

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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ANDREW L. COLBORN,  
Plaintiff,

vs.

NETFLIX, INC.,  
CHROME MEDIA, LLC, f/k/a  
SYNTHESIS FILMS, LLC,  
LAURA RICCIARDI, and  
MOIRA DEMOS,

Case No. 19-CV-484

Defendants.

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**DECLARATION OF APRIL ROCKSTEAD BARKER**

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I, APRIL ROCKSTEAD BARKER, declare under penalty of perjury as follows:

1. I am one of the attorneys for the Plaintiff in the above matter. This Declaration is submitted in support of Plaintiff's motion for partial summary judgment.
2. Attached as Exhibit 1 hereto are true and correct copies of pages from the transcript of the deposition of Moira Demos taken in the above matter as provided to Plaintiff's counsel by the court reporter, with some added identification in marker as to pertinent portions thereof.
3. Attached as Exhibit 2 hereto is a true and correct copy of a print-out from the Wisconsin Circuit Court Access Program page for State of Wisconsin v. Steve A. Avery, Manitowoc County Case No. 2005CF000381.
4. Attached as Exhibit 3 hereto are true and correct copies of pages from the transcript of the deposition of Lisa Nishamura taken in the above matter as provided to

- Plaintiff's counsel by the court reporter, with some added identification in marker as to pertinent portions thereof.
5. Attached as Exhibit 4 hereto are true and correct copies of pages from the transcript of the deposition of Adam Del Deo taken in the above matter as provided to Plaintiff's counsel by the court reporter, with some added identification in marker as to pertinent portions thereof.
  6. Attached as Exhibit 5 hereto are true and correct copies of pages from the transcript of the deposition of Moira Demos taken in the above matter as provided to Plaintiff's counsel by the court reporter, with some added identification in marker as to pertinent portions thereof.
  7. Attached as Exhibit 6 hereto are true and correct copies of pages from the transcript of the deposition of Adam Del Deo taken in the above matter as provided to Plaintiff's counsel by the court reporter, with some added identification in marker as to pertinent portions thereof.
  8. Attached as Exhibit 7 hereto are true and correct copies of pages from the transcript of the Avery criminal trial, Manitowoc County Case No. 2005CF381, for February 20, 2007, as printed from a publicly available source online.
  9. Attached as Exhibit 8 hereto are true and correct copies of pages from the transcript of the deposition of Lisa Nishamura taken in the above matter as provided to Plaintiff's counsel by the court reporter, with some added identification in marker as to pertinent portions thereof.
  10. Attached as Exhibit 9 hereto are true and correct copies of portions of Exhibit 7 as marked at the deposition of Lisa Nishamura taken in the above matter, except that

email addresses have been redacted and exhibit page numbers have been added due to the length of the exhibit and because Bates numbers are not sequential within the document.

11. Attached as Exhibit 10 hereto are true and correct copies of pages from the transcript of the deposition of Adam Del Deo taken in the above matter as provided to Plaintiff's counsel by the court reporter, with some added identification in marker as to pertinent portions thereof.
12. Attached as Exhibit 11 hereto are true and correct copies of portions of Exhibit 5 as marked at the deposition of Lisa Nishamura, and referenced during the deposition of AdamDel Deo taken in the above matter, except that email addresses have been redacted.
13. Attached as Exhibit 12 hereto are true and correct copies of an email message and a portion of a document containing production notes produced in discovery by Netflix, Inc., in this matter, except that email addresses have been redacted.
14. Attached as Exhibit 13 hereto are true and correct copies of pages from the transcript of the deposition of Moira Demos taken in the above matter as provided to Plaintiff's counsel by the court reporter, with some added identification in marker as to pertinent portions thereof.
15. Attached as Exhibit 14 hereto are true and correct copies of portions of an email thread that was produced in discovery by Chrome Media, LLC, in this matter as CHR000481-82, except that email addresses and personal contact information have been redacted.

Dated this 16<sup>th</sup> day of September, 2022.

/s/ April Rockstead Barker  
April Rockstead Barker, SBN #1026163



1 A. I -- I don't really recall any specific  
2 questions. I mean, my recollection is, whether it  
3 was towards the start of the meeting or the end, they  
4 made it clear that they were interested and were  
5 going to prepare an offer. So I might have just been  
6 excited about that and can't remember the rest of it.

7 I'm sure there was some discussion about  
8 the budget, about, you know, the status, like, how  
9 much more filming is there. Things like -- some  
10 practical stuff. Maybe they wanted to get to know us  
11 better, but I -- so I would be guessing in any  
12 specifics.

13 Q. Was it your understanding that if  
14 Netflix signed on to the project that it would be one  
15 of the first docuseries to be broadcast on Netflix?

16 A. Yes. At that point there weren't any --  
17 in fact, there wasn't an Original Doc division yet.  
18 So yeah, we were meeting at a pretty early stage in  
19 the development of that company.

20 Q. Do you remember any discussion as far as  
21 direction that -- or ideas that Netflix had that were  
22 different from what you envisioned from the series at  
23 that time?

24 A. No.

25 Q. And just to kind of cut to the chase a

**EXHIBIT**

1

1 little bit, it seemed like there was a fairly  
2 significant period of time between when you had the  
3 initial meeting with Netflix and when a contract was  
4 ultimately entered into. Is that accurate?

5 A. Yes.

6 Q. Okay. And so during that time period  
7 which -- let me back up.

8 When do you recall the initial meeting  
9 approximately being with Netflix and Ms. Nishimura?

10 A. What -- yeah, I mean, it was 2013. I  
11 would say late spring, early summer.

12 Q. And then, ultimately -- and we'll get to  
13 that -- but there was a contract entered into with --  
14 between Netflix and Synthesis, correct?

15 A. That's correct.

16 Q. And my understanding is that was in July  
17 of 2014; is that right? Does that sound right?

18 A. Sounds right. Yep.

19 Q. So what was happening between 2013 --  
20 or, early summer, late spring 2013 when you first had  
21 the meeting with Netflix and then 2014 when you  
22 actually entered into a contract with Netflix?

23 A. What was happening with the project or  
24 with negotiations or what -- what --

25 Q. With the project, yes.

Brown & Jon  
A Veritext

1 Q. I'm sorry, was there an answer? I  
2 didn't hear.

3 A. Yes, I said "that's correct."

4 Q. Oh, thank you. To your knowledge and  
5 understanding, Netflix did approve the final  
6 treatments of all of the episodes of "Making a  
7 Murderer" Season 1 and 2, correct?

8 A. That's correct. I don't recall a formal  
9 approval. I -- I just know that they aired them on  
10 their service.

11 Q. And you can set that aside -- document  
12 aside for now.

13 After you signed the agreement with  
14 Netflix -- the initial license agreement in July of  
15 2014 -- in or about July of 2014, what additional  
16 assistance did you receive from Netflix with respect  
17 to the "Making a Murderer" project?

18 A. Well, the main -- the main thing was  
19 them providing cash flow, so to speak, so that we  
20 could hire people, and they provided feedback notes  
21 on the submissions of the episodes. There was --  
22 that's all outlined in the agreement -- how that --  
23 how many cuts of things we had to turn into them for  
24 notes. And then, ultimately, they distributed the  
25 series to the public.

## Manitowoc County Case Number 2005CF000381 State of Wisconsin vs. Steven A. AVERY #122987

### Case summary

<b>Filing date</b>	11-15-2005	<b>Case type</b>	Criminal	<b>Case status</b>	Closed - Electronic filing
<b>Defendant date of birth</b>	07-09-1962	<b>Address</b>	PO Box 351, Waupun Correctional Institution, Waupun, WI 53963	<b>DA case number</b>	2021MN001773
<b>Case(s) cross-referenced with this case</b>	2016SC000474				

### Charges

<b>Responsible official</b>	Sutkiewicz, Angela W.	<b>Prosecuting agency</b>	Special Prosecutor	<b>Prosecuting agency attorney</b>	Fallon, Thomas James, JD
<b>Count</b>	1	<b>Statute</b>		<b>Severity</b>	
<b>Description</b>	Defendant owes the court: \$0.00				

Printable version





Modifier:	939.05	Party to a Crime	Felony F	Found Not Guilty at Jury Trial
2	940.11(1)	PTC Mutilating a Corpse(939.05)	Felony G	Found Guilty at Jury Trial
3	941.29(2)(a)	Felon Possess Firearm	Felony B	Dismissed on Prosecutor's Motion
4	940.225(1)(b)	1st Deg. Sexual Assault-Use/Dang.Weapon	Felony C	Dismissed on Prosecutor's Motion
Modifier:	939.05	Party to a Crime	Felony H	Dismissed on Defendant's Motion
5	940.31(1)(b)	Kidnapping/Seize or Confine w/o Consent		
6	940.30	False Imprisonment		

**Defendant**

**Defendant name**  
 AVERY #122987,  
 Steven A.

**Date of birth**  
 07-09-1962

**Sex**  
 Male

**Race**

**Address (last updated)**  
**04-11-2014**  
 PO Box 351, Waupun  
 Correctional Institution,  
 Waupun, WI 53963

**JUSTIS ID**

**Fingerprint ID**

**Attorneys**

1 hypothetical message.  
 2 BY MS. BARKER:  
 3 Q Would you agree that it is important in a  
 4 documentary or a documentary series to ensure that  
 5 subjects, meaning people who are portrayed in the film or  
 6 series, are portrayed accurately?  
 7 A As a general -- that's a broad question. But  
 8 the general tenet in documentary filmmaking is yes.  
 9 MS. BARKER: And I just have a few more  
 10 questions, as I mentioned, but it does involve  
 11 Exhibit 11.  
 12 So, I would request, Mr. Videographer, if you  
 13 would please hand to the witness Exhibit 11.  
 14 (Exhibit 11 was marked for identification, a  
 15 copy of which is attached hereto.)  
 16 THE WITNESS: I have it.  
 17 BY MS. BARKER:  
 18 Q Okay. Thank you.  
 19 And backtracking for a second. There are two  
 20 questions that don't relate that I wanted to ask and then  
 21 I will wrap up with those.  
 22 Did you review all of the final cuts of the  
 23 Making a Murderer Season 1 episodes before they were  
 24 publicly aired?  
 25 THE WITNESS: I don't have a clear recollection

1 Q So, under the subhead that says,  
 2 "Season 1-Episode 3," there's some bracketed text, and  
 3 then there are three paragraphs that start with the words  
 4 "Unidentified woman" or "man," slash, "bar patron" in  
 5 colons. If you'll take a moment and review those.  
 6 A Okay. I'll read that now.  
 7 Q Thank you.  
 8 A Do you want me to stop after -- where do you  
 9 want me to stop?  
 10 Q The bottom of the page is fine.  
 11 A Okay. I've read it.  
 12 Q And my question is -- well, first, does that --  
 13 does reviewing that trigger a recall of the individuals  
 14 in the pool hall as featured in Making a Murderer?  
 15 A It's really vague. I have not watched the  
 16 series in years and years. So, I do have a vague  
 17 recollection of this sequence.  
 18 Q Okay. So, my question was simply whether you  
 19 knew the identities of those individuals.  
 20 A Do not.  
 21 Q Okay. And, similarly, I'm assuming you don't  
 22 know anything about them personally?  
 23 A I've never been to Manitowoc, Wisconsin.  
 24 Q I understand that. I didn't mean do you  
 25 personally know them. I meant as far as any details

1 of that, but I imagine that I did.  
 2 BY MS. BARKER:  
 3 Q Okay. They were all approved, in any case, by  
 4 Netflix creative prior to their being publicly released;  
 5 correct?  
 6 A That's correct.  
 7 Q In -- in -- Net-- in one of the episodes of  
 8 Season 1 of Making a Murderer, there are some individuals  
 9 who are shown speaking from a pool hall. Do you recall  
 10 that scene?  
 11 A Do you have a little more context? Sorry, I'm  
 12 not (inaudible) --  
 13 THE REPORTER: Please repeat what you said after  
 14 "I'm not."  
 15 THE WITNESS: I'm not remembering.  
 16 BY MS. BARKER:  
 17 Q Sure.  
 18 I can direct you, actually, to the correct page,  
 19 I think, in Exhibit 11.  
 20 Directing you to Exhibit 11, which I'll  
 21 represent to you is the Second Amended Complaint filed by  
 22 Mr. Colborn in this case.  
 23 And directing your attention, specifically, to  
 24 page 36 of 56, if you see the folio at the bottom.  
 25 A Okay. I'm there.

1 about them that may have been provided to you, you either  
 2 don't know or don't recall; is that correct?  
 3 A I don't know.  
 4 Q Then, directing your attention forward in the  
 5 document to the page that is -- has page 55 of 56 in the  
 6 folio at the bottom.  
 7 A Okay. I'm there.  
 8 Q At the bottom of the page, above the page number  
 9 "12," that's printed on the page, there's a -- some  
 10 bracketed highlighted text that starts with "Strang,"  
 11 colon. Do you see that?  
 12 A I'm not -- I see "Strang." I'm just not sure  
 13 which line you're referring to.  
 14 Q Right now I'm referring, for reference, to the  
 15 very last reference to "Strang" on that page. The one  
 16 that is opposite of where "This call sounded like  
 17 hundreds of other..."  
 18 A Oh. At the very bottom?  
 19 Q Yes.  
 20 A Yes. I see the line.  
 21 Q Okay. And then above that there's bracketed  
 22 text that says, "sustained objection omitted." Do you  
 23 see that?  
 24 A I do.  
 25 Q And then above that there's another paragraph



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1 to Chrome presumably?

2 A. Yeah, I don't recall a conversation that  
3 we had on this point.

4 Q. I think we can set that exhibit aside.

5 MS. BARKER: And then, Mr. Videographer, if  
6 you would be so kind as to hand the witness the  
7 document that's been marked as Exhibit 11.

8 (Exhibit 11 marked.)

9 THE WITNESS: These ones?

10 THE VIDEOGRAPHER: Yes.

11 THE WITNESS: Okay. 11 is in front of me.

12 Q. (BY MS. BARKER): Okay. Thank you.

13 Directing your attention -- well, I'll represent to  
14 you that this is the copy of the second amended  
15 complaint filed by Mr. Colborn in the Colborn versus  
16 Netflix case that we're here regarding today.

17 Directing your attention to Exhibit B of  
18 that document, which is -- it starts at page 44 of 56  
19 and it's indicated on the bottom folio.

20 A. Okay.

21 Q. And actually, directing your attention  
22 to the next page which is page 45 of 56.

23 A. Okay.

24 Q. Do you recall that in "Making a  
25 Murderer," there was information presented regarding





1 the search on the Avery property that ultimately led  
2 to the discovery of a key to Teresa Halbach's  
3 vehicle? Correct?

4 A. Correct.

5 Q. And would you agree that testimony by  
6 Mr. Colborn at the Avery criminal trial regarding the  
7 context of his assignment to go to the property on  
8 the date that the key was discovered would be helpful  
9 to viewers in understanding that issue?

10 A. I don't know that to be the case. I  
11 just don't recollect that part of the series.

12 Q. Did you watch all of the final cuts of  
13 Episodes 1 through 10 of "Making a Murderer" before  
14 they were publicly released?

15 A. I did watch those.

16 Q. And were you asked to provide any  
17 approval for those episodes before they were released  
18 publicly?

19 A. I think we -- we signed off on those.

20 Q. And by "we," you're referring to the  
21 same team that had -- we've been reviewing e-mails  
22 between you, Lisa Nishimura, Benjamin Cotner, and  
23 Marjon Javadi?

24 A. Yeah, I don't recall exactly how the  
25 approval worked. I just don't remember back in 2015.

36 (Pages 138 - 141)

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1 Q. But you were part of the team that  
2 approved it, correct?

3 A. I was.

4 Q. Directing your attention to the next  
5 page -- or, yeah, to page 46 of 56 of the exhibit,  
6 about four paragraphs down, there's a highlighted  
7 paragraph that starts with "I turned around, as I  
8 wasn't very far away."

9 Do you see that?

10 A. I do see that.

11 Q. In reading -- if you could take a moment  
12 and review that paragraph.

13 A. Okay.

14 Q. Would you agree that, assuming that that  
15 paragraph correctly summarizes testimony that Andrew  
16 Colborn provided at the Avery criminal trial, that it  
17 would be important testimony for people to hear in  
18 understanding Mr. An- -- Mr. Colborn's testimony  
19 regarding the participation in the search on the  
20 Avery property that date?

21 MS. WALKER: I'm going to interject an  
22 objection. And the witness is free to answer the  
23 question. But, April -- Ms. Barker, I don't think  
24 there's any foundation laid as to what this is or why  
25 it's highlighted or whether the witness has ever even

111  
[ 2

6

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1 was, but I -- I think so.

2 Q. Okay. And we would move on to  
3 Episode 3. Directing your attention to the screen,  
4 we are going to attempt to play a -- we're going to  
5 attempt to play an excerpt from Episode 3 marked as  
6 ECF Docket No. 120-3 in the court record, at time  
7 stamp 14:14 to 14:42.

8 And for the benefit of the witness, this  
9 is intended to start at -- to be represented at  
10 page 36 of 56 in Exhibit 11 in the third paragraph  
11 from the bottom stating, "With the unidentified  
12 woman/bar patron: I really do think he was framed."

13 A. Okay.

14 (Video played.)

15 Q. (BY MS. BARKER): Ms. Demos, do you  
16 recognize that excerpt as a portion of "Making a  
17 Murderer," Episode 3 broadcast?

18 A. Yes.

19 Q. And who was the woman who was speaking?

20 A. I do not right now recall her name. She  
21 was a local resident who we had met that day.

22 Q. Were you specifically at the  
23 establishment there for the purpose of interviewing  
24 people for purposes of the "Making a Murderer"  
25 project?

EXHIBIT

5

1 A. Yes.

2 Q. And about how many people did you  
3 interview that day?

4 A. I don't recall exactly. I think we  
5 went -- you know, it was a local bar, and it was --  
6 it was a way to try to find local residents who might  
7 have been willing to share their views, so -- a few  
8 people were willing to speak on camera.

9 Q. And when you approached people, what did  
10 you tell them?

11 A. I don't recall exactly.

12 Q. Do you -- did you write down their names  
13 somewhere at the time?

14 A. Yes.

15 Q. And did you ask them any other questions  
16 about their background or history or affiliations?

17 A. I don't recall. I imagine we asked if  
18 they were, you know, from around there. We wanted to  
19 speak to people that lived in the area. I don't  
20 think we asked other background questions besides  
21 that threshold question.

22 Q. And then you would ask them if they were  
23 familiar with the Avery trial?

24 A. At this point I -- I'm fairly certain  
25 that this is -- this filming event was early on. You

38 (Pages 146 - 149)

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1 know, this is appearing in Episode 3, and I don't  
2 know for sure, but my impression and my memory is  
3 that this was sometime between Steven Avery being  
4 arrested and charged and us having moved out there  
5 and Brendan Dassey being arrested and charged; so it  
6 was sometime in the early months.

7 Q. Do you recall any information that the  
8 woman who appears in that clip provided about how she  
9 had come to learn information about the Avery trial?

10 A. From my best recollection, she's  
11 responding to what she saw on the news or in the  
12 paper about the preliminary hearing.

13 Q. Do you know whether that individual had  
14 any prior personal interactions with any of the Avery  
15 family members?

16 A. Well, I know in the scene she's playing  
17 pool with Chuck Avery. I don't know if they met that  
18 day at the bar. I know she at least interacted with  
19 him there. I don't know about anything prior.

20 Q. And do you know whether there were any  
21 contacts that that individual had with law  
22 enforcement in Manitowoc County prior to that day?

23 A. No, I do not.

24 Q. Was anything offered to any of the bar  
25 patrons in exchange for speaking on camera?

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1 A. No.

2 Q. And did you have those individuals sign  
3 any kind of release or waiver?

4 A. I think we did have them sign releases.

5 Q. Did you only do one interview with that  
6 particular individual, to your knowledge?

7 Was -- I'm sorry. Was that a "yes"?

8 A. Yes.

9 Q. I apologize. The video feed ate it  
10 again. Okay.

11 Do you know whether the comments by the  
12 individual that we just heard talking in the episode  
13 were in the -- were included in -- to any extent, in  
14 the rough-cut episodes that were provided to Netflix?

15 A. I don't know for sure.

16 Q. Sorry. The microphone is really  
17 sensitive, so I was just waiting for a moment.

18 Okay. Then we will then attempt to play  
19 an excerpt from, again, Episode 3, in the court  
20 record as ECF No. 120-3 and time-stamped  
21 approximately 14:43 to 15:05.

22 And for the benefit of the witness, this  
23 is intended to mirror content that is on page 36 of  
24 56 of Exhibit 11 in the paragraph that follows the  
25 one we were just reviewing under -- after the words

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1 "Unidentified man/bar patron."  
2 A. Okay.  
3 (Video played.)  
4 Q. (BY MS. BARKER): Ms. Demos, do you  
5 recognize what we just watched as a clip from  
6 Episode 3 of "Making a Murderer"?

7 A. Yes, I do.

8 Q. And the episode -- or, strike that.  
9 The excerpt includes a man stating, "I  
10 only have one word, from the cops on up: corruption.  
11 I mean, big time. I mean, if people dig far enough,  
12 they'll see that," correct?

13 A. Correct.

14 Q. And do you know that individual's name?

15 A. No, I don't remember.

16 Q. This was also a local resident that you  
17 had interviewed the same day as the woman who was  
18 shown in the prior clip; is that correct?

19 A. Correct.

20 Q. And, again, had you asked any background  
21 information of -- from this gentleman other than  
22 whether he was from the area and willing to comment  
23 on the Avery criminal charges?

24 A. I don't recall asking other background  
25 questions beyond those threshold questions.

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1 Q. And, again, do you know whether that  
2 individual has any connection to any of the Avery  
3 family members?

4 A. No, I do not.

5 Q. Do you know whether he has had any prior  
6 contact with law enforcement officers in Manitowoc  
7 County prior to the date of that interview?

8 A. I don't know.

9 Q. Did -- or, strike that.

10 In the rest of the interview, did that  
11 individual indicate any basis for his assertions  
12 regarding corruption?

13 A. I don't recall if he provided further  
14 context to his comment or if that was the extent of  
15 his comment.

16 Q. I think we can move on then to the next  
17 clip, also from Episode 3, that we will play on the  
18 screen and -- that we will attempt to play on the  
19 screen and is from the court record, Document ECF  
20 No. 120-3, time stamp 15:06 to 15:36.

21 And for the benefit of the witness, this  
22 should correspond with the text on the last paragraph  
23 of the page marked 36 of 56 in Exhibit 11 after the  
24 words "Unidentified woman/bar patron" colon.  
25 (Video played.)

1 Q. (BY MS. BARKER): Ms. Demos, do you  
2 recognize the clip that was just played as an excerpt  
3 from "Making a Murderer," Episode 3?

4 A. Yes.

5 Q. And, again, do you know the name of the  
6 individual who was speaking in that clip?

7 A. No, I don't remember her name.

8 Q. Was that another local resident that you  
9 interviewed the same day as the others whose clips we  
10 just watched?

11 A. Yeah, I think so.

12 Q. Okay. And, again, same question: Did  
13 you ask any other background questions regarding --  
14 of that woman other than whether she was a local  
15 resident or from the area and whether she was willing  
16 to comment on the allegations against Mr. Avery?

17 A. I don't recall asking anything beyond  
18 that.

19 Q. Okay. We will move on then to another  
20 clip from Episode 3 of "Making a Murderer" in the  
21 court record as ECF No. 120-3, at time stamp 16:45 to  
22 16:55.

23 And from the benefit -- for the benefit  
24 of the witness, this should correspond to text that  
25 is at page 37 of 56 on Exhibit 11, in the third

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1 "subjects"; is that right?

2 A. The pool -- I think the pool hall  
3 patrons, yeah, I think we are using that as a  
4 synonym.

5 Q. Okay. Do you -- did you know the  
6 identities of any of those people at any time?

7 A. I don't recall that.

8 Q. Do you know how those people were  
9 solicited for participation?

10 A. I do not.

11 Q. Do you know whether any of those people  
12 had any connections to the Averys?

13 A. I do not.

14 Q. Do you know whether any of them have had  
15 any law enforcement encounters with Manitowoc County?

16 A. I do not.

17 MS. BARKER: Okay. Do we want to try to do  
18 the rough edition?

19 MS. BURSIK: Sure.

20 MS. BARKER: Okay. So despite our AV issues,  
21 we're going to try to play some raw footage. We  
22 probably -- I'm assuming Leita wants to put a  
23 statement -- or, I'm sorry -- Attorney Walker  
24 probably wants to put a statement on the record. I  
25 was going to play just a few excerpts of raw footage

EXHIBIT

6



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

3 STATE OF WISCONSIN,

4 PLAINTIFF,

JURY TRIAL  
5 TRIAL - DAY 7  
Case No. 05 CF 381

6 vs.

7 STEVEN A. AVERY,

8 DEFENDANT.

9 **DATE:** FEBRUARY 20, 2007

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

11 **APPEARANCES:** KENNETH R. KRATZ  
Special Prosecutor  
12 On behalf of the State of Wisconsin.

13 THOMAS J. FALLON  
Special Prosecutor



On behalf of the State of Wisconsin.

15 NORMAN A. GAHN

Special Prosecutor

16 On behalf of the State of Wisconsin.

17 DEAN A. STRANG

Attorney at Law

18 On behalf of the defendant.

19 ATTORNEY JEROME F. BUTING

Attorney at Law

20 On behalf of the defendant.

21 STEVEN A. AVERY

Defendant

22 Appeared in person.

23 TRANSCRIPT OF PROCEEDINGS

24 Reported by Diane Tesheneck, RPR

25 Official Court Reporter



I N D E X

WITNESSES

SERGEANT WILLIAM TYSON

Cross-Examination by ATTORNEY BUTING 3

Redirect Examination by ATTORNEY KRATZ 62

SERGEANT ANDREW L. COLBORN

Direct Examination by ATTORNEY KRATZ 64

Cross-Examination by ATTORNEY STRANG 141

Redirect Examination by ATTORNEY KRATZ 212

Recross-Examination by ATTORNEY STRANG 215

LIEUTENANT JAMES LENK

Direct Examination by ATTORNEY KRATZ 216

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	<u>EXHIBITS</u>	MARKED	OFFERED	ADMITTED
15	158		120	121
16	206-207		63	64
17	211	135	136	137
18	212	179	243	243
19	213	200		
20				
21				
22				
23				
24				
25				

1 Q. And was that search performed by the same team;  
2 that is, yourself, Lieutenant Lenk and Deputy  
3 Kucharski from Calumet County?

4 A. Yes, sir.

5 Q. Sergeant Colborn, we have heard some references  
6 this week, and even last, to your involvement in  
7 this case. And now that you are here, now that  
8 you are in court, I have some questions regarding  
9 your knowledge of Mr. Avery.

10 First of all, prior to November of 2005,  
11 had you been involved at all in the  
12 investigation, testifying against, or prosecution  
13 of Steven Avery in any previous criminal

proceedings?

14  
15 A. No, sir.

16 Q. Had you ever been personally named in any civil  
17 lawsuits, or ever personally been accused of any  
18 wrongdoing regarding Mr. Steven Avery?

19 A. No, sir.

20 Q. You were asked, as I understand, as part of a  
21 civil lawsuit, to provide what's called a  
22 deposition, to be questioned by some lawyers; is  
23 that right?

24 A. Yes, sir.

25 Q. Do you recall when that occurred?

1 A. I believe it was in October of 2005.  
2 Q. Do you remember how long that deposition, how  
3 long that -- that process took?  
4 A. I thought it was less than an hour, but an hour  
5 or less.  
6 Q. All right. You were asked some questions, is  
7 that right, under oath?  
8 A. Yes, sir.  
9 Q. Did you answer those questions to the best of  
10 your knowledge and ability?  
11 A. Yes, I did.  
12 Q. Do you recall the context in which you were asked  
13 those questions; in other words, do you recall

14 what you were asked about?

15 A. Yes, sir.

16 Q. Can you tell the jury what you were asked about?

17 A. In 1994 or '95 I had received a telephone call  
18 when I was working as my capacity as a  
19 corrections officer in the Manitowoc County Jail.  
20 Telephone call was from somebody who identified  
21 himself as a detective. And I answered the  
22 phone, Manitowoc County Jail, Officer Colborn.

23 Apparently this person's assumption was  
24 that I was a police officer, not a corrections  
25 officer, and began telling me that he had

1 received information that somebody who had  
2 committed an assault, in Manitowoc County, was in  
3 their custody, and we may have somebody in our  
4 jail, on that assault charge, that may not have  
5 done it.

6 I told this individual, you are probably  
7 going to want to speak to a detective, and I  
8 transferred the call to a detective, to the  
9 Detective Division, at the Manitowoc County  
10 Sheriff's Department. That's the extent of my  
11 testimony.

12 Q. That's it? That's your connection to Mr. Avery?

13 A. Yes, sir.

14 Q. Well, did that cause you enough embarrassment and  
15 enough angst in which to set up Mr. Avery for a  
16 charge of murder?

17 A. No.

18 Q. Did that deposition cause you such problems from  
19 within your department that you obtained and  
20 planted blood, so that it would be found and  
21 Mr. Avery would be wrongfully accused of a  
22 homicide case?

23 A. No, sir.

24 Q. Have you ever planted any evidence against  
25 Mr. Avery?



1 A. That's ridiculous, no, I have not.

2 Q. Have you ever planted any evidence against  
3 anybody in the course of your law enforcement  
4 career?

5 A. I have to say that this is the first time my  
6 integrity has ever been questioned and, no, I  
7 have not.

8 ATTORNEY KRATZ: That's all I have for  
9 Sergeant Colborn, Judge.

10 THE COURT: Mr. Strang.

11 **CROSS - EXAMINATION**

12 BY ATTORNEY STRANG:

13 Q. This is the first time your integrity has been

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1 at this juncture.  
 2 Q Thank you.  
 3 And in the e-mail message that was forwarded,  
 4 Mr. Cotner was sharing what he described as important  
 5 plot points of potential cliffhangers for the Making a  
 6 Murderer episodes; correct?  
 7 A It appears to be that, correct.  
 8 Q Directing your attention to the next several  
 9 pages in Exhibit 7, which are Bates-stamped NFXCOL 235  
 10 through 240. If you could just take a moment and look at  
 11 those.  
 12 A Do you want me to read them?  
 13 Q I realize you are not listed on this e-mail  
 14 message. But just trying to make sense of this format.  
 15 Do these appear to be possibly notifications from Google  
 16 Docs regarding comments being added to a document  
 17 relating to Making a Murderer?  
 18 A Let me just take a moment to take a look at it.  
 19 Q Okay.  
 20 A This isn't a usual format for me. I don't think  
 21 I've ever seen it. So give me a moment, please.  
 22 Q Certainly. Thank you.  
 23 A This is a very confusing document, so I would be  
 24 speculating about what I think it is. If you want me to  
 25 speculate, I can.

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1 Q I was hoping it might be evident to you, so  
 2 that's fine. We'll just move forward to the pages marked  
 3 NFXCOL 1975 through -- well, why don't I just start with  
 4 that. Directing your attention to the document marked  
 5 NFXCOL 1975, which should be the next document in the  
 6 Exhibit 7.  
 7 A I have that.  
 8 Q If you could take just a moment and -- and  
 9 review it, please.  
 10 A Okay. I'll read it now.  
 11 Q Thank you.  
 12 A Okay. I've read it.  
 13 Q This -- or the document Bates-stamped  
 14 NFXCOL 1975 is an e-mail message from you to Ms. Demos,  
 15 Laura Ricciardi, Mary Manhardt, and Lisa Dennis, dated  
 16 July 11th, 2015; correct?  
 17 A Correct.  
 18 Q This -- in the text of the message, it indicates  
 19 that you are forwarding to the recipients the series  
 20 notes for Making a Murderer as of that date; correct?  
 21 A Correct.  
 22 Q Okay. So, then, directing your attention to the  
 23 next several pages, NFX -- marked NFXCOL 1976 through  
 24 NFXCOL 2012. If you could please take a moment and at  
 25 least page through those.

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1 A Sorry. Did you say you're skipping to 2012?  
 2 Q Yes.  
 3 A Okay.  
 4 Q No. I'm sorry. I'm asking you to look at 1976  
 5 through 2012.  
 6 A Oh, okay. Sorry.  
 7 Q I don't think you need to read every line. I'm  
 8 not asking line-by-line questions.  
 9 A Okay. I've skimmed it.  
 10 Q Does the document identified as NFXCOL 1976  
 11 through 2012 appear, to your recollection, to be the  
 12 attachment to your July 11, 2015 e-mail?  
 13 A It appears to be.  
 14 Q And did you create the attachment to the e-mail  
 15 message?  
 16 A I did not. I'm sure I contributed. As I have  
 17 mentioned before, we work very collaboratively on the  
 18 creation of the notes. But this specific type of format  
 19 was not my format.  
 20 Q Appears as though it was prepared using a  
 21 PowerPoint or similar program; is that correct?  
 22 A It's -- I say that specifically because of style  
 23 on some of the episode overall pages where you'll see  
 24 kind of a split of the left and the right end lines is a  
 25 style choice. Effective, but just not one that I

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1 personally use. So -- but as far as creative notes and  
 2 discussion, it is -- again, I can't recall the specific  
 3 experience of crafting these notes, as it's been some  
 4 time. But reasonable to think that I was part of those  
 5 discussions alongside Ben and Adam in the creation of  
 6 these notes.  
 7 Q Thank you.  
 8 Directing your attention to the next page of  
 9 Exhibit 7, which is Bates-stamped NFXCOL 241.  
 10 Have you had a chance to review it?  
 11 A I'm just finishing.  
 12 Q I'm sorry.  
 13 A Okay. Read it.  
 14 Q That document is a copy of an e-mail message  
 15 from you to Mr. Cotner and Mr. Del Deo, dated July 16,  
 16 2015; correct?  
 17 A Yes.  
 18 Q And it indicates that you are -- strike that.  
 19 It indicates that you took a stab at music notes  
 20 for Making a Murderer; correct?  
 21 A Correct.  
 22 Q And it -- on the attachment line, it indicates  
 23 that there's a Making a Murderer music notes Episode 1  
 24 file; correct?  
 25 A That's right.



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1 Q And directing your attention to NFXCOL 242 and  
 2 243, which should be the next two pages. If you could  
 3 take a moment and look through those, please.  
 4 A Okay.  
 5 Okay. I've read it.  
 6 Q Are you able to identify the documents  
 7 Bates-stamped NFXCOL 242 and 243 as the attachment to the  
 8 preceding e-mail message Bates-stamped NFXCOL 241?  
 9 A There's nothing on the actual document  
 10 indicating that it's such. But I think it's reasonable  
 11 to believe that it is.  
 12 Q The documents, yeah, stated are attached -- or  
 13 strike that -- the documents Bates -- identified as  
 14 NFXCOL 242 and 243 appear to contain notes relating to  
 15 music for the -- a Making a Murderer episode in this  
 16 case; correct?  
 17 A A episode, correct. I can't necessarily confirm  
 18 or deny whether that's Episode 1. And, yes, it appears  
 19 to be focused on music.  
 20 Q You drafted the music notes that are represented  
 21 in NFXCOL 242 and 243; correct?  
 22 A Well, per the e-mail, because I don't recall  
 23 actually doing this. But per the e-mail. As I mentioned  
 24 before, we're collaborative in the way we work. So one  
 25 of us will take the lead and take the first draft of the

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1 note document which is then opened to the other two.  
 2 So, I believe that this represents the, again,  
 3 very rough preliminary notes that then were made  
 4 available to Ben and Adam and myself to continue to  
 5 refine and to discuss.  
 6 Q Would music notes be a particular forte of  
 7 yours, given your background in the music industry?  
 8 A I mean, it's one of the many tools that one uses  
 9 in storytelling that I think is important. But I  
 10 wouldn't say I had more of an expertise than Ben or Adam  
 11 who are both directors as well as studio executives.  
 12 Q Directing your attention, then, Ms. Nishimura,  
 13 to the next two pages in Exhibit 7, which are  
 14 Bates-stamped NFXCOL 244 and 245.  
 15 Please take a look at those when you have them.  
 16 A Oh, it's this mail.  
 17 Okay. I've read them.  
 18 Q The document at NFXCOL 244 and 245 is a copy of  
 19 a message from Adam Del Deo to you, dated July 16, 2015,  
 20 and forwarding a message from Mr. Del Deo to Mr. Cotner;  
 21 is that correct?  
 22 A Yes.  
 23 Q And, presumably, Mr. Del Deo was forwarding that  
 24 to you so that you would have an opportunity to see the  
 25 content of the forwarded message; correct?

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1 A I think that's fair to assume.  
 2 Q Directing your attention to the next document in  
 3 Exhibit 7, which is Bates-stamped NFXCOL 2013.  
 4 A I have it.  
 5 Q That is a copy of an e-mail message from you to  
 6 Ms. Demos, Ms. Ricciardi, Ms. Manhardt, and Ms. Dennis,  
 7 dated July 16, 2015; is that correct?  
 8 A Correct.  
 9 Q Okay. And that message indicates that you,  
 10 Adam, and Ben are, through that message, forwarding your  
 11 updated series notes.  
 12 A I'm gonna read it really quickly.  
 13 Q Yes. Please do. I'm sorry.  
 14 A I've read it.  
 15 Q The message represented at NFXCOL 2013 indicated  
 16 that you were forwarding to the recipients the updated  
 17 series notes from the Netflix creative team; is that  
 18 correct?  
 19 A Yes.  
 20 Q And following our prior pattern, I would direct  
 21 your attention to NFXCOL 2014 through 2045 and ask you to  
 22 look through to see whether it appears to be the series  
 23 notes attachment that is referenced in the preceding  
 24 e-mail message.  
 25 I would note that, helpfully, there seems to be

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1 a date on the second page.  
 2 A Yes, very helpful. It does appear to be the  
 3 corresponding series notes document.  
 4 Q And, again, sounds as though -- I think I see  
 5 some errors -- arrows or lines. So this, likely, isn't a  
 6 document that you specifically initiated or created, but  
 7 rather -- or strike that.  
 8 This isn't a document that you, likely, created  
 9 in the computer system; correct?  
 10 A Yes. That's correct.  
 11 Q Okay. But it's rather a document that was  
 12 created, likely, by another team member and then  
 13 circulated and reviewed by the rest of the team; correct?  
 14 A That's correct.  
 15 MS. BARKER: We can set that exhibit aside.  
 16 Mr. Videographer, I would ask that you please  
 17 hand to the witness the document marked as Exhibit 8.  
 18 (Exhibit 8 was marked for identification, a copy  
 19 of which is attached hereto.)  
 20 BY MS. BARKER:  
 21 Q Directing your attention, Ms. Nishimura, to the  
 22 pages in Exhibit 8 that are Bates-stamped NFXCOL 2137  
 23 through 2176.  
 24 And, again, I'm not asking you to read every  
 25 line but, rather, to review the document and indicate



**From:** Adam Del Deo [REDACTED]  
**Sent:** Friday, June 26, 2015 12:40:28 AM  
**To:** Benjamin Cotner [REDACTED]  
**Cc:** Lisa Nishimura [REDACTED]  
**Subject:** Re: Episode Breakdown

---

Great, thanks Ben. Look forward to us all chatting tomorrow.

Fun night, get some rest!

Sent from my iPhone

On Jun 26, 2015, at 12:10 AM, Benjamin Cotner <[REDACTED]> wrote:

Here is a basic breakdown of what I felt were the important plot points and potential cliffhangers for each episode.

**EPISODE BREAKDOWN**

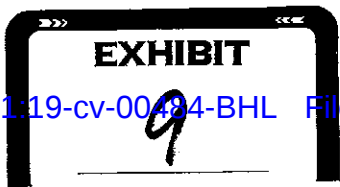
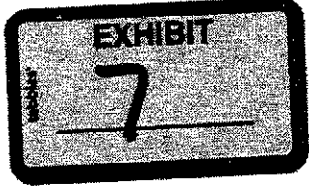
**Episode 1:**

Plot points:

- Dispute with cousin/masturbating on the lawn
- Penny is assaulted
- Because of bad blood with police they point the finger at Steven
- Steven has alibi and wasn't even in the area.
- Steven is convicted despite no physical evidence.
- Steven's marriage ends.
- New DNA (allele) evidence is introduced but denied on appeals.

**Cliffhanger: Innocence Project tests pubic hair and it matches Gregory Allen and Steven is released.**

(Currently no episode break here yet)



**From:** Lisa Nishimura <[REDACTED]>  
**Sent:** Saturday, July 11, 2015 1:07:48 PM  
**To:** Moira Demos <[REDACTED]>, Laura Ricciardi <[REDACTED]>, Mary Manhardt <[REDACTED]>, Lisa <[REDACTED]>  
**Cc:** Adam Del Deo <[REDACTED]>, Benjamin Cotner <[REDACTED]>  
**Subject:** Making A Murderer: Series Notes  
**Attachments:** MakingAMurderer\_SeriesNotes\_WorkInProgress.pptx

---

Dear Moira & Laura, Mary and Lisa,  
We hope this finds you very well. Attached please find our notes on behalf of the series based on our recent marathon viewing of all available episodes which we found exceedingly helpful! We completely understand that you have been concurrently working away on some of these episodes and many of the notes may be moot based upon structural changes you have made in the interim. That said, as a work in progress, we hope you will find them helpful.

As this is the first pass at the full series vs. individual episodes, we've structured these notes somewhat differently. Perhaps helpful to explain how to navigate them.

The idea is to separate structural ideas from more detailed comments. The first slide for each episode has the current story beats on the left and our suggestions on the right. You'll find there are not a large number of these, but these suggestions represent the bigger ideas that contemplate the overall structure.

The structural cards are followed by more detailed specific notes with timecode and then some GFX, Music and Overall general ideas for discussion. We are very excited to come see you on Tuesday morning, but would encourage you to give us a call in the meantime if any of these notes are unclear. Of the utmost importance is to convey that we have organized these notes to help support a productive and ongoing dialogue. We look forward to continuing with our open line of communication, all with the \*singular goal\* of supporting the creation of what we know can be a \*landmark, awards-worthy \*documentary series!

Many Thanks and Speak Soon!

Best,  
Lisa, Adam & Ben

2

# Making a Murderer

**Status:**

1. The series is amazing. It is a major accomplishment to lay out such a complex case in such a clear and suspenseful way.
1. Some structural & pacing challenges may not support full audience engagement for such a long view that at times gets very granular.

**Goals:**

1. Identify final overall series structure which supports the most impactful, compelling and revelatory storytelling, including:
  - Ideal number of episodes (9-10?)
  - Ideal length of episodes (recommending 50 minute target, no greater than 60)
  - Best opens and closes (see specific notes in Structural Breakdown)
  - Red Herrings.
  - Expand the emotional range for the viewer throughout the series. We want to feel the swells of hope, the rage of injustice, the horror of the defenseless. Viewers across the globe should be in tears and shouting at their screens throughout.
2. Music and gfx aren't being utilized effectively yet for the next pass we should take it to the next level and bring in reinforcements for the areas that aren't yet getting there.
3. With final overall episode structure in place, tighten each episode to most effective cut (see detailed notes).
4. Eliminate the storylines that aren't serving the greater good.

4

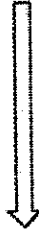
**CURRENT:**

**Episode 1.**

**SUGGESTIONS:**

Cold open: S.A. gets out of prison. Background that he was wrongfully imprisoned for 18 years. Cousin says: "Be careful... They aren't even close to being finished with you."

- S.A. files civil rights suit against Sheriff and DA.
- Jump back to Sandra deposition.
- S.A. background.
- Dispute with Sandra, S.A. charged with felony.
- Penny B is attacked.
- Police mishandle and Penny points to S.A.
- S.A. arrested, Sheriff keeps him from lawyer.
- Background on S.A.'s alibi.
- Information about Gregory Allen.
- S.A. found guilty.
- Hard on family. Parents stick by him. Lori leaves.
- New evidence - fingernails not enough.
- Pubic hair found. Matches Gregory Allen.
- Evidence of police misconduct.
- S.A. back to normal life, meets Jodi.



There should be a more explicit ending that makes it clear that in the next episode the cops are going to seek revenge. We should have a really tight Episode 1 with a strong cliffhanger that immediately engages the audience to come back for Episode 2. Currently, the suggestion that they might charge him with murder is very subtle and the audience might think everything is resolved. This line is impossible to understand without any context. (also could consider ending with the cliffhanger of whether or not the DNA matches S.A., this would be the ultimate pull-back for watching Ep2 but would mean changing the cold-open)

Cliffhanger: S.A. is released: "Don't bring a lawsuit against Sheriff's department in a community where you still live or you could get charged with murder."

5



## Episode 1 - Detail (1hr 9min)

- 1:45 - we end the cold open with Steven's cousin saying, "Manitowoc County is not done with you, they're not even close to being finished with you". The viewer has yet to get their bearings - we should explore adding graphical treatment to these powerful words going into the title treatment.
- 21:00 - Emphasize the relationship between Sheriff Kocourek's wife and Penny B so that we establish a motive for him to interfere in the investigation.
- 31:47 - The fact that the police had been following Gregory Allen is established (somewhat out of the blue) during the investigation. This set-up seems to undermine the revelation later, when his DNA is matched, that the police had been following him and hid this information. It could be more shocking to reveal later in the episode who Gregory Allen was and how evidence of his presence was known by the Sheriff's dept.
- 37:15 & 40:55 - There are two chunks that both talk about the parents sticking by him. This is something we return to several times through the series, so we should just be judicious about which of these is the most effective and sufficient.
- 41:50 - The explanation of the appeals system might be unnecessary - we should probably assume the audience has a basic understanding of this.
- 45:30 - Stephen Glynn talks for a while about how the decision shows how much the system is weighted against the presumption of innocence, but we never see the decision for ourselves - is there a way to pull out a representative quote from that decision that could be shown while he is talking? He also talks about how S.A. pays a heavy price for not caving under pressure, but this is already really clear.

6

## Episode 1 – Detail Cont. (1hr 9min)

- 51:00 - The exoneration of Steven should be a much more emotional turn of events. After 18 years it should be heartbreaking that he is finally out. Music and edits should build-up and pay-off in a much bigger way.
- - Public Integrity Bureau investigation report goes into a lot of detail and might be hurting the momentum of the episode's conclusion (over 4 minutes).

7

Episode 2.

CURRENT:

Cold open: Homevideo of T.H.

- S.A. files \$36m lawsuit against Manitowoc.
- Civil suit trial.
- -Police sketch mishandled.
- Legislature about to pay his \$450k.
- Colburn received phone call in 1995, no report.
- More testimony.
- City will be on the hook for damages.
- Teresa Halbach goes missing.
- Search party - they find the Rav4.
- Cop asks if they have S.A. in custody yet
- Calumet County takes over the investigation.
- Police search S.A.'s house.
- Manitowoc only used for support resources.
- Key found.
- S.A. is questioned and arrested.
- Keep S.A. away from lawyer. Lie about location.
- Kratz says the evidence hasn't been tainted.

Cliffhanger: S.A. DNA on the key and in the blood. S.A. in handcuffs entering courtroom.

SUGGESTIONS:

The cold open of T.H. is very confusing and too far ahead of her disappearance to make the connection. Perhaps open with the image of the article saying that S.A. is suing the law enforcement agencies and Walter Kelly (Ep2 - 3:19) explains everything up until he says that it is for \$36m. And it would save the TH video to use later to greater effect during the trial (eg around Ryan's testimony).

The police sketch and Judy Dvorak scenes are explained in such detail in Episode 1 that it is less of a bombshell here. Would it make more sense to hold the reveals for this Episode?

The testimony about this phone call and report (which we touch on several times throughout the series) is confusing as it relates to who within law enforcement knows what/when - could a graphic help chart the related events and make it less necessary to keep repeating the story?

Potentially add Allan's quote from the top of Ep3 saying "They framed an innocent man just like they did 20 years ago" to the cliffhanger here.

8

## Episode 2 - Detail

- 5:55 - What Walter Kelly is saying about the AG's report is very interesting, but he is very slow and unclear in his diction - probably it ultimately isn't necessary. It could even be as simple as saying "they felt like they were talking law enforcement to law enforcement so were fairly candid."
- 14:00 - The phone call that Colburn receives and the subsequent flow of information to other figures in the Sheriff's department is something we keep going back to throughout the series. It would really help to create a graphic that can be built on throughout the series as new information is added to this topic. It would really help keep clear what the connections are and highlight when new information is revealed. It could also help minimize the amount of time we need to spend explaining it multiple times.
- Also, is there any record that Gregory Allen was in the Brown County prison when they made the phone call to Colburn? Maybe add his mugshot from that prison to the graphic as well, to drive home the fact that they are letting a known rapist go free while Steven rots in prison.
- 17:30 - There is probably more testimony of the police that we need at this point regarding the phone call.
- 22:50 - This Michael Grierbach testimony doesn't really seem necessary.
- 24:00 - Who is the person who is circled in the courtroom clip?
- 25:00 - Not sure what the montage of courtroom exteriors and testimony clips is doing here. (55 seconds for just a short VO) - and this conversation about the impact on the city is somewhat redundant - it could probably be tightened.

9

## Episode 2 – Detail Cont

- 27:20 - Stephen Glynn gives a very wordy and dry reveal that Teresa Halbach is missing. There should be a bit of a tonal shift and dramatic tire-screech when the bombshell is dropped that someone is connecting S.A. to a murder. He says it in an almost incidental way. Are there other options? News clips? Make this a visceral experience that a woman is missing and people are searching for her and the world is closing in on Steven
- 32:30 - Search party lasts for almost 2 minutes. Maybe it could be cut down by 1 minute and have Mike Halbach's interview as partially VO instead of on screen the whole time.
- 42:40 - Not sure if we need the search party again since the car has already been found. It is clear that they are still looking for the body, but the focus now has shifted to the Avery property and since the search party isn't involved in that we could probably cut this entire minute out and get straight to finding the body and key.
- 45:00 - There should be more of a creepy, suspenseful tone when the bones and teeth are shown.
- End - Use lower-thirds to ID the cops that are questioning S.A.

10

CURRENT:

Episode 3.

SUGGESTIONS:

Cold open: S.A. denies and gets handcuffed in interrogation room, Allan Avery saying they are taking an innocent man and making him guilty just like 20 yrs ago.

- Start of pre-trial.
- Key wasn't there when they first searched.
- Court finds probable cause.
- Gov signs Avery reform. Discuss changing name.
- Media repaints S.A. a monster. Town reacts.
- Family gets hate letters
- Judge sets bail high.
- Family visits.
- S.A. settles lawsuit to get money for defense.
- Halbach family files lawsuit to tie up money.
- Butling and Strang join - talk about police framing.
- Brendan is detained.
- Kratz details Brendan's version of crime.
- Jodi out, Chuck reacts, Allan says family torn.
- Brendan coerced and charged.

Since Ep2 ends with him shackled going into courthouse, is it necessary to have him handcuffed here? Other ideas would be to start with teasing the fact that the key wasn't there the first several times they searched the room or start with the media turning on S.A. - making him into a monster.

Cliffhanger: Brendan's mom says that if he testifies against S.A. he gets 20+ years with parole, but if he doesn't he could get life with no parole.

This is a great cliffhanger, but should drive harder on the fact that B.D. might testify against S.A. and is essentially being blackmailed to do this.



### Episode 3 - Detail

- Opening - Use lower-thirds to ID the cops that are questioning S.A.
- 08:44 - Coverage of the Governor signing the Avery Reform Bill (and the state senator discussing) is definitely interesting, but it is a bit granular and might not move the story forward at all. This might not be information that the audience need and could save us almost two minutes
- 13:55 - Chuck playing pool could be trimmed. The local woman and man giving the community perspective is good, but could stand on its own. This five minute chunk (including Steven's phone calls and Chuck in the junkyard) could be delivered in a few quick soundbites contrasted with the media coverage of Steven as a monster to show that there is a division of opinion between the establishment and the poor community. Could be really driven home if capped with Steven's quote (18:40) "Poor people lose".
- 19:19 - Do we need the scene of them visiting him in prison? We already get that the family is standing behind him and don't see why he would do this
- 25:15 - 28:15 - Bringing in Strang & Buting should be a glimmer of hope and feel somewhat triumphant- here are two great lawyers coming to his rescue. but this three minute segment doesn't capture that. This could really be tightened up and enhanced by a good music cue.
- 41:56 - Jodi gets out of jail. .is there any way to quickly establish earlier on that she has been in jail through all of this?
- 47:28 - Allan complaining about the loss of business and Chuck saying that he doesn't think Steven is guilty are both somewhat repetitive from other scenes - maybe a tighter version, but it feels like it might be overkill.

12

CURRENT:

Episode 4.

SUGGESTIONS:

Cold open: S.A. on phone over B-roll "Brendan said all of this. I feel sorry for him. It'd probably make somebody look like a monster....Nothing good can come out of this.

It's tough to understand in a cold open what S.A. is talking about - there is too much distance between this call and the previous episode's material that gives it context. Would it be possible to tease something that is coming ahead rather than recap?

- New atty (Len) for B.D. - he is terrible.
- Jodi finds phone calls w/S.A. on day of murder.
- Eval. of blood and key DNA, evidence from car.
- Try to throw out B.D.'s confession
- Len/O'Kelley push B.D. to confess.
- B.D. meets with police then calls mom.
- Police say easier to kill S.A.
- State tries to change death penalty, trial delayed.
- Jodi ordered not to see S.A.
- Family tries to get B.D. a new lawyer - denied.
- Judge tells Len to withdraw.
- Family check in.
- Recap of Penny B set-up.
- Lenk.

Maybe it would be better to bring some of the Innocence Project's explanations about why this was so egregious from Ep10. It would help clarify the fact that Michael O'Kelley is supposed to be working FOR B.D. and also deal with it in one place instead of multiple times. And ending on such deep analysis of the issue is somewhat anti-climatic. Splitting it up between this section and the hearing for the new trial would possibly be more efficient.

Cliffhanger: Blood vial is discovered to have been tampered with.

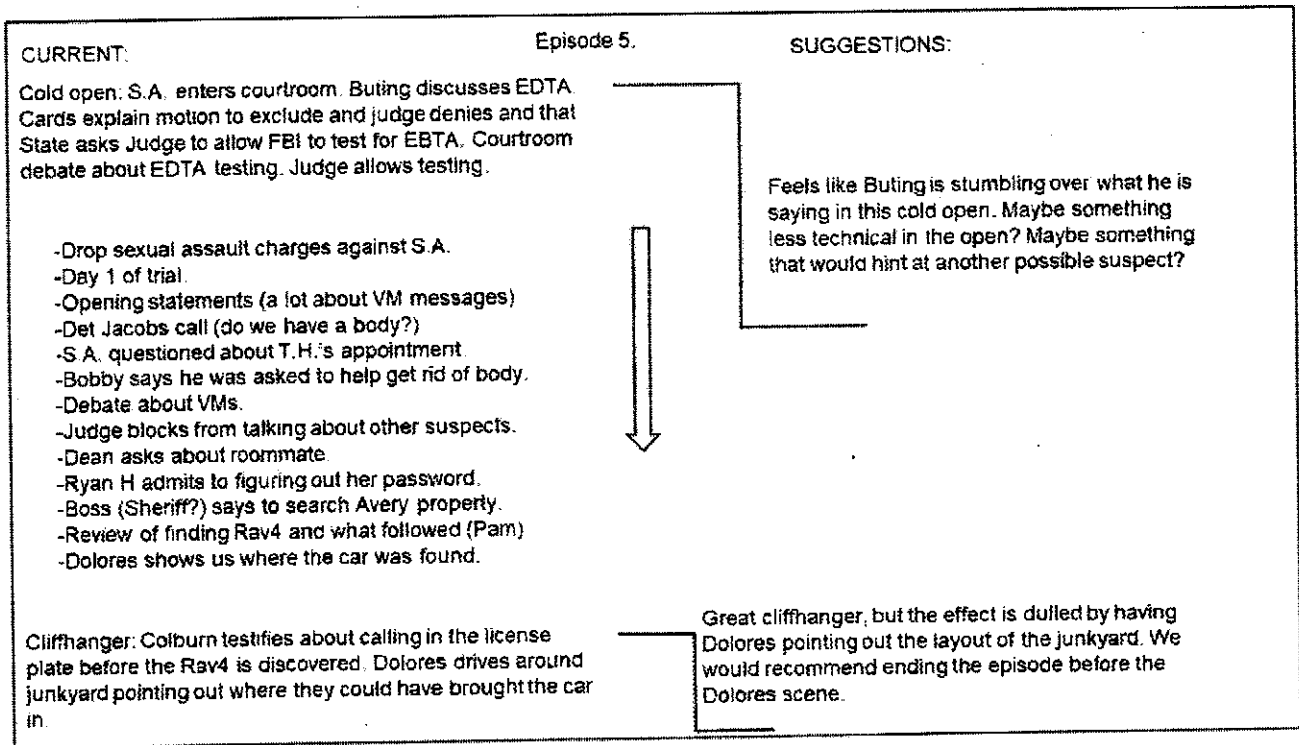
13



## Episode 4 - Detail (1hr20min)

- 21:25 - Can the card identifying O'Kelly make it more clear that this guy is supposed to be helping Brendan? Would it also be out of the question to bring in the Innocence Project from Ep10 here to really explain why this was so egregious?
- 38:34 - The fact that media affects the jury is important could probably more concise - we get it. Might also be too much news coverage of whether framing is possible or not. It sets up the "We could just kill him" quote, but probably could be set up with just one or two quick clips.
- 42:00 - The death penalty conversation takes up a lot of oxygen. Is there any way to streamline it or lose it altogether? We already get so much about the jury being influenced by the media/culture. Almost five minutes is a big chunk when this episode is currently at 1hr20min
- - Dolores driving around the junkyard and the aerial atmospherics could all be tightened a lot. This four minute segment should probably be 30-40 seconds.
- - Pete talking about Manitowoc causing rape and they were most definitely biased to be investigating this case. It feels like this has been covered elsewhere?
- - This major dramatic moment of the tampered with vial being discovered could really have more impact with the right score.

14



(15)

## Episode 5 - Detail (1hr10min)

- 15:00 - Lots of b-roll of people entering the courtroom. Opening statements are somewhat unruly. Everything they say is interesting, but most of this is covered really well in other sections. It might be more impactful to hit one or two points on each side that really summarize the spirit of what is happening. It seems like the voicemail
- 19:45 - Buting really rambles in this section - we could probably massage this into a much more succinct summary of what to expect in the trial. (three minutes and then straight into their opening statement which reiterates many of the same points)
- 23:00 - Defense Opening statement has the same issue as the prosecution's. Together the opening statements take up the majority of the first 30 minutes.
- 30:40 - Shows S.A. being interrogated about making the appointment in Barbara's name. This occupies a large part of the opening statement also - is there a more efficient way to get through the fact that the prosecution was trying to make it look like he was hiding his own name while the defense says he has a valid reason. This also seems like a minor part of the evidence base and it is hard to illustrate what exactly they mean, so it may be worth trimming this debate out.
- 36:30 - Bobby Dassey's testimony about Steven asking to hide the body - this could really be clarified by a graphic so that it is clear why it is so important to know whether this happened on the 3rd or on the 10th. And why the prosecution acted so improperly.
- They mention that T.H. had been receiving harassing phone calls, but they never identify you the harrassing caller was. Surely they had the phone records ...can we explain who it was or why they couldn't identify that person if that is the case?

16

## Episode 5 – Detail Cont.

- 41:00 - The debate about TH's voicemail inbox being full and how we know that some were deleted and who had access to the voicemails could all really benefit and be laid out more efficiently with a graphic - probably can replace the actual phone records which don't really convey any information. (this is currently a 7 ½ minute section, plus it circles back again with the ex-boyfriend's testimony)
- 56:30 - In the Weigart call, he references the "boss" called - is there a way to get across who exactly the boss is?
- - We don't really need the interrogation of S.A. about how the truck could have gotten in or the footage of Dolores showing us the area. It really kills the effect of the Colburn license plates bomb.

17

CURRENT:

Episode 6.

SUGGESTIONS:

Cold open: Card says one day after Brendan's arrest there is a press conf. Kratz describes how S.A. instructed Brendan to cut T.H.'s throat. Police search residence and garage for new evidence. Kratz claims physical evidence now makes sense.

- Strang & Buting disc. poisoned jury pool.
- Bullet found in garage - Lenk was present.
- No T.H. DNA found in trailer or garage.
- Bobby only thing placing her inside.
- Skull fragments.
- Evidence montage
- Sherry: blood on bullet matches despite botching
- Defense tried to have labwork monitored, denied.
- Everyone reiterates there would have been blood
- Bones and barrels conversations.
- Coroner dismissed.
- Family check-in. TV might influence jury.
- Bloody hair in trunk.
- Timeline debate (Bobby D. bus driver, Scott T.)



The timeline conversation is important, but also confusing and might not be the best hook to end the episode on. Would it be worth hinting that there is evidence that Lenk (or the cops in general) planted the evidence so that is tee'd up for Ep7?

Cliffhanger: School bus driver has a different timeline than Bobby. Lawyers explain the timelines don't match up.

18

## Episode 6 - Detail (1hr5min)

- 08:58 - Strang rambles for too long about the fact that there was no reason or need for Manitowoc county to be present. Some of the audio could lap over the b-roll of Allan entering the courthouse which seems to also be too long.
- 17:30 - Kratz' press conf about there being a homicide with gunshot to the head seems unnecessary. Doesn't give any new information.
- 18:10 - Montage of video evidence also seems to be floating without any connection to the testimony from Sherry - maybe it could be tightened by pre-lapping her audio "can you identify this exhibit in front of you... it is a lead bullet fragment." This might give the video evidence context and also tighten all of this courtroom evidence.
- 20:50 - Not sure what the source material you are cutting around is, but it feels like the timing of cutting to Buting's reaction to Sherry's testimony "i believe my DNA was introduced to the sample when I was talking" line could be timed for more of a comedic effect.
- 21:12 - Everything in the prosecution's press conference is just reiterating what was said in court and the reporter jumbles the question - it hurts the momentum. Buting says what happened much more succinctly, but again the reporter's question isn't important. What is important is Strang/Buting saying that this is why we asked to be present (almost three minutes of press conf).
- 24:42 - Excessive b-roll around the courthouse.

19

## Episode 6 – Detail Cont.

- 29:55 - This press conf could be trimmed down - in general we keep going back and forth between courtroom testimony and press conferences - they really need to be surgical in terms of explaining only things that need to be explained or giving new information. Even just having something like the reporter asking "do you really think that plays well with the jury?" give some context to how the outside world is interpreting the events, but anything that is redundant should be trimmed down or at least lightened a lot. Same with Strang/Buting explaining things such as Buting here who doesn't make a very clear point.
- 32:29 - In this stretch Buting, Steven, Allan, Strang and Pete each say essentially the same thing "there would have been blood" - this is repetitive. (this along with Sherry confirming that there was no blood and the subsequent press conf together add up to 6 1/2 minutes)
- 39:55 - Could we use graphics to clarify and streamline the bone / burn pit analysis? (over 11 minutes)
- 45:35 - The side story of the coroner is interesting, but it might be something we could take out for the overall betterment of the episode. She is thrown out so quickly and we never get to hear from the county why she wasn't assigned the case and since she didn't investigate the case makes wonder why we would hear her testimony...as the other county's investigators and prosecutors were used, it almost makes sense that the Manitowoc Coroner wouldn't be used.
- 51:23 - We've already heard about the Avery Bill, so do we really need Allan talking about it again (or them going to prison to visit again)?

20

## Episode 6 – Detail Cont.

- 52:49 - Do we really need Buting/Strang talking about the jury being influenced by the press? It seems like this is pretty clear from everything we've already seen. With so much trial to get through, this seems like another road bump.
- 55:50 - Scott, Bobby and the school bus driver testifying about the timeline runs very long and isn't entirely clear. Could a graphic help lay out exactly why this is important and allow us to get through their testimony more quickly. (this is almost 10 minutes)

21



CURRENT:

Episode 7.

SUGGESTIONS:

Cold open: B-roll of police cars - "FBI is going to assist in investigation...Manitowoc provided resources. That is their only role." Allan says "They had Stevie picked. They set him up. They weren't even supposed to be investigating.

- Debate abt Manitowoc PD being at crime scene.
- Buting & Strang point to Lenk as framing.
- Press conferences re police reputations.
- More testimony on Colburn conflict & press conf
- Buting est. that EDTA test is bogus.
- Log shows Lenk didn't sign in - he denies framing
- Call with Dolores (family check-in).
- Judge rules EDTA admissible. Press conf abt.
- S.A. call saying they are trying to keep him in.
- Direct FBI testimony, pressconf, cross, pressconf
- S.A. decides not to testify, pressconf.
- Motion to dismiss false imprisonment.

Lots of really interesting mini-bombshells in this episode. Nothing that has significant impact on shifting our view of whether anyone is guilty or not. Would it make sense to really tighten this and bring in some of the revelations from Episode 8 to this episode and then end Episode 7 pre-verdict?

We should discuss Ep 7-10 and what the best benchmarks are for where each episode ends. Is four episodes best or would three be more effective?

Cliffhanger: Dean explains to S.A.'s parents that good news is that 3 charges have been dropped. bad news is that murder charge is all that matters

## Episode 7 - Detail

- 17:05 - Norm says his blood boils - this reaction is so great we probably don't need Buting adding on to it.
- 18:53 - Pete explaining is totally unnecessary. The facts are laid out so well we don't need him to be the peanut gallery. Everything he says is explicitly laid out and we have to trust that the audience is sophisticated enough regardless.
- 25:04 - Do we need this much of Strang's questioning of Colburn (4 1/4 minutes)? (especially since we already had his testimony about calling in the license plate and we've spent a lot of time covering the 1995 phone call already)
- 33:59 - possible to get to the bottom of the Log more efficiently? As the trial goes on there should be less need for establishing shots and exposition that has already been covered. so each bit of evidence that is debated should be at a quicker pace.
- 39:45 - There is one minute of montage/b-roll here that really bogs it down.
- 41:35 - Lenk's testimony is really long. Graphic to demonstrate the scope of the Lenk coincidences?
- 46:20 - Do we need Lynn's testimony to establish that the Sheriff's dept had access to the evidence?
- 49:49 - Possible to tighten Buting talking about the EDTA test expert? Who is Janine and why do we need to hear that part of the conversation?

23

## Episode 7 – Detail Cont.

- 53:13 - Do we need these press conferences? There isn't any new information. Could go straight to S.A. saying "They are doing their damndest to keep me in here"
- 58:57 - Do we need prosecution's press conf about the EDTA testimony?
- - Do we need Strang's press conf about the EDTA testimony?
- - Cut parking lot b-roll?

24

CURRENT:

Episode 8-9.

SUGGESTIONS:

Cold open: Allan walking around barn looking for Steven's name on the floor. Dean talks about the fact that S.A. never committed these crimes: "What you can hope to get is your liberty back, eventually."

Allan walking around the barn doesn't really grab attention. The quote is strong, but perhaps this could tease to something that will happen in this episode, such as the fact that a juror was excused and S.A. gets to decide whether to call a mistrial or not.

- Closing arguments.
- Buting, Dean say he was framed.
- Kratz says shouldn't matter if key was planted!
- Judge gives instructions to jury.
- News reports. Dolores talks to S.A. (b-roll)
- Jury leaves for night. Juror is replaced.
- B-roll with S.A. talking. Dolores calls him.
- Jury deliberates late. Buting/Dean look at press.
- Family warned about blowback.
- Verdict.
- Dean/Buting sad, believe killer is on the loose.
- Colburn makes statement.
- Scott T: He had it coming.
- Buting says 7 votes for innocent at start.
- Excused Juror feels terrible.

One quote that would make a powerful opener for this would be Strang saying "WHAT WOULD a case look like if someone were being framed? I would suggest a hypothesis that someone burned her body and dumped it in Avery's yard..." (08:00-10:00)

WHERE ARE THE BREAKS? EP 7, 8, 9, 10

25

Cold open:

- Brendan's trial in 2 weeks. New lawyers discuss.
- Kratz opening statement.
- Mark opening statement.
- Play BD's first statement.
- Lots of discussion of his coercion.
- Only play first half of his confession.
- Debate about interrogation tactics.
- Kayla's retraction. TH brother talks to press.
- Brendan testifies. His father comments.
- Tape of his call to mom, he says he made it up.
- Mike Halbach talks to press.
- Closing arguments. Judge reads jury instructions
- Judge reads verdict. Mom freaks out.
- Buting/Pete/Dean comment.
- Mike Halbach talks to press.



Keep more of this in Ep8?

Move more of this to 10 so that we have more payoff in terms of Brendan rather than just analysis?

Cliffhanger: Judge reads statement for Brendan and how dangerous he is. Dean comments: "Tragic lack of humanity."  
Buting: [Could happen to any of us.]

26



## Episode 8-9 - Detail

- 14:00 - the line from Kratz' closing argument "it shouldn't matter whether or not that key was planted" is a bit of a bombshell, but it get buried in this cut.
- 18:14 - Buting's commentary seems unnecessary as does the news reporter.
- 22:37 - News guy says that the option was up to Steven whether to accept the alternate juror. Could we highlight this by explaining in more detail? Could Steven have opted for a mistrial??
- 45:26 - We've seen so much of Brendan's statements and confessions that we maybe don't need all of the audio statement that is played in this hearing and probably don't need the explanation of his demeanor because we know it so well at this point. The important part and new information is that they only play part of his confession which starts about 6 mins later when Weigart set it up (although his setup is really bulky also).
- 56:10 - Mark talking about police being trained to elicit confessions isn't necessary - Richard (the excused juror just said it a couple minutes earlier and it is more interesting to hear his thoughts than the lawyer's.
- 58:40 - The testimony/questioning about the interrogation techniques goes on too long - we've really have no doubt at this point.
- - There is a lot of very powerful testimony from Brendan - how much of it/what parts of it are the most essential? (15 minutes)

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**Slide 25**

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- 2 I believe they were saying that Steven could decide proceed to with one less juror, or else ask for an additional juror to be added at this point.  
Lisa Nishimura, 10/25/2021

28

## Episode 8-9 – Detail Cont.

- – 45 second of night b-roll maybe too much even for showing the passage of time during the deliberation
- – Do we need a card explaining the verdict since the judge just read them?
- – Strang's comments here don't feel vital
- – Can we make it clear who the judges are and which cases they have handled before? (Allan makes this point later, but it gets a bit lost because he isn't very specific).

29

**Slide 26**

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3

I believe they were saying that Steven could decide proceed to with one less juror, or else ask for an additional juror to be added at this point.

Lisa Nishimura, 10/25/2021

30

CURRENT:

Episode 10

SUGGESTIONS:

Cold open: Kratz press statement: [Happy S.A. won't be on the streets ever again.]

- Community is happy. Family is destroyed.
- Sandy story.
- B.D. appeal for new trial. Focus on Len/O'Kelley
- More about call to mom being orchestrated.
- Judge denies Steven's motion.
- Kratz scandal.
- Judge Fox denies request for new trial.
- Higher courts refuse to review both cases.
- Sandy talks about his mental state.
- Round table with lawyers comparing to rape case
- S.A. starts preparing his own case.
- Pete recaps the evidence, has other suspects.
- Northwestern students discuss Brendan's case.
- Wisc Supreme Ct turns down Brendan's case.
- Federal suits filed.
- Allan driving around garden. S.A. talks.
- New Lawyer (Tom) - case on eavesdropping.
- Moved to Waupon.

Potentially move in a bigger reveal to Ep10. The denying of new trials doesn't have enough punch in and of itself.



All of this analysis is great, but is mostly re-capping things we already know. Would it make sense to focus the final episode on the characters and the harm this has done to them rather than the wider social implications? Would maybe leave it with more of an emotional impact - especially the fact that Steven was preparing his own case and that Brendan is completely helpless.

Cliffhanger: Sandy visits S.A. who says in V.O. "They think I'll stop...The truth always comes out."

31



**Slide 27**

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1

Do we have a suggestion of a bigger cold open reveal for 10?  
Lisa Nishimura, 10/25/2021

32

## Episode 10 - Detail (1hr30min)

The majority of comments on behalf of Ep10 depend on the overall structure, however the following elements feel like they can be removed to support better pacing and the continuous evolution of new information to the viewer:

11:00 - Lots of b-roll of entering and exiting the court.

15:00 - Steve talking about getting the state to record videotaping doesn't seem important.

- Pete recaps all of the evidence (8 minutes), but it is all info we already know.

- The class about Brendan's confession doesn't feel necessary - it would make more sense to include this info when this is being evaluated in the investigation or in the trial.

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## GFX List

- Improve map for Steven's alibi for the rape of Penny B. (Ep1)
- Law enforcement org chart to help keep clear who everyone is throughout (1-10)
- Org chart of various courts/Judges - especially when we get repeat judges (1-10)
- Number of times the Avery property is searched & over what duration
  - when the key is discovered (search #6?)
- Len/O'Kelley/Investigators (explaining the coercion of Brendan) (4)
- Lenk's mysterious involvement every step of the way. (4)
- Teresa Halbach Voicemail details (5)
- Timelines (Colburn License Plate Phone call - 5, Bobby v Busdriver - 6, Police Log at Crime Scene - 7)
- Bones/Burn barrels (6)
- Do we add a GFX of all leads not pursued by Manitowoc or Calumet? (TH roommate, Ryan H, Bobby Dassey, Scott T)?

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## GFX List Cont.

- Contradictory State arguments (how can Teresa have been killed in bedroom & garage)?
- Graphic of salvage yard and estimate size and # of cars and probability of finding TH's Rav 4 in less than 20 minutes.
- Brendan flip flopping statements & dates ?
- Chart out the appeals (9-10)
- Perhaps there is one master graphic that could contain both law enforcement, judges and all of the various lawyers

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## Music Beats

The role of music throughout the series is vital and will play a primary role in helping guide viewers through this rich and complex narrative. Below are a few proposed areas to review and we look forward to discussing further once the overall episode structure is solidified.

- Overall: the lulling guitar hurts the tone. The music should put everyone on the edge of their seat.
- Can we work to establish a subtle but impactful 'theme' track for the baddies, e.g. Lenk, Petersen, Kratz and certainly for Len Kachinsky & Michael O'Kelly to help clearly support that despite their appointed roles to protect Brendan – they are doing him great harm.
- Similarly, there have been moments of hope & promise introduced throughout, e.g.: when Steven secures Buting and Strang on his case, when the Innocence Project / Steve Drizin and team enter Brendan's life – can we work to utilize music to subconsciously and organically support the emotional connection and hope.
- Enhance emotions of Steven's release (Ep1)
- Music is slow when he meets his first girlfriend (and then wife).
- Music could drive the magnitude of the moment that S.A. is first convicted. (Ep1)
- Create the shock of Steven being connected with Teresa's disappearance. (Ep2)

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## Music Beats Cont.

- Sheriff Petersen suggesting that it's easier to kill SA than frame him on the news is absolute madness, should be emphasized (Ep4)
- Major twist when the tampered blood vial is discovered. (Ep4)
- All of the verdicts should be very suspenseful and use music to enhance.
- Enhance shock of Colburn escorting Brendan out when his verdict is read (Ep8-9)
- Michael O'Kelly's testimony is shocking. Music might underscore this to great effect and highlight the importance of his conflict of interest (Ep10)

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## Overall Notes

- As we refine, let's be very judicious about ensuring that every scene serves to evolve the key narratives and character development in a novel way. Currently there is a relatively high level of repetition throughout the episodes. Rather than repeat key points for impact, let's make their initial introduction impossible to forget via pacing, music and graphics.
- A large amount of the series is built on S.A.'s narrative based on his phone calls to and from prison. To ground this, perhaps there's a defining visual representation of him talking on the phone (recreated or otherwise) that could be used throughout. (for example: a diverse group of tight to medium shots of him picking up the phone, putting it down, shots from behind, tapping foot, scratching skin etc.)
- Discuss the overall use of drone footage and b-roll. As it stands, while it makes the series feel cinematic and have bigger scope, currently, the use still feels somewhat arbitrary and could be used to have greater strategic effect either to illustrate literally what is happening within scenes or it could be used to create an emotional/atmospheric arc rather than repetitive.
- Consistency in subtitles/lower third in a way that clearly distinguishes the different individuals when we are bouncing between different V.O.

# Appendix - Current Overall Structure

## Episode:

1. S.A. Background, Arrest and Rape Conviction
2. S.A. Civil Suit, Disappearance of T.H., Charges against S.A.
3. Building the case against S.A., Settles Civil Suit, Brendan is arrested
4. Analysis of Evidence, Brendan is coerced, Evidence was tampered.
5. Trial begins.
6. All trial.
7. All trial.
- 8/9. End of trial. Verdict. Brendan's trial.
10. State of family. Sandy introduction. S.A. and Brendan appeal. Innocence project analysis. Brendan's hearing for new trial. Round table with lawyers. S.A. trains himself to appeal himself and family visits. Pete reviews. Students discuss. Status of new appeal.

**From:** Lisa Nishimura [REDACTED]  
**Sent:** Thursday, July 16, 2015 7:53:18 PM  
**To:** Moira Demos [REDACTED]; Laura Ricciardi [REDACTED]; Mary Manhardt [REDACTED]; Lisa [REDACTED]  
**Cc:** Adam Del Deo [REDACTED]; Benjamin Cotner [REDACTED]; Zana Lawrence [REDACTED]  
**Subject:** Making A Murderer: updated series notes (goals & ep8-10) + ep1 music notes  
**Attachments:** MakingAMurderer\_SeriesNotes\_07.16.2015.pptx; MusicNotes\_Ep1\_07.16.2015.xlsx

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Moira, Laura, Mary & Lisa,

Hello - hope this finds you all very well! Thank you again for taking the time to meet with us. We found the time together to be incredibly helpful and productive.

As discussed, attached please find our updated series notes. You will find an updated Goals sheet as well as updated notes for episodes: 8, 9, 10. The graphics page has also been updated slightly. Kindly review and please let us know if you have any questions. With respect to music, attached please find our detailed thoughts for episode 1. We look forward to discussing and if we're in agreement would like to utilize this tone as a template for the full series.

We responded under separate cover with very light comments on the title treatment which is looking really great! Looking forward to speaking tomorrow at 11am.

Best,  
Lisa, Adam & Ben

40

Confidential

NFXCOL0002013

# Making a Murderer

41

**07.16.2015 Update:**

**GOAL:**

Given the limited amount of time remaining, we want to ensure that we're aligned on the following key areas going forward. Most importantly we should engage additional supports quickly where appropriate, to ensure you are supported and fully resourced to deliver the award-worthy series we know this can be.

**GRAPHICS:** Per our meeting, we would like to explore the idea of bringing Elastic on to help refine existing graphics (eg. ep1 Sandy Morris graphic, SA alibi graphic) as well as to assist with additional timeline graphics throughout eps 1 - 10, which we believe will be extremely helpful in progressing the narrative in an impactful and efficient way. See GFX page for specifics. This would be in addition to Steven (as introduced by Ben) or someone of equal caliber who could execute for you.

**MUSIC:** We have provided detailed feedback on music cues for episode one which we hope can act as a guiding template for the full series.

**SOUND DESIGN:** please advise when we will see an episode that reflects your vision of full sound design. There is ample opportunity with such an emotionally captivating series to really engage on this front.

**EDITING:** we really want to see Moira and Laura directing as much as possible and again present the offer to bring on another set of hands to execute and refine while you focus on overall structure and creative vision.

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Status:

1. The series is amazing. It is a major accomplishment to lay out such a complex case in such a clear and suspenseful way.
2. Poses some challenges in getting the audience buy-in for such a long view that at times gets very granular. Our goal is to protect the deep dive while being accessible, user friendly and impactful.

Goals:

1. Identify final overall series structure which supports the most impactful, compelling and revelatory storytelling, including:
  - a) number of episodes (9-10?).
  - b) length of episodes (recommending 50 minute target, no greater than 60)
  - c) best opens and closes (see specific notes in Structural Breakdown).
  - d) red herrings.
1. Music and gfx aren't being utilized effectively yet for the next pass we should take it to the next level and bring in reinforcements for the areas that aren't yet getting there.
2. With final overall episode structure in place, tighten each episode to most effective cut (see detailed notes).
3. Eliminate the storylines that aren't serving the greater good.

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CURRENT:

Episode 1.

SUGGESTIONS:

Cold open: S.A. gets out of prison. Background that he was wrongfully imprisoned for 18 years. Cousin says: "Be careful...They aren't even close to being finished with you."

- S.A. files civil rights suit against Sheriff and DA.
- Jump back to Sandra deposition.
- S.A. background.
- Dispute with Sandra, S.A. charged with felony.
- Penny B is attacked.
- Police mishandle and Penny points to S.A.
- S.A. arrested, Sheriff keeps him from lawyer.
- Background on S.A.'s alibi.
- Information about Gregory Allen.
- S.A. found guilty.
- Hard on family. Parents stick by him. Lori leaves.
- New evidence - fingernails not enough.
- Pubic hair found. Matches Gregory Allen.
- Evidence of police misconduct.
- S.A. back to normal life, meets Jodi.

Cliffhanger: S.A. is released: "Don't bring a lawsuit against Sheriff's department in a community where you still live or you could get charged with murder."



There should be a more explicit ending that makes it clear that in the next episode the cops are going to seek revenge. We should have a really tight Episode 1 with a strong cliffhanger that immediately engages the audience to come back for Episode 2. Currently, the suggestion that they might charge him with murder is very subtle and the audience might think everything is resolved. This line is impossible to understand without any context. (also could consider ending with the cliffhanger of whether or not the DNA matches S.A., this would be the ultimate pull-back for watching Ep2 but would mean changing the cold-open)

44

## Episode 1 - Detail (1hr 9min)

- 1:45 - we end the cold open with Steven's cousin saying, "Manitowoc County is not done with you, they're not even close to being finished with you". The viewer has yet to get their bearings - we should explore adding graphical treatment to these powerful words going into the title treatment. The viewer doesn't know what Manitowoc is at this point.
- 21:00 - Emphasize the relationship between Sheriff Kocourek's wife and Penny B so that we establish a motive for him to interfere in the investigation.
- 31:47 - The fact that the police had been following Gregory Allen is established (somewhat out of the blue) during the investigation. This set-up seems to undermine the revelation later, when his DNA is matched, that the police had been following him and hid this information. It could be more shocking to reveal later in the episode who Gregory Allen was and how evidence of his presence was known by the Sheriff's dept.
- 37:16 & 40:55 - There are two chunks that both talk about the parents sticking by him. This is something we return to several times through the series, so we should just be judicious about which of these is the most effective and sufficient.
- 41:50 - The explanation of the appeals system might be unnecessary - we should probably assume the audience has a basic understanding of this.
- 45:30 - Stephen Glynn talks for a while about how the decision shows how much the system is weighted against the presumption of innocence, but we never see the decision for ourselves - is there a way to pull out a representative quote from that decision that could be shown while he is talking? He also talks about how S.A. pays a heavy price for not caving under pressure, but this is already really clear.
- 51:00 - The exoneration of Steven should be a much more emotional turn of events. After 18 years it should be heartbreaking that he is finally out. Music and edits should build-up and pay-off in a much bigger way.
- - Public Integrity Bureau investigation report goes into a lot of detail and might be hurting the momentum of the episode's conclusion (over 4 minutes).

45

**CURRENT:**

**Episode 2.**

**SUGGESTIONS:**

Cold open: Homevideo of T.H.

- S.A. files \$36m lawsuit against Manitowoc.
- Civil suit trial.
- Police sketch mishandled.
- Legislature about to pay his \$450k.
- Colburn received phone call in 1995, no report.
- More testimony.
- City will be on the hook for damages.
- Teresa Halbach goes missing.
- Search party - they find the Rav4.
- Cop asks if they have S.A. in custody yet.
- Calumet County takes over the investigation.
- Police search S.A.'s house.
- Manitowoc only used for support resources.
- Key found.
- S.A. is questioned and arrested.
- Keep S.A. away from lawyer. Lie about location.
- Kratz says the evidence hasn't been tainted.

The cold open of T.H. is very confusing and too far ahead of her disappearance to make the connection. Perhaps open with the image of the article saying that S.A. is suing the law enforcement agencies and Walter Kelly (Ep2 - 3:19) explains everything up until he says that it is for \$36m. And it would save the TH video to use later to greater effect during the trial (eg around Ryan's testimony).

The police sketch and Judy Dvorak scenes are explained in such detail in Episode 1 that it is less of a bombshell here. Would it make more sense to hold the reveals for this Episode?

The testimony about this phone call and report (which we touch on several times throughout the series) is confusing as it relates to who within law enforcement knows what/when - could a graphic help chart the related events and make it less necessary to keep repeating the story?

Cliffhanger: S.A. DNA on the key and in the blood.  
S.A. in handcuffs entering courtroom.

Potentially add Allan's quote from the top of Ep3 saying "They framed an innocent man just like they did 20 years ago" to the cliffhanger here.

46

## Episode 2 - Detail

- 5:55 - What Walter Kelly is saying about the AG's report is very interesting, but he is very slow and unclear in his diction - probably it ultimately isn't necessary. It could even be as simple as saying "they felt like they were talking law enforcement to law enforcement so were fairly candid."
- 14:00 - The phone call that Colburn receives and the subsequent flow of information to other figures in the Sheriff's department is something we keep going back to throughout the series. It would really help to create a graphic that can be built on throughout the series as new information is added to this topic. It would really help keep clear what the connections are and highlight when new information is revealed. It could also help minimize the amount of time we need to spend explaining it multiple times.
- Also, is there any record that Gregory Allen was in the Brown County prison when they made the phone call to Colburn? Maybe add his mugshot from that prison to the graphic as well. to drive home the fact that they are letting a known rapist go free while Steven rots in prison.
- 17:30 - There is probably more testimony of the police that we need at this point regarding the phone call.
- 22:50 - This Michael Grierbach testimony doesn't really seem necessary.
- 24:00 - Who is the person who is circled in the courtroom clip?
- 25:00 - Not sure what the montage of courtroom exteriors and testimony clips is doing here. (55 seconds for just a short VO) - and this conversation about the impact on the city is somewhat redundant - it could probably be tightened.

47

## Episode 2 - Detail (cont.)

- 27:20 - Stephen Glynn gives a very wordy and dry reveal that Teresa Halbach is missing. There should be a bit of a tonal shift and dramatic tire-screech when the bombshell is dropped that someone is connecting S.A. to a murder. He says it in an almost incidental way. Are there other options? News clips? Make this a visceral experience that a woman is missing and people are searching for her and the world is closing in on Steven.
- 32:30 - Search party lasts for almost 2 minutes. Maybe it could be cut down by 1 minute and have Mike Halbach's interview as partially VO instead of on screen the whole time.
- 42:40 - Not sure if we need the search party again since the car has already been found. It is clear that they are still looking for the body, but the focus now has shifted to the Avery property and since the search party isn't involved in that we could probably cut this entire minute out and get straight to finding the body and key.
- 45:00 - There should be more of a creepy, suspenseful tone when the bones and teeth are shown.
- End - Use lower-thirds to ID the cops that are questioning S.A.

48

CURRENT:

Episode 3.

SUGGESTIONS:

Cold open: S.A. denies and gets handcuffed in interrogation room. Allan Avery saying they are taking an innocent man and making him guilty just like 20 yrs ago.

- Start of pre-trial.
- Key wasn't there when they first searched.
- Court finds probable cause.
- Gov signs Avery reform. Discuss changing name.
- Media repaints S.A. a monster. Town reacts.
- Family gets hate letters.
- Judge sets bail high.
- Family visits.
- S.A. settles lawsuit to get money for defense.
- Halbach family files lawsuit to tie up money.
- Buting and Strang join - talk about police framing.
- Brendan is detained.
- Kratz details Brendan's version of crime.
- Jodi out, Chuck reacts, Allan says family torn.
- Brendan coerced and charged.

Since Ep2 ends with him shackled going into courthouse, is it necessary to have him handcuffed here? Other ideas would be to start with teasing the fact that the key wasn't there the first several times they searched the room or start with the media turning on S.A. - making him into a monster.

Cliffhanger: Brendan's mom says that if he testifies against S.A. he gets 20+ years with parole, but if he doesn't he could get life with no parole.

This is a great cliffhanger, but should drive harder on the fact that B.D. might testify against S.A. and is essentially being blackmailed to do this.

49

### Episode 3 - Detail

- Opening - Use lower-thirds to ID the cops that are questioning S.A.
- 08:44 - Coverage of the Governor signing the Avery Reform Bill (and the state senator discussing) is definitely interesting, but it is a bit granular and might not move the story forward at all. This might not be information that the audience need and could save us almost two minutes.
- 13:55 - Chuck playing pool could be trimmed. The local woman and man giving the community perspective is good, but could stand on its own. This five minute chunk (including Steven's phone calls and Chuck in the junkyard) could be delivered in a few quick soundbites contrasted with the media coverage of Steven as a monster to show that there is a division of opinion between the establishment and the poor community. Could be really driven home if capped with Steven's quote (18:40) "Poor people lose".
- 19:19 - Do we need the scene of them visiting him in prison? We already get that the family is standing behind him and don't see why he would do this.
- 25:15 - 28:15 - Bringing in Strang & Buting should be a glimmer of hope and feel somewhat triumphant - here are two great lawyers coming to his rescue, but this three minute segment doesn't capture that. This could really be tightened up and enhanced by a good music cue.
- 41:56 - Jodi gets out of jail...is there any way to quickly establish earlier on that she has been in jail through all of this?
- 47:28 - Allan complaining about the loss of business and Chuck saying that he doesn't think Steven is guilty are both somewhat repetitive from other scenes - maybe a tighter version, but it feels like it might be overkill.

50



CURRENT:

Episode 4.

SUGGESTIONS:

Cold open: S.A. on phone over B-roll: "Brendan said all of this. I feel sorry for him...It'd probably make somebody look like a monster....Nothing good can come out of this.

- New atty (Len) for B.D. - he is terrible.
- Jodi finds phone calls w/S.A. on day of murder.
- Eval. of blood and key DNA, evidence from car.
- Try to throw out B.D.'s confession.
- Len/O'Kelley push B.D. to confess.
- B.D. meets with police then calls mom.
- Police say easier to kill S.A.
- State tries to change death penalty, trial delayed.
- Jodi ordered not to see S.A.
- Family tries to get B.D. a new lawyer - denied.
- Judge tells Len to withdraw.
- Family check in.
- Recap of Penny B set-up.
- Lenk.

It's tough to understand in a cold open what S.A. is talking about - there is too much distance between this call and the previous episode's material that gives it context. Would it be possible to tease something that is coming ahead rather than recap?

Maybe it would be better to bring some of the innocence project's explanations about why this was so egregious from Ep10. It would help clarify the fact that Michael O'Kelley is supposed to be working FOR B.D. and also deal with it in one place instead of multiple times. And ending on such deep analysis of the issue is somewhat anti-climatic. Splitting it up between this section and the hearing for the new trial would possibly be more efficient.


Cliffhanger: Blood vial is discovered to have been tampered with.

51

## Episode 4 - Detail (1hr20min)

- 21:25 - Can the card identifying O'Kelly make it more clear that this guy is supposed to be helping Brendan? Would it also be out of the question to bring in the Innocence Project from Ep10 here to really explain why this was so egregious?
- 38:34 - The fact that media effects the jury is important could probably more concise - we get it. Might also be too much news coverage of whether framing is possible or not. It sets up the "We could just kill him" quote, but probably could be set up with just one or two quick clips.
- 42:00 - The death penalty conversation takes up a lot of oxygen. Is there any way to streamline it or lose it altogether? We already get so much about the jury being influenced by the media/culture. Almost five minutes is a big chunk when this episode is currently at 1hr20min
- - Dolores driving around the junkyard and the aerial atmospherics could all be tightened a lot. This four minute segment should probably be 30-40 seconds.
- - Pete talking about Manitowoc causing rape and they were most definitely biased to be investigating this case. It feels like this has been covered elsewhere?
- - This major dramatic moment of the tampered with vial being discovered could really have more impact with the right score.

52

CURRENT:	Episode 5.	SUGGESTIONS:
<p>Cold open: S.A. enters courtroom. Buting discusses EDTA. Cards explain motion to exclude and judge denies and that State asks Judge to allow FBI to test for EBTA. Courtroom debate about EDTA testing. Judge allows testing.</p> <ul style="list-style-type: none"> <li>-Drop sexual assault charges against S.A.</li> <li>-Day 1 of trial.</li> <li>-Opening statements (a lot about VM messages)</li> <li>-Det Jacobs call (do we have a body?)</li> <li>-S.A. questioned about T.H.'s appointment.</li> <li>-Bobby says he was asked to help get rid of body.</li> <li>-Debate about VMs.</li> <li>-Judge blocks from talking about other suspects.</li> <li>-Dean asks about roommate.</li> <li>-Ryan H admits to figuring out her password.</li> <li>-Boss (Sheriff?) says to search Avery property.</li> <li>-Review of finding Rav4 and what followed (Pam)</li> <li>-Dolores shows us where the car was found.</li> </ul> <p>Cliffhanger: Colburn testifies about calling in the license plate before the Rav4 is discovered. Dolores drives around junkyard pointing out where they could have brought the car in.</p>		<p>Feels like Buting is stumbling over what he is saying in this cold open. Maybe something less technical in the open? Maybe something that would hint at another possible suspect?</p> <p>Great cliffhanger, but the effect is dulled by having Dolores pointing out the layout of the junkyard. We would recommend ending the episode before the Dolores scene.</p>

## Episode 5 - Detail (1hr10min)

- 15:00 - Lots of b-roll of people entering the courtroom. Opening statements are somewhat unruly. Everything they say is interesting, but most of this is covered really well in other sections. It might be more impactful to hit one or two points on each side that really summarize the spirit of what is happening. It seems like the voicemail
- 19:45 - Buting really rambles in this section - we could probably massage this into a much more succinct summary of what to expect in the trial. (three minutes and then straight into their opening statement which reiterates many of the same points)
- 23:00 - Defense Opening statement has the same issue as the prosecution's. Together the opening statements take up the majority of the first 30 minutes.
- 30:40 - Shows S.A. being interrogated about making the appointment in Barbara's name. This occupies a large part of the opening statement also - is there a more efficient way to get through the fact that the prosecution was trying to make it look like he was hiding his own name while the defense says he has a valid reason. This also seems like a minor part of the evidence base and it is hard to illustrate what exactly they mean, so it may be worth trimming this debate out.
- 36:30 - Bobby Dassey's testimony about Steven asking to hide the body - this could really be clarified by a graphic so that it is clear why it is so important to know whether this happened on the 3rd or on the 10th. And why the prosecution acted so improperly.
- They mention that T.H. had been receiving harassing phone calls, but they never identify you the harrassing caller was. Surely they had the phone records...can we explain who it was or why they couldn't identify that person if that is the case?

54

## Episode 5 - Detail (cont.)

- 41:00 - The debate about TH's voicemail inbox being full and how we know that some were deleted and who had access to the voicemails could all really benefit and be laid out more efficiently with a graphic - probably can replace the actual phone records which don't really convey any information. (this is currently a 7 ½ minute section, plus it circles back again with the ex-boyfriend's testimony)
- 56:30 - In the Weigart call, he references the "boss" called - is there a way to get across who exactly the boss is?
- - We don't really need the interrogation of S.A. about how the truck could have gotten in or the footage of Dolores showing us the area. It really kills the effect of the Colburn license plates bomb.

55

CURRENT:

Episode 6.

SUGGESTIONS:

Cold open: Card says one day after Brendan's arrest there is a press conf. Kratz describes how S.A. instructed Brendan to cut T.H.'s throat. Police search residence and garage for new evidence. Kratz claims physical evidence now makes sense.

- Strang & Buting disc. poisoned jury pool.
- Bullet found in garage - Lenk was present.
- No T.H. DNA found in trailer or garage.
- Bobby only thing placing her inside.
- Skull fragments.
- Evidence montage.
- Sherry: blood on bullet matches despite botching
- Defense tried to have labwork monitored, denied.
- Everyone reiterates there would have been blood
- Bones and barrels conversations.
- Coroner dismissed.
- Family check-in: TV might influence jury.
- Bloody hair in trunk.
- Timeline debate (Bobby D, bus driver, Scott T.)



Cliffhanger: School bus driver has a different timeline than Bobby. Lawyers explain the timelines don't match up.

The timeline conversation is important, but also confusing and might not be the best hook to end the episode on. Would it be worth hinting that there is evidence that Lenk (or the cops in general) planted the evidence so that is tee'd up for Ep7?

56

## Episode 6 - Detail (1hr5min)

- 08:58 - Strang rambles for too long about the fact that there was no reason or need for Manitowoc county to be present. Some of the audio could lap over the b-roll of Allan entering the courthouse which seems to also be too long.
- 17:30 - Kratz' press conf about there being a homicide with gunshot to the head seems unnecessary. Doesn't give any new information.
- 18:10 - Montage of video evidence also seems to be floating without any connection to the testimony from Sherry - maybe it could be tightened by pre-lapping her audio "can you identify this exhibit in front of you...it is a lead bullet fragment." This might give the video evidence context and also tighten all of this courtroom evidence.
- 20:50 - Not sure what the source material you are cutting around is, but it feels like the timing of cutting to Buting's reaction to Sherry's testimony "I believe my DNA was introduced to the sample when I was talking" line could be timed for more of a comedic effect.
- 21:12 - Everything in the prosecution's press conference is just reiterating what was said in court and the reporter jumbles the question - it hurts the momentum. Buting says what happened much more succinctly, but again the reporter's question isn't important. What is important is Strang/Buting saying that this is why we asked to be present (almost three minutes of press conf).
- 24:42 - Excessive b-roll around the courthouse.

57



## Episode 6 - Detail (cont.)

- 29:55 - This press conf could be trimmed down - in general we keep going back and forth between courtroom testimony and press conferences - they really need to be surgical in terms of explaining only things that need to be explained or giving new information. Even just having something like the reporter asking "do you really think that plays well with the jury?" give some context to how the outside world is interpreting the events, but anything that is redundant should be trimmed down or at least tightened a lot. Same with Strang/Buting explaining things such as Buting here who doesn't make a very clear point.
- 32:29 - In this stretch Buting, Steven, Allan, Strang and Pete each say essentially the same thing "there would have been blood" - this is repetitive. (this along with Sherry confirming that there was no blood and the subsequent press conf together add up to 6 ½ minutes)
- 39:55 - Could we use graphics to clarify and streamline the bone / burn pit analysis? (over 11 minutes)
- 45:35 - The side story of the coroner is interesting, but it might be something we could take out for the overall betterment of the episode. She is thrown out so quickly and we never get to hear from the county why she wasn't assigned the case and since she didn't investigate the case makes wonder why we would hear her testimony...as the other county's investigators and prosecutors were used, it almost makes sense that the Manitowoc Coroner wouldn't be used.
- 51:23 - We've already heard about the Avery Bill, so do we really need Allan talking about it again (or them going to prison to visit again)?

58

## Episode 6 - Detail (cont. 2)

- 52:49 - Do we really need Buting/Strang talking about the jury being influenced by the press? It seems like this is pretty clear from everything we've already seen. With so much trial to get through, this seems like another road bump.
- 55:50 - Scott, Bobby and the school bus driver testifying about the timeline runs very long and isn't entirely clear. Could a graphic help lay out exactly why this is important and allow us to get through their testimony more quickly. (this is almost 10 minutes)

59

CURRENT:

Episode 7.

SUGGESTIONS:

Cold open: B-roll of police cars - "FBI is going to assist in investigation... Manitowoc provided resources. That is their only role." Allan says "They had Stevie picked. They set him up. They weren't even supposed to be investigating."

- Debate abt Manitowoc PD being at crime scene.
- Buting & Strang point to Lenk as framing.
- Press conferences re police reputations.
- More testimony on Colburn conflict & press conf
- Buting est. that EDTA test is bogus.
- Log shows Lenk didn't sign in - he denies framing
- Call with Dolores (family check-in).
- Judge rules EDTA admissible. Press conf abt.
- S.A. call saying they are trying to keep him in.
- Direct FBI testimony, pressconf, cross, pressconf
- S.A. decides not to testify, pressconf.
- Motion to dismiss false imprisonment.

Lots of really interesting mini-bombshells in this episode. Nothing that has significant impact on shifting our view of whether anyone is guilty or not. Would it make sense to really tighten this and bring in some of the revelations from Episode 8 to this episode and then end Episode 7 pre-verdict?

We should discuss Ep 7-10 and what the best benchmarks are for where each episode ends. Is four episodes best or would three be more effective?

Cliffhanger: Dean explains to S.A.'s parents that good news is that 3 charges have been dropped, bad news is that murder charge is all that matters.

65

## Episode 7 - Detail

- 17:05 - Norm says his blood boils - this reaction is so great we probably don't need Buting adding on to it.
- 18:53 - Pete explaining is totally unnecessary. The facts are laid out so well we don't need him to be the peanut gallery. Everything he says is explicitly laid out and we have to trust that the audience is sophisticated enough regardless.
- 25:04 - Do we need this much of Strang's questioning of Colburn (4 ½ minutes)? (especially since we already had his testimony about calling in the license plate and we've spent a lot of time covering the 1995 phone call already)
- 33:59 - possible to get to the bottom of the Log more efficiently? As the trial goes on there should be less need for establishing shots and exposition that has already been covered, so each bit of evidence that is debated should be at a quicker pace.
- 39:45 - There is one minute of montage/b-roll here that really bogs it down.
- 41:35 - Lenk's testimony is really long. Graphic to demonstrate the scope of the Lenk coincidences?
- 46:20 - Do we need Lynn's testimony to establish that the Sheriff's dept had access to the evidence?
- 49:49 - Possible to tighten Buting talking about the EDTA test expert? Who is Janine and why do we need to hear that part of the conversation?
- 53:13 - Do we need these press conferences? There isn't any new information. Could go straight to S.A. saying "They are doing their damndest to keep me in here"
- 58:57 - Do we need prosecution's press conf about the EDTA testimony?
- - Do we need Strang's press conf about the EDTA testimony?
- - Cut parking lot b-roll?

(61)

CURRENT:

Episode 8 - 46min45sec

SUGGESTIONS:

Cold open: Allan walking around barn looking for Steven's name on the floor. Dean talks about the fact that S.A. never committed these crimes: "What you can hope to get is your liberty back, eventually."

- Closing arguments.
- Buting, Dean say he was framed.
- Kratz says shouldn't matter if key was planted!
- Judge gives instructions to jury.
- News reports. Dolores talks to S.A. (b-roll)
- Jury leaves for night. Juror is replaced.
- B-roll with S.A. talking, Dolores calls him.
- Jury deliberates late. Buting/Dean look at press.
- Family warned about blowback.
- Verdict.
- Dean/Buting sad, believe killer is on the loose.
- Colburn makes statement.
- Scott T: He had it coming.
- Buting says 7 votes for innocent at start.
- Excused Juror feels terrible.
- Brendan's trial in 2 weeks. New lawyers discuss.

New ending: Brendan is led into court and we hear his call with Barb.

Allan walking around the barn doesn't really grab attention. The quote is strong, but perhaps this could tease to something that will happen in this episode, such as the fact that a juror was excused and S.A. gets to decide whether to call a mistrial or not.

One quote that would make a powerful opener for this would be Strang saying "WHAT WOULD a case look like if someone were being framed? I would suggest a hypothesis that someone burned her body and dumped it in Avery's yard..." (08:00-10:00)

62

## Episode 8 - Detail

- 04:30 - Buting and Strang's closing arguments are somewhat redundant and dividing them over the two days makes it drag. Could we intercut these?
- 08:30 - Judge makes statement about rebuttal - warns not to deliberate yet...is this necessary?
- 14:00 - the line from Kratz' closing argument "it shouldn't matter whether or not that key was planted" is a bit of a bombshell, but it get buried in this cut.
- 18:14 - Buting's commentary seems unnecessary as does the news reporter.
- 22:37 - News guy says that the option was up to Steven whether to accept the alternate juror. Could we highlight this by explaining in more detail? Could Steven have opted for a mistrial??
- 33:00 - There is a natural segway to Brendan's case when he is mentioned by Strang at the end of this press conference, but instead we detour to the family. For the sake of keeping the momentum of the trials going, it might be better to go straight into Brendan's case.

Also assuming that music spotting has yet to take place which will help dramatically to guide viewer response. eg:  
25:00 - preceding the verdict when Dean meets with the family and essentially says to be careful for their safety in the event of a guilty verdict really hammers home the incendiary nature of the community sentiment. A big musical cue here would really drive home the stakes.

27:00 - the reading of Stevens verdict - no bigger moment in the episode. Really punctuate here. Good use of the diminishing audio of the Judge's ramblings beginning at ~28:00, where you almost feel like you're inside Steven's ringing head where he's unable to hear anything beyond the guilty verdict.

63

## Episode 8 - Detail (cont.)

32:45 - do you think there's a killer out there that the police have not caught - BIG musical opportunity, cut to cops or prosecution response as they wait on the side and punctuate with eerie music.

40:28 - Glynn: 'not a pretty tale for the criminal justice system' - punctuate!

42:00 - learning that Tom Fassbender is calling Scot Tadych to convince Barbara make Brendan take a plea - perfect moment for 'bad guy theme'.

46:00 - closing music underlying Brendan's entry to the courtroom and his phone conversation with Barb is over more prod rock type guitar music which doesn't quite fit the ominous and foreshadowing mood audiences should be awash with going into this trial.

as an example:

15:51 - music beat w/atmospheric keyboards preferred to the wide body guitar overall. The overall music feels a bit more prod rock; please explore a more atmospheric, creepy and suspenseful tone throughout.

We haven't done a complete episodic spot for music here, but hopefully the frame that we're providing for episode 1 will translate well throughout the series.

64

Episode 9 (1hr3min)

SUGGESTIONS:

Cold open: Buting quote: the question is whether Brendan is going to confess to a murder he didn't commit.

- Kratz opening statement.
- Mark opening statement.
- Play BD's first statement.
- Lots of discussion of his coercion.
- Only play first half of his confession.
- Debate about interrogation tactics.
- Kayla's retraction. TH brother talks to press.
- Brendan testifies. His father comments.
- Tape of his call to mom, he says he made it up.
- Mike Halbach talks to press.
- Closing arguments. Judge reads jury instructions
- Judge reads verdict. Mom freaks out.
- Buting/Strang comment.
- Family comments on what they would say.
- Mike Halbach reads statement in SA sentencing.
- S.A. reads his own statement.



Tighten all of the testimony.

Move Brendan's verdict to 10 so that we have a strong reveal for episode 10?

Cliffhanger: Judge reads statement for Steven and how dangerous he is. Dean comments: "Tragic lack of humanity." Buting: [Could happen to any of us.]

65



## Episode 9 - Detail

- 4:00 - Do we need commentary here to hammer home the fact that Kratz just claimed she was murdered in the house when a few weeks ago he claimed that she was murdered in the garage? We go back to it later, but this is a really big moment when he is obviously lying and it would really help the audience to see that more explicitly.
- 6:45 - We've seen so much of Brendan's statements and confessions that we maybe don't need all of the audio statement that is played in this hearing and probably don't need the explanation of his demeanor because we know it so well at this point. The important part and new information is that they only play part of his confession which starts about 6 mins later when Weigart set it up (although his setup is really bulky also).
- 19:30 - Mark talking about police being trained to elicit confessions isn't necessary - Richard (the excused juror just said it a couple minutes earlier and it is more interesting to hear his thoughts than the lawyer's.
- 30:15 There is a lot of very powerful testimony from Brendan - how much of it/what parts of it are the most essential? (15 minutes)
- 33:00 - Timelines of Brendan getting home, getting phone call, etc laid out in GFX
- 50:50 - 45 seconds of night b-roll maybe too much even for showing the passage of time during the deliberation.
- 52:30 - Would it help to point out that Colburn is escorting him out with a lower-third?
- 56:20 - Do we really need a card explaining the verdict since the judge read them?
- 57:25 - Strang's comments here don't feel necessary.
- Need card or chyron that this is Steven's sentencing hearing so we know this isn't Brendan's trial anymore
  - Can we make it clear who the judges are and which cases they have handled before? (Allan says this later, but it gets a bit lost because he isn't very specific)

66

CURRENT:

Episode 10 (1hr8min)

SUGGESTIONS:

Cold open: Broll of empty house. Kratz press statement: [Happy S.A. won't be on the streets ever again.]

- Community is happy. Family is destroyed.
- Sandy story.
- B.D. appeal for new trial. Focus on Len/O'Kelley
- More about call to mom being orchestrated.
- Judge denies Steven's motion.
- Kratz scandal.
- Judge Fox denies request for new trial.
- Higher courts refuse to review both cases.
- Sandy talks about his mental state.
- Round table with lawyers comparing to rape case
- S.A. starts preparing his own case.
- Pete recaps the evidence, has other suspects.
- Northwestern students discuss Brendan's case.
- Wisc Supreme Ct turns down Brendan's case.
- Federal suits filed.
- Allan driving around garden. S.A. talks.
- New Lawyer (Tom) - case on eavesdropping.

Moved to Waupun  
Climax: Sandy visits S.A. who says in V.O.  
"They think I'll stop...The truth always comes out."

Potentially move in a bigger reveal to Ep10. The denying of new trials doesn't have enough punch in and of itself.

As we discussed, focus Episode 10 on the characters - specifically Dean Strang's revelation that he has lost faith in the system if Steven isn't guilty and Steven's own attempt to save himself by studying the law. Take out the analysis where it veers too far from that story.

67

## Episode 10 - Detail

Based on the desire to keep a 10 episode structure, the following elements feel like they can be removed to support better pacing and the continuous evolution of new information for the viewer.

13:45 - Steve D talking about getting the state to record videotaping doesn't seem important.

16:30 - Len's testimony tighten more?

22:00 - It takes 13min30sec to connect the Michael O'Kelly testimony to the phone call between Brendan and his mom.

40:45 - Pete recaps all of the evidence (5 minutes), but it is all info we already know. Pete says he thinks he knows who they were, but he doesn't say so it doesn't pay off for the viewer.

45:15 - Robert Dvorak recaps what we already know.

50:30 - Meeting with 3 lawyers is more recap, no new info. Analysis is great, but within the context of the film - adding at the end feels tacked on. The part of Strang talking about questioning his faith in the legal system is great, so let's focus on key revelations.

58:45 - The cards, graphics and news footage feels bumpy when going from Brendan's Appeals Court and Supreme Court decisions.

- Sandy and parents' visit to Waupun is really long.

Also, to re-iterate, we would like to recommend moving Brendan's verdict to episode 10 out of 9 to ensure one major reveal in this final episode.

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## GFX List

- Improve map for Steven's alibi for the rape of Penny B. (Ep1)
  - Add perm graphic for the Sandra Morris encounter (currently listed as temp)
  - Law enforcement org chart to help keep clear who everyone is throughout (1-10)
  - Org chart of various courts/Judges - especially when we get repeat judges (1-10)
  - Number of times the Avery property is searched & over what duration
    - when the key is discovered (search #6?)
  - Len/O'Kelley/Investigators (explaining the coercion of Brendan) (4)
  - Lenk's mysterious involvement every step of the way. (4)
  - Teresa Halbach Voicemail details (5)
  - Timelines (Colburn License Plate Phone call - 5, Bobby v Busdriver - 6, Police Log at Crime Scene - 7)
  - Bones/Burn barrels (6)
  - Do we add a GFX of all leads not pursued by Manitowoc or Calumet? (TH roommate, Ryan H, Bobby Dassey, Scott T)?
  - Contradictory State arguments (how can Teresa have been killed in bedroom & garage)?
  - Graphic of salvage yard and estimate size and # of cars and probability of finding TH's Rav 4 in less than 20 minutes
  - Brendan flip flopping statements & dates ?
  - Chart out the appeals (9-10)
  - Timelines of key events: (1-10)
- Perhaps there is one master graphic that could contain both law enforcement, judges and all of the various lawyers

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## Music Beats

The role of music throughout the series is vital and will play a primary role in helping guide viewers through this rich and complex narrative. Below are a few proposed areas to review and we look forward to discussing further once the overall episode structure is solidified

- Overall: the lulling guitar hurts the tone. The music should put everyone on the edge of their seat.
- Can we work to establish a subtle but impactful 'theme' track for the baddies, e.g. Lenk, Petersen, Kratz and certainly for Len Kachinsky & Michael O'Kelly to help clearly support that despite their appointed roles to protect Brendan – they are doing him great harm.
- Similarly, there have been moments of hope & promise introduced throughout, e.g.: when Steven secures Buting and Strang on his case, when the Innocence Project / Steve Drizin and team enter Brendan's life – can we work to utilize music to subconsciously and organically support the emotional connection and hope.
- Enhance emotions of Steven's release (Ep1)
- Music is slow when he meets his first girlfriend (and then wife).
- Music could drive the magnitude of the moment that S.A. is first convicted. (Ep1)
- Create the shock of Steven being connected with Teresa's disappearance. (Ep2)
- Sheriff Petersen suggesting that it's easier to kill SA than frame him on the news is absolute madness, should be emphasized (Ep4)
- Major twist when the tampered blood vial is discovered. (Ep4)
- All of the verdicts should be very suspenseful and use music to enhance.
- Enhance shock of Colburn escorting Brendan out when his verdict is read (Ep8-9)
- Michael O'Kelly's testimony is shocking. Music might underscore this to great effect and highlight the importance of his conflict of interest (Ep10)

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## Overall Notes

- As we refine, let's be very judicious about ensuring that every scene serves to evolve the key narratives and character development in a novel way. Currently there is a relatively high level of repetition throughout the episodes. Rather than repeat key points for impact, let's make their initial introduction impossible to forget via pacing, music and graphics.
- A large amount of the series is built on S.A.'s narrative based on his phone calls to and from prison. To ground this, perhaps there's a defining visual representation of him talking on the phone (recreated or otherwise) that could be used throughout. (for example: a diverse group of tight to medium shots of him picking up the phone, putting it down, shots from behind, tapping foot, scratching skin etc.)
- Discuss the overall use of drone footage and b-roll. As it stands, while it makes the series feel cinematic and have bigger scope, currently, the use still feels somewhat arbitrary and could be used to have greater strategic effect either to illustrate literally what is happening within scenes or it could be used to create an emotional/atmospheric arc rather than repetitive
- Consistency in subtitles/lower third in a way that clearly distinguishes the different individuals when we are bouncing between different V.O.

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## Appendix - Current Overall Structure

### Episode:

1. S.A. Background, Arrest and Rape Conviction
2. S.A. Civil Suit, Disappearance of T.H., Charges against S.A.
3. Building the case against S.A., Settles Civil Suit, Brendan is arrested
4. Analysis of Evidence, Brendan is coerced, Evidence was tampered.
5. Trial begins.
6. All trial.
7. All trial.
- 8-9. End of trial. Verdict. Brendan's trial.
10. State of family. Sandy introduction. S.A. and Brendan appeal. Innocence project analysis. Brendan's hearing for new trial. Round table with lawyers. S.A. trains himself to appeal himself and family visits. Pete reviews. Students discuss. Status of new appeal.

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Page 86

1 question.

2 Have you personally reviewed your Google

3 account to determine whether you presently have

4 access to any "Making a Murderer" notes through

5 Google Docs?

6 A. So recently, no. At the time of the

7 request, when the request came in, we did review our

8 account.

9 Q. And when you did that review, did you

10 discover that there are any active Google Docs in

11 electronic form that you can access through Google?

12 A. I don't recall that.

13 Q. To your knowledge, if any Google Docs

14 were created by you relating to "Making a Murderer"

15 for notes specifically, would they still be retained

16 on your Google account?

17 A. I don't know as it relates to this.

18 Q. There was no time at which you went and

19 specifically purged Google Docs notes related to

20 "Making a Murderer," correct?

21 A. Correct.

22 Q. Directing your attention forward to the

23 document in Exhibit 5 that starts with the

24 Bates-stamp NFXCOL 208 in the lower right-hand

25 corner.

Page 87

1 A. Yep.

2 Q. If you would take just a moment and

3 review that, I think it runs through NFXCOL 210. I'm

4 sorry.

5 A. Okay.

6 Q. So the document Bates-stamped NFXCOL 208

7 is a copy of an e-mail message from Marjon to you

8 indicating that she would put notes into the "Making

9 a Murderer" notes for you, correct?

10 A. Yeah. I'm -- I'm asking her, yeah, to

11 place these in the "Murderer" notes.

12 Q. Was there one overarching Google Docs

13 that covered -- Google document that covered all of

14 the "Making a Murderer" notes for all episodes?

15 A. No.

16 Q. And the notes that -- strike that.

17 The comments which were drafted by you

18 as notes in NFXCOL 208 through NFXCOL 210 start with

19 the message about halfway down the page on NFXCOL 208

20 in -- preceded by an e-mail message from you to

21 yourself dated November 3rd, 2014, correct?

22 A. Correct.

23 Q. And the notes that are shown there,

24 wherefore, are related to and -- strike that.

25 The notes that are shown on those pages

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1 as drafted by you relate to "Making a Murderer"

2 Episode 1, Cut 1; is that correct?

3 A. I don't know. I'm just seeing the

4 e-mail. I'm not -- I'm not sure if it's Cut 1 or

5 not.

6 Q. Directing your attention, then, to

7 NFXCOL 132, the next page after that series in

8 Exhibit 5.

9 MS. WALKER: Do you mean 1932?

10 MS. BARKER: I'm sorry. Yes. Thank you.

11 Q. (BY MS. BARKER): Directing your

12 attention to NFXCOL 1932 in Exhibit 5, do you see

13 that?

14 A. I do.

15 Q. And that is a copy of an e-mail message

16 from Marjon Javadi to Lisa Dennis, dated

17 November 20th, 2014 -- correct?

18 A. That looks correct.

19 Q. You are copied on that e-mail message,

20 correct?

21 A. That looks correct.

22 Q. And the message states that feedback on

23 the first four episodes are attached, correct?

24 A. That looks correct.

25 Q. Directing your attention to NFXCOL 1933

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1 through NFX 1941, you can take a moment and look

2 through those, please.

3 A. Okay.

4 Q. So the documents at NFXCOL 1933 through

5 1941 are the "Making a Murderer" notes for Episodes

6 1, 2, 3, and 4, as referenced in the preceding e-mail

7 message, correct?

8 A. That looks correct.

9 Q. And to your understanding, in the "To"

10 line on page NFXCOL 1933, when it refers to "Making a

11 Murderer Creative," who all is included in that?

12 A. I don't know. It depends on -- it

13 looks, based on the e-mail, that the cover letter --

14 that it would have been Lisa Nishimura, myself, and

15 Marjon at that time.

16 Q. With respect to the notes that are

17 represented by NFXCOL 1933 through 1941, was -- do

18 you know specifically who drafted each note other

19 than looking at other documents or is this a group

20 effort?

21 A. I don't recall.

22 Q. Did you at the time review the notes

23 that are represented at NFXCOL 1933 through 1941?

24 A. I don't recall.

25 Q. Normally in your work on the series, you





**From:** Marjon Javadi [REDACTED]  
**Sent:** Thursday, November 20, 2014 5:59:01 PM  
**To:** Lisa Dennis [REDACTED]  
**Cc:** Lisa Nishimura [REDACTED]; Adam Del Deo [REDACTED]; Zana Lawrence [REDACTED]  
**Subject:** Making a Murderer Notes - Eps 1-4  
**Attachments:** Making a Murderer Notes\_ep1-4.pdf

---

Hi Team,

As promised, attached please find attached our feedback on the first four episodes. We look forward to discussing and getting the second editor on board as soon as possible.

Please let us know if you have any questions.

Thank you,  
Lisa, Adam, & Marjon



**TO:** MAKING A MURDER CREATIVE  
**FROM:** NETFLIX CREATIVE  
**RE:** MAKING A MURDER NOTES - Episodes 1&2, 3, 4  
**DATE:** November 20th, 2014

---

**MACRO NOTE:**

Making A Murderer has all of the components to be an epic series with the potential to engage global viewers and to potentially affect public opinion over these two live cases. From day one we've been captivated with this unbelievable story and the incredible level of research, access, and information you have successfully amassed over the years. Currently the public appetite for crime based non-fiction has never been more primed. With the strong cult following of crime radio programs including "Serial" beginning to explode and our internal knowledge of an extremely high profile field/courtroom crime series set to debut in the marketplace in 2015, the opportunity and stakes have never been higher. Making A Murderer has all the elements to be the best of the lot, the story itself and surrounding footage is an absolute treasure trove.

The macro note is that the elements are all there, but the organization, structure and pacing of the parts needs to be re-examined and elevated entirely. The story begs for a more sophisticated editing style which will provide for an immersive and all-encompassing experience for the viewer including deft and unexpected foreshadowing of key elements, pitch perfect call-backs of evidence and breathtaking reveals.

We believe it's of the utmost importance to identify and employ the primary editing role at this time to address episodes 1 - 4 while you continue to shape episodes 5 - 8.

**Critical Editor Suggestions:**

1. ROCK PAPER SCISSORS TEAM - Angus Wall (SOCIAL NETWORK, GIRL WITH THE DRAGON TATTOO) and/or Grant Sumi (Cut TABLOID for Errol)
2. James Haygood (THE LONE RANGER, SEVEN, UNSCRIPTED) - loves docs
3. Kevin Tent (GIRL INTERRUPTED) - very interested in docs.
4. Fernando Villiena (EVERY LITTLE STEP) - Strong and accomplished doc editor.
5. Paul Crowder (DOGTOWN, ZBOYS)
6. Brad Fuller (S.O.P) - Cut many Errol Morris docs. Solid and steady.
7. Andrew Hulme (THE IMPOSTER) - Accomplished editor.
8. Chris Figler (MAD MEN, BIG LOVE, UNSCRIPTED) - Loves docs.
9. \*\*As requested, waiting on additional MOM editor suggestions from directors

**OPENING TITLE SEQUENCE/GRAPHICS/VFX:** Currently, we need a great opening title sequence to establish a strong visual identity for the series. As we have discussed and agreed, finding the right person and/or company to handle the work with the critical eye to

create a heightened look to the overall series. Please provide resumes of those candidates who you'd like to consider. We'll do the same on our end to provide resumes as well of those we recommend.

**RHYTHM/BALANCE:** Currently, the cutting style in the episodes feel novice at best. Overall, from episode to episode and from scene to scene, many of the the sections feel out of balance as though they don't have a symbiotic relationship. In other words, there lacks an overall cohesiveness. Some sections seems overdeveloped, and others come across underdeveloped, and others simply go on too long. There needs to be an elevated approach to this terrific information - the effect should be heightened, intense, and entertaining. Further, should also drive and hold dramatic tension. Again, let's work to bringing a new expert editor to enhance the great work that has already been established.

**GRAPHIC LOWER THIRDS TEXT:** By using designed font or other VFX design, let's try to identify and mark all the various characters, specifically the sheriff's department staff so the audience can track all individuals throughout. In the last pass, often we would have to stop the take to make sure we were understanding who the characters were and if we had already seen them earlier in the series. Again, the use of cool ID/lower thirds text will help this tremendously.

**DRONE PHOTOGRAPHY:** The opportunity to use drone photography is exciting. It gives a new cinematic feel to the junkyard. However, currently it feels like its clustered on pods and used in an arbitrary way. In the next pass, let's discuss how to best strategize the drone footage for it's strongest impact. Let's explore utilizing them as a strong, strategic transitional devices.

**MUSIC:** Currently, it feels like sometimes the music works, sometimes it's off, and other times simply too slow of a pace. All in all, we do need to get a composer on board that understands a thriller atmospheric score.

## EPISODE 1 & 2

### GENERAL

**SET UP:** This first two episodes of the series plays as a compelling narrative with amazing twists and turns. The disconnect is the set up of the episode and where it ends - the beginning does not allude to what the chapter/episode will be exploring and feels muddled in the middle.

**CHARACTER(S) INTRODUCTION** - We want to understand how each person comes in and out of the story and their role, instead of it feeling like interviews are just inserted; let's make sure each "lead" character has a straight-forward introduction (perhaps a title card) and then

consistently labeling them throughout the story. The consistency of the characters can be marked as transition points to help the audience keep everything straight. Sometimes who is involved with what feels confusing as the story progresses.

**INTRODUCTION:** The first five minutes gives us a peek into how this town has treated the Averys before the crimes. However, instead of having the first thing heard being everyone's impression of Steven, it may be more powerful to have Steven be the first voice the audience hears, for example when he is talking to Jodi in jail from episode 3 about how he is wrongly accused.

Let's also tighten up the beginning. In the next pass, let's try to make clear distinctions from section to section and create some transitional devices. An example is the section prior to meeting Sandra Morris for the first time. Once we meet Sandra Morris we should try using a transitional device to demarcate that we are moving into a new section of the story.

**EPISODE 1 AND 2 (currently in one episode)** - Further down in the notes we suggested times to potentially split the episode. It currently runs at 1:18:03. Where is the break for episode 1 into 2 in the first cut? Suggestions given in the specific notes below.

**CHAPTERS:** There are 4 key parts of this section that lead up to Teresa's murder: The police/community's dislike for Steve/Averys, the public exposure allegations, the Penny Beernsten rape allegations, and then Steve suing the county. When revisiting we should establish these chapters - at the moment, it feels like a long run-on sentence rather than beats of an arc.

**RUNNING TIME:** As discussed, let's revisit the running times for each episode (notably the pilot). Let's generally target 90 minutes for two (45min each).

### **SPECIFIC**

2:33 - There's a weird sound jump here. Check this spot with sound.

5:23-6:42 - We should perhaps use a tape deck when we are hearing Steven Avery talk throughout the series. It should be a stylized tape deck something that is unique and interesting for this project. The first time we should use it is when Steven Avery is giving testimony about Sandy Morris. Specifically, when he says he is upset with her that she was spreading rumors about him.

8:30 - Do we have any great family pictures of the Avery's here? Let's make them look like a very happy family.

11:05 - Are there any pictures of Sandy Morris and Susan Dvoreck together? This would establish them as very good friends.

12:00 - Perhaps show/cut an intense scene of Steven being arrested here.

12:47 - "Seven months after Steven's arrest" - This should be a transition card rather than subtitle.

16:28 - What are they showing as the background before introducing the image of Dean as Steve is on the phone - why not show Dean at the beginning?

19:10 - Do we have any shots of the town getting rabid about the trial? Newspapers, TV clips, or other witnesses separate of the defense attorney talking about the town? Better to see than just hear Reesa Evans.

19:35 - Who are the police? The lawyer says that the police told the sheriffs county that they have the wrong guy but it's not certain who the police are.

23:04 - Cut back to Steven when his dad says "I didn't do it!"

20:30 - We need to make a clear distinction between the Manitowoc police department and the sheriff's department. Is there a visual aid they can help us with this? Let's discuss.

23:25 - It should hit harder when Steven is convicted to 32 years in prison. That should really hit like a ton of bricks.

23:31 - We don't need this much of a set up to the prison. The images feel repetitive.

25:12 - "If I didn't I'd admit it right away" - maybe play this at the beginning of the pilot as we introduce Steve, giving the audience a voice to hear. Hearing/Seeing the accusatory is a strategic mechanism to draw an audience into the story of the character who may be wrongly accused.

29:30 - Can we see some of the excerpts described in the court of appeals? If we are showing some of the court of appeals statements, it might make them resonate more.

31:32 - Card re: Wisconsin Innocence Project - can we get more context what it is so the audience is aware of what they do?

32:33 - Gregory Allen "hit" should feel bigger, not subtle.

32:40 - Let's show the process, legally, of Steven Avery getting out of prison as opposed to just showing him walking out. Let's build up of this and instill a little delayed gratification in the release of Steven.

34:20 - Let's show more verite scenes of Steven when he gets home from prison - let this play out more.

34:33 - A transitional card going into Reesa's statement that the cops didn't apologize or acknowledge their mistake would make this feel smoother.

35:05 - Do we have anyone separate if Reesa that knew the Sheriffs' we're pissed that Steven got off?

36:29 - Good lead in to highlighting Denis Vogel. Any footage of shots or documents of Dennis Vogel trying Gregory Allen two years before the Penny Beernsten case? We need better visuals here when we are hearing Vogel had to have known it was Allen.

38:57 - Let's introduce the Avery Task Force on a stronger note to highlight what it does so it doesn't get lost in the lull of his accusations later on.

39:34 - Penny Beernsten statement is very strong. Let's hold a beat here.

40:00 - The photos of Steven and his family feel displaced. Also, the music tonally feels like it's off. Generally, it's an awkward and disjointed scene.

40:30 - Label WI State Rep Mark Gundrum.

41:30 - We need a graphics sequence here - let's explore and discuss.

44:43 - This could be perhaps a good place to technically end episode 1.

48:00 - This could be an alternative place to end episode 1: at the end of the deposition about Andrew Colborn's telephone call about Gregory Allen.

49:30 - How do we, the audience, know Colburn was contacted? Why does Colburn even mention it? Did it come up from the person who called him? This is confusing.

52:00-56:00 - The pacing feels slow. We get that the Manitowoc branch is under scrutiny. It shouldn't feel this long.

52:27 - The evaluation (Deposition October 26,2005) runs so slow. Is there a way we can set this up in a swifter manner? It lulls.

55:00 - Seems very thin that Colburn not having specific knowledge of who called him would be the key to the case. Who called Colburn? No email? Not fax? Could they track the call? If you are Colburn, why even disclose?

56:30 - This could be a cut off point as well for Episode 1 into 2 - when Teresa Halbach is stated missing.

57:36 - When Teresa is speaking about whenever she dies - this feels like this is a solid intro into episode 2 or 3 / whatever the next cut would be. Let's discuss.

1:00:00 - is there any raw footage of Steven's reinterview that's on the news after Teresa Halbach was murdered? Very interesting that Steven invites the police into his house without hesitation. Would be great to see the raw footage around that if the new station still has it.

Music is weak over Teresa Halbach's mother. Let's revisit and strengthen it.

1:02:00 - The Halbach search feels like it could be more kinetic. Let's look to add energy into this section.

1:03:29 - Pam Sherm's call should have subtitles.

1:04:19 - "Do we have a body or anything yet?" - no "y" in the subtitle for anything.

Note: We see the police video inside of Avery's home, but we should have a card to preface that it was not warranted and out of nowhere.

1:09:25 - This was a good card regarding the Avery's not allowed to be on their property for 8 days.

1:09:40 - Better music over this scene.

1:12:25 - Transitional card to segue into the evidence found

1:15:40 - This cop is unnerving and this is a powerful scene. You hear in the cop's voice how accusatory and manipulative he is. The fact that he says "they know nothing about you (Steve)" is unveiling.

## EPISODE 3

### GENERAL

**INTRODUCTION** - The segue from the first two episodes into the third flows, but let's explore reframing it and establishing more of a solid, concrete introduction into episode 3. Perhaps replay that clip about Teresa speaking about dying at the beginning of the episode? It sets an ominous tone that juxtaposes Steve's voice later on the phone with Jodi telling her he wants out and to move out of town.

**CHARACTERS** - Will we learn more about Brendan and Jodi's respective background in their relationship with Steve as the series progress? It would be great to know a bit more about their characters to understand why Jodi is undoubtedly loyal to Steve and why Brendan fell into this, perhaps, misleading state. Let's also explore inserting a formal title card when lead characters are introduced (i.e. Dean Strang) to highlight the importance they play in the series and the case.

**B FOOTAGE** - Certain set up images and anecdotes feel repetitive. Let's revisit so certain scenes and statements don't lull the pace. For example, having the series of relatives say he's innocent throughout the episode feels tiresome. The scene where the parents read the letters highlights the opposing viewpoints of what the town thinks vs what they believe. That is strong enough - we don't need to later see his mother and brother distressed about his incarceration.

**ENDING** - We like that it ends close to Brendan's statement "What if it's different" to his mother, regarding his version of the story vs. Steve's. This propels us to be curious about what will happen next in the state.

### SPECIFIC:

2:33 - Leading into the courtroom can be cut in half.

8:40 - Insert a transitional card before his parents' statement.

10:48 - The scene of his brother in the bar can be cut out. We get it, the family believes he's innocent.

15:03 - Transitional card needed.

16:16 - Steven on the phone with Glenn - are there different images we can use leading up to Dean Strang entering the building?



19:53 - "I hope the truth comes out on this so we can find out who did it." Hold a beat after this statement is said. It's powerful and supports his innocence and sympathy for Teresa's death.

21:23 - Is there anything we can use/show to clarify whether or not the cops had a warrant to search his property and allude to the fact that they may have planted something when they were there without permission?

26:19 - Cut straight to the courtroom (27:13) instead of watching everyone pile into hear Brendan's verdict.

32:53 - Transition Card / Insert the card that is at 33:17 here before Jodi is picked up from jail.

44:26 - Reesa Evans' statement should transition into the cops interrogating Jodi and Brendan. Don't need Yvonne's statement. Begin again at 45:53 with Jodi's statement and then the interview conducted by Detective Mark Weigert. Too many of these statements that are saying something similar (aka Steve is innocent) slows down the pace and we want to let this scene with the cop and Brendan play out.

53:59 - This is a key moment in this episode and the case when Brendan says "because I didn't think of it" after the cop points out he didn't mention Teresa was shot in the head. Let this sit a beat.

57:10 - When Brendan says: "what happens if his story is different...they got into my head" - this is a moment to hang onto to further suggest the story is unclear from all parties involved against Steve Avery. Hold this beat to let it sink in.

## EPISODE 4

### GENERAL

**INTERROGATION:** Brendan's interrogation during this episode serves as na intricate piece to the truth of the accusation of both him and Steven. We see from both Tom and Mark their manipulative ways to spin Brendan's reaction into something that is more positive on their end (ie. Steven being guilty) vs what the reality may be. Especially at 30:56 where they use his relationship with his mother to manipulate him telling a potential falsehood. These interviews and his conversation with his mother need to be intercut more effectively.

**PACE & TIGHTENING:** Again, a new editor can help push forward the pace and intercut Brendan's interrogation in a more thrilling and dramatic manner: to include his appeal for a new lawyer, and the conversations with his mother - once claiming he's guilty, once not. Also the blood being found and the needle add incredible elements to this case. There is so much

good content in this episode that pushes the story forward, we need to feel that forward movement more.

**TONE & TENSION:** Needs to feel more intense and atmospheric. In other words, we need to hold more tension since, currently, it feels flat and lags in spots as we go through Brendan's interviews and discourse.

### **SPECIFIC**

22:31 - This is a turning point here - Brendan not putting Teresa in the statement.

25:16 - The interrogation scene with Brendan and Mike O'Kelley could've moved much faster. Understandably you have to hold beats at times, but it felt too flat and elongated.

33:32 - After this conversation with Brendan and his mom, let's hold a beat and include a title card to the next chapter.

43:59 - Date and title card here before Barb speaks to Brendan.

46:14 - This dialogue between Brendan and his mom (Barb) highlights Brendan's vulnerability and how easily manipulated he can be. This is great to have.

47:09 - Before we go into the explanation of Brendan's letter being submitted, can we have a card prefacing what we're about to dive into?

54:12 - Loren's statement is effective, but feels out of place: "That perfect murder story." Is there another place in this episode we can insert her interview of why the Steven Avery case is compelling?

1:04:40 - This section about the blood in the car (with none of Avery's fingerprints in the car) should be earlier in the episode. We want to rapidly build up to this moment because we become hooked then Steven Avery may have been framed.

1:15:45 - Let's hold a beat on the image of the needle hole in the test tube. This is the major turning point.

**From:** Lisa Nishimura  
**Sent:** Friday, June 5, 2015 11:57:00 AM  
**To:** Moira Demos; Lisa De; Laura Ricciardi; Mary Manhardt  
**Cc:** Adam Del Deo; Zana Lawrence  
**Subject:** Making A Murderer: Notes Ep5v2  
**Attachments:** MakingAMurdererEp5v2\_Notes06.05.15.pdf

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Hello!  
I hope this finds you all well. We are looking forward to our call this afternoon. Attached please find our notes for your reference.  
Best,  
Lisa & Adam



**NFXCOL0001971**

**Confidential**

13:04 Great verite shot of Ken Kratz entering the courtroom by walking AROUND rather than through the metal detector and the court police doing nothing about it. . . perfect visual set up for what is it to come.

Great line from Dean Strang in court, "with all due respect, the prosecution is supposed to be swimming upstream, it's called the presumption of innocence". Terrific at re-setting the actual law to the court and to our viewers.

15:00: The Jerome Buting montage outlining the case to date and the holes in the prosecution's position is really terrific.

35:12-35:18 The drone shot of the snowy road pulling away is great. Feels very lyrical and personal when set to the music and Steven's VO. Maybe look to replicate this feel/tone/aesthetic more in series, it works well.

42:00 ish Music is working well here.

42:55 Dean Strang soliloquy on the difficulty of this type of trial. v/o over shot of Steven looking a little smug - might be better to use a different shot?

51:05 The text card is tough to read. Bump up a font size.

54:59- Pam Sterm Testimony - would be good to contextualize the true size and scope of the junkyard and allow the viewers to really lean into the ridiculous notion that Pam & Nicole Sterm could possibly have found the Rav4 on their own. Can we provide the viewers with an instantly relatable reference to the size of the junkyard (e.g. what they managed to do is the equivalent of finding 1 out of 30,000 cars in 10 minutes on a piece of property the equivalent of 50 football fields. . . )

1 notes between each e-mail.

2 Q. Okay. And with respect to the documents  
3 that you produced in this case, did you search your  
4 e-mail messages for communications from Netflix  
5 forwarding notes or comments about the series?

6 A. Yes. My recollection is I -- I searched  
7 anything to or from anyone at Netflix and gave that  
8 to my attorneys.

9 Q. Okay. So irrespective of the question  
10 whether the notes that follow specific e-mail are the  
11 attachments to that e-mail, if those documents were  
12 produced by Chrome in this case and they consist of  
13 notes or outlines, those would have been documents  
14 that were maintained in Chrome's records as copies of  
15 notes and comments that were received from Netflix  
16 during the production of "Making a Murderer,"  
17 correct?

18 A. Yes, they would have been in my e-mails.

19 Q. And then directing your attention -- or,  
20 strike that.

21 MS. BARKER: Mr. Videographer, could you  
22 please hand to the witness the exhibit marked 52.

23 THE VIDEOGRAPHER: 52.

24 THE WITNESS: Yes. Okay. I have that.

25 Q. (BY MS. BARKER): I will direct your

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1 attention to a document that is -- I'll count the  
2 pages from the back -- approximately 8 pages from the  
3 back -- or, the last page of the document  
4 Bates-stamped CHRM000481 in the lower right-hand  
5 corner.

6 A. Okay. I'm on that document.

7 Q. On the -- approximately the lower third  
8 of the page, is there a copy of an e-mail message  
9 that was sent by you as part of an e-mail thread with  
10 individuals involved in the production of the trailer  
11 for "Making a Murderer"?

12 A. Yeah. I can see that on December 6th,  
13 I'm writing an e-mail. I can't quite tell who it's  
14 to, given this. But yes, it's about the trailer.

15 Q. And that e-mail message continues on to  
16 page 482 of the document; is that correct?

17 A. Yes.

18 Q. And let's see if I can find another copy  
19 that -- in that exhibit that...

20 A. It looks like it's to this Kleoniki  
21 Wilson.

22 Q. Okay. All right. Is that consistent  
23 with your recollection of who you would have been  
24 sending that message to?

25 A. I don't remember that person. It looks

Thank you Moira! We will schedule a pick up for this morning.

On Dec 6, 2015, at 11:58 PM, [REDACTED] > wrote:

The drive with all the trailer pulls is ready for pickup at the cutting rooms first thing in the morning.

The address is [REDACTED]

The courier should have my phone number in case we are next door when they come. It is: [REDACTED]

I pulled every shot in the trailer so you now have them all upresed, color corrected, qc fixed, and textless. Occasionally I pulled audio when it appeared that we had something cleaner than what you were using. Everything is in a single prores quicktime laid out in the order of the trailer.

As I went through there were several spots where what was in trailer was from the final cut and there were shot and audio that were not in the locked versions that will air.

Below is a list of discrepancies and possible solutions:

- 1) @ 1:07 Steven Glynn says "in fact" the sheriff was told by the police... The transition words "in fact" are not in the lock, there is just a pause between his prior line and this one. It seems like the trailer could easily do the same without changing the timing. I have included the audio as it plays in the lock.

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- 2) @ 1:12 the photo array graphic you have in the trailer was temp. I have given you the final graphic
- 3) @ 1:29 the heirachy graphic that focuses in on Lenk was temp. I have given you the final graphic, but you will see it plays a little differetnly. It should still work fine though.
- 4) @ 1:49 the dispatch conversation in the lock plays slightly differently. This was a change we had to make for accuracy. Instead of a male voice saying "not yet" a female voice says "I don't believe so". I have given you the audio from the lock.
- 5) @ 2:29 there are two photos of guns that are not in the locked cut. If you can think of images from the locks you want to replace them with I could easily dropbox you two shots. In the meantime I included these two photos at 100%, but they are not color corrected. And as I said they are not in the series.
- 6) @ 2:38 the shot of Colborn taking the oath in his deposition is no longer in the lock. I have given you the squirmy shot of Colborn that we used instead. I also included a shot of Petersen taking the oath in his deposition in case you perfer that.

Please let me know if you have any questions.

Thanks.

Moira

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