

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

BRENDAN DASSEY, Petitioner, v. MICHAEL A. DITTMANN, Warden, Columbia Correctional Institution, Respondent.))))))))))	 No. 14-CV-1310 The Honorable Magistrate Judge William E. Duffin, Presiding
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RESPONSE TO STATE’S MOTION TO SUPPLEMENT THE RECORD

Petitioner Brendan Dassey, by his undersigned attorneys, respectfully submits the following Response to the State’s Motion to Supplement the Record.

1. The Respondent has requested to supplement the record on appeal with five items that it previously failed to include in the record. (Doc. 32.) Those items include the transcript of Brendan’s February 27, 2006 interview at the Two Rivers Police Department (Doc. 32, Resp. Ex. 1); the audio recording of Dassey’s February 27, 2006 interview at Mishicot High School (Doc. 32, Resp. Ex. 2); the video recording of Dassey’s February 27, 2006 interview at the Two Rivers Police Department (Doc. 32, Resp. Ex. 3); the audio recording of Dassey’s squad car ride from Mishicot High School to the Manitowoc Police Department on March 1, 2006 (Doc. 32, Resp. Ex. 4); and a handwritten statement by Kayla Avery dated March 7, 2006 (Doc. 32, Resp. Ex. 5).
2. The appropriate time for the Respondent to add these items to the record was before this Court’s adjudication of the habeas petition. Petitioner is sensitive to the care with which

the Court reviewed the record presented to it. Nonetheless, Petitioner does not object to the Respondent's requests as to Exhibits 1-4, as these items add very little of substance to the record that was already before the Court.

3. Petitioner does object to the Respondent's request to add the handwritten statement of Kayla Avery into the record on appeal. Kayla, who is Brendan's cousin and was then fourteen years old, gave police a statement on March 7, 2006 – *after* Brendan's March 1, 2006 confession was widely publicized in a televised press conference held by the lead prosecutor on March 2, 2006. Moreover, Kayla repudiated her March 7 statement at Brendan's trial. But in any event, her statement is absolutely unrelated to Brendan's police interrogations and thus has no relevance to the legal issues raised before the Court or likely to be raised on appeal.

Respectfully submitted this 10th day of October, 2016.

s/Laura H. Nirider

Counsel for Petitioner Brendan Dassey

LAURA H. NIRIDER, Esq.
Bluhm Legal Clinic (IL Bar No. 15245)
Northwestern University School of Law
375 East Chicago Avenue, 8th Floor
Chicago, IL 60611
Telephone: 312-503-2204
Facsimile: 312-503-8977
E-mail: l-nirider@law.northwestern.edu

ROBERT J. DVORAK, Esq.
WI Bar No. 1017212
Halling & Cayo, S.C.
320 E. Buffalo St., Suite 700
Milwaukee, WI 53202
Telephone: 414-271-3400
Facsimile: 414-271-3841
E-mail: rjd@hallingcayo.com