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Was Steven Avery framed? The debate rages on

JOHN FERAK
100 TIMES REPORTER WISCONSIN

MANITOWOC—Would a tightly connected group of small-town cops fabricate multiple clues to frame Steven Avery for murder? Many of those who are convinced of Avery's guilt in Teresa Halbach's death scoff at the notion of evidence being planted. Critics of Avery's trial lawyers suggest it would be impossible to pull it off.

To them, police officers would never engage in such reprehensible conduct. "Obstruction of justice, that's felony behavior," special state prosecutor Tom Fallon argued in the courtroom in 2007. "Misconduct in office for a police officer, tampering with evidence, the list goes on and on. I'm going to risk my career over that I think not."

On the other side are those who believe that ev-

idence-planting in Avery's case isn't far-fetched. No more than a half-dozen law-enforcement people may have been involved in a scheme to frame Avery, and evidence-planting doesn't require a wide-ranging, far-reaching conspiracy, they say.

Lawyers Jerry Buting and Dean Strong suspected four sheriff's employees at Manitowish County were involved in an evidence-planting scheme against Avery, several court transcripts show. Two were detectives James Lenk and Dave Remiker. The others were then-Sheriff Ken Petersen and Sgt. Andrew Colborn.

The prosecution objected, arguing Avery should not even be allowed to raise an evidence-planting defense. In the end, the judge allowed the defense to proceed, but restricted it for trial purposes to Lenk and



Manitowish County Sheriff's Department investigator David Remiker said he was Steven Avery's trailer for about five minutes and did not find any sign of Teresa Halbach when investigators first began their probe into Teresa Halbach's disappearance, testimony at Calumet County Courthouse on Feb. 21, 2007, in Calton, Wis.

Colborn, two of the primary evidence technicians who interviewed Avery on separate occasions in early November 2005.

"It's not a huge number of people," Buting recently told USA TODAY NETWORK-Wisconsin. "The whole idea is that you need to take almost the whole department in to make sure that the history of planting of law enforcement cases that have been documented."

Between 2000 and 2012, there were at least 169 cases of police officials around the country who were charged with evidence tampering crimes, said Phillip Simon, a Bowling Green State University criminal justice professor. At least 34 involved violent crimes such as homicides, he said.

"It's not a huge number," Simon said. "I believe we're dealing with here are experts, but that being said, I always wonder if we're just dealing with the tip of the iceberg."

This past June, an ex-Kenosha officer was given probation after pleading guilty to felony misconduct in office as part of an evidence-planting scandal. In 2014, officer Kyle Baars, a three-year officer, planted a murder suspect's identification card and a 22-caliber bullet inside of a backpack that Baars found inside the suspect's house during a police search. Baars kept quiet about his misconduct for several months before confessing to a detective.

Avery's post-conviction lawyer, Kathleen Zellner, has identified Lenk and Colborn in court documents as being her main targets of suspected police corruption. Zellner won't say whether she is also exploring others as well.

"Show me the evidence he was framed. There is

not going to be any. It didn't happen," Sheriff Rob Herrmann told USA TODAY NETWORK-Wisconsin after last December's release of the docu-

mentary "Making a Murderer." "I don't know why anybody in law enforcement would want to get him off," he said. "That makes no sense."

Zellner faces an uphill climb in connecting the dots of her evidence-planting theory, Simon said. "It's already 11 years," he said. "These are cases that are damn near impossible to win when you're dealing with post-conviction appeals. It's very difficult. But that said, these kinds of proceedings have unearthed a number of examples of a police conspiracy to set somebody up."

On Dec. 4, Zellner entered her name, that 170,000 social media followers by tweeting that the cops planted evidence against Avery — just in the way that Avery's trial lawyers theorized. USA TODAY NETWORK-Wisconsin has revisited details behind the evidence-planting theory raised at Avery's trial, along with Zellner's court transcripts. She is now in the process of having nine pieces of evidence returned by independent scientists.

If Zellner uncovers proof of evidence-fabricating, it's more likely that a small number of people were engaged in misconduct rather than dozens.

USA TODAY NETWORK-Wisconsin found there was a tendency of Manitowish and Calumet counties to selectively reprocess a room, a garage or a vehicle — even after that location underwent an extensive evidence search previously.

It became a recurring pattern in the murder cases against Avery and his nephew Brendan Dassey that when a follow-up

search was ordered, new forensic clues would emerge.

RAV4, AVERY'S BLOOD
Summary: Discovered on Saturday, Nov. 5, 2005, by volunteer searcher Pam Sturm in the corner of Avery's Salvage Yard. The day before, then-Calumet County Sheriff Jerry Paged and investigator Wendy Baldwin flew over the salvage yard and, by quaries but did not locate the vehicle at Avery's, reports show.

Working theory: Manitowish County found the Halbach vehicle two days earlier, and moved it to Avery's property late at night on Nov. 4. On Nov. 3, 2005, Officer Colborn discovered the victim's vehicle and called dispatch, on a personal line, to confirm the court filings. On November 3, 2005, according to the Manitowish County Sheriff's Department reports, Ms. Halbach's vehicle was seized.

Zellner contends that someone else, perhaps Lenk, was with Colborn at the time he called dispatch. In the audio recording of Colborn's call, a man's voice can be heard shouting in the distance: "the car's here!"

When Sturm found the vehicle, the license plates were gone. Doors were apparently locked. The car battery was disconnected. If cops were planting blood and putting the vehicle at Avery's, they would take one of the Averages would recognize it and try to move it.

Mr. Avery contends that the blood evidence planted in Ms. Halbach's car by law enforcement officers is the only evidence of the vehicle on the Avery property. On November 5, 2005, two days prior to being planted on the Avery's property, Zellner wrote in court documents: "Either Officer Lenk and Officer Colborn were connected to the discovery of each item of evidence."

LICENSE PLATES
Summary: The entire salvage yard — roughly 4,000 vehicles — was searched for signs of Halbach during daylight on Sunday, Nov. 6. No significant clues were found. Early the next morning, Colborn and Lenk went back and rechecked a number of vehicles that were missed the day before. The following day, the coronial staff ordered that the massive junkyard be rechecked by the team of volunteer firefighters and Wisconsin state troopers. This time, a Britton volunteer firefighter alerted others to Halbach's crumpled license plates in the back seat of an old station wagon.

Working theory: Colborn's license plate number, Zellner wrote in court filings. On November 3, 2005, according to the Manitowish County Sheriff's Department reports, Ms. Halbach's vehicle was seized.

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SPARE KEY
Summary: Calumet County 15-year-old son reported that deputy Dan Kacharski, Colborn and Lenk return to Avery's trailer to re-check for evidence — even though the trailer had undergone a 24-hour search involving Colborn, Lenk, Remiker and Calumet Sgt. Bill Tyson three days earlier. Kacharski's reports indicate they entered the trailer at 8:25 a.m. His report doesn't say what time they found the key. "We all believe the key was discarded from the back of the cabinet as we re-tying up and hanging the magazines and binder in and out of the cabinet," Lenk wrote in his report. From there, the key was sent to the state crime lab. There, analyst Sherry Culbasse revealed it contained a full DNA profile for Avery. Prior to the key's discovery on the fourth day of the massive police presence of Avery's salvage yard, authorities had found no forensic evidence inside Avery's trailer or in his directly to Halbach's disappearance.

Working theory: Manitowish and Calumet deputies were under pressure to bring the Avery murder investigation to a quick close, after the previous three days of searching at Avery's property were mostly a failure. The key that was trumpeted as crucial evidence, however, did not contain Halbach's DNA. In fact, Halbach's full set of keys, including ones for her Green Bay photo studio and her farmhouse near Halbert, have never been found to this day. Given the possibility that the courts key was planted, it may have come from Halbach's farmhouse. Otherwise, it could have been found somewhere in

the HA4V4. Summary: The entire salvage yard — roughly 4,000 vehicles — was searched for signs of Halbach during daylight on Sunday, Nov. 6. No significant clues were found. Early the next morning, Colborn and Lenk went back and rechecked a number of vehicles that were missed the day before. The following day, the coronial staff ordered that the massive junkyard be rechecked by the team of volunteer firefighters and Wisconsin state troopers. This time, a Britton volunteer firefighter alerted others to Halbach's crumpled license plates in the back seat of an old station wagon.

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The bones may have originated from one of the nearby quarries behind Avery's, where other burnt debris, including charred pelvic bones, were being recovered by Calumet deputies and state investigators. In addition, Lenk, Colborn, Remiker and Kacharski confiscated four burnt barrels from Avery's sister's yard on Sunday morning, Nov. 6. At least one of those barrels contained charred human bones, yet none of the evidence technicians took any photographs or videotape showing the

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Priebus says RNC was not hacked

Chairman blasts use of unnamed sources

MAGGIE ANGST
USA TODAY NETWORK/REUTERS

Outgoing Republican National Committee Chairman Reince Priebus denied a report that Russians hacked the RNC during an interview on ABC's "This Week with George Stephanopoulos" Sunday.

Separate reports in recent days from The Washington Post and The New York Times said the CIA concluded that Russia intervened in the 2016 election to help Trump win.

According to The New York Times, which cited senior administration officials, "American intelligence agencies have concluded with 'high confidence' that Russia acted covertly in the latter stages of the presidential campaign to harm Hillary Clinton's chances and promote Donald J. Trump."

Priebus, who is set to become President-elect Donald Trump's chief of staff next month, said the claims were "totally false."

According to Priebus, the reports were based on "unnamed sources" who are perhaps doing something they shouldn't be doing by speaking to reporters or someone taking out of line about something that is absolutely not true.

This appearance, and that of Trump on Fox News Sunday, came as congressional Democrats and some Republicans have called for hearings and investigations into the CIA's conclusion that Russia authorized hacking and other tactics in order to help Trump and hurt Clinton during the campaign.

Sen. John McCain, R-Ariz., issued a joint state-

ment Sunday with incoming Senate Democratic leader Chuck Schumer, D-N.Y., calling for a bipartisan effort to explore the allegations and defend the nation against cyber attacks.

The two were joined by Sen. Lindsey Graham, R-S.C., and Sen. Jack Reed, D-R.I., the bipartisan leaders of the Senate Armed Services Committee.

"For years, foreign adversaries have directed cyberattacks at America's physical, economic, and military infrastructure, while stealing our intellectual property," their statement said. "Now our democratic institutions have been targeted. Recent reports of Russian interference in our election should alarm every American."

Throughout his Sunday news interview, Priebus repeatedly criticized the media for writing a story about the hacking reports.

"It is unbelievable that the press would run with unnamed sources about something that they agree was inconceivable but ignore the fact that the actual people involved on the other side of this story are telling you it's not true," Priebus said.

"I can't do have an intelligence conversation about a report in 'The New York Times' that is unnamed, inconclusive, and based on something that isn't true."

Priebus also argued that a report published in October from 17 different U.S. intelligence agencies did not specifically deny Russia was behind the hacking of U.S. election-related computer systems.

The report also said that there wasn't agreement among Democrats and Republicans that Russia authorized the CIA's conclusion that Russia authorized hacking and other tactics in order to help Trump and hurt Clinton during the campaign.

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"The U.S. intelligence community is confident that the Russian government directed the recent compromises of e-mails from U.S. persons and institutions, including from U.S. political organizations," the statement said.

Asked by Stephanopoulos if he supported the investigation in the Senate about election hacking, Priebus said: "I support in anything we can do, including investigations or otherwise, to protect Americans from foreign interference in all of our good work that we need to do in the United States, whether it be our democracy, whether it be our businesses, whether it be our electric grids. We have to protect America. So I'm all for finding out how in the world this stuff is happening and so that we can put systems in place to protect Americans."

Priebus added that Trump's win and "select-all landslide" had nothing to do with the Russians.

In a separate interview Sunday morning, Trump said it was "ridiculous" to believe "Fox News Sunday" if it didn't believe it. "Every week I'm another excuse," Trump told "Fox News Sunday."

"I think it's just another excuse," Trump told "Fox News Sunday."

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Seven arrested, and 28 ejected at Packers game

DOUG SCHNEIDER
USA TODAY NETWORK/REUTERS

GREEN BAY — Seven people were arrested and another 28 ejected Sunday as the Green Bay Packers beat the Seattle Seahawks at Lambeau Field.

The 28 ejections mark a high for the season to date. The first ejection was reported more than an hour before the 3:25 p.m. kickoff.

Police were considerably busier on Sunday than they had been a week earlier. Only two arrests and six ejections — both season lows — were reported during the Packers win over the Houston Texans.

Arrest and ejection numbers from home games earlier this season:

• The Packers were arrested and 28 ejected during the Indianapolis Colts game on Nov. 6.

• During the Thursday night win over the Chicago Bears on Oct. 20, police arrested six people and ejected 19 others.

• Police arrested four people and ejected 21 others during the Dallas Cowboys game on Oct. 16.

• On Oct. 9, police arrested 12 people and ejected 15 others during the Packers game with the New York Giants.

At the Sept. 25 home opener, police reported four arrests and six ejections during a noon game against the Detroit Lions.

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Fans celebrate the Green Bay Packers' 38-10 win over the Seattle Seahawks.

Homeless shelter will address safety after VA has concerns

UNION-BLENDED PRESS

TOMAH — Officials at a nonprofit homeless shelter say they're addressing safety concerns after a veteran jumped out of a third-floor window recently.

The incident involving the resident is the second one this year involving the Veterans Assistance Foundation. The individual involved in the incident was alive when transported to the hospital, VAF Director

Don Roach said. The Tomah Veterans Affairs Medical Center announced earlier it would end the nonprofit's lease agreement after another incident occurred at the facility in September which resulted in a veteran's death.

"The VAF has some very serious problems that it needs to address within its program and just the physical safety of veterans within the program is just part of that," said VA Public Affairs Officer Matthew

Gowan. According to Tomah VA's Acting Director Victoria Brahm, the VAF also recently failed an annual inspection and had 30 days to address issues at the facility.

The shelter's lease ends in January, but it can be extended through April if VAF adds additional safety measures.

The nonprofit, which houses about 30 veterans, says it's working to tackle the problems but has not yet agreed to the new conditions.

Avery

Continued from Page 2C

contents inside the barrels. The barrels were put into an enclosed trailer that Manitowish sheriff's deputy George Tackes drove to the Calumet County Sheriff's Department for processing there.

BULLET FRAGMENT
Summary: When Dapney, Avery's 16-year-old nephew, implicated himself as an accomplice, authorities had no forensic evidence indicating that Halbach's body was riddled with bullets inside Avery's garage.

HOOD LATCH SWAB
Summary: Six swabs were collected by Calumet County deputy Jeremy Hawkins and Sgt. Bill Tyson from the interior of Halbach's RAV4 on April 2, 2016. The decision to process the victim's vehicle occurred about a month after special prosecutor Ken Kratz's sensational pretrial press conference claiming Avery was drenched with sweat inside his bedroom while restraining Halbach's naked body before stabbing her with a hatchet knife and shooting her.

Working theory: Leuk or Remiker were involved in planting the ammunition that was recovered in March 2016. Leuk ran his agency's evidence storage unit and Remiker was his direct subordinate. Both men drove to

latch," she advised.

Working theory: Someone in law enforcement tampered with evidence swabs that contained Avery's DNA. Trial testimony revealed the Manitowish County Sheriff's Department had retained some older specimens of Avery, including DNA buccal swabs, hair samples and fingernail clippings of Avery.

Avery DNA samples held in Manitowish County in 2013, even though that agency may have framed Avery for a brutal rape that sent unjustly him to prison for 18 years. In addition, Remiker and Leuk were regular visitors to their evidence storage room.

Prior to being asked to reprocess the RAV4, Calumet encountered a number of setbacks earlier that day, dispelling Kratz's theory of how the murder unfolded. When Calumet deputies examined Avery's headboard, they saw no "stratifiers" — consistent with that of having handcuffs or leg irons secured to the top of the headboard," their reports show. Next, presumptive blood tests were done on the stains from Avery's mattress, "all of which turned up negative for the presence of blood." Later that evening, Ryan and Hawkins were dispatched to the storage garage. They got six more swabs from the RAV4, including the hood latch.

The swabs were then put into their agency's evidence room for holding prior to being tested by Calumet.

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