

1 STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY  
2 BRANCH 3

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4 STATE OF WISCONSIN,  
5 PLAINTIFF, JURY TRIAL  
6 vs. TRIAL DAY 5  
7 BRENDAN R. DASSEY, Case No. 06 CF 88  
8 DEFENDANT.

9  
10 **DATE:** APRIL 20, 2007  
11 **BEFORE:** HON. JEROME L. FOX  
12 Circuit Court Judge

13 **APPEARANCES:**  
14 KENNETH R. KRATZ  
15 District Attorney  
16 On behalf of the State of Wisconsin.  
17 THOMAS J. FALLON  
18 Special Prosecutor  
19 On behalf of the State of Wisconsin.  
20 NORMAN A. GAHN  
21 Special Prosecutor  
22 On behalf of the State of Wisconsin.  
23 MARK R. FREMGEN  
24 Attorney at Law  
25 On behalf of the defendant.  
RAYMOND L. EDELSTEIN  
Attorney at Law  
On behalf of the defendant.  
BRENDAN R. DASSEY  
Defendant  
Appeared in person.

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TRANSCRIPT OF PROCEEDINGS

Reported by Jennifer K. Hau, RPR  
Official Court Reporter

I N D E X

WITNESSES PAGE

MARK WIEGERT

Direct Examination Cont'd by ATTORNEY FALLON 4-37  
Cross-Examination by ATTORNEY EDELSTEIN 39-103

EXHIBITS MARKED MOVED ADMITTED

206	16	37	38
207-213		37	38
214		94	94
215	67		
216	98		

1 (Reconvened at 8:36 a.m.; jurors not present.)

2 THE COURT: Good morning, Counsel. Uh, I'm  
3 going to call the case. It's 06 CF 88, State of  
4 Wisconsin vs. Brendan Dassey. Appearances, please.

5 ATTORNEY FALLON: Good morning, Your  
6 Honor. May it please the Court, the State  
7 continues in its appearance by Special  
8 Prosecutors, Ken Kratz, Tom Fallon and Norm Gahn.

9 ATTORNEY FREMGEN: Attorney Mark Fremgen  
10 appears with Ray Edelstein. The, uh, defendant  
11 appears in person.

12 THE COURT: Uh, the Court is going to go on  
13 the record before the jury -- thanks -- before the  
14 jury comes in to -- to note that, uh, prior to  
15 coming in here, Counsel and I have had a discussion.  
16 I informed them that one of the jurors was having  
17 some health-related issues. Uh, after the  
18 discussion, she is going to be released. So,  
19 Counsel, is that correct?

20 ATTORNEY FALLON: Yes, Judge, that's our  
21 understanding, and we would agree with the  
22 Court's assessment to have, uh, her excused.

23 THE COURT: Defense?

24 ATTORNEY FREMGEN: That's correct.

25 THE COURT: All right. Bring the jury in.

1                   ATTORNEY FALLON: Judge, are you going  
2 to read the instruction about the video as well?

3                   THE COURT: I am.

4                   ATTORNEY FALLON: Okay.

5                   THE COURT: Once we get to it.

6                   (Jurors in at 8:39 a.m.)

7                   THE COURT: All right. Be seated. Is  
8 prosecution ready to proceed?

9                   ATTORNEY FALLON: Yes. We would ask  
10 that the, uh -- Investigator Wiegert retake the  
11 stand.

12                                   **MARK WIEGERT,**  
13 called as a witness herein, having been first duly  
14 sworn, was examined and testified as follows:

15                   THE CLERK: Please be seated. Please state  
16 your name and spell your last name for the record.

17                   THE WITNESS: Mark Wiegert, W-i-e-g-e-r-t.

18                                   **DIRECT EXAMINATION CONT'D**

19 BY ATTORNEY FALLON:

20 Q Investigator Wiegert, I believe we left off  
21 yesterday afternoon, uh, regarding, uh, your  
22 intended interview of the defendant on  
23 February 27. Would you, um, first of all, tell  
24 us of your plans to interview the defendant on  
25 that day?

1 A Uh, yes. Um, myself and Agent Fassbender had went to  
2 the Mishicot School System and, uh, that's where we  
3 met with Mr. Dassey that day.

4 Q All right. And the, um -- You, uh, gestured to,  
5 uh, Mr. Dassey. Just, officially, and for the  
6 record, is the, uh, Brendan Dassey that you  
7 interviewed on that day and subsequent days  
8 present in court today?

9 A He is. He's seated at the -- to the left -- my left  
10 of his attorney. He's wearing a blue shirt and  
11 glasses.

12 Q Very well.

13 ATTORNEY FALLON: The record should,  
14 again, reflect that the, uh, witness has  
15 identified the defendant.

16 THE COURT: It will so reflect.

17 ATTORNEY FALLON: Thank you.

18 Q (By Attorney Fallon) About what time did you  
19 arrive at the Mishicot High School on that day,  
20 February 27?

21 A I believe it was about 12:30 or so in the afternoon  
22 when we first got to the school.

23 Q Where did you meet with Mr., uh, Dassey, the  
24 defendant?

25 A Uh, we met with Mr. Dassey in a conference room just

1 off of where the office for the, I believe it's the  
2 high school, would be located.

3 Q Who else was present?

4 A Uh, myself and Mr. Fassbender.

5 Q Did you then, um, commence an interview of Mr.,  
6 uh, Dassey that day?

7 A We did. We did about, um, hour, little over an hour,  
8 interview with Mr. Dassey at the school.

9 Q All right. And at the, um, conclusion -- Well,  
10 first of all, tell us, was that interview at all,  
11 um, memorialized in any fashion?

12 A We did do an audiotape. Unfortunately, all we had  
13 was one of the old cassette recorders, and we had  
14 that sitting on a, um, table between us, and it -- it  
15 didn't pick up very well. The audio is very poor.

16 Q All right. At the conclusion of the interview,  
17 what did you do?

18 A After the interview, we had contacted, um District  
19 Attorney Kratz to inform him of what we had learned  
20 from that interview. Uh, Mr. Kratz requested that we  
21 memorial -- memorialize this interview in a -- in a  
22 better fashion. So, um, at that point we decided --  
23 we made arrangements to go to, uh, Two Rivers Police  
24 Department where there would be a videotaped, um,  
25 interview done. So that's what we did.

1 Q All right. What arrangements did you make in  
2 advance to conduct a videotaped interview?

3 A We actually contacted, um, Brendan's mother and, uh,  
4 informed her what we wanted to do. Um --

5 Q And how did she respond?

6 A Barb actually responded to the school at that time,  
7 um, and she rode with myself, Agent Fassbender, and  
8 Brendan to Two Rivers Police Department all in the  
9 same car. We gave her a ride there.

10 Q And, um, tell us approximately what time did you,  
11 um, interview the defendant at Two Rivers Police  
12 Department?

13 A Um, it was somewhere between 3:20 and 3:30 in the  
14 afternoon when we started the interview at Two Rivers  
15 Police Department.

16 Q And where was the, uh, defendant's mother, Barb  
17 Janda, at that time?

18 A We had spoke to Barb prior to doing the interview,  
19 and indicated she had every right to be in the  
20 interview if she wished to be in. At that time she  
21 declined. She waited in a outer waiting area, um, of  
22 the police department while we conducted the  
23 interview.

24 Q All right. And approximately how long did you,  
25 uh, speak with Mr., uh, Dassey, uh, this

1           afternoon?

2    A       I believe it was less than an hour that we did that  
3           interview.

4    Q       All right.  At the conclusion of the interview,  
5           uh, what was done between you and Special Agent  
6           Fassbender?

7    A       Obviously, we discussed the interview and discussed  
8           what we had learned in the interview.

9    Q       All right.  After, um, meeting and interviewing  
10           Mr. Dassey, uh, on this day, February 27, what  
11           was your thinking?

12   A       Well, at that time -- That's the first time Brendan  
13           places himself at the crime scene is during that  
14           interview.  Places himself at the fire.  So we  
15           decided that we needed to interview everybody else  
16           that lived on that property and we needed to do that  
17           right away to see what other people knew.  We didn't  
18           know if other people knew about this at that point or  
19           not.  So we decided that we needed to conduct a lot  
20           of interviews.

21   Q       Did you have any feeling as to whether or not the  
22           defendant had told you everything that he knew at  
23           that time?

24   A       My feeling was, no, he didn't.  That he knew more,  
25           because every time we would talk to him he'd give you



1 a little bit more, give you a little bit more. And,  
2 again, that's the first time he placed himself,  
3 basically, on that crime scene.

4 Q All right. Now, at that -- after those, um, two  
5 interviews, uh, that particular day, did you  
6 think that he was a suspect at that particular  
7 point?

8 A No. Uh, again, in my thinking at that point, he's  
9 still a witness -- a wis -- a witness to something  
10 horrific. Um, he tells us that he sees body parts in  
11 a fire. I mean, so we're thinking he is a witness to  
12 something at that point that...

13 Q All right. Now, um, earlier, we heard from  
14 Special Agent Fassbender that, um, the defendant  
15 and his mother, uh, were put up at the, um, Fox  
16 Hills, um, Hotel in Mishicot. How did that come  
17 to pass?

18 A Well, there are two reasons that we decided to do  
19 that that night. Um, the first reason, number one,  
20 first and foremost in any law enforcement's mind, is  
21 safety. I mean, our job is to protect people.  
22 That's the bottom line. Because of the information  
23 he told us, if there was somebody else that lived out  
24 there that would have found out and may have also  
25 been involved, we were worried for his safety, that

1 they would somehow get to him and maybe harm him. So  
2 we thought, to be on the safe side, we needed to put  
3 him, um, somewhere off of that property.

4 Number two, as any law enforcement  
5 officer knows, integrity in an investigation is  
6 very important, and it can be tainted very easily  
7 by somebody going back and saying, this is what I  
8 told the cops. Cover this up. Do this. And we  
9 didn't want that to happen. We didn't want  
10 Brendan, or his mother for that matter, going  
11 back and telling anybody else on that property  
12 what they told us for fear of tainting that  
13 investigation. So there were two reasons that we  
14 did that.

15 Q All right. Now, um, Special Agent Fassbender  
16 told us about an interview he had with the  
17 defendant and his mother later that evening, the  
18 27th. Did you and he discuss the results of his,  
19 um, interview that evening?

20 A We did. Um, Agent Fassbender informed me that he had  
21 learned from another family member that Mr. Dassey  
22 might have had more information about that, and also  
23 that there were some pants that, um, maybe had some  
24 bleach stains on it. Agent Fassbender informed me  
25 that he went back to Mr. Dassey and his mother later

1 on the 27th, that evening, and asked Mr. Dassey about  
2 the pants. And that's the first time Mr. Dassey,  
3 Brendan, ever told us about stains on his pants,  
4 cleaning up the garage floor. So now he puts himself  
5 further into it. Puts himself in that garage later  
6 on that night.

7 Q All right. So are you saying that in -- in  
8 either one of the previous interviews that day,  
9 he never mentioned anything about bleach, or  
10 cleaning up in the garage, or any of that?

11 A No. We never knew anything about that until Agent  
12 Fassbender learned it and went back and talked to  
13 Brendan later that night, on the 27th. That's when  
14 we learned that.

15 Q Um, as a result of that information, uh, what did  
16 you decide to do?

17 A Well, obviously, when you keep learning little bits  
18 and pieces, Brendan keeps telling us a little more  
19 here, a little more there, we realized it could  
20 probably be either saw more, knew more, something.  
21 We need to make arrangements to go back and talk to  
22 him again. That was obvious.

23 Q Now, during these interviews on the 27th, did he  
24 admit any involvement in any part -- any of this?

25 A No. Um, basically, he was telling us he was a

1 witness.

2 Q All right. Um, so then did you make arrangements  
3 to reinterview the defendant?

4 A We did. Yes.

5 Q And tell us about the preparation of those plans?

6 A Um, that would take us to March 1. Um, at that point  
7 we contacted Brendan's mother again, told her that we  
8 would like to take Brendan to the Manitowoc Sheriff's  
9 Department so we could do a videotaped interview of  
10 Brendan to see what else he maybe had known, see what  
11 else maybe he saw. It's obvious that he knew more  
12 than he was telling us.

13 So at that point, um, we did, again,  
14 talk to his mother, told her what we wanted to  
15 do, and she gave us permission to do that, and,  
16 um, Brendan agreed, also, and Brendan went with  
17 us to the Manitowoc Sheriff's Department.

18 Q All right. And then did you proceed to, um,  
19 interview Brendan Dassey on March 1?

20 A We did. Yes.

21 Q And was that interview memorialized in any  
22 capacity?

23 A That interview was videotaped.

24 Q All right. Now, um, before we, um, present the,  
25 uh, results of that interview, I'd like to talk

1 to you a little bit first, about, um, some of the  
2 interview techniques that you employed during the  
3 course of your interrogation of, uh -- of, uh,  
4 the defendant?

5 A Sure.

6 Q During the, um, interview on March 1, did you and  
7 Special Agent Fassbender employ any deception  
8 during the course of, um, your interviewing him?

9 A Absolutely. Yes.

10 Q All right. And tell us why?

11 A Well, one of the reasons that we say things that may  
12 be not be true, or use deceptive measures, is to see  
13 how suggestible he is. I mean, if I would say  
14 something that's not true, and he agrees with  
15 everything I say that's not true, obviously that's a  
16 problem. So we use techniques like that to see if  
17 he'll resist that. And, in fact, he did.

18 He would bring up certain things that we  
19 knew not to be true, and he would say, that --  
20 that's not true. It's not true. He'd stick to  
21 that. So, yeah, it's very important, in my  
22 opinion and my experience as -- as doing  
23 interviews, you do have to do that. Absolutely.

24 Q Do you also engage in a technique on information  
25 that you suspect to be true, but may not know it

1 true, to see if the person you're interviewing  
2 will tell you anything about it?

3 A Sure. I mean, it -- it works both ways. I mean,  
4 you -- you may not know. You may -- Again, like you  
5 said, you may suspect something, and you may say  
6 that, and he may, yeah, that's true. And -- and  
7 that -- Again, that happens. It goes both ways.

8 Q All right. Now, um, what other, um, interview  
9 techniques were, um, employed during your, um,  
10 uh, questioning of the defendant on March 1?

11 A We would say things like, um, you're going to hear on  
12 the tape, that we already know, um, and they refer to  
13 it as having superior knowledge. Um, and we used  
14 that technique in that interview as well.

15 Q All right. And tell us a little bit about that  
16 technique? I mean, what is this superior  
17 knowledge?

18 A Anybody you interview, no matter what type of  
19 incident it is, what type of crime it is, it's  
20 against your self-preservation instincts. If you're  
21 involved in something, to come out and admit to it,  
22 nobody likes to admit to things. I've been doing  
23 interviews a long time and very seldom does somebody  
24 come out on the first time you talk with them and  
25 admit things.

1                   So when you use the quote, unquote,  
2                   superior knowledge thing, it implies to them that  
3                   you know more. That you can't fool me. We know  
4                   all about it. You might as well just tell us.  
5                   And that's the reason you use those type of  
6                   things.

7           Q     In-- in your, uh, experience as an investigator,  
8                   how often has someone immediately acknowledged  
9                   their involvement in a -- in an offense when you  
10                  sit down and begin to question them?

11          A     Almost never.

12          Q     Um, is it unusual at all for people to minimize  
13                  their involvement in offenses in the initial, um,  
14                  interview?

15          A     No. And if you look at interviews -- And, again, you  
16                  take almost any crime from -- from a burglary, sexual  
17                  assault, to a homicide, it's normal that people will  
18                  minimize. Try to, yeah, I did a little bit, but I  
19                  really didn't do it all. Things like that. And  
20                  it's -- it's -- it's -- it equates to peeling an  
21                  onion back. You take those layers off. Those  
22                  defensive layers of people. And that's -- that's  
23                  what you do in interviews. That's what we do.

24          Q     And, um, were there any other, um, interview  
25                  techniques employed, uh, during the questioning

1 of the defendant that day?

2 A Um, yeah. We -- we would get friendly with him. Um,  
3 we would tell them that, you know, it's okay. Things  
4 are okay. Because you don't want somebody to -- You  
5 don't want somebody upset. You don't want somebody  
6 afraid of you. You want to be -- You know, different  
7 officers use different techniques. But I found the  
8 best way for anybody is going to be you -- you try to  
9 befriend them. You be nice to them. I'm not a "get  
10 in your face" type interviewer.

11 Q Is that a -- any, um, common technique that you  
12 employ?

13 A Absolutely. Yes.

14 Q All right. Um, prior to, um -- Prior to, um,  
15 questioning, uh, the defendant, did -- did you  
16 advise him of his constitutional rights?

17 A Yes. He was read his **Miranda** rights from our -- our  
18 rights form. Our warning and waiver of rights form.  
19 (Exhibit No. 206 marked for identification.)

20 Q Uh, you've been handed an exhibit. Tell us what  
21 it is?

22 A It's the Calumet County Sheriff's Department Warning  
23 and Waiver of Rights form.

24 Q What is our exhibit number on that form?

25 A Uh, 206.



1 Q All right. And tell us a little bit about that  
2 form, if you would?

3 A Um, the **Miranda** rights are -- are -- You've probably  
4 all seen it on TV if you watch any cop shows. Um,  
5 the right to remain silent. Things like that. It  
6 was just a form that we use that spells it all out.  
7 The bottom two questions indicate, do you know and  
8 understand each of -- each of these rights that I've  
9 explained to you? And it's either a yes or a no.  
10 And understanding these rights, do you wish to make a  
11 statement? And it's either a yes or a no.

12 Q All right. Now, I also note that, uh, from my  
13 previous examination of the form, there's some  
14 writing on that form? Some, uh, handwriting as  
15 opposed to the printed form?

16 A Yes. What --

17 Q Tell us about that?

18 A What I do when I read the rights to people, I check  
19 them all off, first of all, to make sure I've covered  
20 them all. And then I have the person initial them.  
21 Take a look at what I read to them, and I have them  
22 initial them. Which I did in this case.

23 I also do that for the part of the  
24 waiver where I ask them if they understand these  
25 rights, and ask them if they want to speak with

1 me. Whether they say yes or no, I have them  
2 initial them to -- to show that they have at  
3 least looked at this form and read them.

4 And then there's a place for the, uh,  
5 person I'm interviewing to sign, and there's a  
6 place where I sign as a witness on the bottom.

7 Q All right. Now, in terms of presenting that  
8 information to the defendant, did you read the  
9 form to him or did he read it himself?

10 A I read the form to him. And, again, I showed him the  
11 form and have him initial what I read.

12 Q All right. At any point did he show any  
13 confusion, um, or misunderstanding of -- of the  
14 information on the form?

15 A No, not at all.

16 Q Did he show any hesitancy about, um, his  
17 willingness to speak with you and Agent  
18 Fassbender on March 1?

19 A No.

20 Q All right. Um, at any point, um, did you, uh,  
21 promise him, um, any inducements to -- in order  
22 to get him to speak with you that day?

23 A No.

24 Q All right. Um, and on March 1, who else was, um,  
25 present or around for this interview?

1 A Again, myself and Agent Fassbender conducted the  
2 interview. Um, Brendan's mother had presented  
3 herself at the Sheriff's Department sometime later  
4 during the interview.

5 Q All right. Um, I believe we're ready to --

6 (Discussion off the record.)

7 ATTORNEY FALLON: That's probably a good  
8 idea.

9 Q (By Attorney Fallon) Tell us about the, um -- the  
10 specific location where the interview took place?

11 A Sure. The interview that we conducted on March 1 was  
12 done, again, at the Manitowoc County Sheriff's  
13 Department, which -- I don't know if you guys had a  
14 chance to be outside, but right outside, the next  
15 building over. Um, that interview was conducted in  
16 the detective's portion of the Sheriff's Department,  
17 which is, I believe, second floor of the Sheriff's  
18 Department there.

19 Um, it's conducted in what we call a  
20 soft room. Um, it -- it's like a small living  
21 room, if you will. It's got a small couch, two  
22 small soft chairs, it's got lamps for lighting.

23 It's not like you see on TV. Again, you  
24 know, CSI, stuff like that, where it's this brick  
25 wall room and this hard table and you got the

1 light shining on them and things like that. It's  
2 a very, uh -- very comfortable room. And  
3 that's -- that's where he was interviewed.

4 Q All right.

5 ATTORNEY FALLON: I believe we're, um,  
6 ready.

7 THE COURT: Is this going to be a closed  
8 caption video?

9 ATTORNEY FALLON: Yes.

10 THE COURT: I'm going to read the  
11 instruction then.

12 ATTORNEY FALLON: Yeah, I think that  
13 would be good.

14 THE COURT: All right. Uh, ladies and  
15 gentlemen, closed caption transcripts have been  
16 added to this videotape. If you, the jury, believe  
17 in watching the video concurrently while reading the  
18 closed caption words that there's a variation  
19 between videotape and the closed caption, you are to  
20 rely solely on the videotape, so...

21 Um, do you want the reporter to take  
22 this? I mean, there's a transcript of this as  
23 well. If I --

24 ATTORNEY FALLON: We can provide a  
25 transcript, um, if necessary. We will be

1 introducing a DVD as, um, the actual evidence,  
2 uh, consistent, of course, with the law and the  
3 instruction you just read.

4 THE COURT: All right. I'll ask the  
5 defense, do you have any objection if -- if the  
6 reporter does not take this? Understanding that the  
7 trustworthiness of it is secured by a number of  
8 different things; a transcript, a CD.

9 ATTORNEY EDELSTEIN: Certainly as to the  
10 CD.

11 THE COURT: All right.

12 ATTORNEY EDELSTEIN: No, there's no  
13 objection if the reporter doesn't take it.

14 THE COURT: Okay. All right.

15 ATTORNEY FALLON: Um, if there's no  
16 objection, could, um, Investigator Wiegert resume  
17 a seat back here during the playing? Uh --

18 THE COURT: Do you have any objection?

19 ATTORNEY FALLON: We -- we will stop the  
20 tape at one point and re-call him to ex --  
21 explain a few things that are occurring, but  
22 other than that, it will be about 2 hours and 20  
23 minutes or so.

24 I guess we'll, uh, have Investigator,  
25 uh, maintain his current position just for

1           facilitating the ease of talking about the -- a  
2           few of the points that we will stop the tape at.

3           THE COURT: All right.

4           (Wherein DVD is played.)

5           (Wherein DVD is stopped.)

6           ATTORNEY FALLON: Your Honor, I think  
7           we'll take our morning break at this time. The  
8           closed caption did not pan out for us this time  
9           around. And, secondly, we stopped the tape at  
10          approximately 1208.

11          THE COURT: All right. The record will  
12          reflect that. We'll recess until, uh, 10:35.

13          (Recess had at 10:17 a.m.)

14          (Reconvened at 10:38 a.m.)

15          THE COURT: Mr. Fallon, you may proceed.

16          ATTORNEY FALLON: Thank you, Judge. Um,  
17          I believe we have it cued up to the appropriate  
18          spot and we'll continue at this point.  
19          Apparently, the program does not have a  
20          particular pause button so it does have to be  
21          repeated.

22          THE COURT: Okay.

23          (Wherein playing of DVD continues.)

24          (Wherein DVD is stopped.)

25          ATTORNEY FALLON: Your Honor, we've

1 spoken with counsel and we're going to speed up  
2 through this break.

3 THE COURT: All right.

4 (Wherein playing of DVD continues.)

5 (Wherein playing of DVD is stopped.)

6 ATTORNEY FALLON: I think this would be  
7 a good time to take the break.

8 THE COURT: I think you're right. Uh,  
9 we will recess for the lunch hour. We'll --  
10 we'll be back here at 1:05. I'll remind the  
11 jury, no talking about this or anything related  
12 to the case.

13 (Recess had at 11:59 a.m.)

14 (Reconvened at 1:32 p.m.)

15 THE COURT: Mr. Fallon, are you set to  
16 proceed?

17 ATTORNEY FALLON: We are.

18 THE COURT: You may do so.

19 (Wherein playing of DVD is continued.)

20 (Wherein playing of DVD is stopped.)

21 ATTORNEY FALLON: Your Honor, I believe  
22 we've agreed that the remainder of the, um,  
23 discussion does not contain pertinent questioning  
24 of the defendant and I think we agreed to, um,  
25 stop the tape at this particular point.

1 THE COURT: And to the defense, is that  
2 true?

3 ATTORNEY EDELSTEIN: It is, Your Honor.

4 THE COURT: All right.

5 Q (By Attorney Fallon) Investigator Wiegert, I  
6 have a few, um, questions for you. Um, I think  
7 I'll take these more or less in reverse order  
8 from what we've just seen. Um, if you would,  
9 please, um, tell us why -- First of all, from  
10 your investigative efforts did, um, Teresa  
11 Halbach have a tattoo on her stomach?

12 A No. We knew she didn't have a tattoo.

13 Q And why was that question put to the defendant?

14 A It's one of those things I kind of explained to you  
15 guys before we started the, uh, interview. We -- we  
16 do say things that are intentionally false. Um, as  
17 you noticed, Brendan said, no, he didn't see a  
18 tattoo. So he answered that appropriately. So we  
19 give him false things to see if he'll just go along  
20 with it. And clearly he doesn't.

21 Q Um, your colleague, um, In -- uh, Investigator  
22 Fassbender, also asked certain anatomical  
23 questions related to, um, Teresa Halbach's, um,  
24 physical appearance and physical attributes.  
25 What is the purpose of those questions?



1 A When Brendan told us that he sexually assaulted her,  
2 that's the first time we knew that happened. Okay?  
3 And when you do interviews in reference to sexual  
4 assaults, one of the things that you ask the suspect  
5 is, uh, certain questions about the body. Um, it's  
6 to see if they can recollect, um, what they've seen  
7 to see if -- again, to see if they can just go along  
8 with it, see if they make things up. Um, and, again,  
9 in that case I believe he answered those questions  
10 appropriately. The color of the hair. Everything.

11 Q All right. Are those questions also asked to  
12 test whether or not he actually saw what he said  
13 he saw?

14 A Yes.

15 Q All right. Um, again, uh, there was a lengthy  
16 break, um, that we sped through. Um, my estimate  
17 was there was a break of almost about 28, 29  
18 minutes, from 12:29 to 12:57. Could you tell us  
19 what was going on at that time?

20 A Yes. Actually, we had made a phone call to the  
21 prosecutor, Mr. Kratz. Um, Mr. Kratz, and there were  
22 some other investigators, who were starting to  
23 prepare a search warrant, um, based on some new  
24 information. If you heard me pick up the phone  
25 during that interview, and I said do not sign, do not

1 sign, um, do not serve. I don't remember if you  
2 remember hearing that. I was stopping them from the  
3 process of doing that search warrant, because we had  
4 learned new information by that time and we wanted to  
5 include that information in the search warrant.

6 So during that break, we were talking --  
7 excuse me -- to the, uh, district attorney about  
8 getting the proper information in that search  
9 warrant.

10 Q All right. And, um, is this the interview, um,  
11 that contributed information leading to the  
12 search warrant which was executed at Steven  
13 Avery's trailer and garage on March 1 and 2 that  
14 we've heard earlier about in this trial?

15 A It is. This is an -- After this information was  
16 provided to us, when we gained that search warrant  
17 and signed by a judge, we went back and executed that  
18 search warrant on the 1st of March after this, and  
19 continued that into the 2nd of March. That's when we  
20 recovered the two bullets based on Brendan's  
21 information that she was shot in the garage, which is  
22 one of the bullets that contained the DNA of Teresa  
23 Halbach.

24 Q All right. Now, um, we also noted that there  
25 were some drawings that you requested that the

1 defendant prepared?

2 A Yes.

3 Q Um, did you bring those with you today?

4 A Yes.

5 Q I'd like to ask you some questions about those  
6 drawings. Uh, first -- first one -- first one, I  
7 believe, is Exhibit 207?

8 A That's correct.

9 Q And what is depicted in Exhibit 207?

10 A Uh, Exhibit 207 is the picture of the knife that  
11 Brendan drew for us.

12 Q All right. And are there any writings or other  
13 markings other than the -- the depiction, itself?

14 A Yes. Um, Brendan signed it, he dated it, and he put  
15 the time on there.

16 Q All right. And, uh, the next exhibit?

17 A Uh, 209.

18 Q Yes. What is depicted in Exhibit 209?

19 A Uh, this one depicts the garage. Um, Brendan drew  
20 out the garage, and he had the snowmobile, um, in the  
21 garage. He's got the vehicle in the garage. He's  
22 got the lawnmower labeled. He also put in where they  
23 laid Teresa, and where he and Steve are both  
24 standing. Again, he signed this one, dated it, and  
25 put the time on it.

1 Q All right. Exhibit 210?

2 A Yes.

3 Q What is depicted in Exhibit 210?

4 A This is a drawing he did of the burn pit area. Uh,  
5 included in this drawing is he's got the garage. He  
6 correctly drew out where the burn pit was. Uh, he  
7 put the doghouse in. He even drew her body laying in  
8 that depression, if you will, uh, where we found her  
9 bones. And, again, he signed this one, he dated it,  
10 and he put the time on it.

11 Q All right. And the last one, 208?

12 A Yes. This one is, um, a rendering of the -- Steve  
13 Avery's bedroom. Again, in this one, he's got the  
14 bed drawn in. He's got the dresser. He's got the  
15 nightstand. He's got the closet. He put on the wall  
16 the gun rack. Um, and he also drew Teresa's body on  
17 the bed.

18 Q All right. I'm going to ask that, uh, your  
19 colleague, Mr. Fassbender, take those exhibits  
20 and bring those to the ELMO for publication.

21 ATTORNEY FALLON: It would begin with  
22 207. The reverse order that you have them.  
23 Two -- 207 first.

24 Q (By Attorney Fallon) Now, again, 207, this is  
25 the knife that he drew that we just saw on the,

1 um -- the videotaped interview?

2 A It is. It's the one he said that they used to cut  
3 her throat and stab her.

4 Q All right.

5 ATTORNEY FALLON: Um, 209,  
6 Mr. Fassbender, please? All right. You might  
7 have to zoom out a little on that. All right.

8 Q (By Attorney Fallon) And 209, this is the  
9 depiction of the garage?

10 A It is. And if I could elaborate a little bit about  
11 that one?

12 Q Yeah. I have -- I have a few questions if I may?

13 A Okay.

14 Q Um, there seems to be, uh, depicted in there, um,  
15 a, uh, stick person. What is represented by that  
16 depiction?

17 A That's where Brendan stated when they took her out of  
18 the back of the RAV 4, where they placed her on the  
19 ground, and that's where they shot her. The thing  
20 about that one is he places her -- If -- if you  
21 compare this drawing to things you might have seen  
22 earlier in the trial, where we believed that there  
23 was a luminol stain -- or the stain -- excuse me --  
24 the luminol showed a stain which we believed to be  
25 bleach, which he later said he had cleaned up in the

1 garage, is exactly where that luminol lit up.

2 Q All right. And I see initials. There's two X's  
3 with initials. One is B. R. D; what is that  
4 supposed to represent?

5 A I had Brendan label where he was standing. And I had  
6 him label where Steve was standing when, uh, he shot  
7 her.

8 Q All right. And is that the -- the, um -- the "X"  
9 which is depicted below the lettering B. R. D.?

10 A That is correct. Yes.

11 Q And that's supposed to be an S. A.? Is that what  
12 it -- that is?

13 A Yes.

14 Q All right. And, um, there is a little box, um,  
15 above three circles. There's three circles  
16 between the -- the stick person depiction, and  
17 then there's, uh, a box above that. What is  
18 that?

19 A That's where -- If you remember in the pictures,  
20 there was a -- I believe it's a John Deere lawnmower  
21 sitting.

22 Q All right. And what were the three circles that  
23 are sup -- uh, supposedly, uh, depicted between  
24 the stick person and the lawnmower?

25 A I believe that's where he's drawing the blood.

1 Q All right. And, um, just so that we're clear, is  
2 that his handwriting which appears on the  
3 right-hand of the screen?

4 A It is.

5 Q All right. Next. We are now publishing 210. I  
6 believe you indicated this was, um, uh, the burn  
7 pit?

8 A Correct. If you see, he actually drew the mound in.  
9 And if you remember the actual pictures, there's a  
10 gravel and dirt mound built up there. And I believe  
11 that's what he was drawing there.

12 Q I'm going to have my colleague, Mr. Gahn, hand  
13 you a laser pointer?

14 A Sure.

15 Q And, uh, as I recall your testimony from a few  
16 moments ago, um, there is a, um -- a doghouse  
17 that was drawn in?

18 A Right. He's got the doghouse drawn in right here.  
19 And here's that mound I was talking about. If you  
20 remember back on the pictures, that was a gravel and  
21 dirt mound.

22 Q Right.

23 A And here was that dugout impression.

24 Q All right. And what is depicted in that  
25 depression?

1 A He drew in where they put Teresa. And that's exactly  
2 where the bones were found. It was within this area  
3 here.

4 Q All right.

5 ATTORNEY FALLON: Um, next one,  
6 Mr. Fassbender. Exhibit 208, I believe it is.  
7 If you'd zoom out just a bit. All right.

8 Q (By Attorney Fallon) What is depicted in Exhibit  
9 208?

10 A That would be, uh, Steve Avery's bedroom, which he  
11 drew for us.

12 Q All right. And, um, there are a number of, uh,  
13 items. Specifically, um, there is a bed, which  
14 is depicted there?

15 A Yeah. He drew the bed in right here.

16 Q And -- And what is represented or depicted in the  
17 drawing on the bed?

18 A He actually drew Teresa in on the bed. And you can  
19 see the chains or handcuffs that are attached to her  
20 legs and her arms.

21 Q All right. Now, what was significant about the,  
22 um, layout of the bedroom, vis-a-vis, the, um,  
23 investigative, um, beliefs, initially, when this  
24 case broke, and, subsequently, what did you learn  
25 about it?



1 A Well, when we served the search warrants on the, uh,  
2 trailer, we found the bed right here. Okay? The gun  
3 rack is on the wall. There's actually pictures. If  
4 you remember that? You see the gun rack? And the  
5 bed was here. The door is actually here to the  
6 bedroom.

7 When we interviewed Brendan, he had  
8 stated that you could see now -- you could see  
9 Teresa from looking down that hallway. And we  
10 initially thought, well, how can that be?  
11 Because if the bed is here, there's no way you  
12 could see Teresa on that bed from looking down  
13 the hallway, when he says he just walks in the  
14 house and he looks down there.

15 Q Let -- let -- let -- Let me stop you right there.  
16 Um, when you executed the search warrant on  
17 November 5, are you telling us the bed was under  
18 the gun rack?

19 A Yes.

20 Q All right. Continue.

21 A The bed was under this gun rack when we executed the  
22 search warrant. So when Brendan tells us that the  
23 bed is over here -- Or, actually, Brendan told us he  
24 could see her. So we ask him, well, draw the bed in.  
25 So he draws it in here without any prompting or

1 telling him where anything was in that room.

2 When we eventually talked to Steve  
3 Avery's girlfriend, fiancé as she put it  
4 yesterday, she also puts the bed here. So,  
5 now -- Well, obviously, when you walk in that  
6 door to that trailer, and you look down that  
7 hallway in this doorway, he's right. You could  
8 see it.

9 Q All right. Now, um, there's been some, uh,  
10 testimony, uh, of assistance rendered to the  
11 investigation by a state trooper by the name of  
12 Timothy Austin. I think, um, there was a  
13 stipulation regarding some of his animation, and  
14 I believe Dr. Eisenberg, um, testified that he  
15 assisted her. Um, as a result of the information  
16 provided by Jodi Stachowski and, um, the  
17 defendant, Brendan Dassey, did you ask him to do  
18 anything?

19 A Yes. We asked, um, Trooper Austin to see if that was  
20 feasibly possible. If that bed would fit in that  
21 area. So he did that.

22 Q All right. I'm going to show you, um, a -- a  
23 photograph. I'm having my colleague show you  
24 what has been marked for identification as  
25 Exhibit 211?

1 A Yes.

2 Q Did you recognize that?

3 A I do.

4 Q What is Exhibit 211?

5 A Two-eleven is a rendering, um, based off of  
6 information that we learned in this case of how a  
7 bedroom was the day that Teresa was -- that we  
8 believe that Teresa was in there.

9 Q All right. Yes. I'm going to have my, uh,  
10 colleague hand that for publication. All right.  
11 Exhibit 211 is, uh, depicted, and, uh, tell us  
12 about that? Illustrate, first of all, where the  
13 doorway to the room is.

14 A Sure. The door is right here. And here's that exit  
15 door to go outside, um, the one that Brendan talked  
16 about, and the cement steps was right there by the  
17 bedroom. Um, the garage would be, basically, right  
18 over here. And this is the bed drawn in here. Um,  
19 the little desk. I think it's like a two-file --  
20 two-drawer file cabinet there that he had in the  
21 room. Uh, the bookcase. And you see on the wall  
22 here is the gun rack.

23 Q All right. And, um, did you commission, uh,  
24 Trooper Austin to do one other animation --  
25 animated still for your investigation?

1 A Yes, we did.

2 Q All right. I'm showing you now what has been  
3 marked for identification as Exhibit 212. What  
4 is depicted in, uh, Exhibit 212?

5 A Again, this is, um, Steve's garage. Um, as you can  
6 see, the big garage door here. The small entry door  
7 of the garage. Some of the important things in this  
8 rendering would be that John Deere lawnmower that we  
9 talked about that he had drawn in, which is right  
10 there. And, if you remember, he got the, uh --  
11 actually, the RAV 4 in here, too, backed in, which  
12 fits very well.

13 Q All right. Now, just so that we're clear, um,  
14 there appears to be, um, uh, significantly less  
15 clutter in the photo than in the original  
16 photograph of that garage; is that correct?

17 A Yes.

18 Q And was that, uh, specifically requested of  
19 Trooper Austin?

20 A It was.

21 Q And, uh, was that to just facilitate the general  
22 layout of the garage?

23 A Yes.

24 Q All right. And, um, do you believe that to be a  
25 representative portrayal of the information

1 provided by the defendant?

2 A Yes, I do.

3 Q All right. Um, Investigator Wiegert, um, for the  
4 record, then, what was the address of Steven  
5 Avery's trailer and garage?

6 A Um, 12932 Avery Road, Town of Gibson, Manitowoc  
7 County, Wisconsin.

8 Q And is that the location where the defendant  
9 attributed these events occurred?

10 A It is.

11 ATTORNEY FALLON: I have no further  
12 questions for this witness. Would move into  
13 evidence Exhibits, uh, 207, 208, 209, 210, 211,  
14 212, and, uh, I've -- I've forgotten the exhibit  
15 number for the DVD of the, uh, interview, but we  
16 would move that in as well.

17 THE COURT: I don't think there is a number  
18 for it, but there is one for the waiver of rights.  
19 The 206.

20 ATTORNEY FALLON: And 206.

21 THE COURT: So we'll mark the DVD. That  
22 would be 213. You're asking that that be --

23 ATTORNEY FALLON: Yes.

24 THE COURT: You're offering it?

25 ATTORNEY FALLON: I would offer that as

1 the official record.

2 THE COURT: All right. Mr. Fremgen, any  
3 objections to any of those?

4 ATTORNEY FREMGEN: No.

5 THE COURT: Then, uh, Exhibits, uh, 206  
6 through, and including, 213, which is going to be  
7 marked right now, the CD, are received.

8 ATTORNEY FALLON: I think it's a DVD.

9 THE COURT: I -- I'm sorry. DVD. Yes.

10 ATTORNEY FALLON: You have that, Ms.  
11 Clerk?

12 THE CLERK: Not yet.

13 ATTORNEY FALLON: Not yet? All right.

14 THE CLERK: I just have a sticker for  
15 it.

16 ATTORNEY FALLON: All right. We'll --  
17 we'll produce that before the end of the day.  
18 Uh, with receipt of those exhibits, we would  
19 tender the witness for, uh, cross-examination.

20 THE COURT: Cross?

21 ATTORNEY EDELSTEIN: Your Honor, prior  
22 to commencing cross, could we take our afternoon  
23 break? There's a number of exhibits I need to  
24 gather up.

25 THE COURT: All right. We'll break until

1 quarter to three.

2 ATTORNEY FALLON: Very well. Thank you.

3 (Recess had at 2:26 p.m.)

4 (Reconvened at 2:47 p.m.)

5 THE COURT: Cross.

6 ATTORNEY EDELSTEIN: Thank you, Your  
7 Honor.

8 **CROSS-EXAMINATION**

9 BY ATTORNEY EDELSTEIN:

10 Q Officer Wiegert, you covered a lot of ground, so  
11 bear with me if I jump around a little bit?

12 A Yes, sir.

13 Q You've been with Calumet for 14 years; right?

14 A Yes.

15 Q And you are now classified as an investigator I  
16 believe you said?

17 A That's correct.

18 Q That any different than a detective?

19 A Same thing. Different name.

20 Q Than the -- So you're involved with more, shall  
21 we say, investigative duties from events, as  
22 opposed to day-to-day responding to calls, uh,  
23 taking reports, things like that?

24 A Yes. That's true.

25 Q All right. Now, you established early on that

1           yourself and Fassbender became what you've been  
2           characterizing as the lead investigators into the  
3           disappearance of Teresa Halbach; right?

4    A    Yes.

5    Q    Okay. Was there -- And I take it there was no  
6           particular hierarchy, even though he's a state  
7           employee and you're a county employee?

8    A    Considered my partner.

9    Q    All right. So the two of you are working  
10           together on this thing throughout -- from the  
11           beginning through today, basically?

12   A    Yes.

13   Q    Okay. If you got a piece of information, you  
14           shared it with him, and vice-versa?

15   A    When I could.

16   Q    What, if anything, would have prevented you from  
17           sharing the information?

18   A    There's a lot of information in this case and I  
19           believe we shared as much as we could together.

20   Q    Just in fairness, though, uh, you did your very  
21           best to make sure that he knew what you knew, and  
22           you knew what he did?

23   A    We did our best.

24   Q    All right. Now, I believe you began your  
25           testimony yesterday talking about, uh, Kayla;



1 right?

2 A Yes.

3 Q And you went to Kayla because you received some  
4 information that she might have known something  
5 about, um, Brendan losing some weight; right?

6 A Um, which time?

7 Q On the 20th? Well, let me ask it to you this  
8 way: What was the first date you talked to  
9 Kayla?

10 A Yes. February 20. That's not -- Let me answer your  
11 first question. That's not the reason we talked to  
12 Kayla, initially, no.

13 Q When you talked to Kayla on the 20th, I  
14 understood your testimony to -- to be based upon  
15 the fact that you'd received some information  
16 from someone, and you didn't say who, that you  
17 needed to talk to Kayla. That she had some  
18 information?

19 A We talked to Kayla -- She had information, um, about  
20 Steven Avery, not about Brendan losing weight, as you  
21 said.

22 Q But in any event, when you were there, you had  
23 spoke to her, and she -- uh, you testified she  
24 told you that he lost about 40 pounds; right?

25 A Yes.

1 Q Okay. Had you -- You had never met Brendan  
2 Dassey as of the 20th of February, had you?  
3 A No, I had not.  
4 Q You didn't know how old he was?  
5 A As of the 20th -- I -- I knew he was a teenager.  
6 I -- As to his exact age, no, I don't think I knew  
7 his exact age.  
8 Q You really didn't know -- Did you know where he  
9 went to school?  
10 A Well, I assumed where he went to school in Mishicot  
11 from where he lived.  
12 Q Okay. But you hadn't check with the school to  
13 verify he was a student there?  
14 A On the 20th. Um, I don't recall if I would have by  
15 then or not. I don't think so.  
16 Q Okay.  
17 A But I'm not sure.  
18 Q I'm going to hand you for the record what has  
19 been admitted as 163?  
20 A Yes.  
21 Q And you're familiar with that; right?  
22 A I am. Yes.  
23 Q And for the record and the benefit of the jury,  
24 what is it?  
25 A Um, it's the statement in which we talked about, I

1 believe, yesterday that, uh, Kayla Avery had wrote,  
2 on, uh, the 7th of March.

3 Q Okay. And that was after you had gone back to  
4 talk with her; right?

5 A That was after the school had contacted us.

6 Q Right. Okay. Now, the 7th of March, in relation  
7 to the lengthy interview that everybody just saw  
8 between you and Fassbender and Brendan, was six  
9 days later; right?

10 A Yes.

11 Q Okay. And isn't it a fact that on the 1st day of  
12 March, you, Fassbender, members of the  
13 prosecution team, held a widely publicized press  
14 conference?

15 A There was a press conference, yes.

16 Q And is it fair to characterize that as a press  
17 conference stating that Brendan Dassey has  
18 confessed to his involvement in the disappearance  
19 of Teresa Halbach?

20 A I believe that would be accurate.

21 Q I believe you testified on direct with respect to  
22 the interview of March 7, and correct me if this  
23 is not what you said, that after he saw Teresa  
24 Halbach pinned up in the bedroom, he heard  
25 screaming in the bedroom. Do you remember that

1 testimony?

2 A After he? After -- This is after Brendan, are you  
3 talking about? I'm sorry.

4 Q Right. As related to you by -- by Kayla?

5 A Um, I believe that's correct.

6 Q You do not?

7 A No. I believe that's correct.

8 Q Okay. When you talked with Kayla, she led you to  
9 believe that there was a chair involved in some  
10 sort of restraint with Teresa; right?

11 A According to Kayla, that Brendan had told Kayla that  
12 Teresa was pinned up in a chair.

13 Q And when does she claim that Brendan told her  
14 that?

15 A Um, according to my recollection, she claims it was  
16 in December of '05, because she remembers it because  
17 there was a birthday party at her house.

18 Q Right. And you got that information from her  
19 when?

20 A We got that information in March.

21 Q Well -- And that would be related in 163?

22 A Yes. That's correct.

23 Q Okay. So in March, about six days after this  
24 press conference, she's telling you that the  
25 defendant said Teresa was pinned up in a chair?

1 A After the school calls us and tells us that they had  
2 learned about information about this homicide --

3 Q Officer --

4 ATTORNEY EDELSTEIN: With the Court  
5 permission.

6 Q (By Attorney Edelstein) I don't mean to quibble.  
7 I didn't ask about the school. My question was,  
8 six days after the interview -- six days after  
9 the press conference, that's when Kayla tells you  
10 that the defendant claimed that Teresa had been  
11 pinned up in a chair; correct or not?

12 A Yes. That's correct.

13 Q All right. And it is true, is it not, that even  
14 through this lengthy video, at no time did  
15 Brendan ever claim that Teresa was pinned up in a  
16 chair; yes or no?

17 A No.

18 Q He did not?

19 A In a chair, no.

20 Q So that would be an inconsistency in his  
21 statements; correct?

22 ATTORNEY FALLON: Objection.

23 THE COURT: To foundation, uh, the  
24 objection is sustained. Why don't you make that  
25 clearer, please?

1 Q The statement you got from Kayla reporting what  
2 Brendan told you, you got it from her? You  
3 didn't take that as a statement, so to speak, of  
4 Brendan?

5 A I took it as what Brendan told Kayla.

6 Q Exactly.

7 A His statement.

8 Q All right. But then based upon what he told you,  
9 as far as this pinning up business, that would  
10 not match; correct?

11 A No. I wouldn't agree with that.

12 Q Does it match to the extent that he described it  
13 pinning up in a chair?

14 A Um, the chair is different. Um, but she was pinned  
15 up.

16 Q Now, when you talk about the pinning up, I assume  
17 you're saying there's some consistency, uh,  
18 because of his statement to you in this 3/1  
19 statement that he saw Teresa, um, tied up or  
20 restrained on the bed; right?

21 A Yes.

22 Q Okay. Let's talk about the bed real quick. For  
23 the record, I'm going to hand you what's been  
24 marked as 211, which is the Austin photograph,  
25 computer-generated depiction, of the bedroom of

1 Steve Avery; right?

2 A Yes.

3 Q And you testified that he prepared that based  
4 upon the drawing that, uh, Brendan provided to  
5 you during the course of the 3/1 interview;  
6 right?

7 A No, that's not true.

8 Q It's not?

9 A No.

10 Q Okay. What is 208?

11 A Two-0-eight is Brendan's drawing.

12 Q Okay. And that's how he claims the bedroom was  
13 on October 31; right?

14 A Yes.

15 Q Well, help me out then. Two-eleven, that Austin  
16 prepared, what is this based on? Is this not  
17 based on what Brendan was telling you?

18 A I believe what I testified to is that it was based on  
19 statements by Brendan and, uh, Steve Avery's fiancé,  
20 Jodi Stachowski.

21 Q Okay. But it was supposed to depict the  
22 condition of the Steve Avery bedroom as of  
23 October 31; correct?

24 A That is correct.

25 Q All right. Now, I'm going to leave you this one.

1 A Sure.

2 Q All right. You see on the exhibit, and it's No.  
3 208, that's up on the ELMO, it shows where the  
4 closet is in that bedroom; right?

5 A Yep.

6 Q Okay. Now, this Austin one also shows the  
7 closet; correct?

8 A Yes.

9 Q Okay. As I'm holding it, oriented up, so to  
10 speak, for the benefit of the record, just like  
11 in this one with the closet, or in the up  
12 portion; correct?

13 A Sure.

14 Q This should be the same; right?

15 A This should be the same --

16 Q Well, the Austin rendition, and what Brendan  
17 drew, because you believe that to be the  
18 configuration on the 31st, should be the same?

19 A That's -- As I stated before, that's based on, not  
20 only Brendan, but from Jodi Stachowski.

21 Q I understand that. But they, in any event,  
22 should be the same; right?

23 A No. That's based on two people's statements.

24 Q Well, if we look at the Austin rendition, you  
25 have the bed in the furthest possible corner -- I



1 don't know if that's north, south, east, or west.  
2 Where's your laser pointer?  
3 A Right here.  
4 Q On the Austin rendition, this bed is actually up  
5 against this wall; right?  
6 A That's true. Um-hmm.  
7 Q Okay. And in Brendan's, the bed is not up  
8 against the wall; correct?  
9 A Right. It's moved out a few feet.  
10 Q Okay.  
11 A On the same wall.  
12 Q On the same wall as to the head side, so to  
13 speak?  
14 A Yes.  
15 Q But not the left side; right?  
16 A That's correct. Um-hmm.  
17 Q Okay. And on Brendan's -- I don't want to get  
18 the clerk -- And on Brendan's, he has some  
19 furniture off to the left side of the bed; right?  
20 A That is true.  
21 Q But when you had Austin prepare this one, you  
22 have that furniture off on this side?  
23 A Again, that's a culmination of Jodi Stachowski's and  
24 Brendan's statements are represented there.  
25 Q I understand that. But when you testified

1 earlier, you bel -- you based -- you asked Austin  
2 to prepare this based upon what both of them told  
3 you?  
4 A That is true.  
5 Q Are there inconsistencies between Exhibit 208, as  
6 prepared for you at your request by Brendan  
7 Dassey on the 1st, and Exhibit 211 that you asked  
8 Austin to prepare?  
9 A Sure. Yeah.  
10 Q When, and if you can, give me a date, did Brendan  
11 Dassey become a suspect in a criminal offense in  
12 your mind?  
13 A Well, there were a lot of suspects. I mean, Brendan  
14 Dassey --  
15 Q Detective, again, I don't mean to quibble with  
16 you. I didn't ask about a lot of other suspects.  
17 I don't care about other suspects. I want to  
18 know, in your mind, when Brendan Dassey became a  
19 suspect in a criminal offense?  
20 A Probably in March.  
21 Q What day in March?  
22 A The day that he told us that he killed, raped, and  
23 mutilated Teresa Halbach.  
24 Q Okay. And that was?  
25 A That was March 1.

1 Q All right. You had talked earlier on direct, for  
2 the benefit of, uh, educating those folks who are  
3 not familiar with the criminal investigation  
4 process, about the differences, a little bit,  
5 between, I think you called it an interview, and  
6 an interrogation; right?

7 A I talked earlier about that?

8 Q I believe you did. Maybe not today. I think it  
9 might have been yesterday.

10 A I don't recall talking about it today. That's why  
11 I'm asking. But I'll take your word for it.

12 Q Well, even if it wasn't yesterday?

13 A Sure.

14 Q There is a difference; right?

15 A Sure.

16 Q All right. You -- you interview, um, witnesses,  
17 you interrogate suspects; right?

18 A Not necessarily. But there's -- there's not a fine  
19 line. You're -- you're looking to draw a fine line.  
20 There's really not that fine line.

21 Q Well, you knew, as one of the lead investigators,  
22 that Skorlinski, Baldwin, and O'Neill had already  
23 spoken with Brendan up in Marinette County;  
24 right?

25 A That's true. Yes.

1 Q And, certainly, by the 1st of March, you had  
2 received, uh, fairly detailed information from  
3 them, perhaps including a transcript made from  
4 the little recording device up in O'Neill's car;  
5 right?

6 A I did not receive the transcript by March 1, but I  
7 did have a chance to review reports.

8 Q Okay. So you had, basically, a summary of what  
9 it was about?

10 A Sure.

11 Q And if I'm guessing correctly, you talked with  
12 Skorlinski, or maybe Fassbender did, and you got  
13 the same information?

14 A I did not talk to Skorlinski.

15 Q Did Fassbender, to your knowledge?

16 A You'd have to ask him that.

17 Q Okay. We can do that.

18 A Sure.

19 Q You also testified about that you and Agent  
20 Fassbender had spoken with Brendan on the 27th of  
21 March? I'm sorry. February?

22 A Yes.

23 Q And that occurred on, actually, two different  
24 locations? Three different locations on the  
25 27th? Am I correct?

1 A Yes.

2 ATTORNEY FALLON: Excuse me, Your Honor,  
3 um, may Counsel and I approach?

4 THE COURT: You may.

5 (Discussion off the record.)

6 THE COURT: We'll excuse the jury at this  
7 point for a few minutes.

8 (Jurors out at 3:09 p.m.)

9 THE COURT: All right. Be seated. Uh,  
10 Mr. Fallon, you're anticipating, apparently, some  
11 questions that you may or may not find  
12 objectionable. Can we -- Can we ask you what it is  
13 that you, perhaps, will find objectionable and see,  
14 indeed, if those are going to be asked?

15 ATTORNEY FALLON: Yes. Thank you,  
16 Judge, for this, uh, consideration. Um, our  
17 concern is simply this, um, we would object to  
18 any attempt by the defense to introduce other,  
19 um, statements, arguably exculpatory, uh, given  
20 by the client, because the law is quite clear  
21 that only the party opponent may offer a  
22 statement of the opposing party, and, as such, we  
23 would object as being hearsay to the introduction  
24 of those statements.

25 Now, having said that, we recognized we

1 at least alerted everyone, and the jury, so that  
2 they would have a better understanding of the  
3 March 1 statement, that the officers had, in  
4 fact, talked to Mr. Dassey on three occasions on  
5 February 27. Um, only one of those interviews  
6 was fully disclosed and testified to by Agent  
7 Fassbender.

8 So we don't have any objection to the  
9 defense asking general questions about you -- you  
10 talked to him on this day, and -- and things of  
11 that matter. That's certainly fair game. But  
12 any attempts to actually introduce the statements  
13 or the responses, uh, is hearsay, because it's  
14 not offered by a party opponent.

15 THE COURT: Mr. Fremgen or Mr. Edelstein,  
16 your response?

17 ATTORNEY FREMGEN: Judge, essentially,  
18 what we're, um, attempting to do is respond to  
19 what's already been somewhat opened by the State  
20 in their direct. The State referenced  
21 speaking -- or the witness reference --  
22 referenced speaking with the defendant at  
23 Mishicot High School on the 27th of February. I  
24 believe he actually testified that, uh, he took  
25 an audiotaped in -- statement, not unlike the

1 November 5 interview in Marinette, and that he  
2 even referenced the videotaped statement at Two  
3 Rivers Police Station.

4 Um, the witness was asked if he felt  
5 that Mr. Dassey had said everything he knew, and  
6 the witness said, no. And it -- Let me, I don't  
7 know, give a couple more examples and I'll,  
8 essentially, wrap it up.

9 Um, as -- The inference by the testimony  
10 to the officer is that Mr. Dassey was not  
11 truthful to them on the previous, uh, attempts to  
12 interview him or left things out.

13 For instance, the officer, specifically,  
14 testified that the defendant denied being  
15 involved in the offense on February 27. The  
16 officer indicated that he was con -- Well, I  
17 don't know if he said he was confident, but I  
18 think his testimony was, essentially, I didn't  
19 believe him. I think he was more involved than  
20 he was leading on.

21 In the May -- or the March 1 statement,  
22 or the video statement, there's references to  
23 specific questions or specific answers from the  
24 previous interviewers. For instance, um -- I  
25 believe the two pages I wrote down were page 556

1 of the transcript, and page 5 -- or page 604.  
2 One dealing with, um, the clothing, the color of  
3 the clothing, and the other, for -- I believe the  
4 officer said, well, on Monday you didn't say  
5 anything about threats from Steven.

6 So, essentially, what -- on direct, and  
7 through the March 1 video, the State has offered  
8 the fact that there had been two prior, more  
9 formalized, statements, other than the one that,  
10 uh -- that, uh, Agent Fassbender testified about  
11 at the Fox River's Resort, um, later in the  
12 evening, and there's been reference that these  
13 statements were not entirely accurate, raising  
14 the question of whether or not Mr. Dassey was  
15 truthful with them.

16 And I think what -- what it does is,  
17 essentially, leaves the jury with the -- with  
18 questions about the February 27 statements. I  
19 believe that we should be entitled to explore  
20 this avenue, sin -- since the State has opened  
21 the door, to offer a full explanation about the  
22 February 27 statement and why they were further  
23 discussing with the March 1.

24 Otherwise, it's left -- Well,  
25 essentially, what's left is the State's been



1 allowed to let the officer explain his role, the  
2 prior taped statements, or questioning, and offer  
3 his opinion about the prior taped statements,  
4 even though the best evidence is the actual  
5 statements, themselves.

6 So I -- I think we should be allowed to  
7 explore that, uh, for lack of a better argument,  
8 or back of a letter term, excuse me, that the  
9 State's opened that avenue or opened the door to  
10 those questions.

11 THE COURT: Well, other than the -- the,  
12 uh, remarks that you cite on page 556 and 604, are  
13 you suggesting that there are other statements that  
14 you wish to discuss?

15 ATTORNEY FREMGEN: Well, the general  
16 tone of the March 1 is that you weren't telling  
17 us the truth before. That was the testimony of  
18 the officer on direct. We weren't getting the  
19 truth from Mr. Dassey. He wasn't telling us  
20 everything. He was leaving things out. But  
21 the -- In essence, he's saying now, March 1 is  
22 the truth. Well, I think we should be allowed to  
23 explore those prior statements. What was left  
24 out? Why do you have the impression that  
25 something was missing? And I think part of

1 that's going to be there were different stories  
2 or different, uh, answers to the same types of  
3 questions on March 1.

4 THE COURT: Mr. Fallon?

5 ATTORNEY EDELSTEIN: Your Honor, if I  
6 might add, just for the record, additionally,  
7 there was testimony -- uh, this jury was led to  
8 believe by the testimony that there were no  
9 promises made to Brendan. Now, I believe we're  
10 entitled to question whether or not there were  
11 promises made to him at any other interviews,  
12 including the 27th of March.

13 ATTORNEY FREMGEN: February.

14 ATTORNEY EDELSTEIN: Or, I'm sorry,  
15 February.

16 ATTORNEY FALLON: All right. I have  
17 now -- Now I have even more responses to make,  
18 both legally and practically. Let's start with  
19 the, um -- the trees, and then we'll move to the  
20 forest.

21 First, as, um, the March 1 interview  
22 revealed, the actual questions we previously  
23 referred to are identified and discussed in the  
24 interview, and this officer can be questioned  
25 about those specific responses on March 1. So

1           that's one.

2                     All right. Number two, um, when it  
3 comes to admissibility of statements, whether  
4 they're custodial or otherwise, the statements  
5 are taken at face value at the time and place in  
6 which they are given.

7                     I'll give you an example. There's a  
8 case out of Racine called **State v. Pischke**,  
9 P-i-s-c-h-k-e, that deals with, um, um,  
10 re-interrogation of a custodial suspect. I cite  
11 that case just for one distinct proposition,  
12 because if the proposition holds in that  
13 circumstance, it clearly applies in this  
14 circumstance.

15                    And in **Pischke** there was a series of  
16 custodial interrogations. The defense objected  
17 because on the last interrogation the defendant,  
18 um, confessed. The defendants floated the idea  
19 that the State was the grand initiator of all  
20 those previous discussions the two days  
21 beforehand. And the Court said, that's a great  
22 theory, but it doesn't hold water, because it's  
23 just about the statement which resulted in the  
24 inculpatory events or rendition.

25                    I bring that up because that was a

1 gentleman who was in custody, and it was a series  
2 of discussions over a two- or three-day period.  
3 There might have been -- There were several. And  
4 the Court said it was only who initiated the  
5 discussion at the time that led to the  
6 inculpatory statement in making the determination  
7 as to whether this was a proper re-interrogation,  
8 and since the defendant in that case had  
9 initiated it, it was a proper.

10 I bring that up by analogy here, because  
11 we have a two-day time lapse. The March 1  
12 statement must be, and should be, analyzed  
13 individually as to the events of that day and the  
14 circumstances surrounding the giving of that  
15 statement.

16 So on that regard, I -- I don't accept,  
17 as a proposition offered by the defense, that  
18 what occurred on February 27 has much, if  
19 anything, to do with any inducements or promises  
20 with respect to what occurred on March 1.

21 Now, for the big picture. The forest.  
22 The reason behind the rule is to prohibit a -- a,  
23 uh, party from getting in an aversion of the  
24 events without having to take the stand. And  
25 that's why the rule is crafted and structured

1 around. It's an admission by a party opponent.  
2 And only the opponent can offer the statements.  
3 Thank you.

4 THE COURT: Defense, do you -- do you  
5 suggest that Mr. Fallon's characterization of the  
6 rule is incorrect?

7 ATTORNEY FREMGEN: I -- I would say that  
8 the analogy is incorrect as far as this case is  
9 concerned. That -- that **Pischke** analogy that  
10 Mr. Fallon presents, essentially, would leave,  
11 uh, the State with every opportunity to make one  
12 attempt after another to interview an individual  
13 until they get what they want, and then just  
14 introduce that one statement without any  
15 reference to the past, even though, especially in  
16 this case, February 27 was certainly a primer to  
17 the March 1 statement. In particular, many of  
18 the questions, not all, but many of the questions  
19 were similar but with different answers.

20 THE COURT: Well, here, I -- we could  
21 probably discuss this well into -- well into the  
22 night. My understanding of the rule -- And --  
23 And one of you cited a case a couple of days ago  
24 called **State vs. Pepin** at 110 Wis. 2d 431.  
25 And -- And here, in this case, let's be clear,

1 we're not talking about a custodial interrogation  
2 on February 27. If I recall, the parties -- And  
3 this is -- this predated your involvement,  
4 Counsel, in the case. But the parties, uh,  
5 stipulated that it was not a custodial  
6 interrogation.

7 But, anyway, **Pepin** says that in  
8 instances, such as were faced here, that the  
9 State has a right to use the inculpatory  
10 statements under 9-0-8-0-1 (4b1), I believe is --  
11 is the statute, admission by party opponents.  
12 But that the -- but that the defense does not  
13 have the right to use any exculpatory matter that  
14 may appear there unless the exculpatory matter is  
15 so entwined with the inculpatory matter that it  
16 bears the same trustworthiness or same  
17 guarantees.

18 I can't say that in this case. I -- I  
19 don't think that -- I don't think that situation,  
20 the trustworthiness of the exculpatory statements  
21 here, uh, stands out.

22 Thus, I'm going to -- I'm going to  
23 grant, uh, uh, the prosecution's motion here.  
24 With the exception, I believe, those were the  
25 matters on pages 556 and 604, you can go into

1           those if you wish.

2                   ATTORNEY EDELSTEIN: Your Honor, uh, if  
3 I could just -- before we bring the jury back, I  
4 want to make it quite clear that while I don't  
5 necessarily agree with the ruling, I can abide to  
6 it, uh, as to -- as to answers. But I fully  
7 intend to ask this officer about questions he  
8 asked this young man on that date. I'll stay  
9 away from the answers. I want him to tell this  
10 jury whether he asked him certain questions and  
11 the manner in which they were asked.

12                   This defense -- We are entitled to  
13 present our defense. We have raised this as a  
14 matter of suggestibility. There -- This  
15 interview of the 27th is replete with conscious  
16 efforts, I believe, and it's ultimately up to  
17 this jury to decide whether or not these officers  
18 manipulated and suggested answers to the  
19 defendant.

20                   Now, maybe they didn't get them on the  
21 27th. Maybe they got them later on. But they  
22 have to decide that. And I can cite instance  
23 af -- And they weren't just generally speaking.  
24 They were very specific. Did you have anything  
25 to do with Teresa Halbach's um, death? Um, some

1 of the other statements they made. The promises.  
2 They've led this jury to believe there's no  
3 promises.

4 THE COURT: Well, here -- I --

5 ATTORNEY EDELSTEIN: (Unintelligible.)

6 THE COURT: I -- I get it. I get it.  
7 And we'll cross that bridge when we come to it.  
8 I've made a ruling. Let's get the jury back in  
9 here and let's move on.

10 (Jurors in at 3:24 p.m.)

11 THE COURT: Be seated. Counsel, you may  
12 resume.

13 ATTORNEY EDELSTEIN: Thank you.

14 Q (By Attorney Edelstein) Detective Wiegert, on  
15 direct you described for the benefit of -- of the  
16 State and the jury different techniques, um, that  
17 are a common time, oftentimes, employed in the  
18 interview of individuals; correct?

19 A Yes.

20 Q All right. One of those you described as the  
21 superior knowledge tactic; right?

22 A That's true.

23 Q And one you, um, described in an effort to  
24 ultimate -- the goal being to, quote, take  
25 defensive layers off; right?



1 A That's true.

2 Q And I believe you used the -- the phrase, to  
3 befriend the, uh, interviewee?

4 A Yes.

5 Q All right. So in connection with that, uh, it  
6 wouldn't be unusual for you to say or -- say  
7 things intended to, uh, have this individual like  
8 you?

9 A Yeah. That's the goal.

10 Q And it wouldn't be unusual to say things to have  
11 the individual believe you; right?

12 A That's true.

13 Q Okay. Now, again, um, going back to the 27th --  
14 Well, before we get to the exhibit, is it fair to  
15 say that as part of this process, and I'm  
16 speaking of the 27th, that you and your partner  
17 utilized a technique by directly appealing to the  
18 emotions of Brendan Dassey?

19 A I think that would be fair.

20 Q And you did that how many times, if you know, on  
21 the 27th?

22 A I'd have no idea.

23 Q On the 27th, um, there were very distinct lies  
24 told to the defendant, were there not?

25 A We'd have told the defendant many untruths. Yes.

1 Q Any idea how many?

2 A No.

3 Q Now, as of November 15, 2005, you knew from  
4 Eisenberg, the forensic pathologist, that there  
5 were gunshot wounds to the head of Teresa  
6 Halbach; correct?

7 A I can't comment on the date without seeing a report  
8 with the date on. It was in that time frame. I know  
9 that. But the exact date, I don't know.

10 ATTORNEY FALLON: Excuse me. Did -- Did  
11 you say two thousand -- November 15, 2005 or  
12 2006?

13 ATTORNEY EDELSTEIN: I believe five.

14 THE WITNESS: Well, that would be  
15 incorrect, then.

16 Q (By Attorney Edelstein) Prior to speaking with  
17 Brendan on the 27th -- Well, let me ask you this:  
18 Were you present when the statement was made to  
19 Brendan? And it might help you, uh -- I haven't  
20 marked this quite yet, but could you take a look  
21 at this? And, if you can, tell me if you know  
22 what it is? And mark it with whatever the next  
23 number is?

24 A Sure. It's a, um, report of the interview from  
25 February 27, '06 of Brendan Dassey.

1 Q Okay. Does it also contain a transcript of the  
2 reported conversation between yourself,  
3 Fassbender, and Brendan?

4 A It does.

5 Q Okay. And, for the record, we'll mark that as  
6 215.

7 A Sure.

8 (Exhibit No. 215 marked for identification.)

9 Q And that's, uh, something, I take it, you've had  
10 an opportunity to review before?

11 A Yes.

12 Q Directing your attention almost to the bottom of  
13 the middle paragraph, if you will, you were --  
14 First of all, you were present throughout this  
15 entire, um, conversation we'll call it?

16 A Yes.

17 Q Okay. Does it not reflect the statement made in  
18 your presence by Agent Fassbender directed toward  
19 Brendan Dassey, quote, truthfully, I don't  
20 believe Steven intended to kill her. Do you see  
21 that? About three lines up from the large middle  
22 paragraph?

23 A Sure. Yes.

24 Q Okay. And that was said to him, wasn't it?

25 A Yes, it was.

1 Q Is it fair to say that that was said in  
2 connection with an attempt to persuade him that,  
3 uh, it was important for him to give you  
4 information, and that you and Agent Fassbender  
5 didn't really think he did anything wrong, but  
6 that some other people might have believed that  
7 he did?

8 A I don't really follow your question.

9 Q If you looked a little bit further up there --

10 A Okay.

11 Q -- do you think you -- Just take a little bit  
12 here and read that one paragraph so I can ask you  
13 my next question. I understand you've had a lot  
14 of interviews. It's hard to remember everything.  
15 Did you get a chance to look that over?

16 A Sure. Yep. Good.

17 Q Would it be a fair characterization, then, in the  
18 early portion of the contact with Brendan that  
19 day, that there was an -- an effort on the part  
20 of yourself and your partner to convey to him  
21 that the two of you didn't necessarily think he'd  
22 done anything wrong, but there were some other  
23 people talking like he was and you didn't  
24 necessarily agree with that?

25 A Is that what we're trying to convey? Yes.

1 Q Yes. All right.

2 A In this paragraph? Sure.

3 Q Yes. In an attempt to gain his trust?

4 A That's what we do at interviewers. Yes.

5 Q And confidence?

6 A That's what we do as interviewers. Yes.

7 Q He was told -- And I'm -- On page 443, about

8 halfway down, you were present when he was told,

9 quote, you have to tell the truth. You have no

10 choice in that. Correct?

11 A That's what it says. Yes.

12 Q All right. In fact, as part of that particular

13 discourse, Agent Fassbender went so far as to

14 say, quote, there's nothing more I'd like to come

15 over and give you a hug because I know you're

16 hurting. Remember that?

17 A Yes. And I think he meant that.

18 Q The very last line in that exchange, it contains

19 a promise, doesn't it?

20 A There's many promises made. Yes.

21 Q So the truth of the matter is, Investigator

22 Wiegert, that on the 1st, when you went to see

23 Brendan, that that was somewhat of a follow-up to

24 the events of the 27th; correct?

25 A Every successive interview that you do, you build off

1 of the previous one. Information that you learned on  
2 that one, when you get more information, you build on  
3 it.

4 Q All right. And it's not just information, but  
5 it's techniques? The techniques vary from  
6 interview to interview; correct?

7 A I don't think the techniques varied at all in these  
8 interviews. No.

9 Q Well, let me ask you this: Do you rec -- You  
10 watched this video with us today; right?

11 A Yes, sir.

12 Q At different times, uh, placement of yourself and  
13 Fassbender changes, doesn't it?

14 A No. That's not true. I move over to the couch by  
15 Brendan to have some pictures drawn. That's the only  
16 time any placement is moved.

17 Q Okay. That's the only reason you went over there  
18 by the couch by him?

19 A Yeah. So he could draw pictures.

20 Q Didn't you go over there so you could kind of  
21 cozy up to him and give him this? A pat on the  
22 back like we saw on the video?

23 A I don't know how I'd have him draw pictures from  
24 across the room. I had to go over there and hand him  
25 the things.

1 Q Okay. Isn't it true that, as a technique of  
2 interrogation, that, uh, you want this subject,  
3 so to speak, to be comfortable in your presence?

4 A Certainly is. Yes.

5 Q And that's somewhat of a test when you move in a  
6 little bit closer to somebody, isn't it?

7 A Uh, it's not a test. It's a technique that we use,  
8 and when we move in on somebody, what that does, it  
9 takes them out of their comfort zone. If you saw me  
10 in that interview, I got a little closer to him. I  
11 put my knee on -- or, excuse me -- hand on his knee.  
12 What that does is breaks down barriers, because he's  
13 got a barrier up against us.

14 Q Okay.

15 A And when you walk over, and you get close to them,  
16 that's what you're doing. That's what you're  
17 attempting to do. But that was not -- Pard me. That  
18 was not my attempt when I sat on the couch. Earlier,  
19 it was, when you saw me go over and put my hand on  
20 his knee. Absolutely.

21 Q Well, in addition to his knee, you acknowledge  
22 that you patted him on the back; right?

23 A Sure.

24 Q Okay. Before you talked with him on the 27th,  
25 did you know anything about his IQ?

1 A What I knew about Brendan Dassey was that he was  
2 in --

3 Q Did you know anything about his IQ --

4 A (Unintelligible.)

5 THE COURT: Here. One at a time. Reask  
6 the question, please.

7 Q (By Attorney Edelstein) Did you know anything  
8 about his IQ as of February 27 when you first  
9 spoke with him; yes or no?

10 A About his IQ? No.

11 Q Did you know anything about his memory? Whether  
12 it was good? Bad? Poor? You didn't, did you?

13 A No.

14 Q Would you agree with me that throughout the  
15 course of the contacts you've had with Brendan,  
16 that, oftentimes, he would be asked more than one  
17 question at a single time before he was allowed  
18 to answer?

19 A In the March interview are you referring to?

20 Q Generally, as to March and February.

21 A I can't give you any specifics. I mean, everybody  
22 saw the interview. I'm sure there were those  
23 occasions. Sure.

24 Q Directing your attention, um, on page 446.

25 During the course of the contact on the 27th, and



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25

I'm looking at the very bottom paragraph --

A Um-hmm.

Q -- you told him, in part, this will bug you 'til the day you die unless you're honest about it. Right?

A Yes. And I still believe that.

Q Now, if you would, take a look at from the beginning of where you begin to speak, at the bottom of 446, over to page 447, about halfway down where you see the first entry where it says, Brendan?

A Yes.

Q All right. Immediately above the reference where it says, Brendan, about halfway down on 447, it is stated to him, I think you're being -- starting to be honest with us about some things right now. Correct?

A Yes.

Q Okay. Okay. From the bottom of 446, where you begin to speak, all the way through the middle of 447 when that statement is made, he hasn't said a single word to you, has he?

A I think you're taking it a bit out of context. But 146, can't question, no, um, he hasn't, but before that, yeah, he has.

1 Q Well, it's fair to say that you guys -- you and  
2 Fassbender are doing a lot of talking. He's not  
3 saying much; right?

4 A I'd have to review the stuff prior to this. I can't  
5 say that right now without reading this over. If  
6 you'd like me to, I would.

7 Q No, you don't need to.

8 A Okay.

9 Q Page 448. Do you think it is a promise -- On the  
10 first entry by your name, Detective, do you think  
11 it's a promise to him when you say, we'll go to  
12 bat for you, but you have to be honest with us?

13 A That's absolutely a promise, and I absolutely meant  
14 that at the time.

15 Q And you -- Additionally, I take it you would --  
16 your answer would be the same, about halfway down  
17 on that page, when it is stated to him in your  
18 presence by, uh, Agent Fassbender, I promise you,  
19 I'll not let you hang out there alone, but we got  
20 to have the truth. Right?

21 A My same answer. You bet.

22 Q Okay. On page 451, please? You told him, it's  
23 not your fault. Remember that. Correct?

24 A Yes, I did.

25 Q Okay. And up -- And he really hasn't said

1 anything to you at that point, significant, has  
2 he?

3 A Again, I won't comment on that unless you want me to  
4 read what he said prior to that.

5 Q No, that's fine.

6 A Okay.

7 Q But you acknowledge making that statement, it's  
8 not your fault. Right?

9 A I certainly did.

10 Q And then immediately thereafter, Fassbender, uh,  
11 follows up without any sort of response from  
12 Brendan, yeah, it's not your fault. Like I said,  
13 Mark and I are not going to leave you high and  
14 dry. Right?

15 A Again, I said it, and I meant it.

16 Q Well, did you -- You didn't say it, Fassbender  
17 said it?

18 A Things before when I said, it's not your fault. If I  
19 said it, I meant it.

20 Q Right. And you acknowledge that prior to Brendan  
21 even responding in any way, shape, or form, or  
22 being asked for a response, it's -- your  
23 statement is immediately followed up by  
24 Fassbender reiterating that very thought, that  
25 it's not his fault. That he hasn't done anything

1 wrong. Right?

2 A Are you saying that's what he says after me? Yeah,  
3 that's what he says after.

4 Q Okay.

5 A Certainly.

6 Q And further down, is it not, the -- the question  
7 is given to him, quote, what other parts did you  
8 see? Right?

9 A Yep.

10 Q And isn't it true that at no time, prior to that  
11 statement being made to him, did he acknowledge  
12 seeing any parts?

13 A Again, I won't comment on them unless you want me to  
14 read everything prior to this. But right after that,  
15 he says, toes. He saw toes.

16 ATTORNEY EDELSTEIN: Begging the Court's  
17 indulgence, in order to have the witness answer  
18 my question, I would ask that he be given an  
19 opportunity to review this in order to answer  
20 that question.

21 THE COURT: Review what?

22 ATTORNEY EDELSTEIN: Pard me?

23 THE COURT: Review what?

24 ATTORNEY EDELSTEIN: The witness

25 indicated he would like an opportunity to re --

1 review the portion of the exhibit before him,  
2 prior to that statement being made to him on page  
3 450 -- to my client on 451, in order to answer  
4 the question. The question being: He had not,  
5 prior to you making that statement, indicated he  
6 saw any parts?

7 THE COURT: So you want him to read the  
8 12 pages before that?

9 ATTORNEY EDELSTEIN: If that's the only  
10 way he can answer the question.

11 ATTORNEY FALLON: Your Honor, uh, if I  
12 may, I guess I'm going to object. It's not that  
13 I have any objection to the officer reviewing the  
14 report, or whatever. I'm going to go back to  
15 the -- to an earlier point and -- and I fail to  
16 see the relevance of -- of the events two days  
17 before as it pertains to this particular, um,  
18 cross-examination, uh, vis-a-vis, the inculpatory  
19 statement obtained on March 1. I mean, that's  
20 two days earlier. It's of marginal relevance.  
21 That's my concern. I don't have any -- The  
22 officer can read it if he wishes. That's fine.

23 THE COURT: Yeah. Well --

24 ATTORNEY FALLON: It seems cumulative.

25 THE COURT: And it may well be cumulative.

1 I think -- I think it passes the relevance test,  
2 and -- and I'm going to overrule your objection.  
3 I -- I don't want to be in a position where every  
4 time an answer is given that we're going back and  
5 rereading things because we're going to be here all  
6 night. I'm going to suggest, Counsel, you just  
7 proceed. Get the answers that the officer gives and  
8 we'll move on from there.

9 ATTORNEY EDELSTEIN: Well, if it's going  
10 to assist him to answer the question, he has the  
11 materials available, I think, uh, he can refresh  
12 his memory with that in order to answer the  
13 question.

14 THE WITNESS: I'll do the best I can.

15 THE COURT: Just ask.

16 Q (By Attorney Edelstein) Isn't it true, and I'm  
17 making reference to page 451, that Agent  
18 Fassbender, in your presence on the 27th,  
19 suggested by asking Brendan Dassey as follows:  
20 Okay. A human body. Dot, dot, dot. Isn't it  
21 true that prior to that phrase, "a human body",  
22 being uttered by Agent Fassbender, that Brendan  
23 Dassey never said anything about seeing a human  
24 body?

25 A Well, you can't tell from the transcript, because

1 that was the -- looks like the inaudible part of the  
2 transcript. So -- I mean, you know as much as what  
3 Brendan said as I do. It says, I seen, dot, dot,  
4 dot.

5 Q Nowhere does it say, prior to Fassbender making  
6 that suggestion in that form of a question, that  
7 there was a human body; correct?

8 A He says he sees toes.

9 Q He said he saw toes prior to that, but he did not  
10 say he saw a human body; correct?

11 A Again, I can't answer that, because it's -- it's not  
12 here. It's on the inaudible part, I believe. I'm  
13 assuming it's --

14 Q Do you believe it's on the inaudible part? Do  
15 you have a distinct recollection of that? Or is  
16 that just a --

17 A Well --

18 Q -- convenience of testimony today?

19 THE COURT: Here. Let him finish the  
20 question before you start answering.

21 ATTORNEY FALLON: I -- That's  
22 argumentative. I ask that it --

23 THE COURT: Well, it's --

24 ATTORNEY FALLON: -- be stricken.

25 THE COURT: I'm going to let the question

1 stand. Answer it if you can.

2 THE WITNESS: If it's prior to the  
3 videotape statement, which I believe it is, which  
4 I indicated, when we talked about that statement,  
5 that's why we went to Two Rivers, it's an  
6 inaudible part, and I believe that's what's meant  
7 by the dot, dot, dot.

8 Q But you don't know what's in -- contained in the  
9 inaudible part, do you?

10 A No. That's why we did the next videotape statement.

11 Q Well, you're certainly not suggesting that there  
12 are significant portions of this statement that  
13 we are presently discussing that are inaudible,  
14 are you?

15 A Yeah, I am.

16 Q Going to page 453?

17 A Yes.

18 Q Keeping in mind that -- Well, let me ask you  
19 this: By the time you got to this part in your  
20 contact with Brendan, didn't it occur to you that  
21 he had some cognitive limitations?

22 A No. He was a mainstream student at Mishicot High  
23 School. He was in Driver's Ed. He could answer  
24 questions. He could understand. No. And I think  
25 it's evident from watching the prior video --



1 Q Okay.

2 A -- that he can understand.

3 Q I didn't ask you what was evident to you.

4 A I'm not an expert in cognitive abilities, if that's

5 what you're asking.

6 Q I didn't ask you if you were an expert. I just

7 asked you if you believed he had cognitive

8 deficits?

9 A My answer was no.

10 Q All right. On page 453, you asked him, am I

11 correct, would you say yes or no for me, Brendan?

12 You see that?

13 A Uh, just give me -- Yes, I do see that. Yes, sir.

14 Q And without giving the response, is it fair to

15 say that he did exactly what you requested of

16 him? I.e., say yes or no.

17 A No. I asked him a question and he answered the --

18 Q You asked him -- Go ahead.

19 A I asked him, would you say yes or no -- yes or no for

20 me, Brendan? And he says, yes.

21 Q All right. So he did exactly what you asked him

22 to do?

23 A He answered --

24 Q Say yes or no?

25 A -- my question. He answered my question.

1 Q The question was: Would you say yes or no for  
2 me, Brendan? Right?

3 A He answers, yes.

4 Q And that's how he answered?

5 A That's how he answered my question.

6 Q Go a little further down there, Detective. Um,  
7 the statement was made to him on the 27th --  
8 for -- for your convenience, about four lines  
9 up -- a portion of it, uh, did you help him put  
10 that body in the fire? If you did, it's okay.  
11 You acknowledge you made that statement to him?

12 A I did make that statement to him. Yes.

13 Q Were you attempting to persuade him that if, in  
14 fact, he did such a thing, i.e. putting a body in  
15 a fire, that it was all right?

16 A What you do in an interview, is people --

17 Q I'm not asking for an explanation --

18 A (Unintelligible) -- minimize.

19 Q -- I'm asking for an answer. My question is --

20 A I think I'd have to expound on that answer.

21 ATTORNEY EDELSTEIN: Your Honor, I'm  
22 just -- He's entitled to be rehabilitated by --

23 THE COURT: Yeah. Just answer the  
24 question, please.

25 THE WITNESS: Could you just ask it

1           again? How you'd like to --

2                   ATTORNEY EDELSTEIN: I'm sorry. Could

3           you read it back, please?

4                   (Question read back by the reporter.)

5   A       Was I attempting to persuade him? Yes.

6   Q       (By Attorney Edelstein) All right. Were you

7           attempting to persuade him that what he did was,

8           as you put it, okay?

9   A       Yes.

10   Q       All right. Now, as a trained investigator with

11          14 is it? 15? I can't --

12   A       About 14.

13   Q       All right. Fourteen years. You know that's not

14          true; right? Somebody puts a body in a fire,

15          it's not okay?

16   A       Right. It's not okay.

17   Q       So you acknowledge that that -- you called it

18          deception, I call it a lie. We call it whatever

19          we want. But it's not true, is it?

20   A       It's not okay to put a body in a fire. That's true.

21   Q       And the statement that you made to him was -- I

22          guess you would characterize it as a deception?

23   A       You can call it a lie if you wish.

24   Q       I -- I certainly will.

25   A       That is true.

1 Q Thank you. Detective Wiegert, uh, as a result of  
2 you being lead investigator, along with Agent  
3 Fassbender, in this case, you've had an  
4 opportunity to be present throughout the  
5 proceedings; correct?

6 A Yes.

7 Q Okay. So you've had the benefit of being able to  
8 hear what all the other witness of this --  
9 witnesses have said prior to your opportunity to  
10 testify?

11 A That's correct. I've been here the whole time.

12 Q And you heard Nick Stahlke testify; right?

13 A I did.

14 Q Okay. He's our blood spatter man?

15 A Yes.

16 Q Okay. Had -- Had -- Prior to this case, had you  
17 ever been involved in any cases that, uh, might  
18 have utilized blood -- blood spatter evidence?

19 A Blood spatter evidence? No.

20 Q Brendan was asked, was he not, on the 27th -- And  
21 I'm making reference at 459?

22 A I'm there.

23 Q Okay. About the middle of the page. Question:  
24 Did he say anything about shooting her? You  
25 asked him that; right?

1 A Yes.

2 Q Okay. And you knew by the time you conducted  
3 this interview, interrogation, whatever you want  
4 to call it, that there was evidence of a gunshot  
5 wound to Teresa Halbach; isn't that true?

6 A That is correct. Yes.

7 Q Is it fair to say that you did not follow up with  
8 that particular question, um, and I'm making  
9 reference to the shooting her question, anytime  
10 soon following the time it was first proposed to  
11 him during the course of this interview?

12 ATTORNEY FALLON: Objection. Vague.  
13 Indefinite.

14 THE COURT: Well, I have a -- a relevance  
15 concern about that. Uh, what -- what --

16 ATTORNEY EDELSTEIN: Well, let me --  
17 That was poorly phrased, Your Honor. Let me try  
18 it a different way.

19 THE COURT: I agree.

20 Q (By Attorney Edelstein) You knew, based upon  
21 your role as one of the co-lead investigators,  
22 there was evidence of a gunshot wound on that day  
23 when you did the interview?

24 A We learned about it right in that time frame that  
25 there was possible gunshot wounds. That's correct.

1 Q All right. Um, but if you would, take a look at  
2 459, then?

3 A Yes, sir.

4 Q Just on that page alone, is it correct that there  
5 are five questions given to him after your  
6 question to him, quote, did he say anything about  
7 shooting her?

8 A That would be accurate. Yes.

9 Q Okay. None of them are a follow-up as to having  
10 anything to do with a shooting; correct?

11 A That's correct.

12 Q Okay. Page 463, please?

13 A Okay.

14 Q Top third -- I guess everything prior to the  
15 first entry for Fassbender. You stated to him,  
16 you didn't see it. Did he tell you about it?  
17 Correct?

18 A That's the question. Yes.

19 Q All right. Apparently there's no response;  
20 right?

21 A Yeah, there's nothing there.

22 Q And then the next entry? Again, it's you  
23 speaking to Brendan. No. As in a question. No?  
24 Say yes or no. Is that what it says? And is  
25 that what you said to him?

1 A That's what it says. A lot of times he would use  
2 head yes or no's. That's why that might not be  
3 there. But, uh, you're correct in saying that's what  
4 I say next, yes.

5 Q And -- and, again, he did exactly what you told  
6 him to do, and that is say yes or no, as his next  
7 response?

8 A He answered the question I asked, yes.

9 Q Well, it really wasn't a question. It was a  
10 command, wasn't it? Say yes or no. That's not a  
11 question, is it?

12 A Call it a statement. Sure.

13 Q Pard me?

14 A It's a statement.

15 Q Well, you're telling him to do something, are you  
16 not?

17 A Yes.

18 Q And he does, does he not?

19 A He does.

20 Q Okay. On page 463 --

21 ATTORNEY EDELSTEIN: Can you drop down a  
22 little bit?

23 Q (By Attorney Edelstein) The question was put to  
24 him, did he say where he cut himself? And Agent  
25 Fassbender's making reference to Steven Avery;

1 right?

2 A Yes.

3 Q Okay. And then there's no response; right?

4 A That's true.

5 Q Fassbender then suggests --

6 A I need to just back up a little bit. I can't say

7 there's no response. There may be inaudibles. There

8 may have been a response. But there's nothing in the

9 text. You're --

10 Q All right.

11 A -- correct on that.

12 Q Okay. And then Fassbender follows up immediately

13 with -- on the knife that he used to kill her,

14 yes or no. Correct?

15 A Yeah. That's what he says.

16 Q Okay. The next entry being, yeah?

17 A That's correct.

18 Q Do you know whether or not, and can you tell this

19 jury whether or not, the response, yeah, from

20 Brendan was in answer to the Fassbender inquiry,

21 did he say he cut himself? Or whether it was a

22 response to the statement Fassbender makes, on

23 the knife that he used to kill her, yes or no?

24 A I think by reading the transcript you would take away

25 that -- the second question, on the knife that he



1           used to kill her, yes or no. Because directly after  
2           that, he says, yeah.

3    Q       But that's your interpretation of the transcript  
4           where there's no answer by Brendan; right?

5    A       I would disagree. I think that's the way the  
6           transcript reads.

7    Q       Okay. Directing your attention to page 464,  
8           please?

9    A       Sure.

10   Q       About three-quarters of the way down?

11   A       Yes.

12   Q       Do you see where the question is asked of him,  
13           did he say he had a gun with dot, dot, dot?

14   A       Um-hmm.

15   Q       Okay. Is it correct that there are actually  
16           three questions asked of him before he's even  
17           given an opportunity to respond?

18   A       You mean in that one sentence?

19   Q       Not in that one sentence, in the next -- in the  
20           next three sentences? The next three entries?  
21           Before there's any response? And there is no  
22           blank space where you're anticipating a response;  
23           right?

24   A       That doesn't mean we're not anticipating a response.  
25           There's sometimes long pauses. Again, if I could

1 refer back to the statement you saw in there,  
2 sometimes it takes him awhile to answer for whatever  
3 reason. He's thinking of an answer. And that's not  
4 accurately reflected in here.

5 Q Okay. But you don't know what -- whether there  
6 was a pause?

7 A I don't know, but I would suspect there was. But I  
8 don't know. You're correct.

9 Q Okay. It's not an uncommon technique to pepper  
10 an individual with questions? And that -- by  
11 that I mean, ask them in rapid succession by the  
12 various investigators involved?

13 A It's not a technique that I use.

14 Q On page 466?

15 A Yes, sir.

16 Q You ask the question, did he threaten you?  
17 Correct?

18 A Yes.

19 Q Okay. And there is a response irregardless of  
20 what it is; correct?

21 A Yes.

22 Q That little exchange, if we confine that to the  
23 threats in this particular interview, is it fair  
24 to say that the subject is changed by you during  
25 the discussion of this issue of threats, and you

1            simply say, go back to the clothes.  And that  
2            occurs within a matter of three or four  
3            questions?  
4    A        Yes, but he answers the question, so we changed  
5            subjects.  
6    Q        Okay.  Well, in regard to that, you never asked  
7            him, um -- The question was asked of him, what  
8            did he say?  Right?  
9    A        Yes.  
10   Q        Okay.  Um, nobody asked him when that was said;  
11            correct?  
12   A        No.  
13   Q        Nobody asked him where it was said; correct?  
14   A        That's correct.  
15   Q        Were you not interested in knowing that if -- if  
16            someone has, in fact, threatened somebody, that  
17            it would be important to know when that statement  
18            was made?  
19   A        Well, I think, again, you're taking it out of  
20            context.  If you see the other interview as well, we  
21            asked him that.  Where did it happen?  What did he  
22            say?  And even in here --  
23   Q        I'm talking about this interview.  
24   A        You're talking about this portion of the interview.  
25   Q        I'm talking about the interview as a whole.

1 A I think we probably asked him a few times about that.  
2 That would be my guess. That's in here. But you're  
3 correct. When it says -- He -- he does answer that  
4 question and then we move on.

5 Q Is it fair to say that there was not a effort to  
6 fully develop that as information, um, at this  
7 point in the interview of the 27th?

8 A At this point in the interview, that is fair to say.

9 Q You were more interested in going back to other  
10 things that might be more directly related to the  
11 disappearance and death of Teresa; correct?

12 A We do move around in the interview. That is correct.

13 Q All right. Well, is that, in fact, the reason  
14 that you shifted back to --

15 ATTORNEY FALLON: Your -- Your Honor,  
16 I'm going to interpose an objection at this point  
17 and ask that we approach.

18 THE COURT: Okay.

19 (Discussion off the record.)

20 THE COURT: You may resume your  
21 cross-examination.

22 ATTORNEY EDELSTEIN: Your Honor, if I  
23 could have just a -- a minute? I may move onto  
24 the, uh, March 1 -- I guess I'm not quite ready  
25 to get to March 1, but we're close.

1 Q (By Attorney Edelstein) Later in the day on the  
2 27th, I think you said on direct, because there  
3 was problems with -- or what you perceived to be  
4 problems with the audiotape of the interview at  
5 the school, you took him down to, uh, Two Rivers  
6 Police Department; right?

7 A That's correct. Yes.

8 Q Can you identify what's been marked as 214,  
9 please?

10 A Certainly. That's a, uh -- another **Miranda** Rights  
11 form like I explained during the last interview. Uh,  
12 this is just another copy of that. Not the same one.  
13 This is one that we read to him prior to doing that  
14 audio -- excuse me -- videotape statement in Two  
15 Rivers.

16 Q All right. Um, this is what you use when you  
17 have a criminal suspect, don't you?

18 A Not necessarily true.

19 Q If you had a criminal suspect at a police  
20 department, and you're going to question him, are  
21 you telling us you're not going to read him this  
22 **Miranda** warning?

23 A No. That's not what I said. Yes, I would, if I had  
24 a suspect there.

25 Q Okay.

1 A That I intended -- that -- There's some variations,  
2 as -- as you know, that go into when you have to read  
3 them their **Miranda** and when you don't have to read  
4 them the **Miranda**. In this case, if I could explain  
5 real quickly, the district attorney requested that we  
6 Mirandize him prior to taking that statement. So  
7 that's why that was done.

8 Q And the district attorney is your legal adviser;  
9 right?

10 A That is true.

11 Q Okay.

12 ATTORNEY EDELSTEIN: Your Honor, I move,  
13 uh, 214, please, into --

14 THE COURT: Any -- It's offered. Any  
15 objection?

16 ATTORNEY FALLON: No.

17 THE COURT: Received.

18 Q (By Attorney Edelstein) When you went over there  
19 to Two Rivers, your intention was pretty much to  
20 try to memorialize the type of things that you  
21 discussed up at the school?

22 A Yes.

23 Q Okay. Without going into the tedi -- the tedium  
24 of, um, question and answers, uh, that may  
25 have -- or questions that may have been asked of

1           Brendan at that interview, is it fair to say that  
2           it was you, Fassbender, and Brendan?  
3    A       Yes.  
4    Q       Okay. And is it also fair to say that some of  
5           the same techniques that were employed earlier  
6           at, uh, the high school, were utilized, as well,  
7           at Two Rivers?  
8    A       Yes.  
9    Q       And that would include lies?  
10   A       Yes.  
11   Q       And that would include attempts to appeal to his  
12           emotions?  
13   A       Absolutely.  
14   Q       And it would include attempts to have him give  
15           responses based upon leading questions containing  
16           facts you believed to be true?  
17   A       There were some leading questions.  
18   Q       You can't tell us how many --  
19   A       No.  
20   Q       -- with -- without counting them up, I guess.  
21   A       That would be true.  
22   Q       Now, at the conclusion of that, is it fair to say  
23           that you were still of the opinion that Brendan  
24           had not been totally honest with you?  
25   A       I would say that's a fair statement.

1 Q And I believe you, during the course of that  
2 conversation, um, made him understand from time  
3 to time that you didn't think he was telling you  
4 everything there was to tell?

5 A Yes.

6 Q Ultimately, he, and his mom, and, I believe, uh,  
7 was it a brother -- you made arrangements -- you  
8 and Fassbender made some arrangements for them to  
9 stay up at Fox Hills?

10 A Yes. We had talked about that earlier. We certainly  
11 did.

12 Q Okay. And that's a resort in Mishicot?

13 A That's correct.

14 Q Okay. And I believe your testimony was you  
15 wanted him to stay up there for, um, con -- You  
16 were concerned about his welfare?

17 A There were two reasons, which I had stated, and that  
18 was one of the reasons. Yes.

19 Q Okay. And what were your two reasons?

20 A His safety and the integrity of that investigation.

21 Q And isn't it true, Investigator Wiegen, (sic)  
22 that another reason was that you were attempting  
23 to befriend him and his family?

24 A Had nothing to do with it.

25 Q Okay. Wasn't it true that another reason you



1           wanted him up there was to isolate him?

2    A    No.  If I wanted to isolate him, his mother and his  
3           brother wouldn't be there.  No, that was not true.

4    Q    The last contact you have with investigators on  
5           the 27th was in -- initiated at approximately  
6           10:50 p.m. at night; right?

7    A    That is true.  Yes.

8    Q    And what time was the first contact at the  
9           school?  I think you said about 12:30?

10   A    Um, I think it was 12:30, but, uh, we weren't with  
11           him the whole time.  I mean, we were gone a long time  
12           and we came back.  Actually, Agent Fassbender came  
13           back in the evening.

14   Q    When you interviewed Brendan on the 1st, where  
15           did that take place?

16   A    Uh, as I indicated before, that took place across the  
17           courtyard here at Manitowoc County Sheriff's  
18           Department.

19   Q    Do you know how many times either you or Agent  
20           Fassbender, during the course of the interview on  
21           March 1, the video one that we all watched here  
22           today, suggested to Brendan or told Brendan that  
23           he was a liar?

24   A    No, I don't know how many times.

25   Q    Do you know how many times, after he was told

1           that he was a liar, that he changed his answer in  
2           response to that sort of accusation?

3    A       No, I don't know how many times.

4    Q       But you acknowledge he did?

5    A       Um, I would acknowledge that we said that we didn't  
6           believe he was telling the truth at certain times.  
7           Yeah, I would acknowledge that. Absolutely.

8    Q       Well, was he not told --

9           (Exhibit No. 216 marked for identification.)

10   Q       (By Attorney Edelstein) Detective, let me hand  
11           you what's been marked for identification as 216.  
12           Do you recognize that as a transcript of the  
13           video interview that you and Agent Fassbender had  
14           with Brendan on the 1st?

15   A       Yes.

16   Q       Same one that we saw earlier; right?

17   A       Uh, with a little bit of additional on the front  
18           here?

19   Q       Yes.

20   A       Same one.

21   Q       Well, if you would -- Directing your attention to  
22           page 540 --

23   A       Yes.

24   Q       -- do you agree that that's, uh, pretty early in  
25           the contact?

1 A Yes.

2 Q Okay. Brendan, on the 1st, in your mind and the  
3 mind of Fassbender, is, in fact, a suspect, isn't  
4 he? When you conduct this interview, he is a  
5 suspect in your mind; yes or no?

6 A No.

7 Q Is that why, on page 540, it was said to him by  
8 Fassbender in your presence, I want to assure you  
9 that Mark and I are both in your corner. We're  
10 on your side?

11 A I'm not sure of the question, but we did say that,  
12 yes.

13 Q Okay. Take a look at that middle paragraph.  
14 Would it -- Is it a fair characterization and  
15 interpretation of what Fassbender says that he is  
16 encouraging Brendan to say things that might make  
17 Brendan look a little bad in order for him to be  
18 believed?

19 A He tells him to tell the whole truth. Don't leave  
20 anything out. Don't make anything up.

21 Q We've already had an opportunity to see it. What  
22 I'm asking you, is it a fair characterization  
23 that the intent of that is to have him say things  
24 which implicate himself, and only by doing so  
25 would then you and Fassbender believe him?

1 A The intent of an interview, as in this interview, is  
2 to get him to tell the truth. That's the intent.

3 Q But it was trick -- It was, in fact, said to him  
4 that, and I'm about halfway in the middle of that  
5 particular statement to him, even if those  
6 statements are against your own interest, you  
7 know what I mean, that -- then that makes you  
8 might -- it might make you look a little bad, or  
9 make you look like you were more involved than  
10 you want to be. Uh, it's hard to do, but it's  
11 good from the vantage point to say, hey, there's  
12 no doubt you're telling the truth.

13 A Yes, that's what was said. Part of breaking down  
14 those barriers.

15 Q And isn't the purpose of -- But doesn't that  
16 encourage him to say something irregardless of  
17 whether it's true or not?

18 A No.

19 Q Because someone in a position of authority is  
20 telling him that, if you say something that  
21 doesn't help you, then we might believe you.

22 A No, I wouldn't characterize it that way.

23 Q On that same page, he was encouraged once again,  
24 quote, okay, you don't have to worry about  
25 things. Any idea how many times he was told that

1           during the course of that interview?

2    A    No idea.

3    Q    Would it surprise you if I were to suggest that

4           it was in excess of 75 times during the course of

5           the interview on the 1st that either you or

6           Fassbender, in one form or another, said

7           something to him suggesting, or directly stating

8           to him, that he was a liar?

9    A    I have no idea how many times.  And several times we

10           told him we did not believe what he was telling us.

11           Yes.

12   Q    Well, directing your attention to page 587?

13   A    Five eighty-seven?

14   Q    Five eighty-seven.

15   A    Yes, sir, I'm there.

16   Q    Okay.  About middle way down?

17   A    Okay.

18   Q    Fassbender:  It's extremely, extremely important

19           you tell us this for us to believe you.  That

20           statement was made to Brendan; right?

21   A    Yes.

22   Q    He didn't respond.  And you immediately said,

23           come on, Brendan, what else?  Right?

24   A    Yes.

25   Q    Okay.  Immediately before Fassbender makes the

1 statement how extremely important it is, you're  
2 questioning him about her head; correct?

3 A Yes.

4 Q All right. You accused him, during the course of  
5 this interview, of shooting Teresa; correct?

6 A Yep. And which he was able to resist every time we  
7 accused him.

8 Q Well, the truth of the matter is, you don't know  
9 if it's right and you don't know if it's wrong,  
10 do you?

11 A Whether or not he shot Teresa?

12 Q Correct.

13 A I know he was there when she was shot. Whether he --  
14 I don't --

15 Q Let me stop you there. You know he was there  
16 because he told you that; right?

17 A And because of the evidence.

18 Q Well, these are the bleached jeans, Exhibit 58;  
19 right?

20 A Uh, that's true. Yes.

21 Q Okay. You got them out of his house?

22 A That's true. Yes.

23 Q He told you they were there?

24 A He did.

25 Q He willingly gave them to you?

1 A Absolutely.

2 Q And he told you that he got bleach on there  
3 because he cleaned up some stuff, at Steve's  
4 request, in the garage?

5 A That's true.

6 THE COURT: Counsel, why don't you  
7 approach, please?

8 ATTORNEY EDELSTEIN: Your Honor, I -- I  
9 know it's almost 4:30. I guess I would just  
10 have -- I could wrap up for today just real  
11 quickly.

12 THE COURT: By 4:30?

13 ATTORNEY EDELSTEIN: By 4:30.

14 THE COURT: Go.

15 Q (By Attorney Edelstein) These jeans, the cuffs,  
16 the bullets, the shells, the shovels, the seat,  
17 everything that the Government's paraded in here,  
18 other than these, which contain what are believed  
19 to be bleach spots, which Brendan told you about,  
20 none of these items have fingerprints, DNA, or  
21 any other scientific evidence connecting Brendan  
22 Dassey to the death of Teresa Halbach; yes or no?

23 A That's correct. They had five days to clean up.

24 ATTORNEY EDELSTEIN: No other questions  
25 for today, Your Honor.

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THE COURT: Is this the -- Are -- Can --  
You concluded your cross-examination?

ATTORNEY EDELSTEIN: I doubt it.

THE COURT: Are you asking to adjourn today  
and reconvene tomorrow and continue the  
cross-examination?

ATTORNEY EDELSTEIN: I am, Your Honor.  
I -- I'll have an opportunity to review tonight,  
and I should be able to, hopefully, not take as  
long tomorrow.

THE COURT: All right. All right. We  
will, then, adjourn for today, ladies and gentlemen.  
We're going to reconvene tomorrow at 8:30, run until  
noon. I'll give you the same admonition I did  
before. Please don't speak about this case amongst  
yourselves, or to anyone else, or anything connected  
with it. Thank you.

(Court stands adjourned at 4:26 p.m.)



1 STATE OF WISCONSIN )  
 )SS.  
2 COUNTY OF MANITOWOC )

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I, Jennifer K. Hau, Official Court Reporter for Circuit Court Branch 3 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 11<sup>th</sup> day of December, 2007.

Jennifer K. Hau  
Jennifer K. Hau, RPR  
Official Court Reporter

	37 [3] 2/11 2/15 2/16 38 [2] 2/15 2/16	admonition [1] 104/14 advance [1] 7/2
'05 [1] 44/16	39-103 [1] 2/12	advise [1] 16/16
'06 [1] 66/25	3:09 [1] 53/8	adviser [1] 94/8
'til [1] 73/3	3:20 and [1] 7/13	af [1] 63/23
0	3:24 p.m. [1] 64/10	afraid [1] 16/6
06 [2] 1/5 3/3	3:30 in [1] 7/13	afternoon [5] 4/21 5/21 7/14 8/1 38/22
1	4	age [2] 42/6 42/7
103 [1] 2/12	4-37 [1] 2/11	Agent [25] 5/1 7/7 8/5 9/14 10/15 10/20
10:17 [1] 22/13	40 [1] 41/24	10/24 11/11 13/7 18/17 19/1 52/19 54/6
10:35 [1] 22/12	431 [1] 61/24	56/10 67/18 68/4 69/13 74/18 78/17
10:38 [1] 22/14	443 [1] 69/7	78/22 84/2 87/24 97/12 97/19 98/13
10:50 p.m. [1] 97/6	446 [3] 72/24 73/9 73/19	agree [7] 3/21 46/11 63/5 68/24 72/14
110 [1] 61/24	447 [3] 73/9 73/14 73/21	85/19 98/24
11:59 [1] 23/13	448 [1] 74/9	agrees [1] 13/14
12 [1] 77/8	450 [1] 77/3	ahead [1] 81/18
1208 [1] 22/10	451 [3] 74/22 77/3 78/17	alerted [1] 54/1
12932 [1] 37/6	453 [2] 80/16 81/10	allowed [4] 57/1 57/6 57/22 72/17
12:29 to [1] 25/18	459 [2] 84/21 86/2	almost [5] 15/11 15/16 25/17 67/12
12:30 [2] 97/9 97/10	463 [2] 86/12 87/20	103/9
12:30 or [1] 5/21	464 [1] 89/7	alone [2] 74/19 86/4
12:57 [1] 25/18	466 [1] 90/14	along [3] 24/19 25/7 84/2
14 [3] 39/13 83/11 83/12	4:26 [1] 104/18	amongst [1] 104/15
146 [1] 73/24	4:30 [3] 103/9 103/12 103/13	analogy [3] 60/10 61/8 61/9
15 [3] 66/3 66/11 83/11	4b1 [1] 62/10	analyzed [1] 60/12
16 [1] 2/15	5	anatomical [1] 24/22
163 [2] 42/19 44/21	540 [2] 98/22 99/7	animated [1] 35/25
1:05 [1] 23/10	556 [3] 55/25 57/12 62/25	animation [2] 34/13 35/24
1:32 [1] 23/14	58 [1] 102/18	anticipating [3] 53/10 89/22 89/24
1st [9] 26/18 43/11 50/7 52/1 69/22	587 [1] 101/12	anybody [3] 10/11 14/18 16/8
97/14 98/14 99/2 101/5	6	anyone [1] 104/16
2	604 [3] 56/1 57/12 62/25	anytime [1] 85/9
20 [3] 1/10 21/22 41/10	67 [1] 2/18	anyway [1] 62/7
2005 [2] 66/3 66/11	7	apparently [3] 22/19 53/10 86/19
2006 [1] 66/12	75 [1] 101/4	appeal [1] 95/11
2007 [2] 1/10 105/15	7th [2] 43/2 43/6	appealing [1] 65/17
206 [6] 2/15 16/19 16/25 37/19 37/20	8	appear [1] 62/14
38/5	88 [2] 1/5 3/3	appearance [2] 3/7 24/24
207 [7] 27/7 27/9 27/10 28/22 28/23	8:30 [1] 104/13	APPEARANCES [2] 1/12 3/4
28/24 37/13	8:36 [1] 3/1	Appeared [1] 1/24
207-213 [1] 2/16	8:39 [1] 4/6	appears [4] 3/10 3/11 31/2 36/14
208 [7] 28/11 32/6 32/9 37/13 47/10	9	applies [1] 59/13
48/3 50/5	9-0-8-0-1 [1] 62/10	approach [3] 53/3 92/17 103/7
209 [5] 27/17 27/18 29/5 29/8 37/13	94 [2] 2/17 2/17	appropriate [1] 22/17
20th [5] 41/7 41/13 42/2 42/5 42/14	98 [1] 2/19	appropriately [2] 24/18 25/10
210 [4] 28/1 28/3 31/5 37/13	A	approximately [4] 7/10 7/24 22/10 97/5
211 [6] 34/25 35/4 35/11 37/13 46/24	a.m. [5] 3/1 4/6 22/13 22/14 23/13	APRIL [1] 1/10
50/7	abide [1] 63/5	arguably [1] 53/19
212 [3] 36/3 36/4 37/14	above [3] 30/15 30/17 73/13	argument [1] 57/7
213 [3] 2/16 37/22 38/6	accurately [1] 90/4	argumentative [1] 79/22
214 [3] 2/17 93/8 94/13	accusation [1] 98/2	arms [1] 32/20
215 [3] 2/18 67/6 67/8	accused [2] 102/4 102/7	arrangements [6] 6/23 7/1 11/21 12/2
216 [3] 2/19 98/9 98/11	acknowledge [9] 71/21 75/7 75/20	96/7 96/8
27 [12] 4/23 5/20 8/10 54/5 55/15 56/18	76/11 82/11 83/17 98/4 98/5 98/7	arrive [1] 5/19
56/22 60/18 61/16 62/2 66/25 72/8	acknowledged [1] 15/8	assault [1] 15/17
27th [24] 10/18 11/1 11/13 11/23 52/20	across [2] 70/24 97/16	assaulted [1] 25/1
52/25 54/23 58/12 63/15 63/21 65/13	added [1] 20/16	assaults [1] 25/4
65/16 65/21 65/23 66/17 69/24 71/24	additional [1] 98/17	assessment [1] 3/22
72/25 78/18 82/7 84/20 92/7 93/2 97/5	additionally [2] 58/6 74/15	assist [1] 78/10
28 [1] 25/17	address [1] 37/4	assistance [1] 34/10
29 [1] 25/17	adjourn [2] 104/4 104/12	assisted [2] 34/15 105/10
2:26 [1] 39/3	adjourned [1] 104/18	assume [1] 46/16
2:47 [1] 39/4	admissibility [1] 59/3	assumed [1] 42/10
2d [1] 61/24	admission [2] 61/1 62/11	assuming [1] 79/13
2nd [1] 26/19	admit [4] 11/24 14/21 14/22 14/25	assure [1] 99/8
3	admitted [2] 2/14 42/19	attached [1] 32/19
3/1 [2] 46/18 47/5		attempt [5] 53/18 61/12 68/2 69/3 71/18
31 [2] 47/13 47/23		attempting [6] 54/18 71/17 82/13 83/5
31st [1] 48/18		83/7 96/22
		attempts [4] 54/12 55/11 95/11 95/14
		attention [5] 67/12 72/24 89/7 98/21
		101/12
		attorney [110]

<p><b>A</b></p> <p>attributed [1] 37/9  attributes [1] 24/24  audio [2] 6/15 93/14  audiotape [2] 6/12 93/4  audiotaped [1] 54/25  Austin [13] 34/12 34/19 35/24 36/19  46/24 47/15 48/6 48/16 48/24 49/4  49/21 50/1 50/8  authority [1] 100/19  avenue [2] 56/20 57/9  aversion [1] 60/23  Avery [6] 37/6 41/20 43/1 47/1 47/22  87/25  Avery's [6] 26/13 28/13 32/10 34/3 37/5  47/19  away [3] 8/17 63/9 88/24  awhile [1] 90/2</p>	<p>breaks [1] 71/12  Brendan [91] 1/6 1/23 3/4 5/6 7/8  8/12 10/10 11/3 11/13 11/18 12/8 12/10  12/16 12/16 12/19 24/17 25/1 27/11  27/14 27/19 29/17 30/5 33/7 33/22  33/23 34/17 35/15 41/5 41/20 42/1 43/8  43/17 44/2 44/11 44/13 45/15 46/2 46/4  46/5 47/4 47/17 47/19 48/16 48/20 50/6  50/10 50/13 50/18 51/23 52/20 58/9  65/18 66/17 66/19 66/25 67/3 67/19  68/18 69/23 70/15 72/1 72/15 73/11  73/14 75/12 75/20 78/19 78/22 79/3  80/20 81/11 81/20 82/2 84/20 86/23  88/20 89/4 95/1 95/2 95/23 97/14 97/22  97/22 98/14 99/2 99/16 99/17 101/20  101/23 103/19 103/21  Brendan's [9] 7/3 12/7 19/2 26/20 47/11  49/7 49/17 49/18 49/24  brick [1] 19/24  bridge [1] 64/7  broke [1] 32/24  brother [2] 96/7 97/3  bug [1] 73/3  build [2] 69/25 70/2  building [1] 19/15  built [1] 31/10  bullets [3] 26/20 26/22 103/16  burglary [1] 15/16  burn [3] 28/4 28/6 31/6  business [1] 46/9  button [1] 22/20</p>	<p>clean [1] 103/23  cleaned [2] 29/25 103/3  cleaning [2] 11/4 11/10  clear [5] 31/1 36/13 53/20 61/25 63/4  clearer [1] 45/25  clearly [2] 24/20 59/13  clerk [3] 38/11 38/14 49/18  client [2] 53/20 77/3  close [2] 71/15 92/25  closed [5] 20/7 20/15 20/18 20/19 22/8  closer [2] 71/6 71/10  closet [4] 28/15 48/4 48/7 48/11  clothes [1] 91/1  clothing [2] 56/2 56/3  clutter [1] 36/15  co [1] 85/21  co-lead [1] 85/21  cognitive [3] 80/21 81/4 81/7  colleague [5] 24/21 28/19 31/12 34/23  35/10  color [2] 25/10 56/2  comfort [1] 71/9  comfortable [2] 20/2 71/3  coming [1] 3/15  command [1] 87/10  commence [1] 6/5  commencing [1] 38/22  comment [3] 66/7 75/3 76/13  commission [1] 35/23  common [2] 16/11 64/17  compare [1] 29/21  computer [2] 46/25 105/10  computer-assisted [1] 105/10  computer-generated [1] 46/25  computerized [1] 105/9  con [2] 55/16 96/15  concern [3] 53/17 77/21 85/15  concerned [2] 61/9 96/16  concluded [1] 104/2  concurrently [1] 20/17  condition [1] 47/22  conduct [3] 7/2 8/19 99/4  conducted [6] 7/22 19/1 19/11 19/15  19/19 85/2  conference [6] 5/25 43/14 43/15 43/17  44/24 45/9  confessed [2] 43/18 59/18  confidence [1] 69/5  confident [1] 55/17  configuration [1] 48/18  confine [1] 90/22  confusion [1] 18/13  connected [1] 104/16  connecting [1] 103/21  connection [2] 65/5 68/2  conscious [1] 63/15  consistency [1] 46/17  constitutional [1] 16/16  Cont'd [2] 2/11 4/18  contact [6] 68/18 72/25 80/20 97/4 97/8  98/25  contacted [4] 6/18 7/3 12/7 43/5  contacts [1] 72/15  contain [3] 23/23 67/1 103/18  contained [2] 26/22 80/8  containing [1] 95/15  contains [1] 69/18  context [2] 73/23 91/20  continue [3] 22/18 33/20 104/5  continued [1] 26/19  continues [4] 3/7 22/23 23/4 23/19  contributed [1] 26/11  convenience [2] 79/18 82/8</p>
<p><b>B</b></p> <p>backed [1] 36/11  bad [3] 72/12 99/17 100/8  Baldwin [1] 51/22  Barb [3] 7/6 7/16 7/18  barrier [1] 71/13  barriers [2] 71/12 100/14  bat [1] 74/12  bear [1] 39/11  bears [1] 62/16  bed [23] 28/14 28/17 32/13 32/15 32/17  32/18 33/2 33/5 33/11 33/12 33/17  33/21 33/23 33/24 34/4 34/20 35/18  46/20 46/22 48/25 49/4 49/7 49/19  bedroom [12] 28/13 32/10 32/22 33/6  35/7 35/17 43/24 43/25 46/25 47/12  47/22 48/4  beforehand [1] 59/21  befriend [3] 16/9 65/3 96/23  Begging [1] 76/16  behind [1] 60/22  bel [1] 50/1  beliefs [1] 32/23  believed [7] 29/22 29/24 68/6 81/7  95/16 99/18 103/18  benefit [5] 42/23 48/10 51/2 64/15 84/7  best [6] 16/8 40/21 40/23 57/4 78/14  105/13  bet [1] 74/21  big [2] 36/6 60/21  birthday [1] 44/17  bit [17] 9/1 9/1 13/1 14/15 15/18 17/1  29/10 32/7 39/11 51/4 68/9 68/11 71/6  73/23 87/22 88/6 98/17  bits [1] 11/17  blank [1] 89/22  bleach [5] 10/24 11/9 29/25 103/2  103/19  bleached [1] 102/18  blood [5] 30/25 84/14 84/18 84/18 84/19  blue [1] 5/10  body [13] 9/10 25/5 28/7 28/16 78/20  78/21 78/24 79/7 79/10 82/10 82/14  83/14 83/20  bones [2] 28/9 32/2  bookcase [1] 35/21  bottom [7] 9/22 17/7 18/6 67/12 73/1  73/9 73/19  box [2] 30/14 30/17  BRANCH [2] 1/1 105/5  break [8] 22/7 23/2 23/7 25/16 25/17  26/6 38/23 38/25  breaking [1] 100/13</p>	<p><b>C</b></p> <p>cabinet [1] 35/20  calls [2] 39/22 45/1  Calumet [2] 16/22 39/13  capacity [1] 12/22  caption [5] 20/8 20/15 20/18 20/19 22/8  car [2] 7/9 52/4  care [1] 50/17  carefully [1] 105/8  case [21] 1/5 3/3 17/22 23/12 25/9  32/24 35/6 40/18 59/8 59/11 60/8 61/8  61/16 61/23 61/25 62/4 62/18 84/3  84/16 94/4 104/15  cases [1] 84/17  cassette [1] 6/13  CD [3] 21/8 21/10 38/7  cement [1] 35/16  certify [1] 105/6  CF [2] 1/5 3/3  chains [1] 32/19  chair [8] 44/9 44/12 44/25 45/11 45/16  45/19 46/13 46/14  chairs [1] 19/22  chance [3] 19/14 52/7 68/15  changed [3] 90/24 91/4 98/1  characterization [4] 61/5 68/17 99/14  99/22  characterize [3] 43/16 83/22 100/22  characterizing [1] 40/2  check [2] 17/18 42/12  choice [1] 69/10  circles [3] 30/15 30/15 30/22  CIRCUIT [3] 1/1 1/11 105/5  circumstance [2] 59/13 59/14  circumstances [1] 60/14  cite [3] 57/12 59/10 63/22  cited [1] 61/23  claim [2] 44/13 45/15  claimed [1] 45/10  claims [2] 44/15 47/12  classified [1] 39/15</p>	

## C

conversation [3] 67/2 67/15 96/2  
 convey [2] 68/20 68/25  
 cop [1] 17/4  
 cops [1] 10/8  
 copy [1] 93/12  
 corner [2] 48/25 99/9  
 correctly [2] 28/6 52/11  
 couch [4] 19/21 70/14 70/18 71/18  
 counsel [9] 3/2 3/15 3/19 23/1 53/3 62/4  
 64/11 78/6 103/6  
 counting [1] 95/20  
 county [8] 1/1 16/22 19/12 37/7 40/7  
 51/23 97/17 105/2  
 couple [2] 55/7 61/23  
 course [12] 13/3 13/8 21/2 47/5 72/15  
 72/25 85/11 96/1 97/20 101/1 101/4  
 102/4  
 Court's [2] 3/22 76/16  
 courtyard [1] 97/17  
 Cover [1] 10/8  
 covered [2] 17/19 39/10  
 cozy [1] 70/21  
 crafted [1] 60/25  
 crime [4] 8/13 9/3 14/19 15/16  
 criminal [5] 50/11 50/19 51/3 93/17  
 93/19  
 cross [11] 2/12 38/19 38/20 38/22 39/5  
 39/8 64/7 77/18 92/21 104/2 104/6  
 cross-examination [7] 2/12 38/19 39/8  
 77/18 92/21 104/2 104/6  
 CSI [1] 19/24  
 cued [1] 22/17  
 cuffs [1] 103/15  
 culmination [1] 49/23  
 cumulative [2] 77/24 77/25  
 current [1] 21/25  
 custodial [5] 59/4 59/10 59/16 62/1 62/5  
 custody [1] 60/1  
 cut [3] 29/2 87/24 88/21

## D

DASSEY [36] 1/6 1/23 3/4 5/3 5/5 5/6  
 5/23 5/25 6/6 6/8 7/25 8/10 10/21 10/25  
 11/1 11/2 12/19 34/17 42/2 43/17 50/7  
 50/11 50/14 50/18 54/4 55/5 55/10  
 56/14 57/19 65/18 66/25 67/19 72/1  
 78/19 78/23 103/22  
 date [7] 1/10 4/18 50/10 63/8 66/7 66/8  
 66/9  
 dated [4] 27/14 27/24 28/9 105/15  
 day [27] 1/5 4/25 5/3 5/7 5/19 6/6 8/10  
 9/5 11/8 16/1 18/22 35/7 38/17 39/22  
 39/22 43/11 50/21 50/22 54/10 60/2  
 60/11 60/13 68/19 73/4 85/22 93/1  
 105/15  
 day-to-day [1] 39/22  
 days [10] 5/7 43/9 44/23 45/8 45/8  
 59/20 61/23 77/16 77/20 103/23  
 dealing [1] 56/2  
 deals [1] 59/9  
 death [3] 63/25 92/11 103/22  
 December [1] 44/16  
 deception [3] 13/7 83/18 83/22  
 deceptive [1] 13/12  
 decide [3] 11/16 63/17 63/22  
 decided [4] 6/22 8/15 8/19 9/18  
 declined [1] 7/21  
 Deere [2] 30/20 36/8  
 defendant [34] 1/7 1/20 1/22 1/24 3/10  
 4/22 4/24 5/15 5/24 7/11 8/22 9/14  
 10/17 12/3 13/4 14/10 16/1 16/15 18/8

23/24 24/13 27/11 34/17 37/1 37/8 44/25  
 45/10 54/22 55/14 59/17 60/8 63/19  
 65/24 65/25  
 defendant's [1] 7/16  
 defendants [1] 59/18  
 defense [11] 3/23 21/5 24/1 53/18 54/9  
 59/16 60/17 61/4 62/12 63/12 63/13  
 defensive [2] 15/22 64/25  
 deficits [1] 81/8  
 denied [1] 55/14  
 department [15] 6/24 7/8 7/12 7/15 7/22  
 12/9 12/17 16/22 19/3 19/13 19/16  
 19/18 93/6 93/20 97/18  
 depict [1] 47/21  
 depicted [12] 27/9 27/18 28/3 29/14  
 30/9 30/23 31/24 32/8 32/14 32/16  
 35/11 36/4  
 depiction [5] 27/13 29/9 29/16 30/16  
 46/25  
 depicts [1] 27/19  
 depression [2] 28/8 31/25  
 described [4] 46/12 64/15 64/20 64/23  
 desk [1] 35/19  
 detailed [1] 52/2  
 detective [7] 39/18 50/15 64/14 74/10  
 82/6 84/1 98/10  
 detective's [1] 19/16  
 determination [1] 60/6  
 develop [1] 92/6  
 device [1] 52/4  
 die [1] 73/4  
 difference [1] 51/14  
 differences [1] 51/4  
 direct [9] 2/11 4/18 43/21 51/1 54/20  
 56/6 57/18 64/15 93/2  
 directed [1] 67/18  
 directing [5] 67/12 72/24 89/7 98/21  
 101/12  
 directly [4] 65/17 89/1 92/10 101/7  
 dirt [2] 31/10 31/21  
 disagree [1] 89/5  
 disappearance [3] 40/3 43/18 92/11  
 disclosed [1] 54/6  
 discourse [1] 69/13  
 discuss [3] 10/18 57/14 61/21  
 discussed [4] 8/7 8/7 58/23 94/21  
 discussing [2] 56/23 80/13  
 discussion [8] 3/15 3/18 19/6 23/23 53/5  
 60/5 90/25 92/19  
 discussions [2] 59/20 60/2  
 distinct [3] 59/11 65/23 79/15  
 district [5] 1/14 6/18 26/7 94/5 94/8  
 DNA [2] 26/22 103/20  
 doghouse [3] 28/7 31/16 31/18  
 doing [8] 7/18 13/22 14/22 26/3 71/16  
 74/2 93/13 99/24  
 door [8] 33/5 34/6 35/14 35/15 36/6  
 36/6 56/21 57/9  
 doorway [2] 34/7 35/13  
 dot [12] 78/20 78/20 78/20 79/3 79/3  
 79/4 80/7 80/7 80/7 89/13 89/13 89/13  
 doubt [2] 100/12 104/3  
 Dr. [1] 34/14  
 Dr. Eisenberg [1] 34/14  
 draw [4] 33/24 51/19 70/19 70/23  
 drawer [1] 35/20  
 drawing [8] 28/4 28/5 29/21 30/25 31/11  
 32/17 47/4 47/11  
 drawings [2] 26/25 27/6  
 drawn [6] 28/14 31/17 31/18 35/18 36/9  
 70/15  
 draws [1] 33/25  
 dresser [1] 28/14

drew [12] 27/11 27/19 28/6 28/7 28/16  
 28/25 31/8 32/1 32/11 32/15 32/18  
 48/17  
 Driver's [1] 80/23  
 drop [1] 87/21  
 dry [1] 75/14  
 dugout [1] 31/23  
 duly [1] 4/13  
 duties [1] 39/21  
 DVD [13] 21/1 22/4 22/5 22/23 22/24  
 23/4 23/5 23/19 23/20 37/15 37/21 38/8  
 38/9

## E

earlier [12] 9/13 26/14 29/22 50/1 51/1  
 51/7 71/18 77/15 77/20 95/5 96/10  
 98/16  
 early [3] 39/25 68/18 98/24  
 ease [1] 22/1  
 easily [1] 10/6  
 east [1] 49/1  
 Ed [1] 80/23  
 EDELSTEIN [45] 1/21 2/12 3/10 21/9  
 21/12 24/3 38/21 39/6 39/9 45/4 45/6  
 54/15 58/5 58/14 63/2 64/5 64/13 64/14  
 66/13 66/16 72/7 76/16 76/22 76/24  
 77/9 78/9 78/16 82/21 83/2 83/6 85/16  
 85/20 87/21 87/23 92/22 93/1 94/12  
 94/18 98/10 103/8 103/13 103/15  
 103/24 104/3 104/7  
 educating [1] 51/2  
 effort [3] 64/23 68/19 92/5  
 efforts [2] 24/10 63/16  
 eight [1] 47/11  
 eighty [2] 101/13 101/14  
 eighty-seven [2] 101/13 101/14  
 Eisenberg [2] 34/14 66/4  
 elaborate [1] 29/10  
 eleven [2] 35/5 47/15  
 ELMO [2] 28/20 48/3  
 emotions [2] 65/18 95/12  
 employ [2] 13/7 16/12  
 employed [5] 13/2 14/9 15/25 64/17  
 95/5  
 employee [2] 40/7 40/7  
 encourage [1] 100/16  
 encouraged [1] 100/23  
 encouraging [1] 99/16  
 end [1] 38/17  
 enforcement [1] 10/4  
 enforcement's [1] 9/20  
 engage [1] 13/24  
 entire [1] 67/15  
 entirely [1] 56/13  
 entitled [4] 56/19 58/10 63/12 82/22  
 entries [1] 89/20  
 entry [6] 36/6 73/10 74/10 86/15 86/22  
 88/16  
 entwined [1] 62/15  
 equates [1] 15/20  
 especially [1] 61/15  
 essence [1] 57/21  
 essentially [7] 54/17 55/8 55/18 56/6  
 56/17 56/25 61/10  
 established [1] 39/25  
 estimate [1] 25/16  
 evening [5] 10/17 10/19 11/1 56/12  
 97/13  
 event [2] 41/22 48/21  
 events [7] 37/9 39/21 59/24 60/13 60/24  
 69/24 77/16  
 eventually [1] 34/2  
 everybody [3] 8/15 43/7 72/21

<p><b>E</b></p> <p>everyone [1] 54/1  everything [10] 8/22 13/15 25/10 55/5  57/20 68/14 76/14 86/14 96/4 103/17  evidence [9] 21/1 37/13 57/4 84/18  84/19 85/4 85/22 102/17 103/21  evident [2] 80/25 81/3  ex [1] 21/20  exact [3] 42/6 42/7 66/9  exactly [6] 30/1 32/1 46/6 81/15 81/21  87/5  examination [10] 2/11 2/12 4/18 17/13  38/19 39/8 77/18 92/21 104/2 104/6  examined [1] 4/14  examples [1] 55/7  exception [1] 62/24  excess [1] 101/4  exchange [2] 69/18 90/22  exculpatory [4] 53/19 62/13 62/14 62/20  excuse [8] 26/7 29/23 53/2 53/6 57/8  66/10 71/11 93/14  excused [1] 3/22  executed [4] 26/12 26/17 33/16 33/21  exhibit [26] 16/19 16/20 16/24 27/7 27/9  27/10 27/16 27/18 28/1 28/3 32/6 32/8  34/25 35/4 35/11 36/3 36/4 37/14 48/2  50/5 50/7 65/14 67/8 77/1 98/9 102/18  exhibits [6] 2/14 28/19 37/13 38/5 38/18  38/23  exit [1] 35/14  experience [2] 13/22 15/7  expert [2] 81/4 81/6  explain [3] 21/21 57/1 94/4  explained [3] 17/9 24/14 93/11  explanation [2] 56/21 82/17  explore [3] 56/19 57/7 57/23  expound [1] 82/20  extent [1] 46/12  extremely [3] 101/18 101/18 102/1</p>	<p>fault [5] 74/23 75/8 75/12 75/18 75/25  fear [1] 10/12  feasibly [1] 34/20  February [19] 4/23 5/20 8/10 41/10 42/2  52/21 54/5 54/23 55/15 56/18 56/22  58/13 58/15 60/18 61/16 62/2 66/25  72/8 72/20  February 20 [1] 41/10  February 27 [12] 4/23 5/20 8/10 54/5  55/15 56/18 56/22 60/18 61/16 62/2  66/25 72/8  feeling [2] 8/21 8/24  feet [1] 49/9  felt [1] 55/4  few [8] 21/21 22/2 24/6 29/12 31/15  49/9 53/7 92/1  fiancé [2] 34/3 47/19  file [2] 35/19 35/20  fine [5] 51/18 51/19 51/20 75/5 77/22  fingerprints [1] 103/20  finish [1] 79/19  fire [6] 8/14 9/11 82/10 82/15 83/14  83/20  fit [1] 34/20  fits [1] 36/12  five [5] 66/13 86/5 101/13 101/14  103/23  floated [1] 59/18  floor [2] 11/4 19/17  folks [1] 51/2  follow [4] 68/8 69/23 85/7 86/9  follow-up [2] 69/23 86/9  followed [1] 75/23  following [1] 85/10  follows [4] 4/14 75/11 78/19 88/12  fool [1] 15/3  foregoing [2] 105/7 105/7  foremost [1] 9/20  forensic [1] 66/4  forest [2] 58/20 60/21  forgotten [1] 37/14  form [18] 16/18 16/18 16/23 16/24 17/2  17/6 17/13 17/14 17/15 18/3 18/9 18/10  18/11 18/14 75/21 79/6 93/11 101/6  formalized [1] 56/9  found [5] 9/24 16/7 28/8 32/2 33/2  foundation [1] 45/23  four [2] 82/8 91/2  Fourteen [1] 83/13  FOX [4] 1/11 9/15 56/11 96/9  frame [2] 66/8 85/24  FREMGEN [11] 1/19 3/9 3/9 3/24 38/2  38/4 54/15 54/17 57/15 58/13 61/7  friendly [1] 16/2  front [1] 98/17  full [1] 56/21  fully [3] 54/6 63/6 92/6  furniture [2] 49/19 49/22  further [6] 11/5 37/11 56/22 68/9 76/6  82/6  furthest [1] 48/25</p>	<p>generally [2] 63/23 72/20  generated [1] 46/25  gentleman [1] 60/1  gentlemen [2] 20/15 104/12  gestured [1] 5/4  Gibson [1] 37/6  girlfriend [1] 34/3  glasses [1] 5/11  goal [2] 64/24 65/9  gone [2] 43/3 97/11  Government's [1] 103/17  grand [1] 59/19  grant [1] 62/23  gravel [2] 31/10 31/20  great [1] 59/21  ground [2] 29/19 39/10  guarantees [1] 62/17  guessing [1] 52/11  gun [7] 28/16 33/2 33/4 33/18 33/21  35/22 89/13  gunshot [4] 66/5 85/4 85/22 85/25  guys [3] 19/13 24/15 74/1</p>
<p><b>F</b></p> <p>face [2] 16/10 59/5  faced [1] 62/8  facilitate [1] 36/21  facilitating [1] 22/1  fail [1] 77/15  fairly [1] 52/2  fairness [1] 40/20  FALLON [59] 1/15 2/11 3/5 3/8 3/20 4/1  4/4 4/9 4/19 5/13 5/17 5/18 19/7 19/9  20/5 20/9 20/12 20/24 21/15 21/19 22/6  22/15 22/16 22/25 23/6 23/15 23/17  23/21 24/5 28/21 28/24 29/5 29/8 32/5  32/8 37/11 37/20 37/23 37/25 38/8  38/10 38/13 38/16 39/2 45/22 53/2  53/10 53/15 58/4 58/16 61/10 66/10  77/11 77/24 79/21 79/24 85/12 92/15  94/16  Fallon's [1] 61/5  family [2] 10/21 96/23  far [3] 46/9 61/8 69/13  fashion [2] 6/11 6/22  Fassbender [55] 5/1 6/4 7/7 8/6 9/14  10/15 10/20 10/24 11/12 13/7 18/18  19/1 24/22 28/19 29/6 32/6 40/1 43/8  43/12 52/12 52/15 52/20 54/7 56/10  67/3 67/18 68/4 69/13 70/13 74/2 74/18  75/10 75/16 75/24 78/18 78/22 79/5  84/3 86/15 88/5 88/12 88/20 88/22 95/2  96/8 97/12 97/20 98/13 99/3 99/8 99/15  99/25 101/6 101/18 101/25  Fassbender's [1] 87/25</p>	<p><b>G</b></p> <p>GAHN [3] 1/17 3/8 31/12  gain [1] 69/3  gained [1] 26/16  game [1] 54/11  garage [20] 11/4 11/5 11/10 26/13  26/21 27/19 27/20 27/21 27/21 28/5  29/9 30/1 35/17 36/5 36/6 36/7 36/16  36/22 37/5 103/4  gather [1] 38/24  general [3] 36/21 54/9 57/15</p>	<p><b>H</b></p> <p>hadn't [1] 42/12  hair [1] 25/10  Halbach [9] 24/11 26/23 40/3 43/19  43/24 50/23 66/6 85/5 103/22  Halbach's [2] 24/23 63/25  halfway [5] 69/8 73/9 73/14 74/16 100/4  hallway [3] 33/9 33/13 34/7  hand [9] 31/3 31/12 35/10 42/18 46/23  70/24 71/11 71/19 98/10  handcuffs [1] 32/19  handed [1] 16/20  handwriting [2] 17/14 31/2  hang [1] 74/19  happen [2] 10/9 91/21  happened [1] 25/2  happens [1] 14/7  hard [3] 19/25 68/14 100/10  harm [1] 10/1  hasn't [4] 73/21 73/24 74/25 75/25  Hau [3] 2/3 105/4 105/19  he'll [2] 13/17 24/19  head [4] 49/12 66/5 87/2 102/2  health [1] 3/17  health-related [1] 3/17  hearing [1] 26/2  hearsay [2] 53/23 54/13  held [1] 43/13  here's [2] 31/19 35/14  hereby [1] 105/6  herein [1] 4/13  herself [1] 19/3  hesitancy [1] 18/16  hey [1] 100/11  hierarchy [1] 40/6  high [6] 5/19 6/2 54/23 75/13 80/22 95/6  Hills [2] 9/16 96/9  himself [9] 8/13 8/14 9/2 11/4 11/5 18/9  87/24 88/21 99/24  hold [1] 59/22  holding [1] 48/9  holds [1] 59/12  homicide [2] 15/17 45/2  HON [1] 1/11  honest [4] 73/4 73/16 74/12 95/24  Honor [19] 3/6 22/6 22/25 23/21 24/3  38/21 39/7 53/2 58/5 63/2 77/11 82/21  85/17 92/15 92/22 94/12 103/8 103/25  104/7  hopefully [1] 104/9</p>

<p><b>H</b></p> <p>horrific [1] 9/10  Hotel [1] 9/16  hours [1] 21/22  house [3] 33/14 44/17 102/21  hug [1] 69/15  human [5] 78/20 78/21 78/23 79/7 79/10  hurting [1] 69/16</p>	<p>intention [1] 94/19  intentionally [1] 24/16  interest [1] 100/6  interested [2] 91/15 92/9  interpose [1] 92/16  interpretation [2] 89/3 99/15  interrogate [1] 51/17  interrogation [9] 13/3 51/6 59/10 59/17 60/7 62/1 62/6 71/2 85/3  interrogations [1] 59/16</p>	<p>Ken [1] 3/8  KENNETH [1] 1/13  kill [4] 67/20 88/13 88/23 89/1  killed [1] 50/22  knee [4] 71/11 71/11 71/20 71/21  knife [5] 27/10 28/25 88/13 88/23 88/25  knowing [1] 91/15  known [2] 12/10 41/4  KRATZ [6] 1/13 3/8 6/19 6/20 25/21 25/21</p>
<p><b>I</b></p> <p>I'd [7] 12/25 27/5 65/22 69/14 70/23 74/4 82/20  I'll [11] 21/4 23/10 24/7 51/11 55/7 59/7 63/8 74/19 78/14 104/8 104/14  I'm [50] 3/2 16/9 18/5 20/10 28/18 31/12 34/22 34/23 35/9 36/2 38/9 42/17 42/18 44/3 46/23 47/25 48/9 51/11 52/11 52/21 58/14 62/22 62/22 65/15 69/7 72/22 73/1 77/12 77/14 78/2 78/6 78/16 79/12 79/25 81/4 82/17 82/19 82/21 83/2 84/21 84/22 85/8 91/23 91/25 92/16 92/24 99/11 99/22 100/4 101/15  I've [7] 14/22 17/8 17/19 37/14 37/14 64/8 84/11  i.e [2] 81/16 82/14  idea [7] 19/8 59/18 65/22 66/1 100/25 101/2 101/9  identification [6] 16/19 34/24 36/3 67/8 98/9 98/11  identified [2] 5/15 58/23  identify [1] 93/8  Illustrate [1] 35/12  immediately [7] 15/8 73/13 75/10 75/23 88/12 101/22 101/25  implicate [1] 99/24  implies [1] 15/2  impression [2] 31/23 57/24  inaudible [6] 79/1 79/12 79/14 80/6 80/9 80/13  inaudibles [1] 88/7  incident [1] 14/19  including [3] 38/6 52/3 58/12  inconsistencies [1] 50/5  inconsistency [1] 45/20  incorrect [3] 61/6 61/8 66/15  inculpatory [5] 59/24 60/6 62/9 62/15 77/18  indeed [1] 53/14  Indefinite [1] 85/13  indicate [1] 17/7  individually [1] 60/13  individuals [1] 64/18  inducements [2] 18/21 60/19  indulgence [1] 76/17  inference [1] 55/9  inform [1] 6/19  informed [4] 3/16 7/4 10/20 10/24  initial [5] 15/13 17/20 17/22 18/2 18/11  initially [3] 32/23 33/10 41/12  initials [2] 30/2 30/3  initiated [3] 60/4 60/9 97/5  initiator [1] 59/19  inquiry [1] 88/20  instance [3] 55/13 55/24 63/22  instances [1] 62/8  instincts [1] 14/20  instruction [3] 4/2 20/11 21/3  integrity [2] 10/5 96/20  intend [1] 63/7  intended [4] 4/22 65/7 67/20 94/1  intent [3] 99/23 100/1 100/2</p>	<p>interview [90] 4/22 4/24 6/5 6/8 6/10 6/16 6/18 6/20 6/21 6/25 7/2 7/11 7/14 7/18 7/20 7/23 8/3 8/4 8/7 8/8 8/14 8/15 10/16 10/19 12/9 12/19 12/21 12/23 12/25 13/2 13/6 14/8 14/14 14/18 15/14 15/24 18/25 19/2 19/4 19/10 19/11 19/15 24/15 25/25 26/10 29/1 37/15 43/7 43/22 45/8 47/5 51/5 51/16 55/1 55/12 58/21 58/24 61/12 63/15 64/18 66/24 69/25 70/6 70/6 71/10 72/19 72/22 82/16 85/3 85/11 85/23 90/23 91/20 91/23 91/24 91/25 92/7 92/8 92/12 93/4 93/11 95/1 97/20 98/13 99/4 100/1 100/1 101/1 101/5 102/5  interviewed [4] 5/7 20/3 33/7 97/14  interviewee [1] 65/3  interviewer [1] 16/10  interviewers [3] 55/24 69/4 69/6  interviewing [4] 8/9 13/8 14/1 18/5  interviews [13] 8/20 9/5 11/8 11/23 13/23 14/23 15/15 15/23 25/3 54/5 58/11 68/14 70/8  introduce [3] 53/18 54/12 61/14  introducing [1] 21/1  introduction [1] 53/23  investigation [6] 10/5 10/13 34/11 35/25 51/3 96/20  investigative [3] 24/10 32/23 39/21  investigator [13] 4/10 4/20 15/7 21/16 21/24 24/5 24/21 37/3 39/15 69/21 83/10 84/2 96/21  investigators [6] 25/22 40/2 51/21 85/21 90/12 97/4  involvement [5] 11/24 15/9 15/13 43/18 62/3  IQ [4] 71/25 72/3 72/8 72/10  irregardless [2] 90/19 100/16  isolate [2] 97/1 97/2  issue [1] 90/25  issues [1] 3/17  items [2] 32/13 103/20</p> <p><b>J</b></p> <p>Janda [1] 7/17  jeans [2] 102/18 103/15  Jennifer [3] 2/3 105/4 105/19  JEROME [1] 1/11  job [1] 9/21  Jodi [4] 34/16 47/20 48/20 49/23  John [2] 30/20 36/8  jump [1] 39/11  jurors [5] 3/1 3/16 4/6 53/8 64/10  jury [18] 1/4 3/13 3/14 3/25 20/16 23/11 42/23 53/6 54/1 56/17 58/7 63/3 63/10 63/17 64/2 64/8 64/16 88/19</p> <p><b>K</b></p> <p>Kayla [15] 40/25 41/3 41/9 41/12 41/13 41/17 41/19 43/1 44/4 44/8 44/11 44/11 45/9 46/1 46/5  keep [1] 11/17  Keeping [1] 80/18  keeps [1] 11/18</p>	<p><b>L</b></p> <p>label [2] 30/5 30/6  labeled [1] 27/22  lack [1] 57/7  ladies [2] 20/14 104/12  laid [1] 27/23  lamps [1] 19/22  lapse [1] 60/11  large [1] 67/21  laser [2] 31/13 49/2  later [10] 10/17 10/25 11/5 11/13 19/3 29/25 43/9 56/11 63/21 93/1  law [6] 1/20 1/22 9/20 10/4 21/2 53/20  lawnmower [4] 27/22 30/20 30/24 36/8  layers [3] 15/21 15/22 64/25  laying [1] 28/7  layout [2] 32/22 36/22  lead [4] 40/2 51/21 84/2 85/21  leading [4] 26/11 55/20 95/15 95/17  learn [1] 32/24  learned [10] 6/19 8/8 10/21 11/12 11/14 26/4 35/6 45/2 70/1 85/24  learning [1] 11/17  leave [4] 47/25 61/10 75/13 99/19  leaves [1] 56/17  leaving [1] 57/20  led [4] 44/8 58/7 60/5 64/2  legal [1] 94/8  legally [1] 58/18  legs [1] 32/20  lengthy [3] 25/15 43/7 45/14  less [3] 8/2 24/7 36/14  letter [1] 57/8  lettering [1] 30/9  liar [3] 97/23 98/1 101/8  lie [2] 83/18 83/23  lies [2] 65/23 95/9  light [1] 20/1  lighting [1] 19/22  likes [1] 14/22  limitations [1] 80/21  line [5] 9/22 51/19 51/19 51/20 69/18  lines [2] 67/21 82/8  lit [1] 30/1  little [28] 6/7 9/1 9/1 11/17 11/18 11/19 13/1 14/15 15/18 17/1 29/7 29/10 30/14 35/19 39/11 51/4 52/4 68/9 68/11 71/6 71/10 82/6 87/22 88/6 90/22 98/17 99/17 100/8  lived [3] 8/16 9/23 42/11  living [1] 19/20  located [1] 6/2  location [2] 19/10 37/8  locations [2] 52/24 52/24  long [5] 7/24 14/23 89/25 97/11 104/10  looks [2] 33/14 79/1  losing [2] 41/5 41/20  lost [1] 41/24  lot [8] 8/19 39/10 40/18 50/13 50/16 68/13 74/2 87/1  luminol [3] 29/23 29/24 30/1  lunch [1] 23/9</p>

**M**

machine [1] 105/10  
 mainstream [1] 80/22  
 maintain [1] 21/25  
 man [2] 63/8 84/14  
 manipulated [1] 63/18  
 MANITOWOC [7] 1/1 12/8 12/17 19/12  
 37/6 97/17 105/2  
 manner [1] 63/11  
 March [41] 12/6 12/19 13/6 14/10 18/18  
 18/24 19/11 26/13 26/18 26/19 43/2  
 43/6 43/12 43/22 44/20 44/23 50/20  
 50/21 50/25 52/1 52/6 52/21 54/3 55/21  
 56/7 56/23 57/16 57/21 58/3 58/12  
 58/21 58/25 60/11 60/20 61/17 72/19  
 72/20 77/19 92/24 92/25 97/21  
 March 1 [24] 12/6 12/19 13/6 14/10  
 18/18 18/24 19/11 50/25 52/6 54/3  
 55/21 56/7 56/23 57/16 57/21 58/3  
 58/21 58/25 60/11 60/20 61/17 77/19  
 92/24 97/21  
 March 7 [1] 43/22  
 marginal [1] 77/20  
 Marinette [2] 51/23 55/1  
 mark [10] 1/19 2/10 3/9 4/12 4/17 37/21  
 66/22 67/5 75/13 99/9  
 marked [11] 2/14 16/19 34/24 36/3 38/7  
 46/24 66/20 67/8 93/8 98/9 98/11  
 markings [1] 27/13  
 match [2] 46/10 46/12  
 materials [1] 78/11  
 matter [12] 10/10 14/18 54/11 62/13  
 62/14 62/15 63/14 69/21 91/2 102/8  
 105/7 105/13  
 matters [1] 62/25  
 mean [18] 9/11 9/21 13/13 14/3 14/3  
 14/16 20/22 45/6 50/13 50/15 72/21  
 77/19 79/2 89/18 89/24 90/11 97/11  
 100/7  
 meant [5] 69/17 74/13 75/15 75/19 80/6  
 measures [1] 13/12  
 meet [1] 5/23  
 meeting [1] 8/9  
 member [1] 10/21  
 members [1] 43/12  
 memorial [1] 6/21  
 memorialize [2] 6/21 94/20  
 memorialized [2] 6/11 12/21  
 memory [2] 72/11 78/12  
 mentioned [1] 11/9  
 met [3] 5/3 5/25 42/1  
 middle [7] 67/13 67/21 73/20 84/23  
 99/13 100/4 101/16  
 mind [7] 9/20 50/12 50/18 80/18 99/2  
 99/3 99/5  
 minimize [3] 15/12 15/18 82/18  
 minute [1] 92/23  
 minutes [3] 21/23 25/18 53/7  
 Miranda [6] 16/17 17/3 93/10 93/22 94/3  
 94/4  
 Mirandize [1] 94/6  
 Mishicot [7] 5/2 5/19 9/16 42/10 54/23  
 80/22 96/12  
 missing [1] 57/25  
 misunderstanding [1] 18/13  
 mom [1] 96/6  
 moments [1] 31/16  
 Monday [1] 56/4  
 morning [3] 3/2 3/5 22/7  
 mother [10] 7/3 7/16 9/15 10/10 10/17  
 10/25 12/7 12/14 19/2 97/2  
 motion [1] 62/23

mount [4] 31/8 31/10 31/19 31/21  
 Mr [3] 5/23 6/5 7/25  
 Mr. [31] 5/3 5/5 5/25 6/4 6/8 6/20 8/10  
 10/21 10/25 11/1 11/2 22/15 23/15  
 25/21 25/21 28/19 29/6 31/12 32/6 38/2  
 53/10 54/4 54/15 54/15 55/5 55/10  
 56/14 57/19 58/4 61/5 61/10  
 Mr. Dasse [14] 5/3 5/5 5/25 6/8 8/10  
 10/21 10/25 11/1 11/2 54/4 55/5 55/10  
 56/14 57/19  
 Mr. Edelstein [1] 54/15  
 Mr. Fallon [5] 22/15 23/15 53/10 58/4  
 61/10  
 Mr. Fallon's [1] 61/5  
 Mr. Fassbender [4] 6/4 28/19 29/6 32/6  
 Mr. Fremgen [2] 38/2 54/15  
 Mr. Gahn [1] 31/12  
 Mr. Kratz [3] 6/20 25/21 25/21  
 Ms [1] 38/10  
 much [5] 40/19 60/18 74/3 79/2 94/19  
 mutilated [1] 50/23  
 myself [4] 5/1 6/4 7/7 19/1

**N**

name [5] 4/16 4/16 34/11 39/19 74/10  
 necessarily [5] 51/18 63/5 68/21 68/24  
 93/18  
 necessary [1] 20/25  
 need [4] 11/21 38/23 74/7 88/6  
 needed [5] 8/15 8/16 8/19 10/2 41/17  
 never [6] 11/9 11/11 15/11 42/1 78/23  
 91/6  
 new [2] 25/23 26/4  
 nice [1] 16/9  
 Nick [1] 84/12  
 night [6] 9/19 11/6 11/13 61/22 78/6  
 97/6  
 nightstand [1] 28/15  
 no's [1] 87/2  
 nobody [3] 14/22 91/10 91/13  
 none [2] 86/9 103/20  
 noon [1] 104/14  
 Norm [1] 3/8  
 normal [1] 15/17  
 NORMAN [1] 1/17  
 north [1] 49/1  
 note [2] 3/14 17/12  
 noted [1] 26/24  
 notes [1] 105/9  
 noticed [1] 24/17  
 November [4] 33/17 55/1 66/3 66/11  
 November 15 [1] 66/3  
 November 5 [2] 33/17 55/1  
 Nowhere [1] 79/5  
 number [10] 9/19 10/4 16/24 21/7 32/12  
 37/15 37/17 38/23 59/2 66/23

**O**

O'Neill [1] 51/22  
 O'Neill's [1] 52/4  
 object [3] 53/17 53/23 77/12  
 objected [1] 59/16  
 objection [12] 21/5 21/13 21/16 21/18  
 45/22 45/24 54/8 77/13 78/2 85/12  
 92/16 94/15  
 objectionable [2] 53/12 53/13  
 objections [1] 38/3  
 obtained [1] 77/19  
 obvious [2] 11/22 12/11  
 obviously [4] 8/7 11/17 13/15 34/5  
 occasions [2] 54/4 72/23  
 occur [1] 80/20  
 occurred [4] 37/9 52/23 60/18 60/20

occurring [1] 21/21  
 occurs [1] 91/2  
 October [2] 47/13 47/23  
 October 31 [2] 47/13 47/23  
 offense [4] 15/9 50/11 50/19 55/15  
 offenses [1] 15/13  
 offer [5] 37/25 53/21 56/21 57/2 61/2  
 offered [4] 54/14 56/7 60/17 94/14  
 offering [1] 37/24  
 office [1] 6/1  
 officer [14] 10/5 39/10 45/3 55/10 55/13  
 55/16 56/4 57/1 57/18 58/24 63/7 77/13  
 77/22 78/7  
 officers [3] 16/7 54/3 63/17  
 official [4] 2/4 38/1 105/4 105/19  
 officially [1] 5/5  
 oftentimes [2] 64/17 72/16  
 old [2] 6/13 42/4  
 one [55] 3/16 6/13 9/19 11/8 13/11  
 21/20 24/14 25/4 26/22 27/6 27/6 27/19  
 27/24 28/9 28/11 28/12 28/13 29/2  
 29/11 29/20 30/3 32/5 35/15 35/24  
 37/18 47/25 48/6 48/11 49/21 51/21  
 54/5 56/2 56/9 59/1 59/11 61/11 61/14  
 61/23 64/20 64/23 68/12 70/1 70/2 72/5  
 72/16 85/21 89/18 89/19 93/12 93/13  
 96/18 97/21 98/16 98/20 101/6  
 onion [1] 15/21  
 opened [4] 54/19 56/20 57/9 57/9  
 opinion [3] 13/22 57/3 95/23  
 opponent [4] 53/21 54/14 61/1 61/2  
 opponents [1] 62/11  
 opportunity [9] 61/11 67/10 76/19 76/25  
 84/4 84/9 89/17 99/21 104/8  
 opposed [2] 17/15 39/22  
 opposing [1] 53/22  
 order [8] 18/21 24/7 28/22 76/17 76/19  
 77/3 78/12 99/17  
 oriented [1] 48/9  
 original [1] 36/15  
 otherwise [2] 56/24 59/4  
 our [12] 3/20 9/21 16/17 16/17 16/18  
 16/24 22/7 38/22 40/23 53/16 63/13  
 84/14  
 outer [1] 7/21  
 outside [3] 19/14 19/14 35/15  
 overrule [1] 78/2

**P**

P-i-s-c-h-k-e [1] 59/9  
 p.m [7] 23/14 39/3 39/4 53/8 64/10 97/6  
 104/18  
 page [25] 2/9 55/25 56/1 56/1 57/12  
 69/7 72/24 73/9 74/9 74/17 74/22 77/2  
 78/17 80/16 81/10 84/23 86/4 86/12  
 87/20 89/7 90/14 98/22 99/7 100/23  
 101/12  
 pages [3] 55/25 62/25 77/8  
 pages 556 [1] 62/25  
 pan [1] 22/8  
 pants [3] 10/23 11/2 11/3  
 paraded [1] 103/17  
 paragraph [6] 67/13 67/22 68/12 69/2  
 73/1 99/13  
 Pard [3] 71/17 76/22 87/13  
 parties [2] 62/2 62/4  
 partner [3] 40/8 65/16 68/20  
 parts [4] 9/10 76/7 76/12 77/6  
 party [7] 44/17 53/21 53/22 54/14 60/23  
 61/1 62/11  
 pass [1] 9/17  
 passes [1] 78/1  
 past [1] 61/15

<p><b>P</b></p> <p>pat [1] 70/21  pathologist [1] 66/4  patted [1] 71/22  pause [2] 22/20 90/6  pauses [1] 89/25  peeling [1] 15/20  people's [1] 48/23  Pepin [2] 61/24 62/7  pepper [1] 90/9  perceived [1] 93/3  perhaps [2] 52/3 53/13  period [1] 60/2  permission [2] 12/15 45/5  persuade [4] 68/2 82/13 83/5 83/7  pertains [1] 77/17  pertinent [1] 23/23  phone [2] 25/20 25/24  photo [1] 36/15  photograph [3] 34/23 36/16 46/24  phrase [2] 65/2 78/21  phrased [1] 85/17  physical [2] 24/24 24/24  pick [2] 6/15 25/24  picture [2] 27/10 60/21  pictures [7] 30/19 31/9 31/20 33/3 70/15  70/19 70/23  piece [1] 40/13  pieces [1] 11/18  pinned [6] 43/24 44/12 44/25 45/11  45/15 46/14  pinning [3] 46/9 46/13 46/16  Pischke [3] 59/8 59/15 61/9  pit [3] 28/4 28/6 31/7  place [6] 18/4 18/6 19/10 59/5 97/15  97/16  placed [2] 9/2 29/18  placement [2] 70/12 70/16  places [3] 8/13 8/14 29/20  PLAINTIFF [1] 1/4  plans [2] 4/24 12/5  played [1] 22/4  playing [6] 21/17 22/23 23/4 23/5 23/19  23/20  pointer [2] 31/13 49/2  points [1] 22/2  police [8] 6/23 7/8 7/11 7/15 7/22 55/3  93/6 93/19  poor [2] 6/15 72/12  poorly [1] 85/17  portion [6] 19/16 48/12 68/18 77/1 82/9  91/24  portions [1] 80/12  portrayal [1] 36/25  position [3] 21/25 78/3 100/19  possible [3] 34/20 48/25 85/25  pounds [1] 41/24  practically [1] 58/18  predated [1] 62/3  preparation [1] 12/5  prepare [4] 25/23 49/21 50/2 50/8  prepared [5] 27/1 47/3 47/16 50/6 105/8  99/8  presence [5] 67/18 71/3 74/18 78/18  99/8  present [10] 3/1 5/8 6/3 12/24 18/25  63/13 66/18 67/14 69/8 84/4  presented [1] 19/2  presenting [1] 18/7  presently [1] 80/13  presents [1] 61/10  preservation [1] 14/20  press [5] 43/13 43/15 43/16 44/24 45/9</p>	<p>pretty [2] 94/19 98/24  prevented [1] 40/16  previous [6] 11/8 17/13 55/11 55/24  59/20 70/1  previously [1] 58/22  primer [1] 61/16  printed [1] 17/15  prior [27] 3/14 7/18 16/14 16/14 38/21  56/8 57/2 57/3 57/23 66/16 74/4 75/4  75/20 76/10 76/14 77/2 77/5 78/21 79/5  79/9 80/2 80/25 84/9 84/16 86/14 93/13  94/6  proceed [5] 4/8 12/18 22/15 23/16 78/7  proceedings [3] 2/2 84/5 105/13  process [3] 26/3 51/4 65/15  produce [1] 38/17  program [1] 22/19  prohibit [1] 60/22  promise [6] 18/21 69/19 74/9 74/11  74/13 74/18  promises [6] 58/9 58/11 60/19 64/1 64/3  69/20  prompting [1] 33/25  proper [3] 26/8 60/7 60/9  property [3] 8/16 10/3 10/11  proposed [1] 85/10  proposition [3] 59/11 59/12 60/17  prosecution [2] 4/8 43/13  prosecution's [1] 62/23  prosecutor [3] 1/16 1/18 25/21  Prosecutors [1] 3/8  protect [1] 9/21  publication [2] 28/20 35/10  publicized [1] 43/13  publishing [1] 31/5  purpose [2] 24/25 100/15  puts [4] 11/4 11/5 34/4 83/14  putting [1] 82/14</p>	<p>rec [1] 70/9  receipt [1] 38/18  receive [1] 52/6  received [5] 38/7 41/3 41/15 52/2 94/17  recess [5] 22/12 22/13 23/9 23/13 39/3  recognize [2] 35/2 98/12  recognized [1] 53/25  recollect [1] 25/6  recollection [2] 44/15 79/15  reconvene [2] 104/5 104/13  Reconvened [4] 3/1 22/14 23/14 39/4  record [16] 3/13 4/16 5/6 5/13 19/6  22/11 37/4 38/1 42/18 42/23 46/23  48/10 53/5 58/6 67/5 92/19  recorders [1] 6/13  recording [1] 52/4  recovered [1] 26/20  refer [2] 14/12 90/1  reference [9] 25/3 54/21 56/12 61/15  73/13 78/17 84/21 85/9 87/25  referenced [3] 54/20 54/22 55/2  references [1] 55/22  referred [1] 58/23  referring [1] 72/19  reflect [4] 5/14 5/16 22/12 67/17  reflected [1] 90/4  refresh [1] 78/11  rehabilitated [1] 82/22  reinterview [1] 12/3  reiterating [1] 75/24  related [6] 3/17 23/11 24/23 44/4 44/21  92/10  relation [1] 43/6  released [1] 3/18  relevance [4] 77/16 77/20 78/1 85/14  rely [1] 20/20  remain [1] 17/5  remainder [1] 23/22  remarks [1] 57/12  remember [11] 26/1 26/2 30/19 31/9  31/20 33/4 36/10 43/25 68/14 69/16  74/23  remembers [1] 44/16  remind [1] 23/10  rendered [1] 34/10  rendering [3] 28/12 35/5 36/8  rendition [4] 48/16 48/24 49/4 59/24  repeated [1] 22/21  replete [1] 63/15  report [3] 66/7 66/24 77/14  reported [3] 2/3 67/2 105/6  reporter [7] 2/4 20/21 21/6 21/13 83/4  105/5 105/19  reporting [1] 46/1  reports [2] 39/23 52/7  represent [1] 30/4  representative [1] 36/25  represented [3] 29/15 32/16 49/24  request [2] 50/6 103/4  requested [5] 6/20 26/25 36/18 81/15  94/5  rereading [1] 78/5  resist [2] 13/17 102/6  resort [2] 56/11 96/12  respect [2] 43/21 60/20  respond [4] 7/5 54/18 89/17 101/22  responded [1] 7/6  responding [2] 39/22 75/21  response [16] 54/16 75/11 75/22 81/14  86/19 87/7 88/3 88/7 88/8 88/19 88/22  89/21 89/22 89/24 90/19 98/2  responses [4] 54/13 58/17 58/25 95/15  restrained [1] 46/20</p>
	<p><b>Q</b></p> <p>quarter [1] 39/1  quarters [1] 89/10  quibble [2] 45/6 50/15  quick [1] 46/22  quickly [2] 94/5 103/11  quite [4] 53/20 63/4 66/20 92/24  quote [8] 15/1 64/24 67/19 69/9 69/14  76/7 86/6 100/24</p>	
	<p><b>R</b></p> <p>Racine [1] 59/8  rack [6] 28/16 33/3 33/4 33/18 33/21  35/22  raised [1] 63/13  raising [1] 56/13  raped [1] 50/22  rapid [1] 90/11  RAV [2] 29/18 36/11  Ray [1] 3/10  RAYMOND [1] 1/21  re [4] 21/20 59/10 60/7 76/25  re-call [1] 21/20  re-interrogation [2] 59/10 60/7  reading [3] 20/17 74/5 88/24  reads [1] 89/6  ready [4] 4/8 19/5 20/6 92/24  real [3] 46/22 94/5 103/10  realized [1] 11/19  Reask [1] 72/5  reason [9] 9/19 15/5 41/11 60/22 70/17  90/3 92/13 96/22 96/25  reasons [6] 9/18 10/13 13/11 96/17  96/18 96/19</p>	



<p><b>R</b></p> <p>restraint [1] 44/10  result [3] 11/15 34/15 84/1  resulted [1] 59/23  results [2] 10/18 12/25  resume [3] 21/16 64/12 92/20  retake [1] 4/10  revealed [1] 58/22  reverse [2] 24/7 28/22  review [8] 52/7 67/10 74/4 76/19 76/21 76/23 77/1 104/8  reviewing [1] 77/13  ride [1] 7/9  right-hand [1] 31/3  rights [12] 16/16 16/17 16/18 16/18 16/23 17/3 17/8 17/10 17/18 17/25 37/18 93/10  River's [1] 56/11  Rivers [10] 6/23 7/8 7/11 7/14 55/3 80/5 93/5 93/15 94/19 95/7  Road [1] 37/6  rode [1] 7/7  role [2] 57/1 85/21  room [9] 5/25 19/20 19/21 19/25 20/2 34/1 35/13 35/21 70/24  RPR [2] 2/3 105/19  rule [4] 60/22 60/25 61/6 61/22  ruling [2] 63/5 64/8  run [1] 104/13</p>	<p>shooting [5] 84/24 85/9 86/7 86/10 102/5  shorthand [1] 105/10  shot [5] 26/21 29/19 30/6 102/11 102/13  shovels [1] 103/16  show [5] 18/2 18/12 18/16 34/22 34/23  showed [2] 18/10 29/24  showing [1] 36/2  shows [3] 17/4 48/3 48/6  sic [1] 96/21  side [6] 10/2 49/12 49/15 49/19 49/22 99/10  sign [4] 18/5 18/6 25/25 26/1  signed [4] 26/17 27/14 27/24 28/9  significant [3] 32/21 75/1 80/12  significantly [1] 36/14  silent [1] 17/5  similar [1] 61/19  simply [2] 53/17 91/1  sin [1] 56/20  single [2] 72/17 73/22  sit [1] 15/10  sitting [2] 6/14 30/21  situation [1] 62/19  six [4] 43/8 44/23 45/8 45/8  Skorlinski [3] 51/22 52/12 52/14  small [4] 19/20 19/21 19/22 36/6  snowmobile [1] 27/20  soft [2] 19/20 19/22  solely [1] 20/20  somehow [1] 10/1  sometime [1] 19/3  sometimes [2] 89/25 90/2  somewhat [3] 54/19 69/23 71/5  somewhere [2] 7/13 10/3  soon [1] 85/10  sort [3] 44/10 75/11 98/2  south [1] 49/1  space [1] 89/22  spatter [3] 84/14 84/18 84/19  speak [11] 7/25 17/25 18/17 18/22 46/3 48/10 49/13 71/3 73/8 73/20 104/15  speaking [6] 54/21 54/22 63/23 65/16 66/16 86/23  Special [7] 1/16 1/18 3/7 8/5 9/14 10/15 13/7  specifics [1] 72/21  sped [1] 25/16  speed [1] 23/1  spell [1] 4/16  spells [1] 17/6  spoke [3] 7/18 41/23 72/9  spoken [3] 23/1 51/23 52/20  spot [1] 22/18  spots [1] 103/19  SS [1] 105/1  stab [1] 29/3  Stachowski [3] 34/16 47/20 48/20  Stachowski's [1] 49/23  Stahlke [1] 84/12  stain [3] 29/23 29/23 29/24  stains [2] 10/24 11/3  stand [3] 4/11 60/24 80/1  standing [3] 27/24 30/5 30/6  stands [2] 62/21 104/18  start [2] 58/18 79/20  started [2] 7/14 24/15  starting [2] 25/22 73/16  State's [2] 56/25 57/9  statement [48] 17/11 42/25 46/1 46/3 46/7 46/18 46/19 53/22 54/3 54/25 55/2 55/21 55/22 56/22 59/23 60/6 60/12 60/15 61/14 61/17 66/18 67/17 73/21</p>	<p>75/7 75/23 76/11 77/2 77/5 77/19 80/3 80/4 80/10 80/12 82/7 82/11 82/12 83/21 87/12 87/14 88/22 90/1 91/17 93/14 94/6 95/25 100/5 101/20 102/1  statements [22] 45/21 47/19 48/23 49/24 53/19 53/24 54/12 56/9 56/13 56/18 57/2 57/3 57/5 57/13 57/23 59/3 59/4 61/2 62/10 62/20 64/1 100/6  Station [1] 55/3  statute [1] 62/11  stay [3] 63/8 96/9 96/15  stenographic [1] 105/9  steps [1] 35/16  Steve [8] 27/23 28/12 30/6 32/10 34/2 47/1 47/19 47/22  Steve's [2] 36/5 103/3  Steven [6] 26/12 37/4 41/20 56/5 67/20 87/25  stick [4] 13/20 29/15 30/16 30/24  sticker [1] 38/14  still [4] 9/9 35/25 73/6 95/23  stipulated [1] 62/5  stipulation [1] 34/13  stomach [1] 24/11  stop [5] 21/19 22/2 23/25 33/15 102/15  stopped [5] 22/5 22/9 22/24 23/5 23/20  stopping [1] 26/2  stories [1] 58/1  stricken [1] 79/24  structured [1] 60/25  student [2] 42/13 80/22  stuff [3] 19/24 74/4 103/3  subject [2] 71/2 90/24  subjects [1] 91/5  subsequent [1] 5/7  subsequently [1] 32/24  succession [1] 90/11  successive [1] 69/25  suggest [3] 61/5 78/6 101/3  suggested [3] 63/18 78/19 97/22  suggestibility [1] 63/14  suggestible [1] 13/13  suggesting [3] 57/13 80/11 101/7  suggestion [1] 79/6  suggests [1] 88/5  summary [1] 52/8  sup [1] 30/23  superior [4] 14/13 14/16 15/2 64/21  supposed [3] 30/4 30/11 47/21  supposedly [1] 30/23  surprise [1] 101/3  surrounding [1] 60/14  suspect [13] 9/6 13/25 14/5 25/4 50/11 50/19 59/10 90/7 93/17 93/19 93/24 99/3 99/5  suspects [4] 50/13 50/16 50/17 51/17  sustained [1] 45/24  sworn [1] 4/14  System [1] 5/2</p> <p><b>T</b></p> <p>table [2] 6/14 19/25  tactic [1] 64/21  tainted [1] 10/6  tainting [1] 10/12  taken [2] 59/5 105/9  takes [2] 71/9 90/2  talking [13] 22/1 23/11 26/6 31/19 40/25 44/3 51/10 62/1 68/23 74/2 91/23 91/24 91/25  tape [5] 14/12 21/20 22/2 22/9 23/25  taped [2] 57/2 57/3  tattoo [3] 24/11 24/12 24/18</p>
--	---	--

<p>T</p> <p>team [1] 43/13</p> <p>technique [9] 13/24 14/14 14/16 16/11 65/17 71/1 71/7 90/9 90/13</p> <p>techniques [10] 13/2 13/16 14/9 15/25 16/7 64/16 70/5 70/7 95/5</p> <p>tedi [1] 94/23</p> <p>tedium [1] 94/23</p> <p>teenager [1] 42/5</p> <p>telling [17] 10/11 11/18 11/25 12/12 33/17 34/1 44/24 47/17 57/16 57/19 87/15 93/21 96/3 98/6 100/12 100/20 101/10</p> <p>tells [5] 9/10 33/22 45/1 45/9 99/19</p> <p>tender [1] 38/19</p> <p>Teresa [27] 24/10 24/23 26/22 27/23 32/1 32/18 33/9 33/12 35/7 35/8 40/3 43/19 43/23 44/10 44/12 44/25 45/10 45/15 46/19 50/23 63/25 66/5 85/5 92/11 102/5 102/11 103/22</p> <p>Teresa's [1] 28/16</p> <p>term [1] 57/8</p> <p>terms [1] 18/7</p> <p>test [4] 25/12 71/5 71/7 78/1</p> <p>testimony [12] 31/15 34/10 40/25 41/14 44/1 55/9 55/18 57/17 58/7 58/8 79/18 96/14</p> <p>text [1] 88/9</p> <p>thanks [1] 3/13</p> <p>themselves [1] 57/5</p> <p>theory [1] 59/22</p> <p>thereafter [2] 75/10 105/11</p> <p>thinking [4] 8/11 9/8 9/11 90/3</p> <p>third [1] 86/14</p> <p>this [142]</p> <p>THOMAS [1] 1/15</p> <p>though [4] 40/6 40/20 57/4 61/15</p> <p>thought [3] 10/2 33/10 75/24</p> <p>thousand [1] 66/11</p> <p>threaten [1] 90/16</p> <p>threatened [1] 91/16</p> <p>threats [3] 56/5 90/23 90/25</p> <p>three [13] 30/15 30/15 30/22 39/1 52/24 54/4 60/2 67/21 89/10 89/16 89/20 89/20 91/2</p> <p>three-day [1] 60/2</p> <p>three-quarters [1] 89/10</p> <p>throat [1] 29/3</p> <p>through [7] 23/2 25/16 38/6 40/11 45/14 56/7 73/20</p> <p>throughout [4] 40/10 67/14 72/14 84/4</p> <p>Thus [1] 62/22</p> <p>tied [1] 46/19</p> <p>times [13] 65/20 70/12 87/1 92/1 97/19 97/24 97/25 98/3 98/6 100/25 101/4 101/9 101/9</p> <p>Timothy [1] 34/12</p> <p>today [12] 5/8 27/3 40/11 51/8 51/10 70/10 79/18 97/22 103/10 103/25 104/4 104/12</p> <p>toes [4] 76/15 76/15 79/8 79/9</p> <p>together [2] 40/10 40/19</p> <p>told [34] 8/22 9/23 10/8 10/12 10/16 11/3 12/7 12/14 25/1 33/23 41/24 44/11 44/13 46/2 46/5 46/8 50/2 50/22 65/24 65/25 69/7 69/8 73/3 74/22 87/5 97/22 97/25 98/8 100/25 101/10 102/16 102/23 103/2 103/19</p> <p>Tom [1] 3/8</p> <p>tomorrow [3] 104/5 104/10 104/13</p> <p>tone [1] 57/16</p> <p>tonight [1] 104/8</p>	<p>too [1] 36/11</p> <p>Top [1] 86/14</p> <p>totally [1] 95/24</p> <p>toward [1] 67/18</p> <p>Town [1] 37/6</p> <p>trailer [4] 26/13 33/2 34/6 37/5</p> <p>trained [1] 83/10</p> <p>transcribed [1] 105/11</p> <p>transcript [16] 2/2 20/22 20/25 21/8 52/3 52/6 56/1 67/1 78/25 79/2 88/24 89/3 89/6 98/12 105/8 105/12</p> <p>transcription [1] 105/11</p> <p>transcripts [1] 20/15</p> <p>trees [1] 58/19</p> <p>trial [4] 1/4 1/5 26/14 29/22</p> <p>trick [1] 100/3</p> <p>trooper [4] 34/11 34/19 35/24 36/19</p> <p>trust [1] 69/3</p> <p>trustworthiness [3] 21/7 62/16 62/20</p> <p>truth [11] 57/17 57/19 57/22 69/9 69/21 74/20 98/6 99/19 100/2 100/12 102/8</p> <p>truthful [2] 55/11 56/15</p> <p>truthfully [1] 67/19</p> <p>try [4] 15/18 16/8 85/17 94/20</p> <p>trying [1] 68/25</p> <p>TV [2] 17/4 19/23</p> <p>two [39] 6/23 7/8 7/11 7/14 9/4 9/18 10/4 10/13 17/7 19/21 26/20 28/23 30/2 35/5 35/19 35/20 40/9 47/11 47/15 48/23 52/23 55/2 55/25 56/8 59/2 59/20 60/2 60/11 66/11 68/21 77/16 77/20 80/5 93/5 93/14 94/19 95/7 96/17 96/19</p> <p>Two-0-eight [1] 47/11</p> <p>two-day [1] 60/11</p> <p>two-drawer [1] 35/20</p> <p>Two-eleven [2] 35/5 47/15</p> <p>two-file [1] 35/19</p> <p>type [5] 14/18 14/19 15/5 16/10 94/20</p> <p>types [1] 58/2</p>	<p>55/2</p> <p>vis [4] 32/22 32/22 77/18 77/18</p> <p>vis-a-vis [2] 32/22 77/18</p> <p>W</p> <p>W-i-e-g-e-r-t [1] 4/17</p> <p>waited [1] 7/21</p> <p>waiting [1] 7/21</p> <p>waiver [4] 16/18 16/23 17/24 37/18</p> <p>walk [2] 34/5 71/15</p> <p>walks [1] 33/13</p> <p>wall [8] 19/25 28/15 33/3 35/21 49/5 49/8 49/11 49/12</p> <p>warning [3] 16/18 16/22 93/22</p> <p>warrant [9] 25/23 26/3 26/5 26/9 26/12 26/16 26/18 33/16 33/22</p> <p>warrants [1] 33/1</p> <p>watch [1] 17/4</p> <p>watched [2] 70/10 97/21</p> <p>watching [2] 20/17 80/25</p> <p>water [1] 59/22</p> <p>ways [2] 14/3 14/7</p> <p>wearing [1] 5/10</p> <p>weight [2] 41/5 41/20</p> <p>welfare [1] 96/16</p> <p>west [1] 49/1</p> <p>Where's [1] 49/2</p> <p>Wherein [8] 22/4 22/5 22/23 22/24 23/4 23/5 23/19 23/20</p> <p>whole [4] 84/11 91/25 97/11 99/19</p> <p>widely [1] 43/13</p> <p>Wiegen [1] 96/21</p> <p>WIEGERT [12] 2/10 4/10 4/12 4/17 4/20 21/16 24/5 37/3 39/10 64/14 69/22 84/1</p> <p>willingly [1] 102/25</p> <p>willingness [1] 18/17</p> <p>wis [2] 9/9 61/24</p> <p>WISCONSIN [9] 1/1 1/3 1/14 1/16 1/18 3/4 37/7 105/1 105/6</p> <p>wish [4] 17/10 57/14 63/1 83/23</p> <p>wished [1] 7/20</p> <p>wishes [1] 77/22</p> <p>without [9] 33/25 60/24 61/14 66/7 74/5 75/11 81/14 94/23 95/20</p> <p>witness [18] 4/13 5/14 9/9 9/9 9/11 12/1 18/6 37/12 38/19 54/21 55/4 55/6 66/14 76/17 76/24 80/2 82/25 84/8</p> <p>witnesses [3] 2/9 51/16 84/9</p> <p>word [2] 51/11 73/22</p> <p>words [1] 20/18</p> <p>working [1] 40/9</p> <p>works [1] 14/3</p> <p>worried [1] 9/25</p> <p>worry [1] 100/24</p> <p>wound [2] 85/5 85/22</p> <p>wounds [2] 66/5 85/25</p> <p>wrap [2] 55/8 103/10</p> <p>writing [1] 17/14</p> <p>writings [1] 27/12</p> <p>wrote [2] 43/1 55/25</p>
	<p>U</p> <p>ultimate [1] 64/24</p> <p>ultimately [2] 63/16 96/6</p> <p>uncommon [1] 90/9</p> <p>Unfortunately [1] 6/12</p> <p>Unintelligible [3] 64/5 72/4 82/18</p> <p>unless [4] 62/14 73/4 75/3 76/13</p> <p>unlike [1] 54/25</p> <p>unquote [1] 15/1</p> <p>untruths [1] 65/25</p> <p>unusual [3] 15/12 65/6 65/10</p> <p>upset [1] 16/5</p> <p>utilized [3] 65/17 84/18 95/6</p> <p>uttered [1] 78/22</p>	<p>X</p> <p>X's [1] 30/2</p>
	<p>V</p> <p>Vague [1] 85/12</p> <p>value [1] 59/5</p> <p>vantage [1] 100/11</p> <p>variation [1] 20/18</p> <p>variations [1] 94/1</p> <p>varied [1] 70/7</p> <p>various [1] 90/12</p> <p>vehicle [1] 27/21</p> <p>verify [1] 42/13</p> <p>versa [1] 40/14</p> <p>vice [1] 40/14</p> <p>vice-versa [1] 40/14</p> <p>video [11] 4/2 20/8 20/17 45/14 55/22 56/7 70/10 70/22 80/25 97/21 98/13</p> <p>videotape [6] 20/16 20/19 20/20 80/3 80/10 93/14</p> <p>videotaped [6] 6/24 7/2 12/9 12/23 29/1</p>	<p>Y</p> <p>years [2] 39/13 83/13</p> <p>Yep [4] 48/5 68/16 76/9 102/6</p> <p>yesterday [6] 4/21 34/4 40/25 43/1 51/9 51/12</p> <p>young [1] 63/8</p> <p>yourselves [1] 104/16</p>

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