

1 STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY
2 BRANCH 1

3 STATE OF WISCONSIN,

4 PLAINTIFF, POST-CONVICTION MOTION

5 vs. Case No. 05 CF 381

6 STEVEN A. AVERY,

7 DEFENDANT.

8 **DATE:** MAY 22, 2007

9 **BEFORE:** Hon. Patrick L. Willis
10 Circuit Court Judge

11 **APPEARANCES:** KENNETH R. KRATZ
12 Special Prosecutor
On behalf of the State of Wisconsin.

13 THOMAS J. FALLON
14 Special Prosecutor
On behalf of the State of Wisconsin.

15 NORMAN A. GAHN
16 Special Prosecutor
On behalf of the State of Wisconsin.

17 DEAN A. STRANG
18 Attorney at Law
On behalf of the Defendant.

19 JEROME F. BUTING
20 Attorney at Law
On behalf of the Defendant.

21 STEVEN A. AVERY
22 Defendant
Appeared in person.

23 **TRANSCRIPT OF PROCEEDINGS**

24 Reported by Diane Tesheneck, RPR

25 Official Court Reporter

1 THE COURT: At this time the Court calls
2 State of Wisconsin vs. Steven Avery, Case No. 05 CF
3 381. We are here this morning -- or this afternoon
4 to hear the defendant's motion for a new trial.
5 Will the parties state their appearances for the
6 record, please.

7 ATTORNEY KRATZ: Good afternoon, Judge, the
8 State appears by Calumet County District Attorney
9 Ken Kratz, Assistant Attorney General Tom Fallon,
10 Assistant District Attorney Norm Gahn, appearing as
11 special prosecutors.

12 ATTORNEY STRANG: Steven Avery is present
13 in person; he is in custody. Jerome Buting and Dean
14 Strang appear on his behalf.

15 THE COURT: All right. I will indicate for
16 the record I have received and reviewed the
17 defendant's written motion for a new trial with
18 arguments that consist of 39 pages. I also received
19 the State's response to defendant's motion for new
20 trial, specifically addressing issue number one.

21 I have read, more than once, each of
22 those documents. But if either party desires to
23 supplement the written argument with anything
24 additional today, I will give the parties an
25 opportunity to do so. Mr. Strang, on behalf of

1 the defendant, since it's your motion.

2 ATTORNEY STRANG: Well, I'm happy to do
3 that. I think probably since the briefing on our
4 side is reasonably lengthy and the arguments many,
5 it would be, in all likelihood, more helpful to the
6 Court if I responded to questions, or if there's an
7 area that the Court wants me to address, I'm happy
8 to do that.

9 THE COURT: Well, from your perspective, I
10 guess I was looking primarily at anything you might
11 want to say in response to the submission I received
12 from the State yesterday.

13 ATTORNEY STRANG: Sure. The State and I
14 are agreed on the basic rule in Wisconsin in a
15 criminal case, which is that inconsistent verdicts
16 alone don't require, in and of themselves, a new
17 trial in a criminal case.

18 It's a very different rule in a civil
19 case, of course, and that -- that's troubling
20 just considering the -- the interests at stake in
21 civil and criminal cases, why the law would be
22 more tolerant of -- of inconsistent verdicts in
23 the criminal setting with liberty at stake, than
24 in the civil with a shifting of money or an
25 allocation of damages for loss being at stake.

1 But the rule is as it is. I have tried
2 to explain here why the verdicts necessarily are
3 inconsistent. And the State, I think, in arguing
4 there is no necessary inconsistency, misses the
5 fact that the testimony, which was undisputed, in
6 the end, about bullet holes to the skull, two
7 particular areas of the head, either of which the
8 State's testimony suggested would have been
9 fatal, itself was a disfigurement for a
10 mutilation of a corpse, for purposes of the first
11 element of the mutilating a corpse charge.

12 So it won't do here to say that a jury
13 might have found that Mr. Avery killed Ms
14 Halbach, but not been persuaded, beyond a
15 reasonable doubt, that he burned her body. The
16 burning wouldn't have been necessary to establish
17 mutilation of a corpse.

18 Beyond that, I think there is a
19 necessary inconsistency and that the challenge I
20 offer to the Court is to rethink the a priori
21 assumption that Court's seem to apply that it's
22 the acquittal that's not warranted under law,
23 when that happens, rather than the conviction.

24 At least behind the veil, so to speak,
25 or without knowing more, there would be no reason

1 to go into a case with an assumption that a jury
2 would nullify in the defendant's favor, rather
3 than in the State's favor. It seems to me those
4 two possibilities are in equipoise and there's no
5 reason, no good justification, then, for allowing
6 inconsistent verdicts to stand on the unproven
7 and, I think, illogical assumption that the
8 defendant has gotten the benefit of the
9 inconsistent verdict, rather than the State.

10 Here, I thought it made sense to address
11 another possible reason justifying the difference
12 in treatment between civil cases, where there is
13 very little tolerance for inconsistent verdicts,
14 and criminal cases where there is much greater
15 tolerance for them.

16 Addressing a point on the criminal side
17 that it seems to me could augur in favor of the
18 rule, as it stands, and the State's position
19 here, which is the State, because of the double
20 jeopardy clause, arguably would bear all the
21 burden of a retrial if one were granted for
22 inconsistent verdicts.

23 The defendant could stand on his
24 acquittal and demand a retrial, only on the count
25 of conviction, thereby putting the State in a

1 position where it couldn't get the benefit of
2 multiple counts. And I, you know, whatever
3 may -- may be said in support of the double
4 jeopardy bar of retrial, that strikes me as
5 having some logical appeal, in terms of
6 tolerating the inconsistent verdict, rather than
7 prejudicing the State on a retrial in that
8 fashion.

9 And so what Steven Avery has offered to
10 do is to waive jeopardy, which indeed is waivable
11 under the Fifth Amendment and the Fourteenth
12 Amendment to the United States Constitution and
13 correlative provision of the Wisconsin
14 Constitution to waive jeopardy as to the
15 mutilating a corpse count, so that both he and
16 the State are back at square one, or in
17 equivalent positions on a retrial.

18 Moreover, the inconsistent verdict
19 problem doesn't go to the third count here, felon
20 in possession of a firearm at all. On that
21 basis, we have not sought to set aside the guilty
22 verdict on the felon in possession count. So the
23 parties can be put back where they were, ex ante
24 here, by virtue of Mr. Avery's willingness to
25 waive jeopardy on a grant of a new trial on the

1 homicide, to waive jeopardy on the mutilating a
2 corpse count so that that may be retried in
3 tandem.

4 That's, I think, the thrust of our
5 argument. It rests, in the end, on due process
6 and fairness and not treating a criminal
7 defendant disadvantageously as compared to a
8 civil party, also, again, challenging what is to
9 me a logically unsupportable a priori assumption
10 that in a case of inconsistent verdicts, it's
11 always the defendant who's gotten the benefit of
12 the jury's compromise.

13 THE COURT: All right. Mr. Kratz.

14 ATTORNEY KRATZ: Judge, I do ask the Court
15 consider our written position. It's clear, at least
16 to the prosecution, that the State of Wisconsin law
17 is that this Court is not permitted, by the theory
18 of inconsistent verdicts, to set aside this -- this
19 verdict and would ask the Court follow existing
20 Wisconsin case law and not make new law, or not
21 upset the precedential value that Mr. Strang asked
22 this Court to do. And on that issue, then, Judge, I
23 would ask the Court adopt our position and deny the
24 motion. That's all. Thank you.

25 THE COURT: Very well. Mr. Strang,

1 anything else?

2 ATTORNEY STRANG: No, your Honor.

3 THE COURT: The Court will address each of
4 the bases raised by the defense in its motion for
5 new trial. The first one more extensively than the
6 others, because the others have already been the
7 subject of prior Court rulings.

8 On the issue of inconsistent verdicts, I
9 will note, first, that the Court has not been
10 able to locate, and I don't believe I have been
11 cited to any reported Wisconsin criminal case in
12 which a conviction has been reversed because of
13 verdicts that were alleged to be inconsistent. I
14 do agree with the State that the leading
15 Wisconsin case on the issue appears to be **State**
16 **vs. Thomas**, a Court of Appeals case and what
17 appears to be the most recent authority on the
18 subject.

19 I will note at the outset, that's a case
20 that, in the Court's opinion, provides a more
21 extreme example, if you will, of verdicts that
22 were inconsistent because the charge on which the
23 defendant in that case was found not guilty was
24 armed robbery. And that charge was a predicate
25 for the charge in which the defendant was

1 convicted; specifically, intimidation of a
2 victim.

3 The charge of intimidation of a victim
4 required, as one of its elements, that the
5 defendant in the case had committed a crime. And
6 the only crime that was really the subject of the
7 testimony or argument was the armed robbery
8 charge on which the defendant was acquitted.

9 The following excerpts from that
10 opinion, in the Court's mind, are significant
11 here. The Court ruled in *Thomas* that juries have
12 always had the inherent and fundamental power to
13 return a verdict of not guilty, irrespective of
14 the evidence.

15 The Court went on to hold that the jury
16 here was instructed, that if it was satisfied
17 that the State had proven, beyond a reasonable
18 doubt, all of the elements of armed robbery, it
19 should find the defendant guilty of armed
20 robbery. But that if it was not so satisfied,
21 then it must find the defendant not guilty of
22 armed robbery. This distinction between must and
23 should in criminal law is long standing in
24 American jurisprudence.

25 The Court went on to hold, the fact that

1 a not guilty verdict is inconsistent with another
2 verdict finding the defendant guilty, does not
3 require, or by itself permit, reversal of a
4 judgment entered on the finding of guilt, since
5 there is no way of knowing whether the
6 inconsistency was the result of leniency,
7 mistake, or compromise.

8 The defense candidly and I think
9 properly, in its argument, acknowledges that the
10 State of Wisconsin law is such that it is
11 difficult, if not impossible, to have a verdict
12 on a particular count reversed on the basis that
13 it's inconsistent. I, as a circuit judge, do not
14 have the power to second guess the law as it has
15 developed in this case in the Wisconsin Supreme
16 Court and the Courts of Appeal. These arguments
17 are probably more properly addressed to the Court
18 of Appeals should this matter be appealed.

19 I would note, finally, that the defense
20 in this case did introduce independent evidence
21 challenging the State's contention of the burn
22 site location. And it's possible that the jury
23 could have doubts on that particular charge,
24 which it did not have on the homicide charge.

25 Verdicts are not necessarily entirely

1 consistent or entirely inconsistent. And it
2 appears to the Court that the verdicts in this
3 case, to the extent there is a sense of degree,
4 or at least is not inconsistent, as the verdicts
5 were in the *Thomas* case.

6 But in conclusion, I do not believe
7 there is a basis, in Wisconsin law, to question
8 the jury's verdict on a homicide charge, on the
9 basis of inconsistency with the verdict on the
10 mutilation charge.

11 The defense in this case sets forth
12 other reasons why the Court should consider
13 granting a new trial. The next one in order
14 deals with the three counts which were -- well,
15 two of which were dismissed before the trial
16 started, and one of which the Court dismissed
17 before the case went to the jury. The Court has
18 already addressed that argument in prior rulings,
19 specifically, elements of the argument that is
20 made in the brief, and I'm not going to do so in
21 detail here.

22 I would note that in this pleading and
23 in prior pleadings, there was a reference to the
24 statements of Mr. Dassey as being inadmissible.
25 In the Court's mind, I have always viewed them as

1 being potentially inadmissible, but not
2 necessarily inadmissible. Mr. Dassey was never
3 offered as a witness.

4 We don't know if he would have asserted
5 a right to his Fifth Amendment right to remain
6 silent, whether there would have been an order
7 for him to -- if the State had requested it, how
8 the Court would have ruled. And I don't think,
9 as part of the defense argument, that the Court
10 would agree that the State never had any
11 admissible evidence to proceed on those counts,
12 because it was a bit early in the game to
13 characterize any statements Mr. Dassey may have
14 made as inadmissible.

15 The defense also reiterates its
16 disagreement with the Court's decision not to
17 strike a juror for cause during the course of the
18 trial; specifically, a juror who some six or
19 seven years earlier had sat in as a juror in a
20 civil case in which one of the State's witnesses,
21 Detective David Remiker, was a plaintiff.

22 The Court has previously ruled, or did
23 rule during the course of the trial, that there
24 was not sufficient grounds to strike that juror
25 for cause. The Court stands by that ruling. I

1 would note, in addition, today, that the juror in
2 question was removed from the jury -- from the
3 jury as one of the alternates who did not
4 deliberate. So the juror in question did not
5 actually deliberate on the verdicts.

6 I also note, in reference to the two
7 cases relied on by the defense in the argument,
8 that there are significant factual differences
9 between those cases and the juror in this case.

10 The first case cited by the defendant
11 was *State vs. Delgado*. In that case, the juror
12 in question was asked, as were other jurors on
13 voir dire, whether they had any history or
14 personal experience with sexual assaults. The
15 juror did not answer the question at the time,
16 but disclosed during deliberations that the
17 juror, in fact, had been a sexual assault victim
18 herself. And the juror's statement during the
19 deliberations demonstrated that her history did
20 affect her service as a juror in that case.

21 In this case, there is no indication,
22 that the Court can see, that the juror was not
23 candid during voir dire. I went back and read
24 her written questionnaire in which she did
25 disclose that she was, in fact, a juror in a

1 civil case some five to six years earlier. She
2 did not name the parties in that case. I don't
3 believe she remembered who -- what those names
4 were. She was not asked during oral examination
5 further details about the case.

6 She, in the Court's mind, candidly
7 disclosed to the Court, without being invited to
8 do so, during the course of the trial, that once
9 she saw Mr. Remiker on the stand, she recognized
10 him as the plaintiff in the case in which she had
11 deliberated. She indicated she did not have a
12 recollection as to whether or not he testified in
13 that case. And I saw no reason, and continue to
14 see no reason, to doubt her recollection in that
15 regard. It's not unusual to forget, after six or
16 seven years, what the details were of a
17 particular case, even if you sat on it as a
18 juror.

19 The Court also believes that the facts
20 in this case are distinguishable in a number of
21 ways from the **Faucher** case, a second case cited
22 by the defense. The juror in that case indicated
23 that the juror recognized one of the witnesses as
24 a former next door neighbor. And the juror
25 indicated that in her opinion the witness was a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

girl of integrity who wouldn't lie.

That's significantly different from this case where the only contact between the juror and Detective Remiker was the exposure of Detective Remiker to the juror in the course of a trial some six or seven years earlier. And the juror had no opinion as to Mr. Remiker's credibility because the juror could not even remember if Mr. Remiker had testified in the case. So I think there's significant differences between this case and the case in which jurors were ruled to have been jurors who should have been stricken in the past.

The next item raised by the defendant is the Court's denial of the defendant's **Batsen** Challenge to a minority juror who was stricken by the State. The Court is not going to elaborate on its prior decision sustaining that strike. As the Court noted at the time, and as the defense points out, the fact that the defendant in this case is not himself a member of a minority group did not prevent him from raising the **Batsen** challenge. But the Court finds that under the rule of **Batsen**, the decision to strike the juror was not improper.

1 The defense also argues that the Court
2 erred in excluding the testimony of Manitowoc
3 County Coroner, Debra Kakatsch. The Court
4 excluded the testimony during the course of the
5 trial under Section 904.03 because the Court
6 determined that the probative value of the
7 offered testimony was significantly outweighed by
8 a potential confusion of the issues and
9 considerations of undue delay and waste of time.

10 To elaborate on the Court's earlier
11 decision, at the outset of the investigation of
12 this case, once the police became involved,
13 responsibility for the investigation of the case
14 was turned over by the Manitowoc County District
15 Attorney to the Calumet County District Attorney.
16 And the Wisconsin Department of Criminal
17 Investigation was brought in almost immediately.

18 The decision was made because of
19 Mr. Avery's pending lawsuit against Manitowoc
20 County. And I believe it's important to keep in
21 mind that while it was the actions of the
22 Manitowoc County Sheriff's Department that no
23 doubt formed the basis of the lawsuit, the
24 Manitowoc County Sheriff's Department is not an
25 independent entity that was the subject of the

1 suit, it's Manitowoc County. And Coroner
2 Kakatsch was also an employee of Manitowoc
3 County.

4 While it's true that representatives of
5 the sheriff's department participated in the
6 investigation, the supervisory role was ceded to
7 Calumet County and the State of Wisconsin. And
8 Coroner Kakatsch would have had a supervisory
9 role had she participated.

10 More significantly and directly
11 involved, as far as her testimony would have
12 gone, she could only offer testimony of what she
13 would have done had authority not been turned
14 over to Calumet County and the State. She had no
15 significantly relevant testimony or probative
16 evidence to offer on factual matters related to
17 the crime.

18 The Court gave the defense more than
19 adequate opportunity to highlight the motives
20 that members of the Manitowoc County Sheriff's
21 Department conceivably could have had against the
22 defendant. In the Court's judgment, it would
23 have been a waste of time to make a five week
24 trial even longer by allowing the testimony of
25 what a witness might have done had the witness

1 participated in the investigation.

2 The Court does acknowledge that the
3 defendant certainly had a right to introduce
4 evidence critical of the State's handling of the
5 forensic cremains evidence in this case. The
6 defendant was given adequate opportunity to do so
7 in the form of cross-examination of the State's
8 witnesses and the testimony of Dr. Scott
9 Fairgrieve, its own witness.

10 That evidence was directly probative and
11 more than sufficient to address this particular
12 part of the defense case. The Court concludes
13 that Coroner Kakatsch had no particular expertise
14 that would have added anything to the defense
15 argument.

16 The defendant also argues that the Court
17 erred in allowing Mark LeBeau's testimony. He
18 was the FBI expert that testified about EDTA test
19 results. Again, this issue was thoroughly
20 addressed during the trial. I'm not going to
21 repeat everything again. But given the learning
22 curve, if you will, of the Court, with respect to
23 EDTA evidence, both before the trial and during
24 the course of the trial, I would make the
25 following observations:

1 The Court is not being critical of
2 either party for not conducting EDTA tests
3 earlier. Each party was free to make whatever
4 strategic decision it wished to make on this
5 point, that is, to conduct EDTA testing or not
6 testing.

7 With respect to the scientific state of
8 EDTA testing itself, the Court, based on the
9 testimony at the trial, and the pre-trial briefs
10 that were submitted by the parties earlier, comes
11 to the following conclusions:

12 At least at this point there is no one
13 standardized procedure for testing the presence
14 of EDTA in blood samples, primarily because of a
15 lack of demand for such testing.

16 The Court also concludes, however, that
17 testing for the presence or absence of EDTA
18 appears to be scientifically possible. Certainly
19 the FBI expert, Mr. LeBeau, who testified,
20 believes it is.

21 And as the Court understood the
22 testimony of defense witness, Janine Arvizu,
23 while she was critical of some of the methods
24 employed by the FBI and the conclusions that were
25 drawn from the methods employed, I do not recall

1 anything in her testimony to suggest that EDTA is
2 something that cannot be measured in blood
3 samples with proper testing protocols.

4 While it's true that the FBI at this
5 point may have more experience in this area than
6 private labs, the Court does not believe there is
7 anything special about the FBI's experience or
8 equipment that would make the FBI uniquely
9 qualified to test for EDTA. In fact, Ms Arvizu's
10 testimony suggested that a private lab may well
11 have utilized alternative procedures to do a
12 better job.

13 Finally, I would note that the defense
14 has argued alternatively during the latter stages
15 of the pre-trial proceedings and the trial
16 itself, either that EDTA testing is unavailable
17 or unreliable, but, then, at the same time,
18 argued that the Court should have continued the
19 trial in this case to permit the defendant to
20 conduct EDTA testing.

21 Given the defense experts criticism of
22 the methods employed by the FBI, the Court
23 believes that the defendant could just as easily
24 have conducted EDTA testing before the trial as
25 at this time. The decision not to test, the

1 Court believes, was the defendant's decision and
2 cannot form the basis of an argument for a new
3 trial at this point.

4 Finally, the defense alleged that there
5 were other errors committed by the Court,
6 including rulings on the searches, the
7 admissibility of the bullet on which the victim's
8 DNA was found and other motions that the Court
9 ruled on during the course of these proceedings.
10 In all likelihood, many of the Court's rulings
11 may be the subject of challenge in an appeal of
12 this matter, but the Court finds no reason at
13 this time to reconsider those rulings.

14 For all those reasons, the Court is
15 going to deny the defendant's motion for a new
16 trial at this time. And we will proceed to
17 sentencing which is scheduled for 1:30 on
18 June 1st.

19 I will inform counsel that I had my
20 judicial assistant contact the PSI writer. I
21 understand it's expected to be available
22 Thursday, that is, two days from today. Is there
23 anything further from either party this
24 afternoon?

25 ATTORNEY KRATZ: Did the Court want me to

1 draft an order?

2 THE COURT: Yes, I would like you to draft
3 an order, please.

4 ATTORNEY STRANG: Two things, one, I think
5 the Court misspoke factually on the third issue
6 concerning the juror we contend should have been
7 stricken for objective bias. It is true the juror
8 did not serve, but that was not because she was an
9 alternate who was excused. We used the extra
10 peremptory strike that we agreed, with the State,
11 the parties would have to remove her because the
12 Court had not removed her for cause.

13 THE COURT: Well, the Court understands
14 that to be a method that the parties agreed to, to
15 select the alternate jurors who would not serve, but
16 I do agree that that was the procedure that the
17 parties agreed to.

18 ATTORNEY STRANG: And, secondly, does the
19 Court know whether the PSI will be mailed to
20 counsel, or is it to be picked up or ...

21 THE COURT: I would suggest that the
22 parties contact the PSI writer directly for that.
23 And if there are problems with getting it in a
24 timely fashion, notify the Court. I'm trying to
25 think, this Thursday would be --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTORNEY STRANG: The 24th.

THE COURT: -- the 24th. And that would be eight days before the scheduled sentencing date.

ATTORNEY BUTING: Would the Court have any objection if it's faxed. I have received -- some counties will do that. I don't know whether it's --

THE COURT: Let's do this, after we go off the record, let's go back in my chambers and contact the PSI writer and attempt to resolve this. Anything else on the record today?

ATTORNEY KRATZ: No.

ATTORNEY STRANG: No.

THE COURT: Very well, we're adjourned for this afternoon.

(Proceedings concluded.)

1 STATE OF WISCONSIN)
)ss
2 COUNTY OF MANITOWOC)

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Diane Tesheneck, Official Court Reporter for Circuit Court Branch 1 and the State of Wisconsin, do hereby certify that I reported the foregoing matter and that the foregoing transcript has been carefully prepared by me with my computerized stenographic notes as taken by me in machine shorthand, and by computer-assisted transcription thereafter transcribed, and that it is a true and correct transcript of the proceedings had in said matter to the best of my knowledge and ability.

Dated this 22nd day of January, 2008.

Diane Tesheneck, RPR
Official Court Reporter

| | | |
|--|--|--|
| 0 | appears [5] 2/8 8/15 8/17 11/2 19/18 | brought [1] 16/17 |
| 05 [2] 1/5 2/2 | apply [1] 4/21 | bullet [2] 4/6 21/7 |
| 1 | area [2] 3/7 20/5 | burden [1] 5/21 |
| 1:30 [1] 21/17 | areas [1] 4/7 | burn [1] 10/21 |
| 1st [1] 21/18 | arguably [1] 5/20 | burned [1] 4/15 |
| 2 | argued [2] 20/14 20/18 | burning [1] 4/16 |
| 2007 [1] 1/8 | argues [2] 16/1 18/16 | BUTING [2] 1/19 2/13 |
| 2008 [1] 24/15 | arguing [1] 4/3 | C |
| 22 [1] 1/8 | argument [10] 2/23 7/5 9/7 10/9 11/18 11/19 12/9 13/7 18/15 21/2 | calls [1] 2/1 |
| 22nd [1] 24/15 | arguments [3] 2/18 3/4 10/16 | Calumet [4] 2/8 16/15 17/7 17/14 |
| 24th [2] 23/1 23/2 | armed [5] 8/24 9/7 9/18 9/19 9/22 | candid [1] 13/23 |
| 3 | Arvizu [1] 19/22 | candidly [2] 10/8 14/6 |
| 381 [2] 1/5 2/3 | Arvizu's [1] 20/9 | cannot [2] 20/2 21/2 |
| 39 [1] 2/18 | aside [2] 6/21 7/18 | carefully [1] 24/8 |
| 9 | asked [3] 7/21 13/12 14/4 | case [46] |
| 904.03 [1] 16/5 | assault [1] 13/17 | cases [5] 3/21 5/12 5/14 13/7 13/9 |
| A | assaults [1] 13/14 | cause [3] 12/17 12/25 22/12 |
| ability [1] 24/14 | asserted [1] 12/4 | ceded [1] 17/6 |
| absence [1] 19/17 | assistant [3] 2/9 2/10 21/20 | certainly [2] 18/3 19/18 |
| acknowledge [1] 18/2 | assisted [1] 24/10 | certify [1] 24/6 |
| acknowledges [1] 10/9 | assumption [4] 4/21 5/1 5/7 7/9 | CF [2] 1/5 2/2 |
| acquittal [2] 4/22 5/24 | attempt [1] 23/9 | challenge [4] 4/19 15/16 15/23 21/11 |
| acquitted [1] 9/8 | Attorney [7] 1/17 1/19 2/8 2/9 2/10 16/15 16/15 | challenging [2] 7/8 10/21 |
| actions [1] 16/21 | augur [1] 5/17 | chambers [1] 23/8 |
| actually [1] 13/5 | authority [2] 8/17 17/13 | characterize [1] 12/13 |
| added [1] 18/14 | available [1] 21/21 | charge [10] 4/11 8/22 8/24 8/25 9/3 9/8 10/23 10/24 11/8 11/10 |
| addition [1] 13/1 | AVERY [6] 1/6 1/21 2/2 2/12 4/13 6/9 | circuit [4] 1/1 1/10 10/13 24/5 |
| additional [1] 2/24 | Avery's [2] 6/24 16/19 | cited [3] 8/11 13/10 14/21 |
| address [4] 3/7 5/10 8/3 18/11 | B | civil [7] 3/18 3/21 3/24 5/12 7/8 12/20 14/1 |
| addressed [3] 10/17 11/18 18/20 | back [4] 6/16 6/23 13/23 23/8 | clause [1] 5/20 |
| addressing [2] 2/20 5/16 | bar [1] 6/4 | clear [1] 7/15 |
| adequate [2] 17/19 18/6 | based [1] 19/8 | comes [1] 19/10 |
| adjourned [1] 23/13 | bases [1] 8/4 | committed [2] 9/5 21/5 |
| admissibility [1] 21/7 | basic [1] 3/14 | compared [1] 7/7 |
| admissible [1] 12/11 | basis [6] 6/21 10/12 11/7 11/9 16/23 21/2 | compromise [2] 7/12 10/7 |
| adopt [1] 7/23 | Batsen [3] 15/15 15/22 15/24 | computer [1] 24/10 |
| affect [1] 13/20 | bear [1] 5/20 | computer-assisted [1] 24/10 |
| afternoon [4] 2/3 2/7 21/24 23/14 | became [1] 16/12 | computerized [1] 24/9 |
| again [3] 7/8 18/19 18/21 | because [11] 5/19 8/6 8/12 8/22 12/12 15/8 16/5 16/18 19/14 22/8 22/11 | conceivably [1] 17/21 |
| against [2] 16/19 17/21 | before [6] 1/9 11/15 11/17 18/23 20/24 23/3 | concerning [1] 22/6 |
| agree [3] 8/14 12/10 22/16 | behalf [7] 1/12 1/14 1/16 1/18 1/20 2/14 2/25 | concluded [1] 23/15 |
| agreed [4] 3/14 22/10 22/14 22/17 | behind [1] 4/24 | concludes [2] 18/12 19/16 |
| alleged [2] 8/13 21/4 | being [5] 3/25 11/24 12/1 14/7 19/1 | conclusion [1] 11/6 |
| allocation [1] 3/25 | believe [5] 8/10 11/6 14/3 16/20 20/6 | conclusions [2] 19/11 19/24 |
| allowing [3] 5/5 17/24 18/17 | believes [4] 14/19 19/20 20/23 21/1 | conduct [2] 19/5 20/20 |
| almost [1] 16/17 | benefit [3] 5/8 6/1 7/11 | conducted [1] 20/24 |
| alone [1] 3/16 | best [1] 24/13 | conducting [1] 19/2 |
| already [2] 8/6 11/18 | better [1] 20/12 | confusion [1] 16/8 |
| alternate [2] 22/9 22/15 | between [5] 5/12 9/22 13/9 15/3 15/10 | consider [2] 7/15 11/12 |
| alternates [1] 13/3 | beyond [3] 4/14 4/18 9/17 | considerations [1] 16/9 |
| alternative [1] 20/11 | bias [1] 22/7 | considering [1] 3/20 |
| alternatively [1] 20/14 | bit [1] 12/12 | consist [1] 2/18 |
| always [3] 7/11 9/12 11/25 | blood [2] 19/14 20/2 | consistent [1] 11/1 |
| Amendment [3] 6/11 6/12 12/5 | body [1] 4/15 | Constitution [2] 6/12 6/14 |
| American [1] 9/24 | both [2] 6/15 18/23 | contact [4] 15/3 21/20 22/22 23/8 |
| another [2] 5/11 10/1 | BRANCH [2] 1/1 24/5 | contend [1] 22/6 |
| answer [1] 13/15 | brief [1] 11/20 | contention [1] 10/21 |
| ante [1] 6/23 | briefing [1] 3/3 | continue [1] 14/13 |
| anything [8] 2/23 3/10 8/1 18/14 20/1 20/7 21/23 23/10 | briefs [1] 19/9 | continued [1] 20/18 |
| appeal [3] 6/5 10/16 21/11 | | convicted [1] 9/1 |
| appealed [1] 10/18 | | conviction [4] 1/4 4/23 5/25 8/12 |
| Appeals [2] 8/16 10/18 | | Coroner [4] 16/3 17/1 17/8 18/13 |
| appear [1] 2/14 | | corpse [5] 4/10 4/11 4/17 6/15 7/2 |
| appearances [2] 1/11 2/5 | | correct [1] 24/12 |
| Appeared [1] 1/22 | | correlative [1] 6/13 |
| appearing [1] 2/10 | | could [7] 5/17 5/23 10/23 15/8 17/12 17/21 20/23 |
| | | couldn't [1] 6/1 |
| | | counsel [2] 21/19 22/20 |

| | | |
|---|--|---|
| <p>C</p> <p>count [6] 5/24 6/15 6/19 6/22 7/2 10/12</p> <p>counties [1] 23/6</p> <p>counts [3] 6/2 11/14 12/11</p> <p>COUNTY [14] 1/1 2/8 16/3 16/14 16/15 16/20 16/22 16/24 17/1 17/3 17/7 17/14 17/20 24/2</p> <p>course [8] 3/19 12/17 12/23 14/8 15/5 16/4 18/24 21/9</p> <p>COURT [65]</p> <p>Court's [10] 4/21 8/20 9/10 11/25 12/16 14/6 15/15 16/10 17/22 21/10</p> <p>Courts [1] 10/16</p> <p>credibility [1] 15/7</p> <p>cremains [1] 18/5</p> <p>crime [3] 9/5 9/6 17/17</p> <p>criminal [10] 3/15 3/17 3/21 3/23 5/14 5/16 7/6 8/11 9/23 16/16</p> <p>critical [3] 18/4 19/1 19/23</p> <p>criticism [1] 20/21</p> <p>cross [1] 18/7</p> <p>cross-examination [1] 18/7</p> <p>curve [1] 18/22</p> <p>custody [1] 2/13</p> | <p>disadvantageously [1] 7/7</p> <p>disagreement [1] 12/16</p> <p>disclose [1] 13/25</p> <p>disclosed [2] 13/16 14/7</p> <p>disfigurement [1] 4/9</p> <p>dismissed [2] 11/15 11/16</p> <p>distinction [1] 9/22</p> <p>distinguishable [1] 14/20</p> <p>District [4] 2/8 2/10 16/14 16/15</p> <p>DNA [1] 21/8</p> <p>documents [1] 2/22</p> <p>doesn't [1] 6/19</p> <p>done [2] 17/13 17/25</p> <p>door [1] 14/24</p> <p>double [2] 5/19 6/3</p> <p>doubt [4] 4/15 9/18 14/14 16/23</p> <p>doubts [1] 10/23</p> <p>Dr. [1] 18/8</p> <p>Dr. Scott [1] 18/8</p> <p>draft [2] 22/1 22/2</p> <p>drawn [1] 19/25</p> <p>due [1] 7/5</p> <p>during [12] 12/17 12/23 13/16 13/18 13/23 14/4 14/8 16/4 18/20 18/23 20/14 21/9</p> | <p>extensive [1] 8/5</p> <p>extent [1] 11/3</p> <p>extra [1] 22/9</p> <p>extreme [1] 8/21</p> <p>F</p> <p>fact [6] 4/5 9/25 13/17 13/25 15/20 20/9</p> <p>facts [1] 14/19</p> <p>factual [2] 13/8 17/16</p> <p>factually [1] 22/5</p> <p>Fairgrieve [1] 18/9</p> <p>fairness [1] 7/6</p> <p>FALLON [2] 1/13 2/9</p> <p>far [1] 17/11</p> <p>fashion [2] 6/8 22/24</p> <p>fatal [1] 4/9</p> <p>Faucher [1] 14/21</p> <p>favor [3] 5/2 5/3 5/17</p> <p>faxed [1] 23/5</p> <p>FBI [6] 18/18 19/19 19/24 20/4 20/8 20/22</p> <p>FBI's [1] 20/7</p> <p>felon [2] 6/19 6/22</p> <p>Fifth [2] 6/11 12/5</p> <p>finally [3] 10/19 20/13 21/4</p> <p>find [2] 9/19 9/21</p> <p>finding [2] 10/2 10/4</p> <p>finds [2] 15/23 21/12</p> <p>firearm [1] 6/20</p> <p>first [4] 4/10 8/5 8/9 13/10</p> <p>five [2] 14/1 17/23</p> <p>follow [1] 7/19</p> <p>following [3] 9/9 18/25 19/11</p> <p>foregoing [2] 24/7 24/7</p> <p>forensic [1] 18/5</p> <p>forget [1] 14/15</p> <p>form [2] 18/7 21/2</p> <p>formed [1] 16/23</p> <p>former [1] 14/24</p> <p>forth [1] 11/11</p> <p>found [3] 4/13 8/23 21/8</p> <p>Fourteenth [1] 6/11</p> <p>free [1] 19/3</p> <p>fundamental [1] 9/12</p> <p>further [2] 14/5 21/23</p> |
| <p>D</p> <p>damages [1] 3/25</p> <p>Dassey [3] 11/24 12/2 12/13</p> <p>date [2] 1/8 23/3</p> <p>Dated [1] 24/15</p> <p>David [1] 12/21</p> <p>day [1] 24/15</p> <p>days [2] 21/22 23/3</p> <p>deals [1] 11/14</p> <p>DEAN [2] 1/17 2/13</p> <p>Debra [1] 16/3</p> <p>decision [8] 12/16 15/18 15/24 16/11 16/18 19/4 20/25 21/1</p> <p>defendant [25]</p> <p>defendant's [7] 2/4 2/17 2/19 5/2 15/15 21/1 21/15</p> <p>defense [17] 8/4 10/8 10/19 11/11 12/9 12/15 13/7 14/22 15/19 16/1 17/18 18/12 18/14 19/22 20/13 20/21 21/4</p> <p>degree [1] 11/3</p> <p>delay [1] 16/9</p> <p>Delgado [1] 13/11</p> <p>deliberate [2] 13/4 13/5</p> <p>deliberated [1] 14/11</p> <p>deliberations [2] 13/16 13/19</p> <p>demand [2] 5/24 19/15</p> <p>demonstrated [1] 13/19</p> <p>denial [1] 15/15</p> <p>deny [2] 7/23 21/15</p> <p>department [5] 16/16 16/22 16/24 17/5 17/21</p> <p>desires [1] 2/22</p> <p>detail [1] 11/21</p> <p>details [2] 14/5 14/16</p> <p>Detective [3] 12/21 15/4 15/4</p> <p>determined [1] 16/6</p> <p>developed [1] 10/15</p> <p>Diane [3] 1/24 24/4 24/19</p> <p>difference [1] 5/11</p> <p>differences [2] 13/8 15/10</p> <p>different [2] 3/18 15/2</p> <p>difficult [1] 10/11</p> <p>dire [2] 13/13 13/23</p> <p>directly [3] 17/10 18/10 22/22</p> | <p>E</p> <p>each [3] 2/21 8/3 19/3</p> <p>earlier [6] 12/19 14/1 15/6 16/10 19/3 19/10</p> <p>early [1] 12/12</p> <p>easily [1] 20/23</p> <p>EDTA [12] 18/18 18/23 19/2 19/5 19/8 19/14 19/17 20/1 20/9 20/16 20/20 20/24</p> <p>eight [1] 23/3</p> <p>either [5] 2/22 4/7 19/2 20/16 21/23</p> <p>elaborate [2] 15/17 16/10</p> <p>element [1] 4/11</p> <p>elements [3] 9/4 9/18 11/19</p> <p>else [2] 8/1 23/10</p> <p>employed [3] 19/24 19/25 20/22</p> <p>employee [1] 17/2</p> <p>end [2] 4/6 7/5</p> <p>entered [1] 10/4</p> <p>entirely [2] 10/25 11/1</p> <p>entity [1] 16/25</p> <p>equipment [1] 20/8</p> <p>equipoise [1] 5/4</p> <p>equivalent [1] 6/17</p> <p>erred [2] 16/2 18/17</p> <p>errors [1] 21/5</p> <p>establish [1] 4/16</p> <p>even [3] 14/17 15/8 17/24</p> <p>everything [1] 18/21</p> <p>evidence [8] 9/14 10/20 12/11 17/16 18/4 18/5 18/10 18/23</p> <p>ex [1] 6/23</p> <p>examination [2] 14/4 18/7</p> <p>example [1] 8/21</p> <p>excerpts [1] 9/9</p> <p>excluded [1] 16/4</p> <p>excluding [1] 16/2</p> <p>excused [1] 22/9</p> <p>existing [1] 7/19</p> <p>expected [1] 21/21</p> <p>experience [3] 13/14 20/5 20/7</p> <p>expert [2] 18/18 19/19</p> <p>expertise [1] 18/13</p> <p>experts [1] 20/21</p> <p>explain [1] 4/2</p> <p>exposure [1] 15/4</p> | <p>G</p> <p>GAHN [2] 1/15 2/10</p> <p>game [1] 12/12</p> <p>gave [1] 17/18</p> <p>General [1] 2/9</p> <p>getting [1] 22/23</p> <p>girl [1] 15/1</p> <p>give [1] 2/24</p> <p>given [3] 18/6 18/21 20/21</p> <p>going [4] 11/20 15/17 18/20 21/15</p> <p>gone [1] 17/12</p> <p>good [2] 2/7 5/5</p> <p>gotten [2] 5/8 7/11</p> <p>grant [1] 6/25</p> <p>granted [1] 5/21</p> <p>granting [1] 11/13</p> <p>greater [1] 5/14</p> <p>grounds [1] 12/24</p> <p>group [1] 15/21</p> <p>guess [2] 3/10 10/14</p> <p>guilt [1] 10/4</p> <p>guilty [7] 6/21 8/23 9/13 9/19 9/21 10/1 10/2</p> <p>H</p> <p>Halbach [1] 4/14</p> |

| | | |
|---|---|--|
| <p>H</p> <p>handling [1] 18/4 happens [1] 4/23 happy [2] 3/2 3/7 having [1] 6/5 head [1] 4/7 hear [1] 2/4 helpful [1] 3/5 hereby [1] 24/6 herself [1] 13/18 highlight [1] 17/19 himself [1] 15/21 history [2] 13/13 13/19 hold [2] 9/15 9/25 holes [1] 4/6 homicide [3] 7/1 10/24 11/8 Hon [1] 1/9 Honor [1] 8/2 however [1] 19/16</p> | <p>juries [1] 9/11 jurisprudence [1] 9/24 juror [25] juror's [1] 13/18 jurors [4] 13/12 15/11 15/12 22/15 jury [7] 4/12 5/1 9/15 10/22 11/17 13/2 13/3 jury's [2] 7/12 11/8 justification [1] 5/5 justifying [1] 5/11</p> | <p>mistake [1] 10/17 money [1] 3/24 Moreover [1] 6/18 morning [1] 2/3 most [1] 8/17 motion [8] 1/4 2/4 2/17 2/19 3/1 7/24 8/4 21/15 motions [1] 21/8 motives [1] 17/19 Mr. [14] 2/25 4/13 6/24 7/13 7/21 7/25 11/24 12/2 12/13 14/9 15/7 15/9 16/19 19/19 Mr. Avery [1] 4/13 Mr. Avery's [2] 6/24 16/19 Mr. Dassey [3] 11/24 12/2 12/13 Mr. Kratz [1] 7/13 Mr. LeBeau [1] 19/19 Mr. Remiker [2] 14/9 15/9 Mr. Remiker's [1] 15/7 Mr. Strang [3] 2/25 7/21 7/25 Ms [2] 4/13 20/9 multiple [1] 6/2 must [2] 9/21 9/22 mutilating [3] 4/11 6/15 7/1 mutilation [3] 4/10 4/17 11/10</p> |
| <p>I</p> <p>I'm [5] 3/2 3/7 11/20 18/20 22/24 illogical [1] 5/7 immediately [1] 16/17 important [1] 16/20 impossible [1] 10/11 improper [1] 15/25 in [110] inadmissible [4] 11/24 12/1 12/2 12/14 including [1] 21/6 inconsistency [4] 4/4 4/19 10/6 11/9 inconsistent [18] 3/15 3/22 4/3 5/6 5/9 5/13 5/22 6/6 6/18 7/10 7/18 8/8 8/13 8/22 10/1 10/13 11/1 11/4 indeed [1] 6/10 independent [2] 10/20 16/25 indicate [1] 2/15 indicated [3] 14/11 14/22 14/25 indication [1] 13/21 inform [1] 21/19 inherent [1] 9/12 instructed [1] 9/16 integrity [1] 15/1 interests [1] 3/20 intimidation [2] 9/1 9/3 introduce [2] 10/20 18/3 investigation [5] 16/11 16/13 16/17 17/6 18/1 invited [1] 14/7 involved [2] 16/12 17/11 irrespective [1] 9/13 issue [6] 2/20 7/22 8/8 8/15 18/19 22/5 issues [1] 16/8 item [1] 15/14 itself [4] 4/9 10/3 19/8 20/16</p> | <p>K</p> <p>Kakatsch [4] 16/3 17/2 17/8 18/13 keep [1] 16/20 Ken [1] 2/9 KENNETH [1] 1/11 killed [1] 4/13 knowing [2] 4/25 10/5 knowledge [1] 24/14 KRATZ [3] 1/11 2/9 7/13</p> <p>L</p> <p>lab [1] 20/10 labs [1] 20/6 lack [1] 19/15 latter [1] 20/14 law [11] 1/17 1/19 3/21 4/22 7/16 7/20 7/20 9/23 10/10 10/14 11/7 lawsuit [2] 16/19 16/23 leading [1] 8/14 learning [1] 18/21 least [4] 4/24 7/15 11/4 19/12 LeBeau [1] 19/19 LeBeau's [1] 18/17 lengthy [1] 3/4 leniency [1] 10/6 let's [2] 23/7 23/8 liberty [1] 3/23 lie [1] 15/1 likelihood [2] 3/5 21/10 little [1] 5/13 locate [1] 8/10 location [1] 10/22 logical [1] 6/5 logically [1] 7/9 long [1] 9/23 longer [1] 17/24 looking [1] 3/10 loss [1] 3/25</p> | <p>N</p> <p>name [1] 14/2 names [1] 14/3 necessarily [3] 4/2 10/25 12/2 necessary [3] 4/4 4/16 4/19 neighbor [1] 14/24 never [2] 12/2 12/10 new [10] 2/4 2/17 2/19 3/16 6/25 7/20 8/5 11/13 21/2 21/15 next [3] 11/13 14/24 15/14 Norm [1] 2/10 NORMAN [1] 1/15 note [7] 8/9 8/19 10/19 11/22 13/1 13/6 20/13 noted [1] 15/19 notes [1] 24/9 notify [1] 22/24 nullify [1] 5/2 number [2] 2/20 14/20</p> |
| <p>J</p> <p>Janine [1] 19/22 January [1] 24/15 jeopardy [6] 5/20 6/4 6/10 6/14 6/25 7/1 JEROME [2] 1/19 2/13 job [1] 20/12 judge [5] 1/10 2/7 7/14 7/22 10/13 judgment [2] 10/4 17/22 judicial [1] 21/20 June [1] 21/18 June 1st [1] 21/18</p> | <p>M</p> <p>machine [1] 24/10 made [4] 5/10 11/20 12/14 16/18 mailed [1] 22/19 make [6] 7/20 17/23 18/24 19/3 19/4 20/8 MANITOWOC [10] 1/1 16/2 16/14 16/19 16/22 16/24 17/1 17/2 17/20 24/2 many [2] 3/4 21/10 Mark [1] 18/17 matter [4] 10/18 21/12 24/7 24/13 matters [1] 17/16 measured [1] 20/2 member [1] 15/21 members [1] 17/20 method [1] 22/14 methods [3] 19/23 19/25 20/22 might [3] 3/10 4/13 17/25 mind [4] 9/10 11/25 14/6 16/21 minority [2] 15/16 15/21 misses [1] 4/4 misspoke [1] 22/5</p> | <p>O</p> <p>objection [1] 23/5 objective [1] 22/7 observations [1] 18/25 off [1] 23/7 offer [3] 4/20 17/12 17/16 offered [3] 6/9 12/3 16/7 Official [3] 1/25 24/4 24/19 once [3] 2/21 14/8 16/12 only [4] 5/24 9/6 15/3 17/12 opinion [4] 8/20 9/10 14/25 15/7 opportunity [3] 2/25 17/19 18/6 oral [1] 14/4 order [4] 11/13 12/6 22/1 22/3 other [4] 11/12 13/12 21/5 21/8 others [2] 8/6 8/6 our [4] 3/3 7/4 7/15 7/23 outset [2] 8/19 16/11 outweighed [1] 16/7 over [2] 16/14 17/14 own [1] 18/9</p> <p>P</p> <p>pages [1] 2/18 part [2] 12/9 18/12 participated [3] 17/5 17/9 18/1 particular [6] 4/7 10/12 10/23</p> |

| P | Q | 21/13 S |
|---|---|---|
| <p>particular... [3] 14/17 18/11 18/13 parties [9] 2/5 2/24 6/23 14/2 19/10 22/11 22/14 22/17 22/22 party [5] 2/22 7/8 19/2 19/3 21/23 past [1] 15/13 Patrick [1] 1/9 pending [1] 16/19 peremptory [1] 22/10 permit [2] 10/3 20/19 permitted [1] 7/17 person [2] 1/22 2/13 personal [1] 13/14 perspective [1] 3/9 persuaded [1] 4/14 picked [1] 22/20 plaintiff [3] 1/4 12/21 14/10 pleading [1] 11/22 pleadings [1] 11/23 please [2] 2/6 22/3 point [5] 5/16 19/5 19/12 20/5 21/3 points [1] 15/20 police [1] 16/12 position [4] 5/18 6/1 7/15 7/23 positions [1] 6/17 possession [2] 6/20 6/22 possibilities [1] 5/4 possible [3] 5/11 10/22 19/18 POST [1] 1/4 POST-CONVICTION [1] 1/4 potential [1] 16/8 potentially [1] 12/1 power [2] 9/12 10/14 pre [2] 19/9 20/15 pre-trial [2] 19/9 20/15 precedential [1] 7/21 predicate [1] 8/24 prejudicing [1] 6/7 prepared [1] 24/8 presence [2] 19/13 19/17 present [1] 2/12 prevent [1] 15/22 previously [1] 12/22 primarily [2] 3/10 19/14 prior [4] 8/7 11/18 11/23 15/18 priori [2] 4/20 7/9 private [2] 20/6 20/10 probably [2] 3/3 10/17 probative [3] 16/6 17/15 18/10 problem [1] 6/19 problems [1] 22/23 procedure [2] 19/13 22/16 procedures [1] 20/11 proceed [2] 12/11 21/16 proceedings [5] 1/23 20/15 21/9 23/15 24/13 process [1] 7/5 proper [1] 20/3 properly [2] 10/9 10/17 prosecution [1] 7/16 Prosecutor [3] 1/11 1/13 1/15 prosecutors [1] 2/11 protocols [1] 20/3 proven [1] 9/17 provides [1] 8/20 provision [1] 6/13 PSI [4] 21/20 22/19 22/22 23/9 purposes [1] 4/10 put [1] 6/23 putting [1] 5/25</p> | <p>qualified [1] 20/9 question [5] 11/7 13/2 13/4 13/12 13/15 questionnaire [1] 13/24 questions [1] 3/6</p> <p>R</p> <p>raised [2] 8/4 15/14 raising [1] 15/22 rather [4] 4/23 5/2 5/9 6/6 read [2] 2/21 13/23 really [1] 9/6 reason [6] 4/25 5/5 5/11 14/13 14/14 21/12 reasonable [2] 4/15 9/17 reasonably [1] 3/4 reasons [2] 11/12 21/14 recall [1] 19/25 received [4] 2/16 2/18 3/11 23/5 recent [1] 8/17 recognized [2] 14/9 14/23 recollection [2] 14/12 14/14 reconsider [1] 21/13 record [4] 2/6 2/16 23/8 23/10 reference [2] 11/23 13/6 regard [1] 14/15 reiterates [1] 12/15 related [1] 17/16 relevant [1] 17/15 relied [1] 13/7 remain [1] 12/5 remember [1] 15/8 remembered [1] 14/3 Remiker [5] 12/21 14/9 15/4 15/5 15/9 Remiker's [1] 15/7 remove [1] 22/11 removed [2] 13/2 22/12 repeat [1] 18/21 reported [3] 1/24 8/11 24/6 Reporter [3] 1/25 24/5 24/19 representatives [1] 17/4 requested [1] 12/7 require [2] 3/16 10/3 required [1] 9/4 resolve [1] 23/9 respect [2] 18/22 19/7 responded [1] 3/6 response [2] 2/19 3/11 responsibility [1] 16/13 rests [1] 7/5 result [1] 10/6 results [1] 18/19 rethink [1] 4/20 retrial [5] 5/21 5/24 6/4 6/7 6/17 retried [1] 7/2 return [1] 9/13 reversal [1] 10/3 reversed [2] 8/12 10/12 reviewed [1] 2/16 right [5] 2/15 7/13 12/5 12/5 18/3 robbery [5] 8/24 9/7 9/18 9/20 9/22 role [2] 17/6 17/9 RPR [2] 1/24 24/19 rule [6] 3/14 3/18 4/1 5/18 12/23 15/24 ruled [5] 9/11 12/8 12/22 15/11 21/9 ruling [1] 12/25 rulings [5] 8/7 11/18 21/6 21/10</p> | <p>said [2] 6/3 24/13 same [1] 20/17 samples [2] 19/14 20/3 sat [2] 12/19 14/17 satisfied [2] 9/16 9/20 saw [2] 14/9 14/13 scheduled [2] 21/17 23/3 scientific [1] 19/7 scientifically [1] 19/18 Scott [1] 18/8 searches [1] 21/6 second [2] 10/14 14/21 secondly [1] 22/18 Section [1] 16/5 seem [1] 4/21 seems [2] 5/3 5/17 select [1] 22/15 sense [2] 5/10 11/3 sentencing [2] 21/17 23/3 serve [2] 22/8 22/15 service [1] 13/20 set [2] 6/21 7/18 sets [1] 11/11 setting [1] 3/23 seven [3] 12/19 14/16 15/6 sexual [2] 13/14 13/17 sheriff's [4] 16/22 16/24 17/5 17/20 shifting [1] 3/24 shorthand [1] 24/10 should [7] 9/19 9/23 10/18 11/12 15/12 20/18 22/6 side [2] 3/4 5/16 significant [3] 9/10 13/8 15/10 significantly [4] 15/2 16/7 17/10 17/15 silent [1] 12/6 since [3] 3/1 3/3 10/4 site [1] 10/22 six [4] 12/18 14/1 14/15 15/6 skull [1] 4/6 something [1] 20/2 sought [1] 6/21 speak [1] 4/24 special [5] 1/11 1/13 1/15 2/11 20/7 specifically [4] 2/20 9/1 11/19 12/18 square [1] 6/16 ss [1] 24/1 stages [1] 20/14 stake [3] 3/20 3/23 3/25 stand [3] 5/6 5/23 14/9 standardized [1] 19/13 standing [1] 9/23 stands [2] 5/18 12/25 started [1] 11/16 state [3] State's [8] 2/19 4/8 5/3 5/18 10/21 12/20 18/4 18/7 statement [1] 13/18 statements [2] 11/24 12/13 States [1] 6/12 stenographic [1] 24/9 STEVEN [5] 1/6 1/21 2/2 2/12 6/9 STRANG [5] 1/17 2/14 2/25 7/21 7/25 strategic [1] 19/4 stricken [3] 15/12 15/16 22/7 strike [5] 12/17 12/24 15/18 15/24</p> |

| | |
|--|--|
| S | turned [2] 16/14 17/13 two [6] 4/6 5/4 11/15 13/6 21/22 22/4 |
| strike... [1] 22/10 strikes [1] 6/4 subject [5] 8/7 8/18 9/6 16/25 21/11 submission [1] 3/11 submitted [1] 19/10 such [2] 10/10 19/15 sufficient [2] 12/24 18/11 suggest [2] 20/1 22/21 suggested [2] 4/8 20/10 suit [1] 17/1 supervisory [2] 17/6 17/8 supplement [1] 2/23 support [1] 6/3 Supreme [1] 10/15 sustaining [1] 15/18 | U unavailable [1] 20/16 under [4] 4/22 6/11 15/23 16/5 understand [1] 21/21 understands [1] 22/13 understood [1] 19/21 undisputed [1] 4/5 undue [1] 16/9 uniquely [1] 20/8 United [1] 6/12 unproven [1] 5/6 unreliable [1] 20/17 unsupportable [1] 7/9 unusual [1] 14/15 upset [1] 7/21 used [1] 22/9 utilized [1] 20/11 |
| T | V value [2] 7/21 16/6 veil [1] 4/24 verdict [11] 5/9 6/6 6/18 6/22 7/19 9/13 10/1 10/2 10/11 11/8 11/9 verdicts [15] 3/15 3/22 4/2 5/6 5/13 5/22 7/10 7/18 8/8 8/13 8/21 10/25 11/2 11/4 13/5 very [4] 3/18 5/13 7/25 23/13 victim [3] 9/2 9/3 13/17 victim's [1] 21/7 viewed [1] 11/25 virtue [1] 6/24 voir [2] 13/13 13/23 |
| taken [1] 24/9 tandem [1] 7/3 terms [1] 6/5 Tesheneck [3] 1/24 24/4 24/19 test [3] 18/18 20/9 20/25 testified [4] 14/12 15/9 18/18 19/19 testimony [16] 4/5 4/8 9/7 16/2 16/4 16/7 17/11 17/12 17/15 17/24 18/8 18/17 19/9 19/22 20/1 20/10 testing [10] 19/5 19/6 19/8 19/13 19/15 19/17 20/3 20/16 20/20 20/24 tests [1] 19/2 Thank [1] 7/24 their [1] 2/5 themselves [1] 3/16 theory [1] 7/17 there's [3] 3/6 5/4 15/10 thereafter [1] 24/11 thereby [1] 5/25 these [2] 10/16 21/9 things [1] 22/4 think [10] 3/3 4/3 4/18 5/7 7/4 10/8 12/8 15/10 22/4 22/25 third [2] 6/19 22/5 THOMAS [4] 1/13 8/16 9/11 11/5 thoroughly [1] 18/19 those [7] 2/22 5/3 12/11 13/9 14/3 21/13 21/14 thought [1] 5/10 three [1] 11/14 thrust [1] 7/4 Thursday [2] 21/22 22/25 time [9] 2/1 13/15 15/19 16/9 17/23 20/17 20/25 21/13 21/16 timely [1] 22/24 today [4] 2/24 13/1 21/22 23/10 tolerance [2] 5/13 5/15 tolerant [1] 3/22 tolerating [1] 6/6 Tom [1] 2/9 transcribed [1] 24/11 transcript [3] 1/23 24/8 24/12 transcription [1] 24/11 treating [1] 7/6 treatment [1] 5/12 trial [25] tried [1] 4/1 troubling [1] 3/19 true [4] 17/4 20/4 22/7 24/12 trying [1] 22/24 | W waivable [1] 6/10 waive [4] 6/10 6/14 6/25 7/1 want [2] 3/11 21/25 wants [1] 3/7 warranted [1] 4/22 waste [2] 16/9 17/23 way [1] 10/5 ways [1] 14/21 we [8] 2/3 6/21 12/4 21/16 22/6 22/9 22/10 23/7 we're [1] 23/13 week [1] 17/23 went [4] 9/15 9/25 11/17 13/23 whatever [2] 6/2 19/3 whether [6] 10/5 12/6 13/13 14/12 22/19 23/6 while [4] 16/21 17/4 19/23 20/4 who's [1] 7/11 willingness [1] 6/24 Willis [1] 1/9 WISCONSIN [19] 1/1 1/3 1/12 1/14 1/16 2/2 3/14 6/13 7/16 7/20 8/11 8/15 10/10 10/15 11/7 16/16 17/7 24/1 24/6 wished [1] 19/4 without [2] 4/25 14/7 witness [6] 12/3 14/25 17/25 17/25 18/9 19/22 witnesses [3] 12/20 14/23 18/8 wouldn't [2] 4/16 15/1 writer [3] 21/20 22/22 23/9 written [4] 2/17 2/23 7/15 13/24 |
| | Y years [4] 12/19 14/1 14/16 15/6 |

yesterday [1] 3/12