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# THE REPORTER

SUNDAY

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CHANCE OF SHOWERS | HIGH 73 | LOW 53 | DETAILS, 2A

USA TODAY NETWORK-WISCONSIN INVESTIGATION

## WHO'S WATCHING OVER WISCONSIN'S AMUSEMENT RIDES?

REPORTING, ENFORCEMENT LACKING; RIDES HAVE KILLED TWO AND INJURED AT LEAST 75 IN LAST DECADE

ERIC LITKE

USA TODAY NETWORK-WISCONSIN

Kay Kobussen had never ridden a roller coaster before, but a 2014 couples outing in the Wisconsin Dells seemed a good time to try something new.

The fearsome boarded the OPA "Reiter Coaster" — an indoor ride that topped out at 44 feet — at Mt. Olympus Resort, and all was well as they neared the end of the ride's numerous hairpin turns.

Then her husband flew out.

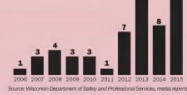
When a malfunctioning lap bar released on a turn, 63-year-old Tony Theisen was thrown from the car and struck three metal poles before landing face first on the concrete 17 feet below, a police report said. He spent three weeks in a coma with a traumatic brain injury, in addition to breaking his back, neck, wrist and toes.

"I was gone over ex-husband out in space. No longer sitting in the car," said Kobussen, who said she and Theisen divorced after his personality and temperament changed following the fall. "My life changed forever. I'm not the same person; neither is he."

See RIDES, Page 6A

**Wisconsin amusement ride injuries**

More injuries or more reporting? (Source: Data reported to the state or to local media. Data reported by operators to self-report injuries.)



(Source: Wisconsin Department of Safety and Professional Services, media reports)

**Staying safe on amusement rides**

- Follow height, age, weight and health restrictions
  - Follow seating and loading instructions — 33 percent of ride injuries nationally happen while loading and unloading (23 percent in Wisconsin)
  - Always use safety equipment such as seat belts and safety bars
  - Know your child — if you don't think he or she will follow the rules, keep him or her off the ride
  - Make sure the ride has a sticker showing the full state of Wisconsin, indicating it has both registered and been inspected
  - Watch the ride first to make sure it runs well and has motion you're comfortable with
  - Trust your instincts — if something doesn't look, sound or feel right, avoid the ride
- Source: U.S. Pediatric Injuries Involving Amusement Rides (1990-2010 Study), Amusement ride consultant Ken Martin

## New London police identify man shot

Officers killed man who drew a gun

MADELEINE BEHR

USA TODAY NETWORK-WISCONSIN

**NEW LONDON** — Officials with the New London Police Department identified a former Fox Crossing resident as the man who died in the police-involved shooting Friday afternoon in New London.

Police said Kole B. Knight, 31, drew a weapon on officers after the two officers confronted Knight who was wanted on a warrant.

On Friday morning, two New London police officers fatally shot a 31-year-old man during a confrontation on the city's southeast side.

Police Chief Jeffrey Schlaeter said the officers were on patrol in a marked squad car near the intersection of Algona and Wallace streets about 11:45 a.m. when they saw Knight.

See SHOOTING, Page 2A

## Experts say state has no case against Dassey

JOHN FERAK

USA TODAY NETWORK-WISCONSIN

While a federal magistrate has left the door open for Brendan Dassey to be tried in the death of Teresa Halbach, the loss of his confession would pose a monumental challenge for prosecutors, legal experts say.

"Without his confession being used against him, they have no case," Matt Haindak, a suburban Chicago criminal defense attorney, told USA TODAY NETWORK-Wisconsin.

The Aug. 12 ruling by Federal Magistrate William Duffin overturned Dassey's conviction. It also scuttled the prosecution's prospects of keeping Dassey in the prison system for the rest of his life. In April 2007, Dassey was found guilty of first-degree intentional homicide, sexual assault and mutilating a corpse. The trial was held in the courtroom of Manitowish County Circuit

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# local & region

## Dassey family stays quiet after ruling

### Federal judge overturned conviction last week

BY SSA BLOECHL  
LOCAL STAFF WRITER'S REPORT

**MANITOWOC** — The family of Brendan Dassey isn't saying much about his big victory in federal court.

Nearly a week after Dassey's conviction was overturned in the 2005 murder of Terence Halbach, the families of Dassey and his uncle, Steven Avery, are remaining mostly quiet.

Avery and Dassey were convicted in the murder of Halbach, 25, on the Avery family's farm adjacent to a yard near Mishicot. Avery was sentenced in 2007 to life in prison with no chance of parole, while Dassey was to become a

prisoner for parole in 2048.

Federal Magistrate William Duffin Aug. 12 ruling means Dassey will get a new trial or get released from prison. Prosecutors have fewer than 90 days to decide whether they will retry Dassey.

Dassey's cousin, Gabe Chase, declined to comment in the TODAY NETWORK Wisconsin. When contacted earlier this week, she said the family may soon release a statement.

Chase, who is also Avery's niece, tweeted a reaction to the Dassey ruling Aug. 13.

"Words cannot express how the family is feeling right now. Can't wait till both walk out thru their doors freely & come home. Affe-

intervener," Chase wrote.

She also tweeted a thank-you to supporters of both Dassey and Avery. A Facebook Live chat with Dassey's parents discussing the ruling was recorded Aug. 15, but was later removed from the social media site.

Calls to Avery's Auto Salvage were unanswered, and a call to Avery's lawyer, Kathleen Zellner, went unanswered. Zellner tweeted two comments Aug. 12 after the ruling, tagging "Making A Murderer" Twitter page.

"Brendan's DNA shows cops made up crime story. Steven will show cops made up crime evidence," Zellner said in a tweet.

Zellner's second tweet said, "Thanks for Brendan at another LE fabricated confession bites the dust. Convicting the innocent followed by unbiased court."

Family spokesman Anne McGlinchey posted a Dassey/Duchy family statement on Facebook Aug. 13.

"As spokespersons for the Dassey/Duchy families, we would like to say thank you to everyone for our continued support and love from around the world," McGlinchey's post said. "We are beyond happy and excited, and anxious to have him back! Brendan is very happy and anxious also were almost three prayers have been answered and God is great! Thanks to everyone."

Online posts from family members, including

Dassey's mom, Barbara Duchy, and cousin Chase, have been posted on Avery and Dassey family support Facebook group pages.

"I just want to thank everyone for the love and support that you all give us," Duchy wrote on Facebook. "I want to make a special announcement to thank Laura (Niederer) and Steven (Duchy) for making Brendan's release possible. And of course the federal judge."

The post accompanied a family photo with a beaming Dassey in the middle. The post had more than 90 likes, 19 shares and 26 comments, mostly in support of Dassey's overturned conviction.

One comment on the post was from Dassey's attorney, Dragan, which said, "Thank you, Barb. It's

been an honor and a pleasure to work for you and Brendan. There's more work to do but we will fight it."

Duchy set up a new GoFundMe page to help support Dassey. In six days, \$1,101 of the \$10,000 goal had been reached.

A Facebook post by Duchy also showed a photo of a 43-inch TV, PlayStation 4, basketball, game controller and games that were donated by supporters in celebration of his potential homecoming.

A charge.org petition online for Wisconsin to change juvenile interrogation laws has continued to gain support with nearly 30,000 signatures.

Alanna Bernal: 920-686-2152, email [alanna@alannabernal.com](mailto:alanna@alannabernal.com), Twitter [alannabernal](https://twitter.com/alannabernal)

### Evidence

Continued from Page 1A

in five days — unlike the trial of Steven Avery, which lasted several weeks.

Most of the testimony centered around Dassey's confession. The seer's videotaped interrogation by investigators Mark Wagert and Tom Fauschauer was played for the jury during the trial.

Wagert and Fauschauer testified that Dassey became a co-conspirator in a violent rape inside Steven Avery's trailer.

"Was he there? Absolutely. Did he help? Absolutely," Krutz told the jury in his opening statement.

"Terence Halbach got lucky. She got lucky that there was a young man who showed up. She got lucky that there was one person that could save her life. But the choices that Brendan Dassey made, the choices that he made with his uncle, connected instead of leaving. Instead of just saying, 'I'm not doing this,' he just renounced this girl, Brendan Dassey chose to rape this young girl, to involve himself in her murder and to help dispose of and mutilate this 25-year-old body."

Notable physical evidence was introduced during Dassey's trial.

A blood stain of Halbach in the cargo area of the Royal RAV4 found at Avery's salvage.

A "Amputation shells scattered around Avery's garage."

A .22-caliber Marlin rifle kept in Avery's bedroom.

Leg cuffs and handcuffs kept in Avery's bedroom.

DNA recovered from under the RAV4 hood latch.

Small droplets of blood in the front of the RAV4.

Fallon told the jury during closing arguments that Dassey "cuts her throat right across here above the Adam's apple."

He also chooses to help carry her to the garage.

He chooses to help uncut off to hold her down while uncle Steve ties her up. He helps carry her to the garage."

But the physical evidence incriminated Avery — not necessarily Dassey, several lawyers told the USA TODAY NETWORK Wisconsin jury.

Based on the wording in his ruling, Duffin agreed.

"In closing argument, Dassey's attorney highlighted the complete absence of any DNA evidence connecting Dassey to the crimes despite extensive testing and much evidence connecting Avery to the offenses," the magistrate said. "For example, Halbach's blood was not found in Avery's bedroom as would be expected if Halbach had been stabbed and had her blood been at the scene. Dassey said had happened."

One of Fallon's key prosecution witnesses was Dassey's uncle, Steven Avery. But even Avery's testimony proved to be dubious, raising doubts about the prosecution's version of events. Kayla Avery's testimony was also singled out during the "Making a Murderer" series.

"What did Brendan tell you about the fire?" Fallon asked.

"He didn't tell me anything. I kind of made up the statement. And I'm sorry," Kayla Avery testified.

"Tell us what you said you made up?"

"That he saw body parts in there. He didn't tell me anything like that, or he didn't see Terence's body or anything like that."

"You also told the officers that Brendan told you he saw Terence alive and pinned up, didn't you?"

"No."

Rob Bellin, a Neenah attorney who has followed the Halbach murder case over the years, said Duffin's decision to overturn Dassey's conviction on a federal habeas corpus appeal is a "once in a blue moon for anybody."

Such rulings are

quashed in the federal system at least 99 percent of the time, Bellin said.

Bellin doubts the Department of Justice would retry Dassey. He expects the DOJ will appeal Duffin's decision. That will be by time to perhaps strike a plea agreement with Dassey and his legal defense team led by Laura Niederer and Steven Drizin of Northwestern University's Center on Wrongful Convictions.

Bellin said the DOJ could offer to release Dassey from prison and give him credit for time served if Dassey pleads guilty to a lesser crime, such as manslaughter, he was 16. He had no prior criminal history at the time of his arrest in the Halbach murder.

Halbach also suggested the DOJ may attempt to strike a deal that diminishes the three criminal charges, but obligates Dassey to testify against Avery if Avery wins a retrial in his upcoming court of appeals.

He said the DOJ is not in the forward position. DOJ officials have to take into account that there's overwhelming public support and belief in Dassey's innocence as a result of the "Making a Murderer" series.

Dassey on Oct. 31, 2005, an 18-year-old man, when he left, leaving Dassey alone in the house," Duffin wrote.

"Dassey's brother's boss also identified the address of the Dassey residence on Oct. 31, 2005, at about 6 p.m., and spoke with Dassey."

Dassey will likely remain incarcerated as his case remains bogged down in the appeals process.

"I would not be surprised if it gets appealed and ended up with a petition for review to the U.S. Supreme Court," Edelson said. "I totally agree with the Duffin decision. I just don't see how, without the confession, there's any way to retry it."

Halbach said he studied the Dassey confession and "what the kid is saying is so far from the truth it's preposterous."

He said the DOJ's chances of getting the Seventh Circuit appeals court to overturn Duffin's ruling are slim.

"I would be shocked if any appeals court overturned the ruling," he predicted.

John Frank of USA TODAY NETWORK Wisconsin — 920-993-7115 or [johnfrank@usdn.com](mailto:johnfrank@usdn.com), on Twitter [johfrank](https://twitter.com/johfrank)

Complicating matters for the prosecution is the reality that two of the three trial prosecutors with a vested interest in Dassey's guilt are no longer in office.

Coutmet County District Attorney Ken Krutz resigned from office after a scathing scandal and Milwaukee County Assistant District Attorney Norm Gahn has retired.

The prosecutor's boss, Gabe Chase, was named as an assistant attorney general after most recently working for Dane County. In 2007, Fallon handled the closing arguments during Dassey's trial and questioned some of the witnesses.

The prosecution finished presenting its case

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