

Local & State

OBITUARIES C-4 / VIEWS C-6

THE POST-CRESCENT

Thursday, March 8, 2007

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AREA BRIEFS

Post-Crescent sets open records session

Do you have questions about Wisconsin's open records and meeting laws or the federal Freedom of Information Act? Could you use advice about what you have access to and how to go about finding it? Or perhaps you're a public official who wants to learn more about open records requests or open meetings requirements?

The Post-Crescent is hosting "Getting the Public Information You Want," an advice session for the public, from noon to 1 p.m. and from 7 to 8 p.m. Monday at the Appleton Public Library, 225 N. Chestnut St.

Attorney Joe Thornton and Post-Crescent editors will be available to answer your questions about how to access public records. No registration is required.

The sessions are part of Sunshine Week, an annual national effort to promote openness in government.

Times-Villager editor Schubring to retire

KAUKAUNA — The longtime editor of the Times-Villager newspaper is calling it a career effective Friday.

Joyce Schubring, who spent 23 years at the paper, formerly worked as a teacher in Green Bay and Wrightstown.

In 1983, she was hired as the advisor for the Kaukauna High School newspaper, The Harbinger. She continued in that position one more year until she was hired by Jim Lang at The Kaukauna Times in 1984.

Property owners must remove graffiti

NEENAH — Property owners whose buildings or fences are defaced with graffiti will be required to remove the markings under an ordinance passed Wednesday by the Common Council.

Police Chief Ray Appel said incidents of graffiti have increased in Neenah, particularly in the Pinecone Lane and Dairy Island areas. The city, however, had no means to require property owners to remove graffiti.

Under the ordinance, property owners who discover graffiti must notify police before removing or covering it.

LOTTERIES

Brown Wednesday

Wisconsin:
Daily Pick 3: 2-3-8
Daily Pick 4: 1-2-7-7
Superdraw: 10-15-19-24-27
Megapicks: 2-5-14-24-25
Ridger 5: 6-8-15-20-23
Powerball: 15-16-18-30-33
Power Play 2

Illinois:
Pick 3 (evening): 6-7-4
Pick 4 (evening): 7-7-1-8

Michigan:
Daily 3: 8-1-0
Daily 4: 5-8-6-2
Fantasy 5: 2-15-31-24-26
Classic Lotto: 9-22-39-40-42

Page editor: Tracy Osterizer

Prosecution closes its case

Steven Avery's attorneys can now present defense

By Andy Nelsen
Special to the Post-Crescent

CHILTON — After 3 1/2 weeks of testimony from 53 witnesses, the prosecution called a close to its case and cleared the way for Steven Avery's lawyers to begin their defense today.

"I think any time that you have a case as serious as this, the conclusion of the state's case is such a big moment," lead appellate prosecutor Ken Kratz said. "I'm happy that that part of the case is completed. I think the case went in as well as I could have expected the case to go in."

"Certainly all of the evidence we expected to get in did get into evidence," Avery, 41, is charged with homicide, mutilation of a corpse and false imprisonment for allegedly killing Teresa Halbach in 2005 on his family's adobe yard property near Halbach. Prosecutors allege Halbach was shot at least twice in the head and her body buried to cover the crime. If convicted, Avery faces life in prison.

Halbach, 25, was on Avery's property on Halbach in 2005 to take photographs of a minivan Avery said he wanted to sell to Auto Trader magazine. Halbach was last seen alive walking to Avery's trailer and prosecutors found her charred remains in a barn pit near Avery's garage on Nov. 8, 2005.

Avery's lawyers are expected to begin calling witnesses this afternoon after a morning of housekeeping legal work and motions without the jury. Defense attorneys Dean Strang and Jerome Buting expect their case to last through the end of the week.

See A10C, C-3

On the Web

Coverage is streamed throughout the day at www.postcrescent.com/avery. Each day we offer:

- **Four Steven Avery trial updates.**
- **John Lera's blog.**
- **A photo gallery.**
- **An early-morning video report that recaps the previous day and looks ahead, plus video updates before and after the trial.**
- **Live newsroom video of court proceedings.**

Tributes help Foster cope with grief



FOSTER ELEMENTARY SCHOOL fifth-grader Any Vang (left) and third-grader Jessica Smith sign a memorial banner dedicated to the life of Foster kindergarten teacher Ann Baum on Wednesday at the Appleton school.

Elementary school celebrates life of kindergarten teacher

APPLETON — A somber week continues at Foster Elementary School as students and staff mourn the death of kindergarten teacher Ann Baum.

Baum, 65, who planned to retire at the end of the school year, was killed in a traffic crash Monday night in the town of Center, north of Appleton.

Students have been writing tributes celebrating Baum's life on a banner in the school hallway. In addition, pink ribbons are being distributed "to remember all Ann's bright days."

Baum piloted the all-day kindergarten program at Foster and was considered the "go-to" person in the district "when it came to kindergarten programming, according to Appleton Area School District Deputy Supt. Lee Allinger.

Baum, who worked for the Appleton district for 29 years, is also being remembered as someone who inspired others to teach.

Among the tributes that have been sent to *The Post-Crescent*, Amy Nagan wrote: "Ann Baum was my mentor teacher my senior year of high school for a co-op program where seniors could go on the job to try out a profession. I chose to try teaching and had the privilege of working with Mrs. Baum and her kindergarteners every afternoon that year.

She was truly an inspiration for me and I did end up going to school to become a teacher. I could only hope I will be as wonderful a teacher as she was."

Contact key for county director

Outagamie race contenders debate at forum

APPLETON — Communication is the cornerstone of the job of the Outagamie County executive, agreed incumbent Toby Palzer and his challenger in the race, Outagamie Supv. Chuck Schmidt.

While Palzer believes it drew him to the job eight years ago when he formerly worked for Schmidt, Schmidt said it is the lack of communication that has propelled him to try to unseat Palzer.

"We can only function as well as the information we receive," Schmidt said Wednesday at a forum held for the two candidates at Harmony Cafe.

"It's working together — that's the only reason I wanted the job," said Palzer of his reason for seeking the post.

The one-hour debate consisted of questions from the sponsors Working Families Win, Harmony Cafe and the Appleton League of Women Voters and audience participants.

Palzer opened the forum listing his office's efforts for regionalized operations — such as Fore-Comm, a four-county partnership linking law enforcement agencies, fire departments and emergency rescue services and the Tri-County Solid Waste Agreement with Winnebago and Brown counties — since being elected in 1999.

Describing himself as fiscally conservative, Schmidt said he is concerned that the budget has increased by \$19 million.

See C10, C-7

Rattlers, General Beer teaming for party deck

Stadium addition in outfield to hold 300 baseball fans

By Brett Christopherson
Special to the Post-Crescent

Fans checking out the Wisconsin Timber Rattlers this season will have a new vantage point to view the action.

On deck.

The minor league baseball club announced Wednesday it is partnering with General Beer to construct a party deck behind the right-field fence at Fox Cities Stadium.

Dubbed the Miller High Life Deck, the addition is expected to hold about 300 people and will be made available for groups of 20 or more at a cost of \$20 per person and \$16 for children ages 12 and under.

Included in the price will be a game ticket, an all-you-can-eat buffet and two complimentary beverages.

"It's adding a new fan amenity," Rattlers president and general manager Rob Zerjav said. "It will really be a great view for people, a different perspective."

Zerjav said eight local companies are bidding to build the deck and expenses construction to begin shortly.

The plan now is to have the deck, which will feature a tuxedo design, operating in time for the Rattlers' Midwest League season opener April 5.

"We're maybe shooting high, but that's our plan right now," Zerjav said. "If not Opening Day, then as close to that as possible."

Because the bidding process currently is underway, no estimates were given for the cost of the project.

Matt Woychek, senior vice president and general manager of General Beer Northeast, a Miller Beer Co. distributor, said he and his organization are excited to team up with the Rattlers.

See D10, C-7

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LOCAL & STATE

The Post-Crescent, Appleton-Fox Cities, Wis. ■ C3

AVERY: Prosecution rests after calling 53 witnesses

From C-1

Peveye said it appeared the will stretch into next week, but declined to offer specifics. Strang said they still don't know if Avery will take the stand in his own defense. The decision has not yet been made, Strang said.

Peveye testified he was among the investigators who recovered bone fragments and a declared mass roughly the size of a golf ball, believed to be cherted muscle tissue" on Avery's property. Those remains were later determined to be Halbach's through DNA testing.

State Crime Lab fingerprint expert Michael Riddle. Riddle testified he found the loop end of an Air National Guard lapel and a computer flash card for a digital camera marked "Teresa" when he inventoried Halbach's Toyota Rav4 on Nov. 7, 2005. The sport utility vehicle was discovered among the wrecks in the Avery salvage yard Nov. 3, 2005, and taken in a trailer to the State Crime Lab in Madison.

The lapel loop - introduced as evidence on Day 10 of the trial - was a match for the 5th found with the key to Halbach's vehicle discovered at Avery's bedroom. Riddle testified he was wearing a pair of gloves when he touched the key to the vehicle. Riddle said that there were eight places on the exterior of the Rav4 that were suitable for fingerprint testing, but none revealed prints that could be identified.

Riddle said he also tested for fingerprints on a package of a pair of Avery's jeans discovered in the Manitowish County Clerk of Courts office. It's the sample of blood that Avery's lawyers contend was used to plant evidence in Halbach's car.

"There was some ridge detail, but nothing suitable for comparison," Riddle said of the vital.

■ Circular newspaper engraving.



MIKE RIDDLE, State Crime Lab fingerprint examiner, holds up a National Guard lapel that was found in Teresa Halbach's car during his testimony at the Steven Avery murder trial Wednesday at the Calumet County Courthouse in Chilton.

Defense attorneys project confidence on eve of their case

Strang, Buting preparing to spark 'reasonable doubt'

By Andy Helman

CHILTON - For attorneys Dean Strang and Jerry Buting, it's the night before the trial and they're ready to dance.

The lawyers, defending Steven Avery against charges of murder and mutilation of a corpse, have spent 18 days tangleing with prosecution witnesses and trying to chip away at the prosecution's case.

"We feel comfortable that we've done a good job raising a lot of questions through our cross-examination," Buting said after the prosecution closed its case Wednesday. "I think we're comfortable with the state of things."

It has not come quickly or easily.

"We think that after a month of testimony, there are a number of very, very serious questions that remain unanswered," Buting said. "Where was the kid, how was she killed. There are other things we'll talk about."

Both men said prepare justers came at the end of February.

"Any time I defend someone, I am well aware of the fact that the difficulties are not mine but the defendant's. And you try to meet those (difficulties), we are trying to meet those and we believe in the guy we represent."

The night before the big game was about a month ago. Being said. The defense case often partly comes out through the state's case as well. It's not like you're only heard one side of the story.

Today, they get to be the nice guys and begin calling witnesses to bolster their client's side of things.

Their witness list includes Avery's family, Avery's ex-girlfriend, many of the law enforcement witnesses from the prosecution's list and an anthropologist bone expert.

Buting and Strang declined to say whom from the list they will call.

Knowing the jurors have been selected for a month is on the defense team's mind, but they said the jury still appears to be on the ball.

"We've had two jurors with boxes of the fax who wanted to stick it through and we've had a juror who really seems to be a back problem. Strang said. "They really seem to be getting their work cut out for them."

"Make no mistake about it, when you're charged with a crime you're behind the eight ball," Strang said.

"The mere fact of being charged means that a good bit of the public will presume you're guilty."

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peer Anthony Zimmerman, Zimmerman, a voice mail support tech, cleared up confusion about a Nov. 2, 2005, call to Halbach's voice mail.

During testimony on Feb. 13, managers from two cell service providers created confusion over when Halbach last took a call on her cell phone and when her voice mail last was accessed.

Zimmerman testified Wednesday that a record of activity at 8:05 a.m. on Nov. 2, 2005, was someone leaving Teresa Halbach a message, not someone accessing her voice mail account.

Zimmerman testified that there were 18 messages in Halbach's voice mail when the account records were pulled. Ten of the messages had been opened, but not used.

He also said there was no activity from Halbach's handset after 2:41 p.m. on Oct. 31, 2005.

Mike Halbach, Teresa Halbach's brother, recalled to the stand to help clear up the cell phone confusion, testified that he called Teresa's voice mail from his own cell phone on Nov. 3, 2005 - the day the Halbach family realized she was missing.

Halbach said he was able to access his sister's account because he had done Web site work for her. It was a pay-by-business and new passwords associated with that project.

"I had a feeling what it was," Halbach said. Her father had accessed the account and there were 18 new messages, he said.

Halbach had to listen to the first few messages, hoping they'd contain information about his sister's whereabouts.

Once it became clear the messages were not helpful, he skipped past them - saying about half of them, he said.

His testimony accounted for the status change in several of Teresa's voice mails, changing them from new and unopened, but not used.

"I don't believe I created any messages," Halbach said.

Andy Helman writes for the Green Bay Press-Gazette.

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Oshkosh man found not guilty of abusing dog

By Jenette K. Wood

OSHKOSH - An Oshkosh man admitted he led to police when he told them he didn't own a sick pit bull puppy, but a jury determined his actions did not contribute to the death of the puppy last year.

After deliberating about two hours Tuesday, a Winnebago County jury determined Elias L. Tapia, 21, was not guilty of mistreatment of animals and intentionally failing to provide food for an animal.

He was found guilty of assisting or obstructing an officer.

"He was afraid and told the officer he is in the animal contact," said Joseph Hildebrand, the attorney representing Tapia. "We didn't think he mistreated this animal, but he did."

Winnebago County Circuit Judge Thomas Grillon will sentence Tapia on the assisting or obstructing charge on March 20. He faces a maximum penalty of nine months in jail and \$10,000 fine.

According to the criminal complaint, Valentine, the 4-month-old pit bull puppy was ill and emaciated and had to be put to death when Tapia and his roommate took it to the Oshkosh Area Humane Society Feb. 17, 2006.

The dog had cuts on its legs and abdomen, some of which were infected, the complaint stated.

Jenette K. Wood writes for the Oshkosh Northwestern.

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