

Herald Times Reporter

MANITOWOC COUNTY, WIS.

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TUESDAY

February 20, 2007



Marquette snaps skid with win over Villanova, 81



Vintage wedding gowns taking center stage, A1

8-year-old girl made more than 100 calls to 911

Associated Press

SHEBOYGAN — An 8-year-old girl used her mother's discarded cell phone to make more than 100 prank calls to 911 in some cases swearing or indicating there was a fire or someone was stabbed, a sheriff's deputy said Monday.

AT&T and Tracfone searched their records to assist the Sheboygan County sheriff's department in tracking the phone number to its owner over the weekend, Lt. Jim Ruseew said Monday. The girl's parents were unaware of the calls, he said.

"She was swearing," Ruseew said. "In some cases, she would imitate state like there was a fire at the house or one case, someone had been stabbed, that type of thing. She would back off of that and go into profane behavior."

The girl, who identified herself as "Matthew," when she made the calls, won't be charged or referred to juvenile authorities because of her age, Ruseew said.

"At this point the matter was corrected," Ruseew said. "We'll have a few parents to deal with."

Investigators contacted the cell phone Saturday to possibly identify it as the phone used to make the calls, he said.

STEVEN AVERY TRIAL Salvage yard becoming familiar to Avery jury



John Eric, a forensic scientist with the State Crime Lab in Madison, gives testimony Monday in the Steven Avery murder trial at the Calumet County Courthouse in Chilton.

Testimony focusing on inside details at property

BY ANDY HELESEN

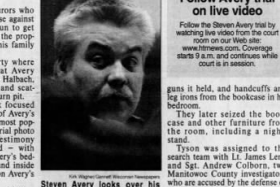
CHILTON — The jurors who will decide homicide case against Steven Avery have begun to get an intimate look inside the property where Avery and his family lived in the fall of 2005.

It is also the property where prosecutors allege that Avery killed 25-year-old Teresa Halbach, then burned her body and scattered her remains in a barn pit.

Testimony last week focused largely on an overview of Avery's Auto Salvage, with the most popular exhibit being the aerial photo of the 40-acre plot. Testimony Monday focused inward — with pictures from inside Avery's bedroom and living room and inside the barn barns found on Avery's yard.

Avery, 44, is accused of killing Halbach on Oct. 31, 2005. Her charred remains were found on Avery's property and her Toyota Rav4 was found among the weeds near the Avery salvage cut-cruiser in the week following her disappearance.

Calumet County Sheriff's Sgt. William Tyson testified Monday that he worked with three Manitowoc County investigators to search Steven Avery's trailer, even though officials realized early on Manitowoc officers had a conflict with Avery.



Steven Avery looks over his shoulder Monday in the courtroom at the Calumet County Courthouse in Chilton. Avery is accused, along with his 17-year-old nephew, Brendan Dassey, of killing Teresa Halbach, while she was on photo assignment in rural Manitowoc County.

Tyson testified he was with Manitowoc County investigators when they seized a gun rack from above Avery's bed and the two guns in held, handcuffs and leg irons from the bookcase 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 Lock and Sgt. Andrew Colborn, two Manitowoc County investigators who are accused by the defense of planting evidence to frame Avery.

Investigator David Remiker, a third Manitowoc County deputy, filled out the forms. Ironically, the piece of mail the investigator used to prove Avery lived at the trailer was a University of Wisconsin Law School envelope addressed to Avery.

The school's forensic project helped clear Avery of a 1985 sexual assault conviction using post-DNA tests of old evidence.

Avery's defense claims Manitowoc officers had a motive — and the opportunity — to frame Avery for the Oct. 31, 2005, killing of Teresa Halbach because he had filed a \$36 million federal lawsuit against the county for his 1985 rape conviction.

Dassey, also is charged in Halbach's death and is set for trial in April. Avery's defense claims Manitowoc officers had a motive — and the opportunity — to frame Avery for the Oct. 31, 2005, killing of Teresa Halbach because he had filed a \$36 million federal lawsuit against the county for his 1985 rape conviction.

See TRIAL, A5

Badgers ranked No. 1

Associated Press

Get ready for another 1 vs. 2 showdown in the Big Ten — this time on the hardwood. Wisconsin was the new No. 1 in The Associated Press Top 25 poll on Monday and Big Ten rival Ohio State was not far behind at No. 2.

The Badgers (13-2, 511) on top of the poll for the first time in school history, play the Buckeyes (24-3, 12-1) in Columbus on Sunday — just a bit more than three months after Ohio State and Michigan played a much-hyped 1 vs. 2 football game at Ohio Stadium.

Florida's 83.70 loss at Vanderbilt on Saturday snapped the Gators' 17-game winning streak and dropped them from the top spot in the media poll for the second time this season. Wisconsin, which was No. 3 last week, leapfrogged second-ranked Ohio State to become the fourth No. 1 team this season, and 52nd different school to hold the top spot in the history of the AP poll.

For the Badgers and coach Bo Ryan, there's not much time to celebrate their new lofty status, not with a game at Michigan State tonight. So Ryan had one Wisconsin celebration at home, with a big team "We're No. 1" finger to the back from his kids, a party favor and a handful of paper hats made on hand.

"I ran around with the team finger-painting the hats and throwing the confetti for about a minute," Ryan said with a laugh. "Then I went back into my office and watched the DVD of a very good Iowa team losing by 20 to Michigan State."

New insurance program for farmers is first in the country

Health insurance relies on collective bargaining

Associated Press

MADISON — A new group health insurance program for Wisconsin farmers announced Monday in the first of its kind in the country and will serve as a model for others to follow, designers of the plan said.

The program promises to offer comprehensive insurance plans at cheaper rates than farmers could get on their own and with more extensive coverage and benefits. "People are waiting in the agricultural community for an option like this that will provide the health care they deserve," said Sarah Cihlar, 57, a dairy farmer in Mosinee, who attended the news conference Monday announcing the plan.

The Farmers' Health Cooperative of Wisconsin relies on the collective bargaining power of the state's farmers and agribusinesses. In the works for three years, it was detailed at the news conference attended by U.S. Sen. Herb Kohl, D-Wis., Gov. Jim Doyle and others who worked on the project.

Kohl helped secure \$4 million in federal money that is being used as the initial capital for the program. State law was also changed in 2003 to get the program started. The plan is a cooperative, developed and governed by farmers. They said their families, farm employees as well as those who own or work for agricultural-related businesses, will be eligible to enroll in one of six health insurance plans with coverage starting April 1.

There's no magic number as to how many of the state's 72,000 farmers need to sign up in order to make the program work, said Bill Oenschen, president and CEO of the Wisconsin Federation of Cooperatives. Oenschen said he expects farmers to have some skepticism as the plan is rolled out in March through a series of meetings across the state, but he hopes once they investigate what is being offered they will see it is a solid choice.

He did not have an estimate as to what the average cost for a person eligible under the plan would be, saying there are too many variables to calculate that. "It's a very, very competitive plan," Oenschen said. "We're not promising producers a bargain basement plan."

See PLAN, A5

Follow Avery trial on live video

Follow the Steven Avery trial by watching live video from the courtroom on our Web site.

www.htrnews.com. Coverage starts 9 a.m. and continues while court is in session.

Prosecution, defense hit same theme

BY JOHN LEE

Associated Press

CHILTON — Twenty-four witnesses have testified so far in Steven Avery's homicide trial, and the prosecution and defense consistently are hitting the same themes.

Prosecutors are trying to present an investigation that was straightforward and neatly organized, and points arguably to Steven Avery as a potential killer of



KRATZ

For a a partner personnel D e - Avery, m e a n - 44, faces while are life in notorious prison if by ques - convicted denying in charges investigators that he about how well they did their work and whether they had been hired for the Manitowoc County Sheriff's De-



STRANG

Dassey, also is charged in Halbach's death and is set for trial in April. Avery's defense claims Manitowoc officers had a motive — and the opportunity — to frame Avery for the Oct. 31, 2005, killing of Teresa Halbach because he had filed a \$36 million federal lawsuit against the county for his 1985 rape conviction.

See TRIAL, A5

Two Rivers OKs gravity sewer investment

Total cost of project estimated at \$2 million

BY NIKAU VANG

Herald Times Reporter

TWO RIVERS — Two Rivers City Council members unanimously agreed to proceed with the \$172,000 gravity sewer investment for the Mishicot/Two Rivers sewer line connection project on Monday.

Officials from Two Rivers and Mishicot, including Village President Clarence Meyer, were present to discuss the estimated \$2 million project, which will be paid by

sewer dips and poor joints, according to Acting Public Works Director Bill Scala.

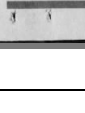
The Parkway Boulevard lift station is planned to have an upgrade to handle an additional 200,000 gallons a day from Mishicot, according to reports.

Council members are scheduled to discuss replacing the existing gravity sewer line during closed session at its special council meeting on Wednesday. The issue will then be presented to the council at its March 5 meeting.

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A GANNETT NEWSPAPER

HERALD TIMES REPORTER

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Tuesday, February 20, 2007-A5

PROPERTY

From A1

Avery was freed in 2003 because of the project's efforts and said Manitowoc County the following year for the wrongful conviction.

The \$3-million suit was filed in the Manitowoc County Circuit Court. The suit was filed by the Manitowoc County Sheriff's Office, which would have called the investigation into question.

"It was told to me that no Manitowoc County deputy should be alone on the property," Tyson said. "Investigator Mark Wigert told me my responsibility would be to get with them into the Steven Avery trailer and to document what they were doing, take notes and if evidence was seized by them, to take custody of all the evidence at the end of the search warrant."

"Do you know why a Calumet County deputy was in charge of the custody of my physical evidence that might be obtained?" asked special prosecutor Ken Kraiz.

"It was told to me that the investigator Wigert would be the lead investigator and that the investigation was turned over to Calumet County versus Manitowoc County," Tyson replied.

"There was no misunderstanding as to who was taking custody of things. There were no arguments among the people I was with. There was a clear understanding of what was to happen."

Tyson said investigators seized a mop bucket, bleach from Avery's bathroom and a carpet-cleaning machine from his trailer. Testimony early Monday from State Crime Lab forensic analyst John Ertl revealed an absence of blood evidence inside Avery's trailer and questioning about how one might clean a crime scene.

Ertl said that bleach is what Crime Lab analysts use to decontaminate their work stations because it "destroys DNA, it destroys blood. Bleach could have swayed from the hole in the ice that engulfed his 16-year-old son who was ahead of him on a snowmobile, but he wanted to stay with his son."

"I wasn't thinking of anything else, you know. I figured him and I together we'd fight our way out," the father said.

"We fell through the thin ice on Lake Koshongong as well. With water to 5 feet deep, they could stand on their machines, but most of their clothing was soaked. Augie, 46, and his son Salvatore tried several times to get to each other. They boosted to each other. Augie took off his gloves so he could grip the ice, but the ice was too thin. He broke through and landed on his hands. He retreated to the snowmobile."

"He was trying to get me the whole time, and I was telling him to stay on the snowmobile," Salvatore said. Salvatore had gone in up to his neck in 5 feet of water up to his waist. Their lower limbs were numbing.

Police 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.

John Lee, 920-993-0000 ext. 362, or at jlee@postwar.com

TRIAL

From A1

He served 18 years in prison before he was exonerated by DNA evidence. Defense attorneys also stress that if Halbach was stabbed to death in Avery's trailer, there should have been DNA evidence from his blood or hair.

"They also claim Manitowoc officers had access to the trailer and there were more on the carpeting. When we ripped up the carpet we found the blood pool," Tyson said when evidence teams were formed to execute search warrants, they were told Manitowoc County deputies should not be present in a search area, and should not take custody of any evidence.

The Manitowoc officers of Avery's trailer took three hours on the night of 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 was stabbed repeatedly.

"You saw no evidence of that in Mr. Avery's residence, did you? You saw no evidence of that in Mr. Avery's garage, did you? No blood spatter at all."

"Just bloodstains, no recognizable pattern," Ertl said.

Buting also pointed out that Ertl did not see the key to Halbach's Toyota on the floor when he went into the bedroom.

"I didn't see a key. I wasn't looking for keys, he said. When Fallon questioned, he asked Ertl if attempts to clean a crime scene are common."

"That's quite common — attempts being made to clean up," Ertl said. "I've seen ones where there was a shooting in the carpeted area and we saw some of the blood spatter on the ceiling and the furniture and there was more on the carpeting. Doctor to shampoo the carpet. When we ripped up the carpet we found the blood pool."

It was commonly known that the message is getting through, special prosecutor Thomas Fallon said.

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"You saw no evidence of that in Mr. Avery's residence, did you? You saw no evidence of that in Mr. Avery's garage, did you? No blood spatter at all."

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Possession of marijuana could be ticketed offense

Citation would be for first offense only

BY KEVIN BRADLEY

Manitowoc Times Reporter

MANITOWOC — Possession of marijuana in Manitowoc might soon be an ordinance violation — meaning offenders would only be issued a citation for the first offense.

On Monday, the city's Public Property and Safety Committee discussed the possibility of giving police officers the choice of ticketing first-time marijuana possession offenders or sending them to circuit court with misdemeanor possession of a misdemeanor.

Currently, all alleged offenders are charged in circuit court with misdemeanor possession of marijuana and face up to \$1,000 in fines, six months in jail and a six-month driver's license suspension, according to Manitowoc County District Attorney Mark Robter.

A city citation can't be charged, Robter said, which means the conviction would appear on their future offenses, and possibly increase those penalties. The fines for the municipal citation for the proposal have

not been set, according to Committee Chairman Paul Tint.

The idea of a marijuana possession ordinance surfaced at a Manitowoc County Police Chief's meeting, Manitowoc Police Chief Perry Kingsbury said.

Kingsbury supports the proposal and said all county municipalities are likely to adopt similar ordinances. Kingsbury said, and Two Rivers Police Chief Joe Collins, who attended Monday's meeting, said he supports the idea.

Tint said he would support the proposal, which is expected to be discussed by the Common Council possibly next month.

Kevin Bradley 920-686-2953 or kbradley@htrnews.com

Check out our Web site at: www.htrnews.com

SEWER

From A1

Water rate discussed

Council members also discussed the proposed increase water rate of 24 percent with John Anderson of Viewco, Krause and Company LLP from Manitowoc.

Anderson presented a water rate study Viewco, Krause and Company conducted for Two Rivers.

Council members also will consider the proposed water rate during closed session on Wednesday and present it to the regular meeting on March 5.

If approved, the rate would take effect in May or June, Anderson said. The average household would pay \$29.56 a month.

"A major contributor to this increase is the recent \$4,347,800 investment in sewer treatment facility upgrades," stated the study from Viewco, Krause and Company.

The Two Rivers Police Department will replace two marked squad cars, which have topped \$100,000 each, from Kugak Chevrolet in Two Rivers. Two 2007 Chevy Impalas will be purchased for \$76,121.

Attag: JWG 920-686-2968 or mjsullivan@htrnews.com

Legals

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A familiar face in local medicine...

Michael H. Hoffman, MD

Family Practice Physician

I believe in a complete approach to health care, considering the physical, social, psychological and family aspects. That is why I stepped away from practicing medicine at the end of 2005 to help provide care for my mother until she moved into an assisted-living facility, but now I'm back. I earned my medical degree from the University of Wisconsin — Madison and completed my residency at the Riverside Family Medicine Residency Program in Newport News, Va. I am proud to join the team of outstanding physicians and staff at the Woodland Clinic.

Now that you know me, let me get to know you. Call 320-4212 to schedule a visit today.

Dr. Michael H. Hoffman

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