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STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY  
BRANCH 3

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STATE OF WISCONSIN,

PLAINTIFF,

BAIL HEARING &  
INITIAL APPEARANCE

vs.

Case No. 06 CF 88

BRENDAN R. DASSEY,

DEFENDANT.

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**DATE:** MARCH 3, 2006

MANITOWOC COUNTY  
STATE OF WISCONSIN  
**FILED**

**BEFORE:** Hon. Jerome L. Fox  
Circuit Court Judge

MAR 10 2006

**APPEARANCES:**

**CLERK OF CIRCUIT COURT**

KENNETH R. KRATZ  
SPECIAL PROSECUTOR  
On behalf of the State of Wisconsin.

RALPH SCZYGELSKI  
Attorney at Law  
On behalf of the Defendant.

BRENDAN R. DASSEY  
Defendant  
Appeared in person.

\* \* \* \* \*

**TRANSCRIPT OF PROCEEDINGS**

Reported by Jennifer K. Hau, RPR

Official Court Reporter

1 THE COURT: This is in the matter of the  
2 State of Wisconsin vs. Brendan R. Dassey.  
3 Appearances.

4 MR. KRATZ: The State appears by Calumet  
5 County District Attorney Ken Kratz. I'm  
6 appearing as special prosecutor in this matter.

7 MR. SCZYGELSKI: Mr. Dassey appears with  
8 Ralph Sczygelski.

9 THE COURT: Yeah. This is Case No.  
10 06 CF 88. It's set today for an initial  
11 appearance, uh, as well as bail, presumably. Uh,  
12 Mr. Kratz.

13 MR. KRATZ: That's correct, Judge. The  
14 first, uh, item of housekeeping, uh, Judge  
15 Willis, uh, had signed an order upon a request to  
16 District Attorney Rohrer to have me appointed in  
17 this matter as special prosecutor. I have that  
18 original form, Judge. I'd ask the Court to place  
19 that in the file, if you will.

20 THE COURT: Go right ahead.

21 MR. KRATZ: This is the initial  
22 appearance, Judge. This is a time for, um,  
23 Mr. Dassey to receive the, um, original Criminal  
24 Complaint. It's, uh, my understanding, based  
25 upon conversations with Counsel, that he's

1 already received a copy of the Complaint.

2 THE COURT: Is that correct, Counsel?

3 MR. SCZYGELSKI: We have, Your Honor.

4 THE COURT: Have you had an opportunity to  
5 review it?

6 MR. SCZYGELSKI: Yes, we have, and we'll  
7 waive its formal reading.

8 THE COURT: All right. Um, the next  
9 matter, then, would be to set a preliminary  
10 examination.

11 MR. SCZYGELSKI: We would normally, Judge.  
12 My client and I are waiving that right.

13 THE COURT: You're handing me a waiver  
14 form?

15 MR. SCZYGELSKI: I am, Judge.

16 THE COURT: And you went over this with  
17 your client?

18 MR. SCZYGELSKI: Yes, I did.

19 THE COURT: Did he appear to understand  
20 what he was waiving?

21 MR. SCZYGELSKI: Yes.

22 THE COURT: Mr. Dassey, I'm going to ask --  
23 I'm going to show you this form. Is that your  
24 signature on the front page?

25 THE DEFENDANT: Yes.

1 THE COURT: Did you have an opportunity  
2 to go over it with your lawyer?

3 THE DEFENDANT: Yeah.

4 THE COURT: Did you understand it?

5 THE DEFENDANT: Yeah.

6 THE COURT: Do you understand that under  
7 Wisconsin law you are entitled to what is called a  
8 preliminary hearing?

9 THE DEFENDANT: Yeah.

10 THE COURT: And at that hearing, the State  
11 would have to produce evidence to show that there's  
12 probable cause to believe that a felony has been  
13 committed and that you have committed a felony. Do  
14 you understand that?

15 THE DEFENDANT: Yeah.

16 THE COURT: And by waiving, or giving up  
17 your right to a preliminary hearing, you are, in  
18 effect, relieving the State of making that proof.  
19 Do you understand that?

20 THE DEFENDANT: Yeah.

21 THE COURT: Is it your desire to waive the  
22 preliminary hearing?

23 THE DEFENDANT: Yeah.

24 THE COURT: Anybody promised you anything  
25 in order to get you to do that?

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THE DEFENDANT: No.

THE COURT: Threaten you in any way?

THE DEFENDANT: No.

THE COURT: Court is going to find that the waiver of the preliminary hearing is freely and voluntarily given. Uh, accordingly, the Court is going to bind this defendant over for trial.

MR. KRATZ: Judge, uh, the State is prepared this morning to file with the Court the original criminal Information. This becomes the official charging document, then, regarding Mr. Dassey. It includes the identical charges as found in the Criminal Complaint. Those including party to the crime first-degree intentional homicide, party to the crime mutilation of a corpse, and party to the crime of first-degree sexual assault. I'm providing Mr. Sczygelski a copy of that Information and I'll provide the Court the original, sir.

MR. SCZYGELSKI: I acknowledge receipt, Your Honor.

THE COURT: You want the Information to be read, Mr. Sczygelski, or are you going to waive the reading of it and enter a plea?

MR. SCZYGELSKI: We'll waive the reading of

1           that, Your Honor. Um, I am concerned that once we  
2           complete the arraignment that certain deadlines run.  
3           As long as the Court is going to be amenable to  
4           flexibility down the road regarding those deadlines,  
5           such as change of venue, um, we will be willing to  
6           enter a plea of not guilty to all three charges at  
7           this time.

8                         THE COURT: Well, we can, uh, set a formal  
9           arraignment down the line some time. Uh,  
10          Mr. District Attorney, any objection to doing that?

11                        MR. KRATZ: Judge, uh, I have, uh, no  
12          objection to Mr. Sczygelski at this time, uh, noting  
13          the reservations of, uh, those, uh, statutory rights  
14          that, uh, uh, need to be, uh, implicated at the time  
15          of the arraignment, including substitution of, uh --  
16          of Judge and others. Uh, if Mr. Sczygelski wishes,  
17          then, that, uh, with the reservation of those  
18          statutory rights that the matter be set for a -- a  
19          continued arraignment at a future date, I have no  
20          objection to that procedure.

21                        MR. SCZYGELSKI: That sounds --

22                        THE COURT: Is that your --

23                        MR. SCZYGELSKI: -- fine.

24                        THE COURT: Is that your request,  
25          Counsel?

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MR. SCZYGELSKI: That's fine, Judge.

THE COURT: Uh, upon agreement of counsel, the Court will do exactly that. We'll have a continued arraignment here. Uh, it's not, uh, an interminable continued arraignment, under -- uh, arraignment, understand, but, uh, we're going to at least, uh, do this in an effort to accommodate the -- the time lines. Now, bail?

MR. KRATZ: Judge, we do have a, uh -- a request, uh, regarding, um -- regarding bail. Uh, this is a, uh -- a case, uh, that includes the, um -- as, uh -- as indicated in the Complaint, uh, the homicide, uh, mutilation, and sexual assault, uh, of a young woman, although the defendant is a -- 16 years of age, uh, this Court understands, as does Mr. Sczygelski, that there is an original adult court jurisdiction, and, therefore, the same bail or bond considerations as set forth in Section 969.01(4) apply to Mr. Dassey as would any other defendant.

Those, in this case, uh, include the nature, gravity, uh, and number of offenses. The potential penalty that Mr., uh, Dassey faces, which includes a potential life imprisonment, the degree of violence involved, which is, uh, set

1 out, uh, in detail in the, uh -- the Complaint,  
2 as well as the character and strength, uh, of the  
3 evidence, uh, presented, which includes not only  
4 physical evidence but inculpatory statements  
5 being made by Mr. Dassey, uh, given, uh, those  
6 factors, Your Honor, uh, given the, uh, risk of  
7 flight that is inherent, uh, in any, uh, case of,  
8 uh, this magnitude, the State is going to request  
9 cash bail in the amount of \$250,000.

10 In lieu of Mr. Dassey, uh, uh, being  
11 able to post, uh, the \$250,000 cash bail as  
12 requested by the State, uh, I am prepared, if  
13 necessary, to argue pretrial detention and, um,  
14 the nature and place of that detention. That's  
15 all I have, Judge. Thank you.

16 THE COURT: Mr. Sczygelski.

17 MR. SCZYGELSKI: Your Honor, as my,  
18 um -- As the Court, I'm sure, is well aware, my  
19 client has cooperated with the police, and he has  
20 provided a lengthy statement, which is the basis,  
21 in large part, for what is in the Complaint and  
22 for these charges.

23 He is a juvenile. He is a, uh,  
24 sophomore at, uh, Mishicot High School. As I  
25 understand it, he's a B/C student. Um, he has



1 never been in trouble in high school as far as I  
2 know, or any type of school. He has no juvenile  
3 record, whatsoever. Certainly no criminal  
4 record.

5 He has indicated that -- in his  
6 statement to the authorities that this was a  
7 result, in large part, of being threatened by  
8 Mr. Avery. That this was something that was not  
9 done willingly by him.

10 Based upon those circumstances, Your  
11 Honor, I think a \$250,000 cash bail is excessive.  
12 He does not have those means. Few high school  
13 students would. I believe that a far more modest  
14 bail would be appropriate. Potentially, even  
15 having sign-in conditions, if necessary, to make  
16 sure that there's no flight risk. Um, and that,  
17 uh, that be done instead.

18 In sum, Your Honor, I believe that this  
19 is a case that involves a young man who was  
20 threatened by his own uncle. And because of  
21 that, uh, this is not somebody who came up with  
22 this horrible idea on his own. This is somebody  
23 who, uh, himself, and, essentially, has been  
24 victimized by Mr. Avery as well. I would ask for  
25 a far more modest cash bail, if any. Thank you.

1 THE COURT: Response?

2 MR. KRATZ: Only, Judge, that, uh, as the  
3 State, uh, perceives, and, perhaps, without surprise  
4 to Mr. Sczygelski or the Court, there is only one  
5 victim in this case. That's Miss Halbach. Uh,  
6 Mr. Dassey, at least, has, uh, indicated, uh,  
7 himself, had opportunities, uh, not only to  
8 extricate himself from this situation, but to, uh,  
9 assist in, uh -- in, uh, the ultimate, uh,  
10 commission, uh, of this crime.

11 With that having been said, uh, the cash  
12 bond that I've, uh, recommended I believe to be  
13 fair under the circumstances, not excessive.  
14 Would ask the Court impose same.

15 THE COURT: All right. Uh, the Court -- So  
16 far as the Court knows at this stage, uh, there are  
17 a number of items alleged in the Complaint. Whether  
18 there was -- was threats of, uh -- of reprisals on  
19 the part of another defendant here, I don't know.  
20 Uh, District Attorney is correct, under Section  
21 938.183, the Court has original jurisdiction -- in  
22 adult court, has original jurisdiction of this  
23 juvenile because the allegations relate to, uh, a  
24 charge under 940.01, first degree intentional  
25 homicide, uh, committed after the age of 15 years,

1 and, in that sense, he is to be treated as an adult.

2 There are a number of factors that the  
3 Court is supposed to consider in setting bail.  
4 Prominent among those factors in this case, based  
5 on this very limited record, are:

6 The nature, the number of crimes, the  
7 gravity of the offenses, the potential penalties  
8 this defendant faces, the degree of violence  
9 involved, uh, his involvement in this -- in this,  
10 uh -- in these allegations, and the Court  
11 believes on -- on all of those factors, uh, a  
12 significant bail is warranted in this case, and  
13 it will set it at \$250,000 cash. Anything else,  
14 gentlemen?

15 MR. KRATZ: Just that, uh, we schedule a  
16 status conference, Judge. Or, excuse me, the  
17 arraignment. I guess that's the next -- next  
18 hearing, uh, to be scheduled. Uh, whether that is  
19 to be done at this time or whether at a scheduling  
20 or status conference so we can accomplish it at that  
21 time as well.

22 THE COURT: Well, I think we have a -- we  
23 have informally set a status conference, uh, couple  
24 of weeks down the line prior to coming into court  
25 today. Let us set the arraignment. Without

1 objection from either counsel, can we use that as  
2 the time to set the arraignment?

3 MR. KRATZ: That would be fine, Judge.

4 THE COURT: Okay.

5 MR. SCZYGELSKI: Your Honor, the other  
6 issue is that my client, um, can be either placed in  
7 juvenile detention or can be placed in an adult, uh,  
8 jail, um, if he cannot raise bail, which I doubt  
9 that he'll be able to do. I would ask that he be  
10 allowed to stay in a juvenile facility, and he would  
11 like to be staying here in Manitowoc so he can be  
12 close to his family.

13 THE COURT: Mr. District Attorney any --

14 MR. KRATZ: Judge, uh, as long as, uh,  
15 whatever facility Mr. Dassey is placed in pretrial,  
16 uh, includes a, uh -- a secure facility. Uh,  
17 whether it's in, uh, Manitowoc or, uh, elsewhere,  
18 uh, is something I don't, uh, have an opinion about.  
19 It should be -- of course be a, uh -- a secure  
20 facility. And whether he co-mingles with, uh,  
21 adults or, uh, other juvenile offenders, uh, the  
22 State doesn't have a position about.

23 THE COURT: The Court will order that he be  
24 placed in a secure juvenile facility. Uh, I -- I'm  
25 reluctant to order whether it be here in Manitowoc

1 or Sheboygan Counties, but it -- it -- whichever  
2 place, it -- it's going to be a juvenile facility.

3 MR. SCZYGELSKI: Okay.

4 THE COURT: Anything else?

5 MR. KRATZ: No, Judge. The date of the --  
6 the arraignment? The --

7 THE COURT: We were going to set it on the  
8 17th.

9 MR. KRATZ: Is that it? March 17 at --

10 THE COURT: Well, no, we were going to have  
11 a status conference on March 17 and set the  
12 arraignment at that time.

13 MR. KRATZ: So we're not going to do the  
14 arraignment on the 17th?

15 MR. SCZYGELSKI: No.

16 THE COURT: We can.

17 MR. SCZYGELSKI: I believe that may be  
18 difficult for law enforcement. It will be two  
19 courtrooms they'd have to secure, because you're --  
20 you're on Mr. Avery's case that same day.

21 MR. KRATZ: That's fine.

22 THE COURT: All right. But it will be  
23 shortly thereafter.

24 MR. KRATZ: Seventeenth at one --

25 THE COURT: Fifteen.

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MR. KRATZ: One-fifteen for the status.  
That's fine, Judge. Thank you.

THE COURT: Okay.

(PROCEEDINGS CONCLUDED.)

1 STATE OF WISCONSIN )  
 )SS.  
2 COUNTY OF MANITOWOC )  
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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 10th day of March, 2006.  
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Jennifer K. Hau, RPR  
20 Official Court Reporter  
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