

Wisconsin Department of Justice DCI

ACISS Investigative 05-1776/353

Report Date: 02/16/2007

Primary Information

Description:	TERESA MARIE HALBACH: Interview/Edward James Fitzgerald
Occurrence From:	02/14/2007 11:00
Occurrence To:	02/14/2007 11:25
Dissemination Code:	Agency
Reporting LEO:	Strauss, Debra K (Appleton Public Integrity DCI / Wisconsin Department of Justice DCI)
Backup LEO:	Dedering, John (Investigator / Calumet County Sheriff's Department)
Approval Status:	Approved
Approved Date:	02/21/2007
Approved By:	Kelly, Carolyn S (Madison Arson DCI)

Related Addresses

Address	Relationship
1130 Northview Rd, Waukesha, Wisconsin 53188 , United States of America	Interview Location

Related Subjects

Name	Type	Sex	Race	DOB	Relationship
Fitzgerald, Edward James	Person	Male	White	02/16/1953	Interviewed
Avery, Steven Allen Sr	Person	Male	White	07/09/1962	Person of Interest

Record Status Information

Record Origination Operator:	Knutson, Andrea L (DCI Appleton Field Office / Wisconsin Department of Justice DCI)
Record Origination Date:	02/16/2007 12:37
Last Update Operator:	Kelly, Carolyn S (Wisconsin Statewide Intelligence Center DCI)
Last Update Date:	02/21/2007 12:13

Reporting LEO	Date	Supervisor	Date
Strauss, Debra K (Appleton Public Integrity DCI / Wisconsin Department of Justice DCI)		Kelly, Carolyn S (Madison Arson DCI)	9/12/2016

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/353

On Wednesday, February 14, 2007 at approximately 11:00 a.m. S/A Debra K. Strauss and Calumet County Investigator John Dederling interviewed Edward James Fitzgerald, DOB: 02/16/1953. This interview was conducted at 1130 Northview Road, Waukesha, WI. The purpose of this interview was to obtain information Fitzgerald could provide regarding his handling of evidence in Steve Avery's previous case, the one in which he was exonerated.

Prior to asking Fitzgerald any questions, Fitzgerald was asked to review the report prepared by S/A Thomas J. Fassbender. This report was prepared as the result of a telephone interview S/A Fassbender conducted with Fitzgerald on December 11 and 12, 2006. Fitzgerald read the report and stated that everything in the report was factually accurate.

Fitzgerald provided the following information:

Fitzgerald was familiar with the fact that during 2002, he removed select pieces of evidence which pertained to the Avery investigation. This evidence had been removed as the result of a court order and had been submitted for further analysis. Fitzgerald believes he did this with a representative from Avery's defense team. Even though Fitzgerald was able to recall doing this, he did not have strong, independent recollection of exactly what he did. Generically, Fitzgerald said he took the evidence from the Manitowoc County Clerk of Courts office, looking for specific items such as fingernail scrapings and possibly hair samples.

Fitzgerald was asked if he knew why the box containing the vial of blood appeared to be sealed with scotch tape. Fitzgerald responded that even though he has no specific recollection of sealing the box with scotch tape, if he did do it, he would have used scotch tape because that is what was available to him at the time.

Fitzgerald was given copies of several photographs to review. These photographs were copies of the box and the vial of blood. After examining the photographs, Fitzgerald stated this did not help him recall the specifics regarding his handling of this specific item. Fitzgerald did acknowledge the handwriting, the signature and one set of initials on the paper on the outside of the box was definitely his. Fitzgerald thought the other initials on the outside of the box were the initials of the defense attorney who was reviewing the evidence with him.

While looking at the photographs, Fitzgerald again said he may have used scotch tape to seal the box; however, he just can't recall. Fitzgerald stated that it looks like there was a white piece of paper covering the box. Fitzgerald believes that if he would have opened the sealed container, he would have sealed the box when he was finished. Fitzgerald just doesn't have a specific recollection of this event so he cannot be sure.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/353

After observing the photographs of the vial of blood, Fitzgerald again said this did not refresh his memory and he cannot be certain of what he did.

Fitzgerald stated that if he would have done anything with the vial of blood, he would have made a report with the court. Fitzgerald is confident that he did not do anything with the blood since he was only looking for fingernail scrapings and hair samples.

Even though it was not a regular occurrence for Fitzgerald to handle evidence, Fitzgerald would sometimes have the need to do so. When this would happen, Fitzgerald would seal any evidence he had to open. For example, if Fitzgerald would open a plastic or paper bag, Fitzgerald would seal the bag by stapling it closed. If Fitzgerald would open a box, he would seal the box with any type of tape that was available to him. Fitzgerald indicated that after he had sealed the evidence, sometimes he would initial the evidence and sometimes he would not.

When Fitzgerald was asked why he would have opened the sealed box, Fitzgerald responded he suspects he would have opened it to make sure there was no other evidence in there that he was looking for. Fitzgerald again stated that he does not have a specific recollection of opening the sealed box. Fitzgerald did not deny or state that he did not open the sealed container, he was simply stating he does not recall doing it.

Fitzgerald said they (he and the defense attorney) reviewed evidence on two separate occasions. The first time was very short because when he and the defense attorney went to review the evidence, they were having a problem with the evidence. Fitzgerald recalled they were having trouble matching the exhibit numbers to the envelopes to make sure they had the correct pieces of evidence. When he and the defense attorney realized this, they immediately returned the evidence to the clerk's office. Fitzgerald was asked if there was any law enforcement personnel present when he went through the evidence, and he responded there was not.

The second time he and the defense attorney went through the evidence, they were able to determine what pieces of evidence were court ordered and then submit these pieces of evidence to the proper location. Fitzgerald was asked if there was any law enforcement personnel around when he and the defense attorney reviewed this evidence for the second time and Fitzgerald again said there was not.

During both of the instances when Fitzgerald and the defense attorney reviewed this evidence, they removed the evidence from the clerk's office and took the evidence to the jury room. When they were finished, the evidence was taken directly back to the clerk's office. Fitzgerald indicated this evidence was never left unattended.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/353

Fitzgerald thought that both of these instances took place during the summer of 2002.

Fitzgerald had no additional information and the interview concluded at approximately 11:25 a.m.