3 pgs)
38. Crime Lab Report – Sherry Culhane – 3/31/06 (7 pgs)
39. Crime Lab Report – Sherry Culhane – 5/8/06 (5 pgs)
40. Crime Lab Report – Sherry Culhane – 12/4/06 (6 pgs)
41. Crime Lab Report – John Ertl – 11/23/05 (5 pgs)
42. Crime Lab Report – Michael Haas – 11/9/05 (1 pg)
43. Crime Lab Report – William Newhouse – 2/21/06 (1 pg)
44. Crime Lab Report – William Newhouse – 5/10/06 (1 pg)
45. Crime Lab Report – Kenneth Olson – 12/13/05 (1 pg)
46. Crime Lab Report – Kenneth Olson – 2/27/06 (1 pg)
47. Crime Lab Report – Kenneth Olson – 5/26/06 (1 pg)
48. Crime Lab Report – Kenneth Olson – 12/4/06 (1 pg)
49. Crime Lab Report – Michael Riddle – 3/8/06 (1 pg)
50. Crime Lab Report – Michael Riddle – 3/17/06 (1 pg)
51. Crime Lab Report – Michael Riddle – 4/26/06 (1 pg)
52. Crime Lab Report – Michael Riddle – 12/5/06 (1 pg)
53. Crime Lab Report – Michael Riddle – 4/26/06 (1 pg)
54. Crime Lab Report – R. Nick Stahlke – 1/31/06 (2 pgs)
55. Crime Lab Report – Joseph Wermerling – 12/6/05 (1 pg)
56. CCSD Supplemental Contact Reports – (19 pgs)
57. CCSD Narrative Reports pgs. 967-969 w/ attached letter written by Tiffany to Sandra Barth (4 pgs)
58. CCSD Narrative Reports pgs. 970-1006
59. CCSD Narrative Report pg. 1007 w/ attached letters from Andres Martinez (6 pgs)
60. CCSD Narrative Report pgs. 1008-1009 w/ attached letter from Terry Vollbrecht (4 pgs)

61. CCSD Narrative Report pgs. 1010 w/ attached Crime Lab Report of Sherry Culhane dated 12/4/06 (6 pgs) & Crime Lab Report of Michael Riddle dated 12/5/06
62. CCSD Narrative Report pgs 1011-1017
63. CCSD Narrative Report pg. 1018 w/ attached Crime Lab Report of Kenneth Olson dated 12/4/06
64. CCSD Narrative Reports pgs. 1019-1021 w/ attached Crime Lab Receipt of Physical Evidence dated 9/19/02 & Order signed by Judge Hazelwood on 5/2/02 (6 pgs)
65. CCSD Narrative Reports pgs. 1022-1023
66. Responses to Subpoenas For Records - Misc Telephone Numbers (134 pgs)
67. DCI Narrative Reports: 05-1776/303; 05-1776/304; 05-1776/305; 05-1776/306; 05-1776/307; 05-1776/308; 05-1776/309; 05-1776/310; 05-1776/311; 05-1785/4; 05-1785/5 (115 pgs)
68. Report of Dr. Kenneth Bennett dated 11/10/05 (2 pgs)

Sincerely,



Kenneth R. Kratz
Manitowoc County Special Prosecutor

KRK:mlm

Enclosures

cc: Attorney Jerome Buting
Attorney Norman Gahn
Attorney Thomas Fallon

Wisconsin Case Management

ACISS Investigative Report

Report Number: 05-1776/304

Report Date: 12/07/2006

Primary Information	
Report Number:	05-1776/304
Report Date:	12/07/2006
Type Of Report:	Investigative
Description:	TERESA MARIE HALBACH: Examination of Brendan Dassey Computer
Occurrence From:	04/21/2006 00:00
Occurrence To:	12/30/1899 00:00
Dissemination Code:	Agency
Reporting LEO:	Fassbender, Thomas J (Appleton Special Assignments / Wisconsin Department of Justice DCI)
Approval Status:	Approved
Approved Date:	12/12/2006
Approved By:	Kelly, Carolyn S (Madison Arson / Wisconsin Department of Justice DCI)

Related Subjects					
Name	Type	Sex	Race	DOB	Relationship
Avery, Marie F	Person	Female	White	6/14/1987	Mentioned
Fabian, Danny	Person	Male	Unknown	---	Mentioned
Janda, Barbara Ellen	Person	Female	White	11/7/1964	Mentioned
Walker, Emily A.	Person	Female	White	6/2/1987	Mentioned
Avery, Steven Allen Sr	Person	Male	White	7/9/1962	Person of Interest
Dassey, Brendan R	Person	Male	White	10/19/1989	Person of Interest

Record Origination Operator:	Price, Denise (Criminal Investigation / Wisconsin Department of Justice DCI)
Record Origination Date:	12/07/2006 08:24
Last Update Operator:	Kelly, Carolyn S (Madison Arson / Wisconsin Department of Justice DCI)
Last Update Date:	12/12/2006 14:20

Fassbender, Thomas J (Appleton Special Assignments / Wisconsin Department of Justice DCI)	Kelly, Carolyn S (Madison Arson / Wisconsin Department of Justice DCI)	12/12/2006

Narrative begins on the following page.

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Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/304

On Friday, April 21, 2006, pursuant to search warrant, S/A Thomas J. Fassbender and Investigator Mark Wiegert, of the Calumet County Sheriff's Department seized a personal computer CPU and 12 CD-R's from the residence of Barbara Janda.

On Saturday, April 22, 2006, S/A Fassbender transferred said items to Detective Mike Velie, of the Grand Chute Police Department for forensics examination.

On Thursday, May 11, 2006, Detective Velie returned said items to S/A Fassbender for subsequent return to Barbara Janda. S/A Fassbender subsequently received from Detective Velie materials pertaining to his computer analysis of the hard drive and CD-R's. This included numerous hard copy pages of instant message conversations from the hard drive; and a CD titled "Dassey's Computer, Final Report, Investigative Copy." The CD contained information on web sites and images from the harddrive. Also provided by Det. Velie were 6 DVD+R's containing a copy of the harddrive. S/A Fassbender examined the items received and made the following observations:

On February 28, 2006, there was an instant message conversation between an individual, using the screen name "nigerforlife," believed to be Brendan Dassey, and an individual using the screen name "pickup my hand break my fingers and when they feel numb i'll let you know i will scream until i'm out of breath," (Danny_fabian6495269747, believed to be Danny Fabian). During said conversation, Fabian asked Dassey why detectives wanted to speak with Fabian's brother and Dassey stated they just wanted to ask him why Dassey was losing weight.

On February 28, 2006, there was an instant message conversation between Dassey and an individual using the screen name "i gotta make it to heaven fo goin through hell" (slowmotion4ya1091495196), believed to be Emily, a recent girlfriend of Dassey's. During said conversation, Emily asked "Do you think he is guilty?" Dassey responded, "Ya Yea," Emily then asked, "Why do you," and Dassey responded, "I don't know enough to say."

On March 4, 2006, there was an instant message conversation between an individual using Dassey's screen name of "nigerforlife," who identified themselves as "Brendan's mom," and the person utilizing the screen name, "EMILY," believed to be Emily. During said conversation, Emily advised that her mother doesn't want her to be involved with this and she apologizes for that. Barbara Janda responded, "He's not a bad person, his uncle is."

On February 28, 2006, there was an instant message conversation between Dassey and an individual using the screen name, "~jr mofia~nices!!!!bitches, bitches every where i look there is bitches!!!julie i love u to deht!!" (super_hotty_6924154349921), believed to be Travis Fabian. During said conversation, Dassey asked Fabian if he thought Steven was guilty and Fabian responded, "idk," (for

Narrative Page 1

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Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/304

I don't know), "y." Fabian then asked Dassey if he felt Avery was guilty. Dassey responded, "Ya Emily asked that to me". Fabian asked what Dassey said and Dassey wrote, "Ya," and "Yea". Fabian then repeated, "You saed Ya he's guilty".

On February 28, 2006, there was an instant message conversation between Dassey and an individual using the screen name, "Friendship is long lost love, that you wish you'll be able to overcome," (wingless-angel-2006173960984), believed to be Marie Avery. During said conversation, Dassey asked Marie Avery if she thought Steven was guilty and Marie Avery responded, "Yes yes yes y ccs yes yes yes finaty". Dassey then wrote, "So do I now of the evidence they got".

In reviewing the images contained on the disc marked final report, S/A Fassbender made the following observations:

Photographs of both Teresa Halbach and Steven Avery with an apparent date of April 18, 2006.

There were numerous images of nudity, both male and female, to include pornography. The pornography included both heterosexual, homosexual and bestiality. There were images depicting bondage, as well as possible torture and pain. There were also text images with the name, "Emily". There were images depicting potential young females, to include an infant defecating. There were images of injuries to humans, to include a decapitated head, a badly injured and bloodied body, a bloody head injury, and a mutilated body.

The disc received from Detective Velie, as well as the hardcopy pages of instant message conversations were maintained in S/A Fassbender's possession.

Narrative Page 2

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STATE_1_9917

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

STATE OF WISCONSIN,)
)
 Plaintiff,)
) Case No. 05-CF-381
 v.)
) Honorable Judge Angela Sutkiewicz,
 STEVEN A. AVERY,) Judge Presiding
)
 Defendant.)

SECOND SUPPLEMENTAL AFFIDAVIT OF GARY HUNT

Now comes your affiant, Gary Hunt, and under oath hereby states as follows:

1. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge and to a reasonable degree of certainty in the field of computer science. The factual statements herein are true and correct to the best of my knowledge, information, and belief.

Steven Avery's computer

2. I have reviewed a computer forensic report of Steven Avery's computer prepared by Detective Mike Velie of the Grand Chute Police Department. Based upon my review of Det. Velie's report, I can find no records of internet searches for pornographic and/or sexual images being accessed. Specifically, based upon my review of the internet browser, cache, and cookie history



outlined in Det. Velie's report of Steven Avery's computer, no apparent searches for pornographic and/or sexual images were made and no websites with apparent pornographic and/or sexual content were accessed. (Internet History Report of Steven Avery's computer and computer forensic report of Detective Velie, attached and/or incorporated herein as **Group Exhibit 11**).

Dassey computer

3. I have conducted further analyses of the internet records from the Dassey computer, specifically the searches performed on a weekday between the hours of 6:00 a.m. and 3:45 p.m.:
 - a. 667 searches related to sexual content were performed on weekdays from 6:00 a.m. to 3:45 p.m. 562 of the searches were performed on 10 weekdays: 8/16/2005 (4 searches); 9/13/2005 (12 searches); 2/23/2005 (48 searches); 3/29/2006 (37 searches); 3/30/2006 (23 searches); 4/3/2006 (93 searches); 4/5/2006 (96 searches); 4/6/2006 (14 searches); 4/13/2006 (39 searches); 4/19/2006 (196 searches). (Spreadsheet listing weekday from 6:00 a.m. to 3:45 p.m. searches attached and incorporated herein as part of **Group Exhibit 12** to this affidavit);
4. I identified the following categories of searches:
 - a. 22 search terms describing forcing sex toys and objects into vaginas;
 - b. 37 searches for terms describing violent accidents, specifically violent car crashes with images of dead bodies;

- c. 13 searches for terms describing drowned, dead, or diseased female bodies; and
- d. 65 searches for terms describing the infliction of violence on females, including fisting and images of females in pain.

(Spreadsheets listing searches for categorized terms, attached and incorporated herein as **Group Exhibit 13**).

- 5. I would like to clarify my opinion regarding the images of Teresa Halbach stored on the Dassey computer as expressed in ¶ 11(e) of my original affidavit. The primary purpose of my opinion was to refute the assertion made by Special Agent Thomas Fassbender in his report labeled #05-1776/304, wherein he stated that the photographs of Teresa Halbach and Steven Avery had an “apparent date of April 18, 2006.” Based upon my examination of the Dassey computer, there is no evidence that the images of Teresa Halbach which I discovered were saved to the Dassey computer on April 18, 2006. Det. Velie did not provide copies of the images he discovered. If they are indeed the same images, Det. Velie could not have determined the images’ original path, file name, and created, accessed, or modified timestamps.
- 6. Additionally, in my supplemental affidavit, I made a typographical error when correcting ¶ 11(c) of the original affidavit. My affidavit should read “On

September 18, 2005, between 5:57AM and 10:04 PM, the HP_Owner user
conducted 75 unique Google searches.”

FURTHER AFFIANT SAYETH NAUGHT



Gary Hunt

State of Illinois
County of Cook

Subscribed and sworn before me
this 16th day of November, 2017.



Notary Public



Group Exhibit 11 to Second
Supplemental Affidavit
of Gary Hunt



 **Verbat**

Group Exhibit 12 to Second
Supplemental Affidavit of
Gary Hunt

EXHIBIT

Hunt
Group 12

tabbies

Category A — Search terms describing forcing sex toys and objects into vaginas

Search Term	URL	Date/Time - (mm/dd/yy)	Day of Week
1 big things in pussy	http://images.google.com/images?q=big+things+in+pussy+&btnG=Sea	4/13/2006 13:22	Thursday
2 big things in pussy	http://images.google.com/images?q=big+things+in+pussy+&svnum=1	4/13/2006 13:23	Thursday
3 big woman naked	http://images.google.com/images?q=big+woman+naked&svnum=10&	4/20/2006 12:40	Thursday
4 huge dildo in pussys	http://images.google.com/images?q=huge+dildo+in+pussys&svnum=1	4/13/2006 13:24	Thursday
5 huge dildo in pussys	http://images.google.com/images?q=huge+dildo+in+pussys&svnum=1	4/13/2006 13:24	Thursday
6 huge dildo in pussys	http://images.google.com/images?q=huge+dildo+in+pussys&svnum=1	4/13/2006 13:26	Thursday
7 stretching pussy	http://images.google.com/images?q=stretching+pussy&svnum=10&hl	4/19/2006 11:40	Wednesday
8 stretching pussy	http://images.google.com/images?svnum=10&hl=en&safe=off&sa=X&	4/19/2006 11:41	Wednesday
9 stretching pussy toys	http://images.google.com/images?q=stretching+pussy+toys&svnum=1	4/19/2006 11:42	Wednesday
10 woman dildo	http://images.google.com/images?svnum=10&hl=en&lr=&q=woman+	8/14/2005 8:39	Sunday
11 womans dildo	http://images.google.com/images?svnum=10&hl=en&lr=&q=womans-	8/14/2005 8:38	Sunday
12 woman's dildo	http://images.google.com/images?svnum=10&hl=en&q=woman%27s	8/14/2005 8:38	Sunday
13 woman's dildo	http://images.google.com/images?svnum=10&hl=en&lr=&q=woman%	8/14/2005 8:39	Sunday
14 slut useing sex objects	http://images.google.com/images?q=slut+useing+sex+objects&svnum	9/14/2005 19:47	Wednesday
15 slut sex objects	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	9/14/2005 19:48	Wednesday
16 Extreme anal toys	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	4/18/2006 16:57	Tuesday
17 Extreme anal toy	http://images.google.com/images?q=Extreme+anal+toy&btnG=Search	4/18/2006 17:00	Tuesday
18 Extreme anal toys	http://images.google.com/images?q=Extreme+anal+toys&svnum=10&	4/18/2006 17:00	Tuesday
19 Extreme anal toy	http://images.google.com/images?q=Extreme+anal+toy&svnum=10&hl=en	4/18/2006 17:03	Tuesday
20 object pussy	http://images.google.com/images?q=object+pussy&svnum=10&hl=en	4/18/2006 17:10	Tuesday
21 stretching pussy	http://images.google.com/images?q=stretching+pussy&svnum=10&hl=en	4/18/2006 17:16	Tuesday
22 stretching pussy	http://images.google.com/images?svnum=10&hl=en&safe=off&sa=X&	4/18/2006 17:17	Tuesday



Category B — Searches for terms describing violent accidents

	Search Term	URL	Date/Time - (mm/dd/yy)	Day of Week
1	accident	http://images.google.com/images?q=accident&svnum=10&hl=en&lr=	4/16/2006 10:17	Sunday
2	car accident	http://images.google.com/images?q=car+accident&btnG=Search&svn	4/16/2006 10:16	Sunday
3	fast accident	http://images.google.com/images?q=fast+accident&svnum=10&hl=en	4/16/2006 10:17	Sunday
4	fast car accident	http://images.google.com/images?svnum=10&hl=en&lr=&newwindow	4/16/2006 10:17	Sunday
5	ford empo car accident	http://images.google.com/images?q=ford+empo+car+accident&svnum	4/16/2006 10:16	Sunday
6	ford tempo accident	http://images.google.com/images?q=ford+tempo++accident&svnum=	4/16/2006 10:17	Sunday
7	ford tempo car accident	http://images.google.com/images?svnum=10&hl=en&newwindow=1&	4/16/2006 10:16	Sunday
8	race car accident	http://images.google.com/images?q=race+car+accident&svnum=10&l	4/16/2006 10:15	Sunday
9	race car accidents	http://images.google.com/images?svnum=10&hl=en&newwindow=1&	4/16/2006 10:14	Sunday
10	race car accidents	http://images.google.com/images?q=race+car+accidents&svnum=10	4/16/2006 10:14	Sunday
11	seeing bones hot girls	http://images.google.com/images?svnum=10&hl=en&safe=off&q=see	2/23/2006 12:20	Thursday
12	seeing bones hot girls	http://images.google.com/images?q=seeing+bones+hot+girls&svnum	2/23/2006 12:20	Thursday
13	tempo car accident	http://images.google.com/images?q=tempo+car+accident&svnum=10	4/16/2006 10:16	Sunday
14	car accidents	http://images.google.com/images?svnum=10&hl=en&safe=off&q=car	2/22/2006 20:14	Wednesday
15	car accidents	http://images.google.com/images?svnum=10&hl=en&safe=off&q=car	2/22/2006 20:14	Wednesday
16	car accidents	http://images.google.com/images?q=car+accidents&svnum=10&hl=en	2/22/2006 20:15	Wednesday
17	car accidents	http://images.google.com/images?q=car+accidents&svnum=10&hl=en	2/22/2006 20:15	Wednesday
18	car accidents	http://images.google.com/images?q=car+accidents&svnum=10&hl=en	2/22/2006 20:18	Wednesday
19	car accident	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	2/22/2006 20:25	Wednesday
20	car accident	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	2/22/2006 20:25	Wednesday
21	alive skeleton	http://images.google.com/images?q=alive+skeleton&hl=en	9/17/2005 20:24	Saturday
22	alive skeleton	http://images.google.com/images?q=alive+skeleton&hl=en	9/17/2005 20:24	Saturday
23	alive skeleton	http://images.google.com/images?q=alive+skeleton&svnum=10&hl=en	9/17/2005 20:24	Saturday
24	alive skeleton	http://images.google.com/images?q=alive+skeleton&svnum=10&hl=en	9/17/2005 20:24	Saturday
25	alive skeleton	http://images.google.com/images?q=alive+skeleton&svnum=10&hl=en	9/17/2005 20:24	Saturday
26	alive skeleton	http://images.google.com/images?q=alive+skeleton&svnum=10&hl=en	9/17/2005 20:24	Saturday
27	skeleton	http://images.google.com/images?q=skeleton&hl=en	9/17/2005 20:24	Saturday
28	skeleton	http://images.google.com/images?q=skeleton&hl=en	9/17/2005 20:25	Saturday

Category C — Searches for terms describing drowned or dead female bodies

Search Term	URL	Date/Time - (mm/dd/yy)	Day of Week
1 drawned girls	http://images.google.com/images?q=drowned+girls&svnum=10&hl=e	4/19/2006 10:43	Wednesday
2 drawned pussy	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	4/19/2006 10:48	Wednesday
3 drowned	http://images.google.com/images?q=drowned&svnum=10&hl=en&lr=	4/19/2006 10:47	Wednesday
4 drowned girl	http://images.google.com/images?q=drowned+girl&svnum=10&hl=en	4/19/2006 10:44	Wednesday
5 drowned girl	http://images.google.com/images?q=drowned+girl&svnum=10&hl=en	4/19/2006 10:45	Wednesday
6 drowned girl nude	http://images.google.com/images?q=drowned+girl+nude&svnum=10&	4/19/2006 10:44	Wednesday
7 drowned girls	http://images.google.com/images?svnum=10&hl=en&safe=off&sa=X&	4/19/2006 10:43	Wednesday
8 drowned pussy	http://images.google.com/images?svnum=10&hl=en&safe=off&sa=X&	4/19/2006 10:48	Wednesday
9 deseised girls	http://images.google.com/images?q=deseised+girls&svnum=10&hl=e	2/27/2006 19:07	Monday
10 desessed girls	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	2/27/2006 19:07	Monday
11 diseased girls	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	2/27/2006 19:08	Monday
12 diseased girl	http://images.google.com/images?q=diseased+girl&svnum=10&hl=en	2/27/2006 19:09	Monday
13 rotton	http://images.google.com/images?hl=en&lr=&safe=off&q=rotton&sa=	2/19/2006 21:30	Sunday

Category D — Searches for terms describing the infliction of violence on females, including fisting and images of females in pain

Search Term	URL	Date/Time - (mm/dd/yy)	Day of Week
1 fist	http://images.google.com/images?svnum=10&hl=en&lr=&newwindow	4/9/2006 11:02	Sunday
2 fist	http://images.google.com/images?svnum=10&hl=en&lr=&newwindow	4/9/2006 11:02	Sunday
3 fist fucking sluts	http://images.google.com/images?q=fist+fucking+sluts&hl=en	9/15/2005 7:54	Thursday
4 fist fucky	http://images.google.com/images?q=fist+fucky&svnum=10&hl=en&lr=	4/9/2006 11:01	Sunday
5 fist fucky	http://images.google.com/images?q=fist+fucky&svnum=10&hl=en&lr=	4/9/2006 11:01	Sunday
6 fist sex	http://images.google.com/images?q=fist+sex&svnum=10&hl=en&lr=	9/13/2005 8:14	Tuesday
7 fist sex	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	9/13/2005 8:14	Tuesday
8 fisting	http://images.google.com/images?q=fisting&svnum=10&hl=en&lr=	4/9/2006 11:02	Sunday
9 fisting	http://images.google.com/images?q=fisting&svnum=10&hl=en&lr=	4/9/2006 11:02	Sunday
10 Girl action hurts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/30/2006 9:21	Thursday
11 Girl action hurts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/30/2006 9:21	Thursday
12 Girl hurting	http://images.google.com/images?q=Girl+hurting&svnum=10&hl=en&	3/30/2006 9:22	Thursday
13 Girl hurting	http://images.google.com/images?q=Girl+hurting&svnum=10&hl=en&	3/30/2006 9:22	Thursday
14 Girl hurts	http://images.google.com/images?q=Girl+hurts&svnum=10&hl=en&lr	3/30/2006 9:21	Thursday
15 Girl hurts	http://images.google.com/images?q=Girl+hurts&svnum=10&hl=en&lr	3/30/2006 9:21	Thursday
16 girls moon face	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/20/2006 16:34	Monday
17 hot girls moon	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/20/2006 16:34	Monday
18 girls grooming face	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/20/2006 16:35	Monday
19 girls mooning	http://images.google.com/images?q=girls+mooning&svnum=10&hl=e	3/20/2006 16:38	Monday
20 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10&hl=en&lr=	3/28/2006 16:10	Tuesday
21 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10&hl=en&lr=	3/28/2006 16:10	Tuesday
22 fist fuck	http://images.google.com/preferences?q=fist+fuck&hl=en&lr=	3/28/2006 16:10	Tuesday
23 fist fuck	http://images.google.com/preferences?q=fist+fuck&hl=en&lr=	3/28/2006 16:10	Tuesday
24 fist fuck	http://images.google.com/setprefs?hl=en&lang=all&safe=off&num=10	3/28/2006 16:10	Tuesday
25 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10	3/28/2006 16:11	Tuesday
26 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10	3/28/2006 16:15	Tuesday
27 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10&hl=en&lr=	3/28/2006 16:15	Tuesday
28 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10&hl=en&lr=	3/28/2006 16:15	Tuesday
29 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10&hl=en&lr=	3/28/2006 16:16	Tuesday
30 fist fuck	http://images.google.com/advanced_image_search?q=fist+fuck&svnu	3/28/2006 16:17	Tuesday
31 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10&hl=en&lr=	3/28/2006 16:17	Tuesday
32 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10&start=40&	3/28/2006 16:17	Tuesday

Search Term	URL	Date/Time - (mm/dd/yy)	Day of Week
33 fist fuck	http://images.google.com/images?q=fist+fuck&svnum=10&start=40&	3/28/2006 16:17	Tuesday
34 fist fuck	http://images.google.com/preferences?q=fist+fuck&hl=en&lr=&safe=	3/28/2006 16:17	Tuesday
35 fist fuck	http://images.google.com/preferences?q=fist+fuck&hl=en&lr=&safe=	3/28/2006 16:17	Tuesday
36 fist fuck	http://images.google.com/setprefs?hl=en&lang=all&safe=images&nur	3/28/2006 16:17	Tuesday
37 fist	http://images.google.com/images?q=fist+&svnum=10&hl=en&lr=	3/28/2006 16:18	Tuesday
38 fist	http://images.google.com/images?q=fist+&svnum=10&hl=en&lr=	3/28/2006 16:18	Tuesday
39 Girl action hert	http://images.google.com/images?q=Girl+action+hert&svnum=10&hl=	3/29/2006 16:11	Wednesday
40 Girl action hert	http://images.google.com/images?q=Girl+action+hert&svnum=10&hl=	3/29/2006 16:11	Wednesday
41 Girl action hert	http://images.google.com/images?q=Girl+action+hert&svnum=10&hl=	3/29/2006 16:11	Wednesday
42 Girl action hurts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:12	Wednesday
43 Girl action hurts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:12	Wednesday
44 Girl action hurts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:12	Wednesday
45 Girl hurts	http://images.google.com/images?q=Girl+hurts&svnum=10&hl=en&lr	3/29/2006 16:12	Wednesday
46 Girl hurts	http://images.google.com/images?q=Girl+hurts&svnum=10&hl=en&lr	3/29/2006 16:12	Wednesday
47 Girl hurt	http://images.google.com/images?q=Girl+hurt&svnum=10&hl=en&lr=	3/29/2006 16:13	Wednesday
48 Girl hurt	http://images.google.com/images?q=Girl+hurt&svnum=10&hl=en&lr=	3/29/2006 16:13	Wednesday
49 Girl hurt	http://images.google.com/images?q=Girl+hurt&svnum=10&hl=en&lr=	3/29/2006 16:13	Wednesday
50 Girl hurting	http://images.google.com/images?q=Girl+hurting&svnum=10&hl=en&	3/29/2006 16:13	Wednesday
51 Girl hurting	http://images.google.com/images?q=Girl+hurting&svnum=10&hl=en&	3/29/2006 16:13	Wednesday
52 Girl hurts	http://images.google.com/images?q=Girl+hurts&svnum=10&hl=en&lr	3/29/2006 16:13	Wednesday
53 Girl hurting	http://images.google.com/images?q=Girl+hurting&svnum=10&hl=en&	3/29/2006 16:14	Wednesday
54 Girl moning face\	http://images.google.com/images?q=Girl+moning+face%5C&svnum=1	3/29/2006 16:16	Wednesday
55 Girl moning face\	http://images.google.com/images?q=Girl+moning+face%5C&svnum=1	3/29/2006 16:16	Wednesday
56 Girl moning face\	http://images.google.com/images?q=Girl+moning+face%5C&svnum=1	3/29/2006 16:16	Wednesday
57 Girl moning face	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:17	Wednesday
58 Girl moning face	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:17	Wednesday
59 Girl moning face	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:17	Wednesday
60 girl guts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:29	Wednesday
61 girl guts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:29	Wednesday
62 girl guts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:29	Wednesday
63 girl gut	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:30	Wednesday
64 girl gut	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:30	Wednesday
65 girl gut	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q	3/29/2006 16:30	Wednesday

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

STATE OF WISCONSIN,)
)
 Plaintiff,)
) Case No. 05-CF-381
 v.)
) Honorable Judge Angela Sutkiewicz,
 STEVEN A. AVERY,) Judge Presiding
)
 Defendant.)

SECOND SUPPLEMENTAL AFFIDAVIT OF GREGG McCrARY

Now comes your affiant, Gregg McCrary, and under oath hereby states as follows:

1. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge. The factual statements herein are true and correct to the best of my knowledge, information, and belief. I am of sound mind and I am not taking any medication nor have I ingested any alcohol that would impair my memory of the facts stated in this affidavit.
2. I have reviewed the Second Supplemental Affidavit of Gary Hunt. Based upon Mr. Hunt's further analysis of the Dassey computer and the computer forensic report of Steven Avery's computer, I have formed additional opinions.

Forensic analysis of Bobby Dassey's computer searches

3. Based upon Mr. Hunt's findings, there are 667 searches for sexual images performed on weekdays from 6:00 a.m. to 3:45 p.m., when Bobby Dassey was



at the Dassey residence. Bobby's younger brothers, Blaine and Brendan, were at school, Bobby's mother was at work, his older brother, Bryan, no longer lived at the residence, and Tom Janda, who moved out on October 15, 2005, was at work.

4. Based upon Mr. Hunt's findings, 667 sexual image searches were performed on weekdays from 6:00 a.m. to 3:45 p.m. Of those searches, 562 were performed on 10 weekdays: 8/16/2005 (4 searches); 9/13/2005 (12 searches); 2/23/2005 (48 searches); 3/29/2006 (37 searches); 3/30/2006 (23 searches); 4/3/2006 (93 searches); 4/5/2006 (96 searches); 4/6/2006 (14 searches); 4/13/2006 (39 searches); 4/19/2006 (196 searches).
5. The 562 searches on 10 days demonstrate the obsessively compulsive nature of Bobby Dassey's internet searches and his fascination with sexual acts that involve the infliction of pain, torture and humiliation on females and an equally disturbing fascination with viewing dead female bodies.
6. The internet searches done on the Dassey computer, which were focused on viewing images in which pain, torture, humiliation and death are inflicted upon women, should have raised a red flag about Bobby's involvement in Ms. Halbach's murder. Bobby cannot be excluded from the following searches:
 - a. 22 search terms describing forcing sex toys and objects into vaginas;
 - b. 28 searches for terms describing violent accidents, specifically violent car crashes with images of dead bodies;

- c. 13 searches for terms describing drowned, dead, or diseased female bodies; and
- d. 65 searches for terms describing the infliction of violence on females, including fisting and images of females in pain.

(List of Searches is attached and incorporated herein as **Exhibit 1**).

7. It is highly significant in any investigation if there is an attempt to delete or destroy records. Mr. Hunt has identified 8 times when there were deletions on the Dassey computer. Those deletions are very important because they correlate with Ms. Halbach's visits to the property. Ms. Halbach visited the property on August 22, 2005 and there are deletions on the Dassey computer from August 23 through August 26, 2005. Ms. Halbach visited the property on August 29, 2005 and there are deletions from August 28, 2005 through September 11, 2005. Ms. Halbach visited the property on September 19, 2005 and there are deletions from September 14, 2005 through September 15, 2005. There are also deletions from September 24, 2005 through October 24, 2005. Most significantly, during the time period from October 26, 2005 to November 2, 2005, there were deletions on the Dassey computer. During the investigation of Ms. Halbach's murder, beginning November 3, 2005, there were deletions made on the Dassey computer. I have reviewed the affidavit of Brad Dassey who confirmed that his stepmother, Barb, admitted hiring someone to make all of the above-described deletions. (Amended Affidavit of Gary Hunt, Exhibit 4 to the Amended Supplement to the Motion for

Reconsideration at ¶ 3) (*See*, Affidavit of Brad A. Dassey, Exhibit 3 to the Amended Supplement to Motion for Reconsideration).

8. The forensic examination of the Dassey computer by Mr. Hunt revealed that Bobby Dassey lied at trial when he testified that he was asleep on October 31, 2005 until 2:30 p.m. The Dassey computer was used to access the internet at at 6:01 a.m., 6:28 a.m., 6:31 a.m., 7:00 a.m., 9:33 a.m., 10:09 a.m., 1:08 p.m., and 1:51 p.m. (*See*, Supplemental Affidavit of Gary Hunt, at ¶ 4, Exhibit 4 in the Amended Supplement to Motion for Reconsideration).
9. Law enforcement should have considered Bobby Dassey a prime suspect in the murder of Ms. Halbach because of his untruthful statements during the investigation, combined with the nature of his internet searches. Law enforcement should have considered that the Teresa Halbach murder was a sexually motivated homicide.

Forensic analysis of Steven Avery's computer

10. Based upon Mr. Hunt's analysis of Steven Avery's computer, Mr. Avery's computer was never used to search for pornography. There were only nude images — apparently taken using a digital camera — of Mr. Avery's then-girlfriend.
11. There were no periods when computer records were deleted from Mr. Avery's computer, unlike the Dassey computer, where there were significant deletions during relevant times before and after the murder. The complete absence of internet searches for pornography, coupled with the fact that,

unlike the Dassey computer, no records were deleted from Mr. Avery's computer, indicates that Mr. Avery did not attempt to conceal his internet search activity and, moreover, that his computer activity reveals no pornography.

12. This distinction between Mr. Avery's computer and the Dassey computer is highly relevant, as supported by investigators' preoccupation with finding pornography associated with Mr. Avery. The clear working theory of the investigators was that the murder of Ms. Halbach was motivated by a sexual assault. (Attached and incorporated as **Exhibit 2** is a copy of the police reports focusing on pornography in the possession of Mr. Avery). According to Mr. Avery and his then-girlfriend, Jodi Stachowski, Mr. Avery's would sometimes watch pornographic programs included in his DirecTV subscription. These programs, which were distributed by DirecTV networks, were distinguishable from the violent pornography accessed on the Dassey computer.


Scott Tadych

14. In my opinion Mr. Tadych was not thoroughly investigated by law enforcement during Ms. Halbach's murder investigation. Several incidents of violence against women were reported about Mr. Tadych, one of which resulted in a battery conviction on July 29, 1997. (Scott Tadych's criminal record re battery conviction is attached and incorporated herein as **Exhibit 3**). Mr. Tadych's multiple inconsistent statements severely undermined his

credibility at trial. (*See*, Motion for Reconsideration at pp. 44-46). Mr. Tadych's failure to respond to Kevin Rahmlow's text about seeing the Rav4 at the turnaround by the old dam in November, 2005, before the discovery of the Halbach vehicle on the Avery property, is also suspicious. (*See*, Affidavit of Kevin Rahmlow, Exhibit D in the Motion for Reconsideration). His recent telephone call with Mr. Avery demonstrates his knowledge that Ms. Halbach had left the Avery property on October 31, 2005. The telephone call also demonstrates that Mr. Tadych has a violent and uncontrollable temper. Mr. Tadych threatens to physically assault Mr. Avery and, even more disturbingly, put Mr. Avery "in the ground." (*See*, Supplement to the Motion for Reconsideration, Exhibit 1 at p. 14). Mr. Tadych should have been investigated more thoroughly by law enforcement during the Halbach murder investigation. At a minimum Mr. Tadych should have been asked to provide his DNA and fingerprints so that they could be compared to crime scene evidence. Additionally, Mr. Tadych should have been investigated regarding his activities on November 3, 2005, in light of the anonymous handwritten note discovered by the Green Bay post office and reported to the Green Bay police department. Mr. Tadych worked at the Wisconsin Aluminum Foundry at 838 South 16th Street, Manitowoc, Wisconsin. The note specifically referenced a body being burned at 3:00 a.m. at an "alunamon [*sic*] smelter." (STATE 6040). Mr. Tadych worked the third shift at the Wisconsin Aluminum Foundry. The note, which was never thoroughly investigated by

law enforcement, is potentially of great evidentiary value because the note was sent on November 9, 2005, and it was not disclosed to the public until November 11, 2005, that Ms. Halbach had allegedly been burned in the Avery burn pit. (11/10/2005 CCSD report regarding "Sikikey" note, copy of "Sikikey" note, and 11/11/2005 Manitowoc Herald Times articles re public disclosure of evidence that Ms. Halbach's bones had been burned attached and incorporated herein as **Group Exhibit 4**).

FURTHER AFFIANT SAYETH NAUGHT



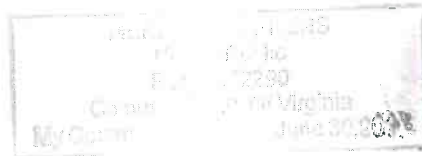
Gregg McCrary

State of Virginia
County of Spotsylvania

Subscribed and sworn before me
this 16th day of November, 2017.



Notary Public



Weekdays from 6:00 a.m. to 3:45 p.m.

Category A — Search terms describing forcing sex toys and objects into vaginas

Search Term	URL	Date/Time - (MM/dd/yy) (UTC-6:00)	Day of Week
big things in pussy	http://images.google.com/images?q=big+things+in+pussy+&btnG=Search&svnum=1	4/13/06 13:22	Thursday
big things in pussy	http://images.google.com/images?q=big+things+in+pussy+&svnum=10&hl=en&lr=&	4/13/06 13:23	Thursday
big woman naked	http://images.google.com/images?q=big+woman+naked&svnum=10&hl=en&lr=&sa	4/20/06 12:40	Thursday
huge dildo in pussys	http://images.google.com/images?q=huge+dildo+in+pussys&svnum=10&hl=en&lr=&	4/13/06 13:24	Thursday
huge dildo in pussys	http://images.google.com/images?q=huge+dildo+in+pussys&svnum=10&hl=en&lr=&	4/13/06 13:24	Thursday
huge dildo in pussys	http://images.google.com/images?q=huge+dildo+in+pussys&svnum=10&hl=en&lr=&	4/13/06 13:26	Thursday
huge dildo in pussys	http://images.google.com/images?q=huge+dildo+in+pussys&svnum=10&hl=en&lr=&	4/13/06 13:26	Thursday
stretching pussy	http://images.google.com/images?q=stretching+pussy&svnum=10&hl=en&lr=&sa	4/19/06 11:40	Wednesday
stretching pussy	http://images.google.com/images?q=stretching+pussy&svnum=10&hl=en&lr=&resn	4/19/06 11:41	Wednesday
stretching pussy toys	http://images.google.com/images?q=stretching+pussy+toys&svnum=10&hl=en&lr=&	4/19/06 11:42	Wednesday
woman dildo	http://images.google.com/images?q=woman+dildo+&svnum=10&hl=en&lr=&	8/14/05 8:39	Sunday
woman's dildo	http://images.google.com/images?q=woman+dildo+&svnum=10&hl=en&lr=&spell=	8/14/05 8:38	Sunday
woman's dildo	http://images.google.com/images?q=woman+dildo+&svnum=10&hl=en&lr=&spell=	8/14/05 8:38	Sunday
woman's dildo	http://images.google.com/images?q=woman+dildo+&svnum=10&hl=en&lr=&spell=	8/14/05 8:39	Sunday
Total:	13		



Weekdays from 6:00 a.m. to 3:45 p.m.

Category B — Searches for terms describing violent accidents, specifically violent car crashes with images of dead bodies

Search Term	URL	Date/Time - (MM/dd/yy) (UTC-6:00)	Day of Week
accident	http://images.google.com/images?q=accident&svnum=10&hl=en&lr=&newwindow=1	4/16/06 10:17	Sunday
car accident	http://images.google.com/images?q=car+accident&btnG=Search&svnum=10&hl=en&lr=&newwindow=1	4/16/06 10:16	Sunday
fast accident	http://images.google.com/images?q=fast+accident&svnum=10&hl=en&lr=&newwindow=1	4/16/06 10:17	Sunday
fast car accident	http://images.google.com/images?hl=en&lr=&newwindow=1&q=fast+car+accident&svnum=10	4/16/06 10:17	Sunday
ford empo car accident	http://images.google.com/images?q=ford+empo+car+accident&svnum=10&hl=en&lr=&newwindow=1	4/16/06 10:16	Sunday
ford tempo accident	http://images.google.com/images?q=ford+tempo+accident&svnum=10&hl=en&lr=&newwindow=1	4/16/06 10:17	Sunday
ford tempo car accident	http://images.google.com/images?hl=en&newwindow=1&sa=X&oi=spell&results=1	4/16/06 10:16	Sunday
race car accident	http://images.google.com/images?q=race+car+accident&svnum=10&hl=en&lr=&newwindow=1	4/16/06 10:15	Sunday
race car accidents	http://images.google.com/images?hl=en&newwindow=1&sa=X&oi=spell&results=1	4/16/06 10:14	Sunday
race car accsidents	http://images.google.com/images?q=race+car+accsidents&svnum=10&hl=en&lr=&newwindow=1	4/16/06 10:14	Sunday
seeing bones hot girls	http://images.google.com/images?hl=en&sa=X&oi=spell&results=1	2/23/06 12:20	Thursday
seeing bones hot girls	http://images.google.com/images?q=seeing+bones+hot+girls&svnum=10&hl=en&lr=&newwindow=1	2/23/06 12:20	Thursday
tempo car accident	http://images.google.com/images?q=tempo+car+accident&svnum=10&hl=en&lr=&newwindow=1	4/16/06 10:16	Sunday
Total:	13		

Weekdays from 6:00 a.m. to 3:45 p.m.

Category C — Searches for terms describing drowned or dead female bodies

Search Term	URL	Date/Time - (MM/dd/yy) (UTC-6:00)	Day of Week
drowned girls	http://images.google.com/images?q=drowned+girls&svnum=10&hl=en&lr=&safe=off	4/19/06 10:43	Wednesday
drowned pussy	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q=drowned+pussy	4/19/06 10:48	Wednesday
drowned	http://images.google.com/images?q=drowned&svnum=10&hl=en&lr=&safe=off	4/19/06 10:47	Wednesday
drowned girl	http://images.google.com/images?q=drowned+girl&svnum=10&hl=en&lr=&safe=off	4/19/06 10:44	Wednesday
drowned girl	http://images.google.com/images?q=drowned+girl&svnum=10&hl=en&lr=&safe=off	4/19/06 10:45	Wednesday
drowned girl nude	http://images.google.com/images?q=drowned+girl+nude&svnum=10&hl=en&lr=&sa	4/19/06 10:44	Wednesday
drowned girls	http://images.google.com/images?svnum=10&hl=en&safe=off&sa=X&oi=spell&resn	4/19/06 10:43	Wednesday
drowned pussy	http://images.google.com/images?svnum=10&hl=en&safe=off&sa=X&oi=spell&resn	4/19/06 10:48	Wednesday
Total:	8		

Weekdays from 6:00 a.m. to 3:45 p.m.

Category D — Searches for terms describing the infliction of violence on females, including fisting and images of females in pain

Search Term	URL	Date/Time - (MM/dd/yy) (UTC-6:00)	Day of Week
fist	http://images.google.com/images?svnum=10&hl=en&lr=&newwindow=1&safe=off&	4/9/06 11:02	Sunday
fist	http://images.google.com/images?svnum=10&hl=en&lr=&newwindow=1&safe=off&	4/9/06 11:02	Sunday
fist fucking sluts	http://images.google.com/images?q=fist+fucking+sluts&hl=en	9/15/05 7:54	Thursday
fist fucky	http://images.google.com/images?q=fist+fucky&svnum=10&hl=en&lr=&newwindow	4/9/06 11:01	Sunday
fist fucky	http://images.google.com/images?q=fist+fucky&svnum=10&hl=en&lr=&newwindow	4/9/06 11:01	Sunday
fist sex	http://images.google.com/images?q=fist+sex&svnum=10&hl=en&lr=&safe=off&start	9/13/05 8:14	Tuesday
fist sex	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q=fist+sex	9/13/05 8:14	Tuesday
fisting	http://images.google.com/images?q=fisting&svnum=10&hl=en&lr=&newwindow=1&	4/9/06 11:02	Sunday
fisting	http://images.google.com/images?q=fisting&svnum=10&hl=en&lr=&newwindow=1&	4/9/06 11:02	Sunday
girl action hurts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q=girl+action+hi	3/30/06 9:21	Thursday
girl action hurts	http://images.google.com/images?svnum=10&hl=en&lr=&safe=off&q=girl+action+h	3/30/06 9:21	Thursday
girl hurting	http://images.google.com/images?q=girl+hurting&svnum=10&hl=en&lr=&safe=off	3/30/06 9:22	Thursday
girl hurting	http://images.google.com/images?q=girl+hurting&svnum=10&hl=en&lr=&safe=off	3/30/06 9:22	Thursday
girl hurts	http://images.google.com/images?q=girl+hurts&svnum=10&hl=en&lr=&safe=off	3/30/06 9:21	Thursday
girl hurts	http://images.google.com/images?q=girl+hurts&svnum=10&hl=en&lr=&safe=off	3/30/06 9:21	Thursday
Total:	15		

Index of Steven Avery Pornography References

Agency	Officer	Date	Title	State numbers
Calumet	Bill Tyson	11/05/05	Supplemental Report (Search of SA's residence)	1299, 1301
Calumet	John Dederling	11/06/05	Interview of Jodi M. Stachowski	2591-92
Calumet	Dan Kucharski	11/08/05	Assist in Missing Person Case	1350-51
Grand Chute	Michael Velie	11/08/05	Computer Forensic Report of Steven Avery's Computer	3649-50, 3656-57
DOJ	Debra Strauss	11/12/05	Interview/Jodi M Stachowski	0756-57,0761
DOJ	Steven Lewis	11/12/05	Interview/Marie L. Litersky	0317-18, 0324
DOJ	Thomas Fassbender	12/09/05	Response to Release of Avery Auto Salvage	2965, 2969
Manitowoc	Remiker	12/13/05	Report (Search of the property)	0077, 0094
Calumet	John Dederling	01/19/06	Interview of Jodi Stachowski	2891
DOJ	Thomas Fassbender	06/28/06	Interview/Allen D.M. McCormick	1_1493-95
DOJ	Thomas Fassbender	10/11/06	Interview Jodi Stachowski/Transcript	1_6681-82, 1_6711-12



CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.
05-0157-955

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TYPE OF ACTIVITY: Supplemental Report

DATE OF ACTIVITY: 11/05/05

REPORTING OFFICER: Sgt. Bill Tyson

On Saturday, 11/05/05, I (Sgt. BILL TYSON of the CALUMET COUNTY SHERIFF'S DEPARTMENT) was speaking with Inv. MARK WIEGERT at the command post on the AVERY property. Inv. WIEGERT requested that I go with MANITOWOC COUNTY SHERIFF'S DEPARTMENT Det. DAVE REMIKER, Lt. JIM LENK, and Sgt. ANDREW COLBORN to STEVEN AVERY's residence to execute the Search Warrant. Inv. WIEGERT requested that I take notes and confiscate all evidence from Det. REMIKER, Lt. LENK and Sgt. COLBORN.

Upon arriving at the residence, I did note that the residence did have a house number of 12932.

We made unforced entry to STEVEN AVERY's residence through the front door at 1930 hours. Upon making entry, Sgt. COLBORN and Det. REMIKER began photographing the inside of STEVEN AVERY's residence.

After the photography was completed, Det. REMIKER, Sgt. COLBORN and Lt. LENK stated they would begin the search at the south bedroom of the residence. Upon entering the south bedroom, at 1944 hours, Det. REMIKER stated he would search the closet and bedroom dresser and Lt. LENK stated he would assist Det. REMIKER. Sgt. COLBORN concentrated his search of the desk and the nightstand, which was located next to the desk.

At 1947 hours, Sgt. COLBORN indicated he did locate a pair of leg irons and a pair of handcuffs, which were located in the nightstand next to the desk. Sgt. COLBORN also located a set of keys that had a "2003" key chain. Sgt. COLBORN then showed me a prescription medication bottle that was prescribed to STEVEN AVERY. The medication was Atenolol, 5-milligram tablet. The medication bottle was located on top of the desk in the bedroom. While searching the desk, Sgt. COLBORN located numerous magazines and catalogs all addressed to STEVEN AVERY.

At 1952 hours, Sgt. COLBORN showed me a MILLS SUPPLY catalog, a Skylark GS book, an AMERICAN INGENUITY magazine, COOKS (ph) SAW AND MACHINE magazine, a 1988 A&M SOFTWARE booklet, and a September 1992 PLAYBOY magazine, all addressed to STEVEN AVERY. Sgt. COLBORN also located several identifiers in the desk addressed to JODI M. STACHOWSKI.

At 2004 hours, Sgt. COLBORN showed me a "Bill of Sale" for AUTO TRADER magazine, which he found on top of the desk in the bedroom.

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I then noticed a dark colored stain on the molding that went around the entrance/exit door directly across from the bathroom. I directed Det. REMIKER's attention to that stain and Sgt. COLBORN did photograph the stain.

At 2109 hours, Sgt. COLBORN also photographed some scratches on the wood paneling. Those scratches would have been located between STEVEN AVERY's bedroom and the entrance/exit door located directly across from the bathroom.

At 2112 hours, Det. REMIKER swabbed the dark colored stain that was located on the molding of the door across from the bathroom.

At 2114 hours, Det. REMIKER did a control swab in the vicinity of the dark colored stain on the wood molding.

At 2117 hours, Sgt. COLBORN was in the bedroom that was located between the living room and the bathroom. Sgt. COLBORN had removed a vacuum cleaner bag and filter from the vacuum that was setting on the floor in that bedroom.

At 2119 hours, Sgt. COLBORN located two rolls of duct tape, which were setting on top of the dresser in that bedroom. Sgt. COLBORN did collect both rolls of duct tape. One roll was still in its original wrapper and the other roll was partially used and appeared to be freshly torn.

Sgt. COLBORN, Det. REMIKER and Sgt. LENK then moved their search into the living room area. At 2125 hours, Sgt. COLBORN removed a pillow from the couch and stated there was a spot on the pillow. Sgt. COLBORN then collected a mauve colored/green colored fiber that was setting on the carpeted floor directly in front of the living room couch. That item was collected at 2127 hours.

Sgt. COLBORN and Lt. LENK then left to search the kitchen and dining area and Det. REMIMER began searching the computer desk, which was located in the living room.

At 2129 hours, Det. REMIKER drew my attention to some photos he found on top of the computer desk. Upon looking at the photos, it appeared these photos were taken from a digital camera and then printed off the computer printer. The pictures were pornographic in nature and included a photo, dated 10/10/05, and that picture was of an uncircumcised erect penis. There were other numerous photos showing a female baring her breasts and other photos of a close-up view of a female's vaginal area.

At 2136 hours, Det. REMIKER located a small notebook. When he began paging through the notebook, he found on the second piece of paper a cell phone number of

CALUMET COUNTY SHERIFF'S DEPARTMENT

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Complaint No.
05-0157-955

TYPE OF ACTIVITY: Interview of Jodi M. Stachowski

DATE OF ACTIVITY: 11/06/05

REPORTING OFFICER: Inv. John Dederling

DOCUMENTS

GENERATED: One Page Waived Miranda Warning

On Sunday, 11/06/05 at 1008 hrs., I (DEDERING) assisted by Det. DENNIS JACOBS of the MANITOWOC CO. SHERIFF'S DEPT. did interview the following individual at the MANITOWOC CO. COUNTY JAIL:

JODI M. STACHOWSKI
DOB 09/11/69
12932 Avery Rd.
Two Rivers, WI 54241
Phone 920-755-4860

Prior to asking any questions of Ms. STACHOWSKI, Det. JACOBS did read her, her Warning and Waiver of Rights, commonly referred to as Miranda, which she did waive her rights to counsel and against self-incrimination and agreed to speak with us.

STACHOWSKI indicated she has lived at the above address for approximately 18 months. She stated that prior to moving to Avery Rd., she lived on Waldo Blvd in Manitowoc. She stated that she moved to the Manitowoc area approximately 12 years ago. She stated she was born in Menomonee Falls.

I asked STACHOWSKI of her whereabouts on 10/31/05, and she indicated that she had been in custody at the jail, and had been so since 08/15/05 approximately. She states that she speaks to STEVEN AVERY every night on the telephone. She indicates every Tuesday she is released for AODA and that STEVEN AVERY provides a ride to and from her AODA meetings. She also states STEVEN does come to visit her at the facility during visiting hours.

STACHOWSKI states that they just normally have general conversation on most evenings. She states that STEVEN did not come to visit on Saturday, 11/05/05, and did not plan to, indicating he was going up north with his family.

I asked Ms. STACHOWSKI if she and STEVEN had spoken about the missing girl. STACHOWSKI indicated that subject had arisen on Thursday, 11/03/05. She stated that STEVEN advised her that TV people had talked to him on Thursday, "I believe". She stated that on Friday, at 1800 hrs., STEVEN mentioned that he was on the news, and mentioned that

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Complaint No.
05-0157-955

the police had been out to speak with him. STEVEN advised JODI during the conversation that she had with him on Friday p.m., that BOBBY (DASSEY) saw "her" (TERESA) after STEVEN did. According to Ms. STACHOWSKI, TV 5 had advised STEVEN AVERY that the photographer (TERESA HALBACH) apparently had an appointment after STEVEN's.

STACHOWSKI indicated that STEVEN AVERY believes the police are setting him up. STACHOWSKI indicated that she somehow agreed with this. She states there are lots of ways into the yard, at least four that she is aware of. She believed it would be easy for someone to "plant" the RAV4 listing to Ms. HALBACH.

During a briefing, I had been advised that there were handcuffs and leg restraints located within STEVEN's residence. When I broached this subject with Ms. STACHOWSKI, her response was "In our house? They must be new." She had a similar response regarding the leg restraints.

STACHOWSKI indicated she was last at the Avery Rd. address in mid-August. She indicated that the duct tape in the bedroom might have come from her painting and masking the bedroom off. She stated that she had painted virtually the entire trailer since moving in.

She did indicate that she and STEVEN had discussed the possibility of using restraints during sex in the past.

STACHOWSKI indicated the computer that is in STEVEN's residence is connected to the Internet, and there probably are pornographic images of JODI and STEVEN contained on it. She states that these images are generated with a Kodak brand digital camera, which is kept close by the computer unless STEVEN goes "up north" and takes the camera with him.

STACHOWSKI was asked how STEVEN learned that BOBBY was the last person to see Ms. HALBACH. She could offer no explanation for this.

STACHOWSKI indicates she was certain that TERESA HALBACH had been at the STEVEN AVERY residence in the past, recalling that TERESA HALBACH photographed a boat, motor and trailer which STEVEN AVERY had for sale.

STACHOWSKI indicated that to her knowledge, TERESA HALBACH had never provided her business card or cellular phone numbers to STEVEN AVERY.

I had learned that a key for a foreign vehicle had been found in STEVEN AVERY's residence and I asked JODI if STEVEN owns any import vehicles. She stated that she was not aware of any. She states STEVEN drives a van to and from the yard and drives a Grand Am and a tow type vehicle in addition to the black Ford F350 that he owns. JODI indicated she was aware that STEVEN had brought back a camouflaged painted unit, possibly an ISUZU the previous weekend.

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CALUMET COUNTY SHERIFF'S DEPARTMENT



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File Number

Complaint No.
05-0157-955

TYPE OF ACTIVITY: Assist in Missing Person Case

DATE OF ACTIVITY: Tuesday, 11/08/05
Start of Service at 0630 hours
End of Service at 1915 hours

REPORTING OFFICER: Deputy Dan Kucharski

On 11/08/05 at 0630 hours, I (Deputy DAN KUCHARSKI) responded to the scene at STH 147 and Avery Rd. Upon arrival, I was given the assignment by Lt. BOWE to recover two weapons out of a yellow vehicle that was parked by the shop office at the new shop.

At 0738 hours, Lt. LENK, Sgt. COLBORN and I searched a yellow vehicle with the plate of 343JVF and collected two shotguns and a belt full of ammunition from the trunk of the vehicle. We ended the search of the vehicle at 0748 hours.

Back at the command post, we were given the assignment by Lt. BOWE to go to the residence at 12932 Avery Rd. and conduct a thorough search of the residence. We were instructed to take into evidence any pornographic material, the computer in the living room, any computer related storage devices, and to take sample swabs of suspected blood spots in the bathroom of the residence. We were also instructed to thoroughly search the residence for any other types of evidence.

At 0825 hours, Lt. LENK, Sgt. COLBORN and I responded to 12932 Avery Rd. and began the search.

I photographed and collected the Hewlett Packard computer that was in the living room of the residence. Also collected was miscellaneous computer equipment and storage devices from the area around the computer. At 0850 hours, DAN VAN OSS, Badge #702, entered the residence, took possession of the computer and collected storage devices. At 0855 hours, he left the residence transporting the computer to be processed for evidence collection.

We then began a search of the residence. All three of us went to the back bedroom in the residence and searched for evidence. It was a relatively small bedroom and we were in visual and verbal contact with each other at all times while searching this bedroom. There were no areas in the bedroom where any of us would have been out of contact with each other at any time being that it was so small. I photographed and collected pornographic material found in the bedroom. I also photographed and collected miscellaneous ammunition found in the bedroom, a cloth rope and a pillow with a red stain on it.

We were nearing completion of the search of the bedroom. I was at the northeast corner of the bed, Sgt. COLBORN was approximately two to three feet away from me finishing up the search

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CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.
05-0157-955

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File Number

of a desk area, and Lt. LENK was approximately one foot from me finishing up the search of a cabinet located next to the desk. Lt. LENK had gone through the cabinet and then he and Sgt. COLBORN moved the cabinet around looking for pictures stuck in the back of the cabinet. I was in visual contact when they were doing this as they were only a couple of feet away from me. Sgt. COLBORN began to put the books that were taken out of the cabinet back into it. He was having some resistance against the books, they were caught on something, and he pushed on the books banging them into the back and top of the cabinet. Lt. LENK left the room to call the command post for some boxes for the pornographic materials that we had found. Sgt. COLBORN went back to searching through the magazines under the desk area. I was completing the search of the nightstand. After approximately two minutes, Lt. LENK came back to the room. He entered the doorway of the room approximately one foot away from me, pointed to the floor and said, "There's a key here." He pointed to the floor next to the cabinet by a pair of men's slippers. All three of us looked at the key that was lying on the floor. The emblem on the key appeared to be a Toyota manufacturer's emblem. The key was connected to a blue canvas key fob with a black buckle on the end of it approximately two to four inches in length. Immediately we stopped searching.

I photographed the location of the key. I collected the key and placed it into an evidence bag. The bag was a brand new evidence bag out of the stack of bags that I brought into the residence from my evidence kit. I was wearing rubber gloves when I collected the key. When I went to pick up the key, I used a fresh pair of gloves that were new directly out of the package. At the time the key was first found, I had already taken off my rubber gloves from the previous searching because we were almost finished searching the room. At no time did I handle any other pieces of evidence or any other items inside the bedroom or inside the trailer with this pair of gloves. At no time did Lt. LENK or Sgt. COLBORN touch or have physical control of the key. From this point forward, I had the key in my physical control.

I called the command post and informed them that we had found this key. Special Agent TOM FASSBENDER and CALUMET CO. SHERIFF'S DEPT. Inv. MARK WIEGERT came to the residence to look at the key. With my gloved hand, I took the key out of the evidence bag and retaining physical control of it, I showed it to them. They left the residence saying they would be sending a special agent back to take possession of the key to immediately take it to the crime lab in Madison for processing. I secured the key back into the evidence bag and sealed the bag with red evidence tape putting my initials on the tape. Special Agent TOM FASSBENDER and Special Agent MATTHEW JOY, Badge #N516, came back to the residence at short time later.

Special Agent JOY took physical control of the evidence bag containing the key. I filled out the Evidence/Property Custody sheet and had Special Agent JOY sign that he had taken possession of this piece of evidence. Special Agent JOY left the residence and we continued with the search and collection of evidence.

Grand Chute Police Department

Computer Forensics Report

Examination Agency Case # 05-0159-514

Investigating Agency Case # 05-0157-955

Examination Agency
Grand Chute Police
Department
1900 Grand Chute Blvd
Grand Chute, WI 54913
(920) 832-1575



Investigating Agency
Calumet County Sheriff's
Department
206 Court Street
Chilton, WI 53014
(920) 849-2335

This is a report regarding the analysis of digital evidence that was submitted to our agency for forensic examination. The data contained in this report and data extractions should not be regarded as the evidence per se, but rather a report concerning that data. Contact the examiner to obtain the evidentiary data. Date and time stamps on data extracted from the original media may contain a different date / time stamp than when it was on the original media. Refer to the information contained within the EnCase report for the date / time stamps from the original media.

Data contained on this report and CD-ROM may be sensitive, confidential, or in some cases offensive. It is intended for viewing only by those involved in the investigation and prosecution of this case. Any other viewing is not authorized.

Should a decision be made to make an arrest, initiate a prosecution, or initiate some administrative proceeding that may result in an adverse effect on the subject or target of this examination, based on information contained in this report, the decision maker is strongly advised to first discuss the findings contained herein with the examiner so as to avoid misinterpretation of information contained herein.

If you have any questions, please contact:

Detective Mike Vejie

Grand Chute Police Department

1900 Grand Chute Blvd

Grand Chute, WI 54913

Phone: (920) 832-1552 Cell: (920) 419-3727

Mike.vejie@grandchutepd.org

AGENCY ASSIST

SUPPLEMENT

I, Detective Michael Velie #7727 was contacted by Investigator Wiegert of the Calumet County Sheriff's Dept. Inv. Wiegert indicated as part of his investigation they had obtained a computer tower from Steven Avery's residence. Inv. Wiegert indicated he was going to have an officer from the Calumet County Sheriff's Dept. deliver the computer to me at the Grand Chute Police Dept. and requested I do a forensic analysis on the computer.

On November 8, 2005 an officer with the Calumet County Sheriff's Dept delivered a Hewlett Packard Pavilion a802n, Serial #MKX504CMXH to me. Also delivered to me were several CD's, DVD's and some miscellaneous papers. I logged all these items into evidence and attached to this report is a copy of those evidence forms. At that time I photographed the computer both inside and out and removed the 200Gygabite hard drive from the Hewlett Packard Pavilion computer tower. I then acquired the 200Gygabite hard drive to evidence drive T-1000 using FTK Imager 2.1A. Upon completion of acquiring the 200GB hard drive I started a separate Encase case file and verified the acquisition. I then ran a signature and hash analysis and ran a recover folders feature within Encase. I then extracted all of the Internet history and created an Internet history report. I also ran an Internet and email search and analyzed the search results. A copy of the Internet history and email results will be turned over to Investigator Wiegert for his review. I then started an FTK case file and indexed the 200GB hard drive. Upon completion of indexing the drive I ran numerous key word searches within this hard drive and analyzed the search results. During my key word search I specifically focused the key word search on anything related to Theresa Halbach. Upon completion of analyzing any key word search results I extracted the user registry information and created a registry report. I also ran an initialized case Enscript and attached the copy of the results to the final report, which will be turned over to Investigator Wiegert. I also ran a file finder Enscript searching for images within this computer. I analyzed the search results and found numerous images that were consistent with standard Internet history. I also located pornography, which appeared to be digital camera pictures containing what

AGENCY ASSIST

appeared to be Steven Avery and an adult female. These pictures appear to be dated back to July 2005. A copy of the pictures will be turned over to Investigator Wiegert for his review.

I also ran an initialized case Enscript within Mr. Avery's computer and attached the registry information as well as the time zone information to the final report. It should be noted it appeared as though Mr. Avery's time zone setting on his computer was set to Pacific Time or GMT minus eight hours. I will also be creating an archived copy of Mr. Avery's hard drive on DVD and will turn this over to Investigator Wiegert for any follow-up.

End of report

Detective Michael Velie 7727
Grand Chute Police/pjp

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: 05-1776/39

Report Date: 11/12/2005

Primary Information

Report Number: 05-1776/39
Report Date: 11/12/2005
Type Of Report: Investigative
Description: TERESA MARIE HALBACH: Interview/Jodi M Stachowski
Occurrence From: 11/11/2005 10:55
Occurrence To: 11/11/2005 12:48
Dissemination Code: Agency
Reporting LEO: Strauss, Debra K (Appleton Public Integrity / Wisconsin DOJ Division of Criminal Investigation)
Backup LEO: Dederling, John (Deputy / Calumet County Sheriff's Office)
Approval Status: Approved
Approved Date: 11/22/2005
Approved By: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)

Related Addresses

Address	Relationship
12932 Avery Rd, Two Rivers, Wisconsin, United States of America	Suspect Residence

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Auto Trader	Business	---	---	---	Mentioned
Avery's Auto Salvage	Business	---	---	---	Subject of Interest
Stachowski, Jodi Marle	Person	Female	White	9/11/1969	Interviewed
05-1776 Heather	Person	Female	Unknown	---	Mentioned
05-1776 Sister of Allen Avery	Person	Female	Unknown	---	Mentioned
Avery, Allen K	Person	Male	White	5/3/1937	Mentioned
Avery, Charles Earl	Person	Male	White	7/13/1954	Mentioned
Avery, Earl Kevin	Person	Male	White	6/10/1970	Mentioned
Avery, Marle F	Person	Female	White	6/14/1987	Mentioned
Dassey, Bobby A	Person	Male	White	10/18/1986	Mentioned
Dassey, Lori A	Person	Female	White	10/20/1961	Mentioned
Janda, Barbara Ellen	Person	Female	White	11/7/1964	Mentioned
Johnson, Roland A	Person	Male	Unknown	5/1/1938	Mentioned
Avery, Steven Allen Sr	Person	Male	White	7/9/1962	Person of Interest
Halbach, Teresa Marle	Person	Female	White	3/22/1980	Victim

Record Status Information

Record Origination Operator: Knutson, Andrea L (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)
Record Origination Date: 11/14/2005 07:54
Last Update Operator: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)
Last Update Date: 11/22/2005 13:10

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Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: 05-1776/39

Report Date: 11/12/2005

Reporting LEO	Date	Supervisor	Date
Strauss, Debra K (Appleton Public Integrity / Wisconsin DOJ Division of Criminal Investigation)		Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)	1/4/2006

Narrative begins on the following page.

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was asked who Steve was dating, and Stachowski responded Marie Avery, Earl Avery's daughter. Steve has told Stachowski that he and Marie started out as friends. Then, on New Year's Eve 2003, Marie was drunk and she kissed Steve.

Stachowski moved in with Steve in June, 2004. In August, 2004, Stachowski and Steve were arguing about the relationship Steve was having with Marie. As part of this argument, Steve said to Stachowski "yeah, I fucked her." Stachowski stated when Steve said this, he was referring to Marie.

According to Stachowski, inside a blue safe in the trailer were handwritten notes Marie had written to Steve. Stachowski said Steve kept these notes in case he needed to use them against Marie. As part of these notes, Marie would write that she loved Steve and that she wanted to be with him.

Stachowski was asked if she knew why Steve kept pornographic pictures of his ex-wife. Stachowski said she did not know why Steve kept these pictures and she believed Steve had them while he was in prison. When Stachowski was asked if it bothered her that Steve kept these photos, Stachowski said it did not.

Stachowski was asked if she thinks Steve loves Marie. Stachowski responded she thought he does as "a family member."

Stachowski stated whenever she wants to make Steve upset, all she has to do is bring up Marie. For example, the last time Steve got physical and hit Stachowski was during 2004. At that time, Steve had been at the cabin in Crivitz and Stachowski had gone to the races with friends of hers. When Stachowski returned home, Steve was there. Steve accused Stachowski of being drunk and Stachowski started bringing up Marie. At that time, Steve slapped her. Stachowski said she was so mad at Steve she called the police and had him arrested. (According to information maintained by CCAP, Steve Avery was arrested on 09/09/2004 and charged with disorderly conduct. Steve pled guilty to this charge on 02/17/2005.) After Steve had been released from jail, Steve went to Barbara's trailer. The following day, Stachowski contacted Steve on his cell phone. After speaking with Steve, Stachowski went to the Manitowoc County Jail and signed papers indicating she wanted to allow Steve back into the residence. Stachowski said Steve was not mad at Stachowski for calling the police.

Stachowski indicated Steve can get angry very quickly. When Steve does get angry at Stachowski, he will throw things "around her general area." Steve will also grab her and hit her with an open or closed fist. Steve will call her a bitch and tell her that she is ruining his life and she is nothing but a drunk. Steve will also tell Stachowski that, with all of his money, he will be able to get a lot of bitches.

Stachowski stated that when Steve receives his money from his lawsuit against Manitowoc County, Steve wants to buy a house and some vehicles. Steve has also told her that he wants to share this

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: 05-1776/30

Report Date: 11/12/2005

Primary Information

Report Number: 05-1776/30
 Report Date: 11/12/2005
 Type Of Report: Investigative
 Description: TERESA MARIE HALBACH: Interview/Marie L. Litersky
 Occurrence From: 11/08/2005 11:57
 Occurrence To: 11/08/2005 13:09
 Dissemination Code: Agency
 Reporting LEO: Lewis, Steven P (Appleton Narcotics / Wisconsin DOJ Division of Criminal Investigation)
 Backup LEO: Orth, Jason (Sergeant / Manitowoc County Sheriff's Office)
 Approval Status: Approved
 Approved Date: 11/17/2005
 Approved By: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)

Related Addresses

Address	Relationship
12930 Avery Rd, Two Rivers, Wisconsin 54241, United States of America	Suspect Location
12930 Avery Rd #A, Two Rivers, Wisconsin 54241, United States of America	Suspect Location

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Avery's Auto Salvage	Business	—	—	—	Subject of Interest
Litersky, Marie Laura	Person	Female	White	10/27/1986	Interviewed
Avery, Allen K	Person	Male	White	5/3/1937	Mentioned
Avery, Charles Earl	Person	Male	White	7/13/1954	Mentioned
Avery, Earl Kevin	Person	Male	White	6/10/1970	Mentioned
Avery, Jennifer	Person	Female	White	—	Mentioned
Avery, Steven Allen Sr	Person	Male	White	7/9/1962	Mentioned
Dassey, Blaine A	Person	Male	White	12/3/1988	Mentioned
Dassey, Bobby A	Person	Male	White	10/18/1986	Mentioned
Dassey, Brendan R	Person	Male	Unknown	10/19/1989	Mentioned
Dassey, Bryan J	Person	Male	White	7/15/1985	Mentioned
Janda, Barbara Ellen	Person	Female	White	11/7/1964	Mentioned
Janda, Thomas Lee	Person	Male	White	9/26/1965	Mentioned
Rolston, Crystal	Person	Female	Unknown	—	Mentioned
Stachowski, Jodi	Person	Female	White	9/11/1969	Mentioned
Halbach, Teresa Marie	Person	Female	White	3/22/1980	Victim

Related Telephones

Telephone Number	Relationship
(920) 973-1250	Subject's Telephone
(920) 973-1130	Suspect Telephone
(920) 973-1740	Suspect Telephone

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Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: 05-1776/30

Report Date: 11/12/2005

Record Status Information

Record Origination Operator:	Knutson, Andrea L (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)
Record Origination Date:	11/12/2005 19:03
Last Update Operator:	Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)
Last Update Date:	11/17/2005 11:22

Reporting LEO	Date	Supervisor	Date
Lewis, Steven P (Appleton Narcotics / Wisconsin DOJ Division of Criminal Investigation)		Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)	12/16/2005

Narrative begins on the following page.

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one camera on the property, however, indicated it did not work and was a fake camera.

S/A Lewis questioned Litersky in regards to if Steven Avery was in possession of pornography or any other similar items that may be located inside the Avery residence. Litersky indicated she believed there were at least 10 to 12 DVDs of pornography that were located on top of the t.v. or by the entertainment center of Steven Avery's property.

S/A Lewis questioned Litersky in regards to if there was common for Steven Avery to borrow a cell phone, for example Bryan Dassey's cellular telephone. Litersky indicated that Steven Avery always had his cellular telephone attached to his belt at all times, and during the duration of her dating Bryan Dassey, on possibly 2 to 3 occasions, he had borrowed Bryan Dassey's cellular telephone. Litersky indicated that Steven Avery had used Bryan Dassey's cellular telephone during the aforementioned timeframe because Steven Avery had broken his cellular telephone and needed to borrow Bryan Dassey's cellular telephone. Litersky indicated on or about December, 2004 was when Steven Avery had broken his phone as a result of throwing it against a wall.

S/A Lewis questioned Litersky in regards to what type of cellular telephones Steven Avery and Bryan Dassey owned. Litersky indicated that Steven Avery's telephone was believed to be a silver LG cellular telephone and Bryan Dassey's cellular telephone was described as a blue LG cellular telephone.

S/A Lewis questioned Litersky in regards to if Barbara Janda had a cellular telephone. Litersky indicated that Barbara did have a cellular telephone, and listed the number as 920-973-1740, and was not aware of what type of cellular telephone that may have been.

S/A Lewis then questioned Litersky in regards to if Steven Avery was ever observed to be violent, not so much verbally but physically. Litersky indicated that she had never observed Steven Avery physically assault anybody, however, on occasion had observed bruises on Jodi and believed that the bruises were a result of physical altercations that Jodi and Steven Avery had encountered.

Litersky drew a sketch of the Avery property, a copy of which will be electronically attached to this report and the original forwarded to DCIR. S/A Lewis depicted the location of the burn barrel and fire pit as described by Litersky near the Dassey residence; along with the burn barrel located near the Steven Avery residence. S/A Lewis wrote the word "Avery" on the road depicting Avery Road as described by Litersky.

DA

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: 05-1776/180

Report Date: 12/09/2005

Primary Information

Report Number: 05-1776/180
 Report Date: 12/09/2005
 Type Of Report: Investigative
 Description: TERESA MARIE HALBACH: Response to and Release of Avery Auto Salvage
 Occurrence From: 11/05/2005 14:00
 Occurrence To: 11/12/2005 11:28
 Dissemination Code: Agency
 Reporting LEO: Fassbender, Thomas J (Appleton Special Assignments / Wisconsin DOJ Division of Criminal Investigation)
 Backup LEO: Hunsader, Alan S (Appleton Narcotics / Wisconsin DOJ Division of Criminal Investigation)
 Approval Status: Approved
 Approved Date: 01/25/2006
 Approved By: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Avery's Auto Salvage	Business	--	--	--	Subject of Interest
Avery, Charles Earl	Person	Male	White	7/13/1954	Person of Interest
Avery, Steven Allen Sr	Person	Male	White	7/9/1962	Person of Interest
Janda, Barbara Ellen	Person	Female	White	11/7/1964	Person of Interest
Halbach, Teresa Marie	Person	Female	White	3/22/1980	Victim

Record Status Information

Record Origination Operator: Knutson, Andrea L (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)
 Record Origination Date: 12/21/2005 13:09
 Last Update Operator: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)
 Last Update Date: 01/25/2006 09:38

Reporting LEO	Date	Supervisor	Date
Fassbender, Thomas J (Appleton Special Assignments / Wisconsin DOJ Division of Criminal Investigation)		Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)	1/26/2006

Narrative begins on the following page.

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S/A Fassbender had learned that there was a pornographic magazine located in the southwest corner of the garage. S/A Fassbender did locate a playboy magazine in that location, examined it and left it at the scene. In the residence, S/A Fassbender had Deputy Chris Wendorf of the Calumet County Sheriff's Department seize a small container containing ashes. The container was located on the computer desk in the living room area of Steven Avery's residence.

S/A Fassbender telephoned Chuck Avery and advised him that law enforcement was ready to release the scene and they could re-enter. At about 11:00 a.m., Chuck Avery was at the check point on Avery Road when S/A Fassbender escorted him to his residence. S/A Fassbender had explained to him that Dep. Bill Tyson of the Calumet County Sheriff's Department needed to get into his residence to video tape it prior to the scene being released. He advised he was going to do that too. Chuck Avery ultimately used a screw driver to gain entry into his residence.

At about 11:28 a.m., S/A Fassbender released the scene to Chuck Avery and Barbara Janda. S/A Fassbender spoke briefly with both of them. The conversation concerned primarily Steven Avery's guilt or innocence. They were told if they had any concerns or questions they could contact S/A Fassbender.

MANITOWOC CO SHERIFF DEPT Summary

RECEIVED
DEC 21 2005
Calumet County
District Attorney

Print Date/Time: 12/13/2005 14:23
Login ID: S509
Case Number: 2005-00008844

MANITOWOC COUNTY SHERIFF
ORI Number: WI0360000

Case Details

Case Number: 2005-00008844
Location: 12930 AVERY RD
TWO RIVERS, WISCONSIN, 54241
Reporting Officer ID: S278 - REMIKER

Incident Type: HOMICIDE - NEGLIGENT
Occurred From: 10/31/2005 14:00
Occurred Thru: 10/31/2005 14:00
Disposition: CLEARED BY ARREST
Disposition Date: 11/15/2005

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	09A	940.01(1)(a)	1ST DEGREE INTENTIONAL HOMICIDE	1
2	State	90Z	940.11(1)	MUTILATING A CORPSE	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB
OTHER	2	BARBARA ELLEN JANDA	12930 AVERY RD A TWO RIVERS, WISCONSIN 54241	(920) 755-8715	WHITE	FEMALE	11/07/1964
OTHER	4	GREGORY A PHILLIPS	920 LADURON DR MISHICOT, WISCONSIN 54228	(920) 755-4684	WHITE	MALE	08/01/1969
OTHER	5	LESLIE WALTER DUENING JR	770 E ALBERT DR 60 MANITOWOC, WISCONSIN 54220	(920) 652-0253	WHITE	MALE	03/05/1966
OTHER	6	KENNETH DOUGLAS KNAPP	702 N PACKER DR WHITELAW, WISCONSIN 54247	(920) 684-3988	WHITE	MALE	04/01/1964
OTHER	7	GERALD J WENZEL	3024 MEMORIAL DR TWO RIVERS, WISCONSIN 54241		WHITE	MALE	12/24/1958
OTHER	8	BRETT A WENZEL	3024 MEMORIAL DR TWO RIVERS, WISCONSIN 54241	(920) 553-1509	WHITE	MALE	06/19/1983
OTHER	9	KYLE G MAERTZ	1116 BLUFF AVE SHEBOYGAN, WISCONSIN 53081		WHITE	MALE	07/21/1985
OTHER	10	DARRYL E MAERTZ	1116 BLUFF AVE SHEBOYGAN, WISCONSIN 53081		WHITE	MALE	02/05/1945
OTHER	11	JESUS NMI SOTO	N5671 SUNSET LN LUXEMBURG, WISCONSIN 54217		WHITE	MALE	05/24/1966
OTHER	12	LAMEC NMI CRUZ	1959 S 57TH ST MILWAUKEE, WISCONSIN 53219	(414) 546-4349	WHITE	MALE	10/01/1967
OTHER	13	JESUS M PENA	2463 N HOLTON ST B MILWAUKEE, WISCONSIN 53212	(414) 264-6023	WHITE	MALE	09/25/1962
OTHER	14	MICHAEL J KORTAS	1815 FRIDAY ST MANITOWOC, WISCONSIN 54220	(920) 684-0572	WHITE	MALE	11/19/1954
OTHER	15	KEITH W PAMPLAM	TOWNLINE RD KEWAUNEE, WISCONSIN 54216	(920) 388-4086	WHITE	MALE	05/06/1975
OTHER	16	AVERY AUTO SALVAGE	12930 AVERY RD TWO RIVERS, WISCONSIN 54241	(920) 755-2848			
OTHER	18	MARIE L LITERSKY	242 E SAMZ RD MISHICOT, WISCONSIN 54228	(920) 755-4384	WHITE	FEMALE	10/27/1986
OTHER	19	PAUL E RABAS	15234 N MARIBEL RD MARIBEL, WISCONSIN 54227		WHITE	MALE	02/05/1961
OTHER	20	PAUL L NOVAK	UNKNOWN DENMARK, WISCONSIN 54208		WHITE	MALE	06/29/1962
OTHER	21	ROLAND A JOHNSON	UNKNOWN JACKSON, WISCONSIN	(262) 677-3858	WHITE	MALE	05/11/1938
OTHER	22	CHARLES EARL AVERY	12930 AVERY RD TWO RIVERS, WISCONSIN 54241	(920) 755-2879	WHITE	MALE	07/13/1954
OTHER	23	ALLAN K AVERY	12930 AVERY RD TWO RIVERS, WISCONSIN 54241	(920) 755-2848	WHITE	MALE	05/03/1937
OTHER	24	KRISTY A HAZAERT	3978 CREEKVIEW RD DEPERE, WISCONSIN 54115	(920) 676-9030	WHITE	FEMALE	02/12/1978
OTHER	25	JOLENE M BAIN	2571 TELLURIDE TRL H GREEN BAY, WISCONSIN 54313	(920) 217-7402	WHITE	FEMALE	11/17/1974
OTHER	26	SHERRY A LEMEROND	233 N BROADWAY ST 132 DEPERE, WISCONSIN 54115	(920) 676-5585	WHITE	FEMALE	01/04/1975
OTHER	27	AUBREY H WYGRALAK	4125 ROBIN LN GREEN BAY, WISCONSIN 54313	(920) 865-2125	WHITE	FEMALE	12/02/1982
OTHER	28	TRINITY L ROSENOW	3501 JACKSON AVE 4 PLOVER, WISCONSIN 54467	(715) 345-1466	WHITE	FEMALE	05/15/1981
OTHER	29	KIM J DUCAT	1212 HAWTHORNE ST	(920) 242-1832	WHITE	FEMALE	07/24/1963

MANITOWOC COUNTY SHERIFF'S DEPARTMENT REPORT

2005 - 8844

MANITOWOC CO SHERIFF DEPT Summary

Print Date/Time: 12/13/2005 14:23
Login ID: S509
Case Number: 2005-00008844

MANITOWOC COUNTY SHERIFF
ORI Number: WI0360000

After the DCI took custody of the burning barrel, Sgt. Senglaub and I continued our search of the property.
DVSiders /bjc

11/08/05: I, Lt. Lenk, along with Sgt. A. Colborn were requested to assist CASO Deputy Dan Kucharski with searching various areas on the AVERY property for the presence of firearms and pornography, in addition to any other relevant evidentiary items related to this case.

11/08/05 @ 0730 Hrs.: We went to a yellow vehicle bearing WI RP 343JVF which was parked in front of the office building on the AVERY property. This vehicle belongs to EARL AVERY. There were 2 shotguns and an ammo belt with shotgun ammo collected from the trunk area of the vehicle.

We returned to the command post where Deputy Kucharski was given an assignment by his supervisor, CASO Lt. Bowe, to return to the STEVEN AVERY trailer to place into evidence a computer and computer-related items which were located in the living room area. We also were to collect small spots of possible suspected blood which was located in the bathroom area by the State Crime Lab the previous evening. These items were ultimately collected by Sgt. Colborn and turned over to Deputy Kucharski. The computer and related items were collected and recorded by Deputy Kucharski. They were then signed over to CASO Deputy VanOss.

After the computer and related items had been turned over, Deputy Kucharski, Sgt. Colborn, and I went to the rear bedroom of the trailer (STEVEN AVERY'S bedroom) to begin the search for pornographic materials or any other evidentiary items. This is a small bedroom. The 3 officers were not more than 2-4' apart at any time. Each officer would search a small area at a time and any items which were to be taken as evidence were photographed and collected by Deputy Kucharski. Deputy Kucharski did the retrieval of the evidence found while Sgt. Colborn and I did the physical searching.

Sgt. Colborn searched the desk area (the desk was located in the corner of the bedroom), as well as a small cabinet next to the desk for pornographic materials. Sgt. Colborn did locate .22 caliber ammunition in the desk. This was turned over to Deputy Kucharski. I was also searching the cabinet for pornographic materials. Materials which we found were placed on the floor next to the bed where Deputy Kucharski was sitting and filling out evidence cards. I took a 3-ring binder from the cabinet which was filled with news clippings of STEVEN AVERY since being released from prison. There were no pornographic materials in the binder. Sgt. Colborn even tipped the cabinet to its side, away from the desk, to be sure that no photographs or other materials had fallen between the desk and the cabinet.

When Sgt. Colborn and I were putting magazines and papers back into the cabinet, we were pushing into the cabinet, striking the back of the cabinet as we pushed them in. When I replaced the 3-ring binder into the cabinet, I met with some resistance. I pushed it 2-3 times before it finally went into the cabinet.

After the items were placed back into the cabinet, I was facing the pile of magazines and pictures of evidence which was piled next to the bed on the floor. At this time, I had my back to the cabinet. I informed Deputy Kucharski that I was going to go to the living room area to get some large paper bags or maybe some boxes to put the evidence which we collected into. I left the bedroom and went to the living room where I contacted the command center to see if I could get some boxes. I decided just to double-bag our larger paper bags to provide for extra strength to put in the magazines and other items.

I, Lt. Lenk, left the living room and returned to the bedroom to help bag up the evidence on the floor. When I

Bobby Dassey cannot be excluded from the additional remarkably similar searches of the same categories that were typed into the Dassey computer when other family members may have been home:

- a. 9 additional searches for terms describing forced penetration of sex toys and objects into vaginas, specifically: “slut using [*sic*] sex objects,” “Extreme anal toys,” and “object pussy;”
- b. 15 additional searches for terms describing violent accidents, including violent car crashes with images of dead bodies, specifically: “car accidents,” “alive skeleton,” and “skeleton;”
- c. 5 additional searches for terms describing drowned, dead, or diseased female bodies, specifically: “diseased girls,” and “rotton [*sic*];” and
- d. 50 additional searches for terms describing the infliction of violence on females, including fisting and images of females in pain, specifically: “girls grooming [*sic*] face,” “fist fuck,” “Girl moning [*sic*] face,” and “girl guts.”

See, Second Supplemental Affidavit of Gregg McCrary, attached and incorporated herein as **Exhibit C**, at ¶ 6; Categorized list of terms searched, attached and incorporated herein as **Exhibit E**.

Mr. Avery would be eliminated from all but 15 of the 128 searches (11.7%) at issue simply by having been arrested on November 9, 2005. Mr. Avery states in his un rebutted affidavit that he never accessed or used the Dassey computer at any time, much less to search violent sexual images and dead bodies. See, **Exhibit D**, at

¶¶ 5-6. A forensic analysis done of Mr. Avery's computer revealed no searches of sexual images, much less violent images and dead bodies. Brendan Dassey would be eliminated from all but 26 of the 128 searches (20.3%) at issue by having been arrested on March 1, 2006.

The State's concealment of the Velie report prejudiced the defense. The report would have provided the defense with the ability to meet the *Denny* standard, and therefore would have raised reasonable doubt resulting in Mr. Avery's acquittal. The existence of this new *Brady* violation undermines confidence in the verdict against Mr. Avery. At a bare minimum, Mr. Avery should be allowed to present this evidence of a significant *Brady* violation at an evidentiary hearing.²

Scott Tadych as a Potential Suspect

Gregg McCrary, current post-conviction counsel's police investigation and procedure expert, opines that Mr. Tadych was not thoroughly investigated as a potential suspect by law enforcement during Ms. Halbach's murder investigation, but he should have been for the following reasons:

- a. Several incidents of violence against women were reported about Mr. Tadych, one of which resulted in a battery conviction on July 29, 1997. *See*, exhibit 4 to **Exhibit C**, at ¶ 13.

² Further, in support of Mr. Avery's argument for new evidence of a *Brady* violation which concealed Ryan Hillegas's connection to the crime scene (*see*, 10/23/2017 Motion for Reconsideration, at pp. 48-49), Mr. Avery presents the affidavit of Steven Speckman (attached and incorporated herein as **Exhibit G**) as evidence that Ms. Halbach had her day planner in her vehicle when Mr. Speckman called her and — through reasonable inference — at the time of her death.

- b. Mr. Tadych's multiple inconsistent statements severely undermined his credibility at trial. *See*, Motion for Reconsideration, at pp. 44-46.
- c. Mr. Tadych should have been investigated regarding his activities on November 3, 2005, in light of the anonymous handwritten note discovered by the Green Bay post office and reported to the Green Bay police department. Mr. Tadych worked at the Wisconsin Aluminum Foundry at 838 South 16th Street, Manitowoc, Wisconsin. The note specifically referenced a body being burned at 3:00 a.m. at an “alunamon [sic] smelter.” SAO 6040. Mr. Tadych worked the third shift at the Wisconsin Aluminum Foundry. The note, which was never thoroughly investigated by law enforcement, is potentially of great evidentiary value because the note was sent on November 9, 2005, and it was not disclosed to the public until November 11, 2005, that Ms. Halbach had allegedly been burned in the Avery burn pit. *See* group exhibit 5 to **Exhibit C**, at ¶ 13. Current post-conviction counsel’s investigator, James Kirby, has confirmed that Mr. Tadych’s nickname at work was “Skinny,” and, according to a current employee, many of the shift workers are not totally literate. It is a reasonable inference that a semi-literate employees might have misspelled the word “Skinny” in the note. *See*, Affidavit of James Kirby attached and incorporated herein as **Exhibit F**.

- d. Mr. Tadych should have been investigated more thoroughly by law enforcement during the Halbach murder investigation. At a minimum Mr. Tadych should have been asked to provide his DNA and fingerprints so that they could be compared to crime scene evidence.
- e. Mr. Tadych's failure to respond to Kevin Rahmlow's text about seeing the Rav4 at the turnaround by the old dam in November, 2005, before the discovery of the Halbach vehicle on the Avery property, is also suspicious. *See*, Affidavit of Kevin Rahmlow, Exhibit D in the Motion for Reconsideration.
- f. His recent telephone call with Mr. Avery demonstrates his knowledge that Ms. Halbach had left the Avery property on October 31, 2005. The telephone call also demonstrates that Mr. Tadych has a violent and uncontrollable temper. Mr. Tadych threatened to physically assault Mr. Avery and, even more disturbingly, put Mr. Avery "in the ground." *See*, Supplement to the Motion for Reconsideration, Exhibit 1 at p. 14.

Ineffective Assistance of Counsel

The United States Constitution and the Constitution of the State of Wisconsin guarantee the right to counsel. The right to counsel is more than the right to nominal representation. Representation must be effective. *Cuyler v. Sullivan*, 446 U.S. 335, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980); *State v. Koller*, 87

Wis.2d 253, 274 N.W.2d 651 (1979); *State v. Harper*, 57 Wis.2d 543, 205 N.W.2d 1 (1973).

Whether or not an attorney is experienced is not the criterion for determining whether counsel was effective in a particular case, and the fact that an attorney is ineffective in a particular case is not a judgment on the general competency of that lawyer. It is merely a determination that a particular defendant was not appropriately protected in a particular case. As Judge Bazelon has written:

“Ineffectiveness is neither a judgment of the motives or abilities of lawyers nor an inquiry into culpability. The concern is simply whether the adversary system has functioned properly: the question is not whether the defendant received the assistance of effective counsel but whether he received the effective assistance of counsel. *In applying this standard, judges should recognize that all lawyers will be ineffective some of the time; the task is too difficult and the human animal too fallible to expect otherwise.*”

Bazelon, *The Realities of Gideon and Argersinger*, 64 Georgetown Law J. 811, 822–23 (1976) (emphasis added).

Current post-conviction counsel has previously alleged that trial defense counsel was ineffective for their failure to consult with a blood spatter expert who would have opined that Steven Avery’s blood was selectively planted in Ms. Halbach’s vehicle; and that the rear cargo door blood spatter was the result of Ms. Halbach being hit on the head with a mallet or hammer as she lay on the ground next to the driver’s-side rear wheel of her vehicle and not, as the State contended, from being tossed into the back of her vehicle. A blood spatter expert would also have prevented the defense from erroneously claiming the 1996 blood vial was the source of Steven Avery’s blood discovered in Ms. Halbach’s vehicle (P-C Mot. at ¶¶

129-45).

Current post-conviction counsel has previously alleged that the trial defense counsel was ineffective for their failure to present a ballistics expert who would have opined that if Ms. Halbach were shot through the skull by Item #FL, there would have been bone fragments embedded in #FL (P-C Mot. at ¶ 308).

On November 13, 2017, current post-conviction counsel met with trial defense counsel, Mr. Strang and Mr. Buting. Mr. Strang has provided an affidavit that concurs that he was ineffective in his representation of Mr. Avery by failing to retain blood spatter and ballistics experts. The failure of trial defense counsel to have presented blood and ballistics experts meets the criteria of *Strickland v. Washington* 466 U.S. 668 (1984) by making errors so serious that trial defense counsel was not functioning as the “counsel” guaranteed to Mr. Avery by the Sixth Amendment, and trial defense counsel’s deficient performance prejudiced the defense so seriously as to deprive Mr. Avery of a fair trial with reliable results. Mr. Avery is entitled to an evidentiary hearing on the issue of ineffective assistance of trial defense counsel.

Conclusion

Wherefore, for the reasons stated herein and in his Motion for Reconsideration, his Supplement to the Motion for Reconsideration, his Amended Supplement to the Motion for Reconsideration, his Amendment of Group Exhibit 7 of the Amendment to the Motion for Reconsideration, and his § 974.06 motion, Mr. Avery respectfully asks that this Court vacate its order of October 3, 2017, order an evidentiary hearing, and grant any and all other relief deemed appropriate.

Dated: November 16, 2017

Respectfully submitted,

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CALUMET COUNTY SHERIFF'S DEPARTMENT

Page
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File Number

Complaint No.
05-0157-955

TYPE OF ACTIVITY: Interview of Jodi Stachowski

DATE OF ACTIVITY: 01/19/06

REPORTING OFFICER: Inv. John Dederling

DOCUMENTS GENERATED: None

RECEIVED
FEB 08 2006
Calumet County
District Attorney

On Thursday, 01/19/06, at 1037 hours, Inv. BALDWIN and I (DEDERING) did interview JODI STACHOWSKI, previously mentioned in this report, regarding this matter. The interview took place at the MANITOWOC COUNTY JAIL where STACHOWSKI is still incarcerated.

In this interview JODI did state that STEVEN AVERY is a controlling individual. I asked JODI if she had ever stood up for herself and told STEVEN no and she stated the only time she had ever told STEVEN no was when she wanted to attend the stock car races and he told her she could not. She stated at that time, he came home at about the same time she did, they fought and argued and he choked her.

I asked JODI if she had ever watched pornography on DIRECTV with STEVEN and she stated he would watch pornography but she would sleep. She stated there were no discussions of any sexual threesomes.

JODI did state she believes STEVEN will remain in the area if he is released on bond.

JODI once again stated STEVEN told her that STEVEN had sex with his niece, MARIE, "at least twice." She stated these are the times STEVEN told JODI about. JODI believes STEVEN was using the relationship between JODI and STEVEN as cover for his relationship with MARIE. JODI indicated she does not believe STEVEN now has any feelings toward MARIE.

Inv. BALDWIN and I did show JODI some correspondence between DEB KLEMP and STEVEN AVERY. The letters were of a romantic nature and some of the letters were graphic in their sexual content. JODI did become angry about these letters stating that some of the words STEVEN wrote to DEB were actually words that JODI had written to STEVEN. JODI requested copies of the letters. She was told that we would look into her request.

The interview terminated at 1120 hours and these were the only items we learned that might have been new.

Investigation continues.

STATE2891

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: 05-1776/288

Report Date: 06/28/2006

Primary Information

Report Number: 05-1776/288
Report Date: 06/28/2006
Type Of Report: Investigative
Description: TERESA MARIE HALBACH: Interview/Allen D.M. McCormick (Inmate at Fox Lake CI)
Occurrence From: 06/28/2006 10:50
Occurrence To: 06/28/2006 11:08
Dissemination Code: Agency
Reporting LEO: Fassbender, Thomas J (Appleton Special Assignments / Wisconsin DOJ Division of Criminal Investigation)
Approval Status: Approved
Approved Date: 07/06/2006
Approved By: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
McCormick, Allen D M	Person	Male	Unknown	4/24/1960	Interviewed
Avery, Steven Allen Sr	Person	Male	White	7/9/1962	Person of Interest
Halbach, Teresa Marie	Person	Female	White	3/22/1980	Victim

Record Status Information

Record Origination Operator: Knutson, Andrea L (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)
Record Origination Date: 06/30/2006 11:51
Last Update Operator: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)
Last Update Date: 07/06/2006 13:37

Reporting LEO	Date	Supervisor	Date
Fassbender, Thomas J (Appleton Special Assignments / Wisconsin DOJ Division of Criminal Investigation)		Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)	7/6/2006

Narrative begins on the following page.

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Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/288

On Wednesday, June 28, 2006, at 10:50 a.m., S/A Thomas J. Fassbender interviewed Alan D. McCormack, DOB 04/24/1960, an inmate at Fox Lake Correctional Institution. S/A Fassbender had arranged for the interview with Captain Clyde Maxwell. S/A Fassbender had identified McCormick as a subject who had been in the same correctional institution as Steven Avery and possibly had contact with him.

Upon meeting with McCormick, S/A Fassbender identified himself and displayed his credentials to McCormick. S/A Fassbender advised McCormick that S/A Fassbender was there to speak with McCormick about Steven Avery. McCormick acknowledged that, and advised that he had offered to talk to someone and confirmed that he had spoken with Captain Maxwell about it. S/A Fassbender told McCormick that S/A Fassbender was not there about McCormick, but that he first had to read McCormick his Miranda rights because McCormick was incarcerated. McCormick said he understood.

At 10:50 a.m., S/A Fassbender utilized a Wisconsin Department of Justice Miranda Warnings card and read McCormick his Miranda rights. McCormick advised he understood his rights and advised was willing to speak with S/A Fassbender and answer questions. McCormick provided the following information:

McCormick advised he was in the same institution with Avery on two occasions. McCormick advised that McCormick was in the Green Bay Correctional Institution from 1988 to 1995 and, during that time, Avery was there. McCormick could not say what dates Avery arrived or left that institution. McCormick advised he arrived at Fox Lake Correctional Institution in 2003 and, when he arrived there, Avery was there. McCormick advised Avery then went to Stanley.

McCormick advised he did talk to Avery on several occasions. McCormick made the comment that he probably knows more about Avery's original case than most anyone else. McCormick indicated he was known as a jailhouse lawyer and inmates would come to him with their cases.

McCormick commented that he did not believe people who made comments suggesting that Avery has talked about sexually deviant behavior and wanting to do such things. McCormick advised, from his dealings with Avery, he knew Avery to be a very quiet person who kept pretty much to himself. He described Avery as basically a loner. He advised it would be out of character for Avery to talk about that type of behavior. McCormick based his assessment on his belief that those types of people do not normally talk about that stuff, which would tend to bring attention to them. McCormick advised that sex offenders are more manipulative.

McCormick advised that Avery was an "oddball." He advised Avery would make odd comments,

Narrative Page 1

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Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/288

such as making comments about things that had nothing to do with the conversation that was going on. McCormick advised he could not recall any specific talk that would lead him to believe that Avery would do the crime he is accused of.

McCormick advised that Avery never showed him any sketches or drawings. McCormick advised Avery did have an interest in pornography from magazines such as Playboy or Hustler. McCormick advised he never received any indications from Avery that Avery was into torture or mutilation or such. McCormick commented that people that are like that normally don't expose themselves by talking about that stuff.

McCormick believed that, after the Halbach case hit the press and Avery was quoted in the press, McCormick saw the little things in Avery's behavior and comments that made McCormick believe that Avery did kill Halbach. McCormick provided the example of Avery saying, "why would I do this/that?" McCormick advised he recalled Avery making that comment in prison. Avery would say that when denying something that he had said or done. McCormick remembered instances where Avery would agree to get into some gambling, but later act like he never said it and make the comment, "why would I do that?"

McCormick advised that when Avery got in trouble again, he wrote Avery a letter. McCormick advised he essentially told Avery that if Avery was innocent, he should get a t.v. station to do a polygraph of him and allow the t.v. station to use the results. McCormick also gave him other advice.

McCormick advised that he is in prison on a life sentence for homicide. McCormick indicated he is trying to vindicate himself through the use of DNA.

McCormick advised that Captain Maxwell has a letter that he wrote and that S/A Fassbender can take a copy of the letter.

McCormick provided no further information and the interview was concluded at 11:08 a.m.

S/A Fassbender subsequently did receive from Captain Maxwell the letter written by McCormick. The letter was dated March 14, 2006 and was one and one-half typewritten pages. In the letter, McCormick essentially offered his assistance in the investigation, indicating that he could get Avery to confess.

According to prison records, McCormick was in the Green Bay Correctional Institution from 1988 through 1995. The records also showed that he was in Fox Lake Correctional Institution in 2003.

Narrative Page 2

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STATE_1_1495

DA

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: 05-1776/298

Report Date: 10/11/2006

Primary Information

Report Number: 05-1776/298
 Report Date: 10/11/2006
 Type Of Report: Investigative
 Description: TERESA MARIE HALBACH: Interview Jodi Stachowski/Transcript of Recorded Interview
 Occurrence From: 10/11/2006 00:00
 Occurrence To: 10/11/2006 11:58
 Dissemination Code: Agency
 Reporting LEO: Fassbender, Thomas J (Appleton Special Assignments / Wisconsin DOJ Division of Criminal Investigation)
 Backup LEO: Wiegert, Mark (Detective / Calumet County Sheriff's Department)
 Approval Status: Approved
 Approved Date: 10/26/2006
 Approved By: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)

Related Addresses

Address	Relationship
237 Lohrville Blvd, Redgranite, Wisconsin, United States of America	Interview Location

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Stachowski, Jodi Marie	Person	Female	White	9/11/1969	Interviewed
Avery, Candy S	Person	Female	White	5/2/1971	Mentioned
Avery, Carla Jean	Person	Female	White	1/13/1976	Mentioned
Avery, Charles Earl	Person	Male	White	7/13/1954	Mentioned
Avery, Delores A	Person	Female	White	8/20/1937	Mentioned
Avery, Earl Kevin	Person	Male	White	6/10/1970	Mentioned
Avery, Kayla	Person	Female	Unknown	—	Mentioned
Avery, Marie F	Person	Female	White	6/14/1987	Mentioned
Dassey, Blaine A	Person	Male	White	12/3/1988	Mentioned
Janda, Barbara Ellen	Person	Female	White	11/7/1964	Mentioned
Johnson, Roland A	Person	Male	White	5/11/1938	Mentioned
Avery, Steven Allen Sr	Person	Male	White	7/9/1962	Person of Interest
Dassey, Brendan R	Person	Male	White	10/19/1989	Person of Interest
Halbach, Teresa Marie	Person	Female	White	3/22/1980	Victim

Property

Status	Quantity	Description
Inventory	1	CD containing recording of interview

Record Status Information

Record Origination Operator: Fassbender, Thomas J (Appleton Special Assignments / Wisconsin DOJ Division of Criminal Investigation)
 Record Origination Date: 10/11/2006 16:06

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Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative Report

Report Number: 05-1776/298

Report Date: 10/11/2006

Record Status Information - Continued

Last Update Operator: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)
Last Update Date: 10/26/2006 08:34

Reporting LEO	Date	Supervisor	Date
Fassbender, Thomas J (Appleton Special Assignments / Wisconsin DOJ Division of Criminal Investigation)		Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)	10/27/2006

Narrative begins on the following page.

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fassbendertj 10/27/2006 08:05

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STATE_1_6682

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/298

wasn't him, it was Earl.

Fassbender: Earl.

Stachowski: Earl or Chuckie, one of, one of his brothers. So I believed him.

Wiegert: What about um, Brendan. Did he hang out with Brendan quite a bit?

Stachowski: They'd come over, and help 'em work on cars, clean up the yard.

Wiegert: Who would have been there the most of all the kids, by Steve?

Stachowski: Blaine.

Wiegert: Does Bre..I mean, knowing Brendan the way I know Brendan now, would Steve kind of be the, would he kind of do what Steve told him to do?

Stachowski: Yeah.

Wiegert: Steve was a kind of leader there?

Stachowski: Yeah. I think Brendan was afraid of 'em.

Fassbender: Why isn't Brendan telling the truth now, why is he, he's saying that he lied to us. Is he afraid of Steven? Is it the influence of the family? What, what's the.

Stachowski: I have no idea.

Wiegert: Did, when you were around I mean, obviously we searched the trailer very well there was, you know quite a bit of porn and stuff in there. Did Steve ever provide any of that to Brendan? You know, the...

Stachowski: I have no idea.

Wiegert: ...the magazines or anything like that?

Stachowski: I have no idea.

Wiegert: Brendan ever aggressive towards anybody, women, that you're aware of?

Stachowski: Not that I'm aware of.

Wiegert: Okay.

Fassbender: Brendan ever watch you guys have sex?

Narrative Page 29

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Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/298

Stachowski: Not that I'm aware of.

Wiegert: When they were taking pictures, when you guys took pictures of yourselves, now who would do that?

Stachowski: Him. Steven.

Wiegert: Okay. Anybody else, did you ever have anybody else do that for you?

Stachowski: No.

Fassbender: You and Steven have sex one time in that motor home with Tyffanie in the motor home with you?

Stachowski: No. Never.

Fassbender: She thinks you did.

Wiegert: Up north.

Stachowski: No.

Wiegert: She said she heard you guys having sex.

Stachowski: Nope. Never in front of Tyffanie.

Fassbender: Well Tyffanie wouldn't have been able to see you, she said she heard it. And when she asked what you guys were doing Steven said, making love.

Stachowski: No. And she would have been able to see it because he broke the door.

Fassbender: It was dark I think but.

Stachowski: No. Never had sex in there with her there.

Fassbender: So Tyffanie's wrong?

Stachowski: Yeah. But I think I remember her asking what we were doing and he said that and then I slapped him and told him shut the fuck up and then I went and laid out by her so she knew nothing was going on...

Fassbender: Yeah.

Stachowski: ..Well then he got mad because I was out there by her.

Narrative Page 30

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Wisconsin Circuit Court Access (WCCA)

State vs Scott A. TADYCH

Manitowoc County Case Number 1997CF000237

Filing Date	Case Type	Case Status
07-29-1997	Criminal	Closed
Defendant Date of Birth	Address	
[REDACTED]	[REDACTED]	
Branch Id	DA Case Number	
1		

Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	940.19(1)	Battery	Misd. A	Guilty / No Contest
2	947.01	Disorderly Conduct	Misd. B	Dismissed on Prosecutor's Motion
3	943.01(1)	Criminal Damage to Property	Misd. A	Dismissed on Prosecutor's Motion

Defendant Owes the Court: \$ 0.00

Responsible Official	Prosecuting Agency	Prosecuting Attorney	Defense Attorney
[REDACTED]	District Attorney	[REDACTED]	[REDACTED]

Defendant

Defendant Name	Date of Birth	Sex	Race¹
TADYCH, Scott A.	[REDACTED]	Male	
Address	Address Updated On		
[REDACTED]	07-29-1997		
JUSTIS ID	Finger Print ID		

Defendant Attorney(s)

Attorney Name	Entered
[REDACTED]	07-30-1997
[REDACTED]	09-25-1998

Charge(s)/Sentence(s)



Charge Detail

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
1	940.19(1)	Battery	Misd. A	07-07-1997	No Contest on 08-25-1997

On 08-25-1997 there was a finding of:

Action	Court Official
Guilty / No Contest	[REDACTED]

On 08-25-1997 the following was ordered:

Sentence	Time	Begin Date	Notes
Probation, Sent Withheld	18 Months		

Condition	Time	Notes
Jail time	60 Days	
Fine		
Restitution		
Other		

On 10-13-1998 there was a finding of:

Action	Court Official
Guilty / No Contest	[REDACTED]

On 10-13-1998 the following was ordered:

Sentence	Time	Begin Date	Notes
Local Jail	135 Days	10-13-1998	

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
2	947.01	Disorderly Conduct	Misd. B	07-07-1997	

On 08-25-1997 there was a finding of:

Action	Court Official
Dismissed on Prosecutor's Motion	[REDACTED]

The Defendant was charged with the following offense:

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
3	943.01(1)	Criminal Damage to Property	Misd. A	07-07-1997	

On 08-25-1997 there was a finding of:

Action	Court Official
Dismissed on Prosecutor's Motion	[REDACTED]

Total Receivables

Court Assessments	Adjustments³	Paid to the Court	Probation/Other Agency Amount⁴	Balance Due to Court	Due Date⁵
\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	

¹ The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

² Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

³ Includes collection agency fees; bankruptcy discharge of debt; Department of Revenue collection fees; and forgiven debts due to indigence, death, time served, or community service.

⁴ Some amounts assessed by the courts are collected by the Department of Corrections or other agencies. This column is rarely updated by the courts and may be less than the actual amount owed.

⁵ For cases with multiple assessments, the due date represents the assessment with the latest date.

⁶ Your payment may not be processed immediately.

STATE OF WISCONSIN,

Plaintiff,

-vs-

SCOTT A. TADYCH,

Defendant.

CASE NO. 97 CF 237

CRIMINAL COMPLAINT

MANITOWOC COUNTY
STATE OF WISCONSIN

FILED

JUL 29 1997

CLERK OF CIRCUIT COURT

Incident No. TRPD 97-66210

1. The undersigned complainant, being duly sworn on oath says on information and belief that on the 7th day of July, 1997, at the city of Two Rivers, in said County and State, SCOTT A. TADYCH, did recklessly cause bodily harm to a child, to-wit: recklessly caused bodily harm to [REDACTED], contrary to Wisconsin Statute Section 948.03 (2) (b). This offense is punishable upon conviction by a fine not to exceed \$10,000 or by imprisonment not to exceed two years, or both. (Class E felony)

2. The undersigned complainant, being duly sworn on oath says on information and belief that on the 7th day of July, 1997, at the city of Two Rivers, in said County and State, SCOTT A. TADYCH, did unlawfully and intentionally, in a public or private place, engage in violent, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances which tended to cause or provoke a disturbance, to-wit: caused a disturbance during an altercation with [REDACTED], contrary to Wisconsin Statute Section 947.01. This offense is punishable upon conviction by a fine not to exceed \$1,000 and imprisonment not to exceed ninety days, or both. (Class B Misdemeanor)

3. The undersigned complainant, being duly sworn on oath says on information and belief that on the 7th day of July, 1997, at the city of Two Rivers, in said County and State, SCOTT A. TADYCH, did unlawfully and intentionally cause damage to the physical property of another without consent, to-wit: damaged the wiring on a vehicle owned by [REDACTED] without consent, contrary to Wisconsin Statute Section 943.01. This offense is punishable upon conviction by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both. (Class A Misdemeanor)

The complainant further alleges he is informed by the reports of [REDACTED], known to the complainant to be an officer with the Two Rivers Police Department, that on July 8, 1997 he met with [REDACTED]. [REDACTED] advised that on July 7, 1997 between 7:30 p.m. and 8:00 p.m. at her residence at [REDACTED], she had an altercation with her live-in boyfriend, Scott Tadych. [REDACTED] stated Scott had accused her of seeing another male and she told him to leave the residence. [REDACTED] stated Scott began packing up some clothing and personal items. [REDACTED] stated at one point she walked past Scott

and he was swinging at the back of her head with his left hand, but he missed her. [REDACTED] stated she told Scott that was the last straw and she went into the tv room to get is duffle bag and take it to the kitchen. [REDACTED] stated Scott went out of control and picked up the water cooler and slammed it down hitting the kitchen chair and the microwave cart. [REDACTED] stated she then called her mom and dad to come over because she feared for her life and her son, [REDACTED]. [REDACTED] stated Scott kept making comments to her and he pushed her two times. [REDACTED] stated Scott went downstairs and threw all her laundry clean and dirty all over the basement floor and in the drain. Scott also punched her in the chest with his right fist. Scott walked back up the stairs and [REDACTED] was going to follow when Scott locked the basement door. [REDACTED] stated when she opened the door, Scott punched her again. [REDACTED] stated Scott's mother had arrived and both she and [REDACTED]'s mother had seen Scott strike her. [REDACTED] stated Scott tried to push her down the basement stairs and shut the door. Scott went outside and was taking things from the garage and was taking [REDACTED] fishing rods. [REDACTED] stated she was going to take the rods away from Scott and he slapped her on the right arm. Scott filled up his car with his items and told his mom to get his brother, [REDACTED]. [REDACTED] stated [REDACTED] came with his truck and they finished loading items in the truck. [REDACTED] stated they went into the kitchen and Scott was swearing at [REDACTED]. [REDACTED] stated [REDACTED] became fed up with Scott and told him to shut up and Scott punched [REDACTED] in the upper left chest with his right fist. [REDACTED] stated [REDACTED] fell to the floor and was crying. [REDACTED] stated her son, [REDACTED], is 11 years old. [REDACTED] stated Scott went outside and ripped the CB out of her truck. [REDACTED] stated she went into her truck to check for damage and Scott was screaming at her and he pulled her hair. [REDACTED] stated after Scott pulled out the radio her radio, clock, blinkers and back up lights would not work. At no time did she give anyone permission to damage her property.

The complainant further alleges he is informed by the reports of [REDACTED], that he spoke with [REDACTED]. [REDACTED] stated he observed his mother's boyfriend, Scott Tadych, slamming things inside the house and he was yelling at his mother, [REDACTED]. [REDACTED] stated he saw Scott pushing his mom. [REDACTED] stated Scott went downstairs to get some clothes and Scott began to throw clothes all over and Scott tried to rip up one of [REDACTED] sweatshirts. [REDACTED] stated he was fearful Scott would hurt his mom. [REDACTED] stated Scott began screaming at him and calling him a lard ass and a fat ass. [REDACTED] stated Scott went back upstairs and was pushing his mom around inside the kitchen. [REDACTED] stated he stepped between the two and Scott knocked him to the ground. [REDACTED] stated he was not sure if he was punched or hit with the palm of Scott's hand. [REDACTED] stated he fell to the floor and he was crying because it hurt.

The complainant further alleges he is informed by the reports of [REDACTED], that he spoke with [REDACTED], mother of [REDACTED]. [REDACTED] stated [REDACTED] had called her to come over

because Scott was angry and throwing things. [REDACTED] stated Scott was angry and was verbally abusive to [REDACTED] and [REDACTED] calling them names and swearing at them. [REDACTED] stated she did see Scott give [REDACTED] a hard shove to the chest, knocking him to the floor. She also saw Scott pull [REDACTED]'s hair.

The information provided by [REDACTED] is believed because he has provided true and reliable information in the past as a police officer. The information provided by [REDACTED], [REDACTED] and [REDACTED] is believed because they are providing information based upon their personal observations and experience.

[REDACTED]

Subscribed and sworn to before me this 25th day of July, 1997.

Approved for filing

[REDACTED]

CALUMET COUNTY SHERIFF'S DEPARTMENT

Page
224

Complaint No.
05-0157-955

File Number

TYPE OF ACTIVITY: Contact with Green Bay Police Department

DATE OF ACTIVITY: 11/10/05

REPORTING OFFICER: Inv. John Dederling

DOCUMENTS GENERATED: Facsimile Transmittal

On Thursday, 11/10/05, at 1826 hours, I (DEDERING) did speak with Officer FRED LAITINEN of the GREEN BAY POLICE DEPARTMENT. He advised me the GREEN BAY POST OFFICE pulled a piece of mail off their conveyer and reported it to Green Bay authorities. He indicated the piece of mail consisted of a letter without an envelope, which was folded in thirds. He stated there was no stamp attached. He advised me the note was addressed to MANITOWOC SHERIFF and had AVERY written on it. He indicated to me the note, upon inspection, revealed that the writer indicated a body was burned up in the aluminum smelter at 3:00 a.m. on Friday morning. He indicated the note was signed SIKIKEY. He stated the note was written in blue ink and had both printing and cursive writing in the body of the note. He indicated the mail that was being sorted in Green Bay comes from Manitowoc, Two Rivers, Green Bay and De Pere. LAITINEN advised me gloves were used to handle the processed piece of mail and the note would be held at the GREEN BAY POLICE DEPARTMENT subject to our contacting them.

This agency did receive a facsimile transmission concerning this matter, a copy of which can be found incorporated into this report.

Investigation continues.

Inv. John Dederling
Calumet Co. Sheriff's Dept.
JD/bdg



STATE1428

Body was burnt up in

alumina smelter, 3 AM

Friday Morn.

Sikikex

Manitowoc Street

AVENUE

Herald Times Reporter

MANITOWOC COUNTY, WIS.

www.htrnews.com

50 cents

Friday

November 11, 2005



A law enforcement officer gets his gear ready before assisting in a manhunt late Thursday along Rapids Road in Manitowoc. Officials were searching for a man who stabbed a police officer.

Manitowoc policeman stabbed; expected to be OK

Helicopter, K-9 unit used to search for suspect in assault

From staff reports

A Manitowoc police officer was stabbed while on duty late Thursday, and police were searching for the male suspect as of press time early today.

Manitowoc Police Chief Perry Kingsbury said the officer was wounded in the neck and hand, but would recover. The officer, who was not identified, was giving statements to investigators early today.

The search for the suspect began shortly before 11 p.m. Thursday near an abandoned roadway at 1:30 a.m. today.

Kingsbury said officers responded to a report of a suspicious person joining a rifle into the woods along Rapids Road near Campus Street. They found an individual matching the description, but he did not have a firearm in his hands.

Officers asked the individual, a white male, to come talk with them, but he ran across Rapids Road. The officers pursued and tackled the man, which is when the stabbing occurred, Kingsbury said. The suspect fled the scene. Manitowoc police, the

Grim discoveries emerge

Burned human remains, key to Halbach's SUV found on Avery land

Sheriff says investigation now focused on homicide

BY AMY WEAVER

Special Times Reporter

MISHICOT — The bones of an adult woman, human teeth, blood and signs of a bullet wound to a car's body have been found during the search for Teresa Marie Halbach. The veteran sheriff who announced the discovery said the evidence reflects a crime that defies description.

"You can probably tell I'm a little shook up today with the evidence that we've discovered and I think I have a right to be," Calumet County Sheriff



HALBACH

Jerry Pagel told reporters Thursday afternoon.

"I've been involved in this business for 33 years and I've seen a lot of bad things in my investigations, but I think this tops the cake," Pagel said. "To know that one human being can do this to another human being is beyond belief."

Pagel said the teeth and bones were found near the residence of Steven Avery on his family's 40-acre property three miles west of Mishicot.

A burning barrel near the Avery residence was "pertinent to the investigation," he said.

A "significant" amount of blood was recovered from inside the vehicle owned by Halbach, a 30-year-old photographer. The sport utility vehicle had been found on Saturday, which made Avery's Auto Salvage the focus of the search ever since. More blood was found in and around houses on the property.

Also, "the key that was used to start Teresa Halbach's vehicle was found in Steven Avery's bedroom," Pagel said.

The latest discoveries have led the Halbach family

See HALBACH A2

HALBACH INVESTIGATION



A Wisconsin State Patrol officer, above, moves barricades off Highway 147 northwest of Mishicot on Thursday. The road was blocked for nearly a week as investigators searched the adjacent Avery property for evidence in the disappearance of Teresa Marie Halbach.

Calumet County Sheriff Jerry Pagel, right, and Calumet County District Attorney Ken Kratz, far right, announced Thursday that human remains were found on the Avery property.



Calumet County Sheriff Jerry Pagel and Calumet County District Attorney Ken Kratz hold a news conference Thursday in Mishicot.

Steven Avery due in court on Tuesday

From staff reports

MANITOWOC — Steven Avery's initial court appearance on a charge of being a felon in possession of a firearm will be at 2 p.m. Tuesday, Nov. 15, before Manitowoc County Circuit Judge Patrick Wills, according to special prosecutor and Calumet County District Attorney Ken Kratz.

Avery, 41, of rural Two Rivers, will appear in person, according to Michelle Meehle of the Calumet County district attorney's office. She said he is typically set at such a hearing.



AVERY

According to court records, Avery has been convicted of three felonies, including two counts of burglary, endangering safety and an earlier charge of possession of a firearm by a felon. If convicted, Avery faces up to 10 years in prison and \$25,000 in fines.

According to court records, Avery has been convicted of three felonies, including two counts of burglary, endangering safety and an earlier charge of possession of a firearm by a felon. If convicted, Avery faces up to 10 years in prison and \$25,000 in fines.

Excerpts from Thursday's press conference

On the Web

A more complete transcript of the press conference can be found on the Web at www.htrnews.com

A significant amount of blood was also discovered in Teresa Halbach's vehicle and samples of blood also were found on the

Avery property and in buildings on the Avery property... (and) the key that was used to start Teresa Halbach's vehicle was found in Steven Avery's bedroom.

You can probably tell I'm a little shook up today with the evidence that we've discovered and I think I have a right to be. I've been involved in this business for 33 years and I've seen a lot of bad things in my investigations, but I think this tops the cake. To know

that one human being can do this to another human being is beyond belief.

Kratz: Mr. Avery's initial appearance that later is possession of a weapon charge has been scheduled in Judge Wills' courtroom for Tuesday the 15th of November at 2 o'clock p.m.

See EXCERPTS A2

A2 • Friday, November 11, 2005

www.htnews.com

Prosecutors: DNA 'absolutely' cleared Avery in 1985 rape case

District attorneys say there is no doubt about release in light of recent events.

Associated Press

MANITOWOC — Although a man who was wrongly convicted of rape 20 years ago is under scrutiny as the alleged perpetrator of a woman, there is no question of his innocence in the 1985 crime, prosecutors said Thursday.

The DNA evidence used to free Steven Avery was irrefutable, said Manitowoc County District Attorney Mark Rehner and Assistant District Attorney Mike Giesbach, the two prosecutors who handled Avery's release.

"We find a motive for the crime because there is no doubt as to who it was," said Steve Avery, who was released from prison in 2003 after a two-year trial.

"I don't have anything to hide and my family has nothing to hide," he said. "I know my uncle's innocent. They're all innocent. I believe they are. I don't think they can do anything like this."



Rehner

"We have never found two people with the same DNA profile unless they are identical twins," he said.

The testing to clear the Avery's innocence, he said, "is 100 percent."

Avery, now 41, was convicted in 1985 of raping a woman at a Manitowoc County beach and sentenced to 20 years in prison. He was freed in September 2003 after a two-year trial.

school group convinced a judge to allow new DNA testing, which found the crime to either have already been proven by another sexual assault.

The remains of an unidentified adult woman were found at the site and were found to have been covered by Avery's hands and Mark Halbach, authorities said Thursday.

Avery had been arrested Wednesday and charged with a crime in possession of a firearm, after two guns were found at his rented trailer home during the search for photographer Teresa Halbach, 23, she conducted the afternoon of Oct. 11.

"No charges have been filed in Halbach's disappearance," Halbach, from Hilbert in Calumet County, was last seen Oct. 11 when she had time appointments for Auto Trader Magazine Oct. 11, one of which was at the salvage yard.

Avery, 41, is in Calumet County Jail after his arrest Wednesday on a felony firearm possession charge. He has not been charged in the homicide investigation yet has spent time in Manitowoc County Circuit Court Monday for an initial appearance in front of Judge Patrick Willis.

Halbach's family was distraught through from their faith and community.

"It hurts — it breaks your heart," Teresa's brother, Mike Halbach, said Thursday afternoon outside his parents' home in northern Calumet County, about 90 minutes after police announced the grim discovery.

"We know God was with Teresa her whole life and Teresa is with God now. We have long after-lives. We will see



Police vehicles line up outside of the Avery property Tuesday afternoon near Mishicot. Earlier Thursday, officials investigating the disappearance of Teresa Halbach announced that human remains were found on the Avery property.

HALBACH

From A1

to call off its independent search and for law enforcement to charge the sites of its investigation from missing person to homicide.

"It appears this an attempt was made to dispose of a body by an insidious method," Page said. "However, that attempt was not completely successful. Pieces of human teeth were found on the Avery property and the bones have been determined to be that of an adult female. The teeth are also that of a human being."

"We know God was with Teresa her whole life and Teresa is with God now. We have long after-lives. We will see Teresa again."

Mike Halbach, brother of Teresa Halbach

Several members of the Avery family who reside at the site of the salvage yard on Avery Road were ordered to submit to DNA testing Wednesday, including Teresa's older brother, Charles, 51. They appear, from Daves, 35, were for the last Thursday.

"The way I look at it now is, if they found evidence, it was planted," Charles Avery told in a phone interview.

"No one in the family has talked to Steven Avery since his arrest," he said.

"The way I look at it, either for me or my brother Earl is, Charles Avery said.

Daves said the latest request from authorities is another form of harassment. He was with his brother, Brendan, 15, in Marinette County on Sunday when law enforcement prepared of their uncle Steve's car. He said he felt isolated and trapped.

"I didn't even get a mile from where we live before we got pulled over," Daves said.

"Despite the salvage yard being the center of the investigation and Thursday's announcement, he insisted his family had nothing to do with the crime.

"I don't have anything to hide and my family has nothing to hide," he said. "I know my uncle's innocent. They're all innocent. I believe they are. I don't think they can do anything like this."

The location of Highway 147 near Avery Road reopened for traffic Tuesday afternoon for the first time since Saturday morning. Avery family members have been prohibited from the property since it became a potential crime scene upon the discovery of Halbach's car. Charles Avery said he is staying with his daughter in Kaukauna County while other family members are in Manitowoc County. His father, Alan, is in my north.

"Charles Avery said the situation causes him feel like a suspect.

"I don't know why but they're looking for me," he said. "It seems to me like they are taking the whole family down."

Daves admitted to be stressed by the situation.

"It's hard for me when you hear your mom crying and your grandma crying," he said.

EXCERPTS

From A1

Q: Was Steven Avery questioned separately and if so, was any of the interrogations recorded?

Page: He was interviewed and you they were recorded. I believe it was both video and audio.

Q: Are your investigators finding evidence of other crimes out there at the same time they are investigating the disappearance?

Page: I do not wish to divulge that information at this time.

Q: Can you tell me ever where the human remains were found or how?

Page: They were discovered on the Avery property near the residence of the Averages and I will indicate they were discovered near Steven Avery's residence.

Q: Paraphrasing I Was this evidence found in a hair barrel?

Page: That hair barrel is pertinent to the investigation.

Kratz: Although we aren't able to answer all of these investigative questions, I hope that's for reasons that may be obvious to all of you. We aren't going to jeopardize this investigation. We aren't going to try this case in the media or at all.

Q: Have you identified one or more suspects?

Kratz: We remain open to any number of suspects in the case as certain evidence leads to certain individuals we're following up on. At this time, nobody has been identified to the extent that a criminal complaint is appropriate.

Q: You had mentioned that about seven or eight of the Avery family members were persons of interest. Is that still the case today?

Kratz: Everybody remains a person of interest.

Q: Any matches from Steven Avery in family members or in people to the DNA?

Kratz: I can't comment on that evidence.

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Oncology
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Dermatology
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STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

STATE OF WISCONSIN,)	
)	
Plaintiff,)	
)	Case No. 05-CF-381
v.)	
)	Honorable Judge Angela Sutkiewicz,
STEVEN A. AVERY,)	Judge Presiding
)	
Defendant.)	

SUPPLEMENTAL AFFIDAVIT OF STEVEN A. AVERY, SR.

Now comes your affiant, Steven A. Avery, Sr., and under oath hereby states as follows:

1. I am the defendant in this case. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge. The factual statements herein are true and correct to the best of my knowledge, information, and belief. I am of sound mind and I am not taking any medication nor have I ingested any alcohol that would impair my memory of the facts stated in this affidavit.

2. Bobby Dassey, in his November 5, 2005 police interview, lied when he denied having ever seen Teresa Halbach before October 31, 2005. (SAO 1295). I distinctly remember that every time Teresa Halbach came to our property to photograph vehicles, Bobby would always say, "I see that your girlfriend was over yesterday," the following day.

3. After I moved into my trailer, I never entered my sister Barb's residence at 1290 A Avery Road when no one else was home. The only occasions when I was in Barb's residence were when I had been admitted into the residence by Barb or one of my nephews. I did not have a key to Barb's residence, and the residence was locked when no one was home.



4. I was aware that my sister Barb had a computer in her trailer. I was present one time when Barb turned on the computer which was in Bobby's room. Another woman, whom I did not know, was present at the time.
5. I never turned on Barb's computer and used her computer in any way. I did not have the password for the computer. On one occasion, I observed Blaine on the computer communicating with his girlfriend.
6. I had my own computer with internet service. There would be no reason that I would need to be on Barb's computer.
7. My computer was never used to do Google searches. My girlfriend, Jodi, and my sister, Barb, did Yahoo searches. I was present with my sister, Barb, who did a search of dating sites for my brother, Chuck, and for property. The only other searches were done by my girlfriend, Jodi. At no time were searches ever done on my computer for images of Teresa Halbach or images of violent pornography.
8. The only adult films I have ever viewed were on DirecTV. On my computer, the only nude photographs I had were ones uploaded by my girlfriend of her and me.
9. After I was arrested, the authorities put an inmate in my cell who was trying to get me to make incriminating statements. I have reviewed the police report of Orville Jacobs. The statements in that report are false. I never told Mr. Jacobs that my sister, Barb, had porn on her computer or that there would be trouble if the porn were found. I know that my attorneys told me they wanted to inspect the Dassey computer and immediately after that telephone conversation with them, the Dassey computer was seized by the authorities.

(Attached and incorporated herein as **Exhibit A** is the 4/14/06 CCSD report,

STATE5682-83).

10. My work schedule at the salvage yard was from 8:00 a.m. until 5:00 p.m., Monday through Friday. Several times when I was at work, I noticed Scott Tadych enter the property in his green truck and proceed to Barb's trailer, where Bobby was at home.
11. I am aware that Prosecutor Kratz has said that I was sweating a lot on October 31, 2005, because I had raped and murdered Ms. Halbach in my bedroom. Mr. Kratz's story is completely and totally false. I never harmed Ms. Halbach in any way. There was no forensic evidence in my trailer that would have shown that a rape and murder occurred there, so Mr. Kratz had to drop the rape charge. Mr. Kratz changed the story to say that the murder of Teresa Halbach was in my garage. Mr. Kratz said I shot Ms. Halbach in the head after carrying her to the garage. After carrying her to the garage, Mr. Kratz said that I threw Teresa Halbach into the rear of her vehicle, then took her out of the vehicle, shot her in the head on my garage floor, put her on a creeper, and threw her body into my fire pit where I started a huge bonfire. Mr. Kratz's ridiculous story is totally false.
12. In order to support his false story, Mr. Kratz added the detail that I was sweating a lot on October 31, 2005, when I supposedly propped a car hood and put branches on Ms. Halbach's vehicle to conceal it. Mr. Kratz's claim about me concealing the vehicle is totally false, and his claim about me sweating a lot is totally false. I did not drink alcohol or take medication which may have caused me to sweat. I did not sweat when I did manual labor for up to eight hours a day at the salvage yard. On October 31, 2005, the outside temperature was about 48 to 50 degrees, so there was no heat which would cause me to sweat.

13. On October 31, 2005, I remember that I called Ms. Halbach once before she got to the Avery property. I called a second time at 2:35 p.m., but hung up immediately because I saw her at the van, photographing it. I have had an opportunity to review my phone records to refresh my memory. Based upon my recent review of my phone records, I know that Ms. Halbach began photographing Barb's van at 2:35 p.m.
14. It did not take Ms. Halbach longer than a minute to complete the shooting of Barb's van. When I saw her drive up and park, I was looking out my front window. When I went outside to pay Ms. Halbach, I noticed that Bobby's Blazer was parked in a space between my sister's trailer and garage. By the time I got to my sister's van, Ms. Halbach had already finished taking the picture of the van. I handed her \$40 for the listing, and she walked to her vehicle and got in. She asked if I needed a receipt and I told her that I didn't. She handed me an AutoTrader magazine, and I thanked her.
15. I walked back to my trailer with the AutoTrader magazine. When I got inside my trailer, I set the magazine down on the computer stand and walked back outside to go and visit my nephew, Bobby.
16. I walked to the middle of my driveway and saw Ms. Halbach's vehicle turning left on Highway 147, headed west. I looked to my right and noticed that Bobby's Blazer was gone.
17. Bobby did not leave before Ms. Halbach because I observed his Blazer parked by Barb's residence when I was outside with Ms. Halbach. If Bobby left a few seconds behind Ms. Halbach, I would have seen his Blazer when I saw Ms. Halbach's vehicle leaving the property.

18. I believe that Bobby left about thirty seconds after Ms. Halbach because I could not see his vehicle. If he left thirty seconds after Ms. Halbach, he would have been near the intersection of the gravel drive — which leads to my and Barb's trailers — and Avery Road. It was not possible to see Bobby's Blazer at that location because there was a dip and a bend in the gravel drive as it approached Avery Road, and there were buildings that blocked my view. If Bobby had left thirty seconds after Ms. Halbach, his Blazer would have been in a position where I would not have been able to see it.

FURTHER AFFIANT SAYETH NAUGHT

Steven Avery
Steven A. Avery, Sr.

County of Dodge
State of Wisconsin

Subscribed and sworn before me
this 14 day of November, 2017.

Kathryn
Notary Public
A circular notary seal for Kathryn, Notary Public, State of Wisconsin. The seal features the name 'KATHRYN' at the top, 'NOTARY PUBLIC' in the center, and 'STATE OF WISCONSIN' at the bottom, all enclosed within a decorative border.

CALUMET COUNTY SHERIFF'S DEPARTMENT

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File Number

Complaint No.
05-0157-955

TYPE OF ACTIVITY: Interview of:

Orville O. Jacobs
DOB 07/20/72
206 Court Street
Chilton, WI 53014

DATE OF ACTIVITY: 04/14/06

REPORTING OFFICER: Inv. Mark Wiegert

On 04/14/06, I (Inv. WIEGERT of the CALUMET COUNTY SHERIFF'S DEPARTMENT) and DCI Special Agent TOM FASSBENDER did go to the county jail where we met with ORVILLE JACOBS in an interview room. Prior to speaking with ORVILLE, I did read ORVILLE his Miranda Rights to which ORVILLE indicated he understood and agreed to speak with us. A copy of that Miranda Rights form will be included with this report.

ORVILLE stated to us over the last few weeks, he had been talking with STEVEN AVERY who is in the same cellblock as ORVILLE. According to ORVILLE, they were talking about a bonfire and STEVEN had told ORVILLE that his nieces and nephews were supposed to come to his house on the weekend for the fire. STEVEN also mentioned to ORVILLE about burning four tires and ORVILLE stated to me he thought that was weird to burn that amount of tires if you were going to have kids around the fire. STEVEN also told ORVILLE that BRENDON was the only one at the fire with him. STEVEN also stated to ORVILLE that if he would have burned her (TERESA), there would be other bones there. STEVEN also stated to ORVILLE that he (STEVEN) knows that you would have to crush the rest of the bones that would not burn.

ORVILLE went on to say that when they talked again, STEVEN told him that STEVEN's girlfriend had told STEVEN that the police had found blood on the headboard that was located in his bedroom. STEVEN also told ORVILLE the police would not find anything on the mattress. ORVILLE stated to STEVEN at that time the only way there would not be any blood there was if you had cleaned it with bleach or if you had plastic over the mattress. ORVILLE stated after he had said this to STEVEN, STEVEN stopped talking to him.

ORVILLE then told us that prior to them having the conversation about the mattress, STEVEN AVERY stated to ORVILLE that he (STEVEN) knew that really good bleach could get rid of blood.

ORVILLE went on to tell us that also during the conversations, they talked about his niece. ORVILLE believed his niece's name to be CANDY. STEVEN stated to ORVILLE that was the one he supposedly had sexually assaulted; however, STEVEN told ORVILLE that he (STEVEN) had letters from the niece saying how much she liked him and that it was her stepdad, EARL,



STATE5682

CALUMET COUNTY SHERIFF'S DEPARTMENT

Complaint No.
05-0157-955

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File Number

who was assaulting her. STEVEN told ORVILLE he had spent a lot of time with his niece and talked to her because no one else wanted to be around her.

STEVEN also told ORVILLE his sister, BARBARA, has porn on her computer and if it was ever found, there would also be trouble.

STEVEN also mentioned to ORVILLE there was supposed to be an aerial view of TERESA HALBACH's vehicle in the yard with its doors open when the yard was closed off.

I asked ORVILLE if anybody from law enforcement had asked him to get information from STEVEN AVERY to which ORVILLE stated nobody had asked him to do that, he was coming forward on his own freewill.

Special Agent FASSBENDER and I informed ORVILLE that he was not to ask STEVEN AVERY any questions about anything regarding this case.

I asked ORVILLE if he would be willing to write a written statement to which ORVILLE agreed to do. Included in this report will be ORVILLE's written statement.

Investigation continues.

Inv. Mark Wiegert
Calumet Co. Sheriff's Dept.
MW/bdg

STATE5683

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

STATE OF WISCONSIN,)	
)	
Plaintiff,)	
)	Case No. 05-CF-381
v.)	
)	Honorable Judge Angela Sutkiewicz,
STEVEN A. AVERY,)	Judge Presiding
)	
Defendant.)	

AFFIDAVIT OF STEVEN SPECKMAN

Now comes your affiant, Steven Speckman, and under oath hereby states as follows:

1. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge. The factual statements herein are true and correct to the best of my knowledge, information, and belief. I am of sound mind and I have not ingested any alcohol that would impair my memory of the facts stated in this affidavit.
2. In 2005, I lived in Sheboygan, Wisconsin.
3. I have reviewed a page from Teresa Halbach's phone records, labeled and incorporated in this affidavit as **Exhibit A**. I recognize my phone number, 920-254-6635, in the fifth row from the top of the list of calls on **Exhibit A**, which also indicates that the call took place at 12:44 p.m. on October 31, 2005. My memory has been refreshed by reviewing **Exhibit A**; I called Teresa at 12:44 p.m. on October 31, 2005.
4. I did not personally know Teresa Halbach and never spoke to her prior to October 31, 2005. Several days before October 31, 2005, I contacted AutoTrader and inquired about advertising vehicles I had for sale.
5. On October 31, 2005, I called Teresa Halbach at 12:44 p.m. to cancel or reschedule my appointment to have photographs of the vehicles I was considering advertising in AutoTrader



taken. The conversation I had with Teresa lasted several minutes, during which Teresa was making an effort to reschedule my appointment for that same day but at a time that worked for both of us. At one point in our conversation, Teresa told me that she was looking at her calendar to determine her availability.

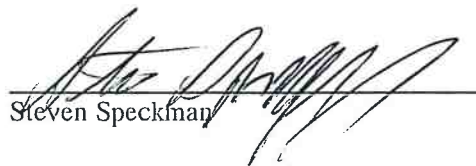
6. During our conversation on October 31, 2005, Teresa told me that she was currently in the Sheboygan area handling other appointments in or around Sheboygan. I recall that Teresa told me that she either had just finished an appointment in Sheboygan or was heading to her last appointment in Sheboygan.
7. In an effort to reschedule my appointment into her schedule on October 31, 2005, Teresa told me she would be available to meet within the next thirty minutes or so to handle my appointment. Teresa said that after that time, she would be leaving the Sheboygan area and we would have to reschedule for another day.
8. I was unable to meet with Teresa within thirty minutes of our conversation, so she could not complete my appointment that day. We ended the conversation by agreeing to reconnect on a later date to schedule a time for her to photograph the vehicles I was thinking about advertising in AutoTrader.
9. Nothing has been given or promised to me in exchange for this affidavit.

FURTHER AFFIANT SAYETH NAUGHT

State of Wisconsin
County of Sheboygan

Subscribed and sworn before me
this 27th day of June, 2017.


Lacey R. Smith
Notary Public


Steven Speckman

> Home > My Account > My Current Usage > Minutes Used

Minutes Used [Print this page](#)

TERESA M HALBACH [Edit My Profile](#)
246164778



Below are minutes used and other details available since your last billing cycle. To see your records from past billing cycles, go to My Bill.

Summary reflects an estimate of current usage as of 11/03/2005, 05:49 PM. [More Important Information](#)

Next billing cycle starts 12/03/05.

[Call Detail](#)

[Back to My Current Usage](#)

Wireless Number 920-737-4731
Rate Plan: NATP900RUMMUNW

1 2 3 4 5 | [Next Five](#)

Date	Time	Call To	Number Called	Rate Period	Feature	Minutes
10/31	02:27 PM	INCOMING	414-425-8712	DT		5
10/31	02:13 PM	VOICEMAIL	414-534-0037	DT	VM	1
10/31	02:12 PM	MANITOWOC	920-682-5719	DT		2
10/31	12:51 PM	KIEL	920-894-3912	DT		1
10/31	12:44 PM	INCOMING	920-254-6635	DT		4
10/31	12:39 PM	VOICEMAIL	414-534-0037	DT	VM	1
10/31	11:43 AM	MISHICOT	920-755-8715	DT		2
10/31	11:35 AM	GREEN BAY	920-360-2455	DT		2
10/31	11:31 AM	GREEN BAY	920-405-1998	DT		4
10/31	11:27 AM	VOICEMAIL	414-534-0037	DT	VM	3
10/31	11:04 AM	VOICEMAIL	414-534-0037	DT	VM	2
10/30	05:40 PM	GREEN BAY	920-662-0127	NW		2
10/30	05:26 PM	VOICEMAIL	414-534-0037	NW	VM	2
10/29	11:44 PM	OSHKOSH	920-420-1740	NW		2
10/29	11:44 PM	OSHKOSH	920-420-1740	NW		1
10/29	09:35 PM	APPLETON	920-740-1900	NW		1
10/29	09:34 PM	APPLETON	920-585-3839	NW		1
10/29	08:55 PM	VOICEMAIL	414-534-0037	NW	VM	1
10/29	08:05 PM	INCOMING	920-737-4731	NW		3
10/29	07:59 PM	INCOMING	920-737-4731	NW		3
10/29	07:08 PM	VOICEMAIL	414-534-0037	NW	VM	2
10/29	03:59 PM	VOICEMAIL	414-534-0037	NW	VM	1
10/29	01:51 PM	INCOMING	920-960-1882	NW		11
10/29	01:38 PM	SHERWOOD	920-989-1250	NW		3
10/29	01:29 PM	FOND DULAC	920-960-1882	NW		3
10/29	12:37 PM	SHERWOOD	920-989-1098	NW		17
10/29	12:35 PM	APPLETON	920-213-1645	NW		2
10/29	12:30 PM	GREEN BAY	920-737-8491	NW		1
10/29	12:23 PM	APPLETON	920-585-3839	NW		7
10/29	12:22 PM	CHILTON	920-464-0220	NW		2
10/29	12:20 PM	VOICEMAIL	414-534-0037	NW	VM	2
10/29	00:47 AM	VOICEMAIL	920-664-0012	NW		1

<https://www.myaccount.cingular.com/olam/gotoUsageMinuteDetails.olamexecute?reportA...> 11/3/2005



STATE3025

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

STATE OF WISCONSIN,)	
)	
Plaintiff,)	
)	Case No. 05-CF-381
v.)	
)	Honorable Judge Angela Sutkiewicz,
STEVEN A. AVERY,)	Judge Presiding
)	
Defendant.)	

THIRD SUPPLEMENTAL AFFIDAVIT OF JAMES R. KIRBY

Now comes your affiant, James R. Kirby, and under oath hereby states as follows:

1. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge. The factual statements herein are true and correct to the best of my knowledge, information, and belief. I am of sound mind and I am not taking any medication nor have I ingested any alcohol that would impair my memory of the facts stated in this affidavit.
2. I am a private detective licensed in the State of Wisconsin. Kathleen T. Zellner & Associates, P.C., hired me to conduct investigations in this case. On November 15, 2017, I interviewed Lisa Novacheck, who works in the payroll department at the Wisconsin Aluminum Foundry. Ms. Novacheck worked in the payroll department in 2005 and is familiar with the employees who worked at the foundry in 2005.
3. I showed Ms. Novacheck the “Sikikey” note, which was reportedly found during sorting at the Green Bay post office (the “Sikikey” note and Calumet County Sheriff’s Department report documenting its discovery are attached and incorporated herein as **Group Exhibit A**). Ms. Novacheck told me that she had never seen the note and that she



did not recognize the handwriting on the note. Ms. Novacheck told me there were around 20 people who worked the night shift at the aluminum foundry in early November 2005 and that about half of them were illiterate or partially literate and that the "Sikikey" note could have been written by one of them.

4. Ms. Novacheck told me that Scott Tadych's nickname at work in 2005 was "Skinny" and that "Sikikey" may be a reference to Scott Tadych.

FURTHER AFFIANT SAYETH NAUGHT



James R. Kirby

State of Illinois
County of DuPage

Subscribed and sworn before me
this 16 day of November, 2017.





Notary Public

CALUMET COUNTY SHERIFF'S DEPARTMENT

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File Number

Complaint No.
05-0157-955

TYPE OF ACTIVITY: Contact with Green Bay Police Department

DATE OF ACTIVITY: 11/10/05

REPORTING OFFICER: Inv. John Dederling

DOCUMENTS GENERATED: Facsimile Transmittal

On Thursday, 11/10/05, at 1826 hours, I (DEDERING) did speak with Officer FRED LAITINEN of the GREEN BAY POLICE DEPARTMENT. He advised me the GREEN BAY POST OFFICE pulled a piece of mail off their conveyor and reported it to Green Bay authorities. He indicated the piece of mail consisted of a letter without an envelope, which was folded in thirds. He stated there was no stamp attached. He advised me the note was addressed to MANITOWOC SHERIFF and had AVERY written on it. He indicated to me the note, upon inspection, revealed that the writer indicated a body was burned up in the aluminum smelter at 3:00 a.m. on Friday morning. He indicated the note was signed SIKIKEY. He stated the note was written in blue ink and had both printing and cursive writing in the body of the note. He indicated the mail that was being sorted in Green Bay comes from Manitowoc, Two Rivers, Green Bay and De Pere. LAITINEN advised me gloves were used to handle the processed piece of mail and the note would be held at the GREEN BAY POLICE DEPARTMENT subject to our contacting them.

This agency did receive a facsimile transmission concerning this matter, a copy of which can be found incorporated into this report.

Investigation continues.

Inv. John Dederling
Calumet Co. Sheriff's Dept.
JD/bdg



STATE1428

Body was burnt up in

alumina smelter, 3 AM

Friday Morn.

Sikikex

Manitowoc Street

Avenue

STATE OF WISCONSIN,
Plaintiff,

v.

Case No. 2005-CF-381

STEVEN A. AVERY,
Defendant.

State of Wisconsin)
) ss.
County of Dane)

Dean A. Strang, first duly sworn, on oath deposes and states:

1. I am a lawyer licensed to practice in the State of Wisconsin and several federal courts. From sometime in February 2006 through June 1, 2007, I was one of Steven Avery's lawyers in this case. I make this affidavit at the request of his current lawyers.
2. During the months between the time I entered my appearance as Steven Avery's lawyer and the end of trial, I was aware of blood found in Teresa Halbach's Toyota RAV-4. I knew that some of the blood, generally in the area in which the driver sits, was attributed to Steven Avery. I also knew that some of the blood, generally in the rear cargo area of the car, was attributed to Teresa Halbach. I knew that an acquittal very likely would depend in part upon an explanation for Steven Avery's blood being found in the Toyota RAV-4 other than because he was in that car himself.
3. To my recollection, I did not consider hiring a blood spatter expert who might have consulted, done independent testing, testified, or all three as to the bloodstains found in either of those two general areas of Ms. Halbach's car. I did not have a strategic reason for not considering or hiring such an expert or experts.
4. One of the state's theories as to the cause of death of Teresa Halbach was that she was shot twice in the head. At some point in April 2006, I believe, I learned that the state claimed that a spent bullet had been recovered from a garage near Mr. Avery's trailer. I knew at some point that the state also would offer evidence that Ms. Halbach's DNA was found on that bullet.



5. To my recollection, I did not consider hiring a ballistics expert who might have consulted, done independent testing, testified, or all three as to trace evidence that might have been recoverable from that bullet. I did not have a strategic reason for not considering or hiring such an expert or experts. To my recollection, my co-counsel, Jerome Buting, and I focused on the state expert's conclusions tying the bullet to a specific rifle by microscopic examination. A defense expert on trace analysis of the bullet would not have been inconsistent with that focus.
6. Again, I did not have a strategic reason for these decisions. My client, Mr. Avery, is not to blame for them in any way and he met his obligations to me and Mr. Buting. If someone is to blame for these decisions, it is I.

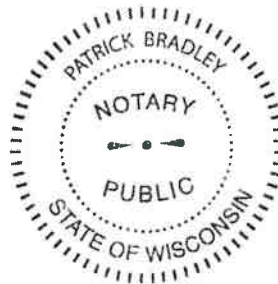


Dean A. Strang

Signed and sworn before me
this 16 day of November, 2017.



Notary Public
State of Wisconsin



My commission expires: 6/18/2020