

IN-DEPTH LOOK AT THE TRIAL

Jeff Dahmer's Trial: An Exploration of the Peculiar Legal Process



THE DAHMER CASE

JUL 09, 2023



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Jeff Dahmer's "trial" was strange.

His attorney, Gerald Boyle, made decisions that a defense attorney wouldn't have if he were defending his client. This is because it wasn't a real trial, but rather, a [trial](#). See what we've uncovered about [Konerak Sinthasomphone](#), [Curtis Straughn](#), [Eddie Smith](#) and [Richard Guerrero](#).

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22 July 1991 - An Illegal Search and the Arrest That Followed

According to the official narrative, on the night of 22 July, 1991, Tracy Edwards - a handcuff around one wrist - flagged down the police and directed them to apartment 213 at 924 N. 25th Street in Milwaukee, Wisconsin. The purpose of the police visit was to get the key to the handcuffs he claimed Jeff Dahmer had placed on him.

Jeff Dahmer did not invite the police in to search his property for "evidence" and the police had no reason to suspect anything else was going on. The object of the visit was to get the key to the handcuffs that were on one of Tracy Edwards' wrists.

The police had no business rummaging through Jeff Dahmer's dresser for the purpose of finding incriminating evidence. They just "accidentally" happened to do that; then arrested him afterward. If they hadn't rummaged through his dresser they wouldn't have had any reason to suspect anything was going on in the apartment Jeff Dahmer had given them the key to the handcuffs they would have left.

Therefore, this was an illegal search. Keep that in mind as we move forward.

25 July 1991 - First Court Appearance



6 August 1991 - Second Court Appearance - Gerald Boyle Recommends Disposing of the Evidence

During Jeff Dahmer's second court appearance on 6 August 1991, Gerald Boyle recommended that key biological evidence be returned to the families.



This was just 15 days after the arrest:

There is nothing there to test and he wishes to have those parts released and not be retained. I would furthermore state for the record that I have this date contacted...if one reads the criminal complaint...much of the identification is done by a forensic odontologist. I am confident that the odontologist has retained sufficient information for which somebody in the future...need be or at that time ever came to review his work product...determine whether he is correct in his conclusions and opinions. I have no reason at this time to proffer why Jentzen has to retain anything further, and obviously therefore they can use her own discretion on returning whatever they wish to return to the members of the family.**

For a case of this magnitude, 15 days is extremely early to be releasing key forensic evidence. In fact, it violated a Wisconsin statute regarding the disposal of evidence. Here's what Wisconsin statute 165.81 states about the disposal of evidence. This statute has not changed since 1991 (we checked that):

165.81 Disposal of evidence. (1) Whenever the department is informed by the submitting officer or agency that physical evidence in the possession of the laboratories is no longer needed the department may, except as provided in sub. (3) or unless otherwise provided by law, destroy the evidence, retain it in the laboratories, return it to the submitting officer or agency, or turn it over to the University of Wisconsin upon the request of the head of any department of the University of Wisconsin. If the department returns the evidence to the submitting officer or agency, any action taken by the officer or agency with respect to the evidence shall be in accordance with s. 968.20. Except as provided in sub. (3), whenever the department receives information from which it appears probable that the evidence is no longer needed, the department may give written notice to the submitting agency and the appropriate district attorney, by registered mail, of the intention to dispose of the evidence. If no objection is received within 20 days after the notice was mailed, it may dispose of the evidence.

(2) Any electric weapon, as defined in s. 941.295 (1c) (a), in the possession of the laboratories shall either be destroyed or be turned over to an agency authorized to have electric weapons under s. 941.295 (2).

(3) (a) In this subsection:

1. "Custody" has the meaning given in s. 968.205 (1) (a).

2. "Discharge date" has the meaning given in s. 968.205 (1) (b).

(b) Except as provided in par. (c), if physical evidence that is in the possession of the laboratories includes any biological material that was collected in connection with a criminal investigation that resulted in a criminal conviction, a delinquency adjudication, or commitment under s. 971.17 or 980.06 and the biological material is from a victim of the offense that was the subject of the criminal investigation or may reasonably be used to incriminate or exculpate any person for the offense, the laboratories shall preserve the physical evidence until every person in custody as a result of the conviction, adjudication, or commitment has reached his or her discharge date.

(bm) The laboratories shall retain evidence to which par. (b) applies in an amount and manner sufficient to develop a deoxyri-

Note that part (2)(b) states the physical evidence must be preserved until every person in custody as a result of the conviction (i.e. Jeff Dahmer) has reached his discharge date.

The rules around otherwise being allowed to destroy evidence including biological evidence are listed below - parts 1, 2 and 3 must be met. There is no single federal law that governs retention of biological evidence for all crimes and states (see part 3 below). State laws generally dictate the requirements, as shown in Wisconsin statute 165.81 here:

165.81 DEPARTMENT OF JUSTICE

bonucleic acid profile, as defined in s. [939.74 \(2d\) \(a\)](#), from the biological material contained in or included on the evidence.

(c) Subject to par. [\(e\)](#), the department may destroy evidence that includes biological material before the expiration of the time period specified in par. [\(b\)](#) if all of the following apply:

1. The department sends a notice of its intent to destroy the evidence to all persons who remain in custody as a result of the criminal conviction, delinquency adjudication, or commitment, and to either the attorney of record for each person in custody or the state public defender.

2. No person who is notified under subd. 1. does either of the following within 90 days after the date on which the person received the notice:

- a. Files a motion for testing of the evidence under s. [974.07 \(2\)](#).

- b. Submits a written request for retention of the evidence to the department.

3. No other provision of federal or state law requires the department to retain the evidence.

(d) A notice provided under par. [\(c\) 1.](#) shall clearly inform the recipient that the evidence will be destroyed unless, within 90 days after the date on which the person receives the notice, either a motion for testing of the evidence is filed under s. [974.07 \(2\)](#) or a written request for retention of the evidence is submitted to the department.

(e) If, after providing notice under par. [\(c\) 1.](#) of its intent to destroy evidence, the department receives a written request for retention of the evidence, the department shall retain the evidence until the discharge date of the person who made the request or on whose behalf the request was made, subject to a court order issued under s. [974.07 \(7\), \(9\) \(a\), or \(10\) \(a\) 5.](#), unless the court orders destruction or transfer of the evidence under s. [974.07 \(9\) \(b\) or \(10\) \(a\) 5.](#)

(f) Unless otherwise provided in a court order issued under s. [974.07 \(9\) \(a\) or \(b\) or \(10\) \(a\) 5.](#), nothing in this subsection prohibits the laboratories from returning evidence that must be preserved under par. [\(b\)](#) or [\(e\)](#) to the agency that submitted the evidence to the laboratories. If the laboratories return evidence that must be preserved under par. [\(b\)](#) or [\(e\)](#) to a submitting agency, any action taken by the agency with respect to the evidence shall be in accordance with s. [968.205](#).

History: 1981 c. 348; 1985 a. 29 ss. 2012, 3200 (35); 2001 a. 16; 2005 a. 60; 2011 a. 35.

At this early stage, the “trial” had barely even started. Given that, they certainly wouldn’t have known what Jeff Dahmer’s future discharge date would be. The reason this decision by Gerald Boyle meant there would be no key physical evidence to examine down the line.

Are we to believe that District Attorney E. Michael McCann, the assistant DA G. O’Meara, the judge, and others present didn’t realize Gerald Boyle was violating Wisconsin statute 165.81 when he recommended disposing of the evidence before “trial” even began?

Perhaps they never had any physical evidence and this was a way to make sure no one ever asked to see it. Remember the [tiny skulls](#)? They also claimed to have [Curtis Straughter](#)'s hands and penis and "[Konerak](#)'s" skull.

22 August 1991 - Third Court Appearance - Jeff Dahmer Gives Up His Right to a Preliminary Hearing

On 22 August, 1991, one month after his arrest, Jeff Dahmer gave up his right to preliminary hearing:



What is a Preliminary Hearing?

A preliminary hearing is the 'trial before the trial', where the judge decides if there is enough evidence for the defendant to stand trial.

Background reading:

[Preliminary Hearing \(DOJ\)](#)

Preliminary Hearing (FindLaw)

What did Jeff Dahmer waiving his right to a preliminary hearing mean?

It meant that Jeff Dahmer's attorney, Gerald Boyle, wouldn't have the opportunity to cross-examine the curious confession that shows his client admitting guilt after merely being shown photos and responding with statements like, "Yeah, that looks like the guy I killed".

It also meant that Gerald Boyle wouldn't have been able to question the fact that the confession contained [another man's Social Security number](#).

Why didn't Gerald Boyle care about these anomalies in the confession?

If there had been a preliminary hearing and proper cross examination, would the court accept this confession as sufficient evidence? If not, the charges would have probably been dropped.

Was Gerald Boyle defending Jeff Dahmer, or not?

Interestingly, Gerald Boyle said there was going to be a preliminary hearing and everything would be done in accordance with the law. Gerald Boyle then did the opposite:



Background reading:

How the police investigate crimes

First Degree Murder Defenses - FindLaw (Also explains the insanity defence used in this case)

Was this investigation thorough enough and did the confession provide the required evidence to bring these charges forth?

Weren't Jeff Dahmer's neighbour, [Vernell Bass](#), and the manager of the Oxford Apartments, [Sopa Princewill](#), worthy of further questioning as witnesses?

Given the irregularities of the confession and the fact that Dr Palermo even testified that Jeff was a liar and embellished his facts, was Jeff Dahmer fit to provide a reliable confession?

The following is an extract from the book *Monster* by "first on the scene" reporter Anne Schwarz:

Palermo said Dahmer had lied for years and was lying still. He doubted Dahmer's claim that he planned to build a temple from the bones of the bodies and did not believe he ate the flesh of any of his victims. He testified that Dahmer had embellished the facts and made them more ugly than they already were. He also doubted that Dahmer drilled holes in any of the victims' heads while they were still alive.

Again, was Gerald Boyle defending Jeff Dahmer, or not?

Gerry Boyle suspended from law practice for health reasons (jsonline.com)

Perhaps the defence of mistaken identity would have also been appropriate in this case given the number of victims without remains, the lack of forensic or even circumstantial evidence in some cases, and a sketchy confession.

10 September 1991 - Fourth Court Appearance Plea Changed To Guilty But Insane

On 10 September 1991, Jeff Dahmer changed his plea from not guilty to guilty but insane. Now, there was no need to prove guilt (together with the constitutional rights given up in the previous third hearing). Instead, there would be an "insanity" trial to determine whether Jeff Dahmer would spend the rest of his life in prison or a mental institution.



13 January 1992 - Motion Hearing

On 13 January 1992 there was a motion hearing. It's essential to understand what happened during that motion hearing.

What Is a Motion Hearing?

A motion is a written request or proposal to the court to obtain an asked-for order, ruling, or direction. When you become involved in a lawsuit, you may want the court to agree to something outside of the normal litigation process.

You can read more about motion hearings in [What is a Motion? \(Find Law\)](#)

What Was the Purpose of the Motion Hearing Before Jeff Dahmer's Trial?

In the 13 January 1992 motion hearing, a number of motions were discussed, including the selection of the jury and location of the trial, put forward by defence attorney Gerald Boyle.

There were also requests to *withdraw* two motions:

- There was a request to withdraw a motion to suppress physical evidence. This was about the confession. In other words, Gerald Boyle wanted to admit the confession. (The confession was considered physical evidence because it had been signed by Jeff Dahmer.)
- There was also a request to withdraw a motion to suppress statements to the media and the public at large about what was happening with the case.

In other words, Jeff Dahmer's lawyer, Gerald Boyle, wanted to admit the confession as evidence and he wanted to be able to make statements to the media about the case.

These requests were approved. Gerald Boyle could now admit the confession as evidence and make statements to the media.

You can watch the televised 1992 motion hearing here. Gerald Boyle speaks quickly using legal jargon. However, YouTube gives you the option to read the transcript.



But, Why Was There a Motion to Suppress the Confession To Begin With?

There was a motion to suppress the confession because there was a concern about admitting the confession as evidence due to a legal technicality. That legal technicality was this: The confession followed an element of unlawful activity by police, the so-called mentioned illegal search.

In his argument to admit the confession, Gerald Boyle quoted previous legislation ([Brown v. Illinois 422 U.S. 590 \(1975\)](#)). The decision made by the Supreme Court in Brown v. Illinois is the following:

The State Supreme Court, though recognizing the unlawfulness of petitioner's arrest, held the statements were admissible on the ground that the giving of the Miranda warnings served to break the causal connection between the illegal arrest and the giving of the statement. The petitioner's act in making the statements was "sufficiently an act of free will to purge the primary taint of the unlawful invasion..

In other words, statements made after the arrest in this case were admissible despite the unlawful invasion because 1) the petitioner had been given the Miranda warnings and 2) the petitioner wasn't coerced into making the statements.

In the motion hearing, Gerald Boyle points out that Jeff Dahmer had been given Miranda warnings and that he had given up his constitutional rights.

Why Did Gerald Boyle Want to Admit the Confession

Gerald Boyle argued that the confession should be admitted because the actual physical evidence was “incredibly revolting.” In other words, Gerald Boyle didn’t want to present any physical evidence.

Did they have any physical evidence?

To sum up, Boyle is arguing that other types of physical evidence aren’t necessary since they have the confession. Boyle cites [Brown v. Illinois, 422 U.S. 590 \(1975\)](#) to argue that the confession can be used.

Background reading:

[Miranda Rights](#)

[Attenuation](#)

Gerald Boyle wanted to use the confession **only** even though the point of the defense was to prove that Jeff Dahmer was insane.

Wouldn't bringing in actual physical evidence have made it easier to prove Jeff Dahmer was insane? Was Gerald Boyle indeed trying to prove Jeff Dahmer was insane? Why was Gerald Boyle so eager to dispose of the physical evidence?

If Gerald Boyle was indeed trying to prove Jeff Dahmer insane why didn't he call Lionel Dahmer to testify? After all, Lionel Dahmer supposedly wrote a book detailing Jeff's "descent into madness."

The [video](#) of the 13 January 1992 motion hearing later confirms that [Jeff Dahmer signed 15 guilty pleas](#). When he did that, he gave up his right to have those charges proven. Here's an excerpt of the transcript from this televised motion hearing video:

Did Mr. Boyle explain that to you, sir?

Yes, he did. (Jeff Dahmer)

Do you further understand, sir, that when you plead guilty to these offences there's a certain group of rights that you're giving up. You're giving up the right to remain silent, the right to confront the witnesses against you, the right to call witnesses on your own behalf, the right to a jury trial, and the right to require the state to prove each and every element of the offence charged beyond a reasonable doubt. Are you satisfied that you understand all of that, sir?

Yes, your honour. (Jeff Dahmer)

Do you have any questions, sir?

No, I don't. (Jeff Dahmer)

Mr Boyle, have you had ample opportunity to go over all these matters with your client?

Without question your honour. (Gerald Boyle)

Court then finds the plea is intelligently, freely, and voluntarily made.

We asked the court for a copy of those signed guilty pleas. Here's the response we received:

Your request, FS-Case-14503622, has been cancelled

The screenshot shows an email interface. At the top, it says "Your request, FS-Case-14503622, has been cancelled". Below this, the "From" field is "Milwaukee County <no-reply@relay.milwaukeecountywi.gov>" and the "To" field is "[REDACTED]". The date is "Jul 25, 2023". There are standard email controls like reply, forward, and delete. The message body starts with "Dear Citizen," and explains that Milwaukee County has received a records request dated 07/13/2023. It states that upon review, they cannot complete the request because there were no guilty pleas for the case. It includes a note about the right to review denial under Wis. Stat. § 19.37(1) or apply for mandamus under Wis. Stat. § 19.35(4)(b). The message concludes with "Thank you." and "Milwaukee County".

From: Milwaukee County <no-reply@relay.milwaukeecountywi.gov> Jul 25, 2023
To: [REDACTED]

Dear Citizen,

Milwaukee County has received your records request dated 07/13/2023. Upon reviewing your public records request, FS-Case-14503622, it has been determined that Milwaukee County cannot complete it for the reason(s) listed below:

There were no guilty pleas for this case. Defendant Dahmer was found guilty at trial.

To the extent you consider anything in this communication to be a denial of your request, please be advised you have the right to review of any denial by mandamus under Wis. Stat. § 19.37(1), or upon application to the attorney general. See Wis. Stat. § 19.35(4)(b).

Thank you.

Milwaukee County

Our original request to see the signed guilty pleas:

[Home](#) [Services](#) [FAQ](#)[Request Details](#)[Request Details](#)[Court Records: Things You Should Know](#)

Do you know the division the record is in? *

Yes

Select division *

Criminal

Is this request on the behalf of an organization? *

No

Court case number

1991CF912542

Name(s) of the parties listed in the court caption

Plaintiff/Petitioner

Defendant/Respondent

Jeffrey Lionel Dahmer

Documents requested *

I would like to see all the signed guilty pleas for this case.

As noted above, Jeff was not “found guilty at trial” since he waived all his constitutional rights to a fair trial to prove guilt. It was only ever about trying to “insanity”. The video of the motion hearing clearly states that Jeff Dahmer signed guilty pleas.

As previously discussed, Jeff Dahmer had already given up his right to a [preliminary hearing](#), the first stage in the process to *prove guilt*. This is why the many anomalies in the confession were not in question. The case was to prove insanity only, not to prove guilt. However, insanity pleas are rarely successful and external pressures to make a “right” decision (i.e., sane) were immense.

If the trial had followed the traditional route, the case might have been dropped for technicality. If the confession had been properly cross-examined at a preliminary hearing, the impossible fabrications contained in it would have been revealed.

Again, was Gerald Boyle defending Jeff Dahmer or not? What exactly was Boyle doing?

27 January 1992 - Trial Starts with jury selection

17 February 1992 - Sentencing

Here the Court TV sentencing video, where Jeff is 'convicted' of 15 homicides.

Interestingly, background checks show no arrest records for Jeff in Wisconsin, although only the Ohio arrest and conviction shows up in these verified searches.

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Trix Jul 17, 2023

Liked by The Dahmer Case

The 'legal' process did away with the need to prove any of the impossible tales & anomalies in story. Convenient?

LIKED (5)

REPLY



Trix Jul 18, 2023

Liked by The Dahmer Case

Listen carefully at the Motion hearing and hear Boyle even trying to avoid the 3 requirements be met under Illinois, unchallenged (as that was Boyle's job, to challenge).

LIKED (4)

REPLY

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