

# Wisconsin DOJ Division of Criminal Investigation

## ACISS Arrest Report

Report Number: 05-1776/90

Report Date: 11/15/2005

### Primary Information

Report Number: 05-1776/90  
 Report Date: 11/15/2005  
 Type Of Report: Arrest  
 Description: TERESA MARIE HALBACH: Interview/Steven Avery, Execution of Search Warrant/Arrest Warrant  
 Occurrence From: 11/09/2005 12:33  
 Occurrence To: 11/09/2005 16:28  
 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 Office)  
 Approval Status: Approved  
 Approved Date: 11/29/2005  
 Approved By: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)

### Address #1 - Location of Event #1 - 5000 Memorial Dr

#### 5000 Memorial Dr - Primary Information

Address: 5000 Memorial Dr, Two Rivers, Wisconsin, United States of America

### Address #2 - Location of Event #2 - 6904 CTH Y

#### 6904 CTH Y - Primary Information

Address: 6904 CTH Y, Whitelaw, Wisconsin 54247, United States of America

### Subject #1 - Mentioned #1 - Auto Trader

#### Auto Trader (Mentioned) - Primary Information

Record Type: Business  
 Subject Name: Auto Trader  
 Juvenile: No

### Subject #2 - Mentioned #2 - Norb's Auto and Salvage

#### Norb's Auto and Salvage (Mentioned) - Primary Information

Record Type: Business  
 Subject Name: Norb's Auto and Salvage  
 Juvenile: No

#### Norb's Auto and Salvage (Mentioned) - Related Addresses

Address	Relationship
DENMARK, Wisconsin	Home Address

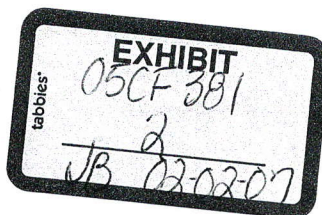
### Subject #3 - Subject of Interest #1 - Avery's Auto Salvage

#### Avery's Auto Salvage (Subject of Interest) - Primary Information

Record Type: Business

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MANITOWOC COUNTY  
STATE OF WISCONSIN  
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CLERK OF CIRCUIT COURT

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# Wisconsin DOJ Division of Criminal Investigation

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### Avery's Auto Salvage (Subject of Interest) - Primary Information - Continued

Subject Name: Avery's Auto Salvage  
Juvenile: No

### Subject #4 - Interviewed #1 - Avery, Steven Allen Sr

#### Avery, Steven Allen Sr (Interviewed) - Primary Information

Record Type: Person  
Subject Name: Avery, Steven Allen Sr  
Race: White  
Sex: Male  
Birth Date: 07/09/1962  
Age: 43 YEARS  
Juvenile: No

#### Avery, Steven Allen Sr (Interviewed) - Personal Information

Height: 506  
Weight: 218  
Eye Color: Blue  
Hair Color: Blonde or Strawberry

#### Avery, Steven Allen Sr (Interviewed) - Related Addresses

Address	Relationship
Illinois	Home Address
12932 Avery Rd, Two Rivers, Wisconsin, United States of America	Home Address

### Subject #5 - Mentioned #1 - Avery, Allen K

#### Avery, Allen K (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Avery, Allen K  
Race: White  
Sex: Male  
Birth Date: 05/03/1937  
Age: 68 YEARS  
Juvenile: No

#### Avery, Allen K (Mentioned) - Personal Information

Height: 510  
Weight: 240  
Eye Color: Blue  
Hair Color: Brown

#### Avery, Allen K (Mentioned) - Related Addresses

Address	Relationship
, CRIVITZ, Wisconsin	Home Address

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# Wisconsin DOJ Division of Criminal Investigation

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## Subject #6 - Mentioned #2 - Avery, Charles Earl

### Avery, Charles Earl (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Avery, Charles Earl  
Race: White  
Sex: Male  
Birth Date: 07/13/1954  
Age: 51 YEARS  
Juvenile: No

### Avery, Charles Earl (Mentioned) - Personal Information

Height: 507  
Weight: 140  
Eye Color: Blue  
Hair Color: Blonde or Strawberry

## Subject #7 - Mentioned #3 - Avery, Christopher C

### Avery, Christopher C (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Avery, Christopher C  
Race: White  
Sex: Male  
Birth Date: 09/13/1984  
Age: 21 YEARS  
Juvenile: No

### Avery, Christopher C (Mentioned) - Personal Information

Height: 508  
Weight: 165  
Eye Color: Blue  
Hair Color: Blonde or Strawberry

## Subject #8 - Mentioned #4 - Avery, Delores A

### Avery, Delores A (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Avery, Delores A  
Race: White  
Sex: Female  
Birth Date: 08/20/1937  
Age: 68 YEARS  
Juvenile: No

### Avery, Delores A (Mentioned) - Personal Information

Height: 503

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# Wisconsin DOJ Division of Criminal Investigation

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### Avery, Delores A (Mentioned) - Personal Information - Continued

Weight: 155  
Eye Color: Blue  
Hair Color: Blonde or Strawberry

### Subject #9 - Mentioned #5 - Avery, Earl Kevin

#### Avery, Earl Kevin (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Avery, Earl Kevin  
Race: White  
Sex: Male  
Birth Date: 06/10/1970  
Age: 35 YEARS  
Juvenile: No

#### Avery, Earl Kevin (Mentioned) - Personal Information

Height: 509  
Weight: 215  
Eye Color: Blue  
Hair Color: Blonde or Strawberry

### Subject #10 - Mentioned #6 - Dassey, Bobby A

#### Dassey, Bobby A (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Dassey, Bobby A  
Race: White  
Sex: Male  
Birth Date: 10/18/1986  
Age: 19 YEARS  
Juvenile: No

#### Dassey, Bobby A (Mentioned) - Personal Information

Height: 510  
Weight: 180  
Eye Color: Blue  
Hair Color: Brown

### Subject #11 - Mentioned #7 - Dassey, Bryan J

#### Dassey, Bryan J (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Dassey, Bryan J  
Race: White  
Sex: Male

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### Dassey, Bryan J (Mentioned) - Primary Information - Continued

Birth Date: 07/15/1985  
Age: 20 YEARS  
Juvenile: No

### Dassey, Bryan J (Mentioned) - Personal Information

Height: 510  
Weight: 165  
Eye Color: Blue  
Hair Color: Blonde or Strawberry

### Subject #12 - Mentioned #8 - Fabian, Robert Jr

#### Fabian, Robert Jr (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Fabian, Robert Jr  
Race: White  
Sex: Male  
Juvenile: No

### Subject #13 - Mentioned #9 - Janda, Barbara Ellen

#### Janda, Barbara Ellen (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Janda, Barbara Ellen  
Race: White  
Sex: Female  
Birth Date: 11/07/1964  
Age: 41 YEARS  
Juvenile: No

#### Janda, Barbara Ellen (Mentioned) - Personal Information

Height: 503  
Weight: 105  
Eye Color: Blue  
Hair Color: Blonde or Strawberry

#### Janda, Barbara Ellen (Mentioned) - Related Addresses

Address	Relationship
, TWO RIVERS, Wisconsin	Home Address

### Subject #14 - Mentioned #10 - Johnson, Roland A

#### Johnson, Roland A (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Johnson, Roland A  
Race: White

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### Johnson, Roland A (Mentioned) - Primary Information - Continued

Sex: Male  
Birth Date: 05/11/1938  
Age: 67 YEARS  
Juvenile: No

### Subject #15 - Mentioned #11 - Stachowski, Jodi Marie

#### Stachowski, Jodi Marie (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Stachowski, Jodi Marie  
Race: White  
Sex: Female  
Birth Date: 09/11/1969  
Age: 36 YEARS  
Juvenile: No

#### Stachowski, Jodi Marie (Mentioned) - Related Addresses

##### Address

12932 Avery Rd, Two Rivers, Wisconsin, United States of America

Relationship  
Home Address

### Subject #16 - Mentioned #12 - Weber, Tammy

#### Weber, Tammy (Mentioned) - Primary Information

Record Type: Person  
Subject Name: Weber, Tammy  
Race: Unknown  
Sex: Female  
Juvenile: No

### Subject #17 - Victim #1 - Halbach, Teresa Marie

#### Halbach, Teresa Marie (Victim) - Primary Information

Record Type: Person  
Subject Name: Halbach, Teresa Marie  
Race: White  
Sex: Female  
Birth Date: 03/22/1980  
Age: 25 YEARS  
Juvenile: No

#### Halbach, Teresa Marie (Victim) - Personal Information

Height: 506  
Weight: 135  
Eye Color: Brown  
Hair Color: Brown

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**Halbach, Teresa Marie (Victim) - Personal Information - Continued**

Hair Length: Collar

**Halbach, Teresa Marie (Victim) - Related Addresses**

Address

W3637 Cty Rd B, Hilbert, Wisconsin 54129, United States of America

Relationship

Home Address

**Vehicle #1 - Suspect Vehicle #1 - 187JJF**

**187JJF (Suspect Vehicle) - Primary Information**

Vehicle Type: Automobile  
Vehicle Year: 1993  
Vehicle Make: Pontiac  
Vehicle Model: Grand Am GT  
Exterior Top Color: Blue  
Exterior Bottom Color: Blue  
Vehicle VIN Number: 1G2NW14N9PC726145  
Tag Number: 187JJF  
Tag State: WI

**Vehicle #2 - Suspect Vehicle #2 - AG5467**

**AG5467 (Suspect Vehicle) - Primary Information**

Vehicle Type: Truck  
Vehicle Year: 2002  
Vehicle Make: Ford  
Vehicle Model: F350 Super Duty  
Exterior Top Color: Black  
Exterior Bottom Color: Black  
Vehicle Style: Pick Up Truck  
Vehicle VIN Number: 1FTSX31L92EA99762  
Tag Number: AG5467  
Tag State: WI

**Vehicle #3 - Victim's Vehicle #2 - SWH582**

**SWH582 (Victim's Vehicle) - Primary Information**

Vehicle Type: Automobile  
Vehicle Year: 1999  
Vehicle Make: Toyota  
Vehicle Model: Rav 4 truck  
Exterior Top Color: Dark Green  
Exterior Bottom Color: Dark Green  
Vehicle VIN Number: JT3HP10V5X7113044  
Tag Number: SWH582

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*SWH582 (Victim's Vehicle) - Primary Information - Continued*

Tag State: WI

## Property #1 - Maxell VHS T-120 videotape w/interview of Steve Avery 11/09/2005

### Primary Information

Property Class: Evidence  
Property Type: Audio/Video  
Description: Maxell VHS T-120 videotape w/interview of Steve Avery 11/09/2005  
Property Status: Inventory  
Status Date: 11/09/2005 00:00  
Quantity: 1  
Control Number: D-2602-1  
Submitted To PES: Unknown

## Property #2 - Panasonic MC60 and Sony MC60 microcassettes conversation w/Steven Avery 11/09/2005

### Primary Information

Property Class: Evidence  
Property Type: Audio/Video  
Description: Panasonic MC60 and Sony MC60 microcassettes conversation w/Steven Avery 11/09/2005  
Property Status: Inventory  
Status Date: 11/09/2005 00:00  
Quantity: 2  
Control Number: D-2603-1  
Submitted To PES: Unknown

## Arrest #1 - Avery, Steven Allen Sr

### Arrest #1 - Avery, Steven Allen Sr - Primary Information

Arrestee: Avery, Steven Allen Sr  
Location: 6904 CTH Y  
Arrest Type: Felony  
Arrest Date/Time: 11/15/2005 00:00  
Arresting LEO: Fassbender, Thomas J (Appleton Special Assignments / Wisconsin DOJ Division of Criminal Investigation)  
Agency: Department of Justice  
Division: Criminal Investigation  
Sensitive Cases: Criminal Investigation  
Bureau: Special Assignments Bureau  
Section: Special Assignments  
Office: Appleton Special Assignments  
Backup LEO: Wiegert, Mark (Detective / Calumet County Sheriff's Office)  
Arrestee Disposition: In Custody  
Court Case Number: 05 CF 375

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# Wisconsin DOJ Division of Criminal Investigation

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Report Number: 05-1776/90

Report Date: 11/15/2005

**Arrest #1 - Avery, Steven Allen Sr - Primary Information - Continued**

Warrant Date: 11/09/2005  
 Issuing Court: Circuit Court

**Arrest #1 - Avery, Steven Allen Sr - Charges**

Charge	Statute	UCR Class	Charge Count
Felon Possess Firearm	941.29(2)(a)	0000	1

**Arrest #1 - Avery, Steven Allen Sr - Arrestee Primary Information**

Record Type: Person  
 Subject Name: Avery, Steven Allen Sr  
 Race: White  
 Sex: Male  
 Birth Date: 07/09/1962  
 Age: 43 YEARS  
 Juvenile: No

**Arrest #1 - Avery, Steven Allen Sr - Arrestee Personal Information**

Height: 506  
 Weight: 218  
 Eye Color: Blue  
 Hair Color: Blonde or Strawberry

**Arrest #1 - Avery, Steven Allen Sr - Arrestee Related Addresses**

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

**Record Status Information**

Record Origination Operator: Knutson, Andrea L (Criminal Investigation / Wisconsin DOJ Division of Criminal Investigation)  
 Record Origination Date: 11/16/2005 11:00  
 Last Update Operator: Kelly, Carolyn S (Madison Arson / Wisconsin DOJ Division of Criminal Investigation)  
 Last Update Date: 11/29/2005 11:20

**Reporting LEO**

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)	11/29/2005

Narrative begins on the following page.

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On Wednesday, November 9, 2005, S/A Thomas J. Fassbender reviewed a criminal complaint prepared by Calumet County District Attorney Kenneth R. Kratz. The criminal complaint was for the Circuit Court in Manitowoc County, State of Wisconsin. The criminal complaint charged Steven A. Avery with one count of Possession of a Firearm by a Felon. D.A. Kratz was acting as Special Prosecutor for Manitowoc County. After reviewing the criminal complaint, S/A Fassbender swore to it before D.A. Kratz and signed the criminal complaint. The criminal complaint was subsequently filed with the Manitowoc County Clerk of Circuit Court, on 11/09/2005, under Case No. 05-CF-375. S/A Fassbender subsequently received the arrest warrant for Steven A. Avery, which was signed by Judge Jerome L. Fox on 11/09/2005.

Also on 11/09/2005, S/A Fassbender and Investigator Mark Wiegert, of the Calumet County Sheriff's Department, took possession of a search warrant for the person of Steven A. Avery, more specifically, a sample of his DNA, both finger and palm prints, and an inspection of his person for any wounds. The endorsement on the search warrant showed that it had been received on 11/07/2005 at 7:08 p.m. Inv. Wiegert had sworn to and signed the affidavit for the search warrant before D.A. Kratz on 11/07/2005.

On 11/09/2005, at approximately 12:33 p.m., S/A Fassbender and Inv. Wiegert arrived at the residence of Earl Avery, 6904 CTH Y, Town of Gibson (Whitelaw), WI. Inv. Wiegert rode with S/A Fassbender, as S/A Fassbender drove his state vehicle. For the purpose of this report, after a subject is first identified, they will be referred to by their first names.

Inv. Wiegert knocked on the door facing toward the rear of the property and Steven's mother, Delores Avery, answered the door. Inv. Wiegert identified himself and S/A Fassbender to her and asked if Steven was there, and Delores advised she would get him. She then closed the door. S/A Fassbender and Inv. Wiegert waited for some time, at least 5 minutes, at which time Inv. Wiegert again knocked on the door. Delores answered the door and advised that Steven was on the phone, and she again went back into the residence and closed the door. After waiting another similar amount of time, Inv. Wiegert knocked again. This time, Steven came to the door, accompanied by Delores. Steven was talking on a cellular phone at the time. Steven told Inv. Wiegert that he was speaking with the press and that they wanted to talk to him. Inv. Wiegert took the phone and spoke very briefly and then hung up.

Inv. Wiegert then explained to Steven that there were two reasons he and S/A Fassbender were there. He explained to Steven that he and S/A Fassbender had a search warrant for Steven's DNA, his finger and palm prints, and an examination of his body. Inv. Wiegert also explained that he was not the only one from whom these things were being requested.

At approximately 12:47 p.m., Inv. Wiegert advised Steven that they also had an arrest warrant for him for the charge of possession of a firearm by a felon. Inv. Wiegert and S/A Fassbender explained to Steven that the arrest warrant was prepared by Calumet County District Attorney Ken Kratz, and

that Inv. Wiegert and S/A Fassbender had nothing to do with that. They advised that D.A. Kratz was concerned because he was aware of the violation and felt compelled to act on it. Steven stated that he was not aware he could not possess guns. He also stated that the guns were owned by Rollie Johnson, who owns the trailer that he lives in. Inv. Wiegert told Steven that he would not place him in handcuffs if he was cooperative and did not cause any problems, and Steven advised that he would not cause any problems.

Steven was asked if he wanted to obtain a jacket to take with him and he advised yes. He was advised that Inv. Wiegert and S/A Fassbender would have to accompany Steven into the house to do so. Everyone then went into the kitchen area of the house, at which time Steven obtained a jacket and the jacket was searched. Inv. Wiegert also searched Steven's person for weapons.

S/A Fassbender and Inv. Wiegert then escorted Steven out of the residence and to S/A Fassbender's vehicle, where Steven was seated in the rear passenger side seat. Inv. Wiegert sat in the backseat next to Steven behind the driver's seat. Upon S/A Fassbender entering the vehicle, S/A Fassbender activated a Sony micro-cassette handheld recorder, containing a Panasonic MC60 microcassette tape. As S/A Fassbender departed Earl's residence, he confirmed the house number was 6904. S/A Fassbender then began the drive to the Aurora Medical Center, 5000 Memorial Drive, Two Rivers, WI, 920-794-5000, for the execution of the search warrant on Steven.

At 12:50 p.m., while in S/A Fassbender's vehicle, Inv. Wiegert utilized a Miranda Warnings form and read the Miranda Warning to Steven. Inv. Wiegert asked Steven if he understood each of his rights, and he advised that he did. Inv. Wiegert asked Steven if he was willing to talk, and he advised yes. Steven signed the Miranda Warnings waiver at 12:52 p.m. Inv. Wiegert signed as a witness, and S/A Fassbender also signed at a later time that day.

While driving to the Aurora Medical Center, there were many periods of general conversation between Steven and Inv. Wiegert and S/A Fassbender. Other portions of the conversation included the following:

Steven advised that he has had his 2002 Ford pick up truck almost a year, or since last December or this January.

Steven advised he stayed in his car last night, because he wanted to be by himself.

Steven advised there were probably 3,000 to 5,000 cars in the Avery salvage yard. He advised that they have one wrecker and two flatbeds. He advised it is mostly Earl that does the wrecker service, although Charles does a little and Steven does a little.

Pertaining to the gun charge, Steven advised he wished he would have known that. Investigator Wiegert asked what's that. Steve advised the guns. Investigator Wiegert inquired if he meant about

having them in the house and Steven advised yes. He advised that he did hunt and fish but ultimately corrected that and advised he used to hunt. He advised he knew of Harpt Lake and that the last time he fished at Tuma Lake was last year.

Steven said he has a 1998 Skidoo snowmobile. He said it is not in his name yet. He said he does not own a motorcycle.

Steven asked what the DNA samples were for. He was essentially advised that samples were being obtained from everyone that has been around the area and that they are used as standards for comparison. He advised that they already have his.

Steven advised that, when customers come to purchase parts at their salvage yard, they are sent back to get the part they need. Steven advised that the vehicles are generally put in rows by makes. He advised they do not have a computerized system. Steven advised that, before the vehicles are put into the yard, they have to drain them of the oil and fluids. He advised they also take the batteries out. When asked if they take the transmission fluid out, he advised they do if they have plugs. Steven advised they then use the loader to carry the vehicles down into the yard. Steven advised that Steven and Earl do that. He advised they have no employees and it is just himself, Charles and Earl, and their father, Allan, also helps out. He advised his nephew, Christopher (Avery), helps once in a while but has not been there in awhile. He advised Christopher is Charles' child.

Steven advised that Charles lives alone. He confirmed that one of Charles' boys was killed and did not believe that was too long ago. He advised Charles was currently staying with his daughter.

Steven advised he does not think that Bryan (Dassey) has worked in the yard since he has been working. He advised that Bryan works at a company in Two Rivers.

Steven advised that, while he was in prison, he was in Green Bay, Fox Lake and Stanley. He advised he was also housed in Tennessee. Steven advised that Tennessee was worse than Wisconsin.

Steven advised that he works every day, most of the time Monday through Friday, and starts at 8:00 a.m. He advised that he takes lunch at 12:00 for one-half hour. He advised that he eats lunch at his mother's. He advised that after lunch he goes back to work. He advised that is at 12:30, and then he works until 5:00 p.m. He advised that most of the time he goes to his mother's to eat and lots of times he goes there also for supper. He advised he normally eat supper between 5:00 and 6:00 p.m. He advised after supper he does not go out, but usually goes to see his fiancée, Jodi, at Manitowoc County. Steven advised he is engaged and is going to get married when this is all over. When asked if he hangs at bars he advised no, not since he was young. He indicated he rarely drinks.

At approximately 1:20 p.m., S/A Fassbender arrived at the Aurora Medical Center in Two Rivers. S/A Fassbender parked his vehicle in the sally port near the emergency room entrance, and he and Inv. Wiegert escorted Steven into the hospital, where the search warrant was executed. Steven first went into an examination room where RN and SANE Nurse Faye L. Fritsch, DOB 10/05/1970 and Dr. Laura Vogel-Schwartz, the Medical Director, did the body exam of Steven. Fritsch conducted the exam while Dr. Vogel-Schwartz assisted. Also in the room were Inv. Wiegert and Sergeant Bill Tyson, of the Calumet County Sheriff's Department. Sgt. Tyson took photographs of any injuries pointed out by Fritsch. Fritsch also documented the injuries. S/A Fassbender was also in the examination room, but not the entire time. S/A Fassbender asked Steven if he wanted something to drink and he said he would take a soda. S/A Fassbender left the room and got him a soda.

During the exam, many smaller scratches, scars and sores were documented and photographed. Steven told Inv. Wiegert that many of the sores were torch marks. There was one particular wound that entailed a cut to Steven's middle finger on his right hand. The cut had scabbed over.

Towards the end of examination, Fritsch had the lights turned out in the examination room and utilized a Woods light to illuminate any secretions on Steven's body. Fritsch subsequently took two swabs in Steven's groin area. After that, she continued and was going to take some more swabs when S/A Fassbender and Inv. Wiegert conferred and determined that the search warrant did not call for that type of exam. Inv. Wiegert immediately stopped Fritsch and the exam was concluded. Inv. Wiegert had Fritsch dispose of the two swabs into the Biohaz/sharps bin. Fritsch also took buccal swabs for Steven's saliva.

Steven was then escorted into a separate room where Corrections Officers Larry Schroeder and Lori Fleming, of the Calumet County Sheriff's Department, obtained his finger and palm prints.

At approximately 2:15 p.m., S/A Fassbender, Inv. Wiegert and Steven left the Aurora Medical Center. Investigator Wiegert and Steven exited the hospital at a different location and S/A Fassbender picked them up. Upon entering the vehicle, S/A Fassbender turned the recording back on. S/A Fassbender commented to Steven that wasn't too bad was it, and Steven advised no. Inv. Wiegert reminded Steven of his rights and Steven said he had nothing to hide. Investigator Wiegert inquired if Steven still wanted to talk and Steven stated it depended what it was and said yes. Inv. Wiegert inquired if that meant he still wanted to talk and Steven advised yes. Inv. Wiegert advised Steven that they were going to the Two Rivers Police Department to talk. While en route, Steven commented that they were working on a pardon for him and, if that happens, then he can go hunting.

Upon arrival at the Two Rivers Police Department, S/A Fassbender parked in their sally port. Steven was then escorted into the police department and he requested to use the restroom and was allowed to do so. Steven still had the soda from the hospital. S/A Fassbender inquired if Steven wanted anything else to drink at that time and he advised no.

At approximately 2:24 p.m., Steven took a seat in an interview room at the Two Rivers Police Department. The interview room was equipped for video and audio recording and said interview was video and audio recorded. S/A Fassbender left the room for a moment and during that time Steven asked about his car, the Grand Am, and whether it was done yet. Steven said to take it to Earl's.

During the interview, Investigator Wiegert acted as the primary questioner, while S/A Fassbender took notes. The following is a synopsis of information provided by Steven and is not verbatim. A transcript will be prepared at a later date.

Inv. Wiegert reminded Steven of his Miranda Rights and inquired if he was still willing to talk, and Steven said he was.

The interview essentially started with talk about the gun charge against Steven. Steven acknowledged that there was a .22 in the house, but indicated that it was Rollie Johnson's gun hanging up in his bedroom. Steven said he never shot that gun. Steven advised he lived in the trailer probably over a year. He advised that he lives by himself and his girlfriend is currently in the county jail but, prior to her going to jail, she lived with him.

Steven acknowledged that he was with Earl on Friday while Earl was shooting at cars with a 30/06 rifle. Steven said he did not shoot the gun, just Earl. Steven advised this occurred on Friday sometime in the afternoon. Steven advised this occurred down by the crushed cars. Investigator Wiegert used the table to depict the area in question. Steven advised the crushed cars are down behind Chuck's residence. The road goes down to the pit and that the crushed cars are right below the hill. There is a crusher located there too.

Steven said that usually Norb's crushes the cars, but that he and Earl crush some too. He said Norb's left the crusher there and said they could use it. Steven advised he had crushed the blue car that was in the crusher, but could not remember when he did it. Steven said it was not Friday, but said it was not in there that long and it could have been the week before. Steven said he mostly takes cars out of the crusher after crushing them, but he was in a hurry.

Steven talked about driving his Grand Am up north on Saturday morning a little after 6:00 with his mother and Bryan. He advised that Charles had brought up the flatbed Friday night. At about this time Steven indicated he was sick of saying the story and Investigator Wiegert said he wanted to hear it from him so he knew exactly how it happened and essentially so nothing was lost in translation.

Steven then talked about what he did on Monday of last week, when the girl from the Auto Trader came out to take a picture of the van. Steven advised he got up between 6:00 to 6:30 and started work at 8:00 and he worked until 11:00 and then went home and stayed home. He said made a

couple of phone calls on his cellular phone and called his fiancée's lawyer once or twice.

Steven advised he might have used his cellular phone and called the Auto Trader office at about 8:00 or 8:30 to set up an appointment. He advised he put it under his sister's name, Barbara Janda. He advised it was Barbara's vehicle. Steven said personnel at Auto Trader told him it might be "this Monday or next Monday." He said he then went back to work.

Steven said he called Auto Trader one more time and was told she was going to come out. He believed this may have been after 11:00. Steven thought he tried to call her (Teresa) on her cellular phone, but she did not answer. He said Auto Trader had given him her phone number quite awhile ago. He thought he just waited after that.

Steven said he tried to call Halbach two or three times, including once after she left that day to tell her that he wanted another picture, but she did not answer her phone. He believed he made the call just after his mother had stopped by his house. He said he wanted her to photograph a loader which was on his road by the blue house trailer.

Steven said she arrived between 2:00 and 2:30, took a picture of the van, which was located between him and Barbara by the driveway. He said Halbach usually came between 2:00 and 3:00.

Steven said he met Halbach about a year or more ago and she has been there maybe 15 times. He said the time prior to this one was either one or two Mondays before and she took a picture of a Grand Prix. Steven did know that her name was Teresa.

Steven said he was coming out of his trailer when she took the picture after which she wrote down the serial number. He said there was a \$40 charge and he paid her in cash outside of and by the van and gave her his ad. He said he followed her to her vehicle and she gave him an Auto Trader book. Steven said she never came into his house that day and she was there about five minutes or less. When asked if Teresa has ever been in his house, Steven said Teresa may have stood by his door, but that was a long time ago.

Steven advised that his sister, Barb, was not home, but Bobby Dassey (her son) was home because his truck was home.

Steven said his conversation with Teresa was mostly "hi and bye" and was nothing more than that on any of the occasions she has been there.

Steven said he put the Auto Trader magazine by his computer, and then came back out and as he was going to walk over by Bobby, but he then saw that Bobby's vehicle was gone. Steven said he was in the middle of his driveway and looked down the road and saw Teresa almost out at the end of his road signaling a left turn.

Steven thought he then went back in the house and he may have watched t.v. or listened to the radio or ate something.

Steven said about 5 to 10 minutes later his mother came down with her golf cart and brought him his mail. He thought he sat on the golf cart and talked for awhile then went back inside and may have listened to the radio or watched t.v.

Steven advised he has not burnt anything in his burn barrel for quite a while, probably longer than a week. He did not burn anything that night. His burn barrel is out in front of his house.

Steven said the week before last or over a week ago and before Teresa was there, he burned brush, some tires and some garbage in an area behind his house right by his dog. He said the tires did not have rims.

Steven remembered spending time at Barbara's, because Bobby had gotten a deer from a car/deer accident. Steven thought it was Monday.

Steven said the boys (Barbara's boys) normally get home from school at around 3:30 to 3:45 p.m.

Steven said he was home all night that Monday night by himself, except when he went over by Barb's. Steven advised he could not remember what time it was when he went and looked at the deer.

Steven said that around 5:00, Earl and Bob Fabian came down in his mother's golf cart for a minute and then went looking for rabbits or something. After that he said he went over to Barb's for a short time and then went back home. He advised it was dark out already or almost dark. Steven said he did not do anything or go anywhere that night after he came home from Barb's.

Steven said he mostly stayed close to home after that because Jodi calls him. He believed the first time Jodi called was around 5:00 or something and then 8:00 or 9:00 or something. He could not remember what else he did. He advised most of the time he sits around and goes back and forth between Barb's and his home.

Steven said he stayed around Barb's talking until the deer was cleaned up. He said he did not help clean the deer and that Bobby did that.

Steven said he probably went to bed by 9:00 that night. He said lies in bed and watches t.v. going through the channels. Steven remembered a couple things on sex programs and specified channels numbered 501 to 512. He said it was not pay-per-show, but that he has a package. He probably did that between 9:00 and 10:00 or 10:30. He believed it was sex between two women. He



specified that it was between channel 513 or 514.

Steven said he usually watches the news at 10:00, until the weather, and most of the time he turns it off and goes to sleep. Steven said he could have watched the news Monday night, because he remembered that it was supposed to rain or something.

Steven said he slept all night and did not go anywhere or get up. He said the alarm is set for 6:00 most of the time.

Steven said on Tuesday he went to work at 8:00 and most of that week he worked in the garage.

Steven said Tuesday and Wednesday he worked all day 8 to 5, and Thursday he went to an auction. Tuesday night he went to see Jodi at 7:00 p.m. He said he drove there in the Grand Am. He said his truck is the only vehicle he has insurance on.

Steven said he could not remember what he did Wednesday night. He said most of the time he goes to bed close to the same time every night.

Steven said on Thursday at about 7:00 he and Earl went to an insurance auto auction in Appleton which started at 9:00. He said they stopped at McDonald's on the way. Steven said the auction ends between 11:00 to 12:00 or 12:30. Steven said they bought a 1999 Grand Am, which they sold the motor out of and put the vehicle in the salvage yard. Steven said he got back around 2:00 and then went to work. He could not remember what he did Thursday night.

Steven said he worked 8:00 to 5:00 on Friday and had lunch at his mother's. He commented that he always has lunch at his mother's. Steven said he eats supper a lot at his mother's. He thought he ate at his mother's Friday night and afterwards went home. Steven then stated he believed it was Friday night with the deer.

Steven then said he was done and he could not do it, that it was all confusing. He was asked if he wanted to talk anymore and he said no, that it was too hard. He continued to make comments such as: it's puzzling, it gives him a headache, doesn't even know the dates, it's all mixed up and he doesn't like it. He said most of the time he knows what he does. He said there is pressure and that he was trying to do the right thing. Steven was told he could talk about other things. He said what am I suppose to talk about. Steven was asked if he wanted to take a break and he said he did not know what good that would do. He was asked if he wanted to talk about other things. He said like what. Steven was asked if he wanted a soda and he said he was good.

Steven was asked how he met Jodi, and he said he met her at a gas station, and commented that if he would have stayed there she would not have been in trouble. He advised that she had gotten arrested for drunk driving and she was currently serving 9 months in jail.

(17)

Steven asked about the cop and he said he wanted to talk about it. Steven said Tammy Weber told him she had been told by someone that a cop said another cop put Teresa's vehicle on the Avery property and planted evidence. Weber did not know what agency the cop worked for, who the cop was, where the cop put her vehicle, the type of evidence or where the evidence was put. Weber told him they were trying to set him up for the Bernstein case and Teresa's family. Steven said Bernstein knows Teresa's family and everything else. Steven was asked if Teresa's family was involved in setting him up. Steven basically said he was unsure how Weber said it. Steven advised they were trying to put the rap on him.

Steven said he saw taillights by his place and Charles saw headlights by him. Steven did not know which way the truck (Teresa's vehicle) was pointed when found in the yard. Steven said they drove her vehicle on the property. Steven said there are a bunch of ways to get into the property and specified the main road, by him and in the pit. He said you can get in by him through the field. Steven said everyone knew what kind of truck Teresa had and said it was a Toyota, but he said he didn't know if it was a 4-wheel or 2-wheel drive.

Steven advised that Weber phoned him last night sometime and told him this. He advised he got a hold of her twice this morning. Steven advised that Weber was a friend of his at one time and he knows her.

Steven said he has not been in the yard way down in there and does not go there every day or hardly at all. He said he did not see anything last time he was down there when they were shooting, but he wasn't looking. He said if it's sticking out you might notice it. Steven said he didn't notice it or he would have went over and checked it out. He said he put the car in the crusher, crushed it and went back up. He said you go down, do what you have to do and go back up.

At 3:24 p.m., Steven was asked if he wanted a break and a soda, and he advised yes. S/A Fassbender and Inv. Wiegert then left the interview room.

At about 3:30 p.m., S/A Fassbender and Inv. Wiegert went back into the interview room and provided Steven with a Mountain Dew soda. Steven was asked if he wanted to talk and he said he did not know; what was he going to say. Steven asked them how come everything comes from Manitowoc, referencing the paperwork, and he was told because they were in Manitowoc County. It was pointed out that the paperwork was prepared by Calumet County officials. S/A Fassbender also showed him the complaint for his arrest warrant. There was some discussion about whether he would go to court tomorrow or not. There were also comments by Steven about how everything he does should just be recorded, because then he would not be a suspect.

Inv. Wiegert asked Steven if he wanted to continue talking and Steven stated "let's talk." Steven was told the investigators believed Steven had a role in Halbach's death. Steven made many denials

and comments, including the following:

he didn't put nothing in her car; that was gone - it wasn't there (in response to some of her bones being found in the burning area); he didn't do it; he didn't know how all her stuff got on his property; her blood is not in his house; Halbach was never in his house; the key was planted; he used to leave his house open all the time; someone was in his house smoking and it may have been the person who planted the stuff; it was a set up; his DNA couldn't be in Halbach's vehicle; he was maybe by her door (in response to his prints/person in her car); people have his fingerprints (like the crime lab, Manitowoc Police) and blood; he isn't home all the time during the week and that he works in the garage; why would he talk to officers if he did it; how could he have done it because his mother and brother came down and he was over by his sisters; and he did not know who did it; and if he did it he would have crushed the son of bitch (referring to Halbach's vehicle); he did 18 years, you think he wants to do anymore; and he asked about the other person Teresa saw after him.

At approximately 3:44 p.m., Steven advised he was done talking and wanted a lawyer. At that time, Inv. Wiegert and S/A Fassbender stopped asking questions. Steven commented that the officers may as well take him to Manitowoc County. After the questioning was stopped, Steven continued to make comments/denials for awhile.

Steven was placed in handcuffs at approximately 3:45 p.m. At 3:48 p.m. he was taken from the room for transport to the Calumet County Jail. When Inv. Wiegert placed the handcuffs on Steven, he did complain that they were too tight, and Inv. Wiegert repositioned (loosened) the handcuffs.

At approximately 3:53 p.m., Steven was placed in S/A Fassbender's vehicle for transport to the Calumet County Jail. Upon entering the vehicle, S/A Fassbender turned the recorder on. Steven was then transported to the Holiday Inn motel in Manitowoc, where he was transferred to Deputy Jennifer Bass, of the Calumet County Sheriff's Department, who, in turn transported him to the Calumet County Jail.

At approximately 4:12 p.m., S/A Fassbender arrived at the Holiday Inn. During the transport, Steven did make a comment that the handcuffs still were not comfortable. Inv. Wiegert told Steven that they were going to be meeting a deputy to transfer him and, when he did so, he would take those off and he would be handcuffed in front with a belt.

At 4:23 p.m., S/A Fassbender changed the microcassette tape, as it had reached the end of that side.

At 4:25 p.m., Deputy Bass arrived and custody of Steven was transferred to her.

At 4:28 p.m., Deputy Bass began her transport of Steven to the Calumet County Jail.

## EVIDENCE

After the interview, S/A Fassbender received the Maxell T-120 VHS videotape utilized for the recording of the interview. On 11/13/2005, S/A Fassbender assigned Property Receipt No. D-2602-1 to the videotape utilized by the Manitowoc Police Department.

The conversations during transport with Steven in S/A Fassbender's vehicle were also recorded, as noted earlier. On 11/13/2005, S/A Fassbender assigned Property Receipt No. D-2603-1 to one Panasonic MC60 microcassette and one Sony MC60 microcassette, both containing post-arrest conversation during the transport of Steven Avery on 11/09/2005. Both sides A and B were recorded on the Panasonic microcassette.

S/A Fassbender made duplicate copies of the video tape and gave them to Investigator Wiegert and DA Kratz.

The evidence was maintained in S/A Fassbender's exclusive possession until 11/21/2005, when it was transferred to S/A James Holmes. S/A Holmes was to then transfer the evidence to E/T Larry Flessert, who was going to make duplicate recordings of the microcassettes. He was also going to attempt an enhancement of the audio portion of the video tape and place it on a CD.

It is anticipated that a transcript will be prepared from the recordings. Said transcript will be covered by a separate report to this case file.

Copies of the arrest warrant, criminal complaint, search warrant and affidavit for search warrant, and the Miranda Warning form signed by Steven Avery will be electronically attached to this report and forwarded to DCIR. Additionally, copies of Property Receipt No. D-2602 and D-2603 will be forwarded to DCIR.

SEARCH WARRANT

05-1776/90

WHEREAS, Investigator Mark Wiegert of the Calumet County Sheriff's Department has this day complained to the said Court in writing that on the 7th day of November, 2005, in said County, in and upon a certain person, namely Steven A. Avery,

Township of Gibson, County of Manitowoc, State of Wisconsin; more particularly described as:

A white male, DOB: 07-09-1962, weighing 218 lbs., and 5'6" tall, blue eyes, and blond hair,

Whose DNA may constitute evidence of a crime, to wit: homicide, sexual assault, kidnapping, mutilating or hiding a corpse and false imprisonment, contrary to Wis. Stats. Chap. 940,

NOW, THEREFORE, in the name of the State of Wisconsin, you are commanded forthwith to deliver Steven A. Avery (DOB: 07-09-1962) to provide a sample of his DNA, including but not limited to, a saliva and blood sample, to be obtained by a trained evidence technician and trained medical personnel. Steven A. Avery is ordered to provide both finger and palm prints to a trained evidence technician. The physical person of Steven A. Avery shall be searched, photographed and documented for defensive wounds including but not limited to scratches, bruises and bite marks. If said evidence can be collected, you are authorized to conduct necessary tests and to safely keep the remaining evidence so long as necessary for use as evidence at trial or until further order of the court.

BY THE COURT

  
Circuit Court Judge  
Manitowoc County, Wisconsin

ENDORSEMENT

Received by me, Investigator Mark Wiegert, on this 7th day of November, 2005, at 1908

P. M.

  
Investigator Mark Wiegert  
Wendy Balchun

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

AFFIDAVIT FOR SEARCH WARRANT

STATE OF WISCONSIN )  
 ) SS.  
MANITOWOC COUNTY )

WHEREAS, Investigator John Dederling of the Calumet County Sheriff's Department, being first duly sworn on oath, states on information and belief that the facts tending to establish the grounds for issuing a search warrant are as follows:

Your affiant is an investigator with the Calumet County Sheriff's Department. Your affiant has duties that include homicide, sexual assault, kidnapping, mutilating or hiding a corpse and false imprisonment investigations in and around Calumet County, Wisconsin. On November 5, 2005, the Calumet County Sheriff's Department was requested by the Manitowoc County Sheriff's Department to lead the investigation on behalf of the Manitowoc County Sheriff's Department under the doctrine of mutual aid.

Your affiant is informed that on November 3, 2005, at 5 p.m., Karen Halbach contacted the Calumet County Sheriff's Department. Halbach stated that her daughter, Teresa Marie Halbach, DOB: 03/22/1980, had not been seen or heard from since Monday, October 31, 2005. Halbach said it was unusual for Teresa not to have had personal or telephone contact with her family or friends for this length of time. Halbach stated that her daughter was driving a 1999 Toyota Rav 4, dark blue in color.

Your affiant is informed that on November 4, 2005, Investigator Dave Remiker of the Manitowoc County Sheriff's Department interviewed Steven A. Avery (DOB: 07/09/1962) on November 4, 2005. Upon speaking with Steven Avery, Avery stated that he resides at 12932 Avery Road in the Town of Gibson, Manitowoc County, Wisconsin. Avery also did provide Investigator Remiker with verbal consent to search his residence, and Investigator Remiker was allowed into Avery's residence on November 4, 2005. Avery informed Investigator Remiker that Teresa Halbach was on his property on Monday, October 31, 2005, to take photographs of a vehicle he was selling. Avery also stated that Barbara Janda lives at 12930A Avery Road in the Town of Gibson, Manitowoc County, Wisconsin. Janda's residence is very close in proximity to the location where Teresa Halbach conducted her business on the Avery property on October 31, 2005.

On November 5, 2005, your affiant observed the property at 12932 Avery Road, in the Town of Gibson, County of Manitowoc, Wisconsin, occupied by Steven A. Avery, Sr. (DOB: 07/09/1962). Your affiant states that the residences and garages are located

within the property of Avery Auto Salvage. The auto salvage yard is approximately 40 acres in size and is surrounded by a berm and some fencing. On the property, there are numerous outbuildings, residences and vehicles, those that are operational and also junked and scrapped vehicles, associated with the salvage yard business. Your affiant is aware that Steven Avery is employed by Avery Auto Salvage and would have access to all the buildings, vehicles, and residences on the parcel.

Your affiant is informed that on November 5, 2005, officers received information from volunteer searchers that they had located a vehicle matching the description of the vehicle owned by Teresa Halbach at Avery Auto Salvage located 12932 Avery Road, in the Town of Gibson, County of Manitowoc, Wisconsin. Your affiant is informed that Investigator Remiker was provided with the VIN number of the Rav 4 located at Avery Auto Salvage; the searchers provided the VIN #JT3HP10V5X7113044 taken from the vehicle which they located. Investigator Remiker was able to confirm that VIN #JT3HP10V5X7113044 is the correct number for Teresa Halbach's Toyota Rav 4. During a visual observation of the vehicle, Investigator Remiker noted that there were tree branches covering the vehicle and also vehicle parts placed alongside of the vehicle which looked as though someone had attempted to conceal the vehicle. The vehicle was subsequently seized and transported to the Wisconsin Crime Laboratory.

Affiant states that on November 5, 2005 Investigator Remiker carried out a physical search of the residence at 12932 Avery Rd., Town of Gibson, Manitowoc County, Wisconsin, the residence of Steven Avery. Investigator Remiker observed a dried red substance which appeared to be blood on the wood trim and side door of Steven Avery's residence. The door and trim was located in close proximity to a bedroom which contained identifiers for Steven Avery. Investigator Remiker also identified a dried red substance which appeared to be blood on the bathroom floor in front of the washer and dryer in the residence of Steven Avery.

Affiant states on November 6, 2005 Investigator Remiker carried out a search of a detached garage next to the Steven Avery residence. Investigator Remiker located approximately seven different locations within the garage floor where a dried red substance which appeared to be blood was found. Investigator Remiker also located approximately eleven spent .22 caliber long rifle shell casings on the floor of the garage. Investigator Remiker also observed a five speed Suzuki Samurai vehicle, green in color. Investigator Remiker noted that there appeared to be latent finger and palm prints on the rear window of the vehicle. Investigator Remiker noted that the latent prints were found in close proximity to areas of dried blood on the garage floor.

Affiant was also informed by Investigator Tom Fassbender that blood was found in the 1997 Toyota Rav 4 belonging to Teresa Halbach and located within the Avery Auto Salvage Compound. Steven Harrington of the State of Wisconsin Crime Laboratory in Madison stated that technicians had located presumptive blood in the rear cargo portion of the vehicle and also in the front of the vehicle in the ignition area. Steve Harrington

further indicated that technicians also located visible palm prints on the rear hatch area of the Toyota Rav 4.

Affiant states that he was informed by Investigator Wendy Baldwin of the Calumet Sheriff's Dept. that she had found blood on a number of vehicles in the Avery Auto Salvage yard. Officer Baldwin indicated that on November 6, 2005 she was working with a cadaver dog known as Brutus handled by the Great Lakes Search Team. Investigator Baldwin indicated that Brutus "hit" on a plastic tarp that was found over a vehicle. Investigator Baldwin noted that Brutus "hit" on a second gray vehicle in an adjacent location and a subsequent search of the interior of the vehicle identified a rag which appeared to be blood stained. Investigator Baldwin indicated she was present when Brutus "hit" on a third vehicle and a subsequent search identified what appeared to be dried blood in both the front and back seat.

Your affiant believes that based upon Teresa's lack of contact with her employer and family members and her vehicle being abandoned at the Avery Auto Salvage yard, that Teresa Halbach is the victim of a crime including, but not limited to, homicide, sexual assault, kidnapping, false imprisonment and theft. Your affiant states the based upon his training and experience his investigation of homicide and assaults it is common for the perpetrator to sustain injuries including but not limited to scratches, bruises and bite marks.

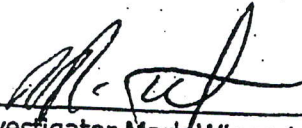
Affiant states that Earl K. Avery, d.o.b. 06/10/70, Delores A. Avery, d.o.b. 08/20/37, Steven A. Avery, Sr., d.o.b. 07/09/62, Barbara E. Janda, d.o.b. 11/07/64, Charles E. Avery, d.o.b. 07/13/54, Allan K. Avery, d.o.b. 05/03/37 and Bobby A. Dassey, d.o.b. 10/18/86 all reside and/or work at the Avery Auto Salvage Compound. The above named individuals would have had access to the 1997 Toyota Rav 4 owned by Teresa Halbach and located at the Avery Auto Salvage Compound, because they work and/or reside within the compound.

Affiant states that he has reviewed Wisconsin Department of Transportation records concerning Steven A. Avery DOB: 07-09-1962, your affiant states that he has utilized said records before and has found them to be reliable. Your affiant states that the Department of Transportation records indicate that Steven A. Avery DOB: 07-09-1962, is described as a white male, 5'06", weighing 218 pounds, blonde hair and blue eyes. Your affiant states that Department of Transportation records confirm that Steven A. Avery, DOB: 07-09-1962, resides at 12930 Avery Road, Two Rivers, Town of Gibson, County of Manitowoc, State of Wisconsin.



Affiant states that searching the persons of Earl K. Avery, d.o.b. 06/10/70, Delores A. Avery, d.o.b. 08/20/37, Steven A. Avery, Sr., d.o.b. 07/09/62, Barbara E. Janda, d.o.b. 11/07/64, Charles E. Avery, d.o.b. 07/13/54, Allan K. Avery, d.o.b. 05/03/37 and Bobby A. Dassey, d.o.b. 10/18/86, for defensive wounds and drawing blood and taking finger



and palm prints will aid in the investigation of the case by providing standards for crime lab analysis,

  
Investigator Mark Wiegert  
Calumet County Sheriff's Department

Subscribed and sworn to before me this 7th day of Nov., 2005.

  
KENT RATZ, DA  
Circuit Court Judge  
Manitowoc County, Wisconsin  
NOTARY PUBLIC  
My Commission is 

05-1776/90

State of Wisconsin

Circuit Court

Manitowoc County

STATE OF WISCONSIN

D. A. Case No. 2005CA000604  
Agency Case No. 05-0157-955

Plaintiff,

-VS-

ORIGINAL FILED **NOV - 9 2005** CRIMINAL COMPLAINT AND WARRANT

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

CASE NO: \_\_\_\_\_  
**LYNN ZIGMUNT**  
CLERK OF CIRCUIT COURT  
MANITOWOC COUNTY, WISCONSIN

Case No. **'05 CF 375**

Defendant,

Thomas Fassbender, of the State of Wisconsin Department of Justice, Division of Criminal Investigations, being first duly sworn, states that:

**Count 1: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on Friday, November 04, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc 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.

**PROBABLE CAUSE:**

Complainant states that he is an officer with the State of Wisconsin Department of Justice, Division of Criminal Investigations and bases this complaint upon the reports and investigations of Deputy Bill Tyson, Deputy Dan Kucharski of the Calumet County Sheriff's Department, and Steven A. Avery. The statements of Deputy Tyson and Deputy Kucharski are presumed to be truthful and reliable as made by sworn law enforcement officials. The statements of Steven A. Avery, which were made against his penal interests, are presumed truthful and reliable.

Complainant states that on Friday, November 4, 2005 Investigator Dave Remiker interviewed Steven A. Avery, DOB: 07/09/1962. Upon speaking with Steven Avery, Avery stated that he resided at 12932 Avery Road, in the Town of Gibson, Manitowoc County, Wisconsin, and was at his residence until November 4, 2005, when he joined his family for a weekend trip to their cabin in Marinette County, Wisconsin.

On November 6, 2005 Deputy Tyson and Deputy Kucharski searched a bedroom in the trailer located at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, the residence of Steven A. Avery, Sr. Deputy Tyson located two firearms directly above the bed. Deputy Kucharski collected as evidence a .22 caliber semi-automatic rifle and a .50 caliber black powder muzzleloader. Deputy Kucharski noted that there was masking tape

attached to the muzzleloader with the name "Steve" written on it. Deputy Tyson located a desk in the same room, which contained numerous magazines addressed to Steven A. Avery, Sr. at 12932 Avery Road. Also located in Avery's unattached garage were 11 spent .22 caliber shell casings.

Your complainant has reviewed official files of the District Attorney's Office, which include a teletype of the defendant's prior criminal history as compiled in an NCIC CIB record. Complainant states that he has utilized said records in the past and has found them to be reliable. Complainant states that on March 23, 1981 Steven A. Avery, DOB: 7/9/1962 was convicted of Burglary, a felony, in Manitowoc County case no. 80-CR-773. Complaint also states that on November 23, 1982 Steven A. Avery was convicted of Burglary in Manitowoc County case no. 82-MD-371. Complainant also states that Steven A. Avery was convicted of Endangering Safety by Conduct Regardless of Life as a repeater and Felon Possessing Firearm as a repeater, both felony offenses, in Manitowoc County case no. 85-FE-3. Complainant states that said convictions remain of record and have not been reversed.

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 9<sup>th</sup> day of November, 2005.

Thomas J. Foubert  
Complainant

Kenneth R. Kratz  
Kenneth R. Kratz  
District Attorney (Special Prosecutor)

State Bar No. 1013996

ORIGINAL

057114/90

STATE OF WISCONSIN, CIRCUIT COURT, MANITOWOC COUNTY

For Official Use

Arrest-Bench Warrant/  
Capias

Steven A. Avery

Name of Person

Case No. 05 GF 375

Person's Address 12932 Avery Road, Two Rivers, WI 54241				Phone Number
Person's Date of Birth 07/09/1962		Sex M	Race W	Driver's License Number A160-7816-2249-00
Height 5'6"	Weight 218 lbs.	Eye Color Blue	Hair Color Blonde	Other Identifying Characteristics
Charges Possession of a Firearm by a Felon				

TO ANY LAW ENFORCEMENT OFFICER:

Arrest and bring the above-named person before me, or if I am not available, before some other judge or court commissioner of this county, because:

(Check box A, B, or C below.)

A. A complaint/citation has been filed charging the defendant with the commission of an offense(s). The defendant has not previously appeared in or submitted to the jurisdiction of the court. [A copy of the complaint or citation must always be attached. For a citation, an affidavit of the court officer is recommended.] The name of the crime and statutory references in the complaint/citation are incorporated into this warrant. I have reviewed the complaint/citation and find probable cause to believe the defendant committed the offense(s).

(Check if either is appropriate):

- Although the maximum imprisonment is 6 months or less, I believe that the defendant will not appear in response to a summons.
- If the offense is one covered by the Uniform Bail/Deposit Schedule, the defendant may be released upon payment of the amount below. A new court date shall be provided to the defendant.

B. The person failed to appear in court as required on (date) \_\_\_\_\_ for (type of court appearance) \_\_\_\_\_ for  
 The person shall be held for appearance in court.  
 The person may be released upon payment of the amount below. A new court date shall be provided to the defendant.

C. The person has failed to comply with a court order concerning the payment of fines, forfeitures, assessments, surcharges or costs to the court. The defendant may be released with no further court appearances upon payment of the total due, set forth below.

Amount due \$ BODY ONLY, plus statutory sheriff's fees.

If the person posts the total amount due and is released, the law enforcement agency shall inform the court and district attorney of any new court date.

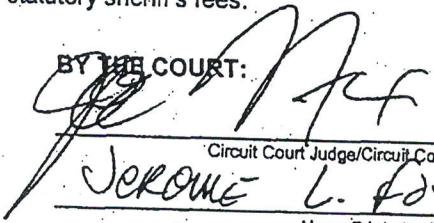
Geographic restriction:

Statewide       Within county of ORI

Within adjacent counties of ORI

Other: NATIONWIDE

BY THE COURT:

  
 \_\_\_\_\_  
 Circuit Court Judge/Circuit Court Commissioner  
Jerome L. Fox  
 Name Printed or Typed  
11/9/05  
 Date

PLACE: 6904 CT Hwy

DATE: 11-8-05

TIME STARTED: 12:50 P.M.

**MIRANDA WARNING**

- YOU HAVE THE RIGHT TO REMAIN SILENT
- ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
- YOU HAVE THE RIGHT TO CONSULT WITH A LAWYER BEFORE QUESTIONING AND TO HAVE A LAWYER PRESENT WITH YOU DURING YOUR QUESTION
- IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU AT PUBLIC EXPENSE BEFORE OR DURING ANY QUESTIONING, IF YOU SO WISH.

**WAIVER**

- DO YOU UNDERSTAND EACH OF THESE RIGHTS?
- REALIZING THAT YOU HAVE THESE RIGHTS, ARE YOU NOW WILLING TO TALK WITH ME?

SIGNATURE: X Steven Ave

WITNESS: M. Wolf

WITNESS: Thomas J. Foubender

TIME STOPPED: 12:52 P.M.

WISCONSIN DEPARTMENT OF JUSTICE  
Division of Criminal Investigation  
17 West Main Street  
P.O. Box 7857  
Madison, WI 53707-7857

WHITE: WITH PROPERTY  
YELLOW: TO DCIR  
PINK: TO PERSON RECEIVED FROM  
BLUE: FOR AGENT'S FILE

D 2602

DATE 11-13-2005

CASE NO. 05-1776 / 90

This will acknowledge that the following article(s) were obtained from Interview with Steven Avery / Two Rivers  
by authority of One Party Police Dept.

ITEM NO.	QUANTITY	NAME OF ARTICLE (s)	DESCRIPTION OF ARTICLE(S) Serial numbers and/or other detailed description (If applicable, state container or contents)
1	1	Video Tape	1 - Maxell VHS Video Tape T-120 containing recording of Interview of Steve Avery at the Two Rivers Police Dept. on 11-9-2005.
<del>2</del>	<del>2</del>	<del>Audio Tapes</del>	<del>1 - Panasonic ME60 Microcassette Tape and 1 - Sony ME60 microcassette tape, both containing contact with Steve Avery on 11-9-2005 - post arrest.</del>

SIGNATURE OF OFFICER Thomas J. Furbender TITLE Special Agent.  
SIGNATURE OF PARTY FROM WHOM ARTICLES WERE OBTAINED \_\_\_\_\_  
WITNESS \_\_\_\_\_ WITNESS \_\_\_\_\_

CHAIN OF CUSTODY						
ITEM NO.	QUANTITY	LAB NO.	RELINQUISHED BY (SIGNATURE)	RECEIVED BY (SIGNATURE)	DATE	PLACEMENT
1	1		<u>Thomas J. Furbender</u>	<u>John C. Hines</u>	11-21-05	Transfer to Tech Unit
1	1		<u>John C. Hines</u>	<u>Thomas J. Furbender</u>	11-22-2005	RM 530 Det. H.Q.
1	1		<u>Thomas J. Furbender</u>	<u>John C. Hines</u>	11-23-2005	Transfer to Appleton office, WI.
1	1		<u>John C. Hines</u>	<u>Thomas J. Furbender</u>	11-25-05	" " "

FINAL DISPOSITION					
ITEM NO.	QUANTITY	DATE	ACTION TAKEN	AUTHORIZED BY	ACTION TAKEN BY (SIGNATURE)

REMARKS:

WISCONSIN DEPARTMENT OF JUSTICE  
Division of Criminal Investigation  
17 West Main Street  
P.O. Box 7857  
Madison, WI 53707-7857

WHITE: WITH PROPERTY  
YELLOW: TO DCIR  
PINK: TO PERSON RECEIVED FROM  
BLUE: FOR AGENT'S FILE

D 2603

DATE 11-13-05

CASE NO. 05-1776 / 90

This will acknowledge that the following article(s) were obtained from Contact w/ Steve Avery - Post arrest / Pre-interview  
by authority of One-Party

ITEM NO.	QUAN-TITY	NAME OF ARTICLE (s)	DESCRIPTION OF ARTICLE(S) Serial numbers and/or other detailed description (If applicable, state container or contents)
1	2	Audio Tapes	1- Panasonic MC60 micro cassette and 1- Sony MC60 micro cassette, both containing post arrest and pre-interview contact with Steve Avery on 11-9-05. Both side A and B on the Panasonic.

SIGNATURE OF OFFICER Thomas J. Feubend TITLE Special Agent

SIGNATURE OF PARTY FROM WHOM ARTICLES WERE OBTAINED \_\_\_\_\_

WITNESS \_\_\_\_\_ WITNESS \_\_\_\_\_

CHAIN OF CUSTODY

ITEM NO.	QUAN-TITY	LAB NO.	RELINQUISHED BY (SIGNATURE)	RECEIVED BY (SIGNATURE)	DATE	PLACEMENT
1	2		<u>Thomas J. Feubend</u>	<u>John C. Holm</u>	11-21-05	Transfer to Tech Unit
1	2		<u>John C. Holm</u>	<u>Samuel S. Lusk</u>	11-22-05	Tech Unit for Copying
1	2		<u>Samuel S. Lusk</u>	<u>John C. Holm</u>	11-23-05	Transfer to Appleton DCI office
1	2		<u>John C. Holm</u>	<u>Thomas J. Feubend</u>	11-25-05	Transfer to Appleton DCI office

FINAL DISPOSITION

ITEM NO.	QUAN-TITY	DATE	ACTION TAKEN	AUTHORIZED BY	ACTION TAKEN BY (SIGNATURE)

REMARKS: