

Local & State

OBITUARIES C-4 / VIEWS C-6

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THE POST-CRESCENT

YOUR CONTACT

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Thursday, March 8, 2007

AREA BRIEFS

Post-Crescent sets open records session

Do you have questions about Wisconsin's open records 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 meeting 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, 223 N. Oneida 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.

Times-Villager editor Schubarth to retire

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

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

In 1983, she was hired as the adviser for the Kaukauna High School newspaper, The Heritage. 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 Primrose Lane and Day 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.

Post-Crescent writer: Nancy Drexler

LOTTERIES

Wisconsin

Daily Pick 2: 2-3-8

Daily Pick 4: 1-0-7-7

Super Lotto: 10-13-15-19-24-27

MegaMillions: 2-5-14-24-32

Big Game: 6-9-15-20-23

PowerBall: 13-19-19-40-50

Power Play: 5

Illinois

Pick 3 Evening: 8-7-5

Pick 4 Evening: 7-7-1-6

Michigan

Daily 3: 8-1-3

Daily 4: 2-8-2-2

Fantasy 5: 2-15-31-34-36

Classic Lotto: 19-22-39-42

Post-Crescent writer: Nancy Drexler

Defense targets searches

Avery's attorneys will begin presenting case today

By Amy Felishchik
Special Business Reporting

CHILTON — With the jury not due in until the afternoon, lawyers in the Steven Avery homicide case spent the morning arguing about the legality of law enforcement searches of Avery family property in 2005.

Defense attorney Dean Strang renewed a motion to have the evidence

found during searches of the property in November 2005 tossed out because they exceeded the scope of search warrants.

Avery, 44, is accused of killing photographer Teresa Halbach on Halbach's property in 2005 after she visited Avery's trailer to photograph a motor he was

ed to sell through Auto Trader magazine. Halbach, 25, of St. John, was reported missing by her family on Nov. 3, 2005, and her sport utility vehicle was found among the Avery's Acura Salvage works on Nov. 5, 2005. Avery was arrested Nov. 7, 2005, and later

charged with first-degree intentional homicide, mutilation of a corpse and false imprisonment. If convicted, Avery faces life in prison. Avery's nephew, Brendan Dwaney, 17, also is charged in Halbach's death. He is set to stand trial April 16.

Strang argued that the continued searches of Avery's property — including his trailer, his garage and other areas of the property — exceeded the scope of the search warrant obtained Nov. 5, 2005.

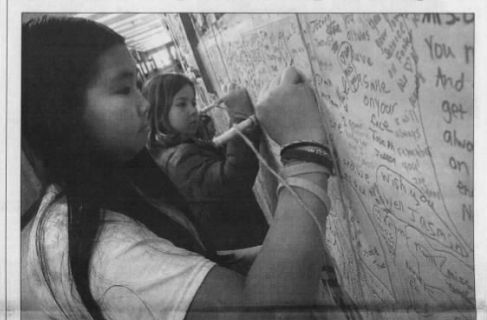
Strang argued that the continued searches of Avery's property — including his trailer, his garage and other areas of the property — exceeded the scope of the search warrant obtained Nov. 5, 2005.

On the Web

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

- Four video stories
- The Steven Avery trial
- Live streaming video of court proceedings
- An early-morning video report that recaps the previous day, and looks ahead, plus video updates before noon and in late afternoon.
- Live streaming video of court proceedings.

Tributes help Foster cope with grief



FOSTER ELEMENTARY SCHOOL fifth-grader Amy 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

The Post-Crescent

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 on 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 "Tosco 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 Neenan 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 a profession. I chose to try teaching and had the privilege of working with Mrs. Baum and her kindergartners 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."

On the Web

► To see related stories and a photo gallery on the life of Ann Baum, click on this story at www.postcrescent.com.



FOSTER ELEMENTARY SCHOOL homeroom teacher Susie Buche holds a basket of pink ribbons Wednesday that were passed out at the school in memory of kindergarten teacher Ann Baum, a teacher with the Appleton Area School District for 29 years, who was killed Monday night when her car collided with a pickup truck in the Town of Center.

Contact key for county director

Outagamie race contenders debate at forum

By J.E. Espino
Photo-Crescent staff writer

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

While Paltzer believes it drew him to the job eight years ago when he ran for the nonpartisan office, Schmidt said it is the lack of communication that has propelled him to unseat Paltzer.

Only functions 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 Paltzer of his reason for seeking the post.

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

Paltzer opened the forum listing his office's efforts for regionalized operations — such as Fox Comm, a four-county partnership linking law enforcement agencies, fire departments and emer-

gency Co. distributor, said he and his organization are excited to team up with General Beer Northeast, a Miller Brew-

Ratters, General Beer teaming for party deck

The Post-Crescent

Stadium addition in outfield to hold 800 baseball fans.

By Brett Christopherson
Post-Crescent staff writer

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

The minor league baseball club announced Wednesday it is partner-

ing 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 800 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 Zejzar said. "It will really be a great view for people, a different perspective."

Zejzar said eight local companies are bidding to build the deck and expects construction to begin shortly.

"The plan now is to have the deck, which will feature a theater 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," Zejzar said. "If not Opening Day, then as close to that as possible."

Because the bidding process currently is under way, no estimates were given for the cost of the

THIS ILLUSTRATION SHOWS



the design of the Miller High Life Deck, which will be situated behind the right-field fence at Fox Cities Stadium.

ing Co. distributor, said he and his organization are excited to team up with General Beer Northeast, a Miller Brew-

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LOCAL & STATE

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

EVERY: Prosecution rests after calling 53 witnesses

From C-1
Avery had an expectation of privacy in his yard and in the barn pit behind his garage where investigators testified they found charred human remains later proven through DNA and dental records to be Halbach's remains.

It is beyond serious debate for an area 20 or 40 feet behind your house, immediately behind your garage... in an area where the grass is mowed and the back yard is tended... is somewhere our culture doesn't recognize as private," Strang said.

Special prosecutor Tom Fallon argued that the warrant for the property covered the barn area and was valid. The area was also covered in a second search warrant authorities obtained to cover a continued search of the property, a theory Fallon put forth as "the inevitable discovery."

The initial search warrant was valid for five days by statute. Manitowish County Circuit Judge Patricia Willis did not immediately rule on the defense motion, but instead started hearing arguments on routine midtrial motions.

The motion hearings came on the heels of the end of the prosecution's case - the prosecution team rested after presenting 53 witnesses and 499 pieces of evidence.

"I think any time that you have a case as serious as this, the conclusion of the state is castled in a big moment," lead special prosecutor Ken Kraft said Wednesday. "I'm happy that that part of the case is completed. I think the case is in as well as it could have expected the case to go in."

"Certainly all of the evidence we expected to get in did get into evidence," Strang and his co-counsel Jerome Buting expect their case will stretch into next week, but declined to offer specifics Wednesday.

Strang said they still don't know if Avery will take the stand in his own defense. The decision has not yet been made, he said.

Avery's defense team has hammered on the theory that

Manitowish County authorities planted Avery's blood inside Halbach's sports utility vehicle using a vial of blood held in the Manitowish County Clerk of Courts file from Avery's 1983 sexual assault conviction. The blood was collected in 1994 as part of Avery's successful post-conviction efforts.

Avery was released in 2003 after DNA evidence exonerated him in the sexual assault case. Avery used Manitowish County in 2004 for the wrongful conviction and demanded \$76 million. He later settled for \$400,000.

The prosecution's move to end its case came at the end of a full day of testimony Wednesday.

Among the witnesses were State Agent Rod Poyce, a fire investigator with the State Department of Justice's Division of Criminal Investigation, testified he ruled out a wood boiler on Avery's property as the place where Halbach's body was burned because the boiler tank was cold and the heater's combustion chamber was filled with unburned paper products.

Poyce also ruled out as a propane-fueled alternative smaller on the Avery property as the place Halbach's body was burned.

Poyce testified he was among the investigators who covered bone fragments and "a distorted metal" in the area of a golf ball, believed to be charred remains, in Avery's property. Those remains were later determined to be Halbach's through DNA testing.

State Crime Lab fingerprinter and forensic impression expert Michael Riddle, Middle testified he found the loop end of an Air National Guard lanyard and a compact flash card for a digital camera marked "Teresa" when he processed Halbach's Toyota Rav4 on Nov. 2, 2005. The sport utility vehicle was discovered among the weeds in the Avery salvage yard Nov. 5, 2005, and taken in a trailer to the State Crime Lab in Madison.

The lanyard loop - introduced as evidence on Day 10 of the trial - was a match for the job found with the key to



Mike Halbach, State Crime Lab unit fingerprint examiner, holds an Air National Guard lanyard 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.

Halbach's vehicle discovered in Avery's backyard. Katie Halbach, Teresa's sister, linked the two pieces during her testimony Feb. 23.

Cingular network engineer Anthony Zimmerman, a witness called in support of Halbach's case, testified that he cleared up confusion on Nov. 2, 2005, called to Halbach's voice mail.

During testimony on Feb. 27, Zimmerman testified that he 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 answering her voice mail.

Zimmerman said 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 saved. 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, testified that he called Teresa's

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. 11, 2006.

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

According to the criminal complaint, Valentine, the 4-

Defense attorneys project confidence on eve of their case

Strang, Buting preparing to spark 'reasonable doubt'

By Andy Neilson
Special Post-Crescent Staff Writer

CHILTON - For attorneys Dean Strang and Jerry Buting, it's the night before the prosecution's case. The lawyers, defending Steven Avery against charges of murder and mutilation of a corpse, have spent 18 days talking 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 and easily. "We think that after months of testimony, there are a number of very, very serious questions that remain unanswered," Buting said.

"Where was she killed, how was she killed. There are some formidable with 'reasonable doubt.' At this point, we're comfortable with 'reasonable doubt.' Both men said progress came at the end of February.

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

Today, they get to be the state's case 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 case and an anthropologist bone expert.

Buting and Strang decided to stay whom from the list they will call.

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

"We've had two jurors with doubts of the fact that it through and we've had a third one who is visibly in pain with a back problem," Strang said. "They really seem to be tugging through."

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

"Any time I defend somebody, I am well aware of the fact what the difficulties are. That is true in this case as it is in any other. And you try to meet those (difficulties), we are trying to meet those and believe in the get we're representing."

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

WINNEBAGO JURY SAYS MAN DID NOT CAUSE DOG'S DEATH

County jury determined Elias L. Tapia, 21, was not guilty of intentionally failing to provide food for a named animal and intentionally failing to provide food for a named animal.

He was found guilty of receiving stolen property, a Class B misdemeanor, and obstructing an officer in the initial contact, a Class B misdemeanor.

After deliberating about two hours Tuesday, a Winnebago

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www.postcrescent.com

THE POST CRESCENT

Wednesday, March 7, 2007

AREA BRIEFS

No conclusions yet in deaths of couple

NEENAH — An elderly Neenah couple who were found dead Sunday both had "heart issues" but the cause of their deaths remains undetermined.

The Winnebago County coroner's office had ordered autopsies in the deaths of Bette L. Rehner, 81, and Wayne M. Rehner, 80, who were found by a neighbor in their home. They both had heart issues but we're waiting for toxicology and that could take four to six weeks to get back to determine the cause of death," said Deputy Coroner Adam Lemish. Autopsies were ordered because of the timing of the deaths.

Meetings focus on school improvements

CLINTONVILLE — The Clintonville School District will hold the first of three public presentations Thursday concerning a two-question referendum on school improvements.

The April 3 referendum calls for issuing bonds not to exceed \$10.7 million for improvements to four schools — the high school, the middle school, and Longfield and Delwood elementary schools — and exceeding the revenue cap for the year.

Thursday's presentation will be 7 p.m. at the high school auditorium, 64 W. Green Tree Road. Subsequent presentations will be 7 p.m. March 13 and 27. The presentations will involve a description of the proposals, a financial report and a question-and-answer session.

POST-CRESCENT ONLINE POLL

THE QUESTION: When will spring weather arrive in the Fox Valley?

THE ANSWERS: ■ March 21, the first day of spring: 23.4% ■ Sometime in April: 48.4% ■ By June, hopefully: 16.7% ■ Won't get it going to snow right through next winter: 10.5% ■ 1,107 total respondents

THE CURRENT QUESTION: What is the most interesting ongoing local news story?

THE ANSWERS: ■ Steven Avery trial ■ Proposed statewide smoking ban ■ Appleton West sports complex ■ Green Bay Packers' offseason moves

Vote for your answer at www.postcrescent.com

RECALL: See www.postcrescent.com for the recall site and in Wednesday's paper.

From P-C services.

LOTTERIES

Wisconsin Tomorrow: ■ Daily Pick 2: 1-1-1 ■ Daily Pick 3: 0-0-0 ■ Superdraw: 3-4-11-12-19-30 ■ Mega 5: 5-21-14-28

Illinois: ■ Pick 3 (evening): 4-0-3 ■ Daily 4: 4-5-5-5 ■ Pick 4 (evening): 1-4-14-30-30

Page editor: Sarah Ray

Crisis team starts healing process

District helps students deal with teacher's sudden death

By Kathy Walsh Muller

Post-Crescent staff writer

Monday when the car she was driving was struck by a pickup truck in the Town of Crescent.

W i l h i n u s e a r s of her death, the crisis response team stands ready to help.

Baum, a kindergarten teacher who had planned to retire in June, died

Yvette Dunlap, district

assistant superintendent for student services and leader of the crisis team, was at Foster on Tuesday with more than half of the 40-member team.

"It's not easy work but an honor and a privilege to be able to support a school community during a time of tragedy and loss," Dunlap said, noting that the team met with Principal Judy Bauman and other administrators Monday night.

After an emergency faculty meeting was held by

Related items

■ Baum will lead at Foster Elementary / A-1

■ How to help children deal with grief / C-8

fore school Tuesday, the crisis team helped call parents to set up a 10:30 a.m. meeting.

"It's a real group effort," Dunlap said of the school counselors, psychologists, nurses, community therapists and

See CRISIS TEAM, C-8



ANBY BAUM TOOK Foster Elementary School students on a field trip this fall.

Defense, chemist spar over tests

MARC LEBEAU, head of the FBI's chemical analysis unit, holds a vial of Steven Avery's blood. Tuesday at the Calumet County Courthouse in Chilton.

CHILTON — Tuesday at the Steven Avery homicide trial was LeBeau's main

Marc LeBeau, head of the FBI's chemical analysis section, testified that he 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 1983 rape conviction.

LeBeau said analysis of three bloodstains found inside Teresa Halbach's Top Gun RAV4 sport utility vehicle, show to be Avery's blood, which was stained in-courthouse.

Tuesday was LeBeau's second day on the witness stand in the Avery case, but first in front of the jury. LeBeau spent Monday answering similar questions in an evidentiary hearing at which Manitowish County Circuit Judge Patrick Wilms decid-

ed that the blood test tes-

mony could be heard. LeBeau testified Tuesday that his lab's testing proved to a reasonable degree of scientific certainty that the blood in Halbach's car wasn't planted using the blood from the clerk of court's office.

"We were not able to identify any presence of EDTA — on the control swabs, any control swabs from the RAV4," LeBeau testified. "We were not able to identify any indication of EDTA — in any of the swabs 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 court's office — "the sample stopped tube of blood" — contained "significant amounts of EDTA."

LeBeau said EDTA is a relatively stable chemical

See TRIAL, C-3

Kimberly, Buchanan boundaries part of pact

Communities attempt to avoid land disputes

The Post-Crescent

Kimberly and the Town of Buchanan stand just a few signatures away from an agreement aimed at preventing future boundary disputes.

As part of that agreement, Kimberly's "No decision to annex former Buchanan farmland being developed will stand without a court challenge from the town."

Boards from both communities voted in favor of an intermunicipal agreement and are expected to sign the document in a ceremony next week. Kimberly passed the plan Monday night with a 6-0 vote. The Buchanan Town Board passed it with a 4-1 vote on Feb. 20.

Kimberly Village President Chuck Kuen said Tuesday the agreement should be positive for both communities.

"It's about neighbors being good neighbors," he said.

Buchanan Town Chairman Jerry Wallebrandt couldn't be reached for comment.

The agreement follows on the heels of conflict stemming from Kimberly's annexation of the former Ennos farm property south of County C.E.

Developers who purchased the farm petitioned Kimberly for annexation after neighborhood opposition to duplex housing contributed to a lengthy rezoning process. Town officials asked the village to reject annexation. The potential value of the land was cited to be \$50 million.

Buchanan officials felt annexation would breach a 2006 agreement with Kimberly that called for them to reject annexation requests from south of County C.E. The Village Board, however, never ratified the agreement.

Village officials went forward and brought the property into Kimberly.

As part of the new agreement, Kimberly will pay Buchanan \$2,000. In exchange, the town will not challenge the annexation in court.

The document also will guide the communities through future situations. Kimberly officials will agree not to encourage town property owners to seek annexation. At the same time, the town will not challenge any annexations when unanimous petitions are presented to Kimberly.

The towns also agreed to engage in cooperative planning, and Kimberly will not show any opposition should Buchanan move to incorporate in the future.

The Steven Avery trial

On the Web

■ Your coverage is updated throughout the day at www.postcrescent.com/avery. Each day we offer:

■ Four updates.

■ Related stories, as they develop.

■ John Lee's blog, adding insight on the trial.

■ A photo gallery.

■ An early-morning video report that wraps the previous day, and looks ahead, plus video updates before noon and in late afternoon.

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If Chicago lands the 2016 Olympics, Wisconsin also wins

Visitors, athletes might consider retreating north

By Pete Bach

Post-Crescent staff writer

ful, we think it would be tremendous," said Kelli Trumble, executive secretary of the state Department of Tourism in Chicago.

"Chicago's our second-leading market. Visitors who come to Chicago for the Olympics will absolutely love to retreat to Wisconsin."

Trumble's upbeat view came as the department

wrapped up its three-day Wisconsin Governor's existing venues and sites Conference on Tourism in Appleton.

The Olympic Committee, including former Baraboo Corp. chief executive officer Steve Stroppe, will gauge whether Chicago is better suited than Lenox, Wis., to host the summer Olympic games in 2016.

The 11-member evaluation commission began its two-day meetings Tuesday. Members planned to meet with Chicago Mayor

Richard Daley and inspect existing venues and sites where new structures could be built.

One Wisconsin tourism official said there's talk a bicycle trail in the southern part of the Active Moore State Forest west of Milwaukee could serve as a venue for competitive racing or practice by mountain bikers.

"They are looking at it as the possible remote site for some of the games," said Jerry Huffman, the

department's communications director. "That would be awesome."

Trumble said whether visitors to the Olympics would venture as far north as the Fox Cities to see the games likely will depend on their travel schedules and the time they've allotted for the global event.

"But our entire state will embrace visitors who are coming in for the Olympics. It's tremendous for the Midwest. It's

See TRIAL, C-3

Related story

■ Report: Kimberly is sought as tourism conference / B-8

On the Web

■ Meet about Chicago's Olympic bid at www.chicago2016.org

tremendous for Wisconsin."

For fact can be reached at 920-993-1000, ext. 421, or apeltshak@postcrescent.com. The Associated Press contributed to this report.

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- Yeah right, it's going to snow right through next winter: 10.5%

1,100 total respondents

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THE ANSWERS:

- Steven Avery trial
- Proposed statewide smoking ban
- Appleton West sports complex
- Green Bay Packers' offseason moves

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LOTTERIES

Drawn Sunday

Wisconsin: 3-1-1

Daily Pick 2: 0-2-6-4

Superslot: 3-4-11-21-30-39

Superslot 5: 5-7-11-14-24

Illinois: 6-9-3

Pick 3 (evening): 3-8-1-1

Michigan: 0-8-8

Daily 2: 4-5-5

Fantasy 5: 1-14-28-30

Page 48B Sarah Riley

Crisis team starts healing process

District helps students deal with teacher's sudden death

By Kelly Walsh Huber
Post-Crescent staff writer

APPLETON — When the Appleton Area School District community suffers a loss, as in the death of Foster Elementary Charter School teacher Ann Baum, the crisis response team stands ready to help.

Baum, a kindergarten teacher who had planned to retire in June, died Monday when the car she was driving was struck by a pickup truck in the town of Cener.

It is 11 hours of her death, the team met with Principal Judy Busman and other administrators Monday night.

After an emergency faculty meeting was held before school Tuesday, the crisis team helped call parents to set up a 10:30 a.m. meeting.

"It's a real group effort," Dunlap said of the school counselors, psychologists, nurses, community therapists and social workers.

ANN BAUM TOOK Foster Elementary School students on a field trip last fall.

Related items

- Baum will lead at Foster Elementary / A-1
- Ways to help children deal with grief / C-8



ANN BAUM TOOK Foster Elementary School students on a field trip last fall.

Focus on search for remains

Arson expert: Boiler, smelter were not used to burn body

By Andy Robinson
Special Features Columnist

CHILTON — Investigators ruled out a wood boiler on Steven Avery's property as the place where Teresa Halbach's body was burned in 2005 because the boiler chamber was cold and the heater's combustion chamber was filled with unburned paper.

A 5-gallon bucket topped the boiler's metal smelting stack, apparently to keep rainwater out of the boiler. Special Agent Rod Peytsoe, an arson investigator with the state Department of Justice, testified today under questioning by prosecutors.

Peytsoe said detectors removed the ash from the bottom of the boiler to check for remains, but that search came up empty.

Avery, 44, is accused of killing Halbach on Halloween 2005 and burning her body to conceal the crime. Avery's nephew, Brenden Dueser, 17, is also charged in Halbach's death.

Halbach was on Avery's property to take photographs of a minivan Avery said he wanted to sell in Auto Trader magazine. Halbach was last seen alive walking to Avery's trailer and investigators found her charred remains in a burn pit near Avery's garage on Nov. 6, 2005.

Peytsoe also ruled out a propane-fueled aluminum smelter on the Avery property as the place Halbach's body was burned.

Peytsoe said he climbed on top of the smelter — used to melt aluminum — and photographed the interior of the device. He said an apparent hole in the side of the device had not been used recently, in part because of the amount of aluminum parts around the smelter and the intact bare cans inside the smelter. Investigator seized no evidence from the smelter area, he said.

Under questioning from special prosecutor Tom Fallos, Peytsoe said he



ROD PEYTSEO, special agent with the state Department of Justice, testifies today in the homicide trial of Steven Avery at the Calumet County Courthouse in Dillon.

wrote a report about his search of the boiler.

"I forget to write a report on the smelter," Peytsoe said.

Peytsoe also was one of the investigators who searched the burn pit area behind Avery's garage on their hands and knees looking for evidence in what eventually became the Halbach murder investigation.

That included crawling inside a doghouse, Peytsoe said.

Peytsoe testified he was among the investigators who recovered bone fragments and "a darkened

Kimberly, Buchanan boundaries part of pact

Communities attempt to avoid land disputes

Kimberly and the Town of Buchanan stand just a few signatures away from an agreement aimed at preventing future boundary disputes.

As part of that agreement, Kimberly's 2006 decision to annex former Buchanan farmland being developed will stand without a court challenge from the town.

Boards from both communities voted in favor of an interim agreement and are expected to sign the document in a ceremony next week. Kimberly passed the plan Monday night with a 6-0 vote. The Buchanan Town Board passed it with a 4-1 vote on Feb. 20.

Kimberly Village President Chuck Keen said Tuesday the agreement should be positive for both communities.

"It's about neighbors being good neighbors," he said.

Buchanan Town Chairman Jerry Wallenfang couldn't be reached for comment.

The agreement follows on the heels of conflict stemming from Kimberly's annexation of the former Enons farm property south of County CE.

Developers who purchased the farm petitioned Kimberly for annexation after neighborhood opposition to duplex housing contributed to a lengthy rezoning process. Town officials asked the village to reject annexation. The potential value of the land was cited to be \$50 million.

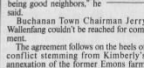
Buchanan officials felt annexation would breach a 2000 agreement with Kimberly that called for them to reject annexation requests from south of County CE. The Village Board, however, never ratified the agreement.

Village officials went forward and brought the property into Kimberly. As part of the new agreement, Kimberly will pay Buchanan \$25,000. In exchange, the town will not challenge the annexation in court.

The document also will guide the communities through future situations.

Kimberly officials will agree not to encourage town property owners to seek annexation. At the same time, the town will not challenge any annexations when unanimous petitions are presented to Kimberly.

The towns also will engage in cooperative planning, and Kimberly will not show any opposition should Buchanan move to incorporate in the future.



Kimberly Village President Chuck Keen said Tuesday the agreement should be positive for both communities.

ON THE WEB

The Steven Avery Trial

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

- Four updates.
- Related stories.
- Live news blogs.
- A photo gallery.

An early-morning video report that wraps the previous day and looks ahead, plus video updates before noon and in late afternoon.

Use streaming videos of court proceedings.

See TRIAL, C-3

If Chicago lands the 2016 Olympics, Wisconsin also wins

Visitors, athletes might consider retreating north

By Pete Bach
Post-Crescent staff writer

CHICAGO — Wisconsin tourism officials are watching closely as Chicago's sales pitch as the U.S. Olympic Committee moves to award its suitability for hosting the 2016 Games.

"If Chicago is successful, we think it would be a tremendous opportunity for Wisconsin," said Kelli Tumbler, secretary of the state Department of Tourism.

"Chicago is our country's leading market for tourists who come to Chicago for the Olympics will absolutely love to retreat to Wisconsin," Tumbler's upbeat view came as the department wrapped up its three-day Wisconsin Governor's Conference on Tourism in Appleton.

The Olympic Committee, including former Banta Corp. chief executive officer Stephanie Strouse, will gauge whether Chicago is better suited than Los Angeles to host the summer event in nine years.

The 11-member evaluation commission began two days of meetings Tuesday. Members planned to meet with Chicago Mayor

Related story

■ Robert F. Kennedy Jr. speaks at tourism conference / B-8

ON THE WEB

Read about Chicago's Olympic bid at www.chicago2016.org.

tremendous for Chicago and tremendous for Wisconsin.

For more on the bid, see page C-10 or visit www.postcrescent.com and www.chicago2016.org.

Richard Daley and inspect

Richard Daley and inspect existing venues and sites where new structures would be built.

The Wisconsin tourism official said there's talk a bicycle trail in the southern part of the Kettle Moraine State Forest would better suit than Los Angeles to host the summer event in nine years.

The 11-member evaluation commission began two days of meetings Tuesday. Members planned to meet with Chicago Mayor

But our entire state

will embrace visitors who are coming in for the Olympics. It's tremendous for the Midwest. It's

Wednesday, March 7, 2007 www.postcrescent.com

LOCAL & STATE

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

Artman looks forward to heading Bureau of Indian Affairs

Former Oneida legal counsel may be sworn in this week

By Brian Tomalty
Post-Crescent Staff Writer

WASHINGTON — The Bush administration's new assistant interior secretary for Indian Affairs, Carl J. Artman, is expected to be sworn in later this week, after being confirmed Monday by the Senate on an 87-1 vote.

Artman is a former legal counsel to the Wisconsin Dept. of Natural Resources and has worked for the Wisconsin Dept. of Natural Resources and the Wisconsin Dept. of Natural Resources.

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Parties exchange familiar questions

Clerk of courts tells jury where blood vials were stored

By Andy Helms
Crescent-Wisconsin Newspapers

CHILTON — FBI chemist Marc LeBeau's testimony for the jury Tuesday was a rebuke of what he told Judge Patrick Willis during an evidentiary hearing Monday.

The fact that the questions and answers were essentially repeated made for interesting moments Tuesday.

"It's hard to cross-examine somebody two days in a row when they know a lot of the same questions are coming," said defense attorney Jerome Buting, who spent most of Tuesday afternoon sparring with LeBeau, chief of the FBI's chemistry lab in Quantico, Va.

Many of Buting's questions were met with a flat "No," or "That is not correct," especially when Buting coached his inquires in the "isn't that correct" fashion that often comes with cross-examination.

LeBeau's short responses would then open the gates for a longer narrative answer.

"LeBeau's long answers at one point prompted Buting to cut him short and say, 'We'd like to get you back to Virginia sometime soon.'"

During prosecution questions, LeBeau said that one of the FBI jobs is to investigate public corruption.



LYNN ZIGMUNT, Manitowish County clerk of courts, testifies at the Steven Avery homicide trial Tuesday at the Calumet County Courthouse in Chilton.

Under cross-examination, Buting asked if there was a grand jury probe into the evidence planting against the Manitowish County authorities or if FBI agents had ever interviewed the two deputies accused of framing Avery.

LeBeau initially said he did not know whether there was an investigation. When Buting pressed the issue, LeBeau's answer got longer.

"I am a scientist," LeBeau said. "I am not a law enforcement officer. I have no knowledge of any such investigation."

LeBeau's testimony in the Steven Avery trial Tuesday opened with testimony from the Manitowish County clerk of courts, Lynn Zigmunt said that the files from Avery's 1993 sexual

assault case were stored in a cardboard box on top of a file cabinet because of regular attention from the public and the media following Avery's 2003 exoneration.

It was kept in the office — rather than in a basement storage area — because it was a large box and difficult to haul every time someone wanted to see it, he said.

Zigmunt said she moved the files to her office in July 2006 and stored them in two plastic totes because she thought the files should be more secure. That was about the time that Avery's lawyers found the vial of blood that was at the center of attention in Tuesday's testimony.

Zigmunt said she was unaware of the blood's existence until Avery's attorneys pointed it out. After the news of the

blood became public in December, the vial was moved to a locked safe, she said.

Prosecutors, investigators, Avery's attorneys and a video photographer were there when the packaging was opened, revealing the purple-topped vial.

The video, shown to the jury Tuesday, showed the seal on the white outer box were broken and the evidence tape around the Styrofoam packaging unsealed at one end.

Inside the Styrofoam cushion was a vial of red liquid — sealed with a purple stopper — that was marked with a white label and stuck tightly inside the packaging.

The video also shows that blood was still in liquid form inside the test tube.

Andy Helms writes for the Green Bay Press-Gazette.

ing to the Green Bay Packers quarterback. "I'm glad to see he's coming back for another season."

On a more serious note, Artman said he's learned "the impact the Department of the Interior can have on an Indian tribe."

"Sometimes, it's a mandate effect," he said. "Often times, it's one born of cooperation or a partnership between an Indian tribe and the Department of the Interior."

"I gained new respect for Brett Favre," he joked, refer-

ing to the Green Bay Packers quarterback. "I'm glad to see he's coming back for another season."

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TRIAL: Defense attacks lab tests on several fronts

From C-1

FBI's chemical analysis section. He testified that he 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 1993 conviction.

LeBeau said analysis of three bloodstains found inside Harbach's 1994 Ford sport utility vehicle, shown to be Avery's through DNA testing, did not contain EDTA, which is short-lived for evidence dating tetrastatic acid.

Avery has maintained that his blood was planted in Harbach's SUV. His attorneys said the blood came from the clerk of courts vial.

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

LeBeau spent Monday answering similar questions in an evidentiary hearing at which Manitowish County Circuit Judge Patrick Willis decided that the blood test testimony could be heard.

LeBeau testified Tuesday that his lab's testing provided a reasonable degree of scientific certainty that the blood in Harbach's car wasn't planted using the blood from the vial.

He said the vial of blood from the clerk of courts office — "the purple stopper lab of blood" — contained "significant amounts of EDTA."

LeBeau said EDTA is a relatively stable chemical used in various products including shampoo and detergent. Some scientists think EDTA has become so prevalent that it is becoming an environmental concern — in part because it does not degrade easily.

LeBeau answered prosecution questions for two hours and spent the rest of the day defending his testing and his lab during cross-examination.

Defense attorney Jerome

"No. We did not screw up, as you say in the O.J. Simpson case."

MARC LEBEAU, head of the FBI chemical analysis section

Buting attacked LeBeau's findings on several fronts. That the testing protocol was hastily designed and improper and that no one outside the FBI lab reviewed the testing.

"Avery's attorneys uncovered the vial of blood in July 2006, but its existence did not become public until December 2006. When the subject of testing the blood — to compare it to Avery's blood found in the SUV — was first discussed, it was thought there was no credible testing available privately and the FBI equipment would not be online for the next several months, not soon enough for the trial.

Prosecutors, however, with help from the FBI field office in Green Bay, were able to get the testing pushed through once it was learned that Avery's attorneys were claiming the vial was the source of the alleged planting.

Buting noted that the last time the FBI's chemical analysis tested to test blood, EDTA was for the 1995 O.J. Simpson case.

"Have you ever before testified in a court of law as an expert who is giving opinions about interpretation of EDTA in a bloodstain?" Buting asked.

LeBeau said he hadn't.

"That might be because your lab screwed up in the O.J. Simpson case," Buting asked.

"No. We did not screw up, as you say, in the O.J. Simpson case," LeBeau responded.

Buting pointed out that FBI tests found EDTA in a bloodstain on a sock and the defense used that evidence to help acquit Simpson of charges that he killed his wife, Nicole Brown Simpson, and her friend, Ron Goldman.

Andy Helms writes for the Green Bay Press-Gazette.

\$1.5M Gilbert office development in Menasha on hold

The Post-Crescent

MENASHA — A proposed \$1.5 million office project at the former Gilbert Paper mill site is on hold for two weeks while the level of assistance is finalized.

The Common Council Monday held for two weeks a development agreement that provides up to \$300,000 from along with Menasha attorney E.J. Jeitnski and

incremental financing district as an incentive for the project along Ahnapp Street.

Community Development Director Greg Keel said a special meeting of the city's Board of Development. Authority would be needed to consider language changes to include equipment of interest to developer Randy Stauffmiller along with Menasha attorney E.J. Jeitnski and

Thomas Chalchoff, who purchased the mill in 2002.

Taxes generated by the new office would need to pay back about \$585,000 within

20 years to cover costs incurred by the developer on his \$300,000 loan. The issue is expected to return to the council on March 19.

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