

05CF 381

STATE OF WISCONSIN, BRANCH 2, CIRCUIT COURT, MANITOWOC COUNTY

STATE OF WISCONSIN, Plaintiff,

Case No. 80 CR 773

**JUDGMENT OF CONVICTION  
SENTENCE IMPOSED AND STAYED  
AND ORDER OF PROBATION**

MANITOWOC COUNTY  
STATE OF WISCONSIN  
**FILED**

DEC 6 2005

STEVEN ALAN AVERY, Defendant.

**CLERK OF CIRCUIT COURT**

Upon all the files, records, and proceedings, it is adjudged that the defendant has been convicted upon his plea of (Guilty) ~~XXXXXX~~ on the 23rd day of March, 1981, in the city of Manitowoc of crime(s) of two counts of burglary

in violation of s. 943.10(1)(a) committed on or about November 6 ~~XXXXX~~ and November 8, 1980.

IT IS ADJUDGED that the defendant is guilty as convicted.

IT IS ADJUDGED that the defendant is hereby committed to the Wisconsin State Prisons/~~XXXXXX~~ for an indeterminate term of not more than two years on each count, concurrent.

The Green Bay Correctional Institution at Green Bay, Wisconsin is designated as the Reception Center to which the said defendant shall be delivered by the Sheriff.

It appearing to the satisfaction of this court that the defendant is eligible for probation pursuant to s. 973.09,

IT IS ADJUDGED that execution of the sentence be stayed and that the defendant is placed on probation for the period of five years in the custody and control of the Department of Health and Social Services subject to its rules and orders and subject to the following conditions:

Defendant shall spend the first ten months of his probation in the county jail of Manitowoc County, between the hours of his employment.

As a further condition of probation the defendant shall make payments in such manner as the Department shall direct as follows:

\$ 29.25 Officers Fees  
\$ 9.00 Court Costs

Restitution: \$ 3/4 of total (to be determined) Costs: \$ 38.25 Total Support: \$ \_\_\_\_\_  
(Plus attorney fees to be determined)

Other: Defendant is further ordered to pay a surcharge, plus interest, to be determined by the Bureau of Community Corrections.

The sheriff is ordered and directed to deliver the defendant into the custody of the Department of Health and Social Services as it directs.

Dated March 23, 1981 BY THE COURT:

MANITOWOC COUNTY  
STATE OF WISCONSIN

**FILED**

Joan A. Hoffman  
Clerk of Courts

MAR 23 1981

BY Shirley Lilla  
Deputy Clerk

Judge Leon H. Jones

Defense Attorney Michael J. Dally

Ass't. District Attorney Richard P. Mozinski

**CLERK OF CIRCUIT COURT**

TO THE CLERK OF COURT  
Send a copy of this Judgment together with copies of Information or Criminal Complaint, and Defendant's Probation Questionnaire (Form C-38) -direct to-  
DIVISION OF CORRECTIONS  
Post Office Box 669  
Madison, Wisconsin 53701

This document is a full certified copy of the original on file in the Office of the Clerk of Circuit Court, Manitowoc County, State of Wisconsin.

Date: 11/10/05 Roberta Buice  
Deputy Clerk of Circuit Court

PLAINTIFF'S EXHIBIT  
NO. 7 JB  
12-6-05

AMENDED

JUDGMENT OF CONVICTION  
SENTENCE IMPOSED AND STAYED AND ORDER OF PROBATION

STATE OF WISCONSIN, PLAINTIFF STATE OF WISCONSIN  
v. COUNTY MANITOWOC  
STEVEN ALAN AVERY DEFENDANT CIRCUIT COURT BRANCH 2  
7-9-62 DEFENDANT DATE OF BIRTH COURT CASE No. 80 CR 773

AMENDED

UPON ALL THE FILES, RECORDS, AND PROCEEDINGS,

IT IS ADJUDGED THAT THE DEFENDANT HAS BEEN CONVICTED UPON HIS ~~PLEA~~ PLEA OF (GUILTY) ~~(NOX GUILTY)~~ ~~(NOX GUILTY)~~ ON THE  
23rd DAY OF March, 19 81, IN THE COUNTY OF Manitowoc OF THE FOLLOWING CRIMES:

CRIMES	WIS. STATUTES VIOLATED	No. COUNTS	DATE(S) COMMITTED
Burglary	943.10(1)(a)	2	11-6-80 and 11-8-80

IT IS ADJUDGED THAT THE DEFENDANT IS GUILTY AS CONVICTED.

IT IS ADJUDGED THAT THE DEFENDANT IS HEREBY SENTENCED TO THE  WISCONSIN STATE PRISONS ~~BY ORDER OF COURT~~ FOR AN  
INDETERMINATE TERM OF NOT MORE THAN two years on each /count, concurrent, with credit for 30 days  
The Correctional Institution ~~time already served.~~  
AT Green Bay, Wisconsin IS DESIGNATED AS THE RECEPTION CENTER FOR THE WISCONSIN STATE PRISONS TO  
WHICH THE SAID DEFENDANT SHALL BE DELIVERED BY THE SHERIFF.

IT APPEARING TO THE SATISFACTION OF THIS COURT THAT THE DEFENDANT IS ELIGIBLE FOR PROBATION PURSUANT TO S. 973.09,

IT IS ADJUDGED THAT EXECUTION OF THE SENTENCE BE STAYED AND THAT THE DEFENDANT IS PLACED ON PROBATION FOR THE PERIOD  
OF five years on each /count, concurrent,  
IN THE CUSTODY AND CONTROL OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES SUBJECT TO ITS  
RULES AND ORDERS AND SUBJECT TO THE FOLLOWING CONDITIONS:

Defendant shall spend the first ten months of his probation in the county jail of Manitowoc County, between the hours of his employment.

Note: December 22, 1981: Balance of jail condition of probation is suspended by the Court per Stipulation and Order dated December 22, 1981.

Defendant to be released from custody at 8:00 A.M., on December 23, 1981.

AS A FURTHER CONDITION OF PROBATION THE DEFENDANT SHALL MAKE PAYMENTS IN SUCH MANNER AS THE DEPARTMENT SHALL DIRECT AS

FOLLOWS:

FINES:  NONE COURT COSTS:  NONE ATTORNEY FEES:  NONE  
 \$ \_\_\_\_\_  \$ 38.25  \$ 171.00

RESTITUTION:  NONE  
 \$ 1,399.85

(A FORM C-31, COURT ORDERED RESTITUTION, MUST BE COMPLETED, AND INTEREST FROM THE DATE OF LOSS AT THE LEGAL RATE PURSUANT TO SECTION 74/80 ADDED BY THE DEPARTMENT TO RESTITUTION FOR CRIMES COMMITTED ON OR AFTER 7/4/80.)  
**MANITOWOC COUNTY  
STATE OF WISCONSIN  
FILED**

THE SHERIFF IS ORDERED AND DIRECTED TO DELIVER THE DEFENDANT INTO THE CUSTODY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AS IT DIRECTS.

DEC 22 1981

DATE SENTENCED <u>March 23, 1981</u>	BY THE COURT: SIGNATURE OF <del>JUDGE</del> CLERK OF COURTS <b>CLERK OF CIRCUIT COURT</b>	
Amended: <u>December 22, 1981</u>	Joan A. Hoffman, by <u>Shirley Wilda</u> Deputy Clerk	
NAME OF JUDGE <u>Leon H. Jones</u>	NAME OF DEFENSE ATTORNEY <u>Michael J. Dally</u>	NAME OF DISTRICT ATTORNEY <u>Richard P. Mozinski, Ass't.</u>

IMPORTANT-CLERK OF COURTS PLEASE NOTE: SEND THE FOLLOWING TO THE LOCAL PROBATION AND PAROLE OFFICE - TWO COPIES OF THIS JUDGMENT; TWO COPIES OF THE DEFENDANT'S PROBATION QUESTIONNAIRE (FORM C-38); AND ONE COPY OF THE CRIMINAL COMPLAINT.

This document is a full certified copy of the original file in the Office of the Clerk of Circuit Court, Manitowoc County, State of Wisconsin.  
11005 Roberta Bice  
Deputy Clerk of Circuit Court

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

MANITOWOC COUNTY  
STATE OF WISCONSIN

FILED

STATE OF WISCONSIN,

CASE FILE NO. 80 CR 773 J

PLAINTIFF

NOV 19 1980

CRIMINAL COMPLAINT

CLERK OF CIRCUIT COURT

STEVEN ALAN AVERY, D.O.B. 07/09/62

EDWARD L. WEBER, D.O.B. 10/21/59

Route #2

DEFENDANTS

AND

1129 South Main Street  
Mishicot, WI

Two Rivers, WI 54241

1. DON BELZ, Capt., Manitowoc County Sheriff's Dept., being duly sworn on oath says (on information

and belief) that on ~~the~~ or about the 6th day of November 19 80 at the

Township of Gibson in said County

and State, STEVEN ALAN AVERY AND EDWARD L. WEBER did

unlawfully and intentionally enter a building without the consent of the person in lawful possession and with the intent to steal, to-wit: the Northern Frontier Bar located on Harpt's Lake in the Township of Gibson, Manitowoc County, Wisconsin, without the consent of Edwin R. Sauve, the owner of the Northern Frontier Bar, contrary to Section 943.10(1)(a) of the Wisconsin Statutes. This offense is punishable upon conviction by a fine not to exceed \$10,000.00 or by imprisonment not to exceed ten years, or both.

The complainant further alleges that he was informed by James Froelich, known by the complainant to be an officer of the Manitowoc County Sheriff's Department, that on November 6, 1980, at approximately 9:45 o'clock A.M., Officer Froelich was dispatched to the Northern Frontier Bar to investigate a burglary complaint. That Officer Froelich was informed by Edwin R. Suave, the owner of the Northern Frontier Bar, that the bar was broken into earlier that morning without Mr. Suave's permission. That entry was gained to the bar through a window located on the South side of the tavern close to the Southeast corner of the building. That entry was gained by prying loose a piece of cardboard which had been covering said window; that several items of property had been removed from the inside of the bar including two cases of beer, one red tool box containing tools, \$14.00 in quarters taken from a pool table, and two pre-packaged cheese sandwiches.

The complainant further alleges that he was informed by James Gospodarek, known by the complainant to be a detective with the Manitowoc County Sheriff's Department, that on November 11, 1980, Detective Gospodarek interviewed Steven Alan Avery and was informed by Steven Alan Avery of the following facts: That late on the evening of November 5, 1980, Steven Alan Avery drove to the Northern Frontier Bar at Harpt's Lake together with Edward L. Weber in Edward L. Weber's car; that upon arrival at the bar Steven Alan Avery pulled some cardboard off of a broken window on the South side of the building and then crawled through the window; that Steven Alan Avery then unlocked the back door of the building to let Edward L. Weber in; that Steven Alan Avery then opened the pool table located within the bar with a key from the cash register and removed approximately \$14.00 in quarters; that Steven Alan Avery, together with Edward L. Weber, then took a red tool box from the back of the bar, two six packs of 12 oz. cans of Pabst beer, two six packs of 12 oz. Budweiser beer, and two cheese sandwiches from a refrigerator in the back of the bar and placed all of the above items in Edward L. Weber's car; that Steven Alan Avery and Edward L. Weber were inside of the building for approximately a half hour; that Steven Alan Avery made the above-described entry to the Northern Frontier Bar late on the evening of November 5, 1980, or on the early morning of November 6, 1980.

The complainant further alleges that he was informed by James Gospodarek that on November 11, 1980, Detective Gospodarek interviewed Edward L. Weber and was informed by Edward L. Weber of the following facts: that late on the evening of November 5, 1980, Edward L. Weber

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Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_

District Attorney

Approved for filing

District Attorney

Warrant Issued 11/18/80

drove to the Northern Frontier Bar at Harpt's Lake together with Steven Alan Avery; that Steven Alan Avery was driving; that the car was parked in the parking lot of the Northern Frontier Bar; that Steven Alan Avery then pulled some cardboard off of a broken window on the South side of the bar; that Steven Alan Avery told Edward L. Weber that Avery had been the one who had broken the window when Avery entered the bar about three weeks ago; that Steven Alan Avery crawled into the bar through the broken window and then unlocked the door to allow Edward L. Weber to enter; that Steven Alan Avery then took a case of 12 oz. cans of Old Style beer from a cooler; that Steven Alan Avery then took some change from a party jar located in the back of the bar; that Steven Alan Avery then took a key from out of the cash register and opened the pool table; that Steven Alan Avery then removed a large number of quarters from the pool table; that Steven Alan Avery then took a tool box from the back of the bar; that Steven Alan Avery and Edward L. Weber existed the bar through the back door which Steven Alan Avery had previously unlocked from the inside; that Steven Alan Avery carried the tool box to Edward L. Weber's car and that Edward L. Weber carried the case of beer to the car; that both individuals then placed the above-described items inside of the car; that Steven Alan Avery and Edward L. Weber had entered the Northern Frontier Bar somewhere between 11:00 o'clock P.M. on November 5, 1980, and 12:00 o'clock A.M. on November 6, 1980.

2. DON BELZ, Capt. Manitowoc County Sheriff's Dept. being duly sworn on oath says (on information and belief) that on or about the 8th day of November, 1980, at the Township of Gibson in said County and State, STEVEN ALAN AVERY and EDWARD L. WEBER did unlawfully and intentionally enter a building without the consent of the person in lawful possession and with the intent to steal, to-wit: the Northern Frontier Bar located at Harpt's Lake in the Township of Gibson, Manitowoc County, Wisconsin, without the consent of Edwin R. Suave, the owner of the Northern Frontier Bar and contrary to Section 943.10(1)(a) of the Wisconsin Statutes. This offense is punishable upon conviction by a fine not to exceed \$10,000.00 or by imprisonment not to exceed ten years, or both.

The complainant further alleges that he was informed by Larry Conrad, known by the complainant to be a detective with the Manitowoc County Sheriff's Department, that on November 8, 1980, at approximately 10:30 o'clock A.M., Detective Conrad was dispatched to the Northern Frontier Bar to investigate a burglary complaint. That Detective Conrad was informed by Edwin R. Suave, the owner of the Northern Frontier Bar, that the bar had been entered without Suave's permission earlier that morning. That the point of entry was a window located on the South side of the tavern. That entry had been gained by prying loose a piece of wood off of said window. That the intruder or intruders had removed a number of items of property from the inside of the bar as well as doing extensive damage to the inside of the bar, all without the permission of Edwin R. Suave. That three bags of charcoal had been broken open and the contents poured onto the floor and onto the top of the pool table. That the cash register, a coffee pot, five or six beer pitchers, numerous ten ounce beer glasses, a portable typewriter, a pizza oven, and several whiskey and brandy bottles had all been pushed off of the counter area and onto the floor of the bar. That numerous liquor bottles had been broken on the floor behind the bar. That the soda rack behind the bar had been bent. That four to five boxes of cigars had been dumped over and onto the floor behind the bar. That all of the potato chip and snack racks had been tipped over and their contents scattered on the floor behind the bar. That one cigarette machine, one pinball machine, one electronic dart game, one electronic game machine ("break-out"), one pool table, and one juke box had all been forcibly entered and the change removed from the coin boxes. That several wall clocks had been removed from their mounts and smashed. That numerous Stewart pre-packaged sandwiches had been stolen from the cooler in the storage room. That a number of 12 oz. cans of soda had been removed from the bar's cooler area. That ten cases of various types of beer, all in 12 oz. cans, had been removed from the bar's cooler area. That a wall clock located on the West wall of bar room had been smashed with the hands bent and broken loose from the drive shaft of the clock face. That a wall poster located on the West wall of the bar room had been slashed with a sharp instrument. That a hose of a beer tap located on the North wall of the bar had been cut. That the total loss to the bar, including the value of stolen items and vandalism done to the premises, is \$456.25.

The complainant further alleges that he was informed by James Gospodarek, that on November 11, 1980, Detective Gospodarek interviewed Edward L. Weber and was informed by Edward L. Weber of the following facts: that early on the morning of November 8, 1980, Edward L. Weber and Steven Alan Avery drove to the Harpt's Lake bar in Edward L. Weber's car; that Steven Alan Avery parked the car behind a building near the bar; that Steven Alan Avery then removed a piece of wood covering a broken window located on the South side of the bar; that Steven Alan Avery then crawled into the bar and once inside, unlocked the back door of the building to allow Edward L. Weber to enter; that Steven Alan Avery then went into the back room of the bar procured a frozen pizza and cooked in a pizza oven located under the bar; that after Steven Alan Avery and Edward L. Weber ate the pizza, Steven Alan Avery used a hunting knife which belonged to Edward L. Weber to pry open a number of machines located inside of the bar; that Steven Alan Avery and Edward L. Weber filled their pockets with change from the machines; that Steven Alan Avery and Edward L. Weber then took one case of 12 oz. cans of Budweiser beer, three six-paks of 12 oz. cans of Pabst beer and removed them from the bar; that Steven Alan Avery then started taking bottles of liquor off of the bar

and smashing them on the floor; that Steven Alan Avery then bent a metal tray in the back of the bar; that Steven Alan Avery then began throwing various items of property inside of the bar onto the floor; that Steven Alan Avery stated to Edward L. Weber "we might as well make it look like somebody vandalized the place"; that Steven Alan Avery then removed some pizzas and meat from a freezer in the back of the bar; that Steven Alan Avery and Edward L. Weber then carried the above-described beer, the above-described meat, and a number of packets of cigarettes to Edward L. Weber's car; that Steven Alan Avery had dumped a number of items onto the floor of the bar including the cash register and a jar of pickled eggs; that Steven Alan Avery and Edward L. Weber removed ten or eleven 12 oz. cans of soda from the bar; that Steven Alan Avery pulled the hands off of a wall clock located inside of the bar; that Steven Alan Avery and Edward L. Weber left the bar at approximately 3:30 o'clock A.M.

The complainant further alleges that he was informed by James Gospodarek that on November 11, 1980, Detective Gospodarek interviewed Steven Alan Avery and was informed by Steven Alan Avery of the following facts: that late in the evening of November 7, 1980, Steven Alan Avery and Edward L. Weber drove to the Northern Frontier Bar at Harpt's Lake; that the car was parked by the concession stand near the bar; that Steven Alan Avery entered the bar through a window located on the South side of the bar after he pried loose a piece of plywood affixed to said window; that Steven Alan Avery then unlocked the back door of the bar and let Edward L. Weber in; that Steven Alan Avery and Edward L. Weber removed from the bar some meat, a number of pizzas, numerous packs of cigarettes, approximately ten cans of soda, three six packs of 12 oz. cans of Old Style beer, numerous 12 oz. cans of Strohs beer, and large amount of change which had been located in various machines inside of the bar; that Steven Alan Avery and Edward L. Weber removed the above-described items from the bar and placed them in Edward L. Weber's car; that Steven Alan Avery had broken into the machines inside of the bar with a screwdriver and a hunting knife; that the amount of change removed from the machines was approximately \$120.00 to \$125.00; that Steven Alan Avery threw a number of liquor bottles onto the floor and smashed them; that Steven Alan Avery smashed a jar of pickled eggs on the floor; that Steven Alan Avery broke the hands off of a wall clock inside of the bar; that Steven Alan Avery broke a number of soda bottles; that Steven Alan Avery ripped open several bags of charcoal and scattered the charcoal around the inside of the bar; that Steven Alan Avery threw a number of bags of potato chips and candy onto the floor; that Steven Alan Avery threw a cash register from the bar onto the floor; that after doing the above-described acts, Steven Alan Avery and Edward L. Weber left the vicinity of the bar in Edward L. Weber's car.

The complainant further alleges that the information provided by James Froelich, James Gospodarek, and Larry Conrad is believed because these individuals are law enforcement officers who have provided true and accurate information in that capacity in the past. That the information provided by Edwin R. Suave is believed because he is the victim of an alleged crime. That the information provided by Steven Alan Avery and Edward L. Weber is believed because it is against their penal interests.

*Don A. Bell*  
Complainant

Subscribed and sworn to before me this 17th day of November, 1980.

*[Signature]*  
Assistant District Attorney

Approved for filing *[Signature]*  
Assistant District Attorney