

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF WISCONSIN : CIRCUIT COURT : MANITOWOC COUNTY
BRANCH 3

STATE OF WISCONSIN,

PLAINTIFF,

JURY TRIAL
VOIR DIRE - DAY 1

vs.

Case No. 06 CF 88

BRENDAN R. DASSEY,

DEFENDANT.

MANITOWOC COUNTY
STATE OF WISCONSIN
FILED

DATE: APRIL 12, 2007

DEC 11 2007

BEFORE: HON. JEROME L. FOX
Circuit Court Judge

CLERK OF CIRCUIT COURT

APPEARANCES:

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

THOMAS 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * * *

TRANSCRIPT OF PROCEEDINGS

Reported by Jennifer K. Hau, RPR

Official Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>JURORS</u>	<u>PAGE</u>
 <u>MARA MCDONALD</u>	
Voir Dire Examination by THE COURT	31-35
Voir Dire Examination by ATTORNEY FREMGEN	36-37
 <u>THOMAS OAKES</u>	
Voir Dire Examination by THE COURT	38-41
Voir Dire Examination by ATTORNEY FALLON	42
Voir Dire Examination by ATTORNEY FREMGEN	42-43
 <u>GREGORY HEINTZ</u>	
Voir Dire Examination by THE COURT	44-48
Voir Dire Examination by ATTORNEY FALLON	48-51
Voir Dire Examination by ATTORNEY FREMGEN	51-57
 <u>GORDANA MILETIC</u>	
Voir Dire Examination by THE COURT	59-63
Voir Dire Examination by ATTORNEY FALLON	63-64
 <u>TIMOTHY HUGHES</u>	
Voir Dire Examination by THE COURT	65-69
Voir Dire Examination by ATTORNEY FALLON	69-71
Voir Dire Examination by ATTORNEY FREMGEN	71-72

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X C O N T I N U E D

JURORS

PAGE

HEATHER RASMUSSEN

Voir Dire Examination by THE COURT 73-76
Voir Dire Examination by ATTORNEY FREMGEN 76-77

RACHEL TEDDER

Voir Examination by THE COURT 81-85
Voir Dire Examination by ATTORNEY FREMGEN 85-88

LEAH SHEA

Voir Dire Examination by THE COURT 90-94
Voir Dire Examination by ATTORNEY FREMGEN 94

LAYNE CLOSE

Voir Dire Examination by THE COURT 95-103
109-110
Voir Dire Examination by ATTORNEY FREMGEN 103-109

RYAN JOHNSON

Voir Dire Examination by THE COURT 111-115
Voir Dire Examination by ATTORNEY FREMGEN 115-117

KRISTEN DURST

Voir Dire Examination by THE COURT 117-120
Voir Dire Examination by ATTORNEY FALLON 120-121

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X C O N T I N U E D

<u>JURORS</u>	<u>PAGE</u>
 <u>RICHARD WILLIAMS</u>	
Voir Dire Examination by THE COURT	123-126
Voir Dire Examination by ATTORNEY FREMGEN	126-130
 <u>THOMAS HEINZEL</u>	
Voir Dire Examination by THE COURT	130-134
Voir Dire Examination by ATTORNEY FREMGEN	134
 <u>BECKY FOSS</u>	
Voir Dire Examination by THE COURT	135-138
Voir Dire Examination by ATTORNEY FALLON	138-139
Voir Dire Examination by ATTORNEY FREMGEN	139-140
 <u>LINDA HARRIS</u>	
Voir Dire Examination by THE COURT	141-144
 <u>BRENDA GARSKE</u>	
Voir Dire Examination by THE COURT	146-149
Voir Dire Examination by ATTORNEY FALLON	149-150
 <u>RONALD PALTZ</u>	
Voir Dire Examination by THE COURT	151-154 158
Voir Dire Examination by ATTORNEY FREMGEN	154-157
Voir Dire Examination by ATTORNEY FALLON	158-159

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X C O N T I N U E D

<u>JURORS</u>	<u>PAGE</u>
 <u>BEVERLY BLANKENSHIP</u>	
Voir Dire Examination by THE COURT	160-163
Voir Dire Examination by ATTORNEY FREMGEN	163
 <u>ROBERT COVINGTON</u>	
Voir Dire Examination by THE COURT	163-167 254-255
Voir Dire Examination by ATTORNEY FALLON	168-171
Voir Dire Examination by ATTORNEY FREMGEN	171
 <u>CYNTHIA EDGE</u>	
Voir Dire Examination by THE COURT	176-178
 <u>LARRY THORNTON</u>	
Voir Dire Examination by THE COURT	179-182
Voir Dire Examination by ATTORNEY FALLON	182-183
Voir Dire Examination by ATTORNEY FREMGEN	183-184
 <u>HEIDI ANDERSON</u>	
Voir Dire Examination by THE COURT	184-188
 <u>NICHOLAS DREWSEN</u>	
Voir Dire Examination by THE COURT	188-191
 <u>RENEE SCHMITT</u>	
Voir Dire Examination by THE COURT	191-193

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X C O N T I N U E D

JURORS PAGE

MICHELLE HAYMAN WARE

Voir Dire Examination by THE COURT 194-197
Voir Dire Examination by ATTORNEY FREMGEN 197-199

JANEEN RUNNING

Voir Dire Examination by THE COURT 199-202

JUDY ORTH

Voir Dire Examination by THE COURT 204-207
Voir Dire Examination by ATTORNEY FALLON 207-209
210-211
Voir Dire Examination by ATTORNEY FREMGEN 209-210

JANE McGUIRE

Voir Dire Examination by THE COURT 211-215
217-218
Voir Dire Examination by ATTORNEY FREMGEN 215-217

TAMARA LOWERY

Voir Dire Examination by THE COURT 221-226
228-229
230-231
Voir Dire Examinatin by ATTORNEY FALLON 226-227
229-230
231

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X C O N T I N U E D

JURORS PAGE

PETER NEHRBASS

Voir Dire Examination by THE COURT 232-237

Voir Dire Examination by ATTORNEY FALLON 237-241

ASHLEY SHIPPY

Voir Dire Examination by THE COURT 242-248

Voir Dire Examination by ATTORNEY FREMGEN 248-251

Voir Dire Examination by ATTORNEY FALLON 252-253

ROBERT RICE

Voir Dire Examination by THE COURT 256-260

Voir Dire Examination by ATTORNEY FALLON 260-263
265-266

Voir Dire Examination by ATTORNEY FREMGEN 263-265

DIANE AUSTIN

Voir Dire Examination by THE COURT 266-270

Voir Dire Examination by ATTORNEY FALLON 270-273

Voir Dire Examination by ATTORNEY FREMGEN 273-276

LONNA SCHWIRTZ

Voir Dire Examination by THE COURT 278-282

Voir Dire Examination by ATTORNEY FREMGEN 282

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X C O N T I N U E D

<u>JURORS</u>	<u>PAGE</u>
<u>DAVID MORTIMER</u>	
Voir Dire Examination by THE COURT	283-286
Voir Dire Examination by ATTORNEY FALLON	286-287
<u>DIANE BLYTHE</u>	
Voir Dire Examination by THE COURT	289-293
Voir Dire Examination by ATTORNEY FALLON	293-294 296-297
Voir Dire Examination by ATTORNEY FREMGEN	294-296
<u>KATHLEEN PIERONI</u>	
Voir Dire Examination by THE COURT	297-299
Voir Dire Examination by ATTORNEY FALLON	299-300
<u>PAUL STEICHEN</u>	
Voir Dire Examination by THE COURT	300-304

1 THE COURT: Counsel, are we ready to
2 proceed? Court is going to call the case of State
3 of Wisconsin vs. Brendan R. Dassey, 06 CF 88.
4 Appearances, please.

5 ATTORNEY KRATZ: The State appears by
6 Calumet County District Attorney Ken Kratz. Also
7 appearing is Assistant Attorney General Tom
8 Fallon, Assistant District Attorney Norm Gahn,
9 all appearing as special prosecutors.

10 ATTORNEY FREMGEN: Attorney Mark Fremgen
11 appears with Attorney Ray Edelstein. Brendan
12 Dassey appears in person.

13 THE COURT: Yeah. Could you move the
14 microphone closer? We're having a little trouble
15 hearing.

16 ATTORNEY FREMGEN: Attorney Mark Fremgen
17 appears with Attorney Ray Edelstein. Brendan
18 Dassey, defendant, appears in person.

19 THE COURT: All right. This matter is set
20 today for a jury pick. Before we get to that, there
21 are a couple of, uh, issues that the Court has to
22 complete. The first of those is that on April 5,
23 2007, at a motion hearing in, uh, Branch 3 of the
24 Manitowoc County Courthouse, uh, the Court made a
25 number of rulings on a number of different motions.

1 One of the motions, and I'm referring
2 here to a Motion in Limine, Series II, Roman
3 Numeral II, filed by the State, contained at --
4 in the first part of that motion a request to
5 admit a number of telephone conversations and
6 interviews between the defendant and law
7 enforcement officers.

8 Uh, the one item, as I understand it, at
9 issue today is Item J on that list, which was a
10 May 13, 2006, phone call that this defendant made
11 from the Sheboygan County Jail to his mother.
12 Uh, that item was preceded by Item I, which is a
13 May 13, 2006, statement given by the defendant in
14 an interview to law enforcement authorities.

15 It's my understanding -- and here I'm
16 addressing you, Mr. Edelstein -- it's my
17 understanding that you have no current objection
18 to the admission of that statement. At least no
19 objection based on voluntariness. That, in fact,
20 uh, you believe that this goes to an issue called
21 "ineffective assistance of counsel" which I have
22 said on previous motion rulings that, uh, would
23 be heard after the -- the resolution of trial in
24 this case. Is that an accurate summary?

25 ATTORNEY EDELSTEIN: It is, Your Honor.

1 THE COURT: But you still object to, uh, J;
2 is that correct?

3 ATTORNEY EDELSTEIN: Yes, Your Honor.

4 THE COURT: Could you bring your microphone
5 over, please? Uh, J is a telephone conference, as I
6 noted before, between the defendant and his mother,
7 which occurred on May 13, the same date that the
8 defendant gave a statement to, uh, law enforcement
9 authorities. Uh, the motion was argued at the
10 April 5, 2007, motion hearing.

11 Since that time, I have received a copy
12 of the DVDs of the May 13 interview, as well as a
13 copy -- a CD containing the phone conversation
14 between the defendant and his mother.

15 Uh, does either party wish to be heard
16 any more on this today? I think, Mr. Fallon, you
17 were the proponent of the -- of the motion
18 admitting this as evidence, and -- and
19 Mr. Edelstein was objecting to it. Uh, I heard,
20 and I've since reviewed the transcript. But far
21 be it from me if you have something else to say
22 today?

23 ATTORNEY FALLON: Just two points. One,
24 I think the Court was correct in that insofar as
25 the **Riley** case is really dispositive of that

1 issue.

2 And, secondly, even if there was not an
3 implied consent theory, there still is, uh, under
4 our, uh, electronic surveillance law, the -- the
5 tape is, nonetheless, admissible, um, under
6 statutory interpretation as well.

7 So under either theory, I think the
8 conversation is admissible evidence.

9 THE COURT: All right. Mr. Edelstein,
10 anything further?

11 ATTORNEY EDELSTEIN: Your Honor, as to
12 the State's authority to record those calls, we
13 certainly don't take any issue with that. Our
14 point simply was that we believe that that
15 statement, um, that was created on the 13th by
16 that telephone call, was as a result of the
17 improper inducements and coercion against the
18 defendant brought about during the course of the
19 5/13 interview between our client, Special Agent
20 Fassbender and Detective Wiegert.

21 And I believe the Court has had an
22 opportunity to review that. There were multiple
23 references to, uh, the concept that our client
24 needed to make this phone call, and that was
25 repeated several times.

1 Beyond that, we have no other argument,
2 Your Honor.

3 THE COURT: All right. Uh, at the April 5,
4 2007, motion hearing in Manitowoc, as I noted, the
5 defendant objected to the admission of the May 13,
6 2006, phone conversation between him and his mother,
7 Barb Janda.

8 According to defendant's counsel, the
9 phone conversation closely followed an interview
10 session between the defendant and Investigator
11 Mark Wiegert and Department of Justice Agent Tom
12 Fassbender. Defendant -- uh, defense counsel
13 contend that the defendant was so strongly urged
14 by one or both of them to make the call home to
15 his mother that the resulting call was
16 involuntary.

17 The defense objection went to the
18 substance of the defendant's conversation with
19 his mother as being the product of someone who is
20 harassed by police into making admissions against
21 his own interest by relaying to her some of the,
22 arguably, inculpatory information he supplied
23 Wiegert and Fassbender.

24 Defense counsel said the police conduct,
25 in urging the defendant to call home, was, in

1 effect, an effort to get him to repeat what he
2 told the police in a recorded telephone call to
3 his mother; thus, establishing additional
4 evidence to be used him.

5 In Counsel's words, quote, this is
6 tantamount to the creation, the coercive
7 creation, of evidence. And this comes from page
8 44, lines 2 to 5 of the hearing transcript.
9 Because Counsel believes it to be coercive,
10 Counsel argues that it was not voluntary and,
11 therefore, not admissible.

12 I have reviewed the three-plus hours of
13 the May 13 interview and find at least four
14 instances where one of the officers, usually
15 Investigator Wiegert, suggested to the
16 defender -- defendant that he should call his
17 mother.

18 In the first of these, the defendant is
19 told that it -- it would be a good idea to call
20 his mother and tell her what he told the police.
21 She has the right to know, or words to that
22 effect, are used, and she should hear it from you
23 rather than me. That was said by Investigator
24 Wiegert. He closed out that portion by saying,
25 it's up to you. Your decision. Just a

1 suggestion.

2 Later, he said, I hope you call your mom
3 before I do. And toward the end of the
4 interview, the defendant, again, is urged to call
5 his mother, then asked what he plans to do. Or
6 asked when he plans to do so. He replies,
7 tonight.

8 A few minutes later, he is admonished to
9 be honest with your mom. The only way she can
10 help you is if she knows the truth, end of quote.

11 The police advice to the defendant,
12 while arguably emphatic in at least one instance,
13 occupied no more than a few minutes of the
14 interview at best. The defendant was under no
15 obligation to make a call. He was not forced to
16 use the telephone.

17 The subsequent cone -- phone call from
18 the defendant to his mother was made from the
19 Sheboygan County Jail, and the conversational
20 portion was preceded by a warning that it was
21 being monitored and recorded. It fully complied
22 with the one party implied consent dictate of
23 Section 968.29 (3b) as ex -- as explicated in
24 **State v. Riley**, 287 Wis. 2d 244, at 248.

25 The defendant was fully aware that the

1 contents of his conversation were being recorded.
2 He was not compelled in any way to make an ad --
3 to make admissions against his interest to his
4 mother. What he said was his choice and his
5 alone.

6 The Court finds that neither the
7 quantity nor the quality of the police
8 solicitations constitute coercive behavior on
9 their part such that the defendant was deprived
10 of his ability to make a free and unconstrained
11 choice.

12 To suggest that because a police officer
13 says that he may call the defendant's mother to
14 talk to her if the defendant does not do so is
15 somehow tantamount to coercion, ignores a couple
16 of critical factors.

17 First, the call made by the defendant
18 was outside the physical presence of the
19 officers.

20 Secondly, the defendant chose what to
21 say without prompting by any member of the police
22 or any law enforcement authority.

23 And, thirdly, he was under no compulsion
24 to make that call or any call.

25 Lastly, the Court is unaware of any

1 case, or line of cases, that would countenance,
2 under these circumstances, the finding of
3 involuntary -- involuntariness for inculpatory
4 statements made by a defendant to a third party.

5 Uh, with that said, the -- the State's
6 motion in limine, regarding this particular item,
7 uh, is granted.

8 There is one other issue that has arisen
9 since that time, but grows out of the April 5
10 hearing, and that is, uh, at the April 5 hearing,
11 the Court ordered that the defense turn over to
12 the prosecution, uh, the raw material, the notes,
13 the factual bases on which Dr. Robert Gordon made
14 his evaluation of this defendant.

15 I received on -- on April 10 -- And --
16 and it was to be turned over by April 10. I
17 received, on April 10, from the special
18 prosecutor, uh, the fax indicating that it had
19 not yet been turned over and he had no idea at
20 that point when it was going to be turned over.
21 Uh, Mr. Kratz, do you now have that information?

22 ATTORNEY KRATZ: No.

23 THE COURT: Mr. Fremgen?

24 ATTORNEY FREMGEN: Judge, my office
25 spoke with Dr. Gordon. He was in L.A. yesterday

1 morning. Flew in yesterday night at 10 p.m. He
2 indicated he would hand-deliver that document
3 today to the hotel. Uh, I gave him the address
4 of the hotel.

5 THE COURT: All right. Uh, Mr. Kratz, do
6 you contend at this point that you are, uh, going to
7 be negatively affected by the procedure that
8 Mr. Fremgen proposes?

9 ATTORNEY KRATZ: Well, I -- I certainly
10 have been, uh, affected by it, Judge, in that I'm
11 less able to prepare for, um, the doctor's, um,
12 cross-examination or the preparation of our, uh,
13 own expert. Uh, I'm going to continue to ask the
14 Court to withhold ruling on any, uh, possible
15 sanctions until I look over the materials. I've
16 made arrangements to deliver them forthwith to
17 my, um, expert.

18 Frankly, Judge, the, um, remedies
19 available, whether it's exclusion of Dr. Gordon,
20 uh, or a continuance of the trial, both are, uh,
21 untenable. Uh, the former for the many impolitic
22 issues have been -- they may raise, especially
23 the Court's ruling as to this being the heart of
24 the defense and the Sixth Amendment, uh, issues,
25 uh, that may be involved, and the logistics of,

1 uh, continuing or, uh, moving this trial is, I
2 believe, also unreasonable.

3 So at this time, Your Honor, I'm simply
4 alerting the Court that I don't have the
5 materials yet. I would ask for, uh, the ability
6 to, um, revisit this issue should that become
7 necessary.

8 Uh, that all having been said, however,
9 uh, per the Court's urging, uh, I have made, uh,
10 other arrangements to speed up the process of the
11 review and the transport of that information.
12 And, so, uh, frankly, I think I'm going to be
13 able to get that done and I won't be asking
14 further, but I would respectfully ask the Court
15 to at least withhold a ruling.

16 THE COURT: All right. The record
17 should reflect that -- that Counsel -- and here
18 I'm referring to, uh, Mr. Kratz and -- and
19 Mr. Fremgen -- and I had a -- a phone conference,
20 uh, discussing this matter, uh, shortly after I
21 received the fax on -- on April 10.

22 Uh, Mr. Kratz said at that time, as he
23 is saying today, that, uh, while there certainly
24 are powers granted to the Court under 971.23,
25 specifically (7m), which allows the Court to

1 impose sanctions, there didn't appear at this
2 stage to be, one, uh, this wouldn't be the time
3 to impose sanctions, and, two, the -- the
4 remedies sanctions would be pretty -- or at least
5 sanctions under seven -- (7ma) would be pretty
6 draconian.

7 Uh, the Court said that it -- it --
8 based on the fact that Mr. Kratz had already
9 received, uh, probably over two hours worth of
10 direct examination testimony by DVD, and also had
11 a chance to -- I should say direct examination
12 testimony of Dr. Gordon -- and had also had an
13 opportunity to examine Dr. Gordon, that the Court
14 thought that Mr. Kratz had a fairly substantial
15 bank of information on which to draw, that the
16 Court would, uh, withhold making any ruling.

17 Uh, I'm going to adopt Mr. Kratz's
18 suggestion here and I won't make any ruling on it
19 at, uh -- at this point.

20 Anything else before we proceed to voir
21 dire, gentlemen?

22 ATTORNEY FREMGEN: I just --

23 ATTORNEY KRATZ: Is -- Go ahead.

24 ATTORNEY FREMGEN: I -- I just have two
25 issues, Judge. Um, I provided to the State

1 earlier, and I'll provide copy to the Court, I
2 amended our witness list to add one additional
3 witness. It would be about a five, ten-minute
4 witness. But I intended to withdraw Barb Tadych,
5 Barb Janda, um, from the list.

6 The State had indicated that because we
7 had her on our list, they didn't subpoena her.
8 We've agreed that we'll continue to keep her as a
9 witness, but the parties are agreeing to exclude
10 her from the sequestration order so she can
11 appear in the courtroom, except if there's an
12 issue that comes up with a witness in regards to
13 those phone calls from the jail to -- to -- to
14 the witness, then she would be asked to leave the
15 courtroom for that testimony. I think the State
16 agrees to that.

17 THE COURT: Would that, then, be any phone
18 call in which she's involved in or what?

19 ATTORNEY FREMGEN: I -- I think that
20 we'll get a heads-up, is my understanding, from
21 the State as to if we -- if they intend to call
22 this particular witness that may be discussing
23 this phone call. Uh, it won't be in the middle
24 of testimony, but we'll give her the notice that
25 she should leave the courtroom at that point.

1 THE COURT: Mr. Kratz, is that an accurate
2 summary of the agreement?

3 ATTORNEY KRATZ: It is, Judge, I had
4 gotten Mr. Fremgen's, uh, amended, uh, witness
5 list, uh, adding, uh, one short witness,
6 removing, uh, Ms. Tadych. And I understand that
7 the State has agreed to allow her to participate
8 and be in the trial unless, uh, we alert, uh, the
9 Court and Counsel that there is a problem.

10 The State also informed the defense
11 that, uh, there is a possible witness, a
12 Detective Todd Baldwin from the Marinette
13 Sheriff's Department, uh, who accompanied, uh,
14 another officer during an interview. Detective
15 Baldwin may or may not be called. Mr. Fremgen
16 was aware of, Detective, uh, Baldwin, and I
17 believe, uh, should he be called that he has no
18 objection to that amendment as well.

19 Lastly, the Court has asked that the,
20 uh, State, uh, prepare a subset of witnesses who
21 may have ties to the, uh, Madison or Dane County
22 area. We have, uh, done that and we are
23 prepared, once the jury selection process begins,
24 to identify those at the Court's urging.

25 THE COURT: All right. Anything more,

1 Mr. Fremgen?

2 ATTORNEY FREMGEN: There is one other,
3 and that's on the Motion in Limine, Series II, by
4 the State. Uh, we just want a clarification. I
5 believe that Mr. Fallon had indicated at the
6 motion hearing on April 5, under Section (1n), if
7 there were additional calls, they would provide
8 notice ahead of time. So I don't think there's
9 been a ruling that that's a blanket ruling to
10 allow admissibility of any other additional
11 calls, but the State would provide us notice and
12 that issue would be re-litigated.

13 THE COURT: Mr. Fallon, that was my
14 understanding.

15 ATTORNEY FALLON: That is correct.

16 THE COURT: All right.

17 ATTORNEY FREMGEN: And I don't believe
18 the Court ruled on Series II, sub-2, the phone
19 calls from the Avery phone calls?

20 THE COURT: No. As I recall, I withheld
21 making a ruling on that. I said that the context
22 was everything and before I heard how -- if and how
23 they were intended to be used, I couldn't make a
24 ruling.

25 ATTORNEY FREMGEN: That's fine.

1 THE COURT: All right.

2 ATTORNEY FALLON: And that's re -- that
3 was our request as well, because there are
4 multiple theories of admissibility and -- and
5 there are theories in which they would not be
6 admissible. It depends on the context in which
7 the issue comes up.

8 THE COURT: All right. Uh, Mr. Kratz, I
9 think I had asked you at the prior -- or prosecution
10 to draft an order, uh, on the -- the Series II
11 Motions in Limine. If I didn't -- I didn't?

12 ATTORNEY KRATZ: You didn't, but we
13 will, Judge.

14 THE COURT: All right. All right. You --

15 ATTORNEY FREMGEN: You had -- Judge, you
16 ordered that the -- the defense provide one in
17 regards to Dr. Gordon's order?

18 THE COURT: Right.

19 ATTORNEY FREMGEN: I did get the
20 transcript from the court reporter today and I'll
21 have that.

22 THE COURT: Which one -- which one of
23 you wants to provide an order, uh, discussing
24 this agreement about witnesses?

25 ATTORNEY FREMGEN: I'll -- I'll provide

1 that.

2 THE COURT: All right. Anything else,
3 then, before we move to voir dire?

4 ATTORNEY KRATZ: No.

5 THE COURT: All right. We're -- we're
6 going to be adjourned for a few moments. The jurors
7 are -- are going to be brought up here. I expected
8 there -- we're going to call 55 of them, so I expect
9 they're going to be filling most of these seats, so
10 we'll see.

11 And I'm just going to remind everybody
12 that during the -- during the voir dire, there'll
13 be no electronic recording of any of the
14 proceeding, uh, nor will there be any mention in
15 any reporting or reportage of any names of any
16 jurors. All right. We're adjourned.

17 (Recess had at 9:10 a.m.)

18 (Reconvened at 9:21 a.m.)

19 THE COURT: Good morning, ladies and
20 gentlemen. I'm Jerome Fox. I preside over the
21 third branch of the Manitowoc County Circuit Court.
22 We are here today to choose a sequestered jury for a
23 case entitled State of Wisconsin vs. Brendan Dassey.
24 It is a criminal case, and in a moment I'm going to
25 read to you from the charging document which is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

called the Information. Before I do that, I want you to understand the following:

That the Information is, as I told you, a charging document and is nothing more than a written form of the accusation or accusations against the defendant charging him with the commission of one or more criminal acts.

You are not to consider it as evidence against the defendant in any way. It does not raise any inference of guilt on the part of the defendant.

In this case, the Information charges as follows:

That Brendan Dassey, on or about Monday, October 31, 2005, in the town of Gibson, Manitowoc County, Wisconsin, as a party to a crime, did cause the death of Teresa Halbach with intent to kill that person contrary to Wisconsin Statutes 90 -- 940.01 (1)(a), 939.50 (3)(a), and 939.05.

Count 2, that Brendan Dassey, on or about Monday, October 31, 2005, in the town of Gibson, Manitowoc County, Wisconsin, as a party to a crime, did mutilate, disfigure or dismember a corpse with intent to conceal the crime,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

contrary to Section 940.11 (1), 939.50 (3) (f),
and 939.05.

Count 3, that Brendan Dassey, on or
about Monday, October 31, 2005, in the town of
Gibson, Manitowoc County, Wisconsin, as a party
to a crime, did have sexual intercourse with
Teresa Halbach without that person's consent by
use of a dangerous weapon, contrary to Section
940.225 (1) (b), 939.50 (3) (b), and 939.05,
Wisconsin Statutes.

To each of these charges that I've read,
the defendant entered a plea of not guilty, which
means a denial of each and every material
allegation in the charge.

Ladies and gentlemen, the law presumes
that each person charged with an offense is
innocent. The presumption of innocence stays
with the defendant throughout the trial and
prevails at the conclusion of the trial unless it
is overcome by evidence that satisfies the jury
that the defendant is proved guilty beyond a
reasonable doubt.

The defendant does not have to prove his
innocence. The burden of proving the defendant
guilty of every element of the crime charged is

1 upon the State, and before a jury can return a
2 verdict of guilty, the State must prove to the
3 satisfaction of that jury beyond a reasonable
4 doubt that the defendant is guilty.

5 At this time, I'm going to introduce to
6 you counsel that will be participating in this
7 case. First of all, representing the State is
8 Attorney Ken Kratz. Mr. Kratz?

9 ATTORNEY KRATZ: Good morning.

10 THE COURT: Attorney Tom Fallon.
11 Mr. Fallon?

12 ATTORNEY FALLON: Morning.

13 THE COURT: Attorney Norman Gahn. Mr.
14 Gahn.

15 ATTORNEY GAHN: Morning.

16 THE COURT: Uh, the defense is represented
17 by Attorney Mark Fremgen. Mr. Fremgen?

18 ATTORNEY FREMGEN: Good morning.

19 THE COURT: And Attorney Ray Edelstein.
20 With them at the counsel table is the defendant,
21 Brendan Dassey. Why don't you stand up, Mr. Dassey.
22 All right. Be seated.

23 Ladies and gentlemen, would you please
24 stand. The clerk is going to administer the
25 oath.

1 THE CLERK: Would you all raise your
2 right hands, please?

3 (Jurors sworn)

4 THE COURT: Be seated. Uh, ladies and
5 gentlemen, we are now going to conduct a process
6 known as voir dire. Voir dire, in French, means to
7 speak the truth, and it involves asking prospective
8 jurors questions so we can determine that we have a
9 fair and impartial jury to hear this case.

10 We're going to start by doing something
11 called individual voir dire. That is, a juror
12 will be called by name and will be escorted by
13 the jury clerk to a separate room where he'll --
14 he or she will be asked several questions after
15 which, and depending on the answers to the
16 question, the juror'll -- juror will be escorted
17 to the jury box, which is over here to the left,
18 or -- and be seated or will be excused. Then
19 another juror will be called, uh, and so on.

20 This is -- this is individual voir dire.
21 We will go through that same process until we
22 have seated 30 jurors in this jury box. At that
23 point, I will conduct what is known as general
24 voir dire. In doing that, I'm not trying to pry
25 into anyone's background. The whole point is to

1 assure that the people chosen as jurors represent
2 a fair and impartial jury.

3 After I'm done questioning at the
4 general voir dire, each side, the prosecution and
5 the defense will have an opportunity to ask some
6 questions. We will ultimately be selecting 16
7 jurors. Twelve jurors will comprise the final
8 panel with the remaining four acting as
9 alternates.

10 The determination of who will be
11 alternates, however, will not be made until the
12 close of the case. That is, after the case has
13 been entirely put before the jury.

14 Uh, Madam Clerk, would you give us a
15 couple of minutes so we can set up in the, uh,
16 next room, and then bring the -- the first juror
17 in.

18 I direct that the rest of you remain in
19 this courtroom. You may visit and talk among
20 you -- among each other, but please, remember,
21 don't talk anything about this case. All right.

22 (Recess had at 9:25 a.m.)

23 (Reconvened at 9:32 a.m.)

24 **VOIR DIRE EXAMINATION**

25 BY THE COURT:

1 Q Good morning, Ms. McDonald.

2 A Hello.

3 Q As I told you, we were going to do what is called
4 individual voir dire in this case, and I'm going
5 to start with the following question:

6 This is the State of Wisconsin vs.
7 Brendan Dassey and it's received a lot of
8 publicity. Have you heard anything about this
9 case or read anything about it?

10 A Yes, I have.

11 Q Uh, from what source did you learn whatever
12 information that you got?

13 A I think the *Wisconsin State Journal*.

14 Q Based on the information that you got from the
15 *Wisconsin State Journal*, have you formed any
16 opinion with respect to guilt or innocence in
17 this matter?

18 A I don't know. I do know that I -- I read an early
19 article, uh, that made me lean towards feeling that
20 there was guilt, but, uh, at this point, um,
21 depending on what the defense presents will
22 determine --

23 Q Would you --

24 A -- my final judgment.

25 Q Sorry. Uh, would you be able to set aside any

1 opinion -- and it sounds like this is a
2 provisional sort of opinion -- any opinion you
3 may have formed, set it aside and judge the case
4 only on the evidence that's presented in the
5 courtroom?

6 A I believe so.

7 Q Have you discussed this case with others?

8 A No.

9 Q Have you had a family member or a friend who was
10 killed either accidentally or otherwise?

11 A Oh, I -- Do you mean by another person?

12 Q Yes.

13 A No.

14 Q If you were called to serve as a juror in this
15 case, can you disregard anything you may have
16 read or heard in the media, or from any source,
17 and decide this case based solely on the evidence
18 produced in the -- in the courtroom and on the
19 instructions given you by a Judge?

20 A I believe I can.

21 Q Have you, or a close friend, or relative, ever
22 been the victim of or a witness to any kind of
23 crime, whether it was reported to law enforcement
24 authorities or not?

25 A I was mugged once in, uh, Madison about ten years ago

1 but --

2 Q Was that reported?

3 A Yes, it was.

4 Q Does that affect your feelings toward the police
5 one way or another?

6 A No. I tend to regard the police with, uh, respect.

7 Q Have you or a close friend ever been the victim
8 of a sexual assault?

9 A No.

10 Q Have you, a close friend, or family member, ever
11 been charged with a crime?

12 A No.

13 Q If selected as a juror in this case, you will be
14 instructed that Brendan Dassey is presumed
15 innocent and that he cannot be found guilty of
16 any offense, unless and until the State has
17 proven each element of each offense beyond a
18 reasonable doubt. If you were selected as a
19 juror in this case, would you be able to follow
20 that instruction in reaching a verdict?

21 A I believe so.

22 Q If selected as a juror in this case, you will
23 also be instructed that Brendan Dassey has a
24 constitutional right not to testify, and that if
25 he decides not to testify in the case, you cannot

1 hold that against him. Rather, you must base
2 your decision solely on the evidence introduced
3 at his -- at trial. If you were selected as a
4 juror in this case, would you be able to follow
5 that instruction?

6 A Yes.

7 Q All right. That, uh, concludes the individual
8 voir dire -- voir dire questions I have. Um --

9 ATTORNEY FALLON: I have none.

10 THE COURT: Well, uh, my understanding of
11 the process was that I was going to conduct it and,
12 uh, whatever questions you may have had, assuming
13 that, uh, the juror is seated, you -- you may do
14 that on general voir dire.

15 ATTORNEY FREMGEN: Actually, Judge, I
16 thought we would have moderate followup is what
17 the Court instructed us in chambers.

18 THE COURT: Did I say that?

19 ATTORNEY FREMGEN: Moderate followup, I
20 think was the quote.

21 THE COURT: Is that on the record
22 somewhere?

23 ATTORNEY FREMGEN: Not on the record, I
24 don't think.

25 ATTORNEY FALLON: You did allow us a

1 few follow-up --

2 THE COURT: All right.

3 ATTORNEY FALLON: -- questions depending
4 on the answers, and I have none for the record.

5 THE COURT: All right. Go ahead.

6 ATTORNEY FREMGEN: I just have a few.

7 THE COURT: For moderate followup.

8 ATTORNEY FREMGEN: I will be very
9 moderate.

10 **VOIR DIRE EXAMINATION**

11 BY ATTORNEY FREMGEN:

12 Q Um, you'd indicated, um, when asked the question
13 about whether you formed an opinion, you said
14 you -- it was to -- leaning towards guilt is what
15 you said. Okay. But you also kind of --
16 depending upon what the defense presents.

17 A Uh-huh.

18 Q Do you believe that we need to prove innocence in
19 order to change your opinion?

20 A No. I -- it just depends on the, uh -- I had read a
21 story early on. Uh, I formed a partial opinion, or
22 an opinion, based on that story. I've come to, uh,
23 realize there may be an alternate explanation for
24 that.

25 Q You don't -- you understand, as the Judge said,

1 one of the instructions will be that the
2 defendant doesn't have to prove innocence?

3 A I understand that.

4 Q And doesn't even have to testify?

5 A I understand that.

6 Q Okay. One last question. Judge had asked you
7 whether your, uh, unfortunate incident of being
8 mugged in Madison impacted your feeling towards
9 police. Does it impact your feeling towards
10 persons charged with crimes?

11 A Person was never caught.

12 Q Okay.

13 A You know, so, uh, no, my -- No.

14 Q Okay. Thank you.

15 THE COURT: All right. Um, why don't we do
16 this: Would you just, uh -- well, we're going to
17 escort -- escort her to the jury box. All right.
18 Thank you.

19 JUROR McDONALD: Thank you.

20 (Wherein juror is escorted out.)

21 ATTORNEY FREMGEN: Judge, in regards to
22 the procedure then, if we have a challenge for
23 cause, should we do it now?

24 THE COURT: Yeah.

25 ATTORNEY FREMGEN: I don't have a

1 challenge for cause, but if -- if we did.

2 ATTORNEY FALLON: My thought was, and
3 Mr. Kratz and I were just commenting, we should
4 probably have them wait in this antechamber here,
5 have a quick discussion whether we think we need
6 another question or a for cause --

7 THE COURT: Right. And that's what I was
8 going to suggest with this one, but it didn't appear
9 as though anyone had --

10 ATTORNEY FALLON: This one was fine,
11 so --

12 THE COURT: Yeah. Okay. But we'll do
13 that. We'll just have, uh, the clerk or the
14 judicial assistant have her right in the antechamber
15 and then make a decision, yea or nay.

16 JUDICIAL ASSISTANT: This is Juror No.
17 8, Thomas Oakes.

18 THE COURT: Be seated, Mr. Oakes. Good
19 morning, again.

20 **VOIR DIRE EXAMINATION**

21 BY THE COURT:

22 Q Uh, this is the -- the case here is, as you know,
23 the State vs. Brendan Dassey and it's received a
24 lot of publicity. Have you heard anything about
25 the case?

1 A Um, I have.

2 Q Uh, from what source did you learn whatever it is
3 you heard?

4 A Um, mostly local news and some newspaper accounts.

5 Q Are you talking about Dane County accounts of
6 some sort?

7 A Yeah. *State*, uh -- *State Journal*.

8 Q Based on -- on what you have heard, have you
9 formed any opinion of guilt or innocence in the
10 matter?

11 A No.

12 Q Have you discussed this case with anyone?

13 A I have not. I mean, not more than just briefly
14 before I got -- found out that I was picked for the
15 jury pool.

16 Q Was this some sort of in-depth discussion --

17 A No.

18 Q -- or just simply in passing?

19 A Just in passing.

20 Q Uh, did, during the course of that discussion,
21 you express an opinion to whom -- whoever it was
22 you talked about as to the ilt or gen -- or the
23 guilt or innocence of this defendant?

24 A Did I?

25 Q Yeah.

1 A No.

2 Q Have you had a family member or friend who was
3 killed accidentally or otherwise?

4 A Um, yes. A cousin died in a car cash.

5 Q All right. Is there some -- any -- any criminal
6 prosecution --

7 A No.

8 Q -- as a result of that?

9 A No.

10 Q Have you, or a family member, or close friend,
11 ever killed anyone?

12 A No.

13 Q Uh, if you were called upon to serve as a juror
14 in this case, can you disregard anything you may
15 have heard or read in the media, or from any
16 source, and decide the case solely based on the
17 evidence that's presented in court?

18 A I believe so.

19 Q Have you, or a close friend, or relative, ever
20 been the victim of or a witness to any kind of
21 crime, whether it was reported to law enforcement
22 authorities or not?

23 A No.

24 Q All right. Ever had a friend, or -- or a
25 relative, close friend, who's been a victim of a

1 sexual assault?

2 A No.

3 Q Have you, a close friend, or a family member,
4 ever been charged with a crime?

5 A No.

6 Q If you would be selected as a juror in this case,
7 you would be instructed that Brendan Dassey is
8 presumed innocent and that he cannot be found
9 guilty of any offense, unless and until the State
10 has proven each element of each offense beyond a
11 reasonable doubt. If you were selected as a
12 juror, would you be able to follow that
13 instruction?

14 A I believe so.

15 Q If you were selected as a juror, you will also be
16 instructed that Mr. Dassey has a constitutional
17 right not to testify in this case, and that if he
18 decides not to testify, you cannot hold it
19 against him. Rather, you must base your decision
20 solely on the evidence introduced at trial. If
21 you were selected as a juror, would you be able
22 to follow that instruction?

23 A I believe so.

24 THE COURT: All right. Counsel?

25 ATTORNEY FALLON: One clarification.

1 VOIR DIRE EXAMINATION

2 BY ATTORNEY FALLON:

3 Q I believe, sir, you indicated you were somewhat
4 familiar with the case from reading the paper?

5 A A little bit, yeah.

6 Q Just so that we're clear, is it the case
7 involving Steven Avery that you're most familiar
8 with or the case -- or this case involving
9 Brendan Dassey?

10 A Mostly the Avery part. But they -- this was also
11 mentioned in those accounts, I guess, so a little
12 bit.

13 Q All right. In terms of if -- if it's possible
14 for you to somehow divide the two in your mind,
15 what you attribute to knowing about this case,
16 are you able to set that aside and decide this
17 case solely on what you hear presented in trial?

18 A Uh, yes, I believe so.

19 Q All right.

20 THE COURT: Mr. Fremgen?

21 VOIR DIRE EXAMINATION

22 BY ATTORNEY FREMGEN:

23 Q I wish to follow up on one question, Mr. Oakes.
24 In your questionnaire, you've indicated you have
25 been the victim of a hit and run?

1 A Well, yeah. I didn't know if that necessarily
2 counted as -- as a -- Yeah. I mean, yes, I -- I was.
3 I didn't know if that -- if that's what he meant
4 by --

5 Q And -- and I think you mentioned that once in
6 case, um, the person might have been, uh, charged
7 with an OWI?

8 A Right. Yeah. Yep.

9 Q Did -- did that have any impact on -- I mean, did
10 it upset you that your car was totaled by this
11 guy?

12 A Um, yeah. But, you know, I can't say that I didn't.

13 Q Would that impact on your feelings towards people
14 charged with crimes?

15 A I don't think so. I got over it pretty quick, so...

16 Q Thank you.

17 THE COURT: Any other questions?

18 ATTORNEY FALLON: No.

19 THE COURT: All right. Um, why don't you
20 just take him into the antechamber for a moment so
21 the lawyers can talk to -- Thank you, Mr. Oakes.

22 (Wherein juror is escorted out.)

23 THE COURT: Mr. Fallon?

24 ATTORNEY FALLON: No motion.

25 THE COURT: Mr. Fremgen?

1 ATTORNEY FREMGEN: No motion.

2 THE COURT: All right. He will then be
3 seated. Now, who's going to notify the -- Ah, good.
4 Thank you. This is Juror Heintz?

5 JUDICIAL ASSISTANT: This is Juror No.
6 3, Gregory Heintz.

7 **VOIR DIRE EXAMINATION**

8 BY THE COURT:

9 Q Morning, Mr. Heintz.

10 A Morning.

11 Q Uh, I'm going to ask you, uh, some questions,
12 and -- and counsel may have a follow-up question
13 or two. This, as you know, is the case entitled
14 the State vs. Brendan Dassey, and it's received a
15 lot of publicity.

16 A Uh-huh.

17 Q Have you heard anything about the case before you
18 got here to court today?

19 A Yes.

20 Q Uh, from what source did you hear whatever it is
21 that you heard?

22 A News. Uh, local news, internet.

23 Q Have you formed any opinions as a result of what
24 you heard about either the guilt or the innocence
25 of this defendant?

1 A Not a definite opinion but maybe some biases based on
2 what I've read and heard.

3 Q Well, let me ask you this, would you be able to
4 set, uh, those opinions, or as you refer to them,
5 those biases, aside and judge this case only on
6 the evidence presented in court?

7 A I'd like to think I could. Yes. It's in the back of
8 your mind what you know, so I don't know how that
9 would affect --

10 Q Have you discussed the case with anyone?

11 A Nothing more than I knew what case it was.

12 Q No in-depth discussion?

13 A No.

14 Q Just in passing if at all?

15 A Yeah, about. I would call it in passing.

16 Q Have you had a -- a family member or a friend who
17 was killed accidentally or otherwise?

18 A No.

19 Q Have you, a family member, or a close friend,
20 ever killed anyone?

21 A No.

22 Q Have you ever, uh, been the victim of a crime?

23 A Personally, no.

24 Q Uh, family member a victim of a crime?

25 A Um, parents. Uh, I had a credit card stolen, had

1 some com -- computer show up on their doorstep. So
2 fraud, I guess.

3 Q Uh, was it reported to law enforcement?

4 A Yes.

5 Q And was the -- was the matter resolved one way or
6 another?

7 A Um, nothing more happened.

8 Q Did whatever didn't happen or did happen, does it
9 affect your view of law enforcement in any way?

10 A No.

11 Q Uh, have you ever had a close friend or relative
12 who's been the victim of a sexual assault? I
13 think I noted on your -- your -- your
14 questionnaire that you may have had an
15 ex-brother-in-law?

16 A Yeah, ex-brother-in-law, daughter, not with my
17 sister, but with his first wife, who I've met, but
18 just briefly. So maybe a short answer is no,
19 although an acquaintance maybe.

20 Q Uh -- I just -- Has that left, in any way, any
21 lasting impression in your mind?

22 A Nothing. No. Nothing too detailed or in depth.

23 Q All right. Uh, have you, a close friend, or a
24 family member, ever been charged with a crime?

25 A No.

1 Q If you're selected as a juror in this case, you
2 will be instructed that Brendan Dassey is
3 presumed innocent and that he cannot be found
4 guilty of any offense, unless and until the State
5 has proven each element of each offense beyond a
6 reasonable doubt. If you were selected as a
7 juror, would you be able to follow that
8 instruction in reaching a verdict?

9 A I believe so. Um, as I mentioned in the one -- in
10 the questionnaire, having heard a little bit about
11 the trial, in the back of my mind, but I can follow
12 instructions and I believe I could.

13 Q Well, you're going to -- whatever you -- you
14 heard or you saw, or, uh, from the newspapers or
15 over the air, you're going to have to set aside;
16 do you understand that?

17 A I understand that, and I can say that I'm able to do
18 that, but that's in the back of my mind, so I'm -- I
19 don't know how much I can separate the two, I guess.

20 Q If you're selected as a juror, you will also be
21 instructed that Brendan Dassey has a
22 constitutional right not to testify in this
23 case --

24 A Um-hmm.

25 Q -- and that if he decides not to testify, you

1 cannot hold that against him. Rather, you must
2 base your decision solely on the evidence
3 introduced as trial?

4 A Right.

5 Q If you were selected as a juror, would you be
6 able to follow that instruction?

7 A Similar answer. I -- I believe I could follow that
8 instruction. I think it will be hard to disassociate
9 what I -- what I do know already though.

10 Q All right.

11 A And if that comes out in the trial, I guess it's a
12 non -- non-issue; right? What I answered in my
13 questionnaire?

14 Q Hmm.

15 ATTORNEY FALLON: Uh, Mr. Fallon?

16 ATTORNEY FALLON: Yes. Thank you.

17 **VOIR DIRE EXAMINATION**

18 BY ATTORNEY FALLON:

19 Q Um, good morning, Mr. Heintz.

20 A Morning.

21 Q Um, just so that we're clear, uh, the Court --
22 I -- I think in response to the ques -- first
23 question, and it kind of dovetails into your last
24 two responses, you say you were familiar with the
25 case from the news. I'm assuming you -- you are

1 familiar with the case involving this man,
2 Brendan Dassey --

3 A Um-hmm.

4 Q -- as opposed to the other gentleman, uh,
5 Mr. Avery?

6 A Um-hmm.

7 Q All right. So you have a clear --

8 THE COURT: Excuse me, just a second.
9 When you answer, could you --

10 JUROR HEINTZ: Yes.

11 THE COURT: -- could you say yes or no?

12 JUROR HEINTZ: Sorry.

13 THE COURT: Thank you.

14 Q (By Attorney Fallon) So in your mind, you -- you
15 can delineate the two? Differentiate the two?

16 A The two individuals?

17 Q Yes.

18 A Yes.

19 Q Okay. Good. Now, here's my question, you said
20 you didn't really have any opinions, but you had
21 some biases maybe in the back of your head. You
22 keep referring to something in the back of your
23 head that is giving you some concern. Can you
24 tell us -- can you articulate what that is?

25 A Um, can I ask a question? I'll --

1 Q Sure.

2 A With the questionnaires I filled out, has everybody
3 read those or --

4 Q Yes.

5 A Okay. I guess the -- the bias I have is that I
6 believe I read, or -- as I remember, it's been a
7 while ago now, that there was a confession that was
8 rendered at one point and then withdrawn. I guess
9 that's the main thing that I'm referring to.

10 Q All right. Um, yes, you're likely to hear some,
11 uh, evidence regarding a confession. Now, you
12 said if there's a -- What is the -- the part of
13 that confession, and then the supposed
14 recantation of that, what is it about that that
15 causes you some concern as being a -- from being
16 a juror in the case?

17 A Well, if -- if that confession comes out, or that a
18 confession was made comes out in the trial, I have
19 less concern because it becomes part of the evidence,
20 I guess. If that doesn't come out, and I know of
21 that, that I don't want that to influence my decision
22 based on the evidence that is presented.

23 Q All right. That's --

24 A That make sense?

25 Q Yes. That's exactly what we're concerned about.

1 So the -- the question the Judge has -- and that
2 goes back -- And -- And assuming, for the sake of
3 argument, the confession did not come in, would
4 you be able to, like any other information you
5 hear in the media, any other news coverage, would
6 you do your best to set that aside and listen
7 solely to the evidence which is presented in the
8 trial?

9 A I can listen solely to the evidence that's presented.

10 Q All right. And make your decision accordingly?

11 A I believe so.

12 Q Good enough. Thank you.

13 THE COURT: Mr. Fremgen, anything?

14 ATTORNEY FREMGEN: Please. Thank you.

15 **VOIR DIRE EXAMINATION**

16 BY ATTORNEY FREMGEN:

17 Q Mr. -- uh, Mr. Heintz, one of the questions the
18 Judge was asking you essentially implies can you
19 fairly and impartially make a decision about
20 Mr. Dassey, and you said yes?

21 A Um-hmm.

22 Q So that'd be correct?

23 A Yes.

24 Q Okay. Uh, Mr. Fallon was asking you about
25 your -- the bias, something in the back of your

1 mind that you're -- might be hard to forget, and
2 what you've mentioned was this confession and
3 recantation?

4 A Yes.

5 Q And you said, well, if the confession comes out,
6 that really won't be a big deal as far as your
7 opinion then?

8 A Because everybody then knows that.

9 Q So if the confession were -- if you knew right
10 now that the confession was going to be told to
11 you, what is your opinion then as to guilt or
12 innocence of Mr. Dassey?

13 ATTORNEY FALLON: I would object to
14 that --

15 THE COURT: Uh --

16 ATTORNEY FALLON: -- in the context in
17 which it's asked.

18 THE COURT: He -- that's -- that's, I
19 think, Counsel, unnecessarily confusing. Are --
20 are -- are you saying if only the confession appears
21 as evidence, what would you do?

22 ATTORNEY FREMGEN: I'm just asking
23 Mr. Heintz -- He mentioned that the confession
24 would solidify his opinion. I'd like to know
25 what the opinion is. That's all.

1 THE COURT: I -- I -- I don't know that I
2 heard that --

3 ATTORNEY FREMGEN: No.

4 THE COURT: -- term "solidify" opinion.

5 ATTORNEY FREMGEN: Well, Judge, I -- I'm
6 not saying that that's what Mr. Heintz said, but
7 I certainly believe the State was asking
8 Mr. Heintz about what it was that was, uh, the
9 bias in the back of his mind, and he indicated it
10 was this confession, and the comment, I believe,
11 was if the confession comes out, um, that
12 would --

13 THE COURT: And I'm not --

14 ATTORNEY FREMGEN: -- that would --

15 THE COURT: -- sure what you meant --
16 Sorry, I don't mean to be talk -- I'm not sure
17 what you mean by "the confession comes out." Do
18 you mean it comes out of the case or it's
19 introduced as part of the evidence?

20 ATTORNEY FREMGEN: Judge, I'm referring
21 to what Mr. Heintz said.

22 THE COURT: I -- I --

23 ATTORNEY FREMGEN: If you want, I'll ask
24 him more questions, but --

25 THE COURT: Why don't you just recast

1 your last question and --

2 ATTORNEY FREMGEN: That's fine.

3 THE COURT: -- see how it comes out.

4 Q (By Attorney Fremgen) Uh, Mr. Heintz, I'm sorry.
5 When you mean, "the confession comes out," if you
6 were told in trial by some witness or some
7 testimony about the confession, that's what you
8 mean by, "if it comes out?"

9 A Right.

10 Q So if testimony in trial were about this
11 confession you've read about, that would have an
12 impact on your opinion? Is that what you're
13 saying?

14 A Yes. I -- if it's presented in the trial, I don't
15 know how -- that's something that has to be
16 considered.

17 Q That's true. And I'm not saying you shouldn't
18 consider anything at trial, but your opinion now
19 is the -- the issue?

20 A Um-hmm.

21 Q You indicated you have bias somewhere in the back
22 of your mind that you're not -- you don't know if
23 you're able to separate that opinion from what
24 the Judge had explained to you? That -- I think
25 it's paraphrasing what you had -- how you

1 answered the Judge's question. And my question
2 is, what is that opinion that you can't separate?

3 ATTORNEY FALLON: Your Honor, again, I
4 don't mean to be obstructious (phonetic), but
5 maybe I'm wrong here, and you guys can tell me if
6 I'm wrong, but I got the impression that he was
7 troubled by information which was released in the
8 media, which may not be introduced in evidence,
9 and -- and whether he would be able to set it
10 aside. That seemed to be what the -- Mr., um,
11 Heintz was struggling with.

12 So -- and I think he answered that. At
13 least that's why -- how I understood the -- the
14 bias, the back of the mind, is what's out there
15 in the public domain that may not be in the
16 evidence that would be problematic.

17 THE COURT: Well, Mr. Heintz, is -- is that
18 an accurate characterization of how you feel?

19 JUROR HEINTZ: I agree with what that
20 gentleman just said. It -- it's hard to ignore
21 something you know already.

22 THE COURT: All right. With -- with --
23 with that said, Mr. Fremgen.

24 ATTORNEY FREMGEN: Thank you.

25 Q (By Attorney Fremgen) So you were -- you could

1 be able to, knowing all that -- what you already
2 know from the publicity, you can indicate now
3 that Mr. Dassey is innocent?

4 A I don't know that. And that's why we're here, is it
5 not?

6 Q Well, one of the instructions the Judge will
7 explain to all jurors, not -- not just you,
8 Mr. Heintz, but --

9 A Um-hmm.

10 Q -- to all jurors, is that you must presume
11 Mr. Dassey is innocent. The Judge was describing
12 a summary of that just a couple minutes ago that
13 you must presume Mr. Dassey innocent --

14 A Um-hmm. I --

15 Q -- at all times --

16 A -- understand that.

17 Q -- during the trial. And that's my question.
18 Despite what you have heard, despite what is in
19 the recesses of your mind, you can presume
20 Mr. Dassey innocent right now?

21 A That -- Not sure how to answer that. That -- that --
22 I understand that is how you have to approach a
23 trial. That it's --

24 Q Can you --

25 A Yeah. I'm struggling with how to answer that.

1 Q Sure.

2 A Can you rephrase the question?

3 Q I'll -- I'll try. Um, despite what you might
4 have read in the *State Journal*, or on the
5 internet, or other global news --

6 A Um-hmm.

7 Q -- and what --

8 A Yes.

9 Q -- you've heard, and you mentioned that part of
10 it was the topic of confessions and recanting
11 confessions --

12 A Um-hmm.

13 Q -- despite all of that, right this minute, and
14 you'll be instructed throughout the trial you
15 must presume Mr. Dassey is innocent, can you
16 reconcile those two? Can you do that knowing
17 what you know?

18 A I would have difficulty doing that at this moment.

19 Q Okay. Thank you. There are no right or wrong
20 answers, just true answers. Thank you.

21 ATTORNEY FREMGEN: Nothing else, Judge.

22 THE COURT: All right. Uh, you,
23 Mr. Heintz, may accompany the judicial assistant.
24 Thank you.

25 (Wherein juror is escorted out.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Mr. Fremgen?

ATTORNEY FREMGEN: Judge, I would ask that this juror be struck for cause, um, just -- just based on his que -- answer to the question that he'd have a difficult time presuming Mr. Dassey innocent.

THE COURT: Any response, Mr., uh, Fallon?

ATTORNEY FALLON: It's a difficult response because I'm not a hundred percent convinced he needs to be excused for cause. It -- it -- he would -- uh, admittedly, he was equivocal, uh, but in answer to, uh, the last two questions, you talked about the presumption of innocence and, um, he -- he said, yeah, I believe I can, and his whole concern was what's in the public domain that may not be introduced in evidence, and if -- and if the evidence comes in, then he's -- he's more relaxed in consideration of the evidence, and I think that has to be the context in which you evaluate those responses.

I'm -- I'm not convinced that he must be excused, um, because he can't presume, um, the -- the -- the presump -- can't follow the presumption of innocence instruction.

THE COURT: I think the -- I think the

1 inability to -- to attach the presumption of
2 innocence at this point to the defendant is -- is
3 fatal to this, uh, gentleman's service on the jury.
4 Thus, I'm going to grant the, uh, for cause motion,
5 the strike motion for cause.

6 JUDICIAL ASSISTANT: This is Juror No.
7 31, Gordana Miletic.

8 THE COURT: Is it pronounced Miletic?

9 JUROR MILETIC: Yes. Well, it's
10 Miletic.

11 THE COURT: Okay.

12 JUROR MILETIC: But we do pronounce it
13 Miletic --

14 THE COURT: All right.

15 JUROR MILETIC: -- here.

16 THE COURT: All right. If you'd be
17 seated there, ma'am.

18 **VOIR DIRE EXAMINATION**

19 BY THE COURT:

20 Q Uh, this, as I mentioned in the courtroom, is
21 called individual voir dire, and I'm going to ask
22 you some questions. There may be some moderate
23 followup from the -- the attorneys.

24 This, as you know, is the case vs., uh,
25 Brendan Dassey, and it has received an awful lot

1 of publicity. Uh, have you heard anything about
2 this case in the media?

3 A Yes, I did.

4 Q From what source did you learn whatever it is
5 that you've heard?

6 A Well, first started with my son. Uh, a few years
7 ago, um, just before April, he was released. My son
8 volunteered for the, uh, Innocence Project, so I
9 became aware of the problem. And soon after in April
10 he was released, so I really got interested in the
11 case. So I have been following it -- following it
12 through *Wisconsin State Journal* and the local
13 television.

14 Q Have you, as a result of what you heard, formed
15 any opinions about the guilt or innocence of
16 Brendan Dassey?

17 A Not about him.

18 Q All right. Not about Brendan Dassey?

19 A No.

20 Q You're making a distinction here, and -- and you
21 haven't said this, but I'm going to surmise,
22 between Steven Avery and --

23 A You're right.

24 Q -- and Brendan Dassey? But you formed no opinion
25 one way or the another, guilt or innocence --

1 A No.

2 Q -- about Mr. Dassey? Have you discussed this
3 particular case with anyone else?

4 A No.

5 Q Have you had a family member or a friend who was
6 killed by acci -- by accident or otherwise?

7 A No.

8 Q Have you, a family member, or a close friend,
9 ever killed anyone accidentally or otherwise?

10 A No.

11 Q Have you -- if you are called to serve as a juror
12 in this case, can you disregard anything you may
13 have heard or read in the media, or from any
14 source, and decide this case based only on the
15 evidence presented in court?

16 A Um, I have a little bit of a concern. I have Ph.D.
17 in child development, and I'm just wondering if some
18 of my previous knowledge might affect my decision in
19 thinking -- making of this case.

20 I have also worked with visually
21 impaired for number of years, and they always
22 have, uh, other impairment, and we -- we have
23 discussed that.

24 Q Well, every juror brings to the jury box his or
25 her own -- his or her own personal knowledge.

1 What -- what I want to know is, uh, if you can
2 disregard anything that you may have read or
3 heard about this case in the media, or from any
4 other source, and decide the case based only on
5 the evidence produced in court?

6 A I believe so.

7 Q Have you, or any close friend, or relative, ever
8 been the victim of a crime, or witness to a
9 crime, whether it was reported to law enforcement
10 or not?

11 A No.

12 Q How about, uh -- I'll -- I'll be more specific.
13 How about a sexual assault? Have you, or a
14 friend, or a family member --

15 A No.

16 Q If you're selected as a juror in this case, you
17 will be instructed that Mr. Dassey is presumed
18 innocent and that he cannot be found guilty of
19 any offense, unless and until the State has
20 proven each element of each offense beyond a
21 reasonable doubt. If you were selected as a
22 juror in this case, would you be able to follow
23 this instruction in reaching a verdict?

24 A I believe so.

25 Q If you were selected as a juror, you will also be

1 instructed that Mr. Dassey has a constitutional
2 right not to testify in the case. And that if he
3 decides not to testify, you cannot hold that
4 against him. Rather, you must base your decision
5 solely on the evidence introduced at trial. If
6 you were selected as a juror, could you follow
7 that instruction?

8 A Yes, I can.

9 THE COURT: Mr. Fallon, any questions?

10 ATTORNEY FALLON: Just, uh, one.

11 **VOIR DIRE EXAMINATION**

12 BY ATTORNEY FALLON:

13 Q Um, good morning.

14 A Good morning.

15 Q Because your son volunteered for the Innocence
16 Project --

17 A Yes.

18 Q -- um, and based on the information that you
19 learned about, um, these cases from the media
20 and, perhaps, your son, I mean, did you have any
21 opinions on Mr. Avery that might affect your
22 evaluation of the evidence in this case?

23 A Well, um, I actually, um -- Mr. Avery said that he
24 was set up, and it was very hard for me to believe
25 that, uh, given the crime that was committed, I just

1 cannot imagine that anyone would want to hurt a
2 person so badly to get back at somebody else. So
3 when he was found guilty, it was not hard for me to
4 accept that.

5 Q All right. So -- then we're clear then, so
6 you're reasonably sure you won't let those
7 feelings or thoughts affect your deliberations on
8 the evidence that we introduce in this case?

9 A I believe so.

10 Q Okay. Thanks.

11 THE COURT: Mr. Fremgen, anything?

12 ATTORNEY FREMGEN: No. Thank you.

13 THE COURT: All right. Thanks much. You
14 may step down. You can wait in the anteroom for
15 just a second --

16 JUROR MILETIC: Okay.

17 THE COURT: -- with the -- the -- the,
18 uh, legal assistant.

19 (Wherein juror is escorted out.)

20 THE COURT: Mr. Fallon?

21 ATTORNEY FALLON: No motion.

22 ATTORNEY FREMGEN: No motion.

23 THE COURT: Court has no motion.

24 JUDICIAL ASSISTANT: Juror No. 33,
25 Timothy Hughes.

1 THE COURT: Hi, Mr. Hughes. Be seated.

2 JUROR HUGHES: Hi.

3 THE COURT: Good morning, again, to you.

4 JUROR HUGHES: Morning.

5 **VOIR DIRE EXAMINATION**

6 BY THE COURT:

7 Q This is, I mentioned in the courtroom, would be
8 called individual voir dire, and I'm going to ask
9 you a series of questions. Counsel may have some
10 brief follow-up questions for you.

11 Uh, you're aware this is the case of
12 State vs. Brendan Dassey, and it's received a
13 substantial amount of publicity. Have you heard
14 anything about the case?

15 A Yes.

16 Q Uh, from what source did you hear whatever it is
17 you heard?

18 A Television.

19 Q As a result of what you heard, have you formed
20 any opinions regarding the guilt or innocence of
21 this defendant?

22 A Not much of a one.

23 Q Well, does not much of a --

24 A I --

25 Q -- one -- much of a one mean no or --

1 A I don't really know much about it, uh, to be honest.
2 Um, I know it's connected with the Steven Avery and
3 uh, uh, thing there, and I know more about that.

4 Q You understand, though, that this is a separate
5 case?

6 A Yes. Yeah. Uh --

7 Q Based on that fact, have you -- Based on the fact
8 that this is separate, you've heard something
9 about it, have you formed an opinion --

10 A No.

11 Q -- with respect to this --

12 A No.

13 Q You're going to have to -- she takes all of what
14 we --

15 A No.

16 Q -- say down. All right. Have you discussed this
17 case with anyone?

18 A Yes.

19 Q Uh, with whom?

20 A With my wife and my employer.

21 Q Uh, has -- has or have those discussions resulted
22 in you forming an opinion about this case?

23 A No.

24 Q Have you had a family member or friend who was
25 killed accidentally or otherwise?

1 A Yes. My brother was killed accidentally.

2 Q How long ago was that?

3 A 1980.

4 Q Uh, there was -- was there a criminal prosecution

5 as --

6 A No.

7 Q -- a result?

8 A No. It was an accident.

9 Q All right. What kind of accident?

10 A Uh, he was a garbage truck, um, driver, and he got

11 out of his truck, and it ran him over and crushed

12 him.

13 Q All right. Has that in any way, positive or

14 negative, affected your attitude toward law

15 enforcement authorities?

16 A No.

17 Q We -- we talked a little bit before about forming

18 opinions. Um, would you be able to set aside

19 anything that you -- you've heard or read about

20 this case and judge the case solely based on the

21 evidence presented in court?

22 A I believe I can.

23 Q Have you, or any close friend or relative, ever

24 been the victim of or witness to any kind of

25 crime, whether it was reported to law enforcement

1 or not?

2 A No.

3 Q Specifically, have you or a close friend or
4 relative been the victim of a sexual assault?

5 A No.

6 Q Have you, a close friend, or family member, ever
7 been charged with a crime?

8 A I was arrested, uh, a month ago for slapping my
9 daughter, and, uh, the charges were dropped.

10 Q All right. Other than that?

11 A That was it.

12 Q If you're selected as a juror in the case, in
13 this case, you will be instructed that Brendan
14 Dassey is presumed innocent and that he cannot be
15 found guilty of any offense, unless and until the
16 State has proven each element of each offense
17 beyond a reasonable doubt. If you were selected
18 as a juror in this case, would you be able to
19 follow that instruction?

20 A Yes.

21 Q There also will be, uh, another instruction that
22 says Mr. Dassey has a constitutional right not to
23 testify in this case, and that if he decides not
24 to testify, you cannot hold that against him.
25 Rather, you must base your decision solely on the

1 evidence introduced at trial. If you were
2 selected as a juror in this case, would you be
3 able to follow that instruction --

4 A Yes.

5 Q -- in reaching a verdict?

6 THE COURT: All right. Mr. Fallon, any
7 questions?

8 ATTORNEY FALLON: Uh, just two.

9 **VOIR DIRE EXAMINATION**

10 BY ATTORNEY FALLON:

11 Q Um, sir, you indicated you had some discussion
12 with your employer? Is that regarding, uh, your
13 ability to, um, maintain income if you were
14 selected as a juror in this case?

15 A Yes, we talked about --

16 Q All right. And will you suffer any financial
17 hardships, sir, if, in fact, you are selected and
18 are off of work for two weeks?

19 A No. The postal service will pay my, uh, salary and
20 I'd be reimbursed.

21 Q All right. So there's not a concern in that
22 regard?

23 A No.

24 Q Great. All right. Um, now, you said you were,
25 um, unfortunately, arrested a month ago for

1 slapping your daughter? Uh, how old was your
2 daughter?

3 A She's 17 now. She was almost 16 and --

4 Q Almost 16 --

5 A Uh, it happened in February. Uh, February 24 she
6 turned, uh -- so it's been a little bit more than a
7 month. Uh, I -- I remember, uh, three days after I
8 got out of jail -- I was in jail for 12 hours, and,
9 uh, three or four days after I got out she turned 17.

10 Q Okay. Now, um, I would imagine that wasn't
11 exactly, um, much fun at all?

12 A No.

13 Q And, um, do you feel that the, uh, case was
14 adequately, uh, investigated before your arrest?

15 A Yes. I admitted doing it, and they said it was
16 automatic, you can't strike a child, and I understand
17 that.

18 Q Okay. Um, so you think that you were, um,
19 handled, um, uh, appropriately and professionally
20 by the law enforcement officers?

21 A Yes. The police officers were nice, and the -- I
22 came to the county jail here, and, uh, I was with,
23 uh, seven other inmates in a holding cell, and it was
24 a little shocking, and, um, I'll never hit her again.
25 It -- it -- it deterred me that much, but...

1 Q Right. Okay. So, then, I guess my last
2 question, sir, is there anything about that
3 experience of -- of having been arrested and
4 spending a -- a short stay in the jail here, um,
5 is there anything about that that really makes
6 you wonder as to whether you can fairly evaluate
7 the testimony of -- of the officers involved in
8 this case or even be a juror in this case?

9 A I don't think so. I -- I don't think it -- it would
10 affect, um, being impartial.

11 Q Okay. Thank you.

12 THE COURT: Mr. Fremgen, any questions?

13 ATTORNEY FREMGEN: Just a few.

14 **VOIR DIRE EXAMINATION**

15 BY ATTORNEY FREMGEN:

16 Q Mr. Hughes, in regards to the incident with your
17 daughter, did you have to hire an attorney?

18 A No.

19 Q When you say it was dropped, did you have to meet
20 with the prosecutor's office?

21 A No. They just came to the jail cell, and they said,
22 you're free to go, and I called, uh, the district
23 attorney, and they said, uh, the charges were
24 dropped.

25 Q You'd indicated that, um, you don't -- you

1 haven't formed an opinion in regards to
2 Mr. Dassey; correct?

3 A Yeah. I said not much of a one. I -- I don't know
4 that much about it.

5 Q But you'd indicated that you have discussed this
6 case with your wife?

7 A Yes, I did.

8 Q Uh, did you guys discuss whether you felt he was
9 guilty or innocent?

10 A Not really. We were just, you know -- Did you hear
11 anything? Did you hear anything about the trial or
12 anything? And there hasn't been much on, really,
13 about it, so we didn't discuss much about it, no.

14 Q Was that more so after you received your summons
15 that you might have --

16 A Yeah. When we --

17 Q -- to --

18 A -- when I got the summons, we talked about it, and,
19 uh, I didn't even realize, uh, who Brendan was at
20 first. And then later on in the questionnaire it
21 dawned on me, you know, and then I did hear something
22 about it on TV, but not too much. Uh, just that the
23 trial was going be taking place and -- and they were
24 going to use, uh, people from Dane County.

25 Q I appreciate that. Thank you.

1 ATTORNEY FREMGEN: Nothing else.

2 THE COURT: All right. Thanks much. You
3 may step down. You can wait for just a moment in
4 the anteroom. The antechamber.

5 (Wherein juror is escorted out.)

6 ATTORNEY FALLON: No motion.

7 ATTORNEY FREMGEN: No objection.

8 THE COURT: All right. Uh, he can be
9 escorted to the jury box. Bring the next one in,
10 please.

11 JUDICIAL ASSISTANT: This is number 35,
12 Heather Rasmussen.

13 THE COURT: Morning, again, Ms. Rasmussen.

14 **VOIR DIRE EXAMINATION**

15 BY THE COURT:

16 Q Uh, as I mentioned, this is individual voir dire.
17 I'm going to ask you some questions. Counsel may
18 have some brief follow-up questions for you.

19 A All right.

20 Q Uh, this is a case entitled State vs. Brendan
21 Dassey, and it has rece -- received, uh, a fair
22 amount of publicity. Have you heard anything
23 about this case?

24 A I don't watch the lo -- local news. I've heard
25 nothing.

1 Q So you know nothing about this case or the issues
2 in this case?

3 A Only what was told to me in the, uh, questionnaire I
4 filled out.

5 Q Beyond that, nothing?

6 A Nothing.

7 Q So, then, if I were to ask you if you formed an
8 opinion as to his guilt or innocence, your answer
9 would be --

10 A No.

11 Q Have you had a family member or a friend who was
12 killed accidentally or otherwise?

13 A Yes. My, uh, younger brother was killed in a car
14 accident in November of 2005.

15 Q All right. I think you said in your
16 questionnaire there was, uh -- or you implied
17 there was a charge for negligent homicide in
18 there; is that right?

19 A Yes, that's correct.

20 Q And at -- at this point the -- the defendant has
21 not yet come up for trial; is that right?

22 A Uh, the pretrial was done in December, but she has
23 not been up for trial yet.

24 Q Does that affect in any way, either positively or
25 negatively, the way, number one, you feel about

1 law enforcement?

2 A Not at all.

3 Q Uh, about defendants, generally? Does that
4 predispose you one way or another?

5 A I don't feel so. No. I -- I really haven't had much
6 interaction with it. I've been kind of out of
7 contact with my family since then.

8 Q Have you, a family member, or a close friend,
9 ever killed anyone accidentally or otherwise?

10 A No.

11 Q If you're selected as a -- a juror in this case,
12 you will be instructed that Brendan Dassey is
13 presumed innocent and that he cannot be found
14 guilty of any offense, unless and until the State
15 has proved each element of each offense beyond a
16 reasonable doubt. If you were selected as a
17 juror in this case, would you be able to follow
18 that instruction?

19 A Yes, I would.

20 Q Uh, likewise, if you were selected as a juror,
21 you're going to be instructed that Mr. Dassey has
22 a constitutional right not to testify, and that
23 if he does not testify at a trial, you cannot
24 hold that against him. But, rather, you're going
25 to have to base your decision solely on the

1 evidence that you hear at the trial. Could you
2 follow that instruction?

3 A Yes, I could.

4 THE COURT: Mr. Fallon?

5 ATTORNEY FALLON: No questions.

6 **VOIR DIRE EXAMINATION**

7 BY ATTORNEY FREMGEN:

8 Q Ms. Rasmussen, if I may, I just want to follow up
9 a little bit about the answer to your -- to the
10 question about your brother having been killed?

11 A Go ahead.

12 Q Are you -- were you close to your brother?

13 A Um, I was away at college, and I hadn't been close to
14 him growing up. We had just started spending a
15 little more time together, so we were getting closer,
16 but I wouldn't say I was horribly close to him.

17 Q Now, I would imagine this is -- was somewhat of a
18 horrific news to hear that your brother --

19 A It was not pleasant news to hear, no.

20 Q And I'm also going to imagine -- I hope I -- I
21 assume correctly, that you -- you certainly don't
22 have any strong, positive feelings for the person
23 that did this, either, to your brother?

24 A I know it was an accident, so I -- I -- I don't hold
25 it against her.

1 Q Would sitting in the trial where there is going
2 to be, obviously, testimony about a death,
3 homicide, um, would that trigger any of the
4 memories of your losing your brother?

5 A I've thought about that a lot leading up to this, and
6 I don't think that it would affect my ability to
7 serve as a juror.

8 THE COURT: Any further questions,
9 Mr. Fremgen?

10 ATTORNEY FREMGEN: No, Judge. Thank
11 you, very much.

12 THE COURT: All right. You may step down.
13 Thank you, very much.

14 (Wherein juror is escorted out.)

15 THE COURT: Mr. Fallon, any motion?

16 ATTORNEY FALLON: None.

17 THE COURT: Mr. Fremgen, any motion?

18 ATTORNEY FREMGEN: No, Judge.

19 THE COURT: All right. She will then be
20 seated in the box. Um, we'll try one more witness
21 before we -- or one more juror before we break.

22 ATTORNEY FREMGEN: This will be the only
23 one that -- right now, but there will be other
24 ones who make comments that -- like, for
25 instance...

1 (Wherein juror is brought in.)

2 ATTORNEY FREMGEN: I don't want to do it
3 in front of juror, that --

4 THE COURT: I understand. Is your comment
5 applicable to this --

6 ATTORNEY FREMGEN: Yes, this is --

7 THE COURT: All right. Uh, you're going to
8 be seated and you're going to arise. We're going
9 to -- why don't -- Would you take this juror,
10 please, to the anteroom?

11 JUDICIAL ASSISTANT: Sure.

12 THE COURT: Mr. Fremgen wants to make
13 a -- some discuss -- or have some discussion
14 outside the -- the presence.

15 (Wherein juror is escorted out.)

16 ATTORNEY FREMGEN: The reas --

17 THE COURT: Mr. Fremgen.

18 ATTORNEY FREMGEN: The reason I wanted
19 to bring this up, Judge, we -- we spoke in front
20 of, uh, Juror No. 30, Mr. Heintz, and I don't
21 think that was appropriate to be, basically,
22 arguing about, first, the witness in front of --
23 or the juror in front of us, and this witness
24 or -- excuse me -- juror, I believe, is going to
25 be kind of similar.

1 She made comments in her, uh, juror
2 questionnaire that, uh -- may think he's already
3 guilty, um, worrisome, and I certainly want to
4 delve into some of that. And rather than --
5 if -- if we're going to have any discussions
6 about the questions being inappropriate, I would
7 prefer we don't have that discussion in front of
8 the juror while we're sitting here questioning
9 the juror at the same time.

10 THE COURT: Well, uh, this process is
11 cumbersome at best. Uh, it could go on forever.
12 Obviously, if there -- if I thought there were
13 something that would have any kind of serious impact
14 on the -- on the juror, uh, in -- in the form of a
15 question or an objection or anything else, I
16 would -- I would excuse the juror to the anteroom.
17 But I -- with Mr. Heintz, I didn't feel that what
18 was said there was other than appropriate. I --
19 Mr. Fallon? Uh --

20 ATTORNEY FALLON: No. I -- I thought --
21 I thought it went all right. I -- I -- I -- I
22 didn't see -- from our perspective, everything
23 was okay, I think. But, I mean, looking at it
24 from another -- I was watching the juror as we
25 were having our discussion --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Right.

ATTORNEY FALLON: -- amongst the three of us, and it didn't seem to cause him any, uh, uncomfot or unrest. And that's my number one consideration is that we don't somehow contaminate him or make that juror uncomfortable, and I -- I -- I was comfortable with what happened.

THE COURT: Well, what it was, Mr. Fremgen, and -- and perhaps I'm wrong about this -- really, it went to the form of the question. Uh, I thought at one point the -- the question was confusing or compound, and -- and I -- I don't know that it -- it -- it went to, uh -- to his answers.

So, obviously, if we -- we have something that -- that is going to be discomfoting to -- to a juror, we're -- we're going to -- going to move it out. But, uh, voir dire is -- is an effort to find out attitudes, and you have an opportunity, as does the State. So --

ATTORNEY FREMGEN: I -- I understand that. I don't have a problem with that. I don't think that voir dire is the appropriate place for the juror to see the attitudes of the counsel and

1 the Court, how they interact, though,
2 necessarily.

3 THE COURT: I'll keep that in mind. All
4 right. Uh, next juror.

5 JUDICIAL ASSISTANT: Juror No. 43,
6 Rachel Tedder.

7 THE COURT: Good morning, again,
8 Ms. Tedder. Why don't you be seated there?

9 **VOIR DIRE EXAMINATION**

10 BY THE COURT:

11 Q This is -- I mentioned to you, as well as the
12 others in the courtroom, is individual voir dire.
13 I'm going to be asking you a series of questions.
14 Counsel may have some follow-up questions.

15 Uh, this is, of course, the State vs.
16 Brendan Dassey. It's received a fair amount of
17 publicity. Have you heard anything about this
18 case?

19 A I have. Yes.

20 Q From what source did you learn whatever it is you
21 heard?

22 A Um, the television when -- when it first happened.
23 And, um, I'm on the internet every day, so I do, you
24 know, read the news. I have heard about the case.

25 Q All right. Um, based on what you've -- you've

1 heard, have you formed any opinions about the
2 guilt or innocence of this defendant?

3 A Yes, I feel like I have to a certain degree. Um --

4 Q We'll get to -- we'll get to that a little bit
5 more in a moment, but would you be able to set
6 those opinions aside if you were on the jury and
7 judge this case solely on the evidence as it's
8 presented in court?

9 A Yes.

10 Q All right. Have you discussed this case with
11 anyone?

12 A Yes. I mean, just whatever's on TV and reading about
13 it at the time, yes, I've discussed it with others.

14 Q Are these discussions in passing or are they
15 in-depth discussions?

16 A Not in depth. In passing.

17 Q Based on those discussions, did you form an
18 opinion regarding the guilt or innocence of the
19 defendant?

20 A Um, not completely, no.

21 Q Well, whatever -- whatever opinion you had --
22 Well, and I -- and I'll ask you, what -- do you
23 have some provisional, some preliminary opinion
24 that you've formed?

25 A Um, yes. I feel -- I feel in my heart that maybe I

1 have. I -- you know, I have given it some thought,
2 and whatever I've learned about it, I guess I believe
3 I have a, you know -- a feeling about it.

4 Q And that feeling is?

5 A Guilty.

6 Q That -- that he may be guilty?

7 A Yes.

8 Q And you've described it as a feeling. I've
9 described it as an opinion. Would you be able to
10 set that aside -- again, I'm going to ask you
11 this -- and judge the case solely on the evidence
12 that's presented in the court and the
13 instructions the Court gives you?

14 A Yes.

15 Q Have you had a family member or a friend who was
16 killed accidentally or otherwise?

17 A No.

18 Q Have you -- have you, a family member, or a close
19 friend, ever killed anyone accidentally or
20 otherwise?

21 A No.

22 Q If you're called upon to serve as a juror, can
23 you disregard anything that you've heard, or read
24 in the media, or on the internet, or from any
25 other source, and decide the case solely based on

1 the evidence?

2 A I can certainly try, yes, absolutely.

3 Q Well, try is one thing. Can you do it? Do you
4 believe in your heart --

5 A Yes, I believe --

6 Q -- you can?

7 A -- in my heart I can.

8 Q Have you, or any close friend, or relative, ever
9 been the victim of, a witness to, any kind of
10 crime, whether it was reported to law enforcement
11 or not?

12 A No.

13 Q Specifically, have you or a close friend ever
14 been a victim of a sexual assault?

15 A No.

16 Q If you were selected as a juror in this case, you
17 would be instructed that Brendan Dassey is
18 presumed innocent and that he cannot be found
19 guilty of any offense, unless and until the State
20 has proven each element of each offense beyond a
21 reasonable doubt. If you were selected as a
22 juror, would you be able to follow that
23 instruction?

24 A Yes.

25 Q Uh, likewise, if you were selected as a juror,

1 you would be instructed that Brendan Dassey has a
2 constitutional right not to testify in this case,
3 and that if he decides not to testify, you can't
4 hold that against him. Rather, you must base
5 your decision solely on the evidence that's
6 presented in court. Could you follow that
7 instruction as well?

8 A Yes.

9 THE COURT: Counsel?

10 ATTORNEY FALLON: Uh --

11 THE COURT: Mr. Fallon?

12 ATTORNEY FALLON: At this point I do
13 not. I will wait for Counsel. Uh, I don't have
14 any questions right now. I'm accepting the
15 Court's colloquy.

16 THE COURT: We're doing rebuttal here?

17 ATTORNEY FALLON: I'm -- I'm
18 anticipating an argument, so...

19 THE COURT: Go ahead. Mr. Fremgen.

20 VOIR DIRE EXAMINATION

21 BY ATTORNEY FREMGEN:

22 Q Ms., uh, Tedder is it?

23 A Um-hmm.

24 Q You'd indicated that in your heart you feel that
25 he is guilty, but you can set that aside if

1 that's the instruction of the Court; correct?

2 A Yes.

3 Q Do you believe Mr. Dassey, right now, to be

4 innocent?

5 A It hasn't been proven. No. No, it -- I have -- the

6 evidence hasn't been presented to me. Yet, if it

7 were presented, I'd try to make a decision from the

8 evidence.

9 Q Do you believe that it would be necessary to

10 prove he's innocent or just prove that he's

11 guilty?

12 A That he's innocent?

13 Q Now, one of the instructions the Judge will give

14 to all of the jurors was -- I think summarizing

15 here, was that presumption of innocence and

16 burden of proof mean that he doesn't have to

17 prove he's innocent. Do you understand that?

18 A Yes.

19 Q But as a juror you think that that should be --

20 that he should have to prove that?

21 A Um, I'm sorry, my mind is get jumbled. Um --

22 Q I can rephrase.

23 A Yes, would you rephrase the question?

24 Q Let me ask you it a different way. Maybe --

25 A Okay.

1 Q -- it will be a little easier. You indicated
2 that you can follow the instruction of the Court,
3 and one of the instructions is you have to
4 presume that Brendan is innocent?

5 A Um-hmm.

6 Q Another instruction later would be that the
7 State, the prosecutors, are the only ones that
8 have to prove anything. They have to prove --
9 they would have to prove guilt beyond a
10 reasonable doubt. That's the instruction.

11 A Um-hmm.

12 Q There's no instruction that says the defendant
13 has to prove he's innocent. Is that okay with
14 you? Can you --

15 A Yes.

16 Q Okay. You can set aside your feelings in your
17 heart that he's guilty and -- and follow those
18 instructions?

19 A Yes.

20 Q Okay. Um, and -- and may -- I might have missed
21 your answer. The Judge had asked about trying to
22 set aside the publicity, the things you've read
23 already? You said you would try?

24 A Yes.

25 Q Okay. And -- and you may have clarified that --

1 that you will do that? You're not going to just
2 try? You will?

3 A Yes.

4 Q I'm sorry.

5 A That's okay.

6 Q I might have missed your answer on that. One
7 last question, and kind of involves, again, the
8 issue about presumption of innocence. Do you
9 feel that, for you as a juror, it would be
10 necessary for Brendan to testify and say he
11 didn't do it?

12 A Um, no.

13 ATTORNEY FREMGEN: I have nothing else.

14 THE COURT: All right. Uh, you may take
15 her to the anteroom.

16 (Wherein juror is escorted out.)

17 THE COURT: Any motions, gentlemen?

18 ATTORNEY FALLON: There's no motion from
19 the State.

20 THE COURT: Mr. Fremgen?

21 ATTORNEY FREMGEN: I -- Judge, I -- I
22 think it's a real close call, but I still would
23 ask that the Court consider striking her for
24 cause for the concerns that she has, or -- or her
25 comments of being -- feeling in her -- her heart

1 that the defendant is guilty, uh, despite the
2 comment to the Court that she could set aside her
3 feelings and follow the law as instructed by the
4 Court.

5 I still think that it draws upon the
6 issue, uh, that the defendant is entitled to an
7 impartial juror who's unequivocal in their
8 ability to be fair, and I think that implies that
9 they're unequivocal in their ability to set
10 aside, or not to have preconceived feelings. And
11 she's saying, I have this feeling in my heart
12 that he's guilty, yet I'll set it aside. I'm not
13 so sure I'm convinced that she can do so.

14 THE COURT: Well, people come with
15 opinions. We attempt to find a jury that,
16 ultimately, is impartial. I take this juror at her
17 word that she could set aside whatever it is that
18 she may have felt. Thus, I'll deny your motion and
19 she can be seated in the box. We'll wait -- we'll
20 take about a ten-minute recess.

21 (Recess had at 10:39 a.m.)

22 (Reconvened at 10:55 a.m.)

23 THE COURT: All right. We'll go back on
24 the record. Bring the next juror in, please?

25 JUDICIAL ASSISTANT: This is Juror No.

1 44, Leah Shea.

2 THE COURT: Hi, Ms. Shea. Be seated.

3 **VOIR DIRE EXAMINATION**

4 BY THE COURT:

5 Q As you may recall my telling you a few moments
6 ago, this is called individual voir dire. I'm
7 going to ask you a couple of questions and then
8 counsel may or may not have some follow-up
9 questions to ask you.

10 This case, as you're aware, is State vs.
11 Brendan Dassey. It's received a substantial
12 amount of publicity. Have you heard or read
13 anything about this case before coming here
14 today?

15 A Yes.

16 Q And from what source did you learn whatever it is
17 you learned?

18 A Um, I've read it in the newspaper, mostly the
19 *Wisconsin State Journal*, and I've seen it on TV.

20 Q All right. Based on what you've read and you've
21 heard, have you formed any opinion as to this
22 defendant's guilt or innocence?

23 A No.

24 Q Have you discussed this case with anyone else?

25 A Um, not since getting my letter, but before that,

1 with my family, I guess.

2 Q All right. Were these lengthy discussions, in
3 depth --

4 A No.

5 Q -- or just --

6 A No.

7 Q -- just in passing?

8 A Just in passing.

9 Q Uh, our court reporter is taking down what you
10 and I say, so --

11 A Okay.

12 Q -- just don't try to anticipate the ending, just
13 wait until I do, okay?

14 A Okay.

15 Q Have you ever had a family member or a friend who
16 was killed accidentally or otherwise?

17 A No.

18 Q Have you, a family member, or a close friend,
19 ever killed anyone accidentally or otherwise?

20 A No.

21 Q If you're called upon to serve as a juror in this
22 case, can you disregard anything you may have
23 read in the media or heard in the media about
24 this, from any source, and decide the case based
25 solely on the evidence in court?

1 A Yes.

2 Q Have you, or any close friend, or relative, ever
3 been the victim of or a witness to any kind of
4 crime, whether it was reported to the police or
5 not?

6 A I had one friend who was sexually assaulted.

7 Q All right. That would have been my next
8 question.

9 A Oh.

10 Q You had a --

11 A Sorry.

12 Q -- friend who was sexually assaulted?

13 A Um-hmm.

14 Q Yes?

15 A Yes.

16 Q We have to say, yes, rather than um-hmm or
17 uh-huh.

18 A Okay.

19 Q All right. How long ago did this occur?

20 A A year.

21 Q Does that have any impact on the way you think
22 about the police?

23 A No.

24 Q Uh, does it have any -- any impact on anything?

25 A No. I just heard about it through another friend. I

1 wasn't with her at the time and she didn't really
2 discuss it with me.

3 Q So -- so as for details, you know very few, if
4 any?

5 A Very few.

6 Q All right. Have you, a close friend, or a family
7 member, ever been charged with a crime?

8 A No.

9 Q If you're selected as a juror in this case, you
10 will be instructed that Mr. Dassey's presumed
11 innocent and that he cannot be found guilty of
12 any offense, unless and until the State has
13 proven each element of each offense beyond a
14 reasonable doubt. Could you follow that
15 instruction?

16 A Yes.

17 Q Uh, likewise, you'll be instructed that under the
18 U. S. Constitution Mr. Dassey has a right not to
19 testify in this case, and that if he decides not
20 to testify, you can't hold that against him.
21 But, rather, you're going to have to find, based
22 only on the evidence that's presented in the
23 case, whether or not -- or what your verdict is.
24 Can you follow that instruction?

25 A Yes.

1 THE COURT: Mr. Fallon?

2 ATTORNEY FALLON: No questions.

3 THE COURT: Mr. Fremgen?

4 ATTORNEY FREMGEN: I just had one
5 question.

6 VOIR DIRE EXAMINATION

7 BY ATTORNEY FREMGEN:

8 Q You're a student at the UW-Madison?

9 A Yes.

10 Q Are you -- this going to be a problem for your
11 classes and tests if you're away from your
12 classes for two weeks? Upwards of two weeks or
13 more?

14 A Um, I spoke to all my professors, and they're willing
15 to work with me, but I guess I would preferably
16 rather not miss it.

17 Q What -- what -- when are your finals?

18 A They're May 13.

19 Q Okay.

20 A That -- that week.

21 Q Okay.

22 ATTORNEY FREMGEN: I have nothing else.

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

24 Thank you.

25 JUROR SHEA: Okay.

1 THE COURT: You're going to wait for just a
2 moment in the antechamber here --

3 JUROR SHEA: Okay.

4 THE COURT: -- with the -- with the
5 judicial assistant.

6 (Wherein juror is escorted out.)

7 THE COURT: Motions from either side?

8 ATTORNEY FALLON: None.

9 ATTORNEY FREMGEN: No.

10 THE COURT: All right. She will be seated
11 in the jury box. The next juror, please?

12 JUDICIAL ASSISTANT: Juror No. 47, Layne
13 Close.

14 THE COURT: Hi, Mr. Close. Would you be
15 seated there, please?

16 JUROR CLOSE: Thank you.

17 **VOIR DIRE EXAMINATION**

18 BY THE COURT:

19 Q Uh, Mr. Close, as you heard me say, this was --
20 this is called individual voir dire. I'm going
21 to ask you some questions. After I'm done,
22 Counsel may or may not have a few brief questions
23 to follow up on what I ask you.

24 Uh, this is the case, as you know, State
25 vs. Brendan Dassey, and it's received a

1 substantial amount of publicity. Have you heard
2 anything about this case?

3 A I've read multiple things in the newspaper and seen
4 things on television about the case as it was
5 breaking, so to speak.

6 Q All right. Based on what you -- you've heard or
7 read or seen, have you formed any opinions about
8 the guilt or innocence of Mr. Dassey?

9 A Um, initially, I had because one of the first things
10 that had come out within it was that there was a
11 confession involved, and at that point, obviously,
12 you allow that to set in your mind as a point of --
13 of -- of ending, so to speak, because it's a
14 confession.

15 Um, I had not at any point heard, um,
16 about any, um, thing being rescinded, although I
17 had later, on television, heard that that had
18 been taken place. So then that changes your
19 whole perspective of the things, and then how do
20 you think about that in your own mind, not
21 knowing that you're ever going to be involved in
22 this, but simply as an interested person hearing
23 a news report.

24 Q Let me ask you this: Would you be able to set
25 aside any opinion you might have, and, if you

1 were a juror, judge this case based only on the
2 evidence presented in court?

3 A That's something, since I got the information from
4 your office, I've been wrestling with. Because you
5 make these decisions, uh, having heard things
6 earlier, and then can you go back objectively in your
7 own mind and remove what you previously thought, um,
8 and set yourself up, basically, as a blank slate.
9 And I think that I would be intelligent enough to be
10 able to do that, but I'm not sure that I have totally
11 able to erase anything from my mind that I may have
12 previously set up as something I've heard.

13 So to answer your question, I guess I'm
14 not really sure. Um, I'd like to think I could,
15 but I don't know.

16 Q Have you discussed this case with others?

17 A Um, initially, yes. Um, when I was, uh, you know,
18 simply a person reading the news in the newspapers
19 and seen things, obviously, it -- it come -- becomes
20 a point of conversation with co-workers, with family
21 members.

22 Um, since I got, uh, the information
23 that I would possibly be a juror involved in this
24 case, I have not said anything.

25 In fact, um, in trying to inform my

1 employer of the fact that I may be gone for
2 awhile, having been called for jury duty,
3 obviously, they want to know, well, do you know
4 what you're involved with, and I have told them I
5 can't -- have been informed that, no, I can't
6 discuss even what case it is. So, uh, no, since
7 that point I have not discussed it with anyone,
8 but prior to that I did, yes.

9 Q Based on those prior discussions, did you form
10 any opinion relating to the guilt or innocence of
11 this defendant?

12 A Initially, I did, because, obviously, I'd heard that
13 there was going to be a -- testimony given in the
14 previous trial regarding, um, information from that
15 confession, which is what we had heard, initially, in
16 new -- in news reports. So at that point, yeah, I
17 had made it -- a -- an opinion about that.

18 Um, and beyond that point, you know,
19 then you -- you hear reports about, okay, there's
20 been a -- a recanting of that, and then you have
21 to rethink, now, how do I feel about that? And,
22 generally, you don't think very deeply about it,
23 because you -- you don't think you're going to be
24 involved in it.

25 Um, at the point you find that you're

1 going to be involved in it, then you have to go
2 back and revisit everything. Okay, now, how do I
3 feel about that now? And, um, again, it's been
4 somewhat emotional to try and think, okay, can I
5 be objective about this? Can I not be? I've
6 already heard things, and you really wrestle
7 with, okay, how objective am I, really?

8 And, um, I think that -- like I say, I
9 think that I -- I'd like to think that I'm able
10 to, but in the back of your mind, you still got
11 those -- those things that, okay, I made a
12 decision based on information previously. Can I
13 throw all that out? And can I do that? And,
14 again, I'd like to think I can, but I could not
15 tell you, sitting here now, absolutely, that I am
16 absolutely positive, one hundred percent, that I
17 can say I can completely ignore everything
18 previously, and simply base things on what I'm
19 going to hear now as a blank slate.

20 Q Just a point of clarification. You mentioned
21 prior tri -- trial. You're talking about State
22 vs. Steven Avery?

23 A Correct.

24 Q All right. Have you had a family member or
25 friend who was killed accidentally or otherwise?

1 A No.

2 Q Have you, a family member, or close friend, ever
3 killed anyone accidentally or otherwise?

4 A Not that I'm aware of.

5 Q Uh, I'll ask you, uh, sort of a followup to
6 something we did earlier, something we talked
7 about earlier, if you're called to serve as a
8 juror in this case, can you disregard anything
9 you may have read or heard in the media from any
10 source and decide this case based solely on the
11 evidence that is presented in the court and the
12 instructions that the Judge gives you regarding
13 the law?

14 A I would like to think I can.

15 Q All right. Uh, have you, or any close friend, or
16 relative, ever been the victim of or witness to
17 any kind of crime, whether it was reported to law
18 enforcement authorities or not?

19 A Yes.

20 Q Uh, specifically?

21 A Um, some of the things I've put in the questionnaire,
22 my wife was, uh, raped as a -- as a, uh, young woman
23 working in a work environment. My sister, uh, was
24 raped when she was in grade school. Um, I guess --
25 well, it was -- it was sexual contact, but it was,

1 uh, unwanted. None of those were reported.

2 Um, I think those are the major ones
3 that might relate to this.

4 Q But these were not reported and prosecuted?

5 A No.

6 Q I -- does that -- do -- do these incidents that
7 you've just described affect, in any way, your
8 attitude toward allegations of sexual crimes?

9 A I don't think so.

10 Q You would treat them based on evidence that you
11 saw in a particular case?

12 A Yeah. I mean, each case is an individual sit -- set
13 of situation. It shouldn't, uh -- you can't make
14 inferences about one person's behavior based on
15 another one's.

16 Q Have you, a -- a close friend, or a family
17 member, ever been charged with a crime?

18 A Yes.

19 Q And that is?

20 A Um, a number of years ago I, uh, pleaded no contest
21 to shoplifting.

22 Q Beyond that? I -- I --

23 A Felony-type charges you're referring to?

24 Q Well, you're -- what you're talking about is
25 retail theft. I'm not sure whether it was

1 charged as a municipal ordinance or under a --

2 A It was.

3 Q Okay. So that really isn't a crime.

4 A Okay.

5 Q Uh, anything other than that?

6 A Not that I'm aware of, no.

7 Q If you're selected as a juror in this case, you
8 will be instructed that Brendan Dassey is
9 presumed innocent and that he cannot be found
10 guilty of any offense, unless and until the State
11 has proven each element of each offense beyond a
12 reasonable doubt. If you were selected as a
13 juror in this case, would you be able to follow
14 that instruction?

15 A Yes. I think so.

16 Q Likewise, if you were selected as a juror, you
17 understand that Mr. Dassey has a -- a right under
18 the United States Constitution not to testify if
19 he so chooses, and that if he decides not to
20 testify, you cannot hold that against him?
21 Rather, you must base your decision solely on the
22 evidence introduced at trial? If you were
23 selected as a juror, would you be able to follow
24 that instruction in reaching a verdict?

25 A I think so.

1 Q All right.

2 THE COURT: Uh, Mr. Fallon?

3 ATTORNEY FALLON: No questions.

4 THE COURT: Mr. Fremgen?

5 ATTORNEY FREMGEN: Just a few, Judge.

6 VOIR DIRE EXAMINATION

7 BY MR. FREMGEN:

8 Q Uh, Mr. -- Mr. Close, uh -- and it may be just
9 more semantics -- when asked whether you could
10 follow the instructions about presumption of
11 innocence, and, uh, the fact that the defendant
12 need not testify, you said, you think so. Is
13 there something that you think, possibly, I may
14 not be able to follow that instruction?

15 A Um, to the best of -- of my ability, I would like to
16 think that I can be objective about given the
17 situation and the criteria in which we are to judge
18 this. Um, until you're in that situation, though,
19 you don't know how you will react exactly.

20 So I'm allowing that bit of wiggle-room,
21 so to speak, to say that I cannot predict exactly
22 how I will react to that, but I'd like to think
23 that I'm obj -- objective enough to be able to
24 follow the criteria given as far as judgment on
25 the evidence presented.

1 Q So right now you can say Mr. Dassey's not --
2 Mr. Dassey is innocent?

3 A That is the basis of our whole legal system.

4 Q Okay. And -- and you're okay with that?

5 A I'm okay with that.

6 Q When you were asked whether you could set aside
7 some of the prior opinions that you formulated
8 due to, in part, the publicity that you've heard
9 or read, you said, I think I can, I'm not sure?

10 A Um-hmm.

11 Q Is -- is there something about the -- the extent
12 of the publicity or -- or what the publicity was
13 that indicates to you that maybe you can't put
14 this aside? I -- I want to just find out some
15 more about that in your mind?

16 A Again, it's -- you -- you form opinions when you read
17 anything in the newspaper, see news reports about it,
18 assuming that what you are seeing is objectively
19 reported news.

20 Um, obviously, you don't think you're
21 going to be involved with it. You're just an
22 outside observer, and, thus, you're seeing these
23 things come into your mind. You form opinions on
24 anything and everything. Um, and whether I can
25 take and remove all of those previous thoughts

1 that I've had about the opinions that I've made,
2 throw them aside, and -- and look at things
3 objectively, totally, I'd like -- like I say, I
4 think that I can do that, but I can't say
5 absolutely for certain, when I'm in a situation
6 such as this, that I can totally eliminate
7 everything that I've previously had as an
8 experience. Um --

9 Q I don't -- I don't want you to totally ignore
10 your prior experiences, because that you -- all
11 jurors should bring their prior experiences. But
12 in --

13 A Yes.

14 Q -- regards to this particular person, Mr. Dassey,
15 or the publicity that you indicated, can you set
16 that aside? Or are you still concerned that it
17 may still be a problem to set that aside?

18 A Trying to be as truthful as possible, I think that
19 I'm able to do that. I'd like to think I'm objective
20 enough to do that. But I'm not going to eliminate
21 the fact that it has colored my opinion earlier, you
22 know, in -- in the -- in the publicity and the
23 coverage.

24 And that -- to say that that's not going
25 to be a factor involved in how I have felt about

1 it in the past, and is that going to bleed into
2 what I am seeing, I'd like to think not. But I'm
3 not going to throw that out as saying, absolutely
4 positive, there's no way that this is ever going
5 to affect what I think and how I feel about it,
6 um, because it's a part of the experience that --
7 you know, that I've had prior to having -- to
8 know that I'm going to be involved in -- in doing
9 this sort of thing.

10 So it's, basically, just my way of
11 saying, you know, I -- I'm not going to
12 absolutely one hundred percent say that that's,
13 you know, how I can react, and that I've
14 absolutely heard nothing about this, and it's not
15 going to color what I see, hear, and feel,
16 because it -- it -- it very well may. It's just
17 life experiences.

18 But, again, to ramble around the
19 question, which is what I'm doing here, um, I'd
20 like to think that I am objective enough that
21 I -- to be able to look at something and say,
22 okay, this is the criteria you need to judge this
23 by, that's what's going to be involved, and I'd
24 like to think that I can do that, yes.

25 Q One of the reasons we're doing this process is so

1 that some of the, uh, discussion that might be
2 considered embarrassing, won't be done in open
3 with all the other jurors, and I just want to ask
4 you a couple questions about what I -- I'm -- I
5 guess I'm going to assume were not, obviously,
6 very positive experiences. You indicated you
7 pled no contest once to retail theft? Um --

8 A True.

9 Q Did you -- when you pled -- I'm going to ask you
10 this: You pled no contest because you felt you
11 were guilty or just -- you were offered something
12 you just couldn't refuse?

13 A No, I knew I was guilty.

14 Q If -- if you had --

15 A It was --

16 Q I'm sorry.

17 A I'm sorry. No. Go ahead.

18 Q If you hadn't been guilty, would you have pled
19 not guilty?

20 A Oh, definitely. If I felt that I was -- you know, if
21 I knew that I hadn't done it, certainly.

22 Q The experience with -- you said your wife had
23 been sexual assaulted?

24 A Correct.

25 Q Was that something that you have talked to her

1 about in the past or is this something you know
2 about but you just don't have a lot of detail?
3 You both kept it...

4 A Oh, no, it's been discussed in great detail. Um, we
5 have very few things that we keep from each other as
6 far as secrets.

7 Q Now, this -- Obviously, you've heard the
8 instructions from the Judge earlier. He read the
9 Information which indicated that Mr. Dassey's
10 charged with -- one of the three counts is, uh, a
11 sexual assault. And do you feel that having this
12 life experience, um, involved with a person
13 that's very close to you, your wife, that you'll
14 be able to set that aside to some extent while
15 you're hearing ev -- evidence or testimony about
16 the sexual assault?

17 A Yes, because I think that the -- you know, you -- you
18 can't infer one person's behavior upon another
19 person, even though the actions may be of similar
20 nature. The one thing that I think it will do is it
21 does present you with some amount of empathy for the
22 person involved in the attack.

23 Um, does it give me empathy for the
24 person that's accused of being the attacker?
25 Maybe, because you're more -- you -- you have

1 some personal knowledge and contact with an event
2 such as this, that someone who has absolutely no
3 knowledge or personal, um, re -- uh, experience
4 with -- may have had.

5 Q Thank you.

6 ATTORNEY FREMGEN: I have nothing else.

7 THE COURT: Mr. Fallon, anything?

8 ATTORNEY FALLON: Nothing further.

9 THE COURT: Uh, one last question.

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 Q Uh, on your questionnaire, you noted there may be
13 some employment concerns?

14 A Correct.

15 Q Have those been resolved?

16 A Um, well, without violating, uh, HIPPA laws, um, but
17 to provide you with enough information so that you
18 know what I'm talking about, um, I'm the surgical
19 services coordinator, and I have a manager, and we
20 co-run the department. Um, so, generally, as far as
21 administrative duties, if one of us is not there, the
22 other one can do it. My co-leader has undergone
23 treatment, and is now undergoing treatment for
24 cancer, and will be doing chemotherapy at a point
25 where she may be gone for a number of days each week

1 during that treatment. She started her first ones
2 yesterday.

3 Um, it, uh -- obviously, my, uh -- my
4 boss above her was not happy about the fact that
5 she may be gone and I may be gone, which may put
6 our department at a -- an extremely short-handed
7 point even without anybody calling in sick or
8 being on vacation. So that, um, obviously, is
9 something which does present a hardship to our
10 department, um, but not something that couldn't
11 be, in the best of circumstances, probably worked
12 through.

13 Q All right. Okay. That -- that answers the
14 question. Uh, you may step down, and thank you.

15 (Wherein juror is escorted out.)

16 THE COURT: Mr. Fallon, any motion?

17 ATTORNEY FREMGEN: Judge, I'd ask the
18 court consider moving or striking this juror for
19 cause. Uh, simply on the answers to the
20 questions about his -- the one, can he feel he's
21 an objective person and can set aside his prior
22 opinions, indicated he may not be able to do so,
23 or, I'm not sure, and then this question --
24 answer to your question about presumption of
25 innocence was, I think so. I think those are the

1 two equivocal, uh, of answers to, I think, some
2 pretty important questions.

3 ATTORNEY FALLON: We're not really going
4 to object. Um, my concern is also the -- the job
5 situation as well. So given -- you know, in the
6 best of worlds I probably would -- I would oppose
7 the motion, but I think just on balance, I just
8 have a sense that we should probably excuse this
9 juror.

10 THE COURT: All right. The Court is going
11 to treat that as a -- a stipulated, for cause,
12 dismissal, but I would have -- I would have granted
13 it in any event for -- for those reasons. Uh, it
14 was too close to the line, and the -- the work
15 situation appears to be a little dicey. All right.

16 JUDICIAL ASSISTANT: Juror No. 48, Ryan
17 Johnson.

18 THE COURT: Mr. Johnson, be seated. Good
19 morning again.

20 JUROR JOHNSON: Good morning.

21 **VOIR DIRE EXAMINATION**

22 BY THE COURT:

23 Q Uh, as I mentioned in the courtroom before, we
24 were going to be doing individual voir dire, and
25 that's what this is. I'm going to ask you a few

1 questions. Counsel may or may not have some
2 follow-up questions of you.

3 This is, as you know, the -- the case is
4 the State of Wisconsin vs. Brendan Dassey. It's
5 received a substantial amount of publicity. Have
6 you heard anything about the case?

7 A Not really much at all.

8 Q Uh --

9 A Like maybe here and there.

10 Q Nothing that sticks in your mind?

11 A Ugh-ugh.

12 Q You're going to have to say yes or no.

13 A I'm sorry. No.

14 Q So have you formed any opinion with respect to
15 the guilt or innocence of this defendant?

16 A No.

17 Q Have you at any -- at any juncture discussed this
18 case with anyone else?

19 A No.

20 Q Have you had a family member or a friend who was
21 killed accidentally or otherwise?

22 A No.

23 Q Have you, a family member, or close friend, ever
24 killed anyone accidentally or otherwise?

25 A No.

1 Q Have you, or has any close friend, or relative of
2 yours, ever been the victim of or a witness to
3 any kind of crime, whether it was reported to law
4 enforcement or not?

5 A Yes.

6 Q And that is?

7 A My wife.

8 Q Specifically?

9 A Uh, she was raped.

10 Q How long ago did this occur?

11 A Three years.

12 Q Was she your wife at the time or did it pre --

13 A Fiancé at the time.

14 Q All right. Was the perpetrator caught?

15 A Yes.

16 Q Prosecuted?

17 A Yes.

18 Q Did you feel that law enforcement authorities
19 handled it appropriately?

20 A Yes.

21 Q Uh, do you bring away from this experience
22 anything negative or positive?

23 A No.

24 Q Have you, a close friend, or family member, ever
25 been charged with a crime?

1 A Uh, yes. Not me. My brother.

2 Q He was charged with?

3 A Uh, drug possession.

4 Q And convicted?

5 A Um --

6 Q If you know?

7 A Yes and no. He was put on probation for a little

8 while, and then the charges were dropped, or -- yeah.

9 And then the charges were dropped after he fulfilled

10 that.

11 Q All right. What -- what sort of possession are

12 we talking about here?

13 A Um, I think it was crystal methamphetamine.

14 Q Does -- does the fact that he was involved in

15 this way affect your attitude toward law

16 enforcement?

17 A No.

18 Q Do you believe his case was fairly handled?

19 A I really didn't follow it. He lived 200 miles from

20 me. He's nine years younger. So I -- sure. Yes.

21 Q Okay.

22 A I guess.

23 Q If you were selected as a -- a juror in this

24 case, you would be instructed -- you will be

25 instructed that Mr. Dassey is presumed innocent

1 and he cannot be found guilty of any offense,
2 unless and until the State has proven each
3 element of each offense beyond a reasonable
4 doubt. Could you follow that instruction?

5 A Absolutely. Yes.

6 Q Uh, likewise, there would be another instruction
7 that would relate to Mr. Dassey's testifying or
8 not testifying. You understand under the Wis --
9 un -- under the constitution he has a right not
10 to testify in this case, and that if he decided
11 not to testify, that you could not hold that
12 against him. Rather, you would have to base your
13 decision solely on the evidence introduced at
14 trial?

15 A Yes.

16 Q Could you follow that instruction?

17 A Yes, sir.

18 THE COURT: Mr. Fallon.

19 ATTORNEY FALLON: Uh, no questions.

20 Thank you.

21 THE COURT: Mr. FREMGEN.

22 **VOIR DIRE EXAMINATION**

23 BY ATTORNEY FREMGEN:

24 Q My -- my only question, Mr. Johnson, and, uh --
25 and -- and -- and again, we want to deal with

1 these issues here rather than proposed -- that
2 potentially place you in a --

3 A Absolutely.

4 Q -- position of embarrassment -- about, uh, your
5 wife having been a victim of a sexual assault.

6 A Um-hmm.

7 Q Ob -- obviously, that had -- at the time, I'm
8 going to assume, had a pretty significant impact
9 on you as well as your wife?

10 A Yeah. At the time it did, yes.

11 Q Um, have you talked about it over the last three
12 years?

13 A Absolutely. That's how -- that's how we got through
14 it. Kind of made us stronger, so...

15 Q Now, setting aside the person who did it,
16 obviously --

17 A Um-hmm.

18 Q -- does that impact your opinion of other persons
19 who are charged with sexual assault?

20 A No.

21 Q You don't feel that just because of that
22 incident, that anyone charged with a sexual
23 assault, for instance, is guilty automatically?

24 A No, because there's -- I -- I -- there's plenty of
25 people that can just say it to get somebody in

1 trouble, you know, so...

2 THE COURT: Any further questions?

3 ATTORNEY FREMGEN: No. No, Judge.

4 THE COURT: You may step down. Thank you.

5 JUROR JOHNSON: All right. Thank you.

6 THE COURT: You're going to wait out in the
7 anteroom for just a moment.

8 (Wherein juror is escorted out.)

9 ATTORNEY FALLON: No motion.

10 ATTORNEY FREMGEN: None.

11 THE COURT: All right. He will be seated
12 in the jury box. Um, next juror.

13 JUDICIAL ASSISTANT: This is Juror No.
14 49, Kristen Durst.

15 THE COURT: You're Ms. Durst?

16 JUROR DURST: Yes.

17 **VOIR DIRE EXAMINATION**

18 BY THE COURT:

19 Q This is individual voir dire. I talked about it
20 a bit when you were in the courtroom. I'm going
21 to ask you some questions. Counsel may have
22 follow-up questions or may not. Uh, you're aware
23 this is the State -- State of Wisconsin vs.
24 Brendan Dassey. The case has received a
25 substantial amount of publicity. What, if

1 anything, have you heard about the case?

2 A Um, I have heard what probably a lot of people in the
3 state have heard. I've read some news articles in
4 the local paper, but not a whole lot more than that.

5 Q Based on what you've read, have you formed any
6 opinions about the guilt or innocence of this
7 defendant?

8 A No.

9 Q Have you discussed this case with anyone?

10 A Um, no. I think probably at work prior to, um,
11 receiving notification, there's been some general
12 discussion. I haven't really been involved in that
13 but...

14 Q This is not in-depth discussion?

15 A Not in depth, no.

16 Q Just --

17 A I'm not --

18 Q -- in passing?

19 A Right.

20 Q All right. Have you had a family member or a
21 friend who was killed accidentally or otherwise?

22 A No.

23 Q Have you, a family member, or a close friend,
24 ever killed anyone accidentally or otherwise?

25 A No.

1 Q If you were called to serve on this jury, could
2 you disregard anything you may have heard or read
3 in the media, or from any source, and decide the
4 case solely based on the evidence produced in
5 court?

6 A Yes.

7 Q Have you, a close friend, or a family member,
8 ever been charged with a crime?

9 A No.

10 Q Specifically, have you ever had a close friend or
11 family member that was, uh, involved in a sexual
12 assault?

13 A No.

14 Q If you're selected as a juror in this case, you
15 will be instructed that Mr. Dassey is presumed
16 innocent and that he cannot be found guilty
17 of any offense, unless and until the State has
18 proven each element of each offense beyond a
19 reasonable doubt. If you were selected, uh,
20 could you follow this instruction?

21 A Yes.

22 Q Likewise, uh, Mr. Dassey has a right under the
23 constitution to testify in court or not as he
24 sees fit. If he decides not to testify, uh, you
25 cannot hold that against him. Rather, you must

1 base your -- base your verdict on the evidence
2 that's received in court. Can you follow that
3 instruction as well?

4 A Yes.

5 THE COURT: Mr. Fallon, any questions?

6 ATTORNEY FALLON: Um, just one.

7 **VOIR DIRE EXAMINATION**

8 BY ATTORNEY FALLON:

9 Q Um, is there anything about your background in
10 journalism or that experience of having worked in
11 that field that makes you wonder as to whether
12 you could fairly and impartially decide this case
13 based on, for instance, pretrial publicity and
14 whatever other experience you had as a
15 journalist?

16 A I don't believe that that would, uh, hinder things in
17 any way. I haven't worked, um, in that capacity in a
18 few years, um, nor in the state of Wisconsin.

19 Q When you worked in the field, did you cover the
20 court system and handle any type of, um -- or
21 cover any murder trials or anything like that?

22 A Um, not specifically cover. I was a news announcer,
23 so I did read stories on, you know --

24 Q Oh, I see.

25 A -- daily news, yes.

1 Q Okay. All right. Thank you.

2 THE COURT: Anything, Mr. Fremgen?

3 ATTORNEY FREMGEN: No, Judge.

4 THE COURT: You may step down.

5 JUROR DURST: Okay.

6 THE COURT: You can wait in the anteroom
7 with, uh, the -- the judicial assistant for a
8 moment.

9 (Wherein juror is escorted out.)

10 THE COURT: Any motion, Mr. Fallon?

11 ATTORNEY FALLON: None.

12 THE COURT: Mr. Fremgen?

13 ATTORNEY FREMGEN: No.

14 THE COURT: All right. Uh, before we call
15 the -- the next juror, uh, I was discussing with one
16 of the bailiffs, uh, the -- the lunch. I propose we
17 take 45 minutes at one time or another. Trying to
18 find out when the cafeteria is going to be least
19 busy so the jurors and -- and we can circulate
20 through it. Is that 45 minutes, is that either too
21 long or too short for any of you?

22 ATTORNEY FREMGEN: That's fine.

23 (Discussion off the record.)

24 ATTORNEY FALLON: Well, Counsel just
25 raised an interesting question. Is there anyone

1 you want to send down now? I mean, figure we've
2 got -- I mean, we could probably do three or four
3 before noon, and you could --

4 THE COURT: That's probably -- it's a good
5 idea.

6 ATTORNEY FALLON: You know, send a bunch
7 of them down now and we can have them come back
8 by 12:30, quarter to 1?

9 BAILIFF: Yeah. We were just going to
10 suggest maybe --

11 COURT REPORTER: Is this on the record?
12 Do we need this on the record?

13 THE COURT: Sure. Nah, you don't need
14 it on.

15 (Discussion off the record.)

16 (Nine jurors previously seated in jury
17 box are brought into the courtroom.)

18 THE COURT: Just -- we're sending you folks
19 down for lunch now. Uh, prior to going, I just want
20 to admonish you, again, instruct you that -- oops--

21 BAILIFF: We have one more.

22 THE COURT: All right. Uh, I -- I just
23 want to instruct you, again, not to say anything
24 about this case to anyone. That includes
25 yourselves. You can talk about anything else you

1 want to, but anything that has to do with this case
2 is -- is out of bounds. Uh, so you're going to take
3 them downstairs to the cafeteria or just simply send
4 them down?

5 BAILIFF: We'll just -- we'll just turn
6 them loose.

7 THE COURT: All right. We'll see you a
8 little later.

9 JUDICIAL ASSISTANT: This is Mr.
10 Williams, No. 50.

11 **VOIR DIRE EXAMINATION**

12 BY THE COURT:

13 Q Mr. Williams, this is individual voir dire. I'm
14 going to ask you a few questions. Counsel may or
15 may not have some follow-up questions to -- to
16 ask you.

17 Uh, this, as you know, is the case of
18 the State of Wisconsin vs. Brendan Dassey. It's
19 received a fair amount of -- of publicity. Have
20 you -- have you heard anything about this case?

21 A Yes, I have.

22 Q Uh, from what source did you learn whatever it is
23 you've heard?

24 A Um, mostly just newspaper accounts and maybe a blurb
25 on the, uh, radio or TV, but -- but since I was given

1 the questionnaire, I steered clear of it, so...

2 Q All right. Based on the information that -- that

3 you had received, have you formed an opinion, uh,

4 of whether or not, uh, Mr. Dassey is innocent or

5 guilty?

6 A No, sir.

7 Q Have you discussed this case with any other

8 persons?

9 A No, sir.

10 Q Have you had a family member or a friend who was

11 killed accidentally or otherwise?

12 A Uh, when I was 22 years old, my grandfather was --

13 was murdered in California.

14 Q All right. I'm not asking your age at this

15 point, but I presume that was some time ago?

16 A Yes, sir. I'm 37.

17 Q All right. So was the -- was the person who

18 committed this, uh, murder prosecuted?

19 A No, sir.

20 Q There's been no prosecution?

21 A Still an open case.

22 Q Has that affected in any way the -- the manner in

23 which you view law enforcement?

24 A No, sir.

25 Q Uh, have you, a family member, or a close friend,

1 ever killed anyone accidentally or otherwise?

2 A No, sir.

3 Q Uh, you discussed your grandfather and the fact
4 that he was the -- the victim of -- of murder.

5 Uh, any other friend, or relative, or family
6 member, that -- that was the victim of a crime?

7 A No, sir.

8 Q Uh, specifically, a sexual assault? Any close
9 friends or family member?

10 A No, sir.

11 Q Can you set aside whatever you may have heard or
12 read about this case in the media, or any other
13 source, and decide this case based solely on the
14 evidence produced in court?

15 A Absolutely.

16 Q If you were selected as a juror, you will be
17 instructed that, uh, Mr. Dassey is presumed
18 innocent and that he cannot be found guilty of
19 any offense, unless and until the State has
20 proven each element of each offense beyond a
21 reasonable doubt. If you were a juror, could you
22 follow that instruction?

23 A Yes, sir.

24 Q Uh, likewise, uh, if you were a juror, you would
25 be instructed that Mr. Dassey has a

1 constitutional right not to testify in this case,
2 and that if he decides not to testify, you cannot
3 hold that against him. Rather, you must base
4 your decision solely on the evidence introduced
5 at trial. If you were a juror, could you follow
6 that instruction?

7 A I could, sir.

8 THE COURT: Mr. Fallon?

9 ATTORNEY FALLON: No questions.

10 THE COURT: Mr. Fremgen?

11 ATTORNEY FREMGEN: Judge, uh, just a
12 few.

13 **VOIR DIRE EXAMINATION**

14 BY ATTORNEY FREMGEN:

15 Q Mr. Wilson -- or Williams, excuse me, the Judge
16 asked you about, um, the incident, or your
17 experience with your grandfather having been
18 murdered, and asked about the impact -- whether
19 it has impacted on you, your feelings about law
20 enforcement. Does it have any impact or that had
21 an impact on your feelings about persons charged
22 with crimes?

23 A No. Uh, I think the only way it's impacted me was
24 loss of a -- of a grandparent and how that made me
25 feel at the time. But my opinion of law enforcement

1 or -- or perpetrators of crime, I -- it didn't
2 have -- that didn't have any bearing on it. It was
3 more of the loss of my grandfather that was very
4 troubling.

5 Q And I would assume, I mean, obviously, you would
6 have empathy then with persons who've lost loved
7 ones just like yourself?

8 A Although I -- I -- I wouldn't know -- I've never
9 discussed it with other people who have, uh, lost
10 loved ones in the same situation, so I -- I don't
11 know. I -- I mean, I only know how I felt.

12 Q That's fine. Would this be a hardship being away
13 from your family and unable to -- I understand
14 from your questionnaire, you're -- you're the
15 stay-at-home dad and your wife works --

16 A That's correct.

17 Q -- full-time.

18 A My profession -- I'm a history teacher, and, um, my
19 wife and I always like to kid that I lost the coin
20 toss. So I stayed home this year with our three
21 children. One of them -- two of them are at -- they
22 go to school part -- uh, and one of them is an
23 infant. Would it be troubling is what you're asking?
24 I think it would be troubling to stay away from my
25 family in any circumstance, um, so, of course.

1 Q Well -- uh, and -- and, uh, maybe I didn't phrase
2 it correctly. Uh, do you have appropriate, um,
3 caretakers that you -- you -- It won't be a
4 problem for you as the, uh -- the full-time
5 caretaker to not be there for two weeks?

6 A It -- it -- it -- it won't be a problem as far as
7 fiscally, financially, no. And my -- and we do have,
8 um -- we've already set up as -- by the questionnaire
9 and the summons that I would receive from Manitowoc
10 County Court here, Your Honor, uh, I've already made
11 those arrangements.

12 So in that sense, arrangements have
13 already been made, um, but, again, if you're
14 asking me, is it going to be difficult to stay
15 away from my three children and my wife for two
16 weeks or longer, um, I wouldn't be honest to tell
17 you that that wouldn't be hard, but...

18 Q No. And -- and I'm assuming all jurors would
19 have the --

20 A Right.

21 Q -- same opinion you do. I -- because you're in a
22 more unique situation, having been the -- the
23 full-time stay-at-home dad --

24 A Right.

25 Q -- that it's --

1 A And -- and having taught civics to my students in the
2 past, you know, preaching the fact that this is an
3 important process in the legal system, and that
4 people are entitled to have a juror of their peers, I
5 find it very difficult, and maybe even hypocritical,
6 for me to make arrange -- uh, to create an
7 arrangement that I wouldn't be able to -- to arrange
8 strictly upon need.

9 So, financially, it's not a problem.
10 Um, but, again, if you're asking me, you know, is
11 it going to be painful to some extent to be away
12 from my children? Absolutely. But arrangements
13 have been made. My wife is very -- You know,
14 we're partners in this whole thing together. She
15 has similar feelings about the judicial system as
16 I, and that's -- I've made arrangements.

17 Q I appreciate that. Thank you.

18 THE COURT: Any further questions?

19 ATTORNEY FREMGEN: Just -- Judge, um,
20 could we --

21 THE COURT: Go ahead.

22 Q (By Attorney Fremgen) There was one other
23 question on -- on the questionnaire. You
24 indicated your wife is a physician?

25 A Yes, sir.

1 Q Does she have a specialty?

2 A She's an internist.

3 Q Okay. Thank you.

4 THE COURT: You may step down. Thank you.
5 You're going to accompany the judicial assistant
6 into the anteroom there.

7 (Wherein juror is escorted out.)

8 THE COURT: Motions, Mr. Fallon?

9 ATTORNEY FALLON: No motion.

10 THE COURT: Mr. Fremgen?

11 ATTORNEY FREMGEN: No.

12 THE COURT: All right. Uh, Mr. Williams
13 will be seated. Does anyone suggest I admonish this
14 juror again?

15 ATTORNEY FALLON: No.

16 THE COURT: He can go.

17 JUDICIAL ASSISTANT: This is Juror No.
18 54, Thomas Heinzl.

19 THE COURT: Hi, Mr. Heinzl. Be seated.

20 **VOIR DIRE EXAMINATION**

21 BY THE COURT:

22 Q Uh, before, I told you we were doing individual
23 voir dire and here you are at individual voir
24 dire. I'm going to ask you some questions.

25 A Okay.

1 Q Uh, after I'm done, counsel may or may not have
2 some follow-up questions.

3 A Okay.

4 Q You're aware that this is the case of the State
5 vs. Brendan Dassey. It has received a
6 substantial amount of publicity. Have you heard
7 anything about this case?

8 A No.

9 Q Nothing?

10 A There was, um -- on the TV at one point in time there
11 was mention of that. I -- I don't remember enough
12 details to say, oh, yes, I remember anything, but,
13 um, I do remember something about the -- the case.

14 Q So if I ask it this way, have you heard anything
15 substantive that you remember about this case?

16 A Not at all.

17 Q Uh, have you formed any opinion as to his guilt
18 or innocence?

19 A No.

20 Q Have you had a family member or a friend who was
21 killed accidentally or otherwise?

22 A Yes.

23 Q And that would be?

24 A Um, my brother.

25 Q What -- what were the circumstances?

1 A He was in an auto accident.

2 Q How long ago was this?

3 A Um, it would have been March 31 this past year.

4 Q Of 2006?

5 A Yes.

6 Q Has that had any impact on the way that you think
7 about law enforcement?

8 A No.

9 Q Neither positive or negative?

10 A No.

11 Q Have you, a family member, or a close friend,
12 ever killed anyone accidentally or otherwise?

13 A No, I haven't. When my brother was killed, it was,
14 um -- he was in an automobile with that -- with his
15 wife, and, uh, his brother-in-law was driving the
16 vehicle so...

17 Q I see. I see. And were there other fatalities
18 in that accident --

19 A No.

20 Q -- besides your brother?

21 A No.

22 Q If you were called to serve as a juror in this
23 case, can you disregard that which you may have
24 heard in the media and decide the case solely
25 based on the facts that are presented in court?

1 A Yes.

2 Q Uh, have you, or any close friend, or relative,
3 ever been the victim of or a witness to any kind
4 of crime, whether it was reported to law
5 enforcement or not?

6 A No.

7 Q How about, uh -- I'll -- I'll be a little more
8 specific. Have any close friend or relative of
9 yours ever been the victim of a sexual assault?

10 A No.

11 Q If you're selected as a juror in this case, you
12 will be instructed that Brendan Dassey is
13 presumed innocent and that he cannot be found
14 guilty of any offense, unless and until the State
15 has proven each element of each offense beyond a
16 reasonable doubt. If you were selected as a
17 juror, could you follow that instruction?

18 A Definitely.

19 Q Uh, likewise, if you were selected as a juror,
20 you would be instructed that Mr. Dassey has a
21 constitutional right not to testify in this case,
22 and that if he decides not to testify, you cannot
23 hold that against him. Rather, you must base
24 your decision solely on the evidence introduced
25 at trial. Could you, as a juror, follow that

1 instruction?

2 A Yes.

3 THE COURT: Mr. Fallon, any questions?

4 ATTORNEY FALLON: None.

5 THE COURT: Mr. Fremgen, any questions?

6 **VOIR DIRE EXAMINATION**

7 BY ATTORNEY FREMGEN:

8 Q Uh, Mr. Heinzl?

9 A Yes.

10 Q Was your brother-in-law charged with a crime
11 in -- related to that car accident?

12 A I believe in the state of Las Vegas they have to
13 file, um, a charge. I don't know, specifically, what
14 it was. I know he had to go to court there, but, um,
15 he was basically dismissed. Uh, I believe the, uh --
16 the judge said, we put you through enough, they're
17 not going to do anything to them.

18 Q Do you think that was fair?

19 A Yes.

20 Q Okay. Nothing else.

21 THE COURT: All right. You may step down.
22 The judicial assistant will take you to the, um,
23 anteroom, and you'll be free to go down and -- and
24 have lunch if you wish.

25 JUROR HEINZEL: Okay. Thank you.

1 (Wherein juror is escorted out.)

2 THE COURT: No motions?

3 ATTORNEY FALLON: No.

4 ATTORNEY FREMGEN: No, Judge.

5 THE COURT: All right. He will be seated.

6 JUDICIAL ASSISTANT: Juror No. 63, Becky

7 Foss.

8 THE COURT: Hi, Ms. Foss. Why don't --

9 JUROR FOSS: Hello.

10 THE COURT: -- you just be seated there.

11 **VOIR DIRE EXAMINATION**

12 BY THE COURT:

13 Q This is, as I noted before in the other
14 courtroom, individual voir dire. I'm going to
15 ask you some questions. Counsel may or may not
16 have some follow-up questions to you.

17 A Okay.

18 Q Uh, this is the State -- the case here is the
19 State of Wisconsin vs. Brendan Dassey. It's
20 received a substantial amount of publicity. Have
21 you heard anything about this case?

22 A Not this one in particular, no.

23 ATTORNEY FALLON: I'm sorry, I couldn't
24 hear that response.

25 JUROR FOSS: No.

1 THE COURT: Uh, she said not this one in
2 particular.

3 Q (By the Court) By that, have you heard something
4 about a different case? The Avery case?

5 A Yes.

6 Q All right. But you've heard nothing about this
7 particular case?

8 A No.

9 Q Based on anything you've heard about any case,
10 uh, have you formed any opinions about the guilt
11 or the innocence of Mr. Dassey?

12 A No.

13 Q Have you discussed this case with anyone?

14 A No.

15 Q Have you had a family member or a friend who was
16 killed accidentally or otherwise?

17 A No.

18 Q Have you, a family member, or -- or close friend,
19 ever killed anyone accidentally or otherwise?

20 A No.

21 Q Um, have you, a close friend, or a family member,
22 ever been arrested?

23 A Um, my ex-boyfriend was about three years ago.

24 Q And he was arrested for what?

25 A Um, selling marijuana.

1 Q Was he convicted?

2 A Yes.

3 Q Does the fact that he was arrested and convicted

4 affect your attitude in any way, positive or

5 negative, toward law enforcement authorities?

6 A No.

7 Q Uh, have you, a close friend, or relative, ever

8 been the victim or witness to a crime, any kind

9 of crime, whether it was reported to law

10 enforcement or not?

11 A Um, yeah, my sister was mugged maybe a year ago in

12 Waukesha.

13 Q All right. Anything else? Was it reported to

14 law enforcement?

15 A Yeah. Yes.

16 Q Did they -- did they, uh, catch the --

17 A Yes, they did.

18 Q -- perpetrator? Does that experience, in your

19 own mind, affect the way you think about law

20 enforcement?

21 A No.

22 Q Uh, have you, or a close friend, or relative,

23 ever been the victim of a sexual assault?

24 A No.

25 Q Have you, a close friend, or a relative, ever

1 been charged with a crime? Other than the --

2 A Other than that one?

3 Q Yeah.

4 A No.

5 Q If you're selected as a juror, you'll be
6 instructed that Mr. Dassey is presumed innocent
7 and that he cannot be found guilty of any
8 offense, unless and until the State has proven
9 each element of each offense beyond a reasonable
10 doubt. If you were selected as a juror in this
11 case, could you follow that instruction?

12 A Yes.

13 Q Likewise, you would be instructed that Mr. Dassey
14 has a right not to testify in this case, and that
15 if he decides not to testify, you cannot hold
16 that against him. Rather, you must base your
17 decision solely on the evidence introduced at
18 trial. Could you follow that instruction as
19 well?

20 A Yes.

21 THE COURT: All right. Mr. Fallon, any
22 questions?

23 ATTORNEY FALLON: Yes. Thank you.

24 VOIR DIRE EXAMINATION

25 BY ATTORNEY FALLON:

1 Q Um, Ms. Foss, you indicated you -- you had some
2 familiarity or some opinions, I guess, with
3 respect to the other case involving Mr. Avery.
4 What opinions did you have relative to that case?

5 A Oh, um, I didn't have any opinion, but I just
6 happened to see one news article about it.

7 THE COURT: Sh -- sh -- she did not say she
8 had any opinions, but she said she was aware.

9 ATTORNEY FALLON: Oh, I see. I'm sorry.

10 Q (By Attorney Fallon) Um, perhaps I'm just
11 misreading this, but you seemed a little pensive
12 in -- in one of your responses regarding, uh,
13 discussions or, uh, the fact that, um, your
14 ex-boyfriend was arrested. Is -- is there
15 anything about that experience at all that --
16 that causes you some question or concern whether
17 you think you could, um, fairly evaluate the
18 evidence in this case?

19 A I don't think so. No.

20 Q Okay. Um -- That's all I have. Thank you.

21 THE COURT: Any questions, Mr. Fremgen?

22 **VOIR DIRE EXAMINATION**

23 BY ATTORNEY FREMGEN:

24 Q Ms. Foss, when the Judge was asking you about the
25 incident that occurred with your sister in

1 Waukesha, whether it impacted on your opinion or
2 feelings towards law enforcement --

3 A Um-hmm.

4 Q -- uh, did that have any impact on your feelings
5 towards persons who are charged with crimes?

6 A No.

7 Q What about the experience that you had when your
8 ex-boyfriend was charged with -- with a drug
9 offense? You -- you -- you indicated he's an
10 ex-boyfriend?

11 A Right.

12 Q And from your questionnaire, you were somewhat
13 disturbed by how the search took place in your
14 home?

15 A Um-hmm.

16 Q Did that leave you with any strong feelings or an
17 impact about, um, persons who are charged with
18 crimes, such as in this -- that case, I suppose,
19 a drug offense?

20 A No.

21 ATTORNEY FREMGEN: I have nothing else.

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

23 Uh, you can also go to lunch. Accompany the
24 judicial assistant. You're going to wait in the
25 anteroom for just a moment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Wherein juror is escorted out.)

THE COURT: Mr. Fallon, any motion?

ATTORNEY FALLON: No.

THE COURT: Mr. Fremgen?

ATTORNEY FREMGEN: No.

THE COURT: She will be seated. Next.

JUDICIAL ASSISTANT: No. 65, Linda
Harris.

THE COURT: Hi, Ms. Harris. Be seated
there if you would, please.

VOIR DIRE EXAMINATION

BY THE COURT:

Q Uh, I mentioned that we were doing individual
voir dire. You're now here for individual voir
dire. I'm going to ask you a few questions, and
then counsel may have some follow-up questions,
or not, as they choose.

A All right.

Q Uh, you're aware this is the State of Wisconsin
vs. Brendan Dassey. It, uh -- The case is. It's
received a substantial amount of publicity. Have
you heard anything about this case?

A Um, you know, just that it was going to occur.

Q All right. I'm trying to ques --

A I mean --

1 Q -- trying to get at -- I'm sorry. Go on.

2 A Yeah. Just that it was going to occur, you know, and

3 I had read, you know, about Steven Avery.

4 Q All right. So you -- you had heard something

5 about the Steven Avery case; is that correct?

6 A Correct.

7 Q You have heard that this case, State vs. Dassey,

8 is going to occur; is that correct?

9 A Correct.

10 Q Where did you learn about the Dassey case?

11 A On TV. Channel --

12 Q Any --

13 A -- 3.

14 Q All right. Any other source that you can recall?

15 A Um, no.

16 Q Has anything that you -- you heard about this,

17 uh -- based on anything you heard, have you --

18 have you formed any opinions as to the guilt or

19 innocence of Mr. Dassey?

20 A No.

21 Q Have you discussed this case with anyone?

22 A No.

23 Q Have you had a family member or a friend who was

24 killed accidentally or otherwise?

25 A No.

1 Q Uh, have you, a family member, or a close friend,
2 ever killed anyone?

3 A No.

4 Q Have you, a close friend, or a relative, ever
5 been the victim of a crime, whether it's reported
6 or not?

7 A I was a victim of a crime.

8 Q And what crime was that?

9 A Um, a house invasion while I was home.

10 Q How long ago did this occur?

11 A Over 30 years ago.

12 Q All right. I -- Did this leave any lasting
13 effect or any effect whatsoever on your
14 impression, positive or negative, of law
15 enforcement agencies?

16 A No.

17 Q Was whoever did the home invasion caught?

18 A No.

19 Q Uh, have you, or a close friend, or relative,
20 ever been the victim of a sexual assault?

21 A No.

22 Q Have you, a close friend, or family member, ever
23 been arrested?

24 A No.

25 Q Charged with a crime?

1 A No.

2 Q If you were selected as a juror in this case, you
3 would be instructed that Mr. Dassey is presumed
4 innocent and that he cannot be found guilty of
5 any offense, unless and until the State has
6 proven each element of each offense beyond a
7 reasonable doubt. Could you follow that
8 instruction?

9 A I could.

10 Q Likewise, you would be instructed that Mr. Dassey
11 has a constitutional right not to testify in --
12 in this case, and that if he decides not to
13 testify, you could not hold that against him.
14 Rather, you must base your decision solely on the
15 evidence introduced at trial. As a juror, could
16 you follow that instruction as well?

17 A Yes, I could.

18 THE COURT: All right. Mr. Fallon, any
19 questions?

20 ATTORNEY FALLON: None.

21 THE COURT: Mr. Fremgen?

22 ATTORNEY FREMGEN: No, Judge.

23 THE COURT: All right. Uh, you may step
24 down.

25 JUROR HARRIS: Okay.

1 THE COURT: You can go to lunch. Uh,
2 you're going to wait in the anteroom for just a
3 moment with the judicial assistant.

4 (Wherein juror is escorted out.)

5 THE COURT: Any motions from either
6 counsel?

7 ATTORNEY FALLON: No.

8 ATTORNEY FREMGEN: No, Judge.

9 THE COURT: She'll be seated. Was that the
10 last juror? Did we --

11 ATTORNEY FREMGEN: There's one more.

12 THE COURT: One more? Okay. Then, uh,
13 Counsel, let me just ask you before we bring the
14 next juror in, uh, how big a lunch break do you
15 want?

16 ATTORNEY FALLON: Forty-five is fine.

17 THE COURT: Forty-five. Okay.

18 ATTORNEY FREMGEN: That's fine, Judge.

19 THE COURT: All right. Next juror, please.

20 JUDICIAL ASSISTANT: This is No. 67,
21 Brenda Garske.

22 THE COURT: Hi, Ms. Garske.

23 JUROR GARSKE: Hi.

24 THE COURT: Just take that chair if you
25 would, please.

VOIR DIRE EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY THE COURT:

Q Ms. Garske, this is individual voir dire. Uh, I'm going to ask you some questions, after which counsel may have some questions to ask you as well.

A Okay.

Q Uh, you're aware this is the State of Wisconsin vs. Brendan Dassey. It's a case which has received a substantial amount of publicity. Have you heard anything about this case?

A No.

Q Nothing?

A I haven't been listening. No.

Q All right. Uh, you haven't read anything about it either?

A No.

Q So as we sit here today, do you have any preconceived notion, uh, opinion about the guilt or innocence of this defendant?

A No.

Q Have you had a family member or a friend who was killed accidentally or otherwise?

A No.

Q Have you, a family member, or a close friend,

1 ever killed anyone accidentally or otherwise?

2 A No.

3 Q Have you, or has any close friend, or relative,
4 ever been the victim of or a witness to any kind
5 of crime, whether it was reported to the police
6 or not?

7 A Not that I recall.

8 Q All right. Uh, specifically, have you, a family
9 member, or a friend, ever been the victim of a
10 sexual assault?

11 A No.

12 Q Have you, a close friend, or family member, ever
13 been arrested?

14 A No. Well, I guess my -- I don't know if my
15 brother-in-law was.

16 Q All right. Your -- your -- your brother-in-law
17 was involved in -- in something with --

18 A Yeah.

19 Q -- the law?

20 A But I don't know all the details.

21 Q Do you know any of the details?

22 A Just that it was a sexual thing.

23 Q Oh. He may have been involved in a sexual
24 assault?

25 A Um-hmm.

1 Q Uh, you're going to have to say, yes or no --

2 A Yes.

3 Q -- for the benefit of the court reporter. Was he
4 prosecuted if you know?

5 A I don't know.

6 Q All you know is that he was involved; is that
7 correct?

8 A Correct.

9 Q Uh, does his involvement in -- in any way,
10 positively or -- or negatively, affect your view
11 of law enforcement?

12 A No.

13 Q Um, of sexual assaults?

14 A No.

15 Q If you were selected as a juror, you would be
16 instructed that Brendan Dassey is presumed
17 innocent and that he cannot be found guilty of
18 any offense, unless and until the State has
19 proven each element of each offense beyond a
20 reasonable doubt. If you were selected as a
21 juror in this case, would you be able to follow
22 that instruction?

23 A Yes.

24 Q Likewise, if you were selected as a juror, you'd
25 also be instructed that, uh, Mr. Dassey had a

1 constitutional right not to testify if he so
2 chose, and that if he decided not to testify, you
3 could not hold that against him. Rather, you
4 would have to determine the case based on the
5 evidence that was before you. Could you follow
6 that instruction as well?

7 A Yes.

8 THE COURT: Mr. Fallon, any questions?

9 ATTORNEY FALLON: Uh, two.

10 **VOIR DIRE EXAMINATION**

11 BY ATTORNEY FALLON:

12 Q Um, so all that you know is it's your brother --
13 uh, brother-in-law is a sex offender in Alabama?

14 A That's all I know, yes.

15 Q It -- so with that label, does that mean he has
16 to register as an offender down there or --

17 A That I don't know.

18 Q How -- how -- how do you know that he's a sex
19 offender?

20 A My mother-in-law, um, at Christmastime a few years
21 back, um, said that he was in some sort of trouble.

22 Q Oh. Okay. So you -- All right. And so you
23 don't really know if he's actually been convicted
24 or registered or anything like that?

25 A No.

1 Q Okay. Um, the only other question that I have,
2 then, I see from the questionnaire that your
3 husband is scheduled for some surgery the -- the
4 first full week of May?

5 A Yes, that's correct.

6 Q Um, I mean, we're -- expect the trial to be done,
7 perhaps, a full week before that, but are there
8 any, um, uh, pre-surgical preparations that you
9 might have to be home to assist your husband, and
10 get ready for, and things of that sort?

11 A No. Nothing again until after the 7th.

12 Q All right. So even though you -- if you were
13 selected, you could be gone for two weeks. That
14 wouldn't create any, um, hardship or concerns in
15 terms of caring for your husband in the meantime?

16 A No.

17 Q That's all I have.

18 THE COURT: Mr. Fremgen, anything?

19 ATTORNEY FREMGEN: No, sir.

20 THE COURT: You may step down. Uh, just
21 accompany the judicial assistant into the anteroom,
22 and then feel free to go to lunch.

23 (Wherein juror is escorted out.)

24 THE COURT: Motions, gentlemen?

25 ATTORNEY FALLON: None.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ATTORNEY FREMGEN: No.

THE COURT: All right. She'll be seated.
Uh, we are temporarily out of jurors, so why don't
we break for 45 minutes for lunch.

ATTORNEY FREMGEN: That's fine.

THE COURT: All right.

(Recess had at 12:10 p.m.)

(Reconvened at 1:06 p.m.)

JUDICIAL ASSISTANT: This is Juror No.
72, Ronald Paltz.

THE COURT: Mr. Paltz, why don't you take a
chair there if you would, please.

JUROR PALTZ: Thank you.

VOIR DIRE EXAMINATION

BY THE COURT:

Q This is the individual voir dire part of voir
dire. I talked a little bit about it in the
court earlier this morning. I'm going to be
asking you a number of questions, and then
counsel may or may not have follow-up questions.

A Okay. Great.

Q Uh, the cases we're here on, as you know, is
State vs. Brendan Dassey, and it's received a
substantial amount of publicity. What, if
anything, have you heard about it?

1 A Um, I've seen it in, uh, the newspaper, um, on TV,
2 and some on the radio.

3 Q Based on what you have heard and seen, have you
4 formed any opinions about the guilt or innocence
5 of the defendant, Brendan Dassey?

6 A No.

7 Q Have you discussed this case with others?

8 A Um, before -- I should say, no. Not this particular
9 case.

10 Q All right. Might you have discussed --

11 A The -- the Avery case.

12 Q All right. Uh, you understand this is a separate
13 case?

14 A Yes, I do.

15 Q And whatever happened in Avery, happened in
16 Avery. You can consider this case on its own
17 merits?

18 A Yes, I can.

19 Q You had a family member or a friend who was
20 killed accidentally or otherwise?

21 A No.

22 Q Have you, a family member, or a close friend,
23 ever killed anyone accidentally or otherwise?

24 A Nope.

25 Q If you're called upon to serve as a juror in this

1 case, can you disregard anything you may have
2 read or heard in the media, or from any other
3 source, about this case, and decide the case
4 based solely on the evidence that you hear?

5 A Yes.

6 Q Have you, or has any close friend, or relative,
7 ever been the victim of the witness -- uh,
8 witness to any kind of crime, whether it's
9 reported to law enforcement or not?

10 A No.

11 Q Uh, specifically, have you, or a close friend, or
12 relative, been the victim of a sexual assault?

13 A No.

14 Q Have you, or a close friend, or a family member,
15 ever been charged with a crime?

16 A No.

17 Q If selected as a juror in this case, you will be
18 instructed that Mr. Dassey is presumed innocent
19 and that he cannot be found guilty of any
20 offense, unless and until the State has proven
21 each element of each offense beyond a reasonable
22 doubt. If you were selected as a juror, could
23 you follow this instruction?

24 A Yes.

25 Q Likewise, you would be instructed that Mr. Dassey

1 has a constitutional right not to testify, and
2 that if he decides not to testify, you cannot
3 hold that against him. Rather, you must base
4 your decision solely on the evidence introduced
5 at trial. Could you follow that instruction?

6 A Yes.

7 THE COURT: Mr. Fallon?

8 ATTORNEY FALLON: No questions.

9 THE COURT: Mr. Fremgen.

10 ATTORNEY FREMGEN: Just, uh, one
11 followup.

12 **VOIR DIRE EXAMINATION**

13 BY ATTORNEY FREMGEN:

14 Q From your questionnaire, you indicated you are --
15 have some relation to a Winnebago County
16 Sheriff's Officer?

17 A Correct.

18 Q Is that a close relation or cousin?

19 A It's a good friend.

20 Q Oh, good friend?

21 A Yes.

22 Q Okay. When you say that you had discussed, uh,
23 the Avery case with others, did that include this
24 officer friend from Winnebago?

25 A No, it did not.

1 Q Okay. So it wasn't anyone that was actually
2 closer to the action, so to speak?

3 A No.

4 ATTORNEY FREMGEN: Nothing else.

5 THE COURT: All right. Thank you. You may
6 step down, and go with the --

7 JUROR PALTZ: I -- I was just going to
8 say one thing on a hardship. I don't know if I
9 can say anything. I guess --

10 THE COURT: Go ahead.

11 JUROR PALTZ: I mean, the only thing I
12 ask is I'm currently in the process of building a
13 family-owned business. Um, I'm the general
14 contractor on the business. The business has to
15 be open -- doesn't have to be open -- but our
16 goal is we're going to have it open by June 1.
17 Um, and I'm, generally -- like I said, the
18 general contractor, so I have con --
19 subcontractors calling me constantly on this
20 business.

21 Um, I just wanted to voice that, um, any
22 other time, the timing would be great. This
23 timing is terrible for me. I just wanted to
24 voice that, to be honest.

25 THE COURT: All right. Thank you.

1 ATTORNEY FREMGEN: Judge, can I follow
2 up on that question --

3 THE COURT: Go ahead.

4 ATTORNEY FREMGEN: -- if I might?

5 Q (By Mr. Fremgen) Uh, is that going to be
6 weighing on your mind while this case is going
7 on? Let's say, if you were, uh, picked as a
8 juror, and -- and asked, uh, uh -- try to, uh,
9 have one hundred percent of your attention
10 focused on the trial, will the fact that you have
11 this business, and you're not going to be able to
12 respond to a number of questions, as you point
13 out, with the other contractors, uh, is that
14 going to be weighing on your mind, taking your
15 attention away from the evidence, testimony?

16 A Um, I will be thinking of it. I'll say that much.
17 Um, and I put that in my questionnaire, too, as --
18 as, uh -- it was in there. Um --

19 Q Sure.

20 A -- I -- and I just wanted to be honest with that.
21 Because, I mean, it's -- it's a big project. It's,
22 um -- I'm totally going to be self-employed after
23 this project's done. So, I mean, everything is
24 hinging off this project, um, for us to do this. So,
25 uh, I just wanted to be honest with it and up front.

1 Q And -- and, again, in that regard, let -- let's
2 say, for instance, you're in deliberations, um,
3 be -- you would be able to, again, put that off
4 and not let that be a focus of trying to get
5 quicker through the deliberation process versus
6 taking your time, and listening to the evidence,
7 and listening to all the jurors, or doing
8 whatever you do as a juror in that -- deciding
9 what the verdict should be? We don't want you to
10 rush to judgment --

11 A Right.

12 Q -- because you have this other --

13 A I understand.

14 Q -- obligation?

15 A I understand that. Um, I guess it's kind of hard for
16 me to say. But I -- I -- I just say this much, it's
17 on my mind. I mean, even now on my break, I'm making
18 phone calls, um, setting up subcontractors, to deal
19 with subcontractors, material handling, people that
20 are dealing stuff with us. I mean, it's -- right now
21 it is between -- besides my full-time job, this is --
22 it's -- a hundred percent of my time is devoted to
23 the -- to my full-time job plus this other project
24 that's going on.

25 Q I appreciate that. Thank you.

1 VOIR DIRE EXAMINATION

2 BY THE COURT:

3 Q One last question, and I'm sorry to interrupt
4 you, but, uh, would this, as you describe it,
5 pose a significant economic hardship for you?

6 A Um, what it would -- what it is, it's a dog kennel
7 training facility. Majority of your business for dog
8 kennels is June, July and August. That's why we're
9 trying to be open in June, to get the full amount of
10 reven -- or revenue for this kennel. That's --
11 that's the main reason we're trying to be open by
12 June 1.

13 THE COURT: Mr. Fallon?

14 VOIR DIRE EXAMINATION

15 BY ATTORNEY FALLON:

16 Q Does it provide any solace at all that there's a
17 very good chance this case will be completed by
18 April 30? In other words, you still have a full
19 month before your -- your target opening?

20 A The only problem's the building right now is just --
21 structure of the building is just up right now.
22 There's no -- they're just sheeting the building as
23 we speak, so we've got subcontractors from heating
24 and cooling and all that process going through. And
25 I just wanted to be totally honest with it.

1 Q Sure. Okay.

2 THE COURT: Well, we appreciate that.
3 Thank you. You may step down.

4 (Wherein juror is escorted out.)

5 THE COURT: Mr. Fallon?

6 ATTORNEY FALLON: My immediate thought
7 on that was let's just put him on reserve. In
8 other words, we might get to 30, but let's take a
9 few extras, like maybe 32, 35, and then we can
10 kick him later? Or unless you want to just kick
11 him now.

12 THE COURT: Yeah. I -- I'm not inclined to
13 be taking any extras. Uh, Mr. Fremgen?

14 ATTORNEY FREMGEN: Judge, I can't point
15 to any bias, but I would certainly think that
16 this would -- significant inconvenience, and I
17 respect the fact that we're -- we're bringing
18 this jury from another county, and I -- I -- I
19 don't know if it's necessarily an economic
20 hardship either, but I -- I think, from a
21 convenience standpoint, it would be fair to let
22 this juror, uh, be excused.

23 THE COURT: Well, the Court has some
24 reservations about how devoted, given what he
25 described his project as, his -- his, uh,

1 participation in the matter could be, and it will
2 excuse him for cause. Next juror.

3 (Wherein juror is escorted out.)

4 JUDICIAL ASSISTANT: This is Juror 75,
5 Beverly Blankenship.

6 THE COURT: Be seated, Ms. Blankenship.
7 Good afternoon.

8 JUROR BLANKENSHIP: Good afternoon.

9 **VOIR DIRE EXAMINATION**

10 BY THE COURT:

11 Q All right. This is individual voir dire. I
12 described it a bit this morning in my, uh,
13 remarks to the jury. Uh, I'm going to ask you
14 some questions, and then counsel may or may not
15 have some follow-up questions.

16 This case, State vs. Brendan Dassey, has
17 received a substantial amount of publicity. Have
18 you heard anything about this case?

19 A Minimal.

20 Q Uh, from what source did you hear whatever it is
21 you heard?

22 A I -- I don't -- I don't know any of details of it. I
23 didn't read it in the paper. I didn't see it on TV.

24 Um --

25 Q So there --

1 A It would have been word of mouth.

2 Q So there's nothing substantial that sticks in
3 your mind about the case other than the name,
4 perhaps?

5 A Not even the name, other than from what I had
6 received from you.

7 Q All right. So have you formed any opinion as to
8 this defendant's guilt or innocence?

9 A I have not.

10 Q Have you discussed this case with anyone?

11 A No.

12 Q Have you had a family member or a friend who was
13 killed accidentally or otherwise?

14 A No.

15 Q Have you, a family member, or a close friend,
16 ever killed anyone accidentally or otherwise?

17 A No.

18 Q Have you, or has any close friend, or relative,
19 ever been the victim of or witness to any kind of
20 crime, whether it was reported to law enforcement
21 or not?

22 A No.

23 Q Uh, specifically, I'll narrow it to sexual
24 assaults. Uh, have you or a close relative ever
25 been the victim of a sexual assault?

1 A No.

2 Q Have you ever been arrested or charged with a
3 crime?

4 A No.

5 Q Has any close friend or relative ever been
6 arrested or charged with a crime of which you're
7 aware?

8 A No.

9 Q If you're selected as a juror in this matter, you
10 will be instructed that Brendan Dassey is
11 presumed innocent and that he cannot be found
12 guilty of any offense, unless and until the State
13 had proven each element of each offense beyond a
14 reasonable doubt. If you were selected and that
15 instruction were given you, could you follow it?

16 A Yes.

17 Q Likewise, another instruction, if you were
18 selected at a -- as a juror, would relate to his
19 constitutional right not to testify in this case,
20 and that if he decides not to testify, you cannot
21 hold that against him. Rather, you must base
22 your decision solely on the evidence introduced
23 at trial. If you were selected as a juror in
24 this case, could you follow that instruction?

25 A Yes.

1 Q All right.

2 THE COURT: Mr. Fallon?

3 ATTORNEY FALLON: No questions.

4 THE COURT: Mr. Fremgen?

5 **VOIR DIRE EXAMINATION**

6 BY ATTORNEY FREMGEN:

7 Q The only question I have, uh, Ms. Blankenship,
8 you mention in your questionnaire that you had
9 some concerns about family obligations with your
10 children?

11 A Well, I just have three children who are very active,
12 and my husband travels periodically.

13 Q Do you -- would you be able to obtain, or have
14 you been able to obtain, some sort of, um --

15 A I have family and -- I -- I mean, I have a network
16 underneath me that could certainly --

17 Q So that --

18 A -- fill those obligations.

19 Q That won't take away your attention during the
20 trial knowing that you won't be able to be there
21 to offer whatever help and support of your kids?

22 A No, because I know that there's a network underneath
23 me that would be able to do that.

24 Q That's fine. Thank you.

25 THE COURT: All right. Thank you. You may

1 step down. Uh, just join the judicial assistant,
2 wait in the anteroom for just a second.

3 (Wherein juror is escorted out.)

4 THE COURT: Any motions?

5 ATTORNEY FALLON: No.

6 ATTORNEY FREMGEN: No.

7 THE COURT: She will be seated. Next
8 juror, please.

9 JUDICIAL ASSISTANT: This is Robert
10 Covington, number 77.

11 THE COURT: Uh, good afternoon,
12 Mr. Covington.

13 JUROR COVINGTON: Good afternoon, sir.

14 **VOIR DIRE EXAMINATION**

15 BY THE COURT:

16 Q I talked a bit this morning about something
17 called individual voir dire. This is individual
18 voir dire. I'm going to ask you some questions,
19 and after I'm done asking you those questions,
20 the counsel out here may or may not have some
21 follow-up questions. You understand?

22 A Yes, sir.

23 Q Have you been able to hear me right now?

24 A Yes.

25 Q Have you had any problem at all?

1 A Um, not you, but I do have a problem with hearing.

2 Q That's why I'm asking. In your questionnaire,

3 you -- you talk about hearing loss, and -- and

4 I'm wondering, uh, if you have a problem hearing

5 me this afternoon?

6 A No, I don't have no problem.

7 Q Did you have any problem in the courtroom this

8 morning hearing -- hearing me?

9 A No, I didn't have no problem hearing you in the

10 courtroom, but I have a problem hearing her. She got

11 a -- a low tone voice. Right.

12 Q Okay. Okay. All right. Um, this case, the

13 State of Wisconsin vs. Brendan Dassey, has

14 received a lot of publicity. Have you heard

15 anything about it?

16 A Well, uh, I heard a little about the, uh -- his

17 uncle, and then they had it in the paper yesterday.

18 Q All right. So I -- We'll do this in -- in -- in

19 two questions. You've heard about his uncle,

20 Steven Avery?

21 A Right.

22 Q Have you heard anything about Brendan Dassey?

23 A Not until yesterday. I was reading the paper

24 yesterday and it was in the paper.

25 Q You saw something in the paper yesterday?

1 A Yes.

2 Q Based on what you saw in the paper, have you
3 formed any opinion as to wit -- wit -- as to
4 whether Mr. Dassey is guilty or innocent?

5 A No, sir.

6 Q Have you discussed this case with anyone?

7 A No.

8 Q Have you had a family member or a friend who was
9 killed or -- uh, either accidentally or
10 otherwise?

11 A No.

12 Q Have you, a family member, or a close friend,
13 ever killed anyone accidentally or otherwise?

14 A No.

15 Q Uh, if you're called upon to serve as a juror in
16 this matter, can you disregard anything you may
17 have heard, uh, or read in the media, or from any
18 source, and decide the case based only on the
19 evidence that is before you?

20 A Yes.

21 Q Have you, or any close rel -- friend, or
22 relative, ever been the victim of, a witness to,
23 any kind of crime, whether it was reported to the
24 law enforcement or not?

25 A No.

1 Q Uh, specifically, have you, or a close friend, or
2 relative, been the victim of a sexual assault?

3 A No.

4 Q Have you, a close friend, or family member, ever
5 been arrested?

6 A No.

7 Q Uh, ever charged with a crime?

8 A No.

9 Q If you're selected as a -- a juror, you will be
10 instructed that Brendan Dassey is presumed
11 innocent and that he cannot be found guilty of
12 any offense, unless and until the State has
13 proven each element of each offense beyond a
14 reasonable doubt. Could you follow that
15 instruction?

16 A Yes.

17 Q There will be an additional instruction that will
18 say that Mr. Dassey has a constitutional right
19 not to testify in this case, and that if he
20 decides not to testify, you cannot hold that
21 against him. Rather, you must base your decision
22 solely on the evidence introduced at trial.
23 Could you follow that instruction?

24 A Yes.

25 THE COURT: Mr. Fallon?

1 ATTORNEY FALLON: Yes, thank you. Um,
2 couple of questions.

3 VOIR DIRE EXAMINATION

4 BY ATTORNEY FALLON:

5 Q Uh, good afternoon, Mr. Covington. Um, I see
6 from the questionnaire you've had an opportunity
7 to serve our country in Vietnam?

8 A Uh, could you speak louder, please? I can't --

9 Q All right. You're having a little hard time
10 hearing me?

11 THE COURT: That mike doesn't seem to be
12 coming through the --

13 ATTORNEY FALLON: Really?

14 THE COURT: -- speaker system all that
15 well.

16 Q (By Attorney Fallon) I see from the
17 questionnaire you had an opportunity to serve in
18 Vietnam?

19 A Yes.

20 Q Is there anything about your service, uh, in
21 Vietnam, um, that makes you wonder whether you
22 would be able to, uh, fairly and impartially be a
23 juror in this case?

24 A No.

25 Q Okay. Did you see any action in Vietnam?

1 A Yes. I was regular infantry soldier, and I was right
2 out in the woods.

3 Q All right. Um, is that where you may have
4 sustained some hearing loss?

5 A I don't know where I lost it at. Uh, in 1976 it
6 started to showing up that I had a hearing loss and
7 it was (unintelligible), you know, and it start to
8 getting a little worse and worse down the line.

9 Q Okay. And you estimate a -- a 20 percent loss at
10 this time?

11 A Uh, something like 20 percent, uh, 30 percent right
12 now. I just went to the VA Hospital and had it done
13 and it's right around, uh, 30 percent. But when I
14 got it done, it was around 20 percent. So it
15 deteriorated just a small amount now.

16 Q It -- it went from 30 to 20 percent or from 20 to
17 30?

18 A It went from -- I was about 20 when I got out of the
19 military, then it went to about 30 percent.

20 Q Okay. Um -- All right. Now, um, I -- I'm a
21 little confused by your answer to one question.
22 The Court asked you if you've ever been accused
23 or arrested for a crime, um, but you have been
24 arrested for a drunk driving; is that correct?

25 A I wasn't -- wasn't arrested, but I got a drunk

1 driving. Yes.

2 Q Okay. And, um, was that on two occasions or just
3 one?

4 A Say again, please?

5 Q Was that on two occasions or just one occasion?

6 A On two occasions. Uh --

7 Q Okay.

8 A Let me explain how it happened now. One occasion, I
9 left work in the morning. I went to sleep by
10 relative's house, and they called the police, and we
11 got in a big confrontation right there. And I went
12 down, but I didn't blow positive, but I still got a
13 DUI.

14 The other case, a guy asked me to drink
15 some alcohol with him, and when I got in my car
16 to leave, he called the police on me. When I got
17 to work, (unintelligible) parking lot, the police
18 was sitting there waiting on me to come in there.
19 So, uh, well, if you have a couple of beers right
20 now you're going -- you're going to blow
21 positive. So, uh...

22 Q Okay. On -- on that second offense, did you have
23 to serve time in -- in the county jail?

24 A Say it again?

25 Q On -- on that second offense, did you have -- did

1 you have to serve time in the county jail?

2 A I didn't go to jail.

3 THE COURT: Any further questions?

4 ATTORNEY FALLON: No.

5 THE COURT: Mr. Fremgen, anything?

6 **VOIR DIRE EXAMINATION**

7 BY ATTORNEY FREMGEN:

8 Q Maybe just follow up on one question, Mr.
9 Covington?

10 A Sure.

11 Q If you were having any trouble hearing witnesses,
12 or the attorneys, or even the Judge in the trial,
13 would you have any problem stepping up or raising
14 your hand indicating that you can't hear what's
15 going on?

16 A Uh, not where I work at is one thing, but, uh, when I
17 was in military, I was going to school and I did have
18 some problems with some of the instructors that was
19 going on and it's mostly females with a very keen
20 voice. I can't pick it up that well.

21 Q So if that happens in the trial, you're willing
22 to tell us that you can't hear?

23 A Well, it -- it all depends on who is giving out the
24 instructions.

25 Q Sure. Great. Thank you.

1 THE COURT: Just as a matter of course, we
2 have assisted devices for people who are --

3 ATTORNEY FREMGEN: Oh.

4 THE COURT: -- hearing impaired.

5 ATTORNEY FREMGEN: Okay.

6 THE COURT: So, uh, they have them in here
7 and we -- we have them as well.

8 ATTORNEY FREMGEN: All right.

9 THE COURT: Any further questions?

10 ATTORNEY FALLON: No.

11 THE COURT: You may step down. Thank you.
12 Just go with that lady over there, please.

13 (Wherein juror is escorted out.)

14 THE COURT: Motions, if any?

15 ATTORNEY FALLON: Well, once again, I find
16 myself in a no-win situation. Um, in answer to
17 question 40 on the questionnaire, have you ever been
18 a suspect in, arrested, or charged with a criminal
19 offense, admittedly, that's somewhat problematic.
20 He answered, no. He answered no to your question.
21 But according to the information I have on a Robert
22 E. Covington, uh, born 7/22/42, this gentleman has
23 been convicted of, uh, two drunk drivings. One in
24 '97 and one in '98.

25 Um, and I -- I'm trying to sit here

1 thinking of a situation in which a second offense
2 would not be a crime and which not -- which would
3 not result in time in jail, and I can't think of
4 it.

5 ATTORNEY FREMGEN: Well, I can think of
6 one. I'm sorry.

7 ATTORNEY FALLON: Go ahead.

8 ATTORNEY FREMGEN: Well, because I've
9 actually represented people in that situation where
10 the prosecuting office didn't know about the prior,
11 and charged him with a first, and D.O.T. still lists
12 it as a second. I mean, that could be the answer,
13 but I don't know that without Mr. Covington
14 answering any more questions.

15 THE COURT: And I can't remember when the
16 mandatory time in jail became part of second offense
17 OWI.

18 ATTORNEY FREMGEN: Oh, it was well before
19 that.

20 THE COURT: Was it?

21 ATTORNEY FALLON: It was well before '97.

22 ATTORNEY FREMGEN: Yeah.

23 THE COURT: All right. Well, based on
24 that, uh, Mr. Fallon, are you -- you moving what?

25 ATTORNEY FALLON: I -- I -- I'm going to

1 move that he be struck for cause. And I -- I'm --
2 because I'm also concerned about the hearing thing.
3 I understand you want -- you have devices, but I
4 didn't think that I was being that soft in my
5 follow-up questions, and he was clearly having a
6 difficult time hearing me, and I am concerned about
7 the honesty of the answer.

8 I mean, the -- the whole point of this
9 questionnaire is to, um, uh -- to elicit honest
10 responses, and -- and have this, uh -- an honest
11 dialogue, especially in a, uh, more close setting
12 like this. How can we trust the rest of the
13 answers on the questionnaire?

14 THE COURT: Mr. Fremgen?

15 ATTORNEY FREMGEN: Judge, uh, well, I -- I
16 would object. Essentially, I -- I don't think that
17 there is any of the normally, uh, recognized biases,
18 number one.

19 Uh, number two, I understand
20 Mr. Fallon's concern, but I don't think that,
21 necessarily, this juror has answered any
22 questions falsely. When asked about being
23 arrested, he said he wasn't arrested.

24 Now, I -- maybe there should have been
25 further followup with what it is he considers to

1 be arrested. You know, being pulled over versus
2 going to the jail and being booked, uh, getting a
3 ticket versus the -- the formal process of -- of,
4 a -- of a normal arrest.

5 And the other, I -- I think the
6 Americans with Disabilities Act would certainly
7 not appreciate us striking someone simply for
8 having a 30 percent hearing loss, and I -- and
9 I -- since the Court does have, uh, equipment
10 that can deal with that, I don't think that,
11 necessarily, should be a reason.

12 ATTORNEY FALLON: I would note there is a
13 year-and-a-half between offenses. So it's -- I --
14 I -- I'm troubled by --

15 ATTORNEY EDELSTEIN: It may have been
16 the first one was set aside. (Inaudible.)

17 THE COURT: Yeah. Well, here, I -- I've --
18 I've heard the discussion of counsel. I'm not going
19 to excuse this --

20 ATTORNEY FREMGEN: All right.

21 THE COURT: -- juror for cause. Uh,
22 the, uh, explanations he offered, uh, don't
23 suggest to me any bias. He may have been
24 mistaken, uh, inadvertently, advertently. But
25 nonetheless, I don't think it rises to the level

1 that he should be dismissed for cause and I won't
2 do it. Next juror.

3 ATTORNEY FALLON: Just for the record, we
4 will, uh, investigate further. We may renew that
5 motion later on.

6 JUDICIAL ASSISTANT: Juror No. 80,
7 Cynthia Edge.

8 THE COURT: Good afternoon.

9 JUROR EDGE: Good afternoon.

10 VOIR DIRE EXAMINATION

11 BY THE COURT:

12 Q Uh, I'm going to ask you a few questions as part
13 of this individual voir dire, and counsel may
14 have some follow-up questions. This case, the
15 State vs. Brendan Dassey, has received a lot of
16 publicity. Have you heard anything about it?

17 A Yeah.

18 Q From what sources have you heard things about it?

19 A Um, newspaper articles.

20 Q Anything on TV or the internet?

21 A Not really. No, not on the internet.

22 Q Just newspaper articles?

23 A Yeah.

24 Q Based on what you have read in newspaper
25 articles, have you formed any opinions about the

1 guilt or innocence of this defendant?

2 A No.

3 Q Have you discussed this case with others?

4 A No.

5 Q Have you had a family member or a friend who was

6 killed accidentally or otherwise?

7 A No.

8 Q Uh, have you, a family member, or a close friend,

9 ever killed anyone accidentally or otherwise?

10 A No.

11 Q If -- if you're called upon to serve as a juror

12 in this case, can you disregard anything that you

13 may have read or heard in the media, from any

14 source, and decide the case solely based on the

15 evidence that's before you?

16 A Yes, I can.

17 Q Have you, or any close friend, or relative, ever

18 been the victim of or a witness to any kind of

19 crime, whether it was reported to law enforcement

20 or not?

21 A No.

22 Q Specifically, um, sexual assault, have you, or a

23 relative, or close friend, ever been victimized,

24 uh --

25 A No.

1 Q -- as a sexual assault? Have you, a close
2 friend, or family member, ever been arrested?

3 A No.

4 Q If you're selected as a juror, you will be
5 instructed that Brendan Dassey is presumed
6 innocent and that he cannot be found guilty of
7 any offense, unless and until the State has
8 proved each element of every offense beyond a
9 reasonable doubt. Could you follow this
10 instruction?

11 A Yes, I can.

12 Q There will be another instruction, if you're
13 selected as a juror, that Mr. Dassey has a
14 constitutional right not to testify, and that if
15 he decides not to testify, you cannot hold that
16 him. Rather, you must base your decision solely
17 on the evidence offered at trial. Can you follow
18 that instruction?

19 A Yes, I can.

20 THE COURT: Mr. Fallon?

21 ATTORNEY FALLON: No questions.

22 THE COURT: Mr. Fremgen?

23 ATTORNEY FREMGEN: No questions.

24 THE COURT: Thank you. You may step down.

25 (Wherein juror is escorted out.)

1 THE COURT: Any motions?

2 ATTORNEY FALLON: None.

3 ATTORNEY FREMGEN: None.

4 THE COURT: She will be seated. Next
5 person.

6 JUDICIAL ASSISTANT: Juror No. 83, Larry
7 Thornton.

8 THE COURT: Hi, Mr. Thornton, have a seat
9 if you would, please.

10 JUROR THORNTON: Thank you, Your Honor.

11 **VOIR DIRE EXAMINATION**

12 BY THE COURT:

13 Q I talked a little bit about individual voir dire
14 this morning in some general remarks to the jury.
15 That's what this is now. I'm going to ask you
16 some questions and counsel at counsel table may
17 have some follow-up questions of you.

18 This case, State vs. Brendan Dassey, has
19 received a significant amount of publicity. Have
20 you heard anything about it?

21 A Yes.

22 Q From what source did you hear?

23 A Well, television, newspapers.

24 Q Both those sources?

25 A Yes.

1 Q Based on what you have heard, have you formed any
2 opinion of guilt or innocence with respect to
3 Mr. Dassey?

4 A Not really.

5 Q Does "not really" mean no?

6 A No.

7 Q All right. Have you discussed this case with
8 anyone?

9 A No.

10 Q Have you had a family member or a friend who was
11 killed accidentally or otherwise?

12 A No.

13 Q Have you, a family member, or a close friend,
14 ever killed anyone accidentally or otherwise?

15 A No.

16 Q If you're called upon to serve as a juror in this
17 case, can you disregard anything you may have
18 heard or read in the media, or from any other
19 source, and decide the case based solely on the
20 evidence produced in court?

21 A Sure.

22 Q Have you, or has any close friend, or relative,
23 ever been the victim of or witness to any kind of
24 crime, whether it was reported to the law
25 enforcement authorities or not?

1 A No.

2 Q Specifically, have you had a close friend or
3 relative, uh, who has been a victim of a sexual
4 assault?

5 A No.

6 Q Have you, or a close friend, or family member,
7 ever been arrested?

8 A My son was arrested once.

9 Q How long ago?

10 ATTORNEY FALLON: Sorry, I could not -- I
11 could not hear that answer.

12 THE COURT: All right.

13 JUROR THORNTON: I said my son was
14 arrested once for DWI.

15 Q (By the Court) For driving while under the
16 influence?

17 A Yes.

18 Q Uh, has that affected your, uh -- your attitude
19 toward law enforcement agencies either positively
20 or negatively?

21 A No.

22 Q If you are selected as a juror in this case, you
23 will be instructed that Mr. Dassey is presumed
24 innocent and that he cannot be found guilty of
25 any offense, unless and until the State has

1 proven each element of each offense beyond a
2 reasonable doubt. Could you follow that
3 instruction?

4 A Yes.

5 Q Uh, likewise, you would be instructed that
6 Mr. Dassey has a constitutional right not to
7 testify in this case, and that if he decides not
8 to testify, you cannot hold that against him.
9 Rather, you must base your decision solely on the
10 evidence introduced at trial. Could you follow
11 that instruction as well?

12 A Yes, sir.

13 THE COURT: Mr. Fallon.

14 ATTORNEY FALLON: Just one moment, Judge.
15 I have just have one, um, question.

16 **VOIR DIRE EXAMINATION**

17 BY MR. FALLON:

18 Q Mr. Thornton, you indicated one of your hobbies
19 is to, uh, go up north. Are you a hunter?

20 A No.

21 Q Um, where up north do you, uh, vacation?

22 A Post Lake. Elcho. Pickerel.

23 Q I'm sorry?

24 A Post Lake. Pickerel.

25 Q Post Lake. Is that Antigo County? Uh, I mean,

1 uh, Langlade County?

2 A Yes.

3 Q All right. That's all I have. Thanks.

4 THE COURT: Mr. Fremgen, anything?

5 **VOIR DIRE EXAMINATION**

6 BY ATTORNEY FREMGEN:

7 Q Uh, Mr. Thornton, you indicated your son had been
8 arrested for OWI once?

9 A Yes.

10 Q Was he convicted of that crime also?

11 A Well, he -- Yes.

12 THE COURT: Well, I -- I don't know that it
13 was --

14 JUROR THORNTON: It wasn't a crime.

15 THE COURT: Yeah. It wasn't a cri -- I
16 don't know that it's a crime.

17 ATTORNEY FREMGEN: I -- I said the
18 offense.

19 THE COURT: You said "crime".

20 ATTORNEY FREMGEN: Oh, did I? I'm
21 sorry.

22 Q (By Attorney Fremgen) I meant offense.

23 A Okay.

24 Q Uh, do you think that that was an appropriate
25 conviction based upon what you know or what he

1 might have shared with you?

2 A No. It was appropriate. I didn't have any problem
3 with it.

4 ATTORNEY FREMGEN: Nothing else.

5 THE COURT: Thanks, Mr. Thornton. You may
6 step down and go with the judicial assistant,
7 please.

8 (Wherein juror is escorted out.)

9 THE COURT: Any motions, gentlemen?

10 ATTORNEY FALLON: None.

11 ATTORNEY FREMGEN: None.

12 THE COURT: All right. He'll be seated.
13 Uh, next juror.

14 JUDICIAL ASSISTANT: This is Juror 85,
15 Heidi Anderson.

16 THE COURT: Hi, Ms. Anderson, have a chair.

17 THE WITNESS: Thank you.

18 **VOIR DIRE EXAMINATION**

19 BY THE COURT:

20 Q Uh, this is individual voir dire. I talked a
21 little bit about it this morning.

22 A Um-hmm.

23 Q I'm going to ask you some questions. When I'm
24 done ask -- asking you questions, counsel may or
25 may not have some follow-up questions, okay?

1 A Okay.

2 Q This case, State vs. Brendan Dassey, has received
3 a lot of publicity. Have you heard anything
4 about it?

5 A Honestly, no, not really.

6 Q All right. You really know nothing about it?

7 A I leave for work at 6:30 in the morning. I work a
8 second job, so I usually don't get home until 9:30 at
9 night, and then I go straight to bed. I live alone,
10 so I don't get a newspaper because it's not worth it
11 because I'm not home. So the little news I get is on
12 the radio and that's usually puff pieces.

13 Q And so you -- and you haven't heard anything on
14 the radio about this?

15 A No.

16 Q All right. You've never discussed this case with
17 anyone, have you?

18 A No, I have not.

19 Q Have you had a family member or a friend who was
20 killed accidentally or otherwise?

21 A I had a cousin, before I was born, who was murdered,
22 but, like, I never knew him and I have no idea of
23 what the proceedings were done --

24 Q Was --

25 A -- with him.

1 Q I'm sorry. Go on.

2 A He was 17 years older than me. So he was running
3 away from home, and I don't know what happened. The
4 exact story. I just heard in the past.

5 Q So are you aware if someone was charged with a
6 crime or not?

7 A Honestly, I'm not aware. No.

8 Q Have you, a family member, or a close friend,
9 ever killed anyone accidentally or otherwise?

10 A No.

11 Q Have you, a family member, close friend, or
12 relative, ever been the victim of or a witness to
13 any kind of crime, and I'm excluding here the --
14 the one that you've already mentioned, whether it
15 was reported to law enforcement or not?

16 A Other than, like, traffic crimes, you know, like car
17 accidents, no.

18 Q Were some of you victims of, uh, car accidents?

19 A I was hit once in my car on my way to college, um,
20 and then another time I was walking and I was hit by
21 a car. Neither case went to court. You know, I went
22 to the hospital, got my injuries taken care of, and
23 that was that.

24 Q Has that experience, or those experiences, have
25 any effect on your attitude toward law

1 enforcement, positive or negative?

2 A Really, no. I mean, I felt they did their job quite
3 adequately and everything got handled so...

4 Q Uh, have you, or a close friend, or relative,
5 ever been the victim of a sexual assault?

6 A No.

7 Q Have you, a close friend, or family member, ever
8 been arrested?

9 A Not that I'm aware of. No.

10 Q If you were selected as a juror in this case,
11 you -- you would be instructed that Mr. Dassey is
12 presumed innocent and that he cannot be found
13 guilty of any offense, unless and until the State
14 has proven each element of each offense beyond a
15 reasonable doubt. As a juror, could you follow
16 those instructions?

17 A Yes.

18 Q Likewise, uh, if you were selected as a juror,
19 you would be instructed that Mr. Dassey has a
20 constitutional right not to testify in this case,
21 and that if he decides not to testify, you cannot
22 hold that against him. Rather, you must base
23 your decision solely on the evidence introduced
24 at trial. Could you follow that instruction as
25 well?

1 A Of course.

2 Q All right.

3 THE COURT: Mr. Fallon?

4 ATTORNEY FALLON: No questions.

5 THE COURT: Mr. Fremgen?

6 ATTORNEY FREMGEN: No questions.

7 THE COURT: You may step down. Thank you.

8 JUROR ANDERSON: Thank you.

9 (Wherein juror is escorted out.)

10 THE COURT: Motions, if any?

11 ATTORNEY FALLON: None.

12 ATTORNEY FREMGEN: None.

13 THE COURT: All right. She will be seated.

14 Next juror.

15 JUDICIAL ASSISTANT: Juror No. 86,

16 Nicholas Drewsen.

17 THE COURT: Good afternoon, Mr. Drewsen.

18 **VOIR DIRE EXAMINATION**

19 BY THE COURT:

20 Q This is individual voir dire. You heard me talk
21 a little bit about it this morning in the
22 courtroom. I'm going to ask you a few questions,
23 and then counsel may or may not have fol --
24 followup to -- to those questions. Excuse me.

25 Uh, this case, State vs. Brendan Dassey,

1 has received a lot of publicity. Have you heard
2 anything about it?

3 A Yes.

4 Q From what source did you learn whatever it is
5 that you've heard?

6 A Newspapers and, uh, TV.

7 Q Based on what you've read and what you've heard,
8 have you formed any opinions about the guilt or
9 innocence of Mr. Dassey?

10 A No.

11 Q Have you discussed this case with other people?

12 A No.

13 Q If you are called to serve as a juror in this
14 case, can you disregard anything you may have
15 read or heard in the media, or from any other
16 source, and decide this case based only on the
17 evidence produced in court?

18 A I believe so.

19 Q Uh, have you had a family member or a friend who
20 was killed accidentally or otherwise?

21 A No.

22 Q Uh, have you, a family member, or a close friend,
23 ever killed anyone accidentally or otherwise?

24 A No.

25 Q Have you, or close friend, or relative, ever been

1 the victim of or a witness to any kind of crime,
2 whether it was reported to law enforcement or
3 not?

4 A No.

5 Q Specifically, uh, have -- do you have any close
6 friends or relatives who's been the victim of
7 sexual assault?

8 A No.

9 Q Have you, a close family member, or friend, uh,
10 ever been arrested?

11 A No.

12 Q If you're selected as a juror in this case, you
13 will be instructed that the defendant, Brendan
14 Dassey, is presumed innocent and that he cannot
15 be found guilty of any offense, unless and until
16 the State has proved each element of each offense
17 beyond a reasonable doubt. Could you follow that
18 instruction?

19 A Yes.

20 Q Uh, you will also be instructed that Brendan
21 Dassey has a constitutional right not to testify
22 in this case, and that if he decides not to
23 testify, you cannot hold that against him. But,
24 rather, you have to base your decision solely on
25 the evidence introduced at trial. Can you follow

1 that instruction as well?

2 A Yes.

3 THE COURT: Mr. Fallon?

4 ATTORNEY FALLON: I have no questions.

5 THE COURT: Mr. Fremgen?

6 ATTORNEY FREMGEN: Uh, no questions.

7 THE COURT: Thank you. You may step down.

8 (Wherein juror is escorted out.)

9 THE COURT: Any motions, gentlemen?

10 ATTORNEY FALLON: None.

11 ATTORNEY FREMGEN: No, Judge.

12 THE COURT: All right. Mr. Drewsen may be
13 seated. Uh, next juror.

14 JUDICIAL ASSISTANT: Juror 112, Renee
15 Schmitt.

16 THE COURT: Good afternoon, Ms. Schmitt.
17 Be seated if you would, please.

18 **VOIR DIRE EXAMINATION**

19 BY THE COURT:

20 Q Uh, this is individual voir dire. You heard me
21 talk about it a little bit this morning. I'm
22 going to ask you some questions. Counsel may or
23 may not have followup to those questions.

24 In this case, the State vs. Brendan
25 Dassey, has generated a substantial amount of

1 publicity. What, if anything, have you heard
2 about it?

3 A I haven't heard anything. I never even heard the
4 first -- his name before I got the juror
5 questionnaire.

6 Q So up until that time you were entirely
7 unfamiliar with it?

8 A Completely unfamiliar.

9 Q All right. So is it fair to say -- Well, have
10 you formed any opinions about his guilt or
11 innocence?

12 A No, I -- I -- no idea about anything.

13 Q Uh, have you had a family member or a friend who
14 was killed accidentally or otherwise?

15 A No.

16 Q Uh, have you, a family member, or a close friend,
17 ever killed anyone accidentally or otherwise?

18 A No.

19 Q Have you, or a close friend, relative, or family
20 member, ever been the victim of or a witness to
21 any kind of crime, whether it was reported to law
22 enforcement authorities or not?

23 A No.

24 Q Specifically, have you, close friend, or
25 relative, ever been sexually assaulted?

1 A No.

2 Q Have you, close family member, or friend, ever
3 been arrested?

4 A No.

5 Q Charged with any crime?

6 A No.

7 Q If you're selected as a juror in this case, you
8 will be instructed that Brendan Dassey's presumed
9 innocent and that he cannot be found guilty of
10 any offense, unless and until the State has
11 proved each element of each offense beyond a
12 reasonable doubt. If you're selected as a juror,
13 can you follow that instruction?

14 A Yes.

15 Q Uh, there will be an additional instruction which
16 will tell you that Mr. Dassey has a
17 constitutional right not to testify in this case,
18 and if he decides not to testify, you cannot hold
19 that against him. Rather, you must base your
20 decision solely on the evidence introduced at
21 trial. Can you follow that instruction?

22 A Yes, I can.

23 THE COURT: Mr. Fallon, any questions?

24 ATTORNEY FALLON: None.

25 THE COURT: Mr. Fremgen?

1 ATTORNEY FREMGEN: No.

2 THE COURT: Thank you. You may step down.
3 Go with the judicial assistant.

4 (Wherein juror is escorted out.)

5 THE COURT: Motions, if any?

6 ATTORNEY FREMGEN: No.

7 THE COURT: She will be seated. Next
8 juror.

9 JUDICIAL ASSISTANT: Juror 120. Juror
10 Michelle Hayman Ware.

11 THE COURT: Hi.

12 JUROR HAYMAN WARE: Hi.

13 THE COURT: Are you -- Do you want to keep
14 your jacket on or take it off?

15 JUROR HEIMEN WARE: Keep it on.

16 THE COURT: All right.

17 **VOIR DIRE EXAMINATION**

18 BY THE COURT:

19 Q Uh, this is individual voir dire. I talked a
20 little bit about it this morning. I'm going to
21 ask you some questions. Counsel may or may not
22 have some follow-up questions.

23 Uh, this case, the State vs. Brendan
24 Dassey, has received a lot of publicity. What,
25 if anything, have you heard about it?

1 A Um, I've seen a couple newscasts on it, and I -- I
2 don't think I read very much in the newspaper, but
3 I've seen it on the news.

4 Q Based on what you've seen on the news, have you
5 formed any opinions about the guilt or innocence
6 of Mr. Dassey?

7 A Um, no.

8 Q Have you discussed the case with anyone else?

9 A No.

10 Q Have you had a family member or a friend who was
11 killed accidentally or otherwise?

12 A No.

13 Q Uh, have you, a family member, or a close friend,
14 ever killed anyone accidentally or otherwise?

15 A No.

16 Q If you're called upon to serve on this jury, can
17 you disregard anything you may have heard or read
18 in the media, or from any other source, and
19 decide the case based solely on the evidence that
20 you hear in court?

21 A Yes.

22 Q Have you, or any close friend, or relative, been
23 the victim of or witness to any kind of crime,
24 whether it was reported to law enforcement
25 authorities or not?

1 A No.

2 Q Uh, specifically, have you, or any good friend,
3 or a relative, been the victim of a sexual
4 assault?

5 A No.

6 Q Have you, a -- a close friend, or family member,
7 ever been charged with a crime?

8 A No.

9 Q Arrested for anything?

10 A No.

11 Q If you're selected as a juror in this case,
12 you'll be instructed that Mr. Dassey is presumed
13 innocent and that he cannot be found guilty of
14 any offense, unless and until the State has
15 proven every element of each offense beyond a
16 reasonable doubt. If you were selected as a
17 juror in this case, would you be able to follow
18 that instruction?

19 A Yes.

20 Q There will be an additional instruction that will
21 tell you that Mr. Dassey has a constitutional
22 right not to testify in this case, and that if he
23 decides not to testify, you cannot hold that
24 against him. Rather, you must base your decision
25 solely on the evidence introduced at trial. As a

1 juror, could you follow that instruction?

2 A Yes.

3 THE COURT: Mr. Fallon, any questions?

4 ATTORNEY FALLON: No.

5 THE COURT: Mr. Fremgen.

6 ATTORNEY FREMGEN: Just a few.

7 **VOIR DIRE EXAMINATION**

8 BY ATTORNEY FREMGEN:

9 Q Um, I'm sorry, do you go by Hayman Ware, or Ware?

10 A Either one is fine.

11 Q Okay. Miss -- Mrs. Ware, you're -- you noted in
12 your questionnaire that your husband's car has
13 been broken into before?

14 A Um, yeah. I'm trying to think. Yes. Yes.

15 Q And was something taken from that vehicle?

16 A Yes. That was prior to me knowing him.

17 Q Oh. Okay. So it wasn't anything that happened
18 during your relationship?

19 A No.

20 Q Now, were you aware of the Avery case? In your
21 questionnaire, you indicated you were aware of
22 the verdict?

23 A Yes.

24 Q Were you aware of any of the details in that
25 case?

1 A Um, not -- No, not really. Just what I saw on the
2 news.

3 Q Did you -- Okay. Did you ever discuss that case
4 with your husband who happens to be a police
5 officer?

6 A No.

7 Q You indicated in your questionnaire that you work
8 closely with the District Attorney's Office?

9 A Yes.

10 Q Do you feel that that relationship -- Obviously,
11 you don't work with Mr. Fallon or Mr. --

12 A Right.

13 Q -- Kratz. Do you feel that that relationship
14 with prosecutors would, uh, impact on your
15 ability to be fair to both sides?

16 A No.

17 Q What -- what kind of work, uh, as -- You're a
18 social worker; correct?

19 A Correct.

20 Q What's the interaction between the D.A.'s Office
21 that you're usually involved in?

22 A Um, I do child welfare, so, um, my office, the Dane
23 County Department of Human Services petitions, um,
24 the court for involvement, and that petition goes
25 through the District Attorney's Office. So when

1 we're in court, um, we're often aligned with the
2 District Attorney's Office in that situation, but at
3 the same time, I also work with clients who are being
4 defended. Um, so I'm kind of on both sides of
5 things.

6 Q You -- you don't then work with, for instance,
7 juvenile delinquencies?

8 A Um, no. Actually, I -- I work with child welfare
9 stric -- strictly right now.

10 Q Thank you.

11 ATTORNEY FREMGEN: Nothing else.

12 THE COURT: Mr. Fallon?

13 ATTORNEY FALLON: No.

14 THE COURT: Thank you. You may step down.

15 (Wherein juror is escorted out.)

16 THE COURT: Motions, gentlemen, if any?

17 ATTORNEY FALLON: None.

18 ATTORNEY FREMGEN: None.

19 THE COURT: She will be seated. Um, next
20 juror, please.

21 JUDICIAL ASSISTANT: This is Juror 121,
22 Janeen Running.

23 THE COURT: Good afternoon, Ms. Running.

24 JUROR RUNNING: Good afternoon.

25 **VOIR DIRE EXAMINATION**

1 BY THE COURT:

2 Q Uh, this is individual voir dire. I talked a
3 little bit about it this morning in -- in the
4 other courtroom. I'm going to ask you a few
5 questions. Counsel may or may not have follow-up
6 questions to ask you.

7 This case, State of Wisconsin vs.
8 Brendan Dassey, has received a substantial amount
9 of publicity. What, if anything, have you heard
10 about the case?

11 A I haven't -- All I've heard is recently on the news
12 saying that the jurors were being picked and, um, you
13 know, this happening in Dane County, that type of
14 thing.

15 Q And that's really it?

16 A The more that I had heard on the news, you know, was
17 the earlier trial that took place. I really haven't
18 heard any, uh, information on this one.

19 Q And by "earlier trial" you're referring to the
20 trial of Steven Avery?

21 A Right.

22 Q Uh, based on what you, uh, have heard and,
23 apparently, that's not very much, have you formed
24 any opinions about the guilt or innocence of
25 Brendan Dassey?

1 A No.

2 Q Have you had any family member or friend who was
3 killed accidentally or otherwise?

4 A No.

5 Q Have you, a family member, or a close friend,
6 ever killed anyone accidentally or otherwise?

7 A No.

8 Q If you're called upon to serve as a juror in this
9 case, can you disregard anything you may have
10 heard, uh, or read in the media, or from any
11 other source, and decide this case based solely
12 on the evidence that's produced in court?

13 A Yes.

14 Q Have you, a close friend, or family member, ever
15 been arrested?

16 A No.

17 Q Anybody charged with a crime? Close friend,
18 family member?

19 A No.

20 Q Uh, have you, or a close friend, or a relative,
21 ever been the victim of a sexual assault?

22 A (No verbal response.)

23 Q Is that no?

24 A No.

25 Q If you're selected as a juror in this case, you

1 will be instructed that Brendan Dassey is
2 presumed innocent and that he cannot be found
3 guilty of any offense, unless and until the State
4 has proven each element of each offense beyond a
5 reasonable doubt. If you were selected as a
6 juror in this case, would you be able to follow
7 that instruction?

8 A Yes.

9 Q There would be another instruction, and that
10 would tell you that Mr. Dassey has the
11 constitutional right not to testify in this case,
12 and that if he decides not to testify, you cannot
13 hold that against him. Rather, you must base
14 your decision solely on the evidence produced at
15 trial. As a juror, would you be able to follow
16 that instruction as well?

17 A Yes.

18 THE COURT: Mr. Fallon, any questions?

19 ATTORNEY FALLON: No.

20 THE COURT: Mr. Fremgen?

21 ATTORNEY FREMGEN: No.

22 THE COURT: You may step down. Thank you.

23 (Wherein juror is escorted out.)

24 ATTORNEY FALLON: I'll make a copy of
25 this later, Judge, and --

1 THE COURT: Sure.

2 ATTORNEY FALLON: -- give the originals
3 back.

4 THE COURT: I thought we actually had an
5 extra copy, but we'll talk about that --

6 ATTORNEY FALLON: All right. I -- I --
7 I think it was left in Mr. Kratz's office, and a
8 portion of the papers are in the room here, and
9 that's why I didn't get a copy.

10 THE COURT: Any motions, gentlemen?

11 ATTORNEY FALLON: No.

12 ATTORNEY FREMGEN: No.

13 THE COURT: Next juror, please.

14 ATTORNEY FALLON: When are we planning
15 on the afternoon break, Judge?

16 THE COURT: Uh, three o'clock?

17 ATTORNEY FALLON: Good.

18 THE COURT: I -- If someone, for one
19 reason or another, has an earlier suggestion,
20 I -- Court would certainly be happy to
21 accommodate.

22 ATTORNEY FALLON: So far, the cold seems
23 to be in -- in abeyance.

24 JUDICIAL ASSISTANT: Juror No. 125, Judy
25 Orth.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Good afternoon, Ms. Orth.
JUROR ORTH: Hello.

VOIR DIRE EXAMINATION

BY THE COURT:

Q This is individual voir dire. I talked a little bit about it this morning. I'm going to ask you some questions. Counsel at counsel table may or may not have some follow-up questions to ask of you.

A Okay.

Q This case, State of Wisconsin vs. Brendan Dassey, has received a substantial amount of publicity. Have you heard anything about it?

A Just some on the news -- news and the newspapers.

Q No substantial amount --

A No.

Q -- of things?

A No. No.

Q Based on what you have heard, have you formed any opinions about the guilt or innocence of this defendant?

A No.

Q Have you discussed this case with anyone?

A No.

Q Have you had a family member or a friend who was

1 killed accidentally or otherwise?

2 A Not a direct family member, no.

3 Q Direct close friend?

4 A No, not -- not close.

5 Q All right. Have, uh, you, a family member, or a
6 close friend, ever killed anyone accidentally or
7 otherwise?

8 A No.

9 Q Have you, or any close friend, or relative, ever
10 been the victim of or witness to any kind of
11 crime, whether it was reported to law enforcement
12 or not? No?

13 A No.

14 Q Specifically, have you, or a close friend, or
15 relative, been the victim of a sexual assault?

16 A A --

17 Q Sexual assault?

18 A A friend or a family?

19 Q Yes.

20 A Yes.

21 Q And that would be a friend or which?

22 A Family.

23 Q Family member?

24 A Um-hmm.

25 Q Close family member?

1 A Yes.

2 Q Uh, was the person who perpetrated the assault
3 prosecuted?

4 A No.

5 Q Was the event ever reported to the law
6 enforcement authorities?

7 A It was reported because it -- it ended up going to,
8 um, therapy, and the therapist had to report it to
9 the authorities.

10 Q Based on what occurred, did that affect, in
11 either a positive or negative way, your attitude
12 toward law enforcement?

13 A No.

14 Q Does it give you any special kind of feeling
15 about sexual assaults in general?

16 A No.

17 Q Have you, a close friend, or family member, ever
18 been charged with a crime?

19 A No.

20 Q If you were selected as a juror in this case, you
21 will be instructed that Mr. Dassey is presumed
22 innocent and he cannot be found guilty of any
23 offense, unless and until the State has proven
24 each element of each offense beyond a reasonable
25 doubt. Could you follow that instruction?

1 A Um-hmm.

2 Q Yes?

3 A Yes.

4 Q We can't nod or say --

5 A Oh.

6 Q -- um-hmm, because she's --

7 A All right.

8 Q -- taking all of this down.

9 A Sorry.

10 Q If you're selected as a juror, you also would be
11 instructed that, uh, Mr. Dassey has a
12 constitutional right not to testify, and that if
13 he decides not to testify, you can't hold that
14 against him. Instead, you're going to have to
15 base your decision solely on the evidence
16 introduced at trial. Could you do that?

17 A Yes.

18 THE COURT: Mr. Fallon, any questions?

19 ATTORNEY FALLON: Um, just, um,
20 followup.

21 **VOIR DIRE EXAMINATION**

22 BY ATTORNEY FALLON:

23 Q On the assault issue, I believe I think you
24 indicated in your questionnaire that your
25 daughter was the victim?

1 A Yes.

2 Q And -- and it was a -- a nephew of yours?

3 A Yes.

4 Q Was that, um, a family decision, then, not to
5 report it and just seek intervention through
6 counseling?

7 A It was just -- it came up through, um -- my daughter
8 actually went to my sister, who told her about it,
9 and then my sister told me about what happened --

10 Q Right.

11 A -- and I felt that it was important that my daughter
12 see a therapist just to, you know, make sure nothing
13 was going on. I wanted to make sure she had the
14 openness to talk to somebody, and when I went to the
15 therapist, that's when it was reported.

16 Q Right. Because they had a legal obligation to
17 report?

18 A Correct.

19 Q All right. Did -- did you feel somehow, um --
20 did you or your family -- did you feel somehow,
21 uh, let down by the system?

22 A No.

23 Q In other words, if you wanted it reported, you
24 could have reported it yourselves but...

25 A Right. No, we weren't let down at all.

1 Q Okay.

2 A I thought she did a very good job.

3 Q All right. And, apparently, there was no, um,
4 follow-up intervention by social services or --
5 or law enforcement after it was reported?

6 A Um, we had some deputies come to the house and just
7 talk to my daughter a little bit to get more
8 information as to how severe it was.

9 Q Right.

10 A But that was it.

11 Q Okay. And do you feel that situation was handled
12 professionally?

13 A Yes.

14 Q All right. And it left you and your family with
15 no ill feelings to law enforcement for making
16 this intrusion into your family?

17 A No. No. I understood why they did it.

18 Q Okay. Oh, um -- That's it. Thanks.

19 THE COURT: Mr. Fremgen, anything?

20 **VOIR DIRE EXAMINATION**

21 BY ATTORNEY FREMGEN:

22 Q Um, Mrs. Orth, one of the questions that the
23 Judge asked you about that incident was whether
24 it had an impact, negatively, uh, in regards to
25 your perspec -- uh, perception of law

1 enforcement. Did it have any impact on your,
2 um -- your feelings towards people that commit
3 crimes?

4 A No. No.

5 Q Did you have -- And you said that you thought it
6 was pretty -- handled fairly and professionally?

7 A Yes.

8 Q What about -- This was your nephew that was the
9 sus -- you know, the person who did this?

10 A Correct.

11 Q Did, uh -- Do you have any hard feelings about
12 your -- about your nephew?

13 A Uh, at first, yeah. Probably for the first month or
14 so because it -- it, you know, put a dent in the
15 family for a little bit, but after that it -- things
16 got worked out. Things were fine.

17 Q So you, together as a family, worked through all
18 that?

19 A Yes.

20 Q Nothing else.

21 ATTORNEY FALLON: May I follow up that?

22 **VOIR DIRE EXAMINATION**

23 BY ATTORNEY FALLON:

24 Q How old was your nephew when this happened?

25 A My nephew was 14.

1 Q And your daughter was how old?

2 A She was six.

3 Q Okay. Thanks.

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

5 Thank you.

6 (Wherein juror is escorted out.)

7 THE COURT: Motions, if any?

8 ATTORNEY FALLON: None.

9 ATTORNEY FREMGEN: No.

10 THE COURT: She will be seated. Next
11 juror.

12 JUDICIAL ASSISTANT: This is Juror 126,
13 Jane McGuire.

14 THE COURT: Good afternoon, Ms. McGuire.

15 JUROR MCGUIRE: Good afternoon.

16 **VOIR DIRE EXAMINATION**

17 BY THE COURT:

18 Q This is individual voir dire. I talked a little
19 bit about it this morning. I'm going to ask you
20 some questions. Counsel may or may not have some
21 follow-up questions based on your answers.

22 Um, this case, State vs. Brendan Dassey,
23 has received a substantial amount of publicity.
24 Have you heard anything about it?

25 A Yes.

1 Q Uh, from what source did you learn whatever it is
2 you heard?

3 A Uh, newspaper and TV news.

4 Q Based on what you have heard, have you formed any
5 opinions about this defendant's guilt or
6 innocence.

7 A Um, I am aware that there was a confession and then a
8 recant.

9 Q All right. Based on the fact that you're aware
10 that there was a confession and a recantation,
11 have you formed any opinions about his guilt or
12 innocence?

13 A I don't know.

14 Q All right. Have you discussed this case with
15 others?

16 A Um, only in the realm of -- of, you know, when it's
17 appeared in the news, you know, before, and then just
18 the fact I had to let my employer know that I had to
19 be gone for, you know, jury duty.

20 Q So there's no in-depth discussion with anyone
21 else?

22 A Even before I was called for jury duty, you know, in
23 passing, we had talked about the previous case. I
24 mean, that's just nature because it was a high
25 profile case.

1 Q Uh, previous case you're referring to State vs.
2 Steven Avery?
3 A Yes.
4 Q Uh, if you had formed any opinions about the
5 guilt or innocence of the defendant, could you
6 set those opinions aside and judge this case
7 solely on the evidence that's presented in court?
8 A I think so.
9 Q You believe you could do that?
10 A I think so. Yes.
11 Q You -- you understand, we're -- we're looking for
12 fair and impartial jurors?
13 A Um-hmm.
14 Q You will be instructed on the -- the law by the
15 Court, but you will be the judge of the facts as
16 a juror, you understand that?
17 A Yes.
18 Q Would you be able to render any decision as a
19 juror based on the facts that you see in court
20 and the law as the Court instructs you?
21 A Yes. I believe so.
22 Q Uh, have you had a family member or a friend who
23 was killed accidentally or otherwise?
24 A No.
25 Q Uh, have you, a family member, or a close friend,

1 ever killed anyone accidentally --

2 A No.

3 Q -- or otherwise? Have you, or has any close

4 friend of yours, ever been the victim of or a

5 witness to any kind of crime, whether it was

6 reported to law enforcement authorities or not?

7 A Yes.

8 Q And who was that?

9 A My parents recently had their, um, vehicle stolen

10 from their garage while they were home.

11 Q All right. Your parents had a car taken --

12 A Um-hmm.

13 Q -- from them; is that correct?

14 A Theft. Um-hmm.

15 Q Uh, did the police do a follow-up investigation

16 of that theft?

17 A Yes.

18 Q Anything the police do, uh, affect your attitude

19 toward them, positively, negatively?

20 A No. They did their job appropriately.

21 Q They did. All right. Have you, or a close

22 friend, or relative, ever been the victim of a

23 sexual assault?

24 A No. Not to my knowledge.

25 Q Have you, a family member, or a close friend,

1 ever been arrested?

2 A No.

3 Q Charged with a crime?

4 A No.

5 Q If you're selected as a juror in this case, you
6 will be instructed that Brendan Dassey is
7 presumed innocent and that he cannot be found
8 guilty of any offense, unless and until the State
9 has proved each element of each offense beyond a
10 reasonable doubt. Could you follow that
11 instruction?

12 A Yes.

13 Q You would also be instructed that Mr. Dassey has
14 a constitutional right not to testify if he so
15 chooses, and if he does not testify at the trial,
16 that you cannot hold that against him. Rather,
17 you would have to base your decision solely on
18 the evidence that's introduced at -- at trial.
19 Could you follow that instruction as well?

20 A Yes.

21 THE COURT: Mr. Fallon?

22 ATTORNEY FALLON: No questions.

23 THE COURT: Mr. Fremgen.

24 **VOIR DIRE EXAMINATION**

25 BY ATTORNEY FREMGEN:

1 Q Mrs. McGuire, when we're talking about an
2 opinion, obviously, understand we're asking you
3 if you have an opinion as to Brendan's guilt or
4 innocence now?

5 A Um-hmm.

6 Q Correct? Correct?

7 THE COURT: You have to say yes --

8 ATTORNEY FREMGEN: Sorry.

9 THE COURT: -- or no.

10 A Do I have an opinion of his guilt or innocence
11 presently? Or is that the --

12 Q (By Attorney Fremgen) Yes.

13 A -- question? I guess I would have to say, yes, I do
14 have an opinion on that.

15 Q Okay. What's that opinion?

16 A Um, because of what I have read regarding the
17 confession and -- and the recant, I -- I would say
18 I -- I formed somewhat of an opinion towards guilt.

19 Q And -- and a lot of it you just mentioned because
20 of what you've read?

21 A Correct.

22 Q Obviously, you haven't seen any evidence yet;
23 correct?

24 A Correct.

25 Q You didn't go watch any of the Steven Avery

1 trial, for instance?

2 A I've seen things in the paper, but I -- you know, I
3 didn't seek it out. I was just, you know, through
4 the normal news watching and reading the paper daily.

5 Q Sure. You weren't in attendance, though, is what
6 I'm --

7 A No. No. No.

8 Q And, obviously, because we're here picking a
9 jury, there hasn't been a trial yet for Brendan;
10 correct?

11 A Correct.

12 Q So, um, I -- I -- I think one of the questions
13 the Judge is asking about, whether you can set
14 aside the opinion and consider the evidence, is
15 you can, despite your opinion, honestly say, I
16 can presume Brendan is innocent right now and
17 I'll wait to hear what actually is introduced in
18 trial? You can do that?

19 A I don't know that I can honestly answer that I could.

20 Q So your honest answer would be you don't know?

21 A I don't know.

22 Q Okay. I have nothing else.

23 **VOIR DIRE EXAMINATION**

24 BY THE COURT:

25 Q Let me just follow up their followup.

1 A Um-hmm.

2 Q You've heard some things about this case and,
3 apparently, the case of Mr. Avery; correct?

4 A Correct.

5 Q What I'll ask you, and I'm -- I certainly touched
6 upon this before, is can you set aside what you
7 have heard and judge this case as a juror solely
8 on the evidence that is presented in court?

9 A Yes, I believe I could.

10 THE COURT: All right. I have nothing
11 further. You may step down. Thank you.

12 (Wherein juror is escorted out.)

13 THE COURT: Motions, if any?

14 ATTORNEY FALLON: None.

15 ATTORNEY FREMGEN: Judge, I'd, uh, ask the
16 Court to move to strike for cause. Uh, again, the
17 issue is whether she can, uh -- whether this juror
18 is unequivocally impartial. That, essentially, goes
19 to whether they can say to this Court, I am able to
20 be fair, and despite the last question by the Court,
21 I don't -- I think there was certainly equivocation,
22 especially even on the first set of the questions by
23 the Court, her answers to the question of whether
24 she had an opinion as, I don't know, and whether she
25 can set aside the opinion as, I think so, there

1 isn't a definite that, I absolutely can.

2 And as to my questions trying to get
3 more into what is the opinion, where'd she obtain
4 that opinion, and can you absolutely set that
5 aside, her answer to me was, I honestly don't
6 know, and -- and -- and again, I understand what
7 the Court was attempting to do and rehabilitate
8 the -- the juror with the last question, it
9 doesn't rehabilitate the issue of is she
10 unequivocal willing to be fair.

11 I -- I -- I shouldn't say it that way. I
12 think they're all willing to be fair. I think,
13 based upon her answers, clearly, there's
14 equivocation on that issue, and I would ask the
15 Court to strike that juror.

16 ATTORNEY FALLON: We would oppose,
17 Judge. Um, I'm not sure if Counsel is accurately
18 stating the, uh, guiding principle here,
19 because -- because I'm not sure you can have
20 anyone who's totally, absolutely, unequivocal
21 about their responses once they've actually been
22 exposed to some information, uh, in the public
23 domain, and, again, I come back to that -- the
24 comments I made earlier on, it's -- it's will you
25 decide the case on the evidence which is

1 presented.

2 I'm not concerned so much that they have
3 an opinion. I mean, most people who are informed
4 about news events have opinions on it. We all
5 have opinions. We have opinions on the war. We
6 have the opinions on -- on health. We have
7 opinions on the economy. But not -- none of us
8 are fully informed on all of those, but we're
9 open to an argument and a reason and a
10 presentation of argument, and I -- I think that's
11 all we can ask.

12 THE COURT: I -- I understand. Here,
13 Mr. Fremgen, I don't think there is a test of
14 unequivocal impartiality that -- that need be made
15 here. I think **State vs. Erickson** at 227 Wis. 2d 758
16 says exactly that, uh, and I don't believe, based on
17 what I saw here or heard here today, that I could
18 find any subjective bias either.

19 Uh, I -- the -- the objective bias would
20 go to how ingrained the opinion was. The
21 subjective bias would go to the willingness of
22 the prospective juror to, uh, react to testimony.
23 I listened to this prospective juror, and, uh,
24 while she may have heard and read, uh, matters,
25 she is -- is willing to set aside or, as she

1 said, try to set aside, and in a -- in a manner
2 that -- that I find entirely compatible with what
3 I understand to be the, uh, qualification
4 standards here.

5 Thus, I'm going to deny your motion.
6 We'll seat her. Next juror.

7 JUDICIAL ASSISTANT: Juror No. 128,
8 Tamara Lowery.

9 THE COURT: Good afternoon, Ms. Lowery.

10 JUROR LOWERY: Hello.

11 THE COURT: Feel free to take your coat
12 off and put it on the desk or keep it on.
13 However you choose.

14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 Q This is individual voir dire. I'm going to ask
17 you a few questions, and based on those questions
18 you may or may not have some follow-up questions
19 from counsel at, uh, those -- those tables.

20 A Okay.

21 Q Uh, this is the State of Wisconsin vs. Brendan
22 Dassey, and its received a substantial amount of
23 publicity. Have you heard anything about it?

24 A Yes.

25 Q Uh, from what source did you --

1 A Um --

2 Q -- get this information?

3 A TV.

4 Q Television?

5 A Um-hmm. Yes.

6 Q Uh, newspapers?

7 A TV.

8 Q Just TV. Based on what you have heard, have you
9 formed any opinions about the guilt or innocence
10 of Mr. Dassey?

11 A No.

12 Q Have you discussed this case with anyone?

13 A No.

14 Q Have you had a family member or a friend who was
15 killed accidentally or otherwise?

16 A No.

17 Q Have you, a family member, or a close friend,
18 ever killed anyone accidentally or otherwise?

19 A No.

20 Q If you were called to serve as a juror in this
21 matter, could you disregard anything that
22 you've -- you've, uh, heard or read in the media,
23 or from any other source, and decide the case
24 solely based on the evidence that you hear in
25 court?

1 A Yes.

2 Q Have you, or has any close friend, or rela -- or
3 relative, ever been the victim of or a witness to
4 any kind of crime, whether it was reported to law
5 enforcement authorities or not?

6 A Yes.

7 Q Who would that be, ma'am?

8 A Um, couple family members. Uh, like car accidents,
9 things like that maybe.

10 Q All right. Specifically, I'm -- I'm thinking
11 here of crimes, and car accidents may, in some
12 instances, be crimes. But, crimes? Anybody?

13 A Can you repeat that question one more time?

14 Q Sure. Have you, or any close friend, or
15 relative, ever been the victim of or a --

16 A Yes.

17 Q -- witness -- witness to any kind of crime?

18 A Um-hmm. Yes.

19 Q You have. And who is that and what kind of
20 crime?

21 A Um, I had a battery, um, with a former -- former
22 spouse kind of thing. Yeah. Like a domestic --

23 Q And --

24 A -- victim of a domestic. Me. Myself.

25 Q You were the victim of domestic --

1 A Um-hmm.

2 Q And this was an ex-husband?

3 A Yeah.

4 Q Was he arrested?

5 A Yes.

6 Q Charged?

7 A I'm not sure about that, but -- I don't know.

8 Q Was he punished?

9 A Uh, I'm not really sure because he was already on
10 probation so I'm not really sure.

11 Q Okay. He'd been in the system?

12 A Yes.

13 Q Was there anything about that that changed
14 your -- or -- or affected your attitude, either
15 positively or negatively, uh, toward the, uh,
16 police authorities?

17 A No.

18 Q Uh, toward the legal system, itself?

19 A No.

20 Q Any other -- any other matters that -- that,
21 uh -- I -- I see on here you say, theft, did not
22 find person?

23 A Oh, yeah. That was in, um, Chicago. Somebody
24 smashed my car window and took some things from me.

25 Q Okay.

1 A Um-hmm.

2 Q Sort of a grab and run?

3 A Yep.

4 Q Other than your former spouse, have any family
5 members, or anyone close to you, ever been a
6 suspect in, or arrested in, or charged with a
7 crime?

8 A No, not besides that one.

9 Q Say it again?

10 A Not -- not besides the one I --

11 Q Okay.

12 A -- just mentioned, yeah.

13 Q All right. Did you believe that the battery that
14 was committed on you by the former spouse was
15 handled appropriately by the police authorities?

16 A Yes.

17 Q If you're selected as a juror in this case, you
18 will be instructed that Brendan Dassey is
19 presumed innocent and that he cannot be found
20 guilty of any offense, unless and until the State
21 has proven each element of each offense beyond a
22 reasonable doubt. Could you follow that
23 instruction?

24 A Yes.

25 Q You would also be instructed that Brendan Dassey

1 has a constitutional right not to testify if he
2 so chooses at a trial, and in the event he elects
3 to not testify, you cannot hold that against him.
4 Instead, you must base your decision solely on
5 the evidence introduced at trial. Could you
6 follow that instruction as well?

7 A Yes.

8 Q Thank you.

9 THE COURT: Uh, Mr. Fallon?

10 ATTORNEY FALLON: Yes. Thank you.

11 **VOIR DIRE EXAMINATION**

12 BY ATTORNEY FALLON:

13 Q Um, congratulations on your marriage, by the way.

14 A Thank you.

15 Q Um, and I guess that's my -- my one concern. You
16 have, um, quite a few children still at home?

17 A Yes.

18 Q If -- if you're, uh, selected as a juror, and you
19 got to, um, spend couple weeks in Manitowoc away
20 from your family and your kids, is that going to
21 present any type of hardship in terms of caring
22 for your kids and making sure they get off to
23 school and whatever else they have to do?

24 A No. My husband's actually at home with the kids.

25 Q He'll be able to do that?

1 A Yes.

2 Q Is he employed?

3 A No.

4 Q That's all I have.

5 THE COURT: Mr. Fremgen, anything?

6 ATTORNEY FREMGEN: No, Judge. Thank you.

7 THE COURT: Thank you. You may step down.

8 JUROR LOWERY: Okay.

9 (Wherein juror is escorted out.)

10 THE COURT: Any motions?

11 ATTORNEY FALLON: No.

12 ATTORNEY FREMGEN: No, Judge.

13 THE COURT: All right. She will be seated.

14 Uh, next juror.

15 ATTORNEY FALLON: Hold it, Your Honor.

16 Can we go back to that last one a moment? I want
17 to ask her to come back in because it looks like
18 she has had -- You asked her if she ever had any
19 arrests, and unless we have the wrong person, we
20 think she may have had several arrests.

21 THE COURT: All right. Let's, uh --

22 ATTORNEY FALLON: Unless I got the wrong

23 person. Well, we have -- Yeah. We have, uh,

24 several -- three arrests for this -- for the same --

25 woman with the same date of birth, so...

1 THE COURT: All right. Yeah, bring her
2 back in. We'll just follow that up.

3 ATTORNEY FALLON: I think it was the way
4 we asked the question.

5 THE COURT: I -- That may well be.

6 (Juror Lowery is brought back in.)

7 THE COURT: Why don't you be seated again.
8 I -- I -- We want to follow up. Do you want to do
9 it, Mr. Fallon, or do you want me to?

10 ATTORNEY FALLON: Doesn't matter to me.

11 THE COURT: Okay.

12 **VOIR DIRE EXAMINATION**

13 BY THE COURT:

14 Q Uh, and I may have mis-asked a question of you,
15 but at one point I said, uh, have you, any family
16 members, or anyone close to you, ever been a
17 suspect and arrested for or charged with a
18 criminal offense? I -- I think the -- the
19 information is that you may have been arrested at
20 one time?

21 A Oh, yeah.

22 Q Yeah.

23 A I'm -- I'm sorry, Your Honor. Yeah, that's correct.

24 Q Well, this is not the most happily worded
25 question. Uh, were you -- what were you arrested

1 for?

2 A Um, the same person -- we both got arrested for
3 the -- a disorderly --

4 Q Disorderly conduct?

5 A Some disorderly domestic battery I think it was. It
6 was dismissed, um --

7 Q Was that as a result of the battery that we
8 talked about with your ex-spouse?

9 A Um-hmm. Yes.

10 Q Yes? Were you, to the best of your recollection,
11 arrested any other times?

12 A No. No.

13 THE COURT: Mr. Fallon?

14 ATTORNEY FALLON: Yes.

15 **VOIR DIRE EXAMINATION**

16 BY ATTORNEY FALLON:

17 Q Was there any, uh -- any other, um, side charges
18 like bail jumping or anything like --

19 A For me?

20 Q Yes.

21 A Yes. But I was only arrested once.

22 Q Oh. But for three offenses?

23 A I was only arrested one time. I went to jail once
24 and that was it.

25 Q Um --

1 A Well, back that up to -- to -- I guess, now as I'm
2 recalling, it was probably like ten years ago. They
3 booked me from -- I -- I came into the courthouse for
4 a hearing, they took my fingerprints and let me go.

5 Q All right.

6 A And they -- after that I was arrested once, and
7 that's where the bail jumping came in. It was the
8 same person that we had the disorderly conduct -- I
9 had a disorderly against.

10 Q But the bail jumping, were you arrested, then,
11 for violating some court order?

12 A Um, from the -- from the time that they took my
13 fingerprints.

14 Q Okay. But -- so what did they say you did wrong
15 that resulted in you being arrested?

16 A We got into another fight.

17 Q And this is with your --

18 A The same per -- yes. Same --

19 Q -- with your ex-husband?

20 A Yes.

21 Q All right.

22 **VOIR DIRE EXAMINATION**

23 BY THE COURT:

24 Q And there was a no contact order or something
25 in --

1 A Well, we live -- No, it wasn't a no contact. I think
2 it was a -- just not -- like one of those things not
3 to get in trouble again or something like that.

4 Q No assaultive contact?

5 A Or something like that.

6 Q All right.

7 **VOIR DIRE EXAMINATION**

8 BY ATTORNEY FALLON:

9 Q And this was about eight, nine years ago?

10 A Yes. We both actually got arrested at that time and
11 my charges were dismissed.

12 THE COURT: Anything further?

13 ATTORNEY FALLON: No. That clears that up.
14 Thank you.

15 THE COURT: Okay. Thanks.

16 (Wherein juror is escorted out.)

17 ATTORNEY FALLON: There's no motion from
18 us.

19 ATTORNEY FREMGEN: No.

20 THE COURT: Okay. In the box.

21 ATTORNEY FREMGEN: Judge, can I ask a -- a
22 favor, if after this juror we could take our break
23 early? I just need to --

24 THE COURT: Okay.

25 JUDICIAL ASSISTANT: This is Juror No.

1 140, Peter Nehrbass.

2 THE COURT: Good afternoon.

3 JUROR NEHRBASS: Good afternoon.

4 **VOIR DIRE EXAMINATION**

5 BY THE COURT:

6 Q Uh, this is individual voir dire. I talked a
7 little bit about it this morning in the
8 courtroom. I'm going to ask you a few questions.
9 Counsel may or may not have some follow-up
10 questions.

11 Uh, this case, the State vs. Brendan
12 Dassey, has received a lot of publicity. Have
13 you heard anything about it?

14 A Yeah. Heard some stuff.

15 Q From what source did you hear it?

16 A Uh, just like the news and stuff.

17 Q Based on what you've heard, have you formed any
18 opinion relative to Mr. Dassey's guilt or
19 innocence?

20 A Not -- not really. I don't know that much. Just the
21 basic stuff.

22 Q Are you telling me you have a very sketchy amount
23 of information?

24 A I know, like, basic -- I don't know.

25 Q Okay. Well, back -- back to the --

1 ATTORNEY FALLON: I'm sorry, Judge, we
2 couldn't hear that answer.

3 Q (By the Court) Yeah. These chairs don't move.
4 The chairs are fixed. So you have to take that
5 microphone and get as close to it as you can.
6 Uh, based on what you've heard, and I understand
7 it isn't, uh, uh -- or at least you're suggesting
8 that it isn't a substantial amount of
9 information, have you formed an opinion at this
10 time as to the guilt or innocence of Mr. Dassey?

11 A No.

12 Q Have you discussed this case with anyone else?

13 A No. I mean, just watching the news and stuff, like,
14 when I wasn't a -- a juror, I guess, you know, like
15 with my mom and stuff.

16 Q Anyone other than your mom that you can think of?

17 A No.

18 Q And were these discussions just sort of things in
19 passing or were they pretty substantial?

20 A Just like -- No. Not substantial. Just comments.

21 Q All right. Have you had a family member or
22 friend who was killed accidentally or otherwise?

23 A My father died, but it was of a heart attack.

24 Q All right. But there -- there -- the heart
25 attack was not brought on by any trauma such as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

a --

A No. He was playing sports.

Q Have you, a family member, or a close friend, ever killed anyone accidentally or otherwise?

A No.

Q If you were called upon to serve as a juror in this case, can you disregard anything you may have read or heard in the media, or from any source, and decide the case solely on the evidence that is received and produced in court?

A Yeah.

Q Have you, or any close friend, or rel -- or relative, ever been the victim of or a witness to any kind of crime, whether it was reported to law enforcement authorities or not?

A No.

Q Uh, have --

ATTORNEY FALLON: Your Honor, if he could just answer. I know he's shaking his head but --

JUROR NEHRBASS: No. Sorry.

THE COURT: No. He -- he's answering, but it's very low.

ATTORNEY FALLON: Okay.

Q (By the Court) Uh, specifically, have any close friends or relatives of yours been the victim of

1 sexual assaults?

2 A No.

3 Q Okay.

4 A No.

5 Q Do try to talk a little louder. Uh, have you, a
6 close friend, or family member, ever been
7 arrested?

8 A I've had close friends arrested, yeah.

9 Q For what sorts of things?

10 A Uh, drug possession, stuff like that.

11 Q All right. Have you ever been arrested for drug
12 possession?

13 A No.

14 Q The fact that you may have had some close friends
15 arrested for drug possession, does that affect
16 your attitude toward police authorities?

17 A A little bit. I mean, not too much though.

18 Q All right. By "a little bit" are we talking a
19 negative or --

20 A Yeah. I've had some bad experiences.

21 Q Again, can you get -- raise your voice --

22 A Yeah.

23 Q -- please?

24 A Sorry. Yes, sir.

25 Q You said you had -- you've had some bad

1 experiences?

2 A Yeah.

3 Q What -- what -- what sorts of bad experiences?

4 A Uh, just like, I think, being treated unfair and
5 stuff.

6 Q You think you've been treated un --

7 A No, not me, just like the people that were arrested.

8 Q Okay. You're -- you're --

9 ATTORNEY FALLON: You're making us work
10 hard here.

11 Q (By the Court) Yeah. Um, can you take that --
12 does that wand and microphone come down a little
13 farther?

14 A Yeah.

15 ATTORNEY FALLON: The whole -- the whole
16 thing will move, I think.

17 BAILIFF: Just slide it toward you.

18 THE COURT: Oh, yeah.

19 JUROR NEHRBASS: Okay.

20 THE COURT: Oh, eureka.

21 Q (By the Court) Um, so what you're talking about
22 is that you think your -- some of your friends
23 may have been dealt with unfairly by police?

24 A Yes.

25 Q Personally, do you think you have?

1 A No.

2 Q Does the fact that some of your friends may have
3 been dealt unfairly with by police, uh, affect
4 your attitude toward law enforcement?

5 A No. No.

6 Q If you were selected as a juror in this case, you
7 would be instructed that Brendan Dassey is
8 presumed innocent and that he cannot be found
9 guilty of any offense, unless and until the State
10 has proven each element of each offense beyond a
11 reasonable doubt. Could you follow that
12 instruction?

13 A Yes.

14 Q Uh, Mr. Dassey has a constitutional right not to
15 testify if he so chooses. If he elected not to
16 testify, uh, you would be instructed that you
17 could not hold that against him. Rather, you
18 must base your decision solely on the evidence
19 introduced at trial. As a juror, could you
20 follow that instruction?

21 A Yes.

22 THE COURT: Mr. Fallon?

23 ATTORNEY FALLON: Thank you.

24 **VOIR DIRE EXAMINATION**

25 BY ATTORNEY FALLON:

1 Q Um, Mr. Nehrbass, um, what was it about the
2 experiences that your friends had, um, that may
3 af -- affect your viewpoint or attitude as to how
4 the police do their job? What -- what was it
5 that struck you the wrong way?
6 A Just like unnecessary violence and stuff like that.
7 Q Unnecessary -- Did you witness it?
8 A Yeah.
9 Q You were present upon their arrest?
10 A On one occasion, yeah.
11 Q And what did you see that upset you?
12 A I just didn't think they had to be that physical.
13 Q Okay. How physical were they? Tell me what they
14 did.
15 A I just -- Like threw him to the ground and stuff like
16 that. I mean, I guess I could see like the situation
17 because there's a bunch of us, but, so...
18 Q What -- They threw him to the ground, they rolled
19 him over, and they cuffed him?
20 A Yeah.
21 Q Anything else?
22 A No.
23 Q They didn't punch him?
24 A No.
25 Q They didn't hit them with a stick or anything?

1 A No. No.

2 Q Okay. Now, you said there was one other
3 occasion, um, that you may or may not have been
4 present?

5 A No, it was just one.

6 Q Just one occasion? So there's just one arrest?

7 A Yeah. Which I was present.

8 Q In which you were present? Well, are you aware
9 of other incidents?

10 A Of --

11 Q Okay. I -- I -- Let me start over. You said
12 you've had friends, so I assume that's more than
13 one, arrested for drugs, and some of the
14 experiences left you with a -- a -- a bad
15 attitude or affects your attitude --

16 A Which is -- No. No, just one experience there.

17 Q It's just one --

18 A Yeah.

19 Q -- time --

20 A Yeah.

21 Q -- and involving one friend?

22 A Correct.

23 Q Okay. But there was a bunch of you that were
24 present?

25 A Yes.

1 Q How many of you were there?

2 A Like four or five, I think.

3 Q Okay.

4 A It was a lot of us there.

5 Q Okay. Um, where did it happen?

6 A It was at a friend's house. I'm not sure where.

7 Q At a friend's house? How -- how -- Is there a

8 reason why the police were called?

9 A He was leaving the -- the -- We were inside the house

10 and he was outside, so...

11 Q Okay. But do you have any idea why the police

12 would be standing outside this house when you

13 were --

14 A I'm sure they got called because of the noise and

15 stuff.

16 Q All right. So you don't know -- Would it be fair

17 to say you don't know what happened between your

18 friend and the police before you walked out of

19 the house?

20 A Yeah. Yes.

21 Q Okay. So in terms of having a rough experience,

22 um, is it possible that your friend may have said

23 or done something that caused the police to

24 respond roughly in your way of thinking?

25 A Yes.

1 Q Okay. Now, there will be a fair amount of police
2 testimony in our case coming up as you might
3 imagine, uh, was there -- is there anything about
4 the experiences that you and your friends had
5 with the police that says, you know, that I don't
6 think I can give the cops a fair shake here. I
7 just may not find their testimony believable
8 because of these experiences I've had with my
9 friends?

10 A No.

11 Q You're confident about that?

12 A Yes.

13 Q Okay. That's all I have. Thanks.

14 THE COURT: Mr. Fremgen, anything?

15 ATTORNEY FREMGEN: No.

16 THE COURT: You may step down. Thank you.

17 (Wherein juror is escorted out.)

18 THE COURT: Any motions, gentlemen?

19 ATTORNEY FALLON: None.

20 ATTORNEY FREMGEN: No.

21 THE COURT: Mr. Nehrbass will be seated.

22 We'll wait a moment to bring in the next juror.

23 We'll take -- You wanted a break now?

24 ATTORNEY FREMGEN: If I could, please.

25 THE COURT: All right.

1 ATTORNEY FREMGEN: If that's all right,
2 Judge.

3 THE COURT: We'll do that instead of
4 3:00.

5 ATTORNEY FALLON: Fifteen minutes?

6 THE COURT: Yep.

7 (Recess had at 2:45 p.m.)

8 (Reconvened at 3:05 p.m.)

9 JUDICIAL ASSISTANT: No. 147, Ashley
10 Shippy.

11 THE COURT: Good afternoon, Ms. Shippy.

12 JUROR SHIPPY: Hello.

13 THE COURT: Pull up a chair.

14 **VOIR DIRE EXAMINATION**

15 BY THE COURT:

16 Q This is individual voir dire. I'm going to ask
17 you some questions, and if counsel have follow-up
18 questions, they will ask follow-up questions.

19 Uh, this case, State vs. Brendan Dassey,
20 has received a lot of publicity. Have you heard
21 anything about it?

22 A Very small.

23 Q Very little?

24 A Very little.

25 Q Anything substantial at all or just sort of the

1 name?

2 A Pretty much the name.

3 Q Based on what you have heard, have you formed any
4 opinions regarding the guilt or innocence of
5 Mr. Dassey?

6 A No.

7 Q Have you talked about this case with anyone?

8 A Um, kind of. Not like -- not with details or
9 anything but, like, that I was going to it.

10 Q Just in passing?

11 A Yeah.

12 Q You -- you didn't -- uh, if I understand you
13 correctly, you didn't discuss any details of the
14 case --

15 A No.

16 Q -- is that right? Yes?

17 A Yes.

18 Q Have you had any family member or friend who was
19 killed accidentally or otherwise?

20 A Um, I'm sorry. What?

21 Q Have you had any family member or a friend who
22 was killed accidentally or otherwise?

23 A So like how close of friend? Any friend?

24 Q Is there someone who was killed that you knew?

25 A Yeah.

1 Q A friend?

2 A Yeah.

3 Q Or at least an acquaintance?

4 A Um-hmm.

5 Q Yes?

6 A Yes.

7 Q We have to say -- we have to answer yes or no.

8 Shaking heads or nodding --

9 A Yes, sorry.

10 Q Um, how did -- how did it occur?

11 A Um, I don't know. Like, murder, I guess.

12 Q So --

13 A I just don't know if the -- the trial's done with.

14 You know what I mean?

15 Q So you had a friend that was murdered?

16 A Right.

17 Q How long ago?

18 A Um, July of last year.

19 Q July of 2006?

20 A Yeah.

21 Q Was someone charged with the murder?

22 A Um-hmm.

23 Q Yes?

24 A Yes. Sorry.

25 Q Has -- has that person been tried yet?

1 A I don't know, like, too much about it. I just know
2 that there's a guy -- a suspect, you know.

3 Q Does the fact that you had a friend that was
4 murdered and someone's charged with it affect
5 your attitude toward law enforcement at all?

6 A Not sure I understand the question.

7 Q All right. You -- you've told us that you've had
8 a friend that was, uh -- was murdered and someone
9 was charged with it; is that correct?

10 A Yes.

11 Q Uh, are you satisfied with the way that the
12 police have handled this so far?

13 A No.

14 Q Why not?

15 A Uh, there hasn't been a conclusion yet. I'd want,
16 like, justice.

17 Q You think it should have gone faster?

18 A Yeah. I didn't -- I don't know what -- exactly,
19 like, where the process is in the trial. Like, you
20 know what I mean? Like, I don't know. He has hasn't
21 been convicted yet, but there's a guy in jail waiting
22 to be convicted. I don't really know.

23 Q Well, let me ask you this: The -- the fact that
24 you had a friend murdered and, uh, that there's
25 someone awaiting to be tried on that case, does

1 that, in any way, affect the way you look at this
2 case?

3 A No.

4 Q Uh, you could separate your friend's case from
5 this?

6 A Yes. Yes.

7 Q Have you, a family member, or close friend, ever
8 killed anyone accidentally or otherwise?

9 A No.

10 Q If you were called to serve as a juror in this
11 case, could you disregard anything you may have
12 heard or read in the media, or from any other
13 source, and decide this case based only on the
14 evidence produced in court?

15 A Um, I think so. I'm not too positive.

16 Q Well, you told me before that you had formed no
17 opinions with respect to the guilt or
18 innocence --

19 A Right.

20 Q -- is that correct?

21 A Right. I -- I -- to be honest I don't -- I don't
22 know. I'm not sure I can, like -- I don't feel
23 comfortable, like, handling a bigger decision like
24 this. You know what I mean?

25 Q All right. We'll get to that in -- in --

1 A Sure.

2 Q -- in just a minute --

3 A Sure.

4 Q -- but what I'm asking you here is can you set
5 aside anything that you may have heard about this
6 in the media, and -- and, if you're a juror,
7 concentrate only on what comes in front of the
8 Court?

9 A Yes.

10 Q Uh, have you, or any close friend, or relative,
11 ever been the victim of or a witness to any kind
12 of crime, whether it was reported to law
13 enforcement authorities or not?

14 A No.

15 Q Uh, specifically, have you, or any close friend,
16 or relatives, been the victims of sexual assault?

17 A No.

18 Q Have you, a close friend, or a family member,
19 ever been arrested?

20 A Ugh-ugh.

21 Q No?

22 A No.

23 Q If you're selected as a juror in this case, you
24 will be instructed that Mr. Dassey is presumed
25 innocent and that he cannot be found guilty of

1 any offense, unless and until the State has
2 proven each element of each offense beyond a
3 reasonable doubt. If you were selected as a
4 juror in this case, would you be able to follow
5 that instruction?

6 A Yes.

7 Q Uh, likewise, uh, if you were selected as a
8 juror, you would be instructed that Mr. Dassey
9 has a constitutional right not to testify, and
10 that if he decides not to testify, you cannot
11 hold that against him. You must base your
12 decision solely on the evidence introduced at the
13 trial. Could you follow that --

14 A Yes.

15 Q -- instruction? All right.

16 THE COURT: Mr. Fallon?

17 ATTORNEY FALLON: No questions.

18 THE COURT: Mr. Fremgen?

19 **VOIR DIRE EXAMINATION**

20 BY ATTORNEY FREMGEN:

21 Q I just want to follow up on a couple of, uh,
22 answers, if I could, Ms. -- Ms. Shippy. You
23 indicated that this friend of yours isn't a very
24 close friend that was murdered?

25 A Um, he was at one point, but then it kind of was,

1 like, we lost touch. You know what I mean? He was,
2 like, in my life, but then he kind of wasn't for
3 awhile. You know?

4 Q So at the time when he was murdered, it -- he was
5 kind of out of your life at that point?

6 A Kind of. Yeah.

7 Q You're aware someone's in jail, you said --

8 A Yes.

9 Q -- awaiting a trial?

10 A Yeah. I'm -- I'm guessing. I don't -- I honestly
11 don't know. It was in my home town, so I don't know.

12 Q Okay. But that's not local? Not here?

13 A No.

14 Q Um, let me ask you about that. If this person is
15 in -- in jail awaiting trial, is that person --
16 do you believe he's guilty of what happened?

17 A Yes.

18 Q Because it's a friend of yours?

19 A Yes.

20 Q Now, you don't know Mr. Dassey; correct?

21 A No, I don't.

22 Q And he's facing the same type of charge, a --

23 A Um-hmm.

24 Q -- murder charge --

25 A Right.

1 Q -- essentially, and the law requires everyone,
2 including your friend's --

3 A Yes.

4 Q -- the person who killed your friend, the
5 presumption of innocence. Are you able to -- I
6 guess -- I -- I guess ignore your experience
7 with --

8 A Yeah.

9 Q -- the friend who's been murdered --

10 A Um-hmm.

11 Q -- and you can presume --

12 A Yes.

13 Q -- Mr. Dassey's --

14 THE COURT: You're going to have to wait
15 until he finishes the question.

16 JUROR SHIPPY. Sorry.

17 Q (By Attorney Fremgen) You mentioned that you're
18 not sure if you could decide -- that means, I
19 guess, I'm assume to be -- you're not sure you
20 could make a decision of guilt or innocence in a
21 case like this, and I think you mentioned because
22 it's a big decision? Okay.

23 A Yes.

24 Q Can you explain what you mean by that?

25 A Um, I guess, like, because I wasn't there, I don't

1 want to -- like -- like deciding someone's future,
2 kind of. Like, I don't know the -- like, I don't
3 know the truth, like -- You know what I mean?

4 Q Are you afraid of being wrong?

5 A Um, yes.

6 Q Would it be different if it were just, let's say,
7 a simple theft case? Or is it the type of case,
8 too, that --

9 A It's the --

10 Q -- concerns you?

11 A -- type of case, yes.

12 Q If the Judge -- And I -- and I -- I'm not saying
13 that because of this that you certainly can't be
14 a juror, but if the Judge were to instruct you
15 that if chosen as a juror, you should do your
16 best to -- to be fair and impartial, and give
17 each side equal opportunity to present their
18 case, you'd be able to do that?

19 A Yes.

20 Q Despite it being a very significant case?

21 A Yeah.

22 Q Okay. I have nothing else.

23 THE COURT: Mr. Fallon?

24 ATTORNEY FALLON: Uh, if I might follow
25 up.

VOIR DIRE EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY ATTORNEY FALLON:

Q Um, I want to talk about your fear of decision --

A Yeah.

Q -- so to speak. Um, would it matter to you, and make you more comfortable, knowing that if you're one of the 12 people making the decision, you will have all of the information that is brought to the jurors in the courtroom. In other words, if there's a decision to be made, and the jurors are making it, you'll be one of the people who has all of the information, not -- not just what you see or don't see on television, or read in the newspapers, you'll actually see the evidence, hear the testimony firsthand?

A Would I feel better?

Q Yes.

A Yes.

Q Okay. And so that it's not the same as trying to determine guilt or innocence from what you read in the newspaper, or hear on television, or anything else. Do you understand the difference?

A Yes.

Q Okay. And so do you think you would be able to do the job if you're one of the jurors and you

1 have all of the evidence presented to you in the
2 courtroom?

3 A Yes.

4 Q Okay.

5 THE COURT: All right. Uh, thank you. You
6 may step down.

7 (Wherein juror is escorted out.)

8 THE COURT: Any motions?

9 ATTORNEY FALLON: None.

10 ATTORNEY FREMGEN: No.

11 THE COURT: Um, you want to do the next
12 juror now or would you like to have, uh -- You're
13 suggesting Mr. Covington should come back here and,
14 in effect, uh, explain --

15 ATTORNEY FALLON: Well, I mean, I'll tell
16 you the reason for my concern is that I had a CCAP
17 record run. It shows that he was convicted of an
18 OWI second offense and says eight days local jail,
19 and he -- specifically, he was asked did -- did you
20 serve time? Did you go to jail for that? And he
21 said, no. So...

22 THE COURT: Mr. Fremgen, anything?

23 ATTORNEY FALLON: I think he should be
24 struck for cause.

25 ATTORNEY FREMGEN: Judge, I'd like to hear

1 his explanation. He -- you know, you -- you said
2 that he heard the -- the question and he -- how he
3 answered it. Uh, it's -- I -- I don't want to put
4 words in Mr. Covington's mouth either. Maybe he
5 didn't hear the question accurately. Maybe he
6 misinterpreted the question. I suppose that he
7 needs to -- there should be at least some followup
8 and maybe re -- rehabilitative --

9 THE COURT: Well, let's -- let's get him
10 back in here for -- for -- for that. Uh,
11 Mr. Fallon, you may ask him that question.

12 ATTORNEY FALLON: Sure. I hate to say
13 this, but I -- normally, I wouldn't shy away from
14 this, but I'd almost prefer you ask it, because if
15 it turns out there is an explanation --

16 THE COURT: All right. I'll ask it.

17 ATTORNEY FALLON: -- then I'm on the
18 unenviable task.

19 (Wherein Juror Covington is brought in.)

20 THE COURT: Mr. Covington, you're back
21 again.

22 JUROR COVINGTON: Yes.

23 **VOIR DIRE EXAMINATION**

24 BY THE COURT:

25 Q Perhaps you can clarify something for us.

1 A Uh-huh.

2 Q When we last talked with you, I believe you were
3 asked whether or not you had served any jail
4 time; is that correct?

5 A Yes.

6 Q And you said you had not?

7 A Oh, I -- I misunderstood the question.

8 Q Okay.

9 A Yes -- we did -- I had to do, uh, five days in jail.

10 Q As a result of the second OWI?

11 A Yes.

12 Q Uh, the -- the sheet that I have in front of me
13 says eight days in jail? Might it have been
14 eight rather than five?

15 A Uh, they said eight, but you do five.

16 Q Oh. Okay. Okay. So you misunderstood the
17 question the first time?

18 A Yes.

19 THE COURT: Any followup?

20 ATTORNEY FALLON: No.

21 THE COURT: You're off again.

22 JUROR COVINGTON: All right.

23 THE COURT: Thank you.

24 (Wherein juror is escorted out.)

25 ATTORNEY FALLON: Can we have about 30

1 seconds just to chat amongst us?

2 THE COURT: Go ahead.

3 (Discussion off the record.)

4 THE COURT: On the record. Mr. Fallon,
5 have you had a chance to consult?

6 ATTORNEY FALLON: We -- we talked it over
7 and I -- I -- I'm still renewing my motion to strike
8 for cause.

9 THE COURT: Motion denied. Next juror.

10 JUDICIAL ASSISTANT: Juror 151, Robert
11 Rice.

12 THE COURT: Hi, Mr. Rice. Would you sit
13 down, please? Thank you.

14 **VOIR DIRE EXAMINATION**

15 BY THE COURT:

16 Q This is the individual voir dire of which I spoke
17 about this morning. I'm going to ask you some
18 questions. Counsel may have followup or may not.

19 Uh, this case, uh, State of Wisconsin
20 vs. Brendan Dassey, has received a lot of
21 publicity. Have you heard anything about it?

22 A Just what's been on the news and in the newspapers.

23 Q Would you say that that was a substantial amount
24 or not so?

25 A I would say not. I -- You know, I never went out of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

my way to check on it or anything like that.

Q Based on -- on what you've heard or what you've seen, uh, have you formed any opinion about the guilt or innocence of this defendant?

A Um, no, not really.

Q Okay. Does "no, not really" mean no?

A I mean, no. No, I --

Q Okay.

A -- have not.

Q Have you talked about this case with anyone?

A No.

Q Have you had a family member or a friend who was killed accidentally or otherwise?

A Well, I've had friends that have died since high school, but...

Q Well, I'm not talking about died so much as killed?

A No.

Q Have you, a family member, or a close friend, ever killed anyone accidentally or otherwise?

A No.

Q Have you, a close friend, or a relative, been the victim of or a witness to any kind of crime, whether it was reported or not to law enforcement?

1 A I had -- had my car broke into.

2 Q Was the person who broke into your car eventually
3 apprehended?

4 A No. It's never been solved as far as I know.

5 Q How long ago did that occur?

6 A Uh, probably about six years ago.

7 Q Um, if you were called to serve as a juror in
8 this case, could you disregard anything you may
9 have heard or read in the media, or from any
10 source, and decide this case based solely on the
11 evidence produced in court?

12 A I think I could. Yes.

13 Q All right. Um, have you ever had a close friend
14 or relative who's been the victim of a sexual
15 assault?

16 A No.

17 Q Have you had a close friend or family member
18 who's been arrested?

19 A No. I've been arrested for, um, OWI.

20 Q For operating while under the influence?

21 A (No verbal response.)

22 Q Yes?

23 A Yes.

24 Q Uh, a single time?

25 A Twice.

1 Q Uh, when were those two occasions?

2 A One was like '80 -- '81, I would say, and the other

3 was '86.

4 Q So there's at least 20 years between the last one

5 and now; is that correct?

6 A Um-hmm.

7 Q Yes?

8 A Yes.

9 Q She can't take down the --

10 A Yes.

11 Q We say that. Okay. Uh, the fact that -- that

12 you -- Were you convicted on each occasion?

13 A Yes.

14 Q Does this affect the way you look at law

15 enforcement? The fact that you were arrested and

16 convicted of operating while under the influence?

17 A Well, it kind of makes me think that I have a

18 tendency to have to lean that you have to prove

19 yourself innocent instead of prove yourself --

20 Q Well --

21 A -- guilty.

22 Q -- did you think the police handled your case

23 fairly?

24 A I think it was handled fairly, yes.

25 Q All right. Do you feel that you, as a result of

1 that, developed some sort of prejudice against
2 police authorities?

3 A No.

4 Q Um, if you're selected as a juror in this case,
5 you will be instructed that Mr. Dassey is
6 presumed innocent and that he cannot be found
7 guilty of any offense, unless and until the State
8 has proved each element of each offense beyond a
9 reasonable doubt. Could you follow that
10 instruction as a juror?

11 A I think I could. Yes.

12 Q Likewise, there would be an instruction that
13 would tell you that he has a constitutional right
14 not to testify in the case, and that if he
15 decides not to testify, you could not hold that
16 against him. Instead, you must base your
17 decision solely on the evidence introduced at
18 trial. Could you follow that as well?

19 A Yes.

20 THE COURT: Mr. Fallon?

21 ATTORNEY FALLON: Yes, thank you.

22 **VOIR DIRE EXAMINATION**

23 BY ATTORNEY FALLON:

24 Q Notwithstanding the, uh, Court's last, uh,
25 couple of questions with you, um, in the

1 questionnaire, Mr. Rice, um, you indicated there
2 may be some effect on your ability, because of
3 the verdicts reached in the case regarding
4 Mr. Avery, the fact that there is a refuted
5 confession, although recanted by this man, are
6 you sure that you'll be able to set those aside?

7 A Well, I'm not sure on that. I -- Like I said, I read
8 what I read in the paper that he confessed, and then
9 it's kind of hard to, like, just block it out of your
10 mind.

11 Q All right. Um, would it -- would it matter to
12 you if the confession and the statements that
13 he's allegedly made are introduced into evidence?
14 Does that change whether or not you'd be able to
15 decide this case solely on the evidence?

16 A You mean, like, they never even got it entered into
17 evidence? Is that what you -- like -- like -- You
18 mean, like, it never even got it ever entered --

19 Q No. Just --

20 A -- into evidence?

21 Q Let's assume for the sake of argument that it was
22 another piece of the evidence that was
23 introduced. Would you be able to decide this
24 case solely on the evidence without consideration
25 of the verdict in the Steven Avery case?

1 A I'm not sure. I -- Yes. I'll say yes.

2 Q Okay. You're -- you're hesitating a little bit,
3 so...

4 A Like I said, it's hard to block it out of your mind,
5 you know.

6 Q Okay. Well, let's articulate that now, and maybe
7 we should separate the two concepts. You said
8 it's hard to block it out of your mind?

9 A Yeah. What -- what I've read about it. Like, it's
10 hard for me to go in and say that I don't know. I've
11 never heard about it.

12 Q Okay. Um, let's identify the "it". Um, is --

13 A The --

14 Q Is it the -- Let me ask the question. Is it the
15 verdict in Mr. Avery's case or is there something
16 that's allegedly relevant to this case that's
17 causing you concern?

18 A No. The verdict in the Avery case doesn't have a --
19 any effect on the opinion on this case.

20 Q It -- it has no effect?

21 A Ugh-ugh.

22 Q Okay. Relative to this case, will you be able to
23 follow Judge Fox's instruction and decide this
24 case based on the evidence which is presented,
25 not what may be floating out in the media reports

1 or accounts of what is supposedly happening or
2 didn't happen?

3 A Yes.

4 Q Okay. Um, with respect to your own experience,
5 um, from 20 years ago, uh, there anything about
6 those encounters with the police that, uh, makes
7 you wonder whether you'll be able to fairly
8 evaluate, um, their testimony in this particular
9 case? We have lots of police testimony coming
10 up. Do you think you'll be able to give them a
11 fair shake like any other witness?

12 A Yes.

13 Q Do you believe that your cases were fairly
14 handled years ago?

15 A Yeah. I believe it is. Yes.

16 Q Okay. Um, and do -- did you deserve the
17 punishment you received?

18 A Um-hmm. Yes.

19 Q Okay. That's all I have.

20 THE COURT: Anything, Mr. Fremgen?

21 **VOIR DIRE EXAMINATION**

22 BY ATTORNEY FREMGEN:

23 Q Mr. Rice, uh, in your questionnaire you
24 indicated, and actually just said it a few
25 minutes ago, that you feel that there's a need

1 for someone to prove their innocence; is that
2 correct?

3 A I don't think it's -- You know, I think it's like
4 human nature. Once somebody is accused of something
5 that -- like, you have to prove yourself innocent
6 instead of them proving you guilty.

7 Q That -- that's your feeling?

8 A Yes.

9 Q And you understand the law is different than
10 that?

11 A Um-hmm.

12 THE COURT: Is that --

13 JUROR RICE: Yes.

14 THE COURT: -- a yes?

15 Q (By Attorney Fremgen) And he -- and the Judge
16 already went through that with you that you have
17 to presume that Brendan Dassey, right now, as he
18 sits here, is innocent; right?

19 A Yes.

20 Q And you can do that?

21 A Yes.

22 Q But you would still feel that he should have to
23 prove he's innocent at some point?

24 A I think that's just human nature.

25 Q But could you, yourself, feel that that's

1 something that he should have to do?

2 A No. He's supposed -- supposed to prove him guilty.

3 Q Okay. So if we get through the middle of the
4 trial, and you're a juror, you can still sit --
5 sit there and say he's innocent, because we're
6 not done with the trial yet?

7 A Yes.

8 Q Okay. In regards to the, uh -- You indicated you
9 had the conviction for OWI. Did you have a trial
10 or were you actu -- did you plead guilty to the
11 OWI?

12 A Just pled guilty.

13 Q Did you plead guilty because you felt you were
14 guilty or you had no other choice?

15 A Well, I was guilty and I didn't really have much of a
16 choice. I just wanted to be -- get it put behind me.

17 Q Okay. Had you felt you were not guilty, would
18 you have had a trial?

19 A If I felt I was not guilty I would have. Sure.

20 Q Okay. Thank you, very much. Nothing else.

21 THE COURT: Followup?

22 ATTORNEY FALLON: Yes.

23 THE COURT: Briefly.

24 **VOIR DIRE EXAMINATION**

25 BY ATTORNEY FALLON:

1 Q Just because somebody pleads not guilty, does
2 that mean they are not guilty? Or does that mean
3 they just as -- you -- asserting their
4 constitutional right to have a trial?

5 A I think there's certain constitutional rights to have
6 a trial.

7 Q So you understand that just because you plead not
8 guilty, doesn't necessarily mean you're not
9 guilty?

10 A Um-hmm. Yes.

11 Q Okay. That's fine. Nothing else.

12 THE COURT: Thank you. You may step down.

13 (Wherein juror is escorted out.)

14 THE COURT: Motions, if any?

15 ATTORNEY FALLON: None.

16 ATTORNEY FREMGEN: No.

17 THE COURT: Okay. He's seated. Next
18 juror.

19 JUDICIAL ASSISTANT: This is Juror 154,
20 Diane Austin.

21 THE COURT: Good afternoon, Ms. Austin.

22 JUROR AUSTIN: Good afternoon.

23 **VOIR DIRE EXAMINATION**

24 BY THE COURT:

25 Q Uh, this is individual voir dire. I'm going to

1 ask you a few questions. After I'm done asking
2 questions, counsel may or may not have some
3 questions to supplement those that I had asked.

4 Uh, this case, State vs. Brendan Dassey,
5 has received a significant amount of publicity.
6 Have you heard anything about the case?

7 A I have read about it in the newspapers.

8 Q Is that your major source of information?

9 A Yes.

10 Q Based on what you have heard, or what you've read
11 in this case, have you formed any opinions
12 relative to the guilt or innocence of this
13 defendant?

14 A Uh, I have read an article. I think maybe my opinion
15 is based more on previous, um, incidents that have
16 happened. Um, a ruling that was last week with his
17 uncle. Um, I don't know that I've completely formed
18 an opinion about this person.

19 Q You -- you're referring -- When you say, "his
20 uncle" you're referring to Steven Avery?

21 A Yes.

22 Q You understand this is a separate case?

23 A Yes, I do.

24 Q And I'll -- I'll ask you again, with respect
25 to -- to this case, the case of Brendan Dassey,

1 have you formed an opinion --

2 A I think I have. Yes.

3 Q Uh, you -- you're going to have to --

4 A Sorry.

5 Q -- wait until I finish the question. Have you

6 formed an opinion as to whether he is guilty or

7 innocent?

8 A Yes, I have.

9 Q And that opinion is?

10 A Guilty.

11 Q Um, if you were instructed to set aside any

12 opinions that you had formed and base an opinion

13 solely on the evidence that is presented at a

14 trial, could you do that?

15 A Yes, I could.

16 Q Have you had a family member or a friend who was

17 killed accidentally or otherwise?

18 A No.

19 Q Have you, a family member, or a close friend,

20 killed anyone accidentally or otherwise?

21 A No.

22 Q Have you, or any close friend, or relative, ever

23 been the victim of or witness to any crime -- any

24 kind of crime, whether it was reported or not?

25 A No.

1 Q Uh, specifically, have you, or a close friend, or
2 relative, ever been the victim of a sexual
3 assault?
4 A No.
5 Q Have you, a close friend, or a family member,
6 ever been arrested?
7 A No.
8 Q Charged with any kind of crime?
9 A Any kind of crime?
10 Q Sure.
11 A Uh, DUI. Family member.
12 Q Someone in your family was arrested for operating
13 while under --
14 A Yes.
15 Q -- the influence?
16 A Yes.
17 Q Were they convicted?
18 A Yes.
19 Q How long ago did this occur?
20 A A year-and-a-half ago.
21 Q Has this affected, in any way, the fact that the
22 family member was arrested and convicted, your
23 attitude toward law enforcement?
24 A No.
25 Q If you were selected as a juror, you would be

1 instructed that Mr. Dassey is presumed innocent
2 and that he cannot be found guilty of any
3 offense, unless and until the State has proven
4 each element of that offense beyond a reasonable
5 doubt. Could you follow that instruction?

6 A Yes.

7 Q Likewise, you would be instructed that Mr. Dassey
8 has a constitutional right not to testify in this
9 case, but that if he decides to testify -- if he
10 decides not to testify, you cannot hold that
11 decision against him. Rather, you must base your
12 decision solely on the evidence that appears at
13 the trial. Could you follow that instruction as
14 well?

15 A Yes.

16 THE COURT: Mr. Fallon?

17 ATTORNEY FALLON: Thank you.

18 **VOIR DIRE EXAMINATION**

19 BY ATTORNEY FALLON:

20 Q Ms. Austin, you indicated you did form an
21 opinion, and that your opinion -- opinion now is
22 that he is guilty?

23 A (No verbal response.)

24 Q That's a yes?

25 A Yes.

1 Q Okay. Um, is that a -- a strong opinion? Or is
2 that a leaning? Or is that just what you think
3 now? Or --

4 A It's an opinion I formed after reading one newspaper
5 article.

6 Q After one newspaper article. All right. Now,
7 um, would it cause you concern if you were the
8 one standing trial and possible jurors had
9 preliminary opinions or had opinions of guilt
10 without hearing any of the evidence?

11 A Yes.

12 Q All right. And so you realize in this particular
13 case that in our country guilt or innocence can
14 only be determined based upon the evidence which
15 is presented at trial?

16 A Right. Yes.

17 Q All right. And as such, would you acknowledge or
18 would it be fair for you to say that -- that your
19 op -- an opinion -- your opinion is an uninformed
20 opinion?

21 A Yes.

22 Q Okay. And, as such, do you think you'll be able
23 to set that aside and decide this case based on
24 what you hear as evidence?

25 A Yes, I would be able to.

1 Q And you realize that what you hear as evidence in
2 a court may be different and may be more complete
3 than what are in news accounts?

4 A Right. Yes.

5 Q All right. And, as such, are you prepared to set
6 aside your -- these -- these preliminary opinions
7 and decide this case strictly on the evidence
8 that is introduced?

9 A Yes, I would.

10 Q Um, the only other question I have is, um, the
11 family member who was arrested, is that a -- a
12 nephew? Son? Husband?

13 A Husband.

14 Q Okay. Um, is that a local, Dane County
15 situation?

16 A Yes.

17 Q Okay. Um, I assume you and your husband talked
18 about that occurrence?

19 A Oh, yes.

20 Q And, uh, as such, um --

21 A Actually, I take it back. It wasn't Dane County, it
22 was Iowa County.

23 Q Iowa. All right. Uh, in any event, um, setting
24 aside the emotional, uh, aspects of it, when the
25 facts were discussed, and the result, um, finding

1 of guilt, do you think that was a just result --

2 A Yes.

3 Q -- based on everything that occurred?

4 A Yes.

5 Q All right. And in terms of you and your
6 husband's experience, do you think, over all, at
7 least from your perspective as the outside
8 looking in somewhat, that he was treated fairly?

9 A Yes.

10 Q Okay.

11 ATTORNEY FALLON: That's all I have,
12 Your Honor.

13 THE COURT: Mr. Fremgen, anything?

14 ATTORNEY FREMGEN: Sure.

15 **VOIR DIRE EXAMINATION**

16 BY ATTORNEY FREMGEN:

17 Q Uh, Mrs. Austin, you, obviously, know yourself
18 better than we do?

19 A Um-hmm.

20 Q You did fill out the questionnaire, and when you
21 first filled out the questionnaire, your answer
22 was, I honestly think he's guilty?

23 A Um-hmm.

24 Q And you used the word, "honestly"; correct?

25 A (No verbal response.)

1 Q Yes?

2 A Yes.

3 Q Okay. Sorry. That's fine. Now, you've heard
4 some other questions, and the Judge has given you
5 some of the instructions. I'm going to ask you,
6 can you -- do you honestly believe you can set
7 aside that opinion at this point?

8 A Yes, I do. Um, just to kind of elaborate a little
9 bit on that, um, filling that form out sitting at
10 home, as I said, having, you know, read a newspaper
11 article, that kind of thing, I think it changes a lot
12 when you come here and then you're really put in a
13 situation of this is how the system works, it really
14 makes you, I guess, in my opinion, realize that
15 probably having answered that question that way was
16 not a fair answer.

17 Q And -- and now that -- that you've been through a
18 trial or watched a trial --

19 A Yes. I was on a jury once before.

20 Q You were. Okay.

21 A Um-hmm.

22 Q Uh, so you understand that the prosecution goes
23 first, and then we have a chance to, if we wish
24 to, put on any part of our case after that?

25 A Actually, it was -- been so long ago I've pretty much

1 forgotten --

2 Q Okay.

3 A -- about --

4 Q That's okay.

5 A -- the whole thing.

6 Q So, now, since you said you can honestly set

7 aside your initial reaction of -- of -- that --

8 that Brendan was guilty, you can now say that you

9 can presume him innocent right now?

10 A Yes, I could.

11 Q And because the prosecution gets to go first, you

12 get to hear all of what they have to present to

13 you, and when they're done, you can't -- Well,

14 strike that. When they're done with their case,

15 would you be able to honestly say, I can still

16 presume Mr. Dassey innocent until it's my time to

17 go in the back room and make a decision?

18 A Yes. Knowing that -- what the next step is, what the

19 next process would be.

20 Q So you can listen to everything --

21 A Everything.

22 Q -- not just what the prosecution puts on first,

23 which may be damaging or damning-type of

24 testimony?

25 A Yes.

1 Q Okay. Uh, Mr. Fallon asked you a question, and I
2 would -- just want to follow up on it.

3 A Uh-hmm.

4 Q I think it was more of a hypothetical if you were
5 on trial and you -- this -- you were the type of
6 juror with the question of -- where -- where the
7 juror said, I think he's guilty, now, based upon
8 everything now that you've heard, do you think --
9 think you would be a fair jury -- uh, juror -- if
10 you were -- the situation were switched?

11 A I do. I think that taking a step back and looking at
12 how I answered it and then how I feel today, I think
13 I would be a fair juror.

14 Q Okay. Thank you. That's it.

15 THE COURT: Any followup?

16 ATTORNEY FALLON: No.

17 THE COURT: Thank you. You may step down.

18 (Wherein juror is escorted out.)

19 THE COURT: Any motions?

20 ATTORNEY FALLON: No.

21 ATTORNEY FREMGEN: No.

22 THE COURT: All right. So that was Juror
23 No. 30. We're going to do four more. Then, uh,
24 we'll do the general voir dire. At that time, I
25 would like to release most of the other --

1 ATTORNEY FALLON: The balance of the panel.

2 THE COURT: Well, the balance of the
3 panel -- panel, maybe save a couple. I'm willing to
4 be convinced if -- if, uh, uh, this has been a
5 pretty thorough betting process, I can't imagine
6 that there are going to be a significant number
7 of -- of excuses for cause, but I -- I -- I'm not a
8 prophet either.

9 ATTORNEY FALLON: I wouldn't think so
10 either, but I -- let me just toss out a number and
11 see if that goes with your -- We'll have four extra
12 that we've been through individual voir dire. Maybe
13 save another five or six?

14 THE COURT: Five would have been my -- my
15 thought. Yeah.

16 ATTORNEY FALLON: And then, um, let the
17 rest of them -- send them home and we'll, you know,
18 have them stand by the phone, and we may -- we may
19 not need them. I -- I -- I hate to just let them go
20 entirely, but I -- I -- I don't foresee having them
21 sit around all day.

22 THE COURT: No. No. No.

23 ATTORNEY FALLON: That's fine.

24 THE COURT: Mr. Fremgen, that sounds okay
25 to you as well?

1 ATTORNEY FREMGEN: That's fine.

2 THE COURT: And I'm hoping we can complete
3 the entire process then, this day.

4 ATTORNEY FALLON: How late do you want to
5 go, Judge?

6 THE COURT: We'll see. Uh, next juror.

7 ATTORNEY FALLON: Should we have the
8 bailiffs clear out one-half the row over there for
9 these remaining four or five, or doesn't it matter?

10 THE COURT: Um -- uh -- Good afternoon.

11 JUROR SCHWIRTZ: Hello.

12 THE COURT: Uh, you're Ms. Schwirtz?

13 JUROR SCHWIRTZ: Yes, sir.

14 JUDICIAL ASSISTANT: Number 156, Lonna
15 Schwirtz.

16 THE COURT: All right.

17 **VOIR DIRE EXAMINATION**

18 BY THE COURT:

19 Q This is -- this is individual voir dire. I'm
20 going to ask you a couple of questions. After
21 that, uh, counsel may follow up with some
22 additional questions.

23 All right. This is, uh -- case, State
24 vs. Brendan Dassey, has received a lot of
25 publicity. Have you heard anything about it?

1 A Um, on the radio. I've seen a little bit on the
2 internet. Um, a little bit in the paper, but not a
3 lot in the paper.

4 Q So you -- you -- you've gotten some information
5 from the radio, from the internet, and from the
6 newspaper?

7 A Um-hmm.

8 Q Yes?

9 A Yes.

10 Q Okay. Is that a significant amount of
11 information or is it just in passing?

12 A Just in passing.

13 Q Based on that information, have you formed any
14 opinions about the guilt or innocence of this
15 defendant?

16 A I don't have enough information. No.

17 Q So --

18 A No.

19 Q No, you haven't?

20 A No.

21 Q Okay. Um, have you had a family member or a
22 friend who was killed accidentally or otherwise?

23 A No.

24 Q Uh, have you, a family member, or a close friend,
25 ever killed anyone accidentally or otherwise?

1 A No.

2 Q If you're called upon to serve as a juror, can
3 you disregard anything that you may have read,
4 have heard, have seen, and base your decision
5 solely on the evidence that comes in at trial?

6 A Yes.

7 Q Have you, or any close friend, or relative, ever
8 been the victim of or a witness to any kind of
9 crime, whether it was reported to law enforcement
10 authorities or not?

11 A Can you repeat the question?

12 Q Sure. Have you, or any close friend, or
13 relative, ever been the victim of a crime,
14 whether or not it was reported to law enforcement
15 authorities? I think in -- in your questionnaire
16 you say theft you resolved in small claims court?

17 A Oh, yes. Yes.

18 Q Anything beyond that?

19 A No.

20 Q The fact that you were a victim of -- of a theft,
21 uh, does that affect, in any way, your attitude
22 toward law enforcement?

23 A No.

24 Q Did you think -- think your case was -- was
25 handled appropriately?

1 A Yes.

2 Q Have you, or a close friend, or relative, been
3 the victim of a sexual assault?

4 A No.

5 Q Have you, a close friend, or family member, ever
6 been arrested?

7 A No.

8 Q Charged with any crime?

9 A No.

10 Q If you were selected as a juror in this case, you
11 would be instructed that Brendan Dassey is
12 presumed innocent and that he cannot be found
13 guilty of any offense, unless and until the State
14 has proven each element of each offense beyond a
15 reasonable doubt. If you were selected as a
16 juror in this case, would you be able to follow
17 that instruction?

18 A Yes.

19 Q Uh, likewise, there would be another instruction
20 that would tell you that Mr. Dassey has a
21 constitutional right not to testify, and that if
22 he decides not to testify, you cannot hold that
23 against him. But, rather, you would have to base
24 your decision on the evidence that was presented
25 in the case. Can you follow that one as well?

1 A Yes.

2 THE COURT: Mr. Fallon?

3 ATTORNEY FALLON: No questions.

4 THE COURT: Mr. Fremgen?

5 ATTORNEY FREMGEN: I just have one, and
6 maybe I missed the question.

7 **VOIR DIRE EXAMINATION**

8 BY ATTORNEY FREMGEN:

9 Q Have you discussed this case with any friends,
10 neighbors, or family?

11 A No. My husband's aware --

12 Q After you got --

13 A -- of the --

14 Q -- the summons?

15 A Yes.

16 Q Nothing else.

17 THE COURT: All right. Thanks. You may
18 step down.

19 (Wherein juror is escorted out.)

20 THE COURT: Oh, uh, any motions on this?

21 ATTORNEY FALLON: No.

22 ATTORNEY FREMGEN: No.

23 THE COURT: Okay. Uh, she's to be seated.

24 JUDICIAL ASSISTANT: Juror No. 161,

25 David Mortimer.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Hi, Mr. Mortimer. Take a seat.

VOIR DIRE EXAMINATION

BY THE COURT:

Q Mr. Mortimer, this is individual voir dire. I'm going to ask you some questions. Counsel may have some follow-up questions.

This case, State vs. Brendan Dassey, has received a lot of publicity. Have you heard anything about it?

A Um, a little bit. Not -- I don't really don't watch the news too much so I've heard a little bit. That's it.

Q What is the source of whatever information it is that you have?

A I just heard that, uh, he was involved with -- with the murder case, and that was it pretty much.

Q Based on what you heard, have you formed any opinion as to his guilt or innocence?

A None.

Q Have you discussed this case with anyone?

A No.

Q Have you had any family member or a friend who was killed accidentally or otherwise?

A No.

Q Have you, a family member, or a close friend,

1 killed anyone accidentally or otherwise?

2 A No.

3 Q Have you, or any close friend, or relative, ever
4 been the victim of or a witness to any kind of
5 crime, whether it was reported to law enforcement
6 or not?

7 A No.

8 Q Uh, if you were called to serve in this jury,
9 could you disregard anything that you had -- had
10 read or heard in the media, or from any source,
11 and decide this case based solely on the evidence
12 produced through court?

13 A Yes.

14 Q Uh, have -- have, uh -- have you had any close
15 friend or relative who's been the victim of a
16 sexual assault?

17 A No.

18 Q Have you, a close friend, or a family member,
19 ever been arrested?

20 A My son was.

21 Q And he was arrested for what?

22 A Theft.

23 Q Was he charged with theft?

24 A Yes.

25 Q Was he convicted?

1 A Um, probation. That's it. And some fines.

2 Q How long ago did this occur?

3 A Um, this was when he was like 17 -- 16 or 17. Right

4 around that age.

5 Q And he's how old now?

6 A Nineteen.

7 Q So this -- this happened a couple of years ago?

8 A Yeah.

9 Q Was he charged as -- as a juvenile or was he

10 charged in adult court?

11 A Juvenile.

12 Q So this is a juvenile delinquency?

13 A Yes.

14 Q Did you believe that his case was fairly handled

15 by the law enforcement authorities?

16 A Yes.

17 Q That the -- the resolution of it was appropriate?

18 A Yes.

19 Q If you were selected as a juror in this case, you

20 would be instructed that Brendan Dassey is

21 presumed innocent and that he cannot be found

22 guilty of any offense, unless and until the State

23 has proven each element of each offense beyond a

24 reasonable doubt. Could you follow that

25 instruction as a juror?

1 A Yes.

2 Q Uh, if you were selected as a juror, you would
3 also be instructed that Mr. Dassey has a
4 constitutional right not to testify in the case.
5 If he chose to exercise that right, you could not
6 hold that against him. Rather, you would have to
7 base your decision solely on the evidence that
8 came in to the case itself. Could you follow
9 that instruction?

10 A Yes.

11 THE COURT: Mr. Fallon?

12 ATTORNEY FALLON: Yes.

13 **VOIR DIRE EXAMINATION**

14 BY ATTORNEY FALLON:

15 Q Um, just so I'm clear, and I may have not heard
16 the answer, but, um, other than your son, no one
17 else was arrested for any type of an offense?

18 A No.

19 Q Um, what's your date of birth, sir?

20 A 3/12/66.

21 Q Thank you. Anyone in your family ever been
22 arrested for issuing a worthless check?

23 A Um, my wife was.

24 Q Okay. And how -- how was that resolved?

25 A Uh, she spent -- she spent, like, 12 days in jail and

1 had to pay a fine of \$2,800.

2 Q Okay. So, um -- so there were other -- other
3 than your son, there were other family or other
4 friends who were arrested and convicted of an
5 offense?

6 A Yeah.

7 Q Okay. Um, any other, um, arrests or anything
8 like that you can think of?

9 A No, not right offhand. No.

10 Q Uh, anyone suspected of any type of, um, uh,
11 serious offenses?

12 A No.

13 Q Okay. Um, that's all I have. Thanks.

14 THE COURT: Mr. Fremgen?

15 ATTORNEY FREMGEN: I have nothing.

16 THE COURT: Thank you. You may step down.

17 (Wherein juror is escorted out.)

18 THE COURT: Motions, if any? Understanding
19 this is one of the -- the extras.

20 ATTORNEY FALLON: Right. There seems to be
21 a fair amount of forgetfulness. Um, it -- it's the
22 same concern I have with respect to Mr. Covington.
23 I mean, they say, no, in their questionnaires, with
24 the exception of the one identified. They say, no,
25 to the Court, and then when confronted with, um,

1 information that other family members, or they,
2 themselves, have been arrested, it's, like, oh,
3 well, yeah. Um, so, I mean, to be fair and
4 consistent I'm going to move to strike for cause.

5 I think there's reason to doubt some of
6 the answers based on -- I don't see how you
7 forget that stuff. It's just -- I -- I don't see
8 how Mr. Covington can forget doing five days in
9 jail, and I don't see how this gentleman can
10 forget his wife was arrested, had to pay twelve
11 hundred bucks. Which, from based on what this
12 guy does for a living, that's -- that's a -- a
13 tidy bit of coin. So I think it's a question
14 for -- strike for cause.

15 THE COURT: He said twenty-eight hundred
16 dollars.

17 ATTORNEY FALLON: Twenty-eight hundred.

18 THE COURT: Mr. Fremgen?

19 ATTORNEY FREMGEN: Well, I mean, if that's
20 the whole issue, that he forget about the wife he's
21 separated from, I -- and, again, I don't know --

22 ATTORNEY FALLON: It -- it --

23 ATTORNEY FREMGEN: -- Jurors --

24 ATTORNEY FALLON: I'm sorry. I cut you
25 off.

1 ATTORNEY FREMGEN: That's okay. But --

2 THE COURT: Yeah. Uh, in Mr. Covington's
3 case, I -- I found the -- the explanation somewhat
4 more plausible. In this particular instance, I -- I
5 find it hard to believe that, uh, he could -- this
6 gentleman, and maybe I'm underestimating him, but
7 that he could forget that someone who had been
8 convicted, served some jail time, and paid a fairly
9 significant fine.

10 Uh, I -- I'm going to grant the motion
11 on this one for cause. Next person.

12 JUDICIAL ASSISTANT: This is Juror 174,
13 Diane Blythe.

14 THE COURT: Good afternoon, Ms. Blythe.

15 JUROR BLYTHE: Hi.

16 THE COURT: You can toss that down on
17 that other table if you wish.

18 **VOIR DIRE EXAMINATION**

19 BY THE COURT:

20 Q This is the individual voir dire of which I
21 talked about earlier today. I'm going to ask you
22 a few questions. Counsel may or may not have
23 follow-up questions of you.

24 Uh, this case, the State vs. Brendan
25 Dassey, has received a lot of publicity. Have

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you heard anything about the case?

A Yes.

Q From what source did you get that information?

A Um, newspapers, and the radio, and TV.

Q Based on the information, have you formed any opinions about the guilt or innocence of

Mr. Dassey?

A Um, well, not really. No.

Q The answer is no?

A No.

Q Okay. Have you discussed the case with others?

A Yes.

Q Uh, substantial discussions or simply in passing?

A Just in passing.

Q Based on any of the discussions that you may have had, did that give rise to any opinions as to this defendant's guilt or innocence?

A No.

Q You had a family member or a friend who was killed accidentally or otherwise?

A No.

Q Uh, have you, a family member, or a close friend, ever killed anyone accidentally or otherwise?

A No.

Q If you were called to serve as a juror in this

1 case, could you disregard anything that you had
2 read or heard in the media, or any other source,
3 and base your decision solely on the evidence
4 that comes before the Court?

5 A Yes.

6 Q Have you, or any close friend, or relative, ever
7 been the victim of or a witness to any kind of
8 crime, whether it was reported to law enforcement
9 or not?

10 A No.

11 Q Ever have a -- a friend or anyone in your family
12 that, uh, was the victim of a -- a sexual
13 assault?

14 A No.

15 Q Uh, have you, a close friend, or a family member,
16 ever been arrested?

17 A No.

18 Q Anybody charged with a crime?

19 A No.

20 Q I see in your questionnaire that your husband is
21 employed at the Department of Justice; is that
22 correct?

23 A Yes.

24 Q Uh, would that -- would the fact that he was
25 employed at the Department of Justice move you in

1 one way or another in considering this case?

2 A No.

3 Q Uh, Mr. Fallon, who's seated at counsel table
4 over there, is also employed at the counsel --
5 uh, or is also employed by the Department of
6 Justice. You understand that?

7 A Yes.

8 Q Do you know him?

9 A No.

10 Q Have you ever heard your husband talk about him?

11 A No.

12 Q The fact that both your husband and Mr. Fallon
13 are employed -- I think your husband's a lawyer
14 as well?

15 A Correct.

16 Q As attorneys at the Department of Justice, uh,
17 does that give you any feeling that you might
18 favor the side that the DOJ person is on?

19 A No.

20 Q If you were selected as a juror, you will be
21 instructed that Brendan Dassey is presumed
22 innocent and that he cannot be found guilty of
23 any offense, unless and until the State has
24 proven each element of each offense beyond a
25 reasonable doubt. Could you follow that

1 instruction?

2 A Yes.

3 Q If you were selected as a juror in this case, you
4 would also be instructed that Mr. Dassey has a
5 constitutional right not to testify, and that if
6 he decides to testify, uh, that cannot be held
7 against him. Rather, the decision that you make
8 would have to be based solely on the evidence
9 introduced at trial. Could you follow that
10 instruction?

11 A Yes.

12 Q You noted, I think, also, in your questionnaire
13 that the -- at least as you understood it, the
14 events of -- of the allegations in here may be
15 difficult for you to either contemplate or view;
16 is that correct?

17 A Yes.

18 Q Do you think as -- as part of the jury, you could
19 get through that?

20 A Yes.

21 Q All right.

22 THE COURT: Mr. Fallon?

23 ATTORNEY FALLON: Yes.

24 **VOIR DIRE EXAMINATION**

25 BY ATTORNEY FALLON:

1 Q Just so that we're clear, um, Ms. Blythe, your
2 husband works in what particular unit for the
3 Department of Justice?

4 A Um, I think he works in the SPAR Unit.

5 Q All right. State Programs -- And that's an
6 acronym for, uh, State Programs, Agencies and
7 Revenue; correct?

8 A Um, I don't know.

9 Q Okay. Fair enough. Um, he does not practice any
10 criminal law; correct?

11 A Correct.

12 Q That's all I have.

13 THE COURT: Mr. Fremgen, anything?

14 **VOIR DIRE EXAMINATION**

15 BY ATTORNEY FREMGEN:

16 Q Uh, how long has your husband been at the
17 Department of Justice?

18 A You know, I thought you were going to ask me that
19 question. I think about two years.

20 Q Okay. Have you ever discussed with your husband
21 this case at all?

22 A Well, yes.

23 Q Okay. Since your summons, you discussed it,
24 obviously --

25 A No.

1 Q Oh.

2 A No. Um, um -- Well, I knew that I -- I mean, I got a
3 summons to appear. Then I read in the newspaper that
4 realized at that point that I would -- could be a
5 potential juror for this case, and so I just said at
6 that point the -- the case that I could be on would
7 be the -- this case. That's all.

8 Q Okay. In -- in the past when you've discussed --
9 or did you -- well --

10 A But once I got the questionnaire, then I did
11 not --

12 Q Okay.

13 A -- discuss it.

14 Q But prior to that?

15 A Right. Just when I knew -- realized from the
16 newspaper, when they reported that this was going to
17 be -- the jurors were going to be picked on April 12,
18 then I realized that was when I was coming in.

19 Q Uh, prior to today, prior to the Judge asking
20 questions, did you know that, uh, another
21 attorney from the same Department was involved in
22 the prosecution of this case?

23 A Well -- Yes, I did.

24 Q From talking to your husband?

25 A Yes. Because he said -- he said the likelihood of

1 you being picked is not very high because I work for
2 the Department of Justice.

3 Q The Judge had asked you if you felt because of
4 that, uh, employment and the relationship, I
5 suppose, that you would feel more inclined to
6 side with the State. Let me ask it this way:
7 Would you feel -- If you were not to find
8 Mr. Dassey guilty, would you find it to be
9 awkward to talk to your husband about it?

10 A No.

11 Q Do you think there would be any awkward feelings
12 at all?

13 A No.

14 Q I have nothing else.

15 ATTORNEY FALLON: One -- one followup, I'm
16 afraid.

17 VOIR DIRE EXAMINATION

18 BY ATTORNEY FALLON:

19 Q What -- what type of law did your husband
20 practice before he came to the Department of
21 Justice?

22 A Um, well, he was in private practice at Lawton and
23 Cates, and he worked with, um, like Oscar Mayer
24 Union, um, that -- that kind of work.

25 Q Business, corporate, labor?

1 A Labor. Yes.

2 Q That's all I have.

3 THE COURT: Thank you. You may step down.

4 (Wherein juror is escorted out.)

5 THE COURT: Any motions?

6 ATTORNEY FREMGEN: No.

7 ATTORNEY FALLON: No.

8 THE COURT: All right. Next juror.

9 JUDICIAL ASSISTANT: Juror 187, Kathleen
10 Pieroni.

11 THE COURT: Good afternoon, Ms. Pieroni.

12 JUROR PIERONI: Good afternoon.

13 **VOIR DIRE EXAMINATION**

14 BY THE COURT:

15 Q This is individual voir dire. I'm going to be
16 asking you a few questions. Counsel may have
17 some follow-up questions.

18 A Okay.

19 Q Uh, this case, State vs. Brendan Dassey, has
20 received a lot of publicity. Have you heard
21 anything about this case?

22 A No, I haven't.

23 Q So this -- your involvement in this process is
24 the first time that you've heard anything --

25 A Right.

1 Q -- about it?

2 A Right.

3 Q Have you formed any opinions relating to the --

4 the guilt or innocence of Mr. Dassey?

5 A No, I have not.

6 Q Have you had family members or -- or -- or a

7 friend who was killed accidentally or otherwise?

8 A No.

9 Q Uh, have you, a family member, or a close friend,

10 ever killed anyone accidentally or otherwise?

11 A No.

12 Q Have you, or has any close friend, or relative,

13 ever been the victim of or witness to any kind of

14 crime, whether it was reported to law enforcement

15 or not?

16 A No.

17 Q Uh, have you, or a close friend, or relative,

18 been the victim of a sexual assault?

19 A No.

20 Q Have you, a close friend, or family member, ever

21 been arrested?

22 A No.

23 Q Anybody charged with a crime?

24 A No.

25 Q If selected as a juror in this case, you will be

1 instructed that Mr. Dassey is presumed innocent
2 and that he cannot be found guilty of any
3 offense, unless and until the State has proven
4 each element of each offense beyond a reasonable
5 doubt. Could you follow that instruction?

6 A Yes, I could.

7 Q Likewise, there will be an instruction that will
8 tell you that Mr. Dassey has a constitutional
9 right not to testify in this case, and that if he
10 decides not to testify, you cannot hold that
11 against him. Instead, you must base your
12 decision solely on the evidence introduced at
13 trial. Can you follow that instruction?

14 A Yes, I can.

15 THE COURT: Mr. Fallon, any questions?

16 ATTORNEY FALLON: Um, just one.

17 **VOIR DIRE EXAMINATION**

18 BY ATTORNEY FALLON:

19 Q I see from the questionnaire your, uh, son-in-law
20 is a public defender in Brainerd, Minnesota?

21 A Yes, he is.

22 Q All right. Do you talk shop with him at all?

23 A No, I don't.

24 Q All right. Um, ever kick around any cases that
25 he may work on?

1 A No, not really. Um, I usually go up there just for
2 the grandkids. I don't care what he's doing.

3 Q God bless you. That sounds very familiar to
4 somebody I know. That's all I have. Thank you.

5 A Okay.

6 THE COURT: Mr. Fremgen, anything?

7 ATTORNEY FREMGEN: No, Judge.

8 THE COURT: Thanks.

9 JUROR PIERONI: Okay.

10 THE COURT: You may step down.

11 (Wherein juror is escorted out.)

12 THE COURT: Any motions?

13 ATTORNEY FALLON: No.

14 ATTORNEY FREMGEN: No.

15 THE COURT: All right. We'll do the next
16 one.

17 JUDICIAL ASSISTANT: Juror 200, Paul
18 Steichen.

19 THE COURT: Hi, Mr. Steichen. You can put
20 your jacket down on the -- the desk or any place
21 you -- you please.

22 JUROR STEICHEN: Thanks.

23 **VOIR DIRE EXAMINATION**

24 BY THE COURT:

25 Q This is the individual voir dire of which I spoke

1 earlier today. I'm going to ask you a few
2 questions. Counsel may have some follow-up
3 questions for you.

4 Uh, the first of those questions is
5 this: This is -- this case, the State vs.
6 Brendan Dassey, has received a substantial amount
7 of publicity. Uh, have you heard anything about
8 this case?

9 A Just -- Nothing recently. I haven't followed it or
10 anything, specifically.

11 Q Could I ask you to -- to take that mike and push
12 it just a little clos --

13 A Oh.

14 Q -- closer to you? Um, it sounds as though at one
15 point or another you did hear something about it?

16 A Right. Yes.

17 Q What was the source of what you heard?
18 Newspaper? TV?

19 A Uh, newspaper. Or, I mean, TV and a little bit of
20 newspaper.

21 Q Based on what you heard, have you formed any
22 opinions about the guilt or innocence of
23 Mr. Dassey?

24 A No.

25 Q Have you discussed this case with other people?

1 A No.

2 Q Have you had family -- a family member or a
3 friend who was killed accidentally or otherwise?

4 A No.

5 Q Uh, have you, a family member, or close friend,
6 ever killed anyone accidentally or otherwise?

7 A No.

8 Q If you were called upon to serve as a juror in
9 this case, could you disregard anything you may
10 have read or heard in the media, or from any
11 source, and decide this case based solely on the
12 evidence produced in court?

13 A I could.

14 Q Have you, or any close friend, or relative, ever
15 been the victim of or witness to any kind of
16 crime, whether it was reported to law enforcement
17 authorities or not?

18 A Uh, I've had a friend who's been a victim.

19 Q What sort of crime was he a victim of?

20 A Um, it was assault. A stabbing.

21 Q Uh, according to your questionnaire you don't
22 think anyone was -- was caught or charged; is
23 that correct?

24 A Uh, not that I'm aware of.

25 Q Were you satisfied, uh, in the manner in which

1 the police handled it?

2 A Um, it -- it happened to him in the, uh, Virgin
3 Islands.

4 Q Oh. Okay.

5 A So it wasn't --

6 Q We're not talking about, uh, authorities here in
7 the United --

8 A Oh.

9 Q -- States?

10 A No, not here.

11 Q Okay. Any -- anyone else that you can -- can
12 think of? Friend that's been, um, victimized?

13 A No, not that I can think of.

14 Q Uh, have any close friends or relatives of yours
15 ever been the victims of sexual assaults?

16 A No.

17 Q Have you, a close friend, or family member, ever
18 been arrested?

19 A No.

20 Q If you were selected as a juror in this case, you
21 would be instructed that -- that Brendan Dassey
22 is presumed innocent and that he cannot be found
23 guilty of any offense, unless and until the State
24 has proven each element of each offense beyond a
25 reasonable doubt. Could you follow that

1 instruction?

2 A Yes.

3 Q If you were selected as a juror in this case, you
4 would also be instructed that Mr. Dassey has a
5 constitutional right not to testify, and that if
6 he decides not to testify, you cannot hold that
7 against him. Rather, you must base your decision
8 solely on the evidence introduced at trial. Can
9 you follow that instruction as well?

10 A I could.

11 THE COURT: Mr. Fallon, any questions?

12 ATTORNEY FALLON: No.

13 THE COURT: Mr. Fremgen?

14 ATTORNEY FREMGEN: No, Judge.

15 THE COURT: Thank you. You may step down.

16 JUROR STEICHEN: Thanks.

17 (Wherein juror is escorted out.)

18 THE COURT: That, uh, is the 34th, at least
19 by my count, person to be seated. Um -- I'm sorry.
20 Was there a motion on this one? I'm assuming
21 there -- uh --

22 ATTORNEY FALLON: No.

23 THE COURT: -- we've not heard one --

24 ATTORNEY FREMGEN: No.

25 THE COURT: -- that there's no

1 objection. Um, based on our last discussion, I'm
2 going to excuse all but five of the, uh -- five
3 of the panel members or the pool members. We'll
4 keep five in reserve next to the four. Uh, it's
5 an excessive caution, but given the track record
6 in the last case, uh, I'd rather be excessive on
7 the cautionary side than not. Uh, does anyone
8 object to that procedure?

9 ATTORNEY FALLON: Um, no, Judge.

10 ATTORNEY FREMGEN: No, Judge.

11 THE COURT: We then will take a break
12 and -- uh, okay. We'll take a break. You're going
13 to have to set up in the other -- in the other
14 courtroom. Let's take, uh, about, uh -- Go ahead.

15 BAILIFF: What -- what is the procedure
16 we're going to do? Because I -- he had some
17 questions. I think we have some questions about
18 how we're going to move him with people in the
19 courtroom and stuff like that.

20 THE COURT: Okay. What -- what we're going
21 to do is -- is as follows: We will excuse all
22 juror -- or all pool members who are out there now
23 except five, who are sort of backups to the extra
24 four that we've chosen. We have 34 seated. Okay?

25 ATTORNEY FALLON: The next five we're going

1 to keep and then everyone else can be excused.

2 THE COURT: You understand that; right?

3 BAILIFF: I understand.

4 THE COURT: Okay.

5 BAILIFF: So we'll have nine all
6 together in reserve.

7 JUDICIAL ASSISTANT: Nine extra.

8 THE COURT: Nine extra. Uh, yeah. And,
9 uh, the -- the other folks are excused. They should
10 call in just --

11 JUDICIAL ASSISTANT: We'll give them a
12 sheet.

13 THE COURT: Okay. Okay. Okay.

14 JUDICIAL ASSISTANT: Want me to do that
15 now?

16 THE COURT: Sure. Do it now. Uh, we'll
17 take about, uh, five or ten minutes here so -- one
18 second -- so, um, Jenny can set up in the other
19 courtroom. Question?

20 BAILIFF: So they'll call in tomorrow to
21 make sure that we don't need them? Is that what
22 you're saying?

23 THE COURT: I will -- that's -- that's a
24 good question.

25 BAILIFF: Right.

1 THE COURT: And I think that's fair.

2 BAILIFF: Okay. And then the next
3 question is, the jurors that are up there, and
4 the extra jurors, are we going to kick them all
5 out of the courtroom and then move Mr. Dassey
6 over, or are we going to wait until you all go
7 over together at one time when we're done with
8 the break so --

9 THE COURT: We --

10 BAILIFF: I don't know how you guys
11 are --

12 THE COURT: Yeah.

13 BAILIFF: -- try to run things so -- so
14 things aren't --

15 ATTORNEY FALLON: I -- I -- I would --
16 I -- I would recommend excusing them for ten
17 minutes, tell them to go out and stretch their
18 legs. We may go another two hours. And, um -- I
19 mean, if you want to get done tonight, but -- and
20 do strikes tonight, it's -- its not --

21 THE COURT: All right. That's --
22 that's -- that's a fair suggestion.

23 ATTORNEY FALLON: And then you guys can
24 set up a room --

25 THE COURT: Let's go off the record.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Discussion off the record.)

(Recess taken at 4:21 p.m. to move to
the other courtroom.)

(Reconvened at 4:38 p.m.)

THE COURT: Let's go back on the record.
Uh, ladies and gentlemen, I told you at the outset
of this proceeding that after we completed
individual voir dire we would do something called
general voir dire.

Uh, it has taken a substantial amount of
time today to complete the individual voir dire.
The general voir dire, which I expect will
certainly not last as long, will, however,
probably take some time.

Accordingly, counsel, uh, have, uh,
requested, and I've granted the request, that we
adjourn for the day, and that we take this up
again tomorrow at 8:30.

Um, I'm going to remind you of the
admonishment not to speak to anyone about any
aspect of this case, not to look at any news
report, listen to any news report. Uh, you are,
as part of this jury panel, ordered not to do
that.

Uh, Mr. Kratz, this is the -- anything

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

further to add?

ATTORNEY KRATZ: No, Judge. I think that -- that states it correctly.

THE COURT: Mr. Fremgen?

ATTORNEY FREMGEN: No, Judge. Thank you.

THE COURT: So tomorrow we will see you here at 8:30, and by "you" I mean the 30 people that are in the box, the additional four people, and we have an additional five beyond that; correct?

ATTORNEY KRATZ: Thirty-nine. Yes, Judge.

THE COURT: Thirty-nine. All right. We're adjourned.

(Court stands adjourned at 4:42 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF WISCONSIN)
) SS.
COUNTY OF MANITOWOC)

I, Jennifer K. Hau, Official Court Reporter for Circuit Court Branch 3 and the State of Wisconsin, do hereby certify that I reported the foregoing matter and that the foregoing transcript has been carefully prepared by me with my computerized stenographic notes as taken by me in machine shorthand, and by computer-assisted transcription thereafter transcribed, and that it is a true and correct transcript of the proceedings had in said matter to the best of my knowledge and ability.

Dated this 11th day of December, 2007.

Jennifer K. Hau
Jennifer K. Hau, RPR
Official Court Reporter