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# THE POST-CRESCENT

Appleton | Fox Cities, Wisconsin      Continuous updates at [www.postcrescent.com](http://www.postcrescent.com)      Thursday, February 15, 2007

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**INSIDE TODAY**

**Deal with it**  
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**FISHERMEN ON RECORD PACE FOR BIG STURGEON**

**DADREN HORNES** of Howard Grove measures himself next to the 72-inch, 102-pound sturgeon he speared Sunday on Lake Winnebago. Hornes said the fish came up within 6 inches of the surface inside his ice shack.

**Fish weigh heavily on spears**

By Steve Wideman  
Post-Crescent Staff Writer

NEENAH — Emert Stark readied his weighted spear for throwing Tuesday as he watched the nose of a large sturgeon appear in the hole in the ice under his shack.

"It just poked its nose in 3 or 4 inches, then hooked out," Stark, 77, said. "I thought it would be the last I saw of the fish, but a couple minutes later it came through the hole only 3 feet from the surface."

Stark's spear throw was quick and accurate. Minutes later, with help from a friend, a 72-pound, 72-inch sturgeon laid on the ice two miles off Neenah's Recreation Park.

Stark's fish was one of 16 harvested through the first six days of the 2007 spearing season, weighing more than 100 pounds, just eight short of the record two dozen 100-pounders speared in 1964.

"It's the biggest I've ever speared," said Stark, who's been spearing sturgeon on Winnebago since 1957.

Stark recalls times in the 1960s and 1970s when cloudy water prevented good spearing.

"There were times we checked water clarity and never brought in because the water was so dirty," he said.

**Share your fish photos**

The Post-Crescent wants to show off your sturgeon on [www.postcrescent.com](http://www.postcrescent.com). Send digital photos in an e-mail to [postcrescent@postcrescent.com](mailto:postcrescent@postcrescent.com). Please include names and hometowns of everyone in the photo and the date it was taken. The image must be an RGB JPEG format and at least 4 inches wide.

**On the Web**

For spending savings photos, videos and stories, click on the sturgeon icon at [www.postcrescent.com](http://www.postcrescent.com).

See STURGEON, A-3

**Spearing ends today on upper lakes**

Wisconsin's first-ever fishing season based on a lottery comes to a close today when sturgeon spearing on the upper lakes of Butler, Oneida, Pepin and Wisconsin ends at 12:30 p.m.

The lottery was triggered when spearsmen reached 90 percent of fish limits on 19th sturgeon Wednesday, state Department of Natural Resources officials said. Upper spearsmen will have until 1:30 p.m. today to register their fish.

The season is expected to continue on Lake Winnebago at least through the weekend, DNR sturgeon biologist Ron Bruch said.

**100-pounders**

Top 10 seasons for total speared sturgeon (Lake Winnebago) weighing at least 100 pounds since 1950, the earliest year on record.

1982	24
1985	22
1965	21
1967	20
2004	20
1972	18
1978	17
1990	17
1957	15
1955	14
2007	16

\*Number as of Wednesday  
Source: State Department of Natural Resources

**Avery's nephew stuns lawyers**

Witness says he was asked to help dispose of body

By Andy Nelson  
General Business News

CHILTON — Testimony about a morbid joke Steve Avery allegedly exchanged with his nephew, Bobby Dansey, brought Avery's homicide trial to a quick halt Wednesday when defense lawyers objected that they were unbound.

Dansey, the 120-pound, 16-year-old nephew of Avery, testified Wednesday that he saw County Jail's friend, Mike O'Brien, offer Avery an offer to help dispose of a body.

Avery said he was with O'Brien on Jan. 3, 2005, when Avery joked about needing help disposing of a body.

Avery, 44, of Milwaukee, is accused of killing Terrence DePere, a freelance photographer, on Oct. 31, 2005, by hitting her body and discharging her firearm.

Avery was offering his remaining video whenever court is in session.

Auto Salvage property, Dansey's 17-year-old brother Brennan also is charged in the slaying.

See AVER, A-7

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**New dollar coin hits streets today — will it catch on?**

By Bob Van Eenennaam  
General Business News

Decades of experience in the coin-collecting industry that the time is right for the public to accept a \$1 coin that will feature U.S. presidents.

"I'm sure people will collect them," he said, noting that the current series of quarters featuring the U.S. states has been a hit with collectors.

But he isn't sold on the idea that the time is right for the public to accept a \$1 coin.

"Americans like their folding money," he said, "including me."

Lee Schmitt, president of East Wisconsin Savings Bank, Kaukauna, hasn't seen much demand at his bank.

"We haven't seen many people asking for dollar coins," he said.

But Wrightstown's Daniel Moore is a proponent of the \$1 coin after traveling overseas and using similar coins in Australia, New Zealand and other countries.

"I have dollar coins, so as I get the new ones, I'll use them," he said.

So businesses must be prepared for them.

Mark Nacker, manager of Larry's Piggly Wiggly in De Pere, said Wednesday that store managers will make sure cashiers know about the new coin so there is no confusion.

But says Treasurer James Adams, Thomas Jefferson and James Madison coins will be released this year.

See AVER, A-7

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STEVEN AVERY TRIAL

The Post-Crescent, Appleton-Fox Cities, Wis. ■ A-7

**AVERY: Mistrial denied following Dassey's testimony**

From A-1

"He asked us if — a sound like he was joking — he asked us if we wanted, he wanted us to help him get rid of the body," Bobby Dassey testified.

The statement is problematic for the defense because of the date. Dassey told investigators originally that the exchange occurred on Nov. 10, 2005, after Avery already had been jailed. In other words, the defense wasn't worried about the statement because it could not have been made the way it originally was described by Dassey.

Once the date changed during testimony, however, the defense was faced with a statement by Avery about taking a body before Halbach even was reported missing by her family, a report that didn't occur until later on Nov. 3, 2005.

Dean Strang, one of Avery's lawyers, waited until the next break and asserted the defense team had never heard Dassey's account and was caught by surprise — something many rules of evidence are designed to prevent.

He called for a mistrial. "There's no way to convince this in the jury's mind," Strang said in his request to mistrial, which could be a six-week trial.

Manitowish County Circuit Judge Patrick Willis rejected the mistrial motion, but agreed to return Dassey to the stand first today. He also ended the court session early Wednesday to give defense attorneys more time to prepare for Dassey's cross-examination.

Dassey, 20, also testified that he saw a woman — whom he later learned was Halbach's aunt — photographing his mother's activities at the Avery family salvage yard. He said it was about 2:30 p.m. and he noticed that she was walking toward Steven Avery's trailer. Dassey didn't see her or her sport utility vehicle when he returned from hunting hours later.

Strang said more context



**BOBBY DASSEY**, Steven Avery's nephew, points out Avery in the courtroom Wednesday to begin his testimony at the Calumet County Courthouse during the third day of Avery's trial in Chilton.

**'Surprise' forces defense attorneys to react, adjust**

Date that 'joke' was told could be key in setting timeline

By John Lee  
The Post-Crescent staff writer

"I had no reason to expect this at all because I have no reason to think this (question by Steven Avery) even occurred," DEAN STRANG, defense attorney

CHILTON — Perhaps no one was as surprised as Steven Avery's attorneys when Bobby Dassey, the defendant's nephew, said that Avery had asked for help disposing of a body shortly after Teresa Halbach disappeared.

Then again, said defense attorney Dean Strang, the fact that he was surprised at a high-profile trial isn't surprising.

"Trials are messy and when they are on TV they become really TV," Strang said at a news conference after court ended for the day.

Even though Dassey, whose brother Brendan Dassey, 17, also is charged in the slaying of Halbach, said it sounded like Avery was kidding when he asked about disposing of a body, the defense has a lot of damage control to organize.

Strang and co-counsel Jerome Bating don't have much time to rebound, either. They will cross-examine Bobby Dassey this morning.

At issue is whether Avery asked Dassey and his friend for help on Nov. 3, 2005 — the date Dassey testified to and the same date that Halbach's family reported her missing — or Nov. 10, 2005, as police reported Dassey originally told them.

Strang said he would work now to get Dassey's testimony in context.

"I had no reason to expect this at all because I have no reason to think this question by Avery even occurred," he said.

"This is a surprise. It happened, and everybody has to react to it."

Calumet County Dist. Atty. Ken Kratz said at his post-court news conference that Strang should not have been surprised because the police reports provided to defense attorneys months ago recount Avery's statement.

"I don't know who could be involved in this case and not know about the 'joke,' he told reporters.

After Kratz was asked repeatedly if he was surprised by Dassey's statement, he didn't answer directly, though he took a shot at Strang.

"I talk to the witnesses before I call them," he said.

Kratz said he hopes jurors remember the two main reasons he called Dassey to testify.

Dassey said he saw Halbach arrive at Avery's home about 2:30 p.m. Oct. 31, 2005, and that he saw her walking toward Avery's trailer later. He then took a shower and went hunting, and never saw Halbach or her vehicle again.

"It was important to establish the timeline and that Steven Avery was the last person to see Teresa Halbach," Kratz said.

Strang said he would work now to get Dassey's testimony in context.

"I had no reason to expect this at all because I have no reason to think this question by Avery even occurred," he said.

"This is a surprise. It happened, and everybody has to react to it."

**Trial developments**

Other testimony Wednesday in Steven Avery's homicide trial

Manitowish County Circuit Judge Patrick Willis rejected the defense team's request for a mistrial Wednesday after hearing testimony from Steven Avery's nephew Bobby Dassey.

Dassey testified that he saw a woman — whom he later learned was Halbach's aunt — photographing his mother's activities at the Avery family salvage yard. He said it was about 2:30 p.m. and he noticed that she was walking toward Steven Avery's trailer. Dassey didn't see her or her sport utility vehicle when he returned from hunting hours later.

Strang said more context

**Willis**

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Strang said more context

**John Lee's trial log**

Post-Crescent staff writer John Lee is keeping an online log — or blog — of what he sees in the trial world — during the Steven Avery trial.

Here are excerpts from Lee's blog during Monday and Tuesday's early testimony and court proceedings. Go to [www.post-crescent.com/avery](http://www.post-crescent.com/avery) to find it, and an "Ask a Question" link to pose questions that Lee can answer in his blog.

Judge Willis from about 1:15 p.m., when he was supposed to be back in session, until 1:45 p.m. Wednesday.

Instead, prosecutors called Trooper Tim Austin, a reconstruction expert for the Wisconsin State Patrol.

He testified at an evidentiary hearing Friday, and did computerized exhibits, including a map of the Avery family property and one of a female skeleton.

Strang said he would rather have adjourned Wednesday in stand of cross-examining Dassey out of order.

Kratz said another section of the sheriff's department report, pages 516 and 517, also referenced Dassey's statements. He earlier said the statement was on page 259 of

**Defense attorney shows frustration with reporter**

The Post-Crescent

CHILTON — I was sitting in the front row of the basement media room, next to Carrie Antifinger of The Associated Press, waiting for defense attorney Dean Strang to begin answering questions on Bobby Dassey's testimony.

I fell for the Levy and Talletted Mr. Antifinger, and she is competent, polite and not threatening.

Full disclosure: She brought me a (small) bag of chocolate-covered almonds for some help I gave her and AP last week.

Carrie, like many of us do at press conferences, put her digital recorder on the podium in front of Strang.

He picked it up, walked the three steps to her chair with a haphazard, and held it in his hand until she took it back.

He returned to the podium and started the press conference.

Seven others can do that, ran the lovely and talented Ms. Antifinger.

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the report.

"They're known for well over a year that Mr. Dassey was the last person besides Mr. Avery to see Teresa Halbach alive and walking toward Mr. Avery's trailer," Kratz said.

**Early recess**

Judge Willis just told the jury we would be stepping early Wednesday when Trooper Tim Austin was doing testimony.

It was decided to skip the afternoon break for an early home early for Valentine's Day.

Testimony will resume at 9 a.m. today with the defense's cross-examination of Bobby Dassey.

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Thursday, February 15, 2007 www.postcrescent.com

STEVEN AVERY TRIAL

The Post-Crescent, Appleton-Fox Cities, Wis. ■ A.7 ■

AVERY: Mistrial denied following Dassey's testimony

From A-1

— coached in jokes with Avery — happened after news of Halbach's disappearance had been on TV, which places the exchange after she was reported missing about 5 p.m. Nov. 4.

He also testified that the conversation happened the same day they called to obtain a deer tag for a roadkill deer they had hanging in the garage. Dassey said they called for the tag the day the deer was hit, but couldn't pick the tag up until the next day. Strang produced a copy of the deer tag, which was issued Nov. 4.

The testimony took the wind from the sails of Wednesday's revelation and cleared up the timeline of when Avery said he wanted help hiding a body.

Dassey's 17-month brother, Brendan, also is charged in the slaying of Halbach. Brendan Dassey faces an April trial in Manitowish County.

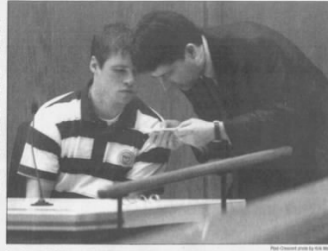
In testimony today, Bobby Dassey, 17, testified that he believed the conversation with Avery, which included Dassey's friend Mark Cameron, was a joke.

"He asked us if — it sounded like he was joking — he asked us to help him get rid of the body," Bobby Dassey testified Wednesday.

That statement was problematic for the defense because of the date. Bobby Dassey originally told investigators that the exchange was on Nov. 10, 2005. After Avery had been jailed. In other words, the defense wasn't worried about the statement because it couldn't have been made the way it originally was described by Bobby Dassey.

Once the date changed during Wednesday's testimony, the defense was faced with a statement by Avery about hiding a body before Halbach was reported missing, a report that didn't occur until later on Nov. 3, 2005.

Strang waited until the next trial and asserted the defense team had never heard Bobby Dassey's account and was caught by surprise — something many miles of evidence are designed to prevent. He asked for a mistrial. "There's no way to unwind this in the PTJ," Manitowish County Circuit Judge Patrick Willis rejected the motion, but agreed to return Dassey to the stand for a second day. He also ended the session early Wednesday.



STEVEN AVERY'S ATTORNEY, DEAN STRANG, questions Bobby Dassey, Avery's nephew, during cross-examination of Dassey today at the Calumet County Courthouse. Today is the fourth day of testimony in Avery's homicide trial in Chilton.

Trial developments

Other testimony Wednesday and today in Steven Avery's homicide trial:

■ Wisconsin State Patrol Trooper Tim Austin testified he used a laser beam to plot thousands of measurements around Avery's Auto Salvage to create computerized models of the 40-acre site. The two- and three-dimensional programs and models are expected to be used when other witnesses testify about what they heard on Avery's property.

■ Nikole Sturm told jurors that she, along with her mother, Pam, found Halbach's sport utility vehicle in the Avery salvage yard near Manitowish. Jurors heard audio testimony from Pam Sturm on Tuesday.

Special prosecutor Ken Kratz said he didn't see Dassey's comments about Avery's joke as enlightening. Avery was on the stand for other reasons, he said.

"These don't forget the real reason that Bobby testified today. Establishing the timeline and establishing that Teresa Halbach walked toward Mr. Avery's house before she was murdered," Kratz said.

"Some joke that Mr. Avery may have made to the nephew when somebody else may or may not have been present. I don't believe it is going to decide that one way or another whether Mr. Avery is guilty,"

John Lee's trial blog

Post-Crescent staff writer John Lee is keeping an online log — or blog, as they're known in the online world — during the Steven Avery trial. Here are excerpts from Lee's blog, along with Kratz's and Strang's early testimony and court proceedings.

Defense attorney shows frustration with reporter

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Defense's turn

Instead of cross-examining Bobby Dassey on Wednesday, Avery's attorneys, Dean Strang and Jerome Buting, decided to put that off until today.

The attorneys from both sides were in chambers with Judge Willis from about 1:15 p.m. when we were supposed to be back in session, until 1:45 p.m. Wednesday.

Instead, prosecutors called Trooper Tim Austin, a reconstruction expert for the Wisconsin State Patrol.

He testified at an evidentiary hearing Friday, and did computerized exhibits, including one of the Avery family property and one of a female skeleton.

Strang said he would rather have adjourned Wednesday instead of cross-examining Dassey out of order.

Kratz said another section of the sheriff's department report, pages 516 and 517, also referenced Dassey's statements. He earlier said the statements was on page 219 of the report.

"We've known for well over a year that Mr. Dassey was the last person besides Mr. Avery to see Teresa Halbach alive and walking toward Mr. Avery's trailer," Kratz said.

'Surprise' forced defense attorneys to react, adjust

Date that 'joke' was told addressed in morning testimony

By John Lee

Post-Crescent staff writer

CHILTON — Perhaps no one was as surprised as Steven Avery's attorneys when Bobby Dassey, the defendant's nephew, said that Avery had asked for help disposing of a body shortly after Teresa Halbach disappeared.

Then again, said defense attorney Dean Strang, the fact that he was surprised at a high-profile trial isn't surprising.

"Trials are reality and when they are on TV they become reality TV," Strang said after court ended Wednesday.

Even though Dassey, whose brother Brendan Dassey, 17, also is charged in the slaying of Halbach, said it sounded like Avery was kidding when he asked about disposing of a body, the defense has a lot of damage control to organize.

In cross-examination testimony this morning, Strang got Bobby Dassey to clear up the timeline on when Avery made the "joking" suggestion.

Using a Nov. 4, 2005, deer tag that was issued to Bobby Dassey made it clear today that the conversation happened after Halbach was reported missing.

At issue was whether Avery asked Dassey and his friend for help on Nov. 3, 2005 — the date Dassey testified to see Avery's home about 2:30 p.m. Oct. 31, 2005, and that he saw her walking toward Avery's trailer later.

He then took a shower and went hunting, and never saw Halbach or her vehicle again.

"It was important to establish the timeline and that Steven Avery was the last person to see Teresa Halbach," Kratz said.

Strang said he would work now to put Dassey's testimony "in context."

The later date was significant because Avery already was jailed, meaning Bobby

"I had no reason to expect this at all because I have no reason to think this (question by Steven Avery) even occurred."

DEAN STRANG, defense attorney

Dassey's account or recollection is flawed.

"It was a surprise a witness would do this," Strang said after court Wednesday. "This is a surprise. It happened, and everybody has to react to it."

Calumet County Dist. Atty. Ken Kratz said at his post-court news conference that Strang should not have been surprised because the police reports provided to defense attorneys months ago recast Avery's statement.

"I don't know who could be involved in this case and not know about the 'joke,' he told reporters.

After Kratz was asked repeatedly if he was surprised by Bobby Dassey's statement, he didn't answer directly, though he took a shot at Strang.

"I talk to my witnesses before I call them," he said.

Kratz said he hopes jurors remember the main reasons he called Dassey to testify.

Dassey said he saw Halbach arrive at Avery's home about 2:30 p.m. Oct. 31, 2005, and that he saw her walking toward Avery's trailer later.

He then took a shower and went hunting, and never saw Halbach or her vehicle again.

"It was important to establish the timeline and that Steven Avery was the last person to see Teresa Halbach," Kratz said.

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