

Wisconsin DOJ Division of Criminal Investigation

Investigative 05-1776/180

Report Date: 12/09/2005

Primary Information

Description: **TERESA MARIE HALBACH: Response to and Release of Avery Auto Salvage**
Occurrence From: **11/05/2005 14:00**
Occurrence To: **11/12/2005 11:28**
Dissemination Code: **Agency**
Reporting LEO: **Fassbender, Thomas J (Appleton Special Assignments DCI / Wisconsin DOJ Division of Criminal Investigation)**
Backup LEO: **Hunsader, Alan S (Appleton Narcotics DCI / Wisconsin Division of Criminal Investigation)**
Report Status: **Approved**
Report Status Date: **01/25/2006**
Approved By: **Kelly, Carolyn S (Madison Arson DCI)**

Subjects

| <u>Relationship</u> | <u>Name</u> | <u>Bio</u> | <u>DOB</u> |
|----------------------------|--|----------------------------------|------------|
| Subject of Interest | Avery's Auto Salvage (Business) | | --- |
| Person of Interest | Avery, Charles Earl (Person) | 51 yr. old, White, Male | ██████████ |
| Person of Interest | Avery, Steven Allen Sr (Person) | 43 yr. old, White, Male | ██████████ |
| Person of Interest | Janda, Barbara Ellen (Person) | 41 yr. old, White, Female | ██████████ |
| Victim | Halbach, Teresa Marie (Person) | 25 yr. old, White, Female | ██████████ |

Narrative begins on the following page.

On Saturday, November 5, 2005, Director Carolyn Kelly, Special Assignments Bureau, telephoned S/A Thomas J. Fassbender and informed him that the Calumet County Sheriff's Department had requested DCI assistance on their investigation involving a missing person, namely Teresa Marie Halbach. Director Kelly advised that Halbach's vehicle had been found that morning in the Avery salvage yard near Mishicot, in Manitowoc County. Director Kelly advised the Manitowoc County Sheriff's Department had requested that the Calumet County Sheriff's Department conduct the investigation. Director Kelly requested S/A Fassbender to contact Calumet County Sheriff Jerry Pagel.

S/A Fassbender subsequently telephoned Sheriff Pagel, who informed S/A Fassbender that Halbach's SUV had, indeed, been located within Avery's Auto Salvage and that apparent attempts had been made to conceal the vehicle. He advised his department, with assistance from the Manitowoc County Sheriff's Department, had secured the salvage yard and they were awaiting a search warrant. Sheriff Pagel advised that he had requested the Wisconsin State Crime Laboratory to respond to the scene also. Sheriff Pagel advised a command post had been set up at the entrance to the Avery property.

Shortly after 1:00 p.m. that day, S/A Fassbender and S/A Alan S. Hunsader departed the Appleton area for the Avery salvage yard, 12930 Avery Road, Town of Gibson in Manitowoc County, Wisconsin. Shortly after 2:00 p.m. that date, S/A Fassbender and S/A Hunsader arrived at the command post located at the entrance to the Avery salvage yard. The command post consisted of a mobile command unit provided by the Manitowoc County Sheriff's Department.

At about 2:25 p.m., S/A Fassbender drove south down a road into the "pit" area of the salvage yard to an area near and just west of the car crusher. S/A Fassbender observed additional marked law enforcement vehicles parked in that area with law enforcement personnel providing security to the scene. The crusher contained one crushed vehicle. S/A Fassbender met with Sheriff Pagel and other investigative personnel and received a short briefing, to include that Investigator Mark Wiegert was obtaining a search warrant for the property. S/A Fassbender was shown the location of Halbach's vehicle from that location, which was a distance away. S/A Fassbender utilized a pair of binoculars to observe the vehicle and the area surrounding the vehicle. S/A Fassbender could see that the vehicle had been concealed with vegetation and debris. S/A Fassbender also observed that there was a Calumet County deputy near the vehicle securing the vehicle itself.

Between about 2:30 p.m. to 4:00 p.m., S/A Fassbender, S/A Hunsader and Detective Dennis Jacobs, of the Manitowoc County Sheriff's Department, went to the location of the Halbach vehicle. S/A Fassbender observed a Toyota Rav4, four door, dark blue or greenish in color. The Rav4 did not have license plates on the vehicle. The Rav4 was partially concealed with vegetation, wood, and a vehicle hood. There was also a cardboard box on the vehicle. The Rav4 was facing in a westerly direction. The Rav4 was parked alongside another vehicle, which was in a line of vehicles on the south side of a dirt road located on the south edge of the salvage yard near the berm separating the Avery property from the adjoining property, the [REDACTED]. Without touching the vehicle, the investigators utilized a flashlight to illuminate the inside of the vehicle to confirm that there was no one in the vehicle.

S/A Fassbender was advised that the forecast was calling for rain and it did appear that rain was imminent. S/A Fassbender spoke with Forensic Scientist John Ertel by telephone about covering the Rav4, either with a tent if possible or a tarp. F/S Ertel and F/S Guang Zhang were en route to the Avery salvage yard from the Wisconsin State Crime Laboratory in Madison. At about 3:12 p.m., S/A's Fassbender and Hunsader, Det. Jacobs and a Calumet County Deputy utilized a new tarp and covered the majority of the Rav4 and items that had been utilized to conceal the vehicle. A short time after that a light rain began to fall accompanied by a strong wind. S/A's Fassbender and Hunsader, Det. Jacobs and a Calumet County Deputy went back to the Rav4 as the tarp was beginning to blow off the vehicle and attempted to secure the tarp. Due to the high winds, they were unable to secure the tarp and ended up removing the tarp. A branch that had been on the roof of the Rav4 was knocked off of the vehicle at that time and was placed near the vehicle.

At approximately 4:00 p.m., S/A's Fassbender and Hunsader, Inv. Dederling and Det. Jacobs accompanied Julie Cramer, of the Great Lakes Search and Rescue and her cadaver dog, "Brutus." While going along the cars in that area, Cramer explained how Brutus would react if he alerted to a scent from a cadaver or human blood. She described this as a "bark and re-find." When going by the Rav4 at about 4:15 p.m., it became apparent to S/A Fassbender that Brutus was alerting on the Rav4. Cramer confirmed that Brutus was alerting on the Rav4, which she advised would be indicative of the presence of the scent of a cadaver or human blood. S/A's Fassbender and Hunsader, Inv. Dederling and Det. Jacobs continued with Cramer and Brutus as Brutus searched south of the berm on the [REDACTED] property. Brutus alerted on an area in the northwest corner of that property, but a search found no source. After searching some of the north end of that property and at about dark, S/A Fassbender returned to the command post area. Det. Jacobs had left earlier to assist in setting up the lighting that had arrived at the scene.

At approximately 7:23 p.m., S/A Fassbender escorted Paul Rabas, from Rabas Garage, 15203 Maribel Rd., Maribel, WI, 54227, phone 920-863-2813, WI, from the command post area south into the "pit" near the car crusher. Also coming to that location was Nick Mirsberger, of Pethan Service, 37 North 8th Street, Hilbert, WI, phone 920-853-3435. Mirsberger was towing his enclosed trailer, which was to be utilized to transport the Rav4 to the Wisconsin State Crime Laboratory in Madison for processing. At this time it was raining very hard. As a result of the conditions and in discussions with F/S Ertel, it was determined that the vehicle would be removed from the scene and analyzed at the Crime Laboratory in Madison.

Upon arriving in the "pit" area near the car crusher, F/S Ertel and F/S Zhang were also at that location. It was determined that Rabas would have to go to the Rav4 and tow the Rav4 from its location back to the location by the car crusher, at which time the Rav4 would be placed into the enclosed trailer for transport. F/S Ertel and F/S Zhang accompanied Rabas and his tow truck to the vicinity of the Rav4. S/A Fassbender maintained his position by the car crusher. After some time, the Rav4 was towed to S/A Fassbender's location, where the tow truck was utilized to back the Rav4 up a ramp and into the enclosed trailer where it was secured. Prior to the Rav4 being moved F/S Ertel and F/S Zhang examined the materials used to conceal the Rav4. They also seized the vehicle hood and the cardboard box.

At approximately 8:42 p.m., F/S Ertel and F/S Zhang left the Avery Salvage Yard to escort Mirsberger and the Rav4 to the Crime Laboratory in Madison. F/S Zhang accompanied Mirsberger in his truck as they followed F/S Ertel. Rabas had left at about 8:36 p.m.

The remainder of the evening of 11/05/2005 was spent at or around the command post assisting in the coordination of investigative activities and the search of the property.

On Tuesday, November 8, 2005, mid-morning (about 9:30 a.m.), S/A Fassbender and Inv. Wiegert were notified that a Toyota key had been found in Steve Avery's residence by searchers. S/A Fassbender and Inv. Wiegert responded to the trailer that was Steven Avery's residence (12932 Avery Rd.). Inside the trailer were Deputy Dan Kucharski from the Calumet County Sheriff's Department and both Lt. James Lenk and Sgt. Andy Colborn of the Manitowoc County Sheriff's Department. S/A Fassbender and Inv. Wiegert were shown the Toyota key with attached blue colored fob by Dep. Kucharski. They were also shown the location where it had been located. S/A Fassbender and Inv. Wiegert then left the residence. S/A Matt Joy ultimately transported the key to the Madison Crime Laboratory that day. Also, during that mid-morning S/A Fassbender and Inv. Wiegert were summoned to a salvaged vehicle along the north side of the yard, wherein the license plate to Halbach's Rav4 was found.

On Thursday, November 10, 2005 at about 5:05 p.m., S/A Fassbender stepped just inside the service door to Steven Avery's garage and spoke with S/A Tom Sturdivant. S/A Sturdivant advised he was searching for a hack saw or hack saw blades. After about one minute S/A Fassbender left the garage.

On Saturday, November 12, 2005, at about 8:15 a.m., S/A Fassbender and Investigators Dederling and Wiegert went into Steven Avery's garage to look for a chop saw or a box for a chop saw and to do a final sweep. There was no chop saw located. At about 8:20 a.m., they went into Steven Avery's residence for a final sweep and to look for documentation from Direct TV. Inv. Wiegert seized some Direct TV documentation and Inv. Dederling seized a deer hunting tag. Also in the residence at that time was Trooper Timothy P. Austin who was mapping the inside of the trailer. At about 8:45 a.m. S/A Fassbender and the investigators left the residence.

Between about 9:30 a.m. and 10:00 a.m., S/A Fassbender went back in the garage and residence. S/A Fassbender had learned that there was a pornographic magazine located in the southwest corner of the garage. S/A Fassbender did locate a playboy magazine in that location, examined it and left it at the scene. In the residence, S/A Fassbender had Deputy Chris Wendorf of the Calumet County Sheriff's Department seize a small container containing ashes. The container was located on the computer desk in the living room area of Steven Avery's residence.

S/A Fassbender telephoned Chuck Avery and advised him that law enforcement was ready to release the scene and they could re-enter. At about 11:00 a.m., Chuck Avery was at the check point on Avery Road when S/A Fassbender escorted him to his residence. S/A Fassbender had explained to him that Dep. Bill Tyson of the Calumet County Sheriff's Department needed to get into his residence to video tape it prior to the scene being released. He advised he was going to do that too. Chuck Avery ultimately used a screw driver to gain entry into his residence.

At about 11:28 a.m., S/A Fassbender released the scene to Chuck Avery and Barbara Janda. S/A Fassbender spoke briefly with both of them. The conversation concerned primarily Steven Avery's guilt or innocence. They were told if they had any concerns or questions they could contact S/A Fassbender.