

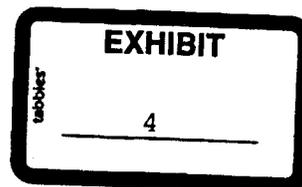
STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY

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|---------------------|---|------------------------------------|
| STATE OF WISCONSIN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 05-CF-381 |
| v. |) | |
| |) | Honorable Judge Angela Sutkiewicz, |
| STEVEN A. AVERY, |) | Judge Presiding |
| |) | |
| Defendant. |) | |

AFFIDAVIT OF STEVEN A. AVERY, SR.

Now comes your affiant, Steven A. Avery, Sr., and under oath hereby states as follows:

1. I am of legal majority and can truthfully and competently testify to the matters contained herein based upon my personal knowledge. The factual statements herein are true and correct to the best of my knowledge, information, and belief. I am of sound mind and I am not taking any medication nor have I ingested any alcohol that would impair my memory of the facts stated in this affidavit.
2. I told my trial defense lawyers that my blood in the RAV had been taken from my sink.
3. Whenever I had to crush a vehicle, I used a front-end loader. I would not keep a key for any vehicle that I intended to crush. Even if I did not use a loader to move a vehicle, I would not need the key to start it because I could hot-wire it.
4. I made a number of appointments for AutoTrader photo shoots with Teresa Halbach before October 31, 2005. On days when we had scheduled appointments, Teresa Halbach would call me if she was running late.



5. No guns were shot in the garage except Rollie Johnson's .22 rifle. I know that Rollie would shoot his rifle into gopher holes near the garage door. Sometimes bullet fragments and shell casings ended up on the floor of the garage. Sometimes, Jodi Stachowski would fire Rollie Johnson's Marlin .22 caliber rifle into the floor of the garage.
6. There were seven burn barrels on the Avery property. Barb had four, Chuck had one, Allan and Delores had one, and I had one.
7. The back panel of Roland Johnson's wooden record case in my bedroom was not loose. in early November 2005. Whoever damaged that piece of furniture did it after I left the Avery property on November 5. The back of that piece of furniture was held on by nails and was very sturdy.
8. I noticed my toothbrush was missing in photographs taken by investigators (Trial exhibit 206). My toothbrush must have been taken from my bathroom after law enforcement began their occupation of the Avery property on November 5, 2005.

Events of October 31, 2005

9. When I called AutoTrader on October 31, 2005, at 8:12 a.m., I told the receptionist that the appointment was for Barbara Janda. I told her my sister's full name, not her first initial, because Barb owned the minivan to be listed in AutoTrader. I told the AutoTrader employee that the appointment was at 12932 Avery Road.
10. I called AutoTrader at 11:04 a.m. on October 31, 2005, to find out if the appointment was that day. I again told the AutoTrader employee my sister Barb's full name because Barb owned the vehicle to be listed in AutoTrader. I did the same when I listed a vehicle owned by Thomas Janda in AutoTrader. The AutoTrader employee told me that the

photographer was coming to the property around 2:00 p.m. I told the AutoTrader employee that the photographer should come to 12932 Avery Road.

11. Sometimes, I used the *67 features when I made calls from my cell phone. When I called Ms. Halbach at 2:24 p.m. before she arrived and 2:35 p.m. on October 31, 2005, after she left, I dialed *67 so that if Ms. Halbach did not answer, she would not see my number and feel like she had to return my call. I called at 2:24 p.m. to see when she would get there, but she didn't answer the call.
12. Ms. Halbach got to our property around 2:31 p.m. When I looked out of the window of my trailer, I saw her taking a picture of my sister's van. I put on my shoes to go outside and pay her. I saw her start to walk toward my trailer when I was going outside, but when she saw me she waved and turned around and walked to her car. I went over to her car and I remember she was sitting in the driver's seat with door open and the engine was running. I went over and handed her \$40.00 in cash for the ad. She gave me an AutoTrader magazine and drove away. I remember she turned left on Highway 147 from Avery Road.
13. I noticed that the exterior of her car was very clean. There were no visible dirt or mud stains and it looked clean. Her driver's side parking light was not broken. Ms. Halbach got to our property within a few minutes after I called her at 2:24 p.m.
14. I looked at the AutoTrader magazine that Ms. Halbach gave me and saw that they had front loaders for sale. I called at 2:35 p.m. to see if she could come back to take a picture of a front loader I wanted to sell in AutoTrader magazine. I hung up before Ms. Halbach picked up the phone.

15. When I called Teresa Halbach at 4:35 p.m. on October 31, 2005, I got an automatic message that said that her voice mailbox was full. I told Jodi this information in one of our phone calls that evening. I called at 4:35 p.m. to set up an appointment for the front loader.
16. I had a bonfire on October 31, 2005. The fire started around 7:00 p.m. The fire burned for about two or two and a half hours. I invited my nephew, Brendan, to come over. Brendan went home before Jodi called at 8:57 p.m. The fire burned quickly because we were burning brush. I used gas to start the fire. By the time Jodi Stachowski called at 8:57 p.m., the fire was almost over.
17. I would burn trash from my kitchen, like plastic milk jugs and boxes, in the burn barrel north of my trailer every two weeks. I did not use gas or any other fuel to start the fire. I used a lighter and some brush to start the fire. I did not burn garbage in my burn barrel on the evening of October 31, 2005. I had burned garbage a week before Halloween and did not have enough trash on Halloween to warrant burning garbage. When I burned garbage a week before Halloween, Robert Fabian, my brother Earl's brother-in-law, had come over to shoot rabbits with Earl. They drove up to my trailer in my mother's golf cart and we made small talk. I know that Robert Fabian testified that this event took place on Halloween, but I know that it took place a week before because I did not burn any garbage in the burn barrel north of my house on Halloween.

Events of November 3, 2005

18. On the evening of November 3, 2005, Manitowoc County Sheriff's Department Sergeant Colborn visited the Avery property to ask if I knew anything about the disappearance of

Teresa Halbach.

19. After that conversation, I drove my Pontiac Grand Am from my parents' residence to its usual parking spot outside of my garage. I got out of my car and walked to my sister's trailer, which was right next to mine. There, I broke open a cut on the outside of the middle finger of my right hand as I was attempting to unhitch my sister Barb's trailer. Before going to my trailer to put masking tape on my finger, I went into my Pontiac to grab my phone charger. I dripped blood in my Pontiac on the gearshift and other places. Anyone who looked through the windows of my Pontiac could have seen the blood on the gearshift, and known there was a cut on my hand. I left my Pontiac unlocked.
20. Then, I entered my trailer through the south door because it was closest to the bathroom. I did not lock the south door of my trailer after I entered through it. A large amount of blood dripped onto the rim and sink and the floor of the bathroom. I did not wash away or wipe up because my brother Chuckie was waiting for me to go to Menards in Manitowoc with him. I think I left somewhere between 7:15 and 7:30 p.m. I quickly wrapped my finger in duct tape and left the trailer to meet Chuckie. I left through the front door of my trailer.
21. I tried to tell my trial defense attorneys about the blood in the sink. They did not listen to me and told the jury the blood came from a blood tube at the Courthouse.
22. While Chuckie and I were leaving Avery property, driving a flatbed to Menards in Manitowoc, I saw taillights in front of my trailer. The taillights were further apart and higher off the ground than sedan taillights. I told my brother, who was driving, about the taillights. We turned around and drove to my trailer, but the vehicle was gone.

23. I believe the vehicle was facing my trailer from the northwest. The vehicle would be facing this direction if it drove to my trailer from Kuss Road east across the field between Kuss Road and my trailer. The shape of the taillights was like a RAV-4, not a police squad car. They were wider apart and higher off the ground.
24. After leaving Menards, Chuckie and I stopped by the Manitowoc County Jail, where I left some money for Jodi. By the time we got home, sometime around 10:00 or 10:30 p.m., I was real tired. I went into my trailer through the front door and went straight to bed. I did not go back into my bathroom on November 3.
25. I did not call the AutoTrader office on November 3, 2005. I did not tell anyone that Ms. Halbach missed our October 31 appointment. I told every person who asked whether Ms. Halbach made our October 31 appointment that she arrived between 2:00 p.m. and 2:30 p.m., completed the appointment, and left shortly after.

Events of November 4, 2005

26. On November 4, I woke up at 6:00 a.m. and went into the bathroom to take a shower. I saw that most of the blood on my sink, which I had not cleaned up the previous night, was gone. It seemed to me that the blood had been cleaned up. I did not clean the blood and none of my family members had been in my trailer.
27. Two police officers in an unmarked car were by my trailer when I went to my trailer on a golf cart on the morning of November 4. They asked me if they could search my trailer. I let them search my trailer. After they left, I locked my trailer and went back to work.
28. I smelled cigarette smoke in my trailer on November 4. This was very strange because I did not smoke and Jodi, who lived with me, did not smoke. I thought that because my

trailer smelled like smoke, someone else had been in my trailer and I said that in one of my interviews.

29. My brother Chuck called me on the evening of November 2005 and told me that there were headlights down by his house. I checked my phone records and know that he called my at 7:20 p.m. I went down by his trailer but didn't see any headlights.

Events of November 5, 2005

30. Early in the morning on November 5, 2005, before I left for the family property in Crivitz, WI, I opened the south door of my trailer and observed pry marks near the door latch. I left for the family cabin in Crivitz shortly after that.

Events of November 9, 2005

31. During the physical examination of my body on November 9, 2005, the nurse took two swabs near my groin at the request of Calumet County Investigator Wiegert. I saw the nurse who took the groin swabs hand them to Investigator Wiegert. As I was being taken out of the exam room by Agent Fassbender and the nurse, I saw Investigator Wiegert pretend to put the swabs in the hospital-type waste basket but I did not actually see the swabs leave his hands and fall into the basket.

Pro Se Post-Conviction Proceedings

32. When I was preparing my *pro se* post-conviction motion, I did not have any way to contact labs because I could not get in contact with an attorney. I sent letters to labs whose addresses I could find. When labs did write back, they told me they could not help because I did not have an attorney. Many attorneys informed me that they would not represent me. Some law firms even returned my letters without opening and reading

- them. I sent letters to and called attorneys in Wisconsin, Illinois, Minnesota, and Iowa. Some of the attorneys told me that my case was too hard for them to take. I had no money to get an attorney, investigator, or independent lab. I even wrote to Dean Strang's ex-wife for help because she was an investigator. She did not write back.
33. One of my attorneys, Steven Glynn, told me that being my lawyer would hurt his law firm.
34. I dropped out of high school after 11th grade to help out with the family business. I had always been in special education classes.
35. Prison law library only had Lexis Nexis. I had no other way to look at case law or get an investigator.

Correspondence with Ken Kratz

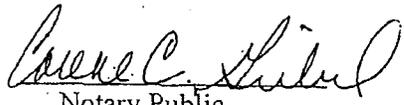
36. Ken Kratz, the prosecutor from my 2007 criminal trial, contacted me in 2013. He wanted to meet with me to talk about writing a book together. Copies of the letters Mr. Kratz wrote me and I wrote Mr. Kratz are attached as Exhibit A to this affidavit.

Current Post-Conviction Proceedings and Testing

37. I really wanted every form of testing suggested by my current post-conviction counsel. For example, I did brainwave testing to see if I was lying. I would not do these tests if I were guilty. I have nothing to hide because I did not kill Ms. Halbach.
38. My current attorney, Kathleen Zellner, brought a Toyota key with her when visiting me. She told me to hold it in my hand for twelve minutes, which I did.


Steven Avery

Subscribed and Sworn
to before me this 23rd
day of November, 2016.


Notary Public
Expires 8-10-2020