

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY  
BRANCH 3

STATE OF WISCONSIN,

PLAINTIFF,

JURY TRIAL

TRIAL DAY 1

vs.

Case No. 06 CF 88

BRENDAN R. DASSEY,

DEFENDANT.

**DATE:** APRIL 16, 2007

**BEFORE:** HON. JEROME L. FOX  
Circuit Court Judge

**APPEARANCES:**

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

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

NORMAN A. GAHN  
Special Prosecutor  
On behalf of the State of Wisconsin.

MARK R. FREMGEN  
Attorney at Law  
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

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16  
17  
18  
19  
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21  
22  
23  
24  
25

I N D E X

PAGE

PRELIMINARY JURY INSTRUCTIONS

5-20

OPENING STATEMENTS

BY ATTORNEY KRATZ

21-82

BY ATTORNEY FREMGEN

82-97

WITNESSES

**KAREN HALBACH**

Direct Examination by ATTORNEY KRATZ

102-122

Cross-Examination by ATTORNEY FREMGEN

122

**KATIE HALBACH**

Direct Examination by ATTORNEY KRATZ

123-132

**THOMAS FASSBENDER**

Direct Examination by ATTORNEY KRATZ

133-196

Cross-Examination by ATTORNEY EDELSTEIN

196-223

Redirect Examination by ATTORNEY KRATZ

223-224

EXHIBITS

MARKED

MOVED

ADMITTED

1-10

120

122

11

132

132

12

132

132

13

132

161 & 162

14

132

132

15-77

196

196

78

192

196

196

1  
2  
3  
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(Reconvened at 9:07 a.m.)

THE COURT: Court will call the case of  
State of Wisconsin vs. Brendan R. Dassey, 06 CF 88.  
Appearances, please.

ATTORNEY KRATZ: The State appears by  
Calumet County District Attorney Ken Kratz, also  
appearing is Tom Fallon from the Department of  
Justice, Norm Gahn from the Milwaukee County  
D.A.'s Office, all appearing as special  
prosecutors.

ATTORNEY FREMGEN: Attorney Mark Fremgen  
and Attorney Raymond Edelstein appear with  
Brendan Dassey.

THE COURT: At this point I'd ask the clerk  
to swear the jury in, please.

THE CLERK: Would the jurors please rise?  
Please raise your right hands.

(Jurors sworn.)

THE COURT: Counsel, I'm going to give some  
preliminary instructions for the record. We have  
previously discussed these and, uh, both sides agree  
to the instructions to be given today; is that  
correct, Mr. Kratz?

ATTORNEY KRATZ: Yes.

THE COURT: Mr. Fremgen?

1                   ATTORNEY FREMGEN: Yes, Judge.

2                   THE COURT: All right. Before the trial  
3 begins, there are certain instructions you should  
4 better have to understand your functions as a juror  
5 and how you should conduct yourself during the  
6 trial. Your duty is to decide the case based only  
7 on the evidence presented and the law given to you  
8 by the Court. Do not let any personal feelings of  
9 bias or prejudice against any such things as race,  
10 religion, national origin, sex or age affect your  
11 deliberations.

12                   Do not begin your deliberations and  
13 discussion of the case until all the evidence is  
14 presented and I have instructed you on the law.  
15 Do not discuss this case among yourselves or with  
16 anyone else until your final deliberations in the  
17 jury room.

18                   We will stop or recess from time to time  
19 during the trial. You may be excused from the  
20 courtroom when it is necessary for me to hear  
21 legal arguments from the lawyers. If you come in  
22 contact with the parties, lawyers, or witnesses,  
23 do not speak with them. For their part, the  
24 parties, lawyers, and witnesses will not contact  
25 or speak with the jurors.

1                   Should you be exposed to any reports or  
2                   communications from any source concerning the  
3                   case during the trial, you should report that  
4                   information to the jury bailiff. The Court is  
5                   aware that many of you've been exposed to  
6                   publicity concerning this case before you were  
7                   selected to serve as a juror. Each of you has  
8                   committed to base your verdict only on the  
9                   evidence introduced during the trial. It is of  
10                  vital importance to the parties and the sanctity  
11                  of the court process that you remain true to this  
12                  commitment.

13                  Anything you may see or hear outside the  
14                  courtroom is not evidence. You are to decide the  
15                  case solely on the evidence offered and received  
16                  at trial.

17                  Evidence is, first, the sworn testimony  
18                  of witnesses, both on direct and  
19                  cross-examination, regardless of who called the  
20                  witness.

21                  Second, the exhibits the Court has  
22                  received.

23                  And, third, any facts to which the  
24                  lawyers have agreed, or stipulated, or which the  
25                  Court has directed you to find.

1                   Attorneys for each side -- side have the  
2                   right and the duty to object to what they  
3                   consider are improper questions asked of  
4                   witnesses and to the admission of other evidence  
5                   which they believe is not properly admissible.

6                   You should not draw any conclusions from  
7                   the fact that an objection was made. By allowing  
8                   testimony or other evidence to be received over  
9                   the objection of counsel, the Court is not  
10                  indicating any opinion about the evidence. You  
11                  jurors are the judges of the credibility of the  
12                  witnesses and the weight of the evidence.

13                  You are not required to, but you may  
14                  take notes during the trial except during the  
15                  opening statements and closing arguments. The  
16                  Court will provide you with materials. In taking  
17                  notes, you must be careful that it does not  
18                  distract you from carefully listening to and  
19                  observing the witnesses.

20                  You may rely on your notes to refresh  
21                  your memory during deliberations. Otherwise,  
22                  keep them confidential. Your notes will be  
23                  collected by the jury bailiff after each day's  
24                  session and kept in a secure place until the next  
25                  day of trial. After the trial, the notes will be

1 collected and destroyed.

2 You will not have a copy of the written  
3 transcript of the trial testimony available for  
4 use during your deliberations. You may ask to  
5 have specific portions of the testimony read to  
6 you. You should pay careful attention to all the  
7 testimony, because you must rely primarily on  
8 your memory of the evidence and testimony  
9 introduced during the trial.

10 To assist you in evaluating the  
11 evidence, I will now read to you portions of the  
12 specific jury instructions for the offenses with  
13 which the defendant is charged. I will read them  
14 to you in their entirety at the close of the  
15 evidence.

16 Count 1. Count 1 of the Information  
17 charges the defendant with first degree  
18 intentional homicide, as party to a crime -- to  
19 the crime. Section 939.05 of the Wisconsin  
20 Criminal Code provide that whoever's concerned in  
21 the commission of a crime is a party to that  
22 crime and may be convicted of that crime although  
23 that person did not directly commit it.

24 The State contends that the defendant  
25 was concerned in the commission of the crime of



1 first degree intentional homicide by either  
2 directly committing it or by intentionally aiding  
3 and abetting the person who directly committed  
4 it.

5 If a person intentionally aids and abets  
6 the commission of a crime, then that person is  
7 guilty of the crime as well as the person who  
8 directly committed it. A person intentionally  
9 aids and abets the commission of a crime when  
10 acting with knowledge or belief that another  
11 person is committing or intends to commit a  
12 crime, he knowingly either assists the person who  
13 commits the crime, or is ready and willing to  
14 assist, and the person who commits the crime  
15 knows of the willingness to assist.

16 To intentionally aid and abet the crime  
17 of first degree intentional homicide, the  
18 defendant must know that another person is  
19 committing or intends to commit the crime of  
20 first degree intentional homicide and have the  
21 person -- and have the purpose to assist the  
22 commission of that crime.

23 Before you may find the defendant guilty  
24 of first degree intentional homicide as a party  
25 to the crime, the State must prove by evidence

1       which satisfies you beyond a reasonable doubt  
2       that the defendant directly committed the crime  
3       of first degree intentional homicide or  
4       intentionally aided and abetted the commission of  
5       that crime.

6               All 12 jurors do not have to agree on  
7       whether the defendant directly committed the  
8       crime of first degree intentional homicide or  
9       aided and abetted the commission of the crime.  
10      However, each juror must be convinced beyond a  
11      reasonable doubt that the defendant was concerned  
12      in the commission of the crime in one of those  
13      ways.

14             First degree intentional homicide, as  
15      defined in 940.01 of the Criminal Code of  
16      Wisconsin, is committed by one who causes the  
17      death of another human being with the -- the  
18      intent to kill that person or another.

19             Before you may find the person -- the  
20      defendant guilty of first degree intentional  
21      homicide, the State must prove by evidence which  
22      satisfies you beyond a reasonable doubt that the  
23      following two elements were present:

24             Number one, Brendan Dassey caused the --  
25      the death of Teresa Halbach, or aided and abetted

1 another in causing the direct -- the death of  
2 Teresa Halbach.

3 "Cause" means that the defendant's acts  
4 were a substantial factor in producing the death.

5 Number two, Brendan Dassey acted with  
6 the intent to kill Teresa Halbach, whether he did  
7 so directly or aided and abetted another.

8 "Intent to kill" means that the  
9 defendant had the mental purpose to take the life  
10 of another human being, or was aware that his  
11 conduct was practic -- practically certain to  
12 cause the death of another human being.

13 While the law requires that the  
14 defendant acted with intent to kill, it does not  
15 require that intent exists for any particular  
16 length of time before the act is committed. The  
17 act need not be brooded over, considered, or  
18 reflected upon for a week, a day, an hour, or  
19 even a minute. There need not be any appreciable  
20 time between the formation of the intent and the  
21 act.

22 The intent to kill may be formed at  
23 anytime before the act, including the instant  
24 before the act, and must continue to exist at the  
25 time of the act.

1                   You cannot look into a person's mind to  
2                   find intent. Intent to kill must be found, if  
3                   found at all, from the defendant's acts, words  
4                   and statements, if any, and from all the facts  
5                   and circumstances in this case bearing upon  
6                   intent. Intent should not be confused with  
7                   motive. While proof of intent is necessary to a  
8                   conviction, proof of motive is not.

9                   Motive refers to a person's reason for  
10                  doing something. While motive may be shown as a  
11                  circumstance to aid in establishing the guilt of  
12                  a defendant, the State is not required to prove  
13                  motive on the part of the defendant in order to  
14                  convict.

15                  Evidence of motive does not, by itself,  
16                  establish guilt. You should give it the weight  
17                  you believe it deserves under all of the  
18                  circumstances.

19                  You're satisfied beyond a reasonable  
20                  doubt at the conclusion of the trial that the  
21                  defendant directly committed both elements of  
22                  first degree intentional homicide, or that the  
23                  defendant intentionally aided and abetted the  
24                  commission of that crime, you should find the  
25                  defendant guilty. If you are not so satisfied,

1           you must find the defendant not guilty.

2                     Count 2 charges the defendant with  
3 mutilating a corpse, also as a party to a  
4 crime -- to the crime. Section 939.05 of the  
5 Criminal Code of Wisconsin, provide that whoever  
6 is concerned in the commission of a crime is a  
7 party to that crime and may be convicted of that  
8 crime although that person did not directly  
9 commit it.

10                    The State contends that the defendant  
11 was concerned in the commission of the crime of  
12 mutilating a corpse by either directly committing  
13 it or by intentionally aiding and abetting the  
14 person who directly committed it.

15                    If a person intentionally aids and abets  
16 the commission of a crime, then that person is  
17 guilty of the crime as well as the person who  
18 directly committed it. Person intentionally aids  
19 and abet the com -- abets the commission of a  
20 crime when acting with knowledge or belief that  
21 another person is committing or intends to commit  
22 a crime, he either knowingly assists the person  
23 who commits the crime, or is ready and willing to  
24 assist, and the person who commits the crime  
25 knows of the willingness to assist.

1                   To intentionally aid and abet the crime  
2 of mutilating a corpse, the defendant must know  
3 that another person is committing or intends to  
4 commit the crime of mutilating a corpse and have  
5 the purpose to assist the commission of that  
6 crime.

7                   Before you may find the defendant guilty  
8 of mutilating a corpse as a party to the crime,  
9 the State must prove by evidence which satisfies  
10 you beyond a reasonable doubt that the defendant  
11 directly committed the crime of mutilating a  
12 corpse or intentionally aided and abetted the  
13 commission of that crime.

14                  All 12 jurors do not have to agree  
15 whether the defendant directly committed the  
16 crime of first degree, uh -- or uh, mutilating a  
17 corpse or aided and abetted the commission of the  
18 crime. However, each juror must be convinced  
19 beyond a reasonable doubt that the defendant was  
20 concerned in the commission of the crime in one  
21 of those ways.

22                  Mutilating a corpse, as defined in  
23 Section 940.11 (1) of the Criminal Code of  
24 Wisconsin, is violated by one who mutilates a  
25 corpse with intent to conceal a crime, or avoid

1 apprehension, prosecution, or conviction for a  
2 crime.

3 Before you may find the defendant guilty  
4 of this offense, the State must prove by evidence  
5 which satisfies you beyond a reasonable doubt  
6 that the following two elements were present:

7 Number one, Brendan Dassey mutilated the  
8 corpse of Teresa Halbach, or aided and abetted  
9 another in mutilating the corpse of Teresa  
10 Halbach.

11 Number two, in mutilating the corpse of  
12 Teresa Halbach, or in aiding and abetting another  
13 in mutilating her corpse, Brendan Dassey acted  
14 with the intent to conceal the crime. This  
15 requires that the defendant acted with the  
16 purpose to conceal a crime.

17 You cannot look into a person's mind to  
18 find out about intent. Intent must be found, if  
19 found at all, from the defendant's acts, words  
20 and statements, if any, and from all the facts  
21 and circumstances in the case bearing upon  
22 intent.

23 If you are satisfied beyond a reasonable  
24 doubt at the conclusion of the trial that Brendan  
25 Dassey directly committed both elements of this

1 offense, or that Brendan Dassey directly aided  
2 and another -- aided and abetted another in the  
3 commission of the crime, you should find the  
4 defendant guilty. If you are not so satisfied,  
5 you must find the defendant not guilty.

6 Count 3 charges the defendant with first  
7 degree sexual assault by use or threat of a  
8 dangerous weapon, also as a party to a crime.  
9 Section 939.05 of the Criminal Code of Wisconsin  
10 provides that whoever is concerned in the  
11 commission of a crime is a party to that crime  
12 and may be convicted of that crime although the  
13 person did not directly commit it.

14 The State contends that the defendant  
15 was concerned in the commission of the crime of  
16 first degree sexual assault by either directly  
17 committing it or by intentionally aiding and  
18 ab -- and abetting the person who directly  
19 committed it. The person intentionally aids and  
20 abets the commission of a crime, then that person  
21 is guilty of a crime as well as the person who  
22 directly committed it.

23 Person intentionally aids and abets the  
24 commission of a crime when acting with knowledge  
25 and belief that another person is committing or



1 intends to commit a crime, he knowingly either  
2 assists the person who commits the crime or is  
3 ready and willing to assist, and the person who  
4 commits the crime knows of the willingness to  
5 as -- to assist.

6 To intentionally aid and abet the crime  
7 of first degree sexual assault, the defendant  
8 must know that another person is committing or  
9 intends to commit the crime of first degree  
10 sexual assault and have the pers -- have the  
11 purpose to assist the commission of that crime.

12 Before you may find the defendant guilty  
13 of first degree sexual assault as a party to a  
14 crime, the State must prove by evidence which  
15 satisfies you beyond a reasonable doubt that the  
16 defendant directly committed the crime of first  
17 degree sexual assault or intentionally aided and  
18 abetted the commission of that crime.

19 All 12 jurors do not have to agree  
20 whether the defendant directly committed the  
21 crime of first degree sexual assault or aided  
22 and -- and abetted the commission of that crime.  
23 However, each juror must con -- be convinced  
24 beyond a reasonable doubt that the defendant was  
25 concerned in the commission of the crime in one

1 of those ways.

2 First degree sexual assault, as defined  
3 in Section 940.225 (1) (b) of the Criminal Code of  
4 Wisconsin, is committed by one who has sexual  
5 intercourse with another person without consent  
6 and by use or threat of a dangerous weapon.

7 Before you find the defendant guilty of  
8 this offense, the State must prove by evidence  
9 which satisfies you beyond a reasonable doubt  
10 that the following three elements were present:

11 Number one, the defendant had sexual  
12 intercourse -- course with Teresa Halbach.

13 Number two, Teresa Halbach did not  
14 consent to the sexual intercourse.

15 Number three, the defendant had sexual  
16 intercourse with Teresa Halbach by use or threat  
17 of a dangerous weapon. This requires that the  
18 defendant actually used or threatened to use the  
19 dangerous weapon to compel Teresa Halbach to  
20 submit to sexual intercourse.

21 If you are satisfied beyond a reasonable  
22 doubt that all three elements of first degree  
23 sexual assault have been proven, you should find  
24 the defendant guilty. If you are not so  
25 satisfied, you must find the defendant not

1 guilty.

2 In reaching your verdict, examine the  
3 evidence with care and caution. Act with  
4 judgment, reason and prudence.

5 Defendants are not required to prove  
6 their innocence. The law presumes every person  
7 charged with the commission of an offense to be  
8 innocent. This presumption requires a finding of  
9 not guilty unless in your deliberations you find  
10 it is overcome by evidence which satisfies you  
11 beyond a reasonable doubt that the defendant is  
12 guilty.

13 The burden of establishing every fact  
14 necessary to constitute guilt is upon the State.  
15 Before you can return a verdict of guilty, the  
16 evidence was -- must satisfy the -- you beyond a  
17 reasonable doubt that the defendant is guilty.

18 If you can reconcile the evidence upon  
19 any reasonable hypothesis consistent with the  
20 defendant's innocence, you should do so and  
21 return a verdict of not guilty.

22 The term "reasonable doubt" means a  
23 doubt based upon reason and common sense. It is  
24 a doubt for which a person can be given -- uh,  
25 for which a reason can be given arising from a

1 fair and rational consideration of the evidence  
2 or lack of evidence. It means such a doubt as  
3 would cause a person of ordinary prudence to  
4 pause or hesitate when called upon to act in the  
5 most important affairs of life.

6 A reasonable doubt is not a doubt which  
7 is based on mere guesswork or speculation. A  
8 doubt which arises merely from sympathy or from  
9 fear to return a verdict of guilt is not a  
10 reasonable doubt. A reasonable doubt is not a  
11 doubt such as may be used to escape the  
12 responsibility of a decision.

13 While it is your duty to give the  
14 defendant the benefit of every reasonable doubt,  
15 you are not to search for doubt, you are to  
16 search for the truth.

17 The lawyers will now make opening  
18 statements. The purpose of an opening statement  
19 is to give the lawyers an opportunity to tell you  
20 what they expect the evidence will show so that  
21 you can better understand the evidence as it is  
22 introduced during the trial. I must caution you,  
23 however, that the opening statements are not  
24 evidence. Mr. Kratz? Juror Covington, were you  
25 able to hear me when I gave these instructions?

1 JUROR COVINGTON: Yes.

2 THE COURT: All right. Let's proceed.

3 ATTORNEY KRATZ: Can everybody hear me  
4 okay? As our tech guy comes up here, I wanted to  
5 say good morning. Thank you for the service that  
6 you have offered in this case. Uh, you are from  
7 Dane County. You're not a Manitowoc County jury,  
8 and so it's a great inconvenience, I know, for  
9 all of you to sit and listen to this very  
10 important case. But let me assure you that this  
11 process, the process that you've been going to in  
12 the next couple of weeks, um, may include one of  
13 the most important decisions, uh, that you're  
14 ever going to have to make.

15 Uh, it is a, uh -- a daunting task for  
16 citizens to go through, uh, but it is, uh,  
17 obviously important not just to Mr. Dassey, but  
18 to the, uh, Halbach family, to the friends of the  
19 family, uh, of Teresa Halbach, to the citizens of  
20 Manitowoc County, uh, where we currently, uh, are  
21 holding this trial.

22 Uh, the trial, itself, or my opening  
23 statement, itself, uh, is not intended to be  
24 evidence. The Judge already told you that. Um,  
25 but it will be a little bit lengthy, uh, in that

1 we have to take what, uh, may be six or seven  
2 weeks of testimony into a trial, uh, and at least  
3 in this case fit it into about three days, uh,  
4 worth of testimony. And much of the evidence in  
5 this case is not contested, uh, will be  
6 stipulated to, meaning agreed to, uh, and so you,  
7 the jurors, since you don't have the same basis  
8 of knowledge that the lawyers do, uh, you have to  
9 be told the background and a lot of those facts,  
10 and so I'll be doing that in my opening statement  
11 as well as having some witnesses testify, uh,  
12 about that, uh -- about that as well.

13 Uh, you will notice around the courtroom  
14 are, um, screens, uh, which, um, do, in most  
15 regards, um, have the, uh, text or photos or the  
16 videotapes that you'll be watching. Uh, they are  
17 meant to assist you and give you different places  
18 to, uh -- to see those things, and so I wanted to  
19 encourage you to do that as well.

20 Let me also remind you that this is not,  
21 um, a closed system in that you can't, uh,  
22 participate. Uh, the one way that you can  
23 participate, uh, is if one of you needs a break  
24 for some reason. Uh, I need to let you know that  
25 if you need a break, uh, either, if you're, um,

1 not concentrating well enough, or you just need  
2 a -- a regular, uh, kind of other kind of break,  
3 just raise your hand, all right? Get my  
4 attention or the Judge's attention, and we'll  
5 take a break.

6 And, certainly, during this opening  
7 statement, you'll get at least one, and perhaps  
8 two, breaks, uh, so that you're able to remain  
9 fresh, you're able to, um, listen to the very  
10 important statements that myself and the defense  
11 will be giving in this opening statement. All  
12 right?

13 First thing I want to talk about is an  
14 introduction of the prosecution team. That is,  
15 the people that are sitting at or near this  
16 table. My name's Ken Kratz. It's the first  
17 chance I've had to address each of you. Uh, I am  
18 a district attorney. I'm the D.A. of Calumet  
19 County, which is the county just east, uh, of  
20 Manitowoc, of, uh -- excuse me, just west of  
21 Manitowoc, uh, where we are, uh, right now.

22 Uh, and I am the lead counsel. Nothing  
23 special about that term. It just means that, uh,  
24 I have, uh, coordinated the, uh, investigation  
25 and prosecution of this case, uh, and will be

1           assisting in the presentation of the case as  
2           well.

3                       Um, Mr. Fallon, who you already heard  
4           from, is an assistant, uh, district attorney.  
5           Um, Mr. Fallon, uh, works for the Department of  
6           Justice in Madison. Uh, he's the gentleman in  
7           the middle, and, uh, will be another prosecutor  
8           in this case.

9                       And, finally, Mr. Gahn is a Milwaukee  
10          County Assistant District Attorney. Uh, Mr. Gahn  
11          will be presenting the parts of the case, you'll  
12          notice, where Mr. Gahn has expertise. Uh, that  
13          is in DNA evidence, uh, and in the sciences and  
14          some of the other places. So I at least wanted  
15          to let you know why we're involved.

16                      We, by the way, are helping, we're doing  
17          a favor, if you will, for Manitowoc County. Uh,  
18          the three prosecutors that have been assigned  
19          responsibility for this, uh, important case and  
20          the case involving Steven Avery, uh, which were  
21          the same prosecutors, the same prosecution team,  
22          uh, assisted Manitowoc in, um -- in the efforts  
23          of the prosecution.

24                      Two lead investigators were involved in  
25          this case. Uh, they are, um, Mr. Mark Wiegert,



1           who is the gentleman in the glasses. Mr. Wiegert  
2           is an investigator with the Calumet County  
3           Sheriff's Department. And Mr. Tom Fassbender,  
4           who is seated next to him, works, again, for the  
5           Department of Justice, Division of Criminal  
6           Investigation.

7                     You're going to learn in this case that  
8           several hundred law enforcement officers were  
9           involved. Um, that the personnel and the search  
10          efforts in this case were, uh, overwhelming. In  
11          fact, you're probably going to learn that this  
12          was one of the largest, if not, the largest, at  
13          least by resources, investigation, criminal  
14          investigation, homicide investigation in  
15          Wisconsin history. And because of the scope of  
16          this case, because of the size of this case, it  
17          required investigators to coordinate or to make  
18          sure that everything was done, uh, not only  
19          properly, but leadership, uh, and direction was,  
20          uh -- was certainly required in this case.

21                    If I could have, uh, just a minute.  
22          We're going to try to fix at least these two  
23          screens so that all of the, uh, text shows, but  
24          that doesn't mean I'm going to stop. I'm a  
25          lawyer so I can -- I can just keep, uh -- keep

1           talking.

2                   Opening statements, as the Judge told  
3           you, are an opportunity to tell you what we think  
4           the evidence is going to show. But more than  
5           that, it's a, uh -- it's a roadmap. It's an  
6           overview. Since evidence comes in in bits and  
7           pieces, some people describe, uh, trials as, um,  
8           puzzles, jigsaw puzzles, if you will, and how  
9           evidence may fit into there.

10                   You need to know how each little piece  
11           of evidence in this two-week trial is going to  
12           fit into the big picture. Is going to fit into  
13           whether or not Brendan Dassey is guilty of the  
14           three offenses for, uh, which he has been  
15           charged.

16                   Uh, I've told you, and you know, and  
17           most of you, in fact, I think all of you, uh,  
18           have indicated in your questionnaires that you  
19           were at least somewhat familiar with the Steven  
20           Avery, uh, case. But you didn't hear the  
21           evidence in that case. Um, and some of that  
22           evidence, as I mentioned, may or may not be  
23           contested, but because of the importance of this  
24           case, it's still necessary to tell you the whole  
25           story. It's necessary to explain all of the

1 physical evidence, as well as the evidence that  
2 may be directed towards, uh, Brendan Dassey, and  
3 some of that evidence, again, will be physical  
4 evidence and some is going to be statements. Uh,  
5 and so we intend, uh, to tell you about all of  
6 that, certainly, during this opening statement  
7 and, uh -- and during this process.

8 The Judge told you that Mr. Dassey's  
9 been charged with three separate offenses; first  
10 degree intentional homicide, mutilating a corpse  
11 and first degree sexual assault. He told you the  
12 elements. That is, what it is the State has to  
13 prove. And we certainly intend to do that.

14 All right. The first legal concept that  
15 I want to talk about is party to the crime. The  
16 Judge has instructed you that party to the crime  
17 is a, uh -- a concept, a -- a form of criminal  
18 liability, that, uh, is committed either when  
19 somebody commits a crime, themselves, or when  
20 they aid and abet the commission of the crime.

21 Now, this is the law. Judge Fox will  
22 tell you what the law is. So whether you think  
23 this is a good idea or a bad idea, it's the law  
24 and you have to follow this law. And so the  
25 description or the explanation of, as an example,

1        what aiding and abetting means, is important for  
2        you to know.

3                The Judge has told you that a defendant  
4        can aid and abet the commission of crime, um, if  
5        he assists somebody who commits it or,  
6        importantly, and what you might hear in this  
7        case, as the evidence may show in this case, uh,  
8        quite a bit, is that the individual, in this  
9        case, Brendan Dassey, stood ready and willing to  
10       assist, and that the actor, in this case, Steven  
11       Avery, uh, was an individual who knew of  
12       Brendan's willingness to aid and abet. All  
13       right?

14               Now, I'm telling you that this early in  
15       the case because this is an important concept.  
16       It's important for you to understand what the  
17       criminal liability is, and, again, whether you  
18       agree with or don't agree with that concept, with  
19       the concept of party to the crime, it's something  
20       the Judge tells you you have to accept and you  
21       have to adopt.

22               I'm going to introduce you to a lovely  
23       young woman. This is Teresa Halbach. Ms.  
24       Halbach was 25 years old on Halloween of 2005.  
25       You're going to hear evidence in this case that

1 Ms. Halbach was single. That Ms. Halbach was a  
2 college graduate. Ms. Halbach was a freelance  
3 photographer. She was a daughter. She was a  
4 sister. She was a friend. And she had her whole  
5 life ahead of her.

6 You're also going to hear evidence that  
7 all of that came to an end on Halloween of 2005.  
8 This story, this case, begins at about 8:12 a.m.  
9 on Halloween Day of 2005 when the plan was set  
10 into motion to take this young woman's life. The  
11 plan was set into motion to rape, and to kill,  
12 and to mutilate this 25-year-old innocent, young  
13 woman.

14 The investigation of this case begins  
15 when we learn that Ms. Halbach was reported  
16 missing on Thursday, the 3rd of November, 2005.  
17 She was a photographer. One of her contracts,  
18 one of the reasons, uh, that she was a  
19 photographer was she worked for a magazine. She  
20 worked for something called *AutoTrader Magazine*,  
21 which was a magazine that sells cars. It -- it,  
22 uh, put ads in the cars, and it requires  
23 photographers to go around and take pictures, uh,  
24 of those cars.

25 Uh, and so learning about Ms. Halbach,

1 or learning how she worked for *AutoTrader*  
2 *Magazine*, is important for you to understand  
3 about the investigation, because you will learn  
4 that the investigation, or at least the missing  
5 persons investigation, determined that the last  
6 place that Ms. Halbach was on the 31st was a  
7 place called the Avery Salvage Yard.

8 Uh, this is a place located here in  
9 Manitowoc in a place called the town of Gibson.  
10 It's rural Manitowoc. It's kind of the northern  
11 edge, uh, of Manitowoc, uh, but it's a -- a  
12 junkyard, a -- a salvage business that has junked  
13 cars. Uh, and the, uh, other determination early  
14 on in this case was that a man by the name of  
15 Steven Avery made an appointment at 8:12 that  
16 morning to have Ms. Halbach come to that  
17 residence, or to come to that property, which was  
18 the Avery salvage property.

19 I've alluded a little bit earlier about  
20 the case against Steven Avery, and you first need  
21 to know about the case against Steven Avery, the  
22 investigation, uh, that pointed towards Steven  
23 Avery being involved in this case.

24 You may already know, and many of your  
25 jury questionnaires told us that you knew, at

1       least some things about this man, about Steven  
2       Avery, that he had achieved some degree of  
3       notoriety in 2003 when he was exonerated, when he  
4       was released from prison for a 1985 sexual  
5       assault.

6                You may know that Mr. Avery, or you'll  
7       hear in this case, that Mr. Avery was exonerated  
8       or set free because of something called DNA  
9       evidence. Because there was some DNA evidence  
10      from the '85 case that didn't match, uh, in that  
11      case, and that an analyst from the State Crime  
12      Lab, one particular analyst, found DNA on one  
13      piece of evidence, on a hair that was collected  
14      from the 1985 case, that didn't match. That  
15      didn't match Steven Avery. And so Mr. Avery was  
16      released. He was released from prison.

17             Ironically, you will hear, that that,  
18      um, analyst from the Crime Lab, the DNA, um,  
19      specialist who exonerated Steven Avery, was a  
20      woman named Sherry Culhane. You're going to hear  
21      her name later on in this case, because Ms.  
22      Culhane, as evidence is developed in this case,  
23      happens to be the very same analyst that does the  
24      DNA, um, workup. That does all of the testing of  
25      the DNA case.

1 All right. I'm going to -- Because the  
2 side screens are not quite as large, the bottom's  
3 cut off or the top is cut off, you're going to  
4 have to look behind me at least until we take our  
5 break when we fix, uh, these side screens.

6 But this is the very first time, and the  
7 very first important photo that I want you all to  
8 look at. This is the Avery salvage property.  
9 The Avery Salvage Yard. It consists of about 40  
10 acres of junked cars. It consists of four  
11 different residences. Four trailers on this  
12 peep -- piece of property.

13 The Steven Avery trailer, which is  
14 located in the bottom left-hand corner of the  
15 screen, or which would be the northwest corner of  
16 the property. Right next to Mr. Avery's trailer  
17 is his sister's, uh, property. Her name at that  
18 time was Barb Janda. Also living with Barb at  
19 the time were her sons, four sons, all with the  
20 name of Dassey. Uh, they included, uh, the  
21 defendant, Brendan Dassey, uh, his brothers, uh,  
22 Blaine and Bobby and Bryan. They all lived on  
23 that property as well.

24 Another trailer that's located on this  
25 property was the Allen and Delores Avery trailer.



1           These were the grandparents of Brendan, or the  
2           mom and dad, if you will, of, uh, Steven and, uh,  
3           his sister, Barb.

4                     And also on the property was the -- his  
5           brother, Chuck's, trailer. So there's four  
6           residences. You can see of the buildings that  
7           are on this massive, um, um, property for them  
8           are businesses. You'll also notice on these, um,  
9           aerial photographs that there's lots of  
10          buildings. There's outbuilding, there's business  
11          buildings, there's, uh, a lot of sheds and those  
12          kind of things that, uh, you need to be familiar  
13          with as you hear about some of the searches and  
14          where some of the evidence, uh, is -- is found.  
15          All right?

16                    Well, the investigation takes a dramatic  
17          turn on the morning of, uh, Saturday, November 5,  
18          when, uh, two citizen searchers, uh, uh, Nikole  
19          and Pam Sturm, uh, when given permission to  
20          search the Avery salvage property, these 40  
21          acres, uh, happened to find the picture that  
22          you've seen here. They happened to find Teresa  
23          Halbach's SUV.

24                    Uh, you'll notice, uh, Teresa Halbach's  
25          SUV is covered. It is concealed. Uh, there'll

1 be testimony that it was intentionally concealed,  
2 uh, with branches of debris and this very large,  
3 um, hood for a vehicle. A -- a -- a large, uh,  
4 either car or truck hood is -- is leaned up  
5 against it.

6 Suffice it to say, though, that at 10:30  
7 in the morning on the 5th of November, this case  
8 takes a very dramatic turn. You'll hear that the  
9 VIN number, that is the Vehicle Identification  
10 Number, when they're looking for Teresa, when the  
11 citizens are searching for Teresa, actually  
12 matches, uh, and so they know at that time that  
13 the, uh, vehicle is, in fact, the vehicle in  
14 question.

15 Importantly, you'll hear evidence about  
16 where the vehicle was found. Ms. Halbach's  
17 vehicle was found in the opposite corner of both  
18 the Avery and Dassey, uh, trailer. Uh, and,  
19 again, it's behind kind of a pond, but it's  
20 immediately adjacent to or close to a car  
21 crusher.

22 Uh, that, uh, car crusher is equipment,  
23 you will hear in this case, evidence will show,  
24 uh, is the kind of equipment designed to crush  
25 cars. It kind of makes sense. It's -- it's

1       called a -- a car crusher. But to make vehicles,  
2       um, very, very small, almost unidentifiable, and  
3       easily removed, uh, from the property. And  
4       you'll see why, and you'll hear why, uh, Teresa  
5       Halbach's vehicle is placed, uh, in that  
6       location. That is, that proximity to the car  
7       crusher.

8                You'll also hear later on that night,  
9       after search warrants are obtained -- You'll hear  
10      what search warrants are. Search warrants are  
11      judicial authorization. Uh, that is, a judge  
12      tells law enforcement that you can go ahead and  
13      search a property for, um, evidence of a crime.

14             Uh, and after those search warrants were  
15      obtained, you're going to hear that first evening  
16      that, uh, some K-9 units, what are called cadaver  
17      dogs, at least insentence -- insensitively called  
18      cadaver dogs, uh, dogs that are trained to find  
19      and detect human remains, um, they, in fact, uh,  
20      hit on, uh, the, um, vehicle of, uh, uh, Teresa  
21      Halbach, uh, alerting, indicating that there was  
22      either a deceased individual in the back of that  
23      car, or that there's human blood, uh, in the back  
24      of the car.

25             You're going to hear evidence that this

1 vehicle was loaded onto an enclosed trailer. It  
2 wasn't processed there at the scene. It was  
3 actually driven to Madison, to the Madison Crime  
4 Lab, for processing at that time. All right?

5 Now, let me just tell you, again, this  
6 is a lot of information. This is, uh, days and  
7 days and days worth of, uh, testimony that,  
8 again, we're going to try to, uh, kind of fit  
9 into a short period of time because, uh, it's  
10 important to get to the crux of this case, uh,  
11 what we'll be able to show a little bit later.

12 But on Saturday, residences and places  
13 are starting to be searched. All right? The  
14 first place, or at least one of the first places  
15 to be searched, is the trailer of, uh, Steven  
16 Avery.

17 You'll hear from Agent Fassbender, and  
18 others that are involved in this search effort,  
19 that they want to find Teresa. Their first  
20 efforts -- And early on in this case, uh, even  
21 though they found her vehicle, Teresa hasn't been  
22 found yet. And so they're desperately looking  
23 for Teresa Halbach, hopefully, alive. They're  
24 hoping to find her on this property alive.

25 And so you're going to hear of the law

1 enforcement effort to search all of these  
2 residences, again, which include the trailer,  
3 which include the garage of Steven Avery, and  
4 other residences, including Brendan Dassey's, uh,  
5 home, uh, business, uh, properties, uh, on the  
6 property, uh, and also other, um, vehicles. In  
7 fact, all of the junked cars. Uh, you'll see  
8 photos of 4,000 junked cars.

9 I hope at the end of this case you'll be  
10 able to appreciate just how many cars that is to  
11 search, each and every one of those cars, on at  
12 least two or three different occasions, by not  
13 only law enforcement, but volunteer firefighters  
14 and other, uh, citizen searchers. All right?

15 Um, also, on, uh, the next day, that is  
16 on the 6th, that Sunday, the 6th of November,  
17 you're going to hear that every one of those  
18 junked cars is opened, is searched. Again,  
19 they're looking for Teresa Halbach's body.

20 You're going to hear that a rifle, one  
21 of the two rifles that was in Steven Avery's  
22 residence was seized that Sunday. Uh, this rifle  
23 is a .22 caliber Marlin Glenfield semi-automatic,  
24 uh, rifle. You'll hear about the significance of  
25 this rifle, but you'll hear that it was actually

1 hanging on the wall -- at least when officers  
2 found it -- hanging on a gun rack right on the  
3 wall in the bedroom of Steven Avery.

4 You're going to hear about, uh, a phone  
5 message, uh, that was, uh, recovered. Uh, this  
6 phone message was recovered from Brendan  
7 Dassey's, uh, home. Uh, you're going to hear in  
8 this case -- and I know that I've advanced a  
9 little bit quickly for you, but when Steven Avery  
10 made the appointment to lure Teresa Halbach to  
11 the property, evidence will show that he used the  
12 name, B. Janda. His sister's name is Barb Janda.

13 So using his sister's name, using his  
14 sister's phone number, or the call back number,  
15 uh, you're going to hear, uh, this -- or expect  
16 you'll hear this, uh, tape, this, um, uh, voice  
17 recording of Teresa, indicating that she got the  
18 message, uh, that, uh, the time that, uh, she  
19 would be able to come and take photographs of a  
20 van that was for sale was sometime after 2:00,  
21 uh, on that day. But, again, it was recovered  
22 and you'll be able too hear, um, that evidence.

23 On Monday, uh, the 7th, the Crime Lab --  
24 uh, and, again, it's a little bit better if you  
25 look at -- at this -- um, they make a startling

1 discovery. Remember the SUV of Teresa was taken  
2 to the, um -- the Crime Lab for processing? They  
3 found male blood in six different locations in  
4 the SUV and they found a great deal of female  
5 blood in the back, or what's called the cargo  
6 area, of Teresa's, uh, SUV. These were the first  
7 results, uh, they had gotten. They didn't get  
8 any D re -- DNA results back yet, but they could  
9 tell it was male blood, and they could tell that  
10 it was both, uh, female blood.

11 You'll hear from investigators, from  
12 Mr. Fassbender, and even from some of the Crime  
13 Lab people, that when you find male blood and you  
14 find that amount of female blood, uh, in the back  
15 or in the cargo area of an SUV, it became very  
16 obvious on Monday, the 7th, just a couple of days  
17 into this investigation, that something terrible  
18 had happened. That a crime had happened.  
19 Criminal behavior, uh, was afoot, and that, uh,  
20 the search then began for what person or persons  
21 were involved in committing these crimes.

22 Also, on Monday, you're going to hear  
23 about a burn barrel that was recovered from just  
24 outside of Steven Avery's, uh, residence. Uh,  
25 the Steven Avery and the Brendan Dassey, uh,

1 residences, again, are next to each other, kind  
2 of between them, closer to Mr. Avery's house, is  
3 an Avery, um, burn barrel.

4 Uh, this is another photograph to kind  
5 of give you a -- an idea of how close not only  
6 the burn barrel is to the Steven Avery trailer,  
7 but also, and more importantly, how close this  
8 burn barrel is to the van. This is the maroon  
9 van that Teresa Halbach, the evidence will show,  
10 was asked to come and take pictures of on  
11 Halloween Day on 2005, and so you'll hear about,  
12 uh -- about all of those things.

13 The next day, Tuesday, uh, the 8th,  
14 you're going to hear that a thorough search was,  
15 um, performed of Steven Avery's trailer. Uh, and  
16 found in Steven Avery's bedroom was a key. This  
17 was a Toyota key. You will hear evidence that  
18 later this Toyota key matches the key of Teresa  
19 Halbach's SUV. It starts the ignition. It  
20 turns, uh, um, the ignition.

21 The second important finding on the 8th  
22 was Teresa's license plates. These are found in  
23 a junked vehicle, uh, kind of on the path on the  
24 way to Steven Avery and Brendan Dassey's, uh,  
25 residence.



1                   And the third, and most chilling,  
2                   discovery, uh, on the 8th, the evidence will  
3                   show, is, uh, this burn area.

4                   Now, to give you an idea or an overview,  
5                   again, of this corner, this quadrant, of the  
6                   Avery property, again, the, uh, Dassey and Janda  
7                   trailer, Steven Avery trailer, the van that was  
8                   for sale, you'll be able to see that, uh, this  
9                   burn area, uh, was found just a -- a few feet  
10                  behind the garage of Steven Avery.

11                  You're going to hear evidence that  
12                  within this burn area, um, obvious human bone  
13                  fragments were found. You're going to hear that  
14                  the Crime Lab came to process this scene, that  
15                  arson investigators came to process the scene.  
16                  They recovered, uh, at least on that first day,  
17                  that is, Tuesday, the 8th, as many of the bones  
18                  that they could recover from this obvious, um,  
19                  uh, destructive, uh, area, this burn area, and  
20                  the evidence will, uh, show that, um, uh -- how  
21                  the bones were, uh -- were recovered and  
22                  transported for identification and examination.

23                  You're going to hear that officers --  
24                  Remember, this is Tuesday. They had gotten there  
25                  Saturday already. That officers weren't able to,

1       um, recover or to even examine this area. Uh,  
2       either police officers, themselves, humans, or  
3       with the assistance of K-9s, cadaver dogs, or  
4       bloodhounds, or any kind of search dogs, were not  
5       able to, uh, inspect this particular area, um,  
6       because of a German Shepherd that was, uh,  
7       vicious and that was guarding that particular,  
8       uh, area. That particular burn area.

9               This is a photo that just assists you  
10       and explains why it took until Tuesday to find  
11       these, um, human remains in that area. All  
12       right?

13              We'll move a little bit more quickly  
14       into the following -- or into the balance of that  
15       week. Uh, the recovery of those bones, you will  
16       hear, were in very, very, uh, small, um, size.  
17       They were also very, um, degraded. They were  
18       charred. Um, but they were all examined, um, by  
19       a forensic anthropologist. We'll talk about that  
20       a little bit, uh, later in the case. But what  
21       you need to know on Wednesday is that they were  
22       able to say that they're human bones and that  
23       they're from an adult female.

24              Uh, officers, obviously, at this point  
25       believe that this is the site of the mutilation

1           and the disposal of Teresa Halbach.

2                       Later, on the next day, on Thursday, uh,  
3           this burn area -- this is a little  
4           computer-generated image of the burn area, uh,  
5           officers, um, are able to further excavate and,  
6           um, recover all the rest of the bones that, uh,  
7           are found in that area.

8                       And let me just take a -- a moment, uh,  
9           to tell you about these computer-generated  
10          images, uh, that you're going to see. There's a  
11          gentleman by the name of Tim Austin. He is a,  
12          um, employee with the Wisconsin State Patrol.  
13          Uh, Tim Austin was at the scene for, uh, at least  
14          seven of the days, uh, that led up to or included  
15          the processing of the scene, and Mr. Austin --  
16          you're going to hear evidence he took at least  
17          4,100 measurements and later created, uh, not  
18          only still images, uh, of the exterior of the  
19          property, exterior of Mr. Avery's, uh, garage,  
20          and trailer, and the burn area, and, uh, the  
21          Janda and Dassey areas, um, but also some of the  
22          interiors.

23                      Because you're not going to be able to  
24          go out there, because you're not going to be able  
25          to do a -- a scene visit, um, Mr. Austin created

1           for you, uh, kind of a tour. Um, many of you  
2           might be familiar with at least with some kind of  
3           computers, virtual tours, that you're able to  
4           kind of tour the area and -- and get kind of a --  
5           a -- a lay of the land, if you will, and you'll  
6           hear how accurate, uh, the depictions are.  
7           You're going to see it. You're going to see the  
8           virtual tour so that you get a better flavor or  
9           feel for where one item might be in relation to  
10          another. All right? So, uh, we also have for  
11          you these computer-generated images, um, that  
12          you'll see.

13                 Now, you heard about Sherry Culhane.  
14          You heard about her doing some DNA work in this  
15          case. Now, you're going to hear that Ms. Culhane  
16          received from law enforcement 180 items -- 180  
17          items of evidence, uh, where officers asked that  
18          a DNA profile be developed. Uh, you're going to  
19          hear that that is the largest submission of  
20          evidence, ever, at the Wisconsin State Crime Lab,  
21          uh, and that the amount of DNA work in this case,  
22          uh, was absolutely overwhelming.

23                 Ms. Culhane, and although not as  
24          important, uh, in, uh, this case, uh, will still  
25          tell you about all of the profiles that she was

1       able to develop. She'll tell you what DNA is,  
2       and it's a genetic fingerprint, and how you can  
3       make matches and all those kind of things. All  
4       right?

5               With that having been said, though,  
6       you're going to hear that one of the bones that  
7       was recovered, one of the bones that was  
8       recovered in the pit, still had some tissue on  
9       it. So it had some muscle tissue on the bone.  
10       It wasn't completely burned. It wasn't  
11       completely degraded. This allowed Ms. Culhane,  
12       uh, to develop a DNA profile, uh, and, in fact,  
13       positively match this leg bone, uh, to the  
14       sample, to the exemplar, to the standard of  
15       Teresa Halbach.

16              So after that, um, bone is examined, and  
17       ~~after a DNA profile is established, there isn't~~  
18       any more question as to who this female skeleton  
19       is, this mutilated, um, fragmentary skeleton  
20       belongs to, and that is, with 100 percent  
21       certainty, Teresa Halbach.

22              So the investigative timeline, that is,  
23       the first, um, eight or ten days of this case,  
24       um, includes -- These aren't going to help you  
25       because we have stuff on the bottom. So you're

1 going to have to look forward. Again, I  
2 apologize for that. That will be fixed at, uh --  
3 at the break.

4 But on the 31st of October, um, Teresa  
5 Halbach is killed. You're going to hear about  
6 the timeline of October 31. You're going to hear  
7 that at 8:12 in the morning on the 31st, Steven  
8 Avery lures or calls, um, *AutoTrader Magazine*,  
9 and Teresa Halbach is asked to come out to the  
10 scene. You're also going to hear she'd been  
11 there five times before, um, but always with the  
12 name of, uh, Steven Avery. Uh, at least I think  
13 that's what the evidence is going to show. But  
14 Mr. Avery used a different name, uh, that is, B.  
15 Janda, to get her to come out on that afternoon.

16 You're going to hear at 11:43 that  
17 morning, so sometime just before noon, Teresa  
18 Halbach makes that call, that's recorded, to  
19 Brendan Dassey and Barb Janda's answering machine  
20 saying, I can come out. Uh, I'll be out there  
21 sometime after 2:00, uh, today.

22 You're going to hear about the two stops  
23 she made before Steven Avery's and Brendan  
24 Dassey's residence. That is, at the Steven  
25 Schmitz residence about 1:30, and sometime

1           between 2 and 2:30 at a woman by the name of  
2           JoEllen Zipperer's. Uh, the similar kind of  
3           stops. She stops, she takes pictures of the  
4           cars, she gives them an *AutoTrader Magazine*, a  
5           bill of sale, she completes the transaction  
6           before taking the photo for *AutoTrader*, and then  
7           she goes on to her next stop that day.

8                       Well, her next stop that day, uh, was  
9           that of, um -- at the Steven Avery salvage  
10          property. You're going to hear at 2:27 p.m. a  
11          woman from *AutoTrader*, Dawn Pliszka, talks to,  
12          uh, Teresa Halbach. You're going to hear that  
13          during that conversation, um, Ms. Halbach says,  
14          I'm on my way. I'm on my way to the Steven Avery  
15          property. So when we talk about a timeline, when  
16          was she there? About when does she get there?

17                      ~~You're going to hear that the Zipperer~~  
18          residence is less than ten minutes from the Avery  
19          property. And if at 2:27 she says, I'm on my  
20          way, it can be no longer or later than 3:27 or  
21          about 3:40. Excuse me, 2:27 or about 2:40 in the  
22          afternoon, 20 to 3, that Teresa Halbach gets to  
23          Steven Avery's property where the photos are  
24          taken.

25                      You will hear evidence that she

1 completes the transaction. She takes the photos  
2 of the van just like she's been asked to do. Uh,  
3 you will then hear, uh, in, unfortunately,  
4 graphic detail, what happens at Teresa Halbach  
5 after 2:40 in the afternoon.

6 Let's go back to the investigation for  
7 just a minute, though. Teresa doesn't show up  
8 for work on the 1st or 2nd of, um, November. On  
9 the 3rd, the Halbach family and friends become  
10 understandably concerned, and they begin to  
11 retrace Teresa's steps. Where is Teresa? How  
12 can we find her?

13 On the 4th, both the citizen efforts and  
14 the law enforcement efforts to find Teresa are  
15 kind of ramped up. Um, they do aerial searches,  
16 uh, they look at financial transactions, they  
17 check out her cell phone records, and which  
18 towers that her cell phone kind of ping off of,  
19 or bounce off of, and also you'll hear about the  
20 distribution of missing person posters at that  
21 time by citizens.

22 You'll hear that on the morning of the  
23 5th her vehicle is found at 10:30 in the morning  
24 by the Sturms. At about 2:00, investigators, uh,  
25 become actively involved in searching, or at



1       least in obtaining search warrants, and then, uh,  
2       searching the property, and you'll then hear  
3       about the searches continuing.

4               Uh, very quickly, on Sunday, the, um,  
5       firearms and garage is searched, and you'll hear  
6       about the evidence, uh, that is obtained.

7               On the 7th, it becomes more full scale.  
8       Lots and lots, in fact, hundreds of law  
9       enforcement officers and volunteers and citizens  
10      become involved in the search of this massive  
11      40-acre property. Uh, at that time all the  
12      junked vehicles, uh, are searched, and you'll  
13      hear about the discovery of the burn barrel.

14              On the 8th, those three critical  
15      discoveries that we talked about, uh, that is,  
16      the Toyota key being found in Steven Avery's  
17      bedroom, uh, SUV plates are found at that time,  
18      and the burn area is discovered, which -- excuse  
19      me -- contains, uh, those human remains.

20              The 9th becomes an important day.  
21      Steven Avery's arrested. Steven Avery's arrested  
22      for a weapons charge. On the 9th, he's  
23      interviewed. But what you'll also hear about the  
24      Steven Avery contact on the 9th, uh, is that  
25      officers take some photographs. They do a, uh,

1 physical examination of Steven Avery, and they  
2 find a cut that you'll see in just a few minutes.

3 On the 10th, the burn area is further,  
4 um, examined. On the key, itself, on the key  
5 that was found in Steven's bedroom, they find his  
6 DNA. We'll talk about that a -- a -- a little  
7 bit, uh -- a little bit further.

8 On the 11th, um, the victim's blood,  
9 that is the female blood, from within the SUV --  
10 Remember the big pool? Or the big, uh, stains in  
11 the cargo area in Teresa's, uh, SUV? Uh, those  
12 now match, uh, a soda can that Teresa had up in  
13 the front of the vehicle. It's then presumed,  
14 uh, to be that of Teresa Halbach's.

15 So those are the first, uh, eight days  
16 or so of the investigation and what you need to  
17 know. Again, that's probably, you know,  
18 two-and-a-half or three weeks, or could be, of  
19 testimony that, in this case, we're going to try  
20 to fit into a layer of evidence, try to fit into  
21 about two days, maybe two-and-a-half days. So  
22 it's going to go quickly, but it's meant to give  
23 you a flavor of the size of this case, the scope  
24 of this case, uh, and also, to the credit not  
25 only of the Halbach family and to the memory of

1           Teresa, but you need to hear it. You need to  
2           hear the whole story, uh, of the investigation.

3                     We talked about those DNA matches that,  
4           uh, Ms. Culhane developed at the, uh, Crime Lab.  
5           You're going to hear that Teresa's, um, blood,  
6           uh, is, in fact, later positively identified,  
7           positively matched, to a standard in the cargo  
8           and -- and panel, uh, area.

9                     The back cargo door. You're going to  
10          hear about, uh, blood having been actually flung,  
11          uh, onto that door. You're going to hear from a  
12          person by the name of Nick Stahlke, a blood  
13          spatter expert, as to how those kind of blood  
14          spatters, uh, can be left in a very violent, uh,  
15          kinds of -- uh, of episodes.

16                    You're going to hear her blood was found  
17          on the rear tailgate, uh, the door handle, and,  
18          again, on the -- on the soda can.

19                    Uh, Steven Avery's blood, uh, is found,  
20          like I told you, in six different places in the  
21          vehicle. Positive matches, uh, for Steven Avery,  
22          on the, uh, rear passenger door, near the  
23          ignition area, um, where Steven Avery's actively  
24          bleeding finger actually leaves some DNA, uh, in  
25          the ignition area. Also, in the front, that is

1 the front passenger part, of the SUV, that is on  
2 the, uh, CD case and, uh, on both of the front  
3 seats.

4 I told you before about the cut, the  
5 actively bleeding cut, on Steven Avery, uh, on  
6 the 9th. We will show you pictures, uh, of the  
7 remnants of that cut. It was healing, uh, but  
8 just how deep that cut was. And you can draw the  
9 conclusions, and, in fact, uh, it may or may not  
10 even be contested that his finger was actively  
11 bleeding on the 31st when he struggled with  
12 Teresa, uh, and when he, uh, loaded her in the  
13 back of, uh, uh, the vehicle, uh, and helped and  
14 dispose of the vehicle to, uh, conceal that  
15 particular crime.

16 And, finally, you're going to hear  
17 evidence of the DNA of Steven Avery being found  
18 on Teresa Halbach's key. You're going to hear  
19 about how DNA is the same whether it's in your  
20 blood, whether it's in other bodily fluids, um,  
21 perspiration, skin cells, semen, uh, other kinds  
22 of places. It's the same genetic code. It's the  
23 same DNA that's found. And when Steven was  
24 handling, uh, that, uh, key, uh, he left his  
25 perspiration, he left his sweat on that key, and

1 Ms. Culhane, excuse me, was able to develop a  
2 full profile. All right?

3 Everybody take a deep breath, because  
4 we're now going to start talking about the reason  
5 that you're here. That was all of Steven Avery's  
6 case where the evidence that pointed -- excuse  
7 me -- to Steven Avery.

8 Uh, this is going to be a time when the  
9 Judge is going to allow you to take a few minute  
10 break, your morning break. Excuse me. After you  
11 return, we will then tell you about what evidence  
12 it is that the State intends to show, uh, and why  
13 it is, uh, that the State intends to prove beyond  
14 a reasonable doubt that that man, uh, that  
15 Brendan Dassey -- excuse me -- committed the  
16 crimes of first degree intentional homicide,  
17 mutilation, and sexual assault.

18 So if we may, Judge, a -- a 10- or  
19 15-minute --

20 THE COURT: Certainly.

21 ATTORNEY KRATZ: -- break at this time,  
22 and when you come back, uh, I will conclude my  
23 opening statement. Thank you, very much.

24 THE COURT: We'll recess for 15 minutes.

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

1 (Reconvened at 10:32 a.m.)

2 ATTORNEY KRATZ: The screens have been  
3 fixed. The reason we're here is for Brendan  
4 Dassey. For the jury to consider Brendan  
5 Dassey's behavior. Uh, that is whether he  
6 participated in criminal behavior.

7 The Judge instructed you that you're  
8 going to be able to take notes during the  
9 testimony in this case, during the presentation  
10 of -- of the evidence. Um, and as you take  
11 notes, um, it oftentimes is a suggestion from the  
12 lawyers, Mr., um, Fremgen or -- or Edelstein,  
13 whoever is giving their opening statement, may  
14 have suggestions, uh, for you as well.

15 But in note taking, in taking detailed  
16 notes, which you're going to be able to use  
17 during your deliberations, the two questions at  
18 least that the State is going to ask, or present  
19 evidence, that's going to ask you to answer are  
20 these: Number one, was he there? And, number  
21 two, did he help? Was he there? And did he  
22 help?

23 On November 6, Brendan Dassey, right  
24 after this case began, right after the  
25 investigation began in this case, denied any

1 knowledge of Teresa Halbach's death. Uh,  
2 indicated some version that he had seen his Uncle  
3 Steve talking with, uh, Teresa, but the  
4 investigators pretty much discarded that, because  
5 it wasn't consistent, it didn't fit with the  
6 timeline. Didn't fit with the evidence.

7 Remember, Teresa got there about 2:40.  
8 You're going to hear evidence that Brendan didn't  
9 get off the bus from school until 3:45, a full  
10 hour after that meeting, after Teresa would have  
11 been talking out on a porch with, uh, Mr. Avery.  
12 And so Brendan was nowhere on the radar screen.  
13 He was nowhere, uh, a suspect. He was a -- a  
14 witness, like any other witness, who might have  
15 been on the property.

16 That tends to change on February 27 when  
17 Brendan starts giving new details. He's  
18 reinterviewed, uh, based upon some, uh, other  
19 information that was obtained by Mr. Fassbender  
20 and Mr. Wiegert, and he then becomes a much more  
21 important witness. He's a witness at this point.

22 He says he sees Steve standing near the  
23 fire. He sees body parts of Teresa Halbach in  
24 the fire. He helps put fuel on the fire to help  
25 kind of stoke up the fire, if you will. And

1       Uncle Steve makes some admissions that, uh, Uncle  
2       Steve stabbed Teresa Halbach, but that also that  
3       Mr. Dassey saw some clothing. And,  
4       interestingly, he said he saw Teresa's clothing  
5       in a bag and he saw them in a bag in the garage.

6               Well, as officers, you will learn, kind  
7       of reconstructed that February 27 statement.  
8       They started saying, as investigators do, well,  
9       wait a second, that can't happen that way. How  
10      can he describe Teresa Halbach's clothing if  
11      they're in a bag?

12             Forensic interviews, you will hear --  
13      you'll hear testimony from, uh, Investigator Mark  
14      Wiegert -- uh, are designed for witnesses.  
15      Witnesses give interviews, and forensic  
16      interviewing, uh, you will hear, um, some version  
17      of what's called the funnel technique. And I'm  
18      not going to bore you right now, because I'll let  
19      Mr. Wiegert bore you, uh, later with, uh -- with  
20      what the funnel technique is.

21             The theory, though, is that witnesses  
22      when you're trying to get details, the evidence  
23      will show, is that you start with a free  
24      narrative. A narrative. Tell me everything you  
25      know about what happened in the case. And then



1           it becomes more and more directed. Uh, you can  
2           ask direct questions, or more focused questions,  
3           or even, in the rare case, you can ask leading  
4           questions, to try to draw out of witnesses what  
5           they know about the case. That makes sense. It  
6           makes sense that you want them to tell you  
7           everything, but you're going to have to follow up  
8           with, um -- with questions.

9                     You're also going to hear, though, that  
10           there's a difference between interviews and  
11           interrogations. Interrogations are designed for  
12           suspects. They're not designed for witnesses.  
13           And you're going to hear in this case -- in fact,  
14           you're going to hear a lot in this case -- about  
15           interrogations, about the interrogative process,  
16           about the process of asking questions, and the  
17           process of obtaining truthful information from  
18           suspects.

19                    You're going to hear that confessing to  
20           a crime, and, in fact, the most serious crime is  
21           murder, but confessing to any crime is an  
22           unnatural act. It goes against a human's, um,  
23           feeling of self-preservation. Okay? That should  
24           make sense to -- to everybody, and the evidence  
25           is going to show that. That it is difficult to

1        have somebody admit to a very, very serious, um,  
2        crime.

3                    And so there are techniques that are  
4        developed to encourage suspects. Again, these  
5        are interrogations, these aren't interviews. But  
6        to encourage suspects to provide truthful  
7        information. You're going to hear about those  
8        techniques, that those techniques include some  
9        kind of an accusation that the person's not  
10       telling the truth. And in every confession,  
11       every admission that Mr. Wiegert, and perhaps  
12       other witnesses, will tell you about, they always  
13       start with a denial. I wasn't involved in the  
14       case.

15                   You will then hear how confessions or  
16        admissions move from denials to admissions. It's  
17        called shifting from denials to admissions.  
18        You're going to hear about the stages where an  
19        individual will become in a very passive mode,  
20        will allow the investigator to do most of the  
21        talking. In fact, you'll hear about body  
22        language, and looking down, and -- and, uh,  
23        really kind of, uh, allowing the investigator to  
24        give their version about what happened.

25                   And you will see a point -- They'll

1 describe a point -- that is, investigators will  
2 describe a point -- in every interrogation where  
3 this happens, but in Mr. Dassey's case, you will  
4 see a point where that first admission occurs.  
5 The first acceptance of some responsibility for  
6 being involved in the case. All right? Then the  
7 rest of the interrogation is drawing out as many  
8 details as you possibly can.

9 Now, I told you that, um, moving from  
10 denials to admissions are unnatural. It's a  
11 difficult kind of thing to do, and there's two  
12 techniques in this case, and you'll see evidence  
13 in this case, um, that you'll hear a lot.

14 The first technique, uh, is something  
15 called expressing superior knowledge.  
16 Investigators oftentimes -- and if you think  
17 about it they have to -- they oftentimes express  
18 that they know more than they do. Uh, that they  
19 have more information than they really have.

20 You're going to hear evidence, you're  
21 going to hear testimony, when officers say things  
22 like, it's all right, we already know what  
23 happened, or words to that effect, in this case,  
24 you're going to hear that over and over and over  
25 again, it's all right, we already know what

1       happened, understand that the officers will  
2       explain that that is a technique. It is a  
3       technique to encourage that unnatural act. To  
4       encourage the act of going from a denial, uh, to,  
5       uh, an admission.

6                You'll also hear testimony about how  
7       guilty people, that is, people who really do  
8       commit crimes, how they hear that very phrase,  
9       it's all right, we already know what happened,  
10      how they hear that differently than somebody  
11      who's innocent, or somebody who may not have  
12      committed a crime. All right?

13              So you can kind of figure it out  
14      yourselves. I mean, jurors, you'll be able to  
15      figure this out, and the evidence will help you  
16      with that, but guilty people, when they hear we  
17      already know what happened, will tend to make  
18      admissions. Innocent people, who weren't  
19      involved at all, who hear we already know what  
20      happened, will think, good, then you're going to  
21      know I wasn't involved, and so how it plays on,  
22      and you'll need to kind of understand that  
23      difference in the dynamic.

24              The last, um, concept that you'll hear  
25      about, that I want to talk about in opening

1 statement, is giving a suspect a reason to admit.  
2 We talked about that before. Uh, is a suggestion  
3 that they will feel better. That they will have  
4 some moral acceptance. All right? Some real or  
5 perceived better feelings about themselves if  
6 they get it off their chest. So whether you'll  
7 sleep better, or you'll feel better, or you'll  
8 get it off your chest, or words to that effect,  
9 when you hear that in this case, know, and you'll  
10 hear evidence about, that this is a technique --  
11 an interrogation technique -- and you'll hear a  
12 lot about that.

13 Well, there's safeguards, too, that  
14 you're going to hear about. We don't just, uh,  
15 base your case on admissions or confessions of  
16 people, but you have to try to verify what it is  
17 that somebody says. And this screen explains  
18 some of those things that the testimony will show  
19 in this case.

20 Can that person's statement be verified,  
21 or what's called "corroborated", through physical  
22 evidence or other known facts? Right? That  
23 makes sense.

24 Number two, were the details not yet  
25 known to the public, and, more importantly, I'm

1 going to throw in here, were they not yet even  
2 known to the law enforcement officers who were  
3 asking the question?

4 And, number three, the ability of the  
5 suspect to resist false suggestions. Not to  
6 resist suggestions, but to resist false  
7 suggestions.

8 We'll talk about that when we talk about  
9 these March 1 statements.

10 Now, you're going to hear in this case  
11 that there was nothing unique about the March 1  
12 interrogation of Brendan Dassey other than it  
13 started off as a witness' statement. Remember,  
14 on March 1 Brendan Dassey was still a witness.  
15 He was not a suspect at all. He wasn't on, uh,  
16 the radar screen. All Brendan did at that point,  
17 or all the police knew at that point, is that he  
18 may have seen some things in a fire of his Uncle  
19 Steve, Steven, um, uh, Avery. And you're going  
20 to see that entire March 1 statement given by  
21 Brendan Dassey.

22 Now, some of it is going to be difficult  
23 to watch for a couple of reasons.

24 Number, one, some of it's really boring,  
25 um, but we're going to show you start to finish

1 the entire admission. I think it's about four  
2 hours long. So as you think later in this week,  
3 um, just prepare yourselves, you're going to have  
4 four hours of sitting and watching, um, a lot of  
5 times, not very interesting, um -- interesting  
6 questions.

7 But let me also warn you, because it's  
8 fair for me to do this, that some of the details  
9 may be disturbing. Uh, they are statements made  
10 by a young man who involved himself in some very,  
11 very serious behavior, some very serious choices.  
12 And you're going to hear how he made those  
13 choices, and the kinds of things that he and his  
14 uncle did to this 25-year-old girl. All right?

15 Now, we have to give you those details.  
16 We have to play the entire, um, statement for  
17 you. You're the jury in this case. You have to  
18 determine whether or not this makes sense, the  
19 degree of detail that Brendan gives, the words  
20 that Brendan uses, whether or not they ought to  
21 be believed. That's your job. Your job at the  
22 end of this case will decide whether that  
23 statement ought to be believed.

24 I'm going to briefly go through what  
25 Brendan Dassey says on March 1, the version --

1           Brendan's version of what happened to Teresa  
2           Halbach.

3                   Brendan Dassey, in, again, sometimes  
4           graphic detail, will talk about approaching Uncle  
5           Steve's trailer, and before he even knocks on the  
6           door, he hears screaming. He hears screaming  
7           from inside of the trailer, and he knocks on the  
8           door.

9                   Now, remember what I told you before  
10          about, um, Brendan's statements and should they  
11          be believed, and the things that, uh, was he  
12          there, uh, and did he help?

13                   Uh, remember, also -- And at the end of  
14          my opening, we're going to talk about some  
15          choices and the evidence of some choices that  
16          Brendan makes. But the choice to knock on the  
17          door, even though you hear screaming from a young  
18          woman inside, uh, is the first choice that  
19          Brendan makes.

20                   You're going to hear that Steven Avery  
21          answers the door. You're going to hear that he's  
22          sweaty, and that he tells Brendan Dassey that he  
23          has raped this woman that he has in the back of  
24          his bedroom. These are difficult, hard images to  
25          kind of wrap your mind around. But this is the



1 version that Brendan Dassey gave on the 31st of  
2 October.

3 Brendan actually sees Teresa tied up.  
4 He sees her shackled with handcuffs and leg irons  
5 to the back bed -- in the back bedroom. And,  
6 here, when we talk about decisions, Mr. Avery,  
7 himself, asks Brendan if he wants to have sex  
8 with the woman that's been restrained in the  
9 bedroom now.

10 Some of the language is very graphic,  
11 um, he -- they don't use the word, do you want to  
12 have sex. All right? They use some very, very  
13 crude, degrading language towards any woman, but  
14 certainly towards a young woman, uh, who is in  
15 this trailer already.

16 When we talk about those decisions that  
17 Brendan gets to make at this point, Brendan says,  
18 yes, I want to do that.

19 You're going to hear that Brendan Dassey  
20 rapes Teresa Halbach. You hear that he walks  
21 into the bedroom while Teresa's restrained on the  
22 bed, and by force, and by violence, and with the  
23 use and threat of a weapon, he has sexual  
24 intercourse with this woman without her consent.

25 You're going to hear a lot more details

1           that I'm not going to share with you at this time  
2           about that particular moment, that particular,  
3           um, event. I want you to listen to that young  
4           man's description of what Teresa Halbach says to  
5           him as he's doing that to her.

6                     After the rape, Steven Avery praises his  
7           nephew, and says, that's how you do it. These  
8           are explanations, again, from Brendan. The  
9           repulsive expression, lack of empathy, lack of  
10          any kind of moral fiber, any kind of moral  
11          compass at all, for an uncle to tell a nephew,  
12          that's how you do it.

13                    Then Steven and Brendan discuss if they  
14          should, and how they should, kill Teresa Halbach.  
15          Again, the decision tree. What does Brendan  
16          decide to do? Steve says, will you help me?  
17          Brendan says, yes. You'll hear testimony about  
18          Steven and Brendan going into the bedroom.  
19          Steven Avery stabs the victim. Brendan Dassey,  
20          handed the knife by Uncle Steve, cuts Teresa  
21          Halbach's throat.

22                    You're going to hear that they take, um,  
23          this 25-year-old woman, unclothed, to the garage.  
24          They place her on the floor. Dassey waits with  
25          Teresa Halbach, who is not yet dead, laying on

1 the floor, as Mr. Avery retrieves his .22 caliber  
2 Marlin Glenfield semi-automatic rifle, and  
3 Brendan says Uncle Steve shoots her ten times, at  
4 least twice in the head, including on the left  
5 side of her head.

6 The statement goes on that Avery and  
7 Dassey load Ms. Halbach, who's now been killed,  
8 thankfully, into the back of her -- cargo area of  
9 her SUV, and they decide how to dispose of her  
10 body.

11 Mr. Avery dis -- discusses and decides  
12 that, uh, we should burn the body. Should  
13 mutilate the body so that it can conceal the  
14 crime. Mr. Dassey will tell investigators that  
15 he helped. That he helped carry this unclothed  
16 young woman to this large bonfire in the back of  
17 Steven's garage and throws this young girl on the  
18 fire.

19 You're going to hear that, um,  
20 Mr. Dassey describes burning, mutilating the body  
21 to conceal the murder, and taking this very large  
22 car seat -- remember, you saw that in earlier  
23 pictures -- and the two of them threw this car  
24 seat onto the fire.

25 By the way, let me just stop here, and,

1 as you take notes, as you take notes during this  
2 trial, please remember to jot down the kinds of  
3 things that require two people. Please remember  
4 to jot down where it's a two-man job rather than  
5 a one-man job, to help you decide, was he there?

6 This is one of those places that  
7 requires a two-man job. This large, um, car seat  
8 that you'll see, this large metal frame, that's  
9 thrown on top of this young woman whose body's  
10 being mutilated.

11 You're going to hear Brendan tell the  
12 officers that the vehicle was driven down to that  
13 pit area that we, uh, talked about, that it was  
14 concealed with branches and a car hood, and the  
15 license plates were removed, and Steven Avery,  
16 for some reason, went underneath the hood of, uh,  
17 Teresa's vehicle.

18 Brendan Dassey will tell you that the  
19 garage that, thereafter, when they walked back,  
20 that the garage was cleaned with bleach, was  
21 cleaned with gas, was cleaned with paint thinner,  
22 that Mr. Avery took the Toyota key, put it into  
23 his bedroom, that Teresa's clothes were thrown  
24 onto the fire.

25 They're statements from Brendan.

1 Remember this. Brendan's telling you that her  
2 clothes were thrown on the fire, that Avery's  
3 finger was cut and actively bleeding at the time,  
4 that Teresa's cell phone and camera were burned  
5 in the burn barrel earlier that day, and that  
6 Steven's girlfriend, Jodi, Jodi Stachowski, had  
7 called Steven Avery's house at least twice while  
8 Brendan was at the house.

9 Those are the statements of an  
10 individual. The details of an individual who's  
11 committed rape and murder and mutilation. It's  
12 your decision, the jury's decision alone, whether  
13 or not he was there and whether or not he helped.  
14 And when you evaluate Brendan's testimony, you're  
15 going to have to come up with, um, those  
16 decisions. I can't tell you. There's no expert  
17 witness, the Judge, uh, nobody can tell you, but  
18 the jury, collectively, will decide whether to  
19 believe Brendan or not.

20 Now, the police officers will provide  
21 you with some help to corroborate, to explain the  
22 confession, the evidence in this case. Uh,  
23 you'll have to ask yourself whether the police  
24 already know. Even though Mr. Wiegert keeps  
25 saying, it's all right, Brendan, we already know,

1       you're going to find out they didn't already  
2       know, uh, what -- and were very, very surprised  
3       of, uh, what Brendan, uh, was telling them detail  
4       after detail after detail.

5               What did they suspect? Um, and what  
6       could the police verify? What later could they  
7       find, by physical evidence, to support or to  
8       corroborate what it was that Brendan was saying?

9               Later that same day, on March 1, you're  
10      going to hear that the officers -- they got a  
11      search warrant. They said, well, if Brendan says  
12      that Teresa was shot in the garage, we better go  
13      take a look in that garage. We better take a  
14      better look than we took last time.

15              The evidence that will be presented to  
16      you that will verify Brendan Dassey's statements,  
17      the State believes, will be compelling, the State  
18      will -- believes will corroborate or verify what  
19      Brendan says. Again, we're not going to ask you  
20      take Brendan's word for it, all of these things,  
21      but all of these questions that I'm going to ask  
22      you now, and this is the last portion of my  
23      opening statement, uh, is meant to, um, explain  
24      to you the physical evidence that answers all of  
25      these questions.

1                   When Brendan says that Teresa was in the  
2                   trailer on 31st, do we believe that or not?  
3                   Well, you're going to see evidence that, uh, an  
4                   *AutoTrader Magazine* and the bill of sale, the  
5                   completion of the transaction, the completion of  
6                   the photography, and her business with Steven are  
7                   found in the trailer. Found inside the trailer  
8                   verifying what Brendan said.

9                   Was Teresa restrained that day as  
10                  Brendan says? You're going to hear that both  
11                  handcuffs and leg irons were found in Steven  
12                  Avery's bedroom during the search of his bedroom.

13                  The most important question, perhaps, is  
14                  was she shot in the garage? And that's where the  
15                  March 1 search warrant becomes so critically  
16                  important. You're going to see the snow, and the  
17                  snow is kind of your cue that this is in March,  
18                  rather than, uh, the November, uh, before.

19                  Uh, this is Steven Avery's garage where  
20                  they do a much more thorough search, uh, of, uh  
21                  -- of the garage.

22                  There are two -- These are called  
23                  evidence tents, by the way, and No. 9 and No. 23,  
24                  which is back here, which I'll show you in just a  
25                  minute, are the important ones. Officers do, in

1 fact, find two bullets. Remember? He said that  
2 she was shot in the garage.

3 The police, on March 1, as a result of  
4 Steve -- of, uh, Brendan Dassey's statements,  
5 after getting the search warrant, find two  
6 bullets in the garage. One where Tent No. 9 was  
7 shown, it's closer to the front of the garage,  
8 and one behind a compressor, where Tent No. 23,  
9 uh, is located. This is a better view for you of  
10 where, uh, those two bullets are found in the  
11 garage, but the most important finding is No. 23.  
12 Bullet No. 23 isn't just a bullet they find, but  
13 Sherry Culhane finds Teresa Halbach's DNA on that  
14 bullet.

15 This evidence, this bullet, is proof  
16 positive, 100 percent, something the police  
17 didn't know, that Teresa was, in fact, shot in  
18 the garage, just like Brendan Dassey told the  
19 police.

20 Was she shot ten times? You're going to  
21 hear, on the 6th when they reviewed and they  
22 examined and collected evidence, there were 11  
23 separate .22 caliber shell casings that were  
24 recovered. Very consistent. Was she shot with  
25 this very .22 caliber rifle? Again, of all the



1 rifles in the world, Brendan said it was Uncle  
2 Steve's that was hanging on the wall that was  
3 used to shoot Teresa.

4 You're going to hear evidence from a man  
5 by the name of Bill Newhouse from the Crime Lab.  
6 Mr. Newhouse will take that .22 caliber rifle,  
7 you will hear, do some test firings, and will  
8 match the .22 caliber bullet that was recovered  
9 in this case, as well as all of the shell casings  
10 that were recovered, and will tell you that this  
11 bullet and these shell casings came from this gun  
12 to the exclusion of all other guns on earth.  
13 This gun. Not just consistent with. They come  
14 from this gun.

15 Was Teresa shot in her head as Brendan  
16 will tell you? You'll hear from our  
17 anthropologist, Dr. Leslie Eisenberg, who, uh, is  
18 the bone expert, who will find a piece of bone  
19 that she will describe as a piece of Teresa  
20 Halbach's cranium, that is, a skull bone piece,  
21 and you'll hear and you'll see that beveling,  
22 that curve mark there, is actually an entrance  
23 wound.

24 They even take, uh, x-rays of that  
25 particular cranial piece, and Ken Olson from the

1 Crime Lab will tell you that -- and perhaps you  
2 can see those little white dots, uh, that are  
3 right next to, uh, the entrance wound -- those  
4 little white dots, when they're x-rayed, are  
5 lead. That's lead from a bullet. All right?

6 So these are bullet entrance wounds to  
7 Teresa's head, just like Brendan Dassey told you  
8 happened in the garage.

9 Both Dr. Eisenberg and our pathologist,  
10 Dr. Jentzen, will render the opinion that there  
11 are at least two gunshot wounds to the head found  
12 from these cranial remains. One on the left side  
13 of the head, just like Brendan says, and one to  
14 the back of the head of Teresa Halbach.

15 Do we believe that, um, Teresa's body  
16 was loaded in the rear of the SUV, as Brendan  
17 says? Well, you'll see and you'll hear from a  
18 blood spatter expert who will talk about the, uh,  
19 large stains, the blood stains, that are left  
20 from Teresa Halbach. That's her blood, by the  
21 way, and we'll show you some close-ups,  
22 unfortunately, uh, of that particular area of the  
23 cargo area of Teresa's car where, just like  
24 Brendan tells you, she's loaded in the back of  
25 the cargo area of the SUV.

1                   Was her body burnt and mutilated like  
2                   Brendan tells you? Lots and lots and lots of  
3                   evidence about this.

4                   First of all, the, um, burn area in the  
5                   burn pit, itself -- You'll also, by the way, hear  
6                   from some witnesses. Um, Brendan's now  
7                   stepfather, Scott Tadych, will actually be called  
8                   to testify. I'm sure he won't want to, uh, but  
9                   he will say on the 31st, that night, uh, between  
10                  7:30 and 7:45 in the evening, he saw Brendan and  
11                  Steven tending that fire, and we'll talk about  
12                  the flames being so high behind that garage.

13                  He not only sees the fire, he sees  
14                  Brendan and Steven Avery. So an eyewitness will  
15                  put Brendan there, just like he said he was, back  
16                  tending that fire.

17                  You'll hear about the bones being  
18                  recovered and being charred, and we've already  
19                  talked about this particular, uh, bone, but  
20                  Dr. Eisenberg will also identify every bone that  
21                  is found. Uh, these, uh, anthropologists are  
22                  able to look at a little fragment of bone and  
23                  tell you that it comes from this part of the leg,  
24                  or that part of the arm, or that part of the  
25                  spine. And she'll testify, and she'll tell you

1           that every bone of Teresa Halbach is represented  
2           in that burn pit in the back.

3                     You'll even hear from a dentist, the  
4           forensic dentist, Dr. Donald Simley, uh, who  
5           found a particular tooth, Tooth No. 31, on Teresa  
6           Halbach. On the left is Teresa's x-ray, when she  
7           was alive, of that particular tooth, and on the  
8           right is what's found in the burn pit. In the  
9           burn area. You'll be able to match them up for  
10          yourself, that Teresa's Tooth No. 31, um, one of  
11          the back teeth on the left side of her jaw, was  
12          recovered from the burn area.

13                    Brendan says that a car seat was thrown  
14          in the fire. Do we have evidence of that? Can  
15          we prove that? Can we corroborate that evidence?  
16          Absolutely. We will show you, and, in fact,  
17          we'll bring into this courtroom, the remains of  
18          that burned car seat. Two-man job, ladies and  
19          gentlemen. Two people required to throw that car  
20          seat, to carry that particular metal grave car  
21          seat.

22                    Brendan says the SUV was driven to the  
23          pit area. Uh, you'll find not only where the,  
24          uh, SUV was found, where the, um, crushed -- or  
25          car crusher is, you'll also see some diagrams

1           that Brendan actually places where Uncle Steve  
2           and I dropped off and hid that vehicle to conceal  
3           this crime.

4                       Brendan said it was concealed with  
5           branches and a car hood. Did that happen?  
6           Absolutely. Branches and a car hood, exactly as  
7           Brendan described, will be found concealing that  
8           car.

9                       Members of the jury, two-man job. We'll  
10          probably bring in that large piece of heavy car  
11          hood to show you, um, that Brendan and Uncle  
12          Steve leaned that and concealed that car.

13                      Were Teresa's license plates removed as,  
14          uh, Brendan said? Absolutely. We find the  
15          license plates in a junked vehicle.

16                      Was Teresa's car hood opened up by Uncle  
17          Steve as Brendan says? Well, on April 3, again,  
18          as a result of Brendan's statements, law  
19          enforcement swabs -- they take a Q-tip and -- and  
20          they swab the hood latch, reaching up underneath  
21          the hood, just to see if we can get a -- a DNA  
22          profile. Sherry Culhane does. She gets a full  
23          profile that's Steven Avery's sweat. Steven  
24          Avery's sweat is found on the hood latch, just  
25          like should happen if Brendan is to be believed that

1           Uncle Steve went under the hood.

2                       Again, facts not known by law  
3           enforcement at the time Brendan made these  
4           statements.

5                       Brendan says that the garage floor was  
6           cleaned with paint thinner. You're going to hear  
7           from a man by the name of John Ertl, from the  
8           Crime Lab, who will talk about a three- or  
9           four-foot circle, just to the left and behind the  
10          riding tractor, uh, which is a big bleach stain.  
11          Uh, Mr. Ertl will talk about that bleach stain.  
12          You'll see that bleach and paint thinner are  
13          recovered. Uh, but perhaps most importantly,  
14          Brendan, himself, hands over to Investigator  
15          Fassbender his jeans. He says, these were the  
16          pants I was wearing that night, and these pants  
17          are splashed with bleach from cleaning Uncle  
18          Steve's garage.

19                      Brendan said that, uh, Teresa's  
20          Halbach's, uh, key was put into the bedroom. You  
21          already know that the key was found in Uncle  
22          Steve's bedroom.

23                      Interestingly, Brendan says that the  
24          clothes of Teresa Halbach, after they cleaned up,  
25          were burned. They were thrown onto the burn

1 pile. Little bit harder to prove that her  
2 clothes are actually burned. But we did it.  
3 You're going to hear from a young lady today, uh,  
4 by the name of, uh, Katie Halbach. Katie's  
5 actually sitting in the front row. Teresa's  
6 sister.

7 She knows about Teresa's clothes, and  
8 Teresa owned a pair of what's called Daisy  
9 Fuentes jeans. They're jeans, you're going to  
10 hear, that are sold at a Kohl's Department Store.  
11 She kidded her sister. Katie kidded Teresa, as  
12 sisters sometimes do, about having those kind of  
13 jeans. Um, but you're going to hear that after  
14 Teresa's death, those jeans were missing. Those  
15 jeans were gone. Teresa was wearing those jeans  
16 on the 31st of October.

17 Jeans have little rivets on them, and  
18 those of you that are wearing jeans can kind of,  
19 uh, take a look at this a little bit later, but  
20 Daisy Fuentes has six different rivets that  
21 actually say the words "Daisy Fuentes" on them.

22 You're going to hear that the five of  
23 those six rivets were recovered from the burn  
24 area right behind Steven's, um, garage. Also a  
25 zipper was found and some other clothing items

1           were found. So as Brendan Dassey, that nobody  
2           else knew about the burning of the clothes,  
3           Brendan Dassey, when he says that we burned her  
4           clothes, were able to verify that.

5                       Was Avery's finger cut and actively  
6           bleeding? Of course, it was. We have a photo of  
7           it and we have Avery's blood, which Mr. Stahlke,  
8           the, uh, blood spatter expert, will tell you how  
9           all of those are left.

10                      Brendan says that Teresa's cell phone  
11           and camera were burned in Avery's burn barrel.  
12           Burn barrel was outside the car. You're going to  
13           hear and read a report from a gentleman by the  
14           name of Curtis Thomas. Mr. Thomas works at the  
15           FBI in Virginia. Mr. Thomas got to see all these  
16           electronics which were recovered from Mr. Avery's  
17           burn barrel. And guess what was in there?  
18           Teresa Halbach's Motorola V3 RAZR cell phone,  
19           Teresa Halbach's PowerShot A310 digital camera  
20           are found, just like Brendan said they would be.

21                      Lastly, did Avery's girlfriend call  
22           twice on October 31? Phone records will indicate  
23           that a woman by the name of Jodi Stachowski, the  
24           girlfriend of Steven Avery, called twice on the  
25           31st, just like Brendan said.



1                   The evidence in this case, members of  
2                   the jury, isn't just going be based on the  
3                   statements of a young man, aren't just going to  
4                   be the fanciful, um, expressions or, um,  
5                   imagination of somebody. We're going to be able  
6                   to prove to you in this case that things the  
7                   public didn't know, things the police didn't  
8                   know, were provided by a young man who was at the  
9                   scene. Was he there? Absolutely. Did he help?  
10                  Absolutely.

11                  And so the jury's role, then, will be to  
12                  decide these facts. Your role as a jury will be  
13                  to decide whether Brendan's admissions of  
14                  involvement in this case, knowing things that  
15                  nobody else knows, that only the murderer and the  
16                  murderer's accomplice could know in this case,  
17                  and you are to search for the truth.

18                  The evidence, members of the jury, at  
19                  the conclusion of this case is not going to show  
20                  that Brendan Dassey was at the wrong place at the  
21                  wrong time. The evidence is going to show that  
22                  Brendan Dassey was at the right place at the  
23                  right time.

24                  Teresa Halbach got lucky. She got lucky  
25                  that there was a young man who showed up. She

1 got lucky that there was one person that could  
2 save her life. But the choices that Brendan  
3 Dassey made, the choices that he made with his  
4 uncle, insured that instead of leaving, instead  
5 of just saying, no, instead of talking Uncle  
6 Steve out of it, which were all choices that he  
7 had, instead of calling 911, instead of calling  
8 his mother or a family member, or instead of  
9 actively rescuing this girl, Brendan Dassey chose  
10 to rape this young girl, to involve himself in  
11 her murder, and to help dispose of and mutilate  
12 this 25-year-old body.

13 Choices require consequences and  
14 accountability, and at the conclusion of this  
15 case we're asking that you find the defendant  
16 guilty. Thank you, Judge.

17 THE COURT: All right.

18 ATTORNEY FREMGEN: Thank you. I don't,  
19 uh, have any audio visuals, so I'll apologize  
20 ahead of time. You have to listen to me instead.

21 On October 31 of 2005, Brendan Dassey  
22 came home about 3:45 from school, from high  
23 school, with his brother, Blaine. Not unusual  
24 for Brendan to come home with Blaine. Everyday  
25 they came home the same way. Dropped off at the

1 end of the street. The access road, the Avery  
2 Road accesses to his house, and began to walk  
3 down the road. It takes about five minutes to  
4 get to the house from the -- from the mailboxes.  
5 And as they're walking, they start to talk about  
6 who gets to use the phone first to call a friend  
7 to go trick or treating. They race home, and  
8 Blaine wins the race, so he gets the phone first.

9 Blaine calls his friend, Jason. They  
10 set up a time to meet to go trick or treating,  
11 and Brendan plays some video games. He watches a  
12 little bit of TV, and about 5:00 his mom comes  
13 home and makes supper for Blaine and -- and  
14 Brendan.

15 About 20 after 5, maybe 5:30, Blaine  
16 leaves to meet Jason, his friend, to go trick or  
17 treating, and Barb Tadych, now Tadych, was Janda,  
18 meets her boyfriend, fiancé at the time, at about  
19 5:30 to go up to Green Bay to visit with his  
20 mother who's in the hospital.

21 She leaves, and Brendan is still at home  
22 watching TV, playing some video games, and at  
23 about 5:45 Blaine's boss, his name is Mike  
24 Kornely, Brendan used to work for Mike as well,  
25 calls to talk to Blaine. Talks for about five

1        minutes and Brendan takes a message for Blaine  
2        that -- that Mike called.

3                Shortly after that time, Steven Avery  
4        calls. Steven Avery, obviously, as you know, is  
5        Brendan's uncle. Lives about a couple hundred  
6        yards from -- couple hundred feet from the house.  
7        Calls and asks if he wants to come over to watch  
8        a bonfire that -- that Steve has set. Brendan  
9        says, yes.

10               About 15 minutes later, Steve calls  
11        again, asks Brendan, what's taking you so long?  
12        Brendan's kind of putzy, he's going to -- he's  
13        changing his pants, putting on a sweatshirt, it's  
14        a little bit chilly for an October night, and he  
15        goes over to the bonfire.

16               And when he gets there, it's a little  
17        bit dark now, about seven-ish. He drives around  
18        with his Uncle Steven. Steven has his mother's  
19        golf cart, and they're traveling around the yard  
20        picking up debris. Wood, an old cabinet, some  
21        tires, and a van seat. And as they collect the  
22        items, they begin to pile them up next to -- or  
23        just to the side of this little area behind  
24        Steven's garage where he's got the bonfire going.

25               They throw some items onto the bonfire,

1        put some other items off to the side, and they do  
2        that for about four or five trips around the  
3        yard, collecting debris, collecting garbage, and  
4        they begin to toss the garbage onto the fire  
5        throughout the night.

6                After they're done cleaning up the yard,  
7        Steven asks Brendan if he wants to help clean up  
8        a mess in his garage. Brendan says, yes.

9                They go into the garage, and there's a  
10       small area behind the lawnmower as if something  
11       had spilled. Steven takes some gasoline and  
12       pours it onto this little area, and they use some  
13       clothing, old rags, that sop up the mess, and as  
14       they begin to clean it up with these old clothes  
15       and old rags, they throw them onto the fire, and  
16       they do that for about a half hour. Steven tries  
17       some gasoline and paint -- paint thinner to help  
18       clean up the area, and some bleach as well.

19               After about a half hour, they go back  
20       out by the bonfire and Steven gets a call on his  
21       cell phone. It's from Brendan's mom, Barb. She  
22       calls over to -- to see if Brendan is over by  
23       Steven by the bonfire. He says he is. Reminds  
24       Steven to tell Brendan that he needs to be home  
25       before ten and asks that he has a sweatshirt or a

1 coat on because, again, it's kind of a chilly  
2 night.

3 Brendan never talks to his mom, but he  
4 knows he now has to be home by ten. They watch  
5 the fire for awhile and then tossed the van seat  
6 onto the back of the fire. About 9:30, quarter  
7 to 10, Brendan goes home. Gets home, watches  
8 some TV, and goes to bed.

9 Now -- Now, what I've just done is  
10 explain to you what we believe the evidence will  
11 show that happened on October 31. As Mr. Kratz  
12 has pointed out, that's called the opening  
13 statement. I think it's more like a story. It's  
14 like reading a novel. A trial is kind of a  
15 novel. Novels have characters, and you'll see  
16 witnesses. Novels have a plot or some sort of a  
17 theme. Each side, the prosecutor and the  
18 defense, we each have a theme we want to present  
19 to you. And then there's always a conclusion.

20 Now, difference between a trial and a  
21 novel is that the conclusion hasn't been written.  
22 That's your job. At the end of this case, after  
23 each attorney has had an opportunity to present  
24 witnesses and evidence for you, had an  
25 opportunity to give what's called a closing

1 argument, after the Judge instructs you on the  
2 law, it's up to you, and you alone, to finish the  
3 story, to decide what actually happened.

4 Now, not unlike a story or a novel,  
5 there can be turns and twists. Mr. Kratz pointed  
6 out in their theme there are turns and twists,  
7 and we'll do the same. There may be similarities  
8 between novels and trials, but there are some  
9 differences as well.

10 For instance, when I read a story,  
11 sometimes I get a little anxious and I want to  
12 find out, what -- what happened. Who did it. So  
13 I tight -- tend to want to skip some of the  
14 pages, pass up on a chapter, maybe even take a  
15 peek at the very end. But you can't do that.  
16 Part of that, and the obvious reason, is that the  
17 Court controls the tempo and flow of information  
18 here. We can't just start now and we'll skip to  
19 the end to the closing arguments. You need to  
20 hear the evidence.

21 And when we talk in jury selection about  
22 burden of proof and presumption of innocence, one  
23 of the questions I had for you, and I believe  
24 most of you raised your hands or at least nodded  
25 affirmatively, that you want to hear from both

1 sides, and you can't do that if you skip to the  
2 end. You can't do that if you hear just one  
3 side.

4 As Mr. Kratz pointed out, they get to go  
5 first. They'll present you with number of  
6 witnesses, days and days of -- of evidence,  
7 exhibits, photographs, testimony. And when  
8 they're done, we get an opportunity to provide  
9 you with the same.

10 But if you don't presume Brendan  
11 innocent, even after they're done with their part  
12 of the case, after they rest and allow us an  
13 opportunity to present witnesses for you, then  
14 you've already skipped to the end of the book.  
15 You've passed a number of chapters and -- and  
16 you've denied the presumption of innocence.

17 And what I was, uh, most impressed by on  
18 jury selection is I believe every person here  
19 agreed, raised their hand that, yes, we need to  
20 presume Brendan innocent at all times until it's  
21 time for you to -- to deliberate, your final time  
22 to go from here into the backroom to make your  
23 decision.

24 It is important to remember who is on  
25 trial. This is not the Steven Avery trial. And



1           it seems so simple to say that, but it's very  
2           difficult to do.

3                     In February, late or early March, when  
4           the Steven Avery trial was -- was, uh, going on,  
5           I would often go to court, different county, and  
6           attorneys, and even a judge, would ask me,  
7           shouldn't you be over in Calumet? Isn't that  
8           where the Avery trial's going on? Yep, that's  
9           true.

10                    My in-laws, my, uh -- my neighbor, even  
11           my pastor said the same thing to me, and I'd have  
12           to politely tell them that each time, well,  
13           that's a different trial. I represent Brendan  
14           Dassey, the nephew, and it's a different case  
15           entirely.

16                    And I believe that's what the State  
17           wants to present to you as well. They need to  
18           present evidence about the Steven Avery  
19           involvement, but I think they want to focus on  
20           Brendan as well, and to that I agree. This is  
21           not Steven Avery.

22                    You'll hear days and days of evidence  
23           about Steven Avery, his DNA, his blood found in  
24           the SUV, about the bone fragments behind his  
25           house in a burn pit, about the bullet fragment

1 found in his garage. You'll hear about the  
2 ignition key found in his bedroom.

3 But I don't believe you'll hear evidence  
4 about Brendan Dassey's DNA. You won't hear the  
5 same evidence involving Brendan Dassey. There  
6 won't be any DNA, no blood, no saliva, no sweat,  
7 no hair, nothing. No fingerprints. No science  
8 that's going to point you to Brendan Dassey. Not  
9 the science that points to Steven Avery.

10 But, again, this is Brendan Dassey's  
11 trial, not Steven's trial. It's about a  
12 16-year-old boy at the time. It's about a  
13 16-year-old high school student with below  
14 average cognitive abilities. A fourth-grade  
15 reading level, a low IQ. It's about a shy  
16 introvert, socially inept, suggestible child.  
17 That's what this trial is about.

18 You'll learn that this shy, socially  
19 inept, suggestible individual will meet two  
20 highly trained, intelligent, adult police  
21 officers. DCI Agent Tom Fassbender and  
22 Investigator Mark Wiegert. They're trained as  
23 adult law enforcement officers, trained to obtain  
24 confessions, and trained on Brendan Dassey.  
25 Alone with these two officers, Brendan makes

1 several statements, as Mr. Kratz has already  
2 alluded to in his PowerPoint presentation, in his  
3 opening statement.

4 It starts off in a progression where  
5 Brendan says Steven Avery killed Teresa Halbach,  
6 and it progresses to the point where he indicates  
7 he participated. And the State will argue to you  
8 later, and offer evidence throughout the trial,  
9 through the officers, that they believe that this  
10 progression of audio taped statements from -- at  
11 the school, the videotaped statements at the, uh,  
12 police station, and then the final May 13  
13 videotaped statement as a progression to the  
14 final truth.

15 What we want you to consider, three  
16 things, while you're watching these videotapes,  
17 and we agree, very powerful videotapes, very  
18 important videotapes, but like in a story, two  
19 different stories, there's a different  
20 perspective, a different theme. We want you to  
21 look at three things. Corroboration. Similar to  
22 what the State offered. They want you to look at  
23 what it corroborated.

24 We want you to also focus on what is not  
25 corroborated. There are dozens of details that

1 go uncorroborated in these statements.  
2 Corroboration simply means that there's something  
3 independent that can prove the statements are  
4 true. Some other independent source that  
5 suggests that what you heard is accurate. But  
6 there are dozens of instances where their details  
7 are uncorroborated.

8 The second to consider is the  
9 inconsistencies. There are a number of  
10 inconsistencies throughout this progression of  
11 statements. When you watch these statements,  
12 take note of the different changes from one  
13 statement to the next. Simple. Details that  
14 seem to be mundane, unnecessary change from  
15 statement to statement.

16 And though the State will try to pro --  
17 to suggest that it's an escalating progression  
18 from the first time they met with Brendan Dassey  
19 to the last time he talked to them, it's really a  
20 rollercoaster ride of the truth. Up and down.  
21 One statement says one thing, the next says the  
22 other, and it just goes that way throughout this  
23 progression.

24 Some of the changes are not logical.  
25 Oftentimes, detached from the purpose of the

1 investigation. Sometimes it's the product of the  
2 interviewer. Watch for that as well when you're  
3 watching these videos. Oftentimes, you'll hear  
4 the investigators asking Brendan to simply change  
5 what he said. They ask him to change what he  
6 said to meet their theme, to meet the story that  
7 they want to present.

8 And last, we want to ask you to watch  
9 the video for, lack of a better term, the appeals  
10 to emotions the officers make throughout the  
11 different statements to Brendan. This  
12 16-year-old low-educated -- or excuse me -- low  
13 intellectual ability, low cognitive ability, shy  
14 introvert, they're asking him, and they're --  
15 they're appealing to emotion.

16 Watch how he answers the questions.  
17 Watch how the questions are asked. At times it  
18 differs. Times they cozy up to Brendan to get  
19 the answer they want. At times they pull back  
20 from Brendan when he's not giving them the answer  
21 they -- they -- they -- they want and they  
22 expect. It's like the new puppy dog. When he  
23 does what he's supposed to do he gets a pat on  
24 the head and a treat. Good job, Brendan. Good  
25 job. Good boy. But when it's not what they

1 want, we're leaving Brendan, until you tell us  
2 what we want to hear.

3 I believe these statements are very  
4 powerful, and I agree with the State that you  
5 need to take considerable effort to watch them.  
6 Take notes. I encourage you, take notes. We've  
7 seen these videos a number of times. You may  
8 only get to see this one time. And I would  
9 encourage you to take notes throughout. But not  
10 just to what is said, take notes on how it's  
11 said. How the questions are asked. How it goes  
12 from, I didn't say that, or I don't know, to the  
13 answer the police got that they wanted.

14 The facial expressions, the distance  
15 between the interviewer, or the interrogator, and  
16 Brendan, the interaction, physically, between the  
17 two. I believe that the -- when you watch the  
18 videos carefully, they'll be exposed for what  
19 they are, and I think they're just garbage. And  
20 just like that, you can discard it.

21 You're -- be instructed by the Judge  
22 later that you decide what and how much you want  
23 to believe. It's entirely up to you.

24 Now, I think these three focal points of  
25 the statements are important to note because the

1 State won't explain to you why there are  
2 uncorroborated details, why there are so many  
3 inconsistencies, but we will. We'll provide  
4 testimony that shows, from his school, describes  
5 him as having low cognitive functioning, memory  
6 problems, um, fourth-grade reading level. Fails  
7 to make eye contact with peers and adults, and  
8 avoids participation.

9 A forensic psychologist will also  
10 testify, and testify as to tests that he  
11 performed on Brendan that indicate that he's a  
12 socially inept child, substantially impaired  
13 cognitively. He has passive tendencies and  
14 vulnerable to suggestion. Coupled with this  
15 testimony and the videos, I believe we'll show  
16 you how easily Brendan is manipulated and was  
17 manipulated. Manipulated by the more  
18 intelligent, readily trained, authoritative  
19 figures, the two police officers, who presses me  
20 when he says good things, things they want to  
21 hear, and pull away and sternly isolate him when  
22 he says things that they don't want to hear.

23 Despite these statements, the lack of  
24 scientific evidence to connect Brendan to Teresa  
25 Halbach's murder, the volume of uncorroborated

1 details, the rollercoaster of changes in his  
2 statements from one to another, the psychological  
3 results in his psychological makeup, his  
4 suggestible nature, will all be enough, we  
5 believe, for you to find reasonable doubt.

6 And that's what this is about. As the  
7 Judge instructed you, you have to decide this  
8 case based on what is reasonable doubt. And the  
9 Judge will give you another instruction at the  
10 end as well, not just before, but also before you  
11 retire to make your final decision.

12 If, at the end, you walk into the jury  
13 room and you considered all the evidence from all  
14 the parties, give them whatever weight the  
15 credibility of each witness, whatever weight you  
16 wish to give, and you're able to say, well, the  
17 State's case does make sense as well as the  
18 defense, their case does make sense, you would  
19 then have a reasonable doubt, and that's all  
20 we're asking you to consider, and you must stop.

21 It's not a contest. This isn't a  
22 competition. It's not a basketball game where  
23 somebody has to show up and win at the end. You  
24 don't have to reconcile the State's case with the  
25 defense case. In fact, you shouldn't. That's



1 not your role. Your role isn't to decide in --  
2 in that situation who wins. You don't have to  
3 reconcile doubt.

4 As the State attempts to prove beyond a  
5 reasonable doubt the allegations against Brendan,  
6 consider the number of times that we feel Brendan  
7 was manipulated during his interrogation, and  
8 we'll discuss that with the witnesses, and we'll  
9 make further our observations at the end.

10 Consider all of the inconsistencies of  
11 the various statements as they go from one to the  
12 other. Consider the lies the police told Brendan  
13 during his statements.

14 We believe, after careful consideration  
15 of all this, in the end, there would be only one  
16 conclusion you could write for this chapter in  
17 this story, and that would be not guilty. Thank  
18 you, very much.

19 THE COURT: Mr. Kratz?

20 ATTORNEY KRATZ: If we could approach  
21 just briefly, Judge?

22 (Discussion off the record.)

23 THE COURT: All right, uh -- All right.  
24 We're going to adjourn and take a lunch break.  
25 We'll be back here at one o'clock. I'll remind the

1 jury, there's no discussion of this case at this  
2 time amongst -- amongst you. Uh, all right. One  
3 o'clock.

4 (Jurors out at 11:40 a.m.)

5 THE COURT: All right. One o'clock.

6 ATTORNEY FREMGEN: Will this courtroom  
7 be locked during the lunch break?

8 THE COURT: Sure. I believe it is.  
9 Yeah. Okay. It will be.

10 (Recess had at 11:40 a.m.)

11 (Reconvened at 1:00 p.m.; jurors not  
12 present.)

13 THE COURT: Counsel, I'm informed that, uh,  
14 one or both of you have something to put on the  
15 record at this point?

16 ATTORNEY FALLON: Uh, yes. Good  
17 afternoon, Your Honor. The, uh, State would like  
18 to take up one evidentiary matter as it may  
19 pertain to anticipated cross-examination on a  
20 rule of evidence before the jury arrives. I'm  
21 not sure if opposing counsel has anything they  
22 wish to discuss.

23 THE COURT: Hearing none?

24 ATTORNEY FALLON: Hearing none, um, uh,  
25 we noticed during the, um, opening statement, uh,

1 of the defense that there was reference to the,  
2 uh, May 13, uh, interview of, uh, the defendant,  
3 Mr. Dassey. Uh, we wanted to, uh, take time to  
4 point out that, um, first of all, the State was  
5 contemplating, if at all, use of that information  
6 as part of its rebuttal case and, in all  
7 likelihood, would not be introducing that  
8 evidence in its case in chief.

9 Uh, as such, um, the law is quite clear  
10 that those statements of the defendant can only  
11 be offered by the prosecution because then they  
12 would be offered by a party opponent, and, uh,  
13 uh, as further evidence in support of that  
14 proposition, I would cite **State v. Pepin**,  
15 110 Wis. 2d 431, and **State v. Johnson**,  
16 181 Wis. 2d 470, for the proposition that the  
17 defense would not be entitled to elicit that  
18 information on cross-examination of an officer  
19 unless and until the State introduces that  
20 evidence first.

21 So we just wanted to make sure that  
22 we're clear on the rules of evidence, because if  
23 it were to be elicited by the defense, then it  
24 would not be a statement of a party opponent, it  
25 would be elicited by the same party.

1 THE COURT: Mr. Fremgen or Mr. Edelstein,  
2 any response?

3 ATTORNEY EDELSTEIN: Your Honor, at this  
4 time, uh, having heard the argument of Counsel, I  
5 would ask the Court reserve any ruling on that  
6 matter and allow us an opportunity to review the  
7 authority cited by Counsel. Um, we did discuss  
8 it very briefly before court convened, uh, after  
9 noon here.

10 We have not had the chance to review  
11 that matter and, of course, the basis of, uh,  
12 some of the State's evidence, which they clearly  
13 indicated they intend to introduce, including, in  
14 their case in chief, not the least of which is  
15 the May 13 telephone call so intricately tied to  
16 that statement of May 13, um, I think this needs  
17 further examination before we can appropriately  
18 respond to the State's, uh, anticipatory  
19 objection.

20 ATTORNEY FALLON: Well, uh, just two  
21 minor points. Uh, we never mentioned anything  
22 about any May 13 statement in the opening  
23 remarks, and, uh, number two, just so the record  
24 is clear, um, the objection right now, the  
25 appropriate objection, to attempt at cross on

1           that would be a hearsay objection. So if the  
2           Court chooses to defer ruling until later, that's  
3           fine, but we do have an officer taking the stand  
4           later this afternoon so...

5                   THE COURT: Yeah. I -- I -- I will defer  
6           ruling, but it's my understanding, Mr. Edelstein,  
7           that the proposed -- or I shouldn't say the  
8           proposed -- the statements of -- of the -- from the  
9           May 13 interview would be admissions by a party  
10          opponents under 9-0-8-0-1 (4)(b1), and, uh, it seems  
11          to me, uh, you are precluded at this stage, at  
12          least, from asking about them. Uh, again, we'll --  
13          we'll flush this out a little later on but, uh, uh,  
14          if that's what you're asking --

15                   ATTORNEY EDELSTEIN: Your Honor, it  
16          may -- it -- it -- I think it's going to depend  
17          upon precisely what the officer testifies to. If  
18          he goes anywhere near any statements that he  
19          participated in, be they con -- characterized as  
20          statements or confessions that involved our  
21          client, I think irregardless of the date, there  
22          are certain areas that we have, particularly on  
23          cross, um, leeway to get into.

24                   I don't know if that's the purpose of  
25          any of his testimony here this afternoon, but if

1           he does go there, I would, uh, ask that -- that  
2           we be notified in advance, or at least certainly  
3           be given an opportunity prior to any cross, to  
4           have this matter addressed by the Court,  
5           including an opportunity to review the case as  
6           cited by the State.

7                     THE COURT: All right. Let's proceed.  
8           Mr. Kratz? We'll get the jury in here and we'll  
9           get your witness.

10                    (Jurors in at 1:07 p.m.)

11                   ATTORNEY KRATZ: State would call, uh,  
12           Karen Halbach.

13                             **KAREN HALBACH,**  
14           called as a witness herein, having been first duly  
15           sworn, was examined and testified as follows:

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

18                   THE WITNESS: Karen Halbach, H-a-l-b-a-c-h.

19                             **DIRECT EXAMINATION**

20           BY ATTORNEY KRATZ:

21           Q     Good afternoon, Mrs. Halbach. Could you tell  
22           the -- the jury, please, uh, whether or not you  
23           knew a young lady by the name of Teresa Halbach?

24           A     Yes, I did.

25           Q     You have to pull the microphone down nice and

1 close for us, please. Who was Teresa?

2 A She was my daughter. The second oldest in my family  
3 of five children. Um, she's a very caring and very  
4 loving young woman. She was very dedicated to her  
5 family and friends. She was a hard worker. Um, she  
6 had a great sense of humor. Uh, she was also the  
7 life of the party.

8 Um, she, um -- She had an ability --  
9 ability to make people smile, and I think that's  
10 why she enjoyed photography, because kids really  
11 responded to her.

12 Q All right. You told me that, uh, there were  
13 other, uh -- other children, um, in your family  
14 as well. Could you identify them?

15 A Tim is the oldest, and then there's Teresa, and then  
16 Mike, and then I have two younger girls, Katie and  
17 Kelly.

18 Q Could you tell the jury, please, where Teresa  
19 lived?

20 A She lived next door to -- to us. About a quarter  
21 mile west of us. My husband and I own the farmhouse  
22 and she lived there about a year before she died.

23 Q Going to hand you what's been marked for  
24 identification as Exhibit No., um -- No. 1.  
25 Could you tell the jury what that is, please?

1 A It's a picture of Teresa.

2 Q We'll be showing the jury, uh, photographs as  
3 well. When you say that Teresa lived next door  
4 to you, can you describe that a little further,  
5 please?

6 A Well, she lived a quarter mile west from us in a  
7 farmhouse that we own. She -- her -- her rent was  
8 going to go up. She wanted to live someplace cheaper  
9 so I said, why don't you move closer to home, so we'd  
10 really give you a deal on rent. So she took us up on  
11 it and, you know, we enjoyed having her there.

12 Q All right. I know you mentioned briefly about  
13 Teresa's background, but did she have, um, um,  
14 post high school education?

15 A She went four years to UW-GB. She graduated in '02  
16 Suma Cum Laude.

17 Q And GB, that's Green Bay?

18 A Right.

19 Q After that, I think you've already mentioned  
20 briefly, of the kind of work that Teresa went  
21 into, but can you describe that a little more  
22 fully? What, uh -- what type of employment did  
23 she have?

24 A In her final semester at GB, she, uh, started an  
25 internship with Tom Pearce Photography in Green Bay,



1           and then after she graduated, she continued working  
2           with him, and then she realized she wanted to own her  
3           own business, so she decided -- she started  
4           Photography by Teresa, and, uh, she also worked  
5           part-time for *AutoTrader Magazine*.

6   Q   All right. This, uh, photography studio, did she  
7           have any areas of, uh, expertise within that  
8           studio?

9   A   Um --

10  Q   Any kind of, uh, portraits that she enjoyed more  
11           than others taking pictures of?

12  A   Well, she especially liked taking picture of kids.  
13           She was good with kids. But she also did weddings,  
14           graduation photos. Um, if you had an event that you  
15           wanted pictures taken, she would gladly do it for  
16           you.

17  Q   Mr. Wiegert's going to hand you what's now been  
18           marked as Exhibit No. 2, if I'm able to do this.  
19           Tell us what that is, please?

20  A   It's, um, a picture of Teresa.

21  Q   All right. Now, Teresa's photography business,  
22           you said, also included working, uh, at least  
23           part-time for *AutoTrader Magazine*. Um, what were  
24           you aware of her duties with that magazine?

25  A   It -- Just know people would call *AutoTrader* to have

1 pictures of their vehicles taken. And a photographer  
2 would have a certain area. And then Teresa would  
3 go -- When somebody in her area would want a picture  
4 taken, she would set up a -- an appointment with them  
5 and then go take the picture of the vehicle for them.

6 Q Would Teresa ever discuss or describe with you,  
7 uh, where some of her clients were that she took  
8 pictures of?

9 A Once in a while she would, yeah. If she was over and  
10 talking about -- talking with us.

11 Q All right. Had you ever heard -- At least before  
12 the 31st of October of '05, had you ever heard  
13 the name Steven Avery?

14 A Yes, I did.

15 Q And Teresa, uh, did she ever mention being at  
16 Mr. Avery's property before?

17 A Two times she had told me she had taken pictures at  
18 the Avery Salvage Yard.

19 Q All right. Mrs. Halbach, were you familiar with  
20 the kind of vehicle that, uh, Teresa drove?

21 A Yes, I was.

22 Q Could you describe that for the jury, please?

23 A It's a Toyota RAV 4.

24 Q I'm showing you what's been marked as Exhibit No.  
25 3. Can you tell us what that is, please?

1 A It's a picture of Teresa in front of her vehicle.

2 Q Before, um, moving into the investigation, um,

3 itself, you, I think, had mentioned that Teresa

4 had some younger sisters. Uh, could you tell me

5 their names, please?

6 A Katie and Kelly.

7 Q I'm sorry?

8 A Katie and Kelly.

9 Q How much younger were Katie and Kelly than she?

10 A Um, I think there's 11 years difference between Katie

11 and Teresa, and then Kelly's two years younger than

12 Katie.

13 Q And could you describe the kind of relationship

14 that Teresa had with her younger sisters?

15 A Um, they were very close. Teresa always wanted a

16 sister. And they spent a lot of time together

17 shopping or watching movies or...

18 Q All right. Did Teresa spend, uh, time with her

19 sisters, um, at your home ever?

20 A Yeah, they did, and, um, Teresa would come over

21 Sunday nights a lot, because their three favorite

22 shows were on, so they'd watch it altogether and goof

23 off and...

24 Q All right. Were Sunday nights kind of a, um --

25 a -- a family night or regular time for all of

1           you to get together?

2     A     Right. The kids would always stop in on a Sunday

3           sometime during the day.

4     Q     Karen, I'm going to direct your attention to

5           Sunday, October 30 of 2005. Do you remember that

6           day?

7     A     Yes.

8     Q     Could you tell the jury what you remember about

9           Sunday, the 30th of October?

10    A     Um, my dad's birthday is October 31, Halloween, so

11           the day before, my whole family got together at his

12           house and we just celebrated his birthday during the

13           day.

14    Q     Was Teresa in attendance at that party?

15    A     Yes, she was.

16    Q     Were the rest of, uh, the siblings there as well?

17    A     Yes, they were.

18    Q     What happened that night if you recall?

19    A     That night, um, we milked cows, and then Teresa came

20           home from -- about seven, because *Extreme Makeover*

21           *Home Edition* was coming on and she wanted to watch it

22           with the girls.

23    Q     She was at your house?

24    A     Right. At our house.

25    Q     All right. Do you know about what time Teresa

1 left your home on the 30th?

2 A I would say it was after ten.

3 Q Um, did you know what Teresa's, um, work schedule

4 was the next day? That is, the 31st?

5 A No, I did not.

6 Q How often during the week would you speak with

7 your daughter, Teresa?

8 A She might stop in once or twice, or call, depends on

9 how busy she was, or if we were busy on the farm, you

10 know.

11 Q On the 31st of October, 2005 how old was Teresa?

12 A Twenty-five.

13 Q Had Teresa ever been married?

14 A No.

15 Q And at that time, that is, on the 31st of

16 October, 2005 was Teresa involved in a

17 relationship? Did she have a boyfriend or

18 anything?

19 A No.

20 Q Mrs. Halbach, when was the first time that you

21 had heard that Teresa was missing?

22 A On Thursday, November 3, about one o'clock, Tom

23 Pearce called me and he was concerned about Teresa

24 because she hadn't showed up at the studio Tuesday or

25 Wednesday, and -- because she always stopped in at

1           least once a day, even if she wasn't really busy that  
2           day. But he said what -- what -- what really worried  
3           him was that her cell phone, her voice mail, was  
4           full. He got a message saying that, and that was  
5           very unusual for Teresa because that was her business  
6           phone als -- also, and for her not to return  
7           somebody's message was a very odd -- so that worried  
8           me too.

9       Q     Do you know what kind of, uh, cell phone Teresa  
10            had?

11      A     Yes, I do.

12      Q     Tell the jury, please?

13      A     She had a Motorola RAZR V3 or something like that.

14      Q     I'm going to hand you what has been marked for  
15            identification as Exhibit No. 8. Tell the jury  
16            what that is, please?

17      A     It's a receipt for her cell phone.

18      Q     And do you know if that receipt has a date on it?  
19            That is, when she purchased her Motorola RAZR  
20            cell phone?

21      A     Yes. It says August 30, 2005.

22      Q     I'm going to show you, also, what's been marked  
23            as Exhibit No. 9. I'm going to have you turn to  
24            the last page of that exhibit and ask if you, um,  
25            can identify this as the cell phone, um, provider

1 contract with a Cingular phone?

2 A Yes, it is.

3 Q Does that include -- And, by the way, is that the  
4 same date of October 30, 2005?

5 A Yes, it is.

6 Q And does it include the make and model of her  
7 phone towards the bottom? That is, a, uh,  
8 Motorola V3 --

9 A Yes, it does.

10 Q -- phone? Mrs. Halbach, on the 3rd of November,  
11 after being informed by Teresa's business partner  
12 that, uh, she was missing, could you tell the  
13 jury what, uh, you, uh, and other family members  
14 did?

15 A Um, I called Teresa's two brothers, Tim and Mike, to  
16 ask if they had heard from her. They said, no. And  
17 I told them about Tom Pearce calling me, so they got  
18 worried, too. And then, um, they started calling  
19 people around. And in the meantime, my husband was  
20 out plowing in a field, I went and brought him home  
21 and I said, we need to look for Teresa to find out  
22 where she is. And then, um, he went and -- Teresa  
23 had a roommate. He went and talked to the roommate,  
24 asked if he saw -- if he had seen her in the last  
25 three days. And while he did that, I called

1           *AutoTrader Magazine* to see if -- when the last time  
2           they had heard from her, and I didn't get an answer  
3           right away, so then I called the Calumet County  
4           Sheriff's Department.

5       Q     Were there other citizens -- not only family  
6           members but other citizens -- uh, even on that  
7           first day, even on the 3rd, that were trying to  
8           help locate Teresa?

9       A     Right. We called Teresa's friends, or Tim and Mike  
10           started, and they, in turn, called other people. We  
11           had a lot of people looking for her by phone.

12      Q     Were you able, even on that first day, even on  
13           the 3rd of, uh, November, to try to retrace her  
14           steps from when she was last seen? That is, on  
15           the 31st of October?

16      A     Yes. Mike -- my son, Mike, was able to get into  
17           Teresa's cell phone records, and he knew that she --  
18           I'm not sure how to say it or --

19      Q     Just go ahead.

20      A     He knew that she hadn't looked at her messages or  
21           where her -- when she -- when her last call was, and  
22           that was on Monday, so he knew that was odd. So we  
23           knew something was up so we kept looking for her.

24      Q     All right. The fact that Teresa hadn't retrieved  
25           her voice mail messages since the 31st, um,



1 obviously that worried you?

2 A Right.

3 Q Were you able, or were you, with the assistance  
4 of your sons, able to determine the last stops or  
5 the last places that Teresa was on the 31st?

6 A Um, I know the boys knew where her last stops were on  
7 the 31st, but I'm not sure how they found that out.

8 Q Okay. Do you know if they were using cell phone  
9 records to try to retrace her steps on the  
10 31st?

11 A They were doing that, yes.

12 Q Were you told and did you have any discussions  
13 with them that, uh, her last appointment that  
14 afternoon, that is the 31st, was with, um, Steven  
15 Avery, or at least with that property?

16 A Yes, I was.

17 Q Mrs. Halbach, between the 3rd of November and the  
18 4th of November, did you work with any outside  
19 agencies in trying to search for Teresa? In  
20 other words, did you work to develop any missing  
21 person posters?

22 A Yes, we did.

23 Q Can you describe that process for us, please?

24 A On Thursday night Jay Breyer called us. He works  
25 with Y.E.S., Youth Educated in Safety. And helped us

1 put together a missing person poster for Teresa.

2 Q Have you look at the back of that exhibit that  
3 I've given you. What number is that?

4 A Five.

5 Q Exhibit No. 5, can you tell us what that is,  
6 please?

7 A This is Teresa's missing person poster.

8 Q All right. On the 3rd, and especially on the  
9 4th, of November, do you recall citizens, um,  
10 distributing thousands of these posters  
11 throughout Northeast Wisconsin?

12 A Right. Yes, we did. That was mainly what we did on  
13 Friday, was distribute posters.

14 Q Do you remember what other efforts citizens, that  
15 is, family members and other citizens, engaged  
16 in, uh, that Friday? We're talking Friday, the  
17 4th?

18 A Um, my understanding -- I stayed home with our two  
19 younger daughters, but they would hand out posters,  
20 but they'd also keep their eyes open alongside of the  
21 road, you know, in case she had an accident or, um --  
22 I believe they -- if -- they thought she went to  
23 Green Bay and back and had an accident, they followed  
24 them roads, looked in the ditches.

25 Q All right. Were you aware that law enforcement,

1           that is, the police departments, um, were also  
2           performing aerial, that is, uh, airplane  
3           searches?

4    A     Yes.

5    Q     Um, was, uh, Teresa or her vehicle found either  
6           that Thursday or that Friday?

7    A     No.

8    Q     Tell us, then, what the, um, family and friends  
9           of Teresa planned for Saturday, the 5th of  
10          November?

11   A     Teresa had a good friend, um, Ryan Hillegas, and he  
12          got a group of people together at Teresa's house, and  
13          they organized searches in the area in Manitowoc  
14          County where she was last seen, or her last three  
15          appointments on Monday, so they wanted to search them  
16          areas for sure, and they searched all along roadways,  
17          under bridges. You know, our main thought was she  
18          had -- had a car accident, and, um, I think that's  
19          what they focused on.

20   Q     You had mentioned that, uh, your, um, husband and  
21          you had, um, milked cows at least during one of  
22          the -- the days. Could you describe whether or  
23          not that's the family business? That's what you  
24          guys do?

25   A     That's what we do, yeah. We're dairy farmers.

1 Q On Saturday, the 5th of November, um, were you  
2 aware of a young, uh, woman, um -- actually two  
3 women, um, Pam and Nikole Sturm being involved in  
4 the search efforts?

5 A Yes, I was.

6 Q Could you tell the jury who is Pam Sturm?

7 A Pam Sturm is my husband's first cousin.

8 Q All right. And do you know where Ms. Sturm and  
9 her daughter, Nikole, were searching?

10 A Um, they had asked Ryan Hillegas if, um, anybody was  
11 searching the Avery Salvage Yard. He didn't think so  
12 though. So she said her and her daughter were going  
13 to go search the junkyard.

14 Q All right. I know this is difficult, Ms., uh --  
15 Ms. Halbach, but later that day did you receive  
16 any news?

17 A Pam and Nikole stopped at our house later in the day  
18 and told us that they had found Teresa's vehicle.

19 Q Were you asked at all to either identify, um, the  
20 vehicle or, uh, to further assist in law  
21 enforcement efforts that day? That is, Saturday?

22 A Yes, I was.

23 Q And what did you do Saturday, if you remember?

24 A Um, I think Investigator Wiegert -- Wiegert called me  
25 after he was in contact with Pam Sturm and he asked

1 me if Teresa's RAV 4 had a Lem -- LeMieux Toyota  
2 sticker on it.

3 Q If her what? I'm sorry.

4 A If her RAV 4 had a LeMieux Toyota sticker on it.

5 Q Her vehicle?

6 A Yeah.

7 Q All right. What is a LeMieux Toyota sticker?

8 A That's where she bought it. In Green Bay.

9 Q All right. Do you know if you were able to  
10 assist them in that?

11 A I didn't know for sure, but I knew Mike did, so I  
12 called Mike and asked him, and Mike called me back  
13 or -- or he said, yes, it did, and then I told  
14 Mr. Wiegert it did.

15 Q All right. What's the next you heard from law  
16 enforcement?

17 A I -- I draw a blank. I can't think.

18 Q Okay. Um, how often was it that law enforcement  
19 was contacting you or keeping you informed about  
20 the investigation?

21 A Very often. They kept us well-informed.

22 Q Let me just ask you, Mrs. Halbach, uh, we'll get  
23 into some other, um, easier areas, but, uh,  
24 within the next day or two, uh, were you informed  
25 that human, uh, remains were found that they

1           believed to be your daughter Teresa?

2   A     Right. Yeah.

3   Q     Do you remember when you were told that?

4   A     I think we knew human remains were found Tuesday, but

5           I think on Wednesday, the 9th, we were told that they

6           were identified as Teresa's.

7   Q     All right. Mrs. Halbach, were you aware of a,

8           um -- a camera, a digital camera, that your

9           daughter had provided to her by *AutoTrader*

10          *Magazine* to take pictures of her cars at least

11          for that part of her job?

12  A     Yes.

13  Q     I'm going to show you what's been marked as

14          Exhibit No. 6, ask if you can tell the jury what

15          that is, please?

16  A     It's the box for the digital camera.

17  Q     Now, Exhibit No. 6 indicates a, um, PowerShot

18          A310 by Canon. Do you know, um, where this box

19          was located?

20  A     In Teresa's house.

21  Q     Teresa tend to keep boxes and receipts and things

22          like that?

23  A     Yep, she did that.

24  Q     Kind of a pack rat?

25  A     Well, I -- I call it organized.

1 Q Okay. Were you aware of a, um -- a personal, um,  
2 data assistance, something called a PDA, that,  
3 uh, Teresa also owned?

4 A Yes, she had one of them.

5 Q I show you what's been marked, uh, for  
6 identification as Exhibit No. 7. Tell us what  
7 that is, please?

8 A It's the box for her PDA.

9 Q And as long as Mr. Wiegert's up, I'm going to  
10 also give you Exhibit No. 10. Tell us what that  
11 is, please?

12 A It's a receipt for PDA that she bought at Target  
13 November 15, 2004.

14 Q Now, PDA, at least the most common version is, or  
15 sometimes it's called a Palm Pilot, do you know  
16 what these things do?

17 A I think you can put your appointments in it, your  
18 schedules, that type of thing.

19 Q All right. And the Palm Zire 31 brand, uh, the  
20 box that we're looking at, um, uh, in the Exhibit  
21 that you've just identified, um, was that, again,  
22 found in Teresa's apartment?

23 A Yes, it was.

24 Q Just a couple more questions, Mrs. Halbach. The  
25 investigation, um, into Teresa's disappearance

1           and her death, uh, required DNA samples being  
2           provided. Were you asked for one of those?

3    A     Yes.

4    Q     And do you know, um -- Do you know about when you  
5           had to give a DNA sample to compare with some of  
6           the, um, materials that were --

7    A     I would -- I think it was in the spring.

8    Q     All right. But you did provide a -- a -- a  
9           sample of I think it was your saliva; is that  
10          right?

11   A     Right.

12   Q     The last question -- last, uh, difficult question  
13          I have for you, Mrs. Halbach, is at anytime after  
14          the 30th of October, that evening after 10:00 on  
15          the 30th of October, 2005, uh, had you ever seen  
16          or heard from your daughter, Teresa Halbach?

17   A     No, I did not.

18                   ATTORNEY KRATZ: At this time, Judge, I  
19                   would move the admissions of Exhibit 1 through 10.

20                   THE COURT: Any objection?

21                   ATTORNEY FREMGEN: What was 8 and 9?

22                   ATTORNEY KRATZ: The two receipts and the  
23                   contract.

24                   ATTORNEY FREMGEN: No objection.

25                   THE COURT: Mr. Kratz, did you -- did you



1 introduce an Exhibit 4?

2 ATTORNEY KRATZ: That was, uh --

3 Q (By Attorney Kratz) I did show you. That was  
4 the, uh -- it was a photo of your family. Do you  
5 still have it up there?

6 A No, I gave it back.

7 ATTORNEY KRATZ: Oh. Mr. Wiegert, let's  
8 put it up there.

9 Q (By Attorney Kratz) We were talking about your  
10 family, and I'll show you Exhibit No. 4.

11 ATTORNEY KRATZ: I apologize, Your  
12 Honor.

13 Q (By Attorney Kratz) I'm showing you Exhibit No.  
14 4. Tell us what this is, please?

15 A It's a family picture that our daughter, Teresa, set  
16 up. She didn't take the picture, because she was --  
17 she's in it, but she set it up.

18 Q Uh, timers --

19 A Uh, no. Mike's girlfriend took the picture. She  
20 snapped it.

21 Q She just set it up. Can you identify just, uh,  
22 briefly for us the people in this picture?

23 A Um, from left to right in the back row is my husband  
24 Tom, and then there's Katie and Kelly, and in the  
25 front row is Tim, and then myself, and Mike holding

1           our dog, and Teresa's on the end on the right.

2   Q       All right.

3           ATTORNEY KRATZ: With that, and with  
4       that offer, Judge, that's all the questions I  
5       have of this witness. Thank you.

6           THE COURT: Any objection?

7           ATTORNEY FREMGEN: No, Judge.

8           THE COURT: All right. They're received.

9       Cross?

10           ATTORNEY FREMGEN: I just have a few  
11       questions.

12                           **CROSS-EXAMINATION**

13   BY ATTORNEY FREMGEN:

14   Q       Prior to November 5, 2005, have you ever heard of  
15       the name Brendan Dassey?

16   A       No, I don't think I did.

17   Q       Had Teresa Halbach ever mentioned -- Teresa, your  
18       daughter, obviously -- ever mentioned anything  
19       about a Brendan Dassey? You mentioned she had  
20       mentioned Steven Avery's name before; correct?

21   A       Right.

22   Q       Had Brendan's name ever been mentioned by her?

23   A       No.

24           ATTORNEY FREMGEN: Okay. Nothing else.

25           THE COURT: Any redirect?

1 ATTORNEY KRATZ: No. Thank you, Judge.

2 THE COURT: You may step down.

3 ATTORNEY KRATZ: State will call Katie  
4 Halbach to the stand.

5 THE CLERK: Please raise your right  
6 hand.

7 **KATIE HALBACH,**  
8 called as a witness herein, having been first duly  
9 sworn, was examined and testified as follows:

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

12 THE WITNESS: Katie Halbach,  
13 H-a-l-b-a-c-h.

14 **DIRECT EXAMINATION**

15 BY ATTORNEY KRATZ:

16 Q Hi, Katie. How old are you?

17 A I'm 15.

18 Q Could you tell us, please, who Teresa Halbach  
19 was?

20 A She is my sister.

21 Q And was Teresa older or younger than you?

22 A She was older than me.

23 Q How much older?

24 A Eleven years.

25 Q Now, some sisters are closer than others. Could

1           you describe how close you were to Teresa and  
2           what kinds of things you used to do together?

3    A     Um, we were pretty close. We would -- Well, me and  
4           my little sister would go over to Teresa's house,  
5           sleep over, or we would go shopping, or things like  
6           that.

7    Q     All right. What kind of things would you shop  
8           for?

9    A     Um, clothes, mostly.

10   Q     Do you know where Teresa did, uh, most of her  
11          shopping? Or was it all over?

12   A     Um, it was all over pretty much.

13   Q     Teresa ever shop at a department store called  
14          Kohl's?

15   A     Yes, she did.

16   Q     Katie, were you the closest in age, at least, uh,  
17          female sibling, the closest to Teresa?

18   A     I am.

19   Q     And your other sister is younger; is that  
20          correct?

21   A     Yep.

22   Q     By the way, would you, um, do other recreational  
23          kinds of things with Teresa?

24   A     Um, I guess like we would -- She would take us to  
25          parks and we would go for walks and things like that.

1 Q Was Teresa involved in coaching any sports?

2 A Yes. She coached my little sister's volleyball team.

3 Q Okay. And would you ever go watch those games or

4 anything?

5 A I did.

6 Q I'm going to show you what has been marked as

7 Exhibit No. 11. Can you tell us what that is,

8 please?

9 A This is a picture of the volleyball team that she

10 coached.

11 Q And who is she?

12 A My sister, Teresa.

13 Q Is she in that picture?

14 A Yep. She is in the back row, first person on the

15 left.

16 Q All right. I think you had mentioned, Katie,

17 that, um, after shopping with, uh, your sister,

18 um, it wasn't unusual for you guys to buy some

19 clothes together; is that right?

20 A Yep.

21 Q Had you ever purchased or gone with Teresa, uh,

22 and purchased any specific articles of clothing

23 like jeans or anything like that?

24 A We would.

25 Q As her closest sister, at least closest in age,

1           uh, I know we talked about clothes, generally,  
2           but you -- were you aware of the jeans that she  
3           owned?

4    A       I know most of them.

5    Q       Do you know and can you tell the jury, please,  
6           what kind of jeans your sister owned?

7    A       I know of a pair of Daisy Fuentes jeans she had.

8    Q       Okay. Let's just start with those. What are  
9           Daisy Fuentes jeans?

10   A       Um, it's a brand name of jeans that is normally found  
11          at Kohl's.

12   Q       Okay. How is it that you remember the Daisy  
13          Fuentes jeans?

14   A       Um, one day I noticed that she was wearing them and I  
15          told her that Daisy Fuentes was an old person so she  
16          was wearing old people's jeans.

17   Q       Okay. At some point, Katie, had you, um, been  
18          told that your sister, Teresa, had been killed?

19   A       Yes.

20   Q       After, um, Teresa's death, were you asked to go  
21          to her, um, apartment, her residence, and look  
22          through some of her clothing?

23   A       Yes.

24   Q       When you looked through your sister's clothing,  
25          were you able to find those Daisy Fuentes jeans

1           that you teased her about?

2    A     No, I did not.

3    Q     Mr. Wiegert's handed you a pair of, uh -- of  
4           jeans with an exhibit sticker on them. I think  
5           it's a gray or a blue sticker. Can you tell me  
6           what exhibit number that is?

7    A     Exhibit 13.

8    Q     And have you ever seen those jeans before?

9    A     Yes, I have.

10   Q     What is Exhibit No. 13?

11   A     Um, it's a pair of jeans that I picked out at Kohl's  
12           one time that I thought were similar to the jeans  
13           that Teresa owned.

14   Q     Did a law enforcement officer or officers take  
15           you on a -- a shopping trip and have you find the  
16           jeans that your sister used to own?

17   A     Yes. I went with Mr. Fassbender.

18   Q     Okay. If you can hold up Exhibit No. 13 and show  
19           the jury, please, um, what kind of jeans are  
20           those?

21   A     They are Daisy Fuentes jeans.

22   Q     And are those jeans, uh, at least to the best  
23           that you were able to determine, uh, the same or  
24           similar jeans that your sister had owned prior to  
25           her death on the 31st of October?

1 A They are.

2 Q You know what a rivet is on a jean?

3 A Um, I believe it is one of these little buttons that  
4 holds the jeans together.

5 Q Okay. And those rivets on those jeans, do they  
6 say anything on them?

7 A They say "Daisy Fuentes".

8 Q I'm going to have you give those jeans back to  
9 Mr. Wiegert at this time. I'm going to have  
10 Mr. Wiegert take them over to the ELMO machine  
11 and see if we can show the jury what we're  
12 talking about. Just as he's doing that, those  
13 little brass buttons, or those, um, little  
14 things, are those the rivets that you were  
15 talking about?

16 A Yes.

17 Q When Mr. Wiegert zooms in, it looks like that's  
18 as far as it zooms in, the little black lettering  
19 that goes around the rivet, um, since you've seen  
20 it, and we have a hard time seeing it, that says  
21 "Daisy Fuentes"; is that right?

22 A Yes.

23 Q Katie, do you know what a lanyard is?

24 A I believe it's one of those key chain things you put  
25 with your keys that you can wear around your neck.



1 Q Okay. And do you know if you ever gave your  
2 sister, Teresa, a, uh, key chain thing, a  
3 lanyard, for around her neck?

4 A I did.

5 Q Mr. Wiegert is going to have another exhibit  
6 marked for you, and we're going to show you, I'm  
7 sure, what will be Exhibit No. 14.

8 Q Tell the jury what that is, please?

9 A It is a blue lanyard that says "Air National Guard".

10 Q Do you recognize Exhibit No. 14?

11 A Yes. It is the lanyard that I gave Teresa.

12 Q And do you remember where you got that and where  
13 you -- when you gave it to Teresa?

14 A It was two summers ago. I was at the EAA Convention,  
15 and there was a booth, and they were giving away free  
16 lanyards.

17 Q Now, that particular lanyard, if you can hold it  
18 up for the jury so that they can see what you're  
19 talking about, it's got a plastic thing on the  
20 end of it. Can you show them that? That plastic  
21 end to the lanyard, do you know what that goes  
22 into?

23 A Um, a fob.

24 Q All right. And can you tell the jury what a fob  
25 is, if you know?

1 A Um, it's another piece of cloth, the same color, and  
2 then it's connected to a key chain.

3 Q To help the jury, I'm going to show you Exhibit  
4 No. 12, which is a photograph. Ask if you have  
5 seen that before?

6 A Yes, it's the same lanyard.

7 Q And does Exhibit No. 12, that is, the photograph,  
8 include the key part of it, that is, the fob that  
9 clicks in or goes into that particular key chain?

10 A It does.

11 Q Does that key chain and that fob depicted in  
12 Exhibit No. 12 look the same or similar as the  
13 key chain and, uh, fob, or lanyard and fob, that  
14 you gave to your sister a couple of summers ago?

15 A It does.

16 Q Do you know whether or not your sister ever used  
17 that key chain and -- and, uh, um, that lanyard  
18 and fob?

19 A She did.

20 Q How do you know that?

21 A Because before I gave her the lanyard she had a  
22 different one and then I remember her switching them.

23 Q Okay. Katie, on Sunday nights did your sister,  
24 Teresa, and you make a habit of watching some  
25 television shows together?

1 A We did.

2 Q Where would you guys usually watch those shows  
3 together?

4 A Either at our house or hers.

5 Q All right. Do you remember the day before she  
6 was killed, that is, on the 30th of October, if  
7 you and Teresa and your other sister spent that  
8 night together and watched those shows together?

9 A Um, I believe we were at my grandpa's house for his  
10 birthday.

11 Q All right. You remember that birthday party that  
12 night?

13 A Yeah.

14 Q Or that day at least?

15 A Yeah.

16 Q And the same question that I asked of your mom,  
17 after the 30th of October, had you ever seen or  
18 heard from your sister, Teresa?

19 A I did not.

20 Q Last question for you. Um, do you know what kind  
21 of soda that, uh, your sister, Teresa, used to  
22 drink? Did she have a brand of soda she liked?

23 A Um, she likes cherry sodas a lot.

24 Q Do you know if she liked Wild Cherry Pepsi brand  
25 soda?

1 A She did.

2 Q That's all I've got, Katie. Thank you.

3 ATTORNEY KRATZ: Judge, I would move the  
4 admission of -- Uh, Berta, I'm sorry.

5 THE CLERK: Um --

6 ATTORNEY KRATZ: Eleven through fourteen?

7 THE CLERK: Eleven, twelve and thirteen.

8 ATTORNEY KRATZ: And 14.

9 THE COURT: And 14.

10 THE CLERK: And 14.

11 ATTORNEY KRATZ: Eleven through fourteen,  
12 Judge.

13 THE COURT: Any objection, Counsel?

14 ATTORNEY FREMGEN: I would like to be heard  
15 on 13.

16 THE COURT: Uh --

17 ATTORNEY FREMGEN: No objection to 11,  
18 12 and 14.

19 THE COURT: Okay. Eleven, twelve and  
20 fourteen are received. You want to be heard outside  
21 the presence of the jury or here?

22 ATTORNEY FREMGEN: Uh, at a break we can  
23 take that up.

24 THE COURT: Okay. Cross?

25 ATTORNEY FREMGEN: No, sir. Thank you.

1 THE COURT: All right. You may step down.

2 ATTORNEY KRATZ: May we just have a brief  
3 sidebar, Judge?

4 THE COURT: Sure.

5 (Discussion off the record.)

6 ATTORNEY KRATZ: State would call Tom  
7 Fassbender to the stand.

8 **THOMAS FASSBENDER,**

9 called as a witness herein, having been first duly  
10 sworn, was examined and testified as follows:

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

13 THE WITNESS: Thomas J. Fassbender,  
14 F-a-s-s-b-e-n-d-e-r.

15 **DIRECT EXAMINATION**

16 BY ATTORNEY KRATZ:

17 Q Mr. Fassbender, could you tell us how you're  
18 employed, please?

19 A Yes. I'm a special agent with the Wisconsin  
20 Department of Justice, Division of Criminal  
21 Investigation, DCI.

22 Q What are your duties with DCI?

23 A Uh, currently I investigate, uh, crimes, such as  
24 homicide, uh, or crimes that are statewide importance  
25 in nature, and I'm a part of what we call a General

1           Investigations Bureau.

2       Q     Could you speak up just a little bit? I'd  
3            appreciate it. Were you employed in that  
4            capacity on November 5 of 2005?

5       A     Yes, I was.

6       Q     And on November 5 of 2005, uh, were you called to  
7            a location which has been come to known as the  
8            Avery salvage property?

9       A     Yes, sir.

10      Q     How is it that you got called to that location?

11      A     I was called by my supervisor, who, uh, informed me  
12            that the Calumet County Sheriff had asked for DCI's  
13            assistance at that location, and it had to do with,  
14            uh, an investigation into a missing person, which was  
15            Teresa Halbach.

16      Q     Tell the jury, if you would, please, about what  
17            time, um, you got to that location?

18      A     I arrived at, uh, that location, which was the Avery  
19            Salvage Yard, just a little after 2 p.m. that  
20            afternoon.

21      Q     Tell the jury, please, what, if anything, you  
22            observed upon your arrival at that salvage yard?

23      A     When I arrived at the salvage yard, um -- salvage  
24            yard is located at the end of a road named Avery  
25            Road, and at the end of that road, uh, there was a --

1 a law enforcement presence set up there. Kind of  
2 like I guess what you would called a command post,  
3 and met with, um, members of law enforcement there,  
4 uh, to include the sheriff of Calumet County.

5 Uh, received a -- a real brief, uh,  
6 briefing at that time, and, uh, subsequently went  
7 down into an area known as the -- the salvage  
8 yard where the -- the salvaged vehicles were  
9 maintained, and there was another, uh, law  
10 enforcement presence down there, uh, so to speak,  
11 like a checkpoint, um, and -- and it was from  
12 that location that I was shown where a vehicle --  
13 Teresa's vehicle, had been located.

14 Q I don't know if you told us, but, uh, who also  
15 was there when you got there?

16 A Well, for certain, uh, the Calumet County Sheriff  
17 Jerry Pagel was there, and other law enforcement  
18 officers, to include officers from, uh, the Manitowoc  
19 County Sheriff's Department and Calumet County  
20 Sheriff's Department.

21 Q After your arrival, uh, was there any discussion  
22 regarding what role, if any, the Wisconsin  
23 Department of Justice would take in the  
24 investigation?

25 A Yes. Uh, as I mentioned, Sheriff Pagel had requested

1 DCI's assistance. Um, with that being said, I  
2 learned that, um, the Manitowoc County Sheriff's  
3 Department had requested the Calumet County  
4 Sheriff -- Sheriff's Department to take the lead role  
5 in the investigation, and, uh, with that, they --  
6 Sheriff Pagel requested DCI's assistance. So, in  
7 essence, we were there, uh, to assist in the  
8 investigation, and, ultimately, I was asked, uh, to  
9 join Investigator Mark Wiegert as a lead investigator  
10 in the investigation.

11 Q Is it unusual, Agent Fassbender, for DCI to  
12 become involved in major crime investigations?

13 A No, that's not unusual.

14 Q After your arrival at the, um, scene, um, were  
15 you able to survey, if you will, the, uh -- the  
16 property, itself?

17 A Yes.

18 Q And I've handed you or had handed to you an  
19 exhibit. Can you tell us -- I think it's Exhibit  
20 No. 15. Tell us what that is, please?

21 A This is Exhibit 15, and this is an aerial photograph  
22 overview of, uh, the Avery Salvage Yard, including  
23 residences, um, on or around that property.

24 Q I've had Mr. Wiegert hand you a laser pointer.  
25 And, actually, we'll be using the large screen to



1 my right, although I'm sure the jurors can see  
2 with the smaller screens as well.

3 Uh, if you'd be so kind as to refer to  
4 Exhibit No. 15 and show the -- and describe for  
5 the, uh, jurors the major landmarks of the Avery  
6 salvage property.

7 A As I mentioned before, uh, this road right here  
8 running north and south is Avery Road. As you come  
9 south on Avery Road to this intersection right here,  
10 to the west, or to your right if you're going south,  
11 is a driveway, essentially, that goes all the way  
12 down to two residences. There's a trailer at the end  
13 right down here. That is, uh, the residence or the  
14 trailer where Steven Avery resided. Uh, there's a,  
15 um, unattached garage there also.

16 The residence just to the east of Steven  
17 Avery's residence, uh, is the residence of  
18 Barbara Tadych. Uh, at that time it's Barbara  
19 Janda. And that, uh, is the residence that, um,  
20 Mr. Das -- Dassey, uh, resided in. Brendan  
21 Dassey.

22 Uh, there's an abandoned trailer right  
23 there along this driveway. Going back to the  
24 intersection at the end of Avery Road, uh, is  
25 where the auto salvage business is essentially

1 located, as well as several other -- or two other  
2 residences.

3 Uh, this building right here, this large  
4 building, is where the au -- auto salvage office  
5 and, uh, workshop was located. There's an  
6 impound area right in here that has three  
7 buildings associated with it. That's an old  
8 office, I believe, and shop area.

9 And right here's the residence of, uh,  
10 Al and Delores Avery, or Mr. and Mrs. Avery,  
11 Steven Avery's father.

12 Uh, if you go -- continue south when you  
13 get to this intersection -- And, by the way, this  
14 is where that command post would have been set  
15 up, that law enforcement presence that I was  
16 talking about.

17 If you continue south, there's another  
18 residence located right in this area, which is  
19 Chuck Avery's residence, which would be Steven  
20 Avery's brother.

21 And then continuing south, you go down  
22 into what was commonly referred to as the, uh,  
23 salvage yard, or the pit, and that was, uh,  
24 called that, I believe, because it used to be an  
25 old quarry, uh, area, similar to the quarries

1           that are located around the salvage yard. So you  
2           go down -- uh, descent into this area where all  
3           the vehicles are located, uh, into the, uh,  
4           salvage yard area.

5       Q     So that the jury has a, um -- a better  
6           understanding of, uh, some of the, um -- the  
7           areas, I'm going to show you, first, what has  
8           been marked as Exhibit No. 16. Tell us what this  
9           is, please?

10      A     That would be the northwest corner of the salvage  
11           yard. And I had mentioned, uh, Steve Avery's and  
12           Brendan Dassey's residences. Right here is the  
13           trailer that Steven Avery resided in and his  
14           unattached garage.

15                       Uh, that's that driveway I was talking  
16           about coming to that location, and this is the,  
17           uh -- right here I'm pointing at the northwest  
18           corner of the entire, um, Avery properties.

19                       Next, or just to the east, of Steven  
20           Avery's residence is Brendan Dassey's, uh,  
21           residence, or where he resided, his unattached  
22           garage, also, which would make up, and then the  
23           surrounding, uh, curtilage or yards of both, uh,  
24           residences.

25      Q .   One of the other corners of the property I'm now

1           showing you as Exhibit No. 17, tell us what that  
2           is, please?

3       A     This would be the southeast corner of the, uh, Avery  
4           Salvage Yard. Um, you can see that berms, or  
5           possibly see that berms, are built up around these  
6           areas. Uh, to the south of that is -- is a -- a  
7           quarry, a privately owned quarry, Radandt Quarry, and  
8           to the east of that is a field -- field area.

9                       Uh, so -- And you can see the salvaged  
10          vehicles here, some salvage vehicles lined up  
11          along there, a retention pond there, and also a  
12          automobile crusher located right there, which is,  
13          again, in this photo, which would be the lower  
14          right-hand area of the photo.

15       Q     Now, this particular corner of the salvage  
16           property, I think you mentioned when you first  
17           arrived, uh, on the property you had concentrated  
18           on this area; is that -- is that a correct  
19           statement?

20       A     That's correct.

21       Q     Can you tell the jury why? What you saw?

22       A     I was sent down to this area, and there was a staging  
23           right -- oh, somewhere right in this area, uh, law  
24           enforcement vehicles, uh, like I said, what could be  
25           considered a checkpoint. Um, beyond that is where I

1           was told that, um, Teresa's RAV 4 vehicle had been  
2           found, and I was pointed to an area right there.  
3           There's a -- a red vehicle right there that's offset  
4           from the other line of vehicles, and the RAV 4 was  
5           located right in that area, and in this photograph it  
6           is not there. It had been removed already.

7       Q    The last exhibit, um, I think that I've given you  
8           so far, is Exhibit No. 18, and you talked about a  
9           command post. I show you Exhibit No. 18, and  
10          tell the jury what we're looking at, please?

11     A    This is Avery Road that I'm pointing to right now  
12          starting in the, uh, lower right-hand corner on this  
13          photograph. And as you reach where the command post  
14          was, which was right there, and right here there's  
15          some command post vehicles, is the northeast corner  
16          of the Avery Salvage Yard. Um, I mentioned some of  
17          the -- the, uh, buildings here. This is the office  
18          and shop area to the Avery Salvage Yard. This big,  
19          red building is another work --

20     Q    I can zoom out a little bit. I'm sorry.

21     A    -- work area, I think, associated with the, um,  
22          impound area. The old shop and service area, I  
23          believe, and then right in here is, uh, Al and  
24          Delores' house, and I can't quite see it in here,  
25          but, uh, Chuck Avery's house is right in there.

1 Q Now, I know that you, uh, at least briefly,  
2 talked about a command center or a command post.  
3 Um, let me just skip ahead so that the jury knows  
4 where we're going. How long was it that law  
5 enforcement had control of this 40-acre property?

6 A Well, beginning on -- on, uh, November 5 at  
7 approximately 11 a.m., uh, law enforcement offer --  
8 or arrived on that property, uh, in response to a  
9 call that Teresa Halbach's vehicle may have been  
10 found there, and from that point on, through  
11 approximately 11:30 on Saturday, November 12, uh, we  
12 maintained a presence and held that property.

13 Q So a full week?

14 A Yes.

15 Q Within the, um, pit area, I guess, the -- what  
16 would be to the, um, south and west of the  
17 command center, um, you may notice some vehicles.  
18 Can you describe those vehicles for us, please?  
19 And, by the way, what exhibit is it that you're  
20 looking at?

21 A I'm currently looking at Exhibit 19.

22 Q And is what's up on the screen a, uh, depiction  
23 of Exhibit 19?

24 A Yes, it is.

25 Q Tell us what that is, please?

1 A Basically, we -- uh, we're looking toward the  
2 southwest, um, from the, um, north side of the  
3 property. And as I mentioned, uh, the salvage area,  
4 or the -- the junkyard area, goes down into a pit, so  
5 we're standing up on the elevation part, I believe,  
6 to the rear of -- and I'm not positive -- but to the  
7 rear of, or the south of, uh, the Dassey residence,  
8 or, uh, Steve Avery's residence, looking out over the  
9 salvage yard, and the -- and the vehicles you see in  
10 the picture are, essentially, um, many of the, uh,  
11 salvaged vehicles in that pit area.

12 Q Through your seven days of, um, contact with that  
13 residence, uh, did you come to determine how many  
14 junked vehicles were on that property?

15 A Yes. There were approximately 4,000 vehicles on that  
16 property or on that salvage yard.

17 Q All right. You said that, um -- that this  
18 particular property, and -- and I don't expect  
19 any of these, uh, out-of-town jurors to know  
20 this, but, uh, the entry to this property is on a  
21 county road, a Highway 147; is that right?

22 A A state highway. Highway 147. Yes.

23 Q I'm showing you now what's been marked as Exhibit  
24 No. 20. Can you tell us what that is, please?

25 A That's a sign for the Avery Auto Salvage and Towing,

1           and that is located at the, uh, north end of Avery  
2           Road where it intersects with, uh, State Highway 147.

3   Q       Exhibit 20 is really just the business sign that  
4           directs patrons into that salvage area; is that  
5           right?

6   A       That's correct.

7   Q       Now, Agent Fassbender, your original, um, contact  
8           with that location you said was at the, uh,  
9           request of, um, Sheriff Pagel, the sheriff from  
10          Calumet County; is that right?

11  A       Yes, that's right.

12  Q       At about what time -- Um, perhaps you answered  
13          this, but at about what time did you arrive at  
14          that scene?

15  A       Shortly after 2 p.m.

16  Q       And about that time, or shortly thereafter, did  
17          you agree to become one of the lead investigators  
18          in this case?

19  A       Yes.

20  Q       And, again, shortly after 2 p.m., did you and  
21          other law enforcement officers become actively  
22          involved in securing or applying for what's known  
23          as a search warrant?

24  A       Yes.

25  Q       Tell the jury what a search warrant is, please?



1 A Essentially, a search warrant is an order, uh, signed  
2 by a judge, based on probable cause that directs law  
3 enforcement to search a person, object, uh, place,  
4 uh, and to seize, uh, property or items of property.

5 It's based on probable cause that a  
6 crime may have been committed. Uh, along with  
7 that, uh, the date that it's issued to the date  
8 that it's, uh, executed, uh, you have five days  
9 to do that, and you have 48 hours to return the  
10 search warrant. Basically, that's returning it  
11 to the Clerk of Courts, or the Court, with a --  
12 an inventory of what was seized if anything.

13 Q The judicial authorization, that is, the, um --  
14 the fact that a judge authorizes you to search,  
15 uh, either a place, uh, or buildings, or  
16 residences, or even persons, um, did you believe  
17 that that was required or necessary before, uh,  
18 you folks went any further that day? That is, on  
19 the 5th?

20 A Yes.

21 Q You said that upon your arrival, um, you had  
22 observed some items or some property that had  
23 been previously discovered by some citizen  
24 searchers; is that right?

25 A That's correct.

1 Q Describe that for the jury, please?

2 A The item was a -- a 1999, uh, RAV 4. It was  
3 bluish/green in color, and, um, the citizen searchers  
4 had located it on the Avery property, and had  
5 contacted law enforcement, uh, reporting that they  
6 may have located, uh, Teresa Halbach's vehicle.

7 Q I'm going to show you three exhibits. First, uh,  
8 Exhibit No. 21, larger picture of that, can you  
9 tell us what we're looking at, please?

10 A That is the, uh, rear of that vehicle I just  
11 described, a Toyota RAV 4, 1999, bluish/green in  
12 color, and that is the condition that that vehicle,  
13 or the rear of the vehicle, the condition of that  
14 vehicle, uh, as it was found.

15 Q And does that look the same or similar as when  
16 you saw it shortly after 2 p.m. on the 5th of  
17 November?

18 A Yes.

19 Q And, by the way, just so this jury is aware, uh,  
20 had that vehicle been secured? That is, did law  
21 enforcement officers, who arrived on the scene  
22 prior to your arrival, make sure that nobody had  
23 entered or tampered with that vehicle?

24 A Yes.

25 Q The vehicle, at least Exhibit No., uh, 23, as we

1           see it -- excuse me, 21, as we see it, appears to  
2           be obscured by, um -- at least at the back of  
3           it -- by some branches. Uh, could you describe  
4           that further? Did it appear to be intentionally  
5           concealed in your opinion?

6    A    Absolutely. Uh, tree branches, posts, fence posts,  
7           boxes, plywood, auto parts.

8    Q    All right. Let's move on, then, to Exhibit No.  
9           22, the side of the vehicle. Tell us what we're  
10          looking at here, please?

11   A    This is the passenger side of that vehicle. Uh, uh,  
12          you can see to the -- the rear of the vehicle is that  
13          red vehicle I was talking about that the RAV 4 was,  
14          uh, positioned next to. Um, as you can see, it's got  
15          tinted windows in the back. Uh, there's a vehicle  
16          hood leaned up against, uh, the RAV 4.

17                You can see branches. Even in the, uh,  
18          lower right-hand corner is a piece of the, uh,  
19          particle board or plywood I was talking about.  
20          Uh, and on top of the vehicle you can see that  
21          branches, uh, were placed on the top of the  
22          vehicle also.

23   Q    And, finally, I'm going to show you Exhibit No.  
24          23. Tell us what we're looking at here, please?

25   A    That's a photograph of the same vehicle. The RAV 4.

1 Uh, the passenger side front corner facing that  
2 direction. Again, uh, it's a good picture to show,  
3 uh, the objects that were used to -- in an attempt to  
4 conceal the vehicle. Uh, brush, branches, uh, posts  
5 fencing, plywood. There's actually a -- a box on the  
6 hood somewhere in there, too. Um, and the -- and  
7 the, uh -- toward the rear of the passenger side you  
8 can see the vehicle hood, uh, leaning up against  
9 the -- the RAV 4.

10 Q If you would be so kind as to take the laser  
11 pointer, the larger image, show that vehicle hood  
12 that we're talking about?

13 A On the left side of the photograph here, um, that I'm  
14 pointing to right now, is that vehicle hood lean --  
15 leaning up against the, uh, passenger rear quarter  
16 panel area of the RAV 4.

17 Q Do you know what that vehicle hood's made out of?

18 A Metal. Steel.

19 Q All right. Have I had other exhibits provided to  
20 you? Are there other exhibits that were  
21 provided?

22 A Yes.

23 Q Could you tell me what they are, please?  
24 Twenty-four?

25 A What's been marked as Exhibit 24 is a, uh -- another

1 photograph of, uh, the 1999 Toyota RAV 4. Uh, it's  
2 more at or around dusk. Getting dark out. Again, it  
3 still has the, um, debris, um, that was put on and  
4 stacked up by the, uh, RAV 4, and, also, there was --  
5 or shows, uh, some individuals in the scene, some law  
6 enforcement officers in the scene.

7 Q All right. In this picture, as well, is the  
8 steel, um, vehicle hood, uh, in front of a  
9 gentleman I think that the jury will learn is  
10 John Ertl. Can you first point to Mr. Ertl from  
11 the Crime Lab, and then, again, describe that  
12 vehicle hood?

13 A Uh, Mr. Ertl's standing right there in the, uh,  
14 coveralls. Uh, he's from Wisconsin State Crime Lab.  
15 They had been called to the scene to assist in  
16 processing, uh, or seizing evidence, and that the  
17 vehicle hood is -- is to his left and in front of him  
18 right there leaning up, again -- against the Toyota  
19 RAV 4.

20 Q Before we go any further, uh, Agent Fassbender,  
21 we've brought into the court, uh, what's been  
22 marked as Exhibit No. 26. Can you tell us what  
23 that is, please?

24 A Exhibit 26 is that vehicle hood that I've pointed out  
25 in the photographs, uh, leaning up against the, uh,

1 rear quarter panel -- passenger rear quarter panel of  
2 the RAV 4.

3 Q Have you picked up, or with the assistance of  
4 others, attempted to manipulate that particular  
5 piece of steel?

6 A Yes.

7 Q Uh, in your opinion, um, would that take more  
8 than one individual to, uh, at least  
9 appropriately, move it from one area to another?

10 A Yes.

11 Q I'm showing you, also, what's been marked as  
12 Exhibit No. 25. Tell us what that is, please?

13 A Exhibit 25 is another photograph of, uh, the RAV 4  
14 and its location. Where it was found. This  
15 photograph is taken looking, uh, at the rear  
16 passenger corner of the vehicle. Clearly, again,  
17 showing, and I'll point out, the vehicle hood, uh,  
18 what appears to be a fence post next to the vehicle  
19 hood, and branches, uh, concealing the vehicle.

20 Q If I can go back just a -- a moment, please, to  
21 Exhibit No. 24, uh, we see Mr. Ertl, yourself,  
22 couple of other individuals in that -- in that  
23 depiction, um, and you mention this was right  
24 around dusk; is that right?

25 A Yes.

1 Q What's the significance, if any, of Exhibit No.  
2 24? In other words, what is happening just prior  
3 to and just after this photograph was taken? I'm  
4 going to ask it a -- a -- different way because  
5 that -- I know that that was a bad question. I'm  
6 sorry. Uh, was this vehicle, um, completely  
7 processed at the scene or was a decision made to  
8 remove the vehicle from this location?

9 A The decision was made in conjunction with, uh, the  
10 forensic scientists from the Crime Laboratory that we  
11 would move the vehicle from the scene. Um, one,  
12 uh -- Some factors that entered into that decision,  
13 obviously, was, uh, darkness, uh, coming upon the  
14 scene, and inclement weather also having already  
15 happened, and, uh, more inclement weather being  
16 predicted, so the vehicle was, uh, removed from the  
17 scene and -- and transported to the Crime Laboratory  
18 in Madison.

19 Q Could you tell the jury, please, how the vehicle  
20 was removed from the scene?

21 A Well, first, the Crime Lab personnel that were at the  
22 scene, uh, processed and examined the items that, uh,  
23 were used to conceal the vehicle, um, to determine  
24 whether they felt it had any evidentiary value.

25 Certain items were seized and

1 transported with the vehicle, such as the vehicle  
2 hood there. Um, at that time a wrecker service  
3 was contacted, as well as a transport service,  
4 Rabas, uh -- Rabas, R-a-b-a-s, I believe, came  
5 and, uh -- with their wreckers, and they removed  
6 the vehicle from its location and brought it out  
7 by where we had seen the vehicle crusher. At  
8 that location Pethan, uh, Transport was located  
9 with an enclosed trailer and the RAV 4 was backed  
10 into that enclosed trailer and sealed, and then,  
11 um, transported to the Wisconsin State Crime  
12 Laboratory in Madison, Wisconsin along with -- or  
13 in the accompaniment of the two forensic  
14 scientists that were on the scene.

15 Q Just prior to the removal of the vehicle, uh,  
16 were there any other resources that were called  
17 in, uh, to search, uh, at least around that  
18 particular RAV 4?

19 A Yes, there was.

20 Q Describe that for us, please?

21 A Um, we utilized, uh, Great Lakes Search and Rescue,  
22 which is, uh, basically, uh, search dogs, and they  
23 came to the scene. And one dog, in particular, was  
24 utilized, uh, in that area, that south, uh, east area  
25 of the yard, salvage yard, uh, commencing at around



1 the crusher area.

2 The dog was used to, um, see if it would  
3 alert on the crusher. You know, this dog I'm  
4 talking about is a dog that would alert. They  
5 called them cadaver dogs, and they will alert on,  
6 uh, uh, deceased human bodies as well as human  
7 blood. And, uh, that dog was utilized to search  
8 that area to the south and then along that south  
9 line to the -- or past the Toyota RAV 4.

10 Q I'm showing you Exhibit No. 27. This is a woman  
11 named Julie Cramer and a dog named Brutus. Do  
12 you recognize them?

13 A Yes.

14 Q Tell us, who are Julie and Brutus?

15 A They're members of the Great Lur -- Great Lakes  
16 Search and Rescue, and, uh, Julie is the handler of  
17 Brutus. Brutus is one of those dogs I just  
18 mentioned. And they are the two that searched the  
19 area I just talked about.

20 Q Now, were you present when the K-9 handler, that  
21 is, the human remains handler, Julie Cramer and  
22 Brutus searched the area of Teresa Halbach's RAV  
23 4?

24 A Yes, I was.

25 Q Describe your observations for the jury, please?

1 A Well, as we were going down that line of cars on the,  
2 uh, south berm of that property that I had pointed  
3 out, um -- Actually, prior to that, Julie had  
4 explained what would happen if Brutus alerted on, uh,  
5 an area that may contain human remains or blood, and  
6 as they were going down that area or that, uh, line,  
7 and when they reached the RAV 4, Brutus clearly, at  
8 least to my observations, alerted on that -- that  
9 vehicle.

10 Q And just so the jury's clear, uh, after Brutus,  
11 the human remains dog, alerted on the RAV 4, uh,  
12 it was at that time that the Crime Lab removed  
13 the vehicle? In other words, that it was secured  
14 and removed from that location; is that right?

15 A The vehicle was -- was in a secured state to begin  
16 with and maintained. It was maintained in that  
17 state. Um, the Crime Lab arrived just after Brutus  
18 alerted on that vehicle, and the vehicle was  
19 maintained there for probably another two hours, uh,  
20 until we could get the resources at the scene to  
21 remove the vehicle. So it was about two hours and  
22 then it was removed, yes.

23 Q All right. Do you know if the vehicle was locked  
24 at the scene?

25 A Yes. It was.

1 Q Are there any other exhibits up there that you  
2 haven't identified yet?

3 A No, sir.

4 Q I just need to ask that every once in a while.  
5 Mr. Fassbender, we're showing you what's been  
6 marked for identification as Exhibit No. 28.  
7 Could you tell us what that is, please?

8 A This is a photograph of the southeast portion of the  
9 Avery Salvage Yard, and I think, more particularly,  
10 depicting the automobile crusher, and I'll use the  
11 pointer on the big screen.

12 Um, I'm pointing at that right now.  
13 Large, uh, orange-ish/yellow piece of machinery.  
14 Uh, you'll notice right near there is another  
15 piece of machinery moving what appears to be a  
16 crushed vehicle. Um, that happened when all  
17 those crushed vehicles to the south of that  
18 crusher were examined and moved to the north side  
19 of the crusher.

20 Q If you just point to Exhibit 28 again and show us  
21 where the crushed vehicles, that is, after the  
22 vehicles were put in the crusher, where were they  
23 stored or kept, at least temporarily, on the  
24 Avery property?

25 A Pointing at the crusher right now, the -- the, uh,

1 orange-ish/yellow piece of machinery, just to the  
2 right of that on the photograph, or to the south of  
3 that, is where approximately 50-plus crushed vehicles  
4 were located.

5 Q And if you could show the jury, please, where  
6 Teresa Halbach's vehicle was discovered in  
7 relation to that car crusher?

8 A Teresa's vehicle would have been up in this area on  
9 the south edge of the salvage yard, on the other side  
10 of the retention pond, and I'm pointing to an area  
11 toward the middle right of the photograph.

12 Q Now, do you know about how far that, uh, vehicle  
13 was -- that is, Teresa's vehicle -- was from the  
14 car crusher?

15 A It was about 350 feet.

16 Q And at least from the intact vehicles, that is,  
17 the noncrushed vehicles, was Teresa Halbach's  
18 vehicle in a row or in a line of vehicles closest  
19 to the car crusher? Does that question make  
20 sense?

21 A Uh, Teresa Halbach's vehicle was in a line of  
22 vehicles, that it was very near the car crusher and  
23 it had access to the car crusher.

24 Q All right. Let's talk about the crusher, itself,  
25 Exhibit No. 29. Tell us what that is, please?

1 A That's a photograph of the car crusher that we just  
2 saw, which is located in that southeast, uh, corner  
3 of the Avery Salvage Yard. To the, uh, left of the  
4 car crusher, which I'm pointing out right now, to the  
5 left of that car crusher, or the north, is, um, the  
6 crushed cars. Originally, they were to the south,  
7 but when we examined each and every car, crushed car,  
8 they were then placed, uh, in this area to the north  
9 of the car crusher.

10 Q Before we move forward, tell the jury why it was  
11 that you examined and looked in, in those first  
12 two days of the search, why you examined every  
13 one of those crushed cars?

14 A We were looking for Teresa.

15 Q And at that point, at least on Saturday, Sunday,  
16 and Monday, uh, you hadn't found her body yet; is  
17 that correct?

18 A That's correct.

19 Q Before we move too far, I'm showing you Exhibit  
20 32. Might give us a better perspective. Can you  
21 tell us what that is, please?

22 A Again, 32 is a -- an aerial photograph, uh, showing  
23 the southeast corner of the, um, Avery Salvage Yard.  
24 Uh, and on the screen there's a big box in the lower  
25 right-hand corner that's titled, "vehicle crusher".

1           That's where the vehicle crusher was located. And  
2           then approximately 350, 60 feet to the southwest is a  
3           smaller box, where I'm pointing right now, that has a  
4           title "RAV 4 location", and that's where Teresa's  
5           vehicle was located.

6       Q     Can you point to that line of cars? You talked  
7           about a line of cars that looked like it was  
8           close to or waiting to be crushed? Is that a  
9           fair characterization?

10      A     Along the left side of the photograph, I'm pointing  
11           to a line of cars, which is basically the south edge  
12           of the Avery Salvage Yard, and that is right there,  
13           and Teresa's vehicle was located in amongst that line  
14           of cars.

15      Q     You said after the crusher crushed the cars, they  
16           were in a -- a crushed state. Um, I'm going to  
17           show you what's been marked as Exhibit No. 30.

18           Tell us what that is, please?

19      A     That is that, uh, crushed state that, uh, you just  
20           mentioned. Often, uh, the way my understanding --  
21           and I'm not an expert on this -- when they crush the  
22           cars, uh, they would place more than one vehicle in  
23           that crusher. They crushed three, four vehicles at a  
24           time and make somewhat of a sandwich of, uh, several  
25           vehicles. So what you're looking at there is, uh,

1           several vehicles crushed into one, um, item,  
2           essentially.

3   Q   All right. I'm going to ask you a bit of a  
4       hypothetical, and if you don't feel that you can  
5       comment or express an opinion about this, um,  
6       then please tell us that, but if Teresa Halbach's  
7       vehicle would have ended up in the middle of one  
8       of these sandwiches, uh, would it have been  
9       easily identified or located?

10   A   Well, it would have been very difficult to locate.

11   Q   I showed you a couple of other aerial  
12       photographs, and I want to show you Exhibit No.  
13       33 before going too far. It's going to give the  
14       jury a little better understanding or overview of  
15       the area. Can you tell us what we're looking at,  
16       please?

17   A   This is an aerial photograph from more of a distance.  
18       Uh, right in the center of the photograph,  
19       essentially, is the Avery Salvage Yard that we've  
20       been talking about and showing previously.

21               Uh, to the left side of the photograph,  
22       or the upper left corner, is a highway. That's  
23       Highway 147. And then Avery Road right here, uh,  
24       on the left side of the photograph, and going  
25       toward the right, or toward the south, that's

1 Avery Road, and into the auto salvage yard.

2 To the south, or the lower side portion  
3 of the au -- salvage yard, is a quarry, gravel  
4 pit quarry, uh, owned by Radandt. To the south  
5 of the Avery Salvage Yard that I'm pointing to  
6 right now, or to the right of the Avery Salvage  
7 Yard, is also a quarry owned by Radandt.

8 To the east of the salvage yard is open  
9 field. To the northeast of the salvage yard is  
10 another quarry owned by Michels, and to the north  
11 of the Avery Salvage Yard, again, is -- is, uh,  
12 open field and farm field.

13 ATTORNEY KRATZ: If I may, Your Honor, I  
14 am about to shift topics into more specific  
15 searches. I'm going to suggest this might be a  
16 good time for our afternoon break.

17 THE COURT: Okay. Uh, we'll take a  
18 15-minute break, ladies and gentlemen. Uh, just so  
19 the jury knows, today we'll go until 5:00. Usually,  
20 it's 4:30. There's some give and take in that  
21 depending upon where the lawyers are with the  
22 various witnesses. All right.

23 (Jurors out at 2:37 p.m.)

24 THE COURT: Mr. Fremgen, do you still want  
25 to be heard on that objection?



1                   ATTORNEY FREMGEN: Judge, my -- my  
2                   objection was simply --

3                   THE COURT: Why -- why don't you get to  
4                   the microphone, please. Thank you.

5                   ATTORNEY FREMGEN: On, uh, No. 13, my  
6                   objection was simply -- I -- I -- I don't have an  
7                   objection with it being used as a demonstrative aid.  
8                   I just don't think it should be received as evidence  
9                   since there was something similar to, purchased  
10                  later with, uh, the detective or the agent  
11                  afterwards to find something that looked like the  
12                  jeans. I -- No problem with the State's use of it  
13                  as a demonstrative aid. But, again, I just don't  
14                  think it should be received as evidence in this  
15                  case.

16                  THE COURT: Well, my understanding is it's  
17                  principally being used to link up the rivets from,  
18                  uh -- from what was found to -- what was known to be  
19                  owned by the -- by the victim; is that correct?

20                  ATTORNEY KRATZ: There's been no claim  
21                  that those are Teresa Halbach's jeans.

22                  THE COURT: All right.

23                  ATTORNEY KRATZ: In fact, just the  
24                  opposite. They're demonstrative, Judge.

25                  THE COURT: Uh, uh, for that limited

1           purpose, it's going to be admitted. All right.

2                       (Recess had at 2:40 p.m.)

3                       (Reconvened at 3:04 p.m.)

4           THE COURT: Mr. Kratz, you may proceed.

5           ATTORNEY KRATZ: Thank you.

6   Q       (By Attorney Kratz) Agent Fassbender, let's move  
7           on, then, to responsibilities on the 5th of  
8           November. You had mentioned earlier that a  
9           search warrant was obtained and you had spoken,  
10          at least to this jury, about the, um, processing,  
11          recovery, and seizure of the SUV. Could you  
12          describe for the jurors, please, um, what was the  
13          search plan, uh, later? That is, that first day  
14          on the 5th of November?

15   A       Essentially, what happened after we got the search  
16          warrant is we did an initial search, which sometimes  
17          it's described as a, uh, protective sweep. Law  
18          enforcement, when they execute a search warrant, will  
19          do a sweep of the area or buildings that they are  
20          going to search to see if there's any people, or  
21          dangers to, uh, law enforcement or anyone else at  
22          that time.

23                       In this instance, we did do that. We  
24          sent out teams to do protective sweeps and to do  
25          an initial search immediately, uh, to see if we

1           could find Teresa. Hopefully, find her alive.

2                       So we had that initial search that was  
3 followed up with dog teams. Primary purpose of  
4 the dogs was to go through the salvage yard and  
5 through the rows of vehicles to see if they  
6 alerted on anything, but the dogs were also  
7 utilized, uh, in, uh, many of the residences  
8 and -- and buildings to see if they would alert  
9 there.

10                   After those searches were done, um, we  
11 go back to the command post, and we debrief, and,  
12 uh, a search -- or evidence search team was put  
13 together. Uh, due to resources and personnel, we  
14 had one evidence search team that we utilized,  
15 uh, that evening, and that search team started  
16 to -- out by searching, uh, Steven Avery's  
17 trailer that evening.

18   Q    I'm showing you what's been marked as Exhibit No.  
19       34. Tell us what we're looking at, please?

20   A    That is a photograph of Steven Avery's trailer, and  
21       to the left of the trailer is his unattached garage.

22   Q    In the foreground, and to the right, uh, do you  
23       see a burn barrel?

24   A    Yes, I do. There's a burn barrel, uh, with some  
25       yellow, um, police tape around it.

1 Q We're going to hear from, uh, Special Agent  
2 Heimerl, I think it's tomorrow, but, uh, sometime  
3 on Tues -- excuse me, on, um, Monday, the 7th,  
4 were you aware that that search or -- excuse me,  
5 that that, uh, burn barrel was recovered, uh,  
6 processed, and found some electronic equipment  
7 inside?

8 A Yes, it was, on Monday, the 7th. November 7.

9 Q Tell us what, uh, Exhibit No. 35 is, please?

10 A It's another photograph of the front of Steven  
11 Avery's residence, trailer, and then, uh, Steven  
12 Avery's unattached garage. You can see the LP tank  
13 in the background between the garage and trailer, and  
14 a, uh, pickup truck in front of the garage.

15 Q Now, this, uh, trailer of Mr. Avery had, uh, two  
16 entrance doors. Is that your understanding?

17 A That -- Two primary entrance doors, yes. There was  
18 also a, uh, patio door in the back.

19 Q Or the front or what would be to the front of the  
20 trailer entrance doors, are those depicted in  
21 Exhibit No. 36?

22 A Yes, they are.

23 Q And is that being depicted on the large screen as  
24 well?

25 A Yes.

1 Q You had mentioned the back of the trailer, um,  
2 had a sliding door, or an entry, uh, location.  
3 Exhibit No. 37, does that show that part of the  
4 trailer as well?

5 A Yes, it does.

6 Q Now, Agent Fassbender, the, um, search of the  
7 residence, itself, uh, how was that performed and  
8 who was that performed by? In other words, how  
9 were teams developed to do the searching, uh,  
10 during this, um, process?

11 A When we're searching, uh, for evidence, uh, on  
12 Saturday evening, a, uh, team was put together, and  
13 this team may be a little different than the initial  
14 search teams, because, uh, they're searching for  
15 evidence, and if they find evidence, uh, we want them  
16 to be able to process, collect, uh, prepare for  
17 transport of that evidence.

18 So when we put that particular team  
19 together, we're looking for officers that have  
20 been trained and have experience in evidence  
21 processing and collection, and that's how that  
22 team ultimately got put together.

23 Q You talked about a search of the, um, and a sweep  
24 of the trailer and the garage. I'm showing you  
25 Exhibit 38. What is that?

1 A That's, again, a -- a viewpoint of Steven Avery's  
2 trailer in the background, his unattached garage in  
3 the foreground with, uh, his black truck, and we  
4 would be facing west taking that picture.

5 Q Just so the jury can see, I'm going to zoom in a  
6 little bit closer, um, there's a -- a dog, uh, to  
7 the left of the, um, exhibit. Do you see that?

8 A Yes.

9 Q Were you aware of that dog and were you aware of  
10 the demeanor of that dog?

11 A Yes, I was.

12 Q Describe that for the jury, please?

13 A The -- The occasions I had to be around that dog,  
14 that dog appeared to be very ag-- aggressive.  
15 Pulling on its chain, leaping against the chain,  
16 barking and snarling. I -- I kept my distance.

17 Q Were you made aware -- and -- and I think we've  
18 heard, um, or will hear some more about this, but  
19 did that dog prevent a search area of the back of  
20 Steven Avery's garage at least for a couple of  
21 days of your processing?

22 A Yes, it certainly did when we had the dogs there,  
23 because the dogs didn't -- weren't going to go near  
24 that dog because of the aggressive nature, and as  
25 well as, uh, searchers going through that area,

1 steering clear of that area.

2 Q What is Exhibit No. 39?

3 A Thirty-nine is a photograph of the front of Steven  
4 Avery's unattached garage with his pickup truck  
5 parked in front of that.

6 Q And, again, this garage was not only swept on the  
7 5th but was later, uh, searched on Sunday, the  
8 6th; is that correct?

9 A That's correct.

10 Q Were you familiar, uh, Agent Fassbender, with the  
11 van that Teresa Halbach took photos of on the  
12 31st?

13 A Yes.

14 Q I'm showing you what's been marked as Exhibit No.  
15 40 so that we can talk about that just, uh,  
16 briefly. Tell us what we're looking at, please?

17 A That is the van, maroon van. I believe a Plymouth  
18 Voyager that, uh, Barb Tadych had for sale that  
19 Steven had arranged for Teresa to come out and take a  
20 photograph of.

21 Q And that vehicle is what would be directly in  
22 front of, or, perhaps, better stated, between the  
23 Avery and the Janda, slash, Dassey residence; is  
24 that correct?

25 A That's correct.

1 Q In fact, as we look at Exhibit No. 41, gets a  
2 better perception or perspective, at least, as  
3 far as Barb's trailer; is that right?

4 A Yes.

5 Q The red trailer that we had talked about, were  
6 you able to determine who that trailer had  
7 belonged to?

8 A Yes.

9 Q Who is that?

10 A Who lived there or who it was owned by?

11 Q Who lived there?

12 A Uh, Steven Avery.

13 Q All right. And so the jury can, uh, see photos  
14 of him, Exhibit 43, is that a picture of his  
15 driver's license photograph?

16 A Yes, it is.

17 Q And, I'm sorry, that was 42. And Exhibit No. 43,  
18 on the 9th, after he was booked in this case, is  
19 that a picture of his booking photo?

20 A Yes, it is.

21 Q On Steven Avery's property, uh, that is, uh, to  
22 the rear of his garage area, uh, were you aware  
23 of any tires, uh, that were located that, uh, you  
24 determined were later used to fuel, uh, a large  
25 fire behind Steven's garage?



1 A Yes, there was a, uh, pile of tires.

2 Q I'm showing you Exhibit No. 31. Is that a

3 photograph of those tires?

4 A Yes. And that was located on the southwest corner

5 of, um, the yard, um, associated with the residence

6 that Steven lived in.

7 Q Agent Fassbender, the, um, search -- that is, the

8 week-long search -- of the property, um, items

9 were located. That -- that's fair, isn't it?

10 A That's fair.

11 Q Were you aware of Teresa Halbach's license plates

12 being found that week?

13 A Yes.

14 Q Do you remember where those were found?

15 A Yes, I do.

16 Q Tell us where that was, please?

17 A That was on Tuesday, um, November 8, and they were

18 found in a salvaged vehicle that was located along

19 the driveway, just to the south of the driveway,

20 going down to Mr. Dassey, Mr. Avery's residences

21 along a fence line there.

22 Q Tell us who those, uh, plates were located by?

23 A Uh, they were located by William Brandes, who was a

24 volunteer firefighter, who had been teamed up in

25 search teams with law enforcement officers, uh,

1 looking for evidentiary items such as those license  
2 plates.

3 Q Let me show you Exhibit No. 44, ask us if you  
4 can -- tell us what that is, please?

5 A That's a photograph, uh, of the vehicle -- station  
6 wagon there, that the license plates were found in.

7 Q The license plates, themselves, were they  
8 photographed inside of this vehicle?

9 A Uh, yes, they were.

10 Q Who were they photographed by?

11 A Uh, Trooper Cindy Paine.

12 Q So Wisconsin State Trooper?

13 A Uh, Wisconsin State Patrol Trooper, yes.

14 Q Exhibit No. 45, tell us what that is, please?

15 A That's the photograph of the license plates placed  
16 inside that vehicle, uh, taken by Trooper Paine. Um,  
17 the plates had been removed because they were folded  
18 in on themselves. They had to be unfolded to  
19 determine what the number of the license was, and  
20 then they were just placed back in there and a  
21 photograph was taken.

22 Q All right. And, finally, Exhibit No. 46, tell us  
23 what this depicts, please?

24 A Forty-six is basically a relation in ship picture.

25 Uh, on the left side of the photograph shows Steven

1 Avery's residence. Next to that, to the right, is  
2 the Janda/Dassey residence, and, then, a little  
3 further to the right, or to the west, is an arrow  
4 pointing at the vehicle that the license plates were  
5 found in.

6 Q So if you're looking at this particular access  
7 road, could you show us, uh, how you would walk  
8 or drive down this road to get towards the --  
9 either the Avery residence or the Dassey  
10 residence?

11 A Well, on the picture to the right here, that is  
12 the -- or to the top of the picture -- is the  
13 driveway or access road going down to, uh, the  
14 Janda/Dassey residence and Steven Avery residence.  
15 If you keep going to the right, which would be to the  
16 east, you would run into Avery Road and the entrance  
17 to the salvage yard, and then Avery road to the north  
18 out to State Highway 147.

19 Q I've handed you what's been marked as Exhibit No.  
20 47. Could you tell us what that is, please?

21 A That's a photograph of the front, or the north side  
22 of, um, Mr. Dassey's residence.

23 Q And can you tell us what's in front of -- of  
24 that, um, residence?

25 A Right in front of that residence, where I'm pointing

1 right now, about in the middle of the photograph is a  
2 golf cart.

3 Q I'm also going to show you Exhibit No. 51. Tell  
4 us what 51 is, please?

5 A That photograph depicts that same golf cart. It's  
6 blue in color with a white seat on it.

7 Q Agent Fassbender, have you ever had occasion to  
8 be inside of that residence?

9 A Yes.

10 Q I'm going to direct your attention, and I know  
11 I'm skipping ahead just -- just briefly, but on  
12 the 1st of March, um, we heard, at least in our  
13 opening remarks, about a statement that was given  
14 you by the defendant, Brendan Dassey? You and  
15 Investigator Wiegert? Is that correct?

16 A Correct.

17 Q Later, on the 1st of March, were you given  
18 permission and, in fact, did you enter the  
19 residence of Barb Janda and Brendan Dassey?

20 A Yes.

21 Q And in the Janda and Dassey residence, uh, did  
22 you find any, uh, items, specifically, in the  
23 bedroom of Barb Janda?

24 A Yes.

25 Q I'm going to first show you what's been marked

1 Exhibit No. 49. It's shown on the large screen.  
2 Tell us what we're looking at, please?

3 ATTORNEY FREMGEN: Judge, could I have a  
4 sidebar, please?

5 THE COURT: Sure.

6 (Discussion off the record.)

7 Q (By Attorney Kratz) Exhibit No. 49, and what are  
8 we looking at?

9 A That is the bedroom of, um, Barb Tadych, um, in her  
10 residence, and showing some closet space or storage  
11 space there, and on, um, the handles of some of  
12 those, um, closets or storage space we found --  
13 located, uh, some -- what you would call leg irons  
14 and handcuffs.

15 Q I'm going to show you what has been marked as  
16 Exhibit 48. These are closeups. Do you  
17 recognize Exhibit 48?

18 A Yes, I do. It's a pair of the handcuffs that were,  
19 uh, taken out of, um, that bedroom.

20 Q And Exhibit No. 50. Tell us what that is?

21 A That's a pair of what we'd call leg irons, also taken  
22 out of that bedroom.

23 Q Now, also on the 1st, did Mr. Dassey identify for  
24 you any clothing items? Specifically, items that  
25 he had worn on the 31st of October?

1 A Yes.

2 Q I show you Exhibit No. 52. Tell us what that is,  
3 please?

4 A That's a jacket that we located in Mr. Dassey's  
5 residence. Um, I believe it had the name of Friar  
6 Tuck on it or Friar Tuck's, something like that.

7 Q And what did he tell you about this jacket?

8 A That he believed that, uh, was a jacket that he had  
9 worn, uh, the night of October 31, 2005.

10 Q Exhibit 53. Tell us what that is, please?

11 A That's a pair of, uh, tennis shoes or sneakers, also  
12 taken out of, uh, Mr. Dassey's residence, and, again,  
13 it -- they fit the description of sneakers he said he  
14 was wearing that evening.

15 Q And, finally, Exhibit No. 54. Tell us what that  
16 is, please?

17 A It's a pair of blue jeans that, uh, Mr. Dassey,  
18 himself, um, located, or took me to in his residence,  
19 um, indicating that those are the pants that he wore  
20 that evening.

21 Q On the photograph, uh, appears to depict some  
22 stains on them. Do you see that? And can you  
23 show us that on -- on the screen?

24 A Yes. Um, white stains on the lower right-hand pocket  
25 area of the blue jeans, and also on the upper, uh,

1 left-hand pocket area of the blue jeans there's some  
2 white staining.

3 Q Some stains around the, uh, bottom portions or  
4 around the knees as well?

5 A Yes. Spots and stains that are white.

6 Q Now, we'll get into the statements of Mr. Dassey,  
7 uh, much more detail later this week, but did  
8 Mr. Dassey describe for you what those stains  
9 were?

10 A Yes.

11 Q What did he tell you?

12 A He said they were bleach stains.

13 Q Did he say how those bleach stains got on his  
14 jeans?

15 A Yes.

16 Q How?

17 A He said that he got them on when he was helping clean  
18 up the garage floor in Steven Avery's garage, and  
19 that -- because they use -- utilized some bleach to  
20 clean that area.

21 Q Now, the jeans, themselves, uh, has Mr. Wiegert  
22 provided you with, uh -- with those?

23 A Yes.

24 Q What is that exhibit number?

25 A Exhibit 58.

1 Q Tell us what Exhibit 58 is, please?

2 A Exhibit 58 is the pair of jeans that, uh, Brendan  
3 Dassey, um, took us to in his residence on  
4 February 27, 2006 and consented to us taking them.

5 Q And do those jeans still appear, as you see them  
6 today here in the courtroom, to have bleach  
7 stains on them?

8 A Yes, they do.

9 ATTORNEY KRATZ: What are those  
10 exhibits, Mr. Wiegert, 59 and 60?

11 Q (By Attorney Kratz) We're going to show you  
12 Exhibits 59 and 60. Tell us what those are,  
13 please?

14 A Two sets of, um, handcuffs.

15 Q Do you know where those were retrieved from or  
16 where you retrieved them from?

17 A One set of the handcuffs was retrieved from  
18 Mr. Dassey and, uh, Mrs. Tadych's residence, and I  
19 believe another set was, um, seized from Steven  
20 Avery's residence.

21 Q Exhibit No. 61 and 62 are being handed to you  
22 now. What are those?

23 A Uh, two -- two sets of, um, fur lined leg irons.

24 Q Where were those seized from?

25 A I know we took two sets of leg irons out of



1 Mr. Dassey and Mrs. Tadych's residence, and we also  
2 took one set of leg irons out of Steven Avery's  
3 residence.

4 Q All right. Agent Fassbender, this has been, uh,  
5 agreed to by the, uh -- by the defense, but, um,  
6 were you able to retrace the steps of Teresa  
7 Halbach? That is, uh, where she had been prior  
8 to arriving at Mr., uh, Avery's property on the  
9 31st of October, and approximately when? Do you  
10 recall?

11 A Yes, we were able to retrace. And I didn't  
12 understand or hear the rest of the question.

13 Q If you were able to tell us, first of all, the  
14 two residences that afternoon, the afternoon of  
15 the 31st, that Ms. Halbach had been?

16 A Yes.

17 Q Who is that?

18 A Uh, Steven Schmitz residence and a JoEllen Zipperer  
19 residence.

20 Q And at the JoEllen Zipperer residence, um, did  
21 law enforcement officials receive from Mrs.  
22 Zipperer, specifically, that packet of, uh,  
23 information, the *AutoTrader* information, given to  
24 her by Ms. Halbach?

25 A Yes.

1 Q I show you what's been marked as Exhibit 55.

2 Tell us what that is, please?

3 A That's an *AutoTrader* bill of sale and Auto -- a  
4 current *AutoTrader Magazine*, and a, uh, "For Sale"  
5 sign.

6 Q Is it your understanding that after a transaction  
7 was completed between Ms., uh, Halbach and  
8 whatever customer for *AutoTrader*, that she would  
9 give them a bill of sale as well as the most  
10 current magazine?

11 A Yes. Same thing happened with Mr. Schmitz.

12 Q All right. And the defense has also been kind  
13 enough to stipulate, which means agree, to some  
14 business records. I'm showing you Exhibit 56.  
15 Ask if you can tell us what those business  
16 records are, please?

17 A Exhibit 6 -- 56 is a copy of Cingular, um, toll  
18 records, billing, uh, for, uh, the cell phone of  
19 Teresa Halbach.

20 Q Okay. And are 57 the cell phone records for  
21 Cellcom? That is, for Mr. Avery's cell phone on  
22 the 31st of October?

23 A I believe so, but let me confirm. Yes.

24 ATTORNEY KRATZ: And, Judge, although,  
25 uh, this is, perhaps, the first time this week

1           that this kind of statement, uh, will be made,  
2           but, uh, I would ask that, uh, uh, defense  
3           counsel, um, agree, and indicate to the Court,  
4           their acceptance and approval that the, uh,  
5           business records, in this case of Cingular and  
6           Cellcom, be admitted without the necessity of  
7           calling a custodian of the records and without  
8           objection of the defense.

9                       THE COURT: Mr. Fremgen?

10                      ATTORNEY FREMGEN: I believe we've  
11           stipulated to that already.

12                      THE COURT: That's part of the stipulation.  
13           All right.

14                      ATTORNEY KRATZ: Thank you.

15   Q     (By Attorney Kratz) Agent Fassbender, the  
16           balance of the week, that is, after the 5th of  
17           November, could you describe for the jury,  
18           please, the, um, uh, search efforts of this  
19           property? I don't mean, specifically, what days  
20           and what was searched, but, uh, just give the  
21           jury, if you will, since they're not going to  
22           hear day by day, um, what was searched for, uh,  
23           in the Avery property and the surrounding, uh,  
24           property as well?

25   A     As I said before, there's approximately 15 buildings

1 on the property. All the buildings were searched by  
2 search teams. Um, also on the property, each and  
3 every, uh, uh, vehicle of the approximate four sev --  
4 four thousand vehicles were searched.

5 Uh, additional personnel were brought in  
6 to assist in those searches, to include, uh,  
7 Wisconsin State Patrol. Uh, on two separate days  
8 60-plus troopers were brought in just for search  
9 efforts.

10 Um, anywhere from 45 to 60, uh,  
11 volunteer firefighters were brought in on, uh,  
12 two or three days.

13 Uh, law enforcement personnel from  
14 several counties were brought in, or asked to  
15 come in and help. Several police departments  
16 were asked to come in and help.

17 ~~Citizen searches were done in, uh,~~  
18 adjacent properties, not on the Avery Salvage  
19 Yard.

20 Um, Winnebago County, for example,  
21 brought their dive teams in, and, uh, they were  
22 utilized in ponds. They were located in adjacent  
23 properties, quarries. Some ponds were pumped  
24 out, uh, to look through those, uh, for either  
25 Teresa or evidentiary items.

1 Q The next area of inquiry I have, uh -- I'm sorry.  
2 The next area I have for you, Agent Fassbender,  
3 are the creation of, um, computer-generated  
4 images on and around this property. First of  
5 all, are you familiar with how these images were  
6 created?

7 A Yes.

8 Q And could you start by generally describing for  
9 the, uh, jury, uh, what these images are and what  
10 they're meant to depict?

11 A These images were prepared by Tim Austin of the  
12 Wisconsin State Patrol, who was asked to come  
13 right -- to the scene right away on November 5. Uh,  
14 he uses what's called a "total station, uh,  
15 measuring" or "forensic mapping" uh, piece of  
16 equipment. And with that, he's able to, uh, map or  
17 measure a scene, uh, to scale, uh, so you have  
18 accurate measurements of, uh, any particular scene.  
19 In this case, a -- a large scene or a crime scene.

20 Um, they are meant to depict, uh,  
21 measurements of items at the scene, uh,  
22 relationships of items at the scene and -- and  
23 the measurements between them.

24 Uh, he's also able to depict those or  
25 produce sketches in two dimensional as well as,

1       uh, models in three dimensional, adding height --  
2       a height to that, uh, sketch or that model, and  
3       he's also able to, uh, render, um -- the word  
4       escapes me now -- render, um, animation scenes --  
5       that's what I'm thinking of -- of that same scene  
6       or certain areas of that scene. And an animation  
7       would be a -- a virtual tour or walk-through a  
8       certain area on that scene.

9       Q     Since the jury, uh, would not be and will not be  
10       in this case, visiting this scene, and since  
11       these images show angles or depictions that the  
12       naked eye cannot, do you believe that these  
13       images will assist the jury in understanding  
14       relationships? That is, between relationships  
15       of, uh, evidence that was not only seized but  
16       also relationships of evidence, uh, to fixed  
17       points within the property?

18      A     Yes. Definitely.

19      Q     All right. Let's show the jury -- By the way, do  
20       you know about how many measurements were taken  
21       by Mr. Austin?

22      A     Over 4,100 measurements both manually and  
23       electronically.

24      Q     You talked about them being, um, accurate. Do  
25       you know just how accurate these are?

1 A Well, I -- I think the greatest distance measurement  
2 he had was 1,200 feet, and at that distance the  
3 maximum amount of error would be less than one-half  
4 inch.

5 Q Exhibit No. 63. We're going to go through these  
6 very quickly. Can you tell us what we're looking  
7 at, please?

8 A Sixty-three is a three-dimensional, uh, depiction of  
9 the Janda/Dassey residence and the Steven Avery  
10 residence in the northwest corner of the Avery  
11 properties.

12 Q And if you could just take your laser pointer,  
13 just show the jury, uh, what we're talking about  
14 here?

15 A Again, the, um, Janda/Dassey residence, unattached  
16 garage to it, the Steven Avery residence and  
17 unattached garage, and the surrounding yards, and  
18 that right there is the, uh, van that was for sale.

19 Q Okay. Exhibit No. 64?

20 A Um, again, 3-D rendition of essentially the same  
21 section of land but from a different angle coming  
22 from the north, and the, uh, Janda/Dassey residence,  
23 garage, Steven Avery residence, garage, the vehicle  
24 that was for sale.

25 Q Once again, these are views that are unattainable

1 by the human eye; is that correct?

2 A Yes.

3 Q Exhibit No. 65, please?

4 A It's a 3-D rendition of, uh, the Janda/Dassey  
5 residence from the front, uh, looking south, and the  
6 unattached garage, and the golf cart is right there.

7 Q These are not photographs, these are actual  
8 computer-generated images; is that correct?

9 A Correct.

10 Q Exhibit No. 66?

11 A Another view of the Janda/Dassey residence and garage  
12 from the back yard looking north now, from the south  
13 looking north, um, four burn barrels in the back of  
14 the, um, residence area.

15 Q Exhibit 67?

16 A Uh, another depiction of Steve Avery's residence,  
17 Steven Avery's garage, the van that was for sale, and  
18 then to the right side of the picture you can see  
19 Steven Avery's burn barrel depicted.

20 Q Sixty-eight?

21 A A, uh, more close-up version of the depiction of  
22 Steven Avery's residence, the front of the residence,  
23 the deck, the, uh, entrance door to the north, and  
24 then the rear entrance door to the south.

25 Q Exhibit 70?



1 A Uh, another 3-D rendition of the rear area, or to the  
2 south, of Steven Avery's garage. Steven Avery's  
3 garage right there, Steven Avery's residence right  
4 there, and then a, uh, mound, built up mound, of dirt  
5 and stone, and also a dug out portion of that mound  
6 to the south of the mound, which is what we called  
7 the burn area, doghouse, and the dog chain.

8 Q I'm sorry, Agent Fassbender, I misspoke. This  
9 was Exhibit 69; is that correct?

10 A Exhibit 69, that's correct.

11 Q I'm sorry. And this also shows the burned out  
12 van or vehicle seat in it; isn't that right?

13 A Correct. Right to the right of the darkened area,  
14 which is the burn area, uh, just outside of that and  
15 on the edge of the elevated dirt area is that burned,  
16 uh, car seat.

17 Q All right. Now we're moving to Exhibit No. 70.  
18 What is this?

19 A A different angle depicting the, uh -- the mound and  
20 the burn area. The, uh, car seat, Steven Avery's  
21 garage, Steven Avery's house.

22 Q Exhibit 71?

23 A 3-D, uh, rendition of, uh, the Janda/Dassey  
24 residence. You would be looking from above and to  
25 the east, looking west. The vehicle that was for

1 sale, I believe it was a Plymouth. Uh, the garage,  
2 Steven Avery's house, and the burn area behind the  
3 garage. Steven Avery's garage.

4 Q Now, Trooper Austin was also able to do interior  
5 scene modeling. In other words, uh, um, rip off  
6 the roof, if you will, of buildings and show you,  
7 uh, a birdseye view of the inside of -- of, uh,  
8 buildings; is that correct?

9 A That's correct.

10 Q I show you Exhibit No. 72. Tell us what we're  
11 looking at here, please?

12 A This is where, uh, Trooper Austin made the roof, uh,  
13 disappear on Steven Avery's residence, looking  
14 straight down, or almost straight down, into the  
15 residence to depict what the inside of the residence,  
16 uh, looked like or had in it.

17 Q These included all of the rooms of the trailer?

18 A Yes.

19 Q And even to the exterior, both exterior main  
20 doors, as well as the, uh, sliding glass door  
21 towards the back; is that right?

22 A That's -- That's correct.

23 Q Now, some closeups, uh, as to some of those  
24 rooms. Uh, one of the bedroom closeups, which  
25 includes some firearms, that's Exhibit 73. Tell

1 us what we're looking at?

2 A This bedroom is the bedroom located to the rear of  
3 Steven Avery's residence, or to the far south. This  
4 was Steven Avery's bedroom. Um, and the firearms,  
5 um, mentioned are in a gun rack on the wall, or the  
6 northern wall, of that bedroom.

7 Q So that the jury understands these, um,  
8 depictions, even the interior depictions, were  
9 taken by detailed measurements by Trooper Austin  
10 as well; is that right?

11 A That's correct.

12 Q A different view of that bedroom would be Exhibit  
13 No. 74. Tell us what we're looking at, please?

14 A Same bedroom. Steven Avery's bedroom. Just a  
15 different angle. Here you can see a desk in the  
16 corner with a chair, and, uh, uh, a bookcase, album  
17 holder, is how it's been described, along that, uh,  
18 east wall of the bedroom.

19 Q And later this week we're going to hear about how  
20 close Steven Avery's bedroom door is to the exit  
21 door. That is, the door that goes towards the  
22 garage. But could you just show us that with  
23 your laser pointer?

24 A Steven Avery's -- Entrance to his bedroom right here,  
25 the rear exit door/entrance door to his trailer right

1           there. Just a couple steps.

2       Q     Mr. Tyson, a deputy with the Sheriff's, uh,  
3           Department, tomorrow, will talk about bleach  
4           being found. But can you tell us what Exhibit  
5           No. 75 is?

6       A     Exhibit 75 depicts the bathroom in Steven Avery's  
7           trailer, which is located right next to, or to the  
8           north, of his bedroom. In that bathroom area there's  
9           a, uh, laundry area right up in here where this box  
10          is, and a shelf. There was empty beach -- bleach  
11          bottle seized off of that shelf.

12      Q     The last two images, then, uh, include, uh,  
13          garage images. This is Exhibit No., um, 76. Can  
14          you tell us what that is, please?

15      A     This is Steven Avery's garage with, um, the roof, uh,  
16          disappearing and allowing us to see the inside of the  
17          garage. I might add that this is more of a cleaned  
18          up version of the inside of that garage. Lot of the  
19          clutter -- There was much more clutter. A lot of the  
20          clutter is -- is not in there.

21      Q     And, finally, Exhibit No. 77. Tell us what that  
22          is, please?

23      A     Steven Avery's garage. Different angle. The roof  
24          has been removed. The garage door is open, or  
25          removed, and, um, again, the clutter not included,

1 but it is accurate, uh, rendition of the inside of  
2 that garage.

3 Q Now, Evidence Tents No. 9 and 23, do you know  
4 what those depict?

5 A Yes. Evidence Tent No. 9 toward the front of the  
6 garage depicts where a bullet fragment, a .22 caliber  
7 bullet fragment, was located in the crack in the  
8 cement of the, uh -- the floor of the garage. And  
9 then back here, the other evidence tent, uh, is  
10 where -- 23-A is where a bullet fragment was also  
11 discovered, uh, underneath a air compression in the  
12 back -- air compressor in the back of that garage.

13 Q These were searches on March 1 and 2 after  
14 Mr. Dassey's statement? Is that your  
15 understanding?

16 A That's correct.

17 Q Agent Fassbender, you talked about an animation,  
18 or that it was possible to, um, depict, or have  
19 Trooper Austin depict, through animation, uh,  
20 what it is that, uh, he had, um, shown in a 3-D  
21 version. Have you been able to, um, view that  
22 animation?

23 A Yes.

24 Q I show that to the jury at this time. Oop. I'm  
25 sorry. That's the wrong animation. If you'd be

1           so kind as this plays, uh, Agent Fassbender,  
2           since the jury will not get a virtual tour, or  
3           will not get a tour, of the property, um, explain  
4           for the jury, if you will, what they are  
5           observing?

6    A    Well, this would be, essentially, the aerial view of  
7           Steven Avery's garage and residence. You're looking  
8           west to the east, and just at the bottom of the  
9           screen would be the roof to the Janda, uh, Dassey  
10          residence.

11                   And we're moving toward the north and  
12           reducing altitude, coming around the front of the  
13           Janda/Dassey residence and showing the front of  
14           Steven Avery's trailer. To the right you can see  
15           the van, where it was parked, uh, the van that  
16           was for sale.

17   Q    Use your laser pointer if you feel it's  
18           necessary.

19   A    The van right there. Continuing, and he -- he points  
20           out the van. The front of Steven Avery's trailer.  
21           To left is the garage.

22                   Now, we're approaching Steven Avery's  
23           trailer coming from the east headed west. You  
24           can see a wraparound deck. There's also a pool  
25           in the back. And that's the main entrance door

1 coming up over Steven Avery's trailer to the top  
2 and looking down upon his residence.

3 The roof is gone, and now we're looking  
4 into the living room of Steven Avery's trailer.  
5 In the corner there's a computer desk, TV, spare  
6 bedroom, bathroom, and Steven Avery's bedroom.  
7 And that would be working, uh, north to south in  
8 his trailer. Again, just different angles of  
9 Steven Avery's bedroom.

10 Again, from an elevation looking down,  
11 Steven Avery's garage, and, again, the interior  
12 of the garage. There's a Suzuki Samurai parked  
13 in there, and a snowmobile also placed in the  
14 garage.

15 Coming around to the rear, or to the  
16 south, of, uh, Steven Avery's garage is that  
17 mound, built up mound, of dirt and stone I talked  
18 about. The doghouse, the chain, and the dog, and  
19 this dug out portion of that mound area, which  
20 was the burn area, steel belts right there, the  
21 car seat, burned out car seat, and a tire, which  
22 were all located at the scene.

23 Just pulling away from that, toward the,  
24 uh, southeast, more of a distance view of Steve's  
25 garage and residence. We would be, essentially,

1 in the backyard of the, um, Janda/Dassey  
2 residence right now. The four burn barrels I  
3 talked about earlier, and the Janda/Dassey  
4 residence. Or the Tadych, now, residence.

5 Associated with that residence were  
6 these four burn barrels. You can see the  
7 relationship between Steven Avery's property and  
8 Mr. Dassey's property.

9 Front, or the north, of Steven  
10 Avery's -- to the north of Steven Avery's trailer  
11 and garage. In the forefront of the, uh,  
12 rendition here is Steven Avery's burn barrel.  
13 Again, the relationship between all three items,  
14 the garage, the residence, and the burn barrel.

15 Q Again, those -- that was an animation, uh,  
16 ~~created from those still photographs by~~  
17 ~~Mr. Austin? Is that your understanding?~~

18 A That's correct.

19 (Exhibit No. 78 marked for identification.)

20 Q The last, uh --

21 ATTORNEY KRATZ: By the way, Judge, I  
22 should have the record reflect that the, uh,  
23 animation that has just been shown, uh, I am  
24 having marked as -- at least for  
25 identification -- as Exhibit No. 78.



1 THE COURT: Okay.

2 ATTORNEY KRATZ: Um, we'll be tendering  
3 that as well.

4 Q (By Attorney Kratz) The last, uh, area of  
5 inquiry I have for you, um, Agent Fassbender, uh,  
6 is a statement from Mr. Dassey. Uh, although  
7 we're not going to be discussing the, uh, March 1  
8 or earlier statements in November, um, I  
9 understand that you, individually, that is, you  
10 alone, spoke to Mr. Dassey on February 27; is  
11 that right?

12 A Myself and another DCI agent, uh, spoke with him, uh,  
13 his mother, and his brother, who also present at that  
14 time.

15 Q Where did that take place?

16 A At the, uh, resort motel in Mishicot, uh, later in  
17 the evening. I think it was, uh, after 10:00 p.m.

18 Q All right. On the 27th of February -- By the  
19 way, this was 2006; is that right?

20 A That's correct.

21 Q This was before the March 1 admissions were  
22 obtained from Mr. Dassey; is that right?

23 A It was on the evening of February 27.

24 Q Would you agree that this was characterized as a  
25 witness interview?

1 A Yes.

2 Q And at that time was the topic of any bleach or  
3 bleach stains brought up?

4 A Yes, it was.

5 Q Describe for the jury how that came up, please?

6 A Well, I received information about Mr. Dassey having  
7 some bleach stains on some jeans, and that being a  
8 result of, uh, cleaning Steven Avery's garage floor.  
9 Acting on that information, I went to the motel where  
10 Mr. Dassey's mother and his brother were located, and  
11 I inquired about that, and Mr. Dassey advised that,  
12 uh, yes, he had some jeans that he was wearing that  
13 evening, October 31, 2005, uh, when he was assisting  
14 Steve Avery in cleaning up a garage -- Steve Avery's  
15 garage floor, because it had some stains on it.

16 Uh, when asked what he thought he was  
17 cleaning up, uh, and the color of those stains,  
18 he described them initially as dark red, uh, but  
19 he believed, um, that they were oil stains, uh,  
20 from some vehicles or such.

21 Uh, upon further speaking with him, uh,  
22 he described the stains as red in color, because  
23 the rags or the cloths they were using to clean  
24 up the stains appeared red on the cloths.

25 When asked what he used to clean up the

1 stains, he advised that they initially tried  
2 gasoline. Um, that worked a little, and then  
3 they used paint thinner, uh, and that may have  
4 worked a little more he thought, and, then,  
5 ultimately, they used bleach on the garage floor,  
6 uh, to finish the cleanup.

7 He said that the rags they used to clean  
8 up the substance Steven threw in the, uh, fire  
9 that was going, um, behind -- in a burn area  
10 behind Steven Avery's garage.

11 And, again, when asked, um, about what  
12 he thought the substance was, if he thought it  
13 could have been blood, and he said, yeah, he  
14 thought it could have been blood, and said, when  
15 asked what do you think to this date, which would  
16 have been February 27, he believed it to be  
17 blood.

18 Q And so the jury understands, and I know that  
19 later in the week we'll hear of this, but that  
20 Mar -- that, uh, February 27 statement, then,  
21 caused you and Investigator Wiegert to  
22 re-interview Mr. Dassey two days later on the 1st  
23 of March; is that correct?

24 A That was one of the things.

25 ATTORNEY KRATZ: At this time, Judge, I

1 will move the admission of Exhibits 15 through  
2 78, and have no further questions of this witness  
3 at this time. Thank you.

4 THE COURT: Any objection, Counsel?

5 ATTORNEY FREMGEN: I think just as to 78,  
6 there might be a second item on that that hasn't  
7 been -- just that first overview that we saw?

8 ATTORNEY KRATZ: There is a second, uh,  
9 animation, Judge, and if that is played, uh, that  
10 will, uh, be identified and, uh, described through  
11 our anthropologist, Dr. Eisenberg, later this week.  
12 But I'm not offering it at this time.

13 THE COURT: You -- You're offering the part  
14 of 78 that we've seen, which is the virtual tour?

15 ATTORNEY KRATZ: Just the scene model, yes,  
16 Judge.

17 ATTORNEY FREMGEN: With that, no objection.

18 THE COURT: All right. They're received.  
19 They'll be received then. Cross?

20 ATTORNEY EDELSTEIN: Thank you, Your  
21 Honor.

22 **CROSS-EXAMINATION**

23 BY ATTORNEY EDELSTEIN:

24 Q Agent Fassbender, uh, how long have you been  
25 employed with DCI?

1 A Twenty-two years about.

2 Q And prior to that, you were also a state  
3 employee, uh, as -- as a trooper; is that  
4 correct?

5 A For five years, yes.

6 Q Or state patrol? However you want to  
7 characterize it?

8 A Correct.

9 Q Okay. Now, is it fair to say that from the  
10 perspective of who's in charge of this overall  
11 investigation, that became yourself as well as  
12 Wiegert from Calumet County; correct?

13 A That's correct.

14 Q Prior to getting the phone call, as you indicated  
15 in your direct, from your superior, you really  
16 didn't have much information about this incident;  
17 is that right?

18 A That's correct. Just from the media.

19 Q Now, early on, you testified that by the time you  
20 arrived at the Avery property, quote, law  
21 enforcement had control of the property. Is that  
22 your understanding?

23 A Yes.

24 Q And what time did you get there?

25 A Sh -- shortly after 2 p.m.

1 Q And on what day?

2 A Saturday, November 5, 2005.

3 Q Now, prior to that, law enforcement didn't  
4 necessarily have control of the property;  
5 correct?

6 A That's correct.

7 Q In fact, there were individuals, who were  
8 citizens, who were kind of traipsing around  
9 there?

10 A Yes.

11 Q Okay. And they were looking for any signs  
12 connected to Teresa? Is that a fair statement?

13 A To my knowledge, yes, two -- two citizens went to  
14 that salvage yard to obtain permission to look  
15 through it. Yes.

16 Q Okay. And, in fact, they got permission from  
17 members of the Avery family; correct?

18 A Yes. Earl Avery.

19 Q Who asked you to become, as you testified, the  
20 lead investigator?

21 A I believe Sheriff Jerry Pagel. Calumet County  
22 Sheriff.

23 Q As you understood it, when you arrived and made  
24 your way down there by the RAV 4, which I believe  
25 was depicted in Exhibit No. 23, uh, no one had

1           been inside of the vehicle; correct?

2   A       No.   The vehicle was found in a locked condition.

3   Q       So somebody tried to get in?

4   A       I don't understand that.   Not to my knowledge no one  
5           tried to get in.

6   Q       How do you know it was locked?   Somebody would  
7           have to check a door, would they not, to see if  
8           it was locked?   You testified it's locked.   How  
9           do you know that?

10   A       Uh, one of the Sturms, with one of the citizens, that  
11           went on the property to look, um, used a tissue to  
12           try the door handles, yes.

13   Q       Okay.   So somebody did try to get in?

14   A       Yes.   I -- I took it to mean an apparent effort to --  
15           that was physically visible.   I'm sorry.   I  
16           misunderstood the question.

17   Q       And we've seen the photographs of what the RAV 4  
18           looked like when it was found.   Um, who, if you  
19           know, was there guarding or securing the RAV 4  
20           when you showed up around two o'clock?

21   A       I'm not sure who was guarding the RAV 4 at that time.  
22           To my knowledge --

23   Q       You indicated -- Go ahead.

24                       THE COURT:   Well, let him finish.

25   A       My knowledge was that Calumet Cou -- or, uh,

1           Manitowoc County Deputies initially did that, and  
2           then when Calumet County personnel got there, uh,  
3           they took over. But I'm not sure of the exact time  
4           that the Calumet County Deputy took over. I believe  
5           it was somewhere around -- between two and three,  
6           three-thirty.

7    Q       (By Attorney Edelstein) But you don't have a  
8           specific recollection of whether it was Calumet,  
9           or Manitowoc, or who was standing there when you  
10          got there; is that what you're telling us?

11   A       That's correct.

12   Q       All right. Now, you indicated that prior to  
13          anything happening with the RAV 4, the lab  
14          people -- And we're talking about your folks from  
15          your agency from Madison were called; right?

16   A       Yes.

17   Q       And they showed up; correct?

18   A       Correct.

19   Q       And I believe you testified that the items around  
20          the RAV 4, which you described as having been  
21          used to conceal it, were processed; correct?

22   A       Examined might be a better term. Processed.

23   Q       Well, let -- let's -- Was it a visual examination  
24          only, to your knowledge?

25   A       That's correct.



1 Q So there were no forensic tests made at that time  
2 at that location?

3 A Not to my knowledge.

4 Q Were you present from the time that you got there  
5 and saw what was the secured, or should have been  
6 the secured, RAV 4, until the time the vehicle  
7 was physically loaded up into the enclosed  
8 trailer?

9 A I was not present at the RAV 4, no. I was on scene,  
10 but I was not present at the RAV 4.

11 Q All right. So if the -- if the lab personnel did  
12 anything beyond a visual inspection, you weren't  
13 there to see it?

14 A That's correct.

15 Q But as lead investigator, you keep up with the  
16 things that the lab people do in the course of  
17 the investigation?

18 A I try to, yes.

19 Q Well, that's kind of important, isn't it?

20 A Yes.

21 Q In fact, a lot of times you have the -- in  
22 conjunction with others involved, the authority  
23 to make specific requests of the lab for  
24 processing for evidentiary items?

25 A Correct.

1                   ATTORNEY EDELSTEIN: Your Honor, may I  
2                   approach?

3                   (No verbal response.)

4       Q        (By Attorney Edelstein) Agent, with respect to  
5               Exhibit No. 26, you saw it paraded in here  
6               earlier by two different law enforcement  
7               officers; right?

8       A        Yes.

9       Q        And this is what you describe as the hood that  
10              was laying up against the RAV 4?

11      A        Yes.

12      Q        And I believe you testified in response to  
13              Mr. Kratz's inquiry that it was pretty heavy?

14      A        Yes.

15      Q        And would -- you -- in your opinion, you thought  
16              it would take two people to move it?

17      A        Two people to easily manage it I think is how he'd  
18              asked the question. Not just move it, but how to  
19              properly or easily manage it.

20      Q        Okay. So you're not suggesting to this jury that  
21              one person would be unable to move this about?

22      A        No, I'm not.

23      Q        Have you ever picked it up?

24      A        Couple days ago. Last week, I believe, I tried to  
25              pick it up and I can lift it.

1 Q Okay. Would it surprise you if I said I could  
2 lift it?

3 A If you can get your arms around it, no, it wouldn't.

4 Q Okay. You got a little bigger wing --

5 A Yes.

6 Q -- span than I do?

7 A Yes.

8 Q All right. So you -- to the extent that one  
9 individual in otherwise relatively good health  
10 could move it, you wouldn't take argument with  
11 that, would you?

12 A No.

13 Q Okay. You never weighed that, did you?

14 A No, I haven't.

15 Q Never asked the lab to weigh it, did you?

16 A ~~I didn't ask them to weigh it. I don't know if they~~  
17 ~~did.~~

18 Q Did you ask them? I'm sorry.

19 A I did not ask them to weigh it.

20 Q But it was taken to the lab?

21 A They took it with the RAV 4. Yes.

22 Q And do you know, as part of your investigation in  
23 this case, being the lead investigator, there are  
24 no fingerprints on that that match Brendan  
25 Dassey; correct?

1 A Correct.

2 Q You also know that there's no fluids of any type,  
3 no tissue of any type, no fibers of any type,  
4 that are connected to Brendan Dassey; right?

5 A Related to that hood?

6 Q Yes, sir.

7 A Correct.

8 Q Let's go back for a second here to the RAV 4.  
9 When you first got there, um, it's your  
10 understanding the vehicle was locked; right?

11 A Yes.

12 Q And the purpose of having all these -- these  
13 people there involved in this -- And you  
14 described this as -- as starting off as a, uh,  
15 missing persons type case; correct?

16 A Yes.

17 Q Was there a reason why the RAV 4 was not opened  
18 at that point if you're looking for someone who  
19 you're hoping is still alive?

20 A Because, uh, law enforcement officers looked in the  
21 windows of the RAV 4 and did not see Teresa in the  
22 vehicle.

23 Q Now, during the course of your direct exam, you  
24 described from the aerial photographs a line of  
25 vehicles, and you testified that those were,

1           quote, cars waiting to be crushed; right? You  
2           remember that?

3       A     I remember that question being asked. I didn't  
4           necessarily agree that they were waiting to be  
5           crushed, but there's a line of vehicles along the  
6           back of the property.

7       Q     All right. So you don't have an opinion as to  
8           what the status of any of the particular vehicles  
9           of the 4,000 found on the property may have been  
10          on any given date during that seven-day period of  
11          time that police controlled the property?

12      A     With the exception of maybe some vehicles that were  
13           being prepared to be crushed, uh, like in the shop,  
14           or around the shop where they're getting items  
15           removed so they can be crushed, like gas tanks, or  
16           whatever it has to be removed from a vehicle.

17      Q     Okay. And -- and you are aware that in this type  
18           of business certain items do have to be removed  
19           before they would properly be placed into the  
20           crusher, including things that hold fluids? For  
21           example, gasoline tanks?

22      A     Properly, yes.

23      Q     Now, you testified, and correct me if I'm wrong,  
24           in response to Mr. Kratz's hypothetical, that if  
25           Teresa's vehicle had ended up, shall we say, as a

1 sandwich in between other vehicles that the --  
2 that had been processed through the crusher, that  
3 it would have been difficult to locate the  
4 vehicle. Do you remember testifying to that?

5 A Yes, I do.

6 Q Now, you've been an officer, what, 27 years or  
7 so?

8 A Correct.

9 Q Okay. And when you showed us the pictures of the  
10 vehicles that had, in fact, been crushed, it's  
11 fair to say that it would be relatively easy to  
12 identify the color of the vehicle, would it not?

13 A Potentially, yes.

14 Q And you testi -- Well, what -- what do you mean,  
15 "potentially"?

16 A When I looked at that, some vehicles you could  
17 clearly see the color and others maybe you couldn't.

18 I mean --

19 Q Well, you tes --

20 A -- depends on the manner that it was crushed.

21 Q Well, you testified that with the state troopers  
22 and the other volunteers, be they firemen or  
23 whoever, every single vehicle, including the  
24 squashed or crushed vehicles, had been examined?

25 A Yes. They took them apart, they uncrushed them, each

1 vehicle, and looked at them.

2 Q Well, did they uncrush them or did they simply  
3 separate them?

4 A Separated them --

5 Q Okay.

6 A -- and opened them up. If you want to call it  
7 uncrushed, if you want to say separated or opened up.

8 Q Okay. So, obviously, somebody had some equipment  
9 which was capable of -- let -- let's say that  
10 the -- the roof had been flattened on a vehicle.  
11 Somebody had equipment to either enlarge it or  
12 remove it so as to be able to have a peek inside?

13 A Equipment was brought in. I know they were using the  
14 Jaws of Life on occasion to do some of that work.

15 Q Okay. In addition to, uh -- And the purpose, of  
16 course, of looking inside, would be to see if  
17 there's any sign of human remains; correct?

18 A Correct.

19 Q Okay. But to the extent that you testified it'd  
20 be difficult to locate, assuming you were able to  
21 determine a particular color, there are other  
22 methods by which to determine the ex--- the  
23 precise existence of a given vehicle besides the  
24 color; correct?

25 A Well, certainly.

1                   ATTORNEY KRATZ: Judge, I'm sorry. May I  
2                   interpose an objection? Is he talking about a law  
3                   enforcement officer with Jaws of Life or some  
4                   citizen searcher? If he could be more specific with  
5                   his questions?

6                   ATTORNEY EDELSTEIN: I -- I have -- I  
7                   can do, that, Judge.

8                   THE COURT: Okay. Go ahead.

9       Q        (By Attorney Edelstein) Officers have access, if  
10               you will, to information to determine the, um,  
11               identity of vehicles that the general public does  
12               not; correct or incorrect?

13      A        Well, with the internet nowadays I don't know if  
14               that's necessarily true, but to -- to run identifying  
15               numbers --

16      Q        Correct.

17      A        -- through D.O.T., yes, we can do that.

18      Q        Okay. There's areas, be it on the frame, it  
19               might be different locations, that are basically  
20               hidden intentionally by the manufacturer to  
21               assist in vehicle indication; right?

22      A        Yes.

23      Q        Okay. So given that, that you have the ability  
24               to identify the hidden VINS, and, uh, looking at  
25               colors, and do you still stand by your assertion



1           that had this vehicle been in the middle of a --  
2           a crushed sandwich, so to speak, that it would  
3           have been difficult to locate?

4    A    My response was just a visual observation.  If  
5           someone was walking by or looking at those piles of  
6           cars, it would be difficult to locate.  That was not  
7           with the understanding that I'm going to go and  
8           un-sandwich the vehicles, tear them apart and dig  
9           through them.

10   Q    Okay.  So if it was just kind of a -- Correct me  
11           if I'm wrong.  As I understand your testimony,  
12           you're saying if somebody simply does sort of a  
13           cursory walk-through, you might miss it?  It  
14           might be difficult to locate?

15   A    I believe it would, yes.

16   Q    Okay.  But if somebody takes the time to actually  
17           look carefully at each of the vehicles, including  
18           those that might be sandwiched, um, knowing  
19           things like color and age of the vehicle, it  
20           probably wouldn't have been that hard?

21   A    It depends on the amount of work you put in.  We  
22           brought a lot of equipment in and -- and tore the  
23           vehicles open and apart to do that.  It took almost a  
24           whole day.

25   Q    Now, you testified about creating these teams,

1           uh, to do things on the 5th, uh, following the --  
2           the search warrant for a protective sweep;  
3           correct?

4    A     Yes.

5    Q     Did you decide who would be on these teams?

6    A     I don't believe I was involved in the teams that went  
7           out and did the -- the sweeps and the search for  
8           Teresa. The initial search.

9    Q     Where were you when that occurred?

10   A     I was with the dog and the handler down by the RAV 4,  
11          and then we continued searching along that line of  
12          cars, and into an area in the Radandt pit to the  
13          south of the Avery property.

14   Q     Going back to, I think it's 88, the hood over  
15          here, did you make any observations in the  
16          immediate area of the RAV 4 to determine whether  
17          or not that hood came from anywhere close to that  
18          location?

19   A     I did not.

20   Q     To your knowledge, did anyone else?

21   A     I don't know.

22   Q     So you cannot tell us where, if at all, that may  
23          have come from before it was propped up against  
24          the RAV 4?

25   A     That's correct.

1 Q And so I take it, then, you have no information  
2 relative to the, uh -- whether or not there were  
3 any footprints in the mud leading up to the RAV 4  
4 that would have shown a path from the RAV 4 to a  
5 location where the hood came from?

6 A That's assuming there's mud and, um --

7 Q Well, on -- on the day that you were there, what  
8 was the condition of the ground?

9 A It was dry, at least most of the day, until the  
10 torrential rains started and wiped everything out.

11 Q Is it fair to say that during the course of your  
12 involvement in the investigation, nobody produced  
13 any type of footprints in the junkyard area that  
14 connected to the shoe prints developed off the  
15 pattern of Brendan Dassey's tennis shoes?

16 A ~~There were no footwear impressions obtained.~~

17 Q ~~So the answer to my question would be?~~

18 A No.

19 Q Thank you.

20 THE COURT: Counsel, before you go on, just  
21 to correct the record, I think you identified the  
22 hood as Exhibit 88? And it's really Exhibit 26.

23 ATTORNEY EDELSTEIN: I'm sorry.

24 THE COURT: It's okay.

25 Q (By Attorney Edelstein) I believe you said,

1 Mr. Fassbender, that the RAV 4 was 350 feet from  
2 the crushing device?

3 A About 350. I think it was a little more than that,  
4 360, 367, something like that.

5 Q Is that a number that you personally arrived at  
6 or is that a number you obtained from someone  
7 else?

8 A I believe that's a number obtained from Trooper  
9 Austin's measurements.

10 Q Okay. Do you know, did he base that measurement  
11 as the crow flies, or based upon the distance one  
12 might have to travel from where it was, getting  
13 around a little watery depression area over by  
14 the, uh, crusher?

15 A My understand as the crow flies. My understanding is  
16 as the crow flies.

17 Q Okay. Well, realistically, nobody's going to go  
18 in a straight line from where the RAV 4 was over  
19 to that crusher in 350 feet, would they?

20 A Correct.

21 Q So you -- when we talk proximity, then, and  
22 you're talking about closeness to the -- to the  
23 crusher, it really was more than the 350 feet you  
24 testified to? As -- as a practical matter?

25 A If I were to walk it or drive it, it would be more

1           than that.

2       Q     Okay.  Agent Fassbender, you testified about  
3           Exhibit 60 and 59; right?  You iden --

4       A     Yes.

5       Q     You identified them as handcuffs?

6       A     Yes.

7       Q     Where did 60 come from?

8       A     If those were the two that were presented to me at  
9           the same time, I was unsure.  I said that one pair of  
10          handcuffs came out of the Da -- Dassey/Janda  
11          residence and one came out of Steven Avery residence,  
12          I believe.

13      Q     All right.  It is true, however, that neither one  
14          of the exhibits, be it 59 or 60, came from the  
15          bedroom area where Brendan Dassey lived or slept;  
16          correct?

17      A     That's true.

18      Q     All right.  It didn't -- Neither one of them came  
19          from an area that you would characterize as his  
20          area?  His room?

21      A     Correct.

22      Q     In fact, it's more accurate to say that both of  
23          them came from areas that were probably  
24          controlled, or appeared to be controlled, one by  
25          Steve Avery, one by his mother?

1 A Yes.

2 Q When I speak of the mother, I'm talking about

3 Brendan's mother; right?

4 A Yes.

5 Q And that's how you understood the question?

6 A That's correct.

7 Q We're not talking about Steve Avery's mother?

8 A No. I understood it to be Barb Tadych.

9 Q Okay. Again, 59 and 60, whichever one came out

10 of the Avery place, whichever one came from

11 Barb's bedroom, they went to the lab; right?

12 A The ones out of, uh, the Janda/Dassey residence I

13 don't believe went to the lab. I'm --

14 Q Well --

15 A -- not positive without seeing the paperwork or

16 records.

17 Q The ones from the Avery property, they obviously

18 went to the lab?

19 A Yes.

20 Q Not one shred of physical evidence on the

21 handcuffs from the Steve Avery property

22 connecting Brendan Dassey to those handcuffs;

23 correct or incorrect?

24 A Correct.

25 Q No fingerprints?

1 A No.

2 Q No DNA?

3 A There was DNA found on one of the sets of handcuffs  
4 that was male DNA, and it excluded Teresa Halbach but  
5 didn't exclude Steven Avery.

6 Q Did not, in any way, shape, or form include  
7 Brendan Dassey; correct?

8 A To my knowledge, no, without looking at the -- the  
9 lab report.

10 Q Okay. I realize there were a lot of evidence in  
11 this case, and I'm not trying to put you on the  
12 spot, but we all know it's very important and the  
13 jury's entitled to know; right?

14 A Correct.

15 Q Okay. If, during the course of my exam, if  
16 there's something you're not sure about, you need  
17 to look at your notes, by all means let us know  
18 and we'll take a break and we'll take a look at  
19 them. Let's talk about Exhibit 61 and 62.  
20 Again, where did these come from?

21 A Are there three sets of those, uh, behind that hood?

22 Q No, sir.

23 A Just two sets of leg ir -- leg irons?

24 Q Yes, sir.

25 A Those would have come out of, uh, Ms. Tadych's

1           bedroom.

2   Q   Both sets?

3   A   Yes.

4   Q   Okay.

5   A   I had testified that one set came out of Steven

6       Avery's house, because I thought -- as they were

7       being brought up, I thought I had seen three sets.

8   Q   Okay. So being like any other human, any other

9       officer, you make mistake; right?

10  A   Well, there was a pair of leg irons taken out of

11       Steven's house, and just the way they were brought

12       up, I thought I had seen -- because I saw one pair,

13       and then two were brought up later, so I thought I

14       had seen three sets of leg irons.

15  Q   I understand. But -- So you're attempting,

16       ~~simply, to correct what you told Mr. Kratz on~~

17       ~~direct?~~

18  A   Yes.

19  Q   Which you acknowledge to this jury was an error?

20  A   Yes.

21  Q   All right. And that happens because you're a

22       human; right?

23  A   Correct.

24  Q   Neither one of these, that being Exhibits 61 or

25       62, has any fingerprints on it that belonged to



1           Brendan Dassey; correct?

2       A     Correct.

3       Q     Neither one of them has any DNA evidence  
4           connecting either one of these items to Brendan  
5           Dassey; correct?

6       A     Correct. With the caution that I'm not positive they  
7           were processed. I'd have to look at the Crime Lab  
8           reports to make sure.

9       Q     Okay. Well, if we take a break, you'd certainly  
10          do that for us, wouldn't you? And we'll revisit  
11          that when we get a chance?

12      A     Certainly, if you'd like.

13      Q     I believe you testified about, and I can't recall  
14          the, uh -- the exhibit number, but it was one of  
15          the Austin depictions with the Avery garage roof  
16          removed. Remember that?

17      A     Yes.

18      Q     And I believe you testified about two pieces or  
19          two fragments of bullets that you believe were  
20          located within that garage; right?

21      A     Yes, sir.

22      Q     Would you agree with me that the Austin depiction  
23          of that particular garage, to the extent that it  
24          does not include a great many items that were  
25          actually physically present at the time when you

1 first got there, um, that the Austin exhibit  
2 doesn't necessarily show reality?

3 A That's correct.

4 Q In fact, I think you called it a cleaned-up  
5 version?

6 A Yes. There's a lot of debris that was not included  
7 in that depiction.

8 Q Well, wasn't just debris, there were a lot of  
9 items that were not included?

10 A By debris, items. I mean, I'm --

11 Q I -- I think of --

12 A I agree --

13 Q -- debris as something you might throw away?

14 THE COURT: One at a time. Go ahead.

15 A Items are included in my definition of debris, so,  
16 yes, items, debris, pieces of machinery, property.

17 Q Exhibit 58, these are the jeans that you got from  
18 Brendan after he basically showed them to you;  
19 right?

20 A Yes.

21 Q Okay. You testified they appear to have bleach  
22 on them; right?

23 A Correct.

24 Q Okay. These went to the lab, did they not?

25 A I believe so, yes.

1 Q No human blood on there, is there?  
2 A No.  
3 Q No blood of any kind on there, is there?  
4 A I was advised that they had been cleaned.  
5 Q Pardon me?  
6 A I was advised that they had been washed.  
7 Q All right.  
8 A But, no, there was no blood of any kind on there.  
9 Q Twenty-seven years in the business, you work  
10 closely with the lab, are you telling me that the  
11 fact that those jeans may have been laundered  
12 once, or even twice, say, between October 31 --  
13 and I think you picked him up on -- What day?  
14 The 1st?  
15 A March 1 --  
16 Q Okay.  
17 A -- '06.  
18 Q Let's say they'd been laundered in between, are  
19 you telling me that the lab would be incapable of  
20 determining the presence of blood on those jeans?  
21 A Greatly reduced, if at all possible.  
22 Q I understand you're not an expert, but you've had  
23 occasion to have items examined by the lab that  
24 have, in fact, been laundered, haven't you?  
25 A I may have. I don't have, uh, independent knowledge

1 right now, and in my instances they have not found  
2 blood on those items if -- if it's occurred. I -- I  
3 don't recollect ever having that happen.

4 Q Now, you talked briefly about some conversation  
5 you had with Brendan, and this was up at, uh, Fox  
6 Hills Resort; right?

7 A That's correct.

8 Q He stayed there and his brother stayed there, I  
9 think, on the 27th?

10 A Yes. And his mother.

11 Q Okay. And who picked up the tab for that stay?

12 A That may have been, uh, the county. I'm not sure.

13 Q It was arranged, and you were well aware that it  
14 was arranged, that they would be staying there,  
15 and could stay there, and it wouldn't cost them  
16 anything; right?

17 A Certainly.

18 Q Okay. Be it the State, Calumet County, Manitowoc  
19 County, you knew the government picked up the  
20 bill?

21 A Government picked -- Yes.

22 Q All right. In fact, when you went up there, it  
23 was about 11:50 at night; right? I'm talking  
24 about --

25 A I'm not sure.

1 Q -- Fox Hills.  
2 A 10:50 or 11:50. I -- I --  
3 Q Did I say --  
4 A Yeah.  
5 Q -- 11:50?  
6 COURT REPORTER: One at a time,  
7 please --  
8 ATTORNEY EDELSTEIN: I'm sorry.  
9 COURT REPORTER: -- if possible.  
10 Q (By Attorney Edelstein) 10:50 sound better?  
11 A That sounds better.  
12 Q And during the course of that conversation you  
13 had with Brendan, um, you're talking to him about  
14 an incident where he had, um, some bleach stains  
15 on his pants; right?  
16 A Correct.  
17 Q ~~And you got around to talking to him about what~~  
18 he was doing in the garage, and you talked about  
19 cleaning up some red stuff?  
20 A Yes.  
21 Q Okay. And the truth of the matter is,  
22 Mr. Fassbender, that during the course of that  
23 conversation with Brendan, the first person to  
24 use the word -- or to suggest that it was blood  
25 on the floor was, in fact, yourself. Does that

1 sound right?

2 A That's -- Yes, that sounds right.

3 Q All right. It wasn't Brendan who said, I thought

4 I was cleaning up blood. Right?

5 A That's correct.

6 Q You asked him, could it have been blood? And he

7 simply said, could have been. Right?

8 A After he described the color, yes.

9 Q Okay. So you asked him if it could have been

10 blood, and he said, yes, it could have been.

11 Right?

12 A Something to that effect, yes.

13 Q And then you asked him -- and we're talking about

14 February 27, '06, you gave him a question to the

15 effect that, well, what do you think it was now?

16 And we're talking about that present time.

17 February 26; right?

18 A Yes.

19 Q Okay. Um, and he said, could have been blood.

20 A He said he believed it was blood.

21 Q Okay. And those responses came after you

22 indicated that it could have been blood or you

23 thought it was blood; correct?

24 A After my question.

25 Q All right.

1 ATTORNEY EDELSTEIN: That's all.

2 THE COURT: Any redirect, Counsel?

3 ATTORNEY KRATZ: Couple of questions,  
4 just so that we're clear.

5 **REDIRECT EXAMINATION**

6 BY ATTORNEY KRATZ:

7 Q Investigator Fassbender, are you -- or do you now  
8 have an independent memory of how many sets of  
9 leg irons and how many sets of handcuffs came  
10 from the bedroom of Barb Janda on the 1st of  
11 March?

12 A To the best of my memory, two sets of leg irons and  
13 two sets of handcuffs.

14 Q If, uh, we would show you the evidence bags, that  
15 is, the -- the actual containers in which the  
16 handcuffs, uh, were placed in on the 1st of  
17 March, would that tend to refresh your  
18 recollection of that?

19 A Yes, it would.

20 Q I'm going to have, uh, Mr. Fallon here bring you  
21 Evidence Tag 8266 and 8267. Have you take a look  
22 at those and tell me if that refreshes your  
23 memory?

24 A The bag, uh, with Evidence Tag No. 8266 contained one  
25 pair of silver handcuffs, uh, taken from the bedroom

1 of Barb Janda at the time, Barb Tadych, now. And  
2 Evidence Tag 8267 contained one pair of silver  
3 handcuffs also taken from that same bedroom. Uh,  
4 Barb Janda's bedroom.

5 Q So how many pairs of handcuffs did Barb have in  
6 her bedroom?

7 A So two pair of handcuffs in her bedroom.

8 Q So the jury understands, and they'll hear from  
9 Deputy Kucharski tomorrow, but there were  
10 handcuffs and leg irons also recovered from the  
11 bedroom of Steven Avery; is that right?

12 A Yes.

13 ATTORNEY KRATZ: I think that's it from  
14 this witness, Judge. Thank you

15 THE COURT: All right. Uh, the witness may  
16 step down. Any further witnesses?

17 ATTORNEY KRATZ: Uh, I would prefer to  
18 start at, uh -- tomorrow morning, Judge, with our  
19 other law enforcement, uh, witnesses, if that would  
20 be okay with the Court?

21 THE COURT: All right. Tomorrow  
22 morning, 8:30?

23 ATTORNEY KRATZ: Sounds good.

24 THE COURT: Uh, jurors, we're going to  
25 adjourn for the day. I'm going to remind you again,



1 I'm sure this is going to get tedious listening to  
2 me saying -- say this, but you can't talk about this  
3 case with anybody, including fellow jurors. We'll  
4 see you tomorrow morning at 8:30.

5 (Jurors out at 4:37 p.m.)

6 THE COURT: Anything further on the  
7 record this afternoon, gentlemen?

8 ATTORNEY KRATZ: No.

9 ATTORNEY FREMGEN: No, Judge.

10 (Court stands adjourned at 4:38 p.m.)  
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1 STATE OF WISCONSIN )  
2 )SS.  
3 COUNTY OF MANITOWOC )

4 I, Jennifer K. Hau, Official Court  
5 Reporter for Circuit Court Branch 3 and the State  
6 of Wisconsin, do hereby certify that I reported  
7 the foregoing matter and that the foregoing  
8 transcript has been carefully prepared by me with  
9 my computerized stenographic notes as taken by me  
10 in machine shorthand, and by computer-assisted  
11 transcription thereafter transcribed, and that it  
12 is a true and correct transcript of the  
13 proceedings had in said matter to the best of my  
14 knowledge and ability.

15 Dated this 11<sup>th</sup> day of December 2007.

16  
17  
18 Jennifer K. Hau  
19 Jennifer K. Hau, RPR  
20 Official Court Reporter  
21  
22  
23  
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25

	1st [8] 48/8 172/12 172/17 173/23 195/22 219/14 223/10 223/16	4,100 [2] 43/17 182/22 40 [3] 32/9 33/20 167/15 40-acre [2] 49/11 142/5 41 [1] 168/1 42 [1] 168/17 43 [2] 168/14 168/17 431 [1] 99/15 44 [1] 170/3 45 [2] 170/14 180/10 46 [1] 170/22 47 [1] 171/20 470 [1] 99/16 48 [3] 145/9 173/16 173/17 49 [2] 173/1 173/7 4:30 [1] 160/20 4:37 p.m [1] 225/5 4:38 [1] 225/10 4th [4] 48/13 113/18 114/9 114/17
'02 [1] 104/15 '05 [1] 106/12 '06 [2] 219/17 222/14 '85 [1] 31/10 '85 case [1] 31/10	2 20 [5] 3/3 47/22 83/15 143/24 144/3 2003 [1] 31/3 2004 [1] 119/13 2005 [18] 28/24 29/7 29/9 29/16 40/11 82/21 108/5 109/11 109/16 110/21 111/4 120/15 122/14 134/4 134/6 174/9 194/13 198/2 2006 [2] 176/4 193/19 2007 [2] 1/10 226/15 21 [2] 146/8 147/1 21-82 [1] 3/5 22 [1] 147/9 223 [1] 3/16 223-224 [1] 3/17 224 [1] 3/17 23 [8] 71/23 72/8 72/11 72/12 146/25 147/24 189/3 198/25 23-A [1] 189/10 24 [3] 148/25 150/21 151/2 25 [3] 28/24 150/12 150/13 25-year-old [4] 29/12 63/14 66/23 82/12 26 [5] 149/22 149/24 202/5 211/22 222/17 27 [10] 55/16 56/7 153/10 176/4 193/10 193/23 195/16 195/20 206/6 222/14 27th [2] 193/18 220/9 28 [2] 155/6 155/20 29 [1] 156/25 2:00 [3] 38/20 46/21 48/24 2:27 [2] 47/19 47/21 2:27 p.m [1] 47/10 2:30 [1] 47/1 2:37 p.m [1] 160/23 2:40 [4] 47/21 48/5 55/7 162/2 2d [2] 99/15 99/16 2nd [1] 48/8	5 5-20 [1] 3/3 50 [1] 173/20 50-plus [1] 156/3 51 [2] 172/3 172/4 52 [1] 174/2 53 [1] 174/10 54 [1] 174/15 55 [1] 178/1 56 [2] 178/14 178/17 57 [1] 178/20 58 [4] 175/25 176/1 176/2 218/17 59 [5] 176/10 176/12 213/3 213/14 214/9 5:00 [1] 160/19 5:00 his [1] 83/12 5:30 [1] 83/15 5:30 to [1] 83/19 5:45 Blaine's [1] 83/23 5th [11] 34/7 48/23 115/9 116/1 145/19 146/16 162/7 162/14 167/7 179/16 210/1
.22 [7] 37/23 67/1 72/23 72/25 73/6 73/8 189/6 .22 caliber [4] 72/23 72/25 73/6 189/6	3 3-D [5] 183/20 184/4 185/1 185/23 189/20 30 [4] 108/5 110/21 111/4 158/17 30th [6] 108/9 109/1 120/14 120/15 131/6 131/17 31 [12] 46/6 76/5 76/10 80/22 82/21 86/11 108/10 119/19 169/2 174/9 194/13 219/12 31st [25] 30/6 46/4 46/7 52/11 65/1 71/2 75/9 79/16 80/25 106/12 109/4 109/11 109/15 112/15 112/25 113/5 113/7 113/10 113/14 127/25 167/12 173/25 177/9 177/15 178/22 32 [2] 157/20 157/22 33 [1] 159/13 34 [1] 163/19 35 [1] 164/9 350 [4] 156/15 158/2 212/1 212/3 350 feet [2] 212/19 212/23 36 [1] 164/21 360 [1] 212/4 367 [1] 212/4 37 [1] 165/3 38 [1] 165/25 39 [1] 167/2 3:04 [1] 162/3 3:27 [1] 47/20 3:40 [1] 47/21 3:45 [1] 55/9 3:45 from [1] 82/22 3rd [7] 29/16 48/9 111/10 112/7 112/13 113/17 114/8	6 60 [8] 158/2 176/10 176/12 180/10 213/3 213/7 213/14 214/9 60-plus [1] 180/8 61 [3] 176/21 215/19 216/24 62 [3] 176/21 215/19 216/25 63 [1] 183/5 64 [1] 183/19 65 [1] 184/3 66 [1] 184/10 67 [1] 184/15 69 [2] 185/9 185/10 6th [4] 37/16 37/16 72/21 167/8
0 06 [2] 1/5 4/3 1 1,200 [1] 183/2 1-10 [1] 3/19 10 [5] 3/19 53/18 86/7 119/10 120/19 100 percent [2] 45/20 72/16 102-122 [1] 3/9 10:00 on [1] 120/14 10:00 p.m [1] 193/17 10:13 [1] 53/25 10:30 [2] 34/6 48/23 10:32 [1] 54/1 10:50 [2] 221/2 221/10 10th [1] 50/3 11 [6] 3/20 72/22 107/10 125/7 132/17 142/7 110 [1] 99/15 11:30 [1] 142/11 11:40 [1] 98/10 11:40 a.m [1] 98/4 11:43 [1] 46/16 11:50 [2] 221/2 221/5 11:50 at [1] 220/23 11th [1] 50/8 12 [9] 3/21 10/6 14/14 17/19 130/4 130/7 130/12 132/18 142/11 120 [1] 3/19 122 [3] 3/9 3/10 3/19 123-132 [1] 3/12 13 [12] 3/22 91/12 99/2 100/15 100/16 100/22 101/9 127/7 127/10 127/18 132/15 161/5 132 [8] 3/12 3/20 3/20 3/21 3/21 3/22 3/23 3/23 133-196 [1] 3/15 14 [7] 3/23 129/7 129/10 132/8 132/9 132/10 132/18 147 [5] 143/21 143/22 144/2 159/23 171/18 15 [9] 53/24 84/10 119/13 123/17 136/20 136/21 137/4 179/25 196/1 15-77 [1] 3/24 15-minute [2] 53/19 160/18 16 [2] 1/10 139/8 16-year-old [3] 90/12 90/13 93/12 161 [1] 3/22 162 [1] 3/22 17 [1] 140/1 18 [2] 141/8 141/9 180 [2] 44/16 44/16 181 [1] 99/16 19 [2] 142/21 142/23 192 [1] 3/25 196 [5] 3/15 3/24 3/24 3/25 3/25 196-223 [1] 3/16 1985 [2] 31/4 31/14 1999 [3] 146/2 146/11 149/1 1:00 [1] 98/11 1:07 [1] 102/10 1:30 [1] 46/25	7 70 [2] 184/25 185/17 71 [1] 185/22 72 [1] 186/10 73 [1] 186/25 74 [1] 187/13 75 [2] 188/5 188/6 76 [1] 188/13 77 [2] 3/24 188/21 78 [6] 3/25 192/19 192/25 196/2 196/5 196/14 7:30 and [1] 75/10 7:45 in [1] 75/10 7th [5] 38/23 39/16 49/7 164/3 164/8 8 82 [1] 3/5 82-97 [1] 3/6 8266 [2] 223/21 223/24	8

8	214/7 215/16 215/19 217/13 217/18 220/4 220/23 220/24 221/13 221/17 221/18 222/13 222/16 225/2 above [1] 185/24 absolutely [7] 44/22 76/16 77/6 77/14 81/9 81/10 147/6 accept [1] 28/20 acceptance [3] 59/5 61/4 179/4 access [5] 83/1 156/23 171/6 171/13 208/9 accesses [1] 83/2 accident [3] 114/21 114/23 115/18 accompaniment [1] 152/13 accomplice [1] 81/16 accountability [1] 82/14 accurate [7] 44/6 92/5 181/18 182/24 182/25 189/1 213/22 accusation [1] 58/9 achieved [1] 31/2 acknowledge [1] 216/19 acre [2] 49/11 142/5 acres [2] 32/10 33/21 act [11] 11/16 11/17 11/21 11/23 11/24 11/25 19/3 20/4 57/22 60/3 60/4 acted [4] 11/5 11/14 15/13 15/15 acting [4] 9/10 13/20 16/24 194/9 actively [8] 48/25 51/23 52/5 52/10 69/3 80/5 82/9 144/21 actor [1] 28/10 acts [3] 11/3 12/3 15/19 actual [2] 184/7 223/15 actually [20] 18/18 34/11 36/3 37/25 51/10 51/24 65/3 73/22 75/7 77/1 79/2 79/5 79/21 87/3 116/2 136/25 148/5 154/3 209/16 217/25 add [1] 188/17 adding [1] 182/1 addition [1] 207/15 additional [1] 180/5 address [1] 23/17 addressed [1] 102/4 adjacent [3] 34/20 180/18 180/22 adjourn [2] 97/24 224/25 adjourned [1] 225/10 admissible [1] 7/5 admission [7] 7/4 58/11 59/4 60/5 63/1 132/4 196/1 admissions [11] 56/1 58/16 58/16 58/17 59/10 60/18 61/15 81/13 101/9 120/19 193/21 admit [2] 58/1 61/1 admitted [3] 3/18 162/1 179/6 adopt [1] 28/21 ads [1] 29/22 adult [3] 42/23 90/20 90/23 adults [1] 95/7 advance [1] 102/2 advanced [1] 38/8 advised [4] 194/11 195/1 219/4 219/6 aerial [9] 33/9 48/15 115/2 136/21 157/22 159/11 159/17 190/6 204/24 affairs [1] 20/5 affect [1] 5/10 affirmatively [1] 87/25 afoot [1] 39/19 after [63] 7/23 7/25 35/9 35/14 38/20 45/16 45/17 46/21 48/5 53/10 54/24 54/24 55/10 55/10 66/6 70/4 70/4 72/5 78/24 79/13 83/15 84/3 85/6 85/19 86/22 87/1 88/11 88/12 97/14 100/8 104/19 105/1 109/2 111/11 116/25 120/13 120/14 125/17 126/20 131/17 134/19 135/21 136/14 144/15 144/20 146/16 151/3 154/10 154/17 155/21 158/15 162/15 163/10 168/18 178/6 179/16 189/13 193/17	197/25 218/18 222/8 222/21 222/24 afternoon [13] 46/15 47/22 48/5 98/17 101/4 101/25 102/21 113/14 134/20 160/16 177/14 177/14 225/7 afterwards [1] 161/11 ag [1] 166/14 again [57] 25/4 27/3 28/17 34/19 36/5 36/8 37/2 37/18 38/21 38/24 40/1 41/5 41/6 46/1 50/17 51/18 58/4 59/25 64/3 66/8 66/15 70/19 72/25 77/17 78/2 84/11 86/1 90/10 101/12 119/21 140/13 144/20 148/2 149/2 149/11 149/18 150/16 155/20 157/22 160/11 161/13 166/1 167/6 174/12 183/15 183/20 183/25 188/25 191/8 191/10 191/11 192/13 192/15 195/11 214/9 215/20 224/25 against [14] 5/9 30/20 30/21 34/5 57/22 97/5 147/16 148/8 148/15 149/18 149/25 166/15 202/10 210/23 age [4] 5/10 124/16 125/25 209/19 agencies [1] 113/19 agency [1] 200/15 agent [24] 36/17 90/21 133/19 136/11 144/7 149/20 161/10 162/6 164/1 165/6 167/10 169/7 172/7 177/4 179/15 181/2 185/8 189/17 190/1 193/5 193/12 196/24 202/4 213/2 aggressive [2] 166/14 166/24 ago [3] 129/14 130/14 202/24 agree [16] 4/21 10/6 14/14 17/19 28/18 28/18 89/20 91/17 94/4 144/17 178/13 179/3 193/24 205/4 217/22 218/12 agreed [4] 6/24 22/6 88/19 177/5 ahead [9] 29/5 35/12 82/20 112/19 142/3 172/11 199/23 208/8 218/14 aid [9] 9/16 12/11 14/1 17/6 27/20 28/4 28/12 161/7 161/13 aided [12] 10/4 10/9 10/25 11/7 12/23 14/12 14/17 15/8 16/1 16/2 17/17 17/21 aiding [5] 9/2 13/13 15/12 16/17 28/1 aids [6] 9/5 9/9 13/15 13/18 16/19 16/23 air [3] 129/9 189/11 189/12 airplane [1] 115/2 AI [2] 138/10 141/23 album [1] 187/16 alert [4] 153/3 153/4 153/5 163/8 alerted [5] 154/4 154/8 154/11 154/18 163/6 alerting [1] 35/21 alive [5] 36/23 36/24 76/7 163/1 204/19 all [169] 4/9 5/2 5/13 8/6 10/6 12/3 12/4 12/17 14/14 15/19 15/20 17/19 18/22 21/2 21/9 23/3 23/11 25/23 26/17 26/25 27/5 27/14 28/12 29/7 31/24 32/1 32/7 32/19 32/22 33/15 36/4 36/13 37/1 37/7 37/14 40/12 42/11 42/18 43/6 44/10 44/25 45/3 45/3 49/11 53/2 53/5 59/6 59/22 59/25 60/9 60/12 60/19 61/4 62/15 62/16 62/17 63/14 65/12 66/11 69/25 70/20 70/21 70/24 72/25 73/9 73/12 74/5 75/4 80/9 80/15 82/6 82/17 88/20 96/4 96/13 96/13 96/19 97/10 97/15 97/23 97/23 98/2 98/5 99/4 99/5 99/6 102/7 103/12 104/12 105/6 105/21 106/11 106/19 107/18 107/24 107/25 108/25 112/24 114/8 114/25 115/16 116/8 116/14 116/19 117/7 117/9 117/15 118/7 119/19 120/8 122/2 122/4 122/8 124/7 124/11 124/12 125/16 129/24 131/5 131/11 132/2 133/1 137/11 139/2 143/17 147/8 148/19 149/7 154/23 155/16 156/24 159/3 160/22 161/22 162/1 168/13 170/22 177/4 177/13 178/12 179/13 180/1 181/5 182/19 185/17 186/17 191/22 192/13 193/18 196/18 200/12 201/11 203/8 204/12 205/7 210/22 213/13 213/18 215/12 215/17 216/21 219/7 219/21 220/22 222/3
9		
9-0-8-0-1 [1] 101/10 911 [1] 82/7 939.05 [3] 8/19 13/4 16/9 940.01 [1] 10/15 940.11 [1] 14/23 940.225 [1] 18/3 97 [1] 3/6 9:07 [1] 4/1 9:30 [1] 86/6 9s [1] 42/3 9th [6] 49/20 49/22 49/24 52/6 118/5 168/18		
A		
a.m [7] 4/1 29/8 53/25 54/1 98/4 98/10 142/7 A310 [2] 80/19 118/18 ab [1] 16/18 abandoned [1] 137/22 abet [7] 9/16 13/19 14/1 17/6 27/20 28/4 28/12 abets [6] 9/5 9/9 13/15 13/19 16/20 16/23 abetted [11] 10/4 10/9 10/25 11/7 12/23 14/12 14/17 15/8 16/2 17/18 17/22 abetting [5] 9/3 13/13 15/12 16/18 28/1 abilities [1] 90/14 ability [7] 62/4 93/13 93/13 103/8 103/9 208/23 226/14 able [46] 20/25 23/8 23/9 36/11 37/10 38/19 38/22 41/8 41/25 42/5 42/22 43/5 43/23 43/24 44/3 45/1 53/1 54/8 54/16 60/14 75/22 76/9 80/4 81/5 96/16 105/18 112/12 112/16 113/3 113/4 117/9 126/25 127/23 136/15 165/16 168/6 177/6 177/11 177/13 181/16 181/24 182/3 186/4 189/21 207/12 207/20 about [205] 7/10 15/18 22/3 22/12 22/12 23/13 23/23 27/5 27/15 29/8 29/25 30/3 30/19 30/21 31/1 31/1 32/9 33/13 34/15 37/24 38/4 39/23 40/11 40/12 42/19 43/9 44/13 44/14 44/25 46/5 46/22 46/25 47/15 47/16 47/21 47/21 48/19 48/24 49/3 49/6 49/13 49/15 49/23 50/6 50/21 51/3 51/10 52/4 52/19 53/4 53/11 55/7 56/25 57/5 57/14 57/15 57/16 58/7 58/12 58/18 58/21 58/24 59/17 60/6 60/25 60/25 61/2 61/5 61/10 61/12 61/14 62/8 62/8 62/11 63/1 64/4 64/10 64/14 65/6 65/16 66/2 66/17 68/13 74/18 75/3 75/11 75/17 75/19 78/8 78/11 79/7 79/12 80/2 82/22 83/3 83/5 83/12 83/15 83/18 83/23 83/25 84/5 84/10 84/17 85/2 85/16 85/19 86/6 87/21 89/18 89/23 89/24 89/25 90/1 90/4 90/11 90/12 90/15 90/17 96/6 100/22 101/12 103/20 103/22 104/12 106/10 108/8 108/20 108/25 109/22 109/23 111/17 117/19 120/4 121/9 122/19 126/1 127/1 128/12 128/15 129/19 134/16 138/16 139/16 141/8 142/2 144/12 144/13 144/16 147/13 147/19 148/12 153/4 153/19 154/21 156/12 156/15 156/24 158/7 159/5 159/20 160/14 162/10 165/23 166/18 167/15 168/5 172/1 172/13 174/7 182/20 182/24 183/13 187/19 188/3 189/17 191/18 192/3 194/6 194/11 195/11 197/1 197/16 200/14 202/21 208/2 209/25 212/3 212/22 213/2 214/2		

<b>A</b>		
all... [4] 222/25 223/1 224/15 224/21	210/15 211/3 211/13 215/6 216/8 216/8	185/13 185/14 185/15 185/20 186/2 188/8
allegations [1] 97/5	216/25 217/3 219/3 219/8 223/2 224/16	188/9 191/19 191/20 193/4 195/9 210/12
Allen [1] 32/25	anybody [2] 116/10 225/3	210/16 211/13 212/13 213/15 213/19 213/20
allow [4] 53/9 58/20 88/12 100/6	anyone [3] 5/16 162/21 210/20	areas [10] 43/21 101/22 105/7 115/16
allowed [1] 45/11	anything [15] 6/13 98/21 100/21 109/18	117/23 139/7 140/6 182/6 208/18 213/23
allowing [3] 7/7 58/23 188/16	122/18 125/4 125/23 128/6 134/21 145/12	aren't [3] 45/24 58/5 81/3
alluded [2] 30/19 91/2	163/6 200/13 201/12 220/16 225/6	argue [1] 91/7
almost [3] 35/2 186/14 209/23	anytime [2] 11/23 120/13	argument [3] 87/1 100/4 203/10
alone [4] 69/12 87/2 90/25 193/10	anywhere [3] 101/18 180/10 210/17	arguments [3] 5/21 7/15 87/19
along [12] 115/16 137/23 140/11 145/6	apart [3] 206/25 209/8 209/23	arises [1] 20/8
152/12 153/8 158/10 169/18 169/21 187/17	apartment [2] 119/22 126/21	arising [1] 19/25
205/5 210/11	apologize [3] 46/2 82/19 121/11	arm [1] 75/24
alongside [1] 114/20	apparent [1] 199/14	arms [1] 203/3
already [21] 21/24 24/3 30/24 41/25 59/22	appealing [1] 93/15	around [32] 22/13 29/23 64/25 84/17 84/19
59/25 60/9 60/17 60/19 65/15 69/24 69/25	appeals [1] 93/9	85/2 111/19 128/19 128/25 129/3 136/23
70/1 75/18 78/21 88/14 91/1 104/19 141/6	appear [4] 4/12 147/4 176/5 218/21	139/1 140/5 149/2 150/24 152/17 152/25
151/14 179/11	APPEARANCES [2] 1/12 4/4	163/25 166/13 175/3 175/4 181/4 190/12
als [1] 110/6	appeared [4] 1/24 166/14 194/24 213/24	191/15 198/8 199/20 200/5 200/19 203/3
also [76] 4/6 13/3 16/8 22/20 29/6 32/18 33/4	appearing [2] 4/7 4/9	205/14 212/13 221/17
33/8 35/8 37/6 37/15 39/22 40/7 42/17 43/21	appears [5] 4/5 147/1 150/18 155/15 174/21	arranged [3] 167/19 220/13 220/14
44/10 46/10 48/19 49/23 50/24 51/25 56/2	applying [1] 144/22	arrested [2] 49/21 49/21
57/9 60/6 63/7 64/13 75/5 75/20 76/25 79/24	appointment [4] 30/15 38/10 106/4 113/13	arrival [5] 134/22 135/21 136/14 145/21
91/24 95/9 96/10 103/6 105/4 105/13 105/22	appointments [2] 115/15 119/17	146/22
110/6 110/22 114/20 115/1 119/3 119/10	appreciable [1] 11/19	arrive [1] 144/13
135/14 137/15 139/22 140/11 147/22 149/4	appreciate [2] 37/10 134/3	arrived [9] 134/18 134/23 140/17 142/8
150/11 151/14 160/7 163/6 164/18 172/3	apprehension [1] 15/1	146/21 154/17 197/20 198/23 212/5
173/21 173/23 174/11 174/25 177/1 178/12	approach [2] 97/20 202/2	arrives [1] 98/20
180/2 181/24 182/3 182/16 185/5 185/11	approaching [2] 64/4 190/22	arriving [1] 177/8
186/4 189/10 190/24 191/13 193/13 197/2	appropriate [1] 100/25	arrow [1] 171/3
204/2 224/3 224/10	appropriately [2] 100/17 150/9	arson [1] 41/15
although [7] 8/22 13/8 16/12 44/23 137/1	approval [1] 179/4	articles [1] 125/22
178/24 193/6	approximate [1] 180/3	as [231]
altitude [1] 190/12	approximately [7] 142/7 142/11 143/15	ask [28] 4/14 8/4 54/18 54/19 57/2 57/3
altogether [1] 107/22	156/3 158/2 177/9 179/25	69/23 70/19 70/21 89/6 93/5 93/8 100/5
always [6] 46/11 58/12 86/19 107/15 108/2	APRIL [2] 1/10 77/17	102/1 110/24 111/16 117/22 118/14 130/4
109/25	April 3 [1] 77/17	151/4 155/4 159/3 170/3 178/15 179/2
am [5] 23/17 23/22 124/18 160/14 192/23	are [148] 5/3 6/14 7/3 7/11 7/13 12/25 15/23	203/16 203/18 203/19
among [1] 5/15	16/4 18/21 18/24 19/5 20/15 20/15 20/23	asked [31] 7/3 40/10 44/17 46/9 48/2 93/17
amongst [3] 98/2 98/2 158/13	21/6 21/20 22/14 22/16 23/15 23/21 24/16	94/11 111/24 116/10 116/19 116/25 117/12
amount [4] 39/14 44/21 183/3 209/21	24/25 26/3 32/2 33/7 33/8 34/11 35/9 35/10	120/2 126/20 131/16 134/12 136/8 180/14
analyst [4] 31/11 31/12 31/18 31/23	35/10 35/16 35/18 36/13 36/18 40/1 40/22	180/16 181/12 194/16 194/25 195/11 195/15
angle [4] 183/21 185/19 187/15 188/23	43/5 43/7 44/6 47/23 48/14 49/12 49/17	198/19 202/18 203/15 205/3 222/6 222/9
angles [2] 182/11 191/8	50/15 54/19 56/14 57/11 58/3 58/3 58/5	222/13
animation [9] 182/4 182/6 189/17 189/19	59/10 63/9 64/24 66/8 69/9 71/6 71/22 71/22	asking [8] 57/16 62/3 82/15 93/4 93/14
189/22 189/25 192/15 192/23 196/9	71/25 72/10 74/2 74/4 74/6 74/11 74/19	96/20 101/12 101/14
another [40] 9/10 9/18 10/17 10/18 11/1	75/21 78/12 78/17 79/2 79/10 79/18 80/9	asks [5] 65/7 84/7 84/11 85/7 85/25
11/7 11/10 11/12 13/21 14/3 15/9 15/12 16/2	80/20 81/17 87/6 87/8 91/25 92/3 92/6 92/7	assault [12] 16/7 16/16 17/7 17/10 17/13
16/2 16/25 17/8 18/5 24/7 32/24 40/4 44/10	92/9 92/24 93/17 94/3 94/11 94/19 94/25	17/17 17/21 18/2 18/23 27/11 31/5 53/17
96/2 96/9 129/5 130/1 135/9 138/17 141/19	95/1 95/2 101/11 101/22 123/16 123/25	assertion [1] 208/25
148/25 150/9 150/13 154/19 155/14 160/10	126/8 127/19 127/21 127/22 128/1 128/14	assigned [1] 24/18
164/10 176/19 184/11 184/16 185/1 193/12	132/20 133/22 133/24 139/1 139/3 140/5	assist [19] 8/10 9/14 9/15 9/21 13/24 13/25
answer [6] 54/19 93/19 93/20 94/13 112/2	143/10 148/20 148/23 153/14 153/18 155/1	14/5 17/3 17/5 17/11 22/17 28/10 116/20
211/17	160/21 161/21 162/19 164/20 164/22 173/7	117/10 136/7 149/15 180/6 182/13 208/21
answered [1] 144/12	173/16 174/19 175/5 176/9 176/12 176/21	assistance [7] 42/3 113/3 119/2 134/13 136/1
answering [1] 46/19	176/22 178/16 178/20 181/3 181/5 181/9	136/6 150/3
answers [3] 64/21 70/24 93/16	181/20 182/25 183/25 183/25 184/7 184/7	assistant [2] 24/4 24/10
anthropologist [3] 42/19 73/17 196/11	187/5 190/4 203/23 204/4 205/17 207/21	assisted [2] 24/22 226/10
anthropologists [1] 75/21	208/19 215/21 218/15 218/17 219/10 219/18	assisting [2] 24/1 194/13
anticipated [1] 98/19	223/7	assists [5] 9/12 13/22 17/2 28/5 42/9
anticipatory [1] 100/18	area [109] 39/6 39/15 41/3 41/9 41/12 41/19	associated [4] 138/7 141/21 169/5 192/5
anxious [1] 87/11	41/19 42/1 42/5 42/8 42/8 42/11 43/3 43/4	assuming [2] 207/20 211/6
any [76] 5/8 5/9 6/1 6/2 6/23 7/6 7/10 11/15	43/7 43/20 44/4 49/18 50/3 50/11 51/8 51/23	assure [1] 21/10
11/19 12/4 15/20 19/19 39/8 42/4 45/18	51/25 67/8 68/13 74/22 74/23 74/25 75/4	attempt [2] 100/25 148/3
54/25 55/14 57/21 65/13 66/10 66/10 82/19	76/9 76/12 76/23 79/24 84/23 85/10 85/12	attempted [1] 150/4
90/6 100/2 100/5 100/22 101/18 101/25	85/18 106/2 106/3 115/13 135/7 138/6 138/8	attempting [1] 216/15
102/3 105/7 105/10 113/12 113/18 113/20	138/18 138/25 139/2 139/4 140/8 140/14	attempts [1] 97/4
116/16 120/20 122/6 122/25 125/1 125/22	140/18 140/22 140/23 141/2 141/5 141/18	attendance [1] 108/14
132/13 135/21 135/22 143/19 145/18 149/20	141/21 141/22 141/22 142/15 143/3 143/4	attention [5] 8/6 23/4 23/4 108/4 172/10
151/1 151/24 152/16 155/1 162/20 168/23	143/11 144/4 148/16 150/9 152/24 152/24	attorney [74] 1/20 1/22 3/5 3/6 3/9 3/10 3/12
172/22 173/24 181/18 194/2 196/4 198/11	153/1 153/8 153/19 153/22 154/5 154/6	3/15 3/16 3/17 4/5 4/6 4/11 4/11 4/12 4/24
204/2 204/3 204/3 205/8 205/10 207/17	156/8 156/10 157/8 159/15 162/19 166/19	5/1 21/3 23/18 24/4 24/10 53/21 54/2 82/18
	166/25 167/1 168/22 174/25 175/1 175/20	86/23 97/20 98/6 98/16 98/24 100/3 100/20
	181/1 181/2 182/8 184/14 185/1 185/7	101/15 102/11 120/21 120/24 121/2 121/3

<b>A</b>	<b>awhile [1]</b> 86/5	<b>because [44]</b> 8/7 25/15 25/16 26/23 28/15 30/3 31/8 31/9 31/21 32/1 36/9 42/6 43/23 43/24 45/25 53/3 55/4 56/18 63/7 86/1 94/25 99/11 99/22 103/10 107/21 108/20 109/24 109/25 110/5 121/16 130/21 138/24 151/4 165/14 166/23 166/24 170/17 175/19 194/15 194/22 204/20 216/6 216/12 216/21
<b>attorney...</b> [37] 121/9 121/11 121/13 122/3 122/10 123/3 132/3 132/8 132/17 133/16 160/13 161/20 161/23 162/5 162/6 173/7 176/9 176/11 178/24 179/10 179/15 192/21 193/2 193/4 195/25 196/20 200/7 202/1 202/4 208/6 208/9 211/25 221/8 221/10 223/3 223/6 224/13	<b>B</b>	<b>become [8]</b> 48/9 48/25 49/10 58/19 136/12 144/17 144/21 198/19
<b>attorneys [2]</b> 7/1 89/6	<b>b1 [1]</b> 101/10	<b>becomes [5]</b> 49/7 49/20 55/20 57/1 71/15
<b>au [2]</b> 138/4 160/3	<b>back [52]</b> 35/22 35/23 38/14 39/5 39/8 39/14 48/6 51/9 52/13 53/22 64/23 65/5 65/5 67/8 67/16 68/19 71/24 74/14 74/24 75/15 76/2 76/11 85/19 86/6 93/19 97/25 114/2 114/23 117/12 121/6 121/23 125/14 128/8 137/23 147/2 147/15 150/20 163/11 164/18 165/1 166/19 170/20 184/12 184/13 186/21 189/9 189/12 189/12 190/25 204/8 205/6 210/14	<b>bed [3]</b> 65/5 65/22 86/8
<b>audio [2]</b> 82/19 91/10	<b>backed [1]</b> 152/9	<b>bedroom [44]</b> 38/3 40/16 49/17 50/5 64/24 65/5 65/9 65/21 66/18 68/23 71/12 71/12 78/20 78/22 90/2 172/23 173/9 173/19 173/22 186/24 187/2 187/2 187/4 187/6 187/12 187/14 187/14 187/18 187/20 187/24 188/8 191/6 191/6 191/9 213/15 214/11 216/1 223/10 223/25 224/3 224/4 224/6 224/7 224/11
<b>August [1]</b> 110/21	<b>background [4]</b> 22/9 104/13 164/13 166/2	<b>been [102]</b> 6/5 18/23 21/11 24/18 26/14 27/9 36/21 45/5 46/10 48/2 51/10 54/2 55/11 55/15 65/8 67/7 86/21 102/14 103/23 105/17 106/24 109/13 110/14 110/22 118/13 119/5 122/22 123/8 125/6 126/17 126/18 133/9 134/7 135/13 138/14 139/8 141/1 141/6 142/9 143/23 145/6 145/23 146/20 148/25 149/15 149/21 150/11 155/5 156/8 158/17 159/8 159/10 159/20 161/20 163/18 165/20 167/14 169/24 170/17 171/19 172/25 173/15 177/4 177/7 177/15 178/1 178/12 187/17 188/24 189/21 192/23 195/13 195/14 195/16 196/7 196/24 199/1 200/20 201/5 205/9 206/2 206/3 206/6 206/10 206/24 207/10 209/1 209/3 209/20 219/4 219/6 219/11 219/18 219/24 220/12 222/6 222/7 222/9 222/10 222/19 222/22 226/8
<b>August 30 [1]</b> 110/21	<b>backroom [1]</b> 88/22	<b>before [49]</b> 1/11 5/2 6/6 9/23 10/19 11/16 11/23 11/24 14/7 15/3 17/12 18/7 19/15 46/11 46/17 46/23 47/6 52/4 61/2 64/5 64/9 71/18 85/25 96/10 96/10 98/20 100/8 100/17 103/22 106/11 106/16 107/2 108/11 122/20 127/8 130/5 130/21 131/5 137/7 145/17 149/20 157/10 157/19 159/13 179/25 193/21 205/19 210/23 211/20
<b>Austin [14]</b> 43/11 43/13 43/15 43/25 181/11 182/21 186/4 186/12 187/9 189/19 192/17 217/15 217/22 218/1	<b>backyard [1]</b> 192/1	<b>began [4]</b> 39/20 54/24 54/25 83/2
<b>Austin's [1]</b> 212/9	<b>bad [2]</b> 27/23 151/5	<b>begin [6]</b> 5/12 48/10 84/22 85/4 85/14 154/15
<b>authoritative [1]</b> 95/18	<b>bag [4]</b> 56/5 56/5 56/11 223/24	<b>beginning [1]</b> 142/6
<b>authority [2]</b> 100/7 201/22	<b>bags [1]</b> 223/14	<b>begins [3]</b> 5/3 29/8 29/14
<b>authorization [2]</b> 35/11 145/13	<b>bailiff [2]</b> 6/4 7/23	<b>behalf [5]</b> 1/14 1/16 1/18 1/20 1/22
<b>authorizes [1]</b> 145/14	<b>balance [2]</b> 42/14 179/16	<b>behavior [4]</b> 39/19 54/5 54/6 63/11
<b>auto [6]</b> 137/25 138/4 143/25 147/7 160/1 178/3	<b>Barb [17]</b> 32/18 32/18 33/3 38/12 46/19 83/17 85/21 167/18 172/19 172/23 173/9 214/8 223/10 224/1 224/1 224/4 224/5	<b>behind [15]</b> 32/4 34/19 41/10 72/8 75/12 78/9 79/24 84/23 85/10 89/24 168/25 186/2 195/9 195/10 215/21
<b>automatic [2]</b> 37/23 67/2	<b>Barb's [2]</b> 168/3 214/11	<b>being [31]</b> 10/17 11/10 11/12 30/23 49/16 52/17 59/6 68/10 75/12 75/17 75/18 106/15 111/11 116/3 120/1 136/1 151/15 161/7 161/17 164/23 169/12 176/21 182/24 188/4 194/7 203/23 205/3 205/13 216/7 216/8 216/24
<b>automobile [2]</b> 140/12 155/10	<b>Barbara [2]</b> 137/18 137/18	<b>belief [3]</b> 9/10 13/20 16/25
<b>AutoTrader [16]</b> 29/20 30/1 46/8 47/4 47/6 47/11 71/4 105/5 105/23 105/25 112/1 118/9 177/23 178/3 178/4 178/8	<b>barking [1]</b> 166/16	<b>believe [52]</b> 7/5 12/17 42/25 69/19 71/2 74/15 86/10 87/23 88/18 89/16 90/3 91/9 94/3 94/17 94/23 95/15 96/5 97/14 98/8 114/22 128/3 128/24 131/9 138/8 138/24 141/23 143/5 145/16 152/4 167/17 174/5 176/19 178/23 179/10 182/12 186/1 198/21 198/24 200/4 200/19 202/12 202/24 209/15 210/6 211/25 212/8 213/12 214/13 217/13 217/18 217/19 218/25
<b>available [1]</b> 8/3	<b>barrel [15]</b> 39/23 40/3 40/6 40/8 49/13 69/5 80/11 80/12 80/17 163/23 163/24 164/5 184/19 192/12 192/14	<b>believed [9]</b> 63/21 63/23 64/11 77/25 118/1 174/8 194/19 195/16 222/20
<b>average [1]</b> 90/14	<b>barrels [3]</b> 184/13 192/2 192/6	<b>believes [2]</b> 70/17 70/18
<b>Avery [129]</b> 24/20 26/20 28/11 30/7 30/15 30/18 30/20 30/21 30/23 31/2 31/6 31/7 31/15 31/15 31/19 32/8 32/9 32/13 32/25 33/20 34/18 36/16 37/3 38/3 38/9 39/25 40/3 40/6 40/24 41/6 41/7 41/10 46/8 46/12 46/14 47/9 47/14 47/18 49/24 50/1 51/21 52/5 52/17 53/7 55/11 62/19 64/20 65/6 66/6 66/19 67/1 67/6 67/11 68/15 68/22 75/14 80/24 83/1 84/3 84/4 88/25 89/4 89/8 89/18 89/21 89/23 90/9 91/5 106/13 106/18 113/15 116/11 134/8 134/18 134/24 136/22 137/5 137/8 137/9 137/14 137/24 138/10 138/10 139/13 139/18 140/3 141/11 141/16 141/18 143/25 144/1 146/4 155/9 155/24 157/3 157/23 158/12 159/19 159/23 160/1 160/5 160/6 160/11 164/15 167/23 168/12 171/9 171/14 171/16 171/17 179/23 180/18 183/9 183/10 183/16 183/23 194/14 197/20 198/17 198/18 210/13 213/11 213/25 214/10 214/17 214/21 215/5 217/15 224/11	<b>base [3]</b> 6/8 61/15 212/10	
<b>Avery's [90]</b> 32/16 37/21 39/24 40/2 40/15 40/16 43/19 46/23 47/23 49/16 49/21 49/21 51/19 51/23 53/5 69/2 69/7 71/12 71/19 77/23 77/24 80/5 80/7 80/11 80/16 80/21 106/16 122/20 137/17 138/11 138/19 138/20 139/11 139/20 141/25 143/8 163/16 163/20 164/11 164/12 166/1 166/20 167/4 168/21 169/20 171/1 175/18 176/20 177/2 177/8 178/21 184/16 184/17 184/19 184/22 185/2 185/2 185/3 185/20 185/21 186/2 186/3 186/13 187/3 187/4 187/14 187/20 187/24 188/6 188/15 188/23 190/7 190/14 190/20 190/22 191/1 191/4 191/6 191/9 191/11 191/16 192/7 192/10 192/10 192/12 194/8 194/14 195/10 214/7 216/6	<b>based [9]</b> 5/6 19/23 20/7 55/18 81/2 96/8 145/2 145/5 212/11	
<b>avoid [1]</b> 14/25	<b>basically [7]</b> 143/1 145/10 152/22 158/11 170/24 208/19 218/18	
<b>avoids [1]</b> 95/8	<b>basis [2]</b> 22/7 100/11	
<b>aware [17]</b> 6/5 11/10 105/24 114/25 116/2 118/7 119/1 126/2 146/19 164/4 166/9 166/9 166/17 168/22 169/11 205/17 220/13	<b>basketball [1]</b> 96/22	
<b>away [6]</b> 95/21 112/3 129/15 181/13 191/23 218/13	<b>bathroom [3]</b> 188/6 188/8 191/6	
	<b>Bay [5]</b> 83/19 104/17 104/25 114/23 117/8	
	<b>be [198]</b> 4/22 5/19 6/1 7/8 7/17 7/22 7/25 8/22 10/10 11/17 11/19 11/22 12/2 12/6 12/10 13/7 14/18 15/18 16/12 17/23 19/7 19/24 19/25 20/11 21/23 21/25 22/1 22/5 22/9 22/10 22/16 23/11 23/25 24/7 24/11 26/22 27/2 27/3 27/4 31/23 32/15 33/12 34/1 36/11 36/13 36/15 37/9 38/19 38/22 41/8 43/23 43/24 44/2 44/9 44/18 46/2 46/20 47/20 50/14 50/18 51/14 52/10 53/8 54/8 54/16 60/14 61/20 62/22 63/9 63/21 63/23 64/11 70/15 70/17 75/7 76/9 77/7 80/20 81/2 81/4 81/5 81/11 81/12 85/24 86/4 87/5 87/7 89/7 90/6 92/14 94/18 94/21 96/4 97/15 97/17 97/25 98/7 98/9 99/7 99/11 99/12 99/17 99/23 99/24 99/25 101/1 101/9 101/19 102/2 102/3 102/16 104/2 118/1 123/10 129/7 132/14 132/20 133/11 136/25 137/3 138/19 138/24 139/10 140/3 140/13 140/24 142/16 147/2 147/4 148/10 150/18 155/15 158/8 160/15 160/25 161/8 161/14 161/18 162/1 164/19 165/13 165/16 166/4 166/13 166/14 167/21 170/18 171/15 172/8 179/1 179/6 182/7 182/9 182/9 183/3 185/24 187/12 189/25 190/6 190/9 191/7 191/25 193/2 193/7 195/16 196/6 196/10 196/19 200/22 202/21 205/1 205/4 205/13 205/15 205/16 205/18 205/19 206/11 206/22 207/12 207/16 207/20 208/4 208/18 208/19 209/6 209/14 209/18 210/5 211/17 212/25 213/14 213/24 214/8 219/19 220/14 220/18 224/20	
	<b>beach [1]</b> 188/10	
	<b>bearing [2]</b> 12/5 15/21	
	<b>became [2]</b> 39/15 197/11	

<p><b>B</b></p> <p><b>belonged</b> [2] 168/7 216/25</p> <p><b>belongs</b> [1] 45/20</p> <p><b>below</b> [1] 90/13</p> <p><b>belts</b> [1] 191/20</p> <p><b>benefit</b> [1] 20/14</p> <p><b>berm</b> [1] 154/2</p> <p><b>berms</b> [2] 140/4 140/5</p> <p><b>Berta</b> [1] 132/4</p> <p><b>besides</b> [1] 207/23</p> <p><b>best</b> [3] 127/22 223/12 226/13</p> <p><b>better</b> [21] 5/4 20/21 38/24 44/8 61/3 61/5 61/7 61/7 70/12 70/13 70/14 72/9 93/9 139/5 157/20 159/14 167/22 168/2 200/22 221/10 221/11</p> <p><b>between</b> [22] 11/20 40/2 47/1 57/10 75/9 86/20 87/8 94/15 94/16 107/10 113/17 164/13 167/22 178/7 181/23 182/14 192/7 192/13 200/5 206/1 219/12 219/18</p> <p><b>beveling</b> [1] 73/21</p> <p><b>beyond</b> [18] 10/1 10/10 10/22 12/19 14/10 14/19 15/5 15/23 17/15 17/24 18/9 18/21 19/11 19/16 53/13 97/4 140/25 201/12</p> <p><b>bias</b> [1] 5/9</p> <p><b>big</b> [7] 26/12 50/10 50/10 78/10 141/18 155/11 157/24</p> <p><b>bigger</b> [1] 203/4</p> <p><b>bill</b> [6] 47/5 71/4 73/5 178/3 178/9 220/20</p> <p><b>billing</b> [1] 178/18</p> <p><b>birdseye</b> [1] 186/7</p> <p><b>birthday</b> [4] 108/10 108/12 131/10 131/11</p> <p><b>bit</b> [19] 21/25 28/8 30/19 36/11 38/9 38/24 42/13 42/20 50/7 50/7 79/1 79/19 83/12 84/14 84/17 134/2 141/20 159/3 166/6</p> <p><b>bits</b> [1] 26/6</p> <p><b>black</b> [2] 128/18 166/3</p> <p><b>Blaine</b> [9] 32/22 82/23 82/24 83/8 83/9 83/13 83/15 83/25 84/1</p> <p><b>Blaine's</b> [1] 83/23</p> <p><b>blank</b> [1] 117/17</p> <p><b>bleach</b> [18] 68/20 78/10 78/11 78/12 78/17 85/18 175/12 175/13 175/19 176/6 188/3 188/10 194/2 194/3 194/7 195/5 218/21 221/14</p> <p><b>bleeding</b> [5] 51/24 52/5 52/11 69/3 80/6</p> <p><b>blood</b> [41] 35/23 39/3 39/5 39/9 39/10 39/13 39/14 50/8 50/9 51/5 51/10 51/12 51/13 51/16 51/19 52/20 74/18 74/19 74/20 80/7 80/8 89/23 90/6 153/7 154/5 195/13 195/14 195/17 219/1 219/3 219/8 219/20 220/2 221/24 222/4 222/6 222/10 222/19 222/20 222/22 222/23</p> <p><b>bloodhounds</b> [1] 42/4</p> <p><b>blue</b> [6] 127/5 129/9 172/6 174/17 174/25 175/1</p> <p><b>bluish</b> [2] 146/3 146/11</p> <p><b>bluish/green</b> [2] 146/3 146/11</p> <p><b>board</b> [1] 147/19</p> <p><b>Bobby</b> [1] 32/22</p> <p><b>bodies</b> [1] 153/6</p> <p><b>bodily</b> [1] 52/20</p> <p><b>body</b> [11] 37/19 55/23 58/21 67/10 67/12 67/13 67/20 74/15 75/1 82/12 157/16</p> <p><b>body's</b> [1] 68/9</p> <p><b>bone</b> [12] 41/12 45/9 45/13 45/16 73/18 73/18 73/20 75/19 75/20 75/22 76/1 89/24</p> <p><b>bones</b> [8] 41/17 41/21 42/15 42/22 43/6 45/6 45/7 75/17</p> <p><b>bonfire</b> [7] 67/16 84/8 84/15 84/24 84/25 85/20 85/23</p> <p><b>book</b> [1] 88/14</p> <p><b>bookcase</b> [1] 187/16</p>	<p><b>booked</b> [1] 168/18</p> <p><b>booking</b> [1] 168/19</p> <p><b>booth</b> [1] 129/15</p> <p><b>bore</b> [2] 56/18 56/19</p> <p><b>boring</b> [1] 62/24</p> <p><b>boss</b> [1] 83/23</p> <p><b>both</b> [17] 4/21 6/18 12/21 15/25 34/17 39/10 48/13 52/2 71/10 74/9 87/25 98/14 139/23 182/22 186/19 213/22 216/2</p> <p><b>bottle</b> [1] 188/11</p> <p><b>bottom</b> [5] 32/14 45/25 111/7 175/3 190/8</p> <p><b>bottom's</b> [1] 32/2</p> <p><b>bought</b> [2] 117/8 119/12</p> <p><b>bounce</b> [1] 48/19</p> <p><b>box</b> [8] 118/16 118/18 119/8 119/20 148/5 157/24 158/3 188/9</p> <p><b>boxes</b> [2] 118/21 147/7</p> <p><b>boy</b> [2] 90/12 93/25</p> <p><b>boyfriend</b> [2] 83/18 109/17</p> <p><b>boys</b> [1] 113/6</p> <p><b>BRANCH</b> [2] 1/1 226/5</p> <p><b>branches</b> [10] 34/2 68/14 77/5 77/6 147/3 147/6 147/17 147/21 148/4 150/19</p> <p><b>brand</b> [4] 119/19 126/10 131/22 131/24</p> <p><b>Brandes</b> [1] 169/23</p> <p><b>brass</b> [1] 128/13</p> <p><b>break</b> [16] 22/23 22/25 23/2 23/5 32/5 46/3 53/10 53/10 53/21 97/24 98/7 132/22 160/16 160/18 215/18 217/9</p> <p><b>breaks</b> [1] 23/8</p> <p><b>breath</b> [1] 53/3</p> <p><b>BRENDAN</b> [162] 1/6 1/23 4/3 4/13 10/24 11/5 15/7 15/13 15/24 16/1 26/13 27/2 28/9 32/21 33/1 37/4 38/6 39/25 40/24 46/19 46/23 53/15 54/3 54/4 54/23 55/8 55/12 55/17 62/12 62/14 62/16 62/21 63/19 63/20 63/25 64/3 64/16 64/19 64/22 65/1 65/3 65/7 65/17 65/19 66/8 66/13 66/15 66/17 66/18 66/19 67/3 68/11 68/18 68/25 69/8 69/19 69/25 70/3 70/8 70/11 70/16 70/19 71/1 71/8 71/10 72/4 72/18 73/1 73/15 74/7 74/13 74/16 74/24 75/2 75/10 75/14 75/15 76/13 76/22 77/1 77/4 77/7 77/11 77/14 77/17 77/25 78/3 78/5 78/14 78/19 78/23 80/1 80/3 80/10 80/20 80/25 81/20 81/22 82/2 82/9 82/21 82/24 83/11 83/14 83/21 83/24 84/1 84/8 84/11 85/7 85/8 85/22 85/24 86/3 86/7 88/10 88/20 89/13 89/20 90/4 90/5 90/8 90/10 90/24 90/25 91/5 92/18 93/4 93/11 93/18 93/20 93/24 94/1 94/16 95/11 95/16 95/24 97/5 97/6 97/12 122/15 122/19 137/20 139/12 139/20 172/14 172/19 176/2 203/24 204/4 211/15 213/15 214/22 215/7 217/1 217/4 218/18 220/5 221/13 221/23 222/3</p> <p><b>Brendan's</b> [14] 28/12 64/1 64/10 69/1 69/14 70/20 75/6 77/18 81/13 84/5 84/12 85/21 122/22 214/3</p> <p><b>Breyer</b> [1] 113/24</p> <p><b>bridges</b> [1] 115/17</p> <p><b>brief</b> [2] 133/2 135/5</p> <p><b>briefing</b> [1] 135/6</p> <p><b>briefly</b> [10] 63/24 97/21 100/8 104/12 104/20 121/22 142/1 167/16 172/11 220/4</p> <p><b>bring</b> [3] 76/17 77/10 223/20</p> <p><b>brooded</b> [1] 11/17</p> <p><b>brother</b> [6] 33/5 82/23 138/20 193/13 194/10 220/8</p> <p><b>brothers</b> [2] 32/21 111/15</p> <p><b>brought</b> [14] 111/20 149/21 152/6 180/5 180/8 180/11 180/14 180/21 194/3 207/13 209/22 216/7 216/11 216/13</p> <p><b>brush</b> [1] 148/4</p>	<p><b>Brutus</b> [9] 153/11 153/14 153/17 153/17 153/22 154/4 154/7 154/10 154/17</p> <p><b>Bryan</b> [1] 32/22</p> <p><b>building</b> [3] 138/3 138/4 141/19</p> <p><b>buildings</b> [12] 33/6 33/10 33/11 138/7 141/17 145/15 162/19 163/8 179/25 180/1 186/6 186/8</p> <p><b>built</b> [3] 140/5 185/4 191/17</p> <p><b>bullet</b> [12] 72/12 72/12 72/14 72/15 73/8 73/11 74/5 74/6 89/25 189/6 189/7 189/10</p> <p><b>bullets</b> [4] 72/1 72/6 72/10 217/19</p> <p><b>burden</b> [2] 19/13 87/22</p> <p><b>Bureau</b> [1] 134/1</p> <p><b>burn</b> [44] 39/23 40/3 40/6 40/8 41/3 41/9 41/12 41/19 42/8 43/3 43/4 43/20 49/13 49/18 50/3 67/12 69/5 75/4 75/5 76/2 76/8 76/9 76/12 78/25 79/23 80/11 80/12 80/17 89/25 163/23 163/24 164/5 184/13 184/19 185/7 185/14 185/20 186/2 191/20 192/2 192/6 192/12 192/14 195/9</p> <p><b>burned</b> [10] 45/10 69/4 76/18 78/25 79/2 80/3 80/11 185/11 185/15 191/21</p> <p><b>burning</b> [2] 67/20 80/2</p> <p><b>burnt</b> [1] 75/1</p> <p><b>bus</b> [1] 55/9</p> <p><b>business</b> [16] 30/12 33/10 37/5 71/6 105/3 105/21 110/5 111/11 115/23 137/25 144/3 178/14 178/15 179/5 205/18 219/9</p> <p><b>businesses</b> [1] 33/8</p> <p><b>busy</b> [3] 109/9 109/9 110/1</p> <p><b>buttons</b> [2] 128/3 128/13</p> <p><b>buy</b> [1] 125/18</p> <p><b>C</b></p> <p><b>cabinet</b> [1] 84/20</p> <p><b>cadaver</b> [4] 35/16 35/18 42/3 153/5</p> <p><b>caliber</b> [7] 37/23 67/1 72/23 72/25 73/6 73/8 189/6</p> <p><b>call</b> [20] 4/2 38/14 46/18 80/21 83/6 85/20 100/15 102/11 105/25 109/8 112/21 118/25 123/3 133/6 133/25 142/9 173/13 173/21 197/14 207/6</p> <p><b>called</b> [50] 6/19 20/4 29/20 30/7 30/9 31/8 35/1 35/16 35/17 39/5 56/17 58/17 59/15 61/21 69/7 71/22 75/7 79/8 80/24 84/2 86/12 86/25 102/14 109/23 111/15 111/25 112/3 112/9 112/10 113/24 116/24 117/12 117/12 119/2 119/15 123/8 124/13 133/9 134/6 134/10 134/11 135/2 138/24 149/15 152/16 153/5 181/14 185/6 200/15 218/4</p> <p><b>calling</b> [5] 82/7 82/7 111/17 111/18 179/7</p> <p><b>calls</b> [7] 46/8 83/9 83/25 84/4 84/7 84/10 85/22</p> <p><b>Calumet</b> [18] 4/6 23/18 25/2 89/7 112/3 134/12 135/4 135/16 135/19 136/3 144/10 197/12 198/21 199/25 200/2 200/4 200/8 220/18</p> <p><b>came</b> [22] 29/7 41/14 41/15 73/11 82/22 82/25 108/19 152/4 152/23 194/5 210/17 211/5 213/10 213/11 213/14 213/18 213/23 214/9 214/10 216/5 222/21 223/9</p> <p><b>camera</b> [6] 69/4 80/11 80/19 118/8 118/8 118/16</p> <p><b>can</b> [100] 19/15 19/18 19/24 19/25 20/21 21/3 22/22 25/25 25/25 28/4 33/6 35/12 45/2 46/20 47/20 48/12 50/12 51/14 51/18 52/8 56/10 57/1 57/3 59/8 60/13 61/20 67/13 69/17 74/2 76/14 76/15 77/21 79/18 87/5 92/3 94/20 99/10 100/17 104/4 104/21 106/25 110/25 113/23 114/5 118/14 119/17 121/21 125/7 126/5 127/5 127/18 128/11 128/25 129/17 129/18 129/20 129/24 132/22 136/19 137/1 140/4 140/9 140/21 141/20</p>
---	--	--

C		
<p>can... [36] 142/18 143/24 146/8 147/12 147/14 147/17 147/20 148/8 149/10 149/22 150/20 157/20 158/6 159/4 159/15 164/12 166/5 167/15 168/13 170/4 171/23 174/22 178/15 183/6 184/18 187/15 188/4 188/13 190/14 190/24 192/6 202/25 203/3 205/15 208/7 208/17</p> <p>can't [11] 22/21 56/9 69/16 87/15 87/18 88/1 88/2 117/17 141/24 217/13 225/2</p> <p>cannot [4] 12/1 15/17 182/12 210/22</p> <p>Canon [1] 118/18</p> <p>capable [1] 207/9</p> <p>capacity [1] 134/4</p> <p>car [40] 34/4 34/20 34/22 35/1 35/6 35/23 35/24 67/22 67/23 68/7 68/14 74/23 76/13 76/18 76/19 76/20 76/25 77/5 77/6 77/8 77/10 77/12 77/16 80/12 115/18 156/7 156/14 156/19 156/22 156/23 157/1 157/4 157/5 157/7 157/9 185/16 185/20 191/21 191/21</p> <p>care [1] 19/3</p> <p>careful [3] 7/17 8/6 97/14</p> <p>carefully [4] 7/18 94/18 209/17 226/8</p> <p>cargo [8] 39/5 39/15 50/11 51/7 51/9 67/8 74/23 74/25</p> <p>caring [1] 103/3</p> <p>carry [2] 67/15 76/20</p> <p>cars [25] 29/21 29/22 29/24 30/13 32/10 34/25 37/7 37/8 37/10 37/11 37/18 47/4 118/10 154/1 157/6 157/13 158/6 158/7 158/11 158/14 158/15 158/22 205/1 209/6 210/12</p> <p>cart [4] 84/19 172/2 172/5 184/6</p> <p>case [116] 1/5 4/2 5/6 5/13 5/15 6/3 6/6 6/15 12/5 15/21 21/6 21/10 22/3 22/5 23/25 24/1 24/8 24/11 24/19 24/20 24/25 25/7 25/10 25/16 25/16 25/20 26/20 26/21 26/24 28/7 28/7 28/9 28/10 28/15 28/25 29/8 29/14 30/14 30/20 30/21 30/23 31/7 31/10 31/11 31/14 31/21 31/22 31/25 34/7 34/23 36/10 36/20 37/9 38/8 42/20 44/15 44/21 44/24 45/23 50/19 50/23 50/24 52/2 53/6 54/9 54/24 54/25 56/25 57/3 57/5 57/13 57/14 58/14 59/3 59/6 59/12 59/13 59/23 61/9 61/15 61/19 62/10 63/17 63/22 69/22 73/9 81/1 81/6 81/14 81/16 81/19 82/15 86/22 88/12 89/14 96/8 96/17 96/18 96/24 96/25 98/1 99/6 99/8 100/14 102/5 114/21 144/18 161/15 168/18 179/5 181/19 182/10 203/23 204/15 215/11 225/3</p> <p>casings [3] 72/23 73/9 73/11</p> <p>cause [5] 11/3 11/12 20/3 145/2 145/5</p> <p>caused [2] 10/24 195/21</p> <p>causes [1] 10/16</p> <p>causing [1] 11/1</p> <p>caution [3] 19/3 20/22 217/6</p> <p>CD [1] 52/2</p> <p>celebrated [1] 108/12</p> <p>cell [16] 48/17 48/18 69/4 80/10 80/18 85/21 110/3 110/9 110/17 110/20 110/25 112/17 113/8 178/18 178/20 178/21</p> <p>Cellcom [2] 178/21 179/6</p> <p>cells [1] 52/21</p> <p>cement [1] 189/8</p> <p>center [3] 142/2 142/17 159/18</p> <p>certain [9] 5/3 11/11 101/22 106/2 135/16 151/25 182/6 182/8 205/18</p> <p>certainly [12] 23/6 25/20 27/6 27/13 53/20 65/14 102/2 166/22 207/25 217/9 217/12 220/17</p> <p>certainty [1] 45/21</p>	<p>certify [1] 226/6</p> <p>CF [2] 1/5 4/3</p> <p>chain [11] 128/24 129/2 130/2 130/9 130/11 130/13 130/17 166/15 166/15 185/7 191/18</p> <p>chair [1] 187/16</p> <p>chance [3] 23/17 100/10 217/11</p> <p>change [4] 55/16 92/14 93/4 93/5</p> <p>changes [3] 92/12 92/24 96/1</p> <p>changing [1] 84/13</p> <p>chapter [2] 87/14 97/16</p> <p>chapters [1] 88/15</p> <p>characterization [1] 158/9</p> <p>characterize [2] 197/7 213/19</p> <p>characterized [2] 101/19 193/24</p> <p>characters [1] 86/15</p> <p>charge [2] 49/22 197/10</p> <p>charged [4] 8/13 19/7 26/15 27/9</p> <p>charges [3] 8/17 13/2 16/6</p> <p>charred [2] 42/18 75/18</p> <p>cheaper [1] 104/8</p> <p>check [2] 48/17 199/7</p> <p>checkpoint [2] 135/11 140/25</p> <p>cherry [2] 131/23 131/24</p> <p>chest [2] 61/6 61/8</p> <p>chief [2] 99/8 100/14</p> <p>child [2] 90/16 95/12</p> <p>children [2] 103/3 103/13</p> <p>chilling [1] 41/1</p> <p>chilly [2] 84/14 86/1</p> <p>choice [2] 64/16 64/18</p> <p>choices [8] 63/11 63/13 64/15 64/15 82/2 82/3 82/6 82/13</p> <p>chooses [1] 101/2</p> <p>chose [1] 82/9</p> <p>Chuck [2] 138/19 141/25</p> <p>Chuck's [1] 33/5</p> <p>Cindy [1] 170/11</p> <p>Cingular [3] 111/1 178/17 179/5</p> <p>circle [1] 78/9</p> <p>CIRCUIT [3] 1/1 1/11 226/5</p> <p>circumstance [1] 12/11</p> <p>circumstances [3] 12/5 12/18 15/21</p> <p>cite [1] 99/14</p> <p>cited [2] 100/7 102/6</p> <p>citizen [7] 33/18 37/14 48/13 145/23 146/3 180/17 208/4</p> <p>citizens [13] 21/16 21/19 34/11 48/21 49/9 112/5 112/6 114/9 114/14 114/15 198/8 198/13 199/10</p> <p>claim [1] 161/20</p> <p>clean [8] 85/7 85/14 85/18 175/17 175/20 194/23 194/25 195/7</p> <p>cleaned [8] 68/20 68/21 68/21 78/6 78/24 188/17 218/4 219/4</p> <p>cleaned-up [1] 218/4</p> <p>cleaning [7] 78/17 85/6 194/8 194/14 194/17 221/19 222/4</p> <p>cleanup [1] 195/6</p> <p>clear [6] 99/9 99/22 100/24 154/10 167/1 223/4</p> <p>clearly [4] 100/12 150/16 154/7 206/17</p> <p>clerk [4] 4/14 123/5 132/7 145/11</p> <p>clicks [1] 130/9</p> <p>client [1] 101/21</p> <p>clients [1] 106/7</p> <p>close [13] 8/14 34/20 40/5 40/7 74/21 103/1 107/15 124/1 124/3 158/8 184/21 187/20 210/17</p> <p>close-up [1] 184/21</p> <p>close-ups [1] 74/21</p> <p>closed [1] 22/21</p> <p>closely [1] 219/10</p> <p>closeness [1] 212/22</p>	<p>closer [5] 40/2 72/7 104/9 123/25 166/6</p> <p>closest [5] 124/16 124/17 125/25 125/25 156/18</p> <p>closet [1] 173/10</p> <p>closets [1] 173/12</p> <p>closeups [3] 173/16 186/23 186/24</p> <p>closing [3] 7/15 86/25 87/19</p> <p>cloth [1] 130/1</p> <p>clothes [11] 68/23 69/2 78/24 79/2 79/7 80/2 80/4 85/14 124/9 125/19 126/1</p> <p>clothing [9] 56/3 56/4 56/10 79/25 85/13 125/22 126/22 126/24 173/24</p> <p>cloths [2] 194/23 194/24</p> <p>clutter [4] 188/19 188/19 188/20 188/25</p> <p>coached [2] 125/2 125/10</p> <p>coaching [1] 125/1</p> <p>coat [1] 86/1</p> <p>code [7] 8/20 10/15 13/5 14/23 16/9 18/3 52/22</p> <p>cognitive [3] 90/14 93/13 95/5</p> <p>cognitively [1] 95/13</p> <p>collect [2] 84/21 165/16</p> <p>collected [4] 7/23 8/1 31/13 72/22</p> <p>collecting [2] 85/3 85/3</p> <p>collection [1] 165/21</p> <p>collectively [1] 69/18</p> <p>college [1] 29/2</p> <p>color [12] 130/1 146/3 146/12 172/6 194/17 194/22 206/12 206/17 207/21 207/24 209/19 222/8</p> <p>colors [1] 208/25</p> <p>com [1] 13/19</p> <p>come [25] 5/21 30/16 30/17 38/19 40/10 46/9 46/15 46/20 53/22 69/15 73/13 82/24 84/7 107/20 134/7 137/8 143/13 167/19 180/15 180/16 181/12 210/23 213/7 215/20 215/25</p> <p>comes [4] 21/4 26/6 75/23 83/12</p> <p>coming [8] 108/21 139/16 151/13 183/21 190/12 190/23 191/1 191/15</p> <p>command [9] 135/2 138/14 141/9 141/13 141/15 142/2 142/2 142/17 163/11</p> <p>commencing [1] 152/25</p> <p>comment [1] 159/5</p> <p>commission [29] 8/21 8/25 9/6 9/9 9/22 10/4 10/9 10/12 12/24 13/6 13/11 13/16 13/19 14/5 14/13 14/17 14/20 16/3 16/11 16/15 16/20 16/24 17/11 17/18 17/22 17/25 19/7 27/20 28/4</p> <p>commit [10] 8/23 9/11 9/19 13/9 13/21 14/4 16/13 17/1 17/9 60/8</p> <p>commitment [1] 6/12</p> <p>commits [8] 9/13 9/14 13/23 13/24 17/2 17/4 27/19 28/5</p> <p>committed [23] 6/8 9/3 9/8 10/2 10/7 10/16 11/16 12/21 13/14 13/18 14/11 14/15 15/25 16/19 16/22 17/16 17/20 18/4 27/18 53/15 60/12 69/11 145/6</p> <p>committing [10] 9/2 9/11 9/19 13/12 13/21 14/3 16/17 16/25 17/8 39/21</p> <p>common [2] 19/23 119/14</p> <p>commonly [1] 138/22</p> <p>communications [1] 6/2</p> <p>compare [1] 120/5</p> <p>compass [1] 66/11</p> <p>compel [1] 18/19</p> <p>compelling [1] 70/17</p> <p>competition [1] 96/22</p> <p>completed [1] 178/7</p> <p>completely [3] 45/10 45/11 151/6</p> <p>completes [2] 47/5 48/1</p> <p>completion [2] 71/5 71/5</p> <p>compression [1] 189/11</p> <p>compressor [2] 72/8 189/12</p>



<p><b>C</b></p> <p>computer [7] 43/4 43/9 44/11 181/3 184/8 191/5 226/10</p> <p>computer-assisted [1] 226/10</p> <p>computer-generated [5] 43/4 43/9 44/11 181/3 184/8</p> <p>computerized [1] 226/9</p> <p>computers [1] 44/3</p> <p>con [2] 17/23 101/19</p> <p>conceal [10] 14/25 15/14 15/16 52/14 67/13 67/21 77/2 148/4 151/23 200/21</p> <p>concealed [6] 33/25 34/1 68/14 77/4 77/12 147/5</p> <p>concealing [2] 77/7 150/19</p> <p>concentrated [1] 140/17</p> <p>concentrating [1] 23/1</p> <p>concept [6] 27/14 27/17 28/15 28/18 28/19 60/24</p> <p>concerned [11] 8/20 8/25 10/11 13/6 13/11 14/20 16/10 16/15 17/25 48/10 109/23</p> <p>concerning [2] 6/2 6/6</p> <p>conclude [1] 53/22</p> <p>conclusion [7] 12/20 15/24 81/19 82/14 86/19 86/21 97/16</p> <p>conclusions [2] 7/6 52/9</p> <p>condition [4] 146/12 146/13 199/2 211/8</p> <p>conduct [2] 5/5 11/11</p> <p>confessing [2] 57/19 57/21</p> <p>confession [2] 58/10 69/22</p> <p>confessions [4] 58/15 61/15 90/24 101/20</p> <p>confidential [1] 7/22</p> <p>confirm [1] 178/23</p> <p>confused [1] 12/6</p> <p>conjunction [2] 151/9 201/22</p> <p>connect [1] 95/24</p> <p>connected [4] 130/2 198/12 204/4 211/14</p> <p>connecting [2] 214/22 217/4</p> <p>consent [3] 18/5 18/14 65/24</p> <p>consented [1] 176/4</p> <p>consequences [1] 82/13</p> <p>consider [8] 7/3 54/4 91/15 92/8 96/20 97/6 97/10 97/12</p> <p>considerable [1] 94/5</p> <p>consideration [2] 20/1 97/14</p> <p>considered [3] 11/17 96/13 140/25</p> <p>consistent [4] 19/19 55/5 72/24 73/13</p> <p>consists [2] 32/9 32/10</p>	<p>convicted [3] 8/22 13/7 16/12</p> <p>conviction [2] 12/8 15/1</p> <p>convinced [3] 10/10 14/18 17/23</p> <p>coordinate [1] 25/17</p> <p>coordinated [1] 23/24</p> <p>copy [2] 8/2 178/17</p> <p>corner [21] 32/14 32/15 34/17 41/5 139/10 139/18 140/3 140/15 141/12 141/15 147/18 148/1 150/16 157/2 157/23 157/25 159/22 169/4 183/10 187/16 191/5</p> <p>corners [1] 139/25</p> <p>corpse [14] 13/3 13/12 14/2 14/4 14/8 14/12 14/17 14/22 14/25 15/8 15/9 15/11 15/13 27/10</p> <p>correct [82] 4/23 122/20 124/20 140/18 140/20 144/6 145/25 157/17 157/18 161/19 167/8 167/9 167/24 167/25 172/15 172/16 184/1 184/8 184/9 185/9 185/10 185/13 186/8 186/9 186/22 187/11 189/16 192/18 193/20 195/23 197/4 197/8 197/12 197/13 197/18 198/5 198/6 198/17 199/1 200/11 200/17 200/18 200/21 200/25 201/14 201/25 203/25 204/1 204/7 204/15 205/23 206/8 207/17 207/18 207/24 208/12 208/16 209/10 210/3 210/25 211/21 212/20 213/16 213/21 214/6 214/23 214/24 215/7 215/14 216/16 216/23 217/1 217/2 217/5 217/6 218/3 218/23 220/7 221/16 222/5 222/23 226/12</p> <p>corroborate [4] 69/21 70/8 70/18 76/15</p> <p>corroborated [3] 61/21 91/23 91/25</p> <p>Corroboration [2] 91/21 92/2</p> <p>cost [1] 220/15</p> <p>Cou [1] 199/25</p> <p>could [55] 25/21 39/8 39/9 41/18 50/18 70/6 70/6 81/16 82/1 97/16 97/20 102/21 103/14 103/18 103/25 106/22 107/4 107/13 108/8 111/12 115/22 116/6 123/18 123/25 133/17 134/2 140/24 147/3 148/23 151/19 154/20 155/7 156/5 162/11 163/1 171/7 171/20 173/3 179/17 181/8 183/12 187/22 195/13 195/14 203/1 203/10 206/16 208/4 220/15 222/6 222/7 222/9 222/10 222/19 222/22</p> <p>couldn't [1] 206/17</p> <p>counsel [12] 4/19 7/9 23/22 98/13 98/21 100/4 100/7 132/13 179/3 196/4 211/20 223/2</p> <p>Count [4] 8/16 8/16 13/2 16/6</p> <p>counties [1] 180/14</p>	<p>cows [2] 108/19 115/21</p> <p>cozy [1] 93/18</p> <p>crack [1] 189/7</p> <p>Cramer [2] 153/11 153/21</p> <p>cranial [2] 73/25 74/12</p> <p>cranium [1] 73/20</p> <p>created [4] 43/17 43/25 181/6 192/16</p> <p>creating [1] 209/25</p> <p>creation [1] 181/3</p> <p>credibility [2] 7/11 96/15</p> <p>credit [1] 50/24</p> <p>crime [108] 8/18 8/19 8/21 8/22 8/22 8/25 9/6 9/7 9/9 9/12 9/13 9/14 9/16 9/19 9/22 9/25 10/2 10/5 10/8 10/9 10/12 12/24 13/4 13/4 13/6 13/7 13/8 13/11 13/16 13/17 13/20 13/22 13/23 13/24 14/1 14/4 14/6 14/8 14/11 14/13 14/16 14/18 14/20 14/25 15/2 15/14 15/16 16/3 16/8 16/11 16/11 16/12 16/15 16/20 16/21 16/24 17/1 17/2 17/4 17/6 17/9 17/11 17/14 17/16 17/18 17/21 17/22 17/25 27/15 27/16 27/19 27/20 28/4 28/19 31/11 31/18 35/13 36/3 38/23 39/2 39/12 39/18 41/14 44/20 51/4 52/15 57/20 57/20 57/21 58/2 60/12 67/14 73/5 74/1 77/3 78/8 136/12 145/6 149/11 149/14 151/10 151/17 151/21 152/11 154/12 154/17 181/19 217/7</p> <p>crimes [5] 39/21 53/16 60/8 133/23 133/24</p> <p>criminal [13] 8/20 10/15 13/5 14/23 16/9 18/3 25/5 25/13 27/17 28/17 39/19 54/6 133/20</p> <p>critical [1] 49/14</p> <p>critically [1] 71/15</p> <p>cross [13] 3/10 3/16 6/19 98/19 99/18 100/25 101/23 102/3 122/9 122/12 132/24 196/19 196/22</p> <p>cross-examination [7] 3/10 3/16 6/19 98/19 99/18 122/12 196/22</p> <p>crow [3] 212/11 212/15 212/16</p> <p>crude [1] 65/13</p> <p>crush [2] 34/24 158/21</p> <p>crushed [22] 76/24 155/16 155/17 155/21 156/3 157/6 157/7 157/13 158/8 158/15 158/16 158/19 158/23 159/1 205/1 205/5 205/13 205/15 206/10 206/20 206/24 209/2</p> <p>crusher [33] 34/21 34/22 35/1 35/7 76/25 140/12 152/7 153/1 153/3 155/10 155/18 155/19 155/22 155/25 156/7 156/14 156/19 156/22 156/23 156/24 157/1 157/4 157/5 157/9 157/25 158/1 158/15 158/23 205/20 206/2 212/14 212/19 212/23</p> <p>crushing [1] 212/2</p> <p>crux [1] 36/10</p> <p>cue [1] 71/17</p> <p>Culhane [10] 31/20 31/22 44/13 44/15 44/23 45/11 51/4 53/1 72/13 77/22</p> <p>Cum [1] 104/16</p> <p>current [2] 178/4 178/10</p> <p>currently [3] 21/20 133/23 142/21</p> <p>cursory [1] 209/13</p> <p>curtilage [1] 139/23</p> <p>Curtis [1] 80/14</p> <p>curve [1] 73/22</p> <p>custodian [1] 179/7</p> <p>customer [1] 178/8</p> <p>cut [9] 32/3 32/3 50/2 52/4 52/5 52/7 52/8 69/3 80/5</p> <p>cuts [1] 66/20</p>
<p>constitute [1] 19/14</p> <p>contact [7] 5/22 5/24 49/24 95/7 116/25 143/12 144/7</p> <p>contacted [2] 146/5 152/3</p> <p>contacting [1] 117/19</p> <p>contain [1] 154/5</p> <p>contained [2] 223/24 224/2</p> <p>containers [1] 223/15</p> <p>contains [1] 49/19</p> <p>contemplating [1] 99/5</p> <p>contends [3] 8/24 13/10 16/14</p> <p>contest [1] 96/21</p> <p>contested [3] 22/5 26/23 52/10</p> <p>continue [3] 11/24 138/12 138/17</p> <p>continued [2] 105/1 210/11</p> <p>continuing [3] 49/3 138/21 190/19</p> <p>contract [2] 111/1 120/23</p> <p>contracts [1] 29/17</p> <p>control [3] 142/5 197/21 198/4</p> <p>controlled [3] 205/11 213/24 213/24</p> <p>controls [1] 87/17</p> <p>convened [1] 100/8</p> <p>Convention [1] 129/14</p> <p>conversation [4] 47/13 220/4 221/12 221/23</p> <p>convict [1] 12/14</p>	<p>county [33] 1/1 4/6 4/8 21/7 21/7 21/20 23/19 23/19 24/10 24/17 25/2 89/5 112/3 115/14 134/12 135/4 135/16 135/19 135/19 136/2 136/3 143/21 144/10 180/20 197/12 198/21 200/1 200/2 200/4 220/12 220/18 220/19 226/2</p> <p>couple [13] 21/12 39/16 62/23 84/5 84/6 119/24 130/14 150/22 159/11 166/20 188/1 202/24 223/3</p> <p>Coupled [1] 95/14</p> <p>course [10] 18/12 80/6 100/11 201/16 204/23 207/16 211/11 215/15 221/12 221/22</p> <p>court [36] 1/1 1/11 2/4 4/2 5/8 6/4 6/11 6/21 6/25 7/9 7/16 87/17 89/5 98/8 100/5 100/8 101/2 102/4 102/7 132/13 132/16 145/11 149/21 161/3 161/22 179/3 193/1 221/6 221/9 224/20 224/21 225/6 225/10 226/4 226/5 226/19</p> <p>courtroom [6] 5/20 6/14 22/13 76/17 98/6 176/6</p> <p>Courts [1] 145/11</p> <p>cousin [1] 116/7</p> <p>coveralls [1] 149/14</p> <p>covered [1] 33/25</p> <p>Covington [2] 20/24 21/1</p>	<p>D</p> <p>D.A [1] 23/18</p> <p>D.A.'s [1] 4/9</p> <p>D.O.T [1] 208/17</p> <p>Da [1] 213/10</p>

<b>D</b>		
<b>dad</b> [1] 33/2	<b>decisions</b> [4] 21/13 65/6 65/16 69/16	<b>Despite</b> [1] 95/23
<b>dad's</b> [1] 108/10	<b>deck</b> [2] 184/23 190/24	<b>destroyed</b> [1] 8/1
<b>dairy</b> [1] 115/25	<b>dedicated</b> [1] 103/4	<b>destructive</b> [1] 41/19
<b>Daisy</b> [11] 79/8 79/20 79/21 126/7 126/9 126/12 126/15 126/25 127/21 128/7 128/21	<b>deep</b> [2] 52/8 53/3	<b>detached</b> [1] 92/25
<b>Dane</b> [1] 21/7	<b>defendant</b> [54] 1/7 1/20 1/22 1/24 8/13 8/17 8/24 9/18 9/23 10/2 10/7 10/11 10/20 11/9 11/14 12/12 12/13 12/21 12/23 12/25 13/1 13/2 13/10 14/2 14/7 14/10 14/15 14/19 15/3 15/15 16/4 16/5 16/6 16/14 17/7 17/12 17/16 17/20 17/24 18/7 18/11 18/15 18/18 18/24 18/25 19/11 19/17 20/14 28/3 32/21 82/15 99/2 99/10 172/14	<b>detail</b> [7] 48/4 63/19 64/4 70/3 70/4 70/4 175/7
<b>dangerous</b> [4] 16/8 18/6 18/17 18/19	<b>defendant's</b> [4] 11/3 12/3 15/19 19/20	<b>detailed</b> [2] 54/15 187/9
<b>dangers</b> [1] 162/21	<b>Defendants</b> [1] 19/5	<b>details</b> [13] 55/17 56/22 59/8 61/24 63/8 63/15 65/25 69/10 91/25 92/6 92/13 95/2 96/1
<b>dark</b> [3] 84/17 149/2 194/18	<b>defense</b> [11] 23/10 86/18 96/18 96/25 99/1 99/17 99/23 177/5 178/12 179/2 179/8	<b>detect</b> [1] 35/19
<b>darkened</b> [1] 185/13	<b>defer</b> [2] 101/2 101/5	<b>detective</b> [1] 161/10
<b>darkness</b> [1] 151/13	<b>defined</b> [3] 10/15 14/22 18/2	<b>determination</b> [1] 30/13
<b>Das</b> [1] 137/20	<b>Definitely</b> [1] 182/18	<b>determine</b> [11] 63/18 113/4 127/23 143/13 151/23 168/6 170/19 207/21 207/22 208/10 210/16
<b>DASSEY</b> [99] 1/6 1/23 4/3 4/13 10/24 11/5 15/7 15/13 15/25 16/1 21/17 26/13 27/2 28/9 32/20 32/21 34/18 39/25 41/6 43/21 46/19 53/15 54/4 54/23 56/3 62/12 62/14 62/21 63/25 64/3 64/22 65/1 65/19 66/19 66/24 67/7 67/14 67/20 68/18 72/18 74/7 80/1 80/3 81/20 81/22 82/3 82/9 82/21 89/14 90/5 90/8 90/24 92/18 99/3 122/15 122/19 137/20 137/21 143/7 167/23 169/20 171/2 171/9 171/14 172/14 172/19 172/21 173/23 174/17 175/6 175/8 176/3 176/18 177/1 183/9 183/15 183/22 184/4 184/11 185/23 190/9 190/13 192/1 192/3 193/6 193/10 193/22 194/6 194/11 195/22 203/25 204/4 213/10 213/15 214/12 214/22 215/7 217/1 217/5	<b>definition</b> [1] 218/15	<b>determined</b> [2] 30/5 168/24
<b>Dassey's</b> [20] 27/8 37/4 38/7 40/24 46/24 54/5 59/3 70/16 72/4 90/4 90/10 139/12 139/20 171/22 174/4 174/12 189/14 192/8 194/10 211/15	<b>degraded</b> [2] 42/17 45/11	<b>determining</b> [1] 219/20
<b>Dassey/Janda</b> [1] 213/10	<b>degrading</b> [1] 65/13	<b>develop</b> [4] 45/1 45/12 53/1 113/20
<b>data</b> [1] 119/2	<b>degree</b> [25] 8/17 9/1 9/17 9/20 9/24 10/3 10/8 10/14 10/20 12/22 14/16 16/7 16/16 17/7 17/9 17/13 17/17 17/21 18/2 18/22 27/10 27/11 31/2 53/16 63/19	<b>developed</b> [6] 31/22 44/18 51/4 58/4 165/9 211/14
<b>date</b> [8] 1/10 101/21 110/18 111/4 145/7 145/7 195/15 205/10	<b>deliberate</b> [1] 88/21	<b>device</b> [1] 212/2
<b>Dated</b> [1] 226/15	<b>deliberations</b> [7] 5/11 5/12 5/16 7/21 8/4 19/9 54/17	<b>diagrams</b> [1] 76/25
<b>daughter</b> [10] 29/3 103/2 109/7 116/9 116/12 118/1 118/9 120/16 121/15 122/18	<b>Delores</b> [2] 32/25 138/10	<b>did</b> [105] 8/23 11/6 13/8 16/13 18/13 54/21 54/21 62/16 63/14 64/12 70/5 77/5 79/2 80/21 81/9 87/12 100/7 102/24 104/13 104/22 105/6 105/13 106/14 106/15 107/18 107/20 109/3 109/5 109/17 111/14 111/25 113/12 113/18 113/20 113/22 114/12 114/12 116/15 116/23 117/11 117/13 117/14 118/23 120/8 120/17 120/25 120/25 121/3 122/16 124/10 124/15 125/5 127/2 127/14 129/4 130/19 130/23 131/1 131/19 131/22 132/1 143/13 144/13 144/16 144/20 145/16 146/20 147/4 162/16 162/23 166/19 166/22 172/18 172/21 173/23 174/7 175/7 175/11 175/13 177/20 193/15 197/24 199/13 200/1 201/11 203/13 203/15 203/17 203/18 203/19 204/21 207/2 207/2 210/5 210/7 210/15 210/19 210/20 212/10 213/7 215/6 215/20 218/24 221/3 224/5
<b>daughters</b> [1] 114/19	<b>demeanor</b> [1] 166/10	<b>didn't</b> [25] 26/20 31/10 31/14 31/15 39/7 55/5 55/6 55/8 70/1 72/17 81/7 81/7 94/12 112/2 116/11 117/11 121/16 166/23 177/11 197/16 198/3 203/16 205/3 213/18 215/5
<b>daunting</b> [1] 21/15	<b>demonstrative</b> [3] 161/7 161/13 161/24	<b>died</b> [1] 103/22
<b>Dawn</b> [1] 47/11	<b>denial</b> [2] 58/13 60/4	<b>difference</b> [4] 57/10 60/23 86/20 107/10
<b>day</b> [44] 1/5 7/25 11/18 29/9 37/15 38/21 40/11 40/13 41/16 43/2 47/7 47/8 49/20 69/5 70/9 71/9 108/3 108/6 108/11 108/13 109/4 110/1 110/2 112/7 112/12 116/15 116/17 116/21 117/24 126/14 131/5 131/14 145/18 162/13 179/22 179/22 198/1 205/10 209/24 211/7 211/9 219/13 224/25 226/15	<b>denials</b> [3] 58/16 58/17 59/10	<b>differences</b> [1] 87/9
<b>day's</b> [1] 7/23	<b>denied</b> [2] 54/25 88/16	<b>different</b> [26] 22/17 32/11 37/12 39/3 46/14 51/20 79/20 89/5 89/13 89/14 91/19 91/19 91/20 92/12 93/11 130/22 151/4 165/13 183/21 185/19 187/12 187/15 188/23 191/8 202/6 208/19
<b>days</b> [25] 22/3 36/6 36/7 36/7 39/16 43/14 45/23 50/15 50/21 50/21 88/6 88/6 89/22 89/22 111/25 115/22 143/12 145/8 157/12 166/21 179/19 180/7 180/12 195/22 202/24	<b>dentist</b> [2] 76/3 76/4	<b>differently</b> [1] 60/10
<b>DCI</b> [6] 90/21 133/21 133/22 136/11 193/12 196/25	<b>department</b> [14] 4/7 24/5 25/3 25/5 79/10 112/4 124/13 133/20 135/19 135/20 135/23 136/3 136/4 188/3	<b>differs</b> [1] 93/18
<b>DCI's</b> [3] 134/12 136/1 136/6	<b>departments</b> [2] 115/1 180/15	<b>difficult</b> [13] 57/25 59/11 62/22 64/24 89/2 116/14 120/12 159/10 206/3 207/20 209/3 209/6 209/14
<b>dead</b> [1] 66/25	<b>depend</b> [1] 101/16	<b>dig</b> [1] 209/8
<b>deal</b> [2] 39/4 104/10	<b>depending</b> [1] 160/21	<b>digital</b> [3] 80/19 118/8 118/16
<b>death</b> [10] 10/17 10/25 11/1 11/4 11/12 55/1 79/14 120/1 126/20 127/25	<b>depends</b> [3] 109/8 206/20 209/21	<b>dimensional</b> [3] 181/25 182/1 183/8
<b>debrief</b> [1] 163/11	<b>depict</b> [8] 174/21 181/10 181/20 181/24 186/15 189/4 189/18 189/19	<b>direct</b> [14] 3/9 3/12 3/15 6/18 11/1 57/2 102/19 108/4 123/14 133/15 172/10 197/15 204/23 216/17
<b>debris</b> [10] 34/2 84/20 85/3 149/3 218/6 218/8 218/10 218/13 218/15 218/16	<b>depicted</b> [5] 130/11 164/20 164/23 184/19 198/25	<b>directed</b> [3] 6/25 27/2 57/1
<b>deceased</b> [2] 35/22 153/6	<b>depicting</b> [2] 155/10 185/19	<b>direction</b> [2] 25/19 148/2
<b>decide</b> [14] 5/6 6/14 63/22 66/16 67/9 68/5 69/18 81/12 81/13 87/3 94/22 96/7 97/1 210/5	<b>depiction</b> [7] 142/22 150/23 183/8 184/16 184/21 217/22 218/7	<b>directly</b> [23] 8/23 9/2 9/3 9/8 10/2 10/7 11/7 12/21 13/8 13/12 13/14 13/18 14/11 14/15 15/25 16/1 16/13 16/16 16/18 16/22 17/16 17/20 167/21
<b>decided</b> [1] 105/3	<b>depictions</b> [5] 44/6 182/11 187/8 187/8 217/15	<b>directs</b> [2] 144/4 145/2
<b>decides</b> [1] 67/11	<b>depicts</b> [4] 170/23 172/5 188/6 189/6	<b>dirt</b> [3] 185/4 185/15 191/17
<b>decision</b> [9] 20/12 66/15 69/12 69/12 88/23 96/11 151/7 151/9 151/12	<b>depression</b> [1] 212/13	<b>dis</b> [1] 67/11
	<b>Deputies</b> [1] 200/1	
	<b>deputy</b> [3] 188/2 200/4 224/9	
	<b>descent</b> [1] 139/2	
	<b>describe</b> [26] 26/7 56/10 59/1 59/2 73/19 104/4 104/21 106/6 106/22 107/13 113/23 115/22 124/1 137/4 142/18 146/1 147/3 149/11 152/20 153/25 162/12 166/12 175/8 179/17 194/5 202/9	
	<b>described</b> [11] 77/7 146/11 162/17 187/17 194/18 194/22 196/10 200/20 204/14 204/24 222/8	
	<b>describes</b> [2] 67/20 95/4	
	<b>describing</b> [1] 181/8	
	<b>description</b> [3] 27/25 66/4 174/13	
	<b>deserves</b> [1] 12/17	
	<b>designed</b> [4] 34/24 56/14 57/11 57/12	
	<b>desk</b> [2] 187/15 191/5	
	<b>desperately</b> [1] 36/22	

<p><b>D</b></p> <p>disappear [1] 186/13  disappearance [1] 119/25  disappearing [1] 188/16  discard [1] 94/20  discarded [1] 55/4  discovered [4] 49/18 145/23 156/6 189/11  discoveries [1] 49/15  discovery [3] 39/1 41/2 49/13  discuss [6] 5/15 66/13 97/8 98/22 100/7 106/6  discussed [1] 4/21  discusses [1] 67/11  discussing [1] 193/7  discussion [6] 5/13 97/22 98/1 133/5 135/21 173/6  discussions [1] 113/12  disposal [1] 43/1  dispose [3] 52/14 67/9 82/11  distance [7] 94/14 159/17 166/16 183/1 183/2 191/24 212/11  distract [1] 7/18  distribute [1] 114/13  distributing [1] 114/10  distribution [1] 48/20  district [4] 4/6 23/18 24/4 24/10  disturbing [1] 63/9  ditches [1] 114/24  dive [1] 180/21  Division [2] 25/5 133/20  DNA [31] 24/13 31/8 31/9 31/12 31/18 31/24 31/25 39/8 44/14 44/18 44/21 45/1 45/12 45/17 50/6 51/3 51/24 52/17 52/19 52/23 72/13 77/21 89/23 90/4 90/6 120/1 120/5 215/2 215/3 215/4 217/3  do [130] 5/8 5/12 5/15 5/23 10/6 14/14 17/19 19/20 22/8 22/14 22/19 27/13 43/25 48/2 48/15 49/25 56/8 58/20 59/11 59/18 60/7 63/8 65/11 65/18 66/7 66/12 66/16 71/2 71/20 71/25 73/7 74/15 76/14 79/12 85/1 85/16 87/7 87/15 88/1 88/2 89/2 93/23 101/3 105/15 105/18 108/5 108/25 110/9 110/11 110/18 113/8 114/9 114/14 115/24 115/25 116/8 116/23 117/9 118/3 118/18 119/15 119/16 120/4 120/4 121/4 124/2 124/10 124/22 126/5 128/5 128/23 129/1 129/10 129/12 129/21 130/16 130/20 131/5 131/20 131/24 134/13 145/9 148/17 153/11 154/23 156/12 160/24 162/19 162/23 162/24 162/24 163/22 163/24 165/9 166/7 169/14 169/15 173/16 173/18 174/22 176/5 176/8 176/15 177/9 182/12 182/19 182/24 186/4 189/3 195/15 199/6 199/9 201/16 203/6 203/22 205/18 206/4 206/5 206/14 207/14 208/7 208/17 208/25 209/23 210/1 212/10 217/10 222/15 223/7 226/6  does [27] 7/17 11/14 12/15 31/23 31/24 47/16 66/15 77/22 93/23 96/17 96/18 102/1 111/3 111/6 111/9 130/7 130/10 130/11 130/15 146/15 156/19 165/3 165/5 208/11 209/12 217/24 221/25  doesn't [3] 25/24 48/7 218/2  dog [20] 93/22 122/1 152/23 153/2 153/3 153/4 153/7 153/11 154/11 163/3 166/6 166/9 166/10 166/13 166/14 166/19 166/24 185/7 191/18 210/10  doghouse [2] 185/7 191/18  dogs [12] 35/17 35/18 35/18 42/3 42/4 152/22 153/5 153/17 163/4 163/6 166/22 166/23  doing [8] 12/10 22/10 24/16 44/14 66/5 113/11 128/12 221/18</p>	<p>don't [32] 22/7 28/18 61/14 65/11 82/18 88/10 90/3 94/12 95/22 96/24 97/2 101/24 104/9 122/16 135/14 143/18 159/4 161/3 161/6 161/8 161/13 179/19 199/4 200/7 203/16 205/7 208/13 210/6 210/21 214/13 219/25 220/3  Donald [1] 76/4  done [7] 25/18 85/6 86/9 88/8 88/11 163/10 180/17  door [24] 51/9 51/11 51/17 51/22 64/6 64/8 64/17 64/21 103/20 104/3 164/18 165/2 184/23 184/24 186/20 187/20 187/21 187/21 187/25 187/25 188/24 190/25 199/7 199/12  door/entrance [1] 187/25  doors [4] 164/16 164/17 164/20 186/20  dots [2] 74/2 74/4  doubt [32] 10/1 10/11 10/22 12/20 14/10 14/19 15/5 15/24 17/15 17/24 18/9 18/22 19/11 19/17 19/22 19/23 19/24 20/2 20/6 20/6 20/8 20/10 20/10 20/11 20/14 20/15 53/14 96/5 96/8 96/19 97/3 97/5  down [29] 58/22 68/2 68/4 68/12 83/3 92/20 102/25 123/2 133/1 135/7 135/10 137/12 137/13 138/21 139/2 140/22 143/4 154/1 154/6 169/20 171/8 171/13 186/14 186/14 191/2 191/10 198/24 210/10 224/16  dozens [2] 91/25 92/6  Dr. [6] 73/17 74/9 74/10 75/20 76/4 196/11  Dr. Donald [1] 76/4  Dr. Eisenberg [3] 74/9 75/20 196/11  Dr. Jentzen [1] 74/10  Dr. Leslie [1] 73/17  dramatic [2] 33/16 34/8  draw [4] 7/6 52/8 57/4 117/17  drawing [1] 59/7  drink [1] 131/22  drive [2] 171/8 212/25  driven [3] 36/3 68/12 76/22  driver's [1] 168/15  drives [1] 84/17  driveway [6] 137/11 137/23 139/15 169/19 169/19 171/13  dropped [2] 77/2 82/25  drove [1] 106/20  dry [1] 211/9  due [1] 163/13  dug [2] 185/5 191/19  duly [3] 102/14 123/8 133/9  during [34] 5/5 5/19 6/3 6/9 7/14 7/14 7/21 8/4 8/9 20/22 23/6 27/6 27/7 47/13 54/8 54/9 54/17 68/1 71/12 97/7 97/13 98/7 98/25 108/3 108/12 109/6 115/21 165/10 204/23 205/10 211/11 215/15 221/12 221/22  dusk [2] 149/2 150/24  duties [2] 105/24 133/22  duty [3] 5/6 7/2 20/13  dynamic [1] 60/23</p> <p><b>E</b></p> <p>EAA [1] 129/14  each [19] 6/7 7/1 7/23 10/10 14/18 17/23 23/17 26/10 37/11 40/1 86/17 86/18 86/23 89/12 96/15 157/7 180/2 206/25 209/17  Earl [1] 198/18  earlier [7] 30/19 67/22 69/5 162/8 192/3 193/8 202/6  early [5] 28/14 30/13 36/20 89/3 197/19  earth [1] 73/12  easier [1] 117/23  easily [5] 35/3 95/16 159/9 202/17 202/19  east [11] 23/19 137/16 139/19 140/8 152/24 160/8 171/16 185/25 187/18 190/8 190/23  easy [1] 206/11</p>	<p>EDELSTEIN [17] 1/21 3/16 4/12 54/12 100/1 100/3 101/6 101/15 196/20 200/7 202/1 202/4 208/6 208/9 211/25 221/8 221/10  edge [4] 30/11 156/9 158/11 185/15  Edition [1] 108/21  educated [2] 93/12 113/25  education [1] 104/14  effect [4] 59/23 61/8 222/12 222/15  effort [4] 36/18 37/1 94/5 199/14  efforts [10] 24/22 25/10 36/20 48/13 48/14 114/14 116/4 116/21 179/18 180/9  eight [3] 45/23 50/15 184/20  Eisenberg [4] 73/17 74/9 75/20 196/11  either [19] 9/1 9/12 13/12 13/22 16/16 17/1 22/25 27/18 34/4 35/22 42/2 115/5 116/19 131/4 145/15 171/9 180/24 207/11 217/4  electronic [1] 164/6  electronically [1] 182/23  electronics [1] 80/16  elements [7] 10/23 12/21 15/6 15/25 18/10 18/22 27/12  elevated [1] 185/15  elevation [2] 143/5 191/10  Eleven [5] 123/24 132/6 132/7 132/11 132/19  elicit [1] 99/17  elicited [2] 99/23 99/25  ELMO [1] 128/10  else [7] 5/16 80/2 81/15 122/24 162/21 210/20 212/7  emotion [1] 93/15  emotions [1] 93/10  empathy [1] 66/9  employed [3] 133/18 134/3 196/25  employee [2] 43/12 197/3  employment [1] 104/22  empty [1] 188/10  enclosed [4] 36/1 152/9 152/10 201/7  encourage [7] 22/19 58/4 58/6 60/3 60/4 94/6 94/9  end [23] 29/7 37/9 63/22 64/13 83/1 86/22 87/15 87/19 88/2 88/14 96/10 96/12 96/23 97/9 97/15 122/1 129/20 129/21 134/24 134/25 137/12 137/24 144/1  ended [2] 159/7 205/25  enforcement [40] 25/8 35/12 37/1 37/13 44/16 48/14 49/9 62/2 77/19 78/3 90/23 114/25 116/21 117/16 117/18 127/14 135/1 135/3 135/10 135/17 138/15 140/24 142/5 142/7 144/21 145/3 146/5 146/21 149/6 162/18 162/21 169/25 177/21 180/13 197/21 198/3 202/6 204/20 208/3 224/19  engaged [1] 114/15  enjoyed [3] 103/10 104/11 105/10  enlarge [1] 207/11  enough [3] 23/1 96/4 178/13  enter [1] 172/18  entered [2] 146/23 151/12  entire [4] 62/20 63/1 63/16 139/18  entirely [2] 89/15 94/23  entirety [1] 8/14  entitled [2] 99/17 215/13  entrance [12] 73/22 74/3 74/6 164/16 164/17 164/20 171/16 184/23 184/24 187/24 187/25 190/25  entry [2] 143/20 165/2  episodes [1] 51/15  equipment [8] 34/22 34/24 164/6 181/16 207/8 207/11 207/13 209/22  error [2] 183/3 216/19  Ertl [5] 78/7 78/11 149/10 149/10 150/21  Ertl's [1] 149/13</p>
---	---	---

<p><b>E</b></p> <p>escalating [1] 92/17  escape [1] 20/11  escapes [1] 182/4  especially [2] 105/12 114/8  essence [1] 136/7  essentially [10] 137/11 137/25 143/10 145/1  159/2 159/19 162/15 183/20 190/6 191/25  establish [1] 12/16  established [1] 45/17  establishing [2] 12/11 19/13  evaluate [1] 69/14  evaluating [1] 8/10  even [26] 11/19 36/20 39/12 42/1 52/10 57/3  62/1 64/5 64/17 69/24 73/24 76/3 87/14  88/11 89/6 89/10 110/1 112/6 112/7 112/12  112/12 145/16 147/17 186/19 187/8 219/12  evening [11] 35/15 75/10 120/14 163/15  163/17 165/12 174/14 174/20 193/17 193/23  194/13  event [2] 66/3 105/14  ever [23] 21/14 44/20 106/6 106/11 106/12  106/15 107/19 109/13 120/15 122/14 122/17  122/18 122/22 124/13 125/3 125/21 127/8  129/1 130/16 131/17 172/7 202/23 220/3  every [16] 19/6 19/13 20/14 37/11 37/17  58/10 58/11 59/2 75/20 76/1 88/18 155/4  157/7 157/12 180/3 206/23  everybody [3] 21/3 53/3 57/24  Everyday [1] 82/24  everything [4] 25/18 56/24 57/7 211/10  evidence [137] 5/7 5/13 6/9 6/14 6/15 6/17  7/4 7/8 7/10 7/12 8/8 8/11 8/15 9/25 10/21  12/15 14/9 15/4 17/14 18/8 19/3 19/10 19/16  19/18 20/1 20/2 20/20 20/21 20/24 21/24  22/4 24/13 26/4 26/6 26/9 26/11 26/21 26/22  27/1 27/1 27/3 27/4 28/7 28/25 29/6 31/9  31/9 31/13 31/22 33/14 34/15 34/23 35/13  35/25 38/11 38/22 40/9 40/17 41/2 41/11  41/20 43/16 44/17 44/20 46/13 47/25 49/6  50/20 52/17 53/6 53/11 54/10 54/19 55/6  55/8 56/22 57/24 59/12 59/20 60/15 61/10  61/22 64/15 69/22 70/7 70/15 70/24 71/3  71/23 72/15 72/22 73/4 75/3 76/14 76/15  81/1 81/18 81/21 86/10 86/24 87/20 88/6  89/18 89/22 90/3 90/5 91/8 95/24 96/13  98/20 99/8 99/13 99/20 99/22 100/12 149/16  161/8 161/14 163/12 163/14 165/11 165/15  165/15 165/17 165/20 182/15 182/16 189/3  189/5 189/9 214/20 215/10 217/3 223/14  223/21 223/24 224/2  evidentiary [5] 98/18 151/24 170/1 180/25  201/24  ex [1] 207/22  exact [1] 200/3  exactly [1] 77/6  exam [2] 204/23 215/15  examination [19] 3/9 3/10 3/12 3/15 3/16  3/17 6/19 41/22 50/1 98/19 99/18 100/17  102/19 122/12 123/14 133/15 196/22 200/23  223/5  examine [2] 19/2 42/1  examined [15] 42/18 45/16 50/4 72/22  102/15 123/9 133/10 151/22 155/18 157/7  157/11 157/12 200/22 206/24 219/23  example [3] 27/25 180/20 205/21  excavate [1] 43/5  except [1] 7/14  exception [1] 205/12  exclude [1] 215/5  excluded [1] 215/4  exclusion [1] 73/12</p>	<p>excuse [11] 23/20 47/21 49/18 53/1 53/6  53/10 53/15 93/12 147/1 164/3 164/4  excused [1] 5/19  execute [1] 162/18  executed [1] 145/8  exemplar [1] 45/14  exhibit [122] 103/24 105/18 106/24 110/15  110/23 110/24 114/2 114/5 118/14 118/17  119/6 119/10 119/20 120/19 121/1 121/10  121/13 125/7 127/4 127/6 127/7 127/10  127/18 129/5 129/7 129/10 130/3 130/7  130/12 136/19 136/19 136/21 137/4 139/8  140/1 141/7 141/8 141/9 142/19 142/21  142/23 143/23 144/3 146/8 146/25 147/8  147/23 148/25 149/22 149/24 150/12 150/13  150/21 151/1 153/10 155/6 155/20 156/25  157/19 158/17 159/12 163/18 164/9 164/21  165/3 165/25 166/7 167/2 167/14 168/1  168/14 168/17 169/2 170/3 170/14 170/22  171/19 172/3 173/1 173/7 173/16 173/17  173/20 174/2 174/10 174/15 175/24 175/25  176/1 176/2 176/21 178/1 178/14 178/17  183/5 183/19 184/3 184/10 184/15 184/25  185/9 185/10 185/17 185/22 186/10 186/25  187/12 188/4 188/6 188/13 188/21 192/19  192/25 198/25 202/5 211/22 211/22 213/3  215/19 217/14 218/1 218/17  exhibits [12] 3/18 6/21 88/7 146/7 148/19  148/20 155/1 176/10 176/12 196/1 213/14  216/24  exist [1] 11/24  existence [1] 207/23  exists [1] 11/15  exit [2] 187/20 187/25  exonerated [3] 31/3 31/7 31/19  expect [4] 20/20 38/15 93/22 143/18  experience [1] 165/20  expert [7] 51/13 69/16 73/18 74/18 80/8  158/21 219/22  expertise [2] 24/12 105/7  explain [7] 26/25 60/2 69/21 70/23 86/10  95/1 190/3  explained [1] 154/4  explains [2] 42/10 61/17  explanation [1] 27/25  explanations [1] 66/8  exposed [3] 6/1 6/5 94/18  express [2] 59/17 159/5  expressing [1] 59/15  expression [1] 66/9  expressions [2] 81/4 94/14  extent [3] 203/8 207/19 217/23  exterior [4] 43/18 43/19 186/19 186/19  Extreme [1] 108/20  eye [3] 95/7 182/12 184/1  eyes [1] 114/20  eyewitness [1] 75/14</p> <p><b>F</b></p> <p>F-a-s-s-b-e-n-d-e-r [1] 133/14  facial [1] 94/14  facing [2] 148/1 166/4  fact [33] 7/7 19/13 25/11 26/17 34/13 35/19  37/7 45/12 49/8 51/6 52/9 57/13 57/20 58/21  72/1 72/17 76/16 96/25 112/24 145/14  161/23 168/1 172/18 198/7 198/16 201/21  206/10 213/22 218/4 219/11 219/24 220/22  221/25  factor [1] 11/4  factors [1] 151/12  facts [7] 6/23 12/4 15/20 22/9 61/22 78/2  81/12  Fails [1] 95/6</p>	<p>fair [9] 20/1 63/8 158/9 169/9 169/10 197/9  198/12 206/11 211/11  FALLON [8] 1/15 4/7 24/3 24/5 98/16 98/24  100/20 223/20  false [2] 62/5 62/6  familiar [6] 26/19 33/12 44/2 106/19 167/10  181/5  family [19] 21/18 21/19 48/9 50/25 82/8  103/2 103/5 103/13 107/25 108/11 111/13  112/5 114/15 115/8 115/23 121/4 121/10  121/15 198/17  fanciful [1] 81/4  far [7] 128/18 141/8 156/12 157/19 159/13  168/3 187/3  farm [2] 109/9 160/12  farmers [1] 115/25  farmhouse [2] 103/21 104/7  FASSBENDER [33] 3/14 25/3 36/17 39/12  55/19 78/15 90/21 127/17 133/7 133/8  133/13 133/17 136/11 144/7 149/20 155/5  162/6 165/6 167/10 169/7 172/7 177/4  179/15 181/2 185/8 189/17 190/1 193/5  196/24 212/1 213/2 221/22 223/7  father [1] 138/11  favor [1] 24/17  favorite [1] 107/21  FBI [1] 80/15  fear [1] 20/9  February [11] 55/16 56/7 89/3 176/4 193/10  193/18 193/23 195/16 195/20 222/14 222/17  February 26 [1] 222/17  February 27 [8] 55/16 56/7 176/4 193/10  193/23 195/16 195/20 222/14  feel [6] 44/9 61/3 61/7 97/6 159/4 190/17  feeling [1] 57/23  feelings [2] 5/8 61/5  feet [8] 41/9 84/6 156/15 158/2 183/2 212/1  212/19 212/23  fellow [1] 225/3  felt [1] 151/24  female [7] 39/4 39/10 39/14 42/23 45/18  50/9 124/17  fence [3] 147/6 150/18 169/21  fencing [1] 148/5  few [4] 41/9 50/2 53/9 122/10  fiancé [1] 83/18  fiber [1] 66/10  fibers [1] 204/3  field [6] 111/20 140/8 140/8 160/9 160/12  160/12  figure [2] 60/13 60/15  figures [1] 95/19  final [6] 5/16 88/21 91/12 91/14 96/11  104/24  finally [6] 24/9 52/16 147/23 170/22 174/15  188/21  financial [1] 48/16  find [47] 6/25 9/23 10/19 12/2 12/24 13/1  14/7 15/3 15/18 16/3 16/5 17/12 18/7 18/23  18/25 19/9 33/21 33/22 35/18 36/19 36/24  39/13 39/14 42/10 48/12 48/14 50/2 50/5  70/1 70/7 72/1 72/5 72/12 73/18 76/23 77/14  82/15 87/12 96/5 111/21 126/25 127/15  161/11 163/1 163/1 165/15 172/22  finding [3] 19/8 40/21 72/11  finds [1] 72/13  fine [1] 101/3  finger [4] 51/24 52/10 69/3 80/5  fingerprint [1] 45/2  fingerprints [4] 90/7 203/24 214/25 216/25  finish [4] 62/25 87/2 195/6 199/24  fire [19] 55/23 55/24 55/24 55/25 62/18  67/18 67/24 68/24 69/2 75/11 75/13 75/16</p>
--	---	--

F		four [16] 32/10 32/11 32/19 33/5 63/1 63/4 78/9 85/2 104/15 148/24 158/23 180/3 180/4 184/13 192/2 192/6		46/15 47/16 55/9 56/22 61/6 61/8 77/21 83/4 87/11 88/4 88/8 93/18 94/8 101/23 102/8 102/9 108/1 112/2 112/16 117/22 138/13 154/20 161/3 171/8 175/6 190/2 190/3 197/24 199/3 199/5 199/13 203/3 217/11 225/1	
fire... [7]	76/14 85/4 85/15 86/5 86/6 168/25 195/8	four-foot [1]	78/9	gets [10]	47/22 65/17 77/22 83/6 83/8 84/16 85/20 86/7 93/23 168/1
firearms [3]	49/5 186/25 187/4	fourteen [3]	132/6 132/11 132/20	getting [5]	72/5 149/2 197/14 205/14 212/12
firefighter [1]	169/24	fourth [2]	90/14 95/6	Gibson [1]	30/9
firefighters [2]	37/13 180/11	fourth-grade [2]	90/14 95/6	girl [4]	63/14 67/17 82/9 82/10
firemen [1]	206/22	FOX [4]	1/11 27/21 220/5 221/1	girlfriend [4]	69/6 80/21 80/24 121/19
firings [1]	73/7	fragment [5]	75/22 89/25 189/6 189/7 189/10	girls [2]	103/16 108/22
first [72]	6/17 8/17 9/1 9/17 9/20 9/24 10/3 10/8 10/14 10/20 12/22 14/16 16/6 16/16 17/7 17/9 17/13 17/16 17/21 18/2 18/22 23/13 23/16 27/9 27/11 27/14 30/20 32/6 32/7 35/15 36/14 36/14 36/19 39/6 41/16 45/23 50/15 53/16 59/4 59/5 59/14 64/18 75/4 83/6 83/8 88/5 92/18 99/4 99/20 102/14 109/20 112/7 112/12 116/7 123/8 125/14 133/9 139/7 140/16 146/7 149/10 151/21 157/11 162/13 172/25 177/13 178/25 181/4 196/7 204/9 218/1 221/23	fragmentary [1]	45/19	give [24]	4/19 12/16 20/13 20/19 22/17 40/5 41/4 50/22 56/15 58/24 63/15 86/25 96/9 96/14 96/16 104/10 119/10 120/5 128/8 157/20 159/13 160/20 178/9 179/20
fit [10]	22/3 26/9 26/12 26/12 36/8 50/20 50/20 55/5 55/6 174/13	fragments [3]	41/13 89/24 217/19	given [15]	4/22 5/7 19/24 19/25 33/19 62/20 102/3 114/3 141/7 172/13 172/17 177/23 205/10 207/23 208/23
five [10]	46/11 79/22 83/3 83/25 85/2 103/3 109/12 114/4 145/8 197/5	frame [2]	68/8 208/18	gives [2]	47/4 63/19
fix [2]	25/22 32/5	free [3]	31/8 56/23 129/15	giving [6]	23/11 54/13 55/17 61/1 93/20 129/15
fixed [3]	46/2 54/3 182/16	freelance [1]	29/2	gladly [1]	105/15
flames [1]	75/12	FREMGEN [18]	1/19 3/6 3/10 4/11 4/11 4/25 5/1 54/12 82/18 98/6 100/1 120/21 120/24 122/10 132/17 160/24 179/9 179/10	glass [1]	186/20
flattened [1]	207/10	fresh [1]	23/9	glasses [1]	25/1
flavor [2]	44/8 50/23	Friar [2]	174/5 174/6	Glenfield [2]	37/23 67/2
flies [3]	212/11 212/15 212/16	Friday [4]	114/13 114/16 114/16 115/6	go [47]	21/16 29/23 35/12 43/24 48/6 50/22 63/24 70/12 83/7 83/10 83/16 83/19 85/9 85/19 88/4 88/22 89/5 92/1 97/11 102/1 104/8 106/3 106/5 112/19 116/13 124/4 124/5 124/25 125/3 126/20 138/12 138/21 139/2 149/20 150/20 160/19 163/4 163/11 166/23 183/5 199/23 204/8 208/8 209/7 211/20 212/17 218/14
floor [9]	66/24 67/1 78/5 175/18 189/8 194/8 194/15 195/5 221/25	friend [5]	29/4 83/6 83/9 83/16 115/11	goes [15]	47/7 57/22 67/6 84/15 86/7 86/8 92/22 94/11 101/18 128/19 129/21 130/9 137/11 143/4 187/21
flow [1]	87/17	friends [5]	21/18 48/9 103/5 112/9 115/8	going [185]	4/19 21/11 21/14 25/7 25/11 25/22 25/24 26/4 26/11 26/12 27/4 28/22 28/25 29/6 31/20 32/1 32/3 35/15 35/25 36/8 36/25 37/17 37/20 38/4 38/7 38/15 39/22 40/14 41/11 41/13 41/23 43/10 43/16 43/23 43/24 44/7 44/7 44/15 44/18 45/6 45/24 46/1 46/5 46/6 46/10 46/13 46/16 46/22 47/10 47/12 47/17 50/19 50/22 51/5 51/9 51/11 51/16 52/16 52/18 53/4 53/8 53/9 54/8 54/16 54/18 54/19 55/8 56/18 57/7 57/9 57/13 57/14 57/19 57/25 58/7 58/18 59/20 59/21 59/24 60/4 60/20 61/14 62/1 62/10 62/19 62/22 62/25 63/3 63/12 63/24 64/14 64/20 64/21 65/19 65/25 66/1 66/18 66/22 67/19 68/11 69/15 70/1 70/10 70/19 70/21 71/3 71/10 71/16 72/20 73/4 78/6 79/3 79/9 79/13 79/22 80/12 81/2 81/3 81/5 81/19 81/21 84/12 84/24 89/4 89/8 90/8 97/24 101/16 103/23 104/8 105/17 108/4 110/14 110/22 110/23 116/12 118/13 119/9 125/6 128/8 128/9 129/5 129/6 130/3 137/10 137/23 139/7 142/4 146/7 147/23 151/4 154/1 154/6 158/16 159/3 159/13 159/13 159/24 160/15 162/1 162/20 164/1 166/5 166/23 166/25 169/20 171/13 171/15 172/3 172/10 172/25 173/15 176/11 179/21 183/5 187/19 193/7 195/9 209/7 210/14 212/17 223/20 224/24 224/25 225/1
fluids [3]	52/20 204/2 205/20	front [28]	50/13 51/25 52/1 52/2 72/7 79/5 107/1 121/25 148/1 149/8 149/17 164/10 164/14 164/19 164/19 167/3 167/5 167/22 171/21 171/23 171/25 184/5 184/22 189/5 190/12 190/13 190/20 192/9	got [33]	38/17 55/7 70/10 80/15 81/24 81/24
flung [1]	51/10	fuel [2]	55/24 168/24		
flush [1]	101/13	Fuentes [11]	79/9 79/20 79/21 126/7 126/9 126/13 126/15 126/25 127/21 128/7 128/21		
fob [7]	129/23 129/24 130/8 130/11 130/13 130/13 130/18	full [6]	49/7 53/2 55/9 77/22 110/4 142/13		
focal [1]	94/24	fully [1]	104/22		
focus [2]	89/19 91/24	functioning [1]	95/5		
focused [2]	57/2 115/19	functions [1]	5/4		
folded [1]	170/17	funnel [2]	56/17 56/20		
folks [2]	145/18 200/14	fur [1]	176/23		
follow [2]	27/24 57/7	further [16]	43/5 50/3 50/7 97/9 99/13 100/17 104/4 116/20 145/18 147/4 149/20 171/3 194/21 196/2 224/16 225/6		
followed [2]	114/23 163/3				
following [5]	10/23 15/6 18/10 42/14 210/1	G			
follows [3]	102/15 123/9 133/10	GAHN [5]	1/17 4/8 24/9 24/10 24/12		
foot [1]	78/9	game [1]	96/22		
footprints [2]	211/3 211/13	games [3]	83/11 83/22 125/3		
footwear [1]	211/16	garage [86]	37/3 41/10 43/19 49/5 56/5 66/23 67/17 68/19 68/20 70/12 70/13 71/14 71/19 71/21 72/2 72/6 72/7 72/11 72/18 74/8 75/12 78/5 78/18 79/24 84/24 85/8 85/9 90/1 137/15 139/14 139/22 163/21 164/12 164/13 164/14 165/24 166/2 166/20 167/4 167/6 168/22 168/25 175/18 175/18 183/16 183/17 183/23 183/23 184/6 184/11 184/17 185/2 185/3 185/21 186/1 186/3 186/3 187/22 188/13 188/15 188/17 188/18 188/23 188/24 189/2 189/6 189/8 189/12 190/7 190/21 191/11 191/12 191/14 191/16 191/25 192/11 192/14 194/8 194/14 194/15 195/5 195/10 217/15 217/20 217/23 221/18		
force [1]	65/22	garbage [3]	85/3 85/4 94/19		
forefront [1]	192/11	gas [2]	68/21 205/15		
foregoing [2]	226/7 226/7	gasoline [4]	85/11 85/17 195/2 205/21		
foreground [2]	163/22 166/3	gave [9]	20/25 65/1 121/6 129/1 129/11 129/13 130/14 130/21 222/14		
forensic [9]	42/19 56/12 56/15 76/4 95/9 151/10 152/13 181/15 201/1	GB [3]	104/15 104/17 104/24		
form [2]	27/17 215/6	general [2]	133/25 208/11		
formation [1]	11/20	generally [2]	126/1 181/8		
formed [1]	11/22	generated [5]	43/4 43/9 44/11 181/3 184/8		
Forty [1]	170/24	genetic [2]	45/2 52/22		
Forty-six [1]	170/24	gentleman [5]	24/6 25/1 43/11 80/13 149/9		
forward [2]	46/1 157/10	gentlemen [3]	76/19 160/18 225/7		
found [70]	12/2 12/3 15/18 15/19 31/12 33/14 34/16 34/17 36/21 36/22 38/2 39/3 39/4 40/16 40/22 41/9 41/13 43/7 48/23 49/16 49/17 50/5 51/16 51/19 52/17 52/23 71/7 71/7 71/11 72/10 74/11 75/21 76/5 76/8 76/24 77/7 77/24 78/21 79/25 80/1 80/20 89/23 90/1 90/2 113/7 115/5 116/18 117/25 118/4 119/22 126/10 141/2 142/10 146/14 150/14 157/16 161/18 164/6 169/12 169/14 169/18 170/6 171/5 173/12 188/4 199/2 199/18 205/9 215/3 220/1	German [1]	42/6		
		get [40]	23/3 23/7 36/10 39/7 44/4 44/8		

<p><b>G</b></p> <p>got... [27] 82/1 84/24 94/13 108/11 110/4 111/17 115/12 129/19 132/2 134/10 134/17 135/15 147/14 162/15 165/22 175/13 175/17 198/16 200/2 200/10 201/4 203/4 204/9 218/1 218/17 221/17</p> <p>gotten [2] 39/7 41/24</p> <p>government [2] 220/19 220/21</p> <p>grade [2] 90/14 95/6</p> <p>graduate [1] 29/2</p> <p>graduated [2] 104/15 105/1</p> <p>graduation [1] 105/14</p> <p>grandpa's [1] 131/9</p> <p>grandparents [1] 33/1</p> <p>graphic [3] 48/4 64/4 65/10</p> <p>grave [1] 76/20</p> <p>gravel [1] 160/3</p> <p>gray [1] 127/5</p> <p>great [7] 21/8 39/4 103/6 152/21 153/15 153/15 217/24</p> <p>greatest [1] 183/1</p> <p>Greatly [1] 219/21</p> <p>green [7] 83/19 104/17 104/25 114/23 117/8 146/3 146/11</p> <p>ground [1] 211/8</p> <p>group [1] 115/12</p> <p>Guard [1] 129/9</p> <p>guarding [3] 42/7 199/19 199/21</p> <p>guess [4] 80/17 124/24 135/2 142/15</p> <p>guesswork [1] 20/7</p> <p>guilt [4] 12/11 12/16 19/14 20/9</p> <p>guilty [25] 9/7 9/23 10/20 12/25 13/1 13/17 14/7 15/3 16/4 16/5 16/21 17/12 18/7 18/24 19/1 19/9 19/12 19/15 19/17 19/21 26/13 60/7 60/16 82/16 97/17</p> <p>gun [5] 38/2 73/11 73/13 73/14 187/5</p> <p>guns [1] 73/12</p> <p>gunshot [1] 74/11</p> <p>guy [1] 21/4</p> <p>guys [3] 115/24 125/18 131/2</p>	<p>21/18 21/19 28/23 28/24 29/1 29/1 29/2 29/15 29/25 30/6 30/16 35/21 36/23 38/10 40/9 43/1 45/15 45/21 46/5 46/9 46/18 47/12 47/13 47/22 48/4 48/9 50/25 55/23 56/2 64/2 65/20 66/4 66/14 66/25 67/7 74/14 74/20 76/1 76/6 78/24 79/4 81/24 91/5 102/12 102/13 102/18 102/21 102/23 106/19 109/20 111/10 113/17 116/15 117/22 118/7 119/24 120/13 120/16 122/17 123/4 123/7 123/12 123/18 134/15 167/11 177/7 177/15 177/24 178/7 178/19 215/4</p> <p>Halbach's [26] 33/23 33/24 34/16 35/5 37/19 40/19 50/14 52/18 55/1 56/10 66/21 72/13 73/20 78/20 80/18 80/19 95/25 142/9 146/6 153/22 156/6 156/17 156/21 159/6 161/21 169/11</p> <p>half [5] 50/18 50/21 85/16 85/19 183/3</p> <p>Halloween [5] 28/24 29/7 29/9 40/11 108/10</p> <p>hand [15] 23/3 32/14 88/19 103/23 105/17 110/14 114/19 123/6 136/24 140/14 141/12 147/18 157/25 174/24 175/1</p> <p>handcuffs [19] 65/4 71/11 173/14 173/18 176/14 176/17 213/5 213/10 214/21 214/22 215/3 223/9 223/13 223/16 223/25 224/3 224/5 224/7 224/10</p> <p>handed [6] 66/20 127/3 136/18 136/18 171/19 176/21</p> <p>handle [1] 51/17</p> <p>handler [4] 153/16 153/20 153/21 210/10</p> <p>handles [2] 173/11 199/12</p> <p>handling [1] 52/24</p> <p>hands [3] 4/17 78/14 87/24</p> <p>hanging [3] 38/1 38/2 73/2</p> <p>happen [5] 56/9 77/5 77/25 154/4 220/3</p> <p>happened [21] 33/21 33/22 39/18 39/18 56/25 58/24 59/23 60/1 60/9 60/17 60/20 64/1 74/8 86/11 87/3 87/12 108/18 151/15 155/16 162/15 178/11</p> <p>happening [2] 151/2 200/13</p> <p>happens [4] 31/23 48/4 59/3 216/21</p> <p>hard [4] 64/24 103/5 128/20 209/20</p> <p>harder [1] 79/1</p> <p>has [43] 6/7 6/21 6/25 18/4 24/12 26/14 27/12 27/16 28/3 30/12 64/23 64/23 65/23 79/20 84/8 84/18 85/25 86/4 86/12 86/23 91/1 95/13 96/23 98/21 110/14 110/18 125/6 134/7 138/6 139/5 139/7 149/3 158/3 173/15 175/21 177/4 178/12 188/24 192/23 205/16 216/25 217/3 226/8</p> <p>hasn't [3] 36/21 86/21 196/6</p> <p>Hau [3] 2/3 226/4 226/19</p> <p>have [172] 4/20 5/4 5/14 6/24 7/1 8/2 8/5 9/20 9/21 10/6 14/4 14/14 17/10 17/10 17/19 18/23 21/6 21/14 22/1 22/7 22/8 22/15 23/24 24/18 25/21 26/18 27/24 28/20 28/21 30/16 32/4 44/10 45/25 46/1 54/2 54/14 55/10 55/14 57/7 58/1 59/17 59/19 59/19 60/11 61/3 61/16 62/18 63/3 63/15 63/16 63/17 65/7 65/12 69/15 69/23 76/14 79/17 80/6 80/7 82/19 82/20 86/15 86/16 86/18 89/11 96/7 96/19 96/24 97/2 98/14 100/10 101/3 101/22 102/4 102/25 103/16 104/13 104/23 105/7 105/25 106/2 109/17 110/23 113/12 114/2 120/13 121/5 122/5 122/10 122/14 127/8 127/9 127/15 128/8 128/9 128/20 129/5 130/4 131/22 133/2 138/14 142/9 145/6 145/8 145/9 146/6 148/19 150/3 156/8 159/7 159/8 159/10 161/6 165/19 165/20 172/7 173/3 176/6 181/1 181/2 181/17 189/18 189/21 192/22 193/5 195/3 195/13 195/14 195/16 196/2 196/24 197/16 198/4 199/7 200/7 201/5 201/21 202/23 205/7 205/9 205/18 206/3 207/12 208/6 208/9</p>	<p>208/23 209/3 209/20 210/23 211/1 211/4 212/12 215/25 217/7 218/21 219/11 219/23 219/24 219/25 219/25 220/1 220/12 222/6 222/7 222/9 222/10 222/19 222/22 223/8 223/20 223/21 224/5</p> <p>haven't [3] 155/2 203/14 219/24</p> <p>having [16] 22/11 45/5 51/10 79/12 95/5 100/4 102/14 104/11 123/8 133/9 151/14 192/24 194/6 200/20 204/12 220/3</p> <p>he [168] 9/12 11/6 13/22 17/1 26/14 27/11 28/5 31/2 31/3 31/3 31/16 38/11 43/11 43/16 52/11 52/12 52/24 52/25 54/5 54/20 54/21 54/21 54/21 55/2 55/13 55/13 55/20 55/22 55/22 55/23 55/24 56/4 56/4 56/5 56/10 62/15 62/15 62/17 63/12 63/13 64/5 64/6 64/6 64/7 64/11 64/12 64/22 64/22 64/23 65/4 65/7 65/11 65/20 65/23 67/15 67/15 68/5 69/13 69/13 72/1 75/8 75/9 75/10 75/13 75/13 75/15 75/15 78/15 80/3 81/9 81/9 82/3 82/6 83/8 83/11 84/7 84/14 84/16 84/17 85/7 85/23 85/23 85/24 85/25 86/3 86/4 91/6 91/7 92/19 93/5 93/5 93/16 93/22 93/23 95/10 95/13 95/20 95/22 101/18 101/18 102/1 109/23 110/2 110/4 111/22 111/23 111/24 111/24 111/25 112/17 112/20 112/22 113/24 115/11 116/11 116/25 116/25 117/13 139/21 168/18 173/25 174/7 174/8 174/8 174/13 174/13 174/19 175/11 175/12 175/13 175/17 175/17 175/17 181/14 183/2 189/20 190/19 190/19 194/12 194/12 194/13 194/16 194/16 194/18 194/19 194/22 194/25 195/1 195/4 195/7 195/12 195/12 195/13 195/13 195/16 208/2 208/4 212/10 218/18 220/8 221/14 221/18 222/6 222/8 222/10 222/19 222/20 222/20</p> <p>he'd [1] 202/17</p> <p>he's [17] 24/6 49/22 55/17 55/21 64/21 66/5 84/12 84/12 84/24 93/20 93/23 95/11 128/12 149/14 181/16 181/24 182/3</p> <p>head [8] 67/4 67/5 73/15 74/7 74/11 74/13 74/14 93/24</p> <p>headed [1] 190/23</p> <p>healing [1] 52/7</p> <p>health [1] 203/9</p> <p>hear [142] 5/20 6/13 20/25 21/3 26/20 28/6 28/25 29/6 31/7 31/17 31/20 33/13 34/8 34/15 34/23 35/4 35/8 35/9 35/15 35/25 36/17 36/25 37/17 37/20 37/24 37/25 38/4 38/7 38/15 38/16 38/22 39/11 39/22 40/11 40/14 40/17 41/11 41/13 41/23 42/16 43/16 44/6 44/15 44/19 45/6 46/5 46/6 46/10 46/16 46/22 47/10 47/12 47/17 47/25 48/3 48/19 48/22 49/2 49/5 49/13 49/23 51/1 51/2 51/5 51/10 51/11 51/16 52/16 52/18 55/8 56/12 56/13 56/16 57/9 57/13 57/14 57/19 58/7 58/15 58/18 58/21 59/13 59/20 59/21 59/24 60/6 60/8 60/10 60/16 60/19 60/24 61/9 61/10 61/11 61/14 62/10 63/12 64/17 64/20 64/21 65/19 65/20 65/25 66/17 66/22 67/19 68/11 70/10 71/10 72/21 73/4 73/7 73/16 73/21 74/17 75/5 75/17 76/3 78/6 79/3 79/10 79/13 79/22 80/13 87/20 87/25 88/2 89/22 90/1 90/3 90/4 93/3 94/2 95/21 95/22 164/1 166/18 177/12 179/22 187/19 195/19 224/8</p> <p>heard [19] 24/3 44/13 44/14 92/5 100/4 106/11 106/12 109/21 111/16 112/2 117/15 120/16 122/14 131/18 132/14 132/20 160/25 166/18 172/12</p> <p>Hearing [2] 98/23 98/24</p> <p>hears [2] 64/6 64/6</p> <p>hearsay [1] 101/1</p> <p>heavy [2] 77/10 202/13</p> <p>height [2] 182/1 182/2</p>
<p><b>H</b></p> <p>H-a-l-b-a-c-h [2] 102/18 123/13</p> <p>habit [1] 130/24</p> <p>had [142] 11/9 18/18 11/18 15/23 17/29 4/31 2/39 7/39 18/39 18/41 24/45 45/8 45/9 50/12 53/25 55/2 69/6 82/7 85/11 86/23 86/24 87/23 98/10 100/10 103/6 103/8 105/14 106/11 106/12 106/17 106/17 107/3 107/4 107/14 109/13 109/21 110/10 110/13 111/16 111/23 111/24 112/2 112/11 114/21 114/23 115/11 115/18 115/18 115/20 115/21 116/10 116/18 117/1 117/4 118/9 119/4 120/5 120/15 122/17 122/19 122/22 125/16 125/21 126/7 126/17 126/18 127/24 130/21 131/17 134/12 134/13 135/13 135/25 136/3 136/18 136/24 139/11 140/17 141/1 141/6 142/5 145/21 145/22 146/4 146/4 146/20 146/22 148/19 149/15 151/24 152/7 154/2 154/3 156/23 162/2 162/8 162/9 163/2 163/14 164/15 165/1 165/2 166/13 166/22 167/18 167/19 168/5 168/6 169/24 170/17 170/18 172/7 173/25 174/5 174/8 177/7 177/15 183/2 186/16 189/20 194/12 194/15 197/21 198/25 205/25 206/2 206/10 206/24 207/8 207/10 207/11 209/1 216/5 216/7 216/12 216/14 219/4 219/6 219/22 220/5 221/13 221/14 226/13</p> <p>hadn't [4] 109/24 112/20 112/24 157/16</p> <p>hair [2] 31/13 90/7</p> <p>HALBACH [83] 3/8 3/11 10/25 11/2 11/6 15/8 15/10 15/12 18/12 18/13 18/16 18/19</p>		



<b>H</b>	<b>home</b> [19] 37/5 38/7 82/22 82/24 82/25 83/7 83/13 83/21 85/24 86/4 86/7 86/7 104/9 107/19 108/20 108/21 109/1 111/20 114/18 <b>homicide</b> [14] 8/18 9/1 9/17 9/20 9/24 10/3 10/8 10/14 10/21 12/22 25/14 27/10 53/16 133/24 <b>HON</b> [1] 1/11 <b>Honor</b> [7] 98/17 100/3 101/15 121/12 160/13 196/21 202/1 <b>hood</b> [31] 34/3 34/4 68/14 68/16 77/5 77/6 77/11 77/16 77/20 77/21 77/24 78/1 147/16 148/6 148/8 148/11 148/14 149/8 149/12 149/17 149/24 150/17 150/19 152/2 202/9 204/5 210/14 210/17 211/5 211/22 215/21 <b>hood's</b> [1] 148/17 <b>hope</b> [1] 37/9 <b>hopefully</b> [2] 36/23 163/1 <b>hoping</b> [2] 36/24 204/19 <b>hospital</b> [1] 83/20 <b>hour</b> [4] 11/18 55/10 85/16 85/19 <b>hours</b> [5] 63/2 63/4 145/9 154/19 154/21 <b>house</b> [22] 40/2 69/7 69/8 83/2 83/4 84/6 89/25 108/12 108/23 108/24 115/12 116/17 118/20 124/4 131/4 131/9 141/24 141/25 185/21 186/2 216/6 216/11 <b>how</b> [72] 5/5 26/8 26/10 30/1 37/10 40/5 40/7 41/20 44/6 45/2 48/11 51/13 52/8 52/19 56/9 58/15 60/6 60/8 60/10 60/21 63/12 66/7 66/12 66/14 67/9 80/8 93/16 93/17 94/10 94/11 94/11 94/22 95/16 107/9 109/6 109/9 109/11 112/18 113/7 117/18 123/16 123/23 124/1 126/12 130/20 133/17 134/10 142/4 143/13 151/19 156/12 165/7 165/8 165/21 171/7 175/13 175/16 181/5 182/20 182/25 187/17 187/19 194/5 196/24 199/6 199/8 202/17 202/18 214/5 223/8 223/9 224/5 <b>however</b> [6] 10/10 14/18 17/23 20/23 197/6 213/13 <b>human</b> [21] 10/17 11/10 11/12 35/19 35/23 41/12 42/11 42/22 49/19 117/25 118/4 153/6 153/6 153/21 154/5 154/11 184/1 207/17 216/8 216/22 219/1 <b>human's</b> [1] 57/22 <b>humans</b> [1] 42/2 <b>humor</b> [1] 103/6 <b>hundred</b> [3] 25/8 84/5 84/6 <b>hundreds</b> [1] 49/8 <b>husband</b> [4] 103/21 111/19 115/20 121/23 <b>husband's</b> [1] 116/7 <b>hypothesis</b> [1] 19/19 <b>hypothetical</b> [2] 159/4 205/24	220/25 221/8 223/20 224/25 225/1 <b>I've</b> [12] 23/17 26/16 30/19 38/8 86/9 114/3 132/2 136/18 136/24 141/7 149/24 171/19 <b>idea</b> [4] 27/23 27/23 40/5 41/4 <b>iden</b> [1] 213/3 <b>identification</b> [8] 34/9 41/22 103/24 110/15 119/6 155/6 192/19 192/25 <b>identified</b> [8] 51/6 118/6 119/21 155/2 159/9 196/10 211/21 213/5 <b>identify</b> [8] 75/20 103/14 110/25 116/19 121/21 173/23 206/12 208/24 <b>identifying</b> [1] 208/14 <b>identity</b> [1] 208/11 <b>ignition</b> [5] 40/19 40/20 51/23 51/25 90/2 <b>image</b> [2] 43/4 148/11 <b>images</b> [13] 43/10 43/18 44/11 64/24 181/4 181/5 181/9 181/11 182/11 182/13 184/8 188/12 188/13 <b>imagination</b> [1] 81/5 <b>immediate</b> [1] 210/16 <b>immediately</b> [2] 34/20 162/25 <b>impaired</b> [1] 95/12 <b>importance</b> [3] 6/10 26/23 133/24 <b>important</b> [25] 20/5 21/10 21/13 21/17 23/10 24/19 28/1 28/15 28/16 30/2 32/7 36/10 40/21 44/24 49/20 55/21 71/13 71/16 71/25 72/11 88/24 91/18 94/25 201/19 215/12 <b>importantly</b> [5] 28/6 34/15 40/7 61/25 78/13 <b>impound</b> [2] 138/6 141/22 <b>impressed</b> [1] 88/17 <b>impressions</b> [1] 211/16 <b>improper</b> [1] 7/3 <b>in-laws</b> [1] 89/10 <b>incapable</b> [1] 219/19 <b>inch</b> [1] 183/4 <b>incident</b> [2] 197/16 221/14 <b>inclement</b> [2] 151/14 151/15 <b>include</b> [13] 21/12 37/2 37/3 58/8 111/3 111/6 130/8 135/4 135/18 180/6 188/12 215/6 217/24 <b>included</b> [8] 32/20 43/14 105/22 186/17 188/25 218/6 218/9 218/15 <b>includes</b> [2] 45/24 186/25 <b>including</b> [10] 11/23 37/4 67/4 100/13 102/5 136/22 205/20 206/23 209/17 225/3 <b>inconsistencies</b> [4] 92/9 92/10 95/3 97/10 <b>inconvenience</b> [1] 21/8 <b>incorrect</b> [2] 208/12 214/23 <b>independent</b> [4] 92/3 92/4 219/25 223/8 <b>indicate</b> [3] 80/22 95/11 179/3 <b>indicated</b> [7] 26/18 55/2 100/13 197/14 199/23 200/12 222/22 <b>indicates</b> [2] 91/6 118/17 <b>indicating</b> [4] 7/10 35/21 38/17 174/19 <b>indication</b> [1] 208/21 <b>individual</b> [9] 28/8 28/11 35/22 58/19 69/10 69/10 90/19 150/8 203/9 <b>individually</b> [1] 193/9 <b>individuals</b> [3] 149/5 150/22 198/7 <b>inept</b> [3] 90/16 90/19 95/12 <b>information</b> [17] 6/4 8/16 36/6 55/19 57/17 58/7 59/19 87/17 99/5 99/18 177/23 177/23 194/6 194/9 197/16 208/10 211/1 <b>informed</b> [6] 98/13 111/11 117/19 117/21 117/24 134/11 <b>initial</b> [5] 162/16 162/25 163/2 165/13 210/8 <b>initially</b> [3] 194/18 195/1 200/1 <b>innocence</b> [4] 19/6 19/20 87/22 88/16 <b>innocent</b> [6] 19/8 29/12 60/11 60/18 88/11 88/20 <b>inquired</b> [1] 194/11 <b>inquiry</b> [3] 181/1 193/5 202/13
----------	--	--

<p><b>I</b></p> <p>insensitively [1] 35/17</p> <p>insentence [1] 35/17</p> <p>inside [15] 64/7 64/18 71/7 164/7 170/8 170/16 172/8 186/7 186/15 188/16 188/18 189/1 199/1 207/12 207/16</p> <p>inspect [1] 42/5</p> <p>inspection [1] 201/12</p> <p>instance [2] 87/10 162/23</p> <p>instances [2] 92/6 220/1</p> <p>instant [1] 11/23</p> <p>instead [7] 82/4 82/4 82/5 82/7 82/7 82/8 82/20</p> <p>instructed [5] 5/14 27/16 54/7 94/21 96/7</p> <p>instruction [1] 96/9</p> <p>instructions [6] 3/3 4/20 4/22 5/3 8/12 20/25</p> <p>instructs [1] 87/1</p> <p>insured [1] 82/4</p> <p>intact [1] 156/16</p> <p>intellectual [1] 93/13</p> <p>intelligent [2] 90/20 95/18</p> <p>intend [3] 27/5 27/13 100/13</p> <p>intended [1] 21/23</p> <p>intends [8] 9/11 9/19 13/21 14/3 17/1 17/9 53/12 53/13</p> <p>intent [17] 10/18 11/6 11/8 11/14 11/15 11/20 11/22 12/2 12/2 12/6 12/6 12/7 14/25 15/14 15/18 15/18 15/22</p> <p>intentional [12] 8/18 9/1 9/17 9/20 9/24 10/3 10/8 10/14 10/20 12/22 27/10 53/16</p> <p>intentionally [19] 9/2 9/5 9/8 9/16 10/4 12/23 13/13 13/15 13/18 14/1 14/12 16/17 16/19 16/23 17/6 17/17 34/1 147/4 208/20</p> <p>interaction [1] 94/16</p> <p>intercour [1] 18/12</p> <p>intercourse [5] 18/5 18/14 18/16 18/20 65/24</p> <p>interesting [2] 63/5 63/5</p> <p>interestingly [2] 56/4 78/23</p> <p>interior [3] 186/4 187/8 191/11</p> <p>interiors [1] 43/22</p> <p>internet [1] 208/13</p> <p>internship [1] 104/25</p> <p>interpose [1] 208/2</p> <p>interrogation [5] 59/2 59/7 61/11 62/12 97/7</p> <p>interrogations [4] 57/11 57/11 57/15 58/5</p> <p>interrogative [1] 57/15</p> <p>interrogator [1] 94/15</p> <p>intersection [3] 137/9 137/24 138/13</p> <p>intersects [1] 144/2</p> <p>interview [4] 99/2 101/9 193/25 195/22</p> <p>interviewed [1] 49/23</p> <p>interviewer [2] 93/2 94/15</p> <p>interviewing [1] 56/16</p> <p>interviews [4] 56/12 56/15 57/10 58/5</p> <p>intricately [1] 100/15</p> <p>introduce [3] 28/22 100/13 121/1</p> <p>introduced [3] 6/9 8/9 20/22</p> <p>introduces [1] 99/19</p> <p>introducing [1] 99/7</p> <p>introduction [1] 23/14</p> <p>introvert [2] 90/16 93/14</p> <p>inventory [1] 145/12</p> <p>investigate [1] 133/23</p> <p>investigation [30] 23/24 25/6 25/13 25/14 25/14 29/14 30/3 30/4 30/5 30/22 33/16 39/17 48/6 50/16 51/2 54/25 93/1 107/2 117/20 119/25 133/21 134/14 135/24 136/5 136/8 136/10 197/11 201/17 203/22 211/12</p> <p>investigations [2] 134/1 136/12</p> <p>investigative [1] 45/22</p> <p>investigator [15] 25/2 56/13 58/20 58/23</p>	<p>78/14 90/22 116/24 136/9 136/9 172/15 195/21 198/20 201/15 203/23 223/7</p> <p>investigators [12] 24/24 25/17 39/11 41/15 48/24 55/4 56/8 59/1 59/16 67/14 93/4 144/17</p> <p>involve [1] 82/10</p> <p>involved [22] 24/15 24/24 25/9 30/23 36/18 39/21 48/25 49/10 58/13 59/6 60/19 60/21 63/10 101/20 109/16 116/3 125/1 136/12 144/22 201/22 204/13 210/6</p> <p>involvement [3] 81/14 89/19 211/12</p> <p>involving [2] 24/20 90/5</p> <p>IQ [1] 90/15</p> <p>ir [1] 215/23</p> <p>Ironically [1] 31/17</p> <p>irons [13] 65/4 71/11 173/13 173/21 176/23 176/25 177/2 215/23 216/10 216/14 223/9 223/12 224/10</p> <p>irregardless [1] 101/21</p> <p>is [529]</p> <p>ish [3] 84/17 155/13 156/1</p> <p>isn't [9] 45/17 72/12 81/2 89/7 96/21 97/1 169/9 185/12 201/19</p> <p>isolate [1] 95/21</p> <p>issued [1] 145/7</p> <p>it [334]</p> <p>it'd [1] 207/19</p> <p>it's [112] 21/8 23/16 26/5 26/5 26/5 26/24 26/25 27/23 28/16 28/19 30/10 30/10 30/11 34/19 34/19 34/25 34/25 36/9 38/24 45/2 50/13 50/22 50/22 52/19 52/20 52/22 52/22 58/16 59/10 59/22 59/25 60/9 62/24 63/1 63/7 68/4 69/11 69/25 72/7 84/13 84/16 85/21 86/1 86/13 86/13 87/2 88/20 89/1 89/14 90/11 90/12 90/15 92/17 92/19 93/1 93/22 93/25 94/10 94/23 96/21 96/22 101/6 101/16 104/1 105/20 106/23 107/1 110/17 118/16 119/8 119/12 119/15 121/15 126/10 127/5 127/11 128/24 129/19 130/1 130/2 130/6 136/19 137/18 145/5 145/7 145/8 147/14 148/2 149/1 159/13 160/20 161/16 162/1 162/17 164/2 164/10 172/5 173/1 173/18 174/17 184/4 187/17 190/17 199/8 204/9 206/10 210/14 211/22 211/24 213/22 215/12 220/2</p> <p>item [4] 44/9 146/2 159/1 196/6</p> <p>items [31] 44/16 44/17 79/25 84/22 84/25 85/1 145/4 145/22 151/22 151/25 169/8 170/1 172/22 173/24 173/24 180/25 181/21 181/22 192/13 200/19 201/24 205/14 205/18 217/4 217/24 218/9 218/10 218/15 218/16 219/23 220/2</p> <p>its [5] 99/6 99/8 150/14 152/6 166/15</p> <p>itself [9] 12/15 21/22 21/23 50/4 75/5 107/3 136/16 156/24 165/7</p>	<p>jean [1] 128/2</p> <p>jeans [44] 78/15 79/9 79/9 79/13 79/14 79/15 79/15 79/17 79/18 125/23 126/2 126/6 126/7 126/9 126/10 126/13 126/16 126/25 127/4 127/8 127/11 127/12 127/16 127/19 127/21 127/22 127/24 128/4 128/5 128/8 161/12 161/21 174/17 174/25 175/1 175/14 175/21 176/2 176/5 194/7 194/12 218/17 219/11 219/20</p> <p>Jennifer [3] 2/3 226/4 226/19</p> <p>Jentzen [1] 74/10</p> <p>JEROME [1] 1/11</p> <p>Jerry [2] 135/17 198/21</p> <p>jigsaw [1] 26/8</p> <p>job [11] 63/21 63/21 68/4 68/5 68/7 76/18 77/9 86/22 93/24 93/25 118/11</p> <p>Jodi [3] 69/6 69/6 80/23</p> <p>JoEllen [3] 47/2 177/18 177/20</p> <p>John [2] 78/7 149/10</p> <p>Johnson [1] 99/15</p> <p>join [1] 136/9</p> <p>jot [2] 68/2 68/4</p> <p>judge [43] 1/11 5/1 21/24 26/2 27/8 27/16 27/21 28/3 28/20 35/11 53/9 53/18 54/7 69/17 82/16 87/1 89/6 94/21 96/7 96/9 97/21 120/18 122/4 122/7 123/1 132/3 132/12 133/3 145/2 145/14 161/1 161/24 173/3 178/24 192/21 195/25 196/9 196/16 208/1 208/7 224/14 224/18 225/9</p> <p>Judge's [1] 23/4</p> <p>judges [1] 7/11</p> <p>judgment [1] 19/4</p> <p>judicial [2] 35/11 145/13</p> <p>Julie [5] 153/11 153/14 153/16 153/21 154/3</p> <p>junked [9] 30/12 32/10 37/7 37/8 37/18 40/23 49/12 77/15 143/14</p> <p>junkyard [4] 30/12 116/13 143/4 211/13</p> <p>juror [7] 5/4 6/7 10/10 14/18 17/23 20/24 21/1</p> <p>jurors [20] 4/16 4/18 5/25 7/11 10/6 14/14 17/19 22/7 60/14 98/4 98/11 102/10 137/1 137/5 143/19 160/23 162/12 224/24 225/3 225/5</p> <p>jury [77] 1/4 3/3 4/15 5/17 6/4 7/23 8/12 21/7 30/25 54/4 63/17 69/18 77/9 81/2 81/12 81/18 87/21 88/18 96/12 98/1 98/20 102/8 102/22 103/18 103/25 104/2 106/22 108/8 110/12 110/15 111/13 116/6 118/14 126/5 127/19 128/11 129/8 129/18 129/24 130/3 132/21 134/16 134/21 139/5 140/21 141/10 142/3 144/25 146/1 146/19 149/9 151/19 153/25 156/5 157/10 159/14 160/19 162/10 166/5 166/12 168/13 179/17 179/21 181/9 182/9 182/13 182/19 183/13 187/7 189/24 190/2 190/4 194/5 195/18 202/20 216/19 224/8</p> <p>jury's [4] 69/12 81/11 154/10 215/13</p> <p>just [120] 21/17 23/1 23/3 23/19 23/20 23/23 25/21 25/25 36/5 37/10 39/16 39/23 41/9 42/9 43/8 46/17 48/2 48/7 50/2 52/8 61/14 63/3 67/25 71/24 72/12 72/18 73/13 74/7 74/13 74/23 75/15 77/21 77/24 78/9 80/20 80/25 81/2 81/3 82/5 84/23 86/9 87/18 88/2 92/22 94/10 94/19 94/20 96/10 97/21 99/21 100/20 100/23 105/25 108/12 112/19 117/22 119/21 119/24 121/21 121/21 122/10 126/8 128/12 133/2 134/2 134/19 137/16 139/19 142/3 144/3 146/10 146/19 150/20 151/2 151/3 152/15 153/17 153/19 154/10 154/17 155/4 155/20 156/1 157/1 158/19 160/18 161/8 161/13 161/23 166/5 167/15 169/19 170/20 172/11 172/11 179/20 180/8 182/25 183/12 183/13 185/14 187/14 187/22 188/1</p>
	<p><b>J</b></p> <p>J. [1] 133/13</p> <p>J. Fassbender [1] 133/13</p> <p>jacket [3] 174/4 174/7 174/8</p> <p>Janda [28] 32/18 38/12 38/12 41/6 43/21 46/15 83/17 137/19 167/23 171/2 171/14 172/19 172/21 172/23 183/9 183/15 183/22 184/4 184/11 185/23 190/9 190/13 192/1 192/3 10 214/12 223/10 224/1</p> <p>Janda's [2] 46/19 224/4</p> <p>Janda/Dassey [12] 171/2 171/14 183/9 183/15 183/22 184/4 184/11 185/23 190/13 192/1 192/3 214/12</p> <p>Jason [2] 83/9 83/16</p> <p>jaw [1] 76/11</p> <p>Jaws [2] 207/14 208/3</p> <p>Jay [1] 113/24</p>	



<b>J</b>	201/3 210/20 215/8 219/25 226/14 known [8] 61/22 61/25 62/2 78/2 134/7 135/7 144/22 161/18 knows [8] 9/15 13/25 17/4 79/7 81/15 86/4 142/3 160/19 Kohl's [4] 79/10 124/14 126/11 127/11 Kornely [1] 83/24 KRATZ [53] 1/13 3/5 3/9 3/12 3/15 3/17 4/5 4/6 4/23 4/24 20/24 21/3 23/16 53/21 54/2 86/11 87/5 88/4 91/1 97/19 97/20 102/8 102/11 120/25 121/2 121/3 121/9 121/11 121/13 122/3 123/3 132/3 132/8 133/16 160/13 161/20 161/23 162/4 162/5 162/6 173/7 176/9 176/11 178/24 179/15 192/21 193/2 193/4 195/25 216/16 223/3 223/6 224/13 Kratz's [2] 202/13 205/24 Kucharski [1] 224/9	22/8 54/12 160/21 lay [1] 44/5 layer [1] 50/20 laying [2] 66/25 202/10 lead [10] 23/22 24/24 74/5 74/5 136/4 136/9 144/17 198/20 201/15 203/23 leadership [1] 25/19 leading [2] 57/3 211/3 lean [1] 148/14 leaned [3] 34/4 77/12 147/16 leaning [4] 148/8 148/15 149/18 149/25 leaping [1] 166/15 learn [7] 25/7 25/11 29/15 30/3 56/6 90/18 149/9 learned [1] 136/2 learning [2] 29/25 30/1 least [53] 22/2 23/7 24/14 25/13 25/22 26/19 30/4 31/1 32/4 35/17 36/14 37/12 38/1 41/16 43/13 43/16 44/2 46/12 49/1 54/18 67/4 69/7 74/11 87/24 100/14 101/12 102/2 105/22 106/11 110/1 113/15 115/21 118/10 119/14 124/16 125/25 127/22 131/14 142/1 146/25 147/2 150/8 152/17 154/8 155/23 156/16 157/15 162/10 166/20 168/2 172/12 192/24 211/9 leaves [3] 51/24 83/16 83/21 leaving [2] 82/4 94/1 led [1] 43/14 leeway [1] 101/23 left [27] 32/14 51/14 52/24 52/25 67/4 74/12 74/19 76/6 76/11 78/9 80/9 109/1 121/23 125/15 148/13 149/17 157/3 157/5 158/10 159/21 159/22 159/24 163/21 166/7 170/25 175/1 190/21 left-hand [2] 32/14 175/1 leg [16] 45/13 65/4 71/11 75/23 173/13 173/21 176/23 176/25 177/2 215/23 215/23 216/10 216/14 223/9 223/12 224/10 legal [2] 5/21 27/14 Lem [1] 117/1 LeMieux [3] 117/1 117/4 117/7 length [1] 11/16 lengthy [1] 21/25 Leslie [1] 73/17 less [2] 47/18 183/3 let [18] 5/8 21/10 22/20 22/24 24/15 36/5 43/8 56/18 63/7 67/25 117/22 142/3 170/3 178/23 199/24 200/23 207/9 215/17 let's [14] 21/2 48/6 102/7 121/7 126/8 147/8 156/24 162/6 182/19 200/23 204/8 207/9 215/19 219/18 lettering [1] 128/18 level [2] 90/15 95/6 liability [2] 27/18 28/17 license [12] 40/22 68/15 77/13 77/15 168/15 169/11 170/1 170/6 170/7 170/15 170/19 171/4 lies [1] 97/12 life [8] 11/9 20/5 29/5 29/10 82/2 103/7 207/14 208/3 lift [2] 202/25 203/2 like [42] 48/2 51/20 55/14 59/22 72/18 74/7 74/13 74/23 75/1 75/15 77/25 80/20 80/25 86/13 86/14 91/18 93/22 94/20 98/17 110/13 118/22 124/5 124/24 124/25 125/23 125/23 128/17 132/14 135/2 135/11 140/24 158/7 161/11 174/6 186/16 199/18 205/13 205/15 209/19 212/4 216/8 217/12 liked [3] 105/12 131/22 131/24 likelihood [1] 99/7 likes [1] 131/23 limited [1] 161/25 line [15] 141/4 153/9 154/1 154/6 156/18
<b>K</b>	<b>L</b>	
K-9 [2] 35/16 153/20 K-9s [1] 42/3 KAREN [5] 3/8 102/12 102/13 102/18 108/4 KATIE [20] 3/11 79/4 79/11 103/16 107/6 107/8 107/9 107/10 107/12 121/24 123/3 123/7 123/12 123/16 124/16 125/16 126/17 128/23 130/23 132/2 Katie's [1] 79/4 keep [7] 7/22 25/25 25/25 114/20 118/21 171/15 201/15 keeping [1] 117/19 keeps [1] 69/24 Kelly [5] 103/17 107/6 107/8 107/9 121/24 Kelly's [1] 107/11 Ken [3] 4/6 23/16 73/25 KENNETH [1] 1/13 kept [5] 7/24 112/23 117/21 155/23 166/16 key [22] 40/16 40/17 40/18 40/18 49/16 50/4 50/4 52/18 52/24 52/25 68/22 78/20 78/21 90/2 128/24 129/2 130/2 130/8 130/9 130/11 130/13 130/17 keys [1] 128/25 kidded [2] 79/11 79/11 kids [4] 103/10 105/12 105/13 108/2 kill [8] 10/18 11/6 11/8 11/14 11/22 12/2 29/11 66/14 killed [5] 46/5 67/7 91/5 126/18 131/6 kind [59] 23/2 23/2 30/10 33/12 34/19 34/24 34/25 36/8 40/1 40/4 40/23 42/4 44/1 44/2 44/4 44/4 45/3 47/2 48/15 48/18 51/13 55/25 56/6 58/9 58/23 59/11 60/13 60/22 64/25 66/10 66/10 71/17 79/12 79/18 84/12 86/1 86/14 104/20 105/10 106/20 107/13 107/24 110/9 118/24 124/7 126/6 127/19 131/20 135/1 137/3 148/10 178/12 179/1 190/1 198/8 201/19 209/10 219/3 219/8 kinds [6] 51/15 52/21 63/13 68/2 124/2 124/23 knees [1] 175/4 knew [13] 28/11 30/25 62/17 80/2 102/23 112/17 112/20 112/22 112/23 113/6 117/11 118/4 220/19 knife [1] 66/20 knock [1] 64/16 knocks [2] 64/5 64/7 know [100] 9/18 14/2 17/8 21/8 22/24 24/15 26/10 26/16 28/2 30/21 30/24 31/6 34/12 38/8 42/21 50/17 50/17 56/25 57/5 59/18 59/22 59/25 60/9 60/17 60/19 60/21 61/9 69/24 69/25 70/2 72/17 78/21 81/7 81/8 81/16 84/4 94/12 101/24 104/11 104/12 105/25 108/25 109/3 109/10 110/9 110/18 113/6 113/8 114/21 115/17 116/8 116/14 117/9 117/11 118/18 119/15 120/4 120/4 124/10 126/1 126/4 126/5 126/7 128/2 128/23 129/1 129/21 129/25 130/16 130/20 131/20 131/24 135/14 142/1 143/19 148/17 151/5 153/3 154/23 156/12 172/10 176/15 176/25 182/20 182/25 189/3 195/18 199/6 199/9 199/19 203/16 203/22 204/2 207/13 208/13 210/21 212/10 215/12 215/13 215/17 knowing [2] 81/14 209/18 knowingly [3] 9/12 13/22 17/1 knowledge [16] 9/10 13/20 16/24 22/8 55/1 59/15 198/13 199/4 199/22 199/25 200/24	lab [32] 31/12 31/18 36/4 38/23 39/2 39/13 41/14 44/20 51/4 73/5 74/1 78/8 149/11 149/14 151/21 154/12 154/17 200/13 201/11 201/16 201/23 203/15 203/20 214/11 214/13 214/18 215/9 217/7 218/24 219/10 219/19 219/23 Laboratory [3] 151/10 151/17 152/12 lack [5] 20/2 66/9 66/9 93/9 95/23 ladies [2] 76/18 160/18 lady [2] 79/3 102/23 Lakes [2] 152/21 153/15 land [2] 44/5 183/21 landmarks [1] 137/5 language [3] 58/22 65/10 65/13 lanyard [10] 128/23 129/3 129/9 129/11 129/17 129/21 130/6 130/13 130/17 130/21 lanyards [1] 129/16 large [16] 32/2 34/2 34/3 67/16 67/21 68/7 68/8 74/19 77/10 136/25 138/3 155/13 164/23 168/24 173/1 181/19 larger [2] 146/8 148/11 largest [3] 25/12 25/12 44/19 laser [5] 136/24 148/10 183/12 187/23 190/17 last [28] 30/5 60/24 70/14 70/22 92/19 93/8 102/17 110/24 111/24 112/1 112/14 112/21 113/4 113/5 113/6 113/13 115/14 115/14 120/12 120/12 123/11 131/20 133/12 141/7 188/12 192/20 193/4 202/24 Lastly [1] 80/21 latch [2] 77/20 77/24 late [1] 89/3 later [34] 31/21 35/8 36/11 40/18 42/20 43/2 43/17 47/20 51/6 56/19 63/2 70/6 70/9 79/19 84/10 91/8 94/22 101/2 101/4 101/13 116/15 116/17 161/10 162/13 167/7 168/24 172/17 175/7 187/19 193/16 195/19 195/22 196/11 216/13 Laude [1] 104/16 laundered [3] 219/11 219/18 219/24 laundry [1] 188/9 law [52] 1/20 1/22 5/7 5/14 11/13 19/6 25/8 27/21 27/22 27/23 27/24 35/12 36/25 37/13 44/16 48/14 49/8 62/2 77/18 78/2 87/2 90/23 99/9 114/25 116/20 117/15 117/18 127/14 135/1 135/3 135/9 135/17 138/15 140/23 142/4 142/7 144/21 145/2 146/5 146/20 149/5 162/17 162/21 169/25 177/21 180/13 197/20 198/3 202/6 204/20 208/2 224/19 lawnmower [1] 85/10 laws [1] 89/10 lawyer [1] 25/25 lawyers [9] 5/21 5/22 5/24 6/24 20/17 20/19	

<p><b>L</b></p> <p><b>line...</b> [10] 156/21 158/6 158/7 158/11  158/13 169/21 204/24 205/5 210/11 212/18  <b>lined</b> [2] 140/10 176/23  <b>link</b> [1] 161/17  <b>listen</b> [4] 21/9 23/9 66/3 82/20  <b>listening</b> [2] 7/18 225/1  <b>little</b> [44] 21/25 26/10 30/19 36/11 38/9  38/24 42/13 42/20 43/3 50/6 50/7 74/2 74/4  75/22 79/1 79/17 79/19 83/12 84/14 84/16  84/23 85/12 87/11 101/13 104/4 104/21  124/4 125/2 128/3 128/13 128/13 128/18  134/2 134/19 141/20 159/14 165/13 166/6  171/2 195/2 195/4 203/4 212/3 212/13  <b>live</b> [1] 104/8  <b>lived</b> [10] 32/22 103/19 103/20 103/22 104/3  104/6 168/10 168/11 169/6 213/15  <b>Lives</b> [1] 84/5  <b>living</b> [2] 32/18 191/4  <b>load</b> [1] 67/7  <b>loaded</b> [5] 36/1 52/12 74/16 74/24 201/7  <b>locate</b> [7] 112/8 159/10 206/3 207/20 209/3  209/6 209/14  <b>located</b> [40] 30/8 32/14 32/24 72/9 118/19  134/24 135/13 138/1 138/5 138/18 139/1  139/3 140/12 141/5 144/1 146/4 146/6 152/8  156/4 157/2 158/1 158/5 158/13 159/9  168/23 169/4 169/9 169/18 169/22 169/23  173/13 174/4 174/18 180/22 187/2 188/7  189/7 191/22 194/10 217/20  <b>location</b> [19] 35/6 134/7 134/10 134/13  134/17 134/18 135/12 139/16 144/8 150/14  151/8 152/6 152/8 154/14 158/4 165/2 201/2  210/18 211/5  <b>locations</b> [2] 39/3 208/19  <b>locked</b> [7] 98/7 154/23 199/2 199/6 199/8  199/8 204/10  <b>logical</b> [1] 92/24  <b>long</b> [6] 63/2 84/11 119/9 142/4 169/8  196/24  <b>longer</b> [1] 47/20  <b>look</b> [27] 12/1 15/17 32/4 32/8 38/25 46/1  48/16 70/13 70/14 75/22 79/19 91/21 91/22  111/21 114/2 126/21 130/12 146/15 168/1  180/24 198/14 199/11 209/17 215/17 215/18  217/7 223/21  <b>looked</b> [11] 112/20 114/24 126/24 157/11  158/7 161/11 186/16 199/18 204/20 206/16  207/1  <b>looking</b> [46] 34/10 36/22 37/19 58/22 112/11  112/23 119/20 141/10 142/20 142/21 143/1  143/8 146/9 147/10 147/24 150/15 157/14  158/25 159/15 163/19 165/19 167/16 170/1  171/6 173/2 173/8 183/6 184/5 184/12  184/13 185/24 185/25 186/11 186/13 187/1  187/13 190/7 191/2 191/3 191/10 198/11  204/18 207/16 208/24 209/5 215/8  <b>looks</b> [1] 128/17  <b>lot</b> [19] 22/9 33/11 36/6 57/14 59/13 61/12  63/4 65/25 107/16 107/21 112/11 131/23  188/18 188/19 201/21 209/22 215/10 218/6  218/8  <b>lots</b> [6] 33/9 49/8 49/8 75/2 75/2 75/2  <b>lovely</b> [1] 28/22  <b>loving</b> [1] 103/4  <b>low</b> [5] 90/15 93/12 93/12 93/13 95/5  <b>low-educated</b> [1] 93/12  <b>lower</b> [6] 140/13 141/12 147/18 157/24  160/2 174/24  <b>LP</b> [1] 164/12  <b>lucky</b> [3] 81/24 81/24 82/1  <b>lunch</b> [2] 97/24 98/7</p>	<p><b>Lur</b> [1] 153/15  <b>lure</b> [1] 38/10  <b>lures</b> [1] 46/8</p> <p><b>M</b></p> <p><b>machine</b> [3] 46/19 128/10 226/10  <b>machinery</b> [4] 155/13 155/15 156/1 218/16  <b>made</b> [17] 7/7 30/15 38/10 46/23 63/9 63/12  78/3 82/3 82/3 148/17 151/7 151/9 166/17  179/1 186/12 198/23 201/1  <b>Madison</b> [6] 24/6 36/3 36/3 151/18 152/12  200/15  <b>magazine</b> [14] 29/19 29/20 29/21 30/2 46/8  47/4 71/4 105/5 105/23 105/24 112/1 118/10  178/4 178/10  <b>mail</b> [2] 110/3 112/25  <b>mailboxes</b> [1] 83/4  <b>main</b> [3] 115/17 186/19 190/25  <b>mainly</b> [1] 114/12  <b>maintained</b> [5] 135/9 142/12 154/16 154/16  154/19  <b>major</b> [2] 136/12 137/5  <b>make</b> [28] 20/17 21/14 25/17 35/1 38/25  45/3 57/24 60/17 65/17 88/22 93/10 95/7  96/11 96/17 96/18 97/9 99/21 103/9 111/6  130/24 139/22 146/22 156/19 158/24 201/23  210/15 216/9 217/8  <b>Makeover</b> [1] 108/20  <b>makes</b> [11] 34/25 46/18 56/1 57/5 57/6 61/23  63/18 64/16 64/19 83/13 90/25  <b>makeup</b> [1] 96/3  <b>male</b> [4] 39/3 39/9 39/13 215/4  <b>man</b> [14] 30/14 31/1 53/14 63/10 68/4 68/5  68/7 73/4 76/18 77/9 78/7 81/3 81/8 81/25  <b>man's</b> [1] 66/4  <b>manage</b> [2] 202/17 202/19  <b>manipulate</b> [1] 150/4  <b>manipulated</b> [4] 95/16 95/17 95/17 97/7  <b>MANITOWOC</b> [17] 1/1 21/7 21/20 23/20  23/21 24/17 24/22 30/9 30/10 30/11 115/13  135/18 136/2 200/1 200/9 220/18 226/2  <b>manner</b> [1] 206/20  <b>manually</b> [1] 182/22  <b>manufacturer</b> [1] 208/20  <b>many</b> [15] 6/5 30/24 37/10 41/17 44/1 59/7  95/2 143/10 143/13 163/7 182/20 217/24  223/8 223/9 224/5  <b>map</b> [1] 181/16  <b>mapping</b> [1] 181/15  <b>Mar</b> [1] 195/20  <b>March</b> [19] 62/9 62/11 62/14 62/20 63/25  70/9 71/15 71/17 72/3 89/3 172/12 172/17  189/13 193/7 193/21 195/23 219/15 223/11  223/17  <b>March 1</b> [12] 62/9 62/11 62/14 62/20 63/25  70/9 71/15 72/3 189/13 193/7 193/21 219/15  <b>mark</b> [7] 1/19 4/11 24/25 56/13 73/22 90/22  136/9  <b>marked</b> [25] 3/18 103/23 105/18 106/24  110/14 110/22 118/13 119/5 125/6 129/6  139/8 143/23 148/25 149/22 150/11 155/6  158/17 163/18 167/14 171/19 172/25 173/15  178/1 192/19 192/24  <b>Marlin</b> [2] 37/23 67/2  <b>maroon</b> [2] 40/8 167/17  <b>married</b> [1] 109/13  <b>massive</b> [2] 33/7 49/10  <b>match</b> [8] 31/10 31/14 31/15 45/13 50/12  73/8 76/9 203/24  <b>matched</b> [1] 51/7  <b>matches</b> [5] 34/12 40/18 45/3 51/3 51/21  <b>materials</b> [2] 7/16 120/6  <b>matter</b> [8] 98/18 100/6 100/11 102/4 212/24</p>	<p>221/21 226/7 226/13  <b>maximum</b> [1] 183/3  <b>may</b> [62] 5/19 6/13 7/13 7/20 8/4 8/22 9/23  10/19 11/22 12/10 13/7 14/7 15/3 16/12  17/12 20/11 21/12 22/1 26/9 26/22 26/22  27/2 28/7 30/24 31/6 52/9 52/9 53/18 54/13  60/11 62/18 63/9 87/7 91/12 94/7 98/18 99/2  100/15 100/16 100/22 101/9 101/16 123/2  133/1 133/2 142/9 142/17 145/6 146/6 154/5  160/13 162/4 165/13 195/3 202/1 205/9  208/1 210/22 219/11 219/25 220/12 224/15  <b>May</b> [13] 4/1 91/12 99/2 100/22 101/9  <b>maybe</b> [5] 50/21 83/15 87/14 205/12 206/17  <b>me</b> [60] 5/20 20/25 21/3 21/10 22/20 23/20  32/4 36/5 43/8 47/21 49/19 53/1 53/7 53/10  53/15 56/24 63/7 63/8 66/16 67/25 82/20  89/6 89/11 93/12 95/19 101/11 103/12  106/17 107/4 109/23 110/8 111/17 116/24  117/1 117/12 117/22 123/22 124/3 127/5  134/11 142/3 147/1 148/23 164/3 164/4  170/3 174/18 178/23 182/4 205/23 209/10  213/8 217/22 219/5 219/10 219/19 223/22  225/2 226/8 226/9  <b>mean</b> [7] 25/24 60/14 179/19 199/14 206/14  206/18 218/10  <b>meaning</b> [1] 22/6  <b>means</b> [9] 11/3 11/8 19/22 20/2 23/23 28/1  92/2 178/13 215/17  <b>meant</b> [5] 22/17 50/22 70/23 181/10 181/20  <b>meantime</b> [1] 111/19  <b>measure</b> [1] 181/17  <b>measurement</b> [2] 183/1 212/10  <b>measurements</b> [8] 43/17 181/18 181/21  181/23 182/20 182/22 187/9 212/9  <b>measuring</b> [1] 181/15  <b>media</b> [1] 197/18  <b>meet</b> [5] 83/10 83/16 90/19 93/6 93/6  <b>meeting</b> [1] 55/10  <b>meets</b> [1] 83/18  <b>member</b> [1] 82/8  <b>members</b> [9] 77/9 81/1 81/18 111/13 112/6  114/15 135/3 153/15 198/17  <b>memory</b> [7] 7/21 8/8 50/25 95/5 223/8  223/12 223/23  <b>mental</b> [1] 11/9  <b>mention</b> [2] 106/15 150/23  <b>mentioned</b> [23] 26/22 100/21 104/12 104/19  107/3 115/20 122/17 122/18 122/19 122/20  122/22 125/16 135/25 137/7 139/11 140/16  141/16 143/3 153/18 158/20 162/8 165/1  187/5  <b>mere</b> [1] 20/7  <b>merely</b> [1] 20/8  <b>mess</b> [2] 85/8 85/13  <b>message</b> [6] 38/5 38/6 38/18 84/1 110/4  110/7  <b>messages</b> [2] 112/20 112/25  <b>met</b> [2] 92/18 135/3  <b>metal</b> [3] 68/8 76/20 148/18  <b>methods</b> [1] 207/22  <b>Michels</b> [1] 160/10  <b>microphone</b> [2] 102/25 161/4  <b>middle</b> [5] 24/7 156/11 159/7 172/1 209/1  <b>might</b> [16] 28/6 44/2 44/9 55/14 109/8  157/20 160/15 188/17 196/6 200/22 208/19  209/13 209/14 209/18 212/12 218/13  <b>Mike</b> [12] 83/23 83/24 84/2 103/16 111/15  112/9 112/16 112/16 117/11 117/12 117/12  121/25  <b>Mike's</b> [1] 121/19  <b>mile</b> [2] 103/21 104/6  <b>milked</b> [2] 108/19 115/21  <b>Milwaukee</b> [2] 4/8 24/9</p>
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<p><b>M</b></p> <p><b>mind</b> [3] 12/1 15/17 64/25</p> <p><b>minor</b> [1] 100/21</p> <p><b>minute</b> [7] 11/19 25/21 48/7 53/9 53/19 71/25 160/18</p> <p><b>minutes</b> [6] 47/18 50/2 53/24 83/3 84/1 84/10</p> <p><b>Mishicot</b> [1] 193/16</p> <p><b>miss</b> [1] 209/13</p> <p><b>missing</b> [11] 29/16 30/4 48/20 79/14 109/21 111/12 113/20 114/1 114/7 134/14 204/15</p> <p><b>misspoke</b> [1] 185/8</p> <p><b>mistake</b> [1] 216/9</p> <p><b>misunderstood</b> [1] 199/16</p> <p><b>mode</b> [1] 58/19</p> <p><b>model</b> [3] 111/6 182/2 196/15</p> <p><b>modeling</b> [1] 186/5</p> <p><b>models</b> [1] 182/1</p> <p><b>mom</b> [5] 33/2 83/12 85/21 86/3 131/16</p> <p><b>moment</b> [3] 43/8 66/2 150/20</p> <p><b>Monday</b> [8] 38/23 39/16 39/22 112/22 115/15 157/16 164/3 164/8</p> <p><b>moral</b> [3] 61/4 66/10 66/10</p> <p><b>more</b> [38] 26/4 40/7 42/13 45/18 49/7 55/20 57/1 57/1 57/2 59/18 59/19 61/25 65/25 71/20 86/13 95/17 104/21 105/10 119/24 149/2 150/7 151/15 155/9 158/22 159/17 160/14 166/18 175/7 184/21 188/17 188/19 191/24 195/4 208/4 212/3 212/23 212/25 213/22</p> <p><b>morning</b> [12] 21/5 30/16 33/17 34/7 46/7 46/17 48/22 48/23 53/10 224/18 224/22 225/4</p> <p><b>most</b> [17] 20/5 21/13 22/14 26/17 41/1 57/20 58/20 71/13 72/11 78/13 87/24 88/17 119/14 124/10 126/4 178/9 211/9</p> <p><b>mostly</b> [1] 124/9</p> <p><b>motel</b> [2] 193/16 194/9</p> <p><b>mother</b> [9] 82/8 83/20 193/13 194/10 213/25 214/2 214/3 214/7 220/10</p> <p><b>mother's</b> [1] 84/18</p> <p><b>motion</b> [2] 29/10 29/11</p> <p><b>motive</b> [6] 12/7 12/8 12/9 12/10 12/13 12/15</p> <p><b>Motorola</b> [4] 80/18 110/13 110/19 111/8</p> <p><b>mound</b> [8] 185/4 185/4 185/5 185/6 185/19 191/17 191/17 191/19</p> <p><b>move</b> [16] 42/13 58/16 104/9 120/19 132/3 147/8 150/9 151/11 157/10 157/19 162/6 196/1 202/16 202/18 202/21 203/10</p> <p><b>moved</b> [2] 3/18 155/18</p> <p><b>movies</b> [1] 107/17</p> <p><b>moving</b> [5] 59/9 107/2 155/15 185/17 190/11</p> <p><b>Mr</b> [6] 54/12 80/14 80/15 174/12 177/8 179/9</p> <p><b>Mr.</b> [106] 4/23 4/25 20/24 21/17 24/3 24/5 24/9 24/10 24/12 24/25 25/1 25/3 27/8 31/6 31/7 31/15 32/16 39/12 40/2 43/15 43/19 43/25 46/14 55/11 55/19 55/20 56/3 56/19 58/11 59/3 65/6 67/1 67/11 67/14 67/20 68/22 69/24 73/6 78/11 80/7 80/16 86/11 87/5 88/4 91/1 97/19 99/3 100/1 100/1 101/6 102/8 105/17 106/16 117/14 119/9 120/25 121/7 127/3 127/17 128/9 128/10 128/17 129/5 133/17 136/24 137/20 138/10 149/10 149/13 150/21 155/5 160/24 162/4 164/15 169/20 169/20 171/22 173/23 174/4 174/17 175/6 175/8 175/21 176/10 176/18 177/1 178/11 178/21 182/21 188/2 189/14 192/8 192/17 193/6 193/10 193/22 194/6 194/11 195/22 202/13 205/24 212/1 216/16 221/22 223/20</p> <p><b>Mr. and</b> [1] 138/10</p>	<p><b>Mr. Austin</b> [4] 43/15 43/25 182/21 192/17</p> <p><b>Mr. Avery</b> [10] 31/6 31/7 31/15 46/14 55/11 65/6 67/1 67/11 68/22 164/15</p> <p><b>Mr. Avery's</b> [7] 32/16 40/2 43/19 80/16 106/16 169/20 178/21</p> <p><b>Mr. Das</b> [1] 137/20</p> <p><b>Mr. Dassey</b> [18] 21/17 56/3 67/14 67/20 99/3 169/20 173/23 174/17 175/6 175/8 176/18 177/1 193/6 193/10 193/22 194/6 194/11 195/22</p> <p><b>Mr. Dassey's</b> [7] 27/8 59/3 171/22 174/4 189/14 192/8 194/10</p> <p><b>Mr. Edelstein</b> [2] 100/1 101/6</p> <p><b>Mr. Ertl</b> [3] 78/11 149/10 150/21</p> <p><b>Mr. Ertl's</b> [1] 149/13</p> <p><b>Mr. Fallon</b> [3] 24/3 24/5 223/20</p> <p><b>Mr. Fassbender</b> [7] 39/12 55/19 127/17 133/17 155/5 212/1 221/22</p> <p><b>Mr. Fremgen</b> [3] 4/25 100/1 160/24</p> <p><b>Mr. Gahn</b> [3] 24/9 24/10 24/12</p> <p><b>Mr. Kratz</b> [11] 4/23 20/24 86/11 87/5 88/4 91/1 97/19 102/8 120/25 162/4 216/16</p> <p><b>Mr. Kratz's</b> [2] 202/13 205/24</p> <p><b>Mr. Mark</b> [1] 24/25</p> <p><b>Mr. Newhouse</b> [1] 73/6</p> <p><b>Mr. Schmitz</b> [1] 178/11</p> <p><b>Mr. Stahlke</b> [1] 80/7</p> <p><b>Mr. Tom</b> [1] 25/3</p> <p><b>Mr. Tyson</b> [1] 188/2</p> <p><b>Mr. Wiegert</b> [14] 25/1 55/20 56/19 58/11 69/24 117/14 121/7 128/9 128/10 128/17 129/5 136/24 175/21 176/10</p> <p><b>Mr. Wiegert's</b> [3] 105/17 119/9 127/3</p> <p><b>Mrs</b> [2] 138/10 177/21</p> <p><b>Mrs.</b> [11] 102/21 106/19 109/20 111/10 113/17 117/22 118/7 119/24 120/13 176/18 177/1</p> <p><b>Mrs. Halbach</b> [9] 102/21 106/19 109/20 111/10 113/17 117/22 118/7 119/24 120/13</p> <p><b>Mrs. Tadych's</b> [2] 176/18 177/1</p> <p><b>Ms</b> [17] 28/23 29/1 29/1 29/2 29/15 30/16 31/21 34/16 45/11 47/13 53/1 116/8 116/14 116/15 177/15 178/7 215/25</p> <p><b>Ms.</b> [7] 29/25 30/6 44/15 44/23 51/4 67/7 177/24</p> <p><b>Ms. Culhane</b> [3] 44/15 44/23 51/4</p> <p><b>Ms. Halbach</b> [4] 29/25 30/6 67/7 177/24</p> <p><b>much</b> [13] 22/4 53/23 55/4 55/20 71/20 94/22 97/18 107/9 123/23 124/12 175/7 188/19 197/16</p> <p><b>mud</b> [2] 211/3 211/6</p> <p><b>mundane</b> [1] 92/14</p> <p><b>murder</b> [5] 57/21 67/21 69/11 82/11 95/25</p> <p><b>murderer</b> [1] 81/15</p> <p><b>murderer's</b> [1] 81/16</p> <p><b>muscle</b> [1] 45/9</p> <p><b>must</b> [23] 7/17 8/7 9/18 9/25 10/10 10/21 11/24 12/2 13/1 14/2 14/9 14/18 15/4 15/18 16/5 17/8 17/14 17/23 18/8 18/25 19/16 20/22 96/20</p> <p><b>mutilate</b> [3] 29/12 67/13 82/11</p> <p><b>mutilated</b> [4] 15/7 45/19 68/10 75/1</p> <p><b>mutilates</b> [1] 14/24</p> <p><b>mutilating</b> [13] 13/3 13/12 14/2 14/4 14/8 14/11 14/16 14/22 15/9 15/11 15/13 27/10 67/20</p> <p><b>mutilation</b> [3] 42/25 53/17 69/11</p> <p><b>my</b> [56] 21/22 22/10 23/3 23/16 47/14 47/14 47/19 53/22 64/14 70/22 89/10 89/10 89/10 89/11 101/6 103/2 103/2 103/21 108/10 108/11 111/19 112/16 114/18 116/7 121/23 123/20 124/4 125/2 125/12 131/9 134/11 137/1 154/8 158/20 161/1 161/1 161/5</p>	<p>161/16 166/16 198/13 199/4 199/22 199/25 201/3 209/4 211/17 212/15 212/15 215/8 215/15 218/15 220/1 222/24 223/12 226/9 226/13</p> <p><b>myself</b> [3] 23/10 121/25 193/12</p> <p><b>N</b></p> <p><b>naked</b> [1] 182/12</p> <p><b>name</b> [31] 30/14 31/21 32/17 32/20 38/12 38/12 38/13 43/11 46/12 46/14 47/1 51/12 73/5 78/7 79/4 80/14 80/23 83/23 102/17 102/17 102/23 106/13 122/15 122/20 122/22 123/11 123/11 126/10 133/12 133/12 174/5</p> <p><b>name's</b> [1] 23/16</p> <p><b>named</b> [4] 31/20 134/24 153/11 153/11</p> <p><b>names</b> [1] 107/5</p> <p><b>narrative</b> [2] 56/24 56/24</p> <p><b>national</b> [2] 5/10 129/9</p> <p><b>nature</b> [3] 96/4 133/25 166/24</p> <p><b>near</b> [7] 23/15 51/22 55/22 101/18 155/14 156/22 166/23</p> <p><b>necessarily</b> [4] 198/4 205/4 208/14 218/2</p> <p><b>necessary</b> [7] 5/20 12/7 19/14 26/24 26/25 145/17 190/18</p> <p><b>necessity</b> [1] 179/6</p> <p><b>neck</b> [2] 128/25 129/3</p> <p><b>need</b> [20] 11/17 11/19 22/24 22/25 23/1 26/10 30/20 33/12 42/21 50/16 51/1 51/1 60/22 87/19 88/19 89/17 94/5 111/21 155/4 215/16</p> <p><b>needs</b> [3] 22/23 85/24 100/16</p> <p><b>neighbor</b> [1] 89/10</p> <p><b>neither</b> [4] 213/13 213/18 216/24 217/3</p> <p><b>nephew</b> [3] 66/7 66/11 89/14</p> <p><b>never</b> [4] 86/3 100/21 203/13 203/15</p> <p><b>new</b> [2] 55/17 93/22</p> <p><b>Newhouse</b> [2] 73/5 73/6</p> <p><b>news</b> [1] 116/16</p> <p><b>next</b> [26] 7/24 21/12 25/4 32/16 37/15 40/1 40/13 43/2 47/7 47/8 74/3 84/22 92/13 92/21 103/20 104/3 109/4 117/15 117/24 139/19 147/14 150/18 171/1 181/1 181/2 188/7</p> <p><b>nice</b> [1] 102/25</p> <p><b>Nick</b> [1] 51/12</p> <p><b>night</b> [14] 35/8 75/9 78/16 84/14 85/5 86/2 107/25 108/18 108/19 113/24 131/8 131/12 174/9 220/23</p> <p><b>nights</b> [3] 107/21 107/24 130/23</p> <p><b>Nikole</b> [4] 33/18 116/3 116/9 116/17</p> <p><b>nine</b> [1] 167/3</p> <p><b>no</b> [150] 1/5 47/20 69/16 71/23 71/23 72/6 72/8 72/11 72/12 76/5 76/10 82/5 90/6 90/6 90/6 90/7 90/7 90/7 98/1 103/24 103/24 105/18 106/24 109/5 109/14 109/19 110/15 110/23 111/16 114/5 115/7 118/14 118/17 119/6 119/10 120/17 120/24 121/6 121/10 121/13 121/19 122/7 122/16 122/23 123/1 125/7 127/2 127/10 127/18 129/7 129/10 130/4 130/7 130/12 132/17 132/25 136/13 136/20 137/4 139/8 140/1 141/8 141/9 143/24 146/8 146/25 147/8 147/23 149/22 150/12 150/21 151/1 153/10 155/3 155/6 156/25 158/17 159/12 161/5 161/12 161/20 163/18 164/9 164/21 165/3 167/2 167/14 168/1 168/17 169/2 170/3 170/14 170/22 171/19 172/3 173/1 173/7 173/20 174/2 174/15 176/21 183/5 183/19 184/3 184/10 185/17 186/10 187/13 188/5 188/13 188/21 189/3 189/5 192/19 192/25 196/2 196/17 198/25 198/25 199/2 199/4 201/1 201/9 202/3 202/5 202/22 203/3 203/12 203/14 203/24 204/2 204/3 204/3 211/1 211/16 211/18 214/8 214/25 215/1 215/2 215/8</p>
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<p><b>N</b></p> <p><b>no...</b> [9] 215/22 219/1 219/2 219/3 219/8 219/8 223/24 225/8 225/9</p> <p><b>nobody</b> [5] 69/17 80/1 81/15 146/22 211/12</p> <p><b>nobody's</b> [1] 212/17</p> <p><b>nodded</b> [1] 87/24</p> <p><b>noncrushed</b> [1] 156/17</p> <p><b>none</b> [2] 98/23 98/24</p> <p><b>noon</b> [2] 46/17 100/9</p> <p><b>Norm</b> [1] 4/8</p> <p><b>normally</b> [1] 126/10</p> <p><b>NORMAN</b> [1] 1/17</p> <p><b>north</b> [18] 137/8 143/2 144/1 155/18 157/5 157/8 160/10 171/17 171/21 183/22 184/12 184/13 184/23 188/8 190/11 191/7 192/9 192/10</p> <p><b>northeast</b> [3] 114/11 141/15 160/9</p> <p><b>northern</b> [2] 30/10 187/6</p> <p><b>northwest</b> [4] 32/15 139/10 139/17 183/10</p> <p><b>not</b> [168] 5/8 5/12 5/15 5/23 5/24 6/14 7/5 7/6 7/9 7/13 7/17 8/2 8/23 10/6 11/14 11/17 11/19 12/6 12/8 12/12 12/15 12/25 13/1 13/8 14/14 16/4 16/5 16/13 17/19 18/13 18/24 18/25 19/5 19/9 19/21 20/6 20/9 20/10 20/15 20/23 21/7 21/17 21/23 22/5 22/20 23/1 25/12 25/18 26/13 26/22 32/2 37/12 40/5 42/4 43/17 43/23 43/24 44/23 50/24 52/9 56/18 57/12 58/9 60/11 61/24 62/1 62/5 62/15 63/5 63/18 63/20 66/1 66/25 69/13 69/13 69/19 70/19 71/2 73/13 75/13 76/23 78/2 81/19 82/23 87/4 88/25 89/21 90/8 90/11 91/24 92/24 93/20 93/25 94/9 96/10 96/21 96/22 97/1 97/17 98/11 98/21 99/7 99/17 99/24 100/10 100/14 102/22 109/5 110/6 112/5 112/18 113/7 115/23 120/17 127/2 130/16 131/19 136/13 141/6 143/6 158/21 167/6 179/21 180/18 182/9 182/9 182/15 184/7 188/20 188/25 190/2 190/3 193/7 196/12 199/4 199/7 199/21 200/3 201/3 201/9 201/10 202/18 202/20 202/22 203/19 204/17 204/21 206/12 208/12 209/6 210/17 210/19 211/2 214/7 214/15 214/20 215/6 215/11 215/16 217/6 217/24 218/6 218/9 218/24 219/22 220/1 220/12 220/25</p> <p><b>note</b> [3] 54/15 92/12 94/25</p> <p><b>notes</b> [16] 7/14 7/17 7/20 7/22 7/25 54/8 54/11 54/16 68/1 68/1 94/6 94/6 94/9 94/10 215/17 226/9</p> <p><b>nothing</b> [4] 23/22 62/11 90/7 122/24</p> <p><b>notice</b> [6] 22/13 24/12 33/8 33/24 142/17 155/14</p> <p><b>noticed</b> [2] 98/25 126/14</p> <p><b>notified</b> [1] 102/2</p> <p><b>notoriety</b> [1] 31/3</p> <p><b>novel</b> [4] 86/14 86/15 86/21 87/4</p> <p><b>novels</b> [3] 86/15 86/16 87/8</p> <p><b>November</b> [30] 29/16 33/17 34/7 37/16 48/8 54/23 71/18 109/22 111/10 112/13 113/17 113/18 114/9 115/10 116/1 119/13 122/14 134/4 134/6 142/6 142/11 146/17 162/8 162/14 164/8 169/17 179/17 181/13 193/8 198/2</p> <p><b>November 12</b> [1] 142/11</p> <p><b>November 15</b> [1] 119/13</p> <p><b>November 3</b> [1] 109/22</p> <p><b>November 5</b> [6] 122/14 134/4 134/6 142/6 181/13 198/2</p> <p><b>November 6</b> [1] 54/23</p> <p><b>November 7</b> [1] 164/8</p> <p><b>November 8</b> [1] 169/17</p> <p><b>now</b> [82] 8/11 20/17 23/21 27/21 28/14 36/5 41/4 44/13 44/15 50/12 53/4 56/18 59/9</p>	<p>62/10 62/22 63/15 64/9 65/9 67/7 69/20 70/22 75/6 83/17 84/17 86/4 86/9 86/9 86/20 87/4 87/18 94/24 100/24 105/17 105/21 118/17 119/14 123/25 129/17 139/25 140/15 141/11 142/1 143/23 144/7 148/14 153/20 155/12 155/25 156/12 157/4 158/3 160/6 164/15 165/6 172/1 173/23 175/6 175/21 176/22 182/4 184/12 185/17 186/4 186/23 189/3 190/22 191/3 192/2 192/4 197/9 197/19 198/3 200/12 204/23 205/23 206/6 209/25 220/1 220/4 222/15 223/7 224/1</p> <p><b>nowadays</b> [1] 208/13</p> <p><b>nowhere</b> [2] 55/12 55/13</p> <p><b>number</b> [30] 10/24 11/5 15/7 15/11 18/11 18/13 18/15 34/9 34/10 38/14 38/14 54/20 54/20 61/24 62/4 62/24 88/5 88/15 92/9 94/7 97/6 100/23 114/3 127/6 170/19 175/24 212/5 212/6 212/8 217/14</p> <p><b>numbers</b> [1] 208/15</p>	<p><b>often</b> [5] 89/5 109/6 117/18 117/21 158/20</p> <p><b>oftentimes</b> [5] 54/11 59/16 59/17 92/25 93/3</p> <p><b>oh</b> [2] 121/7 140/23</p> <p><b>oil</b> [1] 194/19</p> <p><b>okay</b> [60] 21/4 57/23 98/9 113/8 117/18 119/1 122/24 125/3 126/8 126/12 126/17 127/18 128/5 129/1 130/23 132/19 132/24 160/17 178/20 183/19 193/1 197/9 198/11 198/16 199/13 202/20 203/1 203/4 203/13 205/17 206/9 207/5 207/8 207/15 207/19 208/8 208/18 208/23 209/10 209/16 211/24 212/10 212/17 213/2 214/9 215/10 215/15 216/4 216/8 217/9 218/21 218/24 219/16 220/11 220/18 221/21 222/9 222/19 222/21 224/20</p> <p><b>old</b> [19] 28/24 29/12 63/14 66/23 82/12 84/20 85/13 85/14 85/15 90/12 90/13 93/12 109/11 123/16 126/15 126/16 138/7 138/25 141/22</p> <p><b>older</b> [3] 123/21 123/22 123/23</p> <p><b>oldest</b> [2] 103/2 103/15</p> <p><b>Olson</b> [1] 73/25</p> <p><b>once</b> [6] 106/9 109/8 110/1 155/4 183/25 219/12</p> <p><b>one</b> [102] 10/12 10/16 10/24 14/20 14/24 15/7 17/25 18/4 18/11 21/12 22/22 22/23 23/7 25/12 29/17 29/18 31/12 31/12 36/14 37/11 37/17 37/20 44/9 45/6 45/7 54/20 62/24 68/5 68/6 72/6 72/8 74/12 74/13 76/10 82/1 87/22 88/2 92/12 92/21 92/21 94/8 96/2 97/11 97/15 97/25 98/2 98/5 98/14 98/18 109/22 115/21 119/4 120/2 126/14 127/12 128/3 128/24 130/22 139/25 144/17 150/8 150/9 151/11 152/23 153/17 157/13 158/22 159/1 159/7 163/14 176/17 177/2 183/3 186/24 195/24 198/25 199/4 199/10 199/10 202/21 203/8 212/11 213/9 213/11 213/13 213/18 213/24 213/25 214/9 214/10 214/20 215/3 216/5 216/12 216/24 217/3 217/4 217/14 218/14 221/6 223/24 224/2</p> <p><b>one-half</b> [1] 183/3</p> <p><b>one-man</b> [1] 68/5</p> <p><b>ones</b> [3] 71/25 214/12 214/17</p> <p><b>only</b> [17] 5/6 6/8 25/18 37/13 40/5 43/18 50/25 75/13 76/23 81/15 94/8 97/15 99/10 112/5 167/6 182/15 200/24</p> <p><b>Oop</b> [1] 189/24</p> <p><b>open</b> [5] 114/20 160/8 160/12 188/24 209/23</p> <p><b>opened</b> [5] 37/18 77/16 204/17 207/6 207/7</p> <p><b>opening</b> [21] 3/4 7/15 20/17 20/18 20/23 21/22 22/10 23/6 23/11 26/2 27/6 53/23 54/13 60/25 64/14 70/23 86/12 91/3 98/25 100/22 172/13</p> <p><b>opinion</b> [7] 7/10 74/10 147/5 150/7 159/5 202/15 205/7</p> <p><b>opponent</b> [2] 99/12 99/24</p> <p><b>opponents</b> [1] 101/10</p> <p><b>opportunity</b> [9] 20/19 26/3 86/23 86/25 88/8 88/13 100/6 102/3 102/5</p> <p><b>opposing</b> [1] 98/21</p> <p><b>opposite</b> [2] 34/17 161/24</p> <p><b>orange</b> [2] 155/13 156/1</p> <p><b>orange-ish/yellow</b> [2] 155/13 156/1</p> <p><b>order</b> [2] 12/13 145/1</p> <p><b>ordinary</b> [1] 20/3</p> <p><b>organized</b> [2] 115/13 118/25</p> <p><b>origin</b> [1] 5/10</p> <p><b>original</b> [1] 144/7</p> <p><b>Originally</b> [1] 157/6</p> <p><b>other</b> [59] 7/4 7/8 23/2 24/14 30/13 37/4 37/6 37/14 40/1 52/20 52/21 55/14 55/18 58/12 61/22 62/12 73/12 79/25 85/1 92/4 92/22 97/12 103/13 103/13 111/13 112/5</p>
	<p><b>October</b> [27] 46/4 46/6 65/2 79/16 80/22 82/21 84/14 86/11 106/12 108/5 108/9 108/10 109/11 109/16 111/4 112/15 120/14 120/15 127/25 131/6 131/17 173/25 174/9 177/9 178/22 194/13 219/12</p> <p><b>October 30</b> [2] 108/5 111/4</p> <p><b>October 31</b> [7] 80/22 82/21 86/11 108/10 174/9 194/13 219/12</p> <p><b>odd</b> [2] 110/7 112/22</p> <p><b>off</b> [20] 32/3 32/3 48/18 48/19 55/9 61/6 61/8 62/13 77/2 82/25 85/1 91/4 97/22 107/23 133/5 173/6 186/5 188/11 204/14 211/14</p> <p><b>offense</b> [4] 15/4 16/1 18/8 19/7</p> <p><b>offenses</b> [3] 8/12 26/14 27/9</p> <p><b>offer</b> [3] 91/8 122/4 142/7</p> <p><b>offered</b> [5] 6/15 21/6 91/22 99/11 99/12</p> <p><b>offering</b> [2] 196/12 196/13</p> <p><b>office</b> [4] 4/9 138/4 138/8 141/17</p> <p><b>officer</b> [7] 99/18 101/3 101/17 127/14 206/6 208/3 216/9</p> <p><b>officers</b> [35] 25/8 38/1 41/23 41/25 42/2 42/24 43/5 44/17 49/9 49/25 56/6 59/21 60/1 62/2 68/12 69/20 70/10 71/25 90/21 90/23 90/25 91/9 93/10 95/19 127/14 135/18 135/18 144/21 146/21 149/6 165/19 169/25 202/7 204/20 208/9</p> <p><b>Official</b> [3] 2/4 226/4 226/19</p> <p><b>officials</b> [1] 177/21</p> <p><b>offset</b> [1] 141/3</p>	

<p><b>O</b></p> <p>other... [33] 112/6 112/10 113/20 114/14 114/15 117/23 124/19 124/22 131/7 135/17 138/1 138/1 139/25 141/4 144/21 148/19 148/20 150/22 151/2 152/16 154/13 155/1 156/9 159/11 165/8 186/5 189/9 206/1 206/22 207/21 216/8 216/8 224/19 others [6] 36/18 105/11 123/25 150/4 201/22 206/17 otherwise [2] 7/21 203/9 ought [2] 63/20 63/23 our [17] 21/4 32/4 73/16 74/9 97/9 101/20 108/24 114/18 115/17 116/17 121/15 122/1 131/4 160/16 172/12 196/11 224/18 out [63] 15/18 43/24 46/9 46/15 46/20 46/20 48/17 55/11 57/4 59/7 60/13 60/15 70/1 82/6 85/20 86/12 87/6 87/12 88/4 98/4 99/4 101/13 111/20 111/21 113/7 114/19 127/11 141/20 143/8 143/19 148/17 149/2 149/24 150/17 152/6 154/3 157/4 160/23 162/24 163/16 167/19 171/18 173/19 173/22 174/12 176/25 177/2 180/24 185/5 185/11 190/20 191/19 191/21 210/7 211/10 213/10 213/11 214/9 214/12 215/25 216/5 216/10 225/5 out-of-town [1] 143/19 outbuilding [1] 33/10 outside [6] 6/13 39/24 80/12 113/18 132/20 185/14 over [26] 7/8 11/17 59/24 59/24 59/24 78/14 84/7 84/15 85/22 85/22 89/7 106/9 107/20 124/4 124/5 124/11 124/12 128/10 143/8 182/22 191/1 200/3 200/4 210/14 212/13 212/18 overall [1] 197/10 overcome [1] 19/10 overview [5] 26/6 41/4 136/22 159/14 196/7 overwhelming [2] 25/10 44/22 own [5] 103/21 104/7 105/2 105/3 127/16 owned [12] 79/8 119/3 126/3 126/6 127/13 127/24 140/7 160/4 160/7 160/10 161/19 168/10</p>	<p>participated [3] 54/6 91/7 101/19 participation [1] 95/8 particle [1] 147/19 particular [27] 11/15 31/12 42/5 42/7 42/8 52/15 66/2 66/2 73/25 74/22 75/19 76/5 76/7 76/20 129/17 130/9 140/15 143/18 150/4 152/18 152/23 165/18 171/6 181/18 205/8 207/21 217/23 particularly [2] 101/22 155/9 parties [4] 5/22 5/24 6/10 96/14 partner [1] 111/11 parts [3] 24/11 55/23 147/7 party [19] 8/18 8/21 9/24 13/3 13/7 14/8 16/8 16/11 17/13 27/15 27/16 28/19 99/12 99/24 99/25 101/9 103/7 108/14 131/11 pass [1] 87/14 passed [1] 88/15 passenger [8] 51/22 52/1 147/11 148/1 148/7 148/15 150/1 150/16 passive [2] 58/19 95/13 past [1] 153/9 pastor [1] 89/11 pat [1] 93/23 path [2] 40/23 211/4 pathologist [1] 74/9 patio [1] 164/18 patrol [5] 43/12 170/13 180/7 181/12 197/6 patrons [1] 144/4 pattern [1] 211/15 pause [1] 20/4 pay [1] 8/6 PDA [4] 119/2 119/8 119/12 119/14 Pearce [3] 104/25 109/23 111/17 peek [2] 87/15 207/12 peep [1] 32/12 peers [1] 95/7 people [23] 23/15 26/7 39/13 60/7 60/7 60/16 60/18 61/16 68/3 76/19 103/9 105/25 111/19 112/10 112/11 115/12 121/22 162/20 200/14 201/16 202/16 202/17 204/13 people's [1] 126/16 Pepin [1] 99/14 Pepsi [1] 131/24 perceived [1] 61/5 percent [2] 45/20 72/16 perception [1] 168/2 performed [4] 40/15 95/11 165/7 165/8 performing [1] 115/2 perhaps [8] 23/7 58/11 71/13 74/1 78/13 144/12 167/22 178/25 period [2] 36/9 205/10 permission [4] 33/19 172/18 198/14 198/16 pers [1] 17/10 person [52] 1/24 8/23 9/3 9/5 9/6 9/7 9/8 9/11 9/12 9/14 9/18 9/21 10/18 10/19 13/8 13/14 13/15 13/16 13/17 13/18 13/21 13/22 13/24 14/3 16/13 16/18 16/19 16/20 16/21 16/23 16/25 17/2 17/3 17/8 18/5 19/6 19/24 20/3 39/20 48/20 51/12 82/1 88/18 113/21 114/1 114/7 125/14 126/15 134/14 145/3 202/21 221/23 person's [5] 12/1 12/9 15/17 58/9 61/20 personal [2] 5/8 119/1 personally [1] 212/5 personnel [7] 25/9 151/21 163/13 180/5 180/13 200/2 201/11 persons [4] 30/5 39/20 145/16 204/15 perspective [4] 91/20 157/20 168/2 197/10 perspiration [2] 52/21 52/25 pertain [1] 98/19 Pethan [1] 152/8 phone [28] 38/4 38/6 38/14 48/17 48/18 69/4 80/10 80/18 80/22 83/6 83/8 85/21 110/3</p>	<p>110/6 110/9 110/17 110/20 110/25 111/1 111/7 111/10 112/11 112/17 113/8 178/18 178/20 178/21 197/14 photo [8] 32/7 42/9 47/6 80/6 121/4 140/13 140/14 168/19 photograph [36] 40/4 130/4 130/7 136/21 141/5 141/13 147/25 148/13 149/1 150/13 150/15 151/3 155/8 156/2 156/11 157/1 157/22 158/10 159/17 159/18 159/21 159/24 163/20 164/10 167/3 167/20 168/15 169/3 170/5 170/15 170/21 170/25 171/21 172/1 172/5 174/21 photographed [2] 170/8 170/10 photographer [4] 29/3 29/17 29/19 106/1 photographers [1] 29/23 photographs [11] 33/9 38/19 49/25 88/7 104/2 149/25 159/12 184/7 192/16 199/17 204/24 photography [6] 71/6 103/10 104/25 105/4 105/6 105/21 photos [7] 22/15 37/8 47/23 48/1 105/14 167/11 168/13 phrase [1] 60/8 physical [7] 27/1 27/3 50/1 61/21 70/7 70/24 214/20 physically [4] 94/16 199/15 201/7 217/25 pick [1] 202/25 picked [7] 127/11 150/3 202/23 219/13 220/11 220/19 220/21 picking [1] 84/20 pickup [2] 164/14 167/4 picture [25] 26/12 33/21 104/1 105/12 105/20 106/3 106/5 107/1 121/15 121/16 121/19 121/22 125/9 125/13 143/10 146/8 148/2 149/7 166/4 168/14 168/19 170/24 171/11 171/12 184/18 pictures [12] 29/23 40/10 47/3 52/6 67/23 105/11 105/15 106/1 106/8 106/17 118/10 206/9 piece [15] 26/10 31/13 32/12 73/18 73/19 73/20 73/25 77/10 130/1 147/18 150/5 155/13 155/15 156/1 181/15 pieces [3] 26/7 217/18 218/16 pile [3] 79/1 84/22 169/1 piles [1] 209/5 Pilot [1] 119/15 ping [1] 48/18 pit [13] 45/8 68/13 75/5 76/2 76/8 76/23 89/25 138/23 142/15 143/4 143/11 160/4 210/12 place [14] 7/24 30/6 30/7 30/8 30/9 36/14 66/24 81/20 81/22 145/3 145/15 158/22 193/15 214/10 placed [8] 35/5 147/21 157/8 170/15 170/20 191/13 205/19 223/16 places [9] 22/17 24/14 36/12 36/14 51/20 52/22 68/6 77/1 113/5 PLAINTIFF [1] 1/4 plan [3] 29/9 29/11 162/13 planned [1] 115/9 plastic [2] 129/19 129/20 plates [13] 40/22 49/17 68/15 77/13 77/15 169/11 169/22 170/2 170/6 170/7 170/15 170/17 171/4 play [1] 63/16 played [1] 196/9 playing [1] 83/22 plays [3] 60/21 83/11 190/1 please [94] 4/4 4/15 4/16 4/17 68/2 68/3 102/16 102/16 102/22 103/1 103/18 103/25 104/5 105/19 106/22 106/25 107/5 110/12 110/16 113/23 114/6 118/15 119/7 119/11 121/14 123/5 123/10 123/10 123/18 125/8</p>
<p><b>P</b></p> <p>p.m [14] 47/10 98/11 102/10 134/19 144/15 144/20 146/16 160/23 162/2 162/3 193/17 197/25 225/5 225/10 pack [1] 118/24 packet [1] 177/22 page [2] 3/2 110/24 Pagel [5] 135/17 135/25 136/6 144/9 198/21 pages [1] 87/14 Paine [2] 170/11 170/16 paint [6] 68/21 78/6 78/12 85/17 85/17 195/3 pair [15] 79/8 126/7 127/3 127/11 173/18 173/21 174/11 174/17 176/2 213/9 216/10 216/12 223/25 224/2 224/7 pairs [1] 224/5 Palm [2] 119/15 119/19 Pam [6] 33/19 116/3 116/6 116/7 116/17 116/25 panel [4] 51/8 148/16 150/1 150/1 pants [5] 78/16 78/16 84/13 174/19 221/15 paperwork [1] 214/15 paraded [1] 202/5 Pardon [1] 219/5 parked [3] 167/5 190/15 191/12 parks [1] 124/25 part [19] 5/23 12/13 52/1 75/23 75/24 75/24 87/16 88/11 99/6 105/5 105/23 118/11 130/8 133/25 143/5 165/3 179/12 196/13 203/22 part-time [2] 105/5 105/23 participate [2] 22/22 22/23</p>		

**P**

please... [64] 126/5 127/19 129/8 133/11  
 133/11 133/18 134/16 134/21 136/20 139/9  
 140/2 141/10 142/18 142/25 143/24 144/25  
 146/1 146/9 147/10 147/24 148/23 149/23  
 150/12 150/20 151/19 152/20 153/25 155/7  
 156/5 156/25 157/21 158/18 159/6 159/16  
 161/4 162/12 163/19 164/9 166/12 167/16  
 169/16 170/4 170/14 170/23 171/20 172/4  
 173/2 173/4 174/3 174/10 174/16 176/1  
 176/13 178/2 178/16 179/18 183/7 184/3  
 186/11 187/13 188/14 188/22 194/5 221/7  
 Pliszka [1] 47/11  
 plot [1] 86/16  
 plowing [1] 111/20  
 plus [2] 156/3 180/8  
 Plymouth [2] 167/17 186/1  
 plywood [3] 147/7 147/19 148/5  
 pocket [2] 174/24 175/1  
 point [22] 4/14 42/24 55/21 58/25 59/1 59/2  
 59/4 62/16 62/17 65/17 90/8 91/6 98/15 99/4  
 126/17 142/10 149/10 150/17 155/20 157/15  
 158/6 204/18  
 pointed [8] 30/22 53/6 86/12 87/5 88/4 141/2  
 149/24 154/2  
 pointer [6] 136/24 148/11 155/11 183/12  
 187/23 190/17  
 pointing [12] 139/17 141/11 148/14 155/12  
 155/25 156/10 157/4 158/3 158/10 160/5  
 171/4 171/25  
 points [5] 90/9 94/24 100/21 182/17 190/19  
 police [18] 42/2 62/17 69/20 69/23 70/6 72/3  
 72/16 72/19 81/7 90/20 91/12 94/13 95/19  
 97/12 115/1 163/25 180/15 205/11  
 politely [1] 89/12  
 pond [3] 34/19 140/11 156/10  
 ponds [2] 180/22 180/23  
 pool [2] 50/10 190/24  
 porch [1] 55/11  
 portion [5] 70/22 155/8 160/2 185/5 191/19  
 portions [3] 8/5 8/11 175/3  
 portraits [1] 105/10  
 positioned [1] 147/14  
 positive [5] 51/21 72/16 143/6 214/15 217/6  
 positively [3] 45/13 51/6 51/7  
 possible [3] 189/18 219/21 221/9  
 possibly [2] 59/8 140/5  
 post [9] 104/14 135/2 138/14 141/9 141/13  
 141/15 142/2 150/18 163/11  
 poster [2] 114/1 114/7  
 posters [5] 48/20 113/21 114/10 114/13  
 114/19  
 posts [3] 147/6 147/6 148/4  
 potentially [2] 206/13 206/15  
 pours [1] 85/12  
 powerful [2] 91/17 94/4  
 PowerPoint [1] 91/2  
 PowerShot [2] 80/19 118/17  
 practic [1] 11/11  
 practical [1] 212/24  
 practically [1] 11/11  
 praises [1] 66/6  
 precise [1] 207/23  
 precisely [1] 101/17  
 precluded [1] 101/11  
 predicted [1] 151/16  
 prefer [1] 224/17  
 prejudice [1] 5/9  
 preliminary [2] 3/3 4/20  
 prepare [2] 63/3 165/16  
 prepared [3] 181/11 205/13 226/8  
 presence [6] 132/21 135/1 135/10 138/15

142/12 219/20  
 present [19] 10/23 15/6 18/10 54/18 86/18  
 86/23 88/5 88/13 89/17 89/18 93/7 98/12  
 153/20 193/13 201/4 201/9 201/10 217/25  
 222/16  
 presentation [3] 24/1 54/9 91/2  
 presented [4] 5/7 5/14 70/15 213/8  
 presenting [1] 24/11  
 preservation [1] 57/23  
 presses [1] 95/19  
 presume [2] 88/10 88/20  
 presumed [1] 50/13  
 presumes [1] 19/6  
 presumption [3] 19/8 87/22 88/16  
 pretty [4] 55/4 124/3 124/12 202/13  
 prevent [1] 166/19  
 previously [3] 4/21 145/23 159/20  
 primarily [1] 8/7  
 primary [2] 163/3 164/17  
 principally [1] 161/17  
 prints [1] 211/14  
 prior [12] 102/3 122/14 127/24 146/22 151/2  
 152/15 154/3 177/7 197/2 197/14 198/3  
 200/12  
 prison [2] 31/4 31/16  
 privately [1] 140/7  
 pro [1] 92/16  
 probable [2] 145/2 145/5  
 probably [6] 25/11 50/17 77/10 154/19  
 209/20 213/23  
 problem [1] 161/12  
 problems [1] 95/6  
 proceed [3] 21/2 102/7 162/4  
 proceedings [2] 2/2 226/13  
 process [12] 6/11 21/11 21/11 27/7 41/14  
 41/15 57/15 57/16 57/17 113/23 165/10  
 165/16  
 processed [8] 36/2 151/7 151/22 164/6  
 200/21 200/22 206/2 217/7  
 processing [8] 36/4 39/2 43/15 149/16  
 162/10 165/21 166/21 201/24  
 produce [1] 181/25  
 produced [1] 211/12  
 producing [1] 11/4  
 product [1] 93/1  
 profile [6] 44/18 45/12 45/17 53/2 77/22  
 77/23  
 profiles [1] 44/25  
 progresses [1] 91/6  
 progression [6] 91/4 91/10 91/13 92/10  
 92/17 92/23  
 proof [4] 12/7 12/8 72/15 87/22  
 properly [5] 7/5 25/19 202/19 205/19 205/22  
 properties [5] 37/5 139/18 180/18 180/23  
 183/11  
 property [72] 30/17 30/18 32/8 32/12 32/16  
 32/17 32/23 32/25 33/4 33/7 33/20 35/3  
 35/13 36/24 37/6 38/11 41/6 43/19 47/10  
 47/15 47/19 47/23 49/2 49/11 55/15 106/16  
 113/15 134/8 136/16 136/23 137/6 139/25  
 140/16 140/17 142/5 142/8 142/12 143/3  
 143/14 143/16 143/18 143/20 145/4 145/4  
 145/22 146/4 154/2 155/24 168/21 169/8  
 177/8 179/19 179/23 179/24 180/1 180/2  
 181/4 182/17 190/3 192/7 192/8 197/20  
 197/21 198/4 199/11 205/6 205/9 205/11  
 210/13 214/17 214/21 218/16  
 proposed [2] 101/7 101/8  
 proposition [2] 99/14 99/16  
 propped [1] 210/23  
 prosecution [6] 15/1 23/14 23/25 24/21  
 24/23 99/11  
 prosecutor [5] 1/14 1/16 1/18 24/7 86/17

prosecutors [3] 4/10 24/18 24/21  
 protective [3] 162/17 162/24 210/2  
 prove [15] 9/25 10/21 12/12 14/9 15/4 17/14  
 18/8 19/5 27/13 53/13 76/15 79/1 81/6 92/3  
 97/4  
 proven [1] 18/23  
 provide [8] 7/16 8/20 13/5 58/6 69/20 88/8  
 95/3 120/8  
 provided [6] 81/8 118/9 120/2 148/19  
 148/21 175/22  
 provider [1] 110/25  
 provides [1] 16/10  
 proximity [2] 35/6 212/21  
 prudence [2] 19/4 20/3  
 psychological [2] 96/2 96/3  
 psychologist [1] 95/9  
 public [3] 61/25 81/7 208/11  
 publicity [1] 6/6  
 pull [3] 93/19 95/21 102/25  
 pulling [2] 166/15 191/23  
 pumped [1] 180/23  
 puppy [1] 93/22  
 purchased [4] 110/19 125/21 125/22 161/9  
 purpose [12] 9/21 11/9 14/5 15/16 17/11  
 20/18 92/25 101/24 162/1 163/3 204/12  
 207/15  
 put [19] 29/22 55/24 68/22 75/15 78/20 85/1  
 98/14 114/1 119/17 121/8 128/24 149/3  
 155/22 163/12 165/12 165/18 165/22 209/21  
 215/11  
 putting [1] 84/13  
 putzy [1] 84/12  
 puzzles [2] 26/8 26/8

**Q**

Q-tip [1] 77/19  
 quadrant [1] 41/5  
 quarries [2] 138/25 180/23  
 quarry [8] 138/25 140/7 140/7 140/7 160/3  
 160/4 160/7 160/10  
 quarter [6] 86/6 103/20 104/6 148/15 150/1  
 150/1  
 question [18] 34/14 45/18 62/3 71/13 120/12  
 120/12 131/16 131/20 151/5 156/19 177/12  
 199/16 202/18 205/3 211/17 214/5 222/14  
 222/24  
 questionnaires [2] 26/18 30/25  
 questions [20] 7/3 54/17 57/2 57/2 57/4 57/8  
 57/16 63/6 70/21 70/25 87/23 93/16 93/17  
 94/11 119/24 122/4 122/11 196/2 208/5  
 223/3  
 quickly [5] 38/9 42/13 49/4 50/22 183/6  
 quite [4] 28/8 32/2 99/9 141/24  
 quote [2] 197/20 205/1

**R**

R-a-b-a-s [1] 152/4  
 Rabas [2] 152/4 152/4  
 race [3] 5/9 83/7 83/8  
 rack [2] 38/2 187/5  
 Radandt [4] 140/7 160/4 160/7 210/12  
 radar [2] 55/12 62/16  
 rags [4] 85/13 85/15 194/23 195/7  
 rains [1] 211/10  
 raise [3] 4/17 23/3 123/5  
 raised [2] 87/24 88/19  
 ramped [1] 48/15  
 rape [4] 29/11 66/6 69/11 82/10  
 raped [1] 64/23  
 rapes [1] 65/20  
 rare [1] 57/3  
 rat [1] 118/24  
 rather [2] 68/4 71/18



R		
<p><b>rational</b> [1] 20/1</p> <p><b>RAV</b> [45] 106/23 117/1 117/4 141/1 141/4 146/2 146/11 147/13 147/16 147/25 148/9 148/16 149/1 149/4 149/19 150/2 150/13 152/9 152/18 153/9 153/22 154/7 154/11 158/4 198/24 199/17 199/19 199/21 200/13 200/20 201/6 201/9 201/10 202/10 203/21 204/8 204/17 204/21 210/10 210/16 210/24 211/3 211/4 212/1 212/18</p> <p><b>ray</b> [1] 76/6</p> <p><b>rayed</b> [1] 74/4</p> <p><b>RAYMOND</b> [2] 1/21 4/12</p> <p><b>rays</b> [1] 73/24</p> <p><b>RAZR</b> [3] 80/18 110/13 110/19</p> <p><b>re</b> [2] 39/8 195/22</p> <p><b>re-interview</b> [1] 195/22</p> <p><b>reach</b> [1] 141/13</p> <p><b>reached</b> [1] 154/7</p> <p><b>reaching</b> [2] 19/2 77/20</p> <p><b>read</b> [5] 8/5 8/11 8/13 80/13 87/10</p> <p><b>readily</b> [1] 95/18</p> <p><b>reading</b> [3] 86/14 90/15 95/6</p> <p><b>ready</b> [4] 9/13 13/23 17/3 28/9</p> <p><b>real</b> [2] 61/4 135/5</p> <p><b>realistically</b> [1] 212/17</p> <p><b>reality</b> [1] 218/2</p> <p><b>realize</b> [1] 215/10</p> <p><b>realized</b> [1] 105/2</p> <p><b>really</b> [13] 58/23 59/19 60/7 62/24 92/19 103/10 104/10 110/1 110/2 144/3 197/15 211/22 212/23</p> <p><b>rear</b> [19] 51/17 51/22 74/16 143/6 143/7 146/10 146/13 147/12 148/7 148/15 150/1 150/1 150/15 168/22 184/24 185/1 187/2 187/25 191/15</p> <p><b>reason</b> [11] 12/9 19/4 19/23 19/25 22/24 53/4 54/3 61/1 68/16 87/16 204/17</p> <p><b>reasonable</b> [25] 10/1 10/11 10/22 12/19 14/10 14/19 15/5 15/23 17/15 17/24 18/9 18/21 19/11 19/17 19/19 19/22 20/6 20/10 20/10 20/14 53/14 96/5 96/8 96/19 97/5</p> <p><b>reasons</b> [2] 29/18 62/23</p> <p><b>rebuttal</b> [1] 99/6</p> <p><b>recall</b> [4] 108/18 114/9 177/10 217/13</p> <p><b>receipt</b> [3] 110/17 110/18 119/12</p> <p><b>receipts</b> [2] 118/21 120/22</p> <p><b>receive</b> [2] 116/15 177/21</p> <p><b>received</b> [12] 6/15 6/22 7/8 44/16 122/8 132/20 135/5 161/8 161/14 194/6 196/18 196/19</p> <p><b>recess</b> [5] 5/18 53/24 53/25 98/10 162/2</p> <p><b>recognize</b> [3] 129/10 153/12 173/17</p> <p><b>recollect</b> [1] 220/3</p> <p><b>recollection</b> [2] 200/8 223/18</p> <p><b>reconcile</b> [3] 19/18 96/24 97/3</p> <p><b>reconstructed</b> [1] 56/7</p> <p><b>Reconvened</b> [4] 4/1 54/1 98/11 162/3</p> <p><b>record</b> [12] 4/20 97/22 98/15 100/23 102/17 123/11 133/5 133/12 173/6 192/22 211/21 225/7</p> <p><b>recorded</b> [1] 46/18</p> <p><b>recording</b> [1] 38/17</p> <p><b>records</b> [11] 48/17 80/22 112/17 113/9 178/14 178/16 178/18 178/20 179/5 179/7 214/16</p> <p><b>recover</b> [3] 41/18 42/1 43/6</p> <p><b>recovered</b> [18] 38/5 38/6 38/21 39/23 41/16 41/21 45/7 45/8 72/24 73/8 73/10 75/18 76/12 78/13 79/23 80/16 164/5 224/10</p> <p><b>recovery</b> [2] 42/15 162/11</p> <p><b>recreational</b> [1] 124/22</p>	<p><b>red</b> [8] 141/3 141/19 147/13 168/5 194/18 194/22 194/24 221/19</p> <p><b>redirect</b> [4] 3/17 122/25 223/2 223/5</p> <p><b>reduced</b> [1] 219/21</p> <p><b>reducing</b> [1] 190/12</p> <p><b>refer</b> [1] 137/3</p> <p><b>reference</b> [1] 99/1</p> <p><b>referred</b> [1] 138/22</p> <p><b>refers</b> [1] 12/9</p> <p><b>reflect</b> [1] 192/22</p> <p><b>reflected</b> [1] 11/18</p> <p><b>refresh</b> [2] 7/20 223/17</p> <p><b>refreshes</b> [1] 223/22</p> <p><b>regarding</b> [1] 135/22</p> <p><b>regardless</b> [1] 6/19</p> <p><b>regards</b> [1] 22/15</p> <p><b>regular</b> [2] 23/2 107/25</p> <p><b>reinterviewed</b> [1] 55/18</p> <p><b>Related</b> [1] 204/5</p> <p><b>relation</b> [3] 44/9 156/7 170/24</p> <p><b>relationship</b> [4] 107/13 109/17 192/7 192/13</p> <p><b>relationships</b> [4] 181/22 182/14 182/14 182/16</p> <p><b>relative</b> [1] 211/2</p> <p><b>relatively</b> [2] 203/9 206/11</p> <p><b>released</b> [3] 31/4 31/16 31/16</p> <p><b>religion</b> [1] 5/10</p> <p><b>rely</b> [2] 7/20 8/7</p> <p><b>remain</b> [2] 6/11 23/8</p> <p><b>remains</b> [11] 35/19 42/11 49/19 74/12 76/17 117/25 118/4 153/21 154/5 154/11 207/17</p> <p><b>remarks</b> [2] 100/23 172/13</p> <p><b>remember</b> [28] 39/1 41/24 50/10 55/7 62/13 64/9 64/13 67/22 68/2 68/3 69/1 72/1 88/24 108/5 108/8 114/14 116/23 118/3 126/12 129/12 130/22 131/5 131/11 169/14 205/2 205/3 206/4 217/16</p> <p><b>remind</b> [3] 22/20 97/25 224/25</p> <p><b>Reminds</b> [1] 85/23</p> <p><b>remnants</b> [1] 52/7</p> <p><b>removal</b> [1] 152/15</p> <p><b>remove</b> [3] 151/8 154/21 207/12</p> <p><b>removed</b> [17] 35/3 68/15 77/13 141/6 151/16 151/20 152/5 154/12 154/14 154/22 170/17 188/24 188/25 205/15 205/16 205/18 217/16</p> <p><b>render</b> [3] 74/10 182/3 182/4</p> <p><b>rendition</b> [6] 183/20 184/4 185/1 185/23 189/1 192/12</p> <p><b>rent</b> [2] 104/7 104/10</p> <p><b>report</b> [3] 6/3 80/13 215/9</p> <p><b>reported</b> [3] 2/3 29/15 226/6</p> <p><b>Reporter</b> [5] 2/4 221/6 221/9 226/5 226/19</p> <p><b>reporting</b> [1] 146/5</p> <p><b>reports</b> [2] 6/1 217/8</p> <p><b>represent</b> [1] 89/13</p> <p><b>represented</b> [1] 76/1</p> <p><b>repulsive</b> [1] 66/9</p> <p><b>request</b> [1] 144/9</p> <p><b>requested</b> [3] 135/25 136/3 136/6</p> <p><b>requests</b> [1] 201/23</p> <p><b>require</b> [3] 11/15 68/3 82/13</p> <p><b>required</b> [8] 7/13 12/12 19/5 25/17 25/20 76/19 120/1 145/17</p> <p><b>requires</b> [6] 11/13 15/15 18/17 19/8 29/22 68/7</p> <p><b>Rescue</b> [2] 152/21 153/16</p> <p><b>rescuing</b> [1] 82/9</p> <p><b>reserve</b> [1] 100/5</p> <p><b>resided</b> [4] 137/14 137/20 139/13 139/21</p> <p><b>residence</b> [80] 30/17 37/22 39/24 40/25 46/24 46/25 47/18 126/21 137/13 137/16 137/17 137/17 137/19 138/9 138/18 138/19 139/20 139/21 143/7 143/8 143/13 164/11</p>	<p>165/7 167/23 169/5 171/1 171/2 171/9 171/10 171/14 171/14 171/22 171/24 171/25 172/8 172/19 172/21 173/10 174/5 174/12 174/18 176/3 176/18 176/20 177/1 177/3 177/18 177/19 177/20 183/9 183/10 183/15 183/16 183/22 183/23 184/5 184/11 184/14 184/16 184/22 184/22 185/3 185/24 186/13 186/15 186/15 187/3 190/7 190/10 190/13 191/2 191/25 192/2 192/4 192/4 192/5 192/14 213/11 213/11 214/12</p> <p><b>residences</b> [15] 32/11 33/6 36/12 37/2 37/4 40/1 136/23 137/12 138/2 139/12 139/24 145/16 163/7 169/20 177/14</p> <p><b>resist</b> [3] 62/5 62/6 62/6</p> <p><b>resort</b> [2] 193/16 220/6</p> <p><b>resources</b> [4] 25/13 152/16 154/20 163/13</p> <p><b>respect</b> [1] 202/4</p> <p><b>respond</b> [1] 100/18</p> <p><b>responded</b> [1] 103/11</p> <p><b>response</b> [6] 100/2 142/8 202/3 202/12 205/24 209/4</p> <p><b>responses</b> [1] 222/21</p> <p><b>responsibilities</b> [1] 162/7</p> <p><b>responsibility</b> [3] 20/12 24/19 59/5</p> <p><b>rest</b> [5] 43/6 59/7 88/12 108/16 177/12</p> <p><b>restrained</b> [3] 65/8 65/21 71/9</p> <p><b>result</b> [3] 72/3 77/18 194/8</p> <p><b>results</b> [3] 39/7 39/8 96/3</p> <p><b>retention</b> [2] 140/11 156/10</p> <p><b>retire</b> [1] 96/11</p> <p><b>retrace</b> [5] 48/11 112/13 113/9 177/6 177/11</p> <p><b>retrieved</b> [4] 112/24 176/15 176/16 176/17</p> <p><b>retrieves</b> [1] 67/1</p> <p><b>return</b> [6] 19/15 19/21 20/9 53/11 110/6 145/9</p> <p><b>returning</b> [1] 145/10</p> <p><b>review</b> [3] 100/6 100/10 102/5</p> <p><b>reviewed</b> [1] 72/21</p> <p><b>revisit</b> [1] 217/10</p> <p><b>ride</b> [1] 92/20</p> <p><b>riding</b> [1] 78/10</p> <p><b>rifle</b> [7] 37/20 37/22 37/24 37/25 67/2 72/25 73/6</p> <p><b>rifles</b> [2] 37/21 73/1</p> <p><b>right</b> [233]</p> <p><b>right-hand</b> [5] 140/14 141/12 147/18 157/25 174/24</p> <p><b>rip</b> [1] 186/5</p> <p><b>rise</b> [1] 4/16</p> <p><b>rivet</b> [2] 128/2 128/19</p> <p><b>rivets</b> [6] 79/17 79/20 79/23 128/5 128/14 161/17</p> <p><b>road</b> [21] 83/1 83/2 83/3 114/21 134/24 134/25 134/25 137/7 137/8 137/9 137/24 141/11 143/21 144/2 159/23 160/1 171/7 171/8 171/13 171/16 171/17</p> <p><b>roadmap</b> [1] 26/5</p> <p><b>roads</b> [1] 114/24</p> <p><b>roadways</b> [1] 115/16</p> <p><b>role</b> [6] 81/11 81/12 97/1 97/1 135/22 136/4</p> <p><b>rollercoaster</b> [2] 92/20 96/1</p> <p><b>roof</b> [8] 186/6 186/12 188/15 188/23 190/9 191/3 207/10 217/15</p> <p><b>room</b> [4] 5/17 96/13 191/4 213/20</p> <p><b>roommate</b> [2] 111/23 111/23</p> <p><b>rooms</b> [2] 186/17 186/24</p> <p><b>row</b> [5] 79/5 121/23 121/25 125/14 156/18</p> <p><b>rows</b> [1] 163/5</p> <p><b>RPR</b> [2] 2/3 226/19</p> <p><b>rule</b> [1] 98/20</p> <p><b>rules</b> [1] 99/22</p> <p><b>ruling</b> [3] 100/5 101/2 101/6</p> <p><b>run</b> [2] 171/16 208/14</p>

<b>R</b>	154/24 181/13 181/17 181/18 181/19 181/19 181/21 181/22 182/5 182/6 182/8 182/10 186/5 191/22 196/15 201/9 <b>scenes</b> [1] 182/4 <b>schedule</b> [1] 109/3 <b>schedules</b> [1] 119/18 <b>Schmitz</b> [3] 46/25 177/18 178/11 <b>school</b> [7] 55/9 82/22 82/23 90/13 91/11 95/4 104/14 <b>science</b> [2] 90/7 90/9 <b>sciences</b> [1] 24/13 <b>scientific</b> [1] 95/24 <b>scientists</b> [2] 151/10 152/14 <b>scope</b> [2] 25/15 50/23 <b>Scott</b> [1] 75/7 <b>screaming</b> [3] 64/6 64/6 64/17 <b>screen</b> [12] 32/15 55/12 61/17 62/16 136/25 142/22 155/11 157/24 164/23 173/1 174/23 190/9 <b>screens</b> [6] 22/14 25/23 32/2 32/5 54/2 137/2 <b>sealed</b> [1] 152/10 <b>search</b> [65] 20/15 20/16 25/9 33/20 35/9 35/10 35/10 35/13 35/14 36/18 37/1 37/11 39/20 40/14 42/4 49/1 49/10 70/11 71/12 71/15 71/20 72/5 81/17 113/19 115/15 116/4 116/13 144/23 144/25 145/1 145/3 145/10 145/14 152/17 152/21 152/22 153/7 153/16 157/12 162/9 162/13 162/15 162/16 162/18 162/20 162/25 163/2 163/12 163/12 163/14 163/15 164/4 165/6 165/14 165/23 166/19 169/7 169/8 169/25 179/18 180/2 180/8 210/2 210/7 210/8 <b>searched</b> [13] 36/13 36/15 37/18 49/5 49/12 115/16 153/18 153/22 167/7 179/20 179/22 180/1 180/4 <b>searcher</b> [1] 208/4 <b>searchers</b> [5] 33/18 37/14 145/24 146/3 166/25 <b>searches</b> [10] 33/13 48/15 49/3 115/3 115/13 160/15 163/10 180/6 180/17 189/13 <b>searching</b> [10] 34/11 48/25 49/2 116/9 116/11 163/16 165/9 165/11 165/14 210/11 <b>seat</b> [15] 67/22 67/24 68/7 76/13 76/18 76/20 76/21 84/21 86/5 172/6 185/12 185/16 185/20 191/21 191/21 <b>seated</b> [4] 25/4 102/16 123/10 133/11 <b>seats</b> [1] 52/3 <b>second</b> [8] 6/21 40/21 56/9 92/8 103/2 196/6 196/8 204/8 <b>section</b> [6] 8/19 13/4 14/23 16/9 18/3 183/21 <b>secure</b> [1] 7/24 <b>secured</b> [5] 146/20 154/13 154/15 201/5 201/6 <b>securing</b> [2] 144/22 199/19 <b>see</b> [69] 6/13 22/18 33/6 35/4 37/7 41/8 43/10 44/7 44/7 44/12 50/2 58/25 59/4 59/12 62/20 68/8 71/3 71/16 73/21 74/2 74/17 76/25 77/21 78/12 80/15 85/22 86/15 94/8 112/1 128/11 129/18 137/1 140/4 140/5 140/9 141/24 143/9 147/1 147/1 147/12 147/14 147/17 147/20 148/8 150/21 153/2 162/20 162/25 163/5 163/8 163/23 164/12 166/5 166/7 168/13 174/22 176/5 184/18 187/15 188/16 190/14 190/24 192/6 199/7 201/13 204/21 206/17 207/16 225/4 <b>seeing</b> [2] 128/20 214/15 <b>seem</b> [1] 92/14 <b>seems</b> [2] 89/1 101/10 <b>seen</b> [18] 33/22 55/2 62/18 94/7 111/24 112/14 115/14 120/15 127/8 128/19 130/5 131/17 152/7 196/14 199/17 216/7 216/12 216/14 <b>sees</b> [6] 55/22 55/23 65/3 65/4 75/13 75/13	<b>seize</b> [1] 145/4 <b>seized</b> [7] 37/22 145/12 151/25 176/19 176/24 182/15 188/11 <b>seizing</b> [1] 149/16 <b>seizure</b> [1] 162/11 <b>selected</b> [1] 6/7 <b>selection</b> [2] 87/21 88/18 <b>self</b> [1] 57/23 <b>self-preservation</b> [1] 57/23 <b>sells</b> [1] 29/21 <b>semen</b> [1] 52/21 <b>semester</b> [1] 104/24 <b>semi</b> [2] 37/23 67/2 <b>semi-automatic</b> [2] 37/23 67/2 <b>sense</b> [11] 19/23 34/25 57/5 57/6 57/24 61/23 63/18 96/17 96/18 103/6 156/20 <b>sent</b> [2] 140/22 162/24 <b>separate</b> [4] 27/9 72/23 180/7 207/3 <b>separated</b> [2] 207/4 207/7 <b>serious</b> [4] 57/20 58/1 63/11 63/11 <b>serve</b> [1] 6/7 <b>service</b> [4] 21/5 141/22 152/2 152/3 <b>session</b> [1] 7/24 <b>set</b> [15] 29/9 29/11 31/8 83/10 84/8 106/4 121/15 121/17 121/21 135/1 138/14 176/17 176/19 177/2 216/5 <b>sets</b> [13] 176/14 176/23 176/25 215/3 215/21 215/23 216/2 216/7 216/14 223/8 223/9 223/12 223/13 <b>sev</b> [1] 180/3 <b>seven</b> [7] 22/1 43/14 84/17 108/20 143/12 205/10 219/9 <b>seven-day</b> [1] 205/10 <b>seven-ish</b> [1] 84/17 <b>several</b> [7] 25/8 91/1 138/1 158/24 159/1 180/14 180/15 <b>sex</b> [3] 5/10 65/7 65/12 <b>sexual</b> [18] 16/7 16/16 17/7 17/10 17/13 17/17 17/21 18/2 18/4 18/11 18/14 18/15 18/20 18/23 27/11 31/4 53/17 65/23 <b>Sh</b> [1] 197/25 <b>shackled</b> [1] 65/4 <b>shall</b> [1] 205/25 <b>shape</b> [1] 215/6 <b>share</b> [1] 66/1 <b>she</b> [132] 29/3 29/3 29/4 29/4 29/17 29/18 29/19 29/19 30/1 38/17 38/18 44/25 46/23 47/3 47/3 47/4 47/5 47/7 47/16 47/16 47/19 47/25 48/1 71/14 72/2 72/20 72/24 73/19 76/6 77/22 79/7 79/11 81/24 81/25 83/21 85/21 103/2 103/4 103/5 103/5 103/6 103/8 103/8 103/10 103/20 103/22 103/22 104/6 104/7 104/8 104/10 104/13 104/15 104/15 104/23 104/24 105/1 105/1 105/2 105/2 105/3 105/3 105/4 105/6 105/10 105/12 105/13 105/13 105/15 106/4 106/7 106/9 106/9 106/15 106/17 106/17 107/9 108/15 108/21 108/23 109/8 109/9 109/17 109/24 109/25 110/1 110/13 110/19 111/12 111/22 112/14 112/17 112/20 112/21 114/21 114/22 115/14 115/17 116/12 117/8 118/23 119/4 119/12 121/16 121/16 121/17 121/19 121/21 122/19 123/20 123/22 124/15 124/24 125/2 125/9 125/11 125/13 125/14 126/2 126/7 126/14 126/15 130/19 130/21 131/5 131/22 131/22 131/23 131/24 132/1 177/7 178/8 <b>she'd</b> [1] 46/10 <b>she'll</b> [3] 45/1 75/25 75/25 <b>she's</b> [4] 48/2 74/24 103/3 121/17 <b>sheds</b> [1] 33/11 <b>shelf</b> [2] 188/10 188/11 <b>shell</b> [3] 72/23 73/9 73/11 <b>Shepherd</b> [1] 42/6
<b>S</b>	<b>safeguards</b> [1] 61/13 <b>Safety</b> [1] 113/25 <b>said</b> [46] 45/5 56/4 70/11 71/8 72/1 73/1 75/15 77/4 77/14 78/19 80/20 80/25 89/11 93/5 93/6 94/10 94/11 104/9 105/22 110/2 111/16 111/21 116/12 117/13 136/1 140/24 143/17 144/8 145/21 158/15 174/13 175/12 175/17 179/25 195/7 195/13 195/14 203/1 211/25 213/9 222/3 222/7 222/10 222/19 222/20 226/13 <b>sale</b> [13] 38/20 41/8 47/5 71/4 167/18 178/3 178/4 178/9 183/18 183/24 184/17 186/1 190/16 <b>saliva</b> [2] 90/6 120/9 <b>salvage</b> [51] 30/7 30/12 30/18 32/8 32/9 33/20 47/9 106/18 116/11 134/8 134/19 134/22 134/23 134/23 135/7 136/22 137/6 137/25 138/4 138/23 139/1 139/4 139/10 140/4 140/10 140/15 141/16 141/18 143/3 143/9 143/16 143/25 144/4 152/25 155/9 156/9 157/3 157/23 158/12 159/19 160/1 160/3 160/5 160/6 160/8 160/9 160/11 163/4 171/17 180/18 198/14 <b>salvaged</b> [4] 135/8 140/9 143/11 169/18 <b>same</b> [29] 22/7 24/21 24/21 31/23 52/19 52/22 52/23 70/9 82/25 87/7 88/9 89/11 90/5 99/25 111/4 127/23 130/1 130/6 130/12 131/16 146/15 147/25 172/5 178/11 182/5 183/20 187/14 213/9 224/3 <b>sample</b> [3] 45/14 120/5 120/9 <b>samples</b> [1] 120/1 <b>Samurai</b> [1] 191/12 <b>sanctity</b> [1] 6/10 <b>sandwich</b> [4] 158/24 206/1 209/2 209/8 <b>sandwiched</b> [1] 209/18 <b>sandwiches</b> [1] 159/8 <b>satisfied</b> [6] 12/19 12/25 15/23 16/4 18/21 18/25 <b>satisfies</b> [7] 10/1 10/22 14/9 15/5 17/15 18/9 19/10 <b>satisfy</b> [1] 19/16 <b>Saturday</b> [11] 33/17 36/12 41/25 115/9 116/1 116/21 116/23 142/11 157/15 165/12 198/2 <b>save</b> [1] 82/2 <b>saw</b> [13] 56/3 56/4 56/5 67/22 75/10 111/24 140/21 146/16 157/2 196/7 201/5 202/5 216/12 <b>say</b> [27] 21/5 34/6 42/22 59/21 75/9 79/21 89/1 94/12 96/16 101/7 104/3 109/2 112/18 128/6 128/7 175/13 197/9 205/25 206/11 207/7 207/9 211/11 213/22 219/12 219/18 221/3 225/2 <b>saying</b> [8] 46/20 56/8 69/25 70/8 82/5 110/4 209/12 225/2 <b>says</b> [36] 47/13 47/19 55/22 61/17 63/25 65/17 66/4 66/7 66/16 66/17 67/3 70/11 70/19 71/1 71/10 74/13 74/17 76/13 76/22 77/17 78/5 78/15 78/23 80/3 80/10 84/9 85/8 85/23 91/5 92/21 92/21 95/20 95/22 110/21 128/20 129/9 <b>scale</b> [2] 49/7 181/17 <b>scene</b> [39] 36/2 41/14 41/15 43/13 43/15 43/25 46/10 81/9 136/14 144/14 146/21 149/5 149/6 149/15 151/7 151/11 151/14 151/17 151/20 151/22 152/14 152/23 154/20	



<p><b>S</b></p> <p><b>sheriff</b> [10] 134/12 135/4 135/16 135/25 136/4 136/6 144/9 144/9 198/21 198/22</p> <p><b>Sheriff's</b> [7] 25/3 112/4 135/19 135/20 136/2 136/4 188/2</p> <p><b>Sherry</b> [4] 31/20 44/13 72/13 77/22</p> <p><b>shift</b> [1] 160/14</p> <p><b>shifting</b> [1] 58/17</p> <p><b>ship</b> [1] 170/24</p> <p><b>shoe</b> [1] 211/14</p> <p><b>shoes</b> [2] 174/11 211/15</p> <p><b>shoot</b> [1] 73/3</p> <p><b>shoots</b> [1] 67/3</p> <p><b>shop</b> [7] 124/7 124/13 138/8 141/18 141/22 205/13 205/14</p> <p><b>shopping</b> [5] 107/17 124/5 124/11 125/17 127/15</p> <p><b>short</b> [1] 36/9</p> <p><b>shorthand</b> [1] 226/10</p> <p><b>shortly</b> [6] 84/3 144/15 144/16 144/20 146/16 197/25</p> <p><b>shot</b> [7] 70/12 71/14 72/2 72/17 72/20 72/24 73/15</p> <p><b>should</b> [23] 5/3 5/5 6/1 6/3 7/6 8/6 12/6 12/16 12/24 16/3 18/23 19/20 57/23 64/10 66/14 66/14 67/12 67/12 77/25 161/8 161/14 192/22 201/5</p> <p><b>shouldn't</b> [3] 89/7 96/25 101/7</p> <p><b>show</b> [67] 20/20 26/4 28/7 34/23 36/11 38/11 40/9 41/3 41/20 46/13 48/7 52/6 53/12 56/23 57/25 61/18 62/25 71/24 74/21 76/16 77/11 81/19 81/21 86/11 95/15 96/23 110/22 118/13 119/5 121/3 121/10 125/6 127/18 128/11 129/6 129/20 130/3 137/4 139/7 141/9 146/7 147/23 148/2 148/11 155/20 156/5 158/17 159/12 165/3 170/3 171/7 172/3 172/25 173/15 174/2 174/23 176/11 178/1 182/11 182/19 183/13 186/6 186/10 187/22 189/24 218/2 223/14</p> <p><b>showed</b> [7] 81/25 109/24 159/11 199/20 200/17 206/9 218/18</p> <p><b>showing</b> [19] 104/2 106/24 121/13 140/1 143/23 150/11 150/17 153/10 155/5 157/19 157/22 159/20 163/18 165/24 167/14 169/2 173/10 178/14 190/13</p> <p><b>shown</b> [7] 12/10 72/7 135/12 173/1 189/20 192/23 211/4</p> <p><b>shows</b> [9] 25/23 95/4 107/22 130/25 131/2 131/8 149/5 170/25 185/11</p> <p><b>shred</b> [1] 214/20</p> <p><b>shy</b> [3] 90/15 90/18 93/13</p> <p><b>sibling</b> [1] 124/17</p> <p><b>siblings</b> [1] 108/16</p> <p><b>side</b> [25] 7/1 32/2 32/5 67/5 74/12 76/11 84/23 85/1 86/17 88/3 143/2 147/9 147/11 148/1 148/7 148/13 155/18 156/9 158/10 159/21 159/24 160/2 170/25 171/21 184/18</p> <p><b>sidebar</b> [2] 133/3 173/4</p> <p><b>sides</b> [2] 4/21 88/1</p> <p><b>sign</b> [4] 143/25 144/3 178/5 207/17</p> <p><b>signed</b> [1] 145/1</p> <p><b>significance</b> [2] 37/24 151/1</p> <p><b>signs</b> [1] 198/11</p> <p><b>silver</b> [2] 223/25 224/2</p> <p><b>similar</b> [8] 47/2 91/21 127/12 127/24 130/12 138/25 146/15 161/9</p> <p><b>similarities</b> [1] 87/7</p> <p><b>Simley</b> [1] 76/4</p> <p><b>simple</b> [2] 89/1 92/13</p> <p><b>simply</b> [8] 92/2 93/4 161/2 161/6 207/2 209/12 216/16 222/7</p> <p><b>since</b> [9] 22/7 26/6 112/25 128/19 161/9</p>	<p>179/21 182/9 182/10 190/2</p> <p><b>single</b> [2] 29/1 206/23</p> <p><b>sir</b> [7] 132/25 134/9 155/3 204/6 215/22 215/24 217/21</p> <p><b>sister</b> [22] 29/4 33/3 79/6 79/11 107/16 123/20 124/4 124/19 125/12 125/17 125/25 126/6 126/18 127/16 127/24 129/2 130/14 130/16 130/23 131/7 131/18 131/21</p> <p><b>sister's</b> [6] 32/17 38/12 38/13 38/14 125/2 126/24</p> <p><b>sisters</b> [5] 79/12 107/4 107/14 107/19 123/25</p> <p><b>sit</b> [1] 21/9</p> <p><b>site</b> [2] 7/1 42/25</p> <p><b>sitting</b> [3] 23/15 63/4 79/5</p> <p><b>situation</b> [1] 97/2</p> <p><b>six</b> [6] 22/1 39/3 51/20 79/20 79/23 170/24</p> <p><b>Sixty</b> [2] 183/8 184/20</p> <p><b>Sixty-eight</b> [1] 184/20</p> <p><b>Sixty-three</b> [1] 183/8</p> <p><b>size</b> [3] 25/16 42/16 50/23</p> <p><b>skeleton</b> [2] 45/18 45/19</p> <p><b>sketch</b> [1] 182/2</p> <p><b>sketches</b> [1] 181/25</p> <p><b>skin</b> [1] 52/21</p> <p><b>skip</b> [4] 87/13 87/18 88/1 142/3</p> <p><b>skipped</b> [1] 88/14</p> <p><b>skipping</b> [1] 172/11</p> <p><b>skull</b> [1] 73/20</p> <p><b>slash</b> [1] 167/23</p> <p><b>sleep</b> [2] 61/7 124/5</p> <p><b>slept</b> [1] 213/15</p> <p><b>sliding</b> [2] 165/2 186/20</p> <p><b>small</b> [3] 35/2 42/16 85/10</p> <p><b>smaller</b> [2] 137/2 158/3</p> <p><b>smile</b> [1] 103/9</p> <p><b>snapped</b> [1] 121/20</p> <p><b>snarling</b> [1] 166/16</p> <p><b>sneakers</b> [2] 174/11 174/13</p> <p><b>snow</b> [2] 71/16 71/17</p> <p><b>snowmobile</b> [1] 191/13</p> <p><b>so</b> [136] 11/7 12/25 16/4 18/24 19/20 20/20 21/8 22/6 22/10 22/18 23/8 24/14 25/23 25/25 27/5 27/22 27/24 29/25 31/15 33/5 34/12 36/22 36/25 38/13 40/11 44/8 44/10 45/9 45/16 45/22 45/25 46/17 47/15 50/15 50/16 50/21 53/18 55/12 58/3 60/13 60/21 61/6 63/2 67/13 71/15 74/6 75/12 75/14 80/1 81/11 82/19 83/8 84/11 87/12 89/1 95/2 99/21 100/15 100/23 101/1 101/4 104/9 104/9 104/10 105/3 107/22 108/10 110/7 111/17 112/3 112/22 112/22 112/23 115/15 116/11 116/12 117/11 126/15 129/18 135/10 136/6 137/3 139/1 139/5 140/9 141/8 142/3 142/13 143/4 146/19 148/10 151/16 154/10 154/21 158/25 160/18 163/2 165/18 166/5 167/15 168/13 170/12 171/6 178/23 181/17 187/7 190/1 195/18 199/3 199/13 201/1 201/11 202/20 203/8 205/7 205/15 206/7 207/8 207/12 208/23 209/2 209/10 210/22 211/1 211/17 212/21 216/8 216/13 216/15 218/15 218/25 222/9 223/4 224/5 224/7 224/8</p> <p><b>socially</b> [3] 90/16 90/18 95/12</p> <p><b>soda</b> [5] 50/12 51/18 131/21 131/22 131/25</p> <p><b>sodas</b> [1] 131/23</p> <p><b>sold</b> [1] 79/10</p> <p><b>solely</b> [1] 6/15</p> <p><b>some</b> [115] 4/19 22/11 22/24 24/14 26/7 26/21 27/3 27/4 31/1 31/2 31/9 33/13 33/14 35/16 39/12 43/21 44/2 44/14 45/8 45/9 49/25 51/24 55/2 55/18 56/1 56/3 56/16 58/8 59/5 61/4 61/4 61/18 62/18 62/22 62/24 63/8 63/10 63/11 64/14 64/15 65/10 65/12 68/16</p>	<p>69/21 73/7 74/21 75/6 76/25 79/25 83/11 83/22 84/20 84/25 85/1 85/11 85/12 85/17 85/18 86/8 86/16 87/8 87/13 92/4 92/24 100/12 106/7 107/4 117/23 120/5 123/25 125/18 126/17 126/22 130/24 139/6 140/10 141/15 141/16 142/17 145/22 145/22 145/23 147/3 149/5 149/5 151/12 160/20 163/24 164/6 166/18 173/10 173/11 173/13 174/21 175/1 175/3 175/19 178/13 180/23 186/23 186/23 186/25 194/7 194/7 194/12 194/15 194/20 205/12 206/16 207/8 207/14 208/3 220/4 221/14 221/19</p> <p><b>somebody</b> [16] 27/19 28/5 58/1 60/10 60/11 61/17 81/5 96/23 106/3 199/3 199/6 199/13 207/8 207/11 209/12 209/16</p> <p><b>somebody's</b> [1] 110/7</p> <p><b>someone</b> [3] 204/18 209/5 212/6</p> <p><b>someplace</b> [1] 104/8</p> <p><b>something</b> [20] 12/10 28/19 29/20 31/8 39/17 59/14 72/16 85/10 92/2 98/14 110/13 112/23 119/2 161/9 161/11 174/6 212/4 215/16 218/13 222/12</p> <p><b>sometime</b> [6] 38/20 46/17 46/21 46/25 108/3 164/2</p> <p><b>sometimes</b> [6] 64/3 79/12 87/11 93/1 119/15 162/16</p> <p><b>somewhat</b> [2] 26/19 158/24</p> <p><b>somewhere</b> [3] 140/23 148/6 200/5</p> <p><b>son</b> [1] 112/16</p> <p><b>sons</b> [3] 32/19 32/19 113/4</p> <p><b>sop</b> [1] 85/13</p> <p><b>sorry</b> [15] 107/7 117/3 132/4 141/20 151/6 168/17 181/1 185/8 185/11 189/25 199/15 203/18 208/1 211/23 221/8</p> <p><b>sort</b> [2] 86/16 209/12</p> <p><b>sound</b> [2] 221/10 222/1</p> <p><b>sounds</b> [3] 221/11 222/2 224/23</p> <p><b>source</b> [2] 6/2 92/4</p> <p><b>south</b> [31] 137/8 137/9 137/10 138/12 138/17 138/21 140/6 142/16 143/7 152/24 153/8 153/8 154/2 155/17 156/2 156/9 157/6 158/11 159/25 160/2 160/4 169/19 184/5 184/12 184/24 185/2 185/6 187/3 191/7 191/16 210/13</p> <p><b>southeast</b> [5] 140/3 155/8 157/2 157/23 191/24</p> <p><b>southwest</b> [3] 143/2 158/2 169/4</p> <p><b>space</b> [3] 173/10 173/11 173/12</p> <p><b>span</b> [1] 203/6</p> <p><b>spare</b> [1] 191/5</p> <p><b>spatter</b> [3] 51/13 74/18 80/8</p> <p><b>spatters</b> [1] 51/14</p> <p><b>speak</b> [7] 5/23 5/25 109/6 134/2 135/10 209/2 214/2</p> <p><b>speaking</b> [1] 194/21</p> <p><b>special</b> [7] 1/14 1/16 1/18 4/9 23/23 133/19 164/1</p> <p><b>specialist</b> [1] 31/19</p> <p><b>specific</b> [7] 8/5 8/12 125/22 160/14 200/8 201/23 208/4</p> <p><b>specifically</b> [4] 172/22 173/24 177/22 179/19</p> <p><b>speculation</b> [1] 20/7</p> <p><b>spell</b> [3] 102/17 123/11 133/12</p> <p><b>spend</b> [1] 107/18</p> <p><b>spent</b> [2] 107/16 131/7</p> <p><b>spilled</b> [1] 85/11</p> <p><b>spine</b> [1] 75/25</p> <p><b>splashed</b> [1] 78/17</p> <p><b>spoke</b> [2] 193/10 193/12</p> <p><b>spoken</b> [1] 162/9</p> <p><b>sports</b> [1] 125/1</p> <p><b>spot</b> [1] 215/12</p> <p><b>Spots</b> [1] 175/5</p>
--	--	--

<b>S</b>	Steven [147] 24/20 26/19 28/10 30/15 30/20 30/21 30/22 31/1 31/15 31/19 32/13 33/2 36/15 37/3 37/21 38/3 38/9 39/24 39/25 40/6 40/15 40/16 40/24 41/7 41/10 46/7 46/12 46/23 46/24 47/9 47/14 47/23 49/16 49/21 49/21 49/24 50/1 51/19 51/21 51/23 52/5 52/17 52/23 53/5 53/7 62/19 64/20 66/6 66/13 66/18 66/19 68/15 69/7 71/6 71/11 71/19 75/11 75/14 77/23 77/23 80/24 84/3 84/4 84/18 84/18 85/7 85/11 85/16 85/20 85/23 85/24 88/25 89/4 89/18 89/21 89/23 90/9 91/5 106/13 113/14 122/20 137/14 137/16 138/11 138/19 139/13 139/19 163/16 163/20 164/10 164/11 166/1 166/20 167/3 167/19 168/12 168/21 169/6 170/25 171/14 175/18 176/19 177/2 177/18 183/9 183/16 183/23 184/17 184/19 184/22 185/2 185/2 185/3 185/20 185/21 186/2 186/3 186/13 187/3 187/4 187/14 187/20 187/24 188/6 188/15 188/23 190/7 190/14 190/20 190/22 191/1 191/4 191/6 191/9 191/11 191/16 192/7 192/9 192/10 192/12 194/8 195/8 195/10 213/11 215/5 216/5 224/11	superior [2] 59/15 197/15 supervisor [1] 134/11 supper [1] 83/13 support [2] 70/7 99/13 supposed [1] 93/23 sure [21] 25/18 75/8 98/8 98/21 99/21 112/18 113/7 115/16 117/11 129/7 133/4 137/1 146/22 173/5 199/21 200/3 215/16 217/8 220/12 220/25 225/1 surprise [1] 203/1 surprised [1] 70/2 surrounding [3] 139/23 179/23 183/17 survey [1] 136/15 suspect [5] 55/13 61/1 62/5 62/15 70/5 suspects [4] 57/12 57/18 58/4 58/6 SUV [18] 33/23 33/25 39/1 39/4 39/6 39/15 40/19 49/17 50/9 50/11 52/1 67/9 74/16 74/25 76/22 76/24 89/24 162/11 Suzuki [1] 191/12 swab [1] 77/20 swabs [1] 77/19 swear [1] 4/15 sweat [4] 52/25 77/23 77/24 90/6 sweatshirt [2] 84/13 85/25 sweaty [1] 64/22 sweep [4] 162/17 162/19 165/23 210/2 sweeps [2] 162/24 210/7 swept [1] 167/6 switching [1] 130/22 sworn [5] 4/18 6/17 102/15 123/9 133/10 sympathy [1] 20/8 system [1] 22/21
spring [1] 120/7 squashed [1] 206/24 SS [1] 226/1 stabbed [1] 56/2 stabs [1] 66/19 Stachowski [2] 69/6 80/23 stacked [1] 149/4 stage [1] 101/11 stages [1] 58/18 staging [1] 140/22 Stahlke [2] 51/12 80/7 stain [2] 78/10 78/11 staining [1] 175/2 stains [20] 50/10 74/19 74/19 174/22 174/24 175/3 175/5 175/8 175/12 175/13 176/7 194/3 194/7 194/15 194/17 194/19 194/22 194/24 195/1 221/14 stand [4] 101/3 123/4 133/7 208/25 standard [2] 45/14 51/7 standing [4] 55/22 143/5 149/13 200/9 stands [1] 225/10 start [9] 53/4 56/23 58/13 62/25 83/5 87/18 126/8 181/8 224/18 started [8] 56/8 62/13 104/24 105/3 111/18 112/10 163/15 211/10 starting [3] 36/13 141/12 204/14 startling [1] 38/25 starts [3] 40/19 55/17 91/4 state [65] 1/1 1/3 1/14 1/16 1/18 4/3 4/5 8/24 9/25 10/21 12/12 13/10 14/9 15/4 16/14 17/14 18/8 19/14 27/12 31/11 43/12 44/20 53/12 53/13 54/18 70/17 70/17 89/16 91/7 91/22 92/16 94/4 95/1 97/4 98/17 99/4 99/14 99/15 99/19 102/6 102/11 102/16 123/3 123/10 133/6 133/11 143/22 144/2 149/14 152/11 154/15 154/17 158/16 158/19 170/12 170/13 171/18 180/7 181/12 197/2 197/6 206/21 220/18 226/1 226/5 State's [5] 96/17 96/24 100/12 100/18 161/12 stated [1] 167/22 statement [35] 20/18 21/23 22/10 23/7 23/11 27/6 53/23 54/13 56/7 61/1 61/20 62/13 62/20 63/16 63/23 67/6 70/23 86/13 91/3 91/13 92/13 92/15 92/15 92/21 98/25 99/24 100/16 100/22 140/19 172/13 179/1 189/14 193/6 195/20 198/12 statements [39] 3/4 7/15 12/4 15/20 20/18 20/23 23/10 26/2 27/4 62/9 63/9 64/10 68/25 69/9 70/16 72/4 77/18 78/4 81/3 91/1 91/10 91/11 92/1 92/3 92/11 92/11 93/11 94/3 94/25 95/23 96/2 97/11 97/13 99/10 101/8 101/18 101/20 175/6 193/8 statewide [1] 133/24 station [3] 91/12 170/5 181/14 status [1] 205/8 stay [2] 220/11 220/15 stayed [3] 114/18 220/8 220/8 staying [1] 220/14 steel [4] 148/18 149/8 150/5 191/20 steering [1] 167/1 stenographic [1] 226/9 step [3] 123/2 133/1 224/16 stepfather [1] 75/7 steps [5] 48/11 112/14 113/9 177/6 188/1 sternly [1] 95/21 Steve [24] 55/3 55/22 56/1 56/2 62/19 66/16 66/20 67/3 72/4 77/1 77/12 77/17 78/1 82/6 84/8 84/10 139/11 143/8 184/16 194/14 194/14 213/25 214/7 214/21 Steve's [5] 64/5 73/2 78/18 78/22 191/24	Steven's [8] 50/5 67/17 69/6 79/24 84/24 90/11 168/25 216/11 sticker [5] 117/2 117/4 117/7 127/4 127/5 still [13] 26/24 43/18 44/24 45/8 62/14 83/21 121/5 149/3 160/24 176/5 192/16 204/19 208/25 stipulate [1] 178/13 stipulated [3] 6/24 22/6 179/11 stipulation [1] 179/12 stoke [1] 55/25 stone [2] 185/5 191/17 stood [1] 28/9 stop [8] 5/18 25/24 47/7 47/8 67/25 96/20 108/2 109/8 stopped [2] 109/25 116/17 stops [5] 46/22 47/3 47/3 113/4 113/6 storage [2] 173/10 173/12 store [2] 79/10 124/13 stored [1] 155/23 stories [1] 91/19 story [10] 26/25 29/8 51/2 86/13 87/3 87/4 87/10 91/18 93/6 97/17 straight [3] 186/14 186/14 212/18 street [1] 83/1 struggled [1] 52/11 student [1] 90/13 studio [3] 105/6 105/8 109/24 stuff [2] 45/25 221/19 Sturm [6] 33/19 116/3 116/6 116/7 116/8 116/25 Sturms [2] 48/24 199/10 submission [1] 44/19 submit [1] 18/20 subsequently [1] 135/6 substance [2] 195/8 195/12 substantial [1] 11/4 substantially [1] 95/12 such [8] 5/9 20/2 20/11 99/9 133/23 152/1 170/1 194/20 Suffice [1] 34/6 suggest [3] 92/17 160/15 221/24 suggestible [3] 90/16 90/19 96/4 suggesting [1] 202/20 suggestion [3] 54/11 61/2 95/14 suggestions [4] 54/14 62/5 62/6 62/7 suggests [1] 92/5 Suma [1] 104/16 summers [2] 129/14 130/14 Sunday [11] 37/16 37/22 49/4 107/21 107/24 108/2 108/5 108/9 130/23 157/15 167/7	tab [1] 220/11 table [1] 23/16 Tadych [9] 75/7 83/17 83/17 137/18 167/18 173/9 192/4 214/8 224/1 Tadych's [3] 176/18 177/1 215/25 Tag [3] 223/21 223/24 224/2 tailgate [1] 51/17 take [58] 7/14 11/9 22/1 23/5 29/10 29/23 32/4 38/19 40/10 43/8 49/25 53/3 53/9 54/8 54/10 66/22 68/1 68/1 70/13 70/13 70/20 73/6 73/24 77/19 79/19 87/14 92/12 94/5 94/6 94/6 94/9 94/10 97/24 98/18 99/3 106/5 118/10 121/16 124/24 127/14 128/10 132/23 135/23 136/4 148/10 150/7 160/17 160/20 167/19 183/12 193/15 202/16 203/10 211/1 215/18 215/18 217/9 223/21 taken [20] 39/1 47/24 51/5 106/1 106/4 106/17 150/15 151/3 170/16 170/21 173/19 173/21 174/12 182/20 187/9 203/20 216/10 223/25 224/3 226/9 takes [8] 33/16 34/8 47/3 48/1 83/3 84/1 85/11 209/16 taking [11] 7/16 47/6 54/15 54/15 67/21 84/11 101/3 105/11 105/12 166/4 176/4 talk [25] 23/13 27/15 42/19 47/15 50/6 60/25 62/8 62/8 64/4 64/14 65/6 65/16 74/18 75/11 78/8 78/11 83/5 83/25 87/21 156/24 167/15 188/3 212/21 215/19 225/2 talked [20] 49/15 51/3 61/2 68/13 75/19 92/19 111/23 126/1 141/8 142/2 153/19 158/6 165/23 168/5 182/24 189/17 191/17 192/3 220/4 221/18 talking [31] 26/1 53/4 55/3 55/11 58/21 82/5 106/10 106/10 114/16 121/9 128/12 128/15 129/19 138/16 139/15 147/13 147/19 148/12 153/4 159/20 183/13 200/14 208/2 212/22 214/2 214/7 220/23 221/13 221/17 222/13 222/16 talks [3] 47/11 83/25 86/3

<p><b>T</b></p> <p><b>tampered</b> [1] 146/23</p> <p><b>tank</b> [1] 164/12</p> <p><b>tanks</b> [2] 205/15 205/21</p> <p><b>tape</b> [2] 38/16 163/25</p> <p><b>taped</b> [1] 91/10</p> <p><b>Target</b> [1] 119/12</p> <p><b>task</b> [1] 21/15</p> <p><b>team</b> [11] 23/14 24/21 125/2 125/9 163/12 163/14 163/15 165/12 165/13 165/18 165/22</p> <p><b>teamed</b> [1] 169/24</p> <p><b>teams</b> [10] 162/24 163/3 165/9 165/14 169/25 180/2 180/21 209/25 210/5 210/6</p> <p><b>tear</b> [1] 209/8</p> <p><b>teased</b> [1] 127/1</p> <p><b>tech</b> [1] 21/4</p> <p><b>technique</b> [7] 56/17 56/20 59/14 60/2 60/3 61/10 61/11</p> <p><b>techniques</b> [4] 58/3 58/8 58/8 59/12</p> <p><b>tedious</b> [1] 225/1</p> <p><b>teeth</b> [1] 76/11</p> <p><b>telephone</b> [1] 100/15</p> <p><b>television</b> [1] 130/25</p> <p><b>tell</b> [112] 20/19 26/3 26/24 27/5 27/22 36/5 39/9 39/9 43/9 44/25 45/1 53/11 56/24 57/6 58/12 66/11 67/14 68/11 68/18 69/16 69/17 73/10 73/16 74/1 75/23 75/25 80/8 85/24 89/12 94/1 102/21 103/18 103/25 105/19 106/25 107/4 108/8 110/12 110/15 111/12 114/5 115/8 116/6 118/14 119/6 119/10 121/14 123/18 125/7 126/5 127/5 129/8 129/24 133/17 134/16 134/21 136/19 136/20 139/8 140/1 140/21 141/10 142/25 143/24 144/25 146/9 147/9 147/24 148/23 149/22 150/12 151/19 153/14 155/7 156/25 157/10 157/21 158/18 159/6 159/15 163/19 164/9 167/16 169/16 169/22 170/4 170/14 170/22 171/20 171/23 172/3 173/2 173/20 174/2 174/7 174/10 174/15 175/11 176/1 176/12 177/13 178/2 178/15 183/6 186/10 186/25 187/13 188/4 188/14 188/21 210/22 223/22</p> <p><b>telling</b> [7] 28/14 58/10 69/1 70/3 200/10 219/10 219/19</p> <p><b>tells</b> [5] 28/20 35/12 64/22 74/24 75/2</p> <p><b>tempo</b> [1] 87/17</p> <p><b>temporarily</b> [1] 155/23</p> <p><b>ten</b> [7] 45/23 47/18 67/3 72/20 85/25 86/4 109/2</p> <p><b>tend</b> [4] 60/17 87/13 118/21 223/17</p> <p><b>tendencies</b> [1] 95/13</p> <p><b>tendering</b> [1] 193/2</p> <p><b>tending</b> [2] 75/11 75/16</p> <p><b>tends</b> [1] 55/16</p> <p><b>tennis</b> [2] 174/11 211/15</p> <p><b>tent</b> [4] 72/6 72/8 189/5 189/9</p> <p><b>tents</b> [2] 71/23 189/3</p> <p><b>Teresa</b> [167] 10/25 11/2 11/6 15/8 15/9 15/12 18/12 18/13 18/16 18/19 21/19 28/23 33/22 33/24 34/10 34/11 35/4 35/20 36/19 36/21 36/23 37/19 38/10 38/17 39/1 40/9 40/18 43/1 45/15 45/21 46/4 46/9 46/17 47/12 47/22 48/4 48/7 48/11 48/14 50/12 50/14 51/1 52/12 52/18 55/1 55/3 55/7 55/10 55/23 56/2 56/10 64/1 65/3 65/20 66/4 66/14 66/20 66/25 70/12 71/1 71/9 72/13 72/17 73/3 73/15 73/19 74/14 74/20 76/1 76/5 78/24 79/8 79/11 79/15 80/18 80/19 81/24 91/5 95/24 102/23 103/1 103/15 103/18 104/1 104/3 104/20 105/4 105/20 106/2 106/6 106/15 106/20 107/1 107/3 107/11 107/14 107/15 107/18 107/20 108/14 108/19 108/25 109/7 109/11 109/13 109/16 109/21</p>	<p>109/23 110/5 110/9 111/21 111/22 112/8 112/24 113/5 113/19 114/1 115/5 115/9 115/11 118/1 118/21 119/3 120/16 121/15 122/17 122/17 123/18 123/21 124/1 124/10 124/13 124/17 124/23 125/1 125/12 125/21 126/18 127/13 129/2 129/11 129/13 130/24 131/7 131/18 131/21 134/15 142/9 146/6 153/22 156/6 156/17 156/21 157/14 159/6 161/21 163/1 167/11 167/19 169/11 177/6 178/19 180/25 198/12 204/21 210/8 215/4</p> <p><b>Teresa's</b> [47] 39/6 40/22 48/11 50/11 51/5 56/4 65/21 68/17 68/23 69/4 74/7 74/15 74/23 76/6 76/10 77/13 77/16 78/19 79/5 79/7 79/14 80/10 104/13 105/21 109/3 111/11 111/15 112/9 112/17 114/7 115/12 116/18 117/1 118/6 118/20 119/22 119/25 122/1 124/4 126/20 135/13 141/1 156/8 156/13 158/4 158/13 205/25</p> <p><b>term</b> [4] 19/22 23/23 93/9 200/22</p> <p><b>terrible</b> [1] 39/17</p> <p><b>tes</b> [1] 206/19</p> <p><b>test</b> [1] 73/7</p> <p><b>testi</b> [1] 206/14</p> <p><b>testified</b> [19] 102/15 123/9 133/10 197/19 198/19 199/8 200/19 202/12 204/25 205/23 206/21 207/19 209/25 212/24 213/2 216/5 217/13 217/18 218/21</p> <p><b>testifies</b> [1] 101/17</p> <p><b>testify</b> [5] 22/11 75/8 75/25 95/10 95/10</p> <p><b>testifying</b> [1] 206/4</p> <p><b>testimony</b> [23] 6/17 7/8 8/3 8/5 8/7 8/8 22/2 22/4 34/1 36/7 50/19 54/9 56/13 59/21 60/6 61/18 66/17 69/14 88/7 95/4 95/15 101/25 209/11</p> <p><b>testing</b> [1] 31/24</p> <p><b>tests</b> [2] 95/10 201/1</p> <p><b>text</b> [2] 22/15 25/23</p> <p><b>than</b> [24] 26/4 47/18 47/20 59/18 59/19 60/10 62/12 68/4 70/14 71/18 105/11 107/9 107/11 123/21 123/22 123/25 150/8 158/22 165/13 183/3 203/6 212/3 212/23 213/1</p> <p><b>Thank</b> [16] 21/5 53/23 82/16 82/18 97/17 122/5 123/1 132/2 132/25 161/4 162/5 179/14 196/3 196/20 211/19 224/14</p> <p><b>thankfully</b> [1] 67/8</p> <p><b>that</b> [1319]</p> <p><b>that's</b> [102] 32/24 46/13 46/18 50/17 52/23 54/19 63/21 65/8 66/7 66/12 68/8 71/14 74/5 74/20 77/23 86/12 86/22 89/8 89/13 89/16 90/8 90/17 96/6 96/19 96/25 101/2 101/14 101/24 103/9 104/17 115/18 115/23 115/23 115/25 117/8 122/4 128/17 132/2 136/13 138/7 139/15 140/20 141/3 143/25 144/6 144/11 145/10 145/25 147/25 157/1 157/18 157/25 158/1 158/4 159/22 159/25 165/21 166/1 167/9 167/25 169/9 169/10 170/5 170/15 171/21 173/21 174/4 174/11 178/3 179/12 182/5 185/10 186/9 186/22 186/22 186/25 187/11 189/16 189/25 190/25 192/18 193/20 197/13 197/18 198/6 200/11 200/25 201/14 201/19 208/14 210/25 211/6 212/8 213/17 214/5 214/6 218/3 220/7 222/2 222/5 223/1 224/13</p> <p><b>their</b> [21] 5/23 8/14 19/6 36/19 54/13 58/24 61/6 87/6 88/11 88/19 92/6 93/6 96/18 100/14 106/1 107/5 107/21 114/20 152/5 179/4 180/21</p> <p><b>them</b> [70] 5/23 7/22 8/13 33/7 40/2 47/4 56/5 57/6 67/23 70/3 76/9 79/17 79/21 84/22 85/15 89/12 92/19 93/20 94/5 96/14 101/12 103/14 106/4 106/5 111/17 113/13 114/24 115/15 117/10 119/4 126/4 126/14 127/4 128/6 128/10 129/20 130/22 153/5 153/12</p>	<p>165/15 174/22 175/17 176/4 176/5 176/7 176/16 178/9 181/23 182/24 194/18 203/16 203/18 203/19 206/25 206/25 207/1 207/2 207/3 207/4 207/6 209/8 209/9 213/5 213/18 213/23 215/19 217/3 218/18 218/22 220/15</p> <p><b>theme</b> [5] 86/17 86/18 87/6 91/20 93/6</p> <p><b>themselves</b> [6] 27/19 42/2 61/5 170/7 170/18 175/21</p> <p><b>then</b> [74] 9/6 13/16 16/20 39/20 47/6 48/3 49/1 49/2 50/13 53/11 55/20 56/25 58/15 59/6 60/20 66/13 81/11 86/5 86/19 88/13 91/12 96/19 99/11 99/23 103/15 103/15 103/16 105/1 105/2 106/2 106/5 107/11 108/19 111/18 111/22 112/3 115/8 117/13 121/24 121/25 130/2 130/22 138/21 139/22 141/23 147/8 149/11 152/10 153/8 154/22 157/8 158/2 159/6 159/23 162/7 164/11 170/20 171/2 171/17 184/18 184/24 185/4 188/12 189/9 195/2 195/4 195/20 196/19 200/2 210/11 211/1 212/21 216/13 222/13</p> <p><b>theory</b> [1] 56/21</p> <p><b>there</b> [151] 5/3 11/19 26/9 31/9 35/21 36/2 41/24 43/24 45/17 46/11 46/20 47/16 47/16 54/20 54/21 55/7 58/3 62/11 64/12 68/5 69/13 71/22 72/22 73/22 74/10 75/15 80/17 81/9 81/25 82/1 84/16 87/5 87/6 87/7 87/8 90/5 91/25 92/6 92/9 95/1 95/2 97/15 99/1 101/21 102/1 103/12 103/22 104/11 108/16 112/5 121/5 121/8 129/15 134/25 135/1 135/3 135/9 135/10 135/15 135/15 135/17 135/21 136/7 137/15 137/23 140/11 140/11 140/12 140/22 141/2 141/3 141/6 141/14 141/25 142/10 143/15 148/6 148/20 149/4 149/13 149/18 152/2 152/16 152/19 154/19 155/1 155/1 155/14 158/12 158/25 161/9 163/9 164/17 166/22 168/10 168/11 169/1 169/21 170/6 170/20 173/11 183/18 184/6 185/3 185/4 188/1 188/10 188/19 188/20 190/19 191/13 191/20 196/6 196/8 197/24 198/7 198/9 198/24 199/19 200/2 200/9 200/10 201/1 201/4 201/13 203/23 204/9 204/13 204/17 207/21 211/2 211/7 211/16 215/3 215/10 215/21 216/10 218/1 218/8 219/1 219/1 219/3 219/3 219/8 219/8 220/8 220/8 220/14 220/15 220/22 224/9</p> <p><b>there'll</b> [1] 33/25</p> <p><b>there's</b> [47] 33/5 33/9 33/10 33/10 33/11 35/23 43/10 57/10 59/11 61/13 69/16 85/9 86/19 91/19 92/2 98/1 103/15 107/10 121/24 137/12 137/14 137/22 138/5 138/17 141/3 141/14 147/15 148/5 157/24 160/20 161/20 162/20 163/24 166/6 175/1 179/25 188/8 190/24 191/5 191/12 204/2 205/5 207/17 208/18 211/6 215/16 218/6</p> <p><b>thereafter</b> [3] 68/19 144/16 226/11</p> <p><b>these</b> [74] 4/21 20/25 25/22 32/5 33/1 33/8 33/20 37/1 39/6 39/21 40/22 42/11 43/9 44/11 45/24 54/20 58/4 58/5 62/9 64/24 66/7 70/20 70/21 70/25 71/22 73/11 74/6 74/12 75/21 78/3 78/15 78/16 80/15 81/12 85/14 90/25 91/16 92/1 92/11 93/3 94/3 94/7 94/24 95/23 114/10 119/16 128/3 140/5 143/19 159/8 173/16 181/5 181/9 181/11 182/11 182/12 182/25 183/5 183/25 184/7 184/7 186/17 187/7 189/13 192/6 204/12 204/12 209/25 210/5 215/20 216/24 217/4 218/17 218/24</p> <p><b>they</b> [228]</p> <p><b>they'd</b> [3] 107/22 114/20 219/18</p> <p><b>they'll</b> [5] 58/25 88/5 94/18 196/19 224/8</p> <p><b>they're</b> [29] 34/10 36/22 36/23 37/19 42/22 42/23 56/11 57/12 68/25 74/4 79/9 83/5 84/19 85/6 88/8 88/11 90/22 93/14 93/14</p>
--	--	--

<b>T</b>	94/9 114/11	town [2] 30/9 143/19
they're... [10] 93/15 94/19 122/8 153/15 161/24 165/14 179/21 181/10 196/18 205/14	throw [5] 62/1 76/19 84/25 85/15 218/13	Toyota [12] 40/17 40/18 49/16 68/22 106/23 117/1 117/4 117/7 146/11 149/1 149/18 153/9
thing [8] 23/13 59/11 89/11 92/21 119/18 129/2 129/19 178/11	thrown [5] 68/9 68/23 69/2 76/13 78/25	tractor [1] 78/10
things [35] 5/9 22/18 31/1 33/12 40/12 45/3 59/21 61/18 62/18 63/13 64/11 68/3 70/20 81/6 81/7 81/14 91/16 91/21 95/20 95/20 95/22 118/21 119/16 124/2 124/5 124/7 124/23 124/25 128/14 128/24 195/24 201/16 205/20 209/19 210/1	throws [1] 67/17	trailer [51] 32/13 32/16 32/24 32/25 33/5 34/18 36/1 36/15 37/2 40/6 40/15 41/7 41/7 43/20 64/5 64/7 65/15 71/2 71/7 71/7 137/12 137/14 137/22 139/13 152/9 152/10 163/17 163/20 163/21 164/11 164/13 164/15 164/20 165/1 165/4 165/24 166/2 168/3 168/5 168/6 186/17 187/25 188/7 190/14 190/20 190/23 191/1 191/4 191/8 192/10 201/8
think [55] 26/3 26/17 27/22 46/12 59/16 60/20 63/1 63/2 86/13 89/19 94/19 94/24 100/16 101/16 101/21 103/9 104/19 107/3 107/10 115/18 116/11 116/24 117/17 118/4 118/5 119/17 120/7 120/9 122/16 125/16 127/4 136/19 140/16 141/7 141/21 149/9 155/9 161/8 161/14 164/2 166/17 183/1 193/17 195/15 196/5 202/17 210/14 211/21 212/3 218/4 218/11 219/13 220/9 222/15 224/13	Thursday [5] 29/16 43/2 109/22 113/24 115/6	trailers [1] 32/11
thinking [1] 182/5	tied [2] 65/3 100/15	trained [7] 35/18 90/20 90/22 90/23 90/24 95/18 165/20
thinner [5] 68/21 78/6 78/12 85/17 195/3	tight [1] 87/13	traipsing [1] 198/8
third [2] 6/23 41/1	Tim [7] 43/11 43/13 103/15 111/15 112/9 121/25 181/11	transaction [4] 47/5 48/1 71/5 178/6
thirteen [1] 132/7	time [83] 5/18 5/18 11/16 11/20 11/25 32/6 32/18 32/19 34/12 36/4 36/9 38/18 48/21 49/11 49/17 53/8 53/21 66/1 69/3 70/14 78/3 81/21 81/23 82/20 83/10 83/18 84/3 88/21 88/21 89/12 90/12 92/18 92/19 94/8 98/2 99/3 100/4 105/5 105/23 107/16 107/18 107/25 108/25 109/15 109/20 112/1 120/18 127/12 128/9 128/20 134/17 135/6 137/18 144/12 144/13 144/16 152/2 154/12 158/24 160/16 162/22 178/25 189/24 193/14 194/2 195/25 196/3 196/12 197/19 197/24 199/21 200/3 201/1 201/4 201/6 205/11 209/16 213/9 217/25 218/14 221/6 222/16 224/1	transactions [1] 48/16
thirty [2] 167/3 200/6	timers [1] 121/18	transcribed [1] 226/11
Thirty-nine [1] 167/3	times [12] 46/11 63/5 67/3 72/20 88/20 93/17 93/18 93/19 94/7 97/6 106/17 201/21	transcript [4] 2/2 8/3 226/8 226/12
this [345]	tinted [1] 147/15	transcription [1] 226/11
THOMAS [7] 1/15 3/14 80/14 80/14 80/15 133/8 133/13	tip [1] 77/19	transport [3] 152/3 152/8 165/17
thorough [2] 40/14 71/20	tire [1] 191/21	transported [4] 41/22 151/17 152/1 152/11
those [99] 10/12 14/21 18/1 22/9 22/18 29/24 33/11 35/14 37/11 37/17 40/12 42/15 45/3 49/14 49/19 50/11 50/15 51/3 51/13 58/7 58/8 61/18 63/12 63/15 65/16 68/6 69/9 69/15 72/10 74/2 74/3 79/12 79/14 79/14 79/15 79/18 79/23 80/9 99/10 120/2 125/3 126/8 126/25 127/8 127/20 127/22 128/5 128/5 128/8 128/12 128/13 128/14 128/24 131/2 131/8 142/18 153/17 155/17 157/11 157/13 161/21 163/10 164/20 169/3 169/14 169/22 170/1 173/12 174/19 175/8 175/13 175/22 176/5 176/9 176/12 176/15 176/22 176/24 178/15 180/6 180/24 181/24 186/23 189/4 192/15 192/16 194/17 204/25 209/5 209/18 213/8 214/22 215/21 215/25 219/11 219/20 220/2 222/21 223/22	tires [4] 84/21 168/23 169/1 169/3	travel [1] 212/12
though [10] 34/6 36/21 45/5 48/7 56/21 57/9 64/17 69/24 92/16 116/12	tissue [4] 45/8 45/9 199/11 204/3	traveling [1] 84/19
thought [15] 114/22 115/17 127/12 194/16 195/4 195/12 195/12 195/14 202/15 216/6 216/7 216/12 216/13 222/3 222/23	title [1] 158/4	treat [1] 93/24
thousand [1] 180/4	titled [1] 157/25	treating [3] 83/7 83/10 83/17
thousands [1] 114/10	today [5] 4/22 46/21 79/3 160/19 176/6	tree [2] 66/15 147/6
threat [4] 16/7 18/6 18/16 65/23	together [16] 107/16 108/1 108/11 114/1 115/12 124/2 125/19 128/4 130/25 131/3 131/8 131/8 163/13 165/12 165/19 165/22	trial [31] 1/4 1/5 5/2 5/6 5/19 6/3 6/9 6/16 7/14 7/25 7/25 8/3 8/9 12/20 15/24 20/22 21/21 21/22 22/2 26/11 68/2 86/14 86/20 88/25 88/25 89/4 89/13 90/11 90/11 90/17 91/8
threatened [1] 18/18	told [28] 21/24 22/9 26/2 26/16 27/8 27/11 28/3 30/25 51/20 52/4 59/9 64/9 72/18 74/7 97/12 103/12 106/17 111/17 113/12 116/18 117/13 118/3 118/5 126/15 126/18 135/14 141/1 216/16	trial's [1] 89/8
three [31] 18/10 18/15 18/22 22/3 24/18 26/14 27/9 37/12 49/14 50/18 62/4 78/8 91/15 91/21 94/24 107/21 111/25 115/14 138/6 146/7 158/23 180/12 182/1 183/8 183/8 192/13 200/5 200/6 215/21 216/7 216/14	toll [1] 178/17	trials [2] 26/7 87/8
three-dimensional [1] 183/8	Tom [8] 4/7 25/3 90/21 104/25 109/22 111/17 121/24 133/6	trick [3] 83/7 83/10 83/16
three-thirty [1] 200/6	tomorrow [6] 164/2 188/3 224/9 224/18 224/21 225/4	tried [4] 195/1 199/3 199/5 202/24
threw [2] 67/23 195/8	too [7] 38/22 61/13 110/8 111/18 148/6 157/19 159/13	tries [1] 85/16
throat [1] 66/21	took [18] 42/10 43/16 68/22 70/14 104/10 106/7 121/19 167/11 174/18 176/3 176/25 177/2 199/14 200/3 200/4 203/21 206/25 209/23	trip [1] 127/15
through [25] 21/16 61/21 63/24 91/9 120/19 126/22 126/24 132/6 132/11 142/10 143/12 163/4 163/5 166/25 180/24 182/7 183/5 189/19 196/1 196/10 198/15 206/2 208/17 209/9 209/13	tooth [4] 76/5 76/5 76/7 76/10	trips [1] 85/2
throughout [7] 85/5 91/8 92/10 92/22 93/10	top [6] 32/3 68/9 147/20 147/21 171/12 191/1	trooper [10] 170/11 170/12 170/13 170/16 186/4 186/12 187/9 189/19 197/3 212/8
	topic [1] 194/2	troopers [2] 180/8 206/21
	topics [1] 160/14	truck [4] 34/4 164/14 166/3 167/4
	tore [1] 209/22	true [7] 6/11 89/9 92/4 208/14 213/13 213/17 226/12
	torrential [1] 211/10	truth [6] 20/16 58/10 81/17 91/14 92/20 221/21
	toss [1] 85/4	truthful [2] 57/17 58/6
	tossed [1] 86/5	try [12] 25/22 36/8 50/19 50/20 57/4 61/16 92/16 112/13 113/9 199/12 199/13 201/18
	total [1] 181/14	trying [4] 56/22 112/7 113/19 215/11
	tour [7] 44/1 44/4 44/8 182/7 190/2 190/3 196/14	Tuck [1] 174/6
	tours [1] 44/3	Tuck's [1] 174/6
	toward [8] 143/1 148/7 156/11 159/25 159/25 189/5 190/11 191/23	Tues [1] 164/3
	towards [8] 27/2 30/22 65/13 65/14 111/7 171/8 186/21 187/21	Tuesday [7] 40/13 41/17 41/24 42/10 109/24 118/4 169/17
	towers [1] 48/18	turn [4] 33/17 34/8 110/23 112/10
	Towing [1] 143/25	turns [3] 40/20 87/5 87/6
		TV [4] 83/12 83/22 86/8 191/5
		twelve [2] 132/7 132/19
		Twenty [4] 109/12 148/24 197/1 219/9
		Twenty-five [1] 109/12
		Twenty-four [1] 148/24
		Twenty-seven [1] 219/9
		Twenty-two [1] 197/1
		twice [6] 67/4 69/7 80/22 80/24 109/8 219/12
		twists [2] 87/5 87/6
		two [83] 10/23 11/5 15/6 15/11 18/13 23/8 24/24 25/22 26/11 33/18 37/12 37/21 46/22 50/18 50/21 50/21 54/17 54/21 59/11 61/24 67/23 68/3 68/4 68/7 71/22 72/1 72/5 72/10

<p><b>T</b></p> <p>two... [55] 74/11 76/18 76/19 77/9 90/19 90/25 91/18 94/17 95/19 100/20 100/23 103/16 106/17 107/11 111/15 114/18 116/2 117/24 120/22 129/14 137/12 138/1 152/13 153/18 154/19 154/21 157/12 164/15 164/17 176/14 176/23 176/23 176/25 177/14 180/7 180/12 181/25 188/12 195/22 197/1 198/13 198/13 199/20 200/5 202/6 202/16 202/17 213/8 215/23 216/13 217/18 217/19 223/12 223/13 224/7</p> <p>two-and-a-half [2] 50/18 50/21</p> <p>two-man [4] 68/4 68/7 76/18 77/9</p> <p>two-week [1] 26/11</p> <p>type [8] 104/22 119/18 204/2 204/3 204/3 204/15 205/17 211/13</p> <p>Tyson [1] 188/2</p>	<p>163/3 169/24 175/18 184/21 185/4 188/9 188/18 191/1 191/17 194/3 194/5 194/14 194/17 194/24 194/25 195/8 199/20 200/17 201/7 201/15 202/10 202/23 202/25 205/25 207/6 207/7 210/23 211/3 216/7 216/12 216/13 218/4 219/13 220/5 220/11 220/19 220/22 221/19 222/4</p> <p>upon [16] 11/18 12/5 15/21 19/14 19/18 19/23 20/4 55/18 101/17 134/22 145/21 151/13 160/21 191/2 194/21 212/11</p> <p>upper [2] 159/22 174/25</p> <p>ups [1] 74/21</p> <p>us [90] 30/25 88/12 94/1 100/6 103/1 103/20 103/21 104/6 104/10 105/19 106/10 106/25 113/23 113/24 113/25 114/5 115/8 116/18 117/21 119/6 119/10 121/14 121/22 123/18 124/24 125/7 133/17 135/14 136/19 136/20 139/8 140/1 142/18 142/25 143/24 146/9 147/9 147/24 149/22 150/12 152/20 153/14 155/7 155/20 156/25 157/20 157/21 158/18 159/6 159/15 163/19 164/9 167/16 169/16 169/22 170/3 170/4 170/14 170/22 171/7 171/20 171/23 172/4 173/2 173/20 174/2 174/10 174/15 174/23 176/1 176/3 176/4 176/12 177/13 178/2 178/15 183/6 186/10 187/1 187/13 187/22 188/4 188/14 188/16 188/21 200/10 206/9 210/22 215/17 217/10</p> <p>use [17] 8/4 16/7 18/6 18/16 18/18 54/16 65/11 65/12 65/23 83/6 85/12 99/5 155/10 161/12 175/19 190/17 221/24</p> <p>used [23] 18/18 20/11 38/11 46/14 73/3 83/24 124/2 127/16 130/16 131/21 138/24 148/3 151/23 153/2 161/7 161/17 168/24 194/25 195/3 195/5 195/7 199/11 200/21</p> <p>uses [2] 63/20 181/14</p> <p>using [6] 38/13 38/13 113/8 136/25 194/23 207/13</p> <p>usually [2] 131/2 160/19</p> <p>utilized [7] 152/21 152/24 153/7 163/7 163/14 175/19 180/22</p> <p>UW [1] 104/15</p> <p>UW-GB [1] 104/15</p>	<p>155/17 155/21 155/22 156/3 156/16 156/17 156/18 156/22 158/23 158/25 159/1 163/5 180/4 194/20 204/25 205/5 205/8 205/12 206/1 206/10 206/16 206/24 208/11 209/8 209/17 209/23</p> <p>verbal [1] 202/3</p> <p>verdict [5] 6/8 19/2 19/15 19/21 20/9</p> <p>verified [1] 61/20</p> <p>verify [5] 61/16 70/6 70/16 70/18 80/4</p> <p>verifying [1] 71/8</p> <p>version [11] 55/2 56/16 58/24 63/25 64/1 65/1 119/14 184/21 188/18 189/21 218/5</p> <p>very [51] 21/9 23/9 31/23 32/6 32/7 34/2 34/8 35/2 35/2 39/15 42/16 42/16 42/17 49/4 51/14 53/23 58/1 58/1 58/19 60/8 63/5 63/10 63/11 63/11 65/10 65/12 65/12 67/21 70/2 70/2 72/24 72/25 87/15 89/1 91/17 91/17 94/3 97/18 100/8 103/3 103/3 103/4 107/15 110/5 110/7 117/21 156/22 159/10 166/14 183/6 215/12</p> <p>vicious [1] 42/7</p> <p>victim [2] 66/19 161/19</p> <p>victim's [1] 50/8</p> <p>video [3] 83/11 83/22 93/9</p> <p>videos [4] 93/3 94/7 94/18 95/15</p> <p>videotaped [2] 91/11 91/13</p> <p>videotapes [4] 22/16 91/16 91/17 91/18</p> <p>view [7] 72/9 184/11 186/7 187/12 189/21 190/6 191/24</p> <p>viewpoint [1] 166/1</p> <p>views [1] 183/25</p> <p>VIN [1] 34/9</p> <p>VINs [1] 208/24</p> <p>violated [1] 14/24</p> <p>violence [1] 65/22</p> <p>violent [1] 51/14</p> <p>Virginia [1] 80/15</p> <p>virtual [5] 44/3 44/8 182/7 190/2 196/14</p> <p>visible [1] 199/15</p> <p>visit [2] 43/25 83/19</p> <p>visiting [1] 182/10</p> <p>visual [3] 200/23 201/12 209/4</p> <p>visuals [1] 82/19</p> <p>vital [1] 6/10</p> <p>voice [3] 38/16 110/3 112/25</p> <p>volleyball [2] 125/2 125/9</p> <p>volume [1] 95/25</p> <p>volunteer [3] 37/13 169/24 180/11</p> <p>volunteers [2] 49/9 206/22</p> <p>Voyager [1] 167/18</p> <p>vulnerable [1] 95/14</p>
<p><b>U</b></p> <p>uh [902]</p> <p>ultimately [3] 136/8 165/22 195/5</p> <p>um [341]</p> <p>un [1] 209/8</p> <p>un-sandwich [1] 209/8</p> <p>unable [1] 202/21</p> <p>unattached [10] 137/15 139/14 139/21 163/21 164/12 166/2 167/4 183/15 183/17 184/6</p> <p>unattainable [1] 183/25</p> <p>uncle [20] 55/2 56/1 56/1 62/18 63/14 64/4 66/11 66/20 67/3 73/1 77/1 77/11 77/16 78/1 78/17 78/21 82/4 82/5 84/5 84/18</p> <p>unclothed [2] 66/23 67/15</p> <p>uncorroborated [4] 92/1 92/7 95/2 95/25</p> <p>uncrush [1] 207/2</p> <p>uncrushed [2] 206/25 207/7</p> <p>under [4] 12/17 78/1 101/10 115/17</p> <p>underneath [3] 68/16 77/20 189/11</p> <p>understand [13] 5/4 20/21 28/16 30/2 60/1 60/22 177/12 193/9 199/4 209/11 212/15 216/15 219/22</p> <p>understandably [1] 48/10</p> <p>understanding [15] 101/6 114/18 139/6 158/20 159/14 161/16 164/16 178/6 182/13 189/15 192/17 197/22 204/10 209/7 212/15</p> <p>understands [3] 187/7 195/18 224/8</p> <p>understood [3] 198/23 214/5 214/8</p> <p>unfolded [1] 170/18</p> <p>unfortunately [2] 48/3 74/22</p> <p>unidentifiable [1] 35/2</p> <p>unique [1] 62/11</p> <p>units [1] 35/16</p> <p>unless [2] 19/9 99/19</p> <p>unlike [1] 87/4</p> <p>unnatural [3] 57/22 59/10 60/3</p> <p>unnecessary [1] 92/14</p> <p>unsure [1] 213/9</p> <p>until [14] 5/13 5/16 7/24 32/4 42/10 55/9 88/20 94/1 99/19 101/2 154/20 160/19 201/6 211/9</p> <p>unusual [5] 82/23 110/5 125/18 136/11 136/13</p> <p>up [103] 21/4 34/4 43/14 48/7 48/15 50/12 55/25 57/7 65/3 69/15 76/9 77/16 77/20 78/24 81/25 83/10 83/19 84/20 84/22 85/6 85/7 85/13 85/14 85/18 87/2 87/14 92/20 93/18 94/23 96/23 98/18 104/8 104/10 106/4 109/24 112/23 119/9 121/5 121/8 121/16 121/17 121/21 127/18 129/18 132/23 134/2 135/1 138/15 139/22 140/5 140/10 142/22 143/5 147/16 148/8 148/15 149/4 149/18 149/25 150/3 155/1 156/8 159/7 161/17</p>	<p><b>V</b></p> <p>V3 [3] 80/18 110/13 111/8</p> <p>value [1] 151/24</p> <p>van [17] 38/20 40/8 40/9 41/7 48/2 84/21 86/5 167/11 167/17 167/17 183/18 184/17 185/12 190/15 190/15 190/19 190/20</p> <p>various [2] 97/11 160/22</p> <p>vehicle [118] 34/3 34/9 34/13 34/13 34/16 34/17 35/5 35/20 36/1 36/21 40/23 48/23 50/13 51/21 52/13 52/14 68/12 68/17 77/2 77/15 106/5 106/20 107/1 115/5 116/18 116/20 117/5 135/12 135/13 141/1 141/3 142/9 146/6 146/10 146/12 146/13 146/14 146/20 146/23 146/25 147/9 147/11 147/12 147/13 147/15 147/20 147/22 147/25 148/4 148/8 148/11 148/14 148/17 149/8 149/12 149/17 149/24 150/16 150/17 150/18 150/19 151/6 151/8 151/11 151/16 151/19 151/23 152/1 152/1 152/6 152/7 152/15 154/9 154/13 154/15 154/18 154/18 154/21 154/23 155/16 156/6 156/8 156/12 156/13 156/18 156/21 157/25 158/1 158/5 158/13 158/22 159/7 167/21 169/18 170/5 170/8 170/16 171/4 180/3 183/23 185/12 185/25 199/1 199/2 201/6 204/10 204/22 205/16 205/25 206/4 206/12 206/23 207/1 207/10 207/23 208/21 209/1 209/19</p> <p>vehicles [43] 35/1 37/6 49/12 106/1 135/8 139/3 140/10 140/10 140/24 141/4 141/15 142/17 142/18 143/9 143/11 143/14 143/15</p>	<p><b>W</b></p> <p>wagon [1] 170/6</p> <p>wait [1] 56/9</p> <p>waiting [3] 158/8 205/1 205/4</p> <p>waits [1] 66/24</p> <p>walk [6] 83/2 96/12 171/7 182/7 209/13 212/25</p> <p>walk-through [2] 182/7 209/13</p> <p>walked [1] 68/19</p> <p>walking [2] 83/5 209/5</p> <p>walks [2] 65/20 124/25</p> <p>wall [6] 38/1 38/3 73/2 187/5 187/6 187/18</p> <p>want [36] 23/13 27/15 32/7 36/19 57/6 60/25 65/11 65/18 66/3 75/8 86/18 87/11 87/13 87/25 89/19 91/15 91/20 91/22 91/24 93/7 93/8 93/19 93/21 94/1 94/2 94/22 95/20 95/22 106/3 132/20 159/12 160/24 165/15 197/6 207/6 207/7</p> <p>wanted [12] 21/4 22/18 24/14 94/13 99/3 99/21 104/8 105/2 105/15 107/15 108/21 115/15</p>

# W

wants [4] 65/7 84/7 85/7 89/17  
**warn** [1] 63/7  
**warrant** [11] 70/11 71/15 72/5 144/23  
 144/25 145/1 145/10 162/9 162/16 162/18  
 210/2  
**warrants** [5] 35/9 35/10 35/10 35/14 49/1  
**was** [441]  
**washed** [1] 219/6  
**wasn't** [11] 36/2 45/10 45/10 55/5 58/13  
 60/21 62/15 110/1 125/18 218/8 222/3  
**watch** [14] 62/23 84/7 86/4 92/11 93/2 93/8  
 93/16 93/17 94/5 94/17 107/22 108/21 125/3  
 131/2  
**watched** [1] 131/8  
**watches** [2] 83/11 86/7  
**watching** [7] 22/16 63/4 83/22 91/16 93/3  
 107/17 130/24  
**watery** [1] 212/13  
**way** [27] 22/22 24/16 40/24 47/14 47/14  
 47/20 56/9 67/25 71/23 74/21 75/5 82/25  
 92/22 111/3 124/22 137/11 138/13 142/19  
 146/19 151/4 158/20 182/19 192/21 193/19  
 198/24 215/6 216/11  
**ways** [3] 10/13 14/21 18/1  
**we** [163] 4/20 5/18 21/20 22/1 23/21 24/16  
 26/3 27/5 27/13 29/15 32/4 32/5 44/10 45/25  
 47/15 48/12 49/15 51/3 52/6 53/11 53/18  
 59/22 59/25 60/9 60/16 60/19 61/2 61/14  
 62/8 63/15 63/16 65/6 65/16 67/12 68/13  
 69/25 70/12 70/13 70/14 71/2 74/15 76/14  
 76/15 76/16 76/16 77/14 77/21 79/2 80/3  
 80/6 80/7 86/10 86/18 86/18 87/18 87/21  
 88/8 88/19 91/15 91/17 91/20 91/24 93/8  
 94/2 95/3 96/4 97/6 97/14 97/20 98/25 99/3  
 99/21 100/7 100/10 100/17 100/21 101/3  
 101/22 102/2 104/7 104/11 108/12 108/19  
 109/9 111/21 112/9 112/10 112/22 112/23  
 113/22 114/12 114/12 115/25 118/4 118/5  
 121/9 124/3 124/3 124/5 124/24 124/25  
 125/24 126/1 128/11 128/20 131/1 131/9  
 132/22 133/2 133/25 136/7 142/11 143/1  
 146/25 147/1 149/20 150/21 151/10 152/7  
 152/21 154/1 154/20 157/1 157/7 157/10  
 157/14 157/19 162/15 162/16 162/23 162/23  
 162/25 163/2 163/10 163/11 163/13 163/14  
 165/15 165/18 166/3 166/22 167/15 168/1  
 168/5 172/12 173/8 173/12 174/4 176/25  
 177/1 177/11 185/6 191/25 196/7 205/25  
 208/17 209/21 210/11 212/21 215/12 217/9  
 217/11 223/14  
**we'd** [2] 104/9 173/21  
**we'll** [34] 23/4 36/11 42/13 42/19 50/6 53/24  
 62/8 74/21 75/11 76/17 77/9 87/7 87/18 95/3  
 95/15 97/8 97/8 97/25 101/12 101/13 102/8  
 102/8 104/2 117/22 136/25 160/17 160/19  
 175/6 193/2 195/19 215/18 215/18 217/10  
 225/3  
**we're** [56] 24/15 24/16 25/22 36/8 50/19  
 53/4 54/3 62/25 64/14 70/19 81/5 82/15 94/1  
 96/20 97/24 99/22 114/16 115/25 119/20  
 128/11 129/6 141/10 142/4 143/1 143/5  
 146/9 147/9 147/24 148/12 155/5 159/15  
 163/19 164/1 165/11 165/19 167/16 173/2  
 176/11 183/5 183/6 183/13 185/17 186/10  
 187/1 187/13 187/19 190/11 190/22 191/3  
 193/7 200/14 214/7 222/13 222/16 223/4  
 224/24  
**we've** [8] 75/18 94/6 149/21 159/19 166/17  
 179/10 196/14 199/17  
**weapon** [5] 16/8 18/6 18/17 18/19 65/23  
**weapons** [1] 49/22

wear [1] 128/25  
**wearing** [7] 78/16 79/15 79/18 126/14  
 126/16 174/14 194/12  
**weather** [2] 151/14 151/15  
**weddings** [1] 105/13  
**Wednesday** [3] 42/21 109/25 118/5  
**week** [15] 11/18 26/11 42/15 63/2 109/6  
 142/13 169/8 169/12 175/7 178/25 179/16  
 187/19 195/19 196/11 202/24  
**week-long** [1] 169/8  
**weeks** [3] 21/12 22/2 50/18  
**weigh** [3] 203/15 203/16 203/19  
**weighed** [1] 203/13  
**weight** [4] 7/12 12/16 96/14 96/15  
**well** [83] 9/7 13/17 16/21 22/11 22/12 22/19  
 23/1 24/2 27/1 32/23 33/16 47/8 54/14 56/6  
 56/8 61/13 70/11 71/3 73/9 74/17 77/17  
 83/24 85/18 87/9 89/12 89/17 89/20 93/2  
 96/10 96/16 96/17 100/20 103/14 104/3  
 104/6 105/12 108/16 117/21 118/25 124/3  
 135/16 137/2 138/1 142/6 149/7 151/21  
 152/3 153/6 154/1 159/10 161/16 164/24  
 165/4 166/25 171/11 175/4 178/9 179/24  
 181/25 183/1 186/20 187/10 190/6 193/3  
 194/6 197/11 199/24 200/23 201/19 206/14  
 206/19 206/21 207/2 207/25 208/13 211/7  
 212/17 214/14 216/10 217/9 218/8 220/13  
 222/15  
**well-informed** [1] 117/21  
**went** [20] 68/16 78/1 104/15 104/20 111/20  
 111/22 111/23 114/22 127/17 135/6 145/18  
 194/9 198/13 199/11 210/6 214/11 214/13  
 214/18 218/24 220/22  
**were** [217] 6/6 10/23 11/4 15/6 18/10 20/24  
 24/20 24/24 25/8 25/10 26/19 32/19 33/1  
 35/14 39/6 39/21 41/13 41/21 41/21 42/4  
 42/16 42/17 42/17 42/18 42/21 61/24 62/1  
 62/2 68/15 68/23 69/2 69/4 70/2 71/11 72/22  
 72/23 73/10 77/13 78/15 78/25 78/25 79/14  
 79/15 79/23 80/1 80/4 80/11 80/16 81/8 82/6  
 99/23 103/12 105/23 106/7 106/19 107/9  
 107/15 107/22 107/24 108/16 108/17 109/9  
 112/5 112/7 112/12 113/3 113/3 113/6 113/8  
 113/11 113/12 114/25 115/1 116/1 116/9  
 116/12 116/19 117/9 117/24 117/25 118/3  
 118/4 118/5 118/6 118/7 119/1 120/2 120/6  
 121/9 124/1 124/3 124/16 126/2 126/20  
 126/25 127/12 127/23 128/14 129/15 131/9  
 134/3 134/6 135/8 136/7 136/14 143/14  
 143/15 147/21 148/3 148/20 151/21 151/23  
 151/25 152/14 152/16 152/16 153/20 154/1  
 154/6 155/18 155/22 155/22 156/4 157/6  
 157/8 157/14 158/16 163/6 163/10 164/4  
 165/9 166/9 166/9 166/17 167/10 168/5  
 168/22 168/23 168/24 169/9 169/11 169/14  
 169/17 169/22 169/23 170/6 170/7 170/9  
 170/10 170/17 170/20 171/4 172/17 173/18  
 175/9 175/12 176/15 176/24 177/6 177/11  
 177/13 180/1 180/4 180/5 180/8 180/11  
 180/14 180/16 180/17 180/21 180/22 180/23  
 181/5 181/11 182/20 187/8 189/13 191/22  
 192/5 193/21 194/10 194/19 194/23 197/2  
 198/7 198/7 198/8 198/11 200/15 200/21  
 201/1 201/4 204/25 205/4 205/12 207/13  
 207/20 210/9 211/2 211/7 211/16 212/25  
 213/8 213/8 213/23 215/10 216/6 216/11  
 216/13 217/7 217/19 217/24 218/8 218/9  
 220/13 223/16 224/9  
**weren't** [4] 41/25 60/18 166/23 201/12  
**west** [10] 23/20 103/21 104/6 137/10 142/16  
 166/4 171/3 185/25 190/8 190/23  
**what** [235]  
**what's** [30] 39/5 56/17 61/21 76/8 79/8

84/11 86/25 103/23 105/17 106/24 110/22  
 117/15 118/13 119/5 142/22 143/23 144/22  
 148/25 149/21 150/11 151/1 155/5 158/17  
 163/18 167/14 171/19 171/23 172/25 178/1  
 181/14  
**whatever** [4] 96/14 96/15 178/8 205/16  
**when** [104] 5/20 9/9 13/20 16/24 20/4 20/25  
 27/18 27/19 29/9 29/15 31/3 31/3 32/5 33/18  
 33/19 34/10 34/10 38/1 38/9 39/13 47/15  
 47/15 47/16 52/11 52/12 52/23 53/8 53/22  
 55/16 56/22 59/21 60/16 61/9 62/8 65/6  
 65/16 68/19 69/14 71/1 72/21 74/4 76/6 80/3  
 84/16 87/10 87/21 88/7 89/3 92/11 93/2  
 93/20 93/22 93/25 94/17 95/20 95/21 104/3  
 106/3 109/20 110/19 112/1 112/14 112/21  
 112/21 118/3 120/4 126/24 128/17 129/13  
 134/23 135/15 138/12 140/16 146/15 153/20  
 154/7 155/16 157/7 158/21 162/18 165/11  
 165/18 166/22 175/17 177/9 194/13 194/16  
 194/25 195/11 195/14 198/23 199/18 199/20  
 200/2 200/9 204/9 206/9 206/16 210/9  
 212/21 214/2 217/11 217/25 220/22  
**where** [90] 21/20 23/21 24/12 33/14 34/16  
 44/9 44/17 47/23 48/11 51/23 53/6 58/18  
 59/2 59/4 68/4 71/14 71/19 72/6 72/8 72/10  
 74/23 76/23 76/24 77/1 84/24 89/8 91/4 91/6  
 92/6 96/22 103/18 106/7 111/22 112/21  
 113/6 115/14 116/8 117/8 118/18 124/10  
 129/12 129/12 131/2 135/8 135/12 137/14  
 137/25 138/4 138/14 139/2 139/21 140/25  
 141/13 142/4 144/2 150/14 152/7 155/21  
 155/22 156/3 156/5 158/1 158/3 158/4  
 160/21 169/14 169/16 171/25 176/15 176/16  
 176/24 177/7 186/12 188/9 189/6 189/10  
 189/10 190/15 193/15 194/9 205/14 210/9  
 210/22 211/5 212/12 212/18 213/7 213/15  
 215/20 221/14  
**whether** [26] 10/7 11/6 14/15 17/20 26/13  
 27/22 28/17 52/19 52/20 54/5 61/6 63/18  
 63/20 63/22 69/12 69/13 69/18 69/23 81/13  
 102/22 115/22 130/16 151/24 200/8 210/16  
 211/2  
**which** [67] 6/23 6/24 7/5 8/13 10/1 10/21  
 14/9 15/5 17/14 18/9 19/10 19/24 19/25 20/6  
 20/8 22/14 23/19 24/20 26/14 29/21 30/17  
 32/13 32/15 37/2 37/3 48/17 49/18 54/16  
 71/24 71/24 78/10 80/7 80/16 82/6 100/12  
 100/14 130/4 134/7 134/14 134/18 138/18  
 138/19 139/22 140/12 140/13 141/14 152/22  
 157/2 157/4 158/11 162/16 171/15 178/13  
 185/6 185/14 186/24 188/7 191/19 191/21  
 195/15 196/14 198/24 200/20 207/9 207/22  
 216/19 223/15  
**whichever** [2] 214/9 214/10  
**while** [10] 11/13 12/7 12/10 20/13 65/21  
 69/7 91/16 106/9 111/25 155/4  
**white** [6] 74/2 74/4 172/6 174/24 175/2  
 175/5  
**who** [75] 6/19 9/3 9/7 9/12 9/14 10/16 13/14  
 13/17 13/23 13/24 14/24 16/18 16/21 17/2  
 17/3 18/4 24/3 25/1 25/4 28/5 28/11 31/19  
 45/18 55/14 60/7 60/11 60/18 60/19 62/2  
 63/10 65/14 66/25 73/17 73/18 74/18 76/4  
 78/8 81/8 81/25 83/6 87/12 88/24 95/19 97/2  
 103/1 116/6 123/18 125/11 134/11 135/14  
 146/21 153/14 165/8 168/6 168/9 168/10  
 168/10 168/11 169/22 169/23 169/24 170/10  
 177/17 181/12 193/13 198/7 198/8 198/19  
 199/18 199/21 200/9 204/18 210/5 220/11  
 222/3  
**who's** [5] 60/11 67/7 69/10 83/20 197/10  
**whoever** [4] 13/5 16/10 54/13 206/23  
**whoever's** [1] 8/20



W		worked [6] 29/19 29/20 30/1 105/4 195/2 195/4		126/23 127/9 127/17 128/16 128/22 129/11 130/6 133/19 134/5 134/9 135/25 136/17 142/14 142/24 143/15 143/22 144/11 144/19 144/24 145/20 146/18 146/24 148/22 150/6 150/10 150/25 152/19 153/13 153/24 154/22 154/25 163/24 164/8 164/17 164/22 164/25 165/5 166/8 166/11 166/22 167/13 168/4 168/8 168/16 168/20 169/1 169/4 169/13 169/15 170/9 170/13 172/9 172/20 172/24 173/18 174/1 174/24 175/5 175/10 175/15 175/23 176/8 177/11 177/16 177/25 178/11 178/23 181/7 182/18 184/2 186/18 189/5 189/23 194/1 194/4 194/12 196/15 197/5 197/23 198/10 198/13 198/15 198/18 199/12 199/14 200/16 201/18 201/20 202/8 202/11 202/14 203/5 203/7 203/21 204/6 204/11 204/16 205/22 206/5 206/13 206/25 208/17 208/22 209/15 210/4 213/4 213/6 214/1 214/4 214/19 215/24 216/3 216/18 216/20 217/17 217/21 218/6 218/16 218/20 218/25 220/10 220/21 221/20 222/2 222/8 222/10 222/12 222/18 223/19 224/12	
<b>W</b>		<b>worker [1]</b> 103/5		<b>you [851]</b>	
<b>whole [5]</b> 26/24 29/4 51/2 108/11 209/24		<b>working [3]</b> 105/1 105/22 191/7		<b>you'd [4]</b> 137/3 189/25 217/9 217/12	
<b>whose [1]</b> 68/9		<b>works [4]</b> 24/5 25/4 80/14 113/24		<b>you'll [66]</b> 22/16 23/7 24/11 31/6 33/8 33/24 34/8 34/15 35/4 35/4 35/8 35/9 36/17 37/7 37/9 37/24 37/25 38/16 38/22 39/11 40/11 41/8 44/5 44/12 48/19 48/22 49/2 49/5 49/12 49/23 50/2 56/13 58/21 59/12 59/13 60/6 60/14 60/22 60/24 61/6 61/7 61/7 61/9 61/11 66/17 68/8 69/23 73/16 73/21 73/21 74/17 74/17 75/5 75/17 76/3 76/9 76/23 76/25 78/12 86/15 89/22 90/1 90/3 90/18 93/3 155/14	
<b>why [15]</b> 24/15 35/4 35/4 42/10 53/12 95/1 95/2 103/10 104/9 140/21 157/10 157/12 161/3 161/3 204/17		<b>workshop [1]</b> 138/5		<b>you're [117]</b> 12/19 21/7 21/13 22/25 23/8 23/9 25/7 25/11 28/25 29/6 31/20 32/3 35/15 35/25 36/25 37/17 37/20 38/4 38/7 38/15 39/22 40/14 41/11 41/13 41/23 43/10 43/16 43/23 43/24 44/3 44/7 44/7 44/15 44/18 45/6 45/25 46/5 46/6 46/10 46/16 46/22 47/10 47/12 47/17 51/5 51/9 51/11 51/16 52/16 52/18 53/5 54/7 54/16 55/8 56/22 57/7 57/9 57/13 57/14 57/19 58/7 58/18 59/20 59/20 59/24 60/20 61/14 62/10 62/19 63/3 63/12 63/17 64/20 64/21 65/19 65/25 66/22 67/19 68/11 69/14 70/1 70/9 71/3 71/10 71/16 72/20 73/4 78/6 79/3 79/9 79/13 79/22 80/12 91/16 93/2 94/21 96/16 101/14 129/18 133/17 137/10 142/19 158/25 171/6 190/7 196/13 200/10 202/20 204/18 204/19 209/12 212/22 215/16 216/15 216/21 219/22 221/13	
<b>Wiegert [23]</b> 24/25 25/1 55/20 56/14 56/19 58/11 69/24 90/22 116/24 116/24 117/14 121/7 128/9 128/10 128/17 129/5 136/9 136/24 172/15 175/21 176/10 195/21 197/12		<b>workup [1]</b> 31/24		<b>you've [11]</b> 6/5 21/11 33/22 88/14 88/15 88/16 104/19 119/21 128/19 206/6 219/22	
<b>Wiegert's [3]</b> 105/17 119/9 127/3		<b>world [1]</b> 73/1		<b>young [18]</b> 28/23 29/10 29/12 63/10 64/17 65/14 66/3 67/16 67/17 68/9 79/3 81/3 81/8 81/25 82/10 102/23 103/4 116/2	
<b>Wild [1]</b> 131/24		<b>worn [2]</b> 173/25 174/9		<b>younger [8]</b> 103/16 107/4 107/9 107/11 107/14 114/19 123/21 124/19	
<b>will [124]</b> 4/2 5/18 5/24 7/16 7/22 7/25 8/2 8/11 8/13 20/17 20/20 21/25 22/5 22/13 23/11 23/25 24/7 24/11 24/17 26/8 27/3 27/21 30/3 31/17 33/2 34/23 34/23 38/11 40/9 40/17 41/2 41/20 42/15 44/5 44/24 46/2 47/25 48/3 52/6 53/11 53/22 55/25 56/6 56/12 56/16 56/23 58/12 58/15 58/19 58/20 58/25 59/1 59/3 60/1 60/15 60/17 60/20 61/3 61/3 61/18 63/22 64/4 66/16 67/14 68/18 69/18 69/20 70/15 70/16 70/17 70/18 70/18 73/6 73/7 73/7 73/10 73/16 73/18 73/19 74/1 74/10 74/18 75/7 75/9 75/14 75/20 76/16 77/7 78/8 78/11 80/8 80/22 81/11 81/12 86/10 90/19 91/7 92/16 95/3 95/9 96/4 96/9 98/6 98/9 101/5 123/3 129/7 136/15 149/9 153/5 162/18 166/18 179/1 179/21 182/9 182/13 186/6 188/3 190/2 190/3 190/4 196/1 196/10 208/10		<b>worried [4]</b> 110/2 110/7 111/18 113/1		<b>your [125]</b> 4/17 5/4 5/6 5/10 5/12 5/16 6/8 7/20 7/21 7/22 8/4 8/8 19/2 19/9 20/13 23/3 26/18 30/24 52/19 53/10 54/17 61/8 61/15 63/21 63/21 64/25 69/12 71/17 81/12 86/22 87/24 88/21 88/22 96/11 97/1 97/1 98/17 100/3 101/15 102/9 102/17 102/17 103/13 107/19 108/4 108/23 109/1 109/7 113/4 115/20 118/1 118/8 119/17 119/17 120/9 120/16 121/4 121/9 121/11 122/17 123/5 123/11 123/11 124/19 125/17 126/6 126/18 126/24 127/16 127/24 128/25 128/25 129/1 130/14 130/16 130/23 131/7 131/16 131/18 131/21 133/12 133/12 133/22 134/22 135/21	
<b>Wild [1]</b> 131/24		<b>worth [2]</b> 22/4 36/7			
<b>will [124]</b> 4/2 5/18 5/24 7/16 7/22 7/25 8/2 8/11 8/13 20/17 20/20 21/25 22/5 22/13 23/11 23/25 24/7 24/11 24/17 26/8 27/3 27/21 30/3 31/17 33/2 34/23 34/23 38/11 40/9 40/17 41/2 41/20 42/15 44/5 44/24 46/2 47/25 48/3 52/6 53/11 53/22 55/25 56/6 56/12 56/16 56/23 58/12 58/15 58/19 58/20 58/25 59/1 59/3 60/1 60/15 60/17 60/20 61/3 61/3 61/18 63/22 64/4 66/16 67/14 68/18 69/18 69/20 70/15 70/16 70/17 70/18 70/18 73/6 73/7 73/7 73/10 73/16 73/18 73/19 74/1 74/10 74/18 75/7 75/9 75/14 75/20 76/16 77/7 78/8 78/11 80/8 80/22 81/11 81/12 86/10 90/19 91/7 92/16 95/3 95/9 96/4 96/9 98/6 98/9 101/5 123/3 129/7 136/15 149/9 153/5 162/18 166/18 179/1 179/21 182/9 182/13 186/6 188/3 190/2 190/3 190/4 196/1 196/10 208/10		<b>would [125]</b> 4/16 20/3 32/15 38/19 55/10 80/20 89/5 89/6 94/8 96/18 97/15 97/17 98/17 99/7 99/12 99/14 99/17 99/24 99/25 100/5 101/1 101/9 102/1 102/11 105/15 105/25 106/2 106/2 106/3 106/4 106/6 106/9 107/20 108/2 109/2 109/6 114/19 120/7 120/19 124/3 124/4 124/5 124/7 124/22 124/24 124/24 124/25 125/3 125/24 131/2 132/3 132/14 133/6 134/16 135/2 135/23 138/14 138/19 139/10 139/22 140/3 140/13 142/16 148/10 150/7 151/11 153/2 153/4 154/4 156/8 158/22 159/7 159/8 159/10 163/8 164/19 166/4 167/21 171/7 171/15 171/16 173/13 178/8 179/2 182/7 182/9 183/3 185/24 187/12 190/6 190/9 191/7 191/25 193/24 195/15 199/6 199/7 202/15 202/16 202/21 203/1 203/11 205/19 206/3 206/11 206/12 207/16 209/2 209/6 209/15 210/5 211/4 211/17 212/19 212/25 213/19 215/25 217/22 219/19 220/14 223/14 223/17 223/19 224/17 224/19			
<b>William [1]</b> 169/23		<b>wouldn't [5]</b> 203/3 203/10 209/20 217/10 220/15			
<b>willing [4]</b> 9/13 23/23 17/3 28/9		<b>wound [2]</b> 73/23 74/3			
<b>willingness [4]</b> 9/15 13/25 17/4 28/12		<b>wounds [2]</b> 74/6 74/11			
<b>win [1]</b> 96/23		<b>wrap [1]</b> 64/25			
<b>windows [2]</b> 147/15 204/21		<b>wraparound [1]</b> 190/24			
<b>wing [1]</b> 203/4		<b>wrecker [1]</b> 152/2			
<b>Winnebago [1]</b> 180/20		<b>wreckers [1]</b> 152/5			
<b>wins [2]</b> 83/8 97/2		<b>write [1]</b> 97/16			
<b>wiped [1]</b> 211/10		<b>written [2]</b> 8/2 86/21			
<b>Wis [2]</b> 99/15 99/16		<b>wrong [5]</b> 81/20 81/21 189/25 205/23 209/11			
<b>WISCONSIN [27]</b> 1/1 1/3 1/14 1/16 1/18 4/3 8/19 10/16 13/5 14/24 16/9 18/4 25/15 43/12 44/20 114/11 133/19 135/22 149/14 152/11 152/12 170/12 170/13 180/7 181/12 226/1 226/6					
<b>wish [2]</b> 96/16 98/22		<b>X</b>			
<b>within [7]</b> 41/12 50/9 105/7 117/24 142/15 182/17 217/20		<b>x-ray [1]</b> 76/6			
<b>without [6]</b> 18/5 65/24 179/6 179/7 214/15 215/8		<b>x-rayed [1]</b> 74/4			
<b>witness [18]</b> 6/20 55/14 55/14 55/21 55/21 62/14 69/17 96/15 102/9 102/14 122/5 123/8 123/12 133/9 193/25 196/2 224/14 224/15		<b>x-rays [1]</b> 73/24			
<b>witness' [1]</b> 62/13		<b>Y</b>			
<b>witnesses [23]</b> 3/7 5/22 5/24 6/18 7/4 7/12 7/19 22/11 56/14 56/15 56/21 57/4 57/12 58/12 75/6 86/16 86/24 88/6 88/13 97/8 160/22 224/16 224/19		<b>Y.E.S [1]</b> 113/25			
<b>woman [18]</b> 28/23 29/13 31/20 47/1 47/11 64/18 64/23 65/8 65/13 65/14 65/24 66/23 67/16 68/9 80/23 103/4 116/2 153/10		<b>yard [43]</b> 30/7 32/9 84/19 85/3 85/6 106/18 116/11 134/19 134/22 134/23 134/24 135/8 136/22 138/23 139/1 139/4 139/11 140/4 141/16 141/18 143/9 143/16 152/25 152/25 155/9 156/9 157/3 157/23 158/12 159/19 160/1 160/3 160/5 160/7 160/8 160/9 160/11 163/4 169/5 171/17 180/19 184/12 198/14			
<b>woman's [1]</b> 29/10		<b>yards [3]</b> 84/6 139/23 183/17			
<b>women [1]</b> 116/3		<b>yeah [11]</b> 98/9 101/5 106/9 107/20 115/25 117/6 118/2 131/13 131/15 195/13 221/4			
<b>won't [4]</b> 75/8 90/4 90/6 95/1		<b>year [8]</b> 29/12 63/14 66/23 82/12 90/12 90/13 93/12 103/22			
<b>Wood [1]</b> 84/20		<b>years [9]</b> 28/24 104/15 107/10 107/11 123/24 197/1 197/5 206/6 219/9			
<b>word [4]</b> 65/11 70/20 182/3 221/24		<b>yellow [3]</b> 155/13 156/1 163/25			
<b>words [11]</b> 12/3 15/19 59/23 61/8 63/19 79/21 113/20 151/2 154/13 165/8 186/5		<b>Yep [5]</b> 89/8 118/23 124/21 125/14 125/20			
<b>wore [1]</b> 174/19		<b>yes [166]</b> 4/24 5/1 21/1 65/18 66/17 84/9 85/8 88/19 98/16 102/24 106/14 106/21 108/7 108/15 108/17 110/11 110/21 111/2 111/5 111/9 112/16 113/11 113/16 113/22 114/12 115/4 116/5 116/22 117/13 118/12 119/4 119/23 120/3 124/15 125/2 126/19			
<b>work [13]</b> 44/14 44/21 48/8 83/24 104/20 109/3 113/18 113/20 141/19 141/21 207/14 209/21 219/9					

**Y**

**your...** [40] 136/14 137/10 143/12 144/7  
145/21 146/22 147/5 150/7 153/25 160/13  
164/16 166/21 172/10 178/6 183/12 187/23  
189/14 190/17 192/17 196/20 197/15 197/15  
197/22 198/24 200/14 200/15 200/24 202/1  
202/15 203/3 203/22 204/9 204/23 208/25  
209/11 210/20 211/11 215/17 223/17 223/22  
**yourself** [6] 5/5 69/23 76/10 150/21 197/11  
221/25  
**yourselves** [3] 5/15 60/14 63/3  
**Youth** [1] 113/25

**Z**

**zipper** [1] 79/25  
**Zipperer** [4] 47/17 177/18 177/20 177/22  
**Zipperer's** [1] 47/2  
**Zire** [1] 119/19  
**zoom** [2] 141/20 166/5  
**zooms** [2] 128/17 128/18