

Herald Times Reporter

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MONDAY
March 19, 2007

Feeding a teen boy's appetite can backfire, B1

Badgers bounced from NCAA tournament, C1

Man gets \$122K for bite from sister's cat

Special prosecutor praises investigators' professionalism

Defendant, 44, faces life in prison



Steven Avery is led out of the courtroom in the Calumet County Courthouse in Chilton on Sunday. Avery was found guilty of first-degree intentional homicide in the murder of photographer Teresa Halbach, 25, on Oct. 31, 2005, near Mishicot in rural Manitowoc County.



Karen Halbach, mother of Teresa Halbach, holds hands with family members as the verdict is read Sunday in a courtroom in the Calumet County Courthouse in Chilton.

FLUSHING, Mich. — A nasty bite on the hand that a man got from his sister's Siamese cat is worth \$122,000.

A jury on Friday awarded Michael Sabo, 57, the money for an injury he got when the cat, Randy, bit his right hand in March 2004.

Sabo's fingers swelled so much that they looked like "plump hot dogs," his attorney, Tom Pabst, told The Flint Journal, and an infection put Sabo in a hospital for three weeks. He had to pay thousands in medical bills.

Pabst said Sabo's sister, Jean Toney, had warned people not to pick up Randy because he had bitten people before, but the newspaper said the cat leapt into Sabo's lap.

Sabo initially tried to get his sister's homeowner's insurance policy to cover the cost of treatment. When that request was refused, Sabo had no choice but to take the matter to court, Pabst said.

There was no answer Sunday at a telephone listing for Toney. A call to Pabst on Sunday wasn't immediately returned.

Special prosecutor praises investigators' professionalism

Sheriffs silenced by gag order

BY JOHN LEE

Special prosecutor James P. Lenk on Sunday praised the professionalism of Manitowoc County Sheriff Rob Herrmann and Calumet County Sheriff Jerry Pajel in their handling of the investigation into the murder of photographer Teresa Halbach, 25, on Oct. 31, 2005, near Mishicot in rural Manitowoc County.

Lenk, who led the investigation, said the two sheriffs were "unwavering" in their support of the special prosecutor's office. He also praised the officers involved for their "high degree of professionalism."

He said the defense's accusations against Lenk and Pajel were "unsubstantiated."

By the time Kratz appeared at a news conference after the verdict was read, Avery already was tucked away in the Manitowoc County jail.

John Lee writes for The Post-Crescent of Appleton.

Idle patents hold promise for entrepreneurs

Ideas turn into products for those who search them out

BY DINESH RAMDIE

MILWAUKEE — Dilep Kotecha figured his working days were over when he retired from the food-manufacturing industry. But after an unmet patent for instant yogurt landed in his lap, he couldn't resist turning the dormant technology into a business.

"I would say our company wouldn't even be there without that patent," the 59-year-old entrepreneur said.

Countless patents — including the one used to start up Kotecha's company, YoKii — sit unused when companies decide not to develop them into products. Now, not-for-profit groups and state governments are asking companies to donate dormant patents so they can be passed to local entrepreneurs who try to build businesses out of them.

Kotecha's patent covered the formulation of instant yogurt. Consumer products company SC Johnson of Racine, Wis., was awarded it in 1984 but failed to plan for it.

Instead of gathering dust, the donated patent spawned a startup that Kotecha hopes will revolutionize the vending-machine industry and provide snacks to troops overseas.

There are countless other patents that are promising but sitting idle, and eventually will be permanently abandoned, Sampson said.

Companies used to receive tax benefits for donating patents, but Congress ended the incentive in 2004 after too many companies tried to unload useless patents with little chance of being commercialized.

Now that federal tax incentives are gone, more national asset but the vast majority remain unused.

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HERALD TIMES REPORTER

STEVEN AVERY FOUND GUILTY

Avery's parents leave court quickly, decline comment

Media avoided by exit out back door

BY JIM COLLAR
Manitowoc News-Reporter



Steven Avery, left, and his defense attorney Jerome Buting are shown in the Calumet County Courthouse in Chilton, Avery, 44, faces a mandatory life-prison term for killing Teresa Halbach, 25, on Halloween 2005.

entrance. They later declined an interview by telephone. The only members of Avery's family to make their way through the front door were Steven Avery's parents, who made just a few comments while authorities escorted them to their vehicle. The two didn't identify themselves, although reporters who have covered the six-week trial said they are Avery's aunt and uncle. They tried to avoid comment, but expressed skepticism with the verdict while climbing into the car amid continued questions. "The evidence didn't show anything," the woman said. Steven Avery's conviction followed his 2003 conviction for a sexual assault he didn't commit. He served 11 years in prison for a 1985 rape before DNA evidence showed he was not responsible for the crime. The 1985 conviction was based largely on his identification by a 26-year-old woman and two other reporters and sexually assaulted while jogging north of Two Rivers. Avery's family has said he was wrongly targeted against his conviction of the rape conviction in 2003. Avery filed a \$25 million civil suit against Manitowoc County and some of its officials based on his wrongful conviction. He settled that suit for \$400,000 after he was arrested in the Halbach case.

Jim Collar writes for the Appleton Post-Crescent. He can be reached at 920-993-1050, ext. 116, or at jcollar@postcrescent.com

'A sense of making things right'

Halbach friends, colleagues find closure in verdict

BY MIKE HOEFT
Manitowoc News-Reporter

GREEN BAY — Several people who knew Teresa Halbach greeted Sunday's verdict with relief. "It doesn't change anything. She's gone. But it's a relief to know he's not going to do this to anyone else and we will have to think of this as the rest of his life," said Audrey Wyrzgal, one of Halbach's close friends. They worked together for three years at The Picture People, an Ashwaubenon portrait studio, and remained friends after Halbach moved on.

"Her birthday is coming up this week. Some friends hope to get together. It's a time to remember who she was," Wyrzgal said. "She was genuine."

Steven Avery was found guilty Sunday of first-degree intentional homicide and possession of a firearm by a felon for his role in Halbach's 2005 murder in Manitowoc County.

Jennifer Heck, a math teacher at Palahi High School, coached Halbach in volleyball and taught her math from 1994-96 at Hillbert High School. Halbach made a lasting impression on the young teacher, who was Jennifer Geier at the time.

Halbach's attorney-in-chief at the prosecutor, one who didn't consider herself in a clique, Heck said. "A top-notch person from a solid family, an old soul who was wise beyond her years, unique, upbeat, goofy, down to earth — she had it all together."

Halbach came from a solid family with solid values, she said. "As her family said, we should remember her in life, not in death. For a person of deep faith, I think that what kept them together. The Halbach family is a reputation to all of us."

Tom Pearce, who runs the photography studio where Halbach worked, said he was pleased with the verdict and believed the case finally came to a close. He said he was more relieved for Halbach's family.

"This was a long emotional year and a half," Pearce said. While pleased that Avery was found guilty of homicide, he did not say.

"No matter what the verdict is, it wasn't going to bring Teresa back," Pearce said. "The way for the jury to turn with a verdict was terrific. Justice was served," Pearce said.

Terence Halbach worked as a photographer and assistant photo editor at the University of Wisconsin-Green Bay newspaper. She graduated in 2002.

Andy Behrendt, who was

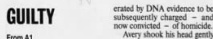
Upcoming dates

This week: Manitowoc County Circuit Judge Pierce-Will is expected to rule on Steven Avery's sentencing, as well as a scheduled for post-conviction motion. Sentencing is expected in late March.

March 26: Brandon Duesky's attorney, Matt Ferguson, has a hearing on the motion to allow testimony from a post-conviction motion. Duesky's attorney also filed a motion to allow testimony from a post-conviction motion.

April 6: First scheduled post-conviction hearing in Chilton County.

April 18: Duesky's trial is scheduled to begin and run for two weeks in Manitowoc County Circuit Court.



Steven Avery's attorneys, Dean Strang, left, and Jerome Buting, answer questions Sunday at the Calumet County Courthouse in Chilton. Avery was found guilty Sunday of first-degree intentional homicide in the murder of photographer Teresa Halbach, 25, on Oct. 31, 2005.

GUILTY

From A1

proved another man committed the crime. In 2004, he filed a \$76 million wrongful conviction lawsuit against Manitowoc County, its sheriff department and a number of public officials and later settled for \$400,000.

Avery was arrested in November 2005 after Halbach's disappearance. He admitted taking her to come to his trailer home outside Manitowoc to photograph a vehicle being offered for sale in Auto Trader magazine, a publication for which Halbach regularly worked.

He said she left after completing her assignment, but her Toyota Rav-4 was found partially hidden a few days later in the auto salvage yard adjacent to Avery's trailer. Manitowoc County sheriff's investigators said they found the key to the vehicle in Avery's bedroom.

Avery's defense hinged on accusations Manitowoc County authorities planted evidence to frame him for Halbach's murder using a blood sample drawn for his post-conviction efforts in the 1985 case. That conflict prompted Avery's trial to be held in Calumet County.

Avery's lawyers announced in court they plan to challenge Sunday's conviction. They said the jurors' decision to acquit their client on the mutilation of a corpse charge opened several avenues for post-conviction motions.

"Redemption will have to wait as it so often does... it just will have to wait," said Strang. "Our criminal justice system failed Steven Avery badly in 1985 and here this is one more failure in spite of everyone's best efforts."

Avery becomes the first person in the United States con-

ceded by DNA evidence to be subsequently charged — and now convicted — of homicide. Avery shook his head guilty and tucked his chin to his chest at the first homicide verdict was read, Jerome Buting said.

Buting said Avery was disappointed, but added "he's not dependent and he's not going up."

"He's really disappointed but he's also had experience with the time that can pass sometimes before others accept your innocence," Strang said. "He's in effect an old hand, unfortunately, at waiting out the criminal justice system to get it right."

Strang said plans for the post-conviction motions have been started, but "only in the most general way. It's 7 o'clock on a Sunday night. We're just being kicked in the gut. Battle plans will have to wait until Monday morning."

The six men and six women who decided Avery's fate did not have an opportunity to address the press corps covering the case.

The jurors issued a statement through Calumet County.

Andy Nelsen writes for the Green Bay Press-Gazette.

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Mike Halbach, brother of Teresa Halbach, answers a question on Sunday in Calumet County Courthouse in Chilton. Steven Avery was found guilty of first-degree intentional homicide in the murder of photographer Teresa Halbach, 25, on Oct. 31, 2005, near Manitowoc in rural Manitowoc County.

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OUR VIEW

Was justice served in Avery verdict? If you believe in system, yes

Once again, Steven Avery stood before the bar of justice and received a guilty verdict. This time a jury has found him guilty of the most serious of crimes: the intentional taking of another person's life.

In those words, it sounds so antiseptic and detached, but we know all too well that person was not an abstract legal definition - although in the eyes of the law we are all defined in precise terms.

That person was Teresa Halbach, a young woman whose life ended prematurely at the hands of Steven Avery, according to the decision of a jury whose members spent more than 26 hours sifting through weeks of testimony and evidence.

Avery was visibly shaken when Judge Patrick Willis read the first decision of the jury: guilty of intentional homicide. Avery had maintained his innocence and stated it when addressing Willis on why he was refusing to testify on his own behalf. "I'm an innocent man."

This case, the investigation leading up to the trial, the trial itself and the almost certain appeal, will be the subject of debate and discussion for years to come.

Before the trial began, there were many in the county who were ready to lock Avery away without the benefit of due process, which of course is not the way we do justice in America.

There were also a smaller number of citizens who let this newspaper know that Avery was being set up just as they believed he was set up for his previous false conviction. It is almost a certainty that Sunday's verdict changed no one's mind on these scores.

We won't speculate what the Halbach family is feeling. They will share their thoughts with the media as they see fit.

There's another family that has been deeply touched by this ongoing tragedy and that's the family of Steven Avery. The cloud of attention that has fallen on them has dramatically affected their lives.

This is not the end. Brendan Dassey, Avery's nephew, faces his own trial in April. If his statements to police are permitted as evidence, that trial will be far more horrific than the Avery trial.

We all know, thanks to a live televised press conference by Special Prosecutor Ken Kratz and Calumet County Sheriff Jerry Paggi, all the gory details of Dassey's version of Halbach's death - a story Dassey has changed twice.

Was justice served? If you believe in our system, it was. We know the system is not perfect. Steven Avery knows this better than most people do.

Ultimately, we have to believe that it works the vast majority of the time and when it doesn't work, there are means to redress the wrong. Avery knows this too.

Web poll

Do you believe Steven Avery got a fair trial?
Yes
No
Haven't decided

To vote, go to www.htrnews.com and click on Opinion

Presidential precedent vs. prerogative

WASHINGTON - The revelation that the White House orchestrated the firing of eight U.S. attorneys last year carries uncomfortable echoes of an earlier administration that stretched its power to the limits.

The questions swirling around Attorney General Alberto Gonzales and his alleged abuse of power are reminiscent of the scandal that engulfed the Nixon administration and that ultimately led to President Nixon's resignation.

The Democrats in Congress along with some Republicans are outraged that Gonzales lied to them with such ease when he declared just a week ago that the firings were "an oversight personnel matter," and that the White House had no role except to sign off on the final list. A flood of e-mails turned over to congressional investigators going back two years, shortly after President Bush was sworn in, submitted his resignation this week and there are calls for Gonzales to step down.

Bush is on the defensive on the point of having "IT" sworn in and an ongoing scandal over a now wounded soldier's return from Iraq and Afghanistan

are being treated. Meddling with the Justice Department and firing U.S. attorneys for what seems to be political reasons could be the spark that sets off the bonfire in terms of a confrontation between Congress and the White House. That's why the facts are important.

What Bush violated with his list of eight was precedent. He was midway through his second term when he wielded the axe. Clinton was a new president taking over from a president of a different party, and it was standard procedure to begin fresh with a new team of U.S. attorneys he appointed. Bush compounded his error of violating precedent by claiming the eight were dismissed because of poor performance when it is becoming obvious they were ousted over their jobs because they weren't aggressive enough on behalf of the Republican agenda.

Bush boasts that he has read three biographies of George Washington, but he hasn't learned the lesson of restraint that was a hallmark of the nation's first president. Washington could have been king and served indefinitely if he's wanted, but he insisted on stepping down after two terms.

He was comfortable with the give and take of a democracy and made no effort to quell internal dissent, unlike his successor, John Adams, who used the Alien and Sedition acts passed by Congress to shut down political opposition. It's unfortunate that Bush adopted the Adams frame of gathering up executive power instead of aligning himself with Washington's restraint in the exercise of power.

As we learn more about the internal workings of this White House, the standard seems to be whatever they can get away with. Not as much as they thought, it turns out.

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DOUGLAS COLLINS
Manitowoc County
Mery-Go-Round

STAHLER
THE CHURCHES OF THE 2007



LETTERS TO THE EDITOR

Jury of peers is not hearing Avery case
DEAR EDITOR: The headline on the Herald Times Reporter's March 14 editorial proclaimed that Steven Avery was in the hands of a "jury of his peers."

In today's judicial system, a "jury of peers" is a misnomer. It sounds and feels good and fair but it stops there.

What's a peer? It's someone with a fair degree of equality, some similarity, or lack of common experience.

Other than being residents of the same county, who on the jury of men and women ages 25 to 80 is a "peer" of Avery? How many were in prison for 18 years on a false charge, have a law enforcement rap sheet like Avery's, or had major breakdowns in family relationships?

As developed in English common law, a jury of peers was made up of people of equal rank and station who knew the defendant and who, for example, knew who the rightful owner was when a case involved a dispute about cattle, equipment, or other property.

Today's jury system has turned that concept on its head. People who know little or nothing about the case are chosen to serve.

It has devolved to an exercise in judging the performance of competing attorneys.

A juror's request to ask a question at the Avery trial was denied. If I were on a jury, I would tend to find the accused not guilty if not allowed to ask questions.

This was written before the jury gave its verdict on Avery. Like everyone else who was on the scene on that fateful and dreadful Halloween night in 2005, I can only guess if Avery was the perpetrator

and if he acted alone or with any accomplices).
By Mike Collins

LETTERS POLICY

The Herald Times Reporter wants to publish your opinion on any subject important to the Lakeshore area. Please limit your letter to 300 words. Occasionally, letters up to 600 words may be selected as guest commentaries. Selection is based on newsworthiness, timeliness and good writing. Submissions must include the writer's name (no first initials please), address and daytime telephone number so we can verify that you are the author. We do not publish anonymous letters, letters addressed to a third party and letters mailed to other publications. Letters will be edited for length, grammar and to avoid libel. Letters may be published or distributed in print, electronic or other forms. The editor reserves the right to limit letters to two published submissions per month. Letters traveling the public or business for donations will be considered on a space-available basis on the Opinion page and for News to Know in the Features sections. Writers of thank-you letters are encouraged to make general references (for example, "Lakeshore businesses" or "all those who volunteered") to those to whom they are addressed. Letters to: Opinion Page Editor, Herald Times Reporter, P.O. Box 700, Manitowoc, WI 54221-0700. E-mail to: htrnews@htrnews.com. Fax: 920-686-2102.

Americans' blind spots help damage U.S. image as defender of peace

While abroad recently, I had an interesting conversation with a South American I ran into at an airport. Like the Mexican priests who purified a sacred site in Guatemala after a visit from President Bush, this guy is convinced that "bad spirits" abound in the corridors of American politics.

"The problem with you Americans," he said, "is that you see the world only through your eyes. And your eyes have as its biggest threat."

I tried to make sense of those words on my flight back to the U.S. My first reaction was dominance. But the more I thought about what he said, the more I thought he might be right - or at the very least that he was saying something Americans ought to seriously consider.

Iraq, 67 percent disapprove of our detention camp in Guantanamo Bay; 60 percent object to our opposition to Iran's nuclear program; and 54 percent have problems with our treatment of North Korea.

Taken individually, these numbers are easy to put behind. But when they are taken together, they paint an alarming picture of the world's changing perception of our country. This change, I think, is the product of an unexplained - and in some cases unexplained - American arrogance.

How else should I describe the tongue-lashing Dick Cheney gave the Chinese last last month when he criticized them for conducting a missile test and expanding their military? Such behavior is "not consistent with China's stated goal of a peaceful rise," the vice president said last month.

In raising this concern, Cheney made no mention of the Kinetic Energy Interceptor missile now being developed in this country.

This "Star Wars" missile will fly faster than 18,000 mph and blow up incoming missiles long before they run down on this country. Nor did he acknowledge President Bush's call for a build-up-military.

"I'm inclined to believe that we do need to increase our troops" - the Army, the Marines," Bush told The Washington Post in December. "And I talked about this to (Defense Secretary) Robert Gates and he is going to spend some time talking to the folks in the building, come back

with a recommendation to me about how to proceed forward on this issue."

I guess that's an example of the carrots the South American was talking about.

Apparently, so are the political spurns this country is handing over the possibility that Iran and North Korea might develop nuclear weapons.

The prospect of these nations possessing nuclear weapons might frighten much of the world, but the United States is the elephant in the room when it comes to nuclear weapons.

According to a 2005 fact sheet from the Arms Control Association, a Washington-based group that tracks nuclear proliferation, the United States has nearly 6,000 strategic nuclear weapons - six times as many as China, France, Britain, Israel, India and Pakistan combined.

North Korea is thought to have "one or two" nuclear bombs and Iran has yet to fully develop one, the group said in its 2005 report.

Of course, many would argue that allowing either country to have nuclear weapons would be an unacceptable threat to world peace. When I said this to that South American guy, he pointed to another American blind spot.

"What the rest of us know for certain is that your country is the only one that ever used a nuclear weapon against another country," he said.

By Mike Wickham at www.Hickam@htr.com.



DEWAYNE WICKHAM
Commentary