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UNDER SEAL

STATE OF WISCONSIN v. STEVEN AVERY  
Case No. 05-CF-381

Affidavit of Stephen M. Glynn

*05-CF-381*  
*STATE OF WISCONSIN v. STEVEN AVERY*  
*Affidavit of Stephen M. Glynn*

MANITOWOC COUNTY  
STATE OF WISCONSIN  
**FILED**

JUN 16 2006

**CLERK OF CIRCUIT COURT**

SEALED

STATE OF WISCONSIN CIRCUIT COURT

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

STEVEN A. AVERY,

Defendant.

MANITOWOC COUNTY  
STATE OF WISCONSIN  
**FILED**

JUN 16 2006

CLERK OF CIRCUIT COURT

Case No. 2005-CF-381

**AFFIDAVIT OF STEPHEN M. GLYNN**

STATE OF WISCONSIN            )  
  )     ss.  
COUNTY OF MILWAUKEE        )

Stephen M. Glynn, first duly being sworn, on oath deposes and states:

1. As of November 5, 2005, I represented Steven A. Avery, the defendant in this case, in a civil action against Manitowoc County then pending in the United States District Court for the Eastern District of Wisconsin. I am, however, a criminal defense lawyer by experience and preference and had explained that to Mr. Avery on many occasions. In fact, I had been one of the lawyers representing Mr. Avery in post-conviction efforts based on newly discovered DNA evidence in the mid-1990's, and Mr. Avery knew me as a criminal defense lawyer from that date forward. I make this affidavit in support of his motion to suppress statements made to one or more representatives of the Marinette County Sheriff's Department on or about November 5, 2005.

2. At least twice on the afternoon on November 5, 2005, I spoke with Steven Avery on the telephone. I was on my office phone, and I believe that he was on his brother's cell phone. Because Mr. Avery had no other criminal defense counsel, I was representing him in the investigation of Teresa Halbach's disappearance.

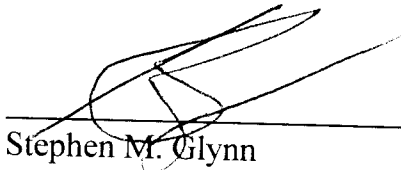
3. In my first conversation, I advised Mr. Avery not to make any statements to law enforcement officers.

4. In my second conversation that afternoon with Mr. Avery, I gave him the same advice and then asked to speak to one of the law enforcement officers whom Mr. Avery said was present. I did speak with that officer. I informed the officer that I was Mr. Avery's lawyer and that Mr. Avery did not wish to be interviewed any further or to make any further statements. When the officer handed the phone back to Mr. Avery, I could hear Steven Avery telling the officer that on advice of his lawyer, he wished to make no further statements and wanted to discontinue the interview. My best present unrefreshed recollection of the words I heard him say is "I talked to my lawyer and I don't want to say nothing more."


5. There was nothing equivocal, ambivalent, or ambiguous about either my statement to the law enforcement officer that the interview should be discontinued because Mr. Avery was represented by me, his lawyer, or about Steven Avery's statement to the law enforcement officer that on advice of counsel, he wished to discontinue the interview and make no further statements. I clearly overheard Mr. Avery's statements to that effect, to the

law enforcement officer, as noted above in paragraph 4.

6. I have reviewed the five-page report of Detective Anthony J. O'Neill of the Marinette County Sheriff's Department. It is attached as Exhibit A to this affidavit. The report does not accurately recount the second of my telephone conversations on November 5, 2005, with Mr. Avery and also does not accurately recount Mr. Avery's statement to the law enforcement officer that I overheard on the telephone when Mr. Avery took the cell phone back from the law enforcement officer.

  
\_\_\_\_\_  
Stephen M. Glynn

Subscribed and sworn before me  
this 14<sup>th</sup> day of June, 2006.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires: 10/7/07

**Marinette County Sheriff's Department  
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Date: 11/16/05

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On November 5<sup>th</sup> 2005 at about 11:30 A.M. I received a phone call at home from Sgt. Mike Sievert requesting my assistance in an investigation regarding a missing person (Teresa M. Halbach F/W D.O.B. 03-22-80) from Calumet County.

I met with Sgt. Sievert and other deputies at the intersection of Parkway Road and Highline Road in the Town of Stephenson. Sgt. Sievert told me that he had been in contact with Det. John Dehdering of Calumet County Sheriff's Department and that they were requesting that we meet with and interview the Avery family from the Two Rivers Wisconsin area at their vacation property located at N9493 Highline Road.

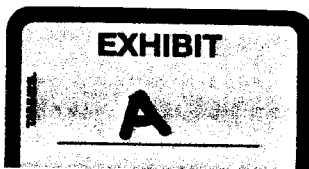
It had been reported that the last known whereabouts of Ms. Halbach was the Avery family business of Avery Salvage and Towing in Two Rivers Wisconsin on Monday October 31<sup>st</sup> and that in her capacity as a photographer, Ms. Halbach was sent to the business to take a photo of a vehicle that Steven Avery was offering for sale through an auto seller magazine.

Upon arrival at the Avery property we met with Charles E. Avery M/W D.O.B. 07-13-54 as he came out of the cabin door after I knocked. It was obvious that Mr. Avery was agitated when asked if he was Steven Avery. After several requests through Charles "Chuck" to speak to Allen Avery (Property Owner/Father) and or Steven Avery with the understanding that we were not there to arrest anyone but only to ask questions related to missing person Teresa Halbach, did Charles go back into the cabin and present his father Allen. When Allen came out with Charles we explained to him that we had just wanted to speak to those that may have information concerning the last sighting of Teresa Halbach. At that point we were invited into the cabin, I introduced myself to Steven Avery and asked if he would come out to my car so that I could speak to him, Steven agreed.

While in my car I advised Steven A. Avery M/W D.O.B. 07-09-62 12930 Avery Road Two Rivers Wisconsin 54241 that he was not under arrest and that he was free to leave at any time. I also advised him that he was not obligated to answer any of my questions. At this point I had asked him if he would explain to me as to what had occurred from the beginning and as to what contact he had with Teresa Halbach on Monday October 31<sup>st</sup> 2005.

At this point Steven Avery began to tell me about wanting to sell a van and having Auto Trader send someone to take some pictures for the magazine advertisement. This conversation was audio recorded.

Steven told me that Teresa Halbach had come to the property on that Monday between 2:00 P.M. and 2:30P.M. and in the past she had come there about the same time (2P-3P) and in the course of placing previous cars for sale with Auto Trader she had come out about fifteen times before. Previous to 2:00 P.M. Steven said that he had worked at the



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business garage up until 11:00 A.M. and had gone to his trailer up until Teresa Halbach came to the property.

Steven said that he had "set it up" by calling Auto Trader on Monday (Steven later told me that this was the first time that he had called them regarding selling the van and having someone come to the property on that Monday) asking if they could send someone out to take pictures of the van. He told me that they were not certain if someone would be out that Monday or the following week. Steve was initially uncertain as to who called who back but said that he believed he called back and was told that someone would be out to take pictures that day.

Steven told me that he was in his trailer and that he saw the green S.U.V. and that Teresa Halbach was taking photos of the van (Sisters Van he was selling for her) parked by his trailer and copying down the Vehicle Identification Number. At this point Steven said he went out to meet with Teresa Halbach.

Steven told me that he had given Teresa \$40.00 in cash (Twenty, Ten and two Fives, told me that his sister a couple of days prior, had asked Steven if he would pay the money for her as she did not have it) for placement of the advertisement. Steven said that he did not get a receipt as for the past two times he said that he didn't need one as there were no problems in the past with the placement of the ad "What do I need that for". He also told me that Teresa Halbach as in the past had given him a copy of the current Auto Trader magazine.

When asked if Teresa appeared out of sorts or bothered by anything he told me that she appeared normal, as she had been in the past.

I asked Steven if she had made any phone calls or even had a cell phone and he replied "No".

I asked if she had asked to use the bathroom or been in his home at all and he told me "No".

Regarding any conversation that he may have had with Teresa, Steven told me that there was no conversation beyond "Hi" and that she had only spent about five minutes on the property leaving by herself driving out of the driveway on to Avery Road heading toward Larabee. (Steven drew a diagram sketch of the Avery property).

I asked Steven as when was the last time that Teresa Halbach was at Avery Salvage and Steven told me about two to three weeks ago when he put his Grand Prix vehicle up for sale.

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I asked Steven as to when he had first had contact with law enforcement regarding Teresa Halbach being missing and last being seen at Avery Salvage. Steven told me that either that Wednesday or Thursday a law enforcement officer talked to him and asked about Teresa being on the property that Monday. At this point Steven told me he became aware that Teresa Halbach was missing.

Steven also told me that either Thursday or Friday he had contact again with law enforcement and that he had given consent to the officers to search his home and that during the search he and his mother were present.

I informed Steven that Teresa's vehicle was found on the Avery property and he told me that he had heard that today as well as he knew police were searching the property. I asked Steven as to why Teresa's vehicle would be found at the property and he told me that he had no idea why it would be there.

Steven then went on to say that on Thursday night at about 8:00 P.M. when he was with his brother Chuck leaving the driveway to go to Menards that Steven had seen lights (tail-lights) back by his home. Steven said that he had told Chuck what he had seen and that they turned around and went back to Steve's residence where Steve said that he got a flashlight out of the flat bed truck they were in and Steve checked behind his trailer and along the tree line. Steven told me that only he not Chuck had seen the taillights.

On their return trip from Menards Steven told me that they had stopped at the Manitowoc County Jail where he dropped off \$50.00 for his fiancé'. He later told me that although his fiancé' is now in jail for a drunk driving offence, that she lives with him in the trailer.

Steven also told me that on Friday night when Chuck (Brendan Dassey was with Chuck) was on his way "up north" that Chuck had called Steven from his cell phone to Steven's phone sometime after 8:00 P.M. while Steven was outside talking to his nephew Bobby (who had his four-wheeler) and that Chuck had told him that he had seen some headlights back in the salvage yard by Chuck's house. Steven told me that he and Bobby got into Steven's truck and drove back to the yard area to investigate.

When asked about anything else of significance occurring that night Steven told me that when his sister Barbara came home that night she had seen that a deer had been struck by a vehicle on the road and that they had notified the police and that his nephew Bobby had claimed the deer.

On Saturday (11-05-05) Steven told me that he got up at about 5:00 A.M. as they (Mother and nephew Bryan) had planned on driving up to the Crivitz area property. He said that he had gone to the garage to look for some fan belts as his father had a grinder that he was putting together up north and he needed a belt. Steven said that he did not find any

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fan belts and that he had gone to Bryan's and had to wait for about ten minutes for Bryan to get out of the shower. Steven along with his mother and Bryan in Stevens Pontiac Grand AM left for the Crivitz property, arriving at about 8:20 A.M.

Steven also told me that his father routinely "every week" leaves the Avery Two Rivers residence on Thursday nights for their property in the Crivitz area and returns on Tuesday mornings.

At about 2:55 P.M. Steven's mother had told Steven while he was in my car that he had a phone call and Steven told his mother to have the person call back as he would be done in about fifteen minutes. Steve's mother told him that it was his Attorney and Steven left my car to take the phone call. A short time later Steven came back to my car and our conversation continued.

As our conversation continued I asked Steven if he had ever been inside of Teresa's vehicle at all and he told me "I might of touched the door". When asked to explain he said "all different places depends how it is".

Steven went on to explain further in more detail, saying that when Teresa got inside the drivers side (Seated in drivers seat) to get the Auto Trader magazine for him he had been holding onto the drivers side door (outside, Top or Side) up until she handed him the magazine and he had then left and returned back to his trailer home dropping off the book then going over to his sisters home to see if Bobby was home but finding that Bobby was already gone.

My conversation with Steven was interrupted when a cell phone from a family member outside of my car was given to Steven and Steven gave me the phone stating that his Attorney wanted to talk to me. I informed the Attorney that Steven was well aware that he was not under arrest and that he did not have to talk to me. I was asked by the Attorney if Steven was a suspect and I informed him that I had not made that determination as no one else had insinuated that he was to me either. The phone was given back to Steven and after conversation with the Attorney, Steven then left my vehicle to talk with the Attorney in private outside.

Steven returned to my car stating, "I guess they don't want me to talk no more". I asked Steven if that was his wishes, that he didn't want to talk to me anymore and he replied, "Well as long as it's easy and whatever I know...we can". I informed him again that he was not under arrest, free to leave and did not have to talk to me. Again Steven said that we could still talk.



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Steven went on to explain to me after I again asked him why would the Halbach vehicle be found on his property. Steven told me and showed how a person could enter the rear of the property by the conveyor system.

When I asked Steven if he could describe what clothing Teresa was wearing when he saw her that day he told me he didn't know. When I asked him to describe Teresa to me the only thing he described was "Skinny...like a normal person...almost like my sister...". When I asked as to what color hair she had he replied "Darker" and then "Shorter".

I asked Steven as to what clothes he might have been wearing that day and he told me "I don't even know". I then told him about the clothes in the bag in the trunk of his car and asked if those were the ones he was wearing and Steven said, "it wasn't none of them. they are probably at home..in the dryer...probably at home..".

I asked Steven about the last time he was out in the "Yard" "Pit" (seemed to use the two words interchangeably to mean the same thing) junkyard area and he told me that yesterday he was down in the "Yard" with his brother Earl as Earl was sighting in his rifle. I asked Steven since Monday up until being with Earl on Friday in the Yard was he in the Yard at all and he told me "No" that he had not and that only Chuck and Earl had worked in the Yard during the week getting some parts off of vehicles for customers.

This concluded my interview with Steven Avery on 11-05-05



Anthony J. O'Neill  
Detective

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