

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

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ANDREW L. COLBORN,  
Plaintiff

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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**SUPPLEMENTAL DECLARATION OF MICHAEL GRIESBACH**

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I, Michael Griesbach, declare under penalty of perjury as follows:

1. I am one of the plaintiff's attorneys in this action.
2. I have compared the published news and entertainment articles listed below, which are copied in their entirety in the attached Exhibit A, with the URL assigned to each of them on the World Wide Web and attest that they are true and accurate copies of the publications as they appear online. The brief excerpts included below are true and accurate quotations from the articles they are attributed to.
  - *Rolling Stone*, December 18, 2018  
"Making a Murderer' Detective Sues Netflix for Allegedly Framing Steven Avery"  
<https://www.rollingstone.com/tv/tv-news/making-a-murderer-detective-andrew-colborn-sue-netflix-defamation-770538/>  
  
"Along with Netflix, 'Making a Murderer' directors Laura Ricciardi and Moira Demos are named as defendants, along with Netflix executives Lisa Nishimura and Adam Del Deo and editor Mary Manhardt."
  - *Hollywood Reporter*, December 17, 2018  
"Making a Murderer' Filmmakers Sued by Former Wisconsin Police Sergeant"  
<https://www.hollywoodreporter.com/thr-esq/making-a-murderer-filmmakers-sued-by-wisconsin-police-sergeant-1170157>

- BuzzFeedNew*, December 19, 2018  
 “A Detective Featured In “Making A Murderer” Is Suing Netflix For Defamation”  
<https://www.buzzfeednews.com/article/michaelblackmon/making-murderer-netflix-detective-lawsuit>

“Representatives for Ricciardi and Demos did not immediately respond to BuzzFeed News’ request for comment. A Netflix spokesperson said the company had no comment.”
- Forbes*, December 21, 2018  
 “Retired Police Officer Sues Netflix Over Portrayal In ‘Making a Murderer’”  
<https://www.forbes.com/sites/michellefabio/2018/12/21/retired-police-officer-sues-netflix-over-portrayal-in-making-a-murderer/#684f016f1dcf>

“The complaint, filed in Manitowoc County Circuit Court in Wisconsin, names directors Laura Ricciardi and Moira Demos, editor Mary Manhardt and Netflix executives Lisa Nishimura and Adam Del Deo among the defendants.”
- The Wrap*, December 17, 2018  
 “‘Making a Murderer’ Filmmakers Sued for Defamation by Former Wisconsin Police Sergeant”  
<https://www.thewrap.com/making-a-murderer-filmmakers-sued-for-defamation-by-former-wisconsin-police-sergeant/>

“Representatives for Ricciardi and Demos did not immediately respond to TheWrap’s request for comment; Netflix declined comment.”
- Hollywood Reporter*, January 17, 2019  
 “Inside a ‘Making a Murderer’ Lawsuit and the Hidden Dangers of TV’s True-Crime Craze”  
<https://www.hollywoodreporter.com/features/inside-a-making-a-murderer-lawsuit-hidden-dangers-true-crime-tv-1176395>

“Netflix declined comment to THR and has until Jan. 31 to respond to Colborn's complaint in court.”
- Fox 11 News*, Dec 2018  
 “Manitowoc Co. investigator suing Netflix, filmmakers for portrayal in 'Making a Murderer’”  
<https://fox11online.com/news/local/manitowoc-co-investigator-suing-netflix-due-to-portrayal-in-making-a-murderer>

“Fox 11 reached out to Netflix, who did not have a comment.”

- *The Hill*, December 18, 2019  
 “Detective in 'Making a Murderer' files defamation lawsuit against Netflix, producers”  
<https://thehill.com/blogs/blog-briefing-room/news/421896-detective-in-making-a-murderer-files-defamation-lawsuit-against>  
 “Netflix declined to comment to *The Hill*.”
- *USA Today*, Dec. 17, 2018  
 “Detective featured in 'Making a Murderer' sues Netflix for defamation”  
<https://www.usatoday.com/story/life/tv/2018/12/17/detective-featured-making-murderer-sues-netflix-defamation/2342953002/>  
 “Emails to Netflix general media email inbox not immediately returned; e-mail to media relations service for Demos and Ricciardi not immediately returned.”
- *New York Post*, December 18, 2019  
 “Ex-detective Andrew Colborn sues Netflix over ‘Making a Murderer’”  
<https://nypost.com/2018/12/18/ex-detective-andrew-colborn-sues-netflix-over-making-a-murderer/>  
 “Online court records didn't list Netflix's attorneys as of late Monday afternoon. A message left in the company's general media email inbox wasn't immediately returned. An email left with Ricciardi and Demos' media relations service wasn't immediately returned, either.”
- *WBAY Action News*, December 17, 2019  
 “Avery case investigator sues Netflix, 'Making a Murderer' filmmakers”  
<https://www.wbay.com/content/news/Steven-Avery-detective-sues-Netflix-Making-a-Murderer-filmmakers-502963021.html>
- *Rolling Stone*, December 19, 2018  
 “Steven Avery’s Attorney Calls Ex-Cop’s Lawsuit ‘Early Christmas Present’”  
<https://www.rollingstone.com/culture/culture-news/steven-avery-making-a-murderer-lawsuit-netflix-colborn-zellner-771241/>
- *Newsweek*, December 20, 2018  
 “‘Making a Murderer’: Kathleen Zellner Says Colborn Lawsuit is an 'Early Christmas Gift’”  
<https://www.newsweek.com/making-murderer-kathleen-zellner-says-colborn-lawsuit-early-christmas-gift-1266726>

3. The majority of the articles listed above contain a hyperlink granting the reader immediate access to the original summons and complaint filed in this action.
4. The original Complaint in this action was also made publicly available online in December 2018 through the article that appears on this url:  
<https://www.wbay.com/content/news/Steven-Avery-detective-sues-Netflix-Making-a-Murderer-filmmakers-502963021.html>
5. Given the extensive reporting concerning this lawsuit within days of its filing, the ready access by hyperlink to the summons and complaint in several of the articles, and the attempts made by several reporters to contact the defendants for comment as indicated above, it is reasonable to conclude that Ricciardi and Demos were aware of this lawsuit and its allegations within days of its filing.

Dated this 31<sup>th</sup> day of May, 2019

  
\_\_\_\_\_  
Michael C Griesbach



HOME > TV > TV NEWS

DECEMBER 18, 2018 11:01AM ET

# 'Making a Murderer' Detective Sues Netflix for Allegedly Framing Steven Avery

Andrew Colborn argues docu-series "omitted, distorted, and falsified" facts

By JON BLISTEIN

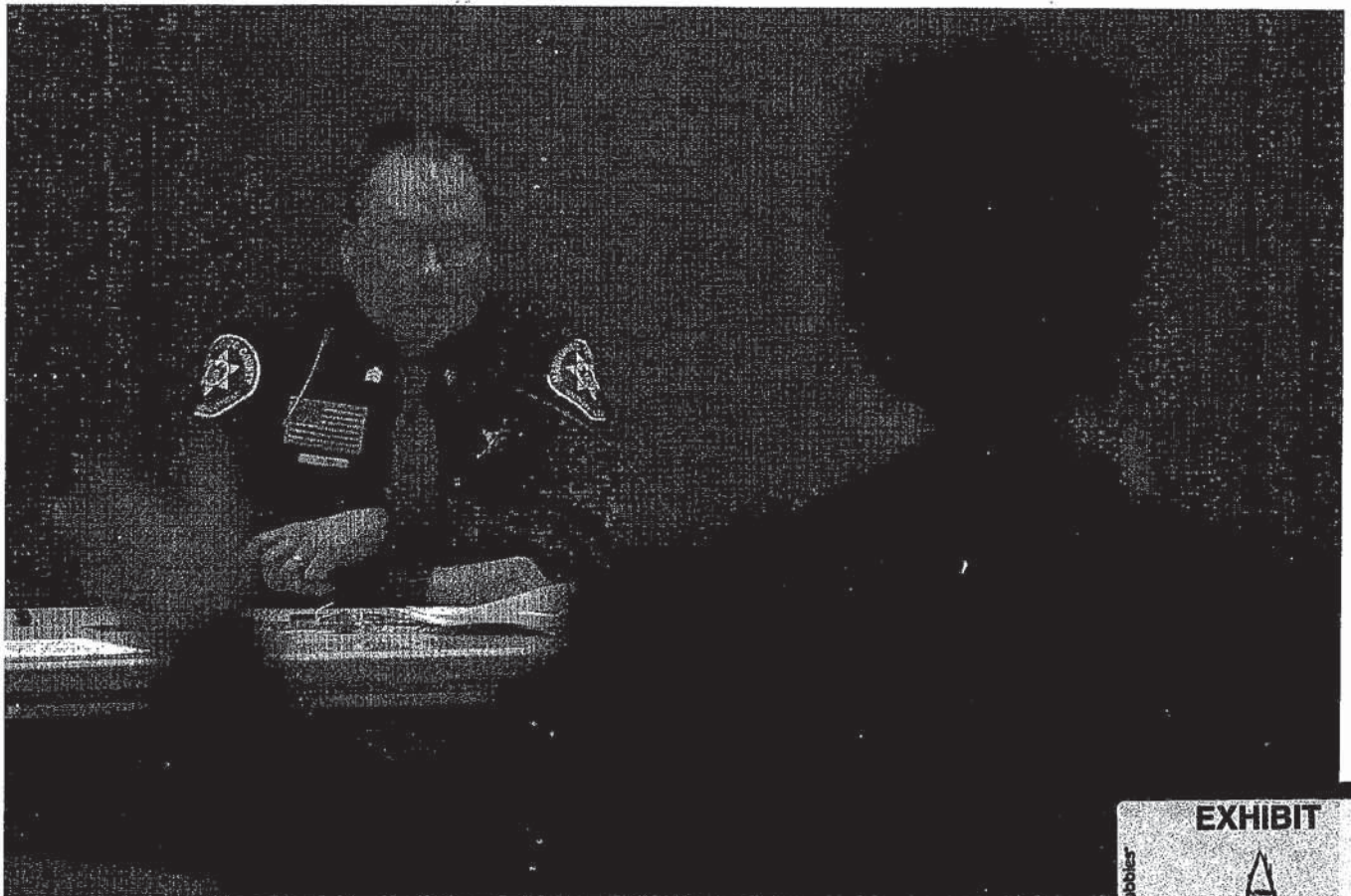
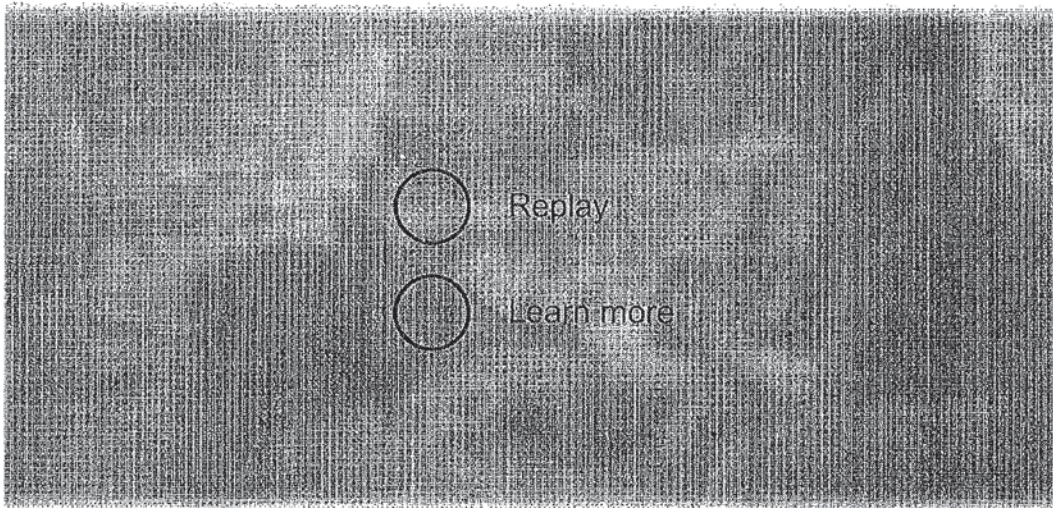


EXHIBIT  
A

A retired Wisconsin sheriff's detective, Andrew Colborn, is suing Netflix for defamation, alleging that the hit docu-series *Making a Murderer* falsely claims he planted evidence to frame Steven Avery and Brendan Dassey for murder, *Variety* reports.

**The suit**, filed in Manitowoc County Circuit Court in Wisconsin, alleges that the series and its filmmakers "omitted, distorted, and falsified material and significant facts in an effort to portray [Colborn] as a corrupt police officer who planted evidence to frame an innocent man. Defendants did so with actual malice and in order to make the film more profitable and more successful... sacrificing and defining [Colborn's] character and reputation in the process."



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## SEE ALSO



**Steven Avery's Lawyer Accuses Wisconsin AG's Office of Destroying Evidence**

**Steven Avery Denied Motion for New DNA**

Along with Netflix, *Making a Murderer* directors Laura Ricciardi and Moira Demos are named as defendants, along with Netflix executives Lisa Nishimura and Adam Del Deo and editor Mary Manhardt.

In a statement Colborn's lawyer, Michael Griesbach, said of his client, "His reputation and that of Manitowoc County, itself, has been severely and unjustly defamed. He is filing this lawsuit to set the record straight and to restore his good name."



which examined whether or not Avery and his nephew, Dassey, had been framed for the murder of 25-year-old photographer Teresa Halbach. Most notably, in Episode Five, the show highlighted **Colborn's testimony** regarding a phone call he made to his dispatcher prior to the discovery of Halbach's car on Avery's property.

In the recording, Colborn asks dispatch to run a license plate number, and after getting a hit for Halbach, who was listed as a missing person at that point, Colborn immediately replies, "Ninety-Nine Toyota?" During Avery's trial, Avery's lawyer, Dean Strang, quizzed Colborn on the call and suggested that his response made it seem that he was looking at Halbach's car at that moment (the car wouldn't be discovered for another two days).

The lawsuit, however, disputes the way Colborn's testimony is portrayed in *Making a Murderer*. Citing court transcripts, it alleges that Strang's suggestion that Colborn was looking at the car was objected to and sustained by the judge. It also claims that Colborn's "Yes" response to Strang's suggestion – as seen in *Making a Murderer* – was actually taken from Colborn's response to a subsequent question about running routine license plate checks.

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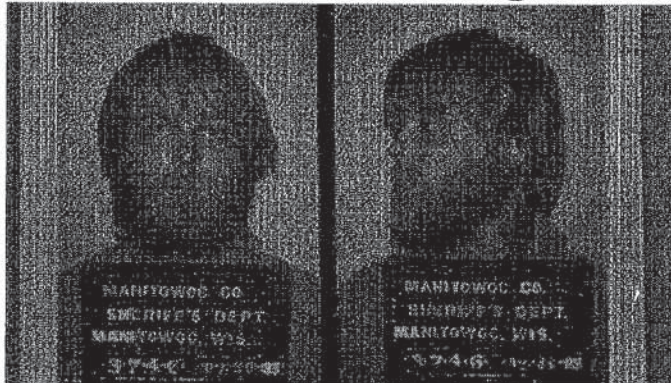
"Their manipulation of this crucial line of testimony falsely conveyed to viewers that plaintiff located Halbach's SUV somewhere other than at the salvage yard days earlier and likely assisted other law enforcement officers plant it there at a later time," the suit reads. "The impression is false and gave to viewers the exact opposite impression of what plaintiff was asked and how he responded at trial."

**In This Article: Making a Murderer**

Hollywood Reporter

DECEMBER 17, 2018  
2:01pm PT by Erlq Gardner

# 'Making a Murderer' Filmmakers Sued by Former Wisconsin Police Sergeant



Courtesy of Netflix  
'Making a Murderer'



Andrew Colborn asserts the documentary left viewers with the conclusion he wrongfully framed an innocent man for murder.

Andrew Colborn, who earlier this year retired from the police force in Manistowoc County, Wisconsin, on Monday filed a defamation lawsuit over his portrayal in the celebrated Netflix docuseries *Making a Murderer*.



Exec Suite

Avery's conviction hinged on evidence collected at the family's auto salvage yard in Manitowoc County. *Making a Murderer* raises doubts that Avery was culpable and pursues theories that law enforcement may have been looking to settle a score after Avery had been released from prison earlier on a sexual assault charge disproven by DNA testing.

As for Avery's conviction for the Halbach murder, Colborn says he's wrongfully shouldering blame

"Despite overwhelming evidence proving Avery and Dassey's guilt and the utter absence of evidence supporting defendant's accusations of police misconduct, defendants falsely led viewers to the inescapable conclusion that plaintiff and others planted evidence to frame Avery for Halbach's murder," states the complaint. "Defendants omitted, distorted, and falsified material and significant facts in an effort to portray plaintiff as a corrupt police officer who planted evidence to frame an innocent man. Defendants did so with actual malice and in order to make the film more profitable and more successful in the eyes of their peers, sacrificing and defaming the plaintiff's character and reputation in the process."

Here's the full complaint, which objects to edited portions of Colborn's testimony at the trial more than a decade ago plus more.

The upshot of the lawsuit, if any, is discovery. The second season of *Making a Murderer* premiered earlier this year without word on a third.

We'll update with any comments from defendants.

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ARTS & ENTERTAINMENT

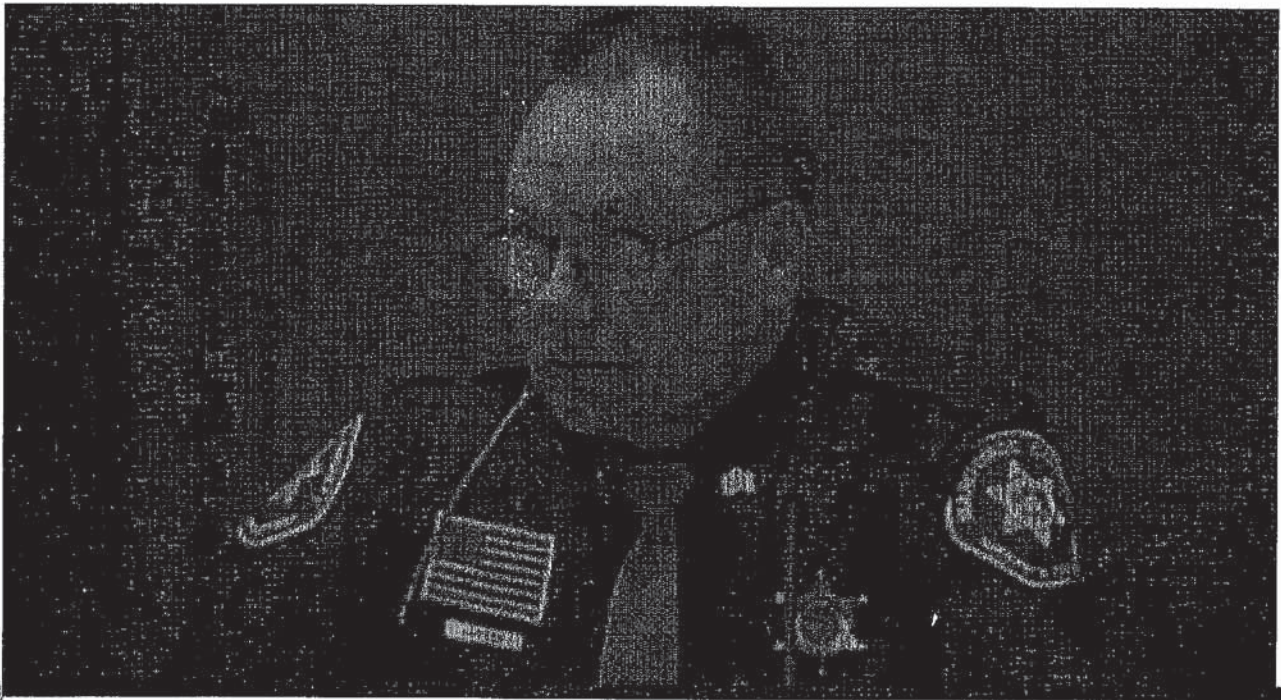
## A Detective Featured In "Making A Murderer" Is Suing Netflix For Defamation

Andrew Colborn claims the show "omitted, distorted, and falsified" information to make viewers believe the former officer was a corrupt man who framed Steven Avery.

By **Michael Blackmon**

Last updated on December 19, 2018, at 1:13 p.m. ET

Posted on December 18, 2018, at 12:29 p.m. ET



**BuzzFeed News** A Detective Featured In "Making A Murderer" Is Suing N

A former Wisconsin detective is suing Netflix, claiming the streaming giant defamed him through its portrayal of him in the true crime docuseries *Making a Murderer*, which explored the conviction of Steven Avery for the murder of photographer Teresa Halbach.

Andrew Colborn, a former lieutenant with the Manitowoc County Sheriff's Office, filed a lawsuit Monday in county court alleging the show "falsely led viewers to the inescapable conclusion that [Colborn] and others planted evidence to frame Avery for Halbach's murder."

The suit alleges that the creators of the series, Laura Ricciardi and Moira Demos, acted with malice to make the series "more profitable and more successful" while destroying Colborn's character and reputation.

Colborn claims the filmmakers "omitted, distorted, and falsified" material facts in the case in order to portray him as corrupt.

He alleges viewers were not properly informed about Avery's DNA being found on the hood latch of Halbach's car, personal items belonging to the victim that were found in a barrel on Avery's property, and Avery's changing statements regarding his interaction with Halbach on the day she was murdered.

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**TRENDING NEWS**



**This Woman Posted A Bathroom Selfie That Has Everyone Way More Focused On/Concerned For Her Bathroom**

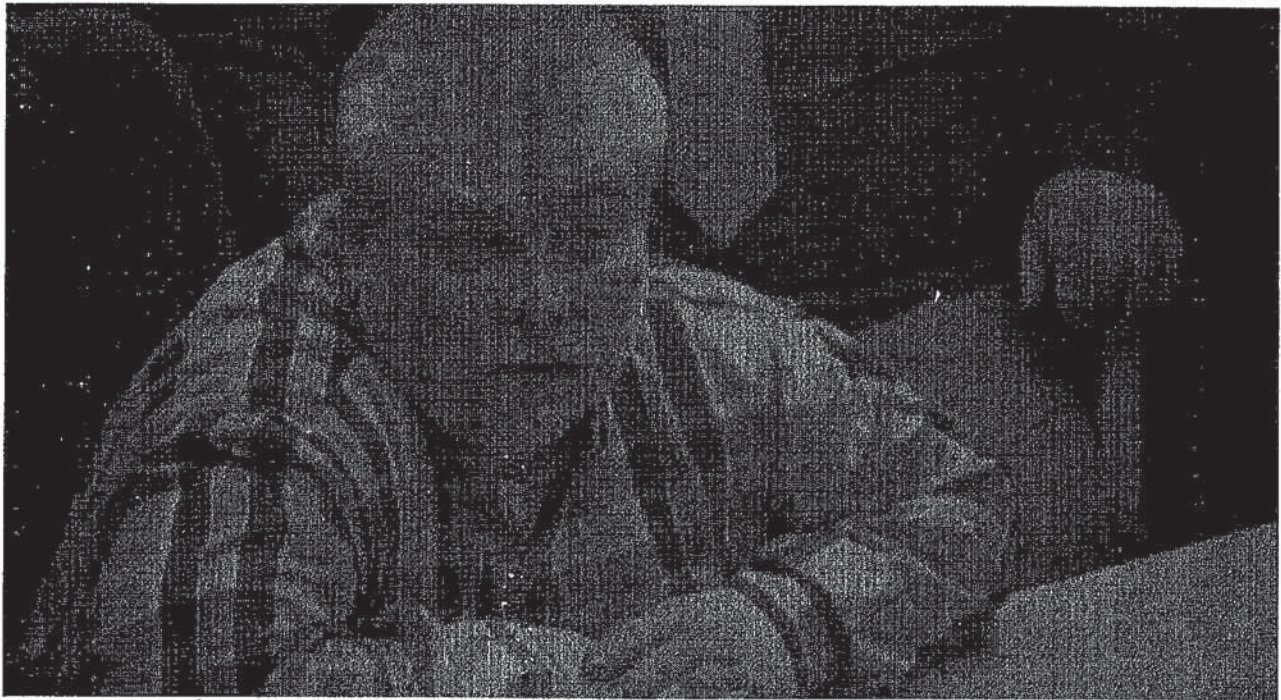


**People Are Crying In This Couple's**

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**BuzzFeed News**

**A Detective Featured In "Making A Murderer" Is Suing N**



Steven Avery

*Netflix*

In a statement to BuzzFeed News on Wednesday afternoon, Michael C. Greisbach, who represents Colborn, said the show "took an extraordinary set of circumstances and twisted them to make it look like an innocent man was wrongly convicted a second time."

"This was a particularly insidious form of defamation because it not only destroyed the reputations of my client and other honest hard working people, but it glorified a brutal murderer and denigrated a murder victim's family in the process," Greisbach said.

"It's long past time for officer Colborn and our community to fight back."

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**BuzzFeed News**    A Detective Featured In "Making A Murderer" Is Suing N

spokesperson said the company had no comment. A spokesperson for the Manitowoc Sheriff's Office declined to comment on the lawsuit, although they did confirm that Colborn had retired from his post.

GLIESDACH HAS WRITTEN TWO BOOKS ON AVERY AND HALBACH, AND HAS defended Colborn via his Twitter account.

*Making a Murderer* became an international sensation when it was released in 2015. It followed the story of Avery, who was once jailed for 18 years for the rape of a woman in 1985. Avery was freed after DNA evidence exonerated him of the crime in 2003, but he found himself in trouble once more in 2005 while pursuing a \$36 million civil suit against Manitowoc County.

He was convicted of murdering Halbach, a freelance photographer for *Auto Trader*, who'd been on his property to take photos of Avery's salvage yard.

In addition to Avery, his nephew, Brendan Dassey, was convicted over the murder of Halbach, and both men are serving life sentences for the crime.

## UPDATE

December 19, 2018, at 12:13 p.m.

This post has been updated to reflect a statement from Colborn's attorney.

### TOPICS IN THIS ARTICLE

Netflix



Michael Blackmon is an entertainment reporter for BuzzFeed News and is based in New York.

Contact [Michael Blackmon](#) at [michael.blackmon@buzzfeed.com](mailto:michael.blackmon@buzzfeed.com).

Got a confidential tip? [Submit it here](#).

Forbes

3,908 views | Dec 21, 2018, 05:24pm

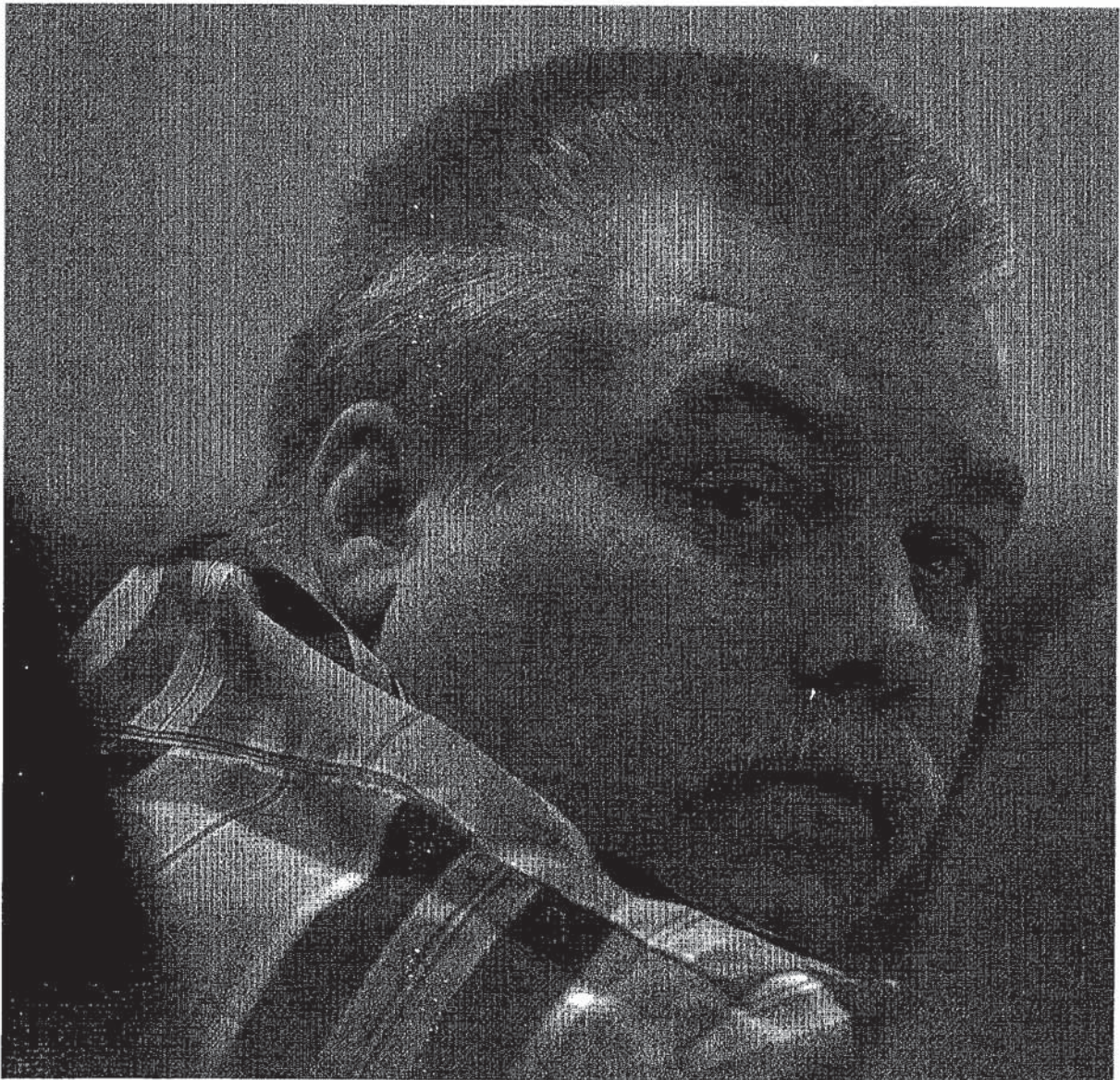
# Retired Police Officer Sues Netflix Over Portrayal In 'Making A Murderer'



**Michelle Kaminsky** Senior Contributor ⓘ

Hollywood & Entertainment

*I write about when media/entertainment and the law collide.*



Steven Avery (AP Photo/Morry Gash, Pool, File) ASSOCIATED PRESS

A retired Manitowoc County Sheriff's Office police officer has sued Netflix and the makers of the documentary series "Making a Murderer" for defamation, intentional infliction of emotional distress and negligence, alleging that the defendants falsely led viewers to conclude that he had tampered with evidence to frame Steven Avery and Brendan Dassey for the 2005 murder of Teresa Halbach.

Andrew Colborn objects to his portrayal in the docuseries' first 10 episodes, claiming that he has been subjected to "worldwide ridicule, contempt and disdain." The complaint, filed in Manitowoc County Circuit Court in Wisconsin, names directors Laura Ricciardi and Moira Demos, editor Mary Manhardt and Netflix executives Lisa Nishimura and Adam Del Deo among the defendants. "Making a Murderer" recently returned with another 10 episodes that follow the post-conviction process, but Colborn's claims don't involve those.

The former police officer alleges that the filmmakers "omitted, distorted, and falsified material and significant facts in an effort to portray [Colborn] as a corrupt police officer who planted evidence to frame an innocent man." He also claims that the program's makers did so with "actual malice," with the goal of making more money, "sacrificing and defaming the plaintiff's character and reputation in the process."

According to a press release by Colborn's attorney, Michael Griesbach, his client's motivation in filing the lawsuit is "to set the record straight and restore his good name."

Colborn maintains that, for example, the documentary's makers "heavily edited portions of [Colborn's] testimony in order to manipulate viewers to falsely conclude that he and other officers planted Halbach's SUV at the salvage yard."

To wit, during trial, Avery's attorney asked, "Well, you can understand how someone listening to [the recording of the Colborn's call to dispatch] might think that you were calling in a license plate that you were looking at on the back end of a 1999 Toyota?" On "Making a Murderer," it appeared Colborn answered yes, but the complaint maintains that at the actual trial, the judge sustained the prosecutor's objection to that question and defense counsel rephrased the

question to, “This call sounded like hundreds of other license plate or registration checks you have done through dispatch before?” to which Colborn answered, “Yes.”

The way the exchange was presented to viewers, however, according to the complaint, “conveyed to viewers that [Colborn] located Halbach’s SUV somewhere other than at the salvage yard days earlier and likely assisted other law enforcement officers plant it there at a later time.”

To show defamation, Colborn will have to convince the fact-finder that the statements were published, false and tended to harm his reputation. Additionally because he is a public official, he will have to show that the defendants acted with actual malice, which is an extremely high standard.

Wisconsin defamation law does provide special protection for those involved in the production of newspapers and magazines, but the applicable statute doesn't address filmmakers. Still, with defamation generally, courts also seek to balance the speaker's First Amendment freedom of speech rights and the overall importance of an open exchange of ideas.

Kathleen Zellner, the attorney currently representing Avery on appeal, has called the lawsuit “frivolous” and “an early Christmas present,” because Colborn “will have to testify under oath about all of the issues that have swirled around him for years.” Indeed, should this case move into discovery, it would require that many of the major players in Avery and Dassey's convictions — especially the police detectives — rehash their version of events under oath.

Netflix hasn't commented publicly on the lawsuit.



**Michelle Kaminsky** Senior Contributor

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I'm a freelance writer and author of SERIAL KILLER TRIVIA: Fascinating Facts and Disturbing Details That Will Freak You the F\*ck Out, to be published by Ulysses Pr... [Read More](#)

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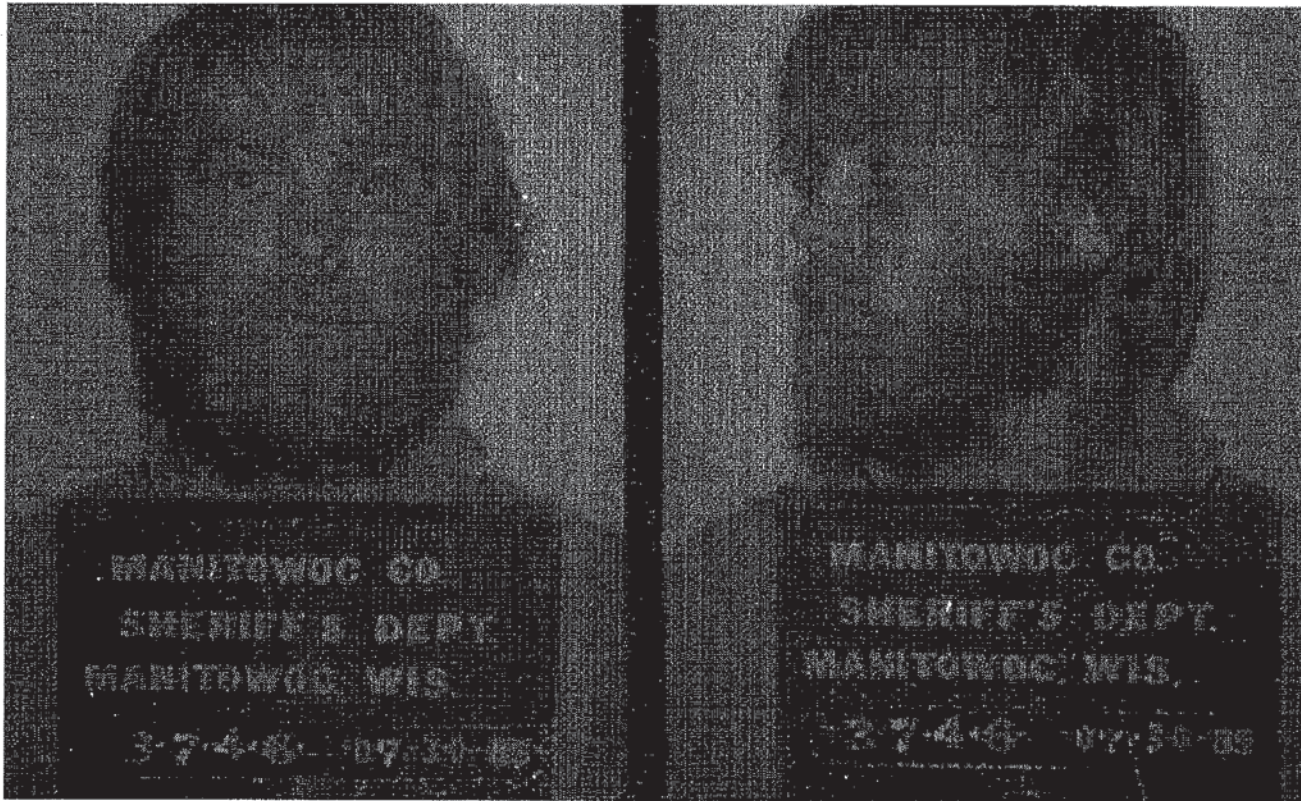
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The WRAP

## 'Making a Murderer' Filmmakers Sued for Defamation by Former Wisconsin Police Sergeant

Andrew Colburn argues docuseries contends that he planted evidence to convict Steven Avery and Brendan Dassey for the murder of Teresa Halbach

Tim Baysinger | December 17, 2018 @ 4:33 PM



Andrew Colburn, a former police sergeant in Manitowoc County, Wisconsin, has sued the filmmakers of "Making a Murderer" as well as Netflix, for defamation over his portrayal in the docuseries.

"Making a Murderer" examines the 2007 convictions of Steven Avery and Brendan Dassey for the murder of Teresa Halbach, casting doubts on Avery's guilt, which hinged on evidence collected at the family's auto salvage yard in Manitowoc County. Notably, it pursues a theory that law enforcement may have held a grudge and was looking to settle a score with Avery after he was released from prison earlier after a sexual assault charge was disproven by DNA testing.

Colburn's suit, filed Monday in Manitowoc County circuit court, says that Laura Ricciardi and Moira Demos, the two filmmakers behind the series, wrongfully accused Colburn of framing Avery and Dassey for Halbach's murder. Representatives for Ricciardi and Demos did not immediately respond to TheWrap's request for comment; Netflix declined comment.

"Neither plaintiff nor any other law enforcement officer planted evidence or in any other way attempted to frame Avery or Dassey for Halbach's murder," the lawsuit states. "Despite overwhelming evidence proving Avery and Dassey's guilt and the utter absence of evidence supporting defendant's accusations of police misconduct, defendants falsely led viewers to the inescapable conclusion that plaintiff and others planted evidence to frame Avery for Halbach's murder."

The lawsuit further accuses the filmmakers of having "omitted, distorted, and falsified material and significant facts in an effort to portray plaintiff as a corrupt police officer who planted evidence to frame an innocent man." This was done, the suit continues, "with actual malice and in order to make the film more profitable and more successful in the eyes of their peers, sacrificing and defaming the plaintiff's character and reputation in the process."

"Mr. Colburn has been subject to worldwide ridicule, contempt, and disdain since the release of 'Making a Murderer' almost exactly three years ago today," Michael Griesbach, the attorney for Colburn, said in a statement provided to TheWrap. "His reputation and that of Manitowoc County, itself, has been severely and unjustly defamed. He is filing this lawsuit to set the record straight and to restore his good name. 'Making a Murderer' may have been a major professional achievement and a financial bonanza for its creators, producers, and distributors, but it has added another layer of tragedy to what was already a painful episode for our community and has callously poured salt into the wounds of a murder victim's family that will never fully heal. My client hopes in some small measure to alleviate some of their pain."

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Griesbach continued: "Neither Mr. Colborn nor I intend to offer further public comment about his lawsuit. The dispute will be resolved where it should be, not in the court of public opinion where a related case has been much discussed, but in a court of law. We are asking you to respect our privacy."

*Pamela Chelin contributed to this report.*

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### 'Making a Murderer' Part 2: 37 Updates Since the Series' Debut (Photos)





## Inside a 'Making a Murderer' Lawsuit and the Hidden Dangers of TV's True-Crime Craze

by Rebecca Keegan

January 17, 2019, 6:00am PST



The Netflix hit helped launch the current boom in sleuthing docuseries. Now the detective at its center is suing for defamation — and other real-life subjects are claiming emotional distress and worse as "a cottage industry of conspiracy theorists" is turning lives "upside down."

Andrew Colborn was leading a quiet life as a police officer in the Manitowoc County, Wisconsin, Sheriff's Department when his face first flashed across millions of screens around the

in a genuine unscripted way.

*Making a Murderer* helped establish Netflix as a destination for bingeable non-fiction programming, earned its makers Moira Demos and Laura Ricciardi four Emmys and turned tens of millions of viewers into avid armchair detectives. The docuseries also turned Colborn's life upside down, along with those of his wife, Barb, a retired pediatric nurse, and their five grown children, ages 26 to 35.

"Barb and I ... have always strived to lead a quiet and private life," Colborn says. "[*Making a Murderer*] destroyed that for both of us and for our family. ... I live in a state of constant vigilance very similar to combat or constantly being on duty as a law enforcement officer."

Colborn, 59, has not given an interview since the premiere of *Making a Murderer*, which examines whether Steven Avery and his nephew Brendan Dassey were framed for the 2005 murder of 25-year-old photographer Teresa Halbach. A second season of the show arrived in October, tracking new attorneys' efforts to secure the release of Avery and Dassey, who remain in prison, and reinvigorating discussions about the case in the press, on social media and on Reddit message boards with subjects like "Colborn Lies! Proof!" In December, Colborn filed a defamation suit against Netflix and the filmmakers, alleging that they omitted and distorted material in an effort to portray him as a corrupt officer who planted evidence to frame an innocent man.

of the recent wave of true-crime programs that have mesmerized audiences, from highbrow offerings like the podcast *Serial* and HBO's *The Jinx* to guilty pleasures that fill the entire programming slate of the Oxygen network, which was rebranded as a true-crime channel in 2017 with unscripted shows like *Cold Justice*, *License to Kill* and *Buried in the Backyard*. For the people featured on these shows, it's not so easy to change the channel when the credits roll, as sofa-bound sleuths stay committed to solving the cases and punishing the series' anointed villains.

Colborn's is one of several recent lawsuits sparked by such shows — earlier in January, JonBenet Ramsey's family settled a defamation suit with CBS over 2016's *The Case of: JonBenet Ramsey*. The four-hour doc suggested that Ramsey's brother, Burke, who was 9 when his sister died, fatally hit JonBenet with a flashlight and that her parents covered up the 1996 murder (neither party would discuss the terms of settlement). There have been multiple lawsuits associated with NBCUniversal-owned Oxygen's battery of true-crime shows, including a case that an Alabama judge allowed to proceed this month over the 2017 miniseries *The Disappearance of Natalee Holloway*. Holloway vanished in 2005 while on a high school graduation trip to Aruba, and the six-part series includes the discovery of what supposedly were her remains. Holloway's mother, Beth, sued Oxygen and the show's producers for intentional infliction of emotional distress — she provided a DNA sample to an investigator for the testing of the bones, unaware that the sample would be part of a



some nature's disappearance. But alleges that the producers knew all along the bones were from animal remains — a pig's head. (Oxygen declined to comment on ongoing litigation.)



Leslie Mazoch/AP Photo

Natalee Holloway's mother sued Oxygen for emotional distress.



Neil Jacobs/CBS via Getty Images

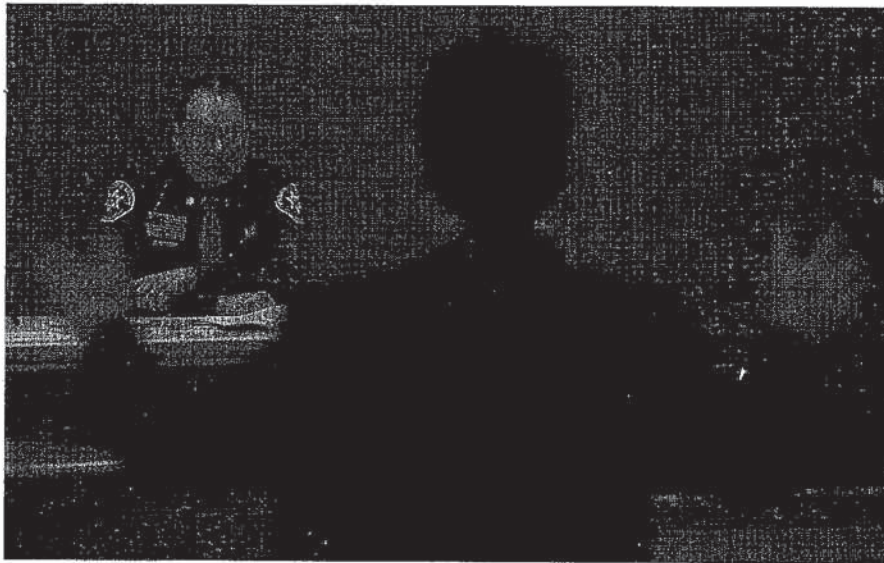
A scene from CBS' *The Case of: JonBenet Ramsey*, also the subject of a lawsuit.

the first word. And, says L. Eric Wood, the Ramseys' attorney whose firm represented both the Ramseys and Beth Holloway. "If they want to suggest conclusions or make accusations, then they better damn well be sure they've got facts, not exaggerations."

Colborn, who retired from the Manitowoc County Sheriff's Department as a lieutenant in February 2018, answered *THR's* questions about what his life is like now by email. He says Avery sympathizers have confronted him in public, threatened to kidnap and sodomize him and gang rape his wife, and have posted pictures of his children online. Colborn has frozen his credit, after he and two other members of his family suffered identity theft. He has built a safe room in his home where family members can hide, and he and his wife no longer travel or dine out. They have collected 28 CDs worth of recorded telephone threats.

This was not the lifestyle the Colborns were envisioning when he was hired by the Manitowoc County Sheriff's Department in 1992 after 12 years in the Air Force. But Colborn's life became inextricably intertwined with Avery's when the officer picked up a phone while working at the Manitowoc County Jail in 1995. Avery's remarkable and sometimes byzantine story includes his being wrongfully convicted of sexual assault and attempted murder in 1985, and serving 18 years of a 20-year sentence before being freed by DNA evidence in 2003, only to be arrested again in 2005 in connection with Halbach's murder. In 2005, months before Halbach's death,

episode two as he is being interviewed for a deposition in that case. In 1995, Colborn had received a call from another law enforcement agency reporting that one of its inmates had confessed to the crime for which Avery was then in prison, but the officer did not create a written report for that phone call until eight years later, when Avery was freed by the DNA evidence. "Why does that happen?" one of Avery's attorneys asks in an interview for the *Making a Murderer* cameras. "That happens because these people realized they had screwed up." The narrative of much of the season hinges on whether Colborn helped Manitowoc County frame Avery for the 2005 murder in part out of humiliation over the 1985 wrongful conviction. Viewers may come away with the impression that Colborn was bumbling at best and criminal at worst.



Kirk Wagner, Pool/AP photo

Andrew Colborn, the detective in *Making a Murderer*, is suing Netflix.

Colborn's lawsuit alleges that the *Making a*

convince viewers that he planted fingerprints to get into Avery's family's salvage yard and placed its key in Avery's bedroom. The suit claims the filmmakers removed Colborn's answer to one question at trial and inserted his answer to another, giving the opposite impression; that they strategically spliced reaction shots of him appearing nervous and apprehensive; and that they omitted key photographs, including one showing a crack in a bookcase that explained why Colborn did not find the car key on his first search of Avery's home. The suit seeks damages for "loss of wages and other expenses incurred to protect his family's safety," though Wisconsin law prohibits plaintiffs from requesting a specific monetary amount.

The sense of unraveling a dense mystery is what makes true-crime shows like *Making a Murderer* so addictive for viewers. But the very storytelling techniques that accomplish those aims — identifying new motives and new offenders,— can lead to lawsuits. "The film industry is callously using people as pawns to make a point and to garner public interest to sell their product," says Michael Griesbach, Colborn's attorney and a former prosecutor who wrote the book *Indefensible: The Missing Truth About Steven Avery, Teresa Halbach, and Making a Murderer*. "A cottage industry of conspiracy theorists has been spawned that has turned lives upside down. My client is the main target, but there are others, including several members of the public now widely considered murder suspects or accomplices in the framing of an innocent man. Who's falsely accusing who now?"

manufacturer can be held liable for the veracity of facts, just as any news outlet would be, they enjoy broad First Amendment privileges, with courts often viewing their content as protected opinion. Even evidence of a doctored interview doesn't necessarily lead to a courtroom win for a defamation plaintiff like Colborn. In 2017, a Virginia judge dismissed a \$13 million lawsuit filed against the makers of the Katie Couric documentary *Under the Gun*, in which gun rights advocates alleged that footage was manipulated to make them appear ignorant, with an extralong pause added for effect in the editing room after one of Couric's questions. The judge found that the footage changes did "not lower these plaintiffs in the estimation of the community to the extent and with the sting required."

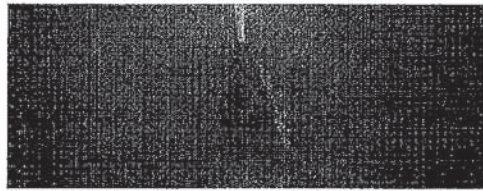
But the insinuations made in true-crime shows have consequences far more grave than making subjects look dumb, and the genre's boom has inevitably led to more litigation, say experts. "You're not doing shows about kittens, you're doing shows about crimes," says attorney Lincoln Bandlow, who clears A&E's investigative series *Leah Remini: Scientology and the Aftermath*. "So you're going to see an uptick in defamation claims. We're fortunate that in this country we have a strong level of protection to make these kinds of shows." In the case of a police officer like Colborn, whom courts typically view as a public figure, the bar is high, Bandlow says. "Our law says certain public people have to put up with not nice things being said about them," he says.

"It's going to take a pretty egregious case [for a police officer

strong arguments, these types of cases rarely make it to trial, as media companies are inclined to settle before entering the intrusive discovery phase.

In Colborn's case, Netflix and the filmmakers face some obstacles, such as Wisconsin's lack of an anti-SLAPP (Strategic Lawsuits Against Public Participation) law, a statute intended to deter frivolous litigation implicating First Amendment activity. That means the secretive streaming company, which has never disclosed the viewership for *Making a Murderer*, will be subject to discovery. (Though Netflix hasn't shared its own audience data, the company Symphony Advanced Media pegged *Murderer* viewership at an average of 19.3 million per episode in its first 35 days of release.) Netflix declined comment to *THR* and has until Jan. 31 to respond to Colborn's complaint in court.

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However a judge or jury views *Making a Murderer*, most of the public who watches the show sees Colborn as one of its most memorable villains. "It was clear to me that this show was produced with an agenda to convey that Avery had been falsely accused," says Wood. "These series are about conveying information in a way that makes them entertaining and drives ratings and profits. Quote unquote true-crime series should not be accepted by the viewing public as factually accurate. They should be viewed with a jaundiced eye."

says he has never watched *Making a Murderer*, though he has reviewed the transcripts of each episode.

\*\*\*

### **Peak True Crime: A Timeline**

*Real-life murder has always been docu fodder, but the past five years have seen an explosion.*

#### **Oct. 2014**

Premiere of the *Serial* podcast, investigating the 1999 murder of Hae Min Lee. It becomes the first podcast to achieve 5 million downloads on iTunes. The Maryland Court of Appeals is now reviewing whether to grant the subject of the series, Adnan Syed, a new trial.

#### **Feb. 2015**

*The Jinx: The Life and Deaths of Robert Durst* premieres on HBO and gains widespread exposure when, the day before its finale airs, Durst is arrested on first-degree murder charges in connection with the 2000 death of his friend Susan Berman.

#### **Dec. 2015**

*Making a Murderer*, which examined whether Steven Avery and his nephew Brendan Dassey had been framed for murder, premieres on Netflix and is seen by 19.3 million



Symphony Advanced Media.

### **Sept. 2016**

CBS airs the four-hour documentary *The Case of: JonBenet Ramsey*, watched by an average of 9.3 million viewers a night.

### **Feb. 2017**

The Oxygen Network announces it is rebranding itself as a true-crime-focused network and launches such shows as *Cold Justice*, *The Disappearance of Natalee Holloway* and *Aaron Hernandez Uncovered*.

### **Oct. 2017**

*Dirty John*, a podcast and *L.A. Times* series about the life and exploits of con artist John Meehan, premieres. It is downloaded more than 10 million times within six weeks of release and leads to a Bravo limited series starring Eric Bana.

### **Oct. 2018**

*Making a Murderer* season two premieres.

*This story first appeared in the Jan. 16 issue of The Hollywood Reporter magazine. To receive the magazine, [click here to subscribe](#).*

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Fox 11 News

## Manitowoc Co. investigator suing Netflix filmmakers for portrayal in Search Site

by FOX 11 News  
Monday, December 17th 2018

AA



Steven Avery (AP photo)

MANITOWOC (WLUK) – A retired Manitowoc County Sheriff's investigator is upset with how he is portrayed in the "Making A Murderer" series about the murder of Teresa Halbach and has filed a defamation lawsuit against the series' creators.

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According to the lawsuit:

“Overwhelming physical and circumstantial evidence proves that Steven Avery and his sixteen year old nephew, Brendan Dassey, were the perpetrators of the crime. Neither plaintiff nor any other law enforcement officer planted evidence or in any other way attempted to frame Avery or Dassey for Halbach’s murder. Separate juries returned guilty verdicts against each of them in 2007, and their convictions remain unreversed after numerous appeals,” it states.

“Pertinent and significant aspects of MAM are not true as represented and are, instead, false and defamatory toward plaintiff and others. Material and significant facts known to the defendants were omitted and distorted. Despite overwhelming evidence proving Avery and Dassey’s guilt and the utter absence of evidence supporting defendant’s accusations of police misconduct, defendants falsely led viewers to the inescapable conclusion that plaintiff and others planted evidence to frame Avery for Halbach’s murder. Defendants omitted, distorted, and falsified material and significant facts in an effort to portray plaintiff as a corrupt police officer who planted evidence to frame an innocent man. Defendants did so with actual malice and in order to make the film more profitable and more successful in the eyes of their peers, sacrificing and defaming the plaintiff’s character and reputation in the process,” it adds.

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Halbach's murder," it claims.

The suit does not request any specific monetary damages but "demands retraction and honest clarification of the erroneous and false statements and depictions described above to clear his good name and restore peace of mind; plaintiff further demands judgment against defendants, separately and severally, for their tortious acts of defamation, intentional infliction of emotional distress, and negligence as stated above."

### *Search Site*

Colborn and his attorney did not make themselves available to answer questions about the lawsuit.

Fox 11 reached out to Netflix, who did not have a comment.

No hearings have been scheduled.

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# Detective in 'Making a Murderer' files defamation lawsuit against Netflix, producers

BY MORGAN GSTALTER - 12/18/18 12:43 PM EST

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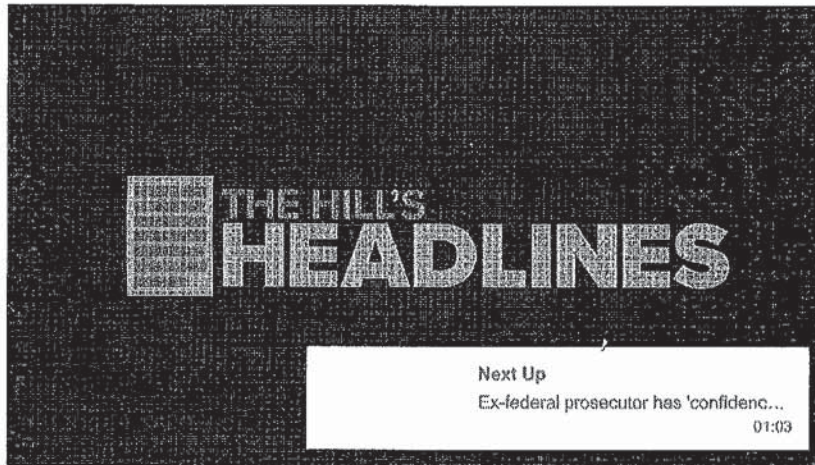
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A former official at the Manitowoc County Sheriff's Office has filed a defamation lawsuit against Netflix over his depiction in the media company's hit documentary series "Making a Murderer."

Retired Lt. Andrew Colborn filed a [defamation suit](#) on Monday against the streaming service and the show's filmmakers, claiming that he has been the target of "ridicule, contempt and disdain" since the show's release in 2015.

The show depicted the trial and conviction of Steven Avery and his nephew Brendan Dassey in connection with the death of Wisconsin woman Teresa Halbach in 2005. Both men are behind bars serving life sentences.

Colborn accused the show of insinuating that he and officers at the Manitowoc County Sheriff's office planted evidence to incriminate Avery.

"Neither plaintiff nor any other law enforcement officer planted evidence or in any other way attempted to frame Avery or Dassey for Halbach's murder," the lawsuit states. "Despite overwhelming evidence proving Avery and Dassey's guilt and the utter absence of evidence supporting defendant's accusations of police misconduct, defendants falsely led viewers to the inescapable conclusion that plaintiff and others planted evidence to frame Avery for Halbach's murder."

---

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The lawsuit alleges three counts including defamation, intentional infliction of emotional distress and negligence on the part of the defendants and calls for "retraction and honest clarification of the erroneous and false statements and depictions."

Netflix declined to comment to The Hill.

Colborn's attorney, Michael Griesbach, said in a statement obtained by the [Manitowoc Herald Times](#) that his client's "reputation and that of Manitowoc County, itself, has been severely and unjustly defamed. He is filing this lawsuit to set the record straight and to restore his good name."

Griesbach and Colborn will not address the lawsuit publicly, saying it "will be resolved where it should be, not in the court of public opinion where a related case has been much discussed, but in a court of law."

The first season of the show was released on Dec. 18, 2015, and was reportedly viewed by more than 19 million viewers in the first 35 days. The second season of "Making a Murderer" debuted on Oct. 19.

**TAGS** NETFLIX STEVEN AVERY BRENDAN DASSEY MANITOWOC COUNTY SHERIFF'S OFFICE MAKING A MURDERER ANDREW COLBORN OVERTURNED CONVICTIONS IN THE UNITED STATES MANITOWOC COUNTY WISCONSIN DEFAMATION

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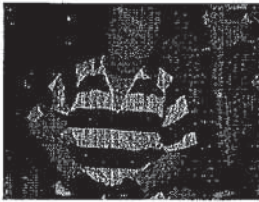


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USA Today

## Detective featured in 'Making a Murderer' sues Netflix for defamation

The Associated Press Published 6:58 p.m. ET Dec. 17, 2018



(Photo: Netflix)

MADISON, Wis. — A former detective is suing the filmmakers who produced the Netflix series "Making a Murderer" (</story/life/tv/2018/10/21/making-murderer-part-2-spoilers-evidence-steven-avery-brendan-dassey-teresa-hallbach/1694216002/>) alleging the documentary defamed him.

WBAY-TV reports that former Manitowoc County Sheriff's Detective Andrew Colborn filed the lawsuit Monday against filmmakers Laura Ricciardi and Moira Demos as well as Netflix.

Colborn helped convict [Steven Avery](/story/life/nation-now/2017/10/03/steven-avery-making-murderer-no-new-trial/728995001/) (</story/life/nation-now/2017/10/03/steven-avery-making-murderer-no-new-trial/728995001/>) in the 2005 killing of photographer Teresa Halbach. The 2015 "Making a Murderer" series

documents the case.

Colborn contends the series was edited to make viewers think he and others planted evidence to frame Avery.

Online court records didn't list Netflix's attorneys as of late Monday afternoon. A message left in the company's general media email inbox wasn't immediately returned. An email left with Ricciardi and Demos' media relations service wasn't immediately returned, either.

**More:** ['Making a Murderer': With a new chapter on the way, what we know from Season 1](/story/life/tv/2018/10/16/making-murderer-season-2-drops-what-we-know-season-1/1657958002/) (</story/life/tv/2018/10/16/making-murderer-season-2-drops-what-we-know-season-1/1657958002/>)

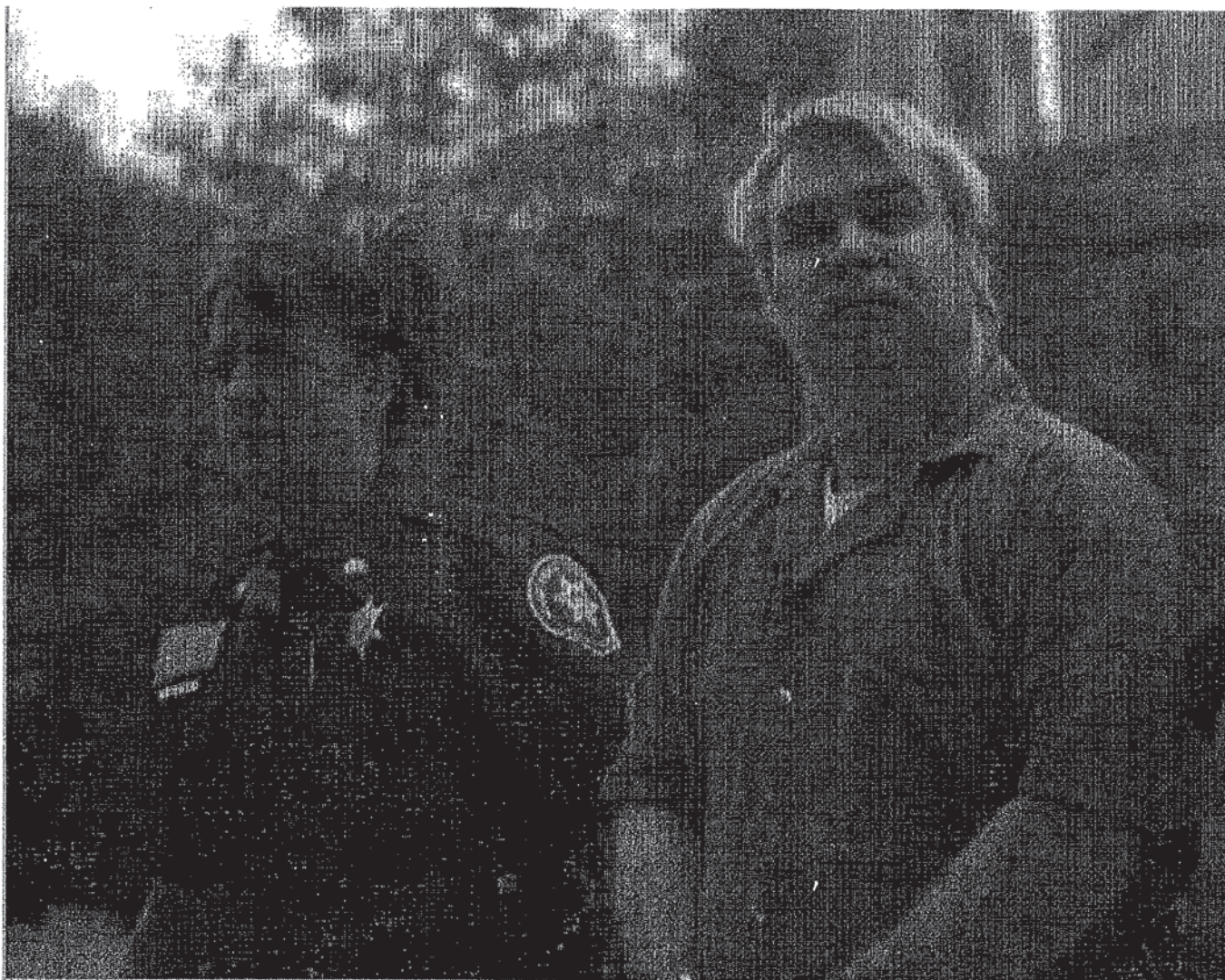
**Review:** ['Making a Murderer Part 2' proves you can't re-create a phenomenon](/story/life/tv/2018/10/19/making-murderer-part-2-review-steven-avery-brendan-dassey/1668607002/) (</story/life/tv/2018/10/19/making-murderer-part-2-review-steven-avery-brendan-dassey/1668607002/>)

Read or Share this story: <https://www.usatoday.com/story/life/tv/2018/12/17/detective-featured-making-murderer-sues-netflix-defamation/2342953002/>

# Manitowoc Co. investigator suing Netflix, filmmakers for portrayal in 'Making A Murderer'

by FOX 11 News  
Monday, December 17th 2018

AA



*Steven Avery (AP photo)*



MANITOWOC (WLUK) – A retired Manitowoc County Sheriff’s investigator is upset with how he is portrayed in the “Making A Murderer” series about the murder of Teresa Halbach and has filed a defamation lawsuit against the series’ creators.

Lt. Andrew Colborn filed the 18-page lawsuit Monday against Laura Ricciardi, Moira Demos, Netflix, and others.

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According to the lawsuit:

“Overwhelming physical and circumstantial evidence proves that Steven Avery and his sixteen year old nephew, Brendan Dassey, were the perpetrators of the crime. Neither plaintiff nor any other law enforcement officer planted evidence or in any other way attempted to frame Avery or Dassey for Halbach’s murder. Separate juries returned guilty verdicts against each of them in 2007, and their convictions remain unreversed after numerous appeals,” it states.

“Pertinent and significant aspects of MAM are not true as represented and are, instead, false and defamatory toward plaintiff and others. Material and significant facts known to the defendants were omitted and distorted. Despite overwhelming evidence proving Avery and Dassey’s guilt and the utter absence of evidence supporting defendant’s accusations of police misconduct, defendants falsely led viewers to the inescapable conclusion that plaintiff and others planted evidence to frame Avery for Halbach’s murder. Defendants omitted, distorted, and falsified material and significant facts in an effort to portray plaintiff as a corrupt police officer who planted evidence to frame an innocent man. Defendants did so with actual malice and in order to make the film more profitable and more successful in the eyes of their peers, sacrificing and defaming the plaintiff’s character and reputation in the process,” it adds.

The suit claims the filmmakers acted with “actual malice” to omit facts and evidence “part of their effort to lead viewers to falsely conclude that plaintiff and others framed Avery for Halbach’s murder,” it claims.

The suit does not request any specific monetary damages but “demands retraction and honest clarification of the erroneous and false statements and depictions described above to clear his good name and restore peace of mind; plaintiff further demands judgment against defendants, separately and severally, for their tortious acts of defamation, intentional infliction of emotional distress, and negligence as stated above.”

Once served, the defendants have 45 days to formally respond to the suit.

Colborn and his attorney did not make themselves available to answer questions about the lawsuit.

Fox 11 reached out to Netflix, who did not have a comment.

No hearings have been scheduled.

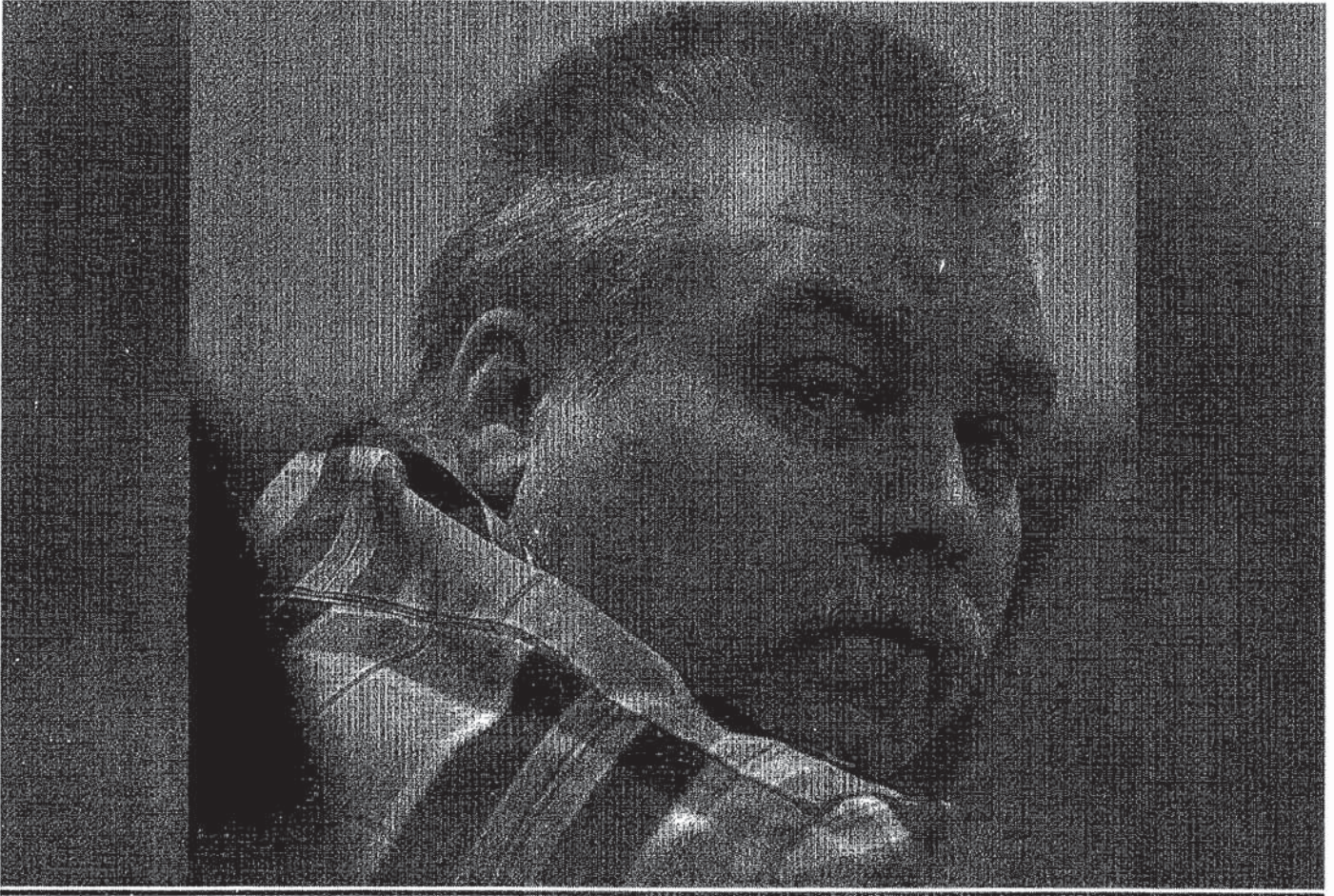
New York Post

NEWS

## Ex-detective Andrew Colborn sues Netflix over 'Making a Murderer'

By Associated Press

December 18, 2018 | 1:36am | Updated



Steven Avery  
AP

MADISON, Wis. — A former detective is suing the filmmakers who produced the Netflix series "Making a Murderer," alleging the documentary defamed him.

### **SEE ALSO**

WBAY-TV reports that former Manitowoc County Sheriff's Detective Andrew Colborn filed the lawsuit Monday against filmmakers Laura Ricciardi and Moira Demos as well as Netflix.

Colborn helped convict Steven Avery in the 2005 killing of photographer Teresa Halbach. The 2015 "Making a Murderer" series documents the case.

Colborn contends the series was edited to make viewers think he and others planted evidence to frame Avery.

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Online court records didn't list Netflix's attorneys as of late Monday afternoon. A message left in the company's general media email inbox wasn't immediately returned. An email left with Ricciardi and Demos' media relations service wasn't immediately returned, either.



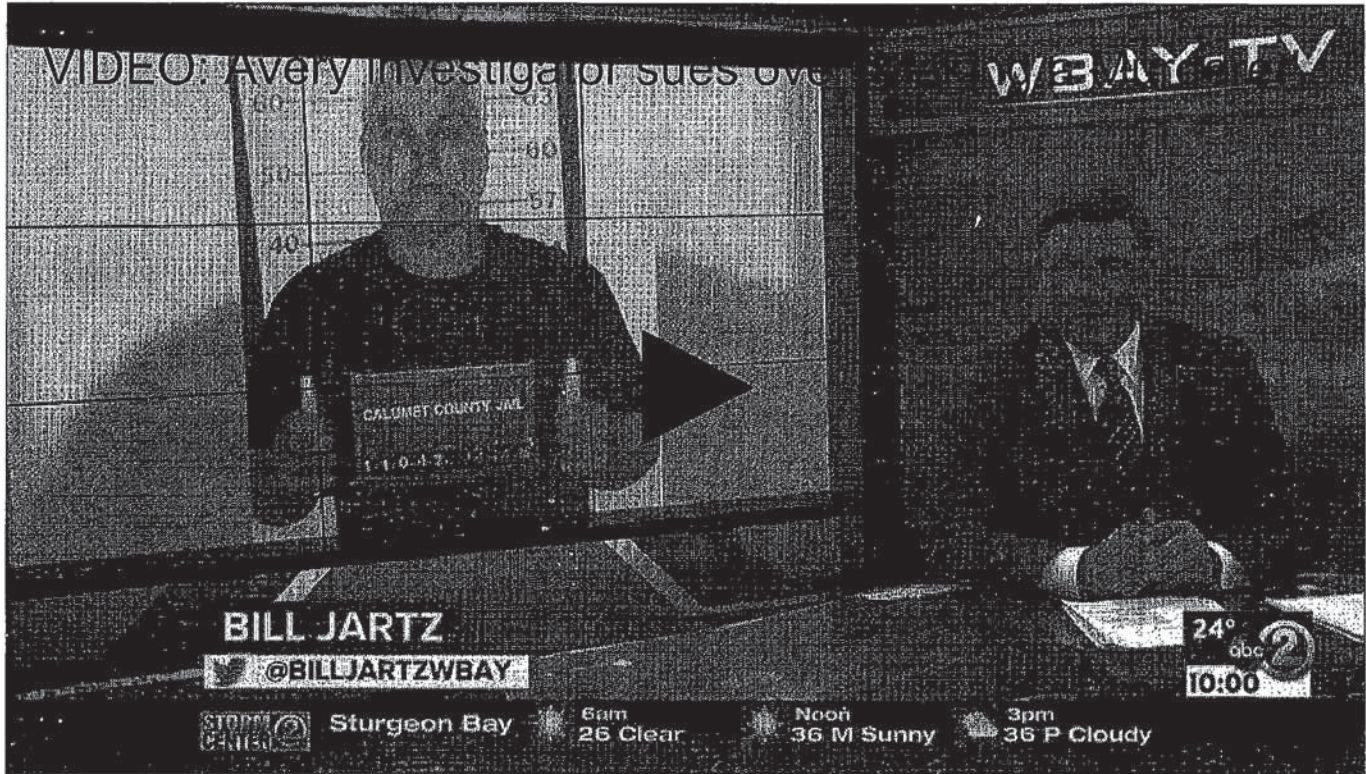
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## Avery case investigator sues Netflix, 'Making a Murderer' filmmakers



Posted: Mon 3:41 PM, Dec 17, 2018 | Updated: Mon 11:14 PM, Dec 17, 2018

**MANITOWOC, Wis. (WBAY)** - One of the detectives who investigated the Teresa Halbach murder is suing Netflix and the filmmakers behind "Making a Murderer" for defamation and negligence.

Andrew Colborn says the documentary blames him for planting evidence to get Steven Avery's conviction.

The lawsuit filed in Manitowoc County Court on Monday claims the way the series is edited "falsely led viewers to the inescapable conclusion that (Colborn) and others planted evidence to frame Avery for Halbach's murder."

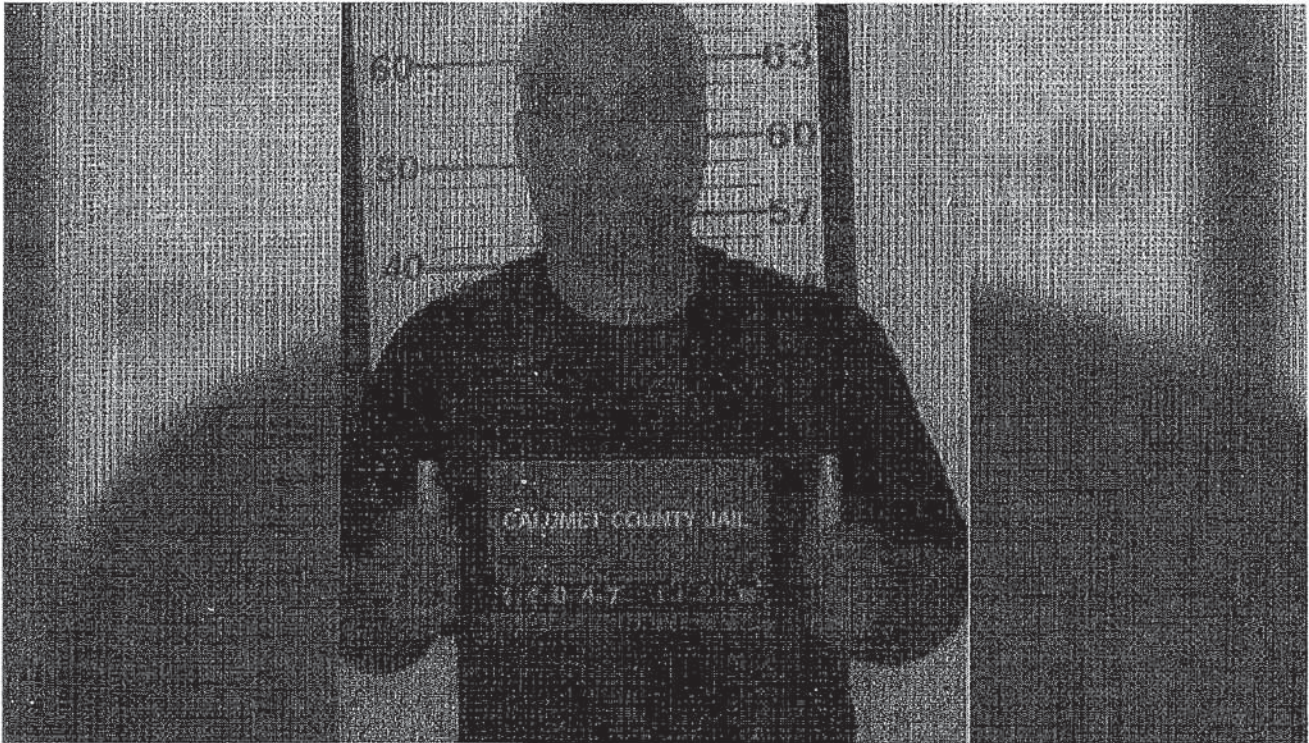
[CLICK HERE](#) to read the full lawsuit (PDF format)

"Defendants omitted, distorted, and falsified material and significant facts in an effort to portray (Colborn) as a corrupt police officer who planted evidence to frame an innocent man. Defendants did so with actual malice and in order to make the film more profitable and more successful in the eyes of their peers..." the lawsuit states.

An exhibit attached to the lawsuit is a transcript of Colborn's testimony, showing his entire examination by the district attorney was omitted in the documentary, and portions of his testimony under cross-examination were edited or omitted.

It also says though the filmmakers claimed to be unbiased, they failed to include significant facts from the trial, like Avery's DNA being on Halbach's hood latch, Avery's changing statements, and a bullet with Halbach's DNA linked to a firearm hanging on Avery's wall.

Colborn's attorney, Michael Griesbach, says the Netflix series made his client the subject of worldwide contempt and severely harmed his reputation. It says Colborn and his family received death threats from Avery supporters,



Steven Avery is a convict from Manitowoc County, Wisconsin. His case was the subject of the Netflix documentary "Making a Murderer."

and he has to be careful when making travel or dining plans, causing Colborn severe emotional distress and to lose wages and other expenses to protect his family.

The lawsuit says Colborn was in law enforcement for 26 years but at no time was he considered a public official or a spokesperson for the sheriff's office, which is important in state defamation laws.

Colborn retired from the sheriff's office earlier this year.

The lawsuit seeks a judgment against the filmmakers, Netflix and other individuals involved in the documentary and also demands they make an honest clarification "to clear his good name." It doesn't seek a specific dollar amount but does demand a jury trial.

Griesbach is a former Manitowoc County prosecutor. Though he didn't work on the Avery case, he published a book about it in 2016 called "Indefensible: The Missing Truth about Steven Avery, Teresa Halbach and Making a Murderer" with counterpoints to the documentary.

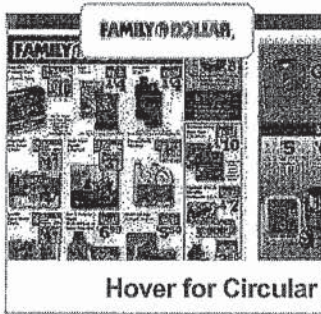
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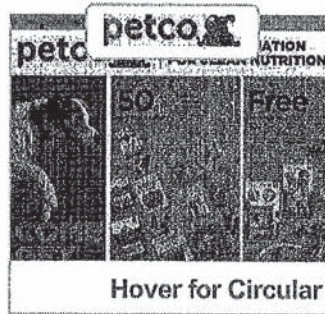
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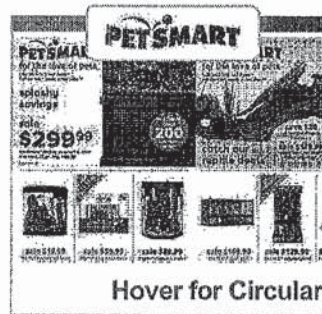
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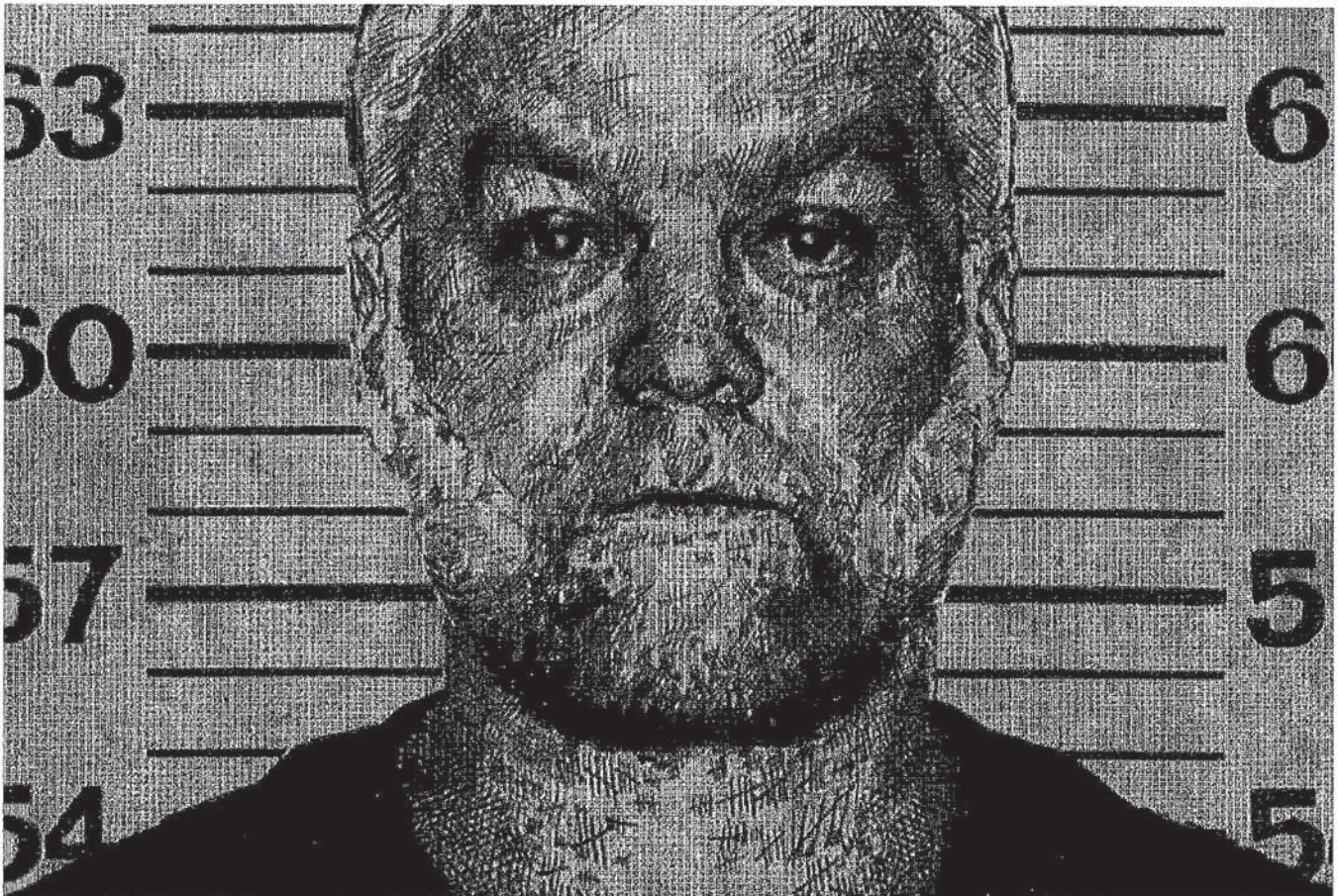
*We welcome comments and civil discussions.*



## Steven Avery's Attorney Calls Ex-Cop's Lawsuit 'Early Christmas Present'

A retired cop sued Netflix and the 'Making a Murderer' filmmakers for defamation — Kathleen Zellner, who represents Avery, says she does not believe the case holds water

By AMELIA MCDONELL-PARRY



A new lawsuit claims that the filmmakers behind 'Making a Murderer' misrepresented the truth.

*Update: This story has been updated to include parts of a statement provided by Michael Griesbach, an attorney for Andrew Colborn.*



On December 17th, Andrew Colborn, a former officer with the Manitowoc County Sheriff's Office, filed a lawsuit against Netflix and the filmmakers behind *Making a Murderer*, seeking



testified against Steven Avery and Brendan Dassey, who were found guilty at separate trials. The first season of the Netflix docuseries brought worldwide attention to the case, and over the course of 10 episodes, raised serious questions about the police investigation and the veracity of Avery and Dassey's convictions. Colborn did not participate in filming, but his trial testimony, as well as other third-party footage, was featured repeatedly throughout the series. Colborn's claim states that a search for his name used to return just two results, but following the release of *Making a Murderer*, there are now 1.8 million hits, "nearly all of them painting [him] in a negative light."

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"Despite overwhelming evidence proving Avery and Dassey's guilt and the utter absence of evidence supporting defendant's accusations of police misconduct, defendants falsely led viewers to the inescapable conclusion that plaintiff and others planted evidence to frame Avery for Halbach's murder," **the complaint reads.** "Defendants omitted, distorted, and falsified material and significant facts in an effort to portray plaintiff as a corrupt police officer who planted evidence to frame an innocent man. Defendants did so with actual malice and in order to make the film more profitable and more successful in the eyes of their peers, sacrificing and defaming the plaintiff's character and reputation in the process." Colborn's attorney, Michael Greisbach – who wrote a

book about the Avery case – initially declined to comment, but after publication, emailed a statement to *Rolling Stone*.

“The distortion of the truth set in motion by *Making a Murderer* has been left unchecked for far



**RollingStone**

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~~My client has absolutely nothing to hide and he looks forward to clearing his good name.~~

In the lawsuit, Colborn references several pieces of evidence that were regarded as suspicious, and possibly planted, in the first season, including the key to Halbach’s RAV-4, which was found in Avery’s trailer, and the car itself, which was recovered from the Avery’s Salvage Yard. He accuses the filmmakers of editing or omitting available evidence and portions of his trial testimony in an effort “to lead viewers to falsely conclude” he was involved in framing Avery. His complaint includes an attachment which compares the court transcript of his testimony to the footage used in the series. According to Colborn, if the series had included the omitted evidence and testimony, Avery and Dassey’s guilt would have been “obvious” to viewers.

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Colborn limits his claims to complaints about his portrayal in *MaM*’s first season. He omits any mention of the new evidence and additional allegations that have been made about his conduct in *Making a Murderer*’s second season, which was released in October, or in the thousands of pages of court documents filed by Avery’s attorney, Kathleen Zellner. As a result, several of his arguments defending the integrity of the evidence fall flat simply because they have already been contradicted or are otherwise overshadowed by more serious allegations already in the public domain.

For example, during Avery’s trial, the defense questioned Colborn about discovering Halbach’s car key on the floor next to a bookcase in Avery’s bedroom. Avery’s trailer had been searched several times before the key was discovered, and the implication in the show was that Colborn and a fellow

officer might have planted it. At trial, Colborn and other officers explained their belief that the key was tucked inside the bookcase, and must have fallen onto the carpet through a crack in the particle board. Colborn's complaint accuses the filmmakers of editing and omitting testimony in a manner that minimized any reasonable explanation in order to maximize suspicion that the key



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**Kathleen Zellner represents Steven Avery.  
Photo: Monica Schipper/Getty Images**

"The basic theme of the complaint is flawed," Zellner, who is not named in the suit, tells *Rolling Stone*. "He is going to have to show that, but for these few edits, the world would have viewed Sgt. Colborn differently. ... If the public wanted an un-edited version it could order the trial transcripts. Filmmaking is not stenography."

Zellner challenges Colborn's claim that Demos and Ricciardi's editing was one-sided, telling *Rolling Stone* that footage which would have further damaged Colborn's credibility also hit the cutting room floor when they edited season two.

"We did an experiment with an identical bookcase – which we included in our court filing – that illustrates that Sgt. Colborn's trial testimony regarding how the key fell out of the bookcase and landed on the west side of bookcase is demonstrably false," Zellner tells *Rolling Stone*. "The Netflix producers chose not to include the experiment in *MaM*. If they had any malicious motive towards Colborn, that would have been included."

Colborn doesn't mention in his complaint that the RAV-4 key tested positive for Avery's DNA, but according to Zellner's recent court filings, it offers even more evidence of planting.

"We also had our DNA scientist conduct experiments on the DNA quantity on the key," Zellner explains. Footage of those experiments appeared in the second season. "Their conclusion was the amount of DNA on key was 10 times higher than it should have been, again suggesting Avery's



Colborn's complaint also claims that *Making a Murderer* mislead viewers into concluding that he helped plant Halbach's car in the Avery Salvage Yard. The series features testimony where Colborn was cross examined about a call he made to police dispatch on November 3rd, 2005, two days before the RAV-4 was found, inquiring about Halbach's license plate number.

"Avery's attorneys suggested [Colborn] was looking directly at Halbach's vehicle when he called dispatch," the complaint reads. "The claim is entirely baseless and false, and the defendants knew of its falsity." He also says that they omitted other testimony where he explained the nature of the dispatch call, because "it supports a non-nefarious interpretation." Colborn doesn't provide evidence to support his claims about the filmmakers' intent with these editing choices, which a successful defamation lawsuit requires.

Regardless, Zellner claims to have an abundance of new evidence that Colborn found Halbach's car on November 3rd, and not on the Avery property. She's filed affidavits from two witnesses who claim to have seen the RAV-4 parked off Highway 147, one of whom says she informed Colborn directly, and he failed to document the conversation.

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"We have also filed an enhanced audio tape which reveals a second person at the scene saying 'It's hers,' which confirms the vehicle was present when Colborn's call was made," Zellner tells *Rolling Stone*.

There are other examples cited in Colborn's complaint which fail to address the full scope of the misconduct allegations made by Avery's defense team since the release of *Making a Murderer's* first season. Much of the evidence he cites as proof of Avery's overwhelming guilt have been



experiments cited by Ms. Zellner would pass muster for admission in a court of law.") Colborn's civil lawsuit presumes that the only facts that matter are what's in the trial record; however, should the case move forward, the defendant's right to discovery would go well beyond the bounds of Avery and Dassey's criminal trials. Zellner likes the sound of that.

"We are thrilled that Colborn filed this lawsuit [because] he will have to testify under oath about all of the issues that have swirled around him for years. Everything about the first wrongful conviction will be exhaustively explored as well. From having observed the meticulous, painstaking, uncompromisingly ethical work of Ricciardi and Demos for 2.5 years they have to be amused but not in the least threatened by this frivolous lawsuit. For us it is an early Christmas present."

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## CULTURE

# 'MAKING A MURDERER': KATHLEEN ZELLNER SAYS COLBORN LAWSUIT IS AN 'EARLY CHRISTMAS GIFT'

BY KELLY WYNNE ON 12/20/18 AT 11:16 AM EST

### CULTURE

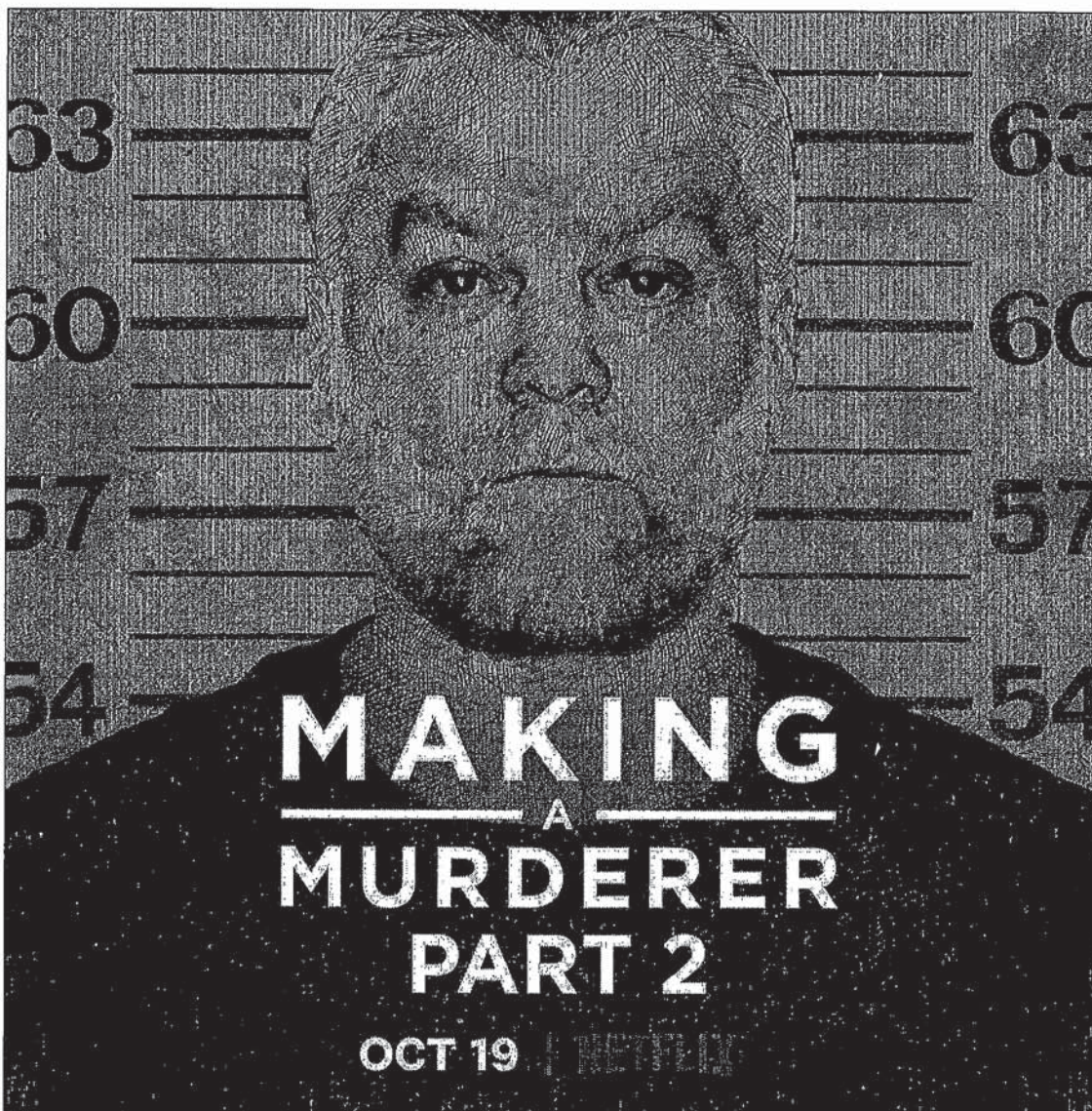
Kathleen Zellner has called a recent lawsuit an “early Christmas present” to her and the *Making A Murderer* team, though the filmmakers are the subject of the lawsuit. Former Officer Andrew Colborn is suing Netflix and *Making A Murderer* filmmakers Moira Demos and Laura Ricciardi for defamation, according to the lawsuit, filed Tuesday.

To Zellner, Avery’s current post-conviction attorney, the lawsuit is a gift. “We are thrilled that Colborn filed this lawsuit [because] he will have to testify under oath about all of the issues that have swirled around him for years,” Zellner told *Rolling Stone* on Wednesday. “Everything about the first wrongful conviction will be exhaustively explored as well. From having observed the meticulous, painstaking, uncompromisingly ethical work of Ricciardi and Demos for two-and-a-half years they have to be amused but not in the least threatened by this frivolous lawsuit. For us it is an early Christmas present.”

Colborn, who was an officer on the Steven Avery case featured in the series, claims the documentary series used a biased angle to wrongfully accuse Colborn and the Manitowoc County Police Department of planting evidence to convict Avery.

The lawsuit reads they “omitted, distorted, and falsified material and significant facts in an effort to portray [Colborn] as a corrupt police officer who planted

evidence to frame an innocent man. Defendants did so with actual malice and in order to make the film more profitable and more successful... sacrificing and defining [Colborn's] character and reputation in the process.”



Steven Avery was convicted of murder by prosecutor Ken Kratz. NETFLIX

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It also commented on the “overwhelming guilt” of both Avery and his convicted nephew Brendan Dassey, as well as pieces of evidence featured in the series,

which some claim were planted. Colborn then suggested had the filmmakers included more of his testimony at Avery's trial, Avery's guilt would have been overwhelmingly obvious.

Zellner disagrees. "The basic theme of the complaint is flawed," she told *Rolling Stone*. "He is going to have to show that, but for these few edits, the world would have viewed Sgt. Colborn differently. ... If the public wanted an un-edited version it could order the trial transcripts. Filmmaking is not stenography."

The attorney filed her own motion in the Wisconsin court on Monday, which asks for new DNA testing of bone fragments found in multiple locations near, but not on, the Avery property. Some of the bones are possibly human, Zellner's motion, obtained by *Newsweek*, says. Zellner explained finding these bones, from multiple locations, to be human would give evidence Avery did not kill Teresa Halbach on his property.

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