

Oshkosh
Northwestern
Wednesday, March 7, 2007 www.thenorthwestern.com 50c

TODAY
Sports
Community

Omro Winneconne
NEW PAGE DEBUTS
Look every Wednesday and Saturday for a page devoted to all things Omro and Winneconne - A2

SYMPHONIC ART
Student plays with state youth symphony - A8

Lourdes wins as a team
The offense for Oshkosh Lourdes is hardly one-dimensional, which is why the Knights were able to survive Monday night's game. >>PAGE B1

A video game 'God' send
'God of War II' offers gorgeous, intense action and high definition graphics for a video game designed for the aging PS2 platform. >>PAGE A9

Area
Avery trial
An FBI analyst testified, this trial is in front of the jury, about blood stains found in Teresa Hlubach's car and said they could not have been there. >>PAGE A7

Education & World
Libby guilty
The former aide to Vice President Dick Cheney was found guilty on four of five counts in his perjury and obstruction case. >>PAGE A4

Iraq blasts
Two suicide bombers attack Shiite crowds heading to a religious ritual, killing 100 in the blast. >>PAGE A4

High 30 Low 12
Storm Team 5 forecast/85 Partly cloudy

PA Connect

Judge recall effort falls short
Group leader considering options
BY PATRICIA WOLFF
of The Northwestern
GREEN LAKE - The people seeking to remove Green Lake County Circuit Court Judge W.M. McKeown from the bench over his sentencing of two Illinois attorneys involved in the lawsuit of a Berlin woman fell short of their goal to collect 2,000 signatures.
That's the number they needed to get a recall election under way, but not, they say, to win.

SOUNDING OFF ON SMOKING BAN
RESTAURANT features a smoking and non-smoking bar area to coincide with the city of Oshkosh's smoking regulations.

Going up in smoke
Restaurants, taverns brace for a state smoking ban
BY JEFF ROLLER
of The Northwestern
It's hunching Monday at Terry's Lounge and the smoke is thick.
Terry's owner Pat Purcell counts six of eight customers there for lunch smoking cigarettes and he can't help but wonder whether they'll patronize his business if the Wisconsin Legislature approves a workplace smoking ban about to be proposed.
"(The Oshkosh ban) brings out less people," Purcell said. "We've seen diet and pool leagues dwindle. If you make it a ban, people will not come out. People will smoke in their cars and at home and fewer will end up coming out."
State Sen. Carol Rosendor, R-Oshkosh, said legislators expect to propose the statewide ban on all workplaces and public buildings in the near future despite concerns from tavern and restaurant owners who fear their business could be cut by too many regulations.
"One of the complaints they raised was that they want to travel to other communities to smoke. This certainly addresses that," Rosendor said. "To think it's not going to happen in Wisconsin - that would be truly weird thinking. It's a public health concern that has widespread support both in Wisconsin and nationwide."
In January, Gov. Jim Doyle asked for a statewide smoking ban in workplaces, public buildings, restaurants and taverns in concert with a proposal to increase the state's cigarette tax \$1.25 from the current \$0.77 per pack to \$2.02.
Roy Supper Club owner Bob Wolf said he knew a statewide ban was inevitable, but he hoped it would not happen for several years. Less than six months ago, Wolf opened a separately ventilated smoking bar attached to the Roy's to try and get back the nearly \$1,500 per week bar business he said he lost when the Oshkosh ban went into effect.
"In the last two or three months, the smoking bar has gotten known and people are coming back, but if that happens, it's going to about it right down again," Wolf said. "The statewide smoking ban would be fine, but after investment in the smoking bar? Other your tax and cut your site off."

Students lobby for lower tuition
BY BRIAN THOMPKY
of The Northwestern
WASHINGTON - Spring break is near.
With temperatures in the 20s and wind gusts that provide a chilly reminder of home, about 50 Wisconsin college students joined hundreds of others at a rally near the U.S. Capitol Tuesday in part of a day of lobbying lawmakers to help make college more affordable.
One lawmaker reminded the large contingent from California they had left behind weather behind them.
"You're freezing for a reason," said Rep. George Miller, chairman of the House Education and Labor Committee, who promised the students lower interest rates on student loans and an increase in Pell Grants for low-income students in the coming year.
Miller, a California Democrat, noted that one of his party's first actions after regaining majority control of Congress was to include a \$200 increase in Pell Grants per student in the 2007 budget.
Brittany Burt, student government president at UW-Stevens Point, said the top priority is getting Congress to reauthorize the Higher Education Act.
"We're fighting for access and affordability for all students to higher education," said Burt, a 19-year-old sophomore from Sheboygan Falls who is majoring in international studies and Spanish.
"Education is a right," said

Pastor has ideas for Time
He's looking to re-open theater
BY SARAH OWEN
of The Northwestern
Once a movie house and headquarters for local production rehearsals, Oshkosh's old Time Theater could see the light of a new era.
That is, if Joe Orier's hopes are realized. The Oshkosh pastor is in initial stages of putting together a nonprofit organization that would manage the historic theater at 440 N. Main St. and make it available to the community as a multipurpose venue - for theater, music, art, dance movies and more.
Orier invited several potential committee members to attend an informational meeting at 6:30 p.m. today at Grace Chapel, 302 Church St., which also is open to the public. He hopes to finalize an exploratory committee, set a timeline for action and talk strategy.
Orier acknowledges this could be a long process.
"My guess is it's going to take \$40,000 to \$50,000 to get the theater in shape - if there's interest, we need to start going into the community immediately and raise funds," he said.
During the years, the theater has been used for rehearsals and various non-theater purposes, such as storage. But Jim Slogis, whose family owns the Time, said he is optimistic about Orier's revival plans, considering his experience in running nonprofits like the Labor of Love house in Oshkosh and an HIV/AIDS clinic opened in India in 2006.
"Joe certainly has the energy, the drive, the vision to put something together," Slogis said. "It's going to take creative thinking to make it work."
Otherwise, he said, an alternative fee might be turning the space into storefront shops. "Our first choice would be that it is used as theater, public entertainment, a fun thing to have downtown here in the mix of other entertainment."
Rosendor sees the issues -

Michelle Moore, 11, of University Park, Pittsburgh, left, and Delta Loring, 20, of Oshkosh, are members of the University of Wisconsin rally for more affordable tuition Tuesday in Washington, D.C.

Analyst says Avery blood not likely planted

Defense questions validity of FBI blood test

BY ANNY WILSON
of the Northwestern

CHILTON — Tuesday at the Steven Avery homicide trial, FBI's chemical analysis section, testified that it found a chemical preservative EDTA — in a vial of Avery's blood that had been drawn in the 1990s as Avery sought to overturn a 1985 rape conviction.

LeBeau said analysis of three bloodstains found inside Teresa Halbach's Toyota RAV4 sport utility vehicle, shows they were Avery's through DNA typing, did not contain EDTA, which is shorthand for ethylenediamine tetraacetic acid. "It is my opinion that the EDTA in the vial was not collected from the RAV4 and did not have come from the vial in this case," LeBeau said.

Avery, 41, an accused killer of Halbach on Halloween 2005 after she was taking Halbach's SUV was found on the Avery's Auto Salvage property on Nov. 5, 2005.

Avery has maintained that his blood was planted inside Halbach's SUV. He says any blood came from the clerk of courts vial, which was absent unopened in the courtroom.

Tuesday was LeBeau's second day on the stand in the Avery case, but first in front of the jury. LeBeau spent Monday

answering questions in an evidentiary hearing at which Manitowish County Circuit Judge Patrick Willis decided that the blood test results were inadmissible. LeBeau testified on Tuesday that his lab's testing provided a reasonable degree of scientific certainty that the blood in Halbach's car wasn't planted using the blood from the clerk's vial.

He was not able to identify any presence of EDTA in the control vials, any control vials from the St. Luke's lab.

LeBeau said he could identify any indications of EDTA in any of the vials that were submitted to our laboratory that contained blood and were reported to have been collected from the RAV4.

LeBeau said the vial of blood from the clerk of courts office — the vial analyzed by LeBeau's lab — contained a significant amount of EDTA.

LeBeau answered prosecutors' questions for about two hours and spent the rest of the day defending his testimony and his lab during cross-examination.

Defense attorney Jerome Batting attacked LeBeau's findings on several fronts. That the

testimony was heavily designed and approved and that it was outside the FBI lab to analyze the testing.

LeBeau writes for the Oshkosh Northwestern.



CONTINUANCES

John G. Yell
Lawrence E. Bielestfeld
Rita E. Hintze
Elizabeth H. Lee

Ruby Mae Dorn

John G. Yell, 83, Oshkosh, died at Aurora Medical Center on Thursday March 1, 2007. He was born on November 21, 1924 in Manning, MI, a son of John and Elsie Frances Yell. He married Christine Miller on July 11, 1949 in Chicago, IL. He joined the Army Air Corps during WWII. While married he became a pilot and was shot down and he was captured on a bombing run his plane was shot down and he was captured. Following the war he worked for Rockwell International until his retirement. He was a member of the ETO-USA organization, Oshkosh Moose Lodge #77 F & A.M., White Shrine of Jerusalem, Bethel Shrine # 2, and enjoyed hunting and fishing.

Survivors include his wife, Christine, Oshkosh; sons, Richard (Susan) Yell, Oshkosh;

grandchildren, Robert "Bobby" Dorn, died on Sunday, March 4, 2007 at the Living Light Hospice Home of his son, Jeff and Christine Jacobs in Appleton. He was born on July 3, 1923 in Fort Huron, Michigan, the son of Robert and Bessie (Dugan) Jacobs.

Robert married Margaret Henderson and later married Evelyn (Wendy) Kuby. Robert retired from the U.S. Army Force on October 26, 1942 in Detroit, MI and was discharged on August 10, 1945 at Lincoln, NE as a PFC. He was a tool and die maker at Wells Automotive Parts in Fond du Lac. For 26 years, was a member of Zilmer River American Legion Post #84, and member of Loyola Order of Moose Lodge #74 in Oshkosh, WI.

Robert enjoyed gardening, raising, fishing, hunting, and his family. Surviving are his wife, Evelyn; daughter, Frances; son, Chris; and his family.

A Memorial Fund is being established in Robert's Memory.

The family wishes a "Thank You" to the Theta Chi Hospice at Appleton, WI.

Funeral Home: Hanson-Hager-Casler, 4555 Madison Dr. P.O. Box 10, Oshkosh, WI 53506. Phone: (908) 325-4908. Fax: (908) 325-2185.

Doris C. Smith
Doris C. Smith, age 88, of 926 Newbury St., Appleton, passed away Sunday, March 4th, 2007 at the McKean Rest-home.

She was born June 21st, 1918, in the town of Monroeville, to Otto and Rose Torr. She graduated from Brandon High School and attended the University of Wisconsin Oshkosh. She was a teacher for Ripon area schools. On April 29th, 1941 she married Roy A. Smith in Ripon, Wisconsin. She was a member of the Immanuel United Methodist Church in Ripon, and belonged to the W.R.E.A. (Wisconsin Retired Educators Association).

Survivors include one son, Gary (Suzanne) Smith of South Barrington, IL; one grandson, Jason Smith of Tec-

Lawrence E. Bielestfeld, age 84, of Oak Park, formerly of Wisconsin, died Monday, March 5, 2007 at Aurora Medical Center. He was born on April 21, 1920 in Oshkosh, daughter of the late John and Bessie (Wilson) Haber. She married Milton M. Lee on April 28, 1941 in Oshkosh. Mrs. Lee worked 40 years at Winnebago Mental Health Institute, retiring in 1983. She was a member of St. Margaret Mary's Catholic Order of Foresters and served as Secretary. Survivors include: sons: Robert and Rita (Phyllis) Lee; Oshkosh; Howard and Kathy (Sarravidge) Lee; Neenah; five grandchildren: Scott Lee, Oshkosh; Tim and Christine Averill, Neenah; William and Monica DeMotte, Oshkosh; Brian and Sara Lee, Appleton; Chad and Erica Anderson, Appleton; 12 great grandchildren: Samuel, Andrew, Benjamin and Julia Arnold, Victoria and Jacob DeMotte, Olivia, Mikarah, and Emily Madson. She was preceded in death by her husband, a brother, John C. Haber, and a sister, Gloria Curran. The funeral liturgy will be held on Thursday, March 8, 2007 at 11:30 a.m. at St. Gabriel Parish, 900 Greger Street, Neenah, with Father Richard L. Allen officiating. Friends may call at the church on Thursday from 9 a.m. until the time of mass. In lieu of flowers, a memorial fund is being established.

The family would like to extend a special thanks to the doctor, nurses, and clergy at St. Elizabeth Hospital for the care, concern and support.

Wagner Funeral Home, 207 W. Dwyer Avenue, Neenah 727-7151.

Elizabeth H. Lee
Elizabeth H. Lee, age 86, of Neenah, died Monday, March 5, 2007 after a short illness as St. Elizabeth Hospital. She was born March 21, 1920 in Oshkosh, daughter of the late John and Bessie (Wilson) Haber. She married Milton M. Lee on April 28, 1941 in Oshkosh. Mrs. Lee worked 40 years at Winnebago Mental Health Institute, retiring in 1983. She was a member of St. Margaret Mary's Catholic Order of Foresters and served as Secretary. Survivors include: sons: Robert and Rita (Phyllis) Lee; Oshkosh; Howard and Kathy (Sarravidge) Lee; Neenah; five grandchildren: Scott Lee, Oshkosh; Tim and Christine Averill, Neenah; William and Monica DeMotte, Oshkosh; Brian and Sara Lee, Appleton; Chad and Erica Anderson, Appleton; 12 great grandchildren: Samuel, Andrew, Benjamin and Julia Arnold, Victoria and Jacob DeMotte, Olivia, Mikarah, and Emily Madson. She was preceded in death by her husband, a brother, John C. Haber, and a sister, Gloria Curran. The funeral liturgy will be held on Thursday, March 8, 2007 at 11:30 a.m. at St. Gabriel Parish, 900 Greger Street, Neenah, with Father Richard L. Allen officiating. Friends may call at the church on Thursday from 9 a.m. until the time of mass. In lieu of flowers, a memorial fund is being established.

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DEATHS

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