

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative 05-1776/178

Report Date: 12/16/2005

Primary Information

Description: TERESA MARIE HALBACH: Execution of Search Warrant Steven Avery Residence
 Occurrence From: 12/09/2005 16:23
 Occurrence To: 12/09/2005 16:35
 Dissemination Code: Agency
 Reporting LEO: Fassbender, Thomas J (Appleton Special Assignments DCI)
 Backup LEO: Joy, Matthew D (ICAC & Computer Crimes DCI / Wisconsin Department of Justice DCI)
 Approval Status: Approved
 Approved Date: 01/05/2006
 Approved By: Kelly, Carolyn S (Madison Arson DCI)

Related Addresses

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

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Avery's Auto Salvage	Business	---	---	---	Mentioned
Avery, Charles Earl	Person	Male	White	07/13/1954	Mentioned
Avery, Delores A	Person	Female	White	08/20/1937	Mentioned
Avery, Steven Allen Sr	Person	Male	White	07/09/1962	Subject of Records

Property

Status	Quantity	Description
Other Agency	1	One Sony RMT-814 remote control.

Record Status Information

Record Origination Operator: Price, Denise (DCI Appleton Field Office)
 Record Origination Date: 12/20/2005 11:21
 Last Update Operator: Kelly, Carolyn S (Wisconsin Statewide Intelligence Center DCI)
 Last Update Date: 01/05/2006 13:50

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

Narrative begins on the following page.

On Friday, December 9, 2005, at approximately 4:23 p.m., S/A Thomas J. Fassbender, along with S/A's Matthew D. Joy and Michael C. Sasse and Deputy Bill Tyson, of the Calumet County Sheriff's Department executed a search warrant at 12932 Avery Road, in the Town of Gibson, County of Manitowoc, WI. This was the residence of Steven A. Avery. The search warrant had been obtained by Investigator John Dederling, of the Calumet County Sheriff's Department on that same date, at 1:36 p.m. The search warrant was for a wood cabinet/bookcase, believed to be located in Steven Avery's bedroom at the above address. Said search warrant was signed by Winnebago County Circuit Court Judge Tom Gritton. The Affidavit for Search Warrant was signed by Investigator Dederling on December 9, 2005, and notarized by Calumet County District Attorney Ken Kratz. Also, attached to the Affidavit for Search Warrant was the criminal complaint charging Steven A. Avery with First Degree Intentional Homicide and copies of two photographs showing the wood cabinet/bookcase (bookcase) to be seized.

At approximately 4:10 p.m., on December 9, 2005, the officers arrived at the Avery's Salvage Yard where S/A Fassbender drove to a location in front of the office. S/A Fassbender observed Chuck Avery walking from the office area in a southwesterly direction. Upon seeing the vehicles, Chuck Avery turned and walked back to S/A Fassbender's location. S/A Fassbender explained to him that they had a search warrant for Steve Avery's residence. S/A Fassbender asked Chuck Avery if he had a key to gain entry into the residence. S/A Fassbender explained that it would not take long. Chuck Avery told S/A Fassbender that his mother, Dolores Avery, probably had a key.

At approximately 4:12 p.m., S/A Fassbender accompanied Chuck Avery into the residence of Dolores Avery. Once inside the residence, Chuck Avery told Dolores Avery that S/A Fassbender had a search warrant for Steve Avery's residence and that S/A Fassbender was requesting a key to gain entry. Dolores Avery made the comment that she was not supposed to allow anyone into that residence. S/A Fassbender explained again that he had a search warrant and that he did not want to forcibly gain entry to the residence but he would if he had to. Dolores Avery then obtained the key and it was given to S/A Fassbender. Dolores said that it had already been broken into the first time. S/A Fassbender said that is why he was asking for a key so he would not have to do that. S/A Fassbender then left Dolores Avery's residence and he and the other special agents and Deputy Tyson proceeded to Steven Avery's residence and arrived there at 4:20 p.m.

At approximately 4:23 p.m., entry was gained into Steven Avery's residence through the door located at the front of the residence and to the southeast. S/A Fassbender utilized the key to open the door and gain entry.

Upon entry, Deputy Tyson videotaped the interior of the residence and Steven Avery's bedroom and the location of the bookcase. The bookcase was located where indicated in the search warrant.

Upon locating the bookcase, it was observed that there were various items in the shelving area of the bookcase as well as on top of it. The items that were on top were removed and set aside. S/A

Fassbender telephoned DA Kratz and asked if the bookcase should be seized with the items that were located within it. DA Kratz advised that it should be seized that way.

Upon looking at the bookcase, it was observed that the lower half to 2/3rds of the back panel was separated away from it. As a result, there was a gap between the panel and the bookcase. The bookcase was several inches away from the wall. Prior to seizing the bookcase, Deputy Tyson took photographs of it and its location.

At approximately 4:34 p.m., S/A Fassbender seized the bookcase, as well as the items within it. Said items included four paperback books, a cordless telephone handset and an AC power cord. These were the items that were visible at that time. S/A Fassbender removed the unit as one complete unit and placed it in the backseat of his car.

At approximately 4:35 p.m., the special agents and Deputy Tyson left Steven Avery's residence. S/A Fassbender locked the door and closed the door.

They then proceeded back to meet with Chuck Avery, as he had requested the copy of the search warrant. S/A Fassbender had told Chuck Avery that he was going to leave the search warrant in Steven Avery's residence, but Chuck Avery had requested that it be given to him. After giving the search warrant to Chuck Avery, S/A Fassbender and Deputy Tyson accompanied Chuck Avery into Dolores Avery's residence and S/A Fassbender spoke with Dolores Avery. Prior to speaking with her, S/A Fassbender observed that she was speaking on the phone. She advised that she was on the phone with Barbara Janda. She told S/A Fassbender that Janda wanted to know when her guns were going to be returned. S/A Fassbender told Dolores Avery that they would get them back as soon as they could. Dolores Avery also stated that Steven Avery was innocent.

S/A Fassbender asked Dolores Avery if she went down by Steven Avery on October 31, 2005, and she stated she believes she took the mail down to him. She said it was late because they get their mail late. She advised she probably went down on the golf cart, indicating that is how she gets around. S/A Fassbender asked if Steven Avery sat on the golf cart with her and she advised no. S/A Fassbender asked if Steven Avery looked normal that day and she advised yes. S/A Fassbender asked if she noticed whether Steven Avery had any injuries or was bleeding and she advised no.

Dolores Avery asked what we had taken out of Steven Avery's residence pursuant to the search warrant and both S/A Fassbender and Chuck Avery told her that it was on the search warrant.

S/A Fassbender had returned the key to Chuck Avery, who subsequently gave it back to Dolores Avery.

S/A Fassbender and Deputy Tyson then left Dolores Avery's residence. While outside, S/A Fassbender spoke for a short period with Chuck Avery. Chuck Avery said he wanted the business paperwork back and S/A Fassbender explained to him that they had returned copies of everything as well as copies of blank pages out of their record book. S/A Fassbender advised he

could not say when and if the originals would be returned. Chuck Avery made the comment that he knew the officers had a job to do, but he still believed Steven Avery was innocent.

At approximately 4:47 p.m., the special agents and Deputy Tyson left the Avery properties.

S/A Fassbender and Deputy Tyson returned to the Calumet County Sheriff's Department where the evidentiary items seized were receipted onto a Calumet County Sheriff's Department Evidence Property Custody Document.

The Return of Search Warrant was done by the Calumet County Sheriff's Department.

EVIDENCE

The following items of evidence are itemized under Calumet County Sheriff's Department (CCSD) Evidence/Property Custody Document property tag numbers as follows:

- 1 8080 - The wood cabinet/bookcase, located in the south bedroom.
- 2 8081 - A paperback book titled, "Cancer", found in the bookcase.
- 3 8082 - A paperback book titled, "Catch a Falling Star", located in the bookcase.
- 4 8083 - A paperback book titled, "The Secret Years", found in the bookcase.
- 5 8084 - A paperback book titled, "Gilda Radner It's Always Something", found in the bookcase.
- 6 8085 - A GE 24 GHZ cordless phone handset, found in the bookcase.
- 7 8086 - An A/C power cord found in the bookcase.

It was indicated on the receipt that S/A Fassbender had seized and received the items and subsequently turned them over to Calumet County Evidence Custodian on 12/09/2005.

After leaving the Calumet County Sheriff's Department and arriving in the Appleton area that evening and preparing to go off duty, S/A Fassbender located a Sony RMT-814 remote control in the backseat of his vehicle. It appeared that the remote control was for either a DVD player or a VCR. S/A Fassbender believed the remote control had been in the bookcase and had slipped out the gap between the back panel of the bookcase and the bookcase itself. Thus, S/A Fassbender maintained that item and ultimately assigned a Property Receipt to it and packaged it as evidence. S/A Fassbender ultimately turned the remote control over to Investigator Mark Wiegert, of the Calumet County Sheriff's Department on December 15, 2005.

EVIDENCE

D-2605-1 One (1) Sony RMT-814 remote control. Item turned over to Calumet County Sheriff's Department on 12/15/2005.

Copies of the search warrant, Affidavit for Search Warrant and attachments, Calumet County Evidence/Custody Document will be electronically attached to this report and forwarded to DCIR. Property Receipt No. D-2605 will be forwarded to DCIR.