

STATE OF WISCONSIN

D. A. Case No. 2005CA000607
Agency Case No. 05-0157-955

-VS-

Plaintiff,

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

AMENDED CRIMINAL COMPLAINT

Steven A. Avery
12932 Avery Road
Two Rivers, WI 54241
DOB: 07/09/1962
Sex/Race: M/W

MAR 8 2006

Case No. 05-CF-381

CLERK OF CIRCUIT COURT

Defendant,

Thomas Fassbender, Special Agent with Wisconsin Department of Justice, Division of Criminal Investigation, being first duly sworn, states that:

Count 1: FIRST DEGREE INTENTIONAL HOMICIDE - AS A PARTY TO A CRIME

The above-named defendant on Monday, October 31, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, as a party to a crime, did cause the death of Teresa M. Halbach, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.05 Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

Count 2: MUTILATING A CORPSE - AS A PARTY TO A CRIME

The above-named defendant between Monday, October 31, 2005, and Friday, November 4, 2005, at 12932 Avery Road, Manitowoc County, Wisconsin, as a party to a crime, did mutilate, disfigure or dismember a corpse with the intent to conceal a crime, contrary to sec. 940.11(1), 939.50(3)(f), 939.05 Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

Count 3: POSSESSION OF A FIREARM BY A FELON

The above-named defendant on Saturday, November 5, 2005, at 12932 Avery Road, Calumet County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 4: FIRST DEGREE SEXUAL ASSAULT - AS A PARTY TO A CRIME

The above-named defendant on Monday, October 31, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, as a party to a crime, did have sexual intercourse, with Teresa M. Halbach, without that person's consent by use or threat of use of a dangerous weapon, contrary to sec. 940.225(1)(b), 939.50(3)(b), 939.05 Wis. Stats., a Class B Felony, and upon conviction may be sentenced a term of imprisonment not to exceed sixty (60) years.

Count 5: KIDNAPPING

The above-named defendant on Monday, October 31, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, by force or threat of imminent force, did seize or confine Teresa M. Halbach, without that person's consent and with intent to cause the victim to be imprisoned or confined, contrary to sec. 940.31(1)(b), 939.50(3)(c), Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

Count 6: FALSE IMPRISONMENT

The above-named defendant on Monday, October 31, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, did intentionally seize and confine Teresa M. Halbach, without that person's consent, and with the knowledge that he had no lawful authority to do so, contrary to sec. 940.30, 939.50(3)(h), Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

PROBABLE CAUSE:

Your complainant relies on the same factual basis as set forth in the original Criminal Complaint with the following additions.

Complainant states that he is a Special Agent with the Wisconsin Department of Justice, Division of Criminal Investigations, and bases this amended complaint upon the reports and investigations of Deputy Bill Tyson, and Investigator Mark Wiegert of the Calumet County Sheriff's Department, as well as citizen witness, Barb Janda, and defendant Brendan R. Dassey. The statements of Deputy Tyson and Investigator Wiegert are presumed to be truthful and reliable as made by sworn law enforcement officials, and the statements of defendant Brendan R. Dassey are presumed truthful and reliable as they were made against his penal interests.

On February 27, 2006, Investigator Mark Wiegert of the Calumet County Sheriff's Department interviewed Brendan R. Dassey, DOB: 10/19/1989, who stated that on October 31, 2005, at approximately 3:45 p.m., he got off the school bus and went to his residence which is located next door to Steven Avery's residence at 12932 Avery Road. Dassey stated that he saw Teresa Halbach's vehicle.

On March 1, 2006, Investigator Mark Wiegert and your complainant, Special Agent Thomas Fassbender, again interviewed Brendan R. Dassey, DOB: 10/19/1989, regarding the disappearance and subsequent homicide of Teresa Halbach.

Dassey stated that on October 31, 2005, he went to pick up the mail on his bike and, upon returning, he saw that there was a letter for Steven Avery. Dassey stated that on his way to Steven Avery's trailer, he passed a burn barrel located on Avery's property. Dassey stated that he looked into the burn barrel and observed a cell phone and camera inside of

the barrel. Dassey stated that while approaching the Avery residence on his bike, he heard screams for help coming from Avery's trailer.

Dassey stated that he then went to Steven Avery's trailer to deliver the mail. Dassey stated that when he approached the door to Steven Avery's residence, he continued to hear screams coming from inside the trailer. Dassey described those screams as a female voice screaming, "Help me." Dassey indicated that he knocked on the door three times and waited for Steven Avery to come to the door. Dassey stated that after several minutes, Steven Avery came to the door and Dassey noted that Avery was covered in sweat. Dassey stated that Steven Avery invited him into the kitchen area of the residence. Dassey stated that Steven Avery asked him if he wanted to get some of that stuff and then asked Dassey if he wanted to get some "pussy." Dassey stated that Steven Avery told Dassey that he had "fucked" Teresa Halbach and wanted to keep doing it and stated that he wanted to "fuck her so hard." Dassey indicated that Steven Avery encouraged him to sexually assault Teresa Halbach as well.

Steven Avery then escorted Dassey into Steven's bedroom where Dassey observed Teresa Halbach lying face up on Steven Avery's bed. Dassey indicated that Teresa Halbach was nude and was restrained to the bed with handcuffs and leg irons. Dassey stated that Teresa Halbach was begging him to help her, saying things such as tell him to stop and don't do this. Dassey stated that Steven Avery told him to "do her" and "screw her." Dassey stated that he then had sexual intercourse with Teresa Halbach while Steven Avery watched. Dassey stated that he had sexual intercourse with Teresa Halbach for approximately five minutes. Dassey stated that during this time, Teresa Halbach was asking him not to do it, asking him to tell Steven to knock it off, and asking him to uncuff her, and that Halbach was crying.

Dassey stated that he then put his clothes on, and he and Steven then went out into the living room and watched TV. Dassey stated that Steven Avery had closed the bedroom door. Dassey stated that they were in the living room approximately 10 to 15 minutes. Dassey stated that Steven Avery told him, "That's how you do it" and asked Dassey if it felt good. Dassey stated that Avery told him he did a good job and that he was proud of him. Dassey stated that Steven Avery told him he was going to kill Halbach, specifically tie her up, stab her and choke her. Dassey stated that Steven Avery also talked about getting rid of her body and that he wanted to burn her body.

Dassey stated that after approximately 10 minutes, he and Steven Avery returned to the bedroom, where Teresa Halbach was still restrained and begging for help. Dassey stated that Steven Avery had a knife, which Dassey described as being between six and eight inches long, that Avery had obtained from the kitchen area. Dassey stated that Steven Avery told Halbach that he was going to kill her and that he was not going to let her go, while threatening her with the knife. Dassey stated that Avery then used the knife and stabbed Teresa Halbach in the stomach area. Dassey stated that Steven Avery then handed Dassey the knife and told Dassey to "cut her throat." Dassey stated that he then went over to Teresa Halbach and cut her throat with the knife. Dassey stated that Avery then told Dassey to cut some of Teresa Halbach's hair off, and Dassey stated that he did. Dassey stated that Teresa Halbach was still alive at that time, so Steven Avery went over to Teresa and put his hands around Halbach's neck and strangled her for approximately two to three minutes. Dassey stated that Steven Avery then went to the bathroom and

washed the blood off of his hands. Dassey stated that during this period of time, Steven also punched Teresa Halbach and had told her to shut her mouth.

Dassey stated that he and Steven Avery then unshackled Teresa Halbach and tied her up with rope. Dassey and Steven Avery then carried the body of Teresa Halbach into Steven Avery's detached garage, where they placed her in the back of her Toyota Rav 4. Dassey stated that he believed that Teresa Halbach was dead because he did not see her stomach moving anymore while they were carrying her. Dassey stated that Steven Avery wanted to take Teresa's body and dump it in a pond in the Avery Salvage Yard. Dassey stated that Avery then decided to burn the body instead. Dassey stated that there was already a fire burning in the burn pit behind Steven Avery's garage; Dassey had observed this fire burning when he first arrived at Steven Avery's trailer. Dassey and Steven Avery then removed Teresa Halbach's body from the vehicle and placed her body on the garage floor. Dassey stated that Steven Avery then went to his residence and retrieved a .22 caliber rifle and returned to the garage, where he proceeded to shoot Teresa Halbach approximately ten times. Dassey stated that he shot her at least once and possibly three times in the left side of her head, and the remaining shots were to the mid-section of Teresa Halbach's body. Dassey stated that he did not know why Steven Avery shot Teresa Halbach.

Dassey stated that he and Steven Avery placed Teresa Halbach's body onto a roller creeper and then transported her body to the fire which was already burning behind Steven Avery's garage. Dassey stated that he and Steven Avery placed Teresa Halbach's body on the fire and proceeded to place tires and brush on top of her. Dassey stated that he and Steven Avery then used a golf cart to retrieve additional items, including a car seat, a wood cabinet, and additional brush and tires, which they then placed on top of Teresa Halbach's body in the fire pit.

Dassey stated that Steven Avery then drove Teresa Halbach's Toyota Rav 4 back by the trees of the Avery Salvage Yard near the pond. Dassey stated that he accompanied Steven Avery in Teresa Halbach's vehicle. Dassey stated that he and Steven Avery tried to conceal the vehicle by covering it with branches and a car hood. Dassey stated that Steven Avery then removed the license plates from Teresa Halbach's vehicle and then opened the vehicle hood. Dassey stated that he did not know what Avery did under the hood, however. Dassey stated that he and Steven Avery then returned to Avery's trailer using the "long way." Dassey stated that upon returning to Avery's trailer, he observed Avery place the key for Teresa Halbach's Toyota Rav 4 in a dresser drawer in Avery's bedroom. Dassey stated that Steven Avery told him that he was glad Dassey had helped him. Dassey stated that he and Steven Avery then removed the sheets from Avery's bed and took them out to the fire pit and placed them in the fire. Dassey stated that Steven Avery had him throw Teresa Halbach's clothing, which were "full of blood cleaned up" on the fire. Dassey stated that Steven then asked Dassey to assist him in cleaning the garage floor. Dassey stated that there were two areas of blood located on Steven Avery's garage floor. Dassey stated that he and Steven Avery used gasoline, paint thinner and bleach to clean the floor. Dassey stated that he then received a phone call from his mother telling him that he needed to be home by 10 p.m. Dassey stated that he then returned to his residence, at which time he noticed the bleach stains on his pants.

Dassey stated that he recalled that Steven Avery received two telephone calls from Avery's girlfriend, Jodi. Dassey stated that he believed that both telephone calls were received while Teresa Halbach was still restrained in Avery's bedroom.

Dassey stated that Steven Avery had been scratched on the finger and that it was bleeding, and he remembered Steven putting a bandaid on it when he went into his residence to get the bleach. Dassey stated that Steven Avery told him he was going to crush Teresa Halbach's car and commented, "The sooner the better."

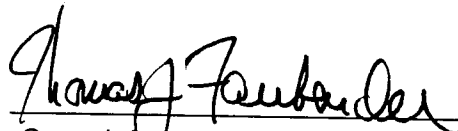
Dassey stated he spoke with Steven Avery at a later date, and Avery told him that he attempted to bury some of Halbach's bones as well as chopped them up with a shovel. Dassey also stated that Steven Avery told him he used a pail and removed some of her bones from the burn pit and dumped them in the gravel pit to the west of Steven Avery's property.

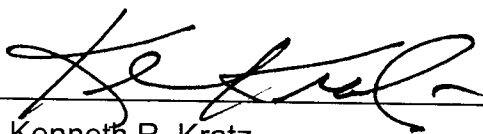
On February 27, 2006, your complainant spoke with Barb Janda. Barb Janda stated on October 31, 2005, when Brendan Dassey returned from Steven Avery's residence, Dassey had bleach stains on his jeans. Barb Janda asked Dassey what happened to his jeans, and he told her that his jeans were bleached while he was helping Steven Avery clean his garage floor with bleach. On March 1, 2006, Investigator Wiegert recovered the jeans worn by Dassey on October 31, 2005. Investigator Weigert noted that the jeans contained bleach spots and other stains.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me,
and approved for filing on:

This 7th day of March, 2006.


Complainant


Kenneth R. Kratz
District Attorney
State Bar No. 1013996