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Appleton | Fox Cities, Wisconsin Continuous updates at www.postcrescent.com Sunday, February 18, 2007



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Fox Valley schools raise fire drill marks

80 percent of reporting sites meet once-a-month requirement

By Ben Jones
Fox Valley schools

MADISON — The percentage of Fox Valley schools conducting monthly fire drills as required by law continues to climb.

Last school year, 127 of 159 schools, or 80 percent, of local public and private schools that reported to the state met the mark, according to a review by the Dept. of Education.

It's the highest percentage The PC has found in the newspaper's four years of checking school fire-drill compliance.

Schools need to hold monthly drills, said Gary Mazy, a principal at McKinley Elementary in Appleton, which held 11 drills in 2005-06.

The reason being it has to become the culture of the school. If it's not the culture of the school and the staff practices that's unfortunately when you may have to depend on students reacting poorly or not reacting fast enough when there is an emergency.

The PC obtained electronic records on schools statewide from the state Department of Commerce.



The P-C's main findings
Statewide
■ Records showed for 1,800 (60 percent) of 3,008 public and private schools listed in a statewide database.

■ 1,205 (65 percent) of reporting schools held at least one fire drill.

■ Of the 645 that had fewer than one drill, 287 reported missing just one, 14 missed eight.

■ 564 schools submitted forms without proper signatures (school administrator and local fire official) at least one drill.

■ 127 of 159 (80 percent) schools that reported to the state held at least one drill.

■ Of the 32 that had fewer than nine drills, 21 reported missing one, 11 missed at least two.

■ At schools that do not file reports, (under a change in law, they were not required to do so.)

"If 60 percent or 70 percent of schools had been doing an adequate job of fire drills, I wouldn't care that we are not watching it. But it's more like 40 percent."

SUE BIRREN, a state fire prevention coordinator about a change in law last year that means Wisconsin schools no longer have to report their fire drills to the state. For story see Page A-12.

See for yourself in searchable Web tool

Using school fire drill records compiled by the state Department of Commerce, The Post-Crescent created a searchable online database to show the public to easily check individual school compliance with the law.

Click on this story at www.postcrescent.com to review fire drill records for your child's school district.

About this report
Under Wisconsin's Public Records Law, The Post-Crescent reviewed records public and private schools in Wisconsin used to report the drills for the 2005-06 school year to the state Department of Commerce.

State law requires schools to submit monthly drills, but not reporting violated that requirement that the drills be reported to the state.

In a commerce department database, The PC found reports for 1,800 of the 3,008 schools statewide.

The database includes records for 159 of the Fox Valley's 240 schools. This is the first time the newspaper has checked the records. For a link to and records, click on this story at www.postcrescent.com.

Join the conversation
Should schools be required to report their monthly fire drills to the state? Share your thoughts in our online forum by clicking on Community Conversation at www.postcrescent.com.

Inside
■ List of Fox Valley schools, number of fire drills, A-12

Questions remain on plan for West

Appleton meeting set Tuesday on expansion

By Steve Wiseman
Post-Crescent staff writer

APPLETON — Frustration. That's the word Clarence Dedman uses to describe his feelings about possibly losing his home to new indoor athletic facilities for his nearby high school.

A recent report detailing scores of issues about an Appleton West High School sports booster club's plan to buy and demolish Dedman's 11 other homes fails to fully address one all-important matter for him.

"The one question I wanted an answer on a plan I wanted is if they [Appleton West] will use eminent domain to get out of my home," said Dedman, who lives at 303 N. Mason St. and is one of 19 other homeowners in the neighborhood who do not want to sell their homes.

The 18-page report, compiled by Wilson Middle School, 225 N. Badger city and school officials, and the Turner Backers club, is likely to be a focus of discussion Tuesday during a second public information meeting on the plan.

The city Plan Commission will listen to residents beginning at 6:30 p.m. at Wilson Middle School, 225 N. Badger Ave. A commission vote on the plan is currently scheduled for Feb. 26. Then the Common Council would take the matter, potentially giving the booster club a green light to begin raising \$1 million to buy the properties for a new \$60-million indoor field, tennis courts, track and other facilities.

"Out in the open"
Turner Backers' spokesman Doug Bush said the booster and city and

See WEST PLAN, A 6

Lengthy Avery trial proceedings spur business in Chilton

Proprietors say it is a 'sad way to make money'

By Kevin Binley
Green Bay Press-Gazette

CHILTON — Business in this community of about 3,000 people are reaping financial benefits from one of the most publicized trials ever held at the Calumet County Courthouse.

But owners and managers of gas stations, restaurants and the city's sole hotel say they would rather return the profits made during Steven Avery's trial to bring back Teresa Halbach, who authorities say was killed Oct. 31, 2005, by Avery, 44, and his nephew

Brendan Dassey, 17. "It's been wonderful to have the extra business, but it's a sad way to make money," said Thomas Sotner, general manager for the Best Western Station Inn.

Opening arguments in Avery's trial began last Monday. It is expected to last six weeks. Dassey's trial is scheduled for April in Manitowish.

Des Thoma, owner of the Main Street Diner, just blocks from the Calumet County Courthouse, said she served about 20 extra customers a day last week — many of whom are with the media covering the trial.

The extra business is being offset what Thoma said is the "slowest trial done so it can be put to rest for the families." Chers has scheduled extra lunchtime staff for the length of the trial, and is offering delivery daily, a service previously offered only on Fridays, Dassey said.

Chers also dropped off menus in the media room at the courthouse, where about 50 media representatives are reporting on the trial. "A lot of people coming in are talking about this case and everyone wants to know what's going on with it," said Joe Kambs, manager of the Chilton Shell gas station, "because things like this don't happen around here."

"We enjoy the extra business, but we would rather have the trial done so it can be put to rest for the families."

JESSICA DAL, Chers bar manager

"But I would gladly turn away my extra profits to bring (Halbach) back," Thoma said.

"We're seeing a lot of new faces," said Jessica Dassey, bar manager for Chers, which is about a block from the courthouse. "We enjoy the extra business, but we would rather have the

trial done so it can be put to rest for the families."

Commerce President Rob Aub said the organization isn't using the trial to promote member businesses because of the sensitivity of the case.

"It's very serious for the families involved, but on the other hand, if all these people come to Chilton, our restaurants will have to feed these people," Aub said. "It's an opportunity for our community to take care of these people from TV stations, radio and newspapers."

"I'd hate to see no local business take advantage of this opportunity. We hope the businesses look it upon themselves to promote themselves."

For more stories on the Steven Avery case, visit www.postcrescent.com/avery

The Steven Avery trial

Week in review
■ Prosecutors, attorneys say trial of Steven Avery about on schedule at Calumet County Courthouse / A-3

On the Web
■ The coverage is updated continuously throughout the day when court is in session. For streaming video, video reports, John Lee's trial blog and full reports see www.postcrescent.com/avery

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Sunday, February 18, 2007 www.postcrescent.com

STEVEN AVERY TRIAL

The Post-Crescent, Appleton-Fox Cities, Wis. A-3

Avery trial: First week focuses on police procedures

By Andy Neilson

CHILTON — A sense of relief fell over the Calumet County Courthouse as testimony came to a close Friday afternoon in Steven Avery's homicide trial.

One down. Four more to go. Avery, of Manitowish, is on trial for killing photographer Teresa Halbach, 25, who was last seen on Avery's property on Oct. 31, 2005, photographing a van Avery wanted to sell through Auto Trader magazine. Her charred remains were found on Avery's property a week later.

Avery's trial was slated for six weeks and Friday brought to a close the second week of proceedings, but only the first five days were spent picking a 16-person jury panel from Manitowish County.

The case is being tried in Calumet County because of a conflict created by a lawsuit Avery had pending against Manitowish County for wrongful conviction. Avery spent 18 years in prison for a 1985 rape that DNA evidence proved he didn't commit. The suit has since been settled.

Attorneys on Friday said the case is close to being on schedule. Special prosecutor Ken Kratz estimates his case is about a day behind while Avery's attorneys, Dean Strang, of Madison, and Jerome Batting, of Brookfield, said things were running as close to on time as you're going to get with a trial of this size.

Kratz equated his opening statement to "the cover of a jigsaw puzzle box." It was designed to show jurors the big picture. Testimony over the coming weeks would serve as the puzzle's pieces, he said. Strang used his opening statement to let the jury know that Avery maintains his innocence and believes he was framed by the Manitowish County Sheriff's Department, which Strang claims planted Avery's blood in Halbach's sport utility vehicle and on the key inside his trailer. Strang said he would chip away at the prosecution's case until the truth was revealed.

Kratz called 21 witnesses in the first week of testimony. That leaves about 106 people on the state's witness list at Halbach about Halbach.

Teresa Halbach's younger brother, Mike Halbach, was the first witness. During his testimony, Kratz projected large-than-life photos of a smiling Teresa Halbach onto the courtroom's video screen. Kratz spent the first few



SPECIAL PROSECUTOR KEN KRATZ discusses testimony with his team Friday during Steve Avery's trial at the Calumet County Courthouse in Chilton. To see how the trial is affecting Chilton, see Page A-1.

days of the trial in story-telling mode. Witnesses chronicled Halbach's disappearance, the civilian search efforts to find her and the discovery of Halbach's Toyota Rav-4 at Avery's Auto Salvage near Manitowish. Witnesses described her love of photography, her zest for life and her professional drive. They also talked about why it took four days for someone to report her missing.

Mike Halbach said it was not the gory details that got to him. It was seeing his sister's picture and having to identify her for the jury.

"Yeah, I cried a little bit. I heard everyone else cry, and that's just the way it is," he said. "We loved Teresa, we always will and she'll always be in our hearts."

Teresa Halbach's colleagues from Auto Trader magazine testified that she would regularly turn in "bustle shots" — newsworthy extra money — with her normal Auto Trader assignments.

Avery's attorneys contend that Halbach could have done a bustle shot after leaving Avery's property. No one would have known because they are random and uncheduled, witnesses admitted. Avery maintains that the left his property alive after taking a picture of a mansion on Oct. 31.

Mistrial declared
Bobby Dassey, Avery's nephew and older brother of Brendan Dassey, who also is charged in Halbach's slaying,

testified Wednesday. Bobby Dassey said he saw Teresa Halbach photographing a mansion on Oct. 31 and saw her walking toward Avery's trailer a few minutes later. Prosecutors contend this was the last time she was seen alive.

Included in Dassey's testimony was a statement that brought the proceeding to a halt. Dassey testified that he heard Avery ask if Dassey and his pal, Mike Oemusson, wanted to help get rid of a body, but admitted he thought Avery was joking. Avery's attorney objected, saying they had never heard this version of the story.

They asked for a mistrial. In the version Dassey initially offered, he placed the conversation on Nov. 3, the day Halbach was reported missing, meaning Avery, Dassey and Oemusson should not yet have known anything about Halbach's disappearance.

Manitowish County Circuit Judge Patrick Willis rejected the mistrial motion, but gave Strang and Batting time to talk to Dassey and pushed his cross-examination back to Thursday morning.

Avery's attorneys decried the content and timing of the conversation, prompting Dassey to testify that the whole conversation was conducted as a joke. Using the date of a real kill deer tag, the attorneys also illustrated that the conversation occurred on Nov. 4, when most of northwestern Wisconsin had learned from media reports that Hal-

bach was missing. Kratz said he didn't expect Dassey's testimony to create the hullabaloo it did. Dassey was called to the stand to bolster the state's timeline and confirm that Halbach was seen near Avery's trailer.

Throughout the first days of testimony, Kratz laid ground work for later witnesses. This includes having early witnesses identify photos of photographs. Jurors have seen or heard of about 150 exhibits so far. There are 970 pieces of evidence in this case, one of the lead investigators testified Friday.

Investigation begins
Once Kratz's chain of events included Halbach's vehicle being discovered, then came the cops.

Jurors heard from seven law enforcement officers working for five agencies. They testified about diagramming the Avery property as a crime scene, setting up roadblocks and controlling access after Halbach's vehicle was discovered, and how searches of the Avery property were coordinated.

On Friday, Tom Fassbender, an agent with the state Justice Department's Division of Criminal Investigation who led the searches of the Avery family property, defended decisions he made during the in-

vestigation. Fassbender described obtaining search warrants for the Avery property, establishing evidence collection teams and coordinating searches of the salvage yard.

His team remained true under occasionally aggressive cross-examination.

"I had a capable and qualified team that could go in there and do the job and I see there in there," Fassbender said. At one point he noted that every Manitowish County officer worked with someone from another agency — either Calumet County, State Patrol or DCL.

During end-of-week interviews, Kratz, Batting and Strang all said they accomplished what they set out to do. Each said he would work through the weekend on trial issues.

"Did you, as a lead investigator in this case, have testimony in assigning any Manitowish County sheriff's officers to any tasks at the scene?" Kratz

asked. Fassbender said it wasn't an issue with him.

"They were there to assist us," Fassbender said. "They were very professional and did their job."

Testimony is expected to resume at 9 a.m. Monday.

Andy Neilson writes for the Green Bay Press-Gazette.

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