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CLERK OF COURT OF APPEALS
OF WISCONSIN

STATE OF WISCONSIN

COURT OF APPEALS

DISTRICT II

Case No. 2017AP002288

STATE OF WISCONSIN,

Plaintiff-Respondent,

v.

STEVEN A. AVERY,

Defendant-Appellant.

**DEFENDANT-APPELLANT'S MOTION TO SUPPLEMENT THE
RECORD ON APPEAL WITH CD DISCLOSED TO DEFENDANT
FOR THE FIRST TIME ON APRIL 17, 2018**

The Defendant-Appellant, Steven A. Avery, by his undersigned attorneys, Kathleen T. Zellner and Steven G. Richards, moves this Court to supplement the Record on Appeal with a CD disclosed to Defendant for the First time on April 17, 2018. In support of this motion, Appellant states as follows:

1. In the current appeal, one of Appellant's arguments is that the circuit court's dismissal of his post-conviction motion without a hearing was improper because Appellant suffered multiple *Brady* violations. One of those *Brady* violations occurred when the State failed to disclose a CD which contained an analysis of images and information obtained after the Dassey's computer was seized and its hard drive analyzed.

2. To establish his *Brady* claims, Appellant must show that evidence was withheld, the evidence is exculpatory and/or impeaching, and the evidence is material.

3. Through her investigation, undersigned counsel has reviewed the numerous discovery disclosures made by the State to Appellant's defense attorneys prior to trial. Counsel has also obtained an affidavit from defense attorney Jerome F. Buting ("Attorney Buting"). That affidavit is attached as Exhibit A.

4. In his affidavit, Attorney Buting explains that during pre-trial discovery, he received a report from Special Agent Thomas Fassbender ("Fassbender"), entitled, "Examination of Dassey Computer." (DCI Report No., 05-1776/304) (Exhibit 1, ¶ 4). That report

describes the state's seizure of a computer from the Dassey residence¹ on April 26, 2006. (Exhibit 1, ¶ 5). The report reflects that the computer was provided to Detective Mike Velie ("Velie") for forensic examination and then returned to Fassbender. (*Id.*). According to the report, Velie also gave Fassbender a CD titled "Dassey's computer, final report, investigative copy." (Exhibit A, ¶ 5). The CD "contained information on websites and images from the hard drive." (*Id.*). Those images included "violent pornography, including 'injuries to humans, to include a decapitated head, badly injured and bloody baby, a bloody head injury, and a mutilated body.'" (*Id.*).

5. Neither the CD or the investigative report by Velie ("Velie Report") were ever disclosed to Attorney Buting or any of Appellant's defense attorneys. (*Id.* at ¶ 6). This conclusion is clear from a review of a December 14, 2006, letter from Prosecutor Kratz itemizing the discovery but not referencing the "Dassey's computer, final report, investigative copy." (*Id. citing* Exhibit 1 to Attorney Buting's affidavit).

¹ That computer was taken from Bobby Dassey's bedroom. At the time of the investigation of Ms. Halbach's murder the computer was filmed in a crime scene video by Sgt. Tyson as being located in Bobby Dassey's bedroom. (See Exhibit 5, November 12, 2005 crime scene video).

6. The CD was never logged into evidence but instead, Fassbender kept the CD in his possession. (*Id.* at ¶ 7). This explains why Attorney Buting never saw the CD when he and the defense team reviewed all of the evidence in the case. (*Id.* at ¶¶ 8, 9).

7. Fassbender's retention of the CD explains why the defense attorneys received seven DVDs from the Dassey computer hard drive, but not the CD. On December 19, 2006, Defense attorney Dean Strang had his paralegal send the seven DVDs to Attorney Buting, but no CD is referenced. (See letter from Attorney Strang's paralegal to Attorney Buting, attached as Exhibit 2).

8. Pursuant to her continued investigation, undersigned counsel requested that the Wisconsin Department of Justice ("DOJ") produce the CD and on April 17, 2018, the DOJ did so.

9. Undersigned counsel provided the newly obtained CD to forensic computer expert Gary Hunt ("Expert Hunt"). On May 8, 2018, Expert Hunt provided his preliminary evaluation to undersigned counsel. (See (See Hunt report, attached as Exhibit 3).

10. Expert Hunt reviewed the CD and discovered the CD contains 1625 photos categorized as "recovered pornography". (Exhibit 3). Expert Hunt also explains that the CD contains 2632 search results

for the terms “Blood, body, bondage, bullet, cement, DNA, fire, gas, gun, handcuff, journal.” (*Id.*). Further, the CD contains an “Examination Report” which outlines the acquisition and analysis performed by Velie and reflects that Velie turned over his “final report” to Fassbender. (*Id.*).

11. Thus, Appellant has established that the CD was not disclosed and that it contains exculpatory and/or impeaching information. Obviously, the information on the CD demands the very reasonable inference that Bobby Dassey viewed violent pornography and engaged in searches relevant to the murder of Teresa Halbach,

12. Indeed, Attorney Buting explains:

At approximately the same time that the December 14, 2006 mass of discovery was received by us, defense counsel was preparing a motion under *State v. Denny* to introduce evidence of third-party suspects at Mr. Avery’s trial. In that *Denny* motion, subsequently filed by the defense on January 8, 2007, we named Bobby Dassey as a possible suspect for the homicide of Teresa Halbach. We established that he had access and opportunity to have committed the crime, but the court ruled no motive was established and therefore denied the *Denny* motion as to Bobby Dassey and others. If there was anything that was on the CD investigator report from Detective Velie that would have linked Bobby Dassey to the violent porn images found on the Dassey computer, we would have included such information in our *Denny* motion. Such information could have strengthened Bobby Dassey as a possible suspect who may have sexually assaulted and killed Ms. Halbach, and specifically would have provided evidence of motive. (Exhibit 1, ¶ 10).

13. In *State v. Dressler*, 180 Wis. 2d 468 (Ct. App. 1993) the Sheriff's department seized videotapes, photographs and magazines depicting actual murders, mutilation, homosexual acts and other pornography from the defendant's home pursuant to their homicide investigation. The materials included sado-masochism pornography and "snuff films" depicting torture of death scenes. (*Id.*) The defendant sought to bar the pornography from his trial, arguing that the material was irrelevant and unfairly prejudicial. The Appellate Court disagreed, finding that the trial court had properly admitted the evidence because the State theorized the defendant was sexually motivated to commit the murder.

14. In the case at bar, the State argued that the perpetrator sexually assaulted Ms. Halbach. Appellant sought to introduce evidence that a third party raped and murdered Ms. Halbach. The images and search terms on Velie's Dassey computer report CD are obviously relevant as they show Bobby Dassey, and not Appellant, was motivated by his sexual desires to commit the murder. The CD contains information exculpatory to Appellant.

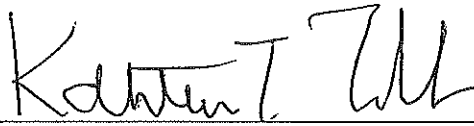
15. Finally, the information on the CD is material. The evidence against Appellant was not overwhelming. Had Appellant been permitted to present the court with the information on the CD, his defense attorneys would have had the motive evidence they needed to present to prevail on their *Denny* motion. Had the jury then heard the crucial evidence inculcating Bobby Dassey, the outcome of Appellant's trial would almost certainly have been different.

16. For these reasons, Appellant respectfully requests that this motion be granted and Record on Appeal be supplemented with the CD. This Court's review of the CD is relevant to the Court's review and will aid in its resolution of the *Brady* issue.

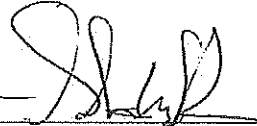
Wherefore, undersigned counsel respectfully requests that this Court enter an order permitting supplementation of the Record on Appeal with the attached CD and evidentiary envelope. (Exhibit 4).

Dated this 14th day of May, 2018.

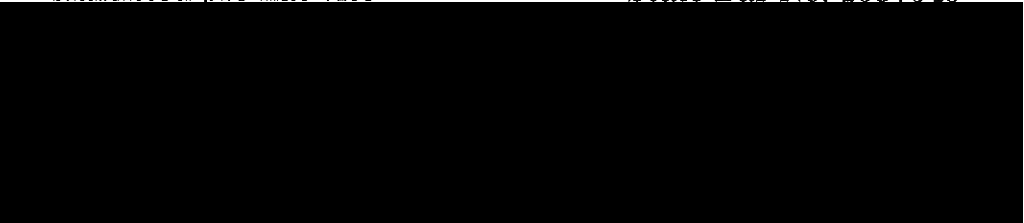
Respectfully submitted,



Kathleen T. Zellner
Admitted pro hac vice



Steven G. Richards
State Bar No. 1037545



CERTIFICATE OF SERVICE

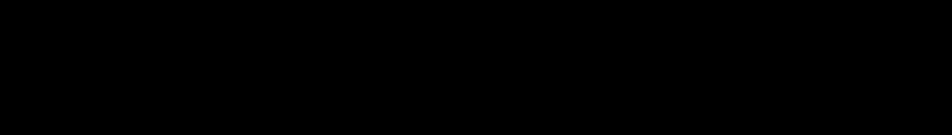
I certify that on May 15, 2018, a true and correct copy of Defendant-Appellant's Motion to Supplement the Record on Appeal with CD Disclosed to Defendant for the First Time on April 17, 2018, was furnished via electronic mail and by first-class U.S. Mail, postage prepaid, to:

Ms. Lynn Zigmunt

Mr. Jeffrey J. Kassel



Manitowoc County D.A.'s Office Mr. Mark S. Williams



A handwritten signature in cursive script that reads "Kathleen T. Zellner".

Kathleen T. Zellner
Kathleen T. Zellner

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

Case No. 2005 CF 381

STEVEN A. AVERY,

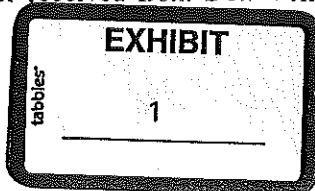
Defendant.

Affidavit of Jerome F. Buting

STATE OF WISCONSIN)
)SS
 COUNTY OF WAUKESHA)

I, Jerome F. Buting, swear and depose as follows:

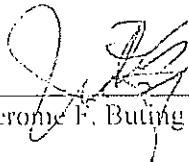
1. I am an attorney licensed to practice law in the State of Wisconsin.
2. I was one of the attorneys retained to represent Steven Avery at his trial in this case. I represented him from about March 2006 through June 1, 2007.
3. During our pretrial representation of Mr. Avery we periodically received discovery from Special Prosecutor, Kenneth Kratz. Items of discovery that we received from Mr. Kratz were itemized by a cover letter which went along with the disclosure of such items to Mr. Avery's defense counsel.
4. By correspondence dated December 14, 2006, attached as Exhibit 1 to this affidavit, we received a large batch of discovery from Special Prosecutor Kratz. Contained in that batch of discovery was a report from Special Agent Thomas Fassbender, entitled, "Examination of Brendan Dassey Computer." The report number for that report was DCI Report No. 05-1776/304. The report by Special Agent Fassbender had a report date of December 7, 2006. It is attached as Exhibit 2 to this affidavit.
5. DCI Report No. 05-1776/304 describes the state's seizure of a computer from a Dassey residence on Friday, April 21, 2006. The report states that on April 22, 2006 the Dassey computer was transferred to Detective Mike Velie of the Grand Chute Police Department for forensic examination. According to the report, Det. Velie returned the computer to Special Agent Fassbender on May 11, 2006. The report states that on some unspecified subsequent date Fassbender received from Det. Velie a CD titled "Dassey's computer,



final report, investigative copy.” The report further states that this CD “contained information on websites and images from the hard drive.” Special Agent Fassbender further states in the report that images found on the Dassey computer included violent pornography, including “injuries to humans, to include a decapitated head, badly injured and bloody body, a bloody head injury, and a mutilated body.”

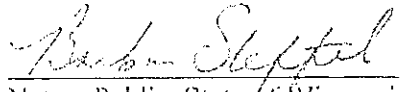
6. Neither the above referenced CD nor the investigative report of Det. Velie was ever turned over in discovery. The December 14, 2006 letter from Special Prosecutor Kratz (Exhibit 1) which itemizes the discovery related to this report, confirms by omission that no CD entitled “Dassey’s computer, final report, investigative copy” was included in this batch of discovery.
7. At the end of DCI Report No. 05-1776/304 Special Agent Fassbender indicates that he never booked the CD into evidence that was maintained by the Calumet County Sheriff’s Dept. on the Avery case. Instead, the report states, “the disc received from Det. Velie, as well as the hard copy pages of instant message conversations were maintained in Special Agent Fassbender’s possession.”
8. Co-counsel Dean Strang and I met with Calumet County Sheriff’s Deputy Jeremy Hawkin, before trial, and viewed all of the evidence maintained by that department in their property inventory on this case. To the best of my recollection, the CD entitled, “Dassey’s computer, final report, investigative copy” was not contained in any evidence that we reviewed at the Calumet County Sheriff’s Office.
9. To the best of my recollection I never saw the CD entitled, “Dassey’s computer, final report, investigative copy” or any of the violent pornography images discussed by Special Agent Fassbender.
10. At approximately the same time that the December 14, 2006 mass of discovery was received by us, defense counsel was preparing a motion under *State v. Denny* to introduce evidence of third-party suspects at Mr. Avery’s trial. In that *Denny* motion, subsequently filed by the defense on January 8, 2007, we named Bobby Dassey as a possible suspect for the homicide of Teresa Halbach. We established that he had access and opportunity to have committed the crime, but the court ruled no motive was established and therefore denied the *Denny* motion as to Bobby Dassey and others. If there was anything that was on the CD investigator report from Det. Velie that would have linked Bobby Dassey to the violent porn images found on the Dassey computer, we would have included such information in our *Denny* motion. Such information could have strengthened Bobby Dassey as a possible suspect who may have sexually assaulted and killed Ms. Halbach, and specifically would have provided evidence of a motive.

Dated at Brookfield, WI this 13th day of November, 2017.



Jerome F. Buting

Subscribed and sworn to before me
this 13th day of November, 2017.



Notary Public, State of Wisconsin
My Commission Expires: 4-17-21

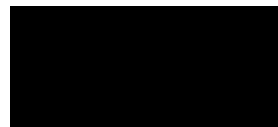


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CALUMET COUNTY
DISTRICT ATTORNEY'S OFFICE

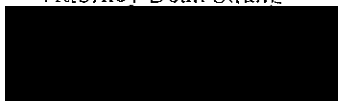
Kenneth R. Kratz, District Attorney

Jeffrey S. Froehlich,
Assistant District Attorney
Julie L. Leverenz/Blonda K. Thomas
Victim/Witness Assistance Coordinators



December 14, 2006

Attorney Dean Strang

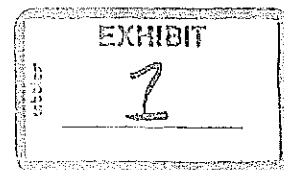


Re: State of Wisconsin vs. Steven A. Avery
Manitowoc County Case No. 05-CF-381

Dear Attorney Strang:

Recognizing this office's continuing duty of providing discovery, enclosed please find additional information regarding the above-captioned case.

1. CD - Toyota Rav 4 Original Laser Scans 11/15/06
2. CD - Avery Calls: 11/1/06 - 11/13/06
3. CD - Avery Calls: 11/14/06 - 11/27/06
4. CD - Avery Calls: 11/28/06 - 12/4/06
5. CD - Avery Calls: 12/5/06 - 12/12/06
6. CD - Jodi Phone Calls: 12/15/05 - 1/8/06
7. CD - Jodi Stachowski: 2/15/06
8. Photos: S3 (1-102)
9. Photos: E2 (1-133)
10. Photos: A18 (1-23)
11. Photos: A19 (1-68)
12. Photos: A20 (1-17)
13. Search Warrant & Return for Dassey Residence - 4/21/06 (12 pgs)
14. Search Warrant & Return for Avery's Kodak Easyshare camera - 10/6/06 (9 pgs)
15. MCSD Narrative Report - Officer Shallus - 11/30/06 (2 pgs)
16. Supplemental Report - Officer JoAnn Mignon (BPD) - 11/7/05 (2 pgs)
17. MCI Voice Services - Toll Free Call Detail of Auto Trader - 10/15/05 - 11/14/05 (30 pgs)
18. FBI Laboratory Report dated 1/17/06 re: charred remains & buccal swabs of Karen Halbach (3 pgs)
19. FBI Report dated 1/4/06 by Gerald Mullen re: examination of Canon Sure Shot digital camera and cellular telephone - received 1/6/06 (4 pgs)



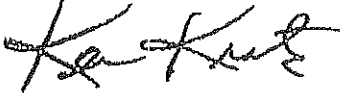
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20. FBI Report from Gerald Mullen re: examination of digital camera and cellular telephone – received 4/19/06 (3 pgs)
21. Written statement of Bobby Dassey – 11/5/05 (1 pg)
22. Written statement of Josh Radandt – 11/5/05 (1 pg)
23. Written statement of Jodi Stachowski – 11/6/05 (1 pg)
24. Written statement of George Zipperer – 11/6/05 (1 pg)
25. Written statement of Paul Metz – 11/20/05 (1 pg)
26. Written statement of William Elroy Brandes, Jr. – 12/7/05 (1 pg)
27. Written statement of Nikole Sturm – 11/5/05 (1 pg)
28. Written statement of JoEllen Zipperer – 11/6/05 (1 pg)
29. Diagram drawn by Bobbie Dassey on 2/27/06 (1 pg)
30. Signed Miranda Warnings: Earl Avery (11/9/05); Bobby Dassey (11/9/05); Jodi Stachowski (11/8/05); Jodi Stachowski (11/11/05); Brendan Dassey (5/13/06) (5 pgs)
31. Leads Information: 11/8/05 – 11/12/05 (6 pgs)
32. Info provided from Kohl's regarding Teresa Halbach's credit card account (25 pgs)
33. Photo Log & Photos – Wisconsin State Patrol (30 pgs)
34. CCSD Evidence/Property Custody Document Re: Fiber, Vacuum Roller & Carpet Cleaner (1 pg)
35. Receipt of Physical Evidence received from State Crime Lab (57 pgs)
36. Crime Lab Report – Sherry Culhane – 11/14/05 (4 pgs)
37. Crime Lab Report – Sherry Culhane – 12/5/05 (3 pgs)
38. Crime Lab Report – Sherry Culhane – 3/31/06 (7 pgs)
39. Crime Lab Report – Sherry Culhane – 5/8/06 (5 pgs)
40. Crime Lab Report – Sherry Culhane – 12/4/06 (6 pgs)
41. Crime Lab Report – John Ertl – 11/23/05 (5 pgs)
42. Crime Lab Report – Michael Haas – 11/9/05 (1 pg)
43. Crime Lab Report – William Newhouse – 2/21/06 (1 pg)
44. Crime Lab Report – William Newhouse – 5/10/06 (1 pg)
45. Crime Lab Report – Kenneth Olson – 12/13/05 (1 pg)
46. Crime Lab Report – Kenneth Olson – 2/27/06 (1 pg)
47. Crime Lab Report – Kenneth Olson – 5/26/06 (1 pg)
48. Crime Lab Report – Kenneth Olson – 12/4/06 (1 pg)
49. Crime Lab Report – Michael Riddle – 3/8/06 (1 pg)
50. Crime Lab Report – Michael Riddle – 3/17/06 (1 pg)
51. Crime Lab Report – Michael Riddle – 4/26/06 (1 pg)
52. Crime Lab Report – Michael Riddle – 12/5/06 (1 pg)
53. Crime Lab Report – Michael Riddle – 4/26/06 (1 pg)
54. Crime Lab Report – R. Nick Stahlke – 1/31/06 (2 pgs)
55. Crime Lab Report – Joseph Wermerling – 12/6/05 (1 pg)
56. CCSD Supplemental Contact Reports – (19 pgs)
57. CCSD Narrative Reports pgs. 967-969 w/ attached letter written by Tiffany to Sandra Barth (4 pgs)
58. CCSD Narrative Reports pgs. 970-1006
59. CCSD Narrative Report pg. 1007 w/ attached letters from Andres Martinez (6 pgs)
60. CCSD Narrative Report pgs. 1008-1009 w/ attached letter from Terry Vollbrecht (4 pgs)

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61. CCSD Narrative Report pgs. 1010 w/ attached Crime Lab Report of Sherry Culhane dated 12/4/06 (6 pgs) & Crime Lab Report of Michael Riddle dated 12/5/06
62. CCSD Narrative Report pgs 1011-1017
63. CCSD Narrative Report pg. 1018 w/ attached Crime Lab Report of Kenneth Olson dated 12/4/06
64. CCSD Narrative Reports pgs. 1019-1021 w/ attached Crime Lab Receipt of Physical Evidence dated 9/19/02 & Order signed by Judge Hazelwood on 5/2/02 (6 pgs)
65. CCSD Narrative Reports pgs. 1022-1023
66. Responses to Subpoenas For Records - Misc Telephone Numbers (134 pgs)
67. DCI Narrative Reports: 05-1776/303; 05-1776/304; 05-1776/305; 05-1776/306; 05-1776/307; 05-1776/308; 05-1776/309; 05-1776/310; 05-1776/311; 05-1785/4; 05-1785/5 (115 pgs)
68. Report of Dr. Kenneth Bennett dated 11/10/05 (2 pgs)

Sincerely,



Kenneth R. Kratz
Manitowoc County Special Prosecutor

KRK:mlm

Enclosures

cc: Attorney Jerome Buting
Attorney Norman Gahn
Attorney Thomas Fallon

STATE_1_9972

Wisconsin Case Management

ACISS Investigative Report

Report Number: 05-1776/304

Report Date: 12/07/2006

Primary Information	
Report Number:	05-1776/304
Report Date:	12/07/2006
Type Of Report:	Investigative
Description:	TERESA MARIE HALBACH: Examination of Brendan Dassey Computer
Occurrence From:	04/21/2006 00:00
Occurrence To:	12/30/1899 00:00
Dissemination Code:	Agency
Reporting LEO:	Fassbender, Thomas J (Appleton Special Assignments / Wisconsin Department of Justice DCI)
Approval Status:	Approved
Approved Date:	12/12/2006
Approved By:	Kelly, Carolyn S (Madison Arson / Wisconsin Department of Justice DCI)

Related Subjects						
Name	Type	Sex	Race	DOB	Relationship	
Avery, Mario F	Person	Female	White	6/14/1987	Mentioned	
Fablan, Danny	Person	Male	Unknown	---	Mentioned	
Janda, Barbara Ellen	Person	Female	White	11/7/1964	Mentioned	
Walker, Emily A.	Person	Female	White	6/2/1987	Mentioned	
Avery, Steven Allen Sr	Person	Male	White	7/9/1962	Person of Interest	
Dassey, Brendan R	Person	Male	White	10/19/1989	Person of Interest	

Record Origination Operator:	Price, Denise (Criminal Investigation / Wisconsin Department of Justice DCI)
Record Origination Date:	12/07/2006 08:24
Last Update Operator:	Kelly, Carolyn S (Madison Arson / Wisconsin Department of Justice DCI)
Last Update Date:	12/12/2006 14:20

Fassbender, Thomas J (Appleton Special Assignments / Wisconsin Department of Justice DCI)		Kelly, Carolyn S (Madison Arson / Wisconsin Department of Justice DCI)	12/12/2006

Narrative begins on the following page:

This report is property of Wisconsin Case Management. Neither it or its contents may be disseminated to unauthorized personnel.



Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/304

On Friday, April 21, 2006, pursuant to search warrant, S/A Thomas J. Fassbender and Investigator Mark Wiegert, of the Calumet County Sheriff's Department seized a personal computer CPU and 12 CD-R's from the residence of Barbara Janda.

On Saturday, April 22, 2006, S/A Fassbender transferred said items to Detective Mike Velie, of the Grand Chate Police Department for forensics examination.

On Thursday, May 11, 2006, Detective Velie returned said items to S/A Fassbender for subsequent return to Barbara Janda. S/A Fassbender subsequently received from Detective Velie materials pertaining to his computer analysis of the hard drive and CD-R's. This included numerous hard copy pages of instant message conversations from the hard drive; and a CD titled "Dassey's Computer, Final Report, Investigative Copy." The CD contained information on web sites and images from the harddrive. Also provided by Det. Velie were 6 DVD+R's containing a copy of the harddrive. S/A Fassbender examined the items received and made the following observations:

On February 28, 2006, there was an instant message conversation between an individual, using the screen name "nigerforlife," believed to be Brendan Dassey, and an individual using the screen name "pickup my hand break my fingers and when they feel numb i'll let you know i will scream until i'm out of breath," (Danny_fabian6495269747, believed to be Danny Fabian). During said conversation, Fabian asked Dassey why detectives wanted to speak with Fabian's brother and Dassey stated they just wanted to ask him why Dassey was losing weight.

On February 28, 2006, there was an instant message conversation between Dassey and an individual using the screen name "i gotta make it to heaven fo goin through heff" (slowmotion4ya1091495196), believed to be Emily, a recent girlfriend of Dassey's. During said conversation, Emily asked "Do you think he is guilty?" Dassey responded, "Ya Yea," Emily then asked, "Why do you," and Dassey responded, "I don't know enough to say."

On March 4, 2006, there was an instant message conversation between an individual using Dassey's screen name of "nigerforlife," who identified themselves as "Brendan's mom," and the person utilizing the screen name, "EMILY," believed to be Emily. During said conversation, Emily advised that her mother doesn't want her to be involved with this and she apologizes for that. Barbara Janda responded, "He's not a bad person, his uncle is."

On February 28, 2006, there was an instant message conversation between Dassey and an individual using the screen name, "--jr mafia~nices!!!!bitches, bitches every where i look there is bitches!!!julie i love u to deht!!" (super_botty_6924154349921), believed to be Travis Fabian. During said conversation, Dassey asked Fabian if he thought Steven was guilty and Fabian responded, "Idk," (for

Narrative Page 1

This document contains neither recommendations nor conclusions of the Division of Criminal Investigation. It is the property of this Division, and is loaned to your agency. Its contents are not to be distributed outside your agency.

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Wisconsin Division of Criminal Investigation Case Report
Case/Report Number: 05-1776/304

I don't know), "y." Fabian then asked Dassey if he felt Avery was guilty. Dassey responded, "Ya Emily asked that to me". Fabian asked what Dassey said and Dassey wrote, "Ya," and "Yea". Fabian then repeated, "You saed Ya he's guilty".

On February 28, 2006, there was an instant message conversation between Dassey and an individual using the screen name, "Friendship is long lost love, that you wish you'll be able to overcome," (wingless-angel-2006173960984), believed to be Marie Avery. During said conversation, Dassey asked Marie Avery if she thought Steven was guilty and Marie Avery responded, "Yes yes yes y es yes yes yes finaty". Dassey then wrote, "So do I now of the evidence they got".

In reviewing the images contained on the disc marked final report, S/A Fassbender made the following observations:

Photographs of both Teresa Halbach and Steven Avery with an apparent date of April 18, 2006.

There were numerous images of nudity, both male and female, to include pornography. The pornography included both heterosexual, homosexual and bestiality. There were images depicting bondage, as well as possible torture and pain. There were also text images with the name, "Emily". There were images depicting potential young females, to include an infant defecating. There were images of injuries to humans, to include a decapitated head, a badly injured and bloodied body, a bloody head injury, and a mutilated body.

The disc received from Detective Velje, as well as the hardcopy pages of instant message conversations were maintained in S/A Fassbender's possession.

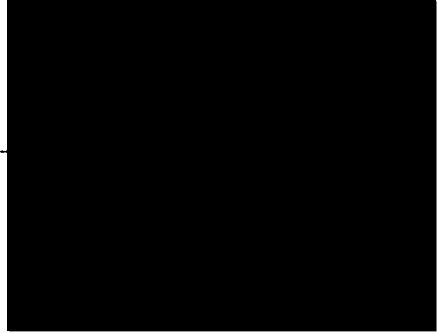
Narrative Page 2

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STATE_1_9917

970689
RA 7-48-9

HURLEY, BURISH & STANTON, S.C.
ATTORNEYS AT LAW



Virginia M. Bartelt
Marcus J. Berghahn
Mark D. Burish
Ralph Cagle
Clifford "Joe" Cavitt
Andrew Erlandson
*Also Licensed In Illinois

Erik R. Guenther
Stephen P. Hurley*
John D. Hyland
Daniel J. Schlichting
Marie A. Stanton
Dean A. Strang
Howard A. Sweet

December 19, 2006

Mr. Jerome F. Buting



Re: *State of Wisconsin v. Steven Avery*
Case No. 05-CF-381

Dear Jerry:

I enclose seven DVDs containing copies of Brendan Dassey's hard drive. These DVDs are an archive copy of the hard drive and can only be viewed with Encase V4 or V5. Any questions please contact me.

Sincerely,

HURLEY, BURISH & STANTON, S.C.

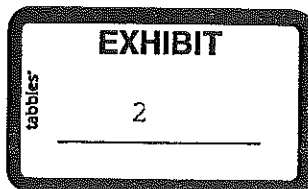
Shavon M. Ryan
Paralegal

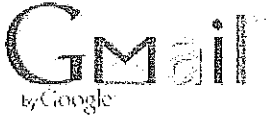
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Dassey Report Summary

Tue, May 8, 2018 at 4:51 PM

Hi Kathleen,

On 4/25/2018 I received a disk marked "Copy of Dassey Computer - Final Report - Investigation Copy" from your office. This disk contains an HTML report for "Dassey's Hard Drive". The report contains information identified over the course of Detective Mike Velie's investigation. It includes:

- Information about the acquisition of the Seagate 40 GB HDD S/N 5LAG2KR6 Removed from HP Pavillion Computer Tower, along with photos and evidence intake forms
- 14099 images recovered from the computer, in addition to 1625 photos categorized as "Recovered Pornography".
- 2632 search results for the terms: *Blood, body, bondage, bullet, cement, DNA, fire, gas, gun, handcuff, journal, Myspace, news, rav, stab, throat, tires*
- Approximately 312 entries identified as Internet History
- 9 documents identified as "Nigerforlife Chat Logs", as well as parsed "MSN Chat Logs".
- Miscellaneous data retrieved from the Windows Registry

There is also a document titled "Compact Disc Info" which lists 12 CDs recovered during the search warrant, but provides no detail on their contents.

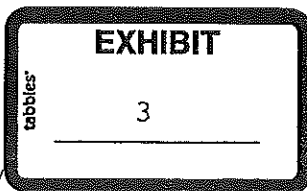
Additionally, there is an "Examination Report" which outlines the acquisition and analysis performed on the HP Pavillion Computer Tower (beginning Page 4). This document mentions a "final report" being turned over to S/A Fassbender. It states "Each one of the CD's was analyzed using CD/DVD Inspector and all twelve CD's contained audio files on each of the CD's. That information was also recorded and attached to the final report." It is not clear if the final report is this HTML report, or a separate document, as no information about the CD's contents was included in the HTML report.

Lets plan to talk tomorrow to discuss in more detail.

Best,
Gary



RELATIVITY INNOVATION AWARDS
BEST INNOVATION: COMMUNITY CHOICE 2017



State Copy

WI DOJ DCI DFU Evidence Disc

Date: 4-17-18 Case #: 16-591

Media: CD & DVD Rpt #: 39

Suspect: Dassey, Brendan; Avery, Steven

Agency: DCI: Appleton / Calumet CTY

Examiner: Hill, Kyle S - DFE



16-591/39.2

One (1) CD - Copy of Dassey Computer - Final Report - Investigation Copy
BIN CC1A04C

EXHIBIT

4

tabbies

State v. Steven Avery
2017 AP 2288

11/12/2005 Sgt. Tyson
Scene Video

