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ONE NATION

Each week, this series will introduce you to an exceptional American who unites, rather than divides, our communities. In this installment, read about TK Moc, of Silverdale, Washington, who with his wife, Beth, helps students from Asia find fellowship and improve their English. **Page 3B**

THE REPORTER

SUNDAY
JUNE 25, 2017 | FDLREPORTER.COM | PART OF THE USA TODAY NETWORK
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'A JOB FOR ALL OF US'



Keynote speaker Dr. Buck Blodgett spoke about the murder of his daughter Jessie, pictured on the screen. She was killed at age 19 in Hartford.

TAIMA KERN
USA TODAY NETWORK/INTECH

FOND DU LAC - In 2013, Dr. Buck Blodgett's 19-year-old daughter was raped and murdered. Jessie's story, a mystery for a few days, made national headlines and put the spotlight on their town, Hartford, for a little while.

"Three years, 11 months, six days ago, Monday morning, about 9 a.m., joy, my wife, was at work. I was at work, and our 19-year-old daughter Jessie was home alone, sleeping in her bed," Blodgett said.

He then described the assault in plain language, void of euphemism or minimizing.

Blodgett presented Jessie's story to more than 70 women and a few men Wednesday morning at the University of Wisconsin-Fond du Lac.

He served as the keynote speaker at "Understanding the Impact of Violence Against Women and Girls," a community education event hosted by a partnership between Fond du Lac Area Women's Fund, ASTOP Solutions Center, the Fond du Lac Police Department and Agnesian Domestic Violence Services.

"I don't have my daughter any-

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Fond du Lac Police Department Lt. Tony Hahn is a member of the Domestic Violence Intervention Team in Fond du Lac.

Incidents and arrest rates

The Wisconsin Department of Justice's 2012 Domestic Abuse Incident Report identified the following number of incidents and percentage of arrests in area counties, listed in order of population size. For counties with fewer than 25,000 residents, arrests are listed as total rather than as a percentage.

The report defines domestic abuse, via Wisconsin Statutes s. 968.075, as the intentional infliction of physical pain, injury or illness, intentional impairment of physical condition, sexual assault, or a physical act that causes the other person to reasonably fear that any of these actions will occur.

- **Outagamie:** 788 incidents; arrest rate 85.7 percent; population 178,150
- **Winnebago:** 717 incidents; arrest rate 88.7 percent; population 167,703
- **Fond du Lac:** 388 incidents; arrest rate 81.6 percent; population 101,935
- **Dodge:** 338 incidents; arrest rate 63.8 percent; population 88,662
- **Calumet:** 134 incidents; arrest rate 54.4 percent; population 69,168
- **Green Lake:** 81 incidents; 49 arrests; population 48,106



Brendan Dassey appears in court April 16, 2007, at the Marquette County Courthouse in Marquette.

Dassey seeks release from prison in wake of appeals court ruling

ANDY THOMPSON
USA TODAY NETWORK/INTECH

The opposing sides in the Brendan Dassey case are still waiting until the wake of Thursday's federal appeals court ruling that clearly swayed the pendulum in Dassey's favor.

His attorneys on Friday filed a motion to release Dassey from prison, while the state pledged to appeal the ruling that affirmed a conviction in the 2005 murder of Theresa Halbach, a 25-year-old photographer.

Dassey and his uncle, Steven Avery, who also is appealing his murder conviction, were the subjects of the popular Netflix docuseries "Making a Murderer," which was released in December 2015.

"There is no longer any reason to further stay the district court's order releasing Mr. Dassey," wrote his attorney Laura Nirider.

An order on Friday requires the state to respond by 5 p.m. on Monday.

Meanwhile, the Wisconsin Department of Justice intends to appeal Thursday's ruling by the Chicago-based U.S. Court of Appeals for the Seventh Circuit, which upheld the August ruling by U.S. Magistrate William Duffin in Milwaukee.

Duffin found that Dassey's constitutional rights were violated because investigators made false promises during interrogations that rendered his confession involuntary.

"While Dassey's legal team is free to file any motion they desire, Wisconsin DLU intends to seek review of Thursday's 2-1 decision by the entire Seventh Circuit Court of Appeals and by the United States Supreme Court, if necessary," Johnny Kremenec, justice department spokesman, told USA TODAY NETWORK-Wisconsin on Friday.

"Because this case is far from being concluded in the appellate courts and we are confident that Dassey's conviction

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Avery team says evidence missing

Attorney claims prosecution lost or destroyed recording of Halbach voicemail

JOHN FERAK
USA TODAY NETWORK-WISCONSIN

Attorney Kathleen Zellner is taking aim at the conduct of prosecutors and investigators in an attempt to convince a judge that convicted murderer Steven Avery deserves a new trial.

Zellner is focusing on special prosecutor Ken Kratz, Manitowish County detective Dennis Jacobs and Calumet County investigator John Dederer, who is now retired, in post-conviction court documents filed recently at the Manitowish County courthouse.

Zellner contends that someone involved with Avery's prosecution intentionally lost or destroyed a crucial audio recording of murder victim Teresa Halbach's voice from her last day alive.



Calumet County District Attorney Ken Kratz gives his closing arguments in the Steven Avery trial on March 14, 2007.

Shortly after 2 p.m. on Oct. 31, 2005, Halbach left a voicemail message on the home answering machine of George and Joellen Zipperer, an older couple living north of Manitowish. The couple lived about 10 miles from Avery's home.

The CD of Ms. Halbach's voicemail recording on the Zipperer answering machine was never turned over to trial defense counsel and has allegedly disappeared," Zellner wrote in her recent post-conviction filing, asking Sheboygan County Judge Angela Turkewicz to grant Avery a new trial.

"Clearly, the destruction and concealment of Ms. Halbach's voicemail message to the Zipperers leads to the reasonable conclusion that her voicemail refused Mr. Kratz's timeline and so it was concealed from trial defense counsel," Zellner wrote.

Kratz did not respond to USA TODAY NETWORK-Wisconsin's request seeking comment on several allegations contained within Zellner's motion. She accuses Kratz of prosecutorial misconduct, claiming he violated Avery's right to a fair trial more than a decade ago.

If Zellner can prove at least one "Brady violation" occurred, the judge will typically overturn the conviction and order a new trial, said David Medved, a law professor at Northeastern University in Boston.

A Brady violation is defined as the prosecutor's failure to disclose evidence to the defense team, depriving a criminal defendant of a fair trial.

"It's a rule that's designed to even the playing field because prosecutors typically have all the power in having access to information," Medved told USA TODAY NETWORK-Wisconsin this week.

Uncovering a Brady violation on the issue of whether Halbach left the Avery property alive would be vitally important, he added.

"That would be very strong evidence," Medved said. "In theory, evidence suggesting that Teresa Halbach was somewhere other than the Avery compound could be compelling evidence."

Zellner has accused Kratz of committing four Brady violations as part of his quest to convict Avery and his nephew Brendan Dassey.

Missing CD of Zipperer voicemail message

Zellner determined the answering CD was made after a second visit to the Zipperers' home by Jacobs and Dederer.

"Suspiciously, Mr. Kratz never played the recording of the 2:12 p.m. voicemail for the jury," Zellner stated in her 1,250-page post-conviction motion. "It is reasonable to conclude that Mr. Kratz concealed the 2:12 p.m. voicemail because it confirmed that the Zipperers' residence was Ms. Halbach's last stop."

To bolster her contention, Zellner has provided the judge with a recorded phone conversation from the morning of Saturday, Nov. 5, 2005, involving Calumet investigator Mark Wisgart and Manitowish County Detective Dave Remiker.

In that conversation, they concluded that Ms. Halbach's first appointment was with Mr. (Steven) Schmitt, her second appointment was with the Averages and her third appointment was with the Zipperers," Zellner stated.



Although the end of Kiss Road has a cul-de-sac, there is a nearby conveyor road that allows heavy trucks into the back of Radandt's quarries.

"Obviously, Investigator Wisgart and Detective Remiker based their conclusion on the Zipperer voicemail left by Ms. Halbach, which was listened to by investigators on Nov. 3, 2005 at the Zipperer residence."

On the night of Nov. 3, 2005, hours after Halbach's mother reported her daughter missing.

Dederer, Remiker and Manitowish County Sgt. Andrew Colborn drove out to question the Zipperers. "I did review the voicemail messages from Teresa Halbach indicating that she was calling on Monday about 2:15 p.m.," Dederer stated in his report.

Then on Nov. 6, 2005 — the day after Pam Sturm spotted the

RAV4 on the Avery property — Jacobs and Dederer returned to the Zipperer home a second time.

"It should be noted that this voice mail message or answering machine message was subsequently copied by Detective Jacobs on Sunday, Nov. 6, 2005," Dederer stated.

Jacobs, however, produced no written reports to document any of his investigative activities during the entire eight-day homicide investigation related to the Avery Salvage Yard, even though Jacobs was one of the minutemen. Jacobs has been a member of his agency's detective unit since around 2000.

This April 30, Assistant Attorney General Tim Fallon advised Zellner that "neither Calumet County nor the Manitowish Sheriff's Departments have been able to locate the CD of Ms. Halbach's voicemail left on the Zipperer answering machine."

Zellner told USA TODAY NETWORK there was no apparent chain of custody evidence

log for the CD made by Jacobs.

Here are the other instances of suspected Brady violations, as outlined by Zellner:

Concealing fuel levels from Halbach's RAV4

Halbach bought a full tank of gas less than 48 hours before she vanished. Her RAV4 had a fuel capacity of 15.2 gallons, Zellner noted. "Mr. Fallon has confirmed on April 20, 2017 that the State failed to determine and document the gas level remaining in Ms. Halbach's vehicle when it was discovered on the Avery's property. Clearly, the State did not want the mileage revealed because it would have completely refuted its theory that Ms. Halbach was killed on the Avery property and demonstrated that Ms. Halbach and her car were driven many more miles after she left the Avery property."

This week, Zellner told USA TODAY NETWORK, "the fuel pretty confident that an extra 100 miles were put on the vehicle

after she left Avery's. That's why the fuel level was that critical" for Avery's lawyers Dean Strang and Jerry Buting to have had access.

Unsettled flyover video of Avery Salvage Yard

The day before Halbach's missing RAV4 turned up on the far corner of the Avery's property, Calumet sheriff Jerry Pappert and investigator Wendy Baldwin conducted a long flyover search, equipped with a video camera to record the event.

"Wendy Baldwin and Sheriff Pappert were in the air for around four hours, yet the State produced only three minutes of footage," Zellner stated. "Mr. Kratz saw the unsettled flyover video and knew that the RAV4 was not there at that time, but knew that the State's case might fall if the RAV4 was not present before 6 p.m. on Nov. 4. The video was intentionally edited to conceal the fact that the RAV4 was not present at the time of the flyover on Nov. 4, 2005."

Concealed the RAV4 was planted on Avery's property

Josh Radandt, operator of the adjacent quarry, furnished Zellner a sworn affidavit indicating someone used his property to move the victim's RAV4 onto Avery's property. "I was told by the Department of Justice agents that they believed Teresa Halbach's vehicle was driven to the Kiss Road cul-de-sac ... past my hauling camp and rocking an intersection with a gravel road that ran northwest into the Avery property," Radandt stated, adding that several police scent tracking dogs intensely focused on several locations roughly a half-mile away from Avery's property.

According to Zellner's filing, "DOJ investigators never authored a report documenting their conversations with Mr. Radandt about the RAV4 being driven from his property and planted on Mr. Avery's property. Mr. Kratz did not call Mr. Radandt as a witness at Mr. Avery's trial."

No court dates have been set in connection with the motion filed by Zellner.

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Dassey

In addition to appealing Thursday's ruling, the state has the option of re-arguing Dassey for Halbach's murder.

for rape and murder will be upheld, there is no avenue for him to be released at this time."

Issues at the appellate level

There's no guarantee that the Seventh Circuit or the U.S. Supreme Court will hear an appeal of the Dassey ruling, said Michael O'Hear, professor of law at Marquette University Law School.

"We will probably know if there is going to be (Seventh Circuit) review within about two or three months.

The Supreme Court will likely take a little longer to decide if it wants to take the case, perhaps six to 12 months.

"Usually, requests for further review are denied. The odds here are somewhat increased by the fact that there was a dissenting

judge in the original three-judge panel."

O'Hear said the issues involved in the Dassey case make it hard to say what might happen at the appellate level.

"Normally, I would expect further review of any Seventh Circuit deci-

sion, but there are some aspects of this case that make predictions about what happens next especially difficult," he said.

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