

Prosecutor Kratz's 13 False Statements In His Book About Steven Avery

Quote	Refutation
<p>“Beginning six years after the trial, in January 2013, Steven Avery and I exchanged a series of letters. He knew that I was no longer a DA and no longer represented the state, and he invited me to visit him at the prison in Boscobel, Wisconsin.” <u>Avery</u> at 164-165.</p>	<p>Although Mr. Kratz does not specify who initiated their correspondence, the record is clear that Mr. Kratz wrote to Mr. Avery first with a letter dated January 14, 2013. In this letter, Mr. Kratz asked Steven to meet with him “for [Mr. Kratz’s] own personal use.” In fact, Mr. Kratz has not produced any correspondence from Steven Avery wherein Steven invited Mr. Kratz to visit him. Rather, Mr. Kratz invited himself with the intention, later revealed in his letter dated September 6, 2015, of writing a book about Steven.</p>
<p>“Steven [Avery] calls to tell <i>Auto Trader</i> employees that Teresa never showed up on October 31st, but that she called to tell him she couldn’t make it. He asked that they reschedule the appointment.” <u>Avery</u> at 163.</p>	<p>Investigators concluded that Steven Avery did not call AutoTrader between 4:30 and 5:00 p.m. on November 3. (STATE5509-5514).</p>
<p>“Steven [Avery] tells Scott Bloedorn, Teresa’s roommate, that Teresa ‘never showed up’ for her appointment on October 31st, and is upset that he was even contacted in connection with the disappearance.” <u>Avery</u> at 163.</p>	<p>Scott Bloedorn called Steven Speckman, not Steven Avery, on 11/3 at 4:10 p.m. (STATE5509-5514).</p>
<p>“Without Brendan’s statement as to where the murder occurred, the police would never have gotten a search warrant and found that bullet.” <u>Avery</u> at 108.</p>	<p>The magic bullets were magically found during a search on March 1, 2006, after Brendan’s confession. However, law enforcement had previously searched the garage 5 times between November 5 and 12, 2005. Mr. Kratz is correct in saying that law enforcement would not have found the damaged bullet if not for the March 1, 2006 coerced statements of Mr. Dassey. Most importantly, Brendan’s statements about where the murder occurred are entirely inconsistent. Brendan first described shooting Ms. Halbach outside the garage, then inside the vehicle in the garage, and, finally, on the garage floor (only after being told about the shell casings in the garage). The Seventh Circuit Opinion stated that there were clear efforts by the interrogators “to have Dassey move all of the</p>

	<p>events to the garage, as no forensic evidence was found in Avery’s trailer.” (<i>Dassey v. Dittmann</i> at 68).</p>
<p>“[Brendan] describes the horrible smell of a burning body — a smell that those unfortunate enough to experience can tell you they will never forget.” <i>Avery</i> at 106.</p>	<p>In his May 13, 2006, interrogation, Brendan said only that the fire smelled “real bad.” Before, when asked if he could smell burning body parts, Brendan told Fassbender and Wiegert that he could not. Brendan does not describe “the horrible smell of a burning body.”</p>
<p>“The rape was initially reported to authorities by the girl’s mother; the girl herself only agreed to cooperate with prosecutors after Avery was safely locked up for the Halbach murder the following fall.” <i>Avery</i> at 35.</p>	<p>These allegations were investigated by the Calumet County Sheriff’s Department in 2004 after they were reported by the girl’s mother. The complaint was unfounded because the alleged victim denied any sexual contact with Steven. The only credible investigation declared that these allegations were unfounded. According to Mr. Kratz, the alleged victim agree to cooperate with prosecutors after Mr. Avery’s detention. This is a misstatement. The alleged victim did cooperate, <i>i.e.</i>, agree to be interviewed, with investigators when the allegations were investigated in 2004. While cooperating with the investigation at that time, the alleged victim denied any sexual contact with Mr. Avery and the investigators concluded that the allegations were unfounded. (Manitowoc Herald Times, “Avery assault charges delayed,” 4/6/2006; Madison, “Another Avery Accuser Awaits,” 4/13/2006).</p>
<p>“. . . officers jackhammered chunks of concrete out of [Steven Avery’s garage] floor, looking for blood that might have soaked through the cracks Analysts did follow-up tests to more precisely identify the substance as human blood, but in this case those tests came back inconclusive. No expert would be willing to testify that blood was present in Avery’s garage in great quantities.” <i>Avery</i> at 88.</p>	<p>Here, Kratz conflates three sets of evidence collected from Steven Avery’s garage: ten swabs from stains on the garage floor taken on November 6, 2005, and sixteen chunks of concrete from the garage floor jackhammered on March 1, 2006, and numerous swabs from the concrete floor of the garage collected on October 4, 2006. There is no evidence that suggests, as does Mr. Kratz, that swabs from the jackhammered chunks were analyzed for the presence of blood. Mr. Avery’s DNA was identified on one of those swabs and Ms. Halbach’s DNA was not</p>

	<p>identified on any of the swabs. The ten swabs taken on November 6 were sent to the crime lab, where nine of them tested positive for the presence of blood. Further, six of those swabs yielded Steven Avery’s DNA profile. Mr. Kratz’s assertion that the stains on the garage floor tested inconclusive for the presence of blood is false. Mr. Avery’s blood was present in the garage in sufficient quantity to yield his DNA profile. None of Ms. Halbach’s blood was detected in the garage. If Ms. Halbach was shot in the head in the garage, her blood would be detectable in the garage. If Mr. Avery had sufficiently cleaned the garage so as to destroy every trace of Ms. Halbach’s DNA, he would have cleaned up his own blood. STATE 5244-46; 5648. In fact, the State’s DNA analyst, Sherry Culhane, testified consistently with this analysis. TT:2/26:112-115.</p>
<p>“In fact, Avery not only doesn’t mention the fire, he denies even having a ‘burn pit,’ and then eventually allows that he has one, but that nothing had been burned in it for two weeks.” <u>Avery</u> at 38.</p>	<p>Steven Avery, when asked if any of the garbage in the salvage yard pit was burned “in burn barrels or open pits,” replied: “Not in the pit, no.” Steven Avery readily admitted that there were burning barrels in the residential areas on the Avery property and that the last time he used his burning barrel was about two weeks earlier when he burned regular garbage. Clearly, Mr. Kratz is mischaracterizing Mr. Avery’s statement. The Averys did not burn garbage in the business or salvage yard areas of the property; they did, however, burn garbage near their homes. Marinette County Interview 11/6/05.</p>
<p>“When [Scott] Bloedorn called Steven Avery on Thursday, November 3rd to ask about <i>his</i> appointment with Teresa, Avery said she’s never shown up.” <u>Avery</u> at 10.</p>	<p>Steven Avery never spoke with Teresa’s roommate, Scott Bloedorn on November 3, 2005, or any other day. Law enforcement investigated these allegations and determined they were false.</p>
<p>“[On October 31st], Avery took steps to conceal himself. Unwilling to give his name or phone number to Auto Trader when booking the shoot, he provided “B. Janda” as a contact name and a telephone number belonging to his</p>	<p>Dawn Pliszka, the AutoTrader employee who took Steven Avery’s call on October 31, 2005, informed law enforcement that she guessed at the contact name for the appointment when she typed “B. Janda” because the caller was</p>

<p>sister, Barb Janda.” <u>Avery</u> at 22.</p>	<p>difficult to understand, not that he told her the appointment was for “B. Janda.” There is no evidence that Steven Avery told Pliszka that the contact name for the appointment was “B. Janda.” TT:2/13:60-63.</p>
<p>“ . . . after phoning Teresa directly to set up the appointment on a forty-six degree October 10th, Steven Avery answered his door clad in only a small white towel. Creepy, thought Teresa. She told friends and coworkers she didn’t want to return.” <u>Avery</u> at 23.</p>	<p>Mr. Kratz’s assertions are false. There is no evidence that 1) this incident occurred on October 10, 2005; 2) Ms. Halbach thought it was “creepy”; and 3) she told coworkers that she did not want to return. No one reported that Ms. Halbach did not want to go back to the Avery property. TT:2/13/60-63. Another AutoTrader employee, Rachel Higgs, told investigators that Ms. Halbach was not uncomfortable going to the Avery property to take photos and that Mr. Avery was harmless.</p>
<p>“Steven doused the cat in gas and oil before the stricken animal was thrown onto the fire. It jumped off and ran around the yard, still ablaze, until Avery caught the cat, applied additional fuel, and threw it back on.” <u>Avery</u> at 29.</p>	<p>Kratz’s assertion that Steven Avery threw the cat into the fire is false. In fact, there is only evidence that someone else threw the cat into the fire. Further, the trial judge ruled this evidence inadmissible because it has “zero probative value.” Motion to Allow the Introduction of Other Acts Evidence pg. 3-4</p>
<p>“On November 3rd, 2005, Mark Wiegert, . . . , knocked on my door A young woman named Teresa Halbach had been reported missing that morning.” <u>Avery</u> at 8-9.</p>	<p>Teresa’s mother, Karen Halbach, first reported Teresa missing at 2:52 p.m. on November 3, 2005.</p>