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STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY
BRANCH 3

STATE OF WISCONSIN,
PLAINTIFF, MOTION HEARING
vs. Case No. 06 CF 88
BRENDAN R. DASSEY,
DEFENDANT.

DATE: AUGUST 25, 2006
BEFORE: Hon. Jerome L. Fox
Circuit Court Judge

APPEARANCES:

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

LEONARD D. KACHINSKY
Attorney at Law
On behalf of the Defendant.

BRENDAN R. DASSEY
Defendant
Appeared in person.

* * * * *

TRANSCRIPT OF PROCEEDINGS

Reported by Jennifer K. Hau, RPR

Official Court Reporter



1 THE COURT: This is in the matter of the
2 State of Wisconsin vs. Brendan R. Dassey. It's Case
3 No. 06 CF 88. Appearances, please?

4 ATTORNEY KRATZ: The State of Wisconsin
5 appears by Calumet County District Attorney Ken
6 Kratz. I'm appearing as special prosecutor.

7 ATTORNEY KACHINSKY: Defendant appears
8 personally with Attorney Len Kachinsky.

9 THE COURT: All right. Originally, this
10 date and time was set as a scheduling conference.
11 New issues have arisen since we set this date. The
12 Court intends to treat all the matters it believes
13 it has before it now.

14 Um, on August 14, 2006, Attorney
15 Kachinsky filed with the Manitowoc County Clerk
16 of Courts's office a demand for speedy trial.
17 Under Wisconsin Section 971.10 (2), the trial of
18 a defendant shall commence within 90 days from
19 the date the defendant demands in writing his
20 trial. That demand was filed, as I said, on
21 August 14, 2006. Therefore, I'm setting the
22 trial in this matter to -- for November 1 through
23 the 17, 2006.

24 Prior to this demand for speedy trial,
25 the Court had set February 5, 2007, as the

1 beginning date for the trial. In light of Judge
2 Willis' decision to try State v. Avery, a case
3 filed approximately four-and-a-half months before
4 this case, uh, commencing on February 5, that
5 time period is no longer available. While I have
6 set November 1, 2006 as the start date for this
7 case, that trial time may be subject to a motion
8 for continuance, or continuances, depending on
9 circumstances.

10 There's also a motion for change of
11 venue under 971.22 filed by the defendant on
12 March 17, 2006. That motion was supported by
13 Mr. Kachinsky's affidavit detailing why he didn't
14 think the defendant could get a fair trial in
15 Manitowoc. Essentially, the affidavit said he
16 couldn't get a fair trial because of the nature
17 and extent of the pretrial publicity not only
18 associated with this case but with the case of
19 State v. Steven Avery.

20 The Court sets, uh, September 14, 2006
21 at 8:30 a.m. as the date and time for hearing
22 that motion. Again, understanding that, uh --
23 depending on circumstances, that time may have to
24 be changed.

25 On August 15, 2006 the Court received

1 from the State Public Defender's Office, from
2 Deborah Smith, a copy of a letter purportedly
3 sent to Attorney Kachinsky dated August 14, 2006.
4 That letter reads in material part as follows:

5 Dear Mr. Kachinsky: I have received and
6 reviewed a report from the Director of the
7 Assigned Counsel Division, Deborah Smith. She is
8 recommending that you be decertified from the
9 Class A felony appointment list and the Trial 3,
10 Class B-D felony list. Her recommendation is
11 based on your failure to provide competent
12 representation in the Brendan Dassey case. You
13 have confirmed to her that you allowed law
14 enforcement to interview your client on May 13,
15 2006 in your absence. You've confirmed to her
16 that you were not present at the interview on
17 May 13, 2006 because you had to attend army
18 reserve training that weekend. It is difficult
19 to imagine a situation when it would be
20 appropriate to allow a client in a serious felony
21 case to give a statement in the attorney's
22 absence. To allow such an interview in this case
23 is indefensible.

24 I'm removing you from Class A felony and
25 Trial 3 certifications. It is no longer

1 appropriate for us to appoint you to these types
2 of case. Judge Fox will be provided with a copy
3 of this letter. You have the right to appeal
4 this decision pursuant to Administrative Code PD
5 1.06(2). A written notice of appeal must be
6 received by me within 30 days.

7 That letter is actually signed by the
8 State Public Defender Nicholas Chiarkas.

9 Uh, I received it, uh, in conjunction
10 with a letter sent to me. And I'll read that
11 letter:

12 Dear Judge Fox: Please find enclosed a
13 copy of a letter sent to Mr. Kachinsky advising
14 him that we have removed him from our Class A
15 felony certification list. We have taken this
16 unusual action based on his actions in the
17 Brendan Dassey case. We no longer feel it is
18 appropriate for him to provide representation in
19 these types of cases to public defender clients.
20 If you have any questions about our action,
21 please contact me.

22 And that is signed, uh, Deborah Smith,
23 who is the Director of the Assigned Counsel
24 Division of the State Office of Public Defender.

25 In response to that, Attorney Kachinsky

1 has filed a motion to withdraw as counsel. That
2 motion which is part of the record in this matter
3 notes -- And I'm not going to go through the
4 entirety of the motion but I'm going to note a
5 few things. Uh, among the factors the
6 undersigned attorney believes the Court should
7 consider are the following:

8 One, alleged inadequate performance of
9 existing counsel.

10 Two, whether or not the alleged
11 inadequate performance of counsel had an adverse
12 impact upon the defendant.

13 Three, the history of outside forces
14 seeking to secure withdrawal of existing counsel.

15 Four, the wishes of the defendant and
16 his mother that existing counsel continue to
17 represent the defendant.

18 Five, the impact of new counsel upon the
19 defendant's demand for a speedy trial.

20 And, six, public confidence in the
21 administration of justice.

22 Mr. Kachinsky supported that motion with
23 what I'll describe as a very thorough affidavit.
24 In that affidavit -- And, again, I'm not going to
25 read the affidavit word for word. I'm going to

1 summarize it. And when I'm done summarizing it,
2 I'm going to ask Mr. Kachinsky if I fairly
3 characterized it and ask him if he has anything
4 further to add.

5 What he discusses in the affidavit is as
6 follows:

7 Number one, his background as a defense
8 lawyer, much of which was placed on the record at
9 a hearing held on June 2, 2006 when Brendan
10 Dassey, uh, said he sought to replace Mr.
11 Kachinsky as his court appointed counsel.

12 Two, his belief that others have been
13 seeking to replace him as counsel. He
14 specifically -- specifically mentions one of
15 Steven Avery's attorneys as one who suggested to
16 the defendant's mother that Attorney Kachinsky
17 should be replaced.

18 Three, he mentions the services that he
19 has provided the defendant as well as the
20 interaction with the defendant.

21 Four, he sets forth his rationale for
22 permitting the defendant to be interviewed on
23 May 13, 2006 in his absence. Specifically, he
24 says that his investigator interview -- excuse
25 me -- that his investigator interviewed the

1 defendant on May 12, 2006 and obtained, quote,
2 new information, end quote, from the defendant,
3 some of which related to physical evidence which
4 might be destroyed if other parties became aware
5 of it.

6 Attorney Kachinsky had a scheduled army
7 reserve drill that weekend so he gave the
8 defendant the option to speak with authorities
9 either on May 13, 2006, the date of his reserve
10 drill and for which he was unavailable, or May
11 17, 2006, the first day he was available.

12 The defendant chose to have the
13 interview on May 13, 2006. Attorney Kachinsky
14 made arrangements to have his investigator
15 present at the interview. The interview was
16 limited to clarifications -- and, again, this is
17 from Mr. Kachinsky's affidavit -- clarifications
18 of Mr. Dassey's March 1, 2006 interview, and
19 Attorney Kachinsky would be available by cell
20 phone to answer any questions.

21 Subsequent to the interview,
22 Mr. Kachinsky reviewed the tapes and a
23 transcript. He found the investigators had
24 complied with the agreed upon conditions.

25 The affidavit then alludes to the letter

1 from the public defender's office, uh, suggesting
2 the public defender may have learned of the May
3 13, 2006 interview from counsel for Steven Avery.

4 Attorney Kachinsky also opines that the
5 public defender's letter of 8 -- of August 14,
6 2006 may have been written to, in his words, and
7 I'm quoting, maximize negative publicity, end
8 quote.

9 He points out that the decertification
10 is prospective, that means forward, and,
11 therefore, does not apply to this case. He
12 questions the state public defender's conclusion
13 that his nonappearance at the May 13, 2006
14 interview was, quote, indefensible, end quote.
15 Uh, he does this by citing to federal court
16 practices where in some instances counsel need
17 not be present during certain meetings and
18 debriefings of their client.

19 Finally, he notes that both the
20 defendant and his mother have requested that he
21 remain on the case as defendant's attorney.

22 Before I talk to Mr. Kachinsky, uh, I
23 would like to point to, uh, one thing. I would
24 like to correct his assertion on page three of
25 the affidavit where he says, referring to the

1 May 13 interview, quote, however, the information
2 provided did not appreciably increase the
3 strength of the State's case against Dassey. The
4 Court made such a finding on June 2, 2006 when it
5 denied the State's motion to increase the amount
6 of the bond, end quote.

7 The Court made no such finding on, uh,
8 June 2, 2006. What the Court found -- And the
9 Court has not seen the interview nor read a
10 transcript of it. But what the Court found was
11 that the interview may have changed the texture
12 of the case. I think it was the -- the special
13 prosecutor's point that the interview as well as
14 some additional evidence that had been educed,
15 uh, since March 1 had, in effect, and he didn't
16 say this but I will, made a good case better.

17 Uh, I believe I said, and I reviewed the
18 transcript, that the -- I thought that the -- the
19 interview of May 13, based on what I saw in the
20 special prosecutor's petition supporting his
21 motion to -- to increase bail, may have changed
22 the texture of the case but the case
23 qualitatively remained the same. The same crimes
24 were charged and the same penalties applied to
25 the crimes that were charged.

1 I should point out that Mr. Kachinsky,
2 uh, supplemented his affidavit with a curriculum
3 vitae of his investigator. Additionally, he
4 supplemented that with an affidavit from the
5 investigator which I received by fax yesterday.

6 Now, I'm going to ask you,
7 Mr. Kachinsky, have I accurately summarized your
8 motion and affidavit?

9 ATTORNEY KACHINSKY: Uh, yes, Your Honor,
10 you have.

11 THE COURT: Is there anything -- Uh, you
12 better turn your mike on. I --

13 ATTORNEY KACHINSKY: Uh, yes, Your Honor,
14 the Court --

15 THE COURT: Hit the button.

16 ATTORNEY KACHINSKY: There we go.

17 THE COURT: Yeah.

18 ATTORNEY KACHINSKY: Uh, the Court's --
19 uh, Court's summarization, uh, is accurate, yes.

20 THE COURT: Is there anything that you wish
21 to add today?

22 ATTORNEY KACHINSKY: Uh, yes, Your Honor, I
23 would. Um, and in particular, uh, regarding item
24 number ten on page five, wishes of -- of the
25 defendant and his mother, uh, at the time that this

1 was composed and written, I had spoken to Mr. Dassey
2 last Friday and also last -- and also to his -- him
3 and his mother, uh, Sunday, uh, at that time that
4 was their wishes that I remain on the case.

5 Uh, subsequently, uh, yesterday morning
6 approximately 11:00 or so I received a call from
7 TV-11 indicating that there had been a phone call
8 they had received from Barbara Janda indicating
9 that they had changed -- or at least that Barbara
10 Janda had changed her mind as to what, uh,
11 Brendan wished to do regarding my continued, uh,
12 representation. Uh, they came to my office to
13 play the tape and, indeed, uh, according to the
14 Barbara Janda tape I listened to, uh, she no
15 longer believed -- or at least stated the same
16 thoughts on that issue as she did on the evening
17 of, uh, Sunday.

18 So, that -- that appears to have
19 changed. I briefly spoke to Barb Janda, uh, just
20 before court and she confirmed nothing had
21 changed since yesterday. I've not, uh -- And
22 I -- excuse me -- just spoke, to, uh, Brendan a
23 couple minutes ago and he also indicated that
24 he'd changed his mind since, uh, we spoke on
25 Friday and Sunday of last week. So that has

1 changed.

2 Um, as a result of that, Your Honor, um,
3 as to what my personal wishes are in the case,
4 uh, frankly, I was willing to continue on with
5 this case, and without a lot of vehement, uh,
6 objection, uh, prior to that incident, uh, if
7 Brendan Dassey had confidence in me, uh, as his
8 attorney, I was more than willing to continue in
9 spite of all the, uh, hubbub, um, in the media
10 and with the State Public Defender's Office and,
11 uh, everything else.

12 However, in light of Mr. Dassey's wish,
13 uh, to get a new attorney, uh, that changes my
14 position. I think in a case, uh, as serious as
15 this, that, um, Mr. Dassey should, uh, have an
16 attorney that he has, uh -- has confidence in.

17 In addition, it's unreasonably dis --
18 difficult from my standpoint to, um, effectively
19 represent a client whose mind on various issue
20 changes, um, as often as Mr. Dassey's, uh, does,
21 and I believe it would probably, in light of
22 that, be in his best interests now, uh, to, uh,
23 get a new attorney even though I feel my
24 representation has been, uh, certainly adequate
25 in a constitutional sense and, uh, up to and

1 including more recent, uh, motions that have been
2 filed that he asked me to.

3 But because, uh, he now wishes me to
4 withdraw and because, whatever the cause might
5 be, it might be loss of confidence caused by the,
6 uh, State Public Defender letter or whatever,
7 that I think it would best that he start over
8 with a new attorney. The Court, of course,
9 decides contrary, uh, that's -- that's the
10 Court's prerogative. But that's my personal
11 desire.

12 THE COURT: All right. Would you give
13 Mr. Dassey the microphone, please? Mr. Dassey, you
14 were here on May 26, 2006 and June 2, uh, 2006, and
15 each of those times I asked you if you wished to
16 have new counsel appointed for you. On each of
17 those occasions you said, yes. Do you remember
18 that?

19 THE DEFENDANT: Yeah.

20 THE COURT: Uh, Mr. Kachinsky, in his
21 affidavit, says at the time at least that the
22 affidavit was constructed that you wished him to
23 remain on the case. Was that true?

24 THE DEFENDANT: Yeah.

25 THE COURT: Uh, he also says that you may

1 have changed your mind. So, I'm going to ask you,
2 what is your wish as of today?

3 THE DEFENDANT: That I want him off the
4 case.

5 THE COURT: You remember you and I had a
6 discussion of that on June 2? I asked you a number
7 of questions? You recall that?

8 THE DEFENDANT: Yeah.

9 THE COURT: Is there any particular reason
10 that you want him off the case?

11 THE DEFENDANT: That I think he's not
12 helping me very much.

13 THE COURT: Are you telling me that you
14 don't think he is rendering you the assistance you
15 think you ought to be getting?

16 THE DEFENDANT: Yeah.

17 THE COURT: Do the two of you still get
18 along?

19 THE DEFENDANT: Yeah.

20 THE COURT: Any arguing? Fighting?

21 THE DEFENDANT: No.

22 THE COURT: Does he listen to you when you
23 tell him something?

24 THE DEFENDANT: Yeah.

25 THE COURT: Was there anything about the

1 letter from the public defender -- Did you see that
2 letter incidentally?

3 THE DEFENDANT: Yeah.

4 THE COURT: And someone talked to you about
5 it? Was there anything about that that upset you?

6 THE DEFENDANT: No.

7 THE COURT: That -- that wasn't a -- a
8 cause for upset, huh?

9 THE DEFENDANT: No.

10 THE COURT: Basically, you think that he
11 isn't acting in your best interest? And I don't
12 want to put words in your mouth. But is -- Uh, let
13 me rephrase that. Do you think he's acting in your
14 best interests?

15 THE DEFENDANT: I don't get what you're
16 saying.

17 THE COURT: Okay. Do you think he's on
18 your side?

19 THE DEFENDANT: Not really.

20 THE COURT: And that's because he doesn't
21 listen to you?

22 THE DEFENDANT: Well, he listens to me
23 but --

24 THE COURT: Doesn't do what you want him to
25 do?

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THE DEFENDANT: Yeah.

THE COURT: All right. Mr. Kratz, at this stage is there anything that you wish to add to the record?

ATTORNEY KRATZ: Your Honor, as I previously, uh, noted to the Court, I think the record, uh, needs to, uh, include the fact that, uh, decertification by the public defender's, uh, office, if, in fact, uh, that occurs, that, of course, can be withdrawn. But, if, in fact, that is the result, uh, does not amount to any, um, ineffective assistance, at least from a -- a constitutional, um, basis, we'd certainly need to have an outcome before that could ever be determined.

This Court also is aware that, uh, regarding the appearance of propriety, that is, if the Court, uh, decided to act under its supervisory authority, uh, that the State, uh, was requesting, uh, an evidentiary hearing, not only as to the circumstances surrounding the taking of the, uh, May 3, uh, statement, um, but what investigation, if any, the State Public Defender, uh, performed in coming to their, uh, indefensible representation conclusion.

1 Uh, also that, uh, this Court
2 understands the State's concern as to
3 Mr. Kachinsky's performance, or the appearance of
4 his performance, having an implication on the
5 admissibility of that, uh, May 13 statement, this
6 Court understands that we will need a hearing,
7 um, regardless, on, uh -- on that particular
8 issue.

9 And so, um, I now hear Mr., um, Dassey,
10 uh, although not citing any specifics as to what
11 Mr. Kachinsky won't do for him, uh, hear his, um,
12 stated belief that Mr. Kachinsky is not on his
13 side. It is the defendant's, uh, Sixth Amendment
14 right, after all, and obviously if this Court is,
15 uh, persuaded that Mr. Dassey's making this
16 decision, uh, of his own free will, that it's
17 freely, voluntarily, without, uh, coercion or,
18 um, anything along those lines from family
19 members or outside influences, then the Court
20 certainly is free to grant, uh, Mr. Dassey's
21 request and, in turn, Mr. Kachinsky's, uh, motion
22 to withdraw. Other than that, Judge, the State
23 has no further position. Thank you.

24 THE COURT: All right. I -- I believe I
25 understands -- understand the State's position. I'm

1 not necessarily sure -- In fact, I don't agree with
2 it. I don't agree with the position the State has
3 with respect the evidentiary hearings on this
4 matter. Uh, I do understand that, uh, most, if not
5 all, ineffective assistance of counsel motions
6 are -- are held after the matter is over so there is
7 a result that one looks at. But I think we have
8 something a little bit different here.

9 Uh, Counsel is, of course, correct. The
10 Sixth Amendment to the U.S. Constitution, as well
11 as Article I, Section VII of the Wisconsin -- the
12 Wisconsin Constitution guarantee a defendant,
13 such as Mr. Dassey, in criminal cases the right
14 to counsel.

15 Uh, the U.S. Supreme Court, in a case
16 called *Wheat v. The United States*, at 486 U.S.
17 153, specifically at page 159, said, while the
18 right to select and be represented by one's
19 preferred attorney is comprehended by the Sixth
20 Amendment, the essential aim of the amendment is
21 to guarantee an effective advocate for each
22 criminal defendant rather than to ensure that a
23 defendant will be inexorably represented by the
24 lawyer whom he prefers. End of the quote.

25 Now, *Wheat* was a case involving a court

1 overriding a defendant's desire for a specific
2 person as counsel. Incidentally, a privately
3 paid, uh, attorney. It has a different factual
4 context than the case that is before us today.

5 Nonetheless, I believe in the body of
6 the case it identifies a number of the courts'
7 and this Court's institutional concerns.

8 Concerns which I believe are applic -- applicable
9 here despite the factual differences in the
10 cases. Uh, those concerns are -- are synthesized
11 or brought together in a Wisconsin case called
12 **State v. Love** at 227 Wis. 60 at, uh, page 81 and,
13 uh, it says as follows:

14 First, the court's institutional
15 interest is in ensuring that criminal trials are
16 conducted within the ethical standards of the
17 profession.

18 Second, the court's institutional
19 interest is in ensuring that legal proceedings
20 appear fair to all who observe them.

21 Third, a court's institutional interest
22 is that the court's judgments remain intact on
23 appeal and be free from future attacks over the
24 adequacy of the waiver or fairness of the
25 proceedings.

1 This Court has previously denied this
2 defendant's request to replace Attorney Kachinsky
3 because the Court did not believe good cause had
4 been shown as required by law.

5 Uh, if we remember back to the June 2
6 hearing, I alluded to a case called **State v.**
7 **Wanta** at 224 Wis. 679, specifically at, uh, page
8 703, which enumerated some examples of good cause
9 that would permit the -- permit the substitution
10 of counsel. Attorney incompetency, conflict of
11 interest, irreconcilable differences, complete
12 breakdown in communication.

13 Now, these are just illustrations.
14 These are not an exhaustive list of what
15 constitutes good cause. But it has to be said
16 that the same showing of good cause is required
17 if the client is seeking to replace appointed
18 counsel or appointed counsel is asking to
19 withdraw from the case.

20 Appointed counsel in cases such as this,
21 and, uh, I'm sure Attorney Kachinsky is well
22 aware of that, can only be relieved of his
23 obligation to defend this defendant if good cause
24 is shown.

25 Here, we have appointed counsel who has

1 lost his public defender certification to accept
2 appointments in Class A through D felonies.
3 Categories in which two of the charges against
4 this defendant fall.

5 Admittedly, this is a prospective
6 decertification, not applicable to this case and
7 subject to Mr. Kachinsky's right to appeal.
8 Nonetheless, and I think this is -- this is the
9 overarching point, it is for actions that took
10 place in this case. He allowed his 16-year-old
11 client, who previous testimony has disclosed to
12 have cognitive ability within borderline to below
13 average range -- range to be interviewed by law
14 enforcement officials without his attorney
15 present.

16 While Mr. Kachinsky sent his
17 investigator with Mr. Dassey on May 13, 2006 to
18 the interview and made himself available by cell
19 phone, that is not in this Court's opinion
20 enough. He is the lawyer for Mr. Dassey. This
21 is a major case. His client is a young man with
22 intellectual deficits. Attorney Kachinsky should
23 have in the course of his representation of
24 Mr. Dassey been there with his client.

25 The Court believes that Attorney

1 Kachinsky's failure to be present while his
2 client gave a statement to investigators, a
3 statement which, according to the special
4 prosecutor's petition filed May 17 supporting his
5 motion to increase bail, provided new information
6 to authorities on the crimes charged here, I
7 believe that constituted deficient performance on
8 Attorney Kachinsky's part. This performance,
9 coupled with the subsequent State Public Defender
10 certification, raises at the least a threshold
11 question of confidence and puts any further by --
12 representation by Attorney Kachinsky of
13 Mr. Dassey under a cloud of uncertainty. This is
14 not the kind of assistance of counsel a defendant
15 should have.

16 I believe the reasons he gave for not
17 being at the interview are insufficient to excuse
18 his presence. His duty in this case in these
19 circumstances was to his client and is to his
20 client.

21 Moreover, whether or not his failure to
22 appear was reported to the State Public Defender
23 by some other attorney inv -- involved in a
24 companion case is neither here nor there. It is
25 his actions about which we are concerned, not who

1 reported them.

2 The Court believes that this episode
3 constitutes good cause for withdrawal and,
4 accordingly, I will grant his motion to withdraw.

5 Additionally, the Court believes
6 Attorney Kachinsky -- Kachinsky's withdrawal is
7 necessary to assure the entire proceeding be
8 viewed as fair and trying to ensure that we can
9 maintain public confidence in the administration
10 of justice and the fair administration of
11 justice.

12 Let me go back again to -- to one of the
13 institutional concerns I mentioned in conjunction
14 with ***Wheat v. The United States:***

15 That is the third concern. A court's
16 institutional interest that the court's judgments
17 remain intact on appeal and be free from future
18 attacks over the adequacy or fairness of the
19 proceedings.

20 If this case has to be tried, I want to
21 do my level best to make sure that it is tried
22 only once. The prosecution, the defense, the
23 families involved, the system deserve no less.
24 Accordingly, I -- as I have said, I'm going to
25 grant Mr. Kachinsky's motion to withdraw. The

1 Court proposes to prepare the order and I'll have
2 staff notify the State Public Defender's Office.
3 Anything further for this afternoon, gentlemen?

4 ATTORNEY KRATZ: Just how that may
5 implicate the, uh -- the trial and change of venue
6 dates, Judge. I don't know, um, how the State, uh,
7 may particularly may be, um, included in the, um,
8 decision to, uh, appoint new counsel or how this
9 Court, uh, will be informed of that. I assume we
10 will need some kind of a scheduling, uh, conference,
11 uh, very soon thereafter.

12 THE COURT: Mr. Kachinsky?

13 ATTORNEY KACHINSKY: Uh, Your Honor, one
14 problem that always seems -- occurs in, uh,
15 withdrawal of counsel from cases is getting the
16 file to successor attorney. Uh, if Mr. Dassey
17 would, uh, consent on the record, I can just do
18 that and not have to require the new attorney to
19 go through the paperwork shuffle that --

20 THE COURT: All right. Mr. Dassey, do you
21 understand what Counsel has said?

22 THE DEFENDANT: Yeah.

23 THE COURT: Uh, he has accumulated what I
24 would guess to be a substantial file at this point.
25 Uh, do you have any objection to having that file

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passed onto successor counsel as soon as that person is appointed?

THE DEFENDANT: No.

THE COURT: All right. Uh, I'll include that -- I'll include that in the order. And, Mr. Kratz, getting back to you just for a moment, uh, rest assured we'll have a scheduling conference the -- the -- the moment, uh, I'm alerted to whoever it is that's been appointed as successor counsel. Anything else, gentlemen?

ATTORNEY KRATZ: Nothing, Judge. Thank you.

ATTORNEY KACHINSKY: No, Your Honor.

THE COURT: All right. We're adjourned.

ATTORNEY KACHINSKY: Thank you.

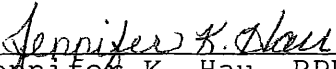
(PROCEEDINGS CONCLUDED.)

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STATE OF WISCONSIN)
)SS.
COUNTY OF MANITOWOC)

I, Jennifer K. Hau, Official Court Reporter for Circuit Court Branch 3 and the State of Wisconsin, do hereby certify that I reported the foregoing matter and that the foregoing transcript has been carefully prepared by me with my computerized stenographic notes as taken by me in machine shorthand, and by computer-assisted transcription thereafter transcribed, and that it is a true and correct transcript of the proceedings had in said matter to the best of my knowledge and ability.

Dated this 6th day of September, 2006.



Jennifer K. Hau, RPR
Official Court Reporter

