

Herald Times Reporter

MANITOWOC COUNTY, WIS.

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A GANNETT PAPER

HALBACH INVESTIGATION Avery bound over for trial

Defense attorneys pledge to 'aggressively defend' their client in murder case

BY KEVIN BRALEY
Herald Times Reporter

MANITOWOC — Steven Avery on Tuesday was ordered to stand trial on charges that he killed Teresa Halbach at his family's auto salvage yard and disposed of her body by burning it, but his attorneys pledged to "aggressively defend" their client.

"Investigations are conducted by human beings. Evidence is gathered by human beings. And forensic testing is done by human beings. We intend to contest the case not just to probable cause but right to the end," assistant state public defender Craig Johnson said after a four-hour preliminary hearing.

Avery appeared in Manitowoc County Circuit Court wearing a black and white striped Calumet County Jail uniform. He is charged with first-degree intentional homicide, carrying a life prison term — maximum of a century in prison.

Judge Patrick Willis ordered the 43-year-old man Mishicot man to stand trial on charges stemming from the Oct. 31 disappearance and presumed death of Halbach, a 25-year-old freelance photographer from St. John in Calumet County.

See AVERY, A1



ABOVE: Members of Teresa Halbach's family look on Tuesday in Manitowoc County Circuit Court during a preliminary hearing for Steven Avery, who is accused of killing Halbach.

LEFT: Avery looks at the audience — including members of his family — at the start of Tuesday's hearing.

Halbach, Avery families keep watch in courtroom

From staff and wire reports
It's clear, he said, that evidence points to Avery. "I don't think about him. I think about my wife," Halbach said. "I don't know how someone can do something like this to someone else." The Avery family did not formally speak after the hearing on Tuesday.
Teresa Halbach's brother, Mike Halbach, told reporters after the hearing that the testimony was difficult for his family to hear. He wore a button with his wife's photograph.

Christmas in the Park light display brightens Brillion

An essay contest determined who got to flip the switch

BY CINDY HODGSON
Herald Times Reporter

MANITOWOC — Diving through a holiday wreath deflated can be as easy as going to Brillion.

"I couldn't even begin to guess how many lights," said Kris Bastian, vice president-member for the Brillion Area Jagers, the organization spearheading the project.

The Jagers kicked off its second annual Christmas in the Park with a lighting ceremony Saturday evening.

Line Navy, carmen, Santa Claus, a salute to the military and wagon rides from the park's a Christmas tree display at the Brillion Historical Society.

A contest determined who gets to turn the lights on, Bastian said.

Last year it was the oldest Brillion resident and the person who had lived in Brillion the longest, Louise Niska, who then was 97, but the honor of being the oldest, and Jagers' Richard had lived there for 100 years, she said.

This year's Christmas memories essay contest was held to determine who



People make their way around Horn Park in Brillion during the lighting ceremony for Christmas in the Park last Saturday night.

On the Web
Read the four Brillion blog offers, winning holiday essay on the Web at www.htrnews.com.

Light, Bastian said. Organizers are open to ideas for future contests. Anyone with suggestions may call Bastian at 920-7562123.
The lights and decorations at Horn Park are donated or purchased with monetary contributions. Twenty-five trees were tagged, and families, churches, schools, businesses and other groups were able to select a tree to decorate, according to Bastian. They also could set up lawn ornaments near their tree to add to the festive feel in the park.

See LIGHTS, A3

TWO RIVERS Now's the time to consider a run for public office

More than half of Two Rivers City Council seats are up for re-election

BY TARA MEISSNER
Herald Times Reporter

Two Rivers — Councilman Lee Brocher, who is halfway through his second two-year term, is encouraging residents to get up for reelection next spring, and now is the time for considering candidacy.

Four two-year spots are up for grabs. In addition, the nine members of the board are elected at large, with each member representing the entire city.

See ELECTION, A3

KEWAUNEE NUCLEAR PLANT Group questions Doyle 'about-face' on nuclear sale

Wis. Democracy Campaign wonders if campaign donations impacted decision

BY RYAN KALASHOVA
Herald Times Reporter

MILWAUKEE — A campaign finance watchdog group is questioning whether donations from utility executives to Gov. Jim Doyle's reelection campaign helped reverse the state's rejection of the sale of a nuclear power plant to an out-of-state bidder.

See NUCLEAR, A3

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HERALD TIMES REPORTER

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Wednesday, December 7, 2005-A5

State AG exploring high gas and drug prices



State Attorney General Paul Binkley is exploring the high cost of gasoline and prescription drugs.

Lautenschlager says Justice attorneys get to wear 'white hat'

MANITOWOC — The expertise of state Department of Justice attorneys will help in the state's case against alleged killer Steven Avery, Wisconsin Attorney General Paul Lautenschlager told Golden K Kiwanis members at the Manitowoc Senior Center Tuesday.

"One of our agents, a homicide specialist, has been working hand-in-hand with Calumet County investigators. Our agent looked for remains in the fire pit area on the Avery property," she said.

A preliminary hearing was held Tuesday on the state's case against alleged killer Steven Avery, Wisconsin Attorney General Paul Lautenschlager told Golden K Kiwanis members at the Manitowoc Senior Center Tuesday.

"I think the kind of work we do is not just important but as taxpayers you get a

lot of bang for your buck," Lautenschlager said at the give an overview of her department's divisions and responsibilities, including some 550 employees.

She found plenty of reasons to compliment her staff, including "dedicated lawyers who feel they get to wear the white hat when they go into court."

"We're proud of our Criminal Justice Children Unit, including internet crimes of pedophilia. We will make more arrests through that unit than any other state," said Lautenschlager, elected to the state's top law enforcement position in 2003.

But there are other areas where "there will be no quick fixes solutions," including determining why gas prices in Wisconsin escalated rapidly in the wake of Hurricane Katrina despite production not based in the Gulf shore area.

A U.S. attorney for the Western District of Wisconsin and state representa-

ive in the legislature prior to her election as the state's first woman attorney general, Lautenschlager also vowed to investigate the cost of prescription drugs, "on behalf of all of you we've filed a lawsuit going against the pharmaceutical company," she said.

"We are finding that instead of the average wholesale price being based on the cost of research and development, manufacturing costs — it is based on arbitrary things pharmaceutical companies can manipulate," said Lautenschlager.

In a question-and-answer session she stressed the need for government agencies to conduct the public's business in the most efficient and cost-effective manner, not deliberating behind closed doors.

Club President Robert Egan agrees.

"Open government is very important. Everything tends to be so secret but the people want to know and be part of

what's going on," he said.

Lautenschlager credited Egan and other Golden K members with helping to create a safer Manitowoc.

"Community service organizations are a great asset. It has been shown that when mid-size communities like Manitowoc have service clubs that get involved and make a difference, those communities have some of the lowest crime rates," Lautenschlager said.

Dane County Executive Kathleen Falk announced in November her intent to run against Lautenschlager in the September 2006 primary.

The winner of the Democratic nomination could face one of two Republican opponents: J.B. Van Hollen, former U.S. attorney for the Western District of Wisconsin, or Waubesa County District Attorney Paul Binkley.

Charles Malbeck, 920-636-7969 or email: cmalbeck@netnet.com

AVERY

Avery was freed from prison in 2001 after serving 18 years for a rape and attempted murder, crimes DNA evidence later showed he did not commit.

Tuesday's hearing included the testimony of six witnesses, all called by Calumet County District Attorney Kim Katz. They detailed each step of the investigation into Halbach's murder. For each witness, Avery's lawyer, Johnson and fellow public defender Erik Loy, questioned the timing of what happened and who was involved.

Patricia Sturm, Halbach's second cousin, said she and her 15-year-old daughter searched Avery's Auto Salvage after Avery's brother, Earl, allowed them onto the property on Nov. 5, two days after she was reported missing. Sturm found Halbach's Toyota RAV4, partially hidden by branches and the hood of another vehicle, in the southeast portion of the salvage yard, after about a half-hour of searching.

"We were going to look in each and every vehicle to make sure Teresa wasn't there," Sturm said. "It was so unusual because there were branches lying across the vehicle — and a car hood lying on it."

Thomas Fasnabender, a special agent with the criminal division of the state Department of Justice, said Halbach's license plates were rolled up and concealed when found in a car in another part of the salvage yard.

Authorities say Halbach went to Avery's Auto Salvage on Oct. 31 to take pictures of a minivan Avery was attempting to sell. Avery allegedly killed the woman at the salvage salvage yard, then burned her body in a fire pit behind the detached garage Halbach was reported missing by her family on Nov. 3.

Fasnabender testified Halbach was not seen after making the visit to the salvage yard.

"I have no knowledge she was seen alive after that," he said.

Avery has repeatedly denied involvement, claiming he is being set up by Manitowoc County authorities because of a pending \$30 million lawsuit against county officials for his



Pam Sturm, Teresa Halbach's second cousin, testifies during Tuesday's preliminary hearing for Steven Avery in Manitowoc.

Pam Sturm, Teresa Halbach's second cousin, testifies during Tuesday's preliminary hearing for Steven Avery in Manitowoc.

Sturm testified Halbach's SUV seen in the image behind her at Avery's Auto Salvage on Nov. 5

Kucharski, who also retrieved two rifles in Avery's bedroom Nov. 6, said he didn't see the key then and it's likely it fell from the SUV when DNA samples were in the cabinet.

The key was sent to the Wisconsin State Crime Lab in Madison, where DNA analyst Sherry Culhane said she matched DNA on the key to Halbach's sport utility vehicle — including the ignition area of the car — also matched Avery's DNA.

Culhane testified that the chances that burned tissue found in a burn pit at the Avery family salvage yard, where Avery fired in a mobile home, are not from Halbach were one in 1 billion.

She said blood found in the cargo area matched Halbach's. Culhane said the DNA from charred tissues matched Halbach's DNA in seven of 17 areas, and "was consistent with the profile developed from a sample of Halbach's that was held at a Green Bay medical facility and from a swab taken in her vehicle."

Forensic anthropologist Leslie Emswiler, who works for the Wisconsin Historical Society, testified the bone fragments she examined had undergone considerable heat and burning. She also testified the bones

"It was so unusual because there were branches laying across the vehicle ... and a car hood laying on it."

Pam Sturm, on the discovery of Teresa Halbach's SUV at Avery's Auto Salvage

were of an adult female.

Fasnabender said Avery told investigators he had burned anything in his burn pit or burn barrel "to quiet a while."

But Avery told the Associated Press in a recent interview from jail that he had burned tires and a car hood in the night Halbach visited.

Loy and Johnson said Avery would enter not guilty pleas when it is arranged Jan. 17 before a judge.

The attorneys declined comment when asked if they were considering an insanity plea. Loy said the defense team will consider asking for a change of venue.

When Avery enters the pleas, Loy will file on a defense request to lower his bond from \$500,000 to \$100,000.

The Associated Press and the *Apple Daily* Dec 7, 2005 contributed to this report. Give them a call: 920-636-7975 or ahardy@htrnews.com

LEGISLATIVE ROUNDUP

State Senate OKs concealed weapons

MADISON — Wisconsin residents could secretly carry guns under a bill the state Senate approved Tuesday that would end the state's 135-year-old ban on concealed weapons.

The Senate's 23-19 vote means the Republican-controlled legislature is one step from approving the bill. The state Assembly must pass the bill. It would then go to Gov. Jim Doyle, who can sign it into law or veto it.

Republicans control both the Senate and the Assembly. That body could take up the measure as early as Tuesday, said Bob Dole, a spokesman for Assembly Speaker John G. Schroder.

But Doyle, a Democrat, vetoed an almost identical GOP bill in 2003 and has promised to veto to lower his bond from \$500,000 to \$100,000.

When Avery enters the pleas, Loy will file on a defense request to lower his bond from \$500,000 to \$100,000.

The Associated Press and the *Apple Daily* Dec 7, 2005 contributed to this report. Give them a call: 920-636-7975 or ahardy@htrnews.com

Wisconsin State Crime Lab DNA analyst Sherry Culhane testifies about DNA evidence during Tuesday's court hearing.

Because of the civil lawsuit, Manitowoc County authorities requested that their counterparts in Calumet County handle the criminal proceedings, bringing in Katz as special prosecutor.

Daniel Kucharski, a deputy and evidence technician with the Calumet County Sheriff's Department, testified Manitowoc County Sheriff L.J. Jim Lenk found the key to Halbach's vehicle during a search of Avery's bedroom on Nov. 6.

Kucharski said the key was in plain view when Lenk found it on comparing between a cabinet and pair of slippers.

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