STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY BRANCH 1

STATE OF WISCONSIN,
PLAINTIFF, JURY TRIAL VOIR DIRE - DAY 1 Case No. 05 CF 381

STEVEN A. AVERY,
DEFENDANT.

DATE: FEBRUARY 5, 2007
BEFORE: Hon. Patrick L. Willis
Circuit Court Judge

## APPEARANCES :

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On behalf of the State of Wisconsin.
THOMAS J. FALLON
Special Prosecutor
On behalf of the State of Wisconsin.
DEAN A. STRANG
Attorney at Law
On behalf of the Defendant.
JEROME F. BUTING
Attorney at Law
On behalf of the Defendant.
STEVEN A. AVERY
Defendant
Appeared in person.

TRANSCRIPT OF PROCEEDINGS
Reported by Diane Tesheneck, RPR
Official Court Reporter

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THE COURT: At this time the Court calls State of Wisconsin vs. Steven Avery. It's Case No. 05 CF 381. This proceeding is scheduled this morning for the beginning of individual voir dire of the jury panel members. Will the parties state their appearances for the record, please.

ATTORNEY KRATZ: State appears by Calumet County District Attorney Ken Kratz and Assistant Attorney General Tom Fallon, both appearing as Special Prosecutors.

ATTORNEY BUTING: Buting and Williams by Attorney Jerome Buting appearing on behalf of Mr. Avery, who's present. Also Dean Strang.

THE COURT: Very well, I will note at the outset that no members of the jury panel are present in the courtroom at this time. The jurors are present -- or the jurors who will be questioned this morning are present and assembled in the jury room.

They will be brought into the courtroom one by one for individual voir dire. I would also note, before we commence individual voir dire, that the parties in this case have agreed to a jury selection process in which the questions normally asked by the Court on general voir dire have been, in large part, replaced by a
lengthy jury questionnaire completed by the members of the jury panel last week.

The Court in that questionnaire incorporated many, though not all, of the questions proposed by the parties for inclusion in the questionnaire. To assure that adequate instructions concerning the questions on the questionnaire were given to the jurors and that all questionnaires were completed, the administration of the questionnaires took place in the courtroom last week.

The Court was not actually in session while the questionnaires themselves were being completed. However, the Court was in session to give the jurors instructions before the questionnaires were completed. At this time I wish to confirm on the record that that process is acceptable to both of the parties in this case. Mr. Fallon.

ATTORNEY FALLON: Yes, your Honor, that is acceptable. I don't know if this is the point but we did have some questions regarding the time limits, but other than that that process seems fine.

THE COURT: Very well. Mr. Buting or Mr. Strang.

ATTORNEY STRANG: As I recall the part of this process that was acceptable to the defense is the special jury questionnaire substituting for the Court's general voir dire questions. We were not happy with the lawyer's part of general voir dire being eliminated entirely by the questionnaire process.

But we have no objection to the manner in which the administration of the questionnaire was handled, the distribution of it and the jurors filling it out, outside of Mr. Avery's presence or counsel's presence. And we too will have the same objections to the Court's proposed limit on individual voir dire.

THE COURT: I understand you may have been unhappy, but I didn't understand that there was an objection made to the process as it's gone thus far.

ATTORNEY STRANG: I don't know that we have ever been on the record about this, have we? And I don't mean to be saying anything different.

THE COURT: I don't know if we have been on the record of it, I know it's been discussed. I was not under the impression that either party was going to make an objection to the procedure as it's gone this far. Although, $I$ did understand that the
parties both were concerned about any time limits that the Court placed on individual voir dire questions.

ATTORNEY STRANG: Okay.
THE COURT: And I also understand that the party -- each of the parties, as I mentioned earlier, submitted questions that the Court did not include on the questionnaire, which I assume the parties, if they wish, will follow up on in individual voir dire.

ATTORNEY STRANG: Right. And again, I don't mean to be saying anything different than we have discussed off the record. I don't have any objection to the procedure as the Court just described it. I do think I recall saying, and I thought Mr. Fallon was of the same mind, we were concerned about the lawyers not having any general -- or maybe it was Mr. Gahn who joined in on this -- any opportunity to address the panel as a whole. And that's all $I$ meant to be saying just a moment ago.

But I have no objection, again, to the Court's portion of general voir dire having been committed to the questionnaire and I understand that the Court used some of our questions and not
others of our questions and I'm not objecting to that. So, if there's been some miscommunication, I don't mean to be saying anything different than I have said off the record.

THE COURT: Well, I think it's important to know for the record whether or not there's any objections to the jury selection procedures that's taken place thus far. I thought, actually, the parties submitted written correspondence agreeing to this, but I don't have it committed to memory.

ATTORNEY STRANG: And I don't, you know, so much of this has been done off the record, I don't have all of it committed to memory either. As a practical matter, provided we get adequate time for individual voir dire of jurors, there's not going to be any great harm to Mr. Avery in not having had an opportunity to talk to the panel as a whole.

And I understand that voir dire is a process committed largely to the Court's discretion. So, I mean, I'm just trying to make a record of what I thought some months of conversations were. And I will stand corrected if it's my memory that has failed or I have not understood clearly.

THE COURT: All right. Well, the Court has
been on the record, at least before the administration of the questionnaires, with the explanation of the procedure at that time. I'm not sure if the defendant is making an objection at this time to the use of the questionnaires to replace general voir dire or not, but at least I certainly, until this time, did not understand that there was an objection to any portion of the jury selection procedures to this point. Though I do understand that the -- both parties wish to be heard today on the limit that the Court has set for individual voir dire; that is, $I$ wanted to limit each party to 15 minutes of individual voir dire with respect to each individual juror.

As I have indicated to the parties earlier, the parties can request additional time if they feel it's necessary, depending on the answers given by any of the individual jurors to questions that are asked on individual voir dire. However, I would note that the information on the questionnaires themselves is far in excess of the information which is normally gleaned from general voir dire proceedings.

Because of the size of the panel in this case, $I$ question the efficacy of the normal
process of general voir dire where you ask jurors to raise their hands. Not only that, in many cases, when jurors don't raise their hands, the Court doesn't know if they are just thinking about an answer or, because of social pressure, don't want to be the only ones to raise their hands, whereas when we give them a jury questionnaire, they have to answer every question.

So I did feel in this case that the use of an extensive questionnaire was the most effective way to glean the information that the Court would normally glean in the course of general voir dire. And at least to this point, I haven't understood that either party objected to that procedure.

ATTORNEY STRANG: Why don't I take a moment with counsel for the State, off the record, just to see whether I'm the outlier in terms of, you know, my recollection.

THE COURT: All right. We'll take a short break, go off the record.
(Brief recess taken.)
THE COURT: All right. We're back on the record.

ATTORNEY STRANG: That was helpful, thank you for the indulgence, your Honor. With Mr. Fallon's help, I remember now two conversations bearing on this, one of which $I$ can place as happening in the jury room, off the record, and the other I can't place at all; although, Mr. Fallon specifically recalls it being one of our Friday afternoon off the record telephonic conferences in which he raised a concern about normally a supplemental jury questionnaire is exactly that, it supplements general voir dire, and I joined that concern.

And then in the jury room, I think it was Mr. Gahn who inquired of the Court, oh, does this mean we are not going to have a chance to talk to the panel as a group and to get some interaction how one reacts to another's answer or experience. And I chimed in on that or I may -I don't know if I started that conversation or Mr. Gahn chimed in, but he and I, I think, both spoke.

And that led to a further discussion apparently about individual voir dire perhaps being a good solution to avoid losing a large panel if there was an inadvertent answer by one
juror that would have presented a problem for the whole panel. And I think at that point some consensus developed that we could pursuit the individual voir dire route and maybe accomplish most of what we need to. This was before the Court had suggested a 10 or 15 minute time limit per side on individual voir dire.

So I think the issues get linked. I mean, we're in a discretionary area where, you know, the Court has the discretion to deny the lawyers questioning on general voir dire of the whole panel, and to implement an individual voir dire procedure. But that procedure will have to be sufficient in the end to allow the parties two opportunities, one, to ascertain if there is a basis to move to strike a juror for cause; objective bias, subjective bias, or some other cause.

And two, to allow the parties to exercise their peremptory strikes intelligently. And certainly, as to the accused at least, that's a right with constitutional footing under both Wisconsin and the federal constitutions, Article 1, Section 7 and 8 of the Wisconsin Constitution and the Fourteenth Amendment of the

United States Constitution.
So the two issues do become linked. There isn't any harm to Mr. Avery in the loss of general voir dire by the lawyers, provided that individual voir dire adequately makes up for the loss of general and allows those two critical purposes of voir dire to be accomplished in the end.

THE COURT: So does -- Do I take that to mean that the defendant has no objections to the conduct of the voir dire procedure to this point, but the defendant still is concerned about the length of time the Court is allowing for individual voir dire and may object if the defense doesn't feel that time is enough?

ATTORNEY STRANG: Yes.
THE COURT: Okay. Anything else from either of the parties on the voir dire procedure as it's been conducted to date?

ATTORNEY FALLON: Other than previously discussed, no.

THE COURT: All right. Now, do any party -- either of the parties wish to make comment at this time about the Court's proposed procedure from this point forward? And just to reiterate for
the record, as we discussed scheduling in this matter in the past, I indicated that because of the -- well, the need both to get sufficient information on voir dire to allow the parties to intelligently exercise their peremptory strikes and evaluate the jury panel, on the one hand, and on the other hand, to have voir dire conducted within a reasonable period of time, I did indicate to the parties previously that $I$ thought that 15 minutes per juror on voir dire, from each party, that 15 minutes worth of questions on individual voir dire for each party should be sufficient to enable each of the parties to consider the information gleaned on individual voir dire, in addition to the information on the jury questionnaires, to intelligently evaluate the jurors for their objectivity.

As counsel has indicated in their comments, I believe both parties have concerns they wish to place on the record with respect to that ruling. Mr. Fallon, I will hear from you first.

ATTORNEY FALLON: Thank you, your Honor. The State would take issue with a 15 minute time limit with respect to questioning the individual
jurors. We realize it's been the Court's prerogative to determine the procedure and the manner in which jury selection is conducted. But when the State submitted it's proposed supplemental jury questionnaire on December 1st, the State was still, I believe, laboring under the impression that, first of all, that it would be a supplement to the general juror questionnaire which every juror fills out and is in abbreviated form.

I think we were unsure as to how much general voir dire, if any, would occur in the case. I agree with counsel's rendition, we did have a conference in chambers, I think it was in November, where this issue was brought up. And at that time there was a discussion regarding general voir dire, as counsel represented. And I think it might have been myself who said, well, there are some advantages to an individual voir dire to lessen the likelihood of any contamination of the panel as a whole by responses obtained from certain members, especially on questions regarding subjective bias.

And I think the parties at that time were under the impression, and that I think
argument carried the day, but at that time there was no time limit, we were not laboring under the impression that there would be any time limit to the individual voir dire.

My second comment is that when the State submitted it's questionnaire on December 1st and then did not hear any significant objection from the defense or the Court, the State was under the impression that just about all the questions in its questionnaire would be asked or be part of the general questionnaire here. And not having any communications or any objections from the Court, or even concerns expressed by the Court, and no objections from the defense, we were under the impression that those questions would be asked.

And that, again, would I think have expedited, at least from the State's perspective, the follow-up time on individual voir dire. After all, that's the purpose of voir dire after the use of a supplemental juror questionnaire, is to follow up on the answers. And since several questions were omitted, $I$ may very well have 10 to -- well, depending on the juror -- 5 to 12 minutes per juror just asking the questions that
were not included. And then I may have anywhere from no questions to five or six or seven questions to follow up on the answers which are included.

So, from that perspective, I am concerned that a time limit of 15 minutes per juror would be inadequate for us to flush out the potential of subjective or objective bias. I would state for the record, in my review, that $I$ don't see any issues of statutory bias confronting us.

But in terms of subjective bias and of seven or eight possible objective bias cases, it seems to me that the 15 minute time limit seems unreasonable, in all fairness to the Court, and doesn't provide an ample opportunity to explore those two issues. So as a result of which, we would ask leave of the Court to be relieved from 15 minutes.

Now, having said that, I fully
acknowledge that there are several jurors here that I may have very few questions for, other than the ones $I$ originally submitted in the jury questionnaire, which were not included. In which case, 15 minutes may very well do the trick.

There may be others that will take longer.
So, from the State's perspective, we would ask the Court be a little more patient with the parties. It's not like I foresee an hour per juror here like that. It's nothing -- I don't see that happening in the case, but it just seems to me that 15 minutes would not allow us adequate time to explore these potential bias issues. So we would ask the Court's indulgence to be more patient with the parties and provide a little more time to explore those issues. Thank you.

THE COURT: Mr. Strang.
ATTORNEY STRANG: Thank you, your Honor. Perhaps for the first time in this case, and I hope not for the last, I find myself entirely in agreement with Mr. Fallon's comments. All of it, I adopt it. And that's the defense position as well. I will amplify, to this extent, that I expect too that there may be some jurors as to which a 15 minute block of time would be adequate for the defense table to conduct individual voir dire, just as he is guessing that perhaps there are some for which 15 minutes would suffice for the State's questions.

But it won't come as any surprise to the

Court that it also seems to me probable that when the State has fewer than 15 minutes of questioning, we may well have more for any given juror, and vice versa. So I think the time limits are not sufficient to permit at least -- I will speak only for Mr. Avery here -- both to ascertain accurately any -- any reason to strike the juror for cause and intelligently to exercise his peremptory strikes, which you are limited to seven.

They are not -- Wisconsin doesn't sprinkle peremptory strikes generously, even in the most serious felony cases. So these have to be used wisely. And I don't think that the time limits the Court proposes will allow that as to either of those two essential aspects of voir dire.

THE COURT: All right. I'm going to, at this point, use the 15 minutes as a guide. I'm not going to gong the attorneys if they get past that point and I will monitor it. Obviously, since we haven't had individual voir dire with any juror yet, the Court cannot determine for certain whether or not 15 minutes is sufficient for the parties.

I would like to confirm before we start,
for the record, that both of the parties were given access to all the juror questionnaires that were completed by the jury panel last week and the parties have provided to the Court the identification of a number of jurors that they jointly are recommending be excused for cause.

The Court has not formally ruled on those requests at this time but $I$ have used the parties recommendations in establishing the order in which jurors are called in for individual questioning this morning; that is, passing over the jurors that the parties indicate they are individually recommending be stricken for cause. So that will affect the order in which the jurors are called in today.

The Court will make further rulings on the motions of the parties at a later time unless either party has any objection.

ATTORNEY STRANG: No, and I certainly can confirm that the juror questionnaires were copied timely and completely by the Clerk's Office. And we had those late Monday afternoon, January 29, just as promised.

THE COURT: Anything else from the State?
ATTORNEY FALLON: Nothing else, your Honor.

ATTORNEY STRANG: Should we -- Should we note the sequence numbers of the jurors who were joint recommendation for excuse for cause.

THE COURT: I think that would be appropriate on the record. Actually, I have the email in front of me so $I$ can read it at this time. To save time $I$ will just use the numbers rather than the names. It's jurors numbered, 1, 2, 9, 15, 16, $22,29,31,40,42,43,46,48,58,62,64,80,83$, 84, 85, 88, 92, 94, 95, 99, 104, 108, 112, 116, 117, 124, 130, 141, 142, and 143. And I think the parties notified the Court before we began today that they would indicate the general reasons for the joint recommendations. Mr. Fallon, were you going to address that?

ATTORNEY FALLON: Yes, your Honor. Counsel and I, Mr. Strang and I, conversed by telephone late Thursday afternoon, after our initial review of the proposed panels. It basically comes down to this, the vast majority of those excused are excused for cause based on our assessment of subjective bias under the statute.

There were other jurors excused for economic hardship reasons, primarily they were the sole breadwinners in their home and the
potential of six weeks without adequate income would be an unfair hardship upon them.

And, finally, there was a smaller group of individuals who were excused for cause based on either physical or mental health reasons.

And a fourth group included those who were a mix of subjective bias and either mental health or economic hardship.

Those are the ones that we have agreed to on Thursday evening. There probably will be a few more during the course of the day as both counsel have reviewed the case law regarding objective and subjective bias. So there may be a few more sprinkled throughout the day that we would come to agreement upon, but that's the status as of now.

THE COURT: Thank you. Mr. Strang.
ATTORNEY STRANG: The Court read the list of sequence numbers of excused jurors correctly. And, again, I agree with Mr. Fallon's comments. The Court certainly is welcome to include the email, from which it just read, in the record.

And the format of that was that Mr. Fallon and I agreed, after our Thursday afternoon telephone call, that $I$ would draft the
proposed email to your Honor, but send it only to Mr. Fallon. He would look at it to make sure that I hadn't loused it up. And if he was satisfied that I had done it correctly, he simply would forward it to the Court. And that's what he did the following morning, Friday, February 2. THE COURT: All right. I will print a clean copy of the email for the record since I marked up the one I had. Is there anything else either party wishes to address before we bring in the first juror?

ATTORNEY STRANG: One thing that $I$ wish to address, came up in chambers just this morning. Greg Conway of the Green Bay law firm of Liebmann, Conway, Olejniczak, \& Jerry wrote to the Court by fax on Friday, copied me, but I haven't seen that yet because I haven't been in my office, I moved up to this neck of the woods, concerning two WFRV reporters and a letter they each received from -bearing my signature stamp. And the short of it is is that Mr . Conway is exactly right. When I had my secretary send out a merged letter to all of the people on the defense witness list, I didn't distinguish those very few who, in fact, were excepted from the exclusion order that the Court
entered.
And both Angenette Levy and Olga Halaburda, and for that matter, every other member of the media are excepted from, $e-x-c-e-p-t-e-d$, the exclusion. And they are free to sit in and watch the trial proceedings. And the mistake was simply that $I$ sent the same letter to all defense witnesses in fact, you know, again, it was just my signature stamp and then it enclosed a copy of the Court's exclusion order. So the mistake is mine. And members of the media are not excluded or otherwise covered by the sequestration order.

THE COURT: Very well. Anything else?
ATTORNEY FALLON: We would agree with that. We don't have any problem with exempting them from the order.

THE COURT: All right. At this time we'll have the first juror brought in. That will be Daniel Slaby, Juror No. 3. Mr. Slaby, before we begin, the Clerk will administer an oath to you. THE CLERK: If you would please stand and raise your right hand.
(Juror sworn.)
THE CLERK: Please be seated.

THE COURT: Mr. Slaby, like all the other members of the jury panel, you have already completed a jury questionnaire in this case. The next step in voir dire proceedings is to give the opportunities for the -- to give the opportunity to the attorneys for the parties to ask you some additional questions in order to make sure that you can be a fair and impartial juror.

There are a couple of other pieces of information $I$ wanted to pass on to you. Although I did not indicate it last week, while the trial in this case is expected to last approximately six weeks, the jurors will not be sequestered. That means the jurors will be permitted to return home after court proceedings every day.

This decision is made possible by an assurance that the jurors will not read any news media accounts of the trial or talk to anyone else about it during the trial. So that will remain very important should you be selected as a juror.

I also wanted you to know that although these proceedings are open, no cameras are permitted in the courtroom during voir dire proceedings. And the news media is not allowed
to identify individual jurors by name in news reports. And in addition, jurors who are selected to serve in the trial will not be on camera during the trial itself.

If you are not stricken for cause following the proceedings this morning, you will receive further written instructions as to when to return to court. With that background, Mr. Fallon, you may begin your voir dire.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good morning, Mr. Slaby.
A. Good morning.
Q. I just have a few questions for you. Hopefully they will be easy enough for you. We're not looking to embarrass anyone. We're just looking for some information to help us in selecting a jury.

So, first of all, do you have any close
friends or relatives who work in the media business; newspapers, television, radio internet?
A. No, I don't.
Q. You do not, okay. Are you an individual when you see a news story or you find something interesting in the news, do you use other sources
to investigate the information behind the story, like for instance some people go to libraries and check out books and read up on things, or magazines. Today the most common item is the internet. Do you have a tendency to search out for the story behind the story as it were?
A. No, not usually.
Q. Okay. There's a possibility in this particular case that there may be some testimony from a co-defendant. Do you have any opinions as to the appropriateness of someone who's accused of a crime testifying against the other co-defendant in a case?
A. No.
Q. In your day-to-day affairs, talking with people, in your work, or even in your personal relationships, if you find that someone has not -- has not been correct in providing you some information, in so far as it's inconsistent with something they previously said to you or is inconsistent with something that someone else said, do you have a tendency to disregard that opinion on its face or do you look further?
A. Probably just disregard.
Q. All right. And so, if you have a tendency to
disregard, would you disregard everything that person told you or just that particular opinion or viewpoint?
A. Probably depends on the person.
Q. All right. And what are some of the things that you would look at in determining -- in making that determination?
A. I don't really -- I don't know what you're asking.
Q. Okay. Well, if -- What do you do for a living again?
A. I'm a maintenance worker.
Q. All right. And if there's a snafu at the job, say one of your workers didn't conduct or perform a task up to appropriate standards, and they had told you that they did, and someone else, or a few from your own knowledge, realized that they had not, do you have a tendency to disregard everything that person tells you, or everything they do, or do you look at other factors in determining that person's credibility?
A. Probably just disregard.
Q. Okay. Have you or anyone close to you ever been in charge of writing any safety guideline for setting up or enforcing safety standards in your
work?
A. No.
Q. Okay. In your line of work or in any previous job, have you ever been required to conduct any internal investigations or follow up on any behavior or activities of fellow employees?
A. No.
Q. Okay. How long have you been a resident of Manitowoc County?
A. My whole life.
Q. All right. In general, how would you rate the job that the Sheriff's Department is doing in dealing with crime as well as the public at large; would you say they are doing an excellent job, a good job, a fair job, or a lousy job?
A. I would say fair, fair job.
Q. Okay. And what causes you to say they have been doing a fair job?
A. I have nothing to suggest that they are doing a poor job.
Q. All right. You are just a tough grader?
A. Just -- I don't really have a positive or a negative opinion on it.
Q. Okay. In terms of your general impression, when a police officer testifies in court, in your mind
how likely is it that he or she would lie under oath; very likely, somewhat likely, not very likely or not very likely at all?
A. Not very likely.
Q. Okay. And why would you say that?
A. Just that he is under oath and probably doing his or her job.
Q. Okay. In your mind, how likely is it that a law enforcement agency would conspire to convict an innocent person; very likely, somewhat likely, not very likely, not at all likely?
A. Not very likely.
Q. And why would you say that?
A. I really don't know what they would gain from it.
Q. Okay. In your mind, how likely is it that a law enforcement agency would plant or tamper with evidence to secure an arrest and/or a conviction; very likely, somewhat likely, not very likely, not at all likely.
A. Not very likely.
Q. Okay. Again, any particular reason why you have that general opinion?
A. Same reason.
Q. All right. In your job as a maintenance professional, do you use industrial solvents or
cleaning products such as bleach and things of that sort to help you perform your job?
A. Very few. Very few chemicals.
Q. Okay. What kind of work, maintenance work, exactly do you do?
A. Well, we -- building maintenance, plant maintenance. We do some cleaning. Just a wide variety. Something different every day.
Q. Okay. So you don't actually -- actually have to do real cleaning or anything. You are kind of the handy man fixer up?
A. Right.
Q. Okay. All right. I notice you brought a couple of books in; do you like to read?
A. I usually don't have time to read.
Q. In your spare time, do you like to work on puzzles or do you just hate doing puzzles?
A. I'm not a puzzle person. Not a puzzle person.
Q. Okay. Generally, what kind of books do you like to read?
A. Outdoor adventure maybe.
Q. Okay. Have you ever seen the movie, "A Thin Blue Line"?
A. No, I haven't.
Q. Okay. Would you consider yourself a -- more of a
detail oriented person, or are you a big picture guy?
A. Probably a big picture person.
Q. Okay. Have you ever used a magazine publication such as Auto Trader, or anything like that, to sell a vehicle or purchase a vehicle or anything like that?
A. No.
Q. Never used the internet to buy or sell, ever try that?
A. I probably looked on the internet when I was looking to buy a vehicle.
Q. Okay. All right. Have you ever read or heard anything regarding Project Innocence here in Wisconsin?
A. I probably never read anything about it.
Q. All right. Have you heard anything about it?
A. Probably with this story is the only time I have ever heard of it.
Q. Okay. Any opinions on the project, or the idea behind it, or anything like that? Good idea, bad idea?
A. It's probably a good idea.
Q. Okay. Generally, do you think the criminal justice system is either too lenient or too harsh
when it deals with those accused of a crime? Do you have any opinion? Too harsh, too lenient, just right?
A. I think it's fair.
Q. Okay. Now, I note from your questionnaire, on one of the questions you were asked, have you ever known anyone who was killed accidentally or otherwise, you indicated your wife's cousin was killed in a fire. Apparently relatively recently.
A. Yes, it was in the fall.
Q. In the fall, okay. Can you tell us a little bit about that. Was it an accidental fire or was the fire intentionally set?
A. It was an accidental fire.
Q. Okay. So there hasn't been any litigation or any investigation regarding that fire?
A. No. No.
Q. Okay. You also indicated in your questionnaire that you have some prior jury experience. Overall, was that a good experience?
A. Yes.
Q. Was there anything about that experience that makes you wonder whether you could sit through the process as a juror again and evaluate facts,
and deliberate, and anything about it?
A. I don't think it would be a problem.
Q. Okay. That's all I have.

THE COURT: All right. Mr. Strang.
ATTORNEY STRANG: Sure. Thanks.

## VOIR DIRE EXAMINATION

BY ATTORNEY STRANG:
Q. This is really an awkward way to talk to someone, but try to let me feel awkward and you not. All
right. How do I pronounce your name?
A. Slaby.
Q. Okay. That's how you pronounce your name.
A. Right. I hear it different ways but.
Q. Okay. I'm going to try to do it the way you do.
A. We hear it different ways, but Slaby is how.
Q. Slaby.
A. Right.
Q. Mm-hmm. So how long have you worked at Manitowoc Ice?
A. A little over four years.
Q. And at Red Arrow -- I have your questionnaire, at Red Arrow and Mirro, were those longer periods of time?
A. I -- Red Arrow was brief, but I worked at Mirro for 12 years.
Q. Same kind of stuff?
A. Maintenance, yes.
Q. And so how does -- how does a big picture guy, you know, who is not really a detailed guy, how do you get drawn into maintenance?
A. Well, it was just something that always interested me, fixing things, building things, since $I$ was a kid so.
Q. That makes sense. Cars too or?
A. I worked on cars when $I$ was younger.
Q. Mm-hmm. See part of what -- part of what I'm interested in is you are not a TV watcher, or not much I'm gathering, so what do you do when you have spare time?
A. I remodel my home. For the last three years that's what $I$ have been doing.
Q. You guys own your home?
A. Yes, I just -- The TV watchers -- I work second shift, so I don't --
Q. So like four to midnight?
A. I don't -- Yeah, I work like 2:30 to midnight so.
Q. Yeah.
A. I don't.
Q. Yeah.
A. I'm busy all day so.
Q. Right. That sort of explains that.
A. Right.
Q. When do you see the daughters?
A. I see them in the morning before they go to school.
Q. Mm-hmm. Sort of design your sleep schedule around --
A. Right.
Q. -- being able to do that?
A. Right.
Q. Are you a Monday to Friday guy, or do you wind up weekends too?
A. I work a lot of Saturdays too.
Q. Just 'cause that's the schedule at Manitowoc Ice?
A. I just -- It's overtime, voluntary overtime. I work quite a bit of overtime too.
Q. It sounds like -- like your wife also has a full-time job that's -- you didn't say that, but that's what $I$ read into your description of her job.
A. Yes, she works full-time.
Q. So what you told us was that the radio maybe was the most common way you have gotten some news about this case?
A. I would think the radio, that's what -- I will
have the local radio on in the morning.
Q. To and from work, or while you guys are --
A. Usually --
Q. -- having breakfast?
A. -- on my way to take my daughters to school.
Q. So you pick up snatches of this because it's--
A. Right.
Q. -- local news? Do you read the paper?
A. No, I don't.
Q. Do you guys get the paper?
A. No, we don't get the paper.
Q. Yeah. Okay. So what do you know about Brendan Dassey?
A. Well, I know that he's the nephew and he is also charged in the case.
Q. Yeah. Actually, not right in this -- in front of this judge --
A. Right.
Q. -- but he's charged here in the same county.
A. Yes.
Q. Have you followed at all, you know, what's gone on in his case?
A. Not recently.
Q. When -- sort of when did you last track that or hear about it?
A. It's probably been two months, three months maybe.
Q. What was it, I mean what do you --
A. I can't even recall the last time I heard a thing about him.
Q. The nephew. Okay.
A. Right.
Q. Do you remember what it was you heard?
A. No, probably just the name came up.
Q. Mm-hmm. How many -- how many guys do you work with, you know, like side by side at work or are you off on your own for most of your time at work?
A. It's myself and two other mechanics.
Q. And do you guys tend to be teamed up or --
A. We're usually on our own.
Q. Mm-hmm. Okay. So how much sort of, you know, gas-bagging at work, or yakking about this case have you overheard?
A. I don't know how to -- I couldn't really put a time on it.
Q. Well, no, and I'm not really asking you to do that, nobody could do that. But has this case been a source of, or subject of some chitty chat at work or, you know, do you guys -- are you guys
talking about ice fishing, or the Packers, or something else?
A. Well, we talk about a lot of things, so I'm sure the case has come up, we talked about it.
Q. What do you know about the statements that Brendan Dassey supposedly made?
A. I think I did see the news conference when it first came out. I did watch that.
Q. The one that Mr. Kratz --
A. Yes.
Q. I mean -- Okay.
A. Yes.
Q. Do you remember one, two -- it's been a while, but do you remember anything about that news conference?
A. I can remember most of it probably. I couldn't repeat it, but I remember the --
Q. Sort of gist of it?
A. Yeah, if you want to call it that.
Q. Did it curl your hair? That news was pretty shocking stuff.
A. It was pretty graphic, yes.
Q. So, how does somebody with a 17 year old daughter react to that.
A. Well, it -- it -- like you said, it made my hair
curl. Disturbing is what it was.
Q. Yeah, so here I'm representing the guy who didn't make all those statements, the guy the news conference wasn't directly about but, you know, did this get linked to Steve Avery in your head or, I mean, did you see this -- that press conference as being about more than Brendan Dassey? Can you just tell me about that.
A. Sure, it did. Because I believe they were talking about Steven Avery in the story too, both names were mentioned.
Q. Mm-hmm. Okay. Of course, at that time, you are not sitting there thinking, gee, I may be a possible juror some day.
A. No.
Q. But, I mean, you have had college. I mean, you not only graduated from high school, it looks like you had --
A. Technical college, Yes.
Q. Yeah, I mean you have gone to school beyond high school?
A. Yes.
Q. So you know -- You know that in our country someone is presumed innocent unless and until the State can prove them guilty beyond a reasonable
doubt?
A. Yes.
Q. And that's stuff you have heard, I assume?
A. Yes.
Q. Do you buy into that? Do you take that to heart?
A. Yes, I do.
Q. So, how -- You know, if you were sitting in Steven Avery's chair, knowing that you are possibly going to be judging you, you know, if you're sitting in this chair, you had seen this news conference and it's about both Brendan and Steven; would you -- would you want you as a juror, would you view you as someone who can say, yeah, I can put that aside, I assume they got the wrong guy here?

ATTORNEY FALLON: Your Honor, I'm sorry, I have to object to that. Asking the juror to put themselves in the shoes of the defendant, I think is improper question.

THE COURT: Why don't you try and rephrase the question Mr. Strang.
Q. Do you think -- I mean, as you sit here today, do you presume that they got the wrong guy?
A. I believe that --

ATTORNEY FALLON: I'm going to have to
object, that's not the standard.
THE COURT: I'm going to sustain the objection.

ATTORNEY STRANG: Okay. I mean, I think it is. I'm trying to get at, do you presume him innocent, which would mean he didn't do it.

ATTORNEY FALLON: No, I have to object.
THE COURT: I'm going to sustain the objection again.
Q. Does the news conference make you tend to think that maybe he is guilty?
A. I -- I believe that he's innocent until proven guilty in the court. That's what I believe.
Q. And, again, look, you are under oath, obviously you are doing your best, there really are no wrong answers here, I mean, there really aren't, as long as they are truthful. I'm just trying to get at, you know, whether this is something you can do. And you have told me you believe he's innocent, unless these folks can prove him guilty.
A. Yes, that's what I believe.
Q. And I -- What I'm trying to get at, is that -- do you believe that in your gut, or is that something that you know, you know, that's the way
our system works, this is a great country, it's one of the freedoms we have, or the protections we have as citizens. Sort of at what level do you believe that? In other words, is that a big picture belief, or is that a detailed belief as to this case?
A. I'm just going to say that $I$ believe that he is innocent until proven guilty.
Q. The two other cases on which you were a juror, you actually sat on both those, you were one of the 12?
A. Yes.
Q. Okay. Have you been called for jury duty any other times?
A. No, this is my third time --
Q. Third time.
A. -- being called as juror.
Q. And were the -- The other two cases, were they both here in Manitowoc County, or was one of them federal?
A. They were both here.
Q. In this courthouse?
A. Yes.
Q. So, actually, you have never been kicked off, or not selected as a juror?
A. One of the times $I$ was kicked off on one of the trials, but I sat -- I was called the two times previous and I did sit on trials both times.
Q. Yeah. Okay. And kicked off is, you know what I mean, I mean you were one of the big group, but not one of the 12?
A. I did get, yes.
Q. One time. Okay. And you weren't -- You were not the foreperson either time, right?
A. What do you mean?
Q. You weren't the foreman of the jury?
A. No.
Q. Either time?
A. No, I wasn't.
Q. Do you remember anything about the criminal case you were on?
A. Yes.
Q. What the guy was charged with?
A. He was charged with driving without a license.
Q. Okay. And you all found him guilty?
A. Yes, we did.
Q. Did you go into that one saying, hey, I presume this guy is innocent and I'm going to wait and see whether they can prove to me, beyond a reasonable doubt, that he did it?
A. Yes.
Q. And was your experience pretty good with the rest of the jurors doing that?
A. Yes.
Q. You didn't have to say, hey, wait a minute, you know, we've got some instructions here, you guys ought to follow these?
A. No.
Q. Did the guy who was on trial that time for operating; was it without a license or --
A. Right.
Q. -- after suspension or something? Did he testify?
A. Yes, he did.
Q. Should somebody do that if they are on trial?
A. He was acting as his own lawyer.
Q. Therefore had a fool for a client.
A. Right.
Q. But, I mean, do you think someone ought to do that whether they are representing themselves or they have a lawyer, if they are accused of a crime and you didn't do it? What's your view about whether they should or shouldn't testify?
A. I would think that it would help the case if he did testify.
Q. Tell me about that.
A. I believe that it gives you a chance to prove your innocence.
Q. Because you have the right to testify?
A. Right.
Q. And you say it helps. Did it help you as a jury -- a juror, to hear that?
A. Yes.
Q. I mean, a lot of us, fair-minded people, often say, I want to hear both sides of the story. I don't want to make up my mind until I hear both sides. Is that something --
A. Right.
Q. -- the way you approach the world too?
A. Right.
Q. So, what if I don't call Mr. Avery as a witness? I don't know if $I$ will or won't, but what if $I$ don't; how does that affect the way you look at the case?
A. I -- I don't really know what that would do.
Q. You are going to hear in this case -- If you wind up on the jury, you are going to hear that he was convicted once before, in Manitowoc County, of a crime it turned out he really didn't commit; have you heard anything about that?
A. Yes.
Q. The Innocence Project stuff?
A. Yes.
Q. And, first of all, I mean, do you have any questions about whether he did or didn't commit that 198 -- it was in 1985 -- the 1985 charges?
A. No, I don't have any questions.
Q. That is, you know, when the State Crime Lab did new DNA testing and said it wasn't him, it was another guy, you haven't had any reservations about that, or have you?
A. Well, I believe it was a shame that it happened.
Q. Right. But I mean, you haven't said, I bet he's guilty anyway?
A. No.
Q. And, I mean, you find out that he did testify in that case, in his own behalf, and got convicted anyway. And I mean, do you understand why that experience might make him, in particular, a little bit reluctant about testifying in his own behalf again?

ATTORNEY FALLON: I'm going to -- Well, I will let it go.
A. Yes.
Q. Why else might someone who is not guilty decide
not to testify in his own behalf?
A. He might not want to speak in front of people, like me.
Q. I was going to say, why does that one come to mind first. Well, yeah, that's -- absolutely. The guy you had on your prior criminal jury didn't have a lawyer, would lawyers enter into that, I mean our advise or our views?
A. Sure.
Q. As to what he might do?
A. Yes.
Q. What other reasons might somebody just decide, no, I'm going to rely on my presumption of innocence. I'm not going to take the witness stand?
A. That's also his right.
Q. That's true. And I take it you don't have any beef with the law in that respect?
A. No.
Q. Okay. We have asked you, both of us have asked you a little bit about -- Mr. Fallon called him the co-defendant, I'm calling him by his name -Brendan Dassey, and his statements, or at least the news conference that you heard. Have you ever had an experience, or read about something,
had this touch you, where somebody admitted doing something he actually did not do, or she actually did not do? I mean, one of your kids ever done that, for example, when they were little, fessed up to something they hadn't done?
A. Usually the other way around.
Q. Yes, it is usually the other way around. But I'm just, do you think it's possible that people can, under the right or wrong circumstances, admit doing something they really didn't do?
A. I guess it's possible.
Q. I know I can't give you names or anything, but I'm aware of an occasional circumstance where maybe there is a high publicity crime and somebody who is "a couple bubbles off plumb" comes forward to the police and says he did it, for the attention, sort of an attention seeking, weird motive; have you heard of that sort of thing?
A. Yes.
Q. But when you hear -- when you hear a prosecutor or a witness, police officer, somebody saying somebody confessed or admitted their involvement; what's your -- what's your first reaction to the power of that?
A. I guess I would want to believe it.
Q. Why?
A. Because of who it's coming from, meaning the police officer, or whoever is telling us.
Q. Right, yeah. And they might well believe it. I mean, you would assume that they believed it. But what about the actual person who supposedly made this statement himself; do you think -- What I'm getting at is, are you saying, well, you know, if he admitted it, game over, nobody would admit killing someone if they hadn't really done it? Or are you somebody who says, geez, does that make sense, I wonder if he really did do what he's claiming he did?
A. It didn't make sense at the time $I$ heard it.
Q. Okay. You -- On your questionnaire, there was this question that asks you -- I don't expect you to remember this and I can't remember the exact language of it either, but there's a question that says, look, you are going to be told, in deciding which witnesses to believe, that a law enforcement officer is just like every other witness, got to consider the same things in deciding how much weight to give his or her testimony just like you would any other witness
under the sun. And you answered, yes, you could follow that sort of instruction.
A. Yes.
Q. You could live with that. And then, Mr. Fallon followed up a little on that and asked you to rank or rate how likely it was that a law enforcement officer would not tell the truth on the stand. And I want -- I want to pick up from there with you. How likely is it that anyone, any witness who's sworn under oath, would lie on the witness stand?
A. Not very likely.
Q. In other -- I mean, and I don't want to put words in your mouth, but the way you look at the world, you say, you know for most people an oath means something.
A. Yes, I believe that.
Q. And I, you know, I mean, do you agree that there are probably some people out there who just don't care about an oath and would lie in spite of having sworn?
A. Yes, I'm sure that happens.
Q. But you are saying most people at least, the oath matters to them?
A. Yes.
Q. Is there any reason that the oath should matter more to a police officer as opposed to, you know, a truck driver, a school bus driver, you know, a homemaker, or anybody else?
A. It shouldn't matter.
Q. What the job is you mean?
A. Right.
Q. Going back now, I'm just sort of going through the questionnaire a little bit, but going back to the jury service, and you were asked after you told us about what juries, and when, and what kind of case, you were asked how you felt about that service. And you wrote, I had no negative feelings about serving as a juror.

I'm curious about that, about why
because, $I$ mean, $I$ know it's inconvenient at best, and sometimes it costs people money, in terms of lost income; how come you had no negative feelings about serving as a juror?
A. I thought it was an interesting process and I thought it was fair.
Q. Fair to whom?
A. Fair to the suspect.
Q. Yeah, but how about fair to you, I mean, is what I'm wondering?
A. It was fair to me. I didn't have any objections to serving.
Q. And I didn't ask you how long the civil case went; do you remember about how long a trial that was?
A. I think that was like a week, five days, something like that.
Q. And the guy represented himself, and the operating without a license case had to be one, two days at the most?
A. That was a one day.
Q. So, if we -- if you wind up on this jury, and you wind up having to come and go, come and go, you know, to Chilton, for six weeks; how is that going to affect you at work or -- I mean, I'm not trying to pry into your home finances, but how is that going to affect you with all the hats you wear, dad, employee, husband, member of your union, member of your church? How is that going to affect you?
A. It won't affect me at work.
Q. They will be cool about it?
A. Well, $I$ will be paid for jury service.
Q. Okay. And other stuff, I mean, can you fit this into your life?
A. It's an inconvenience, but $I$ can fit it in.
Q. Have I asked anything, or for that matter, did Mr. Fallon ask anything that, you know, caused you to think of some other issue you should bring up with us, or something the Court, or both sides should know about, you know, your getting into this six week project, if you do?
A. No.

ATTORNEY STRANG: Okay. Thanks. I'm good. THE COURT: All right. Thank you, Mr. Slaby. Linda will now escort you out from the courtroom.

Counsel, does either party have any motion with respect to this juror?

ATTORNEY FALLON: There's no motion from the State.

THE COURT: Mr. Strang?
ATTORNEY STRANG: No, no motion here.
THE COURT: Very well. That juror will be considered on the panel. At this time we're going to take a -- let's make it a seven minute break. We'll come back at 10:30 and resume with the next juror.
(Brief recess taken.) THE COURT: At this time we're back on the
record and juror, Diane Free, is in the courtroom; is that correct?

MS FREE: Yes.
THE COURT: Ms Free, you have already completed a jury questionnaire in this case. At this point, we're moving on to the next step in the voir dire proceedings which gives the attorneys for each of the parties a chance to ask you some questions in order to determine whether you can be a fair and impartial juror in this case.

There's a few pieces of information $I$ didn't provide to you last week that I wish to now, that is, to assure you that the jurors in this case are not going to be sequestered, meaning that you will be able to, during the time of the trial, come home every evening before reporting back the next day.

And we're doing that because of the assurance from the jurors that the jurors will not listen to any news media accounts of this trial, or talk to anyone about it. As long as we can be assured of that it won't be necessary to sequester the jury.

I also want you to know that, although the voir dire proceedings today are held in open
court, no cameras are permitted in the courtroom during voir dire proceedings. The press is not allowed to identify you by name as a juror in this case. And should you be selected to serve on the jury, television cameras are not permitted to photograph the jury, nor are there any still photos of the jury during the trial.

Finally, I will let you know that, unless you are stricken for cause today, you will be asked to come back to court in a few days for final jury selection. And you will get instructions by telephone further about that later.

Very well. At this point, then, we'll proceed to individual voir dire. Mr. Fallon.

THE CLERK: Judge, do you want her sworn.
THE COURT: Oh, I'm sorry, yes, we'll have the Clerk swear you in at this time.

THE CLERK: Will you please stand and raise your right hand.
(Juror sworn.)
THE CLERK: Please be seated.
THE COURT: Mr. Fallon.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good morning, Ms Free.
A. Good morning.
Q. I'm Tom Fallon. I'm an Assistant Attorney General with the Wisconsin Department of Justice. To my left is Mr. Ken Kratz. He is also a Special Prosecutor. He's the District Attorney in Calumet County. There will be one other prosecutor assisting us, Mr. Norm Gahn, from Milwaukee. But we wanted to welcome you and say good morning.

We have reviewed your questionnaire and just have a few questions about that, and some general questions as well. If you could tell us a little bit about what you do with the City of Manitowoc Library.
A. When someone requests a book, I'm the one that goes and pulls it off the shelf. I don't work for the library, in effect. I work for the library system. The library system has five -five employees. That means I work also for Two Rivers, Brillion, Chilton, Kiel, New Holstein. I deliver books. If you request a book in Chilton from our library, I bring it out there.
Q. Would it be fair to say that you are a book lover?
A. I love books, yes.
Q. What kind of books do you like to read?
A. Everything.
Q. Do you?
A. I like biographies, the most.
Q. Fiction, non-fiction, both?
A. Both.
Q. Yeah. All right. Do you like historical novels as well?
A. I'm not much on romance.
Q. All right.
A. But anything else.
Q. How long have you worked with the library system?
A. Either 15 and a half or 16 and a half years; I'm not quite sure.
Q. Okay. All right. I also noted from your questionnaire, you are currently president of your union?
A. Yes.
Q. The AFSCME local chapter.
A. Yes.
Q. How do you like that? How do you like to be the prez?
A. It's okay. I'm doing it because no one else will.
Q. All right. What kind of duties do you have as the local union president?
A. I call the meeting to order. I make sure all the agenda is followed, that if we have new members they are sworn in. Mainly just following the procedure, that we get reports from each committee.
Q. How long have you held that position?
A. I think about four years.
Q. Okay. Do you enjoy it?
A. It depends on the weather.
Q. Okay.
A. If it's cold out on that Tuesday night, no. Other than that, it's a chance to get together and talk to people.
Q. Do you involve yourself in any of the negotiations, labor negotiations?
A. No, none at all.
Q. You are not on the bargaining team or anything like that?
A. No.
Q. Okay. Would you say your local union is active? Is there a lot of work, a lot of volunteer time you have tied up in this?
A. I think the local itself is active. My participation is that one night a month. I don't --
Q. Okay.
A. -- hand out leaflets, or go pounding on doors, or.
Q. So, if you were selected as a juror in this case, that wouldn't interfere too much with your responsibilities?
A. Oh, no. No.
Q. Okay. Where would you say you get most of your information from the media, your news?
A. Mostly the radio. Like I said, I drive three afternoons a week so I'm in the van. I don't subscribe to the paper. Occasionally I will go on line and look at the paper. I only listen to the news until the obituaries are over, then I turn to a music station.
Q. Okay. All right. As someone who's a book lover, would I be correct in surmising that you are an individual who likes to receive and process information?
A. Yes.
Q. Okay. If you see something of interest on the news, or you hear something of interest on the radio, are you the type of person who might stop
at the library, or better yet, use your computer at home, to look for the story, or the story behind the story, or any other information associated with that?
A. I'm trying to recall if $I$ have ever done that. Occasionally, if $I$ hear of an author, an author $I$ read, who has a new book, or I check up on the authors, the author's websites to see if they are coming out with a new book, like the new Harry Potter book. I know when that's going to come out. I check my author's list.
Q. My daughter would like to know the answer to that; when is it coming out?
A. June 21st.
Q. All right. I will mention that to her. Have you done any -- Well, let me ask this question first. Have you paid much attention to any of the media accounts of this particular case, Mr. Avery's situation?
A. I have heard of it. You would have to live in a cave not to. I don't think an undue amount, but I am aware of it.
Q. Have you done any looking behind the scenes, as it were, or followed up on anything of interest in any of the stories?
A. No.
Q. Okay. And as I note from your report, you don't really have any opinions regarding the circumstances facing Mr. Avery, his guilt, or his innocence, or any of that?
A. No, I believe the media has found him guilty.
Q. Okay.
A. I believe they can make you believe whatever they want.
Q. All right. But have you been swayed by them?
A. No.
Q. Okay. Any particular reason why you haven't been swayed?
A. They are not going to tell me what to think.
Q. That's a good reason. All right. Speaking of the media, do you have any friends or relatives, family members, who actually work for the media?
A. No.
Q. Okay. Now, I note from the questionnaire, you don't have any prior jury experience?
A. No.
Q. As you sit and think about the prospect of being a possible juror in this case, is there any particular philosophical belief, or religious tenet that you adhere to that you think might
present a problem for you being a juror?
A. I don't believe so.
Q. All right. Do you think you would be able to follow the instructions as provided on the law, by Judge Willis, if he told you what the law is, and this is your job, you would be able to follow those?
A. Yes.
Q. Have you, or anyone ever close to you, ever been in charge of writing any safety guidelines or setting up or enforcing safety standards?
A. No.
Q. Okay. What did you do before you got into the library business?
A. I was a homemaker.
Q. Okay.
A. I was lucky to be a stay at home mom.
Q. How long have you been a resident of Manitowoc County?
A. I was born here.
Q. You were born here. All right. In terms of your familiarity with the Sheriff's Department, being a lifelong resident; do you feel they are doing a good job in dealing with crime and dealing with the public, or a poor job, or how would you rate
their performance?
A. I don't really know that much about it. I have never had to report a crime, so I have never --
Q. Okay.
A. -- had them knocking on my door for anything.
Q. In your -- Well, do you have any opinions as to the situation when a police officer, or law enforcement officer, is testifying in a court of law, whether it's likely or unlikely that they would lie under oath?
A. I don't think they would be more likely or unlikely than anyone else, they are just --
Q. They are just people?
A. Yeah, they are no different than you or I.
Q. All right. How about in your thinking, are they any more likely, or less likely than anyone else to conspire to convict an innocent person?
A. I don't really know, I'm not --
Q. All right. Do you have any opinion, or how likely it is a law enforcement agency would plant or tamper with evidence to secure an arrest? I mean, do you think they would be that concerned about crime that they would go that far? Do you think that's likely, or unlikely, or not likely at all?
A. I think they would be more likely to want to get the guilty party rather than anyone.
Q. And not convict anyone innocent?
A. Right.
Q. Are you a puzzle person?
A. Yes.
Q. Do you like to work on puzzles?
A. Yes.
Q. What kind of puzzles do you like to work on?
A. Jigsaw, crossword puzzles.
Q. All right. Do you like word puzzles as well?
A. That's a crossword puzzle.
Q. Okay. Yeah. All right. Would you consider yourself more of a detail oriented person, or are you more of a big picture person?
A. Detail.
Q. Okay. Why would you say that?
A. I'm a list maker. I like to cross things off my list, one thing at a time.
Q. Okay. So I would take it you would consider yourself pretty organized?
A. Yes, very much so.
Q. Would that be how you got into the library system?
A. No, that's because I liked books.
Q. Okay.
A. As I get older, I want things in a certain way, my way.
Q. Right. I think we all do. Since you work in the library system, I will ask, are you familiar with a trade publication called Auto Trader, a magazine to sell automobiles?
A. No.
Q. Have you heard, read, or seen anything regarding the Project Innocence that is a program here in Wisconsin?
A. I have heard of it. I believe it's students from Madison. And the reason I actually paid attention to it is one of my sons attended UW Madison. So that's what caught my eye -- or my ear about it.
Q. All right. The son who attended Madison, did he go on to law school?
A. No.
Q. Or just on to graduate experience?
A. Just accounting.
Q. Now, the project has as its primary goal to free those who were wrongfully convicted. Do you have any particular problem with that, or do you think that's a good idea, good program, bad program?
A. I think it's a very good program.
Q. Okay. Do you follow the media accounts of -well, the day-to-day activities of the criminal courts here in Manitowoc County? Do you know what people have been accused of and who's being convicted of what?
A. No.
Q. Do you follow much of that?
A. No.
Q. Do you have any opinion as to whether the court system here in Manitowoc, for instance, is too harsh or too lenient?
A. I have no opinion.
Q. No opinion. Okay. Would you like to serve on this jury?
A. Actually, I would.
Q. Okay.
A. I'm finding the whole process very interesting, very enlightening.
Q. Tell us about that.
A. I have never had any contact with it before. I mean, I have been through a divorce, that's about my big --
Q. Right.
A. It's different than being in a divorce. It's
very precise, very organized.
Q. Okay.
A. It's very interesting.
Q. All right. Have you ever been even called for jury duty before?
A. No.
Q. This is your first call?
A. Yes.
Q. Is there any chance that if you were selected as a jury -- as a juror in this case, that six weeks of jury service would be -- is there any hardship for you that would be associated with that?
A. No, I mean, outside of my days being tied up, but financially or health wise, no.

ATTORNEY FALLON: That's all we have. THE COURT: Thank you, Mr. Fallon. Mr. Strang.

ATTORNEY STRANG: Thank you.
VOIR DIRE EXAMINATION
BY ATTORNEY STRANG:
Q. I did not catch this at the beginning, but do you prefer Mrs. Free, or Ms Free.
A. I prefer Diane.
Q. Okay. I'm probably -- I prefer Dean, but I'm probably not allowed to do that.
A. Doesn't matter, I have earned both of them. It doesn't matter.
Q. All right. I will be formal, to a certain extent. Your husband, is he a union guy too?
A. Yes.
Q. Same one, AFSCME?
A. Yes.
Q. Same local?
A. Yes.
Q. And I'm curious, you -- it sounded to me, or read to me, in reading your questionnaire, as if you had picked up most of the information you have about this case from the radio.
A. Yes.
Q. What radio station do you listen to?
A. WOMT. WOMT.
Q. Okay. Which is?
A. It's the city.
Q. Right. It's local?
A. Local, yeah.
Q. Is that 1240?
A. Yes.
Q. AM. Do you ever call in?
A. No.
Q. No.
A. No.
Q. Why not?
A. I would feel like they -- people would know who it was. No, I prefer to be anonymous.
Q. While we're on anonymity, I'm curious whether in your 15 and a half or 16 and a half years, whatever it is, in the library system here, in the last five years or so, have you gotten pulled in at all to the issue about the federal
government coming and asking libraries to say what people are looking at on the internet or what books --
A. Right to privacy, I know about it because it happens in the libraries. It is not my job, so I'm not really -- I'm not the person that checks out. I'm not the person that you would talk to about what your child is reading. All I do is pull the books off the shelf and deliver them to the appropriate library. I don't deal with the public at all.
Q. Okay. But as a union president have you been pulled into a discussion about that --
A. No.
Q. -- sort of policy or a change in our world? Any opinions about it?
A. I guess I have opinions both ways. I shouldn't be entitled to know what my children are reading. At the same time, there has to be a cut off for that. If they are 15 and they are reading about homosexuality, they are okay, that's -- you know, there is a personal choice, there is a time for that.
Q. Okay. So, back to the radio -- Okay. Do you read the Herald Times Reporter?
A. Very, very seldom. I don't subscribe to it. If I do, I usually look at the obituaries and the births.
Q. Okay. I was going to repeat an old George Burns line about looking at the obituaries, but I won't. Do you have a newspaper you would prefer to the Herald Times if it's a matter of, hey, I have an hour to sit down with the newspaper?
A. No, I will read my book. I will read a book.
Q. So, on this case, what do you know about Brendan Dassey?
A. I know that he's Steven Avery's nephew, that he confessed and recanted his confession. That's about it.
Q. How did you pick that up?
A. I believe it was on the radio. I think so.
Q. So, if someone confesses and then recants the confession, I guess one of the two times he is lying, right?
A. Yes.
Q. Do you know of any reason someone might confess falsely to something they didn't do?
A. I can imagine, he's 16 years old, or what was at the time. He's under pressure. He's -- I have never been questioned by the police, but I think at 16 he is very impressionable, he would want to please whoever he is talking to.
Q. And in your mind, you know, whether the confession is true or the recantation is true, what, in your mind, does this have to do with Steven Avery?
A. Nothing, actually. It's a he said, she said type of thing, prove it.
Q. And on proving it, or the he said, she said, you probably know enough civics to know that -- and you actually got this from the questionnaire -that in this country a person accused of a crime can -- he can testify on his own behalf.
A. Yes.
Q. Gets to be treated just like any other witness?
A. Yes.
Q. Is that -- Is that acceptable to you? Is that, you know, a good rule of law.
A. Yes, it's his right.
Q. And he also has the flip side, he also can decline to testify and rely on --
A. He doesn't have to prove his innocence.
Q. Why not?
A. The prosecution has to prove his guilt. He's presumed innocent. We all are.
Q. Right. But my question is, why are you happy to live with a system, if you're happy to live with a system, where the guy with the most at stake doesn't have to say a word?
A. That's just -- I don't know. That's the way I was brought up. You are presumed innocent. He is. I am. It's my right.
Q. If you -- If you wind up on this jury, would -and I decide -- Jerry Buting and I decide not to call Steven Avery as a witness, is there going to be a voice in your head, back when you are deliberating a verdict saying, I don't know, I needed to hear from Mr. Avery himself?
A. I don't believe so. He also has the right not to testify.
Q. And in the end, he will do one or the other.
A. But he does not have to prove that he's innocent. He is innocent until -- until it's proven that he is not.
Q. And I -- And that's -- that is good big picture abstraction stuff but, you know, you are a details person and --
A. He's already said he didn't do it.
Q. Okay. And nothing -- nothing that you have heard on the radio, or seen in the paper, or caught a glimpse of on TV, has that shaken you off that at all; can you hang onto that?
A. I believe I can. They said he was guilty years ago and he wasn't.
Q. He testified then, you will learn.
A. I did not know that.

ATTORNEY FALLON: Your Honor, I'm going to impose an objection to the phrasing of that question. Are we not introducing facts or --

THE COURT: Your objection is sustained.
Q. What do you find in Star Magazine that tickles your fancy?
A. The crossword puzzle. That's the first thing I do. They actually have three little crossword puzzles in there.
Q. Any of them acrostics or are they all straight
crossword puzzles?
A. One is a word search, one is like a celebrity, if you know the celebrity's name, one is just a regular crossword puzzle.
Q. Do you do them all?
A. Yes.
Q. Time yourself?
A. No, I don't even finish them all.
Q. Ever listen to NPR on the weekends, National Public Radio.
A. No.
Q. Or Will Shorts, the puzzle master?
A. No.
Q. Okay. You know, as you are -- if you are on the jury, and the time, you know, you will be told you can't talk about the case or decide it until the very end. And when the time comes to try to reach a verdict with 11 other jurors, and you are working through did the State prove these charges, beyond a reasonable doubt; do you feel well equipped or not? How well equipped do you feel to get in and wrestle with scientific evidence?
A. I'm not a professional, but I feel I am not unintelligent. I'm of average. I feel equipped to do it.
Q. Do you think that scientific evidence in and of itself is entitled to more weight or less weight than other types of evidence?
A. I'm not quite sure what you mean by scientific evidence.
Q. Yeah. Well, here is where I'm going with that. You like to make lists. You like the feeling of checking things off your lists. You are oriented toward detail. And that's, you know, if we get into DNA evidence, for example, or collecting minute pieces of things, looking for trace evidence of things, preserving evidence, that can get very detailed. And then when you hear people from the Crime Lab, they will talk about procedures or protocols they have. They are also essentially lists that they go down on doing things.

And that's where I'm going is, whether that's likely to resonate with you more or less, how it's likely to compare to, you know, maybe just some fellow off the street who happened to see something, or is testifying to something he saw or heard?
A. I think you have to give it all equal weight. It
is a puzzle, put the pieces together.
Q. That works. I'm just asking for your answer. And that's all I have got unless there's something that has come out of this that has caused you to say, boy, I probably should tell these -- tell the Court about X or Y or Z .
A. No, I can't think of anything.

ATTORNEY STRANG: Thanks much.
THE COURT: All right. Ms Free, you can stand up and Linda will escort you from the courtroom.

Either party have a motion with respect to Juror 3?

ATTORNEY FALLON: No.
ATTORNEY STRANG: No.
THE COURT: Very well. The Court will consider her on the list. We'll bring in Jason Rezash.

Mr. Rezash, please remain standing, the Clerk will administer an oath.

THE CLERK: Raise your right hand.
(Juror sworn.)
THE CLERK: Please be seated.
THE COURT: Mr. Rezash, you have already completed a jury questionnaire in this case. This
morning we're moving on to the next phase of jury selection which is the chance for the attorneys to ask questions of you relating to your qualifications as a juror.

Before we begin, $I$ wanted to pass on a few items of information that $I$ did not mention last week. First of all, the jurors who are selected to hear this case will not be sequestered. That means the jurors will be able to come back and forth to their homes each day at the conclusion of the trial. We're doing that after receiving the assurance of the jurors that they will not listen to any accounts of this matter in the news media, or watch anything on television, or discuss the case with anyone else.

Also, I want you to know that although these proceedings are in open court, no cameras are allowed in the courtroom during the voir dire proceedings. And the press is not allowed to identify individual jurors by names in any news reporting of this matter. Finally, the jurors who are selected to serve on the jury in this case will not be on camera at any time during the trial.

If you are not stricken for cause after
the proceedings today, you will get instructions to return to court in the next few days for the next step in the juror selection process.

Mr. Fallon, at this point you may begin. ATTORNEY FALLON: Thank you.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good morning. And if you could help me out and pronounce your last name for me.
A. Rezash.
Q. Rezash. Very good. My name is Tom Fallon, Mr. Rezash. I'm an Assistant Attorney General assisting in the prosecution of this case. Lead counsel is to my left, Mr. Ken Kratz, District Attorney for Calumet County. Thank you for coming this morning.

I note from your questionnaire that you work at the Point Beach Nuclear Plant as a security officer?
A. Correct.
Q. How long have you been there?
A. Almost five years.
Q. Have you always been in the security component at the plant, or did you have other duties before that?
A. No, always security.
Q. Tell me a little bit about the security duty that you have at the plant.
A. It's kind of like regulating what comes in and protecting the plant I guess. Making sure no firearms, or explosives, or anything would enter the plant to harm the employees and general public.
Q. Okay. Do you work then at the gate, or are you inside the building making rounds, or exactly how do you perform that function?
A. It depends where you are scheduled for the day. Sometimes you are inside, rotating through, and other times you are at the gate for incoming traffic, personnel and vehicles.
Q. As a security officer, are you licensed or permitted to carry weapons with you?
A. Yes, I have two permits, permit for a firearm and private security permit through the State of Wisconsin.
Q. And how long have you held those permits?
A. Private security permit, probably, well, the extent that I have been there, almost five years. And the firearm permit, probably about four.
Q. Okay. In your capacity as security officer, have
you ever had to use a show of force, or use any weapon that you have been trained to use?
A. No, not outside of training.
Q. And do you periodically receive update trainings?
A. Yes, throughout the year.
Q. I also note you put down formal education, you said seven years, I'm assuming that's -- is that high school and college, or is that college and after college.
A. No, that's just college.
Q. Okay. Any particular specialty that you took at the technical college?
A. I was started out in engineering and then kind of got sick of math, so I switched to elementary education.
Q. All right. Engineering, to elementary education, to security; how did that come about?
A. I took a break from school and needed a full-time job, so I got a job out at the plant. And I'm capable of doing my homework at work, so I kind of went back part time.
Q. All right. Do you enjoy the job that you have?
A. No.
Q. Okay. Any particular reason?
A. It's too boring. I need to keep busy.

THE COURT: Counsel, I'm going to interrupt you briefly, could you approach the bench, please. ATTORNEY FALLON: Sure. (Side bar taken).
Q. Couple more questions, Mr. Rezash, really quickly. You indicated you had some chemistry and DNA training in Lakeland.
A. No, that wasn't through Lakeland, that was through UW school system. I have had chemistry classes, so. I don't know nothing pertaining to DNA, just chemistry.
Q. Okay. Now, on one particular question on the questionnaire has some concern for us, and it was one question you left blank. So I would like to talk to you a little bit about that. The question was, based on the information from any source that you have received, do you have an opinion as to Mr. Avery's guilt or innocence. And you answered yes, and then you said, from seeing and reading the news, and discussing the case with others, I believe he is guilty as charged. But the reason he's going to trial is because that's the law.

And the follow-up question which you didn't answer was, should you be selected to
serve as a juror, could you set those opinions aside and base your decision only on the evidence presented in court and the instructions that Judge Willis gives you. So I want to talk just a little bit briefly about that.

You said, but the reason this is going to trial is because that's the law; what did you mean by that?
A. That's our -- Well, that's the law. That's the way the ground work was set. I mean, you are entitled to a trial. That's what I meant by it.
Q. All right. So, if you think that he is guilty from the media accounts, is there any way that you can set those opinions aside and decide this case strictly on what the evidence is that's presented in the courtroom, as opposed to what you hear outside?
A. Honestly, probably not.
Q. Why is that?
A. That's just my belief. I don't know, based on all accounts that $I$ have read, $I$ don't know. That's kind of the opinion $I$ have already formed.
Q. So even if the judge were to tell you that Mr. Avery is presumed innocent unless and until Mr. Kratz and I can prove him guilty, you would
not follow that instruction and listen to the evidence?
A. Probably not.

ATTORNEY FALLON: I have no further questions for this witness.

THE COURT: Any questions from the defense?
ATTORNEY BUTING: No, Judge, no questions at all.

THE COURT: All right. Mr. Rezash, if you follow the Clerk, she'll lead you to the next stop. Does either party have a motion or do the parties have a joint motion to make?

ATTORNEY FALLON: We'll move to strike the juror.

ATTORNEY BUTING: We join.
THE COURT: All right. I believe based on the answers given by the juror in court today and the answers on the questionnaire, that Mr. Rezash could not set his opinions aside and be a fair and impartial juror here. So the Court will order that he be stricken for cause. And we'll move on to the next juror.

Ms Temme, I'm going to ask you to stand for a minute, first, while the Clerk swears you in.

THE CLERK: Raise your right hand.
(Juror sworn.)
THE CLERK: Please be seated.
THE COURT: Ms Temme, you have already filled out a questionnaire at court proceedings last week, today we're moving on to the next phase of jury selection which is individual voir dire. The attorneys for each of the parties have a chance to ask you some questions.

Before we begin those questions, I wanted to add some information to what I provided you last week, that is, to notify you that the jurors selected in this case will not be sequestered during the trial, meaning the jurors will be able to come home every evening after the proceedings and stay at home. We made that decision assuming the commitment of the jurors to not listen to any news media accounts about this case, or see anything on television or the internet, or discuss the case with anyone else.

I also want you to know that although these proceedings are in open court, no cameras are permitted in the courtroom during voir dire proceedings and the media is not allowed to identify any of the individual jurors by name.

In addition, should you be selected to serve in this case, the jurors are not permitted to be photographed during the trial or appear in any television accounts of the trial.

I note that you did request in your questionnaire permission to provide some answers should the question be raised in private. I have asked the attorneys to notify me before asking you any such questions. And if you believe they ask you any such questions before I get notified, let me know and I will take your request up at that time.

Finally, if you are not stricken for cause after today's proceedings, you will receive a telephone notice within the next few days as to when to return for the next step.

Mr. Fallon, at this time you may begin.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good morning.
A. Good morning.
Q. My name is Tom Fallon. I'm an Assistant Attorney General with the Department of Justice here in Wisconsin and I'm assisting in the prosecution of this case. To my left is Ken Mr. Kratz, the

Special Prosecutor, and he's from Calumet County. He's the District Attorney. Thanks for coming in this morning. We have a few questions to help us in selecting a jury.

I would like to begin with a little bit about your work; you work at Manitowoc Ice?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$. Yes.
Q. And how long have you worked for them?
A. Ten years. It will be eleven in April.
Q. And what kind of work do you do, specifically, for them?
A. Inside customer service for our international market.
Q. Okay. And are you in marketing, sales, distribution; how would you characterize what you do?
A. Customer service.
Q. Customer service.
A. Order entry and just taking care of the customer's --
Q. Okay.
A. -- requests, maintaining their orders, shipping.
Q. Any employment before your time with Manitowoc Ice?
A. I worked for Kaysun Corporation.
Q. What did you do for them?
A. Also customer service.
Q. Okay. I'm not from the area, so forgive me; what does Kaysun Corporation, what do they do?
A. Custom injection molding company.
Q. Okay. I also see from your questionnaire you have an associate degree for a legal assistant.
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. All right. Did you pursue any employment in the legal field?
A. I was an intern at a local law firm, but it didn't last long, no.
Q. I have to ask, since I'm still in the legal field; was there anything -- the pursuit of law not interest you?
A. Pretty much the pay.
Q. Okay.
A. And no benefits, yeah.
Q. Have you had any occasion at all to use any of the legal training that you had?
A. No.
Q. No. Okay. Now, I also note from your questionnaire, there were several individuals that you indicated that you were at least familiar with on some level. And one of them is

Mr. Curt Drumm, how do you know Mr. Drumm?
A. I think he was like a year older than me in high school, so we kind of new each other just in school.
Q. All right.
A. Not really that familiar, just he's kind of a personality in town too. Does some fundraisers so he is known for that.
Q. Okay. So he is kind of well known?
A. Yes.
Q. All right. And you went to school with him, that's four familiarity, okay. How about Ms Debbie Knox?
A. She was the vice principal at Wilson Jr. High School when my daughter was attending that school.
Q. Do you know her well?
A. No.
Q. Would you -- I forgot to ask, would you say you are friends, or acquaintance, or just know Mr. Drumm?
A. I know him, but $I$ guess if $I$ would see him on the street, we would probably say hi and maybe have a short conversation.
Q. Okay. You also indicated that you were familiar
with the District Attorney here in Manitowoc, Mark Rohrer; how do you know Mr. Rohrer?
A. He was a neighbor about a year ago. Not like a neighbor in our neighborhood, I guess the neighborhood I lived in about a year ago. And we maybe in -- I might have known him from being in some community theatre activities.
Q. Would you consider yourself close friends, or close acquaintances, or just someone that you know?
A. Someone I know that I would probably say hi to and have a small conversation with.
Q. All right. A couple other questions from your questionnaire -- Oh, by the way, you also know the Clerk of Court's, Lynn Zigmunt?
A. She was an employee at the law office that $I$ was shortly employed at.
Q. Okay. Did you develop any friendship or strong acquaintance from working with her at that time?
A. No.
Q. In other words, just someone that you worked with very briefly at this point in the past?
A. Right. And if we would see each other, I would probably say hi and have a short conversation, just basic.
Q. You also expressed an opinion that Mr. Avery, when asked if you had an opinion on his guilt or innocence, you indicated you did. And you said, he seems to be involved in the disappearance of Teresa Halbach. Why do you say that?
A. Just because of what $I$ have heard on the news and the newspapers, prior.
Q. Okay. And where do you get most of your news about this particular case that kind of led you to that opinion; was that television, radio, newspaper, internet?
A. I think it was mostly the radio.
Q. Mostly radio. Okay. Now, you followed that up with an answer to the question, if you were selected to serve as a juror, could you set those opinions aside and base your decision only on the evidence presented in court, and you answered yes; are you confident in your ability to do that?
A. Yes.
Q. Any particular reason why you have that opinion?
A. I just think I could -- I would be able to listen to both sides and give an honest answer.
Q. Okay. Now, you -- On one question you were asked, if you served on a jury, how do you think
you would feel about that service. And you said you would find it very interesting. Any particular reason about that? Was that from perhaps your legal training?
A. It's -- The legal system is very interesting, how it works, so I think it would be real interesting.
Q. Okay. And any particular reason why you find it interesting?
A. Just that, you know, things need to be proven. I mean, if you do something, it's not just cut and dry as to what someone might say on one side or the other, it has to be -- the whole thing has to be presented and then decided by a jury, I guess, so it's interesting.
Q. So you like the give and take, and the arguments, and the evidence, and you find that interesting?
A. Yes.
Q. You wouldn't find that tedious or boring?
A. No.
Q. Now, one of the other questions in your questionnaire that might be of some concern to us is you thought that it might be, perhaps, a hardship if you are selected as a juror?
A. My employer asked me to say that it was a
hardship for him. I think they would manage.
Q. So it's more of a hardship for your employer than it is for you?
A. I think they would manage.
Q. Okay. Well, is that -- But I think in fairness to you, we should ask, are you concerned with that, I mean, if you were selected as a jury (sic) that this might have an adverse impact on the job or anything?
A. No, I don't think it would.
Q. Okay. So they were just kind of teasing you, half kidding, have serious, we would rather have you here than there?
A. Yeah.

ATTORNEY FALLON: I will defer my last set of questions for the end.

THE COURT: Mr. Strang or Mr. Buting. ATTORNEY BUTING: I will do this, Judge. VOIR DIRE EXAMINATION

BY ATTORNEY BUTING:
Q. Is it Temme, is that how you --
A. Terri Temme, yes.
Q. Okay. My name is Jerome Buting. This is Dean Strang. And you understand that we represent Steven Avery, right?
A. Yes.
Q. I'm going to focus in a little bit on, there's been a lot of publicity in this case, right, you are aware of that?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. You know, I would like to really get down to -to why you think he -- it seems he's involved and what you have learned about the case over -- I understand you read the newspaper, the Herald Times, right?
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. Do you read that regularly?
A. I get it every day. Yeah, I get the paper.
Q. And have you followed the news articles about the Steven Avery case?
A. To tell you the truth, after probably the last, over the summer and up till now, not really, no.
Q. Kind of got tired of it after awhile, it was all -- in the spring it seemed to be there all the time?
A. I was busy traveling with work also, out of the country and stuff, so it was, yeah, not important to me.
Q. You had work out of the country?
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. Where did you go?
A. I went to Leon, France in July, and to Hangzhou, China in October.
Q. Oh, okay. And that's to help service customers over there?
A. Our sister companies are transferring over to the -- we're all going on to the same computer system, so $I$ was a mentor for both areas.
Q. Okay. I see. That was probably pretty interesting, I imagine, right?
A. It was very interesting.
Q. You also listen to the radio; what station would that be?
A. Well --
Q. For news, I'm talking about.
A. I listen to public radio in the morning, before I go to work. And I can't really get too many radio stations at my job. I don't know why, it's just because. So I think it's Cub radio that I listen to.
Q. So do you listen to 1240 WMOT (sic) much, or 1360?
A. I can't get those stations.
Q. You don't listen to them?
A. I can't get them and, no, and I don't listen to
them.
Q. Driving to work or anything like that, you stick with public radio?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. You heard some publicity, I assume, about Brendan Dassey?
A. $\mathrm{Mm}-\mathrm{hmm}$. Yes.
Q. Tell me what you have learned about that, about him.
A. That he is also somehow involved in this, in the disappearance of Teresa Halbach. Somehow he's involved in that.
Q. Do you know the details of what he supposedly said?
A. I don't really know the details of what he said. I just know that it seems that he was in the vicinity and was there at some time.
Q. Did you happen to hear on the radio, or see on TV, any press conferences about Brendan Dassey?
A. I don't recall. I mean, I don't remember paying much attention to that at all.
Q. Have you read anything about how he has -subsequently recanted his confession, that is, taken it back?
A. No. It's my understanding that he confessed and
then he's been held ever since then.
Q. Okay. So you haven't heard anything about whether or not he's later withdrawn that confession?
A. No, I don't know.
Q. Or anything about that. Okay. Did the story, did it bother you when you heard it?
A. Initially, when -- about Mr. Avery and -- yes, $\mathrm{mm}-\mathrm{hmm}$.
Q. Which part are you talking about? Are you talking about when Mr. Avery was first arrested and they were looking for Teresa and all of that, or later, the Brendan Dassey part of it.
A. Oh, um, the before part, when they were looking for her.
Q. So, did you see on the news when she was still missing and they were looking for her, and they hadn't found her vehicle or anything like that?
A. Yes.
Q. Did you -- Did you volunteer to go help search for her?
A. No.
Q. You have a daughter who is 21 and single, right?
A. $\mathrm{Mm}-\mathrm{hmm}$, yes.
Q. I mean, does that bother you, in particular did
you -- were you thinking about how this might have happened to your own daughter and how horrible something like that would be?
A. Actually no, I didn't.
Q. No. Why not?
A. Because it seems that $I$ feel she's safe. I don't know. I guess I didn't really think about that.
Q. So it's not something that you were ever concerned could happen to your daughter?
A. Of course, I worry about her. As a mother I worry about her, but I never imagined something, you know, terrible happening or.
Q. Sure. Now, when you say that you -- It seems from what you have read and heard on the radio, I guess, it seems that he's -- Mr. Avery is involved in some way. How do you think you can set that aside now and -- if you were selected as a juror?
A. I consider myself a very fair and honest person and I think I would be able to objectively listen to both sides of information and make an honest, objective decision.
Q. Do you think that sometimes people in the media, the way it's portrayed, they may seem guilty, or that it's a cut and dried case, but in reality
things might be very different?
A. Right.
Q. And you think you could look at this case that way?
A. I could look at it very objectively. Like, I guess I have learned not to always believe what the media says.
Q. You are familiar with the concept of the presumption of innocence, I assume?
A. Maybe.
Q. Well, do you know that defendants are presumed innocent?
A. Presumed innocent, mm-hmm.
Q. And in Mr. Avery's case, can you tell us today that you presume him to be innocent, even with everything you have heard or read? Be honest.
A. I'm going to say, yes, mm-hmm.
Q. You kind of struggled with that for a little bit, you just really wanted to be sure; is that what you're --
A. Yes, I wanted to be sure.
Q. Searching to make sure that you really believe that, right?

THE WITNESS: Mm-hmm. Yes. Sorry.
Q. Now, there's another -- This is something that
defense attorneys always have to sort of struggle with, is the whole idea of whether or not to call the defendant as a witness at the trial. Some people think that, you know, if a defendant testifies, well, you know, why should we believe him. He's got everything at stake here, right, he's just trying to save his skin?
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. Some people think why didn't he take the stand, he is hiding something; how do you come down on that? Let me ask you it this way, do you think that Mr. Avery should testify and tell his side of the story? As a juror, is that what you want to hear?
A. I don't think it would make any difference to me if he did or did not take the stand, or it wouldn't make me feel either way that because he did take the stand, like, what you said, like people think that some people who take the stand will be --
Q. Can you think of any reasons why someone would choose not to testify if they were accused of some serious crime like this?
A. Because they have people like you, lawyers, to do the speaking for them?
Q. Okay. Or maybe they are not good with public speaking?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Things of that nature.
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. So, if -- But if Mr. Avery did testify, would you be able to set aside those feelings you have had, things you have read in the newspaper, or heard, and really judge him like any other witness?
A. Yes, I think I could.
Q. You really think you could?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Okay. I appreciate that. There are some questions about, you know, what kind of television shows you watch, CSI, and all those Law and Order kinds of things. And you said you don't watch those shows at all?
A. No.
Q. Do you -- Have you ever watched any police movies or stories, Law and Order crime kind of things?
A. I watch 48 hour Mystery, that's about the only type of show like that $I$ watch. Okay.
Q. Do you think that there's -- the police are more or less likely to lie under oath than any other witness?
A. I would think they are less likely to lie under oath.
Q. Okay. And why is that?
A. Because they are part of the community. I don't know. They are held up as an upstanding, you know, citizen, protecting us. So I think they would be honest in their answers.
Q. Okay. Do you think that they would be -- Can you think of any circumstance where maybe officers wouldn't tell the truth under oath?
A. No, I can't.
Q. So, if a police officer were to testify, there would be no doubt in your mind that that officer would always be telling the truth?
A. Yes, I would think that he was always telling the truth.
Q. Now, if the judge instructed you that you are to judge police officers just like any other witness, determine their credibility, weigh what they say against the other evidence, how they act, their demeanor, all of that; would you be able to do that, or do you think that you would just listen to the police officers and say, boy, if -- you know, if they are up there, they have got to be telling the truth.
A. I think I could be objective. I think I could listen to what they have to say and base what they say objectively. I'm not sure how to say that.
Q. Do you think that sometimes police officers can get personally involved in their investigations, really care about what they are doing?
A. Yes, I believe that.
Q. Do you think that they can -- maybe sometimes that they become convinced of someone's guilt and focus on that one person?
A. I guess that's possible, yes.
Q. Do you think that it's possible that they could be wrong about that, though?
A. I do. Yup, yes.
Q. Do you think sometimes that if a police officer is so involved, so convinced of his case that sometimes they might be tempted to cross the line a little bit?
A. Yes, I guess, you know, being a human being, we're all tempted in some way. You know, could be, yes.
Q. Maybe even cross the line to maybe shade their report a little bit to make it look a little bit different, or change a few words about what
someone says; is that possible?
A. I guess it's possible, yes, because human error can happen, or.
Q. But then if they would come into court and testify about that, perhaps they wouldn't really be telling the truth then. How would you judge whether they are telling the truth or not if you have a situation like that?
A. Have to just listen to everything that's being said, I guess.
Q. Now, do you understand that the -- You understand that the State has the burden of proof, right?
A. Yes.
Q. And that Mr. Avery, like any defendant, doesn't have to prove his innocence, correct?
A. Correct.
Q. Do you think that's a good idea?
A. As far as having the burden of proof on the State or?
Q. Yes.
A. Yes.
Q. Do you think it's fair that they have this very high burden of proof, beyond a reasonable doubt?
A. Yes.
Q. And that the defense can just sit here and do
nothing?
A. Well --
Q. We better not.
A. I would expect -- Yeah, I would expect that the defense would do something. But that's part of our judicial, I guess, because if an innocent -that's the way we, I guess, find, you know, innocence and guilt, is through this process.
Q. Sure. But do you think that if the defense decides to put on a defense, if we decide to put on witnesses; are you going to make us prove that Mr. Avery is not innocent -- I'm sorry, is innocent, not guilty, just because we decide to put on some witnesses and put on a case?
A. Can you say that --

ATTORNEY FALLON: I was going to object to the phrasing of that question because I'm not sure it accurately deals with the standard that's to be expected of the juror.

THE COURT: Mr. Buting, why don't you try rephrasing it.

ATTORNEY BUTING: Sure. I'll rephrase it.
Q. I guess what I'm trying to ask here is, are you going to be able to really hold the State to the burden of proof and not make Mr. Avery have to
prove he's innocent of this charge, even if he decides to put on some witnesses -- or we decide to put on some witnesses on his behalf?
A. Yes, that's how I understood it would be, that the State has to prove innocence.
Q. Okay.
A. I'm sorry. Whatever.
Q. That's fine.
A. I think I got mixed up, but I think -- do you understand what I meant by that?
Q. I believe so, yeah. Okay. Do you not watch any of the shows that have any kind of -- actually 48 Hours sometimes deals with forensic science things of that nature, doesn't it?
A. I think so, I don't -- it probably does.
Q. Do you have any particular view on forensic science, that it's -- do you think it's entitled to greater weight, is more believable than perhaps other types of evidence?
A. Yes, it seems to be -- has been helpful in the -recently for, you know, things that have happened in the past for people that have been proven innocent.
Q. Okay. So DNA in particular, right?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. And that it can, in some instances actually prove someone is innocent, right?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Like Mr. Avery, right?
A. Yes.
Q. You are aware of what happened to him, right? The 1985 conviction he was later exonerated from?
A. Yes.
Q. Did you have any questions or lingering doubt about that and think, oh, maybe he just really is guilty and got off somehow?
A. No.
Q. You are convinced he really was wrongly convicted in that case?
A. Yes.
Q. Do you think, though, that not talking about DNA here in particular here, but other types of science, do you think that science is just infallible and that people don't make mistakes, or do you think that it's really a question of are you going to look at what it's based on, and what kind of research is behind it, and what sort of tests are being done?
A. I think people can make mistakes in science. And it's -- I'm not sure if I answered that
correctly, or the way you --
Q. Probably not well phrased. But are you going to be -- There will be some scientific evidence in this case and at times it may get sort of dry; are you going to be interested in following that, though?
A. Yes, of course.
Q. Looking at all of it, not just the end result, but just what went into it as well?
A. Yes.
Q. One thing, I thought was kind of interesting, you are involved in community theatre you said?
A. Yes.
Q. What do you do with that? Do you act?
A. Mm-hmm. I sing and act and dance. It's just a hobby .
Q. How long have you been doing that?
A. Hmm, maybe 15 or 20 years.
Q. Okay. What's the group that you -- What's the name of the community theatre?
A. I do a Heart-A-Rama fundraiser in the spring, that's for the Heart Association. And then maybe once or twice a year I do a show out at the UW Center for a fundraiser for the theatre groups, kids for theatre. So maybe now it's once every
other year.
Q. That's something you really enjoy though?
A. It's a hobby, yeah. People say I'm good, but I should keep my day job.
Q. All right. And Mr. Rohrer is involved in that too?
A. He used to be a long time ago. I don't recall ever being in a same show with him. But he was involved in Masquers, I believe, yeah.

ATTORNEY BUTING: Okay. That's all I have for out here, Judge.

THE COURT: All right. Just a second. ATTORNEY BUTING: Thank you very much.

## VOIR DIRE EXAMINATION

BY THE COURT:
Q. Ms Temme, I have a few questions for you, just to follow up on the questions about police officers, that Mr. Buting was asking you about. There may be, during the course of the trial, questions raised about the credibility of some of the police officers.

I understood from your answer that you believed they should be more credible because of the nature of their job. But I also believe you indicated you understood that, as humans, they
are just like others and may not tell the truth sometimes; is that correct?
A. Yes.
Q. Not withstanding your belief about the fact that by the virtue of their job they should always tell the truth, if you're selected as a juror, will you be able to assess their credibility just like any other witness?
A. Yes.

THE COURT: All right. Thank you. Counsel, do I take it from your comments that at this point you wish to follow up with a couple questions that, for which confidentiality was requested.

ATTORNEY FALLON: Yes.
ATTORNEY BUTING: Yes.
THE COURT: I'm going to indicate at this time, the law on this subject, first of all, presumes that voir dire proceedings are open. But in specific narrow situations, they can be closed to address specific personal matters involving sensitive questions.

I did have the jurors who filled out the questionnaires indicate specifically if they felt that their answers to any questions fell into
that category. And in this case, there was a yes answer to that. I have reviewed this jurors questionnaire and determined that the answers she referred to and the nature of those answers, do fall into the area of deeply personal matters which are to be kept out of the public domain. And that she made an affirmative request to have such matters be kept confidential.

Therefore, at this time, the Court is going to allow the counsel to address those matters, and those matters alone, in camera. That is, $I$ will briefly clear the courtroom at this time of all parties except court personnel. If you wait just outside the door, we'll have the bailiff notify you as soon as that portion of the questioning has been completed and invite everybody back into the courtroom.

I should also notice that $I$ did receive an inquiry from counsel for $W F R V$, their counsel in New York, last week, asking if any further court proceedings in this matter would be conducted outside the presence of the public. I notified that attorney and sent, by email, a copy of that letter to all of the other news media on the Court's emailing list, that with this narrow
exception that we're dealing with here, the Court did not anticipate that further proceedings would be closed in any fashion.

I also indicated that if that attorney or any others wished to be present to be heard before the proceedings were closed, to please let me know ahead of time so I could recognize the attorney and give the attorney a chance to be heard. So before we close these proceedings, are there any attorneys here representing any news media that wish to be heard before we briefly close these proceedings? I do not see any, so at this time, then, we'll clear the courtroom for a few minutes. If you wait nearby in the hall, I will have the bailiff notify you immediately as soon as you can come back in.
(Proceedings closed.)
(Following portion sealed.)
(Open court.)
THE COURT: All right. At this time the Court is back open. I will have the Clerk escort Ms Temme outside the courtroom. Counsel, does either party have a motion to make?

ATTORNEY FALLON: No motion from the State.
THE COURT: Mr. Buting?
ATTORNEY BUTING: No motion, Judge.
THE COURT: Very well. The Court will
include Ms Temme in the panel. Counsel, I think to move along I'm just going to take a half hour for lunch. I don't know if you want to take it now or after the next juror. What's your feeling? All
right. Let's take a break now and let's report back at 12:35.

I will also indicate that because of the rate at which we're going, I told them this afternoon to bring in eight jurors rather than the 15 that we had discussed. But I also want to let you know, we may go late this afternoon if we need to make some headway. All right. I'll see you in a half hour.
(Noon recess taken.)
THE COURT: At this time we're back on the record. I believe it's Jacqualine Ungrodt, the next juror, correct?

JURY BAILIFF: Yes.
THE COURT: All right. You can bring her in at this time. Ms Ungrodt, if you will please raise your right hand, we'll have the Clerk swear you.

## (Juror sworn.)

THE CLERK: Please be seated. Ms Ungrodt, you have already filled out a juror questionnaire last week. Today we're moving on to the next step in the juror selection process, which is the chance for the attorneys for each side to individually ask questions to make sure that the juror meets the
qualifications.
I have a few pieces of information that I didn't pass on last week. First of all, the jurors selected to hear this case will not be sequestered for the length of the trial. We're doing that because of the fact the jurors are being instructed not to view any news media accounts of the case, or talk with anyone else about it. If the jurors can do that, there will not be a need to sequester the jury.

Also you should know, although these proceedings today are open, no cameras are permitted in the courtroom during the voir dire process and the news media is not allowed to identify individual jurors by name in news reports. In addition, the jurors who are selected to serve in this matter will not be on camera, in any television proceedings or news accounts during the course of the trial itself. If after today's proceeding you are still a member of the panel, you will receive telephone instructions in a few days as to when to report back to court. At this time then we'll permit the attorneys to ask their questions. Mr. Fallon, are you going to be taking things for the State?

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good afternoon.
A. Good afternoon.
Q. My name is Tom Fallon. I'm an Assistant Attorney General working for the Wisconsin Department of Justice. And I'm one of the prosecutors in this case. Norm Gahn is the other, and to my left is Mr. Kratz, who I understand you are at least somewhat familiar with.
A. Yes.
Q. Okay. I guess we should probably start there. Your husband is an attorney?
A. Yes.
Q. Forgive me, but I'm not from this area, so what kind of law does your husband practice?
A. General practice, estate planning, just that kind of thing.
Q. All right. Does he do any criminal defense work?
A. No.
Q. Has he done any municipal prosecution or special prosecution work in his career?
A. Yes, he has.
Q. What can you tell us about that experience, that
you recall?
A. I know he was Corporation Counsel for Calumet County for many years. I can't be more specific than that.
Q. You also indicated that you are familiar with Tim Halbach?
A. I met Attorney Halbach once. I have not had a conversation with him. It was a social event.
Q. All right. Since that time you have not had any contact or any encounters with Mr. Halbach?
A. Correct.
Q. How long ago was it that you first met him at this social occasion?
A. It was either August or September of last year.
Q. All right. So during the pendency of these proceedings?
A. Yes.
Q. All right. During that introduction as it were, did the matter of his sister's case come to light, or any --
A. No.
Q. -- part of your discussion?
A. No.
Q. You -- The fact that you have now met the brother of the victim in this particular case, does that
cause any question in your mind as to whether you could be fair and impartial if selected as a juror in this case?
A. No.
Q. All right. You sound pretty comfortable with that, so let me ask you a follow-up. How do you know Mr. Kratz?
A. Socially, through the Calumet County Bar Association dinners.
Q. All right. Would you consider yourself a friend, acquaintance, or Mr. Kratz is someone that you know from the bar encounters?
A. Acquaintance, we have had a couple of conversations, I guess I could say that.
Q. When was the last time that you and Mr. Kratz had any conversation?
A. That would have been the last dinner, which would have been August or September of last year.
Q. During the course of your conversation, did that involve any discussion of the case at all?
A. Specifically, I will try to remember. I know I mentioned to him, we were sitting across from each other at dinner, that $I$ had been summoned for jury duty. And I don't remember exactly what I said. I probably made some smart remark about
being my luck I would get the big trial. And I think I probably told him I thought from what I had read at that point that Mr. Avery was guilty.
Q. All right. That's just based on the media accounts?
A. Yes, it would have been.
Q. All right. Now, in the questionnaire, you likewise used the phrase probably guilty. And that's fine that you have that opinion. But let me ask -- And that I assume is based strictly on what you read in the media, not from any other conversations with anyone else?
A. Correct.
Q. Okay. You likewise indicated that you would be able to set those opinions aside and base your decision, if you are selected as a juror, solely on the evidence presented in the court, and the instructions you receive from Judge Willis; is that correct?
A. Yes, it is.
Q. How is it, or why you feel that you could set aside, you know, the probable guilt opinion formed from the media coverage and decide this case on what's presented in court?
A. Well -- excuse me. Media coverage is probably
not too reliable with factual things. Maybe so, but I don't put much faith in that and I think I'm able to hear evidence and make a decision on that.
Q. All right. Now that the Court has advised you that sequestration is not likely here, assuming all the jurors are willing to abide by Judge Willis' instructions; is there any other particular impediment in your mind to the possibility of serving as a juror?
A. No.
Q. You also indicated in your questionnaire, if I change topics just a bit here, that you had some prior jury experience, you were on a civil case some years ago?
A. Yes.
Q. How did you find that experience?
A. It was interesting. I was taking classes, legal classes with the paralegal program at LTC at the time.
Q. All right.
A. So it was very interesting.
Q. I'm going to digress since you have given me that opportunity there. Did you pursue paralegal or legal assistant training?
A. I completed the legal classes for the paralegal.
Q. Okay. Did you ever engage in that practice?
A. I was working for my husband at the time. If he would let me, I would.
Q. Okay. That's fair enough. How long did you work in that capacity?
A. It was around 10 years. Some of that part time. Didn't work in the summers when our children were home from school.
Q. All right. Okay. Well, returning again to my original question about the prior jury experience. I take it that was just a personal injury case as you note here, a tavern owner was found not negligent for some -- can you tell us a little bit about the nature of the case?
A. If I remember correctly, it was a long time ago, I think it was a gentleman was escorted out of the tavern by the owner and there were steps leading down and the gentleman fell and, of course, sued the owner of the tavern.
Q. Do I read correctly between the lines that the gentleman probably deserved to be escorted from the tavern?
A. I would think so.
Q. Okay. Why did you find the experience
interesting?
A. I think the process itself is very interesting. And with our legal system, it's -- to see that part of it, you see how it works.
Q. All right. To see it from the other side.
A. The other side.
Q. All right. In that case that you were a juror, were you a foreperson?
A. No.
Q. Anything about the deliberation process and working with your fellow jurors that raises any question in your mind about your ability to fulfill that role again if you were selected?
A. No.
Q. Okay. Do you currently have any close friends or relatives who are currently or have recently worked in the news industry in any capacity?
A. No.
Q. Are you one of those individuals, if they find something interesting in the news might very well get on the internet and do a little background homework to see if there's more information about the story, or some more facts that might help you form a more informed opinion?
A. No.
Q. Okay. Pretty much take the news coverage for what it is?
A. Yes.
Q. Have you, or maybe even your husband, given the nature of his work or at least as a former Corporation Counsel, ever been in charge of writing any kind of safety guidelines or setting up any safety standards for any type of business or industry, or anything like that?
A. I can't speak for him, because I don't know, but I have not.
Q. You have not. Okay.
A. Yes.
Q. Okay. Are you a lifelong resident of this area?
A. No.
Q. How long have you been in Manitowoc County? How long have you been here?
A. About 35 years.
Q. In that time frame, do you have any opinion as to how the Manitowoc Sheriff's Department is doing their job, in terms of dealing with crime and representing the public; do you feel they are doing a good job, bad job, excellent, poor, no opinion?
A. As far as $I$ know they are doing a good job.
Q. In your questionnaire, you indicated that you would be able to weigh the testimony of a law enforcement officer the same way you would any other witness. In other words, you wouldn't give their testimony anymore credibility than any other witnesses. Why do you feel that way?
A. Sounds a lot different when you say that and then what I wrote. I guess maybe I meant that I wouldn't give necessarily more credibility because -- I'm sorry. I didn't do a good job of answering that one.
Q. Well, it's probably not you, it's probably me. You know, we lawyers aren't always as artful with our language as we should be.
A. That's misleading. I really don't know how to correct what I was saying there. I would certainly -- somebody in an official capacity in their job and reporting things, I would give more reliability to their testimony.
Q. Let me rephrase the question here or read the question, excuse me, exactly as it's written and then we'll talk about it and that way $I$ will dig myself out of the hole $I$ just created.

The law requires jurors to evaluate their credibility just as that of any other
witness; that is, jurors are prohibited from giving more or less credibility to the testimony of a law officer simply because the witness is a law officer. And if selected as a juror, would you be able to assess the credibility of law officers on this basis, and you indicated yes; is that accurate?
A. Yes, I guess I can't argue with that. I'm sorry.
Q. Well, we just want to make sure you are clear on that. There is not any confusion in your mind, you would be able to judge their credibility like you would anyone else?
A. Yes. I did not remember the way the question was.
Q. That's my fault for in the way the question was asked. All right. Do you like to work on puzzles? Are you a puzzle person?
A. Occasionally, it's not a passion.
Q. All right. what kind of puzzles would you work on? Word puzzles, jigsaw puzzles?
A. Crossword puzzles.
Q. Crosswords. Okay. Would you consider yourself a detail oriented person or are you kind of a big picture type of approach to problem solving?
A. Probably more detailed.
Q. All right. And why did you think so, or what tells you -- what suggests that answer to you?
A. I guess because that's what I usually take care of in the things that I'm involved with, the details.
Q. So you run the show at home, keep the family business, as it goes, on task, I take it?
A. Well, partially, and plus other things that I'm involved with.
Q. Okay. What are some of those other things you are involved with, some hobbies or other outside things?
A. Things I mentioned, boards I'm on and that.
Q. All right. I see that you serve on the County Library Board?
A. Yes.
Q. Any chance that you are familiar with --

ATTORNEY STRANG: Diane Free.
Q. -- Diane Free? Do you know a Diane Free? She works for the County Library System.
A. I don't know the employees, it's just the board. I'm with the board.
Q. So you're just with the board. I see. Okay.
A. Right.
Q. All right. I see that you are also a secretary
of the board and you are also a president -- is that the Kiel Board of Appeals?
A. Yes.
Q. Tell me about that Kiel Board of Appeals chairperson; what's that's all about?
A. That's if someone disputes a building inspector's granting a permit for building and wants to dispute that, then they come to the Board of Appeals to appeal that.
Q. All right. And you are the chairperson on that?
A. Yes.
Q. In that capacity, do you then listen to the presentation more or less of both sides and then do you like cast a vote in -- in your capacity as chairperson, or is that determined by others, or how does that work?
A. We usually have the information before the meeting.
Q. All right.
A. It has to be published and we do listen to anyone that wants to speak. It's just our side and their's, in essence. But, yes, we do make a motion and vote on that part, the whole board does.
Q. All right. So in that capacity, as a board
chairperson, you are working with the Village or Town of Kiel?
A. City of Kiel, mm-hmm.
Q. City. Okay. Very good. All right. Do you enjoy that?
A. Yes, I do.
Q. What is it about that job that you enjoy?
A. It's just interesting. I just enjoy it, that's all.
Q. Fair enough.

ATTORNEY FALLON: That's all I have, Judge. THE COURT: Mr. Strang.

## VOIR DIRE EXAMINATION

BY ATTORNEY STRANG:
Q. Do you prefer Mrs. Ungrodt or Ms. Ungrodt or?
A. Whatever you wish is fine.
Q. First of all, am I pronouncing the last name right?
A. Ungrodt, but you're close.
Q. I want to be better than close if I can. I'm just going to pick up right where Mr. Fallon left off for a couple minutes. The Kiel Board of Appeals, how many folks sit on that board?
A. Right now, there are seven -- I'm sorry, five, that sit on it.
Q. And the City Clerk is assigned to take minutes or something?
A. Correct.
Q. Okay.
A. Correct.
Q. And this -- this would be variance disputes, zoning disputes, that kind of thing?
A. Well, yes, variance. Generally it's a variance.
Q. Okay. And is it typically the kind of thing by the time it gets to the board that you chair that someone is going to go away happy and someone is going to go away unhappy?
A. As in most things, probably so, yes.
Q. I'm not trying to be cute about that.
A. No. Right. They either are granted the variance or they are not granted it.
Q. And are the disputes the kind that people tend to invest a lot of emotion, or are they not?
A. Sometimes they are, yes.
Q. So there can be pitched feelings about these at times at least?
A. Yes.
Q. Okay.
A. Not often, but sometimes.
Q. And the hearing process, of course, you get
written submissions before probably a night time hearing or an evening hearing that you have occasionally?
A. Yes, mm-hmm.
Q. But that's all published?
A. Yes.
Q. The public is free to come and be heard?
A. Yes.
Q. Sort of municipal government?
A. Correct.
Q. And as a decision making style or process, are you more comfortable about something where you expect to hear from both sides?
A. I'm sorry, I don't understand.
Q. In a criminal case, you may not hear as much from the defense as you do from the prosecution. Do you know why?
A. No, I don't.
Q. Okay. Are you familiar with the presumption of innocence?
A. Yes.
Q. Are you familiar with the concept in this country that the prosecution, the state, the government, whoever the sovereign is, bears the burden of proof, beyond a reasonable doubt?
A. Yes.
Q. And that the defense has no burden of proof?
A. Yes.
Q. So -- And that's where I'm going, Mrs. Ungrodt. Would you -- You come into this telling us, commendably, I mean with commendable candor, that you think Steve Avery is probably guilty?
A. Yes.
Q. I'm getting the sense that you are a person that chooses your words carefully?
A. I have learned that over the years, yes.
Q. So probably was a considered choice when you said probably?
A. Yes.
Q. And as you come into this thinking Steve Avery is probably guilty, what am I going to have to do or what is he going to have to do to persuade you otherwise?
A. I think you just told me he doesn't have to do anything.
Q. Yeah, but I'm interested in what you are going to tell me about you as a decision maker. I'm not so interested in the broad platitudes of the law here.
A. Okay.
Q. I'm interested in learning a little bit about how you will live with that, or whether you can live with that, if you are selected to serve on this jury?
A. Live with making a decision, is that what you are asking?
Q. Right. Would you expect to hear from Mr. Avery in this case if you sat?
A. I don't know if he would or not.
Q. All right. And I guess, you know, wouldn't an innocent man testify?
A. Not necessarily.
Q. Why not?
A. As you said, he doesn't have to prove his own innocence.
Q. Right. And that, I'm confident that Judge Willis will instruct you in words close to that. But again, let's get into the details as you say. Why wouldn't an innocent man testify and say I didn't do it?
A. Well, I don't know a reason that wouldn't happen.
Q. If Mr. Buting and I, with Mr. Avery, decide not to call him as a witness; is that something that will weigh on you particularly here, as you sit here saying I think he's probably guilty?
A. I don't think so. I don't know for sure. I would have to, you know, have that happen and see how I felt. I can't always predict how I'm going to feel about something.
Q. And I want you to expand on that a little bit. It's a perfectly fair answer. In fact, it's a terrific answer saying $I$ don't know as you just did. But what's the tug? What's the conflict you feel?
A. I don't know if -- perhaps if it appeared that the prosecution had -- or needed to affirm a matter of innocence. I really don't know. I'm sorry, I don't know how to answer that, other than that.
Q. You know, one of the things that -- the way -sort of the delicate ways in which our system works is that a judge turns over fact finding to 12 people from the community. I suppose even though a judge might think he is just as good a fact finder as anyone else. And at the same time the 12 people on the jury turn over law finding or instruction on the law to the judge, even though we all come with ideas about what the law is or should be.

And you strike me has a fairly strong
personality. Can you, and will you, take instruction on the law from the Judge even if you don't necessarily agree with it or wouldn't write it the same way yourself?
A. Absolutely.
Q. Why?
A. Because I am a firm believer in our laws and abiding by them and try to, I think.
Q. You came to this area of the state about 35 years ago --
A. Yes.
Q. -- you said. Were the first years before that spent in Madison, or in that area?
A. Was in Madison prior to that, yes. And then Oshkosh after for three years before we moved here.
Q. Was your husband from this area?
A. No, he is from northern Wisconsin.
Q. In any event, really, Manitowoc County, Kiel is I think where you have done -- you raised your children in the main and have lived your life for 35 years. But $I$ also see a lot of connections to Calumet County in your questionnaire; how did that come about?
A. Well, part of Kiel lies in Calumet County.
Q. Oh, is that right?
A. Yes. So it's -- Yes.
Q. Okay. It's one of these cities that split?
A. A small part of the city is in Calumet County.
Q. Okay. And is the library board joint between Calumet and Manitowoc County?
A. No. No, we're Manitowoc County.
Q. But you are also on the Calumet County Library Board, if I understand?
A. Not -- Well, I'm on the Manitowoc County/Calumet County. I'm on the system library board. They have a library system which is two counties, Calumet and Manitowoc.
Q. Is combined?
A. Right, as a system, yes.
Q. I'm sorry, we were going past each other.
A. Perhaps I misunderstood.
Q. That's what $I$ was asking, so it's a two county system?
A. Yes.
Q. And Mr. Ungrodt was, for a number of years, the Corporation Counsel of Calumet County?
A. Yes.
Q. You told us, and it's not a surprise, that you don't remember exactly how many years, but this
was more than 10 or something probably?
A. Oh, yes, more than 10 years ago, yes. Or more than 10 years --
Q. In total?
A. -- in Corporation Counsel.
Q. Yes.
A. I would say at least 10 years that he was.
Q. Sure.
A. I could be wrong.
Q. You anticipated my next question which is, you know, do you know remember about how long ago he stopped serving as the Corporation Counsel for Calumet County?
A. It's been a long time. I would say perhaps between 15 , or 15 years or more.
Q. But he still enjoys the annual, I assume, bench bar dinner, or something, in Chilton?
A. Yes, he does a lot of work in Calumet County also, so, yes. Belongs to both county bar associations.
Q. And there is an annual dinner in Calumet County, bar association?
A. Yes.
Q. Which is a relatively small bar association I think?
A. Yes.
Q. I only say that because I have seen a picture on the wall in the Calumet County Courthouse. So these gatherings, if you include spouses, do these tend to be 25 or 30 people?
A. I would say 30 at least, but perhaps more. It depends.
Q. Something in that 30,30 plus range?
A. Yes, I believe so.
Q. Okay. And Mr. Kratz has been a distinguished member of that bar association for probably 20 , 22 years. Is this an annual sort of thing where you would bump into Ken Kratz yearly, about, at the bar dinner?
A. Well, with a small number of people you do. See, I don't know that we've -- Well, of course we knew who we were, or each other was and --
Q. No.
A. And it was just as a social gathering.
Q. I understand that. And I'm sure, you know, with even if there's 35 people, you talk to some people one year and other people the next, I assume. But, really, you have seen him annually, at least, for a number of years?
A. Yes.
Q. And this past late summer, early fall, the two of you were seated at the same table?
A. Correct.
Q. Was that by choice or was seating assigned?
A. Happenstance, just the way people sat down I think.
Q. Okay. Just where they plopped down. And I'm not -- It's clear you can't remember the details and there's no reason you should. But you were guessing that maybe you said, I have been summoned for jury duty and with my luck, you know, I'll wind up --
A. Oh, yes. I'm sure I said that, something like that.
Q. And you think you probably made a comment to Mr. Kratz that this guy was probably guilty?
A. I probably did, yes.
Q. That was certainly an opinion you held at the time?
A. Yes.
Q. Now, I guess I'm curious about what, if any, follow-up there was from Mr. Kratz to this bit of conversation?
A. I don't -- excuse me -- I don't recall that he specifically said anything. Probably just looked
at me like -- didn't say anything. I don't think you offered any -- I don't remember if he did.
Q. Okay. Nothing that stands out, in any event?
A. Correct.
Q. When did you -- if you could put your finger on it approximately, when did you come to the opinion that Mr. Avery is probably guilty?
A. I don't really know exactly when it was. It had been almost a year by the time, last fall, and against my better judgment, I guess I did make a decision based on what I heard through the media.
Q. Mm-hmm. But you can't now tell me whether that was back in November of 2005 , or March of 2006 , or some other time?
A. No, I'm sorry, I can't.
Q. And your husband still is in the active practice of law?
A. Yes, he is.
Q. You -- I think you said maybe it was 10 years that you worked for him as his --
A. Off and on, yes.
Q. I guess that's right, when the kids were home for the summer.
A. That's when we first moved to the area. So it's been a long, long time ago?
Q. If you were to end up on this jury knowing, as the Judge just told you, that you would not be sequestered, or at least presumptively here, the jury would not be sequestered during the trial; how would you go six weeks with a husband who is a lawyer in this area for a long time, and not talk about the case with him?
A. He doesn't talk to me about anything that goes on in his office. We have never done that with that. And I'm sure that would not be a problem. He knows I wouldn't do it, too.
Q. Of course. This isn't in his office so he doesn't have that ethical responsibility. I mean this is a matter of public comment, to put it mildly.
A. He has as much respect for the system as I do and I don't think he would ask me anything. He knows I wouldn't say anything.
Q. You -- Mr. Fallon asked you a question or two about working puzzles?
A. Yes.
Q. And you allowed as how they are not a passion of yours, but you might occasionally do that?
A. Yes.
Q. What is a passion of yours? How do you -- What
engages you as a way to spend your time?
A. As I probably put in my questionnaire I love to read and I love to garden, I guess those, and my family.
Q. What drew you to the library board? You are really on two, because you are on the Kiel City Library Board.
A. Correct. And the county one.
Q. What drew you to that work?
A. Well, it was I -- because I do read a lot and I take a lot of library books out and was asked many years ago by our local librarian if I would consider being on the county board, which I was first. And then after that, was on the -- was appointed by the mayor at that time to be on the city board.
Q. Mm-hmm. What do you read?
A. Just about everything except romance novels and science fiction.
Q. Okay. You met Tim Halbach at the most recent bar dinner that you described, the 2006.
A. Yes.
Q. Did you know by name, immediately, who he was?
A. No, I think my husband told me who he was before that time.
Q. That he was a brother of Teresa Halbach.
A. Yes, that's correct.
Q. And that rang a bell with you?
A. Well, I knew who he was when I met him. And I was told who he was before I met him.
Q. Before you were introduced?
A. Because I did not know the family.
Q. Okay. So once you were introduced, you knew the connection?
A. Yes, mm-hmm.
Q. Was this just a passing introduction?
A. Yes. Yes.
Q. Nothing more than that?
A. No conversation, just hello, nice to meet you type thing, yes.
Q. He -- I mean, I have met him too and he's a nice young lawyer; would you agree?
A. Yes, I guess so. He seemed a nice person.
Q. I mean, is there a degree of sympathy you feel for him?
A. I think I would have sympathy for any family member who has had a tragic thing happen within their family.
Q. You mentioned, just sort of briefly in your questionnaire, a minor sort of chronic health
problem. Is that something you are comfortable talking about publicly?
A. Sure. It's just sinus -- sinus problems. You can tell I'm so stuffy now, and it's just, yeah. Just, yes.
Q. And I guess I'm here to tell you that a six week trial is a bit of a grueling experience, or it can be, for everyone involved. What -- If there's anyway you can give us a sense, what's the likelihood we lose you to an infection or you really get seriously under the weather during a six week stretch of the winter?
A. I can't answer that. I never know. It just happens. I get up in the morning and it's there.
Q. It's not seasonal?
A. It's more in the winter time.
Q. Okay. And when it's there, is it incapacitating?
A. Pretty much so if $I$ don't have antibiotics to take right away. The first couple days are always the worse, yeah, for that.
Q. Does getting run down, or being stressed, or exceptionally busy, get tied to this chronic problem?
A. Not that I'm aware of, but it's possible.
Q. But that's all I'm asking is you never noticed,
boy, I've been burning the candle at both ends and now I have got myself a bad sinus infection?
A. I have not noticed any correlation between the two.
Q. Okay. Let's say you sit on this jury, in the end. And just -- Let's just suppose that you come to the conclusion, after thinking very carefully about all the evidence at the end, that the State just hasn't proven one or more charges against Mr. Avery and that you are duty bound to vote not guilty on one or more charges, okay?
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. Let's just hypothetically assume that. How do you think the community, in which you have lived for 35 years, would take your not guilty verdict?

ATTORNEY FALLON: Objection, relevance, appropriate of that question.

THE COURT: As it's phrased, I'm going to sustain the objection.
Q. What I'm trying to get at, Mrs. Ungrodt, is jurors can get some unwanted attention no matter what verdict they return. Some of them may want attention but, you know, jurors in general can get unwanted attention. And you know, it's no secret, this case has been highly public, right?
A. Yes.
Q. Do you think you could handle the social stigma, or the reaction of people in a relatively small city, in which you have lived for 35 years?
A. Yes.

ATTORNEY FALLON: I still object. The question is, can she follow the requirements of the law, not withstanding these other factors. Not whether -- Not the question as phrased. I object to the manner in which the question is posed.

THE COURT: Well, it's closer to an acceptable question than the last form was and I think the juror understood it and gave her answer. So I'm going to allow it.

ATTORNEY FALLON: All right.
Q. I'm sorry your answer was?
A. I answered yes to your question.
Q. Why? Why would you be able to follow the law and your juror's duty in spite of all that?
A. Just the way I am. I would do it. If I feel I have done something right, then $I$ won't back down from it.
Q. Thank you.
A. Yes.

## VOIR DIRE EXAMINATION

BY THE COURT:
Q. I have a few follow-up questions. I think they are largely clarification. In answer to a couple of questions on the questionnaire you indicated, I believe, as I read your answers, that based on the news reports that you had heard, you thought that the defendant was probably guilty --
A. Yes.
Q. -- is that correct?
A. Yes, your Honor.
Q. And you also answered yes to the question whether you would be able to set aside those opinions and base your decision only on the evidence presented in court?
A. Yes.
Q. So you understand that at trial, the defendant starts off with a clean slate and, in fact, that you couldn't find him guilty unless you concluded the State proved it, beyond a reasonable doubt.
A. Yes, mm-hmm.
Q. So you believe you could set aside the opinion -The opinion that you had is just based on what you have heard, but you would not let that affect your judgment as a juror?
A. That's correct.
Q. And with respect to Mr. Kratz, do I understand that your testimony was, or your answers were that you see him approximately once a year at this bar dinner?
A. I believe that is correct, your Honor, yes.
Q. And other than a casual hello plus the exchange you described to us, that's the extent of your communication with him?
A. Yes.
Q. If -- To take off on one of Mr. Strang's questions, if at the end of trial, based on the evidence you thought that a not guilty plea -- or not guilty verdict was warranted, and you voted not guilty; would you have any problems facing Mr. Kratz after that, based on whatever your acquaintance is with him?
A. No.

THE COURT: All right.
ATTORNEY STRANG: I have just a brief follow up, your Honor.

THE COURT: Go ahead.

## VOIR DIRE EXAMINATION

BY ATTORNEY STRANG:
Q. What have you heard either from the media or your husband about this case in the last week?
A. Nothing, I have avoided everything, just as I was instructed to do so.

ATTORNEY STRANG: One question, just like I said.

THE COURT: The Clerk will escort you out of the courtroom at this time.

Counsel, any motion from either party?
ATTORNEY FALLON: No motion from the State.
ATTORNEY STRANG: I do. I'm going to move to strike Ms Ungrodt for cause, your Honor, both subject of an objective bias, $I$ guess in the framework that the Wisconsin Supreme Court lately has given us in the last 10 years or so. I didn't like -- Well, they were honest, but I thought the answers to the questions about having an opinion as she comes into this case were a problem.

She comes in thinking him probably guilty, rather than presumably innocent. And having learned a little bit more about her contact with Mr. Kratz, which of course has been perfectly appropriate, although it's a casual acquaintance, it's one that's renewed annually, or nearly, from the sound of it. And during the pendency of this case involved sharing a dinner table and raising the topic of this case, at
least briefly, coupled with now having been introduced to Tim Halbach.

I think we're just, you know, we're at a point here where discretion suggests excusing her for cause, given the size of the panel we have drawn and the compositive issues that her questionnaire and this individual voir dire process raised. You know, I don't know what to make of the chronic sinus problem. But I had some concern about that, too. And I will simply leave that as it is. The Court heard the same thing I did, but I would -- I think on balance this is a juror better off excused.

THE COURT: Mr. Fallon.
ATTORNEY FALLON: Thank you, Judge. While I'm sensitive to counsel and the Supreme Court suggestion regarding the bias issue, I just don't really feel, based on the answers by Mrs. Ungrodt, that we need to excuse here. Taking them I guess in reverse order, starting with subjective bias, she indicated that from the media accounts he is probably guilty. I think that was the answer to question No. 40.

Then with respect to question 42 , she repeated that same comment. But I think it's
significant to point out that from the media coverage, two things. One, we did have a judicial determination that he was probably guilty, and that was clearly reported in the media. And she, as counsel aptly noted, carefully chose her words and didn't say he is guilty, that he was probably guilty. Well, quite frankly, that's an accurate action statement of what the procedural posture of the case is. Secondly, but more importantly, with respect to question 43, and I did ask about it, perhaps clumsily the first time, but did repeat it and the Court did repeat it, that she does strike me as a woman with great respect for the law and the system, being married to someone who has chosen this honorable profession for work to be done. She did participate in the profession herself, and she said, yes, $I$ can set that opinion aside and listen to the evidence. As it were, it was only a probable opinion. So, you know, given her very clear answers and her respect for the system, I think we should take the juror at her word when she says, yeah, I can set that aside, and form my opinion based on what $I$ hear in court.

With respect to the objective bias question, I likewise think there's been, you know, an insufficient showing, even giving deference, as it were, to the concerns of the defense regarding the objective bias argument, based on the fact that she, once a year, runs into Mr. Kratz. As indicated -- As I listened to her, she had no problem voicing her opinions as to, well, if the case called for a not guilty verdict, or a count called for not guilty verdict, I could do it.

And in response the Court's question and counsel's question, I don't think she strikes me as a woman who's beholding to anyone, her husband, or Mr. Kratz, or Mr. Halbach. Mr. Kratz and Mr . Halbach are individuals that she occasionally runs into once a year, twice a year at best.

So I don't think the objective bias argument is appropriate. The objective bias, I believe the test is whether or not a reasonable or prospective juror's state of mind, whether a reasonable juror would be considered biased under those circumstances, and based on what we know, because the Court is entitled to look at all the
facts and circumstances surrounding the encounter.

And I believe the recent objective bias case out of Milwaukee County is certainly ample proof of that fact. The case -- and if I can find it in a moment -- in which an employee of the Milwaukee County District Attorney's Office who works out at juvenile court was -- she was an administrative assistant, was called to serve on a criminal jury downtown on a felony matter and was found not to be objectively biased even though she worked for the same person as the prosecutor. And that's E. Michael McCann, District Attorney for Milwaukee County. That's a Supreme Court opinion in State vs. Dale Smith.

So when you consider all the facts and circumstances, acknowledging that it is a mixed question of law and fact, I don't think there's a sufficient basis for a determination of objective bias. Thank you.

ATTORNEY STRANG: I will add only to that, that I think the objective bias question doesn't stop where counsel has explained it. She worked in her husband's law office during the time he was Corporation Counsel for Calumet County. One of his
clients there, presumably then, as a matter of statute in this state, would have been the Calumet County Sheriff's Office so. And I'm not suggesting that's a subjective bias issue in this instance, but I think it, as well, has a bearing on objective bias.

THE COURT: Well, there have been a number of answers given by this juror, or a number of subject matter areas that the defense has raised. Referring to the last one first, I think she said it was -- she thought it was more than 15 years ago that her husband was Corporation Counsel for Calumet County. And I'm not sure, given that long passage of time, whether one could say that objectively a person in her position couldn't put that aside and be impartial.

I'm not sure that the defense is arguing objective bias in that particular issue, but I don't believe -- I believe, number one, objectively, someone could and, subjectively, I believe she indicated she could. And I see no reason not to believe her on that point.

I asked a few follow-up questions of my own with respect to her connection to Mr. Kratz. It appears to be of the most casual nature;
namely, once a year at a bar gathering. She indicated today that she passed on to Mr. Kratz, some months ago, essentially, what she told us today, which is that she had been summoned to jury duty. She was worried it might be this case. And she said she may well have told him she thought that the defendant was probably guilty, which is consistent with the answers given on her plea questionnaire. She indicated that either Mr. Kratz said nothing in return, or if he did, she doesn't remember what it is. I don't find that there was any meaningful conversation with the two about the case. I don't find that there was any conversation between the two, other than what she related. And I don't believe that very limited contact would either make her subjectively or objectively biased.

And she indicated specifically, in answer to my question, that she would not feel any inclination to be worried about facing Mr. Kratz if she should find that the evidence introduced by the State was insufficient to prove guilt of Mr. Avery in this case; that is, she could render a not guilty verdict and not feel
for any reason that she could not face Mr. Kratz. Her encounter with Tim Halbach was even briefer than that, apparently. I believe she said she just met him once. There was no discussion about this case or the facts involving the disappearance of Mr. Halbach's sister.

Finally, with respect to the answers in her questionnaire about believing at the time, based on news reports, that she felt based on those reports the defendant was probably guilty, but she also indicated she could set aside that belief if selected as a juror in this case.

I think probably the most helpful discussion that $I$ could find in Wisconsin case law that applies here is in the case of Hammill vs. State, reported at 89 Wis. 2d, 404. It's a 1979 case and understandably precedes the current subject -- or statutory bias, subjective bias, objective bias, differentiation used by the courts now. But I think the rules as they apply to the effect on pre-trial publicity and a juror's ability to be impartial are the same. In that case, the Court quoted from a United States Supreme Court case in relevant part as follows: It is not required, however, that
jurors be totally ignorant of the facts and issues involved. To hold that the mere existence of any preconceived notion as to the guilt or innocence of an accused without more is sufficient to rebut the presumption of $a$ prospective juror's impartiality, would be to establish an impossible standard.

I think if a juror gives any inclination that they have qualms, hesitations, or wouldn't be able to set aside the effects of pre-trial publicity, that would be one thing. But this is a juror whose husband is an attorney. She indicated in her answers that she clearly understands the presumption of innocence, the need to follow the Judge's instructions.

She indicates she takes that obligation very seriously and would be able to follow it. And I'm satisfied, based on all her answers, that she is neither subjectively or objectively biased. Therefore, the Court is going to deny the request to excuse her for cause.

THE COURT: The next juror is I believe Cherri Haskell, correct? Ms Haskell, if you will remain standing, please, we'll have the Clerk administer the oath.

THE CLERK: Please raise your right hand. (Juror sworn.)

THE CLERK: Please be seated.
THE COURT: Ms Haskell, you have already completed a jury questionnaire in this case. Today we're going to proceed to the next step of jury selection which is individual voir dire. Each of the attorneys will be given an opportunity to ask you some questions in order to determine whether you are qualified to sit as a juror in this case.

I have a couple of pieces of information to pass on to you which were not addressed last week. First of all, I want to make sure the jurors understand that the jury in this case is not going to be sequestered, which means that although the trial is expected to go on for six weeks, you will be able to come home at the end of the session each day and then come back the following morning.

Our ability to not sequester the jurors is based on the agreement of the jurors that they will not listen to any news media accounts of this case, not read anything, see anything on television, or look up anything on the internet, or discuss the case with anyone else either in
your family or otherwise.
I also want to assure you that although the proceedings are open, we are not allowing cameras in the courtroom during the voir dire process. The members of the news media are not allowed to identify individual jurors in this case. And should you be selected to serve as a juror, there will not be any cameras that are allowed to show the members of the jury during the course of the trial itself.

If you remain on the jury panel after questioning today, you will get a telephone call in the next couple of days letting you know when you are to return to court again. At this point then, we'll have the attorneys ask their questions. Mr. Fallon.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good afternoon, Ms Haskell. My name is Tom Fallon. I'm an Assistant Attorney General with the Department of Justice, one of the prosecutors in the case. To my immediate left is Mr. Ken Kratz, the Calumet County District Attorney and Special Prosecutor as well. Thank you for coming this afternoon.

I have a few questions to follow up on the information that you provided last week, so bear with me. You indicate that you work for your husband at Lakeshore Industrial. I'm not from the area, so if you could tell me a little bit about what Lakeshore Industrial is and what your role as office manager, what kind of things do you do?
A. It's just me and my husband. And we build lifting cages.
Q. I'm sorry?
A. We build lifting cages that hang from cranes.
Q. Oh, sure. All right.
A. I run the office. I do the -- It's just me and him so I do all the sales and everything and bookkeeping and he builds the cages.
Q. All right. So it's clearly a family run business and you are the only two employees?
A. Yes.
Q. Okay. All right. Well, how long have you been engaged in that business?
A. Seven years.
Q. Okay. And through the entire seven years, has it just been you and your husband running the business?
A. Yes.
Q. And sole employees of the business?
A. Yes.
Q. Okay. I note from the questionnaire that you did not answer yes or no, and based on the information that you have just given me, I'm going to reask one of the questions. If this case does in fact go six weeks, the question is, is there any reason that has not previously been ruled on by the Court or why you would suffer any exceptional personal hardship if you are selected to serve as a juror in this case?

In other words, if there are just the two of you, is this going to be a problem for you and your husband if you get selected as a juror for six weeks?
A. It will be tough on him.
Q. Well, tell us a little bit about that. Because if it's going to be a problem, we would probably like to know that. So is there anyone else who can pinch hit for you?
A. We may be able to find somebody to help out, yeah.
Q. How much of a hardship on the business would it be if you were selected as a juror?
A. Well, he would be taking all the sales calls while he's trying to do the manufacturing. So he has to stop what he's doing.
Q. So he would be doing the service as well as the production?
A. Yes.
Q. Have you contemplated plans for someone to pinch hit for you, if in fact you are selected?
A. Yes, we have asked somebody.
Q. Do you have assurances that you will be covered as best as --
A. Not yet.
Q. Oh, not yet.
A. We thought we would wait and see.
Q. All right. Good prospect?
A. Hopefully.
Q. All right. Thank you. One of the other things that was somewhat noteworthy about the information you provided is that you indicated that you apparently have not been following this case in the media?
A. At first I did and I just haven't lately.
Q. All right.
A. I'm not much of a news person.
Q. How much -- How long ago did you stop paying
attention, as it were; are we talking months?
A. Yeah.
Q. Last summer or even before that?
A. Probably at least six months.
Q. At least six months. All right. You indicated you are not much of a news person. Where, or primarily, do you get your news sources? Are you radio, television, $T . V .$, newspaper, if you do get something?
A. I read Sunday's paper.
Q. Sunday paper. All right. Do you listen to the radio at all in your car or at work?
A. Yes.
Q. Any media coverage of this case that you gleaned from the radio, that stands out?
A. No.
Q. All right. In terms of law enforcement, you answered one question, you have a brother-in-law that is a sheriff?
A. Yes.
Q. And where is that?
A. In Georgia.
Q. Macon, Georgia?
A. Yes.
Q. Is he the sheriff or is he a deputy?
A. He actually does the training for -- for the sheriffs. He does --

ATTORNEY STRANG: I'm having difficulty hearing the juror with the noise in the back.

THE COURT: I'm having the bailiff quiet the jurors down a bit.
A. I will speak up. He's in charge of the training.
Q. All right. He's a training officer for the Macon County Sheriff's Department?
A. Yes.
Q. All right. Do you consider yourself more of a detail oriented person or a big picture type of person?
A. Detail.
Q. You are a detail person. All right. Would you consider yourself someone who enjoys working on puzzles, or not?
A. No.
Q. Not a puzzle person. No word puzzles, no jigsaw, no crossword, no nothing?
A. (Shakes head. No verbal response.)
Q. Okay. Fair enough. Next some, just general questions. Are you familiar with a project that's here in Wisconsin called Project Innocence?
A. No.
Q. All right. Let me ask, how much of Mr. Avery's background do you know?
A. None.
Q. None. You have not followed his --
A. Just from what $I$ heard in the beginning.
Q. Okay. And do you recall what you may have heard in the beginning?
A. That he was arrested before and then found guil -- innocent, I'm sorry.
Q. He was found guilty and then he was --
A. Yeah.
Q. -- exonerated.
A. Yes.
Q. So you are familiar with that?
A. Yes.
Q. But you haven't really followed his situation or his plight other than that?
A. No.
Q. Okay. Have either you or your husband ever used a publication such as Auto Trader to sell a car, or buy a car, or anything like that?
A. No.
Q. Do you like movies?
A. Yes.
Q. Have you ever seen the movie "The Thin Blue Line"?
A. No.
Q. Okay. How long have you been a resident of Manitowoc County?
A. Eight years.
Q. And where did you live before that?
A. Florida.
Q. Florida. In your eight years here in the Manitowoc area, have you ever had any encounters with the Sheriff's Department, either in your business capacity or personal capacity, or anything like that?
A. No.
Q. Do you have an opinion now as to whether you think the Sheriff's Department is doing a good job with dealing with crime and the public, or just a fair job, or no opinion?
A. I think they do pretty good.
Q. Any particular reason that leads you to that conclusion?
A. Compared to living in Florida, they do a real good job.
Q. All right. Where in Florida did you live?
A. Orlando.
Q. Based on your previous answers, I suspect the answer to this question is no, but I'll ask anyways. Do you have any -- you or your husband have any close friends or relatives who have worked for or are currently working for the news industry, working in the media at all?
A. No.
Q. Before the business -- Well, were you and your husband engaged in this same business in Florida or is this something you started once you came to Manitowoc?
A. Just started it when we moved here.
Q. What did you do before that, when you were in Florida?
A. He worked for a crane company, welding.
Q. And yourself?
A. I was in insurance.
Q. Insurance agent?
A. Not an agent, just clerical.

ATTORNEY FALLON: That's all I have.
THE COURT: Mr. Strang.

## VOIR DIRE EXAMINATION

BY ATTORNEY STRANG:
Q. Thank you. Hi. I'm going to pick up on a couple of questions that you have already been asked,
then we'll see where we go from there. You and your husband have talked about finding somebody to cover for you if you land on this jury. Would you guys have to pay that person?
A. Yes.
Q. Okay. So, I'm not trying to pry into finances, but is that going to turn out to be a significant financial difference than the way things are now for the household or no?
A. No.
Q. Something you can do without a huge problem?
A. Yes.
Q. You told us a little bit about Florida and, specifically, that compared to the Sheriff's Department around Orlando, the folks here do a terrific job, or something close to that. What was your beef, if you will, with law enforcement down in the Orlando area?
A. I didn't have a problem with the law enforcement, but there was a lot of crime.
Q. Oh, in the area in which you lived?
A. Yes.
Q. Okay. Is that part of the reason why you moved back up here?
A. Yes. We had children, so we wanted to raise them
somewhere safe.
Q. Mm-hmm. Okay. You're originally from the U.P.; is that --
A. Michigan. Not the U.P., but Michigan.
Q. Oh. Okay. I thought it was the Upper Peninsula. I stand corrected. What do you -- sort of get back to the publicity that you absorbed or saw about this case back before you sort of unplugged or tuned out; what do you remember about Brendan Dassey?
A. I didn't hear much about that.
Q. The name ring a bell?
A. That he was arrested.
Q. Okay. Is he related to Steven Avery?
A. Yes, I know that.
Q. Do you know how?
A. Nephew.
Q. And when he got arrested, was that still while you were sort of following this case a little bit?
A. Yeah.
Q. You stopped following it after that. A long time after or right after or?
A. Probably a few months after.
Q. And what do you know about -- I mean, other than
that he was arrested? What you have you heard or read about him?
A. Well, I just heard that he was involved with it.
Q. And how does that -- In your mind, does that have a bearing on Steve Avery?
A. No, I have no opinion on it.
Q. Well, but I mean, I think you correctly identified Brendan as Steve Avery's --
A. Yeah.
Q. -- nephew.
A. Yeah.
Q. So does the one case have a bearing on the other?
A. No.
Q. Why not?
A. Well, they are together, but I mean, I don't know the facts about it.
Q. Okay. So do you remember being told Brendan -or hearing, reading, that Brendan made some statements, you know, confessions, whatever you want to call it?

ATTORNEY FALLON: I'm going to object to the phrasing of the question.

THE COURT: I will sustain the objection.
Q. What do you remember hearing about any statements Brendan Dassey may have made?
A. He just said that he was -- that he did do it, and he was involved in it, and that Steven threatened him, I guess.
Q. And what does that make you think about Steven Avery?
A. No comment on it. I don't have a comment. I can't base my fact -- I don't know.
Q. When you say you don't have a comment, are you thinking something but you don't want to tell me, or you are not thinking?
A. I don't really know.
Q. Okay. The Judge will, I think, eventually instruct whoever is on the jury here that in America a person accused of a crime is presumed innocent; is that something you have heard before?
A. Yes.
Q. Okay. Does that make sense to you?
A. Yes.
Q. Do you agree with that?
A. Yes.
Q. You know, given that you have heard at least, or read something about this case, why would you presume Mr. Avery innocent?
A. I'm not saying that he is.
Q. Okay. What do you think?
A. I really don't know.
Q. But if you were told you had to presume him innocent, why would you do that?
A. I can't say if he's innocent or guilty, I really don't know.
Q. Could you follow an instruction that told you to presume him innocent?
A. I don't understand what you mean.
Q. An instruction, that's a lawyer word. If Judge Willis eventually looks at the jury and says, I, the Judge, am instructing you that Mr. Avery, like any criminal defendant in this country, is presumed to be innocent, is that an instruction you think you could honor and follow?
A. Yes.
Q. If the Judge further told you, here in our country, the state bears the burden of proving someone accused of a crime, guilty beyond a reasonable doubt; is that a concept you have heard before?
A. Yes.
Q. Is that a rule you could follow?
A. Yes.
Q. Not just in general, but in this case?
A. Yes.
Q. And when I say -- You know, you are a detailed person, let me give you a specific setting. If the Judge instructed you that Mr. Avery is presumed innocent and the State bears the burden of proving him guilty, beyond a reasonable doubt, if it can and, you know, some juror said, on the second day of the trial, boy, this guy is guilty as the day is long; is that something you could correct the juror, or bring that to the Judge's attention?

ATTORNEY FALLON: Objection.
THE COURT: Sustained.
A. That I could --
Q. Could you honor that -- No --

THE COURT: Just a minute, I sustained the objection.

ATTORNEY STRANG: Right.
Q. You can't answer that question, so I'm going to move on.
A. I'm sorry.
Q. That's okay. It's my fault, not yours. What I'm trying to get at is whether this is a rule that you can take to heart, you personally?
A. Yes.
Q. Do you think that a person charged with a crime should testify in his own behalf?
A. Yes.
Q. Why?
A. To get their side.
Q. Okay. And if the rules turn out to be that the person can testify if he or she wants to, has a perfect right to do that, but also does not have to testify, and if the person chooses not to testify, the jury is told they can't consider that; is that a rule you can follow?
A. Yes.
Q. And I guess why, since we're starting with you thinking, yeah, he should testify so I get to hear that side of the story too?
A. I didn't understand the question.
Q. Why then could you follow a rule that says, nope, if you only get to hear one side of the story, the burden of proof still rests with the State and you can't consider the fact that the defendant did not testify?
A. Then $I$ would have to follow that rule.
Q. But if $I$ understood you, your first inclination would be to want to hear both sides?
A. Yes.
Q. Can you think of any reasons why an innocent person might choose not to testify?
A. Their words might get twisted.
Q. Okay. Okay. How about lawyers, are lawyers likely to have any affect on that?
A. Yes.
Q. How so?
A. By changing their frame of wording.
Q. Okay. So, in other words, the lawyers on the other side might do that?
A. Yes.
Q. How about the lawyers on the defendant's side; do we have any input in that, or affect on whether somebody testifies or not?
A. I don't think so.
Q. Okay. And I guess the bottom line is -- Do you like Mrs. Haskell, or Ms Haskell?
A. Mrs.
Q. Mrs. Okay. The bottom line is, if for whatever reason Mr . Buting and I don't call Mr . Avery as a witness, or he does not testify; can you still presume him innocent and hold the State to a burden of proof, beyond a reasonable doubt?

ATTORNEY FALLON: That's asked and answered. She said she could follow the instruction
on presumption of innocence, burden of proof.
THE COURT: She did, but $I$ will allow it. It's a specific question.
A. Yes, I could.
Q. Let me turn it around. If he decided to testify, could you consider his testimony just the same as any other witness you would hear?
A. Yes.
Q. You left unanswered one question in your questionnaire. It was No. 43, not that you will remember that. The question was, if you have formed any opinions as to Mr. Avery's guilt or innocence, based on information from any source, would you be able, should you be selected to serve as a juror, to set aside those opinions and base your decision only on the evidence presented in court and the instruction given you by the Judge? So I will ask you.
A. I thought I answered that.
Q. Nope. But the answer is yes?
A. Yes.
Q. Okay.

THE COURT: Actually, in fairness to the juror, I should note that the Court didn't artfully word that because it starts out saying, if you
formed any opinions, so if the juror hasn't formed any maybe they would feel they didn't have to answer that one.

ATTORNEY STRANG: Thank you much. That's all I've got.

THE COURT: All right. The Clerk will escort you out of the courtroom at this time, Ms Haskell.

Counsel, any motion from either party?
ATTORNEY FALLON: No motion from the State.
ATTORNEY STRANG: I have no motion specific as to that juror. But I do need to be heard before we bring in the next juror.

THE COURT: All right. Ms Haskell will be in then and we can wait a minute before bringing in the next one.

ATTORNEY STRANG: I have encountered from the State a number of objections to questions of mine on individual voir dire that $I$ regard not only as proper and unexceptionable, but necessary here. Probably not phrased in a sterile way, but there is no requirement of which I'm aware of that sterility control the process of individual voir dire or general voir dire.

And I need to air out just exactly what
parameters the Court thinks I'm invading, or what the objections are so that we can deal with that. Because my voir dire here is being hampered materially.

ATTORNEY FALLON: I understand where counsel is coming from and it's not something that $I$ ordinarily object to. Here are my only two concerns or complaints. One, $I$ just don't think it's fair to interject facts, for instance, regarding what the juror should know about the past. The question is what do they know about the past.

You know, constantly interjecting opinions about, well, he testified in the first case and he was found guilty and shouldn't have been, and what if he doesn't testify in this case; I mean, that's conditioning of the jury. That's one set of questions that $I$ do strongly take exception to, the introduction of facts as opposed to let's find out from them what they think the facts are, or what they know the facts to be.

The other questions regarding the presumption of innocence and the burden of proof and it -- I understand exactly where he's going to and most of it I don't object to. My problem
is it is in the wording. Because the presumption of innocence, the real essence is -- well, can you take it to heart, or do you believe in it. Well, that's nice, and it might be helpful, but the real question is, can you accept it and will you follow it. That's the essence of it.

And whether they are going to get warm and fuzzy over it, is not the issue here. And so I understand completely where counsel is going. And I emphasize with that. I just object to the phrasing on those issues. Because they are important. They are certainly entitled to know that information. My objection there is strictly the way they are being approached and asked.

ATTORNEY STRANG: Well, with all due respect, the question whether a juror can or will follow a legal rule satisfies the issue of cause to excuse them. And the question of what a juror believes, what a juror accepts, how a juror reacts to propositions, is this something that sticks in the craw, or something that makes the juror want to stand up and wave an American flag, is exactly the sort of thing that goes to the second purpose of voir dire, which is the intelligent exercise of a peremptory strike.

And it's also entirely appropriate in this case or any other, to give some concrete meaning to an abstraction like the presumption of innocence. Because here that means they got the wrong guy. That means he didn't do it. That's what I'm presuming or I'm asking a juror to presume and I have a right to have them presume. So to get them talking and get some sense of what it is these people really believe, and what it is they will simply live with a bridal on or not spit out the bit, is the essence of what we're trying to do in deciding how to exercise but seven peremptory strikes.

THE COURT: Well, I'm not sure how I can respond precisely to comments that relate to a variety of objections, some of which I have sustained, some of which I have overruled. I recall a couple of the questions related to something involving the defendant testifying at the 1985 case. It's not immediately apparent to me why that would be relevant to this case. I don't think it's something necessarily that the jury is going to hear.

I have to confess it hasn't been the subject of any pretrial motions and perhaps
there's an explanation I haven't heard yet, but to the extent that the questions start getting into specific evidence, especially evidence that the jury may or may not hear, the Court is going to be reluctant to allow those types of questions.

In other cases, the Court sustained the objection simply based on the phrasing of the question. And I don't think I can give you any advance indication as to whether or not I might sustain or overrule any other objection, other than to make those comments.

I agree that the -- both parties are entitled to some flexibility in order to draw out the juror and get an honest answer to questions that are directly relevant to determining whether or not the jury can be impartial. But once the parties start getting into hypothetical questions, or questions that might be somewhat misleading, I will sustain objections.

ATTORNEY STRANG: Well, of course, the fact that he testified in 1985 and was convicted all the same, is not at all hypothetical. And it's a wonderful specific concrete example that may bring home to a juror the importance of this rule that we
have, that one has a privilege not to testify in a criminal case, if you're the accused. And innocent people well might choose to do that for good reasons.

THE COURT: Well, that's true, but it's not necessary to ask the question in this case and it is something that may well be determined to be irrelevant evidence if it was attempted to be introduced in trial. And I just don't see the necessity or reason for it.

ATTORNEY STRANG: Well, the reason is that we've got -- I don't know, I can't give the Court a number right now. But we have several jurors who wrote on their questionnaires, I need to hear the defendant, or an innocent man would testify, words to that effect. We have got jurors who have written down that opinion, and jurors -- I should say prospective jurors, panel members. And my guess, knowing human nature, is that for everyone who has written it down, there are three or four who believe it and haven't written it down. And I clearly am in a position, representing someone who may not testify in this case.

THE COURT: Don't get me wrong, I'm not saying that you can't ask questions that are meant
to ask the jury if they can accept our rule that the defendant doesn't have to testify. But I don't think it's necessary to tell the jurors, and Mr. Avery did testify in his 1985 case in order to drive home the point. That's what I'm saying.

ATTORNEY FALLON: And, you know, just an example, then if counsel wants to ask the question, well, can you think of any reasons why the person wouldn't want to testify and, you know, we have the advice of counsel, we have the inartful speaker, and perhaps a few others things they would like to suggest. Does that mean that I get to say, well, what do you think of the fact that he has got six inconsistent statements about what he did in the first eight days of this investigation. What about the fact that he has a felony record. I mean, I can play that routine too, but I don't want to. I don't think it's appropriate. I just think we're opening a box here.

THE COURT: Well, I agree that if the questions go too far in that regard, I would stop them. If a juror says, no, I can't think of any reason why the defendant wouldn't want to testify, that doesn't necessarily make the juror unqualified. It just may mean that the juror can't come up with a
specific reason.
But as long as the question is brief. It probably -- There are a number of jurors, and it's not just this trial, it's any criminal trial, will get up and say, yeah, I think the defendant should testify, so I can hear the defendant's side of the story. The defense is entitled to a brief education to explain to the jury why our rules don't require that. And as long as the time isn't abused, I'm going to allow it.

ATTORNEY FALLON: I don't have any objection to that.

THE COURT: Diane, can you do another one before we take our break? How are you doing?

COURT REPORTER: I think we can take our break.

THE COURT: All right. Let's take our break. We'll resume in 15 minutes, 25 to 3. (Recess taken.)

THE COURT: The next juror is John Carbon, correct?

ATTORNEY FALLON: Correct.
THE COURT: Mr. Carbon, if you can remain standing, the Clerk will administer the oath.

Please stand.
THE CLERK: Raise your right hand.
(Juror sworn.)
THE CLERK: Please be seated.
THE COURT: Mr. Carbon, you have already completed a questionnaire in this case. This afternoon we're moving on to the second step of jury selection which is individual voir dire. The attorneys will each have a chance to ask you some questions this afternoon.

Before we proceed, I wanted to tell you a few things that I didn't tell you last week. First of all, the jurors in this case are not going to be sequestered. That means if you are selected on the jury, you are going to be able to go home and sleep at home every day. And we're doing that because we received a commitment from the jurors not to listen to any news media accounts of this matter, watch any television, read any newspapers, or explore it on the internet, or discuss it in any way with anyone.

I also want you to know that although these proceedings are open to the public, we don't permit television cameras in the courtroom during the voir dire process and the press is not
allowed to identify individual jurors by their names in news reports. And finally, for those jurors who are selected to serve on the jury in this case, the cameras are not permitted to show the faces of the jurors at the trial.

If you are -- If you continue on the jury after questioning today, you will receive instructions by telephone when to return later this week. With that background then, Mr. Fallon, you may begin your questioning.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good afternoon, sir.
A. Good afternoon.
Q. Is it Carbon or Carbon.
A. Carbon.
Q. Carbon. Thanks for coming. I just have a few questions to follow up on some of the information you provided last week. My name is Tom Fallon. I'm an Assistant Attorney General with the Wisconsin Department of Justice and I'm assisting the prosecutors in this case. All right.

Mr. Carbon, I noted from your
information here that -- I take it you were a brake press operator?
A. Right.
Q. Are you currently retired?
A. Yes, I am.
Q. And how long have you been retired, sir?
A. 2002, May 31st.
Q. 2002 .
A. Right.
Q. Okay. And where did you work when you --
A. Invincible.
Q. Invincible.
A. Yes.
Q. All right. And how long did you work for them?
A. Thirty-five years.
Q. Were you a brake press operator all that time?
A. Yes, I was.
Q. Okay. One of the other things that you reported, I take it that you are not much of a newshound?
A. No, I'm not.
Q. All right. And most of the news that you do get, it seems to be you have a preference for television news?
A. That's right.
Q. All right. You are not much of a newspaper or magazine guy?
A. No.
Q. All right. Yet, you report that you have not received much publicity in this case, or at least much that you remember. Is it because you just haven't followed this case?
A. Well, $I$ have no interest in it so far.
Q. Okay. Fair enough. As a result, you don't have any opinions as to the guilt or innocence of Mr . Avery or anybody else?
A. No, I don't.
Q. All right. If you were selected as a juror in this particular case, is there any hardship, economic or health-wise that may --
A. None whatsoever.
Q. None whatsoever. So you are feeling pretty good?
A. Yes, I am.
Q. Very good. You indicated in your report that you would be able to follow any instructions that Judge Willis gave you and apply that?
A. Yes, I would.
Q. All right. And you would, if you were selected, base your opinion as to the guilt or innocence of Mr. Avery solely on what you hear in court; is that right?
A. Yes.
Q. All right. In other words, whatever evidence
that the State may present, or the defense presents, whatever occurs in the courtroom is what you would base your opinion on and nothing else?
A. Right.
Q. All right. And you would be able to accept the Court telling you that Mr. Avery is presumed innocent and unless or until the State can convince you otherwise?
A. Right.
Q. All right. And you would be able to follow that?
A. I sure would.
Q. Okay. And you understand that Mr. Avery doesn't have to take the stand or testify?
A. Right.
Q. All right. And you wouldn't hold that against him if he did?
A. No, I would not.
Q. All right.
A. That's his privilege.
Q. All right. Similarly, if he did take the stand and decide to provide some information to the jury, you would evaluate his believability the same way you would any other witness?
A. Yes, I would.
Q. All right. Now, do you have any close friends or relatives who are working in the media or have recently worked in the news industry?
A. No, I don't.
Q. No. All right. Do you have a computer at home, sir?
A. No, I don't.
Q. All right. And as I recall, you do not have any prior jury experience; is that right?
A. No, I don't.
Q. Okay. As you think about this particular case and the possibility that you would be selected as a juror, is there anything in your background, any personal philosophes or religious beliefs, or anything of that nature which might cause you some concern in terms of being a juror?
A. No.
Q. All right. You would have no problem deliberating in determining guilt or innocence?
A. Not one bit.
Q. Okay. In your capacity as a brake press operator at Invincible, did you ever, or were you ever involved in any security matters with the company or the shop?
A. No, I was not.
Q. Not your area of expertise?
A. No.
Q. Okay. Excuse me. Since you didn't or haven't followed this case very closely in the media, do you have any strong recollections about anything that you may have heard at this time?
A. No, I don't.
Q. Okay. How long have you been a resident or member of Manitowoc County, sir?
A. 1960 I moved into Manitowoc.
Q. Okay. 1960 .
A. I was born in Branch. I lived out there for 21 years and I'm 67 so.
Q. I'm sorry? You were born where?
A. Born in Branch. And I lived in Branch until I was 21.
Q. Very good. All right. So you have a fair amount of experience. Do you think the Sheriff's Department is doing a good job, bad job, or fair job, or no job at all, in terms of dealing with crime?
A. I think they are doing okay.
Q. Doing all right?
A. Sure.
Q. Do you have any strong opinions regarding your
experience with law enforcement?
A. No, I don't.
Q. All right. Have you had any encounters with law enforcement?
A. No.
Q. Okay. Any family members or any friends have any bad experiences that they shared with you?
A. No, they haven't.
Q. Okay.

ATTORNEY FALLON: That's all I have for this witness.

THE COURT: All right. Mr. Buting.
ATTORNEY BUTING: Thank you, Judge.

## VOIR DIRE EXAMINATION

BY ATTORNEY BUTING:
Q. Good afternoon, Mr. Carbon.
A. Good afternoon.
Q. My name is Jerome Buting, and Dean Strang and I are defending Mr. Avery, I assume you understand that.
A. Okay.
Q. Let me ask you, now you are retired for the last three years, four years?
A. Four.
Q. Okay. And you stay here year round?
A. Yes, I do.
Q. What do you generally do with your day?
A. I go for walks and I watch the boob tube.
Q. Okay. Do you have friends you socialize with, get together and --
A. Oh, we go to the bar once a week and play cribbage.
Q. Okay. And are they friends you had for a long time?
A. Oh, yes.
Q. Okay. Good friends?
A. Yes.
Q. Okay. And you say you watch a fair amount of TV?
A. Yes, I do.
Q. During the day and in the evening as well, probably?
A. Basketball, football, stuff like that.
Q. So does this -- As you are socializing with your friends, did this case ever come up in any discussions, like, hey, did you hear about this or that or what do you think about --
A. Not really.
Q. Do you remember when it was charged originally?
A. I think it was a couple years ago. I don't remember.
Q. Okay. Can you tell me what it was you recall hearing when it was first charged?
A. Just that he was accused of murdering Ms Halbach.
Q. And at some point did you later hear news reports about another person who was also charged?
A. No, I haven't.
Q. Never heard about a nephew.
A. Oh, yes, yes, young Dassey.
Q. Brendan Dassey.
A. Yes.
Q. Brendan Dassey.
A. Yes, I'm sorry.
Q. Where did you hear about that; did you see that on TV?
A. That was on TV also.
Q. Okay. Did you see the press conference that was on TV for that?
A. No, I haven't.
Q. You know what I mean by press conference with --
A. I haven't. That I haven't seen.
Q. Okay.
A. I couldn't have had the TV on at the time. I don't know.
Q. Okay. But you recall seeing something on TV about it?
A. Yes, I did.
Q. What do you recall learning about it, the details? What do you remember?
A. Just that they were supposed to have stabbed her, mutilated her. That's about the only thing I remember.
Q. And did you -- What did you think when you heard that story; was it a pretty graphic detail?
A. Yes, it was.
Q. Did it bother you to hear those?
A. Yes, it did.
Q. Did you believe it to be true?
A. I don't know if it's true or not.
Q. But when you initially heard that, did you just assume, well, it must be true?
A. Not really. Not really.
Q. Did you think otherwise? Did you think, well, this is kind of a strange story, I'm not sure this really makes sense?
A. I don't know if it makes sense or not, you know, I really don't know.
Q. Okay. Did you -- Did it have any affect on the way you thought, or do you think it had any affect on whatever feeling or opinion you might have had about Steven Avery as opposed to Brendan Dassey?
A. Not really.
Q. Do you recall any details about him being involved, that is, Steven Avery being involved, according to Brendan Dassey's first statement?
A. Just through the news media and that was about it.
Q. Right. So, in that news media though, you learned a story of what this young man apparently initially said, right?
A. Yes.
Q. Okay. And through the news media, have you ever heard any other versions of it since then, any differences in that story?
A. No, I haven't.
Q. Have you ever heard whether or not the young man, Brendan Dassey, has since tried to take back that story, had to change the story, or anything of that sort?
A. No.
Q. Just never heard any of that? What about through talking with your friends?
A. We don't even bring it -- discuss it, my friends.
Q. Okay. After having heard all that you did hear, though, pretty graphic details, as you see

Mr. Avery sitting here today, do you really think you think you can give him the presumption of innocence?
A. I really don't know, sir.
Q. Be kind of hard?
A. I don't know if he's innocent or guilty. I have no idea.
Q. Well, if -- the Judge will instruct you that when any defendant, including Mr. Avery, comes to court here, at the beginning of his trial, he's presumed innocent.
A. That's true.
Q. No matter what you may have heard in the news?
A. That's true.
Q. Do you think sometimes things you hear in the news aren't true?
A. Oh, yeah, and I imagine some things in the paper aren't true.
Q. Okay. Would that be true for television as well?
A. Yes.
Q. Because you primarily get your news from television; is that right?
A. Right.
Q. Okay. And you understand that generally the defense doesn't get to answer the charges that a
prosecutor brings until the trial? A lot of times you don't hear the other side until a trial?
A. Okay. I didn't know that.
Q. Okay. Did you think the defense should be calling press conferences and responding to it?
A. Not really.
Q. The fact that you haven't heard any press conference from the defense, or defense attorneys, that, you know, publicly, not only deny the charge but, you know, pick it apart piece by piece; does that have any affect on you?
A. No, it doesn't.
Q. Do you think that the defense needs to demonstrate here in court, prove to you why Mr. Avery is not guilty of this charge?
A. I think so.
Q. Why do you think so?
A. Because he has got to prove his innocence.
Q. He does?
A. Yes.
Q. Why is that?
A. Right now he is charged with murder.
Q. Okay. So you think if somebody like Mr. Avery is charged with murder, something so serious and all
the details that you did hear at one point, it's really necessary for him to now prove that he is not guilty; is that what you are saying?
A. I would think so.
Q. Well, do you feel pretty strongly about that?
A. Yes, I do.
Q. Why?
A. He's just got to prove his innocence.
Q. Do you also think that that means that he should take the witness stand and testify and present his side of it?
A. I think that's up to him if he wants to testify.
Q. So that's different, you feel differently about that part of it?
A. Yes.
Q. You don't feel that in order to prove that he is innocent he would have to testify; is that right?
A. That's right.
Q. What if he did testify, would you think maybe he is just up there trying to save his own skin, and say whatever he wants, or whatever he needs to?
A. No, I don't think so.
Q. Why not?
A. Well, he's trying to prove that he's innocent, that's why he took the stand.
Q. Okay. You know, either way it goes is a tough decision, whether you take the witness stand or not. And, you know, defense attorneys always struggle with that decision, whether they should advise their client to do it or not, take it one way or the other. And can you promise me that if you are on this jury, you are not going to hold it against him either way, whether he does testify or doesn't?
A. That's right, I will promise that.
Q. Okay. Where do you get together and play cribbage?
A. Do I have to say the bar?
Q. Sure.
A. Saucy's.
Q. Saucy's.
A. Yes.
Q. And that's where, in Manitowoc?
A. Yes, up on Washington Street.
Q. Okay.
A. It's also a sports bar.
Q. Okay. Is that something you do pretty much every day?
A. No, just on Wednesdays.
Q. Just Wednesdays. Okay. During the day, or
evening, or both?
A. 9:30 it starts. But now we haven't for the last three weeks because there wasn't enough players. You have to have at least four players.
Q. $9: 30$, in the evening?
A. Morning.
Q. Morning, I see.
A. $9: 30$, I'm in bed.
Q. Okay. I try to be, but it doesn't work out that way. What television channels do you usually watch?
A. Channel 11. And in the morning, I think 4:30, if I get up early, I watch Channel 5 or 7. Very seldom 2.
Q. Seldom 2, but the other 3?
A. Yeah, 11, 5 and 7.
Q. Okay.
A. Or 26, I believe it is.
Q. And is it -- You mentioned getting up in the morning and watching something, is it -- do you often have -- Are you often home in the evenings like 6:00, 5:00?
A. Sure am.
Q. Okay. Is the TV often on?
A. It's on, yes.
Q. And is it -- At that time of day, usually those channels have local news or half our news broadcast.
A. Not at 4:30 in the morning. It's usually world news.
Q. Okay. But I mean in the evening, I'm talking about?
A. Oh, yes.
Q. 5 or 6:00.
A. Local news, yes.
Q. So that's usually on in your house? The news is on?
A. Yes.
Q. But you don't pay much attention to it, or do you?
A. No. Sometimes I'm in the kitchen making a sandwich or something, or a bowl of soup.
Q. Okay. Do you think if Mr. Avery should try and prove that he's innocent of this charge; do you think that means that he would have to prove to you who really did it? If he didn't do it, who did?
A. Not really. But that's why he's taking the stand on his own behalf, to see if he can prove his innocence, I would think.
Q. Well, is there any way he could prove his innocence if he didn't take the witness stand?
A. If he had more witnesses, yes.
Q. Okay. So if he had a case, or maybe through questioning -- cross-examination of the State's witnesses, bringing out information that way?
A. Sure.
Q. Okay. So you do think it would be possible for him to convince you that he's innocent even without him testifying?
A. Yes.
Q. Okay. Do you think it would be possible to convince you of that if he couldn't also tell you who did do this horrible crime?
A. That would be hard.
Q. It would be hard to convince you unless you knew that someone else -- unless he showed you who did it?
A. Yes, or could prove it.
Q. Well, let me ask you this. If somebody is innocent of a crime and they didn't do it, and they don't have the police to go investigate; how would somebody solve the crime? How could you expect a defendant like Mr. Avery to solve the crime and prove who did do it?
A. That would be hard to say.
Q. I mean, do you think that someone could do that? Is that something you really think a defendant would be able to do?
A. If it's -- Yeah, I think so. I think if he wants to prove himself innocent, he would go looking for somebody that -- or a possible killer. That's my opinion.
Q. Okay. But do you believe that -- or would you hold Mr. Avery to that burden and say, hey, you know, I'm sorry, if you can't show me who else did it, if it's not you, then I'm going to have to say you did it, you are guilty?
A. Not really.
Q. No? I mean, do you think it's possible that you could be convinced that Mr. Avery is not guilty, beyond a reasonable doubt?
A. Sure.
Q. Without really knowing who is the guilty party?
A. I think so.
Q. You could?
A. Sure.
Q. Why? You seem to say something other than that a few minutes ago?
A. Well, I don't want to contradict myself.
Q. Yeah, well, that's okay. We're just talking here. You are just being honest. Why do you think that now it is possible?
A. Will you repeat the question, please.
Q. Do you think that it would be possible for you to come back and find Mr. Avery not guilty, if he wasn't able to prove to your satisfaction, who really is the murderer?
A. I think I could.
Q. Pardon me?
A. I think so. I don't know.
Q. Well, think about it. Do you really think that he -- if I understand you, you are telling me that you won't be able to find him not guilty unless he can also prove to you -- solve the crime, who else did it?
A. It's so darn hard to say.
Q. All right. Now, you have been in the area for quite some time; do you know where the Avery Salvage Yard is?
A. No, I don't.
Q. Have you ever been there?
A. No.
Q. Have you ever met any of the Avery's?
A. No, I haven't.
Q. Chuck Avery, for instance?
A. No.
Q. Don't know him from Adam?
A. No.
Q. Do you know, have you ever talked to anybody about this case and told them that you thought Steven Avery was guilty?
A. No, I haven't.
Q. Okay. Now, I think you said you have never had any -- any encounters with the police at all; is that right? In all your years, you have never had a ticket even?
A. Oh, sure. I have got picked up for drunken driving.
Q. Okay. One time?
A. Twice.
Q. Twice. Okay. What was your experience like with the officers in that instance?
A. Very good.
Q. Fine, no problems with it?
A. Not a bit.
Q. Did you feel like you were treated fairly the whole way?
A. Yes, I was.
Q. Did you plead guilty or go to trial?
A. I pleaded guilty.
Q. Okay. Because you felt you were guilty, right?
A. Yes, I did.
Q. If you thought you were not guilty, would you have gone to trial?
A. Yes, I would have.
Q. Do you think police officers are -- when they take the witness stand in a case and take an oath to swear to tell the truth; do you think that they are more or less likely than the ordinary person to really honor that oath and tell the truth?
A. I think so.
Q. Let me rephrase that. Do you think that the police are more likely to be telling the truth when they take the witness stand than the ordinary witness, just because they are police?
A. Well, that's what they are hired for, to take the oath, to tell the truth, isn't it?
Q. Well, they are hired to --
A. To protect the law.
Q. Sure. Okay. Can you -- Have you ever heard of or can you conceive of any situations where maybe police officers may not tell the truth under oath?
A. No, I haven't. I never been to a trial, so I wouldn't know.
Q. Okay. But do you think -- Can you consider the possibility that that may occur?
A. That might hurt?
Q. That may occur. That sometimes police officers may not follow the oath?
A. I don't think so.
Q. You don't think so.
A. No, because it could be perjury.
Q. Okay. What about ordinary people that come in, ordinary persons, people like yourself, do you think if they come in and -- into a trial, take the oath to swear the truth; do you think that they will always tell truth?
A. No, I think they could fib a little bit.
Q. They can fib?
A. Yes, I do.
Q. Okay. But wouldn't that be perjury too?
A. Yes, it would.
Q. So -- But you think an ordinary person might be able to do that, actually perjure themselves, but police officers would not?
A. I think so. Yes.
Q. Why is that?
A. I just feel strongly for that. Because a police officer, he don't want to lose his job.
Q. Okay.
A. A regular citizen doesn't care. That's my opinion.
Q. Okay. Now, if the Judge instructed you, though, that under the law you have to judge a police officer's testimony exactly the same way as any other witness, and you can't give any greater weight to the fact that they are police officers in determining whether or not they are telling the truth; do you think you would be able to do that?
A. I think so.
Q. Why? How could you put aside those feelings you just said and judge them just like any other witness?
A. I really don't know about that one.
Q. Would have a hard time doing that?
A. Yes.
Q. That's because you feel very strongly that police officers really wouldn't lie; is that it?
A. Well, they shouldn't.
Q. Okay. That's fine. I appreciate your honesty. One last area $I$ want to just ask you about,
briefly. Do you know anything about Mr. Avery's background?
A. No, I do not. Not a bit.
Q. Do you know anything about the Innocence Project; have you ever heard of that?
A. The what?
Q. The Innocence Project.
A. Innocence?
Q. Innocence Project. An outfit out of Madison that helps free people who have been wrongly convicted of crimes and are in prison?
A. Yes.
Q. You have had heard of that?
A. Yes.
Q. Okay. Have you heard of that organization and its involvement with Mr. Avery?
A. Yes, that he spent 18 years that he wasn't supposed to.
Q. Okay.
A. Or 17, whatever it was.
Q. So you do recall that?
A. Yes, I do.
Q. And do you have any concerns or doubts that maybe he was or was not really innocent all that time?
A. No, I didn't. Never brought it up. Never
discussed it with anybody.
Q. I mean, as you sit here today, is there any doubt in your mind that he was wrongly convicted?
A. Yes, I think he was wrongly convicted.

ATTORNEY BUTING: Okay. Thank you, very much.

MR. CARBON: You're welcome.
THE COURT: Mr. Fallon, do you have some follow-up?

ATTORNEY FALLON: Yes.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Mr. Carbon, if I could clarify a point or two. Now, I want to revisit this presumption of innocence so that we're not confused. If the Court -- I should say, when the Court instructs you that only the State has a burden of proof here, that only $I$, as a member of the prosecution team, have the burden of proof, beyond a reasonable doubt, of his guilt, the Court tells you that burden is on the State, I represent the State, and tells you that Mr. Avery doesn't have to prove anything; can you accept that?
A. Sure can.
Q. Will you be able to follow that if you were
selected, when you got to deliberate this case?
A. To the best of my knowledge.
Q. You would do your best?
A. Yes, I would.
Q. Okay. The only other area $I$ had was for a follow-up on police officer testimony. In your questionnaire, which you may remember having filled out last -- I think it was a week ago Monday, you answered a question, this question: Some of the witnesses in this case will be members of law enforcement. The law requires jurors -- The law requires jurors to evaluate their credibility just as that of any other witness.

That is, jurors are prohibited from giving more or less credibility to the testimony of a law officer simply because the witness is a law officer. If selected as a juror, would you be able to assess the credibility of law officers on this basis? And you answered yes.

Now, counsel asked you a very good question on that point. And although you feel that law enforcement officers should be honest, and should tell the truth, and it's part of their job; if Judge Willis tells you that may well be,
but you are to evaluate their credibility, their believability, their honesty the same way you would any other witness, will you follow that instruction?
A. I sure will.
Q. You will do your best?
A. Yes, I will.
Q. All right.

ATTORNEY FALLON: That's all I have.
THE COURT: I have got a couple of follow-up questions. Touch on things that actually both defense counsel and Mr. Fallon did.

## VOIR DIRE EXAMINATION

BY THE COURT:
Q. When Mr. Buting was questioning you -- Well, let me step back. One of the disadvantages of voir dire is we ask jurors questions before they have gotten my instructions. You said you have never been to a trial before; is that correct?
A. That's right.
Q. There are some rules that apply in trials. And in a criminal trial perhaps the most important rule is that the defendant does not have to prove his innocence. As Mr. Avery sits here today, he is not guilty. And he stays not guilty unless
the State can prove his guilt, beyond a reasonable doubt; do you understand that?
A. Yes, I do.
Q. And he's not required to prove his innocence.
A. Okay.
Q. He doesn't have to say who did it, other than, you know, someone else did it, he doesn't have to tell you who the other person was. He doesn't have to do anything. The State has to prove, beyond a reasonable doubt, that he did it before you, as a juror, could vote guilty; do you understand that?
A. Yes, I do.
Q. And I know you said a few minutes ago you thought he had to prove his innocence; do you know that that's not true?
A. That's true.
Q. Now, let me ask you this. Regardless of what you believe, if I instruct you that you can only vote guilty if you can find that the State proved his guilt, beyond a reasonable doubt; can you follow that instruction?
A. To prove him guilty only and not innocent?
Q. That means -- You can't find him guilty unless the State proves his guilt beyond a reasonable
doubt?
A. Is that up to the individual juror, to make up his mind?
Q. That's what jurors do.
A. Right.
Q. But you, as a juror, can't require the defendant to prove his innocence, you have to find that the State proved his guilt; do you understand the difference?
A. Yes.
Q. What does the difference mean to you?
A. The State has got to prove him guilty and the defense not guilty, right?
Q. Actually, the defendant doesn't have to prove anything.
A. No, he doesn't. He doesn't have to testify, that's his opinion.
Q. I think you understand that, that he doesn't have to testify. But not only doesn't he have to testify, he doesn't have an obligation to prove anything. The State has to prove he's guilty. Can you follow that instruction?
A. Sure can.
Q. And do you understand that the defendant doesn't have to prove his innocence?
A. Right. He doesn't have to testify.
Q. Now, with respect to your comments about police officers, do you agree -- I know you said police officers are supposed tell the truth, and you are right. That's when they get hired, one of the things they do is they are supposed to tell the truth. But do you understand that in the case of a few police officers, sometimes they don't?
A. That is true.
Q. Have you ever heard of a dishonest police officer?
A. I never had, no.
Q. Never met one?
A. No.
Q. Do you believe that an officer could be?
A. Yes, they could. I believe they could. Any human being could. They are all human.
Q. Okay. If some police officers testify at this trial, will you be able to evaluate their testimony just like anybody else?
A. I think so, yes.
Q. If you listen to the testimony and you think something a police officer tells you doesn't sound like the truth, will you determine -accept that determination?
A. Yes, I will.

THE COURT: Anything else, counsel? I will give you a chance for some follow-up, if you wish.

ATTORNEY BUTING: No, your Honor.
ATTORNEY FALLON: (Shakes head.)
THE COURT: All right. You can take
Mr. Carbon to the hallway.
MR. CARBON: Okay. Thank you.
ATTORNEY BUTING: Thank you, sir.
JUROR: Thank you. Have a good
afternoon.
ATTORNEY FALLON: Thanks.
THE COURT: Any motion from the State?
ATTORNEY FALLON: I'm going to say no. And it's based on just my feeling or intuition. I think he means well. I just think he had a hard time grasping the concept. And I think once the Court explained to him what the rules are, I didn't get an indication from him that he could not follow them. Admittedly, there was some concern, counsel did raise and interesting question as to whether perhaps there was a hearing issue.

I didn't get that. I just -- My impression was we were dealing with a gentleman who is not very sophisticated or knowledgeable in
the law, and had some ideas about what he thought the rules were. And I think once they were explained to him, I didn't see any reason why he wouldn't necessarily follow them. I'm not going to jump on him and strike for cause.

THE COURT: Mr. Buting.
ATTORNEY BUTING: Judge, I move to strike. He was very nice gentleman. I think he was trying to be honest, but I think he was confused. This is a situation where, this is an example, I guess, where it's not enough just to ask the jurors will you follow this instruction and tell them what it is and then they say, yes, yes, I will.

The Court very wisely asked -- and I don't -- Actually I think counsel was talking with my partner at the moment and didn't actually hear the response, but the Court asked him to, tell me what you think that means, and his response I think was telling. Because even after you told him that the defendant did not -- that he enjoyed the presumption of innocence and didn't have to prove his innocence, his response was, yeah, the State has to prove he's guilty and the defendant has to prove he is not guilty. That's his right, to testify.

And then you went off on the issue of, you know, you understand he doesn't have to prove he's innocent and then he says, well, you're right, that's his right not to testify. He doesn't have to testify, I think was his words. He's confused. You know he's -- maybe it is a lack of sophistication. Maybe there's some hearing issues as well; although, I don't think that's it. I think he's just going to have difficulty. This is going to be a problem that we may have to deal with in the future. We have enough jurors I think to deal with it.

THE COURT: There are reported cases where sometimes the Courts of Appeal uphold a judge's decision to leave a defendant -- or a juror on the panel, based on observations of his demeanors to explain answers that are questionable. This is a case where when he was asked some leading questions, including by me, he gave answers that on the transcript may look correct, but I have got concerns about whether he was really tracking, following things, and most importantly, able to follow instructions. So while he might be passable as a juror, I have sufficient doubt that I'm going to grant the defense motion to strike this juror.

ATTORNEY BUTING: Thank you, your Honor.
THE COURT: Ms Schmidt, please remain standing for a minute. I will have the Clerk administer the oath.
(Juror sworn.)
THE CLERK: Please be seated.
THE COURT: Ms Schmidt, you have already completed a jury questionnaire in this case. This afternoon we're moving on to the next stage of the jury selection process which is individual voir dire. That means the attorneys for the parties will have an opportunity to ask you some questions.

Before that begins, there's a couple other pieces of information $I$ wish to pass on to you. First of all, I want to make sure you know that the jury in this case will not be sequestered. That means that if you're selected for the jury, during the estimated six weeks of the trial you will be able to go home every night and then come back for the jury trial the next day.

We're doing that because of the requirement that the members of the jury not observe any news media accounts of the trial, either in the newspaper, television, radio, the
internet, or anywhere else, and make sure that you don't talk about the case with anyone else.

I also want you to know that although these proceedings are open, that is, open to the public, no cameras are permitted in the courtroom during the voir dire process. The press is not allowed to identify you as a potential juror in this case. And the jurors that are selected to serve in this case are not being permitted to be shown on camera during the course of the trial. If you remain on the jury panel after today's proceedings you will be notified by telephone in a few days when to return back to court. At this time then $I$ will permit Mr. Fallon to begin questioning for the State.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good afternoon, Ms Schmidt.
A. Good afternoon.
Q. My name is Tom Fallon. I'm an Assistant Attorney General with the Wisconsin Department of Justice. I'm one of the prosecutors in this case. And we each have just a few questions to follow up on some of the information you provided last Monday in your questionnaire and a few other related
questions to help us in selecting the jury this week.

In terms of the information provided, I take it you are currently just working at home?
A. Yes, sir.
Q. Okay. And you have formally did some work at a temporary service?
A. Yes, sir. Most of the time I stayed at home --
Q. Okay.
A. -- taking care of my family.
Q. I see, yes, and you have done well, you have three sons and a daughter.
A. Four sons, there wasn't room on the paper for the other one.
Q. When you did work outside of the home, what type of work did you do?
A. Well, it varied. If I worked at the temporary service it was like sorting bolts or packing. If I worked at some place else it was probably like K Catering Service type of thing, that's about it.
Q. So you did a variety of things?
A. Yes.
Q. Okay. How often did you work in the temporary service?
A. Well, my youngest son is 14 , so $I$ just said $I$ started working about six years ago again.
Q. And what was the last thing you did when you worked for the temporary service; what kind of work was it?
A. Sorting and packing.
Q. And for whom did you do that work?
A. Kaysun. Well, it's through ABR, but I believe it was Kaysun Corporation.
Q. Kaysun Corporation. You did answer one question, and I don't mean to pry, but we did want to make sure that it would be all right with you. But on one question, in terms of health concerns, you indicated high blood pressure.
A. Yes, sir.
Q. Okay. Is it more or less under control or is that something --
A. I take a pill every morning. And I usually do that about 5:00 so.
Q. And if you were able to keep up that regimen, do you think your blood pressure would be under control such that you could sit as a juror?
A. I think so. I think so.
Q. Otherwise it shouldn't present a problem for you?
A. No, sir.
Q. Is that a recent condition you have been working with or is it something --
A. Um, I would say it's about eight years that I have been diagnosed with it --
Q. Okay.
A. -- and have been taking pills for it.
Q. All right. So you are pretty experienced then in managing it and keeping it under control?
A. Yes, sir.
Q. Thanks. Of the sources of news that you have, where would you say you get most of your news from?
A. The radio.
Q. From the radio?
A. Yes, sir.
Q. And what type of stations do you listen to.
A. WOMT, that's from morning until about 9:00. Then it goes to a Sheboygan station I believe. I don't know what it is, but they play gentle, easy listening music.
Q. Okay.
A. Then it's back to -- back to WOMT, and that's on until about 6, 7 at night.
Q. Have you been following the coverage of this case on the radio?
A. No, sir. Every time it came on I turned it off or I walked out of the room.
Q. Is there any particular reason why you --
A. I wasn't interested in --
Q. Okay.
A. -- anything like that.
Q. So would it be fair to say you really haven't followed the coverage of this case hardly at all?
A. Yes, sir, I guess you could say that.
Q. All right. You are aware that Mr. Avery is accused of killing Teresa Halbach; I take it you are aware of that?
A. Yes.
Q. Okay. But you haven't paid attention to any of the details?
A. Not as far as what's going on, no.
Q. All right. Can you tell us a little bit about what you actually do remember from what little you have listened to or watched?
A. Mostly the names that have appeared. Mr. Avery, Ms Halbach, that's all.
Q. All right. Do you recognize the name Dassey, Brendan Dassey? Is that a name you are familiar with?
A. I know the name, it appeared once in a while, but

I don't know what it's --
Q. You don't know the --
A. -- what it's concerning, no.
Q. You don't know the connection --
A. No, sir.
Q. -- of that name with the case?
A. No, sir.
Q. All right. You indicated in your questionnaire that you did watch at least one type of television crime show, that being CSI, crime scene investigation.
A. Yes, sir.
Q. How often do you watch that show?
A. Well, it depends on if we have other things going on around the house like butchering or stuff. It's not every week, $I$ know that. And when $I$ do watch it, it's mostly for to see the people, not what they are doing, but because the story line once in a while is interesting.
Q. You like the characters?
A. Yes.
Q. Okay. You indicated you found the show somewhat realistic; any particular reason why that would be?
A. Well, sometimes how they scrape the fingernails
and things like that.
(Changed microphone batteries.)
THE COURT: All right. I think we can resume.
Q. Very good. I think -- Let's see, where were we? We were talking about CSI and whether it was --
A. Realistic or not?
Q. Realistic or not.
A. The thing $I$ watch when the story gets kind of confusing is, well, like, that $I$ know they take fingernail scrapings. And the rest of the stuff is kind of iffy because you don't know for sure.
Q. In terms of its reliability, or whether or not we have the capability of doing it?
A. You probably have the capability, but they show things, every week, or whatever, is supposed to be a crime has been committed. And I know that things don't happen that way, you know, it's got to be usually a longer period of time. They don't have them every day.
Q. Or at least they're not solved every day.
A. I certainly hope they're not solved every day.
Q. All right. I'm going to go back to one of the first questions, you indicated farming and butchering; what kind of farm does your family
run?
A. It's -- Well, it's a working farm, but we have cattle, and we have pigs, and we have chickens, and ducks, and geese. And my husband and my son run -- we have 80 acres. And then woods, the guys all go to the woods and make wood for the winter that we can burn in the house.
Q. Not a dairy farm per se?
A. No, it's not a dairy farm. The cattle are beef.
Q. Okay. Is that the primary source of income for the farm, the beef?
A. Yeah, and the chickens?
Q. The pork?
A. Well, the pork mostly is for ourselves.
Q. Okay. Very good. You did leave one question unanswered that is of some importance. Two questions actually, and I guess I will close with those two. One question, you were asked if you were served -- if you served on a jury, or you were selected for this particular jury, how would you feel about that service?
A. It wouldn't bother me.
Q. All right.
A. The only thing that would probably bother me would be making up my mind at the end, if it
was -- if it happened the way that was presented to me, or not.
Q. All right. So in other words to actually getting down to making a decision might be kind of difficult, weighing the evidence?
A. Yes.
Q. All right. But there's nothing else about the process that --
A. No.
Q. -- you would find difficult?
A. No.
Q. Okay. And the last question we touched briefly upon in the beginning with health and family, but it's very possible this case will go six weeks. As Judge Willis told you, you know, you would be able to go home every night and things of that sort. But is there any particular personal hardship or, you know, would this be really hard on the family business or anything like that if you were here eight, nine hours a day as opposed to being back managing the family business at home?
A. No, sir. My husband is retired. He runs most of the business around there if people stop for eggs or whatever. And my older son is in -- he's a
senior this year. And the next one is an 8 th grader, the 12 year old, yeah. Not my oldest son, he's away from the house, but the second youngest.
Q. Okay. In all your years here in Manitowoc in that business, have you ever had any encounters with the Manitowoc Sheriff's Department?
A. Not that $I$ know of. They might have, you know, stopped for some reason or other, but I couldn't tell you for sure.
Q. All right. Do you have any impressions at all as to whether you think they are doing a good job for you here in Manitowoc, bad job, a fair job in terms of --
A. It must be fair because I haven't had any complaints about anybody.
Q. Okay. Do you have any friends or family members who work in the news business?
A. No, sir.

ATTORNEY FALLON: That's all. Thank you.
THE COURT: Mr. Buting.
ATTORNEY BUTING: Thank you, Judge.

## VOIR DIRE EXAMINATION

BY ATTORNEY BUTING:
Q. Good afternoon ma'am. My name is Jerome Buting
and I, along with Dean Strang, are the attorneys representing Mr. Avery here today; do you understand that?
A. Yes.
Q. Okay. I want to follow up on a few of Mr. Fallon's questions and maybe some of my own as well. All right. First of all, I heard you mention that most of the time you have worked in the home, but occasionally you worked at a temporary service, right?
A. Yes, sir.
Q. You mentioned Kaysun Corporation?
A. Yes, sir. That was through ABR. And they sent me out there before Christmas, 2005.
Q. Okay.
A. And it was just packing bolts -- not bolts. It was like little -- little gear things. And they had to inspect them as far as if the ringings were tight or not?
Q. Okay.
A. And then the person inspected them and then they were given to us and we had to pack them. And that was all we had to do.
Q. Is that the only time you worked for Kaysun?
A. Yes, sir.
Q. Do you happen to know a woman who also worked there, I'm not sure if it's the same time, by the name of Terri Temme?
A. No, sir.
Q. Okay. Before today, did you know any of the jurors that you've -- prospective jurors that you have encountered?
A. No, sir.
Q. They are all strangers to you?
A. Yes, sir.
Q. Okay. Let's talk about what you have heard, maybe at the very beginning, about this case in the media, okay?
A. Yes, sir. That's about all I heard, the very beginning.
Q. Okay. Tell me what -- what you recall hearing about this case in the media at the very beginning.
A. What do I recall, gee, well, that someone was murdered and they are assuming that Mr. Avery did it. And they said -- I think they told me Ms Halbach's name. But $I$ can't remember anything else on it, because like I said, I wasn't interested in it at the time.
Q. And do you remember any information about why
they were assuming Mr. Avery was involved?
A. No, sir.
Q. Okay. Did you ever hear any details about anyone who may have made any confessions?
A. No, sir. See, if we're not busy around the farm at that time, which is about 6:00, and it's after our meal time, and it's usually after our chore time, and I have other things to do if we're butchering, or if the kids need help with their school work. Very seldom that we listen to the news. And then when I go up at 6:00, I usually have game shows on like Jeopardy.
Q. Sure. Well, I think at one point you said that every time anything about this case came on you would turn it off the radio, or you would walk out of the room?
A. I would.
Q. Why?
A. Well, I wasn't interested in that.
Q. Well, okay. But --
A. Mostly the radio is on for music.
Q. Sure.
A. And we hear, once in a while, bits and pieces of news, but mostly it's for the weather.
Q. But if the radio is just sort of on in the
background, sounds like for hours and hours a day, right?
A. All day, yes.
Q. Okay. What is it about any kind of reports about this case, though, that would make you want to turn it off?
A. I don't know, sir. I just didn't -- wasn't interested in it.
Q. Was there something about it that you just said I have heard enough of this, I have heard too much of this, I'm sick of this?
A. Could be in the beginning. I don't know what it is, $I$ just turn it off.
Q. Is there anything you heard that made you sick to your stomach, or disgusted, or --
A. Well, I didn't hear the whole report, I couldn't tell you. I just didn't hear it.
Q. Okay. When other news would come on, would you turn off the radio, or walk out of the room, other reports of other --
A. Most of the time I listen, but not always. It's like -- it's like background effect stuff. It goes in one ear and out of other.
Q. Sure.
A. And doesn't stop in between to register.
Q. Sure, I understand. But other news reports in other cases perhaps, other crimes even, or other things that are going on, you would just kind of let the radio play.
A. Yeah, that's about it.
Q. You wouldn't turn it off or walk out of the room?
A. Well, I don't turn it off even when it was on about Mr. Avery, I just kind of ignored it, you know.
Q. Okay. So it wasn't --
A. You don't listen totally to it, you just kind of.
Q. So you are not saying that you really turned it off because you were -- because this case would come on the radio?
A. I turned it off because that was me turning it off, I just turned it off.
Q. And the fact that Mr. Avery's case might have been being reported on the radio at that moment you're saying it had no connection --
A. No, sir.
Q. -- to your decision to turn it off?
A. No, sir.
Q. Okay. So when you listen to the radio, is it -WOMT, has -- they have got news in the early morning, correct, and don't they then change over
to a music format at some point?
A. I'm trying to think. At 5:00, when the radio goes on, I'm usually making lunch for my son. And then they have a little -- a little chatter --
Q. A little call in?
A. -- in between them.
Q. Yeah, okay.
A. In between them.
Q. Okay.
A. And then they have like Be My Guest or something on that order, and music in between.
Q. Okay. And is it -- But is it mainly talk and news all day long, or do they convert over to music --
A. Mostly it's music all day long. There's a couple shows I know, like Be My Guest, or something like that. Those I don't listen to because I'm usually doing something else.
Q. Okay. All right. Now, when you were talking about the CSI, that you said was the only one; you do try and watch that one pretty regularly?
A. Yeah. But I'm more interested in the story line as far as like the people. This girl was going out with that guy --
Q. I see.
A. -- or this one got married, or stuff like that.
Q. You're more interested in that than the story about the crimes that they happen to be investigating?
A. Right.
Q. Okay. I see. And do you -- do you think that the scientific tests that they do, or they claim to do on the show, are all tests that in fact really can be done, or are done?
A. I would say -- I would say most of the tests could be done.
Q. Okay.
A. I don't know for a fact that they are positively done, but I would say that they could be done.
Q. Okay. And they are usually pretty good at finding evidence when a crime happened, they are pretty quick at finding evidence right there that proves it, right?
A. Yes. But how long does it take, only an hour to show all this interesting stuff, but I'm sure it takes longer than that to run it through a regular lab.
Q. Sure, but as a result of that you think that it's pretty likely that real police are able to do
that too, that if there's -- if a real crime took place, they are able to get there on the scene and find the evidence that will prove it, right?
A. I would think so.
Q. Okay. And if they were not able to find any -or significant evidence, or evidence that you might expect they would find at the crime scene, if that was missing in a real case like this, would that -- would that trouble you.
A. If the evidence that the person says is there isn't?
Q. No, if the evidence that you would think should be there is not.
A. No, I don't think so, they have to show me exactly what was there.
Q. I appreciate that. Thank you. Now, you have -I'm sorry did you say you have four children, four sons?
A. Yeah, four sons and a daughter. But there wasn't room enough on the paper for the last one.
Q. Okay.
A. So I kind of dropped him off.
Q. One got the short straw there?
A. I guess so.
Q. Is that son still at home?
A. Yes, he is. He's only 14.
Q. Three sons at home, 35 year old still there.
A. Yes, sir.
Q. Does the 35 year old work on the farm with your father -- your husband?
A. He does most of the work because my husband has a sciatic nerve.
Q. Okay.
A. And then he can't run around with the tractors and stuff. But the older son does quite a bit.
Q. Okay.
A. But he also works for EVM. He's a foreman.
Q. Okay. Do any of your sons, or your husband for that matter, do they ever talk about this case, what they heard about the Steven Avery case?
A. They might talk to themselves about it, they haven't mentioned it around the table.
Q. That's not something they talk to you about?
A. Not at the meal time.
Q. Okay. Well, what about after they heard that you were selected as a prospective juror for this case, did they talk to you about it at all?
A. No. No.
Q. Did they talk to you about it in the last week at all?
A. No.
Q. And have you heard of any opinions that they have about whether he, Mr. Avery, is guilty or not guilty?
A. They might have opinions, but I don't listen to them?
Q. Well, how would you know they would have them if you don't listen to them?
A. Well, because they go out to the greenhouse, or wherever, out to the barn, and I usually stay in the house so I don't know what they were discussing?
Q. So you are just guessing that maybe they have opinions?
A. That's right.
Q. I see. Okay. Now, the Judge is going to tell you about -- he's going to give you a number of instructions, sort of rules of the game that you will have to follow. And one of those is the presumption of innocence. Have you heard of that?
A. Yes.
Q. Okay. What is that -- Well, strike that. Do you think that Mr. Avery is presumed innocent right now?
A. Yes, sir.
Q. Do you think that he must have done something or he wouldn't be here, we wouldn't have gotten this far in the proceeding so that we're coming up on the trial?
A. Yes, sir. I would put it that way exactly.
Q. Pardon me?
A. I would put it that way exactly.
Q. You think he must have done something?
A. Well, yes.
Q. Why do you think that?
A. Well, because otherwise he wouldn't be in a courtroom.
Q. Okay. Do you think sometimes people who are completely innocent of any crime whatsoever find themselves in the position Mr . Avery is in here?
A. Yes.
Q. So why do you think that that couldn't apply to Mr. Avery now?
A. That he's innocent? That he is innocent until proven guilty.
Q. Okay. What I'm asking, though, is a moment ago you said that you think that he must have done something in order to get himself in the position he is at right now?
A. Yes, sir.
Q. Why?
A. Well, evidently he is in jail. And other people that are in jail also, but they have different trials set up for them. Gosh, I don't know how to put it.
Q. Well, just try, you are doing fine.
A. Um, well, first of all, all of you people are in line ready to get even with him or whatever. And we don't know until the facts are shown if he is guilty or not guilty. And right now he's innocent.
Q. Okay. Well, then why do you think he must have done something wrong if he is here today?
A. Because evidently all you people gave evidence to the cops, and police, excuse me, and -- and they arrested him for it.
Q. Okay. That's fair. Do you think, though, that sometimes the evidence that the police get may -Strike that. I'm not going to get hypothetical here. Let me put it this way, do you know anything about Mr. Avery's background or past?
A. I know he was in jail before. I have no idea why. I know that he was -- he got out, because something proved him wrong, different.
Q. Okay. Something proved that he was innocent?
A. Yes.
Q. And do you have any doubts about whether he was really innocent?
A. At that time?
Q. Yeah.
A. I don't know anything about the case at that time.
Q. Okay. Well, do you assume that since he was released from prison, he must -- everybody must agree he really was innocent?
A. Yes, sir.
Q. Okay. Do you think then that it's possible -- I mean there's an example right here, where sometimes someone gets this far and they get to the position of Mr. Avery, in fact, they get much farther, they are actually convicted wrongly. So can you consider that Mr. Avery, just because he's here today, for this trial, may be entirely innocent of this crime?
A. Yes, sir, I believe he is.
Q. Okay. Do you think that -- By the way, do you know any police officers at all, personally?
A. Not personally. I know Dicky France (phonetic) is constable in Town of Two Rivers, but that's as
far as $I$ know.
Q. Okay. Do you think that if a police officer comes to court and testifies, takes the oath, swears to tell the truth, that necessarily a police officer will always tell the truth under oath?
A. No, sir.
Q. Why not?
A. Well, everybody has a tendency to fib once in a while, and just because they are a police officer doesn't mean that they don't have that tendency.
Q. Sure. So you would judge a police officer on the witness stand the same as any other witness?
A. Yes, sir.
Q. Just because they have a uniform or badge doesn't make them any more truthful than the ordinary witness; is that right?
A. That's right.
Q. Okay. Thank you. Do you think that police officers can -- when you say fib, if you're fibbing under oath, that's really perjury, is it not?
A. I believe so.
Q. Do you think police could actually go that far?
A. Yes.

ATTORNEY BUTING: I think that's enough. Thank you, very much, ma'am.

THE COURT: All right. We'll have the Clerk escort the juror out of the room.

Counsel, any motion from either party?
ATTORNEY FALLON: None from the State.
THE COURT: Mr. Buting.
ATTORNEY BUTING: No, your Honor.
THE COURT: All right. That juror is in. I have received a request. There's a Julie Dorn, she's No. 18, she has to go to work at 11 tonight. Maybe she's going to go home to sleep after this. But we'll take her out of order and take her next.

Ms Dorn, could you raise your right hand, we'll have the Clerk administer the oath. (Juror sworn.)

THE CLERK: Please be seated.
THE COURT: Ms Dorn, you have already completed a jury questionnaire in this case. Today we're moving on to the next step of the jury selection process which is individual voir dire. The attorneys for each of the parties have a chance to ask you some follow-up questions.

Before we begin that process, I want to pass on a few bits of information to you. First
of all, $I$ want you to know that the jurors selected in this case will not be sequestered. That means you will be able to go home each night after each day of trial. We made that decision because of the instruction to the jurors that they not listen to any news media accounts of this case either on radio, television, newspaper, the internet, or anywhere else, and also that you not discuss the case with anyone else.

Although these proceedings today are open, no cameras are permitted in the courtroom during the voir dire process and the news media is not allowed to identify individual jurors by name in news reports. In addition, once the trial starts, the cameras are prohibited from showing any of the jurors such that any of them could be identified.

If you remain on the jury after today's proceedings, you will receive a telephone call in a day or two letting you know when to report back. With that background then, Mr. Fallon, you may begin.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good afternoon, Ms Dorn. My name is Tom Fallon.

I'm an Assistant Attorney General for the Wisconsin Department of Justice. And I'm one of the prosecutors in the case. And I wanted to follow up with a few questions about the information you provided in your jury questionnaire and a few other related matters. Thanks for coming this afternoon. I know you are a third shifter so.
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. That wreaks havoc with your schedule. And in that regard, if we could just start there. You indicate you are a line operator; what is that?
A. Just run a press and you assemble the parts, pack them, different job every night.
Q. Oh, okay. So you are on like an assembly line?
A. Nope, not necessarily. Just the press that you are working out of and sometimes you are working off a line.
Q. I see.
A. It's a different job every night.
Q. And how long have you been working at the Bemis Manufacturing?
A. Bemis Manufacturing, total about eight years, two years full-time.
Q. Two years full-time. And before that, what were
you doing?
A. Before that I was unemployed. I stayed home with the kids. And before that was 15 years at Richardson Brothers in Falls.
Q. Richardson Brothers Furniture?
A. Furniture, in Sheboygan Falls.
Q. All right. Was that sales, marketing, office?
A. Factory, assembler.
Q. Assembly. Very good. How long have you been working the third shift?
A. Third shift, about seven years.
Q. As shifts go, do you like third shift?
A. $\mathrm{Mm}-\mathrm{hmm}$. $\mathrm{Mm}-\mathrm{hmm}$.
Q. If you were selected as a juror in this particular case, I take it that wouldn't present any particular health or financial hardship for you?
A. No.
Q. If you were selected as a jury, would that be all right; do you think you would enjoy the experience, or tolerate it, or how would you feel about it?
A. I wouldn't mind it.
Q. And as I see from the note here, if I remember correctly, I don't think you have had jury
experience before; is that right?
A. No. No.
Q. There were a couple of questions regarding your knowledge of the facts in this case. Presumably that would have come from media coverage. Am I correct in assuming that because of the fact you work the third shift your exposure to the TV coverage is limited?
A. I don't really see -- I mean, I seen some of it, but I don't really have to watch it. I mean, I go to work at -- I start at 11:00 at night, work until 7 in the morning, get home at 7:30, do a load of wash, go to bed.
Q. Right.
A. Get up, start supper, so it's like there's no time really.
Q. Okay. So, even if time permitted, you wouldn't say that this was a case of interest to you.
A. Not a necessity. I had other stuff to do.
Q. Right. The press of day-to-day living takes it's toll?
A. $\mathrm{Mm}-\mathrm{hmm}$. $\mathrm{Mm}-\mathrm{hmm}$.
Q. All right. Okay. Let me ask, then, a couple of related questions. In terms of the media exposure that you have had in this case, would
you say most of it comes from radio, television, newspaper, magazine, what?
A. It would have been television.
Q. Television. All right. And have you followed any of the recent coverage at all in the case?
A. No.
Q. No. Specifically, what do you recall about the case from information provided by the media, particularly the television?
A. From what I have seen, from what $I$ watched on television?
Q. Yeah.
A. That she was missing, and then the arrest, and I think that was -- it wasn't too much. It was just -- Those are the two things that caught my attention.
Q. All right.
A. I don't remember. I mean, I don't really follow it.
Q. Okay. And when asked whether you had formed any personal opinions about the case, based on that information, you said no?
A. Right.
Q. Do you have any opinions today?
A. No.
Q. As to guilt, or innocence, or anything about the case?
A. No, we were told not to watch anything, or read anything, not listen to anybody.
Q. And you followed those instructions?
A. Yup.
Q. Very good. How long have you been a resident of Manitowoc County?
A. Manitowoc County, since 1987.
Q. During that time, have you had any encounters or any experiences with the Manitowoc Police Department, or the Manitowoc Sheriff's Department?
A. No.
Q. Do you have any opinions as to whether you think the Sheriff's Department is doing a good job, a bad job, a fair job, in terms of fighting crime and serving the public?
A. I --
Q. Don't have an opinion one way or the other?
A. No.
Q. Okay. That's all right. Now, in your questionnaire there were a number of questions that were designed to see if you would follow the instructions of the judge and the law, if you
were selected as a jury -- as a juror, excuse me. One of those questions dealt with the fact that Mr. Avery is presumed to be innocent, unless and until the State can prove him guilty, beyond a reasonable doubt; do you accept that?
A. Right.
Q. Do you have any problem understanding that?
A. No.
Q. And do you think you would be able to follow on Judge Willis' instructions on that?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Is that a yes?
A. Yes. Okay.
Q. She's trying to type it all down so.
A. Sorry.
Q. Very good. Similarly, Mr. Avery has the right to testify in this case and he also has a right not to testify in this case. And if he does not testify in this case, you won't hold that against him?
A. No.
Q. All right. In other words, you understand that he has a right not to testify?
A. Right.
Q. Okay. And you wouldn't consider that adversely
against him if he doesn't testify, in terms of deciding, in the end, whether he's guilty or innocent?
A. Right.
Q. It would be on other evidence that was presented?
A. The other evidence provided.
Q. Okay. And you have no problem with that?
A. No.
Q. And you can follow that instruction?
A. Right.
Q. Okay. Are you a movie watcher?
A. Am I a movie watcher, yeah.
Q. Have you ever seen a movie called the Thin Blue Line.
A. No.
Q. In terms of your approach to, oh, forming an opinion or solving a problem; do you consider yourself a detail oriented type of person or are you a big picture person?
A. Could you repeat?
Q. Well, in terms of going about trying to understand a particular point, or trying to evaluate or solve a particular problem; are you kind of a bottom line, big picture, or do you want to know all the details?
A. Detail.
Q. You are a detail person. Okay. All right. As a detail person, are you one who likes to solve puzzles, or riddles, or things of that sort?
A. Sometimes.
Q. In terms of the puzzles you work on, are those jigsaw puzzles, or word puzzles, crosswords, what kind of --
A. Word puzzles.
Q. Word puzzles.
A. Jigsaw once in a while, not puzzles, but mostly words.
Q. Okay. Have you ever used a publication such as Auto Trader to buy or sell a car?
A. No.
Q. Okay. Are you familiar with the publication at all?
A. No.
Q. Since you have had -- not had any prior jury experience, let me ask this question. Do you have any particular religious, moral, or philosophical beliefs that you think might make it difficult for you to sit and deliberate on the guilt or innocence of a person?
A. No.
Q. All right. Do you think you would be able to comfortably handle that task?
A. Right.

ATTORNEY FALLON: That's all I have for the witness.

THE COURT: Mr. Strang.

## VOIR DIRE EXAMINATION

BY ATTORNEY STRANG:
Q. Hi.
A. Hi.
Q. I'm Dean Strang. This is Jerome Buting. And we're defending Steve Avery. Back to the beginning, you were born in Chilton.
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. How long did you stay in Chilton?
A. I was born in Chilton but we lived in New Holstein.
Q. Oh, okay, New Holstein. So you grew up in New Holstein?
A. No, grew up in Kiel.
Q. And hence, Kiel High School.
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Kiel High School doesn't pull kids in from New Holstein?
A. No, it's about three -- three, four mile
difference.
Q. Okay. And then you gave me the -- or gave us the street address where you and your family live now, but $I$ don't know what town that is in. I'm sorry.
A. It would still be Kiel. It's a Kiel School District, yup.
Q. Today?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Okay. And you have been there, gosh, in that house, for the last 20 years or so?
A. Right.
Q. The cheerleading volunteering, is that for your daughter?
A. Pardon?
Q. The cheerleading volunteering that you do; is that for your daughter?
A. Right. Yeah.
Q. Could be your son.
A. My daughter.
Q. Okay. They are twins, the younger?
A. Right, they are twins.
Q. And how involved are you guys at the church.
A. Church twice a month. One of the boys, Cody's basketball games, he plays for St. Peter and

Paul. That's about it.
Q. Okay. That answered my other question, Sts. Peter and Paul?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Bemis, this is what -- this is -- well, you have got sort of a habit of working down in the Falls, I guess, right?
A. Right.
Q. When you are working. Do these guys run a full third shift?
A. Yes.
Q. Just same as the other two?
A. Right.
Q. And the -- this sort of swing operation where you may be doing a different job every night; is that true of the other two shifts as well?
A. Mm-hmm. Right.
Q. Now, does that mean you are working with different people every night as well?
A. Right. Mm-hmm.
Q. Okay. So you really do get --
A. Or you are by yourself. Depends if it's a one or two person job.
Q. Right. Depending on the job you get, so you get a foreman or someone who assigns you --
A. Right.
Q. -- this or that?
A. Different schedule every night when you come in.
Q. Okay. Maybe since it's a full shift I can guess the answer to this, but $I$ will ask you. Is -- is there a radio, you know, sort of playing all the time?
A. We can bring our own radios in.
Q. And do you do that to help pass the time?
A. Yup. Yup.
Q. What's on the radio between 11 at night and 7 in the morning?
A. Classic rock, the Buzz out of Milwaukee.
Q. Okay.
A. That's about all we listen to. I don't listen to 104.5. I don't care for it, too much talking. I'd rather listen to music.
Q. Listening to music.
A. Be a long night if you don't have it.
Q. Right. And the talk shows get real weird at night. So you are a music -- you are listening to music?
A. Right.
Q. No TV at work?
A. No.
Q. I'm assuming. Tell me -- Tell me what you know about Brendan Dassey.
A. I saw the arrest of Brendan. Kind of like was Steven's arrest. That was it.
Q. Okay. When you say you saw the arrest of it, like a news conference?
A. That he was supposedly -- supposedly involved. That's it.
Q. Was that news conference sort of thing with microphones?
A. Right. Yup. Kind of bringing him in the courtroom. Had the orange -- I believe orange. I don't know.
Q. Okay. So you actually saw footage of the court?
A. Right. I saw him.
Q. Of the court stuff.
A. Right. Heard that he was arrested.
Q. Okay. And did you watch -- One of the prosecutors and a sheriff gave a news conference two days in a row; did you see that?
A. No.
Q. Okay.
A. Didn't see no conferences at all.
Q. Got it. And what -- when -- so back to -- back to Brendan Dassey, what else do you know about
him, or have you heard?
A. A nephew. The nephew was arrested. Brendan Dassey, the name, a nephew, and relation of the --
Q. Other than being Steven Avery's nephew, did you connect up, you know, the charges against Brendan with the charges against Steven in any way?
A. What do you mean connect?
Q. Do you see them as linked together, tied together in any way, one affecting the other?
A. I don't know. Just heard about an arrest. I didn't really hear the details on it. If I would have seen the conference or whatever, I would have heard more about it. But I really can't say because I didn't hear a lot about it.
Q. I'm trying to sort of explore that. Have you heard anything that Brendan supposedly said?
A. No. No.
Q. So -- So let's talk about this trial since this is just Steven Avery's trial. What do you think about innocence or guilt as you sit here now?
A. You have to have the evidence, innocent until proven guilty.
Q. Okay. So you sort of -- Are you just sort of starting with, hey, $I$ don't know anything and $I$
assume he's innocent, let's hear the evidence?
A. Whatever is set out in front of a person, that's how you -- I mean, to me that's how you figure out if they are guilty or innocent. I don't know enough about -- to say if he is or not.
Q. All right. As the case gets started, if you are on the jury, and you start hearing the evidence, are you somebody who's going to want to hear both sides?
A. Yup.
Q. Does that mean that you think he really better testify? I mean, seriously, I just need to know.
A. I would like to hear -- Yeah, I would like to hear, but if he decides not to, there still should be evidence.
Q. Okay. And in fact, I think the Judge will -- I shouldn't -- I'm not trying to do his job, I can barely do mine. But I think the Judge will tell you that a defendant, you know, somebody charged with a crime --
A. Right.
Q. -- can decide to testify. And if he does, then you treat him like any other witness.
A. Right. Right.
Q. Decide what you believe or what you don't.
A. Right.
Q. Or he can decide not to testify. I mean, is this familiar to you?
A. Right. I think it was mentioned when he spoke before, when we did our questionnaire.
Q. Right.
A. I remember him telling us that.
Q. Right. And so, you know, that's a tough call, I guess. Can you think of reasons why someone who really didn't do it might not testify --
A. No. No.
Q. -- all the same?
A. No.
Q. Like if he really didn't do it he would testify?
A. No.
Q. No. Why not testify?
A. Because evidence, you have to look at the evidence.
Q. So in other words, he could just say, hey, I didn't do it, but they can't prove I did, so I'm just going to rely on the fact they can't prove it, and I'm innocent; is that something you could accept?
A. Right. Mm-hmm.
Q. And do you know that Mr. Buting and I, as his
lawyers, might have something to say about, you know, advising him whether he should or shouldn't testify?
A. Right. Yeah. Mm-hmm.
Q. Can you live with that role of the lawyers kind of butting in?
A. Yeah.
Q. When $I$ say can you live with it, can you accept --
A. Deal with it, yeah.
Q. -- it?
A. Accept it, yeah. Mm-hmm.
Q. These are the rules --
A. Yup. Mm-hmm.
Q. -- and that's how it works.
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. You were asked a question on the questionnaire to the effect of, you know, when you hear a police officer testify, can you weigh their testimony just like any other witness?
A. Right.
Q. And you said yes.
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Do you think that there's anything about being a police officer that makes you less likely to lie
under oath than any other person who is under oath?
A. No, they are just like you or I. I mean, I would see them as that.
Q. Okay.
A. They just wear the uniform for their shift and that's it.
Q. Yeah, okay. UPS guys have a uniform?
A. Yup.
Q. Police officers?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Okay. If you're allowed to serve on this jury, are you willing to let the police officers just be human like everybody else?
A. Yeah.
Q. Not going to hold them to a higher standard?
A. No. No.
Q. Okay. By the way, have you been sitting back there all day?
A. Yup.
Q. And you would normally be sleeping from about 8 to 4 or something?
A. I get home at 7:30. I lay down from about 8:30 to about 1:30. And on the weekend I sleep like a normal person. So it works out pretty good for
me. Some people it don't.
Q. Okay. So have you bumped into anybody you know?
A. Here?
Q. Yeah.
A. No.
Q. Okay. And it gets pretty loud.
A. There's a joke teller in there.
Q. Okay. All right. Are people talking about this case at all, or they just --
A. No, they were talking about jokes, how long it's taking. We're timing it, about 45, 50 minutes a person.
Q. All right.
A. You know. About where everybody works they were just asking.
Q. Yeah.
A. Trying to get to know each other.
Q. Will you take a hit financially if you get stuck on this jury for six weeks?
A. No.
Q. It will be all right with work?
A. Yup, uh-huh.
Q. And any concerns about -- I mean, your kids aren't real young, but do you have any concerns about being away from them?
A. No. No, they are 13 and 16 .
Q. They may be at that age where they want you away for awhile.
A. Yeah, there's another one to run them to basketball or whatever.
Q. Okay. Did you grow up on a farm?
A. No, in the city.

ATTORNEY STRANG: I think that's -- I think that's -- Just a minute. I'm good, thank you for being patient.

THE COURT: All set. Ms Dorn, the Clerk will take you out of the room.

Any motion from either party?
ATTORNEY FALLON: No.
ATTORNEY STRANG: No.
THE COURT: Very well. This juror is in. Counsel, before we proceed further, let me take a little inventory here. It's my understanding that, referring to the sheets, 14,17 , and 20 are now -are now being jointly requested to be excused?

ATTORNEY BUTING: Oh, that was this morning, wasn't it?

ATTORNEY STRANG: Yeah, 14, 17, 20, 23, and 27.

THE COURT: Okay. I have got 14, 17, 20,

23, 27 and 36.
ATTORNEY STRANG: I don't know about 36. I know I'm going to move to strike him.

ATTORNEY FALLON: Just give me a minute, I might be able to join you in that. If $I$ could have a moment, Judge, to check my numbers.

THE COURT: All right. Let's go off the record for a second.

ATTORNEY STRANG: Sure.
(Off record discussion.)
THE COURT: Just for the record, counsel, and to confirm again, it's my understanding that the parties are jointly recommending that the following jurors be excused: 14, Anthony Kabat; 17, Brad Erdman; 20, Thomas Kubichka; 23, Audrey Gagnon; 27, Mark Groth; and 36, Jerome Reszczyski. There may be others tomorrow, but at least through 36, those are the ones that are jointly recommended?

ATTORNEY FALLON: Yes, Judge.
ATTORNEY STRANG: That's correct.
THE COURT: Very well. The Court will excuse those jurors. And I don't know if you folks have the information yet. Number 34, Ryan Manley, it turns out is now a Milwaukee resident.

ATTORNEY FALLON: Yes, I think we got
information last Monday, or afternoon, or something. At least I was advised that he had moved to Milwaukee, I guess.

THE COURT: All right. So we're going to do two more jurors. The next one will be Sharon Thorne.

All right. Ms Thorne, before we begin the Clerk will administer the juror's oath to you.

THE CLERK: Raise your right hand, please. (Juror sworn.)

THE CLERK: Please be seated.
THE COURT: Ms Thorne, you have already completed a questionnaire in this case, today we're going on to the next step of jury selection which is individual voir dire by the attorneys for both parties. In a minute they will ask you a few questions.

Before we begin, I want to pass on a few additional notes for your information. The jury that is selected in this case will not be sequestered. That means for the duration of the trial, which may go six weeks, the jurors will be permitted to go home every evening after the trial is over for the day. We're doing that with
the understanding that the jurors will not observe any reports involving this matter on any news media, either newspaper, radio, or television, the internet, or discuss the matter with anybody else.

You should also know that although these voir dire proceedings are open to the public, no cameras are allowed in the courtroom during voir dire proceedings. And the news media is not allowed to identify individual jurors by name in any news reports. In addition, the jurors selected to serve in this case will not be on camera during any portion of the trial. The news media is not allowed to show the juror's faces during the trial.

In the event you are selected to stay on the jury panel after today's's questioning, you will receive a notification by telephone as to when to report back to court. It will probably be in the next two or three days.

With that background information, Mr. Fallon, you may begin.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good afternoon.
A. Good afternoon.
Q. Thank you for your patience with us. I understand you have been having some fun at our expense, so I suppose that's deserved. Just wanted to follow up with some questions based on the information that you gave us last Monday in the questionnaire.

My name is Tom Fallon. I'm an Assistant Attorney General with the Wisconsin Department of Justice. I'm one of the prosecutors in this case. And I guess I would like to begin with a couple of questions about your work situation. So tell me, where it is you work again, Kroll's; what is that?
A. Kroll's East, Green Bay, as a waitress.
Q. Okay. So that's a restaurant then?
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. All right. And how long have you worked there?
A. Just since October.
Q. Okay. And prior to that you worked in a -- for a couple of temporary services?
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. Is that a yes? She has got to type down yes or no so.
A. Okay.
Q. The others don't work out to well. What kind of work did you do when you were subbing out, as it were, for the temp service?
A. Factory assembly work.
Q. Okay. And how long did you work for those temporary services? ABR, how long did you work for them?
A. About 10 months.
Q. Okay. And the Flex Staff Service?
A. About a year.
Q. About a year, okay. And then you worked for Mirro Company?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. And how long did you work for them?
A. 11 years.
Q. And what kind of work did you do for Mirro?
A. Paragon Electric in Two Rivers.
Q. Okay.
A. Assembling timers.
Q. So a fair amount of factory work?
A. Right.
Q. Piece work, assembly production?
A. Right.
Q. Okay. Very good. The reason I asked those questions is that, as you have no doubt learned
through the process, this case may very well take six weeks to try, when it's all said and done. And if you are selected for the jury, that means you will be here 8, 9 hours a day. So our concern is you indicated you didn't think there would be any hardship for you. Having thought all that through and a week to think about it, are you still confident that you will be able to financially make it through that six week period?
A. Yes.
Q. All right. Now, in terms of hobbies and interesting things, you indicated you like to fill in puzzles. Are those crossword puzzles or other types of puzzles?
A. Fill ins, they look like a crossword puzzle. They give you the word, and you just have to fit them in the puzzle, what $I$ was doing all day today.
Q. All right. And do you like to do that because you find it challenging, or relaxing, or any particular reason?
A. Relaxing.
Q. Okay. Any other kind of puzzle work that you like to do?
A. No.
Q. Okay. So you lived in Manitowoc County all your life?
A. Right.
Q. All right. During that time, have you had an opportunity to form any opinions as to the local Sheriff's Department? Do you think they do a good job in fighting crime, a fair job, a lousy job; do you have any opinion on that?
A. No problem. I have no -- They do their job all right I figure.
Q. In other words, you don't hear any complaints to your --
A. No.
Q. Okay.
A. No.
Q. Now, the other couple questions I have for you, you indicate you get your news, I guess, primarily from television, not from newspapers. How often do you watch news telecasts?
A. I don't watch much TV at all.
Q. You don't?
A. No, I'm not.
Q. If you don't get your news from the TV, do you get your news from any other source?
A. No, I don't get a newspaper.
Q. Are you a computer person at all?
A. No, I don't have a computer.
Q. Okay. Now, in response to one question here, if you were aware of the publicity, you didn't answer yes, but you answered further with a brief explanation. And you said, just some news coverage, local Green Bay channels, very little. As a result of that information, you went on to say you haven't really formed any opinions in this case?
A. No.
Q. From time to time, do you ever talk about the case, or any of the news with any friends or family members, or anything like that?
A. No.
Q. Okay. If you are not a TV person, what do you do with your -- with your spare time? You say --
A. When it's nice outside, I'm outside a lot.
Q. I'm sorry?
A. When it's nice outside, I'm outside a lot, camping. I like going in the woods walking my dog. Just hang out with the girls, I mean, you know, having our little coffee klatsch.
Q. Oh, do you. Okay.
A. Stuff like that, go out for lunch.
Q. All right. And I take it, then, with some of the women that you hang out with you don't really talk about news that much, just talk about cooking gardening, and --
A. Girl stuff.
Q. Girl stuff. All right. That's fair. All right. And how often do you get together with the girls and just kick things around?
A. At least a couple times a month.
Q. Okay. Do you ever discuss the major events of the day in your coffee klatsch?
A. Well, like when it happened that -- in the blowing up the building --
Q. The World Trade Center.
A. Well, yeah, that was big talk.
Q. Sure.
A. Stuff like that, but, no, not really.
Q. Generally, it's not usually a newsworthy discussion like this?
A. No.
Q. Okay. Very good. Do you know anyone in the media that you are friends with, or any family members that work in the media that you might talk with from time to time?
A. Nope, none.
Q. All right. In terms of the little bit of media coverage that you ever experienced in this case, can you tell us what you do recall about the news that you did see in terms of the information, or what facts you think you may have as a result of the media coverage?
A. I don't really watch it, the news. Mainly just the weather. I put it on for the weather and that's it.
Q. Okay. Very well. So you don't have any particular impressions or what's going on with respect to this case at all?
A. None.
Q. Okay. In your work with the temporary services, working with producing and manufacturing products, and working on the assembly line, and piece work, and things of that sort; were you ever -- ever in charge of anyone, or supervising anyone in that capacity?
A. No.
Q. Okay. Did you ever write any safety guidelines, or suggest any safety guidelines, or setting up of any when you are working with the equipment or other people in producing?
A. On a Safety Committee, yes.
Q. Oh, you did. Okay. Tell us about that.
A. Just mark down the dangers on the job that we could see that workers were doing.
Q. Okay.
A. And how they were performing and the problems that it could cause.
Q. All right. And how did you -- Did you like that experience, having some input like that?
A. Mm-hmm, yeah.
Q. Did you find it valuable?
A. Yeah.
Q. In terms of coming up with some ideas and guidelines, was that kind of a group process?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Is that a yes?
A. Yes, monthly group.
Q. All right. And so you would periodically revisit the guidelines and safety concerns?
A. Right.
Q. Okay. Do you consider yourself, you know, in terms of evaluating opinions, or trying to solve problems, or just generally in looking at things in this world, do you consider yourself a detail oriented person, or a big picture type of person, bottom line approach?
A. Well, I'm not sure.
Q. Okay. Have you ever used any magazine or publication, such as Auto Trader, to buy or sell a vehicle?
A. No.
Q. Okay. All right. Have you ever read, or heard, or seen anything in the news or in your discussions with the girls, anything about this Project Innocence in Wisconsin?
A. Nope.
Q. All right. Or do you know what it is?
A. No.
Q. It's a group of professionals, based in Madison, that seek to exonerate people who were wrongfully accused; does that ring a bell to you at all?
A. No.
Q. Okay. Do you know anything about Mr. Avery's background or his past?
A. None.
Q. Not a thing.
A. Uh-uh.
Q. All right. In terms of your employment situation and particularly the safety guidelines and concerns and producing these products; would you consider yourself one who follows those rules and
guidelines?
A. Yes.
Q. And that they are there for a particular reason, for instance safety, or to enhance production?
A. Right. Yes.
Q. All right. You don't have any problem following those rules or anything?
A. No.
Q. Now, in this particular case, Judge Willis here, if you are selected, will advise you of some of the rules and principles which will guide us during the course of the trial; would you be able to follow those rules?
A. Yes.
Q. Now, you indicated in your questionnaire you would accept the fact that Mr . Avery is presumed innocent until the State, that's our team here, unless or until we prove him guilty, beyond a reasonable doubt. You can follow that instruction?
A. Yes.
Q. And do you accept that as a important principle?
A. $\mathrm{Mm}-\mathrm{hmm}$. I do.
Q. Okay. Now, you have never served on any jury before; is that correct?
A. No, I haven't.
Q. All right. Is there any philosophical reason, any moral reason, or religious reason, as you think about your own experiences in life, which gives you a reason to doubt whether you could serve as a juror in this case?
A. No. Uh-uh.
Q. If you were selected as a juror in this case, would that be all right with you?
A. Fine.

ATTORNEY FALLON: All right. That's all I have.

THE COURT: Mr. Strang.
ATTORNEY STRANG: Thank you.

## VOIR DIRE EXAMINATION

BY ATTORNEY STRANG:
Q. Hi, I'm Dean Strang. This is Jerome Buting, Steven Avery. And he's prosecuting, and we're defending, Mr. Avery.
A. All right.
Q. And I will tell you right now, I'm not from around here. And I thought I had a pretty good sense of Manitowoc County, but I don't know where Greenleaf is. I know vaguely where County NN is.
A. Out in the country.
Q. So where is it?
A. 15 miles west of Denmark.
Q. 15 miles west of Denmark.
A. By Wrightstown and --
Q. So you are near Brown County?
A. Just a little bird out there.
Q. You are near Brown County sort of.
A. Mm-hmm. Actually across the street is Brown County line. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. And then how far --
A. Between $K$ and $Z$ is where $I$ live. Between Kellnersville and Maribel, there's a little country road between there?
Q. Got it.
A. I'm right on the borderline of it all. I have a Greenleaf address. I'm Manitowoc County. Township of Cooperstown. It goes on and on.
Q. And do you have family around?
A. Mm-hmm. A brother in Appleton. A brother in Appleton.
Q. Your folks still around?
A. No, they are both gone.
Q. So there's just the one brother, but he's over in Appleton?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. I understand Mrs. Kroll died this weekend.
A. Yes, she did. Mm-hmm. 94.
Q. 94 years old.
A. Yup.
Q. How did you wind up waitressing after doing factory work?
A. My girlfriend, we worked together at Paragon in 1983. And she's been working there for about five years. So she got me into the restaurant. She knew I always wanted to leave factory. And I always talked I wanted to get out of factory. So she said there was openings, she said why don't you try it. So I did.
Q. And how is it?
A. I like it.
Q. Kroll's is a place where everybody is a regular, basically?
A. Right.
Q. So what do you -- as you are warming up people's coffee, what do you chitty chat with them about?
A. All kind of things, the weather?
Q. Whatever is on their mind?
A. Green Bay Packers, of course, because you are in Green Bay.
Q. How else.
A. Yes. Is Favre coming back, that's another thing.
Q. All right. So, I mean, so this sort of suits you; I mean, are you social that way, it sounds like?
A. Oh, yeah.
Q. I'm sitting here saying now that $I$ finally have a woman under oath, I could ask what girl talk is, since I have always wondered all my life.
A. Something besides not underneath looking at an engine, changing oil and stuff like that.
Q. All right. So look, you know, what do you know about Brendan Dassey? If you don't know anything about Steven Avery, what do you know about Brendan Dassey.
A. I don't know.
Q. Have you ever heard of the name?
A. I went, way back, to school with a Dassey?
Q. Which one?
A. Peter Dassey. And I know a Paul Dassey. I just know because they live in Two Rivers, the name. But I have no idea, you know, for any personal thing about them or anything.
Q. Or any connection --
A. No.
Q. -- to this --
A. No.
Q. -- case?
A. Right. Just lived in Two Rivers all my life and they lived there too. And the name.
Q. Was Peter in your class?
A. No. Uh-uh.
Q. But you knew him through school?
A. Right.
Q. And, you know, this is all -- this is all pretty new to you if you haven't been on a jury before.
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. And I don't think you have ever been in trouble, have you?
A. No.
Q. And so if you wind on this jury, which could be six weeks --
A. Right.
Q. -- are you going to want to hear from both sides in this case?
A. Well, yeah. you can't make a decision until you know what it's all about totally.
Q. Yeah. And there's -- there's some things that could interfere with that. And I want to talk you to about those and get your take on them. The State -- I think as you have been told a
couple times now, the State has the burden of proof in this case. They have to prove Steve Avery guilty, beyond a reasonable doubt, if they can. So flip that around, what does that mean that we have to prove?
A. That he's innocent.
Q. Actually, nothing. We don't have to prove anything, because they have to prove he's guilty. I don't have to prove he's innocent.
A. Okay.
Q. If the Judge tells you those are the rules, can you grab on to that and follow those rules?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. Is that yes?
A. Yes.
Q. I'm sorry. The court reporter will throw a pencil at me or something if $I$ don't get a yes or no out of the you.

I think it's a natural human thing to want to hear both sides if you are going to be fair and all that. And I'm sure we'll do stuff in this trial, but do you understand we don't have to prove him innocent? We really don't, in the end. Can you follow that rule --
A. Yeah.
Q. -- if you wind up on the jury?
A. Sure.
Q. And it's the same thing with him testifying. I don't know, do you figure that, well, if a guy didn't do it he would get up on the stand and testify that he didn't do it?
A. It's not that easy.
Q. It's not that easy? Why not?
A. It's just not.
Q. Actually, it's not that easy.
A. It's not.
Q. But I'm wondering why you say so?
A. Just from like the past, of what my mom and dad used to say about the legal system and that.
Q. Who were they?
A. That's my mom and dad.
Q. Yeah, I know what but --
A. The way they would talk and that. I mean, just said don't get into trouble because it ain't that easy to get out of it.
Q. Okay. It is true. And the Judge has also told you, and he will tell you a bunch of times again I think, that in America, someone who's accused of a crime is presumed innocent. They start the trial that way. They go through the trial
presumed innocent. And only if the jury eventually decides at the end that the State proved it, beyond a reasonable doubt, is the person no longer presumed innocent. He gets found guilty in that case.
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. And that idea, that someone is presumed innocent, bumps up against -- I think in the real world bumps up against a tendency of people to say, well, he's here, he is sitting in the defendant's table, wouldn't be here if he hadn't done something. And is that, you know, is there a voice in your head saying that too?
A. Just have to wait and see what's all summed up, you know.
Q. Do you think he must have done something, though, to be charged and to be here?
A. Apparently.
Q. I don't know.
A. Somebody must know something.
Q. Somebody has alleged something?
A. Yes.
Q. But that's the point, somebody has made a claim. And that's the point is, he is presumed innocent.
A. I guess that's what we're here to find out.
Q. That's -- That's why you are here. That's why we have a jury, in the end. So, you know, as you say, it's not that easy on whether he testifies or doesn't testify. And I guess what I need to know is, when the Judge gives you the rules to follow, are you going to follow them?
A. Of course.
Q. And, you know, some things we do because we have to, some things we do because we believe in it and we want to. Where do you fall on that, on things like being presumed innocent and the State having the burden or proof?
A. Just have to wait and see what $I$ hear and sum it up that way.
Q. But are you following those rules because you are told to and that, you know, they are rules you have to follow, or do you say to yourself those rules make sense to me, and if $I$ were charged with a crime, that's what $I$ would want?
A. Basically, I will have to just see how it turns out, see what's said, and see how the evidence all goes, and how it all falls in place. You know, that's all $I$ can really say. Can't say he is guilty, can't say he is not guilty. I don't know.
Q. But can you presume that he is not guilty?
A. Apparently. Maybe. I don't know.
Q. This is perfect, you are being very straight with me, which is what I need, you know, to help me make decisions about whether we want you or not. And if you are going to be on the jury, you have got to get past, apparently, or maybe. And it's okay to tell me if you are not going to get past apparently or maybe.

ATTORNEY FALLON: I'm going to object to that. That's a mischaracterization of the law, at least in terms of -- Well, I don't want to argue in front of her.

THE COURT: There is some ambiguity in the question. Let's move on to the next question.
Q. You will be asked to take an oath if you are on the jury, that you are going to follow the Judge's instructions.
A. I will be able to, yes.
Q. Presuming him innocent is one of those.
A. Right.
Q. There's a bunch of other instructions too.
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. Okay. Do you think you will be able to do that?
A. Yes.
Q. So let me just come out and ask you, do you want to be on this jury?
A. Sure.
Q. Why?
A. I find it interesting. I never done it before. Just find it interesting.
Q. What if this trial goes six weeks and takes you away from your life for six weeks?
A. I'm aware of that already.
Q. And you still want to do it?
A. Sure.
Q. Just for the new experience? Just because it's interesting? Or is there any other reason?
A. It's a lifetime experience. I may never be able to do it again.
Q. Do what?
A. To be in court, to make the decision?
Q. Okay.

ATTORNEY STRANG: Thank you.
THE COURT: Anything else, Mr. Fallon?

ATTORNEY FALLON: Nothing, thank you. THE COURT: Very well. The Clerk will escort you out of the courtroom at this time, Ms Thorne.

Any motion from either party?

ATTORNEY FALLON: None from the State.
ATTORNEY STRANG: None here.
THE COURT: All right. Ms Thorne will be in the jury pool -- or panel.

Ms Whalen, please raise your right hand. The Clerk will administer the oath.
(Juror sworn.)
THE COURT: Ms Whalen, first let me apologize in our delay of getting to you today. You have the honor of being the last juror we are going to be voir diring today. You have already completed a questionnaire in this case and today we're proceeding on to the next phase of jury selection which is individual voir dire. Each of the attorneys, in a few minutes, will have an opportunity to ask you some follow-up questions to the information requested in your questionnaire.

I can tell you that the jurors who are selected in this case will not be sequestered. That means that after each day of the trial you will be able to go back home. We're doing that because the jurors will be required not to listen to any news media accounts on the radio, not to watch anything on $T V$, or read anything in the newspaper, or on the internet. And jurors will
also have to agree not to discuss the case with anyone during the course of trial.

Although the proceedings today are open, during the voir dire process cameras are not permitted in the courtroom. And you should know that the press is not allowed to identify the names of the jurors in any news accounts of the case. You should also know that if you are selected to serve as a juror, during the course of the trial, cameras are not permitted to show the identity of the jurors; that is, show their faces or any part that's recognizable.

After the questioning today, if you remain on the jury panel, you will be asked to come back in a couple days. The Clerk's Office will notify you by telephone of exactly when and where. With that background, then, Mr. Fallon, you may proceed with your questions.

ATTORNEY FALLON: Thank you.

## VOIR DIRE EXAMINATION

BY ATTORNEY FALLON:
Q. Good afternoon. My name is Tom Fallon. I'm an Assistant Attorney General with the Wisconsin Department of Justice. I'm one of the prosecutors in the case. Thank you for your
patience. I would like to follow up with some questions on some of the information you provided last week in the questionnaire and a few other related questions.

First and foremost, I see that you are currently employed at the -- I can't quite read your writing, a plating company here in Manitowoc?
A. Yes.
Q. All right. And you're a quality control person?
A. Yes.
Q. Tell us a little bit about what that involves.
A. That's where I check the finished products as they come off the line, making sure they are more or less perfect for the consumer.
Q. All right. How long have you been working there?
A. It will be 21 years in March.
Q. All right. And have you always worked in the quality control division, as it were?
A. Um, I -- I have done it for three and a half years previously, and I just wanted to get back on the assembly line. And I did that for a while, and they needed somebody to go back in quality control and I volunteered. And I really like it.
Q. All right. And how long is this tour of duty, as it were, on quality control? When did you go back and resume that duty?
A. How long have I been on it?
Q. Yeah, just recently, last 3 or 4 years or longer?
A. Just that $I$ came back on it was like April of this last year.
Q. April. Okay. All right. How long had you been away from it?
A. Fie years.
Q. Okay. Now, there is a question regarding your employment that we wanted to explore with you. And in answer to the last question on the questionnaire, you were asked, is there any reason that has not previously been ruled on by the Court, why you should -- or you would suffer exceptional personal hardship if selected to serve as a juror, you answered, yes, you thought so because of a large house payment, and that you might need it to continue working to ensure that you could meet your financial obligations with your home.
A. $\mathrm{Mm}-\mathrm{hmm}$.
Q. Is that still the case?
A. Well, yeah. We do have a large house payment,
but I think we can make do.
Q. All right. So are you suggesting to us then that you are in a situation where you would not be paid if you were selected as a juror?
A. I don't know.
Q. Okay.
A. If the company pays me, I have no idea.
Q. All right.
A. I already said that $I$ would take vacation.
Q. All right. Six weeks vacation?
A. No, I only have four weeks.
Q. So you would suffer a couple weeks without pay then, possibly, potentially, you just don't know?
A. Yes.
Q. All right. Are you comfortable with that? I mean, is that really going to put your family in a financial bind?
A. No, I guess, you know, there's always a will, there's always a way?
Q. Okay. All right. I want to talk a little bit about some of the publicity which has attended to this case. As a lead in to that, do you watch the news fairly regularly?
A. Um, like I said, we just built a new home, and we're still tinkering with it, so the news isn't
really always on. It is now and then, if $I$ just happen to be in the room or -- but it's not always on. I used to get the paper, but I only get it on the weekends.
Q. All right. Have you followed the -- we'll start with the television, have you followed the television coverage with respect to this case?
A. In the beginning I did, but then after a while it was getting overwhelming so now $I$ don't watch it.
Q. All right. When do you think was the last time you watched any television coverage of the status of the case, or the proceedings, or what have you; how long ago did you stop watching?
A. About a week ago when you told me not to, for one.
Q. All right.
A. But before that was months. Because it just became always on there.
Q. Okay. So you really stopped watching months ago and you have been earnest about it after receiving the directive from the Court.
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. That's a yes?
A. Yes.
Q. She has to hear the word.
A. Sorry.
Q. All right. How about the newspaper coverage, have you stopped reading the paper, the news articles as well?
A. I saw on Sunday's paper, Steve's picture, and right away I turned it over.
Q. All right. You didn't read any of the article at all?
A. No.
Q. All right. Prior to receiving the directive from the Court, when was the last time you read any newspaper accounts of the case and the status and things of that sort.
A. Probably when that Dassey boy, whatever, when that happened.
Q. Okay.
A. That's probably the last time.
Q. All right. So that might have been last March.
A. Yeah, because it was just so much every day.
Q. Well, what do you recall reading or hearing about the case involving Mr. Dassey?
A. That he got picked up, that he was going to jail, that he was from Mishicot High School, that he was more or less involved in it, you know. To me, again, it was just another constant reminder of, you know, what happened.
Q. All right. Do you recall any of the details regarding his arrest or any of the statements he's alleged to have made?
A. Yeah, he was saying that he was involved with it.
Q. Okay. That's the extent of what you recall?
A. Yeah, to me that's just gibberish, you know, you hear it and you hear it, and after awhile you don't want to hear it.
Q. Okay. Now, as a result of that initial media splurge of coverage, did you form any long lasting, solid opinions about the guilt or innocence of Mr. Avery?
A. No.
Q. All right. As you sit here today, do you have an opinion as to his guilt or innocence?
A. Actually, no, I don't. Because -- you could -it could go either way.
Q. All right.
A. Maybe she was in love with him and maybe she was trying to break it off, or maybe he, you know, $I$ just -- I don't --
Q. There's too much you don't know.
A. Yeah, just too much.
Q. All right.
A. That's why I didn't want to listen or read it any more.
Q. You didn't want to what?
A. Listen or read.
Q. Oh, listen or read about. I got you. All right. In your responses here, you said, well, yes and no. On the one hand, I think he did it. On the other hand, I don't think he did it. Could you kind of elaborate on your --
A. Well, that's just what I mean. You know, you hear people at work say, well, yeah, he did it, he did it, he did it. But then it's like what evidence do you have.
Q. Right. And the fact that -- In terms of one question, on the one hand, I believe he did it, and on the other hand, then again, I believe he was framed; where does that come from? What opinion is that based on?
A. Um, that's probably what I read.
Q. Okay.
A. Yeah.
Q. All right. So in other words, you are willing to give either side a fair shake, as it were, as the evidence is presented.
A. Yeah, because I have no evidence.
Q. Right. Okay.
A. What I hear is what people say.
Q. Now, importantly, do you think that whatever opinions you have you can set those aside, and if you were selected as a juror, you could decide this case solely on what you hear in the courtroom, and not so much what your husband might say, or any of your friends and colleagues at work, you can decide this case just on what the evidence in the room is?
A. Actually, nobody at our house talks about it, or even at work.
Q. Okay.
A. It's pretty much an old thing now.
Q. All right.
A. Yes, I think I could.
Q. All right. Excuse me. Just so I'm clear, I thought you said that -- okay -- that there was apparently a time where people did talk about the case quite a bit at work, but you are telling us that that's pretty well subsided now?
A. $\quad \mathrm{Mm}-\mathrm{hmm}$.
Q. That's a yes?
A. Yes.
Q. Okay. So there's not a great deal of discussion
about it at the current time?
A. I work with a lot of Mexicans.
Q. Okay.
A. So, it's just maybe two of us --
Q. All right.
A. Caucasians.
Q. All right.
A. Nobody talks about it.
Q. Okay. Is that all right with you, that no one is talking about it?
A. Yes, that's fine.
Q. Okay. In terms of being able to set aside your opinion -- I will get to that in a minute. I'm going to follow up with something else here. On one question you indicated that you, yourself, or your family, were victims of a crime; is that correct?
A. Yes.
Q. I think you said you were robbed in 1993?
A. Yes.
Q. And the people were arrested?
A. Yes.
Q. Okay. Were they prosecuted to your knowledge?
A. Yes.
Q. Were they convicted?
A. Yes.
Q. Did the case actually proceed to court, or were you ever a witness, or was it resolved before a formal trial?
A. That was so far -- or such a long time ago. Yes, we did go to court.
Q. Okay. Did you actually give some testimony at one point, in a preliminary hearing maybe, or a trial.
A. My husband sat upfront and I was like in the back a little bit.
Q. Okay.
A. And we just had to point him out, if that was the right person.
Q. Okay. Was that in front of a jury or just a judge?
A. Just a judge.
Q. Okay. What did you think of that process?
A. It was cool.
Q. All right. Well, as a victim of a crime, do you think you were dealt with appropriately, respected, and --
A. Yes, I do.
Q. Okay. And as far as law enforcement's involvement, was that a good experience, bad
experience for you?
A. It was good, they were very good to us.
Q. All right. Is that your only personal experience with law enforcement here in Manitowoc?
A. Yes.
Q. Was that the Sheriff's Department, or Police Department, or who would have been involved in that?
A. County maybe.
Q. County sheriff?
A. Yes.
Q. All right. You also indicated you have a friend, or family member, who is a law enforcement officer?
A. Yes.
Q. Is that with the city police, or the county sheriff, or one of the surrounding municipalities?
A. The city.
Q. City police officer. Okay. Is that a son, nephew?
A. It's a son.
Q. Okay. And how long has he been a member of the Manitowoc Police Department.
A. I'm going to say about 10 years, maybe.
Q. All right. Well, let me ask you this question, then, since you have had a good experience with the sheriff, and your son is a police officer, I want to ask you about a question that you filled out on the questionnaire.

And it says the law requires jurors to evaluate the credibility of police officers just as that of any other witness; that is, jurors are prohibited from giving more or less credibility to the testimony of a law enforcement officer simply because the witness is a law officer. If selected as a juror, would you be able to assess the credibility of law officers on this basis, and you answered yes. Is that still your answer today?
A. On the credibility of the law officer?
Q. Yes.
A. Yes, I think so.
Q. All right. Then the tougher question is, well, given your positive experience with the Manitowoc Sheriff, and your son being a police officer, would you have a tendency -- it seems to me you might have a tendency to weigh their testimony more favorably than you would somebody else; would that be the case?
A. Toward the Manitowoc police officer?
Q. Well, any officer?
A. Well, the evidence has got to be there, you know. You have to not be prejudiced either way, you have to be just focused.
Q. All right. So is that what you mean when you say you would evaluate their believability, their credibility, the same as any other witness?
A. Yes.
Q. Okay. Now, you also had a prior jury experience, I see; is that correct?
A. That's right.
Q. What kind of case was it, you said it was a criminal case? Do you recall what the issue was?
A. I'm not sure what criminal and the other thing is, but I think it's criminal. The lady said that her purse was stolen.
Q. Right.
A. And whoever stole it wrote checks at various different stores. And as we went through the case, we checked her checks that were written from that day, back a year, to two years, to five years, and the handwriting was all the same.
Q. All right.
A. So it was like only a day.
Q. A day long. So it was kind of like a forging a check or --
A. Yes.
Q. Or uttering or something of that nature?
A. Right.
Q. And was that a good experience, bad experience, for you?
A. It was good.
Q. Yeah. What was good about it? Why did you find it a good experience?
A. Well, I was never involved in anything like that and it was interesting.
Q. Okay. Was there anything about that experience that raises a question in your mind today as to whether you could be a juror and deliberate with your peers and reach a verdict in a case such as this?
A. I just think I'm an honest person and I ain't going to lie about something. I think I could do a good job.
Q. All right. Did you enjoy the deliberation process with your colleagues, the give and take in the jury room?
A. Yes.
Q. All right. One moment. In that case, do you
recall if -- whether or not the defendant testified in that case?
A. She did.
Q. She did. And would it have mattered to you, in retrospect, if the defendant -- if she did not testify, if she invoked her right not to testify?
A. Well, she had a real good case going until we saw her checks.
Q. Well, if -- In this case, if the Court instructed you that the defendant, Mr. Avery, doesn't have to testify, that he has a constitutional right not to testify, would you accept that and not hold that against him?
A. No.
Q. You would not accept it or you would accept it?
A. I would accept it, and I wouldn't hold it against him.
Q. You would not?
A. No.
Q. Okay. So you feel pretty comfortable you could decide this case based on the evidence which is presented and not on any other outside factor?
A. Yes.
Q. Okay.

ATTORNEY FALLON: That's all I have for the
witness.
THE COURT: Mr. Buting.
ATTORNEY BUTING: Thank you, Judge.

## VOIR DIRE EXAMINATION

BY ATTORNEY BUTING:
Q. Good afternoon. Actually, it's evening now, I guess. My name is Jerome Buting. This is Attorney Dean Strang and Steven Avery. I want to follow up on a few questions, mostly follow up, and I have just a few of my own as well. Let me kind of go in reverse order.

This -- The trial that you were a juror on the last time, it was some sort of a forgery type case. Was there a handwriting comparison expert that was presented to the Court?
A. I can't remember that far back, but I think so.
Q. Okay. When you said that she had a good case going until you looked at the handwriting on the checks --
A. All the checks were put on the table.
Q. In the jury room or in the courtroom?
A. Jury room.
Q. Okay. But I'm wondering was this something that the jurors came up with on their own and said, well, let's look at these, see if we can see if
the handwriting matches or --
A. I think it was put out on the table and they showed it to us, but then they gave it to us to look at closer in our room.
Q. Okay. So you think there was actually someone in court who was an expert, talking about handwriting?
A. Yes.
Q. There's a curve here and that sort of thing? You have to say yes or no.
A. Yes.
Q. Okay. That was convincing evidence for you?
A. Yes.
Q. Now, Mr. Fallon asked you about police officers testifying and whether you could -- would hold them to a different standard or whether you could treat them the same as any other witness?
A. Yes.
Q. Do you think that police officers, if they would take the witness stand, swear to tell the truth, the whole truth, nothing but the truth, that they could still lie under oath?
A. Police officer?
Q. Yes, law enforcement officers.
A. I don't see why they --
Q. I'm sorry?
A. No, I don't think they should be able to. I think if they are taking an oath, they should not lie.
Q. Well, do you think that anyone who takes the oath is always going to be telling the truth from the witness stand?
A. Well, they should.
Q. Yes, I understand they should, but do you think everyone will?
A. I'm not sure.
Q. Well, I'm going -- Let me ask it a different way. When $I$ say will, $I$ don't mean predicting in this trial. What $I$ mean is, do you think that people sometimes do get on the witness stand, swear to tell the truth, but yet still lie?
A. Yes, I do.
Q. Okay. Ordinary people, right?
A. Yes.
Q. And do you think that police officers may also do that, or do you think that because they are police officers, law enforcement, they are incapable of doing that?
A. They shouldn't, but you're right, they can.
Q. Sometimes there's just bad cops?
A. Yes.
Q. Sometimes police officers feel pressure to do something?
A. Yes.
Q. Sometimes they think they have got the guilty guy, but they want to make sure of it, so they do what it takes to get him?
A. Yes.
Q. Okay. Sometimes police officers may cross the line in order to get what they believe is the proper ends to justify the means?
A. Well, you know, cops go to school to learn not to do that. And you would think that they wouldn't, but you are right, there are the bad ones.
Q. Okay. Now, you talked about how at the beginning the publicity that you heard in this case was just overwhelming at some point, right?
A. Yes.
Q. And I'm not sure if you said it was mainly from television, or television and news coverage -television and newspaper coverage?
A. It was both.
Q. Okay. So did you read all of the details when the case was first charged back in November, and when she was reported missing, and there was an
arrest, and all that?
A. Yes, I did.
Q. Did you ever read the Criminal Complaint yourself, the actual Criminal Complaint?
A. That was in the paper?
Q. Well, I think it was -- Let me ask it this way, did you ever go on line on the internet?
A. No, we never go on the computer. My son plays with it once in a while. And I'm so computer illiterate that. But I do use the computer at work, but it's only work stuff.
Q. There's been quite a few proceedings that have actually been televised live, or at least large sections of it.
A. Yeah.
Q. Have you seen some of those?
A. Well, like I said, I see it on and I turn the channel.
Q. I understand that's how it is now, but let's go back to when you were first learning about it.
A. Oh, when I was first learning about it?
Q. Yes.
A. It was interesting because I kind of like my son being in the law enforcement. I kind of think it was interesting. Maybe I should have been a law
officer or something. But I think it's very interesting. But you read about it, or it's mostly the TV that draws you. But after awhile, it's just like -- it's like it goes on, and on. It's like boring, an old story.
Q. Sure. But, for instance, the preliminary hearing in this case; do you recall that? Did you watch any of that, or where you actually saw witnesses in court testifying?
A. I don't recall that.
Q. Okay. In the Brendan Dassey story, you mentioned some of the things that he -- he made some alleged statements that he was involved, I think is the way you put it, right?
A. Yes.
Q. Do you remember any of the details of what his story was?
A. Yes, I do.
Q. And -- Well, why don't you tell me what you actually recall of that.
A. He was involved with Steve, sexually assaulting her, and possibly choking her, or stabbing her. I'm not sure. I guess it was done in the bedroom, you know. But then you read that and it's like, you know, not this again. I just
don't like -- It's like a story, you know.
Q. So, did you find those details pretty gruesome when you first heard them? I mean, did they really --
A. Upset me?
Q. Upset you, or make you sick.
A. No. No.
Q. Having heard all of that, do you think you can actually look at Mr. Avery sitting here and actually presume him innocent?
A. Sure.
Q. And why is that?
A. Because I -- I have got to see all the evidence.

I have to see why he did it. And I just -- I got to, you know, like -- everybody is innocent until proven guilty.
Q. Or whether he did it, not just why?
A. Or whether he did it.
Q. So you really want to hear evidence. You don't want to rely on --
A. No, I mean?
Q. -- things you have heard in the media, or anything like that?
A. Newspapers aren't always right, neither is the media.
Q. Now, in your questionnaire, you say that -- one of the questions is asked, if you discussed the case at length with any other person. And you mentioned your husband?
A. Yeah, we talk about everything.
Q. Okay. That's good, but in this particular instance; did you have disputes? Did you guys disagree?
A. I think he thinks the same as I, you know. They have got to prove that he did it, if he did it at all.
Q. Okay. You mentioned, though, that a number of people -- I don't know if it's friends or neighbors -- that all were saying they just think he is guilty, and you said -- you sort of disagreed with that, wait a minute, let's wait and see what the evidence is?
A. Yeah. Yes.
Q. But your husband is not one of those people?
A. Yes, he is.
Q. He's one that thinks he may be guilty, or probably is guilty?
A. Well, he's just like me, he would like to see all the evidence put out on the table, if he did it.
Q. What about your son, that's the police officer;
have you talked to him about this?
A. No.
Q. Not at all?
A. No, not really.
Q. Pardon me?
A. Not really.
Q. Well, let's get past the not really. How about at all?
A. Not at all.
Q. Never once, you have never talked to him about this?
A. No.
Q. Do you know -- I'm sorry, what is your son's name?
A. Jason Koenig.
Q. Could you spell the last name.
A. $K-o-e-n-i-g$.
Q. Do you know if he had any involvement in the investigation of this case, the search, or any of that stuff?
A. I don't believe so, he works second shift.
Q. Okay. He's never told you that he's had any involvement at all?
A. No. I think he keeps his work to himself.
Q. Okay. You also said in your questionnaire that,
you know, as to whether you had formed any opinion, you said, well, on the one hand sometimes -- it's sort of like you are kind of torn. Sometimes I believe he did it. Other times I think, well, wait a minute, I believe he was framed. Is that what you are trying to say?
A. Yeah, you get a group of people at the bar, for instance, they are just going to on, and on, and on. It's like, you know. If you get in the right group of people, they are going to sit there and drag him down. But then you get in another group of people and they say the same as I, you know. You've got to put the facts on the table. You don't just convict somebody because he lives there or because you saw him drive past the house.
Q. So -- But when you say that maybe he was framed; are you thinking framed by whom?
A. It's a possibility it could be anybody. It could be his brother. It could be a police officer. It could be the man down the street. It could be anybody. I'm not saying they did or they didn't. I just.
Q. You are just open to that possibility?
A. I don't know what happened.
Q. But what $I$ would like to know, if you're open to that possibility, I would like to know, because your son is police officer, I would think that you would be the last person who would be open to that possibility.
A. Well, like I said, he keeps his work to himself. He don't talk about nothing, who he stopped, or who he's involved arresting, or nothing like that.
Q. So, has he ever said anything to you that would give you any reason to think that maybe sometimes police officers might not be all on the up and up?
A. No. He is real happy with his job. No, he doesn't say nothing.
Q. I don't mean his particular department, I mean just in general.
A. He doesn't talk about none of his work.
Q. And if you were on this jury, if you were selected for this jury and you came back with a not guilty verdict; would that be a problem with you and your son, do you think?
A. No, I don't think so.
Q. I mean, think about that, because you have to -you would have to take an oath to do your duty,
and follow your conscience, and what the evidence says. And I would like to be sure that you are not going to be thinking, oh, my gosh, I can't -I can't do this and then face my son.
A. And to make my son mad at me?
Q. Well, or --
A. He's got to understand what I'm doing.
Q. So that wouldn't be a problem is what you are saying?
A. No.
Q. And that goes for your friends and your husband as well?
A. Right.
Q. Okay. Do you know Chuck Avery?
A. Not personally, but when we were in high school, or I was in high school. There was like a bonfire there. And we would go and say -somebody said, oh, that that's him, the person that owns the place. Oh. So I don't really think I talked to him ever, I just know of him. Q. So that would be like how many years ago you're talking?
A. Oh, my God, I don't know, the '70's maybe.
Q. Oh, okay.
A. I'm old.
Q. Not as old as I am.
A. Probably passed you up.
Q. Now, given what you have heard from the alleged statement of Brendan Dassey, the nephew, and all of those details; did you believe them at the time you heard them? Did you think, hey, this is the truth, this is it, this is what happened?
A. I did in the beginning -- or maybe I even still do, because why would anybody volunteer that?
Q. Well, that's a good question. Do you think that people might sometimes admit or confess to things they didn't do? Have you heard of that?
A. No, I never -- Well, maybe to take the burden off another person a little bit.
Q. Okay. Have you ever read of people who, you know, for all kinds of reasons, either because they are pressured by the police, or because of their mental condition, or whatever it might be, that they might, in fact, admit to something that's really not true, that they didn't do?
A. Yeah, it is a possibility. He -- I don't know, for some reason he may have just said it. I don't know. I don't know how to answer that question, or why he said it, or if it happened.
Q. Or if he did it, or if he said it, or whatever.

What if -- What would you do, or how would you go about evaluating, if you heard any evidence of that in this case, and I'm not saying you are going to, but just how would you go about evaluating whether or not it was a true confession or not?
A. I would really have to look at the facts. He doesn't seem to be talking right now, so the facts at the time.
Q. When you say he doesn't seem to be talking right now; what do you mean?

ATTORNEY FALLON: I'm going to object to this line of inquiry. I think this is beyond the scope of what we need to accomplish here.

THE COURT: I'm going to sustain the objection. It goes into too much speculation about what the evidence may or may not be.
Q. Are you referring to some news reports you've heard about the boy, Brendan Dassey?
A. Like when he was first arrested, all the gossip that went around and what was in the paper. Is that -- that doesn't seem to be in the paper anymore.
Q. Okay.
A. You don't hear of.
Q. Did you read or hear that he had since retracted the confession and said that it's --
A. I think somebody at work told me that.
Q. Okay. So you would look to see whether there was any underlying evidence that would support the statement before you would determine if it was true or not?
A. Well, you would have to.

ATTORNEY BUTING: All right. Thank you, very much, ma'am.

THE COURT: All right. The Clerk will escort you from the courtroom.

Will there be a motion from either party?

ATTORNEY FALLON: None from the State.
ATTORNEY BUTING: No.
THE COURT: All right. Anything else today, before we adjourn?

ATTORNEY FALLON: What time tomorrow, 8:30?
THE COURT: 8:30. Very well. We'll see you at 8:30.

ATTORNEY BUTING: One last thing, it occurred to me when we could hear the jurors in the back; are they in that jury room?

THE COURT: They are.

ATTORNEY BUTING: Okay. I'm just wondering, since we can hear them, and they're not microphoned, and we are miked, are we sure that they are not, in that location -- I thought they were going to be across the hall in that area.

THE COURT: That's a very good question. First of all today, one of the disadvantages of them making a lot of noise is that they disturbed us a bit, but it also assures that they could not hear us. Actually, before we started using the courtroom a few days ago, I had somebody come out and speak on the -- over the PA system. And I went inside, there is a fan that's on pretty consistently in there, that tends to drum out the noise here. Especially where nobody was raising their voice. So I'm confident that they -- even had they been quiet, which they weren't, I don't think they would have been able to hear the proceedings.

ATTORNEY BUTING: Okay.
THE COURT: All right. We're adjourned for today.
(Proceedings concluded.)

STATE OF WISCONSIN ) ) ss COUNTY OF MANITOWOC )

I, Diane Tesheneck, Official Court Reporter for Circuit Court Branch 1 and the State of Wisconsin, do hereby certify that I reported the foregoing matter and that the foregoing transcript has been carefully prepared by me with my computerized stenographic notes as taken by me in machine shorthand, and by computer-assisted transcription thereafter transcribed, and that it is a true and correct transcript of the proceedings had in said matter to the best of my knowledge and ability.

Dated this 9th day of April, 2007.

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