

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH I

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

STEVEN A. AVERY,

**CLERK OF CIRCUIT COURT**  
Defendant.

OFFER OF PROOF  
(Victim History)

Case No. 05-CF-381

The State of Wisconsin, by Kenneth R. Kratz, Calumet County District Attorney, appearing as Special Prosecutor, provides the Court with the following "offer of proof" regarding evidence, to be submitted by the state as part of its case in chief, in the above-captioned jury trial. The state seeks advanced ruling from the Court on what evidence, including what images, will be allowed to be presented to the jury. The parties were unable to reach a stipulation as to these evidentiary matters, which necessitated this offer being submitted at this time.

Specifically, evidence regarding the victim, Teresa Halbach's, "history" will be offered by the state, including topics of the victim's employment history; living arrangements and location; vehicles owned or driven, including a "Toyota RAV4" SUV; connection to Steven Avery including prior contacts or photographs taken at the Avery Salvage property; prior behavior or conversations between Steven Avery and Teresa Halbach which the Court deems relevant and admissible (subject to previous evidentiary rulings of the court); Teresa Halbach's activities on October 31, 2005; phone calls placed to or received by Teresa Halbach and Steven Avery on October 31, 2005; the victim's ownership of a "Motorola V3 Razr" cellular telephone, "Cannon Powershot A310" digital camera, "PalmZire 31" PDA, clothing, and other personal property which may have been recovered at the Avery Salvage Yard during this investigation; and other relevant evidence.

166  
(1)

The state will offer photographs of the victim, Teresa Halbach, as relevant and appropriate, and to explain other evidence being introduced, including those photos offered within “summary” trial exhibits. All images offered supporting this evidence, with the exception of that excluded from this offer of proof (as noted in the conclusion section of this document) is attached as “Addendum A.” The state submits a more specific “offer of proof” as set forth as follows:

1. Prior contacts Teresa Halbach had with Steven Avery, including taking photographs at the Avery Salvage property, including:

- a) June 20, 2005 (Image #1)
- b) August 22, 2005 (Image #2)
- c) August 29, 2005 (Image #3)
- d) September 19, 2005 (Images #4 and #5)
- e) October 10, 2005 (Image #6)

2. Contact between Steven Avery and Teresa Halbach on October 10, 2005, where Halbach observed Avery come to the door of his residence, wearing only a towel. This event was discussed between Halbach and Dawn Pliszka, receptionist for AutoTrader magazine, sometime shortly after the event. Halbach called Avery “creepy” during the description of the event, and made other references to the contact. [Note: this event has already been the subject of a Court ruling, setting forth the circumstances under which it may be received at trial].

3. Teresa Halbach owned a “Powershot A310” digital camera, and used said camera to take images for her employment (Images #1-6). Halbach retained the package for her digital camera (Image #7), which was recovered from Steven Avery’s burn barrel on November 6, 2005, as part of the investigation (Images #8 and #9). Components of the

camera (Image #10) were examined by the Wisconsin State Crime Lab and FBI, and identified as a Cannon Powershot A310.

4. Teresa Halbach was wearing denim blue jeans on October 31, 2005, the day she was murdered. Her clothing was observed by Steven Schmitz, during a photo session at approximately 1:30PM on October 31, 2005. Katie Halbach, Teresa Halbach's younger sister (Image #11) will testify that the victim owned "Daisy Fuentes" brand jeans, and had commented about the jeans to her sister; Investigator Mark Wiegert will testify that after the victim's death, a search of her residence revealed that her "Daisy Fuentes" jeans were missing. The state will argue that those jeans were worn by the victim on October 31, 2005.

Steve Thomas, of Kohl's Department Stores Corporate Offices, will testify that "Daisy Fuentes" jeans are sold exclusively at Kohl's, and include metal "rivets" as will be identified at trial. Investigators will testify that a "Daisy Fuentes" metal rivet (Image # 12) was recovered from Avery's "burn pit" (Image #13), suggesting that the victim's clothes were burned in the same location that her remains were found; this provides additional evidence refuting any suggestion that the victim was killed/mutilated in some other location and "planted" on the Avery property.

5. Teresa Halbach owned a "Motorola V3 Razr" cell phone (Image #14). Nicholas Walschinski will testify that he sold Halbach that cell phone, with activation date on August 30, 2005 (Image #15). Investigators will testify that a Motorola V3 Razr cell phone was recovered from Avery's burn barrel on November 6, 2005 (Image #16). Components of the cell phone (Images #17-19) were examined by the Wisconsin State Crime Lab and FBI, and identified as a Motorola V3 Razr phone.

6. Teresa Halbach owned a "PalmZire 31" personal digital assistant (PDA). Ms. Halbach purchased the PDA on November 15, 2004 from Target Department Store. Halbach retained the package for her PalmZire PDA (Image #20), which was recovered from Steven Avery's burn barrel on November 6, 2005, together with other electronic components (Images #21 and #22). Components of the PDA were examined by the Wisconsin State Crime Lab and FBI, and identified as a PalmZire PDA.

7. Teresa Halbach sent and received relevant calls from her cell phone on October 31, 2005, as reflected in business records obtained from Cingular Wireless, as follows:

- a) Call received from AutoTrader (Dawn Pliszka) at 9:00 AM.
- b) Call placed to her voicemail at 11:04 AM.
- c) Call placed to her voicemail at 11:27 AM.
- d) Call placed to Dan Morrow at 11:31 AM.
- e) Call placed to Denise Coakley at 11:35 AM.
- f) Call placed to Barb Janda's residence at 11:43 AM (left message on answering machine, which was recovered by investigators).
- g) Call placed to her voicemail at 12:39 PM.
- h) Call received from Steven Speckman at 12:44 PM.
- i) Call placed to Steven Schmitz residence at 12:51 PM.
- j) Call placed to George Zipperer residence at 2:12 PM.
- k) Call placed to her voicemail at 2:13 PM.
- l) Call received from AutoTrader at 2:27 PM (indicates she was on her way to the Avery property).

8. Steven Avery sent and received relevant calls from his cell phone on October 31, 2005, as reflected in business records obtained from Cellcom Wireless, as follows:

a) Call placed to AutoTrader magazine at 8:12 AM (spoke to Dawn Pliszka), asking that AutoTrader send that "same photographer that day who has been here before" to take photos; appointment made in the name of "B. Janda."

b) Call placed to AutoTrader magazine at 11:04 AM.

c) Call placed to Teresa Halbach's cell phone at 2:24 PM (Avery uses \*67 blocked call feature).

d) Call placed to Teresa Halbach's cell phone at 2:35 PM (Avery again uses \*67 blocked call feature).

e) Call placed to Teresa Halbach's cell phone at 4:35 PM (Avery does not use blocked call feature).

f) Call received from Jodi Stachowski at 5:36 PM (to Avery's landline).

g) Call received from Jodi Stachowski at 8:57 PM (to Avery's landline).

Phone calls involving Teresa Halbach and Steven Avery are critical to compile an accurate "timeline" of events for October 31, 2005. Obviously, the subject matter discussed may have additional relevance.

9. Teresa Halbach was employed as a freelance photographer, whose business included contracted work for AutoTrader magazine (Image #23).

10. A blue lanyard (Image #24) was given to Teresa Halbach by her younger sister, Katie, which was used to attach her Toyota vehicle key around her neck. The "fob" was attached to the Toyota key, which was found in Avery's bedroom on November 8, 2005 (Image #25). The lanyard fits the key fob (Image #26).

11. Teresa Halbach's SUV, found by Pam Sturm, on November 5, 2005 (Image #27). This vehicle was owned and driven by Teresa Halbach (Image #28). License plates for the vehicle (Image #29) were found in a junked vehicle on the Avery Salvage property on November 8, 2005 by William Brandes (volunteer searcher) and Cindy Paine of the Wisconsin State Patrol (Image #30).

12. Teresa Halbach's immediate family, include her mother (Karen), step-father (Tom), brothers (Tim and Mike) and sisters (Katie and Karrie). Several of the family members will be witnesses in this case, and the most recent family photos, including all members is included (Image #31). Mitochondrial DNA (MtDNA) analysis was performed on a tissue sample recovered from the burn pit area, and demonstrates an exact match of the MtDNA of Teresa's mother, Karen; MtDNA is shared by mother and daughter.

13. Teresa was an active 25 year old woman (Image #32); Teresa had many friends who assisted in search efforts, and who are expected to testify at trial (Image #33). Teresa was an athletic woman, and was a volleyball coach for 7<sup>th</sup> grade girls (Image #34) who participated in a community vigil and search efforts (Image #35). The victim's physical strength and agility may be relevant for the jury's consideration as to the facts surrounding her abduction, false imprisonment, rape and murder. During search efforts, "missing persons" posters were distributed in the community, including one located within the Avery Salvage business offices (Image #36).

14. Teresa Halbach made business stops on 10/31 including the residence of Steven Schmitz at approximately 1:30 PM, and George Zipperer at approximately 2:15 PM.

15. Teresa Halbach was observed on the Avery property on 10/31 by Bobby Dassey (sometime after 2:30 PM), taking photos of a van outside Steven Avery's residence, finishing

her photography, and walking towards Avery's trailer. When Bobby Dassey left for hunting that afternoon (approximately 3PM), he still saw Teresa's blue or teal SUV in the driveway, but Teresa was nowhere in sight.

16. Brendan Dassey saw Teresa tied to Avery's bed on October 31, 2005; Avery encouraged and assisted in the sexual assault of Teresa; Avery assisted in stabbing and choking Teresa; Avery assisted Dassey in carrying Teresa to his garage where she was shot numerous times by Avery with a .22 cal rifle; Dassey indicates he later assisted Avery in burning and mutilating the victim's body in the burn pit, located behind Avery's garage; assisted Avery in hiding the victim's SUV in a remote location upon the Salvage property; assisted Avery in cleaning the crime scene, using gas, bleach and paint thinner. Investigators recovered physical evidence from Avery's trailer, garage, the Dassey/Janda trailer, Salvage yard, burn pit and burn barrel outside Avery's residence.

17. Teresa Halbach lived in a residence next to her parents, who reported her missing to law enforcement authorities on November 3, 2005. Family, friends and other citizens searched for the victim on November 3, 4 and 5, 2005.

18. Teresa Halbach received warnings from AutoTrader magazine employees to stay away from Avery's trailer, after hearing about the incident of Avery coming to the door in only a towel. Teresa Halbach was a religious girl, who demonstrated efforts toward remaining safe from harm (Image # 37).

19. Teresa Halbach was pronounced dead by Calumet County Medical Examiner, Mike Klaeser, which death certificate lists "homicide" as cause of death (Image # 38).

20. Anthropologist Leslie Eisenberg identified bones as being from an adult female, and made expert findings including the cause of death to have been the result of "homicidal

violence.” Eisenberg located defects in cranial remains that appear consistent with gunshot entry wounds (on the left side of the victim’s head above ear, and at the back of the skull).

21. Dr. Jeffrey Jentzen, Forensic Pathologist, had determined that cause of death was homicide, and mechanism of death included gunshot wound to the head.

22. Teresa Halbach (Image #39) was not seen alive, by individuals other than Steven Avery and Brendan Dassey, after approximately 2:45 PM upon her entering the Avery trailer.

### Conclusion

This offer of proof includes those areas of evidence the state anticipates offering regarding the victim’s history, how her activities (especially on October 31, 2005) may be relevant to this prosecution, and which images relate to the presentation of said evidence.

Regarding images, Addendum A includes the following:

- a) Photos including Teresa Halbach (11, 28, 31, 32, 33, 34, 36, 39);
- b) Items of Halbach’s personal property recovered in the investigation (7, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 37);
- c) Photos taken by Halbach during the course of her employment (1, 2, 3, 4, 5, 6);
- d) Scene photos, explaining where items were located (8, 9, 13, 27, 29, 30);
- e) Photos of friends, family or other witnesses (11, 31, 33, 34, 35);
- f) Documents associated with Halbach (15, 23, 36, 38).

This offer of proof excludes other relevant evidence to be introduced that may relate to the victim, Teresa Halbach (including supporting images), including evidence subject to DNA or other scientific examination; human remains recovered or analyzed; detailed business or



telephone records; summary exhibits or computer enhanced models to assist the jury's understanding of evidence; audio or video recordings; or other expert findings. The state anticipates a detailed series of rulings by the court, prior to trial, addressing all images to be offered, and other evidence which may properly be received at trial.

Respectfully submitted this 13th day of December, 2006.



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Kenneth R. Kratz  
Calumet County District Attorney  
Manitowoc County Special Prosecutor  
State Bar # 1013996



Image #1



Image #6



Image #11



Image #2



Image #7



Image #12



Image #3



Image #8



Image #13

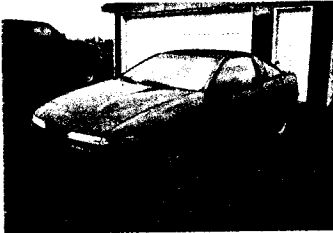


Image #4

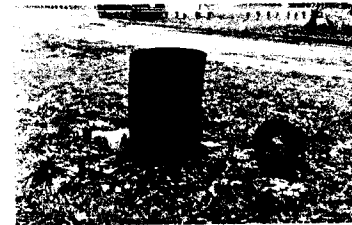


Image #9



Image #14



Image #5



Image #10

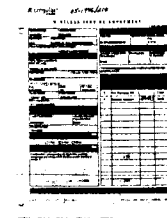


Image #15

## Addendum A

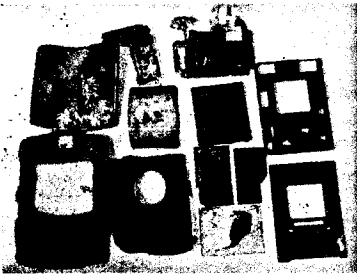


Image #16

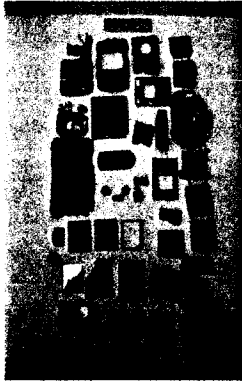


Image #21

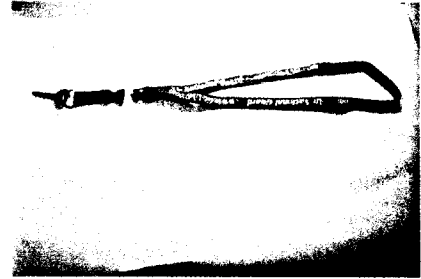


Image #26

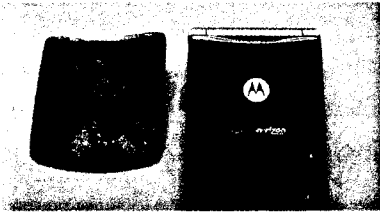


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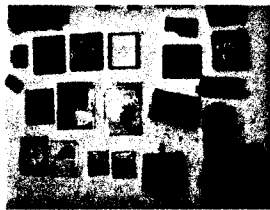


Image #22



Image #27

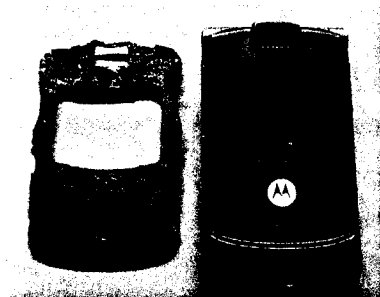


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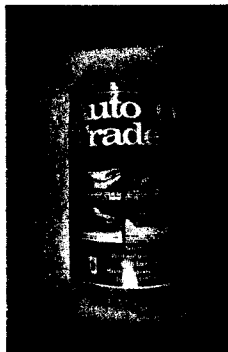


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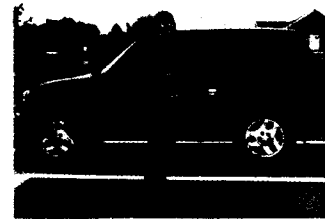


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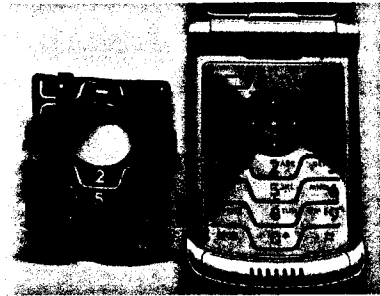


Image #19



Image #24



Image #29

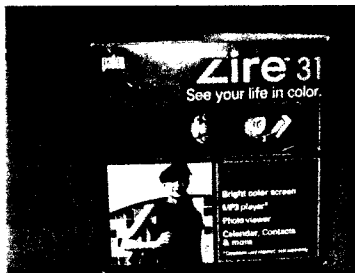


Image #20



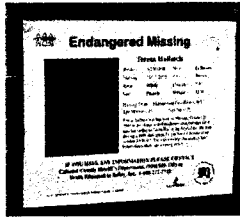
Image #25



Image #30



**Image #31**



**Image #36**



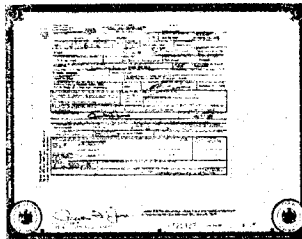
**Image #32**



**Image #37**



**Image #33**



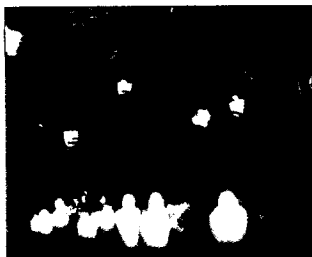
**Image #38**



**Image #34**



**Image #39**



**Image #35**