

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

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3 STATE OF WISCONSIN,  
4 PLAINTIFF, JURY TRIAL  
5 vs. TRIAL-DAY 27 VERDICT  
6 STEVEN A. AVERY, Case No. 05 CF 381  
7 DEFENDANT.

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8 **DATE:** MARCH 18, 2007

9 **BEFORE:** Hon. Patrick L. Willis  
10 Circuit Court Judge

11 **APPEARANCES :**

12 KENNETH R. KRATZ  
13 Special Prosecutor  
14 On behalf of the State of Wisconsin.

14 THOMAS J. FALLON  
15 Special Prosecutor  
16 On behalf of the State of Wisconsin.

16 DEAN A. STRANG  
17 Attorney at Law  
18 On behalf of the Defendant.

18 JEROME F. BUTING  
19 Attorney at Law  
20 On behalf of the Defendant.

20 STEVEN A. AVERY  
21 Defendant  
22 Appeared in person.

22 \* \* \* \* \*

23 **TRANSCRIPT OF PROCEEDINGS**

24 Reported by Diane Tesheneck, RPR  
25 Official Court Reporter

1 THE COURT: At this time we are on the  
2 record outside the presence of the jury. The Court  
3 has been informed that the jury has reached verdicts  
4 in this matter. Will the parties present state  
5 their appearances for the record.

6 ATTORNEY KRATZ: Your Honor, the State of  
7 Wisconsin appears by Calumet County District  
8 Attorney Ken Kratz, Assistant Attorney General Tom  
9 Fallon, both appearing as Special Prosecutors.

10 ATTORNEY STRANG: Good afternoon, Steven  
11 Avery is in person. Jerome Buting and Dean Strang  
12 on his behalf.

13 THE COURT: Before the Court brings the  
14 jury in and receives the verdicts, I want to remind  
15 all those present in the courtroom that this is a  
16 court of law. The Court recognizes the emotional  
17 nature of this case and its importance to all  
18 parties involved. However, vocal outbursts or  
19 displays of emotion will not be tolerated. Any  
20 violation will result in removal from the courtroom.  
21 At this time I will ask that the jury be brought in.

22 (Jury present.)

23 THE COURT: You may be seated. Members of  
24 the jury, the Court has been informed that the jury  
25 has reached its verdicts in this case. At this time

1 I will ask the foreperson to present the verdicts to  
2 the bailiff so that they may be brought forward.

3 At this time the Court will read the  
4 verdicts. On Count 1, the verdict reads as  
5 follows: We, the jury, find the defendant,  
6 Steven A. Avery, guilty of first degree  
7 intentional homicide as charged in the first  
8 count of the Information.

9 On Count 2, the verdict reads: We, the  
10 jury, find the defendant, Steven A. Avery, not  
11 guilty of mutilating a corpse as charged in the  
12 second count of the Information.

13 On Count 3, the verdict reads: We, the  
14 jury, find the defendant, Steven Avery, guilty of  
15 possession of a firearm as charged in the third  
16 count of the Information.

17 The verdict on Count 1 is signed by the  
18 foreperson of the jury, dated today. The other  
19 verdicts are also signed by the foreperson of the  
20 jury.

21 At this time the Court is going to poll  
22 the jurors. I will ask the media folks to cut  
23 the audio at this time.

24 Mr. Slaby, were the verdicts as read by  
25 the Court, and are they still now, your verdicts

1 in this case?

2 MR. SLABY: Yes, your Honor.

3 THE COURT: Ms Free, were the verdicts as  
4 read by the Court, and are they still now, your  
5 verdicts in this case?

6 MS FREE: Yes, sir.

7 THE COURT: Ms Schmidt, were the verdicts  
8 as read by the Court, and are they still now, your  
9 verdicts in this case?

10 MS SCHMIDT: Yes, sir.

11 THE COURT: Ms Thorne, were the verdicts as  
12 read by the Court, and are they still now, your  
13 verdicts in this case?

14 MS THORNE: Yes, sir.

15 THE COURT: Ms Dorn, were the verdicts as  
16 read by the Court, and are they still now, your  
17 verdicts in this case?

18 MS DORN: Yes, sir.

19 THE COURT: Mr. Nelesen, were the verdicts  
20 as read by the Court, and are they still now, your  
21 verdicts in this case?

22 MR. NELESEN: Yes, sir.

23 THE COURT: Mr. Klein, were the verdicts as  
24 read by the Court, and are they still now, your  
25 verdicts in this case?

1 MR. KLEIN: Yes, your Honor.

2 THE COURT: Mr. Schuette, were the verdicts  
3 as read by the Court, and are they still now, your  
4 verdicts in this case?

5 MR. SCHUETTE: Yes, your Honor.

6 THE COURT: Ms Flint, were the verdicts as  
7 read by the Court, and are they still now, your  
8 verdicts in this case?

9 MS FLINT: Yes, your Honor.

10 THE COURT: Mr. Mohr, were the verdicts as  
11 read by the Court, and are they still now, your  
12 verdicts in this case?

13 MR. MOHR: Yes, your Honor.

14 THE COURT: Ms Stienmetz, were the verdicts  
15 as read by the Court, and are they still now, your  
16 verdicts in this case?

17 MS STIENMETZ: Yes, your Honor.

18 THE COURT: Mr. Wardman, were the verdicts  
19 as read by the Court, and are they still now, your  
20 verdicts in this case?

21 MR. WARDMAN: Yes, your Honor.

22 THE COURT: Members of the jury, on behalf  
23 of Manitowoc County, I would like to express my  
24 sincerest gratitude and appreciation for your  
25 service in this case. I recognize the personal

1 sacrifice in terms of time and restrictions on your  
2 normal activities that the Court has required of you  
3 during this trial. That sacrifice is a necessary  
4 part of the price we pay for the judicial system  
5 every citizen enjoys. I hope that you found the  
6 experience a rewarding one.

7 Before discharging you, I have one final  
8 instruction. Now that your service in this case  
9 is completed, some of you may have questions  
10 about the confidentiality of the proceedings.  
11 Many jurors ask if they are at liberty to discuss  
12 the case with anyone after receipt of the  
13 verdicts.

14 Because your role in this case is over,  
15 you are free to discuss it with any person you  
16 choose, if you wish. However, you should know  
17 that you do not have to discuss the case with  
18 anyone or answer any questions about it from  
19 anyone other than the Court.

20 If you do decide to discuss the case  
21 with anyone, I would suggest that you treat any  
22 discussion with a degree of solemnity such that  
23 whatever you do say, you would be willing to say  
24 in the presence of your fellow jurors, or under  
25 oath, here in open court, in the presence of the

1 parties.

2 Also, keep in mind, if you do decide to  
3 discuss the case, that your fellow jurors freely  
4 and fully stated their opinions with the  
5 understanding that they were being expressed in  
6 confidence. Please respect the privacy of the  
7 views of your fellow jurors.

8 If any members of the jury wish to  
9 discuss the case today with representatives of  
10 the media, arrangements have been made to permit  
11 you to do so before you leave. Should anyone,  
12 whether from the media or otherwise, persist in  
13 attempting to question you, over your objection,  
14 you should contact the Court.

15 Finally, should any of you have any  
16 questions for the Court before leaving today,  
17 please, let the bailiff know before you leave the  
18 jury room. At this time you are excused.

19 (Jurors excused.)

20 THE COURT: You may be seated. At this  
21 time the Court will entertain any motions for  
22 judgment on the verdicts.

23 ATTORNEY KRATZ: At this time, Judge, I  
24 would ask the Court enter judgment on each of the  
25 three verdicts.

1 THE COURT: Anything from the defense?

2 ATTORNEY STRANG: Your Honor, I ask that  
3 the Court enter judgment of acquittal on Count 2 of  
4 the second Amended Information. And I ask that the  
5 Court withhold judgment on Counts 1 and 3, set a  
6 schedule for post-verdict motions, in part,  
7 inconsistent verdicts, and anything else we might  
8 want to address.

9 THE COURT: The Court is going to, at this  
10 time, enter a judgment on the three verdicts that  
11 have been received, subject to further rulings from  
12 the Court after full consideration of any post-trial  
13 motions; that is, a judgment of conviction on Counts  
14 1 and 3 and a judgment of acquittal on Count 2. I  
15 do not have my calendar here today; it's in  
16 Manitowoc.

17 I am going to, at this time, order a  
18 Presentence Investigation Report. The Court will  
19 schedule a hearing on any motions after they are  
20 received and schedule a sentencing date after  
21 conversing with counsel later, contingent on any  
22 rulings on any post-trial motions.

23 ATTORNEY STRANG: Would 30 days for filing  
24 the motions be acceptable?

25 THE COURT: Any objection from the State?



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ATTORNEY KRATZ: Are we setting those  
before the sentencing hearing?

ATTORNEY STRANG: Yes.

THE COURT: Well, I will decide that when I  
get them, if and when I get them. I don't have any  
motions in front of me. I'm not going to speculate  
about hearing dates at this time. The Court is  
going to, however, order that bail be revoked in  
this case. Is there anything further from either  
party on the record today?

ATTORNEY KRATZ: Nothing for today, Judge.  
Thank you.

ATTORNEY STRANG: No, your Honor.

THE COURT: Very well, we are adjourned.

(Proceedings concluded.)

1 STATE OF WISCONSIN )  
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2 COUNTY OF MANITOWOC )

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I, Diane Tesheneck, Official Court Reporter for Circuit Court Branch 1 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 11th day of January, 2008.

\_\_\_\_\_  
Diane Tesheneck, RPR  
Official Court Reporter

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