

Mark Fremgen

From: [REDACTED]
Sent: Thursday, March 22, 2007 7:53 PM
To: Fremgen@[REDACTED]
Subject: Re: Expert's report on Dassey

Mark:

The motion is fine, but I want to alert you to Kratz's anticipated response, because I overheard him say it to a reporter off the record. He claims that he prefaced the remark with something like "on this record," or "the evidence in this trial shows," that Avery was alone responsible. I don't recall that, and it may be that he intended to say that, but forgot.

There is a quick way to find out, however. Court TV has a section online called "extra" that has 4 or 5 trials at a time being recorded and archived. Even though they did not televise Avery, they recorded it and have archived all the cross, directs, and arguments of counsel. You can go back and listen to it if you have a good broadband connection and reasonably recent computer. I'm at home now and have an old computer which won't play the video player for Court TV. However, I know it works because I referenced it frequently in our trial. It was like having daily transcripts each night. You need to sign up for a free 30 day trial with a credit card for a \$5/monthly charge (which you can cancel after the trial). It will be invaluable for the trial and for situations just like this. Go to the argument heading where the "prosecutor labels defense theory absurd" and find that portion of his argument. If he forgot the preface "qualifying" the comment, or says it in a way you can still argue, then just have the court reporter prepare that small segment. Here is the link to the site:

<http://www.courtTV.com/extra/home.aspx>

Hopefully this will help you shove it up his arse!

Finally, let me know if you'd like to use Larry White, and I'll tell him its okay to switch to Brendan's case. He will not cost the SPD much because part of his work was already on our tab. He can probably finalize a report fairly quickly. One thing I noticed when I received it is he does not use, as an example of improper questioning, the sequence where they keep "asking" Brendan "what else happened to her head," then finally suggest the answer by asking "who shot her in the head?" I know he is aware of that, because we spoke about it, but just forgot to include it. I still think that is one of the strongest examples of how they fed this kid info that was not public and only the killer would know. That was very contrary to the rules of good police practice and will cause immense embarrassment when it is heard.

Jerry

In a message dated 3/22/2007 3:31:00 P.M. Central Standard Time, Fremgen@[REDACTED] writes:

Thanks for the information...I drafted a motion to try and use Ken's closing argument in our trial. I am going to file on monday. Would you take a look and give me your thoughts.

Thanks

Mark R. Fremgen
 Kindt Phillips Friedman & Fremgen, S.C.

[REDACTED]
 [REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

3/23/2007

Sent: Thursday, March 22, 2007 4:23 PM
To: fremgen@[REDACTED]
Subject: Expert's report on Dassey

Mark:

Attached is a rough draft of expert Larry White's report on Dassey's confession. We were going to use him if it came into our trial. The end part analyzing some of the questions was unfinished, but I'm sure he could complete it for you. He is an excellent witness in court, and very, very reasonable on costs. I know you have someone already, but this will be your whole defense, so two won't hurt.

There is also a rough memo on admissibility law for this kind of expert. Neither report nor memo have been really proofed, so do not distribute elsewhere.

Jerry

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3/23/2007