



ORIGINAL

State of Wisconsin

Circuit Court

Manitowoc County

STATE OF WISCONSIN

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

Plaintiff,

-VS-

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

CRIMINAL COMPLAINT

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

NOV 15 2005

Case No. 05-CF-381

CLERK OF CIRCUIT COURT

Defendant,

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

Count 1: FIRST DEGREE INTENTIONAL HOMICIDE

The above-named defendant on Monday, October 31, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, 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) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

Count 2: MUTILATING A CORPSE

The above-named defendant between Monday, October 31, 2005, and Friday, November 4, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, did mutilate, disfigure or dismember a corpse with the intent to conceal a crime, contrary to sec. 940.11(1), 939.50(3)(f) 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.

PROBABLE CAUSE:

Complainant states that he is a special agent with the Wisconsin Department of Justice, Division of Criminal Investigations, and bases this complaint upon the reports and investigations of Deputy Bill Tyson and Deputy Dan Kucharski, Cpl. Leslie Lemieux of the Calumet County Sheriff's Department, as well as statements of witnesses Ken Bennett, Leslie Eisenberg, Dr. Donald Simley, Sherry Culhane, Karen Halbach, Steve Harrington and statements of defendant Steven A. Avery. The statements of Deputy Tyson, Deputy Kucharski, and Cpl. Lemieux are presumed to be truthful and reliable as made by sworn law enforcement officials; the statements of witnesses Ken Bennett, Leslie Eisenberg, Dr. Donald Simley, Sherry Culhane, Karen Halbach, and Steve Harrington are presumed truthful and reliable as citizen informants; and the statements of defendant Steven A. Avery, are presumed truthful and reliable as they were made against his penal interests.

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Complainant is informed that on November 3, 2005, 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 that length of time. Halbach stated that her daughter was driving a 1999 Toyota Rav 4, dark blue in color, bearing Wisconsin license plate #SWH582. Complainant is informed that Corporal Leslie Lemieux of the Calumet County Sheriff's Department obtained Wisconsin Department of Transportation records for Wisconsin license plate #SWH582. The records outlined that the vehicle with Wisconsin license plate #SWH582 is owned by Teresa M. Halbach, and the VIN for said vehicle is JT3HP10V5X7113044.

Complainant 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 on Avery Road in the Town of Gibson, County of Manitowoc, Wisconsin. Volunteer searchers had received verbal consent to search Avery Auto Salvage yard by Earl Avery. Law enforcement was provided with a partial VIN number and detailed description of the Rav 4 located at Avery Auto Salvage, which was consistent with that belonging to Teresa M. Halbach. During a visual observation of the vehicle, law enforcement officials 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.

On November 5, 2005 a search warrant was obtained and executed for Avery Auto Salvage, which included the residences, outbuildings, vehicles and property. During the execution of the search warrant, Teresa Halbach's 1999 Toyota Rav 4, VIN #JT3HP10V5X7113044, was found partially concealed. The vehicle was subsequently seized, secured in an enclosed trailer and transported to the Wisconsin Crime Laboratory for subsequent search and analysis. On November 6, 2005, a preliminary report was received from the Wisconsin State Crime Lab indicating a presumptive positive finding of human blood located within the interior of Teresa Halbach's vehicle. Steven Harrington of the State of Wisconsin Crime Laboratory confirmed that technicians had located the presumptive human blood in the rear cargo portion of the vehicle as well as the ignition area of the vehicle.

Complainant is informed that during a search of the residence of Steven A. Avery, law enforcement also identified a dried red substance which appeared to be blood on the bathroom floor in front of the washer and dryer and also located items of restraints within Steven Avery's residence, including handcuffs and leg irons. Complainant is informed that on November 6, 2005, Deputy Kucharski continued the search of the defendant's bedroom located at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, where officers located two firearms, identified as 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. On November 5, 2005, Deputy Tyson located a desk in the same room, which contained numerous magazines addressed to Steven A. Avery, Sr. at 12932 Avery Road. Also on November 6, 2005,

officers carried out a search of a detached garage next to the Steven Avery residence located at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin. Officers located approximately eleven spent .22 caliber long rifle shell casings on the floor of the garage.

Complainant is informed that on November 7, 2005, Deputy Dan Kucharski continued the search of the defendant's bedroom located at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin. Deputy Kucharski located a Toyota ignition key adjacent to furniture found within the bedroom of the defendant, Steven Avery. Complainant is informed that the key located in the bedroom of Steven Avery's residence was successfully used in the ignition of the Toyota Rav 4 owned by Teresa M. Halbach; the key successfully turned the ignition of the Halbach vehicle.

Complainant is informed that on November 8, 2005, while continuing to execute the search warrant of the Avery Auto Salvage property located on Avery Road in the Town of Gibson, Manitowoc County, Wisconsin, law enforcement officials located two Wisconsin license plates, bearing Wisconsin license plate #SWH582, in a scrapped vehicle located on the north end of the salvage yard. The plates were crumpled. The recovered license plates were later identified as the license plates that belonged to the 1999 Toyota Rav 4 owned by Teresa M. Halbach.

Complainant is informed that on November 5, 2005, officers located a burn barrel near the residence of Steven Avery located at 12932 Avery Road, in the Town of Gibson, County of Manitowoc, Wisconsin. In that burn barrel, officers located burned clothing and a partially burned shovel.

Complainant is informed that on November 8, 2005, while continuing to execute the search warrant of the property located near the residence of Steven Avery located at 12932 Avery Road in the Town of Gibson, Manitowoc County, Wisconsin, officers located bone fragments and teeth in a fire pit area located approximately 20 yards south of a detached garage that is located next to the residence of Steven Avery. Officers also located remnants of steel belts of tires that appear to have been utilized as fire accelerants.

The bone fragments located were transported by Dorinda Freymiller, a special agent with the Division of Criminal Investigations, to Ken Bennett, a retired forensic anthropologist, who identified the bones as being human in nature. Bennett also determined that based on the characteristics of the ilium bone, the bones are from an adult human female.

On November 14, 2005, Leslie Eisenberg, Forensic Anthropologist, described the bone fragments as the obvious result of mutilation of a corpse. Eisenberg stated that almost every bone in the body or body area is present and has been recovered from the scene.

The tooth fragments that were located in the burn pit area were delivered to Dr. Donald Simley, who is board-certified in forensic odontology and has been practicing forensic dentistry since 1981. Dr. Simley's analysis of the tooth fragments indicated the presence of human teeth.

On November 9, 2005, the defendant, Steven A. Avery, provided a statement to your complainant indicating that the victim, Teresa Halbach, was at his home on October 31, 2005 between 2:00 and 3:00 p.m. Steven Avery stated that he resides at 12932 Avery Road in the Town of Gibson, County of Manitowoc, Wisconsin. The defendant denies ever being in the victim's car and indicated that there was no way his blood could be in her car. Steven Avery admitted to having personal contact with Teresa Halbach that day in his driveway outside of his residence. The defendant stated that he paid Teresa Halbach \$40 in cash and indicated that Halbach gave him an Auto Trader Magazine at that time.

On November 14, 2005, your complainant reviewed a report submitted by Sherry L. Culhane, DNA Analyst with the Wisconsin Department of Justice, Division of Law Enforcement Services, Wisconsin State Crime Laboratory. Culhane indicates that blood found in the interior portion of Teresa Halbach's vehicle (including on the driver's seat; the ignition area; the front passenger seat; and the rear passenger door entrance) match the DNA profile for the defendant, Steven A. Avery. Culhane also indicates that DNA material found on the Toyota ignition key, seized from the bedroom of Steven A. Avery, matched the DNA profile of the defendant, Steven A. Avery.

Culhane's report further indicates that blood found in the rear cargo area of the Toyota Rav 4 was analyzed, and found to match DNA found upon a "Wild Cherry Pepsi" can recovered from the front console of the vehicle. Culhane indicates both DNA samples originate from the same female individual, which your complainant believes to be the victim, Teresa M. Halbach.

On November 15, 2005, in a preliminary report, Culhane indicated to your complainant that the partial DNA profile developed from the charred remains is consistent with the female DNA profile developed from the human blood stain in Teresa Halbach's vehicle, as well as the "Wild Cherry Pepsi" can also located in Teresa Halbach's vehicle.

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

This 15th day of November, 2005.

Thomas J. Fambender
Complainant

Kenneth R. Kratz
Kenneth R. Kratz
Calumet County District Attorney
Manitowoc County Special Prosecutor
State Bar No. 1013996