

CALUMET COUNTY SHERIFF'S DEPARTMENT

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File Number

Complaint No.
05-0157-955

TYPE OF ACTIVITY: Receipt of Confidential Report of Laboratory Findings from
the WI State Crime Lab

DATE OF ACTIVITY: 05/11/06

JUN 05 2006

REPORTING OFFICER: Inv. Mark Wiegert

Calumet County
District Attorney

On 05/11/06, I (Inv. WIEGERT of the CALUMET COUNTY SHERIFF'S DEPARTMENT) received a report from the WI STATE CRIME LAB. The results of the test indicate the bullet in Item FL was fired from the Marlin rifle in Item DD. The bullet in Item FK exhibits the same physical class characteristics as the rifle in Item DD and could have been fired from that gun or any other with the same class characteristics.

It should be noted the WI STATE CRIME LAB had received this evidence on 11/21/05.

Item FL would be one sealed paper bag containing a 0.22 inch caliber bullet exhibiting 11 remaining of 16 original land/groove impressions with a right hand twist.

Item FK would be one sealed paper bag containing a 0.22 inch caliber bullet exhibiting 8 remaining of 16 original land/groove impressions with a right hand twist.

Item DD would be one sealed box containing a .22 LR Marlin Glenfield 60 rifle, serial #27323959, manufactured with 16 lands and grooves with right hand twist.

A copy of the lab report will be included with this report.

Investigation continues.

Inv. Mark Wiegert
Calumet Co. Sheriff's Dept.
MW/bdg

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Complaint No.
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TYPE OF ACTIVITY: Interview of Brendan Dassey
Sheboygan County Sheriff's Dept.

DATE OF ACTIVITY: 05/13/06

REPORTING OFFICER: Inv. Mark Wiegert

It should be noted on 05/12/06 Agent FASSBENDER and I (Inv. MARK WIEGERT of the CALUMET COUNTY SHERIFF's DEPT.) had received an email from Attorney LEN KACHINSKY who would represent BRENDAN DASSEY. The following is verbatim of the email:

➤ *Tom, this confirms that you and Inv. Wiegert may reinterview Brendan Dassey tomorrow at the Sheboygan County Juvenile Detention Center regarding the offenses he is charged with in Manitowoc County Case No. 06 CF 88 and related matters. No consideration is being offered by the state for this additional information at this time. Brendan has personally authorized this interview in a discussion with me. The interview may occur without my personal presence as I have some military duties to attend to on May 13, 2006. As I understand it, the interview will be videotaped at another facility. Mike O'Kelly would be available to brief you prior to your interview. He is authorized to provide you copies of his work product if you believe it would assist you in the interview. The interview may occur without his physical presence if you and Inv. Wiegert believe it would be better that way as long as it is videotaped. Please discuss with Mike on how you would like to proceed on this.*

I understand that this interview will eventually be disclosed to Steve Avery's attorneys. I would request that I be notified prior to that occurring and that it not occur until after I have an in-depth discussion with Brendan sometime early next week. Needless to say, this development will not be disclosed to anyone, particularly Avery's relatives by either O'Kelly or me. I have also requested that Brendan also not disclose it as well. If you have any questions or concerns about the above, please let me know at the mobile number below or by email.

This is signed by LEN KACHINSKY.

On 05/13/06, Agent FASSBENDER and I did go to the SHEBOYGAN COUNTY JUVENILE DETENTION CENTER. At approximately 8:46 a.m., the jail staff at Sheboygan County did present BRENDAN DASSEY into an interview room in the investigator's portion of the sheriff's dept. BRENDAN was then asked if in fact, he wished to meet with us, which BRENDAN indicated he did. We did go over with BRENDAN that his attorney had notified us that he wished to meet with us, he meaning BRENDAN wished to meet with us, and that his attorney okayed it. BRENDAN agreed with that statement. At that time Agent FASSBENDER did read

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BRENDAN: mm huh.

FASSBENDER: We just have to get some things on the record, um and you need to tell me if they're true. I was told by your attorney, Mr. Len Kachinsky, that you wanted to talk to us, is that true?

BRENDAN: (nods "yes")

FASSBENDER: You need to talk cuz it's being recorded, if you could please.

BRENDAN: Yeah

FAASSBENDER: OK, ah, I was also told that Mr. Kachinsky spoke to you about this, is that true?

BRENDAN: Yeah.

FASSBENDER: OK, ah, Mr. Kachin-Kachinsky also told us that ah no promises were made to you on behalf of the state. Is that true?

BRENDAN: Yeah.

FASSBENDER: OK, ah because obviously you're in custody, we're gonna to go through that Miranda Warning again. You remember that?

BRENDAN: Yeah.

FASSBENDER: OK, I've got a form here I'm gonna use and I'm gonna go through that, if you have any questions, ask me, OK?

BRENDAN: Yeah (nods "yes").

FASSBENDER: You have the right to remain silent, anything you say can and will be used against you in a court of law. You have the right to consult with a lawyer before questioning, and to have your lawyer present with you during questioning. If you cannot afford to hire a lawyer, one will be appointed to represent you a public expense before or during questioning if you so wish. If you decide to answer questions now without a lawyer present, you have the right to stop the questioning and to remain silent at anytime you wish, and the right to ask for and have a lawyer present at anytime you wish including during questioning. Would you like to read those over?

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FASSBENDER: Yeah. OK, I just want to remind you that again this is being recorded and audio recorded and I need you to speak up rather than nod if you can.

BRENDAN: OK.

FASSBENDER: OK, and we urge ya ta, you know, talk to us and tell us, you know, your version again, and what we, correct me if I'm wrong, what we told that is you wanted to speak with us, ah just to, you know, talk about some clarification of earlier statements. Um some areas where it may have been a little cloudy. Now Mark and I both know probably some of those areas. Ah, we've, we've had obviously an opportunity to look at the evidence and we're familiar with the evidence in the case. And even your last statement, there's some areas that we, we know ah that you may want to address, and you're probably gonna do that because they don't, they don't seem ta necessarily add up. Do you understand that?

BRENDAN: mm huh.

FASSBENDER: OK, because that's why we're here. Again, ah, I'd like to offer you the opportunity now to tell us about some of those things, and, and clarify some of those areas for us. We may follow-up with some questions 'um, but again, we prefer you to just, you know, you know those areas and you know the places where you need to ah finish or clarify so again speak up for us because it is being recorded and, and go ahead and tell us what, what it was you wanted to tell us.

BRENDAN: Starting with that day?

FASSBENDER: Certainly. Well, if there's something that's important prior to that day, that's fine too. But as it relates to that event.

BRENDAN: Well I came home off the bus and then walked home into the house and I played Playstation 2 until 5:00 o'clock, called, called my friend and watched TV and then at 6:00 o'clock I got a phone call from Blaine's boss and I told him that Blaine was going trick or treating and at 7:00 o'clock I got a phone call from Steven to see if I wanted to come over to the bonfire. I had told him I would and then while I was getting' ready, he called again and seein' when I was, what was taking me so long and so I went over there. He went to go pick up some stuff around the yard then after that we, he asked me to come in the house cuz he wanted to show me somethin'. And he showed me that she was laying on the bed ta her hands were ro-roped up to the bed and that her legs were cuffed. And then he told me ta have sex with her and so I did because I thought I was not gonna get away from 'em cuz he was too strong, so I did what he said and then after that, he untied her and uncuffed her and then he brought her outside and before he went outside, he told me to grab her clothes and her shoes. So we went into the garage and before she went out, when before he took her outside, he ti, had tied up her hands and feet

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BRENDAN: I go in my room and play Playstation 2.

WIEGERT: And where does Blaine go?

BRENDAN: Goes ta the phone.

WIEGERT: OK. Is anybody else home at that time?

BRENDAN: No.

WIEGERT: Bobbie or anybody like that?

BRENDAN: No, Bobbie was, he was gone bow hunting.

WIEGERT: OK. What about Bryan?

BRENDAN: (shakes head "no") He was working.

WIEGERT: OK. In previous statements you had told us that you had left on your bike to go get the mail. Was that true?

BRENDAN: Uh huh. (shakes head "no")

WIEGERT: That was a lie?

BRENDAN: (nods "yes")

WIEGERT: Did you hear any screaming or anything like you had told us previously?

BRENDAN: (shakes head "no") No.

WIEGERT: OK. So you get home at 3:45 and you play Playstation and you play Playstation until what time?

BRENDAN: 5:00 o'clock.

WIEGERT: And then what happens at 5:00 o'clock?

BRENDAN: Mom gets home so, I talk to her for a little bit, then she left with Scott.

WIEGERT: OK, and whose home at this time then?

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FASSBENDER: On what phone, home phone?

BRENDAN: mm huh.

FASSBENDER: And? Continue again.

BRENDAN: Then he asked me if I wanted ta come over ta bonfire and I said yeah and then while I was getting' ready, the phone rang again and it was Steven and he asked me if a, if I was gettin' ready.

WIEGERT: OK. So what happens next?

BRENDAN: Then I go over there and we started to pick up the yard with the golf cart.

WIEGERT: So you go over there do, you go in the house at that time?

BRENDAN: No. (shakes head "no")

WIEGERT: Where do you go?

BRENDAN: I go right back by the bonfire.

FASSBENDER: Is that where Steven is?

BRENDAN: mm huh.

FASSBENDER: And he, when did you to decide to go get the golf cart?

BRENDAN: Well he had it over there already.

FASSBENDER: Oh, did you hear anything outside at that point?

BRENDAN: No.

FASSBENDER: Did he tell you anything at that point? Of what he had done already.

BRENDAN: No. (shakes head "no")

WIEGERT: You've gotta be honest with us here Brendan, OK? This is your opportunity to be honest with us. OK?

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BRENDAN: Then he brings me in the house and

FASSBENDER: What door do you go in?

BRENDAN: The one with the cemented stairs.

FASSBENDER: That would be the side door by the garage?

BRENDAN: Yeah.

FASSBENDER: OK, so be, the reason I ask that question i-is as much detail as you can provide, do so, OK?

BRENDAN: (nods "yes")

FASSBENDER: Go ahead, continue.

BRENDAN: Then we go into the house and he shows me that she's laying on the bed.

WIEGERT: So when you into the house, I'm just gonna stop for a second, you go into the house, you right into the bedroom?

BRENDAN: Well you turn left.

WIEGERT: OK, and then you went into the bedroom? OK.

BRENDAN: Yeah.

WIEGERT: And she was, no go ahead, finish what you were saying, I'm sorry.

BRENDAN: And then she was laying on the bed and he told me to have sex with her.

WIEGERT: OK. Stop there for a second. You said she's laying on the bed. Is she saying anything?

BRENDAN: Ta not listen to Steven.

WIEGERT: OK, so there's nothing covering her mouth?

BRENDAN: (shakes head "no")

WIEGERT: And she's saying to you, don't listen to Steven.

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FASSBENDER: How thick?

FASSBENDER: Do you recall, or do you think it was a yellow rope?

BRENDAN: mm huh.

FASSBENDER: Describe me the cuffs for us.

BRENDAN: Silver and they were leg cuffs.

FASSBENDER: You're saying they were leg irons? They were designed for her legs?

WIEGERT: Whose were, whose were those?

BRENDAN: Steven's, I guess.

FASSBENDER: Just ah, just silver, anything else?

BRENDAN: mm uh. (shakes head "no")

FASSBENDER: Describe again, I know this is hard and we asked you yah the last time, describe her body for us, including the, her private areas.

WIEGERT: Let's start with her hair. What color hair did she have?

BRENDAN: Brown.

WIEGERT: How long?

BRENDAN: 'bout down to her neck.

FASSBENDER: Any, um, scars, marks, tattoos?

BRENDAN: No. (shakes head "no")

FASSBENDER: that you recall?

FASSBENDER: Does she have acne, pimples, stuff like that?

BRENDAN: No. (shakes head "no")

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BRENDAN: No. (shakes head "no")

FASSBENDER: And we asked you this before, what does sex mean to you?

WIEGERT: Brendan, what does sex mean to you?

BRENDAN: When a guy and girl.

WIEGERT: Do you know what the body parts are called?

BRENDAN: Yeah.

WIEGERT: OK. Well explain that to us. Whadda, whadda you do when you have sex?

BRENDAN: The guy sticks his penis into the girl's vagina.

FASSBENDER: OK. Is that what you did?

BRENDAN: Yeah.

FASSBENDER: And were you on top of her?

BRENDAN: Yeah.

FASSBENDER: So she was underneath you?

FASSBENDER: Where were your hands when you were doing this?

BRENDAN: On the sides of her.

FASSBENDER: OK.

WIEGERT: Could she say to you while you were having sex with her?

BRENDAN: Ta stop what I was doing.

WIEGERT: Do you know what it means to ejaculate?

BRENDAN: Yeah.

WIEGERT: Did ya do that?

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BRENDAN: That he said that he was gonna take her out ta the garage and stab her and shoot her.

WIEGERT: He actually says that to her or does he say that to you or who's he saying that to?

BRENDAN: Ta both of us.

WIEGERT: And what is she saying when he tells her that?

BRENDAN: Ta not do that.

FASSBENDER: Does he have a weapon at this time when he's untying her and tying her back up?

BRENDAN: Well, when he was done roping her her roped her, he grabbed the gun and then he grabbed her.

WIEGERT: How'd he get her out to the garage?

BRENDAN: Through the door.

WIEGERT: No, I mean carrying her or her put her on something or what?

BRENDAN: Carrying her.

WIEGERT: Well, how did he carry her? What kind of, show me how, how's he carrying her?

BRENDAN: Like this.

WIEGERT: Did you help carry her?

BRENDAN: No.

WIEGERT: You told us last time you did. You told us last time you helped carry her out of the bedroom. Remember that?

BRENDAN: Yeah.

WIEGERT: OK, what's the truth?

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FASSBENDER: Where's her underwear?

BRENDAN: I don't know.

FASSBENDER: You didn't see a bra or panties, underw underpants?

BRENDAN: No. (shakes head "no")

FASSBENDER: How did he tie her? What configuration? You know what I mean?

BRENDAN: Mm uh. (shakes head "no")

FASSBENDER: Did he tie her hands in the front, back, arms, feet, tell me how he tied her up.

BRENDAN: In the front.

FASSBENDER: Tied her hands in the front. Did he tie her feet together?

BRENDAN: Mm hum. (nods "yes")

FASSBENDER: Did he tie anything else together?

BRENDAN: No. (shakes head "no")

FASSBENDER: You said that he took the ri..the rifle down? The gun?

BRENDAN: Yeah.

FASSBENDER: Did you carry the gun out in the garage?

BRENDAN: No. (shakes head "no")

FASSBENDER: So you want us to believe that he carried a body and a gun at the same time out into the garage.

BRENDAN: Yeah.

FASSBENDER: Ain't that nearly impossible to do unless you gave her the gun and then you carried the body?

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BRENDAN: Guessing.

FASSBENDER: OK. Wa, we're not here ta try and put words in your mouth or force you to say anything. OK? So it's all right if ya don't know or, or you guessing, say that word, well I'm guessing that's what it was or I believe it was blue, I'm not sure, you know, you know what I mean? Um, because its real important, and it is your words and your memory and, and that you tell us cuz this is potentially your last opportunity to do that. And I think Marks right, it's, it's the, we think, we feel your doin' it for the right reasons and it's because you feel it's the right thing to do. But Mark and I also, you know, will be talking to your attorney and we have ta tell your attorney, Len, that that we feel you that you did tell us the truth or did tell us everything, and that's important to.

WIEGERT: Because you know we have evidence about a lot of this stuff, right?
You're aware of that?

BRENDAN: Yeah.

WIEGERT: And the evidence will tell us if you're lying or not. OK? .

BRENDAN: Mm hum.

WIEGERT: Now where is her truck when you go into the garage?

BRENDAN: I didn't see it.

WIEGERT: Brendan at some point, she's in that truck. We know that. OK?
Bleeding. So you can't say you didn't see the truck or know where the truck was because she had ta be in that truck after she was bleeding. OK? That's just the way it is. And I'm not gonna sit here and let ya lie ta me. You need to be honest here. We just went through that.

FASSBENDER: Mark and I don't wanna leave because we feel you deserve this opportunity cuz you're the one that came forward initially with this information. But we're not gonna sit here and listen ta this. Now sometimes you tend, you seem to be honest about some part and then for some reason then you're not totally honest about other parts and its maybe cuz those other parts bother you a lot. And we understand that. And that it can be difficult ta talk about. But we came out here today, you know Saturday morning, because we wanted ta give you that, that chance cuz you said you wanted ta talk. We know you were involved in this. There's no question about that but we're just looking for the detail so we can you know so we match everything up with the evidence, and, and so we can believe what you say. Do you understand that?

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WIEGERT: What's that? Is she screaming?

BRENDAN: Yeah.

WIEGERT: Is she screaming and saying stop what you're doing? Is she swearing at you? Is she struggling or what? Tell us how that happened.

BRENDAN: Just that she was crying a lot.

WIEGERT: Are you holding her down?

BRENDAN: No.

WIEGERT: Who is?

BRENDAN: Steven is.

FASSBENDER: OK. Steven goes out and he puts her on the floor in the garage. Where does he get this knife that he stabs her with? Truthfully.

BRENDAN: Out in the garage.

FASSBENDER: So th-this knife is in the garage. And you remember the drawing you made of that knife?

BRENDAN: Mm hum.

FASSBENDER: Was that an accurate drawing or is it different? It's very important.

BRENDAN: It was somethin' like that.

FASSBENDER: What color was it?

BRENDAN: Black.

FASSBENDER: Black handle? Where's the gun at this time?

BRENDAN: In the garage.

FASSBENDER: He set it somewhere?

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WIEGERT: So how do you get the knife?

BRENDAN: He hands it to me.

WIEGERT: Is there blood on the knife?

BRENDAN: Yeah.

WIEGERT: You told us in another interview that you cut her throat. Did you cut her throat?

BRENDAN: No. (shakes head "no")

WIEGERT: Why did you tell us that? Brendan, why did you tell us that?

BRENDAN: Too nervous.

WIEGERT: OK. Are you nervous now?

BRENDAN: A little.

WIEGERT: Well, what's the truth? Tell me what the truth is.

BRENDAN: That I stabbed her in the stomach.

WIEGERT: OK.

FASSBENDER: Brendan, you know people get nervous when they, when they lie. OK. So you stabbed her in the stomach. Is she alive? You said Steven stabbed her first. Is she still alive when you stab her?

BRENDAN: She wasn't movin'.

FASSBENDER: Was she talking, were her eyes open anything like that?

BRENDAN: No. (shakes head "no")

FASSBENDER: Did you see her breathing?

BRENDAN: No.

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WIEGERT: And how many times?

BRENDAN: Once.

WIEGERT: Did you leave the knife in or did you pull the knife out or what?

BRENDAN: I pulled the knife out.

WIEGERT: OK.

WIEGERT: And then, what, what happened to the knife?

BRENDAN: I gave it back to him.

WIEGERT: And then what happened to the knife?

BRENDAN: He set it on the floor.

WIEGERT: Where is that knife now? Oh, you know. Just tell us where the knife is.

FASSBENDER: Honestly Brendan.

WIEGERT: What did you guys do with the knife?

FASSBENDER: It's important.

BRENDAN: We put it into the jeep.

WIEGERT: What jeep?

BRENDAN: Hers.

WIEGERT: OK. And then what?

BRENDAN: And then (pause) after that he took the gun and shot her five times.

WIEGERT: OK. And where did he shoot her? Where in the body?

BRENDAN: I don't know.

FASSBENDER: Why don't you know?

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WIEGERT: Where in the bedroom?

BRENDAN: In 'er on the wall.

FASSBENDER: Brendan, we don't, we don't want to make this more difficult on you than it already is. OK. So you need to tell us the truth. If the truth doesn't match up with the facts, you know I'm ready to tell Mark we're leavin'.

WIEGERT: I'm pretty close too because you're not telling us the truth and you're not telling us everything you know. You're lying to us.

FASSBENDER: You're telling us bits and pieces of the truth.

WIEGERT: And I'm not gonna sit here Brendan and allow you to lie to me anymore. I don't need you to. I've got enough evidence without you. If you wanna help yourself, you have that opportunity right now to do that. Is that what you wanna do? Do you wanna help yourself? Then why are you lying? Look at me Brendan. Brendan? Brendan. Brendan.

BRENDAN: What?

WIEGERT: Look at me once.

BRENDAN: I don't want to.

WIEGERT: Why? Do you wanna continue this and talk with us and be honest with us so we can get through this, get this off your chest?

BRENDAN: The last timethe gun was on th-the rack.

WIEGERT: OK. Did you shoot her?

BRENDAN: No. (shakes head "no")

WIEGERT: How many times did Steve shoot her?

FASSBENDER: To the best of your memory.

BRENDAN: Well I heard five shots.

WIEGERT: OK.

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FASSBENDER: So, did he put her in the jeep?

BRENDAN: Yeah.

FASSBENDER: After she was shot?

BRENDAN: Yeah.

FASSBENDER: And again, how did he pick her up and put her in the jeep?

BRENDAN: The same way he did, with the, in the bedroom.

FASSBENDER: Did you help him?

BRENDAN: No.

FASSBENDER: Did you open the back of the jeep? So he could put her in there?

BRENDAN: It was already open.

FASSBENDER: Why did he put her in the back of the jeep? What did he say?

BRENDAN: He said that he was gonna try to crush it before anybody noticed.

FASSBENDER: OK.

WIEGERT: With her in it?

BRENDAN: mm huh.

FASSBENDER: What changed his mind? Do you know?

BRENDAN: No. (shakes head "no")

FASSBENDER: So then he carries, he takes her out of the jeep and puts her back on the floor and decides to take her out to the fire.

BRENDAN: Yeah.

FASSBENDER: Do you use that creeper thing?

BRENDAN: No.

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BRENDAN: Yeah.

FASSBENDER: And what jacket were you wearing?

BRENDAN: I didn't have a jacket on.

FASSBENDER: You didn't. What kinda shirt were you wearing? Do you remember?

BRENDAN: No. (shakes head "no")

FASSBENDER: Do you remember what shoes you were wearing?

BRENDAN: Not really.

FASSBENDER: After you clean up the garage, then what do ya guys do?

BRENDAN: We take the clothes and we throw, throw them in the fire.

FASSBENDER: Continue.

BRENDAN: And then we wait for a little bit then we throw the rest of the stuff on.

FASSBENDER: What's the rest of the stuff?

BRENDAN: The van seat and the cabinet.

FASSBENDER: OK. Then what do ya do?

BRENDAN: We wait for it to go down.

FASSBENDER: What about the jeep? The RAV4? (pause) We, we know certain things happened. But we also don't want you to lie to us or make anything up. What happened to the RAV4?

BRENDAN: He took it down in the pit.

FASSBENDER: Did you go with him?

BRENDAN: No. (shakes head "no")

FASSBENDER: Last time you told us you went with him.

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WIEGERT: When did he take the jeep down?

BRENDAN: Well he told me he was gonna take it at nighttime.

WIEGERT: You helped him didn't you?

BRENDAN: No. (shakes head "no")

FASSBENDER: 10:00 o'clock is nighttime. What do you mean by nighttime?

BRENDAN: He said after the fire would go down he would take it down to the pit and then at that time I was at home.

FASSBENDER: And who was home.

BRENDAN: Just my mom.

WIEGERT: Where's Bobby?

BRENDAN: He's over, he's, he slept over by his friend's house.

FASSBENDER: When did Blaine get home?

BRENDAN: At 11:30.

WIEGERT: How much blood did you have on you?

FASSBENDER: The truth.

BRENDAN: A little bit.

WIEGERT: Where was it?

BRENDAN: On the pants.

WIEGERT: What about your hands? (pause) What about your hands?

BRENDAN: A little.

WIEGERT: Show me again. Grab, take this pen like it's the knife, OK. Tell me how you stabbed her and how hard you stabbed her. Right here. (Mark demonstrates) I mean, how

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FASSBENDER: Where did that happen?

BRENDAN: In the, in the bedroom.

FASSBENDER: What ya cut the hair off with?

BRENDAN: The knife.

FASSBENDER: The knife you guys found in the garage?

WIEGERT: It doesn't make sense.

FASSBENDER: It's impossible. You took her out to the garage and that's when you got the knife. Explain how that can be. (pause) Did you cut her hair off?

BRENDAN: No.

FASSBENDER: Then why did you just tell us you did? Brendan?

BRENDAN: I don't know.

WIEGERT: Didn't you ask us to come here and talk to you? Yes or no?

BRENDAN: Yeah.

WIEGERT: Why did you ask us to come here? So you could lie to us? So you could tell us the truth? When you gonna start that? What do you think your mom would say if she knew you were sitting here lying to me?

BRENDAN: I don't know.

WIEGERT: You think she'd be okay with that?

BRENDAN: No.

WIEGERT: Do you remember what your mom said in court last week.

BRENDAN: No. (shakes head "no")

WIEGERT: OK, should I refresh your memory? Your mom said that Brendan doesn't lie and that Brendan never lies to police officers. Do you remember her saying that?

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(door opens and closes)

WIEGERT: All right, we decided we're gonna talk to ya one more time, OK and give you the opportunity again. OK, now this is gonna be the last opportunity you have, OK? Do you understand that? You just need ta sit back, relax a little bit OK, and then you're a little, you're a little tense, right? Can you relax for me? Sit back relax, we're gonna go through this again. But this time you need to be honest and truthful because if you don't, we're leaving. Do you understand that? Your mom told me you'd be honest with me. Don't let your mom down. You have an opportunity here to do one last thing for Teresa. And that's by coming clean on this. And your mom told me that you would and I haven't called her yet to tell her that you lied to me, but if I will do that, what do you think she's gonna say to you? She's gonna be mad.

WIEGERT: Yeah. I don't wanna to do that. I want you to be honest with me, OK? So let's sit back, just relax. Let's start over again. OK.

FASSBENDER: Take a deep breath, take a big breath, let it out OK?

WIEGERT: Can you look up at all?

BRENDAN: (shakes head "no")

WIEGERT: Why not? Why can't ya? You feel better just leaving your head down?

WIEGERT: All right, well then we'll do that. First of all Brendan, were you involved with the murder of Teresa Halbach, yes or no?

BRENDAN: Yes.

WIEGERT: Who else was involved with it?

BRENDAN: Steven.

WIEGERT: Steven who?

BRENDAN: Avery.

WIEGERT: OK, anybody else?

BRENDAN: No.

WIEGERT: OK, that's the hard part; you've already admitted it, OK. That's over. You know the rest of it is just details. It's stuff you don't have to lie about now. Think about

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WIEGERT: Because we looked at the phone records. We've got all your phone records. We've got every record there is, everybody's phone, everybody who lived out by you, and every friend, every relative, every boss. I've got a file of your, as big as this room, three of 'em, full of information in this case, so I know when you're lying. You need to realize that. I know when you're lying. Did he actually call you? The details are easy Brendan.

BRENDAN: No

WIEGERT: OK. Then why did you say he called?

BRENDAN: Cuz one of the days he did.

WIEGERT: Did he call you that day?

BRENDAN: No.

WIEGERT: Then why did you say it? I don't understand why you're lying. You told me you wanted to be truthful with me. You told me I could tell your mom that you were honest. Can I do that now? You just lied to me. So, the truth is you were over by Steve's earlier, that's the truth. Isn't it?

WIEGERT: Yeah, what time did you go by Steve? You know what, you know what Brendan.

BRENDAN: Huh?

WIEGERT: He's gonna tell his version of the story, you know what that version is gonna be? What do you think it's gonna be?

BRENDAN: I don't know.

WIEGERT: It's gonna be that Brendan did all this, he doesn't want to go to prison, he doesn't give a shit about you. It's gonna be Brendan, Brendan, Brendan. So this is your opportunity to be honest and tell the truth. Are you gonna do that or not, yes or no?

BRENDAN: Yes.

WIEGERT: OK, then tell me the truth.

BRENDAN: I went over there like at 4:00 o'clock.

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WIEGERT: OK. And what did you guys plan to do, what was your plan? (pause)
Brendan talk to me, 'er what was your plan?

BRENDAN: We did it because Steven wanted to go back to jail.

WIEGERT: Did he tell you he wanted to go back to jail?

BRENDAN: Yeah. Cuz he missed it.

WIEGERT: He didn't tell you that. Did he? Did he tell you that yes or no?

FASSBENDER: Brendan, I'm just gonna say one thing, i-if Mark's gonna continue to talk to ya, I know that a lotta, a lotta your relatives and friends have told you things, Travis, Steven, through ma, Jodi, you got a lot of different things going through your head, a lot of different versions of things and the truth. The truth, I don't know if it means a lot to you, but you know what the truth is. And it's important that you tell us the truth because at least someone might think it means something to you. You've got to discount, or you gotta forget about everything all these people telling you what happened, what to say, what not to say. Put all those out of your head and just tell us the truth. Because we can't keep sayin', we know the truth is you were involved. And Steven was involved, and it was probably planned but now as MARK takes you through this, you have to let go of all these other things people told you to say, weren't you here at that time? You were there at that time, this person called, all those, those things that, that all these people have told you on the phone and through people, and just tell what you know is a fact. Do you know what a fact is? Brendan?

BRENDAN: Sort of.

FASSBENDER: A fact is something that's true. That's something that really happened. And sometimes it can get difficult to sort between the facts and everything else that people have been telling you and stories that maybe you wanted to make up because it was a-a horrible thing that happened. So if Mark starts talking to you before he walks out of here again, you need ta just tell him the facts, the truth, OK?

WIEGERT: If I walk out, I'm not coming back. Understand? Let's try this again. Did you plan this? You and Steve plan this? Yes or no?

BRENDAN: Yes.

WIEGERT: When did you plan it?

BRENDAN: A few days before it happened.

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WIEGERT: Did he tell you she was coming over? (pause) Did he tell you she was coming over?

BRENDAN: Yeah.

WIEGERT: And what did he say he was going to do?

BRENDAN: That he was gonna to kill her.

WIEGERT: Did he say why?

BRENDAN: No.

WIEGERT: Did he tell you to come over then? To help him or what did he tell you? What did he tell you Brendan?

BRENDAN: That he wanted me ta help 'em.

WIEGERT: And did you agree to do that?

BRENDAN: Yeah.

WIEGERT: All right, so on Halloween, October 31st, what happens? (pause) On Halloween, October 31st, what happens?

BRENDAN: I get home from school, go into the house, and while we were, me and Blaine were walking down to the house, we were arguing, seeing who can use the phone first, and he said he was gonna call Jason, so he did then, (pause) at first he didn't get hold of 'em so then he called him later on, then I went over by Steven.

WIEGERT: What time did you go by Steven?

BRENDAN: 'bout 4:00.

WIEGERT: Did you know that Teresa was there already?

BRENDAN: Yeah.

WIEGERT: How did you know that?

BRENDAN: Cuz we planneded it.

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BRENDAN: He asked me if I wanted a soda and

WIEGERT: Then what? (pause) He asked you if you want a soda and then what?

BRENDAN: And I said yeah and then he went up and got one for me and he came back and gave it to me and-and we sat there drink, we drank, drank it.

WIEGERT: Where were you?

BRENDAN: In the living room.

WIEGERT: Where's Teresa?

BRENDAN: In the bedroom.

WIEGERT: OK, after you drank your soda, what did you talk about? Honestly, what did you talk about?

BRENDAN: 'bout what we were gonna do with her.

WIEGERT: OK. And what did he suggest?

BRENDAN: That at nighttime he would shoot her.

WIEGERT: OK, after you have your soda in the living room, what do you do next?

BRENDAN: We go into the room where she is, and talk, and

WIEGERT: What do you talk about in the room where she is?

BRENDAN: 'bout what else we were gonna do to her.

WIEGERT: OK, and what else were you gonna do to her?

BRENDAN: Have sex with her.

WIEGERT: OK, and what do you do after you're done talking about having sex with her?

BRENDAN: And he said that we would do that later and so he told me to go home before my mom came home and, so I did and then she left and Blaine left. He called me and told

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BRENDAN: Nothin'.

WIEGERT: Well tell me what you did with her.

BRENDAN: Just had sex with her.

WIEGERT: When did Steve have sex with her?

BRENDAN: Probably between when I was at home.

WIEGERT: Between the time you left the trailer and came back to the trailer, you think?

BRENDAN: Yeah

WIEGERT: Did he tell you he had sex with her?

BRENDAN: No.

WIEGERT: What was Steve wearing, do you remember?

BRENDAN: Red shorts and a gray T-shirt.

WIEGERT: What were you wearing?

BRENDAN: Blue jeans and a sweater.

WIEGERT: What about a jacket?

BRENDAN: No.

WIEGERT: What kind of shoes? (pause) Do you remember?

BRENDAN: No.

WIEGERT: All right, after you come back to the trailer, what time do you think that is about? Do you remember when you had sex with her about what time?

BRENDAN: 'bout 8:15.

WIEGERT: What happens after you have sex with her?

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BRENDAN: No. (shakes head "no")

WIEGERT: OK. You carried her out to the garage. What happens next?

BRENDAN: Then, he sets her on the floor and

WIEGERT: And then what?

BRENDAN: He ah got a knife.

WIEGERT: And where did he get the knife? Now, be honest here. Where did he get the knife?

BRENDAN: Well the knife he had in his pocket because the knife was the one that he uses for work.

WIEGERT: So, it was a pocketknife? Now, tell me what kind of knife it was. Before you said it was a long one. Was that a lie? All right, tell me about the knife. What kind of knife was it? Honestly, tell me what kinda knife it was.

BRENDAN: Well it was black with, it was like I don't know what its called but there was like on the blade it was like that round thing on the top.

WIEGERT: Did he have it in his pocket? Yes or no.

BRENDAN: Yes.

WIEGERT: Are you sure? How big is it? Show me how big it was.

BRENDAN: It was eight inches.

WIEGERT: Show me. How did he have an eight-inch knife in his pocket?

BRENDAN: It was one of them fold up ones.

WIEGERT: A pocketknife? How many knives are on there? I mean how many blades?

BRENDAN: One.

WIEGERT: OK. So he took it out of his pocket.

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WIEGERT: OK. Do you?

BRENDAN: Yeah.

WIEGERT: And where do you stab her?

BRENDAN: In the stomach.

WIEGERT: Take this and pretend that's the knife. (Mark demonstrates) on the paper and hold it like this so you don't break it, do it on the paper like you, like you're stabbing somebody, like, like you stabbed her. Show me like you did it. How hard.

(Brendan demonstrates)

WIEGERT: How many times?

BRENDAN: One.

WIEGERT: OK. And then what?

BRENDAN: Then, we take her and we put her into the jeep.

WIEGERT: Mm hum.

BRENDAN: And he, he just suggested that he would rather burn her.

WIEGERT: What, where in the jeep did you put her?

BRENDAN: In the back.

WIEGERT: OK. OK, then he suggested maybe we should burn her. Is that what you said?

WIEGERT: OK. And then what happens?

BRENDAN: Then he took her set her back on the floor and shot her 'bout five times.

WIEGERT: Do you remember where he shot her?

BRENDAN: No. (shakes head "no")

WIEGERT: OK. And then what?

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BRENDAN: He had her hands and I had her feet.

WIEGERT: OK. Did you like swing her? Like this type of thing or like what?

BRENDAN: No, he was, he was like on one side of the fire and I was on the other and we set her on there.

WIEGERT: OK. Was the fire going already?

BRENDAN: Yeah.

WIEGERT: What time was that?

BRENDAN: 8:50

FASSBENDER: 8:50 or 8:15?

BRENDAN: 8:50

WIEGERT: But when Scott comes over by your mom, he says that the fire is going so big its almost up to the eaves of the house. What time is that? You said you went home when your mom was there, right?

BRENDAN: Yeah.

WIEGERT: Were you there when Scott got there?

BRENDAN: Yeah.

WIEGERT: And there was a big fire going already. She was already on the fire, wasn't she? Yes or no. I mean, tell me, was she or wasn't she?

BRENDAN: No. He was burning tires.

WIEGERT: OK. So you put her on the fire. What do you put on top of her?

BRENDAN: Some tires.

WIEGERT: How many?

BRENDAN: Like three or four.

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WIEGERT: What did it smell like? What did it smell like?

BRENDAN: Real bad.

WIEGERT: OK. After it burns down, you take the shovel and the rake and bust up the bones, right? Is that what you said?

BRENDAN: Yeah.

WIEGERT: And then what?

BRENDAN: Then we just waited for the fire ta go down.

WIEGERT: Mm hum.

BRENDAN: And then we went into the garage and cleaned up the blood and that.

WIEGERT: And how did ya clean the blood up again? Tell me again.

BRENDAN: With her clothes.

WIEGERT: OK. Where is her underwear and her bra? Just tell me that. OK. Where is that? Where is it? Is it at your house? Where is it?

BRENDAN: In some of the stuff that we used to clean up the blood.

WIEGERT: Her underwear too and her bra?

BRENDAN: Mm huh.

WIEGERT: OK, so you clean up the blood with all of her clothes and what do you do with the clothes then?

BRENDAN: We threw it on the fire.

WIEGERT: What next?

BRENDAN: Then we waited for that to go down and then

WIEGERT: Then what?

BRENDAN: Our mom, my mom got home at like 9:00 o'clock and called Steven.

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WIEGERT: Mm hum.

BRENDAN: And said that I was suppose to be home at ten.

WIEGERT: Mm hum.

BRENDAN: And she asked if I had a sweater on, which I did and then we waited for the fire to go down and then, by that time it was probably 9:30 and he says that I should go home early fer school the next day.

WIEGERT: What about the truck? Her jeep?

BRENDAN: He said that he would take care of it.

WIEGERT: I think you helped him. Did you help him? If you did, it's OK.

BRENDAN: Well, I helped him put the stuff in the jeep.

WIEGERT: What stuff?

BRENDAN: The knife and the gun.

WIEGERT: OK. Where'd you put the knife?

BRENDAN: In the back.

WIEGERT: In the back where ah, the body was you mean or and the gun too?

BRENDAN: Yeah.

WIEGERT: Why did you put them in there?

BRENDAN: Cuz he told me to.

WIEGERT: How did they get back in his house? You know?

BRENDAN: No.

WIEGERT: Well you told us that he took the license plates off. How did ya know that?

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WIEGERT: No. You really, i-if you know where the knife is, you have ta tell us.
OK? Where is the knife?

BRENDAN: I don't know where it is.

WIEGERT: Did he tell you what he did with the knife?

BRENDAN: No.

WIEGERT: OK. So after you guys had done this and we come out there and we close off the property, remember? You guys go up north.

BRENDAN: Mm huh.

WIEGERT: And I was told you guys were talking about this up north. Right?

BRENDAN: Mm huh.

WIEGERT: OK. So what did you guys talk about?

BRENDAN: Well, when the cops came up there he was tryin' ta hide and, and then grandpa said if he was hiding that he, he was acting like he did it.

WIEGERT: Mm huh. Well, what was the conversation like between you and him? I mean was he tellin' you, we can't tell anybody or what was he telling you?

BRENDAN: That not ta talk to the cops.

WIEGERT: OK. What else did he tell you? Were you afraid that the cops were gonna be onta ya?

BRENDAN: Yeah.

WIEGERT: So how long before this, that well let's go back OK to the couple days prior to this happening. OK? You said you guys talked about this and planned this. Is that correct?

BRENDAN: Mm huh.

WIEGERT: OK. Did he tell you about Teresa, that he had met her before?

BRENDAN: Yeah.

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BRENDAN: Yeah.

WIEGERT: OK. Did he say that? If he didn't tell me no. But did he say that? Did he make reference ta that?

BRENDAN: Yeah.

WIEGERT: Is that the truth or is that a lie?

BRENDAN: The truth.

WIEGERT: OK. Then what did he tell you? Let's start back with that again.

BRENDAN: That sometimes Jodi would say that he didn't want ta do what he wanted ta do to her, so he was pissed off at her.

WIEGERT: OK. What else?

BRENDAN: And sometimes he would like try ta grab her and touch her and that when they were just watchin' TV and that.

WIEGERT: Mm huh. What else?

BRENDAN: Sometimes he would hit her and that.

WIEGERT: Did he tell you that?

BRENDAN: Well, sometimes I seen it.

WIEGERT: OK. Did you and Steve ever have sex?

BRENDAN: No.

WIEGERT: Are you sure? If ya did, it's OK.

BRENDAN: I didn't.

WIEGERT: OK.

FASSBENDER: You and Jodi?

BRENDAN: No.

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WIEGERT: Did you see him do it?

BRENDAN: Yeah.

WIEGERT: No, honestly, yes or no? Did ya see him do it? Don't lie about it. If ya did, good. If ya didn't, good. Did ya see him do that?

BRENDAN: No.

WIEGERT: Why did you just tell me ya did? Brendan.

BRENDAN: Mm huh.

WIEGERT: Why did you lie ta me? Do you know, do you remember that at all?

BRENDAN: No.

WIEGERT: OK, then say you don't know. He gave you some money out of her purse, though. That I know. How much?

BRENDAN: I don't remember.

WIEGERT: Did he give you money?

BRENDAN: A little bit.

FASSBENDER: Brendan, who put that stuff in the burn barrel?

BRENDAN: Steven did.

FASSBENDER: How do you know that?

WIEGERT: How do you know that?

BRENDAN: Cuz he told me that he was gonna do that.

WIEGERT: Did ya see that stuff in the house?

BRENDAN: No.

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WIEGERT: So why did you do that?

BRENDAN: I had too much stuff on my mind.

WIEGERT: So now you remember a little more clearly? OK. How much of her hair did you cut off?

BRENDAN: A little bit.

WIEGERT: You told me a couple of minutes ago you didn't cut any off. What's the truth? Did you cut some of her hair off?

BRENDAN: No.

FASSBENDER: What's happenin' again Brendan? Are you startin to think about what other people told you to say? OK, now zero in on the truth again as Mark talks to you. You know what truth is and you know what a lie is and you know what the truth is so Mark's going to take you through some of these things again and forget about other things.

WIEGERT: Did you cut any of her hair off?

BRENDAN: No.

WIEGERT: Did you shoot her?

BRENDAN: No.

WIEGERT: Who shot her?

BRENDAN: Steven did.

WIEGERT: Did you stab her?

BRENDAN: Yeah.

WIEGERT: By her? Who's her? What's her name?

BRENDAN: Teresa.

WIEGERT: Teresa what?

BRENDAN: Halbach.

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WIEGERT: How long did it take you to think that?

BRENDAN: Like two weeks.

WIEGERT: So the day after, you were OK. A couple of days after you were OK?

BRENDAN: Yeah.

WIEGERT: And then about two weeks, then you started feeling bad. What did you feel bad about?

BRENDAN: That all the stuff I did was wrong.

WIEGERT: What do you think should happen to you? Just asking your opinion what do you think should happen to you?

BRENDAN: That I should get a few years in jail.

WIEGERT: Then what? What do you think should happen to Steve? What do you think should happen to Steve?

BRENDAN: I don't know.

WIEGERT: If you could say something to Teresa's mom and brothers and the rest of her family, what would you say?

BRENDAN: That I was sorry for what I did and to take a-apology.

WIEGERT: What am I forgetting to ask you? There's something you wanna tell me? What else do ya wanna tell me? What else do ya wanna tell me?

BRENDAN: That I did it just because Steven told me to.

WIEGERT: OK. When you gonna tell your mom about this?

BRENDAN: Probably the next time I see her.

WIEGERT: Cuz you're lied to her so far, right? Don't you think you should call her and tell her?

BRENDAN: Yeah.

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WIEGERT: He let the key where?

BRENDAN: On the floor. He dropped it.

WIEGERT: How do you know that? How do you know that Brendan?

BRENDAN: Cuz I was there that day.

WIEGERT: You were there the day he dropped it? And what day was that?

BRENDAN: November 2nd.

WIEGERT: Did he show you the key that day?

BRENDAN: No.

WIEGERT: Well then how do you know he dropped it?

BRENDAN: Cuz I seen 'em pulling his dresser drawer and I seen it in his hands.

WIEGERT: OK, and what else did you see? So you're in the bedroom with him?

BRENDAN: No, (shakes head "no") I'm sittin' on the couch.

WIEGERT: You can't see the dresser from the couch, can you?

BRENDAN: Well before he had, he had the room different.

WIEGERT: You're startin to lie again, aren't ya?

BRENDAN: Cuz he had the bed where that window is.

WIEGERT: He had the bed where the window was when Teresa was there?

BRENDAN: Yeah.

WIEGERT: Why did he move the stuff around?

BRENDAN: I don't know.

WIEGERT: So, could you draw out where the key was, or well let's just go back to the key. You said you see him take it out of the dresser?

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BRENDAN: Cuz he was going to get rid of it.

WIEGERT: Get rid of what?

BRENDAN: The key.

WIEGERT: What was he gonna do with it? Did he say?

BRENDAN: No.

WIEGERT: What did he do with the knife? What did he do with the knife?

BRENDAN: He cleaned it.

WIEGERT: Where did he clean it?

BRENDAN: Outside.

WIEGERT: On what? What did he use to clean it?

BRENDAN: Some soap and some water.

WIEGERT: Did you see him do that?

BRENDAN: Yeah.

WIEGERT: I think that's a lie. I can tell by your voice. Did you see him clean the knife? Don't lie.

BRENDAN: No.

WIEGERT: Where do you think the knife is?

BRENDAN: I don't know.

WIEGERT: OK. Did you cut any hair off?

BRENDAN: No.

WIEGERT: What about her panties? Where are those?

BRENDAN: In the fire.

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BRENDAN: Yeah.

WIEGERT: Then why did you just say no? Do you want Jodi to go to prison too?

BRENDAN: No.

WIEGERT: Jodi knew about this?

BRENDAN: No. (shakes head "no")

WIEGERT: Why was the wash machine running that night? What did you guys put in the wash machine?

BRENDAN: I didn't know the washing machine was going.

WIEGERT: Where was Teresa when Jodi called? Do ya know?

BRENDAN: No.

WIEGERT: How many times did Jodi call?

BRENDAN: Like two or three.

WIEGERT: Can you draw me the way the bedroom looked that day. Go ahead and draw the bedroom.

(Brendan drawing)

WIEGERT: So where's the door?

BRENDAN: Right here. (pause) And there's like a closet right over here.

WIEGERT: So if you look in door you're looking in this way?

BRENDAN: Mm hum.

WIEGERT: And this is the hallway? OK. So now the bed's over here. He changed it after he killed her?

BRENDAN: Mm hum.

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FASSBENDER: And now you get a chance to help the Halbachs. That's the, it's the only people you and the Halbachs that should matter right now. You can do something for them and I think you have. You, you, you have. You, you admitted to what you did and you told us what Steven did. But you can't make things up about some of the details cuz that's hurting the Halbachs, it's hurting you. (ringing telephone) So some of those details, yeah, Mark's gonna leave but I think I can talk him into just stayin' for a moment yet to give you another chance to go over a few of these details and make us believers that your telling the truth, not what we wanna hear, or not what you think we wanna hear. Cuz that's all done and over. You've admitted to what you did. Now you need to tell us the truth about some of those details so Teresa's family can feel good about what you've said and we can feel good and especially you. Do you understand that? OK. Mark, would you be willin' to stay just a couple more minutes?

WIEGERT: Do you want me to stay? Brendan? All right.

FASSBENDER: I don't see it takin' that long as long as you a just tell the truth.

WIEGERT: What about the key? Did you actually see the key?

BRENDAN: Yes.

WIEGERT: OK. Where did you see it?

BRENDAN: On the floor.

WIEGERT: How did it get on the floor?

BRENDAN: Steven dropped it.

WIEGERT: And did you see him drop it?

BRENDAN: Yeah.

WIEGERT: Explain to me how you see him drop it over here if you're out here on the couch.

FASSBENDER: Were you in the bedroom? (telephone ringing)

WIEGERT: Sorry about that. How do you see him drop it if you're out here?

BRENDAN: Well he was standin' right by here.

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FASSBENDER: All right. And you're telling me that when you told Mark that you didn't see it, is that when you were startin to think about what people told you to say and thinking about that type of stuff?

BRENDAN: Yeah.

FASSBENDER: OK. I can understand that. Are you now on, on the same page as us? Trying to help Teresa?

BRENDAN: Yeah.

FASSBENDER: And to help yourself. Because like you said the worst is over. You, you've never, you've never waived on the fact that you helped Steven do this, and, and that's the truth. OK. It's just some of those little details that, that had to be ironed out. When you saw Teresa in the house and up until she went to the garage, was she, did you ever see her bleeding? In the house?

BRENDAN: No. (shakes head "no")

FASSBENDER: Did anyone ever hit her or hurt her that you saw, in the house?

BRENDAN: No. (shakes head "no")

FASSBENDER: What about any, injuries to Steven? Again, the Halbachs are what matter here. Did Steven hurt himself?

BRENDAN: Well there was a scratch on his finger.

FASSBENDER: Was it bleeding?

BRENDAN: Yeah.

FASSBENDER: When did you first notice that scratch bleeding?

BRENDAN: When I was over there the first time.

FASSBENDER: OK. Did Steven ever tell you how he got her tied up back there? How did he do that?

BRENDAN: I don't know. (shakes head "no")

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WIEGERT: Do you know how he got her in the house?

BRENDAN: No.

WIEGERT: Then just say that. I, I think you do but we'll go onto something else right now. Obviously you don't want to talk about that. Did you ride down in her jeep to that pit? Where he covered it up?

BRENDAN: No.

WIEGERT: Did you ever go down there and look at it?

BRENDAN: No.

WIEGERT: What day was November 2nd? Do you know?

BRENDAN: No.

WIEGERT: That was the day you said you saw him with the key. You know what day it was?

BRENDAN: Wednesday.

WIEGERT: Let's go back to this key for second? Did you really see him drop that key?

BRENDAN: Yes.

WIEGERT: And he forgets to pick it up, is that what you told me?

BRENDAN: mm huh.

WIEGERT: So that day he was getting a key out, why was he getting the key out?

BRENDAN: Cuz he was gonna get rid of it.

WIEGERT: Well how could he get rid of that when he still had the truck, didn't he need the key for the truck.....

BRENDAN: No.

WIEGERT: Did you keep anything of hers at all?

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BRENDAN: No.

WIEGERT: You know what else I heard?

BRENDAN: Huh?

WIEGERT: That you guys took pictures of her. That's true isn't it?

BRENDAN: No.

WIEGERT: Did you take the pictures?

BRENDAN: No. (shakes head "no")

WIEGERT: Did Steve take pictures?

BRENDAN: No.

WIEGERT: Did you tell somebody you took pictures?

BRENDAN: No. (shakes head "no")

WIEGERT: You told Travis that?

BRENDAN: No. (shakes head "no")

WIEGERT: What else have you told Travis?

BRENDAN: Nothin'

WIEGERT: You told him you saw the body in the fire.

BRENDAN: Just that.

WIEGERT: Brendan, did you, were you guys drinking before this at all?

BRENDAN: No.

WIEGERT: How about smoking any weed?

BRENDAN: No. (shakes head "no")

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WIEGERT: OK. What happened with the stuff that was on your hands?

BRENDAN: I washed it off.

WIEGERT: Where?

BRENDAN: Outside with the hose.

WIEGERT: OK. What about the bed sheets, did he do anything with the bed sheets at all?

BRENDAN: Not that I know of.

WIEGERT: Did he talk to you about DNA? About getting rid of the stuff for DNA?

BRENDAN: No.

WIEGERT: Then why did he use bleach in the garage?

BRENDAN: I don't know.

WIEGERT: Where else would I find blood if I was looking for blood? In the house? Tell me where I should look.

BRENDAN: I don't know.

WIEGERT: Tell me where I could find anything, give me something.

BRENDAN: On the carpet.

WIEGERT: What would be on the carpet, you think? What do you think would be there?

BRENDAN: I don't know, like skin cells or somethin'

WIEGERT: Did he tell you that he unhooked the battery on her jeep?

BRENDAN: Not that I know of.

WIEGERT: Did he talk ta, you guys hung out a lot right? You and him, you were perfect buds.

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FASSBENDER: I think you're doing better Brendan, I really do. You still remembering about Teresa, and yourself, and that's why you're doing this right?

BRENDAN: mm huh.

FASSBENDER: That's good. I think that's good, I really do. While you, while you went out, I asked him about, ah if-if he saw any blood on Teresa or Teresa bleeding at all while she was in that house and he said no. Ah, then you came in, we were talking about his injury. Brendan, when Teresa was on the bed, wh-where, what was on the bed, sheets, blankets, what was on the bed?

BRENDAN: Pillows, blankets, sheets.

FASSBENDER: Was she on top of all that?

BRENDAN: Yeah.

FASSBENDER: OK, was there anything else on the bed?

BRENDAN: No. (shakes head "no")

FASSBENDER: Any plastic or anything like that?

BRENDAN: No. (shakes head "no")

FASSBENDER: OK. Who took th-the leg irons off?

BRENDAN: Steven did.

FASSBENDER: He did. Did she have her socks on? Da-think about it now and try to remember, was she totally naked or did she have her socks on, or anything like that? (pause) And if you can't remember or you don't know, you say that too.

BRENDAN: No.

FASSBENDER: No what?

BRENDAN: She didn't have no socks on.

FASSBENDER: No socks on, oh OK. And the handcuffs, didn't have anything on them, just regular handcuffs?

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FASSBENDER: Were they washed from between the time you went home that night and the time we got them?

BRENDAN: No, like a few times.

FASSBENDER: A few times? So you wore them again, those jeans?

BRENDAN: Twice.

FASSBENDER: And that's the best of your memory.

BRENDAN: mm huh.

FASSBENDER: That they were washed. Did Steven tell you to wash 'em?

BRENDAN: No.

WIEGERT: I just have a few things for closing, when you're done.

FASSBENDER: OK. Another question again, Teresa and you are important here, that's all that matters right now, not Steven, you're being selfish. In a, in our first interview you talk about helping Steven put the hood on the car and branches and stuff like that, did you help him do that? Don't think, did you help him do that?

BRENDAN: Yes.

FASSBENDER: That's what I thought. Because you wouldn't have known that otherwise. So when and how did you help him do that? Again, don't have to think, when did it happen? At night?

BRENDAN: Yeah.

FASSBENDER: So you did go down to the pit with him that night.

BRENDAN: mm huh.

FASSBENDER: That's what I thought. Tell me about that.

BRENDAN: Well the way we got down there was the back way where behind this cabin, and cuz there's a field right behind, there's trees behind them, there's a field there, there's a way back there.

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FASSBENDER: OK. On the way back up, what did you do with the plates? Again, Teresa's here and she's thanking you for being honest. Do you know what he did with the plates?

BRENDAN: No.

FASSBENDER: You don't? Is that the truth?

BRENDAN: Yes.

FASSBENDER: You say that right in front of Teresa now?

BRENDAN: mm huh.

FASSBENDER: Cuz this is your chance to help her, right?

FASSBENDER: OK. And when you went home that night around 10:00 o'clock, are you sure your mom was home or could you be mixing that up with another night.

BRENDAN: No, my mom was home.

FASSBENDER: OK, then later than 10:00? Earlier? Or don't know?

BRENDAN: Maybe a little after 10:00 o'clock.

FASSBENDER: OK. The bed sheets and the bedding, do you know whether or not that was taken off and burned, cuz the first time you said you, you thought it was. Again we just want the truth, not what other people are saying, Teresa wants the truth, the Halbachs aren't gonna be happy with you that you did this, but they're gonna be happy that you're tellin' the truth, you understand that, right? OK, the sheets and the bedding, did it get destroyed or not?

BRENDAN: Yeah.

FASSBENDER: Who did that?

BRENDAN: Steven.

FASSBENDER: He did that, you see him do that?

BRENDAN: No.

FASSBENDER: How do you know he did that?

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BRENDAN: Yeah.

FASSBENDER: Did you and Steven ever masturbate together or anything like that?

BRENDAN: No.

FASSBENDER: It's all right. Did he ever touch you? You don't need to think about that question. Did he ever touch you, it's all right, now is the time.

BRENDAN: What do you mean by touching?

FASSBENDER: Um, in places that you felt uncomfortable with?

BRENDAN: Sometimes.

FASSBENDER: Yeah. And what places were those?

BRENDAN: My private and (pause)

FASSBENDER: You know

BRENDAN: You know and there.

FASSBENDER: OK, and that's all right that you talk about this, this is the time to talk about it, cuz it's important. It's important to know, and for the courts and everyone else to know what you've gone through. It makes us feel a lot more for you OK? And by privates you mean by, by your penis?

BRENDAN: mm huh.

FASSBENDER: Did he touch you on your penis?

BRENDAN: Well sometimes he was, he would try to grab it.

FASSBENDER: Ah huh. And, and ah, were unclothed at that time?

BRENDAN: No.

FASSBENDER: Then how did he try to grab it?

BRENDAN: Through the pants.

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FASSBENDER: By getting him off of you, was he kinda, what was he doing, pushing against or leaning against you or anything like that or?

BRENDAN: While it was like wrestling and

FASSBENDER: Oh. And he grabbed you down there? Is that all he's ever done?

BRENDAN: Yeah.

FASSBENDER: Cuz we need to know now, it's not gonna help to tell us a month from now, two months from now, two years from now, cuz then they're gonna go, Brendan, why didn't you tell the investigators at that time? Is there anything else he did to you sexually?

BRENDAN: No.

FASSBENDER: Was Jodi ever involved in anything?

BRENDAN: No.

FASSBENDER: Have you told Mark everything now that, that truthfully?

BRENDAN: Yeah.

FASSBENDER: And now we just got about the car, that was something you didn't tell Mark, right?

FASSBENDER: Is there anything else, the knife, the burn barrel? You've got a chance to talk right to Teresa now, cuz I believe Teresa's in heaven and she can hear you. Do you believe that?

BRENDAN: Yeah.

FASSBENDER: So now's your chance to talk to Teresa. And really help at least you inner self, right? Think about everything that we talked or Mark asked ya about. You didn't tell us the truth about the car and I have a feeling, I know why. We knew the route that car took and you just finally told us that. What else i-if anything is there that we need to clear up before we're done today?

BRENDAN: No.

FASSBENDER: You sure about that?

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BRENDAN: When they were tryin' to get me off the ground an, cuz there was my mom, Blaine, Bryan, Bobbie and Steven, tryin' to get me into the Suburban. But when they couldn't do that because it was really hard for 'em to get me up.

FASSBENDER: So are you strong?

BRENDAN: Huh?

FASSBENDER: You pretty strong?

BRENDAN: No, I just like to squirm a lot.

FASSBENDER: (laugh) OK.

BRENDAN: And then when they couldn't do that, Steven he dropped me and then he started punching me and that.

FASSBENDER: Where was he punching you?

BRENDAN: Like in the face and the arms.

FASSBENDER: Did he lose his temper, is that what happened?

BRENDAN: Yeah.

FASSBENDER: Was he swearing at you and stuff?

BRENDAN: No. (shakes head "no")

FASSBENDER: No, was your mom there when Steven was hitting you in the face?

BRENDAN: Yeah.

FASSBENDER: What did she do?

BRENDAN: She told 'em to stop.

FASSBENDER: OK. Did he cause you to bleed at all?

BRENDAN: No he just gave me a few bruises.

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give you an opportunity right now, again, is there anything else? You know all the stuff you told us. Um, even the little things are important to us, whether it's a pair of underwear that you know went somewhere or somethin' happened to it that i-it was, that the haircutting thing, an if.....the facts, we never did get that clear. For Teresa, wh-did you, did anyone cut her hair off that night?

BRENDAN: No. (shakes head "no")

FASSBENDER: Where did you get that from? (pause) I mean it seems kinda strange that you just all of a sudden told us you had cut her hair off. Where did you get that from, if it's not true?

BRENDAN: I don't know, I was just guessing.

FASSBENDER: Why? Did you think that was somethin' we wanted to hear?

FASSBENDER: Brendan, didn't, did someone some one cut her hair off that night? Truthfully, for Teresa.

BRENDAN: No. (shakes head "no")

FASSBENDER: OK. And you're, you're not, look at me, you're absolutely positive?

BRENDAN: (nods "yes")

FASSBENDER: OK. He didn't do it and he didn't tell you ta do it.

BRENDAN: (shakes head "no")

FASSBENDER: OK.

WIEGERT: Who else, who was all involved, Brendan? Look at me once too. Just look at me and tell me who was all involved that night.

BRENDAN: Just me and Steve.

WIEGERT: Just you and Steven. And you and Steven both were involved in killing her?

BRENDAN: (nods "yes")

WIEGERT: Did Steve ever tell you that he killed anybody else?

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BRENDAN: She came out and she wanted ta talk ta me and that and she asked me why I was so sad and then I told her why and then after that everybody else came out like Travis and his, his cousin and a friend and after a while I had ta get up and I went into Marie's room fer a little bit and then they came in and they asked me, they were feelin' bad for me.

FASSBENDER: Some good friend. Did, what did you tell ah Kayla when she asked ya what was wrong? Well, tell us what you told her that you remember.

BRENDAN: That I was sorry for what I did and

FASSBENDER: Didn't she ask ya what you meant? Did what? Did you tell her some parts of this?

BRENDAN: No. (shakes head "no")

FASSBENDER: Wa, did she ask you what you meant when you said you were sorry for what you did?

BRENDAN: A little bit.

FASSBENDER: And I think you told her a little bit. Cuz, we talked ta Kayla. What did you tell her? If you remember.

BRENDAN: Now I can't remember.

FASSBENDER: OK.

WIEGERT: Did you know about Steve and Marie having sex?

BRENDAN: Well, I heard that they were doing stuff.

WIEGERT: Where did ya hear that from?

BRENDAN: From her.

WIEGERT: She told you?

BRENDAN: (nods "yes")

WIEGERT: What did she tell you?

BRENDAN: That Steven was trying to come onto her.

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WIEGERT: Well, what was it?

FASSBENDER: It's all right.

BRENDAN: But I don't wanna say the first word.

FASSBENDER: Spell it.

BRENDAN: N I G E R

FASSBENDER: And the rest of it was what?

BRENDAN: for life

WIEGERT: OK. What does that mean?

BRENDAN: That, that I didn't have no problems with black people.

WIEGERT: OK.

FASSBENDER: You feelin' pretty relaxed now? You're looking a lot more relaxed. You're actually lookin' at us now and saw a couple of actual smiles.

WIEGERT: Can I get ya a soda or water or something?

BRENDAN: uh uh. (shakes head "no")

WIEGERT: You sure? Bathroom?

BRENDAN: uh uh. (shakes head "no")

FASSBENDER: You wanna give us a couple of minutes then?

WIEGERT: We'll be right back.

FASSBENDER: All right, you relax, all right.

(door opens and closes)

(door opens)

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FASSBENDER: You can put X's for trees. Yeah. OK. Hang on just a second. Those are trees right along Steven's? Is that what that is?

BRENDAN: Mm huh.

FASSBENDER: Cuz what I'm gonna do if you don't mind, take it out. I'm gonna take another one, cuz I don't want you to be too and if you have ta you can kinda go into this and do what you have ta do. Just so you have enough paper, OK? If you don't have to, you don't have to.

BRENDAN: Well there is just trees there and there is a field.

FASSBENDER: Right. If ya have ta, show kinda the field there, that's fine. We can tape that together. If you wanna just say that this is the field, make it a short field, that's fine. I just wanted ta give you enough room.

BRENDAN: Do I have ta draw the conveyer belt or whatever?

WIEGERT: Yeah, if you could put that in there, that'd be good.

(knock on the door)

(door opens)

(door closes)

WIEGERT: So it's, just kind of show us.

FASSBENDER: Don't write anything, show us where

WIEGERT/FASSBENDER (both speaking at the same time):

BRENDAN: The route like right here.

FASSBENDER: OK.

WIEGERT: This, this is just a field here? You drove through?

WIEGERT: OK.

FASSBENDER: Did he go all the way along the other side of the field and down this road back in here the dirt road?

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BRENDAN: Yeah.

FASSBENDER: That, is that the road you went?

BRENDAN: No. (shakes head "no")

FASSBENDER: No. You went along this little, um, there a berm kinda right? A, a ledge and then on the other side there's a pit that the gravel pit and this side is the salvage yard.

BRENDAN: Yeah.

FASSBENDER: And you went right along that thing?

BRENDAN: Yeah.

FASSBENDER: Oh. And then down here you're able to get off that thing and get into the yard, huh?

BRENDAN: Mm huh.

FASSBENDER: OK. That makes sense.

WIEGERT: OK. Why don't you sign that.

FASSBENDER: And put today's date on it, thirteenth. So this is 05/13.

WIEGERT: '06. I just got one question for you, Brendan, yet. Did you guys take any of the bones out of that burn pile?

BRENDAN: I didn't. (shakes head "no")

WIEGERT: All right. How about Steve?

BRENDAN: Not that I know of. (shakes head "no")

FASSBENDER: Kinda gotta a difficult question again in a sense ah, but again I think your doing, you-your feelin' a lot better because of you know that Teresa's feeling a lot better what your doing. When, when you saw her and that whole night everytime you saw her, did you see any bruises or red marks on her or anything where, where she might have been grabbed, twisted, punched or anything like that?

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FASSBENDER: Cuz, he is your attorney. Not your moms. He can't disclose stuff ta mom that he talks about with you unless you tell him directly that he can. OK? So make sure that you do that.

WIEGERT: Kinda of like you told him you wanted ta talk with us. That's the only way that we could do that. We're all set.

UNRECOGNIZABLE VOICE:

WIEGERT: All set.

UNRECOGNIZABLE VOICE: Cuff him out there stand up.

FASSBENDER: Now we have ta put the cuffs back on you, Brendan.

(voices)

FASSBENDER: Do you want me safe, or ta double lock 'em?

UNRECOGNIZABLE VOICE: No that's all right.

FASSBENDER/WIEGERT (speaking at the same time):

UNRECOGNIZABLE VOICE: You guys buying lunch?

WIEGERT: Nope. Already offered.

UNRECOGNIZABLE VOICE: All right.

WIEGERT and FASSBENDER speaking together.

WIEGERT: You wanna shut the tape machine off?

UNRECOGNIZABLE VOICE: Yes.

(End of tape)

Inv. Mark Wiegert
Calumet Co. Sheriff's Dept.
MW/sk/ds

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