

Local & State

OBITUARIES C-4 / VIEWS C-8

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www.post-crescent.com

THE POST-CRESCENT

Wednesday, February 21, 2007

AREA BRIEFS

\$20,000 bond set in Internet sex case

APPLETON — A West Bend man caught in a computer sting operation was placed under a \$20,000 cash bond Monday in Outagamie County Circuit Court.

Michael J. Nuerberg, 47, was charged with using a computer to facilitate a sex crime and child enticement after he was lured to the area Saturday allegedly seeking sexual contact with who he believed was a 14-year-old girl.

The charges carry a maximum penalty of 65 years of prison and extended supervision. The arrest came as a result of a private organization, Perverted Justice, which uses volunteers to interact with possible sexual predators in Internet chat rooms and then shares the information with police.

Nuerberg was arrested after he showed up at a fast-food restaurant where he thought he had arranged a meeting. A preliminary hearing is set for Friday.

PCFox Valley online poll

THE QUESTION: When should weather cause school cancellations?

THE ANSWERS: Never, add those days are worth 21.8%
When snow or ice hampers buses 47.9%
When cold is severe, like recently 21.9%
Leave attendance up to teachers 8.8%
(1,583 total responses)

THE CURRENT QUESTION: How often should revenues and National Guard reserves be called to warlike duty?

THE ANSWERS: Once is enough of a sacrifice. ■ No more than three times. ■ Unlimited times, but only after a one-year term. ■ As often as the president sees fit.

Vote for your answer at www.post-crescent.com

Results are reported online and in Wednesday's newspapers.

BLACK HISTORY MONTH

Political
Who has been most influential in Congress?

Barack Obama
Clinton
McCain
Nader

Cond. Mosley
Barack Obama
Clinton
Nader
Representing Illinois.

Source: www.post-crescent.com

John L. Laska, General News Editor

From C-1 column

LOTTERIES

Draws Tuesday

Wisconsin:
Daily Pick 2: 4-8
Daily Pick 4: 3-8-2
Supernova: 9-10-15-23-31
Mega 8: 2-38-34-36

Illinois:
Pick 3 (evening): 0-1-4
Pick 4 (evening): 0-7-5-7

Michigan:
Daily 2: 2-2-3
Daily 4: 7-3-8-5
Fantasia 5: 14-17-30-30-37

Play before 10:30 p.m.

County to sell nursing home

Testimony centers on whether items planted in Avery home



CALUMET COUNTY SHERIFF'S INVESTIGATOR MARK WIEGERT holds up the key found inside Steven Avery's trailer on Nov. 8, 2005, while Manitowish County Sheriff's Sgt. Andrew Colborn (left) testifies during Avery's homicide trial in the Calumet County Courthouse in Chilton on Tuesday.

By Amy Nelson
General Assignment Newspapers

CHILTON — Two cops accused of planting evidence to incriminate Steven Avery testified Tuesday they had no reason to frame the 44-year-old Manitowish man.

At first trial, Avery, who spent 18 years in prison for a sexual assault that DNA proved he didn't commit, convinced both Manitowish County Sheriff's Sgt. Andrew Colborn and Lt. James Lenk that they didn't have anything to do with the disappearance of freelance photographer Teresa Halbach.

However, once Halbach's Toyota RAV4 was found on the Avery family property, all bets were off and both men were part of the search for evidence to show what happened to the 25-year-old St. John woman.

Avery is being tried on charges that he killed Halbach and mutilated her body to cover up the crime. His nephew, 17-year-old Brandon Daney, is set to go on trial on similar charges in April.

Blended into the case is the \$16 million lawsuit Avery had pending against Manitowish County. Both Colborn and



DEAN STRANG, Steven Avery's attorney, questions Manitowish County Sheriff's Sgt. Andrew Colborn, who is one of two deputies accused of planting evidence at Avery's home.

Lenk were deposed as witnesses in the case just three weeks before Halbach's disappearance. The homicide case is being tried in Calumet County to combat that conflict.

Colborn and Lenk both were searching Avery's trailer in the days after Halbach's vehicle was found Nov. 3 at Avery's Auto Salvage, not far from where Steven Avery lived at the edge of the salvage yard. The sheriff's officers were searching for



The Steven Avery trial
Avery's attorney (left) questions Manitowish County Sheriff's Sgt. Andrew Colborn, who is one of two deputies accused of planting evidence at Avery's home.

On the Web
Coverage of the Steven Avery trial is updated continuously when court is in session at www.post-crescent.com/avery

Inside
Streaming video of the trial and press conferences is available on the site, as well as video reports from reporters at the courthouse.

We had press reports about Avery and suspect Brandon Daney who faces similar charges in the slaying, go to www.post-crescent.com and click on Issues/News/Case under Special Sections.

photos and documents on Nov. 8, but came away with a crucial piece of evidence.
"There was a narrow area between this bookcase and the desk in order to make sure there was no evidence or anything else that we needed lodged between there, it actually tipped (the bookcase) to the side and twisted it away from the wall," Colborn said.

County to sell nursing home

Calumet board reverses decision

By Susan Squires
Post-Crescent staff writer

CHILTON — The Calumet County Board reversed itself Tuesday and authorized its property committee to begin negotiating the sale of Calumet Homestead Rehabilitation Center, the county's 90-bed nursing home in New Holston.

The vote was 13-8 to proceed with the sale. In January, the board voted 10-8 to keep the home, which could lose \$622,000 this year. Voters in November refused permission to exceed the state-imposed cap on property tax increases to offset the county's deficit.

County officials blame shortsighted financial and cost-of-union employees' benefits for the red ink.

"The best way to keep it as a viable operation is to let the private sector do it," said Brian Lofthart, county administrator.

Forty Wisconsin counties operate nursing homes. Several, like Calumet, are either debating a sale or are in the process of selling. A commercial broker told a county committee member that the county probably could command between \$14 million and \$2.8 million for the Homestead.

The board revisited the resolution to sell at the request of Supt. Kristopher Kruse, who was absent when the board voted last month to keep the home. The County Board's rules permit a supervisor on the prevailing side or one with an excused absence to revise a defeated resolution, but only once. Tuesday was the final vote on this particular resolution.

The county is not required to operate a nursing home, or to pay to help relocate the elderly patients. The county is only responsible financially for people who are mentally ill, developmentally disabled, or who are dependent on alcohol or drugs.

They (Homestead's residents) were very happy when they heard about the vote last month," Supt. Donald Sommers said. "There are going to be some broken hearts."

Susan Squires can be reached at 920-993-1000, ext. 288, or ssquires@post-crescent.com.

Ziegler, Clifford will face off for court seat

MILWAUKEE — Washington County Circuit Judge Anneke Ziegler was a winner in Tuesday's primary election for state Supreme Court.
She and the second-leading votegetter, Madison lawyer Linda Clifford, will face off in the April 3 election.
Sommers was eliminated. "I am so proud to have the support of Wisconsin citizens," Ziegler said. "I'm

honoored and humbled by tonight's result."
The election between the two liberal justices will be for a 10-year term to replace retiring Justice Jon Wronk. The 79-year-old Wisconsin circuit bench in 1997 by conservatives on the court along with Justice Ruggsack and David Prosser.
The more liberal members are Chief Justice Shirley Abrahamson and Justice Ann Walsh Bradley, with Justice Frank Crooks seen as a swing vote.
Ziegler, 42, was appointed to the Circuit Court bench in 1997 by

Incumbents fare well in municipal primary races

Little Chute, Appleton officials advance to April

for incumbents.
Fischer, 64, is a retired teacher and the longest-serving member on the board. He was appointed president last August after the resignation and death of John Roopackers. Before that he was a trustee for 24 years.
Vanden Berg, 48, is a self-employed lawyer. He was first elected to the board four years ago.
Appleton
Both aldermen seeking new terms on the Common Council advanced easily as the top election-day performers in their respective three-person con-

of his challengers, Edward A. Klug, 48, and Thomas A. Werth, 53.
Clomson collected 49 percent of the vote total. Werth, a real estate agent and homebuilder, had 26 percent of the unofficial total. It was enough to edge Klug, who drew 25 percent.
Noonah
Lee Hillstrom and incumbent Steve Erbach will face off April 3 for the District 5 aldermanic seat after surviving the primary.
Hillstrom, vice president of Manitowish Studios Inc., garnered nearly 47

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The charges carry a maximum penalty of 65 years of prison and extended supervision.

The arrest came as a result of a private organization, Perverted Justice, which uses volunteers to interact with possible sexual predators in Internet chat rooms and then shares the information with police.

Nuernberg was arrested after he showed up at a fast-food restaurant where he thought he had arranged a meeting.

A preliminary hearing is set for Friday.

P-C Fox Valley online poll

THE QUESTION: When should weather cause school cancellations?

THE ANSWERS: Never, less than three days are wrong: 21.8%

When temps are in the 40s or 50s: 42.9%

When cold is severe, like monthly: 21.5%

Leave attendance up to parents: 8.5%

(1,983 total respondents)

THE CURRENT QUESTION:

How often should residents and national guard members be called to active duty?

THE ANSWERS: Once is enough of a sacrifice: 76%

No more than three times: 18%

Infrequent times, but only after a one-year break: 6%

As often as the president sees fit: 0%

Vote for your answer at www.post-crescent.com/news

Results are reported online and in Wednesday's newspapers.

BLACK HISTORY MONTH

February Events: Politics: The first black woman elected Congress.

Shirley Chisholm: Representative for New York, 1968-70.

Coretta Scott King: March 4, 1968, Memphis, Tenn., supporting Dr. King.

Source: www.africanhistory.com

LOTTERIES

Drawn Tuesday: Wisconsin: Daily Pick 3: 4-6-8; Daily Pick 4: 8-9-1-3; Superdraw: 5-6-10-15-21-31; Badger 5: 1-9-18-26-30

Illinois: Daily Pick 3 (evening): 0-1-4; Pick 4 (evening): 0-7-5-7

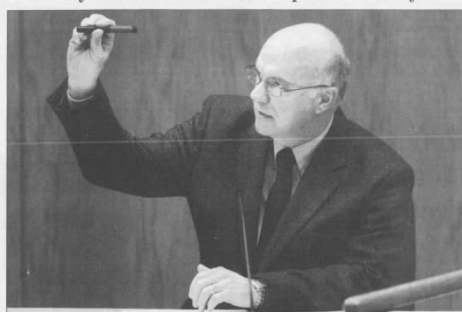
Michigan: Daily 3: 2-0-3; Daily 4: 7-3-6-8; Fantasy 5: 14-17-30-36-37

Play order: State Play

Source: www.wisconsinlottery.com

Focus on alleged frame-up

Testimony centers on whether items planted in Avery home



MANITOWOC COUNTY SHERIFF'S LT. JAMES LENK uses a laser pointer on an animation of Steven Avery's mobile home during testimony this morning at the Calumet County Courthouse in Chilton. Lenk is one of two officers the defense suggests planted evidence.

By Andy Nelesen
CHILTON — Prosecutors aren't backing down from asking the same sort of tough questions as Steven Avery's defense attorneys, and asking them of prosecutive witnesses.

Special prosecutor Ken Kratz started today's testimony by asking his own witness — Manitowoc County Sheriff's Lt. James Lenk — about allegations that he planted evidence to frame Avery in Teresa Halbach's death in 2005.

Lenk told the story of how he and another Manitowoc County deputy sponsored a criminal case of evidence — a Toyota car key — from a backhoe inside Steven Avery's bedroom.

Lenk opened the testimony this morning, the eighth day of the Avery trial in Calumet County, where Avery is facing homicide, mutilation of a corpse and false imprisonment charges for allegedly killing Halbach on Oct. 31, 2005.

Kratz asked Lenk if he had ever seen a val of Avery's blood in possession of Manitowoc County, alluding to a sample of Avery's blood collected during his bid for freedom from a 1995

sexual assault conviction. Avery eventually was cleared in the case, but his exonerated came from a DNA profile from a different blood sample.

Lenk said he was not aware Avery's blood was being held in the Manitowoc County Clerk of Courts office and wasn't even in the clerk's office about the time that authorities were searching Avery's property after Halbach's disappearance. Kratz said in his opening statement

that several spots of Avery's blood were inside Halbach's vehicle, which was found at Avery's Auto Salvage, near where Avery lived in 2005.

"Mr. Lenk, did you ever obtain any blood from the clerk's office or did you obtain blood from any location and plant it anywhere on the Avery salvage property?" Kratz asked Lenk this morning.

DEAN STRANG, Steven Avery's attorney, questions Manitowoc County Sheriff's Sgt. Andrew Gohman. Gohman is one of two officers the defense suggests planted evidence at Avery's home.

The Steven Avery trial
Inside
Avery's testimony takes aggressive tone / C-3
Notes from the courtroom and excerpts from John LaVelle's first trial / C-3

On the Web
Coverage of the Steven Avery trial is updated continuously when court is in session at www.post-crescent.com/avery
Streaming video of the trial and press able on the site, as well as video reports from reporters at the courthouse.
Avery and suspect Benjamin Gohman who have similar changes in the timing, go to www.post-crescent.com and click on Teresa Halbach case under Special Sections.

County to sell nursing home

Calumet board reverses decision

By Susan Squires
Post-Crescent staff writer

CHILTON — The Calumet County Board reversed itself Tuesday and authorized its property committee to begin negotiating the sale of Calumet Homebased Rehabilitation Center, the county's 90-bed nursing home in New Holston.

The vote was 11-8 to proceed with the sale. In January, the board voted 10-8 to keep the home, which could lose \$422,000 this year. Voters in November refused permission to exceed the state-imposed cap on property tax increases to subsidize the Homebased deficit.

County officials have been in federal funding and the cost of union employees' benefits for the red ink.

"The best way to keep it as a viable operation is to let the private sector do it," Supv. Brian Leonard said.

Forty Wisconsin counties operate nursing homes. Several, like Calumet, are either debt-ridden or are in the process of selling. A committee broke down at a study committee in December that the county probably could command between \$1.4 million and \$2.6 million for the Homebased.

The board reversed the resolution to sell at the request of Supv. Knobloch Kratze, who was absent when the board voted last month to keep the home. The County Board's rules permit a supervisor on the prevailing side or one with an excused absence to revise a defeated resolution, but only once. Tuesday's was the final vote on this particular resolution.

The county is not required to operate a nursing home, or to pay to help maintain its elderly patients. The county is only responsible financially for people who are mentally ill, developmentally disabled, or who are dependent on alcohol or drugs.

"They (Homebased's residents) were very happy when they heard about the vote last month," Supv. Donald Sommers said. They are going to be some broken hearts.

Some figures can be reached at 920-993-1000, ext. 286, or squires@post-crescent.com.

Ziegler, Clifford will face off for court seat

MILWAUKEE — Washington County Circuit Judge Annette Ziegler was a winner in Tuesday's primary election for state Supreme Court.

She and the second-leading vote-getter, Madison lawyer Joseph Sommers, were eliminated. "I am so proud to have the support of Wisconsin's citizens," Ziegler said. "I'm

honored and humbled by the support of Wisconsin's citizens," Ziegler said. "I'm

conservative on the court along with Justice Roggenbuck and David Prosser. The more liberal members are Chief Justice Shirley Abrahamson and Justice Ann Walsh Bradley and Louis Butler with Justice Patrick Crooks seen as a swing vote.

Incumbents fare well in multiple primary races

Little Chute, Appleton officials advance to April

Little Chute: President Charles Fischer will square off against Michael Vanden Berg in the spring election.

Appleton: Both aldermen seeking new terms on the Common Council advanced easily as the top election day performers in their respective three-person con-

tests. Fischer, 64, is a retired teacher and the longest-serving member on the board. He was appointed president last August, after the resignation and death of John Roys-akers. Before that he was a trustee for 24 years.

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Election

Election coverage

Local school referendum results / A-1

Water farm tax / A-1

Waters deny fifth high school in Green Bay / C-2

Brown County executive race / C-2

Other results / C-2

Lee Hillstrom and incumbent Steve Erbach will face off April 3 for the District 13 Aldermanic seat after surviving the primary.

Hillstrom, vice president of Monroe Stadium Inc., garnered nearly 47

percent of votes case compared with 36 percent for Erbach, a graphics programmer for Princeton.

Ousted was former Neenah police officer and

See ELECTION, C-2

Wednesday, February 21, 2007 www.post-crescent.com

LOCAL & STATE

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

Sergeant didn't suspect Avery

Investigator details talk that occurred on Nov. 3, 2005

By Andy Hillison
Special Investigator

CHILTON — One of the two Manitowish County sheriff's deputies named in a civil lawsuit filed by Steven Avery testified that he didn't believe Avery was involved in the death of Teresa Halbach.

Sgt. Andrew Colborn said he talked to Avery about 7 p.m. Nov. 3, 2005, after Halbach's disappearance. He said he was not involved in the investigation.

Colborn said Avery told him that Halbach had been there to photograph a mignon he was selling.

"He said, 'I never talked to her. She was only there five or 10 minutes and then she left,'" Colborn said. "That's what he told me."

"He said he saw her out the window taking the pictures," Colborn said that as he was leaving, Avery said he "hoped she turned up soon."

Colborn told James that when he left the property, he didn't think Avery had anything to do with Halbach's disappearance.

Under cross-examination, however, Colborn testified that he didn't write a report about his first meeting with Avery.



Manitowish County Sheriff's Lt. James Leuk walks into the courtroom to give testimony Tuesday in the Steven Avery trial at the Calumet County Courthouse in Chilton.

porting an offer of proof. In plain English, it's put up or shut up.

"But now when it would logically come up in the trial, now when evidence would logically be presented or when the very witness in the defense's offer of proof comes before this court and is able to be asked about sneaking into the clerk's office or stealing a vial of blood or planting evidence, we hear nothing," Kratz said.

Kratz said that Avery's attorneys have had the ability to "contaminate the jury" with the "ingest" of a conspiracy theory and have talked when the time came to show it up.

In his argument to the court, defense attorney Dean Strang said the defense had not begun its case-in-chief and didn't see that it was appropriate to address the issue while

Assembly moves closer to ending sick leave for elected officials

MADISON — The state Assembly gave preliminary approval Tuesday to a bill that would strip elected officials of sick days.

The Republican-controlled Assembly voted 60-18 to move the GOP-authored bill to passage, but state Rep. Matt Schneider, D-Wisconsin Rapids, objected to the final vote.

Under Assembly rules, an objection at that stage requires a two-thirds vote to overcome. The Assembly voted 51-47 to move the bill to passage, short of the 66 needed to overcome the objection.

The objection will appear on the next Assembly calendar. Likely next week, the bill will appear for a vote on passage.

Still, the plan is unlikely to become law.

Senate Majority Leader Judy Robson, D-Beloit, said her chamber had no interest in taking up the legislation. Instead, she said the Senate would update its policy manual to require members to report in writing when they are sick.

The moves follow published reports last year showing only a few lawmakers, elected officials and judges ever claim sick days. They then earn benefits under a program in which state employees convert unused sick days into credits to cover health insurance premiums when they retire.

The Assembly bill would end sick leave for any elected official, including lawmakers, judges and district attorneys. They would not lose sick time already accumulated, however.

Schneider offered no reason for his objection on the Assembly floor. When reached at his office, he said he objected because he didn't like the bill. He declined to elaborate, saying he was too busy for an interview.

Robson said the policy change in the Senate, which is expected to receive approval soon from Senate leaders, would bring elected officials in line with other state employees required to report their sick days.

Man charged for use of sword in would-be rescue

OCCONOMOC — A 39-year-old man says he broke into a neighbor's apartment with a sword because he thought he was overbearing a woman being raped. He was charged with criminal trespass while actually watching a pornographic movie.

"It was a woman screaming," James Van Iveren of Oconomowoc said Tuesday of the Feb. 12 incident. "She was actually watching a pornographic movie."

"It was a woman screaming," James Van Iveren of Oconomowoc said Tuesday of the Feb. 12 incident. "She was actually watching a pornographic movie."

Van Iveren was charged with criminal trespass while using a dangerous weapon, criminal damage to property while using a dangerous weapon and disorderly conduct while using a dangerous weapon, misdemeanors which carry a maximum total penalty of 25 months in jail.

The complaint said the woman was on a DVD being watched by the neighbor, who later played part of the movie back for police to point out what he believed Van Iveren said downstairs.

Don't expect a Perry Mason moment, attorney says

CHILTON — Steven Avery's attorneys are focusing on a theory that two Manitowish County sheriff's officers, Sgt. Andrew Colborn and Lt. James Leuk, planted blood to frame Avery in Teresa Halbach's slaying.

Their contention is that the officers were retaliating for a \$38 million lawsuit Avery filed against the county following his 2003 incarceration for a rape conviction that cost him 18 years in prison.

After Colborn testified in the stand, special prosecutor Ken



John Lee's trial blog.

to the State Crime Lab in September 2002 in an effort to narrow post-conviction relief.

That's where the vial of blood was discovered by Avery's lawyers in preparation for the homicide case.

Leuk said he signed the form for the evidence — hair and fingerprint clippings — to be sent to the State Crime Lab.

Kratz asked, prying for a vehement denial from Leuk. Leuk's testimony began today and followed questions of Manitowish County sheriff's Sgt. Andrew Colborn, who testified the 16 vials about finding the key on Nov. 7, two days after Halbach's Toyota Rav4 was discovered among the wrecks at Avery's Auto Salvage.

Defense lawyer Dean Strang countered Kratz's questioning by showing an evidence trail from Avery's 1983 sexual assault conviction that were sent

AVERY: Officer denies he planted blood evidence

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United Farm Credit Services closes six Wisconsin offices

MILWAUKEE — Agricultural lender United Farm Credit Services closed six Wisconsin offices indefinitely Tuesday.

The move came weeks after its board passed resolutions that the Wisconsin delegation said gave too much power to the state's north-central region.

The agreement called for each state's organization to operate independently, maintaining separate names and executives.

Appleton virtual school open house set for Thursday

Appleton — Wisconsin Connections Academy (WCA), the state's first K-8 virtual charter school, will host an open house from 10 a.m. to 1 p.m. Thursday at WCA, 120 E. Harris St.

The open enrollment period runs through Friday, WCA, open since 2002, is one of 11 Appleton charter schools. A charter is a public school that is allowed to waive certain state regulations in order to deliver its program.

Parents interested in attending the WCA showcase should contact 920-993-7076, ext. 218, or visit www.connectionsacademy.com.

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*Does not apply to specials. Expires 2/19/07

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