

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 3

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 06-CF-88
Judge: Jerome Fox

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

BRENDAN R. DASSEY,

Defendant.

APR 3 2007

CLERK OF CIRCUIT COURT

NOTICE OF INTENT AND MOTION TO ADMIT STATEMENTS
MOTION IN LIMINE SERIES II

PLEASE TAKE NOTICE that the State of Wisconsin, by Special Prosecutors Kenneth R. Kratz, Thomas J. Fallon, and Norman A. Gahn, will move the court on April 5, 2007, at 9:00 a.m., or as soon thereafter as counsel may be heard for the following orders:

I. STATEMENTS OF BRENDAN DASSEY

A. The November 6, 2005, statement to Detective Anthony O'Neil and Detective Todd Baldwin. Marinette County Sheriff's report # 05-4120 (Nov.11, 2005).

B. The November 10, 2005, statement to Special Agent Skorlinski and Detective Todd Baldwin, Marinette County Sheriff's Office. Division of Criminal Investigation (DCI) report 05-1776/33.

C. The last week of February 2006 statement of Brendan Dassey to Cassie Fiala wherein he is reported to have said that she (Fiala) better be careful or she could end up like Teresa.

D. The February 27, 2006, statement to Detective Mark Wiegert, Special Agent Tom Fassbender at the Mishicot High School. Calumet County Sheriff's Department (CCSD) report, p. 439 *et. seq.*

E. The February 27, 2006, statement to Special Agent Fassbender and Detective Wiegert at the Two Rivers Police Department. CCSD report, p. 484 *et seq.*

F. The statement on the evening of February 27, 2006, to Special Agent Fassbender at Fox Hills Resort and Conference Center. DCI report 05-1776/244.

G. The March 1, 2006, statement to Special Agent Fassbender and Detective Wiegert at Manitowoc Sheriff's Department. CCSD report, p. 525 *et. seq.*

H. The March 7, 2006, statements in a recorded telephone call from the defendant to his mother, Barb Janda, recorded by the Sheboygan County jail.

I. The May 13, 2006, statement to Special Agent Fassbender and Detective Wiegert at the Sheboygan County Sheriff's Department. CCSD report, p. 755.

J. The May 13, 2006, statements in a recorded telephone call from the Sheboygan County Jail from the defendant to his mother, Barb Janda.

K. The May 15, 2006, 6:54 p.m. statements in a recorded telephone call from the Sheboygan County Jail from the defendant to his mother, Barb Janda. DCI report 05-1776/282.

L. The May 18, 2006, statements in a recorded telephone call of Brendan Dassey to Barb Janda and Candy Avery, including but not limited to going over to the Steven Avery bonfire about 7 PM on October 31 and being in the garage and cleaning up some reddish brown stuff on the garage floor. DCI report 05-1776/282.

M. The June 30, 2006, letter from the defendant to the Honorable Jerome Fox, Circuit Court Judge, Manitowoc County Circuit Court.

N. Any other recorded statements made by Brendan Dassey to his mother Barb Janda.

II. STATEMENTS BY STEVEN AVERY AND BARB JANDA

First, these Statements are in furtherance of the conspiracy to cover up the crime of first-degree murder and constitute attempts to intimidate a witness under Wis. Stat. § 940.43(4) and which may include an attempt to suborn perjury. Second, all of this behavior on behalf of Steven Avery and Barb Janda constitute other acts of both Janda and Avery which fully explain the defendant's recantation and which refute the defense of "false confession." Third, such statements are offered for the subsequent effect of them on the "listener" Brendan Dassey. Lastly, these statements constitute information utilized and relied upon by the expert witnesses in this case.

A. The October 31, 2005, 5:36 p.m. statements in a recorded telephone call from Jodi Stachowski to Steven Avery.

B. The October 31, 2005, 8:57 p.m. statements in a recorded telephone call from Jodi Stachowski to Steven Avery, advising that Brendan was helping clean up at Steven Avery's.

C. The November 18, 2005, 6:57 p.m. the statements in a recorded telephone call from Steven Avery to Barb Janda including but not limited to the discussion regarding whether a bonfire did indeed occur on October 31, 2005, and in which Barb Janda said there was a fire, to which Steven Avery replied, "Well then Brendan was with me." This is also a statement of a present sense impression.

D. The November 26, 2005 recorded telephone call from Steven Avery to Carrie Antlfinger, a news reporter for the Associated Press, during which Steven Avery acknowledges having a bonfire on October 31, 2005, and that his nephew Brendan was present.

E. The February 4, 2006, interview of Steven Avery with Angenette Levy, WFRV Green Bay, wherein Steven Avery acknowledges having a bonfire on October 31 and that his nephew Brendan was present.

F. The February 27, 2006, statement in a recorded telephone call from Steven Avery to his brother Charles Avery telling his brother to tell his sister Barb to call the Public Defender's Office so Brendan won't make anymore statements to police.

G. The February 28, 2006, statements in a recorded telephone call from Steven Avery to Charles Avery wherein Steven Avery tells Charles Avery that Brendan will go to jail if I'm found guilty.

H. The February 28, 2006, statements in a recorded telephone call from Steven Avery to Dolores Avery from the jail regarding a fire on October 31, 2005, between 6:00 and 9:00 p.m. wherein Steven Avery jokes with his mother about Brendan seeing body parts in a fire, particularly legs in a fire.

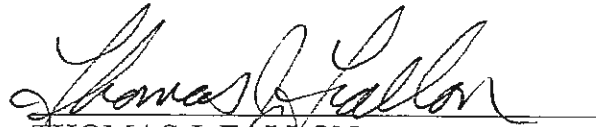
I. The March 2, 2006, statements in a recorded telephone call from Steven Avery to Dolores Avery and Barb Janda in which Steven Avery told Dolores Avery that it was Barb's fault for letting Brendan talk to the cops.

J. The March 9, 2006, statements in a recorded telephone call from Steven Avery to Dolores Avery and Barb Janda wherein Steven Avery told Dolores and Barb to call Brendan's lawyer and say that the police forced Brendan to say it.

K. The March 13, 2006, statements in a recorded telephone call from Steven Avery to Jodi Stachowski where Steven tells her that Brendan needs to stick to his first story.

Dated this 2 day of APRIL, 2007.

Respectfully submitted,



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