

1 STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY
2 BRANCH 1

3 STATE OF WISCONSIN,
4 PLAINTIFF, JURY TRIAL
5 vs. VOIR DIRE - DAY 2
6 STEVEN A. AVERY, Case No. 05 CF 381
7 DEFENDANT.

8 **DATE:** FEBRUARY 6, 2007

9 **BEFORE:** Hon. Patrick L. Willis
10 Circuit Court Judge

11 **APPEARANCES :**

12 KENNETH R. KRATZ
13 Special Prosecutor
14 On behalf of the State of Wisconsin.

14 THOMAS J. FALLON
15 Special Prosecutor
16 On behalf of the State of Wisconsin.

16 DEAN A. STRANG
17 Attorney at Law
18 On behalf of the Defendant.

18 JEROME F. BUTING
19 Attorney at Law
20 On behalf of the Defendant.

20 STEVEN A. AVERY
21 Defendant
22 Appeared in person.

22 * * * * *

23 **TRANSCRIPT OF PROCEEDINGS**

24 Reported by Diane Tesheneck, RPR
25 Official Court Reporter

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1 THE COURT: At this time the Court calls
2 State of Wisconsin vs. Steven Avery, Case No. 05 CF
3 381. We're here this morning for the second day of
4 individual voir dire. Will the parties state their
5 appearances for the record, please.

6 ATTORNEY KRATZ: State by Ken Kratz and Tom
7 Fallon, Judge.

8 ATTORNEY STRANG: Steven Avery in person;
9 Jerome Buting and Dean Strang representing.

10 THE COURT: All right. Counsel, I
11 understand you have some matters you wish to take up
12 before we begin with the first juror today.

13 ATTORNEY KRATZ: Judge, I have one thing.
14 I provided Mr. Strang and Buting with a
15 correspondence which includes four images that the
16 State intends to use in its opening. The Court may
17 recall that on January 18th I provided the Court
18 with images that we intended to use.

19 Some of those images were updated, are
20 changed and I replaced a couple of them with
21 photos rather than diagrams. I don't know that
22 Mr. Buting and Strang are going to object; at
23 some point we need to be heard about this, but I
24 wanted to alert the Court. I will provide your
25 Clerk with those four new images. And Mr. Strang

1 and Mr. Buting have a copy.

2 And sometime before the openings, Judge,
3 we'll have to discuss whether or not there is an
4 objection. I just wanted to note that the
5 replacement or the exchange of those I'm
6 proposing today, but we can bring that up
7 sometime before the openings. Thank you, that's
8 all I have.

9 THE COURT: All right.

10 ATTORNEY STRANG: I acknowledge receipt of
11 the latter. There won't, I don't expect, be any
12 objection to the substitution of new images one and
13 two. Images three and four raise -- they are from
14 the Tim Austin animation and I'm in agreement that
15 before openings we probably need to have the
16 evidentiary hearing on that entire exhibit, so that
17 Mr. Kratz knows whether he can use it or not in his
18 opening statement. I understand Trooper Austin, we
19 think, is back in the country. I shouldn't speak
20 for Mr. Kratz on that, but that was the sense I had
21 in speaking with him.

22 ATTORNEY KRATZ: I told Mr. Strang I would
23 find out at the break, Judge, so I can alert the
24 Court.

25 THE COURT: Very well. All right.

1 Anything else before we bring in the first juror?

2 ATTORNEY FALLON: Yes, Judge. Counsel and
3 I have had an opportunity late last night and again
4 this morning to discuss the potential of agreeing on
5 additional jurors to be struck for cause. I would
6 indicate, I think we have agreement on three. There
7 may well be a fourth, but the State did want to hear
8 from the prospective juror before we made a final
9 decision on that.

10 In terms of those that we have agreed to
11 strike for cause, we have agreed that Juror No.
12 44 would be struck for cause. Upon review of his
13 questionnaire, I think the Court will note that
14 this prospective juror has had discussions with a
15 witness in the case and has some information,
16 thus, that would be available to him, not from
17 the courtroom proceedings. And the parties
18 believe that it would be better not to take a
19 risk relative to that juror.

20 The other two jurors, the parties have
21 agreed, there is some question as to either side,
22 but the parties have agreed that Juror No. 37 and
23 Juror 39 would be excused. We have a question as
24 to whether Juror 37, we have received some
25 information that she may not have been following

1 the Court's directive regarding media coverage in
2 the past 7 to 10 days since receiving her notice.
3 And there's also a question of objective bias for
4 that witness.

5 With respect to No. 39, we're agreeing
6 with the defense request. There may be a
7 subjective bias issue on No. 39, but there's
8 also, looks like a child care hardship issue, if
9 the Court looks. This woman, a grandmother,
10 apparently has care of a 7 year old. And the 7
11 year old would be lacking in supervision if this
12 woman were selected as a juror. So for those
13 reasons, we would ask that Jurors 37 and 39 be
14 struck for cause as well.

15 ATTORNEY STRANG: I -- I agree as to all
16 three. And I -- I simply will add that, as to Juror
17 No. 44, there's clearly a pretty firmly held opinion
18 on the merits of the case, in addition to the
19 comments that Mr. Fallon made.

20 THE COURT: All right. I will review those
21 questionnaires later. But I understand I will
22 review them with the understanding both parties are
23 requesting that those jurors be left out for cause.

24 With respect to the order today, we're
25 going to begin with Juror 19. I think he was the

1 last person here yesterday, who asked to be first
2 today since he sat around yesterday.

3 And then Juror 25 requested to be called
4 earlier because she has to work this afternoon.
5 So after 19, we'll go to 25, then go back in
6 order. Anything else before we begin?

7 Oh, one other thing I did want to
8 mention. I gave to defense counsel -- and I
9 think they were going to pass on a copy to the
10 prosecution -- a draft of the substantive
11 instruction that the Court was going to include
12 in the preliminary instructions to the jurors. I
13 under -- I will be providing the parties and take
14 comment before we begin a complete set of
15 preliminary instructions, which I believe I'm
16 required to do. But I wanted to pass on a copy
17 of the proposed substantive instructions, first,
18 since those are often the -- can be the source of
19 comments from the parties.

20 If there's nothing else, we will bring
21 in Mr. Nelesen at this time. All right.
22 Mr. Nelesen, at this time the clerk will
23 administer the oath to you.

24 THE CLERK: Will you raise your right hand,
25 please.

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(Juror sworn.)

THE CLERK: Please be seated.

THE COURT: Mr. Nelesen, 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 individual voir dire. In a minute the attorneys for each of the parties will be able to ask you some follow up questions to the information that you included in your questionnaire.

I will let you know that the jurors selected to hear this case will not be sequestered during the jury; that is, you will be permitted to return home at the end of every court session. And we're able to do that because of a requirement that the jurors not learn anything during the course of the trial from the news media regarding this case.

So the instruction that the jurors are not to read any newspapers, watch any television accounts, listen to the radio, or read anything on the internet, or talk to anyone else about the case will continue throughout the trial.

I also want you to know that although the court proceedings today are open to the public, no cameras are permitted in the courtroom

1 during voir dire and members of the news media
2 are not permitted to identify the jurors by name
3 at any time.

4 In addition, should you be selected to
5 serve as a juror, you should know that during the
6 course of the trial the cameras in the courtroom
7 are not permitted to show the faces of the jurors
8 or show anything that would identify the jurors
9 in any way, to any viewers.

10 In the event you remain as a juror
11 following questioning today, you will get a
12 telephone call within the next few days letting
13 you know when to report back to court.

14 At this time, then, Mr. Fallon, you may
15 begin your questioning.

16 **VOIR DIRE EXAMINATION**

17 BY ATTORNEY FALLON:

18 Q. Good morning, Mr. Nelesen.

19 A. Good morning.

20 Q. My name is Tom Fallon and I'm an Assistant
21 Attorney General for the State of Wisconsin and
22 I'm one of the prosecutors in this case. To my
23 left is Mr. Kratz, the lead prosecutor and he's
24 the Calumet County District Attorney. Thank you
25 for coming this morning. Sorry we kept you late

1 last night.

2 A. That's all right.

3 Q. We'll do our best to get you in and out of here
4 this morning. I wanted to start with a few
5 questions from the information you provided in
6 your questionnaire. And, first of all, ask you a
7 couple of questions regarding your employment.
8 And I see you are a mechanic at the transport
9 company?

10 A. Correct.

11 Q. How long have you been employed there as a
12 mechanic?

13 A. Almost two years.

14 Q. Two years?

15 A. Yes.

16 Q. Prior to that, any other employment?

17 A. Yeah, I worked as a mechanic in Appleton for a
18 year. And previously I worked at the same
19 company I do now, for about a little under four
20 years.

21 Q. Okay. The reason I ask is, if you were to be
22 selected as a jury -- as a juror, excuse me, for
23 the jury, the case may very well take six weeks
24 or so to try, which means you may very well be
25 not reporting to work for six weeks. And I just

1 wanted to make sure.

2 On the last question of the
3 questionnaire, you expressed that you didn't
4 think that would be any particular hardship for
5 you. So we wanted to make sure that was the
6 case, that if you were selected as a juror, this
7 wouldn't be any kind of economic hardship. Is
8 that still the case?

9 A. Well, I think for anybody with -- going without
10 wages for, you know, that period of time, I think
11 that would pose some type of a problem, I would
12 think. You know, my savings account would
13 probably be drained, but I don't think I would --
14 I don't think I would die because of it. I don't
15 think I would starve to death because of it.

16 Q. All right. But do you -- you do have a concern
17 as to whether or not you would have sufficient
18 income to meet your expenses?

19 A. Oh, definitely, yeah, I would say so. I have
20 bills like anyone else, loan payments that I do
21 have to make, just like anyone else.

22 Q. All right.

23 A. And I would, like I said, I would think,
24 hopefully, that I would have enough in my savings
25 to, you know, be able to make those payments for

1 that amount of time. But I probably wouldn't
2 have anything left, you know, for some other
3 bills, I wouldn't think.

4 Q. Have you conferred with your employer as to
5 whether there would be any compensation
6 forthcoming at all if you were?

7 A. He hasn't got back to me as of yet.

8 Q. All right. So it's still somewhat of an open
9 question?

10 A. Yeah. I would think so, yeah.

11 Q. All right. If per chance in the next couple of
12 days, if you hear anything more on that, would
13 you be so kind as to advise the court personnel
14 of that and we'll certainly take that into
15 consideration.

16 A. Okay. Sure, I can do that.

17 Q. Thank you. The next bit of information that you
18 provided of some interest for the parties here is
19 the fact that you are at least somewhat familiar
20 with the Avery Salvage Yard?

21 A. Yeah, a little bit. I have purchased a couple of
22 car parts from there in the past.

23 Q. All right. How often would you say you have
24 frequented the yard?

25 A. I think I was probably there maybe three times.

1 Q. During these occasions that you were at the
2 salvage yard, did you wander through the yard and
3 the property at all or were you just basically --
4 A. No, I wasn't allowed to.
5 Q. You weren't allowed to. You were just at the
6 office --
7 A. Just went in the front office there, you know,
8 asked for the part that I needed, and they got it
9 and ...
10 Q. All right.
11 A. I just bought it and left.
12 Q. When was the most recent or the last time you
13 were there conducting some business at the
14 salvage yard?
15 A. I would say probably five or six years ago.
16 Q. All right. Do you recall meeting any of the
17 people there or recognize any of the names?
18 A. No, I don't recognize any of the names.
19 Q. All right. On each of the occasions, your
20 business was limited to the office area?
21 A. Yes.
22 Q. Okay. With respect to your news sources, could
23 you tell us where you -- if you were to -- you
24 checked a number of potential news sources from
25 radio, to television, newspapers, neighbors and

1 things of that sort. If you were to think about
2 it now, what would you say is the medium in which
3 you get most of your information?

4 A. I would probably say the newspaper.

5 Q. The newspaper. Okay. Do you regularly read the
6 paper?

7 A. Not regularly, no. I would say two to three
8 times a week.

9 Q. Okay. Have you been following the -- this
10 particular case with any interest in the
11 newspaper or television?

12 A. I have read about it, but I haven't really
13 followed it with any interest.

14 Q. All right. Have you watched any of the
15 television coverage of the case?

16 A. Yeah, I have seen a little bit of it in the past,
17 you know, just what they had on the news and what
18 not.

19 Q. On the news?

20 A. Yeah.

21 Q. Have you watched any of the actual courtroom
22 proceedings on television or through the
23 internet?

24 A. No, I have not.

25 Q. Okay. Now, in the question as to whether you

1 have formed any opinions based on the information
2 that's been available in the media and elsewhere;
3 you would say, well, from what I have read I
4 would think that he was guilty, but I'm sure that
5 there is more to the case that I don't know
6 about.

7 A. That is correct.

8 Q. All right. Is that your heartfelt opinion as you
9 sit here today?

10 A. I would say from what I have read, I think any
11 --any -- any person would, you know, tend to, you
12 know, think -- think that he were guilty through
13 the information provided in newspapers and what
14 not where I got my information. I think anyone
15 would probably think that.

16 Q. All right. Now, the next question that was asked
17 in the questionnaire, and I think the one that
18 the Court and the parties are most interested in,
19 is whether any of those opinions that you have
20 formed as a result of information obtained in the
21 media could be set aside, if you were selected as
22 a juror, and you could decide this case just on
23 what information is presented in court?

24 A. I would like to think that I could. But I
25 would -- I wouldn't guarantee that I could

1 actually do that.

2 Q. All right. All right. That's a perfectly
3 understandable and honest response, I think. The
4 question then becomes is, although you are not
5 100 percent sure is what you wrote here, are you
6 certainly willing to listen to the instructions
7 of the Judge?

8 A. Oh, definitely.

9 Q. Excuse me. And if you were instructed that your
10 duty as a juror, as it were, is to decide the
11 case based solely on the information contained or
12 presented at trial, you would make your best
13 effort to do that?

14 A. Yes, I would.

15 Q. All right. Is there any other reason, you know,
16 personal philosophy, conscience, religious
17 reason, any other reason that you are aware of
18 that, you know, causes you to doubt whether you
19 could give us your best effort and follow the
20 instruction?

21 A. I would say a little bit of conscience.

22 Q. Okay. Let's talk a little bit about that; what
23 is -- what concern do you have there?

24 A. Well, it's a big decision to make.

25 Q. All right.

1 A. And it's nothing that I would take lightly and
2 it's a very difficult decision.

3 Q. All right.

4 A. It's not the fact that -- I wouldn't say it would
5 be that I would be very nervous about it, but
6 it's -- it's just not anything taken lightly.
7 It's not -- somebody didn't just, you know, steal
8 a candy bar from the gas station or anything;
9 that would be taken lightly. This is a serious
10 issue.

11 Q. All right.

12 A. And I think anyone would, you know, have a little
13 conscience about it.

14 Q. All right. So could I infer or could the Court
15 and the parties infer, that because this is a
16 matter of grave importance, a very weighty
17 matter, that you would give us your best effort
18 in following the instructions that were given to
19 you?

20 A. Yes.

21 Q. All right. You indicated that you do have a
22 friend who is a police officer; is that correct?

23 A. That's correct.

24 Q. All right. And who would that be?

25 A. Officer David Flemal.

1 Q. David?

2 A. Flemal.

3 Q. Okay.

4 ATTORNEY BUTING: I'm sorry, Fleming?

5 MR. NELESEN: Flemal.

6 Q. (By Attorney Fallon)~ All right. And how do you
7 know Officer Flemal?

8 A. He lives down the street from me.

9 Q. All right. Do you regularly get together with
10 him and discuss the world's events as it were or
11 just --

12 A. No, not really. We pretty much just talk motor
13 sports.

14 Q. About what, sports?

15 A. Motor sports and stuff like that.

16 Q. Motor sports. Yes, I see you are a stock car
17 fan; is he as well?

18 A. I used to race motocross and he is into
19 motocross.

20 Q. Motocross?

21 A. Yeah.

22 Q. All right.

23 A. So we talk about that a lot.

24 Q. All right. How often do you get together with
25 Officer Flemal?

1 A. I would say I talk to him every three weeks to a
2 month.

3 Q. Okay. Do your conversations ever get to the more
4 serious matters such as a case like this or
5 criminal justice issues in general or anything
6 like --

7 A. No, that's just his job. We just -- We're just
8 -- We just talk on a friends personal level.

9 Q. Okay. So do you think that your acquaintance
10 with Officer Flemal would in any way impact your
11 ability to be fair and impartial in this case?

12 A. No, that wouldn't affect it.

13 Q. What?

14 A. No, that wouldn't affect it.

15 Q. Okay. Thank you. Do you have any close friends
16 or relatives that are currently working in the
17 news industry?

18 A. Not that I'm aware of, no.

19 Q. Okay. Do you own a computer?

20 A. Yes, I do.

21 Q. All right. Do you occasionally surf the
22 internet?

23 A. Yeah, I look for race car stuff on the internet.

24 Q. All right. Do you ever use the internet to get
25 some more information regarding news stories or

1 events that are current events?

2 A. No.

3 Q. All right. Have you looked at any of the
4 coverage or information regarding this case on
5 the internet?

6 A. No, I have not.

7 Q. All right. In terms of this case, can you recall
8 for us, as best you can, what you do remember or
9 think you know about the case from the media
10 coverage, at least as it pertains to Mr. Avery?

11 A. Um, I can't remember a whole lot. Just let me
12 think about this for a second. Can you be a
13 little more descriptive as to what you are
14 asking?

15 Q. Well, let's see, do you -- do you remember any
16 press conferences or original arrest reports
17 involving Mr. Avery or any other person's
18 association with?

19 A. I don't remember any arrest reports or anything
20 like that. I didn't really read that much into
21 it.

22 Q. Okay.

23 A. Pretty much just looked at it on the front page,
24 read a little bit of it, wasn't really interested
25 in it --

1 Q. Okay.

2 A. -- went on to the next thing.

3 Q. Would it be fair to say you don't really have any
4 strong opinions about the guilt or innocence?

5 A. I have my opinions.

6 Q. Okay. Well, tell us, let's talk about that.
7 What -- what are your opinions?

8 A. Like I stated in the questionnaire, my opinions,
9 from what I have gotten, from what I have read,
10 would -- I think would tend to -- for anyone to
11 think that he was guilty.

12 Q. All right.

13 A. I think that's pretty much just human nature, but
14 that's all that they read.

15 Q. Okay.

16 A. Or all that I read, I should say.

17 Q. All right.

18 A. I read a little bit up on it as far as, you know,
19 what had actually happened. A little bit of the
20 information about the vehicle and blood found in
21 the vehicle, I had read some about that.

22 Q. All right.

23 A. And that he had weapons in his house, things like
24 that.

25 Q. All right. Any other particular details that

1 stand out in your mind at the moment?

2 A. No, not really that stand out in my mind.

3 Q. All right. And are you familiar at all with the
4 circumstances regarding the arrest of a fellow by
5 the name of Dassey?

6 A. Yeah, I have heard a little bit about him.

7 Q. All right. And what do you recall about that?

8 A. I recall that he was questioned and admitted that
9 he was involved with it and had contributed in
10 the crime as well.

11 Q. All right. Do you remember any particular
12 details regarding statements that he made?

13 A. Um, not -- not any real details.

14 Q. All right.

15 A. Just that he was pretty much just involved.

16 Q. All right. Okay. I note from your questionnaire
17 that you don't have any prior jury service, but I
18 did want to ask, is there anything as you sit
19 here today and think about your own philosophy,
20 or conscience, or personal beliefs, or any
21 religious beliefs; is there anything in that area
22 that you think might give you a problem or make
23 it difficult for you to be a juror in this case?

24 A. I would say for anyone it would be a difficult
25 thing. Just, as I stated before, it's not a

1 matter to be taken lightly.

2 Q. All right.

3 A. And I think it's a very big decision and it
4 would -- it would bother me, yeah.

5 Q. All right. I think I probably did not artfully
6 ask that question. I understand it would be
7 difficult. I guess what I'm driving at is, is
8 there any firm, personal beliefs that you hold
9 that, for instance, you could not sit in judgment
10 of another person and assess their guilt or
11 innocence based on the information provided?

12 A. No, I think I could do that.

13 Q. Okay. In your profession as a mechanic, have you
14 ever been called upon to participate in writing
15 any safety guidelines or enforcing any safety
16 standards for work as a mechanic?

17 A. Sure, I have. I have to do a lot of safety
18 stuff, make sure people are doing their job in a
19 correct manner and not doing something that's,
20 you know, going to get them or someone else hurt.

21 Q. All right. Do you enjoy that work?

22 A. Sure, yes.

23 Q. And why is that?

24 A. I enjoy being a mechanic and I enjoy working with
25 others and I enjoy helping people out when they,

1 you know, need help with something.

2 Q. Is there any type of satisfaction that you derive
3 from ensuring that you have a safe work
4 environment for yourself and others?

5 A. Yeah, I would say so.

6 Q. Okay. How long have you been a resident of
7 Manitowoc County?

8 A. All my life.

9 Q. All right. How would you rate the job that the
10 Manitowoc County Sheriff's Department is doing in
11 your community in terms of dealing with crime or
12 servicing the public in other ways; good, bad,
13 fair, excellent?

14 A. I would say they do a good job.

15 Q. Okay. Any particular experiences that you have
16 had or anything in particular that helps you
17 reach that opinion?

18 A. No, I don't really have any reasons why I reached
19 that opinion I just think --

20 Q. I'm sorry, I couldn't --

21 A. I don't really have any reasons. I would think
22 that they do a fairly good job.

23 Q. That's your perception of things?

24 A. Yeah.

25 Q. Okay. Since you are a mechanic and interested in

1 automobiles, have you ever used a publication
2 such as *Auto Trader*, to buy or sell a car?
3 A. I used CarSoup to try to sell a car, but it
4 didn't sell. so.
5 Q. You used what?
6 A. CarSoup, carsoup.com.
7 Q. Okay.
8 A. I used that to try to sell a car, but it didn't
9 sell so, other than that, nothing, no.
10 Q. Didn't have much luck?
11 A. No.
12 Q. Are you familiar with the publication *Auto*
13 *Trader*?
14 A. Yeah, I have seen it.
15 Q. Okay. In terms of your approach to making a
16 decision or, for instance, writing your safety
17 guidelines, or making such policy decisions like
18 that; would you consider yourself a detail
19 oriented person or a big picture person or?
20 A. I would say I get into some detail, yeah.
21 Q. All right. And are you a movie goer?
22 A. I would say no.
23 Q. All right. Have you ever seen or heard about a
24 movie called *The Thin Blue Line*?
25 A. No, I haven't.

1 Q. Okay.

2 ATTORNEY FALLON: That's all I have. Thank
3 you.

4 THE COURT: Mr. Strang.

5 ATTORNEY STRANG: Thank you.

6 **VOIR DIRE EXAMINATION**

7 BY ATTORNEY STRANG:

8 Q. Okay. Sir, you have seen us all stand up
9 awkwardly in front of a group, a room full of
10 people, but I'm Dean Strang; this is Jerome
11 Buting; and Steve Avery. We're the defense
12 lawyers.

13 A. Okay.

14 Q. How do I pronounce your last name?

15 A. Nelesen. Nelesen.

16 Q. Nelesen?

17 A. Yes.

18 Q. Okay. Thanks. The place you are living now, you
19 have been in about seven months?

20 A. What was that?

21 Q. The place you are living now, you have been in
22 that house about seven months?

23 A. Yeah, I would say, yes.

24 Q. Do you rent or own?

25 A. Actually, I live with my parents.

1 Q. Okay.

2 A. Right now.

3 Q. Okay.

4 A. Yes.

5 Q. And had you been in a place of your own before
6 that?

7 A. Yeah, I lived with my girlfriend.

8 Q. And are you -- I don't need to know reasons or
9 anything, but are you looking to move back into a
10 place of your own soon or?

11 A. Yes, yes. This is -- Where I'm living right now
12 is a temporary.

13 Q. Okay. So does that -- where I'm going with that
14 is, really, does this contribute to your concern
15 about building up a savings account a little bit
16 or getting, you know, having --

17 A. Yeah, I'm in the process of trying to purchase a
18 house right now.

19 Q. Okay. All right. So let's sort of go from 0 to
20 100 in about 6 seconds here. It's not just that
21 the trial may last -- well may last six weeks,
22 okay, but at the end of the trial, and we can
23 more or less guess how long the evidence and
24 arguments might go, but at the end of the trial,
25 the people left on the jury have to deliberate?

1 A. Correct.

2 Q. And there's no way to know how long that will go?

3 A. No.

4 Q. Only those 12 people, you know, and they don't
5 know, because it's a matter of you are not done
6 until you -- ideally, until you all 12 agree on
7 the verdicts for however many charges you are
8 considering.

9 A. Okay.

10 Q. So we have no -- none of us have any way of
11 predicting how long that would go. And my
12 concern, since that comes at the very end, is
13 that, you know, would the deliberations and
14 sticking it through and working through the
15 evidence as long as it took, be something you
16 could do when you are already at the end of five
17 or six weeks of being out of work? You see what
18 I'm worried about?

19 A. I didn't really take that into consideration. I
20 wasn't aware that it was going to be that much of
21 an added time. I had heard and I was told that
22 it would probably take -- it could take up to a
23 month, but I didn't really consider that there
24 was added time at the end of it.

25 Q. And I have no way of knowing.

1 A. That makes -- Yeah, that makes matters a little
2 bit different, yeah.

3 Q. Okay. I'm not trying to suggest that that would,
4 you know, go on indefinitely?

5 A. It could take a week or six months is what you
6 are saying.

7 Q. Or 10 minutes, I mean. But, you know, none of us
8 have, and you don't have, any way of knowing.

9 A. Right.

10 Q. Because it's, you know, deliberation is about 12
11 people trying to agree on things that, you know,
12 involve looking back over four or five, six weeks
13 of evidence. And I -- You know, you are very --
14 I have noticed that you are very empathetic in
15 the sense of, you know, that the problems you see
16 you say everybody would have. I mean anybody
17 would feel this is a tough decision and all that.

18 A. Right.

19 Q. But right now it is sort of about you and
20 whether, you know, whether you really would be
21 putting yourself in a hole by getting into this?

22 A. I would, definitely. But if that's what I'm
23 asked to do, then I guess that's what I'm asked
24 to do.

25 Q. Okay. I wanted to hear a little more about what

1 you -- what you really like about being a
2 mechanic; what lights you up about it? I mean
3 your hobby ties into that pretty closely with
4 stock car racing?

5 A. Oh, definitely. And that's one thing that would
6 go down the tubes too, so that's another
7 consideration of mine.

8 Q. What do you mean by go down the tubes, I'm sorry,
9 Mr. Nelesen?

10 A. Stock car racing is pretty expensive.

11 Q. Oh, okay.

12 A. And I have worked pretty hard to be able to
13 afford it.

14 Q. Right.

15 A. And it takes a good percentage of my money to do
16 that.

17 Q. You actually race?

18 A. Yes, I do.

19 Q. Okay. Are you the driver?

20 A. Yes, I am.

21 Q. Okay. And, you know, up here, I mean -- meaning
22 up here in the northern part of the country?

23 A. Yeah.

24 Q. I associate that with being a seasonal sort of a
25 sport, but do you travel around to places where

1 it's warmer?

2 A. No, I don't. It -- Pretty much just regional.

3 Q. Okay. And how, in terms of the season for that,
4 how -- how much of the expense is coming up in
5 February, March?

6 A. A great deal of the expense.

7 Q. Tell me about that.

8 A. Well, as far as -- to give you an example, in the
9 class that I race, I'm looking at coming up
10 with -- trying to come up with 6 to \$8,000 for
11 just one engine. So that's a great deal of money
12 for someone, for me, to come up with. And I have
13 been saving up for it for quite a long time.
14 Probably half way through last year and all
15 winter I have been saving up for that.

16 Q. Is this the time of year where you are in the
17 garage at night?

18 A. All the time.

19 Q. Getting the car ready for May?

20 A. Yeah, exactly.

21 Q. Okay. So you are spending the money now?

22 A. Oh, yeah, faster than it's coming in, yeah.

23 Q. And any purse or any winnings you might get --

24 A. That all goes right back into the operation.

25 Q. And those wouldn't come until the warmer weather?

1 A. Correct.

2 Q. Okay. So back to what -- what -- what lights you
3 up about being a mechanic?

4 A. I just like to work with my hands. It's just
5 something about cars, something about engines
6 that just. I think each person has something
7 that they can just get into, get involved with
8 and forget about all the stress in their lives.
9 And when I'm working on things like that, my
10 stress just goes away.

11 Q. It goes away?

12 A. Yeah.

13 Q. And yet you also like working with people?

14 A. Yeah, I get along with -- I like to talk a lot.

15 Q. Mm-hmm.

16 A. And I --

17 Q. Me to.

18 A. And, yeah, I just like to talk a lot and I like
19 to get along with people. Meet different people.

20 Q. Mm-hmm.

21 A. It's just -- I don't know if it's right or wrong,
22 it's just part of my personality.

23 Q. Why would it be right or wrong?

24 A. I don't know that's --

25 Q. Yeah.

1 A. It's just part of my personality.

2 Q. Okay. So is -- I mean, is it the actual physical
3 labor, having your hands in the, you know --

4 A. Oh, definitely.

5 Q. -- that you like, as opposed to, you know, the
6 math of --

7 A. Oh, no.

8 Q. -- adjusting a carburetor or whatever?

9 A. No, I'm terrible at Math.

10 Q. Okay.

11 A. But it's just getting in there and trial and
12 error and doing those things. It's a challenge,
13 to see if I can do what needs to be done to go
14 faster. That's pretty much all it is, is a
15 challenge.

16 Q. Is -- Is this something where sort of cutting and
17 scraping your hands up is a regular part of life
18 for you?

19 A. Oh, yeah. Definitely, yeah.

20 Q. You have got bandaids around?

21 A. Well, I usually don't wear bandaids, just dirt
22 gets in there and I just leave it, keep working.
23 I have pretty much done it my whole life, so I'm
24 used to that.

25 Q. Okay. The three times you have been out to Avery

1 Auto Salvage --

2 A. Mm-hmm.

3 Q. -- that was just looking for parts for cars you
4 were working on?

5 A. Yeah, just -- just street driven cars that I had
6 at the time.

7 Q. And are there -- are there other auto salvage
8 yards in the area you have snooped around, you
9 know, shopped at?

10 A. Sure. Sure, definitely.

11 Q. Poked around?

12 A. Yes.

13 Q. Pretty much all of them in the area, or is it
14 unusual?

15 A. Yeah, I would say probably 75 percent of them in
16 the area.

17 Q. How about Norb's in Denmark?

18 A. No, not that far away. I haven't gone that far
19 away.

20 Q. But in like the immediate Manitowoc --

21 A. Yeah, the immediate Manitowoc area.

22 Q. And you, I gathered from what you said to
23 Mr. Fallon, that you don't have any memory of who
24 it was you dealt with at the Avery yard?

25 A. No, I don't. I don't know who it was.

1 Q. Or even --

2 A. Just somebody that worked there. I don't know.

3 I just came in and picked up a part --

4 Q. Yeah.

5 A. -- and left.

6 Q. Okay. Or even if it was the same guy the three

7 times you have been there?

8 A. No, I couldn't really tell you that.

9 Q. Okay. Tell me what you know -- and I don't want

10 to do that to you. Tell me what you -- what you

11 have read, or what you have learned, what you may

12 know about Brendan Dassey, from the newspaper or

13 the TV.

14 A. For the most part, just that he was involved --

15 involved in the crime. I didn't really read a

16 whole lot on it. I pretty much just go through

17 the sports section and stuff like that. But, you

18 know, I read over, you know, read a paragraph or

19 so. Then just, like I said, turn the page with

20 just a loss of interest. But I would say just

21 mostly that he was just involved --

22 Q. Mm-hmm.

23 A. -- in the entire thing.

24 Q. Did you get -- did you get a sense of any of the

25 gruesome details?

1 A. Not a lot, no.

2 Q. Okay. And what is -- What does Dassey have to do
3 with Steven Avery's case, in your mind? What's
4 the connection if any?

5 A. Well, if he was -- I would say if he was involved
6 in the crime, I would say he would have
7 everything to do with it.

8 Q. If he, who he?

9 A. I would say -- what is his name, Dassey?

10 Q. Yeah.

11 A. Yeah, I'm not sure -- I'm not sure what his first
12 name was.

13 Q. Brendan.

14 A. Brendan, yeah. I would say if -- well, if from
15 what I have read in the newspaper that he was
16 involved, I would say he would be involved with
17 the entire crime, from what I have known.

18 Q. Yeah. No, I know. I mean, I understand you are
19 getting this from the papers and the TV. I-- I
20 got that. And -- but do I hear you saying that,
21 based on what has been reported to you about
22 Brendan, that it's more likely that Steven Avery
23 is guilty?

24 A. I would say one would tend to believe that, yes.

25 Q. And why -- why would you tend to believe that?

1 A. Because I would say that's pretty much what they
2 had said in the newspaper.

3 Q. Mm-hmm.

4 A. That's what they had -- how can I say this -- he
5 admitted to participating in the crime and that
6 they were both involved in it.

7 Q. Do you have a sense that, you know, a 16 or 17
8 year old like Brendan Dassey would not have
9 admitted to the crime if he didn't do it?

10 A. I wouldn't see why he would admit to it if he
11 didn't do it.

12 Q. If -- if you heard evidence about, or -- or, you
13 know, the lawyers made arguments about why
14 someone might confess to something he didn't do;
15 is that something you would be able to listen to
16 fairly, consider?

17 A. I would say I could listen to it fairly, yes.

18 Q. But it sort of strikes you as ...

19 A. It strikes me as odd.

20 Q. Odd, yeah.

21 A. Yes.

22 Q. Sure. What do you make of the fact that Steven
23 Avery is here, you know, that he is sitting in
24 the defendant's chair?

25 A. He was asked to be here. I don't really make

1 anything of it, I would expect him to be here.

2 Q. Does it suggest he probably did something wrong?

3 A. I would say people think that he did something
4 wrong. I wouldn't want to go and say that he
5 did, that is not really my decision and shouldn't
6 be my opinion right now. But I would say he is
7 here for a reason.

8 Q. Yeah. And, I mean, it is sort of your opinion
9 that we're after now. And it's -- the good thing
10 about this is -- I mean, you are being really
11 candid about that and that's helpful. And the --
12 you will -- you would be told, if you were a
13 juror, that Steven Avery is presumed innocent.

14 A. Exactly.

15 Q. Starts presumed innocent and he remains presumed
16 innocent unless and until the State could prove
17 him guilty?

18 A. And that's a very difficult thing to do, yes.

19 Q. Yeah, it is. It is a hard thing to do. And
20 given, you know, what you have read and thought
21 about the case, you are not 100 percent sure that
22 you could do that, but you would try?

23 A. I would say that would be, yes. I would say that
24 would be the case, yes.

25 Q. And I feel like I'm putting words in your mouth

1 so I want to stop doing that, but.

2 A. No, that's all right.

3 Q. Okay. Have you seen or heard anything really
4 recently in the paper or on the --

5 A. No, I haven't.

6 Q. -- the TV about this?

7 A. No.

8 Q. Why?

9 A. I was told to not read the newspaper, not watch
10 the news if it pertained to that.

11 Q. Okay. And before you were told that, were you
12 still tuning in?

13 A. If something was on, I probably watched a couple
14 minutes of it, but not to my knowledge I haven't
15 really gone out and ran to the TV to watch it or
16 anything like that.

17 Q. Rented a TV.

18 A. Yeah. I haven't really followed it strongly.

19 Q. Yeah.

20 A. It's just something that was on.

21 Q. And since you were told not to, you have obeyed
22 that?

23 A. Since I was told not to, I didn't have any --
24 didn't read the newspaper or anything like that
25 or didn't watch the news.

1 Q. Mm-hmm. Let me get a feel for when -- you know,
2 when it is you stopped. You -- have you heard
3 anything about a blood vial?

4 A. Yes.

5 Q. And that's got some role?

6 A. Yeah, something about the -- it was planted and
7 this and that. I forgot all about that.

8 Q. Okay. But that --

9 A. That did strike -- did jog my memory, yeah.

10 Q. Okay. A related topic on whether -- you know,
11 whether you really can presume Steven Avery
12 innocent, would be the choice whether he
13 testifies or not. And, I mean, is it -- do you
14 think, basically, most fair people want to hear
15 both sides of a story?

16 A. Definitely they want to hear both sides.

17 Q. And how about you?

18 A. Yes, I would definitely want to hear both sides.

19 Q. Okay. Do you -- Do you understand that in
20 America, if you are charged with a crime, you can
21 do either of two things; you could choose to
22 testify and then you would sort of be like any
23 other witness?

24 A. Mm-hmm.

25 Q. We do have a right to testify when we're accused

1 of a crime in this country, even though we're the
2 person who's got to, you know --

3 A. Okay.

4 Q. -- might want to be saving our own skin. And
5 then also, you have a right not to testify. And
6 the jurors get told that they can't consider that
7 in any way in deciding whether the State's proved
8 the person guilty, beyond a reasonable doubt.
9 Were you familiar with those two basic notions?

10 A. No.

11 Q. Okay. If the Judge were to tell you at the end
12 of the case, you know, and I don't know what
13 words he would use, but if he were to tell you
14 that you may not consider the fact that Mr. Avery
15 did not testify, as any evidence of guilt or in
16 deciding the case; is that an instruction you
17 could follow?

18 A. I would do what he asked me to do, yes.

19 Q. And would you do it happily or willingly as
20 opposed to, you know, well, I have to?

21 ATTORNEY FALLON: I'm going to object to
22 that question.

23 THE COURT: I'm going to allow it.

24 MR. NELESEN: Could you repeat that?

25 Q. Sure. Would you do that, you know, willingly and

1 without reluctance, or would you do it because,
2 I'm doing it because this is my duty to do it?

3 A. I would say there would be some reluctance.

4 Q. Okay. Do you think if -- Do you think it would
5 be an easy decision for a person accused to make,
6 whether to testify or not in his own behalf?

7 A. I don't think so.

8 Q. Why not?

9 A. I'm not exactly sure. I just don't think it
10 would be a difficult.

11 Q. You don't think it would be difficult, or you
12 don't think it would be easy?

13 A. I don't think it would be difficult, but I don't
14 really understand what would all be involved.

15 Q. Mm-hmm. Do you figure that Mr. Buting and I
16 might have some input on that? Opinions that we
17 would offer him?

18 A. I would say, yeah, that's your job.

19 Q. Right. And let me see if you would agree with
20 this, you know, if you are the defendant and you
21 take the witness stand, some people on the jury
22 may be saying, well, of course he's denying it,
23 he doesn't -- you know, he doesn't want to get
24 convicted. He's the one with everything at
25 stake. And on the other hand, if you don't take

1 the witness stand, jurors might be saying, well,
2 if he didn't do anything wrong, why doesn't he
3 just get up and tell us, you know, an innocent
4 guy would have nothing to hide. Do you see the
5 sort of dilemma --

6 A. Exactly.

7 Q. -- there? And in the end, you know, because you
8 are not going to be able to get into his head or
9 my head in that decision making process --

10 A. Mm-hmm.

11 Q. -- I would need to be comfortable that you really
12 would and could live with the Judge's instruction
13 that; if he testifies, he's like any other
14 witness; if he doesn't testify, you can't
15 consider that as any evidence of his guilt?

16 A. I would say I could do that, yes.

17 Q. You told us in your jury questionnaire that -- I
18 forget exactly how you put it, but it was pretty
19 good, that -- oh, I'm terrible at math?

20 A. Yeah, I am.

21 Q. That's exactly how you put it. This case, on
22 both sides, may involve a certain amount of
23 scientific evidence and testimony about
24 scientific evidence, you know, collection of
25 evidence, testing of evidence in certain ways.

1 A. Mm-hmm.

2 Q. People who do that for a living and have some
3 expertise in, you know, whatever, ballistics, or
4 DNA, or whatever it might be.

5 A. Mm-hmm.

6 Q. And I don't mean to suggest that that would
7 require a jury full of mathematicians, but is
8 that sort of testimony something that you
9 anticipate as finding boring, or interesting, or
10 what do you think?

11 A. I would say it would be interesting.

12 Q. Why?

13 A. Probably for the fact that it's something that I
14 don't know about and I like to learn new things.

15 Q. Mm-hmm.

16 A. Whether I'm good at them or not, I like to learn
17 new things and I think it would be interesting.

18 Q. And what if there were, let's say, two or more
19 experts and they weren't in complete agreement,
20 or they were even in disagreement about the
21 meaning of certain things, or what certain
22 findings were; how would you sort that out if
23 this is all new to you?

24 A. I would say that each person has there own
25 opinion, their own views, of how it would be.

1 And I can't really answer how I would actually
2 sort that out.

3 Q. But you would listen to both?

4 A. Oh, definitely, yes.

5 Q. And then weigh them and --

6 A. And make a decision, I guess, yes.

7 Q. Mm-hmm. Okay. Let me just check with Mr. Buting
8 and see if he thinks I have missed anything?

9 A. Okay.

10 Q. I did miss something.

11 A. Okay.

12 Q. I realize David Flemal is just your friend --

13 A. Yes.

14 Q. -- down the street, but I want to explore police
15 officers a little bit more with you. There will
16 be a number of police officers or law enforcement
17 officers who testify in this case from different
18 agencies and departments?

19 A. Mm-hmm.

20 Q. And there was a question on the questionnaire
21 about this: You will probably be told that a law
22 enforcement officer who testifies is considered
23 like any other witness.

24 A. Right.

25 Q. And do you -- do you think in your experience and

1 in your belief, is a police officer less likely
2 to lie under oath than other people might be?

3 A. I would say, yeah.

4 Q. Why?

5 A. I would say they are more involved with the law
6 and I think they probably would take it more
7 seriously than an average person.

8 Q. Okay. And that said, setting aside robo cop
9 movies, do you agree that law enforcement
10 officers are human, like the rest of us?

11 A. Definitely, yes.

12 Q. Imperfect, I guess, like the rest of us?

13 A. Yes.

14 Q. Make mistakes like the rest of us?

15 A. Yes.

16 Q. Have personal motives or wants and wishes, just
17 like the rest of us?

18 A. Yes.

19 Q. So, I don't hear you saying that a police officer
20 never could lie under oath, you just think it's
21 probably less likely than comparing him or her to
22 the average joe on the street?

23 A. Yes.

24 Q. Would you at least consider the possibility, be
25 open to and listening for the possibility, that a

1 police officer, a law enforcement officer, might
2 have a reason to shade the truth or not remember
3 something accurately?

4 A. If that's what I was asked to do, then that would
5 be what I would have to do.

6 Q. Okay. There would be some resistance to that
7 idea or ...

8 A. I would say yes.

9 Q. And in putting together all the evidence that you
10 would hear, since Mr. Avery is saying he is not
11 guilty --

12 A. Mm-hmm.

13 Q. -- do you think that he, or we for that matter,
14 ought to have to show you who did kill Teresa
15 Halbach?

16 A. I would think that would be a good thing, yeah.

17 Q. Okay. Sure it would be a good thing. Do we have
18 to do that in order to convince you that Steven
19 Avery didn't?

20 A. I would say yes.

21 ATTORNEY STRANG: All right. I think I'm
22 done, thank you, very much.

23 **VOIR DIRE EXAMINATION**

24 BY THE COURT:

25 Q. Mr. Nelesen, I have got some follow-up questions

1 for you. I take it from a number of your answers
2 that you don't come into court today being
3 familiar with many of the rules that apply in a
4 criminal case.

5 A. No, I don't.

6 Q. I want to follow up, for example, on Mr. Strang's
7 last series of questions?

8 A. Mm-hmm.

9 Q. For one thing, in a criminal case, the defendant
10 is not obligated to prove his guilt or his
11 innocence, the State has to prove that he is
12 guilty before a jury can return a guilty verdict?

13 A. Correct.

14 Q. Do you understand that?

15 A. Yes, I do.

16 Q. That means that a defendant that -- does not have
17 to convince the jury who might have done it, if
18 it wasn't the defendant; the State has to prove
19 that the defendant did it and prove that, beyond
20 a reasonable doubt?

21 A. Now I understand, yes.

22 Q. Likewise, I think you testified that you had read
23 some things about this case and based on what you
24 had read, you thought it appeared the defendant
25 was guilty, but that if the Court instructed you

1 that you had to put those feelings aside, you
2 could follow that instruction?

3 A. Yes.

4 Q. And that, in fact, is -- would be the Court's
5 instruction. Over the course of a six week
6 trial, the jury is going to hear a lot more about
7 this case than has been in the news media.
8 Sometimes information in the news media isn't
9 accurate.

10 A. Yes.

11 Q. But in any event, the jury that is selected will
12 have to agree to base the decision only on the
13 evidence in court and ignore anything else. If
14 you're selected as a juror, do you feel you can
15 do that?

16 A. I would like to think that I could do that. Yes
17 or no answer, that's tough. I would say yes.

18 Q. Is there something specific that gives you pause
19 in answering that question?

20 A. Definitely, everything that I have read.

21 Q. And when you say everything that you have read,
22 you will probably hear some of the things that
23 you have read in court, but you are going to hear
24 a number of those items disputed as well.

25 A. That's true.

1 Q. Will you be able to evaluate the evidence as it
2 comes into court, as it is introduced at the
3 trial, in making your decision?

4 A. Yes.

5 Q. And will you be able to base your decision only
6 on that evidence and not on anything you might
7 have read before?

8 A. Yes.

9 Q. You feel if I instruct you to do that you can do
10 that?

11 A. Yes.

12 THE COURT: All right. At this time we'll
13 have the Clerk escort you from the courtroom.

14 ATTORNEY STRANG: May I ask --

15 THE COURT: All right. Just a second. Go
16 ahead.

17 ATTORNEY STRANG: I don't know if counsel
18 has a follow up, but I do have one.

19 **VOIR DIRE EXAMINATION**

20 BY ATTORNEY STRANG:

21 Q. Putting it altogether, do you want to be on this
22 jury?

23 A. Do I want to be? No.

24 Q. Why?

25 A. It's a very big decision. Whatever the decision

1 would be, is a lot for a person to live with.
2 That, in fact, financial issues is a difficult
3 situation to deal with as well. So to answer
4 your question, do I want to be, no.

5 ATTORNEY STRANG: Thank you.

6 THE COURT: Mr. Fallon, do you have
7 anything else?

8 ATTORNEY FALLON: (No verbal response.)

9 THE COURT: Very well. Linda, you may
10 escort Mr. Nelesen from the courtroom.

11 (Wherein the juror is excused.)

12 THE COURT: Counsel, does either party have
13 any motion? Mr. Fallon?

14 ATTORNEY FALLON: Your Honor, the State
15 does not; I think the juror is acceptable.

16 THE COURT: Mr. Strang.

17 ATTORNEY STRANG: I really hate to do this
18 and I don't expect that we'll have to do it again,
19 or at least not often, but I think we need three
20 minutes to talk. I really do, about this one.
21 Just, I mean, Mr. Buting and I and Mr. Avery.

22 THE COURT: All right. I will give you
23 exactly three minutes and then we'll come back out.

24 ATTORNEY STRANG: Thank you.

25 (Brief recess.)

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THE COURT: Mr. Strang.

ATTORNEY STRANG: Thank you, very much.
The defense is not making a motion to strike.

THE COURT: Very well. The Court will accept this juror. And bring the next one in and that will be Nicole Knier. Ms Knier, if you can remain standing the Clerk will administer the oath.

THE CLERK: Raise your right hand.

(Juror sworn.)

THE CLERK: Please be seated.

THE COURT: Ms Knier, 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 known as individual voir dire. Each of the attorneys, or the attorneys for each of the parties will have an opportunity to ask you some questions that relate to your qualifications as a juror and follow up questions to the information on the questionnaire.

I did want you to know that should you be selected as a juror in this case, the jurors will not be sequestered; that means that at the end of the trial every day you will be able to go home and then come back to court the next day.

I also want you to know that although

1 today's proceedings are open to the public,
2 during individual voir dire we do not permit
3 cameras in the courtroom and the news media is
4 not permitted to give the names of the jurors to
5 the public. Also, during the trial itself the
6 cameras are not permitted to show the jurors in
7 any way such that any of the individual jurors
8 can be identified.

9 After today's proceedings, if you are
10 still deemed to be a member of the jury panel,
11 you will get a phone call in the next day or two
12 telling you when to report. It will be sometime
13 this week.

14 With that background, Mr. Fallon, you
15 may begin.

16 **VOIR DIRE EXAMINATION**

17 BY ATTORNEY FALLON:

18 Q. Good morning. My name is Tom Fallon. I'm an
19 Assistant Attorney General for the State of
20 Wisconsin. I'm one of the prosecutors in this
21 case. To my left is Mr. Ken Kratz, the lead
22 prosecutor and he is the District Attorney in
23 Calumet County. We're helping out Manitowoc
24 County. Let me first ask, are we pronouncing
25 your last name correctly; it's Knier?

1 A. Yeah.

2 Q. Okay. Very good. One of the first questions
3 that I would like to ask is your employment
4 situation, as it relates to the possibility of
5 your being selected as a juror. All right. In
6 your questionnaire, you told us that you are
7 presently employed by a Jim Skarda, a linebacker?

8 A. Yes.

9 Q. Tell us what kind of --

10 A. It's a bar.

11 Q. Okay. And so you are a bartender by trade?

12 A. Yeah.

13 Q. All right. And how long have you worked at that
14 location?

15 A. About six years.

16 Q. All right. And I understand you are also a
17 student?

18 A. Yup.

19 Q. And where do you attend school?

20 A. I'm going to Blue Sky; it's in Green Bay; it's a
21 massage school.

22 Q. All right. And how often or when is school held?

23 A. It is held one day a week, every Thursday.

24 Q. Every Thursday?

25 A. Correct.

1 Q. And where are you in relation to the curriculum
2 as it were; is this like a regular semester
3 schedule?

4 A. We are set to graduate March 8th, but they are
5 making special circumstances so I could be
6 home-schooled for the rest of it.

7 Q. All right. So it wouldn't -- if you were
8 selected as a juror, it wouldn't mess up your --

9 A. No.

10 Q. -- your massage training?

11 A. No.

12 Q. Okay.

13 A. I'm far enough along.

14 Q. I'm sorry?

15 A. I said I'm far enough along.

16 Q. Okay. Very good. How about your job as a
17 bartender and your ability to support yourself in
18 the interim; is that okay?

19 A. Yeah, it should be.

20 Q. All right. So you are not too concerned for any
21 economic hardship if you were selected?

22 A. Not overly.

23 Q. Okay. You also indicated in your questionnaire
24 that you have at least some information or some
25 knowledge in the field of medicine. Could you

1 tell us a little bit about that. Is that the
2 massage training?

3 A. Yeah, with the massage training, it's actually
4 medical massage and medical terminology is what
5 I'm good at.

6 Q. Well, tell us a little bit about that.

7 A. Just from watching different programs and stuff,
8 I can pick out what they are not saying
9 correctly; what they are saying correctly; that
10 sort of a thing.

11 Q. Okay. And how long have you been at least
12 studying the medical angle as it relates to the
13 massage therapy business?

14 A. For about a year. I started last March. And
15 before that I was also a certified nurses
16 assistant.

17 Q. All right. And where were you a certified
18 nursing assistant?

19 A. Different nursing homes in the area.

20 Q. All right. And how long did you do that work?

21 A. About two years.

22 Q. All right. I take it that work brought you in
23 contact with RNs and physicians?

24 A. Correct.

25 Q. All right. Would you consider yourself the

1 curious type as it were and would ask questions
2 about medical --

3 A. Yes.

4 Q. -- procedures and things?

5 A. Mm-hmm. Yes, I like to know things.

6 Q. All right. Occasionally I have got to make a few
7 notes.

8 A. That's okay.

9 Q. All right. Now, you indicated that you knew a
10 few people of interest, I think, to the Court and
11 the parties here. So I wanted to ask you a
12 little bit about your familiarity with them. You
13 indicated you are familiar with a Debbie Knox,
14 and you believe that Debbie Knox to be a junior
15 high principal; is that correct?

16 A. She was, while I was in junior high.

17 Q. She was the principal when you were there?

18 A. Well, assistant principal but, yeah.

19 Q. All right.

20 A. She was my neighbor growing up as well.

21 Q. She was your neighbor growing up. Okay. How
22 well do you know her?

23 A. I guess pretty well, I went to school with one of
24 her sons too. I graduated with him.

25 Q. And how long ago was that?

1 A. I graduated in 2001, so five years ago.

2 Q. You said that she was a neighbor; literally the
3 person next door or just down the street?

4 A. Just down the street.

5 Q. All right. Since you lived on the same street,
6 did you, other than the school setting, did you
7 have much opportunity to interact with each other
8 or just with her son?

9 A. No, just more acquaintances.

10 Q. Just acquaintances. Okay. Have you ever been to
11 her house or anything for gatherings or anything?

12 A. No.

13 Q. All right. Are you still friendly with her son?

14 A. No, I believe he's going to school somewhere.

15 Q. Okay. When you -- I take it she was the
16 assistant principal at the high school?

17 A. Junior High.

18 Q. Junior High. When you were a student, did you
19 have any occasion to have any discussions or
20 contacts with her during your time as a junior
21 high student?

22 A. I tried not too.

23 Q. Okay. Was she kind of the disciplinarian?

24 A. Yeah.

25 Q. All right. So you were successful in not having

1 any run-ins, as it were?

2 A. Correct.

3 Q. All right. So, I mean other than that occasion
4 or for that reason, you really didn't have any
5 contact with her at the school?

6 A. No.

7 Q. Okay. Well, I would like to talk a little bit
8 about the news business and a little bit about
9 the coverage of this case. Where would you say
10 that you get most of your news from; the
11 newspapers, radio, television, internet?

12 A. Usually like the TV and newspapers, if I get a
13 chance to read them.

14 Q. All right. And how often do you watch the news
15 coverage on TV?

16 A. Not very often.

17 Q. Not very often.

18 A. I have a two year old son; I don't get a chance
19 to watch TV.

20 Q. All right. How about when you are tending bar;
21 is it --

22 A. No, it's mostly ESPN or something like that.

23 Q. All right. So it's a sports bar that you are
24 working at?

25 A. Right.

1 Q. So there's not a lot of news coverage there other
2 than sports coverage?

3 A. A lot of people talking about it but ...

4 Q. All right. Well, I noticed that you did mention
5 that, that you sometimes -- things of word of
6 mouth or you might have talked to people, patrons
7 of the tavern. Was there any extensive
8 discussion on your part of these proceedings or
9 the case, or just casual stuff that you overhear
10 from the public?

11 A. Just casual. I'm doing a job. I'm not there to
12 really get into in depth conversations with
13 people.

14 Q. All right. Have you followed the coverage of
15 this case much at all?

16 A. I try not to.

17 Q. All right. Any particular reason why you try not
18 to?

19 A. I try not to listen to the bad things I guess.

20 Q. To bad things. Okay. Do you recall, as you sit
21 here today, any of the coverage or any of the
22 details of what Mr. Avery is supposed to have
23 done?

24 A. Yeah.

25 Q. Well, tell us about what you remember hearing.

1 A. Just what, I guess, Fox 11 is the only station
2 that they have ever watched at the bar, if they
3 do watch a newscast. And that's about it.

4 Q. All right.

5 A. I guess when the accusations or whatever you want
6 to call them, when they were first on the news,
7 that was the first time that I really watched
8 anything about it.

9 Q. All right. So if you have seen any news coverage
10 is when you were tending bar, not at home?

11 A. Not really.

12 Q. All right.

13 A. I usually watch PBS or something.

14 Q. Okay. Now, you kind of gestured toward
15 Mr. Kratz; do you remember seeing him on
16 television?

17 A. Yeah.

18 Q. All right. And that was several months ago?

19 A. Mm-hmm.

20 Q. That's a yes?

21 A. Yes.

22 Q. You have to --

23 A. Sorry.

24 Q. Okay. What do you remember about his appearance
25 on television?

1 A. Just what he was -- I guess when he was saying
2 what happened.

3 Q. Okay. Do you recall any of the details that --
4 that he may have provided?

5 A. Yeah, because they were pretty graphic.

6 Q. All right. And was this coverage in relationship
7 to a fellow by the name of Brendan Dassey?

8 A. It was both.

9 Q. Both. All right.

10 A. Both parties, I believe. I can't remember, it
11 was a couple months ago.

12 Q. All right. Now, you said it was pretty graphic,
13 do you recall any particular details regarding?

14 A. Just what they said that had happened.

15 Q. All right.

16 A. That is public knowledge, I guess.

17 Q. Okay. Well, if you could tell us, I know it may
18 not be easy for you, but we want to make sure
19 that we have an understanding of what you think
20 you may know about the case and that will help
21 Mr. Strang and I.

22 A. I guess just what they said had happened to
23 Teresa, the series of events that had been
24 published in the news, like with her being tied
25 up and that sort of a thing.

1 Q. Okay. What else do you remember that is supposed
2 to have happened to her?

3 A. Yeah. That she had gotten burned in a burn
4 barrel or something like that.

5 Q. All right.

6 A. Like I said, I don't remember exact quotes so.

7 Q. Okay. All right. Now -- Now, I don't mean to
8 put words in your mouth so tell me if I'm wrong,
9 but I'm getting this feeling that, because it was
10 somewhat graphic in terms of how she is supposed
11 to have died; is that one of the reasons why you
12 haven't paid much attention, or not?

13 A. No, I just don't watch the news.

14 Q. You just don't watch the news, okay.

15 A. Too many bad things happening in the world to
16 worry about.

17 Q. All right. As a result of your, you know,
18 tending bar and seeing some of the news coverage,
19 including some of the coverage of Mr. Kratz, have
20 you formed any opinions at all as to whether
21 Mr. Gave -- Mr. Avery is guilty or innocent of
22 this?

23 A. I think it could go either way.

24 Q. All right. And that -- So --

25 A. To me, you have to prove it either way.

1 Q. All right. In other words, the State has to
2 prove he's guilty?

3 A. Yup.

4 Q. All right. Now, do you think the defense has to
5 prove anything?

6 A. In a way, yeah.

7 Q. Why do you feel that?

8 A. Because if -- why would someone just make
9 something up, I guess.

10 Q. You mean, why would the State make something up?

11 A. Yeah.

12 Q. All right. But if the Court were to instruct you
13 that Mr. Avery and his lawyers, and they will
14 talk with you at some length about this, but if
15 the Court were to tell you that, you know, they
16 don't have to prove anything --

17 A. Mm-hmm.

18 Q. -- not one blessed thing. They don't have to
19 call one witness, put in one piece of evidence,
20 not a thing. They can sit there like bumps on a
21 log. And unless the State has proved to you,
22 beyond a reasonable doubt, that he is guilty, you
23 would have to find him not the guilty; do you
24 understand that?

25 A. Yeah.

1 Q. Do you think you could do that?

2 A. Yeah, but you would like to think that they would
3 have to find holes in here, in theories. Because
4 I can't just believe everything out of your mouth
5 is true either.

6 ATTORNEY STRANG: I didn't catch the
7 answer, I'm sorry.

8 ATTORNEY BUTING: Could you read it back.

9 THE COURT: We'll have the reporter read it
10 back.

11 (Last answer read back.)

12 Q. Well, what if the only effort, or you could say
13 evidence, presented by the defense, came in the
14 cross-examination of the witnesses that Mr. Kratz
15 and I called to the stand and they vigorously
16 challenged the assertions of those witnesses.
17 Under some circumstances, do you think that would
18 be enough to raise a doubt in your mind, a
19 reasonable doubt in your mind of his guilt?

20 A. Yeah, but not beyond all other things that could
21 be brought up.

22 Q. All right. Well, if the Court were to tell you
23 that the burden of proof here is beyond a
24 reasonable doubt, not all doubt; you would be
25 able to accept that?

1 A. Yeah.

2 Q. Okay. And if the Court were to tell you that the
3 State is the only one with the burden of proof
4 and Mr. Avery, as he sits here today, is presumed
5 innocent, can you accept that?

6 A. Mm-hmm.

7 Q. That's a yes?

8 A. Like I -- Yeah. Like I said, it can -- it could
9 go either way.

10 Q. Okay. I'm not quite sure. We're having a little
11 confusion as to when you say it could go either
12 way. If you could kind of explain that a little
13 bit more for us.

14 A. I guess if your -- your thought process is good
15 enough that it's beyond a reasonable doubt, then
16 I'm going to go with you. But if their thought
17 process is it's beyond a reasonable doubt, then
18 it's not.

19 Q. In other words, if their process raises a doubt,
20 you would find him not guilty?

21 A. Correct.

22 Q. Raises a reasonable doubt?

23 A. Yes.

24 Q. All right.

25 A. And if yours does I would find him.

1 Q. All right.

2 A. Yeah.

3 Q. Okay. Now, just so that I'm clear, you answered
4 that you yourself have not formed any opinions at
5 all?

6 A. No.

7 Q. All right. And do you think that you would be
8 able to make a decision as to his guilt or
9 innocence solely on the evidence which is
10 presented during the course of the trial?

11 A. Yeah. Yes.

12 Q. Is there any question in your mind about that?

13 A. No.

14 Q. Okay. You also had some interesting comments
15 regarding television shows like *CSI* and *Bones*,
16 having medical terminology courses, some of the
17 words they used do not make sense to what is
18 going on in the scene?

19 A. Yeah.

20 Q. Tell us about that.

21 A. Like if you watch shows, even *ER*, some of the
22 medical terminology is just crazy. It's not even
23 relevant to what is happening. Like they will be
24 talking about someone's, like, PSA levels and
25 that's a prostate thing, when they are working on

1 their lungs. They just use it to sound like they
2 are smart, I guess.

3 Q. All right. And that opinion comes from your
4 experience as a certified nursing assistant and
5 now in the massage therapy?

6 A. Yeah.

7 Q. All right. As part of your massage therapy, are
8 you taking any physical therapy courses?

9 A. It's, well, all of massage therapy is kind of
10 physical I guess, but it's not -- it's not the
11 stretching and stuff --

12 Q. All right.

13 A. -- that a physical therapist would do.

14 Q. But it's not the same curriculum as you would
15 have as -- if you were to go to school for a
16 physical therapist --

17 A. No.

18 Q. -- you would agree? Okay. You also indicated
19 that you are at least familiar with a member of
20 the Manitowoc County Sheriff's Department?

21 A. Correct.

22 Q. Kelli Tice?

23 A. Yup.

24 Q. How do you know Kelli Tice?

25 A. She is my boyfriend's aunt.

1 Q. All right. How well do you know her?

2 A. Fairly well, we go over to her house often.

3 Q. All right. In your visits to her, do you discuss

4 the events of the news and things of that sort?

5 A. The news, yes, but she's very -- she knows what

6 she does as a job; she takes it as being

7 important and she doesn't say anything.

8 Q. All right. In other words, she doesn't discuss

9 her work with you at all?

10 A. No, she's very adamant on that.

11 Q. Okay. Does -- Has this case ever come up in

12 discussion?

13 A. It's come up, but not to any extent.

14 Q. All right. Tell us about that?

15 A. Just, what have you heard on the news today.

16 This is what I have heard on the news. That sort

17 of thing.

18 Q. All right. And so whatever is discussed is just

19 whatever happened to be the headline of the day?

20 A. Yeah.

21 Q. All right. And she hasn't discussed any inside

22 information that she may have or anything?

23 A. No.

24 Q. No. She doesn't do that?

25 A. No. She's a sergeant in the jail. So she

1 doesn't see a lot of this side of it I guess --

2 Q. Okay.

3 A. -- or she hasn't at least discussed it with me.

4 Q. All right. You also indicated that you did know
5 someone who was killed and that there was a
6 prosecution. Can you tell us a little bit about
7 that?

8 A. It was two of my friends, actually. One of
9 them -- They both had left the party at the same
10 time and one had gone the opposite way down the
11 road and they collided. And one of them was
12 killed and the other one was a person who ran
13 into them.

14 Q. Okay. So both of them were at the same party and
15 they --

16 A. Correct.

17 Q. They left and went different directions but then
18 somehow --

19 A. Yup, it's a circle drive and --

20 Q. I see.

21 A. -- and one had gone out and T-boned --

22 Q. All right.

23 A. -- the other one.

24 Q. Okay. And there was a prosecution. Was there
25 alcohol related in this?

1 A. Yes.

2 Q. Okay. Is there anything about that experience
3 that makes you wonder whether you could be fair
4 and impartial as a juror in -- on a case like
5 this?

6 A. No, they are completely unrelated.

7 Q. Okay.

8 A. It was a vehicle accident.

9 Q. Okay. What do you like to do for your hobbies in
10 your spare time?

11 A. Go horseback riding, that sort of thing, go
12 four-wheeling.

13 Q. Horseback riding and four-wheeling?

14 A. Mm-hmm.

15 Q. Do you -- any other pursuits? Do you like to --
16 well, work -- read books, work on puzzles,
17 boardgames, or play cards or any of those things?

18 A. We usually play cards, but I would like -- I
19 would like to do puzzles but, like I said, I have
20 a two year old and it's just not possible.

21 Q. All right. Does the two year old just take your
22 time --

23 A. Yes.

24 Q. -- or just take over the puzzle?

25 A. Both.

1 Q. All right. If you were selected as a juror, is
2 there any concerns for the care of your two year
3 old if you are here for eight or nine hours a
4 day?

5 A. My boyfriend is laid off of work right now.

6 Q. All right.

7 A. And so -- he -- and he lives with -- we live
8 together.

9 Q. All right. So he's comfortable being the dad for
10 a while?

11 A. Not happy about it but, yeah.

12 Q. All right. Are you worried about it, though?

13 A. Not really.

14 Q. Okay. Do you own a computer?

15 A. Yes.

16 Q. Do you use the internet frequently?

17 A. Mm-hmm. Yes. Sorry.

18 Q. Okay. Do you use the internet to read up on
19 information, or stories, or anything that's of
20 particular interest to you?

21 A. No, I use it to pay my bills and do my banking.

22 Q. All right. So you are a very practical user of
23 that?

24 A. Yes.

25 Q. Business only and not that much entertainment

1 from the computer?

2 A. No, don't have time.

3 Q. Okay.

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

6 THE COURT: Mr. Strang.

7 ATTORNEY STRANG: Thank you.

8 **VOIR DIRE EXAMINATION**

9 BY ATTORNEY STRANG:

10 Q. So, I'm Dean Strang and this is Jerome Buting and
11 Steven Avery. We stood up in front of you, I'm
12 sure, last week, but. Mr. Buting and I are
13 defending Mr. Avery. And sort of in deciding
14 what to make of you here, I want to hear more
15 about your work hours at Linebackers?

16 A. It varies every week. I'm not on a set schedule.
17 It's pretty much my only job so he puts me on
18 whenever -- whenever he feels like it, I guess.

19 Q. Is it always evening hours?

20 A. For the most part. There are some days that I
21 work, too.

22 Q. Okay.

23 A. They are willing to work around it, I guess.
24 They are willing to work around my hours here, I
25 guess.

1 Q. Okay. So you're -- What, you would continue to
2 work at Linebackers?

3 A. I would like to.

4 Q. Are they open until bar time?

5 A. Yeah.

6 Q. And do you -- When you work the evening, do you
7 go to bar time?

8 A. Yes, for the most part, if there's not people
9 there, you close early.

10 Q. Okay. Sure. But for the most part, they would
11 be open until last call?

12 A. Yeah.

13 Q. And is that a full-time job? I mean, usually
14 when you are not sitting on juries and doing
15 things like that?

16 A. It's about, I don't know, I would say 15 to 20
17 hours a week.

18 Q. Okay.

19 A. Which is full -- I guess full-time for me but --
20 or full-time for a bartending job, too, I guess.

21 Q. And you have got -- You are going to school
22 obviously and you have also got a job at Family
23 Video?

24 A. Correct.

25 Q. What do you do there?

1 A. Just customer service, just checking people out I
2 guess.

3 Q. Video rental --

4 A. Yeah.

5 Q. -- store? How many hours a week is that usually.

6 A. Maybe five. It's just whenever they need
7 someone.

8 Q. Okay. Are you going to continue to do that if
9 you are on the jury?

10 A. They don't have me on the schedule right now
11 because they are waiting to see what's going on.

12 Q. Okay. And the school, they made arrangements for
13 you to finish up at home?

14 A. Yeah, because I told them of the possibility of
15 this and I didn't want to miss out, I guess, on
16 graduation.

17 Q. Right. And -- But are there some course
18 requirements that you will have to show them that
19 you have completed at home?

20 A. Yeah. We are done with the majority of our
21 classes. We have had final exams. It's pretty
22 much you just finish up what we've been doing.
23 And we're starting one new class and that's what
24 they're kind of worried about. Because they
25 don't know how I'm going to get that class in.

1 But if worse comes to worse, they told me I can
2 take an extension and graduate with the August
3 class.

4 Q. Okay. Would they be checking up with you at home
5 to make sure you are doing the class?

6 A. No. I don't know how it would work, but they had
7 just said that, don't worry about it, we'll take
8 care of it. I'm a straight A student there, they
9 are not worried about me failing anything.

10 Q. Okay. Do you think that you would try to keep
11 your hours at Linebackers from being cut back
12 during the trial?

13 A. I don't think that's possible because, like I
14 said, I work maybe one or two days a week. And
15 like during the day, and that I would just have
16 to give them up, I guess.

17 Q. Okay. How long has your boyfriend been laid off?

18 A. He's been laid off since the beginning of
19 January.

20 Q. So what sort of -- I mean, how bad is the
21 financial hit going to be?

22 A. Not very, we just got our tax returns.

23 Q. Okay. So you can kind of coast on that for -- if
24 you have to?

25 A. I would not like to, but I have to.

1 Q. And he would take care of your son during the
2 day?

3 A. Yes.

4 Q. Would that leave you enough time with your son if
5 you were busy five days a week in trial?

6 A. Yeah, I don't have to spend every second with
7 him, I guess.

8 Q. Mm-hmm.

9 A. And he usually stays up to 11:00 at night anyway.

10 Q. Okay. Do you want to be on the jury?

11 A. It doesn't matter to me.

12 Q. Why doesn't it matter to you?

13 A. Because, in a way it makes me nervous, I guess.
14 And in a way, it would be kind of interesting, I
15 don't know.

16 Q. Tell me what -- Let's start, first things first,
17 you said in a way it makes you nervous; tell me
18 why it makes you nervous.

19 A. Because it's intimidating. It's a big trial.
20 You know, you are deciding the fate of someone's
21 life; it's not something to be taken lightly.

22 Q. And what would be interesting about it?

23 A. Just to actually hear it first hand instead of
24 hearing it through patrons or through, like,
25 newscasts or something and to be able to form

1 your own opinion instead of listening to the
2 media.

3 Q. So, let's say you end up on the jury and then you
4 are tending bar and you are working eight to
5 close one night during the week; TV is on over
6 the bar?

7 A. Yes.

8 Q. And is this -- This is a sports bar?

9 A. Correct.

10 Q. And now you have got regulars at Linebackers?

11 A. Yes.

12 Q. Okay. I mean, it's not like next to a Holiday
13 Inn or something?

14 A. No.

15 Q. Okay. So it's mostly a regular crowd?

16 A. Yeah.

17 Q. These guys are going to know you are on the jury,
18 aren't they?

19 A. More than likely.

20 Q. Okay. Bar talk being bar talk, how in the world
21 would you insulate yourself from everybody
22 talking about what the TV is playing?

23 A. The same way that I have done it this far; just
24 -- I don't listen to them. You serve their
25 drinks and you walk away, or you don't

1 participate in the conversation. That's just
2 like talking about politics, you never
3 participate in it.

4 Q. But don't you have to -- I mean, don't you have
5 to chat people up a little bit to get decent
6 tips?

7 A. Make different conversation. Happened last
8 night, we just started talking about ATV-ing
9 instead.

10 Q. Okay. Somebody brought up this trial with you --

11 A. Yes.

12 Q. -- last night? What did they -- What were they
13 saying?

14 A. Just, they were starting to talk about the jury
15 thing and I'm like, I already know, you don't
16 have to tell me and I don't want to talk about it
17 and we brought up a different subject.

18 Q. And -- But they knew you were on the panel here?

19 A. I don't know if they knew. I just said I didn't
20 want to talk about it. That's how I am about
21 most things. If there's like a murder in a
22 different county or, whatever, I usually -- I
23 don't like to talk about it.

24 Q. Okay.

25 A. Most of the talk is about the stock market or the

1 war in Iraq anyway, so it's not like -- I'm sure
2 it will change now that it's actually going to
3 trial, but.

4 Q. Fox 11 is the channel that's -- I'm assuming ESPN
5 and stuff --

6 A. Mm-hmm.

7 Q. -- like that is on, but Fox 11 is the news
8 channel on at the bar?

9 A. It tends to be, like if a customer wants to
10 watch -- It usually happens about 5:00 in the
11 afternoon, someone wants to watch the news, just
12 to see the weather.

13 Q. Sure.

14 A. Either that or we'll have the weather channel on.

15 Q. Did you -- Did you happen to see a two part
16 series last May that FOX 11 did; it included the
17 Manitowoc County sheriff at the time?

18 A. No, I don't think I did.

19 Q. Okay. It was about the Steven Avery case or
20 about him?

21 A. No.

22 Q. That doesn't ring a bell?

23 A. No.

24 Q. Okay. I think you said the news conferences that
25 Mr. Kratz had, those two, you watched that?

1 A. Yeah.

2 Q. Were you at work --

3 A. Yeah.

4 Q. -- during those?

5 A. Mm-hmm.

6 Q. Okay. And what do you -- how did you react to, I

7 think you called them graphic details, how did

8 you react to that, hearing those?

9 A. Well, if it happened or not, I guess it's

10 horrible that someone would do that.

11 Q. Mm-hmm.

12 A. That's how I reacted to it and you just kind of

13 (witness made sound) and walk away.

14 Q. Yeah, I mean, it's one of these --

15 A. Yeah, that's just like when you hear moms --

16 Q. -- bone chilling things?

17 A. -- that stab their kids, it makes you sick.

18 Q. Mm-hmm.

19 A. But it's not your direct life, so you move on.

20 Q. Right. Okay. But -- I mean, it's one of

21 these -- I mean no murder is good, but this is

22 one of these that made you particularly sick?

23 A. Yeah.

24 Q. Is that -- Are those details something you have

25 ever been able to put out of your mind?

1 A. Yeah, it's not something I think of every day.
2 It doesn't govern my life.

3 Q. No. No. And I'm not -- I'm not suggesting it
4 does, but you, for example, you remembered here
5 today the image of Teresa Halbach being tied up?

6 A. Correct.

7 Q. And her body being burned?

8 A. Mm-hmm.

9 Q. What other images have stuck with you?

10 A. Like the fly by of the house. I don't know.
11 (Court reporter couldn't hear.)

12 A. The fly by, like the helicopter or whatever it
13 was that was over the top of their house.

14 Q. Mm-hmm.

15 A. That sort of a thing.

16 Q. And were you -- Are you aware that Brendan
17 Dassey's statements have a lot to do with --

18 A. Yeah, that was part of the news conference that I
19 listened to.

20 Q. Okay. What do you think of those statements?
21 Did you believe them; did you not believe them;
22 what did you think?

23 A. I don't know, if they are true, I guess that puts
24 a complete hole in your case.

25 Q. In my case?

1 A. Yeah.

2 Q. You know, I don't represent Brendan Dassey?

3 A. I know. I'm just saying, if his testimony --

4 Q. Sure.

5 A. -- is the absolute, honest to God truth, well,

6 then, that's the case right there, I guess.

7 Q. What would you do if the State did not call

8 Brendan Dassey in this case?

9 A. I think that would be stupid. They would have a

10 reason to call him, I guess. I don't know.

11 There's a lot of ifs.

12 Q. Yeah, in other words, you heard all this terrible

13 stuff, but do you still expect to hear it here?

14 A. Yeah.

15 Q. I mean, the Judge, I think, will tell you that

16 the only thing you can consider is --

17 A. What's --

18 Q. -- the evidence you hear in the courtroom?

19 A. Yes.

20 Q. But how would you -- How would you put that image

21 of this tied up young woman out of your mind?

22 A. I don't think about it. It's like when my friend

23 got killed I didn't -- after I went to the

24 funeral and stuff, you don't -- you don't tend to

25 think of bad things because then it just puts you

1 in depression. That's why half the world is on
2 Prozac.

3 Q. Let me chase -- Let me -- Prozac reminded me
4 of -- of massage, which is a good way to deal
5 with stress and depression, I assume, right?

6 A. Mm-hmm.

7 Q. How -- You may have said this and I just zoned
8 out, didn't catch it. But how -- how long -- If
9 you go straight through massage school, how long
10 does it take?

11 A. It's a year course.

12 Q. And that's if you are a full-time student, so to
13 speak?

14 A. Yeah. It's one 12 hour day --

15 Q. A week?

16 A. -- which is considered full-time to them.

17 Q. Right. And is one of the things you learn about,
18 in the massage therapy program, the human
19 skeleton?

20 A. Yes.

21 Q. What kind of detail do you learn about the human
22 skeleton?

23 A. We had to learn and memorize every bone, every
24 muscle, origins, insertions, that sort of a
25 thing.

1 Q. Mm-hmm. And so are you familiar with looking at
2 skeletons, or models of skeletons?

3 A. Yes. And we went to a cadaver lab up at NWTTC.

4 Q. To see the muscle and the connection to bone
5 or --

6 A. Yup, to see what a person looks like when they
7 are dissected, I guess.

8 Q. Mm-hmm. Okay. Was that helpful in learning
9 massage technique?

10 A. Yes and no. I mean, you kind of figure out how
11 big muscles are. It's easy to see a picture of
12 it, but when you see it in real life, you learn
13 how it actually looks.

14 Q. How big -- how big it actually is. Okay. And do
15 you -- Do you think that you know a great deal
16 more about the human skeleton than the average
17 person on the street?

18 A. I would like to think that, but I know from
19 doctors, I don't know more than them.

20 Q. No, but the -- a doctor isn't the average person
21 on the street, right?

22 A. Right.

23 Q. Most streets anyway. How about the -- you
24 obviously had some schooling to be a certified
25 nursing assistant, too?

1 A. Yes.

2 Q. How long was that?

3 A. I think like eight weeks. It wasn't very much.

4 Q. Okay. Also some training there about the human
5 skeleton?

6 A. Yes and no. It was more about like different
7 pathologies and stuff you would come in contact
8 with in the actual field.

9 Q. Okay. So most of your training about the
10 skeletal system has been in the massage --

11 A. Correct.

12 Q. -- school? I'm going to go -- I'm going to go
13 back now to the news conferences following
14 Brendan Dassey's arrest. That was about -- give
15 or take, about 11 months ago now, I guess. And
16 so after 11 months of that, do you have an
17 opinion today about whether Mr. Avery probably is
18 guilty, might be guilty?

19 A. Yes and no. I guess, I don't -- like I said, I
20 would like to believe that someone can prove,
21 beyond a reasonable doubt, either way.

22 Q. Mm-hmm.

23 A. I would like, you know, if they can prove it,
24 well then it's proven, you know. Nothing is fact
25 until it is proven.

1 Q. Right. And if I understood your answers before,
2 the same would apply to us?

3 A. Yes.

4 Q. We would have to prove, beyond a reasonable
5 doubt, that he did not do it?

6 A. Well, I'm not -- Yes, I guess that's the best way
7 of saying it. I understand that it's not your
8 job to prove that he's innocent, but it's your
9 job to prove that he is not guilty.

10 Q. Okay. And would that include proving, to your
11 satisfaction, who did do it if Mr. Avery didn't?

12 A. No. It's -- It's -- It's his case; it's not
13 anyone else's case.

14 Q. Okay. And would it include Mr. Avery testifying
15 in his own behalf?

16 A. That's your job; I don't know.

17 Q. That's my job?

18 A. Yeah.

19 Q. Okay. Do you think that someone who really
20 didn't do a crime he was charged with would
21 testify?

22 A. I don't know. It depends on if it's to his
23 benefit or not, if he can bring something to the
24 case that is going to get him off I guess, then
25 why wouldn't you. If you're worried about

1 tripping up, then you wouldn't go on the stand
2 either.

3 Q. Mm-hmm. And if you're worried about tripping up,
4 does that mean you are guilty, or there are other
5 reasons you might be worried about tripping up?

6 A. Either way, you could, you know -- You could just
7 get nervous and say the wrong thing.

8 Q. Mm-hmm. Do you think if you (sic) took the
9 witness stand, some people on the jury might be
10 saying, well, of course he's denying it, you
11 know, he wants to save his skin?

12 A. Yeah, but then if he's denying it and they can
13 prove that he's lying, well, then, they have to
14 prove it.

15 Q. Right. Okay. In the end, I think the Judge
16 would tell you -- If Mr. Avery testified, I think
17 the Court would tell you that you weigh his
18 testimony just like you would weigh any other
19 witness, consider whether you believe it or not,
20 in the same way you make that decision as to any
21 other witness?

22 A. Mm-hmm.

23 Q. Can you follow that?

24 A. Yeah, that would just be like if Brendan would
25 testify, then, it would be the same, you wouldn't

1 weigh his testimony over anyone else's.

2 Q. Mm-hmm. Okay. And if Mr. Avery decided not to
3 testify or if we, with him, decided that, I think
4 the Court would tell you, in so many words, that
5 a defendant has an absolute right not to testify
6 and that you may not consider that in any way as
7 evidence of guilt, or consider it at all in
8 deciding whether the State has proven Mr. Avery
9 guilty beyond a reasonable doubt?

10 A. I understand that.

11 Q. Is that an instruction --

12 A. It makes sense.

13 Q. It would make sense to you?

14 A. Yeah.

15 Q. Why?

16 A. Because why -- Just because, like, if I didn't
17 want to go out and talk to you today, doesn't
18 mean that I have anything wrong with the case;
19 it's just that I don't want to talk.

20 Q. Gosh, even if this is the time to talk, now or
21 never, it's your trial?

22 A. I don't know. It depends on, does he have
23 something to hide. Is that --

24 Q. Well, and that's the question, would you be
25 sitting there wondering, after the trial was over

1 and you were trying to decide on your verdict,
2 gosh, does he have something to hide, is that why
3 he didn't testify; is that something you would be
4 wondering?

5 A. It's something in the back of everyone's mind, I
6 guess.

7 Q. In addition to the, you know, the publicity about
8 Brendan Dassey and Steven Avery back in early
9 March last year, have you heard anything else
10 about Mr. Avery's background?

11 A. Well, it's public knowledge. It was published
12 how many years ago and it was published when he
13 got out of prison.

14 Q. What?

15 A. Well, when he got out of prison, they said, you
16 know, the reason he was in prison and whatever.
17 And now when they convicted him, of course, you
18 know, that's the first thing they bring up, is
19 all these other convictions that he had, that
20 have nothing to do with the case. I don't
21 understand why. That's just like if you get
22 pulled over for drunk driving they bring up all,
23 like your drug paraphernalia and stuff that
24 doesn't have anything to do with it.

25 Q. Okay. And I guess what I'm -- one of the things

1 I'm interested in is, have you heard that
2 Mr. Avery was let out of prison because some DNA
3 tests showed that someone else, not him,
4 committed that crime?

5 A. Yeah, it was big news. I don't think there's
6 really anyone that hasn't heard it.

7 Q. Uh-huh. And do you have any doubt about that?

8 A. No. If they proved it with DNA evidence, that's
9 kind of scientific, that's your proof right
10 there.

11 Q. Mm-hmm. Okay. And do you think -- Do you think
12 that experience that he had, being convicted of
13 something he didn't do and then getting out of
14 prison later, do you think that has any bearing
15 on this case?

16 A. It's completely different events.

17 Q. So no bearing one way or the other, or what do
18 you think?

19 A. I don't know. I guess there's -- there is some
20 bearing I guess, because you have to consider the
21 mind state that you are in when you get done with
22 prison. You have to consider that now he's going
23 after the county for however many dollars or
24 whatever. There's different ways to look at it.

25 Q. You say going after the county, you are talking

1 about this lawsuit?

2 A. Yes.

3 Q. Okay. What have you heard about the lawsuit?

4 A. Just that he's -- a wrongful conviction lawsuit
5 or something, I think it is.

6 Q. And you heard of that on the TV?

7 A. Yeah. Well, when he was let out, they had said
8 shortly thereafter that he was going to be doing
9 that. Probably do the same thing, you can't
10 blame him.

11 Q. Right. Okay. What have you heard recently about
12 this case --

13 A. Nothing really.

14 Q. -- on the news?

15 A. Just because it said however many -- or two
16 months ago or whatever when we got that
17 questionnaire, not to watch anything, so I have
18 actually tried to stick by that.

19 Q. Okay. Have you heard anything about a vial of
20 blood?

21 A. No, not really. I maybe heard something about it
22 with people talking in the bar, but not really
23 anything I paid attention to.

24 Q. What did you hear?

25 A. Just that there's a vial of blood that was opened

1 and it was his blood. I don't know. That was
2 about it.

3 Q. Where was the vial of blood?

4 A. I have no idea.

5 Q. Okay.

6 A. I didn't pay attention. I don't like to.

7 Q. Okay. But I mean, so you know a little bit about
8 that, not too much?

9 A. Mm-hmm.

10 Q. Anything else at all that you can remember
11 hearing, bar talk or on the TV?

12 A. No. People say a lot of things in the bar; it
13 doesn't mean they are true.

14 Q. People do say a lot of things in a bar. Your --
15 Kelli Tice is both a friend of yours, according
16 to your questionnaire?

17 A. Basically.

18 Q. And your boyfriend's aunt?

19 A. Yeah.

20 Q. Right. You guys are over there a lot you said.

21 And I'm wondering --

22 A. Well, we go over there for birthday parties. And
23 we used to go over there once or twice a week and
24 just hang out, watch American Idol, whatever.

25 Q. Yeah, just hang out. Your boyfriend is close to

1 his aunt --

2 A. Yes.

3 Q. -- in other words? Do you still see her once a
4 week or something like that?

5 A. I haven't seen her much lately. Her son just got
6 out of the hospital for a brain tumor.

7 Q. Okay. So she's pretty --

8 A. Yeah. So she's pretty --

9 Q. Tied up.

10 A. -- pre-occupied.

11 Q. Yeah. And when -- when he is better and she's
12 back in the swing of things, do you expect you
13 will continue to see a lot of her?

14 A. Well, she's relation, you can't exactly just not
15 go see her.

16 Q. Yeah. No, I know. I mean, I'm just -- This is a
17 bad period she's going through, but you guys --

18 A. Yeah.

19 Q. -- will be spending time together again?

20 A. Yeah.

21 Q. Okay. And I'm -- I have no idea whether she
22 would be a witness here. I have no reason to
23 think she will or won't. But, in general, if we
24 just step away from Kelli; do you have any view
25 on whether law enforcement folks, you know,

1 police officers, deputy sheriffs, those kind of
2 people, are more likely or less likely to tell
3 the truth under oath, than Joe Blow, the man on
4 the street?

5 A. You would hope so.

6 Q. Why?

7 A. Because anyone can lie to you at any point in
8 time; it doesn't mean anything if they are a
9 police officer or not.

10 Q. So why -- so why do you say you would hope so?

11 A. You would hope that if you take an oath you
12 actually mean it.

13 Q. Oh, everyone?

14 A. Yes.

15 Q. Whether you are a police officer or not?

16 A. Yes.

17 Q. Okay. And so, I guess if I understand you, you
18 would hope everybody would tell the truth under
19 oath?

20 A. Yeah, that's kind of like why I didn't lie on my
21 thing. There's no point in me lying; I don't
22 want to be thrown in jail.

23 Q. That's sensible. And you are just, if I
24 understand you, you are saying a police officer
25 is no more or less likely, because of his or her

1 job, to tell the truth or not tell the truth,
2 than anyone else?

3 A. No, like I said, everyone should tell the truth.
4 If not, then that just -- I don't know. I guess
5 I like to be pleasantly naive that everyone tells
6 the truth when they are under oath.

7 Q. Okay. What if you have to make tough decisions,
8 though, because one person is saying one thing
9 under oath and another person is saying the
10 opposite, let's say under oath, what do you do?

11 A. You take whoever has the most backing behind
12 them. Like if you are saying one thing and I'm
13 saying the other, if there's more people that are
14 saying the same thing that I am, well, then, you
15 would almost have to think that I would be
16 telling the truth versus you.

17 Q. If the State, here in this trial, called more
18 witnesses than the defense called, you know, just
19 by counting noses if the State called more
20 witnesses than the defense, would that suggest by
21 itself to you that the State had more proof?

22 A. Not necessarily. They all could be up here
23 saying different things. Like if you have a
24 police officer versus one of his family members
25 or something, they are going to say different

1 things.

2 If you pull every member up in his
3 family, they are all going to say -- they'll all
4 have different views on the story. They are not
5 all going to be -- they didn't -- they weren't
6 all there? I don't know.

7 Q. I'm -- and who's the family, whose family?

8 A. Steven's family. If you -- Like, let's say they
9 would call up every member of his family, not all
10 of them were sitting in the same place at the
11 same time. They all have different views on it.
12 They are all going to say something different.

13 Q. Okay. Same with police officers?

14 A. Yeah, like if you pull a police -- two police
15 officers up here, one of them is going to say,
16 like, if they were here two different days, one
17 of them is going to say one thing and the other
18 one is going to say basically the same thing, but
19 in a different way.

20 ATTORNEY STRANG: I'm all done with you.

21 Thank you.

22 **VOIR DIRE EXAMINATION**

23 BY THE COURT:

24 Q. Ms Knier, I have a few follow-up questions to ask
25 you about some of the answers that you gave. One

1 of the disadvantages of voir dire is we put the
2 jurors in your situation before they have heard
3 the instructions from the Court. And I just want
4 to make sure that -- that you are in a position
5 to follow those instructions if you're selected
6 as a juror.

7 One of your statements was, and I
8 believe it was based on the press conference that
9 you recalled, that you would expect the State to
10 call Mr. Dassey to the stand because your
11 recollection of the press conferences, he would
12 have useful information for them.

13 A. Yes.

14 Q. One of the instructions the Court will give you
15 is that you have to base your decision only on
16 the evidence that's introduced at the trial.
17 Mr. Dassey may or may not testify at the trial,
18 for a variety of reasons.

19 And examples of why we don't allow
20 jurors to base their decision on things outside
21 the courtroom is, if Mr. Dassey testified, the
22 jury won't know whether maybe he didn't make the
23 statements that were reported; maybe the State
24 decided the statements weren't true and decided
25 not to call him; maybe the State decides not to

1 call him for some other reason.

2 If he doesn't testify, the jurors won't
3 know, but the jury will be instructed and have to
4 agree to make their decision only on the evidence
5 that comes in at the trial. Will you be able to
6 do that if you are selected as a juror?

7 A. Yeah, that's what I'm saying. It's to their
8 advantage to pull him up here, if what he's
9 saying is correct. And I don't know what he's
10 all said, but if he has all this knowledge or
11 whatever, it would be to their advantage.

12 Q. All right. But if they don't call him to the
13 stand, you have to base your decision --

14 A. Yeah.

15 Q. -- on what you do hear at trial? You can't
16 speculate on what he might have said?

17 A. Yeah.

18 Q. You can --

19 A. Yeah, I understand that.

20 Q. -- agree to do that? Okay. Finally, I know you
21 indicated in answer to a burden of proof
22 question, that as a juror, correct me if I'm
23 wrong here, I think you were hoping that one
24 side's case or the other would be proved, beyond
25 a reasonable doubt, so that would make your

1 decision easier to make?

2 A. Yes.

3 Q. One of the instructions you will get is that it's
4 the State's burden to show that Mr. Avery is
5 guilty of any particular charge, beyond a
6 reasonable doubt, before you find him guilty. If
7 you find that the State's met its burden, beyond
8 a reasonable doubt, then you can vote guilty.
9 And, likewise, if you're convinced after hearing
10 the evidence, that you are convinced beyond a
11 reasonable doubt he is not guilty, then it's
12 easy, you vote him not guilty.

13 But there's other things that could
14 happen in between. You might hear the evidence
15 as a juror and think, well, you know, based on
16 the evidence, I think there's a chance he is
17 guilty; it's not proof beyond a reasonable doubt
18 that he's innocent, but I don't think, beyond a
19 reasonable doubt, that the proof shows he is
20 guilty either. And if you wind up feeling like
21 that, you have to vote not guilty. Do you
22 understand that?

23 A. Yeah.

24 Q. Is that something you can do if you're selected
25 as a juror?

1 A. Yes.

2 Q. The Court will also instruct the jurors at the
3 end of the trial -- and at this point we don't
4 know if Mr. Avery will testify or not, but let's
5 say that he doesn't testify -- if he doesn't
6 testify, the jury will be instructed that he is
7 not obligated to testify and the jury can't hold
8 that against the defense. That means, as I said
9 before, the jury will have to make its decision
10 just based on the evidence that did come in.

11 And you can't be speculating about
12 saying, well, you know, I don't think the State
13 proved their case, but I sure would have liked to
14 have heard from the defendant, so I don't know.
15 If he -- If he doesn't testify, you can only base
16 your decision on what you did hear; can you do
17 that if you are selected as a juror?

18 A. Yeah, that makes sense.

19 Q. Okay. And the last thing is, and this related to
20 some questions that I believe were asked later
21 pertaining to the credibility of witnesses. And
22 I think I understood you correctly, but I want to
23 make sure that I did.

24 There will be another instruction that
25 will say, that in evaluating the credibility of

1 the witnesses and who you believe, that you can't
2 base it solely on the number of witnesses that
3 each side puts on the witness stand. Because, as
4 the juror, you have the right, if you wish, to
5 say, I find this witness or that witness more
6 credible than even four or five witnesses from
7 the other side. And if you believe that that's
8 the case, then you should follow your own
9 conclusions. Can you do that if you are selected
10 as a juror?

11 A. Mm-hmm. Yes. I'm sorry.

12 THE COURT: All right. We're going to have
13 the Clerk escort you from the courtroom at this
14 time.

15 ATTORNEY FALLON: Excuse me, your Honor, I
16 have a couple follow-ups --

17 THE COURT: All right.

18 ATTORNEY FALLON: -- if I may.

19 THE COURT: Go ahead, Mr. Fallon.

20 ATTORNEY FALLON: Thank you.

21 **VOIR DIRE EXAMINATION**

22 BY ATTORNEY FALLON:

23 Q. Ms Knier, I wanted to follow up on something that
24 Mr. Strang and Judge Willis asked you, if I may.
25 If Mr. Dassey does not appear as a witness, then

1 you seem to have an opinion that he would be more
2 favorable to the State than to the defense.

3 So let me ask this, if he did not appear
4 as a witness in the case, for whatever reason,
5 would you hold that against the State in
6 evaluating the rest of the case --

7 A. No.

8 Q. -- in determining whether there was a proof
9 beyond a reasonable doubt?

10 A. No, you base that on what you hear in court.

11 Q. All right. So the fact that he -- So we
12 wouldn't, then, be stupid, as it were, for not
13 calling them.

14 A. Well, the reason I said that is, if you have all
15 that evidence, then why wouldn't you present it.
16 But that's your own business; I'm not a lawyer.

17 Q. All right.

18 A. But you said that you have to base it on what you
19 hear in court and that's what you base it on.

20 Q. Right. So whether -- If we don't call him or the
21 defense doesn't call Mr. Dassey as a witness, you
22 are not going to hold it against either side if
23 he does not appear --

24 ATTORNEY STRANG: I object to that. I
25 object to that suggestion.

1 THE COURT: I will sustain the objection.

2 ATTORNEY FALLON: Then I'll -- It's another
3 way of asking the general question.

4 Q. If he doesn't appear as a witness, you are not
5 going to hold it against --

6 A. No, I just said that.

7 ATTORNEY FALLON: All right. That's fine.

8 THE COURT: All right. The Clerk will
9 escort you out of the courtroom.

10 (Wherein the juror was excused.)

11 THE COURT: Counsel, any motion from either
12 party? Mr. Fallon.

13 ATTORNEY FALLON: I think we both are
14 agreeing that the juror should be struck for cause.

15 THE COURT: Should be struck for cause?

16 ATTORNEY FALLON: Yes.

17 THE COURT: All right. I will hear both of
18 you.

19 ATTORNEY STRANG: I'm in agreement. I
20 think she knows too much from out of court.
21 She's -- Her exposure, at least to the March 1,
22 March 2 news conferences, or one or the other at
23 least, was fairly intense. We got confusing and
24 somewhat conflicting responses on basic questions
25 here.

1 And, although, I don't think any of us
2 were trying to put words in her mouth, she was
3 very ready to agree with the drift of the
4 question from all of us. But when we -- when we
5 got more open-ended answers, I think they
6 invariably suggested at least cause to strike for
7 an inability to understand and live with the
8 presumption of innocence, the burden of proof,
9 deciding a case only on the evidence presented.

10 Beyond that, as a practical matter, too,
11 I will add that I have real concern about a juror
12 here who would be burning the candle at both
13 ends, as this woman clearly would with
14 employment; in addition, employment in a place
15 where she's going to be barraged with discussion
16 about the trial.

17 Now, I'm not saying a bartender or
18 anybody else here by profession in this instance
19 falls into statutory bias, or even objective
20 bias, but the reality here, with this young
21 woman, is that in the aggregate there are just a
22 great number of risk factors and I think more
23 than adequate to add up to cause to strike.

24 THE COURT: Mr. Fallon.

25 ATTORNEY FALLON: Yes. My concern is a

1 little more specific dealing with the interjection
2 of the Dassey issue. I was not comfortable with the
3 witness' responses both orally and in demeanor wise.

4 I was also concerned by the fact that in
5 terms of the reasons why Mr. Dassey may or may
6 not appear as a witness. Chief among them is the
7 fact that he stands accused of this crime and he
8 has a Fifth Amendment right not to testify.

9 The question or the suggestion that
10 whether the State believes his testimony or not
11 or whether the defense believes his testimony or
12 not, the fact that he is listed on both witness
13 lists; I'm not comfortable at all with the manner
14 in which that issue was dealt with and more
15 importantly and more to the point, with her
16 responses on that. And for that reason, we would
17 ask that she be struck for cause.

18 THE COURT: All right. Based on the
19 concerns regarding the juror's familiarity with the
20 factual background, I'm going to strike her for
21 cause, based on the recommendation of both parties.
22 You know, I would indicate, as far as burden of
23 proof and those types of questions, we're bringing
24 jurors in here who haven't been instructed yet. I
25 didn't find fault with her in that area.

1 ATTORNEY FALLON: No. And I'm glad you
2 brought that up, I was just wondering and I hadn't
3 had a chance to mention this to counsel and I'm
4 beginning to wonder if, before we start our
5 questioning of the jury, as to whether or not we
6 might want to tell them what the general rules are
7 before we do this. It's just an idea. That may
8 speed the process or at least eliminate some
9 potential confusion.

10 It is rather interesting, after all
11 these years, and perhaps I have just been in the
12 practice of law too long and take much too much
13 for granted, but it's quite clear that many of
14 our jurors, hard working, decent, law abiding
15 citizens, unfortunately, don't really have a very
16 good command of the principles in this.

17 And you know, I'm wondering if the
18 manner in which we're going about this is -- is
19 creating more confusion than resolving confusion.
20 So I just throw a suggestion out there. Maybe we
21 might want to tell them what some of these
22 general principles are before we start.

23 THE COURT: All right. I'm not -- To this
24 point, we're in individual voir dire. I'm not going
25 to go through lengthy instructions before each

1 juror. I would suggest that counsel can assist in
2 this regard by not kind of deliberately leading them
3 down a wrong path or an open path, or leading them
4 to believe that they have the right to use other
5 rules to decide the case.

6 But I think it's, you know, to have --
7 to get a prospective juror who isn't familiar
8 with the rules that they have to follow, to start
9 saying, well, yeah, I would like to hear from the
10 defendant. Well, that's not unusual for someone
11 who's not familiar with the rules of court.

12 In many cases, the jurors have to be
13 instructed that the defendant doesn't have to
14 testify and they are not permitted to draw an
15 adverse inference from that. And I'm not sure
16 how productive it is to ask them a bunch of
17 questions about it before they know what the rule
18 is.

19 It's important that they understand the
20 rule to be sure, but I'm not sure that it
21 necessarily raises significant red flags to have
22 them, when they are unfamiliar with the rule, to
23 start out feeling otherwise.

24 At any rate, let's take our morning
25 break at this time and we'll come back and start

1 with the next juror.

2 ATTORNEY STRANG: When do you want us back?

3 THE COURT: Let's say 10 minutes after 11.

4 We'll have a 13 minute break.

5 (Recess taken.)

6 THE COURT: All right. At this time we'll
7 bring the next juror, Gerald Shedal, into the
8 courtroom. Go ahead, Linda. Please raise your
9 right hand and we'll have the Clerk administer the
10 oath.

11 (Juror sworn.)

12 THE CLERK: Please be seated.

13 THE COURT: All right. Is it Mr. Shedal?

14 MR. SHEDAL: Yes.

15 THE COURT: Mr. Shedal, you have already
16 completed a jury questionnaire in this case. Today
17 we're moving on to the next phase of jury selection
18 which is the individual voir dire process. The
19 attorneys for each of the parties will have a
20 chance, this morning, to ask some follow-up
21 questions to the questions that are on the
22 questionnaire.

23 I can tell you that should you be
24 selected as a juror in this case, the jurors will
25 not be sequestered during the trial; that means

1 you will be able to return home every evening
2 after the proceedings are done for the day. We
3 will continue to require the jurors not gain any
4 information about the case through any of the
5 news media; that is, newspaper, radio,
6 television, or the internet; and that jurors not
7 talk to anyone about the case.

8 I can also tell you, that although the
9 proceedings today are open to the public, we do
10 not allow cameras in the courtroom during the
11 voir dire process. And the news media is
12 prohibited from disclosing the names of jurors
13 during the course of the trial.

14 In addition, I can tell you that the
15 jurors who are selected to hear this case will
16 not be on camera at any point during the trial
17 itself.

18 If you are still part of the jury panel
19 after the questioning today, you will get a
20 telephone notice as to when to report back to
21 court, later this week. Mr. Fallon, you may
22 begin.

23 **VOIR DIRE EXAMINATION**

24 BY ATTORNEY FALLON:

25 Q. Good morning, Mr. Shedal.

1 A. Good morning.

2 Q. My name is Tom Fallon, I'm an Assistant Attorney
3 General with the Wisconsin Department of Justice
4 and I'm one of the prosecutors on this case. To
5 my left is Mr. Ken Kratz, the District Attorney
6 from Calumet County and lead prosecutor here.
7 Good morning and thank you for coming.

8 There were a couple of things in your
9 questionnaire that has peaked the interest of
10 Court and counsel and we would like to talk with
11 you about them, to assist us in selecting a jury
12 today. I guess the matter of primary interest,
13 at least for the moment, is that you have
14 expressed that you are at least somewhat familiar
15 with several members of Mr. Avery's family; is
16 that correct?

17 A. That's correct.

18 Q. All right. And you work at a place called
19 Federal Mogul here in Manitowoc?

20 A. Correct.

21 Q. Forgive me, but I'm not familiar with that
22 business, can you tell me what it is?

23 A. Sure. It's a factory that we make piston rings
24 for the automotive market.

25 Q. You make what?

1 A. Piston rings for the automotive market.

2 Q. Oh, piston rings. Okay. So is your association
3 with members of his family because of they are in
4 the salvage business and you are in the
5 automotive parts; is that the connection?

6 A. No, that is not. There's members of his family
7 that work by us.

8 Q. That work with you. Okay. And which members of
9 his family work with Federal Mogul?

10 A. There's Marie Avery. She used to work for me,
11 but now she just moved to the weekend, to the
12 second shift. And then there's Bobby Dassey.

13 Q. Okay.

14 A. He works the weekend shift there. He was working
15 for me in the past. And then there is one other
16 one, sorry, I can't remember her name. She works
17 at the other plant down the road.

18 Q. The other plant is -- you say you couldn't
19 remember the name. Carla?

20 A. Carla. Right.

21 Q. All right. Did you at some time work with her
22 directly?

23 A. No, I did not.

24 Q. All right. Do you work with, I think you said
25 Marie it was?

1 A. Right.

2 Q. And with Bobby?

3 A. Right.

4 Q. All right. And you have worked directly with
5 them?

6 A. Yes, I have.

7 Q. Do you know them fairly well?

8 A. No, no, not really.

9 Q. All right.

10 A. They got hired. They put in their -- like their
11 probationary period on my shift and then they
12 went -- they moved on to the next shift that they
13 got hired for.

14 (Loud noise.)

15 THE COURT: We have got a battery. That's
16 what happens when the battery goes in the
17 microphone. Don't be alarmed.

18 Q. (By Attorney Fallon)~ As a result of your
19 familiarity with these three family members --
20 Well, let me ask a couple of first preliminary
21 questions. Have you had any discussions at all
22 regarding this case, with them?

23 A. No, I have not and they never talked about it. I
24 just kind of put two and two together.

25 Q. All right. And meaning that you figured out that

1 they were actually related to him; is that what
2 you are saying?

3 A. Right.

4 Q. Okay.

5 A. Well, the one -- the one I didn't know he was
6 related to until I filled out that questionnaire.
7 Marie, I didn't know if she was related for sure
8 or not until I filled that out, then I seen her
9 name on there, then I knew it was.

10 Q. All right. And now you actually worked with
11 Marie and Bobby; is that correct?

12 A. Right.

13 Q. Now, during the -- How long did you work with
14 them?

15 A. Well, I'm a supervisor there and throughout the
16 day, I would say maybe 15 minutes a day.

17 Q. All right.

18 A. Not a real lot but, yes, I did.

19 Q. Did you get to know them fairly well?

20 A. No.

21 Q. Did you have any personal conversations with them
22 other than, you know, beyond the point of the
23 business, as it was?

24 A. No.

25 Q. All right. All right. Now, in answer to

1 question -- toward the end of the questionnaire,
2 you were asked: Is there anything or any reason
3 at all, however personal or private, that makes
4 you feel you should not serve as a juror on this
5 case, or that if selected to serve you could not
6 be fair and impartial? And you first said, no,
7 you crossed that out and answered yes. And you
8 added, I work with Steven's relatives and then
9 you said the number three, presumably that means
10 that's the three relatives you work with?

11 A. Right.

12 Q. All right. Tell us why, is that your opinion,
13 your feeling today?

14 A. Yeah, pretty much.

15 Q. All right. Let's talk a little bit about that.
16 Why would that make you uncomfortable --

17 A. Well --

18 Q. -- what concerns does it raise?

19 A. Well, I don't know -- I don't know what to --
20 Just say if it would, whatever way it went, I
21 don't know how they would take it toward me.

22 Q. Okay.

23 A. I guess that's about the only reason.

24 Q. Well, you think that they might feel -- some
25 animosity for you --

1 A. Right.

2 Q. -- some anger?

3 A. That's pretty much what I'm saying right now.

4 Q. All right. I mean, do you have any fears of any
5 type of family retribution?

6 A. No, no.

7 Q. Okay.

8 A. Not at all.

9 Q. All right. Do you work with them regularly?

10 A. No, they are -- they no longer work for me.

11 Q. All right. So they are entirely in different
12 shifts with different projects and things?

13 A. Correct. Right.

14 Q. All right. Now, if any of them were to appear as
15 witnesses in this case, would that create some
16 problems for you?

17 A. Uh-uh, I don't feel it would.

18 Q. All right. Why would that not create any
19 problems?

20 A. I guess I don't know how to answer that. I don't
21 know.

22 Q. All right. But if you were to -- So, it's not so
23 much that you know them from work, that if you
24 feel you could evaluate their testimony the same
25 as you would any other witness?

1 A. Sure.

2 Q. All right. So your sole concern here is you are
3 a little bit worried about how they may feel
4 about you should, for instance, you were to enter
5 a verdict of guilty?

6 A. Right.

7 Q. Do you have that feeling if you were to enter a
8 verdict of not guilty?

9 A. Yeah, I would have to say the same.

10 Q. All right.

11 A. Both ways.

12 Q. Could you kind of tell us a little bit why you
13 have that feeling?

14 A. Well, I have been -- I just heard this through
15 the grapevine at work, that other people, that
16 someone else did talk to Bobby in the past and
17 they -- they filled me in on a couple of things.
18 And ...

19 Q. All right. I want to make sure that I can follow
20 you here. You are saying that someone you know
21 has spoken to Bobby Dassey?

22 A. Mm-hmm.

23 Q. Presumably about something related to the case?

24 A. Right. And then I heard --

25 Q. And then --

1 A. -- from that person.

2 Q. And it was passed on to you?

3 A. Right.

4 Q. Do you recall today what that was?

5 A. Geez, basically that -- that -- that his brother,
6 Brendan --

7 Q. Okay.

8 A. -- wasn't involved.

9 Q. Was or was not?

10 A. Was not.

11 Q. All right. And anything else that this person
12 otherwise had informed you of?

13 A. No, I don't think.

14 Q. All right.

15 A. Uh-uh.

16 Q. One second.

17 (Discussion between attorneys.)

18 Q. (By Attorney Fallon)~ Is there any -- any other
19 information that you have from an outside source
20 regarding what may or may not have happened in
21 this case involving either Steven Avery or
22 Brendan Dassey?

23 A. No. I don't know of anything else, no.

24 Q. All right. So what you are suggesting, then, is
25 that you had this one conversation with, I take

1 it a fellow employee?

2 A. Right.

3 Q. Who supposedly talked to Bobby Dassey, at least
4 about some aspect of this case. And the one bit
5 of information that you recall coming to your
6 attention was what you have told us?

7 A. Right.

8 Q. All right. Anything else at all, any other bit
9 of information?

10 A. Uh-uh, nothing.

11 Q. Nothing. All right. Okay. How long have you
12 worked at Federal Mogul?

13 A. Twenty-four years.

14 Q. And I see that you are a supervisor of
15 approximately 30 employees?

16 A. Correct.

17 Q. How long have you been in a supervisory role?

18 A. Eighteen, nineteen years.

19 Q. Okay. And I take it you are a -- Are you a life
20 long resident of Manitowoc?

21 A. Well, I actually live in Newton.

22 Q. I mean, Manitowoc County.

23 A. Manitowoc County, yes, I am.

24 Q. Yeah, okay. Okay. Have you -- Let me first ask,
25 you checked your news sources as radio,

1 television and newspapers as your primary sources
2 of information. Of those three, where do you get
3 most of your news?

4 A. I would have to say probably the TV.

5 Q. All right. And any particular news channels that
6 you watch?

7 A. Channel 5.

8 Q. You watch Channel 5. All right. Have you
9 watched the coverage of this case on Channel 5?

10 A. Bits and pieces of it. The majority of the time
11 when I do get a chance to watch it is usually
12 like on a Friday morning.

13 Q. All right.

14 A. Other than that, not really, only because I'm at
15 work at that time. I start work at 4:30 in the
16 morning.

17 Q. I was just going to ask, what are your hours?

18 A. I work from 4:30 to 4:00, 12 and a half hours.

19 Q. Okay. And how many days a week?

20 A. Four days a week, Monday through Thursday.

21 Q. Okay. When -- Do you watch the evening news at
22 all after you get home?

23 A. No, most of the time when I get home I hit the
24 couch and I take a nap.

25 Q. All right. Have you followed any of the news

1 coverage, any of the newspaper coverage of the
2 case, Sunday papers maybe or ...

3 A. Yeah, here and there I pick up bits and pieces of
4 it, yes.

5 Q. All right. When was the last time you recall
6 either reading something in the newspaper or
7 listening to a news broadcast involving the case?

8 A. This morning I looked at the Herald-Times
9 Reporter. I seen the headlines from yesterday.

10 Q. All right.

11 A. That's what I seen.

12 Q. You saw the headlines. Did you read any of the
13 article?

14 A. Yeah, that -- basically that it's in the process
15 of -- probably about within the first paragraph.

16 Q. All right.

17 A. Yup.

18 Q. And did you read anything more than the
19 paragraph?

20 A. No.

21 Q. All right. Have you listened to anything on the
22 television recently about the case?

23 A. No.

24 Q. What was the last thing -- Other than what you
25 saw from the headline in that first paragraph

1 this morning; what was the last thing you recall
2 hearing about the case or reading about the case
3 before this morning?

4 A. I would have to say it goes back to last week,
5 Tuesday, after the jury selection has been
6 started.

7 Q. Okay.

8 A. I did read that.

9 Q. You mean after you came in and filled out the
10 questionnaire?

11 A. Right.

12 Q. So the next morning you read the paper or
13 listened to the news broadcast?

14 A. No, I did read the paper.

15 Q. You did read the paper on that Tuesday about the
16 selection process?

17 A. Yeah.

18 THE COURT: Excuse me, Mr. Fallon.
19 Counsel, can you approach.

20 ATTORNEY STRANG: Sure.

21 (Side bar taken.)

22 ATTORNEY FALLON: Your Honor, I don't have
23 any more questions.

24 THE COURT: Mr. Shedal, at this time the
25 Clerk will escort you out.

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MR. SHEDAL: Okay.

(Wherein the juror was excused.)

THE COURT: I will indicate for the record at this time I did not ask Mr. Strang if he had any questions because when I called counsel to the bench I was informed that the parties would be jointly requesting to excuse this juror.

And based on the answers given, both the failure to follow the Court's admonition about not reading anything further about this case and the answers concerning the defendant's contacts with members of the defendant's family at work, plus hearing things about this case, I believe there's more than an adequate basis for excusing the juror. And I believe that's the joint recommendation of the parties as well. Correct, counsel?

ATTORNEY FALLON: That's correct, Judge, from the State.

ATTORNEY BUTING: That's correct.

ATTORNEY FALLON: We wanted to flush that out.

THE COURT: Very well, the Court will order this juror excused and we will move on to Nathan Klein.

1 ATTORNEY STRANG: Judge, just so you know,
2 the way we're doing it here is I do two, he does
3 two, I do two, he does two. So he's got the next
4 two.

5 THE COURT: All right. Mr. Klein, please
6 remain standing and the Clerk will administer the
7 oath to you.

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

10 THE CLERK: Please be seated.

11 THE COURT: Mr. Klein, you have previously
12 completed a juror questionnaire in this case. This
13 morning we're moving on to the next phase of the
14 jury selection process which is known as voir dire.
15 The attorneys will have a chance to individually ask
16 you some follow-up questions to the information on
17 the questionnaire.

18 I can tell you that the jurors selected
19 to hear this case will not be sequestered; that
20 means the jurors will be permitted to return home
21 each day and spend the rest of the day at home.
22 We're doing that because of the order to the
23 jurors not to follow any news media accounts
24 concerning this case and not to discuss it with
25 anyone during the course of the trial.

1 I can also inform you that although the
2 voir dire proceedings today are open, no cameras
3 are permitted in the courtroom today and the news
4 media is prohibited from disclosing the names of
5 the jurors in news media accounts of this matter.

6 Finally, should you be selected to serve
7 as a juror in this case, the cameras are not
8 permitted to take shots that identify who the
9 jurors are at the trial itself.

10 If you are continued for jury duty after
11 this morning's proceedings, you will receive a
12 telephone call later this week letting you know
13 when to report back to Court. Mr. Fallon, at
14 this time you may begin.

15 ATTORNEY FALLON: Thank you, your Honor.

16 **VOIR DIRE EXAMINATION**

17 BY ATTORNEY FALLON:

18 Q. Good morning, Mr. Klein.

19 A. Good morning.

20 Q. My name is Tom Fallon and I'm an Assistant
21 Attorney General with the Wisconsin Department of
22 Justice. I'm one of the prosecutors in this
23 case. To my immediate left is Mr. Ken Kratz, the
24 District Attorney from Calumet County and the
25 lead prosecutor in this case. Good morning and

1 thanks for coming.

2 We would like to ask a few follow-up
3 questions about some of the information you
4 provided last week in the questionnaire. And
5 after I'm done, Mr. Buting will ask a few
6 questions of you and then perhaps the Court.

7 I would like to begin a little bit, I
8 think first off, with your employment. I see
9 that you are currently employed at the Burger
10 Boat Company?

11 A. Correct.

12 Q. All right. And you are a carpenter?

13 A. Correct.

14 Q. All right. And how long have you been a
15 carpenter?

16 A. Two years at Burger Boat.

17 Q. I'm sorry?

18 A. Two years at Burger Boat.

19 Q. Two years. And so would you say your vocation as
20 it were is woodworking then?

21 A. Yes.

22 Q. And how long have you been involved in that
23 pursuit?

24 A. Since high school.

25 Q. All right. And how long would that be, 7, 8

1 years?

2 A. Yeah.

3 Q. Now, am I correct, I wanted to follow up with one
4 of your other activities, some may call it
5 employment, some may call it volunteer work. But
6 I see that there's a notation here that you do
7 some volunteer firefighting?

8 A. That is correct.

9 Q. With the Two -- Town of Two Rivers?

10 A. Yup.

11 Q. How long have you been involved in that?

12 A. The past four years.

13 Q. Four years. And have you actually had occasion
14 to go out and use those skills and fight some
15 fires?

16 A. Yes, many, and accidents.

17 Q. All right. And what other duties as a volunteer
18 fireman are you occasionally called upon to do,
19 other than fight fires or respond to accidents?

20 A. Sometimes helping out with the community with
21 searches such as this case.

22 Q. Right.

23 A. Do volunteering for Salvation Army to ring the
24 bells at local establishments.

25 Q. Okay.

1 A. That's about it.

2 Q. All right. Do you enjoy that work?

3 A. Yes.

4 Q. All right. The reason I ask is, the question you
5 gave and as you have just indicated now,
6 volunteer searches much like were employed in
7 this case. So let me ask you a little bit about
8 that. You indicated in your questionnaire that
9 you had planned on assisting in the search for
10 Teresa Halbach since apparently other members of
11 your department did participate?

12 A. That's correct.

13 Q. All right. And if I may, what happened that
14 resulted in your not participating?

15 A. It happened to fall on a weekday, the day that we
16 were gathering to go and I was not able to. You
17 have enough vacation to use to go out and do the
18 search.

19 Q. So you had your other work responsibilities?

20 A. Correct, for Burger Boat Company.

21 Q. At the Burger Boat, is that ...

22 A. Yes.

23 Q. Okay. Since you missed out on that opportunity,
24 if you -- if it had fallen on let's say a
25 vacation day or a holiday of sorts; would you

1 have participated then?

2 A. Yes.

3 Q. Did you have any discussions or -- with any of
4 those of your colleagues who did participate in
5 the search?

6 A. Briefly, yes, as to what, at this time I don't
7 really recall.

8 Q. Okay. You don't recall any discussion or
9 anything you had with them regarding what they
10 may have seen, or done, or heard, or any of that?

11 A. Just one story of a possum or some type of animal
12 that was inside a vehicle that one of the guys
13 stirred up and got startled by it, but.

14 Q. All right. So --

15 A. More or less small talk and nothing of, you know,
16 major.

17 Q. Small talk and humorous anecdotes?

18 A. Right.

19 Q. And not much substance?

20 A. Correct. Yes.

21 Q. Okay. And how many of those conversations do you
22 think you had?

23 A. A few, less than five I will say.

24 Q. Less than five?

25 A. Yes.

1 Q. And when was the last time you would have talked
2 with any of your colleagues about that search or
3 about their role in the search for Teresa
4 Halbach?

5 A. Talking was probably done a week after it
6 happened.

7 Q. All right.

8 A. Everything settled down at that time.

9 Q. You haven't had any recent discussions with any
10 of those colleagues about the case?

11 A. No.

12 Q. Okay. Was there anything about the -- even the
13 humor part of it, was there anything about that
14 that makes you wonder or doubt in your mind
15 whether you could be fair and impartial in this
16 case, if you were selected as a juror?

17 A. Not necessarily, no.

18 Q. I'm sorry, not necessarily?

19 A. No. No.

20 Q. Okay. All right. Well, I would like to talk a
21 little bit about the media coverage of this case
22 and your familiarity with it. Where would you
23 say you get most of your news from; radio,
24 television?

25 A. Radio.

1 Q. Radio?

2 A. Yes.

3 Q. And why would that be?

4 A. Radio is played all day at work, every day.

5 Q. And what hours do you normally work?

6 A. 7 till 3:30.

7 Q. And is that a five day a week job?

8 A. Yes.

9 Q. Monday through Friday?

10 A. Correct.

11 Q. Okay. When you get home from work, do you watch

12 television, or do you do chores, or have some

13 fun, or what do you do in your off hours?

14 A. I do chores.

15 Q. All right. And while the chores are being done,

16 do you listen to the radio or listen to the

17 television while you are doing things or not?

18 A. Usually the television is on, yes.

19 Q. All right. Is it on news channel, sports channel

20 or what generally is on in the background as it

21 were?

22 A. Cops, actually.

23 Q. Cops.

24 A. Yeah.

25 Q. Okay. All right. What can you recall now about

1 the coverage of this case? Is there any
2 particular information, particular story or fact
3 that kind of, you know, sits in your mind right
4 now.

5 A. Burning barrel.

6 Q. The burning barrel?

7 A. Yup.

8 Q. All right. What else sticks in your mind?

9 A. The camera, the burning barrel, the vehicle, the
10 nephew.

11 Q. Okay. What fact or what information about the
12 nephew sticks in your -- in your memory right
13 now?

14 A. The -- His admittance to part of this.

15 Q. All right. Are you -- Can you recall any of the
16 details or any of the information that he -- that
17 is attributed to him?

18 A. Meaning as what he admitted to?

19 Q. Right.

20 A. The cutting of hair, taking part of the actions.

21 Q. Okay. Do you remember what he supposedly had
22 done?

23 A. I believe I remember him saying that he had cut
24 portions of her hair.

25 Q. Okay.

1 A. Would you like me to go into more detail.

2 Q. Well, it would be helpful for us, we're trying to
3 have an idea as to how familiar are you may or
4 may not be with some of the facts in the case.

5 A. Taking part in the rape of her.

6 Q. Okay. Anything else that you recall?

7 A. Them are the ones that stand out the most to me.

8 Q. Okay.

9 A. Oh, and the school bus driver seeing her after
10 3:30.

11 Q. Okay. And is the TV the primary source of that
12 information, or is that the radio, or is it fuzzy
13 in your head?

14 A. I couldn't tell you exactly which was for what.

15 Q. Okay.

16 A. But I would say 75 percent radio, 25 percent
17 television.

18 Q. Okay. Now, as a result of that information, you
19 were asked some questions in the questionnaire as
20 to whether or not you formed any opinion based on
21 the information that was available in the media.
22 And you answered: It's hard to say, the news is
23 so one-sided. One should hear both sides. And
24 the nephew's confession doesn't help him.

25 When you say, it doesn't help him, are

1 you referring to Mr. Dassey or Mr. Avery?

2 A. Mr. Avery.

3 Q. All right.

4 (Court reporter asked him to repeat.)

5 A. Mr. Avery.

6 Q. Now, can you elaborate on that, when you say the
7 news is so one-sided, what do you mean by that?

8 A. A lot of times when the news would start, you
9 would see the picture of Steven Avery with the
10 black and white striped jail suit.

11 Q. Right.

12 A. Almost implying that he's guilty already, before
13 the Court has done their thing.

14 Q. Okay. So what did you think about that, is that
15 fair or unfair?

16 A. Very unfair, I believe.

17 Q. Okay. Well, tell us about that, why is that
18 unfair?

19 A. Because it's giving the public the presumption
20 that he is already guilty.

21 Q. All right. And he's entitled to the presumption
22 of innocence, correct?

23 A. Right. Entitled to a fair trial.

24 Q. Right. And he remains innocent until the State
25 proves him guilty, beyond a reasonable doubt; is

1 that right?

2 A. That's correct.

3 Q. All right. And if you were selected as a jury
4 person in this case, would you be able to accept
5 that principle and apply it as the Judge
6 instructed you?

7 A. Yes.

8 Q. All right. Now, do you expect Mr. Avery to prove
9 anything in this case?

10 A. Yes. Yeah, I would.

11 Q. All right. And what would that be? What do you
12 think he needs to prove?

13 A. To prove that he is not the guilty one of this as
14 to --

15 Q. Okay. If the Court were to tell you and I would
16 imagine, in fact, I'm quite confident the Court
17 will tell you that Mr. Avery doesn't have to
18 prove anything and that only the State, the only
19 party with a burden of proof is the State. And
20 the only thing that has to be proved is whether
21 he is guilty, beyond a reasonable doubt. Do you
22 understand that?

23 A. Yeah.

24 Q. All right. And if, for instance, Mr. Avery chose
25 not to present any evidence and just simply

1 picked apart the State's case, if you were not
2 satisfied, beyond a reasonable doubt, of his
3 guilt, would you vote for not guilty? Even if he
4 did not put on any case, he just criticized the
5 State's case.

6 A. It would be difficult to not hear his side of the
7 story if he was --

8 Q. All right.

9 A. -- not to.

10 Q. And if the Court instructed you that they don't
11 have to present any evidence, that they may just
12 simply criticize the State's case and that would
13 be it; would you still be able to follow that
14 direction?

15 A. As long as the solid evidence is brought forward
16 and can be proven.

17 Q. All right. So in other words, if the State does
18 prove to you, beyond a reasonable doubt, you
19 would vote that he was guilty?

20 A. I guess, yes. Yes.

21 Q. Okay. In answer to a question regarding
22 scientific evidence, do you have any special
23 interest in any type of scientific analysis such
24 as fingerprint, hair, or DNA; you indicated yes.
25 And then in your description, you said not to

1 pursue it, but in court it is very dependable.

2 Can you tell us what you mean by that?

3 A. It's factual. It's 100 percent correct. If you
4 can scientifically prove it as to what it is,
5 where it is, when it happened, that's cold, hard
6 evidence. In my opinion, that can make or break
7 a case. It will tell you whether you are guilty
8 or not.

9 Q. All right. So are you suggesting that as someone
10 who would be asked to evaluate and weigh the
11 evidence, you would give greater weight to the
12 scientific evidence because you think it's more
13 accurate than say testimony from witnesses?

14 A. Yes.

15 Q. Okay. What about the people who are presenting
16 the evidence, the scientific evidence; do you
17 find them more believable than someone say who is
18 not a scientist or a doctor?

19 A. Yes.

20 Q. Why would that be?

21 A. More credible. They have more at risk.

22 Q. And is that because they have more information
23 regarding the topic they are talking about or
24 just because they are a scientist?

25 A. Because they know more about it in general, as a

1 whole. I mean, it's -- it's what they do.

2 Q. All right. Well, what would happen, in your
3 mind, if you had two scientists who disagreed?
4 They'd run the same test and one scientist says,
5 well, I think it's A and the other guy says, no,
6 I think it's B; what do you do with that?

7 A. Get some more scientists.

8 Q. I'm sorry.

9 A. Get some more scientists.

10 Q. Get some more scientists. Well, that's a good
11 answer, but let's assume for the sake of our
12 discussion that resources are limited and we
13 can't just run out and get another scientist, so
14 how would you evaluate their testimony?

15 A. I guess you would have to go to the next best
16 thing, a step below --

17 Q. Okay. And what do you think?

18 A. -- go from there.

19 Q. What would that be?

20 A. Any other type of evidence or eyewitness,
21 whatever the case may be, I mean, the next best.

22 Q. Well, I guess what I'm driving at here is, would
23 you be able to evaluate the scientist's testimony
24 the same way you evaluate the testimony of the
25 lay witnesses to make a determination as to who

1 is more credible or whose theory carries the day?

2 A. Yes. I mean, one will obviously make more sense
3 to one person than another.

4 Q. All right. You indicated also in your
5 questionnaire that on one occasion you witnessed
6 a hit-and-run accident and filed a report; is
7 that correct?

8 A. Correct.

9 Q. Are you aware as to how that may or may not have
10 turned out?

11 A. No.

12 Q. All right. You never received any more
13 information or any feed back on your ...

14 A. Nope.

15 Q. Okay. How did you feel about that?

16 A. Kind of hurt in a way, actually, that a citizen
17 takes time out of his day to pursue a suspect
18 that struck a school bus and kept going.

19 Q. Okay.

20 A. And I followed the individual to their residence
21 or wherever they ended up parking and the police
22 did come and I filed a report with them and that
23 was the last I ever heard of it.

24 Q. All right. So you don't know if the particular
25 person was ever prosecuted and convicted, or

1 whatever?

2 A. Nope, I have no idea.

3 Q. Well, since you don't know the outcome, let me
4 ask this; the fact that no one advised you as to
5 what was happening or what occurred as a result
6 of your report, does that create some concern for
7 you in terms of dealing with law enforcement or
8 other witnesses that may appear in this case?

9 A. No, I don't believe it has any bearing on this.

10 Q. All right. Now, you indicated you have a cousin
11 who's a law enforcement officer?

12 A. Yeah, Allouez or Green Bay or ...

13 Q. I'm sorry?

14 A. In Green Bay, Brown County.

15 Q. Brown County?

16 A. Something like that.

17 Q. You gave us his name here, is he a Brown County
18 sheriff or is he a police officer in one of the
19 municipalities?

20 A. I think he is a sheriff. I'm not 100 percent on
21 it.

22 Q. Okay.

23 A. I don't have regular contact with him.

24 Q. All right. So he wouldn't necessarily -- He is
25 not family, or is he?

1 A. He's -- he's a cousin of mine.

2 Q. A cousin.

3 A. But we're not, you know, real close that we see
4 each other, anything like that.

5 Q. Okay.

6 A. Once a year.

7 Q. Special holidays you might run into him?

8 A. Right.

9 Q. Okay. So you don't have occasion to talk with
10 him about his work?

11 A. No.

12 Q. Okay. Now, you also expressed some familiarity
13 with a case involving a co-worker who apparently
14 was convicted of involuntary manslaughter?

15 A. Yes. Yes.

16 Q. How long ago did that happen?

17 A. I worked with this individual probably six, seven
18 years ago. And I'm sure this case happened well
19 before that, probably when he was younger.

20 Q. Oh.

21 A. It's nothing that was recent, but that's the
22 closest thing I could think of to this question.

23 Q. Okay. So it was not like that it happened when
24 you were working together and he had to serve
25 some time?

1 A. No.

2 Q. This was something he told you about after the
3 fact?

4 A. Yes. Yes.

5 Q. All right. Did that have any particular lasting
6 impression on you in terms of the justice system
7 at all?

8 A. No.

9 Q. Did he think he was treated fairly?

10 A. I never really asked him --

11 Q. All right.

12 A. -- or nor was it spoke of too much, you know.

13 Q. All right. Did you have any impression from him
14 as to what -- how he might feel about that
15 experience, based on the discussion you had with
16 him?

17 A. Like I say, I felt sorry for him more than
18 anything.

19 Q. All right. Any chance in your mind that that
20 experience, as related to you by the co-worker,
21 would have any affect on your ability to be a
22 juror in this case?

23 A. No.

24 Q. Do you have any friends, or relatives, or anybody
25 that works in the news business?

1 A. No.

2 Q. Okay. Do you own a computer?

3 A. Yes.

4 Q. All right. Do you use the internet for a news
5 source for you?

6 A. No. No.

7 Q. All right. And what do you use your computer
8 for?

9 A. Searching for items, information and email.

10 Q. Okay. Do you ever use it to buy and sell
11 anything?

12 A. No. No.

13 Q. Pay bills or anything?

14 A. Rarely.

15 Q. Okay. Have you ever heard of a publication
16 called the *Auto Trader Magazine*?

17 A. Yes.

18 Q. Do you read it or use it from time to time?

19 A. Yes --

20 Q. You do?

21 A. Yes --

22 Q. I'm sorry, I don't mean to --

23 A. Yes, from time to time.

24 Q. All right. Have you ever purchased a vehicle, or
25 sold a vehicle, or anything with the use of *Auto*

1 *Trader?*

2 A. I don't believe so.

3 Q. All right. Have you used it to find, perhaps, a
4 vehicle that might be of interest to you?

5 A. Yes and compare prices and milage.

6 Q. Okay. Do you know any of the people that work
7 for that magazine by any chance?

8 A. No.

9 Q. Okay. As a carpenter and a woodworker at the
10 company, I would imagine that shop safety and
11 equipment safety might be important
12 considerations for you?

13 A. On a daily basis, yes.

14 Q. All right. In your capacity as a carpenter have
15 you ever participated in writing up any safety
16 standards or guidelines, or things of that sort,
17 to help manage the production of products?

18 A. No, never to write up anything or put into
19 effect.

20 Q. All right. Have your opinions ever been sought
21 by anyone who was putting together some kind of
22 safety guideline or policy for say the use of a
23 piece of equipment, or the creation of a
24 particular product?

25 A. Yes, yes. I'm on the safety committee at Burger

1 Boat Company.

2 Q. You are.

3 A. We meet monthly and always discussion on what we
4 can do better or how to make things safer.

5 Q. Do you enjoy participating in that type of work?

6 A. Yes, it reflects of my volunteer firefighting and
7 first responder training.

8 Q. Okay. Do you watch movies at all in your spare
9 time or?

10 A. Not many.

11 Q. Not many, okay. Do you consider yourself a
12 detail oriented guy or more of a big picture
13 person?

14 A. Very detail oriented.

15 Q. Okay. Any particular examples you can give us?

16 A. My job.

17 Q. All right. Are you -- Let's talk about that, are
18 you a rough carpenter or a finish carpenter?

19 A. Finish carpenter.

20 Q. Okay. And your carpentry work has been primarily
21 as a finish carpenter?

22 A. Yes. I had rough carpentry experience.

23 Q. Sure.

24 A. Plenty of that, yes, but ...

25 Q. Okay. And the carpentry work that you are doing,

1 is it -- can you give us some examples of the
2 types of work you do?

3 A. I'm a level three carpenter at Burger Boat, top
4 level. And right now I am running the pilot
5 house on one of the boats that we're putting out.
6 It's kind of a one person room where the boat is
7 controlled from. So I'm in the process of doing
8 that entire room by myself.

9 Q. Okay.

10 A. Which is a --

11 Q. It's a big project?

12 A. I have a big responsibility.

13 Q. Sure. Now, do you occasionally supervise other
14 help or is this pretty much your show?

15 A. I supervise other help, yes.

16 Q. You do.

17 A. Yes.

18 Q. Okay. Do you enjoy the supervisory role?

19 A. Yes, makes me feel good that I'm teaching
20 somebody else something.

21 Q. All right. So you like that instructor aspect of
22 it?

23 A. To a point, yes.

24 Q. A little frustrating I imagine from time to time?

25 A. It can be, yes.

1 Q. Do you have a tendency to exact the same
2 standards of professionalism from those you
3 supervise as you do from yourself?

4 A. Yes.

5 Q. All right. As I recall, you do not have any
6 prior jury experience; is that correct?

7 A. That's correct.

8 Q. All right. Is there anything about the jury
9 process or being a juror who's asked to
10 deliberate on guilt or innocence of another
11 person, is there anything about that process you
12 think might be a problem for you, that you might
13 not be able to perform that duty?

14 A. That duty in itself, if I were to be selected, it
15 wouldn't be a problem.

16 Q. Okay.

17 A. I mean, I would step up and do it but, overall, I
18 prefer not to.

19 Q. Not to have to do it?

20 A. Yes.

21 Q. But if you were called upon to perform the
22 service, you would be able to do it?

23 A. Yes, I would.

24 Q. Okay. That's fair enough.

25 ATTORNEY FALLON: I will pass the juror.

1 THE COURT: Mr. Buting.

2 ATTORNEY BUTING: Thank you, Judge.

3 **VOIR DIRE EXAMINATION**

4 BY ATTORNEY BUTING:

5 Q. Mr. Klein, I'm Jerome Buting. This is Attorney
6 Dean Strang. And we're representing Mr. Avery.
7 Okay. You probably saw us last week briefly, but
8 this is our first chance to talk. I see you have
9 got a six week old little girl?

10 A. Yes, that's correct, seven now.

11 Q. Are you getting any sleep?

12 A. A couple hours a night, yes.

13 Q. She's still keeping you up quite a bit?

14 A. Yeah.

15 Q. Would that be a problem if you were selected on
16 the jury, do you think?

17 A. It could be for my wife's sake more, without me
18 there being able to help as much or throughout
19 the day.

20 Q. But do you think you would be able to at least
21 get a night's sleep?

22 A. I could get enough sleep to function, yes, I
23 would not be sleeping --

24 Q. Okay.

25 A. -- during the day.

1 Q. A lot of us have been through that and it's
2 sometimes very difficult to get enough sleep to
3 be functioning during the day, but you think you
4 could do that?

5 A. Yes.

6 Q. Okay. Let me ask you, I'm going to go over a
7 number of things that Mr. Fallon already did, but
8 I have some others as well. The information that
9 you have learned from the media, radio or
10 whatever, you also mentioned, though, that you
11 have learned information -- you get news from
12 co-workers?

13 A. Correct.

14 Q. What kind of information about this case have you
15 gotten from them, do you think?

16 A. Nothing, you know, greater than what was
17 expressed on the news the day before, just small
18 talk at work, the next day, after the news was
19 published.

20 Q. Do people sort of speculate about various
21 theories of what happened?

22 A. Yes. There's speculation of guilty and not
23 guilty. Kind of depends on the day or what was
24 last broadcast on the news.

25 Q. Right. And have you been exposed to people who

1 have got theories that he is guilty, and if so,
2 what are those? What are you hearing?

3 A. Just like I said, yeah, some people say he is
4 guilty and some don't. What more are you looking
5 for?

6 Q. Is it more 50/50 or is it more people thinking he
7 is guilty than not guilty, or I mean are you
8 hearing both equally?

9 A. It depends on the day.

10 Q. Okay.

11 A. What was last on the news.

12 Q. Okay. Speaking of what was last on the news, how
13 much -- how recent have you heard anything on the
14 news or heard co-workers talking about anything
15 on the news?

16 A. At work, it's hard, you can't get away from a
17 radio at work. You try to stay away from it, but
18 you can't, there's radios everywhere and they are
19 on constantly. So it would have been Monday
20 morning.

21 Q. This week?

22 A. Yes.

23 Q. Did you try and avoid listening to?

24 A. Yes. Yes, been to different areas, and sometimes
25 you come across it. But I have tried to avoid

1 the radio, but have not been able to the entire
2 time.

3 Q. Okay. Did you hear information, some discussion
4 in the news about a blood vial?

5 A. Yes.

6 Q. Did you -- What, can you give me a summary of
7 what you heard about that?

8 A. They were going to test it for the chemical in
9 the blood, to see if it was in fact blood from
10 the vial that was stored in the Manitowoc
11 Courthouse.

12 Q. Okay. And so you learned it was stored -- I
13 mean, you heard that whole story, basically?

14 A. Yes.

15 Q. So you have heard information about some of what
16 the defense is as well?

17 A. Yes.

18 Q. Have you formed any opinions about that, that
19 this is a crazy defense or it's a possible
20 defense?

21 A. It's very possible.

22 Q. Okay.

23 A. The tests will -- should tell us.

24 Q. Okay. What if the tests can't tell you? What if
25 in this instance science won't be able to prove,

1 one way or the other, the source?

2 A. It's on to the next.

3 Q. Then you look at something else.

4 A. Correct.

5 Q. You also mentioned that you had heard really
6 quite a bit about Brendan Dassey's statements?

7 A. Yes.

8 Q. Initial statements, right?

9 A. Yes.

10 Q. Have you also heard of other reports where he
11 recanted that statement?

12 A. Yes.

13 Q. Where he's denied it and said that it was false
14 and all of that?

15 A. Yes.

16 Q. And have you heard information about how evidence
17 may or may not support or corroborate that?

18 A. Not in detail, by any means. And I can't really
19 say if I have ever heard that or not.

20 Q. Okay. That's fair. You do -- you put quite a
21 bit of faith in science, I understand, right?

22 A. Yes.

23 Q. And you like it -- is that because you'd like --
24 it's cut and dried, or you hope that it's cut and
25 dried?

1 A. I would hope that it's cut and dried, yes.

2 Q. What about if there's a lack of science, lack of
3 evidence that can be scientifically proved where
4 you might think there should be?

5 A. I would think we could do more to obtain it. I
6 would think that there are ways of getting it,
7 unless there would be a time restriction upon it.

8 Q. Okay. Well, what if -- you expect science to be
9 able to help corroborate what someone says?

10 A. Yes, I would hope that it can, to put more faith
11 in what that person has said.

12 Q. Okay. And if in fact it seems to disprove it or
13 doesn't corroborate what someone says; does that
14 -- what effect does that have?

15 A. That would lead me to believe that that person
16 has got the wrong information that they are
17 telling us.

18 Q. Okay. Either inaccurate or just false?

19 A. Correct.

20 Q. Okay. You said that you -- I forgot how you put
21 it, people presenting the evidence, whether they
22 are actual scientists or perhaps technicians, you
23 would tend to think or view as more credible?

24 A. Correct.

25 Q. Because they have more at risk; what did you mean

1 by that?

2 A. It's -- It's their life. It's their livelihood.

3 It's -- It's their job. It's what they depend

4 on. It's what they do everyday.

5 Q. Do you think that they can make mistakes?

6 A. Everybody makes mistakes, yes.

7 Q. Okay. And that sometimes the results, the

8 science they produce, might be mistaken because

9 they make mistakes?

10 A. Yes, it can be.

11 Q. And are you capable of looking at the whole

12 picture to see whether or not -- have you ever

13 heard the phrase "garbage in garbage out"?

14 A. Yes.

15 Q. Okay. So you have to look very carefully and

16 listen to the witnesses very carefully to

17 understand if the results are the kind of science

18 that you hope it would be?

19 A. Yes.

20 Q. Okay. Now, given what you have heard, all you

21 have heard about this nephew's story, in the news

22 media; what if you didn't hear any of that at the

23 trial, would you be able to put all that aside?

24 A. It would be difficult but -- to put it aside --

25 it can be done.

1 Q. So what if the State didn't call Brendan Dassey
2 at all and you never heard from him?

3 A. I guess we would have to go on to the next and
4 try to prove it in another way. But it seemed
5 like it was major, major information that could
6 be used one way or another.

7 Q. And would you -- would you hold that against the
8 State, that somehow, well, if they are not
9 putting on that evidence they must not, you know,
10 they are hiding something or they don't have --
11 maybe it's not true, or would you be speculating
12 about that?

13 A. I don't know if I would hold it against them
14 either way, if they put him on or if they took
15 him off. I just know that this information
16 probably would be critical to the case.

17 Q. Okay. But if the Judge instructed you that you
18 have to really put aside all of that and forget
19 all of that and really decide this case just on
20 the evidence that comes into court and that you
21 can consider maybe lack of evidence that comes
22 in, but not focusing and speculating about other
23 things you have heard; would you be able to
24 follow that?

25 A. Yes.

1 Q. Okay. Did you -- If you have heard about how
2 Brendan Dassey has recanted at some point, have
3 you ever encountered or heard of people who have
4 confessed falsely?

5 A. No.

6 Q. Can you think of any reasons why someone would
7 confess to something they didn't do when they are
8 being talked to by the police?

9 A. No, I can't possibly think why somebody would
10 confess to something that they have not done.

11 Q. Have you ever -- You have never heard of any
12 situations where people have actually falsely
13 confessed and then turns out not to be true?

14 A. No.

15 Q. Okay. So that would be a completely new
16 experience for you?

17 A. Yes.

18 Q. Do you think it's impossible that someone would
19 do that or could do that?

20 A. I'm sure there are people that do it, but like I
21 said, I don't see why anybody would, or for what
22 reason.

23 Q. Okay. Do you think it's possible that sometimes
24 people feel pressured by the police to say things
25 that they didn't -- they wouldn't otherwise?

1 A. I could never see myself doing it, you know. I
2 guess there may be a possibility and I'm sure
3 there is a possibility because I'm sure people
4 have done it, but I don't see any reason why or
5 to what pressure the police could put on you to
6 make you confess to something.

7 Q. So -- But would you be able to listen to
8 witnesses that talk about -- not how you or what
9 you would do, not evaluate it in terms of whether
10 you would do something --

11 A. Right.

12 Q. -- but whether or not someone else would falsely
13 confess?

14 A. I would be able to listen to it, yes.

15 Q. Okay. Now, your cousin is a deputy sheriff, you
16 believe?

17 A. Yeah.

18 Q. And you work in -- As a volunteer fireman, you
19 probably work with some law enforcement --

20 A. Correct.

21 Q. -- officers as well?

22 A. Yup.

23 Q. Do you ever work with Manitowoc County sheriffs?

24 A. Yes.

25 Q. Which ones?

1 A. Specific names?

2 Q. Do you know?

3 A. I don't know the specific name, but there is
4 usually a certain police officer individual
5 that's kind of in our territory, that usually
6 gets to the same accident calls that we're at, or
7 blocks down roads for house fires, but I don't
8 know his name, no.

9 Q. Okay. So it's not -- is it not -- is it
10 necessarily the same person every time?

11 A. No, not every time, but a lot of the time he is
12 the same one, usually there.

13 Q. And is your only encounter with that deputy when
14 you are at, like, the scene of an accident or
15 something like that?

16 A. Yes. Yes.

17 Q. Traffic control or whatever?

18 A. Yup.

19 Q. So, you don't really discuss his or her work?

20 A. No.

21 Q. Do you think that police officers who would come
22 into court and take the oath and testify are
23 necessarily more truthful than the ordinary
24 average witness?

25 A. Yeah, I would say they are a little more

1 truthful, yes.

2 Q. Okay. Why?

3 A. They have a higher job and a higher duty to
4 withhold and stand up for.

5 Q. Okay. Do you think that -- So you think, then,
6 the police are less likely to lie about something
7 under oath than the ordinary person?

8 A. Yes.

9 Q. Do you think that they would -- Does that mean
10 that they would not ever?

11 A. No, everybody -- anybody can lie. I'm not saying
12 a police officer does not lie.

13 Q. Okay.

14 A. So.

15 Q. Do you think sometimes police get personally
16 involved in an investigation and convince
17 themselves that --

18 A. Yes, yeah.

19 Q. -- convince themselves that this person is guilty
20 and they got to make sure that he's convicted?

21 A. Yes.

22 Q. Do you think sometimes police would cross the
23 line in order to try and make sure that -- that
24 they think the right person is?

25 A. I would hope that's not how it works but, yeah,

1 it can happen.

2 Q. Okay.

3 A. It could happen.

4 Q. All right. The -- Let me go back for just one
5 minute. Your wife, is she off work, I assume, on
6 maternity leave?

7 A. Yes.

8 Q. Would you be financially -- have financial
9 hardship if you were selected for the jury, then?

10 A. It would make things extremely tight. I'm aware
11 now that we're eligible for unemployment, but it
12 is not up to what I currently make. There
13 wouldn't be a lot of extra things going on at my
14 household.

15 Q. But you think you could get by for six weeks?

16 A. Prefer not to but, yes, it could be done.

17 Q. If it's your duty and you are selected you could
18 do it?

19 A. Yes, I would step up.

20 Q. Okay. I appreciate that. You work with your
21 hands?

22 A. Yup.

23 Q. And I know you try to follow safety procedures,
24 right?

25 A. Yes.

1 Q. But do you find you often get little cuts and
2 things on your hands, when you are working with
3 your hands?

4 A. Yes.

5 Q. All right. Mr. Fallon talked about some things
6 or asked you about whether you would expect to
7 hear or would like to hear Mr. Avery's side of
8 the case; do you recall that?

9 A. Yes.

10 Q. And that brings up a quandary for any defense
11 attorney because you have already -- you have got
12 this sort of catch-22, when you are trying to
13 advise your client, should you testify or not
14 testify.

15 If the defendant takes the stand, some
16 people will maybe think he's just trying to save
17 his own skin, he is self-interested, why should
18 we believe what he says. And yet he's a witness,
19 or she's a witness in the case, whatever it is;
20 would you be able to judge Mr. Avery as a
21 witness, if he testifies, just like any other
22 witness?

23 A. Yes.

24 Q. And not discount what he says just because he's a
25 defendant and has an interest in the case?

1 A. Yes.

2 Q. If the Judge instructed you, could you follow
3 that kind of an instruction?

4 A. Yes.

5 Q. And, then, on the other hand, if he didn't
6 testify, that's the other fear that defense
7 attorneys sometimes have, well, is the jury going
8 to think he has something to hide, you know, why
9 doesn't he testify. A lot of people want to hear
10 both sides.

11 A. I would want to hear both sides as well.

12 Q. And can you think of reasons, though, why
13 sometimes a defendant may not testify, that has
14 nothing to with whether they are guilty or have
15 anything to hide?

16 A. I could not think of a reason why one would not
17 want to testify for himself or herself.

18 Q. Well, can you conceive of people who maybe are --
19 don't speak well in public, or aren't articulate,
20 get confused, things like that that they are
21 concerned about?

22 A. I don't think that would be something that should
23 prevent one from doing that.

24 Q. And what about, you know, what if -- what if
25 their attorney says I don't think you should

1 testify, I mean, that's a factor if you have to
2 consider?

3 A. Yes. Repeat what you are asking.

4 Q. Well, let me ask you this. If Mr. Avery didn't
5 testify, would that affect you and your ability
6 to be fair and render a proper verdict?

7 A. I would continue with getting to the verdict. I
8 guess it would have some bearing on it, that he
9 would not speak for his own defense.

10 Q. Okay. But now, you will hear, or you may hear
11 the Judge instruct you, if that would occur, that
12 every person has a constitutional right not to
13 testify and part of that because it's not the
14 defendant's burden to prove that he's innocent,
15 right?

16 A. Okay.

17 Q. And if the Judge instructs you that you have to
18 look at the State's case and the defendant
19 doesn't have to take -- to testify and assume any
20 kind of burden of proof and that you have to,
21 therefore, not consider or speculate why he did
22 or didn't testify; would you be able to follow
23 that kind of an instruction?

24 A. Yes, if that were the instruction from the Judge
25 and that's what we had to follow and that's what

1 we had to do, that's where we would go from it.

2 Q. Okay. Now, in this case, though, you know, I'm
3 concerned because of all the theories that people
4 talk about, that you have heard. And I'm
5 concerned that you may say, well, if Mr. Avery
6 didn't do this, who did?

7 A. Correct.

8 Q. I mean, that's only natural, right?

9 A. That's exactly what I would think.

10 Q. But you understand that, if the Judge instructs
11 you that you can't require Mr. Avery to prove
12 anything, are you still going to say, hey, you
13 know, unless he can prove to me who actually did
14 this crime, I can't find him not guilty?

15 A. I would have that feeling, but I would still make
16 up my decision for the Court at the time. I
17 would still be wondering that after the case has
18 been settled, yes.

19 Q. And I can tell, because of your interest in
20 the -- how certain science can be, that you like
21 to have something cut and dried, you like an
22 answer?

23 A. Yes.

24 Q. Right?

25 A. Yes.

1 Q. But you have to understand that if you're
2 selected on this jury, the question you are not
3 going to be told -- Well, I take that back.

4 You may find yourself in a situation
5 where you have heard all the evidence from the
6 State and you are just not convinced, beyond a
7 reasonable doubt, that Mr. Avery did it, but you
8 also won't know, necessarily, who did if --
9 commit this crime if not him; is that going to
10 trouble you or will you be able to render a
11 verdict of not guilty if you really have
12 reasonable doubt that he did it?

13 A. I will be able to render a verdict one way or the
14 other, you know, at the time.

15 Q. Okay.

16 A. And then I would definitely look forward to
17 hearing more in the future as to where the case
18 has gone from there.

19 Q. Okay. So after hearing all of this, do you think
20 this is a case that you want to be a jury on?

21 A. No --

22 Q. Juror on?

23 A. -- I do not want to be a juror on.

24 Q. But you would do so if it's your duty?

25 A. That's correct.

1 Q. And you wouldn't have regrets and would you be
2 willing to stick it out and do whatever it takes,
3 no matter how long it requires deliberating,
4 after the case is over?

5 A. It's my duty and that's what I would do. I would
6 have regrets of lost time and lost wages and so
7 on and so forth of that sort and hope that it
8 wouldn't drag out beyond the estimated six weeks.
9 But, yeah, there could be regrets of things that
10 I missed, the money that I missed out on, but I
11 could step up and do it, yes.

12 Q. All right.

13 A. Not top on my list of things to do.

14 Q. I don't think it's on top of most people's list,
15 but it is a civic duty and we appreciate you
16 coming here today even and taking time out. So,
17 thank you, sir.

18 A. Thank you.

19 **VOIR DIRE EXAMINATION**

20 BY THE COURT:

21 Q. Mr. Klein, I have just one follow up. The -- One
22 disadvantage of the jurors in your position is
23 you haven't heard the instructions yet, so you
24 don't know what the rules are that the Court is
25 going to give you. But I can tell you that one

1 of them is, that if you're selected as a juror,
2 that the jurors have to base their decision only
3 on the evidence that they hear.

4 A. Correct.

5 Q. You have indicated both that you have some
6 familiarity with Mr. Dassey's confession and also
7 the recantation of that. We have a trial, you
8 may or may not hear any testimony about that for
9 a variety of reasons, that may or may not have
10 anything to do with the credibility or
11 believability of anything Mr. Dassey has said.

12 If no evidence comes in, will you be
13 able to base your decision only on the evidence
14 that comes in at the trial and not speculate
15 about what other evidence might have been?

16 A. I would do my best, but not to say that that
17 wouldn't still be in the back of my mind, whether
18 it would make -- make me lean one way or the
19 other at the final verdict, I really can't say.
20 I would hope that it wouldn't under your
21 advisory. But I would definitely do my best
22 and ...

23 Q. Do you believe, as you sit here today, that you
24 can do that?

25 A. Ninety percent, yes. And there's still a little

1 bit of me that I would hope I would be able to.

2 Q. Well, if something doesn't come in, you really
3 don't know what you are missing, right? You
4 don't know how it would cut?

5 A. Correct.

6 Q. Can I ask you, what is it that gives you -- what
7 gives you concern? Why do you feel you -- why
8 are you only at 90 percent?

9 A. Due to the media and then the drastic -- drastic
10 events that were brought up, you know. I guess
11 that doesn't necessarily give me an opinion, but
12 it gives me faith that there can be some closure
13 to this.

14 Q. Well, if you are a juror you are going to hear a
15 lot more evidence --

16 A. Correct.

17 Q. -- than there's been --

18 A. Correct.

19 Q. -- in the press? And I will instruct you at the
20 end of the trial, if you're selected as a juror,
21 that you can only base your decision on the
22 evidence that you hear. Can you do that?

23 A. Yes. Yes, I would put everything else aside and
24 do that.

25 THE COURT: All right. I will have the

1 clerk escort you from the courtroom.

2 (Juror not present).

3 THE COURT: Counsel, is there any motion
4 from either party?

5 ATTORNEY FALLON: None from the State.

6 ATTORNEY BUTING: Could we have a couple
7 minutes to confer on this one, too, your Honor,
8 please?

9 THE COURT: Yes, you may. I will be back
10 in two minutes.

11 (Brief recess.)

12 ATTORNEY BUTING: Judge, we would move to
13 strike this juror for cause. I'm concerned that
14 he's unable to really commit to follow the Court's
15 instructions. He's obviously been exposed to great
16 detail about Mr. Dassey's confession, which may or
17 may not come in. And he seemed to have -- although
18 he said some positive things too and I think he was
19 being very honest, trying to tell us how he feels.
20 Overall, I don't think he's really committed to set
21 aside his prior knowledge and decide it only on the
22 evidence in this court.

23 There is the other issue I frankly meant
24 to follow up with him and forgot, which is the
25 Court's instruction not to listen or hear

1 anything about the case. And he's, even just
2 yesterday, already been hearing things on the
3 radio. And I don't think deliberately, but as he
4 described it, it seems like it's almost
5 impossible for him not to be exposed to media
6 reports about what's going on in the case.

7 And probably as this case develops and
8 as there may be significant, even sensational
9 developments, who knows, it's going to be all
10 over his work place. He says he tries to avoid
11 it. He goes here, he goes there and the radio is
12 on everywhere. His co-workers are going to be
13 talking to him. It's almost --

14 THE COURT: Wait a minute. If he is on the
15 jury, how is he going to hear these things?

16 ATTORNEY BUTING: Well, if he's --

17 THE COURT: He's not going to be at work,
18 is he?

19 ATTORNEY BUTING: Well, he -- I guess it
20 wasn't clear. He did say he was working first
21 shift, didn't he? So maybe that's true, maybe while
22 the case is going on he won't. But he has
23 already -- Despite the Court's instruction, he has
24 already been exposed and listened to radio. And
25 whether it was intentional or not, I think it's --

1 you know, it's indicative of problems he may well
2 have.

3 But the biggest problem is -- is that
4 he's just honestly saying that he doesn't
5 think -- he is not committing to the Court that
6 he really can set aside whatever prior
7 information he's learned and decide this only on
8 the evidence in the court. So I think he should
9 be struck for cause.

10 THE COURT: Mr. Fallon.

11 ATTORNEY FALLON: Thank you, Judge. This
12 is one where we would disagree with the defense. I
13 think that Mr. Klein did his level best to answer
14 the questions as best he could.

15 I take him at his word when he says -- I
16 think his last answer was probably the most
17 telling in his -- and capsulizes his summary of
18 his presentation today. And that is simply this,
19 that while he may not want to do something or he
20 may not fully embrace everything here, he is
21 willing to, as he said, step up, meet his civic
22 duty. He is willing to follow the instructions
23 of the Court. He indicated he would do his best
24 to do so.

25 And the fact that he may only be

1 90 percent certain that he can follow the
2 instructions is, quite frankly, right there.
3 That's what you would expect. I think if you
4 would ask anybody in this room, are you
5 100 percent sure you could put this out of your
6 mind, are you 100 percent sure you can do this
7 and that, and I would venture to guess that most
8 people in this room wouldn't tell you I'm
9 100 percent sure of anything in this world.

10 And I think, as an example, there is a
11 case, it's not directly on point, but when you
12 get these somewhat equivocal answers, not
13 100 percent certainty that they can follow the
14 instruction or not 100 percent sure of that, the
15 courts have held that any witness who expresses
16 that level of understanding, that level of
17 commitment, should be deemed an adequate juror.

18 You might want to take a look at ***State***
19 ***vs. Erickson***, for instance, a particular juror in
20 there was talking about the victimization that
21 she may have experienced herself. She was a
22 sexual abuse victim many years earlier. And in
23 responding to a couple of questions she said,
24 well, no, I don't think so. When the court asked
25 her if she could be fair and impartial, she said

1 I think so.

2 I mean, those are equivocal responses
3 but, you know what, they are honest responses
4 from the heart and I think that's what Mr. Klein
5 gave us. He indicated he would be willing to
6 give us his level best. And I think that his
7 presentation is, quite frankly, what you would
8 expect.

9 THE COURT: All right. The --

10 ATTORNEY BUTING: Just a brief response.

11 THE COURT: Go ahead.

12 ATTORNEY BUTING: The -- I don't think that
13 these are -- I don't think that these answers were
14 equivocal, but convincing that he could still set
15 everything aside. I think he was being honest and
16 in that regard he was trying to do his best.

17 But it's not enough for a juror just to
18 say I'll try. They don't have to say I'm
19 100 percent but they have got to make some sort
20 of a commitment. And he was very clear, even
21 with the Court's efforts to talk with him, that
22 he says it's in the back of his mind, he can't --
23 he doesn't really think he's going to be able to
24 put all this aside. So, for those reasons, I
25 think he should be stricken.

1 THE COURT: All right. This is a situation
2 where the Court understands the objection to be that
3 the juror is subjectively biased; that is, that he
4 is unable, based on his exposure to this pre-trial
5 publicity, to put it behind him.

6 This is also a situation where the
7 Court's observation of the juror; that is, his
8 demeanor as he was giving his answers comes into
9 play. Yesterday, I struck a juror based on the
10 fact that he gave answers that were -- seemed to
11 be acceptable, but his demeanor didn't strike me
12 as indicating that -- that I could just take his
13 answers at face value.

14 In this case, the Court's observations
15 of the demeanor of this witness, I believe that
16 he is very aware of his duty and very conscious
17 of the need to follow that duty. And he is
18 aware -- well, he's been aware of publicity
19 relating to an alleged inculpatory statement that
20 Mr. Dassey gave, but is also aware that
21 Mr. Dassey has recanted it. And he is also -- so
22 he knows there's some dispute. And I believe,
23 based on his answer, that he is committed to
24 putting that behind him, if no evidence is
25 introduced on that issue at trial.

1 I believe also, based on his demeanor,
2 that he has the commitment and the willingness to
3 do so. And his 90 percent, if you will, argument
4 or statement before he finally said just yes at
5 the end, is based on the fact that he recognizes
6 that he's human and he believes he could put it
7 behind him, but like anyone else, nobody can say
8 for sure until the time actually comes.

9 I'm satisfied, based on my observations
10 of this juror, that he could be a fair juror in
11 this case. And, therefore, the Court is not
12 going to strike him for cause.

13 Counsel, we'll take our noon break at
14 this time and resume at 10 after one, because
15 we're going to have to make a little better
16 headway than we have been making thus far. So I
17 will see you at 10 after 1.

18 ATTORNEY BUTING: Could we make that just
19 1:15, your Honor, an extra five minutes.

20 THE COURT: All right. I will make it
21 1:15, but I have to say, I was hoping not to go
22 later today, but we may have to. I will see you at
23 1:15.

24 (Noon recess taken.)

25 THE COURT: At this time we're back on the

1 record. Counsel, before we bring in the next juror,
2 I did, in my explanation on Mr. Klein, forgot to
3 address on the record the radio issue. My
4 recollection of his statement was that he -- because
5 of the radio being on at his place of employment,
6 that it was impossible to completely avoid it, but
7 that he has, since he received the instruction from
8 the Court, attempted to avoid listening to reports
9 on the radio and left the area, or I forgot exactly
10 what his words were. But it appeared to the Court
11 from whatever his exact words were, that he was
12 attempting to comply with the Court order and had
13 not been exposed to any meaningful publicity since
14 he has been instructed to avoid publicity. For that
15 reason, I did not choose to excuse him on that
16 basis.

17 All right. At this point, we'll bring
18 in Mr. Saari, who is I believe Juror 26, the next
19 juror on the list. Mr. Saari, at this time the
20 Clerk will administer the oath to you.

21 THE CLERK: Raise your right hand.

22 (Juror sworn.)

23 THE CLERK: Please be seated.

24 THE COURT: Mr. Saari, you have already
25 completed a written questionnaire in this case. And

1 today we're moving on to the next phase of the jury
2 selection process which is individual voir dire.
3 The attorneys for each of the parties will have an
4 opportunity to ask you some follow-up questions to
5 the answers you gave in your questionnaire.

6 Before we begin with those questions, I
7 want to make sure that you know that the jurors
8 who are selected to serve in this case will not
9 be sequestered. That means that at the end of
10 the court proceedings every day the jurors will
11 be brought back here to Manitowoc and permitted
12 to go home.

13 The Court will continue throughout these
14 proceedings to require that the jurors not be
15 exposed to any news media accounts concerning
16 this case; that is, radio, television, newspaper
17 or the internet.

18 And I also want to let you know that
19 although these proceedings are open today, the
20 Court does not allow cameras in the courtroom
21 during jury voir dire and the media is prohibited
22 from disclosing the names of the jurors during
23 the course of the trial.

24 And, finally, if you are selected to
25 serve on a jury -- on the jury in this case, you

1 should know that the cameras are not permitted to
2 show the faces or any other identifying
3 characteristics of the jurors during the trial.

4 After the questioning today, if you
5 remain on the panel, you will get a phone call in
6 a day or two telling you when to report back,
7 sometime later this week.

8 At this time, Mr. Fallon, you may begin
9 questioning for the State.

10 **VOIR DIRE EXAMINATION**

11 BY ATTORNEY FALLON:

12 Q. Good afternoon, Mr. Saari.

13 A. Good afternoon.

14 Q. My name is Tom Fallon. I'm an Assistant Attorney
15 General with the Wisconsin Department of Justice.
16 And I'm one of the prosecutors in this case. To
17 my left here is Mr. Ken Kratz. He's the lead
18 prosecutor in this case and he's the District
19 Attorney in Calumet County. Good afternoon and
20 thanks for being here.

21 The Court and counsel here would like to
22 follow up with some questions of you, based on
23 the information you provided last week in the
24 questionnaire. So I would like to begin with a
25 little bit about your employment. If you can

1 tell me how long you have worked for the company.

2 A. Two years.

3 Q. And have you performed -- What is a material
4 handler?

5 A. Forklift driver, operate a forklift.

6 Q. All right. And have you been employed doing that
7 particular duty for the two year period?

8 A. Yes.

9 Q. All right. Have you performed any other
10 functions for Northern Labs?

11 A. I worked in the office for a little while.

12 Q. You will have to speak up just a little bit.

13 A. I worked in the office for a little while doing
14 computer work.

15 Q. Doing computer work.

16 A. Yeah.

17 Q. Okay.

18 A. For like a month.

19 Q. What kind of computer work did you do?

20 A. Data entry.

21 Q. All right. Do you consider yourself fairly
22 proficient in the use of the computer?

23 A. Yeah.

24 Q. All right.

25 A. I would think so.

1 Q. And do you have one at home?

2 A. Yeah.

3 Q. And do you use it frequently?

4 A. Mainly for playing games.

5 Q. For playing games.

6 A. Yeah.

7 Q. Do you get any news or any information from the
8 internet that way?

9 A. Not really.

10 Q. Okay. How long did you do the data entry work at
11 Northern Labs?

12 A. For like a week.

13 Q. What kind of material or what kind of product do
14 you work with at Northern Labs?

15 A. Car waxes, car soaps. What else do they do?
16 Kaboom, mostly Orange Glo products.

17 Q. I'm sorry, mostly?

18 A. Orange Glo. Orange Glo.

19 Q. Okay. And do you work with any industrial
20 solvents or cleaners, or things of that sort?

21 A. No, I'm in distribution warehouse. Everything
22 that's hazardous is in the other warehouse.

23 Q. Okay. So you are just in the actual usable
24 product division as it were?

25 A. Yeah.

1 Q. Okay.

2 A. Finished goods.

3 Q. All right. Forgive me, but I was -- I was unsure
4 as to how to read your -- or interpret an answer
5 that you gave. So let me kind of read it back to
6 you, if you can kind of explain it to me. In the
7 question: Please list all groups or
8 organizations in which you participate or are a
9 member; and you write --

10 A. DCI.

11 Q. Right. What is that?

12 A. Doesn't have a name any more, but just like a
13 card tournament for playing cards.

14 Q. Oh, okay.

15 A. For a card game.

16 Q. Is it kind of like a club?

17 A. Yeah, like a social group.

18 Q. Okay. What kind of card games do you like to
19 play?

20 A. It's Magic Gathering. It's like a Pokémon game
21 kind of, but more challenging.

22 Q. Like Pokémon, you said?

23 A. Yeah, kind of like that, but more challenging.

24 Q. Forgive me, but age has caught up with me I'm
25 afraid. Can you tell me a little bit about the

1 type of game. I mean, what kind of game is it?
2 Is it a game of skill, chance, or what kind of
3 game?

4 A. Everything like skill, chance, strategy. Your
5 mental ability to watch everything.

6 Q. All right. In terms of something perhaps that
7 I'm a little more familiar with, is it anything
8 like poker or anything like Texas Hold 'em, or
9 bridge, or penuchle, or ... Is it anything like
10 any of those games?

11 A. I would say it's kind of like poker; you have got
12 to have the poker face kind of when you are
13 playing.

14 Q. All right. So it's as much as playing the cards
15 as it is the person who is holding the cards?

16 A. Yeah.

17 Q. Okay. Is there a fair amount of bluffing
18 associated with that game?

19 A. Yeah, I would think so.

20 Q. What is it about the game that you find
21 interesting or appealing?

22 A. The amount of people that show up at, like,
23 tournaments when you have it.

24 Q. All right.

25 A. Last one I went to was in Illinois. There was

1 like 3,000 people --

2 Q. Really?

3 A. -- 2,000 people.

4 Q. All right. How often do you travel for the

5 tournaments?

6 A. Maybe three times a year.

7 Q. All right. And the last one was in Illinois;

8 when was that?

9 A. About two weeks ago.

10 Q. And where, Chicago area?

11 A. Yeah, outskirts of Chicago. I can't remember

12 what the name of the city was.

13 Q. And -- Well, I have got to ask; how did you do?

14 A. Not very good.

15 Q. No?

16 A. No.

17 Q. Did you make it through the first couple of cuts

18 or?

19 A. They do like a bunch of mini tournaments. I got

20 like 4th in one of them.

21 Q. All right.

22 A. There was like 35 people in it so.

23 Q. All right. Now, are there prizes or is this

24 money or ...

25 A. First, second and third place get prizes.

1 Q. They get prizes.

2 A. They get cards.

3 Q. Okay. And do the cards have a value?

4 A. Yeah, each card -- There's cards that came out
5 when the game started and it's -- they can go up
6 to like \$2,000, \$10,000. It can be expensive.

7 Q. All right. Is there an entry fee associated with
8 the tournament?

9 A. Yeah, it's usually like each pack of cards costs
10 between 3 and \$4. And you get 3 packs to build a
11 deck.

12 Q. Okay.

13 A. And then you play with that. So it's like -- I
14 think they charge \$20 and then they use the
15 remaining money to give out prizes.

16 Q. Okay. And so the last tournament had as many as
17 3,000 participants?

18 A. Yeah, throughout the whole day.

19 Q. All right. In terms of sources for your news,
20 you checked the newspapers and television; which
21 one of those would you say you get most of your
22 news from?

23 A. I would say television.

24 Q. All right. And what kind of -- or -- Well, first
25 of all, what time of day would you ordinarily

1 listen to television newscasts?

2 A. In the mornings, usually before I go to work --

3 Q. All right.

4 A. -- around 5:00.

5 Q. All right. And what are your hours?

6 A. For work?

7 Q. Yup.

8 A. Six to two.

9 Q. Six to two. So what do you do when you get home

10 from work?

11 A. Depends on what I have planned. Usually either

12 watch TV, make something to eat, go to the Y, go

13 down to the card shop, play cards. That's

14 basically it.

15 Q. All right. And newspapers, how often do you read

16 the newspapers?

17 A. I usually get the Sunday paper.

18 Q. All right. And maybe, what, one other day of the

19 week maybe, or just Sunday?

20 A. Just the Sunday paper.

21 Q. All right. Considering the television and the

22 Sunday papers, have you followed this particular

23 case at all through the media?

24 A. I haven't really seen it in the paper. No, I

25 would say I haven't followed it.

1 Q. Okay. When do you recall last seeing an article
2 in the paper or last hearing a television
3 broadcast regarding the events of this case?

4 A. I can't say that I have.

5 Q. Anything -- Well, let's just -- anything in the
6 last month for instance?

7 A. I usually don't look at the front page. I
8 usually just look at classifieds.

9 Q. Okay. While we're there, anything in particular
10 that you're looking for in the classified
11 section?

12 A. Apartments.

13 Q. Okay.

14 A. Anything for sale in the classifieds like
15 couches, dressers.

16 Q. Okay. Are you living at home now?

17 A. No, I live in an apartment.

18 Q. In an apartment. So you're thinking of moving
19 up, as it were, a better apartment?

20 A. Yeah.

21 Q. All right. How long have you been living on your
22 own?

23 A. Like five years.

24 Q. Okay. All right. What, if anything, can you
25 tell us that you remember hearing or reading

1 about this case in either the television, news,
2 or the Sunday paper?

3 A. I remember somebody talking about at work that
4 there was a box of blood that was tampered with
5 or something.

6 Q. Okay.

7 A. Something like that.

8 Q. And when do you recall hearing that?

9 A. That was maybe -- I can't remember when I heard
10 that. I just remember it at work, somebody
11 talking about it.

12 Q. Would that have been fairly recently or was that
13 some time ago?

14 A. I would say it was pretty recent.

15 Q. Okay. So that was not from the media, but just
16 one of your co-workers.

17 A. Yeah, just somebody talking about it.

18 Q. All right. Were they talking directly to you or
19 were they talking, you know, in a conversation
20 with somebody else and you just happened to be
21 standing by or nearby?

22 A. They were talking between each other and I walked
23 past them.

24 Q. Okay.

25 A. I heard about it.

1 Q. Okay. Did you participate or join in in the
2 conversation at all?

3 A. No.

4 Q. Did you continue on your way or did you stop and
5 listen to some of the conversation or ...

6 A. I was talking to the other two that were next to
7 him.

8 Q. Okay. So you were talking to two other people --

9 A. While they were talking about something.

10 Q. -- in close proximity to these two having a
11 discussion?

12 A. Yeah.

13 Q. And do you recall any more of the conversation
14 that the other two were having regarding this box
15 of blood?

16 A. That's basically all they were talking about was
17 that it was either tampered with or somebody put
18 it there. I don't remember.

19 Q. I'm sorry, I couldn't quite hear you.

20 A. They said it was tampered with or somebody placed
21 it somewhere. I can't remember what they were --
22 I wasn't really listening to what they were
23 saying.

24 Q. Okay. So you remember hearing those words --

25 A. Yeah.

1 Q. -- but you don't have a context in which to place
2 them?

3 A. Yeah.

4 Q. What else, if anything, do you remember hearing
5 about the case, not necessarily from that
6 conversation, but any other conversation or any
7 other news coverage of it?

8 A. I can't say that I -- That's the only thing I
9 have really heard.

10 Q. All right. Do you ever remember reading or
11 hearing anything about a fellow by the name of
12 Dassey?

13 A. Dassey, Dassey. There was a guy at work that
14 talked about Dassey.

15 Q. Okay. What do you recall hearing about that
16 fellow?

17 A. Um, that he -- What did he do? Um, something
18 about him getting off a school bus and -- What
19 was he doing? I just remember him -- that he was
20 getting off a school bus and he was going --
21 Where was he going? I can't remember where he
22 was going.

23 Q. Okay.

24 A. But ...

25 Q. Anything else stick in your mind about after he

1 got off the school bus as to what might have
2 happened or what he might have said happened?

3 A. That he was -- I'm trying to think.

4 Q. If you can't remember, that's fine. We're just
5 trying to see what might be up in your head
6 there. That's all.

7 A. I just -- It was hearsay. I don't know what they
8 were -- They talked about that one a lot at work.
9 And I just don't really -- I didn't really pay
10 attention too much to them.

11 Q. Okay. They talk about it a lot at work but you
12 apparently have not been interested in the
13 discussion?

14 A. I usually talk with -- There's two people that
15 are usually talking about it and I don't really
16 talk to them too much.

17 Q. Okay. Do you have any opinion at all regarding
18 Mr. Avery's guilt or innocence, based on anything
19 that you heard from the news or anything that
20 anybody at work has been saying or talking?

21 A. I really don't know, either way.

22 Q. Okay. Do you watch much TV, I mean, regular
23 television shows?

24 A. Regular television, yeah.

25 Q. Now, you indicated that in your way of thinking

1 that shows like *Crime Scene Investigation* and
2 *Bones* are not very realistic. Can you tell us a
3 little bit why you think that.

4 A. Most of them aren't really based off of true
5 stories or ...

6 Q. Do you watch those shows frequently?

7 A. I watch -- what is it -- crime scene special
8 victim's unit I think it's called, maybe twice a
9 week.

10 Q. Okay. So even though you don't find it very
11 realistic, is there a particular reason why you
12 watch it once or twice a week?

13 A. It's interesting. My girlfriend likes watching
14 it.

15 Q. All right. All right. Now, you said you had a
16 couple of interesting experiences, I just wanted
17 to ask you about. You said at one time your dad
18 was accused or arrested for spanking your younger
19 brothers, but the case never went anywhere. Can
20 you tell us a little bit about that experience.

21 A. Yeah, he was -- What happened was, my two little
22 brothers, they -- there was flies in our bedroom
23 from because it's hot out in the summer. They
24 had took everything out from underneath the
25 cupboard, bleach, Drano, and just put it all over

1 our floor in our bedroom.

2 So my dad spanked them because they
3 weren't supposed to go underneath there. My mom
4 took them to the hospital, and she told them they
5 had bruises. The police came to my dad's work
6 and took my dad.

7 And after I think it was a month or two,
8 it got thrown out for -- I don't remember. It
9 was something with the judge. I don't remember
10 what it was.

11 Q. How old were your little brothers at the time?

12 A. I want to say five and seven.

13 Q. Okay. So, as I -- as I understand it, they were
14 trying to get some cleaning materials and in
15 their youthful exuberance kind of made a mess of
16 things in the bedroom?

17 A. Yeah. A really big mess. There was a thick goop
18 on the floor.

19 Q. I'm sorry?

20 A. There was a thick goop on the floor.

21 Q. All right. So in their effort to clean things up
22 they kind of made things worse?

23 A. Yeah.

24 Q. All right. So that did not set well with your
25 dad?

1 A. No.

2 Q. Okay. So he spanked them and your mom took them
3 in for some medical treatment?

4 A. Yeah, to see if they had poisoning from anything
5 that was under the sink.

6 Q. Oh, from all the chemicals that they were playing
7 with?

8 A. Yeah.

9 Q. And then they had to explain how they got the
10 bruises?

11 A. Yeah.

12 Q. Okay. Did that experience -- Does that, or would
13 that have any affect on your ability to be a
14 juror in this case, your encounter? I assume
15 that the police were involved in that?

16 A. Yeah, there was two police officers.

17 Q. Okay.

18 A. I don't know, they seemed -- they seemed okay.
19 Didn't seem to -- They just came in and asked us
20 questions, like, if he ever did anything to us.

21 Q. Okay.

22 A. But it was -- it was a bad experience, but it
23 wasn't a bad experience with the police officers.

24 Q. Okay. Just kind of embarrassing for the family
25 in other words?

1 A. Right.

2 Q. In terms of how law enforcement handled
3 themselves, you were not -- it was not a bad
4 experience from that perspective?

5 A. I think if they would have, you know, took into
6 consideration what was going on, it wouldn't have
7 even went that far, but ...

8 Q. So, in other words, you might disagree with their
9 judgment to make an arrest?

10 A. Yes.

11 Q. But in terms of, otherwise, how they dealt with
12 you and your mom they seemed fair otherwise?

13 A. Yeah, I would say so.

14 Q. Okay. Now, you also had an experience with law
15 enforcement. If you can tell us a little bit
16 about that. You said you were with -- in your
17 friend's car and looks like you were involved in
18 an accident of some sort. Tell us about that
19 experience.

20 A. We were driving down Dewey Street by Wal-Mart.
21 And there was a car that was stopped, but he
22 didn't have his blinker on. And then he turned
23 his blinker on and then we hit the back of him.
24 And we slid a little bit. And then when we got
25 out of the car, the police -- there was a lady

1 police officer, woman police officer, and then
2 later on a guy showed up. And then the woman was
3 trying to question me and she just walked away,
4 basically.

5 Q. Okay. Were you the driver of the car?

6 A. No, I was sitting in the back seat. I was trying
7 to explain to her. You know, she asked me what
8 happened and then she kind of just walked away.

9 Q. Okay. That is the -- And that was a Manitowoc
10 Police Department?

11 A. I think so. That was right by Wal-Mart. I think
12 she was a Manitowoc police.

13 Q. Well, did she have a blue law enforcement outfit
14 or a brown one?

15 A. God, that was -- I think it was a brown one.

16 Q. Brown?

17 A. Yeah, I think so.

18 Q. Okay. Have you had any other encounters with law
19 enforcement?

20 A. Not that I can think of --

21 Q. Okay.

22 A. -- off the top of my head.

23 Q. Did your friend get a ticket out of that
24 incident?

25 A. He got a ticket but then he went to the

1 courthouse and he got it cut in half, I think it
2 was.

3 Q. So he got a reduced fine?

4 A. Yeah.

5 Q. Okay. How did that experience with the police
6 officer -- how did that sit with you?

7 A. Not very well.

8 Q. Okay. Well, tell us why. Tell us about that.

9 A. She didn't listen to what I had to say.

10 Q. Okay.

11 A. That's -- That's about it.

12 Q. Did she take some time to interview your friend
13 who was driving and get his version of what
14 happened?

15 A. The other officer took me and my -- the other guy
16 who was in the car, took him to school and took
17 me home.

18 Q. Okay. Took him to school and took you home. How
19 long ago was this?

20 A. I would say two years, maybe a little longer.

21 Q. Well, the reason I ask these questions is there
22 will probably be a fair amount of testimony from
23 law enforcement officers, some police officers,
24 some sheriffs officers, some state agents, maybe
25 some state patrol individuals. So is there

1 anything about your two encounters with law
2 enforcement that makes you doubt whether you can
3 evaluate their testimony the same way you would
4 any other witness?

5 A. I don't know. It -- I guess it would depend on
6 how they answer questions or --

7 Q. Okay.

8 A. -- how they act. I don't know.

9 Q. All right. Depending on how they answer the
10 questions or how they act; that's a good answer.
11 Anything in particular you might be looking for
12 in terms of giving their testimony a fair shake?

13 A. I don't know. I ...

14 Q. Okay. Well, if the Court instructs you that you
15 are to evaluate their credibility, their
16 believability, their honesty, the same way you
17 would any other witness, would you be able to
18 follow that instruction, even though you have had
19 these two other experiences in your youth?

20 A. I think I could.

21 Q. All right. You would give it your best shot?

22 A. Yeah.

23 Q. Okay. And in that regard, in the terms of
24 evaluating the evidence in this case, if you were
25 selected as a juror, do you think you could

1 decide the guilt or innocence of Mr. Avery, based
2 solely on the evidence that is presented in
3 court?

4 A. I think so, yeah.

5 Q. All right. Is there anything about your previous
6 experiences with law enforcement that really
7 makes you wonder, or really have a doubt in the
8 back of your head whether you could do that?

9 A. Personally, I think it was just that one lady,
10 she seemed like she was having a bad day.

11 Q. Okay. And we all have bad days, don't we?

12 A. Yeah.

13 ATTORNEY FALLON: All right. That's all I
14 have for this witness. Thank you.

15 THE COURT: Mr. Buting.

16 ATTORNEY BUTING: Thank you, Judge.

17 **VOIR DIRE EXAMINATION**

18 BY ATTORNEY BUTING:

19 Q. Good afternoon. My name is Jerome Buting. And
20 I, along with Dean Strang here, are the attorneys
21 for Steven Avery. I assume you understand that.

22 A. Mm-hmm.

23 Q. I have some follow-up questions and a few others
24 for you, sir. You say that you play computer
25 games?

1 A. Yeah.

2 Q. Do you also have Xbox?

3 A. No.

4 Q. Or play stations?

5 A. I have a game cube that my friend gave me that I
6 never play.

7 Q. Okay. Do you ever play games like Grand Theft
8 Auto?

9 A. I played it once.

10 Q. Okay. That game and maybe some other games you
11 have had the opportunity to play; do they involve
12 games where people can sort of -- fantasy games
13 where people can pretend to do things they
14 couldn't really do?

15 A. Yeah, I would say so.

16 Q. And in Grand Theft Auto they are actually
17 pretending to do crimes?

18 A. Yeah.

19 Q. Some of them pretty bloody crimes, right?

20 A. Yeah.

21 Q. Including sexual assaults, shootings?

22 A. I think you can do shootings in Grand Theft Auto,
23 but I don't know about sexual assaults.

24 Q. Okay. Any of these other games that you have
25 seen that you play that people can do those kinds

1 of things?

2 A. Just the Grand Theft Auto, I think.

3 Q. Do you know some people who just seem to be -- I
4 don't know if obsessed is the word, but they play
5 so many of these games that it's almost like
6 their life; do you know people like that?

7 A. I know one kid like that, yeah.

8 Q. Yeah. Okay. The name of this tournament, did
9 you call it Magic Gathering or Magic --

10 A. Magic, The Gathering.

11 Q. Magic, The Gathering.

12 A. Yeah.

13 Q. And is that probably your, like, number one hobby
14 would you say, or number one outside interest?

15 A. Yeah, it used to be. I kind of slowed down a
16 little bit with it since I started working.

17 Q. How long have you been involved with that
18 particular thing?

19 A. Oh, probably like seven years, I would say.

20 Q. Oh, okay, so it's -- Are people still doing
21 Pokémon or has that kind of died out?

22 A. That's kind of died out.

23 Q. This has -- but this has had longer staying power
24 it sounds like?

25 A. Yeah, this has been since I think 1990, I think

1 or -- no.

2 Q. Okay.

3 A. Around there somewhere.

4 Q. Somewhere like that.

5 A. Yeah.

6 Q. And these -- these cards have acquired, like,
7 collector's value, particularly the early ones
8 that come out?

9 A. Yeah.

10 Q. These prior incidents that you have had with
11 police, so your father was actually charged with
12 a crime for simply trying to discipline his
13 children, right?

14 A. It's been a while, I think so, yeah, I'm pretty
15 sure.

16 Q. He came to court?

17 A. I wasn't at court, so I don't ...

18 Q. Okay. But as far as you know he had to -- he had
19 to -- did he have to get a lawyer?

20 A. Yes.

21 Q. Okay.

22 A. I think so.

23 Q. And the case proceeded for a couple of months you
24 said?

25 A. Yeah, it was. Yeah.

1 Q. And eventually a judge or somebody threw the case
2 out?

3 A. Yeah.

4 Q. So your father got lucky, basically, right?

5 A. Well, I don't know if it was lucky. I think it
6 was just something that -- I don't know how to
7 explain that.

8 Q. Well, okay. I understand. Were you surprised it
9 even went that far before it finally got dropped?

10 A. Yeah, I was kind of surprised I would say.

11 Q. In fact, I think you said that -- I mean, that
12 was a serious charge, right?

13 A. Yeah.

14 Q. Some sort of felony child abuse probably, right?

15 A. I think it was child abuse that he was charged
16 with.

17 Q. Okay. And you said that you thought if -- maybe
18 if the police, at the very beginning, had maybe
19 taken into consideration all the circumstances,
20 it never would have gone that far, right?

21 A. Yeah.

22 Q. And then you had another incident with apparently
23 a Manitowoc County sheriff deputy. If she was
24 wearing brown; was it in Manitowoc County?

25 A. Yeah, it was in Manitowoc. It was right by

1 Wal-Mart where it happened.

2 Q. Okay. Where you were concerned, again, that
3 officer wasn't listening to your side and wasn't
4 listening to all of the circumstances, right?

5 A. Right.

6 Q. So if you had a couple of experience then where
7 you noticed that officers can sometimes, you
8 know, almost have tunnel vision and just focus on
9 one aspect of what's going on and ignore some
10 other things that are going on around the
11 outside?

12 A. Um, that would -- yeah, that would kind of seem
13 like what it was.

14 Q. Okay. In fact, in your case where the officer
15 didn't even want to hear another witness who was
16 sitting right there, right?

17 A. Yeah.

18 Q. Do you think that that's -- you said that that
19 officer was just maybe having a bad day you
20 thought?

21 A. That's what it seemed like, I don't know.

22 Q. Okay. On the other hand, your father experienced
23 something similar, right?

24 A. Yeah, that was in Michigan, I think it was.

25 Q. Okay. But do you think that -- that police

1 officers can -- can do that, that they can
2 sometimes get too focused on one part of the case
3 or one part of their investigation and just kind
4 of, you know, full speed ahead down this road and
5 that's it?

6 A. It seems like it, yeah, with the two that I
7 encountered.

8 Q. Okay. Is that the only two times that you have
9 encountered police?

10 A. That I can -- that I can remember, yeah.

11 Q. Okay. Now, do you think that police officers if
12 they come -- actually come into court and testify
13 and take an oath to swear the truth; do you think
14 that they are more or less likely to tell the
15 truth than the ordinary citizen who comes into
16 court and takes the very same oath? Or the same?

17 (Court reporter couldn't hear.)

18 Q. Or the same, in other words, are they more
19 likely, less likely, or the same likely?

20 A. I would say the same.

21 Q. Okay. So there's -- You don't think there's
22 anything about officers that makes them more
23 believable or more trustworthy when they take the
24 oath than an ordinary citizen, right?

25 A. Yeah, I would say that's right.

1 Q. Okay. Do you think it's possible a police
2 officer could lie under oath?

3 A. Yeah, I think it's possible.

4 Q. Just like anyone else?

5 A. Yeah.

6 Q. All right. Do you think it's possible that
7 police officers would get so invested in their
8 case that they want to get somebody they think is
9 guilty and maybe cross the line in doing so?

10 A. I don't know.

11 Q. Have you ever heard of that happening?

12 A. I have heard of that like on TV, but I don't know
13 if ...

14 Q. Okay. So you have seen it on TV where sometimes
15 police officers cross the line, right?

16 A. Yeah.

17 Q. The CSI shows and, you know, they get real
18 personally involved. And of course in those
19 shows there's usually no doubt about who the
20 guilty person is, right?

21 A. Right.

22 Q. And the officers are usually portrayed as heroes
23 because they are going after the guilty guy and
24 really getting him, right?

25 A. Yeah.

1 Q. But you can -- Can you see that if that happens
2 in real life and they happen to be focused on the
3 wrong person, that that could be a serious
4 problem?

5 A. Yeah, that would be a problem.

6 Q. Okay. And if you're selected as a juror in this
7 case, will you be able to evaluate all the
8 evidence and consider the possibility that maybe
9 they have focused on the wrong guy?

10 A. If that's part of the evidence ... Yeah, I would
11 think so, if it's part of what I have to look at.

12 Q. All right. What do you know about Mr. Avery's
13 background?

14 A. Runs or owns a junkyard.

15 Q. Okay. Do you know anything about a situation
16 where he spent a long time in prison and was
17 exonerated by DNA?

18 A. Um, yeah, I heard about that. He was -- That's
19 basically all I heard, that he was in prison and
20 that he was left out because of DNA.

21 Q. That he was wrongly convicted actually, right?

22 A. Yeah.

23 Q. And you heard that from media, or from your
24 co-workers, or what?

25 A. He was -- My dad was talking about it.

1 Q. And was your dad -- There was no doubt in your
2 mind or your dad's mind that Mr. Avery was, in
3 fact, wrongly convicted and spent all that time
4 in prison, right?

5 A. Right.

6 Q. So, as he sits here today, given what you have
7 heard from your co-workers and what little
8 information you have had, can you presume that he
9 is innocent of these charges?

10 A. I haven't really heard too much. I don't really
11 know what's ...

12 Q. Well, do you think the fact that he is here today
13 and that this case has progressed as far as it
14 has, right up to a trial here; do you think that
15 that means that he must have done something
16 wrong?

17 A. Yeah, must mean, yeah, he done something wrong.
18 I don't know.

19 Q. Why would you think that?

20 A. Because he is charged for -- is it the murder of
21 Teresa, I think it was.

22 Q. Okay. Well, your father was also charged?

23 A. Yeah.

24 Q. And you know Mr. Avery was also charged and
25 convicted once, wrongly, right?

1 A. Mm-hmm.

2 Q. Correct?

3 A. Correct.

4 Q. Did you know that that case went all the way to a
5 trial as well?

6 A. I didn't know that, no.

7 Q. Okay. So do you think, then, the mere fact that
8 someone, not just Mr. Avery, the mere fact that
9 someone gets this far in the process and has to
10 have a jury to decide, means that it's more
11 likely than not that they have done something
12 wrong or they wouldn't have gotten as far --
13 gotten themselves in this situation, or they
14 wouldn't have found themselves in this situation
15 in the first place?

16 A. Um ...

17 Q. You're not sure about that?

18 A. Yeah, I don't know.

19 Q. Is that because you are having a hard time seeing
20 how somebody could be innocent and be sitting
21 here?

22 A. Well, my dad was kind of in the same situation
23 so, or in that situation where he was innocent
24 and he was still sitting there.

25 Q. Mm-hmm.

1 A. So I could see how an innocent person could still
2 be.

3 Q. Okay. I appreciate that. And so, I mean, given
4 that knowledge and the Judge will instruct you
5 that you will have to presume Mr. Avery innocent.

6 A. Yeah.

7 Q. And -- But I want to be sure that that's not just
8 something that you are going to mouth back or
9 parrot back, yes, I can do that. Do you really
10 believe that you can do that, that you can
11 presume Steven Avery innocent and unless and
12 until, or if the State can prove otherwise,
13 beyond a reasonable doubt?

14 A. Yeah, I think -- I'm positive I can do that, that
15 he's innocent before.

16 Q. Okay. Now, along with that there's sort of a
17 complicated quandary that any defendant finds
18 himself in and that is the question of whether or
19 not the defendant should testify at the trial.

20 A. Okay.

21 Q. Do you know that a defendant has a constitutional
22 right not to testify?

23 A. Yeah, I know that.

24 Q. You have learned that, right?

25 A. Yeah.

1 Q. Okay. On the other hand, a defendant may choose
2 to testify and Mr. Avery may choose to testify,
3 but that some people might tend to discount
4 whatever he says because he's the defendant, he's
5 in trouble, he will say whatever he needs to say
6 and not listen to him like any other witness; can
7 you see that problem?

8 A. Yeah, I can see that problem.

9 Q. So, when Mr. Strang and I are talking amongst
10 each other, trying to decide whether Mr. Avery
11 should take the stand, we have to know if you can
12 promise that you won't -- that you will follow
13 the Judge's instruction, that if he doesn't
14 testify, you can't use that against him, can't
15 consider it in fact in any way, or if he does
16 testify, you have to consider him like any other
17 witness; can you promise to do that?

18 A. Yeah, I can promise to do that.

19 Q. Do you think, though, that if he doesn't testify
20 that he's hiding something?

21 A. I couldn't really say. I don't know if -- I
22 don't think he would be hiding anything if he
23 doesn't testify, I don't know.

24 Q. Why, because there's other reasons that somebody
25 might not testify besides the fact that they are

1 actually guilty; I mean, they could be completely
2 innocent and choose not to? Do you think that?

3 A. Yeah, they could. I don't know. I couldn't -- I
4 don't know why, but I think -- I think they
5 could. I don't know.

6 Q. You are going to hear a lot of testimony, or a
7 lot of evidence about a crime. And if -- if
8 Mr. Avery says he didn't do it, you may wonder,
9 well, then who did, right?

10 A. Right.

11 Q. Human nature. Are you going to expect that
12 Mr. Avery is going to have to convince you who
13 did it, if he didn't?

14 A. Depends, I don't know if he was there when it
15 happened or when.

16 Q. Well, if -- in other words, if -- are you going
17 to say, look, if -- if the defendant -- if the
18 defense can't tell us who really did kill this
19 woman, then it must be him and I'm going to find
20 him guilty?

21 A. So you are, like, saying if he didn't do it
22 somebody else did, but nobody knows who, right?

23 Q. Yeah, that may well be the way the evidence comes
24 in. And if you -- Go ahead.

25 A. I just drew a blank right when you started

1 talking.

2 Q. Okay. If you -- I guess what I'm asking then is,
3 if the State puts on its case and you have a
4 reasonable doubt that Mr. Avery may not have
5 committed this crime, but you start thinking and
6 you're talking among other jurors and you say,
7 well, yeah, but if he didn't do it then who did.
8 Come on, I mean, somebody did it. It's got to be
9 him, we haven't heard anything else. We don't
10 know anybody else.

11 But if you still have a doubt, from the
12 State's case, that Mr. Avery did it, will that be
13 enough for you to render a verdict of not guilty,
14 or will you be still searching and holding the
15 defendant out to some burden of convincing you
16 who really did this crime?

17 A. I would be instructed to go by the evidence, so I
18 would have to, you know, whatever is shown, I
19 don't know.

20 Q. You have to what?

21 ATTORNEY FALLON: I'm sorry --

22 A. Go by whatever is -- I don't know how to put
23 that.

24 Q. Let me put it this way, do you think that -- do
25 you understand that Mr. Avery does not have any

1 burden of proof at all in this case?

2 A. No. No, I didn't know that.

3 Q. Oh, you didn't know that. Okay. Well, the Judge
4 will tell you that the State has the entire
5 burden of proof in any criminal case. And that
6 the defendant can just sit here, in fact, and do
7 nothing. And if the State doesn't present a
8 strong enough case, you have to find not guilty?

9 A. Oh, okay.

10 Q. Or the defendant could, you know, progressively
11 challenge, cross-examine all the State's
12 witnesses and not choose to put on any of his own
13 witnesses or her own witnesses. And if -- if the
14 State didn't convince you, beyond a reasonable
15 doubt, you would have to find not guilty, okay?

16 A. Okay.

17 Q. So I just want to be sure that if the Judge tells
18 you that Mr. Avery does not have to prove his
19 innocence, that he is presumed innocence --
20 innocent, that you are going to be able to follow
21 that instruction and not fall back on what's kind
22 of human nature, which is, hey, well, who did it
23 if he didn't?

24 A. Yeah.

25 Q. You will follow the instructions?

1 A. Yes.

2 Q. All right. What about if you -- if you felt that
3 way, that is, if you felt that the State had not
4 convinced you, beyond a reasonable doubt, and
5 thought about, therefore, voting for a verdict of
6 not guilty; would you be concerned about what
7 your family or friends might think about you?

8 A. Yeah. A little bit, yeah, I would say I would.

9 Q. Because most of your family, or friends, or
10 circle of people you know have strong opinions
11 already?

12 A. The people at work, most of them have strong
13 opinions.

14 Q. And that opinion is what?

15 A. They both -- they go either way. Some say he is
16 guilty, some say he is innocent.

17 Q. Okay. So if you became convinced that a not
18 guilty verdict was the appropriate one, you would
19 still have some fear --

20 A. Yeah, there would still be a -- what would you
21 call it -- there would still be people who would
22 probably be upset or whatever.

23 Q. And would that bother you? Sounds like it would
24 bother you a little bit?

25 A. Yeah, I would say it would bother me a little bit

1 that they would be upset, but ...

2 Q. Do you think you would be -- that concern that
3 you would have would be enough that it might
4 change your mind and cause you not to vote not
5 guilty?

6 A. It could go either way so that, you know, because
7 there's people there that think he's innocent, or
8 he is guilty, or so it could go either way.

9 Q. So if it came back guilty, there would be people
10 upset too?

11 A. Yeah.

12 Q. So what I'm asking, then, is aware of the fact
13 that you may get some sort of a reaction either
14 way, would you be able to put that aside when you
15 are in the jury room and deliberating on what the
16 proper verdict should be?

17 A. Yeah, I believe I could.

18 Q. Well, having heard everything you had today, let
19 me just ask you one last question. Do you -- Do
20 you feel like you want to be on this jury?

21 A. Not really.

22 Q. Is it something you would feel like you would do,
23 though, if it was your civic duty, if you had to?

24 A. Yeah.

25 Q. All right. Thank you, very much.

1 A. Thank you.

2 THE COURT: All right. At this time the
3 clerk will -- Mr. Fallon.

4 ATTORNEY FALLON: There is one matter that
5 I just noticed, neither counsel followed up on and
6 it was a question related to possible hardship that
7 was not answered on the questionnaire. Do we want
8 to ask about that, Question 76 went unanswered?

9 THE COURT: I will ask it.

10 ATTORNEY FALLON: Okay.

11 **VOIR DIRE EXAMINATION**

12 BY THE COURT:

13 Q. Mr. Saari, there was a question on the
14 questionnaire that asked, because the trial could
15 take approximately six weeks, whether or not that
16 would pose any type of hardship for you if you're
17 selected to serve on the jury. You did not
18 answer that question; does that mean that it
19 would not be a hardship for you to serve?

20 A. There wasn't anything going on.

21 THE COURT: Okay. All right. Thank you.
22 At this time the Clerk will escort you from the
23 courtroom.

24 (Wherein the juror was excused.)

25 THE COURT: Is there a motion from either

1 party regarding this juror?

2 ATTORNEY FALLON: Not from the State.

3 ATTORNEY BUTING: Not from the defense,
4 Judge.

5 THE COURT: All right. Very well,
6 Mr. Saari is in.

7 ATTORNEY BUTING: Judge, I do have a
8 further comment, though, on the last juror,
9 Mr. Klein.

10 THE COURT: Okay.

11 ATTORNEY BUTING: Based on -- Following up
12 with the Court's comments right after lunch that you
13 thought that although he had -- there was some
14 question about his exposure to information and media
15 after he was told not to, the Court said that it
16 didn't seem like he had been exposed to anything
17 significant. But, in fact, I think he has.

18 He testified that he specifically knew
19 about an order to test this blood vial that would
20 supposedly show one way or another whether it was
21 a source of planting. Now, that decision was
22 made by this Court in this court at 3:30 p.m. on
23 Friday, a full five days after the jurors had
24 come in here and were told to avoid any publicity
25 or anything significant. And that evidence may

1 not even be admissible, even if it is tested,
2 this Court has said.

3 So now we've got somebody who has been
4 exposed to significant information that may not
5 be admissible and contrary to what the Court had
6 ordered. And that's right, probably not at work
7 because he got off work at 3:30, so he wouldn't
8 have heard about that decision at work. It must
9 have been some time after that, perhaps on the
10 weekend, or on the radio there, or somehow he had
11 been exposed to that information, which wasn't
12 ruled on by this Court until 3:30 Friday
13 afternoon.

14 THE COURT: Mr. Fallon.

15 ATTORNEY FALLON: Well, I see counsel's
16 point, but I'm not sure that it's all that perfectly
17 clear that that is the case. Because the issue of
18 the blood vial and whether there should be an
19 adjournment, whether it should be tested, whether it
20 should be excluded, has been the object of quite a
21 bit of litigation since January 4th.

22 And there are a number of people that
23 when you talk to who think they may have
24 understood the news correctly and have not, you
25 know, understood the news correctly. In fact,

1 just a personal anecdote, I had people ask me, so
2 the Judge has decided to keep the vial out. And
3 at that point in the proceeding the only thing
4 that had been filed was the motion to exclude it.
5 So the people have heard something.

6 But I'm not entirely sure that Mr. Klein
7 was of that -- in other words, that what he
8 thought he heard about the blood vial must have
9 come after 3:30 on Friday afternoon, I'm not
10 convinced the record reveals that at all. And I
11 defer to the Court's original ruling. I think
12 you had it right, he is doing his absolute level
13 best to avoid any of that. He just happened to
14 hear something about a blood vial on the radio
15 and testing it.

16 THE COURT: All right. Well, I will try to
17 take a look this evening at that part of the
18 transcript again, but I didn't -- I suppose there
19 are a number of possible explanations for any
20 comment he would have made regarding the blood vial.
21 It has been in the news. The motions regarding the
22 blood vial have been pending and have been heard for
23 the last month and a half or so.

24 I just -- My primary impression from him
25 was that he had attempted to avoid being exposed

1 to publicity, but recognized that because of the
2 place where he works it was impossible to
3 completely avoid exposure because of the fact
4 that the radio is on at his place of employment.

5 But I will take Mr. Buting's comments
6 into consideration, take another look at the
7 transcript and address it again tomorrow if I
8 feel there is a need for the Court to reconsider
9 its decision.

10 ATTORNEY BUTING: Thank you, your Honor.

11 ATTORNEY FALLON: I would also offer,
12 there's nothing that says we couldn't bring him back
13 and clarify that point either if absolutely
14 necessary, if there's any doubt in the transcript.

15 THE COURT: All right. At this point,
16 then, we'll move on to Mr. Stonebraker. Mr. Saari
17 is in.

18 Okay. Mr. Stonebraker, please just
19 stand there a minute.

20 THE COURT: All right. At this time,
21 Mr. Stonebraker, the Clerk will administer the oath.

22 THE CLERK: Raise your right hand, please.

23 (Juror sworn.)

24 THE CLERK: Please be seated.

25 THE COURT: Mr. Stonebraker, you have

1 already completed a written questionnaire in this
2 case. Today we're moving on to the next phase of
3 juror selection which is the individual voir dire
4 process. The attorneys for the parties will have a
5 chance this afternoon to ask some follow-up
6 questions to you concerning answers that you gave in
7 your questionnaire.

8 Before they begin, I want to make sure
9 that you understand that the jurors who are
10 selected in this case will not be sequestered;
11 that is, at the end of trial each day they will
12 be permitted to go home. And with respect to
13 today's proceedings; although these are open to
14 the public, during the voir dire process we do
15 not permit cameras in the courtroom and members
16 of the media are prohibited from disclosing your
17 name in any media reports of these proceedings.

18 In addition, should you be selected to
19 serve on the jury, cameras will not be permitted
20 to take any shots at the trial that disclose the
21 identity of the jurors.

22 In the event you are still on the panel
23 after today's questioning, you will get a phone
24 call in the next day or two letting you know when
25 you have to report back to court.

1 Mr. Fallon, at this time you may begin
2 your questioning.

3 VOIR DIRE EXAMINATION

4 BY ATTORNEY FALLON:

5 Q. Good afternoon, Mr. Stonebraker. My name is Tom
6 Fallon, I'm an Assistant Attorney General with
7 the Wisconsin Department of Justice. I'm one of
8 the prosecutors in this case. And to my left is
9 Mr. Kratz, the Calumet County District Attorney
10 and lead prosecutor in this case. Good afternoon
11 and thanks for returning to help us out this
12 week.

13 I would like to first begin with you
14 telling us a little bit about your duties and
15 responsibilities at we energies, at the power
16 plant. If you would, tell us a little bit about
17 what you do there.

18 A. I'm an instrument control technician, which is
19 part of the maintenance department. We service
20 the instrumentation of the plant, the automatic
21 control systems, and we do what they call
22 surveillance tests, which is on the reactor, and
23 make sure everything is working right and all the
24 safety systems are operating correctly.

25 Q. All right. And how long have you been employed

1 at the plant doing that type of work?

2 A. In May, it will be 18 years.

3 Q. Have you done any other duties or have you had
4 any other responsibilities at the plant other
5 than the control technician?

6 A. Yeah, the first two years I was there I was an
7 auxiliary operator. Which that's the guys
8 that -- they run the plant, out in the plant
9 itself, not the ones in the control room.

10 Q. Okay.

11 A. Although a lot of that time was in training; it
12 takes awhile to train for that.

13 Q. I'm at a loss because I'm not very familiar with
14 nuclear stuff; what -- what is an auxiliary
15 operator?

16 A. They would be the guys that go out and turn
17 valves, take logs on equipment.

18 Q. Okay.

19 A. That kind of thing.

20 Q. All right. So you did that for two years and
21 then for the past, what, 16 or 18 you --

22 A. Sixteen.

23 Q. Sixteen, an instrument control tech -- control
24 technician?

25 A. Correct.

1 Q. Okay. And prior to that, you served in the
2 United States Navy?

3 A. Yeah, I did have a job in between, the
4 questionnaire said three years, though, so.

5 Q. Okay.

6 A. But, yes, I was in the Navy.

7 Q. Sure. What did you do in between then?

8 A. I was a Rad Con Technician at Maryland Naval
9 Shipyard, which I believe is closed now.

10 Q. All right.

11 A. That was in Vallejo, California, near San
12 Francisco.

13 Q. Oh, sure. What kind of work did you do there?

14 A. I was a Radiation Control Technician. We -- We
15 did surveys to make sure that there wasn't
16 radiation getting outside of the -- It was a
17 shipyard.

18 Q. Okay.

19 A. So we're just making sure we do radiation surveys
20 and contamination surveys. Make sure all the
21 radiation and contamination was where it was
22 supposed to be.

23 Q. And what type of duties did you have in the
24 United States Navy?

25 A. I was an Electronics Technician for the nuclear

1 field, which meant that I worked -- I was on the
2 USS Enterprise. And I worked in the engineering
3 spaces where the reactors were, propulsion
4 reactors.

5 And I was an electronics technician. We
6 were the -- We would operate the plant. They
7 have a control panel and we would do that. There
8 was some other watch stations too where you would
9 just monitor the equipment. And, you know, we
10 did maintenance and stuff too.

11 Q. Okay. And how long did you -- Well, let's see, I
12 see you were six years in the Navy?

13 A. Correct.

14 Q. All right. Were you based primarily here in the
15 United States or did you get to travel a bit?

16 A. We were based in the United States, but we
17 traveled. I did two oversea deployments.

18 Q. Okay. Where did you go?

19 A. Philippines, Hong Kong, Singapore, Pakistan,
20 Australia, France and Italy.

21 Q. All right. That's moving around pretty good.
22 How much time in Australia?

23 A. About a week.

24 Q. On your questionnaire, you indicated you consider
25 yourself at least somewhat knowledgable in the

1 area of chemistry?

2 A. We had -- Yeah, I wouldn't consider myself an
3 expert at all, but we had a fair amount of
4 training on chemistry.

5 Q. All right. And is that training something that
6 you rely upon today to assist you in performing
7 the duties as a instrument control technician?

8 A. No.

9 Q. All right. Have you -- Have you used any of that
10 chemistry background training in your current
11 responsibility at all?

12 A. No, the chemistry training I got was in the Navy.
13 And it was just part of a well-rounded background
14 for being a nuclear operator.

15 Q. All right. In terms of nuclear reactors and the
16 science behind them, were you called upon to
17 learn how they actually work and --

18 A. Absolutely.

19 Q. -- and -- All right. And how much science would
20 you say you had been exposed to; in other words,
21 classroom type of work or ...

22 A. Depends on how you want me to quantify it. We
23 had quite a bit. It would be somewhat equivalent
24 to a college degree.

25 Q. All right. Was that -- That was in -- training

1 that was mandated for the type of work you were
2 doing --

3 A. Correct.

4 Q. -- in other words?

5 A. Right.

6 Q. And so you had a fair amount of it, a couple
7 years worth of training; on-the-job training, I
8 would I imagine.

9 A. There was -- Well, first I had training in
10 electronics because I was going to be an
11 electronics technician. And then I went to
12 nuclear power school, which was all classroom.
13 And, then, after that there was prototype
14 training I went to in Idaho and that was hands
15 on. And each of those was about six months.

16 Q. Okay. All right. So how do you like being a
17 manager of a softball team?

18 A. Oh, it's -- I like softball a lot. I play on two
19 different teams. It's fun. And I forgot to put
20 on there I'm on the Manitowoc County -- or
21 Manitowoc Rec Department Softball Commission.

22 Q. All right.

23 A. So, I like softball a lot; I enjoy it.

24 Q. What do you do for the Rec Commission; what kind
25 of responsibilities or --

1 A. Well --

2 Q. -- what's your level of participation?

3 A. Yeah, we haven't had any meetings for a while so

4 I'm not sure what's going on with that, but when

5 we did have meetings we would talk about ways to

6 improve the diamonds in Manitowoc, in the city.

7 Q. All right.

8 A. Like we had discussions about, some of the fields

9 needed new benches. We would talk about rules,

10 improvements, you know, things like that. Bat --

11 We had things for checking bats to make sure

12 people weren't using illegal bats, things like

13 that.

14 Q. All right. No cork bats?

15 A. Right. Well, the equivalent in softball would be

16 a titanium bat so.

17 Q. All right. Do you like managing people?

18 A. I don't really do it that much. I don't mind it.

19 I mean, a little, sure.

20 Q. All right. Did you have supervisory

21 responsibilities when you were in the Navy?

22 A. No. Um, some people, the rank I was at did, but

23 I didn't.

24 Q. All right. Were you -- Did you work mostly alone

25 or were you on, like, a team of technicians; how

1 did you ...

2 A. In the Navy?

3 Q. Yeah.

4 A. We -- The Enterprise had four different plants.
5 They had two reactors each and they would assign
6 us to one particular plant.

7 Q. Right.

8 A. So -- And then it would be divided by jobs, you
9 know, like the mechanic or electrician types,
10 they would be different. So we had -- it's been
11 a long time but, we had 12 or so guys that I
12 would work directly with.

13 Q. All right. Do you work with a team right now or
14 are you pretty much on your own as an instrument
15 control technician?

16 A. We have a shop of about 20 guys, not counting
17 supervisors.

18 Q. All right. You are not one of the supervisors?

19 A. No.

20 Q. All right. In your role as an instrument control
21 technician, have you been involved in writing of
22 safety guidelines or setting up or enforcing
23 safety standards for working with the reactors
24 and other technical equipment at the plant.

25 A. We have procedures for virtually everything we do

1 and I have -- I did spend some time doing
2 procedure writing, so, yes.

3 Q. All right. Did you enjoy having a hand in that?

4 A. It was interesting. It's nice to do something a
5 little different every once in a while. The deal
6 was that I was just temporarily assigned to it
7 for a couple years. You know, they kind of
8 rotate people through.

9 Q. Right.

10 A. So.

11 Q. All right. Very good. Well, I would like to
12 talk to you a little bit now about some of the
13 information or what you think you may know about
14 our particular case. And I would like to begin
15 with the news media and coverage of the case.
16 You indicate you get most of your news from the
17 radio and the internet?

18 A. Yeah, mostly the internet.

19 Q. All right. You are not much of a television guy,
20 then?

21 A. I never watch, or almost never watch, the local
22 news. And I don't care to watch the national
23 news all that much either.

24 Q. Okay. What kind of radio or what radio stations
25 do you regularly listen to?

1 A. Either a Christian radio stations or like talk
2 radio.

3 Q. Okay.

4 A. And sports, sports talk also.

5 Q. Okay. What type of talk radio, any particular
6 station or --

7 A. Well --

8 Q. -- broadcaster that you find interesting?

9 A. Yeah, I live so close to where I work and the
10 only time I ever listen to it is when I'm in the
11 car for my 12 minute drive in. But when I -- the
12 little bit I hear is, like, sometimes I will hear
13 the end of Rush Limbaugh or Mark Belling out of
14 Milwaukee.

15 Q. Okay. But then these are, as you say, short
16 listens as it were?

17 A. Very short. And if I -- if I go home and I drive
18 into Manitowoc to do a shopping trip or
19 something, I might listen to it too. But I --
20 If, like, if you were to ask me my total time in
21 a week, I would say a couple hours, maybe.

22 Q. Okay. Of all the time that you are in the car?

23 A. Right. And even then, sometimes I will listen to
24 a CD or sports --

25 Q. Right.

1 A. -- radio, whatever, so.

2 Q. What kind of workweek do you have at the plant, I
3 mean, is it regular 40 hour week, or less, more?

4 A. Normally, we work five 8 hour days. Then for
5 refueling outages we work six 12 hour days.

6 Q. I'm sorry, during what?

7 A. Six 12 hour days, that's starting a refueling
8 outage.

9 Q. Oh.

10 A. Each unit, we have one of those every 18 months.
11 It's a two unit plant.

12 Q. Gotcha. All right. In terms of your internet
13 experience, what kinds of things do you use the
14 internet for; do you get your news there, or any
15 other purpose, or ...

16 A. Well, I don't generally go to a news site like
17 cnn.com or abc.com, or any of that kind of stuff.
18 I mostly read blogs and columns.

19 Q. Okay.

20 A. And then I'll -- There's a few TV shows I watch.
21 And I like to read on, you know, shows -- sites
22 that talk about those. For a couple of them, not
23 all of them, but ...

24 Q. Right. All right. Given that background, in
25 terms of your exposure to coverage of this

1 particular case, where would you say you have
2 heard or experienced most of the news from; the
3 radio, the internet, or some other source?

4 A. I haven't read anything on the internet. The
5 radio, a lot of times when I'm driving it will
6 be -- if its on the hour I will hear the six or
7 seven minute newscast they have.

8 Q. Right.

9 A. And a couple times I heard something about it.
10 When the first -- When it first happened I did
11 see some stuff, they put up a TV in our shop to
12 show the -- I can't even remember exactly which
13 event it was. I think it was when they announced
14 they were filing charges. And we watched that
15 for like 10 minutes. And really hasn't been that
16 much.

17 Q. So you only remember that one time, seeing a
18 televised newscast?

19 A. Correct.

20 Q. Okay.

21 A. Did you say anything about newspapers; I can't
22 remember?

23 Q. That's coming up.

24 A. Okay.

25 Q. We're still on the internet and the radio and the

1 one television newscast?

2 A. Okay.

3 Q. So the radio, you might have, if it's the top of
4 the hour --

5 A. Right.

6 Q. -- you catch whatever they throw at you?

7 A. A little blurb, yeah.

8 Q. Right. And nothing on the internet; you don't
9 use that to read up on the case, for instance?

10 A. Right. Right. I don't go, like, to the
11 heraldtimesreporter.com. I have gone there a few
12 times.

13 Q. Mm-hmm.

14 A. Never for that case.

15 Q. Okay.

16 A. It would always be something specific I might
17 have an interest in.

18 Q. All right.

19 A. You know.

20 Q. Do you recall, then, seeing any newspaper
21 articles on the case?

22 A. Yes.

23 Q. Okay. Anything in the last month?

24 A. Well, my in-laws, my wife's parents, live with us
25 and they subscribe to the Herald-Times Reporter.

1 I never read it cover to cover because it just
2 doesn't interest me that much. Typically, what I
3 will do is I will scan the cover, see any big
4 goings on that I didn't hear about. And so I did
5 see an article recently about charges being
6 dropped.

7 Q. Okay.

8 A. Which I sort of knew any way.

9 Q. Right.

10 A. But I didn't read it.

11 Q. You didn't read it?

12 A. No.

13 Q. So you just looked at the headline and moved on?

14 A. Right. Oh, there was another article right next
15 to it that talked about jury selection and
16 because I was in the process, I was kind of
17 interested. And I started reading it and it -- I
18 saw that it didn't pertain to the facts of the
19 case so I went ahead and read that article.

20 Q. You did or did not?

21 A. I did.

22 Q. Okay. And that just talked about this process
23 you are involved in now?

24 A. Correct.

25 Q. Okay. Did you read any other articles or any

1 other coverage of the case, or any discussion of
2 what might or might not be evidence in the case?

3 A. The only things I ever read in the newspaper,
4 other than what I just mentioned, was when it
5 first happened, I remember reading an article and
6 I would read part of it and then they would start
7 talking about things that I didn't really care
8 about or didn't care to read about, so I, you
9 know, just basically enough to get a general idea
10 what was going on. I wasn't interested in the
11 particular details.

12 Q. Okay. And that was many months ago, maybe more
13 than a year?

14 A. Yeah, whatever it was. Yeah.

15 Q. All right. Well, based on what you have seen and
16 read and heard on the radio, have you formed any
17 opinion as to whether Mr. Avery is guilty or
18 innocent of the offenses for which he is charged?

19 A. Well, I know that, judging by what I do hear, the
20 little bit I hear and by what people talk about,
21 they all seem to think he's guilty.

22 Q. Right. But on the questionnaire, when asked
23 specifically if you formed any opinions based on
24 the information from any source --

25 A. Right.

1 Q. -- you said you had no opinion yourself?

2 A. Yeah, I really haven't followed it close enough.

3 I mean --

4 Q. Okay.

5 A. -- you know, I know what other people think. If
6 you backed me into a corner and threatened me and
7 made me say one way or the other, I would
8 probably go with what everybody else seems to
9 think, but I don't know that much about it.

10 Q. Right. You haven't followed it really enough to
11 form -- make an informed --

12 A. No, I don't follow that kind of news.

13 Q. Okay. You also said that whatever information
14 you do have you would be able to set aside and
15 decide this case solely on whatever the evidence
16 is presented, if you were selected from a jury?

17 A. Correct.

18 Q. As a juror. Do you think you can still do that?

19 A. Yes.

20 Q. All right. Is there any -- anything that you
21 have experienced that really raises a question in
22 your mind as to whether you could follow the
23 Court's instruction and simply decide this case
24 based on what the evidence is in the courtroom
25 and not on any of this other stuff?

1 A. Not that I'm aware of.

2 Q. All right. Okay. I just have one last couple
3 questions I wanted to ask you about. I see from
4 some of the information in your questionnaire
5 that either you, or someone very close to you,
6 was a victim of a robbery many years ago?

7 A. I was.

8 Q. You were. All right. And as far as you know,
9 the suspects were never located?

10 A. Correct.

11 Q. Were you still in the Navy at that time or was it
12 just --

13 A. It was when I was in high school.

14 Q. Oh.

15 A. I worked at a fast food place in Fresno,
16 California and that's when it happened.

17 Q. All right. So that's not anywhere -- that was in
18 California?

19 A. Correct.

20 Q. I forgot to check, are you -- you are from the
21 San Francisco area?

22 A. I was born there. I lived in California until
23 1989 when I moved here to work at Point Beach.

24 Q. Okay.

25 A. Not counting Navy time.

1 Q. Right. So is there anything about that
2 experience, having been a victim 26 years ago,
3 that makes you question whether or not you could
4 be fair and impartial in this case?

5 A. No.

6 Q. All right. Were -- Did you have an opportunity
7 to interact with the police in --

8 A. Yes.

9 Q. All right.

10 A. They took me downtown to the police station and I
11 looked through mug shot books and never saw the
12 people so. And that was the last I ever heard of
13 it.

14 Q. All right. Very good. Thank you, sir.

15 THE COURT: Mr. Strang.

16 VOIR DIRE EXAMINATION

17 BY ATTORNEY STRANG:

18 Q. You probably saw us all stand up briefly and
19 awkwardly last week, but --

20 A. Oh, yes.

21 Q. I'm Dean Strang and Jerome Buting and Steven
22 Avery. The two of us are defending Mr. Avery.

23 A. Right.

24 Q. Some -- Some simple questions initially just
25 about the 18 years you have had at Point Beach.

1 A. Sure.

2 Q. During your time there, have you met a woman
3 named Lori Dassey?

4 A. Yes.

5 Q. Have you met a guy named Jason Rezash?

6 A. No.

7 Q. Okay. How did you meet Lori Dassey?

8 A. Oh, let's see, about 10 years ago, 10 or 11 years
9 ago, like I mentioned, with the procedure or
10 anything, occasionally you would get temporarily
11 assigned to another area and I was assigned to
12 corrective actions for awhile and she was one of
13 the clerks there.

14 Q. And how long were you in that area, in corrective
15 actions?

16 A. It's been a long time, but six to nine months.

17 Q. So you worked with her during that period of
18 time?

19 A. She was in the area; I didn't work closely with
20 her. As a matter of fact, she wasn't even in
21 corrective actions. She -- Her cubical was in --
22 nearby. So I didn't really directly work with
23 her.

24 Q. And is this -- is this a large enough staff at
25 this place that if you're not assigned to

1 somebody's area you just don't --

2 A. That's correct.

3 Q. -- see them?

4 A. There's -- There's a lot of people there that I
5 see their face and I know who they are and a lot
6 -- so many times when I would get introduced to
7 somebody and, oh, you know, I have heard of that
8 person, but I had no idea the name and the face
9 kind of thing.

10 Q. So how do you remember Lori's name?

11 A. One reason is because there was somebody at my
12 church that had the same last name. And then, I
13 talked to her a few times, you know, and just as
14 a courtesy, like, if I were to meet her
15 somewhere, like run into her at Wal-Mart or
16 something and I would say hi, might talk for 20
17 seconds, how are the kids kind of thing. But
18 other than that --

19 Q. Mm-hmm.

20 A. -- you know, never -- sort of was never friends
21 with her, never did anything with her outside
22 work or even at work, other than, you know,
23 professional duty kind of thing.

24 Q. What's her connection to this case?

25 A. Somebody told me that she used to be married to

1 the defendant, but I didn't even know that at the
2 time.

3 Q. Okay. And when is the last time you have spoken
4 to Ms Dassey?

5 A. I ran into her at Wal-Mart about a month ago,
6 like I said, I had talked to her like 30 seconds,
7 you know, hi, how's it going kind of thing.

8 Q. Mm-hmm. Okay. Do you know anything about Steven
9 Avery through her?

10 A. No.

11 Q. Or by people talking about her?

12 A. That's kind of how I found out she had been
13 married to him was just by, you know, gossip kind
14 of thing.

15 Q. Right. And what did they tell you other than
16 she --

17 A. They just told me that she was, like, his
18 ex-wife, you know. That's all I remember them
19 ever saying.

20 Q. Not anything more?

21 A. No.

22 Q. Kids together or?

23 A. No idea.

24 Q. Okay.

25 A. And I didn't put that on the questionnaire

1 because it was just a few days ago that I even
2 found this out so.

3 Q. That's fine. No. That's fine. Because you are
4 at Point Beach I thought --

5 A. Right. Right.

6 Q. -- I would ask. Actually, I have several
7 questions about Point Beach?

8 A. Sure.

9 Q. And no particular order, Mr. Stonebraker, but are
10 you -- are you -- I understand you are a member,
11 but are you active in the International
12 Brotherhood of Electrical Workers?

13 A. Oh, the union?

14 Q. Yeah.

15 A. No, I'm kind of a middle-of-the-road guy on
16 unions.

17 Q. What does that mean?

18 A. I tend to be more conservative politically,
19 but -- and unions are very left wing, but I'm
20 glad we have a union. I will say it that way,
21 because I have seen the company do things that I
22 wouldn't agree with. And I'm glad the union
23 keeps them from doing it. There's, like,
24 management people that aren't in the union.

25 Q. Right.

1 A. But on the other hand, I think unions sometimes
2 have too much power. So, you know, it's -- I
3 think it's good that they exist, but I don't
4 think they should have too much power.

5 Q. Yeah. And when you say too much power, over the
6 individual member or over the --

7 A. No, I mean --

8 Q. -- operation?

9 A. No, over the company.

10 Q. The company. Okay. Is it a closed shop, were
11 you required to join?

12 A. Yes. Yes.

13 Q. Or a union shop I should say?

14 A. Correct.

15 Q. Okay. And is -- I don't know the answer to this,
16 but is Point Beach one of the nuclear plants in
17 this nation that, since sometime shortly after
18 September 11, 2001, I think, everybody has been
19 issued a red card, or no?

20 A. I don't have a red card.

21 Q. Everybody is empowered to shut the place down if
22 there are unsafe conditions?

23 A. If anybody has a safety concern, they would --
24 they are encouraged to bring it up, yeah.

25 Q. Mm-hmm. Okay. But there's no specific mechanism

1 for that?

2 A. Well, there's -- It's a little like the military,
3 there's -- it's similar to a chain of command,
4 you know. We bring up the concerns, they would
5 investigate it first, obviously, you know, so
6 they don't just always shut the plant down --

7 Q. Right.

8 A. -- and find out, well, that was dumb.

9 Q. Right.

10 A. So, yeah.

11 Q. Okay. While you were in the Navy, let's see,
12 you -- obviously you volunteered probably close
13 to right out of high school?

14 A. That's correct, I got out of high school in June
15 and I went in the Navy in September. But I
16 was -- I don't remember what they call it any
17 more. I signed up, like, in January of that
18 year, I believe.

19 Q. Mm-hmm. And had the summer off and then went
20 in --

21 A. Yeah, I purposely waited. I figured I wanted to
22 have one more summer off before I went in.

23 Q. Right. And at that point you were still out in
24 the Fresno area?

25 A. That's correct, yes.

1 Q. Was the USS Enterprise your only shipboard
2 assignment?

3 A. Correct.

4 Q. So you were land based for the rest of your two
5 tours, or whatever?

6 A. It's only one tour to be in the nuclear program,
7 because of so much training, we were required to
8 sign up for six years.

9 Q. Okay.

10 A. So I was in the Navy for two years and four
11 months before I even made it to the ship.

12 Q. And how long were you on the Enterprise?

13 A. That would have been three years and about eight
14 months.

15 Q. So really the balance of --

16 A. Oh, that's correct, yes.

17 Q. -- of your tour?

18 A. Yes.

19 Q. And did you -- I think, essentially, you have
20 answered this next question, that you were never
21 submarine based?

22 A. No, I volunteered, but they had too many
23 volunteers, so I ended up on a carrier.

24 Q. Okay. Did the volunteering to be submarine based
25 involve anything more than simply volunteering?

1 Was there a battery of tests or ...

2 A. No. No, they encouraged you because -- I guess
3 because a lot of times they -- they were short of
4 people for submarines, so we were kind of
5 encouraged. And there was a monetary --

6 Q. Incentive?

7 A. -- like one hundred dollars a month. It wasn't
8 really all that much, but on the money you are
9 making in the Navy it was a good amount. And
10 plus that was 25 years ago.

11 Q. Right. And were you particularly interested in
12 serving on a submarine, or it was just a money
13 thing?

14 A. All the people that I was in contact, like the
15 recruiters and stuff -- not -- well, not all the
16 recruiters are nuclear, obviously. I'm guessing
17 that maybe they had some -- I don't know. They
18 just kind of encouraged me the whole way along.

19 It sounded interesting. I remember
20 thinking that the last thing I wanted to do was
21 be on a carrier. And then that's what I ended up
22 on; although I was glad in retrospect, but ...

23 Q. Why?

24 A. Well, I get motion sickness. And submarines,
25 once they get under water and down a ways they

1 don't have any trouble. But when they are near
2 the surface, modern submarines are designed to be
3 under water not on the surface. Where as in
4 World War II it was the other way around. So
5 they rock and roll a lot on the surface and I
6 would have been miserable.

7 Q. Me too. You obviously got to travel the world a
8 bit, thanks to the U.S. Navy. And one thing that
9 stood out on your questionnaire here is an
10 interest in geopolitics. Could you tell us just
11 a little bit more --

12 A. Sure.

13 Q. -- about that?

14 A. That relates to something I forgot to put on
15 hobbies, which would be I like war games,
16 basically historical games.

17 Q. Mm-hmm.

18 A. And my interest in geopolitics kind of grew out
19 of that. I'm very interested in World War II and
20 all the interactions between the countries and
21 stuff that went on and also in the modern world.
22 I just find it fascinating, the interaction
23 between countries and why they do this and that.

24 Q. And at the same time you -- I think the words you
25 used were, I don't care to listen much to the

1 national news, at least on TV?

2 A. Right.

3 Q. What's -- Where's the cleft there or the
4 distinction that you draw between this area of
5 great interest and then not caring to watch the
6 national news on TV?

7 A. You're just saying because they would cover that
8 kind of thing?

9 Q. Well, I don't know that they cover it very well,
10 but I'm just curious --

11 A. Well --

12 Q. -- where the shift in the interest is?

13 A. Well, I don't -- I don't think they -- First of
14 all, I don't think the people that cover it on TV
15 that you can understand it very well. And I
16 don't -- I don't think they give accurate
17 information, partly due to ignorance, but also
18 they -- I guess if you are talking about foreign
19 policy, I would be what you might call a hawk.
20 I -- I wouldn't say an extreme hawk, but I -- I
21 -- I strongly believe this country should stand
22 up for itself. And the news media tend to not
23 feel that way.

24 Q. Okay.

25 A. So that would be, I guess, be the main thing.

1 Q. The interest in war games, this would not be so
2 much of the reenactment variety, I'm taking, you
3 know, civil war or revolutionary war
4 reenactment --

5 A. No.

6 Q. But rather the --

7 A. Board games --

8 Q. -- geopolitics --

9 A. Or computer.

10 Q. Okay. And that's right, you mentioned that you
11 subscribe to *Games For Windows Magazine*?

12 A. Yeah, actually, they send it to me. I used to be
13 a subscriber. I let it run out and they have
14 been sending it to me for like seven years. It
15 says it expires in '09 and I never paid for that
16 but they -- I don't know why but ...

17 Q. But in any event, you are interested in board
18 games or computer based --

19 A. Yeah --

20 Q. -- games?

21 A. I like strategy games. I don't really get into
22 the first person shooters.

23 Q. Okay.

24 A. Like Doom, that kind of games. They are very
25 violent. And I don't want my kids to play those

1 kind of games. And also I get motion sick, so
2 even if I liked them, it would just make me sick
3 to play them so.

4 Q. But the strategy?

5 A. Yeah, I really like strategy games, yeah.

6 Q. And you mentioned an interest in blogs and
7 getting -- getting, I guess, some news, if you
8 will, from blogs. Are you drawn to more
9 specialized blogs with people with a deeper
10 expertise in these areas.

11 A. There's only one blog I read regularly that would
12 be that kind of thing. There was some others I
13 used to read that were about TV shows, you know,
14 like --

15 Q. What are the blogs you read --

16 A. Um --

17 Q. --regularly or semi --

18 A. Well, the --

19 Q. -- regularly?

20 A. -- main one I read that is not a TV base -- or
21 talking about TV is called voxx populi.

22 Q. Voxx Populi?

23 A. Yeah.

24 Q. Mm-hmm.

25 A. And it's -- I don't really think the guy is

1 really a nice guy, if you know what I mean. And
2 I don't -- I just read him quite a bit, but he is
3 pretty sharp and in general I tend to agree with
4 his views. And I don't know, I don't even
5 remember how I found it. I think it was linked
6 from something else. Oh, I know what it is, he
7 has a column on worldnetdaily.com. And I was
8 reading his column once and it said they have a
9 blog so I checked it out and I have been reading
10 it for a couple years.

11 Q. Mm-hmm. And what other blogs?

12 A. One is -- I don't know if it's exactly a blog,
13 it's about the TV show *Lost*. There's one about
14 the TV show *Battlestar Galactica*. Occasionally
15 the Voxx one will have a link to a different one
16 and I will check it out, but it's nothing I have
17 kept reading regularly.

18 Q. Do you read Lakeshore Laments here in --

19 A. Never heard of it.

20 Q. -- you know, the Manitowoc area. It's a
21 Manitowoc area blog. Okay. And moving to the
22 radio, for the 12 minutes in the car, to and from
23 work.

24 A. Okay.

25 Q. Sounds like given your work hours you kind of

1 catch the end of Limbaugh sometimes, some of Mark
2 Belling --

3 A. Right.

4 Q. -- maybe? Out of what, WISN?

5 A. WISN, yes.

6 Q. And are you someone who ever calls into these
7 shows?

8 A. I called into Belling's show once or twice, but
9 that's when I first started listening. That
10 would be like in 1993 time frame.

11 Q. Mm-hmm.

12 A. And it wasn't a pleasant experience; he's kind of
13 a jerk. So, no, typically I'm not.

14 Q. Okay. Is he a jerk when you agree with him?

15 A. You don't have to be a nice guy to be smart about
16 things.

17 Q. Okay.

18 A. In fact, my wife hates his show because of how he
19 is, so.

20 Q. I wanted to go to your wife just in the financial
21 context here. She's -- You have listed her as a
22 homemaker.

23 A. Correct.

24 Q. And I counted eight children --

25 A. Yes.

1 Q. -- you have been blessed with? If you end up in
2 this jury, you know, for five, six weeks, or
3 whatever it turns out to be; is this going to
4 create a, I mean, a serious --

5 A. Not at all.

6 Q. -- financial hardship?

7 A. Because we energies will pay me.

8 Q. So you are covered --

9 A. Right.

10 Q. -- financially. How about otherwise, in terms of
11 family hardship?

12 A. From what I can gather, since it's not going to
13 be sequestered, at least from what I hear, I
14 don't think I would be gone a whole lot longer
15 than I am normally. I don't know for sure
16 exactly but, you know, they don't run court until
17 8:00 at night, as far as I know.

18 Q. I hope not.

19 THE COURT: Not when the jury is here, but
20 we may today.

21 Q. And the specific comment you made, I wanted to
22 follow up on from Mr. Fallon's questions. You
23 described somebody, management or somebody
24 setting up a TV in the shop?

25 A. Oh, yeah. Every big news event that's happened

1 since I worked there, when we -- in the first
2 Gulf War they set up a TV; for the OJ trial they
3 set up a TV; for 911 they set up a TV. So for
4 this, like I said, I think it was the
5 announcement of the filing of charges, they set
6 it up.

7 Q. Who's they?

8 A. Just guys at the shop. We have a TV if, like, if
9 we have a safety meeting, they will have a video
10 we watch. So just wheel the TV out. And, you
11 know, being electronics kind of guys and stuff,
12 they have rigged up an antenna going into the
13 shop. You know, management tolerates it for big
14 news events, but it's not a normal thing.

15 Q. I got it. And I just want to nail down, if at
16 all possible, you said it was, you think when it
17 was first charged. And there were two possible
18 first charged sort of events here. One would be
19 November of 2005, when Steven Avery was first
20 charged. And the other would be, probably March
21 of 2006, when Brendan Dassey was first charged.

22 A. Is it that long ago? I didn't realize it was
23 that long ago. I believe it was Mr. Avery.

24 Q. The first of those, way back?

25 A. Yeah.

1 Q. Okay. Do you remember any news conferences when
2 Brendan Dassey was charged, later?

3 A. No.

4 Q. Okay. And the TV, was that up one day or was
5 that a series of days?

6 A. One day for, oh, it was probably a couple hours
7 because, we turned it on and they said, oh,
8 coming, you know, coming right up, we're going to
9 have this news conference, you know, an hour
10 later they finally get started so.

11 Q. What do you remember of the news conference?

12 A. Not much. I remember -- the main thing I
13 remember was they -- that was interesting, was
14 that the, I believe it was Calumet County was
15 heavily involved in it. But I -- I don't know.
16 I couldn't give you a whole lot of details. They
17 were announcing, you know, murder charges, that
18 kind of thing, but ... And the, you know, the
19 victim's name, that kind of thing.

20 Q. Sure. Later, in March of 2006, do you recall
21 anything about what Brendan Dassey supposedly
22 said?

23 A. I have heard some stuff here and there about him;
24 nothing I can remember concretely. Something
25 about, I thought -- well, I don't know if I even

1 heard what he said. My knowledge about him is
2 that, I guess, he might have helped supposedly in
3 the commission of the crime but, I don't know
4 that much about him.

5 Q. Okay. And where that goes is, you know, you
6 heard, I guess in a news conference or something,
7 when Steven Avery was charged, you know, a little
8 bit about Brendan supposedly being involved --

9 A. Right.

10 Q. -- in the event. And you were a little surprised
11 to hear that much time had passed. So, here we
12 are, a trial starting, as you look across the
13 room at the guy two seats over from me, in your
14 mind do you presume him innocent? Do you think
15 he's probably guilty? Do you have no opinion?
16 What's your sense of it?

17 A. Well, like I said before, I mean, if you -- if I
18 had to guess one way or the other, I would say
19 guilty. But I don't know enough of the facts to,
20 you know, if you wanted a solid opinion I would
21 say, well, show me some stuff, you know, I mean.

22 Q. Which is a natural reaction. And let me ask you,
23 though, first, when the Judge instructs you that
24 you are to presume Mr. Avery innocent --

25 A. Correct.

1 Q. -- is that an instruction you can and will
2 follow?

3 A. Yes.

4 Q. Willingly?

5 A. Sure.

6 Q. Okay.

7 A. I think he should get a fair trial. I mean, I
8 would never want to send a guilty man to prison.
9 And I would, you know --

10 Q. An innocent man to prison?

11 A. I'm sorry, yeah. Sorry.

12 Q. That's okay. That's all right. I think I knew
13 what you meant, I think.

14 A. Yeah.

15 Q. And as a matter of a fair trial and proving
16 stuff, are you aware of the rule in America that
17 in a criminal case the government, the State,
18 whoever the sovereign is, alone, bears the burden
19 of proving someone guilty, beyond a reasonable
20 doubt?

21 A. Yes, I am.

22 Q. Which is to say, and I think you will hear this
23 from the Court, that the defendant has no burden
24 of proving anything?

25 A. Correct.

1 Q. Does that make sense to you?

2 A. Yes.

3 Q. Why should one side not have to do anything and
4 the other side carry all the load?

5 A. That would be because, if you have committed a
6 crime, they should have to prove that you did it.
7 You shouldn't have to prove that you didn't. You
8 shouldn't have to prove that you didn't do it.
9 Just because that's a lot harder I think than
10 proving that you --

11 Q. Proving a negative?

12 A. Right. Exactly.

13 Q. And in the same vein, I guess, if we're not able,
14 in the end, to prove who did kill Teresa Halbach,
15 if Steven Avery didn't; will you hold that
16 against us or, again, is this something where, if
17 you are not satisfied the State proves Steven
18 Avery guilty beyond a reasonable doubt, and you
19 would love to know who did kill Teresa Halbach,
20 but you are not satisfied it was him, are you
21 willing to return a not guilty verdict?

22 A. Yes, if that's what the evidence shows.

23 Q. Without requiring us to prove who did kill her,
24 if he didn't?

25 A. That's irrelevant.

1 Q. And, you know, I'm not -- I'm not saying that I'm
2 necessarily, or Mr. Buting, or for that matter
3 Mr. Avery, are going to sit here like a bump on a
4 log throughout the trial, although we could,
5 under the law, and just rely on the State having
6 the burden of proof. But one of the decisions
7 that ultimately we will have to make at this
8 table is whether Mr. Avery takes the witness
9 stand and testifies. Do you want to hear from
10 him, if you are a juror?

11 A. I would say yes.

12 Q. And can you accept and live with and respect and
13 honor a system that says he does not have to
14 testify if he chooses not to?

15 A. Absolutely.

16 Q. And, indeed, if he doesn't testify, that's no
17 evidence of guilt and can't be considered, I
18 think the Court will tell you.

19 A. Right, I understand that.

20 Q. And can you follow that?

21 A. Yes.

22 Q. By the same token, if at this table we should
23 decide that he does testify, the law, as I think
24 the Judge will tell you, is that he is entitled
25 to have his testimony considered like any other

1 witness. All the same considerations in deciding
2 what weight to give to a witness' testimony apply
3 to the accused, if he testifies. Is that also a
4 rule you can live with?

5 A. Yeah, I don't see anything unreasonable about it
6 at all. I'm not even sure why you are asking,
7 actually, I mean --

8 Q. Well --

9 A. -- what else would you do?

10 Q. You know, because we're asking people to be
11 honest and some people have a problem with the --

12 A. Yeah.

13 Q. -- with the rule?

14 A. Yeah.

15 Q. You know, it's -- I understand it's human nature
16 to want to hear both sides?

17 A. Right.

18 Q. You may not hear all of one side here. You may
19 just have to live with that and -- and be asked
20 to return a not guilty verdict all the same. And
21 so it's important to know whether, you know,
22 whether you can do that?

23 A. Right.

24 Q. Have you heard anything recently about a blood
25 vial?

1 A. Only hearsay at work.

2 Q. What?

3 A. One of the guys at the shop said something one
4 time about it, but I couldn't tell you any
5 specifics.

6 Q. Okay.

7 A. Especially since I got a notice I, you know, they
8 start talking about it, I just go away.

9 Q. Sure. Okay.

10 A. And even if I knew details, what I hear from one
11 of the guys in the shop doesn't mean anything.
12 I'm smart enough to know that.

13 Q. Depends on who, probably, in the shop, right?

14 A. Um, no, not when it comes to if I'm going to
15 decide if he's guilty or not.

16 Q. Sure, on something big, I understand. Last sort
17 of question, or two, or three I have for you.
18 Are you -- Are you a very active member at
19 Lighthouse Assembly of God?

20 A. What do you mean by active? We go there every
21 Sunday, if that's what you want to know.

22 Q. Are you involved? Are you a deacon, or on the
23 church --

24 A. No, I'm not on the board or anything.

25 (Court reporter couldn't hear.)

1 A. I'm not on the board.

2 Q. I'm sorry, we're probably talking over each
3 other. That's my fault, not yours; I'm supposed
4 to know better.

5 Did your church do anything with respect
6 to the disappearance or death of Teresa Halbach?

7 A. Not that I know of. I -- I highly doubt it. I
8 was -- I was going there at the time and I don't
9 remember anything.

10 Q. Okay. Good.

11 ATTORNEY STRANG: That's what I have got
12 for you. Thank you.

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

15 (Wherein the juror was excused.)

16 THE COURT: Any motion from either party?

17 ATTORNEY FALLON: Not from the State.

18 ATTORNEY STRANG: I do. Without being
19 punctilious about, you know, the Court's order on
20 avoiding the media, this is someone who, I guess,
21 took his in-laws' newspaper, they live with him so
22 the paper comes to the house, and read part of one
23 and all of a second article well after he was told
24 to avoid exactly that kind of thing on -- on this
25 case. Probably the next day.

1 In some cases I wouldn't raise that. In
2 this one, with the pervasive pre-trial publicity
3 we have and this juror, of course, saw some of it
4 apparently in November, 2005, where this at some
5 level got equated in terms of bringing a TV into
6 the shop with September 11 and other really, you
7 know, very significant events.

8 I-- I think we have to be very tight
9 about enforcing the Court's order on avoiding the
10 publicity, so I move to strike for cause. I
11 don't have a broader reason than that as to
12 Mr. Stonebraker.

13 THE COURT: Mr. Fallon.

14 ATTORNEY FALLON: I can appreciate the
15 concern for following court rules and guides, but as
16 Mr. Stonebraker indicated, the only thing he looked
17 at was information regarding the jury selection
18 process. And on balance, based upon all of his
19 other responses, and I think counterbalanced by the
20 fact of all the other, I think, relatively, I don't
21 want to say extraordinary, but relatively
22 comprehensive efforts on his part to avoid
23 discussions at work, to avoid other ancillary forms
24 of information or sources of information, I don't
25 think there is a basis to strike him at all.

1 THE COURT: All right. If there was a
2 violation of the Court's order here, I think it was
3 very minimal. He seemed to be aware of it at the
4 time he picked up the paper. He stopped reading the
5 other article about the case, indicated he did read
6 the jury selection article.

7 My impression was that because he felt
8 that particular article not dealing with the
9 facts of the case, but just jury selection, with
10 which he was already involved, wasn't encompassed
11 by the Court's order.

12 At this stage of the game, the Court
13 hasn't fully had the opportunity to directly
14 address the jurors in detail about the Court's
15 restriction. They have been told on somewhat
16 cursory terms about avoiding the media. And I
17 think in his other answers he indicated he
18 recognized that and avoided any discussions at
19 work where discussions had taken place before.

20 So I think it was a di minimus
21 violation, if any at all. And based on all his
22 other answers, I'm more than satisfied that he
23 can be fair and impartial. So the Court is going
24 to deny the motion to strike this juror for cause
25 and keep him on the panel.

1 We're going to take our afternoon break
2 at this time. I did want to say something to the
3 attorneys. I have been giving the attorneys some
4 latitude in the time limit that I set originally.
5 But I want to let both parties know that if
6 there's too much questioning on things like
7 Pokémon like games that have no real direct
8 relevance to the selection of the jury, I'm going
9 to interpose my own objection.

10 I don't like to do that because I
11 realize it can be somewhat embarrassing to the
12 attorneys, but I think we have to stick on track
13 a little bit if we're going to make some headway
14 here. Stick to more directly relevant questions.
15 So I will see you at 3:25.

16 (Recess taken.)

17 THE COURT: Counsel, I'm informed that
18 Juror 33, Ms Abendroth, although she was going to
19 come here at one, has been here since this morning.
20 So we're going to take her out of order.

21 ATTORNEY STRANG: She's someone we -- She's
22 someone we have a motion to strike on.

23 THE COURT: We do?

24 ATTORNEY STRANG: I do. I don't think the
25 State joins it, but ...

1 THE COURT: Prior to voir dire?

2 ATTORNEY STRANG: I think we should.

3 THE COURT: All right. Mr. Strang, I will
4 hear your motion then at this time.

5 ATTORNEY STRANG: The Court may want to
6 pull the questionnaire.

7 THE COURT: I have it in front of me.

8 ATTORNEY STRANG: The -- I think the main
9 issue arises in the answer to No. 74 -- Question
10 No. 74.

11 THE COURT: I'm going to take a look.

12 ATTORNEY STRANG: And then we have also --
13 I mean, she has got a specific connection; she --
14 she works at a credit union, I gather at which the
15 Avery family banks, and is concerned about facing
16 them in an employment context where presumably she
17 would feel, you know, that she had an employment
18 duty not to avoid the contact.

19 Further the answers to Questions 40, 41
20 and 42, well, especially --

21 (Court reporter couldn't hear.)

22 ATTORNEY STRANG: Questions 40 and 42, you
23 know, explain the manner in which she's pre-judged
24 the case. And although she says in Question 43 that
25 she can set that aside, she appears to have both a

1 pretty well-formed prior opinion about the case and
2 an understandable concern about social stigma or
3 consequences. And I think there's probably more
4 than adequate reason to strike for cause.

5 THE COURT: Mr. Fallon.

6 ATTORNEY FALLON: I can see counsel's
7 concern. We briefly talked about it before. But as
8 I indicated, I thought at least we should hear her
9 out and get an idea as to really whether there is a
10 heartfelt or deepfelt fear, or just a reasoned
11 concern, or what have you.

12 As noted, with respect to Question 43,
13 she believes she could set aside whatever
14 opinions she may have as a result of media
15 coverage, the question -- or the answer, I don't
16 think, as framed, is really no different than, I
17 think that he might be guilty, based on the
18 coverage.

19 I don't see any distinction between that
20 and the guilt issue, unless one wants to say,
21 well, it's more directly related to a defense of
22 the case. But the bottom line is, it goes to
23 guilt. I don't see any difference there. And
24 she goes on to say, I can set that opinion aside.

25 So in terms of just on the paper, it

1 seems to me we ought to at least hear the woman
2 out. And it may turn out that she would be an --
3 unsuitable for jury service. If counsel wants,
4 they can go first if they think they can get to
5 that point faster, that's fine. Seems to me on
6 the paper, we ought to hear her out.

7 THE COURT: All right. Here's what I'm
8 going to do. I'm going to bring the juror in, I'm
9 going to ask questions first relating to question
10 No. 74. If I feel, based on those answers, that I'm
11 going to grant the defense's motion, I'm going to
12 simply excuse the juror.

13 ATTORNEY FALLON: That's fine.

14 THE COURT: If not, I will turn her over to
15 the parties.

16 ATTORNEY FALLON: That's fine.

17 THE COURT: Ms Abendroth, please raise your
18 right hand and the Clerk will administer the oath to
19 you.

20 (Juror sworn.)

21 THE CLERK: Please be seated.

22 THE COURT: Ms Abendroth, you have already
23 completed a written questionnaire in this case.
24 Today we're moving on to the next phase of jury
25 selection, which is voir dire. We're going to ask

1 you some questions relating to your qualifications
2 as a juror.

3 I will notify you that the jury in this
4 case will not be sequestered, that is, the jurors
5 will be permitted to return home after each day
6 of trial. The jurors will continually be
7 instructed not to listen to any news media
8 accounts of this case, or read anything in the
9 newspaper, watch anything on television, or from
10 any other source.

11 Today's proceedings are open to the
12 public, but the Court does not permit cameras in
13 the courtroom during voir dire proceedings and
14 the media is not permitted to disclose the names
15 of the jurors in the media reports of today's
16 proceedings.

17 **VOIR DIRE EXAMINATION**

18 BY THE COURT:

19 Q. I do have a question for you at the outset
20 relating to your answer to Question 74 in the
21 questionnaire. To refresh your memory, the
22 question was: Is there anything, or any reason
23 at all, however personal or private, that makes
24 you feel you should not serve as a juror in this
25 case, or that if selected to serve, you could not

1 be a fair and impartial juror?

2 You answered yes and indicated I would
3 be uncomfortable returning to work after the
4 trial knowing that many of his family members
5 that I wait on would have been in the courtroom
6 and recognized me from the jury.

7 ATTORNEY STRANG: Your Honor, I'm sorry to
8 interrupt, but maybe we could approach, sidebar,
9 just very briefly. I apologize.

10 THE COURT: Okay.

11 (Side bar taken.)

12 Q. (By The Court)~ Couple things. You did indicate
13 that, later on your questionnaire, that this was
14 something you wished to address in private. The
15 Court is somewhat limited in personal matters
16 that it can address in that fashion. The law
17 does not permit me to address this particular one
18 in private. You are employed where?

19 A. Shoreline Credit Union.

20 Q. Okay. And do I understand from your answer that
21 members of the defendant's family are customers
22 at that credit union?

23 A. That's correct.

24 Q. Okay. And I think I understand your answer, but
25 can you explain in a little more detail what you

1 mean.

2 A. Um, I don't know if I can.

3 Q. Do I take it from your answer that you -- your
4 concern is that if you were a juror and if the
5 jury reached a guilty verdict, that you would
6 feel very uncomfortable after returning to work
7 because of the situation you would be in.

8 A. I think, yeah, that's what I was getting at.

9 Q. And just to confirm what I think is my reading of
10 your answer, you feel that, that subliminally or
11 not, it could have an affect on your ability to
12 be fair and impartial.

13 A. Yes, that's correct.

14 Q. Do you still feel that way today?

15 A. Yes, I do.

16 THE COURT: All right. I'm going to have
17 the Clerk escort you from the courtroom at this
18 time.

19 (Wherein the juror was excused.)

20 THE COURT: All right. Counsel, the Court
21 is satisfied, based on the elaboration from the
22 answer in the questionnaire and from my own
23 observation of the demeanor of the juror, that
24 objectively she would have a rational basis for her
25 concern and I believe her concern is sincere. So

1 I'm going to grant the defense motion to excuse this
2 juror for cause.

3 ATTORNEY FALLON: We have no objection.

4 THE COURT: The next juror we'll hear from
5 then will be John Lawrence. All right. You are
6 Mr. Lawrence?

7 MR. LAWRENCE: Yup.

8 THE COURT: Mr. Lawrence, please raise your
9 right hand and I'm going to have the Clerk
10 administer the juror's oath to you.

11 (Juror sworn.)

12 THE CLERK: Please be seated.

13 THE COURT: Mr. Lawrence, you have already
14 completed a written questionnaire in this case.
15 Today we're moving on to the next phase of the jury
16 selection process which is individual voir dire.

17 The attorneys for each of the parties
18 will have an opportunity this afternoon to ask
19 you some questions that relate to your
20 qualifications as a juror.

21 Before I have them begin those
22 questions, I want to make sure you understand
23 that the jury in this case will not be
24 sequestered. That means that after each day of
25 trial the jurors will be able to go home and

1 spend the time at home until the next day of the
2 trial.

3 The jurors will continue to be
4 instructed, as they already have, that the jurors
5 are not to watch any news media accounts of this
6 case, either on television, listen to anything on
7 the radio, read anything in the newspapers or the
8 internet, or communicate in any way with anyone
9 else about the case, outside the courtroom.

10 I also want to make sure you understand
11 that while these are court proceedings today,
12 meaning they are open to the public, the Court
13 does not permit cameras in the courtroom during
14 voir dire proceedings and members of the press
15 are not permitted to use your name in any news
16 accounts of today's proceedings.

17 In addition, should you be selected to
18 serve on the jury, the camera operators are not
19 permitted to show the jury during the trial, in
20 any fashion, that allows anyone to identify who
21 the jurors are.

22 If you remain on the jury panel after
23 questioning today, you will get a phone call in
24 the next day or two that will tell you when to
25 come back for the next step in the jury selection

1 process. Mr. Fallon, you may begin your
2 questions at this time.

3 **VOIR DIRE EXAMINATION**

4 BY ATTORNEY FALLON:

5 Q. Good afternoon, Mr. Lawrence.

6 A. Good afternoon.

7 Q. My name is Tom Fallon. I'm an Assistant Attorney
8 General with the Wisconsin Department of Justice
9 and one of the prosecutors in the case. To my
10 immediate left is Mr. Ken Kratz, the Calumet
11 County District Attorney and the lead prosecutor
12 in this matter. Thanks for coming back this
13 afternoon. We have just a few questions for you
14 to follow up on some of the information provided
15 by you in last week's questionnaire.

16 I see from your questionnaire you are 20
17 years of age?

18 A. Yes.

19 Q. All right. And you are currently employed at the
20 Piggly Wiggly Store here in Manitowoc?

21 A. Correct.

22 Q. And how long have you worked for them?

23 A. For three years.

24 Q. For three years. All right. So I take it you
25 worked for them while you were still in school?

1 A. Correct.

2 Q. All right. And you graduated from Manitowoc
3 Lutheran High School?

4 A. Correct.

5 Q. That was just a year or so ago?

6 A. Yup.

7 Q. All right. All right. At this time are you
8 still living at home or are you on your own?

9 A. I'm living at home.

10 Q. All right. The reason I ask is I wanted to
11 inquire as to, if you were to be asked to serve
12 as a juror in this case, we may tie up six weeks
13 or perhaps a little bit more of your time; would
14 that cause a problem for you with your employment
15 for instance?

16 A. No.

17 Q. All right. As far as you know, you would still
18 have a job when you returned?

19 A. Right.

20 Q. You have taken care of that or at least explored
21 that with your employer?

22 A. Yes.

23 Q. Okay. Very good. All right. I see that you
24 also list music and computers as one of your
25 hobbies. What do you do with computers or what

1 do you like to do with them?

2 A. Just surf the internet.

3 Q. All right. Is there any particular types of

4 things that you look for when you surf the

5 internet; news, entertainment, sports, whatever?

6 A. Usually music related material.

7 Q. All right. Any particular type of music that you

8 are interested in?

9 A. Everything, basically.

10 Q. All right. Do you download a fair amount of

11 music?

12 A. Once in a while.

13 Q. All right. Do you use your computer, then, to

14 play the music for you? Is that --

15 A. Yes.

16 Q. All right. How much time do you spend of your

17 free time listening to music?

18 A. Whenever I'm free, there's music always playing.

19 Q. All right. Do you ever use your computer or the

20 internet to assist in getting you news?

21 A. Not really.

22 Q. All right. Where do you get most of your news

23 from?

24 A. Word of mouth.

25 Q. Word of mouth. Do you listen to radio at all?

1 A. Not really.

2 Q. All right. How about television?

3 A. Like, I watch -- What do you mean?

4 Q. Do you regularly watch, for instance, Fox news or
5 Channel 5 news out of Green Bay or, like --

6 A. I don't really watch the news too much.

7 Q. No. Do you read the local paper?

8 A. Occasionally.

9 Q. Once a week, less than that?

10 A. Less than that.

11 Q. If you do read a paper, is it the Sunday paper
12 for instance or ...

13 A. Probably the Sunday paper.

14 Q. Probably the Sunday paper. All right. You
15 indicated you get some news by word of mouth.
16 And from whom, then, would that be? Is that
17 friends, or people at work, or what?

18 A. Just whoever, usually my mother.

19 Q. Okay. Within that framework, what can you tell
20 us about this particular case that you remember
21 hearing either from your mom, or from television,
22 or any other source? What do you know of the
23 case?

24 A. I have actually requested my mother not to say
25 anything.

1 Q. All right. And why did you make that request?

2 A. Because I'm supposed to.

3 Q. That's from the letter from the Court?

4 A. Yes.

5 Q. All right. So you have honored that request?

6 A. Yes.

7 Q. All right. And how long ago did you receive that
8 request from the Court?

9 A. I'm not too sure exactly, maybe a month or so
10 ago.

11 Q. All right. Let me ask you a little bit about
12 what you may remember or what you may have been
13 exposed to prior to receiving the directive from
14 the Court. Do you have any particular
15 recollection of any newscasts, or press
16 conferences, or any information regarding the
17 circumstances of Mr. Avery's arrest and charging?

18 A. I never really followed it much.

19 Q. All right. What about a fellow by the name of
20 Brendan Dassey, have you ever followed the events
21 regarding his arrest?

22 A. I have never heard of him.

23 Q. Never heard of him. All right. As you sit here
24 today, can you recall any information that you
25 learned from either the television, the radio, or

1 some other source?

2 A. No.

3 Q. Not a thing?

4 A. I never followed it really.

5 Q. I'm sorry?

6 A. I never really followed it.

7 Q. All right. Okay. So is it fair to say, then,
8 you really have formed no opinion regarding the
9 circumstances --

10 A. That's right.

11 Q. -- here. That would be correct?

12 A. Yes.

13 Q. All right. I see here that you have never served
14 as a juror before?

15 A. No.

16 Q. All right. Is there any reason you can think
17 now, you know, your own personal philosophy, or
18 maybe some directive from your conscience, or
19 some religious belief, perhaps, that makes you
20 question whether you could follow the rules of
21 the Court and actually be a juror in this case?

22 A. No.

23 Q. Would you like to be a juror in this case?

24 A. It doesn't bother me either way.

25 Q. Doesn't bother you either way. If you were

1 selected as a juror, do you think you would find
2 it interesting?

3 A. Yeah.

4 Q. All right. Can you -- Any idea why you think it
5 might be interesting?

6 A. A new experience.

7 Q. All right. Any other reason?

8 A. Not really.

9 Q. Is there anything about the case or what you
10 think the issues might be which you find
11 interesting?

12 A. Not really.

13 Q. I'm a little bit at a loss. Is there any reason
14 why you -- if you don't really know anything
15 about it, is there -- why you would find it
16 interesting?

17 A. I have never been involved with something like
18 this before, so I thought it would be
19 interesting.

20 Q. Okay. Meaning the court process itself?

21 A. Yes.

22 Q. Okay. Now, it doesn't appear from the
23 information provided on your questionnaire, but I
24 thought I would ask anyways; have you had any
25 encounters with the police?

1 A. Myself?

2 Q. Yes.

3 A. No.

4 Q. All right. Anyone in your family have any
5 encounters with the police?

6 A. I'm pretty sure my father has, but I haven't
7 really heard much about it before.

8 Q. Okay. Has he ever discussed those -- that
9 encounter or those circumstances with you?

10 A. Not at all.

11 Q. Do you have any -- either you or he, have any
12 particular opinions as to, you know, how good or
13 how bad a job the local police department is
14 doing?

15 A. Not at all.

16 Q. How about the sheriff's department?

17 A. Not at all.

18 Q. No discussion?

19 A. No.

20 Q. No. All right. Now, I see that you have a
21 friend or family member who is a police officer;
22 you have an aunt?

23 A. Yes.

24 Q. In Chicago?

25 A. Yes.

1 Q. And is she with the Chicago Police Department?

2 A. I believe so, yeah.

3 Q. All right. Do you know what she does for them?

4 A. I'm not too sure.

5 Q. All right. You don't know if she works patrol,
6 or is in investigations, or ...

7 A. I'm not sure at all.

8 Q. You don't know. You don't see her very often?

9 A. Not too often.

10 Q. Okay. Have you ever discussed her job with her
11 when you saw her?

12 A. No.

13 Q. All right. One of the questions you answered yes
14 to and I wanted to follow up a little bit on your
15 thinking as to how you arrived at that answer.
16 And this case will involve, pretty likely, quite
17 a few police officers or law enforcement officers
18 who would testify in court. All right.

19 And the question was that the jurors
20 would be instructed that you are not to give any
21 more weight or less weight to the credibility of
22 the police officer's testimony than you would to
23 any other witness. And you thought that you
24 could follow that instruction and you would find
25 that to be true; is that correct?

1 A. Yes.

2 Q. Tell me about that. Do you think a police
3 officer is more or less likely to lie on the
4 stand than any other person would be, or would
5 they be the same as any other person?

6 A. They would be the same to me.

7 Q. Okay. And why would that be?

8 A. I don't see a difference really --

9 Q. All right.

10 A. -- about people.

11 Q. There's no difference by virtue of their oath of
12 office or their duty as police?

13 A. Yeah.

14 Q. All right. And to you they are just regular folk
15 who are doing a job?

16 A. Yes.

17 Q. And so they have all the same strengths and
18 weaknesses as anyone else?

19 A. Yes.

20 Q. Okay. Do you have any familiarity with the
21 criminal justice system at all?

22 A. Not really.

23 Q. All right. Did you study it when you were in
24 high school at all?

25 A. Yeah, a little bit. Law, politics.

1 Q. All right. Are you aware that as Mr. Avery sits
2 here today he's presumed innocent?

3 A. Yes.

4 Q. All right. And you -- Therefore, if you were
5 to -- in order to find, for instance, him guilty
6 of this offense, the State would have to prove,
7 beyond a reasonable doubt, that he was involved
8 in the crime for which he is charged?

9 A. Yes.

10 Q. You understand that?

11 A. Yes.

12 Q. All right. And he doesn't have to do anything;
13 you understand that?

14 A. Yes.

15 Q. All right. Would you expect him to have to prove
16 something in court?

17 A. No.

18 Q. All right. And why not?

19 A. Because the evidence has to be proved beyond a
20 reasonable doubt.

21 Q. All right. All right. Does the law require him
22 to do anything?

23 A. No.

24 Q. All right. And you think you can follow those
25 rules?

1 A. Yes.

2 Q. All right.

3 ATTORNEY FALLON: I will pass the juror.

4 THE COURT: Mr. Strang.

5 ATTORNEY STRANG: Thank you. I'm having a
6 little bit of trouble hearing because of the
7 background noise. So maybe, Mr. Lawrence, if you --
8 if you could just try to speak up a little bit.

9 MR. LAWRENCE: All right.

10 ATTORNEY STRANG: That would help. Thank
11 you.

12 **VOIR DIRE EXAMINATION**

13 BY ATTORNEY STRANG:

14 Q. So, I'm Dean Strang, Jerome Buting, Steven Avery.
15 You probably saw us stand up last Monday in
16 court. Mr. Buting and I are defending Mr. Avery,
17 so we're the defense lawyers. And I wanted to
18 pick up at the very beginning for you, okay. You
19 told us that you were born in Illinois?

20 A. Yes.

21 Q. How long did you live in Illinois?

22 A. A little less than a year.

23 Q. And then where to?

24 A. To Manitowoc.

25 Q. So, by the time you were just a little bitty --

1 A. Yes.

2 Q. -- kid you were up here? And when you say
3 Manitowoc, you mean the City of Manitowoc?

4 A. Yes.

5 Q. So you spent, basically, your whole life --

6 A. Yes.

7 Q. -- here? How often do you see your aunt or
8 other -- other relatives, if there are any, in
9 Chicago?

10 A. I saw them maybe once every six years. I barely
11 see them.

12 Q. Okay. And were you born in Chicago, or near
13 there, or some --

14 A. In Evanston, Illinois.

15 Q. -- other place in Illinois? In Evanston,
16 Illinois. Okay. And what, I mean sort of just
17 moving up through your life, what were you --
18 what were you good at or interested in at
19 Manitowoc Lutheran?

20 A. Well, could you rephrase that question.

21 Q. What were your favorite subjects or what did you
22 -- what did you like about --

23 A. Music class, I enjoyed, religion class.

24 Q. Mm-hmm. Did you pick up an instrument? Do you
25 play one or more instruments?

1 A. I picked up the guitar a little bit.

2 Q. When?

3 A. I would say maybe six years ago.

4 Q. Mm-hmm. So that would have been, like, beginning
5 of high school?

6 A. Yeah.

7 Q. Do you still play?

8 A. From time to time.

9 Q. And anything else?

10 A. Not really.

11 Q. So the interest in music, listening, singing,
12 playing?

13 A. Everything.

14 Q. All of it?

15 A. I enjoy it, yes.

16 Q. And are you a good singer?

17 A. I'm okay.

18 Q. In other words, were you in choir, or chorus, or
19 that kind of thing?

20 A. No, I never did that.

21 Q. Okay. At high school at least?

22 A. Yeah.

23 Q. How about academic subjects, what lifted you up
24 and what didn't?

25 A. I enjoy sciences.

1 Q. Biology, physics?

2 A. Yeah, biology.

3 Q. Okay. What about biology attracted you?

4 A. I don't know. I just enjoyed the teacher and the
5 way he taught it. I enjoyed it.

6 Q. And did you start at Piggly Wiggly while you were
7 still in high school?

8 A. Yes.

9 Q. As a stocker?

10 A. Yes.

11 Q. And do you do that full-time now?

12 A. No, I'm just part-time.

13 Q. What do you do with the rest of your time?

14 A. Um, listen to music. I don't know. Go to
15 concerts, hang out with my friends.

16 Q. What sort of concerts?

17 A. Everything. I listen to every type of music.

18 Q. Or what's the last one you recall going to?

19 A. Spud Monkey in Milwaukee.

20 (Court reporter asked him to repeat the name.)

21 A. Spud Monkey, S-p-u-d.

22 Q. At the place on Farwell?

23 A. In Milwaukee?

24 Q. Yeah.

25 A. It was at the Miramar Theater.

1 Q. At the Miramar, okay. And what -- what -- I'm
2 sorry. What does part-time mean at Piggly
3 Wiggly; how many hours?

4 A. Well, they usually have me like 40 hours because
5 I work pretty hard.

6 Q. But they are still treating you as a part-timer?

7 A. Yeah, because I don't want to work there all my
8 life. I'm trying to get into welding.

9 Q. Oh, okay. At LTC?

10 A. Yeah, I took a class at LTC.

11 Q. And what sort of welding?

12 A. Every type of welding, tag, wire welding.

13 Q. When you say you are trying get into that, how
14 are you going about trying to get into welding?

15 A. I help out on my friend's farm once in a while
16 with their -- I weld random things.

17 Q. Mm-hmm. And then would you be looking to catch
18 on with a company here in --

19 A. Probably work with my friend. He is thinking
20 about starting a business in a couple years.

21 Q. Okay. What shift do you tend to work at Piggly
22 Wiggly, or does it --

23 A. Morning.

24 Q. -- change around? Morning?

25 A. Yes.

1 Q. Which means what?

2 A. Eight to five.

3 Q. Monday through Friday or do you get weekend hours

4 too?

5 A. It varies.

6 Q. They will hold your job, but would you have any

7 income coming in if you were on this jury?

8 A. They said whatever days I'm free I can just call

9 and go in. They said they would pretty much work

10 around me.

11 Q. Okay. But they are not intending to pay you --

12 A. No.

13 Q. -- as if you were working while you are on jury

14 duty?

15 A. No.

16 Q. And can you take the financial hit?

17 A. I think I could handle it.

18 Q. When you say you think you could handle it, do

19 you have some --

20 A. Well, I have bills to pay.

21 Q. -- reservation about that? You have bills to

22 pay?

23 A. Yeah, insurance.

24 Q. Sure. But do you have an idea about how you can

25 manage that?

1 A. Yeah, I have a good amount of money saved up.

2 Q. Okay. The issue on that is really -- just so you
3 know, the issue is we all think the trial may go
4 six weeks, but at the end of the trial, whenever
5 that is, whether that's five or six weeks, or
6 whatever, at the end of trial the jury gets the
7 case to deliberate and try to reach a verdict.

8 And there's no way for you or any of us
9 to know how long that process will take because
10 it's just until 12 people can agree, if they can
11 agree, they try to. So there's no way to know
12 how long that is. And I want to make sure that
13 you are not going to be in deciding Steven
14 Avery's fate and worried instead about, you know,
15 boy, I got bills due that I can't pay.

16 A. I'm not really worried at all.

17 Q. Okay. And, I mean, we're -- I know this is
18 awkward to be discussing with a stranger, but are
19 we clear on that?

20 A. Yes.

21 Q. Okay. You said a few minutes ago that the name
22 Brendan Dassey did not ring a bell with you?

23 A. No.

24 Q. Okay. Have you heard about anybody supposedly
25 confessing in this case?

1 A. No.

2 Q. Heard anything at all about who's been arrested
3 or when?

4 A. No.

5 Q. Okay. But there's only one guy sitting here in
6 the defendant's chair, right?

7 A. Yes.

8 Q. Why would you come in presuming him innocent if
9 he is here and he's the guy on trial?

10 A. Because we have to prove that it's beyond a
11 reasonable doubt that he is guilty, so he is
12 innocent right now.

13 Q. And who's got to prove that?

14 A. Prove that he is guilty?

15 Q. Right.

16 A. These guys.

17 Q. That's true. What do I have to prove?

18 A. That he is innocent or remain -- I don't know.

19 Q. No, you're doing fine.

20 A. He is still innocent; you have to defend that.

21 Q. Yeah, I'm defending him. And, actually, I think
22 the Judge will tell you that the defense, in a
23 criminal case, doesn't have to prove anything.
24 There is no, you know, what lawyers and judges
25 call burden of proof, on the defendant in a

1 criminal case. So I'm sure we will take an
2 active role in the trial, but we wouldn't have
3 to, technically.

4 A. Yeah.

5 Q. We could just rely on, as you say, these guys
6 have to prove it. Can you -- Can you honor and
7 respect and follow the rules in the system that
8 says only one side has to prove anything and the
9 other side gets to --

10 A. Oh, yeah.

11 Q. -- sit there?

12 A. Yes.

13 Q. Why shouldn't we have to prove him innocent?

14 A. Because he is innocent until he is proven guilty.

15 Q. How about, you know, the issue -- one of the
16 issues at this table is, should Mr. Avery
17 testify? And that's tough because if he takes
18 the stand and he testifies, you know, people may
19 be saying, well, he's the one person in this room
20 who's got everything at stake, so of course he's
21 going to get up and say he did not do it. But if
22 he doesn't get up and testify, people may be
23 saying, well, what's he got to hide. If he's
24 innocent, why not just get up and tell us he's
25 innocent. So you see the problem?

1 A. Yeah.

2 Q. And the way that American courts deal with that
3 is to say the defendant has a right to testify if
4 he wants to. And if he testifies, he gets
5 treated like every other witness; the juror is
6 supposed to consider him just like everyone else,
7 you know, weigh and decide whether they believe
8 him or not.

9 And if he decides not to testify, that's
10 his absolute constitutional right. And in that
11 case, American judges tell juries everywhere in
12 this country, that the defendant's decision not
13 to testify is his right and that there's --
14 that's no evidence of guilt. And, in fact, it
15 can't even be considered by the jury in deciding
16 what verdicts to bring back. Are those rules you
17 can follow?

18 A. Yes.

19 Q. Do they make sense to you?

20 A. Yes.

21 Q. You talked -- You talked a little bit a few
22 minutes ago, too, about saying, look -- and I'm,
23 you know, I'm just -- as I heard it, you correct
24 me if I'm wrong, cops are human like everybody
25 else. Police officers, you hope they don't lie

1 under oath, but you hope everybody doesn't lie
2 under oath and police aren't more or less likely
3 to violate that oath than anyone else; did I
4 understand you --

5 A. Yes.

6 Q. -- right? Are there things, though, just like a
7 defendant has a stake in a criminal case, can you
8 see how the police officers who spend weeks or
9 months investigating the case, might also develop
10 a stake in the outcome of that case?

11 A. Depends on their personality. I can't really
12 tell.

13 Q. Yeah, that's actually a good answer. I mean, is
14 it just a job or how intense are they; is that
15 where you are going with that?

16 A. Yeah.

17 Q. But would you at least be open to looking at,
18 gee, what motivations might a police officer have
19 to shade his testimony? Even if he doesn't know
20 he's doing it, you know, just bias kind of
21 creeping in. Are you open to considering that
22 kind of ...

23 A. Yeah, I suppose. But I would hope I wouldn't
24 have to. I would hope I could take him for his
25 word.

1 Q. Right. I mean, we all hope we can take a witness
2 for their word, but are you willing to dig a
3 little deeper if you have to --

4 A. Yeah.

5 Q. -- with any witness?

6 A. Yeah.

7 Q. I don't mean just police officers; I mean any
8 witness. Are you willing to dig a little bit --

9 A. Yeah.

10 Q. -- to see what -- what might make this witness
11 tick, what sort of biases they might have?

12 A. Sure.

13 Q. At least consider that?

14 A. Yeah.

15 Q. Do you think there are circumstances where some
16 law enforcement officers might find themselves
17 doing something they otherwise never would do in
18 terms of, you know, planting evidence, or
19 misstating what they found, or where they found
20 it, or -- I don't know, I mean, just sort of
21 crossing over a line?

22 A. Could you restate that.

23 Q. Are there circumstances where a police officer,
24 like anyone else, might be tempted to do that
25 kind of thing?

1 A. Yeah, I'm sure.

2 Q. And I don't know whether you will decide they did
3 or didn't or you will even hear evidence one way
4 or the other of that, but if you do, are you open
5 to considering it?

6 A. Yes.

7 Q. In the end, I guess the question is, are you
8 willing to consider all the evidence that you
9 hear, weigh all of it, decide what you believe
10 and make up your mind, based on the evidence?

11 A. Yes.

12 Q. And I guess, you know, we're all lucky, you
13 included, that you come into this not knowing a
14 lot about this case, right?

15 A. Yup.

16 Q. Is there anything at all you do know about this
17 case that bothers you or that just causes you to
18 say, eh?

19 A. Nothing at all.

20 Q. And you said if you wind up on the jury that
21 would be okay with you, as I heard you?

22 A. Yes.

23 Q. Because it will be interesting, be something new.
24 And at the end of the case, though, in addition
25 to being interesting and new and a learning

1 experience, you would be asked to do about the
2 most serious thing we ask citizens to do and
3 that's decide whether someone is guilty or not
4 guilty of some very serious accusations.

5 The accusation here starts with a young
6 woman being murdered. And I don't know that it's
7 interesting to make that decision. How do you
8 think you would deal, at age 20, or 21, whenever
9 your next birthday is, with that kind of
10 responsibility?

11 A. I suppose it would be a little tough, but it's my
12 duty, I guess; I will stick it through.

13 Q. Have you ever known of someone or, you know, read
14 of someone, heard of someone, confessing to a
15 crime that he actually did not commit?

16 A. What do you mean?

17 Q. Well --

18 A. Who --

19 Q. Hmm?

20 A. Could you restate that.

21 Q. Have you ever heard of that, of someone doing
22 that, confessing to a crime that he really didn't
23 do?

24 A. Not really.

25 Q. Can you think of any reason someone might do

1 that, admit a crime he didn't commit?

2 A. I don't know why you would do that. I don't
3 know.

4 Q. Someone who's very young, impressionable and
5 could be lead around, for example, promised
6 something or, you know, kind of ...

7 A. I don't know. I don't understand why anyone
8 would do that.

9 Q. How about someone who was trying to protect
10 someone else, taking the fall himself?

11 A. I still don't see a way -- a reason why he would
12 do that.

13 Q. How about -- and I'm not suggesting this -- that
14 it would be here, but how about someone who's
15 just flat out crazy, mentally ill?

16 A. Then, I suppose, I guess.

17 Q. If you hear testimony about why human beings
18 occasionally do confess to something they didn't
19 do, will you -- will you hear that testimony,
20 will you consider it?

21 A. Yes.

22 Q. Just like all the other evidence?

23 A. Yes.

24 Q. You liked biology in school and science in
25 general; if you sit on this jury, are you going

1 to be looking for scientific evidence?

2 A. Depends what it is, probably, maybe.

3 Q. And why would you want scientific evidence as
4 opposed to, you know, an eyewitness, or a police
5 officer, or other kinds of evidence?

6 A. I'm looking for every evidence and it's just not
7 scientific alone.

8 Q. Is there anything special about scientific
9 evidence that --

10 A. No.

11 Q. -- really, you think, makes it especially
12 valuable?

13 A. No.

14 Q. If there's -- If there turns out not to be
15 scientific evidence on certain things that you
16 would expect, how are you going to react to that?

17 A. Well, depends. I would have to actually be
18 through it and see what happens.

19 Q. Come at it with an open mind --

20 A. Yes.

21 Q. -- and decide that? Okay.

22 ATTORNEY STRANG: I think that's it for me.

23 Thank you.

24 MR. LAWRENCE: You're welcome.

25 THE COURT: All right. Mr. Lawrence, the

1 Clerk will escort you from the courtroom at this
2 time. Excuse me, Mr. Lawrence -- you are right
3 that's the easiest way to get out.

4 (Wherein the juror was excused.)

5 THE COURT: Any motion from either party?

6 ATTORNEY STRANG: No, not on Mr. Lawrence.
7 I think -- Are we approaching, next, one of the
8 jurors the parties had agreed --

9 THE COURT: The next one I have got listed
10 is Juror 35, August Schuette.

11 ATTORNEY STRANG: Oh, okay, then we're one
12 away.

13 THE COURT: So we'll have Mr. Schuette come
14 in and Mr. Lawrence is in.

15 ATTORNEY KRATZ: Just to alert you,
16 Judge, I will be questioning Mr. Schuette.

17 THE COURT: Very well.

18 ATTORNEY FALLON: How many jurors do we
19 have left back there?

20 THE COURT: Um -- Mr. Schuette, please
21 raise your right hand and the clerk will administer
22 the oath to you.

23 (Juror sworn.)

24 THE CLERK: Please be seated.

25 THE COURT: Mr. Schuette, you have already

1 completed a written questionnaire in this case.

2 MR. SCHUETTE: Right.

3 THE COURT: This afternoon we're moving on
4 to the next phase of the jury selection which is the
5 voir dire part of the process. In a minute the
6 attorneys will each be given an opportunity to ask
7 you some questions that are follow-ups to the
8 information you provided in your questionnaire.

9 Before we get to that, I can inform you
10 that the jurors selected to hear this case will
11 not be sequestered; that is, at the end of trial
12 each day the jurors will be brought back to
13 Manitowoc and permitted to go home.

14 The rule that the Court has already
15 imposed, prohibiting the jurors from having any
16 exposure to any news media accounts of this case,
17 will continue. And the jurors are also
18 prohibited from discussing the case with anyone
19 until the case is over.

20 Although today's proceedings are open to
21 the public, during voir dire we do not permit
22 cameras in the courtroom and the members of the
23 media are prohibited from identifying any of the
24 jurors by name in their news reports.

25 You should also be aware, that in the

1 event you are selected to serve on the jury,
2 cameras are not permitted to identify the jurors
3 in any way during the course of the trial.

4 If you are selected to remain on the
5 jury panel after today's questioning, you will
6 receive a telephone call in the next day or two
7 letting you know when to report back to court.

8 At this time, then, I will permit the
9 attorneys to ask their questions. Mr. Kratz, you
10 may proceed.

11 ATTORNEY KRATZ: Thank you, Judge.

12 **VOIR DIRE EXAMINATION**

13 BY ATTORNEY KRATZ:

14 Q. Mr. Schuette, good afternoon. My name is Ken
15 Kratz, I'm the Calumet County District Attorney.
16 I'm serving as a Special Prosecutor in this case.
17 Joining me this afternoon is Tom Fallon.
18 Mr. Fallon is an Assistant Attorney General. He
19 is also a Special Prosecutor on this case. And
20 we will not only be asking you questions this
21 afternoon, but we'll be presenting the case
22 together, if you are selected to serve on that.

23 This part of the jury selection process
24 is meant to follow up individually with questions
25 that you have answered on a questionnaire. Let

1 me assure you that it's not meant to
2 unnecessarily pry into your personal life or to
3 embarrass you. We're simply trying to get the
4 most impartial jury that we can and so there are
5 a couple follow-up questions that we do need to
6 ask of you.

7 Let me first start, Mr. Schuette, with
8 your prior employment. I understand that you are
9 a retired gentleman, but had served and had
10 worked, what looks like most of your life, in the
11 retail store business; is that correct?

12 A. That's correct.

13 Q. You were president and manager of a department
14 store; was that here in Manitowoc?

15 A. Yes, it was, sir.

16 Q. Could you describe the nature of that store,
17 please; what kind of goods was it that you sold?

18 A. It was a general department store, established as
19 a family department store, established in 1849, a
20 long time. And our family ran it for about 145
21 years. And it sold just a general classification
22 of merchandise: Men's and women's wear, home
23 furnishings, appliances and, at one time,
24 groceries.

25 Q. When was it, sir, that you retired from that

1 business?

2 A. 1992.

3 Q. And upon your retirement, was the business sold
4 or was it carried on by other family members or
5 other concerns?

6 A. The business was acquired by my stepson-in-law,
7 Peter Burbach, and he ran it for two years and
8 then he closed it in 1994.

9 Q. I understand also from your questionnaire that
10 you have some higher education including college
11 and graduate school; is that correct?

12 A. Correct.

13 Q. The area of graduate studies, was that in
14 business and management or was that in some other
15 kind of area?

16 A. It was a work study course at the City College in
17 New York. I worked in a department store and
18 went to classes.

19 Q. All right. So what would now be called an
20 internship or something like that --

21 A. Yes.

22 Q. -- but you also received some kind of educational
23 credit for that; is that right?

24 A. Correct. Work and educational credit.

25 Q. All right. Also indicates in your questionnaire

1 that you served in our armed forces; is that
2 right?

3 A. That's correct.

4 Q. You served in Germany at least through 1946 and
5 attained, as I understand it, the rank of
6 sergeant?

7 A. Correct.

8 Q. As a sergeant, I believe you were stationed in
9 Germany at the time?

10 A. Right.

11 Q. Did that require you to have supervisory
12 responsibility over other soldiers?

13 A. Yes, I obtained the rank of sergeant and I had, I
14 think, six under men -- six other men that worked
15 with me. We were in charge of some of the arm --
16 armors, some of the weapons and ammunition and
17 that type of thing and several ammunition dumps
18 in Berlin.

19 Q. As a member of the armed services, Mr. Schuette,
20 did you ever have the situation of being involved
21 in any investigative proceedings or court martial
22 proceedings or anything where you may have either
23 been called upon as a witness or some other
24 manner participated in those kind of proceedings?

25 A. No, I did not.

1 Q. Have you ever been a witness in a case before in
2 a criminal or a civil case in court?

3 A. I have not.

4 Q. I note from your questionnaire that you are
5 pretty active in obtaining information. Let me
6 ask you, Mr. Schuette, where do you think you
7 obtain most of your news from; would it be the
8 newspaper, or television, or the internet, or
9 some combination?

10 A. Newspaper, primarily, and television news
11 reports. I also -- we also follow that.

12 Q. Do you subscribe to the local newspaper here?

13 A. Correct, I do.

14 Q. And are you a regular reader of that?

15 A. I feel I am, yes.

16 Q. And do you watch your television, at least the
17 news portion of television, regularly?

18 A. Generally, yes, I do.

19 Q. With that having been said, have you some
20 background information of this case that is the
21 reason that you have been called in today?

22 A. Well, I think anybody who does read the
23 newspapers, local papers, and watches the
24 television stations certainly has to have some
25 feeling about news in general coming out of this

1 community.

2 Q. Right.

3 A. So I certainly have -- I wouldn't say I have
4 intently watched or read about this case, but I
5 certainly have done some. I have some awareness
6 of it.

7 Q. Let me go back about 15 months, to November of
8 2005; do you remember some of the early reports
9 of a young photographer, a young woman, Ms
10 Halbach, being missing, that there was a search
11 for her and some law enforcement efforts to find
12 her? Do you remember those stories?

13 A. Yes. I was aware of some of them, yes.

14 Q. Were you also made aware, sometime thereafter, of
15 Mr. Steven Avery's involvement and eventually his
16 arrest or being implicated in Ms Halbach's
17 disappearance?

18 A. Yes, I would have been aware of that.

19 Q. Let me ask you, Mr. Schuette, after being aware
20 early on in this case, at any time, did you form
21 an opinion as to Mr. Avery's guilt or innocence,
22 or are you the kind of person, generally and
23 specifically in this case, did you reserve
24 judgment on that to wait to hear more about the
25 case?

1 A. I would be inclined to want to hear more about
2 it.

3 Q. Now, I asked kind of a two part question; I
4 apologize for that. Is that generally your
5 philosophy; that is, about things that you read
6 in not only the newspaper or hear on television,
7 but any information that you might glean from
8 some source, you are the kind of person that will
9 want to check into the details yourself before
10 forming an opinion about them?

11 A. I would feel I would. I think in my business
12 career I was not quick to jump to conclusion. I
13 think I liked to -- I'm not an impulsive type
14 person, so I think I'm inclined to try and get
15 all the facts in business or in other news.

16 Q. Now, running a business for, I think you said 45
17 years, if I'm --

18 A. Worked there 45, ran it 35.

19 Q. If I'm reading this correctly, that required, I
20 suspect, a great deal of not only hard work in
21 the amount of hours, but also attention to
22 detail. Would that be a fair assumption on my
23 part?

24 A. Correct, yes.

25 Q. How many employees, at any given time, did you

1 have under you?

2 A. Oh, full and part time, 40, approximately 40, 30
3 or 40.

4 Q. And I suspect by the nature of the retail
5 business, some of those individuals came and
6 went; in other words, it wasn't the same 40
7 people, there were --

8 A. No, it wasn't.

9 Q. -- there were individuals in retail sales that
10 would move on to other employment --

11 A. Correct.

12 Q. -- is that right? I note in your questionnaire
13 that you are familiar with the internet. Let me
14 ask you if you're an active user of the internet
15 and how often and what kinds of purposes you
16 might use the computer for?

17 A. I'm really not too active in the internet. I do
18 have a computer. I do have availability to the
19 internet. Seems though I use my computer mainly
20 for word processing, spread sheets, email. I
21 really don't delve into the internet too much
22 except maybe for informational purposes.

23 Q. All right.

24 A. Not news necessarily. Not news but ...

25 Q. I have to ask, Mr. Schuette, the spread sheets,

1 data basis or things like that, are you still
2 employed now or what -- what is it that you are
3 making data basis of at this point?

4 A. Data spread sheets and letter writing, that type
5 of thing.

6 Q. All right.

7 A. And I use it mainly for tax information,
8 checkbook information, that type of thing.

9 Q. I understand. All right.

10 A. I don't really --

11 Q. So you keep some of your more detailed records on
12 the computer.

13 A. Sorry.

14 Q. I note from your response that you have many
15 children, all of which, if I read correctly, have
16 either college or advanced degrees. One of them,
17 it looks like is in the radio or media business;
18 am I reading that correctly?

19 A. Correct.

20 Q. Can you tell me what that child does and where
21 they're -- where they're employed?

22 A. Yes, he is a stepson. I have a second marriage.
23 My wife was a widow and I was a widower. We have
24 been married for 26 years. Her oldest child,
25 David Kollath (phonetic) is a general manager of

1 a public radio station in Kenosha, Wisconsin.

2 Q. All right. Have you and your stepson either
3 discussed this case, specifically, or do you
4 discuss the media business, generally, with him?

5 A. No, we really don't. I don't recall that we have
6 discussed this case. I know we have not recently
7 and I don't even recall if he might have casually
8 mentioned it a year, year and a half ago. And we
9 don't see David that often, so we don't discuss
10 the radio business.

11 Q. All right. I understand. Being a very long time
12 member of the Manitowoc community, have you
13 formed an opinion about the Sheriff's Department
14 and what kind of job you feel that the Sheriff's
15 Department here in Manitowoc is doing? I guess,
16 generally, in fighting crime or just in their
17 day-to-day operations; have you formed such an
18 opinion?

19 A. Well, my opinion would be positive. As far as I
20 know, I think they are doing a commendable job.
21 I'm not aware that they are doing anything but
22 that, so it would be positive.

23 Q. You may, in fact, if you are called to testify
24 (sic) in this case, you will hear from law
25 enforcement officers who will be asked to

1 testify. Let me ask you, Mr. Schuette, since law
2 enforcement officers are people like -- like
3 anybody else and subjected to the same biases or
4 prejudices as anybody else; are you able, despite
5 your positive general reaction towards officers,
6 to consider a law enforcement officer's testimony
7 like that of any other witness?

8 A. Like what?

9 Q. Like that of any other witness that might
10 testify. Are you able to consider their
11 testimony and not give them more credit or less
12 credit just because they are a police officer?

13 A. Well, I think I would accept whatever they say in
14 a general mode. I respect the police officers.
15 I think that they should be thorough and
16 investigate things well, so I would certainly
17 respect what they have to say.

18 Q. Is there anything that you have learned from this
19 case, specifically, that you have a question
20 either about the nature of the investigation, the
21 thoroughness of it, or anything that's come to
22 light, that as you sit here today you think that
23 we should know going into this case?

24 A. No, I don't.

25 Q. Mr. Schuette, have you ever used or are you aware

1 of a publication known as Auto Trader Magazine?

2 A. No, I'm not.

3 Q. Have you ever heard of a project in the State of
4 Wisconsin which is called Project Innocence, a
5 project which is -- or has at least as it's
6 primary goal, the exoneration of those
7 individuals who have been wrongfully accused or
8 convicted?

9 A. Yes, I am aware of that program.

10 Q. Do you believe that is a positive, that is a good
11 program?

12 A. I would think that would be positive, yes.

13 Q. Are you aware of Mr. Avery's past connection with
14 Project Innocence?

15 A. Correct, I am.

16 Q. Can you tell me what you recall of Mr. Avery --
17 and not just the Project Innocence, but what you
18 may know of his past, generally, that may help us
19 in some of our future questions?

20 A. Well, I'm aware of his conviction and a prior
21 offense. I'm aware of the fact that he served a
22 substantial amount of time in prison. And I'm
23 aware that Project Innocence pursued this and he
24 was released from prison; it was determined
25 another person committed the crime for which

1 Steven Avery was convicted.

2 Q. And he was exonerated, that is, he was freed as a
3 result of --

4 A. Correct.

5 Q. -- of that project?

6 A. I'm aware of that, yes.

7 Q. Were you aware of the nature of the exoneration;
8 that is, it was based upon DNA or scientific
9 evidence?

10 A. Yes, I think I was aware of that. That was the
11 way in which he was exonerated.

12 Q. I'm going to ask you just generally,
13 Mr. Schuette, are you a believer in the sciences,
14 specifically in DNA evidence, and from what you
15 have heard or read, do you believe that to be an
16 accurate form of identification, especially in
17 criminal cases?

18 A. From what I understand, yes. I am aware of that
19 and seems -- seems as though it is -- is a true
20 scientific project.

21 Q. The last question I have of you, Mr. Schuette, is
22 as you have thought about sitting on this case,
23 as you have thought about one of the 12 members
24 of your community that may have to sit in
25 judgment of Mr. Avery; do you believe that would

1 be a positive experience for you, individually,
2 or is that something that you would not be
3 looking forward to?

4 A. I'm sure it would be a positive experience. I
5 can't honestly say I would look forward to it,
6 but in the event that I would be chosen. I think
7 I could render a fair and carefully deliberate
8 reasoning to arrive at whatever result would be
9 arrived at.

10 Q. And you would be willing to follow whatever
11 instructions the Judge may have on the law in
12 this case?

13 A. Yes, I would.

14 ATTORNEY KRATZ: That's all the questions I
15 have of this prospective juror. Thank you, Judge.

16 THE COURT: Mr. Buting.

17 MR. BUTING: Thank you, Judge.

18 **VOIR DIRE EXAMINATION**

19 BY MR. BUTING:

20 Q. Good afternoon, Mr. Schuette. My name is Jerome
21 Buting. This is Dean Strang. And this is,
22 obviously, Steven Avery. And you recognize that
23 we are representing him today?

24 A. Correct.

25 Q. Okay. I have some questions about some things

1 that Mr. Kratz hasn't talked about. And I also
2 have some follow-up on some things that he has.
3 Okay.

4 You have obviously been a member of this
5 community a long time. And as president of a
6 department store -- I apologize, but I'm not from
7 here, so I'm not familiar with the store -- but
8 as a result of that position in the community,
9 were you on leadership councils or Chambers of
10 Commerce, or things of that nature?

11 A. Yes. I was involved with a number of
12 organizations, yes.

13 Q. Could you just tell me what those were, in
14 leadership positions?

15 A. Well, the Chamber of Commerce, I was on the Board
16 of Directors; Junior Chamber of Commerce, I was
17 on the Board of Directors. There's a foundation
18 called the West Foundation of which I was the
19 vice president. I was involved in the Manitowoc
20 County Historical Society on the Board of
21 Directors.

22 I'm trying to think if there were any
23 more, but ... I have been a downtown
24 Manitowoc -- Retail Trade Commission of Downtown
25 Manitowoc, Chamber of Commerce. I've just been

1 pretty much involved with a lot of the community
2 affairs. I'm on the Rotary Club right now.

3 Q. You are on the Rotary Club?

4 A. I'm a Rotarian, correct.

5 Q. And do you attend regularly, what, once a month?

6 A. Well, hopefully, weekly.

7 Q. Once a week, okay.

8 A. It's a weekly meeting, yes.

9 Q. Okay. And in that context, do you -- do you ever
10 hear people talking about this case?

11 A. On occasion but, you know, I don't hear a lot of
12 it. I suppose there will be more now. But, no,
13 I do not hear a lot of that discussed.

14 Q. Okay. You still play tennis?

15 A. I still play tennis.

16 Q. Good for you. And you mention volunteer work;
17 what kind of volunteer work do you do?

18 A. I do Meals-on-Wheels --

19 Q. Okay.

20 A. -- too. And I volunteer at the Historical
21 Society in their building. And they have a very
22 nice historical village out in the country.

23 I help transport some people who need
24 some help, some stroke victims, mainly stroke
25 victims, who need to get to an exercise place.

1 I used to help an elderly gentleman with
2 most of his grocery shopping and doctors and that
3 type of thing. He is no longer with us. But I
4 do that -- that type of volunteer work.

5 Q. So it sounds like you keep pretty busy?

6 A. I keep quite busy.

7 Q. And do you also travel out of town for long
8 periods of time or are you primarily here year
9 round?

10 A. We have a small place up in Door County so
11 summers, long weekends we spend up there.

12 Q. Okay.

13 A. We no longer make long travel trips out of the
14 state or out of the country. We did at one time,
15 but not too much any more. We kind of stick
16 around home.

17 Q. Okay. You don't try and go some place warmer in
18 the winter?

19 A. Oh, I love Manitowoc. I love blowing snow.

20 Q. Okay. Now, you have six children or step
21 children?

22 A. Correct.

23 Q. Grandchildren?

24 A. Ten.

25 Q. Ten, okay. And granddaughters? All boys or

1 girls?

2 A. Let's see, I should know. Two granddaughters
3 and -- no, three granddaughters. So would be
4 seven grandsons.

5 Q. Okay. And what's the range of ages from the --
6 of all your grandchildren?

7 A. The oldest is -- must be 24 and the youngest is
8 seven.

9 Q. Okay. And what age are your granddaughters?

10 A. 16, 14, and 12.

11 Q. Okay. So not in the middle 20's, not close to --

12 A. No.

13 Q. -- Teresa Halbach's age or anything of that sort?

14 A. Correct.

15 Q. Okay. Did -- When you heard about this case, did
16 you identify it with your granddaughters at all,
17 what would it be like if this happened to my
18 granddaughters, anything of that nature?

19 A. No, I did not.

20 Q. In your questionnaire, you mention -- Well, let
21 me get to that in a second. Sounds like you keep
22 pretty current on all the news from a number of
23 different sources, right?

24 A. I try to.

25 Q. Do you have an opinion about how accurate the

1 media is in reporting on, particularly, criminal
2 cases?

3 A. Sometimes I feel that they don't get the whole
4 story. I'm sure they aren't really complete in
5 all of the facts. I feel -- I think they do the
6 best they can and sometimes the facts aren't
7 really easily available and maybe they shortcut
8 some of them.

9 Q. Do you find yourself watching the local news more
10 than the cable, like CNN or Fox news outlets, or
11 do you watch those too?

12 A. We watch those also. We pretty much watch the
13 local news, Channel 2, or 5. You know, the 5
14 clock news, or 6 o'clock news, or whatever fits
15 our time schedule.

16 Q. Do you tend to watch a particular programs in the
17 evening like, you know, the Bill O'Reilly show,
18 or Larry King, or any of those kinds of things?

19 A. We watch some of those, Reilly or Larry king.

20 Q. Anyone that's a particular favorite?

21 A. Not really. I think as far as Larry King is
22 concerned, depends on who he's having on.
23 Sometimes it's interesting information, sometimes
24 it's pretty boring, so we skip around.

25 Q. And how about radio news; do you listen to the

1 radio much?

2 A. Probably WOMT, the local news station, maybe at
3 the early -- the early broadcast, the 7 a.m.
4 broadcast.

5 Q. Now, does that -- that station does have some
6 call in shows, doesn't it?

7 A. Sure.

8 Q. Do you -- Have you ever called into any of the
9 radio stations?

10 A. No, I have not. I don't listen to those too
11 much.

12 Q. Now, you have been in this community for ...

13 A. All my life.

14 Q. All your life.

15 A. Right.

16 Q. And you have never had jury duty before?

17 A. I have not, no.

18 Q. You ever talk to the jury clerk about that?

19 A. No, I have not.

20 Q. How that ever happened?

21 A. No, my wife has been called four times.

22 Q. Has she really?

23 A. Yeah.

24 Q. Okay. Has she ever served?

25 A. On one case, I believe.

1 Q. Speaking of your wife, you mention her, that's
2 Shirley, right?

3 A. Correct.

4 Q. Okay. That -- One of the questions we ask,
5 No. 41, was whether you have talked with any
6 people, at length, about this particular case and
7 you said, yes, your spouse.

8 A. Mm-hmm.

9 Q. What sort of things have you talked about or what
10 have you talked with her about?

11 A. Well, I think just a general opinion about the
12 whole situation. And I would think it's pretty
13 hard for anybody who keeps a little bit abreast
14 of the news here to overlook this whole case. I
15 would think --

16 Q. Sure.

17 A. -- it would have to be. And so just, you know,
18 maybe what -- what happened today or when the
19 news comes on, we might casually discuss it.

20 Q. Mm-hmm. And I don't mean to imply there's
21 anything at all wrong with talking to your spouse
22 about it.

23 A. No, I'm sure it's pretty normal for --

24 Q. Sure.

25 A. It would be a little hard for somebody not to

1 talk.

2 Q. Sure. Especially something like this.

3 A. Sure.

4 Q. But, obviously, I assume you probably respect
5 your spouse's opinion on things as well, right?

6 A. In most cases, yes.

7 Q. Not necessarily all, but ...

8 A. Correct, not all.

9 Q. Does she have a particular opinion about whether
10 or not Mr. Avery is guilty or innocent?

11 A. Well, for some reason she kind of questions his
12 guilt.

13 Q. Okay.

14 A. She just ...

15 Q. And does she -- Have you talked with her further
16 about that to see if you agree or disagree with
17 those doubts that she still has?

18 A. No, not really. This is her opinion. She just
19 doesn't feel that she's convinced that this is a
20 guilty situation.

21 Q. Okay. And what about you, do you have any?

22 A. I don't -- I don't strong -- At this point, I
23 think as I mentioned, I don't strongly disagree
24 with her. I think there are probably a lot of
25 questions to be answered. And so I'm not totally

1 convinced that the case has been presented
2 totally. And I think if I served on the jury I
3 would like to see -- and I'm sure both sides
4 would be presented.

5 Q. Mm-hmm. And you --

6 A. So I'm not adamant as to what -- what the guilt
7 or not, innocence is.

8 Q. So you understand that at this point Mr. Avery is
9 presumed innocent, though, right?

10 A. Absolutely.

11 Q. And despite all the -- Would it be fair to say
12 that the media presentation that you have seen,
13 you have seen a lot of it, has skewed more
14 towards making him look guilty?

15 A. Probably, yes.

16 Q. Okay. And despite all of that, do you think that
17 you can still presume him innocent?

18 A. I feel I could, yes.

19 Q. Is that because you realize they are probably not
20 giving you the whole story?

21 A. Correct.

22 Q. Okay. And I recognize that -- Well, what's the
23 most recent thing you can recall hearing reported
24 on the news about this particular case?

25 A. I really haven't been following it much in the

1 last two or three weeks as requested by the
2 Judge. But very frankly, it's pretty hard to
3 avoid headlines.

4 Q. Sure.

5 A. Sunday's Herald-Times had a very big section
6 about the whole case and chronological dates. I
7 did not read it, but I did not miss the headline.

8 Q. Some -- I have discovered some restrooms that you
9 go into, you're standing there and you can't miss
10 it, it's posted on the wall.

11 A. That could be, that's right. It's pretty hard,
12 or the 5 o'clock news on Channel 2, it's our lead
13 story is and the name Avery comes up. And
14 generally I will either leave the room or turn it
15 off or something. And I'm not a purist, but I'm
16 trying to at least follow the Judge's
17 recommendations. I'm trying to think what the
18 most recent thing would be. Last month.

19 Q. Do you recall discussions about a blood vial?

20 A. Yes. Yes. There was something about that, I
21 didn't pursue the whole thing. It was something
22 about DNA evidence and there was a blood vial
23 some place. It was used -- Well, I think it was
24 used to exonerate him from his original
25 conviction.

1 Q. And that it was located in the Clerk's Office?

2 A. Yeah, I'm not sure quite how that whole thing

3 happened, how they found it.

4 Q. Now, I'm going to get back to something on that

5 in a minute. But before I forget, I want to ask

6 you, you mentioned your awareness that Mr. Avery

7 was wrongly convicted --

8 A. Yes.

9 Q. -- and spent a substantial period of time in

10 prison?

11 A. Correct.

12 Q. And, in fact, it was determined that another

13 person had committed that crime?

14 A. Yes.

15 Q. And do you have any doubts of your own about

16 whether or not that's true, that he really was

17 wrongly committed?

18 A. No.

19 Q. Convicted?

20 A. I did not have any doubt about that.

21 Q. And how do you feel about -- or how did you feel

22 when you learned that somebody from your

23 community in Manitowoc, where you have grown up

24 all your life, had been wrongly convicted?

25 A. It's a tragedy. It's a shame. What else can you

1 say.

2 Q. Sure.

3 A. A man's -- A young man's -- 20 years of his life
4 was wasted.

5 Q. Do you -- You are also aware a civil lawsuit was
6 filed?

7 A. Yes, I am.

8 Q. Are you aware of the individuals that were
9 directly accused in the lawsuit of misconduct
10 leading to his wrongful conviction?

11 A. Not all of them. I remember the sheriff, Tom
12 Kocourek, I think was involved in that. I'm not
13 sure, I don't know who the district attorney was
14 at that time, so I suppose he was.

15 Q. Well, I noticed in your questionnaire you
16 mentioned when we asked about people that -- long
17 list of names that you might know, you mentioned
18 Thomas Kocourek.

19 A. Correct.

20 Q. And how do you know him?

21 A. Very casually.

22 Q. Okay.

23 A. The business I was in we met -- maybe I sold Tom
24 a pair of socks or a suit or something sometime.
25 So I have known him on a very casual basis, a

1 name recognition and --

2 Q. Okay. I see.

3 A. -- that's about all.

4 Q. So no personal knowledge of him?

5 A. Not at all. No.

6 Q. Did you ever talk to him about the Steven Avery
7 wrongful conviction?

8 A. No.

9 Q. Nothing of that sort?

10 A. No, not at all.

11 Q. And you also mentioned Curt Drumm.

12 A. Mm-hmm.

13 Q. How do you know him?

14 A. He's been a friend of the family. I think he's
15 my daughter's age. I have known him since
16 kindergarten and I have known his father and
17 mother for a long time.

18 Q. Now, if he were to testify -- and I don't know
19 that he will -- You recognize a lot of these
20 people on this list are not necessarily all going
21 to testify, thankfully, but would you be able to
22 be objective and judge what he would testify
23 about?

24 A. You mean Curt Drumm?

25 Q. Yes.

1 A. Yes, I certainly could accept his forthrightness
2 and honesty, yes.

3 Q. Well, could you also judge him like any other
4 witness, or would you -- would you be maybe too
5 sympathetic towards him because it's somebody you
6 know, that you would assume he is not going to
7 lie, I won't go beyond that?

8 A. No, I don't think I would have any personal
9 interest in his testimony or consider him
10 differently than any other witness.

11 Q. Okay. And I assume that applies to Thomas
12 Kocourek too?

13 A. Correct.

14 Q. Now, one of the things Mr. Kratz asked you about
15 was police officers and whether you would be
16 willing to consider their testimony as witnesses
17 like any other witness; do you recall that?

18 A. Yes, I do.

19 Q. Do you think, though, that because police
20 officers are, you know, they -- they are sworn to
21 serve and protect, enforce the law, that if they
22 were to take the witness stand and take the oath
23 that they, therefore, would be more likely to
24 tell the truth than an ordinary citizen, or would
25 it be the same?

1 A. Hmm. Well, I would hope more likely. I would
2 hope.

3 Q. Okay. But, now, if the Judge gave you an
4 instruction that said, despite what you may hope,
5 they are the same as any other witness and they
6 are human beings, that you must judge their
7 credibility, their truthfulness or
8 non-truthfulness the same as any other witness,
9 would you be able to do that?

10 A. Oh, sure.

11 Q. Okay. You did say, I think -- and maybe I just
12 misunderstood you -- you said, I think I would
13 respect what they have to say. But if you got
14 that kind of an instruction from the Judge, I
15 assume you would be able to also question what
16 they say, just as any other witness; is that
17 right or not? Or would you just respect and
18 accept what they say, unquestionably?

19 A. Well, I suppose if what they respond, their
20 response seems to be logical, I would accept it
21 as being truthful. But, no, I would certainly --
22 I don't know if I would give a police officer any
23 more credibility than another witness.

24 Q. Okay. Because as a juror, if you're selected,
25 you will have to do that, you will have to -- you

1 may hear -- I'm not saying necessarily police
2 officers, but you may hear different things from
3 different witnesses. And you may have to judge,
4 which one am I going to believe. And it could be
5 police officers, it may not be, but that's a task
6 you may find yourself having to do.

7 A. I would understand that, yes.

8 Q. Okay. You also said that you expected police to
9 be thorough, right?

10 A. In general, I would expect them to, yes.

11 Q. Okay. And if you hear evidence that questions or
12 challenges that, challenges whether or not the
13 police were very thorough in this case in looking
14 at all of the evidence and all of the options and
15 possibilities, would you be able to consider
16 that?

17 A. Sure. Yes.

18 Q. Do you think the police sometimes get so engaged,
19 personally, in an investigation that they may
20 tend to go down one tunnel and, you know, focus
21 on one area rather than being as objective as
22 possible and covering all the bases? Do you
23 think that's possible?

24 A. I think if I would get contrary information that
25 seems logical I would have to weigh this and

1 accept it, if that would be the case.

2 Q. Okay. I appreciate that. And if you also heard
3 evidence or reason to think that maybe the police
4 went even farther in this case and crossed the
5 line and, you know, were doing things that were
6 improper and possibly even illegal; would you be
7 able to consider that?

8 A. I would be able to, if the evidence so indicates,
9 yes.

10 Q. Now, since you -- I don't remember if -- No, I
11 don't think Mr. Kratz did ask you about this.
12 You talked about the initial sort of flood of
13 information when Teresa Halbach was missing and
14 then Mr. Avery was arrested; do you also, though,
15 recall the whole Brendan Dassey aspect of the
16 case?

17 A. I'm aware of some of the media coverage of him,
18 yes.

19 Q. Okay. Did you see the -- any of the press
20 conferences when those charges were brought --

21 A. No, I did not.

22 Q. -- back in March? Okay.

23 A. No.

24 Q. Can you just tell us what you recall hearing
25 about Brendan Dassey's involvement in the matter?

1 A. My understanding is that Brendan Dassey is Steven
2 Avery's nephew. And it must have been October
3 31st, or November 1st, or something, he
4 approached Steven Avery's cabin, home, whatever
5 it was, and came into the property. And Teresa
6 Halbach was there. And his uncle -- I did not
7 get all the details, but for some reason I think
8 there was a sexual assault that took place. And
9 after that she was murdered. This is all the
10 information that I understand. And the body
11 disposed of.

12 Q. Okay. And did you also hear -- Well, let me ask
13 you this, what if -- I assume that you would
14 consider that pretty damning evidence for
15 Mr. Avery, right? Against Mr. Avery?

16 A. If this in fact happened, yes, I certainly would
17 have to.

18 Q. Well, what if the State never called Brendan
19 Dassey to the trial and you never heard that
20 story from him, would you be able to put that out
21 of your mind and focus just on what evidence they
22 do present?

23 A. I think I would. As I understand, if we are
24 instructed to be objective in our observation and
25 observe and use only the evidence presented, I

1 think that's what would have to be decided.

2 Q. So you wouldn't assume necessarily that maybe
3 that there is other evidence out there and maybe
4 that is what happened but they just are not
5 telling me; you wouldn't -- you wouldn't look at
6 it that way?

7 A. I think as a jury you have to base your
8 conclusions on the evidence presented.

9 Q. Okay.

10 A. And I think I would do that.

11 Q. Okay. Hard as it may be, you think you could?

12 A. Yes, I think I could.

13 Q. Okay. Did -- Do you also recall, then, that --
14 that Brendan Dassey later recanted that
15 confession, that is, took it back?

16 A. Yes, I'm aware of that, correct.

17 Q. And were you aware of any -- Well, strike that.
18 Can you think of any reasons why somebody would
19 falsely confess, confess to something -- admit
20 that they did something like this when they
21 really didn't?

22 A. I can't think of any reason, but it seems as
23 though I understand that there are some rather
24 severe interrogation procedures sometimes done by
25 investigators. I don't know if a person could be

1 coerced into something like this or not.

2 Q. Okay. That's something that you would be open to
3 considering, though, if it -- if you did hear
4 from Mr. Dassey, or young Brendan Dassey; is that
5 right?

6 A. I think I could be open to do that, sure.

7 Q. Would you also consider whether or not any other
8 evidence corroborated a story like that, physical
9 evidence, or lack of physical evidence; is that
10 something you would consider?

11 A. The story of Brendan Dassey's involvement?

12 Q. Yes.

13 A. If there was other evidence, I would certainly
14 consider it.

15 Q. And if there wasn't evidence that would
16 corroborate it, in fact would tend not to?

17 A. That has to be considered, I would assume, yes.

18 Q. Yes. Well, if you have never been to a trial
19 before -- I know you have never been on a jury,
20 but have you ever sat through a trial before --

21 A. No, I have not.

22 Q. -- as a spectator? Do you ever watch Court TV?

23 A. No, I don't.

24 Q. Well, you may or may not know, but a defendant
25 has a constitutional right not to testify in

1 their own case.

2 A. I'm aware of that, yes.

3 Q. Okay. And a defense attorney always has sort of
4 a difficult decision to make, which is whether or
5 not they should call the defendant in the trial,
6 whether they should testify or not testify.
7 Because there's always a concern that if a
8 defendant does testify and takes the witness
9 stand, that a jury may not believe him anyway
10 because they will think, well, he's the person
11 with the most at stake, why should we believe
12 him, right?

13 A. Correct.

14 Q. On the other hand, if they -- if he doesn't
15 testify, then there's concern that some jurors
16 may think, well, what's he hiding; why doesn't he
17 tell his side of the story; we want to hear both
18 sides. What about you; do you -- would you have
19 any concerns like that?

20 A. I don't think so. I guess I could understand
21 where, as you pointed out, a defendant would have
22 a hard time being very forthright about the
23 situation. I would think it would be difficult
24 in these cases for them to testify.

25 Q. By forthright, you mean convincing?

1 A. Or honest, truthful.

2 Q. You think a defendant would have a hard time
3 being truthful or just being believably truthful?

4 A. Either one.

5 Q. Well, see, that's one of the concerns is that,
6 you know, if a defendant does testify and the
7 jury just thinks, well --

8 ATTORNEY KRATZ: Judge, I'm going to
9 interpose an objection. I don't know if Mr. Buting
10 is asking a question here or giving his closing
11 argument. He can ask the question, Judge. He's
12 gotten an answer and now it's speech time. And I'm
13 interposing an objection, telling this witness (sic)
14 what the next problem is with his answer.

15 THE COURT: Well, the subject matter is
16 legitimate, why don't you rephrase the question,
17 Mr. Buting.

18 MR. BUTING: Okay.

19 Q. (By Mr. Buting)~ Would you -- Would you be
20 able -- If Mr. Avery did, with our advice, if we
21 suggested that he take the witness stand and he
22 testified in this case, would you tend not to
23 believe him just because he's the defendant in a
24 case?

25 A. I suppose it would depend on the evidence

1 presented prior to his testimony. And -- All
2 right. Frankly if -- and I'm sure he would not
3 admit to the crime, if there's other evidence
4 that would indicate -- and I don't know what it
5 could be -- that it did happen and he was guilty
6 of it, then I suppose a person would be a little
7 inclined to doubt his denial.

8 Q. Okay. But my question is, looking at his
9 testimony alone first, with the mere fact that
10 because he is charged in this case and decides to
11 testify, would you hold that against him and
12 not -- not -- I mean, let's say another -- any
13 other witness testifies and the evidence that you
14 are talking about that comes in earlier tends to
15 contradict that witness, I assume you would have
16 that same concern, right?

17 A. Correct.

18 Q. So, can you give Mr. Avery -- if he does testify,
19 can you give him the same benefit and the same
20 consideration of it as any other witness who
21 would testify; that is, consideration of whatever
22 his motives would be to falsify, the consistency,
23 or -- you would get a jury instruction for any
24 witness, to judge the credibility, and you would
25 have to apply it the same for the defendant.

1 Could you do that?

2 A. Yes, I think I could. Yes.

3 Q. And, on the other hand, if Mr. Avery didn't
4 testify, would you be sitting there thinking,
5 aha, well, you know why not, he must be guilty,
6 or what's he hiding?

7 A. No, I don't think I would. I don't think that
8 would make that much difference.

9 Q. Okay. And, in fact, the Judge would instruct you
10 that you are not to consider it in any way --

11 A. Right.

12 Q. -- and you would be okay with that?

13 A. Mm-hmm.

14 Q. You have to say yes or no.

15 A. Yes, I think I could. Yes.

16 MR. BUTING: All right. Well, thank you,
17 very much, sir.

18 MR. SCHUETTE: You're welcome.

19 MR. BUTING: I appreciate it.

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 Q. Mr. Schuette, I just want to clear up a couple
23 things because I think some of the later
24 questions were pretty long. And I want to make
25 sure I understand the answer.

1 As Mr. Buting indicated, one thing the
2 Court will instruct the jury in this case is that
3 if the defendant should choose not to testify,
4 the jury cannot draw any adverse inference from
5 that, that that somehow indicates the defendant's
6 guilt. If the defendant doesn't testify, the
7 burden is still on the State to prove his guilt,
8 beyond a reasonable doubt, and you would have to
9 base your decision on the other evidence that
10 came in. Could you follow that instruction?

11 A. Yes, I could.

12 Q. And by the same token, if the defendant does
13 testify, there's another instruction that I
14 cannot remember verbatim but, essentially, you
15 have to treat him like any other witness and base
16 your decision on his credibility, on the same
17 factors you use for other witnesses, taking all
18 the other evidence into account and other
19 considerations and decide whether you think he's
20 telling the truth, just like any other witness.
21 Can you do that?

22 A. Yes, I could.

23 THE COURT: Thank you. The Clerk will
24 escort you from the courtroom.

25 MR. SCHUETTE: Thank you.

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(Wherein the juror was excused.)

THE COURT: Counsel, does either party have a motion with respect to this juror?

ATTORNEY KRATZ: Not by the State, your Honor.

MR. BUTING: Not by the defense, your Honor.

THE COURT: Very well, Mr. Schuette is in. I can -- I can inform the court at this time that there had been four remaining jurors back there. I had the clerk send two of them home. So I think we're left with Marian Flint and Daniel Petermann as the next two on the list. It would be my inclination, to keep my court reporter from falling over, to take a break at this time. But I would like to get those last two jurors in.

MR. BUTING: What happened with No. 36?

ATTORNEY FALLON: We agreed to that already.

THE COURT: Yes, I had previously been informed that that was --

MR. BUTING: That's a cause, okay.

THE COURT: Right.

ATTORNEY STRANG: And we still have the other three that we jointly proposed for cause, I

1 think that the Court has not ruled on?

2 ATTORNEY FALLON: I think he did.

3 THE COURT: I will -- I'm going to talk to
4 the Clerk before we start tomorrow morning and go
5 back and make sure anybody I haven't excused for
6 cause is addressed. We'll take a break at this
7 time.

8 MR. BUTING: I'm sorry, what were the two
9 -- what were the two, Flint and --

10 THE COURT: The two remaining are No. 41,
11 Marian Flint and No. 45, Daniel Petermann.

12 MR. BUTING: All right. Thank you.

13 ATTORNEY KRATZ: Judge, when would you like
14 us back, I'm sorry, 5, 10 minutes?

15 THE COURT: You make the call, Diane. How
16 much time do you want?

17 COURT REPORTER: If we're doing two
18 more, I would say 15 minutes.

19 THE COURT: Fifteen?

20 COURT REPORTER: Yes.

21 THE COURT: Okay, 15 minutes, 5:20.

22 (Recess taken.)

23 THE COURT: At this time we're back on the
24 record. And the next juror is Marian Flint.

25 Ms Flint, please raise your right hand

1 and the Clerk will administer the oath.

2 (Juror sworn.)

3 THE CLERK: Please be seated.

4 THE COURT: Ms Flint, you have already
5 submitted a written questionnaire in this case. At
6 this point we're going on to the next phase of juror
7 selection which is individual voir dire. The
8 attorneys for each of the parties will have a chance
9 to ask you some questions to follow up on the
10 answers that you gave in your questionnaire.

11 Before that, I can tell you that the
12 juror that is selected in this case will not be
13 sequestered. That means at the end of each court
14 day you will be able to go back home.

15 I can also tell you that although the
16 proceedings today are open to the public. There
17 are no cameras allowed in the courtroom during
18 individual voir dire and the media is not allowed
19 to disclose the names of the jurors in their
20 reports to the public.

21 In addition, if you are selected to
22 serve on the jury in this case, the cameras will
23 not be permitted to show the jurors at the trial.

24 Even after today, I will remind you if
25 you are still on the jury panel, that you are to

1 continue not reading anything about this case,
2 watching anything on television, listening to
3 anything on the radio, or discussing the case in
4 any manner with anyone.

5 Mr. Fallon, are you going to be handling
6 this one? You may begin.

7 VOIR DIRE EXAMINATION

8 BY ATTORNEY FALLON:

9 Q. Good afternoon, Mrs. Flint, my name is Tom
10 Fallon. I'm an Assistant Attorney General with
11 the Wisconsin Department of Justice. And I'm one
12 of the prosecutors in the case. To my left is
13 Mr. Ken Kratz, the Calumet County District
14 Attorney. And Mr. Kratz here is the lead
15 prosecutor of this case involving Mr. Avery.
16 Good afternoon. Thank you, very much, for your
17 patience. I know it's a long wait as we
18 long-winded lawyers chat out here with some of
19 your peers.

20 I wanted to follow up with a few
21 questions regarding some of the information you
22 provided last week in your questionnaire to help
23 us in selecting a jury for this case. Let me
24 first begin, I note that for your principal
25 occupation you note homemaker, but somewhere I

1 have this feeling that perhaps you might have had
2 some experience as a teacher, or a teachers aide,
3 or --

4 A. My daughter is a teacher's aide.

5 Q. Your daughter is?

6 A. Mm-hmm. And my son is a teacher.

7 Q. All right. Did you have some teacher training?

8 A. Yes.

9 Q. I see. Okay. But chose to raise a family
10 instead?

11 A. That's correct.

12 Q. Okay. Very well. Have you ever worked outside
13 of your home?

14 A. No, I haven't.

15 Q. Okay. And by the way, I looked at your
16 questionnaire and, please, accept all of our
17 condolences for the passing of your father.

18 A. Thank you.

19 Q. I understand that took a fair amount of your
20 time.

21 A. Yes, it did.

22 Q. Well, now that that has passed, what do you think
23 you might like to do with some of your extra time
24 there?

25 A. I think I would probably donate some of my time,

1 volunteer at the facility where my dad was for
2 the last seven years.

3 Q. Okay.

4 A. Because they were really good to him.

5 Q. All right.

6 A. They can always use an extra hand.

7 Q. I bet that's true. Do you like to read or travel
8 or what do you like do?

9 A. I love to read.

10 Q. You do.

11 A. I've tried traveling in the past 15 years; and
12 I'm not much of a traveler.

13 Q. Not much of a traveler. So, like fine wine, you
14 don't travel very well?

15 A. No.

16 Q. All right. What kind of books or things do you
17 like to read?

18 A. Well, I like romance novels.

19 Q. All right.

20 A. I like a good mystery. I like Nicholas Sparks
21 books.

22 Q. Okay. What is it about his books that you like?

23 A. Well, they're easy to read. He sounds like a
24 very loving husband and father.

25 Q. Okay. And is there a general theme or part of

1 his books that you find particularly attractive
2 that brings you back to his writing?

3 A. Well, *Message In a Bottle* was one to speak of. I
4 like Clive Cussler's books too. As a matter of
5 fact, I'm going to start reading one of those.

6 Q. All right. I note you have done some other
7 volunteer work. Can you tell us something about
8 your volunteer work, the Order of the Eastern
9 Star Shrine Auxiliary, St. James Church. Tell us
10 about some of your volunteer work.

11 A. Order of Eastern Star, I was a Star Point. We
12 raised a lot of money for charity. Shrine
13 Auxiliary, I was the treasurer for that group.
14 And there, again, we raised a lot of money for
15 the Children's Hospitals.

16 Q. Right. How long were you associated with the
17 Shrine group?

18 A. I would say about four or five years and then it
19 folded.

20 Q. I see. Were you the treasurer during that time
21 frame?

22 A. Yes. Mm-hmm.

23 Q. So, with you managing the purse strings, you did
24 well?

25 A. I hope so.

1 Q. Very good. And how about Memorial Hospital?

2 A. I was working for the auxiliary there, patient
3 service, mail, guiding patients around.

4 Q. All right. And senior ice skating, tell us about
5 that.

6 A. Yes, I did ice skate for six years with the
7 senior group at Expo. We brought our own music,
8 our kind of music, and had camaraderie in the
9 group. Was fun.

10 Q. Do you still skate?

11 A. No, two years ago I thought my balance wasn't
12 quite right and I didn't think it was best if I
13 break an arm.

14 Q. All right. So you passed on it?

15 A. Yes.

16 Q. How long did you skate?

17 A. Six years.

18 Q. All right.

19 A. With the seniors.

20 Q. Now, interesting, did you take up skating in your
21 senior years or did you skate when you were
22 younger?

23 A. I skated as a child; my dad taught all three of
24 us kids to skate.

25 Q. All right. And this is figure skating, dance?

1 A. Yes.

2 Q. Excellent. All right. Well, I would like to
3 talk to you a little bit about, first of all,
4 some of the people that may appear during the
5 course of this case and I see one of the
6 individuals you identified as Mr. Drumm.

7 A. If it's the Curtis Drumm that's a pilot, that
8 would be the one; I know his mother.

9 Q. He's the one. If -- We're not really sure
10 whether he will be a witness in this case or not,
11 but if he were, do you think you could evaluate
12 his testimony the same way you would evaluate
13 anyone else's, even though you know his mom
14 pretty well?

15 A. Oh, sure, I think so, yes.

16 Q. In other words, you wouldn't give his testimony
17 any more weight or any less weight than anybody
18 else?

19 A. No.

20 Q. Okay. All right. One of the things of great
21 interest to all of us here is a lot of the
22 publicity that's attended to this particular
23 case. And I wanted to ask you a few questions
24 about that. In terms of the news that you get
25 for day-to-day, you -- you seem to be of --

1 somewhat of an avid reader and somewhat informed;
2 radio, newspapers, television and magazines.
3 If -- Looking at those, where would you say the
4 greatest source of your news comes from?
5 A. Probably the radio, early in the morning.
6 Q. All right. What kind of radio do you listen to,
7 stations or ...
8 A. Basically WOMT.
9 Q. The local station?
10 A. Yes.
11 Q. Okay. All right. And how often do read the
12 newspapers?
13 A. Well, I don't get a newspaper, but my brother
14 saves them for me and so I may read a paper three
15 times a week.
16 Q. Okay. All right. And television, how often do
17 you watch television?
18 A. I would say every evening, watching *Jeopardy*, lot
19 of public TV. I like the programming on public
20 TV.
21 Q. Okay. Do you watch much of the newscast on the
22 local public television stations?
23 A. Well, I used to, but I haven't ever since I got
24 the notice that I was going to be on a jury. And
25 I received that letter back in June of 2006. And

1 I thought there was a possibility that maybe I
2 would be called so, therefore, I was extremely
3 careful not to watch things.

4 Q. Okay. And so you think that was at least -- so
5 you stopped listening to the news coverage last
6 summer?

7 A. Yes.

8 Q. Okay.

9 A. I watched the national news.

10 Q. Sure.

11 A. You know, with Tom Brokaw, when he was on, and
12 his replacement Brian Williams. Those I do
13 watch.

14 Q. Okay. In terms of local media coverage, you
15 haven't followed any of the recent events
16 regarding the case?

17 A. Nothing recent, no.

18 Q. Okay. Based on up to that point of time where
19 you had -- I assume you at least followed the
20 case somewhat?

21 A. Yes.

22 Q. All right. And in your questionnaire you
23 indicated you haven't really formed any opinions
24 about this case?

25 A. No. No, I haven't.

1 Q. And would that be because you just don't have any
2 information upon which to form an opinion or just
3 hasn't been all that interesting?

4 A. I think that there's always two sides to every
5 story.

6 Q. Okay. All right. Well, one of the questions
7 that the -- that's set forth in the questionnaire
8 is, would you be able to decide this case solely
9 on the information which is presented during the
10 trial and not on any of the information that you
11 may have gotten from the media or any other
12 opinions that you may have had?

13 A. That's right. Just from the information we get
14 here.

15 Q. Right. And you are pretty comfortable you can --
16 and confident you can follow that directive?

17 A. Oh, yes.

18 Q. All right. You have never served as a juror
19 before?

20 A. No.

21 Q. Ever been called to jury duty?

22 A. No.

23 Q. So just a little bit of a surprise?

24 A. Yes. Yes.

25 Q. All right. Just your luck, right?

1 A. Well, it's a good learning experience.

2 Q. All right. Do you think that based on any of
3 your background, any -- anything that you have,
4 any philosophy, or conscience, or any religious
5 beliefs that makes you doubt whether you could
6 sit and determine the guilt or innocence of
7 someone, based on the evidence which is presented
8 in court?

9 A. I'm sorry, I didn't understand that.

10 Q. Yeah, is there anything -- Do you have any
11 personal philosophy, personal beliefs, or
12 conscience, or any other reason you think you
13 would not be able to sit and be a juror to
14 determine guilt or innocence?

15 A. No, I don't.

16 Q. Okay.

17 ATTORNEY FALLON: I don't have any more for
18 this witness.

19 THE COURT: Mr. Buting.

20 ATTORNEY BUTING: Thank you, Judge.

21 **VOIR DIRE EXAMINATION**

22 BY ATTORNEY BUTING:

23 Q. Good evening.

24 A. Good evening.

25 Q. May I call you Mrs. Flint, is that what ...

1 A. Sure.

2 Q. Okay. My name is Jerome Buting. And myself,
3 along with Dean Strang, are defending Steven
4 Avery. I assume you understand that.

5 A. Yes.

6 Q. And I have some, a few follow-up questions from
7 your questionnaire and then some of my own that
8 maybe you haven't thought much about yet.
9 Because you -- you said you used to watch quite a
10 bit of news until like the past summer?

11 A. Right.

12 Q. So I assume you saw the news when Mr. Avery was
13 first arrested?

14 A. Yes.

15 Q. Did you see the news conferences that Mr. Kratz
16 was involved in?

17 A. Yes.

18 Q. That would have been in November, when he was
19 first announcing an arrest?

20 A. Yes.

21 Q. Okay. And did you also learn later that -- First
22 of all, do you know the name Brendan Dassey?

23 A. Yes.

24 Q. Mr. Avery's nephew?

25 A. Yes.

1 Q. Okay. And you, did you also see the news
2 conferences for that?

3 A. Yes.

4 Q. And did you assume that, therefore, the case was
5 solved and we now know what happened?

6 A. No.

7 Q. Why not?

8 A. As I said, there's always two sides to a story.
9 And I'm not always sure that when the news media
10 is saying things, that they are saying them
11 right.

12 Q. Sure. But now, in this instance, you actually
13 saw a news conference, right?

14 A. Yes.

15 Q. Which went on for a half hour or something like
16 that, right?

17 A. Mm-hmm.

18 Q. So, you actually heard Mr. Kratz, sitting over
19 here, describing what -- what he now believed --

20 A. Yes.

21 Q. -- the evidence would show?

22 A. Right.

23 Q. After hearing a prosecutor, a special prosecutor
24 make those kinds of statements, wouldn't you then
25 be inclined to say, okay, I guess I believe this

1 is -- this is really what happened?

2 A. No.

3 Q. Why not?

4 A. Well, I know he saw it that way, but that doesn't
5 mean that I have to see it that way.

6 Q. Okay. Very good. So you recognize that lawyers
7 are advocates for their position?

8 A. Yes.

9 Q. And that maybe they might be presenting something
10 in one way that supports their position, but
11 maybe you might see it different?

12 A. Yes.

13 Q. Okay. But now when you -- when you heard the
14 story of -- that Brendan Dassey allegedly gave,
15 or said, or was -- supposedly said, what -- what
16 did that make you feel about this case?

17 A. Sad, shocked.

18 Q. Mm-hmm. The details were pretty graphic?

19 A. Very.

20 Q. Kind of make your hair curl?

21 A. Very. As a mother, when you have children.

22 Q. Yes.

23 A. Yes.

24 Q. I can imagine. What I'm wondering, though, is
25 after hearing that and having that reaction,

1 which is perfectly natural and okay, I'm not
2 criticizing that, and then you see my client,
3 Mr. Avery, right here; how can you look at him
4 and say I -- at this time I presume him innocent?
5 A. He hasn't been proved guilty, though, at this
6 point. He has to be proven guilty and I don't
7 have those details.
8 Q. Well, is that just a matter of a mere formality,
9 you know, we have just got to go through the
10 trial and then -- and then it will be all over,
11 or do you think there's more to it?
12 A. There could be more to it.
13 Q. Did you -- So looking at him, you are telling me
14 that despite what you heard on that day at that
15 press conference, you don't think that you have
16 been so affected by it that you can't be a fair
17 jury -- juror in this trial?
18 A. No, I don't.
19 Q. And why?
20 A. I think I have to have more proof.
21 Q. Okay. Now, did you also learn in the news media
22 that this young man, Brendan Dassey, 16 year old,
23 has since recanted that confession?
24 A. No, I didn't hear that.
25 Q. You didn't.

1 A. No.

2 Q. Did you hear that there was -- that there were
3 different stories that he was giving, changing
4 things?

5 A. No, I didn't hear that either.

6 Q. Didn't hear any of that?

7 A. No.

8 Q. Okay. Can you think of any reason why someone
9 would confess to something that they didn't do?

10 A. That's a tough one. No, I really can't.

11 Q. Do you think -- Have you ever heard of people
12 that have falsely confessed to something and then
13 obviously been proven that they didn't do it?

14 A. Not offhand, no.

15 Q. Okay. If you heard from -- If you heard any
16 evidence or testimony about why that might
17 happen, why people might be inclined or coerced
18 even to say things that aren't true, is that
19 something you could consider?

20 A. Yes.

21 Q. Do you think it's possible that that could
22 happen?

23 A. Yes.

24 Q. And if you heard testimony about certain
25 techniques that police investigators and

1 detectives use when they question people, that
2 might -- might risk the possibility that people
3 would do something like say something that isn't
4 true that they didn't do; is that something you
5 would consider?

6 A. Yes, it's possible.

7 Q. Now, when you said that you want to hear more
8 proof in this case before you make up your
9 mind -- By the way, let me go back for a second
10 about what you might have heard. Have you heard
11 anything, any kind of news reports in the paper
12 or anything about a blood vial?

13 A. Yes, I did.

14 Q. You did hear that?

15 A. Yes.

16 Q. What did you hear about that?

17 A. I just heard it was found in the Clerk of Court's
18 Office.

19 Q. Okay. And did you hear anything else that you
20 recall about it, or why that matters or doesn't
21 matter, or ...

22 A. I really don't know.

23 Q. Okay. All right. That's fine. Now, do you know
24 where you would have heard that from, if you
25 haven't been watching the news?

1 A. I probably heard it on the radio.

2 Q. Okay. So you have heard some things about the
3 case since June, but it's been more on the radio,
4 not the TV?

5 A. And I haven't been sitting down and studying it.

6 Q. Right. Right. And I know in your questionnaire
7 you said that you are in a widow's group?

8 A. Yes.

9 Q. What is that exactly?

10 A. Actually, it came out of a bereavement class.

11 Q. Okay.

12 A. And we enjoyed each other's company so much that
13 we started going out to dinner once a month, to a
14 different restaurant every Friday night.

15 Q. Okay. And you mentioned that you think you might
16 have talked about this case?

17 A. With some of the gals, yeah.

18 Q. With some of the gals?

19 A. Mm-hmm.

20 Q. Do you know what was said or what kind of
21 opinions were expressed?

22 A. No, not opinions. I think they were just
23 expressing what they had or what we all had heard
24 either on the radio or on TV.

25 Q. Did anything about their discussions influence

1 your opinion about --

2 A. Not at all.

3 Q. -- the case or what you thought?

4 A. Not at all.

5 Q. Okay. Now, I assume -- It doesn't seem like you
6 have had much contact with the police over your
7 life?

8 A. No, never.

9 Q. Do you watch police shows, cop shows, crime
10 shows?

11 A. Not really, that's not my favorite.

12 Q. Okay. But you have seen them over the years?

13 A. Not to watch them for a whole hour, though.

14 Q. Okay. Do you think that police officers, simply
15 because they are police officers and they have a
16 badge and they swear an oath to protect and obey
17 the law and enforce the law, do you think that
18 when they come into court and testify on the
19 witness stand, if they do, and take the oath,
20 that -- that they necessarily are more believable
21 than the ordinary witness who comes in and takes
22 that oath?

23 A. Well, I think for somebody my age, we were taught
24 to respect the police and definitely believe what
25 they said.

1 Q. Sure. And so do you think that because of that
2 teaching and that belief, that it would be hard
3 for you to judge them differently, I mean, to
4 question whether or not what they are telling is
5 really the truth?

6 A. No, I don't think so.

7 Q. You don't. Okay. Why not? If you have been
8 taught to believe the police; why not?

9 A. I just believe that they would get up there and
10 tell the truth; if they are sworn to tell the
11 truth, they would tell the truth.

12 Q. Okay. So -- So what I'm asking you then is,
13 because of that, you don't think -- I mean it
14 would be difficult for you to question whether
15 they were telling the truth or not, you would
16 just assume that they are; is that right?

17 A. Yes.

18 Q. All right. Well, what if the Judge -- if the
19 Judge instructed you, though, that you really
20 can't do that, that police officers are just like
21 any other witness and they are human beings and
22 they have the same failings, the same motives or
23 biases as anybody else and that you have to judge
24 their credibility the same way that you would any
25 other witness?

1 A. I think I would be able to do that.

2 Q. Okay. Why, if you believe what you said a few
3 minutes ago, why would you be able to do that?

4 A. You got me there. I'm not sure how to answer
5 that. I'm assuming somebody is on the witness
6 stand and they are -- they were at the scene and
7 investigating early and wouldn't they -- to my
8 mind, they would not put anything false in their
9 report. I would think they would be honest
10 enough to write down exactly what they saw and
11 found.

12 Q. Okay. We would hope so. But my question is,
13 if -- if you hear evidence and questions that are
14 put to the police officers that maybe challenges
15 that belief and maybe makes you question, look a
16 little deeper and think, maybe they weren't being
17 quite as honest as you thought.

18 A. That is possible.

19 Q. And if the Judge instructed you that you -- you
20 have to look beyond just their badge and their
21 role and look at them as human beings who are the
22 same as any other witness who might have reasons
23 to lie --

24 A. Okay. Yeah. All right.

25 Q. -- do you think you could do that?

1 A. I think so.

2 Q. It seems like it would be tough?

3 A. I think every instance is a little different too,
4 it depends on what they would be talking about.

5 Q. Sure, I understand that. And I don't mean to
6 just put you on the spot with some hypotheticals,
7 but do you think sometimes that police officers
8 might get, you know, personally invested in their
9 job or in their investigation such that they --
10 well, let's say, perhaps, even to think that the
11 person is guilty and they want to make sure that
12 the person is convicted because they think he's
13 guilty?

14 A. Well, I would hope not.

15 Q. You don't think so?

16 A. I would hope not.

17 Q. Okay. Well, we would all hope not, but if you're
18 sitting on this jury you are going to have to
19 make some decisions about which witnesses to
20 believe and whether they are really telling the
21 truth, the whole truth.

22 A. Yes.

23 Q. And some of those witnesses may very well be
24 police officers?

25 A. Okay.

1 Q. And so, you know, as Mr. Avery's lawyer, I need
2 to know whether you can promise the Court that
3 you will be able to do that in this case or
4 whether this -- this case is maybe just too hard
5 for you to do that in, to really be able to look
6 at the police officers the same as anybody else,
7 use the -- follow the Court's instruction and
8 apply that instruction to them and not just
9 assume, because when you hope that they wouldn't
10 be dishonest that, therefore, they couldn't be.
11 Do you think you could do that?

12 A. Well, if -- How do I want to say this. If an
13 officer was out there and he wasn't telling the
14 truth, I'm assuming somebody was going to say
15 something else, perhaps one of you two gentleman,
16 that would make it look like he wasn't telling
17 the truth. So I think you would have to be in
18 that instance to be able to question --

19 Q. Sure.

20 A. -- was that testimony true or was it false.

21 Q. And if -- And if you are in that situation and if
22 those questions were put --

23 A. I would think about that.

24 Q. You would think about that?

25 A. Yes.

1 Q. You would seriously give consideration to the
2 possibility that, despite what you hope, maybe
3 that officer has not been telling the truth?

4 A. Sure. Yes.

5 Q. And would that go so far as to even believe the
6 possibility that the police were doing more than
7 just coming in and not telling the truth, but
8 maybe even crossing the line and changing words
9 in reports of what witnesses said, or even
10 planting evidence against somebody because they
11 wanted to make sure that that person was
12 convicted?

13 A. That is also possible.

14 Q. Okay. Well, I understand you haven't heard any
15 evidence right now, so I'm not trying to put you
16 on the spot that way.

17 A. No.

18 Q. All I want to know, is if you are open to
19 consider all of the evidence, including evidence
20 that might look that way --

21 A. Yes.

22 Q. -- despite your upbringing and your hopes and
23 everyone's hopes?

24 A. Yes.

25 Q. Okay. That's fair. Thank you. Do you think

1 that if you did hear all the evidence in this
2 case and you really had a reasonable doubt that
3 the State had proven one or more of these
4 charges, beyond a reasonable doubt, in other
5 words, you really had reasonable doubt about
6 whether Mr. Avery was guilty, you would be able
7 to come back to your community and your widow's
8 group and say, I voted not guilty?

9 A. Yes.

10 Q. And they would be okay with that?

11 A. Yes.

12 Q. You would be okay with it?

13 A. Yes.

14 Q. So there wouldn't be any -- any fear of
15 retribution that you might get?

16 A. No.

17 Q. Okay. I didn't think --

18 A. I'm counting on the other people too, this isn't
19 just my decision. It would be their decision --
20 the other jurors' decision as well as mine.

21 Q. Sure. There's 12 people, right.

22 A. Yup.

23 Q. And we talked a little bit about presumption of
24 innocence. You recognize, also, that the State
25 is the one that has the entire burden of proof?

1 A. Yes. Mm-hmm.

2 Q. And that they have to convince you, beyond a
3 reasonable doubt?

4 A. Yes. That's what the Judge told us last week,
5 Monday.

6 Q. Okay. I wonder, though, in this particular case,
7 you know, people -- might be perfectly
8 understandable for you to think, well, you know,
9 if Mr. Avery is not guilty of this, if he didn't
10 kill that poor young woman, then who did? Right?
11 I mean --

12 A. Yes, I have thought of that.

13 Q. Okay. Would you expect -- In order to be able to
14 come back with a verdict of not guilty in this
15 case, would you expect that Mr. Avery would have
16 to convince you who really did kill her?

17 A. From the little information that I have right
18 now, I don't think I can answer that.

19 Q. Well --

20 A. I don't know enough about Mr. Dassey.

21 Q. I'm not asking you to answer who else would have?

22 A. Okay.

23 Q. I'm not asking that. Maybe that's what you
24 think?

25 A. Yes.

1 Q. What I'm asking is, would you expect that
2 Mr. Avery would have to convince you not only
3 that he didn't do it but here's the name of
4 person who did?
5 A. He might not know.
6 Q. That's right, he might not know.
7 A. No.
8 Q. And so, therefore, how could he, right?
9 A. Right.
10 Q. So it's -- If I understand you, then, if he's
11 unable to present evidence in court that
12 convinces you that somebody else is guilty of
13 this crime, you are not going to say, well,
14 therefore, he has to be guilty --
15 A. No.
16 Q. -- and it must be him? You will look at the
17 State's case and their burden, right, because Mr.
18 Avery doesn't have to prove himself innocent; is
19 that right?
20 A. He is innocent until he is proven guilty.
21 Q. Okay. And if he -- if he is not -- He also
22 isn't -- doesn't have to prove his own innocence
23 either, right?
24 A. Oh, yes, he does.
25 Q. He does?

1 A. I think so.

2 Q. Why?

3 A. Well, if he knows something that he is not
4 saying, that would make somebody else guilty, he
5 has to share that too.

6 Q. Well, what if he doesn't know, how could he?

7 A. Well, then he couldn't.

8 Q. You see what I'm saying, though?

9 A. Yes.

10 Q. You know, I have to know whether or not you are
11 going to say, look, I think it's terrible that
12 this poor young woman was killed and somebody has
13 to pay for that. And since I don't know who
14 else, I'm going to have to say that Mr. Avery is
15 the one who's guilty.

16 A. No.

17 Q. You won't do that, will you?

18 A. No.

19 Q. And along those lines, you just said something
20 about, well, if he knows something, he should
21 tell us. There's -- There's always the question
22 in any criminal case, for a defense attorney,
23 which is whether or not the defendant should
24 testify, or not testify.

25 A. I understand that, yes.

1 Q. And would you think that in order for you to find
2 him, Mr. Avery, not guilty, that you would want
3 to hear from him first?

4 A. Not necessarily.

5 Q. Why not?

6 A. Well, I think if he wanted to say something, I
7 think he would tell you.

8 Q. Okay. And you understand that we, Mr. Strang and
9 I, have, you know, input here and would advise
10 him whether or not to testify, right?

11 A. Right, yes.

12 Q. Well, the Judge will give you an instruction that
13 a criminal defendant, it's one of the rights we
14 have in our constitution, not only do they not
15 have to prove their innocence, but they also do
16 not -- they have a right not to testify, if
17 that's what they choose to do?

18 A. Okay.

19 Q. And that you can't -- If Mr. Avery does choose
20 not to testify, you can't consider that in any
21 way against him?

22 A. No.

23 Q. You can't hold that against him?

24 A. I understand that.

25 Q. On the other hand, if Mr. Avery does choose to

1 testify, do you think you would be able to listen
2 to his testimony just like any other witness?

3 A. Yes.

4 Q. And consider it?

5 A. Yes.

6 Q. You wouldn't think just because he's a defendant,
7 you know, I just can't believe anything he says?

8 A. No.

9 Q. You're sure of that?

10 A. Yes.

11 Q. Okay. All right. Just one last question, do you
12 think you want to be on this jury?

13 A. Yes.

14 Q. Okay. Why?

15 A. I think it's a good learning experience. If he
16 would be guilty, for the family of Teresa
17 Halbach, he should be found guilty beyond that
18 reasonable doubt. And if he is not guilty, he
19 won't be found guilty.

20 Q. And you want to be one of the 12 people who make
21 that kind of decision?

22 A. That's a tough call. I realize that's a big
23 responsibility. And I told the people out in the
24 outer room, that when I came in here last Monday
25 I told God, I can't do this on my own. But I

1 know that he will know and he will help me do
2 this.

3 Q. So you -- you realize what a serious, serious
4 responsibility --

5 A. Absolutely.

6 Q. -- this is?

7 A. Very much so.

8 Q. But you think you could be fair and undertake
9 that responsibility?

10 A. Yes.

11 Q. Okay.

12 ATTORNEY BUTING: Thank you, very much,
13 ma'am. I appreciate it.

14 MRS. FLINT: You're welcome.

15 THE COURT: I just wanted to ask a couple
16 follow-up questions.

17 **VOIR DIRE EXAMINATION**

18 BY THE COURT:

19 Q. I think that it was clarified at the end, but the
20 question of police officers as witnesses --

21 A. Yes.

22 Q. -- I think you indicated at the beginning that
23 you would expect them to tell the truth because
24 that's part of their duty as a police officer?

25 A. Right.

1 Q. And that is true. But as Mr. Buting indicated
2 and there was a question on the questionnaire
3 about this, actually. And the question read as
4 follows: Some of the witnesses in this case will
5 be members of law enforcement. The law requires
6 jurors to evaluate their credibility just as that
7 of any other witness; that is, the jurors are
8 prohibited from giving any more or less
9 credibility to the testimony of a law officer
10 simply because the witness is a law officer.

11 A. Okay.

12 Q. Do you believe that you can follow such an
13 instruction?

14 A. Yes.

15 Q. There will be another instruction at the trial
16 given to the jurors that sets out the factors
17 that the jurors are to consider in evaluating the
18 credibility; that is, the believability of each
19 witness. And they are the same whether the
20 witness is a police officer or not.

21 They include whether the witness has an
22 interest or lack of interest in the result of the
23 trial; the conduct, appearance and demeanor of
24 the witness on the witness stand; the clearness
25 or lack of clearness of the witness'

1 recollections; the reasonableness of the witness'
2 testimony; and bias or prejudice, if any has been
3 shown.

4 Those are among the things you are to
5 consider. And if you are a juror you will have
6 to assess the credibility of all witnesses,
7 including police officers, on that basis. That
8 means you have to look at each of them and make a
9 determination whether they are telling the truth
10 or not. Do you think you can do that if you're a
11 juror?

12 A. Yes.

13 Q. And can you apply the same standards to police
14 officer witnesses as you do to other witnesses?

15 A. Yes.

16 THE COURT: Okay. All right. The Clerk
17 will take you and escort you from the courtroom at
18 this time.

19 (Wherein the juror was excused.)

20 THE COURT: Counsel, any motion from either
21 party?

22 ATTORNEY FALLON: None from the State.

23 ATTORNEY BUTING: No, your Honor.

24 THE COURT: Very well, Ms Flint will be in
25 the jury pool.

1 ATTORNEY FALLON: Judge, counsel pointed
2 out, I thought you had made a ruling on Nos. 37 and
3 39, that we had asked to be excused for cause; did
4 you make that ruling or ...

5 THE COURT: I think I indicated earlier,
6 actually I'm not sure those are the only two for
7 which I have not made a ruling yet. I was going to
8 have the Clerk inventory the jurors before we start
9 tomorrow morning and go over all of those.

10 ATTORNEY FALLON: Oh. All right. Very
11 good.

12 THE COURT: So we have got one juror left
13 today and I believe it is Mr. Petermann. All right.
14 Mr. Petermann, if you will please raise your right
15 hand, the Clerk will administer the oath.

16 (Juror sworn.)

17 THE CLERK: Please be seated.

18 THE COURT: Mr. Petermann, first let me
19 apologize. By luck of the draw, you have the honor
20 of being the last juror we're going to be
21 questioning today. You may recall you already
22 filled out a written questionnaire in this case.

23 MR. PETERMANN: Correct.

24 THE COURT: Today we're proceeding to the
25 next step of the jury selection process which is

1 voir dire. It gives the attorneys an opportunity to
2 ask you some follow-up questions to information that
3 you provided on your questionnaire.

4 Before we begin with the attorney's
5 questioning, I wanted to notify you of a few
6 things. First of all, the jury in this case will
7 not be sequestered. That means that if you are
8 selected to the juror -- jury, you will be able
9 to -- you will be permitted to return home each
10 day at the end of the proceedings for that day.

11 The jurors will continue to be governed
12 by the Court's order on not paying any attention
13 to any news media accounts of this case whether
14 on radio, television, the newspaper, or talking
15 with anyone else.

16 These voir dire proceedings today are
17 held in open court, but the Court does not allow
18 cameras in the court during voir dire
19 proceedings. And you should also know that
20 members of the news media, while they are
21 permitted to be here, cannot use your name in any
22 news reports as a juror.

23 And in addition, if you are selected to
24 serve on the jury, the camera will not be able to
25 identify you in anyway during the trial itself.

1 In the event you remain on the jury
2 panel after we conclude today, you will be given
3 a telephone call in the next few days letting you
4 know when to report back to court.

5 Mr. Fallon, you may begin.

6 VOIR DIRE EXAMINATION

7 BY ATTORNEY FALLON:

8 Q. Good evening, Mr. Petermann, my name is Tom
9 Fallon. I'm an Assistant Attorney General for
10 the Wisconsin Department of Justice. I'm one of
11 the prosecutors in this case. I wanted to ask
12 you a few questions about the information you
13 provided last week and perhaps a few other odds
14 and ends questions as well. Thank you for being
15 so patient with us as we attempt to go through
16 this process.

17 I guess I would like to begin with a
18 little bit about your work at the Brillion Iron
19 Works. How long have you worked for them?

20 A. Thirty-five years.

21 Q. Thirty-five years. And what type of work do you
22 do for them?

23 A. General laborer, pour iron, shake out, run a
24 machine, kind of everything really.

25 Q. Okay. What kind of machine is it, a press or ...

1 A. It's a molding machine.

2 Q. Molding.

3 A. Yeah.

4 Q. All right. All right. Enjoy your work?

5 A. It pays pretty good. Yeah, it's a good job.

6 Q. That raises an interesting question. If you are

7 selected as a juror in this case, I think you

8 have been advised that the case may go on for

9 approximately six weeks or so and then followed

10 by some deliberation time. We don't know how

11 long that would be. Would the selection of

12 yourself as a juror, would that create any

13 economic hardship on you at all in terms of your

14 work or anything?

15 A. No, I'm not really.

16 Q. Okay. So you will -- you would be paid or you

17 will be --

18 A. Yeah, we get jury pay.

19 Q. Okay. Very good. I see from your questionnaire

20 you have hunting and racing as your -- some of

21 your hobbies or pastime activities; what kind of

22 hunting do you like to do?

23 A. Mostly deer.

24 Q. Deer. All right. And what kind of racing?

25 A. Stock car.

1 Q. Stock car?

2 A. Yeah.

3 Q. Now, do you actually race a bit yourself or are
4 you just a fan of the racers?

5 A. No, I race myself.

6 Q. Do you? Very good. What kind of car do you
7 race?

8 A. '99 Monte Carlo.

9 Q. All right. Let's see. How long have you been
10 involved in the racing business?

11 A. Since 1981 -- 1980, actually. I didn't race in
12 '80, but I helped another guy out.

13 Q. And how often do you race each year?

14 A. Um, this year, I think we're scheduled for 16
15 events.

16 Q. Sixteen events. Now, is this a bit of a costly
17 expenditure for you or just a --

18 A. It can be.

19 Q. -- casual hobby?

20 A. It can be. You can spend whatever you want,
21 really, but for me, I don't really do that.

22 Q. You don't spend a great deal of money?

23 A. No. And nobody gives me a lot either so.

24 Q. All right. When does the season start up for
25 you?

1 A. The second last Thursday in May, I think, is when
2 we're starting this year.

3 Q. All right. So have -- are you in the preparation
4 time frame now for racing?

5 A. Yeah. Oh, yeah. Yeah.

6 Q. Do you do all your own work on your car?

7 A. Most of it, yeah.

8 Q. All right. Any modifications or is this just
9 your basic stock 99?

10 A. No, it's pretty much a race car.

11 Q. It is.

12 A. Yeah. Oh, yeah.

13 Q. Are you pretty much a solo operator or do you
14 have like a team or a couple guys that help you
15 out?

16 A. My sister helps me out and there's another guy
17 helps me out. But really, the work on the car, I
18 mostly do it myself.

19 Q. All right.

20 A. It's mostly on race days when they come help me.

21 Q. Okay. And what kind of work does your sister
22 help you with?

23 A. Changing tires.

24 Q. Okay.

25 A. Yeah.

1 Q. So she's pretty handy?

2 A. Yeah, just more somebody around, you know.

3 Q. All right. Okay. Okay. I see you belong to a
4 couple -- a hunting club and this Fox River
5 Racing; is that the club that you belong to --

6 A. Right.

7 Q. -- for stock car racing?

8 A. Mm-hmm.

9 Q. And Holy Family Church. Do you have any -- How
10 long have you been involved with the hunting
11 club?

12 A. Oh, 25 years probably.

13 Q. Longer than your racing or about the same?

14 A. No, I think it was longer with that.

15 Q. Okay. And I take it you are somewhat active in
16 your church?

17 A. I usher a little bit and my son helps me with
18 that.

19 Q. Very good. Now, I note from your questionnaire
20 you circled one name, a person that you might
21 know, a William Brandes, but you had a question
22 mark. The William Brandes that you know, what
23 does he do for a living?

24 A. He works at Manitowoc here, the foundry, the
25 Aluminum Foundry.

1 Q. The foundry?

2 A. Yeah. And he is from Brillion.

3 Q. He is from Brillion.

4 A. Yeah.

5 Q. Do you know if he's a volunteer firefighter?

6 A. Not really.

7 Q. Okay. It's hard to say whether -- Let me ask
8 this, it's a better way of asking. Have you
9 followed this particular case much in the media?

10 A. I usually watch the news, you know, 6:00 news or
11 5:00 news --

12 Q. All right.

13 A. -- in the evening, but ...

14 Q. All right. Have you watched the news recently?

15 A. No, not too much.

16 Q. All right. Did you get a notice from the Court
17 about watching any news coverage of this case?

18 A. Yes.

19 Q. All right. And have you been able to follow that
20 directive?

21 A. It's hard but, yeah, kind of walk away on it,
22 yeah.

23 Q. Okay. Where do you get most of your news from,
24 the television or newspaper?

25 A. More television.

1 Q. All right. Would you consider yourself a regular
2 watcher of the TV news?

3 A. Yeah, I would.

4 Q. Any particular channels you watch or you watch
5 them all about the same?

6 A. When I'm out in the shop I maybe have 11 on, but
7 in the house, I probably have Channel 2 on but.

8 Q. All right. So you occasionally have the
9 opportunity of seeing television at the shop?

10 A. Yeah.

11 Q. All right. Is that frequently that that happens
12 or is that just on occasion?

13 A. That's more on occasion out there.

14 Q. Okay.

15 A. Usually if I'm working out there, I can't even
16 pay attention to it.

17 Q. Sure. Are you -- You don't regularly read the
18 newspaper I take it?

19 A. No, I used to get it, but I don't no more.

20 Q. Okay. What, if anything, do you remember hearing
21 about this case from the television or radio
22 broadcast?

23 A. The search, when they were searching.

24 Q. Searching when she was a missing person?

25 A. Yeah.

1 Q. All right. Anything else?

2 A. Um ...

3 Q. Anything about his arrest or being charged?

4 A. Well, yeah. Um, yeah, it's mostly that. You
5 know, it's general -- generally what was on TV,
6 really.

7 Q. All right. Do you recall hearing about a fellow
8 by the name of Brendan Dassey at all?

9 A. Yeah.

10 Q. All right. Did you watch any of the coverage
11 regarding his arrest?

12 A. Just that he was arrested, you know, and that was
13 about it, really.

14 Q. Do you remember any of the details that were
15 surrounding his arrest? Did you watch any press
16 conferences or any particular media coverage on
17 the details of his arrest, of what he might have
18 said or didn't say?

19 A. Just that there was a rape involved and stuff.
20 They disposed of the body, I guess.

21 Q. All right. Was there any connection in your mind
22 between Mr. Dassey's arrest and that of
23 Mr. Avery?

24 A. I suppose it could be, yeah.

25 Q. Could be, but you don't have any clear connection

1 in your head?

2 A. Well, it seems that way, but it's, you know, is
3 that the way it is, I don't know.

4 Q. All right. In any event, based on the
5 information that you have, have you formed any
6 opinions at all regarding this particular case?

7 A. Not really, no.

8 Q. All right. You answered no on the questionnaire.
9 I wanted to make sure that that's still your view
10 at this time. Is there any recent media coverage
11 that may have changed your opinion, that you are
12 aware of?

13 A. No.

14 Q. All right. As you sit here today, do you have
15 any opinion at all as to whether Mr. Avery is
16 guilty or not guilty of the offenses charged?

17 A. No.

18 Q. You don't have any opinion at all?

19 A. No.

20 Q. Is there any question in your mind that you could
21 set aside this outside information that you have
22 received from the television and radio broadcast
23 and decide Mr. Avery's guilt or innocence solely
24 on the evidence which is presented during the
25 trial, if you are selected as a juror?

1 A. I believe I could.

2 Q. All right. Are you a lifelong resident of
3 Manitowoc County?

4 A. No, I lived in Calumet County for about five or
5 six years.

6 Q. Calumet County for a few years.

7 A. Yeah.

8 Q. And I see you were born in Brown County?

9 A. Yeah, that was just the birth place.

10 Q. Just the birth place?

11 A. Yeah.

12 Q. Hospital?

13 A. Yeah.

14 Q. When did you live in Calumet County, sir?

15 A. Probably about like '87 to '92, somewhere around
16 there.

17 Q. All right. And then you moved to your current
18 address in Brillion?

19 A. Correct.

20 Q. All right. And was that for work purposes or
21 just a better house deal?

22 A. Well, we bought a house.

23 Q. Okay. Good. During your time in Calumet County,
24 did you ever have occasion to meet with, or talk
25 to, or interact with any Calumet County Sheriff's

1 officers or police officers?

2 A. I knew Larry Pagel.

3 Q. You knew Sheriff Pagel?

4 A. Larry Pagel, not Sheriff Pagel.

5 Q. Oh, Larry Pagel.

6 A. Yeah, he was an investigator I think.

7 Q. He was an investigator.

8 A. Yeah.

9 Q. All right. Anyone else that you had any contact
10 with?

11 A. There was Yoder, I can't remember his first name
12 but ...

13 Q. All right. Okay. Were they just friends,
14 acquaintances or ...

15 A. Um, I don't remember how I got to know Yoder, but
16 Pagel, he had a cottage down by my dad's land, he
17 rented.

18 Q. Oh, I see.

19 A. And that's kind of how I knew him. He was in
20 sportsmen's club too.

21 Q. Okay. All right. Would you say you were good
22 friends or just casual acquaintances?

23 A. Casual acquaintance.

24 Q. All right. Wouldn't see him that often?

25 A. No.

1 Q. Okay. Now how about here, since you moved to
2 Manitowoc County, have you had occasion to have
3 any law enforcement contacts or become friendly
4 with any of the officers or anything like that?

5 A. No, not really.

6 Q. Any of the firefighters in your area?

7 A. I know some of the firefighters from Brillion.

8 Q. Who do you know?

9 A. Police chief. There's Dale Gailoff (phonetic).

10 Q. Mm-hmm.

11 A. There's really a bunch of them. There's a couple
12 Behnkes.

13 Q. Okay.

14 A. Some of -- most of them I work with, you know.

15 Q. Okay.

16 A. That I know so.

17 Q. Now, because you work with some of those who have
18 connection to law enforcement, do you think if
19 you were selected as a juror that you could
20 evaluate the testimony of a law enforcement
21 officer the same as you would evaluate the
22 testimony of any other witness who appeared in
23 the case?

24 A. Yes.

25 Q. All right. So just because they are a law

1 enforcement officer and because you happen to
2 know a few law enforcement officers, you wouldn't
3 weigh their testimony more credibly than you
4 would someone else's?

5 A. No.

6 Q. All right. You feel pretty comfortable and
7 confident that you could do that?

8 A. Yes, I do.

9 Q. Now, there was one last couple questions I had
10 for you here. Apparently you had a sister who
11 was killed in an automobile accident?

12 A. Correct.

13 Q. All right. Was that a long time ago or recently?

14 A. No, 1967.

15 Q. Oh, quite a while ago.

16 A. Yeah.

17 Q. All right. Was it simply just an accident or was
18 there some, you know, perhaps some criminal
19 malfeasance there?

20 A. I remember my folks going to court in with it,
21 but I don't remember what the outcome, I didn't
22 really get nothing out of it I don't think.

23 Q. Okay. You don't remember whether there was just
24 a civil suit or a criminal case about how she --

25 A. I thought -- I think it was civil.

1 Q. Okay.

2 A. Okay.

3 Q. All right. Okay. Do you -- Did you have any
4 personal experience in that in terms of --

5 A. No.

6 Q. -- being a witness or talking to any --

7 A. No.

8 Q. -- body?

9 A. I went to school. We never went to court
10 proceedings, nothing.

11 Q. Okay. All right. So you were just a teenager at
12 the time then?

13 A. 15.

14 Q. Right.

15 A. Yeah.

16 Q. Okay. Anything about that experience that makes
17 you wonder whether it would be a good idea or a
18 bad idea for you to be a juror in this case?

19 A. From that, no.

20 Q. Okay.

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

23 THE COURT: Mr. Strang.

24 **VOIR DIRE EXAMINATION**

25 BY ATTORNEY STRANG:

1 Q. Hi, Dean Strang, Jerome Buting, Steven Avery.
2 You probably saw us last week, briefly. Where --
3 Where did you live in Calumet County when you
4 were there from '87 to '92.
5 A. Just a little bit north of Brillion.
6 Q. A little north of Brillion?
7 A. Yeah, it was on W580 Harvestor Road was the
8 actual address.
9 Q. And the mailing address?
10 A. W580 Harvestor Road.
11 Q. No, no. I mean -- I'm sorry, the post office,
12 the town?
13 A. Oh, Brillion.
14 Q. Brillion?
15 A. Yeah.
16 Q. Yeah. And, actually, part of Brillion lies in
17 Manitowoc County and part in Calumet, I think,
18 right?
19 A. The city?
20 Q. Or is that not so?
21 A. Not the city.
22 Q. The city is all in Manitowoc?
23 A. No, in Calumet.
24 Q. Oh. Okay.
25 A. Okay. But if you seen, my address is Brillion

1 too.

2 Q. Mm-hmm.

3 A. But that's in Manitowoc.

4 Q. You are on the Manitowoc side?

5 A. Yeah.

6 Q. Okay. So you really didn't move very far?

7 A. Mm, I think it's about 6 miles.

8 Q. Yeah. And you told -- One of the things you told
9 us in the questionnaire is that you're acquainted
10 with Teresa Halbach's brother?

11 A. Just slightly.

12 Q. Which one?

13 A. I'm not even sure of his first name. My mother
14 had died like a year and a half ago.

15 Q. Mm-hmm.

16 A. And now my dad is transferring some land and we
17 went to this attorney to try to take care of
18 this.

19 Q. Mm-hmm.

20 A. And my dad signed the land over to me and my
21 siblings and we put it into a LLC.

22 Q. Mm-hmm.

23 A. And Mr. Halbach, I think he dotted the i's and
24 the t's for that paper.

25 Q. Sure.

1 A. And he also did a lease agreement because some of
2 the land is rental and he drew those papers up on
3 that.

4 Q. Okay.

5 A. But when I was there, I didn't -- I didn't know
6 it was him. I knew it like a day later, my
7 sister told me. I think they only used like
8 first name, but like I say, I don't remember.

9 Q. Sure. Tim?

10 A. That could be it.

11 Q. Tim Halbach. Okay. And about how long ago was
12 this?

13 A. I think it was the 25th; it was a Thursday, in
14 January.

15 Q. Oh. Like --

16 A. Just briefly.

17 Q. -- a month ago?

18 A. Yeah.

19 Q. So it -- Was it your siblings who set up this
20 LLC?

21 A. Yeah, me and my siblings. Yeah.

22 Q. And, then, the LLC is the technical owner of the
23 land that your dad sold?

24 A. Right. Right.

25 Q. Okay.

1 A. Yeah, he gave it to us. He transferred it,
2 really.

3 Q. Yeah. And, then, is it a -- is it a working farm
4 or it has a business purpose, commercial purpose?

5 A. It's farm and it's, like, lake property rental.

6 Q. Mm-hmm.

7 A. Okay. And there's cottages there that rent. And
8 the lawyer wanted us to actually have a signed
9 lease, because my dad never did before.

10 Q. Laurie wanted? Oh, the lawyer.

11 A. Yeah.

12 Q. The lawyer did. Okay. And so this is -- How
13 many siblings do you have?

14 A. Besides me?

15 Q. Yeah.

16 A. Four.

17 Q. All five of you went in on this?

18 A. Right.

19 Q. Okay. And the five of you, or the LLC, are
20 paying the lawyer?

21 A. We didn't pay nobody yet. I think my dad is
22 going to take care of it.

23 Q. Okay.

24 A. But I didn't pay nothing yet.

25 Q. And do you know, did the lawyer set up the LLC?

1 A. I don't really know.

2 (Changing battery in the microphone.)

3 Q. That's what happens when the battery dies.

4 THE COURT: She just shuts that off. As
5 soon as they put a battery in, everything will be
6 fine.

7 Q. (By Attorney Strang)~ All right. So are you and
8 your siblings, or at least some of the five of
9 you, officers of this LLC?

10 A. My sister is.

11 Q. And directors, that kind of thing?

12 A. We just, actually just set it up.

13 Q. Right.

14 A. And my sister is the head of it. My sister is
15 the head of it. She's taking care of it.

16 Q. Okay. And then the LLC will rent out these
17 cabins or cottages?

18 A. Right.

19 Q. Like a summer vacation sort of --

20 A. That's what it is, yeah.

21 Q. And do you all plan to continue running the LLC
22 and getting some income out of it?

23 A. For the near future, yeah.

24 Q. Okay.

25 A. Yeah.

1 Q. And then the lawyer, this Mr. Halbach --

2 A. Well, I don't know if he's a lawyer. It was

3 Twohig somebody and Schneider.

4 Q. Right, Twohig, Rietbrock, da, da, da, in downtown

5 Chilton?

6 A. Yeah.

7 Q. But you met Mr. Halbach there?

8 A. Yeah.

9 Q. Doing legal work for the LLC?

10 A. Right.

11 Q. And he's the one who set up the LLC?

12 A. I believe so, because he explained it to us.

13 Q. Right.

14 A. Yeah.

15 Q. Okay. And then do you plan to have him involved

16 in the tax documents and the annual report that

17 the LLC will file?

18 A. I have no idea.

19 Q. Okay. All right. What you know is you are not

20 doing that, I assume, right?

21 A. Yeah.

22 Q. Okay. You -- You mentioned that you had stopped

23 getting the newspaper and I wanted to pick up on

24 that. Why did you cancel your newspaper?

25 A. Um, racing takes a lot of time and I just found I

1 was -- wasn't keeping up, you know, reading so it
2 didn't feel like it paid to get it anymore.

3 Q. Okay. It wasn't that you got ticked off?

4 A. No. No.

5 Q. Okay. Let's go back to the, you know, the
6 details you know about this case or at least the
7 publicity you heard about the case and let's sort
8 of explore that a little bit more. What did you
9 think about, you know, when you heard that a
10 young woman went missing and turns up dead and
11 maybe her body has been burned? What did you
12 think about all that?

13 A. Yeah, it's, you know, it's tragic. You know, you
14 wonder who would do something like that, you
15 know, but ...

16 Q. Not exactly what you want happening in your
17 neighbor.

18 A. No, I have two daughters, too.

19 Q. Yeah. Did you -- Did you -- Did that occur to
20 you when you first heard about this, the ages
21 aren't all that different, actually?

22 A. No. Yeah, you worry about that, you know. I
23 think any father would.

24 Q. So do I. And that's why I'm wondering why you
25 don't have an opinion about it. Because I do

1 think any father would worry about that.

2 A. You mean, when I wrote the paper? When I wrote
3 on that paper, you mean?

4 Q. Yeah. Yeah. Or you said -- How can you not have
5 an opinion about this?

6 A. I -- Yeah, I guess you would really.

7 Q. I mean, I'm not trying to set you up.

8 A. Yeah.

9 Q. I'm defending Steven Avery, but I really need to
10 know, you know, sort of what we're up against,
11 and get at that. I mean, it's -- you are human,
12 I want to know what the opinion is.

13 A. Yeah, I do, you know, worry about her. I'm
14 worried about my kids.

15 Q. Yeah, and this is the guy they charged?

16 A. Yeah.

17 Q. So, is he probably guilty, probably done
18 something really horrible?

19 A. The Court has to prove that, I guess.

20 Q. Actually, they have to prove it.

21 A. Well, yeah, I'm sorry. Yeah.

22 Q. Yeah, right. I mean, it comes out in court and
23 that's all good, you know, that's all good
24 American civics stuff. But I want to get at, you
25 know, where I'm starting with you.

1 ATTORNEY FALLON: Your Honor, could counsel
2 approach the bench?

3 THE COURT: Sure.

4 (Side bar taken.)

5 THE COURT: All right. Mr. Petermann, at
6 this time I'm going to allow you to leave the
7 courtroom with the Clerk.

8 MR. PETERMANN: Okay.

9 THE COURT: I will let you know,
10 Mr. Petermann, because of the -- and this has
11 nothing to do with anything wrong you did, but
12 because of your relationship to the --

13 MR PETERMANN: Okay.

14 THE COURT: -- the legal --

15 MR. PETERMANN: That's fine.

16 THE COURT: -- the legal relationship to
17 the brother of the victim and the fact that he is an
18 attorney for your organization, that makes you
19 disqualified as a juror.

20 MR. PETERMANN: That's fine.

21 THE COURT: So the Clerk will escort you
22 from the courtroom.

23 (Wherein the juror was excused.)

24 THE COURT: Counsel, for the record, it's
25 my understanding that both parties are jointly

1 requesting that this juror be excused for cause?

2 ATTORNEY STRANG: We certainly have no
3 objection to it.

4 ATTORNEY FALLON: I will make the motion.
5 I think we have to. I realize that there is a
6 question here as to whether or not there's been
7 developed a solid objective bias case under the
8 standards. But even in other cases, most notably
9 the *Lindell* case. There's an opportunity that -- In
10 fact, the language is as follows: We caution and
11 encourage a circuit court to strike prospective
12 jurors for cause when the circuit courts reasonably
13 suspect that juror bias exists.

14 They go on to say: To err on the side
15 of striking prospective jurors who appear to be
16 biased, even if perhaps the appellate court would
17 not reverse their determination of an
18 impartiality. And, again, I'm not 100 percent
19 convinced, based on his limited involvement in
20 the family's LLC; nonetheless, I think in
21 fairness, there is that appearance and that he
22 should be struck for cause.

23 ATTORNEY STRANG: I'm convinced. We will
24 join the motion.

25 THE COURT: All right. The Court will

1 grant the parties joint motion and strike that juror
2 for cause.

3 We're going to resume at 8:30 tomorrow.
4 Couple of things before we leave. I allowed
5 members of the news media to have laptops in
6 these proceedings, but that was done with the
7 understanding that they wouldn't be making
8 noises. I believe they are equipped with
9 features to keep them from beeping. So please
10 address that before anyone returns tomorrow. And
11 I believe that's all I have got today, so counsel
12 I will see you at 8:30 tomorrow.

13 (Proceedings concluded.)

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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 31th day of August, 2007.

Diane Tesheneck, RPR
Official Court Reporter

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