

Wisconsin DOJ Division of Criminal Investigation

ACISS Investigative 05-1776/234

Report Date: 02/16/2006

Primary Information

Description: TERESA MARIE HALBACH: Contacts by Allan Avery
 Occurrence From: 02/13/2006 00:00
 Occurrence To: 02/16/2006 11:48
 Dissemination Code: Agency
 Reporting LEO: Fassbender, Thomas J (Appleton Special Assignments DCI)
 Approval Status: Approved
 Approved Date: 02/20/2006
 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, Allan K	Person	Male	White	05/03/1937	Mentioned

Record Status Information

Record Origination Operator: Knutson, Andrea L (DCI Appleton Field Office / Wisconsin Department of Justice DCI)
 Record Origination Date: 02/20/2006 13:30
 Last Update Operator: Kelly, Carolyn S (Wisconsin Statewide Intelligence Center DCI)
 Last Update Date: 02/20/2006 15:30

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.

During the week of February 13, 2006, Allan Avery attempted to contact S/A Thomas J. Fassbender on his cellular telephone and left two messages, one earlier in the week and one on February 15. Regarding the message earlier in the week, Avery asked about his business records and his wife's "wheelchair." S/A Fassbender believed Avery to be talking about his wife's golf cart. Avery wanted these items returned. By the tone of his voice, it appeared Avery was upset. Avery also asked why things from 20 years ago about his boy were being dug up, and he stated something to the effect that S/A Fassbender didn't know anything.

On Wednesday, February 15, 2005, at 3:29 p.m., Avery left the second message on S/A Fassbender's voice mail. Avery again asked about the business records and his wife's "wheelchair." He also advised that his boys wanted to do their tax returns. He stated that if the "wheelchair" was not returned, he would go buy another one and S/A Fassbender would pay for it. He also advised, if S/A Fassbender could not return his record book, S/A Fassbender should buy him a new one and bring it to him. Again, Avery sounded very upset and at the end of his message he sounded somewhat threatening.

S/A Fassbender recorded Avery's second voice mail message onto a microcassette, and the following is a transcription of that recording:

(Recording: Leave message Wednesday, 3:29 p.m.)

EVERY: I would like to know what's going on, about my book work and my wife's, my wife's wheelchair, you know what I'm talking about. And I'd like you to have me, have you call me tomorrow morning, at 920-755-4916 because if she can't get her wheelchair back I'm going buying another one, and you're going to pay for that one too. I'm pissed off already and God damn mad. My boys want to file income tax and, and and I want that book be, I got to put them titles in that book and I'm not buying another one. Otherwise go get me one, another one and bring it here. Well we're not done yet here. You wait, you wait.

S/A Fassbender contacted Investigator Mark Wiegert, of the Calumet County Sheriff's Department, and advised him of Avery's requests and asked him if he would check with the Calumet County District Attorney, Ken Kratz, to see if any of the items can be returned to Avery. Inv. Wiegert subsequently contacted S/A Fassbender and advised D.A. Kratz said the business records could be returned, but he wanted to have law enforcement hold onto the golf cart.

On Thursday, February 16, 2005, at 11:42 a.m., S/A Fassbender telephoned and spoke with Allan Avery. S/A Fassbender told Avery that the district attorney said Avery's business records could be returned, and S/A Fassbender said he would get them back to Avery next week. S/A Fassbender advised that the district attorney did not want the golf cart returned as of yet, thus, it would not be returned. S/A Fassbender explained there was some potential evidence found on the golf cart and it had to be analyzed before a determination could be made whether or not to return it.

During the conversation, Avery asked about two cellular telephones that were taken out of his office. He advised they were not his phones but rather they were Jerry's, who is Avery's telephone company rep. Avery said S/A Fassbender could call Jerry and confirm that they are his

phones and if he wanted to he could return the phones directly to Jerry. Avery provided Jerry's telephone number as 920-323-7500. Avery believed the company was Cellcom. He advised one of the phones was in a box. Avery also asked about all the guns that were taken out of the office. S/A Fassbender advised certain things still needed to be analyzed and, again, a determination on those items could not be made as of yet. Avery indicated he understood that and asked if he will get the guns back sometime, and S/A Fassbender said that he would. S/A Fassbender told Avery that he would see him next week when he returned the business records. The contact was concluded at 11:48 a.m.