

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative 05-1776/113

Report Date: 11/18/2005

Primary Information

Description: TERESA MARIE HALBACH: Interview/Andres F. Martinez
 Occurrence From: 11/16/2005 11:30
 Occurrence To: 11/16/2005 11:55
 Dissemination Code: Agency
 Reporting LEO: Skorlinski, Kim J (Appleton Special Assignments DCI)
 Backup LEO: Schmitz, Wendy (Investigator / Calumet County Sheriff's Department)
 Approval Status: Approved
 Approved Date: 12/05/2005
 Approved By: Kelly, Carolyn S (Madison Arson DCI)

Related Subjects

<u>Name</u>	<u>Type</u>	<u>Sex</u>	<u>Race</u>	<u>DOB</u>	<u>Relationship</u>
Avery's Auto Salvage	Business	---	---	---	Subject of Interest
Martinez, Andres F	Person	Male	Hispanic	10/09/1963	Interviewed
Avery, Charles Earl	Person	Male	White	07/13/1954	Mentioned
Avery, Earl Kevin	Person	Male	White	06/10/1970	Mentioned
Avery, Steven Allen Sr	Person	Male	White	07/09/1962	Mentioned
Bearntsen, Penelope	Person	Female	White	02/08/1949	Mentioned
Edward, Josh	Person	Male	Unknown	---	Mentioned
Nettles, James	Person	Male	Unknown	---	Mentioned
Halbach, Teresa Marie	Person	Female	White	03/22/1980	Victim

Record Status Information

Record Origination Operator: Knutson, Andrea L (DCI Appleton Field Office / Wisconsin Department of Justice DCI)
 Record Origination Date: 11/21/2005 09:56
 Last Update Operator: Kelly, Carolyn S (Wisconsin Statewide Intelligence Center DCI)
 Last Update Date: 12/05/2005 10:23

Reporting LEO	Date	Supervisor	Date
Skorlinski, Kim J (Appleton Special Assignments DCI)		Kelly, Carolyn S (Madison Arson DCI)	9/12/2016

Narrative begins on the following page.

On Wednesday, November 16, 2005, at approximately 11:30 a.m., S/A Kim J. Skorlinski and Investigator Wendy Baldwin, of the Calumet County Sheriff's Department, interviewed Andres F. Martinez, DOB 10/09/1963, at the Manitowoc County Jail, where he is being held on charges from attacking his girlfriend with a hatchet on November 5, 2005. The investigators learned from the correction officers that Martinez was arrested and booked into the jail on November 7, 2005. They also learned that Martinez's probation agent is Donald Stefancic, Manitowoc, and Martinez has no attorney listed on file. However, Martinez did put in a request for a public defender.

S/A Skorlinski introduced himself and Inves. Baldwin to Martinez and told him that they did not want to talk to him about his pending charges. Instead, the investigators wanted to talk to him about the Teresa Halbach homicide, specifically, that the Avery family is trying to blame him for that crime. However, S/A Skorlinski said that before he could talk to Martinez, S/A Skorlinski would have to read him his Constitutional Rights, since he is in custody. Martinez said he understood that.

S/A Skorlinski then read Martinez his Constitutional Rights from a DOJ/DCI Constitutional Rights card. S/A Skorlinski paused after reading each phrase and asked Martinez if he understood each phrase, to which Martinez replied yes. S/A Skorlinski then asked Martinez if he would be willing to answer questions, and he said yes.

Martinez was asked if he was at Avery's Auto Salvage yard on Monday, October 31, 2005, which was Halloween, and he said no. Martinez said that day he was home, 1905 Franklin Street, Manitowoc, with Josh Edwards, the 15 year old son of his girlfriend, Charlene Edwards. He said Josh does not go to school. Martinez said he does not work and was home with Josh or else they may have been driving around running errands.

Martinez was asked when was the last time he was at Avery's Auto Salvage. He said he was there the following Saturday, which was the same day he committed his crime against his girlfriend. S/A Skorlinski asked if this would have been Saturday, November 5, 2005, and he said yes. Martinez said he went to Avery's on to pick up his son's 1994 Eagle Talon that had previously been towed and was stored at the salvage yard. He said he was unable to pick up the car because the Manitowoc County Sheriff's Department was blocking the road and turning away all the cars.

Martinez said about a week before this Saturday, someone called Avery's and said there was an abandoned car inside the garage at 1905 Franklin. He said someone from Avery's Auto Salvage then came to his residence and towed the car out of the garage. Martinez did not know how that could happen. He said after finding that out, he went to Avery's and talked to Chuck Avery to find out how much it would cost to get the car back. Martinez believed this was 2 or 3 days before the Saturday he went to Avery's.

S/A Skorlinski said counting back from Saturday, it would have been either Thursday, November 3, 2005; or Wednesday, November 2, 2005. Martinez said that sounded right, but he believed that his son, James Nettles, Manitowoc, phone 920-682-3356, would have a more accurate date.

Martinez said when he went to Avery Auto Salvage on Wednesday or Thursday, he spoke with Chuck, whom he has known for a few years. He said he has purchased car parts from Chuck in the past, which he used to fix cars belonging to his family and friend. Martinez said he knows Chuck well enough that Chuck would even give him the parts if he did not have money to pay for them. Martinez said he would then return at a later date and pay Chuck for those parts. He said he has always paid him back.

Martinez said when he spoke to Chuck about his son's car being towed, Chuck said the towing fee was \$105 and there was a storage fee, but Chuck said he would not charge him the storage fee. Martinez said the reason he went back to Avery's on Saturday, November 5, 2005, was to pay the \$105 towing fee and pick up his son's car.

Martinez was asked if he knows Steven Avery, and he said yes. He said he knows him from the publicity that Steven got when he got out of prison and filed his lawsuits. Martinez was asked if he was ever in prison, and he said yes. He was asked if he knew Steven when he was in prison. He said he saw Steven him one time when he was in the Oshkosh Correctional Institution, possibly in 1998. Martinez said they were not friends. He said after he got out of prison, he recognized Steven at Avery's Auto Salvage after he saw him on TV.

Martinez was asked if Steven was at Avery's Auto Salvage yard on either Wednesday, November 2, 2005; or Thursday 3, 2005, and he said yes. He said Steven, whom he calls "Pudgy," was in the shop when he was talking to Chuck. Martinez said he did not have a conversation with Steven, other than to say, hi.

Martinez said he has been out of prison for about three years, and during that time he has been at Avery's Auto Salvage yard on numerous occasions. He said he has been there too many times to count, but in the past six months, he has been there only two or three times. He said that included the two times he went there for his son's car.

Martinez was asked if he had anything to do with the murder of Teresa and he said no. He said he would take a lie detector test to prove it.

Martinez was asked which one of the Avery brothers he knows the best, Chuck, Steven or Earl, and he said Chuck. Martinez was asked if he ever got in a fight or an argument with Steven, which would cause the Avery family to blame him for killing Teresa, and he said no. He said he does not really know Steven and talks to Chuck most of the time. Martinez said he and his girlfriend were not home when his son's car was towed. He said he asked Chuck why he towed it, rather than calling him, and Chuck said he was not the one who towed it.

Martinez said he did do the crime against his girlfriend that he has been charged with, but he had nothing to do with Teresa. He said he would never do something like that. Martinez said he has never been convicted of causing injury to someone. Martinez said his criminal convictions are for car theft and burglary.

Martinez said if the Avery family is saying he did it, he could take the blame for it, because he is going to spend the rest of his life in prison anyway. S/A Skorlinski said Martinez is not going to take the blame for something he did not do.

Martinez was asked about his educational status, and he said he spent four years in college, but did not graduate. He said his parents are Spanish and Cuban, and he has been in the United States for about 30 years, and all of that time was spent in the Manitowoc County. He said he is on parole until 2008 and just recently signed the papers with his probation officer to revoke his parole.

Martinez again admitted that he did the crime against his girlfriend, but was not trying to do it. He said they were in the kitchen arguing and he had been drinking. He said his girlfriend's children were pushing him as he was trying to hit the refrigerator with the hatchet, but instead he hit her. Martinez again said he will probably go back to prison for the rest of his life. Martinez said, "I committed my crime."

Martinez was asked if he knew Teresa or has ever seen her, and he said no.

Martinez said one time he was talking to Steven at the salvage yard, and they were talking about how Steven had been wrongfully accused of that crime and spent all those years in prison. He said Steven made a comment in a joking manner, something like, "that bitch Penny needs to be buried." Martinez said Steven was kind of laughing when he said it, so Martinez does not know how serious he was.

Martinez said he never got in an argument or a fight with Steven or any other Avery family member. He said he always got along fine with them and has no idea why they would be trying to blame him for killing Teresa. The interview was terminated at approximately 11:55 a.m.