

TUESDAY, FEBRUARY 20, 2007 WEATHER: PARTLY CLOUDY, HIGH 34, LOW 21 > Weather, B-5

GREEN BAY PRESS-GAZETTE

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NO. 1 A FIRST FOR BADGERS

Wisconsin on top of The Associated Press men's basketball poll for the first time. > C-1



Alando Tucker

INSIDE TODAY



UW-Green Bay 'lets one slip away'

The University of Wisconsin-Green Bay men's basketball team made a couple of mistakes in the second half and No. 15 Butler escaped with a 66-58 victory Monday at the Resch Center in Ashwaubenton. > C-1



Inurgent attacks increase in Iraq

A roadside bomb killed three U.S. soldiers south of Baghdad as the U.S. military announces that insurgent attacks against coalition troops, Iraqi forces and civilians increased by 20 percent in 2006. > B-3

PIG OF THE DAY

Winter camping



Pat Nagel of Neenan, left, and Brian Van Kester of Green Bay use a megagram fire, swamp grass and sticks to start a fire Sunday during the annual Winter Camping Made Easy at Mosquito Hill Nature Center near New London. Patrick Heron/Staff Writer, Wisconsin Newspapers > See story, photos, A-3

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PRESS-GAZETTE FOCUS: LEON TART SENTENCING

'You are the personification of evil'



Brown County Circuit Judge J.D. McKay sentences Leon Tart, McKay handed down the maximum prison sentence and called Tart 'evil.'



Leon Tart of De Pere, left, talks with his attorney, Ralph Scrieglein, during his sentencing hearing Monday in Brown County Circuit Court. Tart was sentenced to 50½ years in prison for raping and abducting a Green Bay woman. Photos by M. Marc Larson/Press-Gazette

De Pere man gets 50½ years for abduction, sex assault

BY CORINNA MCCOY
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When sentencing Leon Tart to the maximum 50½ years in prison, Brown County Circuit Judge J.D. McKay took the opportunity to express his opinion of the man convicted of abducting and sexually assaulting a Green Bay woman.

"Mr. Tart, you are evil. You are the personification of evil," McKay said. "That is the incredible flaw in your character."

"I hope you overcome the evil that you are."

A jury of eight men and four women convicted Tart, 41, in December on charges of false imprisonment, first-degree sexual assault and first-degree recklessness.

Tart picked up the victim while she was walking home from her sister's home on Oct. 1, 2005. He then drove her to Wausau where he cut off her clothes, forced her to perform oral sex.

The woman fought off Tart and ran to a neighbor, where the occupants called 911.

The jury convicted the De Pere man of first-degree recklessness — a lesser charge than the initial indictment.

attempted murder, which would have held a possible 125-year prison sentence.

After losing a statement Monday, Tart's wife, Sharon, left the Brown County courtroom without saying goodbye to her husband.

"I simply want the court to know we know a different Leon," she said.

Sharon Tart sat in the back row while the 29-year-old victim, her friends and family filed the first row.

Leon Tart broke down in tears after his wife left the stand and took a moment to compose himself before he asked for forgiveness from the court, his family and the victim's family.

McKay also sentenced Tart to 20 years of extended supervision and he must pay the family restitution.

McKay said the district attorney's office could establish the restitution amount within 30 days.

Tart has a criminal record that dates to 1981, with most incidents occurring in Minnesota, said John Lutschko, prosecuting attorney.

For the last 15 to 20 years, Tart would drive at night to



Leon Tart's wife, Sharon Tart, makes a statement Monday during his sentencing hearing.

Testimony focuses on details of Avery land

Manitowoc investigators handled search property, Calumet Co. officer says

BY ANDY NELESEN
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CHILTON — The jurors who will decide how to proceed against Steven Avery have begun to get an intimate look inside the salvage yard property where Avery and his family lived in the fall of 2005.

It is also the property where prosecutors allege that Avery killed 26-year-old Theresa Halbach, then burned her body and scattered her remains in a hay pile.

Testimony last week focused largely on an overview of Avery's property, with the most popular establishment being the aerial photo of the 8-acre plot.

Testimony focused on — with photos from inside Avery's bedrooms and living room and inside the barn he built on Avery's yard.

The jury heard an account of killing Halbach on Oct. 16, 2005. The charged murder was found on Avery's property and her Troika 2004 was found among the wrecks near the Avery salvage car crusher. Following her disappearance, Calumet County Sheriff's Sgt. William Tyson testified Monday that he worked with three Manitowoc County investigators to search for Steven Avery's trailer, even though officials realized early on that Manitowoc officers had a conflict with Avery.

Tyson testified he was with Manitowoc County investigators when they seized a gun rack from down Avery's back and the two guns it held, and handcuffs and leg irons from the backseat in his bedroom. They later seized the bookcase and other furniture from the room, including a nightstand.

Tyson was assigned to the search team with Lt. James Lamb and Andrew Colburn, two Manitowoc County investigators who are accused by the defense of planting evidence to frame Avery. Investigator David Bernier, a third Manitowoc County deputy, filed out the evidence.

The University of Wisconsin's Innocence Project helped clear Avery of a 1985 sexual assault conviction using post-conviction demands for new DNA tests of old evidence.

Avery was freed in 2003 because of the project's efforts and sued Manitowoc County the following year for the wrongful conviction. The \$26 million suit was pending when he became involved in the Halbach case.

Tyson testified he saw no conduct by any Manitowoc County officer that would have called the investigation into question.



The Steven Avery trial

- More online
Go to www.greenbaypressgazette.com for complete coverage of the Steven Avery trial.
- Live video
 - Archived stories
 - Teresa Halbach case timeline
 - Steven Avery background
 - Avery and map
 - Steve Larson's blog
 - Photo gallery
 - Community conversation

More on A-2

- > Later search team
- > Photo names, search
- > Defense continues to question investigation
- > Steven Avery's trailer, even though officials realized early on that Manitowoc officers had a conflict with Avery.
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Doctors: Heart guidelines for women provide clarification

Females urged to be aggressive about prevention

BY PAUL STRUBAS
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A new set of guidelines for doctors helping women avoid heart disease likely won't have a big effect on local health care practices but will at least end debate over some of the more controversial approaches, a Green Bay cardiologist says.

Most cardiologists are aware

that heart problems are as prevalent in women as in men and most are probably repeating accordingly said Dr. Paul Strubas, director of the Heart Center at the University of Wisconsin Medical Center. But the new guidelines released Monday in the medical journal *Circulation* and endorsed by the American Heart Association should clarify positions on estrogen and related therapies as well as on aspirin, Wolf said.

Nearly all American women are in danger of heart disease or stroke and should be more aggressive about lowering their risk — including asking their doctors about daily aspirin use,

the American Heart Association said. "It's very refreshing that they're finally taking a stance on hormones and estrogen therapies," Wolf said.

"The key point ... is there's no benefit to hormone replacement therapy in menopausal women to prevent heart disease. It's defined a lot, with a number of different positions, and I'm glad they've clarified it."

Such treatment may be appropriate for menopausal women, but not for heart-related issues,

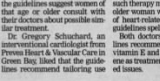
he said.

The guidelines also recommend aspirin treatment for women at risk of stroke. Daily aspirin has long been a recommendation for older women with a higher risk of heart-related illness, and the guidelines spell that out, he said.

Both doctors like that guidelines recommend against use of vitamins E and C and beta-carotene as treatments for heart-related issues.



Dr. Paul Strubas, director of the Heart Center at the University of Wisconsin Medical Center, says the new guidelines should clarify positions on estrogen and related therapies as well as on aspirin.



Dr. Gregory Schuchard, an interventional cardiologist from Press Health & Hospital Care in Green Bay, liked that the guidelines recommend talking use

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Local/State

Search of trailer turned up phone number, bleach

Deputy tells of finding cell phone in burn barrel

BY ANDY NEELSEN
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CHILTON — Among the evidence seized during the search of Steven Avery's trailer were two pieces of paper with Teressa Halbach's cell phone number.

Investigators found Halbach's number on the second page of a pocket notebook with the words "back to patio" on the same page. When they discovered the notebook, they immediately recognized Halbach's phone number, said Calumet County Sheriff's Sgt. William Tyson.

something about jurors could relate — a TV show.

"In essence with your field response duties — and I'm sure the overwhelming this — but you're kind of the those guys on 'CSI' who come to the scene and look for evidence, right?" Buting asked.

"Yeah, those guys are portraying some of what I do," Ertl said.

"You're the guy who goes there and finds whatever?" Buting said.

"Right," Ertl replied.

Buting probed Ertl about how contamination of the scene might affect the results of Crime Lab analysis. He suggested that the scientist analyzing evidence in the lab might not even be aware of the contamination, especially if DNA evidence where contamination in small samples can be amplified because of the way the material is analyzed.

"Have you heard a phrase pertaining to postage not from the science perspective?"

"In regards to computers — in your field, that would be to your job for DNA testing," Ertl said.

"You're talking about the contamination at the beginning of the trial, or I should say something that we do at the lab is going to decontaminate it," Ertl said.



Calumet County Sheriff's Department Sgt. William Tyson holds up a sign used as evidence during his search of the Steven Avery trial Monday at the Calumet County Courthouse in Chilton. Avery is accused, along with his 17-year-old nephew, of killing Teressa Halbach, 25, after she went to the family's rural salvage yard to photograph a motor that had for sale. Photos by Andy Neelsen/Green Bay Press-Gazette Wisconsin Newsphoto

pieces beneath a metal car wheel rim in the barrel. The rim was tangled in wires. Siders said wires from a steel bed rim.

Siders testified that he knew he had discovered cell phone parts when he saw the distinctive "AM" logo used on Motorola products. On the day of the trial, jurors heard from Halbach's brother, Mike, who testified that Teressa Halbach had a Motorola RAZR cell phone that was the link to her photography business.

Fallen speaks for prosecution

Monday was the first day jurors heard a voice from someone other than Ken Kratz at the prosecution table.

"It was my turn to take a witness," said special prosecutor Tom Fallon, who questioned Crime Lab staffer John Ertl for much of the morning. "We're interested in the next couple of days and through the rest of the trial I would expect."

"It was my turn today to start."

Fallon said the prosecutors have divided the workload by areas of expertise.

"Mr. Norman Gahn will be most of the DNA and blood work evidence. I'll be handling a fair amount of the other forensic work."

"I have rough rules that's more or less what's happening."

Cell phone found

Manitowish County Sheriff's deputy David Siders testified that he was the one to find a mobile cell phone inside the burn barrel near Avery's trailer.

Siders said he found the

also found in Avery's trailer was a "For Sale" sign with Halbach's number on the back along with a Zander Road address. The front of the sign advertised an Arvey and a one point.

Special prosecutor Tom Fallon declined to discuss why the address was important but not before he identified it as a vacant residence near Avery's property.

Fallon said there were more clues about that matter.

Defense references CSI

When defense attorney Jerome Buting described the State Crime Lab analyst John Ertl as a member of the FBI's Rapid Response Unit, he turned to

absence of blood evidence inside Avery's trailer and questioning about how one might clean up a crime scene.

Ertl said that bleach is what Crime Lab analysts use to decontaminate their work stations because it "destroys DNA profiles in recently cleaned or diluted samples."

Ertl was on the stand for nearly 4 1/2 hours Monday. Twenty-four witnesses have taken the stand during the trial since Ertl testified early.

Ertl testified that the search

turned up red stains Nov. 4 on entry doors of Avery's trailer and on the nearby of the bath room sink. All the stains tested positive as blood. Tyson said his search team also located a small bloodstain on the floor of Avery's bathroom.

Ertl testified he wasn't asked to go into Avery's trailer the first day and was instead directed to take photographs of a golf cart and debris elsewhere on the property.

Order cross-examination. Buting suggested that Ertl would have been better suited for the search of the trailer.

particularly in light of the conflict Manitowish County investigators had with Avery.

Buting repeatedly asked Ertl if he was asked to help search the trailer. Ertl testified he was available, but never asked to help.

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Defense continues to question legitimacy of investigation

Prosecution aims to show probe was properly conducted

BY JOHN LEE
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CHILTON — Twenty-four witnesses have testified or are in Steven Avery's homicide trial, and the prosecution and defense consistently are hitting the same theme.

Prosecutors are trying to present an investigation that was straightforward and snarled up, and points marginally to Steven Avery as the killer of Teressa Halbach's killer.

Defense attorneys, meanwhile, are relentlessly questioning investigators about how well they did their work and whether they can vouch for the Manitowish County Sheriff's Department person



John Ertl, a forensic scientist with the State Crime Lab in Madison, on Monday.

and the furniture and there was none on the carpeting.

"They had rented the Rug Doctor to shampoo the carpet. When we ripped up the carpet we found the blood spot."

Tyson said that when evidence items were found to excise search warrants, they were that Manitowish County deputies should not be alone in a search area, and should not take custody of any evidence.

The Manitowish officers accuse Calumet County and the first "quick search" of Avery's trailer took three hours on the night of Nov. 3, 2005.

"It was commonly known this was a scene that was going to be held," he said of searches that continued from Nov. 5 through Nov. 12, and also included returns to check Avery's bedroom a month later and a return to again check his garage after his nephew Brendan Daussy told police that Halbach was shot in the garage.

Fallon returned to the garage in March, and found a bullet. Fragment with Halbach's DNA on it, four months after finding several shell casings in the garage — an area where he had cleaned up after the shooting.

defense at the salvage yard after Halbach's sports utility vehicle was discovered at Avery's Auto Salvage on Nov. 5, 2005.

Prosecutors consistently have asked tough questions of their witnesses to get the issues out before the defense begins cross-examination. "I think the message is getting through," special prosecutor Thomas Fallon said.

Defense attorney Jerome Buting asked crime analyst John Ertl of the State Crime Lab about the lack of blood spatter inside the Avery trailer, which he said would have been present if someone were stabbed repeatedly.

"You saw no evidence of that

tion before he was enumerated by DNA evidence.

Defense attorneys also stress that if Halbach were stabbed to death in Avery's trailer, there should have been DNA evidence from her blood or hair.

They also claim Manitowish officers had access to an 11-year-old view of Avery's blood from the old court file.

"By the way the three of you didn't plant any blood while you were doing that, did you?" special prosecutor Tom Fallon asked one witness, Sgt. William Tyson of the Calumet County Sheriff's Department, who testified Monday about the weeklong search for evi-

denance at the salvage yard after Halbach's sports utility vehicle was discovered at Avery's Auto Salvage on Nov. 5, 2005.

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Evil/Tart had been found not guilty due to insanity in previous assault case

From A-1

Ralph Scroggoli said he was not aware Tart had spent a year in a mental facility and was diagnosed as suffering from schizophrenia until the week of Tart's conviction.

Because the information was received late, McKay refused to accept a plea of not

guilty by reason of mental disease.

Scroggoli said if Tart qualifies for an appeal, the Public Defender's office might appoint an appellate defense attorney. However, Tart may not be able to receive one because of his wife's income.

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