

CALUMET COUNTY SHERIFF'S DEPARTMENT

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File Number

Complaint No.
05-0157-955

TYPE OF ACTIVITY: Supplemental Report

Interview with Earl K. Avery, M/W
DOB [REDACTED]/70
[REDACTED]
Whitelaw, WI

DATE OF ACTIVITY: 11/11/05 at approximately 12:36 p.m.

REPORTING OFFICER: Inv. Gary Steier

On Friday, 11/11/05, Inv. GARY STEIER of the CALUMET CO. SHERIFF'S DEPT. along with Special Agent STEVEN LEWIS of the STATE OF WISCONSIN DEPT. OF CRIMINAL INVESTIGATION (DCI) interviewed EARL K. AVERY, DOB [REDACTED]/70, at the MISHICOT FIRE DEPT. at approximately 12:36 p.m. Inv. STEIER informed EARL he was free to leave at any time during the interview and did not have to stay at the MISHICOT FIRE DEPT. EARL indicated he understood that.

EARL describes to investigators what he did at the AVERY'S AUTO SALVAGE yard on Monday, 10/31/05, the night in question of TERESA HALBACH's disappearance. On Monday, 10/31/05, EARL states at approximately 4:30 p.m., he sees his brother-in-law, ROBERT FABIAN, in the yard of AVERY'S AUTO SALVAGE. EARL states he is trying to stay away from CHARLES and STEVEN because he is suppose to be continuing work in the shop. EARL states he has not seen STEVEN that afternoon. EARL states, he and ROBERT FABIAN picked up a golf cart at his mother's house. EARL states they get a gun from his car, get in the golf cart, and ROBERT and EARL go down to the pit. EARL states he is driving the golf cart down a lane located on the southeast part of the salvage yard. This is where TERESA HALBACH's car is found. EARL states he does not see the car as he drives through the back end of the property. EARL also states the south end of the property is open into the quarry and has been for a couple of months. EARL says he takes two trees, which he had dug up the same day, and places them into the golf cart. EARL describes the trees as seven to nine feet tall and one to two inches in diameter. EARL, earlier in the day, at approximately 11:00 or 12:00 has used the end-loader with the forks to remove the trees from their location. EARL says he is going to take the trees home with him to his residence to plant them. EARL states ROBERT and he dumped the trees by the conveyor.

After finding no rabbits to hunt in the lower pit, EARL drives ROBERT in the golf cart down the lane to STEVEN AVERY's residence. EARL first observed STEVEN AVERY standing, staring at his snowmobile, which is on a trailer attached to STEVEN's black pickup truck. EARL recalls the garage door being shut. EARL also recalls the gray Suzuki being on the east side of the garage and that it had been there a few days prior to Monday. EARL comments that this is strange that the Suzuki would be parked by STEVEN's detached garage and had questioned

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STEVEN several days earlier as to why the Suzuki was here. EARL describes STEVEN as different and standing very stiff or stiff as a board. EARL states it seems as if something is wrong with STEVEN and he is just standing there staring at the snowmobile. EARL recalls ROBERT FABIAN yelling to STEVEN about a Polaris. He does not recall seeing a fire. EARL does recall that STEVEN AVERY is clean and showered. EARL says he is curious why STEVEN is unloading the snowmobile off of the trailer. EARL tells investigators it was EARL's understanding that STEVEN was going to sell or trade in the snowmobile on the trailer to TA MOTOR SPORTS. EARL doesn't know why STEVEN would take the snowmobile off of the trailer and put it in the garage only to have to reload the trailer later to take it to TA MOTOR SPORTS. EARL says STEVEN AVERY's look is unusual. He is standing just staring. He states STEVEN is stiff not relaxed.

Inv. STEIER asks EARL if he had seen a fire at approximately 4:30 p.m. that evening. EARL said he and ROBERT FABIAN sees STEVEN at approximately 5:00 p.m. He doesn't recall a fire by STEVEN AVERY's residence, but states he knows there was a fire at that location. EARL states he knows this because STEVEN has asked BRENDAN to get rid of the rims and wire out of STEVEN AVERY's fire pit on Wednesday night and to place them on the rim pile located in the AVERY'S AUTO SALVAGE yard. EARL indicates this is unusual because the rims and wire are already placed outside the burn area for BRENDAN to pick up. BRENDAN did not have to take the rims out of the fire, they were already set aside. EARL says there were approximately five to six rims there. EARL states this is on Wednesday night, 11/02/05.

Investigators continue to question EARL about Monday, 10/31/05. EARL interrupts investigators anxious to tell them something. EARL states yesterday, Thursday, 11/10/05, while EARL is driving up north to see his father he calls his wife, CANDY (ph). EARL states he tells his wife he believes STEVEN AVERY did it and that he is guilty. He believes STEVEN AVERY has killed TERESA HALBACH. Investigators ask EARL why he believes STEVEN would have done it. EARL recalls an event in the cabin up north. EARL states JACKIE (ph), STEVEN's girlfriend, STEVEN, BARBARA and EARL are at the cabin. He states STEVEN's girlfriend places her hand on EARL's. STEVEN shoots his girlfriend a look and STEVEN wants to leave. EARL believes he is getting jealous. EARL states STEVEN and STEVEN's girlfriend, JACKIE (ph), exit the cabin. JACKIE is very intoxicated and falls down. EARL recalls the following events while breaking down into tears. EARL tells investigators STEVEN then kicks his girlfriend like a dog and repeatedly grabs her hair. EARL says the next day STEVEN acts normal like nothing has happened. EARL also indicates he has seen STEVEN throw his wife across the room and take her up a flight of steps.

EARL then continues to tell the events of ROBERT FABIAN and he on Monday, 10/31/05, to investigators. EARL states he and ROBERT drive down the lane looking at several brush piles for rabbits. They return driving past STEVEN AVERY's house where ROBERT FABIAN shouts to STEVEN he should buy a Polaris. EARL indicates this time to be approximately 5:30 or 5:45 p.m. EARL also informs investigators that on Tuesday night, 11/01/05, his daughter,

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KAYLA (ph), wants to go over to BRENDAN or BLANE'S for a bonfire. EARL indicates that he will not let KAYLA be alone with STEVEN and believes KAYLA to have some infatuation with STEVEN. This is why EARL refuses to allow KAYLA to stay at the AVERY'S AUTO SALVAGE yard for the bonfire. EARL states on Wednesday night, 11/02/05, BRENDAN takes five rims out of a fire pit by STEVEN AVERY's residence at 5:00 p.m. EARL surmises that there must have been a fire on Tuesday night. EARL concludes the conversation with investigators by stating he has allowed the people to check the pit looking for TERESA HALBACH. EARL states he never saw the victim's car prior to it being located by the friends of TERESA. EARL is sure he would have seen TERESA HALBACH's vehicle on Monday when they were driving down the lane in the golf cart. He indicates that really no customers go to that area because all there is in that location is a couple of motorcycles.

The interview is concluded at 1:52 p.m.

Inv. Gary Steier
Calumet Co. Sheriff's Dept.
GS/sk