

STATE OF WISCONSIN,

Plaintiff,

v.

STEVEN A. AVERY,

Defendant.

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

JUN 16 2006

CLERK OF CIRCUIT COURT Case No. 2005-CF-381

AFFIDAVIT OF DEAN A. STRANG

STATE OF WISCONSIN)
)
COUNTY OF DANE) ss.

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

1. I represent Steven A. Avery, the defendant in this case. I make this affidavit in support of his motion to change venue.

2. I have collected some, but not all, of the television, newspaper, internet, and radio coverage of (a) the investigation into the disappearance of Teresa Halbach before any charges were filed, (b) this criminal case, (c) the related criminal case of *State of Wisconsin v. Brendan R. Dassey*, and (d) the Halbach family's wrongful death action against Steven Avery and more recently Brendan Dassey, since I entered my appearance in this case on or about February 24, 2006. I also received from previous

defense counsel, Erik Loy and Craig Johnson of the State Public Defender's office, some of their files. Those files included some evidence of newspaper and television coverage before I entered my appearance as Mr. Avery's lawyer.

3. While, again, the documentation of media coverage that I have assembled is by no means complete, my files include the following at a minimum:

- a. 24 DVD's, each 60 minutes in length, containing back-to-back selected televised stories relating to the investigation into Teresa Halbach's disappearance and death, the prosecution of Steven Avery, the prosecution of Brendan Dassey, the Halbach family's wrongful death action against Mr. Avery, or some combination of these topics. Total running time of these televised stories should be approximately 1,440 minutes of nothing other than coverage related to this investigation and prosecution. Separately, there are 4 VHS tapes from Green Bay television stations WLUK, WFRV, and WBAY of televised stories relating to the topics above, obtained by Mr. Avery's first lawyers from the State Public Defender's office. Finally, I have one DVD with 17:26 of footage from the two-part series that WLUK, Fox 11,

aired about Mr. Avery on May 10-11, 2006. This includes Sheriff Kenneth Petersen's interview.

- b. 449 pages of printed excerpts of televised story scripts, from which I selected those stories to be included on the DVD's listed in paragraph 3.a above. The excerpts are in single-space format, and do not include the entire text of the televised story; rather, they include the lead sentence or two. I estimate that I chose not to include perhaps 1/4 to 1/2 of the total number of televised stories, either because of repetition, shortness of the story (I typically excluded any story under roughly 45-60 seconds), or small market share of viewers because of the time of day (for example, often I excluded 5 a.m. newscasts).
- c. At least 54 newspaper articles and one magazine article concerning the investigation into Teresa Halbach's disappearance and death, the prosecution of Steven Avery, the prosecution of Brendan Dassey, the Halbach family's wrongful death action against Mr. Avery, or some combination of these topics. Newspapers include the MANITOWOC HERALD TIMES REPORTER, the GREEN BAY PRESS-GAZETTE, the MILWAUKEE

JOURNAL SENTINEL, the WISCONSIN STATE JOURNAL, the CAPITOL TIMES, the MILWAUKEE MAGAZINE, the SHEBOYGAN PRESS, and the TIMES-JOURNAL of Calumet County. I made no concerted effort to gather all newspaper articles relating to the prosecution of Mr. Avery or Mr. Dassey. This collection at best is a representative sample of newspaper publicity bearing on this case, heavily skewed to the time before I entered my appearance as counsel in February 2006. Therefore, this does not include much of the publicity attending the arrest and charging of Brendan Dassey.

- d. The boxes include 95 pages of transcripts of WOMT radio broadcast stories and WCUB broadcast stories relating to the investigation into Teresa Halbach's disappearance and death, the prosecution of Steven Avery, the prosecution of Brendan Dassey, the Halbach family's wrongful death action against Mr. Avery, or some combination of these topics. I also know that at least one radio station has had a microphone and a feed at each of the hearings in this case at which I have represented Mr. Avery.
- e. The boxes include 64 pages of photocopies of internet website or blog stories about the investigation into Teresa Halbach's

disappearance and death, the prosecution of Steven Avery, the prosecution of Brendan Dassey, the Halbach family's wrongful death action against Mr. Avery, or some combination of these topics. Most of these were assembled by Mr. Avery's first lawyers, from the State Public Defender's office.

- f. Also from the State Public Defender's office, I received approximately 11-1/2 inches of teleprompter scripts from Green Bay television stations, as measured stacked one on top of the other. In all, this probably is over 1,000 pages of teleprompter script, although I have not counted the pages (which are unnumbered). I am certain that there is some overlap between those televised stories and the stories that I later had copied to DVD, as described in paragraph 3.a above.

4. The materials I have assembled on the issue of a change of venue nearly fill five banker's boxes. Most television reports are on DVD as noted in paragraph 3.a above, with just relevant segments assembled one after another. So each DVD has dozens of television reports on the Halbach investigation, the *Avery* case, the *Dassey* case, the wrongful death action captioned *Halbach v. Avery*, or some combination of these.

5. I also know that television coverage in particular has included at least eight news conferences concerning the disappearance and death of Teresa Halbach, the arrest and charging of Steven Avery, searches of Avery family properties, and the arrest and charging of Brendan Dassey. The lead prosecutor, the Calumet County Sheriff, and other investigators on this case participated in most of those news conferences. I believe that the lead prosecutor participated in six of them and the Calumet County Sheriff in seven. Some of these news conferences have included inadmissible information and opinions of the prosecutor and law enforcement officers bearing on the suspected guilt of Mr. Avery, Brendan Dassey, or both. Further, television coverage has included footage of Mr. Avery and various of his family members expressing opinions on guilt or innocence, and expressing opinions that Manitowoc County law enforcement officers either are biased against the Avery family generally or have framed Steven Avery in particular.

6. Although I cannot estimate the number or percentage, I know that many of the televised stories and newspaper articles have made reference to Mr. Avery's prior wrongful conviction for a rape he did not commit in 1985, and to the 18 years he spent wrongly imprisoned for that crime. Others also have referred to Mr. Avery's \$36 million federal lawsuit against Manitowoc County. A smaller

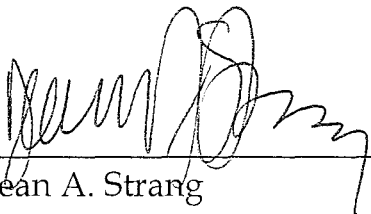
number of televised stories I know refer to Mr. Avery's other prior convictions, and to Department of Corrections records on his conduct in prison.

7. There have been some explicit editorials in newspapers relating to this case, in part because of the connection that politicians have drawn between this case and the advisory referendum question on the death penalty that now will be on the November 2006 ballot in Wisconsin.

8. Much of the television and newspaper coverage has been inflammatory, in my opinion. The reasons are several, and subject to differing assessments. First, the allegations concerning the manner of Teresa Halbach's death and the events preceding it are shocking and horrible. Second, Mr. Avery has the unusual history of having been exonerated by DNA evidence for a prior rape conviction after 18 years in prison. Third, his \$36 million civil rights lawsuit against Manitowoc County and its agents garnered publicity of its own in the two years preceding Teresa Halbach's disappearance. Mr. Avery filed that federal lawsuit on October 12, 2004, according to the electronic records of the United States District Court for the Eastern District of Wisconsin. Fourth, between November 5, 2005 and March 2, 2006, the special prosecutor and other state actors associated with the investigation and prosecution of Mr. Avery made several televised comments that included opinions and commentary on specific items of evidence. There may be other reasons as well.

9. I will make available to the Court or to counsel for the state any or all of the documentation of media coverage that I have gathered, upon request. But, because I have reason to believe that the state likely will not contest Mr. Avery's motion for change of venue, at this juncture I do not perceive a need to burden the Clerk of Court's office with five banker's boxes of bulky and odd-sized exhibits, including two dozen DVDs, dozens of newspaper articles, printed pages from websites and internet articles, and one thousand pages or more of transcripts of radio and television broadcasts.

10. Should the state contest the motion for change of venue, I will request an evidentiary hearing and a ruling from the Court on how to make the materials I have gathered in support of this motion exhibits of record in this case.



Dean A. Strang

Subscribed and sworn before me
this 14th day of June, 2006.

Maria A. Swenson
Notary Public, State of Wisconsin
My commission expires: 7/16/06